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PROCEEDINGS AND DEBATES

OF THE

**FIRST SESSION OF THE
SIXTY-NINTH CONGRESS**

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PROCEEDINGS AND DEBATES OF THE SIXTY-NINTH CONGRESS FIRST SESSION

SENATE

TUESDAY, April 6, 1926

(Legislative day of Monday, April 5, 1926)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	La Follette	Sackett
Bayard	Fernald	Lenroot	Sheppard
Bingham	Ferris	McKellar	Shipstead
Blease	Frazier	McMaster	Shortridge
Borah	George	McNary	Stammons
Bratton	Gillett	Mayfield	Smith
Brookhart	Glass	Means	Smoot
Bruce	Goff	Metcalf	Stanfield
Butler	Gooding	Moses	Stephens
Cameron	Greene	Neely	Swanson
Capper	Harrell	Norris	Tammell
Caraway	Harris	Nye	Tyson
Copeland	Harrison	Oddie	Walsh
Couzens	Hedin	Overman	Warren
Cummins	Howell	Phelps	Watson
Curtis	Johnson	Pine	Weller
Dale	Jones, N. Mex.	Pittman	Wheeler
Duncan	Jones, Wash.	Ransdell	Williams
Dill	Kendrick	Reed, Mo.	Willis
Edgar	Keyes	Robinson, Ark.	
Edwards	King	Robinson, Ind.	

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1144. An act authorizing the Secretary of War to acquire a tract of land for use as a landing field at the air intermediate depot, near the city of Little Rock, in the State of Arkansas;

S. 1250. An act to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, as amended by the act approved March 3, 1883;

S. 1462. An act permitting Leo Sheep Co., of Rawlins, Wyo., to convey certain lands to the United States and to select other lands in lieu thereof, in Carbon County, Wyo., for the improvement of the Medicine Bow National Forest;

S. 1746. An act to authorize the Secretary of Commerce to transfer the Barnegat Light Station to the State of New Jersey;

S. 1800. An act to extend the time for the construction of a bridge across the Wabash River at the city of Vincennes, Knox County, Ind.;

S. 2029. An act to authorize the use by the city of Tucson, Ariz., of certain public lands for a municipal aviation field, and for other purposes; and

S. 2530. An act authorizing the use of the funds of any tribe of Indians for payments of insurance premiums for protection of the property of the tribe against fire, theft, tornado, and hail.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 178) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LEAVITT, Mr. SPROUL of Kansas, and Mr. HAYDEN were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 7178) authorizing the sale of certain abandoned tracts of land and buildings.

The message also announced that the House had passed the joint resolution (S. J. Res. 58) authorizing the Librarian of Congress to return to Solomon's Lodge, No. 1, Ancient Free and Accepted Masons, of Savannah, Ga., the minute book of the Savannah (Ga.) Masonic Lodge, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the joint resolution (S. J. Res. 61) authorizing the Federal Reserve Bank of Chicago to enter into contracts for the erection of a building for its branch establishment in the city of Detroit, Mich., with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 54. An act authorizing the removal of the gates and piers in West Executive Avenue between the grounds of the White House and the State, War, and Navy Building;

H. R. 5006. An act to detach Hickman County from the Nashville division of the middle judicial district of the State of Tennessee, and attach the same to the Columbia division of the middle judicial district of said State;

H. R. 5353. An act to amend the act of Congress approved March 4, 1913 (37 Stat. L. p. 876);

H. R. 8192. An act authorizing the designation of postmasters by the Postmaster General as disbursing officers for the payment of contractors, emergency carriers, and temporary carriers, for performance of authorized service on power boat and star routes in Alaska;

H. R. 8725. An act to establish the warrant grade of pay clerk and the commissioned warrant grades of chief marine gunner, chief quartermaster clerk, and chief pay clerk in the United States Marine Corps;

H. R. 9306. An act amending section 5 of the act approved June 9, 1916 (39 Stat. L. p. 218), so as to authorize the sale of timber on class 3 of the Oregon & California Railroad and Coos Bay wagon-road grant lands;

H. R. 9314. An act to provide for the enlargement of the present customs warehouse at San Juan, P. R.;

H. R. 9351. An act extending the period of time for homestead entries on the south half of the diminished Colville Indian Reservation;

H. R. 9831. An act to provide for the completion and repair of customs buildings in Porto Rico;

H. R. 9461. An act to extend the time for the construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico;

H. R. 9494. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Gainesboro-Red Boiling Springs road in Jackson County, Tenn.;

H. R. 9505. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Waverly-Camden road between Humphreys and Benton Counties, Tenn.;

H. R. 9506. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Linden-Lexington road in Perry and Decatur Counties, Tenn.;

H. R. 9957. An act authorizing a survey for the control of excess flood waters of the Mississippi River below Point Breeze in Louisiana and on the Atchafalaya Outlet by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes;

H. R. 10121. An act extending the time for the completion of the bridge across the Mississippi River in Ramsey County, Minn., by the city of St. Paul;

H. R. 10244. An act to extend the time for the construction of a bridge across the Fox River in the State of Illinois on

State Road No. 18 connecting the villages of Yorkville and Bristol in said State;

H. R. 10465. An act granting the consent of Congress to the State of Rhode Island or to such corporation as the State of Rhode Island may grant a charter to construct a bridge across Mount Hope Bay at the mouth of the Taunton River between the towns of Bristol and Portsmouth in Rhode Island;

H. R. 10470. An act granting the consent of Congress to the city of Little Falls, Minn., to construct a bridge across the Mississippi River at or near the southeast corner of lot 3, section 34, township 41 north, range 32 west;

H. J. Res. 29. Joint resolution to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1918;

H. J. Res. 100. Joint resolution to authorize the Secretary of War to expend not to exceed \$125,000 for the protection of Government property adjacent to Lowell Creek, Alaska;

H. J. Res. 134. Joint resolution authorizing the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to prosecute claims, jointly or severally, in one or more petitions, as each of said Indian nations or tribes may elect; and

H. J. Res. 191. Joint resolution authorizing the Federal Reserve Bank of Richmond to contract for and erect in the city of Baltimore, Md., a building for its Baltimore branch.

PETITIONS

Mr. JONES of Washington presented a petition of members of the Afro-American Woman's Charity Club, of Spokane, Wash., praying for the passage of Senate bill 121, the so-called McKinley antilynching bill, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Americanization Bureau, of Seattle, Wash., favoring the passage of legislation admitting to this country Italians who served in the American Army during the World War, which were referred to the Committee on Immigration.

He also presented petitions of members of Webber Relief Corps, No. 29, of Sunnyside, and of Schofield Hayden Post, No. 118, Grand Army of the Republic, of Retsil, and sundry citizens of Retsil, all in the State of Washington, praying for the passage of legislation granting increased pensions to veterans of the Civil War, their widows and dependents, which were referred to the Committee on Pensions.

Mr. JOHNSON presented a petition, which was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

To the honorable Senate of the United States of America, at Washington, D. C., and the Hon. Charles G. Dawes, President of the United States Senate, greeting:

We, the members of Uncle Sam Woman's Relief Corps, No. 49, and the members of Appomattox Circle, No. 33, Ladies of the Grand Army of the Republic, both of Sawtelle, Calif., do most earnestly appeal to your honorable body, in behalf of the rapidly diminishing Grand Army of the Civil War veterans, and especially do we appeal to you in behalf of the widows of the Civil War, women who have performed the duty of wife, nurse, and mother for these men whom you class as heroes, and we earnestly hope and pray you will not close this present session of the Congress without giving to these aged people what in all justice should have been given them years ago, a living pension.

In support of our prayer for these people, especially the widows before mentioned, we have the public statement made by the chairman of the county board of supervisors of Los Angeles County, Hon. R. F. McClellan, who stated that no person could live on \$30 per month and that the cost per person to the county for the paupers is \$1.50 per day.

This is real fact, and yet this rich Nation, made possible by the services and lives of these men and women, would have these widows live on less than the amount paid for the support of our county charges.

Where is the gratitude of the Nation saved and preserved by these very people who are now ending their days in want and privation because of the admitted interference of eastern business asking that no pension legislation be allowed at this session.

With an enemy storming their ports how loudly would these very business men call for the protection of soldiers, even at the cost of life, to save and protect them and their homes, but how different in the time of peace and prosperity, the soldiers' request for justice must be "pigeonholed" at the request of these prosperous ones.

Our faith in the justice of this appeal and the great Government made possible by the lives, blood, and true devotion can not be shaken as we come to your honorable body and to the honorable House of Representatives asking for a living pension at this session for these vet-

erans and the widows of the great army of veterans who have been called home with their beloved leader, our martyred President, Abraham Lincoln, trusting we do not appeal in vain.

Loyally yours in the cause of justice and right,

ELIZABETH ESTES, *President*,
DELLA SNYDER, *Secretary*,
PAULINE WORTHINGTON, *Treasurer*,
Appomattox Circle, Ladies of G. A. R.

[Indorsed by unanimous vote of both Appomattox Circle, Ladies of Grand Army of the Republic, No. 33, and Uncle Sam Women's Relief Corps, No. 49.]

REPORTS OF NAVAL AFFAIRS COMMITTEE

Mr. SHORTRIDGE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 1944) for the relief of Charles Wall, reported it without amendment and submitted a report (No. 557) thereon.

He also, from the same committee, to which was referred the bill (S. 3489) for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were erroneously released from active duty and disenrolled at places other than their homes or places of enrollment, reported it with amendments and submitted a report (No. 558) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CAPPER:

A bill (S. 3851) granting an increase of pension to Mary L. Wise (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 3852) authorizing the Secretary of the Treasury to convey to the highest competitive bidder a certain government tract of land in Wilmington, N. C.; to the Committee on Finance.

By Mr. REED of Missouri:

A bill (S. 3853) for the relief of Charles H. Weyant; to the Committee on Military Affairs.

A bill (S. 3854) for the relief of Mary L. Roebken; and

A bill (S. 3855) for the relief of St. Ludger's Catholic Church of Germantown, Henry County, Mo.; to the Committee on Claims.

A bill (S. 3856) granting a pension to Ella Coffman;

A bill (S. 3857) granting a pension to Emily A. Botts;

A bill (S. 3858) granting a pension to Addie A. Green;

A bill (S. 3859) granting a pension to Uela R. Martin;

A bill (S. 3860) granting a pension to Louise E. Gardner;

A bill (S. 3861) granting a pension to Bertha Warneke;

A bill (S. 3862) granting a pension to Lillian Welsh;

A bill (S. 3863) granting a pension to Elizabeth Tillman;

A bill (S. 3864) granting a pension to Melissa F. Tate;

A bill (S. 3865) granting a pension to Sarah E. Raymond;

A bill (S. 3866) granting a pension to Alexander Sells;

A bill (S. 3867) granting a pension to Emily Harty;

A bill (S. 3868) granting a pension to Mae Hicks;

A bill (S. 3869) granting a pension to Augusta Hayes;

A bill (S. 3870) granting an increase of pension to Sarah E.

Overman;

A bill (S. 3871) granting an increase of pension to Allen N.

Bundy; and

A bill (S. 3872) granting an increase of pension to Frank S.

Sinclair; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 3873) granting a pension to Willie G. Johnson

(with an accompanying paper); to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 3874) authorizing an appropriation for construction and installation of permanent buildings, utilities, and appurtenances at Fort Benjamin Harrison, Ind.; to the Committee on Military Affairs.

By Mr. CAMERON:

A bill (S. 3875) to grant certain lands situated in the State of Arizona to the National Society of the Daughters of the American Revolution; to the Committee on Public Lands and Surveys.

By Mr. PHIPPS:

A bill (S. 3876) to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,'

approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920; to the Committee on Interstate Commerce.

PROTECTION OF MIGRATORY BIRDS

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill (S. 2807) for the purpose of more effectively meeting the obligations of the existing migratory-bird treaty with Great Britain by the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, which was ordered to lie on the table and to be printed.

SENATOR FROM IOWA

The Senate resumed the consideration of the resolution (S. Res. 104) declaring Daniel F. Steck to be a duly elected Senator of the United States from the State of Iowa for the term beginning March 4, 1925, reported by Mr. ERNST from the Committee on Privileges and Elections.

Mr. CARAWAY. Mr. President, while I am conscious that I trespassed too long upon the time of the Senate yesterday in attempting to set out all the facts in behalf of the majority of the Committee on Privileges and Elections in the contested-election case of Steck against Brookhart, I do want to say at this time, if I may, a few things with reference to what actually did occur in disposing of the votes that were referred to the committee for its consideration.

Let me say, possibly in a more judicial frame of mind than I said it yesterday, that this is exactly what did occur: The committee met on the 20th day of July, 1925, to outline to the contestant and the contestee, or incumbent, the procedure to be followed in the recount. Let it be distinctly understood that that was the only question that was submitted to the committee.

The question was what each wanted done. Each believed that if it should be done, it would be to his advantage, and therefore that was the question they wanted passed upon, and that was the only question that was to be passed upon. In the language of the Secretary of the Senate at that time, it was to be a straight recount; that is, there were no questions involved other than the recount. The record shows that each one of the parties was permitted to name his supervisor, each one was permitted to keep counsel with the supervisors all the time, and the record shows that the supervisors were to make whatever objections to the ballots that attorneys for the respective parties might desire. The question of whether one or the other received a plurality of the votes was to be submitted to the committee under the recount.

There appears on page 61 of the hearings and on page 4 of the report a direct copy of the record in this respect. On the 20th day of July, when the supervisors were instructed as to their manner of procedure, the question was asked with reference to how long it would take to make the recount, and Colonel Thayer, the Secretary of the Senate, said:

As near as we can estimate, about 740,000 to 760,000; somewhere along there.

That is, the number of votes.

Senator ERNST. How many were there in the Texas contest?

Mr. THAYER. There were 340,000; but there were more complications arising in that contest. This is just a straight count.

Senator ERNST. I take it that all of you want the count expedited just as much as possible. Is not that the desire?

Mr. MITCHELL. Yes, Senator.

Mr. PARSONS. Certainly.

Mr. Mitchell, as all know, is the attorney for Senator Brookhart, and Mr. Parsons is the attorney for Mr. Steck. They were informed, "All you are seeking to get here, all you have asked for, all you want, is a straight count of this vote." Each one said that was what he wanted, and he wanted it as quickly as he could get it. That question is settled.

In that same conference each of the attorneys was informed that he ask his client's auditor, as the representative of his client, to make whatever objection to the ballot that his client wanted him to make. That was settled. The recount was had. There were some irregularities; the committee permitted the board to settle them for itself; but the record discloses that at any time all three members of the board should fail to agree, the three being, as I have said, Senator Brookhart's representative, who, for a part of the time, was his brother, Mr. Steck's representative, and the Secretary of the Senate, then the vote in disagreement would come to the Senate committee for its determination.

There were, as I have stated, some irregularities. That was known all the time. When the attorneys came here to examine what their supervisors had done they knew about it, and on the 2d day of December, 1925, as will be found on pages 61 and 62 of the record, this question was discussed.

Mr. Mitchell, representing Mr. Brookhart, said that, except as to the challenged votes, question would only arise as to two or three hundred votes. They reviewed everything their supervisors had done; they ratified everything they had done and reduced the number of votes in contest down to a little over 4,000, though they had started in with 9,000. They themselves stated what they desired, as will be found, if Senators want to read the record, on pages 61 and 62.

Mr. Mitchell, representing Mr. Brookhart, had stated that there were certain things they wished to discuss. Then he said there may be a dispute as to two or three hundred votes. They agreed they would go over them, and they did.

Later on in his statement he discussed certain votes which he alleged came here unsealed. The record is conclusive that he was in error about that; that is, that only two envelopes left Iowa unsealed. Then the difference in the number of ballots and the poll list was discussed. He was given the opportunity to introduce, and was asked if he wanted to introduce, any evidence on that question. He said he did not. There is no question, then, that the committee was never asked to pass upon anything except how many votes each had received as disclosed by the recount.

Some Senators say there was a discrepancy of 3,300 or 3,500 between the poll list and the number of ballots counted. There is more than that if you take the machine vote.

It is said the case ought not to be decided without taking into consideration those votes. I am sure those votes were all accounted for; but if we go back to the official count we will not only settle this case on a less number than that by more than 7,000 votes that were cast for somebody in the election in November, 1924, in Iowa. More than 7,000 votes will be disfranchised by the official count, because the number of ballots that came here in excess of the number of votes credited to any candidate for Senator was greater than 3,300. Add that 3,300, and we have 7,000.

This 3,300 came from 2,200 or 2,300 precincts in the State of Iowa; and the average would be less than a vote and a half to the precinct, taking the State as a whole. Including the number of townships that the record shows were short, they averaged between two and three to the township. Take those that were conceded to be short, the 198 about which we hear most, and we have less than 2 to the township, the average township casting more than 500 votes.

I am satisfied that if anybody had cared to take it up when the recount was going on practically every discrepancy could have been accounted for, but Senator Brookhart's agent, who much of the time was his brother and always the man that he wanted, did not want it done; Mr. Steck's representative did not want it done. They conceded that that was the vote that was cast.

Here is the question: Which do Senators think is the more accurate and which ought to be relied upon—the ballots found in the ballot boxes or the names on the poll list? Which would Senators count if they were judges of election to determine how many votes a candidate received in a particular township? Would they count the names on the poll list or would they count the legal ballots in the ballot boxes? That is the question that we shall settle in this controversy.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. CARAWAY. Yes, sir.

Mr. NORRIS. Without referring to any particular case, I desire to ask the Senator a question only for the purpose of giving an illustration. If in a precinct the number of voters who had voted as shown by poll list did not correspond with the number of ballots which were sent down here for that precinct, what would be the proper procedure, in the Senator's judgment?

Mr. CARAWAY. Let me ask the Senator a question.

Mr. NORRIS. Yes.

Mr. CARAWAY. If the Senator were a judge—and he one time graced the bench and made a reputation of which all who know him are justly proud—and if two reputable lawyers, representing hostile interests, were employed to ascertain the condition of a complicated account, and each had an accountant, and they went over it and agreed, and then said, "These are the only disputed facts," what would the Senator, as a judge, do?

Mr. NORRIS. If I did not examine the facts, I would accept their count. Will the Senator now answer my question?

Mr. CARAWAY. I will ask another question. Would not the Senator have accepted that?

Mr. NORRIS. Yes; if I had never made an examination of the facts. Notwithstanding that statement, if it were an election contest and two attorneys said, "Here are the ballots, we agree on these," if it developed at any time in that contest that they were both mistaken, if it developed that in a precinct, we will say, there were 100 people who voted and only 90 ballots counted, I would accept the official count and disregard the ballots, no matter who agreed to it.

Now I have answered the Senator's question; will he not answer mine?

Mr. CARAWAY. I want to ask the Senator another question. If the Senate committee had rejected the agreement of the representatives of the contestant and the contestee in one or two townships, then ought it not to have rejected it in every township where the conditions were similar?

Mr. NORRIS. Yes, sir; if they found a discrepancy, I think so.

Mr. CARAWAY. Let me ask the Senator another question.

Mr. NORRIS. Whether I am right or wrong, the Senator is questioning me while he is the one who ought to be questioned. I have answered his question, I think, fairly, and I should like to have the Senator answer my question.

Mr. CARAWAY. That is what I am trying to do.

Mr. NORRIS. The Senator can not answer by putting me on the witness stand and asking me a lot of questions, although I have conceded his right to do it and have, as frankly as I can, answered his question as to what I would do. Now will he answer my question?

Mr. CARAWAY. I can not answer the Senator until he allows me an opportunity to speak.

Mr. NORRIS. Very well.

Mr. CARAWAY. Here is what I think about it: I believe, I will say to the Senator, that every vote in a township that was a legal vote was counted, and I believe every discrepancy could have been accounted for if it had been brought to the committee when the facts were available. The committee, with reference to the precinct where 198 ballots were missing, allowed the board of auditors to accept the official count; nobody questioned it. I think the board representing Mr. Steck and representing Mr. Brookhart was right about it, and the committee accepted their conclusions without question. It took the official count.

Mr. NORRIS. Now, will the Senator answer my question?

Mr. CARAWAY. I thought I had answered it. What was the Senator's question?

Mr. NORRIS. I will repeat it. I said I was not referring to any precinct in asking the question; I am putting a general proposition to the Senator as a lawyer. If it was determined that in a certain precinct the number of voters, as shown by the official poll list, was different from the number of ballots sent here from that precinct, what would the Senator say ought to be done? I am assuming that such a condition existed in some instances.

Mr. CARAWAY. I thought I had answered that; I am merely unhappy in my language. Here is what ought to have been done: If there was any reason to believe that there was anybody being deprived of a vote, then those who represented the contestant and the contestee ought to have submitted that question to the committee; but if the representative of the party to the contest took out of that township the votes they objected to and put them in the general lot of objected-to votes, and brought them to the committee, and threw all the other votes back, I think there was but one thing for the committee to do, and that was to accept their agreement.

Mr. NORRIS. With due respect to the Senator, I submit he has not yet answered my question.

Mr. CARAWAY. I have answered it. I said I would have accepted their statements, because they examined all the facts and they knew whether or not there were defective votes.

Mr. NORRIS. Very well, if that is the Senator's answer. My question, however, if in a precinct the number of voters, as shown by the poll list, was different from the number of ballots from that precinct which were sent down here, what would the Senator do?

Mr. CARAWAY. I have told the Senator what I would do.

Mr. NORRIS. Very well.

Mr. CARAWAY. I would have looked into the votes in that township, just as I would look into the votes of other townships, if I were the representative of one of the parties to the contest and had the votes before me, and, if I thought there was something wrong about it, I would have objected and brought it to the committee. If, on the other hand, I believed, as they evidently believed, that it was only one of those discrepancies that could be accounted for either by defective ballots or by the duplication of names on the polling

list, I would do what they did; I would accept the recount. The Senator would not do that.

Mr. NORRIS. The Senator from Nebraska has not said that he would not do it. The Senator from Arkansas has put up a question of his own and answered it; he has not yet answered my question.

Mr. CARAWAY. I thought I had answered the Senator's question.

Mr. NORRIS. Let the Record show whether the Senator has answered it or not.

Mr. CARAWAY. I said—and I will say it again—that if I were the representative of Steck or Brookhart, and I found any discrepancy between the number of votes and the poll list, I would examine that fact, and if I believed, after examining it, that there were more votes there than ought to have been there, and some of them were dishonest votes, I would not have accepted them, or if there were less votes than names on the poll list, and I believe some of them had been stolen, I would not have accepted that count; but, on the other hand, if I had the whole record before me, and made up my mind that the discrepancy between the poll list and the ballots was one that was honest and that an honest number of votes were cast and they ought to be counted and were before me, I would so count them. Now, is that an answer to the Senator's question?

Mr. NORRIS. No; that is in answer to the question the Senator from Arkansas has asked himself; it is not an answer to my question. I concede the Senator can answer it in any way he pleases, and if that is his answer, we will let it stand.

Mr. CARAWAY. The Senator asked me, if there were more votes or less votes in the box than the poll list showed, what would I do? Was not that the Senator's question?

Mr. NORRIS. Practically.

Mr. CARAWAY. Did I not answer the Senator?

Mr. NORRIS. No; the Senator said he would investigate so-and-so. He says a whole lot of things. I have assumed the blanket proposition that there is a precinct in which the number of voters who voted as shown by the poll list is different from the number of ballots sent down here from Iowa for that precinct. Are we going to accept the ballot or are we going to accept the official count?

Mr. BAYARD. Mr. President—

Mr. CARAWAY. I yield.

Mr. BAYARD. Does the Senator from Nebraska mean to imply in his question that no fraud was shown and that the ballots were all safeguarded?

Mr. NORRIS. I do not imply anything not contained in my question. The question speaks for itself.

Mr. CARAWAY. I know it does.

Mr. BAYARD. If you assume that the ballots were safeguarded, then it necessarily follows that they must take the ballots, because both sides of this case asked for a count of the ballots and not of the poll list.

Mr. NORRIS. All right. If the Senator wants it that way, I am not complaining. I answered the question that the Senator submitted to me.

Mr. CARAWAY. Yes; and I answered the Senator.

Mr. NORRIS. I may be wrong about it. I am not contending anything different, but I told the Senator what I would have done.

Mr. CARAWAY. The Senator would have rejected it?

Mr. NORRIS. If there was a discrepancy between the number of ballots sent here from any particular precinct and the number of people who voted in that precinct, I would have rejected the ballots; and if it had gone that far, and nobody had decided whether there was fraud or whether there was anything else, it shows on its face, in my judgment, that it is an impossibility to determine from the ballots what the result was.

Mr. CARAWAY. In other words, the Senator would say that the names on the poll books should control?

Mr. NORRIS. As to the number of people who voted, yes; and that the official count, therefore, would have to be taken.

Mr. CARAWAY. Regardless of the fact that there may have been, and the evidence shows that there were, defective ballots which could not be counted?

Mr. NORRIS. I have not said that. The Senator must not put anything in my mouth that I have not said.

Mr. CARAWAY. All right.

Mr. NORRIS. If there were any defective ballots, of course, I would count those defective ballots. If there were any defective ballots in separate packages, as the Senator has said there were, I would open every one of those packages and count them. If they were good ballots, I would give credit for them to the people who were entitled to them.

Mr. CARAWAY. Regardless of whether the Senator ever had that chance and could do it or not, if the people had already

settled this question and thrown the ballots back, the Senator would still go back, and, by so doing, and taking official count, disfranchise 7,000 voters?

Mr. GILLET. Mr. President, will the Senator yield to me for a question?

Mr. CARAWAY. Yes.

Mr. GILLET. Can the Senator state roughly how many precincts there were in the State where there was an exact agreement between the number on the poll list and the number of the ballots?

Mr. CARAWAY. I can not do it exactly. I can give it approximately.

Mr. GILLET. Roughly, then?

Mr. CARAWAY. There were 1,068 precincts, or 1,058—I do not recall which; it is a matter of record—in which there was a difference in what are known as the paper ballots. There was a greater number in the machine ballots; so it might be safely said that there are not in excess of 400 precincts out of the 2,200 precincts in which the poll book and the count agree.

Mr. NORRIS. May I ask the Senator a question there?

Mr. CARAWAY. Yes.

Mr. NORRIS. The Senator has said that there was a difference in the machine ballots.

Mr. CARAWAY. Yes.

Mr. NORRIS. It has been stated here on the floor of the Senate that the total number of people who voted at the machine-ballot polls was not taken. Is not the Senator counting the number of—

Mr. CARAWAY. No; I am not. The Senator from Nebraska took the statement made by the junior Senator from Nebraska, which if he had looked at the record he would know was a mistake.

Mr. NORRIS. There is a difference between the total number of people who voted at the machine ballots and the total number of people who voted on Senator. If you take only those who voted on Senator, of course there would be more ballots than there were people.

Mr. CARAWAY. There is not an item in the whole record that justifies that statement. The truth about the matter is, to show you how absolutely incorrect that statement is, the poll lists themselves were gone in some cases, and to say now that they agreed is purely a guess. The books were gone. It is in testimony, and not disputed by anybody until it comes here on the floor of the Senate, that the discrepancies were greater in the machine precincts than in the paper-ballot precincts. Now, if you are to insist that the precincts in which there was a difference between the poll list and the ballots shall be rejected, then I submit that you must reject every one of them, because you can not separate them.

I repeat to the Senator from Nebraska that if the Senate can not rely upon the agent and representative and in most instances the brother or secretary of Mr. Brookhart and the representative of Mr. Steck and accept their conclusions the whole recount is gone, because there are over 900,000 votes that nobody questions, and yet every one of them rests upon the agreement of these particular people. If you can not trust them for 9,000 votes, I want to know how you can trust them for 900,000 votes. If you can not trust them in 4 precincts, how can you trust them in 2,200 precincts? If some one may be able to satisfy himself on that question, I can not.

To show how the Senate committee acted, at least it accepted in good faith everything the committee of recount did. It never went back of it on a single ballot; and there is nobody here now who knows anything more about what those particular ballots showed than I know about what is in the mind of the Senator from Nebraska, and I never have been able to find that out. I do not know; he does not know. He is going to vote on this case without ever knowing, because the men who settled that controversy said that this vote ought to have been counted this way, and the committee accepted it.

Nobody ever looked at it after the attorneys had gone through with it. They had a chance to raise every question they wanted to raise that had been raised by the recount, and they did not do it. After they had gone through it they put 150 votes in class 1. There is not a man on this floor who ever saw one of those ballots. They said:

Neither one of these ballots constitutes a vote for Steck or for Brookhart.

Their reason for so determining is not given; but it was thought that Mr. Mitchell, representing Brookhart, and Mr. Parsons, representing Steck, would not have given away a vote that belonged to their clients, and therefore nobody looked at them.

Senators are here on the floor asking that you reject the conclusions of the committee, and they, when opportunity was afforded, never asked to look at those ballots. They could have looked at them if they had wanted to, but they did not want to see them. They accepted agreements that they thought were not hurtful to Brookhart, and now try to reject those that are hurtful.

The question of whether or not the committee ought to have received and recounted those votes I think as a legal question is also clear. The Supreme Court of Iowa has decided over and over again, and the supreme court of practically every jurisdiction in America has decided, that where the ballots are found in the custody of the officer charged by law with their care, and he is charged by law with the duty of preserving them, the presumption is that he did it. Now it is urged to overturn that because it is alleged the presumption is that the official count is correct. That presumption does not prevail when each one of them says it is not correct. Steck said it; Brookhart said it over his sworn statement. As it appears in his response in the record, he swore that the official count was incorrect. Now, can we believe Mr. Brookhart when he swears it? I do. He swore it, and we accepted it. Steck swore it, and nobody questioned it. Therefore they agreed on a recount, and then we gave it to them under rules to which they agreed, because there were irregularities that ought to be straightened out. Both of them swore it, and neither one of them denies it to-day. The only ones who deny it are Senators on the floor of the Senate. The men who held up their hands and swore before Almighty God that there is something wrong with the official count of these ballots and that they ought to be recounted were Smith W. Brookhart and Daniel F. Steck. They swore it; nobody denied it, and the committee found they were right about it. Now they want to overturn that and say you ought to take the official count, because they say first that the ballots from 67 precincts left Iowa unsealed.

The record is against them on that. Nobody will seriously contend that. There never were but two that were unsealed until they were broken in the mail. One of those was a township in which there were 198 votes short, and their representative who counted it said:

There are too many short votes here, and we do not think you ought to count it, and therefore you ought to take the official count.

And that was agreed to, although the recount, if they had all been there, would have given Steck 28 more votes than he got. The refusal to take the recount and the agreement to take the official count gave Mr. Brookhart the advantage. Nobody thought of complaining of it then. The other one was an Estherville precinct that left Iowa unsealed. It was short 20 votes. Afterwards they found those ballots that everybody concedes were voted there. A recount of the found or excess ballots would have given Brookhart fewer votes and Steck more votes, and they rejected them, and the committee let them do it. Steck lost by both, and nobody complained until it was observed that the result as to all the records was apparent that Mr. Brookhart did not win.

Mr. STEPHENS. Mr. President—

Mr. CARAWAY. I yield.

Mr. STEPHENS. May I inquire of the Senator what precinct he first referred to?

Mr. CARAWAY. The first one was the first precinct of Winterset.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. CARAWAY. I will; yes, sir.

Mr. LENROOT. I should like to ask the Senator whether the courts have laid down any rule to be applied in case of discrepancies of ballots in the absence of fraud?

Mr. CARAWAY. If so, I do not know it. Here is what they declare: I take it for granted that until this case came up everybody admitted that if the ballots were the actual ballots cast they ought to govern, and not the names on the poll list, which could be an error of a clerk; but the votes could not get by unless the man actually went into the polling booth and three judges and two clerks found that he cast a legal ballot. We got the ballots from the auditors in Iowa, who under the law had their custody. The Supreme Court of Iowa said that under the circumstances under which they came here they were evidence of the intention of the voter. The case is *Ferguson v. Henry* (64 N. W. 292, Iowa):

At the trial in the district court the contestants put in evidence ballots as returned to the auditor from the different voting precincts, under rulings of the court, and the ballots so counted gave to the contestant a majority over the incumbent of 13 votes, which the court held to be a prima facie case contestant. The incumbent then put wit-

nesses on the stand, who against objections were permitted to testify that certain of such ballots shown them were not as they were voted or counted by the judges of election. Contestants insisted that it was error to admit the testimony, for the reason that no such issue was made by the pleading. We think that there was no error in the ruling of the district court in this respect. The issues were such that contestant assumed the burden of showing that he had received a greater number of votes than the incumbent, and to do that he put in evidence the ballots now in question, with others, which gave him a majority. The ballots thus in evidence were valuable as such because of their identity as those cast at the election. The proof that they came through the channels and from the custodian provided by law for their preservation and keeping gave to them such a prima facie character. It was then the right of the incumbent to discredit this evidence.

That is what the Supreme Court of Iowa said should be done, and that is exactly what we did.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. WALSH. I caused a search to be made, if I may be permitted to say so, to satisfy myself concerning a question addressed by the Senator from Wisconsin to the Senator from Arkansas as to whether, when there is a discrepancy between the number of ballots found in the box and the number of names on the poll list, the ballots in the box determine the contest or whether the official count in that case must be referred to.

I was a little surprised to find no adjudications upon the subject; but in any election machinery with which I am familiar, the first duty of the canvassers is to see that there is entire conformity between the number of ballots in the box and the number of names on the poll list. The statute of my State apparently contemplates that there might be more ballots in the box than names on the poll list; that some one might by chance slip in 2 ballots; that the ballot box might be stuffed—but it does not seem to contemplate such a thing at all as a smaller number of ballots in the box than names on the poll list. So it provides that the first duty of the canvassers is to count the number of ballots in the box and to see if they correspond with the number of names on the poll list. If there are more ballots in the box than names on the poll list, it then becomes the duty of one of the judges, blindfolded, to draw from the box, one by one, ballots in sufficient number so that the number of ballots in the box shall conform to the number of names on the poll list.

That is a system which I think is quite general, at least in the Western States. So that it would seem as though in the ordinary election machinery there must be identity between the ballots in the box and the names on the poll list. It would seem, therefore, if that system is pursued, that when the ballots come here less in number than the names on the poll list, subsequent to the election, some must have been extracted.

Mr. CARAWAY. Of course, I am not passing on the law of Montana, because that does not concern us here. I have just read all I know about it.

Mr. WALSH. I did not hear the Senator discuss that.

Mr. CARAWAY. I am about to discuss it now, if the Senator please.

As I said a moment ago, I am not concerned with the law of Montana.

I read the decision of the Supreme Court of Iowa—and I take it that it is conclusive on the point in this very case—and I want to read it again. I would like to have the attention of the Senator from Montana. Here is a contest. One candidate said he got more votes than were given him, and evidently more votes were found on the recount.

At the trial in the district court the contestant put in evidence ballots as returned to the auditor from the different voting precincts, under rulings of the court, and the ballots so counted gave to the contestant a majority over the incumbent of 18 votes, which the court held to be a prima facie case contestant. The incumbent then put witnesses on the stand who, against objections, were permitted to testify that certain of such ballots shown them were not as they were voted or counted by the judges of election. Contestants insisted that it was error to admit the testimony, for the reason that no such issue was made by the pleading.

No such issue was made here.

We think that there was no error in the ruling of the district court in this respect. The issues were such that contestant assumed the burden of showing that he had received a greater number of votes than the incumbent, and to do that—

He did what?—

he put in evidence the ballots now in question, with others, which gave him a majority. The ballots thus in evidence were valuable, as

such, because of their identity as those cast at the election. The proof that they came through the channels and from the custodian provided by law for their preservation and keeping gave to them such a prima facie character. It was then the right of the incumbent to discredit this evidence.

What did the court accept? It accepted the ballots which came from the auditor, and counted them.

Mr. NORRIS. Mr. President, in that particular case does not the Senator think the question as to whether there were more or less ballots than there were people voting was important?

Mr. CARAWAY. There is this question, "and others." Evidently more ballots were presented that came from the auditor, than had been counted by the official counters. The court said that these are the ballots that came from the auditor, and that they ought to be counted. If they give the contestant a majority, then he has made out a prima facie case. If the incumbent, the contestee, does not want to accept this, then he may offer evidence to show that they are not the ballots. He did not do it, and that is the record here. That is the decision of the Supreme Court of Iowa, in a case arising under circumstances almost identical with those in this contest.

Mr. NORRIS. Will the Senator yield for another question?

Mr. CARAWAY. I yield.

Mr. NORRIS. Does the Senator take from that that the decision would determine the course the committee ought to take if they found in a given precinct that the number of voters and the number of ballots sent from that precinct did not correspond?

Mr. CARAWAY. Unless there was some charge of fraud that somebody had stolen some or somebody had padded the ballot box, I would say yes.

Mr. NORRIS. In the case, the decision in which the Senator has read twice, the question of the difference between the number of ballots in the ballot box and the number of voters voting was not at issue at all.

Mr. CARAWAY. This is what was at issue. The court held you must take the ballots as they appear in the ballot box, as they have been taken from the auditor, because he is the proper custodian, and that must govern, unless it is proven that it is wrong. The burden is on the contestee to prove that.

Mr. NORRIS. I am not finding fault with that.

Mr. BAYARD. Mr. President—

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Delaware?

Mr. CARAWAY. I yield.

Mr. BAYARD. May I suggest to the Senator from Nebraska this thought, that in this particular case now before the Senate neither side had rested on the returns. Both sides had demanded a count of the ballots and not rested on the returns or the poll sheets. The contestant and the contestee rested their case on that, and that being true, and taking the suggestion of a moment ago of these things controlling, we must assume that it was a count of the ballots, and the question of the returns evidently was not in the Iowa case.

Mr. NORRIS. Evidently in the Iowa case, just read, the question of discrepancy between the number of voters and the number of ballots was not at issue, but there were a good many other questions, questions very likely to arise, as to whether the ballots there had been properly counted, and when you come to count the ballots, that, of course, is the thing to determine. I concede, I will say to the Senator, that if the ballots correspond with the poll lists and are properly identified they are the best evidence. If they do not correspond, then it is an impossibility to determine from the ballots what the result of the vote was.

For instance, if the Senator will permit me to further answer the Senator, suppose we had a case where there were 1,000 people who voted at the election, and when the ballots were sent here from that precinct there were only 5 ballots in the box. The Senator would say, "We will count those five ballots," and the 995 people who voted there are disfranchised at once. Could the Senator reconcile such a position?

Mr. BAYARD. I would not say that at all.

Mr. NORRIS. Then there is only a difference in degree. If there was a difference only of five votes, the same principle would be involved.

Mr. ROBINSON of Arkansas. Mr. President, may I ask a question at this juncture?

Mr. CARAWAY. I yield.

Mr. ROBINSON of Arkansas. Suppose at a polling place 25 persons appeared and were recorded on the poll book as voting and 10 of them spoiled their ballots and did not in effect cast their votes; what disposition would be made of the spoiled ballots?

Mr. CARAWAY. It seems, from looking at some of the envelopes that were obtainable, that it was the duty of the officer to put such ballots in a separate envelope, because they were not good ballots, and could not be counted for anybody, although they would account for names on the poll list.

Mr. ROBINSON of Arkansas. In that case, then, there might be ballots in the ballot box of 15 voters, and 10 spoiled ballots in separate envelopes?

Mr. NORRIS. Still, the committee, or the court, or whoever was passing on that question, would count those spoiled ballots, as far as accounting for the number of voters is concerned.

Mr. ROBINSON of Arkansas. If no question were raised on the ground that the 10 ballots in the spoiled-ballot envelope were actually spoiled, or if it were admitted by all the parties that they could not be counted, that would very readily account for a discrepancy between the number of ballots and the number of persons voting in that precinct.

Mr. NORRIS. The envelope containing the spoiled ballots, the one exhibited here by the Senator, would show on its face that there were spoiled ballots contained in the envelope. Whether it is a court or a jury or a committee or the Senate, if they are trying to determine the result of an election in that precinct, they will open that envelope, just the same as any other, and when they do, they will give to one or the other more votes than they got before. But, at least, they would count those in ascertaining whether the number of voters voting and the number of ballots cast corresponded.

Mr. CARAWAY. In the committee, of course, we were not favored with the views of the Senator. Nobody ever thought about trying to settle this election on an illegal ballot. Nobody ever thought a spoiled ballot ought to determine who should sit in the Senate until the matter was brought here.

Mr. DILL. Mr. President, may I ask the Senator the number of precincts from which such envelopes were sent?

Mr. CARAWAY. I have no way of knowing, because the auditors—who were the representatives of Steck and Brookhart; who were their chosen representatives, in one case Mr. Brookhart's brother, or secretary, or his near friend, whom-ever he wanted—went over this whole question, and they made up the count and threw all the ballots back, and we were never asked to pass on it, and that question never arose.

I think the question which the Senator from Nebraska contends is not in this case is in the case. I read from this Iowa case again:

The issues were such that contestant assumed the burden of showing that he had received a greater number of votes than the incumbent, and to do that he put in evidence the ballots now in question, with others, which gave him a majority.

He put in evidence every one he got from the auditor, and he was adjudged elected to the office, and the Supreme Court of Iowa ratified that.

Mr. WALSH. Mr. President, before the Senator proceeds, I would like to say a word—

Mr. CARAWAY. I yield.

Mr. WALSH. Because the Senator seemed to speak slightly of the statute of the State of Montana.

Mr. CARAWAY. I did not intend to.

Mr. WALSH. I read now from the statute of the State of Wisconsin:

As soon as the poll of the election shall be finally closed the inspectors shall proceed immediately to canvass publicly, in the presence of all persons desiring to attend the same, the votes received at such poll, and continue without adjournment until the canvass is completed, and the statements hereinafter required are made. They shall commence by a comparison of the poll lists and the correction of any mistakes therein, until they shall be found or made to agree. The box shall then be opened, and the ballots therein taken out and counted by the inspectors, unopened, except so far as to ascertain whether each ballot is single, and if two or more ballots be found so folded together as to present the appearance of a single ballot, they shall be laid aside until the count of the ballots is completed; and if, upon a comparison of the count and the appearance of such ballots, a majority of the inspectors shall be of opinion that the ballots thus folded together were voted by one elector they shall be destroyed. If the ballots in the box shall be found to exceed in number, after any such ballots folded together are destroyed, the whole number of votes shown by the poll lists, they shall be replaced in the box, and one of the inspectors shall publicly draw therefrom by chance, and without examination thereof, and destroy so many ballots unopened as shall be equal to such excess. The number of ballots agreeing, or so as aforesaid being made to agree, with the poll lists, the inspectors shall then proceed to open and count and ascertain the number of votes.

So the animadversions of the Senator concerning the law of the State of Montana must also be directed against the law of the State of Wisconsin.

Mr. CARAWAY. Does the Senator think either question has anything to do with the statute law of Iowa?

Mr. WALSH. No; but I asked the Senator, as I thought, in a very respectful way—

Mr. CARAWAY. And I answered the Senator that I did not know.

Mr. WALSH. If he could advise us if the law of the State of Iowa contemplated in the same way making the number of ballots in the box conform to the number of names on the poll list.

Mr. CARAWAY. I told the Senator I did not know. I could have said I did know, and it would not have been the truth, but because I answered honestly the Senator thinks I was discourteous.

I do want permission, if I may have it, to read for whatever it is worth a sketch of an article appearing in the Washington Post, which is, of course, a Republican paper, saying that this question is to be determined on political lines. I shall not read the entire article, but it is headed:

The Senate tangle from Iowa. The Senate deals with and probably will dispose of the Brookhart-Steck contest in a political rather than judicial atmosphere.

The best evidence that the committee was not actuated by partisan motives, whatever the Senate may do, is that the committee accepted every finding of the representatives of the contestant and the contestee. It did not play politics by disagreeing with a single one. If it had done that, then it might be said that it was playing politics, that it accepted a conclusion when it was helpful to one party or the other and rejected it when it was not helpful. But the committee accepted every one of them without question. They were made by the parties who represented the contestant and the contestee. Now, how in the name of common honesty could it be said that the committee was trying to play politics when it did not overturn a single agreement? There was not a vote—and I challenge anybody to the contrary, whether a member of the committee or any Senator not a member of the committee—given to Mr. Steck which Smith W. Brookhart's representative did not say he ought to have. There was not a vote given to Senator Brookhart that the representative of Steck did not say he ought to have, until we got down to the list with which the lawyers dealt. Every vote about which they agreed was given to Brookhart, and not a vote was changed by the committee in a single instance where the board of auditors representing Steck and representing Brookhart agreed. The committee never changed one of them. They are here counted just as those representatives agreed to them. The only thing the committee did was to pass upon those votes about which the representatives of Steck and Brookhart could not agree, and they were submitted to the committee for the committee to determine, and the committee passed upon them, and they consist of less than one-half of 1 per cent of all the votes involved in this contest. If there is any politics in that procedure, I do not know it.

Mr. WALSH. Mr. President, will the Senator suffer another interruption?

Mr. CARAWAY. Certainly.

Mr. WALSH. I can furnish the Senator information concerning the statute of the State of Iowa. It is as follows:

Whenever the counting board receives from the receiving board the ballot box, they shall also be furnished a statement from the receiving board giving the number of votes as shown by the poll books up to that time, which shall equal the number of votes in the ballot box. The counting board shall, on opening the ballot box, first count the ballots therein. If the number of ballots found in the ballot box exceeds the number as shown by the statement received from the receiving-board the counting judges shall proceed to examine the official indorsement of said ballots, and, if any ballots are found that do not bear proper official indorsement, said ballots shall be kept separate and a record of such ballots shall be made and returned under the head of excess ballots. The counting board shall then proceed to count the ballots as now provided by law.

Mr. CARAWAY. That is exactly what they did. The counting board determined the regularity of those votes and nobody said they were fraudulent. They returned them to the auditor. Nobody says the auditor was crooked. We got them from the auditor, and nobody says the counting board or auditors here were crooked. So there we have exactly the things that the statute of Iowa says we should have.

Here is copy of letter from Mr. Parsons, Steck's attorney, which I began to read and then passed:

DES MOINES, IOWA, February 2, 1926.

HON. RICHARD P. ERNST,
Chairman Senate Committee on Privileges and Elections,
Washington, D. C.

MY DEAR SENATOR: Your letter of January 30, 1926, at hand with reference to the subpoenas from Sergeant at Arms of the Senate for the ballots and containers in Iowa in the Steck-Brookhart contest.

There were a couple of stipulations signed between Mr. Mitchell, representing Mr. Brookhart, and myself, representing Mr. Steck, providing for the issuing of subpoenas and providing for the representatives being present and O. K.ing the packages with the county auditors.

While Colonel Thayer was here superintending the inspection of the voting machines the subpoenas were ordered out by him. A form of subpoena was submitted to us. The question then subsequently arose as to our representative being present in each county. Colonel Thayer took it up with both of us and we both waived the presence of any representative, trusting all the county auditors to send in the returns as then existed in their various offices. Colonel Thayer will recollect this very well when his attention is called to it, and we both told Colonel Thayer to go ahead and have the returns sent in from the various county auditors without the presence of representatives. From time to time the county auditors all over the State telephoned in as to the right to send the ballots without our inspection and they were always informed by both Mr. Mitchell and myself of the waiver and to go ahead and send them in. Furthermore, as to Brookhart's counsel, he knew that these ballots were being sent and was present at the time the recount started in July. It was known at that time that the ballots had been so sent in, and no objections whatever were made at that time or at any other time by reason of the fact that no inspector for either party was present at the time the auditors packed and transmitted the ballots and records, and that was, of course, again a waiver of any right to object on that ground.

I am sending a copy of this to Colonel Thayer, and I think he will recollect the situation as I do.

I am inclosing herewith my affidavit and the affidavit of John W. Pandy, who is the supervisor for Mr. Steck in the recount. He has heard this letter dictated and has personal knowledge of the facts therein set out.

Furthermore, in all the counties of Iowa in which there were not machines, there were more or less discrepancies in various precincts of each county, showing differences between the official count and the count as made by the tabulators at the recount, and that in at least 100 precincts there were either shortages of ballots, or some more ballots, or some less ballots than the number of names upon the poll books. That, however, in each of these precincts various ballots were objected to either on the part of Mr. Steck or Mr. Brookhart, and the ballots so objected to went into the "objected to" ballots, which were canvassed by Messrs. Mitchell and Parsons, beginning about the 1st of December, 1925. That no question was made of the right by either party to claim votes from such contested ballots from the various precincts until the entire list of contested ballots had been gone through, when, seeing that Mr. Brookhart would be behind, the questions as to shortages of ballots or as to the improper returns, etc., were raised for the first time.

That to locate these protested ballots and put them in the various precincts to which they belonged, would necessitate a recanvass of the entire vote.

That Mr. Brookhart and Mr. Steck have each had the advantage of the various ballots that were objected to in the different precincts in which there were discrepancies.

Very truly yours,

J. M. PARSONS.

(Written notation: Am sending affidavit of Mr. Pandy and myself.)

ANNIVERSARY OF DECLARATION OF WAR WITH GERMANY

MR. MEANS. Mr. President, nine years ago to-day the United States declared war with Germany. I realize that to break into the debate might not please some of the Members of this body, but upon this date questions crowd themselves to my mind which I believe require an answer.

I also realize that a custom has existed for so many years in this body that it has become an unwritten law, that a younger Member of the Senate should remain in his seat and not participate in the deliberations of this body until he has become seasoned. It is his duty to sit and listen to the words of wisdom as they drop from the lips of his seniors. But I to-day do not address this body alone as a Senator but as a service man. I make no pretensions of representing any organization. I want to speak what is in the heart of the service man as I know him, and this day is an appropriate one.

Nine years have elapsed since war was declared with Germany. During my brief service in this body I listened to distinguished Senators address us upon the League of Nations,

the World Court, and other treaties, and even now the unfinished business is the question of the debt settlement with Italy. As I have heard Senators discuss those questions, statements and assertions have dropped from their lips which astonished me. Have we forgotten the reasons for the declaration of war? Have we learned nothing during the past nine years? I have even heard it said that America had no definite policy which we must have in mind when we undertake to consider questions relating to affairs with other countries.

Yes, Mr. President, I have heard distinguished Senators say that in discussing the unfinished business now before the Senate we could approach the question solely from the attitude of selfishness. I have heard it said that we should consider it solely from a selfish viewpoint. I have also heard the remarkable assertion that the affairs of other countries are no concern of ours, and that we should not interfere in the internal affairs of other countries of the world.

Only recently I visited the city of Philadelphia as a guest of my comrades of the Spanish War. They escorted me to Independence Hall. I went into the room where those great men gathered for the purpose of creating a government for the United States. One could not visit that room without being a better American after he left it. I think many Members of this body would do well to visit it during the sesquicentennial exposition. The original furniture is there. The original chair and desk occupied by George Washington are there. I could visualize the room and the men who were there discussing the life of this Nation. I could not help remembering the remarks of that great man, the eldest of them all, Benjamin Franklin, when he stated that he had been continually watching the sun carved upon the back of the presiding officer's chair. He said he had continually wondered whether it was a setting sun or a rising sun, but that now upon the completion of their task he realized it was a rising sun.

Yet in that instrument—and that is the reason why I call it to your mind on this day—was written the first foreign policy for America. It provided for the office of President, which was a new office in the government of peoples. There was placed in his hands the power to make treaties and to conduct all negotiations with foreign governments. The States, mark you, surrendered their right to make treaties, surrendered their right for preparation for defense, surrendered their right to negotiate with foreign governments. They placed that power in the hands of one man—the Chief Executive of this Nation. And, Mr. President, fearful that that tremendous power might be misplaced, they provided that the Senate of the United States, which was to be composed of two representatives from each State, must consent to any treaty growing out of negotiations conducted by the Chief Executive.

But what I want particularly to call to the attention of the Senate to-day is that there was written therein one provision little thought of and little discussed. They provided the qualifications of the Chief Executive, and then said, "But the Chief Executive must be a man who has been engaged in this conflict for liberty or he must be native born." I ask you why that provision was written into the Constitution of the United States? Surely they did not mean to offend those who would come here from other countries; they did not mean to infer that they would not become just as loyal Americans as those born here. Oh, no. But they wanted to be sure that no man who had been given this great power should have any connection, either directly or indirectly, with any other nation in the world. They wanted to be sure that those who negotiated treaties or alliances with foreign governments should be purely Americans. They wrote the American policy into that instrument that in dealing with foreign nations we should be truly and purely American.

Mr. President, George Washington in the address which has only recently been read to this body, warned us against foreign entanglements and alliances. I also call your attention here to the fact that he outlined what was America's policy in a letter written to General Lafayette, dated December 25, 1793, in which he said:

I wish well to all nations and to all men. My politics are plain and simple. I think every nation has a right to establish that form of government under which it conceives it may live most happily, provided it infracts no right or is not dangerous to others.

This policy has lived on through. It is not my purpose to recite here the history of our Nation; but I wish to emphasize that it is not a new policy; it was one which was first uttered by the Father of His Country.

I want to come on down to the period of 1898, when we engaged in the war with Spain. That war brought us into the whirlpool of international politics. Then we come to the World War, into which we were plunged nine years ago to-day.

O Senators, mayhap you care not to think of that day; perhaps it does not bring home a lesson to you; but it seems to me the lessons of nine years ago and the sacrifices incident to the action we then took should be written upon the hearts of every man who pretends to be a lawmaker of this country.

Why did we go to war? I have only recently read the resolution of the Congress of the United States declaring war. It declared that Germany had been guilty of acts of war toward the United States and therefore we were already at war, and it also declared that we formally entered the war. It seems to me rather an unusual resolution.

I also recall that many people say we entered the war because Belgium was invaded. If so, we were a little late. I have also heard it said that we entered the war because the Germans sank the *Lusitania*. If so, we certainly were late. Oh, yes; the President of the United States declared that we entered the war "to make the world safe for democracy." That is a beautiful phrase; perhaps other Senators understand it, but to me it is merely a glittering generality.

We entered the World War, as any service man will tell you if you ask him, for the purpose of driving the House of Hohenzollern from the throne of Germany. The Kaiser was a menace to the peace of the world and we declared him an enemy of mankind. As proof of that, so soon as the Kaiser abdicated the throne of Germany an armistice was signed and the sacrifices ceased. Was that a lesson? Were we following out the American policy or were we merely in and could not get out? Oh, I can not believe that we have so soon forgotten those days.

I am going to indulge in a personal allusion, because it is a recollection that crowds itself upon my memory to-day. I commanded the Fourth United States Infantry in the Meuse-Argonne offensive. That regiment took over the front line on the 30th of September and was relieved early in the morning of October 27. Almost every day they had been engaged in one place or another, and their losses had been tremendous. On the 22d of October we made our last advance, took over the Bois de Foret and the woods clear to the Andon River. We had completed our mission; there was comparative quiet, inasmuch as the Germans were making a retreat and the American Army was preparing for its next advance, which began November 1.

Division headquarters told me they could get trucks into the Bruilles-Cunel Road. I did not want to leave the woods without attempting to bring out the bodies of those who were lying there. Somehow I just felt as if I could not leave without at least attempting to bring those bodies out. So I placed every available man to work, and they brought the bodies from the front line, the support, and the reserve and laid them two deep on the left side of the Cunel Road from the rock quarry, where my first-aid station was located, to the top of the hill, a distance of more than half a mile. Some of those bodies had been in there for 11 days, some but a few hours. Some were black from the effect of gas, some were torn by high explosives and were unrecognizable. I went out to count them, but could not complete my self-assigned task. I can not forget that day. I looked up into that cold, dreary, pitiless French sky and I asked the question of myself, "Why this sacrifice? Is it all in vain? Is it needless?"

The flower of America had tendered their lives as a sacrifice upon the altar of patriotism. The sacrifice had been accepted. Could it be that it was for nothing, that it was all in vain, and that subsequently, in the brief period of nine years, the world, and my own country in particular, could forget? No; the comforting thought came to me that my God is a just God and that that sacrifice was not in vain but was given for the welfare of human kind.

We found a tyrant on the throne of Germany. We had no quarrels with the German people, and to-day the service men wish them well and hope they will be prosperous; but a tyrant on the throne of Germany, surrounded by a military machine, had become a menace to the peace of the world and an enemy of mankind. So the blood of America was given to drive that militaristic government from the throne of Germany.

Did we have an American policy? Is it so little understood that I must sit here and listen to learned Senators say that we should consider in dealing with other countries only the selfish viewpoint, and that we have no business interfering with the internal affairs of other countries and how they are governed is no concern of ours? You, Mr. President, can imagine the thoughts that pass through my mind when I hear such statements made.

It is easy to criticize, but have we a constructive measure to present to carry out the policies which I have enunciated? I know there are some who claim that we should be isolationists; I know there are some who claim we should be pro-

leaguers; I know there are some who claim that we should be militaristic! yes, and there is a great body who claim we should be pacifists; but I say to you, Mr. President, we are none of those things; I say to you, we have peace in our hearts and are awaiting anxiously the time to come when conditions in the world will be such that we shall have no more war and peace will reign. I say to you, selfishness is the cardinal sin of the world to-day.

My friends, if I were permitted to speak America's policy, I would say that it is our duty to tie Old Glory to the mast-head of the ship of state and sail the international seas unafraid, with peace in our hearts but fear of no nation; and when we find a government, which its people have selected, anxiously waiting the time when peace shall reign in the hearts of men, when we find they are willing to assist in the promotion of peace, when we find a government that is willing to submit to the spirit of arbitration, we will extend to that government the hand of fellowship and say it is a friend of the cause of peace. But when we find a government that is a menace to the peace of the world, it is our duty to stand up manfully and say: "That government is an enemy of mankind." I understand no other policy than that which could be appropriately called American.

Sirs, we can not have peace until the governments of the world understand and accept a law. A law is a rule of conduct. International law is a rule of conduct which has reference to the dealings of one nation with another. International law is but a rule of conduct. If nations understand the law and respect it and obey it, there can be no war. We may try other schemes; but I look back upon the nine years just elapsed, and the fruitlessness of the efforts of the countries of Europe convinces me that it is time for this Nation to take the lead and to ask that international law be determined, be amended if need be, restated when necessary, and that we have an understanding by the peoples of the world as to its meaning, and then insist upon its being respected and obeyed.

The good citizen in this country is the citizen who obeys the law. The good citizen of the world and the good nation and government of the world is the one that is willing to obey the law, respect it, and observe it. So it is necessary, as I view it, to go to the fundamental reason why war exists; and when that is done I believe we will see that the only way in which peace can come to the world is through an intelligent understanding.

I believe that it is absolutely necessary, and that the time has come, after this lapse of nine years, to have a proposal for an understanding of international law, and that we should urge all the civilized nations of the world to respect and to obey it. For that purpose I have taken these few moments of the Senate's time, not in a prepared address, but merely pouring out my own heart and my own belief and the heart of the service man as I understand it.

I realize that my thoughts have been but crudely expressed; but the loyalty of my heart and the intensity of my purpose must be my advocates for the sincerity of my desires. So, Mr. President, I send to the desk a joint resolution which I have prepared, and ask unanimous consent that it may be received and read from the desk.

PROPOSED CONFERENCE ON INTERNATIONAL LAW

The PRESIDING OFFICER (Mr. WILLIAMS in the Chair). In the absence of objection, the joint resolution introduced by the Senator from Colorado [Mr. MEANS] will be received and read.

The joint resolution (S. J. Res. 87) to request the President of the United States to invite an international conference for the codification of international law was read the first time by its title and the second time at length, as follows:

Whereas the United States of America is desirous of promoting peace on earth and establishing as a rule of international conduct that "right is master of might"; and

Whereas the peace and security of nations and the happiness of peoples require the establishment and respect for international law; and

Whereas the existing rules of international law require restatements, amendments, and additions thereto: Now, therefore, be it

Resolved, etc., That the President be requested to call a conference of delegates from all the civilized nations of the world for the purpose of making more definite, certain, and comprehensive the body of law by which international conduct is to be ruled.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. MEANS. I will not ask that it be considered at the present time. Many Senators are not in the Chamber. The

subject is a big one. I want it distinctly understood that I have not presented the joint resolution to embarrass the executive branch of the Government or the Committee on Foreign Relations. I would not have presumed to present it were it not that to-day is the day when all of us should think of the World War, its consequences, and what caused it. If there is a way of avoiding war in the future, it is our duty to follow it.

I want the subject carefully considered. I do not want hurried action. I am going to ask that the joint resolution be referred to the Committee on Foreign Relations. I will ask them to give it their consideration. The subject is an appealing one; it is one in which I sincerely believe; and therefore I will ask the Presiding Officer kindly to refer it to the Committee on Foreign Relations.

Mr. COPELAND. Mr. President, before the Senator takes his seat let me ask, if the Senator desires action on his joint resolution, why he does not let it lie over under the rule and take it up to-morrow?

Mr. MEANS. I should be delighted to do that; but, as I have tried to say, I do not want to presume upon the Foreign Relations Committee. Its members are elder statesmen. They are learned. I want the benefit of their advice. The joint resolution may be crudely drawn. I have no pride of authorship, but I do believe that I could yield to no man in sincerity of purpose. The education, the refinements of diplomacy, and the experience which is the gift of those who serve upon the Foreign Relations Committee compel me to have the joint resolution go to that body.

The PRESIDING OFFICER. If there is no objection, the joint resolution will be referred to the Committee on Foreign Relations.

Mr. COPELAND. Mr. President, if the Senator will yield further, I have been much impressed by the patriotic remarks of the Senator from Colorado; and it really seems to me too bad to have a joint resolution which is born of such an impulse placed in the burying ground, because of course the Senator realizes that if it goes to the committee it never will be heard of after this morning.

Mr. MEANS. The chairman of the Foreign Relations Committee assured me—I have not presented the joint resolution to others—that he was heartily in favor of it and would take action. If I thought the joint resolution was going into an ice box I certainly would not submit it; but I am not one of those precocious Senators who think they know it all, and I really want the advice of the Committee on Foreign Relations.

Mr. COPELAND. Of course, Mr. President, my advice would be of no value to the Senator; but, regardless of what has been told him by the chairman of the committee—and I do not doubt his patriotism or that of any other member of the committee—the Senator from Colorado must realize that the tenth anniversary of our entrance into the war will be upon us before any consideration is given to this worthy joint resolution if it goes to the committee.

Mr. MEANS. I did not know the Senator was such a pessimist, but he may be right.

Mr. COPELAND. I am not a pessimist; I am simply a prophet.

Mr. DILL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. MEANS. I do.

Mr. DILL. I listened to the reading of the joint resolution. As I understood it, the joint resolution provides for the calling of a conference to codify existing international law.

Mr. MEANS. That is not quite a correct statement of the provisions of the joint resolution.

Mr. DILL. I want to be clear on that.

Mr. MEANS. The first preamble also sets forth that the present laws need codification, they need amendment, they need restatement, they need enlargement, and so forth.

Mr. DILL. Of course, the Senator knows that present international law in no way prevents war, and that when war comes the nations in desperation disregard and destroy all international law that ever has been invented.

Mr. MEANS. Yes; and the reason therefor is that the peoples of the world understand but little of international law. I could take a much longer time to discuss the reasons for the several wars we have had and the spirit that entered the hearts of our people that brought them on. In my viewpoint law does not prevent war. You will never do away with war until you change the hearts of men, and you will never end war so long as selfishness is the crowning motive of all negotiations. I am not one of those who believe that the millennium

has come, but I do believe that we should start in the right direction; and as we need laws to govern individuals and States, we need laws to govern the nations. I do not believe that present international law is understood nor broad enough, and I believe that this step should be taken.

Mr. DILL. I want to say, in commenting upon what the Senator says about preventing war, that it is not enough merely to convince the people of the respective nations that there should be no war, but the people must have the power to stop a few men—call them kings or emperors or parliamentarians or Congressmen or Senators—from starting war. Those men can not be made to fight or die in the war they start.

Mr. BLEASE. Mr. President, I had hoped that the Senator from Colorado would ask that his joint resolution be considered now.

I do not think the people of this country are the only ones who are ignorant as to international law. I do not think the Senate knows anything about it, and I am absolutely certain that the officials of this country do not know anything about it. If they did, and if there were any such thing as international law, they would not be allowing certain people openly and flagrantly, both by night and by day, in the face of the American people, to violate that law and the laws of this country without giving any consideration to it. When a bill is introduced in the Senate to endeavor to correct the evil and to put foreigners on the same footing in the enforcement of law that the American people are forced to submit to, it is buried in an ice box in a committee room of the Senate and not reported back; no hearing is given on it, and absolutely no consideration is given to it, in order that this open, flagrant violation of the law may continue right under the dome of this Capitol and all over this country; and the officers of the law who see it openly state that they are supposed to be blind when they have eyes to see, and to be deaf when they have ears to hear.

I heartily indorse this joint resolution, and believe it should be passed. If we have any such thing as international law, the people of this country and the servants of the people of this country should know what it is. If we have not such law, the people certainly should be made to obey the laws of the United States, regardless of what position they hold, whether official or otherwise.

CALL OF THE ROLL

Mr. STEPHENS rose.

Mr. BINGHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	La Follette	Sackett
Bayard	Fernald	Lenroot	Sheppard
Bingham	Ferris	McKellar	Shipstead
Bleaso	Fletcher	McMaster	Shortridge
Borah	Frazier	McNary	Simmons
Bratton	George	Mayfield	Smith
Brookhart	Gillett	Means	Smoot
Broussard	Glass	Metcalf	Stanfield
Bruce	Goff	Moses	Stephens
Butler	Gooding	Neely	Swanson
Cameron	Harrell	Norris	Tamm
Capper	Harris	Nye	Tyson
Caraway	Harrison	Oddie	Waish
Copeland	Heflin	Overman	Warren
Couzens	Howell	Phipps	Watson
Cummins	Johnson	Pine	Wheeler
Dale	Jones, N. Mex.	Pittman	Williams
Deneen	Jones, Wash.	Ransdell	Willis
Dill	Kendrick	Reed, Mo.	
Edge	Keyes	Robinson, Ark.	
Edwards	King	Robinson, Ind.	

The PRESIDING OFFICER (Mr. BLEASE in the chair). Eighty-one Senators having answered to their names, a quorum is present.

INDEPENDENT OFFICES APPROPRIATIONS

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 12, and 17.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 6, 7, 8, 9, 13, 15, 16, 18, 19, 20, and 21, and agree to the same.

The committee of conference have not agreed on amendments numbered 1, 5, 10, 11, and 14.

F. E. WARREN,
REED SMOOT,
LEE S. OVERMAN,
Managers on the part of the Senate.

WILL R. WOOD,
EDWARD H. WASON,

Except amendments numbered 18 and 19.

JOHN N. SANDLIN,
Managers on the part of the House.

Mr. WARREN. I ask that the report may be considered at this time.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. KING. I should like to have the Senator from Wyoming state as to which amendments the Senate receded. I would also ask the Senator whether any disposition was made of the item to which the Senator from Tennessee challenged attention and which was stricken out on his motion, as I recall?

Mr. WARREN. To what amendment does the Senator refer?

Mr. KING. I may have the wrong bill in mind. His item was one which dealt with a very large appropriation for the prosecution of war frauds.

Mr. WARREN. That is not taken care of in this bill.

Mr. KING. Will the Senator explain the items as to which the Senate receded?

Mr. WARREN. The items which appear as disagreed to have not been really disagreed to in conference, but under the rules of the House must be taken back to the House. One of the items is the matter of the salary of the Alien Property Custodian, which had been fixed at \$7,500, and they agreed with us on \$10,000. But they stated they would have to take it back to the House.

There was another matter, involving the new memorial bridge. There was a matter of \$50 for newspapers and the matter of the Federal Oil Conservation Board, which were agreed to but which had to be taken back to the House. Then there was the public-buildings item of \$250,000, involving removals asked for by the committee presided over by the senior Senator from Utah [Mr. Smoot].

Mr. KING. Those were amendments agreed to in the Senate and which have been agreed to by the House?

Mr. WARREN. Practically; yes.

Mr. LENROOT. What became of the \$10,000,000 fighting-ships fund?

Mr. WARREN. That was left as we passed it. There were three items on which the Senate lost out. One was a small matter involving a steel gallery in the Smithsonian Institute.

Mr. KING. Were the others important?

Mr. WARREN. Very unimportant. They were of little consequence.

Mr. KING. I have no objection to the adoption of the report.

Mr. WARREN. I move the adoption of the report.

The report was agreed to.

MESSAGE FROM THE HOUSE

Mr. William Tyler Page, Clerk of the House of Representatives, appeared and said:

Mr. President, I am directed by the House of Representatives to inform the Senate that the House has impeached George W. English, United States district judge for the eastern district of Illinois, for misdemeanors; that the House has adopted articles of impeachment against the said George W. English, judge as aforesaid, which the managers on the part of the House have been directed to carry to the Senate, and that EARL C. MICHENER, W. D. BOIES, IRA G. HERSEY, C. ELLIS MOORE, GEORGE R. STORRS, HATTON W. SUMNERS, ANDREW J. MONTAGUE, JOHN N. TILLMAN, and FRED H. DOMINICK, Members of the House, have been appointed such managers.

SENATOR FROM IOWA

The Senate resumed the consideration of the resolution (S. Res. 194) declaring Daniel F. Steck to be a duly elected Senator of the United States from the State of Iowa for the term beginning March 4, 1925.

Mr. STEPHENS. Mr. President, the chairman of the Committee on Privileges and Elections, the senior Senator from Kentucky [Mr. EANSW], informed me a few moments ago that

he desires to speak for 10 or 15 minutes, and I have agreed to yield to him for that purpose. After he concludes I shall address the Senate.

Mr. ERNST. Mr. President, upon the death of Senator Spencer I was appointed chairman of the subcommittee to hear and determine the Steck-Brookhart contest.

In my judgment, I owe it to the Members of the Senate to let them know briefly something of the character of the work done by the committee. It was long, tedious work, occupying many months of time, and received the most careful and painstaking attention of the committee.

Both contestant and contestee had filed pleadings in which they made affidavit that the official count was not correct and asked that a recount be had. Nothing remained for the committee but to direct a recount as requested, and that was at once done.

Both Senator Brookhart and Mr. Steck were represented by lawyers of high standing at the Iowa bar. They were not only learned in the law but men of exceptional character and known ability. Senator Brookhart's attorney was Mr. J. G. Mitchell, and Mr. Steck's attorney was Mr. J. M. Parsons. They were thoroughly posted as to the facts and as to the law.

As usual in cases where attorneys of such standing are employed, these gentlemen proved of the greatest help to the committee. They did not indulge in useless discussion, but aided the committee by directing its attention to those questions which were essential. These are the gentlemen who, after a careful survey of the situation, prepared the various stipulations and agreements in this case. These agreements were honestly and faithfully carried out in every particular.

There was not the slightest intimation at any time, or from any source, that such was not the case. The utmost good feeling and harmony existed between counsel of both parties from first to last. Never was there one word by either of them calling in question the actions of the other. I do not have to explain to those Members of the Senate who have had practical experience how helpful this action by the attorneys was to the committee.

Senator Spencer, while acting as chairman of the subcommittee, had selected Mr. Edwin P. Thayer, now Secretary of the Senate, as the chief officer to see that the ballots were properly brought to Washington and that they were cared for after reaching here. Mr. Thayer was appointed also to superintend the recount. Mr. Thayer had acted in the same capacity in the contest brought by Mr. Peddy for the seat of Senator MATFIELD, of Texas. He had discharged his duties with such ability and fairness as to gain the high commendation of both sides to that controversy, marked as it was by much feeling.

In the contest now under consideration Mr. Thayer acted with the same fairness and ability; indeed, both parties united in presenting him with a gold watch as a recognition of his most efficient services. Not a single act of his in connection with bringing the ballots here and in supervising the recount, which lasted many weeks, was called in question.

Those who assisted in the recount—the "counters," as they were called—were selected with great care, and in nearly every case were appointed only after they had been recommended in writing by some Member of this body.

From first to last every step in the recount of these ballots was taken under the direct supervision of a representative of Senator Brookhart and a representative of Mr. Steck.

There was appointed for Senator Brookhart, and upon his express request, Mr. Lewis H. Cook, who served well and faithfully; and when he ceased to act, upon Senator Brookhart's request, Roy Rankin was appointed and acted for a few days. Thereafter Senator Brookhart asked that his brother be appointed. That was done, and his brother continued to act until the count was concluded.

Mr. Thayer was instructed by our committee that when any question was raised over a ballot by either of these personal representatives, the ballot should be at once put aside, to be later laid before the committee for its consideration. That was done in every case. Not a single complaint was made by the representative of either Senator Brookhart or Mr. Steck.

All this was so fairly and impartially done that counsel for both sides at the end of the hearing made special mention of the fact. They stated that no complaint could be made as to the handling of the ballots and the work done by the committee in reference to them.

Mr. President, some of the questions asked by Senators during the discussion yesterday would indicate that those who asked them forgot for the moment that when a recount of a vote is necessary it is not possible for the members of that committee to personally make that recount. Contests involving a recount could not be made if the members of the committee

had to do the work. It must be done by agents appointed by the committee or it can not be done at all.

After all of the ballots had been counted, some 900,000 in number, there were laid aside for the consideration of the committee 8,721 ballots, concerning which some question had been raised by the representative either of Senator Brookhart or of Mr. Steck.

The attorneys for the contestant and contestee then requested the committee that time be given them to examine these ballots, stating that they thereby hoped to lighten the labors of the committee by endeavoring to agree as to how certain of these disputed ballots should be counted. These attorneys worked hard and faithfully, and after a number of weeks agreed that although the representative of each party had questioned them that there was in fact no doubt as to how 3,847 of this 8,721 ballots should be counted, and thereupon submitted to the committee 4,854 votes for its consideration.

Mr. BAYARD. Mr. President, may I ask the Senator if it is not a fact that every agent appointed by the committee was certified to and approved by both the contestant and the contestee or by their respective attorneys?

Mr. ERNST. They were. The Senator may have heard me state that, even when it came to the counters for the clerical work, before there was any appointment made a letter was received from some Senator, and they came from both sides of the Senate, approving the applicant, and the appointment followed. No greater care could have been exercised?

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. ERNST. Certainly.

Mr. WHEELER. Does the Senator contend that if the counters made a mistake, or those men whom the committee selected made a mistake, as to what ballots should be counted, that necessarily we should take them because one of them was suggested by Senator Brookhart?

Mr. ERNST. I think it is perfectly clear that there may have been mistakes made in counting 900,000 ballots, but what I do say is that there is no other possible way of getting a count except by having the count made by agents. No human agency will ever be perfect. When that count is carefully made and reported we have to rely upon it. If the attorney who represented Mr. Steck or the attorney who represented Mr. Brookhart could have shown us that an error had been made, of course it would have been corrected; but that was never done; it was never asked to be done, and the count was closed and final arguments were made, and no complaint of any error in the count has been made to this day.

Mr. WHEELER. Did not Senator Brookhart in his final statement, as reported in the hearings, state to the committee that the committee had made a mistake or that the counters had made a mistake, and that the committee should not have accepted—

Mr. ERNST. Mr. Brookhart for three days presented arguments in behalf of his side of the case.

Mr. WHEELER. The Senator does not allow me to finish my question.

Mr. ERNST. He made many statements with which the committee could not agree. The committee was perfectly clear that nothing said by Mr. Brookhart and no evidence introduced by him made it necessary for the committee again to go over the count. I am of that opinion now.

Mr. WHEELER. I say the Senator not only had these men make the count, but he also took their views upon the law questions as well, did he not?

Mr. ERNST. I do not follow the Senator.

Mr. WHEELER. The committee not only took the views upon the facts of these men who were their agents, but they also took their legal conclusion as well, did they not?

Mr. ERNST. To what persons does the Senator refer whose legal opinions were taken?

Mr. WHEELER. I am talking of the men who made the count.

Mr. ERNST. Let me see if I understand the Senator, because I have to understand him before I can answer him.

Mr. WHEELER. I will try to make it plain. The committee selected certain men to make the count, did they not?

Mr. ERNST. Yes.

Mr. WHEELER. Those men went out and made the count and brought back certain ballots, did they not?

Mr. ERNST. No; they did not. As the count went on, unless it were a perfectly clear, simple ballot, about which there could be no question, the attention of both the representative of Mr. Brookhart and the representative of Mr. Steck was at once called to it. Then these two representatives either agreed on what should be done, or, upon the objection of either one, that ballot was laid aside for the consideration of the committee. Now let me proceed.

Mr. WHEELER. That does not answer my question. I should like an answer to the question. You selected the committee to make the count. Then, after you selected the committee to make the count, you—

Mr. ERNST. Now, what is the Senator talking about? Let us be exact. What committee is he talking about?

Mr. WHEELER. I am talking about the men the committee selected to make the count. It selected certain individuals to make the count, did it not, as the agents of the committee?

Mr. ERNST. That is correct.

Mr. WHEELER. They went out and made the count, did they not?

Mr. ERNST. They made a count in a room provided for the purpose under the supervision of Mr. Thayer and a representative of each of the parties to the contest.

Mr. WHEELER. And they opened up certain packages and took the ballots out, did they not?

Mr. ERNST. Yes. Go on and state the question. What is it the Senator wants to know?

Mr. WHEELER. That is the fact, and I want to make it clear.

Mr. ERNST. They had to count the ballots, and the ballots had to be removed from the bags in which they were contained.

Mr. WHEELER. In some of the precincts where the ballots disagreed with the tally sheets they took the official count, did they not?

Mr. ERNST. I am not going into a discussion of that question. The Senator has said everything that he could have said on that subject. I have heard him repeat it some 10 or 15 times, and in my view of the case it has no bearing. I do not care about being interrupted in the statement I am making to repeat what I have already said at least a dozen times.

Mr. WHEELER. But I want to get it clear. If the members of the committee—

Mr. ERNST. It has been made just as clear as it could be made, but the Senator is asking me the same question. That will not make it any clearer.

Mr. WHEELER. It will if the Senator can answer it; but if he does not care to answer it, of course, I do not want to interrupt him.

Mr. ERNST. The Senator from Montana and I can not agree upon any answer that I might give.

Mr. WHEELER. Well, we could if we got the facts, probably.

Mr. ERNST. Not unless I took the Senator's view of it.

Mr. WHEELER. If the Senator does not want to answer, I will not interrupt.

Mr. ERNST. The facts about it are perfectly clear. There is no fact with reference to this entire count about which there can be any doubt.

Mr. WHEELER. Of course, if the Senator does not want me to interrupt him, I shall not interrupt him.

Mr. ERNST. I certainly do not want the Senator to interrupt me by repeating questions that he asked on yesterday and this morning.

Mr. NORRIS. Mr. President, may I interrupt the Senator so that I may not do it again and be discourteous to him, in case he has taken the position that I assume he is taking? Does the Senator object to being interrogated by questions that have been previously asked?

Mr. ERNST. Yes; I object to being interrogated and asked questions which were asked of the Senator from Arkansas [Mr. CARAWAY] this morning and on yesterday.

Mr. NORRIS. The Senator himself, then, does not want to answer any questions that have been asked of preceding speakers?

Mr. ERNST. No; because I can see from what has gone before that it would not satisfy the Senator from Nebraska nor would it satisfy the junior Senator from Montana [Mr. WHEELER], and it would not throw any light upon the question, because the matter has been gone over again and again.

Mr. NORRIS. But some of us would like to have the viewpoint of the chairman of this great committee. However, if the Senator from Kentucky does not want to be interrogated on any subject as to which preceding speakers have been interrogated, of course I shall not interrupt him.

Mr. ERNST. On the subject to which the Senator has referred I certainly do not wish to be and will not be interrupted.

Mr. President, in my judgment it is perfectly clear that the committee not only should have accepted the conclusion of the attorneys as to these votes, but that no other course was practicable. The attorneys were learned in the law, of high character, and each keenly alert to protect the interest of his client. The only course left open for the committee would have been for its own members to have examined every one of these 8,721 ballots. If this course is urged, then it may just

as well be argued that the committee should itself have counted every one of the 900,000 ballots cast in the election—an impracticable and impossible task. This, as previously stated, would prevent any contest for a seat in the Senate where a recount of the vote would be necessary. Judging from some of the questions asked by the Senators during the discussion yesterday, they seemed to have overlooked this fact.

The Senate must remember that the Committee on Privileges and Elections must adopt the same practical methods of obtaining evidence and in getting at the facts that are elsewhere followed. No impossible task can be imposed upon it. It must employ agents to make the count. It must use every precaution to see that the count is fair. When this is done, it is justified in relying upon that count.

Those upon whom the committee is perfectly justified in relying, namely, the attorneys representing both sides, make agreements as to what the evidence discloses. Can it be fairly contended that the committee should not rely upon such agreements?

Something has been said in effect that there can be no stipulation waiving the right to a seat in the United States Senate; that the State steps in; that its right has to be considered and can not be waived by agreement. Who for one moment doubts this statement? Your committee which passed on this contest would be the last to question it. Nevertheless, your committee stoutly asserts that in endeavoring to ascertain the truth, common-sense methods long in use and long approved must be followed. There is no other way left to ascertain the truth. The sovereign will of the voters of a State must be followed, but how shall that will be ascertained? By the same methods which would be employed to endeavor to ascertain the truth in other matters and in other jurisdictions.

Stipulations by counsel, learned and of high character, as to the character of evidence, have ever been recognized as one of the best methods of arriving at correct conclusions. Honorable counsel ever has the interest of his client at heart; he waives nothing to his client's prejudice that he does not believe is fully justified by the facts. In the case now before us I do not hesitate to state that not a Member of this Senate could have heard Mr. J. G. Mitchell, the personal attorney for Mr. Brookhart, without being deeply impressed by his evident honesty, his signal ability, and his earnest desire to be helpful to the committee. No Member of the Senate need for one moment imagine that Mr. Mitchell would waive by stipulation any substantial right or interest of his client. The stipulations made by him in this case were made for no other purpose than to assist in arriving at correct conclusions.

I confess some amazement at the statement by one of the Senators, in substance that, because there was no fraud the committee had no right to recount the ballots.

It is a well-known fact that an honest mistake in the count is not an infrequent occurrence in elections. The Senator would have us believe that the Senate could not, although it knew that an error in the count had been made, determine by recount that error and give the seat in the Senate to the person entitled to it. Such argument would deprive the Senate of its constitutional right to determine for itself who is entitled to membership in the body.

The Senate should understand that this case clearly presents the question as to whether or not the Senate will continue, as it has always done, to count the ballots in accordance with the intent of the voter, or whether it will permit the law of a State to control its action. Your committee followed the time-honored custom of the Senate, and whenever the voter's intent was clear the ballot was counted accordingly. To adopt any other rule will permit a State to practically control the action of the Senate.

I do not desire that any Senator should be of the opinion, without at least an opportunity to know the truth, that there was any disposition on the part of the committee to treat Senator Brookhart in any manner other than with the utmost consideration and fairness. Ballots which, under the law of Iowa, could not be counted for Senator Brookhart were given him in every instance where the will of the voter could be ascertained. Sample ballots where the word "sample" was erased and the word "official" written on the ballots were counted for Senator Brookhart.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. ERNST. I yield.

Mr. FRAZIER. I should like to ask how many of those sample ballots there were?

Mr. ERNST. There were only a few of those sample ballots. I think it was stated upon the floor yesterday that there were only 3 or 4, but they were accepted.

Mr. WILLIAMS. There were 4.

Mr. ERNST. There were 4; and I am mentioning them because in a contest where so few votes might determine the result—4, 5, 6, or 8 might have determined the result—wherever the intention of the voter could be ascertained it was followed.

Whenever we found a vote which we thought was intended for Senator Brookhart, regardless of whether it had the cross in the proper place, it was counted for him. We also counted ballots for Mr. Steck when the intention of the voter was plain; but my memory is clear that Senator Brookhart obtained the benefit of more of what might be called irregular ballots than did Mr. Steck, simply because there seemed to have been more irregular Brookhart ballots than irregular Steck ballots.

In my judgment the recount establishes beyond all question that a plurality of the votes cast were intended to be cast for Mr. Steck. About this I have not the shadow of a doubt.

I wish now to call attention to a fact which I believe has not been presented to the Senate. As the count progressed, this fact, much to my surprise, and I believe to that of other members of the committee, was brought out: Almost from the first the count began to show a decided gain for Mr. Steck. This was not true only in one part of the State but throughout nearly every part of the State. The recount increased Mr. Steck's lead. This increase continued at a rate which left no doubt as to the final outcome.

During all this time not one word was intimated or suggested by anyone that there was anything wrong or fraudulent. Let me add that in my judgment there was not the slightest foundation for anyone so thinking, nor do I believe that anyone, including Senator Brookhart and his counsel, were of this opinion for a single moment. Why do I say this? The ballot containers from only two precincts had broken seals, and there was not a suggestion or suspicion that this had happened other than during the transit in the mail from Iowa to Washington and in that rough handling which mail bags receive.

Mr. HOWELL. Mr. President, the suggestion was made that there was a great show of gain in favor of Mr. Steck.

Mr. ERNST. If the Senator will permit me to finish the subject I am on, I shall be happy to endeavor to answer any question he may have to ask.

Mr. HOWELL. Certainly.

Mr. ERNST. Further, these gains for Mr. Steck were, as above stated, from nearly every precinct in the State. The ballots evidencing these gains had been received in good order and were carefully counted.

I do not wish any Member of the Senate to be under any wrong impression about these ballots or concerning this count. There was no fraud; there was no injustice anywhere. It should be borne in mind that there was everywhere throughout Iowa among Republicans, beginning with the Republican State organization and extending through the various minor organizations, a feeling that Senator Brookhart had obtained the Republican nomination unfairly; that he had, as they charged, deserted the President and the Republican Party, and he should not, therefore, be reelected. It was this that caused the great defection and was the reason for many Republican votes being scratched for Mr. Steck. Many thousands of the Republicans did not vote at all, and many thousands of those who did vote carefully scratched their ticket. All Republicans throughout Iowa were urged to scratch Mr. Brookhart in favor of Mr. Steck, not only by the Republican State organization, but by the leading Republican newspapers and press of the Republican Party. This accounts for the gains which a careful recount gave to Mr. Steck.

There are 99 counties in Iowa. In nearly all of these counties there were net gains for Mr. Steck over Senator Brookhart. In the few counties where there were not net gains for Mr. Steck there were many precincts in these counties where there were net gains for Mr. Steck.

The effect, therefore, of this general propaganda by the Republicans of the State against Mr. Brookhart was everywhere felt, and showed its results in all the 99 counties.

I now yield to the Senator from Nebraska.

Mr. HOWELL. Mr. President, I simply wanted to call the Senator's attention to the fact that the suggestion that there were very marked gains for Mr. Steck might be misleading. There were about a million votes cast, and all that Mr. Steck gained was 2,237 out of a million votes, so it is very evident that he did not gain very rapidly throughout Iowa, because this was the only difference that was shown after the whole canvass of nearly a million votes.

Mr. ERNST. I repeat my statement, and the Senator will see the reason for it—that, as I recall, and I looked at it with great care—out of the 99 counties there were about 79 where Mr. Steck, on a careful recount, made a net gain. Whether

It was large or small he continued to gain; and in the 20 counties outside of these 79, in many, many precincts he gained. One would not suppose that the gain would be great in number where there had already been an official count, and I should like to state now how, I think, those mistakes in the count occurred.

A Republican would place the cross under the Republican emblem. In the hurry of a count upon an election night the officials see the mark under the emblem, and count it as a straight ticket, when a more careful examination of the ballot would have disclosed that the ticket has been scratched. This propaganda by Republicans against Senator Brookhart went on everywhere. It was conducted by the leading Republicans of the State of Iowa. Its effect was everywhere seen and everywhere felt. You can hardly pick out any precinct or any county where the tickets were not scratched.

Because there are some slight discrepancies between the number of ballots in the box and the number of names upon the books, you can not conclude that therefore something was wrong. It is not true. Nowhere were there even rumors of illegal practices or fraudulent ballots. It was simply a case where there was a reaction against the nominee of the party because the voters felt he was not a Republican, that he had gotten his nomination under false pretenses, and the Republican Party, from the top to the bottom, endeavored to show how they felt by scratching the ballot.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. ERNST. I yield.

Mr. FRAZIER. I can not quite get the point with regard to why he got his nomination unfairly at the primary election.

Mr. ERNST. I am stating to you what the opinion of the voters was. You have seen it in the record. It was so stated by the Republican State central committee and its representatives who appeared before the committee. I am not going into the discussion of how Mr. Brookhart obtained his nomination. I am stating the matter solely to let the Members of the Senate know why there was this general change in the Republican vote. Whether the charge was true or whether it was not true, does not change the fact that the Republicans of that State believed it, and that they acted upon it, and that that accounts for the vote. Whether or not it is justified, I do not care to consider.

Mr. FRAZIER. The Republican organization filed a contest, did they not?

Mr. ERNST. The Republican Party organization asked to be a party to this contest and wanted to present their side of the case. We refused to permit it after hearing the evidence. It is in the record.

Mr. FRAZIER. I should like to ask the Senator why that was done?

Mr. ERNST. Because we thought we could not possibly determine whether Mr. Brookhart was entitled to a seat in the Senate because he was or was not a good Republican. The only question we had to determine was who was elected as disclosed by the ballots. It would have been absurd for us to investigate into the political fights and controversies in Iowa. After the Republican committee had submitted its evidence we took no further note of it.

Mr. WILLIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. ERNST. I do.

Mr. WILLIS. If it will not disturb the course of the Senator's argument, I wonder if he will not explain the action of the committee touching the 1,344 ballots that are mentioned both in the majority report and in the minority report. It is not clear to me what action the committee took.

Mr. ERNST. The Senator from West Virginia [Mr. Goff] will follow me. He will explain fully the committee's views on that subject; and if the Senator will pardon me, I will not go into that matter.

Mr. WILLIS. Very well.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. ERNST. I yield.

Mr. BINGHAM. Will the Senator explain just what conclusion he draws from the fact that the Republican organization had carried on so much propaganda against Senator Brookhart? How did that affect the ballots or the judges of election in the election precincts?

Mr. ERNST. Evidently I did not make myself as clear as I thought I had. I mentioned that matter solely for the purpose of showing that it was not in any one precinct or in any one county that votes were cast about which there was any doubt; that these votes were cast all over the State in the same way. They were cast by regular Republicans, who did not desire to

vote for Mr. Brookhart. I have mentioned that for two reasons. It showed that there was no fraud; it shows that there was no attempt to stuff the ballot boxes or to put in illegal votes; that the election was absolutely fairly conducted; but in every one of these counties—99 of them throughout the State—there was a revolt against Mr. Brookhart, and in the most counties—about 80—there was a net gain for Mr. Steck.

Mr. BINGHAM. The Senator does not mean to imply, then, that the propaganda which had been carried on led the judges of election in the different precincts into any carelessness with regard to how they decided about the votes, and with regard to whether or not a ballot was to be accepted?

Mr. ERNST. I said nothing about carelessness. I indicated to you what I thought on that subject when I stated that frequently, in my practical experience in looking at ballots after they have been cast, I have seen election officers in a hurry put aside a ballot thinking it was a straight ballot, when in fact it was a scratched ballot. I mentioned it for that reason. I am not reflecting upon the conduct of any of the officials. I think it was an honestly conducted election. I have no question about it.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. ERNST. Certainly.

Mr. JOHNSON. As I understand the position of the Senator, it is that the propaganda, as he terms it, that was carried on by the regular Republican organization against Mr. Brookhart accounts for the changes in these various precincts.

Mr. ERNST. Absolutely.

Mr. JOHNSON. What accounts for the changes in favor of Mr. Brookhart where the voting was mechanical?

Mr. ERNST. I do not know. I can not give you of my own knowledge any statement on that point. I do not know that that is the fact.

Mr. JOHNSON. I have understood it to be the fact that where voting machines were used Brookhart gained on the recount. Is not that so?

Mr. ERNST. I will not answer that, for I do not know. It may be true.

Mr. JOHNSON. If the Senator does not know, very well.

Mr. ERNST. I do not recall at the present time which counties they are.

When the evidence was all in—excepting three days, which were subsequently given exclusively to Senator Brookhart—and argument was being made, and that at a time when it was perfectly clear to Mr. Mitchell, attorney for Senator Brookhart, that the recount had been fatal to Senator Brookhart, it was then stated by Mr. Mitchell in substance, and the committee heard for the first time, that inasmuch as Mr. Steck was the contestant it devolved upon him to show that the ballots from the time that they were cast up to the time they were brought to Washington had been kept and preserved in Iowa as the law of that State required, and that they had not been tampered with.

It was admitted by Mr. Mitchell that there was no charge of fraud or irregularity or any evidence thereof.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. ERNST. I yield.

Mr. WHEELER. The law of the State of Iowa is as Mr. Mitchell contended it was; is it not? That is the law of Iowa; is it not?

Mr. ERNST. I am not accepting the Senator's statement as to the law of Iowa.

Mr. WHEELER. I am not making a statement. I am asking the Senator the question if it is not the law?

Mr. ERNST. No; I do not so understand it. If it is, the Senator can read it. Whether the law is or is not a certain way does not control the action of the committee.

Mr. WHEELER. The Senator means that the committee is not being determined or controlled by the law of Iowa?

Mr. ERNST. Absolutely not. Nothing is clearer than that the Committee on Privileges and Elections is its own judge, and it does not have to follow the law of Iowa and has not done so and has not attempted to do so.

Mr. WHEELER. It has not attempted to follow the law of Iowa in this case, has it?

Mr. ERNST. The Senator heard me make the statement.

Mr. BORAH. Mr. President, if the committee had followed the law of Iowa, what would have been the result?

Mr. ERNST. I have no idea. I will let some other person guess.

Mr. FRAZIER. Mr. President, the Senator says the committee did not follow the law. How about the voters in the State of Iowa? Were not they supposed to follow the law?

Mr. ERNST. Absolutely.

Mr. FRAZIER. Then, if they followed the law, why did not the committee follow the law of the State of Iowa?

Mr. ERNST. The committee sought to get the intention of the voter. I hope that is satisfactory to the Senator who asks the question.

Mr. WILLIAMS. Mr. President, has the Senator finished?

Mr. ERNST. I have not. The fact is that Mr. Mitchell realized that his case was lost and that there was nothing left for him to do except to endeavor to introduce an issue into the contest that was entirely new and strange until that moment.

I fear from what transpired upon this floor yesterday that some of my fellow Senators are permitting matters to dim their vision which do not go to the real merits of this controversy.

There was much discussion yesterday and again to-day in reference to the precincts where there was a difference between the names on the books and the ballots in the box. It has caused me to wonder why neither of the distinguished lawyers who gave months of time to the study of this case, who live in Iowa, and who have an intimate knowledge of its laws, and who knew all of the facts, did not see fit, in the interest of either contestant or contestee, to call attention to what was done. If it was thought by either of these distinguished lawyers that it was of sufficient importance to be considered, I wonder that it was not brought before the committee.

Mr. WHEELER. Mr. President, will the Senator yield for a question?

Mr. ERNST. I yield.

Mr. WHEELER. The burden of proof in all contest cases is always upon the contestant to prove his case, is it not?

Mr. ERNST. Yes.

Mr. WHEELER. And the burden of proof was upon the contestant in this case to show that those ballots were kept in accordance with the laws of the State of Iowa from the time they were voted until they were brought to Washington.

Mr. ERNST. That is the Senator's conclusion. I do not think that is at all correct.

Mr. WHEELER. I am asking the Senator whether that is the fact.

Mr. ERNST. The Senator has heard my answer.

Mr. DILL. Mr. President, the Senator stated that the discussion yesterday had caused him to wonder why the lawyers for the contestant and the contestee did not take up this question of the shortage of ballots. May I say to the Senator that, as one Senator, I have wondered why the members of the committee did not take up this subject, even if the lawyers and the counters did not, and I would like to know how it happened that the committee did not take it up. Did the committee discuss the question at all?

Mr. ERNST. Not at all. The committee discussed, and very thoroughly examined into, every question which counsel for either side presented to the committee. After a careful study of the case—and I wish again to say that they were as able lawyers as there are in Iowa—they presented the case to us. We took up the case as it was presented. They made stipulations, which we observed. After a careful examination of the ballots they said to us, in substance, "This will decide the case either for contestant or contestee. Pass upon these ballots and give us the result." And that we did.

Mr. DILL. And the committee did not say to the lawyers, "Why do you not go into these cases?"

Mr. ERNST. They did not, so far as I have any knowledge or information.

Mr. DILL. It was not discussed.

Mr. WHEELER. Mr. President, will the Senator yield for another question?

Mr. ERNST. Yes.

Mr. WHEELER. You say you passed upon all questions that were presented to you, and I understood you to say a moment ago that Mr. Mitchell did call your attention to a discrepancy between the ballots and the official count.

Mr. ERNST. And you also heard me, if you were listening, say that the committee considered what he had to say, and determined that they would not again go over 900,000 ballots when he could have raised that question at the start, when we could have considered it when we first took up the case; that inasmuch as he did not raise the question at that hour, we would not permit him to force our committee to count 900,000 ballots. Both parties had submitted the case upon the evidence then before them, and we did not think that anything which Mr. Mitchell said was at all sufficient to make us again open up the case and again spend nine months, with the consequent expenditure of money, in going over the matter.

Mr. WHEELER. But he did present the question to you before you made a report to the Senate, did he not?

Mr. ERNST. I stated that.

Mr. HOWELL. Mr. President—

The PRESIDING OFFICER (Mr. DALE in the chair). Does the Senator from Kentucky yield to the Senator from Nebraska?

Mr. ERNST. I yield.

Mr. HOWELL. There was a shortage of 3,570 ballots in 1,068 precincts, in none of which the poll books tallied with the number of ballots. In fact, every precinct was short. Did not the committee think that was of sufficient importance to take up?

Mr. ERNST. The Senator asks me that when he has just heard me state that that matter was never presented to the committee by either of the eminent gentlemen who had this case in charge. That statement still stands.

Mr. BINGHAM. Mr. President, may I ask the Senator another question?

Mr. ERNST. Two or three.

Mr. BINGHAM. I apparently did not succeed in getting at the point which the Senator was trying to make with regard to the result of the propaganda.

Mr. ERNST. The Senator means I did not answer it the way he wanted me to. Try again.

Mr. BINGHAM. Am I to understand it this way, that the Republican organization in Iowa carried on very active propaganda against Mr. Brookhart so that the voters would vote for Mr. Steck, and as a result of that propaganda a great many voters marked their ballots in an illegal manner and cast illegal ballots?

Mr. ERNST. I did not say that. The Senator is making that up wholly. I did not say that therefore they marked their ballots in an illegal manner on account of the propaganda. What I did state, and state clearly, was that in the effort to vote the Republican ticket they put their mark under the circle, which would carry all the ticket. That then they went over and put a cross opposite Mr. Steck's name, and I said that I thought these errors in the original count were occasioned by the fact that the officials counting ballots very often looked at the top of the ballot, and, thinking it was a straight ticket, counted it as a straight ticket, when if they had gone more carefully about the counting of the ballots they would have seen that one or more names were scratched. That is the statement I made.

Mr. BINGHAM. But the Senator does think that the laws of Iowa with regard to legal ballots should not prevail in this case?

Mr. ERNST. What has that to do with the question the Senator asked a moment ago? The Senator said he wanted to straighten me out on some question. Suppose he tries again.

Mr. BINGHAM. I am trying to get it straight in my own mind. It was apparent from the Senator's statement that certain propaganda had been carried on to lead the voters to scratch ballots.

Mr. ERNST. That far the Senator is entirely right. Now, take the next step.

Mr. BINGHAM. That that frequently led to the scratching of ballots, which made it difficult to count them.

Mr. ERNST. Difficult to count? It would have been easy enough if care had been exercised. I gave that as my reason for believing the errors were made in the count.

Mr. BINGHAM. Is it not true that probably a large part of that propaganda led to the casting of a number of ballots which the judges of election in Iowa threw out because they considered them illegal but which the committee counted, because they believed that the intent of the voter should prevail over the laws of Iowa with regard to voting?

Mr. ERNST. I do not follow the Senator at all, probably because I am dense. I can not follow that reasoning.

Mr. LENROOT. As I followed the Senator, he stated that when Mr. Mitchell first raised this question of discrepancies the committee declined to consider it because they did not propose to go into a recount of these 900,000 ballots.

Mr. ERNST. Yes.

Mr. LENROOT. Did not the committee at that time have in their tabulation the actual figures as to the discrepancy from each precinct?

Mr. ERNST. I think they had all the figures which we now have before us.

Mr. LENROOT. And a further recount would not have affected that question at all in any way?

Mr. ERNST. How could we determine what he wanted us to determine without going over the ballots? I do not follow the Senator.

Mr. LENROOT. Going over the ballots could not have determined it, because there was a discrepancy, presumably, from the tabulation, and therefore it could not have involved a question of re-count. But what I am anxious to know is whether

the committee actually passed upon the question of this discrepancy, and as to what effect could be given to it.

Mr. ERNST. I thought the Senator was in the Chamber when I discussed that. I said that the committee did not.

Mr. LENROOT. Then, may I ask, why not?

Mr. ERNST. Because counsel never presented it to the committee for its consideration.

Mr. LENROOT. But Mr. Mitchell did at this time.

Mr. ERNST. Mr. Mitchell presented it when the evidence was all in, when we were ready to submit a report and determine the case, and we were of opinion that to obtain what was necessary, under his view of the case, an entire recount would have been necessary.

Mr. LENROOT. That is what I really rose to get information about. How could another recount affect that question one way or the other, presuming the tabulation to be correct?

Mr. ERNST. I do not think it would have been possible to have determined what I understood Mr. Mitchell to ask without a recount, and that was the opinion of others, so far as I could learn. We thought he knew that the result was adverse, and this was the straw at which he was grasping.

Mr. LENROOT. Was not the real question which the Senate must determine, if the committee did not, as to whether or not, where there is a discrepancy, the official count should be taken, or the recount taken?

Mr. ERNST. I think that where the ballots have been cast, where every one of them has been honestly counted as marked, where that work has been faithfully performed, there is no other thing the Senate need know to properly determine this contest. Every ballot submitted to the committee was honestly counted. You may suppose a hundred different things that might have happened. There is no evidence that any of them did happen, but every single ballot which was brought from Iowa to Washington was honestly and fairly counted, and the count showed that Mr. Steck was elected.

Mr. LENROOT. May I say to the Senator—I would like to have him know what troubles my mind—a slight discrepancy of a few votes would be natural; but if there is a very large discrepancy, say, of a hundred votes, in a precinct, what must be said about it? There may be no evidence of fraud, yet there must have been some mistake of some importance, or there would not be so great a discrepancy.

Mr. ERNST. The Senator may have heard the explanation that was made this morning. I do not profess to be able to answer that satisfactorily, because I think no one knows. I think that the discrepancies in hundreds of cases were accounted for by the envelopes containing ballots which had been rejected. I think that accounts for the discrepancies in part, but I am not now pretending to account for all discrepancies. If I knew, I would be only too happy to tell the Members of the Senate.

Mr. NORRIS. Mr. President, may I interrupt the Senator there?

Mr. ERNST. Yes.

Mr. NORRIS. Assuming that that explains it, then would it not be the duty of the committee to count those ballots which were in those other sealed packages to find out whether these 3,500 ballots were cast for one or the other of these candidates?

Mr. GEORGE. Mr. President, may I say to the Senator that under the law of Iowa the election managers are not required and neither are they authorized to return certain packages of spoiled ballots or ballots which they themselves rejected in the package of ballots which they send for the final count.

Mr. NORRIS. I understand that; and from one of those envelopes exhibited here I understand they are put in separate envelopes.

Mr. ERNST. Let me say to the Senator that we carefully examined every envelope, every ballot, everything that was brought to us to examine.

Mr. NORRIS. Yes; but—

Mr. ERNST. Now, wait until I get through and then I will listen to the Senator again. Everything that was brought to us to examine we did examine.

Mr. NORRIS. Did the committee examine those ballots?

Mr. ERNST. Each lawyer representing his own client gave us to understand that that was all there was for us to do. They said, in effect, that those ballots would determine the result. We accepted the representations of the attorneys for their clients. We did the only thing we could do—we counted every ballot that was brought to us.

Mr. GEORGE. They are put in a separate envelope. In a few instances the managers evidently included those separate envelopes in the general package of ballots. They ought not to have been so included at all.

Mr. NORRIS. Let me ask the Senator from Georgia a question. Strictly speaking, a spoiled ballot is either spoiled by the judges or is spoiled by a voter and returned to the judges, and the voter gets another one in place of it. I am not contradicting that, but the Senator has undertaken to give what he said is perhaps an explanation of the discrepancy by saying that the spoiled ballots were in separate packages. I am asking him now if they did not open those packages and count those ballots; and if they did, then they would know whether there was any discrepancy or not.

Mr. GEORGE. That is, strictly speaking, a spoiled ballot.

Mr. NORRIS. It would not be necessary to count those in ascertaining whether there was a discrepancy between the ballots and the number of people who voted.

Mr. GEORGE. Oh, no.

Mr. NORRIS. If that be true, then the explanation offered by the Senator from Kentucky, which he said may be an explanation, falls to the ground.

Mr. GEORGE. Oh, no; and they do not take into account other classes of ballots, either spoiled ballots or rejected ballots or contested ballots and protested ballots. There were several different classes of ballots. Spoiled ballots were not included in the general sack that came back to the counting board.

Mr. NORRIS. As I take it, in counting those votes, if they got a ballot that, for instance, in their judgment had an identification mark on it, they would not put it in a separate package. If they got a ballot that was good only in part, that ballot would go in the regular parcel.

Mr. GEORGE. Oh, certainly; but I am trying to make the point clear to the Senator. Under the law of Iowa certain ballots are handled by the managers on the day of election and are not returned in the general package, but are inclosed in separate envelopes or packages or containers and sent up to the county auditor.

Mr. NORRIS. But as I understand it, such ballots spoiled in that way would not be taken into consideration.

Mr. GEORGE. Oh, no; but the rejected ballots might under that law be placed in a separate envelope.

Mr. NORRIS. But as I understand it, in this case there were hundreds of those.

Mr. GEORGE. It might very well be, if the Senator will permit me, when a voter went in to vote that he might have given his name, and the clerk might very well have put his name on the poll list, but his ballot might have been rejected. He might not have been a qualified voter in that district. He might not have been entitled to vote and the election managers might have put his ballot outside of the box and sent that ballot up in a separate envelope.

Mr. NORRIS. Of course, they might have written fictitious names.

Mr. GEORGE. Or might have duplicated names.

Mr. NORRIS. But we are not assuming that they did anything contrary to law, unless it is affirmatively shown that they did. It would be the duty of the clerk to write down the name of the voter, not when he got the ballot and went into his booth, but when he came back and the ballot was delivered to a judge and dropped in the ballot box.

Mr. GEORGE. That would be his duty. But what I am trying to make clear to the Senator is that a rejected ballot under the law of Iowa is not put into a ballot box, but it is returned in a separate envelope and is placed with the spoiled ballots.

Mr. SHIPSTEAD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Minnesota?

Mr. ERNST. I yield.

Mr. SHIPSTEAD. I would like to ask the Senator from Georgia a question, if I may.

Mr. GEORGE. If the Senator from Kentucky has no objection.

Mr. ERNST. I shall be glad to have the Senator answer the question if he can.

Mr. SHIPSTEAD. I would like to inquire by what standard the committee measured the validity of these contested ballots? Was it by the law of Iowa?

Mr. GEORGE. Is the Senator asking me the question?

Mr. SHIPSTEAD. Yes.

Mr. GEORGE. If the Senator means those contested ballots handed to us by counsel for Steck and Brookhart—

Mr. SHIPSTEAD. I mean the disputed ballots, where there was a dispute as to their legality.

Mr. GEORGE. So far as I am concerned, I tested them by the manifest intent of the voter in the light of the law of Iowa. I did not throw out any ballot upon a purely technical ground. I did not assume and never shall assume that a

voter will take the pains to vote, go to the polls, and carefully mark a ballot which unmistakably evidences his intent to vote for a particular candidate, and then will purposely do something which in technical law might invalidate his act. I do not invoke that kind of technical law, nor did I apply it in this case. The law of Iowa, as the law of every other American State, mentions the intent of the voter. Senators talk about the intention of voters and talk about a ballot marked according to law. The law of every American State proceeds upon the basic principle that the intention of the voter is to control, and one should never invalidate a ballot because of any shortcoming upon the part of a manager of election unless it amounts to such fraud that we are compelled to reject the whole election. We should never invalidate the voter's ballot which he has been at pains to cast if his intent is clear, because the purpose of every election law is to reflect the intention of the voter.

Mr. WILLIS, Mr. WHEELER, and Mr. WILLIAMS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kentucky yield; and if so, to whom?

Mr. ERNST. I believe I still have the floor. I yield first to the Senator from Ohio.

Mr. WILLIS. I notice at page 29 of the report, that being the minority report, this statement is made:

It will be observed that in reaching this result there have been included the 1,344 votes that the majority refused to count, and that Senator GEORGE and myself held should be counted for Brookhart.

Does that statement correctly represent the Senator's view of that matter?

Mr. GEORGE. That is the conclusion I reached.

Mr. WILLIS. I should be very grateful to the Senator if he would explain to the Senate the contention of the majority of the committee and his own contention touching these 1,344 votes. I think that is very material.

Mr. GEORGE. I shall be pleased to do so, but I hesitate to do it in the time of the Senator from Kentucky. I expect to make a short statement after he concludes.

Mr. WILLIAMS. Mr. President, I would like to ask a question. I do not care who answers it.

Mr. ERNST. If the Senator from Missouri will wait for about one moment, he may ask the question of anyone he desires excepting myself.

Mr. WILLIAMS. I should like to ask a question of the Senator from Georgia.

Mr. ERNST. I wish to finish what I have to say, because I have almost concluded. In the first place, there seems to be some misapprehension as to what was brought before the committee by Mr. Mitchell, and the questions which have been asked time and again do not, in my judgment, correctly state what Mr. Mitchell said at that time. The point which I understood he then made had nothing to do with the matters which we have just been discussing here or the difference in the votes as shown by the ballots and the names as registered. The point that he made and insisted upon was that it was up to Mr. Steck, as he stated, to show that from the time the ballots were cast in Iowa up until the time they were counted here every precaution was taken, as the law of Iowa requires, to see that they were not tampered with; that Steck had to show affirmatively, being the contestant, that those ballots were not fraudulent and that no change had been made in them in any way. The question which the Senator from Montana stated a little while ago was not, as I recall, raised by him at all.

Mr. WHEELER. The question I asked the Senator was if Mr. Mitchell did not contend and if the Senator did not admit that the law of Iowa places the burden of proof upon the contestant to show not only that the ballots were not tampered with but that there was not any possibility of having them tampered with.

Mr. ERNST. Granting all that the Senator may say about the law of Iowa is correct, and I have no desire to dispute that fact—

Mr. WHEELER. Will the Senator—

Mr. ERNST. Pardon me. Let me make my statement. The view which I take of it is that it does not control our committee; that an issue was clearly made by two of the best lawyers in the State of Iowa, that the issue was fought out before our committee, that we solved every question which they gave us to consider, and we counted every ballot they brought to us to count. We announced the result. There is not the slightest evidence of fraud or of overreaching or improper conduct anywhere. Therefore I state, bearing in mind my oath as a Senator, I could not do other than vote to seat Mr. Steck, because he received a plurality of votes honestly cast and

which were honestly intended to be cast for him. Without relying upon some technicality, without placing it upon some ground for which there is no good reason, and without abandoning the long and time-honored custom of the Senate to follow the intention of the voter, I can not do other than seat Mr. Steck.

Mr. WHEELER. Mr. President, will the Senator yield for another question?

Mr. ERNST. I will yield the floor to the Senator.

Mr. WHEELER. Will the Senator please state to the Senate what the law of Iowa is with reference to that matter?

Mr. ERNST. I am willing to have the Senator state it, and I will probably agree with any statement the Senator will make about that law. [Laughter.]

Mr. WHEELER. But the Senator does not contend that the committee followed the law of the State of Iowa at all?

Mr. ERNST. I think I have stated that to the Senator three times, and I will state it with great pleasure the fourth time. We did not.

Mr. WILLIAMS. Mr. President, I had the honor of being a member of the Committee on Privileges and Elections. I was not placed on that committee until some time after the organization of the Senate. I was not notified that I was to be a member of the committee until after the hearings had been had, the evidence was all in, the arguments of counsel made, and the committee practically ready to make its report.

I attended a committee meeting and heard a statement made by the junior Senator from Arkansas [Mr. CARAWAY], which was very illuminating, but no minority views were presented by the Senator from Mississippi [Mr. STEPHENS]. I felt disinclined to join in either the majority report or the views of the minority, because I felt that my name on the report would add nothing and might subtract nothing from the conclusiveness of either of those reports. I therefore asked to be excused from voting in the committee. I think it was the consensus of opinion of the members of the committee that I should be excused, and so I did not join in either report.

It seems to me, Mr. President, that we may define the issues in this case somewhat clearly and get out of what seems to be an entanglement, clarify our views, and determine this case along rather broader lines, possibly, than may have been suggested to the Senate.

In the first place, I wish to say—and if I am not correct in this the members of the committee will correct me—that there is no plan, that there are no rules which have been adopted by the committee for contests such as this. There is nothing to indicate to a contestant what it is necessary for him to allege and to prove; there is nothing to indicate the form of the answer which the contestee may make.

There is now pending before the Committee on Privileges and Elections another election contest. The committee has gone over the petition or the complaint in that case and has decided that the allegations are not sufficient to justify a recount. It is too palpable and plain upon the face of the petition in that case that it is merely a "fishing expedition." There is no definiteness, no certainty in the allegations of the complaint; but the allegations in the complaint in that case are not dissimilar from the allegations in this case.

I think there is no member of the Committee on Privileges and Election who as a lawyer would say that the petition or the complaint in the pending case states a cause of action, for the reason that it is so lacking in certainty and so lacking in definiteness. The complaint in this case alleges that those who made the count were guilty of errors and irregularities, but those averments are general in their character, and the errors and irregularities to which the attention of the Senate is called, according to the words of the complaint itself, exist in 99 out of the 99 counties of the State of Iowa. It is my belief that if this petition were filed with the committee to-day the committee would have to say, basing its judgment upon its action in another case, that the averments of this complaint are not sufficient to state a cause of action, and that, without evidence outside of the record to support the allegations of the complaint, no recount would be ordered. That is, first, that the petition itself is not sufficient.

The second point to which I desire to direct the attention of the Senate is that this is not a contest between Mr. Steck and Mr. Brookhart; that they are not the real parties in interest. The paramount issue in this case will not be determined for Steck or for Brookhart but will be determined for the people of the State of Iowa. It is their representative who must appear in the United States Senate; it is their representative whose election is to be determined upon. Neither Mr. Steck nor Mr. Brookhart has any property interest in this case. We decide in all election cases that no costs will be assessed against the losing party. The costs in this case will be borne

by the Government, and the attorneys on both sides will be paid by the Government. The expenses will be borne by the Government. It is not a contest between Steck and Brookhart but is an effort to determine the registered will of the people of the State of Iowa as legally expressed in that State.

If I am correct about the complaint in the case, and if I am correct as to where the paramount issue lies, then the question naturally arises as to what would have happened in this case if Mr. Steck had filed this complaint and Mr. Brookhart had appeared before the committee and had proceeded in this wise: Suppose Mr. Brookhart had said, "Gentlemen of the committee, a contest has been filed for the seat in the United States Senate from the State of Iowa. The interest of the public in that State is paramount. I shall take no part whatsoever in the proceedings; conduct the contest as you will. When you have determined it, advise me of your decision; when you have finished your deliberations, let me know, and I will decide at that time what I may do as I may be advised." Suppose, the interest of the public being paramount, that Mr. Brookhart had proceeded in that way, what would have been the result? The chairman of the committee stated what the result would have been. He has already told us that the result would be in doubt and that the committee could not advise us. Is not that the question in this case?

The sharp issue which the Senate has got to decide in this contest is whether the laws of the sovereign State of Iowa are to be recognized and observed or whether a committee appointed by the Senate can examine the ballots cast in the State and determine for themselves, regardless of the State law, whether one man has been elected or another. That is for us to decide. The rule in the House of Representatives runs one way; here it runs another. Is there a principle involved? If there is, we ought to know what it is and decide now once for all what that principle is and should continue to be.

For example, the Senator from Mississippi and the Senator from Georgia have decided under the laws of Iowa in force on the date when this election took place. Mr. Brookhart is entitled to 1,344 votes. Under the laws of Iowa there can be no doubt that he is entitled to those votes. What does the committee say? It says there are three methods of voting. An elector may cast a straight Republican or a straight Democratic vote, as the case may be, by putting a cross in the circle at the top of the ballot. The elector may also put a cross in front of the names of the candidates for whom he wishes to vote and if he does not put a cross in front of all the names, but puts a cross in the circle, it is still a straight Republican or a straight Democratic vote. The methods of casting those votes and of counting them are not mutually exclusive. Under the laws of Iowa those 1,344 votes, in my humble judgment, must be counted for Mr. Brookhart. That leaves only 70 out of approximately 1,000,000 votes cast. The Senator from Mississippi has analyzed those votes.

My purpose is not to indicate that Mr. Steck or Mr. Brookhart has been elected, but to try to define the issue and determine the big question upon which this contest must be determined. There has not been a more interesting question at this session nor a greater problem presented than is involved in this case. The question involves the right of the State of Iowa. I believe in State rights. I may not believe in that doctrine in the same sense that my friend from Nevada believes in State rights, because I believe sovereignty resides in all the people; but I believe in the right of local self-government.

Mr. SHIPSTEAD. Will the Senator yield?

Mr. WILLIAMS. I will be glad to yield in a few moments. When a voter in Iowa votes he does not vote for himself alone; no voter does. As voters at an election we vote in a representative capacity. We vote for all those who have not attained the age of 21; we vote for all those who are absent; we vote for all those who are in insane asylums; for all those who are non compos; for every citizen of the United States we cast a vote. No man voteth to himself alone. He votes for himself naturally, but also for all other persons whom he presumes to represent. Sovereignty resides in all the people of the United States. "We, the people of the United States!" Yes; it resides there, but sovereignty is exercised by the great electorate and not by the people as a whole, those who are citizens of the United States. These are the issues to be determined. These are mighty issues. This is not a case between Steck and Brookhart; it is the attempt to register the sovereign will of a sovereign people.

Now I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. Mr. President, holding the view that the Senator holds—and I think he is correct when he says that the title to this seat is vested in the people of Iowa—when the

question arises here as to whom they intended to confer this title upon it must, then, be self-evident that any agreement or stipulation that may have been made or agreed to between the contestant and the contestee can not affect the question.

Mr. WILLIAMS. Of course, it must follow that if this right belongs to the people of Iowa, and if the public interest is paramount, then it is not competent for one man or any two men, contestant and contestee, by stipulation, waivers, and estoppels to thwart the will of the people.

Mr. SHIPSTEAD. That is what I wanted to have the Senator make plain.

Mr. WILLIAMS. Non constat, that a poor man running for office, a contestee, venal in his nature, might enter into an unholy agreement with the contestant.

Mr. GEORGE. Mr. President, may I ask the Senator a question?

Mr. WILLIAMS. Certainly.

Mr. GEORGE. Mr. President, there is no disagreement between the Senator from Missouri and myself as to who are the real parties at issue in this case, but I want to ask the Senator if all private rights and all public rights are not asserted, upon the one hand, and advocated, on the other hand, by individual citizens?

Mr. WILLIAMS. Undoubtedly.

Mr. GEORGE. Very well. Therefore, is it not fundamental in morals and in law that, with respect to mere procedure, the citizen who asserts a public right or a private right may waive mere rules of procedure or practice?

Mr. WILLIAMS. It depends upon the attitude of those who hear.

Mr. GEORGE. How can the right of the citizen depend upon the attitude of anybody?

Mr. WILLIAMS. The rights of the citizens of the State of Iowa devolved upon the Committee on Privileges and Elections in this controversy.

Mr. GEORGE. I understood the Senator to answer my first question that both private rights and public rights—

Mr. WILLIAMS. If the Senator will pardon me, I think he did not say "public rights." I understood the Senator to say "private rights"; but if he said "public rights," I must change my answer.

Mr. GEORGE. I will reframe my question. Do not public rights depend upon individual citizens in the last analysis?

Mr. WILLIAMS. Private rights?

Mr. GEORGE. Public rights. Who asserts public rights save the citizen?

Mr. WILLIAMS. The amicus curiae, the friend of the court.

Mr. GEORGE. I am sorry the Senator states that.

Mr. WILLIAMS. The Committee on Privileges and Elections.

Mr. GEORGE. Oh, no!

Mr. WILLIAMS. Undoubtedly.

Mr. GEORGE. The Committee on Privileges and Elections represents the Senate here.

Mr. WILLIAMS. What would have happened, if it pleases the Senator from Georgia, if Mr. Brookhart had made no appearance whatsoever before this committee, by himself or by his counsel?

Mr. GEORGE. Then we would have tried the case at arms' length.

Mr. WILLIAMS. Exactly; and will the Senator dare say what the result of this contest would have been?

Mr. GEORGE. I did not count all of the ballots, if the Senator means from my personal knowledge.

Mr. WILLIAMS. I mean, can anybody say what the result would have been if Mr. Brookhart had not appeared?

Mr. GEORGE. I think so, and I propose to discuss that.

Mr. WILLIAMS. The Senator will pardon me, but—well, I will not refer to a previous colloquy of ours on this subject.

Mr. GEORGE. Yes; I propose to discuss that later, and I shall be pleased to say why.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WILLIAMS. May I say just this in closing, and then I will yield:

I want to say that according to the time-honored usages of the Senate and of the committee there has never been a harder working body of men, and I yield to them fully all the credit that is most rightfully and properly due them for the work they have done in this hard contest. I want that distinctly understood. I am simply trying to determine the issue, to define it, if I may, and state what we have to decide in this case.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WILLIAMS. Certainly.

Mr. LENROOT. In view of the question asked by the Senator from Georgia, I should like to ask both Senators if it is

not the general rule that in judicial proceedings stipulations or waivers made between the contesting parties will not be accepted unless joined in by the representative of the public, the attorney general, in quo warranto proceedings?

Mr. WILLIAMS. I think that would follow.

Mr. GEORGE. In quo warranto proceedings?

Mr. LENROOT. Yes; is it not the rule that where public rights are involved the contestants in election cases can not make stipulations or waivers?

Mr. GEORGE. Oh, yes; the contestants in contested-election cases do make stipulations and waivers. They make them in Iowa; they make them in every American State.

Mr. LENROOT. I have cases here where they were not accepted or received unless the stipulations or waivers were also agreed to by the representative of the public, the attorney general.

Mr. GEORGE. Oh, the attorney general may be made a party to a quo warranto proceeding. He is a party or he may become a party. He is a party in fact or he is a party in interest, and every party in interest has a perfect right to pass upon every stipulation made in the case.

Mr. LENROOT. Mr. President, I desire to ask the Senator from Missouri one other question.

Mr. WILLIAMS. Certainly.

Mr. LENROOT. Assuming the law of Iowa to be applied and assuming that the theory of the minority with regard to the discrepancy in the recount between the ballots and the poll list should be accepted, is it the Senator's view that the Senate has any information then upon which to render a final judgment?

Mr. WILLIAMS. I think the last question I asked the Senator from Georgia would answer that, if you please. We can not get anywhere on any such theory. We can not answer the question. It is not answerable from any data before us.

Mr. LENROOT. It might be, on the minority's theory, if the contested ballots from these precincts where the vote and the poll list tallied could be passed upon by the committee and ascertained; but that has not been done.

Mr. WILLIAMS. No; that has not been done. Of course, the Senator understands that the committee did not feel that it was its duty to do that, because the contestants were represented by counsel and by counters.

Mr. LENROOT. In other words, they accepted the waivers and stipulations as binding?

Mr. WILLIAMS. That is correct; they did.

Mr. WILLIS. Mr. President, I desire to ask the Senator a question.

Mr. WILLIAMS. I yield.

Mr. WILLIS. Is it the opinion of the Senator that the conclusion stated in the minority report touching the 1,344 votes is correct? I know that the Senator did not join in the report, but I am anxious to have his opinion on those votes.

Mr. WILLIAMS. The Senator understands that I have no opinion as to the 76 votes. As to the conclusion arrived at by the Senator from Mississippi on those, I expect that he will state that, and I shall listen to it for information and advice; but as to the 1,344 votes I have not the slightest doubt that under the laws of Iowa they were cast and properly counted for Brookhart.

Mr. WILLIS. But, as I understand, Mr. President, in this report made by the majority they are not counted.

Mr. WILLIAMS. They are not given.

Mr. WILLIS. They are counted as "no votes."

Mr. WILLIAMS. Yes; "no votes." They are taken off the Brookhart vote.

Mr. WILLIS. Yes.

Mr. WILLIAMS. If they had been conceded to Brookhart, the majority report would have left Brookhart minus 76 votes.

Mr. STEPHENS. Mr. President, before I begin a discussion of the law and the facts of this case, I desire to make one or two preliminary remarks.

As has been indicated by other Senators, this is a very important matter—one of the most important that has come before this body at this session. I realize that each Senator recognizes the importance of the proposition involved here. I know, too, that only a few of the Senators have had an opportunity to go into this matter very carefully. I am referring, of course, to those who were not on the committee. For that reason I am going to say that I shall be very glad to have any question asked me by any Senator who cares to ask a question, and I feel that it is needless for me to say that I shall endeavor to give a courteous answer to each question propounded.

I am going to say, too, before I reach the law and the facts that on yesterday there was some reference to the conduct of one of the parties to this contest with regard to discussing the matter with various Senators. I am not going to defend Senator Brookhart. I am not here for that purpose. I have no personal interest in him nor in the fight that is being waged for the seat he now occupies as a Senator. I am not going to discuss whether or not he breached the proprieties in approaching Senators on this matter; but I am going to say that so far as I know there never has been a single intimation made that he has made an improper suggestion to any Senator, and I am going to say further that he had as much right to discuss the matter in private conversation with Senators as did many others who were not parties to the contest.

I have here numerous letters and telegrams making appeals to me to vote for Mr. Steck because he is a Democrat. I said to some of those people: "This is not a political question; it is a judicial question. The law and the facts are involved; and whenever you ask me to make it a political question you are offering the grossest kind of an insult."

On yesterday I clipped from a paper edited by one of our colleagues, the junior Senator from South Carolina [Mr. BLEASE], the following. It seems that some constituent of his had written him saying:

You are being talked about because it is understood that you are going to vote for Brookhart. You know, ordinarily, your constituents expect one to stand by his party men.

And the Senator very properly replied:

I will sit on that case as a judge and shall be governed entirely by the law and the evidence as presented to the Senate; and when I am satisfied from that as to who won, then he shall receive my vote.

This is no political contest, but a judicial contest; and a man who would vote for either one or against either one because he is a Democrat or a Republican would be unworthy to sit on a magistrate's jury, much less to be a representative of the great State of South Carolina in the United States Senate.

Spoken like a man and a statesman!

Mr. President, whatever political principles I may have have been gained by a study of the political thought of some of the great men of our Nation, and more particularly the men of my own State. I have not only gained from that study ideas upon political principles but I have also gained some other ideas that impel me to follow the course that I shall follow in this case.

Mr. President, we are not sitting here to-day as a legislative assembly; but the Senate, for the time being, has resolved itself into a judicial tribunal. I hope you will pardon me if I read for a moment the words of a great Mississippian. He was discussing a contested-election case in the House. He said:

There is, perhaps, nowhere in the Constitution a power conferred upon the Government, or any of its departments, more important and delicate. And, sir, in the hands of a corrupt and factious majority it might be made a dangerous instrument of oppression, for it opens an avenue through which Federal power can effect an entrance right into the heart of a State, and going behind the acts of its authorities march up to the very fountains of political power. And hence I respond fully to the sentiment of the gentleman, that we should decide these questions impartially and without reference to party prejudices. Sir, he who would drag such a question into the arena of party debate trifles with the rights of the people. The Member who, in this matter, is prompted by any motive less pure than truth, who raises his voice or gives his vote with even a glancing thought of party profit, is untrue to the high responsibilities of his position, and guilty of crimes less majestic.

Those words occurred to me when I received a telegram from my State saying:

I am wondering why you are supporting Brookhart, against Steck, a Democrat.

I hope that my friend in Mississippi may read the language of L. Q. C. Lamar, one of the greatest men who ever lived in the State of Mississippi, and one of the great men of the Nation.

Mr. President, I am following my conscience in this matter. It may be that my conscience is too sensitive and too tender, but I have reached the conclusion that under the law and the facts Senator Brookhart is entitled to a seat in this body, and I am unwilling to trample under foot the laws of the State of Iowa, or the laws of any of the 48 States in the Union. I am unwilling to be a party to the setting of a precedent which will give the opportunity, as Mr. Lamar said, to march up to the very fountains of political power, and trample upon the rights of the State. As much as I would like to see the Democratic membership of this body increased, I can not, I will not, make a political question of a judicial one.

We have heard much in this discussion with reference to stipulations, with reference to agreements, with reference to waivers, and many charges have been made that there has been an effort on the part of some one to go back upon an agreement. I want to say that I defy any man—and there will be others to follow me—I defy any man in this Chamber to point out a stipulation that has not been lived up to.

Let me follow that a little further. Let us see, in the first place, what the stipulations were. Mark you, Mr. President, there is not in the printed hearings any stipulation with reference to a change of method with regard to bringing the ballots from the State of Iowa to the city of Washington in order that they might be counted here.

There is nothing in the record to show that any such agreement was ever entered into. I say in all fairness that there was an agreement entered into, but I deny that it goes to the extent to which Senators on the other side of this question allege it goes. It was merely a verbal agreement. I did not hear it, nor did you; but there was somebody who did hear it. I notice in the record that an affidavit is referred to in which Mr. Parsons, attorney for Mr. Steck, states that a letter, I believe, as I recall it now, which he wrote, contains that agreement. I find on page 15 of the majority report Exhibit A, and Mr. Parsons says this:

That the facts set forth in Exhibit A, attached hereto, and by reference made a part hereof, being a copy of letter written to the Hon. RICHARD P. ERNST, are true; and that the affiant has personal knowledge of such facts, and knows them to be true.

I have not seen that letter. I do not know what it contains, but I have been told that it is to the effect that there was a later agreement between him and Mr. Mitchell with reference to bringing the ballots here.

Instructions were given, by the attorneys, I presume, to Colonel Thayer, the Secretary of the Senate. On yesterday the Senator from Arkansas [Mr. CARAWAY] referred to Colonel Thayer in very complimentary terms. If it would not require time, I could say just as splendid things about Colonel Thayer myself. I do not question his honesty, his integrity, or the correctness of any act performed by him in this matter. But what I am getting at is just this: That he was given information as to what the agreement was between counsel for these parties, and I feel sure that I was right in what I had to say in the minority report about the matter, although at that time I had not seen a copy of the letter; in fact, I procured it only yesterday afternoon.

I argued in the minority report, as I recall, that the stipulation that was made orally went only to this extent, that the parties waived the right of having a personal representative go to the different county seats and inspect the containers and everything connected with the ballots before they were sent here. What did Colonel Thayer say in writing to these county auditors? He stated:

The attorneys for both sides have waived the instructions requiring a witness from each side to be present when the ballots are placed in the mail sacks and sealed.

Ah, Mr. President, it was argued very forcefully here yesterday that Senator Brookhart, or some one representing him, had repudiated an agreement. What was that agreement? Simply that Brookhart waived his right to have a man go to the 99 county seats in his State and make a personal investigation of the matter, but that he was willing to leave it, and did leave it, to the various county auditors to comply with the request of this committee.

Let us see what the order of the committee was. I hold in my hand a copy of the subpoena issued to the various county auditors, and let me read what it says. Before I do that, however, I will refer to the stipulations. This is the stipulation, and I want Senators to listen carefully to it, because they will see that there was not a waiver of any right that either party might have had with reference to the lack of care in preserving the ballots or in complying with the laws of the State in any particular.

I want to say this, further, that although everything mentioned and referred to in this stipulation had been carried out to the very letter, still either party had the right to make legal objection to those ballots, to the condition in which they had been kept, to the manner of their preservation, and so forth. This stipulation provides:

That immediately prior to the transmission of the said books, papers, and documents the envelopes and containers thereof shall be examined by the county auditor in the presence of a representative of each of the contesting parties, who shall be designated for that duty by their respective counsel for the said parties, and the said examiners and county auditor shall sign their names on each and every envelope or

container, which shall be sealed in such manner that they may not be tampered with or opened except by authority of the Committee on Privileges and Elections of the United States Senate without evidence of such tampering or opening appearing thereon.

There is another sentence there which I shall discuss later. It is not applicable just at this moment.

What was that stipulation? That the auditor, and a representative of each of the parties, should jointly make an examination, and that each one of them should write his name or his initials upon each one of the envelopes or containers. But this oral agreement or stipulation, if you please, was entered into, to the effect that the whole matter was left in the hands of the auditors, and this subpoena followed the stipulation. Each auditor, under this, was required to write his own name or his initials upon each one of these containers. Yet, as I can show, there are many where no such thing was ever done. In fact, so far as I have seen, this subpoena was followed only in one county. I do not say, of course, that it was not followed in others, but I do have here envelopes and containers from several counties which show that this agreement was not complied with.

Mr. REED of Missouri. If I understand the Senator correctly, the only modification of the written stipulation that was made by the subsequent oral agreement, was that the parties waived the right to be personally present, leaving all the other conditions of the stipulation standing.

Mr. STEPHENS. That is very true.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. STEPHENS. Certainly.

Mr. GEORGE. The Senator from Mississippi was not upon the subcommittee.

Mr. STEPHENS. I was not.

Mr. GEORGE. The Senator from Mississippi came in after the record was practically made up.

Mr. STEPHENS. I did.

Mr. GEORGE. Will not the Senator from Mississippi read the language so that that portion of the subpoena providing for the joint duty and the joint act of the representatives of Mr. Steck and Mr. Brookhart and the county auditor may be made clear? Does not the next sentence, which the Senator has not yet read, refer to the separate duties of the auditor? How could the auditor, jointly with representatives of Steck and Brookhart and in their presence, sign his name along with theirs when they waived their right to be present?

Mr. STEPHENS. First, I want to say—

Mr. GEORGE. Will not the Senator read the language?

Mr. STEPHENS. Yes; in just a moment.

I am going to answer the question, but I think I have a right to answer it in my own way. The Senator will remember that I stated that there was another sentence immediately following what I read to which I should direct attention in a moment. I shall do that. I have no desire to avoid reference to anything that is in the record.

Mr. GEORGE. No; I did not intimate that; I merely wanted the Senator to read that statement.

Mr. STEPHENS. I will read it again. Does the Senator mean the part I omitted?

Mr. GEORGE. No; the part the Senator read.

Mr. STEPHENS. All right; I will read it again.

That immediately prior to the transmission of the said books, papers, and documents the envelopes and containers thereof shall be examined by the county auditor in the presence of a representative of each of the contesting parties, who shall be designated for that duty by their respective counsel for the said parties, and the said examiners and county auditor shall sign their names on each and every envelope or container.

Mr. GEORGE. My question is if that does not provide and stipulate for the joint act of the representatives of Mr. Steck and Mr. Brookhart and the county auditor?

Mr. STEPHENS. I said that in the very beginning.

Mr. GEORGE. And two of the parties having waived their presence, in other words, having made a novation of that part of the stipulation, it was quite impossible for the auditor to comply. Now, the next sentence or the next stipulation places upon him an individual duty. Will the Senator read that sentence?

Mr. STEPHENS. I will come to that in just a moment. I want to say, however, in regard to the matter I was discussing, that it was only a waiver of the right to have these representatives present. It was not a waiver of the right to have those ballots identified—not at all. There was no such waiver by anyone. There still rested upon the auditors the duty to send the ballots to Washington properly identified. The point I am trying to make is simply that so far as I have been able to ascertain, although I did not go through the whole matter,

because I could not do that, I find that in county after county there is not a single thing pinned upon the envelopes or containers to identify them as being the papers turned over to the various county auditors by the judges or holders of the election.

Mr. GEORGE. Now I understand the Senator to assert that if the stipulation had been carried out exactly as it was made, it would not have waived and would not have extended to a waiver of proper identification and proper showing that the ballots had been preserved as required by law.

Mr. STEPHENS. I do not think so.

Mr. GEORGE. I understood the Senator to make that assertion.

Mr. STEPHENS. Will the Senator state the proposition again?

Mr. GEORGE. I understand the Senator to insist now that under the stipulation there was no waiver nor intention to waive the proof that the ballots had been properly preserved and that they were the identical ballots cast at the election.

Mr. STEPHENS. I still contend that the language itself does not show that there was any intention on the part of either one of the parties to waive any legal right he might have.

Mr. GEORGE. Let me call the Senator's attention to Mr. Brookhart's own interpretation of the stipulation. I think that is a fair way of getting at the case.

Mr. STEPHENS. From what does the Senator read?

Mr. GEORGE. From page 329 of part 2 of the hearings, I understand Mr. Brookhart contends that the stipulation was not complied with, but here is the interpretation to which I am seeking to direct the Senator's attention:

We had made it easy so that the preliminary proof of identity and the care and keeping were unnecessary and signed this stipulation to make it easy for the committee.

I do not know how the Senator could misunderstand and misinterpret that stipulation. If he had been on the subcommittee as those of us who were he could not do so. If there is any reason for misinterpretation or misunderstanding of it, certainly Senator Brookhart's understanding of what he meant by entering into the stipulation is a fair and just and reasonable interpretation.

Mr. STEPHENS. Mr. President, it makes no difference what interpretation Senator Brookhart may have put upon this particular stipulation.

Mr. GEORGE. Then do I understand—

Mr. STEPHENS. Wait a moment and let me answer. As a matter of fact, that does not enter into the equation at this time or at all. Admitting for the sake of the argument that Mr. Brookhart's construction was right and that my construction is wrong, how does it help the contention of the Senator? How does it help the proposition the Senator is advancing? It is admitted here, or will have to be admitted, that various auditors did not comply with the provisions of that stipulation, and I contend that, no matter what stipulation might have been made, it has no right to be considered unless the terms of the stipulation are carried out.

Mr. GEORGE. I am not asking the Senator that question, and he knows I am not asking that question.

Mr. STEPHENS. Will the Senator ask another question, then?

Mr. GEORGE. I asked the Senator what his interpretation of the stipulation was, and he answered me that it extended only to the bringing down of the ballots. That is the effect of it, at any rate, and he said that it did not extend to the preliminary proof or waiver of proof of proper identification of the ballots, proper preservation of the ballots, and proper keeping of the ballots. Then I called the Senator's attention to the interpretation placed upon the stipulation by the Senator from Iowa [Mr. Brookhart] himself. The man who made the stipulation certainly has a right to interpret it. I am not discussing whether the stipulation was complied with. That is altogether a different question. The Senator may take his view about that matter.

Mr. STEPHENS. Let me ask the Senator a question. Suppose that we take it for granted, and suppose I admit that my construction is wrong and that the one the Senator says Mr. Brookhart placed upon it is the correct interpretation. Is that a matter of any importance in this case if the stipulation itself was not complied with?

Mr. GEORGE. But I contend that it was complied with.

Mr. STEPHENS. That does not answer my question. If the stipulation was not complied with, then what does the Senator say?

Mr. GEORGE. Oh, if the stipulation was made and it was subsequently set aside by the parties, it would have no efficacy.

Mr. STEPHENS. Not at all, if it were not complied with by the parties who should have carried it out.

Mr. GEORGE. I am not arguing that with the Senator. I am merely asking his interpretation of the subpoena or his contention about two facts only. One was that when the clause in the subpoena requires joint action by the auditor and representatives of Steck and Brookhart, and Steck and Brookhart have waived that right and failed to carry out their part of the stipulation, it of course could not be carried out by the auditor, inasmuch as the next provision of the subpoena specifically provides for the individual act and return of the auditor. Of course, I concede that if the stipulation is entered into and not carried out, that ends the matter, and it has no bearing on the question.

Mr. STEPHENS. What I have been attempting to argue is that here was a stipulation entered into which first required three parties to make an examination and all three of them to sign their names or initials upon the envelope and containers. Later on the contestant and the contestee said, "No; we agree that our representatives shall not go there, but that these matters shall be brought to Washington under the signature of either the name or the initials of the auditor." Is there any contention that there was any further agreement than was stated by Colonel Thayer in his letter of instructions, that the representatives of the parties should not be required to go to the various county seats?

Mr. GEORGE. The next sentence provides what the auditor was to certify. He was to certify if there was any opening or any mutilation of the bags.

Mr. STEPHENS. I will come to that in just a moment. I am taking one proposition at a time. I was careful to call attention in the very outset to the fact that there was another sentence that I should read just a little later, and it would have been read long since but for the interruption.

Mr. GEORGE. I wanted to make plain that the Senator was giving an interpretation of the stipulation and the subpoena which follows it which Senator Brookhart himself flatly contradicted.

Mr. STEPHENS. Will the Senator contend that there ever was a stipulation to the effect that the auditors of the counties should not write their names or their initials upon the various containers?

Mr. GEORGE. There never was an agreement in the original stipulation that they should do that except in the presence of the representatives of Mr. Steck and Mr. Brookhart.

Mr. STEPHENS. Then it is the Senator's contention that the auditor owed no duty whatever with reference to identifying the ballots because of the fact that the representatives of Steck and Brookhart were relieved from going there.

Mr. GEORGE. The Senator is a lawyer. What good would it do in the case of a will, where the law requires three witnesses to the signature, for one person to witness the signing of the will?

Mr. STEPHENS. That is an entirely different proposition, because that is controlled by statute.

Mr. GEORGE. And this situation is controlled by stipulation.

Mr. STEPHENS. Here was an agreement by the parties, as the Senator claims.

Mr. GEORGE. If the Senator wants me to tell him the facts about it, I will do so, because he was not on the subcommittee. I do not want to take his time to do it.

Mr. STEPHENS. I am perfectly willing. I want to know the facts.

Mr. GEORGE. I do not want to take the time of the Senator to do it unless he is willing.

Mr. STEPHENS. I shall be very glad to hear the Senator.

Mr. GEORGE. The first is a provision in the stipulation and in the subpoena which Mr. Brookhart himself interprets to mean, and could only mean, that it was a waiver of all this preliminary proof which the committee might have had to make if they did not waive it. It was only a question of bringing down here the auditors from the various counties in Iowa. That is all. We could have got them and we could have proved those facts. But they entered into these stipulations in order that we might not have to do it. Then Mr. Steck's counsel and Mr. Brookhart's counsel got together and decided that they did not care to go into each one of those counties and have the auditor examine those packages in their presence, so they said that since the auditor was sending down those votes any way, and since he was required to know whether any damaged or opened or mutilated or altered or changed ballots were involved, that they would waive their presence. Each one of the auditors in the several counties in Iowa had served upon him a subpoena from the Sergeant at

Arms of the Senate containing that stipulation; each auditor in the State of Iowa, without an exception, bundled up the votes in his custody and control, sent them down to the Sergeant at Arms, with a statement of the number of the mail bag in which he placed each one, with a statement of the number showing on the disk of the rotary lock attached to the mail bag, and each of the bags came here under the exact number indicated by each of the auditors of the State of Iowa, with the disk number showing, proving beyond any question of doubt that there had been no tampering with those ballots after they had left the auditor and until they reached us.

Mr. WHEELER. Mr. President, will the Senator from Georgia yield for a question?

Mr. GEORGE. Yes; with the permission of the Senator from Mississippi [Mr. STEPHENS].

Mr. STEPHENS. Certainly; I yield for that purpose.

Mr. WHEELER. Does the Senator from Georgia contend that by that stipulation the Senator from Iowa, Mr. Brookhart, waives any legal objection that he might make to the introduction of these ballots for the purpose of overcoming the official count?

Mr. GEORGE. I have read what the Senator from Iowa himself said it was intended for.

Mr. WHEELER. I do not so understand it.

Mr. GEORGE. I am sure the Senator would understand it if he would stop and think about it merely for a moment. The mere agreement that all ballots might be counted is a waiver of every preliminary question as to the safe-keeping of those ballots.

Mr. WHEELER. I do not agree with the contention of the Senator from Georgia at all.

Mr. GEORGE. I do not see how the Senator can arrive at any other conclusion, but I am not arguing the point now. I am simply stating what the Senator from Iowa said was the purpose of this agreement.

Mr. STEPHENS. The Senator from Georgia says that "the mere agreement that all ballots might be counted is a waiver of every preliminary question as to the preservation of those ballots." But this is only an agreement that the ballots might be sent here. It did not go to the extent of agreeing that the ballots had been properly preserved or that they should be counted.

Mr. WHEELER. I tried to find the statement here a moment ago.

Mr. GEORGE. The Senator will find it at the top of page 339.

Mr. WHEELER. There is another statement, as I recall, where the Senator from Iowa said that the stipulation that these ballots were to be sent down here was only for the purpose of the convenience of the committee.

Mr. GEORGE. No; I think not. I do not recall it. I said in justice to the Senator from Iowa that he contended that the stipulation was not complied with and that the committee had departed from the agreement which he made. There is, however, no dispute upon the part of the Senator from Iowa himself concerning the purpose and intention and effect of the agreement, but he merely reserved the right to say that we did not comply with the agreement.

Mr. STEPHENS. Mr. President, I desire to call attention to a statement which I made a while ago.

Mr. WALSH. Mr. President, will the Senator suffer an interruption?

Mr. STEPHENS. I yield to the Senator from Montana.

Mr. WALSH. I wish to get this matter perfectly clear in my mind. This stipulation, as has been repeatedly stated, contemplated that representatives respective of the parties should be there when the containers should be first taken from their repository; that they should be then examined, and a notation made if there was any evidence of tampering with them; that is to say, both sides would have an opportunity to see them and make objections to them if there were any objection. Apparently they did not do that and had no opportunity to know about them there and had no chance to see them until they arrived here in the city of Washington; but would not they then, in the city of Washington, have an opportunity to make any objection that they might have made had they been present at the time that the packages left the hands of the auditors?

Mr. GEORGE. No; I do not think so, if they were making the stipulation in order to avoid the preliminary proof.

Mr. WALSH. The statement to which attention is invited by the Senator from Georgia, at the bottom of page 338 and the top of page 339, reads:

They came down and started the count of these ballots. Nobody knows about their condition, because we had not examined them in

the State, as this stipulation provided, and it was not my fault that that was not done. The committee had the right to do it the way it did.

Mr. COPELAND. Who is saying that?

Mr. WALSH. This is the statement of the Senator from Iowa.

There is no challenge of that whatever. We had made it easy—

He is referring to the stipulation. What he really meant to say was by the stipulation he intended to make it easy—

so that the preliminary proof of identity and the care and keeping were unnecessary, and signed this stipulation to make it easy for the committee, but the committee did it the other way.

Mr. GEORGE. I understand he contended they did it the other way. He said that.

Mr. WALSH. Of course, they did it the other way.

Mr. GEORGE. No.

Mr. WALSH. Their representatives were not present as provided by the stipulation.

Mr. GEORGE. That is true.

Mr. WALSH. So that they did it the other way; that is to say, they sent the ballots on without this preliminary examination, as they left the hands of the auditor, by the representatives of both parties.

It would seem to me there may be a very serious question as to whether the Senator from Iowa by his actions in Washington did not waive any objection he might have urged against the admission of these ballots or the counting of them.

Mr. GEORGE. I do not think there is any doubt about that.

Mr. WALSH. That is another question.

Mr. GEORGE. That is another question.

Mr. WALSH. But it seems to me that this statement made by the Senator from Iowa constitutes no waiver of anything. It seems to me he is insisting here that he still had a perfect right after the ballots got here to object that they had not been kept as required.

Mr. GEORGE. No; the Senator from Iowa is insisting here that he has a right now to raise the objection because the committee has departed from the original agreement which he and Mr. Steck entered into. That is the whole proposition. The Senator from Iowa is contending that there had not been due observance of this stipulation. That, of course, is an open question.

Mr. WALSH. I think it is quite a serious question, when the Senator from Iowa allowed the count to go on here in Washington without objecting that the ballots had not been properly kept, as to whether he did not waive any right later to do so.

Mr. GEORGE. As to that, I may say to the Senator that I have not a doubt that would be true should the Senator from Iowa be held to a strict technical requirement; but I will say that the Senator waived it by his own stipulation.

Mr. WALSH. That is the point. I can not understand that as the Senator seems to.

Mr. GEORGE. Was the Senator in the Chamber when I asked the first question?

Mr. WALSH. I think I was.

Mr. GEORGE. If so, I think the Senator can understand it. The Senator from Mississippi was making the contention—which it was open for him to make, I say in all candor—that under the stipulation and under the subpoena issued by the Sergeant at Arms which followed the stipulation, had there been a strict compliance, there was no waiver of anything so far as the identity of the ballots, the safe-keeping of the ballots, and the proper preservation of the ballots are concerned. I merely directed his attention to Senator Brookhart's own interpretation of what the original stipulation and subpoena meant. I coupled it with the statement that Senator Brookhart, of course, contended that he was not bound by it at all, because there had been a departure from the method provided by the stipulation.

Mr. STEPHENS. Mr. President, all this is really aside from the matter involved here for the very reason, as I suggested a few moments ago, that the stipulation was changed and that the stipulation as changed was not complied with.

Mr. GEORGE. I do not want to interrupt the Senator and I will have to argue that, of course, in my own time; but, as I understand him, he says the stipulation was changed?

Mr. STEPHENS. Yes, sir.

Mr. GEORGE. If the Senator will notice, first, it was provided that the ballots be sent down by express, and then there was an agreement that they might be sent by registered parcel-post mail. I have a letter in my own possession in which assent is given to that change. Then, there was to be the joint examination by the representatives of the parties and

by the auditor, and that was changed by the subsequent agreement of Mr. Steck and Mr. Brookhart. But there was no change of the other provision that the auditor should send down the ballots and should note on each package whether or not there was any opening of the package or any mutilation of the package or any interference with it in any way so as to destroy its integrity.

Mr. STEPHENS. Let me ask the Senator, before he takes his seat, if there was ever any agreement entered into by Senator Brookhart or anyone representing him that the auditor, for the purpose of identifying the ballots, should not write his name or initials upon the envelopes or containers?

Mr. GEORGE. The stipulation speaks for itself. The auditor was to write his name on the packages in the event there had been any opening of the package or any mutilation of the package.

Mr. STEPHENS. But does not the Senator know that there are two sentences here; the first requiring that the three shall write their names?

Mr. GEORGE. Providing for joint action; yes.

Mr. STEPHENS. That they shall write their names upon all of the packages?

Mr. GEORGE. Yes; that is joint action.

Mr. STEPHENS. Mr. President, my contention, however, is, as the Senator knows, that the agreement was that the two of them should not go, but the matter should be handled by the third man, the auditor. Was there ever a stipulation entered into by Senator Brookhart that the auditor himself should not place his name on the packages?

Mr. GEORGE. No; there was a requirement that he should place his name on the package wherever it had been opened or bore evidence of tampering.

Mr. STEPHENS. The Senator confuses two propositions.

Mr. GEORGE. No. One provided for joint action and the other for individual action, and the one providing for individual action was complied with.

Mr. STEPHENS. The other provided for joint or several action?

Mr. GEORGE. No; joint action.

Mr. STEPHENS. I mean the last one.

Mr. GEORGE. The last one refers to individual action. It is plain, I think, if the Senator will pardon me, as language can make it.

Mr. STEPHENS. Let me read it:

Should there appear any evidence of opening or tampering with any original package prior to the said examination by said county auditor and examiners, notation of the character thereof shall be made upon the envelope or container by the said county auditor and examiners, or either of them.

Mr. GEORGE. Is the Senator reading from the stipulation for the subpoena?

Mr. STEPHENS. I am reading from the stipulation on page 57.

Mr. GEORGE. I do not know whether the Senator is reading from the stipulation for subpoena.

Mr. STEPHENS. I am reading from page 57; the Senator has the record before him.

Mr. GEORGE. One of them says "by each of them or either of them," while the other says simply the "county auditors."

Mr. STEPHENS. It says by "all of them or either of them."

Mr. GEORGE. Either of them implies individual action.

Mr. STEPHENS. But I said it might be joint or several.

Mr. GEORGE. That is true, but the one to which I refer, the previous provision, did not provide for joint or several action.

Mr. STEPHENS. I understand that. Of course, it provided for joint action; the signature of the three parties; but my contention, as I have said two or three times, is that the agreement went to the extent that two of them should not be required to go and sign it. I ask the Senator from Georgia again whether there was ever an agreement, either written or oral, to the effect that the county auditor should not write his name or initials on each one of these packages and bags of ballots?

Mr. GEORGE. The first provision there was entirely done away with by agreement.

Mr. STEPHENS. That is the Senator's answer?

Mr. GEORGE. Yes, sir.—That was the information that we received, and it was verified, and Mr. Steck's counsel and Mr. Brookhart's counsel knew of the existence of it.

Mr. STEPHENS. Then nobody was to identify the bags at all?

Mr. GEORGE. Mr. President, the bags came from the county officers charged by law with the keeping of these ballots and

the safe preservation of them, and every presumption is that they were properly kept; and anybody who wants to dispute them or raise the contrary question has the burden of offering evidence.

Mr. STEPHENS. Mr. President, I am not going to enter into a discussion of that phase of the matter just now, but later I shall read some authorities that will, as I understand, contradict the position taken by the Senator from Georgia.

Mr. GEORGE. I do not think the Senator can find any authorities. He may find extreme cases and cases under extreme statutes, but the general proposition—

Mr. STEPHENS. I think I can cite the Senator to Cooley on Constitutional Limitations and decisions from many courts.

Mr. GEORGE. The Senator can not cite any law that will dispute the general proposition that where an officer is by law charged with the receipt of ballots and the safe preservation of them, and the ballots are received from that officer, and there is nothing to indicate any fraud or any lack of safe-keeping, there is but one presumption that can arise, and it arises in fact.

Mr. STEPHENS. I shall discuss that a little later, Mr. President; but right now I desire to call attention to the sentence I omitted to read, and which I stated at the time would be read later, and to which the Senator from Georgia has directed attention:

Should there appear any evidence of opening or tampering with any original package prior to the said examination by said county auditor and examiners, notation of the character thereof shall be made upon the envelope or container by the said county auditor and examiners, or either of them.

I am reading now from page 57 of the printed hearings.

Now, I want to direct attention to this; and I am reading again from the instructions sent to the various county auditors by Colonel Thayer, the chief supervisor. Here is what he tells the auditors:

The auditor for each county will seal all envelopes containing the ballots and place them in the mail sacks, lock same, then deliver them to the postmaster; thereupon the responsibility of the auditor ceases.

This stipulation says—and I call the Senator's attention to the fact that he has agreed with me that this is both a joint and a several requirement or responsibility—

Should there appear any evidence of opening or tampering with any original package prior to the said examination by said county auditor and examiners, notation of the character thereof shall be made upon the envelope or container by the said county auditor and examiners, or either of them.

But that is not what the auditors are told here. They are told not to note anything, but to "seal all envelopes containing the ballots and place them in the mail sacks, lock same, then deliver them to the postmaster," and thereupon their responsibility in this regard ceases.

Mr. GEORGE. I do not know what the Senator is reading from now.

Mr. STEPHENS. I told the Senate some time ago that I was reading from a letter sent by Col. Edwin Thayer, chief supervisor; and I say, for the purpose of identification, that Colonel Thayer himself on yesterday gave me this document.

Mr. GEORGE. The Senator is not reading something that is in the record? That is all I want to know. It is not in the record?

Mr. STEPHENS. It is not in the printed record; no. But every document connected with this matter and every letter written by any officer of the committee is in fact a part of the record of the case.

Mr. GEORGE. I did not understand that. I am just making inquiry. It is perfectly all right to read the letter, but it is a letter not in the record; and I direct the Senator's attention to this fact: The subpoena served on the county auditors, who under the law of Iowa are required to keep these ballots and keep them safely, was not served by Colonel Thayer nor issued by Colonel Thayer. That is the subpoena from the Sergeant at Arms of the Senate, sent to these various auditors; and they, in response to that subpoena, sent down here the sacks of the ballots from their respective county seats.

Mr. STEPHENS. Mr. President, this letter is dated Des Moines, Iowa, April 25, 1925, and is addressed to the county auditor. It appears over the signature of Edwin P. Thayer, chief supervisor, acting for the committee. I presume no one will question that Colonel Thayer wrote this letter just as I have read it.

I presume that he wrote this letter after the change in the stipulation, after the oral stipulation or agreement was reached, because it tells in effect that the parties to the contest had

made a different agreement with reference to the handling of these ballots. It says:

The parties will not come out to your office to go over this matter with you. It is left for you to handle.

And it tells the auditors how they shall handle those ballots, and how they shall be sent here; and they were not told in this letter that they must make notations. They were not told that they should do anything save seal the envelopes, put them in a mail sack, and send them here.

Mr. GEORGE. The Senator must recognize that his argument now is hardly fair to the committee. The Senator does not want Senators to infer that a county officer out in Iowa, a sworn officer of the law, would disregard a solemn subpoena issued by the Senate in response to a letter which Colonel Thayer may have written, but concerning the proof of the mailing of which there is not a bit of evidence, or concerning the actual delivery of which to a single one of these auditors there is no evidence. It is not a part of the record; but, assuming that Colonel Thayer wrote it and assuming that each auditor received it, the Senator would not have us infer, would he, that the county auditors disregarded the solemn subpoena of the Senate, especially when the county auditors duly responded to that subpoena, which the Senator may verify by an examination of the records now in the office of the Sergeant at Arms?

Mr. STEPHENS. Mr. President, I am defending the county auditors.

Mr. GEORGE. So am I.

Mr. STEPHENS. It is entirely reasonable to suppose that the auditors followed the written instructions of the chief supervisor, who was the agent of the committee. I am going to show that they did not write or make notations upon various packages that had not been preserved as required by law, and I have called attention to this document in order that it may appear why they failed to carry out the agreement that was entered into.

I heard the Senator from Arkansas [Mr. CARAWAY] on yesterday say that on only two batches of ballots were there notations that the bags of ballots came to the auditor in an unsealed condition, and he argued that therefore it must follow that no other bags of ballots were unsealed; that no one except the parties in charge of these two particular bags of ballots had failed to comply with the law; in other words, that the law had been complied with with reference to the preservation of the ballots in every case except these two.

This matter does not properly come in the line of argument that I wanted to make just at this time; but since the question has arisen I am going to go to the record, and I am going to show that the several auditors in the State of Iowa did not comply with the stipulation with reference to noting upon the bags any evidence that these ballots had not been preserved in the manner required by law.

The stipulation says:

Should there appear any evidence of opening or tampering with any original package—

Now let us see what the law regards as an original package. Let us see what is required.

Under the statute the law has this to say with reference to this particular matter: That the judges of the election shall, after counting the ballots, put them upon a wire, knot the end of the wire, and seal them, and that they shall place certain ballots in envelopes—disputed ballots, rejected ballots, spoiled ballots, and so forth—and seal those things. Also, the auditors were required to put all these things in a bag and seal them. I want to show that that requirement was not complied with, and for the purpose of showing that I am going to refer to pages 224 and 225 of the hearings.

We heard a great deal of discussion about the matter of unsealed bags. There were many other things here besides unsealed bags. Let me say, before I begin to read from page 224, that there is not a line of evidence in this entire record to show how any of these ballots were preserved in the State of Iowa—whether they were strung on wires, whether they were sealed, or how they were kept—not a line of evidence on that subject. Now, did the auditors place them in bags and seal them? Were they sealed as required under the statute by the judges of the election when they went into the hands of the auditors?

As I say, they speak all the while with reference to 67 unsealed bags. Mr. President, I want to show the Senate one of these bags. This is the kind of bag they used in the State of Iowa to preserve the ballots. While I have it in mind, I want to say that there is no notation upon this bag, the bag that is supposed to have contained the ballots that were cast

in this particular precinct—Lincoln Township of Cerro Gordo County. There is absolutely nothing here to indicate that it has been certified as such by the county auditor.

When gentlemen talk about unsealed bags they simply mean that bags like this had once been sealed, as it is shown this one was by evidences still upon it; and that they had come unsealed, or had been unsealed in some way. The string that was on this bag is gone. There is a torn place here. Most of the sealing wax is gone. I know nothing, of course, as to how it happened. But what I am trying to say is this, that on these two pages I find such notations as this:

Paper-covered bag, unsealed.

Then I read again:

Part sealed, part tied together; names on poll list, 1,132.

This is not a precinct where the auditor wrote and called attention to the fact that that bag was unsealed when it came to him. Yet, as a matter of fact, when it came here it was found "part sealed, part tied together," showing that the ballots themselves had been separated, part of them sealed, part tied together.

Mr. WHEELER. Mr. President, will the Senator yield there?

Mr. STEPHENS. Yes.

Mr. WHEELER. With reference to those facts, where the seal had apparently been broken and they had been opened, did the official count tally with the number of ballots cast?

Mr. STEPHENS. I have not run through all of them. I can not answer the Senator right now. I see right here that Senator Brookhart gained 2, and Mr. Steck 17, making a difference of 15 in the vote in the particular precinct to which I have just directed attention.

I find here reference to another tied bag, not a sealed bag. It is stated it was unsealed, and a tied bag. Here is reference to another one. It does not say anything about sealing or unsealing. It says, "Roll bound with cord." Mark you, what I am calling attention to are notations made, not by the auditors in the counties, but made by the workers here, the ones who went over the bags, who examined the condition of things, and placed upon what is known as the work sheet notations of the conditions in which they found things.

Mr. ASHURST. Mr. President, will the Senator yield a moment at that point?

Mr. STEPHENS. I yield.

Mr. ASHURST. The Senator is making the point that it is incumbent upon the contestant to show that the ballots were all preserved in accordance with the law?

Mr. STEPHENS. That is my idea exactly.

Mr. ASHURST. In order to overcome the prima facie case made out by the State certificate?

Mr. STEPHENS. That is true.

Mr. ASHURST. And the Senator makes the point that the ballots upon which the contestant relied to overcome the prima facie case were not kept in accordance with the law and were not sent here in accordance with the law.

Mr. STEPHENS. That is very true.

Mr. ASHURST. And of course he who seeks to overthrow a prima facie case must not only show that these are the identical ballots but that there was no opportunity to tamper with them; and that has not been shown. Is that true?

Mr. STEPHENS. That is true.

Mr. WHEELER. Mr. President—

Mr. STEPHENS. Let me say just one further word, and then I will yield to the Senator.

In addition to what the Senator from Arizona has just said, I am calling attention to these things for two reasons; in the first place, to show that the auditors did not comply with the subpoena. I have endeavored to excuse them by reading to the Senate the instructions later sent them by the chief supervisor.

I am calling attention to these things for a second reason. I assert as a proposition of law that if it should be admitted that these ballots had been properly identified, so far as showing they had come to the committee from the proper custodian—the legal custodian, the county auditor—and if we should admit that then the burden of proof shifted upon Brookhart to show that they had not been properly preserved, that burden, although it may have shifted to Brookhart, had been taken by him and sustained by the very fact that the counters found that these ballots, owing to the condition in which they were when they reached here, had not been preserved in the manner required by law, and that on the face of things it was apparent either that somebody had willfully tampered with them or that because of carelessness or negligence some of the ballots had been mislaid. Brookhart is not required to

show any fraud. If there was carelessness, if there was negligence, which resulted in the loss of ballots, it was just as hurtful and just as objectionable as if fraud itself were shown.

SENATOR GEORGE AND I AGREE

Mr. President, I want to say just one word more and then I shall yield the floor for the day. The Senator from Georgia [Mr. GEORGE] and myself have agreed on a very important question involved in this matter. I do not intend to discuss that this afternoon, but it is with reference to the construction that should be given to the law of the State of Iowa. Under our view of the law a batch of 1,344 votes should be counted for Senator Brookhart, and if the Senator and I are correct in that, that number should be taken from the 1,420 votes which the majority of the committee claims is Mr. Steck's plurality in this case, leaving Mr. Steck, therefore, a plurality of 76 votes.

I agree with the Senator with reference to the 1,344 votes. I want to discuss that question to-morrow. I am going to say now, in that connection, that I expect to show by the record that the 76 plurality which the Senator from Georgia claims was received by Mr. Steck is overcome by votes cast in the 4 precincts and in the 67 precincts. I expect to show, if I may state this matter in advance of my argument upon the subject, that Mr. Mitchell, representing Senator Brookhart, made due and timely objection to the recount; that he made due and timely objection to the admission of the ballots, and to the way they were admitted and counted in four or five precincts, which will make a difference of 149 in Brookhart's favor, overcoming the 76 which the Senator claims for Mr. Steck.

I expect to show by the record that Mr. Mitchell, representing Brookhart, made due and timely objection to the admission of the ballots as they were admitted and counted in the 67 precincts, which, if properly considered and counted, will make a difference of 309 in Senator Brookhart's favor.

Mr. WILLIS. Mr. President, I understand the Senator expects to continue his remarks to-morrow?

Mr. STEPHENS. Yes; I was just stating some of the things I expected to discuss to-morrow.

Mr. WILLIS. I wanted to make this request of the Senator, that in the course of his observations to-morrow he give attention to a matter which I am sure several Senators would be glad to hear him discuss, namely, the extent to which the committee and the Senate are bound, if at all, by the stipulations which have been discussed so extensively in the last two days' debate. To what extent are those stipulations entered into by the representatives of Senator Brookhart and Mr. Steck binding upon the Senate in its effort to decide who has been elected a Senator by the people of the State of Iowa? I have a rather definite view about it, but I hope the Senator will discuss it.

Mr. STEPHENS. I shall be very glad to discuss that to-morrow. I am going to say right now, however, that they have no binding effect whatever.

Mr. WILLIS. I agree with the Senator.

Mr. STEPHENS. I shall be able to show unquestionably, I think, that that position is correct.

NOT A PRIVATE LAWSUIT

I am going to take just a moment further to say that the Senate under the Constitution is the sole judge of the returns, the qualifications, and the election of its own Members. I state further, as was said by the Senator from Missouri [Mr. WILLIAMS] this afternoon, that there are other parties in interest besides Steck and Brookhart. The whole people of the State of Iowa are parties in interest. I say that no single contestant can come in here and make stipulations and agreements contrary to the law, contrary to the will of the people. In other words, the people of the State had a right to vote. They did vote, and what the Senate wants to know is which one of these two men was the choice of those people for United States Senator.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. STEPHENS. Certainly.

Mr. JOHNSON. There is one thing that is intensely interesting to me in the minority report. That is what is contained on page 32. On page 32 of the minority report it is asserted that one precinct was recounted; I will not say the ballots were recounted, but a shortage being found in the ballots, the official count was taken at the instance of Mr. Steck; that there were three other precincts with a shortage of ballots where the official count was not taken by the committee; and it is asserted that if all four of those precincts had been recounted in the same way and the official totals taken in these four challenged precincts, Brookhart would have a majority. Is that correct?

Mr. GEORGE. Let me say that is correct; and there are 68 other precincts which, if we should come back to the official vote where there is a variance and take the official vote, Mr. Steck would have a majority.

Mr. STEPHENS. The Senator from Georgia refers now to only 68 precincts. Let me say if we take the official count at the 1,068 precincts where there are discrepancies between the poll lists and the ballots found in the boxes, Brookhart would have a majority.

Mr. JOHNSON. Would that be true if we took the official count of all the precincts where there was a shortage?

Mr. GEORGE. Let me answer the Senator's question.

Mr. STEPHENS. Certainly.

Mr. GEORGE. I am merely undertaking to say that we can not pick out a few precincts—

Mr. JOHNSON. The reason why I picked out a few precincts, if the Senator will pardon me, is that there were four mentioned on page 32 of the minority report that seemed to have been in a category by themselves.

Mr. GEORGE. Oh, no.

Mr. JOHNSON. I asked the Senator from Mississippi concerning those four precincts.

Mr. GEORGE. The Senator from Mississippi probably thought they were in a category by themselves. I am glad the Senator from California has brought up the question. They are exactly in the same position with every other one of the 1,068 precincts in which there is a variance, either an overage or shortage.

Mr. JOHNSON. Let me ask the Senator from Georgia if we take the 1,068 precincts where there is a variance—that is, where the number of ballots does not tally with the poll list—and if we take the official count in those 1,068 precincts, who wins?

Mr. GEORGE. That depends on what we do with the ballots.

Mr. JOHNSON. I am asking if we take the official count in the 1,068 precincts.

Mr. GEORGE. That depends on what we do with the machine votes. That depends on what we do with the machine votes in the other precincts.

Mr. JOHNSON. The machine votes, I assume, are in a different category, because the machine votes are merely mechanical and the processes are arithmetical.

Mr. GEORGE. They do not tally with the poll lists.

Mr. STEPHENS. I would like to say a word in this connection.

Mr. GEORGE. Let me say another word in the same connection. They not only do not tally with the poll lists but when Mr. Brookhart's own representative in Iowa was reading the machines he deemed it of no importance to compare the total number of votes registered by the machines with the poll lists.

Mr. JOHNSON. I am sorry to say that I can not attach the importance to the stipulations that has been attached here.

Mr. GEORGE. That is not a stipulation.

Mr. JOHNSON. Whatever it may be, and I do not care whether Mr. Brookhart's attorney said one thing or whether he said another thing. I want to arrive at a conclusion as to who had the most votes. Now, I propound to the Senator from Mississippi the query, if in all of the precincts where votes were missing the official returns were taken and tallied, who would win?

Mr. STEPHENS. Brookhart by 1,131.

Mr. GEORGE. Let me ask the Senator from Mississippi a question.

Mr. STEPHENS. I want to be absolutely accurate. Brookhart wins by 1,131 provided the Senator from Georgia and myself are correct that the 1,344 votes shall be counted. If the majority of the committee are correct, Brookhart still wins by 600 or 700, because it must be recalled that those 1,344 votes that were objected to because of the manner in which they were marked come from 1,800 or 1,900 precincts, but there are only 1,068 precincts in which there is a discrepancy. We can not tell exactly how many, but taking the law of averages, which is fair and which is legal in many instances, that still leaves Brookhart—admitting that the majority is correct in contending that Brookhart shall not be given those 1,344 votes—with a majority of between 600 and 700 according to my recollection.

Now, I want to say just a word about machine votes.

Mr. GEORGE. Before the Senator starts on that subject let me ask the Senator how he determines, because I say frankly that I have been unable to determine that the four thousand and odd votes that were cast at these precincts in which there is a variance, should be counted and what those votes are.

Mr. STEPHENS. I will tell the Senator the basis of the calculation.

Mr. GEORGE. The Senator admits it is speculation, does he not?

Mr. STEPHENS. I will tell the Senator why it is speculation.

Mr. GEORGE. It is just speculation.

Mr. STEPHENS. Let me tell the Senator how far it is speculation and how far it is not.

Mr. GEORGE. I thought the Senator could answer that question. How does he know where those 4,500 votes should go?

Mr. STEPHENS. I said a moment ago that I do not know. I take the law of averages. Let me explain what I mean. There were 789 paper-ballot precincts, as we might term them. That does not include the machine precincts. There were 789 precincts where paper ballots were cast where there was no discrepancy between the poll list and the number of ballots found in the bag. There were 1,068 paper-ballot precincts where there were discrepancies up or down. Those 1,344 come from one thousand eight hundred and odd precincts. I do not know how many came from one precinct or how many came from another precinct. The committee gave me no light on that subject. They seemed to care nothing about discrepancies and did not consider discrepancies.

Mr. GEORGE. Now, the Senator is making a statement of facts. The committee did note the discrepancies.

Mr. STEPHENS. In the 1,068 precincts?

Mr. GEORGE. Yes; and let me state the fact.

Mr. STEPHENS. That is what I am speaking about—the 1,068 precincts. Did the committee, before it declared itself in this case, have the tabulators make a table showing what precincts there were which had discrepancies, either up or down, with reference to ballots? Was that done?

Mr. GEORGE. If the Senator will allow me to answer, I will tell him what was done.

Mr. STEPHENS. All right; let us have it.

Mr. GEORGE. The first precinct was counted by the supervisors, one of whom represented Mr. Steck and one of whom represented Mr. Brookhart, and he was, in fact, the political campaign manager of Brookhart out in Iowa in his election of 1924, and the third being Colonel Thayer, Secretary of the Senate. When the first precinct was counted, on July 20, 1925—and I wish the Senator would note this—the tabulators then discovered that there was a discrepancy between the poll list and the actual ballots, and that was brought to the attention of Mr. Brookhart's personal representative.

Mr. STEPHENS. Let me ask the Senator another question. We had a lot of open discussion, and I presume it is proper.

Mr. GEORGE. It is inevitable, because we could not keep a stenographer around with each tabulator.

Mr. STEPHENS. I am going to call names now. Is it not a fact that at one of the last meetings we had, after I had raised the question or suggested the proposition that there were discrepancies in those ballots and in the poll list, that the Senator from Missouri [Mr. WILLIAMS], who is at this moment sitting behind you, asked that a tabulation be made showing the shortage and overage of ballots in the 1,056 precincts, as the Senator then thought it was? Did he not ask that that be done, and was it not stated that it had not been done and was not necessary to be done?

Mr. GEORGE. I do not know what was stated. The Senator from Missouri made some inquiry in substance as the Senator has recounted.

Mr. STEPHENS. I hope if I misunderstood the Senator from Missouri that he will rise in his place and say so.

Mr. GEORGE. I think the Senator from Missouri asked substantially that.

Mr. STEPHENS. I want to say further that it was declared then and there that such a table had not been prepared, that it was not necessary to be prepared, and it never was prepared until the Senator from Nebraska [Mr. HOWELL] went to the tabulators, and at his request such a table and statement was prepared. Up to that time nobody knew, except perhaps in a general way as to a precinct here and there, in what precincts these shortages and overages occurred. Even the tabulator thought it was only 1,050, but when he began to count he found there were 1,068 such precincts. That is how the information happened to come to anyone. The committee itself did not have it.

Mr. GEORGE. Let me call the Senator's attention to the fact that in the tabulation shown in the hearings all of the facts are set out.

Mr. STEPHENS. By precincts?

Mr. GEORGE. By counties.

Mr. STEPHENS. I am talking about the 1,068 precincts.

Mr. GEORGE. By counties. It shows the variance by counties.

Mr. STEPHENS. Certainly it does.

Mr. GEORGE. They had not been segregated; that is all.

Mr. STEPHENS. I want to say that this table, which was prepared by the tabulators and made a part of the hearings in this case, shows on its face that there were thousands of missing ballots, and I term them missing ballots because there were 3,570, I believe it was, fewer ballots than there were names on the poll lists. It may be stated that this tabulation was not filed with the committee until weeks after objection had been made by counsel for Brookhart on the ground of discrepancies. I wish to say whenever that fact appeared upon the table prepared by the representatives of the committee that of itself was enough to put the committee upon notice either that they had failed to count all the ballots which had been brought here or that all the ballots had not been brought here.

Mr. GEORGE. Mr. President, will the Senator let me say that when the first work sheet was made up in which the discrepancy occurred that particular fact was called to the attention of the committee?

Will the Senator also permit me to say again that the total disparity between the votes which we actually counted and the poll list—not the official count, but the poll list—amounted on the average to about three to a precinct in which there was any disparity at all? It was simply one of those ordinary errors that we thought might occur in the course of any election.

Mr. STEPHENS. Mr. President, the Senator says it amounted to three to a precinct.

Mr. GEORGE. I said on the average.

Mr. STEPHENS. There is no way in the world for the Senator to know about that.

Mr. GEORGE. There were 1,168 precincts.

Mr. STEPHENS. There were 1,068 precincts.

Mr. GEORGE. Well, 1,068; multiply that by three, and how many are there? It is a simple matter of arithmetic.

Mr. STEPHENS. No, it is not; and I will show the Senator that it is not, if he will give me a chance.

Mr. GEORGE. Before the Senator shows me, let me say that I am afraid he is going to show me why we could not make a recount of these ballots after that discrepancy was called to our attention.

Mr. STEPHENS. The proposition I have in mind is this: There were 1,068 precincts where there were discrepancies.

Mr. GEORGE. More or less.

Mr. STEPHENS. Yes, the Senator is right; more or less. There has never been a table prepared showing in how many precincts there were more ballots than there were names on the poll list, nor has there been any table prepared showing how many precincts there were where the names on the poll list exceeded the number of ballots. Therefore the Senator does not know what to take as a divisor for these 3,570 missing ballots.

Mr. GEORGE. I know, Mr. President, they must have occurred where there was a variance.

Mr. STEPHENS. Of course, but there are a thousand precincts where there was a variance. Now, how many votes would that involve?

Mr. GEORGE. There were only two or three to a precinct.

Mr. STEPHENS. Has it been tabulated?

Mr. GEORGE. Yes; it is tabulated in the back of the record.

Mr. STEPHENS. For all the counties?

Mr. GEORGE. Yes; for all the counties.

Mr. STEPHENS. We can not take the counties and find out, because it might happen in one county and not in another.

Mr. CURTIS. Mr. President, will the Senator yield that I may ask for an agreement which will enable the Senator to conclude his remarks in the morning?

Mr. STEPHENS. Yes, sir; I will yield.

Mr. CURTIS. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. STEPHENS. Mr. President, I hope to discuss this question to-morrow, and I shall then endeavor to answer the question which the Senator from Georgia [Mr. GEORGE] propounded to me just as the Senator from Kansas interrupted me. I shall not forget it.

IMPEACHMENT OF JUDGE GEORGE W. ENGLISH

The VICE PRESIDENT laid before the Senate the action of the House of Representatives relative to the impeachment of Judge George W. English, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES,

April 6, 1926.

Resolved, That a message be sent to the Senate to inform them that this House has impeached George W. English, United States district judge for the eastern district of Illinois, for misdemeanors in office, and that the House has adopted articles of impeachment against said George W. English, judge as aforesaid, which the managers on the part of the House have been directed to carry to the Senate, and that EARL C. MICHENER, W. D. BOIES, IRA G. HERSEY, C. ELLIS MOORE, GEORGE R. STORRS, HATTON W. SUMNERS, ANDREW J. MONTAGUE, JOHN N. TILLMAN, and FRED H. DOMINICK, Members of this House, have been appointed such managers.

Mr. CUMMINS. Mr. President, while I do not think it is strictly necessary, I am but following the precedent established by the Senate when I offer the following order and ask for its immediate consideration.

The order was read and agreed to, as follows:

Ordered, That the Secretary of the Senate inform the House of Representatives that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting articles of impeachment preferred against George W. English, judge of the District Court of the United States for the Eastern District of Illinois, agreeably to the notice communicated to the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 3547) to change the title of Deputy Assistant Treasurer of the United States to Assistant Treasurer of the United States.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1226. An act to amend the trading with the enemy act; and

S. 1550. An act to appropriate certain tribal funds for the benefit of the Indians of the Fort Peck and Blackfeet Reservations.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 431. An act providing for the conveyance of certain land to the city of Boise, Idaho, and from the city of Boise, Idaho, to the United States;

H. R. 3932. An act to amend section 71 of the Judicial Code as amended;

H. R. 4007. An act to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States";

H. R. 6238. An act to amend the immigration act of 1924;

H. R. 7470. An act to authorize the Secretary of War to grant to the New York, Chicago & St. Louis Railway Co., its successors or assigns, a perpetual easement for railroad right of way over and upon Camp Sherman Military Reservation in the State of Ohio;

H. R. 7555. An act to authorize for the fiscal years ending June 30, 1928, and June 30, 1929, appropriations for carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921;

H. R. 8126. An act to amend section 103 of the Judicial Code, as amended;

H. R. 8132. An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes;

H. R. 8300. An act to authorize the coinage of 50-cent pieces in commemoration of the heroism of the fathers and mothers who traversed the Oregon Trail to the far West with great hardship, daring, and loss of life, which not only resulted in adding new States to the Union, but earned a well-deserved and imperishable fame for the pioneers; to honor the 20,000 dead that lie buried in unknown graves along 2,000 miles of that great highway of history; to rescue the various important points along the old trail from oblivion; and to commemorate by suitable monuments, memorial or otherwise, the tragic events associated with that emigration; erecting them either along the trail itself or elsewhere, in localities appropriate for the purpose, including the city of Washington;

H. R. 8714. An act authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, Tallahassee meridian, Lake County, in the State of Florida;

H. R. 9305. An act to amend section 101 of the Judicial Code as amended;

H. R. 9348. An act authorizing the construction of a bridge across the Ohio River near Steubenville, Ohio;

H. R. 9503. An act granting permission to the State Highway Commission of the State of Tennessee to construct a bridge across the Tennessee River at Savannah, Harding County, Tenn., on the Savannah-Selmer road;

H. R. 9758. An act granting the consent of Congress to Harry E. Bovay to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Vicksburg, Miss.;

H. R. 9829. An act to amend section 87 of the Judicial Code;

H. R. 9964. An act releasing and granting to the city of Chicago any and all reversionary rights of the United States in and to the streets, alleys, and public grounds in Fort Dearborn addition to Chicago;

H. R. 9967. An act authorizing an expenditure of \$6,000 from the tribal funds of the Chippewa Indians of Minnesota for the construction of a road on the Leech Lake Reservation;

H. R. 10002. An act granting the consent of Congress to H. J. Stannert, Harry Wels, and George W. Rockwell to construct, maintain, and operate a bridge across the Susquehanna River from a point in the city of Sunbury, Northumberland County, to a point in the township of Monroe, in Snyder County, in the State of Pennsylvania;

H. R. 10090. An act granting the consent of Congress to Alfred L. McCawley to construct, maintain, and operate bridges across the Mississippi and Missouri Rivers at Alton, Ill., on the Mississippi, and at or below Halls Ferry or Muskeg Ferry on the Missouri River;

H. R. 10164. An act granting the consent of Congress to Cape Girardeau Chamber of Commerce (Inc.) to construct, maintain, and operate a bridge across the Mississippi River at Cape Girardeau, Mo.;

H. R. 10169. An act granting the consent of Congress to the Gallia County Ohio River Bridge Co. and its successors and assigns to construct a bridge across the Ohio River at or near Gallipolis, Ohio;

H. R. 10246. An act to authorize the commissioners of McKean County, Pa., or their successors in office, to construct a bridge across the Allegheny River at a certain location where a highway known as State Highway Route No. 211 crosses said river at a location within the limits of the borough of Eldred or not distant more than one-half mile north of said borough of Eldred, McKean County, Pa.; and

H. R. 10657. An act granting the consent of Congress to the Steubenville & Pittsburgh Bridge Co. for the construction of a bridge over the Ohio River near Steubenville, Ohio.

SOLOMON'S LODGE, NO. 1, SAVANNAH, GA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 58) authorizing the Librarian of Congress to return to Solomon's Lodge, No. 1, Ancient Free and Accepted Masons, of Savannah, Ga., the minute book of the Savannah (Ga.) Masonic Lodge, which were, on page 1, line 4, to strike out "Numbered" and insert "Number"; on page 1, line 4, after "1," to strike out "Ancient"; and to amend the title so as to read: "Joint resolution authorizing the Librarian of Congress to return to Solomon's Lodge, No. 1, Free and Accepted Masons, of Georgia, the minute book of the Savannah (Ga.) Masonic Lodge."

Mr. GEORGE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by title and referred as indicated below:

H. R. 6238. An act to amend the immigration act of 1924; to the Committee on Immigration.

H. R. 7555. An act to authorize for the fiscal years ending June 30, 1928, and June 30, 1929, appropriations for carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921; to the Committee on Education and Labor.

H. R. 8132. An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain

maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes; to the Committee on Pensions.

H. R. 8192. An act authorizing the designation of postmasters by the Postmaster General as disbursing officers for the payment of contractors, emergency carriers, and temporary carriers, for performance of authorized service on power-boat and star routes in Alaska; to the Committee on Post Offices and Post Roads.

H. R. 8725. An act to establish the warrant grade of pay clerk and the commissioned warrant grades of chief marine gunner, chief quartermaster clerk, and chief pay clerk in the United States Marine Corps; to the Committee on Naval Affairs.

H. R. 8306. An act to authorize the coinage of 50-cent pieces in commemoration of the heroism of the fathers and mothers who traversed the Oregon Trail to the far West with great hardship, daring, and loss of life, which not only resulted in adding new States to the Union but earned a well-deserved and imperishable fame for the pioneers; to honor the 20,000 dead that lie buried in unknown graves along 2,000 miles of that great highway of history; to rescue the various important points along the old trail from oblivion; and to commemorate by suitable monuments, memorial or otherwise, the tragic events associated with that emigration—erecting them either along the trail itself or elsewhere, in localities appropriate for the purpose, including the city of Washington; to the Committee on Banking and Currency.

H. R. 431. An act providing for the conveyance of certain land to the city of Boise, Idaho, and from the city of Boise, Idaho, to the United States; and

H. R. 5353. An act to amend the act of Congress approved March 4, 1913 (37 Stat. L. p. 876); to the Committee on Public Buildings and Grounds.

H. R. 9314. An act to provide for the enlargement of the present customs warehouse at San Juan, P. R.; and

H. R. 9831. An act to provide for the completion and repair of customs buildings in Porto Rico; to the Committee on Territories and Insular Possessions.

H. R. 54. An act authorizing the removal of the gates and piers in West Executive Avenue between the grounds of the White House and the State, War, and Navy Building; and

H. J. Res. 191. Joint resolution authorizing the Federal Reserve Bank of Richmond to construct for and erect in the city of Baltimore, Md., a building for its Baltimore branch; to the calendar.

H. R. 4007. An act to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States";

H. R. 8714. An act authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, Tallahassee meridian, Lake County, in the State of Florida; and

H. R. 9306. An act amending section 5 of the act approved June 9, 1916 (39 Stat. L. p. 218), so as to authorize the sale of timber on class 3 of the Oregon & California Railroad and Coos Bay wagon-road grant lands; to the Committee on Public Lands and Surveys.

H. R. 3932. An act to amend section 71 of the Judicial Code, as amended;

H. R. 5006. An act to detach Hickman County from the Nashville division of the middle judicial district of the State of Tennessee and attach the same to the Columbia division of the middle judicial district of said State;

H. R. 8126. An act to amend section 103 of the Judicial Code, as amended;

H. R. 9305. An act to amend section 101 of the Judicial Code, as amended; and

H. R. 9829. An act to amend section 87 of the Judicial Code; to the Committee on the Judiciary.

H. R. 9348. An act authorizing the construction of a bridge across the Ohio River near Steubenville, Ohio;

H. R. 9461. An act to extend the time for the construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico;

H. R. 9494. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Gainesboro-Red Boiling Springs road in Jackson County, Tenn.;

H. R. 9503. An act granting permission to the State Highway Commission of the State of Tennessee to construct a bridge across the Tennessee River at Savannah, Hardin County, Tenn., on the Savannah-Selmer road;

H. R. 9505. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Waverly-Camden road between Humphreys and Benton Counties, Tenn.;

H. R. 9506. An act granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Linden-Lexington road in Perry and Decatur Counties, Tenn.;

H. R. 9758. An act granting the consent of Congress to Harry E. Bovay to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Vicksburg, Miss.;

H. R. 9957. An act authorizing a survey for the control of excess flood waters of the Mississippi River below Point Breeze in Louisiana and on the Atchafalaya Outlet by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes;

H. R. 10002. An act granting the consent of Congress to H. J. Stannert, Harry Wels, and George W. Rockwell to construct, maintain, and operate a bridge across the Susquehanna River from a point in the city of Sunbury, Northumberland County, to a point in the township of Monroe, in Snyder County, in the State of Pennsylvania;

H. R. 10090. An act granting the consent of Congress to Alfred L. McCawley to construct, maintain, and operate bridges across the Mississippi and Missouri Rivers at Alton, Ill., on the Mississippi, and at or below Halls Ferry or Musles Ferry on the Missouri River;

H. R. 10121. An act extending the time for the completion of the bridge across the Mississippi River in Ramsey County, Minn., by the city of St. Paul;

H. R. 10164. An act granting the consent of Congress to Cape Girardeau Chamber of Commerce (Inc.) to construct, maintain, and operate a bridge across the Mississippi River at Cape Girardeau, Mo.;

H. R. 10169. An act granting the consent of Congress to the Gallia County Ohio River Bridge Co. and its successors and assigns to construct a bridge across the Ohio River at or near Gallipolis, Ohio;

H. R. 10244. An act to extend the time for the construction of a bridge across the Fox River, in the State of Illinois, on State Road No. 18, connecting the villages of Yorkville and Bristol, in said county;

H. R. 10246. An act to authorize the commissioners of McKean County, Pa., or their successors in office, to construct a bridge across the Allegheny River at a certain location where a highway known as State Highway Route No. 211 crosses said river, at a location within the limits of the borough of Eldred, or not distant more than one-half mile north of said borough of Eldred, McKean County, Pa.;

H. R. 10465. An act granting the consent of Congress to the State of Rhode Island or to such corporation as the State of Rhode Island may grant a charter to construct a bridge across Mount Hope Bay, at the mouth of the Taunton River, between the towns of Bristol and Portsmouth, in Rhode Island;

H. R. 10470. An act granting the consent of Congress to the city of Little Falls, Minn., to construct a bridge across the Mississippi River at or near the southeast corner of lot 3, section 34, township 41 north, range 32 west; and

H. R. 10657. An act to extend the time for the construction of a bridge over the Ohio River near Steubenville, Ohio; to the Committee on Commerce.

H. J. Res. 29. Joint resolution to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States etc., approved February 8, 1918; to the Committee on Patents.

H. R. 7470. An act to authorize the Secretary of War to grant to the New York, Chicago & St. Louis Railway Co., its successors or assigns, a perpetual easement for railroad right of way over and upon Camp Sherman Military Reservation, in the State of Ohio;

H. R. 9964. An act releasing and granting to the city of Chicago any and all reversionary rights of the United States in and to the streets, alleys, and public grounds in Fort Dearborn addition to Chicago; and

H. J. Res. 100. Joint resolution to authorize the Secretary of War to expend not to exceed \$125,000 for the protection of Government property adjacent to Lowell Creek, Alaska; to the Committee on Military Affairs.

H. R. 9351. An act extending the period of time for homestead entries on the south half of the diminished Colville Indian Reservation;

H. R. 9967. An act authorizing an expenditure of \$6,000 from the tribal funds of the Chippewa Indians of Minnesota for the construction of a road on the Leech Lake Reservation; and

H. J. Res. 134. Joint resolution authorizing the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to prosecute claims, jointly or severally, in one or more petitions, as each of said Indian nations or tribes may elect; to the Committee on Indian Affairs.

TRUNK-LINE SEWER THROUGH FORT MYER, VA.

Mr. CAMERON. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 3221) to authorize the Secretary of War to enter into an agreement with the Clarendon Community Sewerage Co., granting it a right of way for a trunk-line sewer through the Fort Myer Military Reservation and across the military highways in Arlington County, Va., and to connect with the sewer line serving such reservation, and I submit a report (No. 559) thereon.

Mr. SWANSON. Mr. President, the bill just reported by the Senator from Arizona from the Committee on Military Affairs proposes to permit the construction of a trunk-line sewer across a little piece of land that belongs to the Government in Arlington County. The Secretary of War recommends the passage of the bill. It is very important that this work should commence for the summer on account of sewerage conditions. I ask unanimous consent for the immediate consideration of the bill, which has, of course, already been passed by the House.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War, if in his opinion it is not inconsistent with the interests of the Government, to enter into an agreement with the Clarendon Community Sewerage Co., a corporation existing under the laws of the State of Virginia, granting it a right of way for a trunk-line sewer through the Fort Myer Military Reservation and across the military highways in Arlington County, Va., subject to such terms and conditions and providing for such compensation to the United States as may be agreed to by the Secretary of War and the Clarendon Community Sewerage Co., and to connect with the sewer line serving such reservation, such agreement to be limited to a period of five years, renewable from time to time thereafter for five-year periods, within the discretion of the Secretary of War, upon terms and conditions acceptable to him, and revocable at any time within the discretion of the Secretary of War.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECESS

Mr. CURTIS. I move that the Senate take a recess, the recess being until noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate, pursuant to the previous order, took a recess until to-morrow, Wednesday, April 7, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, April 6, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, do Thou dwell in our thoughts and hearts, bringing assurance and peace. Show us what it means to master the world and give us the strength which can serve it effectively. Renew our spirits, and may we seek by wise, persistent effort constructive good. Help us always to give Thee our emphatic faith; our unquestioning loyalty; our impassioned love; our entire and hearty obedience, and our country shall be richer in character and our fellow men happier and better. Thus we shall pass into a sweet reasonableness, into that quietness and hopefulness which are the strength of life. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

LECTURE BY DOCTOR MYERS

Mr. BLANTON. Mr. Speaker, I ask unanimous consent for just a quarter of a minute to announce a lecture at the War College to-morrow morning at 9 o'clock by Dr. William Starr

Myers, professor of politics at Princeton University, on Government problems. I thought perhaps some of our colleagues might want to hear him.

INDIAN COMMISSIONER BURKE TO "ANSWER QUESTIONS"

Mr. FREAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record upon Indian affairs.

The SPEAKER. Is there objection?

There was no objection.

Mr. FREAR. Mr. Speaker, under leave to extend remarks, permit me to say that through a newspaper published in my district in Wisconsin I find printed a letter sent by Indian Commissioner Burke to Chairman LEAVITT, of the Indian Affairs Committee, in which Mr. Burke offers to "answer questions" that may be propounded to him by the Indian Committee. As Mr. Burke's letter was dated April 1 and the paper was published 1,200 miles distant on April 4, it shows the excellent publicity bureau now maintained by Mr. Burke that enables him to have published a letter apparently not sent by any press service so far as the news item discloses.

In order that the record may be properly made up to date I call attention to the fact that on March 4, 1926, I spoke in the House on the "Indian Bureau's chains and manacles," which term was applied both to person and property of the Indians now controlled by Indian Commissioner Burke. At that time I set forth in a dozen or more pages of the Record facts that were vouched for by many witnesses of numerous evidences of mismanagement, robbery of the Government's wards, and systematic oppression. On that same day and about four weeks before the Burke letter was written I introduced in the House a resolution of investigation of the Indian Bureau in support of many specific charges discussed on that day.

That resolution was as follows:

RESOLUTION FOR INVESTIGATION OF INDIAN BUREAU IN THE HOUSE OF REPRESENTATIVES, March 4, 1926.

Mr. FREAR introduced the following joint resolution; which was referred to the Committee on Rules and ordered to be printed:

Joint resolution (H. J. Res. 189) authorizing the appointment of a committee to investigate the Indian Bureau and report thereon

Whereas Congress in 1924 granted citizenship to every adult Indian for the purpose of enabling him or her to become a self-supporting, responsible member of society; and

Whereas through 70 years of bureaucratic guardianship the Indian has been held by the Indian Bureau in a hopeless, un-American, and unambitious position, with 240,000, or two-thirds of all Indians, still kept by the Indian Bureau in a restricted condition and declared by it to be incompetent to own or manage property, this status being determined by the Indian Bureau itself without right of court review; and

Whereas the Indian Bureau, directed by Commissioner Burke and Assistant Commissioner Meritt, exercises practically unlimited control over Indian property estimated at \$1,600,000,000 in value and has consistently, through administrative usurpation and through a senseless persuasion of Congress, increased its power as a means of politically perpetuating itself in more than 5,000 salaried positions paid for by the taxpayers and by the Indians without the Indians' consent; and

Whereas the Commissioner of the Bureau of Indian Affairs has made rules and regulations and has authorized Indian agents to appoint \$10 a month subordinate agents called "judges," who, without trial by jury or any known code of law or legal practice, have confined Indians in jail and compelled them to work on the highways as convicts and to pay fines for infringing such rules, all in violation of the constitutional rights and guarantees given every American citizen, and has further, through his agents, permitted many acts of cruelty and mistreatment of Indians which deprived them of their property and liberty of person; and

Whereas the Indian Bureau has neglected the health of the Indians until disease conditions shocking beyond description have developed and now menace the white population of several States, while destroying the Indians; and

Whereas, cooperating with local interests in using pressure upon Congress, the Indian Bureau has charged to the several tribes, through legislation initiated or approved by the Indian Bureau, many millions of dollars for bridges, roads, irrigation projects, and other public and private work not consented to by the Indians and not intended primarily, if at all, in some cases, to be used by the Indians; and

Whereas the Commissioner of Indian Affairs has advocated laws that have required and will require the Indians to give unjust oil leases reaching many millions of dollars and unwarranted favors to oil producers and speculators, including payment by the Indians of the white producers and speculators' tax, and further has failed and refused to protect the Indians' property, but, on the contrary, in repeated cases involving enormous results has favored legislation designed to cancel

and confiscate Indian property rights and to remove the legal protection to which the Indians as wards of the Nation are entitled; and

Whereas after 70 years of Spanish Inquisition guardianship under an Indian bureaucracy that to-day rivals the autocracy of a Russian czar, the Indians are without hope or protection save through an aroused public sentiment and intervention by Congress; and

Whereas the Indian Bureau, with its notorious scandals, robbery of its wards, and systematic oppression, has outlived any usefulness it was supposed to have when first organized; and

Whereas Congress, having granted full citizenship to the American Indian, must now, in tardy justice, enable these wards of the Nation to enter into the privileges and responsibilities of citizenship, which can never be done under the present archaic, tyrannical, and exploiting system of the Indian Bureau: Therefore be it

Resolved, etc., That a committee of 10 Members of Congress is hereby authorized, five to be appointed by the Vice President from the Senate and five appointed by the Speaker from the House; that such committee shall be instructed to investigate any charges of neglect, dissipation of funds, improper treatment, or misgovernment of the American Indians and further report their findings, with such recommendations as may afford the Indians opportunity to improve their conditions without delay and better qualify themselves for rights of citizenship heretofore granted them by Congress. And for such purposes said committee shall have power to send for persons and papers and administer oaths and shall have the right to report at any time. The expense of said inquiry shall be paid jointly in equal proportions out of the contingent funds of the Senate and House upon vouchers approved by the chairman of said committee, to be immediately available.

It was necessary to have a committee fully empowered to subpoena witnesses and hold extended hearings that would not be hushed up or whitewashed, due to the influence of the bureau and its army of employees—a situation not unknown with the bureau in many cases. Word that no committees of investigation were likely to be appointed or any extended hearings would be held prevented pressing the resolution for passage unless a willingness should be manifested therefor by Commissioner Burke, head of the bureau. To date no sign of such willingness has been manifested where witnesses could meet the bureau chief face to face. Presumably some of the charges contained in a hundred or more letters I have received on the bureau would not be probed, but without doubt many charges warrant the reported statement of a former high Cabinet officer that Mr. Burke should resign. My charge is not personal against Mr. Burke, but against a vicious system of which he consciously or unconsciously plays a part, a system that should be abolished.

On March 8, or shortly after the introduction of my resolution of investigation of the Indian Bureau, a large dinner was given at the Lafayette Hotel, this city, under the auspices of the People's Forum, a well-known organization, at which Senators, Representatives, and speakers from abroad were present, and also about 30 Indians' representatives in Washington of several Indian tribes. At that meeting Senators and Members, with several other speakers, including Indians and Indian women, all denounced the present Indian Bureau autocracy and its unjust "management" of 225,000 Indians, who own \$1,600,000,000 of property held by the bureau. Before adjournment of the forum a motion was unanimously carried inviting Mr. Burke to be present at a later meeting to defend himself and his bureau. A copy of a letter then sent Mr. Burke has been handed me to-day by Mr. King, director of the forum. It is explicit and is as follows:

MARCH 9, 1926.

HON. CHARLES H. BURKE,
Commissioner of Indian Affairs,
Department of the Interior, Washington, D. C.

MY DEAR MR. BURKE: I assume your attention has been called to the fact that the policies of the bureau of which you are chief were severely arraigned at a forum dinner under the auspices of this organization last night at the Lafayette Hotel.

Permit me to say that this is a forum for the discussion of public issues of moment. In accordance with the unanimous vote of the forum, I shall be very happy to arrange another forum dinner at any time that may suit your convenience for the presentation of the bureau's side of the questions at issue. I should be glad if you yourself would appear, but since that is not customary in official circles I shall heartily welcome any representative that you might choose to select.

I noted with pleasure that two representatives of your bureau were at the meeting last night and trust they have rendered you a very full account of what happened. I am happy that one of them took advantage of the question period to ask questions and defend the bureau. It is our custom to have such a question period always, and I assure you that

your speaker or speakers will receive every courtesy and consideration, and undoubtedly will be glad to answer such questions as may arise.

Yours very sincerely,

JUDSON KING, Director.

Two representatives from the Indian Bureau were present, as stated in the letter, and sought to defend the bureau's methods as to two bills then before the Indian Committee of the House. One of these measures related to an Indian oil leasing bill that as introduced and defended was unjust and unprecedented among the long list of unjust methods pursued toward the Indians by the bureau.

The letter of March 9 was replied to by Mr. Burke on March 22, as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, March 22, 1926.

MR. JUDSON KING,
Director National Popular Government League,
637 Munsey Building, Washington.

MY DEAR MR. KING: Returning to the office after an absence of a few days due to illness, your letter of the 9th instant has been called to my attention.

It is noted that you say that at a forum dinner under the auspices of your organization at the Lafayette Hotel recently the policies of this bureau were severely arraigned and that, in accordance with the unanimous vote of the forum, you would be very happy to arrange another forum dinner, to suit my convenience, for the presentation of the bureau's side of the questions at issue. While this action is appreciated, I do not feel that anything would be gained by what you propose. If you or anyone else will present in concrete form any statements that were made on the occasion of the dinner referred to in your letter dealing with matters of administration or legislation for which the bureau was criticized, I shall very gladly reply to same by letter and give full information.

Yours sincerely,

CHARLES H. BURKE, Commissioner.

The charges made at the forum meeting, which representatives of the bureau heard presented, among many others, and for which Commissioner Burke was requested to appear and answer, are set forth in the following letter by Mr. Judson King, director of the forum, in his letter to Mr. Burke, as follows:

NATIONAL POPULAR GOVERNMENT LEAGUE,
Washington, D. C., April 6, 1926.

HON. CHARLES H. BURKE,
Commissioner of Indian Affairs,
Department of the Interior, Washington, D. C.

MY DEAR MR. BURKE: I have been delayed by the pressure of other work in responding to yours of the 22d ultimo relative to having a representative of the Indian Bureau speak at a forum of this league which we would call for the especial purpose of permitting you to answer the charges which were made against your bureau at the forum of March 8.

In declining you express a desire that I present in concrete form the statements made at this forum.

That is, of course, a fair proposition, and I gladly do it herewith, although the press freely carried statements made, and at least two persons employed by your bureau were present at the forum, I presume to find out exactly what was said.

The following charges were made, in substance, at this forum, and I shall be happy to observe your response:

1. It was charged that the Indian Bureau had indorsed a plan for taking 37½ per cent of the Indian royalties on Executive order reservations and giving it to the States, while at the same time leaving the oil producers exempt from any taxation. It was charged that this plan had been inaugurated by Secretary Fall and the present officials of the Indian Bureau, who were its officials under Secretary Fall, were proceeding, with the indorsement of Mr. Fall's successor, Dr. Hubert Work, to seek the accomplishment through legislation of what Mr. Fall was prevented from accomplishing by administrative act.

In this connection it was predicted by speakers that before this oil bill finally came to a vote it would have been fixed up to validate all of the hundreds of illegal Fall applications. I understand that the bill as reported by the House Indian Affairs Committee does precisely this thing and that no protest has been registered by the Bureau of Indian Affairs.

As the matter is of gravest moment to the Indians and to the country, and as the Indian Bureau's position is known to be influential in Congress, it would appear that an explanation or, if the facts were misstated at the forum, a refutation is urgent.

2. It was charged at the forum by different speakers that the Indian Bureau had drafted and was promoting a measure which destroyed tribal authority among the Indians, outlawed tribal customs, and

legalized the anomalous type of reservation court already existing, which would thus be enabled with statutory authority to continue jailing and fining Indians without due process of law.

It was charged that this bill as a whole was a deadly blow against Indian happiness, Indian morals, Indian self-respect, and the human and constitutional rights of Indians; and that it had been engendered in the bureau, drafted by the bureau, pushed by the bureau, and defended in hearings by the bureau. The question was raised whether such action by a department of the United States Government, the guardian of the Indians, was not a grave matter.

The bill in question is yet pending, as I understand, and is likely to be reported any day with the Indian Bureau's indorsement, and it is therefore an immediate subject. Some response before some forum would appear to be desirable.

3. It was charged by speakers at the forum that in a specific case, which was adduced as an example merely, the Indian death rate was five times the white death rate; that in this case of the Pima Indians the Indian Bureau and the Department of the Interior had engaged in delays based on insignificant and even fictitious technicalities which had not only gravely wronged the Indians but had blocked the will of Congress; that the delays were continuing and the extermination of the Pima Tribe was threatened. The statistics were exact and were based not on annual vital statistical reports of the Indian Bureau alone, but on allotment charts and official and unofficial count of the Indians actually dead. Here again a response appears to be desirable, though I can see your position, the forum might not be the most conclusive place at which to give the response.

On the subject of making response to criticism when formulated by responsible persons and when detailed in its character, I would remind you that Presidents of the United States have not deemed that it was wanting in dignity, or against their constitutional prerogatives, to make public reply before meetings of citizens to charges and criticisms. It is not wholly clear to me wherein the Indian Bureau possesses a dignity, remoteness, and impenetrability greater than that of the successive Presidents of the United States.

Sincerely and respectfully yours, JUDSON KING, *Director*.

Again Commissioner Burke refused to appear in person or by representation in the presence of those who had listened to specific charges against himself and the Indian Bureau.

Thereafter, on April 1, as though the date was significant of the purpose of the letter, Commissioner Burke sent to Chairman LEAVITT of the Indian Affairs Committee of the House a letter, of which copies were thoughtfully sent to papers in my district at the same time. That letter is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, April 1, 1926.

Hon. SCOTT LEAVITT,

*Chairman Committee on Indian Affairs,
House of Representatives.*

MY DEAR MR. LEAVITT: In the remarks of my friend the Hon. Mr. FREAR, of Wisconsin, appearing in the CONGRESSIONAL RECORD of March 26, 1926, referring to remarks made on a former occasion and appearing in the RECORD of March 5, 1926, Mr. FREAR stated:

"I would not willingly do Mr. Burke any injustice, but he should come out in the open if any of these statements are incorrect and plead his case before the public, or, better, before a committee of the House or Senate, where the record will be made."

As I do not consider what Mr. FREAR has stated constitutes an indictment, I do not feel called upon to "plead" my case before the public or elsewhere. I am, however, ready and glad to appear before your committee at any time to answer his charges and answer any questions that any member of the committee may wish to ask me. In view of the misinformation, misleading and untrue statements made by Mr. FREAR, if there are as many as three members of your committee who feel that they would like me to answer them, it is my desire and hope that the committee will fix a time and afford me the opportunity to do so, the time to be agreeable to Mr. FREAR, in order that he may be present.

Respectfully,

CHARLES H. BURKE, *Commissioner*.

Without the presence of witnesses or any means of subpoena of those gone home or others who would be brought here by any real investigating committee, Commissioner Burke finally now says, through the press, he will appear before the Indian Committee and answer charges or questions.

It was shown by me in speech of March 26, to which the commissioner refers, that at that time 35 bills had been reported by the Indian Committee to the House, of which 34 had the O. K. of Commissioner Burke, acting through the Secretary of the Interior. Only one bill passed the committee without that approval—a bill introduced by Chairman LEAVITT, which was put through the committee, but held up in the Senate by Indian Bureau officials who appeared against it in

the Senate hearings. Over 100 bills have been referred to the Indian Committee, and as all but 1 of the 35 bills reported by the committee had to have the O. K. of the autocrat of Indian affairs, it can easily be understood why Commissioner Burke, holding a whip hand, is willing to answer questions before that committee, particularly as no accusing witnesses are now present and none can be subpoenaed by the committee. The situation is as simple as the ease with which the commissioner's press bureau managed to get his letter to the committee printed in a district in northern Wisconsin without any delay. If all service by the bureau was as speedy and given equal publicity, the situation of 225,000 "incompetent" Indians would be improved and no longer made subject to ball-and-chain sentences in my own State.

My letter to Chairman LEAVITT, written yesterday, is as follows:

APRIL 5, 1926.

Hon. SCOTT LEAVITT,

*Chairman Committee on Indian Affairs,
House of Representatives, The Capitol.*

MY DEAR MR. LEAVITT: I note in the United States Daily of April 5 copy of a letter sent by Commissioner Burke, of the Bureau of Indian Affairs, to you dated April 1, which letter states that if three members or more of the Indian Affairs Committee desire him to do so, he, the commissioner, will now answer any questions affecting "misinformation, misleading, and untrue statements made by Mr. FREAR in speeches of March 5 and March 26, 1926."

If any statement made by me is incorrect, the commissioner owes it to both of us and to the public to make correction, and opportunity has been afforded him in every possible way to do this in the past. For over two weeks, at the invitation of members who advised me they would speak in the House, I awaited some one authorized to defend the bureau. The commissioner says he will appear before the committee where every member of a committee depends upon the commissioner's approval for Indian legislation desired by those whom the member represents.

Early in March about 30 Indians representing different tribes then in Washington, together with other speakers, including Rabbi Wise, a noted publicist, appeared at a dinner at the Lafayette Hotel where about 150 guests, including a number of Senators and Representatives in Congress were present. At this public forum Indian and white speakers made serious charges against the Indian Bureau for its incompetency and worse, and Commissioner Burke was unanimously invited by resolution to appear at a subsequent meeting of the forum in person or by a representative to answer the charges there made. This, I understand, he declined to do. That invitation occurred subsequent to my speech on March 5, to which Commissioner Burke now offers to make a belated answer to questions. The Indians then in Washington and others familiar with important facts there developed have now generally returned to their homes or reservations.

Commissioner Burke controls \$90,000,000 in Indian money and securities and \$1,600,000,000 in Indian property, and holds the purse strings that would enable them, if at all, to return to Washington to testify. Important witnesses that any congressional investigation could properly subpoena can not be produced before the Indian Committee of the House without legislation. Over a month ago I offered a definite resolution for investigation, that Commissioner Burke should have welcomed, to be held before a congressional committee empowered to subpoena witnesses. With our Indian Committee largely dependent upon his favors and approval for any Indian legislation desired by individual Members, and without witnesses recently available, I submit the commissioner's failure to appear before a public forum or offer for a proper congressional investigating committee is without reasonable explanation.

The commissioner offers at this late date to appear before three or more members of our committee to answer questions. Will other witnesses have opportunity to appear, and will the commissioner bring them or permit them to come to Washington at their tribe's expense? Will the committee be empowered to subpoena witnesses or will the commissioner, who controls the Indian purse strings, bring before the committee witnesses who should be here? Is his letter a gesture after the parties have gone home? Speaking personally, questions affecting the past record and policy of the bureau and of the commissioner in handling Indian affairs are primarily matters that should properly be inquired into, and the commissioner dignifies me in his letter by saying arrangements may be made to suit my convenience. I appreciate the courtesy and ask in return, if he appears, if witnesses may be brought here whom I will name, and if I may be permitted to question him and other witnesses without interference? I am certain the chief witness will be amply able to care for himself.

One other suggestion. For over six weeks past the only hearing on the Indian oil bill was held up from printing until just prior to the report, and for about the same length of time or more it has been impossible to get printed hearings on the Indian court bill, both of which bills are vitally important to the Indians. These bills, I under-

stand, the Indian Bureau is seeking to press through Congress at this late day. It is customary, I believe, with committees generally for reports to be printed promptly, and when I was chairman of a committee that took over 4,000 printed pages of testimony, daily printed hearings were laid on our desks within two or three days after each hearing. For this reason I am asking that Commissioner Burke's printed testimony, whether for one day or longer, even if uncontradicted by witnesses, may be made available within a day or so after the hearings for such use as may be proper. That, I believe, is a fair request to make in advance to prevent misunderstanding or delay.

If necessary that some bill should be under consideration when Commissioner Burke appears to answer questions, I suggest that a hearing may properly be called upon one of the several general bills I have introduced affecting Indian welfare, which, I believe, have been uniformly disapproved by the commissioner. Testimony, of course, would not be limited to the bill under consideration. If he will appear when no Indian business is before the House or before the committee, I shall endeavor to be present and request that notice be given at least on the preceding forenoon, which I trust is not an unreasonable request to make.

Thanking you for any arrangements the commissioner may desire to have made, I am,

Very sincerely,

JAMES A. FREAR.

No attempt to repeat charges against the bureau will be here attempted. The whole system of control of Indians and their property by the Indian Bureau is condemned by those familiar with present bureaucratic practices.

For illustration, two recent cases from my own State are alluded to, either one of which would properly require the presence of several witnesses to determine the facts rather than the self-serving statements of bureau officials and bureau agents.

I do not intend to repeat many charges against Indian agents, some of which may not be just, but one charge of many received is quoted, and detailed statements regarding that case have come to my hands, so I have confidence the situation is substantially as presented by Governor Blaine, of Wisconsin, in his telegram to President Coolidge, which I have read, but here repeat:

MADISON, WIS., February 15, 1926.

President CALVIN COOLIDGE,
Washington, D. C.:

Responsible woman, whose word I believe, reports that Paul Moore, an Indian, charged with a misdemeanor, was found on January 26 at Lac du Flambeau (Wis.) Agency Jail, in a cell 6 by 8 feet, with clogged toilet, and with ball and chain fastened to ankle. In same jail were incarcerated Indian women. This condition is abhorrent to the dictates of decency and our vaunted civilization. This is the tyranny of the Dark Ages and the practice of the degenerate dominant to terrorize the Indian, who needs help more than a jail. In the name of humanity, I beg that that sort of thing cease.

JOHN J. BLAINE, Governor.

During my speech of March 4, previously mentioned, my colleague from Wisconsin [Mr. PEAVEY] interrupted me to make the following statement regarding the case mentioned in the telegram from the Governor of Wisconsin to President Coolidge. He said:

Mr. PEAVEY. I have in my possession a letter from Mrs. Mary Moore, of Odanah, Wis., complaining about the very thing under discussion. She states that an Indian judge at Flambeau, Wis., sentenced her son to imprisonment; he was given a chance to work it out in the potato fields, and he escaped. Some months later they brought him back and put him into jail with a chain and ball on his feet, and in this particular case the charge was for simply being disorderly. The mother of this boy writes me that her son was tried before an Indian judge who was unable to read or write English, and she claims the superintendent of the Flambeau Reservation wrote out the boy's sentence for the Indian judge. On January 26 I sent Mrs. Moore's letter to the Indian Bureau, requesting an investigation and report. Receipt of my letter was acknowledged, but no report has been made in six weeks' time. I have had many complaints from Indians in my district, but not of so serious a nature as the Moore case.

THE MURRAY CASE OF THIS YEAR

The Murray case, also from Wisconsin, is recent and useful in showing the attitude of the bureau in its treatment of cases where injustice has come through the bureau's autocratic and ruthless methods that to-day have left a poor family practically without protection, excepting as the people of my State may relieve their distress.

First is a letter to Governor Blaine, of Wisconsin, from Commissioner Burke that is introductory and explanatory. It is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, December 23, 1925.

Hon. JOHN J. BLAINE,

Executive Chamber, Madison, Wis.

My DEAR SIR: Mr. and Mrs. Frank Murray, of Murray Lake, Wis., presented your letter of introduction with the accompanying papers to-day. Their case is very pathetic, and I have had occasion heretofore to consider it and have gone to the extreme in trying to aid them. I am still willing to do whatever I can now, but it is one of those cases where it is hard to accomplish anything, on account of the record.

It is indeed regrettable that the friends of Mr. and Mrs. Murray would advise them to come to Washington at this time when there is not a thing that they can do by being here, and the cost of a trip to Washington and return would have kept them for some little time had they remained at home. Senator LENROOT is going to introduce another bill for the relief of Mr. Murray, and has already called personally at this office, and we have discussed it at length, and both of us are disposed to do everything we can consistently to try to get relief through legislation; but, as before stated, it is a very doubtful case, because of the record and lapse of time since the alleged damage was sustained in 1809. There have been bills at different times introduced in Congress for relief, one as early as 1913, but there never has been, apparently, a favorable report upon any bill, either by the committee of the House of Representatives or the committee of the Senate.

Assuring you that the matter will have our personal attention and that in any way that we can properly cooperate with the Congress we will do so, I am

Yours sincerely,

CHAS. H. BURKE, Commissioner.

Senator LENROOT endeavored to give some aid to relieve the Murrays, who were thrown off the reservation under bureau methods.

Whether Commissioner Burke did or did not rewrite his report as stated, and whether the commissioner was speaking frankly to the Senator, may be gathered from subsequent letters in the case. The Senator's letter to Mrs. Murray is as follows:

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
March 6, 1926.

Mrs. FRANK MURRAY, Barnes, Wis.

My DEAR MRS. MURRAY: I have yours of the 1st instant, and in reply will say that I talked with Commissioner Burke about the case about 10 days ago, and he confidentially told me that he had written a report upon the bill for Frank, but his report had not met with the approval of the Secretary, who makes the report to Congress, and he was compelled to rewrite it in such a way as to secure the approval of the Secretary of the Interior.

I know the commissioner is very friendly to you, and I am afraid that the trouble is that he wrote a stronger report in favor of the bill than the Secretary would sign. I shall advise you as soon as there is anything to report.

Very sincerely yours,

I. L. LENROOT.

A heart-rending letter from the Murrays state their condition and necessities as follows:

BARNES, WIS., March 22, 1926.

Hon. Congressman H. H. PEAVEY,

Washington, D. C.

MY DEAR CONGRESSMAN: Since your last letter both Frank and I have sent an appealing letter to the Commissioner of Indian Affairs Burke, also to Senator LENROOT. I am inclosing the Senator's answer. Recently heard from Assistant Commissioner Meritt, which I have sent to Senator LENROOT. We have been snowed in since the 11th of January and short of food. I have cut enough wood to keep warm.

Dear Congressman, we surely are enduring hardships of the worst kind. It is heart-rending at times to see Frank break down and cry; it is almost unbearable, but I do try to cheer him and say God will provide. He will open the way and the hearts of our Indian Department. This great and good Government will relieve us.

I desire to tell you that a farmer friend living several miles north of us on the Brule road came on horseback the other day with a loaf of bread, a pint of oatmeal, and a peck of potatoes and some stamps, which we are thankful for.

Our poor daughter, Mrs. Howard Barnes, of Oshkosh, Wis., sent us cereals parcel post. Her husband earns only a living wage for a family of five and supporting and schooling an orphan niece. It takes all he earns for rent, fuel, and food, so we can not look to them for help.

Yours sincerely and truthfully,

FRANK AND NANCY MURRAY,
Brule, Douglas County, Wis.

When Congressman PEAVEY endeavored to find where the trouble lay in this bill's course that had been approved (?) by Commissioner Burke, in an effort to right a serious and inexcusable wrong, he wrote the Claims Committee as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 23, 1926.

Hon. CHARLES L. UNDERHILL,
Chairman Committee on Claims, House of Representatives.

MY DEAR MR. UNDERHILL: Early in the present session of Congress I introduced H. R. 4278 for the relief of Mr. Frank Murray, and it was referred to your committee for consideration.

Up to date I have not heard what progress has been made with the bill and will appreciate it if you will advise whether or not the Bureau of Indian Affairs has made a report on the bill to your committee. If it has not, would it be in order to ask that the bureau submit a report at any early date?

Thanking you in advance, I am,
Very truly yours,

H. H. PEAVEY.

Here follows the usual self-serving declaration from the bureau, for it seems incredible that Secretary Work would take into his own hands a detail of this kind properly belonging to the Indian Bureau, although correspondence is ordinarily conducted through the department head.

Commissioner Burke was sad and active with Senator LENROOT (see preceding letter). Then, what of this letter from Secretary Work that protests the Murray relief bill?

THE SECRETARY OF THE INTERIOR,
Washington, March 23, 1926.

Hon. CHARLES L. UNDERHILL,
Chairman Committee on Claims,
House of Representatives.

MY DEAR MR. UNDERHILL: The receipt is acknowledged of your communication of January 20, 1926, requesting a report on H. R. 4278, a bill for the relief of Frank Murray.

This bill is based on damages alleged to have been sustained by the beneficiary as the result of an order issued by the department dated February 11, 1909, whereby he was removed from the Red River Indian Reservation, Wis., in pursuance of section 2149 of the United States Revised Statutes, because his presence there was considered to be detrimental to the best interests and the peace and welfare of the Indians. Murray and his wife conducted a hotel and restaurant within the reservation. Complaints were made that intoxicated persons were constantly congregating there and that liquor was being sold to Indians and others. In 1907 Murray was indicted on the charge of introducing whisky into Indian country in violation of the law. In March, 1908, he pleaded guilty and was fined \$100 and sentenced to 60 days' imprisonment, but the imprisonment was suspended upon the payment of the fine. In view of subsequent circumstances, Murray, with others, was removed from the reservation under authority of section 2149 of the United States Revised Statutes.

Under date of December 23, 1911, the department granted Mr. Murray permission to return to the reservation. From a memorandum in the record it appears that the order permitting Murray's return to the reservation was based on the following conclusion:

"Without going into the question of the justification for the order of removal or of the correctness of the charges which led to the removal order, Mr. Murray should be permitted to return to the reservation where he has property and from which he has been forcibly separated since February 9, 1909, for whatever moral, legal, or administrative grounds there may have been for ordering his removal at the time, a forced exile from home and property of nearly three years is certainly a most severe and unusual punishment."

He claims that by reason of being removed his business was destroyed, the value of his property impaired, and that he suffered great loss thereby. Information in the files is to the effect that, after being removed from the reservation, Mr. and Mrs. Murray ran a summer resort on Murray Lake, about 50 miles southeast of Ashland, Wis. The claimant is now an old man, and his health is impaired to an extent that he is unable to labor, and it is said that both he and his aged wife are destitute and without means and that in an effort to procure the revocation of the order removing him from the reservation and later to obtain relief legislation, in addition to damage sustained, he has actually expended considerable sums of money. For further information, see report of July 3, 1914, on House bill 1263 of the Sixty-third Congress. The only way that relief can be granted is through legislation. The department does not recommend the proposed legislation.

In this connection your attention is invited to S. 2148, Sixty-ninth Congress, a bill which has been introduced in the Senate proposing the appropriation of \$3,000 for the relief of Mr. Murray.

By letter dated March 17, 1926, the Director of the Budget advised that this proposed reverse report is in accordance with the financial program of the President.

Very truly yours,

HUBERT WORK.

If given time to prepare for Commissioner Burke's questions, I trust I may find enough to occupy a part of his valuable time that will be illuminating in the disclosure of bureau methods, although it is unfortunate that the spirit did not move the bureau head before important witnesses had returned home or that an investigating committee with power to subpoena and give proper findings had not been called into service.

And the chapter will be written so plainly that the commissioner can again send his letters up to my district for the enjoyment of constituents who like such literary efforts as his now famous letter of April 1.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

- H. R. 186. An act authorizing the payment of tuition of Crow Indian children attending Montana State public schools;
- H. R. 7348. An act for the relief of Joseph F. Becker; and
- H. R. 8184. An act to authorize the Secretary of the Interior to purchase certain land in California to be added to the Coahuilla Indian Reservation and authorizing an appropriation of funds therefor.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

- H. R. 5012. An act to legalize a pier into the Atlantic Ocean at the foot of Rehoboth Avenue, Rehoboth Beach, Del.;
- H. R. 6530. An act to amend section 129 of the Judicial Code, relating to appeals in admiralty cases; and
- H. R. 7455. An act to legalize the submarine cable laid in the St. Louis River at the Spirit Lake Transfer Railway drawbridge between New Duluth, Minn., and Oliver, Wis., and used for the lighting of the village of Oliver, Wis.

The message also announced that the Senate had passed Senate bills and resolution of the following titles, in which the concurrence of the House of Representatives was requested:

- S. 1803. An act for the relief of Walter W. Price;
- S. 2111. An act for the relief of Levin P. Kelly;
- S. 2465. An act to amend the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes;
- S. 3499. An act granting the consent of Congress to the Gallia County (Ohio) River Bridge Co., and its successors and assigns, to construct a bridge across the Ohio River at or near Gallipolis, Ohio; and
- S. J. Res. 2. Joint resolution for the relief of George Horton.

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

- S. 7. An act to reimburse the Truckee-Carson Irrigation district, State of Nevada, for certain expenditures for the operation and maintenance of drains for lands within the Paiute Indian Reservation, Nevada; to the Committee on Indian Affairs.
- S. 47. An act making an appropriation to pay the State of Massachusetts for expenses incurred and paid, at the request of the President, in protecting the harbors and fortifying the coast during the Civil War, in accordance with the findings of the Court of Claims and Senate Report No. 764, Sixty-sixth Congress, third session; to the Committee on War Claims.
- S. 87. An act authorizing and directing the Secretary of the Interior to patent certain lands to school district No. 58, of Clallam County, State of Washington, and for other purposes; to the Committee on the Public Lands.
- S. 108. An act for the relief of the Commercial Union Assurance Co. (Ltd.); the Automobile Insurance Co. of Hartford, Conn.; American & Foreign Insurance Co.; Queen Insurance Co. of America; Fireman's Fund Insurance Co.; St. Paul Fire and Marine Insurance Co.; and the United States Merchants & Shippers Insurance Co.; to the Committee on Claims.
- S. 161. An act for the relief of Charles H. Willey; to the Committee on Naval Affairs.
- S. 587. An act for the relief of John O'Brien; to the Committee on Military Affairs.
- S. 674. An act granting certain lands to the city of Kaysville, Utah, to protect the watershed of the water-supply system of said city; to the Committee on the Public Lands.
- S. 868. An act for the relief of Kate Caniff; to the Committee on Claims.
- S. 1039. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

S. 1208. An act providing reimbursement to J. M. LaCalle for services as instructor at the United States Naval Academy, Annapolis, Md., from October 1, 1914, to October 19, 1914; to the Committee on Claims.

S. 1415. An act authorizing and directing the Secretary of the Treasury to immediately reconvey to Charles Murray, sr., and Sarah A. Murray, his wife, of De Funiak Springs, Fla., the title to lots 820, 821, and 822, in the town of De Funiak Springs, Fla., according to the map of Lake De Funiak drawn by W. J. Vankirk; to the Committee on Public Buildings and Grounds.

S. 1647. An act for the relief of the city of Philadelphia; to the Committee on Claims.

S. 1648. An act for the relief of Rinald Bros., of Philadelphia, Pa.; to the Committee on Claims.

S. 1651. An act for the relief of the widow and minor children of Ed Estes, deceased; to the Committee on Claims.

S. 1662. An act for the relief of Francis Nicholson; to the Committee on Claims.

S. 1786. An act to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, and Geodetic Survey, and Public Health Service; to the Committee on Military Affairs.

S. 1895. An act to correct the military record of George Patterson, deceased; to the Committee on Military Affairs.

S. 1903. An act for the relief of Capt. Murray A. Cobb; to the Committee on War Claims.

S. 1914. An act directing the resurvey of certain lands; to the Committee on the Public Lands.

S. 1993. An act for the relief of the Van Dorn Iron Works Co.; to the Committee on Claims.

S. 2042. An act relating to the office of Public Buildings and Public Parks of the National Capital; to the Committee on the District of Columbia.

S. 2122. An act for the relief of the Monumental Stevedore Co.; to the Committee on Claims.

S. 2141. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assinibolne Indians may have against the United States, and for other purposes; to the Committee on Indian Affairs.

S. 2166. An act for the relief of Orin Thornton; to the Committee on Military Affairs.

S. 2193. An act for the relief of Grover Ashley; to the Committee on War Claims.

S. 2202. An act to provide that jurisdiction shall be conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and certain bands of Indians, and for other purposes; to the Committee on Indian Affairs.

S. 2483. An act for the relief of legal representatives of the estate of Alphonse Desmare, deceased, and others; to the Committee on War Claims.

S. 2484. An act for the relief of Louise St. Gez, executrix of Auguste Ferré, deceased, surviving partner of Lapene & Ferré; to the Committee on War Claims.

S. 2552. An act to authorize the Secretary of the Interior to dispose by sale of certain public land in the State of Kansas; to the Committee on the Public Lands.

S. 2597. An act authorizing the President to appoint and retire certain persons first lieutenants in the Medical Corps, United States Army; to the Committee on Military Affairs.

S. 2619. An act for the relief of Oliver J. Larkin and Lona Larkin; to the Committee on Claims.

S. 2646. An act to provide cooperation to safeguard endangered agricultural and municipal interests and to protect the forest cover on the Santa Barbara, Angeles, San Bernardino, and Cleveland National Forests from destruction by fire, and for other purposes; to the Committee on Agriculture.

S. 2702. An act to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation; to the Committee on the Public Lands.

S. 2703. An act to restore to the public domain certain lands within the Casa Grande Ruins National Monument, and for other purposes; to the Committee on the Public Lands.

S. 2706. An act to provide for the reservation of certain land in California for the Indians of the Mesa Grande Reservation, known also as Santa Isabel Reservation No. 1; to the Committee on Public Lands.

S. 2722. An act for the relief of Muscle Shoals, Birmingham & Pensacola Railroad Co., the successor in interest of the receiver of the Gulf, Florida & Alabama Railway Co.; to the Committee on Claims.

S. 2730. An act to amend section 1153 of an act entitled "An act to establish a code of law for the District of Columbia"; to the Committee on the District of Columbia.

S. 2763. An act to amend section 103 of the Judicial Code, as amended; to the Committee on the Judiciary.

S. 2817. An act for the relief of Edgar K. Miller; to the Committee on Claims.

S. 2820. An act for the relief of José Louzau; to the Committee on Claims.

S. 2868. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgments in claims that the Crow Tribe of Indians may have against the United States, and for other purposes; to the Committee on Indian Affairs.

S. 2982. An act to provide for the conveyance of certain land owned by the District of Columbia near the corner of Thirteenth and Upshur Streets NW., and the acquisition of certain land by the District of Columbia in exchange for said part to be conveyed, and for other purposes; to the Committee on the District of Columbia.

S. 2996. An act to validate payments for commutation of quarters, heat, and light, and of rental allowances on account of dependents; to the Committee on the Judiciary.

S. 3055. An act for the relief of Lawford & McKim, general agents for the Employers' Liability Assurance Corporation (Ltd.), of London, England; to the Committee on Claims.

S. 3072. An act to authorize an exchange of lands between the United States and the State of Nevada; to the Committee on the Public Lands.

S. 3102. An act to modify and amend the act creating the Public Utilities Commission of the District of Columbia; to the Committee on the District of Columbia.

S. 3110. An act to authorize certain officers of the United States Navy to accept from the Republic of Haiti the medal of honor and merit; to the Committee on Foreign Affairs.

S. 3122. An act for completion of the road from Tucson to Ajo via Indian Oasis, Ariz.; to the Committee on Indian Affairs.

S. 3174. An act for the relief of the Alaska Steamship Co.; to the Committee on Claims.

S. 3186. An act to promote the production of sulphur upon the public domain; to the Committee on the Public Lands.

S. 3328. An act for the relief of L. W. Burford; to the Committee on Claims.

S. 3402. An act relating to giving false information regarding the commission of crime in the District of Columbia; to the Committee on the District of Columbia.

S. 3538. An act authorizing the Secretary of the Interior to pay legal expenses incurred by the Sac and Fox Tribe of Indians of Oklahoma; to the Committee on Claims.

S. 3665. An act for the relief of the owner of the ferryboat *New York*; to the Committee on Claims.

S. 3499. An act granting the consent of Congress to the Gallia County Ohio River Bridge Co. and its successors and assigns to construct a bridge across the Ohio River at or near Gallipolis, Ohio; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 2. Joint resolution for the relief of George Horton; to the Committee on Claims.

ARMY APPROPRIATIONS—CONFERENCE REPORT

Mr. ANTHONY. Mr. Speaker, I call up the conference report upon the bill (H. R. 8917) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes.

The SPEAKER. The gentleman from Kansas calls up a conference report upon the Army appropriation bill, which the Clerk will report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8917) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 6, 9, 17, 18, 19, 20, 27, 29, 31, 32, 36, 37, 38, 39, 40, 41, and 42.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 8, 16, 21, 24, 25, 26, 35, 43, 44, 45, 46, 49, 50, and 51, and agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Not exceeding \$800,000 may be used from the 'Military post construction fund' created in the act approved March 12, 1926, for construction of permanent barracks at Camp Lewis, Wash., without reference to sections 1136 and 3734, Revised Statutes"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: On page 26 of the bill, lines 14, 15, and 16, strike out the words "proceeds of the sales of surplus real estate not heretofore covered into the Treasury" and in lieu thereof insert the following: "Military post construction fund," created in the act approved March 12, 1926, without reference to sections 1136 and 3734, Revised Statutes"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,329,812"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$949,005"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$350,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "\$900,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 3, 7, 10, 11, 12, 22, 23, 30, 34, and 48.

D. R. ANTHONY, Jr.,
H. E. BARBOUR,
FRANK CLAGUE,
BEN JOHNSON,
T. W. HARRISON,

Managers on the part of the House.

J. W. WADSWORTH, Jr.,
W. L. JONES,
WM. J. HARRIS,
THOMAS F. BAYARD,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8917) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1, relating to the limitation on the payment of salaries under the classification act: Provides that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year and then only to the next higher rate, as proposed by the Senate.

On No. 2: Appropriates \$48,973,485 for pay of enlisted men, as proposed by the House, instead of \$49,962,144, as proposed by the Senate.

On Nos. 4, 6, 9, 17, 18, 19, 20, 29, 32, 36, 38, 40, 41, relating to participation in the national rifle match: Strikes out the increases proposed by the Senate aggregating \$393,490.

On No. 5: Appropriates \$160,000 for apprehension of deserters, as proposed by the Senate, instead of \$166,000, as proposed by the House.

On No. 8: Appropriates \$6,501,916 for clothing and equipage, incident to the continuation of existing Army laundries, as proposed by the Senate, instead of \$5,101,916, as proposed by the House.

On No. 13: Appropriates \$800,000 from the military post construction fund for construction of permanent barracks at Camp Lewis, Wash., instead of making such sum available

for the purpose indicated from the proceeds of the sales of surplus real estate "not heretofore covered into the Treasury," as proposed by the Senate.

On No. 14: Makes the provision proposed by the House with respect to hospital construction at Schofield Barracks apply "toward" instead of "for" the completion of such construction, and makes the sum of \$450,000, proposed by the House, chargeable to the military post construction fund instead of to the proceeds of sales of surplus real estate not "heretofore covered into the Treasury."

On Nos. 15 and 16, relating to barracks and quarters: Strikes out the appropriation proposed by the Senate of \$5,000 on account of participation in the national rifle match, and appropriates, as proposed by the Senate, \$5,000 for the repair of the old building known as the "Castle" at Fort Niagara, N. Y.

On No. 21: Strikes out the inhibition proposed by the House on the use of advances to the Signal Corps for the transmission of messages for hiring of personnel.

On No. 23: Appropriates \$949,005 for the Medical and Hospital Department, entirely incident to the Senate proposal to continue in operation existing Army laundries, instead of \$1,197,011, as proposed by the House, and \$938,255, as proposed by the Senate.

On Nos. 24 and 25: Makes a transposition of figures in the appropriation for the Engineer School.

On No. 26: Reappropriates \$100,000 of unexpended balances of appropriation for "Arming, equipping, and training the National Guard, 1923," reappropriated for 1925, for protection, preservation, and repair of fortifications in the United States, as proposed by the Senate.

On No. 27: Strikes out the reappropriation proposed by the Senate of \$400,000 of the unexpended balances of the appropriation for "Arming, equipping, and training the National Guard, 1924," for the construction of seacoast batteries on the Canal Zone.

On No. 31: Appropriates \$40,000, as proposed by the House, instead of \$90,000, as proposed by the Senate, on account of fire-control stations, Hawaiian Islands, and strikes out the reappropriation proposed by the Senate of \$100,000 of the unexpended balances of the appropriation for "Arming, equipping, and training the National Guard, 1923," reappropriated for 1925, intended to be similarly applied.

On No. 33: Appropriates \$350,000 for expenses of selected officers and enlisted men of the National Guard incident to attendance at military-service schools instead of \$308,000, as proposed by the House, and \$400,000, as proposed by the Senate.

On No. 35: Makes the National Guard field service appropriations available until December 31, 1927, as proposed by the Senate.

On No. 37: Strikes out the appropriation of \$100,000 proposed by the Senate for travel of Regular Army personnel in connection with the Organized Reserves.

On No. 39: Fixes the limitation on expenditures from the appropriation for Reserve Officers' Training Corps for transportation and subsistence expenses of competitors in the national rifle match at \$100, as proposed by the House, instead of \$15,000, as proposed by the Senate.

On No. 42: Fixes the limitation on expenditures from the appropriation for the National Board for Promotion of Rifle Practice for transportation and subsistence expenses of civilian rifle teams participating in the national matches at \$100, as proposed by the House, instead of \$80,000, as proposed by the Senate.

On No. 43: Strikes out the appropriation of \$10,000, proposed by the House, toward erecting a marker for the burial place at Washington Crossing Park, Pa., of 40 soldiers who died in the American Revolution.

On Nos. 44 and 45, relating to the Chickamauga and Chattanooga National Military Park: Appropriates \$5,000, as proposed by the Senate, for posts and guard rails on highways.

On No. 46, relating to the Washington-Alaska military cable and telegraph system: Appropriates \$2,000, as proposed by the Senate, for the installation of radio receiving and sending apparatus at a point to serve the Chandalar mining district.

On No. 47: Appropriates \$900,000 for the construction and maintenance of roads, bridges, and trails in Alaska, instead of \$751,000, as proposed by the House, and \$1,000,000, as proposed by the Senate.

On Nos. 49, 50, and 51, relating to the National Home for Disabled Volunteer Soldiers: Appropriates \$410,000 for subsistence, Central Branch, Dayton, Ohio, as proposed by the Senate, instead of \$430,000, as proposed by the House.

The committee of conference have not agreed to the following amendments of the Senate:

On No. 3, relating to allowances of enlisted men while absent from their permanent-duty stations in a pay status.

On No. 7, relating to the appropriation for regular supplies of the Army.

On Nos. 10 and 11, relating to the appropriation for Army transportation.

On No. 12, appropriating an unexpended balance of \$600,000 for the purchase of horses.

On No. 22, relating to the employment of consulting engineers at experimental stations of the Air Service.

On No. 28, relating to the employment of consulting engineers by the Ordnance Department.

On No. 30, appropriating \$25,000 for completing agricultural research experiments in exterminating the cotton-boll weevil.

On No. 34, relating to the appropriation for travel of Regular Army personnel in connection with the National Guard.

On No. 48, increasing the limit of cost for the completion of the survey of the Tennessee River and its tributaries and extending the survey.

D. R. ANTHONY, JR.,
H. E. BARBOUR,
FRANK CLAGUE,
BEN JOHNSON,
T. W. HARRISON,

Managers on the part of the House.

Mr. ANTHONY. Mr. Speaker, this appropriation bill as it left the House carried a total of \$339,616,367.16. The Senate added thereto in direct appropriations the sum of \$3,537,126, and in addition thereto, by reason of the enactment of legislation by Congress after the passage of the act by the Senate, there has been added to the bill a total of \$1,250,000 because of two construction items. One was placed in the bill by the Senate and one was placed in the bill on the floor of the House for new construction at Scofield Barracks and at Camp Lewis, Wash. Originally it was provided that the moneys for these projects were to be derived from sales of surplus real estate before the funds were deposited in the Treasury. By subsequent act of Congress they have been transferred into the military-post construction fund which has been set up in the Treasury. So that these amounts have been thereby made direct appropriations; and in addition thereto the Senate has reappropriated the sum of \$1,200,000 of unexpended balances, which increased the total amount in conference between the two Houses to \$5,987,126. If the conference report is adopted, as recommended by your conferees, the bill will carry a total of \$342,609,611.16, which represents an increase over the Budget of \$2,865,000, aside from the two construction items. I might say for the information of the House that since the passage of this bill by the House and the Senate the Budget has approved a bill pending in this body which authorizes the construction at Scofield Barracks and Camp Lewis, so that it can not be properly said that this amount of \$1,250,000 is an increase over the Budget.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. CHINDBLOM. With reference to amendment numbered 14, I do not think the report is quite clear as to whether the Senate amendment is retained. The real change made in the Senate was substituting the word "toward" for the word "for." Is that change agreed to?

Mr. ANTHONY. That change is agreed to, because it was evident it would require more money than the House provided to complete the project, and the conferees were desirous of permitting the completion of the project.

Mr. CHINDBLOM. Strictly, the amendment goes a little beyond the amendment of the Senate?

Mr. ANTHONY. Beyond the House.

Mr. CHINDBLOM. No; the conference report goes beyond the amendment of the Senate in changing language which is not in disagreement.

Mr. ANTHONY. We were compelled, for reasons just stated, to make the change, so that the money could be taken from the military-post construction fund, because the funds from which the House had directed it to be taken had since been transferred to the Treasury. We were compelled to make those changes.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. WINGO. I am not sure that I understand the status of the completion of the hospital at Scofield Barracks. Is this the situation, that since they put in that item in the House and made it payable, immediately available, out of the surplus funds on hand that had not been covered into the Treasury, the Congress has passed a bill creating the post-construction fund?

Mr. ANTHONY. Yes.

Mr. WINGO. The former fund was not now available, so that the bill has been amended to make that item now payable out of the post-construction fund which has recently by law been set up in the Treasury.

Mr. ANTHONY. Where the moneys the House attempted to make available have since been transferred.

Mr. WINGO. And the effect is that whereas it was theoretically impossible to start construction at once, the only change really would be to simply provide for the completion, commencing with the beginning of the next fiscal year, July 1.

Mr. ANTHONY. And the addition of the word "toward" makes it possible for the use of even more money than the House provided to complete the project at Scofield Barracks.

Mr. WINGO. In other words, the net effect would be that the War Department is authorized and money is appropriated, so that, commencing with the new fiscal year, they have authority and funds to complete that hospital at Scofield Barracks?

Mr. ANTHONY. Yes; to be immediately available.

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. NEWTON of Minnesota. I wanted to ask the gentleman in reference to amendments Nos. 33 and 39.

Mr. MADDEN. Before the gentleman from Kansas answers that, will the gentleman withhold a moment?

Mr. NEWTON of Minnesota. Yes.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, by direction of the Committee on Appropriations, I submit for printing under the rule the conference report on the independent offices appropriation bill, the bill H. R. 9341.

The SPEAKER. The gentleman from Indiana submits the conference report on the bill (H. R. 9341) for printing under the rule. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes.

The SPEAKER. Ordered printed.

WAR DEPARTMENT APPROPRIATION BILL

Mr. NEWTON of Minnesota. In reference to items 33 and 39 I notice there is a disagreement with the Senate, and that the Senate yielded to the House conferees on the question of the increase of mileage for reserve officers; that is, regular officers assigned to reserve officers' work.

Mr. ANTHONY. Yes. That is for additional money for travel in addition to funds available for regular officers on duty with the reserve. The Senate yielded on that item.

Mr. NEWTON of Minnesota. In reference to the item No. 39, fixing the expenditures from the Reserve Officers' Training Corps allowance for transportation, the Senate yielded on that. The Senate provision carried \$15,000 and the House provision only \$100.

Mr. ANTHONY. The Senate yielded on all the items covering the cost of the rifle matches. The amendment that the gentleman refers to concerns the item in reference to travel for rifle teams of the Reserve Officers' Training Corps to Camp Perry this summer. In this bill all appropriations for holding rifle matches this summer are eliminated. It is the plan of the department to hold such rifle matches biennially instead of every year.

Mr. NEWTON of Minnesota. It will not be used?

Mr. ANTHONY. No; it will not be used.

Mr. NEWTON of Minnesota. It is the policy of the department to have these matches biennially instead of annually?

Mr. ANTHONY. Yes.

Mr. LOWREY. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. LOWREY. Will the gentleman give the House the exact amount now for appropriations for military activities and those for nonmilitary activities?

Mr. ANTHONY. Of this entire amount that the bill carries, \$342,000,000, a little over \$77,000,000 is for nonmilitary activities. I might say to the House that the two items on which the House conferees yielded included one for over a million dollars, restoring the laundries that are now operated in the Army. The House cut them out; the Budget recommended it. While this increases the total of the bill, it does not mean the laundries cost us all of that amount of money, because that amount is returned to the Treasury in the receipts from this laundry service. The service supposedly pays for itself.

The other matter that I wanted to bring to the attention of the House is a reappropriation of unexpended funds amounting to \$600,000 for purchase of horses by the Army. It was an amendment by the Senate, to which the House conferees agreed.

Mr. CONNALLY of Texas rose.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. CONNALLY of Texas. If the gentleman wants his linen washed, I will wait.

Mr. CHINDBLOM. Did the Budget recommend the discontinuance of this laundry service?

Mr. ANTHONY. Yes.

Mr. CHINDBLOM. And the conferees have yielded?

Mr. ANTHONY. They yielded to the restoration of the item by the Senate.

Mr. CHINDBLOM. Does the gentleman think it a good thing for the Government to be in the laundry business?

Mr. ANTHONY. In some instances it is a bad thing, but, generally speaking, it is for the good of the Army. The Government charges \$1.75 a month to the enlisted men for all their laundry work. That gives him a good, clean laundry service at a reasonable expenditure of money. On the other hand, the Government is undoubtedly competing at some Army posts with near-by civilian laundries, and perhaps in some places at prices not sufficient to cover all cost and overhead.

Mr. CHINDBLOM. And the cost charged to the Government is not sufficient to cover all expenses, including the overhead?

Mr. ANTHONY. The statement is made to us that the moneys collected do pay all the charges for this laundry service.

Mr. CHINDBLOM. I should not think so.

Mr. ANTHONY. We yielded to the Senate on this item with the understanding with the Senate conferees that they would convey to the War Department that it was our desire that a charge be made for this service sufficiently high to cover all overhead costs, so that there would be no possibility of a deficiency or the using up of any part of the appropriation being made for that purpose.

Mr. DYER. Do they assign enlisted men to this work?

Mr. ANTHONY. No; it is done by civilian labor.

Mr. DYER. Is any of it done by enlisted men?

Mr. ANTHONY. Only in the Disciplinary Barracks.

Mr. CHINDBLOM. I hope we can get away from that.

Mr. ANTHONY. I think that was the idea when the War Department eliminated the item.

Mr. CONNALLY of Texas. I hope the Army will continue this activity. They are not in business. They are attending to their own business. I do not see why the Army should refuse to carry on this laundry simply for the benefit of some private concern that makes money out of the enlisted men. I think you might as well hire the food cooks and everything else to be done by outsiders if you adopt this principle that the Army can not do anything except march around on parade.

Now, as to amendment No. 1, what particular individual in the office of the Secretary of War was this intended to benefit?

Mr. ANTHONY. I do not know what particular individual this will cover, but it is a clause carried in all appropriation bills this year which will permit an increase in pay of certain chiefs. Where there is only one in a classification an increase is now prohibited, but this will permit, in certain cases, these chiefs of bureaus to receive an increase.

Mr. CONNALLY of Texas. In other words, the effect of this Senate amendment, to which the House conferees have agreed, is to provide that for everybody else the rule shall be one way, but if a man happens to be the only one in his grade—

Mr. ANTHONY. No. I will say to the gentleman that it is just the opposite now. We passed legislation this year or last year under which these chiefs could receive no increase whatever, but those in grades under them could have an increase and have received increases, so we thought it no more than fair to permit a reasonable increase for these chiefs.

Mr. CONNALLY of Texas. And the gentleman is doing that in an appropriation bill when the other was fixed by statute.

Mr. ANTHONY. No; it was all fixed in appropriation bills, I will say to the gentleman; it was all fixed by limitation.

Mr. CONNALLY of Texas. The gentleman does not know who this particular individual is.

Mr. ANTHONY. I think it is intended to broadly cover a number of them.

Mr. NEWTON of Minnesota. Will the gentleman yield further?

Mr. ANTHONY. Yes.

Mr. NEWTON of Minnesota. I notice that the Senate provision for the expenses of selected officers and enlisted men of the National Guard incident to attendance at military service

schools carried an appropriation of \$400,000, whereas the House provision carried \$308,000 and it was set at \$350,000 by the conferees. Just what does that cut involve from the Senate figures?

Mr. ANTHONY. Well, it means that it is the desire of the Senate that a larger number of National Guard officers shall be sent to the various service schools, and the House met them halfway on the matter.

Mr. NEWTON of Minnesota. How does the appropriation in the report compare with the appropriation of the present year?

Mr. ANTHONY. I think it practically restores the appropriation for the current year. If I am not mistaken I think the estimate of the Budget was a cut. Three hundred and twenty-five thousand dollars is the figure of the current year.

Mr. NEWTON of Minnesota. Then there is an increase of \$25,000 over the current year?

Mr. ANTHONY. Yes.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 3: Page 10 of the bill, line 20, strike out the following language: "Provided, That hereafter during concert tours approved by the Secretary of War members of the United States Army Band, the service band of the United States Army, shall suffer no loss of allowances," and insert the following: "Provided, That hereafter enlisted men entitled to receive allowances for quarters and subsistence shall continue, while their permanent stations remain unchanged, to receive such allowances while sick in hospital or absent from their permanent-duty stations in a pay status: *Provided further*, That allowances for subsistence shall not accrue to such an enlisted man while he is in fact being subsisted at Government expense."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur with an amendment.

The SPEAKER. The gentleman from Kansas moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment No. 3: In lieu of the matter inserted by the Senate amendment insert the following: "Provided, That hereafter enlisted men, including the members of the United States Army Band, entitled to receive allowances for quarters and subsistence shall continue, while their permanent stations remain unchanged, to receive such allowances while sick in hospital or absent from their permanent-duty stations in a pay status: *Provided further*, That allowances for subsistence shall not accrue to such an enlisted man while he is in fact being subsisted at Government expense."

Mr. ANTHONY. Mr. Speaker, the effect of this amendment is to broaden the amendment which was put in the bill on the floor of the House, the provision offered by the gentleman from Virginia [Mr. WOODRUM], so that it now applies to all enlisted men in all branches of the Army and not only to the Army Band.

Mr. WINGO. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. WINGO. What difference is there between the amendment offered by the gentleman and the Senate amendment? I could not catch the distinction.

Mr. ANTHONY. As the amendment was adopted by the House it applied only to the men of the Army Band when they were absent from their permanent stations but on a duty status. As broadened by the Senate, and to which the House conferees have agreed, it applies to all enlisted men of the Army who may be absent from their stations under orders, say, but while absent they are now unable to receive a rental allowance, which, under the law, they are entitled to receive if at their regular stations. The amendment, as I say, broadened the effect of the House amendment and we considered it fair.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. CHINDBLOM. Does the proposed amendment cover the purpose of the House amendment offered by the gentleman from Virginia [Mr. WOODRUM], that these allowances should not be lost during concert tours approved by the Secretary of War?

Mr. ANTHONY. It does cover that, and, as I say, covers all enlisted men of the Army when on such a duty status.

Mr. CHINDBLOM. In the House bill the words "the service band of the United States Army" were only a matter of description, as I understand it, and therefore were not necessary,

Mr. ANTHONY. I think it was the intention of the House to give some recognition to the Army Band. This is the first time the Army Band has ever been mentioned in legislation, and this does that.

Mr. CHINDBLOM. But the elimination of those words, "the service band of the United States Army," in no way limits the purpose of the amendment?

Mr. ANTHONY. No. That is purely descriptive.

The SPEAKER. The question is on the motion of the gentleman from Kansas.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 7: On page —, line 2, strike out "\$11,634,391" and insert in lieu thereof "\$11,965,986."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur with an amendment.

The SPEAKER. The gentleman from Kansas moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment No. 7: In lieu of the sum proposed, insert \$11,964,391.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Kansas.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 10: On page 24, line 9, strike out "\$14,467,580" and insert in lieu thereof "14,577,718."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur with an amendment.

The SPEAKER. The gentleman from Kansas moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

In lieu of the sum proposed, insert \$14,526,230.

Mr. ANTHONY. Mr. Speaker, before the House votes on this amendment, I ask unanimous consent that it vote on No. 11, because the amendment I have offered contains an item of \$30,000 to provide for the transportation of troops to celebrate the anniversary of the Battle of the Little Big Horn, and the authorization therefor is contained in amendment No. 11.

The SPEAKER. Without objection, the Clerk will report amendment No. 11.

There was no objection.

The Clerk read as follows:

Amendment No. 11: Page 24, line 13, insert "and of the said sum of \$14,577,718, \$30,000 shall be immediately available for transportation of troops to and from the celebration commemorating the fiftieth anniversary of the Battle of the Little Big Horn, and \$11,000 shall be immediately available toward defraying expenses in connection with the national rifle match."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur with an amendment.

The SPEAKER. The gentleman from Kansas moves to recede and concur with an amendment which the Clerk will report.

The Clerk read as follows:

In lieu of the matter inserted by said amendment insert the following: "And of the said sum of \$14,526,230, \$30,000 shall be immediately available for transportation of troops to and from the celebration commemorating the fiftieth anniversary of the Battle of the Little Big Horn."

Mr. ANTHONY. Mr. Speaker, I now ask for a vote on amendment No. 10.

The SPEAKER. The question is on the motion of the gentleman from Kansas with reference to amendment No. 10.

The motion was agreed to.

The SPEAKER. The question is on the motion of the gentleman from Kansas with regard to amendment No. 11.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 12: Page 25, line 16, insert "and in addition thereto the sum of \$600,000 of the unexpended balances of the appropriation for 'arming, equipping, and training the National Guard, 1924,' is hereby reappropriated and made available for the fiscal year 1927 for the purchase of horses, 1,000 of which shall be delivered to the National Guard: *Provided,*"

Mr. ANTHONY. Mr. Speaker, I move to recede and concur with an amendment.

The SPEAKER. The gentleman from Kansas moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

In line 6 of the matter inserted by said amendment, after the word "be," insert the following: "procured locally by National Guard officers whenever practicable, and shall be."

Mr. ANTHONY. Mr. Speaker, just a word in explanation of this amendment. It is provided that 1,000 of these horses shall be for the use of the National Guard. When the Army buys horses it purchases them in different parts of the country and then ships them to remount stations, where they are conditioned and trained for perhaps six months. The expense of transporting them back and forth to these stations is quite large. It would amount to \$50 or \$60 an animal before the National Guard would receive it. Your committee felt it was perfectly feasible that where a National Guard unit needed a replacement of one or two or three horses that they could be purchased locally by National Guard officers, probably at much lower prices than the Government would pay for them; and, at least, we would save the freight cost involved in shipping them back and forth to the remount stations. We have therefore offered this language to which the Senate has agreed, and the War Department advises us it is perfectly practicable to carry out this provision.

Mr. WINGO. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. WINGO. As I understand it, you propose to authorize the purchase of 1,000 horses for the National Guard, to be kept by the National Guard at their home stations.

Mr. ANTHONY. Yes.

Mr. WINGO. For illustration, the National Guard of Arkansas will keep these horses at Little Rock?

Mr. ANTHONY. Wherever there is a battery located you will probably find from 24 to 32 horses with the local battery. It may be that some of these horses are getting too old or are crippled up and need to be replaced. One thousand horses will be distributed to such organizations.

Mr. WINGO. What is the extraordinary occasion that requires such a large number of additional horses other than the 1,000 horses?

Mr. ANTHONY. I will say to the gentleman that the horses of the Army are getting very old. We have purchased very few horses since the Great War. I think the average age of all the horses must now be about 14 years. That is pretty old for horses.

Mr. WINGO. How many horses does the Army have outside of the Cavalry?

Mr. ANTHONY. Including the Cavalry, about 37,000.

Mr. WINGO. They have got more outside of the Cavalry than they have in, have they not?

Mr. ANTHONY. It was felt that it was necessary to put in some young horses to properly equip the different branches of the service, and we began that policy last year.

Mr. WINGO. Would it not be cheaper to do away with some of the horses used outside of the Cavalry and to use Ford trucks?

Mr. ANTHONY. Motors are used in the Army considerably, but in my judgment they never will entirely supplant the horse.

Mr. WINGO. The gentleman has frequently seen a hack or bus go along the street drawn by Army horses or mules, where it would have been more economical and more satisfactory to the persons being transported if they had had a motor.

Mr. ANTHONY. Yes; but the gentleman will not see Army mules used on the street very often now; they are practically disappearing, as regards use for ordinary transportation.

Mr. CHINDBLOM. Which is the cheaper?

Mr. ANTHONY. You can maintain a car cheaper.

Mr. CHINDBLOM. But the distributing points in the big cities are going back to the horse and wagon because it is cheaper.

Mr. WINGO. What is the life of an Army mule, if the gentleman knows?

Mr. CHINDBLOM. I do not know.

Mr. WINGO. It is about half the life of a Ford, I understand, and the corn or oats for a mule costs more than gas for a truck.

Mr. SPEAKS. If the gentleman will yield, I am interested to know how there came to be such a large unexpended balance?

Mr. ANTHONY. That rather puzzled the committee, too, and the question was asked during the hearings whether it was the policy of the War Department to deliberately withhold

the expenditure of money which Congress had appropriated for National Guard activities. We were told that it was not, but as the hearings developed we found it undoubtedly had been done in several instances, because we found unexpended balances from the previous years. Some of them was money originally appropriated in 1923. We had reappropriated it for the same purpose in 1925, and it is still available, and now we are reappropriating it for an entirely different purpose from what it was first appropriated for.

There is no question but what the War Department in some cases reserves to itself the right to say whether it will expend money appropriated.

Mr. SPEAKS. Absolutely with premeditation and disregard for the explicit instructions of Congress.

Mr. ANTHONY. I think possibly they exercise their wisdom as to using the money we appropriate.

Mr. SPEAKS. In the meantime National Guard units are appealing for Federal recognition, and Federal recognition would mean—

Mr. ANTHONY. Let me say that I think that these items were appropriated for specific purposes, such as training camps and the pay of the guard, and they were unable to expend it all for the purpose, and the items could only be expended for that particular activity.

The SPEAKER. The question is on the motion of the gentleman from Kansas to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 22, page 38, line 15: Strike out the following language: "For the services of such consulting engineers at experimental stations of the Air Service as the Secretary of War may deem necessary, including necessary traveling expenses," and insert "for the services of not more than four consulting engineers at experimental stations of the Air Service as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed \$50 a day for not exceeding 50 days each and necessary traveling expenses, including a per diem not to exceed \$4 in lieu of subsistence: *Provided*, That amounts heretofore paid or obligated for such services and expenses are hereby authorized and validated."

Mr. ANTHONY. Mr. Speaker, I move that the House recede and concur.

Mr. BYRNS. Mr. Speaker, I want to ask the gentleman from Kansas what real necessity there is for consulting engineers at \$50 a day. I notice that later on there are four engineers provided for at the same price. The Government is spending a good deal of money to educate engineers, and why is this necessary to employ engineers at this big per diem?

Mr. ANTHONY. This is not employing engineers in the commonly accepted term; it is taking men specially skilled in a special branch of service; for instance, the Air Service or the Ordnance Department. It is due to a ruling of the comptroller. The comptroller ruled that we could not expend more than the maximum of \$7,500 salary a year for one expert, and the per diem should be pro rata. The War Department finds it difficult to get highly technical advisers at less than \$50 a day.

Mr. BYRNS. Are these engineers to be civilians, or are they to be taken from the list of retired engineers now on the pay roll of the Government?

Mr. ANTHONY. I think most of the experts are from the colleges of the country, men very well known in their special line.

Mr. BYRNS. Can the gentleman tell who is employed now, and whether or not all that are now employed or expected to be employed are taken from the civilian ranks, or will they come from the retired list?

Mr. ANTHONY. There is nothing in the hearings that the House held to cover that subject. There is something in the Senate hearings about it.

Mr. BYRNS. Is it not a fact that the academy at West Point is devoting some of its time and energy to educating engineers in the Army who have this special technical experience, or who ought to have it as a four years' course? Are they not teaching ordnance and the Air Service?

Mr. ANTHONY. I know the gentleman realizes that these men are highly specialized men in their lines, that they can only get the high degree of knowledge that they have years after they graduate from an educational institution, and they give the Government information and advice that is only obtained after years of special study of these special lines.

Mr. BYRNS. I understand the gentleman is unable to give the House any assurance that all these engineers will be civilians?

Mr. ANTHONY. Oh, I think that all will be civilians, unquestionably.

Mr. BYRNS. I understood the gentleman to say that most of them would be.

Mr. ANTHONY. Oh, none of the money goes to the officers of the Army. It is all to secure this highly specialized technical advice.

Mr. ROMJUE. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. ROMJUE. I understood the gentleman to say that they were to be taken from the colleges.

Mr. ANTHONY. Some from the colleges; that is, they are men who are probably professors in technical institutions.

Mr. ROMJUE. That is the point that I wanted to make. I did not know whether the gentleman referred to students or professors.

Mr. ANTHONY. Mr. Speaker, this will give some information. I read from the hearings before the Senate. General Williams, Chief of Ordnance, is testifying, and he says:

Major General WILLIAMS. In connection with developmental work in the Ordnance Department, there is a subject different from the one that I have been talking about that I would like to bring up, if I may, please.

It is necessary for us in our work to employ experts from time to time to whom we pay a daily rate. They are not permanent employees, and the rate that we pay varies from \$30 to \$50 and \$60 a day for these specialists.

We have, for instance, a Doctor Moulton, of the University of Chicago, a mathematician, that gives us his advice on ballistic studies. He was with us during the war and did excellent work in the matter of ballistics.

Then we have Professor Stewart, of the University of Iowa, in the development of sound-locating apparatus, and Professor Hull, at Dartmouth, who does some work for us on wind-tunnel experiments. Then we have a metallurgist at the Watertown Arsenal, Doctor Langenburg, who works in our laboratory there and really is the head and director of it.

Now, the comptroller has ruled that we can not pay any of these men more than \$20.83 a day, and his ruling is based upon the classification act. He says the maximum per diem rate is determined by dividing the maximum annual rate that can be paid under the classification act, which is \$7,500, by 12 to get the monthly payment and then by 30 for the per diem rate, so that the maximum that we can pay is \$20.83 a day, and we simply can not get these gentlemen to give their services for that sum.

Mr. BYRNS. Mr. Speaker, I am very much surprised to learn that, with the course of instruction given to Army officers and engineers at West Point, it is necessary for the Government, in the Department of Ordnance in particular, to have to go to the outside and pay civilians \$50 a day in order to do the job I thought the engineers of the Army were educated and trained to do while going to West Point at the expense of the Government.

Mr. ANTHONY. I think the gentleman understands, for instance, that in the Air Service it is absolutely necessary to get the benefit of the advice of some of the most highly specialized construction engineers that there are in the country in that line of work. It would be impossible to get that advice within the confines of the Army personnel.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Kansas.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Amendment No. 28: Page 53, after line 1, insert: "*Provided*, That the Ordnance Department is hereby authorized to employ under its various appropriations not exceeding four consulting engineers as the Secretary of War may deem necessary at rates of pay to be fixed by him not to exceed \$50 a day for not exceeding 50 days each and necessary traveling expenses, including a per diem not to exceed \$4 in lieu of subsistence: *Provided further*, That amounts heretofore paid or obligated for such services and expenses are hereby authorized and validated."

Mr. ANTHONY. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Amendment No. 30: Page 60, line 8, strike out "\$1,207,980" and insert: "\$1,232,980, of which sum not to exceed \$25,000 may be used in completing agricultural research experiments in exterminating the cotton boll weevil."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur with an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. ANTHONY moves to recede and concur in Senate amendment No. 50 with the following amendment: In lieu of the matter inserted by said amendment insert the following: "\$1,232,980, of which sum not to exceed \$25,000 shall remain available until October 1, 1927, and may be used in completing agricultural research experiments in exterminating the cotton boll weevil."

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BLACK of Texas. Mr. Speaker, I remember that this same appropriation was under consideration last year, and at that time I took occasion to ask the gentleman from Kansas [Mr. ANTHONY] some questions about it. I live in a district where cotton is the large staple crop. Texas, as the gentleman knows, is the largest cotton-growing State. I am anxious for everything that can be done to exterminate the boll weevil, but it seems to me a perfectly ridiculous thing for the War Department to be engaged in experimenting in exterminating the boll weevil. We have a bureau in the Department of Agriculture that spends annually large sums of money for that purpose. It has a body of trained experts and they have done much good work in demonstrating how the ravages of the boll weevil may be combated. I had hoped that the committee would not continue this War Department appropriation. It seems to me that it is wholly wasted, and even though it be but \$25,000, why should the Committee on Appropriations year after year continue an activity of that sort, which I think every Member of the House must realize is a foolish thing to do?

Mr. ANTHONY. Mr. Speaker, this amendment was agreed to. The House bill carries no provision of this kind. We yielded to the Senate on this item at the request of Senators from cotton-growing States, who felt as I feel about this matter, that the Chemical Warfare Service of the Army has undoubtedly done some very valuable work along the line of discovering chemicals and combinations of chemicals which are proving effective against the cotton-boll weevil. General Fries tells us that he feels the money has been well expended that we have previously appropriated.

Mr. BLACK of Texas. Of course. I have never heard one of these officers say to the contrary. They always boost their own work and ask that the appropriation be continued.

Mr. ANTHONY. The Army has at Aberdeen, Md., probably the greatest chemical laboratory in the country, and is best fitted to study the effect of these poisonous chemicals on insect life of any department of the Government. While I agree with the gentleman that it is not an activity that the War Department should properly undertake, yet, having that great chemical organization at Aberdeen, it seems to me good judgment to let them go ahead on this.

Mr. BLACK of Texas. Well, is it the purpose of the committee to continue this activity from year to year by the War Department?

Mr. ANTHONY. Well, I will say this: That the committee is only human and it yields to pressure from the cotton-growing States respecting this item.

Mr. BLACK of Texas. Well, Mr. Speaker, I come from a cotton-growing State and a cotton-growing district and am deeply interested in the welfare of the cotton industry, but I certainly would question the wisdom of this proposition. Especially when we have a Department of Agriculture with large forces of experts engaged year after year in efforts to exterminate the boll weevil. Any waste of public funds is wrong, even though the amount is not large. I protest against this item and it certainly is not going to be agreed to by my vote.

Mr. RAGON. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. RAGON. I would like to ask the gentleman from Texas this question, and also the gentleman from Kansas: Is not this appropriation used by the War Department in conjunction with the Agricultural Department?

Mr. BLACK of Texas. Well, even if that is true, it is not an activity that the War Department ought to be engaged in.

Mr. RAGON. As I understand, the Agricultural Department takes these chemical experts and this apparatus that they have here and uses them in collaboration with the Department of Agriculture. I remember the Secretary of Agriculture once showed some films in which it appeared that they were using airplanes furnished by the War Department. This was merely an illustration of cooperation between the departments, as I understood, along another line. I do not think the War

Department takes the initiative in this, but simply cooperates with the Department of Agriculture.

Mr. CRAMTON. The customary way to handle such things as this would be for the appropriation to be made to the Department of Agriculture and authority given that department for the transfer of funds if necessary from that department to the War Department and the use of their experts. That would obviate the danger that the gentleman from Texas [Mr. BLACK] very well emphasizes—of duplication—and would insure the cooperation between the two departments that the gentleman from Arkansas [Mr. RAGON] speaks of. There should be provision for the transfer of funds. I imagine the reason it is not done in this case is because some Senators are on the job.

Mr. BYRNS. Mr. Speaker, if the gentleman will yield, I think the gentleman is correct in his last statement. Is not this the fact in regard to this matter, that the Department of Agriculture carries a large sum for the extermination of the boll weevil? Would it require an extra appropriation simply by adopting the suggestion of the gentleman from Michigan [Mr. CRAMTON]? Could we not authorize the Department of Agriculture to devote itself to the purpose indicated?

Mr. CRAMTON. So far as the boll weevil is concerned, there would be the same practical effect if that other appropriation were used. If necessary, we could carry some authorization for transfer of funds.

Mr. ANTHONY. It is my understanding that the Agricultural appropriation bill contained an item of that kind, which was stricken out in conference. I hope the gentleman from Texas has noted the fact that the language of the appropriation says this money shall be used in completing the job.

Mr. BLACK of Texas. Yes; but probably different language will be used in the next appropriation bill as an excuse to continue it, and for the reason that I opposed it a year ago and expressed the hope that it would be discontinued—if the gentleman will yield to me further—I want now to express my protest. I am going to vote against the amendment and against the motion to recede and concur, and I hope the House will decline to recede and concur and let the committee of conference go back and insist on their disagreement to this waste of \$25,000, and insist that it go out of the bill.

Mr. WILSON of Louisiana. I simply want to take up what the gentleman from Arkansas [Mr. RAGON] suggested, and that is the cooperative work between the Department of Agriculture and the War Department relative to the boll-weevil control. The gentleman from Texas [Mr. BLACK] refers to the item of \$40,000 which was appropriated a year ago, providing for cooperation between the Department of Agriculture and the War Department relative to insect control by the use of airplanes. However that was adopted, it saved money to the Treasury, because the War Department had the airplanes and the Department of Agriculture had the entomologists and the other branches of the service.

The experiments on insect control by the use of airplane have been developed to such an extent that now in various portions of the cotton belt and that of fruit production in Georgia private corporations have been organized and are dusting thousands of acres of cotton and of orchards of various fruits.

Mr. BLACK of Texas. If the gentleman will yield, I do not want to get the two questions confused. The matter that the gentleman is referring to has no connection with this expense.

Mr. WILSON of Louisiana. It refers to what the gentleman suggested as to duplication between the Department of Agriculture and the War Department. It works out successfully sometimes when activities are coordinated, and I think the gentleman from Texas fails to distinguish between coordination and duplication.

Mr. CHINDBLOM. Mr. Speaker, I would like to ask whether there is any information on the question of whether the Chemical Warfare fund would be used on the corn borer?

Mr. ANTHONY. No.

Mr. WINGO rose.

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Arkansas.

Mr. WINGO. Mr. Speaker and gentlemen of the House, I appreciate the difficulties that confront the very able chairman of the committee in charge of the bill. Some cotton Senators have put this on the bill and are insisting on its retention. I am not criticizing my friend from Kansas and I am not criticizing General Fries, who is a very able officer; but as one representing a cotton constituency, I am not going to be humiliated by sitting here quietly and accepting a lot of political bunk.

My cotton farmers do not want public funds squandered in any such extravagant and nonsensical way as having the

chemical division of the Army tell them how to exterminate the boll weevil. I will tell you the kind of a boll weevil this is intended to exterminate. It is a political boll weevil. [Applause.] That is all on earth it is.

I have never asked this House during all of my service here, and I shall never ask it, to do something to aid the cotton farmers unless I am convinced personally it is both practical and deserving.

Gentlemen, it is humiliating to have the cotton people of the South put in the attitude of wanting the Federal Treasury to spend \$25,000 for a bunch of Army experts out here somewhere experimenting on chemicals to kill the boll weevil.

The Agricultural Department has chemists who can give us the chemical formulas. They can do it, and it is absurd to say that you are going to ask the War Department to chase down the boll weevil. It would be about as practical to order out the Cavalry and have it attempt to catch each weevil and pull off its left hind leg.

Gentlemen, I will be perfectly frank with you. This is a piece of political bunk, and I do not want any man to vote for it because he thinks he wants to help the cotton growers of the South. This is to kill the political boll weevil of some southern politician. [Applause.]

The SPEAKER. The question is on agreeing to the motion of the gentleman from Kansas to recede and concur with an amendment.

The question was taken; and on a division (demanded by Mr. Wingo) there were—ayes 41, noes 26.

Mr. BLACK of Texas. Mr. Speaker, I demand tellers.

The SPEAKER. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Fourteen gentlemen have risen, not a sufficient number, and tellers are refused. So the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 34, page 70, line 3, strike out "\$300,000" and insert "\$375,000."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur with an amendment.

The SPEAKER. The gentleman from Kansas moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves to recede from Senate amendment No. 84, and concur therein with the following amendment: In lieu of the matter inserted by the Senate amendment insert the following: "\$310,000: *Provided*, That not to exceed \$2,000 of this sum shall be expended for travel of officers of the War Department General Staff in connection with the National Guard."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 48, page 95, insert in line 1: "The limit of cost fixed for the completion of the survey of the Tennessee River and its tributaries as recommended in House Document No. 319, Sixty-seventh Congress, second session, is hereby increased to \$790,800 and the survey extended to include tributaries with a drainage area of about 100 square miles, and the funds for the prosecution of this work within the limit above set out may be allotted from appropriations heretofore, herein, or hereafter made by Congress for the improvement, preservation, and maintenance of rivers and harbors: *Provided*, That reports of such survey or surveys may be made to the Congress from time to time, but the Engineer Department shall not give out information as to said surveys to other persons until after a report, partial or final, shall be made to the Congress."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur. The motion was agreed to.

CONDUCT OF JUDGE GEORGE W. ENGLISH

Mr. GRAHAM. Mr. Speaker, I submit a resolution from the Judiciary Committee with reference to the impeachment proceedings.

The SPEAKER. The gentleman from Pennsylvania presents a privileged report, which the Clerk will report.

The Clerk read as follows:

House Resolution 201

Resolved, That EARL C. MICHENER, W. D. BOIES, IRA G. HERSEY, C. ELLIS MOORE, GEORGE R. STOBBS, HATTON W. SUMNERS, ANDREW J. MONTAGUE, JOHN N. TILLMAN, and FRED H. DOMINICK, Members of this House, be, and they are hereby, appointed managers to conduct the impeachment against George W. English, United States district judge

for the eastern district of Illinois; that said managers are hereby instructed to appear before the Senate of the United States and at the bar thereof in the name of the House of Representatives and of all the people of the United States to impeach the said George W. English of misdemeanors in office and to exhibit to the Senate of the United States the articles of impeachment against said judge which have been agreed upon by the House; and that the said managers do demand that the Senate take order for the appearance of said George W. English to answer said impeachment, and demand his impeachment, conviction, and removal from office.

The resolution was agreed to.

Mr. GRAHAM. Mr. Speaker, I submit another resolution covering the sending of notice to the Senate of the action of the House.

The SPEAKER. The gentleman from Pennsylvania offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 204

Resolved, That a message be sent to the Senate to inform them that this House has impeached George W. English, United States district judge for the eastern district of Illinois for misdemeanors in office, and that the House has adopted articles of impeachment against said George W. English, judge as aforesaid, which the managers on the part of the House have been directed to carry to the Senate, and that EARL C. MICHENER, W. D. BOIES, IRA G. HERSEY, C. ELLIS MOORE, GEORGE R. STOBBS, HATTON W. SUMNERS, ANDREW J. MONTAGUE, JOHN N. TILLMAN, and FRED H. DOMINICK, Members of this House, have been appointed such managers.

The resolution was agreed to.

Mr. GRAHAM. Mr. Speaker, I submit another resolution from the Judiciary Committee covering the expenses.

The SPEAKER. The gentleman from Pennsylvania offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 205

Resolved, That the managers on the part of the House in the matter of the impeachment of George W. English, United States district judge for the eastern district of Illinois, be, and they are hereby, authorized to employ legal, clerical, and other necessary assistants and to incur such expenses as may be necessary in the preparation and conduct of the case, to be paid out of the contingent fund of the House on vouchers approved by the managers, and the managers have power to send for persons and papers, and also that the managers have authority to file with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they shall deem necessary.

Mr. HASTINGS. Mr. Speaker, is there not to be a limit placed upon the expenditures authorized by this resolution?

Mr. GRAHAM. There never has been. A resolution in this form has been the one adopted heretofore.

Mr. HASTINGS. In former impeachments, then, there has never been a limit placed upon the amount that those representing the House have been authorized to expend?

Mr. GRAHAM. That is my recollection, sir.

Mr. HASTINGS. Is there a limit on the number of attorneys who may be employed by the committee, or is it left in their discretion?

Mr. GRAHAM. I doubt if there will be any attorneys employed in this case.

Mr. HASTINGS. I understood from the reading of the resolution they are authorized to employ legal assistance.

Mr. GRAHAM. Yes; legal assistance.

Mr. HASTINGS. Does that contemplate the employment of attorneys to assist the managers in prosecuting the case before the Senate?

Mr. GRAHAM. I would think so. It has been done.

Mr. HASTINGS. Is that in contemplation in this case?

Mr. GRAHAM. I can not tell. That is a matter for the managers whom you have selected. I think we can safely trust this board of managers to conduct this matter in a spirit of economy and fairness and in an effort to do justice.

Mr. HASTINGS. Mr. Speaker, just one word further. I am not on the Committee on the Judiciary, but it does seem to me the House ought to put some limit upon these expenditures.

Mr. MACGREGOR. Mr. Speaker, I object. I think this ought to be considered by the Committee on Accounts.

The SPEAKER. The resolution is a privileged resolution. The question is on agreeing to the resolution.

The resolution was agreed to.

PENSIONS

The SPEAKER. Under the order of the House, the Chair recognizes the gentleman from Illinois [Mr. FULLER] for 30 minutes. [Applause.]

Mr. FULLER. Mr. Speaker and gentlemen of the House, I am for pensions. If it did not cost so much, I would be for more pensions; but it occurs to me that there must be a limit somewhere, and in granting pensions we must take into consideration where the money is coming from to pay the pensions. We must take into consideration the fact that whenever we pay out money to one class of people we must collect that money from other people. The Government has no money of its own except as it raises it by taxation of the people, and there are two sides to the question of pensions.

We want to do what we should do for the men who have defended the flag, who have fought the battles of the country. For them and for their dependents we can hardly do too much, but we must take into consideration the fact that whatever we pay out, the money must be raised from some other source. I would be glad if we could give all the pensions that are asked by the Grand Army of the Republic for the survivors of the Civil War and for their widows and dependents; but I doubt very much whether under existing circumstances we ought to add from \$90,000,000 to \$100,000,000 a year to the pension roll at this session of Congress.

I know I am criticized severely because as chairman of the Committee on Invalid Pensions no action has been taken during the present session of Congress to report a Civil War pension bill increasing pensions all along the line. It may be well, perhaps, for me to recite something of the pension legislation in the past few years. It has been my privilege to be a member of the Committee on Invalid Pensions for something more than 20 years, and for the past 7 years chairman of that committee. I know something of the legislation and what has been done during this time.

When I became a member of this committee, for instance, there was no service pension. There was no pension except for disability, or perhaps a part way service pension for disability not incurred in the service. The pension of a private soldier at that time for disability not incurred in the service was from \$6 to \$12 a month; \$12 a month for total disability and graded from \$6 up. Even for disability incurred in the service the original pensions were for very small amounts. At different times during the years following bills have been passed and the pensions of the Civil War soldiers increased from time to time, based sometimes on age, sometimes on length of service, until the Sherwood dollar-a-day pension bill was passed, providing a pension for most of the veterans of \$30 a month.

And there the matter rested, so far as pensions for veterans was concerned, until the act of May 1, 1920. That was the Fuller bill introduced by me as chairman of the Committee on Invalid Pensions, reported by the Committee on Invalid Pensions, passed through the House under suspension of the rules, passed the Senate, and went to the President and became the act of May 1, 1920. That bill provided for a pension of \$50 a month for every veteran of the Civil War who served 90 days or more, and if totally disabled, \$72 a month. It was the most liberal service pension bill that ever was passed by any legislative body in the world. [Applause.]

The pension of the widows of veterans at the time when I first became a member of that committee was \$8 a month, provided they had less than \$250 a year income; after a while it was increased to \$12 a month and later by other legislation to \$20, then to \$25, and by the act of May 1, 1920, to \$30 a month, without any property qualification. So that under that law every widow of a veteran of the Civil War, although not married to the veteran until 40 years after the close of the war, has a pension under that law of \$30 a month.

Mr. ROBSION of Kentucky. Will the gentleman yield for an interruption?

Mr. FULLER. Yes.

Mr. ROBSION of Kentucky. Has the gentleman any statistics to show what proportion of the Civil War soldiers are receiving \$72 a month?

Mr. FULLER. I think a majority of them. Nearly all are getting or soon will get \$72 a month. If they show they are so disabled to the extent of requiring personal attendance, they get \$72.

Now, I refer to this because of an attack made upon me by professional pension people of the National Tribune, a paper published in the city of Washington ostensibly in the interest of the veterans. I received a copy of that paper under date of April 1 by special delivery through the mail. On the first page is a picture of a cemetery and a funeral and grave and all the habiliments of mourning and the statement:

Chairman FULLER is right. For these the increase is not necessary.

Now, I resent that brutal thing. I resent the implication that I am responsible for the death of veterans and widows. After

the service that I have rendered here, after what I have done, it is rank injustice from these people. [Applause.]

They sent out a circular under the date of March 30, a few days ago, to all of the old veterans in which they say that every line of pension legislation that has been written into the statute books of the United States for the past 40 years has been the direct result of the efforts of the National Tribune's boldly aggressive, unceasing, and untiring advocacy. They say the act of May 1, 1920, came after a long, hard fight made by the National Tribune for increases that would in a measure be commensurate with the high cost of living. They say 116,000 Civil War survivors and 235,000 Civil War widows are now receiving the benefit of this fight made for them by the National Tribune.

Now that was the Fuller bill. [Applause.] That was the bill that I drafted and put through, and here I am held responsible because the soldiers or veterans and widows are dying in their old age. I am held responsible by that paper, and solely responsible because no bill has been reported out this session for a further general increase of Civil War pensions. They do not expect such a bill to pass. The longer they can keep the matter pending, the more claim they will make of what they are doing for the veterans and widows. They are more interested in getting cash from the veterans and widows than for them. Their claim of great influence in securing pension legislation is false. They say "Send your \$2 for a year's subscription now." [Laughter.] I say that every dollar these people have gotten from the old soldiers and the widows for subscriptions has been gotten under false pretenses. I deny that they have been responsible for all pension legislation, as they claim. If they ever had any influence on legislation at all, that influence was dissipated when they begged of all the old veterans and widows to contribute at least \$1 apiece or from \$1 to \$5 for the chairman of the Senate Committee on Pensions. They collected not less than \$100,000 from pensioners for the chairman of the Committee on Pensions. And then—I do not know what was done with that vast sum of money which they got from the widows and the veterans in a \$1 and \$5 contribution, ostensibly for the chairman of the Senate Committee on Pensions—I do not know what was done with it. I do not know what kind of an accounting there was, but in their last letter, dated a few days ago, begging for financial assistance from veterans and widows to aid them in securing increases of pension, and after the last dollar of contributions to the Bursum fund was paid in, at the head of their circular letter appears the name "National Tribune, Holm O. Bursum, president." Comment would be superfluous. What do you think of that? Then talk about influence on Congress! Why, Gen. Johnny Clem comes around here telling members of my committee how to force bills out of the committee, and tells them what to do—not that they want any more bills passed, but in order to get more subscriptions for that vile paper. Note this full-page advertisement. Any paper that would publish that advertisement and send it into the homes of this country ought not to be permitted to go through the mails of the country. [Applause.] Look at the character of ads carried here in order to get money out of the old veterans. No decent paper would accept such ads at any price. I say the Post Office Department ought to take notice and see that the paper is suppressed from the mails for publishing indecent and obscene ads.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman permit a question?

Mr. FULLER. What is it?

Mr. ROBSION of Kentucky. The gentleman referred to Gen. John Clem?

Mr. FULLER. Yes.

Mr. ROBSION of Kentucky. Does not the gentleman know that he entered the Union Army at the age of 10 years, and that for extraordinary bravery in the Battle of Shiloh was made a sergeant; that he not only served through that war but served through the Spanish-American War and through the World War?

Mr. FULLER. And he is entitled to all credit for that, and I give him all that credit.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman yield?

Mr. FULLER. Yes.

Mr. UNDERWOOD. The gentleman from Kentucky [Mr. ROBSION] yesterday, if I remember correctly, praised the editor, or one of the editors, of the Tribune. Then I understand the gentleman from Illinois [Mr. FULLER] does not agree with his colleague from Kentucky as to the work that is being done by the Tribune in advancing the cause of the pensioners?

Mr. FULLER. I do not get the point. I do not get the gentleman's question.

Mr. UNDERWOOD. In view of the statements made on the floor here yesterday, I asked the gentleman whether or not he intends to condemn all of the editorial staff of the National Tribune?

Mr. FULLER. I do not know who they are. I know Johnny Clem and I know John McElroy.

Mr. UNDERWOOD. Just one other question. In the issue of April 1, from which the gentleman just read, there appears a letter from my colleague from Ohio [Mr. Roy G. Fitzgerald], in which he states that the clerk of our committee advised him to this effect:

I called the clerk of the Invalid Pensions Committee, and he informed me that hearings were held on the Elliott bill, but that nothing further was done after the hearings were held. He explained that the reason that nothing further was being done was because the increase did not seem necessary in the eyes of the members.

I ask the gentleman, in connection with that, whether or not that quotation from Mr. Roy G. Fitzgerald's letter correctly expresses the views of the individual members of the Committee on Invalid Pensions?

Mr. FULLER. I do not know whether the clerk ever made any such break as that. I doubt very much if he ever did. I can not answer for the opinions of individual members of the committee. So far as the chairman of that committee is concerned, he is in favor of granting all the pensions that can reasonably be granted to the veterans of the Civil War and their widows, and I am not opposing any increase that members of the committee or of the House may think justified.

Mr. UNDERWOOD. Can the gentleman tell us at this time when the Invalid Pensions Committee will meet to consider the Elliott bill?

Mr. FULLER. The committee will meet next Friday, and if the committee desires to report out any bill nobody, so far as I know, will object. I certainly will not. I have not tried to prevent them from reporting out any bill. I simply thought myself that under present circumstances it is not advisable to increase the pension roll of the United States by from \$60,000,000 to \$100,000,000 a year by a bill granting very large increases all along the line.

Mr. UNDERWOOD. Does the gentleman think in all fairness that the members of the Committee on Invalid Pensions should take the responsibility for not holding further hearings on the Elliott bill?

Mr. FULLER. I do not know. If the committee desires to have further hearings, it is for them to say; not for me. The committee may take whatever action they may think proper. With reference to the publishers of the National Tribune, they are in the pension business for profit; they have grown rich and prosperous from the pensions paid by a grateful Government to the Nation's defenders and to their dependents. It is not for them to dictate what shall be done. It is not for them to say that we shall pass such and such a bill. I am willing to do whatever is thought best for the veterans and for the widows of the Civil War. It seems to me that a pension of \$50 a month for every veteran who served 90 days, of \$72 a month as a mere service pension for a man who served perhaps 90 days and never suffered injury in the service is a liberal pension. I do not know that it ought to be increased. We must consider not alone what we ought to do for the Nation's defenders and for their dependents, but we must consider the taxpayer as well, and all of the people, and do whatever is for the best. I am not opposing pensions. I am simply not advocating now any further great increase in the pension roll.

Yesterday by action of the House, if it passes the Senate and becomes a law, we added something over \$18,000,000 to the pension roll of the United States for the pensioners of the Spanish-American War. I was glad to vote for that bill. I was glad that it passed the House unanimously. There is now pending before the Committee on Invalid Pensions a bill proposing to materially increase the pensions of the maimed soldiers of all the wars, the Civil War and all other wars, and of those who become totally disabled or blind.

That bill has passed the Senate, and it will be reported by the Committee on Invalid Pensions, and I think it will pass the House.

How much further we ought to go on the pension question at this session of Congress is for the House to determine. I simply decline to be held responsible for everything that is not done. I decline to take the responsibility for the death of the old veterans and widows, as given me by the National Tribune. They can talk; they want more subscribers; they want to get more money from the old veterans and widows. They send out these appeals every few days, "Subscribe for the Tribune." "It takes a vast amount of money," they say. They want more pensions. "You must pay." I have had old ladies come to

ask me if it was absolutely necessary for them to send \$2 to the Tribune in order to get a pension, and I have taken the liberty sometimes to tell them it was not necessary; that it did not make any difference whatever as to their pensions.

I suspect that is one reason why the National Tribune has seen fit to attack me on every conceivable occasion during the past two or three years. I defy them. I will do whatever I think I ought to do as a member of the Committee on Invalid Pensions and as a Member of this House, but I will not be dictated to by John McElroy or Johnny Clem. [Applause.]

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes.

ASSISTANT TREASURER OF THE UNITED STATES

Mr. McFADDEN. Mr. Speaker, I call up the Senate bill 3547, to change the title of Deputy Assistant Treasurer of the United States to Assistant Treasurer of the United States.

The SPEAKER. The Chair understands that a similar bill, a House bill, has been reported favorably?

Mr. McFADDEN. It is identical with the House bill now on the calendar.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the title Deputy Assistant Treasurer of the United States as designated by the act approved March 3, 1901, as amended by the act approved July 18, 1914, be, and the same is hereby, changed and shall hereafter be designated as Assistant Treasurer of the United States.

Mr. McFADDEN. Mr. Speaker, I may explain to the House that this is simply a change of the title from the words "Deputy Assistant Treasurer" to the words "Assistant Treasurer." It has the approval of the Treasury Department.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. Without objection, the similar House bill will be laid on the table.

There was no objection.

GRAIN AND SEEDS

Mr. MAPES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 2465, strike out all after the enacting clause, and substitute the bill H. R. 10541, now on the Union Calendar, and ask to have the substitute considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table Senate bill 2465 and substitute for it House bill 10541 and consider the same in the House as in Committee of the Whole. Is there objection?

Mr. BLACK of Texas. May we have the bill reported, Mr. Speaker?

The SPEAKER. The Clerk will report it.

The Clerk read the title of the bill, as follows:

A bill (H. R. 10541) to amend the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended.

Mr. MAPES. Mr. Speaker, I would like to modify my request and ask to strike out all after the enacting clause in the Senate bill, substitute the provisions of the House bill, and consider it in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Michigan modifies his request, and it now is to take from the Speaker's table Senate bill 2465, strike out all after the enacting clause, substitute the provisions of House bill 10541, and consider the same in the House as in Committee of the Whole.

Mr. BLACK of Texas. Reserving the right to object, Mr. Speaker, does this bill which the gentleman proposes to substitute have the unanimous report from the committee?

Mr. MAPES. It has. I will say to the gentleman from Texas that in substance it is the same as the Senate bill. The House committee considered an identical bill with the Senate bill. After consideration of it we thought it better to redraft it. But the House bill is, in substance, the same as the Senate bill.

Mr. BLANTON. Reserving the right to object—and I shall not object—is this an attempt on the part of the House to

copy cat the Senate? Because, in the case of almost every bill that we send over there, where they have a bill of the same import on the calendar, they strike out all of the House bill and insert in lieu thereof a Senate bill. If the Senate bill is a good bill and it does what the House wants to do, why not adopt it and thus end the matter?

Mr. MAPES. Mr. Speaker, those who have considered this legislation considered the House bill much better in a lot of particulars. I will say to the gentleman from Texas that I was unconscious of the practice he refers to in the Senate.

Mr. BLANTON. I have observed it several times here in the last nine years.

Mr. MAPES. This is a much better bill, we think.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, is amended (a) by striking out the words "red top" wherever such words appear in such section and (b) by inserting, after the word "flax" in the second proviso of such section a comma and the words "broomcorn millet, early fortune millet."

Sec. 2. Such act of August 24, 1912, as amended, is amended by adding at the end thereof the following new sections:

"Sec. 5. (a) On and after the effective date of this subdivision the importation into the United States of seeds of alfalfa or red clover, or any mixture of seeds containing 10 per cent or more of the seeds of alfalfa and/or red clover, is prohibited unless such seeds are colored in such manner and to such extent as the Secretary of Agriculture may prescribe.

"(b) Whenever the Secretary of Agriculture, after public hearing, determines that seeds of alfalfa or red clover from any foreign country or region are not adapted for general agricultural use in the United States he shall publish such determination. On and after the expiration of 90 days after the date of such publication and until such determination is revoked the importation into the United States of any of such seeds, or of any mixture of seeds containing 10 per cent or more of such seeds of alfalfa and/or red clover, is prohibited, unless at least 10 per cent of the seeds in each container is stained a red color, in accordance with such regulations as the Secretary of Agriculture may prescribe.

"(c) The Secretary of the Treasury and the Secretary of Agriculture shall jointly prescribe such rules and regulations as may be necessary to prevent the importation into the United States of any seeds the importation of which is prohibited.

"(d) Subdivision (a) of this section shall become effective upon the expiration of 90 days after the date of the passage of this amendatory act.

"Sec. 6. (a) No person shall transport, deliver for transportation, sell, or offer for sale, in interstate commerce, any seed which is misbranded within the meaning of this section; except that this section shall not apply to any common carrier in respect of any seed transported or delivered for transportation in the ordinary course of its business as a common carrier.

"(b) Any misbranded seed shall be liable to be proceeded against in the district court of the United States for any judicial district in which it is found, and to be seized for confiscation by a process of libel for condemnation, if such seed is being—

"(1) Transported in interstate commerce; or

"(2) Held for sale or exchange after having been so transported.

"(c) If such seed is condemned by the court as misbranded, it shall be disposed of in the discretion of the court—

"(1) By sale; or

"(2) By delivery to the owner thereof upon the payment of the legal costs and charges, and the execution and delivery of a good and sufficient bond to the effect that such seed will not be sold or disposed of in any jurisdiction contrary to the provisions of this act or the laws of such jurisdiction; or

"(3) By destruction.

"(d) If such seed is disposed of by sale, the proceeds of the sale, less the legal costs and charges, shall be paid into the Treasury as miscellaneous receipts.

"(e) Proceedings in such libel cases shall conform, as nearly as may be, to suits in rem in admiralty, except that either party may demand trial by jury on any issue of fact if the value in controversy exceeds \$20; and facts so tried shall not be reexamined other than in accordance with the rules of the common law. All such proceedings shall be at the suit and in the name of the United States. The Supreme Court of the United States and, under its direction, other courts of the United States are authorized to prescribe rules regulating such proceedings in any particular not provided by law.

"(f) As used in this section—

"(1) The term 'person' means individual, partnership, corporation, or association;

"(2) The term 'interstate commerce' means commerce between any State, Territory, or possession, or the District of Columbia, and any other State, Territory, or possession, or the District of Columbia; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia; and

"(3) The term 'district court of the United States' includes any court exercising the powers of a district court of the United States.

"(g) For the purposes of this section, seed shall be held to be misbranded if—

"(1) The container thereof, or the invoice relating thereto, or any advertising pertaining thereto, bears or contains any statement, design, or device that is false and fraudulent; or

"(2) If such seed is required to be colored, under the provisions of section 5 and the regulations issued thereunder, and is not so colored; or

"(3) If such seed is colored in imitation of seed required to be colored under the provisions of section 5 and the regulations issued thereunder.

"(h) The Secretary of Agriculture is authorized to prescribe such regulations as may be necessary for carrying out the provisions of this section.

"(i) This section shall take effect upon the date of the passage of this amendatory act; but no penalty or condemnation shall be enforced for any violation of this section occurring within 90 days after such date."

Mr. RANKIN. Mr. Speaker, I wish to offer an amendment by inserting in line 8, on page 2, after the word "alfalfa," the word "cotton," and I am going to give the House my reasons for doing so.

The SPEAKER. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RANKIN: On page 2, line 8, after the word "alfalfa," insert the word "cotton."

Mr. RANKIN. Mr. Speaker, in a recent conversation which I had with a very distinguished citizen of our country, who has spent several years in the Diplomatic Service in South America, he gave me this astounding information, which I should at least like the Members from the cotton-growing States to hear. He said that a former President of the Brazilian Republic undertook a program of the distribution of cottonseed, such as we have had in former times by the Department of Agriculture. Unfortunately, they chanced to get hold of some seeds that were infected with the pink bollworm, and as a result they scattered the pink bollworm all over the Brazilian Republic, and he said that to-day it is paralyzing cotton production in that great country. If that is the case, it seems to me we ought to protect ourselves against the importation of cottonseed until that condition is suppressed or controlled.

We have appropriated thousands of dollars to destroy or to zone or to try to get rid of the pink bollworm. Wherever he goes he is deadly. He is not like the boll weevil. It is impossible to raise cotton there again, at least, for a great number of years, and we are not sure that it will be possible at any time in the future to raise cotton in those areas that have been infected by the pink bollworm. So it seems to me we ought to at least throw that small protection around our cotton growers, who represent one of the greatest agricultural industries in the world.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. JOHNSON of Texas. I did not hear the gentleman's amendment. Will he explain the way it will affect the matter?

Mr. RANKIN. This bill is intended to prevent the shipment into the United States of alfalfa seed and red clover seed unless they are colored or so marked that everyone will know they are imported. That is done in order to warn the farmers that whenever they buy these seeds they are taking the risk of planting in their fields seeds that are either defective or infected with the sundry diseases that are detrimental to those crops. I am only asking in this amendment that they give the same protection to the cotton growers of the South against the most deadly pest that has ever been known so far as cotton growing is concerned.

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. O'CONNELL of New York. Does not the law take care of that so far as the Agricultural Department is concerned?

Mr. RANKIN. I do not think so. If it did, we would not have this bill before the House.

Mr. BURTNESSE. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. BURTNESS. I had in mind the very question that the gentleman from New York has just asked, whether protection against evils of that sort is not now provided by the quarantine regulations and things of that sort. This bill is not intended to reach any evils that may arise from diseases of seeds, or anything of that sort. Those evils are covered by special provisions of the law. This is simply intended to act as a warning to the farmers. It is not intended as any protection against diseases, or something of that sort, but rather as a warning to the farmer in determining whether the seed is adaptable in a climatic way and for the other purposes that he intends to put it to.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to proceed for five additional minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. RANKIN. If that is the case, then there is a greater reason for my amendment than there is for the original bill, because it is to warn our people against the dangers of imported seed. If the gentleman from North Dakota [Mr. BURTNESS] lived in a cotton-growing State and knew just what the pink boll-worm pest means, he would understand the necessity for this legislation. It is merely to warn our people against planting imported seed likely to be infected with this pest.

Mr. BURTNESS. My point is this: That this sort of protection would not be sufficient for that purpose at all. The kind of protection the gentleman needs to cover the evil he speaks of is an absolute prohibition against its coming into this country at all, and I think you have that sort of protection in the law to-day.

Mr. RANKIN. I do not think so, and an amendment of that kind would not be in order on this bill. I am merely asking that you give us this small protection, this warning against these imported seeds, before it is everlastingly too late. If you were to plant one field in every county in the United States in cottonseed infected with the pink boll worm you would practically destroy the cotton industry of America, possibly for all time to come. I seriously doubt whether we could ever get rid of it. I merely ask this protection in order that we may not take the chance of experiencing that direful calamity.

Mr. COLTON. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. COLTON. Are you also troubled in the cotton States with unfertile seeds; that is, seeds imported from foreign countries but not adapted to that locality?

Mr. RANKIN. I do not know about that. We plant so many more cotton seed than we expect to come up that we seldom know to what extent they are faulty.

Mr. COLTON. We have that difficulty in the alfalfa-growing sections and we are vitally interested.

Mr. RANKIN. This amendment would not hurt you at all.

Mr. COLTON. I think not.

Mr. MAPES. Mr. Speaker, I do not want to take up the time of the House at this time, but I would like to say just a word. The seeds included in this bill, alfalfa and red clover, are included upon the recommendation of the Agricultural Department after years of study and experience, and after experiments by many different State agricultural experiment stations in cooperation with the United States Department of Agriculture. The bill goes as far as the Agricultural Department is ready to go at the present time.

Mr. RANKIN. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. RANKIN. There is not a member of the Agricultural Department, so far as I know, who is high up in that department from the cotton-growing States. I am asking for this protection before it is too late.

Mr. MAPES. I will say to the gentleman that on the subcommittee of the Committee on Interstate and Foreign Commerce that considered the legislation there was a gentleman from the cotton-growing section, the gentleman from Arkansas [Mr. PARKS]. He took a very active and intelligent part during the hearings and other consideration of the bill by the committee.

Mr. RANKIN. Oh, yes; but the chances are the gentleman from Arkansas was not aware of the condition which this former diplomat to a South American Republic assures me exists throughout that country to-day.

Mr. MAPES. Does the gentleman think legislation ought to be passed by Congress based only upon a more or less casual remark of the kind the gentleman has referred to and without being recommended by the department and the experts who have direct jurisdiction over the enforcement of it?

Mr. RANKIN. So far as the experts are concerned, Mr. Speaker, if we waited for experts to solve our agricultural problems, I am prone to believe we would be in a terrible shape in this country. If we are going to wait for these experts to let it dawn upon them in an indirect way that the Brazilian Republic is infected with this dangerous disease or this pest to the cotton crop, and then wait for them to send men down there to investigate, sending a lot of fellows down there who do not know anything about cotton, to come back here a year or two from now, or three or five years, to report on this proposition, and then bring it before the House, or before a committee, and hold hearings and go on through another year or two, the chances are that this pest will be imported into the United States in great abundance, and it will be too late to protect our cotton growers against a pest of this kind before we could get any action.

Mr. MAPES. Mr. Speaker, I will say that the Committee on Interstate and Foreign Commerce and the subcommittee that reported this bill did not consider the cottonseed proposition. No one suggested to the committee that it be included in this bill. I do not think that it is good legislation to put on an amendment of this kind without giving it more careful consideration than we are able to give it on the floor of the House. However, I do not want to take up the time of the House this afternoon in any lengthy discussion. The Committee on Appropriations is anxious to go on with the legislative appropriation bill. I will only say that this bill follows the recommendation of the Department of Agriculture, and I think the experience of the House is that the Department of Agriculture does not hesitate to recommend legislation whenever it considers such legislation desirable. I am willing to submit the matter to a vote of the House without any further discussion.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Mississippi [Mr. RANKIN].

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes 33, noes 52.

Mr. RANKIN. Mr. Speaker, I object to the vote on the ground that no quorum is present, and I make the point of order there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 144, nays 167, answered "present" 2, not voting 118, as follows:

[Roll No. 65]

YEAS—144

Allgood	Fisher	Linthicum	Ragon
Almon	Fletcher	Little	Rainey
Arnold	Fulmer	Lowrey	Rankin
Aswell	Gambrell	Lozier	Reed, Ark.
Ayres	Gardner, Ind.	McClintie	Romulus
Bankhead	Garner, Tex.	McDuffie	Rouse
Beck	Garrett, Tenn.	McKeown	Rubey
Bell	Garrett, Tex.	McMillan	Rutherford
Bland	Gasque	McReynolds	Sanders, Tex.
Blanton	Gibson	McSwain	Sandlin
Bloom	Gilbert	McSweeney	Schafer
Bowling	Goldsbrough	Major	Shallenberger
Box	Green, Fla.	Mansfield	Smithwick
Boylan	Greenwood	Martin, La.	Sneering
Briggs	Hare	Mead	Sprad, Kans.
Brigham	Hastings	Milligan	Stedman
Browning	Hayden	Montague	Summers, Tex.
Buchanan	Hill, Ala.	Montgomery	Swank
Busby	Hill, Wash.	Moore, Ky.	Taylor, Colo.
Canfield	Hogg	Moore, Va.	Taylor, Tenn.
Cannon	Howard	Morhead	Taylor, W. Va.
Collier	Huddleston	Morrow	Thomas
Collins	Hull, Tenn.	Nelson, Mo.	Tucker
Connery	Hull, William E.	Norton	Underwood
Cox	Johnson, Tex.	O'Connell, N. Y.	Upshaw
Crisp	Jones	O'Connell, R. I.	Vinson, Ga.
Cullen	Kemp	O'Connor, La.	Vinson, Ky.
Davis	Kerr	Oldfield	Weaver
Deal	Kinchelee	Oliver, Ala.	Wesfield
Dickinson, Mo.	Kindred	Oliver, N. Y.	Whitehead
Dominick	Kvale	Parks	Whittington
Doughton	Lanham	Patterson	Williams, Tex.
Douglass	Lankford	Peavey	Wilson, La.
Driver	Larson	Peery	Wingo
Edwards	Lazaro	Pou	Wright
Estick	Lee, Calif.	Quin	Wurzback

NAYS—167

Ackerman	Black, N. Y.	Chindblom	Davenport
Adkins	Black, Tex.	Cole	Dickinson, Iowa
Andersen	Boles	Colton	Dowell
Andrew	Bowles	Cooper, Ohio	Dyer
Arents	Brand, Ohio	Cooper, Wis.	Eaton
Bacharach	Browne	Cornling	Elliott
Bachmann	Brumm	Coylo	Ellis
Bacon	Burdick	Cramton	Esterly
Bailey	Burtness	Crowther	Faust
Barbour	Campbell	Crumpacker	Fenn
Barkley	Carpenter	Curry	Fitzgerald, Roy G.
Beets	Chalmers	Darrow	Fitzgerald, W. T.

Fort	Kelly	Murphy	Summers, Wash.
Foss	Ketchum	Nelson, Me.	Swilag
Free	Kieffer	Newton, Minn.	Taber
Freeman	Kloss	O'Connor, N. Y.	Taylor, N. J.
Frothingham	Knutson	Parker	Thatcher
Fuller	Kopp	Phillips	Thurston
Furlow	Kurtz	Pratt	Tilson
Garber	LaGuardia	Purnell	Timberlake
Gifford	Leatherwood	Ramsayer	Tincher
Glynn	Lehibach	Rayburn	Tinkham
Golder	Letts	Reece	Tolley
Griest	Lindsay	Robinson, Iowa	Treadway
Hadley	Luce	Robison, Ky.	Underhill
Hail, Ind.	McLaughlin, Mich.	Rogers	Udiko
Hail, N. Dak.	McLaughlin, Nebr.	Rowbottom	Vaile
Hardy	McLeod	Sanders, N. Y.	Vincent, Mich.
Haugen	MacGregor	Sears, Nebr.	Voigt
Hawley	Madden	Seger	Wainwright
Hickey	Magee, Pa.	Simmons	Wason
Hill, Md.	Magrady	Sinnot	Watres
Hoch	Manlove	Smith	Watson
Hooper	Mapes	Snell	Wheeler
Houston	Martin, Mass.	Somers, N. Y.	White, Kans.
Hudson	Menges	Speaks	Williams, Ill.
Jacobstein	Merritt	Stalker	Williamson
Jenkins	Michener	Stebbs	Wolverton
Johnson, Ind.	Miller	Strong, Pa.	Woodruff
Johnson, Wash.	Mills	Strother	Wyant
Kahn	Moore, Ohio		
Kearns	Morgan		

ANSWERED—"PRESENT"—2
Byrns Leavitt

NOT VOTING—118

Abernethy	Denison	Johnson, Ill.	Sears, Fla.
Aldrich	Dickstein	Johnson, Ky.	Shreve
Allen	Doyle	Johnson, S. Dak.	Sinclair
Anthony	Drane	Keller	Sosnowski
Appleby	Drewry	Kendall	Sproul, Ill.
Auf der Heide	Evans	King	Stengall
Beedy	Fairchild	Kirk	Stevenson
Begg	Fish	Kunz	Strong, Kans.
Berger	Flaherty	Lampert	Sullivan
Bixler	Frear	Lee, Ga.	Swartz
Bowman	Fredericks	Lineberger	Sweet
Brand, Ga.	French	Lyon	Swoope
Britten	Funk	McFadden	Temple
Bulwinkle	Gallivan	Magee, N. Y.	Thompson
Burton	Goodwin	Michaelson	Tillman
Butler	Gorman	Mooney	Tydings
Carew	Graham	Morin	Vare
Carsa	Green, Iowa	Nelson, Wis.	Walters
Carter, Calif.	Griffin	Newton, Mo.	Warren
Carter, Okla.	Hale	Perkins	Weller
Celler	Hammer	Periman	Welsh
Chapman	Harrison	Porter	White, Me.
Christopherson	Hawes	Prall	Wilson, Miss.
Clague	Hersey	Quayle	Winter
Cleary	Holaday	Ransley	Wood
Connally, Tex.	Hudspeth	Rathbone	Woodrum
Connolly, Pa.	Hull, Morton D.	Reed, N. Y.	Yates
Crosser	Irwin	Reld, Ill.	Zihlman
Davey	James	Sabath	
Dempsey	Jeffers	Schneider	

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Byrns (for) with Mr. Vare (against).
Mr. Brand of Georgia (for) with Mr. Denison (against).
Mr. Jeffers (for) with Mr. McFadden (against).
Mr. Connally of Texas (for) with Mr. Newton of Missouri (against).
Mr. Sears of Florida (for) with Mr. Gorman (against).
Mr. Abernethy (for) with Mr. Ransley (against).
Mr. Drane (for) with Mr. Funk (against).
Mr. Tillman (for) with Mr. Hersey (against).
Mr. Harrison (for) with Mr. French (against).
Mr. Warren (for) with Mr. Butler (against).
Mr. Hudspeth (for) with Mr. Graham (against).
Mr. Lee of Georgia (for) with Mr. Begg (against).
Mr. Bulwinkle (for) with Mr. Magee of New York (against).
Mr. Lyon (for) with Mr. Bixler (against).
Mr. Carter of Oklahoma (for) with Mr. Reld of Illinois (against).
Mr. Davey (for) with Mr. Shreve (against).
Mr. Wilson of Mississippi (for) with Mr. Johnson of Illinois (against).
Mr. Evans (for) with Mr. Beedy (against).
Mr. Woodrum (for) with Mr. Fairchild (against).
Mr. Doyle (for) with Mr. Kendall (against).
Mr. Stevenson (for) with Mr. Wood (against).
Mr. Chapman (for) with Mr. Sosnowski (against).
Mr. Stengall (for) with Mr. Sweet (against).
Mr. Tydings (for) with Mr. Yates (against).
Mr. Johnson of Kentucky (for) with Mr. Rathbone (against).
Mr. Auf der Heide (for) with Mr. Burton (against).
Mr. Carew (for) with Mr. Anthony (against).
Mr. Kunz (for) with Mr. Irwin (against).
Mr. Mooney (for) with Mr. Britten (against).
Mr. Quayle (for) with Mr. Johnson of South Dakota (against).
Mr. Crosser (for) with Mr. Christopherson (against).
Mr. Weller (for) with Mr. Lampert (against).
Mr. Drewry (for) with Mr. Clague (against).
Mr. Hawes (for) with Mr. Flaherty (against).
Mr. Griffin (for) with Mr. Connolly of Pennsylvania (against).
Mr. Hammer (for) with Mr. Morin (against).
Mr. Celler (for) with Mr. Perkins (against).
Mr. Sabath (for) with Mr. Porter (against).
Mr. Prall (for) with Mr. Green of Iowa (against).
Mr. Gallivan (for) with Mr. Sproul of Illinois (against).
Mr. Cleary (for) with Mr. Welch (against).
Mr. Sullivan (for) with Mr. Sinclair (against).
Mr. Carsa (for) with Mr. Michaelson (against).
Mr. Dickstein (for) with Mr. Swoope (against).

Until further notice:

Mr. White of Maine with Mr. Berger.
Mr. Thompson with Mr. Kvale.

Mr. BYRNS. Mr. Speaker, I have a general pair with the gentleman from Pennsylvania, Mr. VARE. I therefore withdraw my vote of ye and ask to be recorded as present.

The result of the vote was announced as above recorded.

The doors were opened.

Mr. BURTNESS. Mr. Speaker, I move to strike out the last word.

I have made this pro forma motion solely for the purpose of giving a little information to the House which was not available when the amendment just voted upon was proposed. During the roll call I took the liberty of calling up Doctor Taylor, of the Department of Agriculture, the chief of the Bureau of Plant Industry, which is in general charge of the enforcement of legislation pertaining to the importation of seeds, and he told me that under the present quarantine laws there are quarantine regulations against the importation of cottonseed from areas infested with boll weevil. In fact, the regulations are so strict that no cottonseed can be imported at the present time into this country for seeding purposes except possibly some long-staple cottonseed from Egypt, where the seed is used in the southwestern sections of the country. In order to import cottonseed at all, even for manufacturing purposes, the importer must have some sort of permit, and then only for specific places where it may be used in crushers for such purposes.

As suggested in the colloquy which occurred before the vote between the gentleman from Mississippi [Mr. RANKIN] and myself, it is, of course, plain that seed as unfit as cottonseed infected with boll weevil, should not be permitted to come in with or without staining, but should be absolutely prohibited from being imported into the country at all. That is, in fact, the present policy both as laid down by the laws of the country as well as by the regulations of the department under the quarantine laws. This bill does not reach that aspect but covers an entirely different but important feature.

Mr. RANKIN. Mr. Speaker, I rise in opposition to the amendment of the gentleman from North Dakota.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Is this post-mortem in order?

The SPEAKER. A motion to strike out the last word is in order.

Mr. RANKIN. Mr. Speaker, in answer to the statement of the gentleman from North Dakota about a subject which he admits he does not know anything, I desire to say that this amendment possibly would not have cost another dollar. It might not have kept out a pound of cottonseed. The present regulations do not amply protect the cotton growers against the pink boll worm, the most deadly pest that the cotton plant has ever known. It would have warned the farmers against these imported seed.

By your vote you have refused us the small amount of protection that we ask here for the cotton farmers of the country, which possibly would not have cost this Government a dollar. I am not willing for Doctor Taylor or anyone else to come here and soothe the House by saying we are already protected by regulations. These other seeds are also protected by regulations; but if the pink boll worm should be transplanted from a South American country into the middle of Egypt, there is no way under the shining sun to protect the cotton growers of America from that poison until the Egyptian Government or the people in authority there are willing to come out and admit that their country is infected with it, which they likely would not do until it is everlastingly too late.

Mr. BLACK of Texas and Mr. BLANTON rose.

Mr. RANKIN. I yield first to the gentleman from Texas [Mr. BLACK] if I have any time remaining.

Mr. BLACK of Texas. I just want to make the statement it is my understanding that every bushel of cottonseed that is imported into the United States is disinfected now by quarantine officers of the Department of Agriculture, and I think this has been the case for some time.

Mr. RANKIN. There may be some method of disinfection; but if you know anything about the pink boll worm, you are bound to know that the kind of disinfection which they administer to cottonseed for crushing purposes only will not destroy the germ of the pink boll worm.

If these pink boll-worm infected seeds are sent out through the country, it simply means that wherever these germs are planted in that area the growing of cotton is practically a thing of the past.

Mr. BLANTON. Will the gentleman yield now?

Mr. RANKIN. Yes.

Mr. BLANTON. I wish the gentleman from Mississippi would send a small package of cottonseed to the gentleman from South Dakota so that he can see what they look like.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. KETCHAM. Mr. Speaker, I ask leave to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KETCHAM. Mr. Speaker, recognizing the desire of the chairman of the subcommittee in charge of the legislative appropriation bill to finish general debate at the earliest possible moment, I shall not take up any time in explaining the provisions of H. R. 8118 or its amended form, H. R. 10541.

On January 30 I took occasion under general debate on the agricultural appropriation bill to explain in some detail the conditions that make this legislation necessary, and also outlined the various provisions of the measure now under consideration. Subsequent to the introduction of H. R. 8118 extended hearings were held by a subcommittee of the Interstate and Foreign Commerce Committee, at which the testimony of representatives of the Department of Agriculture, Federated Seed Service, Safe-seed (Inc.), the American Farm Bureau Federation, and the National Grange was given in support. Testimony in opposition to the measure was also taken from Mr. Curtis Nye Smith, of Boston, Mass., representing the American Seed Trade Association, and from a few representatives of wholesale seed houses.

After full consideration of the testimony a subcommittee of the Interstate and Foreign Commerce Committee reported H. R. 8118 in amended form, and H. R. 10541 was reintroduced in the House incorporating these amendments. In this form the Committee on Interstate and Foreign Commerce unanimously reported the bill to the House as it is now presented for amendment to Senate bill 2465. Every Member of the House is familiar in a general way with the importance to the country of the two crops that are particularly affected by the provisions of this bill, namely, red clover and alfalfa. Just a glance at the production figures for 1925 will refresh our minds on this point.

There was a production in that year of 8,341,000 acres of clear clover hay, and 16,814,000 acres of mixed hay. Counting one-half the acreage of mixed clover and timothy hay as clover and combining this with the acreage of clear clover hay, we have a total of 16,750,000 acres of clover hay produced in one year in the United States. The estimated yield from this acreage is 21,230,000 tons. Pricing it at \$14.75 per ton gives a total of \$313,257,250. To these significant figures of the clover crop for 1925 should be added the production of clover seed, which is estimated at 85,000,000 pounds. At the conservative figure of 25 cents per pound, an additional sum of \$21,250,000 is to be credited to clover production.

Our acreage of alfalfa for 1925 was 11,040,000 acres, and the yield 28,858,000 tons. Pricing alfalfa hay at \$13.75 per ton gives us a total of \$396,797,500. To this should be added the estimated yield of alfalfa seed for 1925 of 48,000,000 pounds. At 20 cents per pound, this represents an additional value of \$9,600,000 to be credited to alfalfa production. The grand total involved in both hay and seed production in these two crops, therefore, closely approaches three-quarters of a billion dollars—to be exact, \$740,904,750. These figures must impress even the casual reader with the importance of safeguarding the seed from which these two important crops are grown.

Our clover-seed requirements each year amount to practically 100,000,000 pounds. Our domestic production averages 85,000,000 pounds. In alfalfa our annual consumption is approximately 40,000,000 and our average production 8,000,000. It will, therefore, be observed that on the average we must import 15,000,000 of red clover seed each year. Being under the necessity of importing practically 15 per cent of our clover seed each year, it is evident that the greatest care should be exercised in securing seed that is adaptable to the wide range of climatic conditions prevailing in the sections where clover can be grown advantageously.

Great care needs to be exercised in the selection of seed not only because of the importance of the crop so far as its actual sale and feeding value is concerned, but also because of the fact that it is relied upon very strongly to rebuild the soil. No successful farmer in the country overlooks the value of red clover as an important crop in his rotation, nor can he forget the value of alfalfa as a soil builder. The use of poor and unadapted seed not only causes the farmer to lose the first cost

of such seed but also the labor involved in its sowing and the loss in the rotation. For many years farmers in the northern section of the country have complained of unusual winter killing of both clover and alfalfa. Various reasons have been assigned for this heavy loss—poor soil conditions, so-called clover sickness, and various other causes. At last the experiment stations and scientific societies took up the study of the matter and carried on elaborate experiments with both native and imported clover and alfalfa seeds. These experiments developed the fact that one outstanding cause of the high percentage of crop loss was due to imported seed grown under climatic conditions entirely different than those prevailing in the northern sections of the country. Italian seed was especially susceptible to winter killing. Numbers of experiments have shown an almost complete loss of Italian seeds and a high percentage of French seeds, particularly those grown in southern France. In contrast with a heavy percentage of winter killing of Italian and French seed, elaborate experiments conducted under the same conditions as those under which the French and Italian strains were tested have shown our domestic seed of pure northern origin to be particularly adapted to our winter conditions. The tests have uniformly shown 80 to 90 per cent of a stand the second season for clover and enduring high percentages of alfalfa through succeeding seasons.

It is impossible even for the greatest expert in seeds to detect Italian or French seed from the native grown by mere inspection. It can only be identified after being planted and grown. In view of heavy importations from both Italy and France, it has therefore seemed but fair that some plan should be devised whereby dealers, wholesalers, retailers, and consumers might know with certainty the origin of seed. Additional reason for this legislation is found in the practice of a few unscrupulous dealers who are said to have purchased large quantities of Italian and French clover seed, and after mixing it with domestic seed have sold it under various brands to unsuspecting dealers, and they in turn have passed it on to farmers, with the disastrous results above noted. The loss sustained by farmers because of this practice would undoubtedly run into millions of dollars, as a very considerable percentage of this imported seed is worthless so far as securing a stand of clover or alfalfa is concerned. Under any plan of inspection heretofore possible the ultimate consumer could not be assured of purchasing adapted seed of known origin. By a simple process of changing seed from one bag to another or exchanging tags and labels foreign seed could be sold in domestic containers or under domestic labels. Experiments by the Swedish Government in injecting a small percentage of eosin dyes into original containers of seed make it possible to identify importations. Proof of the fact that there has been sharp practice in the matter of adulterating or "blending" imported seed with that of domestic production is clearly indicated in the following resolutions adopted by the American Society of Agronomy at its last annual meeting in December, 1925. This society is the leading organization in the country dealing with the scientific problems of agriculture, and its statements therefore have unusual weight:

Whereas carefully conducted investigations by members of this society have shown that seeds from southern Europe, South America, and other foreign countries are often not adapted to use in the United States; and

Whereas the substitution of such seeds for those of other origin which are suitable for use by American farmers by unscrupulous seed dealers is now often done, thereby causing heavy financial losses to users of such seed; Therefore be it

Resolved, That the American Society of Agronomy is heartily in favor of national and State legislation which will compel the coloring or otherwise labeling of such imported seed so that it can not be substituted for other seed without the knowledge of the purchaser; and

Resolved, That the secretary of the society be requested to call this resolution to the attention of any and all appropriate commercial and legislative organizations.

It is the belief of the supporters of this bill that its provisions will make it possible for the ultimate consumer to know definitely whether he is purchasing domestic or foreign grown seed. We follow this same practice in connection with our manufactured imports and require imported articles to bear unmistakable proof of the country of manufacture. Certainly no one can deny the necessity of extending the same measure of protection to so important a factor in our farm operations as clover and alfalfa seed.

Under the provisions of H. R. 10541 all imported seed must have at least 1 per cent stain to distinguish it as imported. Should the Department of Agriculture, after a thorough test of the adaptability of either clover or alfalfa seed from any

country, determine that it is unsuited to our climatic conditions, it must require at least 10 per cent of the seed from that particular country to be dyed red, thereby putting every purchaser of such seed on notice that it is absolutely inadaptible.

Objection was made by some of the importers during the hearings against putting the "skull and cross bones" against all imported seed. In reply it may easily be seen that foreign seed from certain countries may have a distinct value and the dyeing of a certain percentage will mark it with this distinction just as in our own country many articles bearing particular brands have come to have a very high value and the trademarks they bear are of great importance. The outstanding question is the character of the seed itself. It is inconceivable that harm will be done to any country whose clover and alfalfa seed is adaptable. On the other hand, it is believed that a premium would be placed upon the seed coming from countries having similar climatic conditions with our own.

Mr. Speaker, by no stretch of the imagination can this bill be classed under the heading of farm-relief legislation, but I am nevertheless convinced that every grower of alfalfa and red clover in the United States will enthusiastically acclaim this legislation when its provisions are fully understood. It will add literally millions to our national income in increased production. More than this, however, it will insure the maintenance of crop rotations which has become so well fixed in agricultural practice, and will insure the maintenance of soil fertility which after all is the basis of a continuing and prosperous agriculture.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. MAPES, a motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

THE LEGISLATIVE APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative appropriation bill.

And pending that I ask unanimous consent that further general debate on the bill may be limited to three hours, one half to be controlled by the gentleman from Colorado [Mr. TAYLOR] and the other half by myself.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative appropriation bill, and pending that asks unanimous consent that further general debate be limited to three hours, one-half to be controlled by himself and one-half to be controlled by the gentleman from Colorado [Mr. TAYLOR]. Is there objection?

Mr. BLANTON. Reserving the right to object, may I ask whether Calendar Wednesday will be dispensed with?

Mr. TILSON. I have not intended to ask to dispense with Calendar Wednesday and shall not do it without the consent of the Committee on Agriculture.

Mr. BLANTON. Then this bill will go over until Thursday?

Mr. TILSON. Until Thursday morning.

Mr. BANKHEAD. I understand the program, notwithstanding the statement made by the gentleman from Connecticut, with reference to this bill going over until Thursday, that it is the intention to bring up a rule on the aviation bill on Thursday?

Mr. TILSON. As soon as this bill is finished.

Mr. BANKHEAD. This bill will have the right of way after Wednesday until concluded?

Mr. TILSON. Yes; and the aviation rule will come up as soon as this bill is concluded, which I hope will be speedily.

Mr. TAYLOR of Colorado. Mr. Speaker, I fully agree with the gentleman that three hours' additional general debate will be sufficient. We have only had 23½ hours' general debate, and I think three hours more ought to be sufficient. [Laughter.]

The motion of Mr. DICKINSON of Iowa was then agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. HAWLEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the legislative appropriation bill, of which the Clerk will read the title.

The Clerk read the title as follows:

A bill (H. R. 10425) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 25 minutes to the gentleman from Nebraska [Mr. SIMMONS].

Mr. SIMMONS. Mr. Chairman, yesterday morning I received, and I assume other Members received, letters from the American Legion urging the immediate passage by the Congress of H. R. 10277, H. R. 10240, and H. R. 4548.

H. R. 10277, by Mr. GREEN of Iowa, amends the World War adjusted compensation act in several much-needed particulars. The bill aims to equalize the benefits of the act among the dependents of the veterans, prevents the disallowance or reduction of claims through mere technicalities; it either very much liberalizes or entirely does away with the dependency showing now required to be made. The American Legion says of the bill:

It will bring needed relief to the dependent mothers of our dead, killed in action in France.

It does that and more and, in my judgment, should be considered and passed by the Congress. The bill benefits alike the dependents of officer and enlisted man—it makes no distinction as to rank.

H. R. 10240, formerly H. R. 4474, is a bill coming from the World War Veterans' Committee, supported by the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, and others. It is in keeping with the policy of the Congress heretofore adopted in veterans' legislation; it corrects many structural defects in the law now governing the Veterans' Bureau; it liberalizes the present compensation provision in several much-needed particulars and grants additional benefits to those suffering from tuberculosis and other diseases, authorizes the Director of the Veterans' Bureau to complete the education of those now receiving vocational training, and safeguards the future of those men and grants a three years' extension for the conversion of term insurance. This bill, beneficial alike to all service men, should be fully and favorably considered and passed by the Congress before adjournment. In particular those provisions relating to vocational training and war-risk insurance must be passed prior to June 30 of this year to be of any benefit. Irreparable injury will follow if they are not passed by that time.

H. R. 4548 is known as the disabled emergency officers' bill.

A bill providing for the retirement of disabled emergency officers has been pending in the Congress for the several sessions since the war. It has had the indorsement of several veterans' organizations, and I have no doubt but that many Members, relying on those indorsements, have, without other consideration of the measure, agreed to support it.

Personally I had taken that position, and it was not until after I had made a thorough investigation of the bill and the results that would come from its passage that I reached the conclusion that it was wrong in principle and that its passage should be opposed in this House by the service men of the House. Four members of the Committee on World War Veterans' Legislation—themselves veterans—have filed a minority report from that committee opposing its passage. I commend the study of that report to the membership of this House.

The proponents of this bill state that its sole purpose is to give the emergency Army officer of the World War, who was disabled in line of duty, the same retirement privileges and pay as that now accorded the officer of the Regular Army. As I will show later, it is not that broad in its terms, but that is its general purpose.

The United States, during the lifetime of many now living, has engaged in three major wars—the Civil War, the Spanish American, and the World War. The soldiers of America in those three wars were largely citizen soldiers, coming from peace-time vocations; they gave their services to their country, serving where ordered, performing full well their duty, and with the return of peace assumed again the duties of the citizen.

It becomes then important at the outset in determining the principles of legislation for the soldiers of the World War to consider what has been done by the Government for the veterans of the Civil War and the war with Spain.

The Adjutant General advises me that—

many bills have been introduced in both Houses of Congress at different times authorizing the appointment on the retired list of the Army of these officers who served in the volunteer army in the Civil War, but none of them has ever been enacted into law.

Likewise, he advises me that no legislation of this character has ever been passed for the benefit of the emergency officers who fought during the war with Spain.

On the other hand, Congress has repeatedly passed legislation, with the approval of the veterans themselves, granting a pensionable status to veterans of those wars, and throughout it all there has not been any distinction made as to rank, but in

the benefits secured from that legislation all have shared alike. The commissioned officer and the enlisted man, noncommissioned and private, their widows and their orphans, have all received the same treatment from their Government.

The remaining veterans of the Civil War (now well past four-score years), walking in the dusk of the day of their lifetime, are asking this Congress to grant a bit more of life's goods by way of pension to themselves, their widows, and their orphans. It ought to be granted. I voted for the Civil War pension bill two years ago. I hope that I may be privileged to vote again this session for pension increases to the grand old men of the Grand Army, their widows and orphans. But mark you this, the proposed legislation makes no distinction between the various veterans of the Civil War. Let me repeat, they all share alike and have all shared alike in legislation heretofore passed.

This Congress yesterday passed legislation granting increased and more liberal pensions to the veterans of the war with Spain, their widows, and their orphans. It is estimated that it will increase the pensions paid to these veterans \$11 a month. These men proudly and rightly boast that they were an army of volunteers. Remember also this, that they were the first soldiers of America fighting beneath Old Glory on foreign shores for the aid of a downtrodden and foreign people. With the successful ending of the war with Spain, America became a world power, followed by unprecedented influence and material prosperity. These men deserve well of America. The unanimous House action yesterday testifies to the justice of that bill. I am glad that I was privileged to work for and vote for its passage. But, mark you this, every one of these men and their organizations are asking that Congress treat them all exactly alike, without distinction as to rank.

Congress since the World War has passed considerable legislation for the benefit of the veterans of the World War. We have granted compensation to those men whose disabilities were traceable to their service. We have conclusively presumed service connection in cases of disease such as tuberculosis and many other cases and awarded compensation. Congress has granted compensation to the widow and the orphan of the service men who gave their lives to the Nation. The doors of the hospitals of the Veterans' Bureau have been opened to the service men, and treatment and care is provided at the expense of the Government. All of this freely and gratefully given—but mark you again, all of it has been without discrimination one from the other as to rank.

Two years ago Congress passed, over the veto of the President, the adjusted compensation bill. It was supported by public opinion, urged by veterans' organizations, and passed as an act of justice. But its benefits applied alike to enlisted man and commissioned officer up to and including the rank of captain. Beyond that no benefits were conferred. Why, then, should we change now the fixed policy of the Government that has been uniformly followed in the treatment of the citizen-soldiers of the Civil, Spanish-American, and World Wars?

Those who support this measure say that there were nine classes of officers who served during the World War, regular, provisional, and emergency, in the Army, Navy, and Marine Corps. And that the emergency officer of the Army is the only one that has not been given the right of retirement.

That statement is made by the committee in its report. That statement is partly true and partly false. The regular and provisional disabled officer has, as I understand it, been retired. There have also been retired 232 emergency officers of the Navy and 64 of the Marine Corps, but there are 130 temporary officers of the Navy and Marine Corps disabled 30 per cent or more permanent who are not benefited by this bill and not included in it, and a total of 616 who have a compensable status—not benefited by this bill—and as I read the hearings deliberately ignored by the author of H. R. 4548, and likewise by the committee who held the hearings and reported the bill.

The reason for the retirement of the regular officer is well set out in the minority report. I quote, as they do, Secretary of War Lindley M. Garrison:

The privileges of the retired list of the Regular Army constitute a consideration granted by the Government for the consecration of lives to its military service and the volunteering for life for such service in any exigencies that may arise, whether in peace or war. The military relation requires the officer to give up ambitions which are the rightful portion of every man in the great world outside, and for a measure of compensation which does not exceed what is barely sufficient to maintain himself and family in the status which the military service demands; and the law has said that when he serves a prescribed period of time, or has reached a certain age, or is disabled by injury or disease incident to the service, he must withdraw from active service and give way to a younger man better fitted for the rigors of military life. As the officer has not been trained for a business career or for any career in civil life he finds himself at the end

of his service, certainly in the vast majority of cases, not only without a profession, but without a competency.

Congress has thus far restricted the privilege of retirement to members of the permanent Military Establishment; that is, to those only who have consecrated their lives to the military service. This is true not alone of the officers but of the enlisted man, who may retire only when he has served a sufficient time to indicate that he has adopted the military service as a life career. To those who have thus pledged their services for life to the Nation, in peace or in war, Congress, as a matter of keeping faith with them, has provided by law that they shall be secure in their calling throughout their lives, and when they have performed what is deemed a life service, shall be relieved of some of the active duties of service and be permitted a living pay for the remainder of their lives.

The Regular Army officer retired for disability during the World War was retired at the permanent rank he had in the Regular Army and not at the rank to which he had been temporarily promoted. This statement is made on the authority of The Adjutant General and is quoted to clear up a doubt that some have had on that question.

The provisional officer of the World War accepted a lesser rank than the emergency officer in order that he might qualify for a later regular status, and is rightly entitled to the same treatment accorded the regular officer.

There remains then 296 emergency officers of the Navy and Marine Corps who have been given the retired status of the regular officer. They were given that status "piece meal" by the Congress, as I understand it, without particular attention being given to the proposal on its merits. But, because that has been done, we are asked to pass legislation reaching out and including another and by far the largest group of all. I have several times been told by proponents of this legislation who are Members of this body that they do not favor it on principle and that the only reason for favoring it is that they want to treat all the officers alike. There is but one answer to that, and that is if the first act was wrong the creation of another wrong will not make both acts right.

I have been asked, "Will you vote to take the retired status from those men who now have it?" I have answered "No," because they have adjusted themselves to the new rate of pay and to deprive them of it now will create a hardship upon them that their fellow officers never having been given that status do not suffer.

This bill was reported to the Sixty-eighth Congress, Report No. 665. In that report this statement is made—

the annual increase cost to the Government . . . is \$618,036;

That there were 1,018 then—May 6, 1924—receiving compensation and that—

this cost will be diminished rapidly, because of the high mortality rate.

And that—

there was some testimony that, in addition to the 1,018, possibly some 500 or 600 others might be at some time eligible to benefit in some measure by the act.

This statement was repeated February 23, 1925, in Report No. 1563 on Senate bill 33.

The report made to this Congress, No. 536, March 13, 1926, shows the number to be benefited by the act to be 1,848, and the increased annual cost to the Government to be \$1,190,052, an increase of 830 beneficiaries and \$572,016 in annual cost. This statement is made to show how inaccurate was the prediction of the committee two years ago. But, in spite of that increase—almost 100 per cent—they repeat again in their report to this Congress the statement—

this cost should rapidly diminish . . . many deaths having occurred since the figures were furnished.

That statement made two years ago has been proven not true. It is made again, the plain and evident intention being to convey to the Congress the idea—as two years ago—that the high-water mark of the bill in costs had been reached.

That conclusion was not true two years ago. It is not true now. The figures quoted you in the report were furnished as of September 30, 1925. As of December 31, 1925, three months later, the number of 1,848 had increased to 1,986—138 more—and the estimated annual cost has increased \$88,812 during those three months. So that if this bill is to become a law Congress must understand that it means a much increased cost before there will be any material decrease. This statement is further supported by the fact that there were on January 1, 1926, 8,717 officers who can become eligible for retirement under this bill, and as of that date, and based on that number, the possible annual cost of this bill is fixed at \$9,240,000.

Do not misunderstand me. If I believed this legislation just and right, if I believed that these men were entitled to be singled out from among their fellows and given this greatly increased pay, I would support this legislation, no matter what the cost. But I do not so believe.

This bill on its face says that it gives to the disabled emergency officer the retirement privileges accorded the Regular officer. But it does not do that. On the last figures there were 8,717 disabled emergency officers; this bill benefits but 1,986 of them. It gives the right of retirement only to that emergency officer whose disability is 30 per cent or more permanent. The officer whose disability is but 29 per cent permanent receives no benefit. The emergency officer whose disability is 100 per cent temporary receives no benefit. So that the bill creates at once a discrimination between the emergency officers themselves. If this bill were to become a law, a brigadier general with a 30 per cent disability would receive \$4,500 a year; a colonel, \$3,000; lieutenant colonel, \$2,625 a year; a major, \$2,250 a year; captain, \$1,800 a year; first lieutenant, \$1,500 a year; second lieutenant, \$1,125 a year; and the enlisted man from sergeant major to buck private would receive \$360 a year.

Mr. RANKIN. Does the retired officer get that pay for the rest of his life?

Mr. SIMMONS. Yes; for the remainder of his life; but an enlisted man's compensation is subject to change. A study of these figures will indicate the very evident injustice of the bill.

Of those whom the act benefits there are two colonels now receiving, one \$50 a month, the other \$60 a month, who will if this bill becomes a law, receive \$250 a month. There are seven lieutenant colonels averaging \$44 a month compensation, who will receive under the bill \$218.75 a month. There are 53 majors receiving an average compensation of \$44 a month, who will be advanced to \$187.50 a month.

This bill benefits 1,896 emergency officers; it gives no benefit to over 7,000 additional emergency officers, many of whom are disabled more than those benefited.

This bill benefits 1,896 emergency officers; it gives no additional benefits to the 41,496 emergency enlisted men who are rated 30 per cent or more permanent—the same rating as had by the officers whom it seeks to benefit.

This bill benefits 1,896 emergency officers. It brings no benefits to 616 emergency officers of the Navy, Marine Corps, and Coast Guard, 130 of whom are now disabled to the same extent as are the 1,896 Army officers.

This bill holds out the possibility of additional benefits to 7,000 emergency officers, who, if given ratings of 30 per cent or more permanent, can come within its provisions. It holds out no hope of additional compensation to approximately 212,000 disabled emergency enlisted men.

To sum up, it brings immediate benefits to less than 1,900 disabled service men out of 221,500 now on the rolls.

One of the reasons advanced by some in favor of this legislation is that the officers were generally older, better educated, and accustomed to more of the material things of life, and therefore his pay from the Government should be greater. That, I submit, is a dangerous theory for this Nation to accept. The necessities of life cost just as much for the family of a disabled enlisted man as for those of an officer. The dollar compensation paid the officer and the enlisted man have the same purchasing power. But assuming their reasons to be correct, the educated emergency officer is far better able to overcome his disability than is the emergency soldier or officer who must supplement his compensation by physical labor. For example, the lawyer who has lost a leg can continue to practice law; the farmer who has lost a leg can follow a plow, but his handicap is far greater. The Veterans' Bureau was unable to give me the occupation of all the emergency officers whom this bill would benefit, but of the occupations given not one of these would be classed other than as professional.

But if their argument is sound, then this bill creates another and even more unjust discrimination. If the emergency officer should have additional compensation because of the status in life of himself and of his family, then there is all the more reason why his widow and orphan should likewise receive more compensation than the widow and orphan of the enlisted man. There are now 2,014 widows and 2,124 orphans of World War emergency officers. They are receiving identically the same compensation as is paid to the widow and orphan of the emergency enlisted soldier. If the emergency officer is entitled to additional compensation, then his widow is; but the proponents of this measure do not ask it in this bill. So far as I know, they have never asked it. They do not dare ask it. They do not dare ask the Congress to give one widow more than

another, nor one orphan more than another. To state the proposition shows its injustice and likewise the injustice of this bill.

The statement is made in the report that the passage of this bill has been persistently urged by both the American Legion and the Disabled American Veterans, but from that it does not follow that the rank and file of the membership of those great veterans' organizations either know of its provisions or approve of its passage. I know something of the American Legion and its membership. It has honored me highly in the past; it has been my great privilege to serve its membership both before I came to this body and since. I hope to continue to serve its membership. I respect the American Legion and its wishes. It is not easy to go against its declared policies. The American Legion in national convention has five times indorsed this bill but only once has it been discussed on the convention floor. The American Legion Weekly is sent from national headquarters to every member. It carries Legion news, outlines Legion policies, and builds Legion sentiment. Yet never once during the five years that this bill has been before Congress has the American Legion Weekly told the full truth about this bill. The membership of the Legion has not been told that this bill discriminates against certain disabled emergency officers of the Navy and Marine Corps. They have not been told that it discriminates against 80 per cent of the disabled emergency officers of the Army. They have not been told that it discriminates against the widow and orphans of the officer dead. They have not been told that it discriminates against all of the disabled emergency enlisted men. Reluctantly I have reached the conclusion that in this matter the national convention of the American Legion does not represent the sentiment of either its membership or of the service men of the Nation.

And may it be said to the credit of the disabled emergency officers that I have never yet found one—other than those directly promoting its passage—when the facts were given to him, as I have given them here, but who has reached the conclusion with me that the bill is fundamentally wrong and should not pass.

I have heretofore shown that the principle of this bill is contrary to the fixed policy of the Government in dealing with its citizen soldiers. It is also contrary to the fixed policy of the American Legion and contrary to all of its legislative requests heretofore made. It is contrary to the principle of H. R. 10240 and 10277, urged by the American Legion, both of which bills apply to all veterans alike. When the organization was founded it deliberately determined that there should be no distinction in it based on rank. Not more than 40 per cent of its officers were to be men who had commissions. The men who organized the Legion with far-sighted purpose declared that the Legion would be all inclusive, representing the officer and enlisted man; the disabled and the overseas veterans stood side by side with a buddy whose duty kept him in the United States—all were comrades—binding themselves in an organization all for one, one for all, in the continued service of God and country. The American Legion fought the battles of the service man in the organization of the Veterans' Bureau, the establishment of hospitals, the passage of liberal compensation laws based on service-connected disability, the passage of the adjusted compensation act, and much other beneficial legislation. Throughout it all the Legion made no distinction and asked that none be made between the service men of America. The Legion kept its determination that there would be no distinction or discrimination on account of rank among the veterans.

This bill is the only legislation that the Legion has advocated contrary to that policy; it is the only legislation that Congress has repeatedly refused to approve. The advocacy of this legislation has caused Congress to put a question mark on all legislative proposals coming from that great veterans' organization.

I asked that I be permitted to appear before the Committee on World War Veterans' Legislation. I indicated a desire that the committee call before it the Secretary of War, Mr. Davis, and the Assistant Secretary of War, Hanford MacNider, both emergency officers of the World War, and that they be asked to give the Congress the benefit of their views as to the justice of this legislation and whether or not, in their opinion, it was demanded by the service men of the Nation. I suggested also that General Hines, the Director of the Veterans' Bureau be called, that the present national commander of the American Legion, Mr. McQuigg, be called, and that the present national commander of the Disabled American Veterans, Mr. Mahan, be called, that the Congress might likewise have the benefit of their views as to the justice of this legislation. That was not done. The only hearings held were before a

subcommittee of three, at least two of whom were known in advance as supporters of the bill.

There are several World War veterans, both enlisted men and officers, representing both political parties, members of the Veterans' Committee, who are openly opposed to this bill, yet none of them were placed on the subcommittee who held the hearings.

I now again request that the committee favoring this legislation call these men and get their personal statements and views upon it for the advice of the membership of the House.

President Lincoln closed his second inaugural with these words, which are particularly applicable here:

Let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan.

Lincoln's policy of one for all, all for one, with no distinction as to rank, has been the American policy from that day to this—this Congress should not depart from it. [Applause.]

Mr. BROWNING. Will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. BROWNING. The first two measures that the gentleman mentioned are not opposed by anyone, are they?

Mr. SIMMONS. I am not opposed to it.

Mr. BROWNING. The gentleman does not know of any opposition in the House?

Mr. SIMMONS. I am not speaking for the rest of the membership, but I think the House is favorable to those two bills.

Mr. BROWNING. Some of us on this side of the House are anxious to know what prospect we have for consideration of these first two measures of which the gentleman speaks.

Mr. SIMMONS. The gentleman will have to direct his inquiry to some one having authority to speak. I have not.

Mr. BROWNING. The gentleman has access to the steering committee on his side, which we do not have, and to the leader on the floor of the House. I am sincere in my question. I agree with the gentleman about the first two measures.

Mr. SIMMONS. Is the gentleman agreeing with me about this third one?

Mr. BROWNING. I am agreeing with the gentleman about those two measures. The gentleman has not heard me say anything about the third measure, has he?

Mr. SIMMONS. No; I have not, and that is the reason I am asking him now.

Mr. BROWNING. I am speaking about the two that there is no opposition to. I would like the gentleman to give us some information about when we can have them considered.

Mr. SIMMONS. I suggest to the gentleman that the leader of the majority side is on the floor often and there is ample opportunity of asking him questions.

Mr. BROWNING. I ask the gentleman from Connecticut through the gentleman from Nebraska at this time whether he can give any information?

Mr. SIMMONS. The leader on the majority side has not delegated to me the right to speak for him or for the majority side.

Mr. BROWNING. Mr. Speaker, will the gentleman yield to me, in order that I may ask him a question?

Mr. SIMMONS. Yes.

Mr. BROWNING. Then I ask the gentleman from Connecticut whether we have any prospect for consideration of these veterans' measures, and I do this in hope of a favorable reply, in view of the fact that this is the anniversary of the declaration of war. I think it would be a very generous thing on the part of the gentleman to tell us that we might expect very soon to have consideration of these two measures, so vital to the disabled, to which we are all committed.

Mr. TILSON. All of these measures are being very seriously considered by the membership of the House, including the steering committee. They are being studied from the standpoint of cost and as to what bills can be passed consistently with the present and prospective condition of the Treasury.

Mr. BROWNING. The gentleman does not know of any opposition except so far as the expense entailed?

Mr. TILSON. I do not know as to that. I have not analyzed them myself, except hastily as to the expense, which is the first thing that we have to consider. After that they can be considered on their merits.

Mr. BROWNING. Then we are to understand that they are not definitely on the program for action at this session?

Mr. TILSON. They are being considered, I will say to the gentleman.

Mr. BROWNING. That is just about as clear as mud.

The CHAIRMAN. The time of the gentleman from Nebraska has again expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I now yield to the gentleman from Nebraska [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, the Committee on Agriculture is at present considering a bill which I introduced for the relief of agriculture, H. R. 9216, and I ask unanimous consent to extend my remarks in the Record by submitting a brief résumé of the provisions of that bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, the McLaughlin bill (H. R. 9216) aims to give relief to agricultural ills through a corporation of economic guidance of agriculture by accomplishing the following purposes:

(a) To decrease the cost of production: (1) By reducing wastage on the farms and in the markets, through a balanced production; and (2) by an economic disposition of any surplus.

(b) To decrease the cost of distribution and of selling: (1) By an orderly marketing; (2) by an equal distribution; and (3) by economically regulating the charges of licensed farm markets and commission merchants.

(c) To establish an economically balanced production of the basic commodities of agriculture: (1) By an economic guidance of acreage planting; (2) by an economic guidance of production in livestock; (3) by an economic disposition of any surplus; and (4) by an economic supply of any deficiency.

(d) To provide an economic disposition of any surplus: (1) By a carry over in staples sufficient to provide for crop losses in excess of the average in the following year; and (2) by a sale of any export surplus.

(e) To provide an economic supply of any deficiency: (1) By importations of any commodity, duty free, in sufficient quantities; and (2) by a sale of such commodity in domestic markets at the cost of production and of distribution plus a reasonable profit.

(f) To prepare and furnish data to Congress for the enactment of a sales tax: (1) To pay the operating expenses of the corporation, and (2) to liquidate any loss on the sale of the export surplus.

(g) To establish, so far as possible, preplanting contracts between producers and consumers.

(h) To establish an orderly marketing and an equal distribution: (1) By a standardized one price, the economic cost of production and a reasonable profit, (2) by the guidance of the sales department of the corporation, and (3) by the guidance of the farm market commissions, the food distributors, and the corporation county agents.

(i) To establish prices in domestic markets economically equitable for both consumers and producers: (1) By stabilizing prices annually, thereby preventing speculation and fluctuating prices in exchanges and domestic markets, (2) by reducing the cost of distribution by influencing licensed regional farm markets and commission merchants to handle a maximum of quantity at a minimum rate of profit, (3) by reducing wastage on the farms and in the markets, (4) by keeping the crops in the ownership and possession of the farmers until the consumers need them by an orderly marketing, thereby saving storage charges and commissions of many distributors, (5) by maintaining market prices in each and every year at the cost of production and of licensed distribution plus a reasonable profit, and not at a price and a profit determined by distributors, and (6) by preventing excessive advances in domestic market prices over cost of production and a profit, by reason of scarcity or speculation, by the corporation importing sufficient quantities of any commodity, duty free, and by selling the same in domestic markets at the cost of production and of distribution and a reasonable profit.

(j) To keep the cost of operating the corporation at a minimum by an able, honest, economical, efficient, and experienced board of directors selected by the President of the United States.

(k) To spread the minimum cost of operating the corporation by an assessment over full yields, accomplished by intensive farming of an economically guided acreage and production of efficient farmers.

(l) To pay the cost of operating the corporation out of savings accomplished in orderly marketing, in equally distributing, in economically selling, in reduced wastage, in prevented profiteering by distributors, in avoided speculative price advances, and in greatly decreased cost of production per unit, brought about by full yields accomplished by guided, efficient farmers.

(m) To give the American farmer annually the cost of production, including an allowance for crop losses caused by climatic conditions, plant diseases, and pests, and a reasonable profit sufficient to maintain American standards of living for his family.

(n) To give the American consumers an abundance of quality farm products, timely delivered and equally distributed, at the cost of production and a reasonable profit to necessary efficient farmers, and at the cost of distribution and a reasonable profit to necessary efficient distributors.

Mr. COLLINS. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CULLEN].

Mr. CULLEN. Mr. Chairman and Members of the House, at the beginning of the session of the Sixty-ninth Congress my party organization of the House indorsed and recommended me for a seat on the Appropriations Committee. I fully appreciate the honor and responsibility of the assignment, and I desire to extend to them my gratitude for the confidence they have reposed in me. The work of the committee is exacting, but it is relieved a great deal by the fair and square policy that is practiced by its able chairman, MARTIN B. MADDEN, of Illinois, to the individual membership of the committee, irrespective of political affiliations. [Applause.] He is willing at all times to give of his knowledge and advice without fear or favor. The only thing he will not give is money; and if he does, you have to have a good case. After all, that is his job. He reflects great credit not only to himself but to his party in his work.

The ranking minority member, Mr. BYRNS, of Tennessee, is also ready at all times to give the benefit of his experience and knowledge to the member who is seeking information and advice. [Applause.] In fact, there is a spirit of wholesome cooperation pervading throughout the whole membership of the committee.

We are now considering the last one of the appropriation bills. As a member of the subcommittee on independent offices, I had to do in part with the appropriation for the Shipping Board. I regret that the appropriation was not left at the sum decided on by the House itself; namely, \$18,691,000. Thirteen million nine hundred thousand dollars is not sufficient to take care of any losses sustained in the event of vessels being turned back by the operators who failed to run them successfully.

If we are sincere in building up our merchant marine, then let us at least give them money enough to take care of our ships. I do not believe the Shipping Board would spend \$1 unnecessarily of any appropriation given them, and, besides, it will serve notice to the world at large that we are solidly back of and mean what we say in regard to the unbuilding of an American merchant marine. [Applause.]

Then, again, gentlemen, the foreign operators are not only wishing and hoping that we will cut the appropriation to nothing, but will broadcast the fact that we are not sincerely behind the activity.

The \$10,000,000 defense fund as proposed and put in by the Senate means nothing, because it is absolutely anchored.

I am sincerely for a merchant marine and want to see our flag on the seven seas of the globe, and instead of cutting their appropriations I am for giving them the amount necessary to carry on. We stand aghast at appropriations that are made for the enforcement of prohibition. We have no hesitancy in so far as the appropriation for this purpose is concerned. Here are the figures:

Department of Justice for enforcement of prohibition.....	\$8,000,000
Treasury Department appropriation used in enforcing prohibition.....	10,635,685

This is the cost of enforcement for a single year. It does not include the cost of enlarging and strengthening the Coast Guard and it does not include any part of the overhead costs of Federal judges, and United States district attorneys who now spend a large portion of their time endeavoring to enforce prohibition. A total of \$18,635,685 is not to be overlooked, because after all it is an item larger than the aggregate appropriations for the Shipping Board, the Federal Trade Commission, the Civil Service Commission, and the Employees' Compensation Commission put together. Why should we continue appropriating these large sums for the enforcement of a law which is practically acknowledged by those who are charged with enforcing it that it is impossible of enforcement. Let us repeal this obnoxious and iniquitous Volstead law and use the moneys appropriated for it to the upbuilding of our merchant marine and in the developing of our naval air service, and other activities of our Government.

I voted against the Volstead Act, and am ready to vote for its repeal or its modification. I also voted against the ratification of the eighteenth amendment when a member of the New York State Senate, and would gladly vote to repeal the amendment. In my judgment prohibition will not be accepted by the people until the question is settled by the people and settled right. I am honestly and sincerely opposed to prohibition

as a matter of principle. I think the movement is the worst step that has ever been taken by our Government.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. CULLEN. Yes.

Mr. SUMMERS of Washington. Just how would the gentleman have that settled by the people? Something like 75 per cent of the people have voted locally in favor of prohibition.

Mr. CULLEN. Our State legislature, I might say to the gentleman, is considering the adoption of a referendum to allow our State an opportunity to vote, and in all probability it will be voted on at the next election.

Mr. SUMMERS of Washington. That is separate and independent from the Constitution.

Mr. CULLEN. Yes.

Mr. SUMMERS of Washington. That is one way of doing it. Mr. CULLEN. Let the States decide among themselves.

Mr. SUMMERS of Washington. But 46 States did decide.

Mr. CULLEN. If they have decided it, then they have decided it in such a way that it is clearly distasteful to a majority of the people of the country.

Mr. SUMMERS of Washington. In some States.

Mr. CULLEN. If there is a moral issue involved, it is the moral issue of the spirit of human freedom struggling against bondage. Prohibition can not succeed, because it is the most brutal invasion of personal liberty ever attempted in our country. It must fail, as all tyranny has failed. But it is sad to think of the deplorable havoc it is making in its course.

It has undermined the respect for law in the way in which it breeds in every element of society a deep and bitter sense of injustice, and of the way in which it breaks from the splendid traditions of freedom we have built up in this great country of ours.

What is happening to-day is a law divorced from the support of the individual conscience and is utterly breaking down, and the reason is clear. The rising generation of to-day see about them a law called prohibition. They see it everywhere broken.

They see it broken by many of the most respected people of the community. They know that it can only be maintained, if at all, by the most stringent and repulsive of methods, and with a large expenditure of money from the taxpayers. Any law that takes hold of a man's daily life can not prevail, and to attempt to create morality by law is supremely and superbly ridiculous; and a law without great popular sentiment behind it or with no active good will behind it has always proved itself a failure.

Another question which is actively engaging the public mind is the coal situation.

I wonder if before we adjourn are we to have legislation dealing with this important problem, so that the intolerable conditions of suffering and freezing of the people of Brooklyn and New York City and other parts of the country were compelled to endure during the past winter shall not occur next winter or ever again.

The people are anxiously waiting for our answer. Let us heed their appeal or we shall hear from them in unmistakable terms. [Applause.]

Mr. COLLINS. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. LANKFORD].

Mr. LANKFORD. Mr. Chairman and gentlemen of the committee, under the leave to extend my remarks, I wish to incorporate in the Record an editorial from a New York paper relative to the bill which I introduced to provide for a Sunday observance law for the District of Columbia, and also some remarks of my own concerning this particular editorial. I also wish to discuss an item which appeared in the Washington News some time ago concerning the fact that I was seen in my office on Sunday after I had introduced a bill to provide for Sunday observance here in the District of Columbia. I make mention of this fact for the purpose of showing that this particular newspaper, as well as some of the other newspapers in the District and throughout the country, are criticizing a bill which I introduced without knowing what the bill contains and without giving the public the benefit of the real provisions of the bill.

In other words, they seem to think that they have a great joke on me because I came to my office on Sunday, opened my mail, and wrote some letters on the typewriter to my wife and to others of my friends. They think that I have occupied an inconsistent attitude and that what I did was inconsistent with the provisions of the bill which I had introduced.

Let me say here, gentlemen of the committee, that the bill which I introduced (H. R. 10311) contains no provision which would prevent anyone from doing personal work such as coming to his office. I did not work all day in my office by any

means, and the gentleman who says he saw me work for seven solid hours on the typewriter did me too much honor. The people who know me know that I never would have worked seven solid hours at any one thing at any one time. [Applause.]

Mr. Chairman and gentlemen of the committee, when I introduced this bill H. R. 10311, I expected to be criticized by those who want no Sunday laws and who wish to desecrate and commercialize the Sabbath. I am getting all I expected, for during the past week or two I have been "cussed" and discussed, abused and amused, and have been denounced and my fate pronounced more than ever before.

Well, it is interesting. We are on the winning side; have made more progress than was ever made before with such a bill in the face of such opposition, and, best of all, we are bound to pass this bill or a similar one in the near future.

I do not relish being abused, but the more I am abused the surer I am that we are succeeding, especially when the abuse comes from the crowd that is now howling. We will soon have a basketful of newspaper clippings and editorials on my bill. Every mail brings letters from all over the Nation about me and the bill.

Some praise me and my efforts and speeches to the sky, and others threaten destroying all the churches in the country and lynching me "to boot" if I do not withdraw my fight for a Sunday law here.

The newspapers spy on me and criticize me in every way possible and even ridicule the people I represent in their frenzy over my humble effort to restore here the Sunday of the Bible and of our fathers.

It would take too much space for me to put in the RECORD all the letters and news clippings I have received. There is one funny editorial on the subject, "Lank knows where he's at," which I will put in later when I have time to discuss it fully.

For the present I shall content myself with the insertion of an editorial from a New York paper which is fair to me. The editor repeats correctly part of my former speech, and seems amazed at what I favor. Well, I still oppose the things mentioned as objectionable and favor the remedies suggested.

Here is this item in full:

THAT "BLUE" GEORGIAN

W. C. LANKFORD, Congressman from Douglas, Ga., near Atlanta, where the Ku-Klux originated, is opposed to Sunday movies, Sunday baseball, and everything except religious services on the Sabbath Day in the District of Columbia. Before the committee hearing the "blue law" pros and cons there he did not fail to tell the residents of Washington how they ought to spend their Sundays.

LANKFORD is the author of the "blue Sunday bill" now pending in Congress, which provides "that it shall be unlawful in the District of Columbia to keep open or use any dancing saloon, theater (whether for motion pictures, plays, spoken or silent, opera, vaudeville, or entertainment), bowling alley, or any place of public assembly at which an admission fee is directly or indirectly received, or to engage in commercialized sports or amusements on the Lord's Day, commonly called Sunday."

And this is what that Georgian had to say—and more, too—to the committee, while several hundred Washington business men and women, representatives of social and civic organizations, gathered to oppose his bill:

"I'M GUILTY OF INTOLERANCE"

"It is a new idea that the present-day movies and shows and Sunday baseball are religious institutions and that anyone who suggests that there should be a law to prevent the operation of these on Sunday is guilty of religious intolerance.

"I confess that I am at a loss to know just how I am guilty of religious intolerance when I propose a bill which would allow people of all and every denomination to go to church if they wish on Sunday, and only seek such provisions as will protect all in this enjoyment of religious liberty and freedom. Where is the religious intolerance which would prevent a crew of men operating a steam shovel or an electric hammer on a building site or partly constructed building next door to a church during services on Sunday? Where is the religious intolerance in a law which would not let a negro unload a large quantity of coal next door to a church, and thus disturb the assembly of people gathered for religious services? Where is the intolerance in a bill which makes for the most complete religious liberty and allows all and everyone to worship God according to the dictate of his or her own conscience? My purpose and hope is only to secure in a fuller sense the enjoyment of religious liberty. Most people do not understand that religious liberty means the infliction on the public of the profanity of the pool room, the vulgarity of the modern movie or theater, and the obscenity of the ordinary dance hall on every Sunday of the year.

"The great trouble is that there are some folks who believe that freedom of religion is freedom from religion. They mistake freedom of religion for freedom of crime.

"The bill which I introduced provides for one day of rest out of every seven. If I provided for no rest day at all, there would rightly be much opposition. It would be cruel and savage in the extreme to force all to work every day without any rest, and yet I am held up as an advocate of an unreasonable thing when I attempt to make by law one day of rest out of every seven.

"AGIN" EVERYTHING

"Because I am not willing for my people to pay taxes to build negro bathing beaches and artificial bathing pools here, and because I object to my people being forced to help maintain a negro university here in the District of Columbia contrary to law, I am said to be guilty of racial intolerance. It all depends on whose definition of intolerance we are to use. I do object to the public being forced to educate a crowd of negroes in Washington when many of the white boys and girls of the South and other parts of the country are denied sufficient educational advantages. It has even been urged here that at public expense there be established a beauty parlor for the negroes of the District of Columbia, so that the negro girls could take lessons in using rouge and perfume and so forth. Well, if objecting to this kind of thing is intolerance, then I am very intolerant.

"I believe in letting the negro be the negro and the white man be the white man. I believe in letting the negro have his section of town to live in and the white people have theirs. I certainly believe in the negro having his own waiting room, his own car or separate seats on street cars and railroads, and his own schools, but I believe in the white people having also their own separate depot and transportation and educational facilities. Nothing could be fairer. Oh, but many say that there should be no distinction and that all be treated alike. Segregation treats all alike."

Mr. Chairman and gentlemen of the committee, I appreciate very much the splendid publicity which the Washington News gave me on Monday, March 15 last, in connection with my being in my office from shortly before 3 in the afternoon until 10 at night. I would have gladly furnished the News with a free cut and saved that splendid little paper the expense incident to putting such a splendid picture of myself in their paper. The picture showed up well at the very top of the title-page, and then the word "toils" was printed in larger type just above my head, about where my beautiful head of hair used to be before I began parting my hair in the middle.

My folks down home have known all the while I worked hard, but I very much fear I have been done too much honor. I am credited with seven hours' steady work on this occasion. People who know me will know that I never worked seven hours without ceasing at any one thing, at any one time, in my life. I have a great habit of stopping to eat or take a drink of water occasionally while working.

Mr. Chairman, even as a boy, when I plowed "Old Tobey," the ox, I stopped occasionally to rest my tired limbs. It is just my nature to not work too long without an occasional "rest spell."

Then, against this seven-hour endurance compliment is questioned very seriously by many of my good friends in the Government service who are coming to me and saying I am not entitled to so great an honor, as they remember seeing me during the four or five hours I was out of the office around the city, while the reporter saw me working without ceasing on the typewriter. There is something strange about this matter. I am wondering who was in my office, looking exactly like me, working on the typewriter while I was out. The reporter says he saw me and that settles that. My friends and I all agree that I was out of the office most of the time, so herein lies the mystery.

Then, again, this strange man whom the reporter saw while I was out would not answer telephone calls or knocks at the door, and when letters were slipped under the door pounced upon them and either destroyed or took them with him. I found no letters when I returned from a two-hour stroll and supper, about 7 o'clock at night, except I found a speech of Congressman FULMER upon my return; but that is not the letters which this strange man snatched from the fingers of the reporter as he fed them under the door, for the FULMER speech did not disappear so soon, and was still under the door upon my return. Then, again, I answered all phone calls and alarms at my door while I was in, and I saw no letters placed under the door while I was in; so this strange man who was in my office while the reporter saw me at work in my absence is the man who pulled off all these stunts.

Now, herein lies still more mystery. It must have been this strange being that mailed that "large package of letters" that the reporter tells about. I only mailed three, which was all I wrote during the day.

Another strange thing is that when I went to my office for a short time, about 3 o'clock, another Congressman was with me, and he and I do not recall seeing any horror-stricken News men in the corridor of the Office Building; and, then, the

reporter saw only one person go to my office, and this person horrified him. It must have been this strange man rather than me he saw.

I am sure it was not I who horrified this good reporter into seeing and hearing things which were not present and did not happen, and caused him to make such an exaggerated report; for he is an honest man. Then, again, why should he be so horrified? My picture—thanks to the News again—shows I could not horrify anyone, especially one who was out looking for me and who saw me going to my office, where I go nearly every hour when I am not asleep, day and night every day in the week, Sunday not excepted. Especially should this not horrify the gentleman when this conduct of mine was not in the least in conflict with any provision of my Sunday observance bill and was in strict performance of my duty.

Maybe it was my bill which horrified the reporter so much. It seems to have horrified all the correspondents and many others so much that few, if any, who oppose my bill have really read it.

But before proceeding further let me tell you very confidentially just what I did on this Sunday in question and let us see how my confidential statement compares with the reporter's version of the matter. I have never hesitated to go to my office on Sunday, open my mail, answering any urgent letters, sending telegrams if necessary, and doing any little office work which can be done without inconvenience to me and which renders a real service oftentimes to a child or father or mother in distress.

My bill would not in the least make this kind of office work unlawful. On the Sunday in question I first went to my office about 8 o'clock a. m. and finally left about 11 o'clock at night. I was out of it over half of the time during the day. I was out of the office most of the time between 3 o'clock in the afternoon and 10 o'clock at night. I did not refuse to answer the telephone or knocks at the door. No letters were put under the door while I was in the office, or at least I saw none.

I left the office several times during the afternoon, and finally, about 6 o'clock, I walked from the House Office Building to the Raleigh Hotel, up Twelfth to F Street, then strolled along looking at show windows to Fifteenth Street, around the Willard and Washington Hotel block, then along Pennsylvania Avenue to a restaurant in front of the Post Office Department Building, where I ate supper, and then walked to the St. James Hotel, then caught a car back to my office. On this trip I met several of my friends, who came to me next day and mentioned seeing me at about 6 to 8 p. m., while the reporter says I was busy with a typewriter from 3 to 10 in the afternoon. Upon my return to my office I found a speech by Congressman FULMER on Muscle Shoals under my door. I took the speech, quietly seated myself in a good, soft easy-chair, put my feet in another chair, and read the good speech of my colleague, never suspecting that during all this time the reporter was watching me work on the typewriter. All the while, until next day, in my heart I was thanking Mr. FULMER for making that good speech and bringing it to me. Next day I found he did not put it under the door and that probably the reporter put it there in my absence from the office, ran away, and hours afterwards slipped by and found it gone, and then wrote that it "speedily disappeared."

He must have been the one that speedily disappeared after putting the envelope under the door. When he ran he evidently got the idea that the envelope also was making a speedy retreat.

Mr. Chairman, it would be rather difficult for any person to write an article so full of errors as this one and yet so short. There are so many inaccuracies—but let me mention just one more. I only used the typewriter for about 30 minutes to write three letters at about 9.30 p. m., and only mailed the three at the corner, instead of "a large package of letters." But let us read this amazing newspaper article.

Here are the headlines:

Blue-law sire toils Sunday.—Sponsor of seventh day of rest seen working seven hours over a typewriter.—Phone unanswered.—Georgia lawmaker too busy to answer knock, but letter is accepted.

Here is the article itself:

Representative WILLIAM C. LANKFORD, of Georgia, the man whose proposed Sunday blue law would prevent working on Sunday in the District, spent the greater part of yesterday in his own place of business. A News reporter, chancing to be in the House Office Building, was horrified to see LANKFORD enter his office shortly before 3 p. m. The clicking of a typewriter shortly became audible, breaking the Sabbath silence.

When LANKFORD finally emerged at 10.10 p. m. he went to a corner mail box and deposited a large package of letters.

LANKFORD was so busy that his locked door was not opened to loud knocking, nor did the telephone respond to continued ringing. An envelope slipped halfway under the door, however, speedily disappeared.

Inquiry about the House Office Building developed that LANKFORD'S Sunday appearances in his place of business are the rule, not an exception.

LANKFORD does a great deal of his secretarial work personally, and hence the regular working week sometimes leaves little odds and ends to be cleaned up on the Sabbath.

Only work "of necessity and charity" is permitted in LANKFORD'S proposed bill. The interpretation placed on this clause at hearings at which LANKFORD was the guiding spirit, was that this would apply only to hospitals, police, firemen, and the like.

I realize, Mr. Chairman, that for me to introduce a bill to make a course of conduct a crime and yet be continually doing the thing I appear to want to stop, is to be very inconsistent.

I would prevent commercialized sports on Sunday. I do not attend Sunday baseball or any other commercialized games on Sunday.

I do not attend movies or theaters on Sunday and am, therefore, consistent in this respect. I do not work all day in my office on Sunday, but my bill would not, if enacted, make it unlawful for a man to work in his office all day Sunday. I would not introduce a bill which would not let a man open his mail and answer an urgent letter if he wished on Sunday.

I have never hesitated to write a letter or do anything else of a private or personal nature on Sunday if the matter was urgent and I was able to render a service to some one else by the act.

Ah, Mr. Chairman, if the gentleman had only read my bill he would not be spying on my office in an effort to get in a position to hold me up to ridicule and contempt, and try to make the public believe I am acting and living a falsehood.

The gentleman, without reading my bill and without familiarizing himself with the facts, would, if he could, destroy me politically because I dared sponsor a bill for a reasonable Sunday law for the District of Columbia.

Mr. Chairman, my little son, Cecil, is sick with asthma in El Paso, Tex., and his mother is with him there. I have only a bedroom here where I sleep, and I spend all the time in my office when I would be at home with my folks if they were here. In fact, my room and my office constitute my home here at present. My office is very comfortable and I spend there most of my time not taken up by my duties elsewhere. Where would the gentleman have me go to rest at the end of a week of hard toll? Would he have me stay in bed or in my bedroom all day Sunday? Would he have me sit on the sidewalk throughout Sunday, or stand in the sleet and snow, and not come in because it was Sunday? What is wrong with coming to my office, where I can be comfortable, as I have always done, especially when there is nothing in my bill to the contrary?

I will say to the gentleman that on the Sunday in question, while in my office, I read a wonderful sermon on "What is the Sabbath for?" by Doctor Sizoo, of the New York Avenue Presbyterian Church of this city, and I liked it so much until I had it inserted in the CONGRESSIONAL RECORD and had practically every Member of Congress and thousands of others reading it before three days had passed. I am willing to bear a little unjust criticism when I can accomplish so great a service for so misrepresented and worthy a cause. Mr. Chairman, I am not angry with the splendid little paper, the Washington News, for the publicity which it gave to me and my bill. Often the rebound of an error is worth as much as the direct thrust of the truth.

Innocence and right are established more fully by indictments and acquittals than they would ever appear by silence.

The justice, fairness, and merit of my bill will shine forth out of the darkness of misrepresentation and deception, and the greater that darkness the greater will appear the glorious light of the truth.

I hope the News will not send me too large a bill for the costly space which was given to me.

If asked, I would have gladly mailed the News a statement in writing relative to my Sunday activities, which would have been much more accurate and probably less expensive than the one obtained by spying on me and on my office.

By the way, that alleged News reporter has most wonderful eyes.

All ingenuity of science concentrated in the X-ray machine and the fluoroscope can only look through solid matter and see what is in existence on the other side, but this man easily sees through solid wooden doors and brick walls and sees what does not exist on the other side. Much was said in Congress about

the publicity of income-tax returns. For my part I could see no reason for making private the returns of the big rich and leaving public all returns of the common folks throughout the country. The nonpublicity crowd won, but, after all, Mr. Chairman, the big rich will have to hire the man with the miraculous eyes to remain silent, otherwise the News can ask this man to stroll along the sidewalks near the Treasury Building and look through wood, brick, stone, and steel into the innermost vaults of the Treasury, and no doubt he will be able to give any desired return in full and in detail and much more besides to make the report interesting.

No longer need the Government send aviators or vessels hurrying here and there over land and sea to find aviators or seafaring men lost or destroyed, for this man can walk out on his front steps and make report of what he finds.

Ah, Mr. Chairman, there was little need for brave men to have risked their lives in an effort to go to the poles of the earth, and poor old Doctor Cook need not have gotten tangled up in all that affair, if they had only had this man with his wonderful eyes, for with him they could have sailed only a mile or two from land, then asked him for a full report of the North Pole, and no doubt it would have been forthcoming.

Oh, I am so sorry he was not on Noah's Ark, for if he had been that poor little dove would never had to fly and flap its poor little tired wings looking for a leaf, for Noah could have asked this gentleman to simply peep out of the window and tell him whether or not on the face of the earth and broad expanse of water there was dry land anywhere, and he could have looked and reported. And yet this man with his wonderful eyes has never been able to read my bill; thousands of others, including the editors and others connected with the big dailies have never read it, or equally as wrong have read it and are deliberately misleading the public as to its provisions.

Bear with me a moment and let me tell you just what the bill provides.

The bill which I introduced provides as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 13, 1926.

Mr. LANKFORD introduced the following bill, which was referred to the Committee on the District of Columbia and ordered to be printed: A bill (H. R. 10311) to secure Sunday as a day of rest in the District of Columbia, and for other purposes

Be it enacted, etc., That it shall be unlawful in the District of Columbia for any person, firm, corporation, or any of their agents, directors, or officers to employ any person to labor or pursue any trade or secular business on the Lord's Day, commonly called Sunday, works of necessity and charity always excepted. It shall furthermore be unlawful in the District of Columbia for any person under employment or working for hire to engage in labor under such contract of employment or hire on the Lord's Day, commonly called Sunday, except in works of necessity and charity.

In works of necessity and charity is included whatever is needful during the day for the good order, health, or comfort of the community, provided the right to weekly rest and worship is not thereby denied. The labor herein forbidden on Sunday is hired, employed, or public work, not such personal work as does not interrupt or disturb the repose and religious liberty of the community. The following labor and business shall be legal on Sunday:

- (a) In drug stores, for the sale of medicines, surgical articles, and supplies for the sick, foods, beverages, and cigars, but not for articles of merchandise forbidden on Sunday for other stores and merchants.
- (b) In hotels, restaurants, and cafés, and in the preparation and sale of meals.
- (c) For the sale of motor oil, gasoline, and accessories necessary to keep in operation cars in actual use on such Sunday, together with labor incident to such repairs.
- (d) In connection with public lighting, water, and heating plants.
- (e) For the operation of boats, railroad trains, street cars, busses, sight-seeing cars, taxicabs, elevators, and privately owned means of conveyance.
- (f) For telephone and radio service.
- (g) In dairies and in connection with preparation and delivery of milk and cream.
- (h) In connection with watching, caretaking, or safeguarding premises and property, and in the maintenance of police and fire protection.
- (i) In connection with the preparation and sale of daily newspapers.

Sec. 2. That it shall be unlawful in the District of Columbia to keep open or use any dancing place, theater (whether for motion pictures, plays spoken or silent, opera, vaudeville, or entertainment), bowling alley, or any place of public assembly at which an admission fee is directly or indirectly received, or to engage in commercialized sports or amusements on the Lord's Day, commonly called Sunday.

Sec. 3. It shall be unlawful in the District of Columbia for any person, firm, corporation, or any of their agents, directors, or officers to

require or permit any employee or employees engaged in works of necessity and charity, excepting household or hotel service, to work on the Lord's Day, commonly called Sunday, unless within the next six succeeding days during a period of 24 consecutive hours such employer shall neither require nor permit such employee or employees to work in his or its employ.

Sec. 4. It shall be a sufficient defense to a prosecution for work or labor on the first day of the week that the defendant uniformly keeps another day of the week as holy time and does not labor on that day, and that the labor complained of was done in such manner as not to interrupt or disturb other persons in observing the first day of the week.

Sec. 5. Any person who shall violate any of the provisions of this act shall, on conviction thereof, be punished by a fine of not less than \$5 nor more than \$50 for the first offense, and for each subsequent offense by a fine of not less than \$25 nor more than \$500 and by imprisonment in the jail of the District of Columbia for a period of not more than six months.

Sec. 6. All prosecutions for the violation of this act shall be in the police court of the District of Columbia.

Sec. 7. This act shall become effective on the sixtieth day after its enactment.

You will notice that the bill provides that the labor forbidden on Sunday is hire and employment on public work, not such personal work as does not interrupt or disturb the repose or religious liberty of the community. In other words, the bill would make unlawful theaters and moving-picture shows on Sunday, would make unlawful baseball on Sunday where that baseball is commercialized, but it would not make unlawful baseball on Sunday between amateur teams.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. LANKFORD. Yes.

Mr. McLAUGHLIN of Nebraska. Would the provisions of the bill, if enacted into law, permit a Congressman to work in his office on Sunday?

Mr. LANKFORD. It would. The bill only prevents the hiring of people to work on Sunday. I am not hired to work on Sunday. The bill would only prevent people who are hired to work on Sunday from working on Sunday. It would prevent the hiring of people to work on Sunday and would prevent people who are hired to work on Sunday from working on Sunday.

Mr. O'CONNELL of New York. Mr. Chairman, will the gentleman yield?

Mr. LANKFORD. Not now. Whether that is a good bill or a bad bill in that respect I am not discussing now. The bill only makes unlawful the hiring of people to work on Sunday and the working of people on Sunday who are hired to work on Sunday. It prevents the hiring of large bodies of men to tear down buildings on Sundays or to work in the construction of buildings on Sunday. It leaves a man free to do any personal work, as, for example, that of a Congressman.

If a merchant wanted to go into his store on Sunday and do some personal work, the bill would not prevent it. It is not meant for the especial benefit of Congressmen any more than it is for any other individual. And so if a man, a doctor, or physician, or lawyer, or any other person under the provisions of my bill wants to work on Sunday, so long as he does not disturb the neighborhood, does not violate the provisions of the bill, he can do so. The bill is specifically drawn, so far as labor is concerned, so as to prevent the hiring of people to work on Sunday and to prevent those who are hired to work on Sunday from working on Sunday.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, will the gentleman yield again?

Mr. LANKFORD. Yes.

Mr. McLAUGHLIN of Nebraska. If a man has a chauffeur hired, then the chauffeur could not work on Sunday?

Mr. LANKFORD. He could work on Sunday. That comes under the exception covering works of necessity and charity, and that includes people employed to operate elevators, and telephone service, and watchmen, and chauffeurs, the operation of street cars and railway trains, and all those things which are covered in the bill under the definition of works of necessity and charity. [Applause.]

I thank the members of the committee, and I yield back whatever time I may not have used, Mr. Chairman.

Mr. COLLINS. Mr. Chairman, I yield to the gentleman from New York [Mr. O'CONNELL] five minutes.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. O'CONNELL of New York. Mr. Chairman and gentlemen of the committee, I am especially glad this afternoon to see

my friend the gentleman from Georgia [Mr. UPSHAW], because I know he likes to hear antiprohibition speeches, and in the time allotted to me I intend to devote my attention to that subject.

Mr. LANKFORD. Mr. Chairman, will the gentleman yield? Mr. O'CONNELL of New York. Yes.

Mr. LANKFORD. Does the gentleman mean that we like to hear them or that we want to hear them to refute them if they are actually made?

Mr. O'CONNELL of New York. The gentleman from Georgia is perfectly fair in that direction. He is my personal friend and yet my enemy so far as the question of prohibition is concerned. On that we will never agree.

The tremendous interest that was shown in the last few days in those hearings held in the Senate has evidently awakened the people of the country to the seriousness of this proposition. It is all well enough to say that it is the Constitution and the law, and that the law should be respected. Of course, everybody subscribes to that proposition. But here we have a situation that is bringing about a condition that is utterly intolerable. A condition which, as my friend and colleague from New York [Mr. CULLEN] said, nobody respects.

The hearings before the other body and the facts brought out by the distinguished Senator from Maryland yesterday surely must convince even the most doubting Thomas that there is something radically and seriously wrong with this law, and that it should be changed or modified in some distinct respect. We also read in the press of my city about the efforts recently made by the Republicans of the New York State Legislature to give our State a referendum on this question.

Later in my remarks I intend to incorporate the names of the Members of the New York Democratic delegation that were Members of Congress when the eighteenth amendment was enacted and prove to the House and to the country that if the 12 Republican Members of the New York State delegation had voted with the Democratic Members of that delegation from New York, with a single exception, instead of the eighteenth amendment being enacted into law and on the statute books of the Nation by a majority of nine, we never would have had prohibition, as it would have been defeated by four votes at that time.

This is the record. And now we see the Republicans of the State Legislature of New York falling over each other because of the polls that have recently taken place all over the country and realizing that something definite must be done to go along with this tidal wave. So they now want a referendum in order to give the people of the State of New York, the State that pays 20 per cent, practically, of all the bills contracted by the country—to give that State a chance to express their will, if you please, as to how they stand on this question of prohibition enforcement.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. O'CONNELL of New York. I will yield to my colleague.

Mr. O'CONNOR of New York. Is it not a fact that up to this good hour, possibly expressed by this flop or somersault of the Republican Party in New York, that party was entirely under the domination and control of the Anti-Saloon League?

Mr. O'CONNELL of New York. I thank my colleague. He states the exact fact.

I am sure that I am enunciating a certain truth when I make the statement that not since the historic days of the Volstead legislative debate, in which I was a participant, has so much time of the House been devoted to the question of the success or failure of the operation of the prohibition law. It is my pleasure to number among my friends in this body many who are sincerely and intensively on both sides of this question. Of course, my sentiment for personal reasons are with those of my colleagues who believe with me that in the enactment of this legislation the Congress made a grave mistake, as proved thus far by the failure of this law. By a fair and impartial consideration of all the facts concerning this very difficult problem we will eventually be in position to evolve a plan that will extricate us from our present condition, and light the path and show the road that will lead to temperance and sobriety, which all decent people so ardently desire.

Now, my friends, what are the facts; and, as I said before, it is only on this basis can we reach any definite conclusions on this perplexing problem. Is this law a success? Has it made for the elimination of drunkenness, of graft, of law defiance? After a six years' thorough trial, at enormous loss of revenue and tremendous enforcement cost and ever increasing expense to the Government, has it obtained and does it hold the approval and indorsement of the people of the land?

THE DIGEST AND RECENT NATIONAL POLLS

In that great American weekly, the Literary Digest, issue of April 3, 1926, we get the following figures:

The Literary Digest poll was taken during the summer of 1922. About 10,000,000 blank ballots were sent out by mail, addressed to individual citizens, on specially prepared paper, with special precautions taken against fraud, repeating, or irregular voting. A list of voters was taken from the telephone lists of the country, with an added country-wide representation of women voters and factory workers, classes not likely to be fully represented in the telephone books. The ballots were mailed out with entire impartiality and the returns were tabulated and published without comment. The result of the grand total of 922,383 ballots received was reported as follows in the Digest of September 9, 1922, and makes an interesting comparison with the 1926 newspaper returns:

	For enforcement		For modification		For repeal	
	Number	Per cent	Number	Per cent	Number	Per cent
Main poll.....	306,255	38.5	325,549	41.1	164,453	20.4
Women's poll.....	48,485	44.5	39,914	36.7	20,448	18.8
Factory polls.....	1,453	8.4	10,671	62.1	4,955	29.5
Total.....	355,193	38.6	376,334	40.8	189,856	20.6

The totals for the three largest newspaper polls conducted last month, with practically all returns in, were reported as follows in the New York Sun:

Newspaper Enterprise Association, through 375 cooperating newspapers
For retention and enforcement of prohibition..... 329,274
For repeal of prohibition amendment..... 545,839
For Volstead modification to allow wine and beer..... 864,949

Hearst newspapers and others cooperating

For prohibition..... 188,987
Against prohibition..... 915,969
For wine and beer..... 1,040,937
Against wine and beer..... 180,554
Chicago Tribune, New York Daily News, and cooperating newspapers
For wine and beer..... 340,401
Against wine and beer..... 35,820

Grand total, using last two figures of Hearst poll as the most representative on a straight "change or no change" division

For existing laws..... 545,648
For modification or repeal..... 2,792,126

A tabulation of the 1,740,062 votes in the Newspaper Enterprise Association poll, appearing in a dispatch in the New York World, shows votes from every State in the Union except Maryland, the largest vote being polled in New York. The outstanding features of the straw vote results are thus stated in a Newspaper Enterprise Association dispatch to the Washington News:

"1. Almost 50 per cent of the voters favored modification. Those for outright repeal numbered slightly over 31 per cent; those for keeping the law as it now stands, 19 per cent. Wet strength thus amounted to 81 per cent of the total.

"2. While large cities voted wet, the contention that smaller cities and towns favor the present law was not borne out. The dries led in 80 cities, the largest being Winston-Salem, N. C., with a population of 69,000. They gained pluralities in 30 more. But in 79 cities of less than 15,000 population the prohibition vote was exceeded either by the modification vote or the vote for straight repeal.

Surely no person will contend that the Literary Digest in this table has attempted to do other than to present the facts as they are taken from its own and other reliable newspaper polls. Like Caesar's wife, such a paper, occupying as it does the leading place in its chosen field, should be and is above suspicion in this and every other matter which appears in its columns from week to week.

LAW ENFORCEMENT

The testimony reflected in the foregoing table, while profoundly impressive and startling to many, must of necessity, because of its accuracy, carry conviction and focus attention up this subject. In addition to this phase of the case, we have the record of present-day crime in the form of burglary, banditry, highway robbery, theft, and murder in every conceivable form in all parts of the country. Our newspapers are filled daily with accounts of these depredations, not in the dead of night but in broad daylight and in the business and crowded sections of our largest cities.

The time of our police forces is divided 25 per cent in apprehending burglars, highwaymen, and so forth, and 75 per cent in the futile attempt of hunting run runners and bootleggers in all sections of the land and sea. In this effort to locate and bring to justice the violators of the prohibition law the agents of the enforcement bureau have not hesitated to encroach upon the private precincts of the home when, in the opinion of such agents, there is even the unsupported evidence that liquor may be found in such a dwelling.

In the belief that in many cases it should employ men of shady reputation to ferret out and detect criminals who are

violating the Volstead Act, the enforcement department of the Government are alleged to have employed—perhaps unintentionally, to be sure—men whose previous reputations in society would not bear the closest scrutiny, and who by authority are permitted to invade and search the homes of the decent people of the land. Some one has made the statement that the skeleton key of the midnight marauder has been replaced by the badge of many a crooked enforcement agent.

THE VOTE ON THE EIGHTEENTH AMENDMENT

As I said before, during the past few weeks the press of my State has been devoting considerable space to the present attitude of the Republican members of the New York Legislature toward the question of prohibition. Only the other day our papers indicated a desire on the part of these leaders to pass a resolution in the assembly to submit this very mooted question to a popular referendum by which all the people in the State would be enabled to express their preference for or against this law. It seems to me that this action on the part of the members of the party of opposite political faith to that to which I acknowledge allegiance is having a belated, however remarkable, change of front on this much agitated question. This discussion has prompted me to look up a little past history in an effort to ascertain the relative positions of the members of the New York delegation when the eighteenth amendment was voted upon in the House.

A simple calculation of the figures will show that on a two-thirds vote the amendment was adopted with 8 votes more than the necessary number to insure its submission to the several States for ratification.

Now the question arises, as I stated before, How did the New York delegation vote on this question? Perhaps, Mr. Chairman and gentlemen of the House, I may be going back to ancient history in bringing back the water that has already gone over the dam, but in my humble judgment the information has a value, and may enable us to present the facts and set the record straight.

The following is the complete roll call, showing the vote of the House membership on the passage of the eighteenth amendment resolution:

The question was taken; and there were—ayes 282, nays 128, not voting 23, as follows:

Yays 282: Adamson, Alexander, Almon, Anderson, Anthony, Ashbrook, Aswell, Austin, Ayres, Baer, Bankhead, Barkley, Barnhart, Beakes, Bell, Beshlin, Black, Bland, Booher, Borland, Bowers, Brand, Brodbeck, Browne, Browning, Brumbaugh, Burnett, Burroughs, Butler, Byrnes of South Carolina, Byrns of Tennessee, Campbell of Kansas, Candler of Mississippi, Cannon, Caraway, Carlin, Carter of Massachusetts, Carter of Oklahoma, Clark of Florida, Claypool, Collier, Connally of Texas, Connelly of Kansas, Cooper of Ohio, Cooper of West Virginia, Cooper of Wisconsin, Copley, Costello, Cox, Cramton, Crisp, Currie of Michigan, Dale of Vermont, Dallinger, Darrow, Decker, Dempsey, Denison, Denton, Dickinson, Dill, Dillon, Dixon, Doolittle, Doughton, Dowell, Drane, Dunn, Elliott, Ellsworth, Elston, Emerson, Esch, Evans, Fairfield, Farr, Ferris, Fess, Fields, Fisher, Flood, Focht, Fordney, Foss, Foster, Frear, French, Fuller of Illinois, Fuller of Massachusetts, Gandy, Garrett of Tennessee, Garrett of Texas, Glass, Godwin of North Carolina, Good, Goodall, Gould, Graham of Illinois, Green of Iowa, Gregg, Griest, Hadley, Hamilton of Michigan, Hamilton of New York, Hamlin, Harrison of Mississippi, Harrison of Virginia, Hastings, Haugen, Hawley, Hayden, Helm, Helvering, Hensley, Hersey, Hicks, Hilliard, Holland, Hollingsworth, Hood, Houston, Howard, Hull of Tennessee, Humphreys, Hutchinson, Ireland, Jacoway, James, Johnson of Kentucky, Johnson of South Dakota, Johnson of Washington, Jones of Texas, Jones of Virginia, Kearns, Keating, Kehoe, Kelley of Michigan, Kelly of Pennsylvania, Kennedy of Iowa, Kettner, Kless of Pennsylvania, Kincheloe, King, Kinkaid, Kitchin, Knutson, Kraus, Kreider, La Follette, Langley, Larsen, Lee of Georgia, Lenroot, Lever, Little, Littlepage, Lobeck, Lundeen, Lunn, McClintie, McCormick, McCulloch, McFadden, McKenzie, McKeown, McKinley, McLaughlin of Michigan, Mapes, Mays, Miller of Minnesota, Mondell, Montague, Moon, Moores of Indiana, Morgan, Mott, Nelson, Nichols of South Carolina, Norton, Oldfield, Oliver of Alabama, Olney, Osborne, Overstreet, Padgett, Paige, Park, Parker of New York, Peters, Platt, Polk, Powers, Pratt, Price, Purnell, Quinn, Ragsdale, Rainey, Baker, Ramseyer, Randall, Rankin, Rayburn, Reavis, Reed, Robbins, Robinson, Ronjue, Rose, Rowe, Rowland, Rubey, Rucker, Russell, Sanders of Indiana, Sanders of Louisiana, Sanders of New York, Saunders of Virginia, Schall, Scott of Iowa, Scott of Michigan, Sears, Sells, Shackelford, Shallenberger, Shouse, Sims, Sinnott, Sisson, Slomp, Sloan, Smith of Idaho, Smith of Michigan, Snell, Snook, Steagall, Stedman, Steensson, Stephens of Mississippi, Sterling of Illinois, Sterling of Pennsylvania, Stevenson, Stiness, Strong, Summers, Sweet, Switzer, Taylor of Arkansas, Temple, Thomas, Thompson, Tillman, Timberlake, Towner, Treadway, Venable, Vestal, Vinson, Volstead, Walker, Walton, Watson, Watkins, Watson of

Virginia, Weaver, Webb, Welling, Whaley, Wheeler, White of Maine, White of Ohio, Williams, Wilson of Illinois, Wilson of Louisiana, Wingo, Wise, Wood of Indiana, Woods of Iowa, Woodyard, Young of North Dakota, Young of Texas, and Zihlman.

Nays 128: Bacharach, Blackmon, Britten, Bruckner, Buchanan, Caldwell, Campbell of Pennsylvania, Cantrill, Carew, Cary, Chandler of New York, Church, Clark of Pennsylvania, Classon, Coady, Crago, Crosser, Dale of New York, Davidson, Davis, Dent, Dewalt, Dies, Dominick, Dooling, Doremus, Drukker, Dupré, Dyer, Eagan, Edmonds, Estopinal, Fairchild, B. L., Fitzgerald, Flynn, Francis, Freeman, Gallagher, Gard, Garland, Garner, Gillett, Glynn, Gordon, Graham of Pennsylvania, Gray of Alabama, Gray of New Jersey, Greene of Massachusetts, Greene of Vermont, Griffin, Hamill, Hardy, Haskell, Heaton, Heflin, Huddleston, Hulbert, Hull of Iowa, Igoo, Juul, Kahn, Kennedy of Rhode Island, Key of Ohio, Lazaro, Lea of California, Lehibach, Leshner, Linthicum, London, Lonergan, Longworth, Lufkin, McAndrews, McArthur, McLaughlin of Pennsylvania, McLemore, Madden, Magee, Maher, Mansfield, Martin, Meeker, Merritt, Moore of Pennsylvania, Morin, Mudd, Nichols of Michigan, Nolan, Oliver of New York, O'Shaunessy, Overmyer, Parker of New Jersey, Phelan, Porter, Pou, Ramsey, Riordan, Roberts, Rodenberg, Rouse, Sabath, Sanford, Scott of Pennsylvania, Sherley, Sherwood, Siegel, Slayden, Small, Smith, C. B., Smith, T. F., Snyder, Stafford, Steele, Sullivan, Swift, Talbott, Templeton, Tilson, Van Dyke, Vare, Voigt, Waldow, Walsh, Ward, Watson of Pennsylvania, Welty, Wilson of Texas, and Winslow.

Not voting 23: Bathrick, Blanton, Capstick, Chandler of Oklahoma, Curry of California, Eagle, Fairchild, G. W., Gallivan, Goodwin of Arkansas, Hayes, Heints, Husted, LaGuardia, Mann, Mason, Miller of Washington, Neely, Rogers, Scully, Stephens of Nebraska, Tague, Taylor of Colorado, and Tinkham.

So (two-thirds having voted in the affirmative) the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Goodwin of Arkansas and Mr. Miller of Washington (for) with Mr. Tague (against).

Mr. Neely and Mr. Stephens of Nebraska (for) with Mr. Gallivan (against).

Mr. Taylor of Colorado and Mr. George W. Fairchild (for) with Mr. Curry of California (against).

The result of the vote was announced as above recorded.

From this roll call it has not been difficult to extract the names of the New York delegation and show the way each Member cast his vote upon that historic occasion:

For the amendment:

Republicans, Platt, Snell, Parker, Mott, Gould, Dunn, Sanders, Dempsey, Hamilton, Pratt, Hicks, Rowe	12
Democrats, Lunn	1

	13
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Republicans, absent, LaGuardia (in the war overseas), Husted, George Fairchild	3
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Against the amendment:

Republicans, Waldow, Ward, Sanford, Magee, Snyder, Swift, Haskell, Siegel, Ben Fairchild, Chandler	10
Democrats, C. B. Smith, Caldwell, Flynn, Dale, Maher, Fitzgerald, Griffin, Riordan, Sullivan, T. F. Smith, Dooling, Carew, Francis, Hulbert, Bruckner, Oliver	16

	26
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Socialist, London	1
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	27
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The amendment, therefore, passed the House by a majority of 9 votes. If all of the Members on the Republican side of the New York delegation had followed the leadership of their Democratic colleagues from the same State with a single exception, this law which has caused such widespread dissatisfaction would have been defeated by 4 votes. We should be able to determine once and for all from these figures what might have happened if our Republican brethren from the State of New York had seen the light in 1917.

COST OF A USELESS EXPERIMENT

Representatives in Congress who in the past have had the temerity to express their views were immediately denounced by the followers of Wayne B. Wheeler as nullificationists, anarchists, and destroyers of our Constitution. Recently, however, the broad, tolerant exponents of all religious beliefs entered the fray and the Nation heard in no uncertain terms of the desire for repeal or modification of this law. This cry, as I said, went up from the ministers of every denomination and the leading rabbis representing the Jewish faith.

Even the dignified and courteous statements of the clergy have met with the violent denunciations from the Anti-Saloon League forces as have been directed at the Members of Congress who are not in agreement with the dry element. We can not substitute law for morals. Fanaticism must not supplant temperance. Men may gain eternal life by adherence to

the Ten Commandments as laid down on Mount Sinai, but never by Volsteadism as pronounced by the Wheelerites at Capitol Hill.

The tremendous increase in the number of deaths from alcoholism, the steady increase in the number of arrests for drunkenness, the constant demand for increased appropriations to enforce the law, the alarming crime wave that sweeps the Nation, to which I have already referred in this speech, the inadequacy of our present jails and penitentiaries, as well as the appointment of numerous additional judges to try men made criminals for committing an offense that is not a crime, are indicative of the impossibility of enforcing an unpopular and un-American law.

The Federal appropriations alone will run to \$33,000,000 this year, and when we take into consideration the enormous loss of revenue cut off by prohibition, as well as the great loss to our merchant marine, Volsteadism becomes the Nation's most colossal burden and blunder. The United States Coast Guard, which now has an armed naval fleet as well as an aviation squadron to enforce the law, will at the beginning of the new fiscal year have a personnel greater than the United States Navy in the administration of President Cleveland.

Surely, Mr. Chairman and gentlemen of the House, we are paying a high price for a fallacious and unworkable experiment.

THE PRESS, THE PUBLIC, AND MEDICAL PROFESSION

There is abundant evidence from the press, the public, and, best of all in this instance, from the medical profession, that under proper supervision, as practiced in the Province of Quebec, there are no harmful or baneful effects from the moderate use of alcoholic beverages. In substantiation of this declaration I quote the following articles, taken from the New York World, Detroit Free Press, and the New York Times:

The New York World says:

To what point has prohibition brought us?

We have, first, a law which not even the most light-hearted observer believes is applied to-day with equal justice to rich and poor alike, or can be so applied with all the complicated legal machinery and all the armies of secret service men and all the ships of all the fleets which have yet been furnished to the cause of prohibition. The rich—not only the overwhelmingly rich but the ordinary heads-above-water rich who are most men's neighbors—keep on drinking. They drink what they wish to drink and find its acquisition easy. Nobody pretends that the case is otherwise, that it is true only in incorrigible New York, and that it is not true in cities and towns the country over. It is the first important fact about prohibition that the impetus to break the law comes from those same respectable, well-to-do people who regard themselves as pillars of society.

All over the country the colossal failure of prohibition is recognized by those who see things as they actually exist. The Detroit Free Press, after hoping for the best, is obliged, in the light of recent disclosures, to admit the collapse of the prohibition movement and says:

How long will it take those in authority to understand that the cure for the conditions that all decent citizens regret lies in a liberal live-and-let-live tolerance and that the unreasonable curtailment of personal liberty can but end in economic mutiny?

One physician's views on the subject of prohibition are voiced in the following article in the New York Times. Dr. Kurt L. Elsner tells Times readers just what he thinks of the whole subject of prohibition:

Strange to say, as much as has been written about prohibition, pro or contra, very little has been said about one side of it, i. e., the harm it has done to the beginning of self-education of the American people in the moderate use of alcoholic drinks. Self-education had begun and was growing nicely. Its seeds had sprouted and were thriving healthily, when, like the proverbial fool, prohibition rushed in and trampled the tender plants under foot.

Also the following article taken from the Rational American, of New York, issue of November, 1925:

Sir William Osler, formerly of Oxford University: "In moderation wine, beer, and spirits may be taken throughout a long life without impairing the general health. I should be sorry to give up the use of alcohol in the severer forms of enteric fever."

Dr. William Edward Fitch, of the Vanderbilt Clinic: "It is the opinion of careful students of the subject that the moderate use of alcohol in health is harmless. It undoubtedly has a place in disease. There are reasons for believing that alcohol actually increases the resisting powers of the body to the poisonous toxins of septic fever."

Dr. Charles Gilmore Kerley, of the New York Polyclinic School and Hospital: "Alcohol is occasionally of great service in diseases of children. Under certain conditions it answers better than any other means of stimulation."

Dr. L. Emmett Holt, of the College of Physicians and Surgeons, New York: "With many nursing women the use of malted liquors—ale, beer, etc.—increases the quantity of milk and the proportion of fat. There is little doubt that alcohol is at times of much benefit."

Dr. George F. Still, of King's College, London: "The value of alcohol in the early stages of severe diarrhea, when there is severe exhaustion and collapse, is, I think, quite undeniable. I think an unbiased observer must admit that brandy is sometimes very valuable in a bad case of pneumonia."

Dr. Chalmers Watson, of the Royal Infirmary, Edinburgh: "There is no question of the undoubted value of alcohol in the treatment of certain diseases, especially in their critical stages."

Dr. Robert Hutchinson, of the London Hospital: "Alcohol certainly spares fats and sometimes carbohydrates and yields heat and energy in the body. Of this fact there is no longer any doubt, and it at once entitles alcohol to rank as a food. Wine used in moderation seems to add to the agreeableness of life, and whatever adds to the agreeableness of life adds to its resources and power."

Dr. William Tibbles, of the Royal Institute of Public Health, London: "Alcohol is primarily an appetizer. Convalescent, debilitated, or aged persons frequently eat more food when it is accompanied by a glass of beer, wines, or diluted spirits. The value of such a beverage to those who need it is admitted by most scientific men. Alcohol is a rapid and trustworthy restorative. In many cases it is truly life preserving, owing to its power to sustain cardiac and nervous energy."

Dr. Hobart Amory Hare, of the University of Pennsylvania: "Clinical experience too great to be ignored stands for the continued use of alcohol. The chief uses of the drug are as a rapidly acting equalizer of the circulation and as a systematic support in low fevers and prolonged wasting diseases in old age and in convalescence from acute diseases."

Dr. A. A. Brill, of the University of New York: "Alcohol has an undisputed place in the human physiological and psychological economy."

Dr. Charles E. de M. Sajous, of Temple University, Pennsylvania: "Malt liquors—ale, stout, and beer—contain diastase, which aids the digestion of starchy foods. They are especially tonic in effect."

Dr. George F. Butler, of the Chicago College of Medicine and Surgery: "Atonic dyspepsia and weakened digestion are generally benefited by some form of alcohol. As a pure cardiac stimulant, alcohol is remarkably serviceable. In certain stages of various acute diseases alcohol is one of the most potent and useful remedies."

Dr. Paul Bartholow, of the Jefferson Medical College: "Beer, ale, and porter are much and justly esteemed as stomachic tonics and restoratives in chronic wasting diseases. Alcohol is an important remedy in the various forms of pulmonary pythisis. In convalescence from acute diseases there can be no difference of opinion as to the great value of wine as a restorative."

Dr. Samuel O. L. Potter, of the Cooper Medical College, San Francisco: "In anemia and chlorosis good red wines are almost indispensable. It is an absolute necessity in the treatment of lobar pneumonia. In fevers alcohol is often most serviceable. Some physicians agree with Mr. Lawson Tait, who declared himself fully persuaded, after 30 years of life as hard in work and as full of responsibility as well could be, that the moderate use of alcohol is a necessity in our modern life."

Dr. John V. Shoemaker, of the Medical-Chirurgical College of Philadelphia: "Alcohol is in some measure antidotal to the poison of the bacillus tuberculosis, and it is to this fact that its unquestionable value in prolonging life in pythisis is due."

Dr. John H. Musser, of the University of Pennsylvania: "There is, I think, no rational doubt that small doses of alcohol are at times useful with those that are out of health, for their stimulating effect upon the appetite and upon digestion, and occasionally for their effect upon other functions. When solid food can not be taken, alcohol is our sheet anchor."

Dr. W. Gilman Thompson, of Cornell University: "There are a number of diseases in which the temporary use of alcohol is of positive service, and there are a number of cases in which it is a positive necessity in order to prolong life. Whatever controversy still exists over the physiological effects of alcohol as a food, it is undeniable that in some cases of disease it is clinically indispensable. The value of alcohol in the treatment of fevers is now universally recognized."

Dr. Robert Hutchinson, of the London Hospital: "'Rough cider'—that is, the completely fermented apple juice—taken in moderation, agrees with most gouty patients. The bottled or 'champagne' cider, which is imperfectly fermented, should never be used, owing to its undoubted liability to set up intestinal fermentation. Alcohol is the best possible hypnotic in many cases of chronic, psychic insomnia."

Dr. Binford Throne, writing in *Forschheimer's Therapeutics*: "All cases of diphtheria have more or less myocarditis, and all should be given stimulants from the first. The best is good whisky or brandy."

Henry L. Elsner, of Syracuse University: "In pneumonia—the experienced know that there are cases in which it is absolutely indicated."

Dr. William H. Smith, of Harvard University: "Influenza: When extension into the lung occurs, supporting measures must be pushed. Alcohol in some form should be given freely."

J. P. Crozier Griffith, of the University of Pennsylvania: "In scarlet fever with cardiac weakness alcohol in some form is one of the most rapid and satisfactory stimulants."

Dr. Julius Grinkler, of the Northwestern University Medical School: "For the obstinate sleeplessness of chronic cerebral anemia nothing equals in efficacy the imbibition of a night draft consisting of either a glass of beer, wine, or even whisky in small quantities."

John Rubrah, of the College of Physicians and Surgeons, Baltimore: "In severe cases of smallpox alcohol may be added to the dietary with great advantage."

Dr. Herbert Maxon King, of the Loomis Sanitarium for Tuberculosis: "Small doses of alcohol in the form of wine, beer, or ale with meals will often stimulate a flagging appetite and enable the patient to consume a normal amount of food. When the carbohydrate content of the diet can not be brought up to the desired quantity, the addition of wine or beer to the diet may be of distinct advantage. As a stomachic in cases of hypoaecidity, loss of appetite, and consequent impairment of digestion, the lighter wines and malt liquors may be prescribed to advantage."

Dr. Nicholas Murray Butler, president of Columbia University, New York City, said:

The object desired by those who supported prohibition was the suppression of public drinking places and putting an end to the political activities of those engaged in the manufacture and sale of liquors. These two ends commended themselves to immense numbers of the population who did not stop to think what unforeseen consequences might follow.

The saloon has to all intents and purposes been abolished. So far so good. But the liquor traffic flourishes on a scale of almost unexampled magnitude, untaxed and with immense profits, although carried on secretly in violation of the law.

In my judgment the evil effects of the policy adopted by the United States on moral politics and public order far outweigh the advantages. It has become plain to everyone that nation-wide prohibition can not be enforced, simply for the reason that it affronts the judgment as well as the moral political principles of vast numbers of the population, including a large proportion of the most intelligent and most upright.

In addition, nation-wide prohibition has brought in its train a spirit of lawlessness and political hypocrisy and cowardice that is little short of appalling. We are told that by reason of our constitutional law the eighteenth amendment can never be repealed. If so, it is certain to go the way of the fifteenth amendment, enacted after the Civil War, to give political rights to the negroes. In at least 10 States no attention is paid to this amendment, and no attempt has been made to enforce it for 35 years.

In a recent statement of his stand on prohibition Archbishop Curley, of Baltimore, said:

The question of prohibition lies in the hands of the people. If the prohibition law is unpopular, the people should take steps to repeal it, but so long as it is a law it should be respected and observed.

When the war began we found it necessary for the successful carrying out of the Government's plans to intrust great powers to one man. This centralization of power has continued since the war. There is a growing tendency to take power from the States and place it in the hands of bureaus in Washington.

We were told when we entered the war that we were fighting to rid the world of bad government. I am wondering if we ourselves are not approaching close to autocracy.

We hear talk about government by the people, of the people, and for the people, but I do not believe that there is a country in the world where the people take less interest in the way their Government is conducted than we in America.

James P. Holland, president of the New York State Federation of Labor:

The prohibition amendment is an unreasonable and unnatural law. There is no use at all in discussing the question whether or not it can be enforced. It can not. Obedience to any and all laws is not at all such a great virtue as some people try to make believe. In fact, all that is good in governmental theory and practice throughout the world is due to disobedience of unreasonable, unnatural, and consequently tyrannical laws. The fathers of our own Republic, who made the original Constitution, knew that sumptuary laws are against nature. That is the reason why they kept the power to make such laws out of the original Constitution by an overwhelming vote.

Being against the laws of nature, the maintenance of the prohibition amendment and its enforcement act, the Volstead law, is a physical impossibility. Force creates force. The more force you use against another resisting force, the more resisting force you create. You

create very little steam in the teakettle on the stove with the lid and spout open. But solder both of them tight and soon the explosion will wreck your stock and rock your house.

A BILL OF PARTICULARS

Let me say in conclusion that prohibition as now administered on the statute books has never solved, nor will it solve, the problem of temperance, for the following reasons:

Because its enforcement lacks the support of a majority of the American people.

Because its enforcement is costing the people millions of dollars in increased taxation.

Because it is increasingly corrupting the morals of the people, making them lawbreakers.

Because it has resulted in widespread corruption and bribery of Government officials.

Because it is an infringement upon the liberty and freedom of the American people.

Because it is teaching young girls and boys to secretly indulge in alcoholic stimulants.

Because it forbids pure and harmless beer and wine and substitutes dangerous poisons.

Because it is the cause of increasing deaths from drinking poisonous bootleg concoctions.

Because it is the cause of increasing the pitiful army of victims of narcotic drugs—dope fiends.

Because it was enacted to carry out the wishes of a few and in disregard of the majority.

Because it has made the booze problem rather than economic problems the main political issue.

Because it has created a contempt for all law upon the part of a majority of the people.

Because it is class legislation, depriving the poor of what the rich can easily obtain.

Because it is a violation of the Constitution, the fundamentals of government, and the Bill of Rights.

Because the Volstead Act is un-American, tyrannical, and liberty destroying. [Applause.]

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 25 minutes to the gentleman from Oklahoma [Mr. MONTGOMERY]. [Applause.]

Mr. MONTGOMERY. Mr. Chairman and members of the committee, some few days ago the redoubtable Hon. Clem Shaver emerged from a long period of hibernation and promulgated the pronouncement that the Democratic Party was responsible for tax reduction. This pronouncement was not received by the American public with the same spirit of earnestness that it was propounded; in fact, Mr. American Voter received it rather in a spirit of levity. He leaned back in his chair, folded his fingers over his knee, had a good laugh, and said, "If you know any more good jokes, tell us another one, Clem." Since that time Mr. Clem Shaver, the distinguished chairman of the Democratic National Committee, has submerged again into this den of hibernation, and it seems that the mantle of leadership has now descended upon the shoulders of our distinguished friend from Arkansas [Mr. OLDFIELD] to secure for the Democratic Party an issue.

On several occasions I have had time allotted me under this appropriation bill. However, on each occasion I was unable to find the distinguished gentleman from Arkansas on the floor. He was making speeches in the North, East, South, and West, and was a very busy man. I do not say this in a spirit of criticism. I have the utmost admiration for my distinguished colleague from Arkansas; I have the utmost sympathy for him; in fact, my heart bleeds in sympathy for him, because I realize what an enormous task he has. If he can revive the interest of the American people in the Democratic Party, or if he can revive that party itself, then I say, gentlemen, the days of necromancy have not passed. He most certainly can practice the black art and is a political legerdemain of transcendent talent:

If you will remember, gentlemen, before the gentleman from Arkansas went into my district, almost on bended knee and in humble supplication, I begged and besought him to go there and talk the tariff as he talks it here on the floor. I told him to go there and not take a position where he could be all things to all men. I told him not to take a position where he could tell the farmer that he meant to reduce the tariff only on the finished product and tell the manufacturer that he intended to reduce it only on the raw material. I went to a great deal of trouble to delineate those things he might find there that were affected by the tariff. I told him we produced zinc; I told him we produced lead; I told him we produced oil; I told him we produced cotton; I told him we produced cattle, wheat, and corn, and that we had there several manufacturing establishments.

I asked him in all fairness and in all candor to go to Oklahoma and tell those people just how he would affect their particular interests by this boasted downward reduction of the tariff that we hear so much about on the floor of the House.

At that time the gentleman from Arkansas made a promise and I made a prophecy, and I think that subsequent events have fully vindicated that prophecy. That prophecy was that the promise would never be fulfilled. According to the accounts I received from there, he never told a single man how it would affect him, on a single thing, through the reduction of the tariff schedules. He went there, and he did talk generally. He talked about a strange and a new creature, a sort of maverick without brand or without a master. He called it a competitive tariff, but he did not tell anybody exactly what he meant. He did not tell me, and he did not tell my constituency, but he talked about it in glittering generalities and pleasing platitudes.

It often occurs to me when I hear these general talks on the tariff and on the tariff schedules, and particularly when I read and hear the speeches of the distinguished gentleman from Arkansas [Mr. OLDFIELD], that the condition is very much like the professor who was lecturing his class in physics on electricity. He saw one boy nodding in his chair, paying no particular attention to the lecture, and he suddenly asked him, "Young man, what is electricity?" The young fellow arose, felt called on to say something. So he said, "Professor, I did know, but I have forgotten." In hopeless horror the professor threw up both hands and said, "Merciful heavens, the only man who ever knew what electricity is, and he has forgotten."

Gentlemen, that is the way with the gentleman from Arkansas. He is the only one who knows what is meant by a competitive tariff, and he does not deign to disclose it.

If the gentleman from Arkansas is really sincere about this subject that is so close to his heart, I believe I have conceived a way by which we can have this tariff issue, this downward reduction, this tariff for revenue only, this competitive tariff, made a distinct issue on every article it affects. I have prepared a bill for introduction by the gentleman from Arkansas. This bill will ask that the Fordney-McCumber tariff law be reduced to where it would be identical with the Underwood Act, the Democratic policy of tariff. I am going to present this bill to the gentleman from Arkansas; and if he is really sincere and if he thoroughly believes in the Underwood Act, I am going to ask him to introduce it by just dropping it in the hopper.

I want to tell him that if he does not do this, if he does not introduce this bill, then the only reason he does not do it is because he does not dare to do it, he does not dare to be fair on the proposition. He does not dare tell the farmer he is going to put him back on the free list. He does not dare tell the zinc men in my district he is going to cut their protection in half.

I shall not help him pass this bill if he introduces it; in fact, I shall oppose it in every way I can; but if the gentleman will introduce the bill and make this issue clear to the people, then if the people of America want that sort of tariff they can oust men of my faith and can send men here who believe in the Underwood Act; and not only oust me, but they can oust some of these synthetic Democrats, these Iroquoian Democrats, these Tammany Democrats, who are Democrats in name only, believing in a protective tariff and in Republican principles of economy.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. MONTGOMERY. I yield.

Mr. O'CONNOR of New York. Does the gentleman have any instance of that in reference to Tammany Democrats and their position on protection?

Mr. MONTGOMERY. No. For the information of the gentleman from New York I will say I have noticed that the Tammany Democrats keep very discreetly silent on the tariff.

Mr. O'CONNOR of New York. Will the gentleman yield right there?

Mr. MONTGOMERY. I yield.

Mr. O'CONNOR of New York. Has not the position of the Democrats from New York, referred to familiarly as Tammany Democrats, been consistent in their opposition to a high protective tariff?

Mr. MONTGOMERY. No, sir.

Mr. O'CONNOR of New York. If the gentleman will search the records he will find that is true.

Mr. MONTGOMERY. If the gentleman will permit, we will let the records speak for themselves.

Mr. CONNALLY of Texas. Will the gentleman yield in that connection?

Mr. MONTGOMERY. I yield to the gentleman from Texas.

Mr. CONNALLY of Texas. I will ask, in justice to the gentleman from New York [Mr. O'CONNOR], does not the gentleman from Oklahoma know that one of the greatest and most eloquent and logical exponents in opposition to a high protective tariff who has ever been on this floor was the distinguished Bourke Cockran, late of New York, who only passed out from this Chamber a few years ago? [Applause.]

Mr. MEAD. And, I might add, JOHN CAREW might be added to the list also.

Mr. MONTGOMERY. If Tammany wants a low protective tariff or a tariff for revenue only I have offered them an opportunity to make it an issue, and then they can quit "cussing" prohibition and talk a little about the tariff. The Republicans will gladly meet them on the tariff issue.

Not only are these particular Democrats I have referred to, in a way, affiliated with or rather converted to Republican economic principles, but there are some of the Democrats, I have learned, from the old South who seem to have departed from the political fallacy of free trade. Not long ago the distinguished gentleman from Texas [Mr. BLANTON] made a good, old-time, protective-tariff speech. In this speech he quoted from a speech he had delivered some six years ago. I took it he made a good Republican, protective-tariff speech at least once every six years, but the gentleman denied it. He said he made one every year; and for the information of the gentleman from Arkansas [Mr. OLDFIELD] I want to say if he will introduce the bill I have handed him, the gentleman from Texas [Mr. BLANTON], when he gets back in his district to campaign with the cattlemen down there, will not only make a good Republican protective-tariff speech once a year, but will make a good Republican protective-tariff speech every 15 minutes, from every flat rock, soap box, and platform in his district. I am sorry the gentleman is not here. I would like to offer him a chance to deny the statement I have made.

Gentlemen, the tariff may be an issue. It seems to be the only issue that has been brought forward.

As to the other issues, as far as this Congress is concerned, I hardly believe the World Court will be an issue. I do not see how it can be. According to my tabulation, 94 per cent of the Democratic Senators voted for the ratification of that protocol and only 74 per cent of the Republicans.

It can hardly be the tax-reduction measure we have had here for our consideration because its intrinsic and fundamental merit demanded almost a majority, if not a majority, of the votes of the Democrats of the House, and it was most ably advocated by the gentleman from Texas [Mr. GARNER], the ranking Member on the Democratic side, of the Ways and Means Committee.

It can not be the Italian debt settlement acceptance, because its intrinsic and fundamental merit appealed to a considerable number if not a majority of the Democrats, and it was most ably advocated by the gentleman from Georgia [Mr. CRISP].

I want to say on behalf of Mr. GARNER and Mr. CRISP and many other gentlemen on the Democratic side of the aisle that if they had chosen they could have played politics on either of these issues; but they rose above that low plane. They were economists first and politicians later. They were patriots first and partisans afterwards. They were statesmen first, last, and all the time, and they are entitled to the thanks and the esteem of their country. I say this regardless of the fact I do not believe in their political party or their political policies.

I want also to say to the gentleman from Georgia [Mr. CRISP], that when he was urging the acceptance of the Italian debt settlement, he made one statement that I certainly appreciate and certainly thank him for. He said here on the floor of this House:

If I go back to my district and I am criticized for having advocated this measure, I am going to tell the cotton farmer in my district that I cast my vote directly in his interest when I cast it in favor of the settlement of the Italian debt, because it will afford a market for the principal product that he produces; Italy is one of the great consumers of cotton.

I, too, come from a land where old King Cotton extends his fleecy flag of surrender to the nimble fingers of the contented farmer, and I want to go back and tell my farmer friends I cast a vote in their favor when I cast my vote as Mr. CRISP cast his.

I have heard on the floor of the House a great deal of calamity howling. I have heard a great deal of criticism. I have heard Members who for purely political purposes criticize nearly every man who is at the head of a department at this time; and I think they do this purely for political and personal purposes, and I have had enough of it. My appetite is surfeited, has sickened, and is now dead.

I want to say to these critics it is hard to do a constructive thing and it is easy to criticize. When there is no responsibility on you and you are watching the other man try to accomplish an end, you can always improve. When you are under no responsibility you can always sit back in the shade and tell the other fellow how to do the work. I do not like that policy. I do not like that attitude. I want to tell them that an empire is not built with that spirit.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. MONTGOMERY. I yield to the gentleman.

Mr. McKEOWN. I am sorry the gentleman was not here in the Wilson days, when he could have helped keep down so much criticism from his side of the House.

Mr. MONTGOMERY. I thank the gentleman for his consideration. However, I am not prepared to make any observation on the situation that existed at that time, as I was not here. I will probably have enough sins to account for when I get home without having the sins of the past accredited to me.

I want to tell the Members of this House that no less an authority, I am informed, than Arthur Brisbane has said that if there is a new real-estate boom that boom will be in northeastern Oklahoma and northwestern Arkansas—the playgrounds of Arkansas. I believe him to be correct, as that section of the country has the inherent wealth and intrinsic value to produce prosperity for all those who will take advantage of the opportunity that it presents. And unless some fool political nostrum or nostrums unearths and uproots the prosperity of those people they will enjoy prosperity in the future in a measure they do not now anticipate.

During the latter part of this month we are going to have a convention for realtors of the United States in the city of Tulsa, and I want in this connection to invite you all to come down there. I want to show you a different spirit than the one which prevails sometimes on the floor of the House. I want to show you men there who really believe and really know that this Government is the most magnificent ever created and maintained by the combined efforts of men. [Applause.] Men there who have a deep and abiding faith in its noble destiny. I want you to witness the genius of capital, the genius of labor, the genius of industry, and the genius of agriculture joined hand in hand in good fellowship, hand in hand with their country and their God, who are marching down the broad perspective of the future in even cadence to a grander, a finer, and a more magnificent arena of human achievement. [Applause.]

I want to show you men who have risen above personal and political criticism, men who have that spirit of which empire is builded, men who really do constructive things and do not spend their efforts and time in waspish criticism.

I want to return to my subject and say a little concerning the farmer and the tariff. Sometime ago on the floor of this House a very distinguished Member presented a resolution signed by 10,000 or 100,000 or 1,000,000 Iowa farmers in which they resolved with all the emphasis at their command that they were being stifled by this octopus, the tariff.

Just subsequent to that the Agricultural Committee issued invitations to farmers from various States to come before that committee and testify. These farmers did come before that committee, and we heard from them directly.

On that committee were some of the most talented and some of the best equipped Members on the Democratic side, and they cross-examined these men. Since that time we have not heard a single word from a single Member saying that the farmer wants the tariff reduced. Is not this a salient fact, a startling fact?

Mr. BLANTON. Will the gentleman yield? I am now ready to answer any questions that my friend the distinguished gentleman from Oklahoma wants to ask me. I understand that he was hankering to ask me questions.

Mr. TINCER. The gentleman from Oklahoma paid the gentleman from Texas some high compliments; he said the gentleman from Texas was a protectionist. [Laughter.]

Mr. BLANTON. I am not a Republican protectionist. I had to go to the department, Mr. Chairman, as this unimportant general debate was going on and was absent a few minutes, and as soon as I got back some one told me that the gentleman from Oklahoma [Mr. MONTGOMERY] wanted to ask me some questions, and now I am ready to answer.

Mr. MONTGOMERY. Well, for the gentleman's gratification I will ask him a question. Since he has finally found out that there is a protective tariff on the cattle produced in his district would he be willing to take that protection away from the cattlemen?

Mr. BLANTON. I would take the protection off if as a condition precedent for keeping it on I found that it was neces-

sary to rob all the people of the United States, including the cattlemen, to the extent of 300 or 400 per cent on most everything that they buy. Is not that a good answer?

Mr. MONTGOMERY. That is about the best answer the gentleman could make.

Mr. BLANTON. I am in favor of a competitive tariff that protects the farmer as well as the New England manufacturer, that distributes a part of the \$500,000,000 a year collected through the customhouses upon the products of the farms and the ranches. That is something the producers are entitled to, and the people in Oklahoma are like the people in Texas, they want a show in on that proposition. Does that answer the gentleman?

Mr. MONTGOMERY. Yes; about as well as the gentleman could. Let me ask the gentleman this plain, unqualified question. I am a Republican. I stand on the Fordney-McCumber Act. I believe in it. I think it is the only safe kind of political economy. I ask the gentleman this further question: Would he vote to substitute the Underwood schedules in lieu of the Fordney-McCumber schedule? The Underwood law is the Democratic principle of the tariff.

Mr. BLANTON. Oh, I deny that. The Underwood bill gave practically nothing to the farmers and stockmen of the United States. The Underwood bill gave practically all of the \$375,000,000 that it collected to the New England manufacturers. It did not give anything to the farmers and the ranchmen of the country. [Applause.]

Mr. MONTGOMERY. Will the gentleman answer my question?

Mr. BLANTON. I will answer a dozen questions. I am here to answer the gentleman. I have nothing else to do right now.

Mr. MONTGOMERY. For the gentleman's information I will say that the Underwood Act was the act in force during the Democratic administration, and the Fordney-McCumber Act is the act that has been in force during the Republican administration. Which act does the gentleman prefer?

Mr. BLANTON. I do not prefer either. Neither one is for the farmer or for the ranchman, and I came to Congress in 1916 on a platform that pledged me to vote for something that was going to give the farmer, the stockman, and the producer a look-in on this proposition, and I have been fighting for it here ever since.

Mr. MONTGOMERY. That is what a protective tariff does.

Mr. BLANTON. But the orthodox Republican protective tariff gives the farmers a copper penny and the New England manufacturers several hundred million dollars.

Mr. MONTGOMERY. I do not believe I will yield any more of my time in order to ask the gentleman any question.

Mr. BLANTON. I did not think the gentleman would want to ask me any more questions.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MONTGOMERY. Mr. Chairman, may I have some more time?

Mr. DICKINSON of Iowa. My time is all pledged, I regret to say.

Mr. CONNALLY of Texas. The gentleman from Iowa does not care to hear any more about the tariff.

Mr. TINCER. Mr. Chairman, I make the point of order that the gentleman from Texas [Mr. CONNALLY] is out of order, not having been recognized by the Chairman and no time having been yielded to him by either side. He makes a comment that goes into the Record and which is entirely inappropriate and out of order.

The CHAIRMAN. The point of order is sustained.

Mr. CONNALLY of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CONNALLY of Texas. If the gentleman from Texas interjects something that is out of order, it does not go into the Record, does it? The man in charge of the floor can strike it out.

The CHAIRMAN. The gentleman having control of the floor can strike it out, but nobody had control of the floor at that time.

Mr. CONNALLY of Texas. The Record is in control of the speaker having the floor, and not the gentleman from Kansas.

Mr. TINCER. But I still have the right to make a point of order when a Member is out of order, and especially when my point of order was well taken, as was the case in this instance.

The CHAIRMAN. The Chair ruled that the point of order was well taken.

Mr. DICKINSON of Iowa. Would the gentleman from Oklahoma care to have two minutes more? I can yield that to him.

Mr. MONTGOMERY. I would like to have five minutes.
Mr. DICKINSON of Iowa. I yield the gentleman two minutes.

Mr. MONTGOMERY. In answer to the gentleman from Texas, I do not care to ask him any more questions, not because I fear his answers, but because I realize there are questions that he evades and refuses to answer.

Mr. BLANTON. I do not evade and do not refuse to answer.

Mr. MONTGOMERY. In view of the fact that the time is all taken, I shall not encroach upon the indulgence of the House longer.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 10 minutes to the gentleman from Arkansas [Mr. OLDFIELD].

Mr. OLDFIELD. Mr. Chairman, unfortunately I was not in the Chamber when the gentleman from Oklahoma [Mr. MONTGOMERY] began his speech. However, I came in while he was speaking, and I am very glad to be here to hear what he had to say. I do not criticize him for being in favor of the rates in the Fordney-McCumber tariff law. I do not criticize him for voting for the Italian debt settlement. That is his business. I do want to answer two or three things, however, that have been said in the last month or two about myself; one thing that was said by the gentleman from Oklahoma [Mr. MONTGOMERY], another by the gentleman from Oklahoma [Mr. GARBER], and also one statement made by the gentleman from New York [Mr. CROWTHER]. The gentleman from Oklahoma [Mr. GARBER] a few days ago assumed to quote me as saying that after the Fordney-McCumber tariff law was passed the Atlantic and the Pacific Oceans might as well be oceans of fire.

Of course I made no such statement as that, and the gentleman knows I made no such statement as that. Also, the gentleman from Oklahoma [Mr. GARBER] made the statement to this effect: "Who admits that there were four or five million unemployed men during the Underwood Act? Why, Mr. OLDFIELD, of Arkansas." Of course I admitted nothing of the kind, because it is not true. There was not one word of truth in it, and there was not one word of truth in the statement that I said the two oceans might as well be oceans of flame. I do take the position that the rates in the Fordney-McCumber tariff law are entirely too high in many cases, that they are prohibitive in many cases, and that in many cases they are giving the monopolies of the country exorbitant rates. I take the position that a monopoly in this or any other country—but of course we are talking about our own country now—has no right to come to Congress and ask for high rates; and especially have they no right to come to Congress, whether the Republican or the Democratic Party be in power, and ask for prohibitory rates. When gentlemen say that the Fordney-McCumber tariff law put people to work in America and when they say there were four or five million men out of employment in America when the Fordney-McCumber tariff law went on the books, they ought to look up the facts before making that sort of wild statement.

Here are the facts from the census of manufactures of 1923, the latest figures that the Department of Commerce has: In 1914 there were 8,117,875 employees in the industries of America. In 1919 there were 10,688,849 employees in all of the industries of America. In 1921, the first year of the Harding administration, there were 8,265,821 employees, or a difference of 2,000,000 between 1919 and 1923. In 1923 they had jumped back to nearly as many employees in industrial America as there were in 1919, or 10,203,306. As a matter of fact, there never have been in this country, so far as industries are concerned, as many as 4,500,000 unemployed in America.

Mr. McKEOWN. I understand the prices of commodities have been raised.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. BURTNESS. What tariff law was in effect in the latter part of 1921?

Mr. OLDFIELD. The Underwood law. In 1919 it was also in effect, and there were more employed in America in 1919 than there were in 1923.

Mr. TINCHER. Does the gentleman deny that there were 4,000,000 idle men at the time President Harding was inaugurated?

Mr. OLDFIELD. Oh, certainly; because the figures are here.

Mr. TINCHER. That is in organized industry.

Mr. OLDFIELD. That is all the industries of America.

Mr. TINCHER. You deny that there were 4,000,000 idle men?

Mr. OLDFIELD. Certainly. There were not.

Mr. TINCHER. That is the first time it has been denied. I knew you would try to get away from it, but I did not think you would do it so soon. [Laughter.]

Mr. OLDFIELD. It is not true.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Certainly.

Mr. MADDEN. Nineteen hundred and nineteen was the year immediately after the war, and the total expenditures of the Government for Government activities alone were \$18,500,000,000, and certainly there were some people employed then.

Mr. OLDFIELD. There were more employed then than there were in 1923.

Mr. BURTNESS. How does the gentleman account for the increase in numbers of about 2,000,000 from the time the Underwood bill went into effect until 1923?

Mr. OLDFIELD. There were more employed in 1919 under the Underwood tariff law than there were in 1923 under the Fordney-McCumber law.

Now, then, the Republican Party was in power in both Houses from the year 1919 on, and you did not attempt to pass tariff legislation when the Harding administration came into power on March 4, 1921. You did not pass the Fordney-McCumber tariff law until 1922, or nearly two years after your party went into power.

Mr. BURTNESS. Does the gentleman mean to say that the Republican Party could have placed a tariff law on the books in 1919?

Mr. OLDFIELD. You could have done it in August, 1921, but you did not do it until September, 1922.

Mr. CHINDBLOM. Do not forget the emergency tariff.

Mr. OLDFIELD. Oh, that did not do anybody any good, and everybody knows that it did not. Farm products went down and down after it was passed, and also after the general tariff bill was put on the books.

Mr. BURTNESS. Does the gentleman mean to deny that after the passage of the emergency tariff act wool advanced in value from 8 cents to 40 cents?

Mr. OLDFIELD. I will say to the gentleman from North Dakota that there have been more bank failures in his State under the present administration than in any similar period in the history of the country. [Applause.] And that is not all. Under the Fordney-McCumber tariff law, under this administration farm lands and farm equipment in America have been deflated from \$79,000,000,000 to \$59,000,000,000. [Applause.] That is the value of all the railroad companies in America, and yet you ascribe the increase of employment to the enactment of the Fordney-McCumber tariff law. You want the farmers of America to pay tribute to every manufacturer in the country; although your people are exclusively farmers. The gentleman from North Dakota voted for the Italian debt settlement, did he not?

Mr. BURTNESS. I can make it plain to the gentleman from Arkansas that our farmers are not in favor of reducing the tariff on wheat or wool or flax. They are convinced that they are receiving substantial benefits to-day from the enactment of the tariff.

Mr. OLDFIELD. We will see about that in the future. I think the farmers of the gentleman's State are too intelligent to believe that the rates in the Fordney-McCumber tariff law are beneficial to them. I do not believe it; I can not believe it. I do not think they think so in Iowa or in Kansas. I am sure they do not. Twenty billions of shrunken values of farm property in America. That has been apparent in Mr. GARBER's district and Mr. MONTGOMERY's district and all through the West, and yet you say the Fordney-McCumber tariff law is doing the people of the West and the farm population a great deal of good. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes.

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, of course, I do not blame the gentleman from Oklahoma [Mr. MONTGOMERY] for taking the floor and attacking the bill that the gentleman from Arkansas [Mr. OLDFIELD] voted for; namely, the Underwood tariff law. And I ask you if you would have the nerve to introduce it as a substitute to-day for the Fordney-McCumber bill? I do not believe you would.

I do not blame the gentleman from Oklahoma for that, because recently the gentleman from Arkansas went into the district of the gentleman from Oklahoma and made a campaign speech and in that speech condemned the attitude of the gentleman from Oklahoma in Congress, and the gentleman from Okla-

homa had the right to make the comparison he made between the Fordney-McCumber tariff law and the Underwood tariff law and let the people understand what the gentleman from Arkansas stands for and what he, the gentleman from Oklahoma, stands for. It is all right.

Maybe you can fool the voters with the proposition that the farm-deflation values since the war were not due to the fact that the farmers had to come down from inflated war prices, but that is not the fault of the Republican Party. You can make that work all right if you first get the people to forget.

Maybe you can get the American people to forget that after the war, and while your Underwood tariff law was still working, there was any idleness in America. Maybe they will forget the meeting of the American Legion boys on the Boston Common, where they prayed to the people of the great city of Boston to give them work in order that they might earn a livelihood. Maybe you can make them forget by giving them fictitious figures to the effect that there are only 10,000,000 employed in the industries of America, that all of them were not at work except 2,000,000 of them, and that the other 2,000,000 were idle. Maybe they will do that.

I say I do not blame the young man from Oklahoma for taking the floor, because you went into his district and you made some other charges in that speech. You had another issue besides the tariff, and that was the downright waste and extravagance of Coolidge in supporting the *Mayflower*. If you can get far enough away from Washington, judging other States by your own, maybe you can make some people believe that Calvin Coolidge has bought a new ship named the *Mayflower*, and is riding up and down the Potomac instead of attending to his own business. There will be as much merit in that campaign issue as there is in your charge that the Republican Party is responsible for the deflation in farm values since the war. [Applause.]

I do not know what tariff you are for. You are not for the tariff you helped to make. You have not enough nerve to put that in the basket to-night, as this young man said to you and say, "This was our Democratic tariff." You were in power for eight years. You had the Congress and the Executive for eight years. And say, "This is what I stand for, people of Oklahoma, while your man stands for the Fordney-McCumber law"; and say to them, "I come down to Oklahoma to tell you to retire him from the Congress."

You have not the nerve to face him on those rates. Why? Because, as Mr. BLANTON said—once in a while he stumbles onto something—there was not one particle of protection for agriculture in your bill. The gentleman from Texas [Mr. BLANTON] issued a round robin and furnished every Member of Congress on this, the Democratic side of the aisle, before the passage of the emergency tariff law, with a statement, complete in detail, showing the terrible results to agriculture by the enforcement of a law like that which you say you stand for but which you really do not.

Mr. BLANTON. Will the gentleman yield?

Mr. TINCHER. I have not the time.

Mr. BLANTON. The gentleman is not afraid of questions. He is one man who is not afraid of them.

Mr. TINCHER. Well, go ahead.

Mr. BLANTON. I was wondering what on earth the Republican Party is going to do after the gentleman stays in Kansas following the next election, because he has announced he is not going to run again. Good God, what are they going to do? [Applause.]

Mr. TINCHER. Young fellows like MONTGOMERY are coming along, and they will be able to take care of things. He can take care of OLDFIELD now, and there will be others to take care of others, too. Then, again, I am not going to die. I will still be around somewhere. [Laughter.] And I will always have nerve enough to tell what tariff law I am for. [Applause.]

I want to congratulate the Democratic Party. You had pearl buttons and they were too high. You had log chains and they were too high, and now my friend from Oklahoma [Mr. McKOWEN] has added another item and that is straw hats. Whenever we can get the tariff off of straw hats, pearl buttons, and log chains, then the Democratic Party will be happy and everything will be all right. [Applause.] Of course, I do not know what the issue is going to be.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. CONNALLY]. [Applause.]

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, the gentleman from Kansas [Mr. TINCHER] has justly earned here in the House the distinction of being one of

the shock troops on the majority side. You know what shock troops are. That word is subject to a number of applications. One application that may appropriately be used in the case of the gentleman from Kansas is that he shocks the credulity of everybody who knows the facts. [Laughter.] He shocks the sensibilities of even his farmer friends from Iowa, the gentleman from Iowa [Mr. DICKINSON], and others, when he makes such extravagant claims as to the farmer being benefited by the tariff.

The gentleman from Kansas after soft pedaling on the tariff for a season, since the farmers of his section and of the West have been suffering under the iniquities of the Fordney-McCumber Act, now that he is safe for the time being from the wrath of his constituents and the wrath of the farmers of Kansas, since he is going to retire from Congress, he comes out and speaks his real sentiments with reference to the tariff because he knows there is no day of reckoning for him for the present. [Applause.]

Mr. TINCHER. Will the gentleman yield?

Mr. CONNALLY of Texas. I yield to the gentleman from Kansas.

Mr. TINCHER. Does the gentleman seriously mean to intimate I ever soft pedaled on the subject of being for a protective tariff?

Mr. CONNALLY of Texas. No; I do not think the gentleman ever dodged the real issue. I think down in his heart they have had him all the time. [Laughter and applause.] But I do say that while the conditions were so bad in the West, the gentleman from Kansas was not always as loud and as vociferous for the tariff interests as he is now when he is leaving the Halls of Congress. [Applause.]

The gentleman from Kansas made some reference to a meeting of the American Legion on Boston Common crying out for jobs and wanting employment. Do you know when that was? It was immediately following the war, in 1919. And why was there such a meeting on Boston Common of members of the American Legion seeking jobs? The Republicans were in control of the House. They were in control of the Senate. [Laughter.] The gentleman from Kansas [Mr. STRONG] imitating and reflecting the views of his colleague, wants to laugh; he wants to seem to see the point before it is arrived at, simply because he thinks it will please the nostrils of his colleague, Mr. TINCHER. [Laughter.]

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. CONNALLY of Texas. Wait a moment. Wait until I have answered the question and then I will yield.

We still had the presidency in 1919, but the Republicans had both Houses of the Congress. Why was there unemployment and stagnation? I will tell you why. We were still laboring under war restrictions. We were still laboring under the high tax rates which prevailed during the war, and a Republican House and a Republican Senate would not repeal the vexatious war regulations and would not repeal the high taxes imposed during the war.

Mr. MADDEN. The President did not sign them when we did repeal them.

Mr. CONNALLY of Texas. If the gentleman—

Mr. MADDEN. The President would not sign the bill.

Mr. CONNALLY of Texas. Mr. Chairman, I have not yielded to the gentleman. I shall yield in a moment, but I first want to complete this statement. Then I shall yield.

They would not undertake the reduction of taxes in 1919. Why? Because they knew that the man in the White House would not permit them to reduce the taxes unless they reduced them in the interest of the people, therefore they did not undertake any remedial tax legislation. I now yield to the gentleman.

Mr. MADDEN. The gentleman knows that when we did repeal the war laws that the President he refers to, Mr. Wilson, would not sign the law we passed.

Mr. CONNALLY of Texas. When was that?

Mr. MADDEN. That was while he was still President.

Mr. CONNALLY of Texas. What act was it?

Mr. MADDEN. The act repealing all the war laws.

Mr. CONNALLY of Texas. Which one?

Mr. MADDEN. The one we passed first while Wilson was President.

Mr. CONNALLY of Texas. The gentleman knows it became a law.

Mr. MADDEN. Not while Wilson was President. It became the law afterwards?

Mr. CONNALLY of Texas. When?

Mr. MADDEN. We declared peace when Mr. Harding became President of the United States. [Applause.]

Mr. CONNALLY of Texas. The gentleman ought to know, if he knows anything, that long before the peace resolution was ever adopted in the Harding administration we passed a blanket repeal of a lot of war measures, and I am sure gentlemen on this side will bear me out in that statement. The RECORD will bear me out.

Mr. MADDEN. And the President refused to sign it.

Mr. CONNALLY of Texas. No; it became a law. I know what the gentleman from Illinois is talking about. The gentleman from Illinois is talking about the peace resolution. The President did not permit that to go into effect in 1920. Why? Because it was violating all the constitutional precedents with reference to making peace. The Republicans wrecked the constitutional method of making peace with a foreign power and ending a war by treaty and sought to evade that responsibility by passing a joint resolution, and, of course, the President of the United States vetoed it.

Mr. MADDEN. Will the gentleman yield further?

Mr. CONNALLY of Texas. If I can get some more time.

Mr. MADDEN. The gentleman knows that the President himself refused to declare peace and the Congress had to take it off of his hands and declare peace.

Mr. CONNALLY of Texas. The gentleman gave his whole case away when he said that.

He said that the President would not declare peace and Congress took it out of his hands. A Republican Congress, because it did not like the way that the President was discharging his duty according to the Constitution or believing some other branch of the Government had not performed its constitutional duty according to Republicanism took the constitutional power out of the hands where it belonged and usurped functions which it did not possess. The gentleman sometimes unconsciously admits the facts.

Mr. WINGO. Will the gentleman yield?

Mr. CONNALLY of Texas. I will.

Mr. WINGO. The gentleman from Illinois diverted the discussion from the real question that the Republicans in 1919 repealed the war tax. I want to remind the gentleman of what was published and never denied by the Republican leaders; that they had a caucus in the room of one of the Republican Senators, and Mr. Fordney was very much in favor of reducing the taxes, and this astute leader said:

No; let the people sweat; we will carry the election in 1920 and then we will reduce the taxes.

Mr. CONNALLY of Texas. I thank the gentleman for his contribution. It was common knowledge around Washington, except to the gentlemen from Kansas and Illinois, that the Republicans deliberately refused to follow the suggestions and refused to heed the messages that Mr. Wilson sent them repeatedly to repeal the war taxes and put the country back on pre-war conditions, and they refused to do it. [Applause on the Democratic side.]

Gentlemen, one other word. The gentleman from Kansas [Mr. TINCER] is going to leave us. We regret it. The ranks of the protectionists will regret it, because they will lose one of their most doughty champions. The farmers may regret it, because they will lose one of the ablest champions on this floor of the farmer, who believes the way to farmer's prosperity is to tax the steel and iron in his plow; that the way to promote his prosperity is to tax the clothes, the cotton goods, and woolen goods he wears on his back; that the way to promote prosperity is to tax the household equipments in his kitchen and the furniture in his house and the implements with which he toils. He is that kind of a farmer's friend. But, gentlemen, be not grieved too deeply, because, while the gentleman is leaving us, he is going to a field of greater usefulness. I want the Clerk to read, in my time, a statement I just handed him.

The Clerk read as follows:

[From the Wichita Eagle, January 8]

THINKS LONGWORTH HAS GOOD CHANCE TO BE PRESIDENT—J. N. TINCER EXPRESSES BELIEF SPEAKER OF HOUSE WILL GET CHANCE AT HIGH POST—STILL TALK COOLIDGE

J. N. (Pokey) TINCER, Congressman from the seventh Kansas district, is of the opinion that NICHOLAS LONGWORTH, recently elected Speaker of the National House of Representatives, will be the Republican candidate for President to succeed Calvin Coolidge.

And Albert H. Denton, president of the Home National Bank at Arkansas City and a lifelong friend of the big Congressman from the big seventh, believes that if Mr. LONGWORTH is the party candidate for President, Mr. TINCER will be the party candidate for Vice President.

These opinions were expressed by Mr. TINCER and Mr. Denton following a conference at Hotel Lassen, in Wichita, Thursday. The

Congressman was en route to Washington after spending a few days at his home at Medicine Lodge, and Mr. Denton had come here to meet him.

"The trouble with this proposition is that the Senate would never stand for the candidates for both President and Vice President coming from the House," commented Mr. TINCER.

"Oh, yes, the Senate would; with two strong men at the helm—especially when one comes from Ohio and the other Kansas," was the Arkansas City banker's retort.

And then the men settled down to serious discussion of the possibility of such a suggestion.

"You may regard my suggestion as a joke," Mr. Denton remarked to an Eagle reporter; "but I am in dead earnest, and so are a number of influential men in Congress. Of course, I would like to see Mr. TINCER a candidate for President, but will be satisfied if he is the vice presidential nominee."

Mr. TINCER declined to designate the particular campaign in which his colleague from Ohio would be the Republican candidate—whether it would be two or six years from next November. Republican leaders are said to be divided about whether Mr. Coolidge should be a candidate to succeed himself. Some would regard his candidacy as seeking a third term, which they argue would mean almost certain defeat.

It would in all probability suit Speaker LONGWORTH very well to have the Kansas seventh district Congressman as his running mate. It is recalled that Mr. TINCER is the only member of the Kansas delegation who openly battled for the election of Mr. LONGWORTH as Speaker of the Sixty-ninth Congress. He is chairman of the Republican House steering committee and assistant floor leader. His powers in the House are regarded as second only to those of the Speaker.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen, you will note from this press dispatch this arrangement by which the Speaker is to be the candidate for President and the gentleman from Kansas [Mr. TINCER] is to be candidate for Vice President, and that in the mind of the gentleman from Kansas the only trouble with the proposition is that the Senate would never stand for the candidates for both President and Vice President coming from the House. Otherwise the proposition is sound and all right. [Laughter.]

Now, gentlemen, men can be influenced sometimes by things that are not regarded as improper or venal. The gentleman from Kansas a while ago, when the gentleman from Texas [Mr. BLANTON] undertook to interrupt him, absolutely refused to yield until the gentleman from Texas paid him a compliment when he said that the gentleman from Kansas can answer any kind of a question, for he has the ability and the information. Falling for that pleasing compliment the gentleman from Kansas then yielded, when his granite soul only a moment before had refused to yield. [Laughter.] I will say to the gentleman from Kansas that this alluring thing that we call ambition oftentimes swerves statesmen from their pathway when they could not be touched with any corruption on earth. And as our distinguished colleague prepares to go out from these halls and sees along the pathway that he shall tread the temptation of the office of Vice President, he knows that through the last days of this Congress he has got to do something to ingratiate himself into the favor of those who control, not the election at the polls, but who control the delegates to the Republican National Convention. He has got to pass under the scrutiny of the national chairman, Mr. BUTLER, of Massachusetts. Is Mr. BUTLER interested in the farmers of the United States? If he is I have not heard about it. [Laughter on the Democratic side.]

But Mr. BUTLER is interested in woolen mills in Massachusetts, in cotton mills in Massachusetts. He is interested in steel production. He is interested in seeing that this infant, struggling industry of Secretary Mellon, the Aluminum Trust, must be built up and given sufficient protective tariff in order that it may not meet competition with the pauper labor of Europe [laughter], and so the gentleman from Kansas [Mr. TINCER], of course, wants to please these gentlemen. I was about to say that he and the Speaker are like a double team of Kentucky thoroughbreds, but that would hardly meet the physical description, at least. [Laughter.] However, I will say it in this way, that intellectually speaking, this pair of spanking bays, this pair of Kentucky thoroughbreds, as they go cantering along toward the presidential goal, must, as the gentleman from Kansas knows, get the O. K. of the ruling spirits of the tariff banditti. That little district of Medicine Lodge out in Kansas is only a district. It is only one out of 435 political subdivisions of the United States, but the Presidency comprehends them all. We can easily picture the distinguished gentleman from Kansas saying "I can not have a narrow sectional view. Why, you poor fellows of this district, you have been very good to me, you have sent me to Congress, and

while there I tried to serve you, but your interests are local, they are sectional, and a man who is a candidate for the Vice Presidency must have a national outlook, a national viewpoint. I have got to stand for all the industries of the Republic, I have got to see to New England and protect her industries, and I have got to see to Pittsburgh and the Secretary of the Treasury and protect their industries. I thank you for lifting me up, but now that I have reached this pinnacle, I scorn the base degrees by which I did ascend and turn my eyes toward the clouds and the Vice Presidency." [Laughter and applause.]

The gentleman from Oklahoma [Mr. MONTGOMERY], who started all this debate, spoke of his farmers out in Oklahoma as being contented farmers. He went on to say that in northeastern Oklahoma Old King Cotton unfurled his white banners in token of surrender to the ample, nimble, and some other kind of fingers of the "contented farmers." Well, if there are any contented farmers in northeastern Oklahoma, I think the gentleman from Oklahoma ought to bring them on to the Sesqui-centennial Exhibition in Philadelphia this year and there exhibit them, because they are the only contented farmers that I know anything about in all these United States. [Laughter and applause.] Contented farmers under the Fordney-McCumber tariff law that protects practically everything that this contented farmer has to buy!

Mr. MONTGOMERY. The gentleman has used my name. Will the gentleman tell the House whether he would put them back on the free list, as they were under the Underwood Act, or whether he thinks they are better served under the Fordney-McCumber Act?

Mr. CONNALLY of Texas. I would vote to-morrow to substitute the Underwood Act for the Fordney-McCumber Act. [Applause on the Democratic side.] I will vote for any kind of a bill that reduces the tariff tribute that the whole country pays to a favored few; I would repeal a bill that by the vote of the gentleman from Oklahoma taxes all of the people and hands that tax over to a few of the people. [Applause on the Democratic side.] The gentleman talks about the Underwood Act. Under the Underwood Act the foreign trade of the United States reached the highest altitude it ever reached in all the history of the Republic. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield the gentleman five minutes additional.

Mr. CONNALLY of Texas. As I say, Mr. Chairman, under the Underwood Act the foreign trade of the United States, our exports, went to the highest pitch that they have ever attained in all the history of the Republic.

I want now to pay my respects for a moment to the distinguished gentleman from North Dakota [Mr. BURTNESS]. He hales from a State in which, according to the newspapers, the farmers are losing their farms because they can not pay the interest upon their mortgages, a State in which banks have failed because they have no money and the farmers who owe them can not pay them. That distinguished gentleman, fearing in his soul that his name, like Abou Ben Adam's, may not be written high on the scroll of honor among the tariff favorites when they gather in their little caucuses to nominate candidates, fearful that his name may not be among the anointed, and hopeful that he may be regarded as one of the outstanding friends of high protection—this man from the land of misfortune, this man from the land of distress, this man from the land of disaster, this man from the land of stricken agriculture, this man from the land of farms without farmers, from the land of farmers without farms, must get up and, like Hannibal when he made his pledge to destroy Rome at the altar of Baal, rise in his place and say, "Whatever happens to North Dakota, I want to swear again my eternal fealty to the tariff robber who captures with one hand my farmers in North Dakota and takes the money from their pockets and turns it, with the other hand, over to New England with her favored industries." [Applause and laughter on the Democratic side.]

Then there is the distinguished gentleman from Illinois [Mr. MADDEN], a wonderful man when he stays on his chosen ground of appropriations. He knows how to take orders from Director of the Budget Lord and from Mr. Coolidge, in the White House. He can take orders as gracefully as any man in this House when they come from the right source. But the gentleman from Illinois is one of the most intolerant of men when somebody suggests something with which he does not agree. I admire the gentleman from Illinois. He is a tariff protector. He does not have to dodge the issue at all. He has no poor farmers pulling at his coat tails as has the gentleman from Kansas [Mr. TINSCHER]. He does not hear them say,

"How about this tariff that is robbing us and not giving us any protection on farm products, because we have to ship our farm products into the foreign markets, where the tariff does not operate." No; the gentleman from Illinois is frank. He is for the tariff; he believes in it because he knows where the pup is going. He knows that the industries of his district are going to get the benefit. The difference between him and the gentleman from Kansas is that he is representing his district—he is protecting the fellows that protect him—while the gentleman from Kansas is picking the pockets of his own farmers while they are looking in another direction and handing the proceeds over to the tariff favorites of New England. That is the difference between these two gentlemen. [Laughter and applause on Democratic side.]

Contented farmer! Oh, this contented farmer in North Dakota, where they are threatening almost political revolution! The contented farmer in northeastern Oklahoma! They say the gentleman from Kansas [Mr. TINSCHER]—and I know it—when he first came to Congress wore a long-tailed coat, but they tell me now that except this particular one that he has got on to-day, and which he wears on formal occasions, he never wears one out in his district, because during the past three years when he goes around over his district the farmers are pulling at his coat tails so much and hanging on to them so tenaciously and asking so many embarrassing questions about the Fordney-McCumber tariff bill and what it is doing to them and what he is going to do about it that in self-protection he now wears one of these "see-more coats" that has not got much tail to it for them to hang on to, and the reason why he does that is that with that kind of a coat they can see more of TINSCHER and less of the tariff. [Laughter.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. TREADWAY. Mr. Chairman, I promise not to try to produce the levity that our friend, the genial gentleman from Texas [Mr. CONNALLY], who has just taken his seat, caused, but I hope to present to the House a few facts of rather more avall than having advice given to the Republican Party by the gentleman from Texas as to whom to nominate for President and Vice President and also how to write a tariff bill.

I want to refer very briefly to the effect of the new revenue act of 1926 upon the average citizen in connection with the special taxes, or so-called nuisance taxes, of which we have continually heard. That is a branch of taxes not directly appearing in a man's actual income-tax report, and therefore it is not figured as a part of the saving under the new law.

An interesting item was given out by the Treasury officials a few days ago in reference to the receipts from the new revenue act for the first quarter of 1926. The receipts were \$60,000,000 more than last year despite the reductions under the 1926 law. It is expected that the first quarter's receipts from income taxes will exceed \$500,000,000, compared with \$441,000,000 for the same period of last year.

This is indicative of the business prosperity of the country. Still more interesting, however, is the further statement of the department that the only class of people whose first quarterly payments showed a reduction were those earning net incomes of \$5,000 or less.

No better proof can be offered than these figures of the benefit of the new law to the average citizen and wage earner. Generalities and details have very frequently been illustrated in connection with this law. I endeavored a short time ago to give examples of the effect of the act among people of small incomes. It is well known that more than 2,000,000 previously making income-tax returns are now exempt from paying any Federal income tax whatever.

I desire at this time to call especial attention to the changes in the act of 1926 of special taxes which have not appeared in the taxpayer's Federal reports.

To this end, I first present a comparison of the receipts from the various income tax laws, as prepared for me by the Government actuary, covering receipts under the laws of 1918, 1921, and 1924, with estimates of receipts for 1926.

In order to call especial attention to the changes from the 1924 act to the 1926 act, I am adding another table containing only these two items. I ask permission, Mr. Chairman, to insert these tables as part of my remarks.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. TREADWAY. The tables referred to are as follows:

Tax collections under various revenue acts

Source of revenue	Fiscal year 1920, act of 1918	Calendar year 1923, act of 1921	Calendar year 1925, act of 1924	Fiscal year 1927 (estimated), act of 1926
Income and profits tax	\$3,956,936,004	\$1,835,552,066	\$1,825,704,136	\$1,786,000,000
Distilled spirits	97,903,276	28,734,900	25,991,522	19,000,000
Fermented liquors	41,965,874	5,678		175,000
Tobacco	265,809,355	317,541,823	360,124,242	366,000,000
Stamp taxes	84,347,827	65,202,854	66,672,960	48,000,000
Transportation:				
Freight	130,786,811			
Express	17,597,638			
Persons	98,786,636			
Oil by pipe lines	8,426,406			
Seats, berths, and staterooms	6,074,556			
Telegraph, telephone, etc.	27,677,041	34,012,057		
Insurance, life, marine, etc.	18,421,754			
Automobile trucks, etc.	14,471,464	10,909,632	8,359,800	
Other automobiles and motor cycles	76,315,814	106,280,902	111,984,829	90,000,00
Tires, tubes, parts, and accessories	53,135,513	38,006,349	23,086,590	
Musical instruments	18,624,121			
Tennis rackets and sporting goods	2,944,913			
Chewing gum	1,124,943			
Cameras	876,242	810,466	605,063	
Photographic plates and films	716,904	775,314	841,540	
Candy	23,142,034	11,636,179		
Firearms and shells	4,644,793	4,267,485	3,617,123	100,000
Hunting and bowie knives	15,836	24,789		
Dirks, knives, daggers, etc.	4,145	1,755		
Portable electric fans	174,084	20,400		
Thermos bottles	218,304			
Pipes and other smokers' articles	142,373	296,576	57,675	
Automatic slot machines	88,576	170,243	475,087	
Liveries, livery boots, etc.	136,021	160,690		
Hunting garments, etc.	224,767	175,178		
Articles made of fur	15,311,214			
Yachts, motor boats, etc. (sale)	212,685	271,695		
Toilet soap, etc.	1,919,398			
Motion-picture films	4,881,276			
Art works	1,643,134	787,508	741,489	
Carpets, rugs, purses, lighting fixtures, etc.	17,903,611	1,622,647		
Jewelry, watches, opera glasses, etc.	25,863,607	21,898,838	8,428,518	
Perfumes, cosmetics, and medicated articles	6,427,881			
Beverages, nonalcoholic	57,490,958	10,474,380		
Brokers, stock, etc.	2,121,312	1,691,990	1,254,387	
Theaters, museums, circuses, etc.	2,048,806	1,951,499		
Bowling alleys, billiard and pool tables	2,752,157	2,443,990	2,189,694	
Shooting galleries and riding academies	58,826	31,926	27,844	
Passenger automobiles for hire	2,040,244	2,068,065	1,871,094	
Yachts, etc. (use of)	862,237	289,131	322,979	
Admissions	76,720,553	74,878,630	24,774,315	15,000,000
Dues to pleasure clubs	8,198,001	7,644,965	9,346,377	9,000,000
Total of above:				
Income and profits taxes	3,956,936,004	1,835,552,066	1,825,704,136	1,786,000,000
Miscellaneous taxes	1,242,654,879	745,638,821	640,862,628	547,275,000
Total	5,199,590,883	2,581,191,787	2,466,566,764	2,333,275,000

Comparison of receipts under 1924 revenue act and estimates of receipts under 1926 act of certain items

	Calendar year 1925, act of 1924	Fiscal year 1927 (estimated), act of 1926
Stamp taxes	\$56,672,960	\$48,000,000
Automobile trucks, etc.	8,359,800	
Other automobiles and motor cycles	111,984,829	90,000,000
Tires, tubes, parts, and accessories	23,086,590	
Cameras	605,063	
Photographic plates and films	841,540	
Firearms and shells	3,617,123	100,000
Pipes and other smokers' articles	57,675	
Automatic slot machines	475,087	
Art works	741,489	
Jewelry, watches, opera glasses, etc.	8,428,518	
Brokers, stock, etc.	1,254,387	
Bowling alleys, billiard and pool tables	2,189,694	
Shooting galleries and riding academies	27,844	
Passenger automobiles for hire	1,871,094	
Yachts, etc. (use of)	322,979	
Admissions	24,774,315	15,000,000
Dues to pleasure clubs	9,346,377	9,000,000

SOME ITEMS OF SPECIAL INTEREST

It will be seen that the largest item of reduction under special taxes is upon automobiles, motor cycles, automobile trucks, tires, tubes, parts and accessories, and passenger automobiles for hire. The total reduction will be over \$55,000,000, all being now untaxed, excepting 3 per cent upon the original purchase price of a car. This was formerly 5 per cent.

The tax is entirely eliminated in the law of 1926 on cameras, photographic plates and films, pipes and other smokers' articles, automatic slot machines, jewelry, watches, opera glasses, and so forth, bowling alleys, billiard and pool tables, shooting galleries and riding academies, and so forth.

Formerly there was a tax on firearms and shells from which the Government received a revenue of \$3,617,000. This is entirely done away with, excepting a very small tax on pistols, which remains not for the purpose of revenue but as an effort to control the indiscriminate use of them.

The other item of special interest is the reduction of nearly \$10,000,000 in admissions.

HOW AVERAGE MAN IS AFFECTED

Now, let me explain how these directly affect the average man. All during the period that these and other items upon which the tax was previously taken off were paid more or less as a matter of course.

Quite likely the average man counts upon a certain part of his earnings to be expended either for recreation or pleasure for himself and family. Nuisance taxes were oppressive, but at the time they were collected on a very great variety of items, the patriotic instincts of the people were thoroughly aroused, and if pleasures and luxuries were indulged in people of most moderate means were willing to pay their share of the patriotic tax. We are all pleased that those days have gone by. In recent years the average citizen has complained of nuisance taxes both for their inconvenience and the money involved. Let us see what this bill does for people of moderate circumstances in connection with this form of taxation.

Any family paying an income tax would be in a position to own an automobile. Assuming the purchase price for the average car is \$1,500, the tax on this, under the act of 1924, would have been \$75. The tax now is \$45. It is to be noted that some of the companies making automobiles have absorbed the tax in their prices, but at any rate the purchase of a \$1,500 car means that the buyer is \$30 ahead now.

It is fair to say also that there will be an additional saving of \$5 to the taxpayer through the removal of the tax on tires and tubes. In other words, it will cost each owner of a \$1,500 car in the neighborhood of \$35 less to purchase and maintain a car of this value. Higher priced cars will, of course, show a corresponding increased saving.

A great many automobile trucks are used in business by the average taxpayer. The tax on automobile trucks is entirely eliminated. This was formerly 3 per cent, so that the truck owner can carry on his business at a saving of from \$35 to \$60 on the lower priced trucks.

Formerly there was a tax of 10 per cent upon cameras and 5 per cent on films and plates, from which the Government received over \$1,000,000 yearly.

While it would be difficult to estimate what this means to every individual, the number of cameras in use by amateurs is enormous.

Firearms, shells, and cartridges were formerly taxed 10 per cent. Every hunter contributed a part of this revenue of \$3,617,000. It can readily be seen what this saving of 10 per cent means to the young country lad or the farmers themselves, fond of the great outdoors, in the small towns of New England and throughout the country.

Slot machines are seen everywhere and are very generally patronized. While the contribution each time is a comparatively small one, in the aggregate it produced nearly \$500,000 in revenue. This is now taken off.

The entire removal of the tax on jewelry, watches, opera glasses, and so forth, is reducing revenue by \$8,500,000. Some of these articles are, of course, beyond the reach of the average citizen, but practically everyone wants to own a good watch and very frequently feels inclined to purchase for some loved one an ornamental article of jewelry.

A source of recreation to many people is the patronage of bowling alleys and billiard rooms. The tax on these places, which under the law of 1924 produced \$2,180,000, is now entirely removed.

We all enjoy attendance at moving pictures and legitimate theatrical performances. The Government will lose \$9,750,000 by the increased exemption of from 50 to 75 cents on admis-

sions. This will permit the purchaser of tickets to occupy the most desirable seats at a moving-picture house or the cheaper seats in the regular theaters without tax payment.

The tax on cigars has been very materially reduced on all grades, particularly the cheaper ones. On cigars manufactured to retail at not more than 5 cents the tax has been reduced 50 per cent, or from \$4 to \$2 per thousand. In the bracket between 5 and 8 cents there is a corresponding reduction of 50 per cent, or from \$6 to \$3 per thousand. From 8 to 15 cents the reduction is from \$9 to \$5 per thousand. From 15 to 20 cents, from \$12 to \$10.50 per thousand. On cigars to retail for more than 20 cents each the reduction is from \$15 to \$13.50 per thousand. It will be noted that the percentage of reduction is very much higher for the lower-priced cigars, another evidence that in framing this tax bill the Republican majority showed its interest in the man of moderate means, who only can afford the lower-priced cigar. Under the 1924 act receipts from cigar taxes was \$43,000,000. Under the act of 1926 it is estimated as \$26,000,000, a reduction of \$17,000,000. This will either reduce the price of cigars or permit manufacturers to use better grades of tobacco. It may even restore that article for which the late Vice President Marshall so longingly wished, namely, "a good 5-cent cigar."

It will be said that some of the items of taxes I have referred to have been paid by the manufacturers or dealers. While that is technically true, it is nevertheless true that all cost is passed on to the consumer, whether he pays it directly or indirectly.

1926 ACT PRINCIPALLY WRITTEN FOR AVERAGE MAN

These statistics and illustrations that I have given offer additional proof that this 1926 tax act was principally written for the benefit of the average man.

It would be interesting to have a group of people in the lower brackets of income-tax payers endeavor to recall the number of times they were subject to such taxes during the past year. Very few people, however, would keep a sufficiently accurate ledger account of incidental expenses to answer this inquiry with any degree of exactness. In order that my estimate of the aggregate saving in these comparatively small items to our average citizen and his family might not be altogether one of guesswork, I asked the Government actuary, Mr. McCoy, to give me an estimate. His report to me is in part as follows:

Take a family purchasing a new \$1,500 automobile, the father smoking cigars and using the automobile to go on occasional hunting trips and for family pleasure trips, the wife using a camera, the father purchasing some trinket for birthday presents, occasionally playing billiards and bowling, the reduction in tax for this family would be material. He would save \$30 on the purchase of the car; some \$3 on the repair parts of it, including a couple of dollars more for some additional accessory, together with some \$3 or \$4 on tires and tubes. He would save from \$5 to \$10 on the bit of jewelry, watch, or pin given to his wife; a few dollars on his cigars, a few dollars on his bowling and billiards. She would save a dollar or two on the pipe or cigar holder given to him; a dollar or two on her new camera, and about as much on the films used therein. He would save from \$5 to \$10 on his new shotgun, and another \$5 on the shells used by him in hunting or trap shooting. On admissions to shows the saving to the family would be some \$8 or \$10, while the saving on other taxes reduced or repealed would amount to a few more dollars. In fact, the ordinary family whose income warrants a \$1,500 car will readily save \$100 or more in tax repealed or reduced by the new law.

This is certainly a welcome addition to the family income already greatly benefited by the general reductions.

BENEFITS RESULT FROM REPUBLICAN TEAMWORK

Similar comparisons could be drawn of the tax reductions in the laws of 1918 and 1921, as shown by the first table, but I think I have clearly shown the benefit the 1926 act brings to the average man that will not appear in his tax report. These benefits, together with those in the other branches of the income tax, result from the united efforts of the President and the Republican Congress.

Business economy and a practically straight adherence to the Budget have made possible the large reductions in the needs of revenue.

The Republican Congress has seen to it that these benefits reach the smaller income-tax payer. I repeat that while the assistance of the Democratic minority in writing the new tax measure was very welcome, the actual credit of its preparation will, in the minds of the voters, be given to the Republicans. Republican candidates for Congress at the coming election will rightly call these features to the attention of the voters, and they in turn will realize the interest the Republican Party shows in their welfare and the contents of their pocketbooks.

The continued elimination and reduction of the so-called nuisance and special taxes, to which your attention has been

directed, will constitute one of the main features in the brilliant record of the Republican Party in the present Congress.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. TREADWAY. I will, unless my time has expired.

The CHAIRMAN. The gentleman has one-half minute remaining.

Mr. GARRETT of Tennessee. The gentleman states very frankly that which we have supposed would be the procedure all along. That is, that the Republican candidates for Congress will claim credit for this measure practically in its entirety.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. GARRETT of Tennessee. I wonder, in view of the fact that already it has been demonstrated that the Treasury returns are some \$60,000,000 more than was estimated, as I believe the gentleman stated—

Mr. TREADWAY. That was a statement given out a short time ago by the department.

Mr. GARRETT of Tennessee. I wonder whether it will be stated by the Republican candidates for Congress that the Democratic Members also made an effort to further reduce taxes; that that was refused by the Republican Members and that, therefore, they did not give them the measure of relief which subsequent events have demonstrated might very well have been given.

Mr. TREADWAY. If I gather the question of the Democratic leader, it is this: Should not there have been a larger decrease in taxation than was actually made in the law? Is that the suggestion of the gentleman?

Mr. GARRETT of Tennessee. That was the view, I will say, which the Democrats held. My question was whether the Republicans will state that when they are on the stump along with the statement claiming entire credit for tax reduction.

Mr. TREADWAY. The Republicans will state the exact facts—that the estimates of the Treasury were accepted by the Ways and Means Committee in the first instance; then the House accepted the report of the Ways and Means Committee; the bill went to the other branch, and they ran riot over there, as the gentleman well knows, in increasing reductions. The conference committee was obliged to very materially change those items.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. TREADWAY. I have not finished my answer, but I will let it stand as it is.

The CHAIRMAN. The Chair desires to announce to the gentlemen in control of the time that the gentleman from Iowa [Mr. DICKINSON] has 22 minutes remaining and the gentleman from Colorado [Mr. TAYLOR] 24 minutes.

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAWLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee, having had under consideration the bill (H. R. 10425) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to—

Mr. JEFFERS (at the request of Mr. HILL of Alabama), on account of illness.

Mr. PERLMAN, until Tuesday, April 13, 1926, on account of illness in his family.

ADJOURNMENT

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 7, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 7, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

Agriculture relief legislation.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE
(10 a. m.)

Legislation relative to labor disputes in the coal-mining industry.

COMMITTEE ON IMMIGRATION AND NATURALIZATION
Regulating immigration of certain veterans of the World War (H. R. 10603).

To amend the Immigration law of 1924 providing for non-quota status to American veterans of the World War and their wives and unmarried children (H. R. 9973).

Regulating immigration and naturalization of certain veterans of the World War (H. R. 7968).

COMMITTEE ON THE JUDICIARY
(10 a. m.)

To provide compensation for employees injured and dependents of employees killed in certain maritime employments, and providing for administration by the United States Employees' Compensation Commission (H. R. 9498).

COMMITTEE ON THE POST OFFICE AND POST ROADS
(10 a. m.)

Fixing postage rates on hotel room keys and tags (H. R. 92).

COMMITTEE ON PATENTS
(9.30 a. m.)

To amend section 1 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909, as amended, by adding subsection (f) (H. R. 10353).

COMMITTEE ON WAYS AND MEANS
(10 a. m.)

To provide for the payment of the awards of the Mixed Claims Commission, the payment of certain claims of German nationals against the United States, and the return to German nationals of property held by the Alien Property Custodian (H. R. 10820).

COMMITTEE ON INDIAN AFFAIRS
(10.30 a. m.)

To carry into effect the twelfth article of the treaty between the United States and the loyal Shawnee and loyal absentee Shawnee Tribes of Indians, proclaimed October 14, 1868 (H. R. 5218).

COMMITTEE ON THE PUBLIC LANDS
(10.30 a. m.)

To revise the boundary of the Yellowstone National Park in the States of Montana, Wyoming, and Idaho (H. R. 9917).

To revise the boundary of the Grand Canyon National Park, in the State of Arizona (H. R. 9916).

To revise the boundary of the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park (H. R. 9387).

To revise the boundary of the Mount Rainier National Park, in the State of Washington (H. R. 10126).

COMMITTEE ON MILITARY AFFAIRS
(10.30 a. m.)

To further provide for the national defense by coordinating the Army and the Navy (H. R. 10248).

To constitute a council of national defense (H. R. 10982).

To provide for a council of national defense, and for other purposes (H. R. 10985).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

423. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the Department of the Interior, Bureau of Reclamation, for the Yuma Federal irrigation project, one for the fiscal year 1925 and prior years in the amount of \$637,336, and the other for the fiscal year 1926 in the amount of \$50,000; in all, \$687,336 (H. Doc. No. 292); to the Committee on Appropriations and ordered to be printed.

424. A communication from the President of the United States transmitting a supplemental estimate of appropriations for the fiscal year ending June 30, 1926, for the War Department, amounting to \$50,500; also a draft of proposed legislation affecting existing appropriations (H. Doc. No. 291); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. HILL of Maryland: Committee on Military Affairs. H. R. 10385. A bill to amend section 55 of the national defense act, June 3, 1916, as amended, relating to the Enlisted Reserve Corps; with amendment (Rept. No. 781). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. S. J. Res. 78. A joint resolution for the amendment of the plant quarantine act of August 20, 1912, to allow the States to quarantine against the shipment therein or through of plants, plant products, and other articles found to be diseased or infested when not covered by a quarantine established by the Secretary of Agriculture, and for other purposes; without amendment (Rept. No. 782). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLEOD: Committee on the District of Columbia. H. R. 7975. A bill to amend the Code of Law for the District of Columbia in relation to descent and distribution; without amendment (Rept. No. 783). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. FISHER: Committee on Military Affairs. H. R. 2882. A bill to remove the charge of desertion from the name of E. D. Macready; with amendment (Rept. No. 784). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10922) granting a pension to Aaron Angle, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CAREW: A bill (H. R. 11050) to promote temperance in the United States; to the Committee on the Judiciary.

By Mr. TINKHAM: A bill (H. R. 11051) to reimburse the Commonwealth of Massachusetts for expenses incurred in protecting bridges on main railroad lines and under direction of the commanding general Eastern Department, United States Army, and the commandant navy yard, Charlestown, Mass.; to the Committee on War Claims.

Also, a bill (H. R. 11052) to reimburse the Commonwealth of Massachusetts for expenses incurred in compliance with the request of the United States marshal dated December 6, 1917, to the Governor of Massachusetts in furnishing the State military forces for duty on and around Boston Harbor under regulation 13 of the President's proclamation; to the Committee on War Claims.

By Mr. GRAHAM: A bill (H. R. 11053) to fix salaries of certain judges of the United States; to the Committee on the Judiciary.

By Mr. MANLOVE: A bill (H. R. 11054) giving authority to the Secretary of Labor and the Attorney General of the United States to deport certain aliens; to the Committee on Immigration and Naturalization.

By Mr. BACHARACH: A bill (H. R. 11055) to regulate interstate commerce by motor buses operating or to operate as common carriers of passengers for hire through the interstate tunnel now being constructed under the Hudson River between the city of New York, State of New York, and the city of Jersey City, State of New Jersey; and over the interstate bridge now being constructed across the Delaware River between the city of Philadelphia, Commonwealth of Pennsylvania, and the city of Camden, State of New Jersey; to the Committee on Interstate and Foreign Commerce.

By Mr. BACHMANN: A bill (H. R. 11056) providing for the erection of a monument over the grave of Patrick Gass, at Brooke Cemetery, Wellsburg, W. Va., a soldier of the War of 1812 and the last surviving member of the Lewis and Clark Expedition; to the Committee on the Library.

By Mr. HILL of Maryland: A bill (H. R. 11057) to amend the national prohibition act, as supplemented, in respect of the definition of intoxicating liquor; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: A bill (H. R. 11058) to provide for the appointment of an additional district judge for the district of Washington; to the Committee on the Judiciary.

By Mr. FROTHINGHAM (by request): A bill (H. R. 11059) to amend an act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

By Mr. FRENCH: A bill (H. R. 11060) to authorize the extension of the application of the act entitled "An act to authorize the reservation of public lands for county parks and community centers within reclamation projects, and for other purposes," approved October 5, 1914; to the Committee on the Public Lands.

By Mr. THOMAS: Concurrent resolution (H. Con. Res. 20) providing for the creation of a congressional cooperative agricultural conference for the purpose of suggesting a permanent policy for agricultural relief and preparing and proposing legislation to carry such policy into effect; to the Committee on Rules.

By Mr. MICHENER: Resolution (H. Res. 206) providing for the consideration of H. R. 8119, "To amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, and acts amendatory thereto and supplementary thereto"; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 11061) for the relief of Richard S. Bacon; to the Committee on Military Affairs.

By Mr. BACHMANN: A bill (H. R. 11062) granting an increase of pension to Anna J. Wilkinson; to the Committee on Pensions.

Also, a bill (H. R. 11063) for the relief of Edgar Travis, sr.; to the Committee on Military Affairs.

By Mr. COLLIER: A bill (H. R. 11064) for the relief of R. W. Hilderbrand; to the Committee on Claims.

By Mr. CORNING: A bill (H. R. 11065) granting an increase of pension to Amelia Vrooman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11066) granting an increase of pension to Hannah Stinson; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 11067) for the relief of Rudolph L. Wise; to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 11068) for the relief of and granting compensation to Mrs. Arling Tootle, widow of deceased ex-service man; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 11069) for the relief of George W. Turner; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 11070) granting retirement annuity or pension to John B. Fitzgerald; to the Committee on Pensions.

By Mr. ESLICK: A bill (H. R. 11071) for the relief of A. J. Bell; to the Committee on Claims.

By Mr. FLAHERTY: A bill (H. R. 11072) for the relief of James Henry Hicks; to the Committee on Naval Affairs.

By Mr. GARBER: A bill (H. R. 11073) granting a pension to W. T. Jolly; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 11074) granting a pension to Frank X. Marks; to the Committee on Pensions.

By Mr. MAGRADY: A bill (H. R. 11075) granting an increase of pension to Laura J. Thurston; to the Committee on Invalid Pensions.

By Mr. MICHENER: A bill (H. R. 11076) granting an increase of pension to Josephine L. K. Sedgwick; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 11077) granting a pension to Roy Scott; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 11078) granting an increase of pension to Lovina Wort; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 11079) granting an increase of pension to Levena Beaman Mathis; to the Committee on Invalid Pensions.

By Mr. WILSON of Louisiana: A bill (H. R. 11080) granting a pension to Susan E. Hart; to the Committee on Pensions.

By Mr. GLYNN: Resolution (H. Res. 207) authorizing payment of \$360 per annum, payable monthly, as additional com-

pensation to the chief of janitors of the House of Representatives; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1660. By Mr. ANDREW: Petition signed by Mrs. Susan W. Reynolds and by other residents of Marblehead, Mass., opposing any weakening of the Volstead Act; to the Committee on the Judiciary.

1661. By Mr. BARBOUR: Telegram from Civic Commercial Association of Bakersfield, Calif., expressing opposition to House bill 10502, which would amend the pure food and drugs act relative to canned products, etc.; to the Committee on Interstate and Foreign Commerce.

1662. By Mr. CARSS: Petition of 20 residents of Ely, Minn., favoring enactment of House bill 71, the black bass bill, and House bill 7479, the migratory bird bill; to the Committee on Agriculture.

1663. Also, resolution of Hoga Nord Scandinavian Fraternity of America, rerecognition of Lelf Erickson as the discoverer of America; to the Committee on the Library.

1664. Also, resolution opposing House bill 5583 providing for registration of aliens, etc.; to the Committee on Immigration and Naturalization.

1665. Also, resolution of District Lodge, No. 1, I. O. G. T., Scandinavian Grand Lodge of Minnesota, opposing repeal or modification of the Volstead Act; to the Committee on the Judiciary.

1666. By Mr. CULLEN: Resolution of Brooklyn Post Office Clerks' Union, Local No. 251, National Federation of Post Office Clerks, approving House bill 7902; to the Committee on the Post Office and Post Roads.

1667. By Mr. FULLER: Petition of the Illinois State Federation of Labor urging favorable action on the House bill 8653; to the Committee on Labor.

1668. Also, petition of the Rockford Wholesale Grocery Co., Rockford, Ill., opposing the passing of House bill 10502; to the Committee on Agriculture.

1669. By Mr. GALLIVAN: Petition of Louis G. Stone, 262 Washington Street, Boston, Mass., recommending early and favorable consideration of House bill 7907, to increase salaries of Federal judges; to the Committee on the Judiciary.

1670. By Mr. GARBER: Petition by citizens of Lawton, Okla., favoring House bill 8133, granting relief to disabled Spanish War veterans; to the Committee on Invalid Pensions.

1671. Also, petition by citizens of Texas County, Okla., against compulsory Sunday observance bills (H. R. 7179 and 7822); to the Committee on the District of Columbia.

1672. Also, resolution by the members of the Prairie View Club, Blackwell, Okla., favoring keeping the prohibition amendment as it now stands; to the Committee on the Judiciary.

1673. By Mr. KVALE: Petition of several voters of Swift County, Minn., urging the passage of House bills 71 and 7479; to the Committee on Agriculture.

1674. By Mr. O'CONNELL of New York: Petition of the Fred. W. Lange Trucking Co., of New York, opposing the passage of Senate bills 1734, 476, and 477; to the Committee on Interstate and Foreign Commerce.

1675. Also, petition of the Richardson & Boynton Co., of New York, favoring the passage of House bill 8119; to the Committee on Banking and Currency.

1676. Also, petition of Camp Fire Club of America, favoring the passage of Senate bill 2607 and House bill 7479, the migratory bird refuge and marsh land conservation bill; to the Committee on Agriculture.

1677. By Mr. STRONG of Kansas: Petition of Woman's Relief Corps, No. 6, of Junction City, Kans., requesting enactment of pending legislation to increase pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

1678. By Mr. SWING: Petition of certain residents of Escondido, Calif., protesting against the passage of House bill 7179, for the compulsory observance of Sunday; to the Committee on the District of Columbia.

1679. By Mr. TINKHAM: Petition of the Mazzini-Garibaldi Republican Club and the Henry Cabot Lodge Republican Club, of Massachusetts, for a modification of the eighteenth amendment to the Constitution to permit the sale of beers and light wines; to the Committee on the Judiciary.

1680. By Mr. VINCENT of Michigan: Petition of residents of Saginaw County, Mich., protesting against House bills 7179 and 7822; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, April 7, 1926

(Legislative day of Monday, April 5, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Robinson, Ind.
Bayard	Fess	Lenroot	Sackett
Bingham	Fletcher	McKellar	Sheppard
Blease	Frazier	McMaster	Shipstead
Borah	George	McNary	Shortridge
Bratton	Gillett	Mayfield	Simmons
Broussard	Glass	Means	Smith
Bruce	Goff	Metcalf	Smoot
Butler	Gooding	Moses	Stanfield
Cameron	Greene	Neely	Stephens
Capper	Hale	Norbeck	Trammell
Caraway	Harrell	Norris	Tyson
Copeland	Harris	Nye	Walsh
Couzens	Harrison	Oddie	Warren
Cunningham	Overman	Overman	Watson
Curtis	Howell	Popper	Weller
Dale	Johnson	Phipps	Wheeler
Dill	Jones, N. Mex.	Pine	Williams
Edge	Jones, Wash.	Pittman	Willis
Edwards	Kendrick	Reed, Mo.	
Frost	Keyes	Reed, Pa.	
Fernald	Kling	Robinson, Ark.	

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

GERMAN SEIZED PROPERTY

Mr. BORAH. Mr. President, a day or two ago the Senator from Utah [Mr. KING] had inserted in the Record a letter from a Mr. Armstrong with reference to the Alien Property Custodian. Mr. James F. Lynch, of the New York bar, has written an answer to that letter, which I ask permission to have inserted in the Record.

The VICE PRESIDENT. Without objection, it is so ordered. The letter is as follows:

NEW YORK, January 29, 1926.

TO THE EDITOR OF THE NEW YORK HERALD-TRIBUNE:

The letter written to you by Mr. William Campbell Armstrong on the subject of "German seized property," published in your issue of January 24, 1926, justifies a comment, inasmuch as it contains certain errors of fact and law, and because it fails to inform the editor of the practically unanimous view to the contrary which supports Secretary Mellon in his plan for the disposition of this property:

(1) Mr. Armstrong says that the treaty of Berlin "permits the United States to satisfy its claim out of the seized property." The treaty discloses no such permit or possibility. All the treaty does, by incorporating the terms of the Knox-Porter resolution, is to permit the United States, subject to return of the property by action of Congress, "to retain" the property "until suitable provision" has been made "for the satisfaction of" the claims of American citizens. The administration evidently believes that by entering into the Dawes plan, such provision has been made, and it is probable that Germany would so claim. At all events, if at the Paris conference of January, 1925, among the allied governments, the United States was able to obtain, under the head of claims, only 2 1/4 per cent, not exceeding 45,000,000 marks a year, the fault is not that of the American claimants or of the German owners or of the German Government. The administration would seem to concur in this view.

(2) It is not probable that Mr. Mellon ignores the arguments which Mr. Armstrong makes. For example, "that Germany has lawfully expropriated the seized property," and "that title thereto is now vested in the United States as owner, and the former owners no longer have any interest in the property or its proceeds." Hardly anyone who has studied this subject agrees that this is a correct presentation of the law, and evidently those who have advised the Government departments on the subject also differ from Mr. Armstrong. To agree with Mr. Armstrong would mean to ignore the decisions of the United States Supreme Court on this question (Central Union Trust Co. v. Garvan (1921), 254 U. S. 554) and of numerous other courts in the country. A gratuitous dictum of a New York Federal court, since severely criticized as unsound, does not change the conclusion of the Supreme Court or of the Government on the law. If the United States has already confiscated the property, how is it that interest is being paid to the owners from whom it was taken? Moreover, if already confiscated, no further action by Congress would seem to be necessary, for the United States would already have stultified its national tradition beyond repair. Yet I do not know anyone who contends that the property could be taken for any use without further action by Congress. If Mr. Armstrong were right, then some of our leading authorities on these subjects, as well as the President and the Secretaries of State and the Treasury and the Attorney General, who have given it

the closest study, must be absent-minded. This is hardly possible. The administration view is dictated not by any sympathy for German interests, but exclusively in the interest of the United States, which probably finds some profit in a policy of honesty and the redemption of its promises.

(3) The treaty of Versailles is not binding on the United States in the face of the Knox-Porter resolution, which adopted an entirely different method of dealing with the sequestered property. It is true that England and France have confiscated the property invested in their countries, and they will have to live with that precedent and all that it involves. But the United States has a different history, a different traditional policy, and a different treaty to deal with. We are not confiscators. We could not object to Mexico and Russia to-day about the confiscation of foreign-owned private property if we touch the private property held in Washington. Doubtless such facts, together with the realization that we have invested \$11,000,000 abroad, increasing at the rate of a billion a year, had something to do with the administration's view that it would be highly unwise, as well as violative of international law, to fail to return the property to its legitimate owners, who invested it in the United States in reliance upon American law and the Constitution.

(4) Mr. Armstrong is in error about the nature of the claim against Germany and about the character of the ownership of the sequestered property. The property is owned by thousands of private investors. The claims are based on losses due not only to the acts of Germany, but also to the acts of the allied governments. A great proportion of them do not constitute violations of international law, the Mixed Claims Commission has said.

(5) The administration probably decided to use the Rhine army costs for the satisfaction of American claims, because (a) Germany once paid this sum to the Reparation Commission, which unfortunately forgot to transmit the amount to Washington; when Washington demanded its share, Mr. Poincaré informed this Government that the money had been spent, and that we might ask Germany for it a second time, which we did; and (b) because the Rhine army would have had to be supported wherever located and at probably greater expense. The 55,000,000 marks which thus come to us annually out of future payments from Germany constitute a preferred payment having priority in transfer and practically alone are sufficient to serve and amortize the bond which the administration proposes to issue to dispose of both these troublesome legacies of the war—sequestered property and American claims.

(6) The suggestion that Germany, under the treaty of Versailles, is bound to make good the confiscations inflicted upon its nationals abroad must be understood in the light of the fact that the allied Governments at Spa in 1921, Brussels in 1922, and Paris in 1924, objected to the German Government assuming any such budgetary charge. They have made it impossible for Germany to assume the obligation, even to the extent that might be possible for that Government to assume, the obligation amounting to twelve to fifteen billion gold marks. The result is that the most effective confiscation ever perpetrated anywhere, except in Soviet Russia, has taken place. Because the United States refuses to debase itself with a similar disastrous policy, it is suggested that an error has been made by the administration. Mr. Armstrong's suggestion was denounced by the International Law Association "as a relic of barbarism, worthy of the most severe condemnation." Ex-Senator Knox denounced it as "indecent," Senator BORAH as "immoral," and Senator MOSES as a species of "land piracy." It should not be forgotten that our own long-run interests as a nation of foreign investors and as a nation largely built up by foreign capital are closely involved in the solution of these problems.

(7) The suggestion of Mr. Armstrong would make the solution either impossible or delay it for perhaps 20 years. By that time the property would probably have been dissipated and confiscation would have been effectually achieved. The administration has wisely followed better counsel, with a broader horizon and with more considerations and data than possibly Mr. Armstrong was able to summon and assemble. The administration plan has probably been approved by the agent general for reparations. It seems unfortunate that so statesmanlike a proposal should be subjected to so biased and largely misinformed an objection as is herein refuted. Political passions are probably not the best counselors in financial matters.

JAMES F. LYNCH,
Counselor at Law.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 10351) granting the consent of Congress to the Natchez-Vidalia Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Natchez, Miss., in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 2465) to amend the act entitled "An act to regulate for-

sign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8917) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes.

The message also announced that the House had receded from its disagreement to the amendments of the Senate Nos. 22, 28, and 48 to the bill (H. R. 8917) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate Nos. 3, 7, 10, 11, 12, 30, and 34, and agreed thereto severally with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1144. An act authorizing the Secretary of War to acquire a tract of land for use as a landing field at the air intermediate depot, near the city of Little Rock, in the State of Arkansas;

S. 1250. An act to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, as amended by the act approved March 3, 1883;

S. 1462. An act permitting Leo Sheep Co., of Rawlins, Wyo., to convey certain lands to the United States and to select other lands in lieu thereof, in Carbon County, Wyo., for the improvement of the Medicine Bow National Forest;

S. 1746. An act to authorize the Secretary of Commerce to transfer the Barnegat Light Station to the State of New Jersey;

S. 1809. An act to extend the time for the construction of a bridge across the Wabash River at the city of Vincennes, Knox County, Ind.;

S. 2029. An act to authorize the use by the city of Tucson, Ariz., of certain public lands for a municipal aviation field, and for other purposes; and

S. 2530. An act authorizing the use of the funds of any tribe of Indians for payments of insurance premiums for protection of the property of the tribe against fire, theft, tornado, and hail.

JOINT COMMITTEE ON INVESTIGATION OF THE NORTHERN PACIFIC LAND GRANTS

The VICE PRESIDENT. The Chair appoints the Senator from Kentucky [Mr. SACKETT] as a member on the part of the Senate of the Joint Committee on Investigation of the Northern Pacific Land Grants, created by section 3 of the joint resolution approved June 5, 1924, entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," to fill the vacancy caused by the death of the late Senator from Missouri [Mr. Spencer].

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of New Jersey, which was referred to the Committee on Commerce:

Joint Resolution No. 6, Laws of 1926

STATE OF NEW JERSEY.

Joint resolution concerning the piers in the city of Hoboken, county of Hudson

Whereas in virtue of an act of Congress, passed for the purpose of enabling the President of the United States to take over the valuable water front in the city of Hoboken belonging to the North German Lloyd Steamship Co. and the Hamburg American Steamship Co. for the purpose of national defense during the period of the war, the said properties were taken over and occupied by the War Department during the period of war; and

Whereas when the war terminated, instead of selling the said property or turning the same over to mercantile uses, so that the said property would return to the city of Hoboken and the county of Hudson its former quota of taxation, the Government of the United States turned the said properties, through the War Department, over to a shipping board and is now operating the said valuable dock property and has been operating the same without the payment of taxes for the purpose of conducting an independent mercantile marine competition with other shipping interests, whereby said city of Hoboken has been deprived of

payment of taxes from the said property to the amount of over \$3,000,000, and the tax rate of the said city as a result of the said operation has been increased from 22.01 to 47.50, all of which is evidenced by a presentment of the grand jury of the county of Hudson made to the court of oyer and terminer of that county on the 15th day of September, 1925; and

Whereas the said loss in payment of taxes to the city of Hoboken results in a loss to the county of Hudson and the State of New Jersey by reason of the fact that the said city, if the present order of things should continue, may be unable to pay its bonded indebtedness and its pro rata contribution to the county of Hudson and the State of New Jersey based upon its physical assets as they stood prior to the expropriation of the said lands and water front; and

Whereas it is desirable in the interests of justice and honesty that the Federal Government shall pay the present indebtedness due to the city of Hoboken for taxes by reason of the fact that the said properties are not used for Government purposes, and have not been so used since the termination of the war, but have been used and are now being used exclusively for commercial competitive purposes by the said Shipping Board, and for that reason said Shipping Board should be compelled out of its receipts to pay the sum of taxes now in arrears to the city of Hoboken and should be compelled also to recognize, acknowledge, and pay as any other corporation transacting a commercial business, all taxes and municipal charges which may accrue in the future to the said city of Hoboken while said board is thus operating said property: Now, therefore, be it

Resolved by the Senate of New Jersey (House of Assembly of the State of New Jersey concurring), That it is the sense of the legislature that the Shipping Board now in control of the said piers and the property connected therewith should be compelled by the Federal Government to pay with all convenient speed the arrears of taxes due to the said city of Hoboken since the said Shipping Board assumed control and ownership of the said pier property, and that the said Shipping Board should also be directed at once to acknowledge, recognize, and pay to the city of Hoboken all future assessments for taxes which may be levied and assessed against the said property of the said city of Hoboken so that the said properties shall not be exempt from taxation; and

Resolved, That a copy of these preambles and resolutions, signed by the governor of this State, and properly authenticated by the secretary of state, be sent, through the Hon. WALTER E. EDGE and the Hon. EDWARD I. EDWARDS, representing the State of New Jersey, to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to the Members constituting the congressional committee having the matters of the Shipping Board in charge, to the end that immediate action may be taken by the Congress of the United States for the adjustment of said arrears and for the payment of all future taxes as the same may accrue.

Approved, March 29, 1926.

STATE OF NEW JERSEY,
DEPARTMENT OF STATE.

I, Thomas F. Martin, secretary of state of the State of New Jersey, do hereby certify that the foregoing is a true copy of an act passed by the legislature of this State, and approved by the governor the 29th day of March, A. D. 1926, as taken from and compared with the original now on file in my office.

In testimony whereof I have hereunto set my hand and affixed my official seal at Trenton this 6th day of April, 1926.

[SEAL.]

THOMAS F. MARTIN,
Secretary of State.

Mr. KENDRICK. Mr. President, I present a memorial signed by about 700 citizens of my State, a majority of whom at least are members of the Church of the Latter Day Saints, protesting against any interference with the Volstead Act. I move that the memorial be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. PEPPER presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of Senate bill 2808, amending the Interstate Commerce Commission act, which was ordered to lie on the table.

He also presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of the bill (H. R. 5583) providing for the registration of aliens, which was referred to the Committee on Immigration.

He also presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of the bill (H. R. 3991) to prohibit the sending of unsolicited merchandise through the mails, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of the bill (H. R. 10) providing for the metric system as a single standard of weights and measures in the United States, which was referred to the Committee on Commerce.

He also presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of House bill 8052, the so-called Bacon bill, amending the merchant marine act of 1920 and the shipping act of 1916, which was referred to the Committee on Commerce.

REPORT OF THE CLAIMS COMMITTEE

Mr. MEANS, from the Committee on Claims, to which was referred the bill (S. 1728) for the relief of the owners of the steamship *San Lucar* and of her cargo, reported it without amendment and submitted a report (No. 560) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TRAMMELL:

A bill (S. 3877) to provide for the locating and establishing of a national park in the State of Florida, to be known as Ponce De Leon National Park, and providing for the securing of land therefor; to the Committee on Public Lands and Surveys.

By Mr. TYSON:

A bill (S. 3878) to give war-time rank to certain officers on the retired list of the Army; to the Committee on Military Affairs.

A bill (S. 3879) for the relief of W. T. Murray, administrator of the estate of Florence Martin, deceased; and

A bill (S. 3880) for the relief of Mollie Van Hooser, administratrix of the estate of Myrtle Van Hooser, deceased; to the Committee on Claims.

By Mr. BRATTON:

A bill (S. 3881) for the relief of Margaret A. McSpadden; to the Committee on Finance.

By Mr. ROBINSON of Arkansas:

A bill (S. 3882) for the relief of Bert Moore; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 3883) for the relief of George Caldwell; to the Committee on Military Affairs.

By Mr. KENDRICK:

A bill (S. 3884) authorizing expenditure of tribal funds of Indians of the Tongue River Indian Reservation, Mont., for expenses of delegates to Washington; to the Committee on Indian Affairs.

By Mr. NORRIS:

A bill (S. 3885) to provide for the better regulation of grazing on national forests, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. SACKETT:

A bill (S. 3886) granting an increase of pension to Elizabeth Brough (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3887) to authorize the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Daniel F. Crump within Glenwood Cemetery; and

A bill (S. 3888) to provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MAYFIELD:

A bill (S. 3889) to amend the interstate commerce act, as amended, in respect of tolls over certain interstate bridges; to the Committee on Interstate Commerce.

By Mr. MOSES:

A bill (S. 3890) granting a pension to Charlotte W. Conroy (with accompanying papers); to the Committee on Pensions.

By Mr. EDGE:

A bill (S. 3891) to amend the national prohibition act, to provide for State local option, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMERON:

A bill (S. 3892) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Lloyd B. Ward; to the Committee on Claims.

By Mr. REED of Pennsylvania:

A bill (S. 3893) to provide retirement for licensed officers of the United States Army Transport Service; to the Committee on Military Affairs.

A bill (S. 3894) to regulate interstate commerce by motor busses operating or to operate as common carriers of passengers for hire through the Interstate tunnel now being constructed under the Hudson River between the city of New York, State of New York, and the city of Jersey City, State of New Jersey; and over the Interstate bridge now being constructed across the Delaware River between the city of Philadelphia, Common-

wealth of Pennsylvania, and the city of Camden, State of New Jersey; to the Committee on Interstate Commerce.

By Mr. SHORTRIDGE:

A bill (S. 3895) to correct the military record of John W. Howard; to the Committee on Military Affairs.

By Mr. JONES of Washington:

A bill (S. 3896) to amend section 11 of the merchant marine act, 1920, and to complete the construction loan fund authorized by that section; to the Committee on Commerce.

By Mr. WATSON:

A bill (S. 3897) granting a pension to Agnes Dunlap;

A bill (S. 3898) granting a pension to Margaret Hamilton; and

A bill (S. 3899) granting a pension to Cate Wheeler; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3900) granting a pension to Roger James Richmond (with accompanying papers); to the Committee on Pensions.

By Mr. CAMERON:

A bill (S. 3901) to cede unreserved public lands to the several States; to the Committee on Public Lands and Surveys.

By Mr. GOFF:

A joint resolution (S. J. Res. 88) requesting the President to propose the calling of a third Hague conference for the codification of international law; to the Committee on Foreign Relations.

CHANGE OF REFERENCE

On motion of Mr. PEPPER, the Committee on Military Affairs was discharged from the further consideration of the bill (S. 3715) for the relief of the Harrisburg Real Estate Co., of Harrisburg, Pa., and it was referred to the Committee on Claims.

HOUSE BILL REFERRED

H. R. 10351. An act granting the consent of Congress to the Natchez-Vidalia Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Natchez, Miss., was read twice by its title and referred to the Committee on Commerce.

AMENDMENT TO PUBLIC BUILDINGS BILL

Mr. PEPPER submitted an amendment intended to be proposed by him to the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes, which was ordered to lie on the table and to be printed.

He also submitted sundry amendments intended to be proposed by him to the bill (S. 2007) for the construction of certain public buildings, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT OF TRADING WITH THE ENEMY ACT

Mr. CUMMINS. I ask the Chair to lay before the Senate the action of the House of Representatives on Senate bill 1226, concerning the Alien Property Custodian.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1226) to amend the trading with the enemy act, which was read.

Mr. CUMMINS. I move that the Senate disagree to the House amendment, agree to the conference asked by the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. CUMMINS, Mr. BORAH, and Mr. KING conferees on the part of the Senate.

CLAIMS OF THE CHIPPEWA INDIANS OF MINNESOTA

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 178) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HARRELD. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. HARRELD, Mr. CAMERON, and Mr. KENDRICK conferees on the part of the Senate.

PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on April 5, 1926, the President approved and signed the act (S. 2461) to grant extensions of time under oil and gas permits.

HAYDEN NATIONAL FOREST, COLO.

The PRESIDING OFFICER (Mr. BLEASE in the chair) laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Public Lands and Surveys:

To the Congress of the United States:

In accordance with the request contained in the resolution adopted by the National Forest Reservation Commission at its meeting of March 31, 1926, I transmit for appropriate action by the Congress a copy of the resolution in question and a copy of the letter from the Secretary of Agriculture referred to therein, both relating to the proposed addition of certain public lands to the Hayden National Forest in the State of Colorado.

CALVIN COOLIDGE.

THE WHITE HOUSE, April 7, 1926.

[NOTE.—Resolution accompanied similar message to the House of Representatives.]

PAYETTE NATIONAL FOREST, IDAHO

The PRESIDING OFFICER also laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Public Lands and Surveys:

To the Congress of the United States:

In accordance with the request contained in the resolution adopted by the National Forest Reservation Commission at its meeting of March 3, 1926, I transmit for appropriate action by the Congress a copy of the resolution in question and a copy of the letter from the Acting Secretary of Agriculture referred to therein, both relating to the proposed addition of certain public lands to the Payette National Forest in the State of Idaho.

CALVIN COOLIDGE.

THE WHITE HOUSE, April 7, 1926.

[NOTE.—Resolution accompanied similar message to the House of Representatives.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bill and joint resolution of the Senate:

S. 3108. An act to amend section 2 of the act of June 7, 1924 (43 Stat. L. p. 653), as amended by the act of March 3, 1925 (43 Stat. L. p. 1127), entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor"; and

S. J. Res. 78. Joint resolution for the amendment of the plant quarantine act of August 20, 1912, to allow the States to quarantine against the shipment therein or through of plants, plant products, and other articles found to be diseased or infested when not covered by a quarantine established by the Secretary of Agriculture, and for other purposes.

The message also announced that the House insisted upon its amendment to the bill (S. 1226) to amend the trading with the enemy act; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PARKER, Mr. COOPER of Ohio, and Mr. LEA of California were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SHREVE, Mr. TINKHAM, and Mr. OLIVER of Alabama were appointed managers on the part of the House at the conference.

SENATOR FROM IOWA

The Senate resumed the consideration of the resolution (S. Res. 194) declaring Daniel F. Steck to be duly elected Senator of the United States from the State of Iowa for the term beginning March 4, 1925, reported by Mr. ERNST, from the Committee on Privileges and Elections.

Mr. STEPHENS. Mr. President, I have been informed that a recess is to be taken in a few minutes. I shall speak until I am notified that the time for the recess has arrived. As it will be only a few moments, I shall not be able to discuss at length any proposition, so I am going to begin this morning by calling attention to a few facts, facts that weigh heavily in this equa-

tion, as it seems to me. I shall discuss these propositions at greater length later on in the debate.

I want to say in the first place, Mr. President, that when the election was held in the State of Iowa and the canvassing board made its return it was shown that Smith W. Brookhart had a plurality of 775 votes. Later on a contest was filed and it became necessary for the returns of the canvassing board to be sent here. When those returns were sent and when the tabulators, acting under authority of the Committee on Privileges and Elections, retabulated, or I might express it, read the returns from the various counties of the State, it developed that Senator Brookhart's plurality had increased from 775 to 817.

After the contest was filed Mr. Brookhart, through his attorney, in order to make sure that the ballots cast in what are known as the machine counties—and I may say there are 22 such counties in that State—went into court and had injunctions issued, as I understand, restraining the parties in charge of those machine ballots from destroying them. They were preserved; they were counted by the auditors or the workers or the supervisors, or whatever we may call them, who were sent out by the committee of the Senate. When they recounted the ballots in the machine counties it developed that on the recount in those counties Senator Brookhart had gained 775 votes.

Mr. REED of Pennsylvania. Were there also paper ballots cast in those counties?

Mr. STEPHENS. I was going to get to that in a moment, I will say to the Senator from Pennsylvania, but I will answer him now. In most of those counties, as I recall, there were no paper ballots; most of them were strictly machine counties. In some of them there were a few precincts where they had what we call paper ballots.

Mr. BAYARD. Mr. President, will the Senator tell us the date of the issuance of the injunctive processes to safeguard the machine ballots?

Mr. STEPHENS. My recollection is that in those counties where they had machine ballots, though I am not sure as to that, the law privileged the county auditor, if he should be the party in charge of the ballots, to empty the machines after 30 days. I think that is correct. Then, in the other counties, where they did not use the machines, the county auditor was required to preserve the ballots for six months.

Mr. BAYARD. Then, it would follow, if the Senator please, that Senator Brookhart took out his injunctive writs shortly after the election and before the first of the year 1925?

Mr. STEPHENS. I can not give the date, I am very frank to say.

Mr. BAYARD. But going on the assumption of the Senator's recollection of the law that the machine vote ballots are to be safeguarded by the legal guardian, whatever his title may be, for not less than 30 days, Senator Brookhart, to make sure that they would be safeguarded, on notice of contest took out these injunctive writs to safeguard the ballots?

Mr. STEPHENS. He took the precaution, as I understand, so that these ballots might be preserved as they had been cast in those counties. As to the date I am not advised. Perhaps I could later get the date, and if I find that I can do so before I conclude I shall be glad to give the information.

However, what I was saying was in most of those counties there were very few paper ballots, and, as I said a moment ago, in those counties Senator Brookhart gained 775 votes; I think that was the number.

Mr. GOFF. Mr. President, will the Senator yield to me?

Mr. STEPHENS. I yield.

Mr. GOFF. Does the Senator draw the conclusion that there was anything other than a mistake in the computation reflected in the machine vote?

Mr. STEPHENS. I have not drawn any conclusion; at least, I have not expressed any up to date.

Mr. GOFF. I am not asking the Senator to express any.

Mr. STEPHENS. My idea, I will say to the Senator, is that because of that precaution on the part of Senator Brookhart those ballots were properly preserved, and they showed how they were cast by the voters in the election.

Mr. GOFF. Did not the recount as conducted by the Committee on Privileges and Elections give the Senator from Iowa the excess vote over and above the official count of the State of Iowa?

Mr. STEPHENS. Of course in the machine counties the committee accepted the report of the chief supervisor, Colonel Thayer, and his assistants, as I understand.

Mr. BAYARD. Mr. President, I desire to ask the Senator another question, and it is this: In taking the count from the machine ballots alone were any votes other than those for Senator taken?

Mr. STEPHENS. I am not advised as to that. As was suggested two or three times on yesterday by another Senator in the Chamber, I was not a member of the subcommittee, and it may be that I can not answer all the questions which may be asked me, though, I will say, I am pretty familiar with everything that appears in the printed hearings and the record in this case. Outside of that perhaps I can not go as far as can others.

Mr. BAYARD. Then, the Senator knows of no record which would show a comparison between the senatorial vote cast on the machines and the total vote cast in the precincts where the machines were used?

Mr. STEPHENS. Not by precincts; but I have prepared here a table—

Mr. BAYARD. I will take the gross of all the machine precincts, if the Senator please. There were about 2,000 machine precincts, were there not?

Mr. STEPHENS. No, sir; there were not that many. My recollection is that there were about one thousand eight hundred and some odd paper-ballot precincts and less than 2,500 precincts altogether in the State.

Mr. BAYARD. Whatever the number was, we will say, in round numbers, there were about 600 machine precincts. There is no question but that the committee's representative went out there and took from the machines the result of the senatorial vote, anyway.

Mr. STEPHENS. He did.

Mr. BAYARD. But does the record disclose that at the same time the committee's representative or the representative of Mr. Steck or of Senator Brookhart made any computation from those machines showing the gross number of votes cast in each one of the precincts, which would be tantamount to a tally list for the paper ballots?

Mr. STEPHENS. I am going to answer that question in this way: I have very little information and have been unable to procure it, with reference to the vote, precinct by precinct, because the committee absolutely refused to have that gone into, stating that it was unnecessary.

As I said on yesterday, when it was disclosed that there were 1,068 precincts in that State where there were discrepancies between the names on the poll lists and the number of ballots found in the boxes, although a member of the committee asked that the committee instruct the tabulators to make an investigation and report, the request was waived aside, and it was said such action was unnecessary, and it was stated that no more counting would be done. That is in the record.

Mr. DILL. Do I understand that a member of the committee made that request?

Mr. STEPHENS. He did.

Mr. GEORGE. I hope the Senator will yield to me, because I know he does not want to make any statement from the record here that raises any issue of fact.

Mr. STEPHENS. I do not.

Mr. GEORGE. Let me say in regard to the machine votes that the votes on the machines in the State of Iowa were read by Mr. Thayer, Secretary of the Senate.

Mr. STEPHENS. I will say to the Senator that, if he will give me an opportunity, I think I can tell pretty well from the record what was said by Colonel Thayer to have been done with reference to the machine votes. I could not answer the Senator from Delaware, because I do not know the vote precinct by precinct.

Mr. GEORGE. I merely want to say that Mr. Thayer and a representative of Senator Brookhart and a representative of Mr. Steck read the machine vote in Iowa, the machines not having been brought down to Washington. They did not take any vote except the vote for Senator. They did not take the total vote as registered by the machines.

I wish also to say in that connection that Colonel Thayer in his testimony in the record is direct, that he himself took the figures given to him by the representatives of Steck and Brookhart, and that the only thing he brought to the committee was the total vote from each machine for the respective candidates for the Senate, and did not bring the total vote cast.

Mr. REED of Pennsylvania. Mr. President, what is the importance of knowing the total vote cast in the machine counties? How does that bear on the case?

Mr. GEORGE. I do not think it does bear on it, Senator; but the importance of it is this: It is said that there were certain precincts in the State in which paper ballots were used in which there was a discrepancy between the ballots brought down here to be counted and the names appearing on the poll list. Hence, when they did not take the total number of votes registered on the machines there was no way to ascertain in any one of the machine precincts—and they were the

more populous precincts in the State—whether the total votes appearing on the machine tallied with the names on the poll list; that is, tallied in point of number. I do not think it is material.

Mr. STEPHENS. I agree with the Senator from Georgia that it is not very material; but the Senator from Delaware has asked a question in regard to the machine votes. I prepared this morning just before I left my office—perhaps I neglected to bring it with me—a little statement with reference to the machine counties, because the other day when the Senator from Arkansas [Mr. CARAWAY] was speaking a Senator—the Senator from Wisconsin [Mr. LENROOT], I think—asked some question about the machine counties. I do not find that table here now, but I want to call attention to a fact which I take from the statement prepared under the authority of the Committee on Privileges and Elections. I presume it is entirely accurate, except in a case or two, where I myself found a mistake. Take Benton County, for example; that is a machine county.

Mr. BAYARD. Is it entirely a machine county?

Mr. STEPHENS. It is entirely a machine county; yes, sir. It happened, for some reason, that the supervisors failed to make a statement with reference to the poll list in that county. It is noted here, "No poll list."

Mr. GEORGE. Mr. President, if the Senator will pardon me, the supervisors did not fail to make any statement about the poll list. The supervisors did not make any statement about the poll list in any machine county. The poll lists were not sent down here from those counties.

Mr. STEPHENS. Let me ask this question: Were the ballots from that county sent here?

Mr. GEORGE. That is a machine county.

Mr. STEPHENS. I understand that.

Mr. GEORGE. There were no ballots. They went out there and took the count there.

Mr. STEPHENS. All right.

At any rate, under the heading "Number of names on poll lists," it is indicated that in Benton County there were no poll lists returned; but what do we find? We find that the official return, the return made by the officers of the election in that county, tallies exactly with what the representatives of the committee found in the machines when they went there and made an investigation, and proceeded in whatever manner they did to determine the votes cast in that county.

I repeat, as was suggested a moment ago by the Senator from Georgia, that this is not a matter that has any weight or part at this time in this matter; but even if it did, these auditors or supervisors went there and found that it tallied without the slightest variance, tallied exactly, came back and made the report, and reported also that there were no poll lists. Therefore I want to suggest to the Senator from Delaware that if there is anybody to be criticized, anybody to show that anything was wrong there, it is to be shown by the man who is making the contest in this case, because Senator Brookhart has a prima facie right to the seat. He has been certified as having been elected. He has been commissioned as Senator. He is sitting in this body. He filed no contest. The contest was filed by Mr. Steck. These parties went out there because Mr. Steck had filed this contest. If anybody is to be criticized, if anybody is to be affected by it, it is certainly not Senator Brookhart, as I see it.

Mr. BAYARD. Mr. President, in the last county from which the Senator read touching the machine votes, was there any gain for Senator Brookhart?

Mr. STEPHENS. I just stated that to the Senator, and I will read it.

Mr. BAYARD. I am asking with regard to the machine ballots.

Mr. STEPHENS. I understand; yes, sir. I am reading from Benton County:

County auditor's official count: Steck, 5,033.

We go over here and find a "tabulation sheet."

Mr. BAYARD. By whom is that made?

Mr. STEPHENS. That is made by the men representing the committee who went out there. We find there the identical figures, 5,033.

Mr. BAYARD. There was no change in the machine vote in that county?

Mr. STEPHENS. No. Now we come to Senator Brookhart's votes—3,301, according to the county auditor's official count. Then we go over here and we find that the tabulators representing the committee gave him this identical figure, 3,301.

Mr. BAYARD. There was no change in the official figures on the machine vote?

Mr. STEPHENS. No change whatever.

I may say that there are only two machine counties where there were no poll lists returned. It will cause me some little difficulty to go through this, because it is a broad sheet, but I have it tabulated and I will present it.

Mr. BAYARD. I do not want to ask the Senator to do that.

Mr. STEPHENS. But I am going to say this: If the Senator will pardon me, I am going to read what is shown by this tabulation sheet with reference to the machine counties. Mark you, there are 22 of them. On this list—I think it is accurate though I made it hurriedly this morning—I have not referred at all to 12 machine counties for the reason that in those counties there was no variance between the number of names on the poll list and the number of ballots in the machines. One county, as I recall, went away up in the thousands—25,000 or more, and yet it tallied exactly.

Mr. BAYARD. Just a minute. When the Senator says that he is talking about the senatorial votes or the votes cast for all the people on the poll list?

Mr. STEPHENS. The Senator perhaps does not understand exactly what was done.

Mr. BAYARD. Will not the Senator please answer my question?

Mr. STEPHENS. I am going to answer it. I am going to explain it to the Senator.

Suppose we go to a precinct and find there 500 names on the poll list. We find, for example, that Steck received 250 and that Brookhart received 225. That will make 475, a difference of 25 between the votes those two gentlemen received and the names on the poll list. Then on this sheet there would appear, "So many votes, no votes"; and what they mean by "no vote" is that there was a ballot there that was cast for neither Brookhart nor Steck.

Mr. BAYARD. Did those "no votes" total 25 to make up the 500?

Mr. STEPHENS. They did.

Mr. BAYARD. In each case—in each county?

Mr. STEPHENS. I stated that according to my recollection and a calculation made hurriedly this morning there are 12 counties where there was no variance between the names on the poll list and the ballots found in the machines.

Mr. BAYARD. But there are 99 counties in the whole State.

Mr. STEPHENS. I am talking now only about the 22 machine counties.

Mr. BAYARD. The Senator has taken out 12 of those, has he not? That leaves 10.

Mr. STEPHENS. I have taken out 12; and I am going to call the Senator's attention, if he will give me a little time, to the other 10.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. STEPHENS. I am glad to yield.

Mr. LENROOT. The Senator stated, I think, that the "no votes" comprised those votes where there was no vote for Senator. Is it not a fact that they were also comprised as "no votes" if the ballots were defective so that they could not be counted for any candidate for Senator?

Mr. STEPHENS. I should judge so, sir; yes, sir. Every ballot that was not counted for Brookhart or Steck or Eickelberg or Brewer was considered a "no vote" so far as the senatorial election was concerned.

Now, I am going to explain about these 10 counties.

We find that with reference to Benton County, as I said a moment ago, no poll lists were returned; but the reading made by the supervisors tallied exactly with the reading made by the holders of the election at the various precincts.

Now, I come to Boone County; and I wish some Senator would take this list, and if I have made an error I should be glad to have it corrected, because, as I said, I made it very hurriedly myself this morning, and in going over that large table, of course, a man might make a mistake. Boone County is a machine county. In that county there was one more vote than names on the poll list—only one. Now, let us see about Boone County. There were 11,424 names on the poll list. There were 11,425 ballots in the box. It might be, of course, that where there was that great number of voters they would inadvertently leave off the name of some voter who came in and procured a ticket; but in the whole county out of eleven thousand and almost five hundred votes there was only a discrepancy of one.

Mr. BAYARD. Would it not necessarily follow in that case, then, that one person had voted whose name was not recorded on the poll list?

Mr. STEPHENS. I grant that; yes.

Now Clay County: There were two more names on the list than ballots in the box out of 5,971.

Then we come to Crawford County. There was one more name on the list than ballots; and in that county there were 8,240 names on the list and 8,239 ballots in the box—a difference of only one.

Dickinson County: Two missing poll lists; 230 more ballots than names. Now we will see about Dickinson County. It is indicated here on this sheet that there was one poll list missing from one precinct where there were about 230 votes, I presume, cast.

Mr. NORRIS. Mr. President, does that missing poll list account for that discrepancy?

Mr. STEPHENS. Of course, I have not seen the poll list. I have not even seen a tabulation of the vote at that precinct; but I want to call attention to the fact that the county auditor's official count gave Mr. Steck 1,951 votes. The supervisors representing the committee gave Mr. Steck 1,951 votes. The same vote was found in the machines that the officials of the election certified had been cast for Steck. Senator Brookhart in that county received 1,899 votes, according to the county auditor's official count. The supervisors who read these machines at the instance of the committee found that Brookhart had received 1,899 votes, the identical number given him by the judges of the election.

Now we come to Dubuque County. We find there that there were 26,260 names on the poll list. There was one more vote or ballot in the box than there were names on the poll list—only one out of over 26,000.

Then we come to Franklin County. As I recall, that is the second county and the last county where there were no poll lists returned.

In that county there was a slight difference in the number of votes given Steck and Brookhart, though the difference is not very large. In other words, Mr. Steck was given by the supervisors representing the committee eight less votes than he was given by the official count. Senator Brookhart was given practically 90 votes more than the official count gave him.

I have called attention to two counties, and there were only two, I think, where all the poll lists were not returned. In one or two counties there were poll lists missing, but, as I have said, in some of those counties at least, if not all, there was no difference between the official return made by the judges of the election and the return made by the supervisors representing the committee of the Senate.

Now we come to Hardin County. There was one poll list missing. There Mr. Steck was given 60 votes more than he was credited with by the official count, and Senator Brookhart received about 180 votes more. There was one poll list only missing in that county. There were more than 8,500 votes cast, and more than 8,100 names on the poll list.

Mr. President, in Iowa County there were 15 more names appearing on the poll list than there were ballots in the boxes.

Mr. BAYARD. Is the Senator now talking about the machine ballots?

Mr. STEPHENS. If the Senator will permit me, I did not use the word "machine." I said the "boxes," and I said it advisedly, because that county was what we call a mixed county. That is, most of the voting was done by machine, but there were one or two—some precincts in the county, I do not know exactly how many—where paper ballots were used, and machines were not used. I do not know where this difference of 15 occurred, whether in the machine vote or in the paper-ballot vote. I can not tell as to that, because there is nothing here to show.

Then we come to Johnson County. Johnson County is also what might be termed a mixed county. There were some machines used in that county. Most of the ballots, I believe, were paper ballots. In that county Senator Brookhart received 1,016 machine votes, Mr. Steck received 1,874 machine votes, making 2,890 machine votes credited to the two candidates.

RECEPTION TO PAN AMERICAN JOURNALISTS

The delegates to the Pan American Congress of Journalists in session in the city of Washington having been escorted to the seats in the galleries set apart for them,

Mr. CURTIS. Mr. President, I ask unanimous consent that the Senate take a recess until 5 minutes after 1 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senate will stand in recess for 15 minutes.

Mr. BINGHAM. Mr. Vice President and Senators, I desire to take advantage of the recess to call to your attention the fact that there are present at the Capitol to-day the representatives of the fourth estate in North America and South America. The newspaper publishers and editors of the great newspapers of the Western Hemisphere are assembled in a

Pan American conference. They are now here. I desire to say a word of welcome to them in English and in Spanish. I only regret my inability also to address the delegates from Brazil in the beautiful language of the great poet, Camoens, with which they are familiar and which is their native language.

Gentlemen of the press of North and South America, I salute you cordially. We welcome you as the great educators of public opinion on these continents. On your efforts depends in great part the increasing development of closer relations between the Pan American nations.

Permit me to express the hope that you will convey to your people the cordial feeling existing in the United States for your countries.

In greeting you may we trust that this visit will leave in your minds most pleasant impressions of the United States; and that upon your return you will be to your people as eloquent interpreters of the profound and sincere desire of the people of the United States to cultivate the closest relations of friendship and cooperation with the great nations of the south. [Applause on the floor and in the galleries.]

Señores de la Prensa de América del Norte y del Sur: Os saludo cordialmente.

Os damos la bienvenida como a los grandes educadores de la opinión continental. De vuestros esfuerzos depende en gran parte el creciente desenvolvimiento de las estrechas relaciones entre las naciones de las Américas.

Permitidme expresaros nuestra esperanza de que vosotros llevaréis a vuestros pueblos el testimonio de la cordialidad de sentimientos que existe en los Estados Unidos para vuestras patrias.

Al daros nuestra bienvenida, expresamos el voto de que vuestra visita deje en vuestro espíritu las más gratas impresiones de los Estados Unidos y de que a vuestro regreso seréis, ante vuestros pueblos, los intérpretes elocuentes del profundo y sincero anhelo del pueblo de los Estados Unidos de cultivar las más estrechas relaciones de amistad y de cooperación con las grandes naciones del Sur. [Applause in the galleries.]

Mr. ROBINSON of Arkansas. Gentlemen of the press, I do not speak in Spanish, because my Spanish is scarcely distinguishable from my English or my Greek. To the remarks with which the Senator from Connecticut concluded his address, I desire to add a word of appreciation from this side of the Chamber.

In America we are sincerely devoted to the press as the one outstanding factor in the progress of liberty and enlightenment. Freedom of the press is written into our fundamental law, and all of us regard newspapers as an indispensable factor in progress, both material and spiritual. We deem it better that the press shall have license rather than have its freedom restricted or impaired.

We recognize your coming as a signal incident indicative of the cordial feelings and strong friendship which has long existed, and which we trust may be maintained to the end of time, between this Government and the people who maintain the institutions that underlie it and the Governments from which you come.

Newspapers are responsible in large part for the maintenance of that spirit of good will which is so essential to the harmonious relations of nations. [Applause.] Our thought is that your presence here not only testifies to our friendship for you and yours for us, but it is indicative that those feelings shall be strengthened and perpetuated.

We give you a cordial welcome. We hope that your stay among us may be agreeable and beneficial, and that when you leave us you will carry away with you pleasant recollections of what is to us a very significant incident—your visit to the Capital of the United States, one of the political centers of the world. [Applause on the floor and in the galleries.]

The recess having expired at 1 o'clock and 5 minutes p. m. the Vice President called the Senate to order.

SENATOR FROM IOWA

The Senate resumed the consideration of the resolution (S. Res. 194) declaring Daniel F. Steck to be a duly elected Senator of the United States from the State of Iowa for the term beginning March 4, 1925, reported by Mr. ERNST from the Committee on Privileges and Elections.

Mr. STEPHENS. Mr. President, I think when the recess was taken I was just making some reference to Johnson County. Johnson County is what may be termed a mixed county; that is, in some precincts machines were used and in others paper ballots were used. I recall that I had just said there were 2,899 machine votes credited to the two candidates, Steck and Brookhart. There were in that county 13,106 names on the poll list. There was a shortage of ballots to the number of 192. About 10,000 of the ballots in this county were paper

ballots. That concludes the tabulation that I have made from the table prepared by the supervisors.

To run over the matter very briefly again, there were 22 machine counties. In some of those counties, however, paper ballots are used in certain of the precincts. In 12 of those counties the official return either tallied with the count made by the supervisor or in every instance in those 12 counties there was no discrepancy between the names on the poll list and the number of ballots found in the machines. I think if we were to count the discrepancies in all of those machine counties we would find that there were no more than 4 or 5 or 6 or possibly 8 or 10, a very slight difference between the names on the poll list and the ballots in the machines. Therefore, it follows that the greater part—in fact, nearly all—of those missing ballots, to the number of about 3,570, as I think it is—I do not vouch for the exact figures—came from precincts and from counties where paper ballots were used.

As I said in the beginning of my remarks, the official returns, the returns made by the canvassing boards, gave Brookhart a majority of 775. The tabulators employed by our committee, going over the same figures and making the additions, gave him a plurality of 817, an increase over the majority or plurality given him by the officers of the canvassing board. Then, when we got to the machine counties, where the machine ballots were preserved by order of the court and the recount was had, in those counties where the ballots were preserved according to law, Brookhart gained 778. Added to the 817 that he had originally, that gave him a majority of 1,595.

But what happened? As soon as we reached the counties where they had paper ballots, where the courts had not issued orders for the ballots to be preserved, where the ballots were left in some cases unsealed as required by law, where, as I will show in the course of my remarks, in one case at least, ballots were thrown around in a loose and careless manner, where in one precinct there were 198 ballots missing, what did we find? When we got to the paper-ballot precincts, then we found that Brookhart began to lose. I simply want Senators to remember that the official count gave Brookhart a majority, a certificate of election was issued to him, the Governor of Iowa issued to him his commission, and he has taken a seat as a Senator in this body. From the recount made while the ballots were preserved according to law his majority was steadily increasing and had increased from 775 to 1,595.

Mr. GOFF. Mr. President, may I ask the Senator a question? The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from Mississippi yield to the Senator from West Virginia?

Mr. STEPHENS. I yield.

Mr. GOFF. It is true, is it not, that in the counties in which the machine vote was cast, there were the larger cities as compared with rural counties where the paper ballots were cast? In other words, the machine votes were cast in the urban centers and the paper ballots were cast in the rural centers?

Mr. STEPHENS. I am not very familiar with the State of Iowa, and I can not answer as to that. I called attention a moment ago that in one county there were over 13,000 ballots cast, and there were only 2,800 of them that were machine ballots, showing that in that county there were more than 10,000 paper ballots.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Nebraska?

Mr. STEPHENS. I yield.

Mr. NORRIS. The counties that voted entirely by machine ballot, of course, voted in the country the same as in the city.

Mr. STEPHENS. Certainly, that naturally follows. I presume no city covers an entire county in Iowa.

Mr. NORRIS. Everybody knows that so far as Iowa is concerned it has not any really large city in the State.

Mr. STEPHENS. I presume that is true.

Mr. NORRIS. There is not a single instance in the State of Iowa where a city covers as much as a county. There would be many county precincts using machine ballots in those counties.

Mr. STEPHENS. My eye happens to fall upon a county which, I believe, is Linn County. There were no machine ballots in that county. There were 35,000 ballots cast in the county, all paper ballots of course. There was a shortage of 120 in that county. In the county listed just above that, Lee County, which was a paper ballot county, more than 10,000 names were on the poll list, and there was a shortage in the ballots of 129; and so on. As I have stated, I am not very familiar with the State, and, perhaps, can not give a very correct answer to the question.

Mr. GOFF. Mr. President—

Mr. STEPHENS. I yield to the Senator from West Virginia.

Mr. GOFF. Mr. President, in answer to the question propounded to the Senator from Mississippi by the Senator from Nebraska [Mr. Norris], I wish to ask the Senator from Mississippi if it is not a fact that in several of the counties where there were machine votes so recorded there were precincts where the paper ballot process of voting was the order of the voters at that time?

Mr. STEPHENS. Yes, sir; I said that some time ago. There were a few counties that I termed "mixed counties," meaning by that machine ballot and paper ballot counties. I think there are two or three.

Mr. GOFF. If the Senator will permit me, I desire to say that that comes back to my original proposition, that the machines were employed in the urban centers and the paper ballot process of voting was employed in the rural sections.

Mr. STEPHENS. That may be true; I can not answer as to that.

Mr. NORRIS. Now, will the Senator from Mississippi, merely for the Record, read the names of the counties using machine ballots entirely, and also the names of the counties which were partly machine and partly paper ballot counties? Anyone can then be advised by an examination; in fact, an examination of the map of Iowa will disclose, I think, that there is not a single county in that State which is all urban.

Mr. STEPHENS. I should judge that the Senator is correct, although I can not speak authoritatively on the subject. However, following the suggestion of the Senator from Nebraska, I will name the machine counties: Benton County, altogether machine; Boone, altogether machine; Calhoun, altogether machine; Clay, altogether machine; Crawford, altogether machine; Des Moines, a machine county; Dickinson, machine; Dubuque, machine; Franklin, machine; Hardin, machine; Iowa, machine; Jackson County—I am going to stop here to say that we shall find out a little about the precincts in Jackson County before the argument is concluded—Jackson County is a mixed county, but by far the larger proportion of votes cast—I suppose about 8 to 1—were machine votes. Johnson County is a mixed county. That is the county to which I referred a moment ago, where there were 2,890 machine votes recorded and more than 10,000 paper ballots recorded. Mahaska County, an altogether machine county; Muscatine, machine; Pocahontas, machine; Polk, machine; Scott, machine; Shelby, machine; Story, machine; Webster, machine. That completes the list. I think if the Senator will examine this table he will find that there are only two or three counties that are mixed. I do not claim to be accurate as to that, but I think that is correct.

Mr. GEORGE. There are but two.

Mr. STEPHENS. The Senator from Georgia states there are but two such counties.

Mr. President, I was speaking a moment ago with reference to gains and losses and discrepancies and things of that kind. I want to call the attention of Senators to some things that appear in the printed hearings.

Mr. McKELLAR. Mr. President, would it discommode the Senator for me to ask him a question about a matter that is giving me some trouble?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Tennessee?

Mr. STEPHENS. I yield.

Mr. McKELLAR. I think the Senator has already discussed the question, but I was not present at the time.

Mr. STEPHENS. I will be delighted to answer any question I can.

Mr. McKELLAR. I wish to ask a question in regard to the 1,344 votes, a sample of which is on the wall. Where a voter marked the circle showing that he wanted to vote the Republican ticket, and then marked the square in quite a number of places, leaving the square opposite the name of Senator Brookhart without any mark, does the Senator think that the man who cast that vote intended to vote for Senator Brookhart?

Mr. STEPHENS. While I had not intended to discuss that matter at this particular time, I shall be very glad to answer the question.

Mr. McKELLAR. I will say to the Senator that is a matter which is giving me a good deal of trouble.

Mr. STEPHENS. I will say to the Senator that a little later I expect to take up the law on that subject and to discuss it, but I am going to answer his question offhand now in this way: According to my judgment there is not the slightest doubt that that ballot marked as the Senator sees it there should be given to Senator Brookhart. I shall explain the law and give my reasons for my opinion. Let me say I know that

my good friend the Senator from Georgia [Mr. Groner] in the committee agreed with me; that is, I might have agreed with him, but we were together on that thought, and yesterday or the day before, as I recall, some Senator asked the Senator from Georgia the question while he was on his feet in the Chamber, and he stated that the 1,344 votes should be counted for Senator Brookhart. That is my recollection. If I am mistaken, I hope the Senator from Georgia will correct me.

Mr. GEORGE. The Senator has stated the matter correctly.

Mr. NORRIS. Mr. President, may I again interrupt the Senator from Mississippi?

Mr. STEPHENS. Yes.

Mr. NORRIS. Will the Senator from Mississippi, in answer to the question of the Senator from Tennessee [Mr. McKELLAR], read the Iowa statute?

Mr. STEPHENS. I will be very glad to do so.

Mr. McKELLAR. I am perfectly willing that that shall be done for the Record, but I have just read the Iowa statute. That is not my trouble at this moment. The trouble I am laboring under is this: A Republican voter goes into the polling booth to cast his vote. There is nothing more natural in the world than that he should mark a cross in the circle, indicating his intention to vote the Republican ticket. If he had done that and nothing else, it is perfectly clear that he intended to vote the entire Republican ticket, but when he goes further than that and puts cross marks in the squares opposite the names of certain of the candidates, his intention is not so clear. For instance, he is a Republican and he puts a cross mark opposite the names of President Coolidge and Vice President Dawes, showing that he intended to vote for them, and then for the candidate for governor for whom he intended to vote, but when he leaves blank the square opposite the name of Senator Brookhart what was in his mind? Did he intend to vote? I am merely talking about his intention; I am not talking about the law governing the case or what might be the effect of his marking the circle, but what the individual voter intended to do when he cast his ballot. Did he intend to vote for Senator Brookhart or not?

Mr. STEPHENS. Mr. President, of course, to give my views on this subject it will be necessary for me to refer to the law which the Senator says he has read.

Mr. McKELLAR. I am passing beyond the law for just a moment.

Mr. STEPHENS. Very well.

Mr. McKELLAR. I am merely wondering what was the intention of that voter when he thus marked his ballot in the voting booth on that day as we may gather his intention from the marks that he used. Did he intend to vote for Senator Brookhart or did he intend not to vote at all for any candidate for United States Senator?

Mr. STEPHENS. I am going to say in the first place, Mr. President, that while it may be violent presumption, yet the law presumes that every man knows the law.

Mr. McKELLAR. Of course it does, but, as I understand, the law was passed about eight days before the election and for the purpose of making the statute conform with a decision of the supreme court along the same line, and I am wondering why that voter cast a ballot of which the one on the wall is a copy and what he intended. Did he know about the law; did he know about the decision of the supreme court, and did he really intend to vote for Senator Brookhart by leaving his name blank? If so, why did he mark the ballot in that way?

I want to say to the Senator that I feel exceedingly kindly toward Senator Brookhart, and I hope facts may develop which will show that he is entitled to his seat; but we are under oath here to cast our votes in accordance with the facts as we believe them to be. Under those circumstances, I am greatly disturbed by those 1,344 votes, and I should like to have the matter cleared up if the Senator can clear it up.

Mr. STEPHENS. I am going to say in the beginning that that is not controlling in this particular matter, because, as I shall attempt to show at least, and as I believe I can show, regardless of those votes, Senator Brookhart is entitled to the seat. However, I am going now to come to this particular question, and I am going to call attention to what I find on page 312 of the printed hearings to show what another Senator, other than the Senator from Georgia [Mr. GEORGE] and myself, thought about this question at one time. I know that the Senator whom I shall name has signed the majority report, but I am calling attention to what he put into the record. On page 312 this particular question was being discussed in the committee. The Senator from South Carolina [Mr. SMITH] had not been attending the meetings with great regularity, as

he was busy about other matters, and he was not as familiar with all the facts and with the law as some others were, so he was asking questions about this particular matter.

Senator SMITH said:

Did not the law as read—

Somebody had read the law—

provide in the third alternative that he might mark in the circle, and if he intended not to vote for any names in the circle that he would have to make a mark opposite those that he intended to vote for.

Senator SHORTRIDGE. That is not the impression I got from hearing it read. It reads this way:

Senator SMITH was quoting simply his recollection of the law. Senator SHORTRIDGE read it:

He may place a cross in the circle at the top of such ticket—

Senator SMITH. Yes.

Senator SHORTRIDGE. Now notice:

"And also a cross in any or all of the squares beneath said circle."

Referring to a ticket entirely similar to this particular ticket, Senator WATSON of Indiana immediately said:

Yes; and that votes a straight ticket.

That was the idea of Senator WATSON, as expressed by him at that time, as appears from the record; and I may say this: Although I am not attempting to commit my brethren on the committee in that regard, I doubt if many of them, I might say any of them, would seriously contend that that, under the law of the State, is not a straight ballot and should not be counted for Brookhart. I believe that they will all agree about that.

Now, with reference to the law of the State—

Mr. McKELLAR. Mr. President, before the Senator goes to the law of the State, let me say that of course I have the utmost respect for the opinions of the Senators that the Senator from Mississippi has mentioned. They are on the committee and should know, and no doubt do know, more about it than I do; but the question I am propounding to the Senator is this:

Take the ticket just as it appears there on the wall. Does the Senator think that the man who voted that ticket, or one just like it, when he did not put a cross mark in front of Senator Brookhart's name, intended thereby to vote for him, or does he think that he intended thereby to omit voting for him?

Mr. STEPHENS. Mr. President, my idea is simply this: We live in a land under law. It is our duty to follow the law. We, as Senators, must follow the law. I will get to the other proposition in a little bit. I want to talk about law for just a moment. It is very true that the Constitution of the United States makes each House of Congress the sole judge of the election returns and qualifications of its own Members; but that does not wipe out any law.

Mr. McKELLAR. Mr. President, will the Senator let me make just one suggestion? I do not want the Senator to feel that I am talking in opposition to him.

Mr. STEPHENS. Not at all.

Mr. McKELLAR. I have a very great sympathy with the position the Senator takes; but it is our duty to determine not whether the Iowa Legislature by statute legislated a man into the office of Senator, because we have changed that by constitutional amendment; but in the case of these 1,344 ballots which are marked with the circle and marked with the square opposite the names of a number of Republican candidates, but which omit to mark opposite the name of Mr. Brookhart whether those 1,344 voters, by omitting to mark the name, intended to vote for Mr. Brookhart?

Mr. WILLIS. Mr. President, will the Senator permit me to make a suggestion to my friend?

Mr. STEPHENS. I yield; yes.

Mr. WILLIS. I submit to the Senator from Tennessee that it is utterly impossible to determine the intent of a voter except in the light of the law. Suppose you take a blank piece of paper and write on it here something touching an election. It has no force. You can not determine the intent of the voter except as you view that act with the light thrown upon it by the law.

Mr. McKELLAR. The law provides for this ballot.

Mr. WILLIS. I understand the difficulty that the Senator is experiencing, but it seems to me that he can not make an abstraction of this matter. He must consider the act of the voter in view of the provision of the law, and if he will think of it in that way it seems to me it will clear up the difficulty he has in mind.

Mr. GOFF. Mr. President, will the Senator yield for one question?

Mr. STEPHENS. Mr. President, let me say that I am perfectly willing to yield to any Senator for a question; but on

yesterday about two-thirds of my time was taken up by other Senators discussing matters between themselves.

Mr. McKELLAR. Mr. President, I did not intend to do that.

Mr. STEPHENS. Oh, no, Mr. President; I said that I was perfectly willing for any Senator to ask me a question. I gladly yield now. If the Senator wants to ask a question of me, I shall be very glad to have him do so.

Mr. GOFF. I want to ask a question of the Senator from Mississippi, suggested by the question which the Senator from Ohio, with the permission of the Senator from Mississippi, has just asked the Senator from Tennessee. Will the Senator yield for that purpose?

Mr. STEPHENS. Yes, sir.

Mr. GOFF. All right.

The Senator from Ohio asks, "How could you possibly consider a ballot or a piece of paper having a mark upon the face of it unless you considered it in the light of the law?" I wish the Senator would consider this additional situation, reflected in many ballots before the committee, where ballots were marked that in no sense reflected the law of the State of Iowa and which were submitted to the committee for its decision as to the intent of the man who so voted.

Mr. STEPHENS. That, of course, presents a very different proposition. The case that the Senator from West Virginia states is where a man did not follow the law. This is a case where a man did follow the law. As I said to the Senator from Tennessee, in order to discuss this matter and make my position clear I naturally have to make some reference to legal phases.

Mr. WILLIAMS. Mr. President—

Mr. STEPHENS. I yield to the Senator from Missouri.

Mr. WILLIAMS. Suppose, if the Senator from Mississippi pleases, that instead of Mr. Brookhart's name appearing on that ballot at the place where the candidate for Senator appears, the name of some man had appeared who was a candidate for Governor in the State of Iowa. Suppose that ticket had been cast as that ballot appears, with a cross in the circle, but no cross opposite the name of the candidate for Governor of Iowa. Suppose that under the law the election judges in the precincts, as the final judges of the facts, had decided that under the law that was a ballot for a man for governor: The State of Iowa would have been bound by that, would it not, under its law?

Mr. STEPHENS. There is no doubt of that, I think, if I caught the Senator's question correctly; yes, sir.

Mr. MAYFIELD. Mr. President, will the Senator from Mississippi yield?

Mr. STEPHENS. I shall be very glad to yield; yes.

Mr. MAYFIELD. The Senator was stating a moment ago that he thought this ballot ought to be counted according to the law, and that he was going to discuss that question.

Mr. STEPHENS. Yes, sir.

Mr. MAYFIELD. The Senator from Tennessee was trying to develop whether or not, in the Senator's opinion, the voter who cast this vote and refused or neglected to place a cross in the square opposite Senator Brookhart's name intended to vote against him. He was trying to ascertain what was the intent of the voter.

This is the question that I want to ask: It has been my understanding all along that the courts have invariably and universally held that the voter can not be disfranchised; that the intent of the voter must prevail.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. MAYFIELD. I have not the floor and therefore I can not possibly yield. I will simply say that that has been my understanding. What is the law with reference to voting? Is it a mere statute or is it the decisions of the highest court?

Mr. WHEELER. Both.

Mr. MAYFIELD. I was speaking to the Senator from Mississippi.

Mr. STEPHENS. All right; I will answer.

Mr. MAYFIELD. Do you disregard the intent of the voter altogether in determining what the law is?

Mr. STEPHENS. I do not; no, sir.

Mr. SMOOT. Mr. President, I will say to the Senator that I think it has been done.

Mr. STEPHENS. The Senator asked what I did, as I caught his question.

Mr. SMOOT. Oh! The Senator does not decide this case himself. It is to be decided by the Senate.

Mr. STEPHENS. I understand; but the Senator asked me what I did. I realize that 95 other honorable gentlemen in the Chamber, of course, must pass upon this matter.

Mr. SMOOT. Let me explain what I mean. In the State of Iowa the Republican vote, as it is shown on this first column, would be a lawful vote, and every person on the ticket should

be credited with the votes cast. Now, if in Utah the Republican had voted here for Brookhart and then voted over here for Steck, that would be an unlawful vote in the State of Utah.

Mr. WILLIS. It would not in Ohio.

Mr. SMOOT. It is an unlawful vote in the State of Utah; but I hold that the practice of the Senate has been to determine what the intent of the voter was. There would not be any question in my mind but that the intent of a voter in Utah, as referred to by me, was to vote for the Democrat and for all the Republicans in the Republican column, and, as far as I am concerned, I understand that the practice of this body always has been to take the intent of the voter; but that matter is not involved, in my opinion, in this case. I consider that under the laws of Iowa that is a straight vote for everyone running as a Republican, no matter whether there were some of them marked and some of them not marked. The law of Iowa holds that they can do that, and that is to be counted as a straight vote for that ticket; and I can not see but that those votes have to be counted for Mr. Brookhart.

Mr. MAYFIELD. Mr. President, what does the Senator think they attempted to do?

Mr. SMOOT. As far as my opinion is concerned—and it is only an opinion—it is that they did not attempt to vote for Brookhart, but the law says they did. Where there is no law making such a ballot unlawful, it is a question for the Senate to decide what was the intent of the voter. If he had voted here, under the law of the State of Utah the whole ballot would have been thrown out. Then the question for the Senate to decide would be, What was the intention of the voter? If the Senate decided it was the intention of the voter to vote the Democratic ballot, and Steck received the majority by that vote, then he ought to be seated.

Mr. HEFLIN. Does the Senator think that if we could be convinced that the voter did not intend to vote for Brookhart, he should be counted for him anyhow?

Mr. SMOOT. If it is a lawful vote.

The PRESIDING OFFICER. Senators will address the Chair before interrupting; and the Chair may call attention to the fact that the Senator from Mississippi has the floor.

Mr. STEPHENS. I would like to have a moment or two, Mr. President.

I do not know whether I understood the question propounded by the Senator from Texas [Mr. MAYFIELD] or not, because I was trying to listen to another Senator, and to find some of my notes.

I intend now to give my idea of this matter, and I shall take a little time to call attention to the law. If I understood the Senator from Utah correctly, I think he has the right idea with reference to this matter. I was attempting to answer the Senator from Texas, and I made a statement, and before I had opportunity to state the limitation that was proper to be put upon it, I was interrupted, and therefore left, perhaps, in an awkward position.

It is my judgment, after very careful consideration, after hearing the discussions of the matter by several Senators in the committee who agree upon this, that under the law of the State the vote shown on that chart is a straight vote.

THE LAW OF IOWA

Section 811 tells how to mark a straight vote. We have here what is called a ballot, and on this ballot there are six tickets—Republican, Democratic, Progressive, Workers', Socialist-Laborer, and Independent. I shall take for the illustration a Republican ticket, because it is the one that is marked on the chart, and Brookhart being a Republican, I am going to apply this to him. There are three ways to mark a straight ticket. First, the law says—

He—

Referring to the voter—

He may place a cross in the circle at the top of such ticket without making a cross in any squares beneath said circle.

In other words, he may make a cross in that circle, and it would be a straight ticket for every man whose name appears on the ticket.

2. He may place a cross in the square opposite the name of each such candidate without making any cross in the circle.

In other words, leave off the cross there and mark every name there, and then it is a straight ticket. The third way is the way that applies to this particular ticket as marked, which, as I contend, makes it under the law of the State a Brookhart ticket, and there were 1,344 ballots similar to this. The third way is as follows:

He may place a cross in the circle at the top of such ticket—

Just as is placed here—

and also a cross in any or all of the squares.

It does not read "in all squares," but it says "in any or all of the squares."

Mr. President, there are five or six different statutes with reference to marking and with reference to counting. You will find the idea of making a cross in the circle carrying a vote for everybody on the ticket running through all these five or six statutes, like a thread running through a piece of cloth. It is all based upon the idea that a cross in the circle has the effect of making it a straight Republican ticket, and in order to keep it from being a straight Republican ticket the voter must do something other than failing to mark a cross. If he puts the cross in the circle, in order to vote a mixed ticket he must mark somebody else's name over here. In this case the Senator from Utah says that, according to the law of his State, if the voter had marked the name of Steck over here it would be a void ballot, that it would not count for Steck at all, that it would still be a Brookhart vote, simply because the mark in the circle was there. That is not exactly the law in Iowa. The law in that State is not quite as drastic as the law the Senator from Utah claims for his State, because the law of Iowa provides specifically that if the voter shall leave Brookhart's name unmarked, after he has put his cross in the circle at the top, and comes over here and makes a cross opposite Steck's name, then it loses its identity as a straight ticket and becomes a mixed ticket, and therefore must be counted for Steck. But so long as the voter fails to convert his straight ticket, made so by the cross in the circle, into a mixed ticket by marking over here opposite the name of somebody in the Democratic column, or in any other column, it is a straight ticket and must be counted for the Republican candidate.

Mr. DILL. Mr. President, will the Senator yield?

Mr. STEPHENS. I yield.

Mr. DILL. For how long had it been the law of Iowa that a ticket marked in the circle and also in some of the crosses below the circle, not all of them, is a straight ballot?

Mr. STEPHENS. There have been some changes in the law in that State. I find that in Ninety-first Iowa Reports, which was published, I believe, some time after 1900, a case also cited in Fifty-first American State Reports, this very question was passed upon by the Supreme Court of Iowa at that early date.

Mr. DILL. 1910?

Mr. STEPHENS. Was it 1910?

Mr. DILL. I ask if it was in 1910.

Mr. STEPHENS. I think it was a little earlier than that. Then, in One hundred and fifteenth Iowa Reports, in the case of Spurrier against McClellan, this matter was considered.

I find that in the State of Montana, in the State of Arizona, in the State of Oklahoma, and perhaps in other States, ballots quite similar to this have been passed upon by the highest courts of the State; and it has been held in those cases that whenever a voter places his mark in the circle, then and there the ballot becomes a straight ballot for every man whose name appears as a candidate in that particular column.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New York?

Mr. STEPHENS. I yield.

Mr. COPELAND. There is one other part of the law to which the Senator has not yet referred which I think strengthens his argument. He will notice in the next section—section 812—it provides:

If the names of all the candidates for whom the voter desires to vote appear upon a single ticket but he does not desire to vote for all the candidates whose names appear thereon, he shall place a cross in the square opposite the name of each such candidate for whom he desires to vote, without making any cross in the circle at the top of such ticket.

That makes it very apparent, it seems to me, that this ticket, placed upon the chart, indicates the desire of that person to vote the straight Republican ticket.

Mr. STEPHENS. I think there is no doubt about it, and I thank the Senator for reading that particular section of the statute. I had it in mind as one of the five or six to which I referred a moment ago when I said the general idea ran through them all that a cross in the circle made it a straight ticket, because, as the Senator very well said, the section to which he referred, section 812 provides that—

If the names of all the candidates for whom the voter desires to vote appear upon a single ticket but he does not desire to vote for

all the candidates whose names appear thereon, he shall place a cross in the square opposite the name of each such candidate for whom he desires to vote.

In other words, that means simply this: Suppose the voter is a Republican and does not want to vote for anybody except Republicans. He goes into the booth and says, "I do not like a certain man. I shall refuse to vote for him, but I shall not vote for a Democrat." What, under the law, must he do? He must leave unmarked the Republican circle, and he must go down then and place a cross in a square opposite the names of the ones for whom he desires to vote.

Mr. CARAWAY. Mr. President, is that the Senator's interpretation of the instruction that went to the voters?

Mr. STEPHENS. I will be very glad to discuss the instruction with the Senator.

Mr. CARAWAY. That is what the Senator is sure is the instruction?

Mr. STEPHENS. I am very familiar with the instruction. Mr. CARAWAY. I am asking the Senator if he is sure that is the instruction.

Mr. STEPHENS. We will get the instruction, and I will attempt to interpret it.

Mr. CARAWAY. It is not in that book the Senator has in his hand. I am asking the Senator if he is sure that is the instruction. If he is wrong about that, he is wrong about his conclusion, is he not?

Mr. STEPHENS. Here is the instruction. Mr. CARAWAY. That is not the instruction that went to the voter.

Mr. STEPHENS. It is marked here in the record. Mr. CARAWAY. All right. I am just asking the Senator if that is so.

Mr. STEPHENS. Then let me see the instruction. Mr. CARAWAY. The Senator ought to have looked at it before he made up his mind.

Mr. STEPHENS. I have a right to presume that the chairman of this committee, and that every man on the committee, and that every man connected with this transaction, was entirely fair and honest, and when there is placed in the record—

Mr. CARAWAY. Who placed it there?

Mr. STEPHENS. It was placed there by counsel, I understand, as the record shows. I was not a member of the committee at that time—

Mr. CARAWAY. It was placed there by counsel for the contestee.

Mr. STEPHENS. That is what I stated, by the counsel.

Mr. CARAWAY. For the contestee.

Mr. STEPHENS. Sure it was.

Mr. CARAWAY. That is his conclusion.

Mr. STEPHENS. I say I have a right to presume that even a lawyer representing Smith W. Brookhart was entirely honest; and when he placed this in the record, I say I had a right to presume that it was correct. It is in the printed record of the committee.

Mr. CARAWAY. Did the Senator see the book of instructions that went to the voter?

Mr. STEPHENS. I did not.

Mr. CARAWAY. It was in the committee room when the Senator was present.

Mr. STEPHENS. No; I never saw it. Perhaps it is there now.

Mr. CARAWAY. Yes; it is there.

Mr. STEPHENS. I would be glad to have it.

Mr. CARAWAY. It is there for everybody who wants to see it.

Mr. STEPHENS. I would be glad to see it.

Mr. President, of course all I know is what I find in the hearings. The Senator from Arkansas said it is not correct. I do not know. I am not responsible for it.

Mr. REED of Missouri. Mr. President, was there any challenge made as to its correctness when it was put in the hearings?

Mr. STEPHENS. I never heard of any such challenge, though it is fair to say that I was not a member of the subcommittee.

Mr. REED of Missouri. There is nothing in the record that the Senator has seen to that effect?

Mr. STEPHENS. I know of nothing in the record. I wish every Senator might have a copy of the hearings. The hearings are entitled:

Senator from Iowa. Hearings before subcommittee of the Committee on Privileges and Elections, United States Senate, Sixty-ninth Congress, first session, pursuant to S. Res. 21, authorizing the investigation of alleged unlawful practices in the election of a Senator

from Iowa, July 20, December 2, 3, and 4, 1925, and January 6, 1926. Printed for the use of the Committee on Privileges and Elections. Washington. Government Printing Office. 1926.

From page 259 of those hearings I read the following:

Copy of card of instructions is here printed in full as follows:

STATE OF IOWA,

SECRETARY OF STATE.

I, W. C. Ramsay, secretary of state, custodian of the records pertaining to elections, both primary and general, do hereby certify that the attached instrument in writing is a true and correct copy of the card of instructions forwarded by this department to the various county auditors of the State for the general election held November 4, 1924.

In testimony whereof I have hereunto set my hand and affixed the official seal of the secretary of state of the State of Iowa.

Done at Des Moines this 17th day of November, A. D. 1925.

[SHAL.]

W. C. RAMSAY,

Secretary of State.

Mr. BRATTON. Mr. President—

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from Mississippi yield to the Senator from New Mexico?

Mr. STEPHENS. I yield.

Mr. BRATTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	Kendrick	Reed, Mo.
Bayard	Ferris	King	Reed, Pa.
Bingham	Fessenden	La Follette	Robinson, Ind.
Bleas	Fletcher	Lenroot	Sackett
Borah	Frazier	McKellar	Sheppard
Bratton	George	McMaster	Shoptoad
Broussard	Gillett	McNary	Shortridge
Bruce	Glass	Menas	Simmons
Butler	Goff	Metcalf	Smith
Cameron	Gooding	Moses	Smoot
Capper	Hale	Neely	Stephens
Caraway	Harrell	Norbeck	Trammell
Copeland	Harris	Norris	Tyson
Couzens	Harrison	Nye	Walsh
Curtis	Heflin	Oddie	Warren
Dale	Howell	Pepper	Wheeler
Dill	Johnson	Philpotts	Williams
Edge	Jones, N. Mex.	Pine	Willis
Edwards	Jones, Wash.	Pittman	

The PRESIDING OFFICER. Seventy-five Senators having answered to their names, a quorum is present. The Senator from Mississippi will proceed.

INSTRUCTIONS TO VOTERS

Mr. STEPHENS. Mr. President, just before the point of no quorum was made, and the roll was called, something was said about the card of instructions that was issued to voters in the State of Iowa. The Senator from Arkansas [Mr. CARAWAY] stated, as I understood him, that he would like to have me discuss the card of instructions that was sent to the voters, and when I began to read what purports to be the card of instructions as set out in the hearings, he stated that that was not the correct card. I said to him and to the Senate, that I had no personal knowledge of the matter and could look only to what appeared in the printed hearings under the certificate of the secretary of state of the State of Iowa, Mr. Ramsay. It was offered in evidence by the attorney for Mr. Brookhart.

When I was advised by the Senator from Arkansas that it was not correct I stated that I would like to see the book to which he referred and asked where it might be found. Being informed that it was in the committee room, I sent for it and the Senator himself was kind enough to bring me a book, which I now hold in my hand, entitled "State of Iowa, 1922, Primary and General Election Laws, Prepared under the Direction of W. C. Ramsay, Secretary of State." What he called to my attention is found on page 81 of that book. There are two sections on that page. I presume that he has reference to both of them. As I see it, this is a copy of the primary and general election laws of the State. I have no personal knowledge how well this was distributed; I do not know how many voters ever saw it, or whether it went to all or any of the precincts in the State. Unless it is shown that this particular law was sent out to the voters by way of instruction to them, I do not see how this bears upon the question that is being considered by us. This is the law of 1922, while the election was held in November, 1924. This was not the law that was in force at the time of the election.

There was placed in the brief, I think, of counsel for Mr. Steck—I know it is in the record, and I set it out in the minority views presented by me—the sections of the laws that are applicable. They are not these sections here. They are sections 811, 812, and so on, five or six of them. These are sections 1119 and 1120 of the laws of 1922. The first has for

title "Marking the ballot"; the second, "Ballot marking for candidates." I do not know of my personal knowledge, and I find nothing in the record to indicate that this book was sent out. I do find in the hearings before the committee that there was introduced what purports to be a copy of a card of instructions, and it is there printed in full.

This book is not a set of instructions. It is a copy of all the laws of the State with reference to the holding of elections, duties of county officers, and so on. It comprises 170 pages, including a small index. It occurs to me it is hardly likely that this would have been sent out as instructions to voters.

Mr. REED of Missouri. Mr. President, I will ask the Senator from Mississippi is there anything in the record of which the Senator knows to show that that document was ever identified even in the hearings?

Mr. STEPHENS. To which document does the Senator from Missouri refer?

Mr. REED of Missouri. I refer to the document to which the Senator has been alluding—the election laws of Iowa.

Mr. STEPHENS. I know nothing about that. All I know is what appears in the record. There is nothing to show that it was ever introduced.

Mr. REED of Missouri. I call the attention of the Senator to the fact that on the title-page it is stated, "State of Iowa, 1922, Primary and General Election Laws." So this document appears to have been prepared two years at least before the election.

Mr. STEPHENS. Yes; it was prepared at least two years prior to the election. I shall not take time again to read what appears on page 259. At that point there is set out, under the affidavit of Mr. Ramsay, the secretary of state of Iowa, as to its authenticity—almost two and a half pages of instructions. It does not read to me as if it were a statute. It appears to be what it purports to be from the title, a card of instructions. It reads:

Give your name and place of residence, if required, to the judges.

And so on.

When inside of the guard rail you will obtain from one of the judges the official ballot—

And so forth.

If you can not read the English language, or because of any physical disability are unable to mark your ballot, make known that fact to the judges.

And so on. I find here a letter from the assistant attorney general of the State, addressed to Mr. J. G. Mitchell, who was the attorney for Mr. Brookhart, in which he refers to the law and its construction, and so on.

So I see nothing to become excited over in regard to this booklet that is brought here. Unless it is shown affirmatively that the card of instructions is not correctly printed in the hearings, necessarily I shall take the printed record as being true. If I have assurances from any other Senators on the committee that it is incorrectly printed, I shall gladly concede that they may be right, because I have no knowledge on the subject.

However, Mr. President, let us now get down to another subject. The junior Senator from Arkansas [Mr. CARAWAY] asked me to construe the card of instructions. That is in line with what I was endeavoring to do when I was interrupted.

I was then discussing the statute of the State on the subject of voting, how to mark straight ballots, mixed ballots, partial ballots, and so on; and I had stated that there are five or six statutes on the subject of marking ballots, through which there runs the idea that a cross in the circle at the head of the ticket carries a vote for every candidate whose name appears upon that ticket.

Now I am going to refer to the card of instructions and see what it says.

If the voter desires to vote a straight ticket, he can do so by marking a cross in the circle at the head of the ticket.

If he desires to vote a straight ticket, so says the law, what he is required to do is to mark a cross in the circle, and that of itself carries a straight vote for every candidate upon the ticket.

It makes no reference to the second and third clauses of the statute. It rests upon the general proposition that whenever a cross is marked in the circle, that of itself writes it down as a vote for the straight ticket, for every man whose name appears as a candidate upon that particular ticket.

What does it state further? In the very next sentence it says:

If the voter does not desire to vote a straight ticket, he can make a cross in the circle at the head of the ticket, thus @, and a cross in the square opposite the name of each candidate for whom he desires to vote, thus g.

Mark you, Mr. President, if he does not desire to vote a straight ticket he can make a cross in the circle at the head of the ticket and a cross in the square opposite the name of each candidate for whom he desires to vote.

And so on.

If there is more than one candidate—

It refers to two or three different kinds of votes; but, as I have said, there is found the positive, direct statement that when the voter puts a cross in the circle it becomes a vote for the straight ticket.

If the voter does not desire to vote a straight ticket he can make a cross in the circle at the head of the ticket and a cross in the square opposite the name of any candidate for whom he desires to vote, or he may place a cross in the square opposite the name of each candidate for whom he desires to vote.

NO REAL DIFFERENCE BETWEEN LAWS OF 1922 AND 1924

As I have quoted, the law of 1924 provides for marking a straight ballot, as follows:

811. How to mark a straight ticket: If the names of all the candidates for whom a voter desires to vote appear upon the same ticket, and he desires to vote for all candidates whose names appear upon such ticket, he may do so in any one of the following ways:

1. He may place a cross in the circle at the top of such ticket without making a cross in any squares beneath said circle.

2. He may place a cross in the square opposite the name of each such candidate without making any cross in the circle at the top of such ticket.

3. He may place a cross in the circle at the top of such ticket and also a cross in any or all of the squares beneath said circle.

812. Voting part of ticket only: If the names of all the candidates for whom the voter desires to vote appear upon a single ticket, but he does not desire to vote for all the candidates whose names appear thereon, he shall place a cross in the square opposite the name of each such candidate for whom he desires to vote without making any cross in the circle at the top of such ticket.

814. How to mark a mixed ticket: If the names of all the candidates for whom a voter desires to vote do not appear upon the same ticket, he may indicate the candidates of his choice by marking his ballot in any one of the following ways:

1. He may place a cross in the circle at the top of a ticket on which the names of some of the candidates for whom he desires to vote appear and also a cross in the square opposite the name of each other candidate of his choice, whose name appears upon some ticket other than the one in which he has marked the circle at the top.

2. He may place a cross in the square opposite the name of each candidate for whom he desires to vote without placing any cross in any circle.

815. Counting ballots: The ballots shall be counted according to the markings thereon, respectively, as provided in the six preceding sections, and not otherwise. If, for any reason, it is impossible to determine from a ballot, as marked, the choice of the voter for any office, such ballot shall not be counted for such office. When there is a conflict between the cross in the circle of one ticket and the cross in the square of another ticket on the ballot, the cross in the square shall be held to control, and the cross in the circle in such case shall not apply as to that office. Any ballot marked in any other manner than as authorized in the six preceding sections, and in such manner as to show that the voter employed such mark for the purpose of identifying his ballot, shall be rejected.

It will be observed, of course, that there may be several tickets upon a single ballot, as the Republican ticket, the Democratic ticket, and so forth.

The law of 1922 with reference to marking and counting ballots reads as follows:

SEC. 447. Marking the ballot: Upon retiring to the voting booth the voter shall mark his ballot. He may place a cross, if he desires, in the circle at the head of one ticket on the ballot, and the voter may place a cross in the square opposite the name of any candidate for whom he desires to vote, whether he has put a cross in the circle or not.

If the voter does not wish to vote for all of the candidates of his party to an office where more than one candidate is to be elected, the cross in the circle at the top of his ticket shall not apply to said office, but the voter must mark crosses in the squares opposite the names of the candidates for whom he intends to vote. The voter may also insert in writing in the proper place the name of any person for whom he desires to vote, making a cross opposite thereto. The writing of such name without making a cross opposite thereto, or the making

of a cross in a square opposite a blank without writing a name therein, shall not affect the validity of the vote. (C. 97/1119; S. 13/1119; 38 G. A. ch. 86/7.)

SEC. 448. How counted: When a circle is marked the ballot shall be counted for all of the candidates upon the ticket beneath said circle, except those offices for which some candidate has been voted for by marking a square. A cross placed in a square shall be counted for the candidate before whose name the square is so marked.

When a square in front of any candidate has been marked, a mark in the circle shall not count for any candidate for that particular office. When more candidates than the number to be elected to the same office are voted for by marking the squares opposite their names the vote shall not be counted for any candidate for that office. If less than the whole number of candidates to be elected are voted for by marking the squares opposite their names, the vote shall be counted only for those marked in the square, and the mark in the circle shall not apply. If for any reason it is impossible to determine the voter's choice for any office, his ballot shall not be counted for such office, but a mark in the circle of any ticket on the ballot shall not be held to make it impossible to determine the voter's choice. Any ballot marked by the voter in any other manner than as authorized in this chapter, and so that such mark may be used for the purpose of identifying such ballot, shall be rejected. (C. 97/1120; S. 13/1120; 38 G. A. ch. 86/8.)

Note that in section 447 the voter is told that he may mark a cross in the circle and a cross in the square opposite the name of the candidate for whom he desires to vote whether he has made a cross in the circle or not.

This statute has been construed by the Supreme Court and it was held that when the cross was made in the circle that it was a straight vote for every candidate on that particular ticket irrespective of the marks in the squares if no names on any other ticket were marked.

In other words, if there are a dozen candidates on the Republican ticket and a cross is made in the Republican circle and a cross in the square opposite the names of 11 candidates, it is a straight ballot and should be counted for all 12 candidates unless the voter goes over to the Democratic ticket and marks the name of a candidate who is running for the same office that the unmarked candidate on the other ticket is running.

Section 448, laws of 1922, with reference to counting ballots, says:

When a circle is marked the ballot shall be counted for all of the candidates upon the ticket beneath the circle, except those offices for which some candidate has been voted by marking a square. A cross placed in a square shall be counted for the candidate before whose name the square is so marked. When a square in front of any candidate has been marked, a mark in the circle shall not count for any candidate for that particular office.

It is evident that this section has reference to both straight tickets and mixed tickets. Also, that when a cross is put in a circle it is a straight ticket unless the voter shall go over to another ticket and mark some candidate of an opposing party.

If this is not true, the first section of section 448 means that when a voter marks a circle and then marks some of the candidates under that circle and leaves some unmarked, that his vote shall only be counted for the candidate unmarked. Under that construction the ballot exhibited here, although it is marked for President Coolidge, was not voted for him, and that the only candidate voted for is the unmarked candidate.

The idea carried by the old law was simply that a cross in the circle—if no name on another ticket was marked—was a vote for every candidate on that ticket. The same idea was written into the law of 1924.

Mr. WILLIS. Mr. President, will the Senator yield right at that point?

Mr. STEPHENS. Yes.

Mr. WILLIS. The Senator read just a moment ago what I recall as the third paragraph of section 811 of the Iowa statutes.

Mr. STEPHENS. Yes, sir.

Mr. WILLIS. As I understand, it is the contention of the Senator that under the terms of the third paragraph of section 811 a ticket marked as the ticket here upon the wall is marked, namely, with a cross in the circle in front of the name "Republican" and various crosses in other circles, but no cross in the square in front of the name of Mr. Brookhart—is counted as a straight Republican ticket, and therefore should be counted for Mr. Brookhart.

Mr. STEPHENS. For Mr. Brookhart; yes, sir.

Mr. WILLIS. Did every one of the 1,344 ballots in question come in that class?

Mr. STEPHENS. The word "practically" is used in order to show that they did not mark everybody except Brookhart.

Sometimes they might mark several. Sometimes they might mark everybody except Brookhart. They were mixed up in that regard. The Senator from Georgia [Mr. GEORGE] was a member of the subcommittee, and he is familiar with that matter. I shall be very glad to have him answer the Senator's question.

Mr. GEORGE. Mr. President, with the Senator's permission I will make a statement about those particular ballots.

In all of those ballots the circle at the head of the Republican ticket was marked. Then, in approximately 300—I will give round numbers—the circle at the head of the Republican ticket was marked, and every square on the Republican ticket was also marked, except the square in front of Mr. Brookhart's name, or practically every square other than the one in front of Mr. Brookhart's name. Then in something like 500 tickets there was the same cross in the Republican circle at the top and crosses in the squares opposite some of the candidates, very much as in the case of that ticket, but no cross in the square in front of Senator Brookhart's name.

Mr. STEPHENS. Steck's name was unmarked?

Mr. GEORGE. Steck's name was unmarked. Then, in the remainder of the 1,344 ballots, there was the same cross in the Republican circle at the top of the Republican ticket, and crosses in some of the squares on the Democratic and occasionally even on the Progressive ticket, and crosses in some of the squares on the Republican ticket, but no cross in the square in front of the name of Senator Brookhart or in front of the name of Steck in any of those cases.

The cross was in the Republican circle in all of the ballots, but they fell into the three general classes which I have tried to indicate; but there was no cross in the square in front of Senator Brookhart's name in any one of the tickets, nor in front of the name of Steck in any one of them.

Mr. WILLIS. Then, if the Senator will permit an inquiry just there, how does the Senator conclude that the tickets of the third class should be counted in this particular matter? Where there was a cross in the circle in front of the name "Republican," and then a number of crosses over on the Democratic ticket or on the Progressive ticket, how would that ticket be counted, so far as this controversy is concerned?

Mr. GEORGE. The third class is a subdivision of the total of 1,344 tickets.

Mr. WILLIS. And it is the opinion of the Senator that all of those tickets should be counted for Senator Brookhart?

Mr. GEORGE. That was my personal conclusion.

Mr. WILLIS. Yes, sir; that is what I mean, and also the conclusion of the Senator from Mississippi.

Mr. GEORGE. Otherwise, the committee was against us on that.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. STEPHENS. I yield.

Mr. LENROOT. Will the Senator restate how many ballots were in the first class, where they were all voted except Brookhart?

Mr. GEORGE. I can not give the number.

Mr. LENROOT. About how many?

Mr. GEORGE. In the first class?

Mr. LENROOT. Yes; where they were circled at the top and all other candidates voted except Brookhart.

Mr. GEORGE. All others, or practically all others—there might have been, in some instances, one or two local officers that were not crossed—there were some 381, as I recollect.

Mr. LENROOT. Is there an exact record of the fact somewhere?

Mr. GEORGE. I have the figure, which I shall be glad to supply. I have not it right now, but I shall be glad to get it.

Mr. LENROOT. I thank the Senator.

Mr. GOFF. Mr. President, will the Senator yield to me just for a question before he leaves that division of his argument?

Mr. STEPHENS. This is right in line with what I have been saying, but I shall be glad to yield.

Mr. GOFF. It is a fact, is it not, that section 811 of the civil code of Iowa, to which reference has been made, and section 3 thereof, did not go into effect legally in that State until October 28, 1924?

Mr. STEPHENS. I think that is true—some time in October; I am not sure as to the date. It was stated, however—I read it in the record last night, I think—that the matter had been discussed, and there was, as I understand, no very great change in the matter; and it was held in two or three decisions—ninety-first Iowa and one hundred and fifteenth Iowa, and, perhaps some others—that ballots marked just as this ballot is marked should be considered straight ballots.

Mr. GOFF. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from West Virginia?

Mr. STEPHENS. I yield.

Mr. GOFF. If that be the law, as the Senator has read it, it is in effect saying that such a voter votes twice for the candidates on such a ticket. What is the utility of such a law or such an intention so executed on the part of a voter?

Mr. STEPHENS. I am not going to speak on the question of intention. I can not tell; I do not know. I do not know why the legislators of that State wanted to provide three different ways of marking a straight ballot; I only know that they did. I really feel that I am under no duty to speculate as to what the intention of the legislature was in providing three separate methods.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. STEPHENS. I yield.

Mr. SHIPSTEAD. There is nothing in the law of Iowa that prohibits a voter from going down the line and marking a cross in the square opposite the name of any or all of the candidates? There is no prohibition?

Mr. STEPHENS. None at all. In fact, I may say, if I understand the Senator, that it says that he may do it.

Mr. SHIPSTEAD. But it does not alter the ballot?

Mr. STEPHENS. It does not alter the ballot.

Mr. SHIPSTEAD. Does the Senator know of any other yardstick or standard by which the committee could measure the validity of these ballots except the law of Iowa?

Mr. STEPHENS. I will say this, that in my judgment there is no other legitimate or legal way by which we can reach a conclusion as to the intention of the voter except by looking to the face of the ballot, with the light of the law on the subject shining upon it, and from the two, determining what the voter's intention was.

Mr. SHIPSTEAD. I have been trying to find out what the committee did in this kind of a case. We have a ballot here where there is a cross mark at the top. There is no marking in this square for Senator Brookhart. There may be some here. Then over here there is no cross in the square opposite the name of Steck. There may be some crosses down here. How did the committee determine that vote would be counted on the senatorship?

Mr. STEPHENS. A vote marked just as this is?

Mr. SHIPSTEAD. Yes.

Mr. STEPHENS. They determined that it should not be counted at all for United States Senator, as there was no cross opposite the name of any candidate for Senator. They absolutely ignored it.

Mr. FRAZIER. That is, the majority of the committee.

Mr. STEPHENS. I am speaking of the majority. They considered it as "no vote," as they termed it, so far as it related to the office of United States Senator.

Mr. SHIPSTEAD. Take this ballot. Suppose there were a cross here, and there were no cross here for Steck, but there should be some crosses down here. How did the committee count those ballots?

Mr. STEPHENS. I presume that in a matter of that kind, they followed the same rule.

Mr. SHIPSTEAD. The Senator does not know?

Mr. STEPHENS. I do not know, because I never went over the ballots. I was not on the subcommittee. I simply know what I was told. But I presume they followed the same rule.

Mr. SHIPSTEAD. But whatever the committee did, the Senator, having read the law, claims that the law of Iowa would make it necessary, following the law, to count such a vote for Brookhart?

Mr. STEPHENS. For Brookhart, yes.

I call attention to the case of Whittam v. Zahorik (91 Iowa, 321):

The cross is used, in all cases, to show affirmatively the choice of the voter. When it is placed in the square opposite the name of the candidate it indicates with certainty that the voter desires his ballot to be counted for that candidate. When it is placed in the circle opposite the title of a party, or group, it indicates that the voter wishes his ballot to be counted for all the candidates of that party excepting as he has otherwise indicated by marking in one or more squares opposite the names of one or more candidates of another party or of other parties. When he has made a cross in the circle opposite the appellation of one party and has also made a cross in the square opposite the name of a candidate of another party he has shown a desire to vote for all the candidates whose names are printed under the party appellation marked excepting the candidates for the office for which he has marked the name of the candidate of another party, and that he wishes his ballot counted for that candidate whose name he has marked. In such case the specific marking controls the general, and the ballot must be counted for the candidate whose name is marked by a cross in the opposite square and not for the candidate for the same office whose

name is printed under the party appellation the circle of which he has marked. The provision of the statute applicable to such a case is mandatory and plain.

In *Spurrier v. McLennan* (115 Iowa 461, 88 N. W. 1062), the supreme court of Iowa, quoting from Robinson, Judge, in the case of *Whittam v. Zahorik* (91 Iowa 23, 51 Am. St. Rpts. 317, 59 N. W. 57), said:

Hence, when a voter has marked his ticket by placing a cross in the circle opposite the title he does not add to the legal effect of that marking by placing crosses in squares opposite the names of candidates on the same ticket. This, we think, is true under the present statute. And we may say, further, that crosses in squares under such circumstances not only do not add to the effect of the mark in the circle, but they do not detract from it; they have no consequence whatever.

The following is taken from the case of *Potts v. Folsom* (24 Okla. 734):

To our minds it seems clear that under this statute a stamp in the circle at the head of the list of candidates is the statutory method provided whereby a voter may manifest his intention to vote for every candidate under that stamp. If this is true, and, after having placed the stamp there, the voter has succeeded in voting for all of these candidates, then the placing of additional stamps in front of the different names on that same list would either constitute distinguishing marks or be without any effect whatsoever. These are held not to be distinguishing marks in the *McClelland v. Erwin* case, supra. Hence we conclude they are without effect. Our conclusion herein seems to be supported by the case of *Dickerman v. Gelsthrope* (19 Mont. 249, 47 Pac. 999), *Spurrier v. McLennan* (115 Iowa 461, 88 N. W. 1062), *Whittam v. Zahorik* (91 Iowa 23, 50 N. W. 57, 51 Am. St. Rep. 317), *McKittrick v. Pardee* (8 S. Dak. 39, 65 N. W. 23).

A cross in the circle conclusively means a vote for the whole ticket printed below it (115 Iowa 288).

There are cases in Arizona, Montana, and other States that hold the same rule in those States.

Brookhart should be given the 1,344 ballots.

From the decisions read and the statutes quoted it seems entirely clear to me that the 1,344 ballots in controversy should be counted for Brookhart.

There can be no doubt that if he were a candidate in Iowa for any office other than United States Senator these ballots would be counted for him. I think no one will deny this. There is no reason why they should not be counted for him in this case.

It is a well-established and most salutary rule that where the proper authorities of the State government have given a construction to their own constitution or statutes that construction will be followed by the Federal authorities. This rule is absolutely necessary to the harmonious working of our complex Governments, State and National.

This is a quotation from a report of a committee of the House of Representatives in a contested-election case. The House is just as anxious to maintain its dignity and powers as the Senate. In that language the House simply adopted the holdings of the Supreme Court on like subjects.

Mr. President, I want to say a word on the question of waiver. In my opinion the contestee has no right to enter into any agreement or stipulation by which the fullest proof on any important matter should not be offered. I am referring to the matter with reference to preliminary proof with reference to the preservation of the ballots.

A contested election is not a mere private litigation, but a great public inquiry, where the real parties are not so much the returned Member and the contestant as the voters of the district.

This is the language of that distinguished Mississippian, L. Q. C. Lamar, to whom I have made reference before.

The right of waiver, while extending to almost all descriptions of contractual, statutory, and constitutional privileges, is nevertheless subject to the control of public policy, which can not be contravened by any conduct or agreement of the parties. (40 Cyc. of L. and Pro. 254.)

It is a recognized principle that everyone may waive a right intended for his own benefit, if it can be relinquished without detriment to the community at large. (83 Va. 26.)

Waiver is the voluntary surrender of a right; estoppel is the inhibition to assert it from the mischief that has followed.

Waiver involves both knowledge and intention; and estoppel may arise where there is no intent to mislead.

Waiver depends upon what one himself intends to do; estoppel depends rather upon what he caused his adversary to do.

Waiver involves the acts and conduct of only one of the parties; estoppel involves the conduct of both.

KNOWLEDGE OF FACTS

A waiver exists only where one with full knowledge of a material fact does or forbears to do something inconsistent with the right or his intention to rely upon that right. Knowledge of the existence of the right, benefit, or advantage on the part of the party claimed to have made the waiver is an essential prerequisite to its relinquishment. No one can be said to have waived that which he does not know; or where he has acted under a misapprehension of the facts. (40 Cyc. of L. and P. 259.)

A waiver involves the idea of assent; and assent is primarily an act of the understanding. (84 Me. 304.)

It is not sufficient that a party should have notice of facts that if followed up by inquiry would have led to information. Nor is there a waiver when one acts on a misapprehension of facts. (State v. Churchill, 48 Ark. 426.)

Mere silence at a time when there is no occasion to speak is not a waiver, nor evidence from which waiver may be inferred, especially where such silence is unaccompanied by any act calculated to mislead. (40 Cyc. L. P. 263, citing New York, Alabama, Ohio, Tennessee.)

Must be by people: The term election must mean the act of choosing performed by the qualified electors, in conformity with the requisitions of the Constitution and laws regulating the manner in which the choice shall be made. (Reed v. Coaden, 17th Cong., C. & H. 854.)

Whomsoever the people choose to select: The people are supreme, and whomsoever they choose to select as their representative they are entitled to be represented by that person. And no class of public officers can lawfully disregard their will. (Letcher v. Moore (minority report), 23d Cong., C. & H. 823.)

Free choice of the majority fairly determined: His right is identified with the election itself and the rights of the electors; all must be sustained or sacrificed together. (Gholson and Claiborne, 25th Cong., L. Bart. 16.)

Free choice of the people, fairly determined: Elections are simply the method whereby citizens may manifest their choice; and when they have proceeded in accordance with law and manifested their choice through legal forms, their right so to do shall not be taken away from them, as long as their choice can be ascertained. There are three questions to be answered: Did the electors express their choice in accordance with law? Was the election free and fair? Can the choice be ascertained from the evidence? (Spencer v. Morey (minority report), 44th Cong., Smith 486.)

Votes legally cast, counted, and returned: To validate an election there must be votes legally deposited by legal voters and legally counted and the result legally declared. (Sheridan v. Plinckback (minority report), 43d Cong., Smith 227.)

Will of the people fairly and honestly expressed: The whole theory of a government which is to be managed and controlled by the people exercising the elective franchise is that their will, when fairly and honestly expressed, shall be the law and shall be respected by all the authorities. (English v. Pelle (minority report), 48th Cong., Mobley 179.)

WHERE VOTES WERE ADMITTED TO BE BAD BUT PROVED TO BE GOOD THEY MUST BE COUNTED

Where each party assumed the burden of showing the legality of votes cast for him and charged to be illegal, and the written stipulations in two counties reserved the right of proving the qualifications of voters attacked, but in the remaining counties there was no such reservation, and the votes seemed to have been admitted bad unconditionally—

the committee, however, were of the opinion that, although there was no expressed reservation in the last-named counties, yet, if affirmative and satisfactory proof should be offered showing that the votes objected to were, in point of fact, given by persons duly qualified to vote, that the parties would have no right to stipulate that such votes should be disregarded; and that the stipulation would be only received as prima facie evidence of the want of the necessary qualification of the voter. (Draper v. Johnston, 22d Cong., C. and H. 702-714.)

These principles, announced by the House in contested-election cases, are sound. For that reason I believe that they should prevail in this matter.

Where the contestant admitted 73 illegal votes but the minority could not find so many, they deducted only those shown by the evidence to be illegal.

Generally the admission of a part is received as proof, but it would not be proper to do so in this instance. (Blair v. Barrett (minority report), 36th Cong., Rept. No. 563 p. 44.)

Where fraud was shown in a number of precincts and the only votes proved aside from the returns were for contestant, but contestant in his original brief filed with the committee had

conceded to contestee all the votes not proved to have been cast for himself, the committee, on account of this concession, and because it was only a question of the contestant's majority and not of the result of the election, counted the votes according to the method of contestant's brief, but stated that the strictly legal course would have been to reject the entire returns and count only the votes proved aliunde. (Miller v. Elliott, 51st Cong., Rowell, 527.)

The agreement of parties can neither diminish nor enlarge the elective franchise as secured by the laws of the Commonwealth. (Portersfield v. McCoy, 14th Cong., C. & H. 269.)

The agreement of parties has sometimes been received as to disputed questions of fact, but it has always been held that this should be done with great caution, as these are not merely contests between the parties but the rights of the people of the district and of the State and of the people of the United States are involved and can not be agreed away. (Holmes and Wilson, 46th Cong., 1 Ells. 324.)

Mr. WHEELER. That is, both the statutory law, and the law of the supreme court of the State?

Mr. STEPHENS. Yes. The statute has been construed by the supreme court.

As I stated, I am going to endeavor to explain to the Senate why I believe that it is our duty to consider these ballots in the light of the law of the State in which they were cast. We have governments regulated by law, not only the Federal Government, but State governments. It is the duty of every Senator to endeavor to carry out the provisions of the Constitution and the provisions of the laws of the Federal Government and the laws of the States as well, where there is a relationship to the Federal Government.

Section 4 of Article I of the Constitution of the United States, first clause, reads as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

It will be observed that under the Constitution of the United States the State, by the legislature, can act with reference to providing for elections, the times, places, and manner, but there is reserved to the Federal Government the right to enact legislation or make regulations.

I want to call attention at this moment to section 5:

Each House shall be the judge of the elections, returns, and qualifications of its own Members.

I am going to take this position, which I believe is entirely sound, that as Senators we are duty bound, in passing upon the election of a United States Senator in a case contested as this is, to give full faith and credit to the statutes of the State statutes where they have been construed by the Supreme Court of the United States gives full faith and credit to many State statutes where they have been construed by the supreme court of the State.

I say, Mr. President, that we are required to look to the laws of the State, because of the complexity of our form of government, the fact that the great United States of America, the Federal Government, is based upon the 48 States which compose the Union.

I know that it oftentimes develops that one body is prone to sneer at the other, but I believe, after serving in that body for 10 years and having known something of it for a longer period, that there are just as able men there and have been at all times as there have been and are in this great body. In passing upon a question of this kind time after time it has followed the rule of having respect and regard for the laws of the State.

But I am going further and say that whenever I, as a Senator, shall disregard the law of the State of Iowa or the law of any other State in the Union in a contested-election case I am not only trampling upon the law of that State, but I am trampling upon the Federal law as well. I say that because of the very provision that I read that the States may prescribe these laws and that they shall have full force and effect unless the Congress shall enact legislation upon the same subject.

In other words, Mr. President, my view is that where a State has enacted laws upon the subject of ballots and balloting as we have them in this case and the Congress of the United States representing the Federal Government has failed to enact legislation of any kind or character on that subject, by that very failure it adopts the State statute and it becomes as fully a part of the law of the Federal Government as if it had been written in the law by the joint action of both branches of the Congress. Yet we have here a majority of this great commit-

tee who say, "Away with the law of the State. We will have nothing to do with it. We will wholly disregard it. It is true the Federal Government, the Congress, has not enacted legislation, but we stand higher than the Constitution, we stand higher than the Supreme Court, which is willing to follow the construction of a statute placed upon it by the State courts." These Senators are willing to say, "We will adopt a mere rule." The Constitution of the United States does not say that the Senate may adopt rules in regard to such matters. I contend that whenever power is granted to an individual or to a legislative body or to any officer, although it may seem to be plenary power, yet the presumption is that he will exercise the authority given him within the bounds of law and that he will follow the rules of law.

So I contend that the Senate, although empowered to pass upon the elections, returns, and qualifications of its own Members, must follow what I confidently believe to be not only the State law but the Federal law as well. Indeed, by failing to enact legislation on this subject there are 48 different election laws that are Federal laws if my view of the matter is correct, and each particular case must be decided according to the provisions of the particular statute under which the contest is made.

Mr. REED of Missouri. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. STEPHENS. I yield.

Mr. REED of Missouri. Does the Senator think that the clause of the Constitution to the effect that each House of Congress shall be the sole judge of the qualifications and elections of its Members was placed there solely to protect the legislative branch of the Government from interference by the other branches?

Mr. STEPHENS. I think that is very true. I agree with that view of it.

Mr. REED of Missouri. But it is always implied that that power so vested in the legislative branch will be exercised in accordance with the law of the land?

Mr. STEPHENS. Yes.

Mr. GOFF. Mr. President—

Mr. STEPHENS. I yield to the Senator from West Virginia.

Mr. GOFF. Do I understand the Senator's contention to be that the law of each State, in so far as it relates to the election of a United States Senator, must be incorporated into the Federal law and must control and govern the Senate of the United States in so far as any one of those 48 provisions may be applicable?

Mr. STEPHENS. I will state my position in this way. Suppose the Federal Congress had enacted legislation under this particular provision of the Constitution, and suppose further that a contest arises, would the Senator, simply because of the second provision that the Senate shall be the sole judge of the returns and elections and qualifications of its Members, hold that that second provision overtopped the law with reference to contests, with reference to holding elections, the time, places, and manner, and all those things that relate to the election that the Senate had the right to consider?

Mr. GOFF. I would hold that the Senate had the right to exercise its own legal discretion in each and every case that came before it, regardless of the law of the State from which the case came.

Mr. STEPHENS. Perhaps I did not make myself clear. Suppose that Congress should enact legislation under section 4 of Article I of the Constitution, as it has the right to do, despite the fact that the legislature of the State had enacted similar legislation, what I want to know is simply this: Would the Senator hold, although the Congress has enacted such legislation, in view of section 5 of Article I, which says that each House shall be the judge of the elections, returns, and qualifications of its own Members, that he could stand here or the Senate could stand here and wholly disregard the law that had been enacted by Congress on the subject?

Mr. GOFF. Oh, no. Of course, if the Senate should enact a law which was agreeable to the provisions of section 4 of Article I, the Senator would be bound by that congressional legislation. Section 4 of Article I reads as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations.

Now the term "such regulations" relates back to the time, places, and manner of holding elections for Senators and Representatives.

But the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Then section 5 provides:

Each House shall be the judge of the elections, returns, and qualifications of its own Members.

If the Congress of the United States, exercising the authority directly conferred upon it and not reserved to the States by the provisions of section 4 of Article I of the Constitution, should enact a law in no way in conflict with the provisions of section 5 of Article I, of course the Senate would be bound by such a law. If the Senator propounds that question to me, my answer is clearly that the Senate would be bound by such a law as the Congress might pass consonant with the provisions to which I have called attention.

The question which I propounded to the Senator from Mississippi did not relate to that proposition. My question was whether the Senator would have the Senate, without such legislation having been enacted by Congress, bound by the laws of the 48 States constituting this Union when it came to the question of determining the right of a Senator from any of those States to hold his seat in this body. That was the question which I propounded to the Senator from Mississippi, based upon the argument of the Senator preceding just a few moments the question which I asked.

Mr. STEPHENS. Then the Senator I imagine would say that, although, under the very Constitution under which we are acting here and following its provisions, a State should enact laws on the subject of ballots and elections, those laws would be void. Would the Senator say that he would wholly disregard that law although it was passed in accordance with the terms of the Federal Constitution?

Mr. GOFF. I do not say I would disregard that law, speaking for myself individually. Speaking generally, I would not say that the Senate could adopt a uniform rule that would always disregard such a law. I do say, however, that the Senate under the Constitution is independent of the law of any State and is not compelled to follow the law of such a State but can, in the exercise of its best judgment, follow such a law if such law be not inconsistent with the rules and practices and regulations that govern and control the Senate when it comes to the question of passing upon the rights of a man to a seat in this body.

Mr. NORRIS. Mr. President, may I interrupt the Senator from Mississippi?

Mr. STEPHENS. Yes.

Mr. NORRIS. If I understand the Senator from West Virginia [Mr. Goff], his position is that under the provision of the Constitution which has been read, and which the Senator from Mississippi [Mr. STEPHENS] is discussing, it is conceded that the State of Iowa has passed laws, the power to do which is explicitly given by the provisions of the Constitution to the State, and that the Congress has not done so. As I understand the Senator holds the position—and that is the holding of the majority of the committee in their report—that although Iowa, acting under that provision of the Constitution, has enacted certain laws and regulations with regard to elections, the Senate can with impunity entirely disregard the State statutes and act as though Iowa had passed no law whatsoever.

Mr. STEPHENS. That seems to me to be the logical conclusion.

Mr. GOFF. I agree with everything that the Senator from Nebraska has said if he will only eliminate the word "impunity."

Mr. NORRIS. I will eliminate that word, if the Senator from West Virginia desires, and use any other word that will suit the Senator better.

Mr. GOFF. I think the Senator's statement is agreeable to the conclusion I have reached if he will eliminate the word "impunity."

Mr. NORRIS. I only desire to say, if the Senator from Mississippi will permit me, having great respect not only for the legal judgment of the Senator from West Virginia but for that of the committee likewise, it is yet, with my limited knowledge, impossible for me to conceive how anyone can take the position that we have a right here in this particular case to disregard the laws of Iowa as to elections as they were in force at the time the election took place. I can not understand how anyone can take that position.

Mr. STEPHENS. Mr. President—

Mr. REED of Missouri. Mr. President, will the Senator from Mississippi permit an interruption?

Mr. STEPHENS. Yes; I yield.

Mr. REED of Missouri. Mr. President, with the permission of the Senator from Mississippi, I desire to say that the Constitution, as has been said, reads:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof.

That means, Mr. President, according to my view, that everything pertaining to an election, the qualifications of voters, how the ballot shall be printed, and every detail is by the Constitution of the United States solemnly vested in the legislatures of the States. That right continues to exist until and unless—

The Congress may . . . by law make or alter such regulations.

And there Congress is restricted so that it can not place any limitation as to the places of choosing Senators. The Senator from West Virginia has said that if Congress exercised this secondary power, which it can exercise but has not exercised, the law of Congress would be absolutely binding upon the Senate. If that is true, Congress having merely exercised a right granted to it by the Constitution, how can any man say that when the State is exercising a right conferred upon it by the Constitution, the action of the State is not just as sacred as the action of the officers of a State would be if they were acting under a law of Congress? It seems to me a contention to the contrary is untenable.

Mr. GOFF. Mr. President, will the Senator from Mississippi yield until I can reply to the Senator from Missouri?

Mr. STEPHENS. I will yield for a moment only. I want to conclude as soon as possible.

Mr. GOFF. As I understand the Senator from Missouri [Mr. REED], he says that section 4 of the Constitution confers upon the States and their legislatures the right to prescribe the times, manner, and places of holding elections for Senators and Representatives. That is true, but it is not the intention or purpose of the Constitution in section 4 to take away from the Senate of the United States the powers conferred upon it by section 5 to be the judge of the elections, returns, and qualifications of its own Members.

Mr. REED of Missouri. Undoubtedly not.

Mr. GOFF. And the construction which the distinguished Senator from Missouri would place upon section 4 would eliminate and subordinate the rights of the Senate as conferred and expressly granted by section 5 of the Constitution. If the different States could pass laws which would take away from the Senate the very right which is conferred upon the Senate by section 5 of the Constitution, then we are driven to the conclusion that section 4 and section 5 of the Constitution of the United States when practically executed and put into use are each destructive of the other. It is for that reason that I dissent wholly and entirely from the conclusion which is reached by my friend the distinguished Senator from Missouri and concurred in by the Senator from Mississippi.

Mr. REED of Missouri. On the contrary, Mr. President, I do not exclude section 5. I apply to the construction of both sections an elemental rule of construction laid down by every authority in the law, namely, that when there are two sections of the law relating to the same subject they shall both be construed together and both be given their reasonable and natural effect. What is the natural and reasonable effect? First, the State conducts the election as it sees fit; second, when it returns a candidate to the Senate the Senate has the right under section 5 to judge as to the election and returns and qualifications of the man. Judge them how? Judge them according to the law of the State; and if the election has been held in accordance with the law which the State had the right to enact and which the State did enact, we have no right to interfere, because by so doing we destroy the right of the State.

What we can do is to find out whether the election was held in accordance with the law of the State. What we can do is to find out whether the returns were honest returns. What we can do is to find out whether the man who was sent here possesses the qualifications of a Senator. Construed in that way, we give to the State's action full force, validity, and effect; we interfere in no respect with the rights of the State reserved by the Constitution; we exercise our right as to the result; and that is to be measured by this: Does the man possess the qualifications under the Constitution of the United States? Did he receive the votes necessary to put him here? The latter question is to be decided by the action of the State when it placed its statute upon its books. So that both stand and neither are destroyed; but the Senator's construction would mean that under the right to judge of the qualifications of Members the Senate could wipe out every statute of every State, every act of every State, and nullify the will of the

State arbitrarily and without reason, setting up our will instead of the will of the people of the State.

Mr. GOFF and Mr. BINGHAM addressed the Chair.

The VICE PRESIDENT. Does the Senator from Mississippi yield, and, if so, to whom?

Mr. STEPHENS. Mr. President, I should like to take a little time myself.

Mr. GOFF. I understand the Senator from Mississippi to say that he does not care to yield at this time?

Mr. STEPHENS. How long will the Senator take?

Mr. GOFF. I do not know.

Mr. STEPHENS. I will be very glad to yield if the interruption will consume only a short time.

Mr. GOFF. I withdraw the request that the Senator yield, and when I discuss this question I shall reply to what my friend, the distinguished Senator from Missouri, has said relative to his construction of these provisions of the Constitution, and I trust that he will be in the Chamber at that time.

Mr. STEPHENS. Mr. President, if the Senator were addressing a question to me, I should gladly yield, but I rather object to yielding to other Senators to carry on a colloquy.

Mr. GOFF. I quite see the justice and equity of the Senator's position.

Mr. STEPHENS. I thank the Senator; I appreciate his statement.

Mr. GOFF. Too many of us have been talking in the time of the Senator from Mississippi.

Mr. STEPHENS. I wish to say, following up what has been said, that it is my idea that the processes of determining a contested-election case and all questions relating to the honesty and bona fides of the election and of ascertaining who received the highest number of legal votes must of necessity forever, owing to the provisions of the Constitution, reside in the Senate. Mark you, Mr. President, I use the words "received the highest number of legal votes." There must be some law on the subject. The Senate has no power to adopt a rule, in view of the provisions of the Constitution which have been read here, that will destroy the law of a sovereign State. The rules that they adopt must be in consonance and in accord with some law; and if the Congress has not enacted a law, then the law of the State under which the election was held must be followed and becomes the law of the case.

In my reading, Mr. President, I found this language from a very distinguished man, a very noted character, a Member of the House of Representatives, and also a United States Senator and Governor of the great State of Tennessee. He said:

The elective franchise, being a political and not a natural right, wholly dependent upon the constitution and the laws of a State, it must, of course, be exercised subject to all the restrictions that the constitution and laws have thrown around it. We must, therefore, refer to the constitution and the laws of that State.

That language was uttered by Isham G. Harris in a contested-election case. That great man had the same idea that has been expressed by several Senators here this afternoon—that the House, that the Senate, either, both, in a contested-election case, there being no Federal law upon the subject, shall look to the law of the State.

But, Mr. President, there are two or three other matters that I desire to refer to, and then I must leave the question.

Mr. GOFF. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	Jones, N. Mex.	Reed, Pa.
Bayard	Ernst	Jones, Wash.	Robinson, Ind.
Bingham	Fernald	Kendrick	Sackett
Blease	Ferris	King	Sheppard
Borah	Fess	La Follette	Shipstead
Bratton	Fletcher	Lenroot	Simmons
Broussard	Frazier	McKellar	Smith
Bruce	George	McNary	Smoot
Butler	Gillett	Metcalf	Stanfield
Cameron	Goff	Moses	Stephens
Capper	Gooding	Norris	Trammell
Caraway	Hale	Nye	Tyson
Copeland	Harrell	Oddie	Walsh
Cousens	Harris	Overman	Watson
Curtis	Harrison	Pepper	Wheeler
Dale	Hedlin	Phipps	Williams
Dill	Howell	Pittman	Willis
Edge	Johnson	Reed, Mo.	

Mr. BROUSSARD. I desire to announce that my colleague [Mr. RANSDELL] is unavoidably detained from the Chamber.

The PRESIDING OFFICER (Mr. NORRIS in the chair). Seventy-one Senators have answered to their names. There is a quorum present.

Mr. STEPHENS. Mr. President, I am going to occupy just a few minutes longer, and then I shall yield the floor.

If I may have the attention of the Senator from Georgia [Mr. GEORGE] for a moment, on yesterday he and I engaged in a little colloquy here on the floor with reference to the stipulation regarding the subpoena for ballots. It will be recalled that there are two provisions in that stipulation with reference to the duties of the county auditors and the two personal representatives of the candidates, Mr. Steck and Mr. Brookhart. The first duty related to the signing of the name or signature of each one of the three parties on each envelope or container.

The Senator from Georgia, as I understood him, contended that by reason of the agreement made afterward that the personal representatives of Steck and Brookhart should not go to the various county seats; that nullified the whole provision with reference to writing the name or initials upon the envelope and container, because of the fact that it was supposed to be done by three; and the provision having been changed so that two should not be required to go, the auditor himself was not required to sign the envelope or container. Do I state that correctly or not?

Mr. GEORGE. No; not exactly, Mr. President. I simply said that the subpoena provided for joint examination by the representative of the Senate and the supervisor for Mr. Steck and the supervisor for Mr. Brookhart; and that, having provided for joint examination and joint attestation, when Steck and Brookhart failed to go and expressly waived their right, naturally, then, the only thing left for the county auditor to do was to comply with so much of the subpoena as had reference to his own act, as imposed a requirement on him.

Mr. STEPHENS. I think the Senator and I understand one another. The Senator means by that that the agreement that the representatives should not go to the county seat relieved the county auditor from the duty of signing his name or initials on the various envelopes?

Mr. GEORGE. Oh, no!

Mr. STEPHENS. It did not?

Mr. GEORGE. Oh, no; it did not relieve him. It was not so interpreted by the county auditor; but he operated under this. Why should he examine the container in the presence of Steck's counsel and Brookhart's counsel? How could he do it when neither was there? Therefore there was no necessity for that, but it was necessary for him to examine it, and he was expressly required to note any evidence of tampering on it; and the auditor did it.

Mr. STEPHENS. The Senator will remember that we were discussing this particular phase of the matter, and I stated that I had found numerous containers and envelopes and bags, and so on, that did not bear the name or signature of the county auditor; and I understood the Senator to say that by reason of the changed requirement that the representatives of the parties should go he was relieved from signing his name upon the container except in regard to making a notation where envelopes were unsealed.

Mr. GEORGE. That is all he was required to do under the subpoena unless Senator Brookhart's and Mr. Steck's representatives were present and joined with him.

Mr. STEPHENS. Why was he not relieved from the duty of signing his name on these envelopes that were properly sealed?

Mr. GEORGE. He was not required to sign his name on any of those envelopes.

Mr. STEPHENS. He was not?

Mr. GEORGE. No; under no circumstances.

Mr. STEPHENS. Not under the stipulation?

Mr. GEORGE. If those envelopes were the ones that came in the bags—

Mr. STEPHENS. They were; yes.

Mr. GEORGE. He could not get to those unless he had himself broken into the bags.

Mr. STEPHENS. Then on the bag—

Mr. GEORGE. He was to sign there should there appear any evidence of opening or tampering with any of the original packages.

Mr. STEPHENS. There were two requirements with reference to signing, one for the purpose of identification—

Mr. GEORGE. Oh, no.

Mr. STEPHENS. One for the purpose of showing any defects.

Mr. GEORGE. I want to say right now that I think the whole of the Senator's argument is utterly immaterial, absolutely, and that shall be my position before the Senate.

Mr. STEPHENS. All right.

Mr. GEORGE. But the Senator on yesterday was saying that there had not been any compliance with the subpoena.

Mr. STEPHENS. Yes.

Mr. GEORGE. And he was contending that the extent of the waiver was simply to bring the ballots down here subject to all legal objections that might be raised to them. I call

the Senator's attention to the fact that the provision of the subpoena which he read provides for a joint inspection by Steck, Brookhart, and the county auditor, and a joint notation on the ballot, and that when Steck and Brookhart failed to join in that joint inspection it necessarily relieved the auditor of any duty in that regard, because his duty as an individual was prescribed in the very next sentence, which the Senator had not read at the time I directed his attention to the subpoena. That is all. But I want to say now—

Mr. STEPHENS. Why was he relieved, may I ask the Senator? Was it because these parties were not required to go there to sign?

Mr. GEORGE. Senator, when a man is required to engage in a joint enterprise with three others, and two of them expressly refuse to enter that joint enterprise, and waive their right to do so, necessarily he is relieved from acting jointly with them. But the auditor was required to go on and do what the Senate required him to do—that is, to send here, with the proper notation, any bag that showed there had been any tampering or opening.

Mr. STEPHENS. Let me put this to the Senator. Suppose the subpoena had required that the auditor and both the personal representatives of these parties make notations with reference to defects, tampering, and so on—

Mr. GEORGE. But it did not require that.

Mr. STEPHENS. But suppose it had required that?

Mr. GEORGE. Why suppose a case that is not here? That is the one great trouble about this contest.

Mr. STEPHENS. All right, if that is the Senator's answer.

Mr. GEORGE. The Senator is supposing a case that is not here. I do not care to speculate about a case that is not here at all.

Mr. STEPHENS. I will tell the Senator in all sincerity that that case is here.

Mr. GEORGE. What case is here?

Mr. STEPHENS. A case similar to the one I have just inquired about.

Mr. GEORGE. Let me read this subpoena, then.

Mr. STEPHENS. All right.

Mr. GEORGE. On page 57 the subpoena appears, and I read from the subpoena as follows:

That immediately prior to the transmission of the said books, papers, and documents the envelopes and containers thereof shall be examined by the county auditor in the presence of a representative of each of the contesting parties, who shall be designated for that duty by the respective counsel for the said parties, and the said examiners and county auditor shall sign their names on each and every envelope or container, which shall be sealed in such manner that they may not be tampered with or opened except by authority of the Committee on Privileges and Elections of the United States Senate without evidence of such tampering or opening appearing thereon.

That was a provision for the examination of the ballots out in Iowa, before they left the county auditor, in the interest of these two contesting parties, and for the purpose of enabling them to know whether the ballots left Iowa in sealed packages, and apparently without evidence of tampering or fraud. When Messrs. Steck and Brookhart waived that, for reasons undoubtedly good to themselves, for reasons undoubtedly that were sufficient to both of them, then the county auditor did have a duty to perform, but his individual duty, which he could not evade under any circumstances, is found in the next sentence of the same paragraph:

Should there appear any evidence of opening or tampering with any original package prior to the said examination by said county auditor and examiners, notation of the character thereof shall be made upon the envelope or container by the said county auditor.

I tried to make it plain to the Senator on yesterday—I do not think the Senator understood what I said—that the subpoena of the Senate, subpoena containing this stipulation, was served on each one of the county auditors. Along with it was sent a statement, to be returned by that county auditor to the Sergeant at Arms of the Senate, that when the subpoena was served on each county auditor in the State of Iowa each county auditor did in fact acknowledge the receipt of the subpoena, did in fact sign a statement which was prepared by the Senate itself, which statement disclosed the number of packages of ballots he was sending here, from what precinct and from what counties those ballots were taken up; and that receipt or statement also disclosed the number of the mail sack in which the ballot was deposited and also disclosed the number of the discs of the rotary lock which safeguarded these ballots against any and all possible tampering.

If the Senator will examine the subpoenas served upon the county auditors, and the returns made in their responses to those subpoenas, which are a part of the Senate files in the

office of the Sergeant at Arms, he will find, I think, everything he needs to find in this case. Those records are not entered in the stenographic report for this reason, that this contest did not begin last December. This contest was actually begun in July, 1925.

A part of the subcommittee was actually here in Washington for varying lengths of time during the greater part, or practically all, I may say, of two months. We could not keep a stenographer running around with every tabulator and with every member of the committee who might be present, especially in view of the fact that we had appointed, for the very purpose of doing away with the necessity of so many formal hearings, the political manager of Senator Brookhart to be present at all times to see that everything was done regularly, and had appointed a man selected by Mr. Steck to be present at every stage of the proceedings to see that everything was done regularly.

While I am on that point, let me say this to the Senator, that I do not think there was any question but that the subpoena of the Senate was complied with; but I think it wholly immaterial, because one fact is undisputed in this case; that is, that on the 20th of July, when the members of the subcommittee of the Committee on Privileges and Elections of the Senate came here to begin this contest, Mr. Brookhart's brother was present; Mr. Brookhart's counsel of record was present, Mr. Mitchell; Mr. Brookhart's political manager, Mr. Cook, was present, and he had been appointed by the committee on the nomination of Senator Brookhart. Every one of them knew how the ballots had been brought down here, and every one of them knew whether or not the names of the county auditors appeared upon those sacks, how many times they appeared, and how many times they did not appear; and they then, with full knowledge, elected to count those ballots.

I do not care anything about waivers, I do not care anything about stipulations. If an American Senate will not hold any contestant bound by that sort of conduct, then it really becomes immaterial whatever else may follow in the case. No man can go with me a mile, and then raise the question that he did not go. Those are the facts. Why worry about the subpoena? Those are the facts in the record in this case.

Mr. STEPHENS. All right. Now, Mr. President, I referred to this matter because it has been stated here, as I remarked yesterday, that there was a breach of the stipulation. I am going to discuss that just for a moment.

The stipulation, whatever it might have been, was a poor stipulation. I have no personal knowledge of that, of course, but the Senator states that the stipulations of the subpoena were complied with. I insist that they were not. I insist that the action of the Sergeant at Arms—unintentionally, of course—and of Colonel Thayer, the chief supervisor, absolutely nullified any effect that any stipulation might have had, any force that might have resided in it, by virtue of the character of the subpoenas issued, and by virtue of the instructions sent out to these auditors.

Mr. JONES of New Mexico. Mr. President—

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Mississippi yield to the Senator from New Mexico?

Mr. STEPHENS. I yield.

Mr. JONES of New Mexico. I should like to be advised as to the time when objection was first made to counting these ballots by reason of any default in the certification of the ballots.

Mr. STEPHENS. I will answer that in just a few moments. I want to get this off my mind, and then I will get to the other.

This subpoena does not follow the stipulation. I think with regard to the first duty imposed upon the county auditor—that is, of signing his name on the containers—it follows the language of the stipulation, that the examiners themselves should sign their names or initials on each and every envelope or container. The stipulation provides further:

Should there appear any evidence of opening or tampering with any original package prior to the said examination by said county auditor and examiners, notation of the character thereof shall be made upon the envelope or container by the said county auditor and examiners, or either of them.

The subpoena that was issued does not follow that language. It reads as follows:

Should there appear any evidence of opening or tampering with any original package prior to said examination by yourself and said examiners, notification of the character thereof shall be made on the envelope or container.

There is a marked difference in the language. We follow that up by this letter, which went to each auditor, giving the

auditors specific instructions. Why was this letter sent by the chief supervisor?

He said:

In answer to many inquiries received from county auditors concerning instructions contained in subpoena from Sergeant at Arms of the United States Senate in the Steck-Brookhart senatorial contest, will say:

First, the Sergeant at Arms is merely the sheriff in the Senate, etc.

Now, mark you:

Second, the attorneys for both sides have waived instructions requiring a witness from each side to be present when the ballots are placed in the mail sacks and sealed.

Now, he tells the auditors what their duty is:

The auditor for each county will seal all envelopes containing the ballots and place them in the mail sacks, lock the same, then deliver them to the postmaster. Thereupon the responsibility of the auditor ceases.

There is not a line here that they shall note anything upon the packages, no matter how defective they were. It was said that there were two packages that had notations upon them, but there were 40 or 50 that were tied up one way or another. What was said to the auditors was not to note anything there, not a word said about making a notation, but they were told to seal the packages. How many packages were opened in the 99 counties in the State of Iowa nobody knows. If the auditors obeyed instructions of the chief supervisor, they simply sealed the packages and put them in the mail box and sent them here. They were told that all they must do was to seal and mail. They were not required under these instructions to make any notations whatever and that doubtless accounts for the fact that there were 40 or 50 that we know of. How many more there were we can not say, of course, that were not sent here in the manner required by law. They had not been preserved in the manner required by law.

Let me call attention to the fact that there were many cases where large discrepancies occurred. I recall one of those cases. It came here without any notation and yet Brookhart lost 80 votes at that precinct. I call attention to another that came here without any notation upon it and that was the Estherville precinct. What did we find there? We found that upon the work sheet under the head of "Remarks" the chief supervisor stated that there were 20 less ballots found than the number of names on the poll books. Mark you, those ballots were required to be all kept together, kept sealed, and yet later on a package of 34 ballots came from this identical precinct. Does not that show conclusively that so far as that precinct was concerned the law had not been complied with? Let me call attention further that in that very identical precinct where there were 20 missing ballots, they were produced later because they were written for. It had been discovered that they were missing and some were sent in. But on the ballots that were sent here on the recount that showed there were 20 missing and Senator Brookhart was short just exactly 20 ballots, the number given him by the judges of the election.

Mr. JONES of New Mexico. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New Mexico?

Mr. STEPHENS. I yield.

Mr. JONES of New Mexico. The Senator made the point which I understood to go to the certification of all the ballots.

Mr. STEPHENS. That is correct.

Mr. JONES of New Mexico. It was that which I had in mind and to which I referred in my previous question. I should like to know when the objections were made to the form of certification, which objections have just been discussed by the Senator.

Mr. STEPHENS. I want to call attention to two or three other precincts, and then I am coming to the matter the Senator has in mind.

Mr. JONES of New Mexico. I am not concerned with the matters the Senator is now discussing about failing to find certain ballots. I am referring to the general question of certification to the questions which relate to certification of all the ballots. When was that objection first raised?

Mr. STEPHENS. I expect to discuss that later. I simply wanted to state, in a connected manner, what I have in mind. However, if the Senator prefers to have me answer his question now, I shall be very glad to do it.

Mr. JONES of New Mexico. Under my own mental processes I wanted to dispose of one thing at a time and find out when the objection was first raised to the failure to make the certificate on all of these packages.

Mr. STEPHENS. I will endeavor to answer the Senator now. The Senator from Arkansas [Mr. CARAWAY] read twice, I think, from page 63 of the hearings where it was suggested by Mr. Mitchell, representing Brookhart, that there might be a question of discrepancy between ballots and poll books. I am very frank to say to the Senator that there was no objection when the ballots and containers were brought here. There were no objections until long after.

Mr. JONES of New Mexico. Does the Senator know from the record when objection was made?

Mr. STEPHENS. It was the 2d day of December, 1925, according to the record. Mark you, the case was not closed. I know it has been stated several times and was stated in the brief by one of the attorneys for Mr. Steck and has been stated really in the record several times, as the Senator will find if he will look through it, that no objection was ever made until after the case was closed. Sometimes it is said that no objection was made until after the argument was presented. As I recall, the Senator from Arkansas said day before yesterday that this objection was never made until after Mr. Mitchell went back to the State of Iowa, and so on.

I am referring to the record, as I said, of December 2, as is shown at page 63 of the hearings, where it will be seen that it was suggested at that very time that there were discrepancies. Senator CARAWAY laid great stress on the fact that Mr. Mitchell said there might be only two or three hundred ballots involved. Mitchell did say that, but Mitchell never knew and nobody knew at that time how many might be involved. Mr. Parsons, representing Steck, said there would be only a very few such, and so on. Mr. Parsons attempted to explain it by saying that it is probably because of the absence of a voter's law, and things of that kind.

But what are the facts? I want to say to the Senator that this objection was made long before the tabulation prepared by the auditors was ever filed. I know that in the latter days of January in a controversy between Senator Brookhart and the Senator from Kentucky [Mr. EANS], the Senator from Kentucky contended that the tabulation was there two or three weeks before. Senator Brookhart said it was only a memorandum that Mr. Turner, the tabulator, had. If we go back to Turner's testimony, we find that he said that he did not have a tabulation, that he simply had a memorandum, and on one of the days, the 26th, 27th, or 28th of January, in the hearings, when Senator Brookhart was there personally, it was admitted even at that late date that the tabulation had not been filed and the figures were not complete. It will be found in the record that Senator Brookhart himself, even as late as the 28th of January, thought only 4 or 5 precincts were involved; in fact, he had a little argument there contending that there were only 4 or 5 precincts involved where there was a variance between the number of ballots in the box and the number of names on the poll lists. The record had not been made up. Mr. Mitchell called attention to the matter. He made specific objection to certain precincts, 6 or 7 in one instance and 4 or 5 or 6 in another, but he did not have full knowledge, and the knowledge never came until a month or more after Mitchell had made his objection.

Mr. JONES of New Mexico. Mr. President—

Mr. STEPHENS. I yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I understood the Senator to state just a little while ago in the course of his remarks that long before then objection had been made, and yet the latter remark rather seems to indicate something different.

Mr. STEPHENS. Not long before objection was made.

Mr. JONES of New Mexico. I mean long before the time the Senator was talking about that objection had been made.

Mr. STEPHENS. Yes; a small number, two or three hundred.

Mr. JONES of New Mexico. I am afraid I have been unable to express myself well. What I wanted to know was when the objection was made to the form of the certification of these ballots first made, if it was ever made.

Mr. STEPHENS. There never was any certification.

Mr. JONES of New Mexico. When was objection made to the absence of certification?

Mr. STEPHENS. It was made in December and in January.

Mr. JONES of New Mexico. Was it made of record?

Mr. STEPHENS. Yes, sir.

Mr. JONES of New Mexico. I wish the Senator would tell me where I can find it in the record.

Mr. STEPHENS. All right. I think I can find it for the Senator. I have so many books and papers here it is rather hard for me to do so.

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. STEPHENS. I yield.

Mr. GEORGE. The ballots were counted on July 20, 1925, and during all of the remainder of that month and practically all, if not all, of August, 1925. There was then no question raised, if any has been raised to this hour, concerning any certification of ballots or any question as to whether the ballots had been in proper custody or whether they had been properly preserved. Even the objection upon which the Senator relies was not made until some six or eight months after the ballots had actually been recounted under the supervision of Mr. Brookhart himself.

Mr. STEPHENS. I said that there was no objection made until long after the ballots were brought here.

Mr. GEORGE. And after they were recounted, I will say to the Senator.

Mr. STEPHENS. After the committee counted them?

Mr. GEORGE. After the ballots had been counted and the contested ballots alone were set aside.

Mr. STEPHENS. Had the committee counted the ballots?

Mr. GEORGE. The committee had counted all the ballots or had approved the agreements made.

Mr. STEPHENS. That does not answer the question.

Mr. GEORGE. Yes, sir; we had counted them.

Mr. STEPHENS. All of them?

Mr. GEORGE. All of them.

Mr. STEPHENS. All of the 8,000 or 9,000 contested ballots?

Mr. GEORGE. I said except the contested ballots.

Mr. STEPHENS. Certainly.

Mr. GEORGE. We did that in June and July, 1925.

Mr. STEPHENS. Yes; I agree to that. I have not denied that.

Mr. JONES of New Mexico. The question of certification could not have been limited to contested ballots, could it?

Mr. STEPHENS. No.

Mr. GEORGE. It had to be made as to all.

Mr. JONES of New Mexico. I should like to have my attention directed, if anyone can do so, to the time and place when objection was made to the absence of certification, which the Senator from Mississippi has been contending is so essential.

Mr. STEPHENS. I will read it to the Senator right now. It falls under the date of January 6, 1926.

Mr. JONES of New Mexico. Will the Senator please read the form which the objection took?

Mr. STEPHENS. Very well. I will go back just a little.

Mr. MITCHELL. May I be permitted to make a statement, Mr. Chairman?

The CHAIRMAN. Yes; we will be very glad to hear from you.

Senator GEORGE. Before we begin, Mr. Mitchell, may I ask, did the supervisors and the clerks tabulate the returns—tabulate their work?

Mr. MITCHELL. Yes, sir.

Senator GEORGE. Is that available here?

Mr. MITCHELL. That is what I understood was to be the basis of this hearing this morning; that the tabulation prepared by Mr. Turner as official tabulator was to be introduced.

Mr. PARSONS. I will introduce it.

Mr. MITCHELL. If we can arrive at that point I think we will clarify the whole situation.

Now, in order to answer one question, I will say this, that we are going to object to the recount as a whole for this reason, that the burden, as we understand it, is imposed upon the contestant to demonstrate to the satisfaction of the committee, or in the case of a contest, to the court, that there has been no reasonable opportunity for tampering with the ballots. We will object to the recount particularly so far as it affects the paper ballots for the same reason, that there has been no attempt to show that these ballots, after they were sent in by the officials charged with their counting, had not been tampered with, or there was no opportunity to tamper with them.

Mr. WHEELER. Mr. President, will the Senator yield right there?

Mr. STEPHENS. I will.

Mr. WHEELER. Under the law of Iowa it is provided that before the ballots may be introduced in evidence for the purpose of overturning the official count it must be shown that the ballots were not tampered with and that there was no opportunity to tamper with them.

Mr. STEPHENS. Yes.

Mr. WHEELER. That is the law of Iowa. Now, will the Senator yield for another question?

Mr. STEPHENS. I will.

Mr. WHEELER. Was there ever any waiver upon the part of Senator Brookhart, either expressed or implied, of those provisions of the law?

Mr. STEPHENS. None that I have ever heard of. I am going to say this—

Mr. WALSH. Mr. President—

Mr. STEPHENS. Let me first answer the question of the junior Senator from Montana, and then I will yield to the senior Senator from Montana. From time to time during the hearings this matter was discussed. The question of stipulations and waivers was never mentioned until some time in February, so far as I can now recall, and it was mentioned then in the brief of the counsel in the case for Mr. Steck. It was frequently stated, "You ought to have objected earlier," and so on, but the question of the stipulation did not enter into that at all. Now I yield to the senior Senator from Montana.

Mr. WALSH. I was going to say that I see the report of the majority and the argument of counsel for the contestant are to the effect that when it is shown that the ballots came from the proper custody the burden of proof shifts.

Mr. STEPHENS. Yes, sir; it is true that the majority makes that contention.

Mr. WALSH. So that it is not necessary for the contestant to submit affirmative proof that the ballots were not tampered with.

Mr. STEPHENS. Not simply that the ballots come from a certain source; that is not at all sufficient; that is not the law, as I understand.

Mr. WALSH. I got that impression from the authorities in the State of Iowa cited in the report and brief.

Mr. STEPHENS. To what page does the Senator from Montana have reference?

Mr. WALSH. Take page 8 of the majority report, for instance, which cites a case reported in Sixty-fourth Northwestern, as follows:

At the trial in the district court the contestant put in evidence ballots as returned to the auditor from the different voting precincts, under rulings of the court, and the ballots so counted gave to the contestant a majority over the incumbent of 18 votes, which the court held to be a prima facie case contestant. The incumbent then put witnesses on the stand who, against objections, were permitted to testify that certain of such ballots shown them were not as they were voted or counted by the judges of election. Contestants insisted that it was error to admit the testimony, for the reason that no such issue was made by the pleading. We think that there was no error in the ruling of the district court in this respect. The issues were such that contestant assumed the burden of showing that he had received a greater number of votes than the incumbent, and to do that he put in evidence the ballots now in question, with others, which gave him a majority. The ballots thus in evidence were valuable, as such, because of their identity as those cast at the election. The proof that they came through the channels and from the custodian provided by law for their preservation and keeping gave to them such a prima facie character. It was then the right of the incumbent to discredit this evidence.

So, apparently, if that is the rule, all they are required to show—

Mr. WHEELER. What was that citation?

Mr. WALSH. The case cited is that of *Ferguson v. Henry*.

Mr. WHEELER. Where is it reported?

Mr. WALSH. It is reported in Sixty-fourth Northwestern.

Mr. STEPHENS. I am familiar with that case, and I had it here, but some one seems to have removed it. My recollection is that it will be found that the writer of the brief stopped one sentence too soon.

Mr. WHEELER. Will the Senator pardon me for just a moment?

Mr. STEPHENS. Yes.

Mr. WHEELER. I will call the Senator's attention to One hundred and thirteenth Iowa, One hundred and nineteenth Iowa, One hundred and fourth Iowa, and One hundred and thirty-fifth Iowa. Each and every one of those cases repudiates the rule laid down in the portion of the decision which has been read.

Mr. WALSH. That clears it, then.

Mr. STEPHENS. Yes, sir. I have one of the cases right here, if the Senator will let me read from it:

It must affirmatively appear that they—

Referring, of course, to the ballots—

It must affirmatively appear that they have been preserved with that jealous care which precludes the opportunity of being tampered with and the suspicion of change, obstruction, or substitution.

That is from the case of *Davenport v. Oelrich*, One hundred and fourth Iowa, page 194. There are numerous other cases to the same effect. For instance, in *Twentieth Corpus Juris* it is said:

In order that the ballots may prevail over the returns or certificate of election, it must first be shown that they are the identical ones cast and that they have been preserved in the manner required by law.

Mr. ASHURST. Mr. President—

Mr. STEPHENS. If the Senator from Arizona will pardon me for a moment, I am going to read from a case reported in *Fiftieth Arkansas*, which quotes *McCrary on Elections*.

Mr. JONES of New Mexico. Mr. President, I hope the Senator will yield to me for just a moment.

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from New Mexico?

Mr. STEPHENS. Yes, sir.

Mr. JONES of New Mexico. I did not interrogate the Senator from Mississippi regarding the point which he is now going to discuss.

Mr. STEPHENS. But the Senator from Montana did ask me a question in regard to it, and I can not answer both questions at once, of course.

Mr. JONES of New Mexico. I understand that; and, if I may be permitted, I would still like to get an answer to the question which I originally propounded.

Mr. STEPHENS. Very well, sir.

Mr. JONES of New Mexico. The Senator from Mississippi read the objection which was made, as I take it, sometime in January of this year.

Mr. STEPHENS. Yes, sir; that is true.

Mr. JONES of New Mexico. The objection which he read was a general objection that it had not been shown that the ballots came from the proper custody.

Mr. STEPHENS. Yes, sir.

Mr. JONES of New Mexico. That did not answer my question. The Senator from Mississippi was discussing the question very forcefully, as I thought, that the ballots were not certified in accordance with the original stipulation or the subpoena. Now, my simple question was, When was the objection raised to the form of the certification or the absence of certification? What the Senator read a while ago, it seems to me, does not bear upon that question at all. What he did read was that that objection was made because the burden of proof had not been sustained, because it had not appeared that the ballots came from the proper custody and came free of any suspicion; in other words, the general rule of law had not been complied with. It did not relate at all to the question of certification.

Mr. STEPHENS. That is very true, but the Senator has not heard all the discussion, perhaps, and it had been argued that under this stipulation there was a waiver of all proof with reference to the care and custody of the ballots. I had contended, first, that the stipulation did not go to that extent; it did not have that effect. In fact, there was never any certification as is required in such cases.

On page 321 of the hearings Senator CARAWAY said when the question of the identification of the ballots was being discussed by Senator Brookhart:

If your contention is true that upon the contestant rests the burden of showing there had been no opportunity to tamper with the ballots, then there is not any contest here, because there is not a line of proof of that.

I contended further that even if there was an endeavor to waive, to accept, as it was expressed here about the middle of February in the language of the attorney for Mr. Steck, the auditor, as the arbiter to pass on all those matters, the stipulation was not complied with.

Of course there was nothing said here, so far as I know or can recall at present, in which the word "certification" was used expressly; but there was a general objection to the recount on the ground that the contestant had not sustained the burden of proof.

Mr. JONES of New Mexico. And that was in January of this year?

Mr. STEPHENS. That was in January of this year, before the case was closed. In fact, there was a witness on the stand, as I recall, at that time. There was testimony afterwards.

I want to say this in that connection: The Senator from Georgia realized the force and importance of this matter. The attorneys did not realize the extent of this shortage. They did not realize the condition that the numerous bags of ballots were in when they came here. They did not know what little care had been exercised in many cases in regard to these matters. How could they know about the shortages, especially until the committee had actually canvassed the vote?

Mr. WALSH. Mr. President, I should like to interrupt the Senator right there, with his permission.

Mr. STEPHENS. Certainly.

Mr. WALSH. Disassociating for the present the question of the shortages in the ballots, and directing our attention exclusively to the want of preliminary proof that the ballots were in the same containers and in the same condition as when they arrived in the office of the county auditor, if this cause were being tried before a court out in the State of Iowa, and

the contestant called the auditor with the ballots from the various precincts in his county, and the containers were opened and the ballots were counted without any question whatever as to the proof of their custody and keeping and that kind of thing. It would be too late after the ballots were counted to insist, would it not, that they had not come from the proper custody, or that the preliminary proof of their proper custody had not been offered?

Mr. STEPHENS. No, sir.

Mr. WALSH. Would it be quite fair to allow an officer who has the certificate to, as we might say, gamble on the result? He would take a chance on the count showing a result more satisfactory for him than the official returns; so he withholds his objection and allows the votes to be counted, and the result is disappointing to him, and then he says:

I object to this count because the preliminary proof of the care and custody of the ballots has not been made.

Mr. STEPHENS. I have seen this occur more than once in a court room: A defendant might sit very quietly by and, after the whole proof was in, might offer a proper objection and the cause be dismissed because the plaintiff had failed to make some proof that was essential in order to sustain him.

Mr. WALSH. Yes; but, of course, that is simply a question going to the sufficiency of the evidence.

Mr. STEPHENS. Yes.

Mr. WALSH. That is not the point. It seems to me that this is a preliminary question, the same as an objection that could be made to the effect that the best evidence has not been offered; or, if the Senator will pardon me, a note is introduced in evidence but complete proof of handwriting has not been made, but no objection was offered to the introduction of the note in evidence and it was received. It occurs to me that that objection stands upon an entirely different footing from the objection that there is a shortage in the ballots, because, of course, neither party could know anything about that until after the ballots were counted; and so it seems to me that an objection upon that ground—namely, that the official vote should be taken and not the recount of the ballots—stands upon an entirely different footing. But the objection as to the preliminary proof necessary to make the ballots appropriate evidence must be made in the nature of a preliminary objection, and in that view I desire to ask the Senator now this question:

In the report of the minority it is stated that there were 67 packages received unsealed. There is no reference to any portion of the hearings sustaining that statement.

Mr. STEPHENS. From what page does the Senator read?

Mr. WALSH. Page 26:

Sixty-seven bags of ballots came to Washington unsealed.

There is no reference at all to the hearings. The majority insist that there were only two bags that were unsealed, and there is no reference at all to the hearings, but reference is made there to the affidavit of Mr. P. W. Turner. That is found at page 8:

According to these certificates only two packages were transmitted or received by them in unsealed packages. These refer to two precincts. (See affidavits of Turner and Thayer.)

In the one case reference is made to some affidavits allunde the hearings, and in the other case there is no reference at all. Where can we find the evidence on that point?

Mr. STEPHENS. On pages 224 and 225.

Mr. WALSH. Will the Senator kindly read it?

Mr. STEPHENS. It covers almost two pages. It is a table. I will say, though, by way of explanation—perhaps that will be shorter—that there were 67 bags of ballots coming from various precincts.

Twenty-seven of them came from one county. Those bags are generally referred to as unsealed bags. However, the parties making this recount had what they called a work sheet, and on that work sheet they would note whether the bag was sealed or unsealed, or what its condition was; they would note the number of ballots and different things pertaining to the matter. Several were simply put down as "unsealed." Now, mark you, the law requires that these ballots shall be strung on a wire and the ends twisted together, and they shall be sealed, and then, under the stipulation here, and so on, all these bags were to be sealed, and under the law every container was to be sealed and put in the regular container, a bag, or something of the kind.

I find here:

Paper-covered bag, unsealed; part sealed, part tied together.

That of itself shows that they were not kept in compliance with law. Then:

Tied bag, unsealed; roll bound with cord; tied bundle; not in sealed bag; wrapped and tied; unsealed, wrapped bundle—

And so forth.

Mr. WALSH. Now let me inquire of the Senator further.

Mr. STEPHENS. Yes, sir.

Mr. WALSH. I understand, now, the reference to the record to which the Senator refers to support that statement; but what difference does it make in the result? We now have 67 precincts in which there is some evidence that the packages were unsealed. I suppose probably either one or the other side claims that with respect to those precincts we should not take the recount, but we should take the official returns.

Mr. STEPHENS. Yes, sir; that is very true.

Mr. WALSH. What difference does it make in the result if we take the official returns in those 67 precincts?

Mr. STEPHENS. My recollection is that it is 149.

Mr. WALSH. But we have no schedule here to tell us.

Mr. STEPHENS. I understand; but the Senator will find it in the record.

Mr. WALSH. But where will I find it?

Mr. STEPHENS. I can not recall just at this moment. Did the Senator have any further questions?

Mr. WALSH. No.

Mr. STEPHENS. I want to call attention to some law on the subject of identity of the ballots.

In order that the ballots may prevail over the returns or certificate of election, it must first be shown that they are the identical ones cast, and that they have been preserved in the manner required by law. (20 Corpus Juris, numerous cases.)

It must affirmatively appear that they have been preserved with that jealous care which precludes the opportunity of being tampered with and the suspicion of change, obstruction, or substitution. (Davenport v. Olerich, 104 Iowa 194.)

The fact that some of the ballots have been tampered with impeaches the integrity of all in that box on the recount.

The presumption that all men know the law applies to election cases.

The presumption is in favor of the canvass.

That elective officers performed their duty honestly and faithfully.

It is a primary rule of election that the ballots constitute the best evidence of the intentions of the voters. (20 Corpus Juris, 244.)

Official returns are quasi records and stand until overcome by affirmative evidence against their integrity. (Powell v. Holman, 50 Ark. 85.)

On the intention of the voter it has been held that where there is no ambiguity on the face of the ballot actually cast extrinsic evidence is inadmissible to show anything about it. Such intention must be determined by the ballot. This is the law in Connecticut, Michigan, and many other States.

In One hundred and seventy-seventh Iowa, page 68, it is said:

The ballots necessarily are the only evidence of what was intended.

In Ninety-second Wisconsin, page 607, it is said:

A ballot which is unambiguous can not be varied by final proof.

A ballot is to be construed as any other writing; and while a resort to parol evidence of extrinsic circumstances may be had for the purpose of interpreting what would otherwise be doubtful, it can not be shown by such or any evidence that the intention of the voter was anything different from what plainly appears upon the face of the ballot. (People v. Seaman, 5 Denio, 409.) And when the ballot intelligently shows that a particular person is voted for to fill a particular office, it can not be counted differently because the court may believe that the voter made a mistake in preparing his ticket. Voting for a person to fill an office for which he is not a candidate may be the result of a mistake, or it may be merely the frivolous exercise of the right of suffrage; but no matter whether such action be attributed to folly or mistake, the ballot is the only expression of the voter's will, and it must be counted according to its legal effect. (Rutledge v. Crawford, 91 Calif. Rept. 531-532.)

In this matter the majority seeks to override the law of the State. The 1,344 votes under the law should be counted for Brookhart, but the committee seek to place its own construction upon the ballot, to say what the intention of the voter was. No voter has appeared to say that a certain ballot is his, and that, although under a legal construction he voted for Brookhart, he did not intend to do so.

It having been shown that many Republicans in Iowa do not like Brookhart, the committee says that these particular persons voted the 1,344.

This means to enter the broad field of speculation and to ignore the law. It is the substitution of a figment of the imagination for legal fact, a supposition for a reality.

I can not agree to this. The right of a State to give its laws full faith and full effect is too sacred to be disregarded in such a manner.

Being a Democrat, if I had voted in Iowa, I should have voted for the nominee of my party. I have always done so. It would give me pleasure to see the Democratic membership of the Senate increased. But I can not violate the law, the constitution, and my conscience to vote to seat Mr. Steck.

The right of a State to have its election laws recognized and enforced is too important to be thrown away merely for temporary party advantage. So I shall not surrender the right of the State in this matter to have another Democrat come into this body.

I want to call attention to the cases cited in the majority report. Not one of them, in my judgment, supports the view of the majority.

First case—*Ferguson v. Henry*, 64 N. W. 292 (Iowa)

Immediately following the last sentence in the citation in the majority report from this case, there is this sentence:

We do not think that proof that the proper officers have done the things prescribed in the law for the preservation of the ballots in the condition in which they were canvassed is more than a prima facie showing.

By the use of the language "proof that the proper officers have done the things prescribed in the law for the preservation of the ballots in the condition in which they were canvassed," it readily appears that there must have been more evidence in the case than the mere fact that the ballots came from the hands of the county auditor, who was charged with the preservation of the ballots.

In the case of *Davenport v. Oelrich* (104 Iowa 194), which is a later case than *Ferguson v. Henry*, the court says:

The ballots, when properly authenticated, afford the very best evidence of who has been chosen by the electors to perform the duties of an office. But before these may be received or considered, it must affirmatively appear that they have been preserved with that jealous care which precludes the opportunity of being tampered with, and the suspicion of change, abstraction, or substitution. McCrary, in his work on elections (p. 209), says: "Before the ballots should be allowed in evidence to overturn the official count and return, it should appear affirmatively that they have been safely kept by the proper custodian of the law; that they have not been exposed to the public, or handled by unauthorized persons; and that no opportunity has been given for tampering with them." The same rule is laid down in Cooley, Constitutional Limitations, 625. * * * After the election it is known how many ballots must be interfered with in order to affect the result, and, before any are received against the finding of the newly authorized board of canvassers, their genuineness should be fully established. As said by Church, C. J., in *People v. Livingston*, supra: "The returns may be impeached for fraud or mistake, but in attempting to remedy one evil we should be cautious not to open the door to another, and far greater, evil. After the election it is known just how many votes are necessary to change the result. The ballots themselves can not be identified; they have no earmarks. * * * Every consideration of public policy, as well as the ordinary rules of evidence, require that the party offering this evidence should establish the fact that the ballots are genuine. * * * If the boxes have been rigorously preserved, the ballots are the best and highest evidence, but if not, they are not only the weakest but the most dangerous evidence."

The rule is recognized, rather than abrogated, in *Ferguson v. Henry* (95 Iowa 439). * * * It will thus be observed that the strictest vigilance in the care and preservation of the ballots is enjoined by the legislature, and the possibility of any interference with them carefully guarded against. Security of the ballot after being cast is quite as important as freedom in casting it, if the result as finally announced shall represent the actual choice of the electors. To this end we hold, in harmony with the authorities cited and the evident purpose of the legislature, that the onus is on him who would discredit the official count, before resorting to the ballots as the best evidence of who has been elected, to show that these have been preserved with that care which precludes the suspicion of having been tampered with, and the opportunity of alteration or change.

I now direct attention to the case of *DeLong v. Brown* (113 Iowa 372). It says:

The statute requires the auditor to carefully preserve the ballots received from the judges of election for six months. (Sec. 1142, Code.) The particular manner or place is not pointed out. If carefully done, this precludes any reasonable well-founded suspicion that

they may have been changed or tampered with, and in such event they form the best evidence of who has been elected. With their integrity thus fully established, they are silent witnesses which can neither err nor lie. And it is generally held, where the manner or mode of preservation has been enjoined by statute, a substantial compliance therewith must be shown preliminary to the introduction of ballots in evidence. (*Davenport v. Oelrich*, 104 Iowa 194, and cited cases; *Mentzer v. Davis*, 109 Iowa 528; *Hudson v. Solomon*, 19 Kans. 177; *Sone v. Williams*, 130 Mo. Sup. 530). See decisions collected in 10 American & English Enc. Law (732, 830); also in briefs to *Tebbe v. Smith* (108 Calif. 101). The rule seems to prevail in Texas that if the ballots come from their lawful custodian in obedience to an appropriate writ, and are produced in court apparently intact, they are prima facie admissible. (*Hunnell v. State*, 75 Tex. 233 (12 S. W. Rep. 106); *Gray v. State*, 19 Tex. Civ. App. 521 (94 S. W. Rep. 699).)

While these circumstances, and also the presumption obtaining that an officer has performed his duty, should be given weight, we do not think they alone afford sufficient assurance of the identity and genuineness of the ballots. The official count as finally declared with respect to county officers is the ultimate conclusion of many officers presumed to have faithfully performed their respective duties, and concerning the correctness of which a very strong presumption obtains * * * so strong that it ought not to be overcome by evidence, peculiarly susceptible of change, unless proven, not merely presumed, to have been properly preserved. This preliminary proof, unless waived, is essential to the competency of the ballot as evidenced for any purpose as against the official count, and certainly no averment in the pleading is required as a basis for an objection to such incompetency.

I want to call particular attention to the language that immediately follows the language just quoted:

In *Ferguson v. Henry* (95 Iowa, 439) it was merely held that, although the ballots had been received in evidence, the incumbent might show them not to be the same as voted, or counted by the judges of election. What was said of the ballots coming through regular channels was by way of argument. The character of preliminary proof required was neither involved nor decided.

This shows conclusively that the case cited by the majority does not support its contention with reference to the character of proof required to make the ballots admissible as evidence.

Second case—*Murphy v. Lentz*, 131 Iowa 328

In the citation from this case, as printed in both the brief of counsel for contestant and the majority report, next to the last sentence reads as follows:

At any rate the inference to be drawn from the fact that it, referring to an unsealed envelope, was not in the condition exacted by statute was overcome by this evidence of their court.

The last word of the sentence, as it appears in the decision, is "care" and not "court." This, of itself, shows beyond doubt that evidence of the care exercised by the custodian of the ballots was introduced, and that there was other evidence than the mere fact that the ballots came from the hands of the auditor.

Third case—*Ogg v. Glover*, 83 Pac. 1030 (Kans.)

This citation in the brief of counsel for contestant and in the majority report throws no light upon the matter now being considered.

In the Ogg case the ballots had been introduced in evidence in the trial court. When the case was appealed the ballots were sent to the court for inspection. After the ballots had been introduced in evidence, an attorney had them in his possession for a time. This was complained of.

Note this language of the court:

The defendant claims that these ballots, from having been for a considerable interval in the hands of persons having an interest in the litigation, have lost their character as evidence and should be ignored. The argument is made that the legislature has been at great pains to prevent the possibility of any tampering with the returns of an election, especially by providing that the ballots shall be opened only in the event of a contest, and then in open court or in an open session of the body trying the contest, and in the presence of the officer in whose custody they are (Laws 1903, ch. 228, sec. 4); that these precautions are rendered wholly unavailing if, after the ballots are opened, they may be placed on file in a public office unsealed, and there handled by interested persons without official supervision. The fallacy of this reasoning is apparent. It is obvious that until the ballots are opened, examined, and counted it is imperative that the greatest care possible be taken to guard against any opportunity for changing them. But when they have been once subjected to a critical inspection, and especially when they have become a part of the records of a court, there is ordinarily no longer the same reason for extreme precaution in that regard, for, their contents having become known with certainty, there is less room for the suspicion of any subsequent alteration, and their very character as part of the court files is a protection. In the present

case if it had seemed to the commissioner to be desirable, or if either party had requested it, the particular ballots in controversy might properly have been revealed until such time as this court should reopen them. But since that was not done and the ballots were treated like any other documents on file with the clerk, there was no impropriety whatever in the conduct of the plaintiff's attorneys already related.

Fourth case—*Moss v. Hunt*, 40 Okla. 20

Even a cursory reading of the citation, appearing in the brief of counsel for Steck and in the majority report, shows that it has no bearing on the question involved here. In that case it was alleged that the judges of the election had failed to perform some duty.

But the court announced the law with reference to the admission of ballots in evidence and the weight to be given them. I quote from pages 27 and 28:

Mr. Justice Brewer, in *Hudson v. Solomon* (19 Kan. 177), laid down two cardinal rules governing elections and election contests in the following language:

"(1) As between the ballots cast at an election and a canvass of these ballots by the election officers, the former are the primary, the controlling evidence.

"(2) In order to continue the ballots controlling as evidence, it must appear that they have been preserved in the manner and by the officers prescribed in the statute, and that while in such custody they have not been so exposed to the reach of unauthorized persons as to afford a reasonable probability of their having been changed or tampered with."

Fifth case—*Tebbe v. Smith*, 108 Cal. 101

This is the same case that is referred to in the brief of counsel for Steck and the majority report as *Tebbe v. Smith* (29 L. R. A. 675). In fact, the two citations are but a repetition of the same language, one being a little fuller than the other. For that reason both citations will be considered together at this time.

The first citation is on the shifting of the burden of proof. In the citation the very first sentence reads:

When a substantial compliance with the statute in respect to the preservation of ballots has been shown, the burden of proof shifts to the contestee to establish that, notwithstanding such compliance, the ballots had in fact been tampered with.

It should be noted that in this very sentence the question of evidence with reference to the preservation of the ballots in order to make them admissible as evidence is touched upon twice. I call attention to the language:

When a substantial compliance with the statute in respect to the preservation of ballots has been shown—

And—

notwithstanding such compliance.

Section 851, Code of Iowa, 1924, requires that the county auditor "shall carefully preserve" the ballots.

The opinion of the court contains this language:

While the ballots are the best evidence of the manner in which the electors have voted, being silent witnesses which can neither err nor lie, they are the best evidence only when their integrity can be satisfactorily established. One who relies, therefore, upon overcoming the prima facie correctness of the official canvass by a resort to the ballots must first show that the ballots as presented to the court are intact and genuine. Where a mode of preservation is enjoined by the statute proof must be made of a substantial compliance with the requirements of that mode. But such requirements are construed as directory merely, the object looked to being the preservation inviolate of the ballots. If this is established it would be manifestly unjust to reject them merely because the precise mode of reaching it had not been followed.

Sixth case—*State ex rel. Thornburg*, 97 N. E. 534

The case is correctly cited here. As printed in the report it reads (97 N. W.):

It will be noticed that the citation itself recites that there was proof as to the conduct of the county auditor or clerk with reference to the preservation of the ballots. The case did not rest simply upon the fact that the ballots came from the hands of the custodian of the ballots. There is no variance indicated from the rule that before the ballots are admissible as evidence it must first be shown that they had been carefully preserved.

Seventh case—*State v. Creston*, 195 Iowa 1372

From the way this citation is placed in the brief of counsel and the report of the majority, it would appear that it is intended to convey the idea that the case approves the other cases cited. This is not the fact. The question before the court was the charge of irregularities on the part of the holders of the election, and it does not relate to any question involved here.

From this analysis of all the cases cited in the report of the majority, it appears that no case cited sustains the contention of the majority.

Mr. ASHURST. Mr. President, I have a question which I should like to propound.

Mr. STEPHENS. I shall be very glad to yield.

Mr. ASHURST. Then the Senator asserts it to be a fact, does he, that there were 67 precincts which sent in the returns in an unsealed packet or package, and that that was not in accordance even with the stipulation, much less the law? Is that true?

Mr. GEORGE. Mr. President, I dislike to interfere so much with these questions, but so many of the Senators do not seem to understand the facts.

Mr. ASHURST. That is what I want to get at. I want to know how many bags, packets, or packages were unsealed.

Mr. GEORGE. When?

Mr. ASHURST. When they reached Washington.

Mr. GEORGE. There were about 72 on which the seal was broken.

Mr. ASHURST. There were 72 packages?

Mr. GEORGE. That is, on which the wax was cracked off the string.

Mr. ASHURST. Very well.

Mr. GEORGE. There was none off the wires, and the wires were sealed in every instance.

Mr. ASHURST. The Senator from Georgia says 72. The Senator from Mississippi says 67. Is that correct?

Mr. STEPHENS. Sixty-seven, I think, is correct.

Mr. GEORGE. No, Mr. President, there were 72. That was stated on an actual examination.

Mr. STEPHENS. The number was first stated as 67, I know.

Mr. ASHURST. All right. Assume that it was either 67 or 72. Now, then, who were the witnesses—give me the names of the witnesses and read the testimony of the witnesses—who testified that notwithstanding this open condition, this broken seal, the ballots could not have been and were not tampered with? Give me the names of the witnesses who testified that these are the original ballots and could not have been tampered with.

Mr. STEPHENS. There are no such witnesses.

Mr. ASHURST. Very well. The State of Iowa issued its prima facie certificate. Are you trying to overthrow a prima facie certificate by showing that the evidence you produce could have been tampered with? You must negative that allegation. You must negative the suggestion. It will not do merely to say: "Here are 67 bags. They may have been tampered with; but you ought to take the results and the votes contained in these packages that were open."

We are asked to accept 67 bags that came here in an unsealed condition. I would like to have some answer to that.

Mr. GEORGE. I will be glad to give it.

Mr. STEPHENS. I will ask the Senator from Georgia to pardon me. I am rather tired, I have been standing here a long time, and the Senator is going to speak to-morrow.

Mr. GEORGE. On page 332 of part 2 of the hearings I think the Senator will find a satisfactory explanation about the alleged unsealed packages.

Mr. STEPHENS. I want to say just another word or two. As I said a moment ago, nobody could tell about the missing ballots, the number of discrepancies, and so on. Mr. Brookhart himself did not know, even on the 28th day of January, anything about the number of precincts in which shortages existed.

Mr. TRAMMELL. Mr. President, will the Senator permit a question?

Mr. STEPHENS. Yes, sir.

Mr. TRAMMELL. Did the representatives of the contestant and contestee inspect those bags upon their receipt here?

Mr. STEPHENS. This is what was done, as I was starting to tell a while ago: The workers, the counters, or whatever they may have been called, were furnished certain work sheets, and they were to note upon them the condition in which they found these various bags of ballots. They did note those things, and the exception to these 67 precincts is taken from the work sheets as set out by the counters.

Mr. TRAMMELL. What I desire to know is as whether or not the representatives of the contestant and contestee inspected those bags at the time of their receipt, and whether or not they raised any objection, or stated that their appearance was such as to indicate possibly that the ballots had been tampered with.

Mr. STEPHENS. While there were attorneys employed by both parties, yet the work was done by laymen. It was said the other day that Senator Brookhart's brother was one of his representatives, but the record shows that this work began

on the 20th day of July and that it ended the 31st day of August. Mr. Thomas Brookhart did not begin to work, so Colonel Thayer stated in his testimony, until the 15th day of August. So this work had been going on about 25 days. It was stated in the record, as I have said, that the work was done by laymen, and with the understanding that they should examine the bags, and so on, and note any defect on the work sheets, which were later examined by the attorneys, and by the attorney for Senator Brookhart brought to the attention of the committee. Of course, the attorneys were not right there when the workers were going through all the motions with respect to the handling of the bags.

Mr. TRAMMELL. Was either of the parties representing the contestant or the contestee present when they opened the bags?

Mr. STEPHENS. The whole matter was in the hands of Colonel Thayer, who was the chief supervisor. He had a crew of men and women, a great bunch of them, at work counting, and so on, and moving things along. I can not furnish information as to all the details of the transaction, because I was not there and did not know.

Mr. TRAMMELL. When for the first time was objection raised to the receiving and the counting of the ballots in these alleged unsealed bags?

Mr. STEPHENS. My recollection is that this particular objection was not made until perhaps January 6.

Mr. TRAMMELL. Was that before or after the count had been completed, except of the contested ballots which had been withheld?

Mr. STEPHENS. That was after most of the ballots had been counted. Of course, there were many contested ballots. But the tabulation had not been presented to the committee.

Mr. TRAMMELL. In other words, this question of the possibility—not the allegation that there was any fraud or any tampering with the ballots, but the bare possibility—of the ballots having been tampered with was not raised until after the count had been completed, except as to the eight or nine thousand ballots which were withheld.

Mr. STEPHENS. As I stated, this matter was handled by laymen. The attorneys were not there. But I want to suggest this, as was suggested yesterday by the Senator from Missouri, this is not a contest between two private individuals. The people of the State of Iowa are interested, and vitally interested. They have certain rights. This is not a fight between two lawyers representing two private parties in litigation. These were lawyers employed by the people of the United States—by this Government—to see that a fair result was reached; to see that the investigation was made. Steck's lawyer will be paid by the Government, and that is true of Brookhart's lawyer. That, in connection with the thought that these are not the vitally interested parties in the whole transaction, leads me to this conclusion, that you can not put a contested-election case of this kind and character upon the basis of an ordinary lawsuit or upon the basis of an ordinary contested-election case.

Mr. ASHURST. Mr. President, will the Senator allow me to interrupt him there?

Mr. STEPHENS. Yes.

Mr. ASHURST. The able Senator from Georgia, if I am correctly advised, contends that Mr. Steck has a plurality of about 76 votes. Am I correct in that?

Mr. GEORGE. Yes, sir; at least that many.

Mr. ASHURST. As I said, the able Senator from Georgia says that Mr. Steck has a plurality of 76 votes; but more than 76 votes are unaccounted for.

Mr. STEPHENS. Three thousand five hundred and seventy.

Mr. ASHURST. Now, then—

Mr. GEORGE. What does the Senator mean by "unaccounted for"?

Mr. ASHURST. That that many were missing, that more than that were missing from the 67 bags? I want to be advised on that.

Mr. STEPHENS. Not 67 bags.

Mr. GEORGE. I think it would be very much better if the Senator would not state things as facts.

Mr. ASHURST. I am not stating the facts; I am asking for information.

Mr. GEORGE. All that is contended in the record, if the Senator will permit me, is that the number of ballots recounted by the committee was less than the number of names appearing on the poll lists. That is all that is meant by ballots being missing. That is all that is meant by shortage of ballots.

Mr. ASHURST. Precisely. The able Senator—

Mr. GEORGE. Let me finish. But we have more ballots than the official count out in Iowa took into consideration. We have counted more ballots for Mr. Steck and more ballots for Senator Brookhart than were counted by the managers of election on election day out in Iowa. So that when you talk about lost ballots, or missing ballots, you are talking about discrepancies between the actual ballots we have and the number of names on the poll lists. But there is a greater discrepancy between the official count and the names on the poll list.

Mr. ASHURST. That is the very point I wanted cleared up.

Mr. WALSH. Mr. President, I would like to inquire, if the Senator will permit—

Mr. STEPHENS. I yield.

Mr. WALSH. Just what significance the Senator from Georgia attaches to the fact that there were more ballots in the box than were returned by the original official canvassers. If there are less ballots in the box than there are names on the poll lists, does it not follow of necessity that there are some ballots missing?

Mr. GEORGE. Oh, no.

Mr. WALSH. The voter's name is not put on the poll list until he votes.

Mr. GEORGE. No; but if he votes, which is the higher and better evidence, what the voter does, or what some clerk at the election does?

Mr. WALSH. All we can do is to assume that the law was carried out, and that when the voter voted, his name was put upon the poll list.

Mr. GEORGE. Exactly.

Mr. WALSH. And we can of course assume—and it would not be a violent assumption at all—that the checkers did not keep the right count. So that we can very readily understand that the official returns might show a less number of votes than there were ballots in the box. But when we come to a discrepancy between the number of names on the poll list and the number of ballots actually in the box, it seems to me indisputable either that some of the ballots got away by mistake, inadvertence, or something of that kind, and are not in the box, or else that some of the ballots put in the box had been taken out.

Mr. GEORGE. Does it occur to the Senator that there might have been some error in the poll lists?

Mr. WALSH. No; I can not conceive of that.

Mr. ASHURST. You can not go behind the poll lists.

Mr. GEORGE. We are speaking of facts. The Senator can not conceive of any errors being made there?

Mr. WALSH. I can not.

Mr. STEPHENS. There are two poll lists made.

Mr. WALSH. There are two poll lists, and one checks against the other. I can not think of two clerks putting down on the poll lists the names of voters who did not vote. I find it difficult to conceive of that.

Mr. GEORGE. Let me ask the Senator this. Is it difficult to conceive—

Mr. WALSH. And particularly as they check against each other.

Mr. GEORGE. We do not know whether they check against each other in this case. We have had only one list here.

Mr. WALSH. Of course; but the law requires that the check be made.

Mr. GEORGE. Yes; the law requires two lists to be kept, but we have had only one here.

Mr. WALSH. I think the reasonable presumption under those circumstances would be that all the ballots cast are not in the box, rather than that the clerks put more names on the poll lists than the number of voters who actually voted.

Mr. GEORGE. That involves the question of which is the better and stronger evidence—and I hope the Senator from Mississippi will pardon me—

Mr. WALSH. I would say, under those circumstances, when it is impossible to tell which is the better evidence that you could not take either, but the official count would control.

Mr. GEORGE. Then you would have a number showing a bigger discrepancy than the recount.

Mr. WALSH. That may be true; but you are obliged to overcome the official return, and it has to be overcome by the ballots in the box and the names on the poll lists, and those two do not agree. Under those circumstances I would say that you could not take either one or the other with perfect certainty that you were right about it, but I would say that the greater probability of the matter would be that the poll lists would give the accurate number, rather than the ballots which are found in the box after it comes here to the city of Washington.

Mr. GEORGE. I would say exactly the contrary.

Mr. STEPHENS. Mr. President, we want to have an executive session, and I want to get through.

Mr. GEORGE. I will not take the Senator's time unduly, but I merely want to state my position. The whole question is, if there be a discrepancy in the first place, there is such a minor discrepancy when it is averaged between all the precincts in Iowa as to indicate no fraud, none whatever, because there is not an average discrepancy of more than three votes to the precinct.

Mr. WALSH. Let me inquire what significance the Senator attaches to that. Here is one precinct in which, according to the record, there were 198 ballots short, 198 ballots less in the box than there were names on the poll list. Apparently both parties agreed that with respect to that precinct they could not depend upon either the ballots in the box or the poll list, and so the official count was taken. If we have another one in which there is a discrepancy of 50 ballots and another in which there is a discrepancy of 10 ballots and another in which there is a discrepancy of 1 ballot, and the average is only 12, of what significance is it? The Senator would not take the actual recount in the precinct in which there were 198 short nor in the precinct in which there were 50 short because the average throughout the State was only 12.

Mr. STEPHENS. There is one precinct where there were 198 ballots missing. There is another precinct where Senator Brookhart actually lost 89 votes. I can recall three or four where he lost around 20 or 22 or something like that; so there are numerous cases. It may be in some precincts there is a loss of only one. Then, as I suggested to the Senator from Georgia on yesterday, there were 1,068 precincts in which there was a variance, but whether over or under there is no showing, because the committee never had that compilation made. Therefore we do not know what to take as the divisor of the 3,570 to get even the average, because we do not know how many precincts have too few ballots and how many precincts have too many.

Mr. GEORGE. Mr. President—

Mr. STEPHENS. Just a moment, if the Senator please.

Mr. GEORGE. I do not think the Senator ought to invite me to answer a question and then let the Senator from Montana make a speech and then not let me make a reply.

Mr. STEPHENS. The Senator can have all the time he may want.

Mr. GEORGE. I think I am entitled to it now.

Mr. STEPHENS. The Senator may proceed.

Mr. GEORGE. With reference to the ballots that were 198 short, Senators seem to put great stress upon that, whereas they seem to overlook the facts about it. That was the only precinct, the one package of ballots which left Iowa unsealed, broken, with not only the package broken but the wire around the ballots broken.

There was unmistakable evidence that there were probably some lost ballots, and since there were one-fourth of the ballots minus—that is, one-fourth less than the official count, or approximately one-fourth—Mr. Steck's representative and Mr. Brookhart's representative, the committee having nothing to do with it, agreed between themselves that they in that case could do nothing but take the official count. That was only in the case of two precincts that were brought from the State of Iowa broken.

Mr. WALSH. I understand that perfectly well. That is to say, in addition to the fact that there was this shortage—

Mr. GEORGE. And a very great shortage. There was actual physical evidence of the breaking.

Mr. WALSH. There was physical evidence that in all probability those ballots had been lost, but that is aside from the question which I am presenting altogether. There was that discrepancy there. Let us suppose now that they came the same as the other ballots did, with no physical evidence, perceptible at least, that there was any loss; still there was a discrepancy of 198 ballots between the number in the box and the number of names on the poll list. Would the Senator undertake to say that in a case of that character the recount of ballots ought to prevail over the official count?

Mr. GEORGE. I would have to say the ballots are the better evidence. Let me put this case: Suppose in an election in Iowa—and this is the final test of the proposition—the poll books should show that 1,000,000 votes were cast, but on the night when you counted out your election you only found 990,000, are you not going to count the actual ballots as the better evidence of what the voters did?

Mr. STEPHENS. The ballots are the best evidence only when they have been properly identified and proof made as to their preservation. As some court has said, they may become the weakest kind of evidence.

Mr. WALSH. Yes; but that is not the case.

Mr. GEORGE. It is the case, the test of which is the better evidence.

Mr. WALSH. Of course, the counters count out the number of ballots and the number of votes for each, and they make official returns of them, and the official return, of course, concludes the thing. But that is not the point. The point is now that we are going to try to overturn the official return, and we are going to overturn it by saying that there are a greater number of ballots or a lesser number of ballots than were returned.

Mr. GEORGE. Exactly. We are going to do it by examining the ballot boxes. Assume that the ballots have been carefully preserved; assume that there has been no tampering with the ballots; the Senate is placed back in the exact position occupied by the election managers on the day of the election, and by all of the authorities and in reason the ballots are the higher and better evidence. If there had been tampering with the ballots, if there had been opportunity even for tampering with the ballots, then, of course, we are impeaching the integrity of the ballots. But if they are preserved, the contest body, the tribunal, in this case the Senate, is in exactly the position of the managers of the election on election night, and we are forced to the conclusion which all of the law writers draw and that all thinkers must draw, I think, that the ballots are the higher and better evidence of who voted.

Let me say, and then I am through, that the poll sheet is made by the clerk. The voter never touches it. The voter does handle his ballot. He marks it and he either places it in the box or gives it to the manager to place in the box. It is upon that principle that all the law writers have agreed that if the ballots are properly preserved, honestly preserved, they are necessarily the highest and best evidence of the actual number of votes cast.

Mr. ASHURST. Mr. President, I always listen to the able Senator from Georgia with the profoundest respect. I think he proceeds upon an erroneous hypothesis. He has attempted to draw an analogy between the Senate committee, which after laborious work reached a conclusion, and the precinct judges of election. When the judges under the Senator's conclusion sit down to accomplish their task there is no *prima facie* to be overthrown. They have counted the ballots. They have issued, or the State of Iowa, in accordance with their count, has issued, its certificate; so when the committee sits it does not sit comparably to the original counters. There is a *prima facie* to be overthrown. The able Senator from Georgia, it seems to me, falls into error when he argues that the *prima facie*, the certificate, can be overthrown by absent ballots.

Mr. GEORGE. Oh, no.

Mr. ASHURST. Then I do the Senator an injustice, of course unwittingly.

Mr. GEORGE. Yes.

Mr. ASHURST. I withdraw that statement, then. The majority report requests us to believe that the proof shifts during the course of the examination, and we were asked to consider, on page 8, *Ferguson v. Henry*, some expression of a court to the effect that there is a time when the proof shifts. But unfortunately that case has been overruled three or four times.

Mr. GEORGE. But I have not cited that case.

Mr. ASHURST. I know the Senator from Georgia has not cited it. He is too good a lawyer to do that. The able Senator from Georgia would not do that. But, nevertheless, we are asked in this report written by the Senator from Arkansas [Mr. CARAWAY] to consider and to pass upon a law question, and to show that the proof shifts from time to time he has cited a case that has been expressly overruled.

Here is the law as I understand it: After the *prima facie* has been issued in the shape of a certificate of election then the burden of proof falls upon the contestant, even as I put my hand upon the Official Reporter here at my side.

Mr. GEORGE. That is undoubtedly true.

Mr. ASHURST. And that burden, after having fallen upon the contestant, rests upon him all the way through. He is not permitted to say some ballots were absent which, if they had been gathered in and if they had been counted, would have been for him.

It is quite an act of temerity for anybody here, even the able Senator from Montana [Mr. WALSH], to argue the law with the able Senator from Georgia.

Mr. GEORGE. Oh, no; do not say that.

Mr. ASHURST. I am in no mood for flattery this afternoon, but I say that the diligent Senator has labored and he has worked faithfully, as he always does. He is a great credit to his State.

Georgia lived up to her high place when she sent him here, and she will do herself and her country great good and value if she sends him back. But after his great labors, after much doubt, he finds 78 majority for Mr. Steck. Now, after he has labored he finds 78 majority with 3,300 ballots missing; that is to say, a discrepancy of 3,300 ballots between what was made by the *prima facie* and what is in the box, and he asks me to send a Senator out through yonder door on such testimony or lack of testimony. No; I will not do that.

Mr. GEORGE. I am glad the Senator concluded by saying a discrepancy of approximately 3,300 votes, because I do not think there is any shortage of ballots. But if there is a shortage of ballots, there is not a moral doubt on earth that the Senate comes back finally into the same shoes occupied by the election managers out in Iowa. It is true that there is a *prima facie* case that they are right. It is true the presumption is they are right. It is true that that remains the presumption throughout. But the only way we can test whether they are right is to do exactly what they did on election day, and if we find a conflict between the names entered by the clerks of election and the actual ballots that the voters put in the box, the actual ballot is the higher and better and more trustworthy evidence.

In the nature of things, the one big question in this case, and there is but one, is to see whether or not there is a showing of a proper preservation of the ballots here in point of fact. On that point I concede, of course, that Senators may very seriously differ, but if we concede that we have the ballots and if we concede that they have been properly safeguarded, there is no rule either of law or of logic or morals that will not permit us to count the actual ballots and that will bind us by the names that are merely entered upon the poll list. The ballots are the higher and better evidence of the actual number of votes cast.

Mr. ASHURST. I can not agree with the Senator, with due deference. I think the reasoning of the able Senator from Montana is the correct and the safe reasoning, to wit, that when a discrepancy appears, we should have recourse to the poll list. Only one was brought in. Why were not both poll lists brought in? But one was brought here, and there are two. They could have been checked one against the other. Had the Senator been in private life and had he been an attorney for the contestant, the able Senator would have brought here both of the poll lists. Then the able Senator's first move in his case would have been to put witnesses on the stand to prove that those are the ballots and that those boxes could not have been tampered with. He would have explained how this bag was opened and shown that there was no reasonable probability of the ballots having been tampered with. That has not been shown. The best we can say, the best that can be done is to say it is a mere guess, and we will guess one man out of the Senate and another man in.

Mr. GEORGE. No; I do not think so. When the ballots were brought to Washington and the proposition was made to count them, it makes no difference who made it, with Senator Brookhart here present and Mr. Steck here present through their proper representatives, neither Steck nor Brookhart can consent to count those ballots and participate in counting those ballots, thereby robbing the other party of the opportunity of presenting proof that he could then have offered that they had been properly brought here and had been properly preserved, and thereafter say that they were not properly here for us to count.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. GEORGE. I hope the Senator will let me conclude my statement.

Mr. ASHURST. Certainly. I beg the Senator's pardon.

Mr. GEORGE. Then when we count the ballots and find from an actual count of the ballots an actual result, and ascertain that there is a slight discrepancy in some of the precincts between the number of ballots and the names on the poll lists, the question presented is, How are we to regard that conflict and how are we to settle it? It is the universal rule of elections that we shall not throw out an entire election and nullify all that has been done if any method remains for settling the conflict. In the State of Iowa the law provides what shall be done when there are more ballots in the box than there are names on the poll lists.

It recognizes unmistakably the general proposition and authority, if there are less, that the higher and better and more trustworthy evidence shall be recognized as to what the vote actually was. To the extent that the ballots in the box exceed the names on the poll lists a legislative exception is made and specific directions given by the law of Iowa. If the ballots have been honestly put into the box, if they have been hon-

estly preserved, and carefully preserved, if there has been no tampering with those ballots, if that proof is conceded—I am stating it now in the hypothetical sense—and when we look into the box and find fewer ballots than there are names appearing on the poll list, we are driven to an election between two classes of evidence. We settle that, as we settle all questions of human evidence, by the rule of trustworthiness—which method is more likely to reflect the truth. As a light upon that—though it is not binding upon the Senate, of course—there may be considered how the courts have usually regarded the question; whether they have usually and generally and almost universally considered the ballots themselves to be the higher and better evidence or whether they have considered the poll lists to be the higher and better evidence.

Mr. WALSH. Mr. President, let me inquire of the Senator, Can he refer us to any authority where that question was actually considered?

Mr. GEORGE. Yes, sir; I will undertake to do that tomorrow.

Mr. ASHURST. I shall be glad to listen to the Senator. I have listened to the Senator's very lucid and clear exposition of his own view. Admitting the strength of the Senator's position—the Senator does not take a weak position and never weakly maintains any position—I think the erroneous hypothesis upon which the Senator, with great deference, I will say to him, has proceeded is that, quite naturally—we all might do it—he has assumed that this could be treated as a contest over property.

Mr. GEORGE. No; I did not so assume.

Mr. ASHURST. Very well. I am glad to hear the Senator say so.

Mr. GEORGE. I am sorry that the Senator obtained that impression. Right on that point, I said yesterday that I recognized the public interest in this case. But let me state the case. According to the official returns more than 446,000 people voted for Steck, and according to the official returns just a little more than 446,000—about 700 more—voted for Brookhart. Therefore the people of Iowa are not represented exclusively in the case by either one of these gentlemen, but the people of Iowa are represented by both of them and *prima facie* by the one who is holding the certificate of the State. The public interest is the real interest involved in the case.

Mr. ASHURST. Very well; it is quite refreshing to know that the able Senator, as I expected him to do, treats this not as a mere contest over property, because the courts have held that an office, or the right to hold an office, is not a property right. Whatever else it may be—a great honor and carrying with it some emoluments—it is not a property right. Since that be true, who is it that binds me by any stipulation? Who binds the Senate by a stipulation? When the Senate committee comes here—able lawyers, quite legalistic, as we expect them to be, fresh from the bar—we have a right to say to them, "Ample funds were placed at your disposal; you had plenary power; where are the witnesses who testified that this shortage is a harmless error? Where are the witnesses who testified that this shortage?"

Mr. GEORGE. Will not the Senator do like the courts make the lawyers do, say "the shortage, as I contend"?

Mr. ASHURST. We can not do that in the Senate; we might do it in the courts, but we can not do it here, in my judgment. However, Mr. President, I have detained the Senate too long. I thank the Senator for his permission to interrupt him.

Mr. GEORGE. Mr. President, let me cite an authority, because the Senator from Montana asked me to do so. It is general, but I will undertake to cite a specific authority tomorrow if the question arises, although I do not want to go into a reading of the law. I quote from McCrary on Elections, which is a recognized standard work:

502. It is undoubtedly the policy of the law not to throw too many obstacles in the way of investigating the correctness and bona fides of election returns. On this point the court in *Reed v. Kneass* very justly observes:

"The true policy, to maintain and perpetuate the vote by ballot, is found in jealously guarding its purity, in placing no fine-drawn metaphysical obstructions in the way of testing election returns charged as false and fraudulent, and in insuring to the people by a jealous, vigilant, and determined investigation of election frauds that there is a saving spirit in the public tribunals charged with such investigations, ready to do them justice if their suffrages have been tampered with by fraud or misapprehended through error."

The following section—and that is all I shall read—is as follows:

503. The returns and other election papers, though conclusive upon the canvassers, may be impeached upon a quo warranto or other form of contested election. The very question to be determined in such a contest is frequently the truthfulness and reliability of the returns, poll books, etc., and the duty of the tribunal trying the case is to ascertain, not who was returned as elected, but who was in fact elected.

And following section 503 of the last edition, I believe, of McCrary on Elections there will be found any number of general authorities stating that, if the ballots have been properly preserved and securely kept, they are the higher and better evidence.

Mr. STEPHENS. Mr. President, I had hoped to discuss several other matters—to call attention to the shortage of 3,570 ballots, the fact that the committee was inconsistent in adopting one rule in one matter and another rule in a similar matter, the shortage of ballots in the five precincts referred to in the hearings, and to lay greater stress upon the rights of the States. But, owing to the many interruptions, I have already occupied the floor for more than five hours, so I shall simply say that I am firmly convinced that Senator Brookhart was legally elected, and I shall vote accordingly.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 37) authorizing the Secretary of Agriculture to cooperate with Territories and other possessions of the United States under the provisions of sections 3, 4, and 5 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor."

The message also announced that the House had passed a bill (H. R. 7378) providing for the holding of terms of the United States district court at Lewistown, Mont., in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

H. R. 7378. An act providing for the holding of terms of the United States district court at Lewistown, Mont., was read twice by its title and referred to the Committee on the Judiciary.

IMPORTATION OF FOREIGN SEEDS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2405) to amend the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes.

Mr. NORRIS. I move that the Senate disagree to the amendment of the House of Representatives, ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. GOODING, Mr. McNARY, and Mr. SMITH conferees on the part of the Senate.

APPROPRIATIONS FOR THE STATE AND OTHER DEPARTMENTS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES of Washington. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. JONES of Washington, Mr. SMOOT, Mr. BORAH, Mr. OVERMAN, and Mr. HARRIS conferees on the part of the Senate.

RECESS

Mr. JONES of Washington. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Thursday, April 8, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 7, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our heavenly Father, the majesty of Thy power is hidden in the framework of the universe; Thy image is in the mind of man and Thy marvelous love is made manifest in the message of Jesus Christ, our Lord. O Saviour, bless us with Thy love and mercy, for there is no mightier or holier affection that can cleanse our divided hearts. Show us more and more the Father in His beauty; leave us not to our own devices and correct our own unheeding ways. Deliver us from the poverty of self-satisfaction and lift us above the false ideals of a materialistic life. May the great world find its good will and cooperation in the divine Teacher, who brought peace for all mankind. May the precepts of Thy Holy Word be our daily guide. Do Thou supply, O Holy Spirit, the deepest needs of our souls, until the shadows lengthen and we can work no more, and life is over. Amen.

The Journal of the proceedings of yesterday was read and approved.

DISABLED AMERICAN VETERANS

Mr. BROWNING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short statement from the Patient Body of the National Sanatorium, Tennessee, in regard to the Veterans' Bureau legislation now pending.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BROWNING. Mr. Speaker, I submit the following statement from the patient body of the National Sanatorium, Tenn.:

NATIONAL SANATORIUM, TENNESSEE, April 1, 1926.

Hon. GORDON BROWNING,

House of Representatives, Washington, D. C.

DEAR CONGRESSMAN BROWNING: Immediately upon receipt of advice from Washington that the bill concerning a permanent rate for tuberculars had been reported from the Veterans' Affairs Committee carrying a provision of \$35 per month for a period of five years for arrested cases a mass meeting of the patients of this institution was held in order to determine whether it was their wish to continue their fight for a life rating for tuberculars or to be satisfied with the bill as reported. Inasmuch as the contention for a life rating originated at this institution, and feeling that such a rating was only commensurate with our handicap, it was unanimously agreed that we would not change our position at this time. This decision, we are glad to note, is in accordance with your plans.

After considerable discussion it was finally agreed that a committee, composed of three representatives of each of the World War organizations at this institution (Disabled American Veterans, American Legion, Veterans of Foreign Wars), be elected to represent the entire patient body. Said committee to use every means possible for the enactment of legislation calling for a \$50 life rating for tuberculars.

At the first meeting of this committee the fact was brought out that there was some misunderstanding by the Director of the Veterans' Bureau, and possibly by some Members of Congress, concerning the position taken by some tubercular veterans relative to the extension of time for vocational training; also concerning the position taken by the patients of this institution regarding the transfer of the national soldiers' homes to the control of the Veterans' Bureau. In order that this situation may be clarified, we feel that it is only just that we try to correct these misapprehensions.

First we shall deal with the activities of the patients of this institution regarding waiving claim for vocational training and designating a preference for a permanent rate. Some time ago a petition was circulated among the patients requesting them to sign if they were willing to waive their claim, as tuberculars, for vocational training. This petition was signed by a great majority of them. It seems there has been some misunderstanding regarding this move. We were not asking that training as a whole be discontinued, but realizing that vocational training for tuberculars has proven an immense expense to the Government, with only a few being able to carry out their schedule, we were willing to sacrifice our training in an effort to strengthen our claim for a permanent rate. In this way we felt that we were showing a willingness to yield some ground and a willingness to help cut down the expenses of the Government, which seems to be the desire of the present administration, and at the same time we would get adequate relief. Too, some may have gotten the idea that in waiving claim for training and asking for a permanent rate we have lost all ambition and consider ourselves helpless for the remainder of our lives.

The proposition that we are advancing is not based upon any sympathetic attitude that may be held for us as disabled ex-service men, but it is based upon actual facts that have been presented from time to time to the Committee on Veterans Legislation.

You will note that our position deals with tuberculars only.

Second, we understand there is an idea in Washington that the patients of this institution have fought placing the national soldiers' homes under the jurisdiction of the Veterans' Bureau. This conclusion was probably drawn after reading an editorial in the Mountain Branch Vet published at this institution under a recent date. This editorial was not edited by a World War veteran nor by a representative of either of the three World War veterans' organizations, but was rather an opinion of the editor himself, as the World War men have made no expression concerning their wishes in this matter.

If any prejudice has arisen against our claim for a permanent rating on account of misconstrued statements, we trust that these explanations will clearly and satisfactorily show our position on these questions.

Assuring you that we are very appreciative of your efforts in our behalf, we are

Respectfully yours,

W. T. RUTLEDGE, Chairman.

CIVIL SERVICE RETIREMENT ACT

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the civil service retirement bill.

Mr. TREADWAY. The gentleman's own remarks?

Mr. WOODRUM. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM. Mr. Speaker and gentlemen of the House, in connection with the proposed amendments liberalizing the civil service retirement act I have obtained some very interesting and helpful tables and statements showing the practical operation of this law which I feel will be of interest to Members of the House when they come to consider the proposed liberalized bill; therefore, under my leave to extend my remarks I herewith insert the following information:

Statement, by fiscal years, showing the amount contributed to the civil-service retirement and disability fund, the interest and profits accruing to the fund, and the total amount

Year	Contribution	Interest and profits	Total
1921.....	\$12,513,636.69	\$72,752.68	\$12,586,389.37
1922.....	14,266,494.35	587,254.64	14,853,748.99
1923.....	14,112,827.70	1,042,781.58	15,155,609.28
1924.....	15,109,451.49	1,523,034.44	16,632,485.93
1925.....	17,905,070.98	2,123,796.71	20,028,867.69
Total.....	73,907,481.21	5,349,620.05	79,257,101.26

There has been a steady increase in the contributions made to the retirement fund by the employees and to the interest and profits derived from investments. In 1921 the contributions were \$12,513,636.69; in 1925 they were \$17,905,070.98. The interest and profits were \$72,752.68 in 1921; in 1925 they were \$2,123,796.71. The total yearly receipts into the fund, including both contributions and interest and profits, increased from \$12,586,389.37 in 1921 to \$20,028,867.69 in 1925.

Statement, by fiscal years, showing the amount paid in annuities, the amount paid in refunds, and the balance in the civil-service retirement and disability fund at the end of each year

Year	Paid in annuities	Paid in refunds	Balance in fund
1921.....	\$2,590,568.52	\$322,964.07	\$9,672,842.08
1922.....	4,188,238.89	2,203,198.04	13,184,263.91
1923.....	4,964,001.92	2,785,755.97	23,510,288.97
1924.....	5,692,443.50	2,564,139.12	33,586,193.19
1925.....	6,235,830.16	2,713,452.16	44,665,778.56
Total.....	23,671,103.06	10,889,508.36	.....

The balance in the fund has increased 362 per cent in four years.

The Treasury Department estimates that there will be \$52,000,000 in the fund at the end of the fiscal year 1926.

Total expenditures from the fund:

Paid in annuities..... \$23,671,103.06
Paid in refunds..... 10,889,508.36

Total..... 34,560,611.44

The amount of refunds of contributions made to persons separated from the service increased each year up to the year 1924. In 1925 the amount was less than in either of the two preceding years. This

would seem to indicate that the peak has been reached. While the number of persons who received refunds has decreased from 70,580 in 1922 to 36,989 in 1925, the average amount of each refund has increased from \$12.37 in 1921 to \$73.86 in 1925. The decrease in number will be balanced by the increase in amount.

Statement, by fiscal years, showing the amount of annuities paid, the amount of interest and profits derived from the investments of the civil-service retirement and disability fund, the amount of interest paid on refunds, the net amount of interest and profits, and the percentage of annuities that could have been paid from such interest and profits

Fiscal year	Annuities paid	Interest and profits	Interest paid on refunds	Net interest and profits	Percentage of annuities paid
1921.....	\$2,590,568.52	\$72,752.68	.....	\$72,752.68	2.8
1922.....	4,188,238.89	587,254.64	\$40,111.12	\$647,143.52	13.1
1923.....	4,964,001.92	1,042,781.58	107,904.39	\$934,877.19	18.8
1924.....	5,692,443.50	1,523,034.44	144,127.42	1,378,907.02	24.2
1925.....	6,235,830.16	2,123,796.71	171,071.86	1,952,724.85	31.3
Total.....	23,671,103.06	5,349,620.05	463,214.79	4,886,405.26	20.6

The net interest and profits on the invested fund (after deducting interest paid on refunds) has increased from \$72,752.68 in 1921 to \$1,952,724.85 in 1925. Had the net profits been used in the payment of annuities they would have paid 2.8 per cent of the annuities of 1921, rapidly increasing, year by year, until in 1925 they would have paid 31.3 per cent of the annuities paid in that year.

Statement, by fiscal years, showing the number retired during the year, the number dying during the year, and the number remaining on the roll at the end of the year

Year	Number retired	Number died	Number on roll
1921.....	6,745	274	6,471
1922.....	1,719	614	7,576
1923.....	2,526	768	9,334
1924.....	2,090	882	10,548
1925.....	2,064	943	11,689
Total.....	15,170	3,481	.....

The number retired has decreased in each fiscal year since 1923, while the number who died during each fiscal year has steadily increased from 274 in 1921 to 943 in 1925.

Statement, by fiscal years, showing the number retired for age, the number retired for disability, and the total number retired

Year	Retired for age	Retired for disability	Total number retired
1921.....	6,164	581	6,745
1922.....	1,169	550	1,719
1923.....	1,877	649	2,526
1924.....	1,538	558	2,090
1925.....	1,514	570	2,084
Total.....	12,262	2,908	15,170

¹ Of the number retired for age, 800 were retired under the provisions of the amendatory act of Sept. 22, 1922, on account of involuntary separation from the service.

During the operation of the law 12,262 persons have been retired for age, of which number 869 were retired under the provisions of the amendatory act of September 22, 1922, on account of involuntary separation from the service, and 2,908 on account of disability.

Statement showing the number of annuitants on the roll at the end of each fiscal year, the numerical increase, and the percentage of increase

Fiscal year	Number on the roll	Increase	Percentage of increase
1921.....	6,471	.....	.....
1922.....	7,576	1,105	17.1
1923.....	9,334	1,758	23.2
1924.....	10,548	1,214	13.0
1925.....	11,689	1,141	10.8

In June, 1922, the scope of the law was increased by the inclusion of certain unclassified laborers and other employees theretofore excluded. This resulted in a considerable increase of the number of retirements during the fiscal year 1923. Since 1923 the percentage of increase has steadily declined from 23.2 per cent in that year to 13 per cent in 1924 and 10.8 per cent in 1925.

Statement showing the number of annuitants who died during each fiscal year, the numerical increase, and the percentage of increase

Fiscal year	Number who died	Increase	Percentage of increase
1921	274		
1922	614	340	124.1
1923	768	154	24.1
1924	882	114	14.8
1925	943	61	6.9

Statement, by fiscal years, showing the number and percentage of annuitants on the retirement roll, by the amount of annuity received

Fiscal year	1921		1922		1923		1924		1925	
Number receiving per annum annuities of—	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
Less than \$180					57	0.6	98	0.9	124	1.1
Between \$180 and \$390	1,223	18.9	1,475	19.5	1,562	16.7	1,731	16.4	1,813	15.5
Between \$390 and \$432	828	12.8	976	12.9	1,205	12.9	1,347	12.8	1,498	12.9
Between \$432 and \$504	490	7.6	603	7.9	812	8.7	1,007	9.6	1,184	10.1
Between \$504 and \$576	494	7.6	592	7.8	750	8.1	899	8.5	1,119	9.6
Between \$576 and \$648	616	9.5	729	9.6	693	7.4	792	7.5	806	7.7
Between \$648 and \$720, inclusive	2,820	43.6	3,202	42.3						
Between \$648 and \$720					819	8.8	861	8.2	910	7.8
Maximum of \$720					3,436	36.8	3,813	36.1	4,145	35.4
Total	6,471		7,576		9,334		10,548		11,680	

It is interesting to note the number of persons who receive annuities at the various rates. In the year 1925, 124 annuitants received less than \$180 per annum, 50 cents per day. It is also interesting to know that the number of these stingily paid annuitants increased from 57 in 1923, the first year statistics are available, to 98 in 1924 and 124 in 1925.

The annuity roll of 1925 shows that 124 persons receive less than \$180 per year, which is less than 50 cents per day; 1,937 receive less than \$360 per year, which is less than \$1 per day; 7,544 receive less than \$720 per year; while only 4,145 receive the maximum of \$720 per year.

Expressed in percentages those receiving less than \$720 per annum embrace 64.6 per cent of the annuity roll, while those receiving the maximum annuity of \$720 per annum are 35.4 per cent of the roll.

That the number receiving the maximum annuity of \$720 per annum is relatively stationary is shown by the fact that this class of annuitants embraced 36.8 per cent of the annuity roll in 1923, 36.1 per cent in 1924, and 35.4 per cent in 1925.

Average annual annuity paid

For the fiscal year:	
1921	\$568.44
1922, \$564.48, decrease	3.96
1923, \$551.64, decrease	12.84
1924, \$546.30, decrease	5.34
1925, \$544.04, decrease	1.60

Total decrease in the average annuity 23.80

Contrary to all expectations, the average annual annuity paid has steadily decreased every year. While the decrease has been small, it has been constant. In no year since the law has been in operation has the annuity paid been as great as it was in the preceding year.

RETENTION BEYOND RETIREMENT AGE

Statistics pertaining to retirements and refunds of deductions will be found in reports of the Commissioner of Pensions, but those relative to continuances are entirely within the province of the Civil Service Commission.

Continuances in service beyond retirement age under the act of May 22, 1920, by fiscal years:

	1921	1922	1923	1924	1925	Total
First continuances approved	2,965	862	905	895	1,055	6,682
Second continuances approved		118	901	853	581	2,153
Third continuances approved					432	432
Total number approved	2,965	980	1,806	1,448	2,068	9,267
Requests disapproved	14	8	3	3	1	29
Terminations by death of those continued	74	70	63	52	44	303
Terminations otherwise of those continued	376	622	1,059	446	454	2,957
Total terminations	450	692	1,122	498	498	3,260
Per cent terminated of those continued	15.18	70.61	62.13	34.39	24.08	35.18
Total employees retired for age plus employees continued	9,148	2,145	3,681	2,977	4,131	22,062
Per cent continued of those of or beyond retirement age	32.41	45.00	49.06	48.64	50.06	41.97
Number serving beyond retirement age	2,515	2,685	2,468	2,805	3,422	

Continuances beyond retirement age are authorized in two-year periods. At the end of the two-year period an employee must be again continued or dropped. The second and third continuances swell the figures in the table for 1923 and 1925. The services of 303, or 4.5 per cent of the 6,682 who were continued, terminated by death. The services of 2,957, or 44.25 per cent, terminated otherwise, leaving 3,422, or 51.21 per cent, still in the service.

That employees of retiring age do not want to retire is shown by the number of continuances granted. There has been a total of 9,267 continuances granted to employees beyond the retiring age since the retirement law became effective.

On June 30, 1925, there was continued in active service 50.06 per cent of those of or beyond retirement age. That more than one-half of the employees eligible for retirement have been continued in the service shows more conclusively than any argument can that employees will not retire under present conditions unless forced to do so.

Statement showing the amount of annuities paid during each fiscal year, the increase each year, and the percentage of increase

Fiscal year	Amount paid	Increase	Percentage of increase
1921	\$2,590,568.52		
1922	4,188,258.89	\$1,597,690.37	61.7
1923	4,964,001.92	775,743.03	18.5
1924	5,692,443.59	728,441.67	14.7
1925	6,235,830.16	543,386.57	9.5
Total	23,671,103.08		

That the increase in the yearly payments of annuities is rapidly slowing up is shown by the fact that the annuities paid in 1922 were 61.7 per cent greater than in 1921; in 1923 they were only 18.5 per cent greater than in 1922; in 1924 they were only 14.7 per cent greater than in 1923; while in 1925 they had fallen to 9.5 per cent greater than in 1924.

Statement, by fiscal years, showing the number of refunds paid, their average value, the number drawing interest, and the amount of interest paid

Year	Number	Average value	Drawing interest	Amount of interest
1921	26,116	\$12.37	None	None
1922	70,580	31.21	42,423	\$40,111.12
1923	57,705	48.28	50,389	107,904.39
1924	46,827	61.16	44,340	144,127.42
1925	36,989	73.36	35,038	171,071.86
Total	238,217	46.71	172,690	463,214.79

The enormous turnover in the service is sharply brought out by the fact that 238,217 refunds have been paid to persons who have been separated from the service since the retirement law became effective.

Statement, by fiscal years, showing the average age, years of service, and total years of service of annuitants on the roll

	Fiscal year			
	1922	1923	1924	1925
Average age of annuitants:				
Of all on the roll	70.5	70.1	69.8	69.9
Of those retired for age	72.0	71.9	71.7	71.6
Of those retired for disability	69.4	69.1	69.0	69.3
Average years of service of annuitants:				
Of all on the roll	()	()	28.4	27.7
Of those retired for age	()	()	28.3	28.2
Of those retired for disability	()	()	26.2	25.6
Total years of service of annuitants:				
Of all on the roll	()	()	206,653	324,266
Of those retired for age	()	()	206,192	274,444
Of those retired for disability	()	()	43,461	40,822

¹ No statistics available.

The 11,680 annuitants on the retirement roll at the close of the last fiscal year, June 30, 1925, rendered a total service of 324,266 years; but as service beyond 30 years confers no benefit, 31,428 years went for naught, and the annuities were computed on 292,838 years. During this same fiscal year these annuitants drew \$6,235,830.16 in annuities. This indicates that the annuities for the year cost \$19.24 for each year of service rendered, or \$1.60 for each month, or 5 $\frac{1}{3}$ cents for each day.

It is thus evident that retirement last year cost about 5 cents a day for each day's service of the annuitants on the roll. An allowance of 10 cents a day for each day of service would have brought the average annuity up to about \$1,000 a year.

Owing to the elimination of 31,428 years of service, the average allowable service of those on the roll was 25.05 years instead of 27.7 years.

The average age of annuitants has decreased only six-tenths of a year, or approximately seven months. In 1922 it was 70.5 years; in 1925, it was 69.9 years. This average age is high in view of the fact that railway postal clerks retire at 62, and other postal employees together with mechanics at 65, and of the further fact that employees

involuntarily separated from the service who are 55 years of age and have served for 15 years are entitled to retirement under the amendatory act of September 22, 1922, 809 have been so retired. The average years of service of all on the roll is 27.7 years. This indicates that any legislation which will require 30 years of service to secure a benefit will not reach an unduly large number of persons.

The most significant fact brought out by an analysis of the service of the annuitants is that the 11,689 annuitants on the roll on June 30, 1925, rendered 324,206 years of service. During that year these annuitants were paid \$6,235,830.16 in annuities. This was a cost of \$19.24 for each year of service, or a bonus or gratuity of less than \$20 a year for 28 years of faithful service at a low salary. Surely this is not excessive benevolence.

Annuityants on the retirement roll of June 30, 1925, classified by years of service and average salaries during last 10 years of service

Years of service	\$599 or less	\$600 to \$699	\$700 to \$799	\$800 to \$899	\$900 to \$999	\$1,000 to \$1,099	\$1,100 to \$1,199	\$1,200 to \$1,299	\$1,300 to \$1,399	\$1,400 to \$1,499	\$1,500 to \$1,599	\$1,600 to \$1,699	\$1,700 to \$1,799	\$1,800 and over	Grand total
15	16	17	32	39	33	45	170	79	64	52	31	18	10	8	624
16	10	6	18	13	27	50	240	45	65	45	19	12	4	10	569
17	6	7	9	17	20	55	184	47	33	39	18	12	7	12	475
18	13	12	24	39	25	63	214	77	74	66	43	21	7	14	692
19	6	9	19	18	21	39	96	55	62	55	36	13	4	9	442
20	6	7	21	10	26	24	53	48	45	63	29	10	10	15	373
21	17	7	26	24	32	30	32	68	86	99	44	18	12	34	532
22	13	14	21	30	28	33	27	59	50	73	34	21	12	17	432
23	7	7	11	17	14	18	24	45	21	31	25	5	10	16	251
24	10	12	26	31	28	30	30	57	49	59	39	20	10	20	419
25	11	8	15	24	15	28	22	59	38	39	22	18	11	21	331
26	6	6	16	14	19	14	16	60	26	22	21	14	9	16	258
27	5	6	18	15	25	21	25	101	47	46	38	17	15	18	407
28	8	9	18	14	17	19	39	81	41	48	28	16	9	29	375
29	4	2	8	16	6	14	26	85	24	25	19	9	8	16	262
30	8	11	19	35	31	32	55	208	97	129	71	44	26	61	825
31	4	13	14	19	18	19	23	165	70	82	38	31	23	40	569
32	1	6	6	12	11	18	13	141	65	75	46	24	22	36	477
33	3	3	9	11	10	10	14	126	52	74	35	17	21	39	424
34	6	2	9	12	9	14	12	116	49	69	40	20	18	42	417
35	2	1	11	6	6	8	11	101	38	60	37	19	15	32	347
36	2	4	5	10	7	10	4	90	30	41	27	14	8	28	280
37	5	2	8	7	6	5	7	88	22	59	24	15	13	34	295
38	3	1	3	6	5	11	6	60	30	36	19	13	7	27	227
39	3	4	9	5	11	6	6	50	12	23	12	10	15	24	190
40	5	4	11	4	6	7	5	56	9	24	7	12	11	36	197
41	1	1	4	5	9	5	4	42	9	21	11	7	8	20	147
42	1	2	1	3	11	7	9	32	9	13	12	13	4	12	12
43	0	1	3	3	0	3	2	22	7	16	11	8	3	17	96
44	1	1	3	4	4	6	3	27	5	11	3	4	1	16	89
45	2	1	3	3	4	3	6	28	3	11	8	3	4	13	92
46	1	1	5	5	3	1	2	19	4	7	3	4	6	7	67
47	1	1	3	2	3	3	1	29	4	7	4	1	2	12	73
48	0	1	3	1	6	2	2	12	7	3	7	2	6	6	59
49	2	0	4	1	1	3	2	11	2	4	0	2	0	13	45
50	0	0	0	1	2	2	4	8	2	3	2	3	1	6	34
51	1	0	0	0	1	0	2	9	1	4	2	0	0	9	29
52	0	1	2	0	0	2	1	8	0	3	4	1	2	5	29
All others	0	1	7	3	1	3	5	18	6	6	7	18	8	31	110
Total	189	191	424	494	508	662	1,416	2,432	1,257	1,543	876	506	301	830	11,689
With 30 years	51	62	142	158	165	180	209	1,466	632	781	430	282	223	566	5,247
Under 30 years	138	129	282	336	343	482	1,207	966	725	762	446	224	138	264	6,442

A study of the years of service and salary received is instructive. There is an idea existing in the minds of many that if the annuity is raised to \$1,200 per annum all the annuitants will be paid that amount at once. In the first place, only 830 of the annuitants received an average salary of \$1,800 during the last 10 years of service, and only 566 of these had 30 years or more of service. Should the maximum annuity be based on an average annual salary of \$1,600 and 30 years of service, it would reach only 1,071 annuitants who were on the roll on June 30, 1925.

THE AVERAGE SALARY BASIS USED

Under the provisions of the present retirement law the annuity is based on the average salary for the last 10 years of allowable service.

Service	Years	Months	Average salary, \$1,200			Average salary, \$1,500			Average salary, \$1,800		
			Present law	Senate bill	New proviso	Present law	Senate bill	New proviso	Present law	Senate bill	New proviso
20			\$648.00	\$773.28	\$773.28	\$648.00	\$666.72	\$666.72	\$648.00	\$1,160.04	\$1,160.04
21	1	1	648.00	773.28	775.56	648.00	666.72	669.48	648.00	1,160.04	1,163.28
22	2	2	648.00	773.28	775.56	648.00	666.72	672.24	648.00	1,160.04	1,166.64
23	3	3	648.00	773.28	780.00	648.00	666.72	675.00	648.00	1,160.04	1,170.00
24	4	4	648.00	773.28	782.28	648.00	666.72	677.76	648.00	1,160.04	1,173.36
25	5	5	648.00	773.28	784.44	648.00	666.72	680.52	648.00	1,160.04	1,176.72
26	6	6	648.00	800.04	786.72	648.00	666.72	683.28	648.00	1,200.00	1,179.96
27	7	7	648.00	800.04	788.88	648.00	666.72	686.16	648.00	1,200.00	1,183.32
28	8	8	648.00	800.04	791.16	648.00	666.72	688.96	648.00	1,200.00	1,186.68
29	9	9	648.00	800.04	793.32	648.00	666.72	691.68	648.00	1,200.00	1,190.04
30	10	10	648.00	800.04	795.60	648.00	666.72	694.44	648.00	1,200.00	1,193.28
31	11	11	648.00	800.04	797.76	648.00	666.72	697.20	648.00	1,200.00	1,196.64
32			720.00	800.04	800.04	720.00	666.72	699.96	720.00	1,200.00	1,200.00

This period, 10 years, is too long, and in view of the great reduction in purchasing power of the dollar since 1913 the salary basis should not cover more than 5 years of service, and might with justice even be less than 5 years.

Other retirement systems as a rule use a much shorter service term. Germany, Norway, Portugal, the Netherlands, Massachusetts, and Chicago use the salary paid at time of retirement; Great Britain, the average salary for the last three years of service; Belgium, Denmark, Argentina, Connecticut, Maine, New Jersey, New York, Pennsylvania, Boston, and Philadelphia, the average salary for the last five years of service; France, the average salary for the last six years of service. In fact, only three systems appear to use the 10-year period, namely, Canada, the city of New York, and the United States. To summarize, out of the 21 systems examined the salary of the service periods used is as follows:

At time of retirement	6
Last three years of service	1
Last five years of service	10
Last six years of service	1
Last 10 years of service	3

It is thus apparent that 17 out of the 21 retirement systems examined, all available, use a service period of five years or less.

OPTIONAL AGE OF RETIREMENT

The retirement systems of the various countries, States, and cities fix the optional age for retirement as follows:

At 55 years of age: Chicago and France for the "active branch" of the service.

At 60 years of age: Great Britain, Portugal, Italy, New York, New Jersey, Pennsylvania, Massachusetts, New York City, Philadelphia City and County, Boston and Suffolk County, and France for the "sedentary branch" of the service.

At 65 years of age: Canada, Belgium, the Netherlands, and Connecticut.

No age limit set: Massachusetts grants voluntary retirement after 35 years of service, regardless of age; and Maine retirement after 25 years of service, without age restrictions.

RETIREMENT CREDIT SHOULD BE GIVEN FOR THE MONTHS AS WELL AS FOR THE YEARS OF SERVICE

All the employees should have credit not only for the years of service, but also for the months. Under the existing law most of the employees lose credit for a part of their service, the loss varying from 1 to 35 months.

Under the provisions of Senate bill 3011 credit is given for all the years of service; but in considering service less than a year periods of less than six months are disregarded and periods over six months are counted as a year. Under this plan the inequalities are not eliminated; they are actually increased. To illustrate: An employee with an average salary of \$1,800 and a service of 29 years 5 months 29 days will receive an annuity of \$1,160, while another employee having the same salary with a service of 29 years 6 months 1 day will receive an annuity of \$1,200. Here the difference is \$40 a year. If both annuitants live 10 years, the favored one will draw \$400 more annuity than the other. That is too much difference in annuity for a difference of only two days in service.

This inequality can easily be eliminated by allowing credit for the months as well as for the years of service. In this way no one will receive credit for a service not rendered, and all will receive credit for the service actually rendered. H. R. 3830 contains a proviso which will remedy this inequality (sec. 6).

The following table shows what the annuities would be for from 1 to 11 months, inclusive, using a service period of 29 years with the months added and the salaries \$1,200, \$1,500, and \$1,800. For purposes of comparison, the annuities under the present law and under Senate bill 3011 are included in the table. The odd days of service can be ignored without working an injustice.

Table showing the amount of the annuities under the present law under Senate bill 3011 and under a new proviso in which credit for the months as well as the years is included:

Table showing yearly, monthly, and daily increases in annuities under Senate bill 9011

Years of service	Average salary for the last 10 years of service									
	\$240	\$480	\$600	\$800	\$900	\$1,000	\$1,200	\$1,400	\$1,600	\$1,800
Yearly.....	\$8.00	\$16.00	\$20.00	\$26.67	\$30.00	\$33.33	\$40.00	\$106.67	\$173.33	\$240.00
15 Monthly.....	.67	1.33	1.67	2.22	2.50	2.78	3.33	8.89	14.44	20.00
15 Daily.....	.02	.04	.06	.07	.08	.09	.11	.30	.48	.67
18 Yearly.....	9.60	19.20	24.00	32.00	36.00	40.00	48.00	128.00	208.00	288.00
18 Monthly.....	.80	1.60	2.00	2.67	3.00	3.33	4.00	10.67	17.33	24.00
18 Daily.....	.03	.05	.07	.09	.10	.11	.13	.36	.58	.80
21 Yearly.....	11.30	22.60	28.00	37.33	42.00	46.67	56.00	146.33	242.67	336.00
21 Monthly.....	.93	1.87	2.33	3.11	3.50	3.89	4.67	12.44	20.22	28.00
21 Daily.....	.03	.06	.08	.10	.12	.13	.16	.41	.67	.93
24 Yearly.....	12.80	25.60	32.00	42.67	48.00	53.33	64.00	170.67	277.33	384.00
24 Monthly.....	1.07	2.13	2.67	3.56	4.00	4.45	5.33	14.22	23.11	32.00
24 Daily.....	.04	.07	.09	.12	.13	.15	.18	.47	.77	1.07
27 Yearly.....	14.40	28.80	36.00	48.00	54.00	60.00	72.00	192.00	312.00	432.00
27 Monthly.....	1.20	2.40	3.00	4.00	4.50	5.00	6.00	16.00	26.00	36.00
27 Daily.....	.04	.08	.10	.13	.15	.17	.20	.53	.87	1.20
30 Yearly.....	16.00	32.00	40.00	53.33	60.00	66.67	80.00	213.33	346.00	480.00
30 Monthly.....	1.33	2.67	3.33	4.44	5.00	5.56	6.67	17.74	28.83	40.00
30 Daily.....	.04	.09	.11	.15	.17	.19	.22	.59	.96	1.33

Table showing increases in annuities under Senate bill 9011, using the divisor 40 instead of 45

Years of service	Average salary last 5 years of service									
	\$240	\$480	\$600	\$800	\$900	\$1,000	\$1,200	\$1,400	\$1,600	\$1,800
Yearly.....	\$18.00	\$36.00	\$45.00	\$60.00	\$67.50	\$75.00	\$90.00	\$165.00	\$240.00	
15 Monthly.....	1.50	3.00	3.75	5.00	5.63	6.25	7.50	13.75	20.00	
15 Daily.....	.05	.10	.13	.17	.19	.21	.25	.46	1.67	
18 Yearly.....	21.60	43.20	54.00	72.00	81.00	90.00	108.00	198.00	288.00	
18 Monthly.....	1.80	3.60	4.50	6.00	6.75	7.50	9.00	16.50	24.00	
18 Daily.....	.06	.12	.15	.20	.23	.25	.30	.55	.89	
21 Yearly.....	25.20	50.40	63.00	84.00	94.50	105.00	126.00	231.00	336.00	
21 Monthly.....	2.10	4.20	5.25	7.00	7.88	8.75	10.50	17.58	28.00	
21 Daily.....	.07	.14	.18	.23	.26	.29	.35	.59	.93	
24 Yearly.....	28.80	57.60	72.00	96.00	108.00	120.00	144.00	264.00	384.00	
24 Monthly.....	2.40	4.80	6.00	8.00	9.00	10.00	12.00	22.00	32.00	
24 Daily.....	.08	.16	.20	.27	.30	.33	.40	.73	1.07	
27 Yearly.....	32.40	64.80	81.00	108.00	121.50	135.00	162.00	297.00	432.00	
27 Monthly.....	2.70	5.40	6.75	9.00	10.13	11.25	13.50	24.75	36.00	
27 Daily.....	.09	.18	.23	.30	.34	.37	.45	.83	1.23	
30 Yearly.....	36.00	72.00	90.00	120.00	135.00	150.00	180.00	330.00	480.00	
30 Monthly.....	3.00	6.00	7.50	10.00	11.25	12.50	15.00	27.50	40.00	
30 Daily.....	.10	.20	.25	.33	.37	.41	.50	.91	1.33	

Table showing the increase in annuities by using the divisors 45 and 40

Years of service	\$240	\$480	\$600	\$800	\$900	\$1,000	\$1,200	\$1,400	\$1,600	\$1,800
15 Yearly.....	\$8.00	\$16.00	\$20.00	\$26.67	\$30.00	\$33.33	\$40.00	\$106.67	\$173.33	\$240.00
15 New proviso.....	18.00	36.00	45.00	60.00	67.50	75.00	90.00	165.00	240.00	
18 Yearly.....	9.60	19.20	24.00	32.00	36.00	40.00	48.00	128.00	208.00	288.00
18 New proviso.....	21.60	43.20	54.00	72.00	81.00	90.00	108.00	198.00	288.00	
21 Yearly.....	11.30	22.60	28.00	37.33	42.00	46.67	56.00	146.33	242.67	336.00
21 New proviso.....	25.20	50.40	63.00	84.00	94.50	105.00	126.00	231.00	336.00	
24 Yearly.....	12.80	25.60	32.00	42.67	48.00	53.33	64.00	170.67	277.33	384.00
24 New proviso.....	28.80	57.60	72.00	96.00	108.00	120.00	144.00	264.00	384.00	
27 Yearly.....	14.40	28.80	36.00	48.00	54.00	60.00	72.00	192.00	312.00	432.00
27 New proviso.....	32.40	64.80	81.00	108.00	121.50	135.00	162.00	297.00	432.00	
30 Yearly.....	16.00	32.00	40.00	53.33	60.00	66.67	80.00	213.33	346.00	480.00
30 New proviso.....	36.00	72.00	90.00	120.00	135.00	150.00	180.00	330.00	480.00	

Table showing annuities under the present law and under the new proviso in which the divisor 40 is used

Years of service	\$240	\$480	\$600	\$800	\$900	\$1,000	\$1,200	\$1,400	\$1,600	\$1,800
15 Present law.....	\$72.00	\$144.00	\$180.00	\$240.00	\$270.50	\$300.00	\$360.00	\$420.00	\$480.00	\$540.00
15 New proviso.....	90.00	180.00	225.00	300.00	337.50	375.00	450.00	525.00	600.00	675.00
18 Present law.....	86.40	172.80	216.00	288.00	324.00	360.00	432.00	504.00	576.00	648.00
18 New proviso.....	108.00	216.00	270.00	360.00	405.00	450.00	540.00	630.00	720.00	810.00
21 Present law.....	100.80	201.60	252.00	336.00	378.00	420.00	504.00	590.40	676.80	763.20
21 New proviso.....	126.00	252.00	315.00	420.00	472.50	525.00	630.00	735.00	840.00	945.00
24 Present law.....	115.20	230.40	288.00	384.00	432.00	480.00	576.00	672.00	768.00	864.00
24 New proviso.....	144.00	288.00	360.00	480.00	540.00	600.00	720.00	840.00	960.00	1080.00
27 Present law.....	129.60	259.20	324.00	432.00	486.00	540.00	648.00	756.00	864.00	972.00
27 New proviso.....	162.00	324.00	405.00	540.00	607.50	675.00	810.00	945.00	1,080.00	1,215.00
30 Present law.....	144.00	288.00	360.00	480.00	540.00	600.00	720.00	840.00	960.00	1,080.00
30 New proviso.....	180.00	360.00	450.00	600.00	675.00	750.00	900.00	1,050.00	1,200.00	1,350.00

THE GOVERNMENT INDEX OF PRICES AND COSTS

The Department of Labor has compiled very reliable statistics for the Government to show the variations in prices and costs of living from time to time. The prices for the year 1913 are assumed as normal, or as 100 per cent, and the variations are compared with the prices of that year; for example, the index number for 1913 is 100, and for the first six months in 1925 it is 173.5. This indicates that the cost of living during the first six months of 1925 was, on an average, 73.5 per cent greater than it was in the year 1913, and that a salary of \$1,735 in 1925 had the same number of purchasing units as the \$1,000 salary had in 1913.

The present annuities are based on the average salaries for the last 10 years of service; and as the retirement law became effective on August 21, 1920, the salaries involved extended back to 1910. It should be noted, too, that 43 per cent of those retired were placed on the roll within the first year the law was in operation.

As the cost of living since 1913 has increased so markedly, and as it has also remained so much higher since 1920, when the law became effective, it is apparent that the salary of the employee was based on a 100-cent dollar, but that his annuity is based on a 60-cent dollar, or on a dollar having even less value than 60 cents.

The following table is accordingly submitted to show the purchasing power of, or the purchasing units in, the present annuities, compared

with the purchasing power of, or the purchasing units in, the salaries of 1913.

Obviously only the year 1913 and the years 1921, 1922, 1923, 1924, and 1925 have a material bearing on the issue, and for that reason all other years have been omitted from the table; and in order to deal with whole numbers, fractional parts of the cent, if less than one-half, have been ignored, and if one-half or more, have been counted as a cent.

Year	Increase in cost of living	Value of dollar	Average annuity	Value as shown by index		
				Yearly	Monthly	Daily
	Per cent	\$1.00				
1913.....						
1921.....	77.3	.56	\$568.44	\$318.33	\$26.53	\$0.89
1922.....	67.3	.60	564.48	338.69	28.22	.94
1923.....	70.9	.59	551.64	325.47	27.12	.90
1924.....	70.7	.59	546.30	322.32	26.86	.90
1925.....	73.5	.58	544.64	315.89	26.32	.88

¹ For first 6 months, January to June, inclusive.

The purchasing power of the dollar is a very important factor in the consideration of this question. While the retirement law was enacted in 1920, at the close of the war and during a period of high prices, we were still thinking in the pre-war unit of value of 1913. Measured by the prices of 1925, as compared with the prices of 1913, the dollar in 1925 was only worth 58 cents. The average annual annuity of \$544.64 paid during that year had a purchasing value of only \$315.89, or \$26.82 a month, or 88 cents a day. One of the chief values of a study of the purchasing power of the dollar since the enactment of the retirement law is its stability during that period. The average since 1921 being a small fraction above its present purchasing power of 58 cents. This shows that the present level of prices will be maintained.

An annuity of \$1,200 to-day is only equal in purchasing power to one of \$696 before the war. So that if it be raised to \$1,200 it even then will not be equal to the \$720 that was intended to be given.

Table showing cost of annuities under the present law, under Senate bill 3011, and under Senate bill 3011, using the divisor 40 instead of 45, December 31, 1925

Number of annuitants on roll.....	12, 074
Cost under present laws:	
Amount of annuities.....	\$6, 711, 497. 00
Average salary.....	\$1, 123. 70
Average annuity.....	\$555. 88
Index value of average annuity.....	\$320. 33
Total average salaries.....	\$12, 567, 564. 00
Cost under Senate bill 3011:	
Amount of annuities.....	\$8, 855, 571. 00
Increase.....	\$2, 174, 074. 00
Average salary.....	\$1, 294. 80
Average annuity.....	\$734. 92
Index value of average annuity.....	\$424. 16
Percentage of increase.....	32. 4
Total average salaries.....	\$15, 634, 386. 00
Cost under Senate bill 3011, using 40 as divisor:	
Amount of annuities.....	\$9, 812, 697. 00
Increase.....	\$3, 101, 200. 00
Average salary.....	\$1, 272. 81
Average annuity.....	\$812. 71
Index value of average annuity.....	\$468. 42
Percentage of increase.....	46. 2
Total average salaries.....	\$15, 367, 868. 00

[NOTE.—The present average salary is estimated to be about \$1,700. If this estimate be correct, then the average salary used in computing the annuities under the present law is only 66.1 per cent of the average salary used in making the deductions; and under Senate bill 3011, it is only 76.2 per cent; and under Senate bill 3011, using the divisor 40 instead of 45, it is only 74.9 per cent.]

Statement showing by fiscal years the amount of the pay roll, the amount contributed to the retirement fund by the employees at the rate of 2½ per cent, and the amount of annuities paid

Fiscal year	Amount of pay roll	Amount of contributions	Amount of annuities paid
1921.....	\$500,544,877.60	\$12,513,621.94	\$2,590,568.52
1922.....	570,624,970.80	14,265,624.27	4,188,258.89
1923.....	563,320,054.80	14,083,001.37	4,964,001.92
1924.....	604,378,059.60	15,109,451.49	5,692,443.69
1925.....	716,202,859.20	17,905,070.95	6,285,830.16
Total.....	2,955,070,802.00	73,876,770.05	23,671,103.08

The above table shows that the total pay roll of employees under the retirement law for the five years that the law has been in operation was \$2,955,070,802; that the total annuities paid to retired employees during that period was \$23,671,103.08. The total annuities paid were eight-tenths of 1 per cent of the total amount paid out in salaries. In other words, had the Congress appropriated an amount sufficient to pay the whole of the annuities it would have increased the appropriation for salaries of the employees under the retirement law only eight-tenths of 1 per cent.

But the employees are contributing to their own annuities in ever-increasing ratio. Statistics are available for only the past three fiscal years, and only for annuitants who have died, as shown in the following table:

Statement showing by fiscal years the number of annuitants dropped from the roll, together with the aggregate annuities paid to such annuitants and the aggregate contributions made by them and the percentage of the annuities paid by the annuitants

Fiscal year	Annuitants dropped	Aggregate annuities	Aggregate contributions	Percentage contributed
1923.....	768	\$703,798.43	\$18,338.02	2.6
1924.....	882	1,079,232.10	36,252.50	3.3
1925.....	943	1,413,097.30	52,920.94	3.7

Statement by fiscal years showing the number retired for disability and the number retired for disability who died during the year

Year	Number retired	Number who died	Percentage
1921.....	581	(1)	
1922.....	550	(1)	
1923.....	649	214	6.33
1924.....	558	244	.44
1925.....	570	288	.51
	2,908		

¹ No statistics available.

That there is no danger of the roll being unduly increased on account of retirements for disability is shown by the fact that in 1923 the number of annuitants retired for disability who died during that year was equal to 33 per cent of those placed on the roll for that cause during that year. In 1924 it was 44 per cent and in 1925 51 per cent. The average age of those retired for disability who died during the year 1925 was 59.7 years, as against 69.7 years for all classes, including those retired for disability as well as those retired for age. Those who are retired for disability die at an age 10 years younger than those retired for age.

THE MATERNITY LAW

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the maternity bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TUCKER. Mr. Speaker, the discussion of the extension of the maternity law for two years, under consideration by the House on Monday, April 5, 1926, being limited to 20 minutes on a side made it impossible for any Member of the House to know the provisions of this bill, whose extension was being asked for.

Without quoting the bill in full, I desire to give the salient points in it so that the discussion can be better understood.

1. A board of maternity and infant hygiene composed of the Chief of the Children's Bureau, the Surgeon General of the United States Public Health Service, and the United States Commissioner of Education.

2. The Children's Bureau of the Department of Labor is "charged with the administration of this act, except as herein otherwise provided, and the Chief of the Children's Bureau shall be the executive officer."

3. It must be noted that in the act of April 9, 1912, establishing the Children's Bureau section 2 declared "that the said bureau shall be under the direction of a chief" with no limitations upon his or her authority.

4. The maternity law provides for an appropriation of \$5,000 to each State in the Union and (2) an appropriation of \$1,000,000 to be divided among the States, in proportion to population, with the proviso that the amount thus allotted should be duplicated by the State before such appropriation by the Federal Government could be available.

I

Where appropriation of money is made by Congress to the States without reservation as to power to supervise or control the appropriation, or Congress relinquishes any control over moneys appropriated to the States, it is guilty of a breach of trust. This doctrine is emphasized by Black (Constitutional Law, 3d. ed., p. 287):

Nor could it [Congress] renounce or surrender any of the powers granted to it by the Constitution, whether to the other branches of the Government, the States, or private parties.

Nor can it delegate the powers confided to it, or authorize their exercise by any other body or any person.

Tucker on the Constitution, Volume I, page 434, refers to the same principle:

But if appropriated without reservation, then Congress would give away its discretion to another, to use the money so appropriated for the common defense and general welfare as that other might determine. This would be an unconstitutional abandonment of duty and breach of trust.

The duties confided to Congress are trust duties. The great powers to lay and collect taxes and to appropriate money are the highest trust duties; to use the power to gather money from the people by taxation, and then by appropriation give that money to a State without let or hindrance by Congress is an abandonment of a trust duty which no court will sustain. If the money is appropriated to the State to carry out a purpose within the control of Congress, it is clearly an unauthorized abandonment of their duty to control the people's money; and if the money be appropriated to a State to carry out a purpose denied to Congress, their guilt is only enhanced. If the Federal Government retains partial control, this is equally unconstitutional, for "Congress can not delegate the powers confided to it" at all. How can the United States Government surrender control of its own funds into the hands of another government and keep faith with the people as their chosen trustee? The people, in making our Constitution, never intended that the taxes wrung from them should be used and administered by another distinct government. No such condition was ever heard of in this country, except perhaps under the eighteenth amendment. It is equally an abandonment of a trust duty for Congress to give up any control of moneys entrusted to it. No trustee, charged with a duty, and accepted by him, can escape his responsibility under the trust who abandons his trust by surrendering it to another. Under this law the State agency, if it fails to conduct it according to the views of the board as they may think proper, or in a way that the Chief of the Children's Bureau objects to, the board and the chief can prevent the State getting money for the next year by withholding a certificate; but suppose the State agency, during the year complained of by the board, squanders the money or commits a breach of trust, how can the Federal Government take action against a State officer who owes no duty to the Federal Government?

To be perfectly frank, an examination of this law would seem to indicate that the State has practically no control in its administration, and yet its last section declares, in large letters emphasizing the objects of this section:

State control of administration of act: This act shall be construed as intending to secure to the various States control of the administration of the act within their respective States, subject only to the provisions and purposes of this act.

But as the previous provisions of the act give the administration of it to the Children's Bureau of the Department of Labor and make the chief of that bureau the executive officer, with no restrictions upon her powers, this provision as to State control would seem to be only "a sounding brass or tinkling cymbal."

II

The doctrine is accepted by all, and has been affirmed over and over again by the courts, that the States can not trench upon the domain and powers of the Federal Government, and the latter can not interfere with those objects which by the Constitution are left entirely to State control; each is powerless in the domain of the other. The maternity law affects women in child bearing and the care of the child after it comes. Under our Constitution, we ask upon whom does this right or duty devolve? The State or the Federal Government? Fortunately there can be no doubt on this question, for the recent child-labor decisions of the Supreme Court settle it as to children, and the principle controlling these cases applies equally to child-bearing women.

Justice Day, in *Hammer v. Dagenhart* (247 U. S. p. 273), says:

The grant of power to Congress over the subject of interstate commerce was to enable it to regulate such commerce and not to give it authority to control the States in their exercise of the police power over local trade and manufacture.

The grant of authority over a purely Federal matter was not intended to destroy the local power always existing and carefully reserved to the States in the tenth amendment to the Constitution.

A statute must be judged by its natural and reasonable effect. (*Collins v. New Hampshire*, 171 U. S. 30, 33, 34.) The control by Congress over interstate commerce can not authorize the exercise of authority not intrusted to it by the Constitution. (*Pipe Line cases*, 234 U. S. 548, 560.) The maintenance of the authority of the States over matters purely local is as essential to the preservation of our institutions

as is the conservation of the supremacy of the Federal power in all matters intrusted to the Nation by the Federal Constitution.

In interpreting the Constitution it must never be forgotten that the Nation is made up of States to which are intrusted the powers of local government. And to them and to the people the powers not expressly delegated to the National Government are reserved. (*Lane County v. Oregon*, 7 Wall. 71, 76.) The power of the States to regulate their purely internal affairs by such laws as seem wise to the local authority is inherent and has never been surrendered to the General Government. (*New York v. Milin*, 11 Pet. 102, 139; *Slaughter House cases*, 16 Wall. 36, 63; *Kidd v. Pearson*, supra.) To sustain this statute would not be, in our judgment, a recognition of the lawful exertion of congressional authority over interstate commerce, but would sanction an invasion by the Federal power of the control of a matter purely local in its character, and over which no authority has been delegated to Congress in conferring the power to regulate commerce among the States.

Justice Day's decision in the above case is affirmed and sanctioned by the opinion of the court in *Bailey versus Drexel Furniture Co.*, decided May 15, 1922, wherein Chief Justice Taft says:

The analogy of the *Dagenhart* case is clear. The congressional power over interstate commerce is, within its proper scope, just as complete and unlimited as the congressional power to tax, and the legislative motive in its exercise is just as free from judicial suspicion and inquiry. Yet when Congress threatened to stop interstate commerce in ordinary and necessary commodities, unobjectionable as subjects of transportation, and to deny the same to the people of a State, in order to coerce them into compliance with Congress's regulation of State concerns, the court said this was not in fact regulation of interstate commerce, but rather that of State concerns, and was invalid. So here the so-called tax is a penalty to coerce people of a State to act as Congress wishes them to act in respect of a matter completely the business of the State government under the Federal Constitution.

And he further adds:

It is the high duty and function of this court in cases regularly brought to its bar to decline to recognize or enforce seeming laws of Congress dealing with subjects not intrusted to Congress but left or committed by the supreme law of the land to the control of the States. We can not avoid the duty even though it requires us to refuse to give effect to legislation designed to promote the highest good. The good sought in unconstitutional legislation is an insidious feature because it leads citizens and legislators of good purpose to promote it without thought of the serious breach it will make in the ark of our covenant or the harm which will come from breaking down recognized standards.

See how the above principles have been violated in this law. The care of maternity and infant children might belong to either the State or Federal Government—not both, for if granted it belongs to the Federal Government; if not granted and not prohibited to the States it belongs to them, and the Supreme Court has decided that it belongs to the States. Then how can Congress act and, as in this law, appoint the Children's Bureau (a Federal agency) in Washington as the controlling agency to administer this work, which belongs to the States, and appoint its head as the chief executive administrator? Can a Federal officer enforce a State power? The Constitution with clearness keeps the powers, State and Federal, distinct. There is no overlapping or merging of the two. This law on its face pretends to give control of this subject to both State and Federal Governments, when only one can act, and overrides every principle of constitutional limitation in its long stride to socialism.

Under the Constitution the subjects of maternity and child welfare belong to the States. How then can the United States Government take part in their control? The statement of the proposition is its answer.

To enforce a State duty by a Federal officer is to change our Constitution. In like manner, the State agency must report its activities to the Children's Bureau (a Federal bureau) for its approval, and if disapproved the State gets no money; that is, the Children's Bureau controls the State maternity agency, or a Federal agency controls a State agency. So that the Congress (as under this law) has no power to do this, for it changes the Constitution of the United States. If maternity and infants be under care of the State, no other power is competent to interfere with their care.

If the State agency cooperating with the Children's Bureau is to work out this problem together, is it not, to the extent of its activities, "subjecting the Federal Government to the influence of a foreign power," and is not the autonomy of the United States curtailed to the extent of the State's interposition and control? So that even if Congress had power under the general welfare to appropriate money for this purpose, it

could not, in doing so, change the Constitution, control its powers or subject it to the influence of a foreign power.

The object of this maternity law is to conserve the health of women and children, the object of which commends itself to all right-thinking people; but who is to do it? Chief Justice Marshall, in an extract from his opinion in *Gibbons v. Ogden* (9 Wheat. 1), heretofore quoted, speaking of the reserved powers of the States, says they represent—

that immense mass of legislation, which embraces everything within the territory of a State, not surrendered to the General Government; all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description * * *

Can the location of the power to control the welfare of maternity and infancy be more clearly described than in this language of the great chief justice?

Another witness that ungranted powers remain with the States is George Bancroft. He says:

That all power not granted to the General Government remained with the States was the opinion of every member of the convention; but they held it a work of supererogation to place in the Constitution an express recognition of the reservation. (Bancroft's History of the United States Constitution, vol. 2, p. 91.)

The adoption of the tenth amendment only ratified what already existed.

III

If Judge Story's and Mr. Hamilton's view of the construction of this clause be accepted as valid, this maternity law is still open to the objection that it does not embrace the general welfare of the Union. Judge Story is very specific in pointing this out and showing that the welfare contemplated is that of all the people; not a part; not a section; not a class, but the whole people; and the appropriation carried by this law does not measure up to these requirements. It is an appropriation on conditions, not absolute; and the Congress makes as one of its conditions that there shall be a consideration for this appropriation, and that consideration is a contribution by the States of an equal amount to be given by the several States. In other words, this benefaction (if benefaction it be) is purchased by the States; and they can not have it, unless they pay for it with a sum equal that given by the Federal Government. If Congress has the power, as is claimed, to provide for the general welfare of the people, surely that does not give Congress the power to sell that general welfare for a fixed price.

In the days of her degeneracy it is said all things were for sale in Rome, political influence and offices, while every man was said to have his price; but it has been left to the United States in the passage of this law to add an additional item to this catalogue of corruption, to wit—the open sale of the benefactions of the Government of the United States. The appropriation, therefore, under this bill does not extend to the people of all of the States, for it is upon conditions, and these conditions may never be complied with by some of the States. Indeed, it is stated that even now there are five States of the Union that have not complied with the provisions of this bill. Does its application to Virginia, with New York and Massachusetts left out, make a general welfare? Or can its application to 43 States with 5 left out be considered the general welfare? When this law was passed, at that moment, what people of the United States could claim its benefits? None. What States received its benefactions? Not one. It does not contain a gift to all the States (general welfare) to be forfeited on a condition subsequent; but it is a gift to some, to those who on condition precedent accept its terms. But those who may accept do not make the "general welfare" unless all accept, and at this time five States have not complied and one State has challenged it in the courts. Can such be for the general welfare that requires all to receive its benefits? The object of the law is said to be to promote "the welfare and hygiene of maternity and infancy." What a field of endeavor arises before the mind in contemplating such a purpose. "The welfare and hygiene" of all the child-bearing women of the country through 10 months of travail and labor and that of all the infant children from their birth to their majority causes those less brave and less daring than the proponents of this law to stand aghast at the proposition here presented. And what is meant by "the welfare and hygiene of maternity and infancy"?

When does it begin? And where does it end? In what does it consist? Those words open up a vista in future appropriations that would cause a smile of derision to come when any shall speak despairingly of the present enormous debt of the country. "General welfare" of children! Embracing all the

children now living or that shall be born in the future. Can anyone doubt that education—mental, moral, physical—that proper oversight of the excesses of youth, the care of diet, the preservation of teeth, of eyes, and of hearing, the removal of tonsils, the care of the nose and throat, must be provided to meet the welfare of the child, to say nothing of vocational training and professional education and the valuable adjuncts which foreign travel and the acquisition of foreign languages would be in molding the highest type of American citizenship?

IV

Admitting the conclusion of Judge Story that the words "the general welfare" in Article I, section 8, of the Constitution do not grant a substantive power to Congress, but do grant power to appropriate money for any purpose which Congress may deem wise, the maternity law is unconstitutional.

The distinction is here made between the power of Congress to create and the power of Congress to appropriate money to build up and support that which has already been created. Under this construction, Congress would have no power to establish a university in one of the States, for that would be a substantive power, but Congress would have power to appropriate money to a university already established in a State. A further distinction must be noted as to the object for which the appropriation is made.

Congress has power by specific grant to establish post offices, and under it may build a post-office building in any State. Congress may thereafter appropriate money to that post-office building to keep it in repair, but it does that under the coefficient clause of the Constitution—

to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, etc.

But if the object of the appropriation be one not given to the control of Congress under the Constitution but belonging to the States, such an appropriation is not, under Judge Marshall's definition, bona fide appropriate, for he has said:

Congress is not empowered to tax for those purposes which are within the exclusive power of the States. (*Gibbons v. Ogden*, 9 Wheat. 1.)

This maternity law is, therefore, open to the objection that it does not confine itself to the appropriation of money, but in detail builds up a great organization and then appropriates money to it. If this organization is to carry out a power that is given to Congress in the Constitution, there could be no objection to it. If this organization is to carry out by the joint action of the State and Nation a power which rests with the States, it must be declared unconstitutional and void, because to the extent that the Federal Government undertakes the discharge of a State function to that extent it is transgressing the limitations of the Constitution; a *fortiori*, if the organization is constituted by the Federal Government to carry out alone a State power it is null and void. An examination of the law will show the completeness and extent of such organization.

The first section of the law provides that its object is to promote "the welfare and hygiene of maternity and infancy," and we are left to conjecture in inspecting other provisions of the bill what this means. It is as broad as human suffering and as general as human misery.

Section 3 provides for a board of "maternity and infant hygiene," to be composed of the Chief of the Children's Bureau, the Surgeon General of the United States Public Health Service, and the United States Commissioner of Education. Their duties are quite limited, and only referred to in sections 7, 8, and 11. The administration of the act is given in two sections—section 3 and section 11.

Section 3 declares:

The Children's Bureau of the Department of Labor shall be charged with the administration of this act, except as herein otherwise provided, and the Chief of the Children's Bureau shall be the executive officer.

Section 11 declares:

STATE CONTROL OF ADMINISTRATION OF ACT

This act shall be construed as intending to secure to the various States control of the administration of this act within their respective States, subject only to the provisions and purposes of this act.

If there be any provision in the act giving the States any control over its administration, I fail to find it. The State agency must use the money as the Children's Bureau approves or it will get no more the next year, and it is further specifically denied the right to use any of it for buildings or for maternity pensions, gifts, etc. If one is restricted in certain particulars in the use of money and is subject to the will and

approval of another in its expenditure, he is not a free agent, but is merely the agent of the latter. These facts justify the conclusion that the act is to be administered by the Children's Bureau. Let any man point to the power in the Constitution that authorizes a Federal bureau to determine how the taxes of the people of Virginia may be spent.

Section 2 provides for continuing appropriation of five years of certain amounts to the several States on condition that—

an equal sum has been appropriated for that year by the legislature of such State for the maintenance of the services and facilities provided for in this act.

And in order to secure the benefits of the act, its provisions must be accepted by the legislative authority of the States (or by the governor in certain cases), and the legislature must designate or authorize the creation of a State agency "with which the Children's Bureau shall cooperate as herein provided in the administration of the provisions of this act," provided the State agency of health. If there be such, shall administer the provisions of this act.

Section 8 requires that the above State agency of health shall "submit to the Children's Bureau detailed plans for carrying out the provisions of this act within such State." These plans are to be subject to the approval of the board. This gives the board the absolute power of determining methods, procedure, and so forth, and compels the State agency to supply the State's money for uses to be approved by a Federal board, and from which the State is excluded; and this is the more remarkable since the purposes of its uses ("the welfare and hygiene of maternity and infancy") is entirely under State control, and from which the Federal Government is excluded.

This shows the State agency can not start in its work until the Children's Bureau shall approve its plan of operation, and the money appropriated to the State can not be used by the State agency until such plans are submitted to the Children's Bureau and approved. Then section 11 provides:

Each State agency cooperating with the Children's Bureau under this act shall make such reports concerning its operations and expenditures as shall be prescribed or requested by the bureau. The Children's Bureau may, with the approval of the board, and shall, upon request of a majority of the board, withhold any further certificate provided for in section 10 hereof whenever it shall be determined as to any State that the agency thereof has not properly expended the money paid to it or the moneys herein required to be appropriated by such State for the purposes and in accordance with the provisions of this act.

It is seen from these sections that not only must plans be submitted by the State agency that must meet the approval of the Children's Bureau, but that after such plans have been carried out by the State agency, unless their work meets the approval of said bureau, the certificate for the next year will be denied that State and no money be given; but, *mirabile dictu!* the Children's Bureau, under the above provision, not only has the power to dictate the mode and manner of the expenditure of money for this purpose given by the Federal Government, but, by this section, has the power to control the money given by the State and administered by the State agency for this purpose, as indicated in the words in italics above. Could mastery by one government over another be more complete than this? Here an agency of the Federal Government can first dictate the plan of action to be followed by the State agency, and though the plan may have been approved, yet, if its execution does not conform to the ideas of propriety of said agency, further appropriations by Congress will be denied the State; and this is followed by the astounding fact that the failure of the State agency to spend the State's money as the Federal Government's agency deems proper will result in a failure to get a certificate for an appropriation for the next year. Could Federal control over State functions and State agencies be more complete? If the care of maternity and infancy belongs to the State, can this law, which puts such care in charge of the Federal Government, be constitutional?

Section 12 provides that no money apportioned to the States under this act shall be applied to the purchase, erection, or repair of any building, or rentals of any buildings or lands, or "for the payment of any maternity or infancy pension, stipend, or gratuity." No such prohibition is made as to the funds appropriated by the Federal Government. Why? Is it because there may be already on the calendars of Congress bills looking to that end?

The above represents the great structure which is attempted to be builded by Congress in this law under the "general welfare" clause, which all, including Judge Story, hold, embraces

no substantive grant of power. This structure therefore places the position of these opposed to the law on impregnable ground.

In conclusion, I have sought in my speech in the House on March 3, 1926, to show that Congress, under the "general welfare" clause, has not the power to appropriate money for any purposes which it may deem suitable; and in support of that view I have shown that the convention which proposed the Constitution to the people had before it, in several forms, this unlimited power of Congress to legislate in all matters for the interests of the Union, and it was rejected six times. It would seem that this should end the argument. We have shown that Judge Story and Mr. Pomeroy alone among the law writers indorse this view, while arrayed against them are Madison, Jefferson, Marshall, Cooley, Judge Miller, Hare, Von Holst, Willoughby, Tucker, Judges Brewer and James Wilson, and B. J. Sage.

I have attempted to show that the atmosphere surrounding the making of the Constitution was so deeply impregnated with the fear of Federal power that no article containing what is now claimed for this could ever have become a part of the Constitution; that if the expression "the general welfare" had no such meaning when proposed by the Federal convention, or when ratified by the people it can have no such meaning now. But even if Judge Story's position be accepted as correct, this law is still unconstitutional, for, while he claims the right of Congress to appropriate money for any purpose deemed by it to be for the "general welfare," he denied to Congress any power of legislation, under this clause, of a substantive character, so that this law must still be deemed unconstitutional (1) because the welfare is not general but special and (2) because the law first creates a structure to receive the gift (which Judge Story says is denied to Congress) and then attempts to land the appropriation in the created organism.

If a Federal bureau can determine how the taxes of the people of Virginia can be used, this law is constitutional; but who among those who voted for it will claim such a power?

EXTENSION OF REMARKS

Mr. BOWLING. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing 15 telegrams that I have received in reference to the George W. English impeachment case.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

Mr. DYER. Reserving the right to object, are these the same telegrams mentioned by the gentleman the other day in reference to the action the House took in the matter of Judge English?

Mr. BOWLING. There is nothing in the telegrams in relation to the action of the House. They were received before the House took action. There is nothing in them reflecting on the action of the House.

Mr. BOIES. Mr. Speaker, I object.

RECEPTION TO PAN AMERICAN JOURNALISTS

Mr. TILSON. Mr. Speaker, the House is highly honored this morning by having present in the galleries some very distinguished visitors, the delegates to the Pan American Journalists' Congress. [Applause.]

In honor of these distinguished visitors I ask unanimous consent that the gentleman from Texas, Mr. WURZBACH, and the Resident Commissioner from Porto Rico, Mr. DAVILA, have unanimous consent to address the House not to exceed in the aggregate 30 minutes, their addresses to be in Spanish, and that immediately following each address the Clerk read from the desk a translation.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the gentleman from Texas, Mr. WURZBACH, and the Resident Commissioner from Porto Rico, Mr. DAVILA, may address the House for a period of not to exceed 30 minutes. Is there objection?

There was no objection.

Mr. WURZBACH. Mr. Speaker and gentlemen of the House, we are honored to-day with the presence of most distinguished visitors, journalists from our sister Republics of the south. We welcome them as friends, and we welcome them as men having political ideas and ideals identical with our own. [Applause.]

Our Republic, older in years, has been not only the pattern but the inspiration for theirs. Theirs, like ours, were born in bloody revolutions, consecrated by heroic sacrifice and service. Theirs, also like ours, are dedicated to the principle of civil, religious, and political liberty. They have with us a common origin, a common duty, and, let us all fervently hope and pray, a common glorious destiny. [Applause.]

Mr. Speaker, I shall now, in behalf and in the name of the House of Representatives, express a few words of greeting in the Spanish language to our most welcome guests.

Señores, Periodistas reunidos de las grandes repúblicas de la familia Panamericana, al saludaros en nombre de esta Cámara de Representantes, siento sincero placer, en extenderos bienvenidas.

Estamos seguros de que nosotros de las Américas—siempre amigos—igualmente lo seremos en el porvenir. Nuestros intereses y nuestra prosperidad están extensivamente ligados, llamados, al parecer, a un desarrollo común.

No puede desistir en reconocer a la Unión Panamericana como elemento importante para el entendimiento y acuerdo de nuestros pueblos. Sus esfuerzos han traído un conocimiento más cierto del punto de vista y de las opiniones en las hermanas naciones del Nuevo Mundo. Su éxito se manifiesta claramente en la numerosa y amigable concurrencia de hoy.

La prensa sirve como medio íntimo de la expresión de amistad y confraternidad internacional. Bien sabemos que al regresar, vos llevaréis un interés y apreciación para nuestros problemas comunes, sentimiento cuya expresión servirá como mensaje de acercamiento cordial cada día creciente entre las Américas.

The SPEAKER. The Clerk will read the translation.

The Clerk, Mr. William Tyler Page, read the translation, as follows:

Gentlemen, journalists of the great nations of the Pan American Union, on behalf of the House of Representatives I extend you greetings and express our pleasure at your coming. [Applause.]

We of the Americas have always been friends, and I am confident we always will be friends. Our interests and our prosperity are to a great extent dependent upon each other and must develop together. The Pan American Union has been a large factor in the understanding and friendship of our nations. Its efforts from the beginning have been to bring to each nation clearer understanding of the viewpoint and opinions of the people of its neighbors, and its success is well exemplified by the large and friendly representation here to-day. [Applause.]

The newspapers are the immediate channel of the expression of good will and fellowship among nations, and we know that you will take with you on your return a feeling of friendship and sympathetic interest in our individual and mutual problems which will find its expression in a message to your people that will stimulate the ever-growing bond of friendship between the Americas. [Applause.]

Mr. DAVILA. Mr. Speaker, under unanimous consent of the House, I shall deliver my address in Spanish:

Se me presenta hoy la más brillante oportunidad de hacer oír mi voz en este congreso, con la autoridad que me da la circunstancia de ser el único miembro representante aquí de un país de origen latino, en ocasión en que bajo las bóvedas de este Capitolio se recibe a los heraldos de la cultura y la civilización de los pueblos latino-americanos.

La celebración del Primer Congreso Pan Americano de Periodistas es de una trascendencia extraordinaria y sus provechosos efectos habrán de beneficiar, por igual, a la América latina y a la América sajona. Servirá para despertar una mutua confianza entre ambos pueblos; una más íntima compenetración de ideales y propósitos entre las dos razas de este hemisferio y abrirá el camino hacia una perfecta identificación de unos y otros en el ideal común de engrandecer la América haciendo más firmes cada vez sus ideales de libertad y democracia y más consistentes cada día sus instituciones de humanidad y de justicia.

Puerto Rico, la Isla que yo represento en este alto sitio, ocupa también, en la persona de sus representantes, su puesto en el congreso que se inaugura hoy, contribuyendo así, de manera directa, al éxito del noble propósito que persiguen los organizadores de este magno acontecimiento. Es motivo de legítimo orgullo para mí saber que Puerto Rico es también un colaborador en la obra iniciada de estrechar las relaciones entre los pueblos del Norte y del Sur. La peculiar situación en que se encuentra Puerto Rico, siendo un pueblo de origen latino que convive hoy al amparo de la bandera y las instituciones de esta Nación, lo ponen en condiciones de aspirar a ser el lazo de unión entre las dos razas de la América. Puerto Rico es la mejor evidencia de como es posible para un pueblo asimilar los principios en que se basan las instituciones de otro pueblo de distinto origen; aprovecharse de sus virtudes; convivir en una íntima comunión de ideas; ser leal a sus instituciones y conservar, no obstante, las tradiciones, el idioma y las costumbres que heredara de sus pobladores y colonizadores.

Puerto Rico no ha renegado nunca de su origen; ama y venera sus tradiciones; siente amor de hermano hacia los

pueblos de su raza y de su estirpe; pero en la corriente en que el destino lo ha colocado se desenvuelve victoriosamente haciendo vida americana en la acción y en la convivencia; pero haciendo vida latina en el sentimiento y en la tradición.

Situado en el Caribe, entre las dos Américas, Puerto Rico puede llegar a ser el puente por donde puedan pasar para abrazarse estas dos civilizaciones que si son distintas no son antagónicas y llegar así a comprenderse y a estimarse para laborar unidas y hermanadas para beneficio de ambas.

Estos adalides de la intelectualidad latina, de regreso a sus países, llevarán seguramente el eco de las virtudes y los esfuerzos de esta gran Nación y cuando tengan oportunidad de conocer de cerca al verdadero pueblo americano, a ese pueblo justiciero y democrático de Washington y Lincoln, procurarán realizar una labor de concordia y armonía y se convertirán en paladines de una más franca, sincera y firme inteligencia entre estos pueblos del continente.

El éxito de este congreso dependerá seguramente de la buena fe con que todos laboren; de la amplitud de miras con que todos estudien los problemas y en que todos actúen con absoluta ausencia de prejuicios, atentos solo a la obtención del mayor beneficio posible en favor de la felicidad de América.

Tal vez ahora mismo los espíritus libertarios de Bolívar y Washington, fundadores de estos pueblos, estén prestos a inspirar a todos estos delegados para conseguir así que de sus juiciosas deliberaciones y de sus luminosas ideas surja mañana una perfecta confederación de naciones que haga perdurable en la historia el esfuerzo realizado por las espadas redentoras de esos dos inmortales caudillos. Ojalá que así sea!

Hijos de Bolívar y Sucre, bienvenidos a la patria de Washington y Lincoln. [Applause.]

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. DAVILA. Yes.

Mr. JOHNSON of Washington. I know that it will please the distinguished Delegate from Porto Rico [Mr. DAVILA] to know that the House Committee on Immigration and Naturalization has practically agreed to report favorably his bill, which will permit certain residents of Porto Rico who still hold allegiance to Spain to have the right to travel back and forth between Spain and Porto Rico as they please.

Mr. DAVILA. Mr. Speaker, I appreciate that very much. We of Porto Rico have always had confidence in the justice of the American people. [Applause.]

The SPEAKER. The Clerk of the House will now read the translation of the speech of the Delegate from Porto Rico.

The Clerk, Mr. William Tyler Page, read as follows:

I am to-day given the most brilliant opportunity of making my voice heard in this Congress, under the authority which is given me by the fact that I am the only Member of this body who represents here a country of Latin origin, on the occasion of the appearance under the domes of this Capitol of the heralds of the culture and civilization of the Spanish-speaking peoples of the American continent.

This gathering of the First Pan American Congress of Journalists is one of extraordinary transcendence and the work that is done here will have the effect of benefiting equally Latin-America and Saxon-America. It will serve to diffuse a mutual confidence amongst the two peoples, one of the most intimate interpretation of ideals and tendencies between the two races of this hemisphere, and will open the road toward a perfect identification of the ones with the others in the common ideal of the aggrandizement of America, making firmer each time their ideals of liberty and democracy and more consistent each day their institutions of humanity and justice.

Porto Rico, the island which I represent in this high place, occupies, also, in the person of its representatives, a post in the Congress which is inaugurated by you to-day, thus contributing in a direct manner to the success of the noble plan which the organizers of this great idea had in view. It is a matter of legitimate pride for me, to know that Porto Rico is also a collaborator in the work initiated here to tighten the relations between the peoples of the North and of the South. The peculiar situation of Porto Rico in being a people of Latin origin which joins to-day in the support of the flag and the institutions of this Nation, places our island in a position to aspire to being the link of union between the two races of America. [Applause.] Porto Rico is the best evidence of the way in which it is possible for a people to assimilate the principles on which are based the institutions of another people of different origin, to take advantage of its virtues, to live together with that other people in a common intimacy of ideas, to be loyal to those institutions, and yet to conserve the traditions, the language, and the customs which it inherits from its original populators and colonizers.

Porto Rico has never denied its origin; it loves and venerates its traditions; it has a brotherly love for the countries of its race and stock; living an American life in deed; a Latin life in sentiment and tradition.

Situated on the Caribbean, between the two Americas, Porto Rico may well hope to be the bridge across which these two civilizations, different but not antagonistic, can stretch hands and learn to understand and appreciate each other, that they may labor together, fraternally, to their mutual benefit. [Applause.]

These champions of Latin culture on returning to their countries will certainly carry back the echo of the virtues and endeavors of this great Nation, and after having had this opportunity for a close-up study of the real American people will endeavor to perform a work of harmony and will become champions of a more frank, sincere, and firm understanding between the peoples of this continent. [Applause.]

The success of this Congress will depend surely on the good faith with which all labor, on the breadth of vision with which all study the problems and which actuate all with absolute absence of prejudices, seeking only to obtain the greatest benefit possible for the happiness of America.

Perhaps in this very hour the liberating spirits of Bolivar and Washington, founders of these peoples, are present here to inspire all these delegates to the end that their wise and illumined deliberations may bloom to-morrow in a perfect confederation of nations which may make forever permanent in history the efforts put forward by the redeeming swords of these two immortal leaders. [Applause.] We pray that this may be.

Sons of Bolivar and of Sucre, welcome to the fatherland of Washington and Lincoln. [Applause.]

Mr. UPSHAW rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. UPSHAW. I rise to supplement these words of beautiful greeting to our distinguished visitors from the Latin Americas and ask the privilege, not only as an individual Member of Congress but speaking for each of us in this House, I am sure to say to each of them, "dios le bendiga." [Applause.]

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Crockett, Chief Clerk of the Senate, announced that the Senate had passed without amendment bill of the following title:

H. R. 3921. An act to authorize the Secretary of War to enter into an agreement with the Clarendon Community Sewerage Co., granting it a right of way for a trunk-line sewer through the Fort Myer Military Reservation and across the military highways in Arlington County, Va.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 58) authorizing the Librarian of Congress to return to Solomon's Lodge, No. 1, Free and Accepted Masons, of Georgia, the minute book of the Savannah (Ga.) Masonic Lodge.

The message also announced that the Senate had passed the following order:

Ordered, That the Secretary of the Senate inform the House of Representatives that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting articles of impeachment preferred against George W. English, Judge of the District Court of the United States for the Eastern District of Illinois, agreeably to the notice communicated to the Senate.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

S. 1144. An act authorizing the Secretary of War to acquire a tract of land for use as a landing field at the air intermediate depot, near the city of Little Rock, in the State of Arkansas.

S. 1250. An act to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, as amended by the act approved March 3, 1883.

S. 1462. An act permitting Leo Sheep Co., of Rawlins, Wyo., to convey certain lands to the United States and to select other lands in lieu thereof, in Carbon County, Wyo., for the improvement of the Medicine Bow National Forest.

S. 1746. An act to authorize the Secretary of Commerce to transfer the Barnegat Light Station to the State of New Jersey.

S. 1809. An act to extend the time for the construction of a bridge across the Wabash River at the city of Vincennes, Knox County, Ind.

S. 2029. An act to authorize the use by the city of Tucson, Ariz., of certain public lands for a municipal aviation field, and for other purposes.

S. 2530. An act authorizing the use of the funds of any tribe of Indians for payments of insurance premiums for protection of the property of the tribe against fire, theft, tornado, and hail.

ORDER OF BUSINESS—INTERSTATE AND FOREIGN COMMERCE COMMITTEE

Mr. TILSON. Mr. Speaker, I rise to propound a unanimous-consent request in respect to the business of the House. I ask unanimous consent that immediately following the completion of the naval aviation bill the Committee on Interstate and Foreign Commerce may call up for not to exceed two days any one or all of the following bills: The civil aviation bill (S. 41), the bill respecting commercial attachés (H. R. 3858), the light-house bill (H. R. 10060), and the black bass bill (H. R. 71).

The SPEAKER. The gentleman from Connecticut asks unanimous consent that after the passage of the naval aviation bill the Committee on Interstate and Foreign Commerce may have two days in which to call up for consideration any or all of the bills enumerated by the gentleman from Connecticut. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, has the gentleman consulted with the minority members of the Committee on Interstate and Foreign Commerce?

Mr. TILSON. I understood from the chairman of that committee that it is the desire of the Interstate and Foreign Commerce Committee to pursue this course.

Mr. GARNER of Texas. Has the matter been submitted to the committee as a whole?

Mr. TILSON. I do not know.

Mr. NEWTON of Minnesota. Mr. Speaker, if I may be permitted, I will say that it has been the general impression and talk for a month by those on the committee that these measures would be brought up under some such arrangement as has just been announced by the gentleman from Connecticut.

Mr. GARNER of Texas. Have these bills been unanimously reported by the committee?

Mr. PARKER. Yes; they have.

Mr. NEWTON of Minnesota. That is my impression, possibly with the exception of the black bass bill. I think there was one dissenting vote on that bill.

Mr. TILSON. Gentlemen should understand that this is not a request for unanimous consent for the passage of these bills. The sole purpose of the request is to save the trouble and time it would take to secure a rule under which these bills might be considered. Unanimous consent will not obligate anyone to support any of the bills.

Mr. LaGUARDIA. And these bills will not be considered under suspension of the rules.

Mr. TILSON. No, no; under the general rules of the House.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield to me?

Mr. TILSON. Certainly.

Mr. GARRETT of Tennessee. The gentleman from Connecticut consulted me concerning the matter, and I was given to understand that this method of procedure is agreeable to the minority members of the Committee on Interstate and Foreign Commerce.

Mr. TILSON. I so understood.

Mr. GARRETT of Tennessee. I do not know whether they are for or against the bill, but I understood that this method of procedure is agreeable, instead of having to bring in a rule.

Mr. GARNER of Texas. Mr. Speaker, my only object in asking the question is that the Record may show that it is the unanimous request and that no member of the committee has any objection to it. Else I would have called for a quorum to see whether anyone made objection and that he might have the opportunity to do so if he desired.

Mr. WAINWRIGHT. Mr. Speaker, I reserve the right to object for the purpose of asking the gentleman from Connecticut if it is contemplated to assign a similar day to the military aviation bill, which has been reported to the House, so that it may also be heard as well as the civil aviation bill?

Mr. TILSON. No; I may say that it is not. The circumstances under which this request is made are somewhat peculiar. Earlier in the session the Committee on Interstate and Foreign Commerce brought in the so-called railway labor bill and consumed the two Calendar Wednesdays to which that committee would have been entitled under the rule. The magnitude of the bill entitled it to a special rule, but this would have taken time needed for appropriation bills. At that time it was promised—although it was a sort of gentlemen's agreement, to be sure, and without order from the House—that some time

later in the session an effort would be made to secure for the Interstate and Foreign Commerce Committee two days in which to consider bills which otherwise would have been considered on Calendar Wednesday. I am now making good that promise.

Mr. WAINWRIGHT. May I say to the gentleman from Connecticut that the Committee on Military Affairs at its session to-day passed a resolution requesting or directing the chairman to make a request of this nature to the steering committee and to the leaders, and I trust that when that request is submitted to the committee it will receive the same consideration as has been accorded to the naval aviation bill and the civil aviation bill.

Mr. BUTLER. No; we have a rule on the naval aviation bill.

Mr. TILSON. I have no doubt that the same degree of consideration will be given to the bill the gentleman from New York refers to when the time comes. It is understood, of course, that the naval aviation bill follows the legislative appropriation bill, which must be gotten out of the way before the naval aviation bill is taken up, and then the bills from the Committee on Interstate and Foreign Commerce will follow the naval aviation bill.

Mr. HUDDLESTON. Reserving the right to object, Mr. Speaker, let me say to the gentleman that as to two of the bills he mentioned as contemplated for consideration there was very substantial opposition in the committee. There was opposition to two of them. There will be opposition on the floor, as I understand it.

Mr. TILSON. This does not imply unanimous consent to the passage of bills, but only as to the question of consideration, thereby saving the necessity of a rule.

Mr. HUDDLESTON. The gentleman is asking for two days only?

Mr. TILSON. That is all; two days.

Mr. BUTLER. Can the gentleman tell us if he is able to foresee when the legislative bill will be passed? How many more days of general debate will there be?

Mr. TILSON. The general debate will be closed to-morrow. The time has been fixed. We are quite certain it will be passed to-morrow.

Mr. BLACK of Texas. Will the gentleman eliminate the bill relating to commercial attachés? It seems to me you have too big a calendar to undertake for only two days.

Mr. TILSON. The request is that we may consider any or all of these bills. The committee will have two days in which to consider them.

Mr. BLACK of Texas. I think that is too important a bill to be rushed through in that manner.

Mr. PARKER. Is the gentleman familiar with the bill?

Mr. BLACK of Texas. I am.

Mr. PARKER. The Committee on Agriculture is now in harmony with respect to it.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1226) to amend the trading with the enemy act, had requested a conference with the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. CUMMINS, Mr. BORAH, and Mr. KING serve as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 178) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims, disagreed to by the House of Representatives, and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HARRELD, Mr. CAMERON, and Mr. KENDRICK as the conferees on the part of the Senate.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES

Sundry messages in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved bill of the following title:

On April 6, 1926:

H. R. 7732. An act amending act of March 4, 1925, for the relief of employees of the Bethlehem Steel Co., Bethlehem, Pa.

SENATE BILL REFERRED

Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 2602. An act for the relief of the legal representatives of the estate of Henry H. Sibley, deceased; to the Committee on Claims.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The call rests with the Committee on Agriculture. The Clerk will call the committees.

The Clerk called the Committee on Agriculture.

PROMOTION OF AGRICULTURE BY EXPANDING FOREIGN FIELDS

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10129.

The SPEAKER. The gentleman from Iowa calls up the bill H. R. 10129. This bill is on the Union Calendar. The House automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10129. The gentleman from Ohio [Mr. BURTON] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10129, with Mr. BURTON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10129, the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 10129) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. TINCHER].

The CHAIRMAN. The gentleman from Kansas is recognized for 15 minutes.

Mr. ASWELL. Mr. Chairman, may I inquire about the time?

The CHAIRMAN. Under the rule as to Calendar Wednesday one hour is allowed to each side. The gentleman from Kansas [Mr. TINCHER] is recognized for 15 minutes.

Mr. TINCHER. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes out of order.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for 15 minutes out of order. Is there objection?

There was no objection.

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, this is a good bill. It was passed by the House once before, in the last days of the last Congress, and failed consideration in the Senate.

I want to take this occasion to assure the House that this is one of many important small bills which the Committee on Agriculture has and that the hearings on the farm-relief measure have proceeded to such an extent now that I feel sure that the members of the Committee on Agriculture will agree with me that we are going to have a bill in conformity with the agreement that we had with the American people, which will be enacted into law before this Congress adjourns, for the relief of agriculture. [Applause.]

Now if the House will pardon me for a little bit, I want to advert to some of the observations that were made here yesterday by the gentleman from Texas [Mr. CONNALLY]. I do not know why the gentleman, every year or so, feels called upon to devote 15 or 20 minutes of his valuable time to the discussion of a mere man like me. I had not referred to him yesterday at all; neither had I confided to him any of my ambitions. It seems he had got hold of a newspaper, a rather friendly Democratic newspaper, in which the editor stated to the people in all candor, I think, that he thought I would make a good Vice President. I would not object, if I were going to stay in public life, to be Vice President under certain circumstances, but I would not want to be Vice President if my friend LONGWORTH were President, because I do not want to hold a stop watch on NICK LONGWORTH at any time, and I understand the principal function of a Vice President is to be solicitous about the health of the President. [Laughter.]

I agree with my friend from Texas [Mr. CONNALLY] in this, that ambition will make men do things that are honest that they probably would not do if it were not for the ambition. Unlike the gentleman from Texas, however, my ambition for

public service has been absolutely gratified. It was my ambition as a boy, of which I shall never be ashamed, to come to the American Congress and serve a term or two in the greatest lawmaking body in the world, and associate with great men like my friend CONNALLY from Texas. [Applause.] That ambition has been gratified; nay, doubly so. I have had two more terms than I ever anticipated, and I am going into private life as happy a man as lives in America and with no ambition for elective or appointive office.

I can understand the reasoning of the gentleman from Texas. I do not want to be personal, but I want to tell this House that I found out last night exactly the thing that prompts him. I have it reliably—more reliably than from a Republican or Democratic newspaper—from close personal friends that ever since the day my good friend from Texas went to Teddy Roosevelt, when they were about to have the war with Spain, and with those curls hanging down his back, as he so ably described on this floor one day, and said, "Teddy, I want to serve the public; I want to die for my country," that he has been ambitious, and most of the time since then he has been serving his country. I am not discounting that service, but my information is that he is ambitious, if they can ever unseat a Republican President and get a Democratic President, to be our country's representative at the Court of St. James. [Laughter and applause.] I do not know that a man could have a more worthy ambition than that. I can understand how he is finding fault with this propaganda that I might be Vice President and might want to go to the Court of St. James before I get through. But I will tell you how much better fitted he is than I would be for the Court of St. James. No constituent will ever pull at his coat tails; no one will ever make fun of his form; no one will ever have the nerve to stand on the floor of the American Congress and joke my friend CONNALLY about his form—the dapper, flapper, Beau Brummell, and Grecian beauty of the American Congress. [Laughter.]

Why, gentlemen, can you contemplate anything more grand than the gentleman from Texas [Mr. CONNALLY] with silk pants coming down to his knees and with little silver buckles on his slippers at a court function in England? And he is preparing himself for it. I want to pause here to say that if they do dress you up over there like they did Colonel Harvey or any of them, that in the name of America and in the name of the women of America, do not let them powder your hair. [Laughter.]

Now, let us have a picture of the first banquet, the first court banquet they have in Great Britain. Let us see whether he has earned his spurs. And, by the way, if Mr. LONGWORTH is elected President, I will not even be a candidate against you for that place; I will even recommend you to him, because you have earned the place.

Imagine at this banquet table our friend, our polite and distinguished friend from Texas. He is going to make a speech and he says, "Mr. King, I earned the spurs I wear to-night. O Mr. King, during my long service in the American Congress I never missed an opportunity to speak against any tariff that would open American factories to the detriment of yours. It is highly appropriate that I represent that great country here, because no man has been your friend like I have. I had the nerve—even when OLDFIELD's nerve failed and he would not say he was for the Underwood bill—when other Members faltered, Mr. King, to say that I was for that bill which protected English industry as against American industry. O Mr. King, I am entitled to the respect of every laboring man in England, because it was I that had the nerve to stand on the floor of the American Congress for years and plead for a policy that would give the English laboring man the same standard of living as the American laborer has. I refused on all occasions to vote for any bill that gave the American laboring man an American standard of living as against a world standard." And he can take statistics and show them how they were downtrodden during the administration of Coolidge under the Fordney-McCumber tariff law, and truthfully prove that he has more right to their consideration than any man in America.

Oh, he can go further: "O King, I not only did not stop in my protest at opening American mills after the war; I not only did not stop in my protest against an American scale of wages and an American standard of living for labor, but I opposed it and I alone announced, two or three years after it was passed, that I had the nerve to go back to the Underwood tariff bill, which, O King, if we had kept it on the statute books long enough, would have reduced American agriculture to the status of English agriculture and made peasants of our farmers."

No. I do not want to go to England. I am not ambitious for his place. I could not wear the silk panties with any style;

I would not look like anything [laughter and applause], and God knows I could not make the speech he can make and be consistent.

I do not know whether these folks have misled me, but I think they have picked an ideal candidate for the place. He is in shape to prove to them over there that he has always been their friend, because he said yesterday on this floor that he favored a return to the Underwood tariff law for agriculture in this country, and his own colleague, the gentleman from Texas [Mr. BLANTON], said it was the only tariff law that had left agriculture entirely out and that every dollar of it went to New England.

I think sometimes it is good for us all to talk about these things. We ought to know the qualifications of one another. I do not know whether I would make a good Vice President or not. I know I am not ambitious for the position. I do know that he has earned his spurs to represent this great country at the Court of St. James, and he will make her statesmen look like 30 cents when he gets on those knee pants and silver buckles. Not only that, but what could be more exalting to the womanhood of the world than to know that the most beautiful man in the American Congress had been selected to represent us at the court. I could not go. I can not even do the Charleston. [Laughter.] I have no qualifications for the place, but I hope that the Members of the House will treat this matter seriously, and whoever the President is, let us send the men to the foreign countries that stood for the foreign countries and maybe we can get better treatment from them. We could not send a man there who voted for the Fordney-McCumber tariff bill because he would not be qualified. He would have to admit he believed in an American standard of living and an American scale of wages, and that he was absolutely opposed to reducing the American farmer to a state of peasantry. No, Mr. Chairman, I am not qualified for this job.

I think you are all for Mr. CONNALLY, and all I wanted to do was to convince you that he ought to be appointed, so I thank you very much. [Laughter and applause.]

Mr. ASWELL. Mr. Chairman, may I inquire how much time has been used?

The CHAIRMAN. There has been used 13 minutes.

Mr. ASWELL. Mr. Chairman, I yield the gentleman from Texas 13 minutes. [Laughter and applause.]

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, I am deeply grateful to my generous friend from Kansas for the many splendid tributes he paid to me and for his suggestion that I would make an acceptable ambassador to the Court of St. James.

The gentleman made a good many personal references about the kind of attire I would wear and things of that kind. Of course, I scorn those things. My conception of an ambassador is something more than that seemingly entertained by the gentleman from Kansas. The gentleman from Kansas seems to have the conception that the chief function of an ambassador is to wear clothes and eat food, and perhaps other things that make food taste good. [Laughter.] My conception of an ambassador representing the great Government of the United States, if in accordance with his suggestion I ever become one, is to try to uphold the dignity and the interests of my country.

The gentleman made some reference here, as he did on one other occasion, to some inconspicuous war service I tried to render. If I were the ambassador at the Court of St. James, I would try to represent my country on foreign soil in time of peace with the same fidelity and the same interest that other men represented my country on foreign soil in time of war. [Applause.]

I remember the gentleman from Kansas in 1918 when he first came here, when the rest of the Members, many of whom are now here, were in this Chamber trying to carry on and uphold the President of the United States in the prosecution of the greatest war that ever shook the foundations of the globe, the gentleman from Kansas was out in his district in his initial campaign trying to get to Congress by criticizing and denouncing the great President and a Democratic Congress who were then carrying on that war in 1918. [Applause.]

If I should go to the Court of St. James, let me say to the gentleman from Kansas, that instead of spending my time over the banal things of clothes and social entertainment and food and aping, as he would have you think I would ape, which I would never do, Mr. Harvey, the Republican ambassador to the Court of St. James, who, as his most distinguished service there reflected upon the unselfish and lofty motives of his own country in the war [applause]; if I should go there I would try to represent the interests of my country in that capacity as I have tried to represent them here—to speak for all of the American

people and not for a hand-picked few that the gentleman from Kansas has been representing on this floor.

Oh, let me say to the gentleman from Kansas there is nothing personal in what I say about him. I am trying to represent on this floor the interests of the whole American people and present the view that our side of the House maintains, as to how those interests can best be served. The gentleman from Kansas is the first man, so far as he and I are concerned, that ever made any personal reference. But he gets off on the tariff and his reported candidacy for Vice President. Unfortunately, the gentleman would never make a successful Vice President. You know the function of a Vice President is to sit still and keep his mouth shut. [Laughter and applause.]

I understand that the newspaper from which I quoted on yesterday an account as to the candidacy of the gentleman from Kansas for Vice President is a Democratic newspaper, and the gentleman has evinced a great deal of happiness and satisfaction over the fact that the headlines announcing him for Vice President came from a Democratic paper. Well, the Democratic papers are the only papers that want the gentleman to run for Vice President. [Applause.]

The gentleman talks about the tariff. This is an agricultural bill that is up this morning to help the farmer. The gentleman yesterday made a great speech about how the tariff was helping the farmer, but as further proof that the gentleman would never be a successful Vice President, he talks too much. The gentleman talked some years ago—on the 22d of May, 1924—in this Chamber.

I think it was on the McNary-Haugen bill, and in the debate the gentleman from Kansas [Mr. TINCHER] was on the floor. Here is what the gentleman from Kansas said in part:

Mr. TINCHER. * * * But now, when we come here and ask for a law that will give us a little fair chance we are called bolsheviks. I do not believe in a foreign standard of living. I do not believe in any foreign level of wages. As one of the western Republicans I want to say that I want to hold people up and am not willing to kick anybody else down. [Applause.]

Mr. JACOBSTEIN. Did you not have at the same time a tariff protecting agriculture?

Mr. TINCHER. Oh, you can not protect agricultural products as you can manufactured products. We export agricultural products.

Mr. JACOBSTEIN. Did we not have an emergency tariff to protect agricultural products?

Mr. TINCHER. I will have a Democrat answer your emergency-tariff questions.

In 1924 Mr. TINCHER said you could not protect agricultural products; you could not protect the farmer with a high protective tariff, and he represented the western farmers and said they wanted something to help them besides a high protective tariff. And yet this morning he says he wants a tariff to help the farmers. Of course he knows it does not help the farmer, but in this enlarged horizon the gentleman from Kansas sees the alluring but evasive hope of the Vice Presidency. It is illusory, like the will-o'-the-wisp as its pursuer wanders into mud of the swamp following the ignis fatuus, it leads him on and on to despair and disappointment. The gentleman from Kansas, following this alluring hope of the vice presidential bee, which I doubt will ever sting him, may meet the same fate. [Laughter.] He is now for a high protective tariff, and he wants to denounce Great Britain. Let me remind the gentleman that Great Britain with a free-trade policy which the gentleman always denounces, but with the extreme free-trade policy of Great Britain, a little island, isolated, has been able to command and to-day commands the greatest commerce, the greatest world trade, on this globe without any protective tariff whatever. [Applause on the Democratic side.]

We saw this morning sitting in the galleries the representatives of the Pan American press, representing the great countries to the south of us on this hemisphere, which, as eloquent gentlemen have said, have the same political ideas and ideals as we of the United States have. And yet, instead of the United States getting the trade of these countries, Great Britain has got the bulk of that trade.

I have been in Great Britain. I did not see any pauper labor. I did not see any poverty-stricken laborers. I saw British laborers riding in automobiles like they ride in this country.

Now, I do not want to be diverted from my main line of thought, to conditions in other countries. The gentleman from Oklahoma [Mr. MONTGOMERY] sits in his seat violating all rules of order, and with a coarse guffaw tries to answer arguments in that way which he could not answer with his head. [Laughter.] Other gentlemen join, but if that is the type of parliamentary demeanor, the type of parliamentary courtesy

that gentlemen on that side of the House want to display, they are free to do it. However, the section from which I come practices a different kind of courtesy.

Mr. TINCHER. Mr. Speaker, I ask unanimous consent that gentlemen on this side do not laugh at the gentleman from Texas.

Mr. CONNALLY of Texas. I thank the gentleman from Kansas for his solicitude.

Mr. MONTGOMERY. Mr. Speaker, I want to tell the gentleman from Kansas that that is quite an order.

Mr. CONNALLY of Texas. The gentleman from Oklahoma does not know much about politics or parliamentary policy unless there is an order in it somewhere. He has got to have orders from somewhere, and if he did not get them from some one else he will get them from a tariff baron so that he may hijack his own farmers for the interest of other people who get the benefits of the tariff. [Laughter.]

Mr. JOHNSON of Washington. If the gentleman will yield, is not it a fact that to-day nearly a million and a half people in England are living on doles of 10 shillings a week, with at least another million out of work?

Mr. CONNALLY of Texas. It is true that there are many people in Great Britain on doles. Up in the State of Washington they are not on doles but they would like to be because from the Northwest we have been hearing the cry of distress and disaster, and the Agricultural Committee of which he is speaking has had hearings for two months, and at the doors of the committee come the cries from the Northwest saying, "For God's sake open up the Treasury and give us some kind of a dole."

Mr. JOHNSON of Washington. The gentleman from Texas says that out in the far Northwest they are crying for doles and are now in distress. I want to say to the gentleman that nobody in the State of Washington is in any great distress except possibly those who make and manufacture shingles, who failed on account of the Senate's attitude to get a tariff in the last tariff act, and who now see Canadian shingle manufacturers in full enjoyment of the great United States market.

Mr. CONNALLY of Texas. Mr. Chairman, all that the gentleman from Washington [Mr. JOHNSON] has proved by that interjection is his own inefficiency and inability as a Member of Congress to get a tariff for his shingle interests out there when his party was giving it to other special interests. He simply proves the iniquity and unfairness and discrimination of the Fordney bill for which he voted. [Laughter and applause on Democratic side.]

Just one other word, and then I am done. The gentleman from Kansas [Mr. TINCHER] talks about the prandial enjoyments and the clothes of the gentleman from Texas when he gets to be an ambassador. What has the gentleman from Kansas done? Let me read to you from the headlines appearing in the last night's edition of the Washington Evening Star:

JARDINE OPPOSES FARM RELIEF BILL

Unprepared to indorse plan for fee on products, he tells Kansans.

Then the article underneath that goes on to say:

After an informal breakfast with the Kansas congressional delegation to-day, Secretary Jardine was described as not being prepared to indorse farm-relief legislation that would embody the plan for a fee on agricultural commodities to be used in handling the surplus problem.

The breakfast was given at the Capitol by Representative TINCHER, Republican. Mr. Jardine indicated, however, that Congress would enact additional farm legislation.

Breakfast at the Capitol! Breakfast! Gentlemen, the farmers in my district eat breakfast at from 5 o'clock in the morning until 6.30 o'clock in the morning, and the farmers of the district of the gentleman from Kansas [Mr. TINCHER], if what he has been saying about their being hard-working people is true, must eat their breakfast somewhere about the same time.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask the gentleman from Louisiana to yield me two more minutes.

Mr. ASWELL. Mr. Chairman, I yield the gentleman five minutes more.

Mr. CONNALLY of Texas. I shall not need more than two. What time does the gentleman from Kansas get breakfast when he gets to Washington? At 7 o'clock? Oh, no; he has his breakfast at about the time of day his farmers are thinking about the noon meal, and he gives his breakfast in the Speaker's dining room in the Capitol. Let me say to the distinguished gentleman that if I ever get to the Court of

St. James I am going to eat breakfast at breakfast time. [Laughter.] Mr. Chairman, when I think of the gentleman from Kansas as he first came here and view him now, the speed with which he has gotten rid of his bucolic habits, his rustic accomplishments, makes me marvel. I knew him when he first came. The speed with which he has gotten rid of those old-fashioned habits rivals even the progress that he has made on the Republican side. They tell me that one of his constituents once came to Washington and that the gentleman from Kansas [Mr. TINCER] entertained him at a number of meals. The man went back to Kansas and was telling one of his neighbors about it. He said, "Bill, do you know that up there in Washington they don't have dinner at 12 o'clock like we do out here, but they have lunch, and then they have dinner at night." "Well," said Bill, "when in Sam Hill do they have supper?" and Bill said, "Why, they don't have that until the next day." [Laughter.]

Mr. HAUGEN. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Chairman, I am sure that we have all greatly enjoyed the two splendid nominating speeches made by our two distinguished colleagues, and I think all of us, irrespective of our political affiliations, will agree that should either of these gentlemen by any good fortune chance to be called to the high stations with which their names are being connected this afternoon, each will grace the position with unusual credit to himself and honor to the country.

Having disposed of that very material matter, I want to address myself for a few moments to the bill under consideration and to say that in view of the fact that I apprehend there will be no contention with reference to it, I do not purpose to take any great amount of time. The measure which is brought here at this time for your approval was passed in its substantial form two years ago without division in the House. It provides simply for a recognition in the organic law of certain duties and activities that have been performed by the Department of Agriculture under continuing repetitions in appropriation bills for a number of years. At the present time we have abroad eleven representatives of the Department of Agriculture in what is known as the foreign service of the Department of Agriculture. I do not know the exact title they bear at the present time, but I think they are called agricultural commissioners. They look after the interests of this country so far as the development of agriculture is concerned. They make very careful observations of agricultural conditions in foreign countries, and they study cooperative movements. They study the demand for agricultural products and in every possible way undertake to cooperate with the Department of Agriculture on this side, and also with the Department of Commerce in securing information that will lead to an outlet for products grown on the American farms.

The first purpose of the bill is to fix these duties in the organic law. The second purpose of the bill is to overcome some of the difficulties that have developed by marking out distinctly the lines of activity between the various foreign services.

We have consular agents appointed by the Department of State, we have representatives of the Department of Commerce, and we also have representatives of the Department of Agriculture abroad. Heretofore there has been some overlapping of duties. There has been some difficulty due to the fact that we had upon the grounds men representing these various departments who were all interested in doing the best they could for the United States, but who did not always take into consideration the particular responsibility each had to bear. I am happy to say that under the terms of this bill, with the succeeding bill referred to in the unanimous-consent request preferred by the majority leader just a few moments ago, the Department of Commerce and the Department of Agriculture have come to an agreement, and we think the lines have been marked out very carefully in the two measures that are now about to have consideration, so that overlapping and duplication of effort in the future will be prevented.

Mr. BYRNS. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. BYRNS. Has the gentleman any information as to about how many attachés will be appointed?

Mr. KETCHAM. I had that matter up with the Department of Agriculture, and the present number of these employees, representatives of the Department of Agriculture, that would be affected by this bill is 11.

Mr. BYRNS. And those are all in foreign countries?

Mr. KETCHAM. Yes; and it is not the purpose of this bill nor the purpose of the Department of Agriculture to increase that number.

Mr. BYRNS. In other words, it is not the purpose of this bill to increase the present number of employees? I understand that this bill provides for clerks and clerical force.

Mr. KETCHAM. Yes; the clerical force, the employees under the terms of this bill. It is not contemplated to increase them.

Mr. BYRNS. Are these men in Europe, or where?

Mr. KETCHAM. They are mostly in Europe. We have stations at the present time in London, Berlin, Vienna, Rome, and Mexico. Most of the representatives under that arrangement are in Europe and would be continued there.

Mr. BYRNS. The purpose of this bill is to accredit them to embassies and diplomatic posts rather than anything else?

Mr. KETCHAM. Yes.

Mr. COLE. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. COLE. Is there anything in this bill covering our representation at Rome in the National Agricultural Assembly or Congress?

Mr. KETCHAM. No; except that one man under this bill is at present located at Rome.

May I say for the information of the House that the third purpose of the bill, aside from the two purposes I have already mentioned, is to give these representatives of the Department of Agriculture the same rank and station abroad that are now given to the representatives of the Department of State and the Department of Commerce.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. I would be glad to.

Mr. BLACK of Texas. I notice on page 3 there is a provision to the effect that the Secretary of Agriculture shall appoint the officers of the foreign agricultural service to such grades as he may establish, with salaries in those grades comparable to those paid to other officers of the Government for analogous service. Does the gentleman think that Congress ought to turn over to the Secretary of Agriculture the power to establish the grades of this service?

Mr. KETCHAM. I may say, in response to the gentleman's question, that I had that very matter up with the Secretary of Agriculture, and he advised me that under the provisions of the bill at present the total salary list is \$65,000, and if the bill passes with the arrangements of the other departments remaining as at the present time there will be absolutely no increase in the salaries paid to these men, even though they be given the rank the bill provides.

Mr. BLACK of Texas. That will be for the present fiscal year, but I presume when he classifies them and puts them into certain grades it no doubt will result in increase of compensation, and Congress will have to make an increase in the appropriation.

Mr. KETCHAM. In my conversation I satisfied myself, in answer to the gentleman's question, that no effort would be made on the part of the department to do that.

Mr. BLACK of Texas. As to these men that are now serving in this field, are they not classified under the reclassification act of 1923?

Mr. KETCHAM. I am unable to say. I believe they are in the civil service.

Mr. BLACK of Texas. I do not see why they should be removed and why they should not continue to be classified under the act of 1923. Of course, this takes them out and gives the Secretary of Agriculture the authority to make a classification himself, and not only a classification, but to fix the compensation.

Mr. KETCHAM. My understanding and information is as I have indicated to the gentleman. I would like to have the attention of the gentleman from Texas. I questioned particularly what might be the greatest possible increase of salaries should the Department of Commerce's pending bill be passed, and I was assured that the total amount of increase would not exceed, under the arrangements that might be in contemplation, over \$5,000 in the total, so that the total amount could not be more than \$70,000; and at any rate that matter will be handled subject to the approval of the House, even if it should be recommended by the Department of Agriculture.

Mr. COLE. Mr. Chairman, will the gentleman again yield?

Mr. KETCHAM. Yes.

Mr. COLE. May I suggest that it might be well to place the agricultural foreign service under the same rules and regulations as those established by the Rogers bill for the Foreign Service in the State Department. We have nine grades in that, and the incumbents are promoted according to service and ability.

Mr. KETCHAM. My understanding is that the purpose of this bill has that in mind. I think all of us agree that if in these days we are going to do something of real benefit to agriculture this measure has in it possibilities of developing valuable outlets for our surplus agricultural products; and if there is anything that we can do by the passage of this legislation to stimulate that development I am sure it will be well conceived and worked out.

Now, for the information of the committee may I say this: That one additional reason why the provisions of this bill are deemed necessary is because when men go abroad as representatives of our Government they go into an atmosphere about which we have been told in very striking phrases in the two speeches that have just preceded. We have not very much patience with that idea on this side, but when an American official goes into that sort of atmosphere he should carry with him the rank and station and commission which would enable him on the showing of his credentials to receive all the credit and consideration that are due him as the representative of the great Department of Agriculture of the United States of America.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. SUMMERS of Washington. It seems that 11 men are inadequate. Why should we not add an increase in the number?

Mr. KETCHAM. It is not the purpose of the Department of Agriculture to increase that number, and I suppose that will receive the approval of the committee.

Mr. ALLGOOD. Under section (a) they shall acquire information regarding world competition and demand for agricultural products. In what respect does this bill differ from the marketing bill?

Mr. KETCHAM. This bill, in brief, sets up abroad activities that are now discharged by the Department of Agriculture at home in the foreign field.

Mr. ALLGOOD. Did not the marketing bill cover that?

Mr. KETCHAM. No. The provisions of this bill, you will note, are rather broad, and under its terms we can go into that particular feature if we are privileged to do it at home.

Mr. ALLGOOD. It is not covered in the marketing bill?

Mr. KETCHAM. No; it is not.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. JOHNSON of Texas. I want to ask the gentleman if he can tell us what have been the practical results of this foreign service up to this time?

Mr. KETCHAM. Let me say that every day at 5 o'clock by radio from the other side come reports from these representatives of our Government. After these reports are thoroughly edited and compiled, they are communicated to the farm press, to the farmers of the country, and to all agencies interested in distribution. They are also given over to the Department of Commerce to be used in connection with their program of stimulating the sale of American products.

Mr. ROMJUE. Will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. ROMJUE. What is the nature of those reports? They bear on what point?

Mr. KETCHAM. These reports cover every point that is covered in this bill in regard to the supply of various farm crops, in regard to cooperative marketing, and, in short, in regard to everything that will be of interest and of value to the farmers of the United States in adjusting their operations.

Mr. ROMJUE. In other words, they gather information as to the quantity of certain products in the foreign countries?

Mr. KETCHAM. Yes; and in that way we not only know what our own surplus or our own shortage may be, but we also know the world situation.

Mr. ROMJUE. Can the gentleman give us any idea as to the extension of the activities of these representatives over there in addition to the activities they already have?

Mr. KETCHAM. I should only want them to be extended in line with the provisions of the bill. I would want them to do anything they can do that will stimulate the sale of our products or stimulate an interest in them. I would certainly be very much in favor of that.

Mr. ROMJUE. I was wondering whether the gentleman has any specific matter in mind whereby we might be benefited to a greater extent than we are now?

Mr. KETCHAM. I do not know that I have anything of that kind in mind right now, but I do know that if I had the time, I could outline a number of splendid things which might be done.

Mr. Chairman, summarizing the argument in support of this bill, I would state that it marks out clearly the duties and responsibilities of the Department of Agriculture in regard to its work in foreign countries. It extends to the foreign field the services which the Department of Agriculture now renders in the United States in regard to competition and demand for farm products, marketing, and distributing problems in connection with our surplus farm production, and investigation of problems of farm management, cooperative movements, and other economic questions of interest to American agriculture.

This bill settles the vexed question of duplication in the services rendered by various departments of the Government having representatives in foreign countries. Particularly, there have been difficulties in adjusting the relations in the foreign field between the Department of Agriculture and the Department of Commerce. Proof that the present bill meets this situation adequately is shown in the joint letter from the Secretary of Agriculture and the Secretary of Commerce indorsing this bill and a similar bill (H. R. 3858) relating to commercial attachés. The Department of State, in a letter signed by Secretary Hughes when H. R. 7111 of the Sixty-eighth Congress was under consideration, expressed the approval of that department to the principle embodied in this measure concerning the rank of agricultural attachés. I am sure this fine bit of teamwork among the departments, with its definite adjustment of the vexing problems that have heretofore confronted us in the expansion of our foreign work, will be welcome news to friends of all these departments. The problem of disposing of the surplus of agricultural products has become one of the outstanding agricultural questions of the day, and I feel certain that the enactment of this law will be very helpful in promoting new markets abroad, and while no claim is made for the measure along the lines of farm relief, yet in the long run I am sure it will supplement such legislation splendidly. While the leading farm organizations of the country did not appear in support of this measure, due to the fact that it was not deemed necessary to repeat the hearings of last year, yet a number of farm organizations, through their officers, have assured me of their continued interest, and in this connection it would be well to refer to the fact that in support of H. R. 7111, a similar bill in the Sixty-eighth Congress, 19 leaders of American agriculture joined in urging its passage. Finally, we must recognize the fact that American agriculture must be thoroughly familiar with rural conditions if it is to plan its program wisely. Facts are stubborn things, and the American farmer realizes fully the necessity of accurate and current information not only as to world production in the various crops that he produces but also the latest possible information as to world demand for the surplus of the crops which he produces. This information can only come to him after the Department of Agriculture is given both means and authority to study production and marketing conditions throughout the world.

Mr. ROMJUE. I am interested in the development of our foreign trade, and I think we have neglected it.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. OLIVER of Alabama. Mr. Chairman, in the absence of the gentleman who is in control of the time he has requested me to yield 10 minutes to the gentleman from Alabama [Mr. BOWLING].

Mr. BOWLING. Mr. Chairman, I have sought twice, and failed, to get unanimous consent to print in the RECORD 15 telegrams which I received during the progress of the consideration of the English impeachment articles in the House of Representatives last week. I shall not read all of these telegrams, but I want to read one of them.

The CHAIRMAN. Is the gentleman preferring a unanimous consent request?

Mr. BOWLING. No, Mr. Chairman; I am speaking in my own time. These telegrams are all practically to the same effect. I shall read one of them and read the signatures to the other 14.

EAST ST. LOUIS, ILL., March 27, 1926.

Judge WILLIAM BOWLES,
Member of Congress, Washington, D. C.—

It is addressed to me as Bowles instead of BOWLING.

Believing that circumstances demand this appeal by Ministerial Alliance of East St. Louis, in behalf of Judge English, whose official acts in administering justice to violators of Volstead Act have met with our approval and, we believe, the entire dry forces, we recommend and urge complete and impartial hearings.

Rev. J. M. PREPPE,
President Ministerial Alliance.

I have 14 other telegrams to the same general effect, signed by—

Rev. J. M. Pepper, president Ministerial Alliance, East St. Louis; N. C. Henderson, pastor Epworth Methodist Episcopal Church, Mount Vernon, Ill.; Rev. John H. Cudiff, pastor First Methodist Episcopal Church, East St. Louis; Rev. Zeck Fred Bond, pastor First Baptist Church, East St. Louis; C. H. Reed, president Men's Bible Class, United Presbyterian Church, Sparta, Ill.; E. F. Williams, pastor Methodist Episcopal Church, Marissa, Ill.; Rev. Clinton D. Bowman, pastor First Presbyterian Church, East St. Louis; Rev. Ire R. Sidwell, pastor Lonsdowne Christian Church, East St. Louis; Rev. E. H. Zipprodt and members, Baptist Church, Pinckneyville, Ill.; J. W. Cummins, First Methodist Church, Marion, Ill.; N. R. Johnson, superintendent southern Illinois district, Anti-Saloon League, East St. Louis; O. L. Markham, pastor First Methodist Church, Mount Vernon, Ill.; and Frank E. Harris, pastor Methodist Episcopal Church, O'Fallon, Ill.

Mr. Chairman, I yield back the balance of my time.

Mr. ASWELL. Mr. Chairman, I know of no desire for time on this side. There is no opposition to the bill, and I am ready to suggest the reading of the bill.

Mr. PURNELL. Mr. Chairman, that is satisfactory to this side of the House.

Mr. LAZARO. Will the gentleman from Louisiana yield for a question?

Mr. ASWELL. Yes.

Mr. LAZARO. Is not the object of this bill to prevent conflict and duplication between the Foreign Service of the Department of State, the Department of Agriculture, and the Department of Commerce abroad?

Mr. ASWELL. Precisely.

Mr. LAZARO. And it is in the interest of economy and efficiency?

Mr. ASWELL. Precisely.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of encouraging and promoting the agriculture of the United States and assisting American farmers to adjust their operations and practices to meet world conditions the Secretary of Agriculture shall—

(a) Acquire information regarding world competition and demand for agricultural products and the production, marketing, and distribution of said products in foreign countries and disseminate the same through agricultural extension agencies and by such other means as may be deemed advisable.

(b) Investigate abroad farm management and any other economic phases of the agricultural industry and in so far as is necessary to carry out the purposes of this act conduct abroad any activities, including the demonstration of standards for cotton, wheat, and other American agricultural products in which the Department of Agriculture is now authorized or in the future may be authorized to engage.

Sec. 2. (a) The agricultural commissioners now representing the United States Department of Agriculture in foreign countries shall hereafter be known as agricultural attachés, and the Secretary of Agriculture shall appoint from time to time other agricultural attachés after they are found to be competent through examinations held by the Civil Service Commission and the Department of Agriculture in coordination.

(b) Such officers shall constitute the foreign agricultural service of the United States, and any officer of such service when designated by the Secretary of Agriculture shall, through the Department of State, be regularly and officially attached to the diplomatic mission of the United States in the country in which he is to be stationed. If any such officer is to be stationed in a country in which there is no diplomatic mission of the United States, appropriate recognition and standing, with full facilities for discharging his official duties, shall be arranged by the Department of State. The Secretary of State may reject the name of any such officer if in his judgment the assignment of such officer to the post designated would be prejudicial to the public policy of the United States.

(c) The Secretary of Agriculture shall appoint the officers of the foreign agricultural service to such grades as he may establish, with salaries in those grades comparable to those paid other officers of the Government for analogous foreign service.

(d) The Secretary of Agriculture is authorized to promote or demote in grade or class, to increase or decrease within the salary range fixed for the class the compensation of, and to separate from the service officers of the foreign agricultural service, but in so doing the Secretary shall take into consideration records of efficiency.

(e) No officer of the foreign agricultural service shall be considered as having the character of a public minister.

(f) Any officer of the foreign agricultural service may be assigned for duty in the United States for a period of not more than three years without change in grade, class, or salary, or with such change as the Secretary may direct.

Sec. 3. (a) Subject to the requirements of the civil service laws and the rules and regulations promulgated thereunder, the Secretary of Agriculture is authorized to appoint, fix the compensation of, promote, demote, and separate from the service such clerks and other assistants for officers of the foreign agricultural service as he may deem necessary.

(b) When authorized by the Secretary of Agriculture and in accordance with the regulations of the Civil Service Commission, officers of the foreign agricultural service may employ in a foreign country, from time to time, fix the compensation of, and separate from the service such clerical and subclerical assistants as may be necessary.

Sec. 4. (a) Any officer, clerk, employee, or assistant of the Department of Agriculture, while on duty outside of the continental limits of the United States and away from the post to which he is assigned, shall be entitled to receive his necessary traveling expenses and his actual expenses for subsistence or a per diem in lieu of subsistence equal to that paid to other officers of the Government when engaged in analogous foreign service.

(b) The Secretary of Agriculture may authorize any officer of the foreign agricultural service to fix, in an amount not exceeding the allowance fixed for such officer, an allowance for actual subsistence, or a per diem allowance in lieu thereof, for any clerical or subclerical assistant employed by such officer under subdivision (b) of section 3, when such clerical or subclerical assistant is engaged in travel outside the continental limits of the United States and away from the post to which he is assigned.

(c) Any such officer, clerk, employee, or assistant while on duty within the continental limits of the United States shall be entitled to receive the traveling expenses and actual expenses incurred for subsistence, or per diem allowance in lieu thereof, authorized by law.

Sec. 5. The Secretary of Agriculture may make such rules and regulations as may be necessary to carry out the provisions of this act and may cooperate with any department or agency of the Government, State, Territory, district, or possession, or department, agency, or political subdivision thereof, cooperative and other farm organizations, or any person, and shall have power to make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, maps, periodicals, furniture, stationery, office equipment, travel and subsistence allowances, and other supplies and expenses as shall be necessary to the administration of the act in the District of Columbia and elsewhere. With the approval of the Secretary of Agriculture, an officer of the foreign agricultural service may enter into leases for office quarters, and may pay rent, telephone, subscriptions to publications, and other charges incident to the conduct of his office and the discharge of his duties in advance in any foreign country where custom or practice requires payment in advance.

Mr. PURNELL. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

Mr. JONES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JONES. Would it not be possible, in view of the fact there are a number of bills to be considered, to lay them aside and report all of them at one time?

The CHAIRMAN. The Chair thinks not, because the House resolved itself into the Committee of the Whole House on the state of the Union for the specific consideration of this bill.

Mr. JONES. I would suggest, then, that that course be followed in reference to the other bills in order to save time.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee having had under consideration the bill H. R. 10129 had directed him to report the same back to the House with the recommendation that the bill do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PURNELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PURNELL. Mr. Speaker, I would like to propound a parliamentary inquiry before we proceed further. I would like to know by what manner of means we can proceed with the consideration of several bills and have them laid aside without moving that the committee rise each time?

The SPEAKER. The Chair does not think that is possible under the Calendar Wednesday rule.

Mr. JONES. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. JONES. Is it not possible for the gentleman to move that the House go into committee for the consideration of several bills which the chairman may call up?

The SPEAKER. The Chair thinks not. The Chair thinks that each bill must be acted upon separately under the Calendar Wednesday rule.

Mr. PURNELL. That was my information, but I wanted to get the opinion of the Speaker on it.

INSPECTION OF CERTAIN PLANT PRODUCTS FOR EXPORT

Mr. PURNELL. Mr. Speaker, I call up the bill (H. R. 6241) to authorize the Secretary of Agriculture to inspect and certify as free from disease and insect pests certain plant products offered for export, and for other purposes.

The SPEAKER. This bill being on the Union Calendar, the House automatically resolves itself into the Committee of the Whole House on the state of the Union for its consideration.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6241, with Mr. CHINDBLOM in the chair.

The Clerk read the title of the bill.

Mr. PURNELL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ASWELL. Mr. Chairman, there is no desire on this side to use any time.

Mr. PURNELL. Mr. Chairman, it is my understanding there is no opposition to the bill, and I would suggest the Clerk read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture is authorized, under such rules and regulations as he may prescribe, to inspect domestic fresh fruits, vegetables, and seeds, and nursery stock and other plants for propagation, when offered for export, and to certify to shippers and interested parties as to the freedom of such products from injurious plant diseases, and insect pests, according to the sanitary requirements of foreign countries, and to use such means as may be necessary to accomplish this object, including the employment of assistance in the city of Washington and elsewhere, and the necessary appropriation to carry out the aforesaid purpose is hereby authorized: *Provided,* That moneys received in payment of charges fixed by the Secretary of Agriculture on account of such inspection and certification shall be covered into the Treasury as miscellaneous receipts.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House, with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore (Mr. BURTON) having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee having had under consideration the bill H. R. 6241 had directed him to report the same back to the House with the recommendation that the bill do pass.

The SPEAKER pro tempore (Mr. BURTON). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAUGEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MARKET AGENCY FOR THE WEIGHING OF LIVESTOCK

Mr. HAUGEN. Mr. Speaker, I call up the bill (H. R. 7818) to amend section 304 of an act entitled "An act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921.

The SPEAKER pro tempore. This bill is on the Union Calendar and the House automatically resolves itself into Committee of the Whole House on the state of the Union for its consideration.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7818) with Mr. CHINDBLOM in the chair.

The Clerk read the title of the bill.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. HAUGEN. Does the gentleman from Louisiana desire any debate?

Mr. ASWELL. There is no request for time on this side.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 304 of the act entitled "An act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921, be, and is hereby, amended to read as follows:

"SEC. 304. It shall be the duty of every stockyard owner and market agency to furnish upon reasonable request, without discrimination, reasonable stockyard services at such stockyard: *Provided,* That in any State where the weighing of livestock at a stockyard is conducted by a duly authorized department or agency of the State, the Secretary, upon application of such department or agency, may register it as a market agency for the weighing of livestock received in such stockyard, and upon such registration such department or agency and the members thereof shall be amenable to all the requirements of this act; and upon failure of such department or agency or the members thereof to comply with the orders of the Secretary under this act he is authorized to revoke the registration of such department or agency and to enforce such revocation as provided in section 315 of this act."

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with a recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. BURTON having taken the chair as Speaker pro tempore, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7818) to amend section 304 of an act entitled "An act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921, and had directed him to report the same back without amendment, with a recommendation that the bill do pass.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAUGEN a motion to reconsider the vote by which the bill was passed was laid on the table.

JANE COATES

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of the bill (H. R. 5726) for the relief of Jane Coates, widow of Leonard R. Coates.

The SPEAKER pro tempore. The gentleman from Iowa moves that the House resolve into the Committee of the Whole House for the consideration of the bill H. R. 5726.

Mr. CHINDBLOM. A parliamentary inquiry, Mr. Speaker. The SPEAKER pro tempore. The gentleman will state it. Mr. CHINDBLOM. Is the bill appropriately on the calendar for Calendar Wednesday?

The SPEAKER pro tempore. The Chair would think not unless by unanimous consent.

Mr. PURNELL. Mr. Speaker, if it is in order, I ask unanimous consent that the bill may be considered.

Mr. BANKHEAD. Mr. Speaker, I would like to inquire what the bill is about?

Mr. PURNELL. This is one of the most meritorious bills I have known of for a number of years. The Department of Agriculture, through the negligence of its quarantine officials, killed 75 cows for Doctor Coates, who was conducting a dairy in or near the District of Columbia. The department has admitted the liability of the Government, but for one reason and another payment has been delayed.

Mr. BANKHEAD. I have no objection.

Mr. ROMJUE. Reserving the right to object, I want to ask the gentleman how the Department of Agriculture came to make the mistake?

Mr. PURNELL. The Department of Agriculture's agent had killed a herd because of tuberculosis. After this man had started out with a new herd of 95 cattle, through the carelessness of the agents of the quarantine service in the use of their disinfectant of bichloride of mercury, the new herd was destroyed.

Mr. McDUFFIE. As I understand the gentleman, this is a claim?

Mr. PURNELL. Yes; it is a claim.

Mr. McDUFFIE. I was wondering how the Committee on Claims let it go to the Committee on Agriculture. It has escaped the Committee on Claims.

Mr. PURNELL. It has been with the Agricultural Committee a great many years. There is no opposition to it. Doctor Coates, who owned the herd, has since died, and this is for the benefit of the widow. It does not carry the full loss, but it is in accordance with the report of the Department of Agriculture and should be passed without delay.

Mr. CHINDBLOM. I would like to ask the gentleman whether there are any other private bills which the chairman of the Committee on Agriculture proposes to call up to-day?

Mr. HAUGEN. It would only be by unanimous consent.

Mr. CHINDBLOM. I want to say that this is way out of the ordinary routine of business. Here is a bill of which the committee has not jurisdiction, which should have gone to the Committee on Claims, called up on Calendar Wednesday when it is not in order, and which except in a very extraordinary case should not be permitted to be called up on Calendar Wednesday, and if there are other bills which would permit the committee to embark on a practice which ought not to be encouraged I should object.

Mr. HAUGEN. The committee is not embarking on any new course. These bills have been coming to the Agricultural Committee ever since I have been here.

Mr. CHINDBLOM. I want to say that I have been pretty familiar with the business of the House for many years, and I do not recollect of a private bill being considered on Calendar Wednesday.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jane Coates, widow of Leonard R. Coates, the sum of \$4,750 in compensation for 75 cows killed as a result of the negligence of the Department of Agriculture in the enforcement of an act of Congress entitled "An act to regulate the sale of milk in the District of Columbia, and for other purposes," approved March 2, 1895.

Mr. HAUGEN. Mr. Speaker, I now yield to the gentleman from Indiana [Mr. PURNELL].

The SPEAKER pro tempore. The gentleman from Indiana is recognized for five minutes.

Mr. PURNELL. Mr. Speaker, unless some one in the House desires to ask some questions in respect to this bill, I do not care to say anything about it. I have no disposition to take up the time of the House unnecessarily, but I want the Members of the House to know what they are voting on.

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman yield?

Mr. PURNELL. Yes.

Mr. SHALLENBERGER. How does it come that the Department of Agriculture enforces the sanitation in respect to a man's farm where they discovered tubercular cattle? That is not a rule of the States.

Mr. PURNELL. This case arose under an act approved March 2, 1895, to regulate the sale of milk in the District of Columbia. Doctor Coates conducted a dairy. A sample of milk from his dairy was taken and showed live tubercular bacilli in it. Under the authority of the act his permit to sell milk in the District was revoked, and they also forced him to enter into an agreement whereby they took possession of his herd, destroyed such as were found to be infected, and separated the others so that they might be further investigated. After this procedure they then disinfected his farm, his stables and barns under the authority of the act.

Mr. SHALLENBERGER. The tubercular cattle, of course, under the law would be slaughtered.

Mr. PURNELL. Yes; they were slaughtered.

Mr. SHALLENBERGER. And I understand the justice of the claim, as it is urged here, is that the Government then prescribed a certain sanitary action which poisoned his cattle?

Mr. PURNELL. That is right.

Mr. SHALLENBERGER. Under ordinary circumstances the disinfectant to be used by the farmer would be such as would be prescribed by the State or the Federal Government that was enforcing the cleansing of the stables. In this case they required him to use a specific disinfectant that killed his cattle?

Mr. PURNELL. They used it for him, and the manner in which they used it was over his protest. The agents of the Department of Agriculture, the Bureau of Animal Industry, went out there under authority of law, took possession of his place, and, to use the doctor's language, they "squirted" bichloride of mercury in every crevice and crack of his barn and sheds, and they did it in a manner, which to his way of thinking, was unjust and improper. Following that, after the department had thoroughly disinfected the place, Doctor Coates brought into his dairy 95 tuberculin-tested cattle. They were poisoned by this bichloride of mercury and this loss resulted. The department has made two favorable reports upon the bill, both of which have fixed the loss at \$6,847.75.

The committee has felt that under the circumstances \$4,750 would be the proper compensation.

Mr. SHALLENBERGER. And the committee is satisfied that this bichloride of mercury placed there by the Department of Agriculture's own agents was the means whereby the cattle were poisoned?

Mr. PURNELL. The committee is not only satisfied, but the Department of Agriculture so states.

Mr. ROMJUE. Is the committee's report unanimous?

Mr. PURNELL. Yes; there is no opposition to this. This is a matter of justice too long delayed.

Mr. HILL of Alabama. Mr. Speaker, will the gentleman yield?

Mr. PURNELL. Yes.

Mr. HILL of Alabama. Was this quarantine work done for the District of Columbia?

Mr. PURNELL. Yes; in the sense that they were trying to protect the health of the people of the District.

Mr. HILL of Alabama. Then why should not the District share in the payment of this claim?

Mr. PURNELL. I do not think that would be proper. The Bureau of Animal Industry took possession of the cattle and destroyed them under its authority. In other words, the Government did it.

Mr. HILL of Alabama. But it was acting as a local quarantine agent for the District of Columbia.

Mr. PURNELL. In a sense it was. The claim, as I stated, grew out of the fact that the milk from the original herd was infected.

Mr. WOODRUFF. But the District was in no way responsible for the placing of this bichloride of mercury in the barn.

Mr. PURNELL. No; the Department of Agriculture was responsible for that, and they have so stated a great many times. It was done through the negligence of the Government's employees and not through the negligence of any employee of the District of Columbia.

Mr. ASWELL. Mr. Speaker, we have no requests for time on this side.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PURNELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

DISTRIBUTION OF "DISEASES OF THE HORSE" AND "DISEASES OF CATTLE" PUBLICATIONS

Mr. HAUGEN. Mr. Speaker, I call up the bill (H. R. 10775) to provide for the distribution of the publications entitled "Diseases of the Horse" and "Diseases of Cattle."

The SPEAKER pro tempore. The gentleman from Iowa calls up the bill (H. R. 10755) providing for the distribution of the publications known as the Diseases of the Horse and Diseases of Cattle. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Illinois, Mr. CHINDBLOM, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10775.

The Clerk read the title of the bill.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Speaker, I understand that there are no requests for time in general debate.

The CHAIRMAN. If there is no debate, the Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the publications entitled "Diseases of the Horse" and "Diseases of Cattle," the appropriation for the printing, binding, and distribution of which may have been, or which may hereafter be, made for the fiscal year beginning July 1, 1926, shall be distributed one-third through the folding room of the Senate and two-thirds through the folding room of the House of Representatives, and said documents shall be distributed by Members of the Senate and House of Representatives.

Mr. HAUGEN. Mr. Chairman, I move that the committee rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. BURTON having resumed the chair as Speaker pro tempore, Mr. CHINDBLOM,

Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bill H. R. 10775 and had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAUGEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

THIRD WORLD'S POULTRY CONGRESS

Mr. HAUGEN. Mr. Speaker, I call up H. J. Res. 213.

The SPEAKER pro tempore. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. J. Res. 213. The House automatically resolved itself into Committee of the Whole House on the state of the Union for the consideration of the resolution. The Chair will ask the gentleman from Illinois [Mr. CHINDBLOM] to take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of H. J. Res. 213, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. J. Res. 213, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 213) for participation of the United States in the Third World's Poultry Congress to be held at Ottawa, Canada, in 1927.

The CHAIRMAN. Without objection, the first reading of the resolution will be dispensed with. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I have no requests for time.

The CHAIRMAN. If no debate is desired, the Clerk will report the resolution.

Mr. WHITE of Kansas. Mr. Chairman, it may not be important, but I would like to ask the chairman in charge of the bill to state how many delegates, in his judgment, would the Government be entitled to send?

Mr. HAUGEN. The authorization of the appropriation is limited to \$20,000. That is, for the expenses.

Mr. WHITE of Kansas. Does the gentleman believe that would send a delegate from each of the States of the Union?

Mr. HAUGEN. Oh, no. The cost would be considerable.

The committee has no information as to the number of delegates to be sent. In the two world's poultry congresses that have been held heretofore, one in Spain and the other at The Hague, no representative on the part of the United States attended. In view of the fact that the poultry industry of the United States is important, aggregating annually about a billion and a quarter dollars, it seems that the United States ought to avail itself of this opportunity to be properly represented in this congress.

Mr. WHITE of Kansas. I will ask the gentleman another question. Does not the gentleman believe that this is of so much importance as to warrant Congress in providing a representative from each of the States? The business is scattered all over the country, and in some sections of the country it preponderates over all other industries.

Mr. HAUGEN. Yes; but I doubt if Congress would authorize that. The gentleman had better accept of \$20,000 and have but a few representatives sent there rather than send none.

Mr. WHITE of Kansas. At the proper place I shall offer an amendment. I think it is clearly important that every State of the Union should have a representative there.

Mr. HAUGEN. Then the gentleman can offer an amendment to that effect.

Mr. Chairman, I suggest that the Clerk read the resolution for amendment.

The CHAIRMAN. The Clerk will report the resolution for amendment.

The Clerk read as follows:

Whereas the United States has been invited by the Government of Canada to send delegates and an exhibit to the Third World's Poultry Congress, to be held at Ottawa, Canada, during July and August, 1927: Therefore be it

Resolved, etc., That said invitation be accepted.

SEC. 2. That the President is hereby authorized to designate official delegates to enable the United States to participate in the proposed congress.

SEC. 3. That the Secretary of Agriculture is authorized to prepare and install a suitable national exhibit for display at the proposed congress, portraying in a correlated manner the fundamental features con-

cerning the organization and development of the poultry industry of the United States, including the broad problems of production, distribution, and marketing of poultry and poultry products, and the sum of \$20,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the purpose of preparing, transporting, and demonstrating such an exhibit.

The CHAIRMAN. The Chair takes the privilege of suggesting that the first section should be eliminated so as to contain the contents of the preamble, and that the preamble should be eliminated. The parliamentary clerk has prepared an amendment which, without objection, will be read as being offered by the gentleman from Iowa [Mr. HAUGEN].

There was no objection.

Mr. BANKHEAD. Mr. Chairman, there is no precedent of the House with which I am familiar which prohibits the adoption of the preamble to a bill. There is no valid objection to it as such, so that it would require amendment.

Mr. WHITE of Kansas. Mr. Chairman, I desire to offer an amendment to section 3. On page 2, line 5, strike out "\$20,000" and insert "\$40,000."

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WHITE of Kansas: Page 2, line 5, strike out the figures "\$20,000" and insert in lieu thereof "\$40,000."

Mr. WHITE of Kansas. Mr. Chairman, I know the committee will strongly oppose this amendment, and I am not fortified with any specific figures or statistics in its support; but I want to say that the products that are considered in this resolution considerably exceed \$1,000,000,000 a year. Now we are spending money, and I do not know of anything that is more in conformity with our idea of economy and prosperity than to adopt this amendment. The industry is developed throughout the United States without exception to any locality or State. It is growing, and it is preponderant in many localities over all industries, and I think that every State in the Union should be entitled to a delegate to this meeting. The amount of the appropriation is infinitesimal. It is ridiculous, taking into consideration the great importance of the industry that it affects.

I know that the committee has gone over this subject carefully. I did not know that it was being considered in committee. But I think that to-day we can do no more proper or appropriate thing than to adopt this amendment. The chairman has not stated how many representatives we might have. I do not know, Mr. Chairman, the manner of their selection. But I do know that we are dealing with a great proposition here to-day, one of the most important and dependable and profitable industries in the United States. It is developing constantly and consecutively year after year. It is a little thing, Mr. Chairman, to appropriate \$40,000 to send delegates from the States to represent an industry in which each individual State of the United States is greatly interested.

Mr. HAUGEN. Mr. Chairman, the amendment suggested by the gentleman from Kansas undoubtedly has merit, but in view of the recommendation of the department, which has given the matter consideration and recommended an appropriation of \$20,000, it would seem only wise to adhere to the suggestion of the department.

Mr. ASWELL. Will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. ASWELL. Is it not true that the amount requested by the Department of Agriculture is exactly the amount carried in the bill?

Mr. HAUGEN. Exactly \$20,000, as carried in the bill.

Mr. ASWELL. And they did not want any more than that?

Mr. HAUGEN. The bill was introduced as requested by the department.

Mr. WHITE of Kansas. May I ask the chairman a question?

Mr. HAUGEN. Yes.

Mr. WHITE of Kansas. How many delegates is it proposed to send to this congress?

Mr. HAUGEN. The bill carries \$20,000, and I take it that with the \$20,000 this Government would send the same number that other countries will send to this congress, and I take it the number will be fixed by the congress or the nation inviting the United States.

Mr. WHITE of Kansas. Can the gentleman state what the probable expense of attendance at this convention would be per delegate?

Mr. HAUGEN. Possibly a few hundred dollars for each delegate, but I could not say as to that.

Mr. WHITE of Kansas. Well, Mr. Chairman, let us legislate intelligently. We ought to know something about what we are doing.

Mr. HAUGEN. I will read it to the gentleman.

That the President is hereby authorized to designate official delegates to enable the United States to participate in the proposed congress.

That may be somewhat indefinite, but the appropriation is limited to \$20,000.

Mr. TINCHER. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. TINCHER. I do not think there is any question but what my colleague from Kansas is entirely correct in his statement that every State in the Union should have a delegate at that great convention, but I want to call attention to the fact that \$20,000, will easily pay the expenses of 48 delegates, if the President should appoint one from each State in the Union to attend that convention, and perhaps delegates can be procured to go for their expenses.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. LaGUARDIA. If it is intended to send representatives from the 48 States, will representatives of poultry dealers be selected entirely, or how will the consumers come in on this?

Mr. HAUGEN. It is for the Secretary to determine who shall be appointed.

Mr. TINCHER. This is a chicken growers' convention.

Mr. ADKINS. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. ADKINS. Mr. Chairman and gentlemen of the committee, I think some gentlemen have a misconception of what the Government is trying to do. The Federal Government and the different departments here, in the matter of State fairs, very often prepare exhibits. The War Department does that sometimes as well as the Agricultural Department. They send those exhibits to State fairs, and sometimes they send them to other nations if they have an appropriation with which to do that. Now, as I understand it, the Department of Agriculture wants the United States represented at this exposition and has stated that \$20,000 would be ample—and they usually ask for enough for those things—to make a creditable exhibit by the Department of Agriculture, representing this country at this exposition. It is not a question of sending delegates, as I understand it. When I had the State agricultural department under my supervision we made arrangements with the War Department and the Agricultural Department to make exhibits; they had an appropriation with which to do that, and they made those exhibits. This is simply a proposition to make an ample appropriation which will permit the Nation to make a creditable exhibit at this exposition, and I am quite well satisfied from the representations made that they have asked for ample funds to make a creditable exhibit. I think that if the gentleman from Kansas understood the situation, he would not insist on his amendment.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MADDEN. Mr. Chairman, I move to strike out the last two words. Of course, I am against the amendment and it ought not to be considered seriously. There is no use throwing money away, and the agricultural sections of the country ought not to be imposed upon except where it is necessary, and there ought not to be any additional expense imposed upon them. If \$20,000 will do the job, why should we give them \$40,000? Nobody suggested \$40,000, and the Agricultural Department has not suggested it. The gentleman from Kansas has probably not given very serious consideration to the advisability of making it \$40,000.

This question will have to go through another series of examinations before they get the money, no matter what you put in this bill; but please do not add indiscriminately to the cost of the Government. It may be said that this is not an appropriation bill, but appropriations usually follow these authorizations, and I beg you not to adopt the amendment.

Mr. LaGUARDIA. Mr. Chairman, I rise in opposition to the pro forma amendment. I simply want to state to the chairman of the Committee on Agriculture that perhaps it may be well for the United States to be represented at this poultry show in Canada, but if you would hold a poultry show in New York I believe it would do more good for the sale of poultry and eggs.

Of course it is very nice to take these trips and be represented at these poultry shows in Canada and other countries. In giving consideration to the farmer we will cooperate with you in anything you want to do, but please do not forget the consumer. After all, you know it is up to the consumer to buy your farm products.

We have quite a market in New York for poultry and eggs if we could only afford to pay for them. I do not say that the farmers are getting these high prices; in fact, I know they are not getting the high prices that we have to pay for

chickens and eggs in New York City. I repeat, however, what I have said so many times before, that the farmers and the consumers ought to get together, and instead of spending money for a poultry show in Canada—I do not think we have anything to learn there that will do any good to the farmers—let us have some sort of conference between the tenement dwellers in my city who are paying exorbitant prices for your products and can not afford to pay such prices and get the necessities of life, and the farmers who are producing these products, in order to try to eliminate some of the waste in the present system of distribution. This would be very useful to the farmer and beneficial to the consumer.

The CHAIRMAN (Mr. ACKERMAN). The question is on the adoption of the amendment of the gentleman from Kansas [Mr. WHITE].

The question was taken, and the amendment was rejected.

Mr. CHINDBLOM. Mr. Chairman, I offer an amendment, which the Clerk has at the desk.

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: Strike out the preamble in section 1 and insert after line 2, page 1, the following: "That the invitation of the Government of Canada to the United States to send delegates and an exhibit to the Third World's Poultry Congress, to be held at Ottawa, Canada, during July and August, 1927, be accepted."

Mr. CHINDBLOM. Mr. Chairman, this is in line with the suggestion I made a moment ago. It has been customary in the House to strike out preambles. In this case if the House struck out the preamble, section 1 would be without meaning. There can be no possible objection to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the resolution back to the House with an amendment, with the recommendation that the amendment be agreed to and that the resolution as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ACKERMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that the committee having had under consideration the resolution (H. J. Res. 213) had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and the resolution as amended do pass.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and the third reading of the resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAUGEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDMENT TO PLANT QUARANTINE ACT OF AUGUST 20, 1912

Mr. HAUGEN. Mr. Speaker, I call up the resolution (S. J. Res. 78) for the amendment of the plant quarantine act of August 20, 1912, to allow the States to quarantine against the shipment therein or through of plants, plant products, and other articles found to be diseased or infested when not covered by a quarantine established by the Secretary of Agriculture, and for other purposes.

The SPEAKER. This resolution is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the resolution (S. J. Res. 78), with Mr. BURTON in the chair.

The Clerk read the title of the resolution.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the first reading of the resolution be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ASWELL. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES. Mr. Chairman, for a number of years the different States have been establishing quarantine regulations with reference to disease-infected plants which might come into or pass through their States and which they thought might interfere with the growth and development of some of the products and plants of the State.

A few weeks ago the Supreme Court of the United States held that these quarantine regulations of the different States were invalid, because the Federal Government had taken possession of the field under its power to regulate interstate commerce. The purpose of this measure is simply to permit the States to continue such regulations where they are not in

conflict with the regulations of the United States Government or where the regulations of the United States Government do not cover the particular plant or thing which the State laws undertake to cover.

In this connection I have a letter which has been addressed to me from the Department of Agriculture of the State of Texas, signed by three divisions of that department. This letter was sent to all the members of our delegation. Our State department of agriculture has taken a great deal of interest in the matter, and has done some valuable work in quarantine matters. I ask unanimous consent to insert this letter in the RECORD as a part of my remarks. The letter covers just a little more than a page.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to follows:

DEPARTMENT OF AGRICULTURE, STATE OF TEXAS,
Austin, March 30, 1926.

HON. MARVIN JONES,
Member of Congress, Washington, D. C.

DEAR SIR: You are perhaps familiar with a recent decision of the Supreme Court with respect to rights of States to institute quarantine regulations to prevent the dissemination of dangerous insect pests and plant diseases. We shall inclose part of this decision. According to our understanding, the law is now construed that no State has any authority to quarantine against any other State or part of any other State on account of any sort of plant pest.

All of the States have certain pest-control laws, and a great deal of good is being done. As it now stands, under this decision States have the right to cause nurseries, for example, to be inspected for interstate shipment, but such stock would not have to be inspected for interstate shipment unless, perchance, the Secretary of Agriculture had placed a quarantine against certain plants produced by such nurseries. As matters have operated heretofore, there has been reciprocity between the States by which they accept inspection certificates one from another. As it now stands under this decision, one State—Texas, for example—might require its own nurseries to be inspected, but Arkansas nurseries or individuals can ship any sort of nursery stock to any point in Texas and it would be nobody's business to interfere.

There is introduced into the Senate and House, we understand, a joint resolution. For your convenience, and to enable you to identify it, we will inclose copy. Our understanding of what this joint resolution seeks to do is: To restore to the States the right to keep out such pests as are not considered by the Secretary of Agriculture, but which appear to them locally, to be a menace. Getting down again to specific example, the pink bollworm of cotton has been considered by the Secretary, and certain quarantine restrictions placed on certain districts.

It seems to us that this joint resolution would not restore to the States the right to make any quarantines of greater extent than the quarantines promulgated by the Secretary on this insect. On the other hand, the sweet-potato weevil is an insect not heretofore considered and determined by the Secretary as being a menace; but with all the Southern States it is a serious pest. The various States have "weevil-free" and "infested" areas. Under the decision of the court they can prevent infestation going into weevil-free areas from within their own boundaries, but not from other States. There are many other problems, local in their nature, that can be handled more satisfactorily and economically by the States.

After giving very careful consideration to the whole matter, it is our conclusion that this joint resolution ought to be passed at the earliest possible moment, because it seeks to restore to the States inherent rights they ought to have, and, further, because the Secretary of Agriculture would undoubtedly be wholly unable with the funds at his disposal to take care of all the minor and purely local plant diseases and insect-pest troubles throughout these United States.

There is considerable confusion, of course, with respect to the multiplicity of State quarantines and from overlapping of duties of Federal and State authorities. This condition is being improved, however, through the action and cooperation of the various State and Federal authorities.

Respectfully,

R. E. McDONALD,
J. M. DEL CURTO,
G. J. SCHOLL.

(Inclosure.)

SUPREME COURT OF THE UNITED STATES
(No. 187, October term, 1925)

Mr. Chief Justice Taft delivered the opinion of the court.

It follows that pending the existing legislature of Congress as to quarantine of diseased trees and plants in interstate commerce the statute of Washington on the subject can not be given application. It is suggested that the States may act in the absence of any action by the Secretary of Agriculture; that it is left to him to allow the States

to quarantine, and that if he does not act there is no invalidity in the State action. Such construction as that can not be given to the Federal statute. The obligation to act without respect to the States is put directly upon the Secretary of Agriculture whenever quarantine, in his judgment, is necessary. When he does not act, it must be presumed that it is not necessary. With the Federal law in force, State action is illegal and unwarranted.

The decree of the Supreme Court of Washington is reserved.

Mr. ASWELL. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman, I thank the gentleman for his courtesy, and I do not think I will use the five minutes allotted to me. I simply desire a brief moment in which to congratulate the Committee on Agriculture for bringing in a unanimous report affecting this situation, which presents a very serious one in many parts of the country.

As stated by the gentleman from Texas, under a decision of the Supreme Court of the United States rendered in October last by Chief Justice Taft, the power of the States through their departments of agriculture to regulate the protection of their States against the importation of infested plants and seeds was declared unconstitutional. In other words, the effect of that decision is that the original police power of the State has been merged into the Federal Government by virtue of the act of 1912. Thereafter all acts of the State authorizing and exercising their own independent activities with reference to the importation and control of infested seeds in plants was nugatory and without effect. So you will see that the effect of the decision was to place the entire burden on the Federal Government as to the regulation of these matters.

In a case arising in my own State affecting the sweet-potato industry, a very large industry in that State, the effect of that decision was that the State authorities did not have the power to exercise any control whatever over the importation of infested sweet-potato seeds or plants from adjoining States which were coming into our own State and causing throughout the State great havoc in the sweet-potato industry.

This bill will correct the situation speedily, and I chiefly desire to congratulate the committee for the speed and diligence with which they are remedying a rather threatening situation.

In that connection I ask unanimous consent to incorporate a letter from our State commissioner of agriculture with reference to the situation.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to incorporate a letter in his remarks. Is there objection?

There was no objection.

The letter is as follows:

STATE OF ALABAMA AGRICULTURE
AND INDUSTRIES DEPARTMENT,
Montgomery, April 2, 1926.

HON. WM. BROCKMAN BANKHEAD, M. C.,
House of Representatives, Washington, D. C.

DEAR MR. BANKHEAD: I am writing to invite your attention to the far-reaching effect of a decision by the Supreme Court of the United States, No. 187, October term, 1925, styled "Oregon-Washington Railroad & Navigation Co., plaintiff in error, v. State of Washington," and to urge your support of the joint resolution of the Congress to correct the unfortunate defect in the plant quarantine act of August 20, 1912. The resolution (H. J. Res. 210) is pending in the Committee of Agriculture in both the House and the Senate.

You will note from records that the opinion of the Supreme Court in question was delivered by Mr. Chief Justice Taft. I will not attempt to state the questions at issue. What I do desire is to call your attention to the fact that this opinion of the Supreme Court of the United States renders every State plant quarantine act null and void in so far as the power of a State relates to keeping dangerous plant pests of other States or Territories out of its domain.

To illustrate the predicament this State faces under the opinion in question, I call your attention to a recent sweet-potato weevil infestation in Baldwin County and to a number of cars of sweet potatoes from Louisiana to Birmingham which were known by Louisiana authorities to be infested with sweet-potato weevil. The Federal authorities have not been effective in keeping these potatoes out of Alabama, and as a result the sweet-potato industry of this State is in peril and the State faces the necessity of an expenditure of large sums to eradicate the sweet-potato weevil infestation now prevalent. This State has quarantined against the Louisiana sweet potatoes; has placed a State plant-control inspector in the city of Birmingham and two inspectors on duty in the Baldwin County area. The board of revenue of Baldwin County has just finished the expenditure of approximately \$1,800 in assisting the State department of agriculture and industries in this fight against the spread of the sweet-potato weevil on sixty-odd farms over a wide area of Baldwin County, and we are now very hopeful of having this pest under control. However, we must maintain an inspec-

tion force in this area for a long time yet to hold the sweet-potato weevil in check and to completely eradicate it. We are concentrating our State inspection force on the Birmingham market and its trade territory also.

Under the opinion of the United States Supreme Court in question Alabama quarantine against Louisiana potatoes falls and we are wholly dependent upon the action of the United States Secretary of Agriculture in protecting the farms of this State against the serious pests of Louisiana, and in fact every other State where such do now or may hereafter exist.

This situation is brought on by a serious error committed by the Congress in the passage of the plant quarantine act of 1912, when by the provisions of this act the police powers of the States were rendered null and void. I need not attempt to analyze the situation further as, when you read the opinion in question and the plant quarantine act of 1912, you will readily understand.

I am inclosing herewith a copy of a proposed joint resolution for the amendment of the plant quarantine act of 1912, so as to restore to the States the police powers inherent and continuing when not abridged by the Congress. This joint resolution was recently prepared by the plant conference board of the Middle Atlantic and Northeastern States, T. J. Headlee, president, New Brunswick, N. J., and Ernest N. Cory, secretary, College Park, Md.

If this proposed amendment is added at the end of section 8 of the plant quarantine act of 1912, it appears to me that the Federal plant quarantine officials and the State plant quarantine officials will be jointly cooperative and far more powerful in their work to prevent and, wherever possible, to eradicate the spread of dangerous plant pests.

I hope you may become active in getting its adoption, as written, at as early a date as possible. I mention the adoption "as written" advisedly for the reason that this amendment places the States, in my opinion, squarely where they belong and enables the Secretary of Agriculture to be more cooperative and effective with the States in this all-important work.

In connection with a study of the seriousness of plant pests I desire to call your attention to the inclosed copy of an address by Doctor Marlatt, chairman Federal Horticultural Board, before the commissioners of agriculture in Chicago on December 30, 1925. This speech brings to mind the fact that the inspectors of this department located several months ago the oriental fruit worm, or moth, around some 25 cities and towns of this State. Just the extent of this serious pest remains to be determined. In our continued survey we will likely find traces of other pests not heretofore recognized and known to exist in Alabama. We are organizing our inspection force to the point where we propose to challenge products imported from suspicious areas long enough to determine for ourselves that the products are free of plant pests. This course will protect the agriculture of this State against the probable errors of letting pests move out of another State into our State.

I am reliably informed that the several cars of sweet potatoes, infested with sweet potato weevil, were known by the growers in Louisiana to have been infested, and they were shipped to Birmingham on the belief that they would not be intercepted, and if sold and consumed would bring desired returns to the growers.

Yours very truly,

J. M. MOORE,
Commissioner Agriculture and Industries.

PRESENT QUARANTINE SITUATION AND WORK OF THE REGIONAL PLANT CONFERENCE BOARDS

By Dr. C. L. Marlatt, Chief Federal Horticultural Board, Washington, D. C. Parts of his speech

I have spoken before this body, . . .

NEED FOR CONTROL OF PLANT ENTRY

For some 125 years this country was without any protection whatever against entry of foreign plant pests. The result has been that probably the majority of the really dangerous and serious plant enemies with which our agriculturists and farmers have to deal to-day are of foreign origin. The losses they occasion to our agriculture have been conservatively estimated—and I emphasize "conservatively"—at a billion dollars a year. The boll weevil has been estimated as causing the loss of half of that in a single year. Looked at in another way, these losses mean additional labor on the part of the farmer. The pests take about 2 hours of every 10 hours' work that the farmer does; without them he would get the same yield with an 8-hour day. That is a continuing loss that will go on forever. He feeds the pests first, and man and animals get what is left. That is what we are paying for the negligence in allowing these pests to come in.

I think most of you are familiar with the important plant enemies that have thus entered the United States. We were a virgin land to begin with; we had native pests, such as our grasshoppers, the chinch bug, Colorado potato beetle, etc., and others doubtless will show up later, but most of our farm and orchard pests are of foreign origin. The Hessian fly, way back in 1779, in connection with the War of the

Revolution, came with the ships bringing Hessian troops. The boll weevil came across from Mexico in 1892—that is the "billion dollar bug." The alfalfa weevil—those of you representing Western States know something about it—was brought in about 1904, possibly with some importation of plants with soil. It hibernates in the soil and could easily have entered in that way. The San Jose scale came to us in 1870 with a shipment, made by a missionary in China, of flowering peach trees. The importation was sent to a resident of San Jose, and the scale became established there—and this put San Jose on the map. The codling moth was an early comer. Its record in America goes back to 1790.

In the instance of many of these pests, there was no vital necessity for the importation that brought them. An example is the chestnut blight, which has destroyed most of the chestnut stand of our Appalachian regions, at a loss which runs into the hundreds of millions. This disease was brought by an importation of a few Chinese or Japanese chestnuts. This chestnut has no great value. The only reason for bringing it in was the desire to complete a "collection of all the chestnuts of the world." The disease was first found in the Bronx, in New York City, the seat of the New York Botanical Garden. Whether that was the first importation or not, we don't know. That was the first finding of the disease, and from that general center it spread as noted through most of the Appalachian region.

Many of our grain rusts are of foreign origin. The potato wart is also. These all came in before we had a plant quarantine act—the potato wart just the year before. We have it now in Maryland, Pennsylvania, and West Virginia. It is being very effectively controlled. It has not spread, in the years since it entered, from these districts. Fortunately they are not commercial centers of potato growing, and the control is in planting immune potatoes. . . .

It is of interest just now, in connection with this potato wart, that a very strong effort was made a few weeks ago to have this quarantine modified or withdrawn, so that potatoes from countries in Europe invaded by this disease could again be imported into the United States. The high price of potatoes in New York stimulated an urgent demand for foreign potatoes, which meant letting down the bars to the disease. I hardly need to say that the bars were not let down. Immune varieties are grown in the principal northern and southern areas of potato production, but there is a large area through the center of eastern United States where very susceptible varieties of potatoes are grown, and there seems to be no other variety that will take their place.

The Japanese beetle was brought in on an importation of Japanese iris. I brought some lantern slides to show you something that would give you a vivid visual view of that insect so that you could better understand it. It is a pest you will all hear a good deal about in future years.

The oriental fruit worm is another pest you haven't heard much about as yet, but is going to be one of the worst of our orchard pests. It was brought in during the period of furor for the Japanese cherry, one of the most beautiful flowering plants in the world. This plant now lines our driveways along the Potomac and along the Riverside Drive, New York, and in both places these trees have been centers of spread of this new pest. The publicity given to this tree at that time led to many other importations, and we now know this pest to have more or less foothold from the Mississippi Valley eastward.

Knowledge of this constant entry of plant pests is what led to the effort to secure the plant quarantine act of 1912. I fancy most of you are familiar with the history of that legislation. I don't want to take the time to go into it, for I want to discuss other matters. . . .

POINTING A MORAL

There is a moral I want to stress just here. Apparently many people don't like plant quarantines. Some of our fines; people don't like them. Our garden-club women don't like the restrictions on the entry of bulbs and other ornamentals necessary to exclude new pests. Many of these garden-club women are wealthy and have wonderful gardens. As a rule they employ gardeners of foreign training, who think only in terms of foreign products. Influenced more or less by such gardeners, these women feel aggrieved that they can't import anything they want. They make appeals to the Secretary of Agriculture, to Members of Congress, and to the President. About the only constructive suggestion they make is: "Why don't you allow all of these things to come in and then safeguard the country by inspecting them as they come along or controlling them after they are in?"

The corn borer is the answer, the Japanese beetle is the answer, the citrus canker is the answer, and the pine blister is the answer, and many others. The cost of control is terrific, and the losses go on forever. Few of these pests can be excluded by inspection. The citrus canker and pine blister may not show on the tree for several years after it is introduced. Other pests are so concealed they couldn't be found except by tearing the plant to pieces. Certain bulb and other crop pests which enter with bulbs are only discovered by cutting the bulb to pieces. I found our inspectors in New York determining the infestation by external examination and by feeling. If a bulb was soft or mushy, that was the indication that it was infested, and it was put

aside for later dissection. It was clear to me that this was only guessing. As a check on this method, I suggested that a hundred bulbs be taken at random and cut open. This more exact method indicated that the old method was disclosed only from one-fifth to one-twentieth or less of the actual infestation.

THE JAPANESE BEETLE

The Japanese beetle is a subject you will hear a lot about later on. It does not have the menace of the corn borer, but it is a pest that can do a lot of damage. In the first place, it is a soil pest. I mean a meadow pest, a grass pest. Its grubs live on the roots of grasses. It is destructive to golf links, and the adult beetle is very annoying on putting greens by getting in the way of the ball.

The methods of control of its breeding areas in meadows are expensive, much too expensive for the ordinary farmer to use to protect his meadowland and pasture land. The damage done by this pest in addition to the work of the grub on the roots of grasses is by the adult beetle to the foliage of different kinds of trees and later in its attacks on the fruit. I have seen peach trees with the peaches looking as big as your doubled fist from the beetles clustered over them, four or five deep, the outside fellows waiting for their turn. I have seen orchards in New Jersey with trees swarming with beetles. It reminded me of the days when the grasshoppers took the peaches off the trees and left the pits; the peach trees had only a crop of pits. It attacks also most other orchard fruits.

This Japanese beetle has spread steadily and we are controlling the long jumps, as in the case of the corn borer, but it is evident that very soon the situation will be such that we will have to give up further efforts at such control and rely on spray—none yet very satisfactory—and control by natural enemies which we are seeking in Asia.

I could with more time tell you about our pink bollworm work, which on the whole has been very successful. We have eradicated the pink bollworm over most of the area in which it had been established, and when I say "eradicated" I mean apparently; that is, to such an extent that it has not been found in any of these areas for three years, and in some of these areas for seven years.

REGULATION OF ENTRY OF FOREIGN PLANTS, ETC.

Domestic plant quarantines: There are now being enforced some 16 domestic quarantines controlling the interstate movement of plants and plant products. These have for their object prevention of spread within the United States of such plant and forest enemies as the gypsy moth and the brown-tail moth, the pink bollworm of cotton, the date-palm scale insects, the Japanese beetle, the European corn borer, the white-pine blister rust, and the potato wart.

Mr. ASWELL. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HILL].

Mr. HILL of Alabama. Mr. Chairman and gentlemen of the committee, I want to congratulate the Committee on Agriculture on the expedition with which it has brought the pending resolution before this House for action. I deem the immediate passage of the resolution to be a matter of paramount importance. On March 1 last the Supreme Court of the United States in the case of the Oregon-Washington Railroad & Navigation Co. against the State of Washington declared State quarantine laws to be illegal and unwarranted. The Supreme Court held in this case that the Federal quarantine act enacted by Congress on August 20, 1912, with one fell swoop struck down all the quarantine laws of the States. This leaves the States at the mercy of plant pests and diseases of every kind, except in so far as they are protected by the United States Department of Agriculture operating under the Federal quarantine act. The pending resolution will give back to the States the power taken from them by the Federal act and will enable them to help and cooperate with the United States Department of Agriculture in the matter of their protection from these plant pests and diseases. Until the decision of the Supreme Court on March 1 last the United States Department of Agriculture, charged with the enforcement of the Federal quarantine act, had felt that in many instances the control of the spread of certain insect pests and plant diseases might well be left to State regulation. The department even advised and encouraged the placing of State quarantines by which the States could protect themselves against the entry of plant pests and diseases from other States where they were known to exist.

As the report of the Committee on Agriculture well states:

In the case of many insect pests and plant diseases, which are known to exist in the United States, there is considerable uncertainty as to the extent to which the States and the districts therein have been affected by the pest or disease during the years in which there has been opportunity for their carriage and distribution in all sorts of traffic as well as in the movement of farm crops. In view of this uncertainty of distribution it has seemed clear, in many instances, that any quarantine under a control that would be of benefit to a

particular State could be administered more efficiently and at vastly less cost under State than under Federal action. Placing a Federal embargo on the movement of alfalfa, for instance, and other products which would carry the alfalfa weevil, would undoubtedly be more drastic than conditions justify, and yet a Federal regulating quarantine, to be of any real service, would involve control, inspection, and certification with respect to the movement of all products that could carry this pest; for example, hay, potatoes, and all other farm crops, as well as farm equipment, household goods, etc. The milling of alfalfa meal in the infested areas would have to be regulated. It would also necessitate inspection of highway traffic and inspection and cleaning of railway cars, as well as extensive surveys to determine distribution. All this would necessitate a very large appropriation and an immense personnel. On the other hand, a State quarantine prohibiting entry of certain products requires comparatively little money for enforcement and can be very efficiently administered.

The United States Department of Agriculture has encouraged State quarantines to such an extent that there are now 30 States which have established quarantines against certain plant pests and diseases where no action whatever has been taken by the Federal Government. With the complete wiping out of the State quarantines by the decision of March 1 last, the condition in many States is precarious. In my State of Alabama, we have been fighting for months under the State quarantine law to rid the State of the sweet-potato weevil infestation and to protect it from further importation of this pest. One county in my district, the great county of Baldwin, has just recently spent \$1,800 in this fight.

The Hon. J. M. Moore, commissioner of agriculture for the State of Alabama, advises me that the State to-day is seriously threatened with an importation of this weevil from Louisiana and that it has on duty two plant-control inspectors in Baldwin County and one in the city of Birmingham. Mr. Moore also advises me that his department has just within the past few months located the oriental fruit worm near some 25 different cities and towns in Alabama. And yet, under the ruling of the Supreme Court, the State of Alabama stands helpless to protect herself from further importation of these pests.

A glance at the history of plant pests and diseases in this country can not but convince us that both the States and the Federal Government should do everything in their power to prevent further spread of these plant pests and diseases and to wipe them out. For nearly 125 years this country was without any protection whatever against the entry of foreign plant pests. According to the United States Department of Agriculture, the majority of the really dangerous and serious plant enemies with which our farmers have to battle to-day are of foreign origin. It was during the War of the Revolution that the Hessian fly came over on the ships bringing the Hessian soldiers. Of the two, the fly worked much the greater havoc than did the soldiers. In 1892 there came from Mexico the boll weevil that is commonly known as "the billion-dollar bug" on account of the tremendous loss due to its ravages. The alfalfa weevil was brought in about 1904. It hibernates in the soil and probably came with some importation of plants with soil.

The chestnut blight, which, according to Dr. C. L. Marlatt, Chief of the Federal Horticultural Board, has destroyed most of the chestnut stand of our Appalachian region at a loss which runs into the hundreds of millions, was brought to this country by a few Chinese importing some Japanese chestnuts. The only reason for bringing it in, Doctor Marlatt tells us, was the desire by these Chinese to complete a "collection of all the chestnuts of the world."

The San Jose scale, the codling moth, the potato wart, the Japanese beetle, the oriental fruit worm, the corn borer, the citrus canker, the pine blister, the camphor scale, the gipsy moth, most of our grain rusts—all of these and many others came in from foreign lands. The Department of Agriculture conservatively estimates that they cause American agriculture a loss each year of \$1,000,000,000. In one single year the loss due to the boll weevil alone has been estimated to be half of a billion dollars. As Doctor Marlatt so well says:

These losses mean additional labor on the part of the farmer. The pests take about 2 hours of every 10 hours' work that the farmer does. Without them he would get the same yield with an 8-hour day. This is a continuing loss that will go on forever. The farmer feeds the pest first, and man and animals get what is left. That is what we are paying for the negligence in allowing these pests to come in.

In the face of this terrible loss to the American farmer and to American economic life, I ask you, gentlemen, if we are to be further negligent in this matter? Are we to permit these pests and diseases to spread throughout the States of the Union except in so far as their spread may be stopped by the Department of Agriculture here in Washington? Mark you, gentlemen, one little department is too small to police and protect

against this multitudinous army of blights and plagues such a vast country as ours, with its 48 States, extending from Maine to California and from Canada to the Gulf. Are we by our inaction to force the States which we represent to remain powerless and impotent to assist this department and to protect themselves against these hordes of parasites? Are we to permit our people to remain at the mercy of these scourges? Gentlemen, let us pass this resolution and enable the States of this Union to make war, war to the death, on these ruinous pests.

Mr. ASWELL. Mr. Chairman, I yield two minutes to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. Mr. Chairman, I want to second very heartily the suggestions that have been made by the gentlemen from Alabama. I have had the same cry of distress from the farmers and from the agricultural extension people in my own State, especially in regard to the sweet-potato weevil. I simply want to heartily second their suggestion to join my voice in appeal for the passage of this resolution.

Mr. HAUGEN. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Chairman, in view of the complimentary references made by the gentlemen from Alabama to the work of the Committee on Agriculture in connection with this resolution, I think it would be of interest to relate a little history in connection with it. The report of the committee records the fact that the decision of the Supreme Court that made the resolution necessary was filed on March 1, 1923. I think since that time practically every State agricultural commissioner, or whatever name that authority may bear in the several States, has taken up the matter and has brought the question to the Congress of the United States. Action was taken in another body and reported to the Committee on Agriculture on Friday last. Hearings were held by our committee on Saturday morning, the resolution was ordered reported the same day, and here you have it for consideration. [Applause.] That indicates that the wheels of government move rather speedily when public opinion is well considered and united on a proposition that is vital to the welfare of the country. [Applause.]

As an example of the cooperation of the States in this matter, I present a letter from the commissioner of agriculture of our State, Hon. L. Whitney Watkins.

STATE OF MICHIGAN, DEPARTMENT OF AGRICULTURE,
Lansing, Mich., March 29, 1926.

Hon. JOHN C. KETCHAM,
Member of Congress, Fourth District of Michigan,
Washington, D. C.

MY DEAR CONGRESSMAN: I notice that in a decision of the Supreme Court rendered the other day all State quarantines preventing movement of diseased or infested articles from one State to another was nullified, due to the fact that they are in conflict with interstate requirements.

This decision of the Supreme Court leaves the State of Michigan without protection against the gypsy moth, the oriental fruit moth, the alfalfa weevil, and other diseases that threaten the forests, horticulture, and agriculture of this State.

I understand that there is before the Senate a joint resolution providing for an amendment to the plant quarantine act of August 20, 1912, to "allow the State to quarantine against the shipment therein or through of plants, plant products, and other articles found to be diseased or infested, when not covered by a quarantine established by the Secretary of Agriculture, and for other purposes."

If the joint resolution is passed Michigan will be able to maintain certain quarantines which she has sought to put in force for some time.

The State department of agriculture, which has charge of the regulatory work of your State, sees great danger to this Commonwealth if the bars are thrown down and diseased stock of all kinds is allowed to enter. We are trying to reestablish forests in Michigan; we are a great horticultural State, being first in the production of small fruits; we have increased the acreage of alfalfa to 400,000 acres and will probably plant the largest acreage the coming year that has ever been planted in the State. It is necessary that Michigan be kept clean from diseased or infested articles of all kinds if we succeed.

We are advised that there is opposition to this resolution by some nurserymen, but we can not understand their attitude. Why any nurserymen would want to move or sell diseased stock is more than I can understand. Nurserymen who take that attitude should receive no consideration at the hands of the lawmaking body of the United States.

The men interested in reforestation, in horticulture, and in general agriculture will appreciate anything which you can do to assist in the passage of the joint resolution referred to.

Very respectfully yours,

STATE DEPARTMENT OF AGRICULTURE,
L. WHITNEY WATKINS, Commissioner.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman and gentlemen, two years ago I led an active campaign of education in behalf of farm legislation. Our bill was known as the McNary-Haugen bill. We sent out more than 30,000 letters from my office to farm leaders throughout the United States. At one time I predicted the passage of that bill. I was not mistaken at that time. It was finally defeated, but "murder will out." We now know "who killed cock robin." The Colorado Wheat Grower of February 20, 1926, tells a story that will interest every farmer in America. I quote from the Wheat Grower:

GRAIN OFFICIALS TELL HOW FARMERS' BILLS ARE BEATEN—SECRETARY OF GRAIN DEALERS' NATIONAL ASSOCIATION EXPLAINS HOW McNARY-HAUGEN BILL WAS DEFEATED AFTER LOBBYISTS INTERVIEWED CONGRESSMEN; "WE WORK WHILE YOU SLEEP"

How a well-organized minority can impose its wishes on a poorly organized majority was entertainingly explained by Charles Quinn, secretary-treasurer of the Grain Dealers' National Association, speaking before the Colorado Grain Dealers' Association in Denver last week.

More specifically, Mr. Quinn's story described how 16,000 grain dealers have been able to maintain their marketing whip hand over 7,000,000 farmers.

With pardonable pride Secretary Quinn told "what an association can do." (He referred to an association of grain men.)

He told how the Grain Dealers' National had helped to defeat the McNary-Haugen bill. He told how the grain dealers' lobbyist in Washington carries on his work. He told how the Grain Dealers' National is always on the job and "works while you sleep."

Speaking on the work of the Grain Dealers' National, he said:

"When the McNary-Haugen bill was introduced, a canvass of the House showed enough votes to pass it with 95 to spare. The Grain Dealers' National Association got busy. Grain men gave freely of their time and we had from 5 to 15 men in Washington all through the danger period.

KILLING THE McNARY-HAUGEN BILL

"We met in the morning and each man was assigned to see certain Congressmen. In the evening each man reported the results of his interviews. Before a vote was called every Congressman had been interviewed and we estimated we had beaten the bill by 75 votes. The following day the returns showed it was beaten by 73. That is what an association can do.

"Many bills to help the farmer are before Congress now, but there is only one that is really dangerous and that it is necessary to fight—the Dickinson bill."

Mr. Quinn did not explain why it is necessary for the grain dealers to fight a bill which is, by his own statement, designed "to help the farmer." Neither did he say, in so many words, that the grain dealers' interests are directly opposed to the interests of the farmer. His listeners were left to draw their own conclusions.

Speaking on the work of the Grain Dealers' National, he said:

"It [the Grain Dealers' National] is always on the job, looking out for the interests of the grain trade; looking out for the interests of the Colorado Grain Dealers' Association, as well as those of the 18 other affiliated organizations. Every industry has lobbyists in Washington. And it is necessary that the Grain Dealers' National Association keep a man there also, which we do. He goes every morning to the clerks and finds out what bills have been introduced. Then he checks on what happens to them in all the various details and keeps me acquainted by letter and telegraph. I in turn acquaint the State organization secretaries with any developments of importance, that they may carry it to their membership.

"I took the secretaryship of the national association on January 1, 1914. During the last 10 years hell has broken loose."

Mr. Chairman, while I do not believe Mr. Quinn spoke for all millers throughout the United States, I do suggest that all Members of Congress reread and ponder his statement when general farm legislation is under consideration. Perhaps we can corral some of this fire and brimstone in behalf of the farmer.

STATE QUARANTINE

At this time, Mr. Chairman, I want to compliment the Committee on Agriculture upon their speedy work in reporting out this plant quarantine bill, and wish to point out the vigilance with which the commissioners of agriculture in our various States act. The particular case which made necessary this legislation came up to the Supreme Court from the State of Washington on account of the transportation through that State of alfalfa infected with weevil. When the court decision was rendered Mr. Barnes, commissioner of agriculture in my State of Washington, wired me. A few minutes later I took the matter up with the Department of Agriculture here before it was generally known that the Supreme Court had rendered the decision and before the decision was printed. There was a

little delay, therefore, in finding out what legislation would have to be enacted to restore to the States the authority which they had prior to that time exercised. In the meantime the various State commissioners of agriculture have informed their delegations and we come here united to-day in behalf of remedial legislation. We are glad to say the Department of Agriculture instead of desiring to hold on to this great Federal power, which was conferred by the Supreme Court decision, came before the committee and asked that this authority be returned to the States, because the States could exercise it more economically, more efficiently, and more satisfactorily, and because this power should be lodged with the several States rather than with the Federal Government.

Mr. Chairman, after several conferences with the Department of Agriculture I introduced House Joint Resolution 192. After further consideration and another conference with the department and with Mr. Lee A. Strong, assistant director of agriculture, State of California, who offered valuable suggestions, I introduced House Joint Resolution 210 on March 22. The substance of that resolution we are enacting into law to-day.

The comprehensive report of the committee covers not only the urgent need of this legislation but also the justice of it.

By a decision of March 1, 1926, of the Supreme Court in the case of the Oregon-Washington Railroad & Navigation Co. v. State of Washington, which involved a quarantine by the State of Washington in accordance with chapter 105, Washington Session of Laws of 1921, for the purpose of preventing the entry into the State of alfalfa hay from the State of Idaho, it was held that the Washington statute could "not be given application," and that the State action embodied in this quarantine was "illegal and unwarranted" so long as the plant quarantine act of August 20, 1912, was in force. In reaching this conclusion the court held that a consideration of the act showed that it was the intention of Congress to take over to the Agricultural Department of the Federal Government the care of the horticulture and agriculture of the States so far as these might be affected injuriously by the transportation in foreign and interstate commerce of anything which, by reason of its character, could convey disease to and injure trees, plants, or crops, and that all the sections of the act look to a complete provision for quarantine against importation into the country and quarantine as between the States under the direction and supervision of the Secretary of Agriculture; that the obligation to act without respect to the States is put directly upon the Secretary of Agriculture whenever quarantine, in his judgment, is necessary; when he does not act in a given case, it must be presumed that such action is not necessary.

Until this decision of the Supreme Court was handed down, the Department of Agriculture, charged with the administration and enforcement of the plant quarantine act, has felt that, in many instances and for specific reasons, the control of the spread of certain insect pests and plant diseases might well be left to State regulation, and so has advised and encouraged the placing of State quarantines and orders by which the State would protect itself against the entry of such diseases and pests from those other States in which they were known to exist.

The reason for the attitude of the department above referred to was as follows: In the case of many insect pests and plant diseases, which are known to exist in the United States, there is considerable uncertainty as to the extent to which the States and the districts therein have been affected by the pest or disease during the years in which there has been opportunity for their carriage and distribution in all sorts of traffic as well as in the movement of farm crops. In view of this uncertainty of distribution it has seemed clear, in many instances, that any quarantine under a control that would be of benefit to a particular State could be administered more efficiently and at vastly less cost under State than under Federal action. Placing a Federal embargo on the movement of alfalfa, for instance, and other products which would carry the alfalfa weevil, would undoubtedly be more drastic than conditions justify, and yet a Federal regulating quarantine, to be of any real service, would involve control, inspection, and certification with respect to the movement of all products that could carry this pest, for example, hay, potatoes, and all other farm crops, as well as farm equipment, household goods, and so forth. The milling of alfalfa meal in the infested areas would have to be regulated. It would also necessitate inspection of highway traffic and inspection and cleaning of railway cars, as well as extensive surveys to determine distribution. All this would necessitate a very large appropriation and an immense personnel. On the other hand, a State quarantine prohibiting entry of certain products requires comparatively little money for enforcement and can be very efficiently administered.

Until the decision of March 1, 1926, was rendered the Department of Agriculture administered the plant quarantine act in the belief that it had never been decided definitely by the Supreme Court that the act was a declaration by Congress of its intention to take over the entire subject of the care of horticulture and agriculture of the States, so far as these might be affected by the interstate shipment of plants and other articles carrying insect pests and plant diseases, and so the department issued and administered its quarantines as to particular pests and diseases in the belief that the States might legally take similar action with reference to subjects not covered by a Federal quarantine.

As has already been stated, such regulatory action by the States was encouraged, with the result that there are now 30 States which have established quarantines against certain plant diseases and pests with respect to which no action has been taken by the Federal Government. Some of these quarantines, with reference to particular pests, are very widely established, as, for instance, that which aims to prevent the introduction into certain of the States of the alfalfa weevil; quarantines against this pest have been established by the following 19 States: Alabama, Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Mississippi, Missouri, Montana, Nevada, New Mexico, Oregon, South Dakota, Washington, Wisconsin, and Wyoming. In the case of the potato tuber moth, quarantines have been established by Colorado, Idaho, Montana, Oregon, Utah, and Washington.

Inasmuch as it seems clear that this recent Supreme Court decision has invalidated all such State quarantines by its holding that such State laws "can not be given application" and that they are "illegal and unwarranted," so long as the existing legislation of Congress is in force, it has been felt by some of the States, and the Department of Agriculture has concurred in this, that the situation can be corrected only by an amendment to the plant quarantine act itself which will permit the State to act in cases where the Department of Agriculture has not acted and does not act under the authority given by Congress in the plant quarantine act.

In view of the critical situation which has arisen with respect to these various State quarantines and the danger to the State which may result if their regulatory quarantines and orders are to become and remain unenforceable, it is believed that this joint resolution, as amended, should be passed without delay.

If it may be said Congress acts slowly we point with some degree of pride to this act. This legislation, which is being enacted only five weeks after the Supreme Court decision which rendered it necessary, is of vast and far-reaching importance.

Its value to agriculture can not be measured in dollars nor millions. Without such legislation destructive plant diseases would soon be distributed indiscriminately throughout the whole country. Alfalfa weevil, European corn borer, boll weevil, Japanese beetle, Gypsy moths, and numerous other pests would wreak vengeance everywhere. The damage to agriculture would be beyond repair.

FIELD DAY FOR AGRICULTURE

The Committee on Agriculture of the House has favorably reported and we are to-day passing several other bills of importance to agriculture.

Among these bills we find:

(1) An amendment to the packers and stockyards act of 1921.

The bill makes it possible for the State to have the railroad and warehouse commission registered with the Department of Agriculture as a market agency and makes it possible for the department, under the terms of the Federal statute, to control the operations incident to rendering service at the stockyards in precisely the same manner that it is now possible to control the operations of other market agencies in stockyards.

TIMBER PRODUCTION

(2) A bill authorizing the Secretary of Agriculture to cooperate with Territories in promoting continuous production of timber.

This resolution would authorize the extension of such cooperation to the Territories and other possessions, and would be very helpful to them in furthering the forestry programs, which they have undertaken.

(3) An amendment to an act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor.

This bill would permit a more efficient cooperation between the Department of Agriculture and the States in the adminis-

tration of the act of June 7, 1924, known as the Clarke-McNary Act. This legislation is especially valuable to the North-western States.

WORLD'S POULTRY CONGRESS

(4) For participation of the United States in the third World Poultry Congress to be held at Ottawa, Canada, in 1927.

The Secretary of Agriculture tells us the United States is the most important poultry-raising country in the world, producing more than one-third of the world's supply of poultry and eggs. The industry ranks fifth in value of all the major agricultural industries of this country, having a total annual production valued considerably in excess of \$1,000,000,000. It is very desirable, therefore, in the judgment of the department, that this important industry be suitably represented by accredited delegates and by national exhibit at the coming congress, and it is recommended that the necessary authority be secured to make this possible.

The congress to be held at Ottawa will be the first international poultry meeting to be held in America. Indications are that it will be the most thorough attempt ever made in any country to bring together at one series of sessions and exhibitions the most advanced knowledge relating to the production, distribution, and use of poultry products. The poultry congresses are held under the auspices of the International Association of Poultry Investigators and Instructors every third year. The first congress was held at The Hague in 1921 and the second in Spain at Barcelona in 1924. I am informed that the prestige of the poultry industry of the United States has suffered in the eyes of foreign countries through failure of the United States to be officially represented by accredited delegates and a national exhibit at either of the previous congresses, when most of the other countries had extensive national exhibits portraying the fundamental features of their respective poultry industries.

CONSERVING WATERSHEDS

(5) A bill authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled:

"An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers."

It appears that a program is necessary if the department is to carry out effectively an acquisition program such as it is believed would accomplish the purposes intended by the Weeks Act and the Clarke-McNary Act. The department reports that the complete fruition of these purposes will require further purchases of from three and one-half million to four million acres to complete the original Weeks law program, plus about two and one-half million acres in the Lake States and an approximately equal area in the pine belt of the South.

(6) A bill to provide for the distribution of the publications entitled "Diseases of the Horse" and "Diseases of Cattle."

These horse and cattle books are very valuable to farmers and dairymen. They are supplied by Members of Congress without cost on request of those who need them.

UNITED STATES AGRICULTURE IN FOREIGN FIELDS

(7) A bill to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes.

The committee has outlined the purposes of this bill so completely and in such an interesting manner that I quote freely from that report:

This bill definitely places in the Department of Agriculture the foreign agricultural service of the United States in conformity with the spirit and letter of the organic act creating the department and puts into permanent legislative form authority now carried in the annual appropriation bill. It clearly defines the activities of the department, extends to the foreign field the services that the department is now rendering in the United States regarding competition and demand for agricultural products, the marketing and distribution problems of cotton, tobacco, wheat, fruits, and vegetables, animal and animal products, and all other farm products, the investigation of farm management and other phases of the agricultural industry, and the conduct of any activities in which the Department of Agriculture is now authorized or in future may be authorized to engage.

A consideration of the problems involved in the disposition of the surplus of agricultural products abroad and the adjustment of farm production at home and the work that is already being done in the Department of Agriculture convinces the committee of the value and importance of this work.

COOPERATION WITH OTHER DEPARTMENTS

The foreign service of the Department of Agriculture comprises the International Institute of Agriculture at Rome, where, through cooperation with the Department of State, a representative of the Bureau of Agricultural Economics is the permanent delegate of the United States. Through the institute the department maintains contact with 64 of the leading nations of the world, and from their ministries of agriculture receive periodic reports relative to areas seeded, crop conditions, production, stocks, imports, and exports of agricultural products, price trends, and other pertinent information.

This exchange of information is an interchange between the departments of agriculture of the world, cleared through the international institute at Rome. From 26 of the most important agricultural centers this interchange of agricultural information is effected by telegraph.

This basic reporting service of the international institute is supplemented by cooperation between the Department of Agriculture and the Consular Service of the Department of State. Through arrangement with the office of the consul general the Bureau of Agricultural Economics is coordinating the reporting on agricultural subjects by the 400 American consuls stationed in every quarter of the globe. The Department of Agriculture handles about 500 consular reports each month on agriculture and allied subjects.

The Department of Agriculture cooperates with the Department of Commerce through its Bureau of Foreign and Domestic Commerce with reference to international trade in American agricultural products. As reports on the exports from the United States are received in the office of the above bureau, the department is notified and experts from the Bureau of Agricultural Economics cooperating with experts from the Department of Commerce tabulate the information and the results are available to both departments. As reports of the commercial attachés are received in Washington, all of those pertaining to agriculture and general economic conditions are supplied to the Department of Agriculture. The Bureau of Agricultural Economics handles about 165 attaché reports each month.

At present the Department of Agriculture is coordinating the current reports on agriculture being made by the international institute at Rome, the Consular Service, and the commercial attaché service summarizing this material into a homogeneous whole and making this information available to American farmers at the earliest possible moment after its receipt. To supplement this routine work by other departments, the Department of Agriculture maintains in foreign countries at strategic points highly specialized experts working out special problems that are technically beyond the scope of the organizations of the other departments.

During the fiscal year 1925-26 eight field workers have been maintained abroad at permanent stations, while more than 60 specialists have been in foreign countries engaged upon problems of vital interest to the production and marketing problems of the American farmer. The permanent offices in foreign countries report by radio, cable, and mail on the current economic and agricultural conditions in the countries under their jurisdiction.

Over 65 cables and between seven and eight hundred written reports are received monthly by the Bureau of Agricultural Economics alone. This bureau comprises 80 sections covering the economic production and marketing of agricultural commodities and is in contact with every important cooperative association and private marketing organization in the country. The extension bureau of the department with its 2,300 county agents is in contact with the individual producer whether associated cooperatively or marketing his products individually. Through these channels of direct contact the information relative to competition from abroad and the demand of foreign markets for American agricultural products is transmitted in the most direct and understandable manner to producers and to those marketing farm products.

FOREIGN NEWS SERVICE

The foreign news service of the Department of Agriculture is coordinated with the domestic market-news service and utilizes the machinery already established in the Department of Agriculture, thus giving the foreign agricultural information wide distribution at a comparatively small cost. This dissemination machinery consists of Foreign Crops and Markets, containing the current information received from every source on the condition of the principal crops in foreign countries and representing conditions affecting demand in foreign markets, together with special studies of countries and commodities.

Reports including a monthly review of world agriculture and a monthly survey of the foreign dairy situation, as well as weekly statements on foreign crops and markets, are prepared for weekly publication in Crops and Markets, which goes to 125,000 crop reporters, farmers, county agricultural agents, and tradesmen.

The department operates in connection with its market-news work more than 7,000 miles of leased telegraph wire stretching to all parts of the agricultural country. As foreign agricultural news is received at Washington the reports are flashed over this telegraph system to more than a score of branch offices, which, in turn, disseminate the information among producers through newspapers, mails, and radio.

More than 75 radio broadcasting stations, blanketing the entire country, cooperate without compensation in dispatching both domestic and foreign agricultural news.

Foreign agricultural news is at the present time being collected throughout the world and is being correlated and disseminated with dispatch throughout the United States.

The Ketcham bill, which we are now considering, proposes to make permanent this service to the American farmer.

EXPORT CERTIFICATES

(8) A bill to authorize the Secretary of Agriculture to inspect and certify as free from disease and insect pests certain plant products offered for export, and for other purposes.

This bill is of widespread interest to agriculture; it authorizes the Secretary of Agriculture to inspect domestic fresh fruits, vegetables, and seeds, and nursery stock and other plants for propagation, when offered for export, and to certify to shippers and interested parties as to the freedom of such products from injurious plant diseases, and insect pests, according to the sanitary requirements of foreign countries.

Mr. Chairman, the passage of these eight bills in one day is a red-letter day for the farmer.

OTHER BENEFICIAL LEGISLATION

It has been my pleasure to support every piece of farm legislation enacted since I came to Congress seven years ago. I can not recall them all; they have been numerous.

William Jennings Bryan once said:

The Sixty-seventh Congress passed more legislation that was beneficial to the farmers than any Congress before in the history of the country.

You will remember that we passed the intermediate credit act, affording the farmer new channels for credits running from six months to three years commensurate with his production and marketing methods.

We then passed a bill which increased the amount individuals may borrow on farm mortgages, through cooperation with the Federal farm loan banks from \$10,000 to \$25,000.

Then we placed the meat-packing industry under Federal supervision, making it possible to ascertain the status of the meat-packing and stockyards activities.

We passed the cotton standards act, which has operated so successfully.

We placed a tax on trading in grain futures, supervised the grain exchanges, and legalized the membership of cooperatives on the grain exchanges.

We legalized cooperative marketing.

We furnished a farm-to-market highway program and appropriated funds to be used for the next three years.

We increased the working capital of the Federal loan system, making it possible to float bond issues more easily.

We made it easier for the joint-stock land banks to provide capital for farmers.

We revised the tax schedule downward three times.

We limited immigration to 3 per cent of the foreign-born recorded in the 1910 census. Later the quota was restricted to 2 per cent of the 1890 census.

We prohibited the manufacture and sale of filled milk.

We placed a representative of agriculture along with industry, commerce, and finance on the Federal Reserve Board.

We reenacted the War Finance Corporation law and extended its usefulness to stockmen and farmers.

We appropriated funds for the Department of Agriculture and enacted an emergency tariff, followed by the permanent tariff.

A few days ago the House passed the farmers' cooperative marketing bill, which should aid all cooperatives throughout the United States.

SHIPPING POINT INSPECTION PROTECTS FARM PRODUCTS

The Federal inspection of perishable farm products at shipping point law, which I had the honor to write and to help enact into law, seems to have proven of great value to growers and shippers throughout the country.

It promotes honest dealing and is of immeasurable benefit to the farmer, says the Department of Agriculture.

W. L. Close, district horticultural inspector of Yakima, says that shipping-point inspection:

1. Promotes grading and standardization of farm products.
2. Secures uniform application in different sections of recognized standards.
3. Enables shippers to correct errors in grading and packing at their source rather than adjust them at destination.
4. Is a strong advertising point, and so assists in making sales.

5. Gives distant buyer an impartial report on quality and condition of products which he is purchasing.

6. Assists in forcing acceptance of products which are up to grade.

7. Shipping-point certificate together with receiving-point certificate furnishes valuable evidence in adjusting claims against carriers.

8. In case of litigation gives shipper prima facie evidence of quality and condition of his products in courts of United States and courts of many States in which they are issued.

This service in the Yakima Valley has grown from less than 500 cars in 1920 to more than 6,000 certified cars from the 1925 crop.

Daniel C. Rogers, marketing expert of Missouri, says of this law:

Nothing within the last 15 years has been offered and I prophesy that nothing within the next 10 years will be offered that will prove so helpful in placing the production of crops upon efficient, profitable, businesslike, and permanent basis.

VOLUMINOUS TESTIMONY MAY PROVE FATAL

But I have waited patiently and I am now waiting impatiently for the Committee on Agriculture to report out the Dickinson bill or some other general bill for the stabilization of agriculture. For seven weeks the hearings have continued, practically every day and often till near midnight. We are inclined to say the hearings have continued too long, but farmers representing large groups have come and are still coming from every section of the country. Their views are widely divergent. In fairness the committee must deal impartially and must hear all important groups. In my great eagerness to secure general stabilization legislation in behalf of the farmer I sometimes fear the voluminous testimony may result in a lingering death to all relief.

AMERICAN FARMER SEEKS NO SPECIAL FAVORS

The American manufacturer makes and sells on a higher plane than his foreign competitor, and rightly so.

The American laboring man receives higher wages than are paid in any other country, and rightly so. He and his family live on a higher plane, and no one would have it otherwise.

The American farmer and his family must strive to live up to American standards, while they compete with low standards and pauper labor beyond the seas.

The American farmer seeks no special favors. He wants only legislation that will do for him what we have done for capital and labor.

DOWN ON THE FARM

When I was a boy down on the farm we planted a few acres to corn, we sowed a few acres to wheat and oats and grass. We milked a few cows, we sold an occasional calf, we fattened a pen of hogs; a heterogeneous flock of poultry ran everywhere. A small band of sheep supplied blankets and socks, mittens, "pulse warmers," and red, white, and blue "comforters," and hoods for the girls.

The "Summers boys" worked early and late six days a week and cared for the stock all day Sunday. Any additional labor was procured at "50 cents a day and board," or 75 cents a day if the laborer boarded himself.

We took a few sacks of wheat to mill twice a year—that furnished flour and bread for the family for the entire year. We shelled a bushel of corn occasionally and took it to a near-by mill, waited for it to be ground, and returned with "the makings" of our corn bread and mush for winter evenings.

We swapped bacon for jeans and copper-toed boots. We swapped butter, at 8 to 18 cents a pound, and eggs, at 7 to 15 cents a dozen, for sugar and coffee and rice and "calico."

When we went courtin' we rode a mule or a stray colt. Those were the good old days our eastern friends still have in mind. No freight problem. No auto. No gasoline. No hard roads. No telephone. No radio. No phonograph. No piano. No organ—only a "jew's-harp," and I couldn't play that. No electric lights nor gas nor electric range. No coal bills. We cut our own fuel from our own or a neighbor's "woods" without restraint. No "store clothes" for Johnnie. No reaper. No mower. No "header." No "combine." Those were the days of the "scythe and cradle." No movies. No soda fountains. No nothin' for a boy down on the farm but work, fishin', huntin', trappin', the old swimmin' hole, and school and "spellin' bees" and games and "exhibitions" and church and Sunday school and "singings." That was the simple life.

Those were "the good old days" down on the farm. There was no farm problem then.

FARM PROBLEMS EXTEND BEYOND CROSS-ROADS GROCERY

Mr. Speaker, it has been difficult for the great industrial East to realize that agriculture has emerged from the shrouds of the Dark Ages. It has been difficult for some gentlemen here to realize that farming itself has become a complex industry,

with problems that reach far and beyond the farm. But we are making progress. The campaign in behalf of the McNary-Haugen bill two years ago has led to the very general acknowledgment that there is a farm problem. The farmer's problems reach beyond district, State, and national lines. They extend to the fields of Canada, Argentina, to Egypt, to Holland, to China, the plains of India, Australia, and Russia. His problems no longer end at the cross-roads grocery. They do not end in Chicago or New York. He is vitally concerned with Liverpool and Paris and London.

The farm problem is the most complex, the most difficult, and the most important now confronting the country. It is not one problem, but a vast network of intricate, interlocking problems. The solution of one problem standing alone might be easy, but they can not be solved that way.

• SURPLUS IS BIG PROBLEM

I am now and throughout my life have been rather extensively engaged in farming. I am experiencing many of its difficulties month after month and year after year along with the millions who reside on the farm.

I have no panacea to offer to cure all our ills. I wish I had, but it can not be done that way. The laws already enacted are beneficial, but other legislation to help solve our surplus problem is needed. I am laying these simple facts before the Congress, with the sincere hope that they may help us all to face the farm situation with a fair, square, honest, sympathetic purpose to help and not hinder in the solution of America's biggest problem.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Chairman and gentlemen of the House, I shall speak on this bill for only a moment to show that the interest in it comes from all sections of the country. The State of Montana, through the action of its own legislature, put into effect quarantine laws that had shut out from my State infected plants of all kinds, which laws had worked very successfully. One result was shown in the fact that the commissioner of agriculture for Montana says that during this present year he has certified a half million dollars' worth of alfalfa seed in addition to shipments that were not certified. That alfalfa seed from the State of Montana brought in addition to the high price, on account of the high quality of seed, an extra premium of 5 to 7 cents per pound, because of the effectiveness of the quarantine laws of that State. This recent decision of the Supreme Court breaks down that protection which the State, through the action of its own laws, has been able to give to the farmers within the State. Montana is particularly interested in the passage of this resolution.

I ask unanimous consent to place in the RECORD in connection with my remarks a letter from the commissioner of agriculture for the State of Montana.

The CHAIRMAN. The gentleman from Montana asks unanimous consent to extend his remarks in the RECORD by placing therein a letter from the commissioner of agriculture of the State of Montana pertaining to the subject under consideration. Is there objection?

The letter referred to is as follows:

STATE OF MONTANA,
DEPARTMENT OF AGRICULTURE, LABOR, AND INDUSTRY,
Helena, Mont., March 17, 1926.

The Hon. SCOTT LEAVITT,
Washington, D. C.

MY DEAR MR. LEAVITT: I have written our two Senators concerning the quarantine laws and wish to bring this to your attention also. The October term of the Supreme Court's decision on the quarantine leaves Montana helpless in so far as our quarantine laws are concerned, and the matter of shipments of alfalfa is an important factor. We do not know how to act. This State is free from alfalfa weevil, and if it becomes prevalent in the State hundreds of thousands of dollars would not cover the loss we will sustain. Our quarantine regulations on this is inclosed, as are other regulations on bees, peas, etc.

I have certified from this office this year alfalfa seed which has been shipped out of the State worth nearly a half million dollars, besides large shipments have gone out without certification. Our alfalfa seed commands a premium of 5 to 7 cents per pound over any other State.

It seems to me that soon the States will have no rights they can call their own. If at any time it becomes necessary for us to quarantine against disease we have to go to Washington to do it—as slow as the Government functions, the damage may be done before we can get action. It would seem in cases of this kind the State would be the better judge.

Idaho, joining Montana, is full of weevil, so is Utah, Colorado, and there is some in Wyoming. This is a serious thing for our State, and I wish you or our other friends would look into the matter. Will you see Senator WALSH and Senator WHEELER; it may mean millions of dollars to us.

I am also inclosing you a copy of section of Montana law under which we quarantine. I hope you may be able to give us some definite information as soon as possible, so we may know how to proceed.

Thank you for your attention.

Very truly yours,

A. H. BOWMAN, Commissioner.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, I do not want to strike a discordant note here. There seems to be a general unanimity of opinion as to the work of the committee in its expedition in reporting out this resolution a few days after the Supreme Court handed down its decision. It seems to me that the matter of quarantine of plants and seeds and fruit should be under the control of the Department of Agriculture entirely. It is not at all impossible that this very resolution you are here pleased to pass to-day will cause a great deal of trouble between the States.

Mr. ASWELL. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. ASWELL. This proposed legislation takes no authority away from the Department of Agriculture. The Department of Agriculture has requested its passage.

Mr. LAGUARDIA. I realize that, but we have had some experience in our city with quarantine laws, and usually we pay the bills. No one is going to ask that infected seeds or plants should be permitted in transportation from one State to another, but hasty action on the part of the State will result immediately in retaliation on the part of another State, and in that way, instead of helping the farmers, you are liable to cause a great deal of damage. Only recently we had a quarantine on Bermuda onions. Whether it was justified or not makes no difference. Coming from a foreign country, we were not concerned, although it boosted the price of Texas onions, and that was all right; but as this is going to create a warfare between the States and hasty embargoes to be placed on the importation of food products from another State, it will result in retaliation, and you will have a state of confusion instead of facilitating the conditions.

Mr. LEAVITT. But this will establish no new conditions. These quarantines between the States have existed in the past without any such conditions as the gentleman speaks of having arisen. The decision of the Supreme Court simply interferes with existing conditions.

Mr. LAGUARDIA. Will the gentleman state that in the past there were no cases where hasty embargoes were placed under the quarantine laws of the States?

Mr. LEAVITT. I know of none, and I think it is particularly important that even by proclamation of the governor a suddenly arisen condition can be taken care of.

Mr. LAGUARDIA. How long will it take to communicate that same information to the Department of Agriculture?

Mr. LEAVITT. It would not take much longer, but it would take them a great deal of time to act. That has been the experience.

Mr. LAGUARDIA. We have had experience in New York City where embargoes unnecessarily placed have simply boosted the price of food, and we have paid for it. I am pretty sure the producer in the country never got the increased price because the food by that time was out of his hands. Let us be frank about this thing. If you gentlemen who come from farming districts are satisfied with the bill, all right, but we are going to pay the price. I do not think it will do what you think it will.

Mr. ALLGOOD. But this is not a case of war against States, but a case of war against insects, those things that destroy the crops, so that the gentleman can have better apple crops in the State of New York.

Mr. LAGUARDIA. Yes; and I suppose our distinguished friend from Louisiana [Mr. ASWELL], who is also a member of the Committee on Immigration, will put a provision in the immigration bill to prevent these insects from coming in.

Mr. ASWELL. Would not that be a good thing?

Mr. LAGUARDIA. Yes.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, the gentleman from New York [Mr. LAGUARDIA] objects to the bill for the reason that it gives the States power to enforce a quarantine.

The only objection to the bill before the committee was from some nurserymen that were afraid of the State of New York, because the State of New York has a very strict quarantine and apparently a very competent and efficient service of this kind. They were afraid that the State might, by reason of its location, be able to work a hardship on some of the nurs-

eries of New England shipping through the State. However, the gentleman from New York knows more about whether you can trust New York than I do. It is the only State that there is any doubt about, and the only State that there has been any complaint about, and we can not very well pass a law and give the other States the power and not give it to New York. So I am going to suggest that we pass it, treating New York as though it were in the Union for the present. [Laughter.] Perhaps we may have to amend this act in the future, but for the present let us give New York the benefit of the doubt.

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. TINCER. Yes.

Mr. O'CONNOR of New York. What would the State of Kansas do with its wheat if it were not for New York?

Mr. TINCER. Oh, we would ship it to Galveston. Very little of our wheat goes through New York.

Mr. O'CONNOR of New York. Could you finance it except through New York?

Mr. TINCER. Oh, that bread that you have been eating labeled "Made from Kansas flour," is probably a fake advertisement. Kansas wheat usually goes to the South. However, I am not knocking on New York, but the nurserymen said the conditions were such in New York that it was dangerous to give them the power. The committee determined that for the present we will give New York the same rights as we give to the other States.

Mr. LaGUARDIA. That is awfully nice on the part of the committee. [Laughter.]

Mr. TINCER. I am sorry to hear the Congressmen from New York corroborate the nurserymen from New York.

Mr. LaGUARDIA. We will continue to pay our taxes, so that you can get along.

Mr. ADKINS. Mr. Chairman, the gentlemen from New York are raising some question about this. I happened to be the chief quarantine officer of my State. In enforcing the quarantine law on one occasion I went to New York when there was a dangerous pest, and I found the officials of New York State just as much concerned as the officials of other States and ready to help us contend with the danger and to help us make a recommendation to our Government and recommend a quarantine against anything being shipped out of their localities. I found that the New York officials were just like those from Massachusetts when we went over there on the same mission, and I found also that the New York officials were proud to enjoy the privilege of looking after their own local affairs. So that I do not think there is any more danger to be apprehended from the State of New York than from any other State. I do not think the objections raised by the nurserymen to this law were serious. From my acquaintance in an official way with the quarantine officials of New York, I think the nurserymen will find them just as reasonable as they are in Illinois or any other State.

The CHAIRMAN. Without objection, the Clerk will report the resolution for amendment.

The Clerk read as follows:

Joint resolution (S. J. Res. 78) for the amendment of the plant quarantine act of August 20, 1912, to allow the States to quarantine against the shipment therein or through of plants, plant products, and other articles found to be diseased or infested when not covered by a quarantine established by the Secretary of Agriculture, and for other purposes

Resolved, etc., That the act of August 20, 1912 (37 U. S. Stat. L. p. 315), as amended by the act of March 4, 1917 (39 U. S. Stat. L. p. 1165), be, and the same is hereby, amended by adding at the end of section 8 thereof the following:

"Provided further, That until the Secretary of Agriculture shall have made a determination that such a quarantine is necessary and has duly established the same with reference to any dangerous plant disease or insect infestation, as herein above provided, nothing in this act shall be construed to prevent any State, Territory, insular possession, or District from promulgating, enacting, and enforcing any quarantine, prohibiting or restricting the transportation of any class of nursery stock, plant, fruit, seed, or other product or article subject to the restrictions of this section, into or through such State, Territory, District, or portion thereof, from any other State, Territory, District, or portion thereof, when it shall be found, by the State, Territory, or District promulgating or enacting the same, that such dangerous plant disease or insect infestation exists in such other State, Territory, District, or portion thereof: *Provided further,* That the Secretary of Agriculture is hereby authorized, whenever he deems such action advisable and necessary to carry out the purposes of this act, to cooperate with any State, Territory, or District, in connection with

any quarantine, enacted or promulgated by such State, Territory, or District, as specified in the preceding proviso: *Provided further,* That any nursery stock, plant, fruit, seed, or other product or article, subject to the restrictions of this section, a quarantine with respect to which shall have been established by the Secretary of Agriculture under the provisions of this act shall, when transported to, into, or through any State, Territory, or District, in violation of such quarantine, be subject to the operation and effect of the laws of such State, Territory, or District, enacted in the exercise of its police powers, to the same extent and in the same manner as though such nursery stock, plant, fruit, seed, or other product or article had been produced in such State, Territory, or District, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise."

Mr. HAUGEN. Mr. Chairman, I move that the committee rise and report the resolution back to the House with favorable recommendation.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. BURTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the resolution (S. J. Res. 78) for the amendment of the plant quarantine act of August 20, 1912, to allow the States to quarantine against the shipment therein or through of plants, plant products, and other articles found to be diseased or infected when not covered by a quarantine established by the Secretary of Agriculture, and for other purposes, had directed him to report the resolution back to the House with the recommendation that the same do pass without amendment.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the Senate joint resolution was passed was ordered to be laid on the table.

AMENDMENT OF THE TRADING WITH THE ENEMY ACT

Mr. PARKER. Mr. Speaker, I move to take from the Speaker's table Senate bill 1226, insist on the House amendments, and send the bill to conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table Senate bill 1226, insist on the House amendments, and agree to a conference. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 1226) to amend the trading with the enemy act.

The Speaker appointed as the conferees on the part of the House Mr. PARKER, Mr. COOPER of Ohio, and Mr. LEA of California.

STATE, JUSTICE, COMMERCE, AND LABOR DEPARTMENTS APPROPRIATION BILL

Mr. SHREVE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9795) making appropriations for the Departments of State, Justice, Commerce, and Labor, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill (H. R. 9795) making appropriations for the State, Justice, Commerce, and Labor Departments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes.

The SPEAKER. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. SHREVE, Mr. TINKHAM, and Mr. OLIVER of Alabama.

PROTECTION OF FOREST LANDS

Mr. HAUGEN. Mr. Speaker, I call up the bill (S. 3108) to amend section 2 of the act of June 7, 1924 (43 Stat. L. p. 653), as amended by the act of March 3, 1925 (43 Stat. L. p. 1127), entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor."

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3108, with Mr. BURTON in the chair.

The Clerk read the title of the bill.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the second sentence of section 2 of the act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 7, 1924 (43 Stat. L. p. 653), as amended by the act of March 3, 1925 (43 Stat. L. p. 1127), is further amended by striking out the words "and for which in all cases the State renders satisfactory accounting" and substituting the following: "and the Secretary of Agriculture is authorized to make expenditures on the certificate of the State forester, the State director of extension, or similar State official having charge of the cooperative work for the State that State and private expenditures as provided for in this act have been made," so that section 2 as amended will read as follows:

"Sec. 2. If the Secretary of Agriculture shall find that the system and practice of forest-fire prevention and suppression provided by any State substantially promotes the objects described in the foregoing section, he is hereby authorized and directed, under such conditions as he may determine to be fair and equitable in each State, to cooperate with appropriate officials of each State, and through them with private and other agencies therein, in the protection of timbered and forest-producing lands from fire. In no case other than for preliminary investigation shall the amount expended by the Federal Government in any State during any fiscal year, under this section, exceed the amount expended by the State for the same purpose during the same fiscal year, including the expenditures of forest owners or operators which are required by State law or which are made in pursuance of the forest-protection system of the State under State supervision, and the Secretary of Agriculture is authorized to make expenditures on the certificate of the State forester, the State director of extension, or similar State official having charge of the cooperative work for the State that State and private expenditures as provided for in this act have been made. In the cooperation extended to the several States due consideration shall be given to the protection of watersheds of navigable streams, but such cooperation may, in the discretion of the Secretary of Agriculture, be extended to any timbered or forest-producing lands or watersheds from which water is secured for domestic use or irrigation within the cooperative States."

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the same do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BURTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (S. 3108) to amend section 2 of the act of June 7, 1924 (43 Stat. L. p. 653), as amended by the act of March 3, 1925 (43 Stat. L. p. 1127), entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," had directed him to report the same back to the House with the recommendation that the bill do pass.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

COOPERATION WITH TERRITORIES AND OTHER POSSESSIONS OF THE UNITED STATES IN THE PROTECTION OF FOREST LANDS

Mr. HAUGEN. Mr. Speaker, I call up Senate Joint Resolution 37, authorizing the Secretary of Agriculture to cooperate with Territories and other possessions of the United States under the provisions of sections 3, 4, and 5 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to pro-

mote the continuous production of timber on lands chiefly suitable therefor."

The SPEAKER. This resolution is on the Union Calendar and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 37, with Mr. BURTON in the chair.

The Clerk read the title of the bill.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the first reading of the resolution be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the resolution be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Resolved, etc., That the Secretary of Agriculture is hereby authorized to cooperate with Territories and other possessions of the United States on the same terms and conditions as with States under sections 3, 4, and 5 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 7, 1924.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the resolution to the House with the recommendation that the same do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BURTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration Senate Joint Resolution 37, authorizing the Secretary of Agriculture to cooperate with Territories and other possessions of the United States under the provisions of sections 3, 4, and 5 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," had directed him to report the same back to the House with the recommendation that the resolution do pass.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

PROTECTION OF THE WATERSHEDS OF NAVIGABLE STREAMS

Mr. HAUGEN. Mr. Speaker, I call up the bill (H. R. 271) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 271, with Mr. BURTON in the chair.

The Clerk read the title of the bill.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any moneys in the United States Treasury not otherwise appropriated, to be expended under the provisions of section 7 of the act of March 1, 1911 (36 Stat. L. p. 961), as amended by the acts of March 4, 1913 (37 Stat. L. p. 825); June 30, 1914 (38 Stat. L. p. 441); and the act of June 7, 1924 (Public, No. 270); \$3,000,000 available July 1, 1926; \$3,000,000 available June 1, 1927; \$3,000,000 available July 1, 1928; \$3,000,000 available July 1, 1929; \$3,000,000 available July 1, 1930; \$5,000,000 available July 1, 1931; \$5,000,000 available July 1, 1932; \$5,000,000 available July 1, 1933; \$5,000,000

available July 1, 1934; \$5,000,000 available July 1, 1935; in all, for this period, \$40,000,000, to be available until expended.

With the following committee amendment:

Page 2, line 4, after the figures "270," strike out all of the balance of line 4 and all down to and including the word "expended" in line 22 and insert in lieu thereof the following: "\$2,000,000 to be available for expenditure during the fiscal year ending June 30, 1928; and \$2,000,000 to be available for expenditure during the fiscal year ending June 30, 1929."

Mr. HAUGEN. Mr. Chairman, I move that the committee amendment be agreed to.

Mr. DAVEY. Mr. Chairman, I move to strike out the committee amendment.

Mr. RAMSEYER. Mr. Chairman, I make the point of order that that motion is not in order.

Mr. HAUGEN. Mr. Chairman, a motion is pending that the committee amendment be agreed to.

The CHAIRMAN. The Chair suggests to the gentleman from Ohio that the proper action for him to take is to oppose the committee amendment and not to propose that the language which he favors shall be stricken out, for until the committee amendment is adopted the provision which the gentleman desires to have remain is in the bill.

Mr. DAVEY. Mr. Chairman, I would like to oppose the committee amendment. As I understand, this bill in its original form was proposed by the conservation forces of this country; that the bill was introduced in the Senate by Senator McNARY and has passed the Senate committee in its original form. For some strange reason our House Committee on Agriculture proposes to take the heart out of the bill.

The original proposition was for an authorization of \$40,000,000 spread over a period of 10 years. This has been reduced by the committee amendment to \$4,000,000, to be expended over a period of two years.

It simply means, gentlemen of the House, that we are indulging in horseplay with the great problem of conservation. It seems to me that from the standpoint of conservation the American people would be better off to have no bill than to have the gesture that is being made by the Committee on Agriculture, because the paltry sum of \$4,000,000 will make no material dent in this great problem.

I understand the committee followed the theory they did not want to bind succeeding Congresses, but we violate that theory over and over again. Just a little while ago this House passed a buildings bill of \$165,000,000 binding succeeding Congresses and administrations. We do that over and over again, and that theory falls flat. It is used as an excuse to cut down an appropriation for one of the most important things affecting America.

Mr. ASWELL. Will the gentleman yield?

Mr. DAVEY. I would rather not just now.

Why, gentlemen of the committee, I am amazed that so paltry a sum should be set aside for a problem so great and fundamental as the saving of America from a treeless situation. I can not understand the philosophy that would give only \$4,000,000 to this purpose and would set aside \$165,000,000 to build monumental buildings of stone all over the country. What will those buildings amount to if you have no trees? We have devastated our forest wealth at such a fast pace that we will pay the penalty within a few years. It was said just two or three years ago by the distinguished Governor of Pennsylvania that, in his judgment, there would be a lumber famine in this country within 25 years. He may be overstating the case a little bit, but it is only a question of a relatively short time until America will pay a terrific price for its folly of neglect in this matter.

If we have the welfare of the future of America at heart, we can not sit by and allow a small sum of only \$4,000,000 to be authorized for so great a problem. It seems to me it is a civic crime that Congress has so long neglected one of the most important problems confronting us.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WOODRUFF. Mr. Chairman, I rise in opposition to the committee amendment.

Mr. Chairman and gentlemen of the committee, the bill now before the committee is a bill I introduced in the House. As the gentleman from Ohio has stated, an identical bill has been introduced in the Senate, and the Senate Committee on Agriculture has reported the bill out as it was introduced, carrying an authorization for the full \$40,000,000 over a period of 10 years.

This same bill was introduced in the Sixty-eighth Congress. In that Congress it was likewise reported out by the Senate committee. When the Committee on Agriculture of the House

this year called for a report from the Bureau of the Budget and the Department of Agriculture on this bill, the Bureau of the Budget limited its approval to the program in the manner outlined by the committee amendment.

It is interesting to know that the Bureau of the Budget made another report on this same bill a year ago, and I am going to read that to the committee.

In a letter to the chairman of the Senate Committee on Agriculture and Forestry, dated January 22, 1925, written by Howard M. Gore, Secretary of Agriculture, he states:

Senate bill 3736 would authorize an appropriation of \$3,000,000 for the fiscal year beginning July 1, 1926, and a like amount for each of the four succeeding fiscal years. This would be followed by an authorization for an appropriation of \$5,000,000 for each of the five successive fiscal years beginning July 1, 1931.

And then below he states:

Submitted to the Bureau of the Budget, pursuant to Circular No. 49 of that bureau, and returned to the Department of Agriculture under date of January 30, 1925, with the advice that the foregoing is not in conflict with the financial program of the President.

Now, one year ago the Bureau of the Budget approved this bill in its entirety. It approved an authorization for \$40,000,000 to be expended for the purchase of lands for reforestation purposes over a period of 10 years. Surely at that time the Bureau of the Budget and the administration, together with the Department of Agriculture, appreciated the importance of this legislation.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. WOODRUFF. Gladly.

Mr. MADDEN. Of course, the gentleman must understand that since that time we have reduced the taxes \$387,000,000.

Mr. WOODRUFF. Oh, I understand that perfectly, and the gentleman further understands that since the taxes have been collected for this quarter, we have something like \$100,000,000 over what we expected to receive.

Mr. MADDEN. I think they collected more than they counted on, but nobody can estimate just exactly what that means, for the reason that many people may have paid their taxes for the entire year.

Mr. WOODRUFF. Oh, yes; but the gentleman from Illinois knows very well that the same condition exists every year and that all those things are taken into consideration when statements are issued at the Treasury Department relative to the probable income of the Government for any one tax-paying year.

Mr. MADDEN. No; they can not very well do that, because nobody can tell.

Mr. WOODRUFF. They have the same situation confronting them every year.

Mr. MADDEN. I know that.

Mr. WOODRUFF. And they prophesy what the income of the Government for that tax-paying year will be at the end of the year.

Mr. MADDEN. And I may say they frequently make mistakes.

Mr. WOODRUFF. Yes; and I will say for the benefit of the committee that in every prophecy made by the Secretary of the Treasury relative to the probable income to be received by the Government from the taxpayers of this country he has been hundreds of millions of dollars under the actual receipts.

Mr. MADDEN. If the gentleman will let me interject one statement in his remarks, I will be pleased.

Mr. WOODRUFF. I will be very glad to do that.

Mr. MADDEN. I want to say I am unequivocally opposed to the increase of the sum over the recommendation of the committee because if you continue doing that you are going to create a deficit and you are going to put the finances of the country in such shape we will have to raise additional taxes.

Mr. HASTINGS. Will the gentleman yield?

Mr. WOODRUFF. Yes.

Mr. HASTINGS. I just want to call attention to the fact that this appropriation is spread over a number of years.

Mr. WOODRUFF. Yes; it is spread over a period of 10 years, and in no year will there be a charge of more than \$5,000,000 against the Treasury. Now, I want to answer the gentleman from Illinois when he states there will be a deficit.

Mr. MADDEN. I am talking about this matter and other matters of appropriation.

Mr. WOODRUFF. I understand, and I will say it is my understanding that when the legislative program—

Mr. DAVEY. Will the gentleman yield?

Mr. WOODRUFF. Not just now. Every Member of this House knows perfectly well that any legislation, which does not have the approval of the steering committee and the leaders of the House, has not a chance to appear here for the con-

sideration of the House. In the last Congress, as a result of the activities of some of us, the rules were amended to permit the House to govern itself. In that Congress it was possible for the Members, if a majority was not in agreement with the committees having legislation under consideration, or if they were not in harmony with the steering committee, to take such action as in their judgment seemed wise. All this is changed, however, as the present House repealed the rules adopted in the Sixty-eighth Congress and thereby the Members obediently shackled themselves to such an extent that they now find themselves in a condition where the will of the leaders, so far as calling up legislation is concerned at least, is of necessity the will of the Members themselves.

Mr. CHAIRMAN, the legislative program was agreed upon by the steering committee when the amount of tax reduction had been determined and before the tax receipts were known. When the program was agreed upon the Secretary of the Treasury was prophesying a small deficit, approximately \$20,000,000, at the end of two or three years. Since that time, however, the first quarterly payment of taxes has been made, and instead of receiving the amounts the Treasury Department expected, these amounts have been so increased that it is now announced by the department that the excess over the amount anticipated will approximate \$100,000,000. The gentleman from Illinois has in mind other appropriations to be made from the Treasury. Of course he has. So had the steering committee when it agreed upon the legislative program. No doubt this bill as amended was approved by the leaders of the House at that time and was a part of their program. It must have been, otherwise you gentlemen would not have an opportunity to-day to vote upon it. If we strike out the committee amendment, we increase the demands upon the Treasury this year only \$1,000,000. Next year and the three following years a like amount. Five million dollars would be authorized for the five following years. In view of the vast increase in tax receipts over those estimated by the Secretary of the Treasury, I fail to appreciate the concern which some of the Members feel as to the condition of the Treasury should the committee amendment be defeated.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WOODRUFF. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOODRUFF. Gentlemen of the committee, there is no one who will be more careful about bringing a deficit upon this country than I will be. I do not ever want to see a deficit facing this country. I am satisfied, and the conditions I have just outlined have convinced me, that even should we adopt a bill authorizing double the amounts of appropriations carried in my original bill, there will be no deficit at the end of this year nor in the next 10 years.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. WOODRUFF. I will.

Mr. CHINDBLOM. Has the gentleman any information that the corporation tax has been increased?

Mr. WOODRUFF. I have the same information that the gentleman has. I know the capital-stock tax has been repealed and the corporation tax has been increased to offset the loss occasioned by the repeal of that tax.

Mr. CHINDBLOM. The receipts indicate that there will be a reduction in the corporation tax.

Mr. WOODRUFF. Then the experts of the Treasury Department and the members of the Finance Committee of the Senate are poor mathematicians. They knew the amount derived from the capital-stock tax and the amount derived from the corporation tax. They must have known how much it would be necessary to increase the one to offset the loss on the other.

Mr. CHINDBLOM. None of them have said that the prospective corporation tax will be increased.

Mr. WOODRUFF. Everybody knows that when they raised the corporation tax they believed that would offset the loss occasioned by the repeal of the capital-stock tax, and the purpose of the repeal of the capital stock itself was not to reduce the tax on the corporation, but to get rid of the nuisance of making a separate return on their capital stock.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVEY. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from Michigan may have five minutes more. Is there objection?

There was no objection.

Mr. WOODRUFF. I think every man here, certainly every man here ought to know what the situation in the country is relative to our forests. I wonder how many of you know that to-day there is being consumed in this country five times the amount of timber that grows each year in the country. Our timber supply is limited. It is growing more limited each year, and a man does not have to be much of a mathematical expert to realize that the time is coming very soon when we will have no forests in the country unless something very substantial is done to replace these denuded forests. There are many millions of acres of land in this country that are worthless for anything but the growing of timber. This bill proposes to put these now worthless lands to work. I do not want to go further into this, because I know the Members feel the gravity of the situation as well as I do.

I want to say again that in view of the fact that the Bureau of the Budget a year ago approved of this identical measure, that they approved of it in its entirety, that since that time the Congress has given to the taxpayers of the country \$387,000,000 in reduction of taxes, and that there will be a surplus at the end of the taxpaying year, it is my sincere hope the House will vote down the committee amendment.

Mr. RAGON. Will the gentleman yield?

Mr. WOODRUFF. Yes.

Mr. RAGON. In your bill you set out a 10-year program for forest conservation?

Mr. WOODRUFF. Yes.

Mr. RAGON. And the committee amendment reduces it to a two-year program?

Mr. WOODRUFF. Yes.

Mr. RAGON. Do they make the same appropriation for the two years that was made in your bill for a 10-year program?

Mr. WOODRUFF. They do not. In my bill there was provided \$3,000,000 a year for the first five years and \$5,000,000 a year for the second five years. The committee has reported a committee amendment with only \$2,000,000 for each of two years.

Mr. RAGON. What is the attitude of the people who have the forest conservation in this country in charge?

Mr. WOODRUFF. A year ago the Secretary of Agriculture was in favor of the original program. I believe the officials of the Forest Service were for it without exception. The spokesmen for that service now find themselves in a delicate situation as a result of the most recent mandate from the Bureau of the Budget, and while the witnesses from the Forest Service appearing before the committee did not urge the adoption of the bill in its entirety it is significant that not one word was said against it by any one of them. I believe every Member of the House should realize the situation that exists and be for the bill as originally introduced.

Mr. RAGON. I think I am.

Mr. WOODRUFF. The conservation organizations of the country, the organizations interested in wild life, in playgrounds, everywhere, have indorsed the bill and there is no objection to it from any source, except that which comes from the Bureau of the Budget and the Agricultural Committee.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. TINCHER. Mr. Chairman, I rise in support of the committee amendments. This proposition comes before the House in a peculiar way. In the first place it is not the only conservation law we have in the United States. We have the national forests, we have the Weeks law, we have the Clark law passed by this Congress.

Mr. DAVEY. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. DAVEY. I want to call attention to the report of the United States Forest Service published in 1920, in which they say there are 81,000,000 acres of land fully cut and burned and unproductive and that that land still remains unused.

Mr. TINCHER. Well, I have yielded, but that has not one earthly thing to do with this. Here is what happened. The Committee on Agriculture without a single exception are as seriously conservationists as is the gentleman from Ohio or any other man. They were confronted with a practical proposition, they are serious minded, and on this feature of conservation the Department of Agriculture and the Budget Bureau agreed that there should be but \$2,000,000 a year expended in the next two years.

The gentleman comes here now and questions the sincerity of the Committee on Agriculture in its entirety, as to its members being conservationists. Instead of appearing before the committee as an industrious, hard-working Congressman has a right to do, the gentleman waited until we reported out the bill, and then comes into the House of Representatives and

takes his place on the floor and denounces us for our lack of being faithful on the subject of conservation, because, forsooth, we would not carry on his little playhouse by advertising him as a great conservationist. Some of us were conservationists when he was still studying treeology, and some of us love the trees as much as he does, with all of his advertisement. The gentleman has no right to impugn the good faith of this committee in reporting out a program that is in keeping with the recommendations of the department and charge us with lack of loyalty to a program of conservation.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. WOODRUFF. The gentleman knows that I have not impugned the action of the committee.

Mr. TINCHER. Oh, no; the gentleman from Michigan has not been writing any round-robin letter.

Mr. WOODRUFF. The action which the committee took relative to this bill was taken before the tax returns had been made, was it not?

Mr. TINCHER. No.

Mr. WOODRUFF. Well, it was at a time before the tax returns were in, when everybody looked forward to a deficit in the Treasury as a result of the tax reduction.

Mr. TINCHER. Oh, I do not agree to that statement. I never looked forward to a deficit. I agree with the gentleman in one way, that whenever Mr. Mellon says that we are going to have a surplus of \$11,000,000, I look forward to a surplus of \$111,000,000, because he runs the Government just like every successful business man runs his business, and he overestimates the deficit and underestimates the income, and so long as he runs the Government in that way it will be in good shape. [Applause.]

Mr. WOODRUFF. Inasmuch as the gentleman has just made the statement he has, can he consistently say to this committee this afternoon that if we adopt this bill as originally introduced we will have a deficit facing us at the end of the fiscal year?

Mr. TINCHER. No; I would not say that, but if we let enthusiasts with a round-robin letter denounce the committees reporting out authorizations and appropriations, and have them write the bills instead of the committees that hear the testimony and talk to the departments, we surely will have a deficit.

Mr. WOODRUFF. But this is my bill.

Mr. TINCHER. And the gentleman did not write us all a letter.

Mr. WOODRUFF. I did not.

Mr. TINCHER. So far as I am concerned, my answer to the letter is this, that if the committee amendment is not adopted, then the bill should go back to the Committee on Agriculture for further consideration, because I do not think we ought to write laws with round-robin letters.

Mr. RAGON. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. RAGON. What was the committee's reason for reviewing the Woodruff bill and making this two years?

Mr. TINCHER. The department asked for it; the Budget asked for it; and I am not sure that this is a good program for conservation. I am not sure that this 10-year plan is a good plan, and I believe about half the Committee on Agriculture will agree with me upon that.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. TINCHER. Mr. Chairman, I ask unanimous consent for three more minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAGON. Mr. Chairman, I am asking the gentleman for information. The gentleman speaks of the department. From what department has he a report against this bill? The Agricultural Department?

Mr. TINCHER. The people who spend the money. You can not go and say to them "The gentleman from Ohio [Mr. DAVEY] is a great conservationist; he is the only lover of trees in the whole world, and here is \$4,000,000; you buy \$4,000,000 worth of land instead of \$2,000,000 worth of land and we tell you to do that, although the committee is unanimous against doing it, but the gentleman wrote a round-robin letter and everybody has jumped into the band wagon now, and you have got to buy that land, whether you have got the money or not, or whether you think it is a good conservation program or not." So far as I am concerned, as I have said before, if you defeat the committee amendment, then I think the bill ought to go back to the committee for further consideration.

Mr. GREEN of Iowa. Mr. Chairman, I think the members of the committee have forgotten the situation with respect to the revenue bill. Nobody predicted a deficit, so far as I know,

for this year. I did not. I said that there would be a surplus for this fiscal year. It is to the years 1927 and 1928 and from then on that we have to look with care. There are more than \$100,000,000 of reductions carried by the tax bill that are not in force yet.

Mr. TINCHER. And if we adopt the policy of appropriating for the pet subjects of every enthusiast in this House between now and the day of adjournment, we will have authorized an appropriation of half a billion dollars in that time in new appropriations. Are we going to do that, with round-robin letters telling us what to do, or are we going to stand by the committees and the departments of the Government in what they ask?

Mr. DAVEY. Mr. Chairman, in view of the remarks of the gentleman from Kansas [Mr. TINCHER], I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

Mr. TINCHER. Mr. Chairman, the gentleman declined to yield to me when I wanted to ask him a question. The time for debate upon this amendment is exhausted. I do not want to be unfair, but when he had the floor I wanted to ask him a question. Ten minutes were consumed against the amendment and six or seven for it.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DAVEY. Mr. Chairman and gentlemen of the House, it was not my thought in opposing the committee amendment to put this upon the basis of personality. It is not a question as between the gentleman from Kansas and myself. It is a question involving a great principle, and I think that, representing a great district as I do, equally great, I think, with that represented by the gentleman from Kansas, sovereign in its own right, I am well within my own right in proposing any amendment to legislation that I see fit. And if I have that argument, then it seems to me there is nothing improper in that line. I am perfectly glad to assume the responsibility for the letter that was sent to the membership of this House, and I meant every word I said in that letter.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. DAVEY. Yes.

Mr. TINCHER. Why did you not come to the Committee on Agriculture and give us your views? Why did you not come before the committee?

Mr. DAVEY. Well, that is water that is over the dam.

Mr. TINCHER. Why did you not do that instead of condemning us as a committee? Why not follow the regular channel?

Mr. DAVEY. I have my duty and my right also. I want to say that in my judgment this paltry sum of \$4,000,000 is a mere gesture, and it will not begin to solve the problem. I was told last summer that one-fifth of the forest land in the State of Michigan has gone back to the State for nonpayment of taxes, because it had been so stripped of its timber and robbed of its value that there was no use in paying taxes on it any longer. The owners turned it back. The State of Michigan is absorbing the loss of tax revenue on that land because of devastation. This is a great problem, affecting the welfare of America. It is not a question of enthusiasm, but a question of economics.

Mr. STRONG of Kansas. Mr. Chairman, will the gentleman yield there?

Mr. DAVEY. Yes.

Mr. STRONG of Kansas. I have some constituents living in my district who own land in Michigan, and their complaint is that the State of Michigan is overtaxing nonresidents. That is the reason assigned for the land going back to the State.

Mr. DAVEY. That is the reason they assign, but the situation is as I have stated it.

Mr. GREEN of Iowa. It is only a million dollars a year.

Mr. DAVEY. If that is so, why is this committee against the increase? Why is there an objection to passing it?

Mr. GREEN of Iowa. That was the determination of the committee.

Mr. DAVEY. The committee is made up of individual Members of this House. They are entitled to respect only so far as their judgment is right. I am casting no reflection on the members of the committee. I admire and respect them just the same as every other Member of the House. But I have convictions on this subject, and I shall not alter those convictions to indulge in personalities. This is a great fundamental problem affecting your country and mine, and it seems to me we ought not to play with it in a small, petty sense.

Mr. JONES. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. JONES. I do so for the purpose of saying just a word or two. Inasmuch as directly and indirectly some criticism has been leveled against the committee, I want to say that the committee has considered this question. The bill, as originally drafted, provided for a 10-year program. All the change that the committee made for the next two years was to reduce the authorization for those two years by \$1,000,000 each; that is, to reduce the appropriation to \$3,000,000 for 1928 and to \$3,000,000 for 1929. It leaves the authorization for the ensuing number of years, whatever the number is, open for action when the time comes.

At any rate, the bill came before us with the authorization of 10 years. I do not believe that any committee, however wise it may be, can tell how much we shall need for conservation, or this element or phase of conservation, 10 years from now.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. JONES. In a moment. The committee saw fit for the year 1928 and for the year 1929 to authorize \$2,000,000 and then left the problem open for determination when the issue should arise. Otherwise here would be an authorization for appropriations 10 years from now, at which time we might want an entirely different program. We might need a greater appropriation or we might need a less appropriation. The Committee on Agriculture will perform its duty when we face that proposition.

Mr. DAVEY. I would like to call the attention of the gentleman from Texas to the fact that you can not grow trees in two years. It is a matter of a lifetime.

Mr. JONES. I know; and you can not grow trees with an authorization now to be effective 10 years from now. I think I am as much of a conservationist as anybody here; but this Congress has a duty, speaking of taxes, to the constituency of this country. It is a real duty. It is a duty not to go wild. The people of this country believe, and rightly believe, in Government economy, in the elimination of every unnecessary expense. We must have conservation not only of the forests but also of the funds of this country. The Clarke-McNary Act provided for the general program of conservation through the years. We are now determining the appropriation for carrying out that act. Inasmuch as appropriations must be made annually, what is the necessity of authorizations so far in advance? Why have authorizations now of money to be available 10 years from now?

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. WOODRUFF. I want to say, in response to what the gentleman has just stated, that I do not believe there is any sentiment anywhere in the country, except in the Bureau of the Budget and in the Committee on Agriculture, to curtail the program. What we want to do is to lay down a definite program and not go along in this haphazard way.

Mr. JONES. It is not a question of curtailment, but of authorizations from time to time of such funds as are advisable. Does not the gentleman think that Congress, when it has the condition before it eight years from now, will be better able than we now are to tell what the needs at that time may be?

Mr. WOODRUFF. No; I do not believe anything of the kind.

Mr. JONES. Well, then, I have no regard for the opinion of the man who entertains that idea.

Mr. WOODRUFF. The gentleman asked me another question, and I would like to answer it.

Mr. JONES. You did answer it.

Mr. WOODRUFF. No, I did not; but I can.

Mr. LAZARO. We passed a 10-year public building bill, did we not?

Mr. JONES. Yes; but I did not vote for it.

Mr. LAZARO. Does not the gentleman think it will take longer to grow trees than to erect public buildings?

Mr. JONES. Yes. But if we adopted this policy all the way along, all the other committees might as well adopt a 10-year program and then go home and turn it over to the Committee on Appropriations and let them run the Congress for 10 years following.

Mr. LEAVITT. Mr. Chairman, I move to strike out the last two words. I do not wish to take the floor in opposition to the committee, but I do wish to clear up what I think is an entire misconception of the situation. We are speaking here about wealth and about deficits as though the only wealth of the Nation and as though the only deficits with which the Nation could be confronted are those of money.

Twenty years ago Theodore Roosevelt said that the greatest internal problem then confronting the American Nation was the preservation of America's forests. It is an even greater problem to-day.

Mr. MADDEN. He was not the only man who said that.

Mr. LEAVITT. We can not work out a program on a two-year basis when we are handling the conservation problem, which extends forward into the ages. I want to be understood on that point. A two years' appropriation does not meet the conservation situation. It may meet the financial situation so far as the tax bill and the financial program with regard to money alone are concerned.

Mr. MADDEN. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. MADDEN. Or for a little information, perhaps. A number of years ago, while I was a Member of the House, early in my experience, the so-called Weeks conservation bill was passed. It passed with the understanding that we were going to spend \$9,000,000, if I recall correctly, yet we have already spent \$15,000,000. So we have not been stopping in our progress on this question. We did not agree then that we were going to proceed, but we have proceeded and it is fair to assume that, having entered upon this policy, we are going to continue it. But there is no reason why we should obligate years in advance and place mortgages on the receipts of the Government and on the taxpayers until we know just what the situation is.

Mr. DAVEY. Was the gentleman from Illinois for the public buildings bill?

Mr. MADDEN. Oh, yes; and I am proud to have voted for it, because it is one of the instrumentalities that is more needed in this country than anything else.

Mr. DAVEY. And that placed a mortgage on the future revenues of the country?

Mr. MADDEN. No; we did not place any mortgage on them. We have not placed a mortgage until we make the appropriations.

Mr. LEAVITT. Mr. Chairman, I am not yielding for anything except a discussion of this bill. The gentleman from Illinois has stated that because of the history of the past undoubtedly we are going forward with this forestry program. I have faith to believe that that is so.

I can not believe that the Congress of the United States could be so unwise as to follow any other policy than that. But the statement that we do not need to look ahead more than two years when we are speaking from a forestry standpoint is incorrect.

In the report of the committee itself there is this statement:

The difficulty in properly planning the purchase of lands under varying appropriations is affecting the efficiency and economy of the work of the department. It appears that a fiscal program is necessary if the department is to carry out effectively an acquisition program such as it is believed will accomplish the purposes intended by the Weeks Act and the Clarke-McNary Act.

Now, that goes to the meat of this situation. It is necessary in acquiring these great areas of cut-over lands and of forest lands that they be in areas of such size and under such conditions that they can be properly and economically administered. We have got to put into the hands of this commission an ability to look forward to a period not only of two years. Ten years is short enough. It should extend into the future even further than that, so that we can look to the solution of a problem which will otherwise confront us in the form of a deficit of resources, more menacing to this Nation and more dangerous to this Nation than any deficit which could come to the Treasury of the United States.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. LEAVITT. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. The gentleman from Montana asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Chairman, I take the statement made by the chairman of the Appropriations Committee as a pledge that this is only a temporary situation and that this two-year limit does not express either the ideas of the Appropriations Committee or of the Committee on Agriculture. If it did this would be one of the most serious hours in the history of our country. If it were not the firmly fixed principle and purpose of this Congress to carry on this program to restore our devastated areas and again put to the use of our people the great resources of our mountains and forest lands, the preservation of the watersheds, and in that way to insure the future prosperity of our country, it would be most serious indeed.

I emphasize that I am against the retention of this amendment as a matter of principle. Because of the years that I spent as a forester, I shall vote against this amendment. I think the principle at stake is greater than the question of

whether we shall have a deficit of \$1,000,000 or \$2,000,000 in the Treasury of the United States next year. Let us look ahead 50 years or 100 years. Let us look into the future of our country as well as into what the situation might be next week or next year. [Applause.]

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. COOPER of Wisconsin. Is it true—I have been so informed—that the Bureau of the Budget last year indorsed the 10-year program?

Mr. LEAVITT. It did. I think the 10-year program is short enough. We may lose not only the \$1,000,000 we are failing to provide for next year, but we are chancing the loss of hundreds of millions of dollars through the reductions in this bill. We are losing money rather than saving it.

Mr. MADDEN. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. MADDEN. How does the gentleman calculate we are going to lose hundreds of millions of dollars? The gentleman made the statement that we are going to lose hundreds of millions of dollars, and I would like to know how he arrives at those figures.

Mr. LEAVITT. Under proper forestry practice the resources of a forest are eternal; they never run out; but if we let an area go unprotected for a period of years after it has been cut over, it may become burned over and eroded, though it was of such a character that it has raised a forest and could do so again. Thus we have destroyed permanently a resource of our country. [Applause.]

The CHAIRMAN. The time of the gentleman from Montana has again expired.

Mr. FORT and Mr. MADDEN rose.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey, a member of the committee.

Mr. FORT. Mr. Chairman, I rise in favor of the committee amendment. When the bill first came before the committee, as a member of the committee I favored the original proposal in the bill as introduced, calling for a 10-year program.

I believe with the gentleman from Montana and the gentleman from Ohio that there are few subjects of greater interest, few subjects of ultimately greater value to the Nation than proper forest conservation. At the same time, I found we had already adopted the long-range policy to which they refer in the passage of the so-called Weeks Act and other like legislation. The purpose of the bill before the House is to authorize appropriations to continue this policy. The Weeks Act carried appropriations for five years. This bill grants appropriations for a further period.

Mr. DAVEY. Will the gentleman yield?

Mr. FORT. Yes.

Mr. DAVEY. I would like to call the attention of the gentleman to the fact that the great weakness in the existing legislation is the lack of appropriations to carry it out.

Mr. FORT. I appreciate that. If the gentleman will permit, the situation is that the Government has entered upon a long-range policy of conservation, leaving it to successive Congresses to determine how much money shall be spent each year in the furtherance of that policy.

The appropriations which the gentlemen urge, therefore, are not necessary in order to establish this Nation definitely upon the policy of forest conservation. If I believed that a failure to adopt the bill in the form originally proposed would mean that there would be no further appropriations after 1928, I would vote with the gentlemen who oppose this amendment; but I regard this as a definite continuance of existing policy. Mr. Chairman, it should also be stated that this is not a two-year program; it is a three-year program. The appropriation for next year is already made. The committee amendment supplies appropriations for the two ensuing years. Therefore, if the bill be adopted with the committee amendment we are definitely giving the department for its guidance advice as to how much money it will have in the next three years.

In the second place, I am for the committee amendment because it is my sincere belief that its defeat will mean no appropriation at all, and since I believe that to be the fact, and since I believe that we should have appropriations, I am personally supporting the amendment as a believer in a continuous and long-term policy.

Mr. DAVEY. Will the gentleman again yield?

Mr. FORT. Yes.

Mr. DAVEY. The gentleman, I think, is aware that the Senate committee has approved the original program in full?

Mr. FORT. The Senate committee has, but this House has not and the Senate has not.

Therefore, Mr. Chairman, because I believe in conservation, because I believe the department should have as long advance notice as we can possibly give it of how much money it will have available for its expenditure under this act, I am in favor of the committee amendment.

Mr. LEAVITT. Will the gentleman yield?

Mr. FORT. Yes.

Mr. LEAVITT. The House, then, can be assured from what the gentleman says that it is the program of the Committee on Agriculture to carry on this work?

Mr. FORT. I can speak only for myself.

Mr. LEAVITT. And the program of two years is not the expression of any permanent policy, but is simply to meet the present situation.

Mr. FORT. That is my own view in supporting the amendment. I can not speak for the other members of the committee.

Mr. MADDEN. Mr. Chairman, long before the gentlemen who are so solicitous about forest welfare came here the policy of preserving the forests was entered upon by the Congress, and it was not then believed we would need such vast amounts of money as it seems we need now. The program then called for \$9,000,000 at the rate of \$1,000,000 a year. The commission that was authorized to buy the land, I think it may fairly be said, has had some trouble spending the \$1,000,000. It is about as much as they can well and systematically expend in a year; but we have gone beyond the \$9,000,000.

Mr. LEAVITT. Will the gentleman yield for a question?

Mr. MADDEN. In just a moment I will.

We have gone beyond the \$9,000,000, and we have already spent \$15,000,000. I am in favor of reforestation, but I am also in favor of conservation of the resources of the men and the women of the country who earn the money to pay the bills.

Mr. LEAVITT. Will the gentleman yield now?

Mr. MADDEN. Yes.

Mr. LEAVITT. Is it not true that the original act that the gentleman refers to as being one spending \$1,000,000 a year had to do with the buying of forests for the protection of stream heads only, and that the program has since been broadened?

Mr. MADDEN. It was to rebuild the forests.

Mr. LEAVITT. At the head of streams?

Mr. MADDEN. On the mountain sides.

Mr. LEAVITT. And a broader program has since been adopted.

Mr. MADDEN. And we have paid more money for the land per acre than I think we should have paid, although I assume they got it as cheap as they could.

Mr. LEAVITT. I do not wish to interfere with the gentleman's remarks, but I think it should be made clear that the first act, the Weeks Act, was restricted to the protection of stream heads, and we have now broadened the program.

Mr. MADDEN. I remember very well the Weeks Act, because I was the hurdle that had to be jumped before they could get the bill up for consideration, and therefore I went into it very carefully.

Mr. DAVEY. Will the gentleman yield?

Mr. MADDEN. Not now, please. I would like to make a consecutive statement of what I think on this subject. The gentleman will go back to buildings and things like that that have no place in this discussion.

I do not know how many thousand acres of land the Government has purchased under the Weeks Act, but I do know that the commission has done good work and they have done it at a great personal sacrifice on the part of the members of the commission. I do not suppose we could have picked a commission that would have been entitled to more confidence than the men who are on this commission, and I am perfectly willing to trust the membership of this commission anywhere, feeling that whatever they do will be done in the public interest, without any bias and without any danger along the lines of corruption.

Mr. WOODRUFF. Even to the extent of expending \$40,000,000 over a period of 10 years?

Mr. MADDEN. Yes; or any other sum. It would not make any difference what the sum was.

However, I would like to leave this thought with the membership of the House. You will recall that when the war closed the expenses of the Government for the year after the war were \$18,500,000,000.

These expenses have been cut down until they are less than \$4,000,000,000. By economies instituted we have conserved and preserved and protected the financial integrity of America. We have paid off five and one-half billion dollars of the public debt.

We have reduced the annual interest cost on the public debt as disclosed at the close of the war by \$260,000,000.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks that his time be extended. Is there objection?

Mr. DAVEY. Reserving the right to object, I want to ask the gentleman just one question.

Mr. MADDEN. I refuse to yield.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. We have reduced the tax on three different occasions on the income of the American people: In 1921 we reduced it by \$800,000,000 a year. In 1924 by \$450,000,000; this session of Congress we have reduced the taxes by over \$300,000,000 more. Now, who knows what the income is going to be under the present tax rate? Nobody. There is not a man in the world who can tell. Why should we as trustees of the American people say in advance that we are going to put a new mortgage on the future of the revenues?

Suppose any man here had an estate that he wanted to leave to his son or his wife, and he made a will and put in the will a provision that the first year after he died there should be paid a thousand dollars apiece out of the income of the estate to 20 different people, and the next year \$2,000 apiece to 20 different people. By doing that he would place a mortgage on the income of the estate that might make it impossible for those to whom he left the estate to have a dollar of income from the estate. What you are proposing to do when you place this mortgage on the future income of the country is that you have a fixed charge on the income that is derived from taxes, and it may amount to the total sum of what the income ought to be to run the Government. On top of that you are required to levy a tax for enough more to pay the running expenses of the Government. I want to say to you that such a policy is neither wise nor just nor fair to those who pay the bills to run this Government. While I am as much in favor of conservation and the preservation of the forests as anybody, I think there is a limit beyond which we ought not to place a mortgage on the future income of the Government and the taxing power on the backs of the American people.

Mr. WOODRUFF. The gentleman knows that this bill only authorizes the appropriation?

Mr. MADDEN. All bills of authorization impose a burden. There is where we make the mistake. We sometimes make an authorization and say it does not mean a charge against the Treasury. It does.

Mr. WOODRUFF. Is it not a fact that the Appropriations Committee refuses sometimes to appropriate for matters authorized by the House?

Mr. MADDEN. It is; and they will refuse again. It is only because of their refusal that we have been able to pay \$5,500,000,000 of the public debt since the war. Do not try to impose any new burdens on the taxpayers of the country. [Applause.]

Mr. ADKINS. Mr. Chairman, there has been a good deal of discussion about this proposition and about the loyalty to conservation and all that sort of thing. I do not know of any sensible citizen of the country but who is in favor of the conservation of our national forests and our national resources and, in addition, keeping all our institutions running. Now, in order to do that the interest of the taxpayers of the country must first be kept in mind, and such appropriations made as will permit a reasonable program and still not be burdensome to the people.

Now, as to the Chief Forester, his assistant came before us and was questioned by the committee, and he made a very fair statement. I read from the hearings:

Mr. SHERMAN. Mr. Chairman and gentlemen, the record should indicate clearly my status as a witness before this committee. The report from the Department of Agriculture which has just been read indicates that if the bill were amended so as to provide for an appropriation of \$2,000,000 for the fiscal year 1928, and \$2,000,000 for the fiscal year 1929, that it would not be out of harmony with the financial policy of the Bureau of the Budget. What I have to say should, therefore, not be construed as an argument in favor of an appropriation of any amount or at any time excepting that it may be found to be in harmony with the financial policy of the executive department. That is necessarily the position which I must take before this committee, and a proper position.

Now, we naturally wanted to get all the information available on this matter. It was new to me, and a good many questions were asked about authorizations under the Weeks law and under this law, and I asked Mr. Sherman this question:

Mr. ADKINS. How much appropriation is authorized under this law you are operating under now? What is the extent of the operation?

Mr. SHERMAN. Under the law that we are operating under at the present time there is no limit upon the authorization, because, as the committee on reforestation stated, they believed that there appears to be ample legislative authority for any appropriations for this purpose that the Congress may deem wise from time to time. There is no limit under that, and under this bill they would be restricted and could not include any more than the amount stated in it.

Mr. KETCHAM. I understood you to remark a few moments ago with respect to the total amount purchased or to be purchased under the Weeks law that the total is \$25,000,000?

Mr. SHERMAN. Yes.

All these questions were gone into. I am not questioning the good faith of any of these gentlemen about conservation, and I am not trying to intimate that we should put any curb upon their enthusiasm; but having in mind the recommendations of the Budget, having in mind what is already being done, we did not think that conservation would be endangered if we appropriated \$2,000,000 for these two years specified. I do not think the Congress will go out of business or that anybody is going to lose his faith in or enthusiasm for reforestation when this next appropriation that we authorize is gone. I believe that we ought to either stand by the recommendation of the committee or, as somebody says, we might not get any appropriation at all.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken; and on a division (demanded by Mr. WOODRUFF) there were—ayes, 62, noes 11.

So the amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendment with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BURTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 271 and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business for the remainder of to-day be dispensed with.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that Calendar Wednesday business be dispensed with for the remainder of the day. Is there objection?

Mr. CHINDBLOM. Reserving the right to object, the Agricultural Committee will still have the call?

Mr. TILSON. Oh, yes; that committee has another day.

The SPEAKER. Is there objection?

There was no objection.

LEGISLATIVE APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10425) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative appropriation bill, with Mr. HAWLEY in the chair.

The Clerk read the title of the bill.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield the remainder of my time to the gentleman from North Dakota [Mr. BURTNESS].

The CHAIRMAN. The gentleman from North Dakota is recognized for 22 minutes.

Mr. BURTNESS. Mr. Chairman and gentlemen of the committee, I had not intended to discuss, as I propose to do in

the time allotted, the question of agricultural legislation, until we might have before us the report and recommendations of the Agricultural Committee.

Several factors have caused me to change my mind and account for my appearance now. The bill under discussion seems to have provided a field day for the discussion of almost every subject of interest to the Members and this country. Many people intensely interested in farm legislation, both here and elsewhere, have become somewhat alarmed as we have noticed the existence of certain conditions. We have regretted, for instance, that our friend from Iowa [Mr. DICKINSON] and our friend from Kansas [Mr. TINCHER] seem to be at such divergence as has been demonstrated during these discussions, for we have learned to recognize both of them as leaders of the best thought and of sound views on questions pertaining to agricultural legislation.

The country particularly interested has commenced to fear that the Agricultural Committee may spend all of its time in hearings, rather than in actually getting to the work of writing and reporting a bill. When I say this I do so in no spirit of criticism whatever, because I know they have a tremendous task ahead of them and I recognize fully the necessity of getting the viewpoints of the various people, interests, organizations, and sections concerned. But we do see the session gradually coming to an end, adjournment possibly in a few weeks, and there are some of us who earnestly feel that something worth while can and should be accomplished at this session.

While all of these reasons impelled me to speak at this time, my most immediate purpose is to try to clear away a little of the misunderstanding that seems to exist in many parts of the country, and particularly in the East, as disclosed in the metropolitan press and elsewhere, as to what the people from the West are actually looking for in the nature of agricultural legislation. Sometimes as I read the editorials appearing in such papers as the Washington Post, misrepresenting the views of the farmers, misrepresenting the legislation before us, so that no one could recognize it, my blood fairly boils. The writers of such articles seem to have no conception of what the legislation is.

It is only natural, perhaps, that Members ask me the specific question as to what my attitude is with reference to such legislation and what we hope to accomplish. I want to make it plain at the outset that I am thoroughly opposed to any so-called temporary emergency legislation, something that is proposed to take care of some temporary difficulty, some individual crop, or anything of that sort. I do not believe legislation of that kind is necessary or worth while, but would do agriculture more harm than good in the long run.

It is true that some of our southern friends in the ardor of free-trade speeches on the floor yesterday painted dark pictures as to conditions existing in my State. They deplored our unfortunate situation and suggested relief in going back to the rates of the Underwood tariff law. I could not believe that we would benefit by putting on the free list or lowering the tariff on wheat, flax, wool, butter, cream, sugar, or any other of our crops or livestock products, and I will say to those gentlemen who are worried about North Dakota because its people desire an effective tariff rate on the crops we produce, that while it is true that North Dakota in the agricultural depression this country suffered a few years ago probably went down as low as any State in the country, yet it is also true that there is not a State in all the Union that came back with the rebound or as quickly as North Dakota did. I say further to these men who seem to want to help us by the doubtful method of taking away the protection of the tariff on the crops that we produce, that there is not a State in the Union where any man may go with his family, rent or buy a farm at a fair price, make a living thereon, and obtain a reasonable degree of prosperity with as much certainty as he can in North Dakota. But I must not use up my time in simply eulogizing the splendid opportunities of my State.

If I am opposed to emergency legislation, so-called, I am just as strongly in favor of constructive, permanent farm legislation for the benefit of agriculture as a whole. Oh, some people have told me that we do not need legislation in the Wheat Belt because they say we are getting a good price for wheat now. I am not going to enter into any discussion as to what is and what is not a fair price for wheat. I do, however, want to say to you, as well as to those of my constituents who may entertain views of that kind, that we need all be concerned with future prices even of wheat. We have had rather unusual conditions for the past two years, due to a small world crop. I am convinced that if this year or next year should result in a large world production, together with a large domestic production of wheat, both winter and spring,

we would again see world prices drop, so that if they are the controlling factor, the price to the American farmer would probably not exceed 75 cents. That would be a calamity almost as serious to others as to us in the main wheat-growing States.

The entire country is interested in maintaining the prosperity of the farmer. It must have a continuous supply of good food at fair prices, the more nearly stabilized the prices are the better it is for the consumer and the more content will be the laborers in industry. In fact, capital and labor invested or engaged in other industries can not prosper if the farm population, 45 per cent of the total, is unable to purchase their products. In suggesting constructive, permanent legislation I do so only upon the theory that Congress will recognize the agricultural problem as our friend from New Jersey [Mr. FORB] recognized it on the floor the other day as a national problem.

I demand no unusual favors. I aim to urge only legislation that will give to agriculture the same kind of advantages in a legislative way as other forms of industry obtain from time to time. If we as farmers or as representatives of farming communities are willing to stand upon that principle, asking for no special privileges, you as representatives of industrial sections should be as willing to grant us whatever comes within that category.

Now, there is not anyone who will deny that much of the legislation that Congress has passed from time to time has had stabilizing influences on some or other of the industries of this country. That was the very purpose of passing it. There is not anyone who will deny that the enactment of the Esch-Cummins law, for instance, stabilizes the return upon the railroads of this country, both for the benefit of the owners and the employees. There is not anyone who will deny that the passage of the immigration act, even if it was enacted primarily for another purpose, does stabilize and protect the income of the wage earners of this country, no matter in what industry they may be engaged. There is not anyone who will deny that the Federal reserve act has had a stabilizing influence on some forms of business. There is not anyone who will deny that the Webb-Pomerene Act, making it possible for the business interests of the country to combine, in spite of the Clayton and the Sherman antitrust laws, so far as the sale of their export surplus is concerned, that is in foreign trade, has had a most stabilizing influence over many lines of industry.

I have mentioned just a few outstanding special acts. What is the general means that has been used by this country, from the very beginning, to stabilize business? The most used means is, of course, the tariff. Its use has developed our industries by preventing ruinous competition from abroad, by making possible sales to American consumers at higher than world prices. The result is a society maintained somewhat artificially, but with an American standard of living higher than maintained anywhere else in all the world. In many sections of this country we have arrived at nearly the same point in our views on the tariff; at least it is the view of all political parties in my State, with only few individual exceptions. We have come to believe that the tariff should be fixed in such a way as to cover the difference between the cost of production in this country and the cost abroad, putting us on a competitive basis with the foreign producer, if you please, and yet not on such a basis as to deny to our producers a square deal or a slight advantage in such competition.

It is only natural to ask the question whether agriculture is not also protected in that way, and a frank answer should be given. I think every reasonable man will agree that as to many farm crops and products the tariff does give that sort of protection. It does give it, for instance, to the woolgrower, to the flax producer, to the grower of sugar, to the man who produces lemons, and many commodities of that sort where we produce less than sufficient to meet the needs of American consumption.

But when we come to crops or products of which this country produces an exportable surplus, I think we ought to just as fairly admit that as a general proposition the tariff will not give protection to the same extent or degree. We should remember this, that the tariff except as a pure revenue producer is not an end in itself. The use of the tariff is simply the means of insuring prosperity to the industries intended to be protected by it.

And so the next question that naturally comes to my mind is this: If it is true that the tariff is not operative upon these export surplus crops in the sense of being reflected in the price paid producers, can not some arrangement be made, can not some sort of machinery be set up that will make that tariff just as operative on export surplus crops as on other crops, at least in so far as the amount of the crop or product

that is used in domestic consumption is concerned? No one ought to say that the demand for that sort of machinery is unreasonable, because generally speaking practically all the people employed in this country, with the exception of farmers engaged in the raising of crops of which we have an exportable surplus, do with reference to their income enjoy the benefits of a protective tariff.

I admit that it is not an easy matter to set up machinery of that sort, but having in mind the facts which were so plainly brought out by the gentleman from New Jersey [Mr. FORT] the other day, that the saving of agriculture for the future is a national problem, we as the Representatives of the people ought to look at it in a broad way and diligently try to determine whether it is not possible to do so.

Gentlemen, that is the idea, based, as I believe, upon a just principle which has been sold to us in the Northwest. Let me call it the idea of "finishing the job with reference to the tariff," so that it may become fully operative upon surplus crops. It is the principle that I would like to sell to the Representatives in Congress, particularly from the eastern sections of the country, for they are not only the ones whose votes we need, but in the long run they are going to be fully as much interested in the proposition as we are. It may well be that the very existence of the protective-tariff principle will depend ultimately upon the solution thereof.

Now, various plans have been suggested. One proposal, not necessarily contemplating legislation, is through cooperative organizations. Theoretically that is possible, if it can be accomplished. Let me illustrate what I mean. Take the case of wheat, simply as an illustration. If one man, if one corporation, or one cooperative association owned 800,000,000 bushels of wheat, all the wheat produced in this country during any given season, and if he knew, or the management of the corporation or association knew, that 600,000,000 bushels of that wheat would be used by the people of this country and knew that 200,000,000 bushels of it could not be used in this country, and he also saw written on the statute books or enacted through executive machinery under authority of law a provision in substance that this country had found that there is a difference in the cost of producing wheat here and abroad of 42 cents per bushel, and had therefore declared as a national policy that no foreign wheat could be imported and sold in the United States without first leaving 42 cents per bushel at the customhouse, how would that individual or cooperative association or corporation handle the marketing of that crop?

Is not the answer plain? Would they not simply say, "Here, there are 200,000,000 bushels that we will have to sell at the world's price because that amount of the crop is not needed and can not be sold in the United States. We will therefore either segregate it, hold it from the market or sell it in export for the best price we can obtain. But as to the 600,000,000 bushels which the people of this country need, we are entitled to the American price; we are entitled to the benefit of the amount which the Congress of the United States has said will equalize the difference in the cost of producing wheat in the United States and abroad. We are therefore going to charge the American consumer the world price plus the tariff and possibly also plus the cost of transporting foreign wheat into this country." It would be a business proposition to do that and it would not be unfair or unreasonable for, as I have already suggested, the very people to whom it would be sold are the ones who are otherwise protected in their business by a tariff based upon the same principle.

But I fear a producers' organization of that sort can not be effected. You can talk about cooperative marketing, but, as I have said before on the floor of the House, organizing the people who grow walnuts or prunes or raisins in California is one thing, and effectively organizing all of the farmers in this country who produce wheat or pork or beef or cotton or corn, is an entirely different proposition. Recognizing these facts, many of the people of the West and the Northwest have given earnest consideration to the question as to whether we can not set up some legislative machinery that would make it possible to market crops of that sort in the same way as an individual or a corporation or a cooperative would be able to market them if they actually did have control of the entire crop.

Many plans have been suggested. I would like to detail them all here this afternoon, but that is, of course, plainly out of the question in view of the short time I have at my disposal. Suffice it to say that they all contemplate obtaining an American price for that portion consumed in the United States, regardless of the world price. By "American price" I simply mean the world price plus the tariff.

We had two years ago the original McNary-Haugen bill, which was not based exactly upon this principle, although I think the results of it would have amounted to the same thing.

It set up a more or less arbitrary price-fixing sort of a proposition, a ratio-price guide intended to be more or less temporary, to meet an emergency existing at the time. In that discussion, however, the thought of making the tariff effective was considered, and continued study was given, with the result that a year later the Committee on Agriculture reported what, in my judgment, is the best agricultural bill that has ever been reported by the committee. The bill was one which for identification I will call the rewritten McNary-Haugen bill. It was favorably reported by the committee, but it was not reached for consideration on the floor of the House prior to adjournment last March. Let me quote to you the declaration of policy set out in that bill and thereby give you the policy which I think should be enacted by this Congress. Section 1 provides:

It is hereby declared to be the policy of Congress to make more effective the operation of the tariff upon agricultural commodities, so that such commodities will be placed upon an equality under the tariff laws with other commodities, and to eliminate as far as possible the effect of world prices upon the prices of the entire domestic production of agricultural commodities by providing for the disposition of the domestic surplus of such commodities.

I would like to take the time to define the "domestic surplus" as I construe it, but lack of time prevents me from doing so. But, as I suggested, this is the principle which has been sold to our people. It contemplates crops of which we have an export surplus. It wants to place such crops on an equality under the tariff laws with other commodities. Bills are pending in this Congress, which while they do not lay down that very same declaration of policy have, at least, that idea in mind. That includes the so-called Dickinson bill and it includes the bill which has been proposed by the committee from the Corn Belt region, the committee selected at the Des Moines conference, which has appeared before the Agricultural Committee.

The gentleman from Kansas [Mr. TINCER] the other day very severely criticized the bill submitted by the Corn Belt committee, but I want to ask you men to recall that speech and ask you whether you noticed that the provision he criticized, and the only one, as I recall it, was section 19 of the bill, found on page 17, that section which deals with corn as an emergency proposition and which eliminates corn from any equalization fee. Of course, the gentleman from Kansas, able advocate as he is, desiring to condemn the bill effectively, at that particular time picked out the weakest provision in the bill—in my judgment an indefensible provision.

But that is no argument against the other provisions of the bill which are intended to assure certain named crops and products of which we have usually a surplus the same protection of the tariff that other crops have. Generally speaking, this bill provides for a Federal farm board, which is given the special power to declare an operation period when deemed advisable by producers or cooperatives in four basic crops, or any of them, and provision is made for a revolving fund of \$250,000,000 for its use as needed. The rewritten McNary-Haugen bill provided for an export corporation in which the stock of \$50,000,000 would be owned by the Government. The intent of the proponents of the Dickinson bill and the Corn Belt committee bill is that cooperatives and similar agencies will be used during the operation period, while the rewritten McNary-Haugen bill contemplated actual business operations by the export corporation if deemed necessary to maintain the domestic price at a figure equal to the world price plus the tariff thereon. I am not concerning myself with the provision of the bill which Mr. TINCER criticized.

Mr. TINCER. Will the gentleman yield?

Mr. BURTNESS. Yes; gladly.

Mr. TINCER. I want to state to the gentleman that since I made that speech the cotton people have come in; they have reprinted the bill and they want to take cotton away from the equalization fee. However, I want to correct one statement made by the gentleman. The gentleman stated that the gentleman from Iowa [Mr. DICKINSON] and myself were apart on farm legislation. There never was a session of Congress when we were closer together than we are now. If the gentleman will talk to the gentleman from Iowa he will find that is only newspaper talk.

Mr. BURTNESS. I have only repeated statements I have seen in the press, and I want to say to the gentleman I am very glad to have that assurance.

Mr. TINCER. The gentleman can consult the gentleman from Iowa, and I am sure he will confirm my statement.

Mr. BURTNESS. If we can get the Kansas delegation and the Iowa delegation together on these propositions, I am sure we can expect more speedy and favorable results.

Mr. TINCER. Do not take your Northwest radical newspapers as authority. I suggest that the gentleman talk to the gentleman from Iowa [Mr. DICKINSON] when he wants to find out whether we are together or not.

Mr. BURTNESSE. I feel I must proceed. I accept the gentleman's statement. However, I can not agree with the somewhat slurring remarks made by the gentleman the other day about the activities of men like Frank Murphy, Mr. Peek, Mr. Hirth, or Mr. Thompson, president of the American Farm Bureau Federation. True, some of them may have made unfortunate statements before the Agricultural Committee in the enthusiasm of presenting their viewpoints. They have, however, done splendid work now for several years in educating the public to the importance of these questions. They may have been forced to insert provisions into their bill which are indefensible, due to a pressure from the corn areas, where conditions seem most acute just now. But on the whole their views seem sound to me. They have lived these issues and may at times seem extreme. We as Members of Congress can accept what is good in them and reject what is unsound. As I see it, they have rendered a valuable service.

I have already quoted the declaration of policy laid down in the rewritten McNary-Haugen bill. The declaration of policy included in the Corn Belt committee bill is considerably broader, more general, and not so exact, although the last clause thereof as well as the arguments of the proponents of the bill plainly indicate that one of its main purposes is to reflect the amount of the tariff in the price paid to the producer on export surplus crops. Let me quote section 1 to you:

SECTION 1. It is hereby declared to be the policy of Congress, in order to promote the general welfare of the United States, to promote the orderly marketing of agricultural commodities; to enable producers of agricultural commodities to stabilize their markets against undue and excessive fluctuations and minimize speculation and waste in marketing; to encourage the organization of producers of agricultural commodities into cooperative associations; and to protect domestic markets against world prices by providing for the control and disposition of the surpluses of agricultural commodities.

Another plan that has been proposed, having in mind the same principle I have indorsed, is what we can refer to very briefly as the export-bounty plan. Considerable publicity has been given to a well-thought-out export-bounty proposal known as the Noyes plan. I will include that in my extension of remarks, so that Members may have it before them in the RECORD.

There is a bill before the committee known as the Adkins bill, which is really an export bounty bill. It has also the same general fundamental principle in mind, namely, to make the tariff operative upon these crops of which we have exportable surpluses to the same extent it is operative elsewhere. I think there is one feature in the Adkins bill which probably would not appeal to the membership of this House as a whole, for its intent is to provide for the loss upon the export surplus out of the Federal Treasury. That is really what it amounts to, although it is only taken indirectly out of the funds of the United States Treasury by diminishing the amount coming in by way of the customhouse. In other words, the loss would be limited, in so far as any expense on the Treasury is concerned, to the amount that would be collected by way of import duties.

An export bounty without loss to the Treasury payable out of an equalization fee deserves serious consideration by the committee. It has the merit that no governmental agency need enter into the business of purchasing or marketing crops. If we could be assured that present purchasing and marketing agencies would so rely upon the export bounty as to assure its reflection into the price paid the farmer it would be the simplest plan, requiring the least machinery. An export bounty has at times been used by other nations. In America it was first suggested by Alexander Hamilton, who was intensely interested in building up every possible industry in our young Nation.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield the gentleman five minutes more.

Mr. BURTNESSE. None of these plans, the Dickinson plan, the rewritten McNary-Haugen bill, the Noyes plan, the general provisions of the Corn Belt committee bill, contemplate any raid upon the Treasury of the United States at all but provide this system of an equalization fee so that the amount that may be required to meet the loss on the exports sold at world prices may be paid by the producers of that particular crop within the country.

To illustrate, that might mean a tax of 10 cents per bushel on wheat in order to insure 40 cents more to the producer, or a net gain of 30 cents. The larger the surplus, the larger the

tax. An explanation of the Noyes plan I will insert in the RECORD will make this fee plain to all of you. To those who urge that some crops like corn or cotton should be exempted from an equalization fee I want to say frankly that I can not in principle defend any proposal which would single out one crop or one product to secure this protection at the expense of the rest of us. It seems to me that we must all be treated alike. It is plain that a majority of Congress will never vote to pay such losses out of the Public Treasury.

I know that some say that we ought not to raise an exportable surplus of any crop. I want to ask them this question: Since when did it become a crime to produce in this country more than our people need? All you men here, at least those on the Republican side, have in years gone by taken the stump and boasted of the balance of trade in favor of the United States. Do you realize that when you have done that you have boasted of this very exportable surplus that you find in agricultural crops? That is what has made up our surplus, and as was so well brought out by the gentleman from New Jersey [Mr. FORT] the other day, if you eliminate the surplus of agricultural crops, you will find that the country would have a tremendous balance of trade against it instead of a balance of trade in its favor.

From 1910 to 1914, inclusive, and from 1920 to 1924, inclusive, we had an average annual favorable trade balance of \$870,000,000. During those years our average annual exports of the five major groups of agricultural products were \$1,870,000,000. Eliminate such agricultural products from the picture and we would have been confronted with an annual balance of trade against us of \$1,000,000,000 per year. Surely, this is a national problem.

To such who still say we should raise no exportable surplus where we contemplate selling the surplus for less than we charge the domestic consumer, let me ask: What is the result to the consumer? The result to the ultimate consumer, the man who would buy these crops in this country upon an American price is identical with what the result would be if there was no exportable surplus at all. There would simply be added to the world price the amount of the tariff, a tariff fixed upon the basis of the difference in the cost of production. This would be the price if there were no export surplus.

In closing let me suggest that if we are to remain a well rounded, many-sided Nation, fully developed as to all resources, to such an extent that we can remain practically independent of the outside world, each class must be willing to give to all others the same opportunities which it seeks for itself. If American standards are to be permanently maintained above the level of European standards or Asiatic standards or world standards in any particular, they must be available to all Americans and not only to some selected classes thereof.

For these fundamental and far-reaching reasons I believe the Congress should enact such legislation as will "finish the job" with reference to the tariff and make it operative upon export surplus crops. If that is done, you will find the agricultural sections of the country pretty well satisfied. I was pleased to hear this afternoon that the hearings before the Committee on Agriculture are about completed, and that it is their intention to get busy next week and write a bill or formulate the best of the various ideas presented to them into a measure and report it to the House. I trust it may come from the committee with practically a unanimous report and that we will all feel justified in supporting it. [Applause.]

Under leave to extend my remarks I submit herewith, so that the Members and the public may have the matter before them in convenient form, additional information about the three legislative propositions which to-day seem to be receiving the most consideration, namely, the rewritten McNary-Haugen bill, the measure proposed by the Corn Belt committee, and the export-bounty plan.

The following are the provisions of the rewritten McNary-Haugen bill setting out the special powers of the export corporation proposed to be established by that measure, the guide as to facts which must be found to exist before it would have power to determine upon an operation period for any crop product, and general provisions as to the manner of operation:

SPECIAL POWERS

SEC. 232. (a) The corporation shall utilize so far as practicable existing facilities and agencies, including associations of producers.

(b) The corporation shall cooperate with associations of producers of agricultural commodities so that such associations may assist by promoting orderly and efficient production, distribution, and marketing of agricultural commodities, and in otherwise carrying out the purposes of this act.

(c) The corporation shall assist associations of producers at their request, on such terms as may be agreed upon, in establishing foreign markets for agricultural commodities.

(d) The corporation is authorized—

(1) To lease and operate storage warehouses for basic agricultural commodities (or food products thereof) purchased by the corporation, facilities for transportation (otherwise than as a common carrier) in connection with the storage of such commodities or products, and facilities for processing such commodities or products;

(2) To make contracts for the processing of such commodities or products;

(3) To make advances under terms prescribed by it directly to any person if the notes or other evidences of indebtedness representing such advances are secured by warehouse receipts and/or shipping documents covering such commodities, and/or mortgages thereof.

OPERATIONS OF THE CORPORATION

SEC. 233. (a) The corporation shall keep advised by investigations, from time to time, made upon its own initiative or upon petition of any bona fide farm or cooperative commodity organization or any bona fide association of producers, of the domestic and world prices of basic agricultural commodities and the existence of an exportable surplus of any such commodity.

(b) Whenever the corporation finds (1) that there is or may be during the ensuing year a surplus above domestic requirements of any basic agricultural commodity; (2) that the domestic price of such commodity is materially lower than the world price plus the amount of the tariff duty thereon; and (3) that the existence of such surplus renders or will render inoperative in whole or in part the tariff upon such commodity, the corporation shall determine upon an operation period and prepare for its operations in respect of such agricultural commodity.

(c) The corporation, from time to time during such operation period, shall purchase, or contract for the purchase, at the prevailing market price, and hold, export, or contract for the export of, such basic agricultural commodity, or any class or grade thereof, or any food product thereof (the domestic price of which is affected by the world price and affects the domestic price of such agricultural commodity, in amounts necessary to make the tariff upon such agricultural commodity operative.

(d) The corporation may sell, or contract for the sale of, agricultural commodities (or any food product thereof) purchased by it—

(1) In the foreign or domestic market at such times as it deems advisable, and at the highest prices obtainable.

(2) In the domestic market at such times as the corporation deems advisable, and at the highest prices obtainable, for export or for processing for export, under such regulations as the corporation may prescribe (including in the discretion of the corporation, the giving of a bond, in a penal sum of not more than one and one-half times the value of the commodity, conditioned upon the compliance with such regulations and the terms of such sale).

The following are the provisions of the bill proposed by the Corn Belt committee setting out the special powers given to the farm board proposed to be established by that measure and also the provisions indicating how the board will handle and dispose of the surplus of any crop when an operation period is established. It is to be noted that this bill does not seem to require the definite findings of fact before an operation period can be established which are required by the terms of the rewritten McNary-Haugen bill. The measure proposed by the committee contemplates much more the use of the facilities of cooperative associations and seems also intended to give to such associations practically a controlling voice as to the action that is to be taken by the board:

SPECIAL POWERS AND DUTIES

SEC. 7. (a) The board shall meet at the call of the chairman at least weekly, and at such other times as the Secretary of Agriculture or the chairman deems advisable.

(b) The board is authorized—

(1) To obtain, from any available sources, information in respect of crop prospects, supply, demand, current receipts, exports, imports, markets, transportation costs and facilities, and prices of agricultural commodities, and economic, legal, and financial information in respect of the organization, progress, and business methods of cooperative associations in the United States and foreign countries.

(2) To disseminate any such information, or analyses or summaries thereof, from time to time, among cooperative associations and farm organizations in the United States.

(3) To advise cooperative associations, farm organizations, and producers in the adjustment of production in order to secure the maximum benefits under this act.

CONTROL AND DISPOSITION OF SURPLUS

SEC. 8. (a) The board shall keep advised by investigations, from time to time, made upon its own initiative or upon petition of any cooperative association or farm organization, of the domestic and world prices and the existence or the probability of the existence of a surplus of any agricultural commodity or any food product thereof.

(b) The board shall furnish, upon request, to any cooperative association or farm organization, or to any producer of any agricultural

commodity, or to any person owning or controlling any of such commodity, its recommendations upon the disposition of such commodity, or any surplus thereof, and upon the available methods of financing. Whenever the board is of opinion that the provisions of this act applicable to a basic agricultural commodity (as defined in subdivision (c) of this section) should be made applicable to any other agricultural commodity, it shall submit its report thereon to Congress.

(c) Whenever the board finds (1) that there is or may be during the ensuing year a surplus above domestic requirements of cotton, wheat, cattle, or swine (hereinafter referred to as "basic agricultural commodity"), or any food product of wheat, cattle, or swine; and (2) that a substantial number of the cooperative associations or other organizations representing the producers of such basic agricultural commodity are in favor thereof, the board shall determine upon and declare an operation period and prepare for its operations in respect of such basic agricultural commodity.

(d) During such operation period the board shall assist in removing or withholding from the domestic market the surplus above domestic requirements of such basic agricultural commodity or food product by entering into agreements with cooperative associations engaged in handling such basic agricultural commodity, or with a corporation or association created by one or more of such cooperative associations, or with persons engaged in processing such basic agricultural commodity, for the payment, out of the equalization fund hereinafter established, of losses, and the payment into the equalization fund of profits, arising out of the purchase, storage, sale, or other disposition, and/or contracts for the purchase, storage, sale, or other disposition (after such agreement has been entered into and in accordance with the terms and conditions thereof) of such basic agricultural commodity or food product, except that—

(1) If the board is of the opinion that there is no such cooperative association capable of carrying out any such agreement, the board, prior to the expiration of two years from the enactment of this act, shall enter into such agreements with other agencies; and

(2) Such agreement shall provide, among other things, that no payment of losses shall be made unless the purchase or contract for the purchase is made at a price which in the opinion of the board is not in excess of a fair and reasonable price, and that no sale or contract for sale shall be made in respect of which a loss would be sustained unless such sale or contract is authorized by the board.

(e) If the board is of the opinion that there are two or more cooperative associations capable of carrying out any such agreements the board, in entering into such agreements, shall not discriminate unreasonably against any such association and in favor of any other such association.

The export bounty plan, coupled with an equalization fee to pay the cost thereof, has been so well and thoroughly explained by Mr. C. Reinold Noyes, a prominent business man of St. Paul, Minn., when he presented what has become generally known as the Noyes plan, that I feel justified to include his presentation in my extension. It deserves serious study and is as follows:

The purpose of this memorandum is to present a definite and workable plan by which the tariff can be made effective upon the four major food products of the country. I assume that the reader is among those who have arrived at the following conclusions:

1. That the major cause of agricultural depression has been that the price level of the four great food products has been below the general price level of industrial commodities and services.

2. That the principal reason therefor is that the tariff is effective in raising the price of a large portion of industrial production and of many minor agricultural products, but that it has little or no effect on the prices of wheat, corn, hogs, and cattle.

3. That the only methods by which existing import duties could be made to raise the internal price level on these four commodities are, either—

(a) To reduce production to the point where it is less than domestic consumption, thus necessitating imports, or

(b) To segregate the exportable surpluses so that the supply available for domestic consumption is less than the amount required, thus bringing about the condition described under (a).

4. That it is undesirable, in the public interest, to reduce production of the four major food products both because of the immediate disastrous effect upon that large portion of the agricultural population engaged in such large-scale farming, and because of the evidence that in a comparatively short time growth of population will require all, and more than all, that we can produce.

5. That the alternative of segregation of the surpluses is, therefore, the desirable method.

6. That the principal, if not the only, action required of the Federal Government in carrying out the pledges made to the farmers by the present administration, is to adopt a workable plan for making the protective tariff effective upon these four commodities by aiding and abetting the segregation of the surpluses.

I am not arguing the above points, but am assuming that the reader agrees to them. If not, then what follows is not addressed to him.

The desiderata for any plan to accomplish the proposed results are:

- (a) That it should not introduce any radically new principle into Government fiscal policy or establish objectionable precedents.
- (b) That it should not put the Government into business.
- (c) That it should not require any new governmental agency or body for carrying it out.
- (d) That it should cost the Government little or nothing.
- (e) That it should be positive and certain in its operation to secure the desired results.
- (f) That its effect on the market should not be to disturb the present private agencies conducting the business of production, distribution, manufacture, or export of the commodities concerned.
- (g) That it should not have the tendency to increase the surplus production of these commodities or interfere with the present trend to diversified and intensive agriculture.
- (h) That it should not do for agriculture any more than is now being done for industry.

With these considerations in mind, the simplest and surest plan seems to be the combination of a tariff on imports, a bounty on exports, and an excise tax on production.

To take wheat, for example:

Tariff on imports: The tariff on wheat is 42 cents per bushel and on wheat flour, \$1.04 per 100 pounds. This could remain as it is.

Bounty on exports: There should be incorporated in the tariff law, in the form of an amendment, a bounty, let us say, of 40 cents per bushel on domestic wheat and of \$1 per 100 pounds on flour made from domestic wheat, to be paid to the exporter, whoever he might be, at the time of delivery on shipboard or at the border, for export from the United States. This bounty would be paid by the same agencies which collect the tariff on imports, and through the same machinery.

Excise tax on production: There should be incorporated in the revenue law an additional excise tax similar to those now in effect on automobiles, etc., which would require all producers of wheat to pay a tax on each bushel produced sufficient to cover the cost to the Government of the bounty paid on exports of wheat or wheat flour. If, for instance, 25 per cent of the total wheat crop were exported, either as wheat or as flour, it would require an excise tax of about 10 cents per bushel on the whole crop to cover the 40 cents per bushel bounty on the portion exported. The excise tax could be collected efficiently and economically, as follows:

At the time of delivery to first receiver (elevator or carrier) the farmer would be required to furnish tax receipts in duplicate covering the number of bushels delivered. These receipts he would purchase from the local post office. One copy of the receipt would be retained by the farmer, and the other would remain in the hands of the elevator or carrier as long as they retained the wheat. It would be required that all common carriers accept no shipments of wheat unless such duplicate receipts were attached to the papers therefor. At all terminal markets an agent of the Internal Revenue Department would collect all such receipts and check them before releasing the wheat for sale or storage.

With the check of original delivery of tax receipts to the Post Office Department and the double check at terminal markets the Treasury would insure that all wheat actually sold was taxed and all tax funds were received.

The effect of such a combination of measures would be as follows:

Private exporters, knowing that they could collect 40 cents per bushel from the Federal Government when they exported, would quickly bid the price of wheat in terminal markets to 40 over the world price. In fact sellers would not offer wheat much below the world price plus 40 cents, knowing that the whole export surplus would be taken at the usual small margin under that combined figure.

Millers and other traders in wheat for domestic use would recognize that if more wheat were bid in by exporters than the actual excess available there would be a shortage. Imports would be necessary, and the price would then advance to the world price plus the tariff of 42 cents. They would therefore try to bid in their needs at just above 40 cents and below 42 cents. The natural higgling of the market, the operation of the law of supply and demand, would then result in fluctuations over a range of, say, 39 cents to 43 cents above the world price. And all the fluctuations in the world market would be immediately effective in our terminal markets just as now. The fluctuations would be those of the world market plus 39 to 43 cents differential.

So far as the exporter was concerned, he would buy at a price higher than the world market by the amount of the bounty he would receive on exporting. These two transactions would balance and he would sell, exactly as now, at the world market.

So far as the domestic consumer was concerned, he would buy at a price just under or just over the world price plus the tariff, which is exactly what he is doing on most other protected commodities.

So far as the farmer was concerned, he would receive the new protected price for his whole product. But he would pay back to the Government all the gain on that portion which went for export. The amount of the excise tax would balance the export bounty. Therefore he would receive for his share of the exported surplus the same price he gets now. And on his share of the portion consumed at home he would receive the higher protected price.

In the milling and grain trades such a plan would cause no material disturbance. When they were accustomed to the new factor business would proceed as usual. Actual transactions in cash wheat vary from the quoted price on future options by a premium, or a discount, according to the estimated milling value. The actual merchandising is independent of the option markets. This process of selective buying would go on exactly as now. Both at seaboard for export or at all terminal markets for milling the cash buyer would choose his wheat. But if he were an exporter he could afford to pay 40 cents per bushel more than he now pays, for he would receive from the United States customs 40 cents bounty when he shipped. The price would then be a compound of the option price, plus the premium, plus the bounty, instead of only the option price plus the premium as now.

With the farmer two questions arise: Would he understand the plan and accept the excise tax? I believe he was so well educated in this matter at the time of the McNary-Haugen bill agitation that he would recognize the identity of this plan and pay the tax without grumbling. The McNary-Haugen plan of an equalization fee to pay the losses of the export corporation was identical with this. In the second place, would he increase acreage on account of the increased price? I believe that, in so far as he understood and accepted the plan and the tax, he would perceive that all additional production would only bring him in the world price. This would be clear to him, because the bounty would increase in aggregate amount just as fast as the exportable surplus increased, and the excise tax would increase in aggregate amount just as fast as the bounty increased. Moreover, any large increase in production and, therefore, in export would tend, other things being equal, to reduce the world price and thereby to pull down as well the domestic price, which would be based on it.

There are two types of wheat produced in this country, one for bread and another (durum) for macaroni or semolina flour. Since the proportion of each exported has no relation to the other, bread wheat and durum should be treated as two separate classes, so far as the establishment of excise tax was concerned. Raisers of one should not have to pay any part of the bounty on export of the other. The rate of tariff and of bounty would be the same for both.

In establishing the excise tax for each season, the Secretary of the Treasury, or some other official or board, would need to estimate the probable export surplus of bread wheat and of durum and the amount of the bounty likely to be paid on each. He would use the latest crop report of the Department of Agriculture in his estimate of the total crop of each and would then spread separately the total bounty over the total crop of each grain. Excise-tax rates would not need to be set until May 1 when the latest information would be available. It would not be possible or necessary for the adjustment of rates to be exact. Surpluses or deficits in the tax and bounty for each grain could be carried forward and corrected in succeeding years.

Without attempting to present exact figures, the following table is appended merely to illustrate the workings of the plan and its effect on prices.

	Bread wheat	Durum
Crop.....million bushels	773	68
Export wheat and flour.....do	158	22
Amount of bounty.....million dollars	63.2	8.6
Excise tax per bushel.....dollars	.08	.15
Assumed price for export.....do	1.30	1.10
Plus effective bounty if domestic surplus.....do	.30	.30
Less excise tax.....do	.08	.15
Net price to American producers.....do	1.61	1.34

The net gain to the farmer would range from about 25 cents per bushel to about 30 cents.

For purposes of presentation this plan is applied to wheat only. It would be equally applicable to corn, hogs, and cattle. In the case of these commodities it would be necessary that the commodities themselves and all parts of them turned into partly or wholly manufactured products should receive the necessary protection from the tariff itself. Export bounties would follow the same lines, and would be set at a figure slightly below the rate of the tariff. Finally the excise tax would be assessed against the original commodity which entered eventually, in whole or part, raw or manufactured, into foreign commerce.

Let us now check this plan with the requirements enumerated above.

(a) It introduces no new principle. This plan is the plan of the old English corn laws, from which we derived our original ideas of tariff. That was a combination of duties on import with bounties on export.

(b) The Government would have no dealing in the commodities themselves.

(c) The plan would be administered by the Bureau of Internal Revenue. No new agency would be required.

(d) The cost of the bounty would be paid by the excise tax. The cost of administration would be relatively small.

(e) It would be positive and certain in its effect.

(f) It would leave the business in the hands of the present interests without disturbance and would merely work through them.

(g) It would provide no real stimulus to increased production and would probably be well enough understood so as actually to have little effect of any kind on production.

(h) It would only raise the domestic price level on these products in the same way and to the same extent that all protected commodities are affected.

The Agricultural Committee is primarily responsible for analyzing the various proposals and recommending to us such legislation as it feels will best accomplish the results intended to be attained by each of the foregoing plans. If the committee becomes convinced that they are all dangerous we are entitled to a report to that effect giving the reasons therefor. I recognize the difficulties of their task. I am hopeful of good results to agriculture, and incidentally to every other industry, from the extended study given these questions at this session of Congress.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman and gentlemen of the committee, I desire to call the committee's attention to a report that appears in this evening's Washington Times. It affects something like 388,000 Federal civil employees throughout the country. It is headed, "Pension law in chaos," and reads as follows:

Civil-service retirement legislation is in almost complete chaos as the result of the attitude of President Coolidge in favoring further modifications in the program.

The White House has rejected the new Lehlbach bill, leaving the House Civil Service Committee with the alternative of dropping the legislation altogether, or of renouncing its own carefully formed judgment on the issue and drafting a new measure.

The Senate Civil Service Committee meets Saturday to act upon a new bill, but it seems doubtful whether it will be able to reach any decision without coming into sharp conflict with the views of the President. There is little sentiment on the committee in favor of further modifications of the measure, such as President Coolidge is insisting upon, it is said.

If the Senate committee ignores the presidential wishes on the issue, civil-service retirement will die a natural death, so far as the present session is concerned, on the Senate Calendar.

PRESENT STATUS

The administration leaders will decline to permit its consideration. A similar state of affairs exists in the House.

It is probable that both Representative LEHLBACH and Senator STANFIELD will confer with President Coolidge in the near future in an effort to reach an agreement. It is only by such an agreement that the legislation has any prospect of passage.

Now, gentlemen, I emphasize the fact that we have been waiting for over two years for some sort of humanizing of the retirement system, and we have waited in vain. We have a very able chairman of our Civil Service Committee, the gentleman from New Jersey [Mr. LEHLBACH]. I am very glad he is in the House at the present time. I asked him to be present while I addressed my remarks to the committee. He has very ably and very sincerely done his work as chairman of the committee. He has been tireless in his efforts to bring some sort of humanity and justice into this legislation, but all his efforts, as well as the efforts of the members of the committee—and I happen to be a member of the committee—have been balked.

The history of the legislation is replete with obstacles. First, we find that Senator SMOOR objected to its provisions, objected most strenuously, and then we had Herbert D. Brown, who is the chief of the Bureau of Efficiency, who took pot shots at the various bills that came out of the committee.

And then for months we waited for the actuaries' report. We were told that we could do nothing until the actuaries got through figuring. We were kept waiting, cooling our heels, as it were, until the actuaries made their report. They made their report. Then we had an attack from another quarter. The Secretary of the Interior, Mr. Work, made an unjustifiable attack on the bill and said that the Government ought not to contribute one cent to the pension fund. I might say that I know of no pension fund where the employer does not contribute his share.

Now we have the President, or the presidential spokesman, yesterday reported to have said that the administration objects to this bill unless it is amended materially in the sense that the annuities must be lowered from \$1,200 maximum and the age limit must be increased. Thus the administration has plunged the sword clear to the hilt into the body of the bill. Et tu, Brute. The whole bill will go by the board. There will

be no legislation at this session, because the question of annuities and age is the very nub of the proposition. If we strike a lower annuity and a higher age limit than are in the reported bill we so weaken it as to render it next to valueless. The responsibility lies somewhere, and it lies with the administration. I say that beyond peradventure of doubt there would be no opposition on the Democratic side of the Chamber to the bill as reported by the committee, and there would be little opposition or objection on the other side of the House. I quote the remarks made by the chairman [Mr. LEHLBACH] where he said:

The Government is committed to the policy of retirement. Whatever the cost may be, it must be met. The evidence demonstrates that the existing plan is inadequate to secure both to the employees and to the Government the full measure of anticipated benefits. Hence the Government is not receiving full value for its money. By enacting into law the provisions of this bill the present deficiencies will substantially be corrected and the additional expenditure will make productive the total cost. This is true economy.

This question must be met. Postponement will merely result in more widespread and intense insistence upon a reformation of the system. Nothing is ever settled until it is settled right. The wise course is to settle the retirement problem now and thereupon insist that it stay settled.

I am sure that is the sentiment of almost the whole House. It is the unanimous sentiment of our committee.

Mr. TINCHER. Will the gentleman yield?

Mr. CELLER. Yes.

Mr. TINCHER. The gentleman says that there would be little opposition from that side [Democratic] of the House; does he mean to say that he expresses the sentiment of the minority leader?

Mr. CELLER. That is my own observation. I have not consulted with any leader.

Mr. TINCHER. The gentleman is not speaking for the leader of the minority?

Mr. CELLER. No.

Mr. TINCHER. With this Government subsidy in the bill, the civil-service employees would get a larger pension than do the disabled Civil War veterans that have to have an attendant.

Mr. CELLER. Two wrongs do not make a right. If Civil War veterans are not receiving just pensions, let us give them proper and adequate subsidies. But surely wrongs to them can not be used as argument in support of wrongs to over 288,000 Federal civil employees. I want those employees to know that the responsibility for failure to amend the retirement law is at the door of the administration.

Mr. TAYLOR of Colorado. Mr. Chairman, having yielded to 45 gentlemen on this side of the House, and feeling that the bill has been fully discussed, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

COMMITTEE EMPLOYEES

Clerks, messengers, and janitors to the following committees: Accounts—clerk, \$2,880; assistant clerk, \$2,150; janitor, \$1,310. Agriculture—clerk, \$2,880; assistant clerk, \$2,150; janitor, \$1,310. Appropriations—clerk, \$5,000, and \$1,000 additional so long as the position is held by the present incumbent; assistant clerk, \$4,000; six assistant clerks, at \$3,000 each; assistant clerk, \$2,440; janitor, \$1,440. Banking and Currency—clerk, \$2,360; assistant clerk, \$1,520; janitor, \$1,010. Census—clerk, \$2,360; janitor, \$1,010. Civil Service—clerk, \$2,360; janitor, \$1,010. Claims—clerk, \$2,880; assistant clerk, \$1,520; janitor, \$1,010. Coinage, Weights, and Measures—clerk, \$2,360; janitor, \$1,010. Disposition of Useless Executive Papers—clerk, \$2,360. District of Columbia—clerk, \$2,880; assistant clerk, \$2,150; janitor, \$1,010. Education—clerk, \$2,360. Election of President, Vice President, and Representatives in Congress—clerk, \$2,360. Elections No. 1—clerk, \$2,360; janitor, \$1,010. Elections No. 2—clerk, \$2,360; janitor, \$1,010. Elections No. 3—clerk, \$2,360; janitor, \$1,010. Enrolled Bills—clerk, \$2,360; janitor, \$1,010. Flood Control—clerk, \$2,360; janitor, \$1,010. Foreign Affairs—clerk, \$2,880; assistant clerk, \$2,150; janitor, \$1,010. Immigration and Naturalization—clerk, \$2,360; janitor, \$1,010. Indian Affairs—clerk, \$2,880; assistant clerk, \$2,150; janitor, \$1,010. Industrial Arts and Expositions—clerk, \$2,360; janitor, \$1,010. Insular Affairs—clerk, \$2,360; janitor, \$1,010. Interstate and Foreign Commerce—clerk, \$2,880; additional clerk, \$2,360; assistant clerk, \$1,830; janitor, \$1,310. Irrigation and Reclamation—clerk, \$2,360; janitor, \$1,010. Invalid Pensions—clerk, \$2,880; stenographer, \$2,560; assistant clerk, \$2,360; janitor, \$1,240. Judiciary—clerk, \$2,880; assistant clerk, \$1,940; janitor, \$1,240. Labor—clerk, \$2,360; janitor, \$1,010. Library—clerk, \$2,360; janitor, \$1,010. Merchant Marine and Fisheries—clerk, \$2,360; janitor, \$1,010. Military Affairs—clerk, \$2,880; assistant clerk, \$1,830; janitor, \$1,310. Mines and

Mining—clerk, \$2,300; janitor, \$1,010. Naval Affairs—clerk, \$2,880; assistant clerk, \$1,830; janitor, \$1,310. Patents—clerk, \$2,300; janitor, \$1,010. Pensions—clerk, \$2,880; assistant clerk, \$1,940; janitor, \$1,010. Post Office and Post Roads—clerk, \$2,880; assistant clerk, \$1,730; janitor, \$1,310. Printing—clerk, \$2,300; janitor, \$1,310. Public Buildings and Grounds—clerk, \$2,880; assistant clerk, \$1,520; janitor, \$1,010. Public Lands—clerk, \$2,300; assistant clerk, \$1,520; janitor, \$1,010. Revision of the Laws—clerk, \$3,000; janitor, \$1,010; for the employment of competent persons to assist the work of indexing, editing, and preparing reference tables for the revision of the laws and treaties of the United States, \$5,000; for the employment of competent persons to assist in compiling and codifying the laws relating to the District of Columbia, \$7,500. Rivers and Harbors—clerk, \$2,880; assistant clerk, \$2,150; janitor, \$1,310. Roads—clerk, \$2,300; janitor, \$1,010. Rules—clerk, \$2,300; assistant clerk, \$1,830; janitor, \$1,010. Territories—clerk, \$2,300; janitor, \$1,010. War claims—clerk, \$2,880; assistant clerk, \$1,520; janitor, \$1,010. Ways and Means—clerk, \$3,600; assistant clerk and stenographer, \$2,300; assistant clerk, \$2,250; clerk for the minority, \$2,880; janitors—one \$1,310, one \$1,010. World War Veterans' Legislation—clerk, \$2,880; assistant clerk, \$2,150. In all, \$257,230.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 12, line 18, after the figures "\$2,300," insert the words "assistant clerk, \$2,150."

Mr. DICKINSON of Iowa. Mr. Chairman, I reserve the point of order.

Mr. JOHNSON of Washington. Mr. Chairman, I hope the gentleman will not insist on the point of order when he learns that the Committee on Accounts, without any legislation having been proposed by myself or any member of the Committee on Immigration, and with no member of the Committee on Immigration serving as a member of the Committee on Accounts, of its own motion has discovered and discussed in that committee the fact that the clerks of the Committee on Immigration and Naturalization are badly overloaded with work, and will continue so for an indefinite period, including the vacation period.

Mr. DICKINSON of Iowa. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes; certainly.

Mr. DICKINSON of Iowa. I say to the gentleman that in all fairness to him and to the rest of the Members of the House there are probably seven or eight instances just the same as the instance that the gentleman suggests. There are, for instance, the Committee on Rules, the Committee on Ways and Means, the Committee on Interstate and Foreign Commerce, and others. I have told all of the Members that have come to me and talked about that situation that unless there is legislation providing for these increases or additional help, as chairman of this committee I would make the point of order.

Mr. JOHNSON of Washington. Certainly the committees of the House of Representatives should have the assistance that they must have to do the Government's business. This particular committee, of which I have the honor to be chairman, has, as the gentleman knows, been charged with very important legislation. What is done in that committee becomes at once the key to many other situations. That committee, I believe, receives more mail per day than any other two committees of the House. It receives more telephone calls. The telephones go all day long, and each appeal is of a personal nature, dealing with some individual. All the other Members of Congress are calling up; their clerks come in almost continuous procession for information, not only in regard to matters of legislation but in respect to the intent of the various immigration and naturalization laws and for advice on matters somewhat of an executive kind, until the office is actually beyond its capacity. That work continues just as extensively through the summer. More printed hearings, reports, and statements are sent out to every State in the Union than from any other committee. None of this is political, partisan, or personal. I am in that office with the committee clerk, a janitor, my own clerk, and my own stenographer, and my own work to do, with all of the force driven long hours per day, to the last degree, to handle the work of the committee. These clerks, from Mr. Snyder, the chief, down, are highly competent; they have had long experience; they are not too well paid. I submit the situation needs relief.

Mr. DICKINSON of Iowa. Mr. Chairman, I make the point of order, and I say for the benefit of the other chairmen of the various committees who are interested that I shall make it on any similar amendment offered, because we are under instruction here to make appropriations only according to legislation,

and I think, when we have involved here the personnel of the Capitol, we should adhere to instructions.

Mr. JOHNSON of Washington. I hope the gentleman will not object to the use of a little more time by me.

Mr. DICKINSON of Iowa. I hope the gentleman from Washington will not take too much time. We know the condition of all of these committees.

Mr. JOHNSON of Washington. This is the opportunity for me to make an appeal and for a discussion of the situation. We are making rapid progress with the reading of the bill.

The CHAIRMAN. Does the gentleman from Iowa make the point of order?

Mr. DICKINSON of Iowa. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. JOHNSON of Washington. Mr. Chairman, I do not like to suggest the absence of a quorum.

Mr. TILSON. I hope the gentleman will not do that. There are several other committees in the same situation.

Mr. JOHNSON of Washington. There are more than 100 bills on the calendar of my committee, with proponents and opponents demanding hearings on nearly every one.

Mr. TILSON. But this is not the proper tribunal to carry out the suggestion of the gentleman.

Mr. JOHNSON of Washington. However, we are considering the legislative appropriation bill, which deals with our own affairs—the appropriations in detail for House and Senate. What better vehicle; what better tribunal? What more opportune time?

Mr. TILSON. But this is not a legislative bill; it is an appropriation bill, and the gentleman realizes we ought not to attempt to legislate upon it.

Mr. JOHNSON of Washington. Let me ask the chairman of the committee [Mr. DICKINSON] if there is any legislation on this bill?

Mr. DICKINSON of Iowa. Not that I know of.

Mr. JOHNSON of Washington. Does not the gentleman think the method proposed on page 33 to change the vacation-pay adjustments of the Government Printing Office employees is legislation on an appropriation bill?

Mr. DICKINSON of Iowa. That is the only questionable point in the bill. That was put in there in order to work out a difficult situation.

Mr. JOHNSON of Washington. Very well; I shall be quite content to test that little joker out when it is reached.

Mr. SNELL. Will the floor leader suggest how we could get at this proposition of clerk-hire adjustment?

Mr. TILSON. The gentleman knows the rules of the House as well as I do, and he knows what committees are authorized to consider these matters.

Mr. SNELL. I am honest in saying that I do not know how to get at it in order to raise the pay of a clerk of a committee. That was done by a special committee. Have we to create another special committee in order to do that?

Mr. TILSON. I shall be glad to look into it.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. I notice that even the distinguished chairman of the Committee on Rules [Mr. SNELL] says that he does not know how to go about getting relief. Does anyone really contend that the House of Representatives shall not have the help it needs or the tools it needs—meaning law books, stationery, and equipment—the equivalent of what any one of us would have in his own office in his own district? Are we wise in unnecessarily denying ourselves?

Mr. TAYLOR of Colorado. I will say to the gentleman from Washington [Mr. JOHNSON] that several chairmen of committees in the House came before the subcommittee, and as I recall, it was stated that the gentleman's committee needed additional clerical force. I know that the gentleman's committee is overworked, but I do not think we ought to embark on a policy of adding clerks to all the committees, and we can not make fish of one and fowl of another.

Mr. JOHNSON of Washington. The gentleman from Colorado will realize that once in a while it is done, and proper, necessary provision is made for the needs of certain committees in the shortest and quickest way. The gentleman's own committee will not be criticized, for the reason that the Members of the House of Representatives themselves find it necessary to call on our Committee on Immigration and Naturalization a hundred times a day or more for necessary information. The records show this. We sit there many hours a day holding hearings at request of Members and trying to keep up with our work.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes, certainly.

Mr. CONNALLY of Texas. Does the gentleman want another clerk?

Mr. JOHNSON of Washington. Yes, badly.

Mr. CONNALLY of Texas. Has the gentleman appealed to his steering committee?

Mr. JOHNSON of Washington. I am appealing now to the Committee of the Whole House. I shall appeal at every proper place. I do not criticize the Appropriation Committee at all. Its members are all hard-worked, but their work lets up occasionally. I say in all seriousness that the Committee on Immigration and Naturalization has reached a position of great importance, and it will continue to be important for years to come. Its different members should not be asked to serve on two or three other committees each.

If it is necessary to do it by a special rule, this House should provide the Immigration Committee with an assistant clerk, not a political clerk at all, not a personal clerk to the chairman, but a year-in-and-year-out assistant clerk to assist in the technical affairs of the committee, with a view to his remaining there permanently, whether this House have a Republican or Democratic majority. That would be only fair to Congress and to the Government. We should put in such an assistant clerk. [Applause.]

Mr. CHINDBLOM. Mr. Chairman, I want to say that I am very much impressed with the remarks of the chairman of the Committee on Immigration and Naturalization, and I seldom express myself on a subject of this kind. There are half a dozen committees in the House here, including the one on which I have the honor to be a member, the Committee on Ways and Means, that need more help. I have no fault to find with our procedure. The point of order is properly made and properly sustained; but when we are in a condition as difficult and almost impossible as the chairman of the Committee on Rules intimated he was in, to get action of this kind, why can not some method be provided by which this matter can be taken up? I do not know that the Subcommittee on Appropriations can properly take it up further, but after they have reached a conclusion as to what committees need in the way of expert help, I think—

Mr. DICKINSON of Iowa. Permit me to say that we have not gone into that, because we were criticized for attempting legislation of this kind, and for that reason we said we would stand and make appropriations according to the authorizations now in the law, and other means would have to be adopted whereby additional legislation can be secured in case additional clerical help was required by committees.

Mr. CHINDBLOM. I understand that the Committee on Accounts has jurisdiction of things of this sort.

Mr. CONNALLY of Texas. Is it not a fact that all you have to do is to get a resolution from the Committee on Accounts?

Mr. JOHNSON of Washington. The Committee on Accounts has been debating this thing of its own motion, not at my request. A year ago I did ask the Committee on Accounts for a statistician, who would also act as assistant clerk, to be employed by the committee. That request, I will say, was not granted, on the ground that other committees also needed additional clerks, and there was not time allowed for the full consideration of the subject. I am speaking for all of the members of the Committee on Immigration and Naturalization.

Mr. CHINDBLOM. I suggest that the gentleman let the matter go to the Committee on Accounts.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PUBLIC PRINTING AND BINDING

To provide the Public Printer with a working capital for the following purposes for the execution of printing, binding, lithographing, mapping, engraving, and other authorized work of the Government Printing Office for the various branches of the Government: For salaries, compensation, or wages of all necessary officers and employees additional to those herein appropriated for, including employees necessary to handle waste paper and condemned material for sale; to enable the Public Printer to comply with the provisions of law granting holidays and Executive orders granting holidays and half holidays with pay to employees; to enable the Public Printer to comply with the provisions of law granting 30 days' annual leave to employees with pay, said pay to be at the rate for their regular positions at the time leave is granted; rents, fuel, gas, heat, electric current, gas and electric fixtures; bicycles, motor-propelled vehicles for the carriage of printing and printing supplies, and the maintenance, repair, and operation of the same, to be used only for official purposes, including purchase, exchange, operation, repair, and maintenance of motor-propelled passenger-carrying vehicles for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer (not exceeding \$4,000); freight, expressage, telegraph and telephone service; furniture, typewriters, and carpets; traveling expenses; stationery, postage, and ad-

vertising; directories, technical books, and books of reference (not exceeding \$500), subscriptions for which may be paid in advance; adding and numbering machines, time stamps, and other machines of similar character; machinery (not exceeding \$200,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer: *Provided*, That inks, glues, and other supplies manufactured by the Government Printing Office in connection with its work may be furnished to departments and other establishments of the Government upon requisition, and payment made from appropriations available therefor; for expenses authorized in writing by the Joint Committee on Printing for the inspection of printing and binding equipment, material, and supplies and Government printing plants in the District of Columbia or elsewhere (not exceeding \$1,000); for salaries and expenses of preparing the semimonthly and session indexes of the CONGRESSIONAL RECORD under the direction of the Joint Committee on Printing (chief indexer at \$3,150, one cataloguer at \$2,880, and two cataloguers at \$2,150 each); and for all the necessary labor, paper, materials, and equipment needed in the prosecution and delivery and mailing of the work, \$2,400,000, to which shall be charged the printing and binding authorized to be done for Congress, the printing and binding for use of the Government Printing Office, and printing and binding (not exceeding \$1,500) for official use of the Architect of the Capitol when authorized by the Secretary of the Senate, in all to an amount not exceeding this sum.

Mr. JOHNSON of Washington. Mr. Chairman, I desire to make a point of order against the words on page 33 in lines 15 and 16, the language being:

Said pay to be at the rate for their regular positions at the time leave is granted.

The point of order is that this is new legislation on an appropriation bill.

Mr. DICKINSON of Iowa. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The gentleman from Iowa concedes the point of order, and the Clerk will read.

The Clerk read as follows:

SEC. 2. No part of the funds herein appropriated shall be used for the maintenance or care of private vehicles.

Mr. DICKINSON of Iowa. I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON of Iowa: Page 39, line 4, after the word "vehicles," strike out the period, insert a comma, and add: "and that hereafter the Committee on Accounts of the House of Representatives and the Committee to Audit and Control the Contingent Expenses of the Senate, respectively, shall make and issue regulations specifying the classes of articles which may be purchased by or through the stationery rooms of the House and Senate."

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. DICKINSON of Iowa. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAWLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 10425) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes, had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DICKINSON of Iowa. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DICKINSON of Iowa, a motion to reconsider the vote whereby the bill was passed was laid on the table.

METHODS OF APPOINTMENT

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to extend some remarks in the Record on the different methods of

reapportionment and to include therein a report upon the apportionment of representatives made by the advisory committee to the Director of the Census under the census of 1920.

The SPEAKER. The gentleman from Vermont asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. BLACK of Texas. Reserving the right to object, Mr. Speaker, may I inquire the length of that report?

Mr. GIBSON. Well, they are short typewritten pages, and there are 20 of them.

Mr. BLACK of Texas. A report of that kind will not be generally read, and I do not think it ought to go in the RECORD.

Mr. GARRETT of Tennessee. Will the gentleman yield for this suggestion?

Mr. BLACK of Texas. I yield.

Mr. GARRETT of Tennessee. Of course, we understand that it is the program for to-morrow to attempt consideration of an apportionment bill. This is not the report of the committee?

Mr. BLACK of Texas. No.

Mr. GARRETT of Tennessee. And we really have had no report from the committee during this Congress, and this may be the only data we can have. Of course, we could go back to the old reports of the former Congress; but it occurred to me, I will say to the gentleman from Texas, when the gentleman from Vermont spoke to me about it a while ago, that perhaps it might be of some value to the Members of the House.

Mr. BLACK of Texas. If that is the opinion of the minority leader I shall be very glad to withdraw my reservation.

The SPEAKER. Is there objection?

There was no objection.

Mr. GIBSON. Mr. Speaker, each reapportionment must rest upon some sound mathematical basis. The problem is how to distribute any given total number of Representatives among the several States in proportion to their populations "as nearly as may be."

The proposal to reapportion the Representatives under the census of 1920 was before the House in the first session of the Sixty-seventh Congress, when the proposition was fully debated and recommitment to the Census Committee. At that time an extended and careful study of the question was made and various mathematical formulas for the apportionment examined.

The system used for the apportionment under the 1910 census was devised by Prof. W. F. Willcox, of Cornell University, and is commonly referred to as the "method of major fractions." This method does not have the general approval of the mathematicians of the country, because the "major fraction" as therein used is a major fraction not of the true quota but of an artificial quota, scaled up from the true quota by means of a sliding rate or divisor, and does not apportion the number of Representatives among the States in proportion to their populations "as nearly as may be."

Prof. Edward V. Huntington, of Harvard University, devised another method and presented it to the Census Committee of the Sixty-seventh Congress. This is commonly known as the method of equal proportions, and is a method by which the unavoidable inequalities between the several States can not be further reduced, so that in practical operation the total number of Representatives is distributed among the several States in proportion to their populations "as nearly as may be" and solves the problem as nearly as possible.

When the matter of reapportionment was before the Sixty-seventh Congress the Senate Committee on the Census requested an examination of the proposed methods of reapportionment. An advisory committee to the Director of the Census made the examination and a report to the chairman of the committee, wherein the two methods herein referred to were discussed at length.

It is understood that the method used in the pending bills is that of "major fractions." It will be observed that this committee in their report stated that the "method of equal proportions" is preferred to that of "major fractions."

The Census Bureau is of the opinion that that method is the more scientific, and should be employed in any plan of reapportionment.

The report of the advisory committee referred to is as follows:

THE ADVISORY COMMITTEE TO THE DIRECTOR OF THE CENSUS
REPORT UPON THE APPOINTMENT OF REPRESENTATIVES
The Hon. HOWARD SUTHERLAND,
Chairman of the Committee on the Census,
United States Senate.

SIR: In accordance with the request of the Senate Committee on the Census, transmitted by your letter of February 18, 1921, our committee has examined the proposed methods of apportioning representatives among the several States. We have had before us documents and correspondence furnished by the Director of the Census, by Dr. J. A.

Hill, of the Bureau of the Census, and by Profs. W. F. Willcox and F. W. Owens, of Cornell University, and E. V. Huntington, of Harvard University. Professor Willcox is a member of our committee, but, because he devised one of the methods considered, he does not join in this report. Professors Huntington and Owens, upon our invitation, appeared before the committee and explained the methods they had devised. We have also sought the counsel of Prof. Irving Fisher, of Yale University. Our conclusions may be summarized as follows:

1. The "method of equal proportions" leads to an apportionment in which the ratios between the representation and the population of the several States are as nearly alike as is possible. It thus complies with the conditions imposed by a literal interpretation of the requirements of the Constitution.

2. The "method of major fractions" has back of it the weight of precedent. Logically, however, it can be supported only by holding that the Constitution requires, not that the ratios between the representation and the population of the several States shall be equal, as nearly as is possible, but that the representation accorded to individuals or to equal groups of individuals in the population (that is, their "shares" in their respective Representatives) shall be as nearly uniform as is possible, irrespective of their places of residence.

3. It is not clear that the special interpretation of the Constitution which alone is consistent with the use of the "method of major fractions" is to be preferred to other possible special interpretations which lead to other methods of apportionment. We conclude, therefore, that the "method of equal proportions," consistent as it is with the literal meaning of the words of the Constitution, is logically superior to the "method of major fractions."

In the sections which follow we explain the considerations which have led us to these conclusions.

I. THE ALTERNATIVE METHODS

The two methods of apportioning Representatives with respect to which the judgment of the committee is sought are, we understand, first, the "method of major fractions," devised by Prof. W. F. Willcox in 1910 and used in the apportionment of 1911 (cf. report of the House Committee on the Census, 1911; 62d Cong., 1st sess., H. Rept. No. 12, pp. 1-42), and, second, the "method of equal proportions," devised by Prof. E. V. Huntington in December, 1920, and brought to the attention of Congress through a letter to Chairman Slegel, of the House Committee on the Census (CONGRESSIONAL RECORD, January 19, 1921, p. 1791). To the "method of major fractions" there may be joined a method devised by Prof. F. W. Owens in February, 1921, and named by him the "method of least errors." Professor Owens's method, it happens, although independently conceived and resting on somewhat different premises, leads to precisely the same apportionment as the "method of major fractions." It may be taken, therefore, as adding strength to the claims of that method. Moreover, Professor Huntington's "method of equal proportions" is virtually a modified form of the "method of alternate ratios," devised by Dr. J. A. Hill, of the Bureau of the Census, and recommended by Dr. E. Dana Durand, then Director of the Census, for adoption in 1911. (Report of the House Committee on the Census, 1911, pp. 48-108.) In discussing the "method of major fractions" we have taken into account, therefore, the suggestions of Professor Owens, as well as those of Professor Willcox, and similarly we have joined Doctor Hill's suggestions to those of Professor Huntington in our consideration of the "method of equal proportions."

II. FACTORS THAT INFLUENCE A CHOICE

Judged by purely technical criteria, the "method of equal proportions" is superior to the "method of major fractions." By "purely technical criteria" we do not mean matters of mathematical detail. Both methods are, in such respects, mathematically sound. The difference between them is one of logic rather than mathematics, of premises rather than of methods of deduction. Both methods are logically defensible. The choice between them is not a choice between the right and a wrong method. The question is a more difficult one: Which of the two defensible methods is the better?

We say that we base our judgment on "purely technical criteria" in order to make it clear that we have left out of account, as beyond our province and our competence, certain matters which Congress perhaps may deem important. In particular, we have given no weight either to precedent and tradition or to subtleties of interpretation, such as might be found in the language of the Constitution, or in the circumstances of its history, an indication that some particular significance or meaning should be attached to apportionment ratios.

If any weight is to be given to precedent, it will count for the method of major fractions. Professor Willcox, who devised the method used in the apportionment of 1910, has explained that his aim was "simply to provide a set of tables which would conform to the desire and purpose of Congress," as expressed in previous reports, debates, and votes upon apportionment. In the past Congress has, in fact, indicated its belief that if a State's population exceeds any exact multiple of the population of the average congressional district by a "major fraction," the major fraction gives the State a prima facie claim to another Representative. The method used in the apportion-

ments of 1840 and 1910, and now called the "method of major fractions," satisfies the requirements a recognition of such claims makes as closely as is practicable.

What weight should be attached to precedent is, of course, for Congress to determine. While, on the one hand, it might be urged that if any other method is to displace the "method of major fractions," the other method must have a very considerable margin of superiority; it might possibly be maintained, on the other hand, that in view of the inherent complexities of the problem and the likelihood that all of its different aspects have not been presented to Congress in the past it would be wrong to consider the case as in any degree closed. At any rate, we venture to suggest there is one factor the importance of which has increased and is likely to increase. In the past the increased representation the more rapidly growing States have gained has seldom been at the direct expense of other States. With the interests of each State thus in a measure safeguarded, some of the mathematical niceties of exact apportionment might be disregarded. But once the size of the House of Representatives is definitely restricted the problem of apportionment takes on new importance. It is no longer merely a question of what States shall gain Representatives. It includes also the more awkward question of what States shall lose Representatives. It is possible that under such conditions Congress may hold that it is less important that the method of apportionment be based on precedent than that it should rest on the best possible logical and mathematical foundation so as to be immune, so far as may be, from successful criticism and attack.

III. THE CONSTITUTIONAL REQUIREMENT

We do not understand that the constitutionality of either of the proposed methods is now in question, nor do we assume that the constitutionality of either of them is likely to be challenged. Both methods comply with the requirements of the Constitution in that each leads to an apportionment of Representatives "among the several States according to their respective numbers." The problem merely is, which method leads to a more nearly exact apportionment?

The words of the Constitution are: "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed." (Fourteenth amendment, sec. 2.) As we have said, we do not conceive our task to be that of constitutional interpretation. Nevertheless, it is impossible to come to any conclusion respecting the relative merits of the competing methods of apportionment without careful consideration of their relation to the requirements of the Constitution. For this purpose we have taken the words of the Constitution at their face value. We have tried to avoid reading into them any implications not warranted by a rigidly literal interpretation.

For example, it has been held that these words imply that a group of individuals resident in any part of the United States is entitled to the same amount or share of representation in Congress as any other group of individuals of equal numbers resident in any other part of the United States. Or it might be held that it is implied that the population of the different congressional districts should be as nearly equal as possible. These two implications, seemingly somewhat alike, lead logically to two very different methods of apportionment. Congress might draw inferences like these from the stipulations of the Constitution. Our committee has not ventured to go that far. For a similar reason we have given no weight to the suggestion that the equal representation of the States in the Senate indicates that preference should be given to that method of apportioning Representatives in the House which is more favorable to the larger States. That is clearly a matter of congressional policy, outside the field of inquiry assigned to our committee.

Confining ourselves then to a literal reading of the constitutional clause, we find in it two guiding principles that have an important bearing upon the problem in hand.

First, Representatives are to be "apportioned among the several States." We have not thought it advisable for us to go beyond this clear stipulation by treating the problem as one of adjusting the equities of individual citizens, of groups of individuals, or of their Representatives. As we have suggested, the restatement of the problem in some such manner might point to a different solution from the one we favor. In its original form (Constitution, Art. I, sec. 2), the clause in question, covering as it did the apportionment of both Representatives and direct taxes, was born of an effort to adjust the conflicting interests of the different States. We have not assumed that its purpose and meaning have changed.

Second, Representatives are to be apportioned among the States according to their respective numbers. Here we have a plain stipulation that the allocation of Representatives among the States is to be determined on the basis of proportions or ratios. The ratio between the representation assigned any one State and the representation assigned any other State is to accord with the ratio between the population of the one and the population of the other. But there is no stipulation with respect to the precise way in which such proportions are to be expressed or stated.

IV. THE MEASUREMENT OF THE EQUALITY OF RATIOS

No method of apportionment, of course, can assign Representatives to the several States in exact proportion to their respective numbers. The problem then is, in Daniel Webster's phrase, to reach a result that shall be "as near as may be" to an exact apportionment. The principal difficulty occurs just at this point.

How is "nearness" to an exact apportionment to be measured? How is the difference between two States with respect to the relation between their representation and their numbers to be determined? These questions are included, in part at least, in a larger problem—how is the "nearness" of any two numbers to be determined?

The "nearness" of two numbers may be measured either absolutely or relatively. For example, which are nearer, the numbers 3 and 5 or the numbers 45 and 50? The absolute difference between 3 and 5 is only 2, while between 45 and 50 it is 5, so that by this test 3 and 5 are "nearer" than 45 and 50. But while 3 is 60 per cent of 5, 45 is 90 per cent of 50, so that relatively 45 and 50 are "nearer" than 3 and 5. Suppose that State A is given 20 Representatives, its exact quota being 20.6, while State B is given 2 Representatives, its exact quota being 2.4. Which State is nearer to its exact quota? Absolute nearness is closer in the case of State B, since 0.4 is smaller than 0.6, but relative nearness is closer in the case of State A, since State A has 97 per cent of its exact quota, while State B has only 83 per cent. Expressed in this manner, the measurement of "nearness" by absolute differences leads to the "method of major fractions," while its measurement in relative or percentage terms leads to the "method of equal proportions."

For the general problem of the measurement of the "nearness" of two numbers there is no single exclusive solution. The appropriate method must be determined by the nature of the concrete problem in hand. For example, temperatures of 5° and 10° above zero are "nearer" than are temperatures of 90° and 100°, but a firm with assets of \$50,000 and liabilities of \$100,000 is further from solvency than a firm with assets of \$900,000 and liabilities of \$1,000,000.

While the problem of the best method of measuring the "nearness" of numbers is thus, as a general problem, ambiguous, such is not the case with respect to the "nearness" of ratios or proportions. A ratio between numbers is not itself a quantity, yet there is no way of measuring the absolute difference between ratios, except by putting them into the form of fractions and treating them as numbers or quantities. In order that a ratio may be treated as a fractional quantity, certain assumptions must be made, which may not, in a particular case, be warranted. But ratios may properly be compared as ratios with respect to their relative "nearness." Thus to say that the ratio between 2 and 4 is 83½ per cent of the ratio between 3 and 5 is merely to say that the first ratio is related to the second ratio as the ratio between 83½ and 100 is related to the ratio between 100 and 100.

The problem in hand, or rather so much of that problem as we take to be within the field of our inquiry, is to determine which of the methods under review will give an apportionment of Representatives that will be, "as near as may be," in accordance with the populations of the several States. This is a matter of making ratios or proportions as nearly alike as possible. For the reasons we have outlined the likeness or nearness of ratios is best measured in relative terms. This is one ground on which technical superiority must be assigned to the "method of equal proportions."

V. DIFFERENT WAYS OF EXPRESSING RATIOS

When apportionment ratios are expressed as fractions further difficulties appear. Such fractions may take several forms. For example, their numerators may express the number of representatives to be assigned the several States and the denominators their populations. Or population may form the numerator and the number of representatives the denominator. Or, again, the representation of any two States may be compared by means of a pair of fractions. One fraction has for its numerator the population of one State and for its denominator the population of the other. The other fraction has for its numerator the number of representatives assigned the first State, and for its denominator the number of representatives assigned the other. (Denoting the number of representatives assigned to States A and B by a and b , and their respective populations by A and B , there are the following possible classes of fractions: (1) a/A , b/B , etc.; (2) A/a , B/b , etc.; (3) A/B , a/b , etc.; (4) B/A , b/a , etc.) Which among these different sets of fractions is to be selected?

If the "method of equal proportions" is used, the choice is a matter of indifference. Any or all of the possible forms of fractions will lead to the same apportionment. That is, the apportionment which will bring one set of fractions "as near as may be" to equality will also minimize the differences in the other sets of fractions. This is because when the "nearness" of ratios is measured on a relative scale, the results do not depend upon the particular form of the fractions by means of which the ratios are expressed.

When, however, the "nearness" of fractions is measured by their absolute differences so that the fractions are treated as quantities rather than as merely expressing ratios, the form of the fraction used

in the comparison becomes a matter of importance. The measurement of "nearness" by means of absolute differences does not of itself lead to the "method of major fractions." That method requires the further assumption that the significant fractions are those in which the numerators denote representatives and the denominators population. Inverted, so that their numerators denote population, and with their "nearness" measured by their absolute differences, these fractions lead to a very different scheme of apportionment, which on mathematical (though not on historical) grounds has an equally valid claim to the name "method of major fractions." The "method of equal proportions," it is interesting to note, gives results that are intermediate between those given by these two ways of measuring "nearness" by absolute differences. It is somewhat more favorable to the small States than is the "method of major fractions," and somewhat more favorable to the large States than that method would be if it made use of the other form of fractions.

On purely mathematical grounds there is no reason to prefer one of these two forms of fractions to the other. The two are equally valid as expressions of apportionment ratios. It thus appears that unless other than mathematical reasons can be found for preferring one form of fraction, the "method of major fractions" encounters the formidable objection that it leads to results that are self-contradictory.

If preference is to be given to one form of fraction, it can only be because different meanings are attributed to the different forms. Now, so long as these fractions are construed to be merely the expression of ratios there can be no difference in their meanings. To state that the ratio of representatives to population is as 1 to 240,000 is to state that the ratio of population to representatives is as 240,000 to 1. A familiar example may make the matter clear. The speed of a railway train or of an airplane is stated in terms of miles per hour; the speed of a runner in terms of minutes per mile. The meaning is the same in both cases—the ratio between the two magnitudes; distance traversed and time elapsed. Science, it is true, has adopted the convention of expressing the time-distance ratio as a fraction in which distance is the numerator and time the denominator. But this is merely a matter of convenience. In inverted form the ratio, as a ratio, would have the same meaning.

To attach a distinctive meaning, therefore, to the different forms of fractions which express the apportionment ratios, they must be construed to be something more than mere ratios. This construction may be accomplished by using common denominators or by reducing the denominators to unity, so that the numerators become the quotients of the original numerators divided by the original denominators. To the numerators, taken by themselves, concrete meanings can be attributed. Thus, the number of representatives assigned to a State divided by a number representing its population gives a number which may be interpreted as the "average representation accorded to an individual in the State's population." Similarly, the quotient obtained by dividing the State's population by a number corresponding to the representatives assigned it may be construed as "the average size of a representative's constituency" or "the average size of a congressional district within the State."

So far as mathematical considerations are concerned, the processes by which one meaning or the other is imputed to apportionment ratios are wholly arbitrary. If the "method of major fractions" is to be supported, it must be by holding that what the Constitution requires is, after all, not that the ratios of representatives and population shall be equal "as near as may be" for the several States, or even that the average size of congressional districts shall be as equal as possible as among the several States, but that the differences in "the representation accorded an individual" shall be minimized. The absence of any clear reasons—save those of precedent—for emphasizing the "representation accorded an individual" rather than "the size of an average congressional district," or either of them rather than that simple proportioning of representatives according to population which the constitutional clause, taken at its face value, seems to require, establishes the second ground on which the "method of equal proportions" is to be preferred to the method of major fractions.

VI. THE USE OF SQUARES IN THE "METHOD OF LEAST ERRORS"

Professor Owens has shown that the apportionment which will make the sum of the squares of the errors—i. e., the differences between the actual share a citizen of a State has in his representative and the exact share to which he is "entitled"—a minimum will be the same apportionment as would be reached by "the method of major fractions." This result affords additional evidence that results which the "method of major fractions" gives are logical deductions from the premises of that method and possibly makes the logical premises of that method somewhat clearer. But this use of the method of least squares does not strengthen the claims of the "method of major fractions" as against the "method of equal proportions."

The "errors" whose squares Professor Owens seeks to minimize correspond to those "absolute differences" which are less appropriate measures of the "nearness" of apportionment ratios than are the relative differences utilized in the "method of equal proportions." Moreover, the method of least squares is applicable to any of the forms of fractions which may be used to express apportionment ratios, and thus

leads to self-contradictory results. In short, as used by Professor Owens, it not only presupposes the validity of absolute differences as a measure of "nearness," but it also requires, as Professor Owens himself suggests, that only one of the possible types of fractional expression of the apportionment ratios shall be utilized.

VII. SUMMARY

1. It is clear that the Constitution requires that the allocation of Representatives among the several States shall be proportionate to the distribution of population. It is not equally clear that there is anything in the constitutional requirement which suggests that one of the forms in which such apportionment ratios or proportions may be expressed should be preferred to another.

2. The "method of major fractions" utilizes only one of several ways of expressing apportionment ratios. The "method of equal proportions" utilizes all of these ways without inconsistency. The latter method, therefore, has a broader basis.

3. There is no mathematical or logical ground for preferring the one form of expression of the apportionment ratio used in the method of major fractions to other forms of expression. These other forms lead, when similar processes of computation are employed, to different and therefore inconsistent results.

4. The method of major fractions logically implies preference for a special meaning which may be attached to one of the forms in which apportionment ratios may be expressed. To attach to ratios meanings which vary with the forms in which the ratios are expressed is to interpret them as something else than ratios.

5. In the "method of major fractions" the "nearness" of the ratios of Representatives and population for the several States is measured by absolute differences. The "method of equal proportions" utilizes relative differences. The relative scale is to be preferred.

Respectfully submitted.

C. W. DOTEN.

E. F. GAY.

W. C. MITCHELL.

E. R. A. SELIGMAN.

A. A. YOUNG.

W. S. ROSSITER, *Chairman*.

THE ALL-AMERICAN WATERWAY

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein some correspondence from the Governor of the State of New York.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the Record and include therein some correspondence from the Governor of the State of New York. Is there objection?

There was no objection.

Mr. BACON. Mr. Speaker, the Chief of Engineers of the Army has recommended and the Committee on Rivers and Harbors has reported favorably a provision in its bill, as follows:

For the further study of a deeper waterway connecting the Great Lakes with the Hudson River, across the State of New York; and the Secretary of War is hereby authorized to expend for this purpose, from appropriations heretofore or hereafter made for examinations, surveys, and contingencies, an amount not to exceed \$100,000.

Upon this subject I desire to address the House, because it is essential to the commercial future of the United States that a ship canal be constructed from the Great Lakes to the sea and that the route shall be within American territory, across the State of New York.

The vast landlocked territory of the Middle West, now largely subject to high rail rates for the carrying of its products to the densely populated centers of the Atlantic seaboard, and thence to Europe, as well as Central and South America, should be enabled to load ocean vessels at Duluth, Chicago, and Detroit and to send them through Lake Superior, Lake Michigan, Lake Huron, and Lake Erie to the Niagara River at Tonawanda, and from there to Lockport, Oicott, along Lake Ontario to Oswego, and thence through the deepened barge canal, Mohawk River, and Hudson to Albany, New York City, and the sea.

The feasibility of the engineering features of such a canal, 200 feet wide and 25 feet in depth, have been recommended by the Board of Engineers of the United States Army, to cost about \$500,000,000 for the Hudson to Oswego cut and approximately \$100,000,000 for the Oicott-Tonawanda branch. In fact, seven such reports have been made, one of the most thorough of them being that of 1900. President Coolidge, in his last annual message to Congress, said:

For many years our country has been employed in plans and operations for the development of our intercoastal and inland waterways. This work along our coast is an important adjunct to our commerce. It will be carried on, together with the further opening of our harbors, as our resources permit. * * * Two other main fields are under consideration. One is the Great Lakes and St. Lawrence, in

cluding the Erie Canal. This includes stabilizing the lake level, and is both a waterway and a power project. * * * No final determination can be made, apparently, except under treaty as to the participation of both countries.

In a recent statement to the Committee on Rivers and Harbors of the House, Herbert Hoover, Secretary of Commerce, said:

The completion of the Panama Canal, together with the increased railway rates east and west to seaboard, have given the Atlantic and Pacific seaboard industries an advantage over midwest industries. * * * The result of this has been to shrink up what would otherwise have been a normal growth of midwest industry and commerce and drive it closer to the seaboard. Thus we find a long range of complaints from interior cities as to the loss of their distribution area. This movement has been of steadily increasing importance during the last five years. This again has reflex on the agricultural situation, because the ideal must be to build up industry in the midst of agriculture, thereby gaining diversification of employment, the immediate consumption of agricultural products without long transportation, and better distribution to the population of the Nation. * * * These waterways (from the Great Lakes to the sea) have a bearing not only on agriculture but they have a very material bearing upon the development of industry and upon the distribution of population. What I want to most particularly point out is that a considerable portion of the economic dislocation is due to the great economic shifts from the war. It imposes upon us a new situation and a new vision of its solution. Some alarm has been expressed that the development of these systems would damage our fine network of railways. I do not believe that is true. In normal growth we shall have 40,000,000 more population in a quarter of a century. In the last quarter of a century our railway traffic has grown from 114,000,000,000 ton-miles to 338,000,000,000 ton-miles—nearly trebled. At a much lower rate of increase we must within another quarter of a century provide facilities to handle at least double the tonnage we are handling to-day. Any study of the comparative capital cost of increasing the railway systems to serve this particular territory 25 years ahead with the cost of constructing these waterways will show that the waterways can be made from a third to a quarter less than the cost of making equivalent carrying capacity by rail. And obviously the waterways will in the end move certain classes of goods cheaper than the railroads. * * * It seems to me that if we were to make a survey of all the opportunities that lie before us of possible physical progress in our Nation, the development of our internal waterways would stand in the forefront.

The war and reconstruction necessarily required that projects of this kind should be held in abeyance. In the meantime, we must now realize the economic dislocations that have come from the war in their bearing on this problem and, incidentally, that we have recovered our economic strength to the highest degree ever known to our history. We might add as a corollary that the expenditure on works of this type is a reproductive expenditure which increases the wealth of our country many times their cost and even increases the area of tax distribution and becomes in the end an actual economy to the Government, even if we take a narrow point of view. So that these economic forces and the advance in engineering and transport science, with our recovered and increased economic strength, combine at this moment to project an entirely new vision of our waterway resources and their development.

It is obvious that in furtherance of this object there should be a deepening of the Illinois River so as to permit deeper draft vessels to travel from the Great Lakes to the Mississippi River and the Gulf of Mexico and the Atlantic Ocean. But that route is not direct to the Atlantic. It is therefore proposed that a canal be constructed from the Great Lakes to the Atlantic either by the New York State route or through the St. Lawrence River and the Gulf of St. Lawrence. To the latter there are many objections which are quite serious.

First. Hugh Cooper, one of the ablest engineers in the world, has testified that the cost would be between \$500,000,000 and \$2,000,000,000.

Second. The closed season for vessels because of ice would be from one month to six weeks longer than via New York.

Third. Such a canal would have to be built jointly with another and rival government.

Fourth. It would run through a foreign territory.

Fifth. The canal would of necessity be shut off to us in time of war between us and a country other than the British Empire, by reason of British neutrality.

Sixth. The route would be 1,600 miles farther from the Great Lakes to New York, and all points south, including South America.

Seventh. The northern lanes across the Atlantic would be more dangerous because of icebergs and fog.

Almost entirely under the leadership of Representative S. WALLACE DEMPSEY, chairman of the Committee on Rivers and Harbors of the House, it has, therefore, been proposed that

the canal be constructed across the State of New York. The chief reasons for this are commercial and military. Such a route as I have described would provide all of the transportation remedies that Secretary Hoover has pointed out as necessary. Certainly it would reduce rates to the Middle West. And it would protect the country in time of war by an all-American waterway from the Great Lakes to the sea, so that our foodstuffs could reach the congested centers without molestation and unhampered by British neutrality. This is so important that it has been recommended by the Secretary of War, the Secretary of the Navy, and the chairman of the Fleet Corporation.

In a letter to the chairman of the Committee on Rivers and Harbors of the House the Secretary of War says:

WAR DEPARTMENT,
Washington, D. C., March 6, 1926.

HON. S. WALLACE DEMPSEY,

House of Representatives, Washington, D. C.

MY DEAR MR. DEMPSEY: Your letter dated March 2, 1926, requests a statement of my opinion as to the importance of the proposed all-American deeper waterway connecting the Great Lakes with the Hudson from the standpoint of national defense.

In general, inland waterways are of military value as a supplement to rail and highway transportation. War frequently makes increased demands on railroads even when these are not located in the theater of operations. Delay caused by congestion of transportation facilities may have a decisive military effect. The availability of waterways to relieve railroads at the time of their peak loads is a great military asset.

In the event of a great war the transportation of the agricultural products and raw material of the Middle West to the Atlantic seaboard and to the thickly populated industrial areas of the Eastern and New England States would impose a great burden on the railroads. The probable resulting congestion could be relieved by the further development of the waterways connecting the Great Lakes with the Hudson River.

From the military standpoint it is essential that waterways connecting the Great Lakes with the Atlantic seaboard shall be entirely within American territory. The proposed waterway, extending from Lake Erie via Tonawanda, the Erie Canal to Lockport, thence to Olcott on Lake Ontario, thence to Oswego, thence to the Hudson via the Oswego River and Mohawk River Valleys, would be desirable from the national defense standpoint.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

Secretary Wilbur says:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, March 8, 1926.

MY DEAR MR. DEMPSEY: Your letter of March 2, 1926, is received, in which you request my opinion as to the importance of an all-American deeper waterway connecting the Great Lakes with the Hudson River.

I am of the opinion that the proposed all-American deeper waterway connecting the Hudson River with the Great Lakes would be a very important addition to the transportation system of the country and would be, therefore, an important asset to the national defense.

In time of war or emergency the railroads and motor transportation are generally taxed to the limit, and any additional water communication such as this proposed canal would greatly relieve such a situation and facilitate transportation of supplies to the seaboard and overseas.

It is understood that this canal is to have a depth of 25 feet and a width of 200 feet, which would enable ocean-going vessels to load at the big waters of supply on the Great Lakes and proceed directly to ports overseas without the delay and expense of transshipping the cargo. This would be a decided advantage in time of war in saving time of shipments, reducing cost of handling, and relieving congestion at seaboard terminals.

From a naval point of view, the advantage of this proposed canal consists almost entirely in the transportation of supplies, as it is not probable that it would be used for the passage of armed war vessels.

A waterway of this type to be an asset to the national defense must be entirely within the limits of the United States.

Very respectfully,

CURTIS D. WILBUR.

Chairman Crowley says:

FLEET CORPORATION,
Washington, D. C., March 4, 1926.

HON. S. WALLACE DEMPSEY,

House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Your letter of the 2d instant, relative to the proposal to develop an "all-American route" by water between the Great Lakes and the Hudson River, has been received and read with great interest.

I understand the suggestion you have in view is deepening and otherwise improving the Erie Canal so as to make it usable by ocean-going vessels, thus making it possible for vessels operating in our ocean-going foreign trade to include Great Lakes ports in their routes.

Your reference to the matter as an "all-American route" has in view, of course, its contrast with the proposed improvement of the St. Lawrence River by the joint action of the United States and Canada, so as to make the Great Lakes accessible by ocean-going craft by that route.

As between the two routes it seems to me that the American people should be more interested in developing that one which is wholly within their own territory, and which, therefore, will be exclusively under their own control, in preference to the expenditure of millions of dollars on an improvement which will not only be very largely in foreign territory, but which will probably contribute more to the development of Canadian ports than ports of the United States.

I am sorry that I can not give you any estimates which would deserve serious consideration as to the probable tonnage which will move through the Erie Canal if extended and improved as proposed. I have no reluctance, however, in saying if the project is feasible from an engineering and financial point of view, the usefulness of such a waterway would be almost unlimited.

Very respectfully,

ELMER C. CROWLEY.

To understand the importance of the project, however, we must go back to the early colonial days when it was first thought of. It was in 1724 that Cadwallader Colden, surveyor general of the colony, declared the opportunity for inland navigation in New York without a parallel in any other part of the world. In 1776, the year of the Declaration of Independence, Joseph Carver, the explorer, said he saw nothing to prevent the great Northwest from being connected with the ocean by means of canals and the natural waterways of New York. At about the same time Gouverneur Morris expressed the opinion that—

at no distant day the waters of the great inland seas will, by the aid of man, break through their barriers and mingle with those of the Hudson.

And when George Washington journeyed through the State in 1783 with George Clinton he saw the same vision. The legislature in 1784 saw something of it when it offered to one Christopher Colles the entire profits of navigation if he would improve the Hudson to Little Falls. He did not accept. In 1791 George Clinton secured the incorporation of a company to open navigation from the Hudson to Lake Ontario. Other canal companies were organized; one to build from the Hudson to Lake Champlain and another to connect the Oswego River with Cayuga and Seneca Lakes. But nothing came of them.

Finally, in 1805, the legislature authorized Simon DeWitt, the surveyor general of the State, to survey the several routes. He reported the feasibility of constructing a canal from Lake Erie to the Hudson. A commission of seven men estimated the cost at \$5,000,000. But all who were interested in the project became discouraged with the exception of one man. That was DeWitt Clinton. He had been a member of the commission, had explored the route, and was convinced. When the War of 1812 came on and put a stop to his efforts he retired to his country place to work upon his figures. And after the war he continued his efforts and saw the Erie Canal completed at a cost of \$7,000,000.

It is interesting to recall that in that day, as in this, an effort was made to secure the help of Congress in the building of this and other navigation projects. Representative John C. Calhoun made a statement in the House which applies to-day. He said:

What can add more to the wealth, strength, and prosperity of our country than cheapness of intercourse? It gives to the interior the advantages of the seaboard. It makes the country price, whether in the sale of raw products or in the purchase of the article to be consumed, come near to the price of the commercial town, and it benefits the seaboard by enlarging the sphere of demand. Were the pecuniary gains of the farmer or the merchant the only consideration it might well be doubted whether a system of good roads and canals should not be left to individual enterprise. But there are far higher motives. The strength and political prosperity of the Republic are concerned in it.

Timothy Pickens declared that the proposed canal across the State of New York would join distant States and unite remote parts of the Union in bonds so strong that nothing could ever break them. It was in this debate that the House first adopted the principle that Congress had the right to use revenue for internal improvements. It was also in this debate, in 1817, that the use of the canal for defense purposes was first proposed. Indeed, the entire purpose of the measure was declared to be—

in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions necessary for the common defense.

To this, as now, there was opposition. The New England Members voted against it, 34 to 6, on the ground that it would assist the migration westward to Michigan, Ohio, Indiana, and Illinois, and depopulate the New England States. The bill was passed by a majority of only two. In the Senate it had a majority of five. But President Madison vetoed it on constitutional grounds, and President Monroe declared soon after that he would oppose such a measure on the assumption that the National Government had not the right to appropriate money for internal improvements.

But the results obtained from the famous canal after its completion in 1825 went on and on to shame those in Congress and in the State who had decried it. Three thousand men had built it in eight years, and there it was before the eyes of its detractors, destined to transport freight east and west, to develop New York into the Empire State and, eventually, with the construction of the railroads which culminated in the New York Central, to cheapen rail rates and help to maintain the supremacy of the port and the State of New York. A century after its completion it was enlarged by the expenditure of \$225,000,000 on the part of the State, into a barge canal. The effect upon rail rates continued.

It was largely because of the Erie Canal that the State of New York became so preeminent. It would be idle to say that this was entirely because of the canal. New York was already the leading city of the colonies at the time of the Revolution. It gave Alexander Hamilton to the young Republic. The Livingstons, the Schuylers, the Jays, and the Clintons were prominent before the canal was built. But there was never such a growth, either in the State itself or in the Great Lake country, as that which followed the gradually enhanced use of the waterway, which almost immediately made Buffalo a great city. It was this that helped to maintain that point and New York City as great transportation centers. It was this that kept New York in the path which made her the financial center of the world, with a population of more than 6,000,000 in her precincts and of double that number in her vicinity.

It is now proposed by a movement which has gained considerable headway in several of the States of the Middle West that they find relief from freight congestion by the construction of a ship canal through the St. Lawrence. The aim of those who seek to do this is entirely laudable. But at the hearings which were held before the Board of Engineers it was contended by the senior Senator from Wisconsin, Mr. LEXROTH, and others that New York, having no further use for her great canal, now desired to foist it upon the Nation; that in the construction of a ship canal across the State New York would be developed to the disadvantage of the remainder of the country; and that the State was purely selfish in her desire for such a canal. In fact, into the hearings there crept some of the jealousy of the great State of New York, some of the distrust of her, which has continued in some quarters from the time of the first Constitutional Convention until now. There was a disposition to urge a ship canal through a foreign territory rather than permit New York State to reap any advantage from it.

In refutation of the first charge against the State of New York, I quote a report of Col. Frederick Stuart Greene, superintendent of public works, to Gov. Alfred E. Smith. He says:

That the traffic carried on the barge canal has fallen short of expectations can not be denied. The canal has a theoretical annual capacity of 20,000,000 tons. In 1910, the first year after the canal was opened throughout its length, 1,238,844 tons were floated; last season 2,344,013 tons were carried. This increase has not been sufficient to prove the canal an economic success. * * * Why did the smaller, if slightly deeper, St. Lawrence canals carry 3,776,122 more tons in 1925 than did the barge canal? Why, in 1925, did 803 United States vessels pass through those canals and 2,028,510 tons of American products go to the port of Montreal? * * * The answer is that the St. Lawrence canals are not hampered by fixed bridges. The immovable bridges over our canal permit a clearance of only 15 feet. This limits the free board of hulls and the superstructure of all vessels. Our fixed bridges block boats with normally high stacks and any kind of masts. They limit the height of pilot houses and the captain's bridge to such an extent as to seriously interfere with the proper handling of large crafts.

Finally, and this is the vital point, they necessitate the building of a special type boat which can not be operated advantageously on any other body of water. * * * The Erie Canal succeeded in spite of ice and low bridges, but the investment in the mule-towed canal boat was so small and winter carrying charges so little in comparison with the business done that they could afford to remain idle during the

closed periods; and the fixed bridges did not interfere with them at all. * * * The New York State Barge Canal is such an important transportation factor in this country, that, whether or not it is a failure, it should be continued. * * * That the Great Lakes at no distant date must be connected with the Atlantic by a ship canal is inevitable. * * * It is hard to understand why the United States should not leave the Canadian canal to be constructed by that country and devote its own resources to building the better American waterway from Lake Ontario to the Hudson River. * * * When the upper Hudson is deepened and a ship canal is built to Lake Ontario, Albany will become the American junction point for fresh and salt water freight. And judging from the history of Montreal, it is reasonable to assume that the port of Albany would not only keep pace with Montreal but would rapidly catch up with and surpass the Canadian port. * * * A ship canal from the Lakes to the Hudson is more than a desirable project. Unless this country is content to remain inert and see American freight shipped in ever increasing amounts through a foreign port to be carried on the seas in foreign vessels, an American ship canal is a necessity.

The second charge is that such a canal would be developed to the disadvantage of the remainder of the country, the inference being, I presume, that anything that would greatly redound to the benefit of New York would correspondingly depreciate other States. This is, of course, untrue. New York has been the natural gateway from our country to Europe. As it has grown in power and wealth, so has grown the Nation. One could not prosper without the other.

The third charge a corollary to the second, is that the State of New York, in urging an all-American canal across the State, is seeking only her own selfish advantage. This is the same as saying that when a man prospers and accomplishes he benefits the community, and that when a community does so it benefits the Nation. It is true that New York has prospered and accomplished more than any other State in the Union. This is due not only to her natural resources, her varied scenery, and her strategic commercial position, but to her people and their spirit as well. New York is the sixth State in agricultural production and is first in dairying and vegetable raising. The value of her manufactured output increased from \$3,867,000,000 in 1919 to \$8,960,000,000 in 1921. She collects one-third of the taxes of the entire country, and in both war and peace has contributed her full share—in fact, more than her full share—to the national welfare. The center of the world's wealth, she gives to all national causes with a lavish hand. And in all improvements voted by Congress for the general welfare she pays nearly a third. But it must also be said that New York has had no less an influence in the political, intellectual, and moral development of the entire Nation. Hamilton conspicuously contributed to the Constitution after Washington Heights, Oriskany, and Yorktown. For 30 years prior to 1860 Seward opposed slavery. The duty of organized wealth to the Nation was urged for a generation by Roosevelt. The principle that America should govern her dependencies in the Atlantic and the Pacific for the benefit of those dependencies and the method of protecting them from exploitation were largely contributed by Root. The basis for the regulation of local utilities by the State without that public operation which would endanger individual initiative was given by Hughes. Susan B. Anthony, who more than any other one person brought about woman suffrage, was a resident of Rochester. Yet New York claims no more than any other State of credit for what she has contributed to the Nation. Her people will resent, and rightly so, the imputation that they have been selfish in their contributions to the national prosperity. They have every reason to be proud of that record. They are proud of it. But it is as much the pride of the Nation as of the State, and none can deny that it has benefited the Nation quite as much as the State of New York.

These facts are cited to show that it is not the selfishness of New York which is seeking a canal through its territory. An all-American canal to the sea, as the shortest route from the Middle West to Europe and South America, could take no other course. That it would maintain the supremacy of the port of New York and the State of New York is beyond question. But it should be built in New York only because it is wholly American territory and because the St. Lawrence route would be 1,600 miles longer from the Middle West to the congested purchasing centers of the Atlantic seaboard and South American and Mediterranean ports. This greatest engineering project since the completion of the Panama Canal should be built as soon as possible. It should be built by the Nation. Congress should raise the money through a bond issue payable over a period sufficiently long to put the burden not only upon this generation but the following one as well.

It was urged by the senior Senator from Wisconsin [Mr. LENROOT] that the St. Lawrence route should not give way to

the all-American route because of sentiment. It was sentiment that won the Revolution. It was sentiment that fought the Civil War. It was sentiment that freed Cuba and the Philippines from Spanish tyranny. It was sentiment that caused America to spend thirty billions of the money of the people in the World War. It is the sentiment of the self-interest of a great people that makes for patriotism. And it is patriotism that makes for the solidarity and advancement of a people. Let us then cling to our sentiment for America first. Let us remember that New York is still the Empire State of our Union and that her advancement means to-day, as it always has meant, the advancement of the Nation. And let us bear in mind that we are a practical as well as a sentimental people, and that the time to give the Middle West a cheap and quick passage to the seaboard is now, so that not only New York but the United States will be the beneficiary for another century.

In this sentiment the 43 Members of the New York delegation in the House have been practically unanimous. Most of them were surprised to find that they were not joined by Governor Smith in their advocacy of the all-American route from Lake Erie by way of Tonawanda and Olcott. In his pronouncement upon the subject, submitted fully a year after the principal efforts had been made in behalf of the project in the Nation's Capital, where alone it could be secured, he mentioned only the route from Lake Ontario to the Hudson. And his representative, Colonel Greene, at the hearings before the Board of Engineers, stated positively that Governor Smith indorsed the route between those points. Colonel Greene, however, went further and said he did not indorse that branch which alone would make an all-American route possible. To cargo from the Hudson to Oswego and then on Ontario Lake to the Welland Canal and through British territory would be to belie the contention that an all-American canal would be an all-American defense. But the delegation, which voted for the deeper Hudson project a year before the governor's declaration, held and still holds to the sentiment of an American waterway to the sea through American territory with American enterprise and American money for the future benefit of America.

The letter of Governor Smith is as follows:

EXECUTIVE CHAMBER, STATE OF NEW YORK,
Albany, March 15, 1926.

HON. ROBERT L. BACON,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN: For more than a century and a half this country has talked of connecting the Great Lakes with the Atlantic Ocean by a ship canal. One hundred years ago this desire was partially met by the construction of the old Erie Canal, and it is doubtful if any transportation project was ever a greater success. Up to 1883, the year tolls were abolished, the Erie Canal, together with its branches, chiefly the Oswego Canal, had repaid the State not only all it had cost for construction, operation, and maintenance, but it had turned in the handsome profit of \$43,599,717 over and above these charges. What was of greater benefit, however, than mere dollars, the Erie Canal fostered the growth of that great industrial zone which, with its chain of cities and many factories, extends from Buffalo to Troy and on down the Hudson River to end at Greater New York. When the railroads appeared they followed this well-established trade route, so that as a traffic line to the west it was not only the first in point of time but it has remained the first in importance in this country.

As the population of our Middle and Western States increased lake commerce grew in proportion, and the agitation for a deep waterway between our inland seas and the ocean became more pronounced. Then without warning came the World War and with it the necessity for transporting hundreds of thousands of tons of supplies from our Middle and Western States to the Atlantic seaboard, and for the first time it was proven beyond dispute that our railroads were not adequate to meet such an emergency.

To relieve the overburdened railroads the Federal Government hastily designed and built barges to be used on the New York State Barge Canal; and though boat operators disagree as to whether or not these vessels were of the proper type, none deny that they did carry many tons of bulk freight and that they did serve to relieve rail congestion.

The war having clearly shown the necessity for a ship canal, both political parties heeded the warning and have given their promise to the American people that such a canal will be built.

A ship canal, however, is not needed solely to meet emergencies; our five Great Lakes make up the largest body of inland waters in the world; the States bordering them are large in area, population, and production. These Lake States with the more westerly ones, North and South Dakota, Nebraska, Iowa, Kansas, and Missouri, now produce an enormous tonnage of both agricultural and manufacturing products, and as the years go by this output of farm and factory will surely increase and the demand for the cheaper water transportation to the markets of the world will become more insistent.

In the discussion of a ship canal from Lakes to ocean I shall deal with the subject solely as a transportation proposition divorced from the question of hydroelectric development, which is an entirely different problem, one which should stand by itself and not be permitted to befog the question of transportation.

There exists three possible routes for such a canal: One from the east end of Lake Ontario through the St. Lawrence Valley to the Gulf of St. Lawrence and thence to the sea; a second route leaves the St. Lawrence River at Lake St. Francis, runs through Canadian territory to Lake Champlain, thence to the Hudson River and the sea. The third route leaves Lake Ontario at Oswego, passes through the Mohawk Valley to the Hudson and thence down the Hudson to the sea. It is this last, the so-called American route, that I believe should be built.

It is natural and proper that every American should wish the supremacy of American ports continued; to accomplish this a ship canal to the Lakes through American territory is a necessity.

The Canadian-St. Lawrence Canals in 1900 carried only 1,309,066 tons; in 1925 their business had increased to 6,206,988 tons. During the last eight years (1918-1925) the St. Lawrence Canals carried 14,575,180 tons of freight that originated in the United States. Every ton of this should have been carried on an American Canal to or through an American port.

The American Canal will not only provide the cheaper water rates desired by our Western States, but it will make Erie, Pa.; Cleveland, Toledo, Detroit, Chicago, Milwaukee, Superior, Duluth, and other Lake cities seaports, having the shortest water route to every Atlantic port and to West Indies, Central and South American markets.

I say these Lake cities will be seaports in spite of the contention so often heard that ocean ships will not go to nor navigate upon the Lakes. The large and ever-increasing tonnage handled at Montreal proves that so far as the success of a ship canal to the Lakes is concerned, it is not necessary for ocean steamers to enter the Lakes at all. What is necessary is to provide a junction point where fresh and salt water tonnage may be exchanged, a port where the lighter-built Lake steamers may meet and transfer cargo to the ocean vessel.

That the American route is practical from the engineering standpoint has been certified by the Army Engineers who recently reviewed the exhaustive report of the special board which surveyed and reported on this route in 1900. To my way of thinking, the advantages of the American route are so evident that only a few arguments are necessary to convince anyone not having some personal advantage to gain through the Canadian route that the American route is the one for this country at least to build.

The distance from the Lakes to the Hudson is only 166 miles. It has been argued that canal navigation is too slow to meet modern traffic requirements, but a rate of 5 miles an hour is admitted to be practical on the canal proposed. This means that the actual canal journey can be made in 33½ hours. The trip on the broad and deepened Hudson to Sandy Hook is 165 miles. Here steamers can run at full speed—let us say 10 miles an hour. The entire trip, then, from Lakes to ocean can be made in 50 hours.

The American route runs through territory seldom troubled by fogs and ends at New York Harbor, where the ocean is free from the menace of icebergs. Finally the success of any line of transportation depends upon the tonnage carried; and as the American Canal will serve a region that per square mile produces more potential freight than any other territory in the country, this canal should, and in all probability will, carry more freight than any other inland waterway.

To say that a ship canal to the Lakes would be an aid to our national defense in time of war is to state a fact as obvious as that rations are needed for troops. In recent letters to the chairman of the Rivers and Harbors Committee of Congress both the Secretaries of War and of the Navy so declared themselves. It is of small moment that, following the visit of certain politicians to the White House, the wording of their first letters was somewhat modified; the fact remains that the Secretary of War stated:

"In the event of a great war the transportation of the agricultural products and raw material of the Middle West to the Atlantic seaboard and to the thickly populated industrial areas of the Eastern and New England States would impose a great burden on the railroads. The probable resulting congestion could be relieved by the further development of the waterways connecting the Great Lakes with the Hudson River."

And the Secretary of the Navy said:

"I am of the opinion that the proposed 'all-American deeper waterway,' connecting the Hudson River with the Great Lakes, would be a very important addition to the transportation system of the country and would be, therefore, an important asset to the national defense."

In my consideration of this subject, that phrase so convenient to the vacillating, "an open mind," has no place. I am convinced that a ship canal from Lakes to sea has become a necessity to the commercial needs of our country; that it will some day be built is inevitable; that the promise of both our major parties should be kept; that the time to fulfill that promise is now; that the route of the American

canal, following the long-established line of traffic, is the best one to build, and that an American canal is the only one for which American capital should be spent.

Very truly yours,

ALFRED E. SMITH.

The governor's letter, though late, ably and clearly presents the case, but he fails to mention the very essential link between Lake Erie and Lake Ontario. Therefore in acknowledging it I pointed out this omission:

MARCH 23, 1926.

HON. ALFRED E. SMITH,

Governor State of New York,
Executive Mansion, Albany, N. Y.

MY DEAR GOVERNOR: I acknowledge the receipt of your belated circular letter on the subject of the all-American waterway addressed to the New York congressional delegation. This letter arrived after the evidence had all been presented to the United States Army Board of Engineers and after the hearings had been closed, following upon a year-long fight made here in Washington under the able leadership of Representative S. WALLACE DEMPSEY, chairman of the Committee on Rivers and Harbors of the House of Representatives, to whom the credit for this movement should be given.

I greatly regret that it seems to have entirely escaped your attention that the all-American waterway from the Great Lakes to the Atlantic, which we of the New York delegation in Congress are fighting for, is that from Lake Erie and not merely that from Oswego to the Hudson River.

In your letter to me you say:

"There exist three possible routes for such a canal; one from the east end of Lake Ontario through the St. Lawrence Valley to the Gulf of St. Lawrence and thence to the sea. A second route leaves the St. Lawrence River at St. Francis, runs through Canadian territory to Lake Champlain, thence to the Hudson River and the sea. The third route leaves Lake Ontario at Oswego, passes through the Mohawk to the Hudson, and thence down the Hudson to the sea. It is this last, the so-called American route, that I believe should be built."

We of the New York delegation contended before the Board of Engineers of the Army, having the project under consideration, that there should be no misunderstanding about our consistency in demanding what would be an all-American route. In fact, Mr. Dempsey went so far as to state that if the Lake Erie-Tonawanda-Lockport branch were not constructed we should be opposed to the entire canal because it would not be an all-American route. For us to have urged such a route and then to have accepted the Welland Canal, running through British territory, as a part of it would have been to stultify our contention that an all-American canal would protect us in time of war.

Colonel Greene, your representative at the hearing before the board, in harmony with your subsequent letter to me, opposed the Lake Erie branch. In giving his reasons, as stenographically reported, he said:

"First the commercial reason and then the war reason. Now, the diplomatic reasons, and God knows nobody ever accused me of being a diplomat. It seems to me that if we and Canada were in partnership with a canal, Canada taking care of the Welland and the United States this (meaning the Lake Erie branch), it might, in fact it should, form a closer bond of friendship between the two nations, but that does not mean if we were in partnership in a canal here and one running there on absolute Canadian territory, that that will form any closer bond. Don't make any mistake about that. I am for the all-American route, hook, line, and sinker, but I do not see at the present time any necessity of building the short piece up through Niagara County. I may be all wrong."

Yes, Governor, he was all wrong. Like yourself, he was for the all-American route and he was against it at the same time—unknowingly. I have no doubt, as in your case. After all, the important thing is for all New Yorkers to stand by the all-American route without regard to party.

With high regard, I remain,
Respectfully,

ROBERT L. BACON.

However, let me say that the people of New York are in practical unanimity in their desire for the building of an all-American canal. And I want to point out that the positive proof that it is not a New York question but a national problem lies in the fact that in the event of a war between ourselves and a country other than Great Britain it would be impossible to use the canal through British territory for the sending of food supplies and troops to our military forces because of British neutrality. On the other hand, through the all-American route we should be enabled to do so. Just 100 years ago, on June 19, 1826, Henry Clay, then Secretary of State, addressed a communication to Mr. Gallatin, our minister to England, in which he said of the St. Lawrence that—

from the very nature of such a river it must, in respect to its navigable uses, be considered as common to all the nations who inhabit its

banks, as a free gift flowing from the bounty of Heaven, intended for all whose lots are cast upon its borders.

His views were not accepted by the British Government at the time, but in the administration of President John Tyler, in 1842, there was concluded what is known as the Webster-Ashburton treaty, Article VII of which stipulated:

It is further agreed that the channels in the river St. Lawrence, on both sides of the Long Sault Islands and of Barnhart Island; the channels in the river Detroit, on both sides of the Island Bois Blanc, and between that island and both the American and Canadian shores; and all the several channels and passages between the various islands lying near the junction of the river St. Clair, with the lake of that name, shall be equally free and open to the ships, vessels, and boats of both parties.

But this stipulation had nothing to do with the St. Lawrence River beyond the boundary of the State of New York, nor did it have anything to do with questions of war. Likewise in Article IV of the reciprocity convention of 1854, afterwards terminated, the following language is used:

It is agreed that the citizens and inhabitants of the United States shall have the right to navigate the River St. Lawrence and the canals in Canada used as the means of communicating the Great Lakes and the Atlantic Ocean, with their vessels, boats, and crafts, as fully and freely as the subjects of Her Britannic Majesty, subject only to the same tolls and other assessments as now are, or may hereafter be, exacted of Her Majesty's said subjects; it being understood, however, that the British Government retains the right of suspending this privilege on giving due notice thereof to the Government of the United States.

In 1871, during the administration of President Grant, in a treaty seeking an amicable settlement of all differences between the two countries, Article XXVI provided:

The navigation of the River St. Lawrence, ascending and descending, from the forty-fifth parallel of north latitude, where it ceases to form the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the citizens of the United States, subject to any laws and regulations of Great Britain, or of the Dominion of Canada, not inconsistent with such privilege of free navigation.

In Article I of the treaty of 1909 between Great Britain and the United States, practically the same language is used, as follows:

The high contracting parties agree that the navigation of all navigable boundary waters shall forever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country, within its own territory not inconsistent with such privilege of free navigation, and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries.

Again I call attention to the fact that these stipulations provide only for times of peace and for the immediate boundary between the two countries in war, of course, neutrality would preclude the sending of our troops on vessels through the St. Lawrence. Furthermore, we should be unable to transport through it our supplies. Not even food could pass through. On this class of contraband I quote an opinion of Mr. Justice Story, rendered in 1816, as follows:

If destined for the ordinary use of life in the enemy's country, they are not, in general, contraband; but it is otherwise if destined for military use. Hence, if destined for the army or navy of the enemy, or for his ports of naval or military equipment, they are deemed contraband.

During a discussion between the United States and Great Britain as to the treatment of provisions in the Boer War, Lord Salisbury declared that—

foodstuffs with a hostile destination can be considered contraband of war only if they are supplies for the enemy's forces. It is not sufficient that they are capable of being so used; it must be shown that this was in fact their destination at the time of the seizure.

The declaration of London of 1909 enumerated articles as absolute contraband, conditional contraband and those not to be declared contraband. Foodstuffs were placed in the class of conditional contraband. According to Article XXXIII, they were liable to seizure if shown to be destined for the use of the armed forces of a government department of the enemy state. It is clear, then, that in the event of a war between ourselves and a country other than Great Britain we could not use the canal and that therefore a canal built entirely within our own territory would be a military advantage. Nor could an agreement with Great Britain contravene international law. But there remains the question of a possible war with

Great Britain. This contingency seems so remote as to be almost entirely negligible. However, it is of the highest importance in military defense to consider every possibility. On this point I wish to quote the learned work on international law by Charles Cheney Hyde. He says:

A number of States, such, for example, as those whose territories are traversed or separated by an international river, may profess concern as to conditions of navigation in time of conflict, and conclude an agreement designed to protect the stream and its establishments should war ensue. Upon its outbreak, if the contracting States are aligned as opposing belligerents, there is likely to be a sharp conflict of interest with respect to the proper uses of the river, and one so vital as to encourage disregard of the compact by that party which would suffer a relative strategic detriment should it observe the restraints imposed. The danger of contempt for the arrangement is shown to be proportional to the opportunity which it leaves open to any contracting belligerent party to utilize the stream for a military end. An agreement imposing a duty to protect merely the works and establishments pertaining to navigation offers a frail bond of restraint. Nor are provisions devised to localize hostilities by forbidding their commission in close proximity to or in the very path of belligerent operations likely to prove a real deterrent.

Indeed, such a contingency was foreseen as long ago as 1862, when, in a report from the House Committee on Military Affairs, Representative Francis P. Blair, its chairman, said:

To defend the northern frontier the United States should be able to place a strong fleet on the Lakes as soon as an opponent. We should have adequate means of transportation at command to be able to speedily concentrate on the St. Lawrence a force of acknowledged competency to take possession of the canal and of Montreal and hold them. The possession by the United States of the outlets of Lake Ontario and of Montreal and its communications would cut off all supplies from the Canadians, and leave them to an unsupported and hopeless conflict with all our forces. Such a conflict would be neither protracted nor dangerous.

He continues with the alternative:

Can the United States have a navigable channel from the ocean to the Lakes of an equal value with that possessed by Great Britain? Undoubtedly; and a better one. The Erie and Hudson Canal can readily be so enlarged as to allow of the passage of a vessel of 1,500 or even of 2,000 tons burden. When completed, a vessel could enter Lake Erie sooner from New York Harbor than from the mouth of the St. Lawrence and without the delay and danger arising from rapids, rocks, and ice. * * * A canal around Niagara Falls can be readily built of any desirable capacity. Neither of these channels would be within reach of British guns, whereas a right to plant American guns upon the banks of the St. Lawrence, the only British channel to the Lakes, belongs to the United States.

I go so far as to say that a joint participation by the United States in the building of a canal through Canada would be a source of misunderstanding between the two peoples. We have proof positive of this in the policy of the British Government in protesting against discrimination by the United States in favor of its own vessels in the payment of tolls through the Panama Canal. How much more logical, then, would be the appeal of the British Government that the United States revise its coastwise shipping laws in such a way as to enable British vessels to share in their advantages. In other words, only American vessels may now ply from American port to American port. Great Britain would seek to amend our laws so as to permit her vessels to ply from American Lake ports to American ocean ports on equal terms with our vessels. On the other hand, by the building of an all-American waterway across the State of New York, the advantages of our coastwise shipping laws to American shipping would be extended by many hundreds of miles in distance as well as vastly in volume. This boon to American shipping should not be denied because of overzealousness for a foreign waterway.

The United States, it seems to me, should keep within herself the means by which she has grown to greatness. Her people must realize that the time is coming when congestion of traffic will be much greater than now. And in relieving that congestion the American Congress should bear in mind the strictly American policy that has protected us in the past and alone will do so in the future. An all-American canal will, in the words of the Constitution, "provide for the common defense and promote the general welfare."

PLAN PROPOSING CONGRESSIONAL MACHINERY FOR THE SOLUTION OF THE AGRICULTURAL PROBLEM

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on House Concurrent Resolution No. 20, introduced by me on yesterday and relating to farm relief.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD on House Concurrent Resolution 20. Is there objection?

There was no objection.

Mr. THOMAS. Mr. Speaker, I have just introduced House Concurrent Resolution No. 20, providing for the creation of a congressional cooperative agriculture conference for the purpose of suggesting a permanent policy for agricultural relief and preparing and proposing legislation to carry such policy into effect.

The text of the resolution is as follows:

Concurrent resolution

Resolved by the House of Representatives (the Senate concurring), That for the best interests of all the people of the United States it is hereby declared to be the policy of the Congress to promote the intelligent and orderly marketing of agricultural commodities in domestic and foreign markets; to encourage the organization of the producers of agricultural commodities into cooperative associations; to prevent speculation and waste in the marketing of agricultural commodities; and eliminate, as far as possible, the effect of world prices upon the prices of the entire domestic production of basic agricultural commodities by providing for the disposition of the domestic surplus of such basic agricultural commodities.

SEC. 2. The agricultural problem is one which affects directly every citizen as well as every group of our people, and affects directly or indirectly every interest and institution of the Republic. In seeking a solution and in providing relief for agriculture all our people, individually and in groups, and all our interests and institutions must be taken into consideration, to the end that no avoidable injury and no injustice may be done any citizen or group of citizens or any interest or institution or group of interests or institutions.

The taking away from any citizen or group of citizens, interest, or institutions, or group of such interests or institutions, of any special privilege or privileges now held by them shall not be construed to be an injury or injustice to those being divested of such special privileges. Nor shall the granting of special privileges to agriculture in harmony and commensurate with special privilege now enjoyed by other groups, classes, interests, and institutions be construed to be either an injury or an injustice to such groups, classes, interests, and institutions.

SEC. 3. To the end that the policy declared in section 1 hereof may be carried out in accordance with the principles set forth in section 2 a special joint subcommittee is hereby created, to consist of five members of the House Committee on Agriculture and five members of the Senate Committee on Agriculture and Forestry, to be appointed by the respective chairmen of said committees.

SEC. 4. The special joint subcommittee is hereby authorized and directed to organize immediately, and when organized to prepare a list of recognized farm organizations and to extend formal invitation to such organizations requesting each such recognized farm organization to select and commission a delegate to meet with the special joint subcommittee, and upon call such delegates, selected as herein provided, shall assemble at such place as may be designated by such special joint subcommittee, and such delegates, when meeting with such special joint subcommittee, shall constitute a congressional cooperative agricultural conference.

SEC. 5. The said special joint subcommittee when joined by, and sitting with, the delegates selected as herein provided, and forming the congressional cooperative agricultural conference, is authorized and directed to continue to hold hearings within its discretion, to sit in Washington or any other convenient place, and report, during the first week of the second session of the Sixty-ninth Congress, by bill, its recommendations for the benefit of agriculture and agricultural interests. The said special joint subcommittee is hereby authorized to administer oaths, to send for persons and papers, to appoint the necessary clerks, accountants, experts, stenographers, and legal assistants, and the expenses attendant upon the work of said special joint subcommittee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon voucher of its chairman: *Provided*, That the members of such special joint subcommittee shall receive no extra per diem for their services: *And provided further*, That the delegates selected and serving shall receive their actual and necessary expenses, including traveling and subsistence.

SEC. 6. All departments, agents, representatives, and employees of the Government shall be subject to call for the furnishing of assistance and information to such conference.

SEC. 7. The special joint subcommittee shall have the power to make rules and regulations to carry out the intent of this resolution.

The basis of this resolution and the reasons for its introduction are as follows:

Agriculture is in distress and needs relief.

Hearings have and are now being held, but the prospects for reaching a satisfactory solution and agreeing upon a bill at this session are practically hopeless.

Farmers and their friends have not and do not give promise of coming to an agreement in time for favorable action of the Congress at this session.

The Agriculture Committees of the House and of the Senate, in the absence of an agreement among the farmers and their friends, will be unable to agree upon a bill to report at this time.

Although extensive hearings have been held, it is doubtful if any bill prepared and recommended by the committee would have the unanimous support of the farmers, their organizations, and friends.

With the information at hand it is doubtful if a satisfactory bill can be prepared; or if such a bill were suggested, it is doubtful if anyone now working on the problem would be able to recognize its merits and at the same time be able to convince the friends of agriculture and the Congress that such a bill would bring about the relief hoped for.

If the foregoing statements and conclusions are correct, or approximately correct, it must be apparent that no satisfactory farm relief legislation can possibly be enacted at this session.

The farmers of the country—some 40,000,000 of them—are looking to the Congress for aid. They are, in the main, unorganized. They are not able to get together and to solve the problem of their approaching bankruptcy; hence the duty and the responsibility is upon their Representatives to continue this work until a solution is found and relief is granted.

To the end that the hearings already had and the work already done may not be lost, my resolution, if agreed to, will bring about the following results:

1. It will provide efficient congressional machinery and set same in immediate and continuous action, in an effort to solve the agricultural problem.

2. It will provide a special joint subcommittee of Congress to continue the work now well under way.

3. It will provide an effective means of organizing the farmers and stimulating those already organized by giving them direct representation and contact with the Congress in working out a solution of their problem.

4. The plan proposed would interest all farmers, would educate all farmers, would give hope to all the farmers, and in the end would be participated in by farmers generally, so that when a bill is finally prepared, agreed to, and introduced in Congress, the organized farmers of the country, supported by those unorganized, would be behind such proposed bill, and with such an organization sponsoring the legislation the bill would be speedily enacted into law.

5. The plan provides for the cooperation of every possible agricultural interest with the Congress in the task assigned. The delegates, or representatives, will not be appointed by the President, nor by the Secretary of Agriculture, but will be selected and commissioned by the farmers' organizations themselves.

6. The plan commits the Congress to the solution of the agricultural problem. It organizes and starts governmental machinery in working out agricultural relief. It places the Government behind this movement. It provides that the Government shall bear the expenses of the delegates in attending the congressional cooperative agricultural conference.

7. The plan further provides that, in addition to securing the best talent selected by the farmers themselves, the Government will provide the best expert advice, clerical assistance, and legal help that the country affords.

8. It would be my suggestion and recommendation that the conference secure the services, if possible, of Mr. Donald Richburg, an attorney at Chicago, to assist the committee and the conference in working out a solution to this problem. Mr. Richburg, if employed, would bring to the conference a reputation of having solved the railway labor problem, and his knowledge of law, his knowledge of finance, of transportation, of industry, and of labor, and their relation to each other, and the relation of each to agriculture, would be invaluable to the committee in assisting in the work at hand.

9. The most important point in the plan proposed, in my opinion, is the opportunity of getting the bill, when agreed upon, before the farmers and the people of the country. Each special delegate, representing a farm organization, on returning to his organization, would be able to thoroughly explain the bill to his membership, and through all the delegates practically all the farmers in the country would be advised of the plan and the merits of the proposed legislation.

With a firm resolve to succeed, with the most capable minds set to the task, with the resources of the Government behind the movement, agriculture as an honorable, respectable, and prosperous occupation can and will be saved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—ADDITION OF CERTAIN PUBLIC LANDS TO THE HAYDEN NATIONAL FOREST IN THE STATE OF COLORADO (H. DOC. 293)

The Speaker laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Public Lands and ordered printed.

To the Congress of the United States:

In accordance with the request contained in the resolution adopted by the National Forest Reservation Commission at its meeting of March 31, 1926, I transmit for appropriate action by the Congress a copy of the resolution in question, and a copy of the letter from the Secretary of Agriculture referred to therein, both relating to the proposed addition of certain public lands to the Hayden National Forest in the State of Colorado.

CALVIN COOLIDGE.

THE WHITE HOUSE, April 7, 1926.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—ADDITION OF CERTAIN PUBLIC LANDS TO THE PAYETTE NATIONAL FOREST IN THE STATE OF IDAHO (H. DOC. 294)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the Public Lands and ordered printed:

To the Congress of the United States:

In accordance with the request contained in the resolution adopted by the National Forest Reservation Commission at its meeting of March 31, 1926, I transmit for appropriate action by the Congress a copy of the resolution in question, and a copy of the letter from the Acting Secretary of Agriculture referred to therein, both relating to the proposed addition of certain public lands to the Payette National Forest in the State of Idaho.

CALVIN COOLIDGE.

THE WHITE HOUSE, April 7, 1926.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HOWARD for three days, on account of important business.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 185. An act authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle with the Sioux Indians in which the commands of Major Reno and Major Benteen were engaged.

H. R. 186. An act authorizing the payment of tuition of Crow Indian children attending Montana State public schools.

H. R. 290. An act to amend section 99 of the act to codify, revise, and amend the laws relating to the judiciary, and the amendment to said act approved July 17, 1916 (39 Stat. L. ch. 248).

H. R. 1827. An act for the relief of Frank Rector.

H. R. 9455. An act to dedicate as a public thoroughfare a narrow strip of land owned by the United States in Bardstown, Ky.

H. R. 3921. An act to authorize the Secretary of War to enter into an agreement with the Clarendon Community Sewerage Co., granting it a right of way for a trunk-line sewer through the Fort Myer Military Reservation and across the military highways in Arlington County, Va., and to connect with the sewer line serving such reservation.

H. R. 3953. An act to authorize a departure from the rectangular system of surveys of homestead claims in Alaska, and for other purposes.

H. R. 3996. An act authorizing the Secretary of War to convey certain portions of the military reservation of Fort Sam Houston, Tex., to the city of San Antonio, Bexar County, Tex., for street purposes.

H. R. 4505. An act to authorize the Secretary of War to permit the delivery of water from the Washington Aqueduct pumping station to the Arlington County sanitary district.

H. R. 4884. An act for the relief of Walter L. Watkins, alias Harry Austin.

H. R. 5010. An act to provide for the payment of the retired members of the police and fire departments of the District of Columbia the balance of retirement pay past due to them but unpaid from January 1, 1911, to July 30, 1915.

H. R. 5961. An act granting certain public lands to the city of Stockton, Calif., for flood control, and for other purposes.

H. R. 6117. An act to amend an act entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," approved March 12, 1914.

H. R. 6244. An act to authorize the Secretary of the Treasury to exchange the present Federal building and site in the city of Rutland, Vt., for the so-called memorial building and site in said city.

H. R. 6260. An act to convey to the city of Baltimore, Md., certain Government property.

H. R. 7086. An act providing for repairs, improvements, and new buildings at the Seneca Indian School at Wyandotte, Okla.

H. R. 6261. An act to authorize the exportation from the State or Territory of timber lawfully cut on any national forest or on the public lands;

H. R. 7178. An act authorizing the sale of certain abandoned tracts of land and buildings;

H. R. 7348. An act for the relief of Joseph F. Becker;

H. R. 8129. An act authorizing the Secretary of the Interior to cooperate with the States of Idaho, Montana, Oregon, and Washington in allocation of the waters of the Columbia River and its tributaries, and for other purposes, and authorizing an appropriation therefor;

H. R. 7616. An act to amend section 89 of chapter 5 of the Judiciary Code of the United States;

H. R. 8184. An act to authorize the Secretary of the Interior to purchase certain land in California to be added to the Cahuilla Indian Reservation, and authorizing an appropriation of funds therefor;

S. 3547. An act to change the title of Deputy Assistant Treasurer of the United States to Assistant Treasurer of the United States; and

S. J. Res. 58. Joint resolution authorizing the Librarian of Congress to return to Solomon's Lodge, No. 1, Free and Accepted Masons, of Georgia, the minute book of the Savannah (Ga.) Masonic Lodge.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Thursday, April 8, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 8, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

Agricultural relief legislation.

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend paragraph (d) of section 14 of the Federal reserve act, as amended, to provide for the stabilization of the price level for commodities in general (H. R. 7895).

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

Providing that the United States pay her proportionate share of the expenses incurred at any official conference, interchange, or committee held under the auspices of the League of Nations, its council or assembly, to which conference, committee, or interchange the United States shall send her duly accredited representative (H. J. Res. 115).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

Legislation relative to labor disputes in the coal-mining industry.

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To provide further for the national defense by coordinating the Army and the Navy (H. R. 10248).

To constitute a council of national defense (H. R. 10982).

To provide for a council of national defense (H. R. 10085).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To provide compensation for employees injured and dependents of employees killed in certain maritime employments, and providing for administration by the United States Employees' Compensation Commission (H. R. 9498).

COMMITTEE ON WAYS AND MEANS
(10 a. m.)

To provide for the payment of the awards of the Mixed Claims Commission, the payment of certain claims of German nationals against the United States, and the return to German nationals of property held by the Allen Property Custodian (H. R. 10820).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND
RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McSWAIN: Committee on Military Affairs. H. R. 9638. A bill to provide for the inspection of the battle field of Pea Ridge, Ark.; without amendment (Rept. No. 787). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 6246. A bill to establish a national military park at the battle field of Stones River, Tenn.; without amendment (Rept. No. 788). Referred to the Committee of the Whole House on the state of the Union.

Mr. BACON: Committee on the Library. S. 957. An act for the purchase of the Oldroyd collection of Lincoln relics; without amendment (Rept. No. 789). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND
RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FISHER: Committee on Military Affairs. H. R. 830. A bill for the relief of John Jakes; without amendment (Rept. No. 785). Referred to the Committee of the Whole House.

Mr. FISHER: Committee on Military Affairs. H. R. 5071. A bill for the relief of Thomas M. Ross; without amendment (Rept. No. 786). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 11015) for the relief of John Bowie, and the same was referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ZIEHLMAN: A bill (H. R. 11081) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910; to the Committee on the District of Columbia.

By Mr. COOPER of Ohio: A bill (H. R. 11082) granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct an overhead viaduct across the Mahoning River at Girard, Trumbull County, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. GRIEST: A bill (H. R. 11083) to provide a 1-cent postage rate on local letters and expedite the handling of that class of mail matter; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 11084) to amend the act of February 28, 1925, fixing the compensation of fourth-class postmasters; to the Committee on the Post Office and Post Roads.

By Mr. SMITH (by request): A bill (H. R. 11085) to amend section 164 of the Judicial Code with reference to calls of the Court of Claims on the departments for information; to the Committee on the Judiciary.

By Mr. GARBER: A bill (H. R. 11086) authorizing an appropriation for the development and maintenance of the Panhandle Agricultural and Mechanical College at Goodwell, Okla.; to the Committee on Agriculture.

By Mr. HILL of Maryland: A bill (H. R. 11087) authorizing certain dredging and filling in the vicinity of the Aberdeen Proving Grounds, Maryland; to the Committee on Military Affairs.

By Mr. ROBSION of Kentucky: A bill (H. R. 11088) to amend section 83 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. SWING: A bill (H. R. 11089) granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes; to the Committee on the Public Lands.

By Mrs. ROGERS: A bill (H. R. 11090) authorizing appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

By Mr. SEARS of Florida: Concurrent resolution (H. Con. Res. 21) authorizing printing of soil surveys of Orange County, Fla.; to the Committee on Printing.

By Mr. HAUGEN: Resolution (H. Res. 208) to provide for the consideration of the bill H. R. 3890, entitled "A bill authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes"; to the Committee on Rules.

Also, resolution (H. Res. 209) to provide for the consideration of the bill H. R. 358, entitled "A bill authorizing the President to require the United States Sugar Equalization Board (Inc.) to adjust a transaction relating to 3,500 tons of sugar imported from the Argentine Republic"; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 11091) to provide for an examination and survey of waters at the south end of Tangier Island, Accomac County, Va., from the foot of county road on said island to the deep waters of Tangier Sound with a view to providing a channel of adequate width and depth; to the Committee on Rivers and Harbors.

By Mr. CONNERY: A bill (H. R. 11092) granting a pension to James F. Lyons; to the Committee on Pensions.

By Mr. CORNING: A bill (H. R. 11093) granting an increase of pension to Laura R. Ladd; to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 11094) for the relief of Capt. F. J. Baker and Capt. George W. Rees, United States Army; to the Committee on Claims.

By Mr. DAVENPORT: A bill (H. R. 11095) granting an increase of pension to Diana W. Samson; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 11096) granting a pension to Sarah W. Graves; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 11097) granting an increase of pension to Henrietta J. Gray; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 11098) for the relief of Fred Kaser; to the Committee on Claims.

By Mr. FAUST: A bill (H. R. 11099) granting an increase of pension to Sarah J. Brown; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 11100) granting a pension to Mina Parlette Guckes; to the Committee on Invalid Pensions.

By Mr. FREE: A bill (H. R. 11101) to authorize the payment of certain expenses and disbursements incurred by William A. Brown, William K. Kennedy, and the city of Manila, P. I.; to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: A bill (H. R. 11102) granting an increase of pension to Julia E. Green; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 11103) granting a pension to Mary Alice Stewart; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 11104) granting an increase of pension to Laura L. May; to the Committee on Invalid Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 11105) for the relief of Busch-Sulzer Bros.-Diesel Engine Co.; to the Committee on Claims.

By Mr. PARKER: A bill (H. R. 11106) granting an increase of pension to Annie Shields; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11107) granting an increase of pension to Flora L. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11108) granting an increase of pension to Mary E. Warden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11109) granting an increase of pension to Ellen McKinty; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 11110) for the relief of George Caldwell; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1681. By Mr. GALLIVAN: Petition of Gillette Safety Razor Co., export department, George H. Falvey, manager, Boston, Mass., recommending the establishment of a free port in Boston, Mass.; to the Committee on Interstate and Foreign Commerce.

1682. By Mr. HARE: Memorial of Darian Baptist Church, of Aiken County, S. C.; Stafford Baptist Church, Furman, S. C.; Hampton Baptist Church, of Hampton, S. C.; and First Baptist Church of Aiken, S. C., all indorsing House Joint Resolution 159, proposing a constitutional amendment to prohibit appropriations for sectarian purposes; to the Committee on the Judiciary.

1683. By Mr. HUDSPETH: Petition from automobile dealers of San Angelo, Tex., protesting against bill making it unlawful for anyone to purchase motor vehicles without receiving abstract of title from seller; to the Committee on Ways and Means.

1684. By Mr. MEAD: Petition of the Slovene National Benefit Society, in opposition to the Aswell bill, providing for the registering of aliens; to the Committee on Immigration and Naturalization.

1685. By Mr. MOORE of Virginia: Petition of sundry citizens of Arlington County, Va., and Washington, D. C., opposing compulsory Sunday observance; to the Committee on the District of Columbia.

1686. By Mr. O'CONNELL of New York: Petition of E. F. Dinkler, M. D., 231 Covert Street, Brooklyn, N. Y., favoring amendment to the Mills bill, for the return of former enemy alien property; to the Committee on Ways and Means.

1687. Also, petition of the Chamber of Commerce of the State of New York, opposing Senate bill 2808, for the appointment of additional membership of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

1688. Also, petition of the General Brokers' Association of Metropolitan District (Inc.), of New York City, in favor of the Underhill bill; to the Committee on the District of Columbia.

1689. Also, petition of the Fire, Marine, and Liability Brokers' Association of the city of New York, opposing the Fitzgerald bill (H. R. 487); to the Committee on the District of Columbia.

SENATE

THURSDAY, April 8, 1926

(Legislative day of Monday, April 5, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Sheppard
Bayard	Fess	Lenroot	Shipstead
Bingham	Fletcher	McKellar	Smith
Blease	Frazier	McMaster	Smoot
Borah	George	McNary	Stanfield
Bratton	Gillett	Mayfield	Stephens
Broussard	Glass	Metcalf	Swanson
Bruce	Goff	Moses	Trammell
Butler	Gooding	Neely	Tyson
Cameron	Greene	Norbeck	Wadsworth
Capper	Hale	Norris	Walsh
Copeland	Harrell	Nye	Warren
Consens	Harris	Oddie	Watson
Cummins	Hedlia	Overman	Weller
Curtis	Howell	Pepper	Wheeler
Dale	Johnson	Phipps	Williams
Dill	Jones, N. Mex.	Pine	Willis
Edge	Jones, Wash.	Pittman	
Edwards	Kendrick	Reed, Pa.	
Fernald	Keyes	Sackett	

Mr. BROUSSARD. I desire to announce that my colleague, the senior Senator from Louisiana [Mr. RANSDELL], is unavoidably absent. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

GRAZING IN NATIONAL FORESTS AND ON PUBLIC DOMAIN

Mr. ODDIE. Mr. President, I ask permission to have printed in the RECORD a very able and instructive article on the problem of grazing in the national forests and on the public domain, by the junior Senator from Oregon [Mr. STANFIELD]. The article appeared in the National Spectator, in the issue of April 10, 1926.

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

THE RIGHTS OF THE SHEPHERDS—DEFINITE STATUS FOR PUBLIC-LAND GRAZING VITAL TO PROSPERITY OF WEST

By Hon. ROBERT N. STANFIELD, United States Senator from Oregon

GRASS

"Next in importance to the divine profusion of water, light, and air, these three physical facts which render existence possible, may be

reckoned the universal beneficence of grass. Lying in the sunshine among the buttercups and dandelions of May, scarcely higher in intelligence than those minute tenants of that mimic wilderness, our earliest recollections are of grass, and when the fitful fever is ended and the foolish wrangle of the market and the forum is closed, grass heals over the scar which our descent into the bosom of the earth has made, and the carpet of the infant becomes the blanket of the dead.

"Banished from the thoroughfares and fields, it bides its time to return, and when the vigilance is relaxed or the dynasty has perished, it silently resumes the throne from which it has been expelled but which it never abdicates. It bears no blazonry of bloom to charm the senses with fragrance or splendor, but its homely hue is more enchanting than the lily or the rose. It yields no fruit in earth or air, yet should its harvest fall for a single year famine would depopulate the world."—(These were the words of John J. Ingalls.)

The grazing industry is as old as man. The calling of the flock-masters is ancient and honorable. The industry began in America with the establishment of our first Colonies. Domestic animals were imported in the sixteenth century and were permitted to range adjacent to the settlements and as far into the woods as they could and yet be protected from depredation and predatory animals.

The range livestock industry contributed materially to the development and prosperity of the Colonies and was carried on most extensively in parts of Pennsylvania, Virginia, the Carolinas, and Georgia.

The cowboy of the colonial range is said to have been as adept with horse and lariat as the modern "buckaroo" of the 10-quart hat and hairy "chaps."

In the Eastern States the livestock industry made continuous growth but was gradually relegated to the fields as settlement extended, and the range industry was continually crowded westward and came into existence as we know it to-day in the Missouri River country. From this section it continually retreated westward to the 11 Western States, where it will doubtless be perpetuated.

Domestic livestock was brought by early settlers to the extreme southwestern portion of our country about the time of the establishment of the Atlantic coast colonies, and the range flocks expanded from that section to mingle with those migrating from the East.

The public has consumed many stories concerning the character and habits of the men engaged in this great industry. These stories, in the main, represent no more of fact than the so-called "western" of the modern movie, but they have made a lasting impression upon the mind of the "consumer." These stories have pictured the western man as reckless and ruthless, and this characterization has come to be applied especially to men engaged in the livestock industry.

No other branch of agriculture requires more constant or intelligent application than the raising of livestock. The production of a marketable animal can only be accomplished through painstaking effort and care, and is, in fact, as prosaic as any kindred pursuit.

The public domain of the United States, as the "public lands" have always been known, was acquired by the Government by treaty, conquest, cession by States, and by purchase. The actual public domain originally embraced 1,818,464,522 acres. This vast dominion extended from the headwaters of the Ohio River to the Pacific Ocean and was used for grazing, without regulation or interference, throughout the first hundred years of our national existence. During this period land settlement was encouraged and private acquisition stimulated by the enactment of laws calculated to make private ownership attractive. Sale prices were reduced from time to time and donation and homestead claims provided in the effort to pass title to the individual and to the tax rolls of the States.

Under this stimulus the area of the public domain was reduced by leaps and bounds and its boundary line driven westward with the Indian, and the range industry into and beyond the Rocky Mountains. To-day we have 180,000,000 acres left in the unreserved and unoccupied public domain and approximately 157,000,000 acres within the forest reserves. Most of this remaining area lies within the boundaries of 11 Western States.

The cost of the public domain of the United States, through purchase and cession, was \$88,157,389.98. The reserved areas and resources of the national forests, mostly within the 11 States of the far West, have recently been appraised at more than \$1,000,000,000, a sum several times greater than the original purchase price of the entire public domain, and payments made to the American Indians under treaties and annuities provided for peaceable surrender of their occupancy title of lands to the Government.

Upon about 90,000,000 acres of the national-forest area the grazing of livestock is an important industry. This industry also utilizes a large portion of the remaining unreserved public domain, and it is the question of the use of these remaining public lands, reserved and unreserved, that confronts the people of the far West to-day. Grazing upon this area is one of the principal industries of the remaining 11 "public-land" States.

The annual revenue to these States from the range livestock industry is estimated at not less than \$250,000,000. Upon this revenue asso-

ciated industries are so dependent that an impairment of the investment values or a reduction in its cash return is immediately reflected in every line of business activity. The money derived from the sale of livestock and livestock products goes into every local channel. To the doctor, the merchant, the lawyer, and the publisher, and to the maintenance of State and local government. The destruction of this industry would so impair the economic structure of these States that other industries would follow in its wake.

Theodore Roosevelt, under authority of Congress, withdrew vast areas in the mountainous regions of the West for the preservation of the forests and protection of the source of water supply. This action was in the national interest, and its result will be lasting and beneficial to the East and West alike. It has often been alleged that the creation of the national forests and the program for the conservation of our natural resources met with violent opposition from the people of the West.

Such reports have been highly colored, and are without foundation in fact. There was no opposition to true conservation, and there is none to-day. The West believes in conservation, constructive conservation—conservation with use, conservation without waste. Many thinking men of the West were alarmed by the possibilities of a complete change in the national land policy under which the country had grown strong, great, and prosperous. They believed that the policy which had so wisely been applied to the lands and the natural resources of the East should be continued. They were not opposed to conservation, but did oppose the exploitation of the natural resources of any State for the benefit of the Nation at large. Western men oppose a policy that regards and administers the public lands as the asset of the Federal Government to the detriment of the States wherein they lie. No such policy was ever applied to lands in other than the remaining 11 "public-lands" States.

Forage is an inexhaustible and valuable resource. Grazing lands of the forest areas in the western part of the United States produce a greater abundance of grazing and other forage plants to-day than they did at the time the earliest settlers entered the territory. The area known as the "Union Pacific lease," a strip of grazing land 40 miles in width, extending across the greater part of the State of Wyoming, controlled and administered exclusively by stockmen and grazed by sheep for almost half a century, produced more pasture in the summer of 1925 than ever before. Grazing areas in the Old World which have been in continuous use for 2,000 years have not decreased in their carrying capacity of livestock.

Grazing, the first and oldest of our agricultural pursuits, has never been recognized by the Congress of the United States. Our courts have said that the stockman occupied the public domain and forest area merely by sufferance. The stockman now asks that there be a recognition, definition, and protection of the right to graze written into law. He believes that the grazing resources of the national forests and other public lands have a definite place among other resources of the West and should be regulated in the same sane, sensible, and dispassionate manner as every other resource, keeping always in mind the primary purposes for which the national forests were created.

This problem concerns not only the people of the West but, to a material degree, the public welfare of the entire country. There is an actual necessity for a careful analysis of the question, to the end that justice may be done this great industry and that the result shall be for the best interests of the country at large.

The people of the West engaged in the production of horses, cattle, and sheep upon the public domain have at times had misunderstandings. These they have amicably settled among themselves and have jointly and through their national organizations recommended to Congress the enactment of a law which would in substance recognize the grazing use upon the forests and unreserved public domain and insure to them the benefits of careful husbandry of the ranges upon a fee basis that would not impair the investment value in their privately owned and dependent real estate, which is to-day assessed for the maintenance of State and local governments at a value arrived at by the absorption, to a large degree, of the value of the range use.

They also ask that some cooperative agency or board be established to hear and decide questions appealed from any administrative officer or supervisor, subject to the final review of the Secretaries of Agriculture or the Interior.

The livestock interests substantially establish the claim that some legal right and definite tenure must be provided to furnish sufficient stabilization to permit the profitable continuation of the range industry.

To provide the necessary relief for this great industry and to insure the continuation of the use and uses heretofore permitted, the Senate Public Lands Committee directed the preparation of the draft of a bill designed to procure the enactment into law of the basic principles underlying the grazing use of Government lands as determined by 20 years of actual experience and regulation upon the forest reserves, together with provisions for local control of the unreserved areas by the present residents and users of these lands.

This draft met with violent opposition, for the most part, from people who had not even read a copy of the proposed law—well-meaning people, possessed of neither a knowledge of the subject nor a practical conception of the great forest areas and their resources.

Secretaries Jardine and Work and Chief Forester William B. Greeley analyzed the provisions of the proposed bill and gave constructive criticism, also making recommendations concerning the proposed legislation. These men have always recognized the necessity of providing a definite legal status for the range use. Contrary to published reports, they have always regarded the successful continuation of this industry as an economic necessity, and to that end we have labored together and redrafted this bill to adequately protect the resources for which the forests were primarily created, and at the same time lend to this great arm of agriculture sufficient stabilization to assure the successful continuation thereof.

This bill carries out the promise of Forester Greeley to the livestock industry, and, at the same time, safeguards, to a degree that should satisfy the most ardent, theoretical conservationist, every other resource of the withdrawn areas by subordinating grazing to the development of the mineral resources, the protection, development, and utilization of the forests, the protection, development, and utilization of the water resources, to the use of these lands for farming, either with or without irrigation, and to the protection, development, and utilization of such other resources as may, in the judgment of the Secretary of Agriculture, be of greater benefit to the public.

The application of the provisions of the redraft to the unreserved lands provides for the creation of grazing districts only upon the election of the majority of the grazing users of the area involved, and makes special recognition of the use right in the resident and owner of the dependent properties lying within the areas affected.

Secretary Jardine has always regarded the question as one involving national economics and, in commenting upon the redrafted bill, said: "The enactment of this bill is recommended by the Chief of the Forest Service, and in that recommendation I concur. I am confident that it fully safeguards the principles of conservation in reaffirming the primary purposes of the national forest with respect to timber production and watershed protection and making the use of their forage resources subordinate to these and to other more important uses."

"At the same time I believe that this bill will promote stability in the livestock industry of the West and in the agriculture dependent upon it. Such stability should be afforded to the extent that it will not impair the primary resources of the national forests. Its beneficial effects will, in my judgment, not be limited to the Western States but will extend broadly to the agricultural interests of other sections, and specifically to portions of the Middle West where livestock from the western ranges is extensively fattened for market."

Secretary Work, in transmitting his approval of the bill as redrafted, said: "In my opinion it is a constructive measure which will result in definite and positive benefit to the livestock industry. At the same time it will tend to stop overgrazing and destruction of forage on the public lands, protect and improve these resources, permitting their use under proper regulation by both the small and large livestock grower."

"Under its terms the laws relating to the development of the mineral and water resources, and practically all of the other public land laws, except those which deal with land primarily grazing in character, are continued in full force and effect."

With the removal of the human element from the question of grazing, this use of public lands has assumed its proper place among the users of our natural resources, and the problem may no longer be referred to as a personal controversy. The wild and unjust rumors concerning this question have been answered, and all undue alarm and fears caused thereby have been allayed by the action of the Departments of Agriculture and of the Interior.

Mr. ODDIE. Mr. President, as a member of the subcommittee of the Senate Public Lands Committee, of which the Senator from Oregon [Mr. STANFIELD] is chairman, I have studied this question carefully and gave a large part of my time to the hearings before our subcommittee in the public-land States in the West last summer and in Washington this winter, at which we have had representatives of practically all of the livestock men of these public-land States before us. The hearings are interesting and voluminous. The result of this work is the amended Stanfield grazing bill (S. 2584), which has the approval of the Secretaries of the Interior and Agriculture, the United States Forest Service, the American National Livestock Association, and the National Wool Growers' Association.

In this connection I also ask to have printed in the Record a letter from Mr. A. F. Potter to Mr. F. R. Marshall, secretary of the National Wool Growers' Association, regarding the question of grazing legislation, as expressed in the amended Stanfield grazing bill (S. 2584) reported to the Senate favorably by the Committee on Public Lands and Surveys on March 31, 1926.

Mr. Potter was formerly associate forester of the United States Forest Service prior to the act of 1905, under which the administration of the forests was transferred to the Department of Agriculture and the regulation of livestock grazing inaugurated. He was employed by the department to study grazing matters for some years prior to 1905, and after that date was in complete charge of grazing on the national forests. He reported to and consulted with the bureau officials,

who relied entirely on his judgment and supported his activities regarding grazing. He remained with the Forest Service until 1920 and for 10 years before the expiration of his tenure of office was associate forester, thereby ranking next to the Chief Forester. He has always been considered by stockmen of the country to have understood the proper and desirable methods of regulating grazing with fairness to the stock interests, and also with regard to the conservation of the other resources of the forests and with fidelity to the administration. His representations to the House Agricultural Committee in 1920 were largely responsible for the prevention of action by the House of Representatives to compel a large increase in grazing fees to the livestockmen using the national forests for grazing. In view of his experience as a practical livestockman before his employment in the Forest Service, and also in consideration of his experience as an administrator, his judgment as to legislation respecting grazing is reliable and valuable at this time when this question is creating such a great amount of study and discussion throughout the country, and especially as this grazing legislation will soon be acted on by the Senate.

The VICE PRESIDENT. Without objection, it is so ordered. The letter is as follows:

Mr. F. R. MARSHALL,
Secretary National Wool Growers' Association,
Los Angeles, Calif., March 30, 1926.
Salt Lake City, Utah.

DEAR MR. MARSHALL: Your office has sent me a copy of Secretary Jardine's letter to Senator STANFIELD, accompanied by a draft of the bill which has been prepared by the counsel for the Senate Committee on Public Lands and Surveys and the Chief of the Forest Service and other representatives of the Department of Agriculture.

It would be putting it mildly to say that I am very much pleased with this new bill. It eliminates all of the features of Senator STANFIELD'S bill (S. 2584) which were objectionable to me and includes in the same form of bill all of the provisions needed to stabilize grazing upon the national forests under a policy defined by law.

It recognizes use of the land for grazing as one of the purposes of the national forests and thus settles forever the question of whether or not treeless land apparently chiefly valuable for grazing may be legally included or held within the national forests, and also places upon the Department of Agriculture the obligation to allow the use of the national forests for grazing, so far as this is consistent with their other primary purposes.

It places the grazing permits on a contract basis, extending over a period of years and requires that the conditions under which the use of the land is allowed, and under which the number or kind of stock grazed upon it may be changed, shall be inserted in the contract.

As I understand it, this means that all questions of changes in range allotments, numbers of animals grazed, period of year during which they may be grazed, conditions under which the permit may be renewed, etc., become stipulations of the contract. This puts the permits on a business basis and gives them stability.

With reference to the grazing fees, I think section 10 of the bill defines very plainly that the fee shall be a fair and reasonable one and safeguards the stockmen against grazing ever being put on a strictly commercial basis or the permits being sold to the highest bidder. This is the policy I tried so hard to establish, and which I believe will be best for everybody in the long run.

All of the other features of the bill are excellent. If this is the result of the work done by Mr. O'Donel, Mr. Hagenbarth, and yourself, to bring about a compromise between the different factions, and it is approved by the Senate committee, I will say that you are all entitled not only to medals but to the everlasting gratitude of every stockman using the national-forest ranges.

Very truly yours,

A. F. POTTER.

ATTORNEY GENERAL'S OPINION ON COASTWISE LAWS

Mr. JONES of Washington. Mr. President, the Attorney General has recently written a very important opinion dealing with the coastwise laws. I have here data and letters with reference to this decision which I think it would be well to have in the RECORD. I ask unanimous consent that the matter may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[From the United States Daily, April 8, 1926]

SHIPOWNERS PROTEST RULING OF MR. SARGENT—CHALLENGE ATTORNEY GENERAL'S OPINION IN FAVOR OF BRITISH SHIPS RELOADING OIL AT NEW ORLEANS—COUNSEL REQUESTS SHIPPING BOARD ACT—COMMISSIONER OF NAVIGATION'S DECISION HOLDING PRACTICE VIOLATES MERCHANT MARINE LAW IS OVERRULED

SHIPPING—OIL—LAWYERS—FOREIGN TRADE

The American Steamship Owners' Association has protested to the Shipping Board against adoption of the opinion of the Attorney General to the effect that ships flying the British flag can, under existing

law, transport gasoline from Pacific American ports to New Orleans, reload the gasoline, and transport it to British ports. The protest was contained in a letter addressed to T. V. O'Connor, chairman of the Shipping Board, by Edwin H. Duff, attorney for the association, and given out by Mr. O'Connor.

LARGE INTEREST INVOLVED

Mr. Duff, in his letter, requested that in view of the large interest the board has in coastwise shipping and because of its duties under the merchant marine act of 1920, the board instruct its legal department to confer with the Attorney General regarding the opinion which he recently delivered to the Secretary of Commerce defining the application of the coastwise shipping laws.

COMMISSIONER OVERRULED

In this opinion, which grew out of an application by the Anglo-American Petroleum Co., the Attorney General overruled the decision of D. B. Carson, Commissioner of Navigation of the Department of Commerce, who held that such transportation would be a violation of section 27 of the merchant marine act of 1920. In his opinion the Attorney General applied the rule of ultimate destination.

Mr. Duff expresses the view that the Attorney General arrived at his conclusions without all the facts being before him and asks that the board, through its legal department, furnish him with these facts.

Mr. Duff's letter in full text follows:

WASHINGTON, D. C., April 5, 1926.

There is inclosed for your information a copy of an opinion recently made public by the Attorney General in the matter of the transportation of oil in British tankers from California to New Orleans, there to be discharged to undergo a process of mixing with the mid-continent oil, and subsequently to be carried in British tankers to a port in England.

The effect of this decision upon coastwise shipping of the United States is so far-reaching that the American Steamship Owners' Association is impelled to call same to your attention in the hope that in carrying out the mandate of Congress with regard to preserving the welfare of American shipping, and in view of the Shipping Board's large pecuniary interest in coastwise shipping, due to loans for the construction of and unpaid deferred payments on tonnage being operated therein, the board may see its way clear to confer with the Department of Justice in regard to this very important subject.

REMEDIAL LEGISLATION SUGGESTED

Manifestly if the Attorney General holds to the views set forth in this opinion, immediate legislation to correct alleged defects in the law must be sought, as it is certain neither the Shipping Board nor the Attorney General desire to do or permit to be done anything that would result in such great injury to the vested interests of American shipping as would result from the decision referred to.

In our opinion the conclusion must have been reached without the full facts being before the Attorney General, and we believe that upon a reconsideration in the light of the facts set forth herein the Attorney General will be willing to review the law upon which his recent opinion is based.

The Attorney General states: "It must be borne in mind that the evident purpose of section 27 is to secure to American vessels the coastwise trade of the United States and to prohibit the use of foreign vessels in such trade," and yet in dealing with the instant case the Attorney General's decision does not take proper cognizance of that purpose, which has been a national policy of the United States since their federation.

The real intent and extent of that intent may be taken from the report of the Senate Committee on Commerce (S. Rept. 573, 66th Cong., 2d sess.), which provides in part as follows:

"Such policy obtained from the foundation of our Government until very recent years, and under that policy we became possessed of a tonnage in vessels greater than the combined coastwise fleets of the leading maritime nations of the world. . . ."

"Except for the American-built seagoing tonnage developed under that policy, we would have been in a sorry plight at the time of our entrance into the World War. However, influences adverse to the interests of the United States have accomplished relaxation of statutory requirements and of interpretation of statutes contrary to the intent of Congress in their enactment, resulting in many encroachments upon the theretofore purely American occupation of our coastwise trades . . ."

Among such adverse decisions we can find none that have such far-reaching effects as that of the Attorney General in the Anglo-Mexican Petroleum Co. case. It is not only adverse to the national policy of coastwise protection but seems to violate, disregard, and misinterpret the express language of section 27 of the merchant marine act of 1920, which section was designed to further protect the coastwise trade against encroachment by foreign vessels.

STATUTE DECLARED CLEAR

The relevant language of the statute is clear and needs no interpretation:

"No merchandise shall be transported by water between points in the United States in any other vessel than a vessel built in and documented under the laws of the United States."

Uninterrupted transportation between two points is an easily demonstrable fact. If merchandise is laden at San Francisco and discharged at New Orleans without the movement having in anywise been interrupted, transportation is established as between those points, and those points being within the United States and the vessel being a foreign vessel, a violation of section 27 has occurred.

When the transportation is interrupted the question raised is not as to the fact of transportation, which is at all times demonstrable, but as to whether transportation between a given point of origin and an intermediate port and from that intermediate port to a given point of destination may also be regarded as transportation between the points of origin and destination. In other words, whether the two movements also may be considered as one.

GREAT LAKES GRAIN CASES CITED

For example, take the Great Lakes grain cases. The Attorney General says:

"The bulk grain is being transported from Chicago to Georgian Bay, Canada, and thence . . . to New England points . . ."

He speaks of grain being transported from Chicago to Georgian Bay and thence to New England. Grain is, therefore, admittedly transported from Chicago to Georgian Bay and from Georgian Bay to New England points. The question presented was, did such transportation also come within "transportation between points in the United States" referred to in section 27?

Applying the rule of intended continuity of movement to such a case was proper; unless there was such continuity there was not a "transportation between points in the United States" but only two separate and distinct transportations. There can be no doubt, however, that merchandise was transported between Chicago and Georgian Bay and between Georgian Bay and points in New England.

The Attorney General states:

"Section 27 of the merchant marine act relates only to domestic commerce and transportation thereof between ports of the United States."

We can not agree with this contention, and we rely upon the plain, unequivocal language of the statute. The transportation prohibited is not that incident only to domestic commerce. The section says "no merchandise," and by that unmodified language, it is obvious Congress meant "no merchandise," and by that unmodified regardless of its ultimate destination, and regardless as to how it might be classed according to the accepted rules for determining the nature of the commerce.

Congress made no exception from this provision that such inhibited transportation might be performed by foreign vessels if the commerce was strictly foreign, and therefore no such exception from the general rule is warranted, nor has the administrative policy of the Bureau of Navigation permitted such exceptions since the first restrictive coastwise laws were placed upon the statute books by the founders of our Government. Established interpretations of laws in their administration should not be lightly disturbed unless they are clearly in violation of law or in derogation of rights acquired thereunder.

LIMITATION PUT ON SHIPPING

Congress has not sought to restrict commerce between the States or between points in the United States, but the language and purpose of section 27 and similar legislation regulates and restricts transportation, an incident of commerce, to American vessels. The nature of the commerce—foreign or domestic—is therefore unimportant. The transportation is that which is controlled. If the transportation comes within the class prohibited by Congress, forfeiture of the merchandise carried will and must result, regardless of what the nature of the commerce may be.

While "commerce" and "transportation" are often loosely used interchangeably, the terms are not coextensive, synonymous, or productive of the same effect. "Commerce" comprehends transportation as an incident thereof, but "transportation" in the vernacular means "to carry," "to convey," "to carry from one place or station to another."

We disagree that—

"To hold that the indicated transportation will be in violation of section 27 necessarily requires a determination that the transportation from California is complete upon arrival at New Orleans."

Congress did not prescribe that the transportation must be completed as ultimately intended. If the nature of the commerce, interstate or foreign, was the determining factor, the statement would be correct; but if Congress had intended that the inhibition should be limited to the transportation of merchandise ultimately destined to a port or places within the United States, it would and should have used language indicative of that intention. "No merchandise" certainly can not comprehend that limitation.

It is here proper that we should also point out that the section does not even say transportation from a point in the United States to another point in the United States. Had this language been used in the absence of a clearly expressed intention on the part of Congress, it might possibly be successfully contended that the ultimate destination of the merchandise in question was a material factor. This language

is not used, however, and the unimportance of the ultimate destination is illustrated further by the use of the words "between points in the United States."

OPINION CHALLENGED

It is true "the act indicates no purpose to regulate foreign commerce." It does indicate, however, a clear, concise, and unequivocal intention to regulate certain transportation which may or may not be an incident of foreign commerce, and to arrive at the results obtained by the Attorney General that purpose must be disregarded.

In its general application the interpretation suggested by the Attorney General would remove from the protection of our coastwise laws that transportation which forms a large percentage of our coastwise trade, namely, the carriage of merchandise from one point in the United States to another point in the United States to be transhipped, either with or without being processed, changed, etc., to a foreign country. If the ultimate destination of the merchandise as determined by the continuity of the transportation is to be, as the Attorney General suggests, the determining factor as to whether there is a violation of our coastwise laws, a large percentage of traffic which has heretofore been enjoyed by American vessels exclusively will be opened to foreign vessels for the first time, and notwithstanding the intent Congress recently expressed in the merchant marine act that coastwise trades should be "absolutely" restricted to American vessels. But there is no authority for applying such a rule to determine whether a particular transportation violates our coastwise laws.

EDWIN H. DUFF.

The letter of the Attorney General, entitled "Transportation of Gasoline in Foreign Vessels from California to New Orleans and then to England," follows in full text:

DEPARTMENT OF JUSTICE,
February 4, 1926.

SIR: I have the honor to acknowledge receipt of your letter of January 4, 1926, stating that the Anglo-Mexican Petroleum Co. (Ltd.), a British corporation, proposes to purchase California gasoline for shipment to and distribution in England. It is stated that before gasoline can be used in England it must be mixed with mid-continent gasoline. The company proposes to transport the gasoline from California to New Orleans, where the California gasoline will be landed, mixed with mid-continent gasoline, and the mixture will then be transported to England, the original destination. The entire transportation will be in British flag vessels owned by the company.

The exact purpose of the company is stated by it as follows:

"It is the corporation's purpose to transport the gasoline from California to its intended destination in England by its own British flag vessels and in the course of such transportation to mix the gasoline at New Orleans as already described, which mixing will, of course, necessitate landing and reloading at New Orleans, continuing the transportation of the gasoline—as so mixed—to the intended destination in England in the same vessels, owned by the corporation, that began the transportation from California."

It is contended by the commissioner of navigation that the proposed transportation from California to New Orleans in a foreign vessel will constitute a violation of section 27 of the merchant marine act of 1920. My opinion, therefore, is requested whether or not the indicated transportation will be in violation of the merchant marine act.

Section 27 of the merchant marine act of 1920, c. 250, 41 Stat. 999, reads, in part, as follows:

"That no merchandise shall be transported by water, or by land and water, on penalty of forfeiture thereof, between points in the United States, including Districts, Territories, and possessions thereof embraced within the coastwise laws, either directly or via a foreign port, or for any part of the transportation, in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States, or vessels to which the privilege of engaging in the coastwise trade is extended by sections 18 or 22 of this act: . . ."

It must be borne in mind that the evident purpose of section 27 is to secure to American vessels the coasting trade of the United States and to prohibit the use of foreign vessels in such trade.

From the statement of facts presented it is apparent that the destination of the California gasoline from the time it is taken aboard the British vessel at a California port to the time it reaches its final destination is a foreign port. Section 27 of the merchant marine act relates only to domestic commerce and transportation thereof between ports of the United States. The act indicates no purpose to regulate foreign commerce. To hold that the indicated transportation will be in violation of section 27 necessarily requires a determination that the transportation from California is complete upon arrival at New Orleans. This view can not be accepted, as the destination of the California gasoline is at all times a foreign port, and the continuity of the transportation to the ultimate destination is merely temporarily interrupted at New Orleans for the purpose of mixing the gasoline with a like product of higher grade. The product, however, remains the same, and the identical gasoline taken aboard at the California port is to be transported to and consumed in a foreign country.

So long as the ultimate destination of the American product is a foreign port, and the product is eventually transported to its ultimate destination, the mere fact that the continuity of the transportation is interrupted by stoppage at an intermediate American port does not constitute a violation of section 27. The Supreme Court in the *Bermuda* (8 Wall. 514, 533) said:

"It makes no difference whether the destination to the rebel port was ulterior or direct; nor could the question of destination be affected by transshipment at Nassau if transshipment was intended, for that could not break the continuity of transportation of the cargo."

A transportation from one point to another remains continuous so long as intent remains unchanged, no matter what stoppages or transshipments intervene.

Referring to the decision in the *Bermuda* case, the Attorney General in 32 Op. 350, 352, said:

"Clearly whether successive voyages are connected by a common plan is a question of fact to be determined from the circumstances of each individual case. Applying the test laid down by the Supreme Court to the circumstances of the present case, it is apparent that the facts fall short of the showing that the continuity of the voyage has been broken."

That the ultimate destination is dependent on the intent of the shipper and not on the contract of shipment was decided by the Supreme Court in *B. & O. Railroad Co. v. Settle et al.* (260 U. S. 166, 171).

The rule laid down by the Supreme Court in the *Bermuda* case was applied by the Attorney General to the transportation of American grain in foreign vessels from an American port to a Canadian port and thence to an American port (34 Op. 355). In that opinion the Attorney General said:

"It can be determined only from the facts presented in each case whether there existed such an intent to transship the grain to an American port or place as would constitute a continuous transportation and result in violation of section 27 of the merchant marine act; or whether, in the absence of such intent, the continuity of the transportation was broken upon arrival at the foreign port and the grain entered into the commerce of the foreign country and lost its identity as an American product."

From the facts presented it appears that, although the transportation will be interrupted at New Orleans, the continuity thereof will not be broken, as the intent remains throughout that the identical American product is to be transported to a foreign destination. The continuity of the transportation, although interrupted at New Orleans, remains unbroken and unchanged until the product reaches its final destination.

I have the honor to advise you, therefore, that in my opinion the transportation outlined in the statement of facts presented will not constitute a violation of section 27 of the merchant marine act.

Respectfully,

JOHN G. SARGENT.

To the SECRETARY OF COMMERCE.

Representative SCOTT, of Michigan (Republican), chairman of the House Committee on the Merchant Marine and Fisheries, announced on April 7 that he would introduce a bill designed to prevent such transshipment if the ruling of the Attorney General is permitted to stand. He made public the following letter on the subject, which he said he had addressed to the Attorney General:

"JOHN G. SARGENT,

"Attorney General of the United States,

"Washington, D. C.

"MY DEAR ATTORNEY GENERAL: On April 1, 1926, you rendered an opinion to the Department of Commerce in the case of the Anglo-Mexican Petroleum Co. (Ltd.), a British corporation, involving the right of that company to transport oil, in a British ship, from one port in the United States to another port in the United States for the purpose of process, providing the destination of such cargo was to a foreign port.

"I consider this opinion fraught with serious possibilities and would very much appreciate your furnishing me the data upon which this opinion was based, because if you are correct in your interpretation of the law it would seem imperative that section 27 of the merchant marine act be amended to cover the purpose for which it was obviously intended. Under your interpretation foreign ships could, and would, engage in the coastwise trade, not only in ocean transportation but in transportation on the Great Lakes, providing the cargo was susceptible to alteration or refinement and its actual or prospective destination was a foreign port."

Explaining his position in the matter, Mr. SCOTT made the following statement on April 7:

"The Attorney General rendered this opinion to the Department of Justice on April 1. I picked it up in a Baltimore newspaper on April 2. I called up the Department of Commerce, which advised me that such an opinion was rendered. The opinion was given at the instance of the Anglo-Mexican Petroleum Co., a British corporation. It involved the interpretation of section 27 of the merchant marine act,

which reserves to the coastwise trade the transportation of all commodities between ports in the United States.

"In that particular case the British company bought a cargo of oil from Los Angeles and reloaded it for shipment to a British port. The Attorney General held that the entire transportation was one of transporting a commodity to a foreign port and the delay at New Orleans was merely incidental to the transportation.

"I consider the opinion is very vital. I requested the Attorney General to furnish me the data on which he founded such an opinion. I also have taken up the matter with the Shipping Board in order that another branch of the Government may ask for an opinion which will allow the Attorney General to reverse his previous opinion if he considers it erroneous. But if he adheres to that former ruling I shall introduce a bill to amend the section referred to—and it is a very clear expression of law—so that it will accomplish the purpose for which it is obviously intended."

ADDRESS OF SENATOR BRUCE MADE ON ARMISTICE DAY

Mr. ASHURST. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by the junior Senator from Maryland [Mr. BRUCE] upon the occasion of the dedication of the memorial entrance of the Fifth Regiment Armory, Baltimore, Md., on armistice day 1925.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

ADDRESS OF THE HON. WILLIAM CARELL BRUCE ON ARMISTICE DAY, 1925, AT THE DEDICATION OF THE MEMORIAL ENTRANCE OF THE FIFTH REGIMENT ARMORY, AT BALTIMORE, MD.

Some of you will remember that, during the World War, Lloyd-George, the English statesman, once recalled the fact that the United States had never been engaged in a war which it had not brought to a successful issue. Always, in the end, no matter how long deferred, the God of Hosts had given us the victory.

First, there was our arduous and protracted struggle for national independence with the mother country of whose world-wide power Daniel Webster was later to say, in his grand manner, that it kept company with the hours, and circled the globe with one continuous strain of the martial airs of England. In that struggle Providence brought France—let it never be forgotten—as an ally to our side; and with her aid we secured the national freedom which has been the inspiration of our marvelous growth as a people.

Then followed the War of 1812 with England, in which we suffered not a few reverses, but none that were not, on the whole, redeemed by the national prestige that we acquired at sea, and the decisive, crushing triumph won by Andrew Jackson at New Orleans. The battle monument on Calvert Street is a singularly beautiful testimonial to the stern resolution with which the British attack upon Baltimore, in that war, was repelled.

Then followed our war with Mexico, in which the combatants were too unevenly matched to render our success a matter of any real doubt. That war, however, did prove an admirable school of training for some of the most famous generals of our Civil War.

Then followed our Civil War itself, which resulted in the defeat of the South by the National Government, but at the same time in such an increased measure of national unity, strength, and prosperity for our whole country that this defeat can truly be said to have been, in its ultimate consequences, not more a victory for the North than for the South.

Then followed the Spanish-American War in which the extraordinary efficiency of our Navy was again demonstrated, but in which our ambitious Army officers complained that, on land, there was not enough war to go round.

And then followed the World War, in which those fair, gallant youths, 116 in number, whose names we are commemorating this morning, laid upon the altar of their country the precious offering of their bright, joyous, hopeful lives.

Recently there has been a disposition in some quarters to refer our entrance into the World War to merely selfish motives. I speak deliberately when I say that such an idea can be rejected with scorn. All human motives, individual or national, are mixed; all are more or less an amalgam of selfish and unselfish elements; though, thanks to the benign hand which shapes our being, the unselfish are, on the whole, predominant. In entering the World War, we were, of course, influenced, to no small extent, by the loss of life and property inflicted upon us by the ruthless submarine warfare of Germany. So inordinate was the military ambition, and so menacing was the military power of that country, too, that we were also influenced by the apprehension that they might finally invade even our own shores. As they were brought home to us by one startling revelation after another, we almost felt, as our forefathers did when it seemed as if Napoleon was bent upon nothing less than the conquest of the whole world, and was according our country no privilege except, as John Randolph of Roanoke, said at the time, the poor privilege accorded to Ulysses by the monster, Polyphemus, of being the last to be devoured. This was the material side of our participation in the World War; but, as is true of most of our wars, it had its spiritual side, too.

The truly determining motives that led us into the World War were those which Woodrow Wilson, our war President, expressed with such felicity—that is, our faith in human civilization, our generous love of human liberty, our belief that the liberal institutions, so indispensable to human welfare and happiness, which we and the other great civilized lands of the earth had acquired at such a costly expenditure of blood and treasure, were so direfully imperiled by the merciless and unscrupulous spirit of the German military caste that the world must again be made safe for democracy.

Those were the sentiments that gave to our part in the World War its real character and its profoundest meaning; these were the sentiments that our brave soldiers bore across the seas as their keenest incentives to valor and self-devotion; these were the sentiments for which the 116 members of the Fifth Regiment, to whom we are paying our tribute to-day, bled or sickened, and died. That such sentiments should have prevailed in the World War is enough in itself to make that war one of the noblest ever waged for the highest interests of humanity. But how immeasurably are its importance and dignity enhanced by the exalted aims which have followed it! Our allies have not been willing to reap simply the immediate fruits of their dearly bought victory, but have established, and are maintaining, a concert, which embraces almost every civilized country in the world, for the purpose of keeping war permanently in check. If they can have their way, nevermore shall Caesar's or Kaiser's spirit cry, "Havoc! and let slip the dogs of war."

Already, at one alarming crisis or another, this concert has made itself decisively felt, and, while it may be impracticable to bring international warfare entirely to an end, I, for one, believe that by international cooperation its frequency and its atrocity may be reduced within narrower limits. If they are reduced, even though our country shall never have entered the present League of Nations, history will declare that no one individual exerted a greater influence in bringing that state of things about than the American President, Woodrow Wilson; and no one army than the American Army, of which the soldiers, whose names are inscribed on the memorial that we are dedicating to-day, were a part.

In all ages the soldier has occupied a place in the service of his people that no other member of society can possibly occupy. Other individuals may be called upon to make sacrifices for the welfare of the Commonwealth—sacrifices of time, of convenience, of labor, of comfort, and of wealth; the police officer may occasionally even be called upon to discharge his duty at the expense of his life, but, in time of war, the soldier is required to bear his life in his hands from day to day, and to surrender it at any moment that it may be demanded of him. Of him is expected not the ordinary fidelity of civil life, but the fidelity that, like that of religious martyrdom, is faithful even unto death.

"Theirs not to make reply,
Theirs not to reason why,
Theirs but to do and die."

All fear of peril, all desire for safety, all thought of self, must perish

"When the sweet clarion's breath
Stirs the soldier's scorn of death."

In the hour of national danger upon him depend the peace, the security, the liberties, nay, at times, the very lives of the community of which he is the armed defender. To him the helplessness of infancy, of womanhood, and of age; every noncombatant, whatever his years or sex, who has property to be seized or a person to be violated or destroyed; every hearthside, every public edifice or religious temple, looks for protection, and, if he can not protect them, protection there is none to be obtained from any earthly source.

All honor, therefore, to all of our American soldiers who crossed the submarine-infested Atlantic and endured, uncomplainingly, the hardships and tragic sufferings of the World War, and enabled our allies, with the aid of their fresh, young manhood and impetuous courage, to bring peace once more to a reeling and distracted world.

Among these soldiers, we can not forget, were thousands of young men from the streets, the green fields, and the wooded hills of the State of Maryland; but especially, this day, is our homage due to the soldiers from this city whose deaths in the service of their country have brought us together. They were inhabitants not only of Maryland but of Baltimore. They were bone of our bone and flesh of our flesh. At one time or another they had all been members of the Fifth Regiment, that ancient regiment which, organized a few months after the American Declaration of Independence, has won an honorable name for itself in the military history of the United States, and is still, to-day, one of the things of which we, as citizens of no mean city, are justly proud.

It was in Baltimore that each of them left behind him father or mother, sister or brother, wife or sweetheart, in obedience to the call of that mightier mother of us all, our country. There was not a man of them, it is safe to say, that was not cherished in at least one fond heart in Baltimore. Living, they were our very own; dead, in the line of duty, they are doubly ours. So long as one brick of this city shall

remain standing upon another their memory will be treasured by us as the memory of the defenders of 1814 is treasured.

What are the lessons to be derived from their lives? First of all, of course, the old, old lesson, old as the Pass of Thermopylae, old as the Plains of Marathon, that the claim of our motherland in the hour of national peril to our lives is superior to our own, and that now, as in the time of the Roman poet, it is a sweet and honorable thing to die for one's country. The next is that the unity of aim and spirit, which was such a striking feature of our national character in the World War, should also accompany that character in time of peace. All the mean, ignoble impulses of human bigotry and prejudice died out at that supreme crisis. No distinction was made then between any of the sects and races in our midst so far as the obligations of patriotism were concerned. Why should any proscriptive impulses be tolerated now? Surely, if it is proper that all the elements of our varied population should feel more closely drawn toward each other by a sense of common danger, it is but proper that they should not tritism were concerned. Why should any such proscriptive impulses be tolerated when that danger has passed; for even the fierce beasts of the forest forget their mutual animosities when involved in a common peril. Nothing did the World War evidence more completely than the essential unity, the substantial solidarity of all the diverse elements of which our American population is made up, and their common attachment to the free institutions under which they have all thriven, and presented the most conspicuous example of general prosperity and happiness that the world has ever seen. There could be no better proof of this than the practical unanimity with which the principle of universal military conscription was approved by our people. Indeed, there were no braver or more patriotic soldiers in our Army than young Americans of German extraction itself.

Another lesson to be derived from the lives of those youths is that we must, each in his several provinces of influence, see to it that in the highest sense of all they did not die in vain. Most, if not all of them, doubtless cherished in their hearts the belief that, to use a well-worn phrase, they were engaged in a war to end war, and that such a fearful, world-wide, and diabolically destructive war as the World War could not fail to enlist the conscience, the heart, and the intellect of the whole civilized universe in the sacred task of preventing the repetition of a catastrophe so offensive to God, so ruinous to human civilization, so dishonoring to human nature itself. That belief should be a perpetual exhortation to us to insist that this country should persistently employ its great influence, too, for the purpose of preserving, as nearly as human passions and infirmities will permit, the peace of the world.

As I stand here this morning, all the first sensations aroused in me by the armistice which brought the World War to a close, seem to be renewed. I happened, on the day that it was concluded, to be walking down Charles Street when the tongue of every bell and the throat of every steam whistle in Baltimore brought to me unexpectedly the announcement that the great, cruel, bloody war, which had extinguished so many millions of human lives, crippled so many millions of human bodies, and heaped up such enormous debts, was at last over. More than once before that day I had shed tears of grief. What mortal eyes have not? Never before, however, had I shed any tears of joy; nor have I ever since; but I confess that on that day tears of rapturous delight welled up from the deepest fountains of my nature and filled my eyes and overflowed my cheeks. The military aristocracy which had proved the fellest curse to mankind that had ever descended upon it since the death of Napoleon had been laid low, and largely, if not decisively, by the intervention of our own country. Human freedom could breathe easily again. Human civilization could once more pursue its appointed course in obedience to the "divine, far-off event to which the whole creation moves." The ship of our national destiny had once more come exultantly into port. Soon all of our brave, free-born soldiers, except those who had sunk into the blood-stained soil of France, would be returning to our shores wreathed with the garlands of victory. God, seated in His mighty pavilion of majesty and mercy, still ruled the world. Cold as a stone, faithless to the voice of that great day and to the memory of the dead, whom we are honoring at this hour, shall we be if we shall ever forget the obligation that our country owes to itself and to the world to do all that lofty and sagacious statesmanship can do to prevent the recurrence of such a war.

COLORADO RIVER BRIDGE AT LEE FERRY, ARIZONA

Mr. CAMERON. Mr. President, I ask unanimous consent to have published in the Record an open letter to the editor of the New York Times from Frederick S. Dellenbaugh with reference to the bridge over the Colorado River at Lee Ferry, which has been a matter of considerable interest. The writer of this letter accompanied Major Powell on his second trip down the Colorado River and has written several books about the river, and, as is well known, has personal knowledge of the situation.

The VICE PRESIDENT. Without objection, it is so ordered. The letter is as follows:

COLORADO RIVER BRIDGE

To the EDITOR OF THE NEW YORK TIMES:

I wonder if many people know that in these progressive United States of ours there is a river which has no bridge across it for vehicles in a distance as the river runs of some 600 miles owing to the parsimony and short-sightedness of Congress and of the States of Utah and Arizona, in which this stretch of river lies.

And now our great Senate is waking up! The Senators are perfectly willing to build a bridge over the Colorado River at Lee Ferry—where it should have been built 25 years ago—provided that the poor Navajo Indians who live near by and who will be benefited by the proposed bridge about as much as they would be by one over the Hudson—provided the poor Navajos pay \$100,000 of the cost. This is about half the estimated cost.

Two sovereign States and the great United States demand that the Navajo Indians shall pay one-half the cost of a bridge which the Government should have constructed at least a quarter of a century ago! If this absurdity can be matched anywhere in the world outside of Tibet, the writer would be glad to be informed.

I know they will argue that the Colorado runs through a desolate region and deep canyons. This is true, but it is all the more reason why this entirely feasible bridge should have been built long ago—to aid in uniting two huge areas now so very difficult to reach, one from the other. Coming down from Salt Lake one reaches a pocket; coming up from the south the same is true; and the only way out of these pockets north and south is by a little more or less precarious ferry at the head of a rapid.

FREDERICK S. DELLENBAUGH.

NEW YORK, March 9, 1926.

COMPILATION OF PROPOSED AMENDMENTS TO CONSTITUTION (S. DOC. NO. 93)

Mr. DILL. Mr. President, I ask permission to have printed as a public document a compilation of the proposed amendments to the Constitution from December 4, 1889, to March 27, 1926, prepared by the librarian of the research department. There have already been printed the proposed amendments up to December 4, 1889, and the amendments have now been brought down to March 27, 1926. This compilation is so often requested by Members of the Senate that I think it would be appropriate to have it made a public document.

Mr. SMOOT. Does the Senator state that we have not had a print of the proposed amendments to the Constitution since 1889?

Mr. DILL. Yes. This is a compilation of the dates and subjects of the proposed amendments. There has already been printed by the Government a similar compilation down to December 4, 1889, but I am informed by the legislative reference bureau that no print by the Government has been made since.

Mr. SMOOT. I may be mistaken, but I think there was one down to 1906. I have no objection to the printing of it, however, because I think it ought to be printed for the use not only of the Senate and Members of the House but others interested in it as well.

Mr. DILL. I make that statement on the authority of Mr. Meyer, who is the director of the legislative reference bureau.

Mr. SMOOT. I may be mistaken, but I think there was one prepared, anyway.

Mr. DILL. It was prepared, but never printed.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 271. An act authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended;

H. R. 5726. An act for the relief of Jane Coates, widow of Leonard R. Coates;

H. R. 6241. An act to authorize the Secretary of Agriculture to inspect and certify as free from disease and insect pests certain plant products offered for export, and for other purposes;

H. R. 7818. An act to amend section 304 of an act entitled "An act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921;

H. R. 10129. An act to promote the agriculture of the United States by expanding in the foreign field the service now ren-

dered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes;

H. R. 10425. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes;

H. R. 10775. An act to provide for the distribution of the publications entitled "Diseases of the Horse" and "Diseases of Cattle"; and

H. J. Res. 213. Joint resolution for participation of the United States in the Third World's Poultry Congress to be held at Ottawa, Canada, in 1927.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 186. An act authorizing the payment of tuition of Crow Indian children attending Montana State public schools;

H. R. 290. An act to amend section 99 of the act to codify, revise, and amend the laws relating to the judiciary, and the amendment to said act approved July 17, 1916 (39 Stat. L. ch. 248);

H. R. 1827. An act for the relief of Frank Rector;

H. R. 9455. An act to dedicate as a public thoroughfare a narrow strip of land owned by the United States in Bardstown, Ky.;

H. R. 3921. An act to authorize the Secretary of War to enter into an agreement with the Clarendon Community Sewerage Co., granting it a right of way for a trunk-line sewer through the Fort Myer Military Reservation and across the military highways in Arlington County, Va., and to connect with the sewer line serving such reservation;

H. R. 3953. An act to authorize a departure from the rectangular system of surveys of homestead claims in Alaska, and for other purposes;

H. R. 3996. An act authorizing the Secretary of War to convey certain portions of the military reservation of Fort Sam Houston, Tex., to the city of San Antonio, Bexar County, Tex., for street purposes;

H. R. 4505. An act to authorize the Secretary of War to permit the delivery of water from the Washington Aqueduct pumping station to the Arlington County sanitary district;

H. R. 4884. An act for the relief of Walter L. Watkins, alias Harry Austin;

H. R. 5010. An act to provide for the payment to the retired members of the police and fire departments of the District of Columbia the balance of retirement pay past due to them but unpaid from January 1, 1911, to July 30, 1915;

H. R. 5961. An act granting certain public lands to the city of Stockton, Calif., for flood control, and for other purposes;

H. R. 6117. An act to amend an act entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," approved March 12, 1914;

H. R. 6244. An act to authorize the Secretary of the Treasury to exchange the present Federal building and site in the city of Rutland, Vt., for the so-called memorial building and site in said city;

H. R. 6260. An act to convey to the city of Baltimore, Md., certain Government property;

H. R. 6261. An act to authorize the exportation from the State or Territory of timber lawfully cut on any national forest or on the public lands in Alaska;

H. R. 7080. An act providing for repairs, improvements, and new buildings at the Seneca Indian School at Wyandotte, Okla.;

H. R. 7178. An act authorizing the sale of certain abandoned tracts of land and buildings;

H. R. 7348. An act for the relief of Joseph F. Becker;

H. R. 7616. An act to amend section 89 of chapter 5 of the Judiciary Code of the United States;

H. R. 8129. An act authorizing the Secretary of the Interior to cooperate with the States of Idaho, Montana, Oregon, and Washington in allocation of the waters of the Columbia River and its tributaries, and for other purposes, and authorizing an appropriation therefor;

H. R. 8184. An act to authorize the Secretary of the Interior to purchase certain land in California to be added to the Cahuilla Indian Reservation, and authorizing an appropriation of funds therefor;

S. 3547. An act to change the title of Deputy Assistant Treasurer of the United States to Assistant Treasurer of the United States; and

S. J. Res. 58. Joint resolution authorizing the Librarian of Congress to return to Solomon's Lodge No. 1, Free and Accepted Masons, of Georgia, the minute book of the Savannah (Ga.) Masonic Lodge.

PETITIONS AND MEMORIALS

Mr. WARREN presented a memorial of sundry citizens of Casper, Wyo., remonstrating against any modification of the prohibition enforcement act, which was referred to the Committee on the Judiciary.

Mr. BLEASE (by request) presented a petition of sundry citizens of York County, S. C., praying for the support and enforcement of the Volstead Act, which was referred to the Committee on the Judiciary.

Mr. WILLIS presented a memorial of sundry citizens of Winchester and vicinity in the State of Ohio, remonstrating against the passage of legislation to modify the prohibition law, which was referred to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 1144. An act authorizing the Secretary of War to acquire a tract of land for use as a landing field at the air intermediate depot, near the city of Little Rock, in the State of Arkansas;

S. 1250. An act to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, as amended by the act approved March 3, 1883;

S. 1462. An act permitting Leo Sheep Co., of Rawlins, Wyo., to convey certain lands to the United States and to select other lands in lieu thereof, in Carbon County, Wyo., for the improvement of the Medicine Bow National Forest;

S. 1746. An act to authorize the Secretary of Commerce to transfer the Barnegat Light Station to the State of New Jersey;

S. 1809. An act to extend the time for the construction of a bridge across the Wabash River at the city of Vincennes, Knox County, Ind.;

S. 2029. An act to authorize the use by the city of Tucson, Ariz., of certain public lands for a municipal aviation field, and for other purposes;

S. 2530. An act authorizing the use of the funds of any tribe of Indians for payments of insurance premiums for protection of the property of the tribe against fire, theft, tornado, and hail;

S. 3547. An act to change the title of Deputy Assistant Treasurer of the United States to Assistant Treasurer of the United States; and

S. J. Res. 58. Joint resolution authorizing the Librarian of Congress to return to Solomon's Lodge, No. 1, Free and Accepted Masons, of Georgia, the minute book of the Savannah (Ga.) Masonic Lodge.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DILL:

A bill (S. 3902) granting a pension to Katherine Hager; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3903) granting an increase of pension to Mary Dutcher; to the Committee on Pensions.

A bill (S. 3904) conferring jurisdiction upon the United States Court for the Southern District of New York to hear and determine the claim of the owner of the French auxiliary bark *Quevilly* against the United States, and for other purposes;

A bill (S. 3905) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *San Tirso* against the United States, and for other purposes;

A bill (S. 3906) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes;

A bill (S. 3907) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *Almirante* against the United States, and for other purposes; and

A bill (S. 3908) for the relief of Henry Fischer; to the Committee on Claims.

By Mr. BUTLER:

A bill (S. 3909) to amend the act entitled "An act for the reorganization and improvement of the Foreign Service of the

United States, and for other purposes," approved May 24, 1924; to the Committee on Foreign Relations.

A bill (S. 3910) to authorize the award and supply of service medals to individual soldiers as prescribed by Army Regulations for the rendition of certain services; to the Committee on Military Affairs.

A bill (S. 3911) to reimburse the Commonwealth of Massachusetts for expenses incurred in compliance with the request of the United States marshal dated December 6, 1917, to the Governor of Massachusetts in furnishing the State military forces for duty on and around Boston Harbor under regulation 13 of the President's proclamation; to the Committee on the Judiciary.

A bill (S. 3912) granting an increase of pension to Margaret Muncy (with accompanying papers); to the Committee on Pensions.

A bill (S. 3913) for the relief of Lim Toy, of the city of Boston, Mass.; and

A bill (S. 3914) to reimburse the Commonwealth of Massachusetts for expenses incurred in protecting bridges on main railroad lines and under direction of the commanding general Eastern Department, United States Army, and the commandant navy yard, Charlestown, Mass.; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 3915) granting a pension to John W. Wood; to the Committee on Pensions.

By Mr. LENROOT:

A bill (S. 3916) for the relief of Celestina Mateos; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 3917) granting an award of compensation under the United States employees' compensation act to Eugene De Ment; to the Committee on Claims.

By Mr. HOWELL:

A bill (S. 3918) for the relief of Robert R. Bradford; to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 3919) granting an increase of pension to Clara Bickford; to the Committee on Pensions.

A bill (S. 3920) to provide for the acquisition of certain lands within the Lassen Volcanic National Park; to the Committee on Public Lands and Surveys.

A bill (S. 3921) authorizing and empowering the Board of Managers of the National Home for Disabled Volunteer Soldiers to sell and grant approximately 160 acres of land owned by it at the Pacific Branch of said the National Home for Disabled Volunteer Soldiers; to receive the proceeds from said sale and disburse the same for the erection of additional fireproof barracks and other improvements upon the site of said Pacific Branch of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

PROPOSED INVESTIGATION OF PORTO RICAN CONDITIONS

Mr. PITTMAN submitted the following concurrent resolution (S. Con. Res. 11), which was referred to the Committee on Territories and Insular Possessions:

Whereas it has been reported to the President and the Congress of the United States through memorials signed by many citizens and organizations of Porto Rico, testifying to facts as to the intolerable conditions which exist among the people of the island of Porto Rico and conditions which reflect discredit upon the Government of the United States; and

Whereas it has been urged upon the past and present administrations, time and again, that the Congress of the United States shall make a full and complete investigation into the economic, industrial, and social conditions existing in the island: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a joint committee of the Senate and the House be directed to investigate the political, industrial, economic, and social conditions in Porto Rico and report their findings and recommendations to the Senate and House as speedily as practicable. And be it further

Resolved, That said joint committee of the Senate and the House be composed of three Members of the Senate and three Members of the House, who shall have authority to hold hearings and to take testimony in the city of Washington and in San Juan, Ponce, Mayaguez, and elsewhere in Porto Rico, and to such end such committee is authorized and empowered to sit during the sessions of Congress or when Congress is in recess or vacation, and to issue subpoenas to compel the attendance of witnesses and the production of evidence.

PROPOSED INVESTIGATION OF SENATORIAL ELECTIONS

Mr. REED of Missouri submitted the following resolution (S. Res. 195), which was ordered to lie on the table:

Resolved, That a special committee of five, consisting of three members selected from the majority political party, of whom one shall be a progressive Republican, and of two members from the minority

political party, shall be forthwith appointed by the President of the Senate; and said committee is hereby authorized and instructed immediately to investigate what moneys, emoluments, rewards, or things of value, including agreements or understandings of support for appointment or election to office have been promised, contributed, made, or expended, or shall hereafter be promised, contributed, expended, or made by any person, firm, corporation, or committee, organization, or association to influence the nomination of any person as the candidate of any political party or organization for membership in the United States Senate, or to contribute to or promote the election of any person as a Member of the United States Senate at the general election to be held in November, 1926. Said committee shall report the names of the persons, firms, or corporations, or committees, organizations, or associations that have made or shall hereafter make such promises, subscriptions, advancements, or payments and the amount by them severally contributed or promised as aforesaid, including the method of expenditure of said sums or the method of performance of said agreements, together with all facts in relation thereto.

Said committee is hereby empowered to sit and act at such time or times and at such place or places as it may deem necessary; to require, by subpoena or otherwise, the attendance of witnesses, the production of books, papers, and documents, and to do such other acts as may be necessary in the matter of said investigation.

The chairman of the committee or any member thereof may administer oaths to witnesses. Every person who having been summoned as a witness by authority of said committee willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

Said committee shall promptly report to the Senate the facts by it ascertained.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by title and referred as indicated below:

H. R. 5726. An act for the relief of Jane Coates, widow of Leonard R. Coates; to the Committee on Claims.

H. R. 10425. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes; to the Committee on Appropriations.

H. R. 271. An act authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended;

H. R. 6241. An act to authorize the Secretary of Agriculture to inspect and certify as free from disease and insect pests certain plant products offered for export, and for other purposes;

H. R. 7818. An act to amend section 304 of an act entitled "An act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921;

H. R. 10129. An act to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes;

H. R. 10775. An act to provide for the distribution of the publications entitled "Diseases of the Horse" and "Diseases of Cattle"; and

H. J. Res. 213. Joint resolution for participation of the United States in the Third World's Poultry Congress to be held at Ottawa, Canada, in 1927; to the Committee on Agriculture and Forestry.

SENATOR FROM IOWA

The Senate resumed the consideration of the resolution (S. Res. 194) declaring Daniel F. Steck to be duly elected Senator of the United States from the State of Iowa for the term beginning March 4, 1925.

Mr. BINGHAM. Mr. President, I should like to call the attention of Senators to a speech which was made by the chairman of the Committee on Privileges and Elections, the senior Senator from Kentucky [Mr. ERNST], and which has now been published in the RECORD. I regret that the leading speech in favor of the majority report, which was made by the junior Senator from Arkansas [Mr. CARAWAY], has not yet been published. As it was delivered several days ago, and one's memory is liable to be at fault, the references to it which I should like to make I shall not attempt to make for fear I might misquote him.

The speech of the senior Senator from Kentucky, however, has been published, and on page 6950 of the RECORD I find that he said, in reply to the junior Senator from Montana [Mr. WHEELER]:

Nothing is clearer than that the Committee on Privileges and Elections is its own judge, and it does not have to follow the law of Iowa, and has not done so, and has not attempted to do so.

Mr. President, it seems to me that this is a very extraordinary position to take. I realize that I am probably in the minority in so believing. It may seem strange that I should so believe. The Senator from Kentucky holds that my views as to what was intended by the Constitution are at fault. As he is a very much older and a more experienced lawyer than most of us—and, indeed, I am not a lawyer at all—perhaps it is presumptuous in me to attempt to dispute his views. I realize that the position in regard to State rights which I am about to take may sound strange in the ears of some of the Senators who sit in this body at the present time. Were I speaking for myself alone, I should immediately desist and say no more; but, Mr. President, I feel that I am speaking for my State, which has always maintained most earnestly and sincerely—perhaps more so than any other State in the Union, with one exception—the doctrine of State rights.

If I may be permitted to do so for a moment, I wish to call the attention of the Senators to the fact that when the sixteenth amendment changing the constitutional law with regard to the equality of taxation was, through a joint resolution passed by Congress, submitted to the States and ratified by them, Connecticut was one of the three States which refused to ratify that amendment to the Constitution. The others were Rhode Island and Utah.

When the eighteenth amendment, which added to the Federal Government an entirely new power, giving Congress the right to make sumptuary laws, was ratified by 46 of the 48 States, Connecticut was one of two, the other being Rhode Island, which refused to ratify that amendment, not because we are more fond of the product of the grapes which appear on the seal of Connecticut than are the people of any other State, but because we believed that the amendment proposed to take away from the sovereign State of Connecticut certain rights which had been reserved to her.

When the twentieth amendment, so called—the child labor amendment—was by a joint resolution passed by a very large majority of the Senate and House of Representatives and submitted to the States for ratification, the General Assembly of the State of Connecticut by an extraordinary vote decided that the State of Connecticut wished to retain control over its own children. In the Senate of Connecticut the motion to ratify the twentieth amendment was defeated by a vote of 33 to 1 and in the lower house by the most extraordinary vote of 231 to 7, both houses, by a proportion of 33 to 1, differing from the opinion of the Senate and House of Representatives of the United States on that most important measure.

I merely offer this, Mr. President, as an explanation for my presumption in taking the attitude that State rights must be preserved if this Government is to continue to be a successful, popular Government. That attitude has not been unknown on this side of the Senate Chamber. At the time of the contested-election case of James Harlan, of Iowa, a very distinguished Senator, William H. Seward, of New York, who was at that time generally recognized to be the leader of the Republican Party in the United States, and who was soon afterwards a candidate for nomination for the Presidency, made a very remarkable speech, in which he upheld the rights of the States, as follows:

The Constitution of the United States gives supreme right to Congress to prescribe in what manner the legislature of a State shall perform that act independently of all State constitutions.

The Congress of the United States has practically waived this right and devolved that duty on the Legislature of Iowa, as it was authorized to do by the Constitution of the United States.

The manner prescribed by the Legislature of Iowa does not conflict with any article of the Constitution of the United States. It would not be at all affected by any conflict with the constitution of Iowa, inasmuch as no control over the subject whatever resides in the people of Iowa, by whom the constitution was made.

Mr. President, this transaction is a judicial one. I have approached it, I trust, free from partiality or prejudice. The question is an important one. The decision may be drawn into a precedent to affect hereafter the rights of 60 States, and the safety, welfare, and union of this confederate Republic hundreds of years hence, when this people shall number, not as now by tens but by hundreds of millions.

Mr. President, it seems to me quite an extraordinary coincidence that in the very case now before us we have a similar

issue raised with regard to the right of a Senator from Iowa. But to continue with the remarks of Senator Seward for a moment.

I therefore confine my judgment to this case as it stands on the facts. I do not prejudge other cases which shall present other facts nor lay down principles for other and extreme cases. I can foresee possible abuses to come from a misapplication of the principles I have adopted. But abuses will attach themselves to all principles as barnacles will to the smoothest and strongest bottoms.

Our decision is not likely to affect 60 States as Mr. Seward thought, but it does affect the rights of 48 States and more than 100,000,000 people.

Mr. President, if Senators will bear with me for a few moments, I should like to quote a few words from the Constitution of the United States which, in my very humble opinion and in the opinion of those in the State which I have the honor in part to represent, should govern in cases of this kind, rather than the extraordinary opinion expressed by the chairman of the committee as representing the views of the great majority of the committee.

Article I, section 4, of the Constitution provides:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

It is interesting, Mr. President, to go back to the journal of the Constitutional Convention when that section of the Constitution was under consideration. I have in my hand the journal as kept by James Madison and as edited by Scott, and I find that when this section was taken up the representatives from South Carolina, very naturally, objected to that portion of it which gave to the Congress the "right to make or alter such regulations."

Mr. Pinckney and Mr. Rutledge moved to strike out that portion of the section.

The States, they contended, could and must be relied on in such cases.

The answer to that was made by James Madison, who put down in his journal the argument he used, giving his reasons why Congress—not, mind you, the Senate Committee on Privileges and Elections, and not the Senate, but Congress—should have power to alter or amend the State election laws. He states that without that provision the words would be of too great latitude, and he said that—

It was impossible to foresee all the abuses that might be made of the discretionary power.

There is no evidence before us, Mr. President, that the State of Iowa has abused its power in this particular. Neither is there any evidence before us that the Congress of the United States is asked to enact into law any change or emendation of the law of Iowa.

Madison went on to say:

Whenever the State legislatures had a favorite measure to carry, they would take care so to mold their regulations as to favor the candidates they wished to succeed.

Therefore he was in favor of the clause. But there is no evidence before us that the State Legislature of Iowa has in any way attempted to favor any candidate. The laws which they have made governing elections in Iowa have been considered just and honorable; there is no question raised here as to that.

Madison goes on to say:

What danger could there be in giving a controlling power to the National Legislature?

And so it was done. He concludes the entry in his journal by saying:

This was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether.

It seems to me perfectly clear, Mr. President, that it was the intent of the framers of the Constitution to give to the National Legislature, as stated in the Constitution, at any time by law—and the word "law" is written in the section with capital letters—by law to make or amend such regulations, except as to the places of choosing Senators. The reason for the exception as to the places of choosing Senators was because they did not desire to give the National Legislature the right to change the location of the State capitals.

The contention has been made by the chairman of the committee that the Senate has a perfect right to disregard the law of Iowa or to amend that law so far as they might see fit in order to follow the intent of the voters. This plea as to the

intent of the voters is a specious plea. It certainly sounds reasonable. When one first hears it one is inclined to say, "Certainly, we ought to decide this case according to the intent of the voters." If we could only get the voters of the State to write letters here, as so many thousands of them do, and say, "My dear Mr. Senator, I desired to vote for So-and-so," we would then know the intent of the voters. If we could only find that all their ballots had written on them the words, "I desire to vote for Steck," then we should know that they desired to vote for Steck and we would count those ballots; but, Mr. President, how many States in this Union permit any marks of that kind to be placed on a ballot? All ballots must be cast in accordance with the laws of the State. These laws are designed to protect the voters in expressing their intent, and if a voter should write on a ballot the words, "I desire to vote for Daniel F. Steck," that would in practically every State in the Union disqualify that ballot and cause it to be rejected. Yet, according to the committee, that would express the voter's idea so frankly and so fully that there could be no question about his intent, and such ballots ought to be counted. The committee have told us that they counted such ballots for Brookhart. If the voter, in his enthusiasm for Senator Brookhart, wrote on the ballot the name "Brookhart" once or twice or three times, it did not matter how many times or how he spelled the name or whether he conformed to the law of Iowa at all; so long as he indicated his desire to vote for Senator Brookhart the ballots must be counted. The committee did the same thing for Mr. Steck. In other words, Mr. President, the committee has very frankly stated its position in the words of the chairman—

Nothing is clearer than that the Committee on Privileges and Elections is its own judge, and it does not have to follow the law of Iowa and has not done so and has not attempted to do so.

He goes on to say in another part of his speech that he is following a precedent that has long been the custom, and that in looking at the matter from the point of view of intent there is nothing strange about their overriding the law of Iowa.

Mr. President, I have examined this volume, which is the latest printed compilation of Senate election cases. It begins from the beginning and comes down to about 1913. There are some 73 cases considered in the volume which are in relation to the contested right of Senators elected to their seats. I do not find anywhere an instance, except that from Iowa, which has been quoted, where the views of the majority, in their efforts to decide a case, had to be based on something other than the law of the State. I do not find here any precedent for overruling the law.

These cases—as I say, there were some 73 of them—

Mr. GOFF. Mr. President—

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from West Virginia?

Mr. BINGHAM. Will the Senator kindly permit me to finish this? These cases show the nature of the questions involved in these contests where the Senate was called upon to discharge its duty under section 5 of Article I of the Constitution, which gives it the right to judge of the election of Senators. I assume that the use of the word "judge" there applies practically to the right to judge and to sit as a court, to judge and see whether the qualifications of the Senator are in accordance with law, whether he has been elected in accordance with law, or whether the voters who elected him had the right to vote for him. In no case do I find that there was any question as to the intent of the voters being made known, or the assertion of any right to override the law of the State.

The questions which have arisen in these 73 cases are such questions as the eligibility of the electors under the laws of the State. The question of bribery and corruption has frequently come up. The question of the personal qualifications of the individual as not conforming to the Constitution or the laws of the United States has come up, and it has been alleged that his qualifications did not entitle him to be a Senator. These matters had to be decided by the Senate, sitting as a judge. The individual's right to vote for himself when he was a member of the State legislature has come up and has been decided by the Senate; whether the legislature which elected him was legally in session. Of course, at the time of the Civil War there were a great many cases that came before the Senate as to whether the legislatures of the Southern States sending Senators here had been properly or legally constituted. All such cases were properly judged by the Senate in accordance with law, but not by overriding the law.

Other questions that have come up are whether the Senator was of sound mind; whether he had been naturalized long enough before his election to qualify; whether the act making him a Senator was in accordance with the law of the

State, or whether he was qualified for his election under the State law as well as the national law; whether or not under the statute of Pennsylvania, as in the case of Senator Cameron, the State law had been carried out, or whether the election was procured by corruption or unlawful means; whether the legislature was legally constituted, and so on.

Mr. President, not to tire Senators with a recitation of the facts, examination of the 73 cases shows that it has practically always been the effort of the Senate to judge and see whether the law has been carried out; and it seems to me an amazing contention on the part of the committee that they have a right to disregard the law of Iowa, to overrule it and try to go behind it, and to count the ballots, no matter how illegal they may be.

We have here before us a certificate signed by the Governor of the State of Iowa, countersigned by the secretary of state, a certificate of election of Smith W. Brookhart. There has been nothing brought here to show that there is anything irregular about this certificate; has there, Mr. President? There is no contention but that the governor who signed it is the proper Governor of the State of Iowa, and that the secretary of state who countersigned it is the proper secretary of state. There is no question of fraud, bribery, or corruption. In reply to questions it has been stated that there is no question of intimidation at the polls. It was a fair election. It was carried out in accordance with the laws of the State of Iowa. The officials of the State of Iowa have certified to that fact, and there is nothing here to show that they were wrong.

It is unfortunate, Mr. President, that, owing to circumstances over which he has no control, the senior Senator from Iowa [Mr. CUMMINS] has very properly taken the position that he can not participate in this discussion. In fact, the sovereign State of Iowa has no representative on the floor at the present time; and therefore there is no one here to say on behalf of the rights of that State, that the committee, in taking its extraordinary stand, should be overridden, and that that stand is an improper one to take.

I do not desire to take up any more time, Mr. President, except to say this:

In view of the fact that the committee, by its representatives on the floor, by its chairman, and by the Senator who first presented the majority report, has shown a distinct determination on its part to overrule and disregard the laws of the State of Iowa, the committee has not acted properly. Accordingly, Mr. President, I move that the resolution be recommitted.

Mr. REED of Pennsylvania. Mr. President, I do not desire to speak more than 15 minutes on this matter. I feel timid in speaking even so long, because of the familiarity which I lack and which my colleagues have about all of the details of this case; but I want to go on record quite squarely and give my reasons for the vote which I expect to cast.

I think Senators will concede that it is not likely that I am going to vote in favor of Mr. Brookhart because of any political allegiance to him or any enthusiasm for the doctrine which he has advanced, or any belief in his support of the policies of my party. It may be recalled that it was I who introduced in the Republican conference the resolution which prevented Mr. La Follette, Mr. Brookhart, Mr. FRAZIER, and Mr. Ladd from being listed as Republicans in the make-up of the Senate committees. I believe still that that was the wise and proper and deserved action for the Republican conference to take; and in what I am doing in this case I do not mean, even by implication, to seem to retract in any way the action that I took at that time.

But, Mr. President, this is not a political matter. We are sitting in this case as judges, just as surely as the members of the Supreme Court of the United States sit in their chamber across the hall as judges, and we are sworn to decide according to the justice and the right of the case, and not according to our preference for the political beliefs of the contending parties, and not according to the outcome of this contest on the line-up of the Senate or its organization at the opening of the next Congress.

With those matters we have nothing whatsoever to do, any more than the Supreme Court of the United States would have a right to weigh such considerations if Mr. Steck were suing Mr. Brookhart on a promissory note and the case reached the Supreme Court of the United States. We are just as far foreclosed from allowing ourselves to consider the political effect of this case as is the Chief Justice of the United States in such a supposititious lawsuit as that that I have mentioned.

The very Constitution which gives us the power to hold this inquiry reminds us that that is our duty. In Article I, section 5, we find it stated that—

Each House shall be the judge of the elections * * * of its own Members.

"Judge," if you please. That means that the matter shall be determined by us as judges, judicially determined, with that fine quality that men of our race have always shown in excluding from consideration all that touched them personally when they sat judicially to determine a controversy.

As I said before, I am not familiar with all the intimate detail of this case; but sometimes there is an advantage in not seeing each blade of grass in the field. We get a better idea of the lay of the land if our eyes do not pick out for us every blade of grass that grows upon it.

It seems to me that this case must be decided upon two questions—and two alone. The first one is these 1,344 ballots in which the voter put his cross in the party circle at the head of the column and then marked some or all of the names in that column but not the name of Mr. Brookhart; and the committee has exhausted itself in its effort to find out what was the more or less undisclosed intention of the voter who marked his ballot in that fashion.

Mr. President, again I say we must go back to the Constitution to see what our duty is. In section 4 of Article I we find it clearly stated that—

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof—

"The * * * manner of holding elections for Senators * * * shall be prescribed in each State by the legislature thereof."

That means, of course, that the legislature shall determine whether the election shall be secret or open on the hustings. The legislature shall determine whether the vote shall be indicated by some mechanical device, like an election machine, or whether it shall be indicated upon a paper ballot such as we call the Australian ballot; and the legislature, still acting under that grant of power in the Federal Constitution, shall prescribe the manner by which the voter may indicate his will upon this paper that we call the ballot; whether it may be done by marking crosses upon a printed sheet, or whether it may be done by writing a letter to the election officials upon a blank sheet, or in any other method that the legislature may see fit to adopt; and the charter of their authority in passing whatever law they pass is found right there in section 4 of Article I of the Constitution.

It is true that that language is followed by the statement that—

Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

But nobody pretends that Congress has by law attempted to alter the regulations made by the Legislature of Iowa as to the manner of choosing Senators; and so it seems to me that in this search for the intention of the voter we must look for the intention as expressed according to the law of Iowa.

It is a common presumption, binding on us as on every other court, that every man knows the law; and yet, if I correctly interpret the majority opinion of the committee in this case, their presumption is exactly the opposite—that nobody in Iowa knows the law. Section 811 of the Iowa Code, which was in effect on the day of that election, expressly provides, as if some prophet wrote it, that a ballot marked in this fashion shall be counted as a vote for the straight ticket at the head of which the cross occurs in the party circle, where the voter, in addition to the party cross, marks some but not all of the candidates in the party column. That was the law at the moment this election was held. It went into effect a very short time before. The presumption is, and it is binding on us as on all other courts, that every voter in Iowa knew that law, and knew the details of that law, and knew that a ballot thus marked, according to that law, was an expression of his intention to vote for every candidate on the ticket.

Mr. FLETCHER. Mr. President, may I ask the Senator if there were any directions or instructions sent out to the inspectors or managers of election to the contrary to the effect, for instance, that where the cross was placed opposite the name the vote was intended for that name, but where it was omitted from some other name, the voter did not intend to vote for that man?

Mr. REED of Pennsylvania. I do not know. I have heard it stated that there were not; but whether there were or not, when the legislature passed that law, section 811, every man, woman, and child in Iowa was conclusively presumed to know what was in it, and we will go far afield if we drop that presumption! It is the settled doctrine of every court in Christendom that in every case the citizen is presumed to know the law.

Mr. GLASS. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. GLASS. May I inquire how long before the election that law became operative?

Mr. REED of Pennsylvania. Nine or ten days, I believe.

Mr. GLASS. Permit me to ask the Senator another question. Suppose a law had been passed by the Legislature of Iowa and approved by the governor and had become effective the day before election. Would there be an absolute presumption that all the people of Iowa would know what the law provided?

Mr. REED of Pennsylvania. It would be a compulsory presumption, even if it were passed 10 minutes before that election began.

Mr. GLASS. But would that presumption fairly indicate what the intention of the voter was, proceeding under a law of which he actually had no knowledge?

Mr. REED of Pennsylvania. I am not at all sure that it would not. Presumably the law was debated before it was passed. Presumably some of the people who voted in that election knew what was in the law. Certainly the man who wrote that section of the law knew what was in it, and how do we know that the man who was the author of section 811 was not one of those who cast just such a ballot as that? Yet your committee conclusively presumes that every such voter was ignorant of the law.

Mr. WHEELER. Mr. President, may I interrupt the Senator.

Mr. REED of Pennsylvania. I yield.

Mr. WHEELER. The Supreme Court of the State of Iowa, previous to the enactment of the law, had held just exactly as the law passed in October provided.

Mr. REED of Pennsylvania. I thank the Senator.

Mr. ASHURST. Mr. President, will the Senator yield at that juncture?

Mr. REED of Pennsylvania. I yield.

Mr. ASHURST. Reading from the Iowa report, page 464, the case of *Spurrier against McLennan*, the court said:

Section 1120 of the code is in part as follows:

"(1) When a circle is marked, the ballot shall be counted for all the names upon the ticket beneath the circle. The making of a cross in the square of another ticket than the one marked in the circle shall not affect the validity of the ballot, except as to the office for which the person opposite whose name such mark was made is a candidate."

In other words, under the law of Iowa—and it was the law, so announced by the supreme court, on election day—if the voter made a mark in the circle opposite the word "Republican," he intended to vote, I suppose, the straight Republican ticket. If that same voter went down the line and put crosses in the squares opposite the individual names of some on the Republican ticket, the Supreme Court of Iowa says that is a straight Republican vote. If the voter had put a cross in the circle opposite the word "Republican," and had then gone over and put a cross in the square opposite the name of a Democrat, that vote would have counted for the straight Republican ticket, except for the Democrat who was indicated by the cross in the square opposite his name. The Supreme Court of Iowa handed down that decision in 1902, and that was the law on the day of this vote.

Mr. BORAH. From what case was the Senator reading?

Mr. ASHURST. From the case of *Spurrier v. McLennan*, 115 Iowa, pages 464, et sequitur.

Mr. WILLIS. What was the date of that decision?

Mr. ASHURST. Nineteen hundred and two.

Mr. WILLIS. So, if the Senator will permit me, before paragraph 3 of section 811 was enacted, that was the principle of the Iowa law?

Mr. ASHURST. It was announced by the supreme court of the State to be the law.

Mr. WILLIS. This statute that has been quoted brings in no new principle at all.

Mr. ASHURST. If the Senator will permit me, I ask that as an exhibit there be included in the *RECORD* to-morrow morning a copy of this Iowa decision, not in the Senator's speech, but as an exhibit to it.

Mr. REED of Pennsylvania. Very well; as the Senator does not propose to put it in the middle of my attempted speech.

Mr. ASHURST. No; the Senator's remarks are strong enough without this decision, but some wayfarers may be in doubt as to the law of Iowa, and I want them to read the *RECORD* in the morning. If I may have permission to include this opinion in the *RECORD* as an exhibit to the speech of the Senator from Pennsylvania, I will be happy.

The VICE PRESIDENT. Without objection, it is so ordered. [See exhibit to speech of Mr. REED of Pennsylvania.]

Mr. STEPHENS. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. STEPHENS. I want to call the Senator's attention to the law, in answer to the Senator from Virginia.

Mr. REED of Pennsylvania. Will not the Senator insert the law later?

Mr. STEPHENS. I just want to call the Senator's attention to this, so that he may know what the law was. He asked about how long this law had been in effect.

Mr. REED of Pennsylvania. I answered that it had been in effect about 10 days. Was not that approximately correct?

Mr. STEPHENS. That is correct; but I simply wanted the Senator to understand that there was no substantial change in the law. I will not take the time now, if the Senator wants to proceed, to read a line or two from the statute that was changed by the statute to which the Senator has referred. I just want to say that in the card of instructions the very first sentence is:

If the voter desires to vote a straight ticket, he can do so by marking a cross in the circle at the head of the ticket.

I shall not take further time of the Senator to read the statute.

Mr. REED of Pennsylvania. Mr. President, my colleagues have educated me to understand that this not only was the law at the time of the election, but that it had been the law, under the decisions of the Supreme Court, for decades before the election. Whether it was or was not, it was the law that governed the election which was held.

Mr. ASHURST. I regret to interrupt the Senator, but I ought to say, in a case of this kind, that I have not examined to ascertain whether that decision was ever disapproved. We were served in the majority report with a decision that had been disapproved three times by the Supreme Court of Iowa. I want to say to the Senate in good faith that I have not examined to see whether that decision was overruled.

Mr. STEPHENS. It has not been.

Mr. REED of Pennsylvania. Whether the law was passed 10 days or 10 minutes or 10 years before the election does not seem to me to be decisive of the matter. I interpret the language of section 4 of Article I of the Federal Constitution to make it compulsory upon us to look for the intent of the voter expressed according to the manner prescribed by the Iowa Legislature. We do that, and we find that section 811 provides in particular detail for such a ballot as this, and provides that it shall be a vote for every candidate.

Mr. President, in a very large number of the districts in Iowa in which this election was held the vote was cast by voting machines. Many of the votes which were cast in that way must have been cast in this fashion [indicating ballot on chart]. The levers must have been pulled by many voters in those districts just as the paper ballots were marked in these districts, and those machines registered a vote for Senator Brookhart every time the levers were set like that in those machine districts. What are we to do if the position of the majority of the committee is right? Are we to go back and dissect those machines and try to find the intent of the voter who pulled the levers in that fashion; or are we to assume that the percentage of such votes on the machines was the same percentage as of the paper ballots? How are we ever going to find out the intent of the voters of Iowa as long as under the Iowa law those machines were set to register a vote for Senator Brookhart every time the levers were pulled in that way? It seems to me that we are compelled to the conclusion that the manner in which that election was directed to be held by the Iowa law is the only manner in which the voters' intent can be expressed.

Let us suppose that the voter substituted for his printed ballot a sheet of plain paper on which he wrote "I prefer Brookhart to Steck," or vice versa. Nobody could doubt his intent, but nobody claims that that would be counted as a ballot for Steck or for Brookhart, as the case might be. In conceding that, we concede that the manner of voting prescribed by the Iowa Legislature is compulsory.

Why, then, should we deviate from that sound ruling, which is forced on us by the language of the Constitution, and in one particular for which the statute expressly provides; that, despite the Constitution and the clear will of the Iowa Legislature, we will disregard them and look for the secret intent of the voter?

Even if we did disregard the Federal Constitution and the Iowa law and try to figure out for ourselves by some species of induction what the voter thought, I am not satisfied that the voter might not have marked these separate names first, and then reflected an instant and have said to himself, "Well, after all, he is a Republican nominee; I will vote a straight ticket," and go back and put that cross at the top of the

column as the last thing he does before he leaves the booth. I am not satisfied but that some voters might have done that, and I am not satisfied but that there were some of those 1,344 who actually knew the terms of clause 3 of section 811. I think the committee does violence not only to the law but to the sound sense of the situation when it says definitely and finally that every one of those men tried to cut Brookhart.

Mr. McKELLAR. Mr. President—

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Tennessee?

Mr. REED of Pennsylvania. I yield.

Mr. McKELLAR. The Senator from Pennsylvania is talking about a matter that is giving me the most concern; namely, those 1,344 ballots. We have a sample of those ballots before us. The voter made a cross mark at the head of the Republican ticket, which indicated his intention. But he goes further than that, and he puts a cross opposite the names of one or two others, and skips the name of Senator Brookhart, and comes down and votes for the Republican candidate for governor and the Republican candidate for lieutenant governor. The question that disturbs me, and which I want to have the Senator answer, is this: In voting for the other Republican candidates on the ticket, and leaving the square in front of the name of Senator Brookhart blank, does the Senator believe the voter thus skipping the name of Senator Brookhart intended to vote for Brookhart, or does he think that the voter intended not to vote for anybody?

Mr. REED of Pennsylvania. I think that many of them intended to vote for Senator Brookhart. I think probably many of them did not. What they actually did was to vote twice for the other candidates and once for Brookhart.

Mr. ASHURST. If the Senator will pardon me, the Supreme Court decision I have just read says that exactly, that the votes can not be counted twice, of course, but in effect they really voted twice for one candidate.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. WILLIAMS. I will ask the Senator to take the ballot which is before us, that printed ballot, with a cross in the circle opposite the name "Republican" and a cross in various squares, but no cross opposite Brookhart's name. If that had been a machine vote, and approximately 124,000 of that kind of votes had been cast, would they all have been cast on the machines for Brookhart?

Mr. REED of Pennsylvania. Absolutely; and if the State of Iowa had had machines in every election precinct, it is my understanding that Mr. Brookhart's tally would have been 1,344 more than it was, because the machines would have registered everyone of those votes for Brookhart.

Mr. GOFF. Mr. President—

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from West Virginia?

Mr. REED of Pennsylvania. I yield.

Mr. GOFF. Directing the Senator's attention to his argument relative to the machine vote, do I understand the Senator to contend that the machine would be set as the voters would mark their ballots?

Mr. REED of Pennsylvania. Yes. The machine would be set in accordance with section 811 of the code.

Mr. GOFF. To descend to a physical explanation, does not the Senator understand that in going into one of those machines there are only two methods of voting. One is to vote a straight ticket and one is to unlock the machine for every ticket and then descend to the particular ticket on which the voter desires to register his vote, and that under such circumstances a voter even intending to vote as the Senator has so illustrated, could only unlock the machine and then vote for the candidates on the ticket under the party column.

Mr. REED of Pennsylvania. I do not mean to launch into any discussion of the interlock in a voting machine. What I mean to say is that if the voter who marked that ballot that way had gone in to face the machine and had pulled every lever where he marked a cross on the paper ballot—pulled it as far as it would go—it would have resulted in a vote for Brookhart. He might not have been able to move the lever, but if he had pulled each lever where he marked a cross on the paper ballot, Brookhart would have scored the vote.

Mr. GOFF. Then the Senator means that if a voter could have photographed, so to speak, on the machine physically the intention which he indicated upon the marked ballot, then those machine votes must have been counted as the Senator now contends the paper ballots should be counted.

Mr. REED of Pennsylvania. Absolutely. I do not think we need to make a long statement of it. I say that the lever that is equivalent to the cross at the head of the column could not be moved without voting for Brookhart on the machine.

Mr. DILL and Mr. GEORGE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED of Pennsylvania. I yield first to the Senator from Washington, who, I think, rose first.

Mr. DILL. Do I understand that in Iowa these 1,344 votes were counted for Brookhart by the election officials there?

Mr. REED of Pennsylvania. Presumably they were. I now yield to the Senator from Georgia.

Mr. GEORGE. I do not want any confusion about the matter, and I presume the Senator is not confusing in argument, but some of the Senators might not quite understand it. There is no contention being made that any of the machine votes should have been counted for Senator Brookhart that were not so counted? That is not the Senator's position?

Mr. REED of Pennsylvania. Not at all.

Mr. GEORGE. The Senator is simply illustrating?

Mr. REED of Pennsylvania. I am illustrating what would have been the result if every precinct had had the machines.

Mr. GEORGE. Of course, the Senator will concede, as I understand it, that those 1,344 votes are in fact paper-ballot votes?

Mr. REED of Pennsylvania. Certainly. I think the Senator may not have heard what I said in the beginning.

Mr. GEORGE. I did not understand it. Let me explain this to the Senator, because I think he ought to know it. The machine ballots run horizontally, and not vertically. Do I make myself clear?

Mr. REED of Pennsylvania. Yes. The party column runs horizontally, and not vertically.

Mr. GEORGE. Yes. The machine ballot itself sent out at this election—and I am stating this because it is a fact—had printed on it specific instructions as to how to vote, and it specifically said:

If you wish to vote for the full party ticket, you shall make the cross in the party circle only. If you wish to vote for a portion of the party ticket, but not all of them, you shall make a cross in the circle to designate your party affiliations and then proceed to make a cross in the square opposite each name for whom you wish to vote.

Mr. REED of Pennsylvania. Even if that were so, certainly the author of section 811 knew that those instructions were wrong.

Mr. GEORGE. I am not arguing the point. I am calling attention to it as a fact, because I did not want any confusion about it.

Mr. BORAH. Mr. President, may I ask a question?

Mr. REED of Pennsylvania. Certainly.

Mr. BORAH. As I understand, the Senator said that the instructions that went out were to the effect that if a voter wanted to vote the party ticket, the only way to vote it was to put a cross in the circle at the top?

Mr. GEORGE. That had reference only to the machine votes.

Mr. BORAH. Oh, I understand now.

Mr. REED of Pennsylvania. I think as far as the 1,344 votes go, I have made my position clear. After careful study I think we are absolutely compelled by the language of the Constitution to follow the Iowa law in ascertaining the intent of voters.

Mr. GLASS. Mr. President—

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Virginia?

Mr. REED of Pennsylvania. Certainly.

Mr. GLASS. Before leaving the point I want to ask the Senator a question. Conceding that the instructions just alluded to by the Senator from Georgia were invalid, nevertheless would not those instructions tend to indicate under the instruction what was the intent of the voter?

Mr. REED of Pennsylvania. Undoubtedly it would tend to obscure the voter in his understanding of the law, but it would not abolish the presumption that he knew the law, the presumption that controls us.

Mr. NEELY. Mr. President—

Mr. REED of Pennsylvania. I yield to the Senator from West Virginia.

Mr. NEELY. I ask the Senator from Pennsylvania if he is of the opinion, in the event the intention of the voter as indicated on his ballot manifestly conflicts with the statute, that the statute should control instead of the intention of the voter?

Mr. REED of Pennsylvania. I do, as long as we are going to give any effect to the language of the Federal Constitution.

I beg Senators to let me finish. If that position is right and these 1,344 votes be counted for Mr. Brookhart, it reduces Steck's plurality to 76 votes. There is one other question which is decisive of so many hundreds of votes that it completely wipes out the 76, and we do not need to bother, if my view is correct, about all the thousand and one questions that affect a

few votes here or a few votes there. If the second question be resolved in Mr. Brookhart's favor as well as the first one, then we can neglect all the other questions that have been raised and the contest is over.

The committee found that in many precincts, about 1,072 or 1,073 of them—at least 1,068, and I think there were four or five others, though perhaps the four or five were included in the 1,068, but that does not matter—the number of persons shown on the poll list as voting was different from, and in most cases greater than, the number of ballots found in the boxes. In those 1,068 or 1,070 cases the election officer who kept the poll list, and was supposed to have checked off each voter to whom a ballot was issued, had marked a greater number of persons than the number of good and spoiled ballots that were found by the committee in the returns from that district. The problem that confronted the committee was how to deal with those districts in which there was such a shortage. The first district in which they seem to have acted, at least the first in sequence in the minority report, is a precinct in Madison County known as the first ward of Winterset. They found there that the poll book or poll list showed that 946 voters had received the ballots, and yet in the official returns the ballots did not total 946, but only 748. The ballots were supposed to be wired together and the wire closed with sealing wax and then put in an envelope and sealed up. That is the shape in which those ballots were received by the county auditor, who was their custodian. The committee was confronted with the problem, What are we going to figure out for that district? After a good deal of consideration they seem to have reached the conclusion that in such a case obviously there had been tampering with the ballots; obviously nobody could know except by the election officers' return what those missing ballots had said, and for whom they were voted. There was nothing they could do but take the official certificate made by the election officials the night of the election. That is the only evidence they could have of the intent of the voters who cast those 946 ballots, and no other method, short of subpoenaing each of them to testify, would disclose the will of those 946 voters.

Mr. WADSWORTH. Mr. President—

Mr. REED of Pennsylvania. I yield to the Senator from New York.

Mr. WADSWORTH. Will the Senator tell me whether the ballot in Iowa has a stub?

Mr. REED of Pennsylvania. I do not know.

Mr. WADSWORTH. A detachable stub?

Mr. REED of Pennsylvania. I do not know.

Mr. GEORGE. No; it has not.

Mr. WADSWORTH. There is no method of checking up between the stubs and the ballots?

Mr. GEORGE. None whatever. The ballots are not numbered and the names on the poll list are not identified by the ballots.

I am sure the Senator has heard what I said before, but I would like to repeat it. He said the committee at considerable difficulty went back to the official count in this precinct. The committee did not know anything about it until the argument of the case was on. Mr. Brookhart's representative agreed to count it in that particular way, and Mr. Steck's counsel agreed to do it in that particular way.

Mr. WALSH. Mr. President, some of us over on this side of the Chamber would like to hear what is going on between the two Senators.

Mr. GEORGE. With reference to the 198 ballots short in one precinct I shall be glad to make the statement so as to be heard. When that particular package of ballots left Iowa, not when it reached here, but when it left Iowa, it was unsealed. The wiring of the ballots and the unsealed condition of the package and the fact that about one-fourth less ballots were found in the bags than the number of names appearing on the poll list was considered as a reason at least why Mr. Cook, the manager for Mr. Brookhart, and Mr. Pendy, the manager for Mr. Steck, should themselves deal with this particular batch of ballots. The committee did not know a thing about it. They simply reported that to us in the course of the argument.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. Certainly.

Mr. LENROOT. Do not the hearings show that while that was the opinion, Mr. Brookhart's representative did submit the precinct to the committee for decision, and does it not so show on the work sheet?

Mr. GEORGE. Oh, no. The work sheets were made up by the representatives, not by the committee.

Mr. REED of Pennsylvania. Mr. President, in my view of this case, Mr. Brookhart could not waive that principle in the district. Nothing that he could do here before the committee

of the Senate could operate to nullify or negative the will of those 198 voters whose ballots had disappeared. What a principle that would be to set up, because one lawyer was more alert than the other, because one contestant or the other was not aware of all the facts at the moment, or because of some more sinister motive! What a situation we prepare for ourselves when we say that the will of the voters of a sovereign State can be set aside by the agreement or the tacit waiver, if you please, of one individual here in Washington!

I say that if Mr. Brookhart came in here and admitted the contrary of this proposition we ought to pay no attention to his admission. If some day in the future an election contest comes here with just a few votes hanging in the balance, who is to say that a contestant of great wealth might not so tempt his adversary as to make his yielding, his waiver, his stipulation so attractive to him that he could not resist it? Is the Government of the United States to be controlled by the waivers of single persons after the citizens of a whole State have spoken? Even if Mr. Brookhart tried to waive this rule which I am endeavoring to state, I would not pay any attention to his waiver.

Now, then, let us see what the committee did. They did exactly right in that district. In the first ward of Winterset, in Madison County, they looked to the official return, which is *prima facie* right, and they adhered to that return because it was not upset by competent evidence. But then, when they reached Guthrie County and Bear Grove Township, they find there that the poll books show 256, while the ballots numbered only 236; they reversed their ruling in the Winterset case, disregarded the official count, counted the 236 ballots, and defied the will of the missing 20; they ignored them completely. Their justification for that, as I have understood the case, appears to be some sort of a waiver by Mr. Brookhart or his counsel.

Mr. GEORGE. Oh, no, Mr. President.

Mr. REED of Pennsylvania. If that is not the justification, then I have not heard any justification for their blowing hot in one case and blowing cold in the other.

Mr. GEORGE. Mr. President—

Mr. REED of Pennsylvania. Will not the Senator let me finish and then demolish my argument? I had rather have it demolished at one blow than picked to pieces as it proceeds.

We come to Emmet County, Estherville Township, the second ward of Estherville, where there were 20 less ballots than the names appearing on the poll books and the official count, and the committee again forgets its ruling in Winterset, counts the ballots, and the 20 men who cast the missing ballots might just as well not have gone to the polls.

Again we come to Wapello County, and 22 ballots were short. The committee disregarded the official count and the official return, although it was *prima facie* right and was not upset by competent evidence. They did the same thing in Lee County.

Mr. President, I do not know the names of the other 1,068 precincts, but it was found when the vote was all checked up that there were 3,500 missing ballots in the 1,068 precincts. How can we disregard the intention of those 3,500 voters, disfranchise them from this election, and say Steck was elected by 76 votes? What business have we to overcome the presumption that the "official return" is correct without any competent evidence to the contrary?

We have no evidence as to what those 3,500 ballots were except the official return of the election officials, and yet, although that is the only evidence to guide us, it is proposed to disregard them entirely and say they were voted exactly evenly for Steck and Brookhart. That, in substance, is what it is proposed to do. It is proposed to throw out the 3,500 missing ballots from consideration, and the committee would have us seat Steck by 76 votes. I say it can not be done. That is my second reason.

I say that those 3,500 votes may, and in all likelihood did, overcome the lead of 76 that Steck had. Senators may ask me why I say "in all likelihood." The evidence in this case is that the Republican State committee of Iowa appealed to the voters of the Republican Party to vote against Mr. Brookhart. That means that men active in Republican politics in Iowa were generally opposed to Brookhart's election. Most of the election officers, the county officers, the men active in politics, sided with the Republican State central committee. Wherever ballots came here unsealed, unprotected, so that any partisan could pull a few off the wire, the chances are, if there were any fraud, it was fraud to Brookhart's prejudice.

I want to state clearly that I think the Republican State central committee was right in its action. Mr. Brookhart had opposed the platform and the nominees of his party, and, I think, he did not deserve to be voted for as a Republican. I can fully understand the spirit that animated those men; and

I sympathize with it; but I am here as a judge, and I have no business to sympathize with it here. I must admit that where ballots are short the chances are that if there were dishonesty it was dishonesty to Brookhart's prejudice. That is why I say that we can not assume that those 3,500 votes can be disregarded.

To sum up, in the first place, these 1,344 votes marked like the sample ballot which is hanging on the wall of the Chamber must be counted for Brookhart, unless we shall disregard the Federal Constitution and the law passed under it by the State of Iowa; and the 3,500 missing votes must, in the absence of proof to the contrary, be taken to have been voted according to the official returns—and there is no proof to the contrary—and that far more than overcomes Steck's supposed lead of 76 votes.

EXHIBIT A

John E. Spurrier, appellant, v. Alex. McLennan

Election contests: Residence of voter. That a voter had visited Oklahoma, contemplating possibly his residence there, and that he liked it, and had determined to go there in the future, did not lose him his rights as a citizen of the State, so as to disqualify him as an elector.

Marking of ballots: Code, section 1120, relative to elections, declares that when a circle on a ballot is marked the ballot shall be counted for all the names on the ticket beneath the circle, and that the making of a cross in the square of another ticket than the one marked in the circle shall not effect the validity of the ballot, except as to the office for which the person opposite whose name such mark was made is a candidate, and as to such office the vote shall not be counted. On a ballot sheet appeared two tickets of two parties, neither of which contained county tickets. Several of the tickets were marked in the circle, and a mark was also placed in the square opposite the name of the candidate for a certain county office on another ticket. Held, that it was proper to count the ballots for the one opposite whose name a square was placed, since the statute makes the cross in the circle effective as a vote for the names printed on the ticket below it, and nothing more, and the only votes for the county office were those indicated by the cross in the square.

Same: Code, section 1120, enacts that when a circle is marked the ballot shall be counted for all the names on the ticket beneath the circle, and that the making of a cross in another ticket than the one marked in the circle shall not affect the validity of the ballot, except as to the votes for which the person opposite whose name such mark was made is a candidate, and that as to that office the vote shall not be counted. On an election contest it appeared that a number of tickets on which the name of incumbent was printed were marked in the circle with a cross and a cross likewise put in the square before each name except that of incumbent, and a cross was placed in the square opposite contestant's name on another ticket. Held, that it was proper to refuse to count such ballot for contestant, a cross in the circle conclusively meaning a vote for the whole ticket below it, and the marking of the square before a name on another ticket having no other effect than to nullify the vote for the office doubly voted for.

Same: The marking by an elector of the squares opposite the names of candidates on a ballot, he having also marked the circle at the top of such ticket, does not add to the effect of the mark in the circle nor detract from it, the ballot being a vote for all candidates under the circle.

Same: Where on an election contest a ballot is objected to because of a line drawn partially across it, but it is shown to have been done by the judges of election when making the count, the objection is properly overruled.

Evidence—General objection of hearsay: Where on an election contest the testimony of a witness was generally objected to as hearsay, but part of his testimony was plainly not hearsay, the objection was properly overruled.

Appeal and cross appeal—Election contests: On an election contest, the judgment of the court having fixed the number of votes the incumbent had received, he might appeal from the holding, if not satisfied, and the appeal would bring up all rulings on the reception and rejection of the ballots affecting the total, and the incumbent may maintain a cross appeal.

Is not tried de novo: On an appeal from the holding of the court on an election contest, the supreme court does not try the case de novo, but considers only the errors assigned by appellant.

Findings as to marking ballots—Review on appeal: Where on an election contest the court holds that a cross in the square opposite a blank on a ticket not filled by the insertion of a name is not an identifying mark authorizing the rejection of a ballot, the holding is a finding of fact and not reviewable on appeal, except for insufficiency of evidence to sustain it.

APPEAL FROM IOWA DISTRICT COURT—HON. M. J. WADE, JUDGE

THURSDAY, JANUARY 30, 1902.

This is a contest over the right to hold the office of clerk of the district court in and for Iowa County, each party claiming to have been elected thereto. The board of supervisors declared defendant to have

been elected. In a proceeding before a court of contest plaintiff's case was dismissed. On his appeal to the district court trial was had on the merits, and defendant was found to have been elected by a majority of five votes. From such finding this appeal is taken.

Affirmed.

J. T. Beem and Thomas Stapleton for appellant.

Hedges & Rumble for appellee.

Waterman, J.: Defendant's motion to dismiss plaintiff's appeal for want of jurisdiction in the court of contest, and also in the district court, will be overruled. In view of the conclusion reached on the merits of the case, we need not take the time or space necessary to set out our reasons for this action. Defendant also took an appeal from the finding of the district court on two grounds: (1) As to its holding that it had jurisdiction; (2) as to rulings on the reception and rejection of certain ballots. There is a motion to dismiss this cross appeal. What we have already said indicates that such appeal is not sustainable on the first ground. As to the second ground, it is admitted by contestant that all such rulings may be considered on plaintiff's appeal.

Inasmuch as defendant's abstract may properly be taken and accepted by us as an amendment to that of appellant, it makes no difference whether we consider the matters on one appeal or another, so long as we may consider them at all. We might therefore pass the motion without a ruling. But we think it is not well taken. The judgment of the trial court fixed the number of votes defendant had received. If not satisfied with this holding he could appeal from it, and his appeal would, of course, bring up all rulings which affected this total. We do not understand that on an appeal this court tries a case of this kind de novo; but, rather, that we consider only the errors assigned by the appellant.

I. It is claimed that one Nettifee, who voted at the election, was not a qualified voter, for that he was not a citizen of Iowa at the time. He was asked by counsel for contestant for whom he voted for clerk of the district court, and, upon objection, the trial court ruled that he need not answer, a sufficient foundation not having been laid. All that has been shown was that Nettifee had previously gone to Oklahoma, with the intention of looking at the country, as a possible place of residence; that he liked it, and had determined some time in the future to remove there. This did not make him a citizen of Oklahoma, nor lose him his rights as a citizen of Iowa.

II. There was a motion by contestant to strike the testimony of D. O. Jones, one of the election judges, on the ground that it was hearsay. This was overruled, and complaint is made of this action of the court. The witness was explaining marks on certain ballots, and attempting to show they were made by the judges of election in counting the same. Whatever may be said as to certain parts of his evidence, his statement with relation to Exhibit 69, "I am pretty positive those marks were not on there before they (the ballots) were taken from the box," followed by his assertion as to Exhibit 68, "It was the same as the others," was not hearsay; and as the motion went to all of his testimony it was properly overruled.

III. Upon the ballot sheet appeared tickets of the Prohibition and Socialist Labor Parties. Neither of these contained county tickets. Several of these tickets were marked in the circle, and a mark also placed in the square opposite the name of incumbent on the Republican ticket. These ballots were counted for the incumbent, and this action of the canvassing board was sustained by the district court. Section 1120 of the code is in part as follows: "(1) When a circle is marked, the ballot shall be counted for all the names upon the ticket beneath the circle. The making of a cross in the square of another ticket than the one marked in the circle shall not affect the validity of the ballot, except as to the office for which the person opposite whose name such mark was made is a candidate, and as to such office the vote shall not be counted." This section, we think, makes the cross in the circle effective as a vote for all names printed upon the ticket below it, but for nothing more. Such a cross can not indicate a vote for an office that is left blank upon that ticket. If these tickets had contained the name of the nominee for the office of clerk of the district court, and the voters, after marking the circle, had put a cross in the square preceding the name of incumbent on the Republican ticket, they would have voted for two candidates for an office to which but one could be elected, and for such officer their votes could not be counted. But this reason does not apply in such a case as that now before us. The crosses in the circle were not votes for clerk of the district court, because the name of no candidate for that place appeared below them. The only votes for such officer were those indicated by the crosses in the square before the incumbent's name, and we think they were rightly counted for him.

IV. Nineteen ballots were rejected on which contestant had been voted for, because of identifying marks, which consisted in some cases of a cross opposite the name of the presidential candidate, and in some of a cross also opposite the name of the candidate for Vice President, the ticket being otherwise correctly marked. It is said these crosses could not be used for or considered as identifying marks. In *Voorhees v. Arnold* (108 Iowa 77) we held that a cross in a square opposite a blank space on a ticket which had not been filled by the insertion of a name was an identifying mark which demanded the

rejection of the ballot. That holding seems decisive of the present contention. But that case goes farther. It holds the question to be one of fact for the trial court, whether an unauthorized mark on the ballot was intended as an identifying mark. The trial court in this case found these crosses were intended as identifying marks, and held against the validity of the ballots under consideration. Following the decision in the Voorhees case, we must say that no sufficient ground is shown to warrant our interfering with that finding. (See, also, *Morrison v. Pepperman*, 112 Iowa 471.)

V. A number of Republican tickets, upon which the name of incumbent was printed, were marked in the circle with a cross, and a cross likewise put in the square before each name thereon except that of incumbent; the square before his name was left blank, and a cross placed in the square preceding contestant's name on the Democratic ticket. These ballots the district court refused to count for contestant. What is said in the third division of this opinion applies here. A cross in the circle conclusively means a vote for the whole ticket printed below it, and marking the square before a name on another ticket has no effect other than to nullify the vote for the officer thus doubly voted for. This rule is in no wise altered by the marking of the squares below the marked circle also. The statute providing for the effect to be given a cross in the circle makes no exception of such a case. *Whittam v. Zaborik* (91 Iowa 23) was decided under the old law, which, in relation to the marking of ballots by voters, was materially different in certain respects from the present statute; but something said therein we deem applicable to this case. *Robinson, J.*, who delivered the opinion, says in the second division thereof: "It is said there is no authority for making a cross in the circle and also in the squares of the same ticket, as was done in the second, third, and fourth illustrations we have given. We think it is clear the statute does not contemplate that plan of voting. . . . Hence, when a voter has marked his ticket by placing a cross in the circle opposite the title, he does not add to the legal effect of that marking by placing crosses in squares opposite the names of candidates on the same ticket." This we think, is true under the present statute. And we may say, further, that crosses in the squares under such circumstances not only do not add to the effect of the mark in the circle, but they do not detract from it—they have no consequence whatever, except in the case of a name written in, and that is specially provided for in section 1119, code. The court's ruling on these votes was correct.

VI. Exhibit No. 68 was objected to because of a line drawn partially across it; but, as this is shown to have been done by the judges of election when making the count, the objection was properly overruled.

VII. A great many ballots are grouped and objected to as bearing identifying marks. Nothing is said in argument by appellant on this branch of the case, beyond making the charge. We, therefore, deem it sufficient to say we discover no error in the ruling of the district court in relation to any of these ballots.

We need not consider the cross appeal. Our conclusion leaves incumbent with a majority in the count. This gives him the office in controversy, and with this he will, doubtless, be content.

The judgment of the trial court is affirmed. (*Spurrer v. McLennan*, 115 Iowa Repts. 461-467.)

The VICE PRESIDENT. The question is on the motion to recommit.

Mr. GEORGE. Mr. President, I did not intend to address the Senate at this time; but, if no other Senator desires to proceed now, I shall be glad to do so.

I had asked that a blackboard be brought into the Chamber for the purpose of tabulating exactly what the committee did in this case.

Mr. SWANSON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	Lenroot	Sheppard
Bayard	Fess	McKellar	Shipstead
Bingham	Fletcher	McMaster	Shortridge
Blease	Frazier	McNary	Simmons
Borah	George	Mayfield	Smith
Bratton	Gillett	Metcalf	Smoot
Broussard	Glass	Moses	Stanfield
Bruce	Goff	Neely	Stephens
Butler	Gooding	Norbeck	Swanson
Cameron	Hale	Norris	Trammell
Capper	Harrell	Nye	Tyson
Caraway	Harris	Oddie	Wadsworth
Copeland	Heflin	Overman	Walsh
Couzens	Howell	Pepper	Weller
Curtis	Johnson	Philips	Wheeler
Dale	Jones, N. Mex.	Pine	Williams
Dill	Jones, Wash.	Pittman	Willis
Edge	Kendrick	Reed, Mo.	
Ernst	Keyes	Reed, Pa.	
Fernald	La Follette	Sackett	

Mr. PHIPPS. I desire to announce the necessary absence of my colleague, the junior Senator from Colorado [Mr. MEANS], on account of illness. I ask that this announcement may stand for the day.

Mr. BROUSSARD. I desire to announce that my colleague [Mr. RANSDELL] is unavoidably detained from the Senate. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present. The Senator from Georgia is entitled to the floor.

Mr. GEORGE. Mr. President, I greatly regret that the Senator from Pennsylvania [Mr. REED] has left the Chamber, because I wished him to remain in the Chamber.

I forbear to discuss his remarks in his absence. But now, Mr. President, I want to make what I did not at this time expect to make, a statement in this case, and in the outset I desire to say that I am not prosecuting Mr. Steck nor defending Mr. Steck; neither am I prosecuting Mr. Brookhart nor defending Mr. Brookhart. Those functions do not belong to me as a member of the Committee on Privileges and Elections.

As a member of the Committee on Privileges and Elections and as a Member of the Senate it is my duty to consider the case fairly, justly, and dispassionately, and to arrive, if I can, at the vote of the electorate in the State of Iowa as reflected in the election of November 4, 1924.

Mr. President, a great deal has been said, and a great deal will be said, about the voter being the real party at interest. So he is. The candidate for election is also the real party at interest; and it is a universal principle of law, one that grows out of necessity—not a matter of technical law, but one springing out of necessity—that when a large and numerous class of people are interested in any matter they are represented by and necessarily bound by anyone who has a right to represent the whole class.

Take, for instance, the case of elections. It has been many, many times held that when a voter having the right to raise the question of a fair election has in fact attacked the election as being fraudulent, thereafter another voter having precisely the same right can not raise the same question. An adjudication of the case is binding upon all parties interested in that case, subject, of course, to the general rule that the party to the case had the right to make all of the questions that were made or that might have been raised in the case, and subject to the further general qualification that the merits of the case were in fact taken into consideration.

So, Mr. President, when we speak of the people of Iowa being interested in this election let us remember that according to the official count 446,000 votes and over were cast for Mr. Steck and but a little more than 447,000 votes were cast, according to the official count, for Mr. Brookhart; so Mr. Steck and Mr. Brookhart represent respectively the voters of the State of Iowa; and though it does not seem to make the same appeal to many Senators in this body, it is quite as immoral to take the election from the one man as it is to take it from the other man.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. GEORGE. Not now. When I finish my statement I will yield.

It does not seem to make any difference with some of the Senators, because they hold up their hands in holy horror and assert that we are about to upset a vote which from the beginning and according to all counts was practically an evenly divided vote. But, Mr. President, as I conceive it—certainly that is the way that I approach my own responsibility in the case—it would be just as wrong and just as immoral for me to deny Steck a seat in the Senate if he was elected by one vote, and one vote only, as it would be if I should deny Senator Brookhart a seat in the Senate if he was in fact elected by one vote, and one vote only.

What are the facts in the case? I am not going to talk about stipulations and written agreements. I am going to talk about the facts in the case.

On July 20, 1925, the committee of the Senate, or a subcommittee of a standing committee of the Senate, came to Washington, came to the Senate Office Building, and there we found Mr. Steck's counsel, Mr. Parsons; and there we found Mr. Brookhart's counsel, Mr. Mitchell; and there we found two other men; Mr. Pendy presented to your committee as the representative of Mr. Steck for the purpose of a recount of the ballots cast in the election of November 4, 1924, and Mr. Cook, the representative of Mr. Brookhart, who had been the campaign manager of Mr. Brookhart in the election of 1924, a man of generally good or even superior capacity. In the Senate Office Building in this city we were asked to do what? To count a large number of ballots contained in a large number of mail pouches.

It does not make any difference how those ballots came down to Washington. It is not a matter of concern how they came, or who brought them. Brookhart's lawyer said: "Here are the ballots, and I ask you to recount these ballots." Steck's

lawyer said: "Here are the ballots, and I ask you to recount those ballots." There had not been a mail sack opened. If the ballots did not in fact come from the proper officers in Iowa, if they had not in fact been properly preserved, we could have sent to Iowa, brought on here every auditor and every election manager, and could have taken testimony about those ballots. We could have put the witnesses on the stand and could have shown all that the facts would have disclosed about those ballots. But they were here. We were advised that they were here. We were carried to the ballots themselves by Brookhart's lawyer, counsel of record in this case, by Brookhart's political campaign manager and his personally selected representative to supervise the counting of those ballots.

Did they not have the right to do that? Were they waiving anything but what we might have been able to show if we had been allowed or if we had elected to call the witnesses? The fact is beyond all dispute that the ballots which we then had, and which they then asked to be recounted, were taken in charge by us.

How did we actually proceed? Here is a table, Mr. President, in a room in the Senate Office Building. On one side of that table is seated Mr. Pendy, selected by Mr. Steck but appointed by your committee, to represent him in the counting out of those ballots. On the other side of the same table is seated Mr. Cook, selected by Mr. Brookhart but appointed by your committee, or rather confirmed by your committee, to represent Mr. Brookhart in the counting out of those ballots. At the head of this table is seated the present Secretary of the Senate, who was selected by your committee as the chief supervisor. Then at the other end of the table is the official tabulator, the gentleman who sits by my side now, Mr. Turner, who was to take the votes from the hands of Cook and from the hands of Pendy when each one of them had put his O. K., his approval, upon the votes that were agreed as good votes. Mr. Turner then commenced his tabulation.

Is Mr. Brookhart not to be able to waive the preliminary proof that the ballots had been properly preserved, had come to us from the auditors out in Iowa, had come to us in those sealed mail sacks, with a rotary lock on each showing that there had been no unlocking and relocking from the time it left Iowa until we were then examining it in the Senate Office Building? Could he not dispense with that? Why, Mr. President, in the brief submitted by Mr. Mitchell himself in this case he says, quoting from a decision of the State of Iowa, that this preliminary proof that the ballots were the identical ballots cast in the election, safely and securely preserved from that moment down to the time that they were handed to us for recounting, must be made by the party challenging an official return *unless waived*. At this time I will not stop to refer to the specific decision; but it is cited by Senator Brookhart's own counsel in this case, and it undoubtedly is the law. (*De Long v. Brown*, 113 Iowa, 370, p. 25 Mitchell's Brief.)

So, Mr. President, we go back to this table in the Senate Office Building, and the first mail sack is opened, and out of that mail sack is taken the first batch of ballots. Then these three supervisors proceed to examine, in turn or jointly, each ballot taken out of that particular sack or container; and each one of the supervisors, Cook and Pendy and the chief supervisor, Colonel Thayer, approve that ballot if they deem it to be a good ballot, either for Steck or for Brookhart. If it is a questionable ballot it is contested by the one or the other, and is still initialed by all of the representatives and all of the officials, acting for and under the direct supervision of your committee.

At the conclusion of the count of the first batch of ballots taken out of the first container it was discovered that there were not quite as many ballots by two or more in that particular container as appeared on the poll list. The matter was then brought to the direct attention of all of the supervisors and passed over as a matter of no consequence. Whether it was a matter of consequence I shall discuss later, but I am now detailing merely what occurred.

When the ballots out of that particular package had been counted and it was found, for instance, that 300 of them were good ballots for Steck and 350 were good ballots for Brookhart those ballots were bundled back and disposed of; but if it were found, for instance, that 50 ballots claimed for Steck were challenged by Brookhart, and 50 ballots claimed for Brookhart were challenged by Steck, then those challenged ballots were placed in a separate mail bag, kept under lock and key, and augmented from time to time as challenged ballots were taken out of the various precincts recounted.

Mr. President, look at the facts as they were. When we came here and found the ballots which had in fact come here in response to our subpoena, it was then possible for us to call witnesses from the State of Iowa and prove how those ballots had been kept; the fact that they had never been opened; the

fact that they had never been tampered with. But when Brookhart, by his personal representative or by his counsel, and when Steck, by his personal representative and by his counsel, waived such proof and asked us to count the ballots, and we accepted them at their word, and they themselves engaged in the count, they made it forever impossible for the Senate to restore those ballots to the exact condition they occupied when they were brought here to us, or when we found them over there in the Senate Office Building.

For instance, when one of the sacks was opened, it was found that the container was not sealed, in that the sealing wax which had been dropped on the knot which tied the sack together had been broken and had crumbled away. But they did not raise a question about it. They merely noted on each work sheet, "Package sealed" or "Package unsealed." They did not raise any question about it. Had they raised a question about it, your committee could and would have sent out into Iowa, where that package was sealed, and brought the witnesses here, and asked them to detail all the facts. We could have brought and would have brought the county auditors and any other witness who knew any material facts with reference to the sealing of that package.

Mr. FRAZIER. Mr. President—

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. GEORGE. Not at this time. We would have brought witnesses who could have testified with respect to the preservation of those ballots and with respect to the manner in which those ballots had been kept; but they did not raise the question that the ballots could not be counted, because the packages were unsealed. Can responsible men say that in those circumstances, when it has passed entirely out of our power to restore those ballots to the condition they occupied when we came to consider this case, we are not to bind Brookhart by not only the thing he participated in, not only the thing he invited, but the thing that his own personal representative did?

Mr. Cook went into this alleged unsealed package, and he counted out of that unsealed package, let us say, 500 votes that he said were good votes for Brookhart. He placed those over before this tabulator here and said, "Give me credit for those votes." He was given credit for those votes, in sealed and unsealed packages, in precincts where there was an exact tally between the number of ballots and the number on the poll books, and in precincts where there was a variance between the number of ballots and the number on the poll books.

He claimed them, he asserted his right to them, and day after day, not in December and January when the full committee was meeting here, but day after day in July and in August, 1925, he was having added to the unprotested Brookhart vote every good vote taken from every package that we found over here in the Senate Office Building.

Mr. President, not only did he claim the good votes—that is, the uncontested votes—but he took out of every package, whether sealed or unsealed, whether there was a disparity between the number of ballots and the names on the poll books or whether these two factors exactly balanced, without a single exception, every vote that he claimed and Steck challenged, and he challenged every vote that Steck claimed which he desired to challenge on any ground that appeared to afford a valid basis of challenge.

It is physically impossible for any man living to go and find those ballots that were contested and claimed by Brookhart, taken from all of these packages of votes, and place them back as they were. It is physically impossible for Steck to have the right, as he had in the first instance to do, to call witnesses to testify concerning the manner in which those various packages of ballots had been kept, whether they had in fact been tampered with, and whether in fact there had been any possible opportunity to tamper with them.

It is a law as old as morality itself, it is neither technical nor statutory, that no man shall be allowed to mislead another to his injury, whether he is acting for himself alone or whether he is the representative of a class. No man can by his conduct invite another man to take a step which will forever preclude the other man from replacing himself in his favored position and then take advantage of his conduct.

We are not invoking any written stipulation. We are not invoking any written agreement. We are invoking the facts, and nothing but the facts, the ballots over here in the Senate Office Building, the table with the representatives of these parties at interest sitting around it, and exactly and precisely what they did, and nothing but what they did.

Mr. President, let me stop here to call attention to what was said, not in December, 1925, not in January, 1926, but in July, 1925. We are back in this room in the Senate Office

Building. The chairman of the committee (Senator EARNST, Senator Spencer having died) said this:

As acting chairman of the committee, I do not intend for one moment to pass on those questions which will have to be acted on by the entire committee. After the count is completed—

Speaking here now to Mr. Brookhart's lawyer, Mr. Brookhart's personally selected representative, and the representatives of Mr. Steck, and speaking also in the presence of the counters who had been selected by your committee to do the work for your committee:

After the count is completed, and there have been set aside for final determination all of the contested ballots which either side thinks should be set aside, then a meeting of the full committee will be called and counsel will be heard.

Then followed some discussion as to how long it would take us to count these ballots. A reference was made to the length of time required in the Texas contest, and a comparison of the total number of ballots involved in the Texas contest with the number of ballots involved in the Iowa contest was adverted to by Colonel Thayer. Senator EARNST, the chairman of the committee, said:

How many (ballots) were there in the Texas contest?

Mr. THAYER. There were 340,000; but there were more complications arising in that contest. This is just a straight count.

That was said at the table, with Brookhart's lawyer and Steck's lawyer and Brookhart's representative and Steck's representative and your committee there.

This is just a straight count.

In this the chairman of the committee concurred, with this language:

I take it that all of you want the count expedited just as much as possible. Is not that the desire?

Mr. MITCHELL. Yes, Senator.

Mr. PARSONS. Certainly.

Then followed other record evidence at this meeting back in July, 1925. We then went down into the counting room, a room large enough to contain all of the counters, and the chairman, Mr. EARNST, duly administered to all of these officials an oath of office, and they proceeded with this recount.

Mr. President, these ballots were not separated into ballots taken from particular precincts, but the ballots were separated according to the class of the ballots themselves. In other words, when a good ballot was found for Steck or for Brookhart, it mattered not from what precinct that ballot was taken, it mattered not from what county that ballot was taken, it was simply added into the total of good votes. We thus proceeded step by step, and counted out all of the votes agreed upon by Steck's representatives and Brookhart's representatives. Whenever they disagreed on any ballot for any reason, that ballot was set aside. The tabulator did not take it into consideration. He merely noted the disagreement, the ground of the protest, and the ballot itself was placed in a general batch of contested ballots.

Let me go back just for the sake of bringing up what otherwise is not, however, in dispute, a class of ballots that were not in fact sent down here. Fortunately there are no questions raised about those ballots. I refer to the machine ballots. Senators will understand that in a machine-voting county all of the precincts in the county may have voting machines except one.

There may be one precinct in the county where the paper ballot is used, but machines were used in all other precincts. The fact is that Mr. Brookhart's representative and Mr. Steck's representative and Colonel Thayer went out to Iowa and read those machines. Fortunately there is no question arising here about the correctness of their reading of the machines. They brought back to Washington, and had here on the morning when we met to count the paper ballots, the tabulation made from the machines. They brought the total vote as recorded by each machine for Senator Brookhart. They brought the total vote as recorded by each machine for Mr. Steck. They did not bring the total number of votes cast at the machine precincts. In other words, they did not bring the total number of ballots found; indeed they could not well do so when we consider the character of machine voting; but they did not deem it of importance, because they did not take the official register on the machine itself showing how many votes were cast upon that machine. They brought simply the total vote of Mr. Steck and the total vote of Senator Brookhart, and along with those votes there came in from all of the auditors also one set of the poll books from the State of Iowa.

Mr. President, your committee simply turned over this approved vote, taken from the machine, to the committee's tabu-

lator. The counters for Messrs. Steck and Brookhart and the Senate counters themselves, and the supervisors representing both parties at interest and the Senate itself, turned over to the tabulator every good vote, recognized and conceded to be a good vote, for either Steck or Brookhart to go into the total of uncontested votes for each candidate.

There were two other candidates for Senator in this election in Iowa. We were not concerned with votes for these other candidates. They were not here contesting. We were not concerned with them. We were merely taking the Brookhart votes and the Steck votes, and we tabulated not one vote that was not conceded to be a good vote.

Mr. President, we could not take a record that would reflect the acts and doings of from 40 to 60 counters, 3 supervisors, an official tabulator, and the members of the committee; but may I say that from the 20th of July, and for several days, one of your committee remained here while this work was progressing? We wished to know that the work proceeded fairly. We wished to know that the questions that might arise might be properly and carefully preserved. The work went on through the remainder of July and until the very last day of August, when every ballot had been counted and all of the ballots, except 8,000 plus, had been agreed to as good votes for either Steck or Brookhart or no vote for either one of them. The 8,000 votes were in several sacks—because it took more than one sack to hold them—taken from all the precincts in Iowa, and the ballots confused, because not a question had been deemed as having raised any issue that would require the committee to do anything more than go through the contested ballots and say to whom they belonged.

Mr. President, I want to have placed on the blackboard which stands here in the Senate Chamber exactly what your committee found. I want to invite the attention of the Senate to it as the correct evidence. I am going to ask the official tabulator, Mr. Turner, to enter in columns on the board the conclusions reached by the committee. I now ask that there be tabulated on the board the ballots that were conceded by Mr. Steck as being good votes for Mr. Brookhart, and the ballots that were conceded by Mr. Brookhart as good votes for Mr. Steck.

While the tabulator is transcribing the figures from the official record in the case I want to say that the first class of ballots are the machine votes taken out in Iowa. The next class of ballots, as I now recollect it, are the straight votes for both Mr. Brookhart and Mr. Steck—that is, the straight party votes. The third class of ballots are those good votes for both parties which were not straight party votes, but which were found upon tickets that we called mixed tickets. I will ask the tabulator, Mr. Turner, to place the three classes of votes that make up the totals and to also place on the board the number of contested votes of each of the parties.

While those figures are being placed on the board, I want to say that until this hour there has never been a question but what every vote agreed to as a good Brookhart vote was, in fact, a good Brookhart vote. There has never been a question raised until this hour but what every vote that was agreed to as a good vote—on the face of it, I mean—for Mr. Steck was, in fact, a good vote for Mr. Steck. Of course, I am not overlooking the fact that now a question is raised of a disparity between the actual number of ballots re-counted by us and the number of names appearing upon the poll books. But there has not yet been a question made but what every vote claimed as a good vote and agreed to as a good vote for Brookhart were, in fact, good votes for Brookhart; nor is there yet a question made but that every vote claimed and conceded as a good vote for Steck is, in fact, a good vote for Steck. Those ballots, with one county missing that were sent back to Iowa under express agreement with Mr. Mitchell himself and a record of which we have, are yet over in the Senate Office Building, and any Senator who questions the correctness of any count made by your committee or accepted by your committee at the hands of its sworn representatives or agents, and under the agreement of the representatives and agents of the respective contestants in this case, may raise the question, and the ballots themselves can be brought here and examined, and it will be found that all ballots conceded as good votes were, in fact, good votes.

Mr. HOWELL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. GEORGE. I yield.

Mr. HOWELL. Might I ask in reference to page 13 of the committee report? It is stated there:

Not considered, 42 votes for Brookhart, 7 votes for Steck.

Mr. GEORGE. Mr. President, I will get to that question in the course of what I shall say.

Mr. HOWELL. I thought, in view of the Senator's statement that every vote that was held to be good had been counted, that this was important.

Mr. GEORGE. I repeat the statement. Every vote that was conceded to be good was and is in fact a good vote, not by virtue of any stipulation, not by virtue of any waiver, but by virtue of a fair agreement honorably made by honorable men on the facts as they appeared upon the faces of the ballots themselves. Those ballots are in the possession of the Senate, and while Senators can not put them back into the precincts from which they came because of Mr. Cook's acts in this case, the totals are over there and they can be examined and they can be counted. No reflection is intended by reference to Mr. Cook's acts. His acts were, in fact, proper.

Mr. President, the agreed votes, agreed as good votes for Steck, are as follows: Machine ballots, 125,756; straight—that is to say, straight Democratic ballots—agreed as good votes, 75,702; scratched tickets, but agreed as good votes for Mr. Steck, 246,486; total 447,944 votes.

Now, let us go over into the Brookhart column. Conceded to be good machine votes for Mr. Brookhart, 122,930; conceded to be good straight Republican votes for Mr. Brookhart, 120,720; conceded to be good votes for Mr. Brookhart, but appearing upon scratched ballots 200,167; a total of 443,817.

Challenged ballots claimed by Mr. Steck and challenged by Mr. Brookhart upon one ground or another, total 2,268.

Challenged ballots claimed by Mr. Brookhart and challenged by Mr. Steck upon one ground or another, 6,453—there being a double challenge in fact in many instances, if not in every instance, because the same challenge was leveled by Brookhart at a Steck vote and by Steck at a Brookhart vote. They varied merely in that one claimed a larger number of votes in a particular class of ballot.

Mr. JONES of New Mexico. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Mexico?

Mr. GEORGE. I yield.

Mr. JONES of New Mexico. I wanted to have it made clear if it is a fact that those challenged votes there were ballots in addition to the totals above enumerated?

Mr. GEORGE. Absolutely; they were votes in addition; they were votes that Mr. Brookhart's counsel and Mr. Steck's counsel both told us were challenged votes. They were taken from every precinct in Iowa. Over 4,000 of the 6,400 claimed by Brookhart were taken out of precincts in which there is now said to be a disparity between the total number of ballots and the names on the poll books, and yet Brookhart claims them; he now insists that they are his votes; and the distinguished Senator from Pennsylvania [Mr. REED] took out 1,344 of them, every one of which might have come from a precinct in which there was a disparity between the actual ballots and the names on the poll books, and he wants them counted for Brookhart.

Has it come to a pass that in the Senate of the United States a man may have his cake and eat it, too? Has it come to a pass that a man may solemnly challenge a whole class of votes and in the next breath lay solemn claim to 1,344 of them which might have come out of the very precincts against which he now levels his objection?

Mr. President, let me go one step further. We have a total conceded vote for Steck, a good vote for Steck, of 447,944, and claimed vote for Steck in addition to that total of 2,268.

Mr. WHEELER. Mr. President, will the Senator from Georgia yield?

Mr. GEORGE. I will yield in just a moment, I will say to the Senator.

We have a total of 443,817 votes for Brookhart, conceded to be good votes; and we have a total of 6,453 votes claimed by Brookhart but challenged by Steck. When Mr. Parsons and Mr. Mitchell, counsel, respectively, for Steck and Brookhart, came to Washington, not in December after the Senate met, but after these totals had been made up and these challenged ballots had been segregated into separate sacks, they were allowed to take those challenged ballots and go through them for the purpose of agreeing upon them. I am going to ask Mr. Turner now to subtract from those challenged votes the number which both sides agreed to be no vote for either party. One hundred and fifteen of those votes, claimed by Brookhart, were conceded by Brookhart's counsel—and Brookhart was in the city occupying a room in the same office building where these transactions were going on, even after the Senate met—to be no votes for either candidate.

The tabulator will, of course, state the correct number as it appears officially in the record. Thirty-five, as I recollect, were conceded to be no votes for Steck.

Mr. President, there is the picture of what your committee did. I have told as best I could, without repeating details, why your committee did it. There is a total conceded vote for Mr. Steck of 447,944; there is a total conceded vote for Brookhart of 443,817. There is a total vote claimed by Brookhart and set aside for our inspection, taken from practically every precinct in the State, and the same for Steck. There is the agreement of Steck and Brookhart that 115 of the votes claimed for Brookhart were not, in fact, votes for Brookhart, and that 35 of the votes claimed for Steck were not, in fact, votes for Steck. Give to Brookhart every remaining vote claimed by him and add them to his total—and if we do that we must give Steck his votes because every challenge in the case is double, and the only variation is in the actual number of votes falling within a given challenged class—and Steck has a slight plurality of twenty-odd votes; the exact number I need not stop to state.

I do stop to say, however, Mr. President, that the 6,338 votes that are now given there to Brookhart include the 42 votes that the Senator from Nebraska just asked about. They are buried in the total but they are there, though they were not, in fact, votes, as I can explain. Forty-two of them are now by my tabulation given to him outright, rather than raise any question.

Those 6,338 votes include every vote that the Senator from Pennsylvania claims should be counted for Brookhart, and those 6,338 votes give to Brookhart every vote except the 115 which he himself concedes were not good votes.

Mr. President, from those totals on the board your committee thought there were 49 votes that were in fact no votes and that ought to be subtracted—7 from Steck and 42 from Brookhart—but he is given credit there for them. That arose in this way: I stated just now that the ballots were generally challenged upon the same ground, and it not infrequently happened that the same ballot was challenged by both parties; that is to say, that both Mr. Steck and Mr. Brookhart claimed the same ballot, and each one of them also challenged that ballot, and challenged it upon the identical ground. So that there were two challenges where there was actually but one ballot. So when the challenged ballots were added—2,268 and 6,453—there were found to be 49 less ballots than the total, because 2,268 was simply the number of challenged ballots claimed by Steck and 6,453 was simply the number of challenged ballots claimed by Brookhart. There having been two challenges to the same ballot, there might have been in some instances a failure to note that fact. There were, in fact, many instances in which there were two challenges to the same ballot—one ballot but two challenges—and they would have been listed in the total there as indicating the existence of two ballots when only one existed in fact. But the total there gives to Senator Brookhart 42 votes and gives to Steck 7 votes, which accounts for the 49 votes, the difference between the number of challenges and the actual challenged ballots which were turned over to your committee for its decision.

Now, Mr. President, let me call the attention of the Senate to a further fact in the case: In November, 1925, one week before the Senate convened, your committee came to Washington for the purpose of expediting this contest; and on December 2—the Senate not having convened, as I recollect, until December 7—we met for the purpose of going over the last remaining question in this case. At that meeting Mr. Parsons made the statement, as appears on page 62 of the record:

The ballots were all ordered to Washington, and they have been gone through.

We knew that.

The tabulator for the committee has made up his tabulation of the votes that have been agreed on.

We knew that.

I think somewhere between eight or nine thousand votes are in dispute.

There were in dispute 2,268 plus 6,453.

We had hoped to have those ready—

Bear that in mind, Senators—

We had hoped to have those ready to submit to the committee by this time. Mr. Mitchell and I have been going over those votes, and we have eliminated most of them.

Up until that hour not a voice from any quarter had been raised calling attention to any discrepancy between the ballots and the names on the poll books. Up until that hour not a question about unsealed packages had ever been raised. Up until that hour not a suggestion that there was a shortage of ballots had ever been raised by Mr. Brookhart or Mr. Mitchell.

In the summer of 1925 your committee with its sworn officers and with every safeguard thrown around these ballots had counted them and agreed upon them, Mitchell and Parsons coming back, before the Senate convened, themselves had taken those contested ballots, Parsons making this statement in the presence of Mitchell.

Mr. LENROOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. GEORGE. I will yield, Mr. President, but I was about through with this point.

Mr. LENROOT. The question I desire to ask has to do with the accuracy of the statement which the Senator has made. I should like to refresh his recollection, and to ask him if, upon that very occasion, on December 2, as appears on page 63, the Senator himself did not ask this question:

And there is no dispute arising about any omission of ballots?

Mr. PARSONS. None that I know of.

Mr. MITCHELL. There may be a question of discrepancy between the ballots and the poll books.

Mr. PARSONS. There may be in one or two cases.

Senator CARAWAY. How many votes will likely be involved in that?

Mr. MITCHELL. I would not think more than 200 or 300.

Mr. GEORGE. That came afterwards.

Mr. LENROOT. It is in the same hearing on the next page.

Mr. GEORGE. I understand; but that was subsequent to the statement I have just detailed, and I am going to show the Senator the significance of it.

I was undertaking to show that in the summer before the Senate convened Mitchell and Parsons, representing the two interested parties, came down here and knew what the totals of the agreed votes were; they had been made up on the work sheet; they had been tabulated. They knew that Brookhart had 443,817 conceded votes; they knew that Steck had 447,944 conceded votes; and before the Senate met and before the second day of December, when we were holding the first informal meeting, as it might be called, Parsons and Mitchell had gone over these 2,268 and 6,453 votes, and Parsons and Mitchell knew just exactly what they agreed to; that 115 of them claimed by Brookhart were no votes, and that 35 of them claimed by Steck were no votes, and that if Brookhart were given every remaining vote claimed by him he was honestly and fairly beaten.

I have observed lawyers ere this, and parties ere this, when under their own solemn agreements they are face to face with an adverse decision. Not until this happened, not until Mitchell knew it, not until Parsons knew it, not until Brookhart knew it or could have known it, not until Steck knew it or could have known it, not until the facts were here for every man interested to know them was ever a question raised about discrepancies between poll books and ballots.

Mr. WALSH. Mr. President, there are some of us who are really very desirous of ascertaining what this is all about; and I desire to ask the Senator from Georgia what is the significance of this part of the record to which his attention is now called by the Senator from Wisconsin? The count had been made, the figures had been disclosed, as the Senator has told us, and the attorneys for both parties came before them and told what had been done.

Mr. GEORGE. What they had done.

Mr. WALSH. What they had done; and then this colloquy occurred (page 63). Mr. Parsons seems to have been the spokesman; and the chairman said:

And those who are interested in the contest were also permitted to go over them with you?

Mr. PARSONS. Yes. They have not been heard, but I suppose they have that right.

The CHAIRMAN. They have not requested it?

Mr. PARSONS. No.

Senator WATSON. In other words, they are not interested in counting the ballots, but they come in on another issue.

Senator GEORGE. All of the ballots cast in the election have been brought to Washington and have been gone over?

Mr. PARSONS. Yes.

Senator GEORGE. And there is no dispute arising about any omission of ballots?

Mr. PARSONS. None that I know of.

Mr. MITCHELL. There may be a question of discrepancy between the ballots and the poll books.

Mr. PARSONS. There may be in one or two cases.

Senator CARAWAY. How many votes will likely be involved in that?

Mr. MITCHELL. I would not think more than 200 or 300.

It would seem as though at that time Mr. Mitchell was insisting that there was a question for the committee to determine, namely, the case of the discrepancy between the ballots

counted and the names on the poll list, and Senator CARAWAY apparently had that idea about it, because he asked:

How many votes will likely be involved in that?

Can the Senator tell us just what that means?

Mr. GEORGE. That is what I have been trying to say to the Senator.

Mr. LENROOT. Mr. President, in that connection will the Senator read the next question and answer, which show how he proposed to raise the issue?

Mr. WALSH. Yes:

Senator CARAWAY. Do you propose introducing oral evidence to settle that controversy, or is there some other means?

Mr. MITCHELL. It will be simply a matter of record with the ballots, and the record of the final report.

So there was a question presented for the committee to pass upon, apparently.

Mr. GEORGE. There was one presented, but it was never raised until Mr. Mitchell knew the verdict in the case, and it has some bearing upon this case, and that is what I am discussing.

Mr. WALSH. Yes; but I understood the tenor of the argument of the Senator to be that Mr. Mitchell had assented to the whole proceeding, and was not raising any controversy at all concerning this discrepancy between the number of ballots in the box and the number of names on the poll list.

Mr. GEORGE. The Senator is entitled to have my best statement about it. That is exactly what happened. That is exactly what occurred. This question is now being raised, Mr. President; but I am trying to show the continuity of these several questions as they arose, and under what circumstances they arose.

Mr. Mitchell in person, and Mr. Cook, the selected representative of Mr. Brookhart, if I may repeat, and counsel and representative of Mr. Steck, not only agreed but they themselves actually counted these ballots or supervised the counting of them, and agreed that the totals appearing on the board there as good votes were in fact good votes for both Steck and Brookhart; and I say unfortunately those ballots are intact.

Mr. WHEELER. Mr. President, will the Senator yield right there?

Mr. GEORGE. No, Mr. President; I decline to yield at this time. If Senators will allow me to finish the statement, then I shall be pleased to yield.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. WHEELER. I have asked the Senator three times to yield. Of course, if he does not want to yield—

Mr. GEORGE. I will yield as soon as I finish answering the question.

They did agree that these were good votes. That happened in July and August, 1925. Before December 2, before the Senate convened, Mitchell and Parsons, representing Steck and Brookhart, with knowledge of these totals, with all available knowledge, came down here to examine the contested votes.

Mr. WALSH. Well, Mr. President, if the Senator will pardon me, my understanding about that matter is—and I want to be correct; I followed the Senator on that—my understanding is that they actually counted the ballots that were in the box, and this was the result of counting the ballots they found in the box; but here, I understand, Mr. Mitchell is insisting that the count of the ballots found in the box with reference to certain precincts should not be followed.

Mr. GLASS. Mr. President, is Mr. Mitchell insisting that that is so, or suggesting that it might be so?

Mr. GEORGE. Mr. President, I should not want to answer for Mr. Mitchell's present attitude in the case. He is, I think, a very high-toned gentleman. All I want to point out is that these were conceded to be good votes. There was not a qualification attached to them. They came to us and said: "These are good votes." They were actually counted out day after day and passed over to the official tabulator as good votes. There was not a qualification attached. There was not a condition attached. They were handed over, and we counted them as good votes, and they are in fact, on the face of them, good votes. The remaining votes, the smaller numbers appearing under the larger totals, were the contested votes; and Mr. Mitchell and Mr. Parsons had gone through those contested votes before we met here in December of last year. They therefore knew what the result was, because when they went through these contested votes Mr. Mitchell himself conceded that out of the 6,453 votes claimed for Brookhart 115 of them were in fact no votes.

Mr. President, permit me to say for myself that those were in fact no votes by any sort of count. I took nobody's word for it, and I am asking nobody to be bound by waiver; but their

counsel did correctly agree that 115 of them were no votes, and the 35 votes that Steck claimed were in fact no votes for Senator. They rightly tabulated those votes; so those facts were known. Any experienced attorney, any man acquainted with ordinary figures, could at once see that there was an actual plurality, though slight, in favor of Mr. Steck on the very face of it, giving Senator Brookhart everything that he claimed, giving him the 1,344 votes marked substantially after the style of the ballot hanging on the wall, and giving him the 42 votes that represented the number of challenges in excess of the actual ballots which we found; though I pointed out that a ballot was frequently challenged by both parties, having been claimed by both parties, and in some instances that fact may not have been noted. Taking out every question except one, the status of the vote shows, as that board shows it, a plurality for Steck.

What is that one question? That one question is the question that Mr. Mitchell suggested here when he said that some two or three hundred votes may be involved. That is the question that is suggested here by Senator Brookhart and by Senators who take his view of the matter when he says that the committee followed one rule in a certain precinct where there were 198 ballots short, and refused to follow the same rule in three or four more specifically enumerated cases.

Now, let me say this, and I think the Senator from Montana will now understand the issue that is really in the case. I have no disposition to confuse it, but I want to clarify it.

The four precincts, or five—I do not know which; the Senator from Pennsylvania [Mr. REED] enumerated them a while ago—the four or five precincts pointed out specifically by Mr. Brookhart were pointed out after these facts were blazoned across the sky, showing the unmistakable evidence of the actual ballots. These precincts, the 67 alleged unsealed packages, are all but particulars included in the 1,068 precincts in which there is said to be a variance between the names on the poll books and the actual ballots in the box.

If there is a legitimate issue in the case, that is the issue, and the only issue, under my view of the case; and I give to Brookhart, rather than raise an argument about it, every vote that he claims, that his counsel claims, every vote that his campaign manager claims, every vote that his personal supervisor of this recount claims. Concede them all, and there is but one question that can be legitimately raised in this case.

I base the statement, not upon any written statement, not upon any stipulation, not upon the language of any subpoena; I base the statement on what Senator Brookhart's personal counsel did and on what his personal supervisor did; I base the statement on the actual and undisputed and incontrovertible facts in this case.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. GEORGE. I yield.

Mr. REED of Pennsylvania. I had the impression that Senator Brookhart did not know until the completion of that tabulation of the 1,068 districts that there was a variance between the poll books and the number of ballots delivered to the Senate for those districts. If that is so, how could any action by him prior to that time be construed to be a waiver of his rights under those circumstances?

Mr. GEORGE. I expressly excluded that question, and said that that was the only legitimate question, under my view of the case, that could possibly remain in the case.

Mr. REED of Pennsylvania. Is it not true that if that question is resolved in Mr. Brookhart's favor he will then be the winner by several hundred votes? I gathered that from the minority report. I do not know.

Mr. GEORGE. Mr. President, I expect to discuss that. The Senator does not need to ask me to draw a conclusion about a matter that I am going now to discuss.

Mr. TRAMMELL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Florida?

Mr. GEORGE. I do.

Mr. TRAMMELL. The question of the Senator from Pennsylvania would indicate that Senator Brookhart had no knowledge of this discrepancy between the poll lists and the actual ballots. As a matter of fact, there is no question but that his representative in the county, and his counsel, did have knowledge of that fact prior to the completion of the tabulation; is there?

Mr. GEORGE. No question at all.

Mr. TRAMMELL. There is no question at all that his representatives had the knowledge?

Mr. GEORGE. There is no question. I am not saying what Senator Brookhart personally knew, because I can not say.

Mr. TRAMMELL. The natural inference is that his counsel and his representative in the county informed him of the status of the proceedings. That is the natural inference.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. GEORGE. I will not draw any inferences. I do not want to draw them.

Mr. WHEELER. Does not the Senator know, as a matter of fact, that Senator Brookhart did not know of the differences until he came before the committee, and did not the Senator himself call his attention to a lot of discrepancies that Senator Brookhart did not know of?

Mr. GEORGE. That is probably true. I am not speaking of what he actually knew. I am merely stating the facts.

Mr. HOWELL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. GEORGE. I yield for a question, but not for an argument at this time.

Mr. HOWELL. I do not propose to make an argument, simply to call attention to the fact that Mr. Parsons—as I understand, he was the attorney for Mr. Steck?

Mr. GEORGE. That is correct.

Mr. HOWELL. That, at the same time, the questions were asked which were read here by the Senator from Montana, Mr. Parsons said:

Of the poll judges, I think, however, some discrepancies will arise that may be explained. We have, in Iowa, what is called the absentee voters' law, and those votes are sent in, and those parties are not there to register. I think in some of the cases that the judges failed to put their names on the books, and, therefore, there would be a slight excess of ballots in those precincts.

They expected an excess, not a deficiency.

Mr. GEORGE. Mr. President, but I do not wish to be led aside to answer that question. The facts answer it.

The 20th day of July, 1925, when these ballots were opened—I repeat, the day that they were opened—when the ballots taken out of the first bag were counted, this discrepancy was discovered and by the tabulator was brought to the attention of Cook and brought to the attention of Pandy. Whether it is material or not, they did not regard it as being especially significant, and that is exactly my position in the case.

Mr. FRAZIER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. GEORGE. Yes; I yield.

Mr. FRAZIER. I understood the Senator to say that the supervisors, or whatever they were called, noted on the work sheet, or whatever they tabulated their findings on when the ballots from certain precincts were opened, whether there was a discrepancy, or whether the packages had been broken open. Anything like that was noted by the supervisors. I am wondering whether it was the place of the supervisors to go any further than to make that notification to the committee, and whether it was not the duty of the committee to investigate after they had that notification.

Mr. GEORGE. They noted the facts which they deemed material, plus such facts as the tabulator himself deemed material, as appears now by the work sheets, which are subject to examination by every Senator. They noted that the first package, "— precinct," — county, "sealed" or "unsealed"; the number of votes for Steck, the number for Brookhart, the number contested, the number of "no votes," and so forth. I think generally where the poll books were here, they noted the number of names appearing on the poll books. Those facts were matters of record, and they were records made up in July and August, 1925. They were facts known to Mr. Mitchell, counsel for Mr. Brookhart, together with the total number of votes that had been conceded to Steck and the total number of votes conceded to Brookhart, and the total number claimed by each.

Mr. FRAZIER rose.

Mr. GEORGE. In the interest of time, I am going to decline to yield for any other question at this time, but I will yield in a moment, if the Senator will permit me to proceed.

Not a question was ever raised by Mr. Mitchell, not a question was ever raised by Mr. Parsons, or by anybody interested in this case in any way until counsel for both sides knew the result of the recount, and I submit that it was too late, that it was then too late in good morals, in good conscience, to seek to raise questions all of which we might have examined and which might have been explained by competent evidence if the questions had been brought to us in time.

Mr. FRAZIER. Mr. President, will the Senator yield now?

Mr. GEORGE. I decline to yield until I have finished, and I hope to be able to finish in a very few minutes. Then I will yield for any question.

I am not discussing the legal right of Mr. Brookhart to raise the question that there was in certain precincts a discrepancy between the number of votes actually counted by your committee and the number of names on the poll books. I am not questioning his legal right to raise that question, but I am going further than that, and I say that in point of time the question was never raised by anyone, though counsel for Brookhart, able and capable lawyer that he is, knew the facts, and knew all of the facts, before your committee met here in December to determine to whom the contested ballots should be given.

Mr. President, can Senator Brookhart make a waiver of mere procedure, of mere practice? I take it that any man can waive any question of procedure or practice unless there be some positive law providing that he may not make the waiver. I take it, as a general proposition, that the manner in which the ballots came here, the manner in which the ballots were counted, the manner in which the whole proceeding moved forward, were matters that lay within the competency of Mr. Brookhart and Mr. Steck, as representing not only themselves, but every voter in Iowa in the election of 1924. I take it that they not only could agree, but I take it that their agreement is binding, and I take it that the two men of all men who have the primary interest in a correct recount, with full authority to raise any question, would have overlooked no question that could have been of the slightest benefit to either one of them.

Public rights always have been asserted by citizens in their individual or official capacities. Brookhart, representing the voters behind him, and Steck, representing the voters behind him, were entitled to counsel, and they had counsel. In the course of time, as every Senator knows, the counsel will be paid out of the coffers of the Senate itself, if any sufficient reason appears why they should be paid. Not bound by what they did? Not bound by what they discovered? Not bound by what they found? Upon what kind of morals are you to justify a repudiation, when they come here and actually count the votes, go through them one by one, and agree upon them, and challenge every one which they think they have any reason to challenge, and when they mix and scramble the ballots, when they destroy the evidence as it existed when they began that work so that it is beyond human power to put the case back here on the table before us?

We are reminded that it is immoral to permit a contestant to waive away the right of a voter. How immoral it is to say that we will not hold a man who seeks to retain a seat here to his solemn acts upon which his adversary has acted to his prejudice and hurt, who now can not bring his case here and have it tried upon its merits. If it is a mere question of the weight of morality, upon which side does it lie?

Allowing the question to be raised, and proceeding now to its consideration, there is not a Senator here who is going to be confused about how the ballots got here, when, irrespective of how they got here, with every fact known to Brookhart and Steck, they not only agreed and asked us to count them, but they helped us to count them, and they claimed whatever good either one derived from the recount.

There is no question before the Senate, therefore, about the language of the subpoena, about a departure from the agreement made by counsel, because all of that sinks into insignificance, it fades out of the picture when, with all the knowledge they now have about it—and they could not have any more now than they had then—they came here and actually opened up those ballots, and actually went into the boxes, and actually counted out the votes, and actually claimed the benefits of the recount.

Not only is that true, but you are not going to allow Steck and you are not going to allow Brookhart to come here and open up ballots and scatter and mix the ballots and then say, "You did not show that those ballots were sealed out in Iowa and left Iowa in good condition. You did not see that they came from the proper hands out in Iowa." You are not going to allow that. You are going to dismiss that with the conclusive answer that when they came here and found the ballots, and knew all the facts, and asked us to count them, and themselves participated in the count, not only through their personal representatives on the counting board but through their attorneys of record, they thereby eliminated the question now raised.

There remains but one question, and that is the question to which I adverted a few moments ago. These 4 precincts, in which there is a discrepancy between the number of names on the poll books and the actual number of ballots found, the 67 precincts from which came the alleged unsealed packages,

are but particulars out of the general class of 1,068 precincts in which there was a discrepancy between the number of names on the poll books and the ballots actually found and recounted.

Mr. President, that brings me to the law of Iowa. I am not discussing any of the various challenges that have been made to these ballots, because, as far as the case is concerned, I concede every one of them claimed by Brookhart, concede every one of the 1,344, and every one he claims on any other ground, conceding every question that he has raised in this case except his proposition to go back and take the official count in the 1,068 precincts in which there was a discrepancy between the actual number of ballots and the number of names on the poll books.

Let me read the law on that point. We are going to determine this question, of course, as we determine any other disputed issue of fact. We are going to determine it upon what is the reasonable interpretation to be placed upon any given fact. First, section 800 of the code of 1924, which went into effect about seven or eight days before the election. So far as this provision of the code is concerned, it was old law and is as follows:

The name of each person, when a ballot is delivered to him—

Notice the language—

The name of each person, when a ballot is delivered to him, shall be entered by each of the clerks of election in a poll book kept by him in the place provided therefor.

The question that is made here, and the only question is, that there is simply a shortage of ballots which we have recounted when compared with the names on the poll books. What is the poll book? It is the list made by the clerks of election. The voter never touches it. The voter never does a thing about it. When he comes into the precinct voting place and asks for his ballot, which must be delivered to him by the judges of election, then the clerks begin to write his name. He then goes into the booth in plain view of the election judges and managers. In some of the voting precincts there are a large number of booths. There were nearly a million voters in Iowa who cast their ballots for some one for some office in the election of 1924. Here are the clerks making up the poll list, putting down the voter's name when he walks in and asks for a ballot. When he goes into the booth he may change his mind. He may not wish to vote. He may put the ballot in his pocket. He may put it in the box of blanks. And yet will Senators contend here that the actual ballot in the box, the ballot that the voter marked, the ballot that he placed in the box himself or handed to the judge, the actual ballot in the box that night, is of less probative value than the number of names on the list that two tired clerks made up on the election day?

Mr. WALSH. Mr. President—

Mr. GEORGE. I yield to the Senator from Montana.

Mr. WALSH. Is not the case of the voter changing his mind and concluding that he will not vote taken care of in the statute? Does not the statute require that he must return that ballot to the judges?

Mr. GEORGE. If he spoils it or does not vote.

Mr. WALSH. If he does not vote he must return it, so that the ballot comes back whether he votes or whether he does not vote.

Mr. GEORGE. As a matter of legal presumption; yes. But are we not men of experience? Are we not trying to find the facts of the case? Are we not trying to find the truth of the case? Is it not universally true that the ballots are better evidence of how many voters there were, unless we can show some fraud? Is it not in the nature of things the highest and best proof of the number of voters?

Mr. HARRELD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Oklahoma?

Mr. GEORGE. I yield.

Mr. HARRELD. Is not this true, that if a voter goes into the booth and spoils a ballot, he has a right to return that ballot to the clerk, and it is the clerk's duty to write his name again on the stub and give him another ballot, and the one he spoils does not go into the ballot box at all? And would not that make a difference between the count itself and the number of ballots in the ballot box?

Mr. GEORGE. I think that is undoubtedly true. I think it is undoubtedly true that if one goes into a crowded voting precinct at the peak hours, at noon time or late afternoon, with hundreds of voters waiting on him, there is apt to be a spoiled ballot. He goes in and asks for a ballot and his name goes on the list. It may be if he comes out of the booth with a spoiled ballot, and asks for another ballot, his name will in-

advertently go on the list again. The tired clerks might duplicate the name. The tired clerks might themselves blot the voter's name so that they could not read the first writing of the name, and might duplicate it, and that brings me to one further observation that I wish to make about the poll books.

Mr. REED of Missouri. Mr. President, the Senator from Oklahoma used the expression of an entry being made on the stub. There is no stub.

Mr. GEORGE. I understand that.

Mr. HARRELD. I understand that. They record the name in a book.

Mr. REED of Missouri. In a book, but not on a stub.

Mr. HARRELD. The point I was making is that it would make a discrepancy between the number of names that are written, whatever record is preserved, whether it is a stub or a book, on the one hand, and the number of ballots on the other.

Mr. NORRIS. That would be no discrepancy.

Mr. GEORGE. Yes; if the names were duplicated, there would be a discrepancy.

Mr. NORRIS. Not unless the name was written a second time. The clerk would not write it the second time.

Mr. HARRELD. The law in my State does require the clerk to keep stubs, and he could write the name on the stub twice under such circumstances. I do not know whether in this particular case he would write it twice in the book or not.

Mr. REED of Missouri. I want the Senator from Oklahoma to be clear about this fact. There is no such thing as a stub in the State of Iowa.

Mr. HARRELD. I understand that.

Mr. REED of Missouri. There is a book. When a voter gets his ballot, his name is entered upon that book, and if he destroys his ballot then he goes back and gets a new ballot.

Mr. HARRELD. The point is, Do they write his name again?

Mr. REED of Missouri. No.

Mr. CARAWAY. Mr. President—

Mr. GEORGE. I yield to the Senator from Arkansas.

Mr. CARAWAY. The Senator from Missouri leaves an impression that is not quite accurate. The election officers there put into envelopes ballots that they call defective.

Mr. GEORGE. They are required by law to do it.

Mr. CARAWAY. And the ballots in the box, as it is carried to the county auditor, the ballots which they count, may never agree and never do agree with the poll list. Those Senators who want to decide this question on the official count will disfranchise 7,000 votes that they know now are good votes.

Mr. GEORGE. Undoubtedly. Let me explain further the law of Iowa. Bear in mind that the poll list is a list made up by a clerk. In the heavily populated districts, at the peak hours of voting, all men of experience know that the clerks will duplicate names. All men know that where the name is written by the clerks when the ballot is called for by the voter, as is required by the Iowa law, contrary to the rule in many, if not most, of the States, whatever the law may prescribe, hundreds of ballots are received and hundreds of names recorded where the ballots never go into the box and are not returned by the voters. Senators can not close their eyes to the facts of every-day experience.

Not only that, but the names on the poll books are tabulated in this way, and I beg Senators to note this fact. The lines in the poll books are numbered; and when the election is concluded, if the last number is 1,895, they say that 1,895 men voted, and that is the poll list. They were never purged for duplication. The lists were never corrected for mistakes. Many weeks ago, though I suppose it makes no difference about what time questions are raised, the poll books went back to Iowa, when we did not know that this question could be considered a serious question, when it had been brought to the attention of Mr. Cook and Mr. Pendergast on the very first day of the recount and dismissed as immaterial.

Not only is that true, but there are certain ballots in Iowa that are not required to be sent back in the boxes. But let me get to that in another way. If there be anyone who is willing to assume that a clerk can never make a mistake, and that the voter and the judges alone are the ones who can make a mistake, let me make this observation.

Under section 840, providing for the canvassing of votes under the law of Iowa, the duties of the canvassers are expressly enumerated, and the first is to make a public canvass of the vote and credit each candidate with the number of votes counted for him; second, ascertain the result of the vote; third, compare the poll list and correct errors therein. And yet Senators argue that the record that a tired clerk makes is

better evidence than the actual ballot in the box. Let them read the law of Iowa. Let them read that the legislative declaration of the State is that the managers of election shall correct the errors in the poll lists.

Let us go another step under the law of Iowa. Provision is made in the Code of Iowa, in section 845, where the ballots are in excess of the poll list:

If the ballots for any office exceed the number of voters in the poll list, such fact shall be certified, with the number of the excess in the return.

Then there is a provision that if the election officers can not possibly reconcile the excess of ballots they are in certain circumstances to call another election. There is not one word said where the ballots are less than the poll list. The men who write laws in our American States are practical men. The men who make our laws for us back home, and the law of Iowa is vigorously invoked, are practical men. It is even said that if we do not abide by the law of Iowa we will violate the Federal Constitution, when the Constitution provides that each House shall be the judge of the elections and the returns of every man who comes here for a seat. The law of Iowa makes no provision where there is a shortage of ballots, and that is all there is in this case. It is assumed, as a matter of fact in every election where there are large numbers of men voting, where the poll list is kept by the clerk, who takes the name of the voter and enters it on the list when the ballot is called for and not when it is voted, that there will be a shortage of ballots. When there is no number placed on the ballot and no number placed against the voter's name on the poll list corresponding to a number on his ballot by which it could be identified it is perfectly obvious why no provision is to be found in the Iowa law touching a shortage of ballots.

But there is a provision of the law of Iowa which settles this case on principle. Every ballot that goes into the box must have the initial of the election manager written thereon. Here we have a law requiring the managers to correct the poll lists, conceding errors. Conceding what universal experience confirms beyond the peradventure of a doubt. The managers must correct errors in the poll lists. Specific provision is made when the ballots are in excess of the names on the poll lists. Why? Because the ballot must have the name or initials of the election judge, or some mark which he can identify as his mark, written on the back of the ballot.

So that when they go into the box and find an excess of ballots over the names on the poll list, they examine the ballots to see whether every ballot has the mark of the election manager or judge thereon. If it has, they undertake to reconcile this difference and correct the poll list even then; but when they can not account for the excess ballots—for instance, if there are 10 or 15 ballots with no initials of the election judge on the back of them, and they can not account for them—the law of Iowa provides the procedure to be followed. There is no requirement for the certification or correction of a mere shortage of ballots. That is why Mr. Cook, that is why Mr. Pendergast recognized as of no importance the fact that there were a few less ballots on the first work sheet, or at least the work sheet that was completed on the first day of your committee's labors back in the summer of 1925. There was, in fact, no waiver of a legal right, because none existed.

Now let us look at the facts. Here are 1,068 precincts, including the alleged 67 precincts in which the ballots were unsealed, including the four or five counties, especially enumerated in the brief filed by Senator Brookhart and in the views of the minority presented by the Senator from Mississippi [Mr. STEPHENS]. Here are 1,068 precincts in which there is a total shortage of a little over 3,000 votes. The Senator from Nebraska says the number is 3,570. I believe, according to my figures, the shortage is about 3,000; but we will not dispute about that. Here are 1,068 precincts in which there is a shortage all the way through, except in one or two instances, where, if we take the official count there, and there alone, it would reduce Brookhart's plurality even beyond the figures given. Here are 1,068 precincts and about 3,500 votes short. The table in the hearings is a tabulation of the whole vote of each county, not of the different precincts; and though the difference in the county may be 20 or more, the precinct is what we are interested in. The 1,068 precincts show a total shortage of a little more than 3 votes to a precinct.

The startling suggestion is here made that men of the intelligence and education of the citizenship of the great State of Iowa would go all over the State and in nearly half of the precincts undertake to steal an election by the destruction of about three ballots on the average in those precincts. At every election precinct there were three judges of election and

two clerks. If in 1,008 precincts throughout Iowa there was a stealage of Brookhart ballots—a matter which I am going to discuss a little later on—than there must have been more than 5,000 men participating in that fraud, a fraud spread out over the face of a great State like Iowa where it would be exposed to the view of every passer-by.

There is no line in the record, there is not a fact in the case that justifies any man imputing fraud or corruption to any person except some one connected with the holding of the election, if fraud be charged. There is no line in the record, there is not a fact in this case that justifies any man in challenging the integrity and honor of more than 5,000 men scattered throughout the State of Iowa in this election. No man can take that position and maintain it, because there is nothing whatever to sustain it, but everything indicates that the election was fair; fair in the sense that the votes were actually and honestly counted.

What are the facts? When we take the official vote as printed in the certificate of Senator Brookhart presented to the Senate and included in his sworn answer as well as in the sworn petition of Mr. Steck we see that both of them, in complete agreement, aver that—

The returns of the general election held on the 4th day of November, A. D. 1924, in the State of Iowa, certified by the various election boards, showed that he had received 447,706 votes for the said office of the United States Senator, and that the contestant had received 446,951 votes.

When we take the official count made by the managers of the election out in Iowa, which is reflected on the face of the certificate itself which Senator Brookhart brought down here and presented to the Senate, we find that Senator Brookhart is given 447,706 votes, but when your committee added up the total vote to which Senator Brookhart was entitled on the official return sheets—not our recount, bear that in mind—we gave to him 447,637 votes and we gave to Mr. Steck a total of 446,840 votes, though he claimed according to the official count 446,951 votes.

We found errors in the actual addition of the official vote as made up by the managers of the election in Iowa, but the errors were about as great against Mr. Brookhart as they were against Mr. Steck, a little in favor of Mr. Brookhart, perhaps, by a few votes, but they were simply errors in a few votes that would naturally occur in the tabulation of nearly a million votes. There was nothing to indicate fraud. We have given Mr. Brookhart, in our recount, the advantage that he gains even in that particular, which is a matter of no significance, but serves to illustrate that such errors can and do creep into so large a tabulation of votes.

So, Mr. President, the official vote for Senator Brookhart was 447,637. We give—or I give at least; I am not now speaking for any member of the committee save myself—Mr. Brookhart more than 450,000 votes. When we recounted the ballots I find that he was entitled to a little over 450,000 votes, the sum of the two figures, 443,817 and 6,238 votes, less 42 votes and 20 votes, which I do not now discuss. Also though Mr. Steck was given 446,951 votes, according to the official count, when we recounted the votes we find that he has 450,000 votes plus, the sum of the two figures, 447,944 and 2,233; the election always being conceded out in Iowa and here to be an exceedingly close election. We have not found more votes than the official election managers in Iowa counted on the day of the election, as I think, but we have disregarded some technical rules in a few instances, and we have also found certain minor errors in addition in the mere tabulation of the votes.

It is quite reasonable to say, I think, that trained men, efficient accountants, sitting here in an office building in Washington, with ample time to go over the votes, with ample time to scrutinize each ballot, with ample time to correct any error or mistake, might generally be assumed to be able to make under such conditions an actual mathematical calculation better than they themselves might have made it on election day and after the physical and mental strain endured by them during the day.

But mark this: When we go through the votes one by one we find more votes for Mr. Steck and more votes for Senator Brookhart than the judges of election in Iowa found; but we find them each gaining just a little here and a little there. At no place, however, was there any great gain or any remarkable or even noteworthy loss. At no place was there a single badge of fraud, a single evidence of corruption, and at no place was there evidence of a corrupt intent to deprive one of these candidates of votes and add them to the count for the other.

Now, Senators, let me urge upon you a fact that is conclusive upon the question of the good faith of the men out in Iowa who managed the election, and also of the men who recounted the vote here. In the machine precincts Steck gained and Brookhart gained. If the Iowa managers intended to falsify the ballot so as to defraud Brookhart of the election, why did they subtract votes from both Steck and Brookhart? Do criminals act in that way? Do corrupt men act in that way? In the 789 paper-ballot precincts in which we found the ballots exactly to balance with the names on the poll sheets, bear that in mind, Steck gained about 1,000 votes and Brookhart gained some 600 or 700 votes. Again both candidates gained.

Can anybody imagine that men who want to steal an election or defraud a man out of an honest vote would spread the fraud out all over a State, and that they would also be careful so to practice their fraud as to vary the totals of each man, increasing the vote of each candidate? And how are you going to increase the totals of Mr. Brookhart when the only complaint is not of additions of ballots but of subtraction of ballots?

You are asked to believe that a fraud has been perpetrated because the poll list which a clerk keeps does not tally with the solemn act of a sworn judge of election. You are asked to take the poll list as against the ballots actually found in the box, when under all law the ballot is higher and better evidence, because the object of an election is not to keep a poll list but is to find the will of the voters by a count of the ballots in the box. You do not hold elections to give physical or mental exercise to two clerks who keep the poll lists. You are asked to disregard the actual ballots when the very law of Iowa recognizes that there may be a mistake in the poll list and provides for the correction of the poll list. You are asked to disregard the actual ballots and take the poll list when the only applicable provision of Iowa law provides for the procedure to be followed when there is an excess of ballots over the names on the poll list, which might be and probably could be easily discovered and corrected. You are asked to take the poll list and say that the poll list indicates the number of men who actually voted, the number of ballots that actually went into the box, when we have found here more good ballots for both Steck and Brookhart than the official managers of election found out in Iowa on the very day of the election, according to their returns.

You are asked to do what? You are asked to go back and take the official count merely because you find an average of about three votes less in nearly half of the State than the names entered on the poll list. We must, it is asserted, take the official count, though the moment you take it, rejecting the careful recount made by your committee, you increase the disparity between the ballots and the poll lists by over 7,000 votes. You are going to correct an error by multiplying it.

There is but one question that can be legitimately raised in the case and that is whether we are to disregard the actual ballots which, under every rule of law and of morals and of fair dealing, we must take as good and genuine ballots, properly preserved and brought to us for the single purpose of recounting them, because the ballots do not, in about half of the State, exactly balance with the names on the poll books; and whether we are to accept the official count, which brings about a greater disparity between the names on the poll books and the total votes counted by the election officers in Iowa for both Steck and Brookhart by at least 7,000 votes. We are asked to do it, Mr. President, upon not a word of evidence tending to show fraud; not a suggestion that any man acted corruptly, when there is not, if you scrutinize with care and candor every one of the 900,000 ballots cast in the election, anything that would indicate any willful or intentional fraud upon the part of any man connected with the election. You are asked to do it when by so doing you must impeach not only the ballots that were brought here but at least a large number of men in the State of Iowa, scattered throughout that State, where fraud upon their part could be easily and almost certainly detected.

Mr. REED of Missouri. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. GEORGE. I yield.

Mr. REED of Missouri. The Senator states that there is no evidence of fraud, and argues from that, because there is no evidence of fraud, that we must take the ballots. If that is true so far as the ballots which you find are concerned, likewise there was no evidence, was there, to account for these 3,500 ballots?

Mr. GEORGE. I think there was the highest and best evidence.

Mr. REED of Missouri. You did not find the ballots in the sacks?

Mr. GEORGE. The ballots in the sacks are the highest and best evidence of the ballots actually put in the box.

Mr. REED of Missouri. I agree with the Senator this far—that the ballot in the sack, in the absence of evidence that the sack was tampered with, is the highest evidence of what the voter did. That is true as to the ballots in the sack. Suppose you find that the ballot is not in the sack and nobody offers any evidence to show what that ballot was, what shape are you in then?

Mr. GEORGE. Then you take the higher and better evidence, in the absence of fraud shown?

Mr. REED of Missouri. What is the next?

Mr. GEORGE. Your higher and better evidence is the number of ballots; and if they are irreconcilable with the poll list, if there is a discrepancy, under the Iowa law an excess of ballots only is dealt with by statute, you adhere to the rule and apply the higher and better evidence rule throughout.

Mr. REED of Missouri. There can not be any higher or better evidence than the mere absence of a ballot.

Mr. GEORGE. The ballot itself is evidence of the number of ballots cast unless you bring evidence that the ballots have been tampered with.

Mr. REED of Missouri. But is not the burden upon the contestant when you find only part of the ballots there, as shown by the poll books, to account for the lost ballots?

Mr. GEORGE. The burden is on the contestant to bring ballots here which we from the evidence would feel free to count. The Senator was not in the Chamber when I began my statement.

Mr. REED of Missouri. No; I was not. I was unavoidably absent. I am very sorry.

Mr. GEORGE. Let me repeat: The ballots were brought. Every fact in connection with the bringing of the ballots was known to Mr. Steck and Mr. Brookhart at that time. The ballots were over here in the Senate Office Building, and we gathered about the table—Mr. Brookhart's counsel, Mr. Steck's counsel, the supervisors selected by each—and they not only asked us to count the ballots and agreed with the statement that nothing but a straight count was involved, made on the 20th day in July, 1925, but they themselves, that is, the supervisors, actually did the counting.

Mr. REED of Missouri. Yes; I understand that point.

Mr. GEORGE. Would the Senator then insist upon any preliminary proof that the ballots came from the proper custody?

Mr. REED of Missouri. Suppose the very circumstances happened that the Senator has recited, that you brought here a great number of sacks containing ballots, and each side said: "We do not know of any fraud; we do not charge any fraud"; and you open one of those sacks, we will say from precinct A, that ought to have in it, according to the poll books, 500 ballots, and you find only 100 ballots. Would not the Senator say that the burden was upon the contestant to show what had become of those 400 ballots before he could overcome the presumption that the contestee was properly here in his seat under his certificate?

Mr. GEORGE. Of course, it would be the duty of the committee to examine all the facts; but let me add one other fact which the Senator has omitted. Suppose on the first day when the recount is started, and in the first precinct in which the recount is made, a discrepancy is discovered between the actual ballots and the number on the poll list, and that is brought to the attention of the personal representatives of the two contesting parties for the purpose of enabling them then, if they thought it of consequence, to bring evidence and go into it and to make as full and thorough an examination as might be possible, and they said "It is of no consequence," and proceeded on with the count.

Mr. REED of Missouri. It was of no consequence in that matter, and they waived it, perhaps, if a candidate can waive it, which I maintain he can not. I claim that no man can stipulate another man into the United States Senate. He has to be elected. Suppose it was done in that case: Does the Senator say that was binding in every other precinct?

Mr. GEORGE. I say that same thing happened in every other precinct.

Mr. REED of Missouri. We might be of contrary opinions about it. I simply wanted to ask the Senator the question which I did ask him, and which the Senator has answered very clearly.

Mr. GEORGE. The legal proposition is quite clear that, once you have established the identity of your ballots—that is, once you have shown that they come from the proper custody and have been kept and preserved, either by evidence or by

an admission that it could be shown by evidence, because it is a matter of procedure and does not go to the merits of the issue actually involved—once that is established, you have then the verity of your ballots established, and thereafter, as between a naked conflict arising between the ballots and the number of names on the poll lists, the ballots are always the higher and better evidence. Of course, that is not true if you have impeached the integrity of the ballots; but where there is a mere discrepancy between the number of names on the poll list, which under the Iowa law may reasonably and probably does arise in every election in a large number of precincts, and where the discrepancy is slight, the mere number of names on the poll list should never be taken as controlling when you are counting the actual ballots.

Mr. REED of Missouri. It does not control, but does it not require explanation—and the question is, whose duty is it to furnish the explanation? I say it is the contestant's duty.

Mr. GEORGE. I do not think so.

Mr. REED of Missouri. I do not want to interrupt the Senator, for he has been very courteous, as he always is.

Mr. GEORGE. Furthermore, let me say this: I do not think you can ever require one who brings and who relies on the higher and better evidence to furnish additional evidence merely because his position is assailed by one dependent entirely upon secondary and less trustworthy evidence.

You come back to the conflict between the poll list and ballots, and when once you concede the ballots to be the highest and best evidence—if they have been properly preserved—a mere disparity in number when compared with the poll list can never put the burden on the man who has the advantage in the ballots.

Mr. REED of Missouri. That is the point. I concede that the ballot, when you find it, is the best evidence of the voter's intent, but I do not concede that the ballot when you do not find it is evidence of anything.

Mr. GEORGE. Let me ask the Senator this question: Suppose the Senator, as manager of an election, should sit at his table all day, and with the utmost care mark his initials on all ballots handed to him by the voters and put them in the box; and suppose when night came and the precinct was closed the Senator should count those ballots himself, and count them accurately, as best he could, having such aid as he might have, and he should find 1,001 ballots. Suppose his clerks during the day had put down 1,006 names. Would not the Senator think those ballots were the highest and best evidence of how many votes were actually put in that box?

Mr. REED of Missouri. If I did it myself, I might think I had been wiser than my clerks.

Mr. GEORGE. Will not the Senator allow us to assume that all other men are about as good and wise as we are?

Mr. REED of Missouri. I do not think the Senator's illustration is a fair one.

Mr. GEORGE. I did not ask the Senator to say that, but I simply asked him to say what would be the highest and best evidence—the ballots?

Mr. REED of Missouri. The highest and best evidence—

Mr. GEORGE. I concede that you would undertake to reconcile the disparity. You would make such investigation as you might see fit. But if you found an irreconcilable difference, you would be driven to take the ballots.

Mr. REED of Missouri. I do not want to take the Senator's time, or to interrupt him; but since he asked me this question, I will answer it. Let us get an illustration somewhat near the facts.

If I were the clerk of an election, or the judge of an election, and I wrote down in longhand the names of men as they came up to whom I delivered ballots, and I put my initials on those ballots and handed them to the voters—

Mr. GEORGE. The clerk does not put his initials on the ballots.

Mr. REED of Missouri. The judge does.

Mr. GEORGE. The judge does that.

Mr. REED of Missouri. I said "clerk or judge." When we got through, we counted the ballots, and we did not have any trouble at that time. We did not find any discrepancy between the ballots and the poll books. At least, none was noted, and none was recorded. Six or eight months after that somebody opened the sack in which those ballots were put, after it had been in the custody of other people and shipped across the country, and then you found that the ballots did not tally with this book written in longhand; and I had made the book, or it had been made under my supervision, and I found that there were 3, or 4, or 5, or 10 ballots short.

I would say my book was correct, and that in some way or other those separate and loose slips of paper, the ballots, had been mislaid or lost. That is what I would say. I would go

by my books, the same as I would if I were keeping a grocery store and were entering upon the books the purchases of my customers and also had some tabs that I stuck on a spike. When I got through, six or eight months afterwards, if I could not find a tab for every entry, I would say the tabs had been lost in some way.

Mr. GEORGE. The Senator is impeaching the ballots, and he is presuming a case in which he is the judge of his own acts; but fortunately none of us are permitted to act as judge in our own case.

Mr. REED of Missouri. I am not impeaching the ballots.

Mr. GEORGE. The Senator is impeaching the ballots. He is presuming facts that do not appear in this case.

Mr. REED of Missouri. I am insisting that where the ballot is not there and the book shows it ought to be there, the contestant has to prove that it was not there.

Mr. GEORGE. Would you not have to prove that on the very day of the election, as well as three months afterwards, say, if you had carefully preserved your ballots?

Mr. REED of Missouri. I do not catch the import of the question. I think that we have discussed that so that we understand each other, but the Senator has spoken of the small number of votes in each precinct, an average of only three. Of course, sometimes they ran away above three, did they not?

Mr. GEORGE. They ran above three, but they never ran very high in any one precinct.

Mr. WALSH. Twenty-two.

Mr. GEORGE. And that in only a very few precincts.

Mr. REED of Missouri. That seemed slight, but I recall that President Wilson's election turned upon a majority of 312 votes, I believe it was, in the great State of California, and, according to the Senator's own judgment in this case, this election turns upon 76 votes.

Mr. GEORGE. Seventy-odd.

Mr. REED of Missouri. Seventy-odd votes. Therefore three votes in a precinct, in 1,057 precincts, is quite an important item. It is a determinative item.

Mr. GEORGE. If the Senator has completed his statement, I have never conceded, and I have never imagined, that there was any real shortage of ballots here. I have supposed there was simply the ordinary discrepancy which usually and generally occurs when approximately a million votes are deposited in boxes throughout a State in the course of one day's election.

Mr. BRATTON. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Mexico?

Mr. GEORGE. I yield.

Mr. BRATTON. In regard to the talk back and forth about a shortage of ballots, or a discrepancy which is characterized as a shortage, I understood the Senator from Georgia to say a while ago that the recount made here gave to each party a larger total vote than the official count in Iowa gave to them. Is that correct?

Mr. GEORGE. Yes, sir; by approximately six or seven thousand. I have forgotten the exact number.

Mr. REED of Missouri. But not larger than the poll books showed?

Mr. GEORGE. Oh, no. Our recount is nearer the poll books than the official count was.

Mr. BRATTON. Obviously, then, there must have been a variance in Iowa between the total number of ballots counted and the total number of names on the poll books.

Mr. GEORGE. Obviously there was.

Mr. BRATTON. The recount of the ballots here more nearly approached the number of names on the poll books than the tabulation in Iowa did.

Mr. GEORGE. I think that is undoubtedly true, but I think the difference is accounted for by those errors which would creep into an election where so many votes were cast.

Mr. REED of Missouri. I wish the Senator from New Mexico would give his attention a moment. I do not know the fact myself, but is not this discrepancy between the official count and the number of ballots found largely accounted for by the fact that on the recount the committee allowed certain ballots which had been disregarded on the official count?

Mr. GEORGE. I think we undoubtedly did that in some instances, and I said that a while ago. I think undoubtedly we have the same ballots that were counted by the managers of election there on election day. Giving the matter the most careful consideration of which I am capable, there is nothing, in my mind, to indicate any fraud or any corruption, either by any of the managers of election, or by anybody else, in the handling of these ballots. There is simply the discrepancy that would ordinarily and usually and generally occur.

There is also a probable further explanation, in that certain ballots, though they went into the boxes out in Iowa, were not required by the managers of the election to be canvassed or sent up to the canvassing boards in the respective counties for the purpose of recounting them. These were not, strictly speaking, ballots that ought to have gone into the box. They went up to the respective county seats, but they did not go as a part of the official ballot, counted by the managers in the official returns made by them. That is clearly disclosed by the provisions of the Code of Iowa, and we found evidences of it here.

For instance, we found one package of ballots, in which, let us say, there were 396 actual ballots. The poll book showed 400 people to have voted in that precinct. We found 396 only, but in a separate envelope, marked as defective and not considered ballots by the election managers, from the same precinct, attached, in fact, to the package, we found 4 ballots that were blank, perhaps in one case the voter had written his name across the face of the ballot. That is authorized by the law of Iowa. That happened in one precinct. It may well explain a reasonable shortage, if you wish to denominate it as a shortage, in the actual ballots, when compared with the names on the poll books. But plus the other matters brought to the attention of the Senate, to my mind it is conclusive that there was no tampering with these ballots, that there was no fraud in the preservation of the ballots. Why? There were not 67 precincts in which the bags were unsealed. If the auditors out in Iowa did their duty, there were only two, and only one that was especially material, and that one was the one in which 198 votes were by Mr. Steck's and Mr. Brookhart's representatives set aside, the official count in that case being taken as more nearly correct. That one package came from Iowa unsealed. It left the county auditor unsealed. It was received by him unsealed. That one package bore evidence of some actual tampering with the ballots, in that the ballots had been removed from the wire and the wire itself running through the ballots had been broken or unsealed, as I am advised. There was reason, good, substantial reason, upon which men who were trying to find the truth in that particular precinct could agree, and they did agree.

Not until we had been given the figures by the supervisors did we learn that in that particular precinct had the official rather than the actual recount been by express agreement accepted. Not another one of the containers appeared to have been unsealed when it left Iowa except one. There were about 72 of them on which the seals were broken when they were opened here. If Senators will look at the testimony of Colonel Thayer upon that question, which is a part of the official record in the case, they will see that he testified that the packages from those 72 precincts did not bear any evidence of ever having been properly sealed, but it appeared that they were defectively sealed in the first instance. As a matter of fact, the containers were cotton sacks, tied with a cotton string, and on the knot of the string, or on two strands of the string brought together, there was dropped a bit of sealing wax. When you consider that those packages went up to the county seat, when you consider that they left Iowa by parcel post registered mail and came to Washington, were loaded on trucks, and were brought over to the Senate Office Building and thrown into a room, you would expect to find, if you apply the ordinary experience of men, at least 60 or 70 of them on which the sealing wax would have been shattered or broken in the course of transportation to Washington. Not only that, but through every one of these packages of ballots there was run the pliable wire required by this statute; and bear in mind that the ballot must be folded, and through the center of the fold the wire must be run by the election manager, and that wire itself sealed. In not one case, with the possible exception of where the official count was by agreement taken by the representatives of the parties—not by the committee, but under the circumstances I have already detailed—not in a single case was this wire unsealed.

Again I ask, are you looking for the truth in the case? How would it be possible to take off just enough ballots from a wire, with seal intact, when the ballots were folded and it could not be told until they had been pulled out whether they were for Brookhart or for Steck?

There is no evidence of fraud and we are not authorized to presume it, subtle as it is, and only the imagination can discover evidences of fraud in this whole election. There is no excess of ballots. Except in a few precincts, I think the total of them, going back to the official count, would give Steck an advantage, as I recollect having tabulated them at one time. But they did not add ballots. They subtracted ballots, assum-

ing fraud. They could not tell what they were subtracting in the way of ballots unless they broke the wire, and the wire was never broken. It was sealed when it came here and sealed when we went to count the ballots.

If we are to judge this case by the unmistakable evidences of fact and circumstance that control men in all the high affairs of life, we can reach but one conclusion, in my candid judgment, and that is that under any and all circumstances Steck was elected; first by the narrow plurality, whatever it is, shown on the board, and then by the deduction of 7 votes from Steck and 42 from Brookhart, or a net loss to Brookhart of 35, and then by the loss of 20 votes as appears in the official report, which we personally inspected, and which we were entirely satisfied were no votes under any circumstances. That allows Mr. Brookhart the full number of 1,344 votes which, under the law and under the law alone, perhaps, he could justly and rightly claim, but under the correct application of what I think to be a sound rule, to which he is rightfully entitled.

It does not allow Mr. Brookhart, of course, the advantage in gain in one or two instances, though in the case of all challenges overruled he gained many more votes than Steck. Where there is an unmistakable intent and purpose of the voter to vote for either Senator Brookhart or for Mr. Steck, indicated according to the law of Iowa, we have held the ballot good, although something more than authorized by technical law, or forbidden by such law, may have been added by the voter to his ballot. I will never consent to cast out a man's vote because marked by a mark which is alleged to be a distinguishing mark, when such mark and the purpose of the voter in making it is fully explained in the light of current events, known and published throughout the State, entirely consistent with honesty and inconsistent with any presumption of dishonesty or corruption or fraud upon the part of the voter.

So, Mr. President—

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. GEORGE. I was about to yield the floor, and I do so.

Mr. LENROOT. Before the Senator takes his seat I want to ask him a question.

Mr. GEORGE. Very well.

Mr. LENROOT. With reference to the presumption following the sealed packages or boxes, I want to make an inquiry about the second ward of the city of Estherville, with reference to which the work sheets were put in the record. It appears that they were received in a sealed bag and a shortage of 20 ballots was recorded.

Mr. GEORGE. I do not understand the Senator's statement exactly.

Mr. LENROOT. The work sheet of the second ward of Estherville is found in the record, and according to those work sheets there is a shortage from the poll books of 20 ballots. Then the second work sheet of the same ward is put in, which shows an excess of 10 ballots, making a difference of 30 ballots for this same precinct. It appears from the statement of Mr. Mitchell that somebody sent 30 more ballots to Washington, and that accounts for the second work sheet with the difference between it and the first work sheet. It is also stated by Mr. Mitchell that the tabulators allowed those 30 ballots to be counted that came here in that way, although the original package was a sealed one. What has the Senator to say with reference to the treatment by the committee of this precinct?

Mr. GEORGE. I do not recall that precinct, I will say.

Mr. LENROOT. It will be found on page 248, the first work sheet appearing at the top of that page, and, on page 249, the second work sheet at the bottom. They were both submitted to the committee for determination, not under stipulation.

Mr. GEORGE. When does the Senator mean they were submitted to the committee?

Mr. LENROOT. They are dated November 4, and Mr. Mitchell put them in evidence. The chairman of the committee himself said, "Let the record show that these sheets are offered," and they are in the record.

Mr. GEORGE. My statement, made in the beginning, I think, covers the case. The Senator said they were dated November 4, 1924?

Mr. LENROOT. Yes.

Mr. GEORGE. That is the date of the election.

Mr. LENROOT. Yes; that is the date of the election. Anyway, it is the work sheet that was submitted to the committee by the representatives of Mr. Brookhart and Mr. Steck.

Mr. GEORGE. When the work sheets were submitted to us, it was long after the ballots had been counted.

Mr. LENROOT. Oh, yes.

Mr. GEORGE. It was after the 20 ballots, if that be the number, had been placed in the general bag of contested ballots.

Mr. LENROOT. There were only 5 contested ballots involved.

Mr. GEORGE. Yes; but they had been placed in the contested bag. My recollection is, and in fact I am quite sure of it, that where the ballots came here in a sealed sack we counted the actual ballots, as I have just said.

Mr. LENROOT. They apparently did so in both cases.

Mr. GEORGE. We counted the actual ballots. If there was an excess of ballots sent down at a later date, that presents a question about which I do not just at the moment recall the facts.

Mr. LENROOT. Mr. Mitchell states at some point that—

Mr. GEORGE. I rather think there was in one case a few ballots that were subsequently sent down here while the counters were at work which the county auditor said belonged with a certain precinct. Some question arose as to whether they should be counted. My recollection is that they were not counted, but until I could refresh my recollection I could not state positively.

Mr. LENROOT. The Senator will find Mr. Parsons's statement on page 252 of the hearings:

Mr. PARSONS. In the case of the second ward, city of Estherville, we object to this for the following reasons, that the ballots that came down are set out here; and, subsequently, there were some more ballots came down that purported to be, and that the auditor wrote—not the auditor, but that somebody wrote—a note, and said they were found lying around somewhere else; and so we object to considering any ballots—and they are taken into account here—that were not in the original package sent from the county auditor.

Mr. GEORGE. Refreshing my recollection, I will say to the Senator from Wisconsin that the ballots which were subsequently received down here were not in fact counted.

Mr. LENROOT. They were not counted?

Mr. GEORGE. No; they were not counted. We counted only those that came in the sealed packages.

Mr. LENROOT. There was a shortage in the sealed package, but there were sent here an additional number of ballots that were stated to belong to this precinct. Of course, they should not have been counted, but does not that rather remove the presumption that there was no actual shortage?

Mr. GEORGE. I would expect to find one or more errors of that kind occurring in the State of Iowa where there is such a great number of people. That confirms, to my mind, rather than indicating any fraud, the fact that the men out there who had charge of these ballots were perfectly honest and perfectly candid. They had no disposition to conceal anything. Even after they had sent down the other packages, they ran across a little bunch of ballots that might have been voted. They were candid enough to send them on down here, and we inspected them and thought there was too much doubt about them to count them. To that Mr. Brookhart agreed, I think, and Mr. Steck's representative agreed, and they were not counted.

Mr. LENROOT. I want to ask a further question. There were actually four precincts submitted to the committee for determination upon the matter of discrepancy. I take it the committee did not pass upon the merits of that question, but declined to do so because of the way the matter had been handled and because of the mixing up of the challenged ballots from those precincts in the general mass. Am I correct?

Mr. GEORGE. I am glad to answer the Senator. I could not say what the committee declined to do. The committee acted somewhat informally in most of these hearings, because they were hearings at which only the Senators and the counsel, experienced lawyers, were present, and there was not that formality observed that is ordinarily observed in an important investigation. But for myself and as a basis for my own judgment I did consider the question. I considered it many days after the question was first raised. I considered it in every possible light, and I reached a conclusion which, if I have been able to make my position understood to the Senator, whether he agrees with it or not, I think to be the sound one, that we have at least prima facie evidence of the integrity of those ballots, the identity of the ballots; and that being true, the ballot is the higher and better evidence, particularly where it is quite possible to explain what we might naturally expect to occur in the way of some discrepancies in the ballots. Since the Senator has asked that question, let me conclude with this statement. We are asked to go back to the official count because of a discrepancy between the poll book and the actual ballots found.

I hope the Senator from Wisconsin will follow me. The official count is impeached in the machine vote. Does the Senator understand the proposition? It is impeached according to Brookhart's present contention with the light of every fact

before him. He is now claiming nearly a thousand votes more in the machine precincts than the managers of the election gave him according to the official count in Iowa. The official count is impeached in the 789 precincts in which there is exact agreement between the actual ballots and the poll list. The Senator will observe that in those precincts where there is actual agreement Steck gained 1,163 votes and Brookhart gained 699 votes.

I have drawn attention to the physical facts which made the stealage by subtraction an impossibility in this case, unless those charged with fraud are assumed to have had ample time and unsealed the wires and went through the ballots one by one and were careful to hold another election and make an exact tabulation so as not to take too many ballots from the candidate, Steck, in whose behalf we are to assume the fraud was practiced. Senators who are to find the truth in this case are asked to go back and take the official count merely because there is not an exact balancing of the names on the poll books with the ballots in the box, when the official count has been impeached in the machine precincts and has been impeached in the 789 precincts where there is an exact balancing of the number of names on the poll book with the ballots. You ask us to take a thing which on the face of it you are now asserting to be false and fraudulent; you ask us to take an official count which Brookhart to this good day says is false and fraudulent against the actual ballots sent here from the proper officers of Iowa, without evidence of actual fraud, and by your committee recounted at the request of both parties, with Senator Brookhart's campaign manager watching the process, step by step.

I have finished, Mr. President.

Mr. WALSH obtained the floor.

Mr. CURTIS. Mr. President, I should like to ask if any Senator desires to speak on the pending question this evening?

Mr. WALSH. I was desirous of proceeding, but the Senator from Massachusetts [Mr. GILLET] has suggested to me that perhaps we have another engagement, and therefore I will ask leave not to proceed at this time.

Mr. CURTIS. If the Senator had just as lief go on, of course we should like to have as much time taken to-night as possible on the pending question.

Mr. WALSH. I should like to do so very much, if the other engagement did not require my attendance.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at noon.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Friday, April 9, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 8 (legislative day of April 5), 1926

REAPPOINTMENTS IN THE REGULAR ARMY

FINANCE DEPARTMENT

Maj. Gen. Kenzie Wallace Walker, Chief of Finance, to be Chief of Finance, with the rank of major general, for the period of four years beginning July 1, 1926, with rank from February 24, 1925. His present term of office expires June 30, 1926.

ORDNANCE DEPARTMENT

Maj. Gen. Clarence Charles Williams, Chief of Ordnance, to be Chief of Ordnance, with the rank of major general, for the period of four years beginning July 16, 1926, with rank from July 16, 1918. His present term of office expires July 15, 1926.

ADJUTANT GENERAL'S DEPARTMENT

Maj. Gen. Robert Courtney Davis, The Adjutant General, to be The Adjutant General, with the rank of major general, for the period of four years beginning September 1, 1926, with rank from September 1, 1922. His present term of office expires August 31, 1926.

MEDICAL DEPARTMENT

Maj. Gen. Merritte Weber Ireland, Surgeon General, to be Surgeon General, with the rank of major general, for the period of four years beginning October 30, 1926, with rank from October 4, 1918. His present term of office expires October 29, 1926.

APPOINTMENTS IN THE REGULAR ARMY

GENERAL OFFICERS

To be brigadier general

Col. William Payne Jackson, Infantry, from May 15, 1926, vice Brig. Gen. John D. Barrette, who is to be retired from active service May 14, 1926.

QUARTERMASTER CORPS

To be assistant to the Quartermaster General, with the rank of brigadier general, for a period of four years from date of acceptance

Col. Harry Frederick Rethers, Quartermaster Corps, from April 16, 1926, vice Brig. Gen. John B. Bellinger, assistant to the Quartermaster General, who is to be retired from active service April 15, 1926.

CORPS OF ENGINEERS

To be Chief of Engineers, with the rank of major general, for a period of four years from date of acceptance, with rank from June 27, 1926

Brig. Gen. Edgar Jadwin, assistant to the Chief of Engineers, vice Maj. Gen. Harry Taylor, Chief of Engineers, to be retired from active service June 26, 1926.

To be assistant to the Chief of Engineers, with the rank of brigadier general, for a period of four years from date of acceptance

Col. Herbert Deakyne, Corps of Engineers, vice Brig. Gen. Edgar Jadwin, assistant to the Chief of Engineers, nominated for appointment as Chief of Engineers.

PROMOTIONS IN THE NAVY

Lieut. Leverett S. Lewis to be a lieutenant commander in the Navy from the 4th day of June, 1925.

Lieut. Henry P. Burnett to be a lieutenant commander in the Navy from the 23d day of November, 1925.

Lieut. Otto Nimitz to be a lieutenant commander in the Navy from the 11th day of March, 1926.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 16th day of November, 1925:

James E. Nolan.

Jewett P. Moncure.

Lieut. (Junior Grade) Walton W. Smith to be a lieutenant in the Navy from the 6th day of December, 1925.

Lieut. (Junior Grade) Hilyer F. Gearing to be a lieutenant in the Navy from the 1st day of February, 1926.

Surg. Abraham H. Allen to be a medical inspector in the Navy, with the rank of commander, from the 4th day of February, 1926.

The following-named passed assistant surgeons to be surgeons in the Navy, with the rank of lieutenant commander, from the 4th day of June, 1925:

John LeR. Shipley.

James D. Rives.

Claude W. Colonna.

George A. Alden.

Louis Iverson.

Electrician Claude H. N. Dalley to be a chief electrician in the Navy, to rank with but after ensign, from the 27th day of December, 1925.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 8 (legislative day of April 5), 1926

FOREIGN SERVICE

Robert R. Patterson to be secretary in the Diplomatic Service. Winthrop S. Greene to be secretary in the Diplomatic Service.

REAPPOINTMENTS IN THE ARMY

Maj. Gen. Kenzie Wallace Walker, Chief of Finance. Reappointment.

Maj. Gen. Clarence Charles Williams, Chief of Ordnance. Reappointment.

Maj. Gen. Robert Courtney Davis, The Adjutant General. Reappointment.

Maj. Gen. Merritte Weber Ireland, Surgeon General. Reappointment.

POSTMASTERS

KANSAS

Mae Boyd, Dorrance.

Elizabeth Simpson, Medicine Lodge.

John M. Cable, Toronto.

KENTUCKY

William J. Manby, La Grange.

NEW JERSEY

George E. Opdyke, Landing.
Olla Mehlenbeck, Raritan.

PENNSYLVANIA

Edgar J. Dowling, Gouldsboro.
Arthur L. Titman, Montrose.
Emma A. Smith, Seelyville.
Harry P. Medland, Waymart.

TENNESSEE

Mabel W. Hughes, Arlington.
John L. Sullivan, Lexington.

VIRGINIA

Edward A. Lindsey, Boyce.
Charles E. D. Burtis, Bumpass.
Otis R. Thornhill, Culpeper.
Lacy C. Alphin, Hot Springs.
Lilly G. Cook, Madison.
Robert E. Newman, Manassas.
Sylvester A. Ratliff, Norton.
James W. Moore, Rapidan.
Thomas C. McConchie, Remington.
Floyd I. Richardson, Solvatus.

HOUSE OF REPRESENTATIVES

THURSDAY, April 8, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord God, the day is Thine; Thou dividest it from the darkness. Separate from us all wrong desires, all false ambitions, and incline our hearts to love Thee and to keep Thy law. Deliver us from evil thinking and from all things that dull our spiritual sense. Be patient with us until we learn to live the life of Thy holy precepts. O teach us over and over again that he lives most who serves best. Let not the evil in our hearts darken the outlook of our souls. Help us to make the world better, but open our eyes to the good that is now in it. Bless all strangers within our gates, and let the angel of Thy merciful providence abide over every fireside throughout our broad land. In life and in death, O Lord, abide with us. Through Christ, our blessed Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE SCHUTZVERBAND

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on House Resolution 182, asking certain information of the Secretary of State, and to include in the extension a copy of the resolution and the letters received from the Secretary of State giving certain information called for in the resolution.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. WOODRUM. Mr. Speaker and gentlemen of the House, on March 22, 1926, I introduced H. Res. No. 182, which was referred to the Committee on Foreign Affairs and provides as follows:

Resolved, That the Secretary of State is directed to inform the House of Representatives, if not incompatible with the public interest, what information he has, if any, as to the organization and existence in Germany of the Schutzverband, or an organization and association which is fostering and encouraging litigation to recover for German citizens real estate in Germany purchased by American citizens; and the Secretary of State is further directed to inform the House of Representatives, if not incompatible with the public interest, what action, if any, has been taken to protect the rights of American citizens so involved.

Apparently from credible sources comes the information that there is a general movement in Germany to restore to German citizens, the original owners, the title to all real estate purchased by foreigners in Germany from 1919 to 1923. The New York Times recently published an article dated at Berlin, February 27, which gave an account of the organization of a protective association known as the Schutzverband. The purpose of this organization is said to be to call attention to all German citizens who sold property to foreigners from the period of 1919 to 1923 to the effect that the courts in Germany have been giving favorable rulings to German citizens and suggesting to such citizens that they apply to the court to have their

sales vacated and get the title to their property restored. It is estimated that hundreds of millions of dollars have been invested in Germany by American citizens.

Deeming the matter of vital importance to all American citizens who have purchased property in Germany during this period, and because of the special interest of some of my constituents, I introduced H. Res. 182, which was referred to the Committee on Foreign Affairs, and the Hon. STEPHEN G. PORTER, chairman of the said committee, has transmitted to me certain correspondence with the Secretary of State, which I desire to be put in the RECORD for the information of the House and country.

Under date of March 30, 1926, Hon. STEPHEN G. PORTER, chairman of the Committee on Foreign Affairs, transmitted to me the following letter from the Secretary of State:

DEPARTMENT OF STATE,
Washington, March 29, 1926.

The Hon. STEPHEN G. PORTER,
House of Representatives.

DEAR MR. PORTER: I beg to acknowledge the receipt of your communication of March 23, 1926, inclosing a copy of House Resolution No. 182, introduced by Mr. Woodrum, requesting information concerning an alleged German organization known as the "Schutzverband."

In reply I take pleasure in informing you that the department has already had the matter under consideration, and some time ago instructed the ambassador in Berlin to watch the situation closely and to keep the department informed as to developments. He has also been instructed to report to the department, by cable, such information as he may have, or obtain, relating to this reported association. As soon as his report is received I shall not fail to communicate with you further.

I am, my dear Mr. PORTER,
Sincerely yours,

FRANK B. KELLOGG.

Again, on April 6, 1926, Mr. PORTER transmitted to me the following further communications from the Secretary of State:

DEPARTMENT OF STATE,
Washington, April 6, 1926.

The Hon. STEPHEN G. PORTER,
House of Representatives.

MY DEAR MR. PORTER: In further reference to your letter of March 23, 1926, transmitting a copy of House Resolution No. 182, concerning the organization and existence in Germany of the Schutzverband, I beg to inform you that the department has since received two telegrams from the embassy in Berlin, No. 63, March 30, and No. 65, March 31, 1926, paraphrases of which are inclosed for your information. In view of the statement made by Mr. Schurman in his telegram, No. 65, I am inclined to believe that Americans who have purchased property in Germany will have no serious difficulty. In any event, you may rest assured that this department will use every effort to protect legitimate American interests.

I am, my dear Mr. PORTER,
Very sincerely yours,

FRANK B. KELLOGG.

(Two inclosures: Paraphrases of telegrams.)

(Paraphrase of telegram No. 63, March 30, noon.)

In reply to the department's telegram No. 20 of March 27 I am informed by the consul general that he knows definitely of the existence of two such organizations and he believes that there are others. Certain individual lawyers are also known to be active. Such organizations and lawyers may be compared to so-called ambulance followers in America. They direct their activities against all foreigners alike and not Americans in particular, the purpose being to provoke litigation in the hopes of earning fees.

I have discussed the matter informally with the Foreign Office officials, but there does not appear to be very much that they can do even if formal protests were lodged. It must be presumed, at least for the present, that the courts will safeguard American citizens in their rights. Confidentially, I would advise you that the one case so far decided against an American appears to have been very badly defended and is now going forward on an appeal. I was told last week by a New York lawyer whom I know very well and who is the largest American owner in Germany that he has had no trouble whatsoever and he attributes the difficulties of others to faulty legal papers.

SCHURMAN.

(Paraphrase of telegram No. 65, March 31, 1 p. m.)

I was informally advised to-day by the Foreign Office that it has taken a strong stand with the Ministry of Justice of Prussia on this question, and I am assured that American interests will to the fullest extent possible be protected.

SCHURMAN.

The above information will doubtless be of interest to the membership of the House in view of the fact that a subcommittee of the Committee on Ways and Means is now conducting public hearings on H. R. 10820, a bill introduced by the gentleman from New York [Mr. MILLS] and known as the Treasury plan for the payment of the awards of the Mixed Claims Commission and the return to German nationals of property held by the Allen Property Custody.

COMMISSIONER FREDERICK A. FENNING

The SPEAKER. Under the order of the House, the Chair recognizes the gentleman from Texas [Mr. BLANTON] for 30 minutes. [Applause.]

Mr. BLANTON. Mr. Speaker and gentlemen of the House, about two months ago, when I began my investigation of St. Elizabeths Hospital and the connection which Frederick A. Fenning, Commissioner of the District of Columbia, has with the guardianship and estates of numerous veterans of various wars, I knew I was making myself unpopular with certain prominent citizens of the District who use Commissioner Fenning in their business. Since that time I have received three notices that if I pressed this matter against Commissioner Fenning and if I did not hold up, not only would I be ruined but my many friends who are faithful employees of certain departments of government in Washington would likewise be punished.

I realize that Commissioner Fenning is now a prominent citizen here. I realize the prominence of his political friends. I know the tremendous influence and power of the "Big Six" behind him, and when I say the "Big Six" that has no reference to Congress; it is, as you know, in the city.

I am already beginning to feel their influence. My punishment has already begun. Until I began this investigation for the last three years without an exception at every monthly meeting of the chamber of commerce and monthly banquet in Washington I have received a guest invitation, but since I have begun my investigation those invitations have stopped. [Laughter and applause.]

A month ago I was invited as an honor guest to the firemen's banquet held last night. All of the 800 firemen here felt kindly toward me and are my friends. I had introduced, fought for, and helped to pass both through the committee and the Congress a bill which gave them a day off each week in lieu of Sunday, something they had never had before. They were very grateful. I was therefore invited as an honor guest to their banquet last night. I appreciated the invitation as a great honor from these brave men. Yesterday the firemen's president and a distinguished editor of a Washington paper called me out in the hall and very regretfully told me that at that banquet I would be persona non grata to Commissioner Fenning. I did not go, because I knew that the job and welfare of each and all of these 800 worthy men were in the hands of Commissioner Fenning, who could ruin any of them by a mere stroke of the pen.

For a month I have been invited to the big banquet to-night—the real-estate banquet in Washington. I have received notice from one of my realtor friends that my presence there would be persona non grata to Commissioner Fenning, who is also to be there. Hence I shall not go to-night.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BLANTON. In just a moment.

Mr. JOHNSON of Washington. For just this statement. The gentleman can live very well without going to these banquets, can he not?

Mr. BLANTON. I will do my very best to survive it. I want to say that during the three years, at every monthly banquet of the chamber of commerce, I have only remained three times for their supper. Do you know why I went? I am your acting minority leader on the District Committee. You have the right to expect from me definite, concise information about every piece of District legislation that comes on the floor of the House, and I have gone down there simply as a matter of duty. When I ought to have been at home many times I have gone there to gather information, and when the business meeting would break up I would go home or go back to work at my office. I did not stay to the feasts they gave except on three occasions.

I also introduced a bill, got it through the committee, and helped to pass it through Congress into law, giving the policemen of this city, 1,200 of them, a day off in lieu of Sunday, something they had never had before. Naturally they are my friends and feel kindly toward me. I have always been invited to their banquets. They are to give an unusually big one at the Mayflower Hotel on the 15th of this month. Mr. Fenning is to be their honor guest and principal speaker, and I have not been invited. [Laughter.] My punishment has begun. [Laughter.] Verily, this commissioner has much

power and influence, for by the stroke of a pen he could ruin any one of these 1,200 brave policemen.

Mr. SUMMERS of Washington. The gentleman seems to be surviving very well.

Mr. BLANTON. But this is just the beginning of my punishment. They say I am to be ruined. Mr. Speaker, I have carefully prepared my speech in logical form, with exhibits and quotations from court records and from records of St. Elizabeths, including clippings and also affidavits of prominent individuals here. I can not read a speech. I never could. I want it to go in the RECORD in logical form, and I want to speak extemporaneously so I can give my colleagues a chance to ask me questions. I therefore ask leave that my speech may go in in logical form without my reading it.

The SPEAKER. The gentleman already has that privilege.

Mr. BLANTON. Then I will quit my manuscript. [Laughter.] I want to read you the main editorial in the Washington Post this morning:

POST EDITOR PROTECTS COMMISSIONER FENNING

The initial editorial, which is always the one deemed most important editorially, appearing in the Washington Post this morning was inspired by its multimillionaire editor, who, had he lived in Nero's time, would have harmlessly fiddled while Rome burned. He says:

The House Rules Committee has before it several resolutions providing for "investigations" of District officials and institutions, all of which it can well afford to throw in the wastebasket.

One of the resolutions proposes to investigate the legal practice of Commissioner Fenning. The President, in inquiring into Mr. Fenning's qualifications before appointing him commissioner, found nothing objectionable in the maintenance of this private law practice.

Mr. Fenning is entitled to public thanks for rendering his service.

ANYBODY WOULD SUIT HIM, IF OF THE RIGHT KIND

I am reliably informed by one of the most prominent Republicans in Washington that when the "Big Six" went to this millionaire editor and advised that they were thinking of having the President appoint Frederick A. Fenning to succeed Mr. Oyster as commissioner, and asked whether he had any objection, that he replied: "Oh, a negro would suit me, if he is the kind we want." So Commissioner Fenning being the kind the "Big Six" and the millionaire editor wanted, what does he care how many veterans of wars Fenning exploits or how many sane, helpless women Fenning keeps stored away in insane asylums while he robs them?

REJOICES IN AFFRONT GIVEN ME

And on his second page he tells of the annual banquet of the firemen last night, and in large headlines says, "Fenning gives talk—BLANTON not present," and then, under a large sub-heading, "BLANTON does not attend," he says:

Representative THOMAS L. BLANTON, of Texas, failed to attend. Whether it was because of the presence of Commissioner Fenning, whom he has been attacking in Congress, could not be ascertained.

E. F. Colladay (Republican national committeeman) predicted that the bill providing free uniforms would go through.

Was not that funny? And was not it funny that Republican National Committeeman Edward F. Colladay should all of a sudden decide to attend a banquet with Commissioner Fenning, whom he has been defending against my charges and whom he has been trying to protect by trying to keep my resolution from passing to investigate Fenning? It was funny indeed that the most interesting thing he could think of to say to these brave fire fighters of Washington was that my "bill to give them free uniforms would go through." Because it is my bill, and I got it through the committee, and got it passed by the House about two months ago, and it is now in the Senate. But I must get to my subject.

Mr. Speaker and gentlemen of the House, when my investigation concerning the exploitation of veterans of the World War, alleged to be of unsound mind and incarcerated in St. Elizabeths, a Government hospital here for the insane, brought to my attention the combination and concert of action between Dr. William A. White, superintendent of St. Elizabeths, and Mr. Frederick A. Fenning, Commissioner of the District of Columbia, I never dreamed that such combination extended back for a quarter of a century and began with an exploitation of veterans of the Civil War.

And when my investigation unfolded as incidents to and aiders and abettors of said combination, Undertaker Gawler and Dr. J. Ramsay Nevitt, coroner of the District and brother-in-law to Commissioner Fenning, I never dreamed that they were incidents to a like combination operating together as far back as a quarter of a hundred years ago.

Back tracking this interesting combination has gradually unfolded its history and revealed an almost unbelievable state of facts.

PUBLIC AROUSED 20 YEARS AGO

In April, 1906, 20 years ago, the press of Washington was charging Dr. William A. White and Frederick A. Fenning, Esq., with high crimes and misdemeanors. The Medico-Legal Society, composed of physicians and attorneys of Washington, was likewise charging them with many improper practices. Hon. Frank Clark, until recently our colleague from Florida, also was charging an unlawful combination between Dr. William A. White and Mr. Frederick A. Fenning. He introduced a resolution for a special committee of five to investigate St. Elizabeths, which passed, but when the committee was appointed Frank Clark was not included in its personnel.

FREDERICK A. FENNING PRESENT THROUGHOUT HEARING

The committee organized on May 4, 1906, with Dr. William A. White and Mr. Frederick A. Fenning present. From the dusty basement of the Capitol I have secured a copy of these interesting hearings of 2,251 printed pages. Three members voted a whitewash, and it would seem their report evidently was written by Doctor White himself, while the other two members, James Hay and Robert M. Wallace, filed their separate report, from which I quote the following excerpts:

That attendants have treated patients cruelly, both by blows and neglect, is proved beyond doubt, no less than 40 witnesses having testified to specific instances of cruelty; 26 of them were attendants and ex-attendants. A management under which such instances could happen, and under which they continue to happen, must be faulty. There is a certain amount of callousness displayed both by physicians and attendants, as well as a want of sympathy with these unfortunate people.

The great preponderance of the testimony is that the food is generally badly prepared, badly served, and oftentimes is not of such a kind as to be fit for consumption. It appears that the food served from the general kitchen is cold and unpalatable, that it is sometimes insufficient, and sometimes not fit to eat. Forty-one witnesses testified to one or the other of these conditions, and these witnesses are for the most part employees of the hospital. The meat is frequently bad, inspected by persons who are entirely inexperienced. There is no excuse for any or all of these conditions. The Government of the United States makes a very generous appropriation for the care of these unfortunates, and if properly managed and judiciously expended these appropriations are ample to provide good, palatable food, well cooked and properly served.

It has seemed to us that the manner of commitment of soldiers and sailors to the hospital is not in accord with those principles of law and justice which should be applied in cases involving the liberty and property of the citizens of this country. The law seems to provide that in the case of an enlisted soldier or sailor, or of a retired soldier or sailor, he can be committed to the hospital upon an order of the Secretary of War or of the Navy, as the case may be. It seems to us clear that these people should be entitled to a jury trial before they are deprived of their liberty.

But the case of the soldiers sent to the hospital from the different soldiers' homes is even worse. They are committed to the hospital upon the order of the president of the board of managers of the National Home for Disabled Volunteer Soldiers. No process of any kind is invoked. And from the evidence it appears that the president acts upon the ipse dixit of the surgeons of the different homes. Surely a jury trial ought to be had in these cases, especially when it appears that men have been committed to the hospital who were not insane.

It is difficult to say how much is spent each year for the maintenance and support of this hospital.

It is desired to call attention to the very large powers exercised by the superintendent, who practically appoints every employee of the institution and fixes the salaries of these employees. It would be superfluous to point out the evils which inevitably result from placing in the hands of one man the power not only to fix salaries but to raise and lower them at his will and pleasure.

The superintendent's office is a most important one and great care should be used in filling it. We might call attention to the Maenche case for the purpose of showing to what extent the power of the superintendent extends and how it may be abused. Maenche was superintendent of the laundry, where a large number of people are employed. He was reported on two occasions for an offense, with no investigation and no excuse for not having one, though the charge was well founded.

With the growth of the hospital it has been more and more impossible for the board of visitors to exercise necessary supervision. There are many wards into which the board of visitors do not go once in a year. There should be inspection by disinterested and impartial men whose duty it is to report upon every phase of management, and without fear or favor fearlessly expose any abuse which may exist. It should be inspected by some agency corresponding to lunacy commissions of States. Doctor White opposed such a method of inspection.

The undersigned would also call attention to the loose management of the finances of the institution. There has arisen a good many abuses.

JAMES HAY,
ROBERT M. WALLACE.

TWO OUT OF FIVE

The above report was signed by two of the five Congressmen who conducted the hearing. If one of the others had joined them, the above would have been the majority report submitted to Congress. And the great preponderance of the evidence, in many instances undisputed, supported the above report. As Frederick A. Fenning was merely a private lawyer and not then a public official, he was not mentioned in the report.

BUT FREDERICK A. FENNING WAS MENTIONED IN THE EVIDENCE

As soon as the committee organized the hearing, our former colleague from Florida, Hon. Frank Clark, in the presence of Mr. Frederick A. Fenning, stated:

We expect to show, Mr. Chairman, that it has been the custom of Doctor White to go into court in lunacy proceedings and ask for a writ of lunacy to be issued in the case of some old soldier incarcerated in the asylum, and that it was his invariable practice in the petition for the writ to name Mr. Fenning as the proper person to be named as the committee of the lunatic, Mr. Fenning being an attorney here in the city. We expect to show that usually the attorney who drafted the petition was Mr. Fenning's law partner, and that he received a fee. Mr. Fenning, as the committee, received a fee of 10 per cent, and the court officials received fees, all out of the pittance due to the old soldier by the Government. Our insistence is that a man should not be incarcerated in this hospital for the insane until his insanity has been determined.

THE ABOVE HAPPENED 20 YEARS AGO

Is it not strange that Congressman Clark 20 years ago charged Mr. Frederick A. Fenning with having done just what I am now charging him with doing at this time and with having done continuously for over a quarter of a century? And Congressman Clark, who preferred the charges, requested the committee to permit him to ask the witnesses questions, but this right was denied him. Yet if you will examine page 16 of the hearings, you will see that Mr. Frederick A. Fenning "buted in," attempting to discredit witnesses, and that he was present at each meeting, his presence being noted in the hearings.

TESTIMONY AGAINST FENNING 20 YEARS AGO

I will now quote some excerpts from the testimony of sworn witnesses given at this hearing 20 years ago. This is House of Representatives Report No. 7644, Fifty-ninth Congress, second session, with hearings attached, embracing 2,251 printed pages:

Judge A. W. Thomas under oath testified:

My name is A. W. Thomas. I am a member of the District bar, and practice here in Washington. I have had several habeas corpus cases, in bringing inmates before the courts. Among those are the cases of Mr. Logue, and the Corbetts. I found that Mr. Frederick A. Fenning, a member of the law firm of Coldren & Fenning, practicing attorneys, was committee. So I examined the records of the Supreme Court of the District of Columbia, and I found that from September 8, 1904, to November 25, 1905, Mr. Frederick A. Fenning had been appointed committee in 62 cases by the court; that fully three-fourths of those cases were cases of old soldiers. The old soldiers, in the great majority of those cases—in nearly all, in fact—were pensioners, and I examined to see how it was that he had so many of those cases. I found that in nearly all of those three-fourths of the 62 cases he was appointed the committee of the soldier upon the petition of the superintendent, Dr. William A. White, who recommended and suggested his appointment. I found that the petition of Superintendent White was drawn on the letterhead, and on the legal-cap paper and other paper of the law firm of Coldren & Fenning. I found that the records showed that the law firm of Coldren & Fenning represented the petitioner, W. A. White, in the proceedings. I found that in looking over the papers that Mr. Coldren, the law partner of Mr. Fenning, was charging, and was allowed a fee for drawing these petitions of \$10, \$15, \$20, and in some cases \$30. The drawing of the petition was a mere trivial matter. Any attorney could draw that very readily. I found that when the petition was sent to the court it was usually accompanied by the affidavit of two of the practicing physicians, under salary at the asylum. For that, in many cases in which settlement has been made of the case by Mr. Fenning, they have received a fee of \$10 or more. It occurred to me that the interest of Mr. Fenning in these cases was not that of a mere indifferent person.

APPOINTMENT NOT USUALLY SOUGHT AFTER

The courts usually appoint a committee for the ward of the Government and sometimes the court appoints attorneys, but the appointment is not sought after, nor is it sought after as a source of revenue.

PROFESSIONAL COMMITTEEMAN AIDED BY DOCTOR WHITE

It seemed to me that Mr. Fenning's attitude in the case was that of a professional committeeman, and in that he was largely aided by Superintendent White, who in nine-tenths of the cases suggested his appointment. It occurred to me that the appointment of a committee in these cases seemed superfluous. The pensions of the old soldiers amount to \$1,200 or \$2,000.

Mr. HAY. The law provides that the Secretary of the Interior shall pay it to the superintendent.

Mr. THOMAS. It seems to me that the Secretary of the Interior could make some regulation about that. Mr. Logue had \$470 and \$80 back pension, had been there six years, and did not want his pension. He said that when he got out he could go and get it. Here was that money safe in the Pension Department. By these proceedings brought by Mr. Fenning he puts his hand in the Pension Department and takes the money out, and in that transfer a very large proportion of that money is somehow distributed to the committeeman, and allowed as doctor's fees, and for various expenses.

Mr. Fenning, in addition to his claim for 10 per cent for collecting the \$400, charged for his services in investing this money and made a charge for services in paying it out, and if the interest was collected he would still make a charge for his services in collecting the interest.

AFTER SIX YEARS' INCARCERATION LOGUE CERTIFIED SANE

In the Logue case Mr. Fenning's attitude has not been one such as an ordinary committeeman would show. He placed every obstacle and delay he could to investigating the man's sanity. When Mr. Logue was brought into court Mr. Fenning opposed it and wanted a continuance. He got a continuance, and then still another continuance. Then, when he was finally discharged, I demanded final account of Mr. Fenning, so that Mr. Logue could have his money. Mr. Fenning demurred and said that he should have 30 days. But I said, "This man has no money; in 30 days he will starve." So the matter went over, and in several weeks we got it up. Judge Stafford said to Mr. Fenning, "This money belongs to this man; he is entitled to it; and I order you to pay down \$200 cash now to him, and then you can determine the rest." As to the rest of that money, six months have gone by and delays have been put in the way. We have brought proceedings to recover the money, and Mr. Fenning has questioned the law, and the man has not got his money yet; and I do not know that he will ever get it.

Superintendent White finally wrote that he had no objection to Mr. Logue's release, but we said that he must be released as sane. When the time came for the trial Superintendent White signed the certificate of sanity. He had been there nearly six years, and there never was anything the matter with him, except that when he went there he had been treated for alcoholism. He had been perfectly sane ever since.

The same course was pursued in the Corbett case. Those ladies were taken to the asylum without any warning. Their goods were sold (by Mr. Fenning) without any warning. A valuable painting, valued at about \$1,200, was sold for almost nothing.

Mr. SMYSER. Do you think, Mr. Thomas, that there is collusion between Doctor White and Mr. Fenning?

Mr. THOMAS. I would have no right to express a criticism of that kind, but I would think that it is exceedingly fortunate for Mr. Fenning that Doctor White recognizes him in that way. Otherwise he would hardly be appointed to so many cases. Probably one-half of all the committee cases in the record show the name of Frederick A. Fenning.

Mr. SMYSER. Do you think there is anything sinister in it?

Mr. THOMAS. I would not feel that it was proper for me to say anything other than that it is very fortunate for Mr. Fenning that it is done. Certainly it must be done not by mere accident, because these petitions are brought by Coldren & Fenning as attorneys for the superintendent. It must have been done by the consent or agreement or knowledge of the superintendent. He signs these things.

Mr. SMYSER. Can you suggest any reason why Doctor White should be interested in naming the committee?

Mr. THOMAS. I do not think he would have any proper reason to recommend anybody.

Mr. SMYSER. Would he have any improper reason?

Mr. THOMAS. It must be some personal favoritism, to say the least—some personal favoritism—wishing to help brother Fenning.

VETERAN OF THE CIVIL WAR

One of the said wards of Mr. Frederick A. Fenning, about whom Judge A. W. Thomas testified, Mr. William J. Logue, under oath testified at said hearing that he served in the Federal Army during the Civil War, and continued to serve in said Army for 20 years; that he had been drawing a pension since 1885; that he was sent to St. Elizabeths in 1899; that after six years he secured his release by order of court on habeas corpus; that Fenning had received \$648 of his money, and that all he ever got was \$13 while in St. Elizabeths and \$200 which the court ordered Fenning to pay him.

Let me quote just a few paragraphs from his examination before the hearing:

Mr. LOGUE. I don't know how Mr. Fenning came to draw the pension when it was drawn over there. My name was on the rolls over at the asylum, and the pension was drawn there and turned over to him.

Mr. HAY. Then there was drawn for you while you were at the hospital about \$700?

Mr. LOGUE. Six hundred and forty-eight dollars.

Mr. HAY. Six hundred and forty-eight dollars?

Mr. LOGUE. Yes, sir; outside of the interest that would be on it if it had been put at interest, as the man said he did.

Mr. HAY. Were there any different kind of clothes furnished you from what were furnished all the other inmates?

Mr. LOGUE. No, sir.

Mr. HAY. Did you have a different kind of food from what the others had?

Mr. LOGUE. No, sir; I drew the general run of clothes over there, and, of course, the rations were all alike.

Mr. HAY. Did you ever get any chewing tobacco or smoking tobacco outside of what they gave to all of the patients?

Mr. LOGUE. No, sir.

Mr. HAY. What was the necessity of Mr. Fenning qualifying as your guardian, anyhow?

Mr. LOGUE. I do not know. He never seen me and I never seen him. I heard from a patient that this man Fenning was my guardian and that he had my money drawing 4 per cent. I said: "I do not know Fenning." About a month afterward this man Fenning came over and seen me. When I was released I saw him in the court room and he never spoke to me.

Mr. HAY. Did any of the physicians out there talk to you about whether or not you had a pension?

Mr. LOGUE. About two years ago, when I wanted to come to town, Mr. Hummer asked me if I had any money. I said: "Yes; lots of it." He asked me where it was and I said: "In the United States Treasury." He spoke up quick and says: "Are you a pensioner?" I said: "Yes." In about six months after that I heard about this man Fenning being my guardian. While waiting for them to turn me loose I preferred for my money to remain in good hands in the Pension Department, which was better than Fenning's, in my estimation. Now I am poorer than I was when I went there.

Mr. BARCHFIELD. How old a man are you?

Mr. LOGUE. On the 4th of July I will be 66 years old, sir.

HIGH-WALLED GROUNDS AND IRON-BARRED WINDOWS OF ST. ELIZABETHS SHUT OUT THE WORLD.

Can anyone conceive of a more horrible injustice? This faithful old soldier, 66 years old, who had loyally served his country throughout the Civil War and for 20 years thereafter, was forcibly segregated from the rest of the world and buried behind the iron bars of St. Elizabeths for six long years when he was not of unsound mind but sane, and was not only proven of sound mind by a jury but was certified to be of sound mind by Dr. William A. White himself, when Judge A. W. Thomas forced a hearing before the courts. And during this time Mr. Frederick A. Fenning had exploited his money and had made every attempt possible to prevent his regaining his deserved liberty. Now, let us look into the Corbett case, mentioned by Judge Thomas.

Miss Cornelia L. Corbett testified under oath:

Miss CORBETT. Yes, sir; we (her mother and herself) were taken out there Saturday afternoon, June 11, 1904.

The CHAIRMAN. Do you know whether any proceedings were had before you were taken out there? Was there a regular court commitment?

Miss CORBETT. The day we were taken there they came in without any warning whatever. We had not the least idea that any such thing was premeditated. We were taken right out of the house. They had a patrol wagon in front of the house. They had a large Irish policeman and a private detective, a woman, I do not know who she was, a lady physician, and a large black policeman; and they put us in a patrol wagon, and there were two men on the front seat of this wagon. We were taken right over to St. Elizabeths without any warning whatever. They came right in our house.

Mr. SMYSER. Have you seen the board of visitors?

Miss CORBETT. No, sir; I have never seen them. I think they have visited the building occasionally—not all of them, but a few of the members.

Mr. SMYSER. Have you ever had a talk with any of them?

Miss CORBETT. No, sir.

Mr. SMYSER. Do you not have a separate room?

Miss CORBETT. Yes, sir; with my mother.

The CHAIRMAN. You have been taking care of your own room?

Miss CORBETT. Yes, sir. I have taken charge of everything about myself, ever since I have been there. Even when my mother was ill I attended to her altogether.

The CHAIRMAN. You nursed her?

Miss CORBETT. Yes, sir.

Mr. HAY. What was the character of her illness?

Miss CORBETT. Soon after she was taken over the shock was so great and the humiliation, altogether, that she had a slight stroke of paralysis, and she was ill for a number of weeks—very ill.

Mr. HAY. You have taken complete charge of her?

Miss CORBETT. Yes, sir. Occasionally I would have to call on the nurses to help me; but very seldom.

Mr. HAY. Is there anything you desire to say yourself, Miss Corbett?

Miss CORBETT. Well, only of the injustice of the whole proceeding—of being taken out of our home in the way we were. And then we were taken to court after we had been in St. Elizabeths two weeks; and in three weeks' time the contents of the whole home were sold without our knowledge, and sold for a very small sum. Of course, that naturally affected us very much. And then they told us after all our things were disposed of that unless we had money or a home to go to that that would affect our being allowed to go free. Of course, we were thrown in the insane asylum without any justice, and while we were in there everything we had was disposed of.

Mr. HAY. You do not know who sold them?

Miss CORBETT. Mr. Fenning, Lawyer Fenning, was given authority—what they call the committee in charge of our affairs—and he sold them. He was the one who sold them.

The CHAIRMAN. After you went to the hospital, were you taken to the Supreme Court of the District?

Miss CORBETT. On the 24th of June. We were taken in on June 11, and the 24th we were taken to court; but we were not allowed any witnesses.

Mr. HAY. You do not know how much the personal property was sold for do you?

Miss CORBETT. Yes, sir; they told us it was sold for nearly \$500.

Mr. HAY. What kind of personal property was it?

Miss CORBETT. We had very valuable paintings, pictures, books, and some rare pieces of furniture and bric-a-brac. They sold an organ for \$40 that cost over \$400. One painting cost \$1,500; and we had a great many rare things—heirlooms and personal property, even my writing desk. They sold the desk and sorted out what letters they wanted to destroy, and gave me those that were of no use.

Mr. HAY. What do you do, Miss Corbett?

Miss CORBETT. I embroider and do all kinds of fancy work, and I have made a great many things.

Mr. HAY. Have you any piece of embroidery with you?

Miss CORBETT. I have this waist [indicating waist worn by witness] that I embroidered. That is one thing. But I have a great many other things—colored embroidery—in silk.

FREDERICK A. FENNING TESTIFIED 20 YEARS AGO

I will now quote some very interesting excerpts from the testimony of Frederick A. Fenning before said hearing in 1906. His admissions then are most damaging just now. I quote only such portions as I deem material:

Frederick A. Fenning, having been duly sworn, testified:

Mr. HAY. Mr. Fenning, you are a practicing attorney here?

Mr. FENNING. I am.

Mr. HAY. How long have you been at the bar?

Mr. FENNING. Nearly five years.

Mr. HAY. How long have you been employed in these cases at the hospital?

Mr. FENNING. Well, if the committee please, I can give you a rather concise statement as to how I became connected with these cases.

Mr. HAY. Yes; go ahead.

Mr. FENNING. When I was at the United States pension agency, in the Government service, I had charge for a good many years of the payments of pensions to fiduciaries. All of the payments to guardians, committees, or conservators have been through me.

It seemed to me there was a field here for a man to act as what might be called a quasi public guardian.

Within two months after I resigned from the Government service and took that up, business of that nature began to come in; and I have been appointed and I am now committee of, I think, about 65 lunatics, and 1 habitual drunkard and guardian of about 7 minor children.

When I took that matter up with some of the judges of the courts, as I did in the first instance, and told them what I was ready to do, Mr. Justice Barnard, who was then holding probate court and also hearing lunacy cases, remarked that he would be glad to appoint me in such cases, but he was practically in every case guided by the recommendation of the petition; that if a petition came to him suggesting some one else, and that person was a proper person; he should feel that he ought to appoint that person. Then it was up to me to see that I was the person suggested in the petition.

IS NOT THAT ADMISSION MOST REMARKABLE?

Mr. Speaker and gentlemen of the House, that is the most remarkable admission that I ever heard any attorney, who claimed reputable standing, make. Did you get its full significance? Mr. Frederick A. Fenning back in 1906 then testified: "Then it was up to me to see that I was the person suggested in the petition." Is there no law against barratry here

in the District of Columbia? Is there no bar association to regulate such indecent "begging for law business"? But let me quote further excerpts from his testimony:

TESTIMONY OF MR. FENNING IN 1906, CONTINUED:

Mr. FENNING. Then it was up to me to see that I was the person suggested in the petition, because the judge had made it rather plain to me that he did not care, unless there was an unusual reason for it, to neglect the suggestion shown in the petition.

With particular reference to what physicians and how many physicians should testify in lunacy cases, Justice Barnard agreed with me that in accordance with the old Maryland law there ought to be the testimony of at least two medical men. The conclusion was reached that the ideal arrangement would be to have one physician from the hospital and one physician from the city.

I have had Doctor Nevitt, who used to be the police surgeon here, and who has testified on the stand that while he was police surgeon he testified in from 600 to 800 cases.

The question came up years ago as to whether a physician on the pay roll at the Government Hospital for the Insane could properly receive a fee in those cases. So I submitted to the justice in November, 1904, bills for \$10 each that I had received from Doctor Hummer, of the hospital, and from Doctor Nevitt, of the city. He asked me if I could find any law on the subject which would operate to prevent a physician at the hospital receiving a fee, and my recollection is that the only law I could find and cite was the statute which provides that an employee of the United States testifying in a case in which the United States is a party shall receive nothing in addition to his actual expenses. He signed this order:

"In re John Crowe, lunatic, lunacy No. 1652.

"The committee in the above-entitled cause, having appeared in court and informed the court that he has received bills for \$10 each from Dr. Harry R. Hummer, Government Hospital for the Insane, and Dr. J. Ramsay Nevitt, Washington, D. C., for their services as expert witnesses at the lunacy proceeding held in this cause June 20, 1904, it is by the court this 14th day of November, 1904,

"Ordered, That the committee be, and is hereby, authorized and directed to pay the said bills from the funds of said lunatic.

"THOMAS H. ANDERSON, Justice."

Charles O'Neil was a retired soldier of the Marine Corps. I was appointed in this case at the suggestion of Doctor White, who filed the petition. I took in altogether \$250.72 belonging to that man, and I paid for the ward's burial, and that left a balance in my hands amounting to less than \$75. I suggested "that this estate can best be closed by authorizing the purchase of a suitable headstone to be erected over the grave of the ward." The court agreed.

Mr. HAY. As I understand it, you went into this business on your own account. You saw that there was a field here, as you say, and you thought that it would be a good field, and you have continued in that line—

Mr. FENNING. Yes, sir.

Mr. HAY. And you have continued not only to solicit these cases from the Government Hospital for the Insane but from others.

Mr. FENNING. From every institution and from all the attorneys I could reach; from anybody who was connected in any way with a case requiring the services of a fiduciary.

Mr. HAY. Some intimation has been made that perhaps you were, to use a vulgar term, in cahoots with somebody out at that institution, and that they get a part of your fees, or that you compensate them in consideration of the fact that you are employed in a case. Is there anything in that?

Mr. FENNING. No; there is absolutely nothing in that.

Mr. HAY. A good deal has been said about the case of Miss or Mrs. Corbett. I wish you would explain about that. It has been stated here, and I believe there has appeared in the public print in some newspaper—

Mr. BARCHFIELD. Truth.

Mr. HAY. Yes—that you sold a large amount of property there for a very small amount of money.

Mr. FENNING. I can tell you in a few words the history of that case. Those ladies were adjudged insane about June, 1904—Mrs. Corbett and her daughter.

Doctor Hamlin . . . said that the furniture and clothing and personal belongings of these ladies were out in a house in Eckington which they had been occupying for some time. I at once filed with the chief of police a certificate showing my authority, and he turned the property over to me. I told the superintendent that there was one question that I wanted to have definitely answered and that was whether there was a possibility of the early recovery, or the recovery within a reasonable period, of either of those women. His answer to me was that the chance was about one in a million, and then I made up my mind that it was up to me, as committee, to do something, and the only thing to do was to get rid of the expenses. It would have been a very foolish thing to have stored that stuff. . . . I took those slips, those informal bids, for that is what they were, and I went over them and found out who would pay the highest price for each of the articles named on the slips. Then I took this offer of

prices to an auctioneer. He went out there with me and certified that he had personally examined the articles named in the schedule and that the prices named were good, fair prices for the articles. * * * As soon as I could after that, and after giving the announcement, I conducted that sale in person. I got for the goods that were sold an amount that was very much in excess of what the auctioneers expected to realize from the sale. * * * You must recollect that Mr. Corbett died some eight or nine years ago, and his affairs were administered in Virginia. * * * His executors received about \$25,000 from the sale of the real property, and about \$15,000 from the sale of the personal property, and claimed that Mrs. Corbett elected to take under the will, and for that reason she has not received anything to speak of from the estate.

Mr. HAY. There is a case of a man named Logue.

Mr. FENNING. * * * Mr. A. W. Thomas testifies here that my attitude was not that of an ordinary committeeman in the case; that he came to me and made a demand for the money—and he did. He came to my office immediately after Mr. Logue was discharged on habeas corpus proceedings and demanded the money. I told him most assuredly I was not going to pay him or Logue or anybody else the money until I accounted to the court. I probably told him that under the rules of the court after the auditor reported the account would have to lie 30 days in the clerk's office before it was approved. * * * Mr. Gawler, the undertaker, was in the next room and heard me fire him out.

I am going on this record here as saying that I am willing to do business by wholesale whenever I can get it.

Mr. HAY. Where they are inmates of the hospital and are taken by practically everybody to be insane, what is the use of putting their estates to the expense of these proceedings?

Mr. FENNING. As regards men who are soldiers, there is no reason why Congress could not control the whole thing. It would probably take the form of an act authorizing the department to pay the arrearages directly to the superintendent of the hospital, just as was done in the matter of pensions.

Mr. HAY. And if the soldiers were discharged cured it would be paid over to them?

Mr. FENNING. There is no doubt that Congress can have full authority over any fund coming from the United States.

Mr. KINDRED. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KINDRED. Will my distinguished friend the gentleman from Texas tell us whether he personally knows that it was a violation of law for the doctors at St. Elizabeths to join in the commitment?

Mr. BLANTON. And receive a fee for it?

Mr. KINDRED. Yes.

Mr. BLANTON. I will state that it is against the law. I know that my distinguished friend from New York is one of the most renowned alienists of the United States. Doctor White is another alienist. [Laughter.] There is a fellow feeling between alienists. Doctor White is the kind of alienist who, although the law says—the fundamental law that created St. Elizabeths—that he must give every moment of his time to that institution, he is the kind of alienist who goes to New York to testify, and goes to Philadelphia to testify, and goes to Baltimore to testify, as he admitted he did, and he went once to Chicago, where he stayed two weeks in the Leopold and Loeb case and testified and received, as he says, \$250 a day for two weeks for selling his testimony to save the necks of these two educated murderers who ought to have been hung.

Mr. KINDRED. The gentleman from Texas wants to be fair even to alienists.

Mr. BLANTON. Yes; and when I get through you will quit your friend Doctor White, the alienist at St. Elizabeths Hospital, because I have all confidence in my distinguished friend from New York, and I know that his heart is right.

Mr. KINDRED. Will the gentleman give me 10 minutes to reply?

Mr. BLANTON. I will not object, but I do not want the gentleman to take up my time.

Mr. KING. A parliamentary inquiry, Mr. Speaker. What the gentleman says is important, and I wonder whether it will be printed in the CONGRESSIONAL RECORD. The gentleman put in his speech a few minutes ago, and I wondered whether this one he is now making will be printed.

Mr. BLANTON. I am going to revise it and put it in a logical form.

Mr. KINDRED. Will the gentleman yield?

Mr. BLANTON. Not now. I must continue where I left off quoting the testimony Frederick A. Fenning gave under oath 20 years ago, before the congressional hearing, to wit:

Mr. HAY. Mr. Fenning, some criticism has been made by some of these gentlemen of the fact that you have in some cases in which you were guardian paid a fee to Mr. Coldren, your law partner.

Mr. FENNING. In cases in which Mr. Coldren appears as attorney he appears as attorney for the case. The practice is to have an attorney in each case. If I am appointed committee in a case and no attorney handles the case—if I handle the case myself—then I am entitled to under our practice and the auditor will allow me—additional compensation for what I have done. He will add to what would otherwise be the commission a sum equal to what I would have paid to other counsel.

Mr. SMYSER. He whips the devil around the other way.

Mr. FENNING. Is that what you call it in Ohio?

Mr. SMYSER. Yes, sir.

Mr. HAY. I think the point of criticism was not as to the fact of the employment of counsel but the fact that Mr. Coldren was your law partner.

Mr. FENNING. I can not see how that would enter into it, Mr. Hay, or how that could be criticized, for, as I have just stated, if I did the work myself I would get additional compensation for it. I do not think it looks very well on the face of it to have an attorney who handles the case also act as committee. I think if you can bring in a disinterested man, as an attorney usually is, and have him act as counsel in the case, it shows better on the record. It does not have a cut-and-dried appearance, as you might say.

The CHAIRMAN. Does not that same condition of affairs obtain where a man's partner acts for him? I mean, does it not have the same cut-and-dried appearance?

Mr. FENNING. I can not see the difference, Mr. Chairman, between Mr. Coldren acting as counsel in a case in which I am committee and Mr. Lerner, the general counsel of the Washington Loan & Trust Co., acting as counsel in a case in which the Washington Loan & Trust Co. is committee.

Mr. HAY. In other words, you do not share these fees with Mr. Coldren, do you?

Mr. FENNING. Mr. Coldren gets the counsel fee, and I get the commission.

Mr. HAY. But do you not share with Mr. Coldren any of the counsel fees?

Mr. FENNING. It all goes to him as counsel, and all the commission comes to me as the committee.

SUPPOSE THE INTERROGATION HAD STOPPED THERE?

If the committee had stopped there, just the opposite of the real facts would have been understood, as Mr. Fenning tried to make it appear that there was no general division of fees between him and his law partner of this double-fee system. But the committee, with a corkscrew, had to twist the facts out of him by pinning him down with direct specific questions that he could not longer evade. Note the further examination:

Mr. SMYSER. Do you divide up? Do you throw it into hodgepodge and then divide?

Mr. FENNING. Mr. Coldren and I have a general partnership.

Mr. SMYSER. These fees that he gets in these cases, are they divided with you?

Mr. FENNING. All professional business done by either member of the firm is considered as firm business—yes, sir.

Mr. HAY. In whatever way it comes in?

Mr. FENNING. Yes; the professional time of each member of the firm belongs to the firm.

Mr. SMYSER. Do you yourself feel that you have transgressed the ethics of the profession?

Mr. FENNING. No, sir; I do not. I have been criticized by one or two members of the Medico-Legal Society in this proceeding, and it has been said that I have appeared in court and have endeavored to oppose habeas corpus proceedings and have thrown obstacles in the way of persons getting out of the hospital. I am frank to admit that in the Corbett case—I am the committee of Mrs. Corbett—I went into the court when the habeas corpus proceeding was about to be heard and told the judge that as committee of Mrs. Corbett I had looked carefully into the case since she had filed her petition for a writ of habeas corpus, and my opinion was that the best interests of Mrs. Corbett demanded that she remain where she was, and that that being the case I was going to appear with the district attorney in opposition to the issuance of the writ.

THAT WAS A MOST DAMNING ADMISSION

Note that Frederick A. Fenning admitted that he kept the court from discharging Miss Cornelia Corbett and her widowed mother, when they were trying to get out of St. Elizabeths. But history has revealed his infamous perfidy. For shortly after said hearings had concluded, Hon. Robert H. McNeill, a Washington attorney, had Miss Cornelia Corbett and her mother brought before the court on writ of habeas corpus, and after trial, they were declared to be absolutely sane and of sound mind, and by the court were liberated from St. Elizabeths. It is not possible for any of us to picture all of the suffering, humiliation and injury these two poor defenseless women underwent during the nearly three years that Frederick

A. Fenning wrongfully kept them incarcerated in this insane asylum, in order to draw his 10 per cent from their property which he had squandered.

Remember how he sold it. And he called their most treasured belongings "that stuff." His exact words were—

It would have been a very foolish thing to have stored that stuff.

He did not accidentally say "that stuff," because just a minute before he used the expression "in caring for that stuff." It was not "stuff" to these poor helpless women. It was all they had. It was what constituted their home. It was family heirlooms of several generations. It meant everything to them. And you must not forget how Miss Corbett testified that she and her mother were cruelly taken from their home and shanghaied into St. Elizabeths Insane Asylum. Any man of ordinary judgment ought to have known that both mother and daughter would not lose their minds simultaneously except under extraordinary situations of fright. It is almost providential that they did not lose their minds, for this is what Miss Corbett testified:

MISS CORBETT. The day we were taken there they came in without any warning whatever. We had not the least idea that any such thing was premeditated. We were taken right out of the house. They had a patrol wagon in front of the house. They had a large Irish policeman and a private detective, a woman—I don't know who she was—a lady physician, and a large, black policeman; and they put us in a patrol wagon, and there were two men on the front seat of this wagon. We were taken right over to St. Elizabeths without any warning whatever.

And then she told how the shock and humiliation nearly killed her mother and how she had to nurse her. My God! It makes my blood boil to think about it, especially when I remember that this vulture is now a Commissioner of the District of Columbia, living in honor and luxury. But, thank God, this brave attorney, Robert H. McNeill, did not stop when he forced their release through habeas corpus, but he brought suit in the Supreme Court of the District of Columbia against Frederick A. Fenning and by the verdict of a jury of his peers forced him to pay back to Miss Corbett part of that which the court held Frederick A. Fenning had defrauded them out of when he sold their property for less than it was worth. I would hate to be a judge and decide what punishment would be adequate for the sufferings Frederick A. Fenning caused these poor women. Miss Cornelia Corbett has filled an honored position in this city ever since she was liberated, but her poor mother is now dead.

WHAT MISS CORNELIA L. CORBETT SAYS ABOUT IT NOW

I, Miss Cornelia L. Corbett, being duly sworn, upon my oath, state: After my father's death, his estate consisting of at least \$75,000 was handled by dishonest executors; my mother and I were living in Eckington, then a suburb of Washington, on June 11, 1904, the executors having forced the sale of our former home on M Street NW.; there had never been any impairment of my mother's mind, or of my own, of any kind whatever; without any warning whatever on the afternoon of June 11, 1904, my mother and I were placed in the patrol wagon and forcibly carried to St. Elizabeths, just as detailed in my testimony which I gave before the congressional committee, when I testified at the hearing on May 7, 1906; in the corps of officers sent for us, one was a large negro policeman; in our first application for habeas corpus Mr. Frederick A. Fenning prevented our having any witnesses, and he caused the court not to release us, but to remand us back to St. Elizabeths without a proper hearing, and he did everything within his power to obstruct our efforts to get out, and to keep us there; the cruel shock and humiliation nearly killed my mother; no one will ever know just how much we both suffered there; Mr. Fenning practically gave away all of our household effects, the accumulation of a lifetime; he sold all of same for about \$600, out of which my mother received only \$20 in cash, and had a dentist bill of \$25 paid; and I received nothing; after the said hearing in May, 1906, Hon. Robert H. McNeill, an attorney of Washington, had granted a writ of habeas corpus, and through trial in court had us both declared sane and of sound mind, and by order of court discharged from St. Elizabeths, where for two years and four months Mr. Frederick A. Fenning had kept us incarcerated behind bars; I then brought suit against Mr. Fenning for my part of the effects he had sold, and the bill of particulars attached to my declaration in cause No. 49104, law, will show just what he had squandered of my property; he pleaded as an offset \$100 which he claimed he owed my mother, and it was allowed against my suit, but before a jury I secured a verdict against him and the judgment of the court, but he was able to cut my judgment down far below what really was due me; he did not appeal from my judgment, and after nearly two years I finally was able to make him pay it.

My mother was never able to collect anything from my father's estate, and it was all squandered. If Mr. Frederick A. Fenning had not kept my mother and myself unjustly shut up behind the bars of

St. Elizabeths for two years and four months we would have been able in all probability to have recovered something from my father's estate. I was released with my mother from St. Elizabeths under said order of court in October, 1906, and since then I have been employed in clerical capacities here in Washington. My mother had her life shortened very materially by that awful experience in St. Elizabeths, and she died sometime ago. It makes me shudder now to think of all the suffering Mr. Frederick A. Fenning caused us; and, just to think, he did it all for the fees and commissions he got out of our property. I am not vindictive, but I do appeal to the Congress of the United States to see to it that this man is not permitted to occupy the important position of Commissioner of the District of Columbia.

MISS CORNELIA L. CORBETT.

Sworn to and subscribed by the said Miss Cornelia L. Corbett before me, the undersigned notary, on this the 6th day of April, A. D. 1926. Given under my hand and seal of office.

[SEAL.]

HOWARD F. BRESEE,

Notary Public in and for the District of Columbia.

My commission expires May 9, 1926.

JUST WHAT SHOULD BE HIS PROPER PUNISHMENT?

If Frederick A. Fenning were now placed in a penitentiary and kept there 25 years the punishment would hardly be adequate for all of the injustice and suffering he has caused these two poor, helpless women alone, not considering the many, many others he has robbed and defrauded.

PROPERTY OF MISS CORNELIA CORBETT SQUANDERED BY FENNING

The following is a list of her property, which in her suit No. 49104 against Frederick A. Fenning, Miss Cornelia Corbett listed in her bill of particulars as having been wrongfully taken and squandered by Fenning while she was unlawfully incarcerated in St. Elizabeths:

Bill of particulars	
Music cabinet.....	\$32.00
Music chair and cushion.....	12.00
Violin.....	45.00
Estey organ.....	450.00
Music books.....	10.00
Old mahogany chest of drawers.....	30.00
Little sewing chair.....	7.00
Small oak table.....	1.50
Office table.....	4.75
Hand-carved bracket.....	3.00
Brackets, hand carved—heads of Grant and Colfax.....	10.00
Library table, solid cherry.....	33.00
Satin wood writing desk and contents.....	13.00
Walnut bedroom set.....	100.00
Mattresses.....	14.00
Four pair feather pillows; two bolsters.....	11.00
Lamp and bisque shade.....	18.00
Bookcase.....	80.00
Bookcase made from wood on grandfather C's farm.....	15.00
Books.....	500.00
Portrait of Grandfather Hood.....	150.00
Portrait of Grandmother Corbett.....	100.00
Portrait of Male Van Slyke.....	25.00
Oil painting—"Indian Vespers".....	200.00
Oil painting by R. Turner—"Four-Mile Run".....	10.00
Oil painting by R. Turner—"Marine Venetian scene".....	1,500.00
Water color by R. Turner—"Cloisters Court".....	75.00
Small oil painting of mine.....	
Plaques, panels, etc., and screen.....	\$75.00
Framed photo of Napoleon.....	1.50
Crayon head—Kismet.....	2.00
Steel engravings, five in all; four at \$50 apiece and one at \$50.....	290.00
Bronze—Mercury and Iris.....	87.00
Bric-a-brac.....	100.00
Sardine dish, silver plated.....	2.00
Silver tea set.....	75.00
Silver ice set.....	30.00
Brass candlesticks, snuffers, and tray.....	7.00
Brass andirons, shovels, and tongs.....	10.00
China and glass pieces.....	
Chests containing art materials.....	
Two woven coverlets.....	40.00
Two silk quilts, unfinished.....	10.00
Large sofa pillow.....	5.00
Brittanna ware communion set and plates.....	15.00
Brass comb tray and brush.....	3.00
Old carved chair and sofa, rare.....	100.00
Old stone jar.....	25.00
Mink muff and stole with tails.....	20.00
Silver beaver muff.....	8.00
Felt hat.....	3.00
Several cloth skirts.....	7.00
Two crocheted afghans.....	6.00
Plaid shawl, new.....	6.00
Total.....	4,346.75

McNEILL & McNEILL,
Attorneys for Miss Corbett.

Note that no unusual price was fixed on any article, but that at present prices they would be worth several times the amount asked. For instance, note that she asked only \$14 for her mattresses and only \$11 for eight feather pillows and two feather bolsters.

BUYING FRIENDSHIP OF HOSPITAL DOCTORS WITH WARDS' MONEY

Remember that Frederick A. Fenning testified that he persuaded the court to allow a fee of \$10 to the physician in St.

Elizabeths who signed the certificate that a person was of unsound mind. To show just how careless Mr. Fenning was with his ward's money, I quote from said 1906 hearing the following excerpts from one of the senior assistants of St. Elizabeths, Doctor Hummer:

Mr. HAY. How many of these cases have you appeared in?

Doctor HUMMER. Why, I never stopped to calculate it. I suppose 40 or 50, and possibly more.

The CHAIRMAN. Did you get paid for your services in the Bastin case?

Doctor HUMMER. Yes; I got a fee of \$25 for examining that man.

The CHAIRMAN. Who paid you that?

Doctor HUMMER. Mr. Fenning paid me.

The CHAIRMAN. Who was the other physician?

Doctor HUMMER. The other physician was Doctor Nevitt, Coroner Nevitt. He is now coroner for the District. As near as I remember, the judge said, "What do you expect to pay these men for their services?" "Well," he says, "a reasonable amount." The judge says: "What do you suppose is a reasonable amount?" He said, "I think a fee of \$25," and I am informed that the judge signed an order authorizing him to pay two physicians a fee of \$25.

The CHAIRMAN. What is the usual compensation given in these cases?

Doctor HUMMER. Usually the compensation is \$10, sir.

Mr. HAY. Did you make any charge yourself or just leave it to Mr. Fenning?

Doctor HUMMER. Mr. Fenning called me up and said, "I think you are entitled to a fee for your services here," and I said, "All right; I will accept a fee."

Mr. HAY. You did not fix the fee?

Doctor HUMMER. No; I don't believe I said a word about a fee.

DR. J. RAMSAY NEVITT WAS HANDY ON CORONER CERTIFICATES

It will be remembered that Doctor Nevitt is a brother-in-law of Frederick A. Fenning. Since August, 1900, he has been coroner of the District. And the hearing of 1906 shows that Mr. Fenning used him as one of his physicians to swear his wards into St. Elizabeths, and for which Mr. Fenning paid him \$10 per, except we know that in the Bastin case he paid him \$25, notwithstanding that he was coroner. And in this hearing in 1906 complaint was then made that the coroner's certificate of death in the Brown case didn't state the real cause, as said patient had been allowed to burn by steam. Let me quote the following excerpts:

Mr. HAY. What was the charge about this man Brown?

Doctor NEVITT. The charge was that he did not die from the cause of death as recorded in the death certificate; but that he died from an injury.

Mr. SMYSER. Have you seen strait-jackets in use out there?

Doctor NEVITT. Yes, sir.

Mr. SMYSER. How frequently?

Doctor NEVITT. I have seen them on two occasions.

UNDERTAKER GAWLER

I quote from the 1906 hearings the following:

The CHAIRMAN. What is your business, Mr. Gawler?

Mr. GAWLER. Undertaker.

The CHAIRMAN. Do you frequently receive bodies from St. Elizabeths?

Mr. GAWLER. Very frequently; yes, sir.

Mr. WALLACE. How many do you get over there a year?

Mr. GAWLER. We get, I should say, about 45 or 50.

FENNING ATTORNEY FOR GAWLER

I have been reliably informed that Frederick A. Fenning has for years been attorney for Undertaker Gawler, and that he is a director of and owns stock in the company, and to ascertain the real facts I wrote to them the following letter, and received in reply their evasive answer:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 1, 1926.

PRESIDENT, JOSEPH GAWLER'S SONS (INC.),
730 Pennsylvania Avenue, N.W., Washington, D. C.

MY DEAR SIR: For use of our Committee on the District of Columbia will you kindly advise me of the following:

- (1) Is Mr. Frederick A. Fenning now attorney for your firm?
- (2) If he is not, then when did he cease to be such attorney?
- (3) Is Mr. Frederick A. Fenning now a director of your corporation? If not, was he ever a director of same, and, if so, when did he cease to be such director?
- (4) Does Mr. Frederick A. Fenning now own any stock in your corporation? If so, how much. And, if not, did he ever own any such stock, and, if so, how much, and when did he dispose of same?
- (5) Within the last 12 months, how many wards of Mr. Frederick A. Fenning, out at St. Elizabeths, have you acted as undertaker for when they died?

We have a lot of testimony concerning the above, which we are checking up, and we want to find out just what part of same is true, as we don't want to do an injustice either to you or to Mr. Fenning. Please let me have the above information frankly at your earliest convenience and oblige.

Very truly yours,

THOMAS L. BLANTON.

WAS THERE ANYTHING ASKED HARD TO ANSWER?

Just why should not Mr. Gawler furnish the above information to a Member of Congress? What was there improper about this letter? If there were no improper relation existing between Undertaker Gawler and Commissioner Fenning, why should not Mr. Gawler answer and say just what connection Mr. Fenning had with this business? Why should not Mr. Gawler be just as willing to give me the information as to give it to Chairman ZIEHLMAN? If Democrats were in power, I would probably be chairman instead of Mr. ZIEHLMAN. Hence we may apply the law respecting depositions, that when the adversary party refused to answer a proper question it is taken as confessed against him. Because Gawler refused to answer any of said questions, all of which were proper. Here is his reply:

JOSEPH GAWLER'S SONS (INC.),
Washington, D. C., April 3, 1926.

HON. THOMAS L. BLANTON,

House of Representatives, Washington, D. C.

DEAR SIR: We are in receipt of your letter of recent date asking numerous questions as to Mr. Frederick A. Fenning and as to the business of this corporation.

We note that your letter states this information is for the use of the District Committee. Upon receipt of a request from the chairman of that committee, or from the chairman of any other committee of Congress, such request will have our immediate attention.

Yours very truly,

JOSEPH GAWLER'S SONS (INC.),
By ALFRED B. GAWLER, President.

SUPT. WILLIAM A. WHITE 20 YEARS AGO

In their findings, based on their hearings 20 years ago, the committee reported:

The statutes provide that the objects of this insane asylum shall be the most humane care and enlightened curative treatment of the insane of the Army and Navy of the United States and of the District of Columbia; that the superintendent shall receive \$4,000 a year, shall be a well-educated physician, possessing competent experience in the care and treatment of the insane, who shall reside on the premises and devote his whole time to the welfare of the institution.

Dr. William A. White, superintendent, is professor of nervous and mental diseases in Georgetown University and professor of mental disease in George Washington University.

As to charges made in regard to improper bathing of patients in the same water that had been used by other patients, it appears from the testimony that in one or two instances this had been done.

On rare occasions a garment called a camisole is used.

During the time the committee visited the institution handcuffs were used on one individual.

Strait-jackets in St. Elizabeths do not exist.

LAST STATEMENT PROVES WHITWASH

The last statement of the majority report absolutely proves that it whitewashed Doctor White, for remember that Dr. J. Ramsay Nevitt, then coroner of the District and now coroner of the District and brother-in-law of Commissioner Fenning, testified that he had seen a strait-jacket used there on two occasions. And the majority report stated:

Altogether there are approximately 700 employees in the hospital; 300 come in contact with patients; and that the average number of patients there is 2,600.

And the committee recommended that "the law relative to the commitment of patients should be repealed and a new law enacted." Why did the three men signing the whitewash report recommend that? They had become convinced that people were being improperly and unjustly committed there.

TESTIMONY OF DR. WILLIAM A. WHITE 20 YEARS AGO

From the testimony of Dr. William A. White, given under oath before the congressional hearing 20 years ago, I will now quote the following excerpts:

The CHAIRMAN. You say the appropriation for the government of St. Elizabeths is given to you in a lump sum?

Doctor WHITE. In a lump sum; yes, sir.

The CHAIRMAN. And you can expend it entirely in your own discretion?

Doctor WHITE. Yes, sir.

The CHAIRMAN. I was coming to maintenance. You live in the asylum, do you not, Doctor?

Doctor WHITE. Yes, sir. * * * the men who are supposed to give their entire time to the institution are entitled, or it has been conceded they are entitled, to the maintenance of themselves and their families.

Mr. SMYER. Who concedes it?

Doctor WHITE. It has always been done. It has always been the custom.

Mr. SMYER. Suppose it has. How did it have its origin?

Doctor WHITE. I don't know.

CONCERNING APPOINTMENT OF GUARDIANS

Mr. HAY. Does the court act upon your petition?

Doctor WHITE. Yes, sir; usually upon my petition.

Mr. HAY. As to who the guardian shall be?

Doctor WHITE. Yes, sir; in many instances.

The CHAIRMAN. Doctor, when this petition is prepared is there a nomination of some particular person for guardian?

Doctor WHITE. In the petition?

The CHAIRMAN. Yes.

Doctor WHITE. Yes, sir; Mr. Fenning has usually been mentioned in the petition.

PHILIP THOMAS CASE

Mr. HAY. This is the guardian's report. He was appointed guardian on February 13, 1905, and he filed his final report in January, 1906. I see that he paid the coroner (Doctor Nevitt) a fee of \$10, not as coroner but as a physician and witness before the court and that he paid Doctor Toner a fee of \$10.

Doctor WHITE. Yes, sir.

Mr. HAY. And the whole of the estate going into the hands of the guardian was \$226 and some cents. Is it required under the law that two physicians shall give evidence before the court?

Doctor WHITE. I think so.

Mr. HAY. Then he charges a counsel fee of \$25, which he paid, to a Mr. Coldren. Then he charged a commission of \$22.61, which would make in fees, outside of clerk's fees, \$67, the estate amounting to \$226. Do you think that is reasonable—that is, where a gentleman does all the business of this character? Those are ex parte proceedings.

Doctor WHITE. I do not know Philip Thomas.

Mr. HAY. He was a private soldier; that is all.

DESPITE LAW DOES NOT DEVOTE ALL OF HIS TIME

Mr. SMYER. Are you called to Baltimore, Philadelphia, and New York as a witness at different times?

Doctor WHITE. Once in a great while.

REMEMBER LEOPOLD AND LOEB, CHICAGO, AT \$250 PER DAY

Mr. WALLACE. Doctor, were you ever the superintendent of any asylum for the insane before coming to St. Elizabeths?

Doctor WHITE. I was not.

Mr. WALLACE. There has been a good deal of talk about carriages and buggies. How many carriages and buggies have been furnished for your personal use?

Doctor WHITE. There are three carriages there that I use myself.

Mr. WALLACE. And how many horses?

Doctor WHITE. Two.

Mr. WALLACE. For your personal use?

Doctor WHITE. Yes.

Mr. WALLACE. How many automobiles are furnished for your personal use?

Doctor WHITE. Two.

Mr. WALLACE. You have already said that you are a single man?

Doctor WHITE. Yes, sir.

Mr. WALLACE. How many servants have you to care for the buggies, carriages, horses, and automobiles which are furnished for your personal use?

Doctor WHITE. They are all in the general stable, and are cared for by the stable force.

Mr. WALLACE. They are all general employees there, whose board is paid for by the Government?

Doctor WHITE. Yes, sir. We have a large stable, with a good many horses and a great many carriages, and they are all cared for by the general stable force. Of course, there is one man who drives for me usually, but his duties are not solely confined to that.

Mr. WALLACE. How many are there in that stable force?

Doctor WHITE. I should say there are perhaps a dozen men over there in the stable. I could not tell accurately.

WHERE GEORGE ROTHWELL BROWN GOT HIS POOH-BAH

Mr. WALLACE. Doctor, what is a Pooch-Bah?

Doctor WHITE. Pooch-Bah was a character in Mikado.

Mr. WALLACE. He was a sort of a generalissimo, was he not? That is what you meant by saying upon one occasion that "you were mayor, financier, and everything else over there"?

Doctor WHITE. Perhaps. I saw it in the Times last night.

Mr. WALLACE. This was in the Washington Star.

Doctor WHITE. I might have said it.

Mr. WALLACE. Who first introduced Mr. Frederick A. Fenning to you and suggested the arrangement you made with him, whereby you exe-

cuted so many petitions for his appointment as committee over the persons and properties of your ex-soldier patients?

Doctor WHITE. He may have introduced himself. I don't recall.

Mr. WALLACE. Did you have any knowledge of the fact that Doctor Nichols, Doctor Toner, Doctor Hummer, and others of your official staff, were getting fees of \$10 or more out of these ex-soldiers' pensions for testifying in these Fenning cases?

Doctor WHITE. I had knowledge they were getting a fee of \$10.

Mr. WALLACE. For the purpose of preparing these petitions in lunacy, does Mr. Fenning have free access to the hospital records of these cases and their army records?

Doctor WHITE. I think so.

Mr. WALLACE. Doctor, I believe you stated something about \$30,000 loss on the farm, did you not?

Doctor WHITE. Somebody else did.

Mr. WALLACE. Did Doctor Richardson, in his report for 1901, recommend abandoning general farming?

Doctor WHITE. I don't know, sir.

Mr. HAY. Would it not be a good thing for the Government to have a lunacy commission to inspect this institution?

Doctor WHITE. I can not see that anything would be accomplished. I do not see anything to be gained by it, Mr. Hay.

The CHAIRMAN. What do you know about the George Brown case?

Doctor WHITE. The scald case?

The CHAIRMAN. Brown.

Doctor WHITE. Yes; a man who was scalded.

The CHAIRMAN. Yes.

Doctor WHITE. I don't know that I can say anything about that, sir, except that I know the man was scalded.

The CHAIRMAN. You know the case of the Corbetts, do you not?

Doctor WHITE. Yes, sir.

The CHAIRMAN. They were a mother and daughter, were they not?

Doctor WHITE. Yes, sir.

The CHAIRMAN. Who was the committee appointed?

Doctor WHITE. Mr. Fenning.

FROM 20 YEARS AGO TO PRESENT

I have neither the time nor space to quote further from the hearing of 1906. I wish that every colleague here would read in that record of 2,251 printed pages the many, many cases of cruelty to our veterans of the Civil War and other poor unfortunates. How Congress after Congress has permitted Dr. William A. White to remain there throughout all these years is beyond my comprehension. But I desire to show that conditions there are growing worse all the time. When Congressmen go to St. Elizabeths they are taken to the "show wards" there, and they come away with a very erroneous impression, not knowing of all those immense grounds and buildings contain.

ARTICLES IN POST, 1923

In the issues of March 31, 1923, and April 1, 1923, appeared articles written by Mr. John Major for the Washington Post that referred directly to Frederick A. Fenning, although his name was not mentioned:

[Excerpts from Washington Post, Saturday, March 31, 1923]

Insane veterans pay out millions in fees—Lawyers, as guardians, said to be reaping harvest—Hines to fight practice.

The above are the headlines. Now let me quote excerpts from the article:

A searching investigation into the handling of allotments of insane and otherwise incompetent war veterans by attorneys and others who have been appointed by courts as legal guardians has been ordered by Brigadier General Hines, Director of the Veterans' Bureau.

The inquiry, it was learned yesterday, is to be conducted by William Wolff Smith, general counsel of the bureau.

My God! What a travesty on justice.

If I had known then what I know now about "Poker Bill" Smith I could have told General Hines then that his general counsel would accomplish nothing in his investigation of crooks.

But let me quote further from this article:

Under the present system of guardianship of incompetent veterans attorneys throughout the country have made millions of dollars, it was indicated.

WASHINGTON ATTORNEY GUARDIAN FOR 100

Here in Washington, it was learned yesterday, one attorney has been appointed through legal channels guardian for more than 100 veterans who are in St. Elizabeths Hospital now.

General Hines said yesterday the situation was first brought to his attention when he recently visited a Government hospital in Roxbury, Mass. "One veteran told me he was paying \$80 per month out of his allotment for guardian fees. 'I don't need a guardian and didn't ask for one.' I am starting an investigation."

[From Washington Post, Sunday, April 1, 1923]

Congress aids reap insane veterans' fees—Some secretaries said to be getting benefit—Hines is seeking names.

The above are headlines. Let me quote an excerpt from the article:

It was learned last night that records showed cases where secretaries to Congressmen had benefited as guardians. Gen. Frank T. Hines, Director of the Veterans' Bureau, has instructed William Wolff Smith, general counsel of bureau, to investigate.

And general counsel, "Poker Bill" Smith, did absolutely nothing. Not a guardian did he stop. When he learned that the Washington man who had 100 veterans as his wards in St. Elizabeths was Fenning he quit his investigating. But in 1924 General Hines had St. Elizabeths investigated.

INVESTIGATION OF ST. ELIZABETHS BY VETERANS' BUREAU

In April, 1924, Dr. Henry Ladd Stickney, who was then control officer, inspection division of the United States Veterans' Bureau, but who at this time is medical officer in charge of the bureau hospital at Rutland, Mass., was ordered to investigate St. Elizabeths.

He made such investigation and on April 26, 1924, filed his report and recommendations with Col. E. A. Shepherd, acting chief of the inspection division of the Veterans' Bureau.

CONDEMNED FREDERICK A. FENNING

In this report Dr. Henry Ladd Stickney condemned Commissioner Fenning. He certified the following:

The control officer learned that one Frederick A. Fenning, Esq., an attorney, whose office is in the Evans Building, appears to have certain privileges and concessions shown him in contacting claimants of the bureau at the hospital. At the present time he is guardian for over 100 bureau patients. He constantly opposes the transfer of his wards from St. Elizabeths Hospital to any other hospital outside of this jurisdiction. It has been learned unofficially that Doctor White, superintendent, is very friendly to Mr. Fenning. Question is raised as to the propriety of allowing one attorney in the city to obtain guardianship of so many of the beneficiaries of the bureau.

REPORT IN EFFECT AN INDICTMENT AGAINST DOCTOR WHITE

I quote from said report of Dr. Henry Ladd Stickney the following:

The construction capacity of St. Elizabeths Hospital is for 3,300 patients. It has 4,200 patients; 901 of them are United States Veterans' Bureau cases.

Howard Hall group are neither well ventilated nor lighted. The beds are of wooden construction, antiquated, and are without springs. The benches are of an old type and are very uncomfortable. Blacks and whites occupy the same small court during recreation hours.

In one semipermanent ward used for tubercular patients blacks and whites are both hospitalized in the same building and only separated by an imaginary line.

Besides the assistant superintendent, Dr. Arthur B. Noyes, there are 37 doctors on the staff, 1 chief nurse, 5 assistant nurses, and 675 attendants and orderlies.

The cost of rations per diem for the fiscal year ending June 30, 1923, was between 40 and 45 cents. Attendants handled food in the most careless manner, were sloppy in their service, and appeared wholly inefficient. Some patients were not allowed even spoons to eat with. It is evidently the policy of the superintendent to keep down food cost. There was a doubt in the mind of the control officer whether or not all patients had sufficient amount of food. Lack of green vegetables and fruit, with no milk served except for tea and coffee, with no beverage for dinner, and weak tea for supper, with no butter served, but oleomargarine instead. I was not satisfied that the diet was well balanced, or that a sufficient number of calories were afforded these patients.

Several patients are bathed in the same water. Patients are not properly segregated. Beds are too near together, and too many are congested in the day room. There are an insufficient number of toilets and bathrooms and showers in many of the wards.

MADE EIGHT RECOMMENDATIONS CONCERNING ST. ELIZABETHS

And Dr. Henry Ladd Stickney made to the United States Veterans' Bureau eight recommendations for correcting the above evils. If the above report of this Veterans' Bureau investigator is not a serious indictment against Dr. William A. White, then what is it? And this is the same superintendent, Dr. William A. White, who, by law, is required to devote all of his time to his duties in St. Elizabeths, yet who for two weeks sold his testimony in Chicago to Leopold and Loeb for \$250 per day.

THEN COMES THE GRAND JURY REPORT

And from the grand jury report on the murder of one Green by attendants in St. Elizabeths, filed October 5, 1925, I quote the following excerpts:

REPORT OF THE GRAND JURY

WASHINGTON, D. C., October 5, 1925.

In connection with the inquiry into the cause of the death of William Green, a patient of St. Elizabeths Hospital, on the 17th day of July, 1924, the grand jury made an investigation as to the general conditions of life at said institution.

The grand jury visited the hospital in a body and were shown about the grounds and through many of the buildings. As William Green came to his death in Howard Hall, they inspected it with greater care and more closely than they did the other buildings.

There are approximately 4,400 patients and 1,200 attendants in the entire institution, about 1,000 of the patients being veterans of the World War. We found the hospital greatly overcrowded and most deplorable conditions existing as a result of this overcrowding. There are some rooms, intended to accommodate 20 single beds, containing more than 40 beds; there is scarcely enough room to walk between these beds, and consequently there can not be the least privacy for the patients in dressing or undressing.

CONCERNING HOWARD HALL, WHERE GREEN WAS MURDERED

There is an open court in the center of the building, about 100 feet square, called by the inmates the "bull pen." This is the only recreation space available, and here the dangerous as well as the noisy patients mingle with those whose minds are almost normal. This intermingling must be very depressing to the better class of patients.

After examining conditions in Howard Hall the members of the grand jury could readily believe the statement of the guard, who said: "If a man went in there—Howard Hall—with a perfectly sound mind, he would be hopelessly insane in less than three years. If I were an inmate I would go crazy in less than a year."

As there is no assembly hall in the building, it is but seldom that religious services are held, and accordingly the spiritual well-being of the patients is sadly neglected. There is nothing to break the dead monotony from one end of the week to the other.

Among the witnesses who were summoned and appeared before us, including present patients of the hospital, former inmates, and others well acquainted with the present inmates, many expressed the belief that there are many persons now confined there who are not now and never were insane, but who have been sent there for ulterior motives. Like stories have been in circulation in Washington for a long time; and whether true or false they are unquestionably injuring the hospital in the estimation of the people of this city, and some steps should be taken to clear up the situation.

We suggest that Congress be asked to authorize a commission, the members thereof to be appointed by the President, to act in conjunction with the superintendent and medical staff of the hospital, in carefully investigating the history and mental condition of every questionable case there, to the end that full justice may be done to each. This great institution will then occupy the position it should in the estimation of the people of this city and of the entire country.

Respectfully submitted for the grand jury.

DANIEL A. EDWARDS, Foreman.

AND GRAND JURY INDICTED FOR MURDER

And at the same time this grand jury for Washington, D. C., on October 5, 1925, returned into court a true bill of indictment against two men for the murder of William Green in the said Howard Hall of St. Elizabeths, which had occurred 15 months before that time. Why did they wait so long? I will let a soldier, Mr. John A. Savage, of 1317 New York Avenue NW., Washington, D. C., tell you through his letter published in the O. E. Library Critic in its issue of February 24, 1926, wherein Mr. Savage said:

The St. Elizabeths situation is such as to compel immediate action of some kind to relieve a condition which I had never dreamed before could exist in this country and which would be hard for anyone who did not know to believe.

Last summer I found an old Army comrade of mine in St. Elizabeths Hospital, where he had been confined for nearly five years. He was not in the slightest mentally deranged. I was not able to get a hearing for him before any of the courts.

I found that there were many others similarly confined, thrown in by bureaucratic orders for which there were no legal grounds.

The Army, the Veterans' Bureau, the Navy, and the Department of Justice have been using this hospital for a muzzling station wherein to bury persons who have criticized officials in these departments. In such cases the victim is thrown in the hospital and held incommunicado behind cement walls, in a division known as Howard Hall. I found that in July, 1924, William Green had been beaten to death by attendants. Before the grand jury, about January, 1925, two or three half-witted patients were called to testify, while three men who were perfectly sane who witnessed the killing were not allowed to go before the grand jury, and it found no bill, and the officials proclaimed an "exoneration."

I found Green's widow and prepared for her a petition for another grand jury inquiry, and the excluded witnesses were produced, and on October 5, 1925, the grand jury indicted Green's slayers.

George C. Tisdale was shanghaied into St. Elizabeths 12 years ago. He is not insane and never was. White has held him and denied access to him of friends and counsel. I made written demand on Doctor White for a copy of Tisdale's commitment. White refused it. The District Code provides a forfeiture of \$500 in such a case. We sued and yesterday got judgment against White for \$500.

DR. WILLIAM A. WHITE LOVES MONEY HIMSELF

It will be remembered that on December 10, 1925, I showed from this floor that Dr. William A. White admitted in his letter to me that when Clarence Darrow got him to go to Chicago to testify to save the necks of Leopold and Loeb that he received \$250 per day for as long as two weeks, but he refused to tell how much more he received or how much he had received for giving his testimony in other criminal cases.

And I then read a statement from Hon. Hubert Work, Secretary of the Interior, stating that the law requires Dr. William A. White "to devote his whole time" to the welfare of St. Elizabeths, for which the Government pays him a salary of \$7,500 per year and furnishes to him free for himself and family their residence, their furnishings, their servants, their food, their lights, heat, gas, water, laundry, and medical attention. All of the above things are furnished free by the Government to Doctor White and his family.

NATURALLY SYMPATHIZES WITH COMMISSIONER FENNING

Both believe in making money on the side. Very naturally, Doctor White sympathizes with Commissioner Fenning. The Star reported that—

Dr. William A. White, superintendent of St. Elizabeths Hospital, frankly came out with praise for Mr. Fenning—

And so forth.

And most likely in return Commissioner Fenning will praise Doctor White for being able to separate the rich Leopolds and Loeb from \$250 per day for 14 days and for the manner in which he has been running Howard Hall, upon which the grand jury commented.

FREDERICK FENNING FOOLISHNESS

You will remember that a short time ago Commissioner Fenning notified various heads of executive departments under him that henceforth they could not come to Congressmen or Senators but must submit all matters through his office. And then when I confronted him with his Fenning foolishness he denied it. To show this I will quote the following from page 115 of the hearings before the Committee on Appropriations on the District of Columbia supply bill:

Mr. FUNK. At this point we will be glad to hear Congressman BLANTON of Texas.

Mr. BLANTON. Mr. Chairman, I want to call your attention to just one case that will open your eyes as to conditions relative to the pay of some of the District employees. I am not speaking now of the higher ups, but of the lower downs. There is in the District Building a man named Joseph C. M. Abell. He handles checks and money, approximately \$25,000,000 a year. He is receiving \$1,440 a year. I am fighting Bolshevism in the United States and am looking for everything that could operate as a cause for the production of Bolshevism or communism. Where you have an employee handling \$25,000,000 a year, and he receives a paltry salary of \$1,440, I can understand how these measly communistic ideas might come into his mind against his Government. A man with a wife and a houseful of little children performing that service is entitled to more pay than that.

Mr. FUNK. I agree with you there, having heard but one side.

Mr. BLANTON. I spoke to the commissioner here last night about that particular case.

Mr. FENNING. Congressman, have you discussed the duties of this man with the collector of taxes?

Mr. BLANTON. No. The commissioners have a rule down there that you have got to discuss everything through the commissioners, and I am going to help break up that rule before I leave Congress. I have the right, as a Member of Congress, to go to any employee of the Government and ask him about the Government business. I do not like the rule that the commissioners have there.

Mr. FENNING. I know of no such rule.

Mr. BLANTON. I had a talk with you over the phone about my having access to the insurance commissioner, and you then told me that I should be satisfied to get my information from the commissioners. I expect to get my information from all sources obtainable.

NOW PROTECTS STREET CARS IN ROBBERING PEOPLE

It is provided in the charters of the street cars here that they shall never charge more than 5 cents fare. All through the World War the fare was only 5 cents. Not until November 1, 1919, practically a year after the armistice, was the fare raised above 5 cents. The Capital Traction Co. did not want any raise. It was perfectly willing to continue at 5 cents. But

because the Washington Railway & Electric Co., which claimed to be the poor company, asked for a raise, the Commissioners of the District authorized a raise on November 1, 1919, from 5 cents to 7 cents, and then on May 1, 1920, they again authorized a raise to 8 cents fare for both systems, when the Capital Traction Co. asserted that it did not want more than 5 cents. And the commissioners thus forced upon the Capital Traction Co. an increase of 3 cents on each fare more than it wanted.

THE POOR RICH COMPANY

Now, remember, that the raise was made because the commissioners claimed that the Washington Railway & Electric Co. was a poor company and needed more revenue. But I want you to notice how it has made millions in profits on its common stock as a natural consequence of the unwarranted action of the commissioners.

ITS COMMON STOCK

I will give you the market quotations on the common stock of the Washington Railway & Electric Co. for the past few years:

In February, 1922, their common stock was worth 38¼; in March it was worth 39; in April, 1922, 39¼; in May, 40¼; in June, 50¼; in September, 57¼; in October, 58; in November, 64; in December, 1922, it was worth 68¾.

In February, 1923, it was worth 69¼; in June, 70½. In January, 1924, it was worth 71; in February, 71¼; in March, 71¾; in April, 72; in May, 72¾; in June, 79½; in July, 82. Just a year and a half before that time that stock was worth only 38¼. In November, 1924, it went up to 87½, and in December, 1924, it went up to 90. Now notice 1925: In January, 1925, it went up to 101; in February up to 103; in March 108½; in April up to 109; in May, 1925, up to 123¼; and in June, 1925, up to 124¾.

In August, 1925, its common stock went up to 182. In November, it went up to 235, and in December, 1925, it went up to 250.

The above figures were furnished me by Major Covell, assistant to the engineer commissioner, hence we may deem that they are reliable. Thus as a natural result of the unwarranted action of the commissioners in increasing the fare from 5 cents to 8 cents, the common stock of this company soared from 38¼ in February, 1922, to 250 in December, 1925, which is 656 per cent increase and which made millions of profits for the officers and directors of this company. And Commissioner Fenning still permits these street railways to charge 8 cents fare, when their charters authorize only 5 cents, and he could stop it to-morrow if he wanted to do so.

IMPOSSIBLE TO GET RECTIFYING LEGISLATION REPORTED

In the last Congress I introduced a bill to annul the action of the commissioners and force the fare back to 5 cents, as provided in the charters. I could never get the bill out of committee. As soon as this Congress met I again introduced the bill, and it was referred to a subcommittee, and when I counted noses I found that the committee stood five to four against the bill, hence I refused under such circumstances to waste any of my time in a two months' hearing when I knew nothing could be accomplished.

STREET CARS IMMUNE FROM TRAFFIC REGULATIONS

The commissioners have refused to make the street cars observe stop signals. When I introduced a bill to require street cars to observe all traffic stop signals, the commissioners reported adversely against such bill, and it was over their fight and protest that I got you colleagues to vote that provision into the recent amendments to the traffic law passed by the House.

AFFIDAVIT OF ELLEN H. FINOTTI

I, Ellen H. Finotti, being duly sworn, upon oath, state: I was employed as record and file clerk in St. Elizabeths Hospital from 1918 to 1926, during which time I had charge of all the records of said hospital. I endeavored to keep said records conscientiously. However, upon the order of the superintendent, Dr. William A. White, I was notified that Mr. Frederick A. Fenning, now Commissioner of the District of Columbia, should have free access to such records and to correspondence concerning any cases that he should ask for. No other attorney enjoyed such privilege or concession.

I have no interest in this matter, and make this affidavit only because I was requested to testify as to what I knew about it.

ELLEN H. FINOTTI.

Sworn to and subscribed by the said Ellen H. Finotti before me, the undersigned authority, on this the 3d day of April, A. D. 1926, in Washington, D. C. Given under my hand and seal of office.

[SEAL.]

HOWARD F. BREWER,

Notary Public in and for the District of Columbia.

My commission expires May 9, 1926.

Please note that Mrs. Finotti swears that Dr. William A. White gave to Frederick A. Fenning the privilege and concession

of having free access to all books and records there concerning accounts of soldiers and inmates, which privilege and concession he gave to no one else in Washington.

SERVED AT ST. ELIZABETHS HOSPITAL 40 YEARS

I, Frank M. Finotti, being duly sworn, upon my oath state: That I was chief clerk of St. Elizabeths Hospital from the time the office was created until I retired; I began work in St. Elizabeths on December 11, 1885, and worked there continuously until July 1, 1925, when I was retired. Years ago I used to officiate as notary there and received 25 cents for each affidavit. At one time the Pension Department began sending Mr. Frederick A. Fenning, one of its employees, over to St. Elizabeths to take the affidavits of pensioners; in this way he learned of inmates who were drawing pensions and who were entitled to pensions. Later on he quit the Pension Department and began to practice law himself, and it was then that he arranged things so that he was appointed the guardian or committee of many inmates. He had free access to all the records and correspondence, allowed him by Dr. William A. White, and I have seen him many times going through such records hunting up information concerning inmates who had money and property or who were entitled to pensions or compensation. I have just been shown the petition filed April 22, 1925, by Dr. William A. White, being No. Lunacy 10839 in the Supreme Court, stating that funds were there on deposit due James Roley and recommending that Mr. Frederick A. Fenning be appointed committee, and which was sworn to by Doctor White before me as a notary, and which is written upon the office paper of Mr. Frederick A. Fenning, attorney. I have seen many, many such petitions, and presume that in all there have been several hundred, altogether, wherein Doctor White recommended that Mr. Frederick A. Fenning be appointed committee. It is my belief that from some one in the Department of the Navy and the War Department Mr. Fenning learned of lunatics who were entitled to pay. I am not interested in this matter, and make this affidavit only because I have been requested to tell what I know.

FRANK M. FINOTTI.

Sworn to and subscribed before me by the said Frank M. Finotti on this the 3d day of April, A. D. 1926, in Washington, D. C.

[SEAL.]

HOWARD F. BRESEE,

Notary Public, in and for the District of Columbia.

My commission expires May 9, 1926.

TEN PER CENT OF PRINCIPAL PLUS TEN PER CENT OF INCOME

Remember that Gen. Frank T. Hines, Director of the United States Veterans' Bureau certified to me that Frederick A. Fenning receives a commission of 10 per cent of the principal of his wards and also 10 per cent of the interest or income on their money invested. Here is what he said:

LETTER FROM DIRECTOR VETERANS' BUREAU

UNITED STATES VETERANS' BUREAU,
Washington, D. C., March 19, 1926.

HON. THOMAS L. BLANTON,

House of Representatives, Washington, D. C.

MY DEAR MR. BLANTON: In reply to your letter of March 17, requesting information concerning those cases of bureau beneficiaries where the Hon. Frederick A. Fenning has been appointed by the Supreme Court of the District of Columbia as legal guardian or committee, I am attaching a list of the cases for which Colonel Fenning is now guardian, or committee, and I will furnish you as soon as the information can be prepared details as to where the wards lived and in what institutions they now are.

In order for me to give you the exact amount of compensation which has been paid out of the estate of the wards upon order of the Supreme Court of the District, it will be necessary for me to have reviewed the accounts which have been filed by Colonel Fenning with the Supreme Court and audited by Mr. Herbert L. Davis, auditor acting for said court.

Colonel Fenning has been allowed by the Supreme Court of the District in practically every case for which he is acting as guardian or committee 10 per cent of the principal of the personal estate and on the annual income of the estate, as provided in section 1135 of the Code of Law for the District of Columbia.

Very truly yours,

FRANK T. HINES, Director.

TEN PER CENT ON PRINCIPAL AND TEN PER CENT ON ANNUAL INCOME

I want you to note that General Hines, Director of the Veterans' Bureau, reports that Frederick A. Fenning is receiving 10 per cent of the principal of all the personal estates of these shell-shocked ex-service men who are his wards, and that he is also receiving 10 per cent of their annual income. I will show you in a few minutes that the Veterans' Bureau has paid to Frederick A. Fenning the enormous sum of \$733,855.87. And remember that he deposits same in the National Savings & Trust Co. Remember that.

VETERANS' BUREAU HAS PAID TO FREDERICK A. FENNING \$733,855.87

Let me say again, what I have said many times, General Frank T. Hines is an able, efficient, honest, fearless Director of

the Veterans' Bureau, and withal a splendid gentleman. All of the trouble which the ex-service men have had has been occasioned by the total unfitness of the general counsel, William Wolff Smith, and a few other chiefs of departments in this bureau. General Hines felt that he could only give me the following information in confidence, and he tried to so impress it, but when I practically forced him to give it to me, I gave him to understand that as a Representative of the people, I intended to make it public for the good of our Nation. The following is reliable information so furnished me by Director Hines:

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,

Washington, April 2, 1926.

(Personal and confidential)

HON. THOMAS L. BLANTON,

House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Complying with your request, I am inclosing a statement showing the number of cases of bureau beneficiaries in which the Hon. Frederick A. Fenning has been appointed by the Supreme Court of the District of Columbia as legal guardian or committee. This statement gives the C-Numbers, home address, present address, total amount of compensation paid to the guardian or committee for the account of the beneficiary since appointment, the total amount of insurance paid the guardian or committee since appointment, and also the total amount of the last two items.

The names corresponding to the C-Numbers given have been furnished you previously, and it is thought advisable that the names should be omitted in the event of any publication of the list referred to.

Very truly yours,

FRANK T. HINES, Director.

C number	Home address	Present address	Amount of compensation	Paid by insurance	Bureau total
146780	New York regional office.	United States Veterans' Hospital No. 81, Bronx, N. Y.	\$7,317.14	\$5,405.00	\$12,722.14
187528	Afton, Mo.	St. Elizabeths Hospital, Washington, D. C.	8,333.23	2,645.00	10,978.23
159681	Algeri, Fla.	do.	8,022.58		8,022.58
184525	Portsmouth, Va.	do.	8,166.27	5,232.50	13,398.77
137767	Columbia, S. C.	do.	8,363.33		8,363.33
207946	Camden, N. J.	703 North Seventh Street, Camden, N. J.	7,650.92	4,010.16	11,661.08
195680	Delwin, Tex.	St. Elizabeths Hospital, Washington, D. C.	8,696.77	5,405.00	14,101.77
218055	Born, Poland; enlisted, Albany, N. Y.	do.	7,305.81	5,175.00	12,480.81
167770	Born, Blountsville, Ind.; enlisted, Fort Sam Houston.	do.	8,927.86	2,600.00	11,527.86
160369	Case folder, Baltimore, Md.	United States Veterans' Hospital No. 42, Perry Point, Md.	7,327.10	2,760.00	10,087.10
196882	Akron, Ohio.	St. Elizabeths Hospital, Washington, D. C.	9,441.93		9,441.93
218061	McWilliams, Ala.	do.	6,350.64	5,117.50	11,468.14
170469	Germany.	do.	9,341.94	2,525.00	11,866.94
218037	Born, Paterno, Italy; enlisted, Hudson, N. Y.	do.	7,832.26	5,200.00	13,032.26
181670	New York	do.	6,027.00	2,500.00	9,427.00
210766	New York City	do.			
173338	Spain	do.	8,546.67	2,526.00	11,072.67
481421	Vestal, N. Y.	do.	3,490.32		3,490.32
200906	Mahanoy City, Pa.	do.	7,655.00	5,347.50	13,002.50
231666	Born, Pendleton, Oreg.	do.	990.32	441.45	1,431.77
219538	Porto Rico	do.	5,538.06	2,645.00	8,183.06
156502	Tobias Antique, P. I.	do.	9,064.52	2,475.00	11,539.52
204096	Folder in central office.	Unknown.	8,574.19	5,577.50	14,151.69
212388	Milwaukee, Wis.	Case in Milwaukee, Wis.	7,031.61	5,060.00	12,091.61
213797	Folder in N. Y. office.	United States Veterans' Hospital No. 81, Bronx, N. Y.	8,045.16	1,046.50	9,091.66
421366	Ocean Grove, N. J.	St. Elizabeths Hospital, Washington, D. C.	5,798.43	419.75	6,218.17
213841	Folder in Alabama regional office.	United States Veterans' Hospital, Tuskegee, Ala.	8,068.06	5,060.00	13,118.06
222254	Folder in Baltimore office.	United States Veterans' Hospital No. 42, Perry Point, Md.	7,526.45	2,587.50	10,113.95
513596	England.	St. Elizabeths Hospital, Washington, D. C.	7,274.52	2,443.75	9,718.27
145901	Akron, Ohio.	do.	8,357.14	5,405.00	13,762.14
245491	Quantico, Va.	do.	4,650.00		4,650.00
169398	Florida.	do.	8,229.03	5,462.50	13,691.53
536962	Portsmouth, Va.	Portsmouth, Va.	6,998.39	2,600.00	9,598.39
264433	Folder in Baltimore.	United States Veterans' Hospital No. 42, Perry Point, Md.	875.35		875.35

C number	Home address	Present address	Amount of compensation	Paid by insurance	Bureau total
163942	Born South Boston, Va.	St. Elizabeths Hospital, Washington, D. C.	\$7,574.84	\$5,290.00	\$12,864.84
22643	File in Boston	United States Veterans' Hospital, Northampton, Mass.	7,516.13	4,987.50	12,403.63
365211	Fayetteville, Md.	St. Elizabeths Hospital, Washington, D. C.	8,893.23	2,653.22	11,546.45
167694	New York City	New York City	6,752.90	3,277.50	10,030.40
315030	Born in Delaware	St. Elizabeths Hospital, Washington, D. C.	7,140.40	2,070.00	9,210.40
220759	Chicago, Ill.	316 Maine Avenue SW, Washington, D. C.	8,016.13	2,350.00	10,366.13
67577	Washington, D. C.	Washington, D. C.	1,759.50		1,759.50
246880	Grundy, Va.	St. Elizabeths Hospital, Washington, D. C.	7,195.31	4,715.00	11,910.31
170331	Minneapolis, Minn.	do.	1,534.80		1,534.80
220929	Lockport, N. Y.	do.	7,866.13	5,347.50	13,213.63
209546	Ireland	do.	8,067.74	2,472.50	10,540.24
216128	Buffalo, N. Y.	do.	7,670.97		7,670.97
216132	Born Porto Rico	do.	5,314.19	5,462.50	10,776.69
217935	Shenandoah, Pa.	do.	9,003.23	2,550.00	11,553.23
7660	Halifax, England	do.	9,261.93	2,500.00	11,761.93
288104	Philippine Islands	do.	9,462.90		9,462.90
216440	Venice, Italy	do.	8,378.57	5,290.00	13,668.57
109650	Washington, D. C.	do.	8,685.33	5,060.00	13,745.33
209559	Folder in Baltimore, Md.	United States Veterans' Hospital No. 42, Ferry Point, Md.	7,958.06	5,347.50	13,305.56
196169	Brooklyn, N. Y.	Unknown; eloped from St. Elizabeths Dec. 3, 1921	6,240.00	1,625.00	7,865.00
166502	Billings, Mont.	St. Elizabeths Hospital, Washington, D. C.	7,635.48	3,162.52	10,798.00
386748	New York (Mount Perron)	do.	4,834.71		4,834.71
222054	Palmetto, Ala.	do.	7,066.45	5,232.50	12,298.95
205755	Snick Hill, W. Va.	do.	8,872.68		8,872.68
222015	South Carolina	do.	7,689.68	2,731.25	10,420.93
194388	Flint, Mich.	do.	7,566.67	6,232.50	12,799.17
306223	New York City	do.	7,546.77	1,380.00	8,926.77
220506	Greece	do.	7,616.13		7,616.13
193270	Case folder in California	United States Veterans' Hospital, Palo Alto, Calif.	5,856.00	2,658.75	7,514.75
155538	Cincinnati, Ohio	St. Elizabeths Hospital, Washington, D. C.	7,747.14	2,475.00	10,222.14
182373	Washington, D. C.	do.	9,116.77		9,116.77
265751	do.	do.	4,017.82		4,017.82
286707	Lewistown, Pa.	do.	7,411.29	4,772.60	12,183.79
284864	Pennsylvania	do.	1,700.00	1,524.68	3,224.68
364826	Monticello, Miss.	do.	6,172.90	4,667.50	10,840.40
194500	Rowland, N. C.	do.	8,126.67	5,290.00	13,416.67
221119	Cleveland, Ohio	do.	8,189.68	2,555.70	10,745.38
220517	Porto Rico	do.	8,012.90	2,530.00	10,542.90
206653	Alabama	do.	7,810.64		7,810.64
333757	Mississippi	do.	6,938.06	4,600.00	11,538.06
394843	Kentucky	do.	8,373.33	2,700.00	11,073.33
Total			523,792.14	210,063.73	733,855.87

AUDITOR REPORTS \$109,070.25 PAID TO FREDERICK A. FENNING

Hon. Herbert L. Davis, authorized by order which I procured from the Supreme Court of the District of Columbia, has certified the following fees paid to Fenning, to wit:

COMMISSIONS AND ATTORNEY'S FEES TO FREDERICK A. FENNING, ESQ., AS COMMITTEE OR ATTORNEY IN LUNACY CAUSES PENDING IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA ON MAY 16, 1925

This statement includes only lunacy cases in which reports were filed by Frederick A. Fenning, Esq., as committee or attorney, under the provisions of the sixty-ninth equity rule of the Supreme Court of the District of Columbia, and which were reported upon by the auditor of said court on May 10, 1925.

Additional cases in which Mr. Fenning has been allowed an attorney fee or commission, if any, should appear among the files of the clerk of the Supreme Court of the District of Columbia.

Name of ward and amount of commission

Lunacy No.	Name of ward	Amount of commission
7742	Adolph Adler	\$1,234.55
7767	Henry J. Ahlemeler	1,117.29
10713	Walter Garland Allan	135.08
7716	Emanuel M. Anderson	965.13
7688	Ardino Arcese	1,247.33
7686	Wilder P. Baker	527.41
7801	Edgar Wm. Barber	1,240.45
8400	John A. Benzley	1,262.21
7802	Logan G. Bockell	1,253.75
7764	Frank Bokart	1,211.25
7911	Philip Berg	853.33
7644	Felix Bialkowski	1,091.04
10675	William Boone	150.00
7765	Okey M. Boston	928.12
2198	Adam Bozi	682.07
7745	James Bragg	1,093.75
8327	John Brintla	1,322.00
7872	Gunaro Bruno	1,213.54
3082	Patrick J. Byrne	186.40

Name of ward and amount of commission—Continued

Lunacy No.	Name of ward	Amount of commission
10566	Joseph P. Cahill	\$122.71
7683	Thos. S. Callahan	1,102.29
4073	Daniel G. Campbell	181.78
7782	Nich. G. Carousos	1,257.10
7700	Modesto Carrera	1,192.16
9285	Leonard Carrigg, Jr.	300.00
7743	John S. Chase	1,201.72
7879	Robert Chesko	1,257.52
7658	Sobers Clifton	880.08
8769	Lena K. Collins	242.71
10316	Hannah Kate Cooke	311.93
10431	Samuel Connor	100.00
7873	Luis Cruz	821.32
7972	Ramon Delamon	1,229.82
3628	Thomas Daly	577.31
7646	Zelia Day	1,280.04
1476	Frederick Dixon	1,925.08
7717	Neils P. J. Erenbjerg	1,493.39
3790	Clayton Farrell	967.23
4405	Daniel Paul Fend	176.76
7784	Samuel Fisel	1,183.07
1320	John Flavehan	30.00
10028	Florence H. Fletcher	36.11
7785	Walter A. Foley	990.27
9143	Willie Franklin	603.21
7803	Ned Freeman	1,139.00
8153	John Gallen	752.33
7905	George F. Gartz	1,078.07
8328	John W. Gaskell	899.19
7608	Joe Grabosky	1,288.35
4743	David Grace	353.12
6352	Charles Grazer	704.86
8715	Joseph Green	474.53
6756	Wilbur E. Greene	655.02
4252	Patrick Griffin	136.92
7659	Fred C. Hall	1,340.07
3353	Julius Hermann	1,407.87
3887	Jas. A. Higginson	167.28
8331	Leon Hill	869.27
9735	Carl Hodges	440.15
7747	Wm. H. Howard	1,226.28
3503	Felix F. Jawrosky	322.76
7831	Gustaf Johanson	1,240.37
6727	James Johnson	964.67
8256	Henry Jones	1,112.41
5084	William Joyce	1,367.99
8057	Isadore J. Kass	925.27
7950	Neil I. Kelly	974.68
8694	Wm. John Kennedy	191.40
9309	Genev. G. Kennon	474.21
8312	Frank Knight	198.40
2399	Frank Koslick	2,448.03
3468	John Krebs	1,832.87
7851	Anton Kucis	1,080.00
7696	Anna T. Kuhn	314.00
8790	Roley Lee	942.23
4281	Oscar Lindell	170.31
4245	Julius Maiss	765.52
7811	Francis McCarty	1,149.84
8021	Edw. V. McGuire	1,114.33
10593	James McNeff	250.00
4306	Wm. J. McNeil	156.75
7883	Casino Mercado	1,028.72
7832	Stanley Mientus	973.21
7809	Joe Milewski	1,142.14
7298	Wilfred R. Motley	1,203.20
4711	Gus Mutschal	407.09
8402	Santiago Navarro	739.95
7805	Castenzo Nicholettto	1,265.54
4207	John O'Brien	1,145.19
7759	Frank Pach	1,121.30
7812	Frank Perko	1,138.35
7874	Stephen Petrovitch	920.43
7787	Leighton B. Pierce	1,230.80
8412	Thomas F. Powers	250.00
7857	George Pussley	1,236.53
9673	William Raudall	234.42
7685	Arthur T. Richardson	1,164.01
5810	Daniel B. Robertson	651.15
7718	Femia Rocco	937.16
7958	John H. Rose	1,157.97
8464	Patrick Rutledge	954.36
7814	Gust Seigas	839.70
7933	Jos. S. Selesman	812.05
10280	Wm. Patrick Shea	121.74
1155	James A. Sinnott	1,142.69
7633	Rodney M. Smith	1,275.41
7723	Charles F. Smith	1,052.11
8019	Evelina P. Smith	831.32
9573	Thomas Nelson Starkes	389.33
8030	Hugh A. Steele	1,235.10
7744	Cameron Stehman	1,009.22
8545	William C. Stone	2,820.03
1691	Charles Straub	2,151.52
8332	William Sutton	1,032.70
7748	French Taylor	1,210.05
7656	Sidor Thomas	977.26
8225	John W. Thompson	882.28
8101	Genaro Vazquez	1,082.69
4164	Lee O. Watkins	531.09
3376	Lewis Weaver	913.84
7806	Henry Williams	881.63
8575	Hayes Winbush	1,119.94
8266	Richard Wright	760.04
Total		109,070.25

HERBERT L. DAVIS,
Auditor Supreme Court, District of Columbia.

FENNING'S ANNUAL HARVEST SOON TO BE GARNERED

Between now and the first of next month Mr. Frederick A. Fenning will file with the court his annual account on all of his cases, setting forth the year's income received, and incidentally receive his usual 10 per cent.

Upon an examination of the court records I find that Mr. Fenning has already filed his new annual account in the case of Roley Lee; and to illustrate to you just how he handles these accounts each year and receives his 10 per cent therefrom each year, I secured from Hon. Walter I. McCoy, chief justice of the supreme court, an order directing the auditor to deliver to me copies of his new report and the court's order thereon directing the auditor to allow it:

SUPREME COURT OF THE DISTRICT OF COLUMBIA,
OFFICE OF THE AUDITOR,
Washington, D. C., April 3, 1926.

In re Roley Lee, lunatic. Lunacy No. 8780.
Hon. THOMAS L. BLANTON,

House of Representatives, Washington, D. C.

DEAR MR. BLANTON: Referring to your call in person at this office on yesterday, and in compliance with your request, there are inclosed the following-mentioned copies of court papers pertaining to the above-entitled cause:

Photostatic copy of statement for an account, supported by affidavit of Frederick A. Fenning, Esq., committee, subscribed and sworn to under date of February 8, 1926, and filed with the clerk of this court under date of March 2, 1926.

Photostatic copy of order of reference to the auditor under date of March 2, 1926.

Carbon copy of auditor's report filed in said cause under date of April 2, 1926.

Very truly yours,

HERRBERT L. DAVIS, Auditor.

Account of Frederick A. Fenning

(Filed March 2, 1926)

In the Supreme Court of the District of Columbia, holding an Equity Court

In re Roley Lee, lunatic. Lunacy No. 8780.

I, Frederick A. Fenning, do hereby make and render this my account and inventory as committee of Roley Lee, a lunatic, for the period since my last accounting, February 11, 1925:

RECEIPTS

Balance on hand fourth accounting.....	\$5,251.90
War-risk compensation, 12 months ending Jan. 31, 1926.....	1,200.00
War-risk insurance, 12 months plus, ending Feb. 12, 1926.....	711.08
Liberty-bond coupons, Mar. 15, 1925.....	85.00
Liberty-bond coupons, Sept. 15, 1925.....	85.00
Treasury-bond coupons, Apr. 15, 1925.....	21.25
Treasury-bond coupons, Oct. 15, 1925.....	21.25
Interest from Trust Co., this account, to Dec. 31, 1925.....	6.78
Total receipts.....	7,382.26

DISBURSEMENTS

Allowance to ward's mother, per order of court (vouchers 1-24, inclusive).....	\$1,440.00
Reimbursement of expenditures made for ward by mother from her personal funds, vouchers 25-34, inclusive.....	50.22
Bond premiums, vouchers 35-26.....	42.68
Personal use of ward, vouchers 37-44, inclusive.....	185.00
Notarial fees, vouchers 45-46.....	.50
Clothing, vouchers 47-48.....	151.88
Auditor's fee, voucher 49.....	5.00
Clerk of court, voucher 50.....	5.00
Total disbursements.....	1,880.26

SUMMARY

Receipts.....	7,382.26
Disbursements.....	1,880.26
Balance on hand.....	5,502.00

INVENTORY OF PROPERTY NOW IN MY HANDS

Cash in National Savings & Trust Co.....	547.66
\$2,000 Liberty Loan bonds, 3d 4½%, carried at.....	1,979.85
\$2,000 Liberty Loan bonds, 3d 4½%, carried at.....	1,974.49
\$1,000 Treasury bond, 1947-52, carried at par.....	1,000.00

Total..... 5,502.00

And adjusted service certificate, due January 1, 1945, for \$934.

The committee respectfully shows the court that since his last accounting he has frequently visited his ward, has furnished him with necessary clothing, on two occasions bought at a special discount of 10 per cent, has kept him supplied through the hospital office with funds for his personal use, has made regular semimonthly payments to the ward's mother as per order of court, and has reimbursed her on various occasions for expenditures from her personal funds for cleaning and pressing of ward's clothes, etc.

The committee has collected his ward's war-risk compensation and insurance payments each month and has made collection of interest due on invested funds and on bank balance.

Report of assets was filed April 13, 1925, and duly verified by the auditor of the court.

The committee obtained from the clerk of the court and filed with the Veterans' Bureau July 6, 1925, certificate required by said bureau showing appointment of committee, amount of bond, and balance on hand as of last accounting.

The committee has been in constant communication with the ward's mother, who is residing in this jurisdiction in order to be near the ward, and has been in correspondence with the United States Veterans' Bureau.

The securities of this estate are kept in a safe-deposit box in the vault of the National Savings & Trust Co., at no expense to the ward, the committee being the only person having access thereto.

For all services, as herein set forth, including professional, the committee asks that he be allowed a commission of 10 per cent on the income since the last accounting, such commission amounting to \$213.04.

DISTRICT OF COLUMBIA, ss:

I, Frederick A. Fenning, committee in this cause, do solemnly swear that the foregoing and annexed account and inventory contain a full and true statement of all my receipts and disbursements as such committee for the period therein stated, and of all the moneys and other personal property of my said ward which remain in my hands at this date.

FREDK. A. FENNING.

Subscribed and sworn to before me this 8th day of February, 1926.

[SEAL]

HELEN A. LOSANO,
Notary Public, D. C.

ORDER OF CHIEF JUSTICE, SUPREME COURT, ALLOWING COMMISSION

In the Supreme Court of the District of Columbia holding an equity court

In re Roley Lee, lunatic. Lunacy No. 8780.

On motion of Frederick A. Fenning, committee in this cause, it is by the court this 2d day of March, 1926,

Ordered, That the fifth account of said committee, and vouchers filed therewith be, and is hereby, referred to the auditor of this court for examination and report and the auditor, when stating said account, is directed to include a commission to the committee of 10 per cent on the income since the last accounting, such commission amounting to \$213.04.

WALTER I. MCCOY, Chief Justice.

AUDITOR'S REPORT THEREON

On April 2, 1926, the auditor of the Supreme Court of the District of Columbia, Mr. Herbert L. Davis, who, by the way, is a most excellent gentleman, able, efficient, and accommodating, filed his report on said account. He says:

1. This cause is before the auditor under directions contained in the order of court filed herein under date of March 2, 1926.

The above refers to the order of Chief Justice McCoy directing the auditor to allow Mr. Fenning's claim of \$213.04 for commission on his ward's income for the past year. But let me quote No. 2 in said auditor's report:

2. From an examination of the records in this cause it appeared that no useful purpose would be served by holding a formal hearing in connection with this reference; therefore, primarily for the purpose of conserving the assets of this estate, the auditor has dispensed with the formality of taking and transcribing testimony, and has stated the present account from data disclosed of record.

CASH KEPT IN NATIONAL SAVINGS & TRUST CO.

This is a very important item, hence I must mention an excerpt from No. 5 of the auditor's report, wherein he tells where Mr. Frederick A. Fenning keeps the cash due his ward, for he says:

Cash on deposit with the National Savings & Trust Co.

This should be remembered, for I shall show its great importance later on.

IS EVERYTHING SO PEACEFUL ALONG THE POTOMAC?

From reading the report of Mr. Fenning, wherein during the past year he shows that he paid \$1,440 to the mother of Roley Lee, and that he also paid her \$50.22 covering her own funds that she spent for his ward—her son—and that he spent \$151.88 for clothing for his ward, and that he spent \$185 more for the personal use of his ward, one would imagine that between him—his ward—and the mother of his ward everything was peaceful along the Potomac.

ROLEY LEE SHABBIEST DRESSED IN ST. ELIZABETHS

When I inspected St. Elizabeths last Saturday I found that Roley Lee was the shabbiest-dressed inmate I saw there. He had on an old suit that looked as if it had been worn until you couldn't tell its original color, and it could not have cost over \$25 when it was new, unless the purchaser of it had been robbed. I found that Roley Lee does not even know his guardian, Mr. Fenning.

JUST HOW FENNING HAS TREATED LEE'S WIDOWED MOTHER

Notwithstanding that the mother of Roley Lee has qualified as the guardian of his person and estate and has given \$5,000 bond and been accepted by the court, Mr. Frederick A. Fenning has for four years, despite her repeated insistence, refused to turn her son over to her and refused to give up his 10 per cent.

AFFIDAVIT OF MRS. ELIZA LEE

I, Mrs. Eliza Lee, being duly sworn, upon my oath, state: I am a widow; will be 57 years old on the 26th of this month; I live in Grundy, Buchanan County, Va.; I am the mother of Roley Lee; he served in France during the World War; he was in perfect health when he entered the service; he had been a good, obedient son all of his life and was my chief support; while he was in France he made an allotment to me out of his wages for my support; he was wounded by shrapnel at Verdun and had a compound fracture of the left hip and was shell shocked, and because of such injuries was discharged June 11, 1919, on surgeon's certificate of being disabled. The diagnosis following his examination August 23, 1919, was active pulmonary N. P., and on examination December 21, 1919, was dementia præcox; when he was first brought back from France he was taken to Camp Lee, and I went there to see him and found him shot all to pieces, but he knew me and put his arms around me and kissed me, and he finally got up and could go about; he disappeared, and for two years I did not know what had become of him, but found that he had been sent to St. Elizabeths and had been there all the time; Mr. Frederick A. Fenning sent papers already prepared for me to sign, which provided that he should be appointed committee, and represented to me that it was best for my son to be kept in St. Elizabeths as his mind was unsound, and that if I would sign the papers, he could get some money both for me and my son; I was almost frantic to see my son and be able to visit him, and was ignorant of the facts and of my rights, and I signed the papers; I next learned that Mr. Fenning had become the guardian or committee of my son, and that the United States Veterans' Bureau had granted my son a total disability rating with an allowance of \$157.50 per month, effective and payable from June 11, 1919, when he was discharged, and that besides drawing all of this money Mr. Fenning was also drawing the insurance allowances.

My son had taken out \$10,000 insurance, half payable to me and the other half payable to his sister Ethel. I have before me a certificate from Director Hines, of the Veterans' Bureau, showing that he has already paid to Frederick A. Fenning as compensation \$7,195.31 and as insurance benefits \$4,715, making a total of \$11,910.31 paid to said Frederick A. Fenning for my said son and myself; I attach to this affidavit a letter from Mr. Fenning showing that at first he allowed me only \$20 per month, notwithstanding that as compensation alone the Veterans' Bureau was paying him \$157.50 per month, effective from June 11, 1919, of which sum \$57.50 was because of my dependency as his mother and my dependent daughter Ethel; and you will note in said letter that Mr. Fenning ridiculed my contention that I should be allowed at least \$45 per month; when I found out just what Mr. Fenning was doing and that he was drawing 10 per cent of this money himself and that my son would be much better off at home with me up in the mountains of Virginia, where I could care for him and give him a mother's love and attention, I went into court and qualified as guardian and committee for my said son, and gave bond in the sum of \$5,000, which was approved by the court; and I filed with Mr. Frederick A. Fenning a certificate, like the one I am attaching to this affidavit, from the Circuit Court of Buchanan County, Va., certifying that I had duly qualified, and the clerk of said court sent to St. Elizabeths Hospital certificate of my appointment, recommending that I be allowed to qualify as his guardian and committee and that I be allowed to bring my son home to the mountains; but both St. Elizabeths and Mr. Fenning denied my request. I attach hereto a letter which on August 31, 1922, Mr. Frederick A. Fenning wrote to Congressman Slemm, putting up the excuse that his court would not permit his ward's estate to be turned over to me unless the ward was removed to Virginia, and he knew that he could keep Doctor White from letting the ward be removed; and between the two they have kept my son and his estate away from me. I am attaching another letter which on January 23, 1923, Mr. Frederick A. Fenning wrote to Congressman Slemm making new excuses why he would not transfer my son and his estate to me as his lawful guardian and committee, and you will note in this letter that he admits that he is receiving \$157.50 per month and is paying me only \$57 per month, and this Congressman Slemm forced him to do by appealing to the court; and you will also note that Mr. Fenning is keeping my son's funds on deposit in the National Savings & Trust Co., of which he is a director. My son, Roley Lee, is absolutely harmless, and to be near him and care for him and give him a mother's love I have been forced to leave my home in Grundy, Va., and stay here in Washington among strangers and pay out every cent I can rake and scrape for my room and board and for little things to make my son happy.

I go to St. Elizabeths for him every day and they turn him over to me, and I take him to my room and all over town and amuse him, and he minds me just like a child; they allow me to keep him from 9

o'clock in the morning until 7 o'clock in the evening, when I get there that early for him, and it is all right for me to have him so long as Mr. Fenning is allowed to keep his money and draw 10 per cent of same for himself. I have before me a report which Congressman BLANTON has secured from the auditor of the Supreme Court of the District of Columbia, which shows that the court has allowed Mr. Frederick A. Fenning a total of \$1,155.27 for himself out of the funds of my poor shell-shocked son. If instead I had been paid that amount, I could have made my son happy at home with it for a long time; and if the sums which Mr. Fenning claims he has paid out for clothes and other things for my son, and which the court has allowed him additional, had been paid me, I could have furnished him a hundred times the conveniences he has had. I gave three sons to my country during the World War, and it does seem to me that here in the National Capital a Commissioner of the District of Columbia should not be allowed by Congress to withhold my son from me merely to exploit his estate by receiving 10 per cent of his income each year, and I appeal to the Congress of the United States to right this great wrong.

MRS. ELIZA LEE.

Sworn to and subscribed by the said Mrs. Eliza Lee before me, the undersigned notary, on this the 3d day of April, A. D. 1926. Given under my hand and seal of office.

[SEAL.]

JOHN ANDREWS,

Notary Public in and for the District of Columbia.

My commission expires October 27, 1927.

MRS. ELIZA LEE'S EXHIBITS

(Law offices of Frederick A. Fenning, Evans Building, 1420 New York Avenue)

WASHINGTON, D. C., June 13, 1921.

MRS. ELIZA LEE,
Grundy, Va.

DEAR MRS. LEE: I have your letter of the 8th instant, and in reply beg to inform you that as committee of Roley Lee I have received the amount of his bank balance at the Washington Loan & Trust Co., viz, \$276.09. I have also received his compensation through May, 1921, from the War Risk Bureau, amounting to \$914.55. The War Risk Bureau advises me that this includes additional compensation to you at the rate of \$10 per month from June 12, 1919, amounting to \$236. I send herewith my check, as committee, to your order for this amount for which please sign and return inclosed receipt.

The rate of additional compensation allowed to you is \$10 per month and the rate which I am authorized by order of court of May 26, 1921, to pay to you is \$20 per month. I do not know upon what basis you have formed your conclusion that you are entitled to \$45 per month, unless it is on the basis of former allotment and allowance. Allotments and allowance, however, are not effective in the case of discharged soldiers.

I have taken up the question of your son's war-risk insurance with the War Risk Bureau and believe that I can have it reinstated.

Yours very truly,

F. A. FENNING.

CERTIFICATE OF GUARDIANSHIP AND COMMITTEE

Virginia: At a circuit court held and continued for Buchanan County, at the courthouse thereof, on Monday, April 24, 1922.

Present: Hon. William E. Burns, judge presiding.

On motion Eliza Lee was appointed guardian and committee for her son, Roley Lee, an insane person, and thereupon the said Eliza Lee entered into bond in the sum of \$5,000, with J. H. Stinson and S. R. Hurley as her sureties.

VIRGINIA, Buchanan County, to wit:

I, Moscoe Belcher, deputy for S. R. Hurley, clerk of the circuit court of the county and State aforesaid, certify that the foregoing writing is a correct copy of an order of court appointing Eliza Lee guardian of Roley Lee, as appears of record in the circuit court clerk's office, recorded in common law order book No. 6, page 128.

Given under my hand this 3d day of July, 1923.

[SEAL.]

MOSCOE BELCHER,

Deputy Clerk, Buchanan County, Va.

(Law offices of Frederick A. Fenning, Evans Building, 1420 New York Avenue)

WASHINGTON, D. C., August 31, 1922.

Hon. C. B. SLEMP,

House of Representatives, Washington, D. C.

DEAR MR. SLEMP: I have your letter of August 30, 1922, inclosing certificate from the deputy clerk of the circuit court of Buchanan County, Va., showing the appointment of Eliza Lee as committee of Roley Lee. I presume that this refers to my ward Roley Lee.

Our court has held that it would not direct a committee appointed in this jurisdiction to turn over the estate of an incompetent to a committee appointed elsewhere, unless the ward was removed to the jurisdiction in which the other fiduciary was appointed. Roley Lee still

remains a patient under treatment at St. Elizabeths Hospital. If he should be removed to the State of Virginia, please let me know, and I will take up the matter with our court without delay.

Yours very truly,

F. A. FENNING.

(Law offices of Frederick A. Fenning, Evans Building, 1420 New York Avenue)

WASHINGTON, D. C., January 23, 1923.

Hon. C. B. SLEMP,

House of Representatives, Washington, D. C.

DEAR MR. SLEMP: In accordance with our telephone conversation this morning, I beg to say that under date of August 31, 1922, I wrote you acknowledging receipt of your letter of August 30, 1922, in the case of my ward, Roley Lee, at which time I called attention to the fact that our court had held that it would not direct a committee in this jurisdiction to turn over the estate of an incompetent to a committee appointed elsewhere, unless and until the ward was removed to the jurisdiction in which the other fiduciary was appointed. If Roley Lee should be removed to Virginia, I should immediately file my final account as committee in this jurisdiction and ask the court to direct me to turn over the estate to the committee appointed in Virginia. In this connection I should say, however, that this patient is obliged to spend practically all of his time in bed, and I anticipate that his transfer would be rather difficult owing to his physical and mental condition.

Meanwhile, as committee, I am receiving his compensation and insurance aggregating \$157.50 per month. I am purchasing necessary clothing for him and paying his mother, under order of court, \$57 per month toward the maintenance of herself and daughter, and I have also, from the funds of the ward, defrayed the travel expenses of his mother and sister in visiting him on two occasions. Of the funds in hand, \$3,000, under orders of court is invested in Liberty loan bonds and Treasury notes, and the balance is on deposit at interest in the National Savings & Trust Co. I make no charges as counsel fees, and my compensation is the commission which the court allows at the time annual accounts are stated, this commission depending upon the service rendered and the amount of the estate.

Yours very truly,

FREDERICK A. FENNING.

(Buchanan County Clerk's Office, S. R. Hurley, Clerk)

GRUNDY, VA., July 4, 1923.

Attention: Dr. Arthur P. Noyes.

In re Roley Lee.

DEPARTMENT OF THE INTERIOR,

St. Elizabeths Hospital, Washington, D. C.

GENTLEMEN: Mrs. Eliza Lee, the mother of Roley Lee, is very anxious to bring her son, Roley Lee, home to Grundy, Va., and care for him here. We have three good physicians here in town, and the boy can get medical aid here and the care of his mother.

If the department could let this boy come home with his mother, I believe that it would be of more benefit and do him more good to get back home in the mountains than all the medical aid that could be administered to him.

Mrs. Eliza Lee has also qualified as guardian for this boy and she is able to care for him if he could be released on a vacation or furlough.

Respectfully yours,

S. R. HURLEY,

Clerk Circuit Court, Buchanan County, Va.

DEPENDENT ON FENNING AND RED TAPE TO GET TO SEE HER SON

(Law offices of Frederick A. Fenning, Evans Building, 1420 New York Avenue)

WASHINGTON, D. C., May 16, 1924.

Mrs. ELIZA LEE, Grundy, Va.

DEAR MADAM: In reply to your recent letter, in which you say that you are anxious to visit your son, Roley Lee, and wait the expenses paid from his funds, I send herewith a form of petition which I have prepared, with the request that you insert the amount of estimated expenses in the blank spaces and execute the petition before a notary public and return to me, and I will present it to the court for instructions. I assume from your letter that you propose to make the trip alone and that it does not cover a trip by your daughter.

Yours very truly,

F. A. FENNING.

(Law offices of Frederick A. Fenning, Evans Building, 1420 New York Avenue)

WASHINGTON, D. C., May 23, 1924.

Mrs. ELIZA LEE, Grundy, Va.

DEAR MADAM: I have received your letter of the 22d instant, inclosing petition in which you ask the court to authorize me, as committee of Roley Lee, to pay expenses incident to proposed visit to your said

son. This petition did not reach me until this afternoon and the court does not meet again until next Tuesday. I will then submit the matter to the court and advise you.

Yours very truly,

F. A. FENNING.

MODUS OPERANDI OF DOCTOR WHITE AND LAWYER FENNING

To let you see the kind of a petition Frederick A. Fenning writes up for Dr. William A. White to sign, when he wants to take charge of the income of some unfortunate, I will quote one:

(Filed April 22, 1925. Morgan H. Beach, clerk)

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA HOLDING AN EQUITY COURT

In re James Roley, alleged lunatic. Lunacy No. 10839.

The petition of William A. White respectfully shows the court:

1. That he is a citizen of the United States and is the superintendent of St. Elizabeths Hospital, and that he files this petition as the next friend of James Roley.

2. That said James Roley was admitted to St. Elizabeths Hospital by order of the Secretary of the Navy on the 6th day of October, 1922, has been continuously since that time and is now a patient under treatment in said hospital.

3. That said James Roley is unmarried, and that, so far as your petitioner is aware, he has no relatives in this jurisdiction; that he has no property other than two lots in Brooklyn, N. Y., value not known to petitioner, and funds on deposit at St. Elizabeths Hospital.

4. That in order that said lots may be properly looked after and funds collected and used from time to time for the benefit of the said James Roley it is necessary that a committee be appointed for him.

Wherefore, the premises considered, your petitioner asks:

1. That a writ de lunatico inquirendo be issued by this court.

2. That the court appoint a committee for said James Roley, under such bond as may be deemed necessary, your petitioner suggesting that Frederick A. Fenning, a member of the bar of the Supreme Court of the District of Columbia, who is experienced in lunacy matters, has expressed a willingness to act as such committee.

3. And for such other and further relief as to the court may seem meet.

WILLIAM A. WHITE.

I do solemnly swear that I have read the foregoing petition by me subscribed and know the contents thereof, and that the statements made therein upon information and belief I believe to be true, and the statements made therein upon my personal knowledge are true.

WILLIAM A. WHITE.

DISTRICT OF COLUMBIA, ss:

Subscribed and sworn to before me this 18th day of April, 1925.

[SEAL.]

FRANK M. FINOTTI, Notary Public.

LAW OFFICES OF FREDERICK A. FENNING

On the back of this petition is indorsed:

Law offices of Frederick A. Fenning, Evans Building, 1420 New York Avenue NW., Washington, D. C.

VERDICT AND JUDGMENT RECITES FENNING AS DOCTOR WHITE'S ATTORNEY

The verdict of the jury declaring James Roley insane, and the court's order thereon, recites that the petitioner, Dr. William A. White, appeared in court by his attorney, Frederick A. Fenning. And in accordance with the recommendation made by Doctor White in his petition, drawn and handled by Fenning, the court appointed Frederick A. Fenning committee.

On May 14, 1925, Frederick A. Fenning filed with the court his first report in said case, showing that he had received from St. Elizabeths Hospital \$2,651.56, personal funds belonging to his ward, which he had deposited in the National Savings & Trust Co.

On August 8, 1925, the court authorized Frederick A. Fenning to sell certain property in Kings County, N. Y., belonging to his ward for \$4,200.

On January 13, 1906, Frederick A. Fenning got permission of the court to pay New York lawyer \$250 for helping him sell property.

On January 20, 1926, Frederick A. Fenning reported to the court that he had on hand \$5,870 of his ward's money and that he also expects more as proceeds from sale of other property.

SOME RECENT CASES OF COMMISSIONER FREDERICK A. FENNING

I will now mention some recent cases of Commissioner Frederick A. Fenning, filed since he became Commissioner of the District of Columbia.

On June 10, 1925, in lunacy case No. 10890, Commissioner Frederick A. Fenning filed a petition to declare Michael Flaherty, of Massachusetts, of unsound mind, the petition recommending that Frederick A. Fenning be appointed committee, and Fenning used the affidavits of Dr. D. C. Main and Dr. John D. Gable, doctors employed in St. Elizabeths. On June 10, 1925, Flaherty was declared unsound, Commissioner

Frederick A. Fenning was appointed committee, and the order of court recites that the petitioner appeared by his attorney, Frederick A. Fenning. And on June 20, 1925, Commissioner Frederick A. Fenning reported to the court that he had received from the United States Navy \$565.80 as pay due his ward, which he had deposited in the National Savings & Trust Co., and that he expected from the Navy \$94.30 each month pay due his ward.

On September 22, 1925, Commissioner Frederick A. Fenning, as attorney for Mrs. Elizan Norris, filed lunacy case No. 11041 seeking to declare Richard M. Norris unsound, using Doctor Silk and Doctor Lind, of St. Elizabeths staff, to do the work, the petition reciting that the only relatives of Norris known were his wife, Elizan Norris, and his daughter, Fannie Norris, aged 13, living in Savannah, Ga., and the petition reciting:

That Richard M. Norris is entitled to war risk compensation monthly, amount not yet known.

I want this recitation to be remembered, for it shows that there must be a claim filed against the Government of the United States before his rights can be determined, for the Veterans' Bureau is one of the institutions of the Government. And the papers in this case show that Frederick A. Fenning is acting as attorney for Mrs. Elizan Norris, and later papers show that he did prosecute a claim against the Government and got it allowed, because on January 20, 1926, he filed for Mrs. Norris her first report to the court showing that she has received compensation check from the Veterans' Bureau, and deposited it in the National Savings & Trust Co. And if it is traced down by Congress, it will be found that Frederick A. Fenning, in cooperation with Dr. William A. White, worked up this case himself, and ascertained that this man could obtain compensation, and that when his wife refused to waive her rights, that Fenning induced her to let him file the papers for her. And it will be found that it was under the direction of Frederick A. Fenning that the funds were deposited in the National Savings & Trust Co.

COMMISSIONER FREDERICK A. FENNING IS A DIRECTOR OF IT

Note the following received from the National Savings & Trust Co., showing why Commissioner Fenning deposits all of his fiduciary funds in that institution. Such deposits inure to his benefit and profit, as it brings dividends for his stock:

(National Savings & Trust Co.—capital, \$1,000,000; surplus, \$1,000,000; incorporated by special act of Congress January 22, 1887; reorganized under act of Congress October 1, 1890)

WASHINGTON, D. C., April 2, 1926.

HON. THOMAS L. BLANTON,

House of Representatives, Washington, D. C.

DEAR SIR: In reply to your letter of April 1, we write to advise you that Mr. Frederick A. Fenning is a director of this institution.

Yours very truly,

WM. D. HOOVER, President.

Any man who can manipulate things so that he can draw from the United States Veterans' Bureau \$733,855.87 fiduciary funds can become a director in a trust company. How much is it worth to him and the company?

A CRIME UPON COMMON DECENCY

In cause No. 11092, on October 20, 1925, Commissioner Frederick A. Fenning, as attorney, filed a petition in the supreme court, alleging that Francis D. Allen is a patient in St. Elizabeths and believed to be of unsound mind, and that he is entitled to retired pay of \$150 per month as lieutenant in the United States Navy, and recommending that Frederick A. Fenning be appointed committee for him.

Using two doctors from St. Elizabeths to do his swearing for him, Frederick A. Fenning filed the following as evidence:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA HOLDING AN EQUITY COURT

In re Francis D. Allen, alleged lunatic. Lunacy No. 11092.

We, the undersigned, do solemnly swear that we are members of the medical staff of St. Elizabeths Hospital; that we are familiar with the mental condition of the above named, who is a patient under treatment in said hospital; and that in our opinion he is of unsound mind.

D. C. MAIN.

SAMUEL A. SILK.

DISTRICT OF COLUMBIA, DC:

Subscribed and sworn to before me this 9th day of October, 1925.

[SEAL.]

ARNOLD W. BARBOUR.

Notary Public, District of Columbia.

On November 20, 1925, Commissioner Frederick A. Fenning, as attorney, had the matter heard, had Lieut. Francis D. Allen, of Chester, Pa., declared unsound, had himself appointed com-

mittee, and the order recites Frederick A. Fenning as attorney for the proceeding.

On December 7, 1925, Commissioner Frederick A. Fenning, as committee, petitioned the court to change the name to Frank D. Allen, so as to correspond with record of the Navy, and to affirm him as committee, which was done by order of Chief Justice McCoy.

On December 9, 1925, Commissioner Frederick A. Fenning reported to the court that he had received from St. Elizabeths the sum of \$116.55, personal funds due his ward, and that he expects to receive from the United States Navy \$150 per month as the retired pay due his ward, and that he expects to receive certain funds of his ward deposited in a New York bank, and that he expects to receive proceeds from certain lots in New York, and that he expects to recover a refund of a deposit on a house in Pennsylvania.

On February 10, 1926, Commissioner Frederick A. Fenning, as committee, filed petition in the supreme court advising that while his ward lived in Chester, Pa., he purchased from Annie M. Smith the premises at 1824 West Sixth Street, Chester, Pa., for \$3,800, and paid her in cash \$1,000, and Fenning asked that he be permitted to file suit against her to annul the purchase and recover back the \$1,000, and the court granted the order that day without hearing.

LIEUT. FRANK D. ALLEN SHANGHAIED

After much wrangling with Dr. William A. White and his assistant, Doctor Noyes, who refused to allow me to attend their conference and have Lieutenant Allen before it, I finally forced them under threats to let me see Allen. I wish every colleague and Senator in this Congress would go there and talk to him. He is perfectly sane, apparently. He told me all about his business in Chester, Pa., and in New York, and was indignant when I told him that Fenning was now suing to annul his contract for purchasing the property in Chester. He is a fine-looking fellow. He is unusually intelligent. He showed polish and breeding. He said that he had never seen Fenning but twice. He said that a naval officer here owed him some money, and he left his home in Chester and came here hoping to collect it, and that when he went to see this officer at the naval hospital and asked him to pay him what he owed it made him mad, and he had him sent over to St. Elizabeths, where he has been roughly handled and treated unjustly in numerous ways. And I promised him that I would tell his Congressman, our beloved colleague, Mr. BUTLER, and that I would bring his message to this Congress, imploring them that he be delivered from the hands of the Philistines.

Mr. BUTLER. I can not locate that man.

Mr. BLANTON. The gentleman will locate him when I go with you out there with your application for a writ of habeas corpus.

Mr. BUTLER. He will come out of there if he is not insane. I am told that he is not allowed to communicate with me.

Mr. BLANTON. No; he is not. He tells me that.

Mr. BUTLER. Then I will communicate with him. [Applause.]

Mr. BLANTON. And I will help you. But I must get back to my discussion.

COMMISSIONER FREDERICK A. FENNING'S MAN FRIDAY

In his law office in the Evans Building, Commissioner Fenning has a young man, Paul V. Rogers, who until recently was a clerk there, but whom Fenning now uses as his law assistant to file cases and receive fees.

On December 2, 1925, Commissioner Frederick A. Fenning and Paul V. Rogers, as attorneys, filed in the Supreme Court of the District of Columbia, the case of Lunacy No. 11137, charging Charles L. Cunningham with being of unsound mind. The court's order of December 4, 1924, recites that petitioner appeared by Attorney Frederick A. Fenning, and he was declared insane.

On January 27, 1926, Commissioner Frederick A. Fenning filed with the court a petition stating that petitioner had employed Frederick A. Fenning and Paul V. Rogers as attorneys, and asking permission to pay their fee of \$150.

On January 27, 1926, that same day, Chief Justice McCoy granted the order for the \$150 to be paid to Frederick A. Fenning and Paul V. Rogers, attorneys.

On January 27, 1926, petitioner reports receipts from Franklin Trust Co., of Philadelphia, of \$1,531.83, and \$73.30 from the Navy, and statement is made that such sums are deposited in the National Savings & Trust Co., of Washington, D. C.

COMMISSIONER FENNING GRINDS OUT LUNATICS BY WHOLESALE

Corporation Counsel Francis H. Stephens is under the absolute influence and control of Commissioner Frederick A. Fenning, who, by a stroke of the pen, could make or ruin him.

During the past four months Corporation Counsel Francis H. Stephens, on behalf of the Commissioners of the District of Columbia, has had 150 human beings thrown into insane asylums—either Gallinger or St. Elizabeths.

CERTIFICATE FROM LUNACY CLERK
CLERK'S OFFICE SUPREME COURT
OF THE DISTRICT OF COLUMBIA,
Washington, D. C., April 2, 1926.

Hon. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

DEAR SIR: In compliance with your request of this date, I have the honor to report that there were 150 lunacy cases filed by Francis H. Stephens, corporation counsel, between December 1, 1925, to March 31, 1926, inclusive.

Respectfully,

E. M. MEIGS,
Assistant Clerk of the Supreme Court of the
District of Columbia, in Charge of Lunacy.

FREDERICK A. FENNING APPOINTED RECEIVER

In the Supreme Court of the District of Columbia, No. 25544, equity, Rowan Hart, the court appointed Mr. Frederick A. Fenning as receiver, and he has been allowed the following commissions, to wit: \$20.90, \$50, \$40.40, \$17.24, \$20, \$18.44, \$16.85, and \$16.25.

ALMOST GOT A BONANZA

In the case of Engstrom et al. against Arnold et al., No. 39490, equity, Mr. Frederick A. Fenning was appointed receiver by Chief Justice McCoy over the objections of the attorneys, and before he could qualify an appeal was taken which prevented him from qualifying. This was a case of immense proportions, there being over \$1,000,000 in cash on deposit. If Mr. Fenning had been allowed to qualify and the case had not been settled he would have reaped a harvest even beyond his own expectations.

MARTIN R. MADDEN ALWAYS MEANS JUST WHAT HE SAYS

In my speech made from this floor on March 18, 1926, when I was then endeavoring to get this Congress to put Frederick A. Fenning out of office, I caused the distinguished gentleman from Illinois, our incomparable chairman of the great Committee on Appropriations, to make us one definite promise—that if I could prove my charges, Fenning ought to be put out of office. Let me quote what he then said:

Mr. BLANTON. And I want to say here that this commissioner has no right to have himself appointed guardian for poor soldier boys who happen to be in St. Elizabeths and hold them here while their fathers are perhaps dying at home in Florida, and at the same time receive several thousand dollars a year.

Mr. MADDEN. If the gentleman will permit, let me make this suggestion: If he is doing that, he ought to be put out of his office.

Mr. BLANTON. Good; I know the gentleman means just what he says, and having accomplished what I desired, I am going to yield the floor.

HAVE PRODUCED THE PROOF

I have done the work of 20 men to gather this evidence and proof for Mr. MADDEN and the Congress. Now, what is going to be done about it? If Frederick A. Fenning does not have enough sense to resign, the President ought to kick him out of office without ceremony. And I believe the President will do so. And if the President does not do so, this Congress ought to force his expulsion from office. He ought to be in the penitentiary, and if the district attorney does his duty, he will be placed behind the bars, just as he kept poor Mrs. Corbett and her daughter behind the bars of St. Elizabeths for two years and four months, and robbed them while they were in there helpless.

COMMISSIONER FREDERICK A. FENNING STILL DOING BUSINESS WITH
UNDERTAKER GAWLER

In the case lunacy No. 10713, Walter Garland Allan, is the following receipt on file:

WASHINGTON, D. C., March 24, 1926.

Received of Frederick A. Fenning, committee of Walter Garland Allan, \$107.81, balance held to the credit of deceased, for services in connection with burial.

(Signed) GAWLER.

Commissioner Fenning had Undertaker Gawler to bury his ward and wound up the case by paying Gawler what funds that happened to be left.

REPORT FROM ONE OF MY AIDS

I have just received this report:

WASHINGTON, D. C., April 6, 1926.

MY DEAR MR. BLANTON: You have them worried. When you dropped in on them so unexpectedly last Saturday, as soon as you left, Doctor White got in touch with Commissioner Fenning and told him of your visit.

They have a system whereby when Fenning authorizes a certain portion of the ward's money to be spent for clothing, etc., the "committee" expressly stipulates where same shall be bought. Herzog, Saks, and Eiseman get the bulk of this business, with commissions allowed for the trade.

Doctor White spends most of his time writing books and articles. All of the St. Elizabeth doctors practice outside, and some have offices outside.

Doctor White still holds his chair on the medical faculty of the Georgetown University, and also on the medical faculty of the George Washington University, notwithstanding the law requires him to give all of his time to St. Elizabeths.

BARRATRY

I have the statement of a reputable woman here who was hurt a short time ago, being run over by a street car and had three ribs fractured. Mr. Fenning went to her and advised her to take her case to Paul V. Rogers, in his office in the Evans Building, and let him file suit for her, and she did this, and tells me that Paul V. Rogers is now handling her case for her. You will remember that Paul V. Rogers is Fenning's present law partner, and keeps his office in the Evans Building for him. If that is not barratry in the District of Columbia, it would be in the State of Texas.

I know a good woman here who in Chicago was appointed committee for her shell-shocked husband, who, by transfer, is now in St. Elizabeths. For 17 months she sent each month \$30 to Doctor White to buy clothes for her husband; finding that he was not getting clothes, except one cheap suit, she demanded that out of the money she had been depositing there, \$100 of it be turned over to her, as she herself wanted to select his clothes. Instead of giving her a check or the money, they gave her two white slips which they call "obligations," for \$50 each, stating that same would be good at St. Elizabeths. And then she found out that Eisemans at Seventh and F Streets NW, allows St. Elizabeths officials 10 per cent commission of what they buy there. And while in the National Savings & Trust Co.'s bank one day (of which Fenning is a director) one of the officials there recommended to her that she turn her business over to Frederick A. Fenning, and let him be committee and handle it for her.

ONE LONG LIST OF BLUNDERS

The record of Frederick A. Fenning, as commissioner, has been one long list of blunders. He entered upon the duties of his office on June 5, 1925. He immediately had turned over to him a Cadillac car, with No. 2 on its plate, furnished by the Government. He put into force and effect a regulation that there should be no parking between 8 o'clock and 9.15 in the morning on New York Avenue between Fourteenth and Fifteenth. On June 12, 1925, his Cadillac car was parked in front of the Evans Building, wherein his law office is, in the prohibited parking area, and certain newspaper men complained to a policeman about it, that they were not allowed to park there, and that this Cadillac car ought to be moved. This policeman, Mr. Gore, went to the car and told the negro chauffeur that he would have to drive around the corner and park there. The negro replied, "No, indeed, he wouldn't have to do anything of the kind. That was Mr. Commissioner Fenning's car, and he would park right there." And then the lady on the back seat gave Policeman Gore a "blessing-out." Shortly after noon that day this traffic policeman, Gore, was ordered to police headquarters, and appearing before Inspector Headley, then in charge of traffic, was questioned about the matter. Inspector Headley then said: "I have been ordered to reprimand you, and you many consider yourself reprimanded." But that was not the kind of reprimand that Fenning required.

A MOST REVENGEFUL DEMOTION

Inspector Headley has served honorably and faithfully in the Metropolitan police department for about 30 years. Not a scratch was against him. Soon he will retire on half salary, as he is almost the age, both in years and service.

Without notice, without a hearing, without trial, this 12-day-old commissioner on June 19, 1925, called Inspector Headley before him and said: "You are demoted to a captain; you will report at No. 4." With the obedience of Army discipline, without saying a word, Inspector Headley gave up the \$450 a year he was allowed for maintaining an auto, went to No. 4, demoted both in rank and salary, and to this good day not one excuse has been given him for such demotion. But all of us know that Commissioner Fenning was punishing Inspector Headley, who had charge of traffic, because Traffic Officer Gore attempted to do his duty and require Fenning himself to obey his own ordinances. And Traffic Officer Gore was soon put out of the traffic service, and has since been transferred twice. And the next day, after demoting poor Headley, Mr. High Commis-

sloner Frederick A. Fenning, a commissioner for two weeks, left for the Maine woods, where each summer he acts as wet nurse in waiting on our good friend Judge Walter I. McCoy, chief justice of the Supreme Court of the District of Columbia.

FENNING'S CRUEL ORDER SHOCKED OTHER COMMISSIONERS

I am advised by another of the most reliable and prominent Republicans in Washington that when on June 19, 1925, Commissioner Fenning had the clerk, Mr. Daniel Garges, draw up the order demoting Inspector Albert J. Headley from an inspector to a captain, and ordering his \$450 auto allowance taken from him, when Clerk Garges read this order for passage at the meeting of the commissioners that day it so shocked Commissioner Rudolph that he put his hand up to his ear and said:

Mr. RUDOLPH. What was that, Dan? Just read that again, Dan. And Dan read it again.

Then the following colloquy occurred:

Mr. RUDOLPH. Colonel Fenning, you surely don't mean that?
Mr. FENNING. Nothing but.

Colonel BELL. Why, we don't even do that in the Army. When we don't like a man we transfer him. Can't we create a third district for him?

Mr. FENNING. No; he is to go to No. 4 as a captain.

WILL THIS CONGRESS STAND FOR IT?

I do not believe that this Congress will stand for it. We must have Inspector Albert J. Headley restored. Why, do you know that Commissioner Fenning issued an order that all outside practice that could not go to the police surgeons must go to a young doctor practicing here who is waiting on a member of Fenning's family. And Commissioner Fenning has only recently appointed this young physician a police surgeon. And he is about to remove a very distinguished police surgeon because he would not recommend the retirement of two policemen whom Fenning wanted to remove, and whom he was not sure of a result of their trial, to which they were entitled.

Immediately after Frederick A. Fenning is put out of the commissioner's office Albert J. Headley should be restored as inspector. Congress must not permit this great injustice to stand.

FENNING'S CRUEL TREATMENT OF SERGT. ROBERT E. LEE

You will remember his cruel treatment of Sergt. Robert E. Lee just a few days ago. Sergeant Lee is 6 feet 2½ inches tall, weighs 225 pounds, is 55 years old, is a perfect giant, and for three years had not missed a day for sickness, yet by Commissioner Fenning was retired, notwithstanding all of his superior officers testified that he was a magnificent policeman and officer and performed perfect service at all times. And this officer, whose son was making an effort to graduate in George Washington University, now suffers because of Fenning foolishness.

TRIED TO BAN OVER-NIGHT PARKING

It will be remembered that shortly after he went into office Commissioner Frederick A. Fenning gave notice that he would pass a regulation that would require all automobiles to be placed in garages at night. This would have required 22,000 owners of automobiles in Washington either to pay exorbitant garage rentals or else sell their cars, and certain Congressmen had to stop him. It would be a most interesting study for some of you colleagues to investigate to what extent Frederick A. Fenning and his close friends are interested in the garage business here in the District.

IS INTERESTED IN TOO MANY BUSINESSES IN WASHINGTON

When I began to investigate I was surprised to find the number of business enterprises in which Commissioner Frederick A. Fenning is personally interested.

DIRECTOR OF THE LAW REPORTER PRINTING CO.

Note the following:

(The Law Reporter Printing Co., commercial printing, engraving, law stationery, office supplies)

WASHINGTON, D. C., April 2, 1926.

Hon. THOMAS L. BLANTON,

House of Representatives, United States Capitol,

Washington, D. C.

SIR: Replying to your letter of the 1st instant, I beg to say:

1. Mr. Frederick A. Fenning is, and has been for many years, a director of the Law Reporter Printing Co.

2. He has not ceased to be a director.

Respectfully,

CHAPIN BROWN,

President of the Law Reporter Printing Co.

FREDERICK A. FENNING HAS BEEN ON PAY ROLL OF WASHINGTON GAS LIGHT CO.

Note the following:

WASHINGTON GAS LIGHT CO.,
OFFICE OF THE PRESIDENT,
Washington, D. C., April 2, 1926.

Hon. THOMAS L. BLANTON,

United States House of Representatives,

Washington, D. C.

MY DEAR SIR: I have yours of April 1 requesting that I answer four questions regarding Mr. Frederick A. Fenning.

Question No. 1. Mr. Fenning has acted only as an agent for collecting delinquent accounts.

No. 2. No.

No. 3. 1919.

No. 4. November 6, 1919.

Very truly yours,

ORD PRESTON, President.

NO MAN CAN SERVE TWO MASTERS

How may the people of Washington expect Mr. Fenning to do justice to them as their Public Utility Commissioner when he has been on the pay roll of one of the big utility companies of Washington?

WAS A DIRECTOR OF THE WASHINGTON LOAN & TRUST CO.

Note the following:

THE WASHINGTON LOAN & TRUST CO.,
Washington, D. C., April 2, 1926.

Hon. THOMAS L. BLANTON,

House of Representatives, Washington, D. C.

MY DEAR SIR: Replying to your letter of April 1, making inquiry concerning Mr. Frederick A. Fenning, I have to advise:

First. That Mr. Fenning is not now a director of The Washington Loan & Trust Co.; and,

Second. That he was, on the 5th day of November, 1913, elected a director of the company, but tendered his resignation, which was accepted by the board, on the 8th of February, 1922.

I trust that this will fully answer your inquiry.

Very truly yours,

JOHN B. LARKE, President.

COMMISSIONER FENNING IS NOW ATTORNEY FOR MEDICAL SOCIETY

I was told just a few days ago by the president of the Medical Society of the District of Columbia that Commissioner Frederick A. Fenning is now their attorney. To find out what they pay him, I wrote the following letter to Dr. E. B. Conklin, secretary of said medical society, and he has refused to answer:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 1, 1926.

Dr. E. B. CONKLIN,

1801 I Street NW., Washington, D. C.

MY DEAR DOCTOR CONKLIN: For use of our committee on the District of Columbia, will you kindly advise me the following:

(1) How long has Mr. Frederick A. Fenning been the attorney for your medical society?

(2) Do you pay him a salary by the year? If so, how much?

(3) If you don't pay him an annual salary, please state just what remuneration you pay him.

Thanking you for the above information,

Very sincerely yours,

THOMAS L. BLANTON.

AND DR. WILLIAM A. WHITE AGAIN REFUSES TO ANSWER

I am reliably informed that Dr. William A. White, some years ago, attempted to get a license so that he could practice here in Washington, and the local physicians objected, and refused it. I am also reliably informed that he and Mr. Fenning have been making property investments together, and to get the facts, I wrote Doctor White the following letter, and he has refused to answer:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 1, 1926.

Dr. WILLIAM A. WHITE,

Superintendent St. Elizabeths, Washington, D. C.

MY DEAR DOCTOR WHITE: Will you please give me the following information, for use before our Committee on the District of Columbia, to wit:

(1) Did you ever make application to the Board of Medical Supervisors for a license to practice in the District of Columbia? If so, what excuse was given for not granting same?

(2) Did you and Frederick A. Fenning ever invest jointly in real estate together? Do you now own property together? If not, when did you cease to so own it?

(3) Have you used your New York license during the past 20 years by doing any practice in New York?

Please let me have the above information at your very earliest convenience, and oblige,

Very truly yours,

THOMAS L. BLANTON.

PROTECTS THE KING OF ALL BOOTLEGGERS

Joe Kelly is a political boss of Baltimore. He is the king of all high-toned bootleggers. His main liquor business is conducted from Greenmount Avenue and Eager Street in Baltimore. He directs his ships from the Bahamas and his big trucks in every direction from Baltimore. For \$1,000 fee he will guarantee the safe delivery of a 5-ton truck load of liquor into Washington. His trucks enter the District at an exact hour agreed upon.

BARRAGE

Spectacular raids on stills and small bootleggers selling corn whisky in competition make a good blind for pretended enforcement. I am reliably informed that during a certain period last year 10,000 cases of imported liquor came into Washington and was distributed without any disturbance and that not one single truck load of liquor has been captured.

THE TROUBLE IS AT THE HEAD

The Metropolitan police force is a splendid bunch of loyal men, but they can enforce only when directed to do so. You have probably noticed in the press lately that Major Hesse, superintendent of police, has complained that there are too many arrests, and he is now taking steps to reduce arrests. If he drinks liquor himself, he can not expect his men to enforce the law. Each time, during my last three interviews with Major Hesse, I have smelled liquor on his breath. Having had complaints about it, I went to him and had a heart-to-heart talk and urged him to let it alone, as his use of it would demoralize every man on his police force. He promised me he would, but he has not stopped it. There is entirely too much liquor dispensed every day around the District Building. Major Hesse was not an experienced policeman. He was a police clerk. Commissioner Fenning must have had some special reason for making him superintendent over the heads of many, many, deserving, experienced policemen of years of training.

PROTECTION TO HOTELS AND TAXICABS

The monopoly that hotels, the Union Station, and taxicabs have here is a disgrace to Washington. I want my colleagues to check up the holdings of the "big six" and their friends on hotel holdings.

I am reliably informed that the Red Star Line has paid to the Willard Hotel \$15,000 this year for desk space to sell sight-seeing tickets in the hotel and load them there, and that it has paid to the Capitol Park Hotel, owned by the same interests—centering in the Second National Bank—\$3,500 for this privilege. The Continental Hotel is owned by the "big boss" and others closely associated. No one can get into the Union Station except in the third passageway, because the White & Black Taxi Co. has bought the privilege from the railroads. And since the House passed my amendment to stop this these hotel magnates have appeared before the Senate committee and urged that it be stricken from the bill.

POLITICS MUST NOT CONTROL

We must keep politics out of this question. Too many ex-service men are involved. It is true that when Frederick A. Fenning was appointed Commissioner he was then secretary of the local Republican organization here in Washington. And it is true that Hon. Edward F. Colladay, national Republican committeeman of the District of Columbia, is backing Mr. Fenning and trying to protect him.

MY RESOLUTION STILL PENDING

My resolution for the appointment of a joint committee, five Senators and five Congressmen, to investigate this whole situation here concerning treatment of our veterans of the various wars, has been held in the Committee on Rules since March 23, 1926. I trust that this committee will now report it out promptly.

I DO NOT BELIEVE PRESS REPORTS ABOUT PRESIDENT

In the Washington Star for March 27, 1926, appeared the following:

The White House has let it be known officially that the President had no objection to Frederick A. Fenning continuing his legal work when he appointed the latter to the Board of District Commissioners.

IGNORES PART OF QUERY

The President's attitude was made known at the biweekly conference of the President and the newspaper correspondents at the White House late yesterday afternoon in answer to a question as to the President's

attitude toward the fight being made on Commissioner Fenning by several Members of the House, and if he knew of the nature of Mr. Fenning's law practice and approved his continuing it.

In making this known officially at the White House the President's spokesman pointed out that President Coolidge had no personal objection to Mr. Fenning continuing his private work.

SPOKESMAN IS CANDID

While the President's spokesman answered candidly, he did not go into any great detail. He therefore omitted stating specifically whether the exact nature of Mr. Fenning's law work was divulged during their conference at the White House. The President's spokesman did state, however, that the President could not at this time definitely recall all the details and could not at this late date repeat the exact conversation. However, there was no uncertainty in the mind of the President about agreeing to Mr. Fenning continuing his outside work.

I do not believe the President of the United States authorized the above statement. I do not believe that such will be the attitude of the steering committee of the Republican Party on this floor and in this Congress. I do not believe that such resolution of inquiry will be blocked.

FREDERICK A. FENNING HAS VIOLATED THE LAW

Commissioner Fenning is appointed to his office by the President of the United States. Such appointment is "by and with the consent of the Senate," and has to be confirmed by the Senate of the United States. This Government pays part of his salary. The District of Columbia is the seat of the Government of the United States.

Section 5498, page 1065, of the Revised Statutes of the United States provides:

Every officer of the United States, or person holding any place of trust or profit, or discharging any official function under, or in connection with, any executive department of the Government of the United States, or under the Senate or House of Representatives of the United States, who acts as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, aids or assists in the prosecution or support of any such claim, or receives any gratuity or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall pay a fine of not more than \$5,000 or suffer imprisonment of not more than one year, or both.

He has certainly violated the above law. And he has certainly violated the law which prevents a lawyer from soliciting law business and working up law cases for clients whose business he solicits.

I DEFEY THE WHOLE GANG

I have received due notice that if I pressed this matter I would be ruined. I have fought bigger institutions than Frederick A. Fenning and Dr. William A. White. If they can ruin me, then let me be ruined. I am fully conscious of the power and influence of Frederick A. Fenning.

NO ONE SHALL EXPLOIT WORLD WAR VETERANS

St. Elizabeths Hospital is a Federal institution maintained here by the Government of the United States to house and care for mental defectives. It is an insane asylum. For the present fiscal year Congress has appropriated and given it \$1,023,000 out of the United States Treasury. In addition to this, in the District appropriation bill for the present fiscal year Congress appropriated and turned over to the Board of Charities \$900,000 to spend in St. Elizabeths Hospital for the indigent insane of the District, and in the deficiency bill Congress gave to the Board of Charities for said purpose an additional sum of \$260,000, making \$1,160,000 given to said Board of Charities for the present fiscal year to care for indigent insane in St. Elizabeths Hospital, and for the next fiscal year Congress has already appropriated \$1,000,000 for said Board of Charities to spend in St. Elizabeths Hospital for said indigent insane of the District. And for the next fiscal year Congress has already appropriated for St. Elizabeths Hospital \$924,000 out of the United States Treasury.

GALLINGER MUNICIPAL HOSPITAL

It is the practice here in the District, when police authorities first take into their custody any person alleged to be of unsound mind, to send them to Gallinger Hospital for observation, from whence sooner or later they are sent to St. Elizabeths Hospital, under what is known as a certificate, for 30 days.

It is interesting to note that in the recent District appropriation bill for the next fiscal year the sum of \$637,550 is carried for Gallinger Hospital.

ABSOLUTELY WITHOUT MALICE

In making this investigation and urging the removal of Frederick A. Fenning, Dr. William A. White, and William

Wolff Smith, I am actuated by no malice whatever. I am simply doing my duty to the veterans of all wars who have been denied their rights because of the wrongful acts of these three men. And we must remember that the Navy has a regulation which must be changed.

HOW THE NAVY HANDLES IT

Walter E. B. — from Blair County, Pa., has been incarcerated in St. Elizabeths since November, 1924. In order that his mother might handle his money and property, and save the fees paid here to an outsider, she took out guardianship proceedings in the boy's home jurisdiction in Blair County, Pa., where in accordance with law she was appointed by her probate court as the guardian for the person and estate of her son, and as such guardian, she was duly authorized to receive any and all sums of money due him either by the Government or by individuals. And she duly filed evidence of such authority with the Navy Department here in Washington, and requested that monthly payments due her son should be paid to her as his legal guardian.

BUT THE NAVY WOULD NOT RECOGNIZE SUCH GUARDIANSHIP

Note the following letter to our colleague from Pennsylvania:

NAVY DEPARTMENT,
Washington, D. C., March 19, 1926.

Hon. J. BANKS KURTZ,
House of Representatives.

MY DEAR CONGRESSMAN KURTZ: In re the case of Walter Edward —, CGM (PA) F-3-c, the records of the Bureau of Supplies and Accounts show that a transcript of the decree of the Court of Common Pleas, Blair County, Pa., dated March 2, 1925, appointing Mrs. Annie — the guardian of Walter E. —, was received on March 8, 1926.

Information obtained from St. Elizabeths Hospital revealed that Walter E. — has been a patient in that institution continuously since November 26, 1924.

Under the rulings of the Judge Advocate General of the Navy, it is necessary that the guardian of incompetent members of the Fleet Naval Reserve be appointed by a court having jurisdiction over the person of the incompetent before the appointment can be recognized by the Navy Department and checks forwarded to the guardian.

Yours sincerely,

CHARLES MORRIS,
Paymaster General of the Navy.

Thus we see that the Judge Advocate General of the Navy requires that concerning a boy who lives in Blair County, Pa., whose family all live there, because the boy is incarcerated here in St. Elizabeths, guardianship proceedings be taken out here, thus playing right into the hands of these professional guardians who make their living off of such wards of this Government.

His mother preferred that his compensation each month be paid to her rather than to one of these professional Washington guardians.

MUST CALL A SPADE A SPADE

The time has come when we must call a spade a spade. I have done that in this discussion. On matters of this importance to all the people of the United States these abuses have continued because there have been too many soft pedals and too many whitewashes.

CONCLUSION

I have now done my duty. It is up to the House of Representatives, the Senate, and the President to do their duty. I have worked hard after hours for a number of weeks assembling these facts. It has all been work extra to our regular duties in our office and on the floor of this House. All of my colleagues know that I am on the floor all of the time when the House is in session. And my office work is fully as great as that of any colleague. But I felt that it was my duty to make this investigation and to place these facts before the Congress. I have confidence in the President of the United States. I have confidence in this Congress, though I must confess that my faith has been sorely tried on a few occasions. And I believe that the President of the United States will promptly remove from office Frederick A. Fenning as commissioner of the District of Columbia, Dr. William A. White as Superintendent of St. Elizabeths, and "Poker Bill Smith" as general counsel of the United States Veterans' Bureau.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Speaker, this is a very important matter. I wonder if the steering committee will not allow me 20 minutes additional. I ask unanimous consent, Mr. Speaker, that I may be allowed to proceed for 20 minutes more. This is a very important matter.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for 20 minutes more. Is there objection?

Mr. JOHNSON of South Dakota. Reserving the right to object, Mr. Speaker, I would like to have coupled with that unanimous consent a request that I may be allowed 20 minutes in which to make some remarks at the conclusion of the remarks of the gentleman from Texas to discuss the guardianship of the wards of the Veterans' Bureau.

Mr. KINDRED. Mr. Speaker, I reserve the right to object, and ask that I may have 10 minutes to enjoy the same privilege.

Mr. BLANTON. Mr. Speaker, I ask that the requests be put separately. No; I ask unanimous consent that I may be allowed to proceed for 20 minutes, and that the gentleman from South Dakota may proceed for 20 minutes as requested, and that the gentleman from New York [Mr. KINDRED] be given 10 minutes in accordance with his request.

Mr. TILSON. Mr. Speaker, I regret to do so very much, but I must object, if others are added beyond the two gentlemen first mentioned.

Mr. BLANTON. I want to tell you about a very important case, where two poor women who were sane were kept in St. Elizabeths for two years and four months.

Mr. TILSON. I shall have to object, Mr. Speaker, to the request in this form.

Mr. BLANTON. Mr. Speaker, I ask for 10 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for 10 minutes.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from Texas may be allowed to proceed for 15 minutes, and that I may be allowed to follow him for 15 minutes to discuss the general subject of the treatment of the incompetent wards of the Veterans' Bureau.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the gentleman from Texas may proceed for 15 minutes, and that he himself may proceed for 15 minutes following. Is there objection?

Mr. TILSON. I have no objection to this request.

Mr. KINDRED. Mr. Speaker, reserving the right to object, in connection with the remarks of the gentleman from Texas—

Mr. BLANTON. If the gentleman from New York will withhold his objection, my friend from Georgia [Mr. VINSON] will give the gentleman 15 minutes later on to-day.

Mr. KINDRED. Will the gentleman from Georgia have it?

Mr. BLANTON. Yes. He promised it to me, and I promise to give it to you.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

Mr. KINDRED. I will have to object.

Mr. VINSON of Georgia. It is not in order under the rules, the Committee on Rules says.

Mr. BLANTON. I ask unanimous consent, Mr. Speaker, to proceed for 10 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for 10 minutes.

Mr. TILSON. I must object, unless the gentleman from South Dakota is included.

The SPEAKER. Objection is heard.

Mr. KINDRED. Mr. Speaker, I will withdraw my objection.

Mr. BLANTON. I ask for five minutes, Mr. Speaker.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for five minutes.

Mr. BLANTON. I renew the request that the gentleman from South Dakota [Mr. JOHNSON] made. The gentleman from New York [Mr. KINDRED] has withdrawn his objection.

The SPEAKER. The Chair will again put the request of the gentleman from South Dakota, asking unanimous consent that the gentleman from Texas be allowed to proceed for 10 additional minutes and that the gentleman from South Dakota himself may follow for 10 minutes. Is there objection?

Mr. UNDERHILL. Mr. Speaker, I object unless somebody else does.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, I have in my pocket a letter from a prominent member of the American Legion here, who is an employee of a department, who told me that an effort would be made here on the floor to prevent my speech from being delivered, and stating that there would be members of the American Legion in the gallery who would resent it hereafter, if somebody blocked me. [Applause.] I ask unanimous consent, Mr. Speaker, to proceed for two minutes more.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for two minutes more. Is there objection?

Mr. UNDERHILL. I object.

Mr. BLANTON. All right. I will get a chance to put the facts before the country. They will go into the RECORD anyway under my leave to print.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that the gentleman from Texas may have 12 minutes in which to finish his remarks, at the conclusion of which I shall be allowed 12 minutes in which to discuss the general subject of the treatment of incompetent ex-service men and their guardians under the Veterans' Bureau.

Mr. UNDERHILL. Mr. Speaker, I reserve the right to object.

Mr. KINDRED. Reserving the right to object, Mr. Speaker—

The SPEAKER. The Chair has not yet put the request, so that objection is not yet in order. The gentleman from South Dakota asks unanimous consent that the gentleman from Texas be allowed 12 minutes in which to finish his remarks, at the conclusion of which the gentleman from South Dakota shall have 12 minutes. Is there objection?

Mr. UNDERHILL. Reserving the right to object, Mr. Speaker, if we are going to have an investigation of the acts of Mr. Fenning and of the officials of St. Elizabeths Hospital and the Veterans' Bureau and various other agencies that have been drawn into this controversy, we should have those officials present and respond to questions put to them. I do not think it is fair for a Member to stand on the floor of this House and make serious charges against the humblest citizen without an opportunity on the part of the accused to reply and present a defense if he has one. I object.

The SPEAKER. Objection is heard.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 2465) to amend the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes, had requested a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GOODING, Mr. McNARY, and Mr. SMITH as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1927, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JONES of Washington, Mr. SMOOT, Mr. BORAH, Mr. OVERMAN, and Mr. HARRIS as the conferees on the part of the Senate.

SENATE BILL REFERRED

Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2111. An act for the relief of Levin P. Kelly; to the Committee on Claims.

AIRCRAFT IN THE NAVY AND MARINE CORPS

Mr. SNELL. Mr. Speaker, I call up a privileged report from the Committee on Rules on House Resolution 199.

The SPEAKER. The gentleman from New York calls up a privileged report from the Committee on Rules on House Resolution 199. The Clerk will report it.

The Clerk read as follows:

House Resolution 199

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 9690, "A bill to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith." After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Naval Affairs Committee, said bill shall be read for amendment under the five-minute rule. At the conclusion of such consideration the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and all amendments thereto to final passage.

APPORTIONMENT UNDER THE FOURTEENTH CENSUS

Mr. BARBOUR. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. BARBOUR. To present a privileged question under the Constitution of the United States, and as such privileged question I offer the motion, which I have sent to the Clerk's desk.

The SPEAKER. The gentleman from California offers a motion, which he asserts is of high constitutional privilege. The Clerk will report the motion offered by the gentleman from California.

The Clerk read as follows:

Mr. BARBOUR moves to discharge the Committee on the Census from consideration of House bill 111, a bill for the apportionment of Representatives in Congress amongst the several States under the Fourteenth Census, and that the House proceed to the immediate consideration thereof.

Mr. SNELL. Mr. Speaker, I make the point of order against that motion, which I send to the Clerk's desk to be read.

The SPEAKER. The gentleman from New York makes a point of order against the motion made by the gentleman from California, which the Clerk will report.

The Clerk read as follows:

Mr. SNELL. Mr. Speaker, I make the point of order that the motion presented by the gentleman from California is not in order, because the consideration of the bill does not present a question of constitutional privilege, the rules prescribing the order of business to the contrary notwithstanding.

Mr. BANKHEAD. Mr. Speaker, I desire to make an additional point of order.

The SPEAKER. The gentleman from New York, I think, is entitled to recognition first. Does the gentleman from New York desire to be heard?

Mr. SNELL. I desire to be heard on the point of order, Mr. Speaker.

Mr. GARRETT of Tennessee. Mr. Speaker, I call attention to the fact that the gentleman from Alabama was not seeking recognition except to make an additional point of order.

The SPEAKER. The Chair did not understand the gentleman from Alabama. The gentleman from Alabama will state his point of order.

Mr. BANKHEAD. Mr. Speaker, I make the additional point of order that there is no such procedure under the rules of the House as that presented by the motion of the gentleman from California. He is presenting a motion for the discharge of a standing committee of the House from the consideration of a pending bill. The only procedure for the discharge of a committee under the present rules of the House is under subsection 4 of Rule XXVII, which provides:

A Member may present to the Clerk a motion in writing to instruct a committee to report within 15 days—

And so forth.

The SPEAKER. The Chair would be inclined to think that that point is covered in the point of order made by the gentleman from New York, which is very broad and refers to all rules of the House. But the Chair will state the gentleman's point of order. The gentleman from Alabama makes the further point of order that the motion to discharge is not in order. The Chair will hear the gentleman from New York on his point of order.

Mr. SNELL. Mr. Speaker, I maintain, in the first place, that there is no mandatory provision in the Constitution itself which provides for immediate apportionment; and, furthermore, if we did grant that there was such provision, that there is no mandatory provision in the Constitution which provides that it shall be done contrary to the rules and procedure of the House.

I appreciate the position the Speaker is in in regard to this proposition. I know there is a long line of precedents that have ruled against the position I am taking at this time in regard to the constitutional privilege raised by the gentleman from California. Practically all of these decisions have been based upon the decision that was made by Speaker Keifer in the Forty-seventh Congress.

In looking over these decisions very carefully I find that practically every Speaker has fortified the position he took on this subject by simply stating that if this were a de novo proposition, and if it came to him without any other precedent, he would rule differently than he was obliged to if he followed precedent. In other words, not one of the Speakers who followed Speaker Keifer's decision has really believed that that was the proper position to take from the absolute logic of the situation.

I want to call the attention of the House to the Keifer decision. In the first place, he starts off with a most sweeping and general statement that very few of us are in entire accord with at the present time.

He said:

The Chair will state briefly that it is of opinion that the rules of the House are always subject to any constitutional provision that may be found.

And I desire to specially call the attention of the Speaker to a decision I have found that was made by Mr. Speaker Cannon that bears directly on this ruling and should have an important bearing on what we do here to-day. At that time it was attempted to bring up an apportionment bill of this kind on Calendar Wednesday. Speaker Cannon ruled that that was a matter of the highest constitutional privilege and it was in order. An appeal was taken from the floor from the decision of the Speaker, and when he submitted that proposition to the House—the court of highest and last resort in regard to our rules and precedents—the House itself decided against it. In other words, they decided that the rule that protected Calendar Wednesday was higher than the constitutional privilege or the intended constitutional privilege as presented by an apportionment bill at that time.

It seems to me this is the one direct ruling that corresponds with the case we have in hand at the present time in regard to the first general statement laid down by Speaker Keifer that any constitutional matter is higher and of more importance and supersedes the rules of the House. The question was submitted to the court of last resort, and the House itself decided against that position.

The second general statement made by Speaker Keifer at that time in considering the question of the Constitution was:

The state of the census; the fact that this Congress alone must act, and that apportionment under the last census can not go over to the next Congress; the necessary legislation that must take place in the different States at an early time, must all be taken into account.

The situation that was presented to him at that time was a little different from the one we have at the present time. He said it was absolutely imperative it should not go over even one Congress. If the position he took was applicable at all, it was applicable to the Sixty-seventh Congress, and not to the Sixty-ninth Congress. We have already gone over to the third Congress, so that the general statement laid down in the second part of his decision is not at all applicable to the position at the present time. And even if it was applicable, I do not agree with him, for in referring to the Constitution itself and to the special sections that Speaker Keifer referred to at that time I do not find any place where it specifically states that there must be an apportionment.

Section 2 of Article I of the Constitution provides:

The actual enumeration shall be made within three years after the first meeting of the Congress of the United States and within every subsequent term of 10 years.

It lays down a mandate in regard to the enumeration, but it does not say anything there with regard to the apportionment, and there is a vast difference between the two propositions, and the only question at issue here is one of apportionment.

In section 2 of Article XIV, the only other place where I find any definite mandate in regard to this matter, the Constitution states:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

In neither one of these cases is there any definite mandate in regard to an apportionment, and I maintain that you can not find in the entire Constitution a single thing that makes it a mandate.

Speaking further on this one proposition, in studying the Constitution we find that where they at that time had in mind that we should act definitely on some specific proposition, where they did not want to leave the House free to act in accordance with the rules of the House, it is specifically stated in the Constitution. For instance, the Constitution provides for a quorum, a yea-and-nay vote, for the meeting of Congress once each year, and several other important matters. Those are definitely prescribed in the Constitution itself, and then it goes on further to say that each House may adopt its own rules of procedure. I maintain that as long as there is no definite mandate for this apportionment, if we feel it is necessary to make one, there is absolutely nothing in the Constitution that prohibits it being made in accordance with the rules and procedure of the House, and that the section which provides that

the House may do that under its own rules is just as important as any other section of the Constitution.

The most comprehensive and careful ruling we have had on this whole proposition was made by Speaker GILLET when the gentleman from Massachusetts [Mr. TINKHAM] raised a constitutional question of privilege, and I will only call attention to a few of the principal statements made by the Speaker at that time, which are in entire harmony with the position I am taking at this time:

The Chair thinks that if this question were brought up as an original question, and there were no precedents upon it, every Member of the House would at once say, "Why, of course this can not be admitted as privileged," because it would give the right to any Member of the House at any time to bring forward a resolution affecting some constitutional provision and to claim that his individual resolution can at once set aside all the regular business of the House, and must be considered by the House in preference to anything else. That puts it above the rules of the House and allows one man, and one after another if filibustering is desired, to bring before the House a question that he has in advance prepared, and insist that his individual will and preference shall change the regular order which the House itself has established just because a clause of the Constitution is affected. So the Chair thinks that if this were a matter of first impression there would be no question about it. The Chair at any rate would have no question about it.

He goes on further to state:

It seems to the Chair that where the Constitution orders the House to do a thing, the Constitution still gives the House the right to make its own rules and do it at such time and in such manner as it may choose, and it is a strained construction, it seems to the Chair, to say that because the Constitution gives a mandate that a thing shall be done, it therefore follows that any Member can insist that it shall be brought up at some particular time and in the particular way which he chooses.

Therefore, Mr. Speaker, I maintain that even if it is a mandate there is absolutely nothing in the Constitution itself that directs that we should do it in any other way except a normal way and in accordance with the rules of procedure of the House. Further from the statements that have been made by each Speaker who has ruled on this proposition that if it came up de novo, he would rule differently, leads me to honestly believe that the first decision was an erroneous one, and we should no longer be ruled by precedent, but meet the issue squarely at this time, and do what we believe to be right and for the best interest of logical parliamentary procedure in the future.

There is one other matter I would like to call to the attention of the Speaker. At the time the original decision was made the question of privilege was not as important as it is at the present time, because at that time there was ample opportunity to consider practically all the propositions that were brought before the House, and I think it is reasonably fair to consider at least that the decision of Speaker Keifer at that time, which, as I stated before, is a broad and general one, was not as carefully considered as some of the later decisions, because the question of privilege at the present time is much more important when we are in position to consider but a small part of the large amount of legislation that is before the House.

For these reasons, Mr. Speaker, I believe the point of order is well taken and the motion of the gentleman from California [Mr. BARBOUR] should not prevail in opposition to the regular rules and procedure of the House.

Mr. MOORE of Virginia. Will the gentleman now permit a question?

Mr. SNELL. I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. I understand that all the precedents to which my friend has referred involved bills that had been reported to the House?

Mr. SNELL. Yes.

Mr. MOORE of Virginia. There is only one precedent involving a measure not reported to the House, and that was in connection with a veto message of the President. In that case there could be no discretion in the committee, and the motion to discharge the committee was entertained by the House. In all the other instances they are cases of bills reported to the House and on the House Calendar.

In that connection I would like to suggest as an argument of convenience and, perhaps, an argument that amounts to a reductio ad absurdum, that while the gentleman from California moves to discharge the committee from the consideration of one bill affecting this subject, there are a half dozen, I believe, such bills pending before the committee. This shows that there is a variety of opinion as to how the constitutional

mandate, if it be a mandate, should be enforced. Now, the question arises whether, if the gentleman is right in submitting such a motion, the patrons of all other bills pending before the committee will not have an equal right to rise at once and submit a similar motion and bring before the House many bills that are not substantially or in details the same, although they relate to the same subject.

Mr. SNELL. I think the gentleman is correct. If the gentleman's motion prevails and later the House should refuse to consider this apportionment, there is nothing to prohibit the gentleman from bringing up the proposition to-morrow, on the ground that, perhaps, during the night the membership may have changed their minds, and so you could go on time after time and provide a way for a filibuster that would absolutely block and stop the regular work of the House. Or some other Member might present a constitutional privileged question.

Mr. MOORE of Virginia. That is not only true, but, perhaps, except in the Appropriations Committee, in nearly every committee of the House there may be pending measures that involve directly or indirectly the execution of some of the powers enumerated in the Constitution.

Mr. SNELL. Absolutely; and one of them is the resolution presented by the Rules Committee under the rules of the House as provided in the Constitution itself. Therefore, Mr. Speaker, I am firmly convinced that in the interest of orderly procedure, and of the House itself, the point of order should be sustained.

Mr. BARBOUR. Mr. Speaker, I have listened with a great deal of interest to the argument of the gentleman from New York as to the proposition immediately before the House, whether the privileged report of the Committee on Rules takes precedence of the motion that I have submitted. That question is disposed of, it seems to me, by section 723 of the Rules of the House of Representatives in the notes, wherein it states:

The matters reported under the provisions of this rule are denominated "privileged reports" or "privileged questions," and since the privilege relates merely to the order of business under the rules, they must be distinguished from "questions of privilege" which relate to the safety or efficiency of the House itself, defined in Rule IX. Therefore "questions of privilege" take precedence over these matters which are privileged under the rules.

Now, the point raised by the gentleman from Virginia [Mr. MOORE] that if the motion prevails another Member can rise in his place and on a question of constitutional privilege move to discharge the committee from consideration of another bill pending before the committee, to my mind, is absolutely unfounded and is not well taken.

If the gentleman from Virginia had heard my motion, he would have understood the proposition. My motion calls for the immediate consideration of H. R. 111, and if this motion is ruled in order and is carried by a majority vote of the House, then the House has before it for immediate consideration H. R. 111, and no other bill for apportionment of Representatives could be submitted.

I want to say that if my motion is ruled in order I shall make another motion to postpone consideration of the bill for a full week, which is consideration of the bill at this time.

Mr. CRAMTON. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. CRAMTON. As to the suggestion of the gentleman from Virginia that the privilege might be abused, it might be analogous to the situation as to the preservation of a quorum in the House, the constitutional right of each or any Member to insist upon a quorum. When it becomes apparent to the Speaker that the purpose is not to maintain a quorum, but for the purpose of a filibuster, the demand is denied. If this privilege should be found to be subject to abuse as a method of filibuster, then it might also properly be denied.

Mr. BARBOUR. I think the gentleman is absolutely correct.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. CHINDBLOM. If the Constitution is mandatory so that the Congress ever since the opening of the Sixty-seventh Congress, ever since the census of 1920, has been derelict in performance of its duty and the gentleman has the right to invoke the constitutional privilege, should not the gentleman have that right every single day?

Mr. BARBOUR. And every single minute.

Mr. CHINDBLOM. That shows the reductio ad absurdum of the gentleman's position, does it not, since the House could not do any other business?

Mr. BARBOUR. I will state that we have a right to bring this up as a constitutional privilege. Is there any reductio ad absurdum in that?

Mr. CHINDBLOM. If you can do it to-day you can do it every day.

Mr. BARBOUR. Does the Constitution of the United States mean anything to the gentleman from Illinois?

Mr. CHINDBLOM. Oh, yes; but it does not mean to me what it does to the gentleman from California.

Mr. BARBOUR. I will convince the gentleman, if he is open-minded, that it is mandatory, and the gentleman will then realize where the reductio ad absurdum is in this matter. Mr. Speaker, the arguments so far made are predicated upon a condition precedent, as stated by the gentleman from Illinois [Mr. CHINDBLOM] and as stated by the gentleman from New York [Mr. SNELL], "if" the provisions of the Constitution are mandatory or "if" they are not mandatory. We have before us at this time rulings of former Speakers of this House. If there can be any doubt about the language of the Constitution itself that doubt is clarified by a well-defined line of rulings on this very question.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. BARBOUR. Not now. Article I, section 2, of the Constitution reads as follows:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

That was the original provision in the Constitution, which was changed, following the Civil War, by the fourteenth amendment.

Section 2 of Article I then goes on:

The actual enumeration shall be made within three years after the first meeting of the Congress of the United States—

The Speaker will note that the language is "shall be made"—and within every subsequent term of 10 years, in such manner as they shall by law direct.

It then provides that the number of Representatives shall not exceed 1 for every 30,000 for the First Congress.

Then, in Article XIV, second section, we find the language:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. BARBOUR. I can not yield at this time. To my mind, Mr. Speaker, there is absolutely no doubt about the language of the Constitution. It is just as direct and just as specific as the English language possibly can be; but if there is doubt, then that doubt, as I said a few moments ago, has been clarified by the ruling of practically every Speaker who has ruled upon this point. The decision of Speaker Kelfer, which was referred to by the gentleman from New York [Mr. SNELL], rendered on February 7, 1882, when the question of the privileged status of an apportionment bill was before the House, reads as follows:

The rules of the House are always subject to any constitutional provision that may be found. It may be true that under the rules, strictly speaking, this bill may not be in order. The Chair is, however, of opinion that the consideration of an apportionment bill by this Congress, fixing the representation in the next Congress under the last census, is one of high constitutional privilege. The duty of Congress to make an apportionment after each census is made imperative by the first clause of the second section of the fourteenth article of the amendments to the Constitution of the United States, which reads as follows:

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed."

"It is a fact, of which we must take notice, that this Congress must pass an apportionment bill, fixing the number of Representatives in the next Congress, or serious consequences must follow. The consideration of this question is analogous, perhaps, to no other question that is made imperative by the Constitution upon Congress."

"In view, therefore, of the character and scope of this measure and its constitutional character, the Chair feels bound to hold that it is a question of high constitutional privilege. The Chair desires also to state in this connection that it is informed that this has been treated as a question of privilege at various times in the past history of congressional legislation."

I have quoted that language from the decision of Speaker Kelfer, as found in the first volume of Hinds' Precedents, section 308, in the note.

On January 16, 1900, this same question was before the House and was ruled on by Speaker Henderson, who said:

The language of the Constitution is this—

"The actual enumeration shall be made within three years after the first meeting of the Congress of the United States and within every subsequent term of 10 years, in such manner as they shall by law direct.

"Now, taking the census is the basis of apportionment, and the apportionment follows. Both are absolutely and explicitly commanded by the Constitution."

That decision of Speaker Henderson was made January 16, 1900, and is to be found in the first Hinds', page 169, in the note.

Speaker Reed has also ruled on this question. On December 16, 1890, an apportionment bill was brought up in the House as a privileged question. A point of order was made that the bill was not privileged. Speaker Reed overruled the point of order on the ground that a bill making an apportionment is a privileged question, and, it being a constitutional duty imposed upon Congress, the consideration of the bill was clearly a privileged question.

There is no reasoning that will change the effect of those rulings. They have come down through a period of years. They are all in harmony with each other and follow a direct line under the plain language of the Constitution.

Are the provisions of the Constitution mandatory? That is another "if" interjected into the argument by the gentleman from New York [Mr. SNELL], if not by the gentleman from Illinois [Mr. CHINDBLOM]. That question is settled in the same line of decisions, and I call attention again to the language of Speaker Keifer in the decision just read, where he says:

The duty of Congress to make an apportionment after each census is made imperative by the first clause of the second section of the fourteenth article of the amendments to the Constitution of the United States.

That directly answers the question as to whether the provisions of the Constitution are mandatory, and in the same decision Speaker Keifer said:

It is a fact of which we must take notice that this Congress must pass an apportionment bill, fixing the number of Representatives in the next Congress, or serious consequences must follow.

The SPEAKER. Would the gentleman permit an interruption?

Mr. BARBOUR. Certainly.

The SPEAKER. Does not the present situation show that Speaker Keifer may have been wrong in his conclusion that "serious consequences may follow"?

Mr. BARBOUR. The present situation is one where Congress has, in my opinion, absolutely failed to perform its constitutional duty in not having made an apportionment prior to the next succeeding election after the 1920 census, and having failed to do that at that time is no excuse for continuing to be derelict in our duty.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. COOPER of Wisconsin. Is not the object of the constitutional provision easily understood when we reflect that its purpose must have been to secure equality of representation on this floor, so that where there has been a great increase in the population in one district and no increase in the population of another district it shall not happen that one man may be here representing 218,000 people and another representing 400,000 people? The Senate is not affected by a reapportionment, because the two Senators from each State represent all the people in the State, regardless of the number of the population; but each Member on this floor ought, under a just law, to represent as nearly as possible the same number of people. That is the object of that constitutional provision, and it seems to me, as it does to the gentleman from California, that it must be construed as mandatory to carry out the plain purpose of the Constitution.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. SNELL. The gentleman has referred to various decisions made by Speakers from time to time, but he has neglected to state that practically every one except one said that if the question came to him as a new proposition he would not rule that way.

Mr. BARBOUR. The question has been decided in the same way by each Speaker, and the list of decisions follows along in a well-defined line, regardless of what the various opinions of successive Speakers might have been. In addition to what the gentleman from Wisconsin [Mr. Cooper] said, Mr. Speaker, if this provision is not mandatory, if there is no way of com-

PELLING a reapportionment of the House of Representatives, then the guarantee in the Constitution of equal representation in the House of Representatives is nullified.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield there?

Mr. BARBOUR. I can not yield now.

The language of Speaker Henderson as to whether or not the provisions of the Constitution are mandatory is absolutely in line with the decision of Speaker Keifer and leaves no doubt about the question. Speaker Henderson, on January 16, 1900, said:

The language of the Constitution is this: "The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner as they shall by law direct." Now, taking the census is the basis of apportionment, and the apportionment follows. Both are absolutely and explicitly commanded by the Constitution.

Then I also cite the language of Speaker Reed, wherein he contends that the making of an apportionment is a constitutional duty imposed upon Congress.

Mr. Speaker, this motion is made under the Constitution of the United States, not under the rules of the House, and it is made on the theory that the Constitution of the United States is superior to any rules that this House might make; and if that is not the correct theory, then this House of Representatives can pass here a rule or a set of rules that will absolutely nullify the Constitution of the United States. The Constitution itself declares—

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. BARBOUR. Not now.

Mr. CONNALLY of Texas. Will the gentleman announce when he is willing to yield?

Mr. BARBOUR. I will.

The Constitution itself declares that the Constitution and such laws as are made in pursuance thereof shall be the supreme law of the land.

Mr. BLACK of New York. Mr. Speaker, will the gentleman yield there?

Mr. BARBOUR. Yes.

Mr. BLACK of New York. But the Constitution does not say that in the year 1926 we must pass the bill H. R. 111. It is not a question of law but a question of fact. If the Speaker has no power of judicial notice, the presumption is that your bill is not a constitutional bill, since the committee will not report it, and there is no duty on the part of Congress to pass this particular bill.

Mr. BARBOUR. The gentleman from New York falls into the same fallacy that the rest of them do, that the House is powerless, and that a committee of Congress is more powerful than the Constitution of the United States itself.

As to the decision of Speaker GILLET, which was referred to by the gentleman from New York, the dictum of that decision was not conclusive. The gentleman from New York, as I recall, did not go on and read the final decision that was rendered by Speaker GILLET, but, after expressing his opinion as to the former decisions, Speaker GILLET followed by a ruling absolutely in line with the rulings made by previous Speakers. But this motion is even in harmony with the dictum of Speaker GILLET's ruling. Speaker GILLET said:

If there is a constitutional mandate, the House ought by its rules to provide for the proper enforcement of that mandate. If the question of the census and the question of apportionment were new questions, the Chair would rule that they are not questions of constitutional privilege. While, of course, it is necessary to obey the mandate of the Constitution and take a census every 10 years and make an apportionment, there is no reason why it should be done to-day or to-morrow.

This committee has had this bill before it since the 8th day of December, and has done nothing with it.

Speaker GILLET further declared:

It seems to the Chair that no one Member ought to have the right to determine when it should come in in preference to the regular rules of the House, but that the rules of the House, or a majority of the House, should decide it.

That is exactly what my motion proposes to do; to submit this matter to the vote of the House, and if a majority of the House decides that it is proper to take this question up, then it will be taken up under the decision of the House.

Mr. CONNERY. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. CONNERY. Does the gentleman's bill increase the representation of any State?

Mr. BARBOUR. Yes. It fixes the membership of the House at the same number as at present.

Mr. CONNERY. Granted, then, that the Speaker should rule the gentleman is in order, how does the gentleman fix that so it would come under section 2 of the fourteenth amendment, which provides:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

If California is increased but Massachusetts is not and New York is not and their populations have increased, how is the gentleman's bill going to be constitutional under that article?

Mr. BARBOUR. My bill is brought in under the census of 1920, the only census we have had to go on, and which we should have acted on years ago.

Mr. CONNERY. Under the census of 1920 does the gentleman give each State the representation to which it is entitled?

Mr. BARBOUR. Absolutely; on the basis of a membership of 435.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. CONNALLY of Texas. The gentleman contends that section 2 of Article XIV, which provides—

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed—

is mandatory?

Mr. BARBOUR. Yes; I do.

Mr. CONNALLY of Texas. Then the gentleman refers back to that other section of the Constitution which provides that the enumeration shall be made within three years after the first Congress and within every subsequent term of 10 years. If the gentleman is strictly technical, would not that mandate be complied with if this Congress performs that act any time between now and 1931?

Mr. BARBOUR. No. I will say to the gentleman that under the ruling of one of the Speakers of the House it is held—and one ruling explicitly states—that this mandatory duty is imposed on the Congress to pass an apportionment bill before the next succeeding election after the taking of a census, and I am relying on all of those rulings.

Mr. CONNALLY of Texas. That would certainly mean any time before the next census?

Mr. BARBOUR. No; before the next succeeding election. Either I did not make myself plain about that or the gentleman did not understand me.

Mr. CONNALLY of Texas. All right; the gentleman has answered that. Let me ask the gentleman this: This duty to apportion is laid upon the Congress by the Constitution, is it not?

Mr. BARBOUR. Absolutely.

Mr. CONNALLY of Texas. But the Constitution also provides that the Congress shall have the power to make its own rules of procedure?

Mr. BARBOUR. Yes.

Mr. CONNALLY of Texas. Having that right, is not this duty we have to perform like every other duty, subject to our rules of procedure, unless those rules absolutely violate some particular clause of the Constitution?

Mr. BARBOUR. No. I think the gentleman's proposition would lead us to the conclusion that the rules we might adopt here are superior to the express provisions of the Constitution itself.

Mr. CONNALLY of Texas. Now, the question of the election of Members has been suggested to me very sagely by the gentleman from Alabama [Mr. HUDDLESTON]. The election and qualification of the Members of this House is of the highest privilege, is it not?

Mr. BARBOUR. Yes.

Mr. CONNALLY of Texas. You have an election contest pending before some committee, and that committee has not solved it and it has not made any report. Under the gentleman's doctrine any Member could rise upon this floor on every day of the session and introduce a motion to discharge the committee from further consideration of that election contest and bring it up on the floor of this House, could he not?

Mr. BARBOUR. If it is a constitutional question, he could.

Mr. CONNALLY of Texas. I am asking the gentleman.

Mr. BARBOUR. I am not going to assume the gentleman's premise, but if it is a privileged question under the Constitution he could do it.

Mr. CONNALLY of Texas. It is a privileged question under the Constitution, because it affects the membership of this House.

Mr. BARBOUR. And if I remember correctly, there was one ruling under which that was done, and an election committee was discharged from the further consideration of the case.

Mr. BANKHEAD. Will the gentleman yield in connection with a question asked by the gentleman from Texas?

Mr. BARBOUR. Yes.

Mr. BANKHEAD. I understood the gentleman from California to state, in reply to an interrogatory by the gentleman from Texas, that he was basing his conclusion upon the decisions of Speakers of the House that it is a question of privilege.

Mr. BARBOUR. The language of the Constitution itself and the rulings of Speakers of the House.

Mr. BANKHEAD. Does the gentleman assert the position here that by the strict language of the Constitution itself there is a mandate to apportion every 10 years?

Mr. BARBOUR. I did not quite hear the gentleman's question.

Mr. BANKHEAD. Does the gentleman take the position that the language of the Constitution itself, by a strict interpretation, requires that Congress shall apportion every 10 years?

Mr. BARBOUR. I do; yes.

Mr. BANKHEAD. Will the gentleman kindly point out the specific language of the Constitution which justifies that position?

Mr. BARBOUR. I will read it:

The actual enumeration shall be made within three years after the first meeting of the Congress of the United States and within every subsequent term of 10 years, in such manner as they shall by law direct.

Mr. BANKHEAD. That relates exclusively to the enumeration.

Mr. BARBOUR. Yes.

Mr. BANKHEAD. I concede that might be a mandatory provision, but where is the provision that makes it mandatory, after the enumeration has been made, that we shall apportion the membership of Congress.

Mr. BARBOUR. The following language: That the representation in the House of Representatives shall be based upon the population of the various States. Now, if that does not follow, then the constitutional provisions relative to equal representation on the floor of this House are absolutely meaningless. It must follow, and the Speakers I have cited here have decided it does follow.

Mr. SNELL. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. SNELL. It seems to me it follows that when you do make that apportionment it must be in accordance with the last census, but I can not read anywhere in the provisions of the Constitution where it provides that the apportionment itself is a mandatory proposition. And, further, I would like to ask the gentleman to show me anywhere in the Constitution—granted it is mandatory—where it provides that it must be done otherwise than in accordance with the rules and procedure of the House.

Mr. BARBOUR. I will state to the gentleman on the last proposition that if this motion is held to be in order and the House decides to consider the bill, I presume it will consider the bill under the rules of the House.

Mr. SNELL. But the gentleman is in opposition to the actual rules of the House. If the gentleman's motion prevails and it is ruled it must be taken up at once, the gentleman puts his attitude above the decision of the majority of the Members of the House.

Mr. BARBOUR. No.

Mr. SNELL. Absolutely.

Mr. BARBOUR. I put the Constitution of the United States above the rules of the House.

Mr. ROY G. FITZGERALD. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. ROY G. FITZGERALD. Let me ask the gentleman this: When the Constitution says that the basis of representation in the House of Representatives shall be based upon population is that a mere temporary thing or is it something that endures for all time? Does the gentleman believe that the Constitution was intended to run along indefinitely, or does the gentleman conceive it possible that it was just a temporary idea, which was to be exhausted after the first census? Then let me ask the gentleman, if this is a trust imposed upon Congress and it is mandatory, in accordance with the decisions of three Speakers of this House, is it not the definite and positive duty of the House all the time, every day and every hour, to follow that mandate?

Mr. BARBOUR. It seems to me that that is the only position that can logically be taken in this matter.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. CHINDBLOM. The gentleman says that if he is now permitted to present the resolution which he has offered, we will then proceed under the rules.

Mr. BARBOUR. It will then be considered under the rules of the House. I presume this. I am not making the rule, but I presume that is what follows.

Mr. CHINDBLOM. The gentleman is satisfied with that kind of procedure?

Mr. BARBOUR. I would not say I am satisfied, but I am presuming the Speaker will outline the method of procedure.

Mr. CHINDBLOM. Suppose after the Speaker of the House has held the gentleman's motion in order we then proceed to consider this bill under the rules of the House and the House then determines to refer the bill back to the Committee on the Census, how would the gentleman be any better off than he is now?

Mr. BARBOUR. It is not a question of whether I will be any better off personally.

Mr. CHINDBLOM. Then would the Constitution have been satisfied?

Mr. BARBOUR. That is a question of consideration. If referring the bill back to the committee is consideration, the House would have the right to do it.

Mr. CHINDBLOM. Then, I will ask the gentleman, did not the House provide for the consideration of this matter when it adopted the rules at the very opening of this session?

Mr. BARBOUR. No; it did not.

Mr. CHINDBLOM. By appointing the Committee on the Census?

Mr. BARBOUR. If the gentleman will read that rule, he will find it did not.

Mr. CHINDBLOM. The House appointed a committee to consider this matter, and there is a method provided by which the gentleman can proceed under the rules of the House to get the committee discharged. Has not the House provided all the necessary procedure by which the gentleman may proceed to get consideration of his bill?

Mr. BARBOUR. Section 884-A, to which the gentleman refers, the rule that was adopted, I believe, on the first or second day of this session, provides for instructing the committee; filing a petition to be signed by a majority of the Members of the House to instruct the committee to report a bill; not to discharge it, but to instruct it to report a bill. The Committee on the Census has acted on this matter—at least, it has refused to report out any bill—but the rule we adopted for instructing a committee does not supersede the plain provisions of the Constitution.

Mr. CHINDBLOM. But the gentleman has not exhausted his remedy by seeking to instruct the committee.

Mr. BARBOUR. I will say to my friend that if he will go before that committee and try to get a bill out, I am sure he will be exhausted before he gets it out. [Laughter and applause.]

Mr. CHINDBLOM. That is an argumentum ad hominem. The gentleman may be exhausted, but the remedy is not exhausted.

Mr. BARBOUR. I decline to enter into any argument with the gentleman other than in the English language.

Mr. LUCE. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from Massachusetts.

Mr. LUCE. To buttress the position of the gentleman from California, I desire to call to the attention of the Chair the pledge given to the people of this country by the writers of the Federalist, in response to whose arguments, which were very persuasive, the very adoption of this Constitution was secured; and I would call your attention, Mr. Speaker, to the fact that No. 58 of the Federalist is largely devoted to this very subject, and that in one paragraph it is either Alexander Hamilton or James Madison who is pledging the faith of those who wrote the Constitution. One of these gentlemen contrasts the course of the various States with that which was promised to them by the Constitution.

Speaking of the Constitution as laid before the people for adoption, he said the unequivocal objects of these regulations are first to readjust from time to time the apportionment of Representatives to the number of inhabitants, and so forth; secondly—mind you, he says this is the unequivocal object of these regulations—to augment the number of Representatives at the same periods, and he completes his contrast between the promise of the Constitution and the situation in the States by pointing out that the most effectual security—and I quote his

words—"In any of them is resolvable into a mere directory provision." Yet gentlemen now urge that the promise of a mandatory provision made by the men who wrote the Constitution shall be, to quote the language of the day, "resolvable into a mere directory provision." [Applause.]

Mr. BARBOUR. Mr. Speaker, I was somewhat diverted from the line of discussion, but when the recent series of questions was started I was discussing, as I recall, the decision of Speaker GILLET, who, after discussing the preceding rulings of Speakers on this question, then said that he deemed it the proper course to pursue, or to use his own language:

But these questions have been decided to be privileged by a series of decisions, and the Chair recognizes the importance of following precedents and obeying a well-established rule even if it is unreasonable that this may be a government of laws and not of men.

This decision was rendered on May 6, 1921. Following that, on October 14, 1921, when Mr. Siegel, of New York, presented an apportionment bill and moved as a privileged question to go into the Committee of the Whole House on the state of the Union to consider the bill, a point of order was made by Mr. BLANTON that the motion was not privileged. Speaker GILLET held that a motion to go into the Committee of the Whole House on the state of the Union for the consideration of the apportionment bill presented a question of constitutional privilege.

Mr. Speaker, I think I have said enough to convince any fair-minded man that this question is one of constitutional privilege, that the provisions of the Constitution are mandatory, and the question before this House to-day is simply this: Shall we abide by and follow the express mandate of the Constitution or shall we say to the country that we refuse to be bound by the express mandate of the Constitution? [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, if I had been of opinion that the provision of the Constitution with reference to apportionment was a mandatory provision, I should certainly have been unwilling to rest contented during this last Congress without some action being attempted. I say this not by way of criticism of any who entertain a different view, but merely expressing my own conviction growing out of my conscientious regard for the Constitution of the United States.

Mr. Speaker, the gentleman from California [Mr. BARBOUR], at the outset of his argument, directed attention to paragraph 723 of the Manual, and quoted therefrom the following:

The matters reported under the provisions of this rule are denominated "privileged reports" or "privileged questions," and since the privilege relates merely to the order of business under the rules, they must be distinguished from "questions of privilege" which relate to the safety or efficiency of the House itself defined in Rule IX. Therefore "questions of privilege" take precedence over these matters which are privileged under the rules.

I think it is a safe answer to that phase of the argument of the gentleman from California to say that the rules of this House define what constitute questions of privilege as distinct from privileged bills and resolutions.

Now, Rule IX, adopted in 1880, says:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and integrity of its proceedings; second, the right, reputation, and conduct of Members individually in their representative capacity only; and shall have precedence of all other questions except motions to adjourn.

There is therefore defined in the rules themselves these questions of privilege which have precedence under the rules; and so in considering this proposition we are remitted wholly to the constitutional grounds.

Now, Mr. Speaker, I call the attention of the Chair and all the Members, since the Chair has indicated that perhaps this may reach the House for decision, I call attention for whatever it may be worth to the fact that this measure is brought before the House by the gentleman from California in a manner which differs entirely from all the other propositions that have been brought before the House and which are quoted as precedents.

I do not know how much it may be worth from a parliamentary standpoint, but I direct attention to the fact that all of these other bills, whether they relate to the taking of the census or whether they relate to apportionment—and I shall endeavor to present the distinction between the two later—come as reports from the committees and were upon the Calendar of the House. The gentleman from California presents this in the form of a motion to discharge the committee, so that to that extent at least his case is not on all fours with the cases that have preceded and which are cited as precedents.

I do not believe that the provision in the first sentence of the clause quoted from the fourteenth amendment—

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed—

is mandatory as to time of apportionment.

I think a fair interpretation of that means that when the apportionment is made then that rule shall apply.

I call attention to the fact, and I think gentlemen have confused two questions here—I think there is a distinction, and I shall try to make it clear a little later between the provision for the taking of the census and the provision for making the apportionment of Representatives.

Let us look at the specific language requiring the taking of the census:

The actual enumeration shall be made within three years after the first meeting of Congress and within every subsequent term of 10 years in such a manner as they shall by law direct.

There the time is fixed. It is made definite, certain, and specific as to when that shall be done. These men who so carefully bullded the fabric upon which all of our Institutions rest wrote this in the paragraph, and I am quoting from the original Constitution. They said:

Representatives and direct taxes shall be apportioned among the several States, which may be included within this Union, according to their respective numbers, which shall be determined, etc.

If it had been within the thought of those who originally constructed this Constitution or if it had been the intent and thought of those who with such care after so many months of study and struggle brought out the fourteenth amendment that it should be mandatory upon each Congress immediately following the census to fix the apportionment, is it not reasonable to suppose that they would have said so with the same distinctness and the same force as they defined the years in which the census should be taken?

Mr. LUCE. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will yield to the gentleman from Massachusetts.

Mr. LUCE. How does the gentleman meet the words of the men which I have read to him as set forth by them to persuade the people to adopt the Constitution wherein they disclose that they understood their own words to be mandatory and not directory?

Mr. GARRETT of Tennessee. I may say to the gentleman from Massachusetts that there have been many constructions of the Constitution made by the courts of the country that were quite as far afield from utterances given in the Federalist as is the interpretation upon this proposition which I have attempted to give.

Mr. LUCE. But I understood the gentleman to say that if they had meant this they would have said so, and I have pointed out to him that in another place they did say so.

Mr. RANKIN. Mr. Speaker, if the gentleman from Tennessee will permit, let me say to the gentleman from Massachusetts [Mr. LUCE] that if he will search Madison's report of the convention that framed the original Constitution he will find that the debate on this clause centered around this proposition: Gouverneur Morris was in favor of basing representation upon wealth. Mr. Rutledge, I think it was, or some other prominent member of the convention, was in favor of basing it upon wealth and upon population. That position was assailed and opposed by the other members of the convention. They finally worked out this provision providing that representation should be based on numbers alone. That is where this clause of the Constitution came from. Reapportionment is not mandatory, but when it is made it shall be based upon numbers and not upon wealth or territory.

Mr. LOZIER. And further answering the gentleman from Massachusetts [Mr. LUCE], if the gentleman from Tennessee will permit, I am familiar with the article in the Federalist to which he refers, and I call his attention to the fact that in the records of the debates in the Constitutional Convention on this provision absolutely no suggestion or intimation was made that this was a mandatory provision.

Mr. LUCE. Mr. Speaker, while I regret to take more time from the gentleman from Tennessee, I ask leave to say that I not only found that to be the fact, but that is why I went to the Federalist to find out what was the fact.

Mr. GARRETT of Tennessee. Mr. Speaker, I wish now to come to the precedents just for a moment. Perhaps gentlemen who have not gone carefully into the record may entertain the idea that these rulings referred to of the several speakers have been accompanied by opinions.

I call attention to the fact that the only opinion given with a ruling upon a bill providing for reapportionment was that given by Speaker Keifer in 1882. I have that here. It has been read and I shall not attempt to repeat it. I may say, with all due deference to a very distinguished man, General Keifer, for whom I have great respect, it does not seem to me to have been a very carefully prepared opinion. It seems to have been a decision rendered upon the spur of the moment. There is some language used in it which is wholly incapable of understanding now. I refer to the language:

It is a fact of which we must take judicial notice that this Congress must pass an apportionment bill fixing the number of representatives in the next Congress or serious consequences must follow.

I submit that that language is wholly nonunderstandable in so far as the "serious consequences that must follow" are concerned. Certainly the first Congress after the census of 1920 did not fix the apportionment and no serious consequences have followed in this period upon that. But that opinion of Mr. Speaker Keifer is the only opinion rendered.

I have here the record of the Reed ruling in 1890. Here is all that occurred:

Mr. DUNNELL. Mr. Speaker, I ask for the immediate consideration of the bill (H. R. 12500) making apportionment of Representatives in Congress among the several States under the eleventh census.

The SPEAKER. The Clerk will read the bill.

Mr. BLOUNT. Mr. Speaker, does this come up under special order?

The SPEAKER. It comes up as a privileged motion.

Mr. DUNNELL. Mr. Speaker—

Mr. BLOUNT. I desire to make a parliamentary inquiry of the Chair at this time.

The SPEAKER. The Chair does not hear the gentleman from Georgia.

Mr. BLOUNT. I would like to know under what rule this is determined to be a privileged question.

The SPEAKER. Under what rule? A bill making an apportionment is a privileged question.

Mr. BLOUNT. There is no designation of that sort in the rules that I know of.

The SPEAKER. Not in the rules themselves, but it has been so decided before.

I think it would have been most valuable to us now if we could have had the clear-cut incisive reasoning of that great Speaker upon this question.

The Henderson ruling of 1900 was not upon a question of apportionment. It was upon the question of taking the census and, as I have asserted before, I think there is a clear distinction between the two. The 1910 ruling, the only one that is quoted in the Manual, arose not upon the question of apportionment but upon a small amendment to the census act. It was not even a census bill itself, and even on that relatively minor matter, concerning which, as I remember it, there was very little contest, that question was submitted by Speaker Cannon to the House for a decision, and he himself rendered no opinion upon it. The House decided that it was in order. But that had reference to the taking of the census, not to apportionment.

The Clark ruling in 1918, which has been cited as one following the Keifer ruling, was not upon apportionment but was upon the taking of the census, which I am prepared to concede is mandatory, although, Mr. Speaker, I believe that even as to these matters which we call mandatory they should properly come under the rules of the House, because the same Constitution which says that a census shall be taken says that each body may make the rules for its own action. [Applause.] In my opinion, the power to make rules for its own government extends with as much force to those acts through which it will undertake to carry out mandatory provisions of the Constitution as it does to appropriation bills or revenue bills or to any other class of legislation. [Applause.]

However, we may pass that by. The Gillett ruling was on the question of apportionment. That is the ruling of 1921, and I have that here:

Mr. SIEGEL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7882, a bill providing for reapportionment. Pending that, I ask unanimous consent that debate be limited to four hours.

Mr. BLANTON. Mr. Speaker, I make the point of order that this is not a privileged bill.

The SPEAKER. The Chair overrules the point of order.

There is no reasoning there, no opinion given; but, Mr. Speaker, there was an occasion upon which Mr. Speaker GILLET rendered an opinion, an elaborate opinion, the most elaborate that has ever been rendered upon this subject matter. It is

true that the proposition upon which he was ruling was not on all fours with this.

We are seeking to reach the law frankly and without prejudice. The proposition upon which the Speaker ruled was a resolution proposed by the gentleman from Massachusetts [Mr. TINKHAM], which merely directed an investigation to be made as to certain States; but in reviewing the whole broad subject matter of privilege, privilege under the rules, privilege under the Constitution, privilege under this Rule IX, defining the questions of privilege, Mr. Speaker GILLETT did take occasion to say that if he were ruling de novo, if he were ruling on an original proposition, he would not hesitate to hold both as to the taking of the census and as to apportionment that it did not present such a question of privilege as that it may be brought up in the manner in which it was then sought to bring it up by that particular resolution.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. CANNON. It may be added that the resolution referred to, in addition to a matter of investigation, also provided that the committee, when it made a report, would bring in a plan for reapportionment.

Mr. GARRETT of Tennessee. I thank the gentleman. That was not an effort, of course, to take anything away from the committee. That was just presented, assigning that it was privileged upon the floor of the House.

Now, Mr. Speaker, so much for the precedents. I think I have given all that is given in the book of precedents. Only three of these decisions have been on the question of apportionment. The others have been on the question of taking the census or questions related thereto.

The gentleman from Alabama [Mr. BANKHEAD] has asked me if the Gillett decision was not based on a report of a committee. The decision which I quoted just a few moments ago, where the Speaker merely said, "The Chair overrules the point of order," was based on a report of the Committee on the Census presented by Mr. Siegel, the chairman, or acting chairman.

We have quite an important question, it seems to me, to deal with here to-day. Mr. Speaker Kelfer said, at the conclusion of his opinion, that "the Chair has been informed that these matters have been privileged heretofore," but there were no decisions cited in connection with his opinion, and there are none given in either Hinds' Precedents or the Cannon supplement thereto, so far as I have been able to find.

But proceeding upon precedent, Mr. Speaker, and precedent alone, may make a mistake of yesterday the law of to-morrow; and I respectfully submit that in the interest of orderly procedure, in the interest of that stability of action in the House of Representatives that we should have here in this calm time, when there is involved no great question of politics, when there is nothing to excite either our prejudices or our fears, we might very well indeed correct—because I do not know that any better time will ever come than this, when all is tranquil and serene in the House of Representatives—correct what I conceive to be erroneous precedents of the past. [Applause.]

Mr. DAVEY. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin rose.

Mr. HASTINGS. Mr. Speaker, I know that it is highly presumptuous to ask the gentleman from Tennessee a question about legislative procedure, but I want to invite attention to the fact that Article I of the Constitution deals with legislative powers. Now, the original subsection 3 of section 2 of the Constitution dealt with apportionment. The question to which I wish to invite the attention of the gentleman from Tennessee is that as a part of subsection 3 of section 2 of Article I, after dealing with the question of apportionment, why was there a provision made for taking an enumeration every 10 years if it was not intended by the original framers of the Constitution that an apportionment would follow?

Mr. GARRETT of Tennessee. Oh, let me say to the gentleman that it was intended when the apportionment was made that it should be based upon population. That is clear. But I do not think that the provision every 10 years meant that it was mandatory to follow at once with the apportionment.

Mr. HASTINGS. Why, then, make it mandatory that the enumeration shall be taken every 10 years if it was not the intention of the framers of the Constitution that the apportionment would follow?

Mr. GARRETT of Tennessee. I will say to the gentleman that there were other questions besides apportionment involved, as, for instance, direct taxes.

Mr. HASTINGS. If the gentleman will further yield, this was placed there as a part of subsection 3 of section 2 of Article I of the Constitution, which dealt with the question of apportionment, and it was evidently a mandatory provision that

the enumeration should be taken every 10 years in order that the apportionment could be based upon it.

Mr. DAVEY. Mr. Speaker, will the gentleman from Tennessee yield?

Mr. GARRETT of Tennessee. Yes.

Mr. DAVEY. I would like to ask a question, entirely for the purpose of obtaining information, because of the fact that the House may be called upon to vote upon this. I would like to ask what might seem to be an absurd question, and that is this: What would be the situation from the constitutional standpoint if every Congress from the beginning of the Nation had refused to reapportion? That sounds like an absurd question, and I mean it to be, in order to bring out the thought I have in mind. Suppose every Congress from the beginning of the Government had refused to reapportion. What would be the situation with reference to this constitutional mandate, that it should be based on population?

Mr. GARRETT of Tennessee. The situation would be this, that the State of New Hampshire would have 3 Representatives, Massachusetts 8, Rhode Island and Providence Plantations 1, Connecticut 5, New Jersey 4, Pennsylvania 8, Delaware 1, Maryland 6, Virginia 10, North Carolina 5, South Carolina 5, and Georgia 3. I do not know what it would be with respect to the new States.

The SPEAKER. The debate is confined to this parliamentary question, and not to the merits of the proposed legislation.

Mr. DAVEY. Assuming that it might go on for 50 years—

Mr. GARRETT of Tennessee. I feel that I should yield only for questions germane to the parliamentary phase of the discussion.

Mr. LOZIER. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. LOZIER. May I remind the gentleman that in the Constitutional Convention all the discussions on the taking of an enumeration of the census were bottomed on the question of how direct taxes should be apportioned among the States?

Mr. GARRETT of Tennessee. Of course, that was one of the leading elements of it. Of course, the question of representation was involved.

I think it worth inserting in this discussion a quotation from a report made by the Committee on Elections No. 2 in the first session of the Sixty-eighth Congress. This report was filed March 29, 1924, by Hon. JOHN M. NELSON, of Wisconsin, who was at that time chairman of the committee.

It was relative to the claim of E. W. Cole for a seat in the House of Representatives as a Representative at large from the State of Texas.

Mr. Cole based his claim upon the proposition that it was the mandatory duty of Congress to apportion following the census; and that although Congress failed to do so, nevertheless had it done so Texas would have been entitled to an additional Member; that he received the nomination for Representative at large and was voted for as such and had a certificate of election from the Governor of Texas. The committee in reporting upon the case said upon this point:

Claimant sets up the theory that not only is the direction for taking the census made mandatory in the Constitution, but that the action of Congress to enact a reapportionment act based upon each succeeding census is also mandatory.

Your committee, of course, agrees that taking of the census is made mandatory by the Constitution; but while it be true that for a hundred years the Congress has at its first session following the taking of a census enacted a reapportionment act, the time of performing this duty is not made mandatory by the Constitution but remains discretionary with the Congress.

While it is true that some color may be given a claim that long-established custom has fixed that time for Congress to pass a reapportionment act the first session of Congress following the taking of the census, it still remains custom and not a constitutional provision nevertheless.

Your committee sympathizes with the view that since no explicit time is set by the Constitution in which Congress shall enact a reapportionment act following the taking of a census, the framers of the Constitution had in mind that Congress should within a reasonable time after the taking of the census make a reapportionment. Your committee also sympathizes with the view that the long-established custom of the Congress in providing for a reapportionment at the first session following the taking of the census lends some weight to the claim that this practice has established that time as being a reasonable time within the meaning of the Constitution.

Mr. COOPER of Wisconsin. Mr. Speaker, the House now is sitting as a court to interpret a provision of the Constitution of the United States. The question before us is not political. It is judicial. The gentleman from Tennessee has made an

elaborate argument to show that the provision in the Constitution relating to apportionment is not mandatory but merely directory. And, in my judgment, he is clearly mistaken. For if it is merely directory it may properly be entirely ignored.

Mr. Speaker, there is no one on the floor for whom I have a higher opinion than for my friend from Tennessee, but to show that he is mistaken, I first invite his attention to a statement of fact made to me a few minutes ago by a gentleman from Michigan, who said that—

since the enumeration of 1910 and the apportionment under it, the population has so changed in congressional districts in Michigan that now there are more voters in some districts than there are men, women, and children in others.

Now, these are exactly the sort of inequalities and unjust conditions which the provision in the Constitution was intended to prevent. And, Mr. Speaker, these great inequalities and injustices in Michigan and others like them in many other States put the gentleman from Tennessee and those who support his contention to-day in the position of saying that the men who made the Constitution of the United States were so derelict in their duty—so careless in writing that great instrument—that they left out of it any mandatory, any real, provision respecting the vastly important subject of apportionment, and carelessly made the provision merely directory, thus leaving Congress without any constitutional command respecting apportionment, and entirely in its discretion to allow those inequalities and injustices in Michigan to continue forever.

In construing a statute, and the Constitution is, in a sense of the word, a statute, the greatest of all, we should—the courts say we must—consider the purpose for which it was enacted.

There were in England when our Constitution was drafted what were called "rotten boroughs," where a few very wealthy landed proprietors controlled the vote entirely. In some of these only 30 or 40 votes were needed to send a man to Parliament, while in others it required hundreds or thousands. The men who wrote the Constitution of the United States knew that this inequality was very wrong, and they specifically provided, in language which, properly construed, in my judgment, is mandatory, that every 10 years there should be a census. And then what? That "Representatives shall be apportioned among the several States according to their respective numbers."

Mr. Speaker, how can Congress obey that constitutional mandate and apportion Representatives "according to numbers" if Congress pays no attention to numbers? Here is a gentleman at my left who says that he has 600,000 people in his district. He did not have them there in 1910. There are more than twice the number proper under the apportionment of 1910.

Mr. LOZIER. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. LOZIER. Is it not true that the congestion of population in the district to which the gentleman refers can be remedied by having the State legislature redistrict that State and reapportion?

Mr. COOPER of Wisconsin. No.

Mr. MAPES. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. MAPES. The Congressional Directory shows that two districts in the State of Missouri, from which the gentleman comes who has just interrogated the gentleman from Wisconsin, have a population of less than 140,000 each, or practically only one-fourth as many as some districts in the State of Michigan.

The SPEAKER. The Chair will admonish gentlemen not to discuss the merits of this proposition. The question is on the parliamentary situation.

Mr. COOPER of Wisconsin. If the Speaker will permit, I beg respectfully to differ with him on that point; I think the reference to population by the gentleman from Michigan [Mr. MAPES] was germane and proper and very effective in showing the purpose, which must have been in the minds of the men who wrote the Constitution, to do away with inequality of representation on this floor. The facts presented by the gentleman from Michigan help us very much to properly construe this provision of the Constitution and to show that the pending motion involves a question of high constitutional privilege. If this provision is merely directory, it leaves it to the majority of this House not only to ignore the census of 1920 but to continue ignoring it until after the census of 1930, or after the census of 1940.

Now, we have thus far ignored the census of 1920. Suppose we ignore it six years more or until after the census of 1930 has been taken? Then, will the House of Representatives have been apportioned "according to numbers"? Not at all. The plain intent of the Constitution will have been violated. We have ignored the numbers found in the census of 1920, and

if it is properly within the discretion of a majority of the House to do that it can ignore the census of 1920 or of 1930. In saying this we impute to the makers of the Constitution what is really the grossest negligence ever attributed to them during the 130 years and more since they finished their great work. Because, as I said a moment ago, they knew about the curse of the rotten boroughs in England.

They knew that 30 or 40 votes could send one member to Parliament and that it took hundreds or thousands to send another. And knowing that they said an apportionment shall be made every 10 years, and in "accordance with numbers." But if this constitutional provision is merely directory, then you can let this go on indefinitely, never have another apportionment, and maintain forever the gross inequality which now exists in Michigan and elsewhere throughout the Nation.

Mr. TILSON. Will the gentleman yield?

Mr. COOPER of Wisconsin. I will.

Mr. TILSON. Assuming that this should be held to be a privileged matter and were brought to a vote in the House, and the House by its deliberate vote should lay it on the table or otherwise dispose of it, without doing the thing the gentleman speaks of, then what method would the gentleman adopt to compel the House to do it? In other words, the iniquity the gentleman speaks of would still exist unless the gentleman has some means by which he can compel this House to do it.

Mr. COOPER of Wisconsin. I will say to the gentleman, in the language of the Good Book, "Sufficient unto the day is the evil thereof." We will take up one question at a time. The House should do its duty on the issue now before it and leave subsequent issues to be determined when they arise. For Congress to do the right thing to-day would not be a precedent for it to do a wrong thing to-morrow. Under our oaths we should strive to do our duty when it arises and not to evade it.

Mr. BARBOUR. Will the gentleman yield?

Mr. COOPER of Wisconsin. I will.

Mr. BARBOUR. I wish to state, in reply to the question asked by the gentleman from Connecticut, that if this question is privileged it is privileged, and if it is laid on the table it does not lose its privileged status, but can be called up by the House at any time.

Mr. COOPER of Wisconsin. Mr. Speaker, in conclusion I have only one thing further to say. The object for which a statute or a constitutional provision is enacted is very potent in determining its meaning under a fair construction; and the language of the Constitution, which requires a census to be taken once in 10 years and then requires that "representatives shall be apportioned among the several States according to their respective numbers," is absolutely nullified if you hold it directory and can properly leave it in the discretion of a majority on this floor to say whether we need ever have another apportionment.

Mr. TILSON. Mr. Speaker, the admission just made by the gentleman from Wisconsin is, to my mind, the determining factor in this matter, in which he says that if the House to-day should vote to lay this resolution on the table, it having been held in order, that to-morrow we could take it up again. If to-morrow, then it could be taken up the following day, and so on to the end of the chapter.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. TILSON. Yes.

Mr. COOPER of Wisconsin. Would not the Speaker immediately hold, if the majority should decide in accordance with the contention of the gentleman from Connecticut, that if brought up again to-morrow, being the same motion, it was purely dilatory?

Mr. TILSON. I do not think so. I think the Chair might well hold, and the gentleman from Wisconsin probably would agree with the Chair, that the membership of the House, having slept over it and perhaps prayed over it during the night, would have come to a different conclusion, so that on to-morrow any gentleman would be entirely justified in bringing up such an important matter. He would be warranted in assuming that, having had time to reflect over the enormity of the crime that had been committed the day before, that on the following day the House would be ready to vote as he thinks it should vote.

Mr. BARBOUR. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. BARBOUR. If the question is privileged, then it is a matter that the House should act upon one way or the other. Merely laying it upon the table does not act upon it. It retains its privileged status until the House either passes it or refuses to pass it on the direct question of its passage.

Mr. TILSON. Well, let us take the first horn of the dilemma. Let us assume that the House, on a direct vote, votes down the bill of the gentleman. Then if it be privileged to-day, the

same bill or another one like it is just as much privileged tomorrow, and thus a bill can be brought in day after day until the session closes. The logic of the situation brings you inevitably to this conclusion.

Mr. LUCE. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. LUCE. Does the gentleman hold there should be no such thing as a question of high constitutional privilege?

Mr. TILSON. Oh, it is not necessary to so hold in this connection.

Mr. LUCE. But the gentleman's argument could be addressed to any question of constitutional privilege. The same considerations would prevail.

Mr. TILSON. No; Mr. Speaker, I believe with Mr. Speaker GILLET that there is no provision of the Constitution that would warrant the bringing in of a resolution at any time, under any conditions, regardless of the rules of the House under the guise of constitutional privilege and thereby compel the House to take action upon it in spite of its own rules made in direct compliance with the Constitution.

Mr. LUCE. How is that consistent with the gentleman's statement that the gentleman does believe in such a thing as a question of high constitutional privilege when the gentleman goes on to say that there is none?

Mr. TILSON. Not at all. I do not say that. Take, for instance, the matter of a quorum, that is a matter of high constitutional privilege. Take the instance of a roll call where one-fifth of the House may demand a ye-and-nay vote. These and others are matters of high constitutional privilege.

Mr. RANKIN. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. RANKIN. The gentleman is aware of the fact that under the rules of the House, clause 884-A, the gentleman from California, or any other Member of the House, has the right under the rules of the House, without going around the rules and resorting to a technical construction of the Constitution, to move to discharge a committee. The gentleman is aware of that fact?

Mr. TILSON. Oh, yes; there is a rule adopted at the beginning of this session of Congress which provides for that very thing so that it can be done in accordance with the rules of the House if an actual majority favor it.

Mr. RANKIN. Will the gentleman yield further?

Mr. TILSON. Yes.

Mr. RANKIN. I happen to be a member of the Census Committee that has had this matter under consideration, and I want to call the gentleman's attention to the fact that in 1921, realizing we were facing a most anomalous situation, and possibly more so than any situation the framers of the Constitution had in mind, on account of the disturbed conditions of 1920 as a result of the World War, which prevented the taking of an accurate census, we finally worked out and brought to the floor of the House a bill that we thought would do justice as nearly as possible to all concerned. It was recommended by a majority of 4 votes, among which were the votes of the gentleman from California [Mr. BARBOUR], the gentleman from Ohio [Mr. ROY G. FITZGERALD], the gentleman from Massachusetts [Mr. LUCE], and the gentleman from Wisconsin [Mr. COOPER].

Mr. TILSON. Mr. Speaker, I prefer not to go into that. I took the floor simply to call attention to the position in which it would land us if this ruling of Mr. Speaker Keifer should become permanently established by a similar ruling here to-day. I am afraid of the logical and inevitable consequences of such a ruling.

My own State gains a Member of Congress under any plan of apportionment that has been proposed. Personally I am not opposed to a reapportionment and am not opposing it here, but I am very solicitous about the rules and the procedure of the House under which we must do our work here.

Mr. CANNON. Mr. Speaker, I have no desire to detain the House if the Speaker is ready to rule.

The SPEAKER. The Chair will be pleased to hear the gentleman.

Mr. CANNON. Inasmuch as the proponents of this proposition have relied so largely upon precedent to support their contention, it is only fair to call attention to the fact that upon strict construction not a single precedent cited may be said to be directly upon all fours with the case at bar, with the single exception of the decision by Speaker Henderson in the Fifty-sixth Congress, which was specifically overruled by Speaker GILLET in the notable decision so frequently quoted. Speaker GILLET in that decision refers to the Henderson precedent as the one opinion in all the related precedents on the subject which stands alone on all fours with the present case.

And in concluding his discussion he holds—

There being this one precedent and no others . . . the Chair sustains the point of order.

In all of the precedents of the House upon this point there is not a single unrepudiated citation upon all fours with the contention advanced by the gentleman from California.

Mr. BARBOUR. Will the gentleman yield?

Mr. CANNON. With pleasure.

Mr. BARBOUR. We can use our reasoning power a little bit and apply these things.

Mr. CANNON. Certainly; but the precedents which the gentlemen have cited do not apply to the case at bar; and let me also say, Mr. Speaker, that this question has twice been submitted for final authoritative decision to the House itself—first in the Sixty-first Congress on the question of overriding the Calendar Wednesday rule with a report from the Committee on the Census and again in the Sixty-seventh Congress on appeal from the decision of the Chair—and the House upon each occasion voted overwhelmingly against forcing consideration of a proposition privileged under the Constitution in violation of the order of business provided under the rules.

Another corroborating decision which has not been referred to in the debate is that rendered in the Sixty-first Congress by Mr. James R. Mann, of Illinois, presiding as Chairman of the Committee of the Whole, in which he held that, though authorized by constitutional mandate, an appropriation was not in order on a general appropriation bill unless and until such constitutional authorization had been interpreted and effectuated by appropriate statutory enactment.

An interpretation which permits any man under guise of constitutional authorization to rise upon the floor at will and, like Joshua commanding the sun to stand still, halt summarily and peremptorily the proceedings of the House, invade the prerogatives of a committee, wrench from its files a bill which has formally been laid upon the table, sweep aside the rules, supersede accredited leaders on the floor, supplant the order of business, and compel the House to consider business which it does not wish to consider is the very height of absurdity.

It is wholly out of conformity with governing precedent and absolutely antagonistic to every fundamental principle of practical parliamentary procedure. [Applause.]

The SPEAKER. Since two weeks ago when the gentleman from California very courteously notified the Chair that he intended to take this method of procedure with regard to the apportionment bill the Chair has given very careful thought to the precedents. He has read and reread the various decisions of Speakers, and the action of the House relating to this specific proposition.

The Chair has no doubt whatever that if the precedents are to be followed the gentleman from California has the right to use this method in bringing the bill before the House. The Chair can see a technical distinction between bringing up a bill under constitutional privilege of moving to discharge a committee, but the Chair thinks that if the precedents are to be followed the gentleman from California would have had the right one minute after the Speaker had been sworn in and before any committee of the House had been organized to call up this bill. It does not seem to the Chair that a situation should exist where an individual Member who as a matter of constitutional privilege could call up a measure like this at any time. Still the Chair has no doubt whatever that if the precedents are to be followed this would result. Consequently the gentleman from California has the right to call up this bill by a motion to discharge the committee.

The only question then remaining for the Chair to decide is whether in view of the seriousness of this question, in view of its effect upon the rules of the House, this precedent should be overruled.

The gentleman from Tennessee [Mr. GARRETT] and the gentleman from New York [Mr. SNELL] have very well given you the history of these precedents, beginning in 1882 with the decision of Speaker Keifer and followed ever since without exception by all the Speakers of the House, but frequently with the suggestion that had the case come before them *de novo* they would have ruled otherwise.

The fact is that the precedents of 44 years are before us for indorsement or rejection. The only exception to the ruling of Speaker Keifer occurred, not by the decision of any Speaker but by the decision of the House itself. A motion was made to bring up a bill of this sort on Calendar Wednesday. Speaker Cannon, following the line of decisions of his predecessors, held it in order, but the House failed to sustain the Speaker and held that it was not in order. In other words, the House has on a previous occasion held that this question is not of such

high constitutional privilege as to supersede the rules of the House and directly overruled Speaker Keifer in that respect.

The foundation of the opinion of Mr. Speaker Keifer was, first, that a matter of this constitutional privilege overrides all rules of the House. Secondly, an apportionment bill is of such constitutional privilege. The Chair agrees with the gentleman from Tennessee [Mr. GARRETT] that there is a distinction between the privilege of a proposition relating to an apportionment and to a census. The Chair is of opinion that the two are not on all fours; but the decision of Speaker Keifer holds that they are, and that decision has been followed by various Speakers, as to the question of whether or not the matter is of a constitutional privilege of this nature and should override the rules of the House.

The decision of Speaker GILLET has been referred to, and there is one sentence in that opinion which, it seems to the Chair, ought to govern this question. Speaker GILLET said:

If there is a constitutional mandate, the House ought by its rules to provide for the proper enforcement of that mandate, but it is still a question for the House how and when and under what procedure it shall be done, and a constitutional question, like any other, ought to be decided according to the rules that the House has adopted.

To the mind of the Chair the logic of this whole question is that the rules of the House ought not to be set aside at all times and under all conditions by merely bringing up a question claimed to be of high constitutional privilege. The Chair, therefore, if the decision was put up to him for the first time, if it was a matter of rulings of possibly one or two Speakers, the Chair would have no hesitation whatever in overruling this precedent. However, in this case the precedent is nearly 50 years old. It was first set in 1882 and has been followed by such distinguished Speakers as Mr. Reed, Mr. Henderson, Mr. Cannon, and others.

The Chair has no desire to shrink responsibility. In most cases the Chair is willing to accept his full share of responsibility, but he believes he owes it as a duty to the House in a case of such large and vital importance as this, which may greatly affect the rules and orderly procedure of this House, to submit the determination of the question to the House itself. The Chair has frankly stated his opinion that this precedent ought to be overruled, having also expressed his opinion that unless it is overruled the gentleman from California [Mr. BARBOUR] has an absolute right to bring up this bill in this manner. The Chair, therefore, will put the question in this way:

Is the consideration of the bill called up by the motion of the gentleman from California in order as a question of constitutional privilege, the rule prescribing the order of business to the contrary notwithstanding?

Gentlemen who agree with the position taken by the gentleman from California will vote "yea"; those who agree with the position taken by the gentleman from New York will vote "nay."

Mr. BARBOUR. Mr. Speaker, on that I demand the yeas and nays.

Mr. SNELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SNELL. I do not believe the House entirely understood the way the question is to be voted on.

The SPEAKER. The Clerk will read the question.

The Clerk read as follows:

Is the consideration of the bill called up by the motion of the gentleman from California in order as a question of constitutional privilege, the rule prescribing the order of business to the contrary notwithstanding?

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. As I understand the question as put by the Chair, those who vote nay vote in favor of sustaining the point of order made by the gentleman from New York to the motion made by the gentleman from California.

The SPEAKER. Exactly.

Mr. GRIFFIN. I do not think that is quite the case.

The SPEAKER. The question is simply this: Those who favor sustaining the position of the gentleman from California in moving to discharge the committee from further consideration of the bill upon the ground that it is of the highest constitutional privilege, so high that it overrides all the rules of the House, will vote yea, and those of the contrary opinion will vote nay.

Mr. SWING. Mr. Speaker, I would like to have it clear as to why we are voting to discharge the committee.

The SPEAKER. The Chair has stated the question. The Clerk will call the roll.

The question was taken; and there were—yeas 87, nays 265, not voting 79, as follows:

[Roll No. 61]

YEAS—87

Appleby	Fitzgerald, Roy G.	Keller	Schneider
Arentz	Fitzgerald, W. T.	Kerr	Sinclair
Bacon	Frothingham	Ketcham	Slusark
Barbour	Gallivan	Kvale	Sosnowski
Beck	Gambrell	LaGuardia	Speaks
Blanton	Garrett, Tex.	Lampart	Stalker
Box	Hadley	Lanham	Stedman
Briggs	Hammer	Larsen	Stephens
Browne	Hardy	Lea, Calif.	Summers, Wash.
Carrs	Hastings	Luce	Swing
Carter, Calif.	Hill, Md.	McLaughlin, Mich.	Thomas
Chalmers	Hill, Wash.	McLeod	Thompson
Connelly	Hoooper	Mapes	Tinkham
Cooper, Wis.	Houston	Michener	Tydings
Cramton	Hudson	Miller	Vincent, Mich.
Curry	James	Mills	Volat
Davey	Johnson, S. Dak.	Moore, Ohio	Wainwright
Doughton	Johnson, Tex.	Morgan	Watren
Douglass	Johnson, Wash.	Murphy	Weaver
Dyer	Jones	Nelson, Wis.	Williamson
Ellis	Kahn	Peavey	Woodruff
Flah	Kearns	Schafer	

NAYS—265

Adkins	Elliott	Letts	Rowbottom
Aldrich	Eslick	Little	Ruby
Allen	Esterly	Lowrey	Rutherford
Allgood	Evans	Lozier	Sabath
Almon	Faust	McClintic	Sanders, N. Y.
Andersen	Fenn	McDuffie	Sanders, Tex.
Andrew	Fisher	McKadden	Sandlin
Anthony	Fletcher	McKeown	Sears, Nebr.
Arnold	Fort	McLaughlin, Nebr.	Seger
Aswell	Foss	McMillan	Shallenberger
Ayres	Frear	McKeynolds	Simmons
Bacharach	Freeman	McSwain	Smith
Bachmann	French	McSweeney	Smithwick
Bailey	Fuller	MacGregor	Snell
Bankhead	Fulmer	Madden	Somers, N. Y.
Barkley	Furlow	Maggee, N. Y.	Spaulding
Beedy	Garber	Maggee, Pa.	Sproul, Kans.
Bell	Gardner, Ind.	Major	Stobbs
Bixler	Garner, Tex.	Manlove	Strong, Kans.
Black, N. Y.	Garrett, Tenn.	Mansfield	Strong, Pa.
Black, Tex.	Gasque	Martin, La.	Strotter
Bland	Gibson	Martin, Mass.	Sullivan
Bloom	Gifford	Mead	Summers, Tex.
Boies	Gilbert	Menges	Swank
Bowles	Glynn	Merritt	Swaope
Bowman	Goldsborough	Milligan	Tabor
Boylan	Goodwin	Montgomery	Taylor, Colo.
Brand, Ohio	Green, Fla.	Moore, Ky.	Taylor, N. J.
Brigham	Green, Iowa	Moore, Va.	Taylor, Tenn.
Browning	Greenwood	Morehead	Taylor, W. Va.
Brumm	Griffin	Morrow	Thatcher
Buchanan	Hale	Nelson, Me.	Thurston
Burdick	Hall, Ind.	Nelson, Mo.	Tilson
Burtess	Hare	Newton, Minn.	Timberlake
Burton	Harrison	Norton	Tincher
Busby	Haugen	O'Connell, N. Y.	Tolley
Butler	Hawes	O'Connell, R. I.	Treadway
Byrns	Hawley	O'Connor, La.	Tucker
Campbell	Hayden	O'Connor, N. Y.	Underhill
Cannfield	Hersey	Oldfield	Underwood
Cannon	Hickey	Oliver, Ala.	Updike
Carew	Hill, Ala.	Oliver, N. Y.	Upshaw
Carpenter	Hoch	Parker	Vestal
Carter, Okla.	Hogg	Parks	Vinson, Ga.
Celler	Holiday	Patterson	Vinson, Ky.
Chidholm	Huddleston	Peery	Wason
Cole	Hull, Tenn.	Porter	Watres
Collier	Hull, William E.	Pou	Watson
Collins	Jacobstein	Prall	Welch
Colton	Jeffers	Pratt	Welsh
Connally, Tex.	Johnson, Ind.	Purnell	Wheeler
Cooper, Ohio	Kemp	Quayle	White, Kans.
Corning	Kendall	Quin	White, Mo.
Cox	Kiefner	Ragon	Whitehead
Coyle	Kless	Rainey	Whittington
Crisp	Kincheloe	Ramsayer	Williams, Tex.
Cullen	Kindred	Rankin	Wilson, La.
Davis	King	Rayburn	Wilson, Miss.
Deal	Kirk	Reece	Wingo
Dickinson, Iowa	Knutson	Reed, Ark.	Winter
Dickinson, Mo.	Kopp	Reed, N. Y.	Wolverton
Dominick	Kurtz	Reid, Ill.	Woodrum
Dowell	Lankford	Robinson, Iowa	Wright
Drane	Lazaro	Robison, Ky.	Wurzbach
Driver	Leatherwood	Rogers	
Eaton	Leavitt	Romjue	
Edwards	Leibach	Rouse	

NOT VOTING—79

Abernethy	Crosser	Golder	Lindsay
Ackerman	Crowther	Gorman	Lineberger
Auf der Heide	Crumpacker	Graham	Lithicum
Beers	Darrow	Griest	Lyon
Begg	Davenport	Hall, N. Dak.	Magrady
Berger	Dempsey	Howard	Michaelson
Bowling	Denison	Hudspeth	Montague
Brand, Ga.	Dickstein	Hull, Morton D.	Mooney
Britten	Doyle	Irwin	Morin
Bulwinkle	Drowry	Jenkins	Newton, Mo.
Chapman	Fairchild	Johnson, Ill.	Perkins
Christopherson	Flaherty	Johnson, Ky.	Perlmutter
Clague	Fredericks	Kelly	Phillips
Cleary	Free	Kunz	Ransley
Connolly, Pa.	Funk	Lee, Ga.	Rathbone

Scott	Stevenson	Valle	Wood
Sears, Fla.	Swartz	Vare	Wyant
Shreve	Sweet	Walters	Yates
Sproul, Ill.	Temple	Wefald	Zibelman
Steagall	Tillman	Williams, Ill.	

So the House determined that the consideration of the bill called up by motion of Mr. BARBOUR is not in order.

The Clerk announced the following pairs:

On the vote:

Mr. Fredericks (for) with Mr. Ackerman (against).
 Mr. Lineberger (for) with Mr. Darrow (against).
 Mr. Flaherty (for) with Mr. Williams of Illinois (against).
 Mr. Kunz (for) with Mr. Bowling (against).
 Mr. Free (for) with Mr. Newton of Missouri (against).

Until further notice:

Mr. Begg with Mr. Hudspeth.
 Mr. Connolly of Pennsylvania with Mr. Lindsay.
 Mr. Denison with Mr. Steagall.
 Mr. Funk with Mr. Tillman.
 Mr. Gorman with Mr. Cleary.
 Mr. Vare with Mr. Abernethy.
 Mr. Graham with Mr. Doyle.
 Mr. Wyant with Mr. Bulwinkle.
 Mr. Sweet with Mr. Howard.
 Mr. Griest with Mr. Montague.
 Mr. Sproul of Illinois with Mr. Stevenson.
 Mr. Ransley with Mr. Mooney.
 Mr. Shreve with Mr. Sears of Florida.
 Mr. Perkins with Mr. Luthicum.
 Mr. Johnson of Illinois with Mr. Drewry.
 Mr. Christopher with Mr. Lee of Georgia.
 Mr. Crowther with Mr. Chapman.
 Mr. Clague with Mr. Auf der Heide.
 Mr. Phillips with Mr. Croesser.
 Mr. Fairchild with Mr. Johnson of Kentucky.
 Mr. Rathbone with Mr. Brand of Georgia.
 Mr. Beers with Mr. Dickstein.
 Mr. Yates with Mr. Berger.
 Mr. Wood with Mr. Wefald.

The result of the vote was announced as above recorded.

The SPEAKER. The point of order made by the gentleman from New York [Mr. SNELL] is sustained. The Chair recognized the gentleman from New York on his resolution.

AIRCRAFT IN THE NAVY AND MARINE CORPS

Mr. SNELL. Mr. Speaker, House Resolution 199 simply provides for the consideration of the bill (H. R. 9690) authorizing the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith.

It provides for four hours' general debate, to be confined to the bill, and that the bill otherwise be considered under the general rules of the House.

One reason why it is necessary to consider this legislation at this time is that, as Members will remember, at the time the naval appropriation bill was considered on the floor, all provisions for aircraft were stricken out on points of order, inasmuch as there is no legislation at the present time providing for the procurement of aircraft for the Navy.

I am not familiar with the technical provisions of the bill concerning the details of aircraft, but from the statements made before the Committee on Rules it seems to me that this is a real step forward toward constructive legislation, in that it defines a definite program in keeping with the general upkeep and progress of the Navy and in keeping with the naval program as adopted at the naval conference. There is a unanimous report from the Committee on Naval Affairs, and there was no objection to it in the Committee on Rules. It is respectfully recommended to you for your careful consideration.

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The gentleman from New York moves the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. BUTLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9690, the purpose of which has already been stated.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9690. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from New Jersey [Mr. LEHLBACH] will kindly take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9690, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9690, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9690) to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith.

Mr. BUTLER. Mr. Chairman, although the bill is very small and will be discussed very fully under the five-minute rule, I will ask unanimous consent that the first reading may be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Chairman, I yield to the gentleman from Indiana [Mr. JOHNSON].

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. JOHNSON of Indiana. Mr. Chairman and gentlemen of the House, since becoming a Member of Congress I have attended sessions regularly and have been very much interested at each session.

One of the outstanding achievements of this administration is its public economy. From the very outset President Coolidge has stressed this subject more than any other, nor has his advocacy been in vain. Early in 1924, during the first session of Congress under his administration, and as a result of his leadership and insistence, a tax bill was passed reducing Federal taxes approximately \$500,000,000 annually. The enactment of this tax revision law by no means satisfied President Coolidge's ideals of tax reform and tax reduction. He issued a statement the day he signed the bill to the effect that he would insist upon still further reforms and reductions in our Federal taxation. In his message to Congress last December he placed the problem of tax reduction foremost. As a result, another tax reduction bill, the second under the Coolidge administration, has become a law. The proof of both the wisdom and the popularity of President Coolidge's tax-reduction program is furnished in the fact that the bill just passed, which became operative upon all income and other Federal taxes payable March 15 this year, was supported by both the majority and minority party leaders in both branches of Congress. So far as is recorded, this is the first instance on record, with the exception of revenue bills during times of war, where there was no partisan division on a revenue measure. I am proud to be a Member of this body and to have had the opportunity to vote for the recent tax reduction law. I am proud to be a Representative of the party that by its economical and sensible policy of government has been enabled to further reduce our Federal taxes about \$387,000,000, bringing relief from tax burdens to every citizen of our country and relieving 2,300,000 of our citizens who have been paying income tax under previous laws from the payment of any income tax under this law. Those who are not income-tax payers will not directly benefit by the lowering of the income-tax rate, but they will benefit by this tax law on account of reducing those taxes which interfere with the economic life of the country and place indirectly on them the burden of increased cost on everything they buy. This law also reduces estate taxes, gift taxes, taxes on cigars and tobacco, amusement tickets, and dues, automobiles and automobile accessories, stamp taxes on deeds, mortgages, and other legal papers, jewelry, and on many other articles, so that everybody is benefited by this law.

Coincident with the President's program of reduced public expenditures, and a necessary part of that program is the manner in which the tremendous army of Federal employees has been kept in check. Although the business of the United States in practically every department and bureau has tremendously increased during the last two years, the records of the United States Civil Service Commission show that the number of employees on the Federal pay roll as of December 31, 1925, was practically identical with the number on the Federal pay roll as of June 30, 1923, one month before President Coolidge became President. This is in face of the fact that during the interim of two years the Post Office Department has been compelled to add several thousand to its pay roll in order to handle the tremendous increase in postal business. The Labor Department has been compelled to add to its pay rolls in order to enforce the immigration laws. The United States Veterans' Bureau has been compelled to add to its pay rolls in order to take care of the work of handling the soldiers' bonus. The Treasury Department has been compelled to take

care of the additional work necessary in connection with the enforcement of the prohibition laws. The Agricultural Department has been compelled to take care of the additional work made necessary by the packers and stockyards act, the grain futures act, the modified United States warehousing act, and other new legislation in behalf of agriculture. In the face of all this the total number of Federal employees has not increased, which shows that under this administration the taxpayers of the United States are getting more work out of their employees than ever before in the history of the Government; nor is the record complete. A preliminary report issued by the United States Civil Service Commission March 2, 1926, shows that in the District of Columbia there was a net decrease during the month of January of 209 in the number of Federal employees, and the advance announcement has been made by several of the departments and bureaus that at the end of the present fiscal year, June 30, there will be a still further reduction in the number of Federal employees, estimated at this time to be 15,000.

Not only is the Coolidge administration keeping the number of people on the public pay rolls at a minimum consistent with good service but it has established the policy of critically scrutinizing every proposal that looks toward the creation of any new bureaus or commissions or bodies of any kind which have for their purpose the setting up of additional governmental machinery, the employment of help, and the expenditure of public funds.

While I have been extremely interested in all the proceedings of Congress, at times I have also been amused, especially when I hear some of our Democratic friends speak of the tariff as being responsible for the present condition of agriculture. You notice I say "some of our Democratic friends." I say this because there are many Democrats who do not and will not make such a statement, because they know the farmers would be much worse off without the tariff than they are with it; that the tariff protects the farmer the same as it protects others.

It should be remembered that every dollar collected by reason of our tariff means one less dollar to be collected in Federal taxes, so that an increase of \$100,000,000 in tariff receipts is equivalent to a decrease of \$100,000,000 in taxes. In other words, if we reduce the tariff receipts \$100,000,000, we must raise the taxes on our people \$100,000,000 in order to make up for the amount of tariff reduction.

The present tariff law became effective in September, 1922. Its opponents have charged from time to time, first, that its enactment would keep this country from selling to other countries, because they would set up retaliatory tariffs. This argument was made in face of the fact that the United States was the last of the nations to enact a tariff after the World War.

The following is a list of different countries that enacted tariff legislation since the World War, each nation having acted before we adopted our present tariff law:

The United Kingdom (England, Scotland, and Wales), October 1, 1921; Australia, March 25, 1920, June 13, 1921; New Zealand, November 3, 1921; Dominion of Canada, June 4, 1921, September 1, 1921, October, 1921; Union of South Africa, May 5, 1922; British India, March 1, 1922; Newfoundland, May 26, 1921; British West Indies, September 1, 1921; The Barbadoes (British), July 1, 1921; British Togoland (Africa), July 20, 1921; Fiji Islands (British), November 11, 1921; British Honduras, March 31, 1922; Switzerland, May 24, 1921; France, July 14, 1919, November 7, 1919, March 20, 1921; Italy, July 1, 1921; Czechoslovakia, March 19, 1920, August 6, 1921; Yugoslavia, July 10, 1921; Poland, August 11, 1921; Ecuador, September 25, 1921; Argentina, July 6, 1920; Chile, February 23, 1921; Peru, December 29, 1921; Belgium, June 10, 1920, March 31, 1921, November 7, 1921, February 6, 1922; Finland, January 1, 1922; Mexico, January 1, 1922; Sweden, June, 1921, March 27, 1922; Denmark, November 26, 1921; Hungary, November 23, 1921; Spain, February 16, 1921; Rumania, July, 1921; Bulgaria, April 1, 1922; Austria, July 16, 1921; Japan, March 30, 1922.

After this action by other countries, it does not seem that we should even consider a reduction of our tariff rates, which afford protection to all American producers—mine, factory, and farm—and maintain the American high wage level and preserve the high standard of living of the American people.

Recently the argument has been advanced that our tariff was preventing European nations from selling goods to us. I think we are buying altogether too much from Europe. Our stores are full of foreign-made articles. A few days ago I walked into a gift shop, a place where visitors to the Capital buy articles to take home as a remembrance of their visit to Washington, only a few blocks from our Capitol, and there I saw among other things a small likeness of the Washington Monument. I looked at the bottom of it, and much to my surprise

I saw stamped on it these words: "Made in Germany." The best test is the figures as to what we have bought and sold in the markets of the world. We bought from Europe as follows:

Calendar year:	
1922	\$991,000,000
1923	1,157,000,000
1924	1,100,000,000
1925	1,237,832,000

We bought from all the world during the calendar year 1922 \$3,113,000,000; in the calendar year 1923, \$3,792,000,000; in the calendar year 1924, \$3,611,000,000; in the calendar year 1925, \$4,227,995,091.

We sold to Europe as follows:

In the calendar year:	
1922	\$2,083,000,000
1923	2,093,000,000
1924	2,444,000,000
1925	2,602,486,592

We sold all the world in 1922, \$3,832,000,000; in the calendar year 1923, \$4,167,000,000; in the calendar year 1924, \$4,591,000,000; in the calendar year 1925, \$4,909,396,000.

A survey of the figures for a number of years back shows that during the last two years under the present tariff our world trade, both in what we bought and what we sold, was the greatest we have ever experienced in the history of this Nation, outside of the few years that Europe was at war and abnormally increased our exports.

All of this shows very plainly that the argument advanced by free traders that our present protective tariff prevents foreign nations from selling us goods is false. In my opinion we would do well to raise our tariff on wheat, corn, beef, and all other farm and agricultural products so as to afford further protection to our agricultural interests.

Some of our Democratic friends have charged that the trouble with the farmer is high prices for what he buys, and that these high prices are due to the protective tariff. If this argument means anything, it means that under the protective tariff the manufacturer has pushed up his price to an unjustifiable degree. If this were true, the first place it would show would be in wholesale prices, as practically all manufactured articles are handled through jobbers. The last report of the United States Labor Bureau shows that wholesale prices have steadily declined during the last year. This report covers over 400 commodities, embracing all kinds of manufactured articles, leather goods, textiles, metal goods, hardware, building material, drugs, household furnishings, and so forth. In other words, if there has been an increase in the price of articles which the farmer must buy, that increase can not be charged against the manufacturer, for the price of his products to the jobber have not increased. Take the case of the farmer; he is not to blame for the increased retail prices on food products. The United States Bureau of Agricultural Economics, in its report of January 1, shows that the wholesale price of food products has not increased during the entire year of 1925, while the retail price of food products increased from an average of 159 (index number) in January, 1925, to 172 in November, 1925, all of which clearly shows that the trouble is not caused by our tariff.

If we read and study our history, we find that the idea of a protective-tariff principle is an American principle of Democratic origin. I would rather say it was of Republican origin, but must speak the truth. We learn that such outstanding Democrats as Jefferson, Madison, Calhoun, Monroe, and Jackson, the fathers of the Democratic Party, all advocated a protective tariff. For some reason some of our Democratic friends have abandoned the principle of the protective tariff and now speak of it as a great evil.

Again I say "some of our Democratic friends," because a large number of my Democratic colleagues believe in a protective tariff. They have shown this by their vote on tariff schedules that affect their districts, and also in other ways. I will not take time to quote them, except in one instance, although the CONGRESSIONAL RECORD contains many statements of able Democratic legislators in favor of a protective tariff.

The gentleman from Texas [Mr. BLANTON] on July 21, 1921, in the House of Representatives, said:

The time has come when we must take products of the American farms and ranches, and all competitive substitutes, off of the free list, and let our American market afford a living wage and return to our producers, and then we must so arrange our tariff schedules on such products and substitutes as will equalize our cost of production with that of foreign commerce.

Continuing further he said:

Must our intelligent, ambitious, deserving men and women on the farms and ranches of the Nation be longer placed on the same level by

being forced to compete directly with the peons and slaves of the universe? I am one loyal Democrat who is not in favor of it.

I agree with Mr. BLANTON on this proposition.

In what way does the tariff affect the farmer? We must all admit that the farmer's principal problem is the disposal of his surplus crops, which must be sold in foreign markets. If there were no surplus there would be no serious farmers' problem, and we would not now have the farmers' problem before us. I think it will be admitted that the only possible profitable market our farmers can have is our local domestic market right here in the United States. If we were to take our tariff off of imported articles it would close our factories and paralyze industry, thereby destroying the purchasing power of industry and labor, which would destroy the only possible profitable market our farmers have. If we were to take the tariff off of what the farmer produces it would throw him in direct and unprotected competition with the cheap agricultural producing nations of the world, which would be most disastrous not only to the farmer, but to the Nation as a whole. The farmers' problem must be solved in some way other than by free trade. We all know that agriculture is the basic industry of our Nation, and that our Nation can not long prosper unless agriculture prospers. We must give earnest and intelligent consideration to measures for the relief of agriculture. People engaged in farming should receive as fair and reasonable profit, both for investment and labor, as any other business receives. They should be on the same sound business basis as any other form of capital or labor. While our country is enjoying prosperity our farmers should be enjoying the same degree of prosperity. The Agricultural Committee is holding hearings day and night on measures designed to bring this much-needed relief to agriculture. I feel we should pass all necessary farm-relief legislation which will put agriculture on an equality with industry before this session of Congress adjourns. I am willing to stay here until we succeed in passing such legislation.

Mr. BUTLER. Mr. Chairman, I join with my esteemed friend from North Carolina [Mr. POU], whose long and useful service, continuing many years, is well known to the Nation, in expressing a regret because an imperative duty compels us to do some things that we would otherwise not do. Like him, I would very much prefer to vote for other things rather than implements of war, but inasmuch as I have been engaged in such work for 30 years I suppose I need not make an explanation. It is too late to attempt an apology. We both hope for better times.

You will recall that the chairman of the Committee of the Whole, during the consideration of the naval appropriation bill, ruled it was the duty of the Naval Affairs Committee of the House, the legislative committee, to report certain provisions that were reported in the appropriation bill. That ruling was made because a point of order had been raised against them. That brought to the Naval Affairs Committee the duty—which we promised at the time we would perform as well as we could—of preparing and recommending to this House a permanent program for what is known as the aviation service of the Navy. That was about six weeks or two months ago. Since that time we have employed ourselves with diligence and have a program here which we are going to ask you to accept. We have worked at it long and faithfully.

First of all, this bill has the indorsement of the President of the United States. That means much to me, as it does to you, but not more, perhaps, than the indorsement of every member of the committee upon which I sit, 21 in all. That conclusion was reached after many hours of listening and many hours of consultation. We did the best we could to present something definite upon which the Congress could act. It has the further indorsement of the commission upon which my esteemed colleague [Mr. VINSON of Georgia] sat. I know but two members on that commission, and I have talked to but one, and that one is the gentleman from Georgia [Mr. VINSON], for whose opinion I have great regard.

I am told by him that the chairman of the aircraft board, on which he sat for weeks taking evidence, so as to reach a conclusion that the country would likely accept, has approved of this bill in toto. I do know that the Secretary of the Navy has likewise indorsed it as here drawn. I do know that the general board has indorsed it; the Joint Army and Navy Board has indorsed it; the Bureau of Aeronautics and the Chief of Operations have indorsed it. There is not one exception taken by these authorities to any part of this bill.

This program has been reached because of the long consideration which we have given it in an attempt to bring to you a program which would meet your approval.

Its objective is this, 1,000 airplanes so stated to you by the gentleman from New York [Mr. SNELL], chairman of the Committee on Rules. The question is naturally asked: Why

do you fix the number at 1,000? You might think because that number is less than the department asked. Not so. When you make an analysis of the bill you will see why we fixed the number at 1,000. Every airplane provided in this bill has its particular function to perform, something that has never been known before in the way of naval aircraft preparation.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. JOHNSON of Texas. How many airplanes have we now?

Mr. BUTLER. We have 900 of what they call airplanes, but some call them flaming coffins. I call them old-fashioned flower boxes painted green and only fit to put in front yards for the purpose of planting verbenas, and things of that kind, in. However, what we are endeavoring to provide through this bill are useful implements of war. If we are to have weapons we do not want those that will kill our people and spare the enemy.

They are implements of war that will be useful to us and not useful to the people who might be against us. There may come a time when we shall need these implements of war, but I join with my friend from North Carolina [Mr. POU] in hoping such an event will never come to us. However, no one is able to make a correct guess when war may come. Providence only knows.

Mr. HASTINGS. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. HASTINGS. I notice that this construction program extends over a series of years. I want to ask my friend from Pennsylvania this question: What is the ordinary life of such an airplane as will be constructed under this bill?

Mr. BUTLER. Three years. After three years' use they are worn out. If not entirely worn out they are likely to fall and kill somebody, and I will not vote for any weapon that is likely to kill its user.

Mr. HASTINGS. It is expected that when the number of years has elapsed, some four or five, over which this construction program extends, that we will have 1,000 airplanes?

Mr. BUTLER. Yes; useful airplanes and not hurtful airplanes. We absolutely guarantee that.

Mr. HASTINGS. What about those in operation now?

Mr. BUTLER. They will all be gone.

Mr. HASTINGS. And we shall have 1,000 new ones?

Mr. BUTLER. Yes. I want to say this: That at the end of five years there will be at the service of the American Government, 1,000 airplanes that can be used immediately or after very reasonable repairs.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. BUTLER. I am glad to yield to my old friend.

Mr. OLIVER of Alabama. I am afraid that the latter part of the statement which I heard just as I came in might prove a little alarming as to the condition of some of the planes we now have.

Mr. BUTLER. We have about 500 very useful planes.

Mr. OLIVER of Alabama. And what I want to suggest is this: That naval officers are not permitted, under the regulations, to use any planes that in any way could be dangerous to the flyers?

Mr. BUTLER. They are not. It was always before our committee that we might provide for a turn-over every three years so that all of these engines and all of the machinery in these planes might be as safe as it is possible to have them. It is expensive, yes; but it is much better that we should spend \$50,000 or \$500,000 than to use dangerous planes.

Mr. OLIVER of Alabama. I am not at all in disagreement with the policy the gentleman has in mind and, I knew it was not the purpose of the gentleman to alarm anyone by leaving the impression that the Navy would ever use a plane that was dangerous to the flyer.

Mr. BUTLER. No; it will not. However, my friend knows that these accidents may happen it matters not how well we may have provided against them, but in order to make it doubly sure we intend to ask Congress to permit us to turn them over every three years and throw the old ones away.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. JOHNSON of Texas. I understand the gentleman to say we now have about 900 airplanes?

Mr. BUTLER. Nine hundred and fifty or nine hundred and seventy.

Mr. JOHNSON of Texas. Five hundred of them are safe?

Mr. BUTLER. Yes.

Mr. JOHNSON of Texas. What is there about the other 400 which causes them to be unsafe?

Mr. BUTLER. Everything. I understand they do not use them, but nevertheless they enumerate them, and they keep them on the list. I have oftentimes wondered why they do it.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. BUTLER. In a moment I will yield. Let me answer my friend further.

It will be necessary during this period to build and have in our possession as many as 1,600 airplanes, but at the end of five years the number will be reduced to 1,000. This has been figured out by the mathematicians based upon a service of three years.

Mr. HASTINGS. Will the gentleman state how much one of these planes costs fully equipped?

Mr. BUTLER. They will cost anywhere from \$20,000 or \$25,000 up to \$150,000. The large ones cost, we estimate, \$150,000. The smaller ones, what are called the scout planes, cost a great deal less, and when my colleague, the gentleman from Georgia [Mr. VINSON] makes his statement he will answer all your questions definitely, because he has the figures in mind.

Mr. McSWAIN. Could it not be fairly said, however, that the 1,000 airplanes of all the different sorts would be roughly about equivalent to the cost of one first-class battleship fully equipped?

Mr. BUTLER. No; the 1,000 airplanes would be equivalent to about two such battleships. Of course, they do not require so many men to operate them. The cost of a battleship would be about \$40,000,000 or \$45,000,000 for the old-style battleships. The cruisers cost about \$18,000,000 each. A comparison between our first-class battleships and these airplanes would show that at the end of five years they will cost about twice as much.

Mr. McSWAIN. Then they will be equivalent to the cost of two battleships.

Mr. BUTLER. Yes.

Mr. McSWAIN. And does not the gentleman think they will be equivalent to about ten or twenty times as much in the way of defense?

Mr. BUTLER. That is variously estimated. I think all military men agree that they are very effective. I think all the military men and all the strategists and everybody agree with that statement. Why, 30 years ago when I first saw this House we were making our defense upon the surface of the sea. Then we went underneath, and now we are up in the air. There is no other battle field to seek and therefore I hope we will have peace. [Laughter and applause.]

Mr. UPDIKE and Mr. KVALE rose.

Mr. BUTLER. I yield to the gentleman from Minnesota.

Mr. KVALE. Will our voting \$85,000,000 for these 1,000 airplanes be the slightest guarantee that we will waste fewer millions of dollars on battleships in the future?

Mr. BUTLER. You can not do that. I am one of those who propose to keep the treaty of Washington, and we can not build battleships. Under the treaty of Washington we have done away with the construction of them completely until 1934.

Mr. KVALE. In other words, we will have to keep on wasting millions of dollars on battleships?

Mr. BUTLER. No; we will build none until 1934 and then we will have the privilege to replace one or two ships.

Mr. KVALE. Oh, but the gentleman from South Carolina has told us that we will have another war in a little while.

Mr. BUTLER. My friend is a wise man, and he fears it just as I do; but I think, perhaps—well, I do not know anything about it. [Laughter and applause.] One thing I do know, however, as long as men have red blood they will fight unless restrained, and I rather prefer to have my associations with them. [Laughter and applause.]

Mr. KVALE. And the next war, of course, will be a war to end wars.

Mr. BUTLER. Oh, I do not know anything about that, because I will not make the war and I will not be in it.

Mr. UPDIKE. Will the gentleman yield now?

Mr. BUTLER. Yes.

Mr. UPDIKE. Is it not the fact that the average cost of these airplanes is \$52,000?

Mr. BUTLER. Yes.

Mr. MILLER. And on the basis of \$52,000 per plane there is included an entire engine in addition to the one installed in the plane plus 25 per cent of spare parts.

Mr. BUTLER. Yes; as I recall it, when we build one of these machines we build another engine to cost \$9,000, so that if anything should happen to the engine in the machine to render it unsafe, we will put in the new one. The \$52,000 that my colleague speaks of buys the entire equipment, but, of course, does not maintain it.

Mr. LaGUARDIA. Will the gentleman now yield?

Mr. BUTLER. Yes.

Mr. LaGUARDIA. The gentleman, of course, realizes the difference between the 500 planes to which the gentleman from

Alabama [Mr. OLIVER] referred as being safe for flying and up-to-date planes for war purposes. There is a difference, of course.

Mr. BUTLER. Let me see if I understand the gentleman from New York. What we are asking this Congress to do is to provide 1,000 airplanes at the end of five years, effective and able to overcome any forceful opposition that may come against them on land or sea, this to be the very best equipment that can be provided. The type of equipment is to be left entirely to the discretion of the military men. I would not endeavor to prescribe that, because I do not know anything about it. I would not pretend to make an implement of war for another man who has to use it. He is a professional man and must design the weapon and prescribe how it is to be made, and I will then vote for the money to make it.

Mr. LaGUARDIA. May I ask the gentleman this further question? The gentleman then admits that in the past the selection was not perfect and—

Mr. BUTLER. I do not know anything about that.

Mr. LaGUARDIA. And machines were not selected that were up to the specifications which the gentleman now prescribes.

Mr. BUTLER. Of course, they wear out. If anybody has ever had any experience with secondhand automobiles, as I have, he will know all about the uncertainty of old machinery. [Laughter.] Of course, these machines will wear out.

Mr. LaGUARDIA. There is no question about that.

Mr. BUTLER. All machinery will wear out. There is no reflection whatever to be cast on anyone who has contrived or purchased an airplane, and there is no reflection to be cast upon Congress. The whole matter has been largely an experiment. We have done the best we could, but we want these old fellows laid aside.

Mr. LaGUARDIA. The old fellows or the old planes?

Mr. BUTLER. The old planes, not the old men.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. O'CONNOR of Louisiana. Does the gentleman know whether or not the Military Affairs Committee have an entire program to report to the House?

Mr. BUTLER. I do not know, but I think so.

Mr. O'CONNOR of Louisiana. Will the gentleman yield so that I may ask the gentleman from South Carolina about that?

Mr. McSWAIN. Yes; that is a matter of record.

Mr. O'CONNOR of Louisiana. How many airplanes do you propose to have under this program?

Mr. McSWAIN. There will be a total of 1,640.

Mr. LaGUARDIA. Two thousand one hundred, according to the report.

Mr. O'CONNOR of Louisiana. In addition to the 1,000 contemplated in this bill?

Mr. McSWAIN. Yes.

Mr. O'CONNOR of Louisiana. Have you any information as to the number of airplanes that will be brought into existence as a result of the activities of the Post Office Department as well as private activities?

Mr. BUTLER. No; I do not.

Mr. McSWAIN. The more there are, the better we will be pleased, I will say to the gentleman.

Mr. BUTLER. Let me follow this up with one other thought which I have in mind. We do not ask for one additional sailor. They may need additional soldiers, but we want no more sailors. This committee has worked out a program that will provide the personnel from the enlisted force in the Navy, and therefore we are not asking you for any additional planes in order to train men. I do not know what may have been reported from the Committee on Military Affairs having as its object the establishment of an aviation program, but I do know that we do not propose to ask the Congress for any additional men. The time may come in the future when that will be done. I do not know anything about that; but for a reasonable time, within the five years, I will state to my friend from Alabama, we do not anticipate we will need one additional man.

It is not what the department needed, they would like about 1,200 airplanes, but we concluded there was no use in building airplanes for ships that are not yet built.

Mr. OLIVER of Alabama. In connection with the question asked by the gentleman from Alabama I understand it is not the purpose of the bill to absolutely require that so many airplanes be built, but you authorized them so that Congress could later determine the number needed.

Mr. BUTLER. The gentleman has it right, and I am grateful to the gentleman for calling my attention to it. We made up our minds not to fix the number of airplanes but leave it for the determination of Congress. We provided that

there should be so many each year, that we might have something definite, something to secure economy.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. BUTLER. Certainly.

Mr. O'CONNOR of Louisiana. I believe in adequate preparedness, but it looks to me with this program for the Navy and program for the Military Committee and the Post Office Department, with all of these airplanes that they must be preparing to lick the whole world within five years.

Mr. BUTLER. Oh, my friend is wrong about that. We have some doubt as to whether we will be quite up after this. We doubt very much whether we will be fully up. It was told us by the peacemakers, and the gentleman and I are among the peacemakers, that we ought not to make any comparison. Can the gentleman tell me how we can prepare to defend ourselves unless we do? I would like some smart guesser to say how we are going to prepare a defense and to resist other nations if required unless we know what the other nations have prepared.

If other nations had no airplanes I would not vote for one, nor would I ever have voted for a ship. We can not tell exactly what the number will be, but we think France will be ahead of us some in numbers.

Mr. VINSON of Georgia. If the gentleman will yield, in response to a question by the gentleman from Louisiana I want to say that France had on January 5, 1925, 1,542 serviceable airplanes and 4,000 reserves.

Mr. BUTLER. They have more than we have, but they have further to come than we have to go to make our defense.

Mr. LA GUARDIA. The 4,000 reserves are a good deal like our worst ones.

Mr. BUTLER. Yes; some of them will do to make water boxes along public roads.

If we spend money let us do it economically and wisely. We put it over a number of years, so that Congress may know what it can do within certain limits. Therefore we fixed it at five years. Some may say why five years? Because it is recommended by the board, that heard a number of witnesses covering several weeks, of which my friend from Kentucky was a member. They recommended such a program. That report has been approved by the President of the United States and everyone in authority. You ask why we made it 1,000 and not 1,200. Because we could not find places for any more airplanes. There are so many airplanes for a ship and so many for a destroyer. We are not going to ask for the construction of airplanes to put on ships 150 years from now, and if we carried out a program that has been suggested it would be 150 years before the last one was built. They asked for another airplane carrier. We said, "No; we have two; we have made the pattern as nearly as we can get it and made this program to fit it. You have put catapults on ships that machines may fly from them."

Are you going now to put machines on them? You voted from \$75,000,000 to \$85,000,000 for two airplane carriers. What is the use of having airplane carriers? They have no guns on them. They are made for one particular purpose, and that is to carry airplanes. My friend's subcommittee has recommended so many airplanes, but nevertheless the responsibility has been taken from his subcommittee and handed over to ours, and we followed his recommendation and included planes in the program reported in this bill. There are 79 airplanes included here for one of these carriers, which will go into commission in a few days.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. HASTINGS. The number of airplanes that France has in commission as given by the gentleman from Georgia [Mr. VINSON], including both the Army and Navy airplanes.

Mr. VINSON of Georgia. Oh, yes.

Mr. HASTINGS. I ask that so as to clear the matter up, so that there will be no misunderstanding.

Mr. LA GUARDIA. Oh, yes; France has a unified service.

Mr. HASTINGS. Some of us got the impression that they were wholly of the Navy.

Mr. LA GUARDIA. Oh, France has learned something since the war.

Mr. BUTLER. Just one minute more, and I shall surrender. My esteemed colleague has all of the figures and facts before him touching aviation. I have listened for only a month and he has listened for two or three months. While we do not ask for any personnel, we have recommended to this House, for the first time, the personnel that should be employed and how it should be employed. The Morrow Board's report recommends enlisted men should be employed, and we have provided that not less than one-third of the men who shall

sail these airships shall be enlisted men. Again, we recommend, and I shall stand for nothing else, that the building of these planes be subjected to competitive bidding by the different airplane manufacturers.

I care not what the evidence may have been before the gentleman's board, I care not what other men may have in view, I shall not vote for this bill unless the construction of these airplanes is submitted to competitive bids by the different airplane manufacturers. [Applause.] Furthermore, if the right to construct these airplanes under certain conditions is taken away from the navy yards, I shall not vote for this bill. At enormous expense we have fitted out factories where these machines may be constructed, and we have done it for one purpose, and that is to see that there is no conspiracy among the bidders for these machines. I know there has been some talk of other methods, but I say in advance, so that it may be understood, that I shall not vote for the bill if you are going to employ a fiscal agent among civilians to say who these bidders shall be. [Applause.] We must do it fairly. The whole proposition was submitted to us fairly. The question was asked by our colleagues in this House at the time, whether or not we would report a measure for aviation that they could subscribe to. That we have endeavored to do. We submit it here with an expense of \$85,000,000, perhaps 35 or 40 per cent more than has been heretofore appropriated, but we could not reduce it any further and work out the program outlined, and that was to have in commission the number of airships to function in all the places you had already provided for by law.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. BRIGGS. I notice in paragraph 5, page 2, of the bill that the expression is used that the idea is to have purchased, ending June 30, 1931, 1,614 airplanes, and in paragraph 7 it refers to having 1,000 of them on hand by June 30, 1931.

Mr. VINSON of Georgia. It is necessary in order to maintain 1,000 at the end of five years to buy 1,641, because the attrition is one-third each year, on account of wastage; so that the number of planes that will be bought will be 1,641, and that will give us 1,000 at the end of five years, serviceable airplanes.

Mr. BRIGGS. That is what I wanted to bring out, as to whether that discrepancy was due to the fact that some of the planes wore out during the five-year period, and that you could have only 1,000 useful planes under those conditions—planes that are really serviceable.

Mr. VINSON of Georgia. That is correct.

Mr. BUTLER. Gentlemen will understand that the President's air board, of which my colleague was an active member, recommended that this turnover should occur frequently, and they state the reason for it. We have followed that recommendation not blindly but gradually. In every recommendation that board made we have followed in making this bill, so that the country might understand that this legislative committee, without any partisanship or any feeling, took the judgment of competent men who recommended to us such a program.

Mr. BRIGGS. I want to ask the gentleman with reference to the value of dirigibles. I notice in section 2 of the bill provision is made for the construction of two rigid airships at an authorized cost of \$8,000,000.

Mr. BUTLER. Yes. My friend will be directly interested in that; and we now ask this House to build two dirigible, or lighter-than-air, machines. They will be nearly three times as large in capacity as the ship that was destroyed. We have stated the reasons in the report. We want to put one on the Pacific, because that still belongs to the United States, and I happen to have some interest in that, because for 30 years I labored to get a fleet out there. We want one on the Atlantic and one on the Pacific. We want them to be of the most modern type, of best construction. We can get two for \$8,000,000 and one for \$5,000,000. We thought we better have the two, and therefore recommend the two. We will take one off to the Pacific and most likely send it to Hawaii, that it may be used there. They will be floating machines, as I call them, with a radius of 7,500 miles. Further than that, they will take the place of from two to four cruisers that will cost \$18,000,000 apiece.

They will do the duty and perform the guardianship and report back to the ships on the surface the information that they should have. Forty-five men will sail on them, and it would require 645 on the cruisers, and therefore, not to be stingy or mean in the defense which the Constitution orders us to provide for, we have given you the best modern equipment we can discover.

We will ask you to retain in this bill the two dirigibles. One which we once owned was burned up, and for which we had

paid a million dollars. Another was destroyed in Italy. Another, the *Shenandoah*, also met with disaster. We ask you now to replace these airships by two better ships. We now have helium. It will not burn. We expect that when these ships are built they will be modern and will be the most efficient guides that we can procure. Helium manufactured in Texas at reasonable cost will be used in their operation.

To our way of thinking, my friends, these are the best guardians we can have, the best outposts we can establish. When the Germans hung from the clouds and discovered the location of ships on the surface the question was asked, What can you do better than that? Our men at sea should have the location of an enemy and ascertain its strength, and by the means which they themselves provide. England is building two. We propose to have two that are much better.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. BRIGGS. I want to ask the gentleman a question as a matter of information, so that the House can know the respective value of rigid airships as compared with airplanes, and whether or not they are still an efficient agency—the dirigibles?

Mr. BUTLER. I know they prophesy much for those ships. I do not know what they will do, but I know what we propose to authorize the Government to attempt to do. Some military men may say they can successfully attack these airships. I was opposed to them at first because I feared a single shot would bring them down. But other military men say they are no longer dangerous from inflammability or from being shot down. Further than that, they propose to load them with cannon. They can defend themselves against these heavier-than-air machines; but, of course, with the aid of them, they are supposed to be easily defended.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. LaGUARDIA. The gentleman made it very clear that this program will not involve an additional amount. Does this program involve any additional expense to the regular and usual naval appropriations?

Mr. BUTLER. We think we will be able to adjust these figures so that they will not. Of course, the gentleman from New York must understand that it will cost something to build and maintain these airplanes. We are not trying to deceive you. That will involve some additional expense to the Treasury, but we hope by adjusting our appropriations for military defenses to provide these additional units without increasing the amount of the naval appropriation bill.

Mr. McCLINTIC. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. McCLINTIC. I did not get it in mind, whether any of this money can be used for the purchase of aviation grounds or the construction of buildings or quarters for the men.

Mr. BUTLER. No. We have all the ground now that we need. I would not vote for any more except for a cemetery. It will cost a lot of money to build this program, and it will cost a lot of money to maintain it and keep it up. The cost for both every year will be about \$35,000,000.

Mr. VINSON of Kentucky. In respect to competitive bidding, do I understand that the gentleman refers to the President's recommendation as contained in the report of the Morrow Aircraft Board?

Mr. BUTLER. I made no reference to it, but I have it in mind that some members of the board—

Mr. VINSON of Kentucky. It was not a unanimous report?

Mr. BUTLER. No. My colleague from Georgia [Mr. Vinson] will explain that. I want to assure you, gentlemen, that he is alive to the actual needs of the naval service. He will not stand for noncompetitive bidding. I want these airplanes to be built or purchased just as the ships of the Navy now are. They must be bought or built by competition. Further than that, if there is anything like a conspiracy among these 12 or 15 different airplane builders, then the airships or aircraft shall go to Government yards.

Mr. VINSON of Kentucky. Did not the Morrow Board make a finding to the effect that there was corruption among some of the aircraft people?

Mr. BUTLER. I would not charge that there was corruption.

Mr. VINSON of Kentucky. Or that they were in conspiracy?

Mr. BUTLER. I would not call it "a conspiracy." We call it up in our State "an understanding." But they will not have any understanding on this if I can help it.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. McSWAIN. That is why you provide that if there is any understanding between them, then they must get out?

Mr. BUTLER. Yes.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. VINSON of Georgia. Is it not a fact that the language in reference to the purchase of airplanes is the same as that used in connection with the construction of battleships?

Mr. BUTLER. Yes. It has been voted for time and time again. It is like the Lord's Prayer; it is always the same.

Mr. VINSON of Kentucky. I understood the gentleman from Pennsylvania to say that he wanted commercial industry encouraged in the aircraft industry?

Mr. BUTLER. Yes.

Mr. VINSON of Kentucky. I know that the gentleman understands that the President's Aircraft Board had that same point in mind?

Mr. BUTLER. Yes.

Mr. VINSON of Kentucky. In sections 6 and 7 of the report of the Morrow Board is not this language found that—

(6) Existing statutes covering the procurement of supplies and requiring competitive bidding be modified when necessary to allow putting the recommendations previously made into effect.

(7) Governmental research in aeronautic science be actively continued and the testing facilities of the various department agencies should be made readily available to the civil industry. The functions of the national advisory committee for aeronautics should be extended to cover the field of advice to inventors regarding aeronautic inventions.

Mr. BUTLER. I have no reflection to cast on the Morrow Board, let me say to my friend, but they were business giants and therefore I prefer to stand by the old hitching post that has held me up for several years. Let them go out and get bids and get them fairly or I do not want them to get them at all. [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, I yield myself 30 minutes. [Applause.] Before I commence a discussion of the various provisions of the bill I desire to answer the statement made by the gentleman from Kentucky [Mr. Vinson] with reference to the recommendation of the Morrow Board. It is true that the Morrow Board inserted a provision along the line which the gentleman read, but when the Naval Affairs Committee started to consider this bill no effort was made by any member to insert that thought which would do away with competitive bidding in the bill. It is such a fundamental change in the method of purchasing and so important that Congress should consider that question separately and independent of any other legislation. Therefore we kept it out of our bill, and I am glad to know that the Military Affairs Committee has kept it out of their bill. We want to purchase these airplanes upon the strongest kind of competition, and we have used the same language with reference to the purchase of them as is used with reference to the purchase of battleships.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. VINSON of Kentucky. I am certain the gentleman can differentiate between the increase in the aircraft industry of the United States and commercial aviation and the construction of battleships which are only to be used by the United States Government.

Mr. VINSON of Georgia. Well, practically all of the airplanes are used by the United States Government.

Mr. VINSON of Kentucky. Not at all, because civilians may use these airplanes.

Mr. VINSON of Georgia. Mr. Chairman, it is the unanimous opinion of the members of the Naval Affairs Committee that it is highly important for the Navy to have a definite program, for by such a program it has some objective at which it is aiming, and the objective in this bill is to have 1,000 serviceable airplanes in the Navy at the end of five years. In addition to that reason, it is essential, in the interest of orderly legislative procedure, that such a program be authorized so that the Appropriations Committee and Congress may be in position annually to make appropriations for the purchase of new airplanes in the regular appropriation bill for the support of the Navy.

Under the rules of the House, as every Member knows, before the Appropriations Committee can authorize the expenditure of any money for the purchase of new aircraft there must be some legislative authority for such expenditure.

To illustrate, the appropriation bill for the support of the Navy this year had an item in it authorizing the purchase of 137 new airplanes, to cost \$9,062,500. This item was subject to a point of order, and went out of the bill because there was no legislative authority authorizing the Appropriations Committee to provide for their purchase.

Unless a program covering a period of years is enacted, the Appropriations Committee must each year wait until Congress

has passed a bill providing for the purchase of a certain number of airplanes before that committee could make an appropriation.

Therefore to my mind it is clearly in the interest of orderly legislative procedure, in view of the rules of the House, to lay down a program covering a period of years giving the Appropriations Committee the authority annually to provide for the purchase of new airplanes, if in the judgment of the Appropriations Committee and Congress the needs of the Navy justify such purchase.

It does not by any means follow that by granting this authorization that the Appropriations Committee is compelled to provide for the number of planes designated for each year. The legislative committee, which is the Naval Affairs Committee, having jurisdiction of the subject has concluded that, in our opinion, with the objective of having 1,000 planes at the end of five years, it is necessary to purchase 235 new planes in 1927 and so many for each of the remaining four years.

But, however, the economic condition of the country and the President's program of economy may be such that, in the opinion of the Appropriations Committee, Congress would not be justified to purchase that number of airplanes for that year. It would be up to the Appropriations Committee and Congress to decide the number to be purchased, but it could not exceed the total number fixed in this bill for each year, but, of course, the number to be purchased could be less.

Mr. McKEOWN. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. McKEOWN. The Appropriations Committee, if it is left to them, of course will take care of the appropriation, but would it not be the policy, after we made this authorization, to push the Appropriations Committee to make the appropriation?

Mr. VINSON of Georgia. Let me say to the gentleman that the Appropriations Committee this year has appropriated for 137 airplanes, to cost \$9,062,500. When that matter comes back from conference, the House can determine whether or not the facts justify the purchase of 235, as we recommend, or the purchase of 137, as recommended by the Appropriations Committee. Of course, the House determines upon which side the soundest argument is.

Mr. McKEOWN. Would not this legislation embarrass the Appropriations Committee?

Mr. VINSON of Georgia. Not at all.

Mr. McKEOWN. If the Appropriations Committee should refuse to give you as much as you want, then you would come into the House and say, "Here is the law, and the Appropriations Committee has got to give that much money."

Mr. VINSON of Georgia. It is not mandatory upon the part of the Appropriations Committee to appropriate this amount; it is discretionary, but the Appropriations Committee can not exceed this amount. Now take the other end of it. Suppose the Appropriations Committee should come in and say they thought we ought to spend \$15,000,000 in 1927 for aviation. They could not do it, because Congress has said that a certain amount—\$12,285,000—shall be the maximum.

Mr. McKEOWN. Will the gentleman yield further?

Mr. VINSON of Georgia. Yes.

Mr. McKEOWN. As the gentleman knows, the House sometimes takes the Appropriations Committee to task because they will not appropriate as the law says they should appropriate; and when you get this statute, will you not say that to the Appropriations Committee?

Mr. VINSON of Georgia. Of course not. There are some ships, which were provided for in the 1916 building program, on which not \$1 has ever been spent. The Appropriations Committee was authorized to spend that money, but they have not done it, and there has not been any real protest against it.

Mr. BUTLER. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. BUTLER. The law authorizes the enlistment of 137,400 men, but the Appropriations Committee provides for 81,000 men, because they think that number is sufficient. They have heard the evidence and we take their judgment as to that.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. OLIVER of Alabama. I think the gentleman is correct. This bill, as I understand from the gentleman, only authorizes a certain number to be built and it will be for the House to later determine what number shall be built each year?

Mr. VINSON of Georgia. Certainly.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. LAGUARDIA. If that is the purpose, why would not a blanket authority—so we would not be confronted with a point

of order each year—be sufficient and decide each year just how many planes should be built.

Mr. VINSON of Georgia. That would be subject to a point of order unless you definitely authorize the construction of a certain number of planes or made a certain authorization. Unless you did that a point of order would lie against the bill.

Mr. LAGUARDIA. The gentleman knows we could write that into this bill and that the very first section authorizes the Navy Department to procure airplanes. That being so, we would not be confronted with a point of order each year on the appropriation bills. Therefore I do not see the necessity of in any way binding, morally or otherwise, the Congress to a fixed number of planes for the next five years.

Mr. VINSON of Georgia. We say that some Committee on Appropriations might be more generous than the present Committee on Appropriations and might try to spend more money than the facts justify, so therefore we put a limitation now on the generosity of the Appropriations Committee.

Mr. LAGUARDIA. The gentleman does not want me to swallow that, does he?

Mr. McKEOWN. The gentleman does not indulge in any idea that the Committee on Appropriations can exceed the Naval Affairs Committee?

Mr. VINSON of Georgia. In deference to the Committee on Appropriations, if that committee will make the same careful investigation that the House Naval Affairs Committee made, I am satisfied if they have a definite objective in view, with a definite purpose to have 1,000 airplanes in a certain length of time, they will be convinced that our figures are absolutely correct and that these annual appropriations should be made and this annual number of planes should be authorized to be purchased.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. OLIVER of Alabama. In other words, in order to make it plain, assume a conference should be held and there should be a limitation on the building of planes and the number authorized herein exceeded that number, it would not be necessary to go back to your committee—

Mr. VINSON of Georgia. Of course not.

Mr. OLIVER of Alabama. Because the number to be built is left entirely to the House hereafter to determine.

Mr. VINSON of Georgia. Exactly.

Mr. Chairman, let us turn our thoughts and attention to the bill under consideration, and I respectfully invite your attention to the first paragraph wherein we lay down a heavier-than-air five-year program. But before commencing a discussion I deem it important to take stock and see what the Navy has at this time in the way of airplanes.

Planes are divided in the Navy into four classes, namely:

- First. Service types.
- Second. Obsolescent types.
- Third. Experimental types.
- Fourth. Obsolete types.

Now, let me call your attention to the fact that the first two classes—service types and obsolescent types—comprise the useful planes of the Navy. The obsolescent types are those planes which were formerly of the serviceable types, but which are gradually passing out of the scene and will become obsolete if not destroyed in the meantime. On November 1, 1925, there were in the Navy 408 classified as serviceable planes, 398 classified as obsolescent planes, 55 classified as experimental planes, 132 classified as obsolete planes. A grand total of 993 planes of all kinds.

The serviceable and obsolescent types, which are the useful planes of the Navy, are further divided by the Bureau of Aeronautics into serviceable planes, unserviceable planes, and planes on order.

On November 1, 1925, we had a total of 639 serviceable planes in the Navy. In addition to the 639 planes of the two classes, there were 7 unserviceable type planes, 78 unserviceable obsolescent planes, 82 serviceable type planes on order, making a grand total of these two classes of 806.

Of the experimental planes there are 34 in serviceable condition, 1 in unserviceable condition, and 20 on order, making a total of 55.

Of the obsolescent planes there are 79 that are serviceable and 53 that are unserviceable, making a total of 132.

These figures account for the total of 993 planes on hand on November 1, 1925.

Therefore your committee, in considering the five-year building program, started with the number of serviceable planes, to wit, 638, to be on hand in the Navy on July 1, 1926. In that year one-third must be replaced on account of wastage. Hence, 213 new planes must be purchased as replacement planes; but,

however, in 1926 there was an excess of 40 observation planes and 5 training planes, making a total excess of 45 planes. Therefore the replacement for wastage will only be, in view of this excess of 45 planes, 198 planes, and in addition to the replacement for wastage we authorize the permanent increase of 67 new planes. The total authorization for purchase of new planes for 1927 is 235, to cost not exceeding \$12,285,000; the maintenance cost will be not exceeding \$11,545,000, making the total cost under "Aviation of Navy" not exceeding \$23,830,000.

For that year there will be in the Navy 738 serviceable planes, of which 314 will be ashore and 424 afloat.

Now, let us take 1928. We start with 738 serviceable planes in that year, one-third of which must be replaced on account of wastage. Therefore, 246 new planes must be purchased as replacement planes, and in addition to the replacement planes we authorize a permanent increase of 67 new planes, making a total of new planes to be purchased not exceeding 313, at a total cost not exceeding \$16,223,750. There will be in the Navy 805 serviceable planes, of which 345 will be ashore and 460 afloat. The maintenance cost will be not exceeding \$12,020,000, making a total cost for 1928 under "Aviation of Navy" not exceeding \$28,243,750.

Let us look at 1929. That year the Navy will start with 805 serviceable planes, one-third of which must be replaced on account of wastage. Therefore 268 new planes must be purchased that year as replacement planes, and in addition to the replacement planes the committee authorizes the permanent increase of 67 new planes, making a total of new planes to be purchased not exceeding 335, at a total cost not exceeding \$17,582,500. There will be in the Navy 872 serviceable planes, of which 394 will be ashore and 478 afloat. The maintenance cost will be not exceeding \$12,570,000, making the total cost for 1929 under "aviation of Navy" not exceeding \$30,152,500.

Take 1930. That year the Navy will start with 872 serviceable planes, one-third of which must be replaced on account of wastage. Therefore 290 new planes must be purchased that year as replacement planes, and in addition to the replacement planes the committee authorizes a permanent increase of 67 new planes, making a total to be purchased of 357 new planes, at a total cost of not exceeding \$18,941,250. There will be in the Navy that year 939 serviceable planes, of which 434 will be ashore and 505 afloat. The maintenance costs will be not exceeding \$13,070,000, making a total cost for 1930 for "aviation of Navy" of not exceeding \$32,011,250.

Now, let us take 1931. That year the Navy will start with 939 serviceable planes, one-third of which must be replaced on account of wastage. Therefore 313 planes must be purchased that year as replacement planes, and in addition to the replacement planes the committee authorizes a permanent purchase of 67 new planes, making a total of new planes to be purchased 374, at a total cost of not exceeding \$20,046,250. There will be in the Navy 1,000 serviceable planes, of which 495 will be ashore and 505 afloat. The maintenance cost for that year will be not exceeding \$13,520,000, making a total cost for 1931 under "aviation of Navy" of not exceeding \$33,566,250.

Under this program you will observe that during the five-year period there is authorized to be purchased 1,614 new planes, at a total cost of not exceeding \$85,078,750 and a total maintenance cost during the five-year period of not exceeding \$62,725,000. Therefore, the total maximum expenditure provided for by this bill under "Aviation of Navy" for the five-year period for heavier than air is \$147,803,750.

This, therefore, completes the five-year building program as set out in the bill, and in 1932 the Navy would start with 1,000 serviceable planes, and to maintain that number of serviceable planes it would be necessary to purchase one-third, or 333 replacement planes, each year, at a cost of not exceeding \$17,476,250 and a maintenance cost of not exceeding \$13,870,000. The total expenditure under "Aviation of Navy" per year would be not exceeding \$31,346,250.

I desire to call your attention to the reduction under "Aviation of Navy" of \$2,220,000 from the cost of 1931 to the cost in 1932. This is brought about because after 1931 it is not necessary to purchase any planes for the permanent increase, but only necessary to purchase one-third each year as replacement planes, and as long as the strength of the Navy is maintained as it is to-day it will not be necessary to increase the total number of service planes over 1,000, as the Navy could not economically use more than that number.

Mr. WAINWRIGHT. Will the gentleman give way for a question?

Mr. VINSON of Georgia. Yes; with much pleasure.

Mr. WAINWRIGHT. I understand it is contemplated to buy all the new planes involved in this program as a result of competitive bidding?

Mr. VINSON of Georgia. Yes, sir; the strongest competitive bidding that English language can put in a bill. [Applause.] In my opinion, it would be a serious mistake for Congress to couple up with this program or with the military program any proposition to give to the Secretary of War or the Secretary of the Navy the right to purchase airplanes without competition. If Congress decides to do otherwise, let a separate bill be brought in before Congress and let it stand on its own merits, and then Congress can safeguard it in such a way as to save the Secretary's office, possibly, from some national scandal.

Mr. HILL of Maryland. If the gentleman will permit, that is what has been done by both the Military Affairs Committee and the Naval Affairs Committee.

Mr. VINSON of Georgia. Yes.

Mr. WAINWRIGHT. I understand the gentleman is very glad to give way to questions and, in fact, has invited questions.

Mr. VINSON of Georgia. Yes.

Mr. WAINWRIGHT. What provision is to be made for experimentation in the development of improved types of planes? I am assuming that as this is progressive every year you are going to get better airplanes?

Mr. VINSON of Georgia. Yes.

Mr. WAINWRIGHT. Now, what inducements are you to give to the limited number of manufacturers to develop improved types of planes, or how are you going to promote the experimental part of the work?

Mr. VINSON of Georgia. We appropriate this year in the appropriation bill for the upkeep of the Navy \$1,900,000 exclusively for experimental work in addition to what we ask for in this bill.

Mr. WAINWRIGHT. May I ask whether that experimentation is to be conducted entirely at the naval aircraft establishment or—

Mr. VINSON of Georgia. That is purely an administrative matter. I do not know how they are going to make the experiments, whether that is going to be done at the Naval Establishment—

Mr. WAINWRIGHT. Will the gentleman kindly wait until I conclude my question? Is it contemplated that this experimentation is to be at the naval aircraft establishment, or will there be any inducement to the manufacturers to continue their engineering experimentation work? In other words, does this appropriation the gentleman speaks of enable the Navy Department to place with the manufacturers experimental orders?

Mr. VINSON of Georgia. When the aircraft industry of this country finds out that Congress is authorized to make a maximum expenditure of \$85,000,000 over a five-year period, of which, under the program, \$43,723,750 would go directly to the aircraft industry and \$41,353,085 to automotive industry, you need have no apprehension that the industry will fail to conduct all necessary experimental work to advance aviation.

Mr. WAINWRIGHT. Will the gentleman permit another question?

Mr. VINSON of Georgia. Yes.

Mr. WAINWRIGHT. Let us assume that the appropriations made will induce a great deal of activity and experimentation. Suppose the aircraft factory and the aircraft manufacturer recommends and develops an improved type of plane—an improvement in speed and other necessary elements—and is of a type that has been submitted and accepted by the Government. Is the construction of that type to be submitted to the trade generally for competitive bids?

Mr. VINSON of Georgia. I do not know, if it falls within the classification of a fighting plane, or a scouting plane, or a patrol plane, or a training plane, under this authorization it will have to be purchased by competitive bidding.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. VINSON of Georgia. I will.

Mr. VINSON of Kentucky. I feel that there is good reason for the position taken by my friend, who was a member of the aircraft board. I have been wondering how section 6 met with the approval of the gentleman from Georgia.

Mr. VINSON of Georgia. The gentleman knows that you have to compromise to get some things you are driving for. I subscribed to the whole report, but there are some things I could not subscribe to independently, but altogether it is a report that I hope is in the interest of aviation.

Mr. VINSON of Kentucky. It is a splendid report, and shows a considerable amount of work, and section 6 is quite persuasive as to determining what the policy of the Government must be.

Mr. VINSON of Georgia. It is not so persuasive because no one has followed it.

Mr. LAZARO. Will the gentleman yield?

Mr. VINSON of Georgia. I will.

Mr. LAZARO. I know the gentleman has given a great deal of study to the subject, and from what I understand he knows that if we have another war it is going to be decided in the air. The most advanced nations in aviation—namely, Great Britain and France—have a unified air service. Why should not we have a unified air service?

Mr. VINSON of Georgia. I hope my good friend will not get me off on a unified air service or a separate air corps, or any other administrative changes. I am willing to answer any question relating to this bill.

Mr. LAZARO. I have not made up my mind about it and I know the gentleman has given it considerable study and I wanted his opinion.

Mr. VINSON of Georgia. I will tell the gentleman why you ought not to have a unified air service. I presume the gentleman means the amalgamation of the Army and Navy under a secretary of national defense.

Mr. LAZARO. Not necessarily; you could have a secretary, with three undersecretaries or assistants.

Mr. VINSON of Georgia. I will put my views in the RECORD for the benefit of the gentleman from Louisiana and others, and if he reads it he will see that there is sound argument why there should be no administrative changes.

Mr. BUTLER. If the gentleman will yield, suppose a future Congress should adopt a unified air service, this program will go on just the same.

Mr. LAZARO. I am not advocating it; I am trying to get the opinion of an expert.

Mr. LAGUARDIA. The gentleman has said that the passage of this bill will encourage the aircraft industry. What will happen if after they have passed this bill in the future the Appropriations Committee does not appropriate? Will we not have all of the factories on our back?

Mr. VINSON of Georgia. I do not think the Appropriations Committee will ever fail to measure up to the high standard and maintain this program of national defense where it should be.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. JONES. Will the gentleman state whether or not this bill would authorize those in power to take any steps during this period which would put Congress under obligation to make the appropriations if Congress does not see fit to do so?

Mr. VINSON of Georgia. Not at all.

Mr. JONES. The gentleman will recall that we got into that situation with reference to the building of ships during the war. They were authorized during the war, and we started them.

Mr. VINSON of Georgia. In 1916 we laid down a building program for surface ships. Up to this time no appropriation has been made for some of those ships. This does not commit Congress to anything except that you can not exceed this amount in five years unless you go back to the Naval Affairs Committee and get legislation to do so.

Mr. JONES. The gentleman will recall that during the first year or two they used the money not only for building ships but started to build a lot more, and that made it necessary to appropriate a good deal of money to prevent losing a lot of other money.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. WAINWRIGHT. Your appropriation for expenditure for the first year is something over \$12,000,000?

Mr. VINSON of Georgia. Yes.

Mr. WAINWRIGHT. How much is that increased by the new construction this year under the appropriation already made?

Mr. VINSON of Georgia. Let us make a comparison of what Congress is appropriating for the Navy and what is proposed in this measure. In the appropriation bill for the fiscal year commencing July 1, 1927, there was carried an item appropriating \$9,062,500 for the purchase of 137 new airplanes. This amount, as you will recall, was struck out of the appropriation bill upon a point of order, as it was legislation upon an appropriation bill.

The measure under consideration provides for the expenditure for new planes for the fiscal year of 1927 of \$12,285,000, which will purchase 235 new airplanes. Therefore this bill carries an increase in amount for 1927 of \$3,222,500 and 98 more airplanes than was authorized in the appropriation bill.

The maintenance cost that was provided for in the appropriation bill for 1927 was \$9,546,625, and under this measure the maintenance cost is estimated to be \$11,545,000, a difference of

\$1,998,375. Of course, it naturally follows that the increased maintenance cost is brought about due to the increased number of planes.

Mr. LAGUARDIA. How much would it be the following year?

Mr. VINSON of Georgia. I could not work that out, because I do not know what the Appropriations Committee is going to appropriate.

Mr. Chairman, let us see what effect on the personnel of the Navy there will be by the enactment of this five-year program.

To-day we have in the Navy, when the present class of student officers have finished training within a few months, 400 officer pilots, 147 ground officers, 24 warrant officers, 104 enlisted pilots, and the Bureau of Aeronautics is allowed by the Bureau of Navigation 3,842 enlisted men. However, there are only approximately 1,842 enlisted men assigned to aeronautical duty at this time, because there is not a sufficient number of planes to justify the full use of the number of men allowed by the Bureau of Navigation, to wit, 3,842. The passage of this measure will necessarily increase each year the number of officer pilots, ground officers, warrant officers, enlisted pilots and enlisted men, which increase for each year will be as follows:

	Officer pilots	Ground officers	Warrant officers	Enlisted pilots	Enlisted men
1926.....	514	99	34	192	3,771
1927.....	604	99	36	222	4,435
1928.....	666	99	39	260	4,745
1929.....	720	99	41	302	5,015
1930.....	782	99	43	334	5,175
1931.....	802	99	44	344	5,285

Therefore this program will mean the ultimate increase of 402 officer pilots, 20 warrant officers, 240 enlisted pilots, and 1,533 enlisted men, which will make a permanent strength of the aviation arm of the fleet of 802 officer pilots, 99 ground officers, 44 warrant officers, 344 enlisted pilots, and 5,385 enlisted men, a grand total of 6,674 officers and men.

There will be available from the line of the Navy as fed in year by year from the classes at Annapolis approximately enough officers to permit of this increase of officer pilots, and this program will not require the increasing of the admission to the Naval Academy.

It, however, will be necessary to increase the enlisted personnel of the Navy during this period, but if Congress would appropriate sufficient money to maintain the present strength of the Navy as authorized, to wit, 86,000 men, there would be sufficient enlistments in the Navy to meet the requirements of the enlisted personnel assigned to aviation.

Now, Mr. Chairman, I want to invite your attention to the lighter-than-air craft program wherein we provide for two 6,000,000-cubit-foot dirigibles.

At the outset, permit me to say that this conclusion was not hastily reached by your committee, but after many weeks of investigation and after having heard the leading experts on the subject from the Navy, and having the benefit of the testimony of the few surviving officers of the *Shenandoah*, and having examined at length Doctor Arnstein, one of the chief engineers of the German Zeppelin Co., who aided in the construction of more than 70 Zeppelins during the war, your committee unanimously concluded that rigid airships are an essential part of the national defense and too valuable a weapon to be abandoned because of the loss of the *Shenandoah*.

At the very outset I want to differentiate between lighter-than-air craft and heavier-than-air craft. They are two entirely different things. They are not competitors, and in the Navy they will not occupy the same field. The heavier-than-air craft is distinctly a machine for overland work or short distances over water. The lighter-than-air craft is essentially a long-distance scouting ship.

The principal naval mission of rigid airships is scouting and reconnaissance, and this mission should be kept clearly in mind in the consideration of the utility of these craft in the scheme of naval organization. All other use to which airships might be put are side issues, and their consideration should not be allowed to becloud the main issue.

A failure to appreciate this has led to serious confusion and misinterpretations in judging rigid airships by past performances, particularly the Zeppelins in the World War. No one realizes more than Germany herself that, by employing rigid airships on bombing raids under the conditions obtaining at the time, she was increasing their normal war hazard and using them

beyond their prime function. There can be no doubt that she was forced to do this by public opinion. But, in spite of the allied attempts to minimize the damage in material and morale inflicted by Zeppelin air raids, the harm to the cause occasioned by the constant threat of these ships is incalculable. War industries were shut down at night; thousands of guns and men were diverted from the front; and civilian and military morale was lowered and disrupted. These effects are difficult to measure, but it is dangerous to disregard them.

Out of slightly over 100 rigid airships of the German air force available during the period 1914 to 1918, 40 were assigned to the army, and these were delivered either before or in the early stages of the war. Approximately 63 went to the navy.

The British, confining their airship operations to scouting, reconnaissance, convoy, and antisubmarine patrol, covered 2,245,000 miles during the period of the war. Including all training and experimental flying, in addition to all deaths resulting from enemy action, only 48 lives were lost, or an average of 46,787 miles per fatality.

Let me quote from a secret British report under date of September 20, 1917, wherein it states:

From the results already given of instances, it will be seen how justified is the confidence felt by the German Navy in its airships when used in their proper sphere as the eyes of the fleet. It is no small achievement for their Zeppelins to have saved the high-sea fleet at the Battle of Jutland, to have saved their cruiser squadron on the Yarmouth raid, and to have been instrumental in sinking the *Nottingham* and *Falmouth*. Had the positions been reversed in the Jutland Battle, and had we had rigids to enable us to locate and annihilate the German High Sea Fleet, can anyone deny the far-reaching effects it would have had in ending the war? There are many other striking, though perhaps less important, successes to the credit of Zeppelins at sea—even to the capture of the Norwegian bark *Royal* off Haustholm in May, 1917.

Admiral Sir John Jellicoe, of the British Navy, in a letter to Admiral Sims in 1919 wrote, "I have a firm belief in the value of Zeppelins for naval purposes. They have become somewhat discredited during the war because the Germans put them to the wrong use by bombing instead of scouting. I can not see that a heavier-than-air machine can ever be so efficient a scout as the Zeppelin, because she can never get the same radius of action. . . . The Zeppelin is bound to give better information than the airplane, as she can hover and observe closely whilst hovering. . . . Had the Germans had their Zeppelins out on May 31, 1916, the battle fleet would never have gained contact with the high-sea fleet. They would have turned as on August 19, 1916.

An airship of the capacity as authorized in this bill, filled with helium, will have an endurance of 7,150 nautical miles at a standard speed of 50 knots. At 2,000 feet altitude, under normal sea conditions, an observer from such an airship has a visibility radius of 60 miles, and during 14 hours of daylight an airship of standard speed, under circumstances of visibility just mentioned, can scout a sea of 85,000 square miles.

Now listen to this: At 30 knots standard speed it would require approximately five scout cruisers to observe an equal area. The cost of five scout cruisers would be over \$85,000,000, and would require over 2,400 officers and men to man the same, while the cost of one airship is approximately \$5,000,000, and will be manned by a crew of 40 officers and men.

The *Los Angeles* flying with helium cruised from Lakehurst to Bermuda in 12 hours and Porto Rico in 31 hours. The *Los Angeles* inflated with hydrogen cruised the Atlantic Ocean from Gironde River to Boston in 64 hours. It is clearly beyond the capacity of any surface ships now in existence or even contemplated to equal such performance. There can be no doubt that airships assigned to their proper naval function during the war rendered valuable service in scouting and reconnaissance. During the 17 months prior to the armistice British airships cited 49 submarines and successfully attacked 27 of them.

They convoyed over 2,000 surface vessels and carried out over 9,000 antisubmarine patrols.

From an examination of the diaries of submarine commanders, there can be no doubt there was a great apprehension felt on the part of the submarines of airship attacks, and this fear was justified in a number of cases, such as the attack on the British *E-18*, which was sighted and bombarded by German Zeppelins while lying in 70 feet of water.

The advent of the mooring mast, both ashore and afloat, has opened up a new era in airship mobility. At Bermuda in one of the recent maneuvers the *Los Angeles* was moored to the *Potoka* in a 45-mile wind. The *R-33* in England spent 111 out of 126 days at a mast in winds up to 40 miles an hour.

From January 1 to November 11, 1918, there were only nine days on which the British airships could not fly because of bad

weather. This goes to show that airships have passed the stage of fair-weather vessels.

It is contemplated by the Bureau of Aeronautics that these airships or dirigibles as provided for in this bill shall be fully equipped for defensive protection. It is proposed to carry seven 50-caliber machine guns; thirteen 30-caliber single-mount machine guns; five double-mount 30-caliber machine guns; and one 1-pound automatic gun; and there will ordinarily be carried 9,700 rounds of ammunition.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. BLANTON. How much longer would a scout cruiser last than a Zeppelin?

Mr. VINSON of Georgia. It all depends on what hits it.

Mr. BLANTON. Would it not outlast five Zeppelins?

Mr. BUTLER. One would last 9 years and the other 13 years.

Mr. BLANTON. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. BLANTON. When a Zeppelin is scouting and goes out to meet the enemy, and they shoot at it, they can hardly keep from hitting it, can they?

Mr. VINSON of Georgia. Well, do not be so apprehensive that it is going to be destroyed, because I will tell the gentleman exactly what it can do.

Mr. BLANTON. I would like to have the gentleman tell us about its vulnerability.

Mr. VINSON of Georgia. I will do that.

Mr. BLANTON. Because they are vulnerable?

Mr. VINSON of Georgia. Of course, they are vulnerable, and the battleship is vulnerable, but do we hesitate to build them because they are?

It has been calculated that airships of the kind provided in this measure can be pierced with 200 holes, 20 holes 1 inch in diameter in each of 10 cells, and lose but 25 per cent of the gas volume in five hours, but during that five hours she can continue to carry out the mission to which she was assigned.

Let me quote to you from the testimony of Admiral Moffett, wherein he stated:

A 6,000,000 cubic foot rigid filled with helium can fly at 50 knots speed from the west coast to the Hawaiian Islands with a military load of 43 tons. At 70 knots speed such a ship can arrive in Hawaii with a military load of 34 tons. Again, this airship, which is so essential to our naval needs, can carry six fighting planes weighing a ton and a half each 5,000 nautical miles at a speed of 50 knots and still have a reserve of fuel good for 1,200 miles at the same speed. Inflated with hydrogen, these performances can be bettered by 40 to 60 per cent. We can not close our eyes to such figures and performances.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. LAGUARDIA. The gentleman has made an admission coming from the Navy as to the usefulness of the Zeppelin. When did the Navy concede that?

Mr. VINSON of Georgia. Always.

Mr. LAGUARDIA. The gentleman knows that eight years ago, when that very point was brought out by the friends of aviation, the Navy absolutely denied it.

Mr. VINSON of Georgia. Well, the Navy and the world learned a great deal from the war.

Mr. LAGUARDIA. Even five years ago the Navy would not concede as much.

Mr. UPDIKE. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. UPDIKE. Is it not a fact that every expert, both naval and commercial, who came before the Naval Affairs Committee testified as to their value?

Mr. VINSON of Georgia. Yes.

Mr. LAGUARDIA. There is no denying that.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. OLIVER of Alabama. While I recognize that the lighter-than-air machine may have high military value, yet I feel confident that the conservative officers of the Navy recognize that it has its limitations.

Mr. VINSON of Georgia. Certainly.

Mr. OLIVER of Alabama. In the danger zone and far from a base it might not be practicable to use lighter-than-air machines.

Mr. VINSON of Georgia. That may be true.

Mr. OLIVER of Alabama. But as coastal patrols they have very high military value, and in my judgment nothing afloat can compare with them as scouting patrols for our coasts.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. O'CONNOR of Louisiana. Does this development or addition to the Naval Establishment contemplate the protection of the Gulf coast as well as the Atlantic and Pacific coasts?

Mr. VINSON of Georgia. All naval matters are viewed from a national standpoint, and we are trying to protect New Orleans as well as New York and the Pacific.

Mr. O'CONNOR of Louisiana. Does the gentleman think the practice of the Naval Affairs Committee and the Naval Establishment has been to do that which the gentleman suggests will be done?

Mr. VINSON of Georgia. Well, if it is not, I hope the gentleman will help us to make it national in its scope.

Mr. O'CONNOR of Louisiana. Let me suggest that the department as presently constituted has about five navy yards on the North Atlantic coast, a great number on the Pacific coast, and yet not a single one from Hampton Roads to the Rio Grande, though it is admitted, I think, generally speaking, that any combat with a trans-Atlantic power will take place, from a naval standpoint, on the Caribbean.

Mr. VINSON of Georgia. If the gentleman from Louisiana had stayed on the Committee on Naval Affairs probably he could have gotten a navy yard in his vicinity.

The naval bill for 1927 carried an item of \$500,000 for the purchase of helium from the Bureau of Mines. For what purpose is the helium unless we are to have airships to use the same? In the development of helium, Congress has already expended over \$10,000,000. Our great plant at Fort Worth, Tex., cost over \$4,500,000.

Unless a definite lighter-than-air program is established, unless the rigid airships described in this bill are authorized, we are confronted with one of two propositions—we must continue to appropriate for and receive helium at Lakehurst, there only to be stored, or we must close up the Fort Worth plant.

The committee concluded that it was the part of wisdom that rigid airship building should go hand in hand with our production and conservation of helium.

On the morning after the disastrous wreck of the *Shenandoah* the press carried the cheering news that the President—

regards the airship, although in the experimental stage, as too valuable a part of the national defense to be abandoned because one is destroyed.

The naval policy of this Government is that—

the Navy of the United States should be maintained in sufficient strength to support its policy and its commerce and to guard its continental and overseas possessions.

The task of the Navy as a first line of defense is enormous, and each and every arm of the fleet must at all times be maintained up to the highest point of efficiency, and this can not be accomplished unless there be sufficient aviation, both lighter and heavier than air, with the fleet, and in the language of the Chief Executive in his message last December to Congress:

We must have an air strength worthy of America.

And that is, Mr. Chairman, what this bill seeks to do. [Applause.]

Mr. BUTLER. I would like to ask my friend a question, so it may go in the Record. Did I understand the gentleman to say the Government has spent \$10,000,000 in the development of helium?

Mr. VINSON of Georgia. Yes.

Mr. BUTLER. How many more millions of dollars has the Government spent for car barns, for plants, for machinery, and for masts to which they are to tie these ships? It will amount to \$10,000,000 more, will it not?

Mr. VINSON of Georgia. Yes; easily.

Mr. BUTLER. And what will become of all these great plants unless we continue our program for lighter-than-air planes?

Mr. VINSON of Georgia. That is the very question I asked the committee. There is but one of two things to do—either continue the program or abandon the whole business.

Mr. WAINWRIGHT. May I ask the gentleman a question there?

Mr. VINSON of Georgia. Yes.

Mr. WAINWRIGHT. I understood the gentleman to say that the mere fact there is no provision in this bill in any way modifying the requirements as to competitive bidding is no indication that that matter may not be taken up in some other way, so as to take care of what, in the judgment of a great many people, is an important feature of the program with respect to aircraft.

Mr. VINSON of Georgia. In my judgment, that is such an important question it should stand on its own merits and a

separate bill should be brought in to consider that. Our committee has not done that at this time.

Mr. BUTLER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee, having had under consideration the bill (H. R. 9690) to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps and to adjust and define the status of the operating personnel in connection therewith, had come to no resolution thereon.

THE TARIFF

Mr. ROMJUE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on House Joint Resolution No. 35, introduced by myself and pertaining to certain features of the present tariff law.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. ROMJUE. Mr. Speaker and gentlemen of the House, some time ago I introduced House Joint Resolution 35, which is as follows:

Joint resolution (H. J. Res. 35) calling upon the President of the United States to reduce the tariff on materials and commodities essential to and generally used by the agricultural population of the United States in carrying on the farming industry, and for lessening the burdens now imposed upon agriculture

Whereas in many sections of the United States the prices of farm products have declined and reached a low and unprofitable level during the past few years; and

Whereas decline in the prices of such farm products has been such as to place the agricultural industry in a hazardous position, exposed to unusual loss; and

Whereas the present high protective tariff law levies a tariff upon many materials and commodities that are essential to, and are necessarily employed in and used upon the farm; and

Whereas many of said materials and commodities are included in schedule 3 under Title I of the present tariff law; and

Whereas in said tariff law it is provided that the President of the United States may by proclamation reduce the tariff on such materials and commodities so that it will not exceed one-half of the present tariff rate on said materials and commodities; and

Whereas if the President of the United States will reduce the tariff on said materials and commodities, it will bring some measure of relief to the agricultural industry: Therefore be it

Resolved, etc., That the attention of the President of the United States is called to the existing condition of agriculture and to the provisions of the present tariff law.

Resolved further, That in view of the gravity of the situation, and the burden imposed upon agriculture by virtue of the schedule of the tariff law aforesaid, that in the opinion of the membership of the Sixty-ninth Congress now assembled the President should promptly act in the premises and reduce the tariff on the materials and commodities aforesaid.

Since the introduction of this resolution several other resolutions and bills have been introduced by other Democratic Members of the House pertaining to a repeal of the present Fordney-McCumber tariff law or to some particular feature of that law. It very soon, however, became apparent that the present Republican administration, by reason of its majority control of Congress, would not undertake or permit to be undertaken any action for any reduction of the tariff or for any relief from the exacting burdens imposed thereby.

It is not my purpose to attempt a discussion of the tariff question in that way in which it has been so fully discussed on both sides from time immemorial, because I think that the high protective tariff theory to protect infant industry in which the heart of the Republican Party believes, and the theory of tariff for revenue with equal rights to all and special privileges to none, in which the soul of the Democratic Party is imbedded, are so well understood by all those who are familiar with the fundamentals of their party that it would be an idle ceremony to attempt to arrest anyone's attention at this time on that phase alone.

Writers may differ as to the past history of the American Government; statesmen may disagree as to where the future will lead our country and as to the wisdom or folly of such a course; but I am sure the average citizen is not blind to all that surrounds him at the present time.

We are now living under the Fordney-McCumber tariff law—the highest protective tariff that has ever been written into law—at the same time, in my opinion, the farmer in the United States finds himself in more distress and he is finding it more difficult to meet his debts and interest charges and often to save his home from foreclosure than ever before.

Now, that is the situation that confronts the farmers of this country, and he who tells you the farmer is prosperous either undertakes to deceive or is not familiar with and does not know the actual present condition of the farmer.

Now, what have we? First, the highest protective tariff ever enacted into law; second, more suffering and bankrupt farmers than ever.

Therefore something has happened. The high protective tariff law has not made the farmer prosperous, because he is not prosperous; on the contrary, he is, as a class, financially depressed. It will be observed that under the provisions of the Fordney-McCumber tariff law a flexible provision was written into that law empowering the President of the United States, by his proclamation, to lower the tariff to a point not exceeding 50 per cent of the present tariff.

Men may dispute over the causes, but there are certain facts that stand out so boldly that as to their existence there can be no successful dispute. Among those facts we find: That under the present Republican Fordney-McCumber tariff law the farmers have suffered more than ever before; that under the last Democratic administration, under a much lower tariff law than the one in force now, the farmers of America received higher prices for their products and were more prosperous than at any time at least in a half century.

The average farmer finds that under the Democratic administration the value of his land and his personal property was much higher than it is under the present administration.

But whatever one's views may be on the tariff there is one thing certain, that if the tariff is taken off or reduced on the manufactured articles the farmer has to buy it will reduce the cost to the farmer and enable him to obtain it at a lower cost. Therefore the purpose of the resolution is to in some measure bring relief to the agricultural interests from the high price which they are now compelled to pay while suffering the handicap of the comparatively low prices the farmer has to accept for his products.

Under the present tariff law the President is given power to make some reduction in cost to the farmer. I hope he will exercise this power, and it is regretted that he has not done so promptly and decisively before now.

That the President is familiar with his rights, privileges, and powers under this flexible provision of the tariff law is not questioned, because on one occasion, and one only, he has exercised that power by reducing the tariff on Mexican quail one-half of the amount of permissible reduction allowed under the law. An interesting bit of information is that the tariff was reduced on the quail just about hunting season, and news of the President's profound service broadcasted by the press over the country.

It must have enthused the quail hunter in Missouri, as well as in many other sections, as he took up his gun in quest of quail on the opening day of the hunting season, and visualized a quail flying over the Mexican border during the hunting season. It is not recorded whether the hunter caught the quail from Mexico on the wing or waited for a pot shot. Unfortunately, this information could not be conveyed to the quail in Mexico; otherwise they, no doubt, would have taken immediate advantage of the proclamation of President Coolidge and would have come into the United States in great droves, disregarding entirely the immigration laws.

It would appear, therefore, in view of the President's knowledge of his power under the flexible provision of the present tariff law, and in view of the nation-wide knowledge of the distress and business depression among the farmers, that it would be of some benefit, as well as show a sympathetic interest in agriculture, if the President would reduce the tariff on such articles as the farmer has to buy and use upon the farm and in his farming pursuits, and thereby help in part to lift agriculture out of its present embarrassing situation.

The farmer has, by reason of high protective tariff policies in force mainly in the interest of manufacturing enterprise, contributed so long to the enrichment of the manufacturers that it would seem that the Government should some time cease causing him to pay further tribute to special interests and especially so when thereby and by reason of such a policy the farmers' financial condition has been reduced to one of real distress.

I am quite sure, in my opinion, that the present administration has no intention of attempting to have enacted any legis-

lation calculated to stabilize and aid agriculture; I hope the Republican Party, which is in control of every branch of the Government, will permit the enactment of or join in the enactment of legislation in the interest of agriculture. If this administration will not bring positive and affirmative relief to agriculture, it certainly should remove the artificial handicaps which have been imposed on the farmer by way of a high tariff on the necessities he has to purchase and use upon the farm, and, to say the least, the President should invoke the power and authority he has in the flexible provision of the tariff act and comply with the purposes of resolution 35 herein referred to.

Under the last Democratic national administration the sulky plow that cost the farmer \$40 now under the Fordney-McCumber tariff law costs the farmer \$75.

The three-section steel harrow that under the Democratic administration cost the farmer \$18 now costs him under the present high tariff law \$41.

The set of harness that cost the farmer under Democratic rule \$40 now costs him \$75.

The corn planter that cost the farmer \$50 under the Democratic rule now costs the farmer \$83.50.

The mowing machine that cost the farmer \$45 under the Democratic administration now costs him \$95.

The high protective tariff protects and aids the manufacturer. Some of these tariff provisions should be repealed if the farmer is to find the relief he is fully entitled to.

The agricultural interests now find that while they pay a hundred-cent dollar for the manufactured products they buy under the high protective tariff law in force, the dollar's worth of farm products they sell brings them only about 60 cents, in comparison. The American farmer can not much longer exist under such circumstances, and the necessity for the President to act is one of the imperative steps that should be taken. On every bridle bit, harness buckle, and materials in his plow, binder, and rake the farmer uses he pays a tariff.

He pays a tariff on the forks, spoons, knives, and dishes he uses on his table; he pays a tariff on steel, steel wire, and nails; on pocketknives, shotguns, and aluminum. If his wife does the family washing, he pays a tariff on the galvanized washboard and washtub and on the wire clothesline. If misfortune overtakes him and sickness leads him to the hospital, where the surgeon uses the knife, he finds that there is a tariff on the surgeon's knife, and if he is so unfortunate as not to be able to survive the operation but dies, the nails used in his coffin have a tariff on them.

Many ways he is burdened with the tariff. Authority is given to the President to reduce in a measure the tariff; under the flexible provision Joint Resolution No. 35 asks his affirmative action in the farmer's behalf. The action or failure to act lies in the President's direction.

IMPORTATION OF GRAIN AND SEEDS INTO THE UNITED STATES

Mr. MAPES. Mr. Speaker, at the request of the gentleman from New York [Mr. PARKER], chairman of the Committee on Interstate and Foreign Commerce, I ask unanimous consent to take from the Speaker's table the bill (S. 2465) to amend the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes, with House amendments disagreed to by the Senate, insist upon the House amendments and agree to the conference asked for by the Senate.

The Clerk read the title of the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I understand this is what is commonly known as the Ketcham seed bill?

Mr. MAPES. Yes; the Ketcham seed bill.

Mr. GARRETT of Tennessee. And the Senate has refused to agree to the House amendments and has requested a conference?

Mr. MAPES. That is true.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. MAPES, Mr. BURNES, and Mr. PARKS.

ADJOURNMENT

Mr. BUTLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Friday, April 9, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 9, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

Agricultural relief legislation.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To regulate, control, and safeguard the disbursement of Federal funds expended for the creation, construction, extension, repair, or ornamentation of any public building, highway, dam, excavation, dredging, drainage, or other construction project (H. R. 8902).

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

Requesting the President of the United States to invite foreign governments to participate in the Seventh International Dental Congress to be held at Philadelphia, Pa., August 23 to 28, 1926 (H. J. Res. 209).

Authorizing certain military organizations to visit France, England, and Belgium (H. J. Res. 204).

COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES

(10 a. m.)

To fix standards for hampers, round-stave baskets, and split baskets for fruits and vegetables (H. R. 5077).

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To regulate in the District of Columbia the traffic in sale and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception (H. R. 6728).

To regulate the practice of chiropractic, to create a board of chiropractic examiners of the District of Columbia, and to punish persons violating the provisions thereof (H. R. 9053).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend paragraph (d) of section 14 of the Federal reserve act, as amended, to provide for the stabilization of the price level for commodities in general (H. R. 7895).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend and supplement the merchant marine act of 1920 and the shipping act of 1916 (H. R. 8052 and H. R. 5369).

To provide for the operation and disposition of merchant vessels of the United States Shipping Board Emergency Fleet Corporation (H. R. 5395).

COMMITTEE ON WAYS AND MEANS

(10 a. m.)

To provide for the payment of the awards of the Mixed Claims Commission, the payment of certain claims of German nationals against the United States, and the return to German nationals of property held by the Alien Property Custodian (H. R. 10820).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

425. A communication from the President of the United States, transmitting two communications from the Secretary of the Interior submitting estimates of appropriations in the sum of \$178 to pay claims which have been adjusted (H. Doc. No. 295); to the Committee on Appropriations and ordered to be printed.

426. A communication from the President of the United States, transmitting two communications from the Comptroller General of the United States submitting estimates of appropriations in the sum of \$78.85, to pay claims for damages or losses of privately owned property (H. Doc. No. 296); to the Committee on Appropriations and ordered to be printed.

427. A communication from the President of the United States, transmitting three communications from the Secretary of War submitting estimates of appropriations in the sum of \$2,892.28, to pay claims for damages by collisions, and by the breaking of a dike, river, and harbor work (H. Doc. No. 297); to the Committee on Appropriations and ordered to be printed.

428. A communication from the President of the United States, transmitting two communications from the Acting Secretary of Agriculture submitting estimates of appropriations in the sum of \$422.75 to pay claims which have been adjusted (H. Doc. No. 298); to the Committee on Appropriations and ordered to be printed.

429. A communication from the President of the United States, transmitting a communication from the Director of the United States Veterans' Bureau, submitting an estimate in the sum of \$1,064.45 to pay claims which have been adjusted (H. Doc. No. 299); to the Committee on Appropriations and ordered to be printed.

430. A communication from the President of the United States, transmitting a communication from the Secretary of the Interior, submitting an estimate of appropriation in the sum of \$10 to pay a claim which has been adjusted (H. Doc. No. 300); to the Committee on Appropriations and ordered to be printed.

431. A communication from the President of the United States, transmitting three communications from the Postmaster General, submitting estimates of appropriations in the sum of \$4,411.08 to pay claims which have been adjusted (H. Doc. No. 301); to the Committee on Appropriations and ordered to be printed.

432. A letter from the chief justice of the Supreme Court of the District of Columbia, transmitting a certified copy of the decree of said court in the case of the United States of America, plaintiff, v. Robert Cumberland et al. and the Anolostan Boat Club, defendants (Equity No. 31632); to the Committee on Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LUCE: Committee on the Library. H. R. 3791. A bill to purchase a painting of the several ships of the United States Navy in 1891 and entitled "Peace"; without amendment (Rept. No. 790). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 3990. A bill for the erection of a monument upon the Revolutionary battle field of White Plains, State of New York; with amendment (Rept. No. 791). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 11053. A bill to fix the salaries of certain judges of the United States; without amendment (Rept. No. 792). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. S. J. Res. 55. A joint resolution to authorize the American National Red Cross to continue the use of temporary buildings now erected on square No. 172, in Washington, D. C.; without amendment (Rept. No. 793). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. S. Con. Res. 7. A concurrent resolution authorizing the acceptance of the statue of Crawford W. Long; without amendment (Rept. No. 794). Referred to the House calendar.

Mr. BRIGHAM: Committee on Indian Affairs. S. 1989. An act to authorize the Secretary of the Interior to purchase certain land in Nevada to be added to the present site of the Reno Indian colony, and authorizing the appropriation of funds therefor; without amendment (Rept. No. 795). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 10055. A bill to amend section 77 of the Judicial Code to create a middle district in the State of Georgia, and for other purposes; without amendment (Rept. No. 796). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11070) granting retirement annuity or pension to John B. Fitzgerald; Committee on Pensions discharged, and referred to the Committee on the Civil Service.

A bill (H. R. 11077) granting a pension to Roy Scott; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11062) granting an increase of pension to Anna J. Wilkinson; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LANKFORD: A bill (H. R. 11111) to authorize the construction of a memorial statue in the District of Columbia, and for other purposes; to the Committee on the Library.

By Mr. WELLER: A bill (H. R. 11112) to amend an act entitled "An act to incorporate the Howard University in the District of Columbia"; to the Committee on the Judiciary.

By Mr. TYDINGS: A bill (H. R. 11113) to amend the tariff act of 1922; to the Committee on Ways and Means.

Also, a bill (H. R. 11114) for the relief of certain persons formerly having interests in Baltimore and Harford Counties, Md.; to the Committee on Claims.

By Mr. WOODRUFF: A bill (H. R. 11115) authorizing the Secretary of the Interior to accept, on behalf of the United States, title to certain lands within the Michigan National Forest, and for other purposes; to the Committee on the Public Lands.

By Mr. THOMAS: A bill (H. R. 11116) placing the Bureau of the Budget under the jurisdiction and supervision of a joint committee of Congress; to the Committee on Rules.

By Mr. COLLINS: A bill (H. R. 11117) for the erection of a public building at Louisville, Winston County, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. ELLIS: Resolution (H. Res. 210) providing for the consideration of S. 2479, to declare a portion of the battle field of Westport a national military park, etc.; to the Committee on Rules.

By Mr. GRAHAM: Resolution (H. Res. 211) for the consideration of H. R. 11053, to fix the salaries of certain judges of the United States; to the Committee on Rules.

By Mr. REID of Illinois: Resolution (H. Res. 212) providing for the consideration of H. R. 10962, "A bill authorizing preliminary examinations and surveys of sundry streams with a view to the control of their floods, and for other purposes"; to the Committee on Rules.

By Mr. KIESS: Resolution (H. Res. 213) providing for the consideration of H. R. 10865, "A bill to provide a permanent government for the Virgin Islands of the United States, and for other purposes"; to the Committee on Rules.

By Mr. LARSEN: Resolution (H. Res. 214) providing for the consideration of star bill H. R. 10055, entitled "A bill to amend section 77 of the Judicial Code to create a middle district in the State of Georgia, and for other purposes"; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. DRANE: Memorial of the Legislature of the State of Florida, asking for a preliminary survey of Caloosahatchee River from Lake Okeechobee to the Gulf of Mexico, with a view to widening and otherwise improving said rivers; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of Florida, relative to a barge canal across the State via the Caloosahatchee River from the Gulf to the Atlantic Ocean; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of Florida, as to a cross-State canal from the Withlacoochee River to the Atlantic Ocean; to the Committee on Rivers and Harbors.

Memorial of the Legislature of the State of New Jersey, concerning the piers in the city of Hoboken, county of Hudson; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ZILLMAN: A bill (H. R. 11118) to authorize the widening of Harvard Street in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 11119) to alter the personnel of the Public Utilities Commission of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 11120) to provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. ASWELL: A bill (H. R. 11121) to establish a fish-cultural station at some point in the State of Louisiana; to the Committee on the Merchant Marine and Fisheries.

By Mr. FREDERICKS: A bill (H. R. 11122) authorizing and empowering the Board of Managers of the National Home for

Disabled Volunteer Soldiers to sell and grant approximately 160 acres of land owned by it at the Pacific branch of said National Home for Disabled Volunteer Soldiers; to receive the proceeds from said sale and disburse the same for the erection of additional fireproof barracks and other improvements upon the site of said Pacific branch of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. SWANK: A bill (H. R. 11123) to establish a term of the United States Circuit Court of Appeals at Oklahoma City, Okla.; to the Committee on the Judiciary.

By Mr. BLAND: A bill (H. R. 11124) for the relief of Virginia Engineering Co. (Inc.); to the Committee on Claims.

Also, a bill (H. R. 11125) granting an increase of pension to Thomas Purcell; to the Committee on Pensions.

By Mr. CARTER of Oklahoma: A bill (H. R. 11126) granting a pension to Claude Austin; to the Committee on Pensions.

Also, a bill (H. R. 11127) granting a pension to Guy Swan; to the Committee on Pensions.

By Mr. CHALMERS: A bill (H. R. 11128) for the relief of John M. Dohr; to the Committee on Claims.

By Mr. CORNING: A bill (H. R. 11129) granting an increase of pension to Catherine Feily; to the Committee on Invalid Pensions.

By Mr. DEAL: A bill (H. R. 11130) granting a pension to Charles C. Lentile; to the Committee on Pensions.

By Mr. ESTERLY: A bill (H. R. 11131) granting a pension to Annie B. Poit; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11132) granting an increase of pension to Amelia E. Stelnrock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11133) granting an increase of pension to Mary A. Longenhagen; to the Committee on Invalid Pensions.

By Mr. FREEMAN: A bill (H. R. 11134) granting an increase of pension to Katherina Gerhard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11135) granting an increase of pension to Ella J. Slate; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 11136) for the relief of the estate of Fritz Contzen; to the Committee on Claims.

Also, a bill (H. R. 11137) for the relief of Mrs. Daniel J. Ryan; to the Committee on Claims.

By Mr. HUDDLESTON: A bill (H. R. 11138) granting a pension to Joseph C. Walker; to the Committee on Invalid Pensions.

By Mr. KELLER: A bill (H. R. 11139) for the relief of Celestina Mateos; to the Committee on Claims.

By Mr. KING: A bill (H. R. 11140) granting an increase of pension to Mary A. Maul; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11141) granting an increase of pension to Mattie J. Mileham; to the Committee on Invalid Pensions.

By Mr. KIRK: A bill (H. R. 11142) granting a pension to Roena C. Caskey; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 11143) granting a pension to Dollie G. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11144) granting an increase of pension to Annie Deardorff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11145) granting an increase of pension to Margretta Johnson; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 11146) granting an increase of pension to Albert Boardman; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 11147) granting a pension to Maria Groat; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11148) granting an increase of pension to Maria Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11149) granting an increase of pension to Mary S. Norton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11150) granting an increase of pension to Maggie Barron; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 11151) to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian steamship *John Blumer* as the result of a collision between it and a barge in tow of the U. S. Army tug *Britannia*; to the Committee on Foreign Affairs.

Also, a bill (H. R. 11152) to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian bark *Janna* as a result of the collision between it and the U. S. S. *Westwood*; to the Committee on Foreign Affairs.

Also, a bill (H. R. 11153) to authorize the payment of indemnity to the Government of Great Britain on account of losses sustained by the owners of the British steamship *Marisbrook* as the result of a collision between it and the U. S. transport *Carolinnian*; to the Committee on Foreign Affairs.

Also, a bill (H. R. 11154) for the relief of Carib Steamship Co. (Inc.); to the Committee on Claims.

Also, a bill (H. R. 11155) for the relief of the owners of the steamship *San Lucar* and of her cargo; to the Committee on Claims.

Also, a bill (H. R. 11156) for the relief of the Atlantic & Caribbean Steam Navigation Co.; to the Committee on Claims.

By Mr. REED of New York: A bill (H. R. 11157) granting an increase of pension to Eva H. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11158) granting an increase of pension to Clara V. Swanson; to the Committee on Invalid Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 11159) granting a pension to Hanora C. Fritz; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 11160) granting an increase of pension to Lydia F. Roe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11161) granting an increase of pension to Eliza M. Bagley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11162) granting an increase of pension to Mary S. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11163) granting an increase of pension to Augusta C. Blittmeyer; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 11164) granting a pension to Emma D. Tenney; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 11165) for the relief of Frank Griffith and L. D. Alexander; to the Committee on Claims.

By Mr. UNDERHILL: A bill (H. R. 11166) to appoint Mate John Joseph Bresnahan, United States Navy, a boatswain in the Navy; to the Committee on Naval Affairs.

By Mr. VINCENT of Michigan: A bill (H. R. 11167) granting an increase of pension to Livona Holton; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 11168) for the relief of James V. Martin; to the Committee on Claims.

By Mr. WURZBACH: A bill (H. R. 11169) granting a pension to Silas W. Granberry; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1690. By Mr. CARSS: Resolution favoring passage of legislation to provide adequate pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

1691. Also, petition opposing House bill 5583, to provide for registration of aliens, and for other purposes; to the Committee on Immigration and Naturalization.

1692. By Mr. W. T. FITZGERALD: Petition of Lemert Post, G. A. R., Newark, Ohio, requesting enactment of legislation for relief of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

1693. By Mr. GALLIVAN: Petition of Bernard J. Rothwell, president Bay State Milling Co., 608 Grain and Flour Exchange, India and Milk Streets, Boston, Mass., protesting against the passage of a bill to create a Federal farm board; to the Committee on Agriculture.

1694. By Mr. HERSEY: Petition signed by Eugene Clark and 48 other residents of Caratunk, Me., protesting against the passage of the Copeland-Bloom bill to regulate the practice of mediums and spiritualists in the District of Columbia; to the Committee on the District of Columbia.

1695. Also, petition signed by R. H. Bean and 69 others of Stockholm, Me., against compulsory Sunday observance; to the Committee on the District of Columbia.

1696. By Mr. KINDRED: Petition of the Chamber of Commerce of the State of New York, protesting against the passage of Senate bill 2808, introduced by Senator Smith, as being a measure fraught with grave danger to the integrity of the Interstate Commerce Commission and the business interests of the country; to the Committee on Interstate and Foreign Commerce.

1697. Also, resolution of the National Guard Association of the State of New York, urging upon the present Congress the authorization at this session of Congress of the proposed all-American canal from the Great Lakes to the Atlantic Ocean by way of the Mohawk and Hudson Valleys; and also urging the Congress of the United States to refrain from participation in the authorization of any international canal on this continent whatsoever until the all-American ship canal shall have been completed; to the Committee on Rivers and Harbors.

1698. By Mr. LEATHERWOOD: Resolution of the Chamber of Commerce of the United States, indorsing House bill 10360,

which has for its purpose the quieting of title to school lands granted to the several States by the "land grant act"; to the Committee on the Public Lands.

1699. By Mr. MEAD: Petition of City Council of Buffalo, N. Y., approving House bills 16 and 485; to the Committee on the Judiciary.

1700. By Mr. MOONEY: Petition of residents of the District of Columbia and Arlington, Va., opposing compulsory Sunday observance; to the Committee on the District of Columbia.

1701. By Mr. NEWTON of Minnesota: Petition signed by sundry citizens of Minneapolis, Minn., urging favorable action upon House bills 71 and 7479; to the Committee on Agriculture.

1702. Also, petition of sundry citizens of Minneapolis, favoring further restrictions of immigration; to the Committee on Immigration and Naturalization.

1703. Also, petition of the Polish Welfare Council of Minneapolis, opposing legislation providing for the registration of aliens (H. R. 102); to the Committee on Immigration and Naturalization.

1704. By Mr. O'CONNELL of New York: Petition of Roy D. Chapin, of the National Automobile Chamber of Commerce, favoring an appropriation of \$3,000 per annum to enable the United States to accept membership in the Permanent Association of International Road Congresses; to the Committee on Roads.

1705. Also, petition of the Merchants Association of New York, opposing the passage of the Fitzgerald bill (H. R. 487), the workmen's compensation bill for the District of Columbia; to the Committee on the District of Columbia.

1706. Also, petition of George M. Flynn, of Jamaica, N. Y., opposing the Fitzgerald bill (H. R. 487), workmen's compensation bill for the District of Columbia; to the Committee on the District of Columbia.

1707. Also, petition of the International Association of Machinists, District Lodge No. 15, New York City, favoring the passage of the Fitzgerald workmen's compensation bill (H. R. 487); to the Committee on the District of Columbia.

1708. By Mr. WELSH: Petition of members of Benjamin Harrison Council, No. 92, favoring House bill 5000; to the Committee on Education.

SENATE

FRIDAY, April 9, 1926

(Legislative day of Monday, April 5, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	King	Robinson, Ark.
Bayard	Fess	La Follette	Sackett
Bingham	Fletcher	Lenroot	Shppard
Blaise	Frazier	McKellar	Shipstead
Borah	George	McMaster	Shortridge
Bratton	Gillett	McNary	Smith
Broussard	Glass	Mayfield	Smoot
Bruce	Goff	Metcalf	Stanfield
Butler	Gooding	Moses	Stephens
Cameron	Greene	Neely	Swanson
Capper	Hale	Norbeck	Trammell
Caraway	Harrell	Norris	Tyson
Copeland	Harris	Nye	Wadsworth
Couzens	Harrison	Oddie	Warren
Curtis	Heflin	Overman	Weller
Dale	Howell	Pepper	Williams
Dill	Johnson	Phelps	Willis
Edge	Jones, N. Mex.	Pine	
Edwards	Jones, Wash.	Pittman	
Ernst	Kendrick	Ransdell	
Fernald	Keyes	Reed, Pa.	

Mr. PHIPPS. I desire to announce that my colleague the junior Senator from Colorado (Mr. MEANS) is detained on account of illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House insisted upon its amendment to the bill (S. 2465) to amend the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes; agreed to the conference

requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAPES, Mr. BURNES, and Mr. PARKS were appointed managers on the part of the House at the conference.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bill and joint resolutions, and they were thereupon signed by the Vice President:

S. 3108. An act to amend section 2 of the act of June 7, 1924 (43 Stat. L. p. 653), as amended by the act of March 3, 1925 (43 Stat. L. p. 1127), entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor";

S. J. Res. 37. Joint resolution authorizing the Secretary of Agriculture to cooperate with Territories and other possessions of the United States under the provisions of sections 3, 4, and 5 of the act of Congress entitled "An act to provide for the protection of forest lands, and for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor"; and

S. J. Res. 78. Joint resolution for the amendment of the plant quarantine act of August 20, 1912, to allow the States to quarantine against the shipment therein or through of plants, plant products, and other articles found to be diseased or infested when not covered by a quarantine established by the Secretary of Agriculture, and for other purposes.

PETITIONS AND MEMORIALS

Mr. DILL. I present short resolutions adopted at a meeting of workmen and shingle manufacturers of my State that I would like to have printed in the Record and referred to the Committee on Finance.

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the Record, as follows:

Whereas the shingle industry of the States of Washington and Oregon is operating under antagonistic conditions produced by allowing the free entry of shingles into the United States from foreign nations, while an import tax is charged on logs, a partly raw material from which shingles are manufactured, and to which the Canadian Government had added an export log tax and a direct embargo on the exportation of logs when deemed advisable by said Canadian Government, thereby forcing the United States shingle industry to operate under a threefold handicap and under opposition of adverse laws of both the United States and Canadian Governments; and

Whereas the Canadian shingle manufacturers employ from 54 to 60 per cent of oriental labor in their shingle manufacturing and ship to United States approximately 90 per cent of their shingle output, which is sold in competition with the products of American labor and American industries; and

Whereas the existing United States tariff laws serve to encourage foreign production, to discourage home production, to favor the employment of foreign oriental labor, and to exclude American labor and American industries from the manufacture of shingles for the markets of the United States, and entails millions of dollars in annual loss to our Nation, its labor and industries: Therefore be it

Resolved, That we respectfully and earnestly urge Congress to enact a fair and adequate tariff law that will afford American labor and its industries a fair and equal chance in American markets for the sale of American-made shingles, manufactured by American workmen; and be it further

Resolved, That in view of the evident fact that the United States shingle industry is at the present time facing a crisis, caused by such industry having been forced to operate under such adverse conditions for the past number of years that we energetically urge the passage of a fair and adequate shingle tariff law at the present session of Congress; be it further

Resolved, That a copy of this resolution be sent to the President of the United States and to each Member of Congress from the States of Washington and Oregon.

Adopted at a meeting of workmen and manufacturers held in the Chamber of Commerce Auditorium, Seattle, Wash., March 27, 1926.

A. C. EDWARDS, Chairman.

D. H. CARPENTER, Secretary.

Mr. WILLIS presented a paper in the nature of a petition of the Central Dairy Producers' Council in the State of Ohio, favoring the making of increased appropriations for the eradication of bovine tuberculosis, which was referred to the Committee on Agriculture and Forestry.

Mr. KING. Mr. President, on March 25 I presented 80 resolutions adopted by provincial boards, municipal boards and

councils, and Filipino organizations in favor of measures which I introduced and which are now pending before the Committee on Territories and Insular Possessions, providing for immediate independence of the Filipinos and for the withdrawal of the United States troops from the Philippine Islands.

I present herewith 16 additional resolutions—2 from provincial boards and 14 from municipal councils. I ask their reference to the committee and that they be considered along with those heretofore presented.

The resolutions from the following provincial boards and municipal councils were referred to the Committee on Territories and Insular Possessions:

The provincial government of Ilocos Sur, city of Vigan, P. I.
The provincial government of Rizal, city of Pasig, P. I.
The municipal council of Tiwi, Province of Albay, P. I.
The municipal council of De Banga, Province of Capiz, P. I.
The municipal council of Pinili, Province of Ilocos Norte, P. I.
The municipal council of Tig Bauan, Province of Iloilo, P. I.
The municipal council of Sara, Province of Iloilo, P. I.
The municipal council of Cataingan, Province of Masbate, P. I.

The municipal council of San Jose, Province of Mindoro, P. I.
The municipal council of Clarin, Province of Misamis, P. I.
The municipal council of Tagoloan, Province of Misamis, P. I.
The municipal council of Dumaguete, Province of Oriental Negros, P. I.

The municipal council of Concepcion, Province of Romblon, P. I.

The municipal council of San Manuel, Province of Tarlac, P. I.

The municipal council of Dapitan, Province of Zamboanga, P. I.

The municipal council of Zamboanga, Province of Zamboanga, P. I.

REPORTS OF COMMITTEES

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the joint resolution (H. J. Res. 171) authorizing the Secretary of the Interior to approve the application of the State of Idaho to certain lands under an act entitled "An act to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands," approved September 22, 1922, reported it without amendment and submitted a report (No. 561) thereon.

Mr. WILLIS, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 9314) to provide for the enlargement of the present customs warehouse at San Juan, P. R., reported it without amendment and submitted a report (No. 562) thereon.

REMOVAL OF BARTHOLOI FOUNTAIN

Mr. FESS. From the Committee on the Library I report back favorably with amendments the bill (S. 3423) authorizing the removal of the Bartholdi Fountain from its present location and authorizing its recreation on other public grounds in the District of Columbia. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. The amendments were, on page 2, line 2, after the word "site," to insert the words "without injury to the fountain," and on page 2, line 9, to strike out the comma after the word "Arts" and insert the words "and of the Joint Committee on the Library," so as to make the bill read:

Be it enacted, etc., That in order to permit the completion by the Pennsylvania Meade Memorial Commission of the memorial to Gen. George Gordon Meade, as authorized by the joint resolution of January 21, 1915 (38 Stat. L. p. 1222), and to permit suitable treatment of the grounds around the Grant Memorial and the Meade Memorial and to carry out the plans for the improvement of the Mall, the Director of Public Buildings and Public Parks of the National Capital is hereby authorized to remove the Bartholdi Fountain and its basin and equipment from its present site, without injury to the fountain, such removal to be without cost to the United States.

Sec. 2. That the Director of Public Buildings and Public Parks of the National Capital is hereby authorized to erect said Bartholdi Fountain on public grounds of the United States within the District of Columbia, the site and plans for such recreation to be subject to the approval of the Commission of Fine Arts and of the Joint Committee on the Library, the expense of such recreation to be paid from such appropriations as are available or may be made available in the future for the improvement, care, and maintenance of public grounds in the District of Columbia.

The amendments were agreed to.

Mr. WILLIS. Mr. President, I wish my colleague would state briefly the purpose of the bill.

Mr. FESS. The original location of the Meade Memorial in the Botanical Garden provided for the removal of the fountain located near the monument. Later on we had a construction of the law from the Attorney General stating that there was no authority in the original enactment for the removal of the fountain. The bill provides for the removal of the fountain, which is in accordance with the wish not only of the committee but of the Commission on the Meade Memorial and the Fine Arts Commission, and is also under the permission of the Director of the Botanical Garden.

Mr. WILLIS. It is the large fountain in the Botanical Garden near the Capitol Grounds?

Mr. FESS. It is.

Mr. WILLIS. What is proposed to be done with it?

Mr. FESS. The idea is to relocate it in the Botanical Garden or the extension of the garden when that is finally decided upon. It is to be stored until a decision is reached in respect to that matter. I am sure the bill will meet with the approval of the Senator. I talked with him some time ago about it.

Mr. KING. I would like to ask if the bill has the approval of the Fine Arts Commission and the District Commissioners, and if it was a unanimous report from the committee?

Mr. FESS. Yes.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HEARINGS BEFORE THE COMMITTEE ON TERRITORIES AND INSULAR POSSESSIONS

Mr. KEYES. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate resolution 192, and ask for its immediate consideration.

Mr. WILLIS. The resolution relates to the work of the Committee on Territories and Insular Possessions. It is the usual resolution authorizing the committee to hold hearings.

Mr. KING. There is no objection to it.

The resolution, which had been submitted by Mr. WILLIS on the 5th instant, was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Territories and Insular Possessions, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-ninth Congress to send for persons, books, and papers; to administer oaths; and to employ a stenographer at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had in connection with any subject that may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

ELLA DINSMORE SANDERSON

Mr. KEYES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 101, submitted by Mr. McKINLEY January 4, 1926, reported it favorably without amendment and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, out of the contingent fund of the Senate, miscellaneous items, fiscal year 1925, to Ella Dinsmore Sanderson, widow of George A. Sanderson, late Secretary of the Senate, a sum equal to one year's salary at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee had presented to the President of the United States the following enrolled bill and joint resolutions:

S. 3108. An act to amend section 2 of the act of June 7, 1924 (43 Stat. L. p. 653), as amended by the act of March 3, 1925 (43 Stat. L. p. 1127), entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor";

S. J. Res. 37. Joint resolution authorizing the Secretary of Agriculture to cooperate with Territories and other possessions of the United States under the provisions of sections 3, 4, and 5 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor"; and

S. J. Res. 78. Joint resolution for the amendment of the plant quarantine act of August 20, 1912, to allow the States to quarantine against the shipment therein or through of plants, plant products, and other articles found to be diseased or infested when not covered by a quarantine established by the Secretary of Agriculture, and for other purposes.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAYARD:

A bill (S. 3922) granting a pension to Nathan McNatt; to the Committee on Pensions.

By Mr. KING:

A bill (S. 3923) for the relief of the widow and minor children of Raymond C. Hanford; to the Committee on Claims.

By Mr. MOSES:

A bill (S. 3924) to amend the act of February 28, 1925, fixing the compensation of fourth-class postmasters; to the Committee on Post Offices and Post Roads.

By Mr. PEPPER:

A bill (S. 3925) for the relief of T. Gaines Roberts; to the Committee on Naval Affairs.

By Mr. McNARY:

A bill (S. 3926) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes; to the Committee on Manufactures.

By Mr. WILLIS:

A bill (S. 3927) granting a pension to Edward H. Packer (with accompanying papers); to the Committee on Pensions.

A bill (S. 3928) authorizing the designation of an ex officio commissioner for Alaska for each of the executive departments of the United States, and for other purposes; to the Committee on Territories and Insular Possessions.

By Mr. HARRELD (by request):

A bill (S. 3929) to authorize the deposit and expenditure of various revenues of the Indian Service as Indian moneys, proceeds of labor; to the Committee on Indian Affairs.

By Mr. WILLIAMS:

A bill (S. 3930) granting a pension to Joseph F. Dorgan (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3931) granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct an overhead viaduct across the Mahoning River at Girard, Trumbull County, Ohio; to the Committee on Commerce.

By Mr. BRUCE:

A bill (S. 3932) authorizing certain dredging and filling in the vicinity of the Aberdeen Proving Grounds, Md.; to the Committee on Military Affairs.

By Mr. NEELY:

A bill (S. 3933) to provide for the acquisition of a site and the erection thereon of a public building at Gassaway, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. GILLETT:

A bill (S. 3934) granting an increase of pension to Thomas Corlam; to the Committee on Pensions.

By Mr. BUTLER:

A joint resolution (S. J. Res. 89) for participation of the United States in the Third World's Poultry Congress to be held at Ottawa, Canada, in 1927; to the Committee on Agriculture and Forestry.

By Mr. FESS:

A joint resolution (S. J. Res. 90) authorizing the publication of Madison's Debates of the Federal Convention and relevant documents, in commemoration of the one hundred and fiftieth anniversary of the Declaration of Independence; to the Committee on Printing.

CHANGES OF REFERENCE

On motion of Mr. BUTLER, the Committee on the Judiciary was discharged from the further consideration of the bill (S. 3911) to reimburse the Commonwealth of Massachusetts for expenses incurred in compliance with the request of the United States marshal, dated December 6, 1917, to the Governor of Massachusetts, in furnishing the State military forces for duty on and around Boston Harbor under regulation 13 of the President's proclamation, and it was referred to the Committee on Claims.

On motion of Mr. WADSWORTH, the Committee on Military Affairs was discharged from the further consideration of the bill (S. 1130) to amend section 232 of the act of March 4, 1909 (35 Stat. L. p. 1134), forbidding the carrying of certain explosives on passenger trains, vessels, or vehicles used as common carriers of passengers, excepting munitions of war and

small-arms powder, ammunition, and ammunition components shipped by the War Department or under its military organizations or civilian clubs, or to individual members of the National Rifle Association, and it was referred to the Committee on Interstate Commerce.

CONTRACTS CONNECTED WITH THE PROSECUTION OF THE WAR

Mr. ODDIE submitted an amendment intended to be proposed by him to the bill (S. 8641) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended, which was ordered to lie on the table and to be printed.

PROPOSED PHILIPPINE MISSION

Mr. KING. Mr. President, I send to the desk a resolution, which I ask to have read and lie on the table.

The resolution (S. Res. 196) was read, as follows:

Whereas it is reported that Carmel Thompson, Esq., of Ohio, has been appointed by the President without authority of Congress and without the advice and consent of the Senate, to go to the Philippine Islands, accompanied by a staff and retinue of experts, investigators, and clerks, to make an investigation of conditions in the Philippine Islands and of the affairs of the Philippine government and to report to the President upon the policy of the United States as affecting the political independence of the Philippine Islands; and

Whereas it is the exclusive function of Congress, under the Constitution, to determine the policy of the United States with respect to the Philippine Islands, and to make such investigations and visitations as it may deem advisable of the Territories and dependencies of the United States; and

Whereas Congress has made no provision for the payment of the expenditures of said Thompson and of his staff: Now therefore be it

Resolved, That the Secretary of the Treasury advise the Senate as to whether or not any funds in the Treasury are available for the payment of the expenses of said Thompson and his staff under any existing appropriation act; and if not, what funds of the Government are to be advanced or made available for the use of said Thompson and his staff in the premises?

Mr. CURTIS. Let the resolution go over.

The VICE PRESIDENT. The resolution will lie on the table.

COLORADO RIVER BASIN

Mr. JOHNSON submitted the following resolution (S. Res. 197), which was referred to the Committee on Printing:

Resolved, That the report by F. E. Weymouth on the problems of the Colorado River Basin, dated February 28, 1924, together with the reports prepared by William Kelly and Herman Stabler, respectively, on special phases of the problems of the Colorado River Basin, the report by the committee of engineers to the Secretary of the Interior, dated March 17, 1924, and the supplementary report by F. E. Weymouth, dated June, 1924, be printed with illustrations as a Senate document.

BRANCH BUILDING FOR FEDERAL RESERVE BANK AT DETROIT, MICH.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 61) authorizing the Federal Reserve Bank of Chicago to enter into contracts for the erection of a building for its branch establishment in the city of Detroit, Mich., which was to strike out the preamble.

Mr. COUZENS. I move that the Senate concur in the amendment of the House. It is simply the elimination of the whereases.

The motion was agreed to.

WAR DEPARTMENT APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives on House bill 8917, the War Department appropriation bill, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,

April 6, 1926.

Resolved, That the House recedes from its disagreement to the amendments of the Senate Nos. 22, 28, and 48 to the bill (H. R. 8917) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes," and concurs therein.

That the House recede from its disagreement to the amendment of the Senate No. 3 and agree with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That hereafter enlisted men, including the members of the United States Army Band, entitled to receive allowances for quarters and subsistence shall continue, while their permanent stations remain unchanged, to receive such allowances while sick in hospital or absent from their permanent-duty stations in a pay status: Pro-

vided further, That allowances for subsistence shall not accrue to such an enlisted man while he is in fact being subsisted at Government expense."

That the House recede from its disagreement to the amendment of the Senate No. 7 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$11,964,391."

That the House recede from its disagreement to the amendment of the Senate No. 10 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$14,520,230."

That the House recede from its disagreement to the amendment of the Senate No. 11 and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and of the said sum of \$14,520,230, \$30,000 shall be immediately available for transportation of troops to and from the celebration commemorating the fiftieth anniversary of the Battle of the Little Big Horn."

That the House recede from its disagreement to the amendment of the Senate No. 12 and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment, after the word "be," insert the following: "procured locally through National Guard officers whenever practicable and shall be."

That the House recede from its disagreement to the amendment of the Senate No. 30 and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$1,282,080, of which sum not to exceed \$25,000 shall remain available until October 1, 1927, and may be used in completing agricultural research experiments in exterminating the cotton boll weevil."

That the House recede from its disagreement to the amendment of the Senate No. 34 and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$310,000: *Provided*, That not to exceed \$2,000 of this sum shall be expended for travel of officers of the War Department General Staff in connection with the National Guard."

Mr. WADSWORTH. All these amendments were actually agreed upon in conference between the Senate and the House, but under the House rules they had to be returned to the House for separate and distinct action. This accounts for the message just laid before the Senate. I move that the Senate agree to the amendments of the House to the Senate amendments.

Mr. WARREN. And this completes the bill.

Mr. WADSWORTH. This list of amendments completes the bill.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from New York.

The motion was agreed to.

ANNUAL REPORT OF THE ALIEN PROPERTY CUSTODIAN (S. DOC. NO. 94)

The PRESIDING OFFICER (Mr. BLEAKE in the chair) laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on the Judiciary, and, with the accompanying document, ordered to be printed:

To the Congress of the United States:

In accordance with the requirement of section 6 of the trading with the enemy act, I transmit herewith for the information of the Congress a communication from the Alien Property Custodian submitting the annual report of the proceedings had under the trading with the enemy act for the year ended December 31, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE, April 9, 1926.

SENATOR FROM IOWA

The Senate resumed the consideration of the resolution (S. Res. 194) declaring Daniel F. Steck to be duly elected Senator of the United States from the State of Iowa for the term beginning March 4, 1925.

Mr. WALSH. Mr. President, the controversy giving rise to the pending privileged question before the Senate has been narrowed down until it is now confined within very restricted limits. The majority report of the Committee on Privileges and Elections advises the Senate that, as computed by it, Mr. Steck has a majority of 1,420 votes. Within those are included 1,344 votes which, if I have correctly appraised the temper of the Senate, ought to be accredited to Mr. Brookhart, reducing the majority to 76 votes.

The condition of the ballots giving rise to the 1,344 disputed votes is undoubtedly perfectly understood. There was a cross in the circle at the top of the Republican ticket, on which Mr. Brookhart's name appeared as the candidate of that party for United States Senate. There were likewise crosses opposite the names of some of the candidates on that ticket but not opposite the name of Senator Brookhart.

The committee, as I understand, declines to give Senator Brookhart credit for those votes, insisting that it was the

intention of the voter manifested by the failure to put the cross opposite the name of Senator Brookhart not to vote for him.

I merely desire to say in that connection, Mr. President, that we must be governed in this matter, beyond question, by the law of the State of Iowa. The question at issue with respect to those particular votes has been the subject of consideration by the courts of a number of the States. In the State of Colorado it was held that a ballot so marked—

Mr. CARAWAY. Mr. President, may I ask the Senator a question before he proceeds along that line of argument?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Arkansas?

Mr. WALSH. I yield to the Senator.

Mr. CARAWAY. If the intent of the voter should govern, then every ballot that has a legal defect should be excluded, should it not?

Mr. WALSH. I did not catch the Senator's question.

Mr. CARAWAY. I say if the committee was wrong in accepting the intent of the voter, it should then have excluded every ballot that did not meet the legal requirements of the law, should it not?

Mr. WALSH. I do not know how to answer that question.

Mr. CARAWAY. If I may trespass a little further on the Senator's time, one of two rules had to be adopted: Either the committee had to accept what it had understood to be the rule of the Senate, namely, the intent of the voter, or to find out what the legal act of the voter was. It had to follow one or the other of those rules. Is it the contention of the Senator that the committee ought to have followed the legal rule and given to the contestant and the contestee only such ballots as they were entitled to receive under the legal rule?

Mr. WALSH. I would not undertake to say that either one or the other is to be done. The voter expresses his intent in the manner prescribed by the law. My argument was to be to the effect that we must ascertain the intent of the voter from what he did, in the light of what the law is.

Mr. CARAWAY. That is to say, in other words, that the voter has no right to have his intention translated into a ballot unless he did some legal act that would have made his vote legal?

Mr. WALSH. It must be a legal vote as a matter of course.

Mr. CARAWAY. Does the Senator know, then, how many votes are credited to each party that do not fall within that class at all?

Mr. WALSH. No; I do not.

Mr. CARAWAY. Would not the Senator want to know that before he made up his mind, then, on which side he should cast his vote in this contest?

Mr. WALSH. I can only make up my mind concerning the controverted questions, of course.

Mr. CARAWAY. I thought—

Mr. WALSH. Pardon me. There are a vast number of ballots that were passed upon by both parties and no record at all made of them. I can not undertake now to speak as to them. I have got to accept what is before us with respect to those ballots.

Mr. CARAWAY. Let me ask the Senator a further question.

Mr. WALSH. I can pass upon only those ballots to which our attention is called.

Mr. CARAWAY. I thought that was exactly what the Senator was denying to the committee the right to do. The committee passed only on those questions that the parties to this contest brought to the committee, and they related only to 4,000 votes. Is the Senator in agreement with the committee that we ought not to have raised any question that the parties did not raise?

Mr. WALSH. No; what I undertake to say is that there is a question raised in relation to 1,344 votes. I insist that those 1,344 votes should be counted for Senator Brookhart.

Mr. CARAWAY. Under the legal interpretation?

Mr. WALSH. Under the law they must be counted for Senator Brookhart.

Mr. CARAWAY. Mr. President—

Mr. WALSH. Now, wait a moment. If there are any other ballots that are controverted in any way, I should be very glad to give my views concerning how those ballots ought to be counted.

Mr. CARAWAY. The report shows and the record shows that there were 4,000 ballots that were controverted. The 16 classes of ballots submitted by the attorneys appear in the record, and these 1,344 votes fall in class 5. Every class is as much before the Senator as the 1,344 votes. If the Senator is going to invoke the legal rule to dispose of the 1,344 votes

which fall in class 5, ought he not to invoke the same rule to dispose of those that fall in classes 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16?

Mr. WALSH. If anybody controverts those votes, I shall be very glad to give my opinion about the matter.

Mr. CARAWAY. They are in controversy.

Mr. WALSH. No one on this floor, so far as I know, is challenging the accuracy of the work with respect to those branches of the case.

Mr. CARAWAY. They were all challenged, but if the Senator wants to accept what the committee did with the other classes, the 1,344 votes make no difference. Give them to Mr. Brookhart and he still lacks 78 votes of having a plurality. The Senator's position is that he is not going to look into any others, but is going to talk only about the 1,344 votes. Consider them in any way the Senator wants to and they do not change the result.

Mr. WALSH. Mr. President, I merely desire to say that I can not talk about anything that has not been controverted here. I have not been a member of the committee, and I have not made a study of the individual votes to find out whether or not they have been correctly counted. I assume they have been because the accuracy of the work of the committee with respect to those does not seem to be challenged.

Mr. CARAWAY. Let me say a word further. I wish to understand the Senator. If he accepts everything the committee did except with reference to the 1,344 votes, it will make absolutely no difference which way the Senator decides as to them, because they do not constitute a plurality. That is the point I want to make clear. Is the Senator accepting everything the committee did except as to the 1,344 votes?

Mr. WALSH. I am accepting everything the committee did except with respect to—

Mr. CARAWAY. The 1,344 votes?

Mr. WALSH. The 1,344 votes and the count from the precincts where the number of ballots in the box was less than the number of names on the poll list.

Mr. CARAWAY. Is the Senator going into all those?

Mr. WALSH. I am going into those; yes.

Mr. CARAWAY. I thought the Senator said he was going to discuss only the votes about which a controversy arose. There never was a controversy about those before the committee, because nobody raised it. But if the Senator is going into them, then he has to consider the machine ballots. I presume he wants to treat them all alike.

Mr. WALSH. No; I do not have to.

Mr. CARAWAY. Oh, well—

Mr. WALSH. If anyone else wants to go into the machine ballots and make an issue with respect to them, of course, I shall direct my attention to that feature of the case, and I will try to decide the question as my judgment and my knowledge of the law enable me to do it. Just now I do not know of anyone who is challenging any work of the committee except with respect to these two classes of ballots.

Mr. CARAWAY. I wanted to ascertain the Senator's position, and then I shall not interrupt him further. If there is to be any distinction drawn and he is going to accept the committee's findings in some particulars and reject them in others, I was going to ask if the Senator thought the same rule ought not to apply to everything the committee did.

Mr. WALSH. I think, as a matter of course, we ought to go into everything that anybody challenges with respect to the work of the committee. If the work of the committee is not challenged with reference to 300,000 votes, I do not see any reason why anybody should go into the question of whether or not those 300,000 votes were correctly assigned.

Mr. CARAWAY. Let me ask the Senator one more question and I will be through. Did not the committee have the same right to accept what the board of auditors did as the Senator has to accept what the committee did, if nobody challenges it, if no questions are to be raised except as to those about which there is a challenge? The board of auditors, who were hostile one to the other—

Mr. WALSH. Mr. President—

Mr. CARAWAY. Let me say this and I will not interrupt the Senator further. There is not a vote awarded to Mr. Brookhart that Steck's representative did not agree that he ought to have, nor is there a vote given to Steck that Brookhart's representative and attorney did not say he ought to have, except as to 4,000 votes. The Senator will find in the record where Mitchell himself says the only thing is the count, and there may be a question as to two or three hundred votes, but he never did follow that up. Would the Senator have accepted that statement?

Mr. WALSH. I was going to refer to that. As a matter of course, that involves the question as to whether with respect to the 76 plurality the count of the ballots in the box should be taken or whether the official count should be taken. Of course, I expect to talk about that. That is the only question, as I see it now, that remains in this case.

Mr. CARAWAY. Let me ask the Senator another question. Where 198 ballots were absent the official count ought to have been accepted, ought it not?

Mr. WALSH. I think so.

Mr. CARAWAY. It was accepted, was it not?

Mr. WALSH. I think so.

Mr. CARAWAY. That is the only question about which they differed.

Mr. WALSH. I will reach that in due time, but I was going to say, Mr. President, when I was interrupted, that the intent of the voter is, in my judgment, to be gathered from what he did when he marked his ballot in the light of what the law in relation to the matter is. Attention has been repeatedly called to the statute, but prior to the time this statute was enacted, this very subject was a matter of consideration by the courts in a number of the Western States. In the State of Colorado it was held that a ballot thus marked was a nullity and signified that the voter intended to qualify the effect of the cross in the circle. As they expressed it, the special intent overruled the general intent expressed by the cross in the circle. That view, however, was repudiated by the Supreme Court of the State of Iowa, by the supreme court of my State, and by the Supreme Court of the State of South Dakota, all holding—and I shall not refer to the wording of the opinions, because they have heretofore been quoted—all holding that when the ballot is marked with a cross in the circle, under the law it counts as a vote for everyone on that ticket, and the effect is not changed by putting crosses opposite the names of any of the candidates on the ticket. That rule, so expressed by the Supreme Court of the State of Iowa under the old law, was crystalized and made perfectly clear, as it seems to me, by the law under which this election was conducted, as is provided in section 811 of the statutes:

If the names of all the candidates for whom a voter desires to vote appear upon the same ticket, and he desires to vote for all candidates whose names appear upon such ticket, he may do so in any one of the following ways:

1. He may place a cross in the circle at the top of such ticket without making a cross in any squares beneath said circle.
2. He may place a cross in the square opposite the name of each such candidate without making any cross in the circle at the top of such ticket.
3. He may place a cross in the circle at the top of such ticket and also a cross in any or all of the squares beneath said circle.

In any one of those three ways he may indicate that he desires to vote for all on that ticket.

Mr. CARAWAY. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Arkansas?

Mr. WALSH. I will ask the Senator to pardon me just a moment.

Now, reversing the matter, let us try to get at what the voter intended to do. If we find that he put a cross in the circle at the top of the ticket and did not do anything else, we are forced under the statute to believe that he intended to vote for every man on that ticket. If he put a cross opposite the name of every man on the ticket but did not put any cross in the circle at the top, again the statute forces us to assume that it was his intent to vote for every man on that ticket. Finally, Mr. President, if he has put a cross in the circle at the top and then put a cross opposite the name of any or all of the candidates upon the ticket, then we are likewise forced to the conclusion under the statute, and the statute makes it our duty to assume, that it was his intent to vote for every candidate upon that ticket.

Mr. CARAWAY. Mr. President, may I ask the Senator a question right there?

Mr. WALSH. I yield to the Senator.

Mr. CARAWAY. This is a new code from which the Senator quotes. It went into effect on the 28th day of October, 1924, just six days before the election. The instructions to the voters must go to the voters and to the polling places 30 days before the election. Does the Senator think a voter ought to be disfranchised because he was instructed to vote a certain way, and voted according to the legal instructions given to him, and a new code coming into effect, that he had never had an opportunity to see, possibly, prescribed a different rule?

Mr. WALSH. Mr. President, I thought I made that perfectly clear. It is a matter of no consequence at all, as I see it, that the statute was only 10 days old—

Mr. CARAWAY. It was not that old.

Mr. WALSH. Or nine days, or whatever time it was, because the statute simply expressed the law as the Supreme Court of Iowa had declared it to be under the preexisting law.

Mr. CARAWAY. May I ask the Senator another question? If that is true, then if there was no change in the statute, and you are willing to let the people in Iowa construe that statute, the instructions that went to the voters were just exactly opposite from what the Senator says the law is.

Mr. WALSH. I can not help that.

Mr. CARAWAY. Of course, the Senator can not help it; but I am asking him whether he believes that a voter ought to be disfranchised because the law officers of Iowa told him how to vote, and the kind of law they had—the Senator says it was not changed—and the instructions that went to the voters were exactly opposite from what the Senator says is the law in Iowa. He says the law has not been changed.

Mr. WALSH. It has not.

Mr. CARAWAY. Is the Senator asking the Senate, then, to disfranchise the people of Iowa for obeying the law as the officers of Iowa said they should?

Mr. WALSH. No; I am not asking the Senate to disfranchise the people of the State of Iowa at all. I am asking the Senate to give expression to the choice of the people of the State of Iowa according to the law.

Mr. CARAWAY. As they understood it, or as the Senator understands it?

Mr. WALSH. As the law is.

Mr. CARAWAY. But as they understood it, or as the Senator understands it?

Mr. WALSH. I am unable, any more than the Senator is, to say how they understood it.

Mr. CARAWAY. Oh, no; the Senator can look at the ballot, and he can not miss it, because it is so absolutely plain that no one can misunderstand it. Here is what I am getting to: If the Senator wants to say that this new code, which pretends to prescribe three ways to vote a straight ticket without defining what a straight ticket is, shall receive his interpretation, then 900,000 voters voted under a misapprehension of what the law was.

Mr. WALSH. I do not care to enter into a discussion of that subject, Mr. President.

Mr. CARAWAY. Pardon me; I asked the question because I intend to discuss it.

Mr. WALSH. I can not convince myself that the Senate of the United States, any more than a judge of the State of Iowa, is entitled to disregard the law of the State of Iowa in determining who is elected in that State under the laws of the State as prescribed by the constitution.

Mr. GOFF. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from West Virginia?

Mr. WALSH. I yield.

Mr. GOFF. Do I understand the Senator's contention relative to section 811 of the code of 1924 to be that the three provisions there set out are mandatory or directory?

Mr. WALSH. I do not know how to answer that question. These questions seem to me rather difficult to understand. The statute says that if the voter desires to vote a straight ticket, he may do it in any one of these three ways. If he wants to vote a straight ticket, it appears that he must do it in one of these three ways, and to that extent it is mandatory. Of course, there is no mandate about it at all. He does not have to vote at all if he does not want to.

Mr. GOFF. If it were mandatory, then I infer that the Senator would eliminate the actual intent of the voter as expressed in one of the three methods of voting.

Mr. WALSH. No; not at all. If he votes in any one of those three ways, we are conclusively bound to presume that he intended to vote for everybody on the ticket.

Mr. GOFF. Then the Senator would construe that it is a mandatory provision.

Mr. TRAMMELL. Mr. President, may I ask the Senator a question?

Mr. WALSH. I yield.

Mr. TRAMMELL. The Senator says that it is presumed that the voter intended to vote the entire ballot. Why should the Senator presume that, any more than he should presume that the voter intended to exercise his privilege under section 812 of voting part of a ticket only? These ballots show that he intended to vote part of the ticket only.

Mr. WALSH. Let us see.

Mr. TRAMMELL. He was exercising his right under the law to vote part of the ticket only; and the Senator would construe that he did not intend that, but that he intended to vote the entire ballot. He is exercising one of his privileges under the statute, and the Senator would construe that to mean that he intended to exercise the privilege of voting the entire ballot, when as a matter of fact he had just as much right to vote part of the ballot as he did to vote all of it.

Mr. WALSH. The Senator is quite right, that all parts of the statute are to be construed together. If he is right about section 812, as a matter of course, the argument which I made falls; but let us see what section 814 provides, as follows:

If the names of all the candidates for whom a voter desires to vote do not appear upon the same ticket, he may indicate the candidates of his choice by marking his ballot in any one of the following ways.

That is to say, a man desires to vote for most of the Republican candidates, but he wants to vote for a Democratic candidate for United States Senator. Now, he votes according to section 814, namely:

He may place a cross in the circle at the top of a ticket on which the names of some of the candidates for whom he desires to vote appear, and also a cross in the square opposite the name of each other candidate of his choice whose name appears upon some ticket other than the one in which he has marked the circle at the top.

It is perfectly evident, Mr. President, that this particular voter did not want to vote for any candidate except the Republican candidate. If he did not want to vote for any particular Republican candidate, he likewise did not want to vote for his opponent upon the Democratic ticket or some other ticket. Section 814 simply provides how he shall vote if he wants to vote for some candidates on one ticket and some candidates on another ticket; so he may place a cross in the circle at the top, and he may place a cross opposite the names of candidates for whom he desires to vote for special places in the other ticket.

Mr. CARAWAY. May I call the Senator's attention to one thing in looking at the ballot? It is in section 1120:

If for any reason it is impossible to determine the voter's choice for any office, his ballot shall not be counted for such office; but a mark in the circle of any ticket on the ballot shall not be held to make it impossible to determine the voter's choice.

Therefore it does not control.

Mr. WALSH. I referred, Mr. President, to the decision of the Supreme Court of the State of Iowa; but I read just a sentence from the case of *Whittam v. Zaborik* (91 Iowa), decided away back in 1894. I read from page 32:

When the cross is placed in the circle preceding the party appellation, the ballot so marked "shall be counted as cast for all the candidates named after that title," excepting, only, that when the name or names of one or more candidates on another ticket are marked, the ballot is to be counted for the candidates on the other ticket whose names are so marked—

That is the case referred to by the Senator from Florida—

but the ticket in which the circle preceding the title is marked is to be counted as cast for all candidates whose names are printed upon it, excepting those for offices for which names on another ticket were marked and counted as stated. Hence, when a voter has marked his ticket by placing a cross in the circle opposite the title, he does not add to the legal effect of that marking by placing crosses in squares opposite the names of candidates on the same ticket.

That leaves it just exactly as if he had not marked those candidates at all. That rule, Mr. President, is expressed quite clearly in the case of *Potts v. Folsom* (24 Okla. 731) decided by the Supreme Court of Oklahoma, in which it is said:

To our minds it seems clear that under this statute—

And the statute is not in exactly the same language, but it is the same class of statute—

To our minds it seems clear that under this statute a stamp in the circle at the head of the list of candidates is the statutory method provided whereby a voter may manifest his intention to vote for every candidate under that stamp. If this is true, and after having placed the stamp there the voter has succeeded in voting for all of these candidates, then the placing of additional stamps in front of the different names on that same list would either constitute distinguishing marks or be without any effect whatsoever. These are held not to be distinguishing marks in the *McClelland v. Irwin* case, supra. Hence we conclude they are without effect. Our conclusion herein seems to be supported by the case of *Dickerman v. Gelsthorpe* (19 Mont. 249, 47 Pac. 999); *Spurrier v. McLennan* (115 Iowa 461, 88 N. W. 1062); *Whittam v. Zaborik* (91 Iowa 23, 59 N. W. 57, 51 Am. St. Rep. 317); *McKittrick v. Pardee* (8 S. D. 39, 65 N. W. 23).

I have here the case of *Gelsthorpe* against *Dickerman* in the Supreme Court of Montana; and the decision in that case was followed in the case of *State v. Frausham*, in nineteenth Montana, in which I am reminded by the record that I appeared as counsel.

So, if these 1,344 votes not counted for Mr. Brookhart by the majority are counted for him, the apparent majority is reduced to 76 votes; and as to those the question is determined by whether, with respect to those precincts in which the number of ballots in the box varied from the number of names on the poll list, being either less or more, we must follow the actual count of the ballots that were returned to the committee by the local authorities or whether we must resort to the official count.

If we go according to the count made by the committee of the ballots which came to them, the seat belongs to Steck. If we go by the official returns from those particular precincts, then the seat goes to Senator Brookhart. The whole question depends upon whether, in view of the shortage or the excess of ballots, if I may so express myself, the official count must be resorted to.

Mr. GOFF. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. GOFF. I was diverted a moment before the Senator left the subject which he was discussing, and I wish to ask the Senator what is the legal or intentioned purpose subverted by permitting or advising voters to physically vote twice for the same candidate?

Mr. WALSH. I do not know, except that the statute contemplated that a cross in the circle meant a vote for all of the candidates under the circle, but quite likely it was found that some voter wanted to make perfectly sure that he was going to vote for a favorite candidate, and so, to enforce the thing, he put a cross opposite the name of his favorite candidate, or candidates, and it was not intended that he should be disfranchised by reason of the fact that he had done so.

Mr. GOFF. Was it not the opinion of those in charge of elections, based upon actual experience, that such voters, whether they voted the Republican or the Democratic ticket, desired to register their political affiliations, and then, having done that by placing a cross in the circle at the head of their respective party columns, they were permitted, if they so desired, to vote a second time for some one upon the ticket, but that the main purpose was to register the political affiliation of the voter generally, rather than specifically?

Mr. WALSH. Of course, that is quite contrary to the statute, because the statute says that if a voter wants to vote for everyone upon the ticket he puts a cross at the top. The cross at the top indicates that he desires to vote for everybody on the ticket. It might be that if the Senator were framing the statute, he would frame it differently; but that is the law of Iowa.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. McKELLAR. The Senator is discussing a question which has troubled me very much; I think I have told him so privately. Does the Senator think that the 1,344 individual voters who voted the ticket a copy of which is on the wall, intended, when they left that blank in front of Mr. Brookhart's name, to vote for Mr. Brookhart?

Mr. WALSH. I can only judge by what the law says. That has been the law of Iowa, clearly expressed, since 1894. For 30 years it has been known in the State of Iowa that a vote like that was a vote for every man upon the ticket.

Mr. GEORGE. Mr. President, will the Senator permit an interruption at that point?

Mr. McKELLAR. Just one moment. Let me ask one other question about that. Disregarding for the moment the equation of the law, and just taking the vote as it appears there, does not the absence of a cross in front of Senator Brookhart's name indicate that the voter did not intend to vote for him?

Mr. WALSH. Mr. President, a voter is understood to vote in the light of the law. If there were no law upon the subject, I might agree with the Senator.

Mr. McKELLAR. It seems to me that when a voter marks the other candidates on the Republican ticket, or a number of them, and fails to mark the square in front of this candidate, he does not intend to cast any vote for anyone for the office of United States Senator.

Mr. WALSH. I say to the Senator that if it had not been known for 30 years to be the law in the State of Iowa that the cross in the circle meant a vote for everyone under the circle, and that it is not destroyed at all by a cross opposite each individual name, I should say that perhaps he was correct.

Mr. GEORGE. Mr. President, will the Senator from Montana yield to me at that point?

Mr. WALSH. I yield; but let me say that I can not dispossess myself of the idea that it must have been known all through the State of Iowa that a cross in the circle at the top meant a vote for every candidate under the circle.

Mr. GEORGE. I am not in disagreement with the Senator about the 1,344 votes, so far as I am personally concerned; I want to make myself perfectly clear on that; but I want to call the Senator's attention to the fact that it has not been the law in Iowa for 30 years that a cross in the circle meant a vote for the whole ticket, because for many years the circle in Iowa was completely outlawed and it was restored by the code of 1919. At one time in the early history of Iowa, about 30 years ago, there was a circle provided for the ticket, and then, by express provision of the law or ruling from some authoritative source, the party circle was entirely removed from the ticket and it was not restored until 1919.

Mr. WALSH. I am glad to be corrected by the Senator.

Mr. CARAWAY. Let me suggest that it was restored with an instruction that is entirely at variance with the conclusion the Senator places on it now. Did the Senator see one of the official ballots containing the instruction that went to the voter? Has he ever seen one of them?

Mr. WALSH. I have not paid any attention to the instructions to the voters by the official whose business it is to interpret the law.

Mr. CARAWAY. Here is the ballot sent out, an official ballot that was voted on November 4, 1924. Iowa has an absent voters law, and they had to instruct the voter on the bottom of his ticket how to vote, and this was the language:

To vote a straight party ticket, mark a cross in circle only.

That means that he shall mark a cross nowhere else.

If not voting straight party ticket mark a cross in the square over the name for which you wish to vote and also mark your party ticket circle.

Mr. WALSH. Of course, that is plainly in contravention of the law.

Mr. CARAWAY. That is the way the officials understood the law, and that is the way this man voted. That is the way 900,000 people in Iowa understood the law, and that is the way the officers understood it. Now, the Senator says that is not the law; but everybody in Iowa thought it was.

Mr. WALSH. I have not heard of anybody who has made any explanation of the law other than that which I have advanced.

Mr. CARAWAY. Just a moment ago the Senator said that the way to vote a straight ticket had been settled in Iowa for 30 years. Now he discovers that the circle was restored only in 1919, and the instructions sent out to the voters state that a cross in the circle does not control.

Mr. WALSH. I must govern myself by the law.

Mr. CARAWAY. The Senator said the law had not been changed.

Mr. WALSH. I must govern myself by the law.

Mr. JONES of New Mexico. Mr. President, does not the Senator believe that the construction of the law given to it in Iowa ought to control over any opinion which an individual outside of Iowa might have regarding it?

Mr. WALSH. Mr. President, if there were any ambiguity or doubt about it, of course we ought to give attention to the interpretation put upon the law by the officers charged with the execution of it. I would cheerfully yield my own opinion to theirs if there were any ambiguity in it. To my mind there is none.

Mr. JONES of New Mexico. It appears here that the official controllers of election in Iowa did interpret the law otherwise.

Mr. WALSH. The instructions were otherwise, not necessarily that they interpreted it in that way. They sent out those instructions, which to my mind are flatly contradictory of the law. I can not help that.

Mr. NEELY. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from West Virginia?

Mr. WALSH. I yield.

Mr. NEELY. If instead of omitting the cross in the square opposite Senator Brookhart's name the 1,344 persons whose alleged "straight" votes we are considering had written in the square the declaration, "I do not intend to vote for Brookhart," would the Senator from Montana have given the votes in question to Senator Brookhart?

Mr. WALSH. No; that would be a distinguishing mark on the ballot. That would invalidate the ballot.

Mr. NEELY. Assuming that under the law of Iowa the ballots would not have been invalidated by the insertion of the declaration I have suggested, would the Senator consider that the votes should be given to Brookhart?

Mr. WALSH. I could not assume that, because if the voter did anything of that kind of course the ballot would be a nullity.

Mr. NEELY. Then does the Senator think that all of the ballots which have arrows or other marks on them indicating the voter's choice of candidates should have been rejected?

Mr. WALSH. As I said to the Senator from Arkansas, I can not discuss any of these ballots about which I do not know anything. Of course, in all of these systems, in Iowa as well, as I understand the matter, the voter may write in the name of the candidate for whom he desires to vote.

Mr. NEELY. Is it not the law of the Senator's State, and the law generally, that the real purpose of a recount or of a contest is to ascertain the actual intent of the voter and give effect to that intent?

Mr. WALSH. That is quite right—

Mr. NEELY. The manifest intent of the voter must govern?

Mr. WALSH. But his intent is to be gathered in the light of the law.

Mr. NEELY. Does the Senator know of any decision of an election contest by this body in which the intent of the voter has not been considered the controlling factor?

Mr. WALSH. That is a universal rule of law, that the intent of the voter governs, and what is his intention is to be gathered from what he does, in the light of the law under which he votes. Let me say, further, if it ever were decided that the law required that a vote be counted one way, and it was counted another way upon the assumption that the voter's intent was otherwise, I should say we would be obliged to follow the law.

Mr. NEELY. In other words, if the clearly expressed intention of the voter conflicts in any manner whatsoever with the statute of the State in which the ballot is cast, then the law is to be strictly followed and, if necessary, the voter disfranchised.

Mr. WALSH. No; if his ballot is marked contrary to the law, it can not be counted. It must be entirely consistent with the law in order to be counted at all.

Mr. NEELY. But if the ballot is not marked contrary to the law, but simply in a way not expressly authorized by the statute, yet in such a manner as to make perfectly clear the voter's intention—what would the Senator do with it?

Mr. WALSH. The intent is to be judged from what a voter does in the light of the law, as I have said heretofore. If, in the light of the law the intention of the voter can be gathered, of course the ballot is to be counted as he intended to vote it.

Mr. NEELY. Can the Senator cite any election case decided by the Senate in which it is held that the intention of the voter is to be determined by the statute of the State in which the contest arises?

Mr. WALSH. No; I have not searched for any, but I am sure the Senator will find the principle stated.

Mr. NEELY. I do not believe that the Senate has ever so decided. On the contrary, it has been held many times that where the intention of the voter can be ascertained, that intention shall unconditionally prevail.

Mr. WALSH. Yes; but if the statute provides that if he votes in a certain way it is to be presumed that he intended to vote for a particular candidate, then that is his intent, and we can not get at it in any other way.

Mr. NEELY. But suppose the voter marks a cross in the circle at the head of a certain ticket, thereby indicating his party affiliation or manifesting his intention to vote "straight." And suppose that he then proceeds to mark a cross in the square opposite the name of every candidate on that ticket from President to constable, excepting only the candidate for the Senate—in this case Mr. Brookhart.

In the circumstances and in the light of the recent political history of Iowa, does the Senator not think that the voter who marked his ballot in the manner I have indicated has unmistakably manifested his intention not to vote for Senator Brookhart as if he had written that declaration across the face of the ballot?

Mr. WALSH. I have expressed my view about the matter. I can not in the light of the law reach any other conclusion than that the man who voted with a cross in the circle and also put crosses opposite the names of the candidates in the same ticket intended to vote for everybody on that ticket. If there were no law at all and we were merely to judge of the thing and dispossess our minds entirely of what the law requires in the matter, I might be able to agree with the Senator.

Mr. NEELY. Mr. President, may I ask the Senator another question?

Mr. WALSH. Certainly.

Mr. NEELY. Five hundred and eighty-five of the one thousand three hundred and forty-four ballots in controversy were marked with a cross in the circle at the head of the Republican ticket. The squares in front of the names of Coolidge and Dawes were marked. The square before Senator Brookhart's name was not marked. All other squares on the ticket, including those before the names of candidates for local petty offices, were marked.

By his failure to make a cross or mark in the square before the name of the contestee, did the voter not conclusively prove that he did not intend to vote for Senator Brookhart?

Mr. WALSH. The law says he intended to vote for him.

Mr. NEELY. I am not asking the Senator to construe the law. What does the Senator think the voter intended to do?

Mr. WALSH. I have already answered the Senator. If we dispossess our minds entirely of what the law requires and of the knowledge which the voter is supposed to have of the law, I should be disposed to agree with the Senator that he did not intend to vote for Brookhart; but the law makes the intent conclusive.

Mr. NEELY. In the recent Nye case a number of Senators, including myself, took the position that the intention or spirit of the law is of more importance than its letter. Many of us who then acted upon that principle believe that we now ought to be consistent and vote in this contest to give effect to the manifest intention of a plurality of the voters of Iowa instead of outraging that intention by enforcing a technicality.

Mr. WALSH. I find no fault with what the Senator is going to do.

Mr. NEELY. I am sure that the Senator does not, and I thank him for the spirit of tolerance of which his generous statement is born.

Mr. WALSH. I am sure the Senator reaches the conclusion conscientiously, but he will likewise remember that I did not agree with him in the Nye case.

Mr. NEELY. I recall that fact with regret; but I know that the able Senator was conscientious in that case, just as he is in this.

Mr. WALSH. I felt it in that case at that time my duty to follow the law and I feel it my duty in this case to follow the law.

Mr. NEELY. The Senator is quite consistent in voting for Mr. Brookhart in the light of the vote he cast in the Nye case. I think I am equally consistent in voting for Mr. Steck in view of the fact that I worked and voted for Senator NYE.

Mr. WALSH. Then, Mr. President, if there is nothing further to be said on that branch of the case, and I do not desire to say anything myself, I go to the other question, namely, with respect to the precincts in which the discrepancy occurred, whether the count of the ballots should be taken or the official count should be taken. I regret that so much time has been taken on the other aspect of the case because I hoped to have a larger audience when I discussed what I conceive to be the real controversial question remaining in the case.

With respect to this question, as I understand the contention of those supporting the conclusion of the majority, it is that by reason of some stipulation which was entered into or some agreement which was made or some course of conduct upon the part of the contestee or his representative, the contestee is estopped from complaining that the count is not the true record of the vote in those particular precincts.

Mr. CARAWAY. Mr. President—

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from Montana yield to the Senator from Arkansas?

Mr. WALSH. I yield.

Mr. CARAWAY. The Senator said that if the contestee agreed as to how the vote should be brought here and counted, he is estopped.

Mr. WALSH. No; I was trying to state, as I understand it, the contention of those supporting the majority report to the effect that by reason of acts of the contestee or those representing him, or by reason of some stipulation which he entered into, he is estopped from asserting that the count of the votes should not be taken, but that the official return should be taken.

Mr. CARAWAY. Does the Senator agree that when he enters into a stipulation and everybody lives up to it—

Mr. WALSH. I am trying to state the contention of the opponents. I have not undertaken yet to state my position.

Mr. CARAWAY. I was trying to ascertain the Senator's position. Is it his position that if the contestee does agree and everybody acts upon that agreement, he is estopped?

Mr. WALSH. That is a matter I am going to discuss.

Mr. CARAWAY. That is what I was trying to find out.

Mr. WALSH. That is the whole controversy right now.

Mr. President, I desire to say that I have followed the discussion with such attention as I have been able to give to it, and I have been here nearly all the time. My attention has been called to no stipulation by which Senator Brookhart agreed that the count of the ballots should determine the contest without any reference to the question as to whether the number of ballots conformed to the names on the poll lists.

Mr. CARAWAY. Let me ask the Senator a question.

Mr. WALSH. Just a moment. Furthermore I do not conceive at all that the mere matter of agreeing to appoint counters of the ballots in the box or any act done in connection with the counting of the ballots in the box operates in any manner whatever as an estoppel against contending that the ballots did not come here in proper form nor that the official count could not be resorted to by reason of discrepancy. Now I yield to the Senator from Arkansas.

Mr. CARAWAY. If the contestee agreed as to how the votes should be brought here and counted, and they were brought here and counted in accordance with his agreement, and no question was raised about it, then would he be estopped from disputing that they had been recounted?

Mr. WALSH. Let me remark, Mr. President, that that is the subject upon which I am going to try to express my views and of course the Senator will have to draw his conclusion after my discussion.

Mr. CARAWAY. May I suggest—

Mr. WALSH. The Senator wants me to state in advance my attitude with respect to the matter. I would rather state my views about the matter and then eventually state my conclusion about it.

Mr. CARAWAY. I wanted to call the Senator's attention to this fact. Senator Brookhart himself said that if we brought the ballots down here in accordance with the stipulation, he was estopped from raising any question about it. Would the Senator agree with him if he stated that, and if we did bring them here in accordance with the stipulation?

Mr. WALSH. If the Senator will advise me where in the record such a stipulation is to be found, I will answer him.

Mr. BAYARD. It is on page 338 of the hearings.

Mr. WALSH. I have read that page.

Mr. CARAWAY. That is exactly what he said. He said he would be estopped. He denied, however, that they had done it. The record shows that he did agree to it, and that he was conversant with every step that was taken and his attorney knew it, and they all ratified it. They threw the ballots back and never raised that question until the result was apparent. Is he estopped according to his own statement?

Mr. WALSH. I listened to the Senator make that argument the other day.

Mr. CARAWAY. Would not this be true—

Mr. WALSH. I do not care to discuss the subject as to whether it is true or whether it is not true.

Mr. CARAWAY. But assuming that it is true?

Mr. WALSH. The Senator calls my attention to the hearings on page 338 where this occurred, and this was after the count took place:

Senator BROOKHART. Here is the way this count was started. We had this board with Colonel Thayer at the head selected by the committee, with two assistants, one nominated by me and one nominated by Mr. Steck. We agreed first how these ballots should be handled. The committee took its own method and summoned them down here. If they had followed the method we agreed upon I would say that I was estopped from asserting rules of law, but that was not done. Therefore, I maintain that I can raise all the different law questions just as though we had proceeded without any agreement from the start.

Mr. CARAWAY. If he is mistaken about the committee not following his agreement, does the Senator say he is estopped? He said he was.

Mr. WALSH. I do not care to answer that question. I would prefer to make my argument in my own way.

Mr. President, much caustic criticism has been directed against Senator Brookhart in connection with the contention upon his part that with respect to these particular precincts the official count must be taken and not the count of the ballots which were returned by the local authorities. It is contended that he stipulated or it is contended that his acts had put him in the position where he is estopped from making that contention.

It will be borne in mind that that criticism as a matter of course is directed just exactly as much against the Members of this body who take the view that he is entitled to have the

official return as it is against Senator Brookhart, because those of us who support the contention that he has a right to resort to that return and that the Senate must resort to it, if the contention is correct, are condoning and indorsing and supporting this breach of ethics, to use no harsher term, upon the part of Senator Brookhart. There is no Member of this body so far as I know, and certainly I am able to speak for myself, who has any desire whatever to hold Senator Brookhart absolved from any stipulation that he made with respect to this matter. Certainly I have none. Neither have I any disposition to hold him absolved from the effect of any acts that were done by him in the course of this proceeding. I simply do not take the view of it expressed by the Senator from Arkansas [Mr. CARAWAY] and the Senator from Georgia [Mr. GEORGE]. I do not think he is estopped, and my views about the matter I am quite willing to state.

I have no doubt in the world that the matter Senator Brookhart had in mind when the remark was made, to which our attention is now directed as in the nature of a stipulation estopping him from insisting that the official count must be taken, was the preliminary proof that would be made ordinarily in the trial of a case concerning the care and custody of those ballots before they were presented in court. If this were a trial in an action at law, whenever the ballots were produced by the legal officer in whose custody they were, then would arise the question as to whether they had been properly kept, and kept not only so they were not tampered with but so that no opportunity had been afforded to permit them to be tampered with.

But, Mr. President, this lawsuit is not being tried, if it may be so described, before a judge or a court of law out in the State of Iowa and before a jury where the objections can be made in advance when the ballots are offered.

Mr. President, with respect to all these matters of which I speak, if the contestee, at the time the ballots were produced and before the envelopes were opened, did not object upon the ground that the preliminary proof of their care and custody had not been made, I dare say he would thereby have waived the objection so far as that is concerned; but, of course, so far as there was a discrepancy between the number of names on the poll list and the number of ballots in the box, he could not know anything about that until after the packages were opened and the ballots were counted. Then it became a question of law as to whether the actual count should control or resort be had to the official return. So we must distinguish between the proof concerning the care and custody of the ballots or the packages containing the ballots and the discrepancy between the actual count and the official return.

They stand upon an entirely different footing, in my estimation. One of them could be waived, I think, if the case were being tried before a court out in the State of Iowa; the other could not be waived and would not be waived.

But, Mr. President, that is not the situation. The proceedings here conform more nearly not to a proceeding at law but to a proceeding in equity, where the testimony is not taken before the judge who tries the case in actual trial but is taken before a master in chancery who has no power to dispose of anything. If the controversy were thus being tried, the objection would be made, it would be noted, the packages would be opened, the ballots would be counted, just as they have been counted here, and then, eventually, when the matter came finally before the judge of the court, as it finally comes before this body, the question would have to be determined upon the objection that was originally made.

Mr. LENROOT. Mr. President, will the Senator yield to me?

Mr. JONES of New Mexico. May I inquire—

The PRESIDING OFFICER. Does the Senator from Montana yield; and if so, to whom?

Mr. WALSH. I will yield, first, to the Senator from Wisconsin.

Mr. LENROOT. If it were a case in equity, would not this procedure have been followed: While they would have noted the discrepancy, they would have kept separately the protested ballots, so that there could have been an opportunity for the court to pass upon the question and arrive at a definite conclusion according to the theory which the court entertained? That, however, was not done in this case.

Mr. WALSH. No; I do not so understand. These ballots were opened, and if the case were being tried before a judge, as an equity case would be tried, it would have been done just exactly the same way, both sides understanding that no matter what objection was made to the introduction of the ballots in evidence it would be simply noted, the packages would be opened, and the count would actually be made.

Mr. GEORGE. No, Mr. President, the Senator from Montana is vitally wrong about that.

Mr. WALSH. I should be glad to be corrected by the Senator.

Mr. GEORGE. Specific instructions were given on the first day the subcommittee convened that not a single ballot objected to or about which counsel raised a question should go into the count.

Mr. WALSH. Exactly; but that is not the point at all. The count was made; that is, the count of the ballots concerning which there was no objection at all and those in relation to which there was a dispute were noted, and all of those went to the subcommittee. Is not that correct?

Mr. GEORGE. All of the questions, of course, went to the subcommittee; but if the Senator will read the first day's proceedings of the committee he will see that the specific instruction, the specific understanding—not vague and general—was that the counters should not take into consideration and should have nothing to do with, except to set aside for the full committee, any question about which there was any dispute.

Mr. WALSH. I understand that perfectly well; and that is just exactly what a master in chancery would do if he were taking the testimony. He would take the testimony, and with respect to a certain number of ballots no notation whatever would be made; he would make no report about those at all. That was done here with respect to ballots concerning which there was no controversy. Those with respect to which there was a controversy were reported to the full committee. Now, the point I am making is that, in view of the proceedings that were to take place, the mere matter of the agreement that certain men should represent each party in the counting of votes does not signify anything and does not operate as an estoppel of anything.

Mr. GEORGE. It signifies everything, because their agreement that a ballot was to be a good ballot was forever to foreclose the committee. That was the plain, unmistakable agreement.

Mr. WALSH. The Senator does not address his mind at all to the proposition that I am making.

Mr. GEORGE. I may misunderstand the Senator, but the Senator puts himself in this attitude, if I may be pardoned the allusion: He has just been talking about the law, and now he is over in a court of equity, applying a different rule. In one instance he is standing on the naked law and in the other he is going over to the equity side, if I may be pardoned the suggestion. The proceeding before these counters, however—

Mr. WALSH. Excuse me; I must interrupt the Senator.

Mr. GEORGE. Very well.

Mr. WALSH. I merely said that the proceeding had here very properly approximates more nearly the method of taking testimony and hearing and determining an equity case than a law case. I am appealing to no principle of equity at all.

Mr. GEORGE. I do not want the Senator from Montana to get the impression that the work done by the supervisors and counters was merely preliminary; it was final, and to be absolutely final, except as to the matters they brought back to us and said, "These are in dispute."

Mr. WALSH. I understand that perfectly well. I have not endeavored to convey any other impression.

Mr. GEORGE. Then I did not understand the Senator. So far as concerns all of the votes which they agreed upon as being good, from whatever precinct they came, whether a precinct in which the vote tallied with the poll sheets or from a precinct in which the actual ballots did not tally with the names on the poll sheets, those votes agreed to be good were counted. It was the whole purpose of the proceeding that they should be finally and irrevocably held to be good votes for one party or the other.

Mr. WALSH. All that is entirely aside from the argument I am trying to make that the votes would be counted regardless of any objection that might have been urged concerning the custody of the packages.

Mr. LENROOT. Mr. President—

Mr. WALSH. I yield to the Senator from Wisconsin.

Mr. LENROOT. Mr. President, I agree with the Senator; but what troubles me is that a proper proceeding would have segregated the contested ballots and kept them with the precincts where there was a discrepancy, because, otherwise, we would have no record upon which we could intelligently pass unless we adopted the theory of the majority of the committee. That is the difficulty here.

Mr. WALSH. I do not follow the Senator there at all.

Mr. LENROOT. They took the protested ballots from the precincts where there was a discrepancy and put them into the mass of ballots where there was no discrepancy, and consequently we have no way of knowing as to the protested ballots.

Mr. WALSH. What difference does it make whether they were kept separate or whether they were put into the mass?

Mr. LENROOT. It makes this difference, that if the Senator's theory is correct then those protested ballots are entirely out of the case, are they not? Because if we take the official return, then we ought to have, for the Senate to pass upon, the contested ballots that came from precincts where there was no discrepancy; and those we have not got.

Mr. WALSH. But no question is raised about those.

Mr. LENROOT. Oh, yes; there are protested ballots, and we do not know which is which.

Mr. GOFF. Will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from West Virginia?

Mr. WALSH. I will yield in a moment. I may be exceedingly dull, but I do not follow the Senator from Wisconsin at all.

Mr. LENROOT. There were 789 precincts in which there were protested ballots, amounting to three thousand and odd in number. Then from the precincts where there were discrepancies there were 5,400 ballots. All the ballots of both classes are put together in a common mass. If the Senator's theory is correct—and I am inclined to think it is—how are we to determine those contested ballots from the ballots from precincts where there was no discrepancy?

Mr. WALSH. This is the way I see the situation: The counters went on and counted the ballots concerning which there was no controversy, both sides agreeing that a ballot was either for Steck or a ballot for Brookhart or it was a ballot for neither of them. There is no need of keeping those separate at all.

Mr. LENROOT. No; I do not refer to those.

Mr. WALSH. They may be thrown together. There are certain ballots which were contested either by one or the other of the parties and reported, amounting to some 7,000 altogether, as my recollection is. Then the attorney for Brookhart and the attorney for Steck got together, going over the work of the counters, and they agreed upon a large number of other ballots, and those did not go before the committee but they went into the general heap.

Then the committee classified into 16 different classes the contested ballots. They disposed of those; they disposed of them apparently in a way that was entirely satisfactory to both of the parties, and those went into the general mass. But with respect to these two classes there is a controversy here upon the floor. The question is presented as to whether or not the 1,344 ballots, which we will say for the purpose of the case are in the general heap, should be counted. It does not make any difference whether they are in the general heap or whether they are in a separate package; the question is, Shall they be counted?

Mr. LENROOT. That is true.

Mr. WALSH. The character of those ballots is fully disclosed here.

Mr. LENROOT. Certainly. I am not speaking of those ballots.

Mr. WALSH. So that with reference to the ballots of the other three or five precincts, why should they be kept? It is a simple question. We have the facts about the matter; we could get no further even by an examination of the ballots. There is a shortage of 20 in one case, 22 in another, and 20 in another, comparing the ballots with the number of names on the poll list. Now, why not put them into the general heap as well?

Mr. LENROOT. Because the Senate is not following that theory in passing on any contested ballots. It is impossible for the Senate to do so, because the greater part of them should not be considered at all under that view of the law, for we take the official count that throws them out; otherwise we are counting them twice. Is not that true?

Mr. WALSH. I do not see that at all.

Mr. LENROOT. If we take the official count, and then there are 10,000 contested ballots, and count them, too, are we not counting the same ballots twice?

Mr. WALSH. But the 1,344 were not counted.

Mr. LENROOT. I am not speaking of the 1,344; I take the Senator's view as to them; but there are still a large number of ballots, and we do not know to which class they belong.

Mr. WALSH. No; there is no controversy here about those.

Mr. LENROOT. Yes.

Mr. WALSH. Who is controverting them? No question has been raised about them that I have heard.

Mr. LENROOT. There is no controversy as to how they should be counted, if they should be counted; but there is a controversy as to whether they should be counted at all or not in certain cases.

Mr. WALSH. These 1,344 ballots are not in the count.

Mr. LENROOT. I am not speaking of the 1,344; those are settled; the 1,344 of the 6,000 as to which we have information upon which we can pass our judgment; but even as to those 1,344 they should not be all counted, because part of them come from precincts where the official count should be taken, and, therefore, they should not be considered if we take the official count.

Mr. WALSH. I do not know; that might be all right; they might be duplicated in some precincts; but I have no information about that.

Mr. LENROOT. That is the point. Have we a record upon which we can pass any judgment?

Mr. GOFF. Mr. President, will the Senator from Montana yield to me for a moment?

Mr. WALSH. If the Senator will pardon me a moment, that might be all right; they might be duplicated in those precincts, but I have no information about that.

Mr. LENROOT. That is the point. It is a question of what we have here in the record. Have we a record upon which we can base any judgment?

Mr. GOFF. Mr. President—

Mr. WALSH. If the Senator will pardon me, I assume that if there should be any deduction from these 1,344 on account of these five disputed precincts out of the 1,800, the fact would be called to our attention.

Mr. LENROOT. I was referring to the 1,068 precincts in which there are discrepancies.

Mr. WALSH. But these 1,344 ballots came from the 1,800 precincts.

Mr. LENROOT. Certainly; all the paper ballots.

Mr. WALSH. Yes.

Mr. GOFF. Mr. President—

Mr. NORRIS. Mr. President, may I interrupt the Senator to suggest—

The PRESIDING OFFICER. To whom does the Senator from Montana yield?

Mr. WALSH. I yield first to the Senator from West Virginia.

Mr. GOFF. I wish to ask the Senator from Wisconsin if he will kindly descend to a greater particularity in the question which he propounded to the Senator from Montana as to the class of ballots to which he referred, as well as the precincts from which those ballots come.

Mr. LENROOT. My view is that if this question as to discrepancy was to be raised, it was the duty of the committee or their subordinates to have segregated every protested ballot that came from a precinct in which there was a discrepancy, because if the Senate shall follow the rule of law suggested by the Senator from Montana, then those protested ballots can not have any bearing on this case, because we take the official count.

Mr. WALSH. I fully agree with the Senator that it may be possible that the 1,344 should be depleted by the number of those ballots which came from the precincts in which there was an excess or a deficiency.

Mr. LENROOT. That is exactly the case; and the same is true of every other contested ballot. I do not see how we can get away from it.

Mr. NORRIS. If the Senator will permit me, there—

Mr. WALSH. I yield.

Mr. NORRIS. If the Senator's contention is right, would it not follow that the Senator is up against an absolute impossibility to determine anything, and, therefore, that there is only one thing to do and that is to take the official count?

Mr. LENROOT. That is the natural conclusion, unless it is possible to segregate these ballots and get the information.

Mr. GOFF. Mr. President, if the Senator from Montana will be good enough to yield further for just one other question, as I understand the position of the Senator from Wisconsin, it is confused in this: He refers to 1,068 precincts, in none of which, as I understand—and in that regard I agree with the Senator from Montana—were there any protested ballots. He does not descend to the particular of showing any specifically protested ballot there.

Mr. LENROOT. Yes; I gave the Senator—

Mr. GOFF. Just one moment. The general argument which has been advanced was that there was a shortage or a discrepancy between the poll lists and the ballots in the official

containers, and that that discrepancy had averaged, as the Senator from Georgia so clearly stated yesterday, about 3 ballots plus to a precinct. There would be no opportunity for the counters or those representing the Committee on Privileges and Elections to have segregated such ballots, because none of those ballots were protested; and when the Senator from Montana says there is no difference here now in allowing such ballots, if they were ever identified, to go back into the general mass, I quite agree with his conclusion.

Mr. LENROOT. Will the Senator yield?

Mr. GOFF. Certainly.

Mr. LENROOT. I rely wholly upon the statement of Mr. Turner that, instead of there being no protested ballots from those 1,068 precincts, his report shows that there were 5,463 protested ballots in those 1,068 precincts.

Mr. WALSH. But those protests were all disposed of.

Mr. LENROOT. Disposed of by agreement that if they were to be counted they should be counted in a certain way, but not disposed of if the theory of law proposed now is to be accepted.

Mr. GOFF. I will say to the Senator from Wisconsin that they were so disposed of, and those ballots to which he refers were among the protested ballots which were disposed of by the supervisors with the full knowledge and consent of the attorneys for the contestant and contestee.

Mr. LENROOT. Mr. President, let me ask the Senator a question. Those 5,463 ballots, then, were counted for either Brookhart or Steck?

Mr. GOFF. Yes, sir.

Mr. LENROOT. Then if we now take the official returns from those 1,068 precincts, we will be counting twice to that extent, will we not, in arriving at a result?

Mr. GOFF. That would not necessarily follow, because that would involve the speculation as to whether or not the official count in all of those precincts exceeded the recount. Wherever it did not, of course, there would be no duplication; but if there was a difference or a discrepancy, there would be a duplication.

Mr. CARAWAY. Mr. President, may I ask the Senator a question at that point?

Mr. WALSH. I yield.

Mr. CARAWAY. Anybody who insists on taking the official count must insist, then, on having votes given to one party or the other that he knows were not cast for him, because the official count shows that some votes were counted for Mr. Steck that he never received, and that some votes were counted for Mr. Brookhart that he never received. To insist on going back to the official count in those townships is to insist on letting the election be decided by what we know is an error of the official count; is it not?

Mr. GOFF. Of the official managers in Iowa.

Mr. CARAWAY. Absolutely. The Senate must accept that, and must decide the contest on several thousand fewer votes than we know now to have been cast.

Mr. LENROOT. The Senator will agree that we ought not to take the recount and then add to that the 5,000 ballots that have been recounted.

Mr. CARAWAY. Absolutely.

Mr. LENROOT. That is the point I am making.

Mr. CARAWAY. You ought not to have the advantage of the objected-to ballots, and have them added to your plurality, and then go back and insist on the official count, which also increases it. There ought to be no recount, or there ought to be a complete recount.

Mr. LENROOT. If the theory of law proposed by the Senator from Montana is correct, then for the Senate to pass an intelligent judgment those ballots will have to be segregated, and we will have to find out how it is agreed that those ballots, coming from these precincts where discrepancies occurred, were in fact counted.

Mr. GOFF. Does the Senator refer to the 3,570 ballots?

Mr. LENROOT. No; I am not referring to the discrepancies at all. I am referring merely to the protested ballots from precincts where there were discrepancies.

Mr. CARAWAY. There were 9,000 protested ballots. They are taken from all the paper ballots. There were discrepancies in the machine vote. Mr. Brookhart gained 774 votes upon the recount or the rereading of the machine ballots. There are 1,056 or 1,068 precincts in which there was a discrepancy from 1 vote up or down, one way or the other.

I do not think there was a single lost ballot. I think if they had wanted to raise that question—which they did not want to raise, although they knew it from the beginning—they could have examined the poll list or examined the envelopes that contained what are called spoiled ballots or

defective ballots and found enough to have accounted for everything they wanted, barring some few mistakes that necessarily occurred.

All those questions were before the recount board, and they passed on every one of them, and the committee let them settle every question in it. They settled definitely how nine hundred and ninety-some-odd thousand of them voted. There were 1,000,000 votes cast, in round numbers; and there was not a vote given to Steck that Brookhart did not agree he ought to have, and there was not a vote given to Brookhart that Steck did not agree he ought to have, until we get down to 4,000 votes; and they were before the committee, and they are before the Senate.

Mr. LENROOT. Mr. President, will the Senator yield for one other question?

Mr. WALSH. I yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to get some information from the Senator from Arkansas. Here were 9,000 contested ballots.

Mr. CARAWAY. Yes, sir.

Mr. LENROOT. Does not each ballot show on its face the county and precinct where it belonged?

Mr. CARAWAY. Absolutely.

Mr. LENROOT. What makes the impossibility, then, of getting the facts about these protested ballots?

Mr. CARAWAY. I do not know that anybody has said that it was impossible, except this: These 990,000 votes were mixed. Some of them have been sent back to Iowa. Whether others have been properly cared for or not, nobody knows. The envelopes in which they have come have been torn up in some instances, and in some instances they are here yet. All the things that would have made certain the ability to determine exactly whether or not there was a discrepancy are gone. There was a difference, because you can take Brookhart's sworn statement of how many votes he got and how many Steck got, and each of them is found to have been entitled to more votes than that by more than a thousand—between three and four thousand votes between them. So everybody knows that the official count was wrong; and in nearly every township in which they went the men who were selected by the contestant and the contestee and their lawyers went over them and admitted that they had been counted wrong, and brought in a different result and assented to it.

Mr. HOWELL. Mr. President, what precincts were those?

Mr. CARAWAY. All the 1,068, and the machine ballots. Everything that was done was agreed to. Not one of these 4,000 votes, in round numbers, could have gone into Mr. Steck's column unless a representative of Mr. Brookhart agreed that he was entitled to it and unless the Secretary of the Senate agreed that he was entitled to it, and the representative of Mr. Steck, of course, agreeing to it; and then their lawyers had to ratify what was agreed to.

Mr. LENROOT. Are these 9,000 contested ballots still kept segregated?

Mr. CARAWAY. No; they are not, as I understand—

Mr. WALSH. Mr. President, I have been reasonably courteous, I think, in permitting discussions in the course of my argument.

Mr. CARAWAY. I beg the Senator's pardon; I just want to answer that one question, but I will refrain from doing so.

Mr. HOWELL. Mr. President—

Mr. WALSH. Does the Senator desire to ask me a question? If so, I yield to him.

Mr. HOWELL. Will the Senator allow me to make a statement in reference to the machine ballots and the protested ballots?

Mr. WALSH. I would rather not have that done at this time. It is aside from the argument that I desire to make.

Mr. President, I agree with the Senator from Wisconsin that to arrive at the correct result such ballots within these four or five disputed precincts as were marked as the general 1,344 were marked and were not counted for Brookhart should be deducted from the total vote given to Brookhart, because otherwise there would be a duplication there; but, Mr. President, it does not change the situation at all, because it is utterly impossible for us to determine how many such votes were cast in those four or five precincts. Consequently we are unable to determine the exact result, so that the situation is not changed at all by reason of that fact. That is to say, we do not know how many such ballots there were there, and consequently we can not determine the exact amount. I can not believe that in those five precincts out of all the ballot precincts the number could be very considerable.

Mr. CARAWAY. May I ask the Senator why he segregates the five precincts and differentiates them from any other precincts?

Mr. WALSH. I differentiate those because those are the only ones that are before us.

Mr. CARAWAY. No; the Senator knows, if he will read the brief of his own contestee, that other precincts were in exactly the same condition.

Mr. WALSH. Yes; I understand that. In 1,068 precincts there was a discrepancy between the number of names on the poll list and the number of ballots in the box. I had purposed to refer to that as my argument progressed, and it has been somewhat chopped up thus far.

The point I was making, Mr. President, was that in view of the way in which the contest proceeded—and it was the only way, in substance, in which it could proceed—the fact that Brookhart agreed to appoint a man who was to assist in counting the votes as they were returned is by no means an agreement that he was going to accept the count of the ballots in the box rather than insisting that the official count should be taken. I see nothing approaching a disregard of any stipulation in that particular.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. WALSH. Yes.

Mr. CARAWAY. After everything was known about this matter that the Senator from Montana now knows, Mr. Mitchell, who represents Mr. Brookhart, said "There is not anything in dispute now except possibly two or three hundred votes and how these 9,000 votes ought to be counted." If the Senator will examine the record, he will find that the only thing the committee undertook to pass upon was a straight recount. That appears in the record. I can get the page in a moment. He said the only thing was a straight recount. I will not interrupt the Senator, but I will indicate the page in the record later.

Mr. WALSH. In that situation of affairs, all that could be done was what was done, to note on the work sheet the number of ballots in the box and the number of names on the poll list. The only time when the question could be presented was after the counters had reported their proceedings, and what they found, to the committee. When they did that, the colloquy occurred, which appears at page 63.

Mr. CARAWAY. That is when Mr. Mitchell said the only thing was a question as to two or three hundred votes? The whole matter was known to him then.

Mr. WALSH. Exactly. That is what I am trying to say, that the first time when it could be appropriately done, the attention of the committee was called to the fact that there was a discrepancy between the number of names on the poll lists and the number of ballots in the box.

Mr. CARAWAY. I can not let that go unchallenged, because it was agreed that everything they wanted to object to they must object to, and as to every vote they did not expect to concede they must file their objection. They let all the votes in these precincts be counted, and they took a vote from this and that township and made up an official lot of disputed ballots, and came with them to the committee and said, "These are all we want you to pass upon." Then Mr. Mitchell said, "Possibly there may be a question of two or three hundred votes." I myself asked him if he wanted to take any evidence with reference to them, and he said no. He never again referred to those two or three hundred votes.

Mr. WALSH. I have asserted that there is nothing in the record to which my attention has been called which is to the effect that Mr. Brookhart agreed to abide by the result of the count of the ballots in the box, to the exclusion of the official return, in case there was a discrepancy. If there is anything of that kind, I shall be glad to have the Senator call my attention to it.

Mr. CARAWAY. But the Senator—

Mr. WALSH. I do not care to have the Senator argue his case again in my time.

Mr. CARAWAY. I always yielded to the Senator even on Monday, when I attempted to open the case, when I hardly got time to say a word. But I shall, of course, not interrupt the Senator. I yielded three-fourths of my time to the Senator and others when I had the floor. But I am perfectly willing to refrain from interrupting the Senator.

Mr. WALSH. It seems that I can not engage in a discussion with the Senator from Arkansas on this floor, when we are on opposite sides of a question, without unpleasantness.

Mr. CARAWAY. If there was anything unpleasant, it was on the part of the Senator. I never was in better humor in my life. I am really enjoying myself.

Mr. WALSH. I assert that at the first opportunity the attention of the committee was called to this discrepancy, and

I can not understand how anyone can contend that there had been theretofore or that there was then any waiver of this point.

Mr. CARAWAY. May I just say, with all due deference, that the Senator himself said that he was estopped if he had agreed to the manner in which they brought them here?

Mr. WALSH. I have discussed that.

Mr. CARAWAY. I know it.

Mr. GOFF. Mr. President, will the Senator yield for a question?

Mr. WALSH. I yield.

Mr. GOFF. It is disclosed by the record that the contestant and the contestee were represented by experienced, competent, and reliable supervisors. As the recount of the votes progressed these supervisors reflected on the work sheet what the vote from the different precincts disclosed.

Mr. WALSH. And they reflected on the work sheet that with respect to these precincts there was a discrepancy between the number of votes in the box and the number of names on the poll list.

Mr. GOFF. Wherever that occurred.

Mr. WALSH. Yes.

Mr. GOFF. Do I understand the Senator to contend that these supervisors did not, as a matter of fact, disclose to their respective principals the condition of the recount as it progressed? If they did, as a matter of fact—because in law the principal was presumed to know—would it not have been open to the attorneys to have them come before the committee as the recount progressed and have raised these very questions which were subsequently suggested to the subcommittee in a general objective form?

Mr. WALSH. I do not know. They might have done that; but they did not do it.

Mr. GOFF. If they did not do it, did they not refrain from doing it presumably because they were satisfied with the recount, as they were making that recount subject to such protests as they recorded upon the work sheets?

Mr. WALSH. Exactly; they were perfectly satisfied with the recount of the ballots in the box. No one questions that at all. That is what they were there for, to satisfy themselves concerning the status of the case as disclosed by the ballots in the box. They also noted on the work sheets that the ballots in the box did not conform to the number of names on the poll list, and at the first opportunity when the matter came before the committee they called attention to that fact, as I now proceed to read, as appears on page 63:

The CHAIRMAN. And those who are interested in the contest were also permitted to go over them with you?

Mr. PARSONS. Yes. They have not been heard, but I suppose they have that right.

The CHAIRMAN. They have not requested it?

Mr. PARSONS. No.

Senator WATSON. In other words, they are not interested in counting the ballots, but they come in on another issue.

Senator GEORGE. All of the ballots cast in the election have been brought to Washington and have been gone over?

That appears to have been the first knowledge he had of the thing. I continue:

Mr. PARSONS. Yes.

Senator GEORGE. And there is no dispute arising about any omission of ballots?

Mr. PARSONS. None that I know of.

Mr. MITCHELL. There may be a question of discrepancy between the ballots and the poll books.

What does that mean? That means, "We found a discrepancy between the ballots and the poll books, and we want to reserve the right to argue that question before this committee, and the effect of it."

Senator CARAWAY said:

How many votes will likely be involved in that?

Apparently at that time he considered that that was an open question. He wanted to know how many votes were involved in that part of the controversy. Then the answer comes from Mr. Mitchell:

I would not think more than 200 or 300.

It is quite obvious that Mr. Mitchell was quite in error about the matter. But what is the difference whether it was 200 or 300, or whether it was two or three thousand? He was reserving the question of the effect to be given to the fact that there was a discrepancy between the number of names on the poll list and the number of votes in the ballot box.

All this goes to the question of the right of Brookhart to insist that the official count must be taken with respect to these precincts rather than the count of the ballots in the box. I can not believe that there was any waiver whatever of the right. The fact that he appointed counters simply indicated that he agreed to count the ballots that were in the boxes, without any agreement whatever on his part to the effect that if the number of ballots in the box were short of the number of names of the poll list he was to have the right to insist that the official count should govern.

Mr. BAYARD. Mr. President, does the Senator then absolutely disregard the statement of Mr. Brookhart, appearing on page 338, to the effect that had the original stipulation been held to he would have been precluded from raising this question?

Mr. WALSH. I will give the Senator my view about that. At that place Senator Brookhart was undoubtedly referring to what we might speak of as the preliminary proof—that is to say, the proof that the packages as they came to the auditor from the local judges of election had been carefully preserved, that they had not been tampered with, and that no opportunity had been given to tamper with them. He insisted that if the ballots had been brought here after a representative of each party had been in the office of the auditor when he took them and put them in the mail bag, and they had an opportunity to observe them, he could not raise that question; but that now, in view of the fact that they did not proceed in that way, he had the right to raise the question that the ballots did not come from the proper custody, and he refers in that connection to the 67 precincts from which the bags came unsealed, as it is reported upon the work sheet.

At pages 224 and 225 there will be observed a list of the precincts from which the packages came unsealed. The Senator from Georgia [Mr. GEORGE] tells us that in the cases of most of these packages it was just a matter of the breaking of the sealing wax from the handling of the bags, and he calls attention to the testimony of Mr. Thayer that it did not appear as if they had been tampered with. But Senator Brookhart was contending that he still had the right to insist that the proof had not been made that these ballots had been correctly kept, and that no opportunity had been given to tamper with them. That remark of Senator Brookhart, to my mind, has absolutely nothing whatever to do with the matter of discrepancy between the number of names on the poll list and the number of ballots in the box.

Mr. BAYARD. Let me suggest to the Senator that a careful reading of the argument at that point will disclose, I think, as I read it, at any rate, the fact that Senator Brookhart refers us to the first stipulation signed by himself and counsel, and by Mr. Steck and counsel, in which it was provided that the representatives of both parties should go to the county officers and see that the packages of votes were properly sealed, and make any comment and notation at that time in regard to their being unsealed. He says in his statement there, as I read it in connection with the argument at that time, that had that been carried out he would have been precluded from going into the question of the shortage of ballots.

Mr. WALSH. I do not understand it that way. Let me ask the Senator where he gets that conclusion.

Mr. BAYARD. It is immediately prior to that, in the first few pages. The whole question was raised as to the right of Brookhart or his counsel to raise the point at that time.

Mr. WALSH. Unless the Senator will call my attention to some specific place—

Mr. BAYARD. Thereafter the first stipulation was followed by consent of counsel. That appears from Mr. Thayer's affidavit, and there is also in the office of the Sergeant at Arms, or in the office of the Secretary of the Senate, a telegram from Mr. Mitchell confirming that stipulation. So, in either event, it is a stipulation made on behalf of Mr. Brookhart. If he is bound by the first, he is bound by the second, which is a variation of the first, because the stipulation was varied in accordance with his agreement that what was done by counsel should be considered as having been done by him. If my contention is correct, he is just as much bound by the second stipulation as he is by the first. I rose to ask the Senator, in view of the statement of Senator Brookhart at the time to which he was referring, whether or no the committee at this time could go into the over and short ballots in whatever number of precincts they say should be counted.

Mr. WALSH. I have read it, and if the Senator can find anything in the record that he thinks indicates that fact, I shall be glad to be interrupted by him.

Mr. BAYARD. It is open to the Senator himself if he wants to read it. That is my construction.

Mr. WALSH. I have read it, and I submit there is no reference whatever to the matter of discrepancy to which I am addressing myself.

Mr. BAYARD. If the Senator will pardon me further, does the Senator state there is no reference made only to the discrepancy, or to the whole question of opening the ballot boxes? Senator Brookhart's contention was manifestly—

Mr. WALSH. My statement is to the effect that there is nothing in that stipulation which indicates that Senator Brookhart would be unable, by reason of any stipulation he entered into, to insist upon the point that there was a discrepancy between the number of ballots in the box and the number of names on the poll list.

Mr. BAYARD. The reason why I make my statement is this: I think in substance that what he demanded was the right to go back to the return, to determine the vote on the basis of the return made by the election officials to the Federal county auditors. As I recollect it, that was what he considered to be the general law, except that but for this stipulation he could have done so, but the stipulation standing in his way he could not do it. If he could do that, then the question of over and short votes was necessarily a part of his contention.

Mr. WALSH. It is perfectly obvious that if the original stipulation had been carried out there would be no means of Mr. Brookhart knowing anything about whether the number of ballots was short or not. That never could be disclosed until after the count was made.

Mr. BAYARD. I think that is quite true, too.

Mr. WALSH. How can it be said that by stipulating that there should be a representative of each party at the time the packages were delivered by the auditor for the purpose of transmitting them to Washington he waived the question of the discrepancy, which could not possibly be disclosed and which could not be known to him?

Mr. BAYARD. Senator Brookhart's argument follows that of Mr. Mitchell, his counsel, and Mr. Mitchell's argument is in substance that they had a right under the Iowa law to insist upon it that Mr. Steck should have proved to the committee down here, and therefore to the Senate, that all the records after the closing of the polls were kept inviolate. That was the original contention and Senator Brookhart was following that line of argument.

Mr. WALSH. I have read the statement and now that the Senator from Delaware raised the question again I am going to put it all in the record again. The statement of Senator Brookhart is found at pages 338 and 339 of the record of the hearings, and is as follows:

Senator BROOKHART. Now, Mr. Chairman, I want to make my statement in full of this situation as I see it. I am not in dispute with most of the facts as stated, especially with the way in which Senator GEORGE has described them.

Senator GEORGE. I stated merely the method that was followed.

Senator BROOKHART. Here is the way this count was started. We had this board with Colonel Thayer at the head selected by the committee, with two assistants, one nominated by me and one nominated by Mr. Steck. We agreed first how these ballots should be handled. The committee took its own method and summoned them down here. If they had followed the method we agreed upon I would say that I was estopped from asserting rules of law, but that was not done. Therefore, I maintain that I can raise all the different law questions just as though we had proceeded without any agreement from the start.

They came down and started the count of these ballots. Nobody knows about their condition because we had not examined them in the State as this stipulation provided, and it was not my fault that that was not done. The committee had the right to do it the way it did. There is no challenge of that whatever. We had made it easy so that the preliminary proof of identity and the care and keeping were unnecessary and signed this stipulation to make it easy for the committee, but the committee did it the other way.

It is perfectly obvious that what he was referring to was that the proof of identity and the care and keeping was unnecessary.

Mr. BAYARD. Yes; but having waived that proof of identity and care, is he not bound by the condition of the boxes and bags when they got down here?

Mr. WALSH. Not at all. He would not know anything about what the boxes contained before they were opened.

Mr. BAYARD. Then why does he assert that he does know all about it, as he did in his reply to Mr. Steck's contest petition?

Mr. WALSH. I think that language can not be misinterpreted. He was maintaining that under the circumstances he

could still insist that the preliminary proof concerning the identity and the care and the keeping of the ballots could be urged by him and that he could further insist upon the proof shown in the record concerning the breaking of the seals as reported.

Mr. JONES of New Mexico. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Mexico?

Mr. WALSH. I yield.

Mr. JONES of New Mexico. The procedure, as I understand it, was that the ballots from the respective counties came here in one or more containers. The people who were doing the counting, Mr. Brookhart being represented among them, were directed to take the ballots and segregate them, putting in the one pile the unobjected ballots and in another pile the contested ballots or the ballots about which there was a dispute. As I take it, the ballots of each county were thus treated as distinct from the general mass of ballots. Could not Senator Brookhart at that time have ascertained whether there was any discrepancy in the number of ballots coming from each county as compared with the poll list?

Mr. WALSH. Of course, as each precinct was canvassed, he would determine that.

Mr. JONES of New Mexico. As each precinct was canvassed, yes. Taking the analogy that the Senator referred to earlier in his address of a proceeding before an examiner, in that case before taking the unobjected ballots and putting them into a receptacle for all ballots, after he could have ascertained whether or not there was a discrepancy between the number of the ballots coming from the precincts, respectively, and the number of names upon the poll list, should not he at that time have made this objection regarding the discrepancy; and if he failed to do it, would he not be estopped? As I take it, if it were a proceeding in equity where the matter was being carried on before an examiner, while the examiner would not have the right to pass upon the objections which were made, yet the parties concerned would be required to make their objection at the time and before the examiner.

Mr. WALSH. But the Senator will bear in mind that the opening of the packages and the counting of the votes and the segregation of the protested ballots from those concerning which no question arose was conducted by two laymen, not lawyers at all, but by two laymen, and they did just exactly what they were expected to do. They said there are a certain number of ballots here that are agreed to by both sides and there is no controversy about those at all; so many for Brookhart—

Mr. JONES of New Mexico. Agreed to for what purpose?

Mr. WALSH. To report to the committee.

Mr. JONES of New Mexico. Absolutely.

Mr. WALSH. Then they set aside those ballots concerning which any question was raised, and they made a notation to the effect that the number of names on the poll lists was so many, and the number of ballots in the box were so many. What more could have been done there?

Mr. JONES of New Mexico. At that time, before those ballots were accepted as uncontested ballots and put into a general receptacle for all uncontested ballots, would not both of the parties to the contest be required, if they had any objection to the counting of those ballots as uncontested ballots, to state their objection?

Mr. WALSH. But they were not there and were not expected to be there. The facts in relation to the situation were to be reported to the committee by the two supervisors who were laymen, just merely to report the facts.

Mr. JONES of New Mexico. Then, if that be true, if it was not the duty of those counters to ascertain the difference between the poll lists and the number of ballots there—

Mr. WALSH. But it was their duty, and they did their duty.

Mr. JONES of New Mexico. Then, if it was their duty, why should not objection have been made at that time to counting those uncontested ballots and before they were thrown into a common receptacle?

Mr. WALSH. But why protest? Why object to them at all? Here is the fact reported that there is this discrepancy, and the fact is reported that there are so many for Steck and so many for Brookhart.

Mr. JONES of New Mexico. Then, if objection on that ground was raised at the time, why should they have counted those ballots at all; and if objection was not raised at that time, how can the objection be now raised?

Mr. WALSH. They could not determine the fact until the ballots were counted.

Mr. JONES of New Mexico. But they were determining it from county to county, as I understand, and as the ballots

from the particular county were being canvassed and assorted, as narrated here, they were putting off to one side the uncontested ballots, and then having done that and having also understood, as the Senator now states, and ascertained that there was a discrepancy, yet notwithstanding that discrepancy they went ahead and put those ballots into a receptacle for uncontested ballots and counted them, and all parties were there counting and accepting them as bona fide ballots.

Mr. WALSH. If the Senator will recur to the proceedings before the examiner or master, and bear in mind that the lawyers were not present at all and were not expected to be there, I can not conceive of anything that could be done except what was done.

Mr. JONES of New Mexico. The examiner in an equity proceeding is not necessarily a lawyer.

Mr. WALSH. Certainly not.

Mr. JONES of New Mexico. He certainly has no power to pass upon objections.

Mr. WALSH. Not at all.

Mr. JONES of New Mexico. And those people were, as I take it, in a somewhat similar position. While they were not permitted to pass upon any objection, yet if there was anything occurring to which objection could be made, was it not required of them to make it?

Mr. WALSH. No; they were not to make any objection at all.

Mr. JONES of New Mexico. Their attorneys, as I understood, were to control.

Mr. WALSH. No; that is not the case. The Senator makes a mistake. The attorneys were not there at all.

Mr. GEORGE. I hope the Senator from Montana will pardon me at that point while I read from the record itself of July 20, 1925.

Mr. WALSH. From what page is the Senator intending to read?

Mr. GEORGE. On page 4 of the record of July 20, 1925. Present at that meeting were not only the representatives of the contesting candidates, that is, Senator Brookhart and Mr. Steck, but also the counsel of record for both. On page 4 of the record this language occurs:

Mr. PARSONS. My thought in coming down at this time is this, that certain questions will arise with regard to different ballots, but they will all classify themselves into about half a dozen lists, not more than that. I thought that we would stay here at least until most of the questions had arisen, so that arrangements could be made to take our exceptions to all of that class of ballots.

Senator ERNST. You can advise your supervisors as to what objections you would want them to make, and counsel on the other side can take a similar course.

Mr. PARSONS. Yes, that is true.

Senator ERNST. I think that would be very helpful all around.

Mr. PARSONS. I think so.

That was concurred in. Present were not only the counters but counsel for the respective parties. The counsel remained here until the count was well under way. I do not mean until the whole count had been gone through but until such questions as they wished to have their counters make had been raised.

Mr. WALSH. I think, Mr. President, it is perfectly obvious that all of that related to objections that might be taken to particular ballots. The ballots were before the counters, but they were not instructed to make any objections such as the one that is now being urged. They were not competent to make an objection of that character; they had no instructions with respect to that matter. All of this refers to the matter of counting the ballots.

Mr. JONES of New Mexico. Then let me inquire, why did they ascertain the discrepancy?

Mr. WALSH. I was going to come to that. They ascertained the discrepancy because they were called upon to bring down here the poll lists. What did they want the poll lists for?

Mr. JONES of New Mexico. If it was a part of their duty to ascertain the discrepancy, was it not the duty of the parties knowing that to make the objection at the time?

Mr. WALSH. I do not think so. I think that every question of law was reserved for presentation to the committee; the question as to whether a ballot should be counted for Steck or for Brookhart as well as the question whether the official count should be taken or the count of the ballots.

Mr. BAYARD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Delaware?

Mr. WALSH. I yield.

Mr. BAYARD. Does it not appear, as a matter of fact, in this record that during a great part of the actual count of the ballots when they came down here Mr. Brookhart was represented by Mr. Cook? Was Mr. Cook not Mr. Brookhart's political manager; and is it not fair to assume that Mr. Cook, as Mr. Brookhart's political manager, knew the value of errors, if any, or of mistakes, if any, or anything to be done of that character, as political manager for Mr. Brookhart?

Mr. WALSH. I simply say that I do not know of any time at which this question could be raised except when it was raised.

All this, Mr. President, goes to the question of waiver, either by stipulation or by the act of Mr. Brookhart or his representative.

Mr. GOFF. Mr. President, will the Senator yield for a question before he leaves that branch of the discussion?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from West Virginia?

Mr. WALSH. I yield.

Mr. GOFF. Do I understand the Senator to contend, in view of this preliminary understanding between the parties represented by their counsel and their supervisors, and in view of the fact that the state of the recount was from day to day reported to the attorneys, that it was not their duty at that time to raise these questions of law before the committee?

Mr. WALSH. I would think that that was not in accordance with the understanding at all. A precinct is encountered where there is a discrepancy between the number of names on the poll list and the number of ballots in the boxes. The committee, we all understand, was scattered all over the United States. I think it is an absurd idea that the proceedings should stop there, that the committee should be assembled and the question be presented as to whether or not the particular ballots should be counted.

Mr. GOFF. I did not say—

Mr. WALSH. Let me proceed. Let us go back again to the analogy of this to a chancery proceeding. An objection is made to testimony before the examiner or the master; it is insisted that certain testimony that is offered is entirely incompetent. If it were an election contest, and it were insisted that the number of ballots in the box should not go down on the work sheet at all for either candidate, because with respect to them the official count must be taken, would the proceedings stop and would the parties go into court and present that matter to the court in order to secure an adjudication of that question? Not at all.

Mr. GOFF. The parties could do so.

Mr. WALSH. But it would be contrary to the usual practice, and I insist that it was contrary to the understanding here that anything should be done, because the committee was not at hand so that the matter could be presented to them at all; they were scattered all over the United States.

Mr. GOFF. That, of course, assumes, does it not, that somebody representing the committee could have been brought to the city or that the committee could have been brought together for the purpose of rendering the count more accurate?

Mr. WALSH. I think the understanding was perfectly clear that the facts should be noted and that the questions involved should be presented to the committee when they should reassemble.

Mr. BAYARD. Mr. President, will the Senator indulge me just a moment more?

Mr. WALSH. Yes.

Mr. BAYARD. It appears from the record that there were some 1,068 precincts, I think, where the ballots were over or short in the count; and it appears that in the early part of the proceedings evidence of such matters came out, and during that time Mr. Cook, who was representing Senator Brookhart at the recount here in Washington, who was, as I have said, his political manager during his campaign in the election of 1924, was present. Is it not fair to assume that Mr. Cook would have had sufficient knowledge of the election laws of Iowa after the first over or short precinct was demonstrated at once to have said, "Hereafter the first thing we will do is to count the number of ballots in the sack, and the next thing we will do will be to go to the poll lists and see if the number of names on the poll lists does not correspond with the number of ballots; and if they do not correspond, we will seal them up and turn them back to the committee for inspection and proof?" Would not that have been the rational thing to do?

Mr. WALSH. I do not think so.

Mr. BAYARD. It is done in election contests in the States, is it not?

Mr. WALSH. I do not think so. I do not think that would have been a reasonable thing to expect of any of them.

Mr. BAYARD. If Mr. Cook had been ignorant of the matter, perhaps, that is so.

Mr. WALSH. I think the reasonable thing is just exactly what they did; note the fact, and report the fact to the committee, along with other facts which they noted.

Mr. BAYARD. And go on counting votes which they knew, from their contended point of view, would be absolutely futile?

Mr. WALSH. They did not know whether that view would be taken by the committee or not. They, therefore, reported all the facts, so that if the committee ruled that the ballots in the box controlled it would not be necessary to go back very far.

Mr. BAYARD. But, having counted those votes, allocating them to one or the other candidate would involve a different proposition. If they had merely counted the number of votes in the sack and the number of names upon the poll lists and found a discrepancy in the over or short precincts after the first discrepancy, from that time on they were on their guard and Mr. Cook, an experienced politician, and, as I think well charged with information on the Iowa laws, from that time on could have said, "From now on in every one of these precincts we will open the sack, we will go to the poll lists, see how many names of voters appear thereon, see how many ballots are in the sack, and if they do not agree, we will make a note on the sack and the committee will say whether we shall count these ballots for the one or the other party."

Mr. WALSH. They did not know whether the committee were willing to do that.

Mr. BAYARD. They could have said, "We will take this back to the committee." The committee was accessible.

Mr. WALSH. I do not think that was a reasonable thing to expect.

Mr. JONES of New Mexico. The Senator from Montana, I take it, is insisting that in such a case the official count should be accepted. Did it not appear also that there was a discrepancy between the poll list and the official count?

Mr. WALSH. I am so told.

Mr. JONES of New Mexico. In that case, why should we go back to the official count rather than take the ballots which were counted?

Mr. WALSH. Because you can not impeach the official count except by the ballots.

Mr. JONES of New Mexico. The official count is impeached by an examination of the ballots in the same way that the Senator says this count is impeached.

Mr. WALSH. No; we have got to accept the official count until it is overturned by the contestee.

Mr. JONES of New Mexico. Everybody, as I understood, consented that the official count was not accurate; that it was, for the purpose of this case, contended by both parties to the contest, that the official count was not accurate; and they found the official count just as much at variance with the poll lists as they did the count which was made by the supervisors.

Mr. WALSH. The result of that will be that we can not depend upon either and the case of the contestant has not been made.

Mr. JONES of New Mexico. The result of that, it seems to me, is that we ought to accept what the parties themselves at the time did accept, and that was the ballots which they counted.

Mr. WALSH. Mr. President, that would end the whole controversy. If there is anything in this record which shows that the parties did agree to accept the count of the ballots in the boxes, regardless of whether they conformed to the poll lists or not, that ends the controversy. If I have wasted two hours and a half of the time of the Senate in talking about this matter in the face of such an agreement, I really feel like apologizing to the Senate; but I said in the beginning that I find nowhere in the record any such agreement.

Mr. JONES of New Mexico. Perhaps I did not express myself as I intended to do. It, at least, appears here that the parties themselves counted about 900,000 votes to which no exception was made; exceptions were made to about 8,000 others, and those exceptions were thrashed out before the committee.

Mr. WALSH. Exactly.

Mr. JONES of New Mexico. The parties to this contest are not children; they are not imbeciles; they are men of high standing and character and, it seems to me, ought to be responsible for the result of their own acts. When they go to work deliberately and make this count and no objection is made to it, and when it appears that any other theory for disposing of this case is admitted to be wrong, then why should not they

accept that which they themselves did and which they would not have done if they had not believed it was done for some purpose?

Mr. WALSH. Of course, so far as the Senator from New Mexico is concerned, I have wasted this time, because I started out with the proposition that they were obliged to have a recount anyway. As the case was conducted, the count would have to go on, whether eventually the count was to determine the matter or whether the official count with respect to particular precincts was to determine it.

Take Winterset precinct, where there were 194 votes short. What about that? They went on and counted the votes just exactly the same.

Mr. JONES of New Mexico. No.

Mr. WALSH. Of course they did.

Mr. JONES of Mexico. I am advised differently. I understand that as to that precinct they agreed not to count the ballots.

Mr. WALSH. Oh, no; they counted them.

Mr. JONES of New Mexico. That they agreed to take the official count as to that precinct?

Mr. WALSH. They counted them just the same, and the count showed—

Mr. JONES of New Mexico. Of course, they physically counted them.

Mr. WALSH. Exactly.

Mr. JONES of New Mexico. But the count did not go into the tabulation.

Mr. LENROOT. It will be found in the record on page 248.

Mr. GEORGE. No; it did not go into the tabulation.

Mr. LENROOT. It went into the record, not the tabulation.

Mr. WALSH. They determined just how many votes went for Steck and how many for Brookhart?

Mr. GEORGE. It did not go into the tabulation. No votes were taken out of that package and put either with the good votes or the contested votes.

Mr. WALSH. Certainly, it did not go into the tabulation; everybody agrees to that; but they went on and counted the votes just exactly the same and reported what the facts were, and then both parties agreed that in view of this discrepancy the official count was to be taken.

Mr. JONES of New Mexico. But as to all the others when they made their count that count went into the tabulation.

Mr. WALSH. Exactly.

Mr. JONES of New Mexico. And the ballots which thus were counted and went into the tabulation were then thrown into a common receptacle, and unquestionably with the idea that as to those ballots there was no longer any question from any source or for any reason.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. LENROOT. That was because Mr. Steck's representatives would not agree with reference to those other four precincts to the same rule that was applied to the Winterset precinct; but the work sheet is in the record, and was submitted to the committee—

Mr. JONES of New Mexico. And the committee decided that that was the thing to do?

Mr. LENROOT. They decided that they would not take the official count, and would accept the recount in those precincts.

Mr. JONES of New Mexico. Yes; so objection, then, as I understand, was made to four precincts?

Mr. LENROOT. That is right.

Mr. JONES of New Mexico. And no objection was made to any other precinct. Now, Mr. President, we are getting at the facts of this case. I should like to know of the Senator from Montana what he has to say in answer to that proposition—that here, regarding this very question, objection was made to the count in four precincts, but was not made as to the count in all those hundreds of other precincts where it might have been made on the same ground.

Mr. WALSH. Quite so; quite so.

Mr. JONES of New Mexico. Now, then, having made objection to four precincts and not making the objection to the other precincts, would not any person in the trial of an ordinary proceeding say that they waived any objection upon that ground to any other precinct?

Mr. WALSH. I do not think that question presents itself at all. We are urging that with respect to these four precincts the official count be taken, that Mr. Brookhart is elected, and we do not need an agreement as to them.

Mr. GEORGE. But, Mr. President, let me call the Senator's attention to the fact that there are 68 other precincts stated here in the majority report which completely reverse that if you take the official count.

Mr. WALSH. Yes; that is to say, if the 68 precincts are picked out—

Mr. GEORGE. No; not taken at random.

Mr. WALSH. Taken at random out of 1,068; and if you take those 68 precincts, then the advantage is with Mr. Steck.

Mr. GEORGE. Yes; and if you take these four—

Mr. WALSH. Pardon me—but why pick 68 precincts at random out of the 1,068? If you are going out of those 4 precincts, of course you are obliged to take the whole 1,068.

I yield now to the Senator from Georgia.

Mr. GEORGE. I am just getting to that. Does not the question, therefore, come to whether you shall go to the official count in the 1,068 precincts? It is not fair to take one where the official count would favor Mr. Brookhart and another where the official count would favor Mr. Steck, so you go to the whole.

Mr. WALSH. Quite so.

Mr. GEORGE. Admittedly here they confined every semblance of an objection that could be said to have been raised at all by counsel in this case, even in December and January of this year, to an objection to only four precincts.

Mr. WALSH. The facts with relation to the four precincts are reported to us by the committee. The exact figures are given here in the record.

Mr. GEORGE. I understand that; and I understand the Senator now to concede that it would not be fair to Mr. Steck or in accordance with the truth of the case to take those four because they might happen by going back to the official count to give Mr. Brookhart the advantage, any more than it would be to take the 68.

Mr. WALSH. If you go back to the 1,068, the result is exactly the same.

Mr. GEORGE. Yes; but let me bring this to the Senator's attention: I, myself, repeatedly insisted that if they wanted to raise that objection they should point out to us every precinct in which there was a variance, and I do not see how else we could have heard the case.

Mr. WALSH. We have the facts here with relation to the 1,068, if that question is raised.

Now, Mr. President, assuming—if I may be permitted to proceed—that there has been no waiver, what is the duty of the Senate in the premises, there being this substantial discrepancy between the number of ballots in the box and the number of names on the poll list, as indicated?

In the case of Bear Grove precinct, Guthrie County, the number of names on the poll list was 256, and the number of ballots in the box is 236.

In the case of Estherville Township, Emmet County, second ward of the city of Estherville, there are 20 ballots less in the box than names on the poll list, the total number of names on the poll list being 772.

The Winterset precinct has been referred to.

In the case of Emmet County, Estherville Township, second ward, city of Estherville, there are 10 ballots more found in the box than there are names on the poll list.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WALSH. Yes.

Mr. LENROOT. The Senator will observe that that is the same precinct which the Senator first gave. That is the case where they sent on some 30 ballots and made an excess.

Mr. WALSH. I recall; they were originally 20 short, and they sent on afterwards 30 more and made it 10 in excess.

Mr. STEPHENS. Mr. President, will the Senator yield just a moment?

Mr. WALSH. Yes.

Mr. STEPHENS. The Senator referred to Guthrie County, Bear Grove Township. He noted that there were 20 missing ballots at that precinct. I desire to call attention to the fact that the official count gave Senator Brookhart 1,047 votes.

Mr. WALSH. I was going to refer to that.

Mr. STEPHENS. Senator Brookhart is short just exactly 20 votes in that precinct, if you will observe the two counts, because this number is 126 instead of 136.

Mr. WALSH. Then in the case of Jackson Township, second precinct, Lee County, there are 10 names more in the box than on the poll list; and in the case of Center Township, Wapello County, there are 602 ballots in the box and 624 names on the poll list—a difference of 22.

Mr. LENROOT. I think in that case it should be a difference of only 1—602 ballots and 23 “no votes,” I think, in that case.

Mr. WALSH. Quite right; yes.

Now, Mr. President, let us see what significance is given to the poll lists in the State of Iowa. I read from the Compiled Code of Iowa of 1919, and in that respect I assume that the existing law is practically the same. I have not had it at my command.

Section 444 reads as follows:

Any voter entitled to receive a ballot under the provisions of this chapter shall be allowed to enter the space inclosed by the guard rail. One of the judges shall give him one, and only one, ballot, on the back of which such judge shall indorse his initials in such manner that they may be seen when the ballot is properly folded, and the voter's name shall immediately be checked on the registry list. The name of each person, when a ballot is delivered to him, shall be entered by each of the clerks of election in the poll book kept by him in the place provided therefor.

There are two judges of election, as I understand, and each of them puts down the name of the voter when the ballot is given to him.

The next section, 445, is as follows:

On receipt of the ballot the voter shall, without leaving the inclosed space, retire alone to one of the voting booths and without delay mark his ballot, and, before leaving the voting booth, shall fold the same in such manner as to conceal the marks thereon, and deliver the same to one of the judges of election, but the number of the voter on the poll books or register lists shall not be indorsed on the back of his ballot. One of the judges of election shall thereupon, in the presence of the voter, deposit such ballot in the ballot box, but no ballot without the official indorsement shall be allowed to be deposited therein. The voter shall quit said inclosed space as soon as he has voted. Any voter who, after receiving an official ballot, decides not to vote, shall, before retiring from within the guard rail, surrender to the election officers the official ballot which has been given him, and such fact shall be noted on each of the poll lists. A refusal to surrender such ballot shall subject the person so offending to immediate arrest and the penalties provided in this chapter. No voter shall vote or offer to vote any ballot except such as he has received from the judges of election in charge of the ballots. No person shall take or remove any ballot from the polling place before the close of the poll. No voter shall be allowed to occupy a voting booth already occupied by another nor remain within said inclosed space more than 10 minutes, nor to occupy a voting booth more than five minutes, in case all of said voting booths are in use and other voters waiting to occupy the same, nor to again enter the inclosed space after having voted; nor shall more than two voters in excess of the whole number of voting booths provided be allowed at any one time in such inclosed space, except by the authority of the election officers to keep order and enforce the law.

Now, observe, Mr. President: He is handed the ballot. Each of the clerks enters his name on the poll list. He goes within the inclosed space, and if he changes his mind and does not desire to vote, he comes back, and he is obliged under the penalty of the law to deliver up the ballot that he got, so that there can be no discrepancy between the number of ballots in the box and the number of names on the poll list if the law is carried out, except the fact be noted upon the poll list that the voter gave up his ballot.

Mr. JONES of New Mexico. Mr. President, of course, I understand that there should be an agreement between the number of ballots and the number of names on the poll list; but it appears in this case that there are about a thousand of the precincts in that State where there is a discrepancy. Those thousand precincts constitute a very, very considerable portion of the precincts in the State. How could a contest be effectually carried on in the State of Iowa involving a miscount by the judges of election if as a matter of fact there is a variance of 1 or 2 or 3 votes in a precinct? Does not the Senator agree that it would be impossible in such case to obtain any evidence of any character to explain why that discrepancy occurred?

The Senator just a while ago referred to one precinct where the discrepancy is one ballot. How could the count of that precinct ever be contested, in the courts of Iowa or anywhere else?

Mr. WALSH. Mr. President, if it were shown that the ballots had been most carefully preserved, and perfect proof had been made that there was no opportunity of tampering with the thing at all, and the one vote did not make any difference in the result, as a matter of course, you could not.

Mr. JONES of New Mexico. But suppose the one vote did make a difference.

Mr. WALSH. Then you could not determine which was correct, and the official count would have to control. You could not tell then whether it happened that one ballot, instead of being put in the box, slipped down on the floor and did not get into the box, or whether, in some way or other, they had duplicated a name on the poll list. You could not tell which was the case, and accordingly the official count would have to be taken.

Mr. JONES of New Mexico. Then, in the absence of some proof of fraud—

Mr. WALSH. Not at all; that is just the point I am going to make. It does not necessarily involve fraud at all. It may easily be a mistake. It may be a mistake in the poll list, or it may be a mistake in getting the ballot into the box.

Mr. JONES of New Mexico. But suppose it occurs in this way: That the official count shows one less than the number of ballots in the box. In that case would you accept the official count, when the number of ballots in the box actually was greater?

Mr. WALSH. Certainly you would accept the official count, because you would not know whether the one was put in as a duplicate ballot by some one, or whether in some way or other there was a mistake in the poll list.

Mr. JONES of New Mexico. Then, is not this the effect, that you have to accept all the mistakes of the election judges in such case, in the absence of proof of fraud, and not take a count of the ballots?

Mr. WALSH. Let us dismiss the matter of fraud. Let us say it is a mistake. The question is, Was the mistake made by the clerks in copying the poll list, or was the mistake made by the voter in putting two ballots into the box instead of one?

Mr. JONES of New Mexico. One thing, it seems to me, is perfectly established by the official count, that the number of ballots which got into the box are there, and what the clerks may have done with the poll list is quite another thing.

Mr. LENROOT. Mr. President, may I correct a statement I made just a moment ago with reference to Wapello County, Center Township? I find by computation that the Senator was correct, and I was not. There was a shortage of 22 ballots. That 22 votes is included in the 624. There was a shortage of 22. I thought that 22 ballots were not included in the 624, but they are included. So it makes a shortage of 22 ballots.

Mr. GOFF. May I ask the Senator from Montana a question?

Mr. WALSH. I yield.

Mr. GOFF. Do I understand the Senator to contend that if there is an official count, and the official count has been made, and there is no question as to the custody of the ballots, and a recount is ordered, if the recount disagrees with the official count, and there is a question of discrepancy between the poll lists and the ballots in the box, the official count is the superior count, and should be taken, in such a state of facts?

Mr. WALSH. Yes; because you could not tell which is controlling, the ballots in the box or the names on the poll list.

Mr. GOFF. Then the Senator from Montana would contend that the first count, of necessity, was more accurate than the second count?

Mr. WALSH. No; I do not contend anything of the kind. I simply contend that the official count is not impeached.

Mr. GOFF. And the official count becomes better evidence than the ballots themselves, which initially were the actual source of the official count.

Mr. WALSH. Better than the ballots, because you do not know whether all the ballots are there or not.

Mr. GOFF. But I assumed that in my question.

Mr. WALSH. Oh, yes; you assumed that, but you must not assume it if they do not correspond with the number of names on the poll list, because the number of names on the poll list is as good evidence concerning the number of ballots there ought to be in the box as the ballots that are in the box themselves.

Mr. GEORGE. That is just the point; the Senator now says they are as good evidence concerning the number of ballots there ought to be in the box.

Mr. BROUSSARD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Louisiana?

Mr. WALSH. I yield.

Mr. BROUSSARD. I would like to hear an explanation on the part of those who are maintaining that the ballots are the primary proof when you come to a recount. I am perfectly willing to admit that when the supervisors of elections, when confronted with a discrepancy between the poll list and the ballots in the box, have not turned aside to do anything else, but have counted the ballots, in that particular count the ballots should control; but if 6 or 8 or 10 months afterwards those ballots are ordered to be sent elsewhere, how can it still be maintained that the ballots are the primary proof unless it is established that the ballots have not been disturbed and that the same number of ballots is in the box?

Mr. WALSH. Of course, the judges of election in each precinct seal up the ballots, presumably, string them on a wire, twist the wire around, seal up the wire, and send them to the county auditor by messenger. We have heard about frauds in elections. The messenger who carries them to the county seat

may have tampered with the ballots en route. They go to the county auditor's office. We have heard about the tampering with returns in the county auditor's office. They are transported from there to Washington. The evidence is quite clear that they could not have been disturbed coming from Iowa to Washington, but they are in the custody of the auditor in Iowa. Now, the question arises, not at the very time the count is being made but six months after, after that course was pursued, as to whether the poll lists mean anything at all or not. That is the question here.

The attention of the Senate was called by the Senator from Georgia to section 466, showing that, of course, some error might occur in the poll lists. It provides:

When the poll is closed the judges of election shall forthwith and without adjournment canvass the vote and ascertain the result of it, comparing the poll lists and correcting errors therein.

That is to say, it is contemplated that errors may occur. What do they do to correct those errors? One poll list is checked against the other poll list and if any one judge has put a name down twice it is disclosed by the other poll list. If one man has the name down as "John Jones," when it ought to have been "John Smith," the poll lists are changed accordingly until the two conform. That is the duty of the judges before they do anything else. I called attention to the statute of my State, and of the State of Wisconsin, where it is provided that the poll lists must be changed so that they shall conform. If they do not, one of them must be wrong.

Mr. BAYARD. Mr. President, after the judges have made a comparison between the poll lists, do they then compare the number of ballots in the box with the number of names on the poll lists under the Iowa law?

Mr. WALSH. There is no specific provision in the Iowa law with respect to that, as there is in the Wisconsin law and in the Montana law.

Mr. BAYARD. There is no check, then, as to the number of ballots in the box and the number of names on the poll list under the Iowa law?

Mr. WALSH. There is a perfect check, because the judges are obliged to report every ballot.

Mr. GEORGE. Mr. President, may I interrupt the Senator there?

Mr. WALSH. I yield.

Mr. GEORGE. There is a requirement in the Iowa law that if there is an excess of ballots over the names on the poll list—

Mr. WALSH. I am going to call attention to that.

Mr. GEORGE. They are to report that?

Mr. WALSH. I shall refer to that next.

Mr. GEORGE. I think it is perfectly manifest why that provision is made as to an excess and as to why there is no provision with reference to any shortage.

Mr. JONES of New Mexico. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. JONES of New Mexico. Does it not appear here that the judges did not do what the Senator says the law required them to do, namely, find out whether there was a discrepancy between the number of ballots and the poll list? It does appear here that there is a discrepancy between the so-called official count and the poll list.

Mr. WALSH. Yes; there is.

Mr. JONES of New Mexico. Therefore, the judges of election did not do that thing at the time.

Mr. WALSH. It is perfectly obvious that mistakes were made in all these proceedings. The question is, where were the mistakes made? The Senator from Georgia insists that the mistakes must have been made in the poll list. I insist that there is no more probability of that than there is that the mistakes were made in the number of ballots that were in the box. Indeed, I insist that because one poll list is checked against the other poll list, the probability of the poll list being correct is greater than the probability of the number of ballots in the box being correct.

It is indicated that, regardless of all the care that is taken, errors may creep into the poll lists. But the law also recognizes that errors may occur in relation to the number of ballots in the box, because—

Mr. GEORGE. Right on that point—

Mr. WALSH. Let me call attention to the statute first. It provides:

If the ballots for any officer exceed the number of the voters on the poll lists such fact shall be certified, with the number of the excess, in the return, and if the vote of the precinct where the error occurred would change the result as to a county officer, if the person appearing to be elected were deprived of so many votes, then the

election shall be set aside as to him in that precinct, and a new election ordered therein; but no person residing in another precinct at the time of the general election shall be allowed to vote at such special election.

So that regardless of all the care that is taken to see that the number of votes in the box corresponds with the number of names on the poll list, it is recognized that error may occur in the poll list, and error may occur in the number of ballots in the box.

Mr. GEORGE. Only in the case of overage.

Mr. WALSH. That is all; that is all that is provided for.

Mr. GEORGE. Let us consider that for just a moment, if it will not interrupt the Senator.

Where there are more ballots in the box than names on the poll list, it is possible to check and discover the error. Therefore the law of Iowa recognizes what is to be done, even to the extent of invalidating the whole election and holding a new election, if there is an overage, because each ballot in the box must bear the mark of the election judge. Therefore, if there are more ballots in the box than names on the poll list, you would reject any ballot that did not bear the judge's mark. You would make every reasonable effort to reconcile it. But finally, if there were more ballots in the box bearing the mark of the election judge than names on the poll list, and that was a material and determining question in the election, even the law of Iowa would go so far as to require a new election for that particular office. But not one word is said about what is to be done if there is a shortage in the box. Why? Because under no conceivable rule, unless there happened to be a witness who observed an actual fraud being perpetrated, would there be any way to check it.

Mr. WALSH. Of course, it would not be known how the extra man whose ballot did not get into the box had voted.

Mr. GEORGE. Not unless somebody was able to positively testify about an actual fraud.

Mr. WALSH. That is an improbability.

Mr. GEORGE. Which, of course, would rarely occur. Therefore, under the law of Iowa, it seems to me perfectly clear that the State of Iowa does not recognize the poll book as being controlling, if there happen to be a few less ballots in the box than names on the poll list, but it does recognize the contrary of that proposition as being very material, and, as I tried to point out yesterday—and I want to direct the Senator's attention to it now—there is provision made in the law for the placing of every man's name on the poll list when he gets his ballot, but there is also a provision in the law that if he spoils that ballot he may come back for another. There is even a provision that he may get three ballots or more if he spoils any.

Mr. WALSH. The spoiled ballots are returned.

Mr. GEORGE. Yes. There is an additional provision in the Iowa law that certain ballots given over to the voter, and whose name presumably has been placed on the list, are never returned by the judges of election. They never enter the package which they are required to seal, but some of them actually go back to the public printer.

Mr. WALSH. No; not the public printer. They go back to the officer who sent them, and that is the county auditor.

Mr. GEORGE. Let me put that in the Record. They go back to the officer or authority charged with their printing and distribution—not to the public printer. I merely called him that.

Mr. WALSH. I suppose probably there is some reason for the law which requires the poll lists to be kept, but according to the contention of my esteemed friend, the Senator from Georgia, we are utterly to disregard the poll lists and they mean nothing at all. It does not make a bit of difference whether the number of ballots in the box as returned here is greater or less than the number of names on the poll lists. That makes no difference. We are utterly to disregard the poll lists. That is the argument that is made here. But how did the committee act with reference to the matter?

Mr. GOFF. Mr. President, may I ask the Senator a question?

Mr. WALSH. I will yield in just a moment. Under the supervision of the committee the stipulation appearing at page 54 was entered into to the effect:

That there shall be subpoenaed and transmitted to the Sergeant at Arms of the Senate of the United States all paper ballots from each and every precinct of the State of Iowa where such ballots were employed in their original packages as are now in possession of the several county auditors, together with all registration books, poll books, tally sheets, and other books and documents of every kind and character whatsoever used or employed in connection with the general election held on the 4th day of November A. D. 1924 aforesaid.

The committee issued a subpoena commanding the auditors to send to the Senate of the United States the poll lists prepared in accordance therewith. What did they want them for?

Mr. GEORGE. Mr. President, I hope the Senator will pardon me, but it ought to be stated as a fact, which is a fact from actual verification, that in Iowa the poll lists and the tally sheets on which the managers count out the election are kept in one specially prepared book. They are not separately kept as in most States. Even the certificates of the election judges all go into the one book. They are all included in one book. It is not a matter of great importance, but the fact is that that seems to be the practice, whether so required by the law, because the poll books were in that condition.

Mr. WALSH. Still the committee felt it necessary specifically to require the production of the poll sheets, and yet when they got here we are told that they have no significance whatever.

Mr. GEORGE. Oh, no; I do not think the Senator should state it that way.

Mr. WALSH. I would be very glad to have the Senator express what the committee had in mind.

Mr. GEORGE. It never has been my contention that they had no significance whatever. They are undoubtedly kept for the purpose of preventing repeating and to catch up as much fraud as possible, if any were attempted.

Mr. WALSH. I am not speaking of the significance they had in Iowa. I am asking what significance they had here.

Mr. GEORGE. They have the significance here of being a part of the record. We simply took the position, justified, as I think, by the law of Iowa, that in the event of an irreconcilable difference between the mere poll list and the ballots in the box, the ballots are the higher and better evidence, not that they have not any significance but that they are not to be considered as any other document bearing on the election.

Mr. GOFF. Mr. President, I ask the Senator if he will yield to me now?

Mr. WALSH. Yes; I yield to the Senator.

Mr. GOFF. In this connection would it be too diverting for the Senator from Montana to state by what legal principle, assuming the absence of fraud, he considers the poll list better evidence than the ballots in the box?

Mr. WALSH. I was just going to try to state that. In view of the requirements of the Iowa law to the effect that the name of the voter, as he gets his ballot, must be entered by two clerks, and that after the voting is completed these poll lists must be checked against each other, I insist that they are better evidence of the number of people who voted at that election than the ballots, which come here six or eight months after an election, passing through the channels to which I have heretofore adverted.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. WALSH. In just a moment. There is only one of two conclusions to be drawn from the situation, either that the clerks entered upon the poll lists the names of more men than voted, or else in some way or other some of the ballots that were in the box have since disappeared, or else that they never were, for some reason or other, entered in the books.

Mr. CARAWAY. I do not know whether the Senator is aware of the fact or not, but in Iowa the law requires that they shall put in a separate envelope spoiled ballots, disputed ballots, and ballots that are not considered to have been legally cast.

Mr. WALSH. Yes; attention has just been called to the law.

Mr. CARAWAY. Such ballots account for many of the discrepancies; but what I want to call to the attention of the Senator is that there were more votes brought down here cast for the office of United States Senator than the officials in Iowa counted for that office, so that instead of deciding the question upon more votes the Senator will have to decide it upon about 7,000 less votes than he has before him on the books of the official count. In other words, they recognize that there were certain ballots that had been so segregated that were not entitled to be included under legal ballots, and according to Mr. Brookhart's sworn testimony there are nearly 7,000 fewer than came before the committee.

Mr. GOFF. Mr. President—

Mr. WALSH. I yield to the Senator from West Virginia.

Mr. GOFF. Before the Senator from Arkansas interrupted the Senator from Montana I desired to ask the Senator from Montana this question: As I understand the Senator's contention, in the event of a conflict between the official count and the poll books the poll books, because they have been checked by two clerks, would be the better evidence as to the number of ballots in the box. If there should develop further a con-

flict between the recount and the official count, would the Senator then contend that the poll books would be the best evidence of election?

Mr. WALSH. If the official count gave a certain number of votes as being the total number of votes, and there was a different number on the poll list and a still different number in the box, I should say that it would be impossible to say which would be the better proof—the number of ballots in the box or the number of names on the poll list—and the proof by the official return would not be overcome.

Mr. GEORGE. Mr. President, in order that I may understand the Senator, and I want to get his point, may I state that I understand the Senator to take the position finally that the poll book—

Mr. WALSH. I think "finally" is the same as "firstly."

Mr. GEORGE. His position is that the poll books are the better evidence; that is, better than the ballots. I understand the Senator to take the position either, firstly or finally—I meant nothing by "finally," because I meant only to wave aside the preliminaries upon which the Senator had proceeded up to that point only. I understand the Senator's position to be that the poll lists are better evidence of the number of people who voted than are the ballots.

Mr. WALSH. I was about to say that after these ballots had passed through these various channels—

Mr. GEORGE. We will narrow it down to the present time and as assuming all we know about it, whatever it is, the Senator contends that now the poll books are better evidence than the ballots in the boxes or the number of people who voted in the election.

Mr. WALSH. I think so.

Mr. GEORGE. That is the Senator's position?

Mr. WALSH. I think so, and I was about to say why I think so. It is because the only way the discrepancy can be reconciled is that the judges of election put down on the poll books the names of more voters than actually deposited ballots in the box. The learned Senator from Georgia on yesterday argued that that was the reasonable explanation of the matter; that they put more names down than voted. But let me call attention to the fact.

Mr. JONES of New Mexico. Mr. President, is not that a reasonable presumption in view of the fact—

Mr. WALSH. I am going to discuss the reasonableness of it right now.

Mr. JONES of New Mexico. Is it not the reasonable presumption in view of the fact that the election judges in Iowa found fewer ballots than appeared on the poll lists, and now upon a recount here we find fewer ballots than appear upon the poll lists? Therefore, is it not a reasonable thing to presume that there were more names upon the poll lists than ballots which actually went into the ballot box?

Mr. WALSH. Yes; that is a point I am going to discuss right now. In the Bear Grove precinct, Bear Grove Township, Guthrie County, the number of names on the poll list was 256. The number of ballots that came here was 236. That is to say, there was a discrepancy of 20 votes in 256. In other words, for every 12½ names that those two clerks put down on their poll list, they put on an additional name. Does any Senator think that is sensible? They might in 256 votes have put down 5 additional. Bear in mind, both of them put down exactly the same excess number. The poll lists, if they followed the law, checked against each other, but two of them, for every twelfth name, put an extra name on the poll list. We could imagine that they made a mistake of 1 or 2 or possibly 3, and both of them made that same mistake, but according to the contention of those who insist the count of the ballots in the boxes after they came here must be taken, we have to figure that the clerks put on an extra name for every 12 names.

Mr. STEPHENS. Mr. President, may I suggest in that connection that there were found exactly 20 ballots short, and that the recount showed that Senator Brookhart would have received exactly 20 fewer votes than the judges of the election gave him when they made the count.

Mr. WALSH. What does the recount give Senator Brookhart in that precinct?

Mr. STEPHENS. One hundred and twenty-seven.

Mr. WALSH. Yes; I have it here before me—127 as against 147, exactly the same number.

There is another circumstance in connection with this matter, Mr. President, that leads me to the conclusion that the number of names on the poll list is better evidence of the number of ballots that were actually cast, than the number of ballots in the boxes as the boxes traveled through the various channels and came here to the Secretary of the Senate.

With respect to the three precincts where the shortage occurs it happens that, counting the ballots as they came here as against the official count, Steck wins one vote and Brookhart loses 21. Take Estherville, in Emmet County, Steck gains 41 votes by the recount over the official count, and Brookhart loses 25 votes. Take Wapello County, Center Township, Steck gains 15 votes and Brookhart loses 29 votes, making an aggregate gain for Steck by the recount over the official count of 67 votes and a loss to Brookhart of 75 votes, making a difference of 142 votes.

But that is not all, Mr. President. If we take the recount in all the precincts in which there is a shortage, the official count gives Brookhart 1,083 votes more than the count of the ballots as they came here to this body. It is a remarkably significant thing that in every one of these precincts in which a discrepancy occurs between the ballots in the boxes as they came here and the poll lists Steck wins and Brookhart loses. The significance of that—

Mr. GEORGE. I want to call attention to the fact that I do not think the statement of the Senator is a fair one.

Mr. WALSH. Very well. We will have to take the figures. If the Senator will kindly turn to pages 245 to 251, in reference to Bear Grove precinct—

Mr. GEORGE. I understood the Senator to refer to all the precincts in which there was a variance.

Mr. WALSH. No; I said that in the 1,068 precincts in which there was a variance between the number of names on the poll list and the number of ballots in the boxes the recount gives Brookhart 1,083 votes less than the official count gives him.

Mr. GEORGE. No, Mr. President, the Senator is wrong about that.

Mr. WALSH. I have the figures here somewhere.

Mr. GEORGE. The Senator is quite wrong about that, because exactly the contrary is true; that in the 1,068 precincts, in which there was a variance, Senator Brookhart on the recount here gained 994 votes.

Mr. WALSH. Will the Senator from Georgia turn to page 28 of the report containing the views of the minority. I there find these figures:

Recount by supervisors of machines plus paper ballots in certain counties where machines were used, 129,027 for Steck and 124,719 for Brookhart.

Official count in 1,068 precincts where ballots are missing—

That is, where there is a discrepancy—

Steck, 207,784; Brookhart, 201,626.

Mr. GEORGE. That is the official count; that is not the recount.

Mr. WALSH. Yes, sir; that is the official count.

In addition to that, the recount is given as follows:

Recount in 789 precincts where number of ballots checked with number of voters, 111,334 for Steck—

That is according to the recount here—

and for Brookhart, 122,931—

Giving Steck a total of 448,145 and Brookhart 449,276.

Brookhart's total vote was, as a matter of fact, as recounted here 450,270 as against 449,276, the difference being 1,073 votes.

Mr. GEORGE. No; the Senator has that confused. Those are Senator STEPHENS's figures.

Mr. WALSH. Yes.

Mr. STEPHENS. No; I did not make the figures; the tabulator, Mr. Turner, made them.

Mr. GEORGE. But the Senator from Mississippi used them.

Mr. STEPHENS. Mr. Turner, the tabulator made them.

Mr. GEORGE. Those are the figures given by the Senator from Mississippi. That table shows our count so far as the machines are concerned, and our count so far as the precincts in which the ballots exactly tallied with the names on the poll lists or the number of names on the poll list are concerned. It shows the official vote in 1,068 precincts in which there was a discrepancy between the names on the poll list and the official count.

But the facts are that the recount in those same 1,068 precincts gave to Senator Brookhart 994 votes more than he got in those same precincts according to the official count had in Iowa.

I may call the Senator's attention further to the fact that in the machine precincts and in the precincts where there was no variance between the poll lists and the ballots recounted, there was an actual gain by both candidates.

Mr. WALSH. I have not analyzed those figures particularly; I gave them as I found them here; but the fact is that in every one of the precincts concerning which controversy arises, the three precincts where there was a smaller number, invariably the advantage accrues to Steck, the total amounting to 142 votes, which more than cancels the 76 majority which remains of the 1,420, after Brookhart gets credit for the 1,344 votes, if he shall be given credit for them by the Senate.

Mr. President, I have taken very much more time than I expected to take in the discussion of this question. I feel like saying that it is a matter of profound gratification that Senators have evinced a disposition on both sides of the Chamber to inform themselves as fully as they possibly can with respect to the points at issue and to decide the case, as I am trying to do, purely upon the right and justice of it, as it presents itself to them from the showing that has been made, without being influenced in any manner whatever by the political considerations, if any there be, that are involved in the contest.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BLEASE in the chair). The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Ernst	Kendrick	Randall
Bayard	Ferris	Keyes	Robinson, Ark.
Bingham	Fess	King	Rackett
Bleame	Fletcher	La Follette	Sheppard
Borah	Frazier	Lenroot	Shipstead
Bratton	George	McKellar	Shortridge
Broussard	Gillett	McMaster	Smith
Bruce	Goff	McNary	Smoot
Butler	Gooding	Mayfield	Standfield
Cameron	Hale	Metcalf	Stephens
Capper	Harrell	Moses	Swanson
Caraway	Harris	Neely	Trammell
Copeland	Harrison	Norris	Tygon
Curtis	Heflin	Nye	Wadsworth
Dale	Howell	Oddie	Walsh
Dill	Johnson	Overman	Warren
Edge	Jones, N. Mex.	Phelps	Williams
Edwards	Jones, Wash.	Hittman	Willis

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum is present. The question is on the motion to recommit the resolution.

Mr. BORAH. Mr. President, does the Senator from Connecticut desire to press his motion?

Mr. BINGHAM. I ask unanimous consent to withdraw the motion to recommit.

The PRESIDING OFFICER. The Senator from Connecticut asks unanimous consent to withdraw the motion to recommit. Is there objection?

Mr. WALSH. What is the request for unanimous consent?

The PRESIDING OFFICER. To withdraw the motion to recommit. The Chair hears no objection, and the motion is withdrawn. The question is on the amendment offered by the Senator from Mississippi [Mr. STEPHENS] to the resolution reported by the Committee on Privileges and Elections.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

SENATOR FROM IOWA

While the doors were closed, on request of Mr. CURTIS the following unanimous-consent agreement was entered into:

Ordered (by unanimous consent), That a vote be had on the Steck-Brookhart resolution (S. Res. 194) and all substitutes, amendments, and motions relating thereto at 5 o'clock p. m. on Monday, April 12, 1926; that beginning at 3 p. m. on said day no Senator be permitted to speak more than once or longer than 15 minutes, and that the Senate at the conclusion of its business to-morrow take a recess until 12 o'clock m. on Monday.

CONVENTION WITH CUBA FOR THE PREVENTION OF LIQUOR SMUGGLING

During the consideration of executive business the following convention was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a convention between the United States and Cuba, signed at Habana on March 4, 1926, to aid in the prevention of the smuggling of alcoholic liquors into the United States.

For the information of the Senate I transmit also copies of notes exchanged between the American ambassador at Habana and the Secretary of State of Cuba at the time of the signature of the convention.

THE WHITE HOUSE, Washington.

CALVIN COOLIDGE.

THE PRESIDENT:

The undersigned, the Acting Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention between the United States and the Republic of Cuba to aid in the prevention of the smuggling of alcoholic beverages into the United States, signed at Habana on March 4, 1926.

At the time of the signature of the convention notes were exchanged between the ambassador of the United States at Habana and the Secretary of State of Cuba, stating the understanding between the two Governments that in the event of the adherence by the Government of the United States to the protocol of December 16, 1920, under which the Permanent Court of International Justice has been created at The Hague, the Government of the United States will not be averse to considering a modification of the convention or the making of a separate agreement, providing that claims mentioned in Article IV of that convention which can not be settled in the way indicated in the first paragraph of that article shall be referred to the Permanent Court of International Justice instead of to the Permanent Court of Arbitration.

Copies of these notes are inclosed for the information of the Senate.

Respectfully submitted.

JOSEPH C. GREW.

DEPARTMENT OF STATE.
Washington, March 13, 1926.

[Translation]

From the Secretary of State of Cuba to the American Ambassador at Habana

No. 185.

REPUBLIC OF CUBA,
SECRETARIA DE ESTADO,
Habana, March 4, 1926.

MR. AMBASSADOR: In connection with the signing to-day of a convention to avoid difficulties which might arise between our two Governments in connection with the laws in force in the United States on the subject of alcoholic beverages and in pursuance of our previous correspondence on the subject, I have the honor to inform you that the Cuban Government understands that in the event of the adhesion by the United States to the protocol of December 16, 1920, under which the Permanent Court of International Justice has been created at The Hague, the Government of the United States will not be averse to considering a modification of the said convention, or the making of a separate agreement, providing that claims as mentioned in Article IV of that convention which can not be settled in the way indicated in the first paragraph of that article, shall be referred to the Permanent Court of International Justice instead of to the Permanent Court of Arbitration.

My government also understands that in case Cuban vessels are seized by the authorities of the United States under the provisions of Articles II or III of this convention, a notification thereof shall be promptly transmitted to the diplomatic representative of Cuba at Washington, giving the name of the vessel, the place of seizure and a brief statement of the grounds therefor.

I shall be glad to have you confirm these understandings on behalf of your Government.

Accept, Excellency, the renewed assurances of my highest consideration.

CARLOS MANUEL DE CÉSPEDES.

No. 615.
HABANA, March 4, 1926.
His Excellency CARLOS MANUEL DE CÉSPEDES,
Secretary of State, Habana.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of to-day's date, in which you were so good as to inform me in connection with the signing this day of the convention between the United States and Cuba to aid in the prevention of the smuggling of intoxicating liquors into the United States that the Government of Cuba understands: (1) That in the event of the adhesion by the Government of the United States to the Protocol of December 16, 1920, under which the Permanent Court of International Justice has been created at The Hague, the Government of the United States will not be

averse to considering a modification of the said convention, or the making of a separate agreement, providing that claims mentioned in Article IV of that convention which can not be settled in the way indicated in the first paragraph of that article shall be referred to the Permanent Court of International Justice instead of to the Permanent Court of Arbitration; and (2) that in case Cuban vessels are seized by the authorities of the United States under the provisions of Article II or III of this convention, a notification thereof shall be promptly transmitted to the diplomatic representative of Cuba at Washington, giving the name of the vessel, the place of seizure, and a brief statement of the grounds therefor.

Complying with your request for confirmation of these understandings, I have the honor to state that the Cuban Government's understanding of the attitude of the Government of the United States in this respect is correct, and that in the event of the adhesion by the United States to the protocol of December 16, 1920, under which the Permanent Court of International Justice has been created at The Hague, the Government of the United States will not be averse to considering a modification of the convention this day signed, or the making of a separate agreement, providing for the reference of claims mentioned in Article IV of the convention which can not be settled in the way indicated in the first paragraph of that article, to the Permanent Court of International Justice instead of to the Permanent Court of Arbitration.

I also confirm your understanding regarding the notification that is to be given to the diplomatic representative of the Cuban Government at Washington in case Cuban vessels are seized by the authorities of the United States.

Accept, Excellency, the renewed assurance of my highest consideration.

E. H. CROWDER.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CUBA FOR THE PREVENTION OF SMUGGLING OPERATIONS BETWEEN THEIR RESPECTIVE TERRITORIES

The United States of America and the Republic of Cuba, being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States of America on the subject of alcoholic beverages, have decided to conclude a Convention for that purpose and have appointed, as their respective Plenipotentiaries:

The President of the United States of America, Mister Enoch H. Crowder, Ambassador Extraordinary and Plenipotentiary of the United States of America in Cuba and

The President of the Republic of Cuba, Mister Carlos Manuel de Céspedes y de Quesada, Secretary of State of the Republic of Cuba, Who, having communicated to each other their respective full powers, which were found to be in good and proper form, have agreed to the following articles:

ARTICLE I

The High Contracting Parties declare that it is their firm intention to uphold the principle that three marine miles extending from the coast line outwards and measured from low-water mark constitute the proper limits of territorial waters.

ARTICLE II

The Republic of Cuba agrees:

1. That it will raise no objection to the boarding of private vessels under the Cuban flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions, in order that inquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions, in violation of the laws therein force. When such inquiries and examination show a reasonable ground for suspicion, a search of the vessel may be instituted.

2. If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions, prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions, for adjudication in accordance with such laws.

3. The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its territories or possessions, than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense.

In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions, by a vessel other than the one boarded and searched, it shall be the speed of such other vessel and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

ARTICLE III

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions, on board Cuban vessels voyaging to or from ports of the United States, its territories or possessions, or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously, while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

ARTICLE IV

Any claim by a Cuban vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this Convention or on the ground that it has not been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the High Contracting Parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Permanent Court of Arbitration at The Hague described in the Convention for the Pacific Settlement of International Disputes, concluded at The Hague, October 18, 1907. The Arbitral Tribunal shall be constituted in accordance with Article 87 (Chapter IV) and with Article 59 (Chapter III) of the said Convention. The proceedings shall be regulated by so much of Chapter IV of the said Convention and of Chapter III thereof (special regard being had for Articles 70 and 74, but excepting Articles 53 and 54) as the Tribunal may consider to be applicable and to be consistent with the provisions of this agreement.

All sums of money which may be awarded by the Tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified.

Each Government shall bear its own expense. The expenses of the Tribunal shall be defrayed by a ratable deduction of the amount of the sums awarded by it, at a rate of five per centum on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moieties by the two Governments.

ARTICLE V

This Convention shall be subject to ratification and shall remain in force for a period of one year from the date of exchange of ratifications.

Three months before the expiration of the said period of one year, either of the High Contracting Parties may give notice of its desire to propose modifications in the terms of the Convention.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the Convention shall lapse.

If no notice is given on either side of the desire to propose modifications, the Convention shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the Convention, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the Convention shall lapse.

ARTICLE VI

In the event that either of the High Contracting Parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present Convention the said Convention shall automatically lapse, and, on such lapse or whenever this Convention shall cease to be in force, each High Contracting Party shall enjoy all the rights which it would have possessed had this Convention not been concluded.

The present Convention shall be duly ratified by the High Contracting Parties in accordance with their respective laws; and the ratifications shall be exchanged at the City of Habana as soon as possible.

In witness whereof the Plenipotentiaries above mentioned have signed the two originals of the present Convention, and have affixed their respective seals thereto.

Done in two copies of the same text and legal force in the English and Spanish languages in the City of Habana, on this fourth day of March, nineteen hundred and twenty-six.

[SEAL]
[SEAL]

ENOCH H. CROWDER
CARLOS MANUEL DE CÉSPEDES

ORDER FOR RECESS

Mr. CURTIS. I ask unanimous consent that when the Senate shall close its business to-day it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

THE COPPER-MINING INDUSTRY

Mr. CAMERON. Mr. President, on January 4 of this year I introduced in the Senate a bill, known as S. 2018, to provide a tariff duty of 6 cents per pound on copper, which seeks to give equitable protection to this great and needed industry. It is the same bill heretofore introduced in the lower House by Hon. W. FRANK JAMES, of Michigan.

I shall appreciate it if my colleagues will not interrupt me during this discourse unless it is absolutely necessary. My remarks will be confined to the copper situation in this country, and with especial reference to the provisions of the bill which I have introduced. The time has come when the deplorable conditions of this great industry must be called to the attention of the Congress of the United States and to all our people.

I ask that a copy of the bill I introduced be inserted in the Record at this point.

The PRESIDING OFFICER (Mr. McMASTER in the chair). Is there objection?

There being no objection, the bill was ordered to be printed in the Record, as follows:

A bill (S. 2018) to amend the tariff act of 1922, entitled "An act to provide revenue, to regulate, commerce with foreign countries, to encourage the industries of the United States, and for other purposes."

Be it enacted, etc., That Title I of the tariff act of 1922 is amended by adding after paragraph 380 the following new paragraph:

"PAR. 380-a. Copper ore of all kinds, copper concentrates, regulus, mattes, cement copper and black or coarse copper, 6 cents per pound on the copper contained therein; old copper, scrap copper, fit only for remanufacture; copper scale, clippings from new copper; blister copper, copper in plates, bars, ingots, or pigs, not manufactured, and copper in any other form not specially provided for, 6 cents per pound; all alloys or combinations of copper not specially provided for, 6 cents per pound on the copper contained therein: *Provided*, That such duty shall not be applied to the copper contained in copper-bearing ores or mattes unless actually recovered: *Provided further*, That on all importations of copper-bearing ores and mattes of all kinds the duties shall be estimated at the port of entry and a bond given in double the amount of such estimated duties for the transportation of the ores or mattes by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped refineries, sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores or mattes at such establishments they shall be sampled according to commercial methods under the supervision of Government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a Government assayer designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the import entries shall be liquidated thereon. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph."

SEC. 2. Paragraphs 1533, 1555, and 1556 of Title II of the tariff act of 1922 are hereby repealed.

Mr. CAMERON. Mr. President, American citizens residing within the copper-mining districts of the United States, and directly dependent for their livelihood upon the copper mined therein, are entitled to all the benefits of economic protection accorded to citizens engaged in the production of lead, zinc, iron, and aluminum, or those citizens engaged in manufacturing and agricultural activities. No protective discrimination is permissible in favor of only one class of industrial citizenship; all are entitled to and should receive equal consideration at the hands of Congress.

The copper miner of our country is entitled to protection from the cheap competitive labor of Africa and South America for the same basic economic reasons that Congress accorded protection to the lead miners of Missouri, Idaho, Utah, Oklahoma, and Montana from the lead mined with cheap labor in foreign lands; and the protection accorded to miners engaged in the production of zinc, aluminum, and iron within our country, against similar metals produced by cheap foreign labor.

A comparative review of economic details existent within the lead, zinc, iron, and aluminum industries prior to protection with those subsequent thereto, denotes how beneficent this policy has been to those of our citizens engaged therein.

An adequate tariff undoubtedly made it possible for the iron industry to salvage the low-grade sand iron ores of Minnesota and the lead and zinc industries to mine the low-grade lead

and zinc ores of the Mississippi Valley. Without protection we can visualize certain interests rushing to ship into this country iron products from the world's highest grade iron-ore mines in Brazil, and the products from the high-grade lead and zinc mines of Mexico, Europe, and the Orient.

The recovery of metals from formerly noncommercial grade ores is the very essence of true conservation. With adequate tariff protection the domestic copper-mining industry will be able to work ores of exceptionally low grade when compared with present grade standards, and enormous additional copper poundage reserves now known to exist will be added to the present known commercial copper reserves. The result will be that the copper reserves of this country will be ample to care for all our domestic needs for decades to come. While they are mined new areas will be discovered which will undoubtedly add vast additional reserves sufficient to care for all our future domestic needs for generations to come.

A broad review of the industrial history of our country emphasizes that the protection accorded to practically each minute industrial subdivision thereof has resulted in making our country the one possessing the highest wage scale, and this in turn has developed a quality of citizenship and an aggregate national unity and strength beyond compare in world's history.

The care bestowed in protecting each minute subdivision of our industrial sphere has brought about a uniform solidity and strength in each subdivision. Each subdivision of our aggregate industrial realm possesses a certain parallelism to every other one therein. Each is an aggregate of labor, supply, and capital costs.

In the mining of copper ore we are also confronted with the sequence of labor, supply, and capital costs paralleling identically any and all other subdivisions. Our labor citizenship engaged therein is in need of as beneficent protection as that accorded any other citizen of our country. Likewise, our supply and capital costs must be met just as surely as these are cared for in the other subdivisions of our industrial activities.

Copper is no more a so-called "raw resource" from a cost standpoint than any other product mined, grown, or manufactured within our industrial realm. The specious argument that copper is a "raw resource" and hence should be secured at minimum prices abroad and be imported free of duty can only be advocated by those interests controlling foreign copper reserves; or those persons who are desirous of securing and maintaining maximum domestic manufacturing profits.

It is just as tenable to advocate that all products used in all avenues of our industrial activities be secured from the cheapest possible foreign sources and admitted free of duty. A situation such as this would ruin all our domestic industries through a ruination of each subdivision thereof. Paid propagandists would have you believe that our domestic copper reserves are strictly limited and practically exhausted, and consequently copper from South America and Africa, produced with cheap Indian and negro labor, should be permitted to flood this country. This propaganda is founded on a false premise. Our domestic copper reserves are sufficient to care for our industrial needs for decades to come—just as long proportionally, at least, as the domestic reserves of our highly protected lead, zinc, iron, and aluminum industries. It is not a question of limited copper reserves harassing our domestic copper miner; his menace is competition with foreign copper produced with cheap labor.

The domestic producer of copper is confronted with constantly increasing labor, supply, tax, and capital requirement costs. Yet in the face of constantly increasing costs we find copper selling below its average sale price for the past 30 years. This is a dangerous economic situation in view of the universally higher prices existent to-day for practically all commodities when compared with the average prices for those commodities during the past 30 years; and strikingly so when consideration is given to the facts that copper is one of our essential metals, and that in the whole realm of metal production the annual gross value of copper produced is only exceeded by that of pig iron.

This below-average price of copper has existed for a sufficiently long time, about four years, to establish that this price is not due to domestic overproduction or lack of domestic consumption. This below-average price can be attributed to exterior or foreign factors. Lead, zinc, aluminum, and steel are selling at least 50 per cent higher to-day than their average sale price for the past 30 years. They are accorded protection, and each of them represents a greater world production percentage than does our domestic copper production. Inasmuch as the domestic copper mining industry is not a greater world percentage producer than the foregoing enumerated protected metal industries, it seems fair to assume that the domestic copper miner, upon receiving adequate protection, may expect to enjoy at least the same proportional

wholesome economic benefits from his labor as that enjoyed by the citizens dependent upon the protected domestic lead, zinc, iron, and aluminum industries.

Our domestic copper-consuming market is greater than the consuming market of all the rest of the world. Inasmuch as the days of exporting domestic copper are practically over, due to the volume and cheap cost of foreign copper flooding and controlling the foreign market, it is indeed fortunate that the domestic copper miner, upon receiving adequate tariff protection, can be reasonably sure of enjoying wholesome economic prosperity by supplying the vast industrial needs of his own country.

It is evident that the protected domestic lead, zinc, aluminum, and steel industries can care for their increased labor supply, tax, and capital requirement costs due to the greatly enhanced selling price of their product. However, the domestic copper producer is approaching economic ruin due to the converging lines of increased costs and decreased selling price of his product. At the present time it is estimated that about one-third of our domestic copper production is in economic jeopardy due to marketing of copper at cost; with a further decrease in the selling price of copper, say to 13 cents per pound, about 65 per cent of the domestic copper will be marketed at a loss.

The ruin confronting the domestic copper producer will be passed on to the copper miner and all those citizens and communities dependent on the continued mining of copper within our country.

A brief review of certain historical phases of the domestic copper-mining industry is instructive.

About 40 years ago Michigan mined approximately 80 per cent of the domestic copper production. About 30 years ago Montana's copper production exceeded that of Michigan. About 15 years ago Arizona's annual production exceeded that of any other State. This increased domestic production from each of the foregoing States in sequence lowered the price of copper. These respective States could not prevent domestic competition between the States, the result being that each period of increased production furnished its quota of abandoned high-cost copper mines, and the only mines that survived were those possessing exceptional ore grade and ore tonnages. The copper miner who lost his livelihood and home equities in these abandoned high-cost areas, and likewise the business man, engineers, geologists, and operating companies, wandered away from their home areas into these new competitive domestic areas and started anew.

The foregoing domestic competition was fair and our country enjoyed exceptionally cheap copper, due not alone to our then possessing the world's largest and highest-grade copper deposits, but likewise a very low wage, supply, and tax cost, plus the exceptionally high grade of ore mined. Yet with all this readjustment our country retained within its boundaries the personnel of the copper-mining industry—did not suffer an economic loss through this personnel wandering forth to foreign copper areas in order to secure a livelihood.

To-day the domestic copper miner is confronted with a competition never before existent in the history of the domestic copper-mining industry. It, however, is not of local but of foreign origin. If local he would have to bear it, would leave his home and surroundings, and wander forth to these new areas and start anew, his loss being an individual one, while the country as a whole would benefit from an increased supply of low-cost domestic copper.

The domestic copper miner is being rapidly driven away from his home areas. He can not wander off into new high-grade and large-volume domestic copper areas seeking a livelihood, for there are no areas at present within the United States that can anywhere near compete with the volume known to exist in South America and Africa. Surely our total citizenship does not wish to force the domestic copper miner into foreign lands, into the new areas which have recently developed unprecedented volumes and grade of copper ore. Surely you do not want to drive our copper miner and his progeny into these competitive areas and have him labor side by side with the Belgian Congo negro and the Indian miner of the Andes. On the other hand, if you wish to retain him, you must accord him protection, to enable him to meet the competition of the cheaper copper that this cheap labor produces. There is no question but that the copper miner of our country is a very essential economic citizen and that he is entitled to and should receive the same degree of protection accorded citizens engaged in any and all the other subdivisions of our industrial life. It is self-evident that without an adequate supply of domestic copper the foreign producer, whenever he secures control of our domestic copper market, will as surely overcharge the domestic consumer with the same degree of exploitive and calloused thoroughness now demonstrated by foreigners in control of rubber, potash, coffee, and other necessities of our Nation. Foreign nations, as well as

their individuals, benefit from this extortion, and in view of their well-known rapacity national necessity demands that we always maintain an ample domestic production of copper.

The destructive nature of the competition, which is rapidly destroying our copper-mining industry, will be evident by analyzing the volume, grade, and economic factors pertaining to certain of these foreign competitive deposits and comparing them with the factors pertaining to our known domestic copper reserves.

Ten years ago there was no real foreign competition confronting the domestic producer of copper. To-day three so-called porphyry-type copper mines in Chile, the areas owned by the Chile, Braden, and Andes Cos., have known copper-ore reserves aggregating 1,075,023,406 tons, averaging 2.07 per cent copper, and containing the enormous total of 44,498,700,000 pounds of copper. In order to convey a comparative idea as to the immensity of this reserve it may be stated that it is one-third larger than all the copper mined within the United States from 1845 to date. The loc of this copper poundage

lies 173 miles inland, rail haul, and 4,040 miles, water haul, from New York.

The so-called porphyry-type copper mines in the United States—this type embracing practically all the large and definitely known domestic copper reserves—namely, the areas owned by Utah, Chino, Ray, Inspiration, Nevada Consolidated, and New Cornelia companies, have known copper reserves aggregating 719,505,600 tons, averaging 1.44 per cent copper, same containing the total of 20,704,296,000 pounds of copper. The loc of this domestic copper poundage lies 2,580 miles rail haul from New York, or the combination of 1,011 miles rail haul and 3,800 miles water haul.

In order to present ore tonnages, grade, ownership, and distance statistics in a condensed form, I submit four tables. I ask unanimous consent that these tables may be inserted in the Record without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The tables are as follows:

TABLE NO. 1.—South American porphyry deposits

Company	Ore reserves			Production			
	Tons	Grade	Pounds copper	Present	Years	Possible	Years
Chile.....	671,102,906	Per ct. 2.12	28,713,000,000	200,000,000	143	740,000,000	36
Braden.....	258,940,000	2.25	11,619,000,000	140,000,000	83	300,000,000	39
Andes.....	138,860,500	1.50	4,166,700,000	None		200,000,000	21
Total.....	1,075,023,406	2.07	44,498,700,000	340,000,000	131	1,240,000,000	36
Compared with present production rate United States porphyries.....						1,100,000,000	40
Compared with possible production rate United States porphyries.....						1,500,000,000	29

TABLE NO. 2.—United States porphyry deposits

Company	Ore reserves			Production			
	Tons	Grade	Pounds copper	Present	Years	Possible	Year
Utah.....	358,546,000	Per ct. 1.35	9,680,742,000	195,000,000	50	300,000,000	32
Chino.....	108,960,000	1.52	3,168,000,000	24,261,000	56	80,000,000	39
Ray.....	78,703,000	1.50	2,363,000,000	61,385,000	38	90,000,000	26
Inspiration.....	67,738,000	1.50	2,032,140,000	88,881,000	23	90,000,000	22
Nevada Consolidated.....	60,680,600	1.62	1,966,054,000	61,573,000	32	90,000,000	22
New Cornelia.....	49,812,000	1.50	1,494,360,000	38,367,718	39	60,000,000	25
Total.....	719,505,600	1.44	20,704,296,000	498,611,328	40	710,000,000	29

TABLE NO. 3.—Control ownership of United States and South America porphyry copper deposits

Company	United States		Chile		Total		Percentage owned or controlled		
	Pounds copper	Per cent	Pounds copper	Per cent	Pounds copper	Per cent	United States	Chile	Total
Anacosta.....	2,032,140,000	10	32,879,700,000	74	34,911,840,000	54	6	94	100
Kennecott.....	17,177,796,000	83	11,619,000,000	26	28,796,796,000	44	60	40	100
New Cornelia.....	1,494,360,000	7		0	1,494,360,000	2	100	0	100
Total.....	20,704,296,000	100	44,498,700,000	100	65,202,996,000	100	32	68	100

TABLE NO. 4.—Ore reserve distances from New York City

Mine	Known copper reserves (pounds)	Railroad miles from mine to New York		Combined route			
		Town	Miles	Railroad miles from mine to seaport		Nautical miles from seaport to New York	
				Seaport	Miles	Seaport	Nautical miles
Chile.....	28,713,000,000			Antofagasta.....	163	Antofagasta.....	3,900
Braden.....	11,619,000,000			Valparaiso.....	203	Valparaiso.....	4,637
Andes.....	4,166,700,000			Chanaral.....	160	Chanaral.....	4,000
Summary.....	44,498,700,000			Average.....	173	Average via Panama.....	4,040
Utah.....	9,680,742,000	Bingham.....	2,401	San Francisco.....	572	San Francisco via Panama.....	5,365
Chino.....	3,168,000,000	Santa Rita.....	2,448	Galveston.....	1,008	Galveston.....	1,850
Ray.....	2,363,000,000	Ray.....	2,842	do.....	1,392	do.....	1,850
Inspiration.....	2,032,140,000	Miami.....	2,643	do.....	1,203	do.....	1,850
Nevada Consolidated.....	1,966,054,000	Ely.....	2,685	San Francisco.....	786	San Francisco via Panama.....	5,365
New Cornelia.....	1,494,360,000	Ajo.....	2,795	Galveston.....	1,355	Galveston.....	1,850
Summary.....	20,704,296,000	Average.....	2,580	Average.....	1,011	Average.....	3,800

TABLE No. 4.—Ore reserve distances from New York City—Continued

District	Possible annual production (pounds)	Railroad miles from mines to New York		Combined route			
		Town	Miles	Railroad miles from mines to seaport		Nautical miles from seaport to New York	
				Seaport	Miles	Seaport	Nautical miles
Butte.....	250,000,000	Butte.....	2,460	Seattle (Port Townsend).....	706	Seattle via Panama.....	6,090
Bisbee.....	200,000,000	Bisbee.....	2,560	Galveston.....	1,120	Galveston.....	1,650
Jerome.....	150,000,000	Jerome.....	2,656	Los Angeles (San Pedro).....	546	Los Angeles via Panama.....	4,850
Summary.....	600,000,000	Average.....	2,540	Average.....	804	Average.....	4,390
Katanga (Africa).....	900,000,000	Elizabethville.....		Benguela (Lobita Bay).....	1,100	Benguela.....	5,800
Cerro De Pasco (South America).....	150,000,000	Cerro De Pasco.....		Callao.....	213	Callao.....	3,392

Mr. CAMERON. Mr. President, a comparison of the foregoing enumerated porphyry ore reserve denotes that the three Chilean mines have known copper poundage reserves two and two-tenths times the known copper poundage reserves embraced within the six United States mines. This means that the Chilean mines can produce two and two-tenths times the amount of copper per annum during an equivalent time period when compared with the possible annual production from the six domestic mines. The six domestic mines did in 1923 produce 499,611,328 pounds of copper, this representing 34 per cent of our total domestic production. The Chilean mines can produce two and two-tenths times this, or an average of 1,100,000,000 pounds of copper per year for the next 40 years.

The average grade of the Chilean ore reserves is about 50 per cent greater than the average of our domestic mines. This denotes a much less mining, milling, and leaching cost for the Chilean copper than our domestic copper. The Chilean copper poundage lies an average of 800 miles nearer New York than the domestic poundage. This denotes that Chilean copper can be laid down in New York at less transportation cost than our domestic copper.

The Chilean copper poundage due to its nearness to tidewater, about one-sixth of the rail distance of the domestic poundage, enjoys a much lower supply transportation cost than our domestic copper. The low cost but efficient Chilean miner of Indian origin receives vastly less for his labor than our domestic copper miner. Surely the Indian of the Andes with his limited civilization, simple wants, lack of educational opportunities, and repressed since the days of Pizarro, is no fit economic companion for our domestic copper miner. No one within our country, outside of those international commercialists striving for tribute through utilization of this cheap Indian labor, would claim otherwise. However, their sleek arguments are overwhelmingly controverted by the well-known and easily ascertainable facts pertaining to the repressive and low-wage conditions besetting the Andean Indian.

The competition of this labor with that of our domestic copper miner must be eliminated through placing an adequate tariff on the product this cheap labor produces; namely, foreign copper. Now the Chilean copper producer can purchase his supplies in the free-trade markets of the world, carry his copper to New York in foreign bottoms, and sell it without import duty in our highly protected domestic market.

It is evident that the Chilean producer can deliver his copper in New York at an average cost price of 6 cents per pound. The 1923 cost per pound for copper delivered in New York for the six foregoing enumerated domestic mines, representing about 34 per cent of the 1923 production, is estimated to be about 10½ cents. Excluding Utah Copper Co., which mined about 40 per cent of the aforementioned group production, the copper cost for the remaining five mines was about 12 cents per pound.

In addition to the menacing flood of cheap Chilean copper, the domestic copper miner is immediately confronted with an enormous production from the Katanga district, Belgian Congo, Africa.

The Union Minière du Haut Katanga reports as of 1924 a reserve of 74,686,600 tons of ore averaging 6.69 per cent copper, same containing a total of 9,993,000,000 pounds of copper. To convey an idea of the immense size of this reserve it may be stated that it about equals Arizona's total production, 15 per cent greater than Montana's total production, and 35 per cent greater than Michigan's total production of copper from 1845 to date. These three States have produced about 80 per

cent of all the copper mined within the United States from 1845 to date.

The loci of the Katanga copper reserve lies 1,100 miles, rail haul, to Benguela, on Lobita Bay, west coast of Africa, and 5,800 miles water haul to New York. Assuming the water haul equivalent to 580 rail miles, we find this reserve lies within an equivalent 1,680 rail-mile haul from New York, this rail haul being 800 miles less than the rail haul from the loci of all the United States copper deposits to New York. Through the utilization of foreign bottoms it is evident that Katanga copper can be laid down in New York at less transportation cost than our domestic copper. It should require about two years to build the remaining one-half of rail mileage between the Katanga reserve and Benguela. Certainly no economic factor should intervene and prevent completion of this shorter haul to tidewater when consideration is given to the fact that the value of the definitely known copper reserves exceeds by fifty times the probable cost of rail completion.

In order to emphasize that the Katanga reserve is not a languishing or a possible future competitor, but one of the present, even though they are for the moment handicapped by inefficient plant facilities and a 2,300-mile rail haul to tidewater, it may be stated that it did during 1924 produce 188,250,000 pounds of copper at an average cost of 10.4 cents per pound and with a profit for the year of \$5,030,000.

We have no single high-grade copper-ore reserve within the United States or Alaska that can be compared in volume with the Katanga reserve. In fact, the sum total of all our known so-called high-grade copper reserves can not be compared for the reason that they do not contain anywhere the copper poundage of the Katanga reserve. The average grade of all the copper ore mined within the United States for 1925 containing 1,464,165,000 pounds was 1.70 per cent copper. About 78 per cent of our copper was mined from ores averaging 1.4 per cent copper. The remaining 22 per cent was mined from ores averaging 6.7 per cent copper.

The copper areas which furnish most of the high-grade ore are at Bisbee and Jerome, Ariz., and in the Copper River district, Alaska. The Butte district was formerly the largest producing high-grade domestic copper, but for more than a decade the grade of ore mined there has averaged less than 2.5 per cent copper.

The Bisbee, Jerome, and Copper River districts produced in 1923 about 22 per cent of our total production, at an average cost of 9 cents per pound, from ores averaging 6.7 per cent copper. The Bisbee district in 1923 produced about 100,000,000 pounds of copper from smelting ores averaging about 4.6 per cent copper. The Jerome district in 1923 produced about 140,000,000 pounds from ores averaging about 7 per cent copper. The Copper River district in 1923 produced about 84,000,000 pounds from ores averaging 11.6 per cent copper. The total of the above is 324,000,000 pounds of copper from ores averaging 6.7 per cent. This average for the domestic high-grade copper-ore districts is practically identical with the 6.69 per cent average for the Katanga reserve.

The Bisbee, Jerome, and Copper River districts have produced from 1880 to date about 6,000,000,000 pounds of copper. Bisbee having produced about 55 per cent, Jerome about 30 per cent, and the Copper River district about 15 per cent of this total. It required more than 44 years to produce 85 per cent of the foregoing total, and about 20 years for the remaining 15 per cent, or an average of 40 years for the total output.

The foregoing total is only 60 per cent of the Katanga reserve. This conveys to you additional comparative information denoting the immensity of the African reserve.

There is no information available as to the aggregate copper poundage known to exist in the three foregoing high-grade domestic ore districts. They, however, contain large copper reserves, and the adjacent known mineralized areas will undoubtedly continue to develop additional copper reserves for decades to come. They are deep metal-mining districts and excessive cost prohibits detailed ore explorations years in advance.

Costly shafts and underground workings must be run and maintained. Vast sums must be expended for pump installations to care for mine waters; likewise, vast sums to provide hoisting facilities. In addition vast sums must be expended for timber for underground supports and for fuel for pumping mine waters and hoisting ore. Furthermore, it will require the services of skilled mechanics to maintain mine equipment and experienced miners to maintain mine output. It is estimated that the daily production per miner employed will not exceed 2 tons of mined ore and that the mining cost will average about \$5 per ton of ore mined.

The menace to our domestic copper-mining industry from the Katanga reserve is not only that of cheap labor and the enormous volume and high grade of the ore reserves but also the unusual stratigraphic position of same. In the Katanga reserve the ore lies at the surface, and its tonnage can be mined with steam or electrically operated ore shovels. The operators do not have to sink costly shafts or run and maintain expensive underground workings; no costly hoisting and pump equipment or maintenance charges therefore have to be met. No timber for mine supports or enormous quantities of power for ore hoisting and pumping mine waters are chargeable against their mine output. Accidents to their employees will be at a minimum, and they will be able to recover all their ore.

The Katanga ore reserve lies on the surface, and their mining problem is solely one of shoveling the ore directly into 50-ton ore cars. One skilled shovel operator can mine at least 1,500 tons of ore per shift, denoting a mined-ore efficiency many times greater than the output of the skilled underground miner within our domestic high-grade ore districts. In addition there are millions of Belgian Congo negroes available at wages that will not exceed 20 cents per day.

The Congo, with its reeking and soul-barrowing memories of enslaved labor, its jungle trails paved with countless sighing souls and trodden by the millions of forced tribute bearers of ivory and rubber in the past, are now to be used to gather copper for export to our domestic market.

One can visualize the malachite green and azurite blue of the Katanga ore shot through with the cuprite red of the straining, sweating, and soul-racked bodies of impressed labor. On the one hand we can see the few palatial continental mansions of the masters and the countless African huts housing their downtrodden labor. In contrast thereto can be seen the hundreds of copper districts within our homeland, peopled by hundreds of thousands of our kin, in comfortable homes and midst surroundings and opportunities befitting our advanced civilization.

Extended argument is surely not necessary to denote that our domestic copper miner can not meet Congo labor competition. Such degrading and minimum cost labor competition can only be checked and eliminated through the medium of an adequate tariff on foreign copper produced by cheap labor.

Due to the vast supply of cheap hydroelectric power available, plus the factors foregoing enumerated, there is no question but that the Katanga reserve can be shovel mined at a cost not to exceed 50 cents per ore ton, or about one-half of 1 cent per pound of copper produced.

The Katanga reserve ore is seemingly an ideal leaching ore. It is estimated that about 95 per cent of the copper is recoverable by this process and should not cost to exceed \$3 per ore ton, or 2.3 cents per pound of copper produced. The cost of freight to New York and additional refining and selling should not exceed 2 cents per pound of copper produced. The aggregate of these cost factors denotes that Katanga reserve copper should be laid down in New York at a cost of about 4.8 cents per pound. In view of the foregoing cost factors it is certainly reasonable to assume that Katanga reserve copper will be delivered in New York at a cost not to exceed 6 cents per pound.

Katanga reserve can easily mine and leach 20,000 tons of ore per day and maintain this rate for years to come. This means an annual production of 900,000,000 pounds of copper which can be delivered at New York at a cost not to exceed 6 cents per pound.

It may be stated that Chile Copper Co. does now shovel, mine, and leach at least 20,000 tons of ore per day. In addition to the Chilean and Katanga copper competition the domestic cop-

per-mining industry is confronted with a probable annual average copper production from Peru aggregating 150,000,000 pounds and from Mexico amounting to 150,000,000 pounds, or a total of 300,000,000 pounds of copper per year. It is also believed that within a comparatively short time Northern Rhodesia and the French Congo, Africa, will begin to produce large quantities of copper.

The assumption is tenable that the domestic copper producer can anticipate within the near future a combined competitive production of at least 500,000,000 pounds of copper per year for years to come from Peru, Mexico, northern Rhodesia, and French Congo. It is also believed that large additional known copper reserves exist in Chile and Katanga, the tonnage and grade of which have not yet been published. Furthermore, that there are large undeveloped copper areas in these two sections which upon completion of exploratory work will, it is believed, add vast copper poundages to the known reserves.

It has heretofore been stated that the United States porphyry type deposits did in 1923 furnish 34 per cent of the domestic product at an average cost of 10.5 cents per pound, and the high-grade ore districts furnished 22 per cent at an average cost of 9 cents per pound of the total domestic copper production. The remainder, namely, 44 per cent, aggregating 640,000,000 pounds of copper, has a cost production averaging 13 cents per pound. This remainder came from Montana (Butte district), Michigan (Lake Superior district), Arizona (a remainder of 185,000,000 pounds from Morenci, Globe, Miami Copper Co., Sacramento Hill, and so forth), California, Tennessee, and all the other States and districts within the United States not heretofore mentioned.

Averaging the aforementioned costs, we find that for 1923 the average cost of copper produced within the United States was about 11.5 cents per pound. In analyzing costs for 1923 it was also found that 65 per cent of same was produced at an average cost of about 13 cents per pound. Summarizing the foregoing discussion, we find that the United States copper-mining industry is confronted with an annual copper production of 1,100,000,000 pounds from Chile and 900,000,000 pounds from Katanga, a certain and definite annual total competitive production of 2,000,000,000 pounds of copper; also that this competitive production can be laid down in New York at a cost of 6 cents per pound.

It was also stated that the 1923 domestic copper production, amounting to about 1,500,000,000 pounds, cost 11.5 cents per pound. Furthermore, that 65 per cent of our total domestic production was produced at a cost of 13 cents per pound. Thus it costs 5.5 cents more per pound to produce all our copper, and 7 cents more for 65 per cent thereof within the United States, than it does to produce copper within the Chile and Katanga areas. This difference in cost is easily understood when consideration is given to the many heretofore enumerated economic factors favoring these foreign areas. In view of this difference in cost, amounting to about 6 cents per pound, why is it that the controlling financial factors within the domestic copper industry have not energetically sought and secured a 6-cent duty on import copper?

In analyzing control factors in the domestic copper mining industry we find two closely related domestic corporations controlled and producing a total of 786,000,000 pounds of copper, this representing 53 per cent of the total domestic copper production for the year 1923. These same two domestic corporations controlled 100 per cent of the Chilean copper production for the year 1923. These two corporations also control 92 per cent of the United States porphyry deposit copper poundage discussed heretofore and all the Chilean reserve copper poundage. The cost of these two domestic corporations was an average of 11.5 cents for their 1923 United States production; and these same two corporations control the large copper reserves of Chile and can lay down in New York 1,100,000,000 pounds of copper per year at a cost of 6 cents per pound. With copper selling at 14 cents per pound at New York, it is evident that these two corporations can only make 8.5 cents per pound on their United States output, as against 8 cents per pound profit from their Chilean mines output. Which of these two channels of profit will be followed and developed to its maximum by the undeniably shrewd, able, and far-seeing business men controlling both? It is evident that sound international commercialism would dictate the securing of an 8-cent per pound profit as against one of 8.5 cents.

Furthermore, there may exist a possible corporate ambition within these two corporations that after merging their equities, thereby directly controlling 85 per cent of the known copper reserves of the world, they will be able to dictate the price of copper. Their tendency may also be in the direction that

monopolies usually traverse, namely, one of temporarily lowering prices to destroy the weaker competitors; buy out or reach an understanding with those competitors not easily eliminated, and when this is accomplished they can fix a price for copper products circumscribed only by conscience or economic fear. There will be nothing artificial or ephemeral about this probable international copper corporation. They will definitely control ore reserves of vast magnitude and values, with efficient facilities to deliver copper products from mine to consumer in volume and at costs beyond competition. Under these circumstances it is evident that they will completely dominate the mining, marketing, and the sale price of copper and its products.

The domestic copper miner and all the citizens residing within and dependent upon the continued and uninterrupted mining of copper within our domestic copper areas view with alarm this dual control of the copper-mining industry of this country and exterior thereto. Congress does not permit the controllers of the domestic lead, zinc, and aluminum industries of the country to import free of duty unlimited quantities of their respective metals from cheap foreign-labor areas, whether they own or do not own these areas. You do not permit domestic financiers in control of manufacturing plants within Europe or the Orient to ship their cheap controlled products into our home areas free of duty. Neither do you permit the jobbing interest of this country an unlimited right to import free of duty any cheap-labor product from foreign areas.

Is the United States Steel Corporation permitted to import free of duty an unlimited poundage of steel ingots from the cheap-labor areas of Europe or Asia? Would the iron miners of Minnesota, Michigan, Wisconsin, Colorado, and Alabama, the railroad and shipping employees who transport the iron ore to smelting centers, the coal miners who furnish the power and fuel to smelt the iron ore, the employees of the blast furnace and steel ingot centers—would all the foregoing citizens view with complacency the possibility that the rolling mills of the steel corporation be permitted to import duty free an unlimited supply of cheaply produced foreign steel ingots? If a situation such as the foregoing existed, it is a certainty the mining of iron ore in this country would be destroyed. A situation analogous to the foregoing exists within the copper-mining industry of this country. It is of recent origin, yet nevertheless it exists and must be checked promptly if the mining of copper in this country is to remain one of our basic industries.

At the present time the foreign producer of copper can ship an unlimited poundage of copper ingots into this country free of duty. The poundage so imported means an equivalent lessened copper production within our home areas. This cheap foreign-labor copper can be delivered in quantities sufficient to supply all our domestic needs and at a price greatly below our cost of production. This unlimited importation of copper free of duty into this country will destroy our copper-mining industry; in consequence destroy the livelihood of our miners and all those dependent on the continued mining of copper within our domestic copper areas.

Is our country willing to lose the experienced personnel that has taken generations to develop, since the beginning of the copper-mining industry in this country from 1845 to date? If you permit the copper-mining industry of this country to be crushed beneath the juggernaut of personal greed you will find this personnel drifting into these new foreign areas to seek a livelihood. Many of them—executives, engineers, geologists, and skilled miners—have already left our home areas and are using their experience and skill in developing competitive foreign copper areas. It would require many years to replace the experienced personnel we now possess; this personnel which embodies the skill and experience developed during the 80 years we have been mining copper. It is beyond question the most skilled and experienced in the world, and in losing it this country would suffer a distinct economic loss, plus the additional loss of a high quality of citizenship.

The continued importation of cheap foreign-labor copper will destroy our domestic milling, leaching, and copper-smelting industries; great losses will be sustained by the coal, coke, oil, transportation, and supply agencies of our country. Likewise, many communities will be utterly destroyed and many States will suffer large taxation revenue losses in case an unlimited supply of cheap foreign-labor copper is permitted to enter free of duty. These controllers of our domestic and the Chilean copper production also control the brass, copperplate, and copper-wire manufacturing industries of this country. Their viewpoint is seemingly that of a manufacturer, a jobber; not that of a miner. They are desirous of securing so-called "raw copper" at minimum prices, knowing that high profits are

available through the manufactured copper products their plants will produce. They also know that their particular manufacturing plants will always have an ample supply of ingot copper through their control of huge ore reserves. They will exercise great care that an ample tariff schedule be maintained as against imported articles manufactured from copper. This control of ore reserves is undoubtedly the shield behind which they will take refuge, emerging therefrom with profits much greater than would be possible from mine operations alone.

Does the buyer of a copper boiler in this country, paying therefor at the rate of a dollar a pound, begrudge the domestic copper miner his wage amounting to a few cents thereof? Will the consumer of electric current in this country receive the benefit of cheap foreign-labor copper that these controllers of our domestic copper-fabricating industry will furnish? No; these controllers may be expected to secure the maximum possible profits out of their manufacturing activities. The selling price of copper to-day is less than its average sale price for the past 30 years. In comparing the price of manufactured copper products used by the consumer with the selling price of copper you will find the tendency ever to increase and is to-day selling higher than its past 30-year average price. Surely Congress will not continue to permit the domestic copper miner's livelihood to be subjected to the international commercial ambitions of any set of men—not grant them continued power to import duty-free copper from their Indian-labor estates of the Andes or the downtrodden areas of central Africa. The domestic consumer of copper will never receive any proportional benefit from this cheap-labor foreign copper; on the other hand, the domestic copper miner will be destroyed. Surely our country wishes to maintain unimpaired and in continuous operation all the developed copper areas within our boundaries and wishes to reestablish livable conditions therein. This in turn will result in increasing our known copper reserves through increased incentive to explore adjacent mineralized areas.

These dual controllers of our domestic and foreign copper production have spent tens of millions of dollars the past decade in foreign lands to secure control of copper-ore tonnages amidst labor and economic conditions to their liking. Yet these same interests during the past decade have hardly spent a dollar within our country for drilling and exploring the hundreds of undeveloped potentially valuable copper-stained outcrops contained within our 220 well-known domestic copper districts, which are located in 19 of our States. Even though they could find new ore areas containing average commercially valuable copper reserves in this country, the cost of the copper therefrom would be much greater than their foreign-owned supply. Hence their manufacturing profits would be decreased. Have these dual controllers of our copper-mining industry and Chile ever evinced an interest in our western civic affairs greater than their demand for cheaper wages, lower taxes, and maximum possible profits? How many model and independent communities have they established, and just how keen has been their desire and energy to give employment to the American miner? Their history has been one of intense commercialism, to secure the maximum possible profit out of the human as well as the ore factors involved.

Is it, therefore, startling, in view of the foregoing phases, that the domestic copper miner views with alarm the power these dual controllers possess? He knows full well that his future can only be made secure by Congress placing an import duty on the cheap foreign-labor copper which these controllers are pouring into our country in ever-increasing volume. This citizen with the blood of pioneers coursing through his veins is ever seeking within our homeland for new copper areas and prospecting and mining within those known. This man of courage, brawn, optimism, and intelligence who descends into dangerous depths to labor and shatter the earth's crust in search of copper, constantly bringing forth the metal that forms the millions of circling bands that carry the tidings of human activities between individuals, communities, and countries, that convey the energy impulses that turn our wheels of commerce and converts night into day. Copper, the metal of rare beauty and utility, essential in nearly every avenue of human endeavor and industry. Surely this man of our own blood and kin who is ever seeking this valuable metal for us is entitled to your most earnest and favorable consideration. Surely you will accord him protection, not make an exception of him, not permit our domestic copper miner to remain isolated and pilloried midst the ever-swelling volume of menacing economic barbs shot out of the Andean heights or the Congo jungles.

We find the independent and purely domestic producer already doing things of necessity so that he can exist. He is becoming increasingly unable to pay essential local taxes, the result being less efficient local school facilities and minimum

local civic improvements. The tendency also is to employ the cheap and ignorant foreign laborer rather than our own citizens. Our domestic copper districts are on a 60 per cent producing basis and steadily growing worse. Next year it will be still worse and grow constantly more so unless an import duty on foreign-produced copper is made effective. Everything that the domestic producer of copper purchases in the way of supplies is bought in our highly protected home market. This higher cost for supplies, plus higher labor cost, makes it impossible for him to compete at home or abroad with the low supply and cheap labor cost copper from foreign areas. Is there any way to equalize this inequality, in view of existing governmental policies, other than by placing an import duty on foreign-produced copper?

Commercial efficiency will surely prevail when the shrewd and competent dual controllers of our domestic copper-mining industry and the Chilean copper reserves reach the rim of their anticipated endless long plateaus of maximum manufacturing profits. Whereas yesterday they shipped raw copper ore and unrefined black copper to our domestic smelters and refineries to be converted into electrolytic copper, to-day they are shipping vast quantities of electrolytic copper direct from their Chilean areas; to-morrow they will undoubtedly attempt to utilize the cheap labor and cheaper supplies of their Andean estates and import their copper in fabricated form.

In 1917 Chile imported into this country 4,074,784 pounds of refined copper, representing 0.2 per cent of its total copper importation; and 206,133,975 pounds of copper contained in ore, concentrate, matte, and black copper, representing 99.8 per cent of its total copper importation. In 1923 Chile imported 118,446,874 pounds of refined copper, representing 44 per cent of its total copper importation, and 151,144,975 pounds of copper contained in ore, concentrates, and black copper, representing 56 per cent of its total copper importation. The foregoing shows a 2,200 per cent increase in refined copper imports from Chile in the short space of six years. This denotes a lessened employment of citizens in our domestic smelter and refining plants, a lessened consumption of domestic fuel and power, and in consequence lessened labor employment in these industries; also a decrease in domestic tax revenue through the refining of this copper in Chile instead of in the United States. The foregoing loss to our smelter and refining industries will not alone show a future progressive loss increase, but will undoubtedly continue to develop until the total Chilean copper imported will be in electrolytic form. Chile will naturally expect that her citizens and industries be given the maximum possible benefits from her domestic resources, just as Canada in restricting her pulpwood exports has founded great industries within her areas and increased her manufactured exports of wood pulp, paper, and paper products.

The foregoing losses to our domestic refining and smelting plants and collateral industries further emphasizes the necessity of protecting our copper-mining industry. In protecting it thereby enabling our home areas to supply our home market the total domestic copper consumed will be refined within our country. This means that the citizens dependent on the continued refining of copper within our country will be assured of a continued livelihood and that our refineries will be maintained on an efficient maximum production basis.

Assuming that these dual controllers of our domestic and the Chilean copper production assure us in all earnestness that they will always furnish the domestic consumer with low-price copper products proportional to the low cost of foreign copper contained therein, will they be able to fulfill such a promise when and if made? The Chilean Government will always have the final say as to any and all resources within its boundaries. Through the medium of an export tax on copper it can dictate the commercial value of its copper reserves. If this tax is excessive it means the utter destruction of its export copper industry. Such an event is not anticipated, although it may happen if calloused political factors desire to acquire the industry at a cheap price for their State. If Chile enacts an export tax, the effect will probably be that Chilean copper will be sold at prices to yield the maximum export tax. This tax, plus all the other costs, will increase the price of copper to be ultimately borne by the consumer. A practice similar to the foregoing is effective to-day in the rubber, potash, and coffee monopoly industries; hence it is not unusual and can not be considered as jeopardizing international relations.

The high-class Chilean has been termed the "Yankee of the Andes." He is an able, courageous, and, above all, an intelligent commercialist. A comparatively few families control the political destinies of Chile, and these same families own vast landed estates. They are interested in maintaining taxes on

land at a minimum. Governmental expenses must be met, however; hence their effort is directed in securing the money therefor from sources other than a tax on land.

From what sources has Chile secured enormous revenues in the past? A review of the Chilean nitrate industry is instructive. This is a world monopoly controlled by the Chilean Government. Originally in the hands of optimistic foreign individuals it has gradually passed into and is now controlled by the State. It has paid hundreds of millions of dollars into the treasury of the State, and to-day is the great source of revenue the Government of Chile has. With an appetite whetted for decades by foreigners' dollars flowing in from the nitrate-industry monopoly, do you believe that the Chileans will hesitate to secure the maximum return possible out of any other monopoly—for instance, the copper monopoly?

For that matter the exigencies of our Belgian friends in political control of the Katanga copper reserves will undoubtedly also find that an export tax on Katanga copper will be a lucrative source of income, and will welcome the possibility of delivering high-priced copper to us when and if they share in this monopoly.

It may be stated as a fact that the domestic consumer of copper, when dependent on foreigners for copper, can not accept the word or assurance of an individual foreigner, or one of our own citizens, as binding on the governments controlling these reserves. Individuals or corporations possess no delegated powers which governments must respect; hence their promises are mere statements and are unenforceable. It is very certain that the domestic consumer of copper, when solely dependent on foreigners for his supply of copper, will pay whatever is demanded. It also seems certain that the average price will be much higher than he would have had to pay for domestic-produced copper had our copper-mining industry been permitted to survive. Fortunately our domestic copper-mining industry is still functioning, and the foregoing assumed situation will never confront our domestic consumer if we secure at once an import duty on foreign-produced copper, thereby enabling our industry to survive and continue to meet all our domestic needs. It should always be remembered that our own industries are always controllable under the provisions of our laws and their increments of profits taxable to aid our civic institutions. Bearing this in mind, a prosperous domestic copper-mining industry can not be other than beneficial in every possible way to our citizenship and country.

There has been a hectic, feverish stock-exchange activity of the stocks of the corporations controlling the Chilean and Peruvian copper reserves. Their stocks have mounted higher and higher while the stocks of our independent and purely domestic producer of copper are listless. The speculators are anticipating huge profits from these foreign copper areas. Is there a better criterion denoting the huge anticipated profits from these foreign reserves than this stock-market increase? All of this increase is based on the assumption and belief that these foreign areas will undersell the domestic producer of copper, not only abroad but also in our local market, which is greater than all of the rest of the world combined. When this competition reaches its apex our domestic copper-mining industry will be destroyed. When the speculators' profit reaches a maximum, the loss to our copper-mining industry dependents will be complete. It is unbelievable that the citizenship of this country will stand by and permit the sacrifice of the livelihood of some 500,000 citizens directly and indirectly dependent on the continued mining of copper within our home areas, and thereby solidify the speculative profits of those agencies who are planning and anticipating the destruction of our copper-mining industry. When the true situation is known, Congress will accord justice and equity to those citizens through the medium of a tariff on import copper, thereby saving the domestic copper-mining industry and the livelihood, homes, and future of the citizens dependent thereon.

How is it tenable or fair to deny and except the miner of copper production from foreign low-cost copper, when protection has been accorded the domestic miner engaged in the lead, zinc, iron, and aluminum metal industries? It certainly can not be argued that copper is less valuable proportionally in every avenue of our industrial life than any of the foregoing metals. If our industrial body be skeletonized with steel, its helplessness would be manifest without its electrical-nerve system composed of copper. Our industrial body requires copper in addition to steel and other metals in order to function properly, as much so as the human body requires not alone food but moisture and air as well to sustain its activities.

Our country is very active industrially and economic conditions as a whole are excellent. The present domestic consumption of copper per capita is the greatest in our industrial history.

Yet our domestic copper-mining industry is in a state of uncertainty; dependency is the rule, not the exception. The citizens within the domestic copper areas are surcharged with anxiety and fearful of the future. Surely this is a strange economic situation. When the domestic consumption of copper is at its maximum the copper-mining citizens dependent thereon are in the depths of despair.

The cause underlying it all and directly responsible therefor is the tremendous increase in foreign copper production; the ability of the foreigner to produce a volume of copper greater than our own and at vastly less cost. The buyers of copper know this, and during the present transitory stage of cheap foreign copper have hammered the price of domestic copper below its average 30-year price. These buyers will undoubtedly secure still cheaper copper, possibly down to 10 cents per pound, when the ruin of our domestic copper-mining industry will be complete. When domestic competition has been eliminated and domestic mines and plants abandoned, the buyer or consumer of copper will have to pay monopolistic prices for it.

An import duty on copper is the only remedy that will correct the present anomalous existing economic situation besetting our copper-mining industry, and permit the citizens thereof to enjoy prosperity proportional to that enjoyed by our citizens engaged in the protected lead, zinc, iron, and aluminum industries.

An argument advanced by those in favor of copper remaining on the free list is that our future domestic requirements of copper demands that we do not interfere with and thereby interrupt the efficient development of foreign competitive areas. Is this condition peculiar to the domestic copper-mining industry alone? Does not an analogous situation exist in all the other industries of our country? Following this argument to the end means letting down the bars of protection and admitting free of duty every product produced or manufactured throughout the world. The time, and the only time, to permit the unlimited importation of foreign copper duty free is when our domestic copper reserves are definitely and positively known to be exhausted. Our present known reserves will last for decades, and there are a thousand copper-stained hills within our home areas still awaiting detailed exploration. These will be explored and will surely add vast additional copper reserves, as hills in the past have yielded to those of the present, if the domestic prospector, miner, and producer can be protected against the destructive flood of cheap foreign labor copper.

The only incentive to develop our home copper area rests with our own citizens—those dependent thereon. We can not expect foreign copper controllers to aid us in exploring any new domestic copper areas. The driving, urging desire to do so rests with those of our citizens dependent thereon and desirous of maintaining home and progeny midst surroundings dear to their heart, within their homeland and in contact with their own citizenship.

The history of salvaging the low-grade sand and magnetite iron ores of Minnesota and the low-grade lead and zinc ores of our domestic areas afford excellent examples of where a dependent citizenship added vast reserves to our domestic mineral resources. This was done because the cheaper competitive foreign metals were excluded under the wise and beneficent provisions of our tariff law.

The consuming citizens of this country do not need, nor would they expect to receive any benefit from the small additional amount that a satisfied copper miner will receive through the continued production of copper within our home areas any more than they denied the increment of increase to those of our citizens engaged without our present protected industries.

Constant propaganda has been broadcast during the past two years to convey the impression that to-morrow conditions will be better. Germany or some other European nation will soon be able to buy our domestic copper, and so forth. We can not now compete in the European markets with the large volume of low-cost foreign-produced copper, and even if we could for the moment where is the Andes Copper Co. going to sell its 200,000,000 pounds annual output when it adds its quota a few months hence to the ever-swelling Chilean copper stream? Will it market the output in this country or in Europe? Even if Germany increased her per capita consumption by one-half, her additional requirements could be more than satisfied by this new and latest foreign increment of increased production. If the European copper market is so valuable, let the foreign producer of copper sell his product there. The independent and purely domestic copper producer is satisfied with selling his product in his home areas. He is entitled to his home market for his product. Grant him this right as you did citizens engaged in the protected steel, lead, zinc, and aluminum industries.

The argument is advanced that our domestic copper mining industry does not need an import duty on foreign-produced copper, for the reason that our domestic industry must export copper in order to mine at a profit. Our domestic copper producer can not compete with the cheap-cost foreign-produced copper which has come into the world's market the past few years. Their enormous reserves and cheaper costs of foreign copper make it impossible for the domestic producer to retain former markets if the foreign producer is in need thereof. The result has been a decrease in our exports and a lessening of our domestic capacity production. If our domestic producers could compete, they certainly would not be selling two-thirds of their production, either locally or abroad, very nearly at cost. Good business would dictate that they retain this poundage in the hope that the future would afford a reasonable profit. However, these high-cost domestic producers must retain their personnel, keep their mines in repair, and pay taxes. All this overhead must be met and they are striving to secure it from ore reserves. If they should suspend all mine operations, they would endanger their equities. Hence, they are continuing operations hoping that something will transpire to relieve their dilemma. Their hope the past four years has been that the price of copper would advance to a point where they could regain their losses and continue profitable operations. However, their hopes have not been realized and they are desperately striving to hold their equities intact. Their plight is growing constantly worse, and the only certain relief for them is to secure control of their home market by excluding the low-cost foreign-produced copper.

A review of our copper-export statistics of 1923 with those of a few years ago is interesting, and the following detail is submitted:

In 1913 we produced 1,224,500,000 pounds of copper; our domestic consumption was 812,000,000 pounds, or 67 per cent thereof. This left 412,000,000 pounds of domestic copper, or 33 per cent, available for export.

In 1923 we produced 1,435,000,000 pounds of copper; our domestic consumption was 1,300,000,000 pounds, or 93 per cent thereof. This left 135,000,000 pounds of domestic copper, or 7 per cent, available for export.

An analysis of the foregoing shows that in this 10-year period our total production increased 17 per cent; our domestic consumption increased 60 per cent; and that our copper exports decreased 67 per cent. This analysis denotes that our domestic consumption is approaching and nearly equaling our domestic production and that our copper exports are decreasing and approaching a minimum. The foregoing is somewhat indicative of the change that has taken place within our copper industry the past decade.

During this decade the enormous areas of South America and Africa have been developed, and their rapidly mounting copper production has already destroyed our control of the foreign copper market. This stream of foreign low-cost copper is increasing rapidly and will not alone control all the foreign markets, but our own as well, unless an import duty on foreign copper is made effective.

An analysis of existing costs denotes that the foreign-produced copper can be delivered at New York at 6 cents per pound, whereas our domestic cost is about 12 cents per pound. This 6 cents profit differential in favor of foreign-produced copper plus the enormous foreign reserves indicates positively that domestic copper can not compete with the foreign product either at home or abroad. The export statistics quoted foregoing are corroborative of the foregoing statement and prove that our days are over as a world's copper competitor.

The domestic copper-mining industry must rely on a protected home market in disposing of its products, just as the protected lead, zinc, iron, and aluminum industries must do in disposing of their metal product. In so doing our copper-mining industry may expect to secure the same degree of wholesome prosperity that these industries enjoy.

Copper is one of the metals of vital necessity in caring for our industrial needs. Certainly it will be beneficial to our Nation to retain any surplus in excess of our industrial necessities; once exported it will be lost to us forever.

In consequence, it may be stated that no commercial necessity will exist necessitating our domestic producers to export copper in order to mine at a profit when an adequate tariff is made effective. That adequate profits will be available to those engaged in the domestic copper-mining industry; also place it on a fundamentally solid basis through control of its home market; likewise hold in reserve for future national necessities our former exports thereof.

Further discussing the contention that reasonable profits are not available to the domestic copper producer through solely supplying the copper necessities of our country, a metal indus-

try, namely, the iron industry, affords instructive parallel example as to probable profits available. It will be remembered that our country produces about 60 per cent of the steel production of the world and about 50 per cent of the world's copper production. The gross value of pig iron produced in 1923 was more than five times greater than the gross value of electrolytic copper produced during that year. Our domestic steel industry is not an exporter of steel ingots, is accorded rigid tariff protection, and is one of our continuing highly prosperous metal industries. The United States Steel Corporation controls about 60 per cent of the iron production of this country and is not alone one of the richest and most powerful of our domestic corporations but also one of the greatest in the world. Its major earnings have been solely secured by supplying a portion of the iron necessities of our home areas, said iron being mined solely from domestic iron-ore deposits. The Steel Corporation is not an exporter of steel ingots. It can not compete abroad with the cheap-labor iron products from foreign areas. Nevertheless, it has enjoyed unexampled prosperity in the past and does now secure excellent earnings through solely selling its products within our home market. Likewise the employees of the Steel Corporation and the domestic communities in which it operates have enjoyed and do now enjoy exceptional prosperity. The annual gross earnings of the Steel Corporation alone about equals the total gross value of our annual domestic copper production.

If our generous citizenship is willing to reward the Steel Corporation for efficient services in the iron industry by according it a sum about equal to the gross value of our domestic copper production, it is reasonable to assume that they will grant the copper producer an equivalent proportional reward which he will be entitled to for rendering efficient service in supplying the vital copper necessities of our country. It is self-evident that through securing this proportional reward the domestic copper producer will enjoy unusual prosperity. When the domestic copper producer is prosperous it means a prosperous and contented copper miner and prosperity for all the others dependent on the copper-mining industry.

To digress for a moment, attention will be directed to a fundamental difference between the policy of the United States Steel Corporation and the crystallizing policy of the incipient International Copper Corporation. The financiers who formulated and made effective the Steel Corporation did this on the premise of securing iron for the corporation rolling mills solely within our home iron areas. The political, judicial, and therefore the brilliant industrial history of the corporation would have been vastly different had it attempted to secure steel ingots for its rolling mills from the cheap labor areas of foreign lands. Hence an international copper corporation can find no optimistic precedent applicable to their ambitious international maximum-profit attempt through securing cheap, foreign-labor copper ingots for their domestic rolling mills upon reviewing the industrial history of the Steel Corporation. It can not expect the same degree of immunity accorded the Steel Corporation which, although unusually prosperous and a virtual monopoly, nevertheless, has rendered service to our country through securing its total iron supply within our home areas and thereby aided in developing our domestic iron industry and maintaining domestic citizenship and communities.

Assume that a state of war exists and that we are dependent on South America and Africa for our supply of copper. Even though the nationals controlling this foreign copper permitted exportation thereof, it is probable that the enemy, through submarines and aerial activity, would prevent delivery of copper to our ports. If such a condition confronted us, where could we secure an ample supply of copper to care for our war necessities? We could secure some copper by requisitioning what might be termed nonurgent electrical, telephone, and industrial poundage. Whatever poundage was so seized would surely lower the war efficiency of the foregoing industries. The only efficient recourse would be to try and secure sufficient copper from our domestic copper areas, cost what it may. In striving to do this you would have hurriedly to create a personnel in lieu of our existing one embodying 80 years of experience.

You would have to manufacture new hoists, pumps, compressors, and an infinite detail of mechanical accessories; sink shafts, run underground workings, build connecting railroads, new milling plants, smelters, and refineries. Years would be required to re-create our supposedly destroyed copper industry to enable it to meet our war necessities. Hundreds of millions of dollars plus years of time would be spent in the foregoing effort to rehabilitate our copper industry. Our building of aircraft during the World War affords an instructive parallel example. It is undeniable that a continuance of our domestic copper-mining industry unimpaired and efficiently equipped will

be of incalculable aid to our national defense if war should ever overwhelm us.

Our domestic copper-mining industry can only be maintained on a constant thoroughly maximum efficient national defense basis by preventing foreigners importing an unlimited poundage of copper duty free, the continuing effect of same being the certain and utter destruction of our domestic copper-mining industry. Congress has, through the medium of a protective tariff, saved the economic lives of nearly all the industrial brotherhood within our Nation. It prevented the economic life of our iron miner from being destroyed by the iron machete of cheap foreign labor areas. It prevented the economic skull of our lead miner from being crushed by lead billets wielded by foreign economic foes. Why, then, not accord equivalent justice to their brother, the copper miner, and grant him protection—save his economic life from the copper arrow of the Andes and the copper spear of the Kongo?

Each economic child of our country is entitled to equivalent care, opportunity, and protection. Equal devotion should be bestowed on each unit of our economic progeny. In protecting the copper miner you will not alone accord justice and equity but likewise comply with the economic law that has made our country the mightiest and the most contented industrial Nation in the whole recorded cycle of human activities. The miners within the copper areas of our country dependent upon the continued and uninterrupted mining of copper have wives, children, communities, and States within their keeping. They have ambitions to care for their proportionate burdens of home and national welfare—just as desirous of living self-sustaining, independent, useful, and patriotic lives as did their eastern forbears or those of their brothers engaged in all the protected subdivisions of our industrial activities.

They plead with you to heed their cry for protection of all they hold dear in life. In granting them protection you are aiding the progeny of the hardy pioneers who initiated the copper industry within our country nearly a century ago midst the hardships and dangers of Keweenaw Peninsula. You will also save the livelihood and future of the descendants of those pioneers who established and maintained the outposts that initiated and developed our western areas. In aiding these citizens you will also provide for a continuance of those agencies that have in the past brought forth into our channels of commerce inestimable values of copper and associated metals. Aiding them means an uninterrupted replenishing of our copper necessities not alone in time of peace but in war as well. In aiding them you will give stimulus and aid to create wealth within a thousand of our unexplored hills. The unfolding of treasure therein will afford livelihood, fortune, and happiness to hundreds of thousands of our citizens of the present and the generations to come.

The protection so accorded will emphasize the minute care you give to every subdivision of our industrial life, that the continuing wisdom of unfolding within the mantle of protection each and everyone thereof is deemed not only essential nationally but likewise is an equable distribution of justice. You will in the years to come realize, feel, and cherish a degree of patriotic happiness most satisfying to mind and heart that through according protection to these sons of pioneers you retained this citizenship and their progeny within our country. You will realize that you followed the path of justice and patriotism when you saved the copper-mining industry within our country and all those communities dependent thereon. You will realize that compliance with the ages-old saying, "Our first duty is to care for our own," was not only a parental legislative duty but likewise yielded undreamed of compensation to our Nation for the care and protection so bestowed.

Permit the copper miner to reenergize the dying copper industry of his homeland; do not refuse his plea for protection and thereby send him forth to foreign areas to seek a livelihood; do not condemn him and his progeny to labor in strange lands with aliens of varying types and intelligence.

Heed his cry for justice and equity! Grant him this, as you have millions of his brothers in all the other avenues that traverse our industrial life.

RECESS

Mr. FESS. Mr. President, in obedience to the agreement entered into earlier in the session to-day, I move that the Senate take a recess, the recess being until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate, pursuant to the previous order, took a recess until to-morrow, Saturday, April 10, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 9 (legislative day of April 5), 1926

UNITED STATES ATTORNEY

Aubrey Boyles, of Alabama, to be United States attorney, southern district of Alabama. A reappointment, his term having expired.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY
QUARTERMASTER CORPS

Col. David Lamme Stone, Infantry, with rank from July 1, 1920.

CORPS OF ENGINEERS

Maj. Eugene Reybold, Coast Artillery Corps, with rank from July 1, 1920.

FIELD ARTILLERY

First. Lieut. Lowell Meeker Riley, Infantry, with rank as prescribed in the act of June 30, 1922.

PROMOTION IN THE REGULAR ARMY

TO BE MAJOR

Capt. Carl Halla, Finance Department, from April 2, 1926.

POSTMASTERS

ALABAMA

Henry H. Farrar to be postmaster at Blocton, Ala., in place of H. H. Farrar. Incumbent's commission expired February 15, 1926.

Frank M. Johnson to be postmaster at Haleyville, Ala., in place of F. M. Johnson. Incumbent's commission expires April 11, 1926.

George C. Adams to be postmaster at Ragland, Ala., in place of G. C. Adams. Incumbent's commission expired March 2, 1926.

ARKANSAS

Bevie I. Abbott to be postmaster at Hampton, Ark. Office became presidential July 1, 1925.

Jesse L. Russell to be postmaster at Harrison, Ark., in place of J. W. Slover, resigned.

Henry L. Thompson to be postmaster at Huntsville, Ark., in place of J. T. Harper, removed.

CALIFORNIA

Samuel N. Frost to be postmaster at Holtville, Calif., in place of S. N. Frost. Incumbent's commission expired March 22, 1926.

George M. Eaby to be postmaster at La Habra, Calif., in place of G. M. Eaby. Incumbent's commission expired February 22, 1926.

CONNECTICUT

Helen G. Miller to be postmaster at Coscob, Conn., in place of Alfred Pultz. Incumbent's commission expired December 21, 1925.

HAWAII

Frank Cox to be postmaster at Waikea, Hawaii, in place of Frank Cox. Incumbent's commission expires April 10, 1926.

Elizabeth H. Travis to be postmaster at Waipahu, Hawaii, in place of E. H. Travis. Incumbent's commission expired March 7, 1926.

ILLINOIS

Louis E. Ude to be postmaster at Carmi, Ill., in place of L. E. Ude. Incumbent's commission expires April 13, 1926.

Fred More to be postmaster at Charleston, Ill., in place of Fred More. Incumbent's commission expires April 13, 1926.

Pauline E. Carnahan to be postmaster at Hindsboro, Ill., in place of F. S. Cox. Incumbent's commission expired January 21, 1926.

Robert A. Blackmon to be postmaster at Lacon, Ill., in place of R. A. Blackmon. Incumbent's commission expires April 13, 1926.

George H. Townsend to be postmaster at Onarga, Ill., in place of G. H. Townsend. Incumbent's commission expires April 13, 1926.

Homer F. Kelly to be postmaster at Roseville, Ill., in place of H. F. Kelly. Incumbent's commission expires April 13, 1926.

Frank E. Walters to be postmaster at Seaton, Ill., in place of F. E. Walters. Incumbent's commission expired March 31, 1926.

INDIANA

Lawrence O'Connor to be postmaster at Troy, Ind., in place of Lawrence O'Connor. Incumbent's commission expired December 22, 1925.

IOWA

John L. Gallagher to be postmaster at Eddyville, Iowa, in place of J. L. Gallagher. Incumbent's commission expires April 13, 1926.

Frederick W. Steele to be postmaster at Walker, Iowa, in place of F. W. Steele. Incumbent's commission expires April 13, 1926.

KANSAS

Charles N. Shafer to be postmaster at Fredonia, Kans., in place of C. N. Shafer. Incumbent's commission expires April 11, 1926.

KENTUCKY

James H. Thompson to be postmaster at Ewing, Ky., in place of J. H. Thompson. Incumbent's commission expires April 13, 1926.

Herbert C. Hall to be postmaster at Hardinsburg, Ky., in place of H. C. Hall. Incumbent's commission expires April 16, 1926.

LOUISIANA

James R. Coplen to be postmaster at Sulphur, La., in place of Frank Granger. Incumbent's commission expired February 14, 1926.

Nathan R. Funderburk to be postmaster at Wisner, La., in place of N. R. Funderburk. Incumbent's commission expired March 2, 1926.

MAINE

Earle H. Roberts to be postmaster at Fort Kent, Me., in place of E. H. Roberts. Incumbent's commission expires April 11, 1926.

Ivory J. Bradbury to be postmaster at Hollis Center, Me., in place of I. J. Bradbury. Incumbent's commission expires April 11, 1926.

Thomas H. Phelan to be postmaster at Sabattus, Me., in place of W. F. Huen. Incumbent's commission expired October 5, 1925.

MARYLAND

August W. Clark to be postmaster at Lutherville, Md., in place of D. H. Hastings, deceased.

MASSACHUSETTS

Raymond C. Hazeltine to be postmaster at Cheimsford, Mass., in place of R. C. Hazeltine. Incumbent's commission expires April 13, 1926.

James R. Tetler to be postmaster at Lawrence, Mass., in place of J. R. Tetler. Incumbent's commission expires April 14, 1926.

Delano E. Chase to be postmaster at Linwood, Mass., in place of D. E. Chase. Incumbent's commission expires April 13, 1926.

Myron M. White to be postmaster at South Duxbury, Mass., in place of M. M. White. Incumbent's commission expires April 13, 1926.

Sara H. Jones to be postmaster at West Barnstable, Mass., in place of S. H. Jones. Incumbent's commission expires April 11, 1926.

George B. Waterman to be postmaster at Williamstown, Mass., in place of G. B. Waterman. Incumbent's commission expires April 13, 1926.

MICHIGAN

Henry M. Cosler to be postmaster at Bear Lake, Mich., in place of H. M. Cosler. Incumbent's commission expires April 14, 1926.

Benjamin F. Scamehorn to be postmaster at Bloomingdale, Mich., in place of B. F. Scamehorn. Incumbent's commission expires April 14, 1926.

Fred W. Cutler to be postmaster at Fairgrove, Mich., in place of G. B. McIntyre. Incumbent's commission expired February 10, 1926.

Jesse M. Green to be postmaster at Roscommon, Mich., in place of J. M. Green. Incumbent's commission expires April 14, 1926.

John M. Klipp to be postmaster at Watervliet, Mich., in place of J. M. Klipp. Incumbent's commission expires April 14, 1926.

MINNESOTA

Ingebright A. Hanson to be postmaster at Frost, Minn., in place of I. A. Hanson. Incumbent's commission expires April 11, 1926.

Robert L. Bresnan to be postmaster at Madison Lake, Minn., in place of R. L. Bresnan. Incumbent's commission expires April 11, 1926.

Merton E. Cain to be postmaster at Carlton, Minn., in place of M. E. Gillespie, resigned.

MISSISSIPPI

Robert W. Kyzar to be postmaster at Columbia, Miss., in place of R. B. Hathorn. Incumbent's commission expired February 28, 1926.

Henry P. Patton to be postmaster at Sardis, Miss., in place of H. P. Patton. Incumbent's commission expires April 13, 1926.

Kathleen J. Martin to be postmaster at Louisa, Miss. Office became presidential October 1, 1923.

Taylor E. Dunn to be postmaster at University, Miss., in place of J. W. Bell, Jr., removed.

MISSOURI

Mayme E. Prather to be postmaster at Advance, Mo., in place of M. E. Prather. Incumbent's commission expires April 11, 1926.

Elan J. Nienstedt to be postmaster at Blodget, Mo., in place of E. J. Nienstedt. Incumbent's commission expires April 11, 1926.

Charles T. Lease to be postmaster at Forest City, Mo., in place of C. T. Lease. Incumbent's commission expires April 11, 1926.

Robert E. Ward to be postmaster at Liberty, Mo., in place of R. E. Ward. Incumbent's commission expires April 11, 1926.

Lorenzo T. McKinney to be postmaster at Marcelline, Mo., in place of L. T. McKinney. Incumbent's commission expires April 11, 1926.

John J. Sleight to be postmaster at Montgomery City, Mo., in place of J. J. Sleight. Incumbent's commission expired March 13, 1926.

Lena B. Porter to be postmaster at Novelty, Mo., in place of L. B. Porter. Incumbent's commission expires April 11, 1926.

W. Arthur Smith to be postmaster at Purdin, Mo., in place of W. A. Smith. Incumbent's commission expires April 11, 1926.

MONTANA

Mary J. Tasa to be postmaster at Flaxville, Mont., in place of M. J. Tasa. Incumbent's commission expires April 13, 1926.

Leon E. Phillips to be postmaster at Highwood, Mont., in place of L. E. Phillips. Incumbent's commission expires April 13, 1926.

Rose M. Sargent to be postmaster at Nashua, Mont., in place of R. M. Sargent. Incumbent's commission expires April 13, 1926.

Letta Conser to be postmaster at Plevna, Mont., in place of Letta Conser. Incumbent's commission expires April 13, 1926.

Marie I. Moler to be postmaster at Reedpoint, Mont., in place of M. I. Moler. Incumbent's commission expires April 13, 1926.

Blanche E. Breckenridge to be postmaster at Grassrange, Mont., in place of G. B. Laird, removed.

NEBRASKA

Fred H. Herrlein to be postmaster at Deshler, Nebr., in place of F. H. Herrlein. Incumbent's commission expires April 14, 1926.

Herbert H. Ottens to be postmaster at Dunbar, Nebr., in place of F. C. Easley. Incumbent's commission expired January 23, 1926.

John T. Bierbower to be postmaster at Giltner, Nebr., in place of J. T. Bierbower. Incumbent's commission expires April 14, 1926.

Allen A. Strong to be postmaster at Gordon, Nebr., in place of A. A. Strong. Incumbent's commission expires April 14, 1926.

Harold Hjelmfelt to be postmaster at Holdrege, Nebr., in place of Harold Hjelmfelt. Incumbent's commission expires April 14, 1926.

Henry E. Schemmel to be postmaster at Hooper, Nebr., in place of H. E. Schemmel. Incumbent's commission expired February 6, 1926.

Howard L. Sergeant to be postmaster at Juniata, Nebr., in place of H. L. Sergeant. Incumbent's commission expired January 23, 1926.

NEVADA

George H. Reinmund to be postmaster at Ruth, Nev., in place of H. M. Willis, removed.

NEW HAMPSHIRE

Archie W. Johnson to be postmaster at Bartlett, N. H., in place of C. H. George. Incumbent's commission expired December 21, 1925.

NEW YORK

Henry Leonhardt to be postmaster at Alexandria Bay, N. Y., in place of W. H. Marshall. Incumbent's commission expired February 16, 1926.

C. Homer Hook to be postmaster at Greenville, N. Y., in place of C. H. Hook. Incumbent's commission expires April 13, 1926.

John B. Read to be postmaster at Poland, N. Y., in place of J. B. Read. Incumbent's commission expires April 13, 1926.

Earl B. Templer to be postmaster at Valley Falls, N. Y., in place of E. B. Templer. Incumbent's commission expires April 11, 1926.

NORTH CAROLINA

John W. Chapin to be postmaster at Aurora, N. C., in place of J. W. Chapin. Incumbent's commission expired February 10, 1926.

Luadan V. Rhyne to be postmaster at Dallas, N. C., in place of W. C. Hoffman. Incumbent's commission expired November 9, 1925.

George T. Whitaker to be postmaster at Franklinton, N. C., in place of G. T. Whitaker. Incumbent's commission expired February 3, 1926.

Charles R. Grant to be postmaster at Mebane, N. C., in place of C. R. Grant. Incumbent's commission expires April 11, 1926.

James L. Sheek to be postmaster at Mocksville, N. C., in place of J. L. Sheek. Incumbent's commission expires April 14, 1926.

William B. Hemphill to be postmaster at Biltmore, N. C., in place of L. D. Maney, resigned.

NORTH DAKOTA

Victoria Quesnel to be postmaster at Bathgate, N. Dak., in place of Victoria Quesnel. Incumbent's commission expires April 11, 1926.

James W. Pratten to be postmaster at Milton, N. Dak., in place of J. W. Pratten. Incumbent's commission expires April 11, 1926.

OHIO

Faye W. Helmick to be postmaster at Baltimore, Ohio, in place of F. W. Helmick. Incumbent's commission expired October 20, 1925.

Helen M. Roley to be postmaster at Basil, Ohio, in place of H. M. Roley. Incumbent's commission expired February 17, 1926.

Louis A. Conklin to be postmaster at Forest, Ohio, in place of L. A. Conklin. Incumbent's commission expired March 23, 1926.

Mae E. Douds to be postmaster at Hudson, Ohio, in place of M. E. Douds. Incumbent's commission expired December 19, 1925.

John B. Corns to be postmaster at Ironton, Ohio, in place of A. W. Abele. Incumbent's commission expired November 15, 1925.

Howard C. Moorman to be postmaster at Jamestown, Ohio, in place of H. C. Moorman. Incumbent's commission expires April 13, 1926.

Albert E. Gale to be postmaster at Lima, Ohio, in place of A. E. Gale. Incumbent's commission expires April 13, 1926.

John Q. Sanders to be postmaster at Waynesfield, Ohio, in place of J. Q. Sanders. Incumbent's commission expires April 11, 1926.

OKLAHOMA

George A. Strouse to be postmaster at Billings, Okla., in place of G. A. Strouse. Incumbent's commission expired April 4, 1926.

Gavin D. Duncan to be postmaster at Boswell, Okla., in place of G. D. Duncan. Incumbent's commission expires April 12, 1926.

John E. T. Clark to be postmaster at Coalgate, Okla., in place of J. E. T. Clark. Incumbent's commission expired March 27, 1926.

Orlo H. Wills to be postmaster at Delaware, Okla., in place of O. H. Wills. Incumbent's commission expires April 12, 1926.

Ida White to be postmaster at Konawa, Okla., in place of Ida White. Incumbent's commission expires April 12, 1926.

Arthur W. Crawford to be postmaster at Mooreland, Okla., in place of A. W. Crawford. Incumbent's commission expired November 22, 1925.

Grace M. Johnson to be postmaster at Mulhall, Okla., in place of G. M. Johnson. Incumbent's commission expires April 12, 1926.

Merrill M. Barbee to be postmaster at Spiro, Okla., in place of M. M. Barbee. Incumbent's commission expires April 12, 1926.

Eve A. Loyd to be postmaster at Stigler, Okla., in place of E. A. Loyd. Incumbent's commission expires April 12, 1926.

Albert Ross to be postmaster at Thomas, Okla., in place of Albert Ross. Incumbent's commission expires April 12, 1926.

Harvey G. Brandenburg to be postmaster at Yale, Okla., in place of H. G. Brandenburg. Incumbent's commission expires April 12, 1926.

Jeanette E. Perry to be postmaster at Boiey, Okla., in place of G. W. J. Perry, removed.

OREGON

William S. Bowers to be postmaster at Baker, Oreg., in place of W. S. Bowers. Incumbent's commission expires April 12, 1926.

PENNSYLVANIA

John W. Anmiller to be postmaster at Eagles Mere, Pa., in place of J. W. Anmiller. Incumbent's commission expired March 31, 1926.

Howard L. Harbaugh to be postmaster at Fairfield, Pa., in place of H. L. Harbaugh. Incumbent's commission expires April 13, 1926.

Katherine A. White to be postmaster at Mildred, Pa., in place of K. A. White. Incumbent's commission expired March 7, 1926.

James W. Hatch to be postmaster at North Girard, Pa., in place of J. W. Hatch. Incumbent's commission expires April 13, 1926.

George F. Grill to be postmaster at Pen Mar, Pa., in place of G. F. Grill. Incumbent's commission expired March 27, 1926.

Joseph M. Hathaway to be postmaster at Rices Landing, Pa., in place of J. M. Hathaway. Incumbent's commission expired August 24, 1925.

William E. Vance to be postmaster at Unity, Pa., in place of W. E. Vance. Incumbent's commission expires April 13, 1926.

Ruth Roberts to be postmaster at Vintondale, Pa., in place of Ruth Roberts. Incumbent's commission expires April 13, 1926.

William Dickinson to be postmaster at Factoryville, Pa., in place of C. A. Read, deceased.

RHODE ISLAND

Charles F. Holroyd to be postmaster at Thornton, R. I., in place of C. F. Holroyd. Incumbent's commission expires April 11, 1926.

SOUTH CAROLINA

Horace A. White to be postmaster at Simpsonville, S. C., in place of L. A. Cox, removed.

SOUTH DAKOTA

Charles H. McCrossen to be postmaster at Ashton, S. Dak., in place of C. H. McCrossen. Incumbent's commission expires April 14, 1926.

Otto W. Muchow to be postmaster at Hartford, S. Dak., in place of O. W. Muchow. Incumbent's commission expires April 12, 1926.

Alice S. Esget to be postmaster at Lily, S. Dak., in place of A. S. Esget. Incumbent's commission expires April 14, 1926.

Ira D. Winter to be postmaster at Wall, S. Dak., in place of I. D. Winter. Incumbent's commission expires April 14, 1926.

TENNESSEE

Lincoln M. Bromley to be postmaster at Iron City, Tenn., in place of L. M. Bromley. Incumbent's commission expired March 24, 1926.

TEXAS

James T. Shaw, jr. to be postmaster at Anna, Tex., in place of J. T. Shaw, jr. Incumbent's commission expires April 13, 1926.

Arthur H. O'Kelley to be postmaster at Atlanta, Tex., in place of A. H. O'Kelley. Incumbent's commission expired March 31, 1926.

James R. Corbin to be postmaster at Blooming Grove, Tex., in place of J. R. Corbin. Incumbent's commission expires April 13, 1926.

Robert S. Brennand to be postmaster at Colorado, Tex., in place of R. S. Brennand. Incumbent's commission expires April 13, 1926.

Jasper M. Brooks to be postmaster at Copperas Cove, Tex., in place of J. M. Brooks. Incumbent's commission expires April 13, 1926.

Jasper N. Coffman to be postmaster at Daingerfield, Tex., in place of J. N. Coffman. Incumbent's commission expires April 13, 1926.

William C. Guest to be postmaster at Dayton, Tex., in place of C. S. Brown. Incumbent's commission expired November 18, 1925.

Andrew Schmidt to be postmaster at Edna, Tex., in place of Andrew Schmidt. Incumbent's commission expires April 13, 1926.

Elam O. Wright to be postmaster at Estelline, Tex., in place of E. O. Wright. Incumbent's commission expired February 10, 1926.

Jesse C. Miller to be postmaster at Elgin, Tex., in place of F. B. Burke, removed.

James W. Hampton to be postmaster at Handley, Tex., in place of G. L. Fitch, resigned.

Arnold H. Kneese to be postmaster at Fredericksburg, Tex., in place of A. H. Kneese. Incumbent's commission expires April 13, 1926.

Minnie S. Parish to be postmaster at Huntsville, Tex., in place of M. S. Parish. Incumbent's commission expires April 13, 1926.

Joel W. Moore to be postmaster at McDade, Tex., in place of J. W. Moore. Incumbent's commission expires April 13, 1926.

Louis J. Scholl to be postmaster at Malakoff, Tex., in place of L. J. Scholl. Incumbent's commission expires April 10, 1926.

VERMONT

Burton M. Swett to be postmaster at East Hardwick, Vt., in place of B. M. Swett. Incumbent's commission expired April 3, 1926.

Berton M. Willey to be postmaster at Greensboro, Vt., in place of B. M. Willey. Incumbent's commission expired April 3, 1926.

VIRGINIA

Anthony Hart to be postmaster at Clifton Station, Va., in place of Anthony Hart. Incumbent's commission expired March 10, 1926.

George W. Hammtree to be postmaster at Yorktown, Va., in place of G. M. Shafer, resigned.

WASHINGTON

Arthur H. Eldredge to be postmaster at Colfax, Wash., in place of A. H. Eldredge. Incumbent's commission expires April 11, 1926.

Edwin O. Dressel to be postmaster at Metaline Falls, Wash., in place of E. O. Dressel. Incumbent's commission expired November 18, 1925.

WISCONSIN

Elmer Carlson to be postmaster at Brantwood, Wis., in place of Elmer Carlson. Incumbent's commission expired April 7, 1926.

Henry C. Scheller to be postmaster at Cecil, Wis., in place of H. C. Scheller. Incumbent's commission expires April 13, 1926.

Eugene F. Stoddard to be postmaster at Downing, Wis., in place of E. F. Stoddard. Incumbent's commission expires April 13, 1926.

Simon Skroch to be postmaster at Independence, Wis., in place of Simon Skroch. Incumbent's commission expires April 11, 1926.

Charles Pearson to be postmaster at La Valle, Wis., in place of Charles Pearson. Incumbent's commission expires April 13, 1926.

Carrie B. Carter to be postmaster at Lyndon Station, Wis., in place of C. B. Carter. Incumbent's commission expired April 7, 1926.

Carlton C. Good to be postmaster at Neshkoro, Wis., in place of C. C. Good. Incumbent's commission expired March 29, 1926.

Emmet W. Zimmerman to be postmaster at Phelps, Wis., in place of E. W. Zimmerman. Incumbent's commission expired March 7, 1926.

Harry Bradley to be postmaster at Taylor, Wis., in place of Harry Bradley. Incumbent's commission expires April 13, 1926.

Edmund O. Johnson to be postmaster at Warrens, Wis., in place of E. O. Johnson. Incumbent's commission expires April 13, 1926.

Oscar M. Waterbury to be postmaster at Williams Bay, Wis., in place of O. M. Waterbury. Incumbent's commission expired December 22, 1925.

George E. King to be postmaster at Winneconne, Wis., in place of G. E. King. Incumbent's commission expires April 13, 1926.

WYOMING

Charles A. Ackenhausen to be postmaster at Worland, Wyo., in place of C. A. Ackenhausen. Incumbent's commission expires April 14, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 9 (legislative day of April 5), 1926

POSTMASTERS

KENTUCKY

Robert H. Ledford, Paint Lick.

LOUISIANA

Esther Boudreaux, Donner.

Harry J. Monroe, Elton.

Bernese S. Marquart, Lake Arthur.

Dennis M. Foster, Jr., Lake Charles.

John C. Yarbrough, Mansfield.

Goldman L. Lassalle, Opelousas.

Oliver T. Slater, Sibley.

MARYLAND

Alonzo M. Moore, Cambridge.
Herbert C. Leighton, Mountain Lake Park.

NEW JERSEY

Joseph H. McLaughlin, Bradley Beach.

NEW MEXICO

Effie C. Thatcher, Chama.
Lucy R. Haynie, Cimarron.
Fern I. Brooks, Maxwell.

OKLAHOMA

Thomas J. McNeely, Goltry.
Thomas L. Ogilvie, Forgan.

PENNSYLVANIA

John R. Diemer, Catawissa.
Joseph B. Seifert, Dover.
George H. Cunningham, Emaus.
Harvey L. Sterner, Gardners.
Frank R. Jones, Iselin.
Harry F. Groff, Seven Valleys.

WISCONSIN

Clifford J. Tice, Redgranite.
Milton R. Stanley, Shawano.

HOUSE OF REPRESENTATIVES

FRIDAY, April 9, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father who art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation but deliver us from evil for Thine is the kingdom and the power and the glory for ever. Amen.

The Journal of the proceedings of yesterday was read and approved.

RADIO SPEECH OF MR. TINCHE

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech delivered by the gentleman from Kansas [Mr. TINCHE] over the radio a few days ago.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD by printing a speech delivered by the gentleman from Kansas [Mr. TINCHE]. Is there objection?

There was no objection.

Mr. ANDRESEN. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I insert a speech made over the radio by the gentleman from Kansas [Mr. TINCHE], which is as follows:

At this stage of the Congress preceding an election, in the past it has always been possible to know the issues upon which the campaign for the election of a new Congress would be made. I am frank to say to you that no such issues are drawn for the fall campaigns; so of necessity a Republican speaker to-night must indulge in what under ordinary circumstances would be termed bragging or boasting of the things the Republican Party has stood for and accomplished.

True, the elections will be held, but what are the issues? Our Democratic friends have two organizations—one the national committee and the other the national congressional committee. The head of the national congressional committee has said that the issue will be the tariff, but it will not. About half of the Democratic Members of Congress this past winter have declared for a protective tariff. True, our friend, Mr. OLDFIELD, the Democratic spokesman for the Democratic congressional committee and its chairman, says the tariff should be revised downward, but he has furnished no schedule, and every speech he has made on this subject has disclosed that there will be no serious contention over the tariff in the next campaign. In fact, the only document the Republican Party would need, if the tariff were to be made an issue, would be a reprint of Mr. OLDFIELD's predictions at the time the present law was enacted. It will be remembered that at that time conditions were not good. Labor was unemployed; industry and commerce were at their lowest ebb.

The predictions made by Mr. OLDFIELD at that time were that, instead of 4,000,000 idle men, we would have 8,000,000 if we passed the tariff law, that we would destroy commerce, and that the tariff law would not raise any revenue, and would not open our mills. On

each and every prediction it has been proven that he was wrong; so I say that if the tariff were made an issue, Mr. OLDFIELD's, and his Democratic colleagues' predictions at the time the law was passed, would make our Democratic friends look so ridiculous as compared with the facts that the issue would be a joke.

Clem Shaver has recently spoken. He is the chairman of the Democratic National Committee, and, naturally, we would look to him as the man that would have the last word in outlining the issues by which the "outs" would tackle the "ins" for possession of the reins of government in the coming election. He says the issues will be: "Presidential intimidation and coercion"; second, the record of the Department of Justice, with reference to a law suit, to wit: the Aluminum Co.; and third, "the wisdom of the Democrats of the Congress" in forcing sixty millions more of tax-reduction than Mr. Coolidge favored.

These arguments may constitute the issues. However, there is some dissension in the Democratic ranks on this subject. The World-Herald of Omaha, owned by former Senator Hitchcock, I am informed, commenting editorially on March 30, concerning Mr. Shaver's platform, as I have just outlined, says:

"Is it merely Mr. Shaver's astute idea that the Democratic Party shall pussy foot to a victory, negative and undeserved, on the high crimes and misdemeanors of its opponents?"

Continuing, the World-Herald further says:

"The Democratic Party used to stand for something. It used to have ideas, however wild and woolly. It used to have high courage and unselfish devotion. It used to fight to preserve this as a democratic Republic and against its conversion into a plutocratic Republic. And in those days the Democratic Party, whether adorned with the laurels of victory or the willows of defeat, was a positive and wholesome influence in the land. Its members believed in it, were proud of it, and exerted themselves to rear their sons in its faith."

Concluding, the World-Herald says:

"We do not find, we are frank and grieved to say, much that is reminiscent of that Democratic Party in the campaign suggestions so cautiously put forward by Chairman Clem Shaver. And we doubt if Grover Cleveland or William J. Bryan or Woodrow Wilson would have, either."

Coming, as this does, from perhaps the greatest Democratic newspaper of the West, I am sure this radio audience will agree with me that there is not at present much more harmony in the Democratic Party to-day than there was at the time of the adjournment of the convention or unpleasantness in New York in the summer of 1924. However, let us see if there is anything to the issues put forth by Mr. Shaver, for he is the chosen leader.

First, "presidential intimidation and coercion"—a new rôle for President Coolidge, so far as the public is concerned. There is just about as much danger of the American people convicting Calvin Coolidge of being an intimidator and coercer as there is of the American people convicting him of being a reckless spendthrift. He was chosen by the voters as the head of the executive branch of our Government. The people are not going to rise in holy indignation over the fact that he may have told some board or commission what he thought they ought to do. The people elected Coolidge. He appoints the boards and commissions.

Second, with reference to the aluminum controversy; aluminum is mighty cheap. In fact, you can buy an aluminum pan now about as cheap as we used to buy tin before, under a protective system, we manufactured it in America. I imagine that Attorney General Sargent will take care of the Department of Justice in a way that is satisfactory to the people of this country.

The third "issue" is "the wisdom of the Democrats of the Congress" in forcing sixty millions more of tax reduction than Mr. Coolidge favored. I would say this would be a fine issue. In the Sixty-eighth Congress our Democratic friends caucused and fought the tax reduction bill and made it an issue in the fall elections of 1924. We who were running on the Republican ticket and who had supported the so-called Mellon plan as against the Democratic caucus plan were criticized for having voted to reduce the surtaxes to take the tax off the rich. Our Democratic friends in that campaign attempted to make an economic question a political one. Having failed, they come back to the Sixty-ninth Congress and do actually go along on a tax-reduction plan, wherein the Congress goes further than the Treasury Department recommended. We reduced the surtax, instead of to 25 per cent to 20 per cent, and other taxes accordingly. Secretary Mellon is cautious. He takes no chances on a deficiency. Personally I learned in the Sixty-seventh Congress that if he made any mistakes on estimates, those mistakes would not cause a deficiency. He is trying to run the Government in the way that the very best business men run their own business. But let us see how they get a political issue out of this. Can our Democratic friends say, "You should give us the Congress because between the election of 1924 and this election we have changed our position so completely that we have gone even beyond the recommendations of Secretary Mellon, whom we condemned so vigorously in that campaign for recommending the reduction of the

surtax to 25 per cent"? Can they be heard to say that "as a premium for our inconsistency you must give us the control of the American Congress"?

Am against this chaos in the Democratic ranks, the members of the Republican Party still believe in it. We are proud of it. We are proud of its leaders, proud of its past, and are still rearing our sons in its faith.

The facts are that what the Republican Party was in the beginning it is to-day, in principle, leadership, and policy. Remember, it has never announced a principle for which it does not now stand. It has never declared a policy which it does not to-day support. In the beginning the party responded to the inspiring leadership of the man of the common people of Illinois, Lincoln. To-day we marshal under the safe leadership of a son of a Vermont farmer, who possesses in full measure the sturdy virtues which characterized the first Republican President.

In June, 1924, we entered into a written agreement with the people in the form of a platform adopted at Cleveland. Very soon the first session of Congress convened to carry out that written agreement which was ratified at the November, 1924, election by the people, will adjourn. We invite an examination of that agreement, and make the prophecy that when in the very near future we do adjourn, we will at that time have carried out the terms of the agreement. The fruits of Republicanism are reflected in the progress, prosperity, and strength of the Nation.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bill and joint resolutions of the following titles, when the Speaker signed the same:

S. 3108. An act to amend section 2 of the act of June 7, 1924 (43 Stat. L. p. 653), as amended by the act of March 3, 1925 (43 Stat. L. p. 1127), entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor";

S. J. Res. 78. Joint resolution for the amendment of the plant quarantine act of August 20, 1912, to allow the States to quarantine against the shipment therein or through of plants, plant products, and other articles found to be diseased or infested when not covered by a quarantine established by the Secretary of Agriculture, and for other purposes; and

S. J. Res. 37. Joint resolution authorizing the Secretary of Agriculture to cooperate with Territories and other possessions of the United States under the provisions of sections 3, 4, and 5 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor."

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 186. An act authorizing the payment of tuition of Crow Indian children attending Montana State public schools;

H. R. 185. An act authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle with the Sioux Indians in which the commands of Major Reno and Major Benteen were engaged;

H. R. 200. An act to amend section 99 of the act to codify, revise, and amend the laws relating to the judiciary, and the amendment to said act approved July 17, 1916 (39 Stat. L. ch. 248);

H. R. 1827. An act for the relief of Frank Rector;

H. R. 3921. An act to authorize the Secretary of War to enter into an agreement with the Clarendon Community Sewerage Co., granting it a right of way for a trunk-line sewer through the Fort Myer Military Reservation and across the military highways in Arlington County, Va., and to connect with the sewer line serving such reservation;

H. R. 3953. An act to authorize a departure from the rectangular system of surveys of homestead claims in Alaska, and for other purposes;

H. R. 3996. An act authorizing the Secretary of War to convey certain portions of the military reservation of Fort Sam Houston, Tex., to the city of San Antonio, Bexar County, Tex., for street purposes;

H. R. 4884. An act for the relief of Walter L. Watkins, alias Harry Austin;

H. R. 4505. An act to authorize the Secretary of War to permit the delivery of water from the Washington Aqueduct pumping station to the Arlington County sanitary district;

H. R. 5010. An act to provide for the payment to the retired members of the police and fire departments of the District of Columbia the balance of retirement pay past due to them but unpaid from January 1, 1911, to July 30, 1915;

H. R. 5961. An act granting certain public lands to the city of Stockton, Calif., for flood control, and for other purposes;

H. R. 6117. An act to amend an act entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," approved March 12, 1914;

H. R. 6244. An act to authorize the Secretary of the Treasury to exchange the present Federal building and site in the city of Rutland, Vt., for the so-called memorial building and site in said city;

H. R. 6260. An act to convey to the city of Baltimore, Md., certain Government property;

H. R. 6261. An act to authorize the exportation from the State or Territory of timber lawfully cut on any national forest or on the public lands in Alaska;

H. R. 7086. An act providing for repairs, improvements, and new buildings at the Seneca Indian School at Wyandotte, Okla.;

H. R. 7178. An act authorizing the sale of certain abandoned tracts of land and buildings;

H. R. 7348. An act for the relief of Joseph F. Becker;

H. R. 7616. An act to amend section 89 of chapter 5 of the Judicial Code of the United States;

H. R. 8129. An act authorizing the Secretary of the Interior to cooperate with the States of Idaho, Montana, Oregon, and Washington in allocation of the waters of the Columbia River and its tributaries, and for other purposes, and authorizing an appropriation therefor;

H. R. 8184. An act to authorize the Secretary of the Interior to purchase certain land in California to be added to the Calumilla Indian Reservation, and authorizing an appropriation of funds therefor;

H. R. 9455. An act to dedicate as a public thoroughfare a narrow strip of land owned by the United States in Bardstown, Ky.;

PENSIONS

Mr. FULLER, chairman of the Committee on Invalid Pensions, by direction of that committee, reported bill S. 1609 (Rept. 797), an act to increase the pensions of those who have lost limbs or have been totally disabled in the same, or have become totally blind in the military or naval service of the United States, which was read a first and second time and referred to the Committee of the Whole House on the state of the Union.

RIVERS AND HARBORS

Mr. SOSNOWSKI. Mr. Speaker, I ask unanimous consent that I, with others of the Rivers and Harbors Committee, may have until to-morrow night at 12 o'clock to file minority views on the river and harbor bill.

The SPEAKER. The gentleman from Michigan asks unanimous consent to file minority views on the river and harbor bill at any time before to-morrow night at 12 o'clock. Is there objection?

There was no objection.

JEFFERSONIAN DEMOCRACY

Mr. HAWES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Jefferson and local self-government.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HAWES. Mr. Speaker, the world is in constant change. Men and women change, plant life changes; even the type of horses, cattle, and poultry changes.

This is true of art, of literature, of science. And yet through all human, animal, or plant existence there is a sameness—a fundamental which does not change.

Always the unalterable, the big thing, the primary thing, is fixed by a rule or conviction which carries it on, with new clothes or new words or new forms; but, under many variations, it remains the same.

There are no new forms of government to-day or new theories of government. The republic is not new; the monarchy, the despotism, the democracy, the oligarchy, even the soviet, had all been tried under various names long before Columbus discovered America.

It is a fascinating study, the rise and fall of governments, the experiments and failures, the rise to points of perfection and the fall that comes with decay.

We will always have those who are leaners, those who want something done for them by some one else; who distrust their

own strength; who seek guidance from another and are only content when they find a strong arm to support them.

We have those who are restless unless they stand alone without aid or support; those who want to carry their own full load and maintain their own full share in the affairs of men; they want to share in government, to be a part of it, to carry their load, and take their share in both work and responsibility.

In the history of our country first came men and women of the pioneer type, who either sought freedom or brought it with them. They came from various nations, had different forms of religion, were from various walks of life, and foreign custom had produced in them different methods of approaching the same object.

Some were cavaliers, with horse and gun and fine traditions; some were debentured servants filling a period of penal servitude; some came because they could not in their own land follow their religious convictions without molestation; some came for wealth, some for freedom, some for power.

And so when they met to write the new American Constitution there was conflict of opinion, but necessity forced compromise and final agreement.

General Washington, who had successfully led their armies, was made first President by the united voices of all. Adams followed, and then again the thoughts of men divided.

Parties grew into political organizations with contending theories.

The fundamental things, the foundation theories, at various periods were frequently lost in some grave crisis of the day, or because of unusual economic conditions, or because of war, or the rise, for a period, of an opportunist who set aside the fundamental for an achievement of the hour.

War always forces a concentration of governmental effort, a consolidation of power and resources. It has always temporarily taken from the States certain control, and has placed it in the hands of a few.

After each war these powers have been returned slowly and only after pressure, and have never been distributed back to the original basis without a struggle.

Most of the concentration of power originally grew up during a war or immediately after a war, when men's minds were diverted from the fundamentals by the emergency of the hour and when expediency ruled at the expense of principle.

But through all the periods of our history there have been clear lines of demarcation and in times of peace easily recognized.

At the very outset two schools of political thought became emphasized respectively under the leadership of two men, and throughout our national existence they will always be known as the Hamiltonian and Jeffersonian theories of governmental administration.

These divergent opinions were not originated by these men; they were not new inventions. Neither leader discovered a new theory; but they became the early outstanding champions of two theories which have conflicted in the thoughts and convictions of men since the first records of tribal government.

The Hamilton theory first appeared in the assertion of the inherited right of the chief and was combated by the claim of the tribesmen to the right to elect the chief.

Then came the assertion of the divine right of the king, which was combated by the right of suffrage to select the ruler.

One theory was that the supreme power of government came from above; the other that it came from the bottom, from the foundation, from the mass, from the people, where supreme power was found.

From these grew the conflict of a central power placed in the hands of a few, combated by those who advocated a diversified power placed in the hands of the many, and answering first to local sentiment and local opinion, and yielding to central power only when it clearly became a thing which local power could not control.

We call the two forms to-day "centralized power" and "local self-government."

JEFFERSON AND HAMILTON

The gripping story of Jefferson and Hamilton is told by our great historian, Claude Bowers, in his book, "Jefferson and Hamilton." He has painted the portrait of that day. I wish everyone could read his masterful and comprehensive history of this period.

These two men were contrasts in appearance, in philosophy, in method, in attainment.

Hamilton, born in poverty, of obscure parentage, advocated an aristocracy.

Jefferson, born in affluence, of distinguished parentage, fought for a democracy.

One advocated class and the things he did not possess in youth; the other had the very things which Hamilton sought, but he opposed the class rule of aristocracy.

A strange beginning, a sharp contrast in early environment, produced exactly divergent results. The poor boy became the leader of the movement for aristocracy; the boy of affluence, the leader of the masses.

They were both great men and each served his country honestly, industriously, and patriotically.

Hamilton was concerned with finances; Jefferson with men, liberty, and individual independence.

The Hamiltonians proposed that our President should be elected for life; that governors of States should be appointed by the President; that Senators should be elected for life.

Jefferson opposed such theories because he saw in them the dangers of class oppression.

Both of these great leaders respected property rights, and the rights of property were safe in the hands of either.

Hamilton, born in the West Indies, in youth was denied the luxury that comes with wealth, and had early fixed in his mind the propriety of rule by the exalted few. He believed in the aristocracy of wealth.

Jefferson, surrounded during his early life by men of substance—property owners and men of financial stability—had the other viewpoint. To him property and invested capital was just as sacred as it was to Hamilton, but he did not put it upon a pedestal that obscured his vision of a broader, more liberal government; that took into consideration the lives and the necessities of the average man.

Jefferson won each contest from Hamilton. The privileged few—the special interests—went down in defeat before the Jeffersonian doctrine of equality under the law, special privilege to none, and equal opportunity for all.

There came a period when the followers of Hamilton again rallied and sought to put special privilege in control of our National Government, but from the Middle West arose a new national figure.

He came from the banks of the Mississippi River. Of indomitable will and iron courage, Andrew Jackson again defeated the forces of special privilege. It was he who took to the eastern seacoast the political philosophy of the Central West.

"Old Hickory" dealt mighty blows in his day, each intended to help preserve and perpetuate the philosophy of Jefferson—that the Government be left in the hands of the people.

Distracted for a while by the tragedy of the Civil War men's minds were diverted from the fundamental struggle between those who believed in the rule of the majority and those who believed in the rule of the appointed few.

After the war special interests fastened upon the people the burden of the tariff tax, and it has remained ever since a burden, beneficial to special manufacturers of the East and combated since the earliest days of the great Central West.

Before discussion of the present-day renewal of the struggles between centralization and decentralization it is well to know something of the man Jefferson.

JEFFERSON

He was born in Virginia 183 years ago. His birthday is April 13.

He served the public for 35 years. He was learned in the law, as was disclosed by the reform code he prepared for Virginia, by his diplomatic correspondence with France, and by his dispatches as Secretary of State.

Tall, of courteous bearing, amiable but persistent, he was a practical philosopher, translating his philosophy into law.

His hobby was agriculture. He introduced rice and cotton, and imported the best breeds of horses, cattle, sheep, and swine. He scoured the world in search of cereals and agricultural products that might be transplanted and utilized in America. He studied and experimented with the things that grow that his beloved United States might compete in agriculture with the nations of the earth.

He kept accurate account of his experiments, not for his personal profit, because he gave to all without cost the benefit of his experience and advice.

He it was who visualized the farms and ranches of the Mississippi Valley which now feed the Nation.

As a member of the Virginia State Legislature, as a Member of Congress, as ambassador to France, as Secretary of State, as President of the United States, he brought to the solution of each problem a trained and philosophic mind.

He resigned from Congress to become a member of the Virginia Legislature.

It has been said that the Code Napoleon was drafted to insure order; the code of Thomas Jefferson was drawn not only to secure order but to insure liberty.

By legislative enactment he abolished estates held in fee tail. Prior to this enactment not an acre or a slave could be alienated to pay the debt which might hang like a millstone about the neck of an incompetent and extravagant proprietor.

He abolished the law of primogeniture, which devised the entire property to the eldest son, leaving the mother and sisters dependent upon this son's bounty, and leaving the younger brothers to be pensioners or adventurers.

He forced the passage of a bill to enable tenants entail to convey their lands in fee simple. This was a final and effective blow to "land" aristocracy.

He separated church from State and gave to America and, incidentally, to the world, the new written doctrine of religious freedom.

He proclaimed—

that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise enlarge or affect their civil capacities.

To-day, when a man goes in peace to the house of God, or stays away or contributes to its support or fails to contribute and worships in his own manner and upon the day he chooses and under the guidance of men selected by him, he should know that the first clear and distinct declaration upon this subject was made by Jefferson.

This principle has been repeated in the constitutions of practically all of our 48 States.

He it was who first saw that a democracy could only survive if its people were intelligent, well-informed, and virtuous, and that ignorance was not only the greatest foe of virtue but the greatest foe of liberty.

In presenting his bill for the establishment of free educational institutions he pointed the way for the great public-school system of this country. Love of country and patriotism follow education, and these after all create the foundation upon which successful government rests.

In his bill for diffusion of knowledge in 1779 he said:

It is generally true that people will be happiest where laws are best administered, and that laws will be wisely formed and honestly administered in proportion as those who form and administer them are wise and honest.

Whence it becomes expedient for promoting public happiness that those persons whom nature hath endowed with genius and virtue should be rendered by liberal education worthy to receive and able to guard the sacred deposit of the rights and liberties of their fellow citizens.

And that they should be called to that charge without regard to wealth, birth, or other accidental circumstances.

But the indigence of the greater number disabling them from so educating at their own expense those of their children whom nature hath fitly formed and disposed to become useful instruments for the public, it is better that such should be sought for and educated at the common expense of all than that the happiness of all should be confined to the weak or wicked.

His appeal was irresistible because it reached both the reason and conscience of men. His was ever the philosophy of freedom.

He said:

All men are created equal. Equal in the sight of God, they must be equal before the courts of men.

Speech should be free; education free; a free ballot; a free press; a free conscience; a free church; and, above all, men must be free.

He struck down special privilege, tyranny, and despotism wherever it appeared.

He was the first to advocate modern methods of punishment of crime on a sound and humane basis.

He signed the resolution of the Virginia Legislature transferring all the western territory belonging to that State to the Government of the United States.

This northwest territory is now the heart of the Union.

He was the great American continental expansionist. When he became President the western boundary of the United States was the Mississippi River. We touched the Gulf of Mexico at no point. When he left the Presidency the United States extended to the Rockies, the mouth of the Mississippi River was ours, Lewis and Clark had penetrated the wilderness to the Pacific coast, and Americans were placing their fur posts on the Columbia River.

As our territory extended it carried with it an expansion of the philosophy of Jefferson, and the new States wrote his theories into their constitutions.

His fight for a liberal educational system was undertaken by all of these States. His was the inspiration that brought

it about. A free popular education, one of the tenets of his political creed, found its place in legislative enactment wherever the gospel of "the aristocracy of intellect" found its way.

He demanded freedom for not only the white man but for the negro. He wrote a condemnation of slavery in the original draft of the Declaration of Independence, which, however, was removed before final adoption.

He prepared an amendment for the emancipation of all slaves born in the State of Virginia, which provided for their education in farming and mechanical arts and subsequent colonization in some suitable place where they could be supplied with tools and implements of agriculture.

He deplored the evil effects of slavery on the manners and morals of his community.

He introduced a bill in Congress excluding slavery from the whole territory of the United States between the Alleghenies and the Mississippi, south as well as north of the Ohio.

He made the first move to prevent the extension of slavery in the territory of the Louisiana Purchase. It was the first movement to stop slavery west of the Mississippi. His plan for the government of the western territory provided, among other things, that slavery should cease to exist in the year 1800.

The free-schools system now being enjoyed by citizens of negro blood will some day, through its enlightening processes, cause them to exercise their freedom of political thought by voting for men because of their qualifications and by voting for parties because of their principles.

JEFFERSONIAN PHILOSOPHY

Jefferson condensed his theory of government into brief limit; in fact, it was carried in but several long paragraphs. For convenience, I shall state it in shorter sentences:

Equal and exact justice to all men, of whatever state or persuasion, religious or political.

Peace, commerce, and honest friendship with all nations; entangling alliances with none.

Support of State governments in all their rights as the most competent administration for our domestic concerns and the bulwark against antirepublican tendencies.

The preservation of the General Government in its whole constitutional vigor as the sheet anchor to our peace at home and safety abroad.

Absolute acquiescence in the decisions of the majority, the vital principle of republics from which there is no appeal but to force, the vital principle and immediate parent of despotism.

A well-disciplined militia our best reliance in peace and for the first moments of war till regulars may relieve them.

The supremacy of the civil over the military authority.

Economy in the public expense that labor may be lightly burdened.

The honest payment of our debts and sacred preservation of the public faith.

Encouragement of agriculture and of commerce, its handmaiden.

The diffusion of information and the arraignment of all abuses at the bar of public reason.

Freedom of religion; freedom of the press; freedom of person under the protection of the habeas corpus; and trial by juries impartially selected.

These principles formed the bright constellation which has gone before us and guided our steps through a large revolution and reformation. The wisdom of sages and the blood of our heroes have been devoted to their attainment.

They should be the creed of our political faith, the text of civil instruction, the touchstone by which to try the services of those we trust.

And should we wander from them in moments of error or alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety.

This is the political philosophy of the Democratic Party.

When we wander from this philosophy, seeking false theories and new issues, we usually break down some great fundamental and with it hundreds of precedents, usually leading to centralization which leads to monarchy.

Jefferson thoroughly understood the extent and limitations of the Federal power.

He was a strong advocate of the improvements of our rivers by the National Government.

He advocated the expenditure of Federal funds in the building of roads, canals, and in the improvement of our rivers. These he considered to be within the proper functions of Federal authority. On these were carried the mail and they brought into contact the citizens of various States. They were essentially national enterprises.

Much of the philosophy of Jefferson may be found in our Declaration of Independence. This carried the inspiration of a bugle call. It purified the atmosphere. It put an end to

hesitation. It is the Bible of American democracy. It proclaimed the inalienable rights of all to life, liberty, and the pursuit of happiness.

He was absent in France when the Federal Constitution was written, but he approved it; and it is not true that he opposed a strong Constitution.

He was one of those, however, who demanded that it should be improved by the addition of the first ten amendments, called the American Bill of Rights.

It was contended by Hamilton that these additions were unnecessary.

The great advocate of centralized power was mistaken, as later developments showed. They have, more than any other portions of the Constitution, preserved the just rights of property and the sacred rights of liberty.

It was the political school of Jefferson which demanded that they should be placed in the written law. They form part of the Jeffersonian philosophy and are an essential part of the creed of Democracy:

- (1) Religious liberty.
 - (2) Freedom of speech.
 - (3) Freedom of the press.
 - (4) The right of peaceful assembly.
 - (5) The right of petition for redress of grievances.
 - (6) The right of State militia to bear arms.
 - (7) No soldier shall be quartered in time of peace in a house without consent of the owner.
 - (8) No unreasonable search and seizure.
 - (9) No arrest except upon probable cause, (10) supported by oath or affirmation (11) describing the place, (12) and the person or things to be seized.
 - (13) Capital offenses must be found by a grand-jury indictment.
 - (14) No person shall for the same offense be twice put in jeopardy, or (15) compelled to testify against himself, (16) nor be deprived of life, liberty, or property without due process of law.
 - (17) No private property taken for public use without just compensation.
 - (18) In criminal prosecutions the accused shall enjoy a speedy (19) and public trial (20) by an impartial jury (21) in the district wherein the crime is committed; (22) to be informed of the nature of the accusation; (23) to be confronted by witnesses; (24) to have compulsory service for obtaining witnesses (25) and the assistance of counsel for his defense; (26) the right of trial by jury where the sum exceeds \$20.
 - (27) Excessive bail shall not be required (28) nor excessive fines imposed (29) nor cruel and unusual punishment inflicted.
- History constantly repeats itself. Fundamentals enter into view in different form, led by different men; but the great causes are the same, the motives that actuate men are the same.
- He fought and protested against the alien and sedition acts as violative of the freedom of the press and freedom of speech.
- His Kentucky resolutions were not for disunion but decentralization.
- His fight against the judiciary in his day was not in opposition to its constitutional power but in opposition to tyranny and the usurpation of power.

He opposed the sedition acts, where, as an author describes it—

Men were indicted, fined, and imprisoned for such criticism of the Executive as nowadays would be thought tame and comical; for saying that Adams was hardly in the infancy of political blunder or for expressing the pious wish, as a New Jersey Democrat did, that the wadding of a cannon fired in honor of John Adams might lodge in the seat of his breeches.

In our day, in the year 1926, the advance of the monarchist and the encroachment of centralized power is even greater than in the day of Jefferson.

We find, as I stated in a recent speech in Congress, that these modern king worshippers, these disciples of monarchy, following the old Hamiltonian theory of rule by the few, these leaners on government, are proposing national laws, all leading toward centralization.

They want one power to think for them, educate them, pray for them, marry them, divorce them, take care of their children, support them in old age, and then bury them.

They want to standardize men, women, and children, just as we standardize our domestic animals and poultry.

They oppose individual selection and individual initiative with "bloc control" and "bloc dictation."

They do not understand local government for local affairs, general government for general affairs.

When the State treasury is low or the local purse depleted, they run to the National Treasury for relief.

What the State requires they want the Nation to give. They have no scruples in asking aid from the taxpayers in other States while refusing to support additional tax burdens in their own State. They are willing to take, but unwilling to give.

The Jeffersonian philosophy denied the right of the majority to destroy the minority, but these leaners on central power have no regard for the rights of the minority.

They would destroy without consideration the rights of all those with whom they are in disagreement.

The Hamiltonian theory of centralization of power is assuming its modern phase in the creation of Federal bureaus and giving to the chiefs of these bureaus the power to write regulations, which as a matter of fact become laws.

Centralization constantly brings into existence new boards or bureaus, which are given discretionary power to make their own rules and regulations regarding business of all kinds.

These regulations and rules are not the product of the minds of Congress and the President, but are usually written and prepared by some department head.

Centralization is destroying individualism. It is preparing the way for a race of weaklings and mollycoddles. It is the inevitable result of the Hamiltonian theory.

The natural growth of the machinery of the Central Government is enormous. This is true, irrespective of the constantly developing bureaucratic system. The increasing additions to Federal power and to Federal Government machinery go on without noise, without publicity; the advance is insidious.

Jefferson would never admit that national officials were more efficient than State officials or that they were more honest or capable.

We must have more of the Jeffersonian simplicity; more of economy in government; less bureaucracy; less duplication of State laws by national laws; less of the impertinent interference in the privacy of homes and the control of domestic affairs by law.

The century-old battle still goes on. The form is changed, but the issue is the same.

In true Jeffersonian democracy there is civilization; there is progress; there is liberty; there is the undisputed right to pursue happiness.

Forces are at work to change the form of our Government; to change its spirit.

The broad lines of the fight to-day are the same as they were in the days of Jefferson. The political issues are the same now as they were then.

The followers of Hamilton and monarchy and the followers of Jefferson and democracy will always be pitted against each other in the political arena.

And what does the philosophy of Jefferson give? The fullest individual freedom consistent with the requirements of society. Equality under the law, and before the law equal and exact justice. Special privileges to none; equal opportunity to all. Faith in local institutions and government; the integrity of the home; local law resting upon local approval for the control of the intimate things of life. The undisturbed pursuit of happiness unless that pursuit interferes with or curtails the happiness of others.

The battles between Jefferson and Hamilton were the battles of giants.

The triumph of Jeffersonian principles preserved a Republic of equality.

His Declaration of Independence was an arraignment of monarchy and everything pertaining to monarchy.

His separation of church and State, establishment of schools, his statute of religious liberty, abolishment of primogeniture and entail were each deadly thrusts at the principle of monarchy.

Just 25 years ago I stood on the front porch of Jefferson's home at Monticello. I was surrounded by Jeffersonian pilgrims who had traveled 900 miles from Missouri to visit this shrine.

I made a statement as a young man. I repeat it now without change as one who has crossed the divide to middle life:

We would have every citizen to read and understand his immortal work, the Declaration of Independence.

We would have the people know that some of its simple lines contain the wisdom of the ages.

We would have them know that when the spirit which dictated those lines, and the spirit which threw off the tyrannical yoke of the Old World, is dead, then, too, will die this Republic.

We would have them view political questions as Thomas Jefferson did.

We would have them know that conditions change, but principles never change; that the great party of Jefferson is not, nor ever will be,

dependent for its existence upon a condition, but that the principles upon which it rests are like the rocks of this mountain—eternal and everlasting.

ORDER OF BUSINESS

Mr. DAVEY. Mr. Speaker, I ask unanimous consent that on Tuesday, April 20, after the disposition of formal business, the House may resolve itself into Committee of the Whole House on the state of the Union for the consideration of conservation and reforestation, that matter having been referred to the minority and majority leaders who are willing that it should be done.

The SPEAKER. The Chair does not quite understand the request. That was not the request the Chair understood the gentleman to make. The gentleman is asking that the House shall resolve itself into Committee of the Whole House on the state of the Union.

Mr. DAVEY. Well, I am not particular about that.

The SPEAKER. The Chair will not entertain that request.

Mr. DAVEY. Then I ask that the House, after the disposition of formal matters, consider the question of conservation and reforestation.

The SPEAKER. The gentleman from Ohio asks unanimous consent that on Tuesday, April 20, after the disposition of business on the Speaker's table, the House may consider the subject of conservation and reforestation. Is there objection?

Mr. TILSON. It is simply for discussion?

Mr. DAVEY. Simply for discussion.

Mr. TILSON. The gentleman should include in his request that it shall not interfere with conference reports.

Mr. DAVEY. I will include that.

Mr. CHINDBLOM. Is this to be general debate?

Mr. DAVEY. It is simply a discussion of conservation and reforestation.

Mr. RANKIN. For how much time?

Mr. DAVEY. As long as the House wants to discuss it.

Mr. CHINDBLOM. For the whole afternoon?

Mr. DAVEY. As long as the House wishes to discuss the matter.

Mr. EDWARDS. How is the time to be controlled?

Mr. DAVEY. I was going to ask that the time be equally divided, one half to be controlled by myself and the other by the gentleman from Michigan [Mr. WOODRUFF].

Mr. EDWARDS. But both gentlemen are for reforestation.

Mr. WOODRUFF. Does the gentleman know anybody that is opposed to it?

Mr. RANKIN. If you are going to unload on the Government a lot of cut-over land owned by timber barons on which the States will lose the taxes, I shall be glad to control the time for opposition.

Mr. DAVEY. I think there will be no trouble in the gentleman's getting what time he wants.

Mr. JONES. I am perfectly willing that discussion shall be had, but I do not believe that it should be in the control of anybody. Why not have it open without any control?

Mr. DAVEY. Some one will have to control it.

Mr. WOODRUFF. It will be necessary for some one to control the time.

Mr. JONES. Is there any particular measure upon which this discussion is to be had?

Mr. DAVEY. It is the general subject of conservation and reforestation, and that will be the second day of the week which has been proclaimed by the President as forest week.

Mr. LaGUARDIA. Is there any bill relating to that before the House?

Mr. DAVEY. There is no bill.

Mr. RANKIN. Mr. Speaker, reserving the right to object, I have no objection to the gentleman from Ohio [Mr. DAVEY] or the gentleman from Michigan [Mr. WOODRUFF] or any other Member asking unanimous consent for time to discuss the proposition.

But it seems to me that it is not necessary to take the whole day for that purpose, unless there are other Members who desire time. If the gentleman will limit his request to a couple of hours, or something like that, I shall not object.

Mr. DAVEY. Can not the time be limited by those who desire to talk?

Mr. RANKIN. I have heard from only two who are clamoring to talk.

Mr. DAVEY. The gentleman from Mississippi might like to discuss it.

Mr. ALMON. Mr. Speaker, reserving the right to object, the Committee on Roads has been undertaking for the past two weeks to get time for the consideration of the bill providing for national aid to roads, and we have a resolution pending before the Committee on Rules now.

Mr. SNELL. Mr. Speaker, I can inform the gentleman that they will have an opportunity to consider the road proposition in a few days; probably by the middle of next week.

Mr. ALMON. I would not want this to interfere with that.

Mr. SNELL. As I understand it the program now is about next Thursday.

Mr. TILSON. We hope that that bill will be reached by next Thursday.

Mr. RANKIN. Mr. Speaker, I am going to object, unless the gentleman from Ohio will limit his request to two hours and a half or three hours.

Mr. DAVEY. I would hate to have the time limited in that way.

Mr. RANKIN. The gentleman can either do that or I shall object.

Mr. DAVEY. Nobody knows how many wish to talk yet.

Mr. RANKIN. I know that the gentleman from Ohio wants to talk, but he surely does not want to talk for three hours.

The SPEAKER. Objection is heard to the request of the gentleman from Ohio.

Mr. DAVEY. Mr. Speaker, would the gentleman be willing to limit that to three hours?

Mr. RANKIN. I just explained to the gentleman that I would not object if he would limit it to three hours.

Mr. DAVEY. Mr. Speaker, I accept that modification.

The SPEAKER. The gentleman from Ohio asks unanimous consent that on Tuesday, April 20, after the reading of the Journal and the disposition of formal matters on the Speaker's desk, and such conference reports as may reach the House, it shall be in order to discuss the subject of conservation and reforestation for not to exceed three hours. Is there objection?

There was no objection.

Mr. DAVEY. Mr. Speaker, the time is to be equally divided? The SPEAKER. The Chair has heard no request to that effect.

Mr. DAVEY. I make that request, that the time be divided equally between the gentleman from Michigan [Mr. WOODRUFF] and myself.

The SPEAKER. And the gentleman further asks unanimous consent that the time for three hours be divided equally between the gentleman from Michigan [Mr. WOODRUFF] and himself. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, it seems to me, if this is going to be a general proposition, the time should be divided equally between the leader of the minority and the leader of the majority instead of two individual Members of the House. This is to be a general field day, as I understand it.

Mr. CHINDBLOM. It is conservation week, I understand.

Mr. WOODRUFF. I have no objection to that arrangement.

Mr. DAVEY. I have no objection.

The SPEAKER. The gentleman from Ohio further modifies his request that the time be equally divided between the gentleman from Connecticut [Mr. TILSON] and the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to know which end I am going to control.

Mr. SNELL. The gentleman could take his choice.

Mr. GARRETT of Tennessee. I am very much of a conservationist.

Mr. TILSON. So am I.

The SPEAKER. Is there objection?

There was no objection.

GARRETT-WADSWORTH CONSTITUTIONAL AMENDMENT

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record upon the subject of the Garrett-Wadsworth constitutional amendment.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the Record on the subject of the Garrett-Wadsworth constitutional amendment. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, under leave given to extend my remarks on the Garrett-Wadsworth amendment to the Constitution (H. J. Res. 15), I desire to reproduce in brief the substance of my statement made at a hearing before the Committee on the Judiciary on March 1, 1926.

By request of the organizations at the instance of which the hearing was held, I spoke for a few minutes before the committee. In doing so I avoided as far as possible repeating the arguments against the amendment which I have heretofore made in the House, and sought to take up the least possible time, as the organizations had been allotted too little time in which to present their opposition.

I requested the privilege of correcting any errors in the transcript of my statement, but through what is said to have been an oversight the opportunity was not afforded me. As the result, my statement was reported so inaccurately that the hearings give little idea of what I said. I have not attempted to reproduce the more or less irrelevant and unsympathetic interruptions to which I was subjected, as they have been revised so as to make this quite difficult.

STATEMENT OF HON. GEORGE HUDDLESTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALABAMA

Mr. HUDDLESTON. I have expressed my views on this amendment in a speech in the House, a copy of which speech I have recently sent to each member of the committee.

I shall not reiterate anything I said in my speech. I did not attempt to cover the field, and I think of one or two things in addition.

The first is that the clause which lies nearest to its heart is the clause which permits a change in the Constitution. It is more vital and more fundamental than any other provision of the Constitution. For, by dealing with that clause, we may fix it so that the Constitution is absolutely rigid and may never be amended, or we may fix it so that it may be amended lightly and without sufficient thought. In other words, through that clause we reach toward every other clause in the whole Constitution, and that can not be said about any other clause of the Constitution.

I can not go into that in detail. I merely want to bring the thought that unnecessary meddling with the Constitution becomes a more serious offense when we deal with an amendment to this particular clause, than if we were undertaking to deal with any other section.

Of course, it is foolish to be talking about an amendment to the Constitution, unless it is of importance, unless it has a very important and substantial effect on the Constitution. Let us, therefore, consider just what effect this amendment will have. Now, it can have only either one or both of two effects:

First, to make the Constitution harder to amend and, second, to assure that amendments will be adopted more in harmony with the will of the people. I think it is possible that both of those purposes have something to do with the support which this amendment has.

Mr. GARRETT disclaims any desire to make it more difficult to amend the Constitution, and I accept his statement as 100 per cent accurate. However, there is no doubt in my mind that much of the support for this amendment comes from those who do not want the Constitution changed and who feel that certain changes which have been made in it were inadvisably made. I believe that the recoil which has come from the adoption of the last four amendments is responsible for fully nine-tenths of the sentiment which is supporting this amendment.

I want to say this, that anyone who is familiar with the history of the efforts to amend the Constitution is, it seems to me, bound to conclude that it is not too easy to amend. I do not see any escape from the thought that if any change along that line is needed, it is to make it easier to amend. When we consider the thousands of efforts to amend the Constitution, coming down through the generations, so few of which succeeded, it becomes evident at once by this that the Constitution is not unduly easy to amend.

We have had thousands of efforts to amend the Constitution, and they have succeeded in only a very few instances, and in those particular instances it was under great stress, and in certain instances the proposal was supported by an influenced public opinion, such as the adoption of the thirteenth, fourteenth, and fifteenth amendments, which could hardly otherwise have been adopted.

So that I say, first, that the Constitution is too hard to amend; it needs numerous amendments. It would be the height of folly to make it more difficult to amend the Constitution. That is my own personal reaction to the situation.

I was dealing with the psychology in this proposal and the support which it receives. I think it is due largely to the resentment which has arisen in the country over the adoption of certain amendments, and I want to call the attention of the committee to this point, that if those amendments were improperly adopted, it is a gross injustice to those who object to those amendments to make it more difficult to amend the Constitution in the future. Let us be specific and take the prohibition amendment. There is a strong body of sentiment that favors the repeal of that amendment. It is unjust to that body of sentiment to make it harder to withdraw that amendment from the Constitution than it was to adopt it.

The proposed amendment, if adopted, will make it harder to amend the Constitution in two ways: First, it will cause delay through the requirement that members of the legislatures which ratify must be elected after the submission of the amendment. If an amendment should be submitted shortly after the election of legislators in those States in which they hold office for four years, no action for ratification could be taken until their successors had assembled, which might be as long as five or six years. It forces that the action shall be too deliberate.

Second, it makes amendment more difficult by giving legal effect to a rejection which it has not heretofore had. Under the present practice a rejection means nothing in particular. It is ratification only that counts. A majority of the legislatures may reject, with the effect that the amendment remains submitted and in the same situation as though no action had been taken by the legislatures. Its situation is such that it may be ratified at any subsequent time even by the legislatures which had previously rejected it. The Garrett amendment introduces the practice of making rejection effective, which is a new departure. Under it, if more than one-fourth of the legislatures reject, the amendment is forever killed, and its ratification by all of the remaining States and a recantation of the States which rejected it can not operate to revive it.

In short, the amendment delays ratification, though it does not delay rejection. It gives an opportunity, by the use even of unfair means, to build up a public sentiment against a proposed amendment or to destroy the wholesome sentiment which demanded it. Furthermore, it gives a positive power to destroy an amendment to a very small minority of the States.

It is, of course, unnecessary for me to comment upon an extremely unfair aspect of the amendment, which is that it requires that legislatures which ratify must be elected after the amendment is submitted, whereas no such condition is attached to legislatures which reject. Legislatures that may have been elected prior to the submission of the amendment are eligible to reject but can not ratify. In this aspect the amendment is wholly one-sided as against ratification, and is manifestly unfair.

The amendment is also unfair in that under certain conditions an appeal to a popular vote may be taken from a legislature which ratifies an amendment, yet no such appeal is permitted from legislatures which reject an amendment. In short, those who favor the amendment are manifestly unwilling to give as fair opportunity for ratification as they are for rejection. It is obvious that rejection is what they want and not ratification.

Now, let me proceed to the next thought that Mr. GARRETT expressed in his speech in the House—that it will make amendments to the Constitution more democratic. That he proposes to do in two ways—first, by requiring that one branch of the legislature which ratifies shall have been elected after the submission of the amendment, it being the thought that the people will have some opportunity to instruct their representatives in the legislature as to whether they desire the amendment adopted. The second way in which this is to be accomplished is by authorizing the States to hold a referendum in the case of ratification.

I believe in being thoroughgoing, if we are going to be democratic. And may I say that I am in hearty accord with anything which is going to be really democratic and which would democratize the adoption of amendments, and I would suggest, if the committee proposes to do anything along that line, that it do something that is real and substantial. If you want to make action upon amendments to the Constitution democratic, why do you not eliminate the State legislatures and require that a referendum be held for ratification or rejection, as the case may be, within a certain time after the amendment is submitted? If you really want the people to have a voice in the adoption of amendments, if that is your sincere and earnest desire, having reached the conclusion that it is best for the public welfare for us to do that, then let us do the thing in a direct fashion, not by gestures, and not by pretense and shams. Let us do it in a real fashion by providing that every amendment to the Constitution shall be submitted to a popular referendum at the next Federal election held in the State, and the sentiment of the State realized in that fashion. But just for the purpose of making a gesture toward democracy, is it possible we are going to undertake to deal with this clause so near to the heart of the Constitution?

Mr. MICHENER. Does the gentleman favor such an amendment?

Mr. HUDDLESTON. Yes; I do. I am a real democrat. I believe that the Constitution belongs to the people of the United States and that they have a right to amend it, under reasonable regulations and provisions. I am enough of a real, sure-enough, old-fashioned American and democrat to believe it is right to do it that way, and I would favor it. It is in line with that I made my speech, to which I referred. I introduced an amendment doing that very thing.

PRODUCTION OF SULPHUR ON THE PUBLIC DOMAIN

Mr. LAZARO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 3186, to promote the production of sulphur on the public domain, and consider the same at this time.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to take from the Speaker's table Senate bill 3186, to promote the production of sulphur on the public domain, and consider the same at this time. Is there objection?

Mr. SNEEL. Mr. Speaker, what is the situation in respect to the bill?

The SPEAKER. The Chair understands that there is a practically identical bill on the calendar reported from the Committee on Public Lands. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for sulphur in lands belonging to the United States located in the State of Louisiana for a period of not exceeding two years: *Provided*, That the area to be included in such a permit shall be not exceeding 640 acres of land in reasonably compact form.

SEC. 2. Upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of sulphur have been discovered by the permittee within the area covered by his permit, and that the land is chiefly valuable therefor, the permittee shall be entitled to a lease for any or all of the land embraced in the prospecting permit, at a royalty of 5 per cent of the quantity or gross value of the output of sulphur at the point of shipment to market, such lease to be taken in compact form by legal subdivisions of the public-land surveys; or if the land be not surveyed, by survey executed at the cost of the permittee in accordance with regulations prescribed by the Secretary of the Interior: *Provided*, That where any person having been granted an oil and gas permit makes a discovery of sulphur in lands covered by said permit, he shall have the same privilege of leasing not to exceed 640 acres of said land under the same terms and conditions as are given a sulphur permittee under the provisions of this section.

SEC. 3. Lands known to contain valuable deposits of sulphur and not covered by permits or leases shall be held subject to lease by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt and in such areas as he shall fix, not exceeding 640 acres; all leases to be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease and the payment in advance of a rental of 50 cents per acre per annum, the rental paid for any one year to be credited against the royalties accruing for that year.

SEC. 4. Prospecting permits or leases may be issued in the discretion of the Secretary of the Interior under the provisions of this act for deposits of sulphur in public lands also containing coal or other minerals on condition that such other deposits be reserved to the United States for disposal under applicable laws.

SEC. 5. The general provisions of section 1 and sections 26 to 38, inclusive, of the act of February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," are made applicable to permits and leases under this act, the first and thirty-seventh sections thereof being amended to include deposits of sulphur, and section 27 being amended so as to prohibit any person, association, or corporation from taking or holding more than three sulphur permits or leases in any one State during the life of such permits or leases.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TILSON. Is the bill on the House Calendar or the Union Calendar?

The SPEAKER. The bill is on the Union Calendar.

Mr. LAZARO. Mr. Speaker, a similar bill is on the Union Calendar, reported unanimously by the Committee on the Public Lands. It has the approval of the department, and the chairman of the Committee on the Public Lands is here. I ask him to make a little explanation.

Mr. SNELL. I understand the gentleman from Louisiana asks unanimous consent to call it up now.

The SPEAKER. Yes. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LAZARO. Mr. Speaker, I understand the chairman wants to offer an amendment to clarify the language.

Mr. SINNOTT. Yes. The bill is confined to the State of Louisiana, but there is some question as to whether or not the language in the Senate bill confines it to the State of Louisiana. I have an amendment which will do that.

Mr. TILSON. The gentleman does not contemplate taking much time?

Mr. LAZARO. No.

The SPEAKER. Does the gentleman desire the bill to be considered in the House as in Committee of the Whole?

Mr. LAZARO. Yes.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. SINNOTT. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: Page 3, after line 20, add a new section, to be known as section 6, to read as follows:

"That the provisions of this act shall apply only to the State of Louisiana."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the Senate bill was passed was ordered to be laid on the table.

The SPEAKER. Without objection, the title will be amended.

There was no objection.

The SPEAKER. Without objection, House bill 9725 will be laid on the table.

There was no objection.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that in the consideration of bills brought to the House by the Committee on Interstate and Foreign Commerce they may be considered immediately after the naval aviation bill now pending, under Calendar Wednesday rules, so far as they relate to debate, except that in the case of Senate bill 41 there may be three hours' general debate instead of two hours.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that bills heretofore made in order by the House, reported from the Committee on Interstate and Foreign Commerce, be considered under the Calendar Wednesday rules, with the exception of Senate bill 41, on which the general debate shall be limited to three hours instead of two hours. Is there objection?

Mr. HUDDLESTON. Reserving the right to object, Mr. Speaker, I understand the bills will be considered in the order in which they came in the statement of the gentleman from Connecticut [Mr. TILSON]?

Mr. TILSON. Yes.

Mr. HUDDLESTON. When is it proposed to take up these bills?

Mr. TILSON. Following the conclusion of the naval aviation bill.

Mr. HUDDLESTON. Does the gentleman expect to have a session to-morrow?

Mr. TILSON. Until we see what progress is made with the naval aviation bill to-day I can not make any promises as to to-morrow.

Mr. HUDDLESTON. Of course, it is not expected that there will be any displacement of the regular business on Monday?

Mr. TILSON. That has already been displaced by the order of the House in case these bills are called up.

Mr. HUDDLESTON. May I ask whether it is the intention of the gentleman to so operate?

Mr. TILSON. Yes.

Mr. HUDDLESTON. I wanted to get some idea as to when we shall get these bills up. I am enlightened now. I understand the gentleman's statement is that if the two days allowed shall include any part of Monday they shall have the right of way on that day?

Mr. TILSON. Yes; the right of way on the floor of the House. I so understand it.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Certainly.

Mr. MILLER. Has the gentleman from Connecticut in mind any time when the private bills shall be considered?

Mr. TILSON. Yes. I intend to ask that next Friday, a week from to-day, Friday evening, be set apart for the consideration of bills on the Private Calendar that are not objected to.

Mr. MILLER. When does the gentleman think that will be?

Mr. TILSON. It is my intention next week, but I will say that other gentlemen in the House have as much information on that subject as I have.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut [Mr. TILSON]?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on next Thursday, after the reading of the Journal and the disposition of formal matters, including conference reports, the gentleman from Massachusetts [Mr. UNDERHILL] may have leave to address the House for one hour on the subject of the general claims bill, which is being considered by the Committee on Claims.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that next Thursday, after the reading of the

Journal and the disposition of formal matters, including conference reports, the gentleman from Massachusetts [Mr. UNDERHILL] may have leave to address the House for one hour on the subject of the general claims bill. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, my friend from Massachusetts [Mr. UNDERHILL] yesterday was so kind as to let me have 30 minutes on minor matters, and I shall not object to his having one hour on a very important matter like the claims bill.

The SPEAKER. Is there objection?

Mr. ALMON. Reserving the right to object, Mr. Speaker, why not postpone that until Friday? On Thursday we expect to get up the roads bill.

Mr. TILSON. The roads bill will have the right of way after the gentleman from Massachusetts has finished.

Mr. ALMON. All right.

The SPEAKER. Is there objection?

There was no objection.

AIRCRAFT IN THE NAVY AND MARINE CORPS

Mr. BUTLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9690.

The motion was agreed to.

The SPEAKER. The gentleman from New Jersey [Mr. LEHLBACH] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9690, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9690, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9690) to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps and to adjust and define the status of the operating personnel in connection therewith.

Mr. BUTLER. Mr. Chairman, I yield 20 minutes to the gentleman from Ohio [Mr. STEPHENS].

Mr. STEPHENS. Mr. Chairman and gentlemen of the committee, in the consideration of H. R. 9690, the distinguished chairman of the Naval Affairs Committee [Mr. BUTLER] and the ranking minority member of the committee [Mr. VINSON of Georgia] covered the principal questions in the entire bill. There is hardly anything more that can be said in addition to the facts that were presented by these two gentlemen. However, I might call the attention of the committee, although it is a repetition, to the number of planes that will be constructed during this five-year period, so that at the end of this period there will be 1,000 planes in the service. The addition has been made regular each year, so that at the end of this five-year period we shall have 1,000 planes. At the present time, or at the end of June 30, 1927, we shall have 638 planes. The amount that was appropriated for this particular purpose in the last appropriation bill was something like \$17,000,000. The amount to be appropriated for this five-year period would be \$85,000,000, so there is no actual increase in the annual appropriation that would be necessary to carry on our naval program, even though this five-year program were not adopted, and there are a number of us, perhaps all of us, who think that the five-year program is a program of economy rather than a program of expense.

Mr. RAMSEYER. Will the gentleman yield?

Mr. STEPHENS. Yes.

Mr. RAMSEYER. I want to get this clear before the House. Do I understand the gentleman to state that if this bill is enacted into law it will not be an increased burden on the Treasury over what we are doing now?

Mr. STEPHENS. That is what I mean to state. It will not be an increase over the burden we now have relative to the building and furnishing of airplanes, although there might be a little increase in personnel.

Mr. RAMSEYER. How much of an increase?

Mr. STEPHENS. Well, I will say that when we get 1,000 airplanes it will require more men to manipulate and have charge of them than will be required for 600. I am not sure whether that would even add an additional expense, because it would not add an additional number of men we would have to take into the service. It would not increase the total number of men in the service.

Mr. RAMSEYER. What is the gentleman's best judgment and the judgment of the committee as to whether, after you get this program started, it will increase the burden on the Treasury?

Mr. BUTLER. Will the gentleman permit me to answer that?

Mr. STEPHENS. Yes.

Mr. BUTLER. We had a ship program which we submitted to the House and sent to the President two years ago. It is building very slowly and it may not be finished for several years. Certainly until that great program of eight ships is completed there will be no requests for any additional men. We expect this program to be provided for, as we stated yesterday, out of the present personnel of the Navy. We do not ask to have the number increased at the Naval Academy so we may have more officers. We expect to have the affairs of the Navy Department so arranged that we need not ask the Government for any more money to support and sustain the whole naval service.

Mr. LAZARO. Will the gentleman yield for a question?

Mr. STEPHENS. I will.

Mr. LAZARO. Could the gentleman tell us what is being done to encourage the young men who had experience in flying in the World War, and who have gone out of the service, to come back into the service if they desire to come back so that we will have a personnel made up of experienced men?

Mr. STEPHENS. Well, I will say to the gentleman that I do not know of any particular plan to carry out the idea the gentleman has just suggested, but it will increase the number of enlisted men to become aviators and pilots and it will give them an opportunity if they are qualified, but the matter of age might be against them.

The proposed five-year building program for naval aviation marks the transition from the development stage to the production stage in postwar naval aircraft. We remember that during the World War the Navy's efforts by joint agreement were concentrated on the training of its flyers and the operation of coastal patrol-type airplanes; that is, large flying boats, against submarines and in conjunction with convoy and patrol work.

As a result of this policy the Navy found itself at the close of the war without adequate fleet aviation. There were on hand a large number of training planes and large flying boats but these were of limited use with the fleet. The postwar demobilization deprived the Navy of many of its trained officers and enlisted men and it became necessary to build up and train new personnel. The aircraft on hand were utilized to this end and were adapted to fleet use as far as possible by basing them on tenders capable of operating with the fleet. At first the converted mine layer *Shawmut* was used for this purpose, but she was later replaced by the *Wright*, originally designed as a kite balloon tender and later modified as a combined kite balloon and seaplane tender.

Since 1919 these large flying-boat squadrons have been operating with the fleet and have performed useful service. They ordinarily leave with the fleet for winter exercises in Caribbean waters and they have flown back and forth to Panama and have operated in the joint exercises in Hawaii. The work these planes have done has gone unsung, but they have flown to the far corners of the earth over wide stretches of rough water. They have cooperated with the fleet in the control of gunfire, torpedo recovery, scouting, and bombing for the fleet.

One of the immediate requirements of the fleet was torpedo planes, and to this end some of the war-time planes were modified and adapted. These torpedo planes were likewise based on the *Wright*, and cruised with the scouting plane squadrons to Cuba and return.

On the basis of this work, new and improved torpedo planes were laid out, and this forms a basis of design for the modern torpedo planes. In this work, the Navy, in its desire to carry on its work economically, developed the three-purpose airplane, a combined scouting and torpedo airplane, in which, if bombs or torpedoes are not carried, the useful load is made up of gasoline, thus increasing the cruising range. Conversely, for bombing and torpedo plane work, a smaller amount of gasoline is carried and the military load makes up the useful load. As a result of this intensive development, which required the development of new engines and new accessories, the Navy now has ready for production a three-purpose airplane, which, in our knowledge, is not excelled.

As a further method of economy the Navy substituted the three-purpose plane for the old patrol planes as they became worn out, and operated them as patrol planes, so that they have really been used as four-purpose planes. They are particularly satisfactory for the reason that they are convertible from land to seaplanes and can be used on carriers or from tenders or from shore bases or for operation over the sea.

In the interim, the Navy did not cease its development work in the patrol types, the final development being the PN-9's used

on the west coast-Hawaiian flight. These airplanes hold the world's endurance and distance seaplane records and are remarkable in that the proportion of useful load to full load carried by them is not excelled anywhere. This achievement was made possible by the development of new lightweight engines and the incorporation of reduction gears for improved efficiency. This, in itself, constitutes a distinct achievement. The development has been brought on with a small number of airplanes, and this country is now in a position to go into production on this type in quantity provided for in every detail.

With the formation of the Navy Bureau of Aeronautics a definite policy was outlined by the General Board of the Navy and approved by the Secretary of the Navy in 1922. This policy called for intensive development of fleet aviation, taking first that portion of fleet aviation which may be classified as Air Service; that is, airplanes operated from combatant ships for the control of gunfire and for short-range scouting. The weight and space limitations for aircraft on board men-of-war already built made this problem very difficult. It required the development of new air-cooled engines in order to eliminate the cooling-system weight required for water-cooled engines. This work was taken in hand and pushed to the point where the Navy is now operating with the fleet a large number of shipboard airplanes of the type required. These were brought through in the smallest number possible as a development proposition. They do not represent what the Navy can do, but they represent an achievement which has not been excelled abroad.

These shipboard airplanes are seaplanes, and in order that they might be launched from men-of-war the catapult was developed. This work was pushed with such energy that many of the battleships and all the light cruisers are now completely equipped, and they have catapulted their airplanes with complete success in the different parts of the world. So perfect has the technique become that the fleet is accustomed to launching the aircraft from the catapults on signal in salvos, just as guns are fired in salvos. The whole development of the shipboard airplane, together with its catapult, is one of outstanding merit. New and improved airplanes and catapults have been brought through, and the Navy is now ready to go into production on both of these.

During the war foreign navies had large aircraft carriers operating with the fleet. Our agreement to subordinate our efforts along these lines to carrying out antisubmarine measures delayed the development of carriers for our Navy. At the close of the war we had none. The collier *Jupiter* was converted into the experimental carrier *Langley*, and on board this ship all the intricate mechanism that goes with handling aircraft from carriers, together with the development of suitable types of airplanes for this purpose, was carried out. On the basis of the information attained the *Lexington* and *Saratoga* have been designed. When completed these will be the most complex and at the same time the most wonderful machines afloat. They are scheduled for completion at the end of this year or at the beginning of the next year. The Navy has prosecuted the development of its airplanes for the carriers to the point where it is now ready to go into production, and in fact has already ordered aircraft for the purpose. When the carriers and their airplanes are completed and the squadrons organized we can feel sure that our naval air force will not be surpassed in quality.

Under the agreement between the Army and the Navy, as laid down by the joint board and approved by the executive departments, the Navy is charged with the responsibility of operating coastal patrol-type airplanes from certain shore bases and outlying possessions.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. STEPHENS. Yes.

Mr. LAGUARDIA. Does the gentleman consider the *Lexington* and *Saratoga* the ideal type of carriers and the last word in airplane carriers?

Mr. STEPHENS. I do.

Mr. LAGUARDIA. Does the gentleman know that the *Lexington* and *Saratoga* are vessels of large tonnage?

Mr. STEPHENS. Yes.

Mr. LAGUARDIA. The latest development in airplane carriers suggests vessels of less tonnage and greater speed, so that in the event of the destruction of any one carrier the entire aviation of the fleet is not lost, and I doubt whether any other country will follow the United States in adopting vessels of such large tonnage and cost as the *Lexington* and *Saratoga* as airplane carriers. So by the time they are commissioned they will have become obsolete.

Mr. STEPHENS. I do not agree with the gentleman. I will say, as I said before, that at the present time both of these carriers have everything that has been invented for the

enlargement, advancement, and performance of airplane carriers. There is no doubt that there may be new plans and new ideas, but those new ideas have not been carried out. This new plan of a smaller carrier is an idea and it has not been given practical demonstration. It might be better and it might not, but at the present time these two carriers are the latest word in airplane carriers.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BUTLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER. I anticipate, Mr. Chairman, that I am going to be short on time. Would it be in order, in Committee of the Whole, to entertain a request from me a little later that we may have 10 or 15 minutes additional time?

The CHAIRMAN. The time having been fixed in the House, the committee could not vary it at all.

Mr. BUTLER. Then somebody will have to be robbed of time at the end. However, I yield the gentleman five additional minutes.

Mr. WOODRUFF. Will the gentleman yield?

Mr. STEPHENS. Yes.

Mr. WOODRUFF. In connection with the gentleman's most recent statement, in answer to the gentleman from New York, it might also be added that these aircraft carriers of ours have all of the speed that is anticipated for any aircraft carrier in the world?

Mr. LAGUARDIA. But, if the gentleman will permit, they have no greater speed than the fastest cruiser.

Mr. WOODRUFF. I think the gentleman will agree that if they have a speed that is as great as the fastest cruiser it would be ample?

Mr. LAGUARDIA. Oh, no.

Mr. FROTHINGHAM. Under an agreement with what board was that arrangement made?

Mr. STEPHENS. Under the agreement between the Army and the Navy, as laid down by the joint board and approved by the executive departments, the Navy is charged with the responsibility of operating coastal patrol type airplanes from certain shore bases and outlying possessions.

Mr. LAGUARDIA. I find from a statement I have here that they have failed to arrive at a satisfactory coordination of aircraft both at Panama and Hawaii. They failed to arrive at any satisfactory agreement on any vital point.

Mr. STEPHENS. Does the gentleman refer to the coastal patrol?

Mr. LAGUARDIA. I refer to the operation and maintenance of aviation installations along the coastal limits of continental United States.

Mr. STEPHENS. There has been an agreement as to coastal patrol so that the Navy has charge of the coastal patrol and that which goes out over the sea. The Army has the interior.

Mr. FROTHINGHAM. That is what I wanted to bring out. Various statements have been made about what these boards have settled. I understood the gentleman to say definitely that this policy had been established, and I wanted to show that they had accomplished something.

Mr. STEPHENS. From all the information I have and from all the information that has come before our committee, I will say there is an agreement and has been an agreement between the Army and the Navy as laid down by the joint board and approved by the executive departments that the Navy is charged with the responsibility of operating coastal patrol type airplanes from certain shore bases and outlying possessions.

This is distinctly and unmistakably a naval function. It requires the operation of aircraft over the sea in conjunction with naval vessels. It is of paramount importance that the command of such activities be in the hands of the Navy. The Navy is prepared to build the airplanes required for this purpose, but to date has not done so partly because it was not fully prepared to standardize on the types and partly because no funds have been available. At present, I am advised there is no duplication of effort in coast defense. The Navy is charged with responsibility over coast-defense aircraft employed for operation over the sea. The Army is charged with the local defense of shore bases involving operations over the land. This is, it seems, a sound adjustment and should be allowed to continue.

Mr. LAGUARDIA. May I say to the gentleman I wish it were settled, but the information I have, which is only two days old, is quite to the contrary, and I will read it in my time.

Mr. STEPHENS. I will say to the gentleman it is settled at this particular time.

Mr. LAGUARDIA. I hope so.

Mr. STEPHENS. But it might come up again.

Since 1922 the Navy has had a complete plan covering the kind and number of aircraft required for its peace-time strength. It has been anxious to undertake a building program contemplating the construction within a period of five years of the total number of airplanes required. It was not until recently, however, that it has been in a position to standardize upon the airplanes of each type necessary for the service. As a result of the intensive development work which has been quietly undertaken, it is now in a position to go ahead. The Navy has developed the quality of aircraft to the point where we are now ready to obtain them in quantity. It has expended its funds in the past in the endeavor to maintain the quantity at a minimum while improving the quality. The wisdom of this policy is apparent when we remember that had we purchased large quantities of aircraft which were entirely satisfactory for service when ordered they would have been worn out or obsolescent by this time. Instead, funds have been devoted to development with the result that for the first time we are in a position to go ahead with a constructive program looking toward equipping our fleet with the total number of aircraft required on a peace-time basis.

The development period has been a difficult one for the aircraft industry. It has required complete readjustment to meet the new conditions. It involved deflation and reduction of the total facilities available. During this reconstruction period those firms which had the engineering talent and business judgment to meet the crisis have survived. Through limited production orders the Navy had tided the best part of the industry over the crisis. The industry in return has contributed its engineering ability to the advance of the art. It is of the utmost importance that in purchasing our new aircraft we do not go so rapidly that we will have to build up facilities in excess of our normal requirements and go through the cycle or deflation again. The five-year building program outlined will make it possible to stabilize the industry. It is so designed that it will not require any expansion of existing facilities, but, on the contrary, is designed to meet the existing facilities. A continuing program of this kind looking to the purchase of the material required at a reasonable rate will maintain the existing facilities at a reasonable rate of production and bring stability to the situation. It is agreed by all that a well-organized and healthful aircraft industry is a primary essential to national defense. Such a stable industry is capable of tremendous and rapid expansion in time of emergency. It is of the very greatest importance that this industry be stable and be reasonably well assured of its future. This five-year building program is justified when we remember that in addition we will obtain for our money better aircraft than are known to exist elsewhere, and equip our Navy with the latest and best material. We can visualize what the building program means in national defense.

The program itself is a very modest one. It calls for the construction of only such airplanes as are absolutely necessary to the fleet. We are still deficient in our carrier tonnage. The program does not call for aircraft for any ships not yet authorized. It does not even cover some ships already authorized but for which funds are not yet appropriated. It does not provide coastal patrol type airplanes normally required for the defense of the continental limits of this country. It is, however, a constructive, sound, well-developed, continuing program designed to meet the minimum needs of this country for adequate fleet aviation. It comes at a time when the Navy is fully prepared to standardize on types and go into quantity production. It is therefore well timed, not only from the viewpoint of economy but also from the viewpoint of the industry and the service to be supplied.

Mr. VINSON of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Chairman and gentlemen of the committee—

Mr. BUTLER. Mr. Chairman, I want to state publicly that it is my purpose to yield first to the members of the Naval Affairs Committee.

Mr. LAGUARDIA. I think it is a matter of hearing those in opposition—

Mr. BLANTON. Mr. Chairman, they can not take the gentleman from Texas off his feet in this way.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman from Texas [Mr. LANHAM] has the floor.

Mr. LAGUARDIA. Will the gentleman yield so that I may submit a parliamentary inquiry?

Mr. LANHAM. I am afraid I have not the time.

Mr. BUTLER. I know I made a mistake, but I wanted to make it plain that I must yield first to those who sit with me on the committee.

Mr. LAGUARDIA. I think it is a question of hearing the opposition.

Mr. LANHAM. Mr. Chairman, there has been, as you all know, very much discussion in this country in the last year or two concerning our air forces, and this agitation has served at least the function and purpose of accentuating the importance of proper defense by air. Those of you with whom it has been my pleasure to serve in the House of Representatives are familiar with the interest which I have manifested in the helium project and in its growth and development.

I am grateful that in this five-year program of the Committee on Naval Affairs, reflecting as I assume it does the sentiments of those in charge in our Navy Department, the lighter-than-air field, though new, has not been overlooked. Unfortunately, a siege of the flu prevented me from attending the hearings on this measure and there expressing my approval of this recognition of lighter-than-air flying, and I am grateful that I have now been accorded, through the courtesy of my colleague from Georgia, an opportunity to say something concerning it.

I assume, gentlemen, that this measure is entirely in accord and in keeping with the economy program of the administration, or it would not now be brought in; at any rate, it presents from the attitude of the Navy a comprehensive program for the next five years; quite in contrast with the hit-or-miss policy of seeking year by year to suit ourselves expediently to any condition that may arise. This is a definite, concrete program that has a definite, distinct aim.

It has been now less than a year since the disaster to the *Shenandoah*, which filled the whole country with grief. By reason of the fact that that great ship, "The Daughter of the Stars," met such an ill fate on that last voyage, there arose in this country a class of people who decided hastily within their own minds that the Government should abolish lighter-than-air flying. If we did not pause to reflect, that might seem a reasonable conclusion. But just a little later we had a submarine catastrophe. The loss of life was more than twice as great in the submarine disaster as in the accident which befell the ill-fated *Shenandoah*. And yet, we shall continue to build submarines. Every year in each American city of considerable size we have more fatalities from auto traffic than we had in the *Shenandoah*, and yet I think there is no city in the country which will discontinue the use of automobiles. Hardly a year passes without our headlines proclaiming some dire mine disaster with great loss of life, which causes us all to mourn, and yet I think in spite of these things we will continue the operation of our mines. The cowboy does not stop riding because one broncho happens to throw him.

But I do think, gentlemen, that perhaps we have not paused fittingly to pay our tribute of respect to the memory of Commander Zachary Lansdowne and his brave comrades who perished with him. [Applause.] It was my pleasure to know him, and to know also the second officer in command, Capt. Lewis Hancock, of my own good State, and I want to say a word or two at this time as a tribute to the memory of those heroic souls who passed with their ship.

It is not for this generation to give to these honored dead their full meed of praise. The work of the pioneer toward the world's welfare and advancement can be estimated and determined only after the lapse of time has shown the priceless value of that work. We give to-day to the sturdy fathers who blazed the trail for American civilization a praise more just and adequate than it was possible for their contemporaries to accord them.

Lighter-than-air flying is a new and developing industry, even in this country of ours, which is a favored nation because it has a practical monopoly of the known sources of helium supply. And it may be said that our lamented dead of this disaster were as truly American pioneers as were the men who felled the forests and built their rude cabins in the hazardous struggles of the early days. As pioneers in their important field, Commander Lansdowne and his comrades have but planted the seed; generations yet unborn will reap the harvest. And when for commercial transportation in times of peace and for defense and offense in times of war the multitudes shall know and recognize the great possible utility of the helium-filled dirigible, then, and not until then, may the people appreciate and properly respect the brave men who perished on that ill-fated craft. To that day of the consummation of their hopes and ours we look forward with confidence. They were sky pilots of a new school, pointing out to us a new duty and a new glory. Our best tribute to their memory is to take up the task where they left off and carry on to successful and triumphant completion. In this field America may be preeminent, and to-day the call comes to us from the grave to make it so. Let us not prove recreant to the trust. [Applause.]

I am glad to report that in my home city, Fort Worth, where one of the few mooring masts of this country stands, the city where the only real helium-production plant in the world exists, and to which the *Shenandoah* came on more than one occasion as a visitor, our Armistice Day celebration on the 11th of November last was in honor of the dead of the *Shenandoah*. [Applause.] We had as our distinguished guest on that occasion Commander Rosendahl, also a Texan, who has been assigned to command the *Los Angeles*. I am glad to say that through the patriotic spirit of the boys who fought in the great struggle across the sea, who realized the importance in warfare as well as in peace of lighter-than-air craft, we have placed at that mooring mast a bronze tablet bearing the name of each of the crew who perished on that fateful day. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MILLER. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. LANHAM. I wish I had time, gentlemen, to recite briefly the history of this wonderful helium project. This country, as you know, has a practical monopoly of all known sources of supply of this element, most valuable both in peace and in war.

Perhaps it finds its useful field especially with reference to the Navy, and it may be said in this regard that if it had not been for helium it is likely that everyone aboard the *Shenandoah* would have gone to his death at the time of that accident. Let me bring it to your attention that the loss of most of those who perished was caused by the control car coming loose from the bag which held the gas, and when the ship broke in three pieces the helium held these parts aloft and brought their occupants safely to the ground, while those who were in the car that was severed from the envelope were sent hurtling to their death.

Mr. RANKIN. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. RANKIN. What is the difference in the cost of helium now and when it was first discovered?

Mr. LANHAM. Up to 1917, the time of our entrance into the World War, the minimum price for the extraction of one single cubic foot of helium was \$1,500. We are now getting it for about 3 cents. Think of the progress! Why should we stand back in America, with this wonderful opportunity which no other nation has, and refuse to build these two great dirigibles when England, with practically no helium, is now engaged in the construction of two?

I should like to read in this connection a clipping taken a short time ago from the Washington Post in order to show you how the importance of helium is recognized by those who have it in scant volume, if at all. This is from the Washington Post of December 6 last:

BIG HELIUM SOURCE BOUGHT BY CANADA—WELLS NEAR TORONTO TURNED OVER TO UNIVERSITY FOR RESEARCH WORK

TORONTO, ONTARIO, December 5.—Premier Ferguson, of Ontario, made official announcement to-day that a deposit of helium had been discovered at Inglewood, in Peel County, about 40 miles northwest of Toronto. Three wells there have been purchased by the Government, which has for some time been extracting gas from them in cooperation with the University of Toronto.

"The Province has taken over the helium rights at Inglewood," said Premier Ferguson, "and I am informed that they have the highest content of this gas of any in the British Empire. The wells have been turned over to the University of Toronto for research work."

The premier said strict secrecy had been maintained because of the "tremendous importance of the find."

And yet, gentlemen, the helium which has been found in Canada—and a little in Italy and some in Czechoslovakia—is of little consequence in volume compared with that which we have discovered in this country. We have practically a monopoly of the known sources of supply.

Now, what are the functions of the helium-filled dirigible with reference to the Navy, and what are its advantages in addition to its safety? It is necessary at sea, for the purpose of reconnaissance and scouting, to have some agent that will have a long radius of operation. An airplane can not go very far over the water without returning to its base for fuel, but a dirigible, which stays above the ground by reason of the fact that the gas which keeps it aloft is lighter than air, has a long cruising radius. The cruising radius of the *Shenandoah* was almost 4,000 miles. That would have been almost enough in the contemplated polar flight to have taken it from Spitzbergen across the North Pole to Nome and back to Spitzbergen without refueling. By reason of the lessons we have learned, we now know that it is possible to increase the radius while increasing also the efficiency of the ship. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. STEPHENS. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. COYLE].

Mr. COYLE. Mr. Chairman and gentlemen of the committee, in the presentation of the five-year program as recommended by the Committee on Naval Affairs the opportunity has been asked to present the program in so far as it applies to lighter-than-air or airships and their use.

On page 589 of the hearings I get in his quiet, modest, but fearless way, from Lieutenant Commander Rosendahl, the senior of the 29 survivors of the *Shenandoah*, a text that is at once an inspiration and a guide. He says:

The survivors of the *Shenandoah* have suffered no weakening of our enthusiasm for rigid airships, nor have we lost any of our confidence in them.

Here I find the true American spirit, the dauntless spirit of 1776 and 1812 alive in the land, a spirit worthy of the finest traditions of a great land whose white sails have dotted the seven seas and whose silvered airships in your time and mine may cruise the seven heavens of the air.

A fine type of a gentleman, unafraid, was Rosendahl, and he and his like—Steele, of the *Los Angeles*, and Moffett, their chief—were enthusiastic for airships because of what they knew of their usefulness in national defense.

Many of us on the Atlantic seaboard can remember back to those days of the roaring nineties, when cruisers had to be assigned to patrol the New England and Jersey coast because fear of Cervera's squadron was causing a falling off in sea-shore-resort business. Few of us realize that when history repeats itself once more a fleet of airships with 3,000 miles cruising radius will probably establish contact with an enemy fleet 2,000 miles or more from shore and report their disposition and numbers by wireless to our main defensive fleet.

For a fleet to be able to choose its time and scene of action is, if not half the battle, at least a large part of the battle. Strategic scouting well ahead of the location of a defensive fleet is an immense advantage, and one airship for this purpose is as effective as three fast cruisers on account of wider vision. It is for this purpose the airship, as we now know it, would principally be used, though Commander Fulton in his testimony has stated that he believes the command and tactical control of the fleet in the presence of an enemy and during battle may shortly be exercised by an admiral from a rigid airship as flagship.

Admiral Jones, president of the General Board of the Navy, testified, and I think most intelligently, that in his opinion it was not wise to discontinue any part of the proven adjuncts of the fleet in order to continue the development of the rigid airship, whose use and possibilities had been neither proven nor disproven.

I have been privileged to be present at several great beginnings and can cite for the House that it is but 25 years since, as a student at the Naval War College in Newport in the summer of 1900, one of the conventions agreed upon was that wireless telegraphy should be assumed to be good for 30 miles, because while the newly discovered method of transmission of electrical impulse was then but a laboratory experiment it was thought that before any war came it would be developed to be good for 30 miles. Two years later Navy testing proved the best equipment available was good for 110 miles, and with continued experimentation in the Navy planes can both send and receive continuous messages, the former within 30 miles and the latter within a fairly unlimited distance. This new science has been encouraged and aided at all points in its development, and the Navy has talked from an airplane to a submarine and return.

If I read history rightly, the development will be just as rapid in the air as "on the air," provided the Navy is allowed to proceed. By the time the hour of need arrives the now distant strategic points in the Pacific or Atlantic can all be watched by rigid airships on their station—a far-flung line of scouts under control of the very voice of the commander in chief.

The fact, as it was in the radio, is proven; the engineering principles are proven; and, more than any other nation, we have the elements—material and personal—known and proven. By the faith and courage in the eyes of Rosendahl, Fulton and Steele, Weyerbacher and Rogers give them the word to go ahead, then—

* * * Instant to foreshadowed need,
The eternal balance swings,
That winged men the fates may breed
So soon as fate hath wings.

Two airships are proposed, both to use helium, and following the general lines of the *Shenandoah*, as later improved in the

Los Angeles. The design will include a built-in control car instead of a suspended one; a heavy armament of guns; and a method of launching and hooking on of planes that is well developed.

Ships 750 feet long, with a diameter of 125 feet, and 6,000,000 cubic feet capacity, will carry a military load of 60 long tons for 7,000 miles at 50 knots speed or 4,600 miles at 70 knots.

The helium contained in the inner fabric cells is noninflammable. This fabric can be readily patched in the air. Between this inner fabric and the outer are the duralumin structural members or girders. The helium lifts only 92 per cent of what hydrogen lifts, but the duralumin has nearly the strength of steel with but one-third of its weight.

This development of the rigid airship is at about the point comparable with the airplane at the start of the war in Europe; a very little in advance of the old wireless telegraphy days in radio. There are at least three reasons why the Navy should go ahead:

First. Because we have, as a nation, at our disposal more information concerning them and the only trained personnel in being and the only supply of helium, the noninflammable gas.

Second. Because of their immense usefulness should we ever be forced to defend our coast; immense use to the Navy, the first line of defense, for the outposts of that line. The plane is as yet the scout for use within the theater of action close to the fleet, the tactical scout, but the airship is the strategic scout, out 3,000 miles and back; the eyes, magnified 1,000 times. This arm of the service has, by mutual consent, been assigned to and accepted by the Navy, because all have recognized that it is adapted to meet certain of the Navy's needs but none of the Army's.

Third. Because of the probable commercial development along parallel lines in quick passenger and express transportation. One hears talk of New York to Chicago between twilight and dawn in the comfortable express sleepers of the "Air Transport (Ltd.)," because the congestion of traffic is already there, but I venture to predict that Panama to New York may come first if the Navy continues development. You may question whether the traffic is there, and I will answer that. At another great beginning I was an interested onlooker, and that was when the Republic of Panama was born and the canal became a possibility. In that day many people said, "Why, there is no demand for a canal through the Isthmus and but few ships touching there." Who could foresee the procession of shipping through that canal within the first and second decade after its completion?

Provide an airship on a two-day schedule from Panama to New York, and how many seafaring travelers from Australia and the west coast will take that short cut to New York to make a steamer a week earlier, perhaps, to London or Paris? The travel that is there now is but a tenth of that which is to come in the near future. Travel facilities induce travel, just as business begets business, and there are many more horseshoes worn out in this country than in the days when there were but two ways of travel—afloat and horseback.

Those of you who were listening in on the radio some 18 months ago and heard Graham McNamee, with the War Industries Board, on the *Los Angeles* render his description of Pennsylvania's wooded hills and fertile valleys, as the vessel circled over the east Atlantic States, will accept without question not the possibilities of the future but the accomplishments of the present. Airships hovering in place over the passes of the north Pacific can now report to Pearl Harbor, 2,000 miles away, with a running comment on events.

A word in conclusion advanced for the maintenance of an air force as an integral part of the Navy. So far as we can see at present the prime function of the Navy Air Service is as the well-trained coordinated eyes of the fleet. When passengers and cargo are carried in the air to the exclusion of the surface craft we may come to air battleships, transports, and so forth, but for even the farseeing the main reliance is yet on the battle fleet, whose very continued existence can keep the commerce moving in necessary volume. To-day the eyes are a well-coordinated part of the defensive body; to separate or combine them with the Army would be equivalent to bandaging the eyes of your champion against a seeing adversary in the prize ring and then telling him how to parry the other boxer's attack, talking from the ringside. In ancient mythology this was suggested, and you remember how the three gray women combined all their eyes in one to increase the power of that one and how easy it was for a "slick" young Perseus to grab that eye while it was being "bossed" by all three but possessed by none.

By illogical consolidation we lose coordination! [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, I yield 20 minutes to the gentleman from Oklahoma [Mr. McCLINTIC].

Mr. McCLINTIC. Mr. Chairman and gentlemen of the committee, the House of Representatives is to-day considering the first bill for the Navy in either branch of Congress which deals wholly with the subject of lighter and heavier than air craft. In order that the Record may show the progress that has been made on this subject within the last few years I desire to say that on February 10, 1921, the late Frederick Hicks, then a member of the Committee on Naval Affairs, in a speech on this floor recommended that Congress appropriate \$5,000,000 for aircraft instead of \$500,000. On that day I rose and interrupted Mr. Hicks and asked him if it would not be possible to get some kind of demonstration to determine whether or not a ship could be sunk when struck by a bomb dropped from the air. I think that is the first mention that was ever printed in the CONGRESSIONAL RECORD which relates to this subject.

To-day we are considering a piece of legislation which, if enacted into law, will appropriate more than \$100,000,000 for lighter and heavier than air machines. It is the beginning of a policy which, in my opinion, will gradually cause the people of the United States to recognize that aircraft is our first line of defense both in the Army and the Navy.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. WAINWRIGHT. I am quite sure the gentleman would consider that if we have a program of this kind for the Navy there is certainly every bit as great reason why we should have a similar one for the Army.

Mr. McCLINTIC. If this is the policy to be adopted by the United States Congress it would not be right to discriminate against one branch of our national defense in favor of another. There are a great many who believe that we should have an unified air service. There are others who are in favor of a separate corps. In fact, I would be in favor of a separate corps in the Navy. Why? Because in 10 years from now aircraft will be ten times more important in the Navy than any other bureau.

Mr. WAINWRIGHT. I am quite sure the gentleman means there should be a coordinated program of construction for each service, so that there will be a proper development of our defense in each branch of the service.

Mr. McCLINTIC. And at the same time do away with a lot of duplication.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. LAGUARDIA. The gentleman has stated that more than \$100,000,000 is carried in this bill. The gentleman from New York [Mr. WAINWRIGHT] is a distinguished member of the Committee on Military Affairs, and he talks of his bill coming in; but there is no provision made in either bill for coordination or to overcome the overlapping and duplication going on to-day.

Mr. McCLINTIC. I would be in favor, if it could be worked out, of some kind of a plan that would prevent the kind of duplication that causes us to waste a lot of money; but a majority of the members of the Committee on Naval Affairs have decided on this plan, and, therefore, I am going to support the legislation. The first portion of this bill deals with the subject of heavier-than-air ships. The original bill, as printed, called only for an appropriation of \$5,000,000 for the construction of ships of this kind. The committee, after listening to expert testimony, decided it would be wise to authorize the construction of two large dirigibles, and for that reason the bill was amended in such a way as to bring this subject to the attention of the House in its present form. I have been interested in the subject of heavier-than-air craft for quite a while. I believe it was some time last January that I made a speech on the floor in which I called attention to the fact that, in my opinion, the time was not far off when we would build dirigibles sufficiently large to carry airplanes and, in addition, other kinds of military loads.

I recommended that this subject be given the proper attention so that we could have dirigibles sufficiently large to bring this about. I shall print in the Record a short paragraph from that speech on that day:

Now, Mr. Chairman, I believe that far more efficiency can be secured for the Navy if we will appropriate sufficient money to construct airplane carriers to navigate the air, for it has already been demonstrated that planes can be launched and reattach themselves to ships of this type. Therefore, I believe it will be only a few years until we shall construct great dirigibles sufficiently large to carry just as many planes as these airplane carriers will take care of when completed.

On February 1, 1921, the Washington Post printed an editorial calling attention to what could be expected if the large, heavier-than-air ships were constructed and used as airplane

carriers, and this article was inserted in the Record by me in a speech under date of February 3, 1925. There are some who take the position that the dirigible, on account of its vulnerability, would not be suitable for this purpose. However, the hearings developed that a ship having a capacity of 6,000,000 cubic feet could be hit 200 times by machine-gun bullets without doing any material damage.

Why? Because holes that are only an inch or two wide can be patched very quickly when we have separate gas containers, and inasmuch as they can be patched without bringing any disorder to the ship, it is nearly impossible to bring one down by hitting it with machine-gun bullets.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield right there?

Mr. McCLINTIC. In a minute.

In addition to that, the smoothness of the riding of these big ships is such that you can mount machine guns at points of advantage so that they can play on all of the territory, thereby enabling them to have a straightaway target at any approaching airplane that might come to destroy them; and while it may be possible at some time to bring down a dirigible, yet the chances are that if a dirigible is properly safeguarded by giving it the right kind of defense it will be able to ride through and take care of itself in a proper way.

Now I yield to the gentleman from New York.

Mr. LAGUARDIA. I wish to say that in my opinion the gentleman from Oklahoma has won a gallant fight to show the value of aviation warfare. Was not the gentleman rather startled in reading the quotation from Admiral Moffett, referred to yesterday in the address of the gentleman from Georgia [Mr. VINSON], given on page 7158, to note his progress?

Mr. McCLINTIC. Yes. I am glad the gentleman from New York interrupted me. I want to say that as a rule, when a new idea is presented, a majority of those interested in the subject are not willing to accept it. For instance, during the Civil War, when the Navy was called upon to build an iron ship to combat the *Merrimac*, some of the experts said, "Any darn fool knows that iron will not float," and it took a lot of pressure to bring about the construction of the *Monitor*.

Mr. LAGUARDIA. They were all officials in the Navy who said that, were they not?

Mr. McCLINTIC. I believe so. That was also true with respect to long-range guns during the World War. And when it was said that a battleship could be sunk by dropping a bomb on it through the air they laughed. I said several years ago that as long as this Nation had an adequate air defense no hostile army can be brought across the sea and landed on our shores. They laughed at me then. Now all recognized experts acknowledge that that is true. Consequently, we must take those facts into consideration. As we progress and demonstrate these new ideas it brings about a change of opinion, and the Navy is just like the Army or any other branch of the Government, in that when we show them a situation and prove it some of the doubting ones come to our way of thinking and support legislation of this kind. I am very glad that we do not now have any opposition from this source and that the General Board in the Navy is willing to accept the situation in such a way as to recommend to this Government that we have an aircraft policy, so that we can go on and build up this branch of national defense in the proper way.

Now, the General Board of the Navy presented a report to the Committee on Naval Affairs, in which they said in substance that they were willing that the Government should construct heavier-than-air ships, provided it did not take away any money from the building program which relates to ships on the water.

Mr. LAGUARDIA. I do not think that is the understanding that the President has at all.

Mr. McCLINTIC. Anyhow, the committee felt that such a policy should be established and that a program should be promulgated without any regard to that statement.

Now, according to the testimony given, it costs about \$1,716,000 to maintain the establishment at Lakehurst, and it is estimated that the cost of improvements built up to date is more than \$6,000,000. If the Government is to construct both of these ships at the same time we may have to come before this House and ask for appropriations for additional hangars, and that subject should receive consideration while this bill is before the House.

Every one is more or less familiar with the disaster that overtook the *Shenandoah*, and it is the consensus of opinion that had not the *Shenandoah* been filled with helium gas the casualties would have been far greater than they were. This accident was a sad blow to the American people. However, we must not take a step backward, because there have been

casualties in connection with many other kinds of inventions in the past, in the attempt to bring about efficiency in various arms of the Government. We are going ahead in the best manner possible in the endeavor to build airships that will avoid the kind of defects that brought about the loss of life in the *Shenandoah* disaster.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. McCLINTIC. I do.

Mr. WAINWRIGHT. What did the *Shenandoah* cost? Does the gentleman recall?

Mr. McCLINTIC. The *Shenandoah* cost about \$2,500,000. It had a capacity close to two and one-half million cubic feet.

Mr. WAINWRIGHT. And these two ships that are in contemplation will have a larger capacity than the *Shenandoah*?

Mr. McCLINTIC. Yes. Each will have a cubic-foot capacity of about 6,000,000.

Mr. WAINWRIGHT. Each will be twice as big as the *Shenandoah*?

Mr. McCLINTIC. Yes; and each will have a cruising radius of about three times that of the *Shenandoah*, thereby giving additional advantages and facilities.

Mr. WAINWRIGHT. Does the gentleman think that the research and the experimentation of the Navy in rigid airships takes into account the experience with the *Shenandoah*, and that the experience abroad justifies them in believing that they can safely and reasonably construct a vessel twice as large as the *Shenandoah* without any doubt as to its structural strength and cruising and fighting efficiency?

Mr. McCLINTIC. When the first plane was flown, it fell and went into the water, and the same thing is true with practically every other kind of invention. They failed in the beginning, but we have developed, in connection with other nations of the world, this type of ship in such a way that we now know what is to be expected when they are started.

Mr. WAINWRIGHT. Would it not be better to build one ship to replace the *Shenandoah* and build these ships experimentally, without undertaking to build these two mammoth aircraft without any experience?

Mr. McCLINTIC. I am very glad the gentleman has raised that point, because I made mention of the fact that if we build these two at the same time we possibly would not have sufficient hangar facilities, and I have suggested it might be a good idea for the committee to accept an amendment which would provide that work shall not start on the second ship until the first is completed and sufficient flight tests have been made.

Mr. WAINWRIGHT. I hesitate to interrupt the gentleman, but have we any hangar now constructed that would take a rigid dirigible of 6,000,000 cubic feet?

Mr. McCLINTIC. Yes; we can take care of a ship of that size very easily at Lakehurst.

Mr. WAINWRIGHT. Anywhere else?

Mr. McCLINTIC. No.

Mr. WAINWRIGHT. Anywhere on the Pacific coast?

Mr. McCLINTIC. No.

Mr. WAINWRIGHT. Therefore we could not reasonably and wisely build two of them unless there was another hangar constructed which would be as large as the Lakehurst hangar?

Mr. McCLINTIC. I take it that if another one is constructed it will be out on the Pacific coast.

Mr. WAINWRIGHT. Then if we build two of these large ships, it will involve the construction of another hangar on the Pacific coast, or somewhere else, as big as the Lakehurst hangar?

Mr. McCLINTIC. That question is somewhat mooted. I am of the opinion that you can not house the *Los Angeles*, the new metal-type ship we provide for in this bill, and two ships having a capacity of 6,000,000 feet at Lakehurst at the same time and handle them in such a way as to make them operate in a satisfactory manner.

Mr. WAINWRIGHT. May I say that ought not to be a matter of opinion, but ought to be a matter of practical mathematical calculation.

Mr. McCLINTIC. It might be possible to get them all in this hangar at the same time, but it is very probable it would be so crowded it would be hard to get them out and manipulate them in a satisfactory manner. Therefore I have made this suggestion: That it might be best to build one of these ships and test it out. Of course, it will cost a little more money to do it in that way, because by letting a contract for two to the same contractor you could get them a little bit cheaper.

Mr. WAINWRIGHT. But if you contract for two you coincidentally have got to have constructed for them another

hangar as big as the Lakehurst hangar, because you could not create these two mammoth ships without having a place to put them.

Mr. McCLINTIC. If you build the two of them at the same time, it would be better to have another hangar, and it may be necessary to have another hangar.

Mr. WAINWRIGHT. What would it cost to build another hangar? What was the cost of the Lakehurst hangar?

Mr. McCLINTIC. I can not give the gentleman those figures.

Mr. STEPHENS. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. STEPHENS. The gentleman from New York said that this was in its experimental stage.

Mr. McCLINTIC. I do not agree with him.

Mr. STEPHENS. From all of the testimony that was given before our committee the dirigibles have passed the experimental stage entirely, and I will add, if the gentleman will permit, that if you build one dirigible it will cost \$5,000,000, while if you build two it will cost \$8,000,000. Therefore you will have a saving of \$2,000,000 if you enter into a contract to construct the two at the same time.

Mr. McCLINTIC. I do not know that I quite agree with my colleague, because that is more or less problematical.

The *Los Angeles* was built in Germany. It carried 20 tons of gasoline when it left for the United States. It cost the German Government \$750,000, and we have had to expend in addition \$150,000 in providing certain appliances. In other words, this ship represents our total indemnity received from Germany in the World's War.

England has recently completed a heavier-than-air ship with a capacity of 5,000,000 cubic feet. According to the testimony given before the committee, it is possible to fly this ship from London to New York City and carry a bomb weighing 10 tons. I asked one of the experts who testified before the committee what would be the effect on Wall Street if this bomb filled with T. N. T. were dropped on that part of the city, and the answer was, "There would not be a single broker left."

When it is taken into consideration that a cruiser costs approximately \$20,000,000, and that the speed of a heavier-than-air ship is approximately four times that of a cruiser, one can realize how much more efficient ships of this kind would be in war in case of an extreme emergency. It will be possible to carry a load up to 50 tons to the West Indies, Panama, and the Hawaiian Islands, provided that gasoline is used for ballast instead of water; and should we be so unfortunate as to become engaged in war with some other nation, the result of the battle might hinge on the efficiency of big ships of this type.

This bill also includes a five-year building program for heavier-than-air ships; and while I am in hearty accord with the members of the committee on this subject, I think I am safe in saying that no one can tell with any degree of accuracy whether or not the proper proportions have been worked out in such a way as to give to the Navy all that is needed in this connection. By way of comparison, the proposed Army bill, which did not provide any more money than this bill, would cause to be constructed approximately twice as many airplanes. I can not give the proper explanation for this variance. If the Navy planes cost no more than those used by the Army, then the natural answer to the question is that more money will be expended for salaries and upkeep than is contemplated in the Army bill. Notwithstanding this fact, I am perfectly willing to vote for the legislation, as I feel sure this is the beginning of a policy which will cause all the people of the United States to soon recognize the value of this branch of national defense.

I have been a strong advocate of aircraft before I became a member of the Naval Affairs Committee, and it is my opinion that in 50 years from now there will be far more money expended each year for aircraft than in any other branch of our national defense.

Mr. STEPHENS. I mean those figures were given to us.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. BUTLER. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. PATTERSON].

Mr. PATTERSON. Mr. Chairman and members of the committee, during the World War and since that time the aircraft policy of the great United States has been a haphazard one to say the least. Millions and billions of dollars have been spent of the taxpayers' money, and while some results have been achieved, no definite policy has yet been evolved, and there has been much criticism on the part of the press and the public on account of this fact.

The bill now before us is really the first step toward a definite program that gives some promise of real accomplishment and a settled policy.

The Navy Department now has approximately 600 airplanes in more or less serviceable condition. This bill proposes to increase that number to at least 1,000 planes in a period of five years. Altogether the construction of 1,650 airplanes is provided for. With the 600 now on hand, this would make a total of 2,250 planes at the end of five years. But the life of an airplane is about three years. Next year 200 of the 600 airplanes now on hand will be ready for the scrap heap, and at the end of the five years provided for the experts figure that the Navy Department will have but 1,000 machines remaining in serviceable condition out of the 600 now on hand and the 1,650 to be procured under the provisions of the pending legislation.

The average cost of a Navy airplane is \$50,000. Therefore in five years the 1,650 machines provided for will have cost approximately \$85,000,000, but the Government will have 1,000 up-to-date, serviceable airplanes to show for the expenditure of this apparently large sum instead of the 600 nondescript craft that our aviators are now risking their lives and limbs with in their endeavor to have Uncle Sam maintain his supremacy in the air. The average cost for new airplanes during the five years will be something over \$10,000,000 a year. Under the present system we are spending nearly as much as that and the increased cost of maintenance and personnel will not be much greater than at present.

The plan presented by the Naval Affairs Committee and the Navy Department is a comprehensive and progressive policy and has only been adopted and given to Congress after a most careful study and investigation and most exhaustive hearings. The plan first presented to the committee was a much more ambitious and pretentious one. It involved the expenditure of at least \$250,000,000 covering a five-year period, but early in the hearings the members of the committee balked at any such contemplated expenditures, and the officials of the Navy Department were told in plain terms that the Congress would not sanction such a program, and they were instructed to present a plan that would give the Navy 1,000 serviceable airplanes at the end of five years at a cost not to exceed \$100,000,000. As a result, the plan now before you was worked out and a careful analysis will show that it is both practical and economical when all the circumstances are considered. The details of the five-year program are fully explained in the provisions of the proposed legislation and the accompanying report, and it is not necessary to repeat them at this time.

The cost of these 1,000 new up-to-date airplanes at the end of the five-year program will about equal that of two modern battleships or five new scout cruisers. The cost will equal that of the two airplane carriers—the *Saratoga* and *Lexington*—now being completed and which will carry one-fifth of the number of airplanes in the service of the Navy. The others will be distributed at the various air stations on the east and west coasts and in our island possessions and among the various vessels of the Atlantic and Pacific Fleets. It will comprise a virile and mobile means of defense and offense if necessary, and will provide a strong argument of insurance against attack by any nation that may cast covetous eyes upon the five hundred billions of wealth possessed by the United States.

We thought the World War would be the end of war, but will it be our last war? The rumblings and mutterings in Europe and Asia and the actual strife in progress in some countries prove to us that we have not yet reached the millennium; and while it is not probable, it is still possible that a conflagration will be started overnight that we can not escape from. I am not pessimistic, and I hope that our country may never be involved again in the horrors of another conflict, but it is not difficult for one to visualize a struggle for possession of supremacy of the Pacific Ocean; and should that ever come, I for one want to see my country prepared to defend our shores, and I think we are all agreed that an adequate air force would prove one of the most valuable auxiliaries to our fleet and land forces. With 1,000 serviceable airplanes in the Navy we could defend the Canal Zone, Hawaii, Guam, the Philippines, and our eastern and western coasts, and the cost of establishing such a force would be one-tenth of the cost of the interest we are now paying on our national debt.

We have now not nearly enough airplanes in the Canal Zone or in the Hawaiian Islands to properly defend those integral outposts of our country. While the land defenses are adequate and almost impregnable, with proper support in the air, still the fact remains that we have too few planes in service at those strategic points, and the character of the airplanes in service in Hawaii is actually shameful. On a visit there last summer one of the aviators located at that post told me that they never got any of the new airplanes, but that all the aircraft discarded on the mainland was shipped to them, and that some of it was obsolete and almost unfit for use. Such condi-

tions should not prevail at any of the naval stations of the richest country on earth, and it is possible that had there been proper aircraft located at Pearl Harbor when the experimental flight was made last year from California to Honolulu that there would not have been the near tragedy that there was.

The other item of importance in this bill is the authorization that is sought for the construction of two superdirigibles to take the place of the wrecked *Shenandoah* and the *Los Angeles* at a cost of \$8,000,000 for service on the Atlantic and Pacific coasts. These airships would undoubtedly be located at the present naval air station at Lakehurst, N. J., where we already have a plant investment of \$6,000,000, and at the naval air station at San Diego. The matter of policy as to whether the Government wishes to continue its experiments in providing dirigibles as scout cruisers of the air is involved in this authorization.

When the *Shenandoah* was wrecked by a terrific storm over Ohio last fall with the loss of 14 officers and men of its gallant crew, a cry of horror went up over the land at the fearful sacrifice of life. Terrible as that disaster was we forgot for the moment that every year we are sacrificing 24,000 lives by the careless and reckless manner in which we operate our automobiles. The heroes who lost their lives in the wreck of the *Shenandoah* sacrificed themselves as pioneers in the science of aviation and should be accorded the same glory as the men who have gone to their death in the development of the submarine and the other component parts of our Navy. Apparently we can not progress without the sacrifice of life and treasure and the only reward for such sacrifice seems to be the enshrining of those who make the sacrifice in the hearts and memory of the citizenship of a grateful country.

We have been privileged to live in an age of progress during the last half century. We have seen the telephone, wireless telegraphy, and radio communication established and the dream of Jules Verne portrayed in *Twenty Thousand Leagues Under the Sea* realized in the perfection of the submarine. We have also witnessed the satire of Darius Green and His Flying Machine turned into substantial truth with the marvelous development of the heavier-than-air planes. We all remember the experiments with the Holland submarine boat and can still hear the jibes cast at Professor Langley and the Wright brothers for attempting to emulate the birds of the air. But the modern type of the V submarine and the wonderful progress made in airplanes in recent years only go to show that the dreams of the past are the realities of the present. Why should we not make similar progress with dirigibles? This art is only in the experimental stage and the great United States should not lag behind in the development of what promises to be the safest and quickest means of transportation in the future. We should not be dismayed by disasters such as befell the *Shenandoah*. Great Britain, Germany, Italy, and France are going ahead with the construction of dirigible airships and it is the unanimous opinion of the members of the Naval Affairs Committee that this country should continue with this work until it is conclusively proved whether giant airships are impracticable. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The committee informally rose; and the Speaker having resumed the chair, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

CONSTRUCTION AND PROCUREMENT OF AIRCRAFT AND AIRCRAFT EQUIPMENT IN THE NAVY AND MARINE CORPS

The committee resumed its session.

Mr. BUTLER. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER. Mr. Chairman and gentlemen of the committee, for the first time in our history we are laying before the Congress a comprehensive Navy air program. If this meets with approval, is authorized, and carried out the United States will have upon completion of this program a Navy air equipment and a trained personnel fairly equal to that of any nation in the world.

The building program extends over a five-year period and comprises every character of plane to constitute a completely balanced schedule to meet all requirements of fleets at sea and at the shore stations.

Aviation has now become such an indispensable factor both in conjunction with the fleets at sea and at the shore stations that longer delay in providing adequately for this arm of the service is to imperil the entire strength of the national defense.

The Navy now, as always heretofore, constitutes our first line; it is the first to guarantee the peace, as it is the first to meet the enemy in war.

The building program has been in contemplation by the Navy Department and has been considered from time to time by the House Committee on Naval Affairs since the conclusion of the Conference on Limitation of Naval Armament in 1922. It was initiated by the Bureau of Aeronautics of the Navy.

While for these years the necessity for developing our naval air program has been apparent to the Navy and to those acquainted with naval matters, the time has been inopportune for its consideration. Our people were burdened with war taxation and the subsequent period of commercial fluctuations and instability following the Great War. Vast sums of money must be provided for the care of those who physically suffered in the war and for their dependents; for husbanding or salvaging, as the case may be, many of the activities we put on foot as parts of the war program and of undoing much that tested the genius and purse of the Nation. Our whole commercial interests reorganized to meet the needs of war must be again reorganized to meet the needs of peace. These things took time and money. Inflation, so far as we felt it, and instability, which we all felt for a period, had to be met and remedied. In fact, we must have breathing time. A well-organized and wisely administered policy of economy in Government expenditures paved the way to successive reductions in taxation, until now we are in a position to take fair measurement of the future.

All this time—some four years—the Navy has felt the necessity, imperative necessity, of enlarging and strengthening its Air Service for the welfare of the Nation.

With commendable appreciation that the funds to meet this expense must in final analysis come from the people, it patriotically and without a murmur waited until the time was fairly opportune to advance this construction program.

The sum to meet this proposition is not at all staggering; there is nothing overwhelming about it; it can be carried out without the least feeling of financial distress.

The only reason I recounted the immediate after-war condition is that while this war burden was bearing down it was not the part of good judgment to add greater burden at the time. The breathing time had to come.

Now, the war burden is in a great measure lifted and we are prepared to go on.

This expenditure is and will be over and above the regular upkeep of the Navy, for it is adding a new right arm, so to speak—one that strikes and must strike quick and hard should emergency occur.

THE PROGRAM OF CONSTRUCTION—AIRPLANES

For the fiscal year ending June 30, 1927, not exceeding 235 airplanes are to be constructed; these with their spare parts and equipment to cost not to exceed the sum of \$12,285,000. These are in addition to the 78 airplanes costing \$3,300,000, provision for which is made in the regular Navy appropriation bill now in conference in the Senate and House. These latter are to equip two great airplane carriers, the *Lexington* and *Saratoga*, now nearing completion. The planes will cost approximately \$41,000 each, while the 235 will cost approximately \$52,000 each. A word of explanation is necessary as to the cost of these \$52,000 planes. These will each have a fully equipped engine in addition to the one installed, plus 25 per cent spare parts for each engine, plus 25 per cent structural spare parts, making practically a double-life airplane.

For the fiscal year ending June 30, 1928, not to exceed 313 planes, together with spare parts and equipment as above described, to cost not to exceed the sum of \$16,223,750.

For the fiscal year ending June 30, 1929, not to exceed 335 planes, together with spare parts and equipment as above described, to cost not to exceed the sum of \$17,582,500.

For the fiscal year ending June 30, 1930, not to exceed 357 planes, together with spare parts and equipment as above described, to cost not to exceed the sum of \$18,941,250.

For the fiscal year ending June 30, 1931, not to exceed 374 planes, together with spare parts and equipment as above described, to cost not to exceed the sum of \$20,046,250.

This makes 1,614 planes for the entire five-year program at a cost of \$85,078,750. Thereafter a regular yearly program of construction is laid down of not to exceed 335 planes at a cost not to exceed \$17,476,250.

This entire construction program is thrown open to full and fair competitive bids by manufacturers of airplanes throughout the country. It is reserved, however, that the Secretary of the Navy is authorized to build at any navy yard or naval factory any of the aircraft, spare parts, or equipment herein authorized should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said aircraft, spare parts, or equipment have entered into any combination, agreement, or understanding the effect,

object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said aircraft, spare parts, or equipment; or should it reasonably appear that any persons, firm or corporation, or the agents thereof, being solely or peculiarly in position to manufacture or furnish the particular type of design of aircraft, spare parts, or equipment required by the Navy, in bidding on such aircraft, spare parts, or equipment have named a price in excess of cost of production plus a reasonable profit. This is a safeguard against collusion or combination on the part of producers should such be attempted. To some this may sound like a big program, but it is not when we come to take account of loss and deterioration.

Mr. LINTHICUM. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. LINTHICUM. I would like to ask the gentleman what is the life of these planes? At the end of your five-year program you will have 1,000 planes?

Mr. MILLER. Yes.

Mr. LINTHICUM. How many of the planes you build the first year will be in existence and efficient at the end of the five years?

Mr. MILLER. Probably none, because the life of an airplane is usually about three years.

Mr. LINTHICUM. This program is entirely for the Navy; is that correct?

Mr. MILLER. That is right.

Mr. LINTHICUM. Then the Army will bring in a program of its own?

Mr. MILLER. Yes; that is my understanding.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. WAINWRIGHT. May I say right there that the Military Affairs Committee has reported a bill containing the Army's five-year program?

Mr. LINTHICUM. How many airplanes does that program call for?

Mr. WAINWRIGHT. It calls for a program which will bring the equipment of the Army up to 2,000 planes.

Mr. MILLER. In connection with the inquiry made by the gentleman from Maryland, I call attention to the fact that these 1,614 airplanes are not all delivered at one time; they come from year to year. The planes delivered in 1927 will be, probably to a great proportion, lost, damaged, or obsolete when the delivery is made in the final year of 1932. The loss and deterioration of airplanes is enormous. These are the most fragile, delicate, and sensitive of all naval or military equipment, the most difficult to handle, and the most perishable in action. No one can foretell what will be the fate of both pilot and machine when it bounds off a catapult at sea or takes the air in a gale when it leaves a shore station. True, the science of aviation is advancing, and advancing rapidly, but the inevitable hazard is ever present every instant the machine is in the air.

We know the sea, we know it in its hours of tranquillity and peace; we know it also in its hours of fury; we know it in all its moods; we have dealt with it for 3,000 years, but we do not know the air. In aviation we are dealing with an element at once sensitive, untrustworthy, and unknown. Men from experience have learned to turn a ship head on into a gale or run before or quartering the wind, not so with the airplane. The "twister" simply tests the ability of the mariner; it is fatal to the air pilot.

Time will come when the pilots of the sea and the air will meet conditions with equal confidence and equal assurance, but that time has not yet come. Taking into consideration this condition and the consequent loss, the policy we hope to adopt for the Navy is to have 1,000 useful planes at all times in the Naval service exclusive of those necessary for training the Naval Reserve.

THE DISTRIBUTION ASHORE AND AFLOAT

At the close of the fiscal year June 30, 1926, we will have as near as can be ascertained 638 planes in the naval service, of them 292 will be ashore and 346 afloat.

Based upon the experience of the Navy "the mortality tables" of aviation and the "life expectancy" of machines, we will have this picture of the future.

For the fiscal year ending June 30, 1927, we will have in the service, at the beginning of the year 292 ashore, 346 afloat, in all 638; loss during the year 98 ashore, 115 afloat, in all 213, leaving a total of 425 useful planes. Additions during the year 78 for the *Lexington* and *Saratoga*, and by this bill 235, so that on June 30, 1927, we will have 738 planes, of which 314 will be ashore and 424 afloat, a net increase for the year of 100.

For the fiscal year ending June 30, 1928, at the beginning of the year 314 ashore, 424 afloat, total 738; loss during the year 105 ashore, 141 afloat, in all 246, leaving a total of 492 useful planes. Additions during the year by this bill 136 ashore, 177 afloat, in all 313, so that on June 30, 1928, we will have 805 planes of which 345 are ashore and 460 afloat, net increase for the year of 67.

For the fiscal year ending June 30, 1929, at the beginning of the year we will have 345 ashore and 460 afloat, in all 805; loss during the year 115 ashore and 153 afloat, in all 268; leaving a total of 537 useful planes. Additions during the year by this bill 164 ashore and 171 afloat, in all 335, so that on June 30, 1929, we will have 872 planes, of which 394 will be ashore and 478 afloat, a net increase for the year of 67.

For the fiscal year ending June 30, 1930, at the beginning of the year we will have 394 ashore and 478 afloat; in all, 872. Losses during the year, 131 ashore and 159 afloat; in all, 290, leaving a total of 582 useful planes. Additions during the year by this bill, 171 ashore and 186 afloat; in all, 357, so that on June 30, 1930, we will have 939 planes, of which 434 will be ashore and 505 afloat, a net increase for the year of 67.

For the fiscal year ending June 30, 1931, at the beginning of the year we will have 434 planes ashore and 505 afloat; in all, 939. Losses during the year, 145 ashore and 168 afloat; in all, 313, leaving a total of 626 useful planes. Additions during the year by this bill, 206 ashore and 168 afloat; in all, 374, so that on June 30, 1931, we will have 1,000 planes, of which 495 will be ashore and 505 afloat, a net increase for the year of 61.

For the fiscal year ending June 30, 1932, and succeeding years, at the beginning of the year we will have 495 planes ashore and 505 afloat; in all, 1,000. Losses during the year, 165 ashore and 168 afloat; in all, 333, leaving a total of 667 useful planes. Additions during each year by this bill, 165 ashore and 168 afloat; in all, 333, so that on June 30, 1932, and at the close of each succeeding fiscal year thereafter we will have 1,000 planes, of which 495 will be ashore and 505 afloat. The stabilized number will have been obtained and no increase will follow.

The airplanes afloat will be carried on battleships, cruisers, airplane carriers, and tenders. Battleships, of which we have 18, will carry three airplanes each. Authorization is asked by H. R. 10503 to construct catapults on the *New York*, *Texas*, *Florida*, *Utah*, *Arkansas*, and *Wyoming* during the fiscal year beginning June 30, 1926, and authorization will be asked for like equipment on the remaining 12 from time to time as the production of planes under the program proceeds. Cruisers of the second line, of which we have 11, light cruisers of the first line, of which we have 10, light cruisers of the second line, of which we have 11, will all in time be similarly equipped. Aircraft carriers of the first line, of which we will soon have 2, with a capacity of 72 to 120 planes each, and of the second line 1, with a capacity of 30, will, together with destroyers and submarines, absorb the afloat quota. The principal shore stations are at Pensacola, Coco Solo, Pearl Harbor, San Diego, Hampton Roads, and at the Marine Corps aviation stations at Hatt, Quantico, Guam, and other stations.

LIGHTER-THAN-AIR DIRIGIBLES

Provision is made in the bill for the construction of two rigid airships of approximately 6,000,000 cubic feet gas volume each, at a total not to exceed \$8,000,000; these to be constructed under competitive bids or by the Navy at its yards, according as the Secretary of the Navy shall deem to be in the best interests of the Government.

The value of this class of airships as adjuncts of the fleets for long-distance scouting is now acknowledged throughout the world. These ships will be designed to carry their own protection of guns up to 4-inch caliber, machine guns, bombs, torpedoes, and all modern equipment.

The bill also provides for the construction of one experimental metal-clad airship of approximately 1,200,000 cubic feet gas volume, at a cost not to exceed \$300,000. It must be understood that this is an experimental ship pure and simple to test the possibilities of this form of construction for which engineers of long experience and acknowledged ability claim great advantages. The *Los Angeles*, the only airship now of the Navy, constructed in Germany and coming to us under the treaty of Versailles, can not now or ever be used for military purposes nor even for training military personnel. It is closed to every war use.

The helium-gas plants of the Government are of sufficient capacity to furnish all of that substance that this lighter-than-air program will require.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. WAINWRIGHT. As I understand, at the end of the five-year period there will be 1,000 planes?

Mr. MILLER. Yes.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. LA GUARDIA. As I understand, the committee is figuring on a plane having a life of three years. Has the committee done anything to assure the continuity of the personnel, which will have charge of the construction and design of these planes?

Mr. MILLER. Personnel in charge of construction and design?

Mr. LA GUARDIA. Exactly.

Mr. MILLER. No; there is no provision in this bill for personnel in charge of construction and design. It is provided it shall be let to competitive contracts, but if there is any collusion or any irregularities among the bidders then the Secretary of the Navy can build them at the navy yards.

Mr. LA GUARDIA. Of course, they will be constructed on designs approved by naval officers.

Mr. MILLER. Certainly.

Mr. PATTERSON. May I interrupt to say that at Philadelphia we have an aircraft factory and also a navy yard capable of building this aircraft, if necessary?

Mr. LA GUARDIA. Yes; I know that:

THE PERSONNEL

Mr. MILLER. To properly operate, equip, and maintain this air program calls for a substantial number of officers and men; however, there is no thought of increasing the present number of officers and enlisted men of the Navy. The bill provides for creating the titles and ranks of naval aviator, aviation pilot, and naval aviation observer, and prescribes the qualifications of each.

The bill also provides that where a line officer of the Navy is detailed to command a Navy aviation school, a Navy air station, or a Navy air unit, organized for flight tactical purposes, he shall be a naval aviator, and when detailed to command an aircraft carrier or aircraft tender he shall be a naval aviator or a naval aviation observer.

The provisions that not less than 30 per cent of the total number of aviation pilots shall be enlisted men must commend itself to every Member of this body. That provision, in my judgment, has exceptional merit, as it gives every enlisted man in this branch of the service something to which he can look forward if he proves himself.

Aviation is an expensive branch of the service, expensive not only in dollars and cents but expensive in human life. It is inherently hazardous, and for that reason, if for no other, it attracts to it the daring and adventurous young men of to-day as does no other arm of the service. It is fitted for this class of young men in which America abounds.

Let me say that this program is moderate and conservative, yet sufficiently large to meet the requirements of this indispensable branch of the Navy. It reasonably meets the national demands.

There are those who would greatly increase this program. There are those who advance the idea that to this branch alone, if sufficiently large, could be intrusted the entire national defense. To my mind such would be the most dangerous adventure in which this country has ever engaged. Only an enthusiast would advocate such a policy, and an enthusiast is a dangerous man to follow; he lacks the stability, the poise, the conception of opposing factors and means that makes him at once unreliable in shaping those basic policies upon which depends not only the public welfare but our national existence. To my mind wars at sea will continue to be fought by ships and wars on land will continue to be fought by men, aided, armed, and supported by all those devices which the human mind has fashioned and put to use.

No one need be alarmed as to this program; it is needless to say we are not challenging competition of other nations; we are doing only such things, adopting such safeguards as a sensible people ought to do and ought to adopt for their own protection.

I have had timid people, people afraid, write me, as undoubtedly they have written many of you, my colleagues, depreciating the Navy, the Army, and everything contributing to or even associated with the national defense. These people live or think they live the higher life. I do not get their angle of things, nor do I believe it profitable to spend much time trying to get it. These people never mix in war or in any kind of military activity, except among themselves or from the house-tops at long range. I can not say they annoy anybody, for nobody pays any attention to them. They are simply useless. Otherwise than in the exalted zone of ethical conception in which they move they are purposeless, and they live and pass unnoticed and unappreciated by those who have to do with the practical affairs of life.

In this bill my thought is of the Navy, that great arm of the national service whose duty and purpose are to protect all the people if war should ever come again—protect the virile and the puerile, the good and the bad, and alike the just and the unjust. [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. GAMBRILL].

Mr. GAMBRILL. Mr. Chairman and members of the committee, speaking as a new Member of the House, without experience in naval matters, and as the junior member of the House Committee on Naval Affairs, I am, however, familiar enough with legislation and the proceedings in legislative bodies to know that if one be a seeker after publicity the surest way to obtain that publicity is through sensational statements. While the temptation is ever present to seek this publicity, my viewpoint and thoughts are naturally influenced by the judicial judgment and temperament of the members of the Committee on Naval Affairs, over whose deliberation there presides the distinguished gentleman from Pennsylvania [Mr. BUTLER], whose knowledge and understanding of naval affairs commands my highest respect and admiration, and who is ably supported in the committee by the ranking member on the Democratic side, the gentleman from Georgia [Mr. VINSON], who brings to our consideration of all naval matters a fine, vigorous, and analytical mind. [Applause.]

Thirty years ago the skeptical world treated with scorn and derision the prophecy that man would at some time conquer the air as he had the earth and seas. With supercilious minds we ridiculed the hopes and experimentations of Dr. Samuel P. Langley and his flying machine. We accepted him as a scientific man of great ability whose imagination was disturbed, and as one who relied upon fancies as if they were realities.

Unmeasured and unrestrained was the condemnation heaped upon the War Department for having allotted in 1898 and 1899 two sums of \$25,000 each to defray the expenses of Doctor Langley in his experimentations with a heavier-than-air plane, which, we were told, was to defy all known laws of gravity and rise in the air.

Within a few years after Doctor Langley had failed in his attempts to fly such a plane there flashed across an amazed and startled world the surprising and almost unbelievable news that two unknown American mechanics from Dayton, Ohio, the Wright brothers, had taken a heavier-than-air craft to the sand dunes of North Carolina and had risen in the air. Great was the pride of all Americans in the knowledge that American genius and the indomitable spirit and creative minds of two American mechanics had solved a problem which had baffled and frustrated the scientific world since the dawn of history. Even then no one would have dared to prophesy that within a space of twenty-odd years aircrafts would have become an integral part of our military and naval defense and be a factor in commerce and rapid communication.

Time and events move on to their ultimate ends, and to-day we have under consideration H. R. 9690, intended to provide legislation for a five-year program of aviation for the Navy and Marine Corps, which, if approved, as it should be, will involve an annual outlay of \$30,400,000 for a period of five years, or a total of about \$150,000,000, for the construction and maintenance of aircraft. And, gentlemen, why should your consideration be asked for this measure? Yesterday the gentleman from North Carolina [Mr. POW], in addressing the House in favor of House Resolution 199, providing for the consideration of H. R. 9690, said he would support this legislation reluctantly, as it denoted a preparation for war.

I am not attempting to quote the language of the gentleman from North Carolina, as his remarks do not appear in the RECORD of the proceedings of yesterday.

If I have correctly interpreted the motives of my associates on the Committee on Naval Affairs, this legislation, for a total of 1,000 planes in 1931 and thereafter, has been recommended not for the purpose of offensive action or exploitation but solely as a measure of defense. [Applause.]

It is true—unfortunately so—that the world is not sufficiently emerged from savagery nor civilized enough to regard itself secure from conflict.

If I know anything about the temper and feeling of the people of our country, it is that they wish to dwell in peace with all the world.

For purposes of conquest or aggression we do not need now, nor shall we ever need, a regiment of soldiers, a battleship, or a bombing plane, but we possess within the boundaries of these United States great treasures—not merely great wealth, but an industrial and political life, and an economic organization which must be preserved. These alone are well worth defending, but their loss would be trivial compared with the infinitely

greater disaster—the destruction of our peculiarly American institutions, the forcible submergence of our American ideals and beliefs. [Applause.]

Armed conflict with any nation must be avoided, save at the sacrifice of our honor, and no one should attempt to minimize the evils of combat between the countries of the world. It ought to be the hope of all that war—cruel, destructive, and demoralizing war—may by some international tribunal or understanding be forever outlawed. [Applause.]

Thus, with no idea of aggression, or even a desire to emulate any other nation in their military activities or plans, it is our duty, and we would be recreant to that duty did we not provide such a defense as will secure for us protection against all possible eventualities and keep that defense at the highest point of efficiency, always bearing in mind, of course, that the historic tradition of the United States is to maintain military forces only for defense and to keep these forces subordinate to the civil government.

We have witnessed in this country within the past few years an uncommon and unwonted agitation and discussion regarding our alleged lack of aircraft development and our failure to accept aircraft as a vital military arm. Whether these criticisms are unfair or justified, it is difficult for the average person to determine; the divergence of opinion has been so marked that the truth can hardly be ascertained. Some contend we are defenseless and are without adequate aircrafts and are at the mercy of any power that might desire to attack us. Others contend we are so geographically situated that we are immune from any attacks in the air. Personally, I have no patience with the sensation seeker, who would have us believe that other nations are forming powerful air armies for assaults upon the United States, and that within a generation we will have to face "yellow hordes with wings, trying to rob us of our possessions."

It is difficult to conceive of a more certain provocation for war than to accept such propaganda as having foundation in fact, and to build up a huge military machine which would in time dominate the civilian authority and make us a militaristic nation with the ever-present incentive for exploitation. It is true we are living in a time of great international uncertainty, and the readjustment of political thoughts and ancient standards of government. Many of the old autocratic monarchies and governments, which have existed for centuries, have passed away, and in their place have come social thoughts and ideas which are as yet unstabilized.

Out of the great World War and the animosities and distrusts created, there have come blind social forces, which, it seems, would weave around the world a tangle of inequality and injustice, of hatred and suspicion, of distrust and dissatisfaction. We are undergoing in the world a period of readjustment and reconstruction, and these complex and perplexing problems which have come to the world may require years of patience, conciliation, and restraint before the solution can be found.

Only a few days ago a member of the Russian Soviet Government, Leon Trotsky, delivered an address in Moscow in which he proclaimed our country as a capitalistic, imperialistic Nation, which he bade that Russia should strike down. Such utterances should make us reflect on the perilous time in which we live, but should not lead us into intemperate action.

It is admittedly true that we are a self-contained country, having within our boundaries all the resources of foods and raw materials which make life possible. We have no designs on any nation of the world, and can best point the way out of the maze of bewilderments by letting the world understand that while we are prepared to defend what we have and have no tribute to pay, we will not be the aggressor. It has been in this spirit and in this conception of our duties that your Committee on Naval Affairs has submitted this program, which, while not embracing the full recommendations of the Navy Department officials and the Bureau of Aeronautics, is so far comprehensible with their plans as to be acceptable to them.

Yesterday the gentleman from Pennsylvania [Mr. BUTLER] and the gentleman from Georgia [Mr. VINSON] gave the House full and comprehensive statements of the details of this legislation, its purposes and objective, and it would be unwise for me to tax your patience with a repetition of the facts, but it may be of interest to compare the five-year program as originally proposed by the Navy Department with that finally adopted by the committee.

The original five-year program started with the fiscal year 1927 and took into account all of the planes purchased or to be purchased with the money appropriated for the fiscal year 1926. Congress appropriated for the aviation branch of the Navy in 1926, \$18,890,000; an appropriation of \$14,790,000 in cash and an authorization to enter into contracts to the extent

of \$4,100,000. This appropriation for 1926 included maintenance as well as new construction; maintenance embracing the purchase of instruments, experiments and development work, the purchase of helium, the construction of catapulta, repairs of aircraft, and improvements at air stations.

Starting, then, with 638 planes, which the Navy Department estimates it will have on hand by July 1, 1926, the department proposed that authorization be given for a total of 775 planes in 1927, 865 in 1928, 1,048 in 1929, 1,150 in 1930, and 1,248 in 1931. Under this original program the cost of aircraft construction would have been for the fiscal year—

1927	\$20,432,500
1928	22,051,250
1929	29,340,000
1930	20,581,250
1931	32,330,750

or a total of \$133,744,750 for the five years. Embraced in this program was the construction in 1929 of a 23,000-ton aircraft carrier. Thereafter the cost for new construction would have been about \$27,000,000 annually, and under this original proposal there would have been in 1931, 1,248 serviceable planes.

The maintenance cost under the original program would have been—

1927	\$12,295,000
1928	13,420,000
1929	13,395,000
1930	15,070,000
1931	15,620,000

Thereafter \$14,420,000 would have been required annually for maintenance, the total for the five years for maintenance being \$70,400,000, and for new construction and maintenance, under the five-year program, \$204,144,750, exclusive of personnel.

It may be stated with reasonable approximation that the pay of the officer personnel in the aeronautic service is about \$3,100,000 annually as of to-day, the pay of the enlisted personnel being about \$3,589,000 annually.

All of these figures were modified considerably when the second and third programs were proposed, which provided, among other things, for the elimination of a new aircraft carrier for 1929, but it is not necessary that I should burden the House with a recital of the details of these proposals, as my purpose will be accomplished by a comparison of the original program with that adopted by the committee and provided for in the bill now under consideration.

It may be said parenthetically, that since 1922 the Navy Department has been recommending a fixed program for aviation, but its program did not meet with the approval of the Director of the Budget. The fact that the department has sought since 1922 to secure the adoption of a comprehensive program ought to be a complete and conclusive refutation of criticisms made that the department was derelict in its duty and without a comprehension of the necessity for the use of aircraft as a naval arm.

The program as finally adopted by your committee calls for a total of 1,000 planes in 1931 and thereafter. Starting out with 638 planes in 1926, this legislation will authorize an appropriation for a total of 738 planes in 1927, 805 in 1928, 872 in 1929, 939 in 1930, and 1,000 in 1931.

The cost for new construction and maintenance being as follows:

	New construction	Maintenance
1927	\$12,295,000	\$11,545,000
1928	16,223,750	12,020,000
1929	17,582,500	12,750,000
1930	18,941,250	13,070,000
1931	20,046,250	13,520,000

This legislation would authorize an appropriation for a total of 1,614 new planes to be constructed during a period of five years, the cost of construction being \$85,078,750, and maintenance, \$62,905,000, or a total of \$147,983,750, as compared with a cost of construction and maintenance under the original program of \$204,144,750.

As set forth in the legislation, to maintain this strength of 1,000 serviceable planes there would have to be procured each year 333 planes, at an annual cost for construction of \$17,476,250, with a maintenance cost of \$13,870,000. In this connection it should be borne in mind that the life of a plane is about three years, so there must be a replacement each year of one-third of the planes.

The increase in personnel, and the cost thereof, will now be stated, based on the operation of two-thirds of the planes, it being estimated that one-third of the planes will be in reserve or undergoing repairs or alterations.

Beginning with 1927, the number of officer pilots, ground officers, warrant officers, enlisted pilots, and enlisted men will have to be increased each year of the five-year period, until, in 1931, the total number of each will be—

Officer pilots.....	802
Ground officers.....	90
Warrant officers.....	44
Enlisted pilots.....	344
Enlisted men.....	5, 375

And we have in service now:

Officer pilots.....	400
Ground officers.....	147
Warrant officers.....	24
Enlisted pilots.....	104

The Navy is allowed now 3,842 enlisted men, but is about 2,000 under the allotment because there are not sufficient planes to require the services of the full complement.

The annual increase in cost for personnel will be about \$471,000.

For comparison with this five-year program, which your committee recommends, it might not be without interest to state that during the past six years the expenditures under the appropriation for naval aviation have been—

1920.....	\$22, 509, 704. 00
1921.....	17, 383, 967. 11
1922.....	14, 231, 079. 25
1923.....	14, 655, 348. 28
1924.....	14, 037, 397. 91
1925.....	15, 135, 000. 00

These figures, of course, embrace maintenance as well as new construction.

The distribution of these 1,000 planes will be for the determination of the Navy Department, according to the necessities or requirements of the service, but it may be said, generally, that the program calls for the assignment of 505 afloat, of this number 120 would be placed on the aircraft carrier *Saratoga*, 110 on the *Lexington*, and these figures represent their carrying capacity. On the battleships there would be 54; the cruisers, 30; tenders, 48; *Langley*, 12; and the balance would be in reserve.

Of the 495 planes ashore, a large number would be assigned to Coco Solo and Pearl Harbor, probably 108 at the former and 160 at the latter.

In addition, there would be a large number at the training station at Pensacola.

The importance of our having a definite plan of aircraft construction as an auxiliary to the naval forces is such a self-evident proposition that it need not be argued. The use of aircraft in the great World War has demonstrated that, should armed conflict come again, the mastery of the air would, in all probability, mean the mastery of the seas and land.

The day of the battleships and cruisers has not passed. They will continue to be for years to come our main reliance from assaults upon our coasts by a hostile fleet, but without the aid of aircraft our fleet would be at such a disadvantage that one would not want to contemplate the consequences of such an unequal contest with an enemy fleet adequately supported by this auxiliary.

Therefore the only practical question presented by this bill is: Does it meet the requirements of our Navy as constituting our first line of defense? According to the best-considered judgment of the Navy Department, it does. It is in conformity with the recommendations of the Morrow Board in so far as it relates to a five-year program, and it is in consonance with the conclusions and judgment of every member of the House Committee on Naval Affairs.

There is in this bill authority to appropriate the sum of \$8,000,000 to construct two rigid airships of 6,000,000-foot volume each. It is not my purpose to take up the time of the House with an extended discussion of this item of the bill. One approaches the consideration of this item with a certain degree of uncertainty and concern, due largely to the distressing loss of life which came as a result of the destruction of the *Shenandoah*. Yet it is a striking and outstanding fact that those in charge of the *Shenandoah* and *Los Angeles*, including those who survived the disaster to the former, are unqualifiedly and enthusiastically in favor of going ahead, and they feel it would be a confession of weakness and inexcusable timidity should we stop when other nations, not having at their command our knowledge and experience, are going ahead, notably England, which has under construction two rigid airships of 5,000,000 cubic feet capacity.

One has but to recall the history of the submarine and its development, when one disaster followed another, to appreciate that only through perseverance and sacrifice can success be attained.

To my mind one of the outstanding statements heard by your committee was that of Doctor Arnstein, formerly engineer of

the Zeppelin Co., of Germany, and now chief engineer of the Goodyear-Zeppelin Corporation of America, a man who designed and constructed or participated in the construction of more than 90 Zeppelin airships. He stated that about 90 Zeppelins were in military use during the four years of the World War, and only 17 were lost by military attack of the Allies and set afire by incendiary projectiles from artillery or airplanes. He further stated that these airships were filled with hydrogen, whereas if helium had been used only a few would have been destroyed.

Furthermore, that in the battle of Skagerrak the Zeppelins reported the approach and formation of the British fleet, and in many other ways were of invaluable assistance to the commander of the German fleet.

It is a matter of record from the official archives of the British Navy that airships were used successfully in conveying American troopships through the dangerous submarine zones, and that no single troopship conveyed by airships was attacked. It is likewise a fact that an airship is far more effective as a scout than a cruiser, due to its speed of between 60 and 90 miles an hour and the superior radius of vision of its observers.

Let me pass on to the broader aspects of this bill and in doing so inject therein a personal note.

For seven years I resided in a foreign land. Those years of exile taught me the more fully to appreciate and understand the boundless possibilities of all those who by the clipping of the threads by fate are privileged to carve their future in this great country of ours.

It is said that "Everyone should love the land of their nativity," and, as the Irishman might add, "Even though he was not born there." [Laughter.] But it is somewhat difficult for one to appreciate the greatness of our life here until one has spent some years in a foreign land, where customs hamper and impede one in attaining the highest rewards and where one's identity is lost amidst the pomp and pageantry of regal aloofness and perverted class distinction.

The rights we have and the ideals which we seek and have secured are well worth preserving at any cost.

We are, of course, in the inception of aircraft development. It is a subject which fascinates and enthalls the imagination, and while we need not measure our duty by the activities of other nations, we should not be unmindful of what they are doing.

Measured by any standard which you accept, this bill should receive the hearty indorsement of the House.

It is beyond the prophecy of anyone to predict how far the art of flying will change our accepted means of transportation and communication; the possibilities are almost beyond conception. That it has become one of the most vital and important means of defense and offense is undisputed. And whatever tends to make us more secure in the perpetuation of our liberties and political ideals and institutions should receive the hearty and unstinted support of every Member of the House. [Applause.]

Mr. BUTLER. Mr. Chairman, I yield 10 minutes to my attentive and intelligent young colleague, the gentleman from Indiana [Mr. UPDIKE]. [Applause.]

Mr. UPDIKE. Mr. Chairman and gentlemen of the committee, after my election to Congress the Members of this House honored me by assigning me as a member of the Naval Affairs Committee. I think that it is a great honor, indeed, to be permitted to serve on this important committee, and it is highly complimentary in the Members of this House in placing their confidence in me. I want to say I have enjoyed very much my associations with the members of the committee, especially the good chairman, the gentleman from Pennsylvania, Mr. BUTLER. [Applause.]

I have been very much interested in the affairs of the Navy and the Marine Corps, being my privilege to serve as an enlisted man with the Sixth Regiment, Seventy-fourth Company Marines, in France. [Applause.] And I have been very patient in my efforts to be of service in this important committee and have missed very few of the committee meetings.

House bill 9690 was drafted to authorize the construction of aircraft in the Navy and Marine Corps and to adjust and define the status of the operating personnel in connection with the Navy and Marine Corps. We had before our committee some of the foremost experts in the world who have made a life study of aviation, our purpose being for a continuing program for the construction of aircraft and aircraft equipment over a definite period. The committee have taken into consideration the necessity and the value of the recommendations given by the Lambert committee and President's Aircraft Board. We have discussed this matter very carefully and have followed their recommendations as far as practicable.

The committee, after holding extensive hearings, deemed it economical to make plans for construction covering a program for a period of five years, which would insure a reasonable peace-time strength and to stimulate the aircraft industry on which our air forces must rest.

The construction provided in this bill included 78 airplanes, the carriers for the *Lexington* and *Saratoga*. The total cost of these 78 planes is approximately \$3,700,000. It is a fairly well-established fact that the number of airplanes lost during each year is about 33 1/2 per cent; this, however, does not apply to the 78 planes for the carriers, because of the fact that they will be received so late in the year as not to be affected. The airplanes afloat will be carried on battleships, airplane carriers, cruisers, and tenders. Those on shore will be at the naval air stations at Pensacola, Coco Sola, Pearl Harbor, San Diego, and Hampton Roads. Those attached to the Marine Corps aviation will be at Haiti, Quantico, Guam, and other marine stations.

During the five-year program there will have been built 1,614 planes. At the end of the five years, namely, 1931, 1,000 planes will be available and useful. This will finally result in the building of about 333 airplanes per year. After taking out 33 1/2 per cent normal wastage, this would leave a total of 1,000 planes available at the end of the five-year program. Obsolete planes are not to be included in this total number of 1,000 planes. Neither are the airplanes assigned to the Naval Reserve for training purposes. Such planes are very few and are obtained under a special appropriation.

Under the agreement with Germany when we purchased the lighter-than-air ship, known as the *Los Angeles*, it leaves us in a peculiar status in reference to this particular ship, which can not be used for any other purpose than to train men, and with the loss of our own dirigible, known as the *Shenandoah*, it leaves our United States Navy without a rigid airship which can be used for military work. The value of the rigid airship is not doubted by any Member of the House. The usefulness for scouting purposes alone would justify the rebuilding of at least one or two of these dirigibles. After careful consideration the committee deem it advisable to authorize the construction of two dirigible airships with approximately 6,000,000 cubic feet capacity each. If we were to construct one single ship alone, it would require all of the developmental and experimental work required for two ships, and I believe that it is sound judgment and economical to construct two ships at the same time, thereby saving several hundreds of thousands of dollars.

The Navy Department believes that it is fairly well equipped for the building of one or both of these ships. It is a well-established fact that these ships can be constructed in the hangar at Lakehurst, N. J., along with the tools and equipment that the Navy Department has available at Philadelphia. It is our belief that they can be built in this country by the United States Government and under the United States flag with American-made material. Private industries, however, will be encouraged to take up the development of this type plane for commercial purposes. I am of personal opinion that the development of lighter-than-air ships has been disregarded, although it has been actively promoted in nearly every other country of importance. We have not used 2 per cent of the total aviation expense in the past 10 years for the development of this type of airplane, and I believe that the development should continue and progress for both commercial and military purposes.

It is our understanding that required bonds to be placed upon the guaranteed construction of satisfactory performance from those who are advocating the metal-clad dirigible before entering into any contract whatsoever. With this assurance, I believe that the United States Government will be well protected in case this type of ship is not a success and will not be of further use to the United States Government for military purposes. [Applause.]

Mr. Chairman, the *Shenandoah* was built by American manufacturers, with American-made material, in our own workshops, with a capacity of about two and a quarter million cubic feet. This lighter-than-air craft carried a crew for actual operation of about 30 men and officers. In my opinion, for scouting purposes there is no kind of a military machine, including our scout cruisers, which is as valuable as the dirigible. When one takes into consideration the fact that a scout cruiser fully equipped and manned will cost in the neighborhood of \$15,000,000 and carries a crew of approximately 250 enlisted men and officers, used for the same practical purposes as the dirigible, one can easily make the comparison, and in case of a national emergency it would be both economical and save a great many lives to operate the dirigible.

The British Government has at this very moment two lighter-than-air craft under construction of 5,000,000 cubic feet, or, in other words, twice the size of the *Shenandoah*. We propose under this bill to construct two dirigibles of 6,000,000 cubic feet, or three times the size of the *Shenandoah*. We propose to build these ships by American manufacturers, in American shops, with American-made material and labor. Under this bill the Navy Department can construct one or both of these lighter-than-air craft. However, if it is decided that a commercial firm is to build one of these ships, or both, it is my understanding the contract will be let by competitive bidding. After these are completed they will have the approximate lifting power of 40 per cent of the *Shenandoah* and will have the sailing radius of approximately 7,500 miles without refueling.

If we are to encourage aviation in the Navy and by commercial firms, we must start a program which is constructive in itself and practical, which will encourage the commercial firms to experiment and build this type of airship.

Under the present bill it is provided that the men who are in charge of the aviation station must be qualified flyers, and the committee has prescribed the number of hours required of actual flying time in the air before an officer can be eligible to command one of these air stations. The committee has also provided that 30 per cent of the aviation forces shall be obtained from the enlisted personnel of the Navy. This will insure under this program no extra cost for additional men to man these airplanes.

During the World War the United States Government had very few, if any, airplanes on the line. This was due to the fact that we had no serviceable airplanes. We had to go into a constructive program of building airplanes at that time, which required a lot of time and the expenditure of large sums of money.

If the gentlemen of this House will accept the program as unanimously reported out of the Naval Affairs Committee, five years from now the Navy Department will have 1,000 useful planes.

I want to take this opportunity to again thank the members of this committee, and especially the chairman, for the time he has allotted me in the presentation of these facts.

Mr. VINSON of Georgia. Mr. Chairman, I yield 15 minutes to the gentleman from Oklahoma [Mr. McKeown].

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, I find the opposition does not get very much time. I was supposed to have a little more time.

You will be interested to know that in the Senate of the United States in 1855 Samuel Houston, a Senator of the United States, introduced in the Congress the first resolution I can find anywhere touching the matter of air navigation. On the 24th day of January, 1855, Mr. Houston presented the memorial of Edward D. Tippet, praying the appointment of a committee to examine a method invented by him of navigating the air and an appropriation to enable him to exhibit it, which was referred to the Committee on Patents and the Patent Office.

Mr. Houston, as you know, bears the distinction of being the only man in American political history who was governor of two States, President of a republic, and a Member of the United States Senate. So the attention of Congress has been called to the question of air navigation as early as 1855. I am indebted to Mr. McMurray, of McAlester, Okla., who called this to my attention.

I am one man in this House who believes in trying to improve air navigation, and I am one man who on the floor of this House during the period of the war undertook to save the United States \$320,000,000 when the bill appropriating \$640,000,000 was before the House for action, and because I stood alone and was so far in the minority I was not even allowed a chance to raise my voice, and if I had no doubt I would have been charged with being opposed to the war or not being in favor of carrying on the war. I said at that time that \$640,000,000 at one time would result in great dissipation of the funds and would not get the proper results, because we did not keep our hands upon the purse strings and advance this money as we obtained results. The history of that matter is water that has gone over the wheel and I do not care to take up the time of the House to talk to you about something that is no doubt more familiar to you than it is to me.

I am not opposed to this program except to this extent. I do not think it is right to come in here with a bill providing for a five-year program. I would be in favor of a two-year program, but, sirs, as long as the President of the United States and the men at the head of the Nation are trying to solve this aircraft proposition, I do not think Congress ought to go ahead and tie itself up in a five-year program.

Gentlemen say, "Oh, we are not appropriating the money; we are only authorizing the appropriation." But, gentlemen, whenever you put an act on the statute books of this country you know what will be the force behind the Appropriations Committee. Here is what ought to be done: You ought to go ahead and put this program on for two years. The Army has a similar bill, a bill for a five-year program. The Army bill does not name the amount of money. I understand from information I have received that the Army planes will cost a great deal less than the planes proposed for the Navy.

Here is what ought to take place: I do not believe in trying to put these two services under one department for the purpose of operation, because I believe you will get better results if you have some competition between the Army and the Navy rather than to put them under one head; but you ought to unify the purchasing for the Navy and Army and the distribution of airplanes. You will have airplanes for the Navy, airplanes for the Army, airplanes for the Coast Guard, airplanes for other departments, and here you have an appropriation or an authorization in this department, and it is just as natural as for water to run down hill for each branch to try and get as much as the others. When you give the Army so many planes the Navy will want that number of planes. When you give the Navy so many planes the Army will want that number of planes. And so it goes. This was illustrated by the statement of our distinguished and beloved Member from Pennsylvania [Mr. BUTLER], one whom we all venerate and all love, when he said yesterday that we had airplane carriers, and now we must have the airplanes.

That is what I said one year ago. I said when you get the airplane carriers then you will have to have airplanes to put on the carriers.

Mr. WOODRUFF. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. WOODRUFF. The gentleman is very much concerned about the possible action of Congress in reference to this particular program stating that naturally appropriations follow after authorizations. It was not later than day before yesterday that the chairman of the great Appropriations Committee said in debate in the House that frequently his committee failed to appropriate under authorizations and would continue to do so. I just want to add that if it develops under the program at any time that the amount of money authorized under the bill is not necessary the Appropriations Committee will have the qualifications and nerve enough not to appropriate it.

Mr. McKEOWN. Yes; but there ought to be a committee of some kind or character to regulate the purchases in the Department of the Navy and the Department of the Army, and some member of the Appropriations Committee of the House and the Finance Committee of the Senate ought to be a member of that committee.

Here is the proposition—I am talking to you now from the standpoint of the American citizen, from the point of the taxpayer—you ought to have a business man who has had experience in paying taxes, who has had experience in getting the money to pay taxes to the Government. You ought to have some man of that kind to hold this in check. I am not opposed to legitimate expenditure for the Army and Navy, but I want to take the opportunity to say to the Naval Committee that you gentlemen have been diligent and faithful, you have gone into these matters thoroughly, but you have to talk and take your position from the standpoint of your experts from the department, and you are guided by them.

But there is another side, that of the taxpayers of this country, and I want to tell you now that you can not rely on expert testimony of these men in the Army and the Navy when it comes to spending money. You can rely upon them for the things that advance national defense—they are trained to understand that—but there ought to be some one familiar with the finances of the country to say when the expenditures should be made.

Mr. STEPHENS. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. STEPHENS. Along that line does not the gentleman think that the Naval Affairs Committee possess ability and business knowledge—gentlemen like Mr. BUTLER, Mr. VINSON of Georgia, Mr. McCLINTIC—do not you think that such gentlemen can attend to the business to see that the money is expended properly? Does not the gentleman think that that is the function of the Naval Affairs Committee?

Mr. McKEOWN. I will say that I have a great deal of confidence in the committee, in its personnel; but, on the other hand, the gentleman knows that when you are serving on a committee there is only one side to the proposition—

Mr. STEPHENS. We hear both sides.

Mr. McKEOWN. The committee does not hear the side of the taxpayer.

Mr. STEPHENS. The taxpayer does not know anything about the matter.

Mr. McKEOWN. The committee is in a peculiar position, and for this reason. You are like the Members of Congress, whose duty it is to see that the defense of the country is properly cared for. You resolve a doubt—and you ought to—you resolve a doubt in favor of proper defense rather than in the interest of the taxpayer.

Mr. O'CONNELL of New York. Does not the gentleman think that the taxpayer is represented by the personnel of the committee in the hearings and that they take care of his interests?

Mr. McKEOWN. That is true in a measure, I admit that.

Mr. WOODRUFF. Mr. Chairman, I know the gentleman wants to be well informed, and he usually is, but let me say that when the committee held hearings on this particular bill we heard some of the largest taxpayers in the country, and they were in no way connected with the Government. We had many of the big taxpayers from Detroit and other places. Each of them was heartily in favor of this program.

Mr. McKEOWN. I grant that is true. Men from Detroit and other cities where they manufacture these airplanes naturally would be interested in seeing the program carried out.

Mr. WAINWRIGHT. Does not the gentleman think that the great majority of the taxpayers of the country are very well satisfied to have us adopt and put into effect proper measures for the national defense?

Mr. McKEOWN. The taxpayers of this country to-day want proper defenses for this country. That is true. At the same time the taxpayer of this country is impressed with the fact that too much money is being expended on the Army and the Navy of this country. If the gentleman would go out into the country, into the great West and other parts of the Nation, he would find that sentiment prevails, because we have not yet recovered from the effects of the war and we are not yet back where we ought to be. Why not start out on a two-year program. I am here for one to say, as a Member of this House, that when you put a five-year program out under the guise of a program trying to evade the Constitution, which prohibits more than two years' appropriation for the Army, you are not going to get anywhere with it, and the courts will tie you up on that proposition.

Mr. CHINDBLOM. It is not an appropriation.

Mr. McKEOWN. Then why do you not bring in a 10-year program for the enlistment of the Army, and see how far you would get in the court with that without any appropriation for it.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. VINSON of Georgia. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. Mr. Chairman and gentlemen of the House, my friend and colleague from Maryland [Mr. GAMBRILL] spoke of the utterance yesterday by the gentleman from North Carolina [Mr. POW] in which he spoke of voting for this measure under protest. I can not vote for any military bill except under protest. I must be a nonconformist. In fact, I am not sure but that somebody may call me a pacifist. I believe that I would rather be called a pacifist than fail to do all that I can to encourage at least the spirit of world peace.

About the year 1916 I was on a train out West with a well-known United States Senator. We were discussing the world situation at the time of the World War. I at that time had not gotten into politics and had a good deal of sympathy for my good friend who had. I was suggesting some things in regard to the world situation at that time. Among other things I said that when this war closed the United States would have the greatest opportunity that was ever given to any nation in history for rendering a great service to the world. We would be in position to lead the world in the matter of disarmament, in the matter of cutting down the terrible expense and the terrible consequences that come with militarism and large military establishments.

I said that the United States would be the richest nation in the world, and about the only nation that would not be worn to a frazzle financially and in every other way. Then we would have the opportunity and be in a position to say to the other nations, It is time for all to quit the folly of great military establishments and large expense for armies and navies. [Applause.] And the world would be ready to follow. The Senator fully agreed with me, and we thought we were about to work out a plan to save the world. A little later the United States got into that terrible war. I think we were justified in going into it. In

fact, I do not think we could have kept out of it without sacrificing every principle and every purpose for which nations exist. [Applause.] When the war closed and the armistice came I believe a very large proportion of the population of this country was in the state of mind to carry out the idea that was discussed at that time by my Senator friend and myself. I think America was in a position then to lead the world into a very large program of disarmament. Yet more than seven years has passed, and we are seeing increase of armament instead of decrease. This Congress has appropriated nearly three times as much to Army and Navy purposes as was appropriated in the year 1914, and other nations are pursuing a similar policy. After the great "war to end wars" we all enlarge our war preparedness beyond any limits ever known before.

Our great, rich, and influential Republic in its policy of isolation failed to take full advantage of its opportunities. I rejoice in what we have done and in the degree of beneficent leadership that we have exercised. But as we sometimes say in our prayers:

We have done many things we ought not to have done, and left undone many things we ought to have done.

It is now possibly too late for the very best results, but it is not too late to turn our national policies in the right direction. Our Nation may not be able to lead the world out of militarism but it will be tragic if we lead it further into militarism.

When we consider all the fruits of war, the question of finance looks very small. The horrors of the recent world struggle are shocking to contemplate. It meant the destruction of homes, churches, and public buildings; of roads, bridges, and railways; of works of art and institutions of culture—of almost everything worth while which men had taken centuries to produce. Still all this material loss is of far less consequence than the moral and spiritual ruin. There were agonies of body and soul. There were hunger and exposure, sickness and death, broken hearts and broken home circles, trembling souls awaiting dreaded events, and hatreds and prejudices which will take years to abate.

Let me come down, however, on the plane of the material and the secular, and for one more time let us be reminded of the crushing financial burdens which war and the war spirit bring upon our people. Take a few facts and figures.

The administration and payment of pensions for the Civil War have already cost our Government about \$7,000,000,000, and it still runs at near \$200,000,000 a year with constant demand for increase. Think of what this will be as the years go by and the Government responds to the ever-increasing demands from the soldiers of the World War. Again, this Congress has appropriated more than \$1,250,000,000 to the Army and Navy, the Veterans' Bureau, hospitals, pensions, and so forth, all growing out of war or looking toward war. And this does not include what we have paid in the way of interest and principal on our war debts. As a great Englishman once said:

We have only our wars to thank for our great national debt.

Small wonder that our people are crying out against heavy taxation. Our Federal expenses for the current year will reach something like \$30 per capita or an average of \$150 per family. To this must be added the weight of State, county, and municipal taxation. I have to-day received a letter from a very able lawyer and bank president in my home State. From his letter I quote verbatim:

I know of many in my own country who are to-day carrying a burden of taxation from 7½ to 9 per cent on an assessed valuation, which is higher than the property can be sold for. My own taxes this year have been more money than I have earned from every source. Of course this is exceptional, but the burden on every man engaged in farming and owning much unremunerative lands is great indeed. I have reached the point that I want to see some change, and that quick. We must have it quickly or the rural population of the country will be ruined. Going into cities and centers where wealth is congregated and centralized, one would think we are the richest people in the world. Go then into the country and you must say the agricultural people need relief, and all must admit that, like every injustice and wrong, it will be reflected on those responsible for it.

Now note, please, this is not the whine of some poor, ignorant, prejudiced fellow. It comes from a man who, in my opinion, has few equals in my State for general intelligence, business ability, and legal ability.

When we face a situation like this it is time for us to think long and well before we pass bills adding millions of taxation.

But let us come back to this bill which we have under consideration. I am frank to say that in plans for national defense I believe that just now aviation is the most sane and perhaps

in comparison the least expensive. It at least looks better than spending \$40,000,000 each for a lot of new battleships. But I am opposed to spending money for either at the rate which this Congress seems disposed to adopt. We talk about disarmament conferences, world courts, and international agreements for the prevention of war, and yet we go on making war preparations the most gigantic that the world has ever seen. We hope for diplomatic movements by which we may prevent war, or by which we shall at least reach agreements for largely diminishing armaments. We all know that arms, munitions, and explosives, airplanes and battleships are being rapidly changed and improved by invention and scientific discovery. We scarcely get one type constructed before it has to give way to something different and supposedly better. Still we adopt our 5 or 10 year programs and appropriate our millions to be paid by our tax-burdened people for war preparedness. There certainly must be a better way. When will we spend our money, energy, and ingenuity to reach successful plans for peace instead of preparations for war?

Mr. BUTLER. Mr. Chairman, I yield the remainder of my time to the gentleman from New York [Mr. LaGUARDIA].

Mr. LaGUARDIA. Mr. Chairman, it has been suggested that Members have made up their minds on this bill and that argument at this time is futile. That may be the case. Nevertheless, I deem it my duty to present my views, to register my protest, and to at least seek to amend the bill so that the hands of Congress will not be tied for a period of five years.

As to section 3 of the bill dealing with personnel I shall make no comment. That is purely a matter within the Navy and I am quite willing to accept the judgment of the members on that committee. I object to this bill for the simple reason that it authorizes appropriations aggregating \$100,000,000 and it ignores totally our experience in the past with the problems of aviation. This bill does not solve the problem. There is nothing in this bill which will eliminate the waste of public funds which we have experienced in the past. We are no further to-day in progress in having learned the lesson of the mistakes of the past than we were the day this House voted the first lump-sum appropriation for aviation of \$640,000,000. Since that day we have gone through a war. Since that day we have learned that of the hundreds of millions of dollars spent not a single American fighting plane ever reached the front. I will not dwell upon that at this time. But since the war what have we done? Every man who had anything to do with aviation during the war knew that there was waste, extravagance, duplication, overlapping, and that there was utter lack of cooperation or understanding between the Army and the Navy air services. Since then this Congress has appropriated for Army and Navy air services in the neighborhood of \$500,000,000. Yet to-day the gentlemen on the Naval Affairs Committee tell us they have but a few planes that are good and a number that are obsolete and that we really have no complete, up-to-date, efficient fighting, bombing, or observation units. In a few days the Military Affairs Committee will tell us that the Army has no up-to-date, efficient equipment. We know that to be the fact in both cases. We know that \$500,000,000 have been injudiciously spent. We know that there has been waste. We know that there has been duplication. We know that there has been inefficiency and incompetency in the spending of this vast amount of money. We know all of this because we have had at least 12 separate and distinct investigations of the subject since the war. These investigations have heard hundreds and hundreds of witnesses, thousands and thousands of pages of testimony have been taken, truck loads of exhibits examined, and every one of them, with the exception of the Morrow Board, have recommended the unification of efforts and procurement of equipment. Yet at this time all of this experience, all of the information gathered by these investigations, are entirely ignored.

The Navy comes in to-day with a building program involving an expenditure of a hundred million dollars and to-morrow the Army will be here with their program, which will be above \$300,000,000. But we have no plans of reorganization, no constructive plan for cooperation between the Army and Navy air service. Not even some definite plan of coordinating these two branches are suggested to us. I have repeatedly stated on the floor of this House, beginning in 1919 to this very day, that we will never get the Army and Navy to work together as long as we continue to appropriate millions and millions of dollars and now hundreds of millions of dollars for them to spend according to their own particular views, without regard to what the other is doing.

Why, gentlemen, the distinguished chairman of the Naval Affairs Committee, whom we all love and respect, when asked

yesterday what is the Army doing on the question of aviation frankly answered, "I don't know." I have asked members of the Military Affairs Committee just previous to the time we commenced discussion of this bill if they knew what the Navy was going to do, and they, too, frankly stated that they did not know. Naturally the Naval Affairs Committee does not know what the Military Affairs Committee is doing in aviation and the Military Affairs Committee does not know what the Naval Committee is doing. Likewise the Army does not know what the Navy is doing and the Navy does not know what the Army is doing. But we know that they are spending millions of dollars, that they are not coordinating, and that they both say they have no equipment to speak of on hand.

Gentlemen, I believe we are making a grave error, a serious mistake, yes, an unpardonable blunder, if we authorize this enormous appropriation and that of the Army before we reorganize the air services of the country. To think that after all we have gone through, after all the mistakes of the past, we are to-day again appropriating in the same old way, heedless of the lessons of the past, is to my mind unbelievable.

The only ray of hope that I see out of all of this discussion and this bill is the statement made by the gentleman from Georgia [Mr. Vinson] when he quoted the testimony of Admiral Moffett, which will be found on page 7158 in the RECORD of yesterday:

A 6,000,000 cubic foot rigid filled with helium can fly at 50 knots speed from the west coast to the Hawaiian Islands with a military load of 43 tons. At 70 knots speed such a ship can arrive in Hawaii with a military load of 34 tons. Again, this airship, which is so essential to our naval needs, can carry six fighting planes weighing a ton and a half each 5,000 nautical miles at a speed of 50 knots and still have a reserve of fuel good for 1,200 miles at the same speed. Inflated with hydrogen, these performances can be bettered by 40 to 60 per cent. We can not close our eyes to such figures and performances.

Why, gentlemen, that indeed is progress. The Navy finally admitting that aviation is absolutely essential and indispensable. Why, I remember not very many years ago, and since the war, when the high officials of the Navy were belittling the value of aviation. I remember not so very long ago when the Navy officials, right in the face of the sinking of battleships, denied the usefulness of aviation and the ability of airplanes to sink battleships. Finally, at this late date, we have admission from the Navy that scouting and observation from the air are absolutely indispensable to the successful operation of the fleet. Ah, gentlemen, even to-day the Navy does not concede the full value of aviation. The Navy even to-day is resisting the complete development of aviation and insists upon the retention of the line battleship. Several gentlemen of the committee yesterday, and I believe also today, stressed the necessity of the battleship, and one gentleman stated that we would continue to build battleships up to the number limited by the Washington disarmament conference. This conservatism on the part of the Navy; this antagonism against new weapons of offense and defense is typical of the customs and habits of the Navy. The Select Committee on Aviation struggled with officials of the Navy Department, and so did other committees, as well as the Military Affairs Committee only a few days ago, and we find the high officials of the Navy strenuously opposing the unification of our governmental air activities, belittling the use and value of aviation, insisting on the retention of the battleship just as in the days of old they resisted and fought all innovations even to the application of steam to vessels of war. Here is a description of Navy officials expressed in 1856 which is surely fitting and appropriate to conditions to-day. I read the following from A Sketch of the Life of Commodore Robert F. Stockton, by Samuel J. Bayard, page 80:

The head of the Navy Department is generally a politician, more solicitous to obtain popularity among the officers than competent to discharge judiciously the functions of his office. He listens, therefore, to the advice of the supernuated officers, who, with professional dogmatism, denounce all novelties and pronounce all innovations dangerous. The application of steam to national ships of war from the first was resisted by many naval officers, and had to encounter many prejudices and much opposition. It was confidently asserted by the old captains that sailing vessels would never be superseded by steam vessels, and that the latter would be worthless except for purposes of transportation.

How applicable that is to-day.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield? From whom was the gentleman quoting?

Mr. LA GUARDIA. I was quoting from The Life of Commodore Robert F. Stockton, by Samuel J. Bayard.

The request for \$100,000,000 for aviation for the Navy coupled with a policy of the retention of the battleship is inconsistent. But we can not expect, in view of the past, that the Navy will recognize all at once the value of aviation and admit the fading out of the battleship. As the Navy resisted the introduction of steam for war vessels, so to-day it continues in insisting upon the retention of battleships.

As the Navy fought against the development of aviation in 1920, it opposed and fought against the Ericsson propeller in 1840. As the Navy opposes the unification of the Air Service in 1926, it fought and opposed the adoption of the Monitor-type fighter and insisted upon the retention of the slow moving, top-heavy ironclad.

Compare the testimony given by naval officials in expressing their views on aerial bombing and the effectiveness of the air-plane against the battleship with the expression of views in 1840 and 1860 of naval officials who were then seeking to stop progress. Gentlemen, there is a similarity which is discouraging. William Conant Church, in his Life of John Ericsson, says on page 136, volume 1 (and I read this, if any gentleman cares to make comparison with the testimony of naval officials given not so very long ago):

Yet his [Ericsson] proposition to substitute the propeller for the paddle wheel was received with ridicule by all officialdom.

Government officers at Washington, enjoying a high reputation for scientific attainment, proved, to the satisfaction of themselves and their fellows, that the *Princeton* never could attain a speed of 5 miles an hour; she was able to make over 12, and this was relatively equal to 18 or 20 miles now. The most prominent of the Government naval constructors assured his department that a mere glance at the propeller intended for the *Princeton* was sufficient to convince the practical eye of the absurdity of the scheme, "the surface of the blades was too small for the body to be propelled." The President of the United States was warned by Government engineers that utter failure would attend the attempt to use engines constructed on such erroneous mechanical principles as those of this vessel.

Is there anyone living to-day who would say that the propeller should not have been adopted by the Navy? Of course not. In not so many years from now the battleship which in its day typified strength, power, and might will have gone into oblivion like the old frigates of 1812. Of course, it is not as comfortable or as impressive to sit in the cockpit of an airplane, nor is it as grand and conducive to pomp and dignity to stand in the turret of a submarine as it is to pace the bridge of a grand battleship, as is so well and graphically described by Prof. J. R. Soley in his Battles and Leaders of the Civil War, volume 1, page 623; and, by the way, Professor Soley was at one time an Assistant Secretary of the Navy, so that not only as an historian but as an observer of conditions in the department his views carry a great deal of authority. Here is what Professor Soley says:

It was Providence that decreed the success of the *Monitor* and not the Navy. During the period of peace preceding the war our Navy was always grasping at the shadow and leaving the substance. The commodore of the period was an august personage who went to sea in a great flagship, surrounded by conventional grandeur which was calculated to inspire a becoming respect and awe. As the years of peace rolled on this figure became more and more august, more and more conventional. The fatal defects of the system were not noticed until 1861, when the crisis came, and the service was unprepared to meet it, and to this cause was largely due the feebleness of naval operations during the first year of the war. There seems to have been a total want of information at the central office of administration in reference to the existing demands of naval war and the measures necessary to put the machine into efficient operation.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield again?

Mr. LA GUARDIA. I would rather not; I have not the time.

Mr. STEPHENS. Just one question.

Mr. LA GUARDIA. Very well.

Mr. STEPHENS. The result of all that is that we have got perhaps the best Navy in the world; that as the result of that criticism. Yet the Navy goes ahead.

Mr. LA GUARDIA. But that same stubbornness that was exhibited then is exhibited to-day. The Navy has persistently fought aviation, and yet you now turn around and put aviation into its hands. But just wait—let me go on.

Because the Navy was stubborn and resisted progress in 1840, 1860, 1920, and even 1926, does the gentleman from Ohio desire that condition to continue? Might not progress have been a great deal speedier and better, would not the war of 1860 ended quicker and perhaps the World War, had not the superannuated commodore Professor Soley talks about not been so stubborn and single minded? Why, gentlemen, it is not so

many weeks ago that Col. William Mitchell was forced out of the service. Just look at his experience with the Navy. Colonel Mitchell was there when battleships were sunk, he was there, too, when sand bombs were dropped on the ships, and then the country told that a battleship was not vulnerable to aerial bombing. Colonel Mitchell had no other interest except that of his country. Yet he was hounded and hounded, criticized and cursed, and finally court-martialed. For what? For telling the truth. All that Colonel Mitchell wanted was a united air service, and if that was not possible at least unity of efforts in procurement, in study of designs and construction and the stoppage of waste, due to incompetency and ignorance of aviation. Because Colonel Mitchell wanted to help his country and disregarded the petty things of the departments, because he wanted to see aviation on a sound basis, which, of course, ignores the personal comfort of certain individuals, he was despised and hated. And when history is written, and the activities and services of Col. William Mitchell are recorded they will read something like William Conant Church writes of Ericsson in his *Life of John Ericsson*, page 231, volume 1:

The difficulty was not that he—Ericsson—was unknown, but that he was too well known; at least at Washington, and in those bureaus of the Navy Department with which his abilities and his experience would naturally associate him. Since his work in 1842-43 upon the *Princeton* he had been engaged more or less with Government matters, but with the bureaus he was no favorite. From their point of view he was a failure. They preferred the safe waters of precedent, while it was his mission to sail the high seas of discovery. Without judgment between them it is sufficient to say that Ericsson and the Government officers, to whom he looked for approval, were seldom in accord.

Gentlemen, the Navy's function is to navigate the waters. Yes; to navigate under the water and on the surface of the water. If the Navy produces good navigators able to take our ships all over the world, protect our coast, it will have rendered its share of service to the country. If the Navy would do more navigating and less legislating, it would be far better. If there were more men being trained as navigators on board the ships and less around here lobbying, it would be still better.

Mr. COYLE. Mr. Chairman, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. COYLE. Would you not consider it advisable to have a five-year program which would avoid the necessity of these naval officers coming down here every year and lobbying?

Mr. LaGUARDIA. I will come to the five-year program in just a moment. Let me not get off the subject of navigation. Why, gentlemen, the Navy has all it can do to train its officers to safely navigate ships on the waters or under the water. I hold here in my hand a report, No. 70, in reply to House Resolution 434 which I introduced in the Sixty-eighth Congress, which shows that from January 1, 1923, to March 2, 1925, some 35 vessels of the Navy were damaged or lost and the greater part through faulty navigation. Why some of you gentlemen will surely remember the pictures which we saw of submarines and destroyers up on the mountains instead of out in the deep sea where they belong. Through faulty navigation we lost seven destroyers at one time, the destroyers *Delphy*, *S. P. Lee*, *Young*, *Woodbury*, *Nicholas*, *Chauncey*, and *Fuller* were run aground on September 8, 1923, near Point Arguello, Calif., a total loss of over \$13,000,000. Destroyer *Lavallette* ran aground. The destroyer *Brooks* was also grounded. The destroyers *Farenholt* and *Litchfield* collided, and so it goes. Coast navigation is an art in itself. We ought to specialize navigators in coast waters, so that ships may be taken anywhere along the coast without the risk of running aground and losing ships and men. I realize that misfortunes will happen, but I submit that the list contained in this report in a short period of time is too long. It emphasizes the necessity of naval men remaining on the water and of training a different set of men for the air.

The gentleman from Pennsylvania refers to a five-year program. Yet there is nothing in the bill which will provide for continuity in office or assignment of naval officers who will have charge of the spending of this money and the shaping of the policy of this naval air service. Why, according to the present conditions in the Navy, one set of officers in charge to-day may approve of certain type planes, may prefer certain designs to others, spend the appropriation for one or two years, then ordered to sea and others come in with different views, with more or less experience, and the whole thing begins all over again. That is just what has been going on for years. This bill provides for the officers being in command of naval stations and naval ships, and I agree with these provisions of the bill, but I fail to find anything to provide a permanent line of officers at the very top, who will have the great respon-

sibility of spending this hundred millions of dollars. That is another reason why a unified air service is absolutely necessary. Or at least some permanent unified command intrusted with the spending of hundreds of millions of dollars of the people's money.

There is to this day utter lack of cooperation or understanding between the Army and Navy. They simply will not get together. Let us here at least in the House get together and hold back appropriations until they do get together.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. WAINWRIGHT. The committee is given to understand that there is much more cooperation now.

Mr. LaGUARDIA. Is that so? Just let me read to you how much cooperation there is. The only agreement that I have been able to find is that they agree that they do not agree. In the hearings before the Military Affairs Committee only a few days ago it will be found that the Secretary of the Navy was confronted with the utter lack of understanding and cooperation between the two departments, and I fail to find any satisfactory explanation given to the committee by the Secretary. The Aeronautical Board, which I believe was organized in June, 1924, under date of February 18, 1925, made this remarkable statement, and this I get from the hearings of the Military Affairs Committee on this very subject of aviation. I read the statement of the Aeronautical Board:

With reference to specific questions involving coordination of Army and Navy activities which have been referred to or considered by the Aeronautical Board and which have not been satisfactorily settled, as far as can be submitted within the limited time available for research, may be enumerated as follows:

- (a) The respective missions and fields of operations of the Army Air Service and naval aviation.
- (b) Overlapping and duplication between the Army Air Service and naval aviation in the training of aviators.
- (c) Overlapping and duplication between the Army Air Service and naval aviation in the construction, operation, and maintenance of aviation installations along the coastal limits of the continental United States.
- (d) Failure to arrive at a satisfactory adjustment annually of estimates for appropriations for the Army Air Service and naval aviation.
- (e) Failure to arrive at a satisfactory coordination of aircraft radio development for the Army Air Service and naval aviation.
- (f) Failure to arrive at an economical, efficient, and satisfactory solution of the aerial defense of the Hawaiian Islands.
- (g) Failure to arrive at an economical, efficient, and satisfactory solution of the problem concerning the joint use of Army and naval aviation facilities, particularly those located in Panama, on North Island, and on Ford Island.
- (h) Failure to determine once and for all the final jurisdiction to be had by either service over Ford Island, Territory of Hawaii.
- (i) Failure to attain the semblance of coordination between future air development programs for the Army Air Service and naval aviation.
- (j) Failure to reach an agreement on the proposal to purchase a metal-clad airship prior to the incorporation of an item for that purpose in naval appropriation bill.

That in itself is sufficient to make us pause right here before we authorize this enormous appropriation. Gentlemen, if there is anything upon which they have agreed according to this statement, it must be of very little importance.

Therefore I am opposed to the five-year program. I am opposed to the authorization of the enormous amounts provided in the bill before us. It is true that it is only an authorization, but, gentlemen, that carries with it certain moral obligations and our experience teaches us that once authorized the money is generally obtained afterwards. I am willing to go along and provide for one year's appropriation. In the meantime, perhaps, there will come some order out of the present chaos. Perhaps we will be able to get a bill providing for a department of national defense or a united air service, or at least some permanent, unified authority for the procurement of equipment. The whole country is alive to this subject. They expect more of us than a repetition of the mistakes of the past. At the proper time I shall move to strike out paragraphs 2 to 7 of section 1. I do not know whether the committee will approve of my amendment, but in doing so I feel that I am doing my duty to this House and to my country.

The least that could be done would be to write into this bill a provision that will make it absolutely clear that this bill will in no way bind Congress either to the amount of money or the number of planes suggested in the bill.

I appeal to the friends of aviation; I appeal to all my colleagues interested in sound legislation and real economy to consider this bill carefully before passing it in its present form. [Applause.]

The Clerk read as follows:

Be it enacted, etc., That, for the purpose of further developing and further increasing aeronautics in the Navy, the President of the United States is hereby authorized to undertake the construction and procurement of aircraft, spare parts, and equipment for the Navy as enumerated below:

PARAGRAPH 1. During the fiscal year ending June 30, 1927, not to exceed 235 airplanes with spare parts and equipment, to cost not to exceed \$12,285,000: *Provided*, That the number of airplanes and the limit of cost herein specified for the fiscal year ending June 30, 1927, shall be in addition to the 78 airplanes with spare parts and equipment for which the sum of \$3,300,000 is included under the appropriation increase of the Navy in the Navy Department and Naval Establishment appropriation act for the fiscal year ending June 30, 1927.

PAR. 2. During the fiscal year ending June 30, 1928, not to exceed 313 airplanes with spare parts and equipment, to cost not to exceed \$10,223,750.

PAR. 3. During the fiscal year ending June 30, 1929, not to exceed 335 airplanes with spare parts and equipment, to cost not to exceed \$17,582,500.

PAR. 4. During the fiscal year ending June 30, 1930, not to exceed 357 airplanes with spare parts and equipment, to cost not to exceed \$18,941,250.

PAR. 5. During the fiscal year ending June 30, 1931, not to exceed 374 airplanes with spare parts and equipment, to cost not to exceed \$20,046,250; in all, during the five-year period beginning July 1, 1926, and ending June 30, 1931, 1,614 airplanes, with spare parts and equipment, to cost not to exceed \$85,078,750.

MR. BLANTON. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

MR. BLANTON. Mr. Chairman, I make the point of order that this bill is against the rule in that it will cause an expenditure out of the Public Treasury of millions of dollars. It is not an authorization. It of itself would cause expenditures and it is in violation of the rule which prohibits any committee, except the Committee on Appropriations and certain others, but not the Committee on Naval Affairs, to cause appropriations to be made.

The CHAIRMAN. The Chair knows of no such rule and overrules the point of order.

The Clerk read as follows:

PAR. 6. During the fiscal year ending June 30, 1932, and during each fiscal year thereafter, not to exceed 333 airplanes with spare parts and equipment, to cost not to exceed \$17,476,250.

PAR. 7. The number of airplanes, spare parts, and equipment thus specified to be constructed or procured during the five fiscal years beginning July 1, 1926, and ending June 30, 1931, and the number specified to be constructed or procured during the fiscal year ending June 30, 1932, and during each fiscal year thereafter is the number which it has been determined will be required to increase, during a five-year period beginning July 1, 1926, the useful airplanes on hand or otherwise provided for on June 30, 1926, to 1,000 and to maintain the number of useful airplanes at not less than this number, which is hereby established as the authorized number of useful airplanes to be employed in the Navy: *Provided*, That in the event satisfactory arrangements for the procurement of the authorized number of airplanes can not be made in any fiscal year, such deficiency may be made up in the next ensuing year or years: *Provided further*, That "useful airplanes" as used in this act shall be those airplanes on the Navy list which are, or which after reasonable repairs can be made, in all respects safe to fly, and shall be exclusive of those airplanes classified as experimental or, with the approval of the Secretary of the Navy, declared obsolete: *Provided further*, That airplanes assigned to the Naval Reserve for training purposes shall be in addition to the authorized number of useful planes to be employed in the Navy.

MR. BUTLER. Mr. Chairman, I offer a number of amendments which I have sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report the first amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by MR. BUTLER: Page 3, line 6, strike out the word "specified" and insert in lieu thereof the word "authorized."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 3, line 8, strike out the word "specified" and insert in lieu thereof the word "authorized."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 3, line 11, strike out the word "determined" and insert in lieu thereof the word "estimated."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 3, lines 18 and 19, strike out the words "can not be" and insert in lieu thereof the words "are not."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

MR. BUTLER. Mr. Chairman, I move to strike out the language after the word "obsolete," on page 4, line 1, and insert the language which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by MR. BUTLER: Page 4, beginning in line 1, strike out the proviso ending in line 4 and insert in lieu thereof the following: "*Provided further*, That nothing herein shall be construed as more than an authorization for the procurement of aircraft within the limits enumerated in this act, nor in any way to abridge the right of Congress to determine what numbers of aircraft may be appropriated for in any fiscal year within the limits so authorized."

MR. BUTLER. Mr. Chairman, the object of the amendment is this—to make perfectly plain the purpose of the committee that reported this measure. It has been suggested to the gentleman from Georgia [Mr. Vinson] and me by members of the Appropriations Committee that this language should be inserted so it may appear in this bill and written here so that all men may correctly read hereafter what the exact purpose of the bill is. It is this: That we shall not authorize any airplanes beyond a certain number—that is, we shall not authorize any to be constructed beyond that number and that the number will remain in control of Congress, to be reported by the Appropriations Committee.

MR. FRENCH. Will the gentleman yield?

MR. BUTLER. Yes.

MR. FRENCH. And the further effect of the language would be to make it definite that the department or the administration could not incur any obligations or contracts except by coming to Congress.

MR. BUTLER. My friend, we intended to do that, but I will admit that my friend has suggested a paragraph here that will make it perfectly plain, and no one can read the purpose otherwise.

MR. WATSON. Will the gentleman yield?

MR. BUTLER. Yes.

MR. WATSON. Upon what scientific basis did the Navy Department conclude that 235 airplanes would be needed in 1927, and so on, as provided in the various paragraphs mentioned?

MR. BUTLER. How the conclusion was reached?

MR. WATSON. Yes.

MR. BUTLER. We discussed it yesterday very fully.

MR. WATSON. I was not here and I am afraid I am asking a question over again.

MR. BUTLER. I am sure my friend did not lose a great deal by not hearing anything I may have said, but I will be delighted to repeat it to him. This was made for us by mathematicians, and the purpose of it is this: To have at the end of five years 1,000 serviceable airplanes, useful airplanes, useful to the American service, useful in the way of a defense and not pictures of airplanes or chromos; not empty boxes or anything of the sort, but airplanes that can be used. It will require us to build in the next five years, in order to have 1,000 planes on hand at the end of that time, about 1,600 in number. It has all been calculated, and at the end of that time, at the expiration of the five-year period, the American Government will have on hand 1,000 airplanes ready for immediate use and airplanes which can be used with safety by the users.

MR. WATSON. Was it determined that this number is sufficient to meet the airplanes that are being built by foreign countries?

MR. BUTLER. My friend will understand that in these days we are instructed not to make a comparison, and some time as

other my friend may be able to tell me how to provide a national defense without making a comparison. I have been endeavoring for years to learn how to assist in providing a national defense for America without comparing the defenses other nations have, but I have not yet learned. Now, we had this in mind, taking it gently and tenderly, that other nations were building about so many; and inasmuch as there were on one side 3,000 miles of water between our people and the other side and 5,000 or 7,000 miles on the other side between our people and the other side, we concluded that 1,000 airplanes would just about fit. Furthermore, we have places for 1,000 airplanes and those in reserve at the different air stations. Every plane that is provided for here will have its particular use. My friend has voted time and time again for appropriations to prepare decks on the ships, to receive and operate airplanes and airplane carriers, and also to build air stations for the reception of these airplanes.

This is a definite program, indorsed by the administration, all the boards that have been appointed to consider it, approved and indorsed by all the military men, and indorsed by the 21 members of the Committee on Naval Affairs. There are no other members of the committee to indorse it or we would have more. [Laughter.]

Mr. WATSON. I knew the committee had come to a wise conclusion, and I wanted to know their philosophy.

Mr. BUTLER. I am delighted to explain it to the gentleman.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five additional minutes, because I would like to ask him a few questions.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CHINDBLOM. The purpose of the amendment offered by the gentleman is to make this a bill of authorization clearly?

Mr. BUTLER. Clearly.

Mr. CHINDBLOM. I would like to ask the gentleman, if he can tell me, how it is proposed the President shall act under the authority given him here. I refer particularly to the language in the first part of the bill, that—

the President of the United States is hereby authorized to undertake the construction and procurement of aircraft, spare parts, and equipment for the Navy as enumerated below.

What is to be the function of the President under this authority?

Mr. BUTLER. My friend, I can not tell you how they will do it. I have voted for that language for 30 years and it is the language employed in bills authorizing the construction of ships of war. Of course, the President is the commander in chief of the Navy—

Mr. McSWAIN. Will the gentleman yield?

Mr. BUTLER. Of course, my friends, the President is not going to do it with his own hands.

Mr. McSWAIN. Not like he lays a cornerstone.

Mr. CHINDBLOM. But the constructions, of course, are to be by the Navy Department?

Mr. BUTLER. Yes.

Mr. CHINDBLOM. The Secretary of the Navy acting under instructions from the President.

Mr. BUTLER. Oh, yes. We have always given it to the President of the United States. I do not think there is any such constitutional requirement, but it has always been given to the President of the United States as commander in chief of the two services, the Army and the Navy. In all these bills he is the one who is designated to make these contracts and to comply with the provisions of bills for national defense.

Mr. CHINDBLOM. Of course, what I really wanted to get at is this: While the authority is granted here, the President will not be able to do anything until the money has been appropriated.

Mr. BUTLER. That is right.

Mr. OLIVER of Alabama. But in view of the question asked by the gentleman from Illinois, I knew the gentleman from Pennsylvania was entirely willing that the amendment itself should deny authority to anyone to contract for the construction of these planes until the Congress had made an appropriation therefor.

Mr. BUTLER. I want my friend to understand that the gentleman from Georgia [Mr. VINSON] and I accepted this because the gentleman wrote it. What greater compliment than that can we pay to any friend? Now let us alone, will not you please? [Laughter.]

Mr. SPEAKS. Will not the gentleman yield for a question?

Mr. BUTLER. Yes; certainly.

Mr. SPEAKS. Considering that the airplane is still in process of development, how does the gentleman justify a proposal that we shall six years hence purchase a stated number of airplanes and appropriate \$17,500,000 for that purpose?

Mr. BUTLER. I am delighted to answer the gentleman.

Mr. SPEAKS. Please keep in mind in making your answer the words "six years hence."

Mr. BUTLER. Yes; that is right. I understand the question, and it is an intelligent one. I only wish I could make an intelligent answer. I learned the answer from some who know about it more than I do. I took the advice that was given by the President's commission, you understand.

Mr. SPEAKS. Yes.

Mr. BUTLER. The President appointed a commission which sat here for perhaps six weeks and took the advice of dozens and perhaps hundreds of experts who made the recommendation that for five years we should establish a program and turn over every year one-third of the machines, and that is the way this plan was worked out mathematically. It was made plain to us that these machines wear out in three years. We desire to keep on hand all the time 1,000 airplanes, and therefore this program is worked out, as I have stated to my colleague from Pennsylvania [Mr. WATSON], by the mathematicians, so that in order to maintain 1,000 planes and have 1,000 planes at the end of five years it is necessary to grant the authorization contained in this bill.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. SPEAKS. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended five minutes.

Mr. BUTLER. I do not want to take up too much time.

Mr. SPEAKS. I am sure the gentleman is willing to give us information on the bill.

Mr. BUTLER. I am perfectly willing to do that if I can.

Mr. SPEAKS. I want to say to the gentleman that I sat for weeks with the Committee on Military Affairs considering all the testimony the gentleman refers to, and in addition the opinion of every man in the United States who individually or as representing any group that might be expected to have information on the subject, and after listening patiently to all of them, the committee was forced to lay aside the opinions of all the alleged experts for the reason that they were so conflicting and varied so widely that a composite expression was not obtainable. So the committee discarded them all and prepared a bill after their own ideas.

Mr. BUTLER. I do not know what you did and I do not know what induced you to do it; I am only speaking for myself. I do not know whether you disregarded the advice of the authorities or whether your opinion is better than that of other people. I am speaking for myself. I am not an expert on military affairs, I am not an expert mathematician, but we are reinforced in our conclusions by men in whom we have great confidence, both civilian and military alike.

Mr. SPEAKS. The committee based its action in disregarding the views of the experts largely on the fact that they could not agree, that it was impossible to get them to unite upon a plan.

Mr. BUTLER. My friend has followed a wise course. We oftentimes differ with the experts. I confess I never heard two agree—they would not be smart if they did agree. [Laughter.]

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BUTLER. Certainly.

Mr. CONNALLY of Texas. If I understand the gentleman's argument, it is that we should adopt a five-year plan for aviation.

Mr. BUTLER. Yes.

Mr. CONNALLY of Texas. And the gentleman is seeking to carry out the naval program as far as naval aviation is concerned, and it takes five years to complete it.

Mr. BUTLER. Yes.

Mr. CONNALLY of Texas. When we provided for building new vessels in 1916, did we not lay out a long program?

Mr. BUTLER. We did; and it is still going on.

Mr. CONNALLY of Texas. And Congress a short time ago adopted a building program covering five years for new buildings.

Mr. BUTLER. Yes.

Mr. CONNALLY of Texas. Is it not true that we could not complete these programs all at once?

Mr. BUTLER. Yes; and there would be great confusion if we tried to. And let me say further that the Budget approves of this.

Mr. CONNALLY of Texas. Well, that is the weakest argument the gentleman has presented. [Laughter.] Will not Congress have full control of the appropriation?

Mr. BUTLER. Yes.

Mr. CONNALLY of Texas. And if we do not have the program, will it not be necessary to go to the Appropriations Committee every year and ask it to do thus and so, and what we want to do is to make it definite?

Mr. BUTLER. Yes; make a definite program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

MESSAGE FROM THE SENATE

The committee informally rose; and Mr. SNELL having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. J. Res. 61) authorizing the Federal Reserve Bank of Chicago to enter into contracts for the erection of a building for its branch establishment in the city of Detroit, Mich.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate Nos. 3, 7, 10, 11, 12, 30, and 34 to the bill (H. R. 8917) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes.

The message also announced that the Vice President had appointed Mr. SACKETT as a member on the part of the Senate of the joint committee to make an investigation of the Northern Pacific land grants created by section 3 of the joint resolution approved June 5, 1924, entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," in place of the late Senator from Missouri, Mr. Spencer.

CONSTRUCTION AND PROCUREMENT OF AIRCRAFT AND AIRCRAFT EQUIPMENT IN THE NAVY AND MARINE CORPS

The committee resumed its session.

Mr. LA GUARDIA. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. LA GUARDIA: Page 2, beginning with line 8, strike out paragraphs 2, 3, 4, 5, and on page 3 strike out paragraphs 6 and 7.

Mr. LA GUARDIA. Mr. Chairman, if the amendment just offered by the gentleman from Pennsylvania and approved by the committee means anything then the paragraphs I would strike out in my amendment are no longer necessary.

Let us understand each other. The amendment offered by the gentleman from Pennsylvania is perfectly satisfactory. It provides that nothing in the bill shall be considered to be a binding obligation on Congress or the department to contract or purchase a specified number of planes enumerated in the various programs in the five-year period; it so states in clear and certain language. That being so it is absolutely unnecessary to recite these provisions in the bill and my amendment simply strikes out this unnecessary language.

The chairman of the committee and the committee itself all agree that this is no appropriation of money. With the amendment just approved it is not even a binding authorization.

If in 1927 or 1928 or some good day the Army and Navy get together and finally agree that it is necessary for the defense of the country and for the best interest of the country to cooperate together we can save from five to ten million dollars a year between the Army and the Navy aviation appropriations.

Therefore I urge my amendment. It simply carries out the intent of the amendment offered by the gentleman from Pennsylvania. I do not hesitate to say now, gentlemen, that it will meet with the approval of the President of the United States. I offer this amendment in all seriousness, and it is the only way to carry out the intent of the amendment just adopted and to prevent waste of public funds in the future. The very fact that the gentleman from Pennsylvania had to submit such an amendment shows the weakness of his bill. We should not go ahead on a five-year program and be committed to any such plan. The amendment just adopted certainly makes it clear that we are not bound to any such program.

If the bill authorizes appropriations in seven of its paragraphs and then the next moment says this does not mean anything because we will have to go to the Committee on Appropriations anyhow and they can disregard this in number and amount, then what is the use of putting in five paragraphs or seven paragraphs of authorization? Let us legislate intelligently and say what we mean and mean what we

say. As the bill now stands, we first authorize for five years and then say that we do not mean that at all, that it is simply a tentative suggestion. Suggestions should not be written as legislation.

Mr. CONNALLY of Texas. Does not the gentleman know that in order to get an appropriation in this House under the rules there has to be an authorization, and we do not have that authorization now. Anyone can make a point of order and it goes out. We make an authorization for five years and then make an appropriation for each year of those five years.

Mr. LA GUARDIA. Yes; exactly.

Mr. CONNALLY of Texas. Why does the gentleman make that statement?

Mr. LA GUARDIA. Because the gentleman knows that a blanket authorization would be sufficient—that the fact that they are authorizing procuring and maintaining airplanes in the first paragraph of section 1 is sufficient, but they go further and they provide the number of planes and the amount each year, and then they say they do not mean it.

Mr. GARRETT of Texas. Why does not the gentleman from New York give the real reason for the five-year program? The real reason is to head off the sentiment in this country for a separate air service, take it away from the Army and the Navy and put it where it properly belongs.

Mr. LA GUARDIA. I say "Amen" to that. I referred to that before. That is why I am fighting this bill.

Mr. BUTLER. Mr. Chairman, in reply to the gentleman's motion, if you want to take the body of this bill out and leave only the head and legs to go wandering around, you will adopt the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Strike out section 1.

Mr. BLANTON. Mr. Chairman, we now have an air service in the Navy, we have a separate air service in the Army, we have a separate postal air service in the Post Office Department, we have an air service, I understand, now, for our Coast Guard, and I understand that the Secretary of the Treasury soon is to ask for another separate air service in the Prohibition Unit. That will be five separate air services. The Department of Agriculture uses certain of these various services, and eventually it will have an air service of its own and that will make six.

I was one of those who last fall attended most of the hearings of the President's aircraft committee. I listened attentively to the testimony. That testimony convinced me of one thing absolutely, and that is that there should be a department of national defense, with an Army Bureau, a Navy Bureau, a Marine Bureau, and an Air Bureau, with a separate unified Air Service. Let me show you what you are doing here in this bill, and just the way legislation passes and gets through Congress and onto the statute books. We have here on the floor to-day not 100 men.

Mr. CONNALLY of Texas. But the quality is all right, is it not?

Mr. BLANTON. The quality is all right, and we make up in that what we lack in numbers, but there are about 335 Members who are now absent, and we are passing one of the most important bills that has ever been before this Congress.

Mr. STEPHENS. Would it be any better considered if they were all here?

Mr. BLANTON. I think so. The best legislation that is passed in this House is when all the membership are here.

Mr. SPEAKS. They will all be here to vote on it.

Mr. BLANTON. They will come here to vote when the bell rings, and they will not know one thing about what they are voting on.

Mr. BUTLER. Oh, we will tell them.

Mr. BLANTON. Let us see what is in the bill. Here is the new Navy program for the Air Service. Our good-hearted friend from Pennsylvania [Mr. BUTLER] can not turn them down when these admirals come to him. Listen to what he has provided. This is their separate air program, in addition to what they already have, and separate from and additional to that of the Army: For the present fiscal year this bill gives them \$12,285,000; for the next fiscal year it gives them \$16,223,750; for the next fiscal year following it gives them \$17,582,000; for the next fiscal year thereafter it gives them \$18,941,250; for the next fiscal year following that it gives

them \$20,046,250; and then for the succeeding fiscal year it gives them \$17,476,250. That is the separate air program for the United States Navy.

Then will come the Army program, and next will come the Coast Guard program, and the Post Office program, and the Prohibition Unit program, and the Agricultural Department's program, all seeking millions for their own separate air service.

Mr. COYLE. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. COYLE. Does the gentleman see the words "not to exceed" immediately before the dollar mark in each one of those amounts?

Mr. BLANTON. Oh, yes; I know what that means. I have been here long enough to know that "not to exceed" usually means the minimum that is to be spent. Here is where you are going to let the long-sought-after department of national defense go by the board and get away from you. You ought to kill this bill right now.

You ought to strike out its enacting clause, and you ought to tell the admirals in the Navy and the General Staff of Generals in the Army, and the Coast Guard Service, and the Prohibition Unit Service, and the Post Office Service, and the Agricultural Service, that we are going to have a unified bureau of the air in one department of national defense, and that we will let this bureau of the air allocate such air service as may be needed to all of the departments of the Government. And then we would have a valuable air service that would be worth while, and not a scattered, weak one that is starved to death by admirals in the Navy and by generals in the General Staff of the Army. And we would save millions each year that are now wasted in duplicated effort.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Certainly; I yield to my friend from Maryland.

Mr. LINTHICUM. Does the gentleman know how many airships are carried in the Army bill as reported?

Mr. BLANTON. How many?

Mr. LINTHICUM. Two thousand.

Mr. BLANTON. I want to say this, that I believe there are a great many men on this floor who want to see established a department of national defense, which would abolish both the War Department and the Navy Department. It is economically sound. Then if we believe in it why should this bill go through enlarging a separate air service in the Navy? You are going to let this bill go through because you do not want to go up against it and fight. We could defeat it if we wanted to and would make a proper fight, but we are taking the path of least resistance. We love our beloved friend here from Pennsylvania [Mr. BUTLER] too much.

Mr. BUTLER. I am not going to use any of these air-planes. [Laughter.]

Mr. BLANTON. We know that if we opposed this bill we could defeat the gentleman from Georgia, my friend CARL, but we could not defeat the gentleman from Pennsylvania.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CONNERY. Does the gentleman think this bill will stop a separate aircraft service?

Mr. BLANTON. Yes; I know it will.

Mr. CONNERY. I favor the enactment of this bill, and I believe in what the gentleman says, too.

Mr. BLANTON. We ought to stand on what we believe on this question. I wish you gentlemen would read all of the testimony given before the President's Aircraft Board. I have read it. Our friend CARL will tell you that I caused those hearings to be printed, so that I could get a copy. They were not being printed. Copies were unobtainable. I told him they could be printed under an existing rule, even in a vacation. I wrote the order for him, and he, as a member of the board, signed it, and the other House Member, Mr. PARKER, of New York, signed it, and they sent that requisition to Tyler Page, our efficient Clerk, and he had the hearings printed.

Mr. VINSON of Georgia. It was fortunate that the gentleman from Texas was in the city at the time. [Laughter.]

Mr. BLANTON. I was interested in the matter just as much as was the gentleman from Georgia. If every man on this floor will get those hearings and read them through, they

will say, "I am for a department of national defense and I want in it a separate air service."

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SCHAFER. Is this bill in accordance with the economy program of the White House spokesman?

Mr. BLANTON. The White House spokesman is not here. It is the Navy that is operating on us now. It is the admirals down here who brought the bill forward, already prepared, and said to the committee, "Pass it."

Mr. BUTLER. No. I initiated it myself, and nobody brought it out. We declined to put on a lot of things in this bill.

Mr. BLANTON. But it suits the admirals, does it not?

Mr. BUTLER. In part it does. I am not saying how I feel about the project of national defense. The adoption of this program will not interfere with it. We had that in mind. This program will not interfere with that.

Mr. BLANTON. What we ought to do is to sidetrack this bill now and wait a while. Why the hurry? The gentleman has just passed an amendment, but they can not do anything at all until the Committee on Appropriations act. If that is the case, why do we not wait?

The CHAIRMAN. The time of the gentleman from Texas has again expired. The question is on agreeing to the amendment offered by the gentleman from Texas.

Mr. BLANTON. That was a pro forma amendment. I withdraw it. I intend to vote against the bill and try to get a record vote on it.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. McSWAIN. Mr. Chairman, I move to strike out paragraph 1. That is a pro forma amendment.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. McSWAIN. Mr. Chairman, let me say that the RECORD shows that I am and have long been absolutely in favor of a single department of national defense, and that we have been having hearings and discussing that issue before the Committee on Military Affairs for nearly 90 days, and that the proposition was lost by the narrow vote of 11 against 10. Ten men on that committee favored the proposition of a single department of national defense.

Let me say furthermore that the agitation on this subject has brought the Army and Navy nearer together to-day than they have ever been before, and they are cooperating now during the session of Congress in a way that was undreamed of 12 months ago, and they are putting out opinions, as they are testifying before the committees, about the harmony that exists among them and their desire to economize and their plans to promote efficiency in the points where the contacts are made between the two services in a way that never existed before.

Mr. LaGUARDIA. But the gentleman will admit that they are still a mile apart?

Mr. McSWAIN. Yes; farther apart than the ocean is wide, it is true. But I am in favor to-day of closing the gap, if possible. It is a practical proposition here, and I can not believe, as much confidence as I have in the good judgment and in the strategic ability of the gentleman from Texas [Mr. BLANTON]—I can not believe that this will delay the ultimate consummation that he and I and many of us have at heart. It only shows, in my estimation, the necessity that confronts us right now. Here comes the naval program of five years, about \$100,000,000.

The first question asked by the gentleman from Oklahoma [Mr. McKEOWN] was, "What about the Army program?" And that immediately brought it to the attention of this House, that there ought to be some harmonizing and coordinating action in this activity of the air. We have all been thinking that the General Staff is the personification of reactionaryism. The General Staff had a study recently made on this subject of a council of national defense, to coordinate and bring about cooperation between the Army and Navy; and if the General Staff can come to the conclusion that I am going to read to you in a moment, then certainly we are making some progress; somebody is being educated along sound lines. Recently, General Harbord admitted that it might be wise to pass a statute to give legal force and continuity to the Joint Army and Navy Board. To the same effect is Gen. Hugh A. Drum.

This General Staff study was concluded on March 24, 1926. It is very recent and is "hot," as we say, "off the skillet." This is the deliberate judgment of the General Staff. What the General Board of the Navy would say I do not know. I do not know whether the General Board is here or in part or in whole, but if they are not here, of course, they can not answer the inquiry. But the General Staff of the Army has

said this. Maybe the gentleman from the Naval Affairs Committee can tell us what the General Board would say and whether or not the General Board would say "amen" to what I am about to read. This is the genesis, I think, of a single department of national defense:

There is needed a single agency to advise him (the President) and execute his directions in this connection. No such agency now exists charged with said responsibilities. While the joint board and its subsidiary committees are available and required for joint consideration of specific Army and Navy operations, functions, etc., it has not and can not be given the responsibility to cover the broader field indicated.

This is the joint board we have been hearing so much about. Whenever we (in committee) would talk about the necessity for cooperation, the Army and Navy would say, "We have it now; we have the Joint Army and Navy Board. Those fellows are living together like brothers; they are working together for the good of the country and there is no necessity for legal compulsion of cooperation." Yet I find here (reading from Study of March 24):

Furthermore, such a board is influenced by ex parte views with a tendency to accept inefficient compromises, indicating a need in major questions for a judicial determination after both sides have been presented.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. VINSON of Georgia. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the gentleman from South Carolina may proceed for five additional minutes. Is there objection?

There was no objection.

Mr. CONNERY. Will the gentleman yield?

Mr. McSWAIN. For a question, yes.

Mr. CONNERY. The gentleman has spoken about the joint board and about cooperation. I would like to ask him whether there was cooperation when we were in the Argonne in France and German airplanes would make very heavy lines of smoke over the Twenty-sixth Division and then the German artillery would open up on us and there were no American planes there to defend the Infantry.

Mr. McSWAIN. The General Board did not function in France. It functions in Washington.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. CHINDBLOM. In the beginning of the language which the gentleman read he used the words "in this connection." What was the connection? There must have been something prior to that and what was the subject?

Mr. McSWAIN. The subject was a discussion of a council of national defense to coordinate the Army and the Navy. It says:

While the President as commander in chief may have the power to carry out the functions indicated in the foregoing, there is needed a single agency to advise him and execute his directions in this connection.

It was to bring about direct and positive legal action and permit the joint board to have the power to execute and not merely to advise and debate. Now, let me read again:

Furthermore, such a board is influenced by ex parte views with a tendency to accept inefficient compromises.

They are obliged to have compromises with three from the Army and three from the Navy, each equal in power, and they will never agree on anything, unless it is some milk-and-water proposition that does not squeeze the blood or touch a nerve in any part. So the report says they are obliged to be inefficient and to bring about inefficient compromises.

Indicating a need in major questions for a judicial determination after both sides have been presented.

I tell you, gentleman, that is Chapter I in the Book of Genesis, out of which shall be finally written the whole bible of national defense in one great comprehending department of national defense, with one civilian sitting at the head directing the activities of every force that makes for the defense of the Nation as a whole. [Applause.]

Mr. ELLIS. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. ELLIS. I am in sympathy with the views the gentleman is expressing, and by aiding these separate and distinct agencies you are bringing forward the day when we will have these things unified. In view of the confidential disclosures as to the vote in the committee, I want to ask this: Suppose the

vote had been 11 to 10 the other way? Would the Military Affairs Committee have brought in a single and separate air service bill?

Mr. McSWAIN. Of course they would.

Mr. ELLIS. In spite of that vote?

Mr. McSWAIN. If it had been 11 in favor of national defense the bill would have been here and we would be considering it.

Mr. VINSON of Georgia. And they would bring in the same material items as are in this bill?

Mr. McSWAIN. Why, of course, I think I ought to explain for the benefit of my distinguished friend from Ohio [Mr. SPEAKS] that he was not referring to the fact that our bill is not recommending a five-year program of building aircraft and of construction, but he said that after the various bills had been considered which had been introduced at the suggestion of the War Department to carry out the recommendations of the Morrow Board, the General Staff, and so on—after these bills had been introduced and considered every last one of them was turned out boot and baggage and the committee started to write a new bill of its own from the very bottom up, and I think that is what the Committee on Naval Affairs did.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. VINSON of Georgia. Mr. Chairman, I ask that the gentleman may have two additional minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the gentleman from South Carolina may proceed for two additional minutes. Is there objection?

There was no objection.

Mr. VINSON of Georgia. I will state to the gentleman, in reply to his statement, that the Committee on Naval Affairs initiated this legislation by direction of the chairman himself, and we never submitted it to the Navy Department until we opened it up for hearings.

Mr. McSWAIN. I have no doubt it is your bill and not the bill of the department. Now, gentlemen, I want to call your attention—

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. McSWAIN. For a question; yes.

Mr. WAINWRIGHT. Will the gentleman make clear to the committee that the building program of the Military Affairs Committee, as embodied in their bill, does not conflict in any way with the program in this bill? There might be a misunderstanding about that because of the statement made by the gentleman from Ohio [Mr. SPEAKS].

Mr. McSWAIN. Of course, as I explained to the gentleman from Georgia a moment ago, we have a five-year program in the Army bill and, of course, the gentleman from Ohio [Mr. SPEAKS] did not intend to refer to that; he was referring to a somewhat humorous remark made by the gentleman from Pennsylvania, who pretends great innocence when it comes to anything like military knowledge, and the gentleman knew what he said was a bit of humor, and that he was not serious about it. However, no experts can put anything over on the experienced gentleman from Pennsylvania.

Mr. BUTLER. I will say to the gentleman that I never listen to it.

Mr. McSWAIN. And he could not be influenced by it.

Mr. BUTLER. I do not hear it.

Mr. McSWAIN. General Wotherspoon, who was then commandant of the War College, appeared before the Naval Affairs Committee in 1911 on a bill introduced by Richmond P. Hobson for the purpose of creating a department of national defense for the purpose of coordinating the Army and Navy activities, being supported by Admiral Mahan, Admiral Rodgers, Admiral Wainwright, and Gen. Leonard Wood, and then and there announced that if the Army and Navy could cooperate—use the same forces, the same branches of activities, such as the same transports, the same docks, the same bases, the same supply stores, and the same recruiting stations, and other joint agencies—they could then, which was 15 years ago, save \$100,000,000 a year. If they could save \$100,000,000 a year then, we ought to save \$200,000,000 now, because our expenditures have about doubled.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. BUTLER. Mr. Chairman, may I ask permission to speak for just one moment? I want to say to my friend that we are now endeavoring to arrange a time for a joint hearing between the gentleman's committee and the Committee on Naval Affairs upon legislation that affects both services, and we did not consider that in writing this bill we took any position upon the subject of a unified air service, because this is

a program we would have to have, it matters not whether we have a unified air service or not. The airplanes we have provided for in this program I have no doubt would be provided for if we had a unified air service.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. OLIVER of Alabama. The fact you have announced a policy covering five years is not inconsistent in the slightest with a unified air service or with a consolidated system of national defense.

Mr. BUTLER. Not at all.

Mr. OLIVER of Alabama. Furthermore, the Committee on Appropriations when it meets in December, in the absence of authority such as you have given here, would have no right whatever to make an appropriation for the Air Service—

Mr. BUTLER. None whatever.

Mr. OLIVER of Alabama. Either of the Army or of the Navy; and in the absence of a bill both from the Military Affairs Committee and from the Naval Affairs Committee, the Committee on Appropriations would be powerless to make any appropriation for the air services.

Mr. BUTLER. Very true. We would not have a bit of air service.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment on page 3, striking out lines 17, 18, 19, and 20.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 3, strike out lines 17, 18, 19, and 20.

Mr. LAGUARDIA. Mr. Chairman and gentlemen, this is a proviso which says:

In the event satisfactory arrangements for the procurement of the authorized number of airplanes can not be made in any fiscal year, such deficiency may be made up in the next ensuing year or years.

I see no necessity for this language in view of the amendment offered by the gentleman from Pennsylvania and adopted by the committee, and in view of the repeated statement made in support of this bill that it does not mean anything. This is the first time in my experience in this House where the proponents of a bill urge its acceptance by emphasizing its weakness and its meaninglessness.

Mr. WOODRUFF. Will the gentleman yield just there?

Mr. LAGUARDIA. Certainly.

Mr. WOODRUFF. I wish the gentleman would point out where any member of the committee has stated that the provisions of this bill do not mean anything.

Mr. LAGUARDIA. Well, I refer most respectfully to the amendment offered by the chairman of the committee and adopted by this committee which says that nothing herein shall be construed as binding the succeeding Congresses as to number or amount, and then the gentleman just stated that this program would not interfere with the unification of the Air Service, and other gentlemen have stated it is simply a tentative program, and if we ever do get the Army and Navy together this legislation can be brushed aside.

Mr. WOODRUFF. Will the gentleman yield further?

Mr. LAGUARDIA. I certainly will.

Mr. WOODRUFF. I would like to have the gentleman point out how the action of any one Congress can bind any succeeding Congress on any question?

Mr. LAGUARDIA. Oh, the gentleman knows that whenever any expenditure is authorized, that is morally binding; and the gentleman has had sufficient legislative experience to know that those who benefit by these authorizations know how to bring pressure to bear to get appropriations.

Mr. WOODRUFF. But the gentleman knows also that it does not follow that when pressure is brought to bear on Members of Congress that Members of Congress yield to such pressure.

Mr. LAGUARDIA. I am only basing it on my experience with appropriations.

Mr. HILL of Maryland. If the gentleman will yield, as I understand the gentleman's contention, it is that in view of the amendment of the chairman of the committee this is entirely unnecessary.

Mr. LAGUARDIA. Absolutely. The gentleman can see the situation here. Suppose when we come here for the short term there are certain changes in the control, the gentleman can see how easy it would be to go slow on the orders that year knowing that the next year they could get double the amount of appropriations. I think this is a very unwise and unsafe provision to put in any bill.

Mr. SCHAFER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. Regarding the statement of our colleague from Michigan with reference to one Congress binding another, is it not fresh in the gentleman's memory that a short time ago when we had up the so-called sesquicentennial appropriation those advocating the passage of that appropriation called specific and particular attention to the actions of a preceding Congress and used that as a point in favor of the passage of the appropriation?

Mr. LAGUARDIA. Oh, yes; the gentleman was not seriously urging that argument because he is too wise a legislator to do that. I do hope we can at least strike this improvident and unnecessary provision from the bill. Whether the gentleman from Texas is going to offer a motion to strike out the enacting clause or not I do not know, but I agree with him in saying that this bill is practically going through by default. It is up for consideration with the great influence back of it which the chairman of this great committee has in this House, but we are absolutely ignoring all we have learned about the mistakes of aviation in the past. We are absolutely brushing aside all the advice we have received from 12 separate and distinct investigations, and we are letting the Army and the Navy simply run away with Congress and appropriations.

Mr. BUTLER. Mr. Chairman, I would like to see if we can not accommodate the gentleman by fixing a time to end the discussion of this section.

The CHAIRMAN. The Chair will state that there are five minutes more in opposition to the amendment offered by the gentleman from New York.

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent that that may be extended to 10 minutes in order that I may have five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the time be extended to 10 minutes. Is there objection?

There was no objection.

Mr. CONNERY. Mr. Chairman and gentlemen of the House, I stated a little while ago in interrogating the gentleman from Texas that I would vote against this bill for the reason that the gentleman from Texas said, and I believed it up to a few minutes ago, that this would prevent a unified air service. I am intensely interested in a separate air service for the Army and the Navy, but I have decided that I will vote for this bill after listening to the statement of the chairman of the committee that there is nothing in the bill which will prevent a separate air service.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. CONNERY. Yes.

Mr. VINSON of Georgia. As the gentleman is making a confession of the error of his statement a moment ago, let me correct him. The gentleman has stated that there was no protection from the German airplanes in the Argonne, that we had no airplanes up there, and at that time they had an independent air service in the expedition area in France.

Mr. CONNERY. I do not agree with that reasoning at all. In the first place, admitting that there was an independent air service, which there was not, General Pershing was commander in chief of the American Expeditionary Forces. He had command of the Air Service of the Army, and he could have told the Army to cooperate. If we had had a separate air service at that time we would have had real efficiency in the air, but whether it was due to graft here at home or inefficiency in building airplanes, the fact remains that the German aviators could come over, leave a trail of smoke to point out the positions of the infantry, and then their artillery would throw shells into the infantry with no American air defense to drive off the German planes. I know that we had plenty of aviators, able and game aviators, willing and able to go up, but they did not have any planes.

I want a real air service, a separate air service, for the United States, so that soldiers in future wars will not have to stand there like sheep and be slaughtered without a chance to fight back because of the inefficiency of the Air Service in Washington or elsewhere. I do not want that to happen in the future wars.

Mr. UPDIKE. Will the gentleman yield?

Mr. CONNERY. Yes.

Mr. UPDIKE. Is not that the purpose of this five-year program, so that we shall have airplanes sufficient in any national emergency?

Mr. CONNERY. Yes; partly; and because I will take a half loaf rather than none, I will vote for the bill. The gentleman from Georgia said that I was in error a few minutes ago, and I want to tell him another reason why I have changed my mind and will vote in favor of the bill. I will vote for the bill because I believe the Republican majority do not want a separate air service, and unless this bill is passed we will have no

planes at all. We have the Johnson bill that was reported out of the Veterans' Committee three weeks ago. Why has this bill, which means so much to the disabled service men, not been given a rule. It is not before the membership of this House, and my belief is that it will not come before the House under a rule, because the leaders of the Republican Party in this House are afraid that if they bring it out on the floor Congress will put into the bill relief measures for the disabled soldiers, which they are entitled to, and because these measures might cost a little more money it would interfere with the economy program of the administration—millions for the big monied interests of the country by reducing their surtaxes, but economy by cutting off disabled service men appropriations. I believe they are going to hold it until the last six days of the session and then bring it up, so that no amendments can be offered, and thus double-cross the soldiers as they have been doing ever since I have been in this House. [Applause.]

Mr. UPDIKE. I want to say that I am heartily in favor of it.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. OLIVER of Alabama. Mr. Chairman and gentlemen of the committee, I recognize that there are sharp differences of opinion between Members of the House as to unified air service, and a council for national defense. Sooner or later these questions will likely be considered by the House and full opportunity will then be given every Member to express his views thereon.

So far as this bill is concerned, as well as the one to be reported by the Committee on Military Affairs, I submit that the question of unified air service is in no way pertinent.

The Committee on Naval Affairs in the pending bill have been liberal in authorizing an aircraft program for the next five years. Sometimes a committee will reserve to itself the power to make annual authorizations, and thereby often delay and embarrass another committee of the House, which has sole authority to appropriate but no authority to legislate. The Committee on Naval Affairs, however, in this bill has visioned the sentiment of the country as to the importance of aviation, and they are now simply seeking to write into law authorizations, up to certain limits, for a constructive and liberal air program covering a period of years.

The bill, while giving liberal authorizations to the Committee on Appropriations in the matter of providing aircraft for the Navy, yet fixes annually a limit beyond which the Committee on Appropriations can not go; and the chairman of the committee—the gentleman from Pennsylvania [Mr. BUTLER]—in order to make clear that there is no mandatory provision in this bill, has offered and had adopted an amendment expressly declaring that nothing in this bill shall be construed as doing more than provide authorizations, and that the power of Congress, within the limits fixed, is in no way abridged or limited.

Until appropriations are made, under an existing law the construction of aircraft authorized in this bill can not be contracted for, either by the President or the Navy Department, and Congress will alone determine, when future appropriation bills for the Navy are before the House, what number and types of aircraft it desires built, within the authorized limits. In other words, the future building program, within the limits fixed, will depend on what appropriations are annually authorized for the construction of aircraft.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. HILL of Maryland. I am in favor of a unified air service.

Mr. OLIVER of Alabama. Yes?

Mr. HILL of Maryland. I am also in favor of either a council of national defense or a unified defense department, but this bill does not in any way hamper such a thing. This bill and the Military Affairs Committee bill are both steps toward a unified air service under either a council of national defense or a unified defense department.

Mr. OLIVER of Alabama. Certainly no one who votes for this bill will be committed either for or against a unified air service or a council of national defense. These are questions not presented by the pending bill.

Now, in reference to the paragraph which the gentleman from New York [Mr. LA GUARDIA] moves to strike out, permit me to say I regard it as a very important paragraph. Let me illustrate: If Congress, in the next appropriation bill for the Navy, should, for reasons which at the time seem sound, not appropriate for the number of aircraft which this bill permits and authorizes for the fiscal year 1928, then, under the paragraph which the gentleman from New York seeks to strike out, in the fiscal year 1929 it could appropriate not only for the aircraft authorized for that year but for any it may have failed to appropriate for in 1928. The whole theory of this

bill is to provide, for a series of years, a constructive aircraft program. While liberal authorizations are carried, yet, in my judgment, Congress will not in the next five years appropriate for the maximum number of aircraft herein authorized to be constructed. Certainly the provision to which the gentleman from New York complains is another evidence of the liberality of the Committee on Naval Affairs in surrendering its jurisdiction over aircraft authorizations. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

SECTION 2

PARAGRAPH 1. Two rigid airships of a type suitable for use as adjuncts to the fleet and of approximately 6,000,000 cubic feet volume each at a total cost not to exceed \$8,000,000 for both ships, construction to be undertaken as soon as practicable and prior to July 1, 1927: *Provided*, That the two airships herein authorized shall be constructed in the United States: *Provided further*, That one or both of said airships shall be constructed either under contract similar to contracts covering the construction of other vessels for the Navy, or by the Navy Department, as the Secretary of the Navy may deem to be in the best interests of the Government.

PAR. 2. One experimental metal-clad airship of approximately 200,000 cubic feet volume, at a cost not to exceed \$300,000, chargeable to the appropriation provided in the Navy Department and Naval Establishment appropriation act for the fiscal year ending June 30, 1927, for continuing experiments and development work on all types of aircraft: *Provided*, That the metal-clad airship herein authorized shall be procured under contract, only on such terms and subject to such restrictions as the Secretary of the Navy may deem proper: *Provided further*, That to expedite construction of the experimental metal-clad airship, \$300,000 of the sum of \$1,928,000 included in the Navy Department and Naval Establishment appropriation act for the fiscal year ending June 30, 1927, for continuing experiments and development work on all types of aircraft may be made immediately available.

PAR. 3. The Secretary of the Navy is authorized to build at any navy yard or naval factory any of the aircraft, spare parts, or equipment herein authorized should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said aircraft, spare parts, or equipment have entered into any combination, agreement, or understanding the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said aircraft, spare parts, or equipment, or should it reasonably appear that any persons, firm, or corporation, or the agents thereof, being solely or peculiarly in position to manufacture or furnish the particular type or design of aircraft, spare parts, or equipment required by the Navy, in bidding on such aircraft, spare parts, or equipment, have named a price in excess of cost of production plus a reasonable profit.

To provide for the construction of the heavier-than-air craft and the lighter-than-air craft herein enumerated and described, except the experimental metal-clad airship, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, including, for the fiscal year ending June 30, 1927, toward the construction of the heavier-than-air craft program, the sum of not to exceed \$12,285,000, and toward the construction of the two rigid airships, to be available until expended, \$2,100,000, of which sum \$100,000 may be made immediately available.

Mr. BUTLER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BUTLER: Page 4, line 10, strike out the figures "1927" and insert in lieu thereof the figures "1928."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McCLINTIC. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC: Page 4, line 17, after the word "Government" strike out the period, insert a colon, and add the following: "And provided further, That construction shall not begin on the second rigid airship until the first one has been completed and given satisfactory flight tests."

Mr. McCLINTIC. Mr. Chairman, this bill provides for the construction of two separate types of airships. One is the metal-clad type, which will be of entirely different shape from the gas-balloon type. In other words, until these two ships are completed no one will know which is the proper type for the Navy. That is, the shape of one of them will be wrong and no one can tell which one of those ships is correctly formed.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. VINSON of Georgia. It would be 1931 before we can finish either one.

Mr. McCLINTIC. That is not in accordance with the provisions of the bill.

Mr. VINSON of Georgia. It requires three years to construct a Zeppelin, and it will require at least two years to construct a metal-clad ship, and the proposal of the gentleman is that you can not build the second one until the first is completed.

Mr. McCLINTIC. I do not accept the gentleman's statement as being correct. It is clearly a matter of opinion. The metal-type ship costs only \$300,000, and, according to the statement made by Mr. Upton before the committee, the plans, the blue prints, and a large part of the overhead work is already completed. The first flight tests of the Italian ship, or very soon thereafter, resulted in a great disaster. The first flight test of the American ship built in England resulted in a terrible disaster. Why would it not be in the interest of safety to construct one of these ships and see whether or not it will fly? There never has been constructed a ship as large as the two proposed in this legislation. We have no precedent ahead of us which we can follow to know whether they can be operated in a successful manner.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. McCLINTIC. Not now. If we do that, then it may not be necessary to construct another hangar to take care of these two ships. What I want is to proceed in a safe and business-like manner, and if we do then the second ship completed will be the most efficient dirigible in all the world, because we will profit by the experience of the ship that has already been completed. I am not against the principles of this legislation. I have supported it all the way through, but I am simply trying to call attention to a business situation, to a policy which, if enacted into law, will safeguard the construction of at least one of these 6,000,000 cubic feet dirigibles, and I see no reason why we should not proceed slowly and carefully and safely so that we may avoid what might bring about a disaster in the future. I yield to the gentleman from New York.

Mr. WAINWRIGHT. Is it not a fact that these two rigid ships provided for are nearly three times as large as the *Shenandoah* and larger than any airship that is proposed to be built by any other power in the world?

Mr. McCLINTIC. I have just made the statement that we have no precedent in all the world to follow, and I am not against the provisions of this legislation. I simply want to safeguard this bill in such a way that when we have completed this all-metal type of ship we will know whether or not it is the type and shape that should be copied in building the two large ships. I am afraid if we start out and try to construct these two ships on the same plan, we will not be able to get the best results.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. WOODRUFF. Mr. Chairman, I rise in opposition to the amendment.

Mr. McCLINTIC. Mr. Chairman, may I have two minutes more?

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. McCLINTIC. I want to say that the statement has been made that we will save a lot of money by starting on the construction of these two ships at the same time. Is that the policy of the Navy when it proceeds to build ships that are to be used in the fleet?

What would happen if the Navy would adopt a policy to contract all ships to the same company? We do not do it that way. We allocate these ships to the concerns that make the best bids. Suppose we did lose \$50,000 by making a little delay? Of what importance is that when you consider that the delay in the construction of the second ship might result in that second ship being three times as efficient as the other one?

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. ARENTZ. And you might postpone the cost of the hangar for two or three years. And the postponement of the date of the second ship is not going to postpone the date of the final construction of the ship?

Mr. McCLINTIC. No.

Mr. VINSON of Georgia. It will not be necessary to build any hangar even if you do build the two ships.

Mr. McCLINTIC. Well, it might be possible to get these two ships and the *Los Angeles* all in the Lakehurst hangar at the same time, but, in my opinion, they would be so crowded that you would not be able to handle them in the proper manner.

Mr. VINSON of Georgia. The hangar is large enough to take care of these two dirigibles.

Mr. McCLINTIC. Admitting for the sake of the argument that the statement of the gentleman from Georgia is correct, that does not do away with the necessity for the postponement of the construction of the second ship until the first is completed and successful and satisfactory flights are made.

Mr. VINSON of Georgia. It will be three years before you finish these dirigibles. It would be far wiser now to build the two than to merely build the one.

Mr. McCLINTIC. The first ship to be completed is the all-metal type; and this all-metal type, according to the testimony given before the committee, is of an entirely different shape from the one that is to be constructed with 6,000,000 cubic feet capacity, and it has been said that the new type of ship will be more efficient and will be better in all respects than the larger-sized ship.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. VINSON of Georgia. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. VINSON of Georgia. The construction of the metal ship is not dependent on the fabrication of the other ship. Is it not a fact that the Navy Department may never authorize the expenditure of the \$300,000 for experimental work on this so-called metal ship?

Mr. McCLINTIC. No. After that question was considered by the House, it was decided that the Navy would proceed with the construction, regardless of any action by our committee.

Mr. VINSON of Georgia. Is it not a fact that the Navy Department will not spend the money unless they have some assurance that it will be successful?

Mr. McCLINTIC. No; I do not think it is a fact.

Mr. BUTLER. My friend will remember that some of us hesitated on this metal ship until we knew what the terms prescribed by the Navy Department would be, that this must be a ship that can be used, before the \$150,000 is paid.

Mr. McCLINTIC. The appropriation bill makes available a certain amount of money for the construction of a ship of this type; and when satisfactory arrangements are made by Admiral Moffett for the building of this ship, the Navy will let a contract for its completion.

Mr. BUTLER. But the \$150,000 will not be paid unless this is satisfactory.

Mr. McCLINTIC. I agree with the gentleman. But if they do build this all-metal ship, it will be finished much sooner than the larger type; and if that is true, you would have the advantage of knowing whether or not they are more efficient.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. OLIVER of Alabama. Mr. Chairman, I ask that the gentleman may be allowed to proceed for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. OLIVER of Alabama. The gentleman seems to be laboring under the impression that the appropriation which the House recently approved in reference to the metal-clad ship would be considered a direction to the Navy Department. If the bill finally passes the Senate and is signed by the President, to immediately start the construction of the metal ship. I will say for the information of the gentleman that the Navy Department understands, and the Committee on Appropriations made it clear to them, that the matter will be entirely left to their discretion as to whether or not the \$300,000 would be available for that purpose.

Mr. McCLINTIC. I am very glad to have the statement of the gentleman; but I want to ask him, Does he know of any department of this Government in the last 50 years when money has been made available for expenditure that did not spend it? They always get rid of it.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. OLIVER of Alabama. Mr. Chairman, I ask that the gentleman from Oklahoma may have one minute more.

Mr. VINSON of Georgia. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

Mr. BLACK of Texas. Mr. Chairman, I ask that the gentleman may have five minutes.

Mr. LINTHICUM. I object.

Mr. GARRETT of Texas. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. GARRETT of Texas. You are going to have all the time you want on this bill, and you are not going to pass it this evening.

The CHAIRMAN (after counting). One hundred and eight gentlemen are present. A quorum is present. The gentleman from Michigan [Mr. WOODRUFF] is recognized.

Mr. WOODRUFF. Mr. Chairman, in the discussion of this particular item in the bill the gentleman from Oklahoma [Mr. McCLINTIC] has lost sight of a very important thing. It is possible that he does not remember certain testimony that was brought out during the hearings before the committee. The gentleman from Oklahoma either did not hear or has overlooked some of the testimony of Mr. Upson, the man who is to build this metal-class ship.

The capacity of this ship, the size of it, is to be approximately 300,000 cubic feet. I asked Mr. Upson why they fixed upon that particular size of a ship for their first ship. He made the statement that that particular type of ship was in the process of development and that they wished to build only the size which they could safely build in this early period of the development, and that is why they did not propose to build a larger ship of the metal type.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. WOODRUFF. Yes.

Mr. GARRETT of Texas. I understand the proposition of the gentleman from Oklahoma to be, regardless of any testimony before the committee or anything else, that in this bill you are proposing to build two rigid airships?

Mr. WOODRUFF. Yes.

Mr. GARRETT of Texas. One metal ship and two fabric ships. Now, he simply proposes that you complete the ship you are going to build and test it before you build the other. Have we not been criticized enough in this country for doing things on a big scale as to the Air Service and without knowing where we were going?

Mr. WOODRUFF. Congress has not been so careful about the building of types of ships for the Navy that have proven successful. Congress does not hesitate to authorize the construction of 8 or 10 cruisers or 3 or 4 battleships at one time, and every ship that is built by the Navy incorporates new ideas and new developments. I want to carry that other thought a little further. I ask Mr. Upson what would be the next size of metal-clad airship he would build in this process of development. He said approximately 750,000 cubic feet, and he stated very specifically to the committee that the men who are building this new type of ship would not by any means jump immediately into the large size. It will take many years to develop the metal-clad ship to the point where the fabric ship is now developed, and I very seriously doubt the wisdom of holding up the building of the types we know are successful pending the development of the metal clad.

Mr. BUTLER. Mr. Chairman, the committee has already adopted an amendment which I offered this afternoon, and within the last 15 minutes, fixing 1928 as the time when they must begin these ships. If you adopt this amendment, they will never build them, and you can not get them. It will take three years before they have one ship completed.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. VINSON of Georgia. Is it not a fact that the British Navy is now constructing two 5,000,000 cubic feet ships, and by the time they finish those ships we will have the benefit of their experience in engineering and that will be before we commence on ours?

Mr. BUTLER. Yes. And within two or three years, according to our information, they will build a ship larger than this one.

Mr. McCLINTIC. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. McCLINTIC. Did not the English Government complete one of those ships before it built the other?

Mr. BUTLER. No. They are building them both at this time.

Mr. McCLINTIC. But they started the second one after they completed the first one?

Mr. BUTLER. No.

Mr. McCLINTIC. Well, suppose both fail? Then they will lose about \$10,000,000?

Mr. BUTLER. That is true; and these things may fail. We can make no guaranty about them.

Mr. LANHAM. Mr. Chairman, I move to strike out the last word. My friend and colleague from Oklahoma has stated as one of his chief objections to the authorization of the building of these two ships practically at the same time that we have had no ships of this size heretofore, and, therefore, the matter is largely experimental.

The capacity of the *Shenandoah* and the *Los Angeles* in each case was a little more than 2,000,000 cubic feet. Here it is proposed to build two dirigibles each of 6,000,000 cubic feet capacity, approximately three times the cubic capacity of the largest ships we have had heretofore.

Now, gentlemen, we are likely to draw erroneous inferences from that statement. We are likely to conclude that by reason of the fact that we are to get three times the capacity that we are to have a ship of three times the size, but bear in mind that these dimensions of length and breadth and height do not increase in accordance with the cubical capacity of the ship, and that a ship of 6,000,000 cubic feet capacity will be but about 100 feet longer than either the *Los Angeles* or the *Shenandoah*; it will be but approximately 35 feet more in diameter; and so, instead of being three times the size of the ships we have had, it will be relatively very little larger, and by reason of the greater diameter it will, perhaps, have greater strength.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. BLACK of Texas. Take a well that will hold 10,000 cubic feet and one that will hold 30,000 cubic feet; would not the one that will hold 30,000 cubic feet be three times as large as the one that will hold 10,000 cubic feet?

Mr. LANHAM. From the standpoint of the cubical capacity it will hold three times as much, but I am speaking about measurements. The *Los Angeles*, as I recall, is about 650 feet long, or something like that. Now, it will require a ship about 780 feet long to hold three times as much gas as the *Los Angeles*, and the diameter will have to be increased, perhaps, 35 feet.

Mr. BLACK of Texas. Of course, we are measuring the contents of these ships by their cubical capacity, and we are not talking about the length and breadth.

Mr. LANHAM. I understand; but what I mean to say is that from the standpoint of aviation our problems are practically the same with reference to a ship 650 feet long and 70 feet in diameter that they would be with reference to a ship 750 feet long and 100 feet in diameter. Your problem is not magnified threefold by the fact that your capacity is increased three times.

Mr. McCLINTIC. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. McCLINTIC. How does the gentleman get around this phase of the situation? The leading engineer brought a type of a model before us of a metal type ship which was built in an entirely different shape from the one that is proposed to be built—that is, the 6,000,000 cubic feet type—and he said that this ship represents the latest idea according to their viewpoint, and will be more efficient because it acts better when you take into consideration the contact of the wind.

Mr. LANHAM. That was a metal ship to hold only 200,000 or 300,000 cubic feet, one on a par with our ships which we have in the Army and the Navy like the C type in the Navy and the TC type in the Army.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McCLINTIC. If the gentleman will permit, I would like to complete my questions. Both of these ships are filled with helium gas?

Mr. LANHAM. Yes.

Mr. McCLINTIC. And both of them are propelled by gasoline?

Mr. LANHAM. Yes.

Mr. McCLINTIC. Then one of them is bound to be constructed wrong.

Mr. LANHAM. No; they are of an entirely different type. One of them is a rigid ship and the other is not. In our C type ship in the Navy and our TC type in the Army there is but one bag holding all the gas, whereas in the larger ship there are compartments that hold the gas. The gas may leak

out of several of these compartments but the ship would remain afloat, which is not the case with the C type or with the metal type or the TC type in the Army.

Mr. McCLINTIC. But Mr. Upson stated that if we built the metal-type ship in a larger size it would have several compartments also.

Mr. VINSON of Georgia. And he further testified that if you built a 6,000,000 cubic-foot metal ship it would be practically of the same shape and of the same construction as the 6,000,000 fabric ship.

Mr. LANHAM. Mr. Chairman and gentlemen of the committee, I want to call attention to one other thing. Of course, the larger the ship the greater is the lifting power, and with the larger type ship there is greater efficiency.

We are to leave this matter of construction to the discretion of the experts of the Navy Department after all, and, if it is to be left to their discretion, why should we hamper them by putting in a provision here that they must wait until one ship is entirely completed before they can begin the building of the other ship?

I want to call your attention to the report on the bill contained in Document No. 203:

The cost of a single rigid of this size would probably run \$5,000,000. The second will cost much less, especially if built simultaneously. It is expected that a ship of this size would be a really useful and valuable addition to the Navy. We have facilities at Lakehurst from which to operate the two ships. With two ships the development of operating practice with the fleet and the demonstration of their value to the surface fleet will be much accelerated.

It is probable that the second airship will not be completed until well after the first has been flown for a considerable period. Consequently the second will incorporate any improvements suggested by the first.

In other words, it is the purpose of the Navy to suspend the final completion of the second ship until they have learned the lessons that may be derived from the first, but nevertheless much of the work on the two may go forward, and more cheaply, side by side; and since we must leave the matter to the discretion of our experts anyway, we should not hamper them in their construction of these vessels by saying that they can not start on the second one until they have completed the first one. England now is building two simultaneously and we will have the advantage that will come from the lessons to be learned from the construction of those two ships by England and from the first one we will build.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the debate upon my colleague's amendment may be closed in five minutes. I would like to say to the committee that it is desirable, if we can, to pass this bill to-night. For one, I would like to have some rest to-morrow, but if it is not passed to-night, I will ask that we proceed with its consideration to-morrow.

Mr. VINSON of Georgia. The gentleman from Alabama says he is perfectly willing for the committee to vote on the question now without having the benefit of his observations, and I suggest we vote and make some progress on the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. BLACK of Texas) there were—ayes 14, noes 61.

So the amendment was rejected.

Mr. McSWAIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McSWAIN: On page 5, line 8, add the following as part of paragraph 2:

"To encourage the development of aviation and to make available for such purpose all American citizens with knowledge, ability, and skill, the Secretary of the Navy, under general rules formulated and published by him and approved by the President, is authorized to offer prizes or premiums, not exceeding \$100,000 in any case, for the greatest improvement in the designs of aircraft, or any part thereof, said competition to be open to all American citizens that shall comply with such regulations, and notice of each such competition shall be published in three or more magazines or newspapers having nation-wide circulation, and such notice shall set out in a general way the terms of the competition, the general nature of improvement or development sought, and the amount of cash prize offered, and any machine, model, or device that shall be accepted as the winner shall henceforth be the property of the United States, which shall have the right to manufacture or to have manufactured other machines, aircraft, or parts at

pleasure from the same design or model without liability to the inventor or designer, but such successful competitor shall have the right to patent same, if otherwise patentable, and to enjoy the exclusive right thereof as against all persons other than the United States Government, or any department thereof. Other competitors shall have their inventions, designs, or devices returned to them after each such competition without prejudice to their rights as inventors to have same patented."

Mr. BUTLER. Mr. Chairman, I make a point of order against the proposed amendment.

The CHAIRMAN. Does the gentleman from South Carolina desire to be heard on the point of order?

Mr. McSWAIN. Yes, Mr. Chairman. The general subject of the bill is the promotion of aircraft and aircraft equipment, construction, and procurement.

Mr. Chairman, the paragraph to which the amendment is offered deals with experimental metal-clad airships and such matters relating to the construction of an experimental metal-clad airship.

This is a proposition to continue the experimentation on a nation-wide scale, to use the brains, the inventive genius of every man and boy in this country. When they see the advertisement in the Saturday Evening Post, the Literary Digest, or Harper's Weekly that the United States Government is offering \$25,000, \$10,000, \$50,000 for an improved device in the controls or in the equipment connected with the aircraft, it will put the brains that are now latent—the brains of boys who in the future may become Thomas A. Edisons—to work, stimulate them to produce aircraft in whole or in part or its equipment or its devices, so that the experiment section will become nation-wide and this Nation will make progress in a way that otherwise would never be made.

Mr. GARRETT of Texas. May I direct the gentleman's attention to lines 12 and 16 in the section proposed to be amended, in which it is provided that one or both of said airships shall be constructed either under contract similar to contracts covering the construction of other vessels for the Navy or by the Navy Department as the Secretary of the Navy may deem to be in the best interest of the Government?

Mr. McSWAIN. I thank the gentleman for that contribution. We are dealing with a proposition to encourage and promote aviation. If this should be held germane to this particular paragraph, I propose to offer it to another paragraph.

The CHAIRMAN. The Chair is ready to rule. The bill under consideration has the following title:

To authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith.

The first section of the bill says that the President of the United States is hereby authorized to undertake the construction and procurement of airplanes, spare parts, and equipment for the Navy, specifying the number, cost, and time of procurement of such planes.

Section 2 in the first paragraph provides that the President may procure by contract or purchase two rigid airships, and paragraph 2, to which this amendment is proposed, provides for a metal airship at a cost not to exceed \$300,000. Paragraph 3 contains restrictions with reference to the interference with free competition in bidding for the construction of the airships authorized in the bill.

Section 3 merely deals with the personnel that are to operate the aircraft now on hand and to be procured under the provisions of the bill.

The provision embodied in this amendment offering, generally, a prize for aircraft development, aircraft invention, design, and construction is manifestly not germane to the section. It is not only not germane to the paragraph, but the Chair will state, in view of the statement of the gentleman from South Carolina that it is his intention to offer it as a new section, that in the opinion of the Chair the amendment is not germane to the bill itself. The Chair therefore sustains the point of order.

Mr. McSWAIN. Mr. Chairman, I offer another amendment. The Clerk read as follows:

Page 5, after line 25, add the following: "That it shall be unlawful, in every case where competition is invited for the purpose of letting any contract for the purchase, construction, or designing of any aircraft, or any part thereof, for any person, firm, or corporation, their officers, agents, or employees, to enter into any agreement, combination, or understanding calculated or intended to prevent, restrain, or limit, directly or indirectly, free, open, and fair competition in bidding for designing or constructing or repairing any aircraft or parts, and any person, firm, or corporation indicted, tried, and convicted of

violating the provisions of this act shall be sentenced to pay a fine of not more than \$1,000,000 or imprisonment not more than 20 years, or both, at the discretion of the court."

Mr. CHINDBLOM and Mr. VINSON of Georgia reserved points of order.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. McSWAIN. On the point of order?

The CHAIRMAN. No; points of order are reserved, and the Chair does not care to hear the gentleman on the point of order.

Mr. McSWAIN. Mr. Chairman and gentlemen, the gentleman from Pennsylvania [Mr. BUTLER] yesterday, I think, expressed what I believe is the sentiment of 95 per cent of the membership of this House, and 95 per cent of the people of this country, that it is a dangerous proposition to cut out the provision of law that has been the protection of this Nation for 100 years and more, that requires competitive bids in letting contracts for building airships or water ships, or any other Government property. I am proud to say that the Committee on Naval Affairs comes in with a unanimous report agreeing not merely that the law shall stand, as it now is, but they provide by this paragraph 3 in section 2 to strengthen the present requirements of the law so that if the Navy Department smells around and finds out what they think is collusion or what the gentleman from Pennsylvania said "they called euphemistically a gentlemen's agreement," or mere understanding, they can proceed under the law to build these aircraft in the Government's own shops.

We all understood what he [Mr. BUTLER] understood when he said that an understanding is just a downright deliberate plan to extract from the Treasury of this Nation money in excess of the just and reasonable market value of the commodity to be sold or the service to be rendered. There is too wide a sentiment throughout this country to the effect that the Treasury of the Nation is a common prey for anybody who has brains enough to plunder it. Lots of people think that it is smart to get into the Treasury if they can, and rather applaud the man who can.

Mr. VINSON of Georgia. Does not the gentleman think that the language of paragraph 3 of section 2 requires the sharpest competition, or else the Navy will construct its own aircraft factory?

Mr. McSWAIN. Absolutely, but I think I can satisfy my friend why we should go a little further. This provides that if the Navy Department, pending negotiations, finds what it then thinks is something like a gentleman's agreement, a "clubbing of bidders" among bidders, then it shall stop this competitive bidding and build the ships in the Government factory.

But suppose the Navy Department does not find that out; suppose these gentlemen had their meeting so far away from Washington, so secret and elusive, that the Navy Department will never know nor reasonably suspect they have met in some hotel room and have agreed in advance how they will all bid.

Mr. BUTLER. How are we going to convict them if we do not find them out?

Mr. McSWAIN. Evidence always comes out after a crime is committed, after the smart trick has been turned, after the contract has been let. Perhaps years after the ship is built some smart-Aleck business man basking in the sunshine down yonder in East Palm Beach, near Cuba, or out in California, will begin to brag and talk about how he did the Government, or maybe somebody working for him will tell it. They Department of Justice can then have him face the courts of this country. We talk about censuring some judges for having pity for a poor boy who reaches his arm into a baker's window to get a loaf of bread to satisfy his hungry body. Larceny such as that is not comparable in corruption with the deliberate plan of a well educated, shrewd, big business man to rob his Government's Treasury and of the tax resources that the hard-working people of the Nation have put there as a trust fund for the defense of the Nation. I have more sympathy for a common thief than I have for such a business man who uses his ingenuity, his sagacity to scheme to get millions from the Government's Treasury. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. VINSON of Georgia. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. GARRETT of Texas. I call my colleague's attention to the fact that all of the difficulties that he has spoken of here that may appear must, under the language of paragraph 3 of section 2, "reasonably" appear. I wonder if it would not be stronger to strike out the word "reasonably." Why not just say "should it appear"? What is the use of putting a word in there and letting them strain over it?

Mr. VINSON of Georgia. This is the identical language that deals with the authorization for the construction of battleships.

Mr. BUTLER. And has been always.

Mr. McSWAIN. That language is all right, but it does not go far enough. The common law and fraud statutes that are on the statute books of every State in the Union do not undertake to convict a man who commits fraud in advance of the deed. This is to protect the Government after we have done business with the crook, and to put the thief behind the bars and make him disgorge some of the millions that he may have extracted from our Treasury by going into the Navy Department and pretending that there has been a competitive bid, when, in fact, they have done something the night before in the Mayflower Hotel or some other hotel, and agreed in advance just what their bids will be, when everyone knows who will be the successful bidder. Every man on this floor is familiar with the old trick of letting bridge contracts. A certain county is to build a bridge, say, over on Beaver Dam Creek, and the letting is before the county commissioners. The night before all the bridge builders get together and they agree in advance who shall have this particular bridge, and they put in a dozen bids, and they all look mighty nice and clean. The county commissioners never know beforehand, but the bidders know before they ever sign their names to their bids just exactly who will get the contract. The man who makes the lowest bid gets the contract, and the next time another contractor makes the lowest and gets the bridge contract and the next time another one, and when they have all gotten around and every contractor had his day, and they have each one filled his pocket with fat profits to which he was not justly and morally entitled.

Mr. HOCH. Is there not a statute now against conspiracy for fraud?

Mr. McSWAIN. Yes; but this might not be construed to be expressed fraud, constituting a crime. This does not say fraudulent understanding, crime, or arrangement. What is fraud? Fraud, as the judge will charge the jury must be a conscious, sinful purpose to deprive another person unlawfully and wrongfully of his property. But here we undertake to say to a specific class of contractors, and put them on notice, that if they do not play fair with their Government, they not only can not do business with the Navy Department but, if they get by the Navy Department, if they fool the Navy officers, if they deceive them, then they may hereafter have to face a petit jury, and if convicted, pay a fine and serve a sentence.

I believe that some individuals deeply interested financially in private aircraft factories have been carrying on deliberate and far-reaching propaganda to eliminate competitive bidding in letting contracts for Government aircraft for the use of either the Army, the Navy, the Post Office, or any other department. We remember very well that these propagandists through at least one, if not more, highly intelligent and widely influential spokesman, convinced for the time being at least the members of the special committee of this House, commonly called the Lampert Committee, to recommend the elimination of competitive bidding under certain conditions. This same propaganda was continued before the President's Aircraft Board, commonly called the Morrow Board, and resulted in the same recommendation.

I do not know who Mr. Paul Henderson is, but to-day's mail brings from him a reprint of an article in World's Work for April, 1926, entitled, "America takes the lead in Aviation," by Howard Mingos. I do not know Howard Mingos, nor what his business is, but this paragraph from page 636 of said magazine is manifestly the heart and purpose of his effort:

In trying to solve the problem of national defense the investigators stumbled upon the chief difficulty. It was this: As a munitions industry American aviation would always have remained dwarfed, struggling along under a badly arranged Federal contract system. In an emergency the industry could not be expanded to meet military requirements. It would be necessary to develop commercial aviation for the national defense. Each year civil aviation measures had been introduced in Congress—to die of neglect at the close of the session and invariably in the midst of a bitter investigation. It is now recognized that those congressional inquiries have been most important, for Congress has become educated in aircraft matters.

The Hon. Dwight W. Morrow appeared before the Military Affairs Committee and earnestly and ably urged the modifica-

tion of the present law so that either the Navy Department or the War Department, or any other department, might enter into a contract with any aircraft manufacturer without any competitive bidding whatever and with a virtual invitation and instruction to the representative of the Government to pay the manufacturer more than the aircraft might actually be worth, in order to justify the manufacturer in maintaining a large overhead expense and to enable it to pay dividends on its stock so that it might stay in business and thus an aircraft industry be fostered and sustained by this direct bounty and subsidy from the Government.

I am proud to say that from the time this suggestion was first made until this good day I have been fighting this proposition to eliminate competitive bidding with all my energy and limited power and influence. I am proud of the continuous opposition and fight that I made in the Committee on Military Affairs against this very insidious and dangerous propaganda for a period of more than 60 days; and although the vote of the committee stood 11 in favor of "no competition in bidding" as against 10, including myself, in favor of preserving the present requirements of competitive bidding, yet it became manifest that the committee could never hope to receive the indorsement of the House of Representatives if it were divided so nearly equally on so important a proposition. Therefore I feel a modest pride in having contributed to the defeat of such a dangerous suggestion. Finally the Committee on Military Affairs abandoned the thought of including within its bill any provision to eliminate competitive bidding.

You may therefore imagine my great pleasure—indeed, my joy—when I learned that the Committee on Naval Affairs had unanimously rejected the proposition to eliminate competitive bidding and had gone further and provided that if there should be evidence of any understanding or agreement amongst the manufacturers tending to deprive the Government of the benefits of free, open, and unrestricted competition, then the Government might build its own aircraft in its own factories. From this effort to grease the hinges of the Treasury—in fact, to give the Treasury as to aircraft manufacturers a door swung on double-action hinges, swinging back and forth in either direction—there comes further propaganda in the form of extracts from the testimony of Mr. Howard E. Coffin before the special committee of the House of Representatives, and perhaps before the Morrow committee, printed on very expensive paper, with elaborate illustrations and handsomely gotten up; and the heart and meat of this propaganda is evidently contained in this paragraph, which I quote from page 21:

More or less arbitrary selection should be made of those plants and those technicians best qualified to aid in the governmental program, and development and production contracts should be so distributed between them as to keep them profitably and continuously employed. Questions of cost and profits are of secondary importance, but may be readily adjusted when a proper and sympathetic realization of the common interest has been achieved. By all means discontinue without delay the necessity for the present "low-bid" form of purchase contract.

I have offered a substitute for the crude and unscientific proposition to encourage the aircraft industry and the progress of the science of aeronautics made by the aircraft manufacturers to subsidize them from the Public Treasury, but so far my suggestion has had rather rough sledding. When section 2 of the bill had been read, I offered the following amendment by way of addition to the existing language, but a point of order was made that the amendment was not germane either to the section under consideration or to the bill itself, and the Chairman of the Committee of the Whole House on the state of the Union sustained the point of order and ruled the amendment out of order. However, several members of the Committee on Naval Affairs expressed deep interest in the suggestion and said to me that they regretted that I had not appeared before the committee while they had the bill under consideration and suggested this method of encouragement, but very naturally they are loath to accept a very important amendment, fixing a far-reaching policy, without having given the matter very mature consideration. My amendment was in the following language:

To encourage the development of aviation and to make available for such purpose all American citizens with knowledge, ability, and skill, the Secretary of the Navy, under general rules formulated and published by him and approved by the President, is authorized to offer prizes or premiums, not exceeding \$100,000 in any case, for the greatest improvement in the designs of aircraft, or any part thereof, said competition to be open to all American citizens that shall comply with such regulations, and notice of each such competition shall be pub-

lished in three or more magazines or newspapers having nation-wide circulation, and such notice shall set out in a general way the terms of the competition, the general nature of improvement or development sought, and the amount of cash prize offered, and any machine, model, or device that shall be accepted as the winner shall henceforth be the property of the United States, which shall have the right to manufacture or to have manufactured other machines, aircraft, or parts at pleasure from the same design or model without liability to the inventor or designer, but such successful competitor shall have the right to patent same, if otherwise patentable, and to enjoy the exclusive right thereof as against all persons other than the United States Government, or any department thereof. Other competitors shall have their inventions, designs, or devices returned to them after each such competition without prejudice to their rights as inventors to have same patented.

The purpose of this amendment is not entirely manifest without some explanation. I recognize that aeronautics are just in their infancy. I recognize that it is a new art and a new industry, and I am profoundly impressed with the far-reaching importance that it will exert in the future both in war and in peace. Therefore I am ambitious that our Nation is not only keeping abreast in the development of this common art, but that we may lead the van and keep ahead of other nations in the development of aviation, just as we have done in the practical application of electricity, the telegraph, the telephone, wireless telegraphy, and radio; just as we have done in the practical application of steam and steam transportation on land and water; just as we have done in the development of the internal-combustion engine as applied to the automobile; just as we have done in farm implements and in textile machinery and in a thousand labor-saving devices.

Now there is this wide fundamental difference between the view that I take and the view represented by the report of the Morrow committee and of the Lampert committee. My view is that genius does not reside in the drafting room nor in the designing staff of a large manufacturing corporation that soon becomes bound by red tape and bureaucratic methods. The well-educated and skillful engineers and designers and draftsmen of these large aircraft manufacturing concerns will only work six, or seven, or eight hours a day, and they must play their golf and have their dinner parties and their dances in the evening, and their work becomes a mere routine, looking to the clock and to the end of the month as the measure of their service.

Then where does genius reside? Where have all great inventions come from? Does not all history show that far-reaching development, fundamental inventions, and real progress has come from the poor man who works in either the basement or the garret, who rigs up his little work shop in the garage or in the barn, or in the "village smithy"? Mr. Chairman, if you let the newspapers and magazines broadcast through this Nation the information and fact that the Navy Department and the War Department and the Post Office Department and the Agricultural Department, and maybe other departments of the Government will offer prizes, cash prizes, in varying sums of money, depending upon the importance and supposed value of the improvement shown to be made in aircraft or parts of aircraft—maybe the prize will be \$5,000 in cash, or \$25,000 in cash, or \$50,000 in cash, and not more than \$100,000 in cash—then not only the bureaucratic red-tape staff of two, or three, or four big aircraft manufacturers will set their brains to work, but tens of thousands, and maybe hundreds of thousands, of people—men, women, boys, girls, of all grades of experience and education and vision and imagination and talent—will set their minds to the solution of the problems presented by the various competitions proposed by these departments.

These private individuals, these men and women and boys, working in their private shops in either cellar or garret or garage or barn, will not know any eight-hour law; they will work perhaps all night when they find they are close upon the solution of the problem. They will not be bound by red tape. Their brains will not be blurred by dinner parties and whirling dances. They will concentrate their thought upon their tasks, and out of this multitude of searchers after truth will come the discovery of truth. Ten thousand seekers are more apt to find it than one-half dozen seekers.

Then the difference between my solution and the Morrow Board solution is fundamental. My solution proposes to arouse the ambition and to stir the effort and to stimulate the energy of 10,000 minds, whereas the Morrow Board report merely proposes to pay subsidies out of the Treasury in order to pay dividends on the stock of huge corporations engaged in the manufacture of aircraft, so that they may be kept in business. The aircraft industry will grow without Government subsidy,

just as the automobile industry grew and must grow, as the electrical industry has grown, and just as the industry based on steam power has grown. But in order to stimulate the development, in order to bring about more rapid progress in aviation, I am willing to offer these prizes, these cash premiums, in order to put America in the lead in every respect of aviation.

Mr. Chairman, to make some estimate of the amount of money that will be saved to the Treasury by rejecting the effort to remove the restrictions of competitive bidding in the purchase of aircraft is not very difficult. If the naval program and the Army program become law, then in the next five years these two departments alone will spend about \$150,000,000 for aircraft of all kinds and aircraft parts. Under the law as it now stands we may reasonably hope and expect to get nearly 100 per cent of value for the money that we spend.

The aircraft manufacturers will be bidding against one another unless they conspire and collude to make false and fictitious bids, and it is reasonably safe to assume that the lowest bidder will be somewhere in the neighborhood of the reasonable market value of the commodity to be sold. But what would have happened if the bridge had been taken off? Under the virtual instructions to the department to pay more than the market value of the aircraft, to pick out favorite and selected manufacturers and to pay them huge prices, enough to support enormous overhead expenses, with no limitation on salaries of officers and salaries paid to engineers, architects, and designers, and in addition to this to pay good dividends on the stock, then we may be safe in calculating that at least one-third more than the actual value would be paid for the aircraft bought and delivered. That being so, these favorite aircraft manufacturers would have received a bonus of at least \$50,000,000 in the form of a subsidy from the Treasury of the United States. This subsidy would not increase the number of manufacturers, would not expand the industry, but would merely make profitable certain favorite business concerns now already in the aircraft industry. Naturally, therefore, Mr. Chairman, I have a just pride in having contributed in a small and humble way to the defeat of proposed legislation that would have taken from the Treasury for the next five years at least \$50,000,000 without any proper, fair, and honest return. But this \$50,000,000 bonus would be a mere beginner. Other departments will be using aircraft in increasing numbers. The Army and the Navy must, in the future, buy more aircraft unless the world agrees to disarm. The War Department and the Navy Department have been asking for the elimination of competition for other articles, such as Signal Corps equipment and chemical warfare service. Already the Ordnance Department has authority to buy certain articles that have the quality of military secrecy without competitive bidding. But it would never do to extend this privilege one inch. Military secrets exist largely in the imagination of some people. Every nation has its intelligence service prying into the military progress of other nations. In fact, many friendly nations exchange military intelligence and invite the military attachés of other nations to see their latest improvements in weapons.

So, Mr. Chairman, this agitation about aviation has done much good already. It has called to the attention of Congress and of the country the reactionary attitude of mind of those in high command and control of the Army and the Navy. It has developed and made conspicuous the lack of coordination and cooperation between the Army and the Navy. It has exposed the duplication of services between the Army and the Navy that costs our taxpayers at least a hundred million dollars a year. The Lampert committee unanimously recommended in favor of a single department of national defense. The Morrow committee, composed of able men specially selected for the particular purpose, admitted that there are many strong arguments in favor of a single department of national defense, but recommended against the adoption of same. Of course, it would have been impossible for men like General Harbord and Admiral Fletcher to uproot a lifetime of prejudices and of habits of thought and to agree with civilians like the Hon. Dwight W. Morrow and others that a single department of national defense could promote economy and efficiency in both the Army and the Navy. It may take two or three years more of agitation to educate the mind of the country and of the Congress to the point of realizing the necessity of a single department of national defense. The committees of Congress are beginning to do their own thinking. The social lobby is not as powerful as it used to be. Soon the big taxpayers and their magazines will begin talking and writing about how a hundred million dollars ought to be saved in our defense activities and must be saved by the establishment of a single department of national defense and at the same time our defense forces be more effective.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. VINSON of Georgia. Mr. Chairman, I make the point of order that the amendment is not germane.

The CHAIRMAN. Paragraph 3 of section 2 provides certain safeguards against practices in connection with the manufacture and procurement of these aircraft which are deemed inimical to the best interests of the Government. The amendment offered strengthens the safeguard and provides an additional safeguard by imposing a penalty for the practices which are so described and which are here dealt with. It seems to the Chair, therefore, that the amendment is germane both with respect to subject matter and with respect to purpose. The Chair, therefore, overrules the point of order. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the yeas appeared to have it.

Mr. McSWAIN. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 30, yeas 58.

So the amendment was rejected.

Mr. FRENCH rose.

Mr. BUTLER. Mr. Chairman, I would like to see if we can get an agreement as to time. It is coming on 5 o'clock.

The CHAIRMAN. There is no amendment pending, and the Clerk will read.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR of Louisiana: Page 5, line 9, strike out the word "authorized" and insert in lieu thereof the word "directed." Insert a period after the word "authorized," in line 11, and strike out the balance of the paragraph.

Mr. BUTLER. Mr. Chairman, this is subject to a point of order. I reserve a point of order.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order on the amendment.

Mr. TABER. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman from New York makes a point of order.

Mr. BLANTON. It merely strikes out. It clearly is not subject to a point of order.

The CHAIRMAN. The Chair will examine the amendment.

Mr. BUTLER. It simply strikes out the paragraph there that directs the Secretary of the Navy to build these airplanes if there is any cheating proposed. I am not in favor of striking that out.

The CHAIRMAN. The Chair will hear the gentleman from New York on the point of order.

Mr. TABER. The amendment proposes to strike out the word "authorized" and inserts in place of it the word "directed."

The CHAIRMAN. It is not with reference to the construction of the ships herein authorized, but with reference to constructing in the navy yards such ships as are authorized and, by implication, may be later appropriated for. The Chair will call the attention of the gentleman from New York to the fact that the section reads:

The Secretary of the Navy is authorized to build at any navy yard or naval factory any of the aircraft, spare parts, or equipment herein authorized.

He is already, under certain circumstances, authorized and directed so to do, and this simply makes the direction complete. The Chair does not think the amendment is subject to a point of order.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman from Louisiana [Mr. O'CONNOR] yield to me for a moment?

Mr. O'CONNOR of Louisiana. Certainly.

Mr. VINSON of Georgia. The effect of the gentleman's amendment is to require all the airplanes and spare parts to be built in the navy yard or air factory at Philadelphia, and precludes the industry from having opportunity to bid.

Mr. CHINDBLOM. Does not the amendment strike out everything after the word "authorized"?

Mr. VINSON of Georgia. Yes.

Mr. CHINDBLOM. So that instead of the amendment reading as it now does, it provides that the Secretary of the Navy shall be authorized to do the work in the navy yards or factories under certain conditions, and the amendment would make it certain that this work should be done always in navy yards and naval factories.

The CHAIRMAN. Yes. The gentleman from Louisiana is recognized.

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen, the purpose which I hope to accomplish through the amendment which I have offered has been clearly apprehended by the gentleman from Illinois [Mr. CHINDELOM] and those other Members who seem to believe that a point of order might lie against my offer. I want the construction and procurement of aircraft and aircraft equipment for the Navy and the Marine Corps confined to the navy yards and the Government establishments. When the Military Committee brings in its aircraft program for consideration by the House I hope that some Member, if it be necessary, will offer an amendment similar to the one that I have just proposed to the pending bill. Common sense makes it clear to everyone in and out of this House that we are laying the foundation in this bill for an aircraft superstructure in the future that will make planes and dirigibles as numerous as flies. Aircraft factories and plants will stimulate the public imagination by propaganda that will result in an irresistible pressure upon Congress to build more and more planes. Our Government will be drained of its gold, its Treasury will be exhausted by the builders of aircrafts who will clamor for more machines under the guise of protecting the country from some imaginary invasion that will be painted in such lurid colors and letters as to make it a reality and actuality in the ofing to the minds of our patriotic Americans who are always anxious to answer the bugle blast of their country. It is an old game to play upon the fears of a people, and patriotism knows no greater stimulant than the suggestion of an invasion from across either one of the two great oceans. Such an attitude, the result of profit-making influence, inevitably carries a nation into war. It is against such an attitude that I am protesting through the amendment which I have offered.

I want to see our country prepared for offense when such a position is unavoidable and undertake offensive measures when all other measures of an honorable nature have failed to prevent such an extraordinary course. I want your country and my country to be prepared from the standpoint of defense at all times. Our honor and our national dignity must always be maintained and our commercial interests fully protected. This consummation can be secured by an adequate Naval and Military Establishment free from the suspicion that attaches to a constantly expanding war machine. I want your land and my land to be free from the war mania, however, that leads to blood, tears, agony, and death. Millions for defense, but not one cent for tribute to a foreign foe or to the patriot who wraps himself in the flag of our country and as an interested munition profit maker and taker urges preparedness and more preparedness, in order that his factories engaged in the manufacture and output of war apparatus and necessities might be driven to the limit. I want to confine the production of war material and necessities, the building of battleships, cruisers, submarines, and aircraft to our governmental establishments, free from the voice of the propagandists and the alarmist who makes shudders out of arousing the fears of his countrymen. I want to take the profit out of war and, as far as I can, remove from the minds of our people the hellish, greedy, and rapacious influences that have prospered and gotten rich and opulent out of the miseries of the millions of victims that wonder, like old Caspar's granddaughter, what the famous victory of Blenheim was all about. I want to free our people from the tremendous influence generated and fired by fireside patriots who are willing to add a few dollars more to bursting bank accounts, even though your son and my son die like dogs in the mud on a foreign strand.

Notwithstanding that the world is apparently in a turbulent mood there is much thought in the minds of many people that the conflagration that almost burned this old earth into cinders and ashes did not originate altogether from the standpoint of protecting human rights so much as it was the inevitable and logical consequences of the large armies and navies brought into existence by the unparalleled propaganda that had been urged so adroitly through the recent years. And what came of the war? Just what has come from nine out of ten wars, griefs and agonies that will not be extinguished for years to come. My country, may she always be right, but right or wrong, my country, on the lips of a sincere patriot is the noblest cry that can go up from the throat of an American. But let us make our patriotism free from insidious assaults and prevent them being used for selfish and ignoble purposes. Let us see that the Government controls every avenue that leads to war and is its own munition maker and aircraft maker and submarine maker, and we will have an adequate defense free from the malevolent pernicious, and rapacious influences that apparently can turn wrong into right and distort aggressiveness into patriotism. With the Government in absolute control of

the making of war necessities, where there will be no profit for the vulturelike forces that reap millions out of tragedies, there will be less war scares and more common sense, there will be more talk of a friendly nature and less of a belligerent character.

Gentlemen, we are standing close to the edge of another cataclysm. Everyone knows, everyone feels it. It is our duty to do what we can to prevent what is apparent to many minds as the coming test of the world's civilization. No one who listened to the distinguished gentleman from North Carolina on yesterday can escape the conviction that a calamity is impending and that it will require the greatest patriotism and love of humanity the world over to prevent a terrible clash within a relatively few years. He is not the man to prophesy the gloom we all in a faint way see ahead. But he is the man to hope and pray that his country and other countries might avoid a war that will prostrate if not annihilate the greatest civilization which history records.

You heard him and I heard him state in a voice almost choking with tears that he voted for the rule under which we are considering this bill most reluctantly and only because he thought that the terrible necessities that lie ahead would prevent him from adopting any other position. You know and I know that he expressed not only your thought and my thought, but the thought of many men, that unless something be done to check the rising tide that the world will be engulfed by another disaster before many years have swept their way into eternity. Many men and women to-day feel that war is more perceptible within a few years than anyone felt a year before the World War began on never to be forgotten August 1, 1914.

Let us do our best and discharge a solemn duty to our country and to humanity by making for a world peace, by bending off and destroying the psychology that is preparing our sons for the shambles. Let us, I repeat, and I can not repeat it too often, take the profit out of war. Remove from the disputes of nations the greedy influence of the rapacious maker of war material and the disputes will be adjudicated without the firing of a shot, the digging of a trench, or the shedding of a drop of blood. If we believe in peace, why not adopt measures that will make for peace, even in the direction of our war establishment? If we believe in peace why this war-like demeanor and preparation for war, which, if it does not excite the alarm of other nations, will at least justify their expanding their existing war machines? If I had my way I would forever prohibit the manufacture of war equipment and war materials by anyone other than the Government itself, and in that way I am confident I would do more to advance the peace of the world than has ever been accomplished through so-called diplomatic channels.

Yes, Mr. Chairman, we must maintain our dignity and our honor and our national interest. The American flag must be respected here and abroad, but we can accomplish this noble purpose and secure these desirable results to larger and greater advantage by maintaining our patriotism free from the lust of power and uncontaminated by the greed of private interest. We must maintain an adequate Naval and Military Establishment, and not one that will excite the fear, the enmity, and the hostility of other peoples.

Mr. McLEOD. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. I will for a question.

Mr. McLEOD. The gentleman realizes that this amendment, if adopted, would prevent the building of this metal airship?

Mr. O'CONNOR of Louisiana. Yes; I have no doubt about it.

My purpose is clear. I wish to slow up as much as possible the haste that is associated with this bill. I want never to lose sight of an adequate defense, but I want a vision of peace to grow larger and more luminous to the eyes of men. I have not abandoned the hope that peace can be made to reign instead of the sword. I have not given up hope that the voice of reason instead of the cannon's roar can settle many of the disputes that might under a militaristic attitude plunge the world into war. I have faith in the intellectuality of such a mighty civilization as ours, with its wonderful accomplishments and record along engineering, architectural, and journalistic lines, and feel that when its genius, free from rapacity and greed, is brought to bear upon the greatest problem that has ever afflicted the sons of men, that the curse of war will be solved and the question of the ages answered aright.

The CHAIRMAN. The time of the gentleman from Louisiana has expired. The question is on agreeing to the amendment offered by the gentleman from Louisiana.

The question was taken, and the amendment was rejected.

Mr. LaGUARDIA. Mr. Chairman, I ask unanimous consent to revise and extend the remarks I made in general debate.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend the remarks he made in general debate. Is there objection?

There was no objection.

The Clerk read as follows:

SECTION 3 (PERSONNEL)

PARAGRAPH 1. That hereafter when the term "naval aviator" is used in this act or any other act it shall mean any commissioned officer or warrant line officer in the Navy or Marine Corps who has successfully completed the course prescribed by competent authority for naval aviators and who has been or may hereafter be designated or appointed a naval aviator by competent authority and who has flown alone in a heavier-than-air craft not less than 75 hours and who has flown in heavier-than-air craft a total of not less than 200 hours or who has been in the air, under training, in rigid airships not less than 150 hours and successfully completed the course prescribed by competent authority.

PAR. 2. That hereafter when the term "aviation pilot" is used in this act or any other act it shall mean any enlisted man in the Navy or Marine Corps who has successfully completed the course prescribed for aviation pilots and who has been or may hereafter be designated or appointed an aviation pilot by competent authority and who has flown alone in a heavier-than-air craft not less than 75 hours and who has flown in heavier-than-air craft a total of not less than 200 hours.

The term "pilot" shall be construed to mean a naval aviator or an aviation pilot.

PAR. 3. That hereafter when the term "naval observer" is used in this act or any other act it shall mean any commissioned or warrant officer in the Navy or Marine Corps who has successfully completed the course prescribed by competent authority as a naval aviation observer and who has been in the air not less than 100 hours and who has been or may hereafter be designated or appointed as a naval aviation observer by competent authority in the Navy.

PAR. 4. That hereafter when a line officer of the Navy is to be detailed to the command of a Navy aviation school or of a Navy air station or of a Navy air unit organized for flight tactical purposes he shall be a naval aviator.

PAR. 5. Line officers detailed to command of aircraft carriers or aircraft tenders shall be naval aviators or naval aviation observers who are otherwise qualified.

PAR. 6. That any officer of the Navy, line or staff, of the permanent rank or grade of commander or lieutenant commander at the time of the passage of this act who has specialized in aviation for such a period of time as to jeopardize his selection for promotion or advancement to the next higher grade or rank under existing provisions of law and whose service in aviation has been in the public interest shall be so notified by the Secretary of the Navy and at his own request be designated as an officer who will be carried as an additional number in the next higher grade or rank not above the grade of captain if and when promoted or advanced thereto: *Provided*, That selection boards in cases of such officers shall confine their consideration to the fitness alone of such officers for promotion, not upon the comparative fitness of such officers.

PAR. 7. That hereafter when a line officer of the Marine Corps is to be detailed to the command of a Marine Corps aviation school or of a Marine Corps air station or of a Marine Corps air unit organized for flight tactical purposes he shall be a Marine Corps aviator.

PAR. 8. On and after July 1, 1928, not less than 30 per cent of the total number of pilots employed in the Navy on aviation duty shall be enlisted men.

Mr. McCLINTIC. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. McCLINTIC: On page 8, strike out paragraph 6 and insert the following:

"That hereafter officers in the Navy assigned to aviation may be promoted by the examining or selection boards without taking into consideration any rule or regulation relating to sea duty or service in any other branch of the Navy: *Provided*, That fitness, experience, and qualifications shall be the determining factors to be judged by said boards."

Mr. VINSON of Georgia. Mr. Chairman, I reserve a point of order against the amendment.

Mr. McCLINTIC. Gentlemen of the committee, my amendment, which would substitute a new paragraph for paragraph 6, specifically uses the word "may," leaving the entire discretion in the hands of the Navy. The paragraph in the bill as it now reads would only affect those of the grade of commander and lieutenant commander. I am not willing to discriminate against the very heart and backbone of the Navy in aviation by saying to the class of officers who are below the grade of commander and lieutenant commander that they shall

carry out and follow all of the rules and regulations of the Navy with respect to sea duty before they can be promoted in aviation. In other words, Mr. Chairman, if this paragraph is adopted in its present form, it discriminates against 115 young officers who are below the rank of commander and lieutenant commander. These officers can never be promoted until they follow the usual rules and regulations that relate to service in other branches of the Navy.

What is the backbone of aviation? Is it the commanders and lieutenant commanders or is it the ensigns, junior lieutenants, and lieutenants? What is the proper age of a man to make a qualified aviator so as to give the bureau the very best service possible? Is it an officer who has reached the grade of commander or lieutenant commander, or is it the officer who has had this experience that comes to those who begin in aviation at the bottom and work up?

Mr. CHINDBLOM. Will the gentleman yield?

Mr. McCLINTIC. I will be glad to yield.

Mr. CHINDBLOM. Have the present commanders and lieutenant commanders had sea duty?

Mr. McCLINTIC. This paragraph, if you please, as carried in the bill, makes it possible for a commander or a lieutenant commander to avoid sea duty.

Mr. CHINDBLOM. I am asking whether the commanders and lieutenant commanders, for whom provision is made in paragraph 6 as it stands, have had sea duty?

Mr. McCLINTIC. I think not.

Mr. BUTLER. They have not. They are subject to the rule of selection, and they will be thrown out unless this provision is made for them.

Mr. McCLINTIC. This paragraph in the bill enables them to qualify in aviation and not take sea duty. The only difference between my amendment and the paragraph as inserted in the bill is to allow the officers below the rank of lieutenant commander to have the right of promotion in aviation and to specialize in that branch of the service, and it ought to be done. It is not right to discriminate against 115 officers who rank below lieutenant commander and who can not get promoted unless they qualify in engineering, navigation, and other branches of the Navy that have no relation to aviation.

Mr. UPDIKE. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. UPDIKE. I am inclined to be in favor of the gentleman's amendment, but I would like to have him explain to me if it is not necessary that the officers in command of air stations have sea duty also.

Mr. McCLINTIC. My amendment makes it possible for them to have an examination before the selection and examining boards if they care to do so.

Mr. UPDIKE. I thought the word "shall" was in it.

Mr. McCLINTIC. No; it is "may," and instead of legislating for a special class, commanders and lieutenant commanders, we will legislate for all officers in the Navy who desire to specialize in aviation and who desire to make that their chosen life work.

Mr. CHINDBLOM. Is the gentleman's amendment limited to junior officers who are now in the service?

Mr. McCLINTIC. My amendment says "officers."

Mr. CHINDBLOM. Is the gentleman's amendment limited to officers in the service at the time of the passage of this act?

Mr. McCLINTIC. That is my understanding.

Mr. BUTLER. Mr. Chairman, I would like to be recognized.

The rule of selection, Mr. Chairman, only applies to commanders and lieutenant commanders. We propose this paragraph to save these particular officers from being turned away from the service—men who have served this country for five years and many more in aviation teaching themselves and teaching others to fly. They now reach their promotion time, and the present law provides they shall go into competition with other officers. Some of them might fail, because they have not had their usual sea duty. This constant aviation service was not to their wish, but owing to the will of their superiors. Therefore we propose to give them the opportunity of going before the boards of selection not in competition with men who have been at sea. Hereafter the term set for learning aviation will be very short, and the aviators will go to sea to prepare for that service also. This proposed measure applies only to a few men, who might otherwise fail.

The rule of selection, to repeat, applies only to commanders and lieutenant commanders, and all the officers below that grade are promoted upon seniority. The word "fitness" is used in the present law. Competition with others runs up against these men here provided for and who have been in the aviation service, and who have been assigned year after year to teach others to fly, and therefore in this paragraph we ex-

clude them from going before the selection board in competition with other officers who have had the chance to go to sea. It is only fair to them to do this. We considered it for days and decided that this was just toward the officers involved.

Mr. FRENCH. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. FRENCH. The gentleman is speaking rather in support of paragraph 6 in the bill and against the proposition of the gentleman from Oklahoma.

Mr. BUTLER. Yes.

Mr. FRENCH. Now let me turn to the section the gentleman supports and ask what will be accomplished by that section. Will it not permit a limited number of officers now of the rank of lieutenant commander or commander to be advanced when the time may come one grade, and then probably thereafter forever remain in that rank?

Mr. BUTLER. I will try to make the explanation perfectly clear. When John Smith, a lieutenant commander, comes up for his examination for promotion to the rank of commander, he having been in aviation for several years and having lost his opportunity for sea service, will go into competition for promotion, being a line officer, with officers who have had sea service. It was our purpose to exclude these men from having to go into competition with the others—those who have had such service. They will be examined by the selection board upon their competency. Perhaps they may not be the very best in the naval service because of their failure to have had this sea service, but nevertheless they will be entitled to the promotion and will stand upon what is known as an extra number list, that number disappearing when the officer disappears. It is square justice to these men who have been denied the opportunity to prepare for competition.

Mr. FRENCH. Why would not these officers now be available for other duty in connection with inspection work or in engineering or in other lines of activity?

Mr. BUTLER. They will be, but we do not propose to have them taken from the line of the Navy. They will go to sea hereafter. They are line men and will always remain line men subject to all the duties of the line. The reason for this paragraph is the one I have stated and no other. These officers who have performed these duties at the direction of their superior, the Secretary of the Navy and the Chief of Navigation, have not had the chance to perfect themselves in sea service so that they can go into competition with other men who have had it. That is the whole story.

Mr. FRENCH. It seems to me the gentleman is casting a sort of stigma upon them and suggesting to the selection board that service in this line, which is so important, shall not lead to a future.

Mr. BUTLER. If the gentleman will permit and will listen to me just a minute longer, this has been a subject of much discussion. We would have been pleased to have had the gentleman present with us when it was discussed. I was opposed to this proposition at first, but afterward I saw it was just and right. No man is compelled to apply for this advantage. To illustrate, I am a lieutenant commander and come up for promotion, and having been away from the sea for five years or perhaps more I may fail; that is, in my own mind I may anticipate I will fail if I go into competition with Burton French, who has had his full sea service. Therefore, this act provides that the selection board shall not put Thomas Butler in competition with Burton French, for the reason many times stated. Nevertheless, under this provision, if I am a competent officer I may come up and take an additional number without having to compete with others. This is but fair.

Mr. VINSON of Georgia. Mr. Chairman, I withdraw my point of order on the amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Oklahoma. I sincerely trust the committee will not strike out paragraph 6 and substitute the amendment of the gentleman from Oklahoma. If that is done, I am satisfied you will render the aviators the hardest blow that possibly could be given to them.

Mr. McCLINTIC. I hope the gentleman will yield. My amendment uses the word "may" and leaves it entirely discretionary.

Mr. VINSON of Georgia. The trouble about it is the gentleman from Oklahoma does not know what his amendment means.

Mr. McCLINTIC. I may not; will the gentleman be kind enough to tell me?

Mr. VINSON of Georgia. Yes; that is what I am going to do right now.

I also call the attention of the gentleman from Idaho to the fact that the reason this favoritism, as the gentleman terms it, is extended to 41 men is because they are the pioneers in avia-

tion. They have been assigned to aviation for the last 15 or 20 years. Every year they have to come before the selection board. The law requires that the selection board selects the officer best fitted—not for aviation but for the next higher command. The law provides that in the opinion of at least six members of the board the officers therein recommended are the best fitted of all those under consideration to assume the duty of the next higher grade.

Now, here is Commander Tower, who flew across the Atlantic. He comes before the board for promotion to the rank of captain. He has been 15 years in aviation—one of the pioneer aviators. Why, of course, he is not the best-fitted officer to command a battleship, because he has not been assigned to battleship duty. This provision in section 6 is what every aviator in the department asked for, and it is nothing but fair and right that they be removed from competition, and that is what we are seeking to have done by this provision.

Mr. FRENCH. What is to be the future of these men after the one promotion referred to in the paragraph?

Mr. VINSON of Georgia. If the gentleman will read the paragraph in full, he will see that it applies to the next time he goes before the selection board. If you do not pass this, they will ask permission to go to sea, so that they can qualify.

Mr. McCLINTIC. I ask that the gentleman have one minute more.

The CHAIRMAN. But the gentleman has yielded the floor.

Mr. McCLINTIC. He referred to my knowledge of the bill and I want to correct him.

Mr. VINSON of Georgia. Oh, well, I withdraw that.

Mr. FRENCH. Mr. Chairman, I claim recognition in my own right. I want to ask one or two more questions of the gentleman from Georgia.

The gentleman's admiration for these officers does not exceed mine, and I want to do all honor and all justice to them. I want, however, to prevent something from being done that might stifle their opportunities, that might set a precedent that is bad, and that we might wish had not been established when these officers shall confront the selection board in the future. In other words, it seems to me that the language itself in the section suggests to the selection board the unfitness of the officers for promotion in competition with other officers.

More than that, it seems to me that you are encouraging a tendency toward a corps, that you are limiting to those who are now in this branch of the service the rank that must be held by higher officers in connection with aviation in the Navy.

Mr. VINSON of Georgia. Of course there is no thought in this section that will cause anyone to conclude that we are drifting along to a separate air corps, because this applies only to those in aviation to-day of the rank of commander and lieutenant commander. It can not apply to the future because the act says:

That any officer of the Navy, line or staff, of the permanent rank or grade of commander or lieutenant commander, at the time of the passage of this act.

And so forth.

There are only 41 officers in aviation with this rank. They are not the only ones applicable. It is not compulsory; it is discretionary on their part, and the Secretary himself certifies to the selection board that these men have sacrificed their chance for promotion by the fact that they have served in aviation so many years.

Mr. FRENCH. One other word. In a question so involved as this and when it is taken into consideration that the legislative committee will probably bring in a measure touching more particularly personnel, we ought not to include a paragraph that at best is questionable and in a bill that essentially carries authorization for material.

Mr. VINSON of Georgia. This is all the personnel legislation the Naval Affairs Committee contemplates to bring in. As a matter of fact, it is the only legislation that the officers who appeared before the Morrow committee asked for—just what is in the bill, and nothing else.

Mr. McCLINTIC. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McCLINTIC. Mr. Chairman, in addition to the statement that I made in support of my amendment to substitute a new paragraph I want to say that according to the testimony found on page 1013, the paragraph in the bill would provide places to be filled by forty-odd officers when they are promoted. That appears in Commander McCain's testimony when he says that if you should give an officer an extra number he would then be put aside and go up with the man ahead of him, leaving a place for another officer to come up. My substitute

would not cause the Navy to be under obligations to take any action on any class, because the language specifically states that they may do this. It is directory and not mandatory. I want to leave the discretion entirely with the examining and selection boards, and for that reason I offer the amendment which would provide a new procedure and not discriminate against any class in the Navy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

Mr. LA GUARDIA. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. LA GUARDIA: On page 8, line 26, add a new paragraph:

" PAR. 9. That there is hereby created a cooperative naval and Army air service command, to be constituted as follows:

"The Chief of the Naval Air Service, the Chief of the Army Air Service, and a commanding officer, who shall be William Mitchell, former colonel of the United States Army Air Service, who shall have complete command thereof, and who shall have the rank, pay, and allowance of a major general."

Mr. BUTLER. Mr. Chairman, I make the point of order that the amendment is not in order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to proceed for a few minutes. I think the House will want to agree in what I want to do. I desire to go back to page 4 of the bill.

Mr. BUTLER. Mr. Chairman, the gentleman from Idaho desires to go back to a paragraph of the bill to amend it after we have worked on the bill for months.

Mr. FRENCH. That is correct.

The CHAIRMAN. Does the gentleman from Idaho prefer a unanimous-consent request?

Mr. FRENCH. I want to make a short statement.

The CHAIRMAN. The gentleman must prefer a unanimous-consent request in order to be recognized by the Chair and obtain the floor.

Mr. FRENCH. Then I ask unanimous consent to turn back to page 4 for a moment, and I shall take only a moment to read the proposed amendment, and I think the House will want to agree with me in that amendment.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to return to page 4 of the bill for the purpose of offering an amendment. Is there objection?

Mr. HILL of Maryland. Mr. Chairman, I object.

Mr. UPDIKE. Mr. Chairman, I object.

Mr. VINSON of Georgia. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. VINSON of Georgia. Mr. Chairman, as we have reached the last paragraph in the bill, which for the first time in the history of the Government lays down a definite air program for the Navy, I can not permit the occasion to pass without paying tribute to whom tribute is due; that is, to the distinguished chairman of the Naval Affairs Committee, the gentleman from Pennsylvania [Mr. BUTLER]. [Applause.]

For three decades he has served on the Naval Affairs Committee, having been placed thereon by Speaker Reed, and during his 30 years in Congress he has devoted his entire committee work to the Navy. He was a member of this committee before the guns were fired in the Spanish-American War.

One can hardly visualize the great change that he has beheld in the Navy during the time he has been on this committee. When he first became a member of the same some of our battleships were carrying sails; he has seen the sails give place to the coal burners; he has witnessed the coal burners give way to the oil burners; he has seen the oil burners supplanted by electricity; he has witnessed the appearance of the submarine, and has brought in legislation for it to take its place as a powerful and effective arm of the fleet.

He has been instrumental in developing our Navy from fourth class to the equal of any navy in the world. [Applause.]

He being cognizant that in the future no ship will be fully equipped without aircraft, for it is an indispensable weapon of the fleet, and the success of naval engagements in the future depends upon the cooperation and assistance received from the air arm, as it is the eyes of the fleet, has now, in his three-score and ten years, submitted to Congress, unanimously indorsed by his committee, the largest naval aviation program that has ever been submitted to a legislative body.

I measure my words when I say that no Member in the history of Congress has contributed more in shaping naval legis-

lation, or has done more to keep the Navy our first line of defense, always in a high state of efficiency, than the gentleman from Pennsylvania.

No more distinguished or honorable name can be given to one of the great scout cruisers now being built than "Thomas S. Butler," for such a name would typify the spirit of the American people in that we devoutly at all times wish to be left at peace with all the nations of the earth, but, at the same time, realizing that the primary duty of government is self-preservation, and no sophistry of logic can at any time justify it in stripping itself of its means of an adequate national defense. [Prolonged applause.]

Mr. BUTLER. I shall take just a moment. Inasmuch as I have never heretofore had anything nice like this said of me, I do not know how to make reply to it. The gentleman from Georgia [Mr. VINSON] and I are very great and very partial friends. Therefore, I know that he is drawing very largely upon that friendship, which has remained unbroken and which always will, when he testifies so to my influence and connection with the naval service. I am very much indebted to him, and I am very much indebted to you gentlemen for listening to him. [Applause.]

Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9690) to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. BLANTON. Mr. Speaker, I demand the engrossed copy; and I do that to obviate a roll call. The previous question is ordered, and that makes it the first thing when we meet again.

The SPEAKER. It is obvious that the engrossed copy can not be forthcoming.

ADJOURNMENT OVER UNTIL MONDAY

Mr. SNELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 12 o'clock on Monday.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-night it adjourn to meet at 12 o'clock on Monday. Is there objection?

Mr. LA GUARDIA. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from New York if the civil service retirement bill will come up next week?

Mr. SNELL. I can not say as to that.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. It is so ordered.

PENSION BILL

Mr. ELLIOTT, by direction of the Committee on Invalid Pensions, presented a privileged report on the bill (H. R. 4023) to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War and war with Mexico, to certain widows, including widows of the War of 1812, former widows, children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases, which was read a first and second time, and referred to the Union Calendar and ordered printed.

PRESIDENT'S MESSAGE—ANNUAL REPORT OF ALIEN PROPERTY CUSTODIAN (S. DOC. NO. 94)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, was referred to the Committee on Interstate and Foreign Commerce and ordered printed: *To the Congress of the United States:*

In accordance with the requirement of section 6 of the trading with the enemy act, I transmit herewith for the information of the Congress a communication from the Alien

Property Custodian, submitting the annual report of the proceedings had under the trading with the enemy act for the year ended December 31, 1925.

THE WHITE HOUSE, April 9, 1926.

CALVIN COOLIDGE.

LEAVE OF ABSENCE

Mr. THOMAS, by unanimous consent, was granted leave of absence, for an indefinite period, on account of business.

ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned, in accordance with the order made, until Monday, April 12, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 10, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

Agriculture relief legislation.

COMMITTEE ON INDIAN AFFAIRS

(10 a. m.)

To provide for the leasing of allotted lands of Indians held in trust by the United States (H. R. 8823).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

Amending paragraph (d) of section 14 of the Federal reserve act, as amended to provide for the stabilization of the price level for commodities in general (H. R. 7895).

COMMITTEE ON WAYS AND MEANS

(10 a. m.)

To provide for the payment of the awards of the Mixed Claims Commission, the payment of certain claims of German nationals against the United States and the return to German nationals of property held by the Alien Property Custodian (H. R. 10820).

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To regulate in the District of Columbia the traffic in sale and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception (H. R. 6728).

To regulate the practice of chiropractic, to create a board of chiropractic examiners of the District of Columbia, and to punish persons violating the provisions thereof (H. R. 9055).

COMMITTEE ON THE PUBLIC LANDS

(10 a. m.)

To revise the boundary of the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park (H. R. 9387).

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

To amend an act entitled "An act for the reorganization and improvement of the Foreign Service of the United States" (H. R. 10167).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

433. A letter from the Secretary of War, transmitting drafts of three bills for the relief of certain employees of the Isthmian Canal Commission who were injured in the line of duty prior to the enactment of the injured employees' compensation act of September 7, 1916; to the Committee on Claims.

434. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year ending June 30, 1926, \$51,198, and for the fiscal year ending June 30, 1927, \$15,000, pertaining to the Public Health Service; in all, \$66,198 (H. Doc. No. 302); to the Committee on Appropriations and ordered to be printed.

435. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the General Accounting Office for the fiscal year ending June 30, 1927, amounting to \$150,560 (H. Doc. No. 303); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. FULLER: Committee on Invalid Pension. S. 1600. An act to increase the pensions of those who have lost limbs or have been totally disabled in the same, or have become totally blind, in the military or naval service of the United States; without amendment (Rept. No. 797). Referred to the Committee of the Whole House on the state of the Union.

Mr. FROTHINGHAM: Committee on Military Affairs. S. 2658. An act to authorize the Secretary of War to fix all allowances for enlisted men of the Philippine Scouts; to validate certain payments for travel pay, commutation of quarters, heat, light, etc., and for other purposes; without amendment (Rept. No. 798). Referred to the Committee of the Whole House on the state of the Union.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 5223. A bill to authorize disbursing officers of the Army, Navy, and Marine Corps to designate deputies; with amendment (Rept. No. 799). Referred to the House Calendar.

Mr. DEMPSEY: Committee on Rivers and Harbors. H. R. 11176. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; without amendment (Rept. No. 800). Referred to the Committee of the Whole House on the state of the Union.

Mr. GIBSON: Committee on the District of Columbia. S. 2982. An act to provide for the conveyance of certain land owned by the District of Columbia near the corner of Thirteenth and Upshur Streets NW., and the acquisition of certain land by the District of Columbia in exchange for said part to be conveyed, and for other purposes; without amendment (Rept. No. 813). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Kentucky: Committee on Military Affairs. H. R. 9045. A bill to establish a national military park at and near Fredericksburg, Va., and to mark and preserve historical points connected with the Battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, Va.; with amendment (Rept. No. 814). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 10781. A bill to fix the amount to be contributed by the United States toward defraying expenses of the District of Columbia; with amendment (Rept. No. 815). Referred to the Committee of the Whole House on the state of the Union.

Mr. JARRETT: Committee on the Territories. H. R. 6535. A bill to amend so much of section 55 of the Hawaiian organic act as amended by the Hawaiian Homes Commission Act, approved July 9, 1921; without amendment (Rept. No. 816). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. H. R. 9833. A bill to amend section 6 of the act of May 29, 1884, creating the Bureau of Animal Industry, by striking out the proviso in section 6 of said act; without amendment (Rept. No. 817). Referred to the House Calendar.

Mr. ELLIOTT: Committee on Invalid Pensions. H. R. 4023. A bill to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War and war with Mexico, to certain widows, including widows of the War of 1812, former widows, children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases with amendment (Rept. No. 818). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HILL of Maryland: Committee on Military Affairs. S. 1895. An act to correct the military record of George Patterson, deceased; with amendment (Rept. No. 801). Referred to the Committee of the Whole House.

Mr. FISHER: Committee on Military Affairs. H. R. 4716. A bill for the relief of Samuel Pelfrey; without amendment (Rept. No. 802). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 6139. A bill for the relief of Seymour Buckley; without amendment (Rept. No. 803). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 6834. A bill for the relief of Joseph M. Black; without amendment

(Rept. No. 804). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 7228. A bill correcting the military record of William H. Murphy; with amendment (Rept. No. 805). Referred to the Committee of the Whole House.

Mr. QUIN: Committee on Military Affairs. H. R. 8041. A bill for the relief of Turpin G. Hovas; without amendment (Rept. No. 806). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 9787. A bill to correct the military record of Samuel Wemmer; without amendment (Rept. No. 807). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 10078. A bill for the relief of Myron J. Conway, Frank W. Halsey, and others; without amendment (Rept. No. 808). Referred to the Committee of the Whole House.

Mr. SWEET: Committee on War Claims. H. R. 1105. A bill for the relief of the Kelly Springfield Motor Truck Co. of California; with amendment (Rept. No. 809). Referred to the Committee of the Whole House.

Mr. SWOOPE: Committee on War Claims. H. R. 2320. A bill for the relief of Delmore A. Teller; without amendment (Rept. No. 810). Referred to the Committee of the Whole House.

Mr. SWOOPE: Committee on War Claims. S. 588. An act for the relief of A. T. Whitworth; without amendment (Rept. No. 811). Referred to the Committee of the Whole House.

Mr. SWOOPE: Committee on War Claims. S. 1059. An act for the relief of R. Clyde Bennett; with amendment (Rept. No. 812). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEAVITT: A bill (H. R. 11170) authorizing expenditure of tribal funds of Indians of the Tongue River Indian Reservation, Mont., for expenses of delegates to Washington; to the Committee on Indian Affairs.

Also (by departmental request), a bill (H. R. 11171) to authorize the deposit and expenditure of various revenues of the Indian Service as Indian moneys, proceeds of labor; to the Committee on Indian Affairs.

By Mr. RANKIN: A bill (H. R. 11172) providing for the erection of a cottage on the grounds of the United States fish hatchery at Tupelo, Miss.; to the Committee on Appropriations.

By Mr. VARE: A bill (H. R. 11173) to authorize the erection of a Veterans' Bureau hospital at Philadelphia, Pa., or in a section adjacent thereto and to authorize the appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. ZIHLMAN: A bill (H. R. 11174) to amend section 8 of the act of September 1, 1916 (39 Stat. L. p. 716), and for other purposes; to the Committee on the District of Columbia.

By Mr. RUBEY: A bill (H. R. 11175) granting the consent of Congress to the Missouri State Highway Commission to construct a bridge across the Current River; to the Committee on Interstate and Foreign Commerce.

By Mr. DEMPSEY: A bill (H. R. 11176) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. CORNING: A bill (H. R. 11177) to promote temperance in the United States; to the Committee on the Judiciary.

By Mr. MEAD: A bill (H. R. 11178) to promote temperance in the United States; to the Committee on the Judiciary.

By Mr. CURRY: A bill (H. R. 11179) authorizing the designation of an ex officio commissioner for Alaska, for each of certain of the executive departments of the United States, and for other purposes; to the Committee on the Territories.

By Mr. CELLER: A bill (H. R. 11180) to promote temperance in the United States; to the Committee on the Judiciary.

By Mr. ARENTZ: Resolution (H. Res. 215) calling for congressional investigation of immigration and naturalization frauds; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM: A bill (H. R. 11181) for the relief of Helen Rauch; to the Committee on Claims.

Also, a bill (H. R. 11182) granting an increase of pension to Abbie S. Jewett; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 11183) granting a pension to Mary Mason Moore; to the Committee on Pensions.

By Mr. DENISON: A bill (H. R. 11184) granting an increase of pension to Frenzella B. Fulford; to the Committee on Invalid Pensions.

By Mr. DOUGLASS: A bill (H. R. 11185) for the relief of James H. McCormack; to the Committee on Naval Affairs.

By Mr. FAUST: A bill (H. R. 11186) to correct the naval record of Austin Walker Peters; to the Committee on Naval Affairs.

By Mr. MAPES: A bill (H. R. 11187) granting an increase of pension to Joseph D. Emerson; to the Committee on Invalid Pensions.

By Mr. MILLS: A bill (H. R. 11188) to amend the naval record of John M. Reber; to the Committee on Naval Affairs.

By Mr. SEARS of Nebraska: A bill (H. R. 11189) for the relief of Arthur C. Bingle; to the Committee on Claims.

Also, a bill (H. R. 11190) for the relief of O. L. Beindorff; to the Committee on Claims.

By Mr. STRONG of Kansas: A bill (H. R. 11191) granting an increase of pension to Eliza Dibert; to the Committee on Invalid Pensions.

By Mr. SWARTZ: A bill (H. R. 11192) granting an increase of pension to Nancy J. Troup; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1709. By Mr. GALLIVAN: Petition of national legislative committee, the American Legion, John Thomas Taylor, vice chairman, 501-506 Woodward Building, Washington, D. C., recommending early and favorable consideration of House bills 10240, 10277, and 4548; to the Committee on World War Veterans' Legislation.

1710. By Mr. CONNERY: Resolution of citizens of Chiltondale, Mass., against the proposed modification of the Volstead Act; to the Committee on the Judiciary.

1711. Also, resolution of the Lynn (Mass.) Central Labor Union, favoring the restoration to Eugene V. Debs of his civil rights; to the Committee on Immigration and Naturalization.

1712. Also, resolution of citizens of Lynn, Mass., against the proposed modification of the Volstead Act; to the Committee on the Judiciary.

1713. Also, resolution of the Oriskany Unit, Steuben Society of America, favoring the return of alien property; to the Committee on Ways and Means.

1714. Also, resolution of the Maritime Association of the Boston (Mass.) Chamber of Commerce, with reference to the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

1715. Also, resolution of the Lyra Glee Club, of Lawrence, Mass., favoring the modification of the Volstead Act; to the Committee on the Judiciary.

1716. By Mr. CULLEN: Petition of International Association of Machinists, District Lodge No. 15, offices, Broadway at Eleventh Street, New York City, requesting passage of the Fitzgerald workmen's compensation bill; to the Committee on the District of Columbia.

1717. Also, petition of General Brokers' Association of Metropolitan District, 177 William Street, New York City, indorsing the Underhill bill; to the Committee on the District of Columbia.

1718. By Mr. MAGEE of New York: Petition of the common council of the city of Syracuse, N. Y., for modification of the enforcement act; to the Committee on the Judiciary.

1719. By Mr. NEWTON of Minnesota: Petition of the Minneapolis Central Labor Union, requesting Congress to restore the citizenship to Eugene V. Debs; to the Committee on Immigration and Naturalization.

1720. By Mr. O'CONNELL of New York: Petition of the Baltimore Association of Commerce, favoring an additional Federal Judge in the Baltimore (Md.) district; to the Committee on the Judiciary.

1721. Also, petition of the Central Label Union Council of Greater New York, favoring the passage of Senate bill 3170 and House bill 9498, the Cummins-Graham compensation bill for longshoremen and harbor workers; to the Committee on Interstate and Foreign Commerce.

1722. Also, petition of the Joint Conference of Affiliated Federal Employees on Retirement of New York, N. Y., favoring the passage of Senate bill 785 and House bill 7, Federal employees' retirement legislation; to the Committee on the Civil Service.

1723. Also, petition of the General Airways System (Inc.), of New York City, N. Y., favoring the use of Governors Island, N. Y., as an airport; to the Committee on Military Affairs.

1724. By Mr. TEMPLE: Resolution of Lodge No. 554, S. N. P. J., Nemacolin, Pa.; Lodge No. 501, S. N. P. J., Rice's Land-

ing, Pa.; Lodge No. 259, S. N. P. J., Meadowlands, Pa.; and Lodge No. 90, S. N. P. J., Hackett, Pa., protesting against enactment of bill providing for registration of aliens in the United States; to the Committee on Immigration and Naturalization.

1725. Also, petition of Canonsburg Council, No. 303, Junior United Order of American Mechanics, Cannonsburg, Pa., protesting against the enactment of the Wadsworth-Perleman bill; to the Committee on Immigration and Naturalization.

1726. By Mr. WEFALD: Petition of 37 citizens of Clearbrook, Minn., urging the passage of House bills 71 and 7479, two bills aiming to safeguard and conserve the black bass and migratory wild fowl of America; to the Committee on Agriculture.

1727. Also, petition of 322 citizens of Ottertail County, Minn., urging the passage of House bills 71 and 7479, two bills aiming to safeguard and conserve the black bass and migratory wild fowl of America; to the Committee on Agriculture.

1728. Also, petition of 104 citizens of Crookston, Minn., urging the passage of House bill 7479, the bill to establish migratory bird refuges and public shooting grounds as a step toward the conservation of our wild life; to the Committee on Agriculture.

1729. By Mr. WATSON: Resolution passed by the Harold D. Speakman Post, No. 356, American Legion, Narberth, Pa., favoring certain legislation of interest to the service men of the World War; to the Committee on World War Veterans' Legislation.

SENATE

SATURDAY, April 10, 1926

(Legislative day of Monday, April 5, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	King	Reed, Mo.
Bayard	Ferris	La Follette	Reed, Pa.
Bingham	Fess	Lenroot	Robinson, Ark.
Blaine	Fletcher	McKellar	Sackett
Borah	Frazier	McLean	Sheppard
Bratton	George	McMaster	Shipstead
Broussard	Gillett	McNary	Shortridge
Bruce	Glass	Mayfield	Simmons
Butler	Goff	Metcalf	Smith
Cameron	Gooding	Moses	Smoot
Capper	Greene	Neely	Stanfield
Caraway	Hale	Norris	Stephens
Copeland	Harrell	Nye	Swanson
Couzens	Harris	Oddie	Trammell
Cummins	Harrison	Overman	Tyson
Dale	Hedin	Pepper	Wadsworth
Dill	Johnson	Phipps	Walsh
Edge	Jones, N. Mex.	Pine	Warren
Edwards	Jones, Wash.	Pittman	Williams
Ernst	Kendrick	Ransdell	Willis

Mr. PHIPPS. I desire to announce that my colleague the junior Senator from Colorado [Mr. MEANS] is absent on account of illness. I will allow this notice to stand for the day.

Mr. JONES of Washington. I wish to announce that the senior Senator from Kansas [Mr. CURTIS] is necessarily absent and will be absent the rest of the afternoon.

Mr. WALSH. I wish to announce that my colleague the junior Senator from Montana [Mr. WHEELER] is detained from the Senate by illness.

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

SENATOR FROM IOWA

Mr. GOFF. Mr. President, I wish to announce that on Monday, at 12 o'clock, or as soon thereafter as I can obtain the floor, I shall address the Senate on the Steck-Brookhart contest.

Mr. REED of Missouri. Mr. President, I have been detained from the Chamber a great deal during the week on account of an investigation in which I have been participating and have been unable to take part in the debate as I desired. I wish to announce now that on Monday, immediately following the argument of the Senator from West Virginia [Mr. GOFF], if I am permitted by the Senate, I shall ask the privilege of addressing the Senate on the pending question.

INDEBTEDNESS OF ITALY TO THE UNITED STATES

Mr. McKELLAR. Mr. President, I desire to give notice that on Tuesday next, after the morning hour, or as soon thereafter as I can get the floor, I shall make some remarks on the Italian debt settlement.

PETITIONS

Mr. ROBINSON of Arkansas presented resolutions adopted by The Original Club, of Little Rock, Ark., urging support of the eighteenth amendment, with no modification, and indorsing the Cramton bill providing for selection of prohibition officers through the civil service, which were referred to the Committee on the Judiciary.

Mr. WILLIS presented a resolution adopted by the Scandinavian Fraternity of America in convention assembled at Detroit, Mich., favoring an appropriate governmental recognition of Lief Erikson as the discoverer of the New World, which was referred to the Committee on the Library.

CENTENNIAL OF CONGRESS OF PANAMA

Mr. ERNST. I submit and ask to have referred to the Committee on the Library and printed in the Record a resolution passed by the Kentucky State Senate providing for the participation of the Commonwealth of Kentucky in the celebration commemorating the centennial of the Congress of Panama, the first Pan-American conference ever held.

There being no objection, the resolution was referred to the Committee on the Library and ordered to be printed in the Record, as follows:

Senate Resolution No. 19, providing for the participation of the Commonwealth of Kentucky in the celebration commemorating the centennial of the Congress of Panama, the first Pan-American conference ever held, memorializing the President and Congress of the United States to appropriate funds for the purchase and erection of a statue of the Hon. Henry Clay at Caracas, Venezuela, in connection with said celebration, and authorizing the Governor of Kentucky to appoint commissioners to represent Kentucky at the centennial exercises of the Pan-American Congress to be held at Panama, Republic of Panama, and in the city of Caracas, Venezuela.

Whereas the centennial of the Congress of Panama, the first Pan-American conference ever held, will be celebrated in the city of Panama, Republic of Panama, on or about June 22, 1926, and suitable exercises appertaining to the event will also be conducted at about the same time in the city of Caracas, Venezuela; and

Whereas in view of the fact that Henry Clay, of Kentucky, when a Member of the National Congress and Speaker of the National House of Representatives, acted a leading and influential part in assisting the Republics of South America to secure their independence and was cordially supported in all of these activities by the people and government of Kentucky, which first of all the States of the American Union manifested an interest in the liberation of South America, the General Assembly of Kentucky, more than 100 years ago, having entertained a number of resolutions favoring the struggle of the South American countries to achieve their independence, and in the year 1821 having adopted resolutions expressing its sympathy with the cause of South American independence and commending in the highest terms the efforts of the Kentucky Members of Congress in that behalf; and

Whereas the Hon. Charles S. Todd, a Kentuckian, was the first fully accredited diplomatic representative to Greater Colombia, and bearer of President Monroe's message acknowledging the independence of the South American Republics; and the Hon. Richard Clough Anderson, jr., likewise a Kentuckian, was the first minister plenipotentiary and envoy extraordinary of the United States to any South American Republic, and was also one of the envoys extraordinary of the United States to the First Panama Congress; and

Whereas in the year 1921 the Republic of Venezuela presented to the American people a statue of Gen. Simon Bolivar, the great liberator of South America, and at the same time that this statue was unveiled in the city of New York a delegation from Venezuela placed a wreath on the tomb of Henry Clay at Lexington, Ky.; and

Whereas in grateful recognition of the services rendered by him to Venezuela and her sister states of South America the city of Caracas, the capital of Venezuela, has named one of the principal squares of said city, the Plaza Henry Clay, and dedicated same to Mr. Clay's memory; and

Whereas the people of Venezuela and other South American countries have always cherished a feeling of admiration and gratitude for Henry Clay and the people of Kentucky because of their early, earnest, and protracted efforts to promote the cause of liberty in South America; Therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky (both Senate and House concurring), That the President and Congress of the United States be, and they are, requested to appropriate a sum sufficient to purchase and erect in Caracas, Venezuela, a suitable statue of Henry Clay, to be presented on behalf of the people of the United States to the people of Venezuela, and, with that end in view, that this memorial be transmitted, through our Senators and Representatives in Congress, to the President of the National Congress; and be it further

Resolved, That in the event action conformable to this resolution is taken by Congress and such an appropriation is made the Common-

wealth of Kentucky shall participate in the approaching centennial celebration to be held in the states of Panama and Venezuela in commemoration of the one hundredth anniversary of the Congress of Panama, the first Pan-American conference, and in order that Kentucky be, and he is hereby, authorized and empowered to appoint a commission, to consist of five members, all of whom shall be citizens and residents of Kentucky, and any three of whom may act to attend the aforesaid centennial celebration in the city of Panama, Republic of Panama, and in the city of Caracas, in the Republic of Venezuela, as the official representatives of the Commonwealth of Kentucky, and of said commission the Governor of Kentucky shall himself be ex-officio a member and the chairman thereof; and that the actual necessary expenses of said commissioners in the discharge of their duties as such shall be paid by the Commonwealth of Kentucky, on itemized account approved by the governor, out of any money in the State treasury not otherwise appropriated; and be it further

Resolved, That a certified copy of the foregoing preamble and resolutions be forwarded by the secretary of state of Kentucky to the President of the United States and to both of the United States Senators and to each of the Members of the National House of Representatives from Kentucky; and be it further

Resolved, That this resolution shall take effect from and after its passage and approval by the governor.

HENRY H. DENHARDT,
President of the Senate.

G. L. DRURY,
Speaker of the House of Representatives.

Approved March 26, 1926.

W. J. FIELDS, Governor.

COMMONWEALTH OF KENTUCKY,
OFFICE OF THE SECRETARY OF STATE.
Certificate

I, Emma Guy Cromwell, secretary of state for the Commonwealth of Kentucky, do certify that the foregoing writing has been carefully compared by me with the original record thereof, now in my official custody as secretary of state and remaining on file in my office, and found to be a true and correct copy of Senate Resolution No. 19, passed by the Kentucky State Senate which convened on January 5, 1926, and adjourned on March 17, 1926.

In witness whereof I have hereunto set my hand and affixed my official seal.

Done at Frankfort this 1st day of April, 1926.

[SEAL]

EMMA GUY CROMWELL,
Secretary of State.

BERT MOORE

Mr. ROBINSON of Arkansas presented sundry papers to accompany the bill (S. 3882) for the relief of Bert Moore, heretofore introduced by him, which were referred to the Committee on Claims.

REPORTS OF COMMITTEES

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 2620) for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department, reported it without amendment and submitted a report (No. 564) thereon.

Mr. WILLIS, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 9831) to provide for the completion and repair of customs buildings in Porto Rico, reported it without amendment and submitted a report (No. 565) thereon.

Mr. REED of Pennsylvania, from the Committee on Immigration, to which was referred the bill (H. R. 9761) to supplement the naturalization laws by extending certain privileges to aliens who served honorably in the military or naval forces of the United States during the World War, reported it with amendments and submitted a report (No. 566) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 3802) to amend the act known as the "District of Columbia traffic act, 1925," approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes, reported it with amendments and submitted a report (No. 568) thereon.

Mr. NORBECK, from the Committee on Pensions, to which was referred the bill (H. R. 8132) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes, reported it with amendments and submitted a report (No. 569) thereon.

MISSISSIPPI RIVER SURVEY

Mr. RANDELL. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 9957) authorizing a survey for the control of excess flood waters of the Mississippi River below Point Breeze in Louisiana and on the Atchafalaya Outlet by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes, and I submit a report (No. 563) thereon.

The provisions of the bill are confined entirely to the State of Louisiana. I ask unanimous consent for its immediate consideration. If it involves any debate, I shall not press it.

The VICE PRESIDENT. Is there objection to the request of the Senator from Louisiana?

Mr. SMOOT. I ask that the bill may go to the calendar.

Mr. RANDELL. Mr. President, may I say to the Senator from Utah that the bill applies entirely to Louisiana? I believe it will lead to no debate. The bill does not require any appropriation. It simply makes provision for funds from an appropriation that has already been made.

Mr. HARRISON. Mr. President, may I suggest to the Senator from Utah that this is a matter about which there was some controversy between the States of Mississippi and Louisiana. There is now no objection to the provision which was in controversy at that time, because it has been changed. I think everyone is united now behind the measure.

Mr. FLETCHER. It is a flood-control matter.

Mr. RANDELL. And it does not require any additional appropriation at all. It is simply a diversion from a fund already appropriated.

Mr. SMOOT. I would like to have the bill read.

Mr. RANDELL. Let the bill be read. It passed the House unanimously.

The VICE PRESIDENT. The clerk will read the bill.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made, and estimates of the costs of such controlled and regulated spillway or spillways as may be necessary for the diversion and control of a sufficient volume of the excess flood waters of the Mississippi River between Point Breeze and Fort Jackson in Louisiana, in order to prevent the waters of said river exceeding stages of approximately 16, 17, 18, 19, and 20 feet on the Carrollton gauge at New Orleans and of approximately 46, 47, and 48 feet on the gauge at Simmesport on the Atchafalaya Outlet, and the Secretary of War is hereby authorized to cause the Mississippi River Commission to transmit to him all engineering records, data, field notes, and such other information in its possession as he may deem desirable and useful in carrying out the purposes of this act.

SEC. 2. The Secretary of War is authorized to use \$50,000, or so much thereof as may be necessary, from funds heretofore appropriated for flood control, Mississippi River, to carry out the objects and purposes of this act: *Provided*, That no spillway shall be constructed as a result of the survey authorized by this act whereby the waters of the Mississippi River would be diverted into Mississippi Sound.

SEC. 3. The Secretary of War is hereby authorized and directed to report to the Congress as soon as practicable the results of the survey authorized by this act.

Mr. SMOOT. I would like to ask the Senator if there has been an appropriation already made for the survey.

Mr. RANDELL. Yes; it has been already made and is included in the general appropriation for floods in the Mississippi River. The bill merely authorizes the Secretary of War to take the amount needed from that fund and have it used by the Chief of Engineers instead of the Mississippi River Commission. It does not require any additional appropriation.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 3935) amending the Federal highway act; to the Committee on Agriculture and Forestry.

By Mr. SWANSON:

A bill (S. 3936) granting an extension of patent to the United Daughters of the Confederacy; to the Committee on Patents.

By Mr. FRAZIER:

A bill (S. 3937) granting an increase of pension to Martha M. Lambert; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3938) for the relief of Norman S. Cooper; to the Committee on Naval Affairs.

A bill (S. 3939) for the relief of the United Gas & Electric Engineering Corporation; to the Committee on Claims.

By Mr. CAMERON (for Mr. MCKINLEY):

A bill (S. 3940) for the relief of Sterling Morelock; to the Committee on Finance.

A bill (S. 3941) for the relief of Ollie Keeley; to the Committee on Claims.

A bill (S. 3942) granting an increase of pension to Charles Oakley;

A bill (S. 3943) granting an increase of pension to John T. Degnan (with an accompanying paper);

A bill (S. 3944) granting an increase of pension to Ambrose B. Judy (with an accompanying paper);

A bill (S. 3945) granting an increase of pension to John T. Smith (with an accompanying paper);

A bill (S. 3946) granting a pension to Margaret E. Knight (with an accompanying paper); and

A bill (S. 3947) granting a pension to Rosa Kemp (with an accompanying paper); to the Committee on Pensions.

By Mr. DALE:

A bill (S. 3948) granting an increase of pension to Emma C. Moore; and

A bill (S. 3949) granting an increase of pension to Evelyn McBryer (with accompanying papers); to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 3950) making Leona E. Kidwell eligible to receive the benefits of the civil service retirement act; and

A bill (S. 3951) making H. C. Gibson eligible to receive the benefits of the civil service retirement act approved in 1920; to the Committee on Civil Service.

By Mr. JONES of New Mexico:

A bill (S. 3953) to provide for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings; to the Committee on Indian Affairs.

CONTRACTS CONNECTED WITH THE PROSECUTION OF THE WAR

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill (S. 3641) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended, which was ordered to lie on the table and to be printed.

CLAIMS AGAINST THE GERMAN GOVERNMENT

Mr. KING. I submit a resolution and ask that it be read and lie on the table.

The resolution (S. Res. 198) was read, as follows:

Resolved, That the Secretary of State transmit to the Senate, if not incompatible with the public interest, copies of all correspondence, notes, exchanges, and communications which have passed directly or indirectly between the Secretary of State and the Government of Germany respecting the settlement and payment of claims against the German Government for indemnification on account of destruction of life and property of American nationals subsequent to August 1, 1914, including the instructions given to Ambassador Kellogg, who represented the Department of State at the Paris Finance Conference, and also advise the Senate as to whether the State Department at the Paris conference, or otherwise, agreed that the United States should assume the burden of the payment of awards made in favor of American nationals against Germany, and accept from Germany, in subrogation of the rights of its own nationals, annual installments of \$11,000,000 for the payment of private American awards and annual installments of \$12,000,000 in reimbursement of the costs of the American army of occupation of the Coblenz area on the Rhine and in payment of other Government claims, as representing the entire obligation of the German Government to the Government of the United States in the premises, and if the Secretary made such an agreement, to advise the Senate of the considerations which induced him to make the same.

The PRESIDING OFFICER (Mr. COPELAND in the chair). Does the Senator ask for the immediate consideration of the resolution?

Mr. KING. I asked that it might lie on the table, but I shall call it up at as early a date as possible.

The PRESIDING OFFICER. The resolution will go over under the rule.

Mr. KING. I offer another resolution of similar import directed to the Treasury Department asking for similar information, which I ask may also lie on the table.

The resolution (S. Res. 199) was ordered to lie on the table, as follows:

Resolved, That the Secretary of the Treasury transmit to the Senate all correspondence, notes, exchanges, and communications which have passed directly or indirectly between the Secretary of the Treasury and representatives of the German Government respecting the settlement and payment of American claims against Germany, together with a statement concerning all conferences and negotiations on the subject of such claims, to which he directly or indirectly has been a party, and to advise the Senate whether representatives of the Department of the Treasury, with his authorization, have carried on negotiations in Germany respecting the settlement and payment of such claims, and to report to the Senate any and all arrangements, recommendations, or agreements, which he has made in the premises, and the considerations which induced him to make the same.

REMOVAL OF THE BARTHOLOI FOUNTAIN

Mr. WILLIS. Mr. President, I desire at this time to enter a motion to reconsider certain action taken by the Senate yesterday which, in my judgment, was ill-advised. At page 7164 of the Record of yesterday's proceedings it appears that action was taken touching the bill (S. 3423) authorizing the removal of the Bartholdi Fountain from its present location and authorizing its reerection on other public grounds in the District of Columbia.

I do not believe that the Senate gave proper consideration to this measure. I do not believe that many Senators were aware of what was being done when it was passed. The Bartholdi Fountain, as I view it, is the splendid, artistic old fountain in the Botanic Garden. Now, it is proposed to remove that fountain, it being alleged that it interferes with some other work which is contemplated. I do not know what other Senators think about it, but, in my judgment, it is of very great importance that the Botanic Garden should be maintained. There are some people who think that most of the trees and shrubbery there should be taken away and it should be devoted to another purpose. There are in that garden historic trees which ought not to be touched, and, so far as I am concerned, I want more time to look into this matter.

I, therefore, at this point enter a motion to reconsider the vote by which the bill was passed, it being my understanding that the papers have not yet passed out of the possession of the Senate. I make that motion and ask that the bill may go to the calendar.

The VICE PRESIDENT. The motion to reconsider will be entered.

SENATOR FROM IOWA

The Senate resumed the consideration of the resolution (S. Res. 194) declaring Daniel F. Steck to be a duly elected Senator of the United States from the State of Iowa for the term beginning March 4, 1925, reported by Mr. EXNER from the Committee on Privileges and Elections.

Mr. BLEASE. Mr. President, I represent in part on this floor the State of the American Union that was the mother of secession, of which fact I am proud. It has been sometimes stated that the war of secession was fought for the purpose of keeping the Negro race from becoming free. There has never been a more malicious slander perpetrated upon any people than that statement, whether it be by voice of mouth or whether it be in the writings of some man's story called history. It was fought for a great principle. The soldiers of the Southern Confederacy were as true and as devoted to the Constitution of this country as any body of men who have ever been citizens of this great Nation.

I have regretted from time to time the effort which has been made to take from the various States of this Union their individual liberty and their rights. I regret to see here to-day a sentiment in the Senate which would lead Senators to take from the great State of Iowa the right to say who shall represent her upon the floor of the United States Senate by a shifting of ballots when it is admitted by those who are prosecuting this case against Mr. Brookhart that there was not any fraud.

Mr. President, in a speech delivered in Boston, Mass., on one occasion I said:

The greatest debate this Nation ever witnessed was staged in the Senate of the United States between a son of Massachusetts and a son of South Carolina. Both were imbued with the highest patriotism, and each was striving toward the same goal, but along different paths. Looking back to that time, we can see that the gloom of civil war, in which brother was to be pitted against brother, was already settling upon our great Nation. A few years later the inevitable storm was upon us. Fifty years have now passed since its fury was spent, and to-day South Carolina and Massachusetts, by that fervid devotion to principle which helped to bring on the great battles in which the sons of one wore the gray and the sons of the other the blue, can clasp hands with higher respect each for the other

and with the friendship of brothers, each of whom knows the courage of the other and his devotion to a common mother.

The Constitution of the United States distinctly provides that—

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Yet, Mr. President, the chairman of the Committee on Privileges and Elections, who presented the report on behalf of the majority of that committee, makes this astounding statement:

Nothing is clearer than that the Committee on Privileges and Elections is its own judge, and it does not have to follow the law of Iowa, and has not done so, and has not attempted to do so.

A more flagrant violation of State rights has never been known, and I am surprised that Southern Senators, the sons of Confederate veterans, will sit upon the floor of the Senate after that war, after that fight, and admit by this kind of a report that they were wrong in the position then taken and to-day turn their backs upon it and attempt to cast it aside as if it had never been taken.

Mr. President, another section of the Constitution reads:

Each House shall be the judge of the elections, returns, and qualifications of its own Members.

That does not, however, Mr. President, wipe out the other section which I have read. And in the seventeenth amendment to the Constitution of the United States it is provided:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors—

Not the Senate, not the Members of the Senate but—

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Then, Mr. President, we find that it has been laid down by the court in New York:

When the people create a single, entire government, they grant at once all the rights of sovereignty. The powers granted are indefinite and incapable of enumeration. Everything is granted that is not expressly reserved in the constitutional charter or necessarily retained as inherent in the people.

Going back to the Constitution and saying that the principle is there distinctly and plainly laid down, the court in another case says:

The guaranty of equal privileges and immunities to citizens of the United States . . . does not limit the power of the State government over the rights of its own citizens.

Yet the Committee on Privileges and Elections of the Senate comes in here and tells us that they do not propose to be bound by the laws of Iowa, when this election was held, and properly so, under the Iowa law and could not be held under any other.

Mr. President, if the Senate shall establish that rule, then suppose in the next election in November, in my own State, the Republican convention were to meet and nominate for the United States Senate Joseph W. Talbort, the chairman of the Republican committee of that State and a member of the Republican national executive committee from that State, who has been in the service longer than has any other man on that committee. He goes into the general election in November. He can control 10,000 or 15,000 votes. He sends to the ballot boxes all over the State of South Carolina men who are disqualified under the laws of the State of South Carolina, which this committee says they will not recognize. He has at the polls in the precincts men to take down the names of those persons who offer to vote and say that they would vote for Talbort. They come here to the Senate and present 40,000 or 50,000 votes of persons who are disfranchised under the law of South Carolina. The Senate goes into the contest, and the Committee on Privileges and Elections says, "We will not pay any attention to the law of South Carolina; we are the judges of the qualifications of our own Members"; and the committee turns back to the Constitution where it provides that no man shall be prohibited from voting on account of race, color, or previous condition of servitude. In such a case, why would not the Senate seat Talbort as a Senator from South Carolina instead of the man who the election board certifies here has been elected to that position? If the Senate can do this in the Iowa case, it can do it in such a case from South Carolina. I want my southern friends to stop and think before they set such a precedent here, because if they set it to-day in this case

then they certainly will have no right to complain if it is used against them after the 4th day of March, 1927.

Mr. President, I believe in State rights, and I wish to be excused a brief personal reference along that line. Back in the nineties in the Legislature of the State of South Carolina I saw that what Mr. Hayne said on the floor of the Senate was true, and that the United States Government was stealing from the States their rights as States and their right to do as they pleased. They have taken from us our water powers. The United States claims the right to turn them over to individuals who may become millionaires, and to charge the people who have to use the current generated most outrageous rates. They have assumed the power to build bridges over the rivers in the States; they have taken from us many other rights, including the control of our railroads and the control of a great many other matters in the States. Day by day they are encroaching more and more upon the liberties and rights of the States. I was opposed to it then and I made speeches against it. In the State Senate of South Carolina in 1905, when they sent the Dick law down there to get ready for war, I stood on the floor single handed and fought against the invasion of the rights of South Carolina by any such measure. It became a law and is a law to-day, and if it had not been for that law I do not think that the administration which has just passed out would be charged with as many murders in the sight of God as it is charged with by the fresh-made graves in this country and in France.

When I was the governor of my State I wrote message after message and I want to read a few extracts from them along this line:

Once again, gentlemen, I call to your attention the encroachment by the Federal Government upon State rights, and I desire to quote you, in this connection, the words of that great South Carolinian, our acknowledged leader and champion, Robert Y. Hayne.

Mr. President, I am quoting from a message I sent to the General Assembly of South Carolina while governor of the State:

In the speech which he delivered in the United States Senate, in his celebrated debate with Webster, he said:

"The people whom I represent—

Said Mr. Hayne—

are the friends of the Union; and who are its enemies? Those who are constantly stealing power from the States and adding strength to the Federal Government."

What think the people of our State to-day, and who is it that is "stealing power from the States and adding strength to the Federal Government?" Can it be possible that, under the lead of a man sometimes called a southerner—

I was referring then to one whom you all know, I presume—the Democratic Party is to become the party that is "stealing power from the States"—

Mr. JONES of New Mexico. Mr. President—

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from New Mexico?

Mr. BLEASE. Mr. President, I am sorry, but I decline to yield to anybody until I get through. A Senator's speech yesterday was ruined by interruptions, and I do not propose to be caught in the same trap. I am sorry, but I can not yield.

Mr. JONES of New Mexico. Mr. President, the interruption I desire to make—

Mr. BLEASE (continuing reading)—

and giving it to the Federal Government; and that the Republican Party—

Mr. JONES of New Mexico. Mr. President—

Mr. BLEASE (continuing)—

under the lead of a Hughes or a Whitman, is to become the State rights party, and stop this "stealing of power" spoken of by Mr. Hayne?

If the Senator wants to call me to order, all right; otherwise, I positively refuse to yield.

Mr. JONES of New Mexico. I do want to take exception to and to utter my protest against the use of certain language that the Senator has used.

Mr. BLEASE. I am quoting from Mr. Hayne's speech on the floor of the Senate.

Mr. JONES of New Mexico. I do not refer to that. I refer to a remark of the Senator, if I understood him aright, in which he referred to the soldiers who made the supreme sacrifice in the late war as having been murdered by this Government of ours.

Mr. BLEASE. Well, we just have a difference of opinion on that; that is all.

Mr. JONES of New Mexico. If that language is unparliamentary—

Mr. BLEASE. Mr. President, I refuse to yield. I am responsible for what I say here.

Mr. JONES of New Mexico. I think it ought to be expunged. At any rate, I want to enter my earnest protest against its use.

Mr. BLEASE. To proceed with the quotation, Mr. President—

I desire to call your attention to that part of my annual message of 1914 which dealt with this grave question. Since that time more power has been "stolen" from the States and given to the Federal Government, and more of this power is now sought to be "stolen." And, to the surprise of those who loved and fought for the Southern Confederacy and those of a later generation who now love its memory and hold sacred the cause for which the southern armies battled, we find many of those whose fathers and brothers, yea, some who themselves fought for this cause, and who themselves to-day owe their lives and freedom to it, now taking part in this "stealing of power" as described by Mr. Hayne. Can it be possible that, by the records of Southern Senators and Congressmen, generations yet unborn will be led to believe that the northern historian recorded the truth when he wrote that the southern soldiers, led by those matchless leaders, Robert E. Lee and Stonewall Jackson, and the other gallant men who made that fight, made it only to keep the negro from being a freeman and not in defense of their honest convictions in behalf of State rights? God forbid it. We love the cause too dearly. We know the Southern Confederacy fought for a higher and nobler purpose, and surely those who represent us will be too manly and too brave and too patriotic to permit the motives of their forefathers and of their own people, in one of the greatest struggles the world has ever known, to be regarded by coming generations as low and contemptible. Surely they will protect the glorious heritage which has been handed down to us of the South.

Further, along this line, I desire to quote you from the remarks of another southerner, one who fought for State rights in times of peace and in times of war. I refer to the remarks of Justice L. Q. C. Lamar, in an oration delivered on the Hon. John C. Calhoun:

"The American Union is a democratic Federal Republic, a political system compounded of the separate governments of the several States and one common government of all the States, called the Government of the United States.

"Each was created by written constitution, those of the particular States by the people of each acting separately, and that of the United States by the people of each in its sovereign capacity, but acting jointly. The entire powers of government are divided between the two—those lodged in the General Government being delegated by specific and enumerated grants in the Constitution; and all others not delegated being reserved to the States, respectively, or to the people. The powers of each are sovereign, and neither derives its power from the other. In their respective spheres neither is subordinate to the other, but coordinate; and being coordinate, each has the right of protecting its own powers from the encroachments of the other, the two combined forming one entire and perfect Government. The line of demarcation between the delegated powers to the Federal Government and the powers reserved to the States is plain, inasmuch as all the powers delegated to the General Government are expressly laid down, and those not delegated are reserved to the States unless specially prohibited.

Mr. Thomas Jefferson—and I believe to-day in New York, and in a day or two in this city, banquets have been and will be given at which great speeches were and are to be made on Thomas Jefferson and his democracy—said, in 1821:

It is a fatal heresy to suppose that either our State governments are superior to the Federal, or the Federal to the State; neither is authorized literally to decide which belongs to itself or its copartner in government. In differences of opinion between their different sets of public servants the appeal is to neither, but to their employers peaceably assembled by their respective in convention.

In a letter, written just after that, he said:

I see, as you do, and with the deepest affliction, the rapid strides with which the Federal branch of our Government is advancing toward the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers, foreign and domestic, and that, too, by constructions which leave no limits to their powers, etc. Under the right to regulate commerce, they assume, indefinitely, that also over agriculture and manufactures, etc. Under the authority to establish post roads, they claim that of cutting down mountains for the construction of roads and digging canals, etc.

Patrick Henry, Mr. President, in the Virginia convention, said:

The officers of Congress may come upon you now, fortified with all the terrors of paramount Federal authority. Excisemen may come in multitudes—

Here is a prediction made years and years ago that is just as true as if he had made it to-day:

Excisemen may come in multitudes, for the limitation of their numbers no man knows. They may, unless the General Government be restrained, go into your cellars and rooms—

And they are going—

and search, ransack, and measure everything you eat, drink, and wear. They ought to be restrained within proper bounds.

And he was right; they should have been restrained, and we would not be as we are to-day without protection to our castles and our homes.

Louis Kossuth, speaking in this country on local self-government, said:

We Hungarians are very fond of the principle of municipal self-government; and we have a natural horror against the principle of centralization. That fond attachment to municipal self-government, without which there is no provincial freedom possible, is a fundamental feature of our national character. We brought it with us from far Asia a thousand years ago, and we conserved it throughout the vicissitudes of 10 centuries.

Sir Wilfrid Laurier, in 1890, in speaking at a banquet given in his honor in this country, said:

There was a civil war in the last century. There was a civil war between England, then, and her colonies. The union which then existed between England and her colonies was severed. If it was severed, American citizens, as you know it was, through no fault of your fathers, the fault was altogether the fault of the British Government of that day. If the British Government of that day had treated the American Colonies as the British Government for the last 20 or 50 years has treated its colonies; if Great Britain had given you then the same degree of liberty which it gives to Canada, my country; if it had given you, as it has given us, legislative independence absolute, the result would have been different—the course of victory, the course of history would have been different.

Mr. President, we hear a great deal about State rights. Why have we not heard from some of these men who are clamoring for State rights to-day, who want to be candidates for President of the United States on the Democratic ticket? Where were they when these rights were being stolen? Did you hear anything about it then? No! Did you hear anything about State rights when they were destroying everything we had and taking from us the control of all of our agencies? No. When did you hear it? Liquor! Liquor! You never heard it from the other side. You never heard it from these great governors of some States who now want to be candidates for President on the Democratic ticket—not a word—but when you took their liquor away from them, then you began to hear them exclaim: "State rights!" "State rights!"

Why, Mr. President, the greatest curse in this world had to be saved back to the last; the greatest curse ever known to man had to be dragged in as the last chance to whip some people into line for State rights. That is true, and we all know it.

This committee say they ignore the law of Iowa. I wish the distinguished senior Senator from that State [Mr. CUMMINS]—a man for whom I have the greatest respect, and I might almost say love—had waited and come upon the floor of the Senate and made a speech as to what was the law of Iowa, even though he had not voted. Some people have been so unkind as to say that some Senators will be governed in their votes on this matter by the effect they might have on the senior Senator from Iowa. I want to say personally that while, of course, that has no effect on my vote, if I had a vote in Iowa I would cast it for ALBERT B. CUMMINS; I would not care who ran against him.

This committee say that they will not, do not, and have not paid any attention to the laws of the State of Iowa. Where have these ballots been, Mr. President? Nobody is agreed on that. They admit that these sacks came here in bad order. They held this election in Iowa. It is presumed that they were honest in handling the election. Those honest men counted these ballots. Some of them, they say, were in the machine. I have not yet heard whether it was a Republican or a Democratic or a Progressive machine; it simply was a machine. These honest, true men counted those ballots and certified them up to the State canvassing board.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. BLEASE. No; I refuse to be interrupted.

They certified those ballots to the State canvassing board. The State canvassing board canvassed them at home, right where they knew the people and knew the intent of the people, and they have sent a certificate down here saying that Brookhart was elected.

What happened eight or nine months afterwards? Nobody knows where these votes were. They say they were in a courthouse. Yes; I have seen things put into courthouses, too. I have seen jury boxes in courthouses, and I have known them to be tampered with the night before a trial commenced, and people brought up and punished for it. There these ballots lay out there all this time. They hung around, nobody knows where. Then they were shipped down here in sacks, some of them not sealed, just burst open. What would have hindered any man who wanted to do it from taking a bunch of ballots and sticking them in one of those boxes and taking out that many that were already there? What would have hindered somebody from interfering with those ballots even after they came down here to Washington? And then we, the representatives of the people of this country, sit down here and say we will pay no attention to what the voters in Iowa did; we will not pay any attention to what the county canvassing boards in Iowa did; we will not pay any attention to what the State canvassing board did. No; "we discard it all," says this committee here, "and we pay absolutely no attention to the laws of Iowa. We are the judges; and we are going to say, regardless of this, who shall be seated and who shall not be seated in the United States Senate."

I am opposed to it. It does not make any difference to me what Mr. Brookhart's politics is. It does not make any difference to me what Steck's politics is; but it is a mighty strange thing to me, if he is such a good Democrat, that so many Republicans out in Iowa flopped over and voted for him to try to get him in the Senate against one who claims to be, was nominated by Republicans, and was running on the Republican ticket. I do not believe Steck is a Democrat; and if he had been, I do not believe the Republicans would have voted for him, any more than I believe the Democrats of South Carolina would vote for a Republican under similar circumstances.

That is my opinion about it. I have heard these speeches. I have listened pretty carefully to most of them. I have heard these figures. Why, anybody can make figures. They say figures do not lie, but the man that makes them sometimes is a liar. There is no question about that. I have listened carefully and attentively, and I can not see any reason in the world why the Senate, sitting here to-day or on Monday, should turn Mr. Brookhart out of his seat and set any such precedent as is sought to be set here to-day.

I hope, Mr. President, that Senators will stop and think. It is not simply a question of this case. It may be a very small matter as to whether or not you will turn out Mr. Brookhart. That is simply a question, possibly, as to one man; but it reaches further than that. It sets a precedent that will be held up for years and years before the Senate. It will be said that the Senate in 1926 decided that they were not bound by the laws of Iowa, that they made their own laws, that they could take the ballots eight months afterwards and count them better than the counters at the ballot box could count them; that they were more competent to pass on their validity than was the county board, and that they were more honorable to make the count than the State board who canvassed these results.

They say that the people meant to do so and so. Nobody in God's world can tell what a man meant except the man in the box. He may have made crosses and meant to mark out names, and he may not have meant to do that. In my State we print all the names on one ticket—United States Senator A. B. C. and D. all the way down, governor, and all State officers. When a man goes in to vote, he draws a mark through the name of the man for whom he does not want to vote. The man whose name is left, and not marked out, is the man for whom that voter intends to vote. We have a separate ticket for county officers, and it is handled in the same way. Even with that, Mr. President, I have seen tickets come out of the box many a time with two names left on them for one office. Of course, those tickets had to be discarded. On the other hand, I have seen them marked in such a way that they marked out all the candidates, and left nobody for one particular office. Of course, such a ballot could not be counted for that particular office. Therefore I submit to the Senate that when a man goes into the booth his intention may change after he gets in there; he may vote entirely differently from the way he says, as he goes in, he is going to vote.

I myself, and I have no doubt every man in the Senate, have sometimes found so many names on a ticket, possibly running for the House of Representatives or some office where they have had three or four candidates, that even after the voter got into the booth he would change his mind, and possibly vote for one of his favorites, or maybe two, and then change off and vote for another man, as he had no special preference left. Therefore who can come down here to Washington City on a committee and say what a man in Iowa meant? Who can say what he intended to do? It is said that we are to judge his intention by his ballot. His ballot may not always express his intention, because he might himself have made a mistake.

Where are all these missing votes? Were they before the State canvassing board? I have not heard whether they were or not. If they were, and the State canvassing board counted them, why should they have been lost in coming to Washington and not be counted after they get here? Why should we sit here and say that those people in Iowa did not have sense enough to hold an election, and, when they did hold it, that the officials who held it did not have brains enough to count what the people wanted and what they intended?

In conclusion, Mr. President, let me say that not a charge of fraud is brought here, so far as I have heard—not one—and that, it seems to me, ought to be the turning point in this whole case. The State of Iowa holds its election, certifies its votes, gives the certificates to Mr. Brookhart, and Mr. Brookhart brings it here and presents it to the Senate. He is sworn in the Senate, and sits here for more than a year.

Now, without a single charge of fraud the Senate is requested to set aside the election in Iowa and say that we are going to give this seat to a man who did not receive a majority of the votes.

If anyone can show me that there was fraud, I will be delighted to vote to correct fraud. I have always been against it. I have always been in favor of letting the people have a fair vote, untrammelled, untrammelled, a chance to vote for whom they please, and when the majority have spoken I believe in abiding by their verdict, let it elect whom it may. Let the people rule, let the people be the masters, and when we do, we will have performed our solemn duty as Senators.

It has been said that certain pressure is being brought to bear on some people. I do not believe that. I do not believe in these slanders on Senators. I have never mentioned his name on this floor before; I have said very little about him publicly or privately, but I do not believe that the President of the United States, a man elected by the people of this country, overwhelmingly elected, would be so little as to take part in a partisan fight on the floor of the Senate over the seating or unseating of any one man. I deny it. While I have never spoken to him in my life, have not seen him since his inauguration, never wrote him a line or received a line from him that I know of, and have never heard anybody else express an opinion for him, I know that a man who can be President of the United States can not be that small a man. That is my opinion of our present President.

Unless we can show fraud, we have no right to go behind this State election. To set aside the return of the State officials would establish a precedent which we should not set, because if we do that we will have to face it in the days to come. I do hope that Senators in this Chamber, unless they can show fraud, will stand by the people in Iowa in the election of Senator Brookhart. If he has come here wrongly, four years from now the people from Iowa will pass on that and our hands will be clean. We will have done our duty.

Once again I turn back to this side of the Chamber and plead with the southerners not to put themselves on record as saying that the Senate can set aside the law of a Southern State, set aside the returns of the board of managers of a Southern State, and by a majority seat whom they please without fraud being shown and in absolute violation of and disregard of the laws of the State wherein the election was held, as this majority report said they advocate in this case.

There never has been an election held and never will be an election held where irregularities and mistakes do not occur. They happen in all elections. They can not be avoided. But they do not necessarily indicate fraud. They happen on both sides. When there are too many ballots the managers pull some out of the box. In the drawing they may take out every ballot for the same candidate; but that is not fraud. That is done in executing the laws that govern them and under which they should act. I believe, as earnestly as I believe in any doctrine on this earth, in the doctrine of State rights, not confined to liquor, either, but applied to all State rights and all the powers of the State. I believe in leaving such powers with the States.

For the reasons I have given I propose to cast my ballot for Mr. Brookhart to retain his seat as the representative of the thousands of people in Iowa who themselves said he was the man they wanted in the Senate.

Mr. TRAMMELL. Mr. President, on account of the very high regard and appreciation I have for the Senator now occupying a seat in the Senate as the junior Senator from Iowa, I speak with some reluctance in the contest now pending. My mind was absolutely open as to the course I should pursue until the case was presented by the Senator representing the majority of the committee and the Senator representing the minority of the committee and some subsequent discussions on the floor of the Senate by Senators on each side of the controversy.

From the facts in the case, from the record in the case, on the presentation of both facts and law, I have been impressed that unquestionably Mr. Steck received a majority of the votes that were cast for United States Senator in the election of 1924 in Iowa. If he did receive a majority of the votes, he should not be deprived of a seat in the Senate on account of some technicality or on account of some pretext or alleged claim based on the doctrine of State rights.

I believe in State rights. I always defend that principle. But the question is how the doctrine of State rights will be applied. Should it be applied so as to deprive a man of a seat in the United States Senate who receives a majority of the votes of the citizens of Iowa, or should it be applied so as to seat a candidate who did not receive a majority of the votes?

I think that if we are going to fortify ourselves by an appeal to the doctrine of State rights, if we are going to perpetuate and sustain the principle of State rights, then we should recognize the expressed voice and the will of the people who cast their ballots at the ballot box in Iowa, and we should not switch their verdict upon some mere technicality or flimsy hair-splitting technical construction of the law.

Our recognition of the fact that we should give heed to the rights of the people led us to seat the present junior Senator from North Dakota [Mr. Nye]. I for one did not believe that the law of North Dakota authorized the governor to appoint him as a Member of the Senate. Even by the most liberal construction the Legislature of North Dakota had not complied with the constitutional requirement that a law should be passed providing for the filling of a seat in the Senate if a vacancy occurred after the adoption of the constitutional provision for popular election of Senators. But we felt that in justice and right North Dakota deserved representation here, and we waived that technicality of the law.

The entire contention in behalf of Senator Brookhart has been founded on a technical construction of the law. No decision has been read before the Senate which sustains the idea that ballots that were not cast for a candidate should be counted for the candidate. In this case there were 1,344 votes upon which the name of Senator Brookhart was not crossed, but it is said these ballots should be counted for him because of some technicality of the law, in which it is provided that if the voter puts a cross in the circle at the top of the ballot it becomes a vote for the entire party ticket. But that provision of the law is no more sacred, it is no more binding, than the provision of the law that if one desires to vote only a part of the ballot he may go down the ticket and place a cross in front of the name of the candidates of his choice.

Mr. DILL. Mr. President, will the Senator yield?

Mr. TRAMMELL. I will ask the Senator not to interrupt me in the midst of a thought.

On the question of the 1,344 votes which were given by the official canvassers in Iowa to Senator Brookhart, but which were not marked for him—unless we hold that they were marked for him merely through a technical construction of the law—I contend that section 812 of the law, which authorized the voter to mark a part of the ticket and to omit a part of it if he desired, is just as binding, and should be considered in connection with arriving at the intention of the voter, just as much as if he marked a cross in the circle at the head of the ticket. In fact, in reason, in logic, when you find a ballot with a cross in the circle, and also crosses down below, the crosses below are more indicative of the opinion and the desire of the voter than the cross which appears in the circle at the top. You may look out upon a crowd of people and say, "I like that group of people. I admire them. They are a wonderful lot of people." That is a general expression of admiration of that group of people. Then you begin to select those you like best, and you point out Mr. A and Mr. B, and you skip down and point out Mr. H and then Mr. M, or down the alphabet, selecting those you prefer. If a voter places a circle at the top of a ticket, the law provides that if a voter desires to vote for

only a part of the ticket he can place a cross opposite the names of those for whom he desires to vote. How could you say he intended to vote the whole ballot when he proceeds to exercise his privilege, and in a specific, express manner, indicates those for whom he desires to vote?

None of those who cast those 1,344 ballots marked a cross in front of Senator Brookhart's name. It is only by a very strict, technical construction, or attempt, at least, to construe the law, that they are counted for him; not as the will of the voter, not as ballots that were cast for him, not on the ground that it was the intention of the voter, but that under the law they ought to be counted for him.

If we do not count those 1,344 ballots, which were not cast for him—I contend they were not cast for him in fact, unquestionably not in fact, and I contend they were not technically cast for him—then upon the official returns that came to the committee Steck had a majority of the votes. Even on the official count in Iowa Steck had a majority of the votes. Therefore he was the preference of a majority of the voters who expressed themselves at the ballot box. One of the most sacred principles of State rights is to give recognition to the expression at the ballot box of the electors of the State. So I contend upon the official ballots, as canvassed in Iowa, when we determine whether those 1,344 ballots should or should not be counted, that Mr. Steck was fairly and honestly the preference of the people of Iowa to represent them in the United States Senate; that is, on the official ballots as tabulated by the canvassers in the State of Iowa.

Of course, if Senators are going to contend that those ballots ought to be given to Mr. Brookhart, although there was no cross in front of his name, it can be done only by the most desperate stretch of technical construction, and then, of course, the election would be in favor of Senator Brookhart.

Mr. DILL. Mr. President—

Mr. TRAMMELL. I yield to the Senator from Washington.

Mr. DILL. The Senator does not contend that any of those 1,344 votes were not legally marked? In other words, he admits they were legal ballots?

Mr. TRAMMELL. Yes; they were legal ballots, but that does not require counting the ballot for every name on the ticket.

Mr. DILL. There is nothing wrong about a ballot being marked that way in the sense that makes it an illegal ballot?

Mr. TRAMMELL. I do not think it makes it illegal to the point of requiring it to be thrown out.

Mr. DILL. That being the case, since they are legal ballots, the only way we can deprive Mr. Brookhart of those 1,344 votes is to declare illegal, so far as the Senate is concerned, the votes which the laws of Iowa make legal.

Mr. TRAMMELL. No; not the votes that the laws of Iowa make legal so far as those two particular candidates are concerned. I contend that the votes that were cast, so far as those two particular candidates were concerned, under the law of Iowa were not cast for Senator Brookhart, and therefore he is not entitled to them and they should not be counted for him.

Mr. DILL. But the Iowa law specifically provides that a ballot marked that way is legal and is counted for all the names on the ticket, and therefore the Senate must declare it illegal in the Senate when the law declares it legal in Iowa.

Mr. TRAMMELL. The court in Iowa held that if a man marked a cross in the circle at the top of the ballot, under the law that meant that he intended to mark all of the candidates following in the column of that particular party.

Mr. DILL. But that was 24 years ago.

Mr. TRAMMELL. But that if the voter went over into another column and marked a candidate over there, that action nullified the vote in the first column. I contend by that same principle of reasoning and logic that if a voter, as is apparent from the ticket, marked a square in the circle and went down and marked a cross in front of the names to show who he was voting for, and omitted to mark in front of a particular candidate's name as was done in this case in 1,344 ballots, by the same logic of reasoning that nullifies the idea that he intended to vote for Brookhart. I contend that the court decision does not support the idea that that was his intention.

Mr. DILL. It is true, as the Senator said, that as early as 1902, 24 years before, the courts had decided as the Senator states they did decide, and it is also true that they later wrote into the law of Iowa a specific provision that a ballot marked that way should be counted for all the names on the ballot under that party. The point I come back to is that the only way we can take those votes away from Mr. Brookhart is to declare illegal in the Senate what the law and the courts of Iowa have repeatedly declared is legal in Iowa.

Mr. TRAMMELL. I disagree with the Senator in regard to that. I say if the election officers in Iowa did not give to

the candidate the votes that he received, then it is the duty of the Senate, when the contest is brought before the Senate, to recognize and give credit for those votes. On the other hand, I say if the candidate did not receive the votes, 1,344 in number, and the election officers in Iowa gave him those votes when he did not receive them, it is the duty of the Senate to readjust that injustice that would be placed upon the people of Iowa and upon the candidate who was given 1,344 votes to which, as I contend, he was not entitled under the law of Iowa. Unquestionably the voters did not intend to give them to him and yet some Senators would give him votes that he did not receive, and would give them to him under a mere technicality of the law. If he did not receive them, so far as I am concerned I shall place my construction upon the laws of Iowa and I will not give him votes that he did not receive.

Mr. DILL. The Senator knows there is no court in the State of Iowa that would have taken the votes away from Brookhart.

Mr. TRAMMELL. I disagree with the Senator about that. With all the learning and with all the decisions that have been presented to the Senate by the distinguished Senator from Montana [Mr. WALSH] and those that might be reflected by the Senator from Washington [Mr. DILL], there has not yet been presented to the Senate a court decision that would sustain the Senator's contention in regard to those ballots. There has been none brought to the attention of the Senate that would sustain that contention.

Mr. DILL. I heard the senior Senator from Arizona [Mr. ASHURST] call attention to one.

Mr. TRAMMELL. I just exploded the theory of that case. That case did not support the Senator's contention. It rather contradicted it.

Mr. DILL. The statute supports my contention.

Mr. TRAMMELL. The statute does not support the Senator's contention. The case presented by the Senator from Arizona supports my contention instead of the contention of the Senator from Washington. It says that if a voter goes over into another column and marks a cross in another column of the ballot, that nullifies the idea that he intended to cast his entire ballot for the candidates of the party indicated by the circle in which he placed the cross. Following that to its logical conclusion and reasoning, if a man marks in the circle at the top of the ticket and then goes down the column and, desiring to make more specific his preference, omits the name of a candidate, that contradicts and nullifies the idea that he intended to vote for all the candidates indicated in the column in which he marked the cross in the circle. That decision supports my contention and not the contention of the Senator from Washington, in reason and in logic.

Mr. DILL. But in none of those ballots did the voter go over into the other column.

Mr. TRAMMELL. But he went down the column to show for whom he was specifically voting.

Mr. DILL. And the law provides that when he does that it must be counted for all of the candidates in that column.

Mr. TRAMMELL. When he went down that column of the ballot, it was shown specifically who he was voting for. Eliminating technicalities, the Senator knows why he did it. He did it for the purpose of showing that he wanted to vote only for those candidates opposite whose name he was placing a mark, even though he had placed a mark in the circle at the top of the ticket. In my State sometimes there are certain electors who do not care to vote for every Democratic candidate. An elector goes down the ballot and "scratches" the candidate, as we call it. He will mark nine out of ten Democratic names and will not vote for one. Whenever we reach that ballot, the election officers know what he means. They say, "That fellow scratched Jones." That is what the voters in Iowa meant to do. They meant to indicate that they were affiliated with the Republican Party, but they would not vote for Mr. Brookhart, and therefore they did not make a cross in front of his name.

Mr. ASHURST. If they did not intend to vote for Brookhart, why did they vote for the straight Republican ticket?

Mr. TRAMMELL. Of course we know why they did that. There were specific instructions sent out that if they wished to vote for the Republican Party ticket they should make a cross in the circle at the top of the ballot and then indicate who they wanted below. They were following the printed instructions sent out by the election officers. Senators here would ignore the construction of the law that is put on it by the election officers themselves who sent out the ballots and who sent out the instructions, and would take only the view of the election managers and the election clerks. We know that throughout the Nation the average election clerk is not an

experienced, trained lawyer. We know that they do not know much about the election laws. On the other hand, the State board of State officials preparing the ballot and sending out instructions are more generally familiar and acquainted with the law, and one can depend more upon their instructions. Even if they made an error as far as the voter is concerned, we consider them higher authority than we would ever consider the expression of some bystander or some uninformed local election clerk. So there is some reason why the voter thought he was expressing his particular preference and that his vote would only be counted as he intended it.

Mr. HEFLIN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Alabama?

Mr. TRAMMELL. I yield.

Mr. HEFLIN. The Senator from Arizona [Mr. ASHURST] suggested to the Senator from Florida that Mr. Brookhart was a Republican and running on the Republican ticket and that the voter intended to vote the straight Republican ticket. Mr. Brookhart, after he secured the nomination as a Republican, bolted the Republican national ticket, opposed the presidential nominee of the Republican Party, and when he did that thousands of Republicans bolted him and refused to vote for him.

Mr. TRAMMELL. Of course I have nothing to do with the political complexion of the situation. It is rather natural, when he did bolt the Republican ticket and the Republican Party and was jumping on the Republican presidential candidate, that a lot of the Republicans in Iowa would not think he was a Republican and would vote against him. I have nothing to do with that side of the case, and I do not care anything about it one way or another.

I have tried to reach a decision on the question as to who received the votes, as to the intention of the voters. As I analyze the situation I can not see any other side to the question if we are to take the will of the voters as it appeared on the official ballot counted by the election officers of the State and canvassed by the State board.

Of course, the canvass of the State board does not mean that they canvassed, in detail, every ballot, but they usually take the election returns from the respective precincts. But if we take that count, then, unless we give Mr. Brookhart 1,344 votes that were not marked for him, he was not elected, but Steck was elected by a majority of 527.

There has been a lot of talk about going back to the official ballots. I say, go back to them, take the official ballots, because when we return to the official ballots it will be found that Steck was elected and not Brookhart. The only way in the world we can consider Brookhart elected is to give him those 1,344 votes that electors of Iowa to the number of 1,344 did not vote for him; but yet these ballots were given to him in the official count. I say, even taking the official count and then determine whether or not those 1,344 votes that were not, in fact, voted for him should be counted for him. The voter did not vote for Brookhart. Therefore, deduct these 1,344 votes, and Steck was elected. Then, of course, we go to the count that was made by the Senate committee, which, in my opinion, was a very fair and honest count and does not call for all this equivocating and attempts at muddying the waters about the question of how the ballots were handled. There is absolutely nothing to indicate any fraud or irregularity. I have seen men more diligent and energetic here in behalf of the contestee than he and his attorney and his representative were in his behalf. I believe that the contestee himself and his attorney and his representative in the recount of the votes were just about as zealous and just about as intensely interested in protecting the contestee's interests as the Senators who are now trying to muddy the waters by saying a ballot might have blown out the window or might have been misplaced. If Senators do not want to take the ballots that were brought here and counted, let them go back to the original ballots counted by the election officers of Iowa. Then let us decide whether or not Brookhart should have had these 1,344 votes. In fact, there is no question but what they were not cast for Brookhart. Even though the official count gave them to him, I contend that, in fact, they were not cast for him. I believe in recognizing the laws of the State governing the election. But the law did not require that those votes be counted for him. I do not want to dwell too long on that, but there are three methods provided, as brought out yesterday by the Senator from Montana [Mr. WALSH], by which a person could vote a straight party ballot. He could place a cross in the circle at the head of the ballot and leave it stand there. That indicated that he wanted to vote for every candidate beneath that circle. That was one way the law gave him in which he could exercise his prerogative as an elector. In the very next section of the same law it is provided that

he may vote an entire ticket by making a cross in front of the names of the candidates following. That is the second method by which the elector may exercise his privilege. Then method No. 3 provides:

If the names of all the candidates for whom the voter desires to vote appear upon a single ticket but he does not desire to vote for all the candidates whose names appear thereon, he shall place a cross in the square opposite the name of each such candidate for whom he desires to vote without making any cross in the circle at the top of such ticket.

The Senator from Montana when arguing yesterday contended that the fact that the elector placed a mark in the circle foreclosed the idea that he had any other purpose or object in mind than to vote for the entire ticket. In this instance the electors placed a cross in the circle there and they also, under another provision of the law which I have read, attempted specifically to indicate that they did not intend to vote for all the candidates on that ticket. The sole and only way in which they could specifically indicate their specific preference was to place a cross in front of the names of those for whom they wished to vote and to omit to place it in front of the names of those for whom they did not desire to vote.

Mr. FESS. Mr. President, will the Senator from Florida yield to me?

The PRESIDING OFFICER (Mr. COPELAND in the chair). Does the Senator from Florida yield to the Senator from Ohio?

Mr. TRAMMELL. I will ask the Senator to wait just for a moment. Why should we presume that a cross marked in the circle had any greater sanctity or carried with it any stronger expression of the desire of the voter than a cross in front of the individual name? Both of them were methods prescribed by which the elector could vote. The only way by which we can determine what was really the intent and purpose of the voter is to analyze his action from the standpoint of logic, reason, and human conduct. I have stated that when the voter went down the ticket and marked the individual names he was attempting to indicate specifically and definitely what he desired. He marked a cross in front of the names of those for whom he wanted to vote and omitted it in front of those for whom he did not desire to vote. Voters to the number of 1,344, I think, omitted to put a cross opposite the name of the contestee in this case, and yet those ballots have been counted for him. The only way we can seat Mr. Brookhart is to recognize those 1,344 ballots as having been cast for him and deprive of the seat the man who I say and believe was honestly elected by the voters according to the laws of Iowa. Now I yield to the Senator from Ohio.

Mr. FESS. Mr. President, the Senator from Florida has indicated one of the phases in this contest that have been very confusing to me and is yet confusing. For one who wants to do what the Senator from Florida wants to do and others of us want to do, justice in the case, it can not help but be confusing. The placing of a cross in the circle voted a straight ticket under the law.

Mr. TRAMMELL. It voted a straight ticket if no other mark had been placed on the ticket except the cross in the circle.

Mr. FESS. Then the voter goes down the line and makes other marks, omitting some names, which it appears to me would indicate that he meant to vote for those names on that ticket, but the law says he voted the ticket. Now what are we to do?

Mr. TRAMMELL. No; I contend that the law does not say that. I say that in the light of the decisions of the courts of Iowa, as presented by the Senator from Arizona [Mr. ASHBURST] and by the Senator from Montana [Mr. WALSH], we can not construe that the voter voted the entire ballot merely because he marked a cross in the circle at the head of the ballot. That was indicative of his intention to exercise one privilege that he had; but he had another privilege and method by which he could vote. Another way was, if he did not desire to vote the entire ticket, he could mark a cross in front of the names of those he preferred. That would be indicative of his wish and desire and intention to vote only for those in front of whose names he marked a cross. The question is, which one of those, in reason, shall weigh greater in the matter of determining the intention of the voter? We can not say that the placing of a cross in the circle is conclusive under the law. We can not say that the other method was conclusive. Both methods have been employed. We have got to arrive at the intention of the voter. Unquestionably, in my mind, and from my sense of reasoning—and I only reason the matter out in an ordinary, common-sense way—the intention of the voter was to vote for those in front of whose names he put the cross

and not to vote for those in front of whose names he did not place the cross. That was one of the methods by which he could mark his ballot.

Mr. FESS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield further to the Senator from Ohio?

Mr. TRAMMELL. Certainly.

Mr. FESS. I concede the strength of the interpretation which the Senator from Florida places upon that controverted question. It would appear to me if the voter goes down the ticket and votes for certain names and does not vote for others, that he meant not to vote for the ones in front of whose names he omitted the cross, but when the voter puts the cross in the circle is it not true that under the law he voted the entire ticket?

Mr. TRAMMELL. If the voter had done nothing except to place a cross in the circle, that would be true; but is it not also true—

Mr. FESS. I think the Senator must admit that there is a basis for a reasonable doubt in that respect.

Mr. TRAMMELL. I know; and if the voter had stopped right there that would certainly be true; but we must see what the law further provides, and the law provides that there is another way by which a voter can exercise his privilege and indicate his preference.

Mr. DILL. The law provides for three ways in which the voter may indicate his intention.

Mr. TRAMMELL. I know that, but I am only discussing the one particular method involved. Another way is that the voter can go down the ballot and mark a cross in front of the names of the candidates of his choice. If he does that, though he has put the cross in front of the circle, if he also exercises the other privilege and the other method of voting, how are we going to construe that he intended the first method when the first method is not as specific of his expression as is the second method? The second method affords a more specific, in fact, a definite expression of the will and wishes of the voter.

Mr. FESS. If the Senator will permit me to interrupt him further, the question which he is now discussing and also the other matter which I think he will discuss, in regard to the agreement or the stipulation between the parties to the contest as to whether that should be final, notwithstanding what the voters in Iowa might have done—those two things are still very much confused in my mind.

Mr. DILL. Mr. President, will the Senator from Florida yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Washington?

Mr. TRAMMELL. I yield.

Mr. DILL. I wish to call attention to the fact that the law of Iowa, in section 811, in setting forth how a straight ticket shall be voted provides three ways. The Senator from Florida speaks of only two of them. One is that he may mark a cross in the circle at the head of the ballot.

Mr. TRAMMELL. If the Senator will excuse me, I am making my speech.

Mr. DILL. I beg the Senator's pardon.

Mr. TRAMMELL. I am not going to discuss something that is merely a sideshow.

The PRESIDING OFFICER. The Senator from Florida declines to yield.

Mr. TRAMMELL. I am not going to discuss a sideshow; I am trying to keep within the main show on this question. I am not going to discuss a method that is not involved in the controversy; and the other method is not involved in it, as I see it.

Mr. DILL. If the Senator will permit me, I merely wish to call attention to the wording of the law.

Mr. TRAMMELL. I have read the law.

Mr. DILL. The Senator omits any discussion of the third method provided by the law. He talks as though that was going outside the law when a third method is specifically provided by the law by which the elector may vote a straight ticket.

Mr. TRAMMELL. Yes; the third method is to put a cross in front of the name of every candidate.

Mr. DILL. It does not say "every candidate."

Mr. TRAMMELL. That is one way to vote a straight ballot.

Mr. DILL. The law allows the three methods, and the Senator omits the third.

Mr. TRAMMELL. Well, what does the Senator say the third method is.

Mr. DILL. Under the third method, according to the statute in section 811, if the voter marks a cross in the circle and

also a cross before the names of some of the candidates under the circle it still is a straight ballot.

Mr. TRAMMELL. That is not what the law provides as the third method.

Mr. DILL. That is the law.

Mr. TRAMMELL. The third method is:

He may place a cross in the circle at the top of such ticket and also a cross in any or all of the squares beneath said circle.

Mr. DILL. "Any or all," but it is still a straight ticket, and that is what the voters did here in all but one instance.

Mr. TRAMMELL. But section 812 says that if the names of all the candidates for whom the voter desires to vote appear upon a single ticket, but he does not desire to vote for all of them, he can go down the line and he can mark those for whom he desires to vote.

Mr. DILL. But not put a cross in the circle.

Mr. TRAMMELL. The Iowa decision which was quoted here a day or so ago held that if a voter put a cross in the circle, that of itself carried the idea that he intended to vote the entire ticket, but when he goes over in the other party column and marks a cross in front of the name of a candidate in that column, the court held that that ballot should not be counted, because the fact that he placed a cross opposite the name in the other party column nullified the presumption that he intended to cast a vote for the entire straight ticket.

Mr. DILL. That decision was in 1902, I think.

Mr. TRAMMELL. It was the decision read here in support of the contention of those advocating that everything should be counted.

Mr. DILL. Mr. President, I wish to ask the Senator another question. Suppose this contest had been brought to unseat Mr. Brookhart because 1,344 votes were counted for him under the State law when the intent of the voters was, as the Senator thinks it was, not to vote for him; does the Senator think, then, the Senate would consider unseating Mr. Brookhart when all the votes were legal?

Mr. TRAMMELL. Not if they were legal, but that is merely an assertion of the Senator from Washington. I state that it is not legal to count those votes for the contestee. The Senator might assert that it is legal. That is an honest difference of opinion concerning the construction of the law.

Mr. DILL. I can not read the law in any other way.

Mr. TRAMMELL. The fact that the Senator says it is legal does not make it legal, any more than my saying that it is legal makes it legal. The Senator asks me a hypothetical question based upon his own opinion as a foundation.

Mr. DILL. My reason for asking the Senator that question was that the Senator said taking the 1,344 votes away from the official count Mr. Brookhart did not have a majority.

Mr. TRAMMELL. Certainly; he has not a majority.

The Senator may realize why I am talking about the official count. It is because those who desire to seat the contestee have taken retreat in every instance behind the official count, and I say that, if they retreat behind the official count and there are 1,344 ballots in the official count that do not belong to Mr. Brookhart he is defeated and Steck therefore is elected by the official count.

I think that every element of fairness and justice prevailed in the entire contest and the recount; and the equivocating and trying to muddy the waters by saying that some ballots might have been out of place or might not have been out of place, and all that, and this talk about discrepancies between poll lists and the number of ballots, and all that, to be frank, I think is begging the question. I think there is very little in any contention of that kind.

Mr. GOFF. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from West Virginia?

Mr. TRAMMELL. Certainly.

Mr. GOFF. With the permission of the Senator from Florida, I should like to ask a question of the Senator from Washington. Does he consider the statute—section 811 of the Code of 1924—mandatory or directory?

Mr. DILL. I think it is mandatory on the election officials of the State of Iowa.

Mr. GOFF. It uses the word "may" as far as it grants a permissive privilege to the voter; does it not?

Mr. DILL. It uses the word "may" all through; does it not? Let me ask the Senator a question, then, in reply.

Mr. GOFF. Certainly.

Mr. DILL. Does the Senator mean to say that if this contest stood alone on these 1,344 ballots that are legally counted in the State of Iowa any serious consideration would be given to unseating the Senator?

Mr. GOFF. I certainly do; and I want to say further that the Senate of the United States, as an independent body, is not

bound by any official count or any election returns from the State of Iowa if they are not according to the intent and the law as the Senate of the United States understands the law to be.

In that very connection I want to call the Senator's attention to the decision of the Supreme Court of Iowa which was introduced into the Record by the Senator from Arizona [Mr. ASHBURST] and which has been referred to by the Senator from Florida.

This decision says, in Subdivision V:

A number of Republican tickets, upon which the name of incumbent was printed, were marked in the circle with a cross, and a cross likewise put in the square before each name thereon except that of incumbent.

That, as I understand, is almost the very language which the Senator from Florida used. Then the court, further on in this opinion and in the same paragraph, descends to a quotation from one of the prior decisions of the State of Iowa—I am reading, I will say to the Senator, from page 7104—

Mr. DILL. Is that in yesterday's Record?

Mr. GOFF. Thursday's Record—in which they quote the decision, saying:

It is said there is no authority for making a cross in the circle and also in the squares of the same ticket, as was done in the second, third, and fourth illustrations we have given. We think it is clear the statute does not contemplate that plan of voting. * * * Hence, when a voter has marked his ticket by placing a cross in the circle opposite the title, he does not add to the legal effect of that marking by placing crosses in squares opposite the names of candidates on the same ticket." This, we think, is true under the present statute. And we may say, further, that crosses in the squares under such circumstances not only do not add to the effect of the mark in the circle, but they do not detract from it—they have no consequence whatever, except in the case of a name written in, and that is specially provided for in section 1119, code.

Mr. DILL. They have no consequences, then.

Mr. GOFF. The Supreme Court says that they have no consequences, because the voter is doubling in his own tracks. He is doing twice what his original intention possibly meant that he only intended to do once, under the strict legal construction for which the Senator from Washington contends. If that statute is properly reflected in the decision of the court, that means nothing except that it indicates the intention of the voter; and it shows that as the voter came down that ticket he intended to vote the Republican ticket, and he undertook to eliminate the names before which he did not put the marks. In other words, he started with a generality which was republicanism. He descended to a particularity in which he eliminated, wherever he could, the names of those on the Republican ticket that he did not intend to include in the broad generality which he espoused when he marked at the top of the Republican column. That, I think, is the contention in the light of the law of the State of Iowa, and I thank the Senator from Florida for his permission to make the statement.

Mr. TRAMMELL. That is my contention.

Mr. DILL. I desire to answer the Senator, but I will do so in my own time.

Mr. TRAMMELL. In the same case the court held that if an elector put a cross on another ballot, that would nullify any idea or any technical construction that he intended to vote the entire ticket when he placed a mark in the circle.

Mr. GOFF. That is correct.

Mr. TRAMMELL. And I state that if his act in the voting booth, and the manner in which he marked the ballot, would indicate that he did not intend to vote for that particular candidate, that nullifies the idea of a general construction that he did intend to do so because he put a cross in the circle.

Mr. DILL. But so long as he did not put a cross in the other ballot, this decision says that the extra marking is of no consequence, and the vote is legal and is counted for the man who is not marked.

Mr. TRAMMELL. I know; but the court also goes on to state that if there is a manifest intention of the elector, the manifest intention of the elector should govern. That is my construction of that decision; and, of course, anybody knows that in common sense and in dealings of fairness, man to man, that is the proper construction to put upon the action of a voter—to try to ascertain his intention and his purpose, and to credit on the tabulation his intention and his purpose.

Of course, there might be a difference of opinion as to what the voter intended to do. I would rather give to the situation what I think is the construction that carries out the will of the elector.

In some States of the Union—of course, I know that the laws of other States do not govern and control in Iowa, and

should not—but in some States particular methods are provided for marking a ballot. In my State, for instance, the law provides that you shall mark a cross in front of the name of the candidate of your choice. Certain ballots were marked after the name of the candidate of the elector's preference, and a contest arose over that question. It went into the courts, and the courts held that, regardless of the law saying that you should place the mark in front of the candidate of your choice, if the voter marked it after the candidate's name that clearly and specifically indicated the intention and purpose of the voter, and the court construed that the law primarily intended that the will of the voter should be recorded and that his intention and his purpose was paramount and should be recognized, and that the fact that he put the cross after the name instead of in front of the name, although the law said it should be placed in front of the name, did not vitiate or nullify the ballot, and that the ballot should be counted.

I think that sound reasoning has been the basis of the decisions of the courts of all the States throughout the Union. We have not a court decision on the specific point that is involved in this case from the State of Iowa. Therefore, in the light of the decisions of the courts throughout the country, we ourselves have to arrive at a construction as to what application should be made of the law under the given circumstances and facts which confront us. We have a responsibility to perform just as much as the election officers of that State have a responsibility to perform. In the light of the opinion of the court in the majority of the decisions in the various States, I think that we are bound, in justice and fairness and proper respect for the predominating decisions of the courts of this country, necessarily to consider that those 1,344 votes were not cast for the contestee. Of course, they were not cast for the other candidate, but they were not cast for the contestee. Eliminating those 1,344 votes which he did not receive, according to my construction, I again assert that even under the official count Steck was elected, and unquestionably under the count that was conducted by the committee here Steck was elected.

Talk about the question of turning out people! According to my ideas and views it would be a very pathetic and a very tragic incident in the history of the United States Senate, when a man comes knocking at the door and says, "I was honestly elected; I received the majority of the votes of the electors of the State of Iowa as United States Senator; a majority prefers me; I am entitled to a seat in the Senate upon the basis of the facts and in all reason and in all justice," for the Senate to say, "We bar the door against you. We refuse to give you a seat in this body. We are not going to recognize the intent and the will of the electors of your State as expressed at the ballot box; but on a mere technicality we are going to say that while there are 1,344 votes there that in all reason apparently were never intended for the other man, because some election officer gave them to him we are going to recognize the other man and give him a seat in the Senate."

I have a great deal of respect and appreciation for the Senator from Iowa [Mr. Brookhart], the contestee in this case. I really dislike to make this talk on account of my personal feelings for him; but I have considered the facts, I have considered the law and the justice of the case, and I feel very sincerely that Steck was elected, that he is the preference of the voters of that State, and that he is entitled to a seat in this body.

Mr. GOFF. Mr. President, may I ask the Senator a question?

Mr. TRAMMELL. Certainly.

Mr. GOFF. As I understand the Senator's argument, there is no mandate in the present law of the State of Iowa that would prevent any court in that State from proceeding to find the actual intent of the voter as reflected in the ballots that illustrate the 1,344 votes; that the statute, being directory in its message, merely permits the court in the absence of an intent to the contrary to find that a voter might have so intended, but does not compel the court to find that a ballot so voted was intended as has been suggested by the Senator from Washington.

Mr. TRAMMELL. There is absolutely nothing in the decision of the court to indicate it. There is nothing in the law to preclude from them that prerogative of ascertaining the will of the voter; and, as I have already asserted, the trend and disposition of the courts throughout the country has been to try to determine the object and the intention and the purpose of the voter, not to disfranchise voters by extremely technical, strict constructions of law. The leaning has been the other way, and necessarily and properly should be the other way.

In a free country, with a representative form of government, with people selected by the sovereign will of the sovereigns of the various States, every safeguard should be cast around

a policy which will preserve and will give expression to the intent and the will of the voters as cast at the ballot box; and in this contest it is my desire to recognize the will and the preference as expressed at the ballot box, as I see it from all the facts, by the people of Iowa. That will unquestionably, as I see it, according to their intent and their purpose, represented by a majority, was that Steck should represent them in the United States Senate. For that reason I shall vote to seat him.

Mr. ASHURST. Mr. President, the junior Senator from Mississippi [Mr. STEPHENS], who filed the minority report on the Steck-Brookhart contest, ably addressed the Senate for several hours upon this contest, and his speech, owing to numerous interruptions which he suffered, is scattered through many pages of the Record. I have compressed into two pages of typewriting the vital points he made, and I ask permission to insert the matter in the Record at this juncture.

The PRESIDING OFFICER (Mr. BLEASE in the chair). Without objection, it is so ordered.

The abstract of Mr. STEPHENS's speech is as follows:

1. Senator Brookhart having received the certificate of election has a prima facie right to the seat and is the sitting Member. This can be overcome only by positive proof that he did not receive a plurality of the votes.
2. The returns of the judges of the election are prima facie correct. No recount of the ballots should be made until there is preliminary proof of the preservation of the ballots as required by law. There was no such preliminary proof.
3. Brookhart did not waive such preliminary proof.
4. This is not a private contest between Brookhart and Steck. The voters of the State of Iowa are parties. Therefore no waiver of any fact material to the decision of this matter could be made by contestee.
5. In 22 counties known as machine counties—that is, where voting machines were used—the ballots were preserved under an order of court. In those counties Brookhart gained 778 votes on the recount. In the 67 "paper ballot" counties where the ballots were not preserved under an order of court there were 1,068 precincts where there were discrepancies between the number of names on the poll lists and the number of ballots found in the boxes showing 3,570 missing ballots. It is significant that Brookhart gained where the ballots were properly preserved, and lost where there is no proof as to their preservation.
6. Where such discrepancies existed the official count should have been taken. If it had been taken, Brookhart would have had a plurality of 1,131.
7. This is true without regard to whether the 1,344 votes that were not given Brookhart are considered, for the reason that those of the 1,344 votes that came from the 1,068 precincts in which there were discrepancies are not to be considered. Thus Brookhart will have a plurality of more than 600.
8. If the official count be taken at the five precincts challenged, Brookhart has a plurality.
9. If the official count be taken at the 67 precincts where the bags were unsealed, Brookhart has a plurality.
10. Neither of the propositions—7, 8, or 9—is dependent upon the other. Accepting either one of the three contentions settles the matter in Brookhart's favor.
11. Under the laws of Iowa the 1,344 votes should be counted for Brookhart. The laws of the State should control.
12. The Congress having failed to enact laws on the subject of elections with reference to the "time, manner, and places, etc.," adopted the laws of each State on the subject of elections.
13. The fact that the Senate is by the Constitution made the sole judge of the returns, election, and qualifications of its own Members does not mean that the Senate is not bound by law. The Senate has no right to adopt rules in contravention of the statutes.
14. In one precinct there were 20 missing ballots. The recount gave Brookhart just 20 votes less than were given him by the officers of the election. * * * In another precinct there were 22 missing ballots. The recount gave Brookhart 24 fewer votes than were given him by the judges of the election. * * * In another precinct there were 12 more ballots found in the bag than there were names on the poll list. Steck was given 12 more votes by the counters than by the judges of the election. * * * In another precinct where the package of ballots came to the committee unsealed Brookhart lost 80 votes. * * * In another precinct where the package of ballots came to the committee and the counters noted on the work sheet "roll bound with cord," Steck was given 129 more votes than were reported for him by the judges of the election.
15. The committee is but an instrument and creature of the Senate. The Senate has a right to consider all the evidence and lack of evidence that may appear from the report of the committee. When this is done it appears clearly that Brookhart received a majority of the votes cast at the election.
16. This is a judicial question and not a political one. Each Senator is under the duty of deciding the matter on the law and the facts. The political effect should not be considered.

Mr. HOWELL. I ask unanimous consent that I may insert in the RECORD a table in connection with the Steck-Brookhart contest.

There being no objection, the table and accompanying statement were ordered to be printed in the RECORD, as follows:

STECK-BROOKHART CONTEST

In connection with this contest the 2,442 election precincts of Iowa logically divide into three classes, as follows:

(1) Machine-tallying precincts: Five hundred and eighty-five precincts in which voting machines were generally used; however, about 2.3 per cent of the vote cast was by use of paper ballots. It is to be presumed in connection with these precincts that the votes cast tallied with the number of names on the poll books, inasmuch as recent evidence to the contrary is lacking. The committee's supervisor failed to record the machine totals when the vote for Senators was reread.

Paper-ballot tallying precincts: Seven hundred and eighty-nine precincts in which the ballots received by the committee tallied with the names on the poll books.

Paper-ballot nontallying precincts: One thousand and sixty-eight precincts in which there was a shortage of ballots in every precinct as compared with the poll books, the total shortage amounting to 3,570 ballots.

(2) From the reports to the Senate submitted by the Committee on Privileges and Elections the following data is obtainable for each of these three classes of precincts:

(a) The number of Steck's uncontested votes and the number of his challenged votes.

(b) The number of Brookhart's uncontested votes and the number of his challenged votes.

(c) Also for all of the precincts taken together there is obtainable from the same reports the total number of both Steck's and Brookhart's challenged votes held to be good votes. However, the committee does not afford information that would enable, in each case, the apportionment of these good votes to each of the three classes of precincts. Only the total for all precincts is afforded, as previously stated.

(3) Under the circumstances, therefore, it is only possible to apportion these good votes to each of these three classes of precincts by determining the percentage of good votes to challenged votes in each case and then applying this percentage to the challenged votes for each of these three classes of precincts.

Thus, Steck's total challenged votes number 2,268. Of these there were found good 2,225, or 98 per cent. Brookhart's total challenged votes numbered 6,453. Of these 4,932 were found good, or 76.4 per cent.

Inasmuch as the committee's report affords the number of Steck and Brookhart challenged votes, as before stated, for each of these three classes of precincts, by applying the respective percentages in each case an apportionment of good votes is possible. This is done in the following tabulation, in which all totals agree with the committee's reports.

(4) From an inspection of this table it will be noted that if the recount made by the committee is accepted in the machine-tallying and ballot-tallying precincts and, in lieu of the recount, the official count is taken in the nontallying precincts, in which 3,570 ballots are unaccounted for, Senator Brookhart has a plurality of 582. And this is without including the 1,344 straight Republican ballots claimed by Brookhart and not allowed by the committee.

Steck-Brookhart contest

	Number of precincts	Official count		Committee's recount								Results	
		Steck	Brookhart	Steck				Brookhart				Using recount in tallying precincts and official count in nontallying precincts	
				Challenged votes	98 per cent challenged votes good	Uncontested votes	Final recount	Challenged votes	76.4 per cent challenged votes good	Uncontested votes	Final recount		
Machine tallying	585	128,865	123,779	98% of 19=	18+	129,008=	129,026	76.4% of 29=	22+	124,690=	124,712	129,026	124,712
Ballot tallying	789	110,171	122,232	98% of 840=	824+	110,494=	111,318	76.4% of 2,370=	1,811+	120,561=	122,372	111,318	122,372
Nontallying	1,068	207,784	201,626	98% of 1,409=	1,383+	208,442=	209,825	76.4% of 4,054=	3,099+	198,566=	201,665	207,784	201,626
Total	2,442	446,820	447,637										
Brookhart's plurality		817											
		447,637	447,637										
Challenged votes, total				2,268				6,453					
Uncontested votes, total						447,944				443,817			
Challenged votes, good, total				2,225				4,932					
Final recount							450,169				448,749		
Steck's plurality on committee recount											1,420		
							450,169				450,169	448,128	448,710
Brookhart's plurality using recount in machine and tallying precincts and official count in nontallying precincts (3,570 ballots are missing in nontallying precincts)												582	
												448,710	448,710

This result is without including the 1,344 straight Republican ballots claimed by Brookhart and not allowed by the committee.

ORDER OF BUSINESS

Mr. JONES of Washington. If there is no Senator present who desires to speak on the election contest, I see no reason why we should not take up the calendar for a while, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Dale	Harreld	Mayfield
Bayard	Dill	Harris	Metcalf
Bingham	Edwards	Heflin	Moses
Blease	Ernst	Howell	Neely
Borah	Ferris	Johnson	Norbeck
Bratton	Fess	Jones, N. Mex.	Nye
Broussard	Fletcher	Jones, Wash.	Oddie
Bruce	Frazier	Kendrick	Overman
Butler	George	King	Phipps
Cameron	Gillett	La Follette	Pine
Capper	Glass	Lenroot	Ransdell
Copeland	Goff	McKellar	Reed, Pa.
Couzens	Gooding	McMaster	Sackett
Cummins	Hale	McNary	Sheppard

Shipstead	Smoot	Trammell	Wills
Shortridge	Stanfield	Tyson	
Simmons	Stephens	Warren	
Smith	Swanson	Williams	

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, a quorum is present.

Mr. JONES of Washington. If there is no one present who desires to discuss the election contest, I submit a request that we take up the calendar, commencing where we left off two or three days ago, with Order of Business No. 470, to consider unobjectioned bills on the calendar.

Mr. KING. I understand there are a number of Senators on the other side who desire to speak on the election contest. There will not be time enough on Monday for all to speak, and why can we not consume the afternoon with a discussion of the pending resolution?

Mr. JONES of Washington. I am perfectly willing that that should be done, but I understood that there was no one who wanted to speak.

Mr. KING. I understand the Senator from Nebraska [Mr. HOWELL], the Senator from Idaho [Mr. BORAH], and the Senator from California [Mr. JOHNSON] desire to speak.

Mr. JONES of Washington. I had the quorum call made to give any Senators absent at the time an opportunity to speak to-day if they should so desire.

Mr. FESS. I will say to the Senator from Utah that they are present, but none of them wants to go on.

Mr. JONES of Washington. I ask unanimous consent that we take up the calendar, beginning with Order of Business 470, where we stopped a few days ago, and that we consider unobjected bills on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIS. Mr. President, I do not object, but at this point, noting the presence of the Senator from Utah [Mr. SMOOT] and the Senator from South Dakota [Mr. NORBECK], I want to inquire what the plans are for the consideration of the various pension bills that are on the calendar. Two Spanish-American pension bills, one a House bill and the other a Senate bill, are on the calendar awaiting consideration. I am advised that a Civil War pension bill will be reported very soon. I was wondering if we could not arrive at some conclusion, fixing a date when we might consider those bills. It is getting late in the session. What are the plans of the Senator from Utah touching the action of the Senate following the disposition of the Brookhart-Steck case?

Mr. SMOOT. I shall ask the Senate to take up the Italian debt settlement on Tuesday morning and shall attempt to keep it before the Senate until a vote is had.

Mr. BRUCE. Will not the Senator from Utah speak a little louder so that we on this side of the Chamber can hear what he is saying?

Mr. SMOOT. In answer to the Senator from Ohio, I said that it was my intention, subject, of course, to the Senate's will, to take up the Italian debt settlement on Tuesday morning, and to keep it before the Senate until it shall be disposed of.

PENSION LEGISLATION

Mr. WILLIS. Mr. President, I wish to direct a question to the Senator from South Dakota [Mr. NORBECK]. What are his plans touching the disposition of pension bills? He is chairman of the Committee on Pensions, and a good many of us are interested in knowing what he plans to do in that respect.

Mr. NORBECK. We expect to report out the bill which passed the House covering Spanish-American War pensions, with a few amendments that make it similar to the Senate bill now on the calendar. The Committee on Pensions of the Senate has already reported one bill which has passed the House.

Mr. WILLIS. Is the Senator at this time prepared to make any statement touching a report upon a general Civil War pension bill?

Mr. NORBECK. The first of the next week the committee will take up the question of a report on Civil War pensions. I believe I can assure the Senator that the committee will be favorable to some legislation to help the Civil War veterans out.

Mr. WILLIS. I hope the Senator will press for action upon those measures as soon as the Italian debt settlement is out of the way.

Mr. NORBECK. I assure the Senator from Ohio that there will be no delay.

Mr. BRUCE. May I ask the Senator from Ohio what he means when he speaks of pension bills? What bills, specifically, does he mean?

Mr. WILLIS. The bill I have especially in mind, although I do not recall the number, is a general Spanish-American War pension bill. Such a bill has passed the House recently by a vote of 365, there being no vote against it. That is on our calendar.

Mr. BRUCE. That relates to the Spanish-American War?

Mr. WILLIS. Yes; that relates to pensions of Spanish-American War veterans. The chairman of the Committee on Pensions has just advised the Senate that his committee expects soon to report a Civil War pension bill. They have not yet fully formulated it.

Mr. BRUCE. An increase of pensions?

Mr. WILLIS. An increase of pensions for veterans of the Civil War and their widows, and he expects soon to report that bill and states that he will press for early consideration.

Mr. BRUCE. Are there any more pension bills besides those?

Mr. WILLIS. I am not a member of the committee and can not enlighten the Senator.

Mr. BRUCE. Are those the only two in which the Senator from Ohio is interested?

Mr. WILLIS. Those are two in which I am specifically interested.

Mr. KING. I can state with certainty to the Senator from Ohio that he need have no concern about the passage of pension bills through the Senate before adjournment. I have no doubt that the appropriations for the next fiscal year for ex-service men and to meet the pension demands will amount to approximately \$800,000,000. When we were discussing the bonus bill several Senators, among them the Senator from Idaho [Mr. BORAH], stated that the appropriations to ex-service men would aggregate between \$75,000,000,000 and \$100,000,000,000. Of course that included the payments to be made to their widows and dependents and would cover a considerable period of time. Congress will soon be appropriating \$1,000,000,000 a year if we are to continue our present course in the matter of pensions and to meet the requirements of the Veterans' Bureau. No one is opposed to liberal appropriations to care for the disabled and to meet the requirements of those who were injured while serving their country.

Mr. WILLIS. The Senator from Utah, of course, will aid us in getting those bills before the Senate for consideration?

Mr. KING. The Senator from Utah will aid in securing legislation to care for those who received injuries while in military service. But I do not look with favor upon this growing tendency to grant civil pensions or service pensions. I shall vote for liberal appropriations for those who were injured while serving their country upon the battle field, or who incurred disabilities while in military service.

Mr. WILLIS. Of course the Senator will not object to taking up the bills?

Mr. KING. If I were to object it would do no good, because election is approaching and the anxiety of Senators to satisfy the demands of constituents will prompt them to run the Juggernaut over anyone who has the temerity to interpose an objection.

Mr. WILLIS. It is possible that a motion may be made to take up the bills.

Mr. BRUCE. I would like to ask the Senator from Ohio a question. Is this Spanish-American War veterans' bill a service pension bill, or is it for disabled men?

Mr. WILLIS. I shall answer the question so far as I am able. I am not a member of the committee. It is my understanding that it is a service pension bill.

Mr. BRUCE. I thought the Spanish-American War was a war about which the complaint was that there was not war enough to go around.

Mr. WILLIS. I never heard that complaint.

Mr. BROUSSARD. Mr. President, may I say to the Senator from Maryland that the Spanish-American War was fought by volunteers. They have never been before Congress since 1899 to ask for anything. The maximum compensation given for total disability is \$30, whereas veterans of other wars are receiving much more. The bill which the Senator has been discussing is merely intended to equalize, in a measure, the veterans of other wars and what they are receiving with what the Spanish War veterans are receiving.

Mr. BRUCE. I am not speaking of disabilities. I asked the Senator from Ohio the question as to whether the bill was a service pension bill.

Mr. BROUSSARD. It is a disability pension bill. It should be enacted into law, because since 1899 those men have never been here asking Congress for anything, and that is why they are getting much less than half what the other veterans are getting to-day.

THE CALENDAR

Mr. JONES of Washington. Mr. President, I ask unanimous consent that we may begin the call of the calendar at Order of Business No. 470, the call to proceed for unobjected bills only.

The PRESIDING OFFICER. Is there objection?

Mr. BRUCE. I object. If it is the desire to take up the calendar, I want to take it up in the regular way.

Mr. JONES of Washington. There are about 150 bills on the calendar, and I think the idea is if we can get through the unobjected bills following No. 470 on the calendar that we will then begin at the beginning of the calendar and go through from the beginning. If objection is made at this time, it will mean a call of the calendar under Rule VIII.

Mr. BRUCE. I have bills in my charge on the calendar that have been bringing me over here very often, to my very great inconvenience at different times, and which have never been reached on the call of the calendar because of the zigzag method being constantly pursued with reference to the calendar. If we are going to take up the calendar, let us take it up in the regular order.

Mr. JONES of Washington. This is the course we have usually pursued heretofore, I may say to the Senator.

Mr. BRUCE. I know, but it has worked out lamentable results so far as I am concerned and so far as my convenience and comfort are concerned and my ability to get consideration for bills in which I am interested.

Mr. KING. Mr. President, it seems to me the request of the Senator from Washington is a very fair one. If we started always at the beginning of the calendar, we would get only so far and then we would adjourn or take a recess. Then we would start again at the beginning and traverse the same ground, and those bills which are further on in the calendar would never be reached. It seems to me it is fair to go through the entire calendar at some time and then start again at the beginning. We have not gone through the entire calendar yet, so the Senator is not subjected to more annoyance or inconvenience than others. There are many bills that we have nearly reached upon a number of occasions, but we have not reached them and will not reach them if we start at the beginning of the calendar each time.

Mr. FESS. If we do not begin where we left off the last time, and if we go back to the beginning of the calendar under Rule VIII, we will get nowhere this afternoon, because all the time would probably be consumed in the discussion of one bill.

Mr. JONES of Washington. Mr. President, I desire to ask the Senator from Maryland if he will not withdraw his objection?

Mr. BRUCE. After consultation with other Senators I must state that for the first time in my life I find myself mistaken! [Laughter.] I withdraw the objection.

Mr. COPELAND. I ask the Senator from Washington to modify his request so that we may begin with Order of Business No. 469 instead of 470.

Mr. JONES of Washington. Personally I would have no objection to that, but I do not know whether any other Senator would object.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that the call of the calendar begin at No. 469. Is there objection? The Chair hears none, and it is so ordered.

AMERICAN SAMOA

Mr. LENROOT. Mr. President, I ask unanimous consent out of order to introduce a bill and in connection with it to make a statement which will occupy not more than 15 minutes.

Mr. JONES of Washington. I have no objection to the Senator's request; and I take it the Senate will have none.

The PRESIDING OFFICER. Without objection, the Senator's request is granted.

Mr. LENROOT. Mr. President, in connection with the bill which I am about to introduce, relating to what is generally known as American Samoa, I desire to make a brief statement.

Prior to 1899 the Samoan Islands had an independent government, under a king. In 1878 the United States entered into a treaty of friendship and commerce with the Samoan Government, under which the United States was granted the right to establish and maintain a coal and naval station at the port of Pango-Pango. In 1879 treaties were concluded between the Samoan Government and Germany and Great Britain under which Germany was granted a right to establish a coal station in the islands at a point designated and England was granted a similar right at a place to be later determined. Both these treaties, like that with the United States, were treaties of friendship and commerce. In the following years internal disorders prevailed, growing out of rivalries to the throne of Samoa. In 1898 King Malleton died, and the Samoans could not come to any agreement as to his successor and disorder continued. In March, 1899, the naval forces of the United States and Great Britain shelled the forces of one of the Samoan claimants to the throne, and also several Samoan villages. On April 1, 1899, American-British forces landed in the islands, and in the ensuing hostilities 2 American officers, 1 British officer, 2 American sailors, and 1 British sailor were killed and 5 men were wounded. The Samoans were compelled to yield to superior force, and the occupation by the United States of what is now known as American Samoa has continued since that time. In May, 1899, the three powers concerned decided the way to restore order was to take the islands and divide them among themselves. Without the consent of Samoa the United States, Great Britain, and Germany entered into treaties dividing the islands, which treaty was ratified by the Senate on February 13, 1900.

The share of the United States in the loot was the island of Tutuila, and all other islands of the Samoan group east of

longitude 171 minutes west of Greenwich, now known as American Samoa. The remaining islands were given to Germany, Great Britain relinquishing its claim in consideration of Germany relinquishing its claim to certain islands of the Solomon group.

All three nations at the time of this outrageous act had treaties of amity and commerce with the Samoan Government. Speaking of this treaty dividing the islands, the Secretary of the Navy in a report in 1923 stated:

There appears to be nothing in the foregoing treaty to indicate that the Government or representatives of the Samoan people had any part in its formulation, conclusion, or adoption.

On February 19, 1900, six days after the Anglo-German-American treaty had been ratified by the Senate the President issued the following Executive order:

The Island of Tutuila of the Samoan group, and all other islands of the group east of longitude 171 minutes west of Greenwich meridian, are hereby placed under the control of the Department of the Navy for a naval station.

The Secretary of the Navy shall take such steps as are necessary to establish the authority of the United States and to give the islands the necessary protection.

Upon the same date the Secretary of the Navy issued an order as follows:

The Island of Tutuila, of the Samoan group, and all other islands of the group east of longitude 171 minutes west of Greenwich, are hereby established into a naval station, to be known as Naval Station Tutuila, and to be under the command of a commandant.

These two orders I have recited are the only foundation for our present government of American Samoa. At the time they were promulgated we had no more title to these islands than I have to the Capitol of the United States.

By the treaties referred to we exchanged quitclaim deeds with Great Britain and Germany, but none of the parties had any title to quitclaim and they were no more effectual to pass any title than if another Senator and myself should exchange quitclaim deeds dividing between us the Washington Monument and the Lincoln Memorial.

Again quoting from a report of the Secretary of the Navy:

Although by the tripartite treaty of February 13, 1900, England and Germany renounced all claim to these islands of the Samoan group, comprising what is now known as American Samoa, the United States did not thereby necessarily acquire sovereignty over these islands. Their independence had been recognized up to that time by all three powers and no formal definite steps abrogating such independence were expressly authorized under the terms of the treaty.

While I will return to this date of 1900 directly, I now wish to state the present status of German Samoa, as Germany had taken possession of all of the Samoan Islands not occupied by the United States, as I have heretofore stated.

Under the treaty of Versailles Germany renounced in favor of the principal allied and associated powers, of which the United States was one, all her rights and title to German Samoa. Thereafter New Zealand was given a mandate by the League of Nations to govern German Samoa, and it is now under its jurisdiction. I may say in passing that Germany had no better title to German Samoa than the United States had to American Samoa, for both were based upon conquest of a weak and helpless people in violation of solemn treaties.

According to the latest census reports the population of German Samoa is 37,000, and the population of American Samoa is 8,056.

Returning now to the year 1900, following our occupation of the islands in the manner I have described and after ratification of the treaties between Great Britain, Germany, and the United States that I have referred to, on April 17, 1900, certain chiefs of the island of Tutuila purported to make a formal cession of that island to the United States and of other islands of the Samoan group east of longitude 171 minutes west of Greenwich, and on July 16, 1904, chiefs of the Island of Aunu'u by a similar act made a cession to the United States of their island.

I wish to say in this connection that, to the credit of the United States be it said, while we took those islands in the manner that I have described, we did almost immediately thereafter begin negotiations for a cession to the United States by the Samoan people, with whose Government we had a treaty of amity and friendship.

These cessions were made upon certain conditions, which conditions have never been complied with. But, aside from that fact, the Secretary of the Navy states that while these cessions were accepted by the President they have never been acted upon by the Congress of the United States, and I think no Senator will claim that the President of the United States

has any right to accept any cession of territory without the express authority of Congress.

But, quite aside from this, these alleged cessions were made for certain purposes and upon certain conditions, which have not been fulfilled by the United States. The principal cession is, as I have stated, dated April 17, 1900, and the preamble, among other things, recites that the chiefs—

are desirous of granting unto the said Government of the United States full power and authority to enact proper legislation for and to control the said islands.

There has never been any legislation for the government of these islands, and our rule there has been an absolute dictatorship. But, further, the document of cession recites—

To hold that said ceded territory unto the Government of the United States, to erect the same into a separate district to be annexed to the said Government, to be known and designated as the District of Tutuila.

Very similar language is used in the cession of the 14th of July, 1900, covering a portion of the same territory as the cession of April 17, but signed by certain other Samoan chiefs.

Since that time the government has been administered by a naval officer, who has exercised supreme executive, legislative, and judicial power. From his decision there is no appeal. He holds the power of life and death in his hands.

We not only have flagrantly violated the rights of the Samoans in our original occupation, but we have since exercised sovereignty over them without express authority of law. True, the Navy Department claims that Congress has recognized this cession and impliedly confirmed it by various references to American Samoa in acts of Congress, but I assert that none of these acts can take the place of formal acceptance of the cession.

To illustrate the acts of Congress relied upon, in the Payne-Aldrich tariff law the island of Tutuila is excepted from its provisions. In 1906 Congress provided for the acknowledgment of deeds in American Samoa. In 1916 it provided for a radio station there and in 1919 provided for a census of its inhabitants.

Without at this time going into the question of whether the United States can acquire territory by acquiescence in unauthorized acts of the executive department, I do insist that we can not accept the benefits of the cession without performance of obligations, which it imposes.

Congress has not erected these islands into a separate district as the cession provides. We have not enacted legislation for the islands, which was one of the stated purposes of the cession. We have utterly failed in our duty to these islands, and the very least we can now do is to formally accept the cession of the islands and create such a form of government for them as may be practicable under the circumstances.

I realize that a complete system of civil government similar to that which we have in Hawaii and Porto Rico is not practicable for this small number of people without entailing great expense upon the Treasury of the United States, but we can place the power and responsibility for their government with the President of the United States, instead of a subordinate naval officer, and we can provide judicial protection for life and property there under the wing of the law.

The Samoans are a peaceful and hospitable people. There is no illiteracy there because schools have been established and conducted by the missionary societies. I quote from the report of the Governor of Samoa for 1922:

The Samoans are intensely religious. It may be said that all Samoans are Christians, and though many of them are not church members all go to church. There are family prayers in the morning and evening in every Samoan home, and Sunday is very religiously observed as a day of rest.

In making this brief statement, I have confined myself to a recital of facts wholly secured from reports of the Navy Department. Charges of the most serious nature have been made against our administration of the islands. These charges are for the most part denied by the Navy Department, and wholly so in so far as the present conduct of affairs is concerned. I may say that I wish it understood that in this statement I wish to make no reflection whatever upon the present administration of the islands by the Navy Department. I hope it may not be necessary to enter this field of investigation for the admitted facts call for immediate action. Such a dictatorship as now exists, benevolent despotism though it may be, is utterly at variance with all of our American ideals, and furnishes one chapter of our history of history of which no American can be proud.

I should say, in fairness, that the primary fault for this situation is that of the Congress of the United States in not providing for a proper government for these points. A full report of the situation was made in 1903 by President Roosevelt, but Congress has done nothing from that time to this—a period of 23 years.

Believing as I do that there should be some constructive legislation at this session, and realizing that if this is to be had all controverted questions must be avoided, I have prepared a very short bill accepting the cession and creating a separate district of American Samoa to be known as Tutuila, as provided for in the cession referred to. It provides that until the President shall otherwise provide the regulations issued by the naval governor of Samoa in 1900 entitled "A declaration concerning the form of government for the United States naval station Tutuila," in so far as the same are not inconsistent with this act, shall remain in force.

I wish to repeat in this connection that this subordinate naval governor is absolutely supreme, and his regulations are not even submitted to the Navy Department for approval. The bill provides that except as otherwise provided all military, civil, and judicial powers shall be vested in the President of the United States to be exercised through a governor appointed by him and confirmed by the Senate.

The President shall also appoint a district judge, to whom writs of error and appeal will be allowed from the inferior courts, and writs of error and appeal shall be allowed from the district judge to the Circuit Court of Appeals for the Ninth Circuit.

The salaries of the governor and the district judge are fixed, and the President is empowered to appoint such other persons as he may deem necessary to carry on the government and fix their salaries.

This is a brief outline of the bill I now introduce. I do not offer it as a permanent organic act for these islands, but for the purpose of doing some measure of justice to these people, with the hope that a more comprehensive and satisfactory plan may be worked out in the future, growing out of the experience with the form of government that I now propose.

I send the bill to the desk and ask that it may be read twice and referred to the appropriate committee.

Mr. BINGHAM. I understand the Senator desires to have the bill referred to the Committee on Territories and Insular Possessions?

Mr. LENROOT. Yes; I ask that that reference may be made.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (S. 3952) accepting the cession to the United States of certain of the Samoan Islands and to provide for a temporary government therefor, was read twice by its title and referred to the Committee on Territories and Insular Possessions.

Mr. BINGHAM. Mr. President, I should like to add a word or two to what the Senator from Wisconsin has said.

In the first place, the islands which are now known as American Samoa, with the beautiful harbor of Pago-Pago and the lovely island of Tutuila and the neighboring islands, were first visited and explored by Captain Wilkes, of the American Navy, about 1845. I had hoped to have at hand the volumes of his travels before the Senator concluded, but have not succeeded in doing so.

Captain Wilkes passed a very pleasant and agreeable time in the islands and met the chiefs. If my recollection serves me—it is now some years since I visited those islands and made a study of their history—the chiefs came to Captain Wilkes and told him that they were very anxious to be protected against foreign nations, and asked him to accept a protectorate over them, which he was not authorized to do.

Senators will realize that in all parts of Polynesia, under the purely Polynesian form of government, each island, and sometimes each part of a large island, was under a separate chief or king. The more powerful chiefs sometimes succeeded, as in the case of the Hawaiian Islands, in conquering the chiefs of other islands and for the time being bringing the islands all under one chief. In Samoa, if my memory serves me correctly, the different islands were under various chiefs. It is not as though they were all under one king.

Not to go any further into the history of the islands, nothing was done, as the Senator from Wisconsin has said, until it became necessary, due to the desire of the great Chancellor Bismarck to secure a Pacific empire for Germany, to come to some agreement regarding Samoa. So the United States, England, and Germany made a tripartite agreement about the time of the great hurricane in Samoa, when several of our warships,

as will be remembered, and one or two German ships were destroyed, while the British warship *Calliope*, by having steam up, succeeded in escaping from the effect of the hurricane. That really marked the time when the present arrangement was entered into.

I must congratulate the Senator from Wisconsin on the thoroughness with which he has gone into the case so far as the Government and the Navy Department are concerned. I agree with him that Congress has been remiss in not having enacted any legislation for the government of the Samoan Islands. Before the bill which the Senator from Wisconsin has introduced shall be enacted, I trust that Congress will send a small committee of its own Members to study the situation and not rely upon stories in the newspapers, which, while frequently of great interest, often have something behind them that is not always seen on the surface. I hope very much that he will agree with me that his statement that we have utterly failed in our duty to those islands is not quite correct.

Mr. LENROOT. I said Congress had failed in its duty, and I think the Senator will agree with me that is the fact.

Mr. BINGHAM. I understood the word "we," as used by the Senator, to apply to the United States.

Mr. LENROOT. No; I referred to Congress.

Mr. BINGHAM. With that I am in entire agreement. As a matter of fact, the Navy Department has had a wonderful record in Samoa. If there were time, I should like to go into it, because, although perhaps certain Senators would not agree with me, I have been there and examined into it, and the facts in brief are these:

There is no other group of islands in Polynesia where the native population is increasing as it is in American Samoa, under the Navy Department. There is no other group of islands in the Pacific where health conditions are what they are in American Samoa. During the great flu epidemic during the period of the war when the flu spread all over the world and reached certain islands in the Pacific, in Polynesia in particular, when it reached Tahiti nearly half of the population of one island and a third of the population of another island were destroyed by the flu. When the flu reached British Samoa, or New Zealand Samoa, as it is to-day, 4,000 people died on the Island of Apia alone, where Robert Louis Stevenson spent the latter years of his life. In American Samoa not a single person died of the flu; there was not a single case of the flu, because the Navy with its doctors so successfully prevented any contact with the outside world and protected those little brown brethren of ours absolutely against this disease of civilization. There is not another island in the Pacific, there is not another group of islands in the Pacific, where venereal disease does not exist, except in American Samoa; and those diseases which civilization has spread throughout the Pacific and which have decimated the native populations do not exist in American Samoa.

The Senator has explained his remark that "we have utterly failed in our duty to those islands," but I want Senators to realize a few of the things that the Navy Department has done for Samoa before we attempt to pass any legislation merely on the general theory that the natives are not represented in the government.

Mr. FLETCHER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Florida?

Mr. BINGHAM. Certainly.

Mr. FLETCHER. Are the islands self-supporting? Do they produce sufficient to take care of their population?

Mr. BINGHAM. That is my understanding.

Mr. LENROOT. And their revenues pay the expenses of such government as they have, outside of the regular military or naval government.

Mr. FLETCHER. Is there any real harbor there?

Mr. BINGHAM. Yes; there is a beautiful harbor. The harbor of Pango-Pango is one of the finest harbors of the world. It is a little bit too deep. It is sometimes difficult to get up anchors because of the great depth. It is a volcanic island, and the mountains rise a thousand feet on each side of the harbor and go down to quite a depth, so that steamers can come very close alongside the shore without any danger of running aground. It is one of the finest harbors in the world.

Mr. FLETCHER. I had an impression that there was deep water on one side.

Mr. HALE. Mr. President, the Senator from Florida has asked whether the islands are self-supporting. In certain cases the United States has assisted the inhabitants of the islands. I recall that recently there was a great hurricane there, and in the last deficiency bill we provided a certain amount of relief for the islands in fixing up their roads and some of the buildings that had been destroyed by the hurricane.

Mr. LENROOT. I think, however, that was the first instance of an appropriation out of the Treasury.

Mr. HALE. I think they themselves take care of their ordinary running expenses.

Now, Mr. President, I should like to ask the Senator whether he expects to have action on his bill at this session of Congress other than possibly by the appointment of a commission to investigate?

Mr. LENROOT. I will say that if a committee visits Samoa I shall not press the bill; but I have studiously avoided any controverted facts here, and I do not propose to go into this question that has been raised concerning the administration of the islands in the past.

Mr. HALE. I understand that the Senator makes no charges against the Navy Department.

Mr. LENROOT. None whatever.

Mr. HALE. The department is very proud of the way in which it has administered the islands, and in case any legislation is to be enacted I am sure the department should be heard.

Mr. LENROOT. Mr. President, my position is that under the admitted facts we owe a clear duty to legislate for the islands, to accept formally the cession which was made, and to provide some kind of a government for them under express authority of law.

I want to say that if a commission or a committee can not visit the Samoan Islands, or if that is not provided for at this session, as this bill of mine that I now propose provides only for a temporary government—and I frankly say that I based it very largely on the act dealing with the Virgin Islands—it seems to me that this bill ought to pass at this session; but if there can be an investigation by a committee between now and next December, I shall not press it at this time.

Mr. BINGHAM. Mr. President, I should like to call the Senators' attention, and particularly that of the senior Senator from Florida [Mr. FLETCHER], who inquired about the harbor, to volume 2 of the narrative of the United States exploring expedition by Charles Wilkes, on page 71, of which he will find the first picture of the beautiful harbor of Pango-Pango that was ever published; and in chapter 3 he will find an account of the visit of Captain Wilkes to those islands and the meeting which he had with the chiefs.

THE CALENDAR

The PRESIDING OFFICER. The Secretary will state the first bill on the calendar under the unanimous-consent agreement.

HEIGHT OF BUILDINGS IN THE DISTRICT

The first business on the calendar under the unanimous-consent agreement was the bill (H. R. 9398) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910.

Mr. EDWARDS. I offer an amendment to this bill, which I send to the desk.

Mr. KING. Mr. President, I do not think that under the five-minute rule we will be able to present all the facts in regard to this matter. It is a very important one, and I think the Senate should be clearly advised about it. I wish it could go over until Monday.

Mr. EDWARDS. That will not affect the amendment.

Mr. KING. No; but I merely am not now assenting to its consideration.

Mr. COPELAND. Mr. President, I hope the Senator will not press his objection, because he will recall that he told me last week that if we would let it go over to Monday of this week it would be taken up. This is a matter of importance. It relates to the erection of this fine building. The question of completing the financing and completing the plans of the building is involved. I know how interested the Senator is, and I have discussed with him his views, which are appealing; but I hope that this matter may come up now and be disposed of. It is not a matter which should be permitted to drag along any further, as I see it.

I appeal to the Senator to let us take action now.

Mr. KING. Mr. President, the objection I have indicated was that there was not ample time under the five-minute rule to debate this measure. I want the Senate to understand just exactly what it means—that it is opposed by the Fine Arts Commission of the District, that it is opposed by the commissioners themselves and by the Zoning Commission. It means a change of policy with respect to the buildings in the District which I think will prove exceedingly harmful. Of course the Senate is at liberty, if it wants to do so, to change that policy and to abandon the plan of having, I might say, a beautiful city here. I do not expect that we will ever have one, in view of the materialism and the mercenary spirit manifesting itself

so often now; but if we do want to have a city that is worthy to be the capital, it does seem to me that we ought to consider this bill at considerable length, to determine whether we are willing to depart from the policy that has been adopted. If we can have an hour for its consideration, so that the Senators may understand it, I have no objection.

Mr. FESS. Let the bill go over.

Mr. COPELAND. I hope the Senator from Ohio will not object to giving us a little time—

Mr. FESS. I ask that the bill go over.

The PRESIDING OFFICER. The Senator from Ohio objects to the consideration of the bill.

Mr. CUMMINS. Mr. President, I should like to ask whether we are proceeding under a unanimous-consent agreement to consider only unobjected bills or whether we are proceeding regularly under Rule VIII?

Mr. FESS. Unobjected bills.

Mr. KING. Unobjected bills.

Mr. CUMMINS. The Senator objects to this bill?

Mr. KING. It has been objected to.

The PRESIDING OFFICER. The Senator from Ohio [Mr. Fess] has objected, and the bill will be passed over. The amendment of the Senator from New Jersey [Mr. EDWARDS] will be printed in the RECORD and lie on the table.

The amendment offered by Mr. EDWARDS is as follows:

Strike out all after line 6 and insert the following:

"And further provided, That buildings to be erected in square 254, bounded by Fourteenth Street, F Street, Thirteenth Street, and E Street NW., be permitted to be erected to a height not to exceed 140 feet above the F Street curb."

MARYLAND CASUALTY CO. ET AL.

The bill (S. 1361) for the relief of the Maryland Casualty Co., the United States Fidelity & Guaranty Co., of Baltimore, Md., and the Fidelity & Deposit Co. of Maryland was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 4, after the words "per cent," to strike out "unregistered," and in line 7, after "\$1,000," to insert "payable to bearer," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem one 5½ per cent United States certificate of indebtedness, series B-1922, issued August 1, 1921, and maturing August 1, 1922, serial number 21492, of the denomination of \$1,000, payable to bearer, and the coupon for \$27.50, representing six months' interest, due August 1, 1922, in favor of the Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the United States Fidelity & Guaranty Co., of Baltimore, Md., without presentation of the said certificate or the coupon therefrom, which have been lost, stolen, or destroyed: *Provided*, That the said certificate of indebtedness shall not have been previously presented for payment, and that no payment shall be made hereunder for the coupon if it shall have been previously presented and paid: *Provided further*, That the said Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the United States Fidelity & Guaranty Co., of Baltimore, Md., shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal and interest of said certificate of indebtedness and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificate of indebtedness and coupon herein described.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

M. W. HUTCHINSON

The bill (S. 1650) for the relief of M. W. Hutchinson was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely.

Mr. FLETCHER. I move that it be indefinitely postponed.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida.

The motion to postpone indefinitely was agreed to.

Mr. FLETCHER subsequently said: Mr. President, I did not know the facts about Senate bill 1650 when I moved to have it indefinitely postponed. I ask for a reconsideration of that vote, so as to leave the bill on the calendar.

The PRESIDING OFFICER. The Senator from Florida moves to reconsider the vote whereby Senate bill 1650 was indefinitely postponed, and leave it in its regular place on the calendar.

The motion to reconsider the indefinite postponement of the bill was agreed to.

HEIGHT OF BUILDINGS IN THE DISTRICT

Mr. COPELAND. Mr. President, I ask unanimous consent that 20 minutes be given to the consideration of House bill 9398, to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910.

The PRESIDING OFFICER. Is there objection?

Mr. BAYARD. Mr. President, just a moment. The Senator from Wisconsin [Mr. LENBOUR] a short time ago asked unanimous consent to interject the discussion of a bill which he introduced with regard to Samoa. That took nearly 40 minutes. We can get through a lot of bills if we proceed regularly at this time. I am forced to object. I am sorry.

Mr. COPELAND. We will not get through many bills unless some consideration is given to that particular one.

Mr. BAYARD. I shall object.

The PRESIDING OFFICER. The Senator from Delaware objects. The Secretary will state the next bill on the calendar.

AMERICAN STEAM TUG "CHARLES RUNYON"

The bill (S. 112) for the relief of the owner of the American steam tug *Charles Runyon* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the Crew Transportation Corporation, owner of the American steam tug *Charles Runyon*, and/or the receiver of the said corporation, against the United States of America for damages alleged to have been caused by collision between said vessel and the United States ship *Trafalgar* on or about the 6th day of May, 1919, at or near Pier C, navy yard, Brooklyn, N. Y., may be sued for by the said owner and/or receiver in the District Court of the United States for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said American steam tug *Charles Runyon*, and/or receiver aforesaid, or against the owner of the said American steam tug *Charles Runyon*, and/or the receiver of said corporation, in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. KING. Mr. President, may I ask the Senator from Missouri whether he has given attention to this measure?

Mr. WILLIAMS. To the extent of learning that the Secretary of the Navy approves of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 115) for the relief of the owner of the steamship *Neptune* was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA

The bill (H. R. 5701) to designate the times and places of holding terms of the United States District Court for the District of Montana was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 1, line 8, after the word "Helena," to strike out down to and including the word "December," in line 3, page 2; and after the words just stricken out to insert "Butte, Great Falls, Missoula, Glasgow, and Havre at such times as may be fixed by rule of such court"; and on page 2, line 6, after the word "Glasgow," to insert "and Havre," so as to make the bill read:

Be it enacted, etc., That section 92 of the Judicial Code of the United States be amended to read as follows:

"SEC. 92. Montana: That the State of Montana shall constitute one judicial district, to be known as the district of Montana. Terms of the district court shall be held at Helena, Butte, Great Falls, Missoula, Glasgow, and Havre at such times as may be fixed by rule of such court: *Provided*, That suitable rooms and accommodations for holding court at Glasgow and Havre are furnished free of all expense to the United States. Causes, civil and criminal, may be transferred

by the court or a judge thereof from any sitting place designated above to any other sitting place thus designated, when the convenience of the parties or the ends of justice would be promoted by the transfer; and any interlocutory order may be made by the court or judge thereof in either place."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (S. 1727) for the relief of the Carib Steamship Co. (Inc.) was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

BRITISH STEAMSHIP "MAVISBROOK"

The bill (S. 1730) to authorize the payment of indemnity to the Government of Great Britain on account of losses sustained by the owners of the British steamship *Mavisbrook* as a result of a collision between it and the U. S. transport *Carolinian*, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Government of Great Britain out of any money in the Treasury not otherwise appropriated, the sum of \$16,397.26, as full indemnity for the losses sustained by the owners of the British steamship *Mavisbrook* as a result of a collision between said steamship *Mavisbrook* and the U. S. transport *Carolinian* at or near Brest, France, on or about February 15, 1918.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALTON HARWELL

The bill (S. 3179) to extend the benefits of the employers' liability act of September 7, 1916, to Alton Harwell was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely.

Mr. BAYARD. Mr. President, in view of the fact that there is an adverse report on the bill I move that it be indefinitely postponed.

The PRESIDING OFFICER. The question is on the motion of the Senator from Delaware.

The motion to postpone indefinitely was agreed to.

EDWARD I. GALLAGHER, ADMINISTRATOR

The bill (S. 505) to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 3, after the word "hereby," to insert "authorized and"; and in line 4, after the words "directed to pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward I. Gallagher, administrator of the estate of Charles Gallagher, deceased, of New York, the sum of \$23,387.03, being the amount found due by the Court of Claims for loss and destruction of his schooner *Nimrod* and cargo during the Civil War, while he was under military orders, within military lines, and executing military commands, as reported to Congress in Senate Document No. 56, Fifty-eighth Congress, third session, Congressional Report No. 10303, filed in Senate December 5, 1904.

The amendments were agreed to.

Mr. WILLIAMS. Mr. President, there is no report on this bill from the Treasury Department. I should like to ask the Senator from New York [Mr. COPELAND] in regard to it.

Mr. COPELAND. Mr. President, I ask the Senator from Delaware [Mr. BAYARD], who made the report—the report is on file—to explain the bill to the Senator if he has any definite question to ask regarding it.

Mr. BAYARD. Mr. President, I shall be glad to answer any question that the Senator may desire to propound in regard to the bill.

Mr. WILLIAMS. The statement I made was that there is no report from the Treasury Department on the bill.

Mr. BAYARD. May I make a short statement of the history of the case?

Mr. WILLIAMS. The history of the case is stated in the statement of facts as found by the Court of Claims.

Mr. BAYARD. There were two claims originally, both of which were referred to the Court of Claims by resolution of the Senate, and those two claims were passed upon by the Court of Claims and certain amounts found, one for about \$9,000, and one for some \$23,000. I will not give the odd figures. In the omnibus claims bill of 1905 the smaller claim, of nine thousand and odd dollars, was reported, and was carried in the bill, but the larger claim was not reported.

Mr. WILLIAMS. If the Senator will pardon me, I have no objection to the bill. I was just raising the point that there is no report from that department of the Government to which this bill would naturally be referred for recommendation. That is all.

Mr. BAYARD. There was no department to which it would have been referred if the Senator please, for this reason, that having been referred to the Court of Claims, all questions arising of departmental action or opinion would be considered while the case was before the court.

Mr. WILLIAMS. I raise no objection.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDEBTEDNESS OF ITALY TO THE UNITED STATES

The bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America was announced as next in order.

The PRESIDING OFFICER. That is the unfinished business and will be passed over.

ADDISON B. MCKINLEY

The bill (S. 6) for the relief of Addison B. McKinley was announced as next in order.

Mr. BAYARD. Before that bill is taken up, let me call attention to some things in it. I had the honor to file the minority views, and I would like to read those views, and the Senate can then do what it pleases. They are as follows:

The evidence in this case discloses the following unquestioned facts:

1. At the time of the accident the Government plane was being used for a purely private purpose.
2. At the time of the accident the pilot was not performing any functions for which he was engaged by the Federal Government.
3. That at the time of the accident neither the pilot nor the airplane were being used for any governmental function or purpose.
4. That at the time of the accident both the pilot and the airplane were in the performance of purely private operations.
5. A favorable report and passage of this bill would establish a precedent giving governmental approval to the use of both governmental employees and governmental properties for private use with a guaranty in case of accident of governmental compensation for damages caused by said accident. In other words, the Senate Committee on Claims would hold itself out as willing to give a favorable report for compensatory damages for any and every accident caused by the use of the services of governmental employees and governmental property in the prosecution of private operations and affairs.

I merely call the Senate's attention to that for the reason that if we pass this bill—the report is short, and I beg all Senators to read it—we would establish a precedent that the Government will pay compensation in cases of tort of any kind, personal or property tort, to anybody who is injured when Government property is being used and Government employees are performing services for private parties.

Mr. ODDIE. Mr. President, the conditions surrounding this case are particularly appealing. This is a bill which unquestionably should be passed by the Senate.

An air mail pilot in Nevada was flying over the grave of a comrade at Reno, Nev., at the time of his funeral for the purpose of dropping flowers on the grave, having secured authority from the Government to use the plane for that purpose. While he was flying over this grave something happened to his plane, which crashed into the home of one of our well-known citizens. The plane was destroyed and the home was burned in a few minutes, with everything in it, making a complete loss to the owner. There was no insurance on the home or its contents.

The owner is a hard-working, deserving, splendid citizen. He had spent all of his money in building that home, and it had just been completed about two months. This is a particularly worthy case. I hope the Senate will pass the bill.

There is a favorable report from the Committee on Claims, and in my opinion, aside from the legal obligation of the Government, there is as strong a moral obligation as ever existed.

The owner of this home was absolutely not responsible for its destruction and our Government is responsible for it. The plane suddenly fell from the sky, destroyed the home and everything in it, and this man has not been able to collect a cent. I hope the bill will pass.

MR. KING. Mr. President, the report indicates some very strong reasons why the bill should not be passed, and in the limited time for discussion of a case which will constitute and be a precedent, I object.

The PRESIDING OFFICER. The bill will be passed over under objection.

BATHING BEACHES IN THE DISTRICT OF COLUMBIA

The bill (H. R. 6556) for the establishment of artificial bathing pools or beaches in the District of Columbia was announced as next in order.

MR. KING. I do not think we can consider this bill in the limited time we have.

MR. COPELAND. The Senator from Utah objects. Therefore we can not proceed.

MR. KING. I did not object, but I shall now.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (S. 3641) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended, was announced as next in order.

MR. WILLIAMS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ATLANTIC & CARIBBEAN STEAM NAVIGATION CO.

The bill (S. 1726) for the relief of the Atlantic & Caribbean Steam Navigation Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 5, to strike out the words "including interest," so as to make the bill read:

Be it enacted, etc., That the claim of the Atlantic & Caribbean Steam Navigation Co., owner of the American steamship *Caracas*, against the United States for damages alleged to have been caused by collision between the said steamship *Caracas* and the United States patrol boat *Xarifa* in or near New York Harbor on the 20th day of March, 1918, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for the Eastern District of New York sitting as a court in admiralty and acting under the rule governing such court in admiralty cases, and that said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found due from the United States to the said Atlantic & Caribbean Steam Navigation Co. by reason of said collision, upon the same principles and under the same measures of liability as in like cases between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and upon such notice it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within four months of the date of the approval of this act.

SEC. 2. That should the proceedings herein authorized result in a judgment or decree in favor of said claimant and against the United States, then the amount of such judgment or decree shall be paid to the said claimant or to its proctors of record out of any money in the United States Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OCEAN STEAMSHIP CO. (LTD.)

The bill (S. 2368) for the relief of Ocean Steamship Co. (Ltd.), a British corporation, was considered as in Committee of the Whole.

MR. KING. Let the bill be read.

The PRESIDING OFFICER. The clerk will read the bill.

The bill was read as follows:

Be it enacted, etc., That the claim of Ocean Steamship Co. (Ltd.), a British corporation, owner of the British steamship *Alcinous*, against the United States for damages alleged to have been sustained by reason of a collision between the said steamship *Alcinous* and the United States steamship *Artemis*, in or near the harbor of New York, on or about December 3, 1917, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for either the southern or eastern districts of New York, sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the said suit and to enter a judg-

ment or decree for the amount of such damages, if any, with costs, as may be found due to said claimant from the United States by reason of said collision, upon the same principles and measures of liability as in like cases between private parties, and subject to the same rights of appeal and review: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *And provided further*, That such suit shall be brought not later than four months after the approval of this act.

SEC. 2. That should the proceedings herein authorized result in a decree or decrees in favor of said claimant and against the United States, then the amount of said decree or decrees shall be paid to the said claimant or to its proctors of record out of any money in the United States Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHESTER A. ROTHWELL

The bill (S. 2338) authorizing the President to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army, in the grade, and in the position on the promotion list, provided by the next to last paragraph of section 24a of the national defense act of June 3, 1916, as amended by the act of June 4, 1920: *Provided*, That said Chester A. Rothwell shall not by the passage of this act be entitled to any back pay or allowances of any kind: *Provided further*, That nothing contained in this act shall operate to increase the number of officers in the Regular Army now authorized by law.

MR. KING. I would like to ask the Senator from Connecticut whether this is one of those cases where the beneficiary was an emergency officer who separated himself from the service and is now to be reappointed?

MR. BINGHAM. I will say to the Senator that it is not one of those cases. This is the case of an officer who came into the Army during the war. He had a very fine war record in France and was recommended for the distinguished-service medal, but it was not granted to him because his rank was not sufficient to entitle him to receive it.

The Senator will remember that it was the practice of the War Department to give the distinguished-service medal only to general officers, or to colonels, and to a very few majors. I know of only one or two majors who received it. I know of no captains who got it. Captain Rothwell was considered not entitled to it because he did not have a rank high enough, although he had charge of an enormous depot in France for the engineers, and did his work so well that he was recommended for it.

He stayed in the Army after the war and continued on until last summer. He was recommended for class B by a board of officers. In accordance with the law, he protested against their recommendation and asked to be heard. A board of review was thereupon held, in accordance with the law, in the corps area in which he was then stationed. The board of review sat at San Francisco. They examined his record, they examined the recommendations of the board of officers recommending that he be placed in class B, they made investigations of his record, and came to the conclusion, as shown in the records, that the specifications charged against him were not proved, and recommended that he be retained in the service.

The papers then came back to Washington, and a board of general officers again overruled the board of review and ordered him out of the service. I have in my hand, and if the Senator desires, I shall be glad to read, a letter from Gen. William H. Johnston, who was his last commanding officer, and also a letter from the commanding officer of his regiment, both of whom recommended that he be kept in the service. This is one of those cases in which I feel, after examining the record, and the committee felt, that an injustice was done to a worthy officer, and I hope the Senator will not offer an objection.

MR. KING. Is the report of the committee unanimous?

MR. BINGHAM. It is.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3027) making eligible for retirement under certain conditions officers and former officers of the Army of the

United States other than officers of the Regular Army who incurred physical disability in line of duty while in the service of the United States during the World War was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

EXCHANGE OF LANDS IN HAWAII

The bill (S. 3463) to extend the time for the exchange of Government-owned lands for privately owned lands in the Territory of Hawaii was announced as next in order.

Mr. WILLIS. I should like to have an explanation of the bill by some member of the Committee on Military Affairs. I notice the chairman of the committee is not here. Can any member of the committee give us any information concerning it?

Mr. BINGHAM. What is the bill?

Mr. WILLIS. It is Senate bill 3463, relating to an exchange of Government-owned lands for privately owned lands in Hawaii. I suggest that it be temporarily passed over, until the Senator can look into it.

The PRESIDING OFFICER. In the absence of the chairman of the committee the bill will be passed over.

Mr. BINGHAM subsequently said: Mr. President, I ask that we may return to Senate bill 3463, which was passed over temporarily.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the provisions of the act of Congress approved January 31, 1922, authorizing the President to exchange certain Government-owned lands in the Territory of Hawaii, or any interest therein, for privately owned lands or lands owned by the Territory of Hawaii, which were extended by the act of Congress approved March 3, 1925, are hereby further extended to January 31, 1929.

Mr. BINGHAM. This is a bill to extend the time of an act formerly passed by Congress, the reason for the delay being that the private parties with whom the Government of the United States desire to make this exchange of land were not able to give the United States proper title. They are now endeavoring to get that title by legal process, and the bill will permit them to have time to get the title, so that when the exchange takes place, as contemplated by the act, the United States may have good title in the property.

Mr. FLETCHER. I understand that the Attorney General found some defect in the title, and it was necessary to have an abstract of title made, and they could not make the abstract and submit the matter for examination until after the time fixed by Congress had elapsed. This is simply to afford an opportunity to get that abstract.

Mr. WILLIS. I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL AND RESOLUTION PASSED OVER

The resolution (S. Res. 172) authorizing the Committee on the Library of the Senate to have prepared a manuscript on the works of art and the artists of the United States Capitol was announced as next in order.

Mr. COPELAND. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (H. R. 4835) to remove the charge of desertion from the records of the War Department standing against William J. Dunlap was announced as next in order.

Mr. KING. I would like to have an explanation of that bill. Let it be temporarily laid aside, and we can recur to it.

The PRESIDING OFFICER. The bill will be passed over.

LAND ENTRIES IN ARIZONA

The bill (H. R. 5210) extending the provisions of an act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the time within which to make selections and entries under the provisions of the act of July 5, 1921 (42 Stat. L. p. 107), entitled "An act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona," is hereby extended for a period of two years from the approval of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OFFICES OF RECORDER OF DEEDS AND REGISTER OF WILLS

The bill (H. R. 9685) providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, on page 1, line 5, after the word "paid," to insert the words "at least," so as to make the bill read:

Be it enacted, etc., That on and after July 1, 1927, all of the fees and emoluments of the offices of recorder of deeds and register of wills of the District of Columbia shall be paid at least weekly to the collector of taxes for the District of Columbia for deposit in the Treasury of the United States to the credit of the District of Columbia: *Provided,* That such of the undeposited fees and emoluments arising out of the fiscal year 1927 and prior fiscal years as may be necessary for the payment of outstanding and unpaid obligations for those fiscal years may be retained for that purpose.

Sec. 2. The annual estimates of appropriations for the government of the District of Columbia for the fiscal year 1928 and succeeding fiscal years shall include estimates of appropriations for the operation and maintenance of such offices. And appropriations are hereby authorized for a suitable record building for the office of the recorder of deeds, and for personal services, rentals, office equipment, office supplies, and such other expenditures as are essential for the efficient maintenance and conduct of such offices.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ESTATE OF CHARLES LE ROY, DECEASED

The bill (S. 3112) for the relief of the estate of Charles Le Roy, deceased, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of Charles Le Roy the sum of \$436.48, said sum being the amount due by readjustment of his accounts as postmaster at Natchitoches, La., under existing law, as reported by the Auditor for the Post Office Department in Senate Document No. 627, Sixtieth Congress, second session, and a sum sufficient for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. KING. I would like to have an explanation of this bill. There is no report accompanying it.

Mr. HARRELD. Mr. President, it is to allow Charles Le Roy credit on his accounts as postmaster at Natchitoches, La., where he was formerly postmaster. An audit of his account found that this amount, \$436.48, was due him after the audit by the Post Office Department. The Post Office Department audit has found that he was entitled to this amount on a settlement, and the bill merely provides an appropriation to him of the amount.

Mr. KING. Had he overpaid?

Mr. HARRELD. He had overpaid, and is entitled to this amount, according to the audit of the Post Office Department itself. Mr. Le Roy afterwards became a citizen of my State, but this occurred when he was postmaster at Natchitoches, La.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 43) authorizing the President to issue an appropriate commission and honorable discharge to Joseph B. Maccabe was announced as next in order.

Mr. KING. I would like to have an explanation of the bill.

The PRESIDING OFFICER. The chairman of the committee is not present, nor is the Senator who reported the bill from the Committee on Military Affairs.

Mr. KING. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7669) to provide home care for dependent children was announced as next in order.

Mr. CAPPER. The senior Senator from New York [Mr. WADSWORTH], who has an amendment to this bill, known as the mothers' aid bill, is unavoidably absent this afternoon, and therefore I will ask that it may go over. I do hope, however, that we shall have an opportunity at an early date to take action on the measure.

The PRESIDING OFFICER. The bill will be passed over.

KIOWA, COMANCHE, AND APACHE INDIAN TRUST FUND

The joint resolution (S. J. Res. 71) authorizing the Secretary of the Interior to establish a trust fund for the Kiowa, Comanche, and Apache Indians in Oklahoma and making provision for the same was considered as in Committee of the Whole. The joint resolution had been reported from the Committee on Indian Affairs with amendments, on page 2, line 9,

after the word "taxes," to insert the words "upon such tribal funds"; on page 2, line 23, to strike out the words "that the" and insert the word "The," and in line 24 to strike out the words "trust fund hereby created and appropriated and to prescribe for that purpose the necessary rules and regulations which, so far as consistent with the purpose of this act, shall be subject to the requirements of existing law" and to insert in lieu thereof "moneys which are hereby appropriated, subject to the requirements of existing law, and to prescribe needful rules and regulations for carrying into effect the provisions of this act," so as to make the joint resolution read:

Resolved, etc., That the Secretary of the Interior is authorized and directed to set aside and administer as a trust fund for the benefit of the enrolled members of the Kiowa, Comanche, and Apache Tribes of Indians and their unallotted children in Oklahoma that part of any moneys received or to be received under Public Act No. 509, Sixty-seventh Congress, and any act thereby adopted or made applicable, derived from the south half of Red River in Oklahoma which inures to the Federal Government by virtue of the decision of the Supreme Court of the United States in the suit of the State of Oklahoma v. the State of Texas, which decision was rendered May 1, 1922, being the entire amount received from this source, except such part as may have been awarded to successful claimants under said Public Act No. 509, and except 37½ per cent of the royalties derived from such source, which shall be paid to the State of Oklahoma in lieu of all State and local taxes upon said tribal funds and shall be expended by the State in the same manner as if received under section 35 of Public Act No. 146, Sixty-sixth Congress, said moneys being derived from that portion of the south half of Red River in Oklahoma which was included or intended to be included in the reservation set apart for the Kiowas and Comanches under a treaty between the United States and the said tribes on October 18, 1865, and which was through inadvertence or otherwise left out of the reservation set apart for said Kiowa, Comanche, and Apache Tribes, entered into on October 21, 1867, and which has since been adjudged to be the property of the United States by the Supreme Court of the United States.

SEC. 2. The Secretary of the Interior is authorized to administer and disburse the moneys which are hereby appropriated, subject to the requirements of existing law, and to prescribe needful rules and regulations for carrying into effect the provisions of this act.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

OSAGE INDIANS IN OKLAHOMA

The bill (S. 2709) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. p. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 1 of the act of Congress approved March 3, 1921 (41 Stat. L. p. 1249), entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," be amended by adding after the last line of said section 1 the following:

"Provided further, That the Secretary of the Interior may reduce the area to be offered annually hereunder, or suspend the offer of leases for not exceeding two years at any one time when, in his opinion, an overproduction of oil, or inadequate prices therefor, make such extension or suspension desirable in the interests of the Osage Nation."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXCHANGE OF LANDS IN NEW MEXICO

The bill (S. 2238) to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States" was announced as next in order.

Mr. JONES of New Mexico. Mr. President, a bill covering this identical legislation was introduced simultaneously in the House and in the Senate. The House has passed the bill with two or three amendments to which I should like to call the attention of the Senate. The bill introduced in the Senate was reported from the Committee on Public Lands and Surveys covering the same matters. I therefore ask unanimous consent that House bill 4007, which passed the House and which had

been referred to the Committee on Public Lands and Surveys, may be recalled from that committee and substituted for calendar No. 498, Senate bill 2238.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. JONES of New Mexico. I now ask unanimous consent for the present consideration of House bill 4007.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4007) to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States."

Mr. JONES of New Mexico. In the consideration of the House bill I desire to propose two or three amendments and will state what they are. The purpose of the bill was to enable the State of New Mexico to exchange certain lands within the forest reserves of that State for Government lands either within or without a national forest. The House struck out the provision which would enable an exchange for lands outside of a national forest. The bill itself is only permissive. It authorizes the Government in its discretion to make these exchanges of the State-owned lands in national forests for lands of equal value either within or without the national forests, the idea being to consolidate the State holdings.

The special purpose in the legislation, or one of the purposes which appealed to me most strongly, was to get title in the Government to all of the lands within the national forests. I think the National Government ought to own those lands. It may be that they could agree upon an exchange of lands outside of the national forests for the State-owned lands within the national forests. Therefore, in order to accomplish that purpose, I move to insert an amendment in the bill as it came from the House, on page 2, line 4, after the word "forests" the words "or other Government," so that the exchange may be made for ungranted national forests or other Government land belonging to the United States. The whole matter is merely permissive. There can be no exchange unless there is an agreement between the States and the officials of the Government. I move, on page 2, in line 24, after the word "forest," to insert the words "or other Government."

Mr. WILLIAMS. As the House bill is not paged and lined the same as the Senate bill we can not follow the amendment proposed by the Senator.

Mr. JONES of New Mexico. I have a copy of the bill which was furnished me by the clerks at the desk.

Mr. BRATTON. If the Senator will allow me, the amendment which my colleague has offered is found on page 2, at line 25, of the Senate bill, after the word "forest," where he proposes to insert the words "or other Government."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the senior Senator from New Mexico.

Mr. WILLIS. Before a vote is had on the amendment I desire to call the attention of the Senators from New Mexico to the fact that the Secretary of the Interior disapproves the bill in the following language, found on page 3 of the committee report:

No necessity is apparent for the legislation proposed, and it is hereby recommended that the bill be not enacted. No objection will be interposed, however, to the enactment of legislation, if deemed necessary, amending the New Mexico enabling act and authorizing amendment of the State's constitution so as to permit consummation on the part of the State of exchanges of land under the provisions or existing Federal statutes.

That is the recommendation of Secretary Work, the Secretary of the Interior.

Mr. JONES of New Mexico. The Secretary of Agriculture strongly recommends the passage of the bill. If the Senator from Ohio will permit me, I should like to state that the bill was prepared by the representatives of the State of New Mexico in collaboration with the representatives of the Department of Agriculture. The Department of Agriculture sees the necessity for the passage of the bill. The Department of the Interior did object to the bill on grounds which were covered by the House amendment. The House amended the bill to conform to the suggestion of the Secretary of the Interior. I have just stated wherein the House modified the bill as originally agreed upon between the representatives of the State of New Mexico and the Department of Agriculture. The Department of Agriculture recommends the passage of the bill, and inasmuch as additional provisions which I seek by the amendment can not go into effect until there is an agreement, it seems to me that it can possibly do no harm to

give to the Department of the Interior and the Department of Agriculture the right to make exchange of lands outside of the forest reserves for State lands within the forest reserves. That is why I offered the amendment. I am glad the Senator from Ohio called attention to the letter of the Secretary of the Interior, but I submit that it can possibly do no harm to enable the parties to make every such exchange of lands if the provision is inserted. Therefore I hope the Senate will agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the senior Senator from New Mexico.

The amendment was agreed to.

Mr. JONES of New Mexico. As the bill was originally introduced and as recommended to the Senate by the Committee on Public Lands and Surveys it contained a provision which was stricken out in the House. That provision which was stricken out was one which authorized the President to withdraw temporarily lands under the act of June 25, 1910, anticipating that an exchange may be considered desirable. It simply gives the President the authority to do something. Of course, he would not exercise it except in a proper case, and therefore I move, after line 4, on page 3, at the end of the paragraph, that there be inserted another paragraph, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 3, after line 4, insert the following:

That authority is hereby vested in the President temporarily to withdraw from disposition under the act of June 25, 1910 (36 Stat. L. p. 847), as amended by the act of August 24, 1912 (37 Stat. L. p. 497), lands proposed for selection by the State under the provisions of this act.

The amendment was agreed to.

Mr. JONES of New Mexico. On page 3, line 21, after the word "forest," I move to amend by inserting the words "or other Government." That is simply including the same amendment which I spoke about a while ago, putting it into another place so as to carry out the intent of the act.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 3, line 21, after the word "forest" insert the words "or other Government."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JONES of New Mexico. I move that Senate bill 2238 be indefinitely postponed.

The motion was agreed to.

WILLIAM J. DUNLAP

Mr. GEORGE. Mr. President, I ask unanimous consent to recur to Calendar No. 489, the bill (H. R. 4835) to remove the charge of desertion from the records of the War Department standing against William J. Dunlap.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. GEORGE. The bill is a House bill and has been reported favorably from the Committee on Military Affairs without amendment. Dunlap enlisted during the Spanish-American War and served three years. Immediately after the expiration of his first enlistment he again enlisted, and a few days after enlistment he left camp. He was found at an asylum at Council Bluffs, Iowa, and it was ascertained that he was mentally deranged. Orders were in due course issued asking that the soldier be not marked as a deserter but that he be relieved from further military duty because of his mental incapacity to discharge that duty.

Mr. KING. Was it a mental incapacity which arose during his service and before the desertion?

Mr. GEORGE. He served one full period of three years, enlisting in 1898 during the Spanish-American War, and immediately after the expiration of his first period of enlistment he again enlisted and shortly after his second period of enlistment had begun this mental derangement was discovered.

Mr. KING. I have no objection if it is clear that the mental incapacity arose while he was in the service so that when he did desert it was while he was suffering from the mental incapacity.

Mr. GEORGE. Oh, yes; that is quite clear.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William J. Dunlap, formerly a member of Company F, Tenth Regiment United States Infantry, shall be held and considered to have been honorably discharged from the military service of the United States on May 26, 1902: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH B. MACCABE

Mr. BINGHAM. Mr. President, during my temporary absence from the Senate, Calendar No. 493, the bill (S. 43) authorizing the President to issue an appropriate commission and honorable discharge to Joseph B. Maccabe, was temporarily passed over. The Senator from Utah [Mr. KING] desired an explanation of the bill. I ask unanimous consent that we may consider the bill at this time.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to issue an appropriate commission and honorable discharge to Joseph B. Maccabe, who performed the services of a commissioned officer of the United States Army from May 1, 1918, to November 1, 1921, under the promise of such commission from proper authority, but which commission was not issued by reason of unavoidable delay, the signing of the armistice, the cessation of hostilities, and orders issued in consequence thereof.

Mr. BINGHAM. The purpose of the bill is clearly stated in a letter from Secretary Weeks, as follows:

It appears, therefore, that the purpose of the bill is not to single out and commission an individual from a class of persons who failed to receive commissions, but to authorize his inclusion in the number of those who received commissions; and this removes the objection heretofore made to the passage of a bill for the individual benefit of Joseph B. Maccabe.

Secretary Weeks had no objection and the present Secretary of War has no objection. There is a unanimous report from the committee. Maccabe was one of a class of persons who failed to receive his commission. He now desires to receive his commission and discharge, and I trust there will be no objection to the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEASING OF LAND FOR MINING PURPOSES

The bill (H. R. 7752) to authorize the leasing for mining purposes of land reserved for Indian agency and school purposes was announced as next in order.

Mr. WILLIS. Mr. President, I desire to ask a question of the Senator from Oklahoma [Mr. HARRELD]. I wonder whether this is one of the bills to which such earnest objection has been made? I know nothing of the details, but the Senator has received, as no doubt every Senator has, some circulars protesting against several of these bills pending on the calendar.

Mr. HARRELD. I do not think it applies to this bill. This measure simply applies to lands which have been set apart for agency and school purposes which it since has become unnecessary for them to use. It is a question of giving oil or gas leases on such lands.

Mr. WILLIS. That is what these circulars refer to. I know nothing about the circulars, whether or not they are well founded in fact, but I know there are vigorous protests, and I have received several of them.

Mr. HARRELD. In this case it is provided that the lands may be leased after 30 days' notice.

Mr. LA FOLLETTE. Mr. President, I can assure the Senator from Ohio that this is not the bill to which he refers. The bill to which the Senator from Ohio refers is the bill which has to do with leasing on Executive-order reservations, which has not as yet been reported by the committee.

Mr. HARRELD. This bill only applies to small tracts here and there over the country where the lands have been abandoned, formerly having been used for agency and school purposes.

Mr. WILLIS. Mr. President, I have no objection to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, considered the bill. It authorizes the Secretary of the Interior, under such rules and regulations as he may prescribe, to lease at public auction upon not less than 30 days' public notice for mining purposes land on any Indian reservation reserved for Indian agency or school purposes, in accordance with existing law applicable to other lands in such reservation, and the proceeds arising therefrom shall be deposited in the Treasury of the United States to the credit of the Indians for whose benefit the lands are reserved subject to appropriation by Congress for educational work among the Indians or in paying expenses of administration of agencies, and provides that a royalty of at least one-eighth shall be reserved in all leases.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS OF POTTAWATOMIE INDIANS IN OKLAHOMA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1963) authorizing the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims.

The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert:

That jurisdiction is hereby conferred on the Court of Claims with right of appeal to the Supreme Court of the United States by either party as in other cases, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of the treaty of February 27, 1867 (15 Stat. L. p. 531), or arising under or growing out of any subsequent act of Congress in relation to Indian affairs which said Citizen Band of Pottawatomie Indians of Oklahoma may have against the United States, which claims have not heretofore been determined and adjudicated by the Court of Claims or the Supreme Court of the United States.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit or suits be instituted or petition filed as herein provided in the Court of Claims within five years from the date of the approval of this act, and such suit or suits shall make the Citizen Band of Pottawatomie Indians of Oklahoma party plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the said Citizen Band of Pottawatomie Indians approved in accordance with existing law; and said contract shall be executed in their behalf by a committee or committees to be selected by said Citizen Band of Pottawatomie Indians. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Citizen Band of Pottawatomie Indians to such treaties, papers, correspondence, or records as they may require in the prosecution of any suit or suits instituted under this act.

SEC. 3. In said suit or suits the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against the said Citizen Band of Pottawatomie Indians, but any payment or payments which may have been made by the United States upon any such claim shall not operate as an estoppel, but may be pleaded as a set-off in such suit or suits, as may any gratuities paid to or expended for said Indians subsequent to February 27, 1867.

SEC. 4. The court shall join any other tribe or band of Indians that may be necessary to a final determination of any suit brought under this act. Upon the final determination of such suit or cause of action, the Court of Claims shall have jurisdiction to decree the fees to be paid to the attorney or attorneys, not to exceed 10 per cent of the amount of the judgment, if any, recovered in such cause, and in no event to exceed the sum of \$25,000, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid out of any judgment that may be recovered, and the balance of such judgment shall be placed in the United States Treasury to the credit of the Indians entitled thereto, where it shall draw interest at the rate of 4 per cent per annum or be paid direct to the Indians in the discretion of the Secretary of the Interior.

MR. KING. Mr. President, I should like to ask the chairman of the committee if these jurisdictional bills are all of the same character and contain the same restrictions and limitations and provisions for the protection of the Government?

MR. HARRELD. This bill is drawn in accordance with the wishes of the Department of the Interior, and the amendment was adopted by the committee in accordance with the suggestion of the Secretary of the Interior, in order to make it conform with the original bill which was adopted as a model, namely, the bill in regard to the Cherokees. There are none of the objectionable features in this bill of which complaint has been made in some cases. There gradually crops out in

some of these jurisdictional bills additional provisions which are not contained in the first bills that were adopted, but I do not think this is one of them. I do not think there are any objectionable features in this bill at all.

MR. KING. The reason I made the inquiry is this: I was told a few days ago that bills which we have passed conferring jurisdiction might involve a draft upon the Treasury of the United States of between \$50,000,000 and \$100,000,000.

MR. HARRELD. I do not think that is true, except, perhaps, in one or two instances there might be some draft on the Treasury of the United States; but I do not think that any of these bills would involve any considerable draft upon the United States Treasury, although as to some it might be pretty heavy. However, we ought to be willing to let our own courts pass on the question.

MR. KING. The Senator knows my position, because I think I made the first drive to get these bills through, so that the Indians would have a fair chance to have their rights determined. I felt that heretofore they were obstructed and that the Indians were not properly treated. All that I was interested in was that ample protection be given to the Government.

MR. HARRELD. There has been some objection to some of these bills on that score, but I do not think it applies to the bill which we have before us at this time.

MR. LENROOT. Mr. President, will the Senator yield?

MR. HARRELD. Yes.

MR. LENROOT. Does this bill have the effect that some others do, that any settlement that may have been made will be considered reopened and the amount paid by the Government shall be merely an offset? If so, what has the Senator to say about that as a general rule, that the settlements which have been made shall be reopened?

MR. HARRELD. That is not the policy of the committee as to any of these bills.

MR. LENROOT. I noticed that one of the bills did have just that kind of a provision in it.

MR. HARRELD. Unless there is manifest mistake or fraud, I would not think it would be wise. If any provision of that sort is in any of these bills, it got by without my notice, because I did not intend to have any such provision contained in the bills.

MR. LENROOT. Is the Senator certain it is not in this bill?

MR. HARRELD. I do not think it is, although I have not read the bill for several days; but if there is such a provision in the bill, it was not intended to be in it.

MR. LENROOT. I quite agree that we have, for instance, legislated in violation of some of our Indian treaties, and I think the Indians ought to have an opportunity in such cases to go into the courts.

MR. HARRELD. At least to find out whether their property rights have been endangered.

MR. LENROOT. But there are cases where full and complete settlement has been made, and under the terms of one of these bills that I happened to read we practically set aside the settlement and merely direct the amount paid by the United States to be used as an offset.

MR. HARRELD. The policy of the committee on that point, I will say, is that if a treaty obligation was afterwards changed by the enactment of a statute, the enactment of the statute is a conclusion of the matter, unless it affected some vested property right under a treaty. Then in that case we sought to preserve the right to recover for the wrong done to the vested property right by the act of Congress; but not for any other purpose; and if any bill has passed here with a provision as broad as the one the Senator suggests, it ought to have been corrected, for it was not the intention that such a provision should be contained in the bill.

MR. LENROOT. I will look into the matter.

MR. HARRELD. It was not the intention of the committee to go that far.

THE PRESIDING OFFICER (Mr. BLEAKE in the chair). The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOTS IN BOWDOIN, MONT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3268) authorizing repayment of excess amounts paid by purchasers of certain lots in the town site of Bowdoin, Mont., which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to certify to the Secretary of the Treasury the difference

between the amounts paid by purchasers of the lots in the town site of Bowdoin, Mont., and the price fixed as result of reappraisal by the Secretary of the Interior of May 11, 1925, in all cases whether patents had or had not issued at the time of the reappraisal of the lots: *Provided*, That the purchasers or their legal representatives apply for repayment of such amounts within two years from the passage of this act.

SEC. 2. Upon receipt of the certificate from the Secretary of the Interior, the Secretary of the Treasury is hereby authorized and directed to make payment to such purchasers out of the fund known as the reclamation fund, created by the act of Congress approved June 17, 1902 (32 Stat. 388).

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF GENERAL LEASING ACT

The bill (S. 2339) to amend section 27 of the general leasing act approved February 25, 1920 (41 Stat. L. p. 437), was announced as next in order.

Mr. WILLIAMS. Mr. President, from the Committee on Public Lands and Surveys I report back favorably without amendment the bill (H. R. 7372) to amend section 27 of the general leasing act approved February 25, 1920 (41 Stat. L. p. 437), and I submit a report (No. 567) thereon.

The PRESIDING OFFICER. The report will be received.

Mr. WILLIAMS. Having reported the House bill I ask that it may be submitted for the Senate bill on the calendar, as they are in identical terms, and I ask that the House bill may be put on its passage.

Mr. BRUCE. Mr. President, I happen to know that the Senator from Oregon [Mr. STANFIELD] is engaged in committee at the present time. I should like to inquire whether he knows about the substitution of the House bill?

Mr. WILLIAMS. I have reported the House bill from the Committee on Public Lands and Surveys, of which I am a member, and have done so at the request of the chairman of the committee, the Senator from Oregon [Mr. STANFIELD].

Mr. BRUCE. I see the Senate bill was introduced by the Senator from Oregon.

Mr. WILLIAMS. That is quite true.

The PRESIDING OFFICER. The Senator from Missouri has stated that he is submitting the report on the House bill on behalf of the Senator from Oregon.

Mr. BRUCE. Very well, then, I have no objection. I could not hear the Senator's statement.

The PRESIDING OFFICER. Is there objection to consideration of the House bill reported by the Senator from Missouri?

Mr. KING. Mr. President, this is a very important bill, involving leasing upon the public domain of coal lands and various other mineral lands. It seems to me it is so important that under the five-minute rule we may not properly consider it.

Mr. WILLIAMS. I am not familiar with the terms of the bill myself. I know it has the approval of the Department of the Interior.

Mr. KING. The Department of the Interior is always glad to extend its jurisdiction of the public domain and to increase its power with respect to leasing. I ask that the bill may go over for the moment.

The PRESIDING OFFICER. The bill will be passed over.

Mr. WILLIAMS. Mr. President, is there any objection to the substitution being made of the House bill for the Senate bill?

The PRESIDING OFFICER. Without objection, the House bill will be substituted for the Senate bill on the calendar. Does the Senator from Missouri desire to make any disposition of the Senate bill?

Mr. WILLIAMS. Objection having been made, I presume it goes over.

Mr. WILLIS. I move that the Senate bill may be indefinitely postponed.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio that Senate bill 2339 be indefinitely postponed, House bill 7372 having been substituted for it on the calendar.

The motion was agreed to.

SCHOOL LANDS IN SUN RIVER PROJECT, MONTANA

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 187) making a grant of land for school purposes, Fort Shaw division, Sun River project, Montana. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue patent conveying lots 14 and 15,

section 2, and lots 11 and 12, section 11, township 20 north, range 2 west, containing 30.76 acres, to school district No. 82, Cascade County, State of Montana, for school purposes: *Provided*, That this grant is made upon the payment of \$1.25 per acre: *Provided further*, That said patent shall be issued upon the express condition that the said school district shall use said tract of land for public school purposes: *Provided further*, That whenever said land shall cease to be used by said school district for school purposes or attempted to be sold or conveyed, then, and in that event, title to such land and the whole thereof shall revert to the United States: *Provided further*, That such patent shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits as may be found in such land and the right to the use of the land for extracting and removing the same.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRANT OF LAND IN SAN JUAN COUNTY, WASH.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8646) providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes, which was read as follows:

Be it enacted, etc., That the title and fee to lots 3 and 4 of section 2 in township 35 north, range 2 west, Willamette meridian, in San Juan County, in the State of Washington, being situate within an abandoned military reservation on Lopez Island in said county, said lots containing 63.25 acres, be, and the same are hereby, granted, on the payment to the United States of \$1.25 per acre subject to the condition and reversion hereinafter provided for, to the said county for recreational and public-park purposes: *Provided*, That if said lands shall not be used for the purposes hereinabove mentioned, the same of such part thereof not used shall revert to the United States: *And provided further*, That lot 3 shall be subject to the right of way for county roads granted to the county authorities of San Juan County, State of Washington, by the act of Congress of February 21, 1925 (43 Stat. p. 957): *And provided further*, That there shall be reserved to the United States all gas, oil, coal, or other mineral deposits found at any time in the said lands and the right to prospect for, mine, and remove the same.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXCHANGE OF FOREST LANDS IN NEW MEXICO AND ARIZONA

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6355) providing for the acquirement by the United States of privately owned lands in San Miguel, Mora, Taos, and Colfax Counties, N. Mex., within the Mora grant, and adjoining one or more national forests, by exchanging therefor lands or timber within the exterior boundaries of any national forest situated within the State of New Mexico or the State of Arizona, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized in his discretion to accept on behalf of the United States title to all or any part of privately owned lands, situated within the Mora grant, as described in the patent issued by the United States, located in the counties of San Miguel, Mora, Taos, and Colfax, in the State of New Mexico, and adjoining one or more national forests, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby, and the lands are chiefly valuable for national forest purposes, and in exchange therefor to patent not to exceed an equal value of national forest land in that State or the State of Arizona, or the Secretary of Agriculture may authorize grantor to cut and remove an equal value of timber within the national forests of the State of New Mexico or of the State of Arizona, the value in each case to be determined by the Secretary of Agriculture and acceptable to the grantor as a fair compensation. Timber given in exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture: *Provided*, That the consent and approval of the Governor of Arizona shall have first been secured before any timber is given in exchange in the State of Arizona under this act.

SEC. 2. Lands offered for exchange hereunder and not covered by public land surveys or identified by surveys of the United States shall be identified by metes and bounds surveys, and that such surveys and the plats and field notes thereof may be made by employees of the United States Forest Service and approved by the United States Surveyor General.

SEC. 3. Any lands conveyed to the United States under the provisions of this act shall, upon acceptance of the conveyance thereof, become and be a part of the Carson National Forest or of the Santa Fe National Forest, as the Secretary of Agriculture may determine.

SEC. 4. Before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general

circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF WILLIAM FRIES, DECEASED

The bill (H. R. 902) for the relief of the estate of William Fries, deceased, was announced as next in order.

Mr. BRUCE. Mr. President, I should like to know what that bill is.

The PRESIDING OFFICER. The bill was reported by the Senator from Colorado [Mr. MEANS], who is absent on account of illness.

Mr. BRUCE. I understand.

The PRESIDING OFFICER. Does the Senator desire to have the bill passed over?

Mr. BRUCE. I ask that that disposition of the bill may be made for the time being.

The PRESIDING OFFICER. The bill will be passed over.

ADDITIONAL JUDGE, EASTERN DISTRICT OF PENNSYLVANIA

The bill (S. 1642) to provide for the appointment of an additional district judge for the eastern district of Pennsylvania was considered as in Committee of the Whole. It authorizes the President to appoint, by and with the advice and consent of the Senate, an additional district judge for the United States District Court for the Eastern District of Pennsylvania, who shall reside in such district.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF OGDEN, UTAH, WATER SUPPLY

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 675) granting certain lands to the city of Ogden, Utah, to protect the watershed of the water-supply system of said city. The bill had been reported from the Committee on Public Lands and Surveys with amendments.

Mr. COPELAND. Mr. President, I should like an explanation of this bill, reserving the right to object.

Mr. KING. Mr. President, the people of the city of Ogden, as in other cities in the West where their water comes from the mountains, are seeking to protect the watershed of their water supply. The Government of the United States is attempting to aid most of those cities in protecting the watersheds and it grants them land upon their paying \$1.25 an acre, although much of the land is not worth 25 cents an acre.

Mr. COPELAND. Mr. President, it seems to me the explanation is entirely sufficient and justifies the Senate in passing the bill. It has to do with the welfare and health of the people of the city of Ogden and we should certainly give them relief.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, in section 1, page 1, at the beginning of line 8, to strike out "ands" and insert "lands"; on page 2, line 6, after the word "southeast," to strike out "quarter" and insert "quarter"; on page 3, line 16, after the word "southeast," to strike out "quarter," and insert "quarter"; on page 4, line 14, after the word "north," to strike out "half" and insert "half"; on page 7, at the beginning of line 9, to strike out "quarter," and insert "quarter"; in same line, after the last amendment, to strike out "southwest" and insert "southeast"; in the same line, after the last amendment, to strike out "quarter" and insert "quarter"; in line 10, after the word "southwest," strike out "quarter," and insert "quarter," so as to make the section read:

That upon the payment of \$1.25 per acre there is hereby granted to the city of Ogden, Utah, and the Secretary of the Interior is authorized and directed to issue patent to said grantee for certain public lands in Utah for the protection of the watershed furnishing the water for said city, the lands being described as follows:

Northwest quarter and southeast quarter section 2; all section 12; northeast quarter and east half southeast quarter section 14; north half northwest quarter and east half section 24; township 5 north, range 1 west, Salt Lake meridian.

East half and east half west half and northwest quarter northwest quarter section 10; all section 14; north half northwest quarter and southwest quarter northwest quarter and lot 5, section 24; southeast quarter, east half northeast quarter, southwest quarter northeast quarter, southeast quarter northwest quarter, east half southwest quarter section 26; township 6 north, range 1 west, Salt Lake meridian.

East half east half section 5; all section 4; southeast quarter, southeast quarter southwest quarter, southeast quarter northeast

quarter section 8; all section 10; east half southwest quarter, northwest quarter southeast quarter section 12; north half section 15; northwest quarter northeast quarter, east half northeast quarter, northeast quarter southeast quarter section 22; north half section 26; southeast quarter section 34; township 7 north, range 1 west, Salt Lake meridian.

Northwest quarter and southeast quarter section 22; all section 26; north half and southwest quarter section 28; east half section 32; all section 34; northwest quarter and east half section 36; township 8 north, range 1 west, Salt Lake meridian.

All section 6; west half northwest quarter, and northwest quarter northeast quarter section 18; township 5 north, range 1 east, Salt Lake meridian.

Northeast quarter section 8; west half, northwest quarter northeast quarter, west half southeast quarter section 12; east half, southwest quarter section 14; southwest quarter section 18; north half section 24; lots 1, 2, 3, and 4; southeast quarter northwest quarter, east half southwest quarter, south half southeast quarter section 30; township 7 north, range 1 east, Salt Lake meridian.

All section 2; northwest quarter northwest quarter and southwest quarter section 4; township 5 north, range 2 east, Salt Lake meridian.

Northwest quarter, east half east half, southwest quarter southeast quarter, southeast quarter southwest quarter section 12; south half northeast quarter, northeast quarter southwest quarter, north half southeast quarter, southeast southeast quarter section 30; east half and east half north half, north half southwest quarter, southeast quarter southwest quarter section 24; township 6 north, range 2 east, Salt Lake meridian.

North half, northeast quarter southeast quarter, north half southwest quarter, southwest quarter southwest quarter section 4; west half, northwest quarter northeast quarter section 12; northwest quarter northeast quarter, south half north half, southeast quarter, north half southwest quarter, southwest quarter southwest quarter section 14; north half section 20; west half west half, northeast quarter northwest quarter, northwest quarter northeast quarter section 22; all section 26; north half, northeast quarter southwest quarter, northeast quarter southeast quarter section 28; lots 1 and 2, east half northwest quarter, north half northeast quarter, southeast quarter northeast quarter and northeast quarter southeast quarter section 30; east half and east half northwest quarter section 34; township 7 north, range 2 east, Salt Lake meridian.

West half and southeast quarter section 34; township 8 north, range 2 east, Salt Lake meridian.

Lots 2, 3, 4, 5, 6, 7, 11, and 12, section 6; south half northwest quarter, southeast quarter northeast quarter, east half southwest quarter, southeast quarter section 4; north half north half, southwest quarter northwest quarter, southeast quarter northeast quarter, south half section 8; west half, north half northeast quarter, southwest quarter northeast quarter, southeast quarter section 10; all section 12; north half northwest quarter, southwest quarter northwest quarter, northwest quarter southwest quarter, northeast quarter northeast quarter, south half northeast quarter, east half southeast quarter section 14; all section 18; west half, west half southeast quarter, northeast quarter southeast quarter, northeast quarter section 20; west half west half, southeast quarter southwest quarter, southeast quarter southeast quarter, north half northeast quarter, southeast quarter northeast quarter section 22; north half north half, southeast quarter northwest quarter, north half southwest quarter, southwest quarter southwest quarter, south half southeast quarter section 24; northwest quarter northeast quarter, southeast quarter northwest quarter, southwest quarter, south half southeast quarter, northwest quarter southeast quarter section 28; all section 30; township 6 north, range 3 east, Salt Lake meridian.

Southeast quarter northwest quarter, southwest quarter northeast quarter section 1; north half north half, southwest quarter northwest quarter, southeast quarter northeast quarter, southwest quarter, northeast quarter southeast quarter, south half southeast quarter section 8; west half, west half east half, northeast quarter northeast quarter, southeast quarter southeast quarter section 12; all section 14; northwest quarter northeast quarter, southeast quarter northeast quarter section 18; north half north half, southwest quarter northwest quarter, southeast quarter northeast quarter, southwest quarter, northeast quarter southeast quarter, south half southeast quarter section 20; all section 24; all section 26; northeast quarter section 28; west half, north half northeast quarter, northeast quarter southeast quarter, southeast quarter southeast quarter section 30; west half northwest quarter, north half northeast quarter, southeast quarter northeast quarter, northeast quarter southeast quarter, southwest quarter southeast quarter section 34; township 7 north, range 3 east, Salt Lake meridian.

Northwest quarter northwest quarter, south half northwest quarter, southwest quarter, north half northeast quarter, southeast quarter northeast quarter, southeast quarter section 4; all section 6; all section 8; north half northwest quarter, southwest quarter northwest quarter, southeast quarter northeast quarter, northwest quarter southeast quarter, southeast quarter southeast quarter section 10; west half east half, northeast quarter northeast quarter section 18;

west half, west half southeast quarter, northeast quarter southeast quarter, northeast quarter section 30; north half north half section 28, township 6 north, range 4 east, Salt Lake meridian.

Southwest quarter northwest quarter, north half southwest quarter, southwest quarter southeast quarter section 1; lots 3 and 4 section 4; lot 1, south half north half, southwest quarter, northwest quarter southeast quarter section 5; lots 4 and 5, south half northeast quarter, south half southeast quarter, northeast quarter southeast quarter section 6; northeast quarter section 7; west half southwest quarter, northwest quarter section 8; southwest quarter northeast quarter section 10; south half north half section 11; northeast quarter northeast quarter, southwest quarter northeast quarter, south half northwest quarter, southwest quarter section 12; north half, south half of south half, northeast quarter southeast quarter section 14; all section 18; northwest quarter, west half northeast quarter, southeast quarter northeast quarter, east half southwest quarter, southeast quarter section 20; north half, north half southwest quarter, southwest quarter southwest quarter, southeast quarter section 22; northwest quarter, west half northeast quarter, northwest quarter southwest quarter, west half southeast quarter section 24; northwest quarter, north half northeast quarter, southwest quarter northeast quarter, northeast quarter southeast quarter, southwest quarter southeast quarter, north half southwest quarter, southwest quarter southwest quarter section 26; northeast quarter northwest quarter, south half northwest quarter, northeast quarter, south half section 28; all section 30; north half, north half southwest quarter, southeast quarter southwest quarter, northwest quarter southeast quarter section 34, township 7 north, range 4 east, Salt Lake meridian.

Mr. FLETCHER. May I ask the Senator from Utah how many acres of land are involved in this bill?

Mr. KING. I will say to the Senator I have not the slightest idea of the aggregate area, but probably from 1,600 to 1,800 acres.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL JUDGE FOR WESTERN DISTRICT OF NEW YORK

The bill (S. 1490) to provide for the appointment of an additional judge of the District Court of the United States for the Western District of New York, was considered as in Committee of the Whole. The bill had been reported from the Committee on the Judiciary with an amendment on line 3, after the words "United States," to strike out "shall" and insert "is hereby authorized to," so as to read:

Be it enacted, etc., That the President of the United States is hereby authorized to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Western District of New York, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judge of said district; and that the official residence of said judges shall not be in the same or adjoining counties.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COPELAND subsequently said: Mr. President, I ask to recur to Order of Business No. 509, being Senate bill 1490.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none.

Mr. COPELAND. I ask to have the bill again read.

The Chief Clerk again read the bill.

Mr. KING. That provision in regard to residence is a remarkable one.

Mr. COPELAND. Mr. President, I think that bill should go over until my colleague [Mr. WADSWORTH] is here.

Mr. CUMMINS. The Senator's colleague introduced it.

Mr. COPELAND. That may be, but I should like to hear what my colleague has to say about the bill.

Mr. CUMMINS. He has been pressing me for the last two months to get the bill reported. However, if the Senator from New York will take the responsibility of not having the bill passed at all—

Mr. COPELAND. I assume the responsibility, Mr. President, and I should like to have the bill go over.

Mr. CUMMINS. What has been done with it?

Mr. COPELAND. I move to reconsider the votes whereby the bill was ordered to a third reading and passed.

Mr. BRUCE. Mr. President, it seems to me that the senior Senator from New York ought to have an opportunity to say

something about that. This bill was passed. Now, there is a motion to reconsider the action upon it. If I had a bill here and I happened to be absent from the Senate Chamber when a situation of this kind arose, I do not think the Senate would be treating me just right if it reconsidered it in my absence.

Mr. FLETCHER. The senior Senator from New York can be heard.

The PRESIDING OFFICER. The junior Senator from New York moves to reconsider the votes whereby the bill was ordered to a third reading and passed, so as to leave it on the calendar.

Mr. CUMMINS. Mr. President, I am not going to resist the request of the Senator from New York to reconsider the votes by which the bill was ordered to a third reading and passed, but of course I shall feel myself relieved of any obligation to take up the bill again.

Mr. COPELAND. I quite understand the attitude of the Senator from Iowa, but the bill will still be on the calendar. It will have its position here.

Mr. CUMMINS. Surely.

Mr. COPELAND. It undoubtedly will be reached the next time the calendar is called, and I absolve the Senator from Iowa from all responsibility.

Mr. CUMMINS. Very well; I shall make no objection.

Mr. REED of Pennsylvania. Mr. President, will not the Senator from New York state some reason why in his judgment the bill ought not to pass?

Mr. COPELAND. The reason that I will state now is because the bill has not been called to my attention. I am not aware of the need of western New York for this judgeship, and before I pass upon it I want to know the details, since it involves my own State.

Mr. WILLIS. Mr. President, why does not the Senator simply enter a motion to reconsider and then it can be taken up later on?

Mr. COPELAND. I understand that the motion to reconsider the bill has already been agreed to.

Mr. WILLIS. Oh, no, Mr. President; that is not correct.

Mr. BRUCE. I am sure that is not the fact. I certainly interposed my objection before any action of that kind was taken.

The PRESIDING OFFICER. The question now is upon the motion of the junior Senator from New York to reconsider the votes whereby the bill was ordered to a third reading and passed.

Mr. KING. Mr. President, I think it is rather extraordinary—and I say that with all good feeling toward my friend the Senator from Maryland—that any objection should be made to a request to reconsider a bill of this character under the circumstances.

We pass these bills here hurriedly. A Senator may step out of the Chamber for a moment and three or four bills may be passed before he returns; or he may step into the cloak room; or he may be examining one bill, and we may pass another. Then, as soon as his attention is challenged to it, it seems to me extraordinary to say that he may not move to reconsider it. The motion ought automatically to effectuate the result and put the bill back in status quo.

It seems to me that unanimous consent ought to be given to the Senator from New York to have the bill reconsidered.

Mr. CUMMINS. The Senator from Utah understands that I make no objection.

Mr. KING. I understand that.

Mr. BRUCE. But, Mr. President, I understood the Senator from Iowa to say that the senior Senator from New York is very deeply interested in this bill and has spoken to him about it frequently. Now the bill has been passed; and I think the senior Senator from New York is entitled to reap whatever benefit is to be reaped from the fact that it has been actually passed.

Mr. OVERMAN. Mr. President, the junior Senator from New York says he knew nothing about the bill.

Mr. BRUCE. But he ought to be apprised. Here is a motion to reconsider. It seems to me the motion ought to go over until to-morrow.

Mr. OVERMAN. I know the senior Senator from New York [Mr. WADSWORTH], and I do not believe he would resist this motion if the junior Senator from New York, his colleague, should say that he had never been apprised of the bill, that he knew nothing about it, that it had never been called to his attention, and that it was passed without his knowledge. It seems to me this reconsideration ought to be had by unanimous consent. No Senator ought to object.

Mr. BRUCE. We all know the senior Senator from New York, who is about as fair-minded and well-balanced a man as

there is in this body; and I know perfectly well that if any reasonable appeal is made to him about this bill, he will acquiesce in it. I think we all agree to that.

Mr. OVERMAN. The senior Senator from New York would agree to this course, Mr. President.

Mr. BRUCE. But when this motion for reconsideration is made it certainly does not seem to me that it ought to be acted on in his absence, until we have an opportunity to see how he feels about it and what he thinks about it.

Mr. OVERMAN. The motion to reconsider does not cause the bill any prejudice. It goes on the calendar and takes the same position it had before.

Mr. BRUCE. I know that; but it should not be put back on the calendar after it has been passed without the Senator having an opportunity to say something about the matter.

Mr. FLETCHER. Question!

Mr. BINGHAM. Mr. President, I hope the Senator from Maryland [Mr. BRUCE] will withdraw his objection. He will remember that we are on an unobjected calendar; that the slightest objection of any sort causes a bill to go over; and if, in the excitement of the moment and the confusion of passing bills, the junior Senator from New York did not observe that this bill in which he is interested was being passed, surely the Senator from Maryland has no objection to his having it reconsidered.

Mr. REED of Pennsylvania. Mr. President, my only excuse for interfering here, although I am not a member of the Judiciary Committee, is that I have had some practice in the western district of New York, and I know how very congested the Federal court there is.

I want to say at the beginning that I agree entirely with the position taken by the Senator from North Carolina [Mr. OVERMAN] and the Senator from Utah [Mr. KING]. I agree that the junior Senator from New York [Mr. COPELAND] is entitled to stop this bill under the conditions, if he wishes to do so, in order to investigate. All I wanted to point out, however, was that, if the bill goes back on the calendar after reconsideration, it will be a practical impossibility to secure its passage at this session in time to have the appointment and confirmation of the judge. It means the postponement for nearly a year of the relief which that district needs; and I want to ask the Senator from New York if he will not adopt the suggestion made by the Senator from Ohio to enter his motion now for a reconsideration? That would prevent the bill from going any further; and I will go further than that myself and say that if he will do that I expect to vote in favor of his motion to reconsider, provided, on investigation, he finds that, in his judgment, this bill ought not to pass. Furthermore, if the Senator from New York insists on making his motion now, I will vote in favor of it. I think the junior Senator from New York has a right to have this bill held up until he can look into it. All that I am doing is appealing to him to hold it up in such a fashion that, if he finds it is all right, the bill can be passed without delay and go to the House.

Mr. OVERMAN. Mr. President, why does the Senator say we can not pass this bill? There are several bills of this kind on the calendar. I am on the Judiciary Committee, and I am in favor of this bill. We can pass them. A similar bill, I think, is pending in the House of Representatives. We can get the bill through in very short order. There is no objection to it. We all agree to it.

Mr. REED of Pennsylvania. If that is so, then I do not care what is done about it.

Mr. FLETCHER. Mr. President, it makes no difference; the Senator from New York himself can ask unanimous consent to take it up any day. There need not be any delay.

Mr. REED of Pennsylvania. Then I think he is entitled to stop it now.

Mr. COPELAND. Mr. President, my friend from Pennsylvania need not be concerned. If, after due consideration and explanation of this matter, I am convinced that the bill is a proper bill, of course I shall be very glad myself to ask that it be brought up. We are bound to have calendar days repeatedly during the next week, I hope, in order that the calendar may be cleared; and I do not think this matter will be delayed in any serious way. I do not think there will be such a delay as to interfere with the administration of justice in the western district of New York.

The VICE PRESIDENT. The question is on the motion to reconsider.

The motion to reconsider was agreed to.

Mr. BRUCE subsequently said: Mr. President, I rise to a point of order. I should like to ask, for my information, whether a motion for reconsideration can be made by any Member of this body who did not vote against the bill?

The VICE PRESIDENT. No yea-and-nay vote of the Senate was taken, and therefore the motion to reconsider was in order.

CHANGE IN EASTERN JUDICIAL DISTRICT IN ARKANSAS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6730) to detach Fulton County from the Jonesboro division of the eastern judicial district of the State of Arkansas and attach the same to the Batesville division of the eastern judicial district of said State, which had been reported from the Committee on the Judiciary with an amendment on line 7, after the word "State," to insert the words: "Provided, That this shall not affect suits now pending," so as to make the bill read:

Be it enacted, etc., That Fulton County, of the Jonesboro division of the eastern district of the State of Arkansas, be, and the same is hereby, detached from the Jonesboro division and attached to and made a part of the Batesville division of the eastern district of said State: *Provided, That this shall not affect suits now pending.*

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ADDITIONAL DISTRICT JUDGE, DISTRICT OF CONNECTICUT

The bill (S. 227) to provide for the appointment of an additional district judge for the district of Connecticut was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 1, line 4, after the word "authorized," to strike out "and directed"; and in line 8, after the words "district judges and," to insert "who," so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized by and with the advice and consent of the Senate, to appoint an additional judge of the District Court of the United States for the District of Connecticut whose compensation, duties, and powers shall be the same as now provided by law for other district judges and who shall reside within the said district of Connecticut.

SEC. 2. This act shall take effect upon its approval by the President.

The amendments were agreed to.

Mr. FLETCHER. Mr. President, I should like to ask the Senator a question about this bill. There is no objection to the bill, is there? There is a unanimous report of the committee?

Mr. CUMMINS. There is a unanimous report of the Committee on the Judiciary, after a very careful examination of the situation.

Mr. BRATTON. Mr. President, may I ask the chairman of the Judiciary Committee a question? I see a number of bills pending here recommending additional judges in various districts. I have pending a bill of a similar character, on which I have attempted to be heard by the committee. So far I have not been able to have that done. May I ask the chairman when he purposes to investigate the other bills that are pending, and if Senators will be heard when they are investigated?

Mr. CUMMINS. The situation is this: A subcommittee composed of the Senator from Montana [Mr. WALSH], the Senator from West Virginia [Mr. GORE], and myself have inquired very carefully into all these bills. We have a dozen or more of them pending before the committee, and after some inquiry the members of the subcommittee felt that there must be an additional showing in order to report favorably the bill introduced by the Senator from New Mexico. It has so happened that the Senator from Montana and the Senator from West Virginia have been engaged upon the subcommittee that is looking into a very important subject, and we have not had a chance to reach a conclusion; but, as I said to the Senator from New Mexico, we intend to ask him to appear before that subcommittee just as soon as I can command the attendance of the other two members of the subcommittee.

Mr. BRATTON. Very well.

Mr. BINGHAM. Mr. President, I hope the Senator from New Mexico will not object to the passage of this bill. The Federal courts in Connecticut are greatly crowded. We have only one district at the present time.

Mr. BRATTON. I assure the Senator from Connecticut that I am not going to object. I am interested in the bill relating to my State, and I merely wished to inquire when these other matters will receive attention.

Mr. BINGHAM. The present Federal district judge has broken down in health more than once because of the tremendous pressure of the docket, and I hope the Senator will not object.

Mr. BRATTON. The point I am making is that some bills seem to go through and get on the calendar, whereas we can not be heard before the committee on other bills; and I am at a loss to understand how some travel by so much faster schedule than others.

Mr. CUMMINS. We have been doing the very best we could. We can not put in more than 24 hours a day, and as far as I am concerned I have been putting in nearly that many hours every day upon the Judiciary Committee. There are a great many bills pending before that committee, and the members of the committee are busily engaged elsewhere. I have been doing the best I could to reach a conclusion with regard to the Senator's bill.

Mr. BRATTON. I do not propose to object to the bill relating to Connecticut. I rose merely to ask for information.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL JUDGE, SOUTHERN DISTRICT OF IOWA

The bill (S. 475) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Southern District of the State of Iowa, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 1, line 4, after the word "Senate," to strike out "shall" and insert "is hereby authorized to"; and in line 10, after the word "district," to strike out down to the end of line 8, on page 2, and to insert:

SEC. 2. When a vacancy shall occur in the office of the existing district judge for said district such vacancy shall not be filled unless authorized by the Congress.

So as to make the bill read:

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint an additional judge of the District Court of the United States for the Southern District of Iowa, who shall reside in said district and shall possess the same qualifications and have the same powers and jurisdiction and receive the same compensation and allowances as the present judge of said district.

SEC. 2. When a vacancy shall occur in the office of the existing district judge for said district, such vacancy shall not be filled unless authorized by the Congress.

SEC. 3. This act shall take effect upon its approval by the President.

The amendments were agreed to.

Mr. KING. Mr. President, I should like to ask the Senator from Iowa whether there is some judge there now who is incapacitated and whether this bill is to relieve the situation?

Mr. CUMMINS. The district judge for the southern district of Iowa has been ill for a year or more and has not been able to try any important cases in that time. He is still ill, and the people who have business in the court have been very much inconvenienced. The purpose of this bill is simply to supply a judge who can sit in the trial of cases.

It is hoped that the present judge will recover. I very sincerely hope so. He is one of the best judges to be found in the United States. I have provided, therefore, that when there is a vacancy in the office of the existing judgeship it shall not be filled without the further action of Congress.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL DISTRICT JUDGE FOR PENNSYLVANIA

The bill (S. 1645) to provide for the appointment of an additional district judge for the middle district of Pennsylvania was announced as next in order.

Mr. REED of Pennsylvania. I move that that be indefinitely postponed, as it was reported adversely.

The motion was agreed to.

BALTIMORE BRANCH, FEDERAL RESERVE BANK OF RICHMOND

The joint resolution (S. J. Res. 66) authorizing the Federal Reserve Bank of Richmond to contract for and erect in the city of Baltimore, Md., a building for its Baltimore branch, was announced as next in order.

The VICE PRESIDENT. House Joint Resolution 191, on the calendar, seems to be identical with Senate Joint Resolution 66.

Mr. FLETCHER. I ask that the House joint resolution be substituted for this joint resolution.

Mr. BRUCE. I have a memorandum from my colleague [Mr. WELLER] as follows:

Senate Joint Resolution 66, providing for the erection of a building for the Federal Reserve Bank of Baltimore, is No. 614 on the Senate Calendar.

That is the measure he wants to have passed.

Mr. FLETCHER. The point is that the House has passed a joint resolution identical with it, and if we substitute the House joint resolution for the Senate joint resolution and pass it the whole thing will be finished.

Mr. BRUCE. Very well; let that course be taken.

The VICE PRESIDENT. Is there objection to proceeding to the consideration of House Joint Resolution 191?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the Federal Reserve Bank of Richmond be, and it is hereby, authorized to contract for and erect in the city of Baltimore a building for its Baltimore branch, provided the total amount expended in the erection of said building shall not exceed the sum of \$1,025,000: *Provided, however,* That the character and type of building to be erected, the amount actually to be expended in the construction of said building, and the amount actually to be expended for the vaults, permanent equipment, furnishings, and fixtures for said building shall be subject to the approval of the Federal Reserve Board.

Mr. JONES of Washington. It is my understanding that the House joint resolution contains the language recommended as an amendment by the Senate committee. I should like to be certain that such is the fact.

The VICE PRESIDENT. The language in the House joint resolution is identical with the language of the Senate joint resolution as proposed to be amended by the Committee on Banking and Currency.

Mr. JONES of Washington. Very well.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Senate Joint Resolution 66 will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 2606) to prohibit offering for sale as Federal farm-loan bonds any securities not issued under the terms of the farm loan act, to limit the use of the words "Federal," "United States," or "reserve," or a combination of such words, to prohibit false advertising, and for other purposes, was announced as next in order.

Mr. JONES of Washington. That is quite an important bill, and I suggest that it go over.

The VICE PRESIDENT. The bill will be passed over.

SCREEN-WAGON CONTRACTS, POST OFFICE DEPARTMENT

The bill (S. 1930) to authorize the Postmaster General to readjust the terms of certain screen-wagon contracts, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post Offices and Post Roads with amendments, on page 1, line 4, after the word "mails," to strike out the words "in the State of Florida"; on line 7, to strike out the words "in population in such State" and to insert the words "in cost for such service"; on line 11, after the word "incident," to strike out the words "to such" and to insert the words "to the"; on line 12, after the word "business," to strike out the words "and increase in population," so as to make the bill read:

Be it enacted, etc., That if the Postmaster General finds that any formal written contract now in force for transporting the mails in regulation screen vehicles was entered into before the present unusual expansion of business and increase in cost for such service, and that the contract price agreed to be paid for the service to be rendered thereunder is now inequitable and unjust because of the increased cost and expense occasioned the contractor in handling the unusual volume of mail incident to the expansion of business, the Postmaster General is authorized, in his discretion, with the consent of the contractor and his bondsmen, to cancel such contract or make such readjustments in its terms as he deems necessary to allow for such increased cost and expense to the contractor.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BILL PASSED OVER

The bill (S. 454) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. JONES of Washington. I think that is quite an important bill and should go over.

The VICE PRESIDENT. The bill will go over under objection.

FOREST RESERVES IN NEW MEXICO AND ARIZONA

The bill (S. 565) limiting the creation or extension of forest reserves in New Mexico and Arizona was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That hereafter no forest reservation shall be created, nor shall any additions be made to one heretofore created within the limits of the States of New Mexico and Arizona except by act of Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2534) to promote the development, protection, and utilization of grazing facilities on public lands, to stabilize the range stock-raising industry, and for other purposes, was announced as next in order.

Mr. WILLIS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

WILLIAM J. MURPHY

The bill (S. 3015) for the relief of William J. Murphy was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of William J. Murphy, late postmaster at Cleveland, Ohio, in the sum of \$3,209.33 due the United States on account of the loss of postal funds resulting from larceny and embezzlement.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. M. McCOLLUM, MARGARET G. JACKSON, AND DOROTHY M. MURPHY

The bill (S. 3049) for the relief of Mrs. M. McCollum, Margaret G. Jackson, and Dorothy M. Murphy was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out "\$4,218.75" and insert "\$1,000"; on line 7, to strike out "\$4,523" and to insert "\$1,500"; on line 8, to strike out "\$4,606.30" and to insert "\$1,500 in full settlement of all claims," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. M. McCollum the sum of \$1,000, to Margaret G. Jackson the sum of \$1,500, to Dorothy M. Murphy the sum of \$1,500 in full settlement of all claims for financial damages sustained by them and great pain and suffering they were forced to undergo as a result of the explosion of the United States dirigible balloon C-8 at a point near Camp Holabird, Md., on the 1st day of July, 1919.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WORKS OF ARTS AND ARTISTS OF THE UNITED STATES CAPITOL

Mr. COPELAND. Mr. President, I ask unanimous consent to return to Order of Business 488, Senate Resolution 172, authorizing the Committee on the Library of the Senate to have prepared a manuscript on the works of art and the artists of the United States Capitol, which was passed over on my objection. I find the explanation so reasonable that I should like to withdraw my objection.

The VICE PRESIDENT. Is there objection to the request of the Senator?

There being no objection, the resolution was read, considered, and agreed to, as follows:

Resolved, That the Committee on the Library of the Senate be, and is hereby, authorized and directed to have prepared a manuscript on the works of art and the artists of the United States Capitol, at a cost not to exceed \$2,500, to be paid out of the contingent fund of the Senate; and that such manuscript when prepared shall be printed, with illustrations, as a Senate document.

ALBERTA SISLER SAULS

The bill (S. 577) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Alberta Sisler Sauls, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Alberta Sisler Sauls, a former Red Cross nurse, serving at Government Munitions Explosive Plant C, Niro, W. Va., the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2348) for the relief of Nick Masonich was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over, under objection.

ALASKA ANTHRACITE RAILROAD CO.

The bill (H. R. 6573) to extend the time for the completion of the Alaska Anthracite Railroad Co., and for other purposes, was announced as next in order.

Mr. OVERMAN. Let the bill be read.

The bill was read, as follows:

Be it enacted, etc., That the time for the compliance of the Alaska Anthracite Railroad Co. or its successors in interest or assigns with the provisions of sections 4 and 5 of chapter 235 of the laws of the United States, entitled "An act extending the homestead laws and providing for the right of way for railroads in the District of Alaska, and for other purposes," approved May 14, 1898, by locating and completing its railroad in Alaska is hereby extended—

First. Said company, its successors and assigns, shall have two years from date of the passage of this act wherein to file final and permanent map of its Canyon Creek branch, and three years from date of the passage of this act wherein to complete the construction of its main line of railroad and branches.

Second. Said company, its successors and assigns, shall be exempt from license tax during the period of construction of the railroad and for one year thereafter, provided that this exemption shall exist and operate only during the continuance of the construction of said road in good faith, and in the event of unnecessary delay and failure in the construction and completion of said road, the exemption from taxation herein provided shall cease, and said tax shall be collectible as to so much of said road as shall have been completed: *Provided,* That nothing herein contained shall be held or construed to affect any now vested rights of other parties: *And provided further,* That the Congress reserves the right to alter, amend, or repeal this act.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WILLIS. I suggest that the report in connection with the bill just passed, which is a very scholarly one, prepared by the Senator from Connecticut [Mr. BINGHAM], be printed in the Record at this point for information.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The report is as follows:

EXTENSION OF TIME FOR COMPLETION OF ALASKA ANTHRACITE RAILROAD CO.

Mr. BINGHAM, from the Committee on Territories and Insular Possessions, submitted the following report to accompany H. R. 6573:

The Committee on Territories and Insular Possessions, to whom was referred the bill (H. R. 6573) to extend the time for the completion of the Alaska Anthracite Railroad Co., and for other purposes, having considered the same, recommends its passage without amendment.

It is believed by the committee that the bill is a step forward in the undertaking of providing transportation facilities in Alaska, a task which is deserving of commendation and encouragement. In its study of the bill the committee took under consideration a favorable report made thereon by the Secretary of the Interior, to whom the bill was referred for an opinion, who set forth his views in a communication addressed to the chairman of this committee under date of March 10, 1926, as follows:

DEPARTMENT OF THE INTERIOR,

Washington, March 10, 1926.

Hon. FRANK B. WILLIS,

Chairman Committee on Territories and

Insular Possessions, United States Senate.

MY DEAR SENATOR WILLIS: I have your letter of March 4, 1926, submitting copy of H. R. 6573 and requesting "a statement concerning this at as early a date as possible."

Under date of January 7, 1926, I reported on this bill to Hon. CHARLES F. CURRY, chairman Committee on the Territories, House of Representatives, as follows:

"This bill provides that the Alaska Anthracite Railroad Co., or its successors in interest or assigns, shall be allowed certain additional time within which to file maps of final and definite location of certain branch lines of road, and three years from the date of passage of the act within which to complete the construction of its main line of road and branches; also, that the company, its successors and assigns, shall be exempt from license tax during the period of construction of the railroad and for one year thereafter, provided that this exemption shall exist and operate only during the continuance of the construction of said road in good faith, and in the event of unnecessary delay and failure in the construction and completion of said road, the exemption from taxation herein provided shall cease, and said tax shall be collectible as to so much of said road as shall have been completed.

"As shown by the records of this department, briefly stated, the company's case is as follows:

"The company was incorporated under the laws of the State of Washington to construct, maintain, and operate a railroad having one terminus at the Bering River Coal Fields of Alaska and other terminus on Controller Bay and upon the Bering River. It filed copy of its articles of incorporation and proofs of organization, which were accepted, and it thereby became a beneficiary under section 2 of the act of Congress approved May 14, 1898 (30 Stat. 409). Pursuant to the provisions of section 4 of said act, it filed a map of preliminary location of its line of road from Controller Bay to Carbon Mountain; also a branch line from mile 7, on the main line, to Aetna, on the Bering River. This map was accepted by the General Land Office, the department concurring in such action, by letter addressed to the district land officers at Juneau, August 29, 1918. Subsequently, the company filed proof of construction of its said main line and branch lines and a map showing them as actually constructed, which, upon recommendation of the Commissioner of the General Land Office, was approved by the First Assistant Secretary of the Interior, August 5, 1921. Later the company filed a map of preliminary location of a branch line up Canyon Creek, which was accepted by letter dated March 17, 1923, and a map of definite location of the so-called Cunningham branch line up Stillwater Creek and Trout Creek, which was approved by the department May 11, 1925. By the filing of the map of preliminary location of the branch line up Canyon Creek the right of way as determined by the location shown thereon was held for one year from the date of its acceptance, March 17, 1923; but inasmuch as a map of definite location of this section was not filed within the year following, rights thereunder have lapsed. The company could, however, file a map of definite location of this section and it would be considered on its merits.

"There is no apparent objection to the proposed legislation, particularly since it is in line with that heretofore enacted in similar cases. Accordingly I recommend favorable action on the bill. National-forest lands are involved, so it may be the Department of Agriculture is interested in this matter.

"I note your request to have representatives from this department present when your committee considers this bill on January 8, and will endeavor to comply therewith."

There is nothing I can add to this report except to say that anything that promises to promote transportation facilities in Alaska is deserving of commendation and encouragement.

Very truly yours,

HUBERT WORK.

VISITS OF TRIBAL DELEGATES TO WASHINGTON

The joint resolution (S. J. Res. 60) authorizing expenditures from the Fort Peck 4 per cent fund for visits of tribal delegates to Washington was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Indian Affairs with amendments, on page 1, line 3, to strike out the word "appropriated" and to insert the words "authorized to be expended"; on page 2, line 5, after the word "reservation," to insert the words "when authorized or approved by the Secretary of the Interior," so as to make the joint resolution read:

Resolved, etc., That the sum of \$5,000 is hereby authorized to be expended out of the Fort Peck 4 per cent fund, created under the act of May 30, 1908 (35 Stat. L. p. 558), and held in trust by the United States, such sum to be available until expended, to enable the Secretary of the Interior to pay the necessary expenses incurred in connection with visits to Washington, D. C., by delegations of the Assiniboine and Sioux Indians of the Fort Peck Indian Reservation, when authorized or approved by the Secretary of the Interior, for the purpose of conferring with attorneys, presenting claims, appearing before committees of Congress, and attending to other tribal matters of such Indians.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. The committee report is an amendment to strike out the preamble.

The amendment was agreed to.

SACAJAWEA, OR BIRD WOMAN

The joint resolution (S. J. Res. 19) authorizing the erection of a monument to the memory of Sacajawea, or Bird Woman, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

Mr. KENDRICK. Mr. President—

Mr. LA FOLLETTE. I will state to the Senator that I was not present in the committee when the joint resolution was ordered to be reported out, and since that action has been taken I have had brought to my attention certain evidence to the effect that this Indian woman was not buried at the place designated. I desire to have time to look into that matter before the joint resolution is passed.

Mr. KENDRICK. May I suggest to the Senator that when this joint resolution first came before our Committee on Indian Affairs the Assistant Commissioner of the Indian Office was asked whether it would be possible, through his official force, to determine definitely and without doubt the location of the burial place of Sacajawea. He answered that according to his opinion it would be possible. As a result of our request he ordered an investigation, the record of which indicated without doubt that the place near Fort Washakie was the grave of Sacajawea.

Mr. LA FOLLETTE. I will say to the Senator that I dislike to object to the present consideration of the measure, but I have not had time to look through the material which has been brought to my attention, and I desire to do so before the joint resolution is passed.

Mr. KENDRICK. Of course the joint resolution will have to go over if the Senator objects, but for the information of the Senate I wish to explain that a few months ago, while at Fort Washakie, which is the agency of the Shoshone Indians, the tribe of which Sacajawea was a member, I visited the grave of this Indian woman. I afterwards called on Father Roberts, a missionary who had officiated not only at Sacajawea's burial but at the burial of nearly every Indian in a large cemetery. He has been stationed at Fort Washakie, as I recall, for 45 years, and he assured me that from his viewpoint there is no doubt but that the Sacajawea buried at this place was the famous Bird Woman. To corroborate his statement he took occasion to show me the record of the burials at which he had officiated, including this particular one.

I afterwards met two of the grandsons of Sacajawea, and after talking with them I had no doubt as to either the identity of this woman or the location of her grave.

Mr. LA FOLLETTE. I shall be glad to confer with the Senator about it, but I insist that the joint resolution shall go over.

The VICE PRESIDENT. The joint resolution will be passed over.

DAMAGES TO LIGHTER "LINWOOD"

The bill (S. 511) for the relief of all owners of cargo laden aboard the lighter *Linwood* at the time of her collision with the U. S. S. *Abasco* was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 8, to strike out "*Abasco*" and to insert "*Abasco*"; on page 2, line 6, to strike out the words "including interest," so as to make the bill read:

Be it enacted, etc., That the claims of all owners of various shipments of merchandise which were laden on board of the lighter *Linwood*, at the time hereinafter mentioned, against the United States of America, for damages alleged to have been caused by collision between the said vessel and the United States steamship *Abasco* on or about the 23d day of November, 1918, at or near the end of Pier 2, Bush Terminal Docks, Brooklyn, N. Y., may be sued for by the said owners of cargo in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suits and to enter judgments or decrees for the amounts of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of said cargo, or against the owners of said cargo in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notices of the suits shall be given to the Attorney General of the United States as may be provided by orders

of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suits shall be brought and commenced within four months of the date of the passage of this act.

The amendments were agreed to.

Mr. WILLIAMS. I would like to ask the junior Senator from New York a question. Attached to Order of Business No. 530, Senate bill 2898, there is a report from the Shipping Board, and this report, on page 3, contains a resolution of the Shipping Board of May 20, 1924. I would like to ask the junior Senator from New York whether he has read the resolution of the Shipping Board, and what he thinks of it.

Mr. COPELAND. May I ask the Senator from Missouri what calendar number he has in mind?

Mr. WILLIAMS. Order of Business No. 530.

Mr. COPELAND. That is my colleague's bill.

Mr. WILLIAMS. I am quite aware of that.

Mr. COPELAND. I am not familiar with the details of it.

Mr. WILLIAMS. The resolution of the Shipping Board pertains to the general subject matter of these bills, the idea being that the right to sue the United States should be given by an amendment to the general law rather than by the passage of these special bills.

Mr. COPELAND. I am in full sympathy with the resolution of the Shipping Board. I think that legislation ought to be enacted so we will have a general rule under which these matters may be considered, but we have no such law now, and the only way that the bills, Orders of Business Nos. 528 and 529, which are my bills, and Order of Business No. 530, which is the bill of my colleague, may be considered under present conditions is by this special legislation which permits the parties to go before the Court of Claims and make such representations as they please. I agree fully with the Shipping Board that that is the way it should be done in the future.

Mr. KING. May I say to the Senator from Missouri that a subcommittee of the Committee on the Judiciary, and I am a member of the subcommittee, has been appointed for the purpose of considering the subject, and I hope before the Senate adjourns that we will be able to report a general bill in consonance with the views which are entertained by the Senator from Missouri.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of all owners of cargo laden aboard the lighter *Linwood* at the time of her collision with the U. S. S. *Absecon*."

STEAMSHIP "BOXLEY"

The bill (S. 537) for the relief of owners of cargo aboard the steamship *Boxley* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of W. R. Grace & Co., owner of various shipments of merchandise which were laden on board of the steamship *Boxley*, at the time hereinafter mentioned, against the United States of America for damages alleged to have been caused by the unseaworthiness and negligence of the said steamship *Boxley* on her voyage from Iquique, Chile, to New Orleans, La., between the dates of January 5, 1920, and February 14, 1920, may be sued for by the said owners of cargo in the district court of the United States for the southern district of New York sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of said cargo, or against the owners of said cargo in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAMSHIP "OCONEE"

The bill (S. 2898) for the relief of all owners of cargo laden aboard the steamship *Oconee* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claims of all owners of various shipments of merchandise which were laden on board of the steamship *Oconee*, formerly known as steamship *Mada*, at the time hereinafter mentioned against the United States of America for damages alleged to have been caused by collision between the said vessel and the steamship *Constantia*, later known as steamship *Maximo Gomez*, on the 16th day of July, 1918, off Sewells Point, in Hampton Roads, Va., may be sued for by the said owners of cargo in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine said suits and to enter judgments or decrees for the amounts of such damages and costs, if any, as shall be found to be due against the United States in favor of said owners of cargo, or against said owners of cargo in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notices of said suits shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suits shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK S. EASTER

The bill (H. R. 3431) for the relief of Frederick S. Easter, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Frederick S. Easter, late of One hundred and forty-fifth Company, Third Replacement Battalion, United States Marine Corps, World War, shall hereafter be held and considered to have been honorably discharged from the marine service of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF KOSHER MEAT IN THE DISTRICT OF COLUMBIA

The bill (H. R. 7255) to regulate the sale of kosher meat in the District of Columbia was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That after the enactment of this act it shall be unlawful for any person—

(a) To sell or offer for sale within the District of Columbia as kosher, any meat which is not kosher;

(b) To label or brand as kosher any meat, or the package containing any meat, sold or offered for sale or prepared within the District of Columbia, which is not kosher; or

(c) To sell or offer for sale within the District of Columbia in the same place of business both kosher and nonkosher meat, (1) without displaying conspicuously in said place of business a sign in block letters at least 4 inches in height containing the words "kosher and nonkosher meat sold here," and (2) without displaying over such kosher meat the words "kosher meat," and over such nonkosher meat the words "nonkosher meat," in block letters at least 4 inches in height.

SEC. 2. As used in this act—

(a) The term "meat" includes raw meat and meat prepared for human consumption, whether alone or in combination with other products;

(b) The term "person" means individual, partnership, corporation, or association.

SEC. 3. Any person who violates any provision of this act shall, upon conviction thereof, be punished by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment; but no person shall be convicted of any such violation in respect of any meat which was not kosher at the time he acquired such meat, if he acquired it in good faith as kosher from a person duly authorized in accordance with the orthodox Hebrew ritual to prepare kosher.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEECH LAKE RESERVATION ROAD, CHIPPEWA INDIANS OF MINNESOTA

The bill (S. 2712) authorizing an appropriation from the tribal funds of the Chippewa Indians, of Minnesota, for the construction of a road on the Leech Lake Reservation was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby authorized an appropriation of \$6,000 from the tribal funds of the Chippewa Indians of Minne-

not on deposit in the United States Treasury under the act of January 14, 1889 (25 Stat. L. p. 642), for the construction of a road on the Leech Lake Reservation from the Chippewa Sanatorium at Onigum to connect with State Highway No. 34, under rules and regulations prescribed by the Secretary of the Interior: *Provided*, That Indian labor shall be employed as far as practicable.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CANCELLATION OF CERTAIN PATENTS TO INDIANS

The bill (S. 2714) to authorize the cancellation, under certain conditions, of patents in fee simple to Indians for allotments held in trust by the United States was considered as in Committee of the Whole. The bill had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 9, after the word "without," to insert the words "the consent or," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to cancel any patent in fee simple issued to an Indian allottee or to his heirs before the end of the period of trust described in the original or trust patent issued to such allottee, or before the expiration of any extension of such period of trust by the President, where such patent in fee simple was issued without the consent or an application therefor by the allottee or by his heirs: *Provided*, That the patentee has not mortgaged or sold any part of the land described in such patent; *Provided also*, That upon cancellation of such patent in fee simple the land shall have the same status as though such fee patent had never been issued.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROYALTIES ON LEASED INDIAN LANDS

The bill (S. 2716) to provide for the collection of fees from royalties on production of minerals from leased Indian lands was announced as next in order.

Mr. KING. Mr. President, the chairman of the Committee on Indian Affairs [Mr. HARRELD] is not here. I would like to ask any member of the committee present whether he is familiar with the bill. It seems important, because it involves the leasing of mineral lands from Indian reservations. I want to be sure the Indians' rights are fully protected in the leases. I am not a member of the committee, and am not familiar with the provisions of the bill.

Mr. BRATTON. Mr. President, as I recall, it is merely to authorize the Secretary of the Interior to deduct from royalties a reasonable fee, not to exceed 3 per cent, with which to pay the costs of administering the leasing of lands and the collecting of the royalties. It is designed to make that particular branch of the bureau self-sustaining so far as expenses are concerned.

Mr. LENROOT. Mr. President, may I ask the Senator whether he knows, with reference to Oklahoma and allotted lands, that a fee is now collected?

Mr. BRATTON. I am not informed as to that. The bill seems to be confined to restricted Indian lands. I take it that it does not apply to the Five Civilized Tribes of Oklahoma. It is simply to make that part of the bureau self-sustaining.

Mr. LENROOT. I think the bill ought to go over. I do not believe that the fee should at least exceed the estimated expense of administering the lands.

Mr. BRATTON. The Senator will note from the language that it is to collect a reasonable fee not to exceed 3 per cent.

Mr. LENROOT. That is true, but it could be 3 per cent, and an oil royalty might amount to a great deal of money even at 3 per cent.

Mr. BRATTON. It leaves it in the discretion of the department to determine what is a reasonable fee.

Mr. LENROOT. I would rather that the bill should go over until the chairman of the Committee on Indian Affairs is here.

The VICE PRESIDENT. The bill will be passed over.

TIMBER ON KLAMATH INDIAN RESERVATION, OREG.

The bill (S. 2717) to reserve the merchantable timber on all tribal lands within the Klamath Indian Reservation in Oregon, hereafter allotted, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the merchantable timber on all tribal lands within the Klamath Indian Reservation in Oregon hereafter allotted under existing laws be, and the same is hereby, reserved for the benefit of the members of the Klamath Tribe and other Indians having rights on that reservation: *Provided*, That the trust patents

issued for such allotments shall contain a clause reserving to the United States the right to cut and market such merchantable timber, the proceeds to be disposed of in accordance with existing statutes and regulations: *Provided further*, That, when the merchantable timber has been removed from the lands so allotted, the title to such timber as remains shall thereupon pass to the respective allottees, their heirs, or assigns.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORT MADISON INDIAN RESERVATION, WASH.

The bill (S. 2967) to authorize the Secretary of the Interior to sell certain lands within the Port Madison Indian Reservation in the State of Washington, heretofore set apart for school or administrative purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell, under such rules and regulations as he may prescribe, any part of the land heretofore set apart on the Port Madison Indian Reservation in the State of Washington for school or administrative purposes which may no longer be needed for such uses: *Provided*, That said land may be sold only after the consent thereto has been obtained from the allied Indian tribes having rights on the Port Madison Indian Reservation under the provisions of the treaty of January 22, 1855 (12 Stat. L. p. 927); and the proceeds of said sale shall be deposited in the Treasury to the credit of said allied tribes: *Provided further*, That there is hereby authorized to be appropriated the sum of \$2,000, out of any money in the Treasury not otherwise appropriated, to cover all necessary expenses of surveying and subdividing the tract into blocks, lots, streets, and alleys preparatory to offering the lots for sale; said appropriation to be reimbursed from the proceeds of the sale of said lots.

Mr. HARRELD. Mr. President, we passed a general bill a little while ago authorizing the leasing of lands reserved for school and agency purposes, and this is a specific bill along the same line.

Mr. JONES of Washington. But this relates to the sale and not to the leasing of the lands.

Mr. HARRELD. The Senator is right about that.

Mr. LENROOT. These are Indian lands?

Mr. JONES of Washington. Yes; some that are not needed.

Mr. LENROOT. Why should we pay for these expenses out of the Federal Treasury?

Mr. JONES of Washington. The Senator will note from the language of the bill that it is a reimbursable expenditure.

Mr. LENROOT. Yes; I see now that it is.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

QUINAIALT RESERVATION WATER SUPPLY

The bill (H. R. 96) authorizing an appropriation of not more than \$3,000 from the tribal funds of the Indians of the Quinalt Reservation, Wash., for the construction of a system of water supply at Taholah on said reservation was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of not more than \$3,000 from the tribal funds of the Indians of the Quinalt Reservation, Wash., for the construction of a system of water supply at Taholah, on said reservation, under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That Indian labor shall be employed as far as practicable.

Mr. KING. Mr. President, I want to ask the chairman of the Committee on Indian Affairs why there are so many of these private bills carrying appropriations for Indians and Indian tribes when we have just passed an appropriation bill which was presumed to deal—and I thought did deal—in a very generous way with the Indians, and which met their needs.

Mr. LENROOT. There was no authority in the general appropriation bill to do this work.

Mr. KING. Then there is no existing law?

Mr. JONES of Washington. No; there is not.

Mr. KING. And the appropriation bill did not deal with it?

Mr. HARRELD. They asked for \$25,000 when the bill was originally introduced, but the Secretary of the Interior reports that a full supply of water adequate for their uses can be furnished for \$3,000.

Mr. JONES of Washington. This is merely an authorization and not an appropriation.

Mr. KING. But it will mean ultimately an expenditure.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2657) to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, was announced as next in order.

Mr. JONES of Washington. I think this is quite an important measure and I ask that it may go over.

The VICE PRESIDENT. The bill goes over under objection.

STANDARDIZATION OF SCREW THREADS

The bill (H. R. 264) to amend an act to provide for the appointment of a commission to standardize screw threads was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That an act entitled "An act to provide for the appointment of a commission to standardize screw threads," approved July 18, 1918, as amended by an act approved March 3, 1919, and extended by public resolutions approved March 23, 1920, and March 21, 1922, be, and the same is hereby, amended so that it will read:

"That a commission is hereby created, to be known as the commission for the standardization of screw threads, hereinafter referred to as the commission, which shall be composed of nine commissioners, one of whom shall be the Director of the Bureau of Standards, who shall be chairman of the commission; two representatives of the Army, to be appointed by the Secretary of War; two representatives of the Navy, to be appointed by the Secretary of the Navy; and four to be appointed by the Secretary of Commerce, two of whom shall be chosen from nominations made by the American Society of Mechanical Engineers and two from nominations made by the Society of Automotive Engineers.

"Sec. 2. That it shall be the duty of said commission to ascertain and establish standards for screw threads, which shall be submitted to the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce for their acceptance and approval. Such standards, when thus accepted and approved, shall be adopted and used in the several manufacturing plants under the control of the War and Navy Departments, and, so far as practicable, in all specifications for screw threads in proposals for manufactured articles, parts, or materials to be used under the direction of these departments.

"Sec. 3. That the Secretary of Commerce shall promulgate such standards for use by the public and cause the same to be published as a public document.

"Sec. 4. That the commission shall serve without compensation but nothing herein shall be held to affect the pay of the commissioners appointed from the Army and Navy or of the Director of the Bureau of Standards.

"Sec. 5. That the commission may adopt rules and regulations in regard to its procedure and the conduct of its business."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RETIREMENT OF ARMY OFFICERS

The bill (S. 96) to amend the national defense act, approved June 3, 1916, as amended by the act of June 4, 1920, relating to retirement, was announced as next in order.

Mr. KING. Let the bill go over.

Mr. BINGHAM. Mr. President, will the Senator withhold his objection for a moment?

Mr. KING. Certainly.

Mr. BINGHAM. The bill is one which was discussed fully at the last session and was passed by the Senate. When the arrangement was made for receiving men over certain ages into the Regular Army at the close of the war, a provision was made that when they were retired at the age of 64 they should not receive the same amount of retirement pay as officers who have spent all their lives in the Army, but only 4 per cent per year for the time they served. At that time it was realized that a great injustice was likely to be done officers who had received permanent injuries during the time of their service. If the Senator will permit me I will call his attention to the words of the senior Senator from New York [Mr. WADSWORTH] at the time of the passage of a similar bill during the last session. He said:

We forgot one thing, however. I admit it on my own part, because I was one of those who helped draft the law. We forgot that these officers who came in over the age of 45 might be seriously injured in line of duty, and if thus injured and rendered helpless for the rest of their lives they might be thrown out of the Army, retired for physical disability, with pay equal to only 4 per cent of their pay multiplied by the number of years they had served. For example, if one of these officers to-day should be severely injured in line of duty and his retirement compelled under the law, having served only four years, he would get only 16 per cent of his active pay as his retired pay.

This bill is to give the officer in this class who has been retired as the result of physical disability incurred in line of duty the same

retired pay as that received by other officers who are retired for the same reason. If an officer is retired for age, the 4 per cent rule will still hold.

I hope the Senator will withdraw his objection.

Mr. KING. The bill relates only to those who are in the Regular Army?

Mr. BINGHAM. Yes; and physically disabled.

Mr. KING. And not to the reserve officers?

Mr. BINGHAM. No; and not to those who came in over the age of 45 and remain until the age of 64 and are then to be retired on account of their age.

Mr. KING. How many are there in that class?

Mr. BINGHAM. The Secretary of War, in writing with reference to the matter, said there were only eight.

The bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, as amended by the national defense act of June 4, 1920, be further amended by inserting after the words "per centum," in line 27 of section 24 thereof, the following: "Provided, That any officer so appointed, who has been or may hereafter be retired in accordance with law on account of physical disability incident to the service, shall receive, from the date of such retirement, retired pay at the rate of 75 per cent of his active pay at the time of such retirement."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

APPOINTMENT OF ARMY FIELD CLERKS AS WARRANT OFFICERS

The bill (S. 3283) to provide for the appointment of Army field clerks and field clerks, Quartermaster Corps, as warrant officers, United States Army, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That hereafter Army field clerks and field clerks, Quartermaster Corps, now in active service, shall have the rank, pay, allowances, retirement privileges, and benefits of warrant officers, other than those of the Army Mine Planter Service, and the Secretary of War is hereby authorized and directed to appoint them warrant officers of the Regular Army: Provided, That in determining length of service for longevity pay and retirement they shall be credited with and entitled to count the same military service as now authorized for warrant officers, including service as Army field clerks and field clerks, Quartermaster Corps, and all classified field service rendered as headquarters clerks and clerks of the Quartermaster Corps: Provided further, That the limitation in the act of June 30, 1922, on the number of warrant officers, United States Army, shall not apply to the appointees hereunder.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3284) to amend a portion of section 15 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920, was announced as next in order.

Mr. KING. Mr. President, will the Senator explain the purpose of the bill? If not, I shall ask that it may go over. If it relates to chaplains, I want to say that I have had some correspondence that I want to look up before I consent to the consideration of the bill.

Mr. BINGHAM. The Senator from New York [Mr. WADSWORTH] is not here. I think the bill had better go over.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

RESERVE OFFICERS' TRAINING CORPS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3786) to enable members of the Reserve Officers' Training Corps who have interrupted the course of training prescribed in the act of June 4, 1920, to resume such training and amending accordingly section 47c of that act, which was read, as follows:

Be it enacted, etc., That section 47c of the national defense act of June 3, 1916, as amended be, and the same is hereby, amended by adding thereto the following additional proviso:

"Provided further, That nothing in this act shall be construed to require that the advanced training provided for herein shall follow without interruption upon the completion of the two years' elective or compulsory course of military training prescribed in section 40 of this act or to require that such advanced training be pursued without interruption after it has been commenced in those cases where the person

selected for advanced training at any institution will, under the rules and regulations thereof, normally require, in order to be graduated therefrom, a period of sufficient duration after any interruption, to complete the advanced course without curtailment."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATUS OF CERTAIN COMMISSIONED OFFICERS OF THE NAVY

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 85) to correct the status of certain commissioned officers of the Navy appointed thereto, pursuant to the provisions of the act of Congress, approved June 4, 1920, which had been reported from the Committee on Naval Affairs with amendments.

Mr. KING. Mr. President, I will ask the Senator from Maine for an explanation of the bill. It seems to me that it trespasses upon the grounds that heretofore have been considered as governing in such cases.

Mr. HALE. Mr. President, under the law of June 4, 1920, 1,200 naval officers holding temporary commissions and warrant rank in the Navy were authorized to receive permanent commissions in the regular Navy. The officers referred to in the bill were examined and were found qualified. However, the pay bill, which passed on June 10, 1922, changed the pay of all officers of the Navy, and provided that in computing their pay, instead of counting their longevity, as had theretofore been done, only their service in commissioned rank could be counted. These officers, while they passed their examinations before that law went into effect, through no fault on their own part did not have time to accept their commissions before the law went into effect. They therefore lost a benefit that was accorded to other officers who received permanent commissions. The committee felt that they should all be placed on the same basis.

This bill applies only to two or possibly three officers and makes a small increase in their pay, putting them on the same basis with other officers in their class.

Mr. KING. Was it just and right and for the best interests of the Navy to have made the other advancements? The Senator from Maine claims that these two or three officers are entitled to be placed in the same category with the other officers.

Mr. HALE. They are not in the same category with the others through no fault on their own part. They simply did not get time to accept their commissions before the pay bill went into effect.

Mr. KING. What I am trying to get at is, Was it wise to have given the commissions to all the other officers?

Mr. HALE. The others were, of course, entitled to them under the law.

The amendments reported by the Committee on Naval Affairs were, on page 1, line 6, after the numerals 835, to insert "who were examined and found qualified in all respects for such appointment prior to June 30, 1922, but whose appointments were delayed subsequent to that date through no fault of their own"; and on the same page, line 10, after the word "count," to insert "from and after date of appointment," so as to make the bill read:

Be it enacted, etc., That all officers of the regular Navy appointed subsequent to June 30, 1922, in accordance with the provisions of the act of Congress approved June 4, 1920 (41 Stats. L. pp. 834 and 835), who were examined and found qualified in all respects for such appointment prior to June 30, 1922, but whose appointments were delayed subsequent to that date through no fault of their own, shall be entitled to count, from and after date of appointment, in the computation of their pay, all service which would have been credited to them had they been so appointed on or before June 30, 1922.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATE HISTORICAL SOCIETY OF NORTH DAKOTA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3627) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State Historical Society of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State, which had been reported from the Committee on Naval Affairs with an amendment on page 1, line 4, after the word "State," to strike out the words "Historical Society," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the State of North Dakota,

for preservation and exhibition, the silver service which was presented to the battleship *North Dakota* by the citizens of that State: *Provided*, That no expense shall be incurred by the United States for the delivery of such silver service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State."

PHILIP HERTZ (PHILIP HERZ)

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2124) for the relief of Philip A. Hertz; which had been reported from the Committee on Military Affairs with an amendment, in line 5, after the name "Philip," to strike out the initial "A," and in the same line, after the name "Hertz," to insert "(Philip Herz)," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Philip Hertz (Philip Herz), late of Company H, Sixty-first Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 18th day of July, 1864: *Provided*, That no bounty, pay, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Philip Hertz (Philip Herz)."

CHAPLAIN A. E. STONE

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2955) for the relief of Chaplain A. E. Stone, United States Navy, which had been reported from the Committee on Naval Affairs with an amendment in line 6, before the word "day," to strike out the word "first" and to insert the word "fourth," so as to make the bill read:

Be it enacted, etc., That any officer now serving as an acting chaplain in the Navy, and who served under a temporary appointment as a chaplain in the Navy with the rank of lieutenant at any time prior to the fourth day of November, 1920, shall be eligible for advancement to the grade of chaplain with the rank of lieutenant commander, without regard to any statutory requirements other than professional and physical examination: *Provided*, That any officer appointed in accordance with the provisions of this act shall be entitled to no additional back pay or allowances by reason of such appointment.

Mr. KING. Mr. President, is this a bill for the purpose of advancing chaplains and giving them additional rank?

Mr. HALE. No. This is a bill to take care of one chaplain who, in the ordinary course of procedure, would have come up for promotion. He is an acting chaplain in the Navy and has been in the Navy for the last seven or eight years. His promotion was held up under the provisions of the law to which I have recently referred, the law of June 4, 1920, which allowed certain temporary and Naval Reserve officers to be taken into the regular Navy on examination and qualification. He was held up as he did not pass the physical examination for promotion. He was put under medical supervision, when it was found that there was no cause for holding him up. In the meantime he reached the age limit for promotion. This bill is simply to restore him and give him a commission as a regular chaplain instead of acting chaplain. He is still in the Navy and has been ever since the war.

Mr. KING. This is not a part of the "running-mate bill"?

Mr. HALE. It has nothing to do with it.

Mr. KING. Which is to make admirals out of doctors and pharmacists and chaplains and everybody else?

Mr. HALE. No; I can assure the Senator that it has nothing to do with that bill.

Mr. KING. Very well.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MATE JOHN JOSEPH BRESNAHAN, UNITED STATES NAVY

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3647) to appoint Mate John Joseph Bresnahan, United States Navy, a boatswain in the Navy. It directs the Secretary of the Navy to appoint Mate John Joseph Bresnahan, United States Navy, to the warrant grade of boatswain in the United States Navy, without regard to age or other qualifications.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANTON KUNZ

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2703) granting six months' pay to Anton Kunz, father of Joseph Anthony Kunz, deceased, machinist's mate, first class, United States Navy, in active service. It proposes to appropriate such sum as may be necessary to pay to Anton Kunz, father of Joseph Anthony Kunz, machinist's mate, first class, submarine A-7, United States Navy, who was killed by an explosion on board the vessel July 25, 1917, an amount equal to six months' pay at the rate he was receiving at the date of his death.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SELECTION OF LANDS BY OREGON

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 722) to authorize the selection of certain publicly owned lands by the State of Oregon, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 11, after the numerals "27," to insert "and west half, northeast quarter, northwest quarter, northwest quarter southwest quarter of section 33," so as to make the bill read:

Be it enacted, etc., That with the approval of the Secretary of the Interior and the Secretary of Agriculture, and under such conditions as they may prescribe, the publicly owned lands within the following-described areas are hereby made available for selection by the State of Oregon under the act of February 28, 1891 (26 Stat. p. 796), for a period of five years from the passage of this act:

Township 23 south, range 10 west, Willamette meridian: Sections 3, 11, 15, 21, 23, 27, and west half northeast quarter, northwest quarter, northwest quarter southwest quarter of section 33; section 9, east half and east half west half; section 29, east half east half.

Township 22 south, range 10 west, Willamette meridian: Section 15, southeast quarter southeast quarter; section 21, all; section 23, southwest quarter northeast quarter, west half, southeast quarter; section 27, all; section 33, east half and east half west half.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INSPECTION OF BATTLE FIELDS IN GEORGIA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3550) providing for an inspection of the Kenesaw Mountain and Lost Mountain and other battle fields in the State of Georgia, which was read, as follows:

Be it enacted, etc., That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War, for the purpose of inspecting the Kenesaw Mountain, Lost Mountain, and other battle fields in the State of Georgia: A commissioned officer of the Corps of Engineers, United States Army; a veteran of the Civil War who served honorably in the military forces of the United States; and a veteran of the Civil War who served honorably in the military forces of the Confederate States of America. In appointing the members of the commission the Secretary of War shall, as far as possible, select persons familiar with the terrain of the said battle fields and the historical events associated therewith.

Sec. 2. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the said battle fields in order to ascertain the feasibility of their acquisition for the purpose of a national military park and of preserving and marking them for historical and professional military study and to ascertain the value of lands necessary to acquire for this purpose. The commission shall submit a report of its findings to the Secretary of War not later than November 1, 1926.

Sec. 3. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 in order to carry out the provisions of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRED A. GOSNELL AND ESTATE OF RICHARD C. LAPPIN

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2512) to authorize the Comptroller General of the United States to relieve Fred A. Gosnell, former disbursing clerk, Bureau of the Census, and the estate of Richard C. Lappin, former supervisor of the Fourteenth Decennial Census for the Territory of Hawaii and special disbursing agent, in the settlement of certain accounts. It proposes to authorize the Comptroller General of the United States to relieve Fred A. Gosnell, former disbursing clerk, Bureau of the Census, from accountability or responsibility for losses for which he was accountable or responsible, by crediting his account with the sum of \$1,460.68, paid out by him in good faith, through error in auditing and misinterpretation of the provisions of the Fourteenth Decennial Census act, during the census period from July 1, 1919, to July 1, 1922; and also the estate of Richard C. Lappin, former supervisor of the Fourteenth Decennial Census for the Territory of Hawaii and special disbursing agent, from accountability or responsibility for losses for which he was accountable or responsible, by crediting his account with the sum of \$91.50 paid out by him in good faith during the period from July 1 to September 30, 1920.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO CONSTITUTION OF NEW MEXICO

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 46) giving and granting consent to an amendment to the constitution of the State of New Mexico providing that the moneys derived from the lands heretofore granted or confirmed to that State by Congress may be apportioned to the several objects for which said lands were granted or confirmed in proportion to the number of acres granted for each object, and to the enactment of such laws and regulations as may be necessary to carry the same into effect; which was read, as follows:

Resolved, etc., That consent is hereby given and granted to the State of New Mexico and the qualified electors thereof to vote upon and amend the constitution of said State by the adoption of the following amendment proposed by the legislature of said State by Joint Resolution No. 10, passed by its seventh regular session, approved March 20, 1925, to wit:

"ARTICLE XXIV

"APPORTIONMENT OF MONEYS DERIVED FROM STATE LANDS

"All moneys in any manner derived from the lands which have been granted or confirmed to the State by Congress shall be apportioned to the separate funds established for the several objects, including the Eastern Normal University, for which said lands were granted or confirmed in proportion to the number of acres so granted or confirmed for each of said objects."

Consent is further given and granted to said State to enact such laws and establish such rules and regulations as it may deem necessary to carry such constitutional provision into effect, should the same be duly adopted.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MOSES subsequently said: Mr. President, at the request of the Senator from Missouri [Mr. WILLIAMS], who has left the Chamber, I had intended to ask to have passed over the joint resolution which I learn has just been passed by the Senate. The Senator from Missouri desired me to make that request in case the joint resolution came up during his absence, because there are certain matters in connection with it which he desires to discuss, as I understood him. My attention was diverted at the time the joint resolution came up for consideration and was passed. It is because of that that I now ask unanimous consent that the vote whereby the joint resolution was read the third time and passed may be reconsidered and that it may be restored to the calendar in order that the Senator from Missouri may be present when it shall be taken up for consideration.

The VICE PRESIDENT. Is there objection?

Mr. BRATTON. Mr. President, I have no objection to that course being taken, but I should like to recur to the joint resolution if the Senator from Missouri shall return before we finish the consideration of the calendar.

Mr. MOSES. I shall not object to that if the Senator from Missouri shall return to the Chamber. I understand he is temporarily absent, having been called from the Chamber.

The VICE PRESIDENT. Without objection, the vote whereby the joint resolution was read the third time and passed will be reconsidered and it will be restored to the calendar.

AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (S. 750) to amend paragraph (18) of section 1 of the interstate commerce act as amended was announced as next in order.

Mr. MOSES. Let that bill go over, Mr. President.

Mr. COUZENS. I ask that the bill may go over.

Mr. MAYFIELD. Mr. President, who objected to the consideration of the bill last announced on the calendar?

Mr. COUZENS. I suggested, as also did the Senator from New Hampshire [Mr. MOSES], that the bill go over. I think it presents quite an important problem, and I believe there should be more Senators present when the matter is discussed than are now in the Chamber.

Mr. MAYFIELD. I did not understand the Senator from New Hampshire to object to Order of Business No. 557.

Mr. COUZENS. Yes; when that order of business was announced the Senator from New Hampshire said, "Let the bill go over," and I also suggested that it go over.

Mr. MOSES. I will say to the Senator from Texas that in saying, "Let the bill go over," I was acting in purely a vicarious capacity for the Senator from Michigan, who now speaks for himself.

Mr. MAYFIELD. Mr. President, let me request the Senator from Michigan to withhold his objection to this bill until I can explain the committee amendment.

The bill as amended simply permits existing carriers to make extensions. The amendment was accepted to meet the objection of the senior Senator from Iowa [Mr. CUMMINS]. The bill means a very great deal to the State of Texas. We have to-day pending before the Interstate Commerce Commission applications to build a thousand miles of railroads in the State by existing carriers. As I have said, it merely gives the existing carriers permission to make extensions without requiring a certificate of public convenience and necessity.

Mr. COUZENS. Mr. President, I appreciate what the Senator says, but I think that is a big problem and should not be acted upon without a full Senate and at this hour in the evening—that is my judgment about it—because it changes a very important part of the transportation act.

The VICE PRESIDENT. The bill, being objected to, will be passed over.

BUSINESS PASSED OVER

The resolution (S. Res. 194) declaring Daniel F. Steck to be a duly elected Senator of the United States from the State of Iowa for the term beginning March 4, 1925, was announced as next in order.

Mr. WILLIS and Mr. JOHNSON asked that the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 3480) for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were erroneously released from active duty and disenrolled at places other than their homes or places of enrollment was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

CHARLES WALL

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1944) for the relief of Charles Wall. It authorizes the President to appoint Charles Wall a lieutenant commander in the United States Naval Reserve Force, class 3 (in which grade and force he served honorably during the World War), and to retire him and place him upon the retired list of the Navy with the retired pay and emoluments of that grade, but provides that no back pay, allowances, or emoluments shall become due because of the passage of the act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GATES AND PIERS IN WEST EXECUTIVE AVENUE, DISTRICT OF COLUMBIA

The bill (H. R. 54) authorizing the removal of the gates and piers in West Executive Avenue between the grounds of the White House and the State, War, and Navy Building, was announced as next in order.

Mr. JONES of Washington. I ask that that bill go over.

The VICE PRESIDENT. Under objection it will be passed over.

Mr. COPELAND. Will not the Senator withhold his objection for a moment? Why does the Senator, may I ask, object to the bill?

Mr. JONES of Washington. Because I do not think that what the bill proposes to do ought to be done.

Mr. COPELAND. Are we going to give it consideration at some later time?

Mr. JONES of Washington. I do not know.

Mr. COPELAND. Mr. President, before we pass to the next bill on the calendar, let me say that I am sorry the Senator from Washington has any opposition to the removal of the gates and piers in West Executive Avenue. It is not my bill, and I have only the interest in it that any other Senator would have, but I think those gates are a very great menace to the public. Sooner or later somebody is going to be killed there in an automobile accident, and I would not want to have the Senate assume the responsibility for something that may be, after all, purely a matter of sentiment so far as the retention of the gates is concerned.

Mr. JONES of Washington. I want to say to the Senator that I do not agree with him as to the gates being a menace to life. I think the fact is just the contrary. I have that opinion upon my knowledge of the situation as I have observed traffic going through there, and so forth. I think those gates are a guaranty of security instead of danger.

Mr. COPELAND. Mr. President, if I may ask the Senator a question, then why not have them in all the streets?

Mr. JONES of Washington. The Senator can argue that question when the bill comes up. I will say that if we had them along every street we could travel with a great deal more safety.

Mr. McKELLAR. Mr. President, how long have those gates been there?

Mr. JONES of Washington. Ever since I can remember.

Mr. McKELLAR. Has anybody ever been killed or hurt there?

Mr. JONES of Washington. I never heard of anybody being hurt there.

Mr. TRAMMELL. Mr. President, I do not see any reason why those gates should be removed. There seems to be a disposition on the part of a great many people to try to remove and do away with everything—

Mr. McNARY. I call for the regular order.

The VICE PRESIDENT. The regular order is called for. The bill has gone over under objection. The Secretary will state the next bill on the calendar.

PRESS CLUB BUILDING

Mr. KING. Mr. President, some time ago I objected, or, rather, the Senator from Delaware [Mr. BAYARD] objected, to the Press Club bill, after I had asked some time to present the case. I want to give notice that on Tuesday morning, during the morning hour, I shall ask for the consideration of the bill, which is on the calendar, for increasing the height of the Press Club Building beyond the present limit authorized by law. I hope that the Senator from Delaware will be here, because I want the responsibility to rest upon him.

The VICE PRESIDENT. The notice will be entered.

DISTRICT BATHING BEACH

Mr. KING. I also wish to announce as to the bathing beach bill, that I shall ask the Appropriations Committee which is now considering the appropriation bill for the District to take that matter up before the bill is reported to the Senate.

STEAMSHIP "SAN LUCAR"

The bill (S. 1728) for the relief of the owners of the steamship *San Lucar* and of her cargo was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claims of the owners of the steamship *San Lucar* and the owners of her cargo for damages arising out of collision between said steamship and the United States steamship *Tonopah*, which occurred on or about February 18, 1919, in the Tagus River, at Lisbon, Portugal, may be submitted to the United States District Court for the Eastern District of New York, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due either for or against the United States, with costs, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal.

Sec. 2. That should damages be found to be due from the United States to the owners of said steamship *San Lucar* or to the owners of her cargo, the amount of the final decree or decrees therefor shall be paid to said parties or to their proctors of record out of any money in the United States Treasury not otherwise appropriated: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN IDAHO

The joint resolution (H. J. Res. 171) authorizing the Secretary of the Interior to approve the application of the State of Idaho to certain lands under an act entitled "An act to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands," approved September 22, 1922, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CUSTOMS WAREHOUSE, SAN JUAN, P. R.

The bill (H. R. 9314) to provide for the enlargement of the present customs warehouse at San Juan, P. R., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. That completes the calendar.

GEORGE BARRETT

Mr. JOHNSON. Mr. President, I ask unanimous consent to return to Order of Business 195, Senate bill 3031, for the relief of George Barrett. I ask it because the man is dying of tuberculosis. Nothing is asked in his behalf except the correction of a record, and it is a case that is singularly appealing. The bill has been reported favorably without amendment.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, their widows, and dependent relatives George Barrett, Army serial No. 1637071, who was a private of Battery F, Twelfth Field Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said battery and regiment on the 8d day of April, 1919: *Provided,* That no back pay or allowance of any kind shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. P. DALTON

Mr. CAMERON. Mr. President, I ask unanimous consent to recur to Order of Business No. 253, Senate bill 464, for the relief of W. P. Dalton. A similar bill passed the Senate in the last Congress, but got caught in the jam, and did not get through. It is one of the most meritorious bills that can come up.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the sum of \$5,000 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the payment in full of the claim of W. P. Dalton for injuries sustained at Laguna Dam, Ariz., on November 16, 1908, while in the employ of the United States Reclamation Service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENLARGEMENT OF TARGET RANGE AT AUBURN, ME.

Mr. HALE. Mr. President, I ask unanimous consent to take up Order of Business 413, Senate bill 2876, for the purchase of a tract of land adjoining the United States target range at Auburn, Me.

This is a bill that I asked to have put over a short time ago. The bill provides for the expenditure of \$3,000 for the purchase of land adjoining a Federal rifle range at Auburn, Me. The committee reported the bill with an amendment providing that the money should be taken out of funds allotted to the State of Maine by the United States from the appropriation "Arming, equipping, and training the National Guard," and I think there can be no objection to it.

Mr. KING. It does not increase the appropriation?

Mr. HALE. Oh, no; it comes out of the money already appropriated.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment.

The amendment was, on page 1, line 7, after the words "rifle range, and," to strike out "there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, a sum not to exceed \$3,000, to purchase the above-described property," and to insert "to purchase said property the Secretary of War is authorized to expend a sum not to exceed \$3,000, from funds allotted to the State of Maine by the United States from the appropriation 'Arming, equipping, and training the National Guard,' for the fiscal year ending June 30, 1927," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to purchase the tract of land adjoining the United States target range at Auburn, Me., comprising 84 acres, more or less, the property of the heirs of John Barron, for the purpose of adding to said rifle range, and to purchase said property the Secretary of War is authorized to expend a sum not to exceed \$3,000, from funds allotted to the State of Maine by the United States from the appropriation "Arming, equipping, and training the National Guard," for the fiscal year ending June 30, 1927.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. KING. Mr. President, I understand that it is desired to have an executive session.

Mr. FESS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

RECESS

Mr. JONES of Washington. I move, in accordance with the unanimous-consent agreement heretofore entered into, that the Senate take a recess until 12 o'clock Monday.

The motion was agreed to; and the Senate (at 4 o'clock and 37 minutes p. m.), under the order previously made, took a recess until Monday, April 12, 1926, at 12 o'clock m.

SENATE

Monday, April 12, 1926

(Legislative day of Monday, April 5, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. GOFF. Mr. President—

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Keyes	Robinson, Ark.
Bayard	Ferris	King	Robinson, Ind.
Bingham	Fess	La Follette	Sackett
Blease	Fletcher	Lenroot	Sheppard
Borah	Frazier	McKellar	Shipstead
Bratton	George	McLean	Shortridge
Broussard	Gerry	McMaster	Simmons
Bruce	Gillett	McNary	Smith
Butler	Glass	Mayfield	Smoot
Cameron	Goff	Metcalf	Stanfield
Capper	Gooding	Moses	Stephens
Caraway	Greene	Neely	Swanson
Copeland	Hale	Norbeck	Trammell
Couzens	Harrell	Norris	Tyson
Cummins	Harris	Nye	Wadsworth
Curtis	Harrison	Oddie	Walsh
Dale	Heflin	Overman	Warren
Deneen	Howell	Philips	Watson
Dill	Johnson	Pine	Weller
Edge	Jones, N. Mex.	Ransdell	Wheeler
Edwards	Jones, Wash.	Reed, Mo.	Williams
Ernst	Kendrick	Reed, Pa.	Willis

Mr. PHIPPS. I wish to announce that my colleague, the junior Senator from Colorado [Mr. MEANS], is detained from the Senate by illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-eight Senators having answered to their names, a quorum is present. The Senate will receive a message from the President of the United States.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On April 9, 1926:

S. 3547. An act to change the title of Deputy Assistant Treasurer of the United States to Assistant Treasury of the United States.

On April 12, 1926:

S. 2029. An act to authorize the use by the city of Tucson, Ariz., of certain public lands for a municipal aviation field, and for other purposes.

RIGHTS OF AMERICAN CITIZENS IN MEXICO (S. DOC. 98)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

I transmit herewith from the Secretary of State a copy of the official correspondence exchanged between the Governments of the United States and Mexico regarding the two laws regulating section 1 of article 27 of the Mexican constitution. In this connection reference is made to the resolution adopted by the Senate on March 6, 1926, in respect to an alleged serious dispute between the two Governments with regard to the rights of American citizens in certain oil lands in Mexico.

CALVIN COOLIDGE.

THE WHITE HOUSE, April 12, 1926.

ANNUAL REPORT OF THE FEDERAL RESERVE BOARD

The VICE PRESIDENT laid before the Senate a communication from the governor of the Federal Reserve Board, transmitting, pursuant to law, the twelfth annual report of the board, covering operations for the year 1925, which, with the accompanying report, was referred to the Committee on Banking and Currency.

MESSAGE FROM THE HOUSE

A message from the House, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 3186) to promote the production of sulphur upon the public domain, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 9690) to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 8917. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes; and

S. J. Res. 61. Joint resolution authorizing the Federal Reserve Bank of Chicago to enter into contracts for the erection of a building for its branch establishment in the city of Detroit, Mich.

PETITIONS AND MEMORIALS

Mr. KENDRICK. Mr. President, I present a petition numerously signed by citizens of Lincoln County, Wyo., consisting of two short paragraphs. I ask that the body of the petition be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the petition was referred to the Committee on the Judiciary and ordered to be printed in the RECORD without the names, as follows:

Counter petition

To the Congress of the United States:

Whereas it has been reported that certain petitions have been circulated and signed, demanding repeal of present prohibition laws, or amendments, so as to permit the sale and use of light liquors and wines; and

Whereas such legislation would amount to nothing more than experiment, which in all probability would only further the more flagrant violation, if possible, of restrictions or prohibition laws, and would make any kind of restrictions more difficult of enforcement than even the present laws:

Therefore, we, the undersigned citizens of the United States, residing in Lincoln County, Wyo., believing it would be a serious mistake to repeal present prohibition laws, or to amend them so as to permit

light liquors and wines, do hereby respectfully petition the Congress of the United States to not in any way relax nor abridge present laws, but on the contrary to in every possible way more rigidly prohibit the manufacture, importation, and sale of intoxicating liquors, and to provide for more rigid law enforcement.

Mr. KENDRICK. I also present a memorial signed by Mrs. H. N. Robinson, Mrs. Verne St. John, and over 1,400 other citizens of my home town of Sheridan, Wyo. I ask that the body of the memorial be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the memorial was referred to the Committee on the Judiciary and ordered to be printed in the RECORD without the names, as follows:

We, the undersigned residents of Sheridan County, Wyo., of lawful age, knowing that the United States Congress is being petitioned to modify the national prohibition act to permit the manufacture and sale of light wines and beer, do hereby protest against such modification or otherwise weakening said law.

Mr. WARREN presented resolutions adopted by South Superior (Wyo.) Lodge, Slovene National Benefit Society, protesting against the enactment of legislation to provide for the registration of aliens, which were referred to the Committee on Immigration.

Mr. CAPPER presented a petition numerously signed by citizens of Hollis, Kans., praying for the passage of legislation granting increased pensions to Civil War veterans, their widows and dependents, which was referred to the Committee on Pensions.

He also presented petitions, numerously signed by citizens of Troy, Paola, and Wichita, all in the State of Kansas, praying for the enactment of legislation granting increased pensions to veterans of the war with Spain, their widows and dependents, which were referred to the Committee on Pensions.

Mr. BINGHAM presented a paper in the nature of a petition from the Clivian Club, of Bridgeport, Conn., favoring the passage of legislation providing a new post-office building at the city of Bridgeport, which was referred to the Committee on Public Buildings and Grounds.

He also presented a paper in the nature of a petition from camps of Sons of Union Veterans of the Civil War in New Haven, Derby, Ansonia, Seymour, Naugatuck, Waterbury, Thomaston, and Torrington, all in the State of Connecticut, favoring the passage of legislation granting increased pensions to veterans of the Civil War, their widows and dependents, which was referred to the Committee on Pensions.

He also presented papers in the nature of petitions from officers and members of the Fraternal Order of Eagles, No. 1783, of Winsted, and members of Sidney Beach Auxiliary, No. 11, United Spanish War Veterans, of Bridgeport, all in the State of Connecticut, praying for the passage of legislation granting increased pensions to veterans of the war with Spain, their widows and dependents, which were referred to the Committee on Pensions.

He also presented a telegram from Local No. 147, Post Office Clerks, of Hartford, Conn., favoring the passage of the so-called Lehlbach-Stanfield civil service retirement bill, which was referred to the Committee on Civil Service.

He also presented a resolution adopted by the Connecticut branch of the National Association of Postal Supervisors, of New Haven, Conn., requesting the Connecticut delegation in Congress to use their best efforts to prevent "the shelving of the retirement bill at this session," which was referred to the Committee on Civil Service.

He also presented a resolution adopted by Enfield Grange, No. 151, of Hartford, Conn., favoring the passage of House bill 6563, the so-called Dickinson bill, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Hartford Bird Study Club, of Hartford, Conn., praying for the passage of House bill 7479, to establish refuges for migratory birds, which was referred to the Committee on Agriculture and Forestry.

He also presented a paper in the nature of a petition from the Hartford (Conn.) Chamber of Commerce, favoring the passage of Senate bill 4213 and House bill 747, relating to sales and contracts in interstate and foreign commerce, which was referred to the Committee on Interstate Commerce.

He also presented a paper in the nature of a petition from Division No. 867, International Brotherhood Locomotive Engineers, of Waterbury, Conn., favoring the passage of the so-called railway labor bill, which was referred to the Committee on Interstate Commerce.

He also presented a paper in the nature of a petition from the Federation of Parent-Teacher Associations, of Bridgeport, Conn., representing 22 separate associations, favoring the

passage of the so-called Curtis-Reed bill, to establish a Federal department of education, which was referred to the Committee on Education and Labor.

He also presented a telegram and a paper in the nature of memorials from the Catholic Daughters of America, of Bridgeport, Conn., and L'Ordre des Forestiers Franco-Américains, of Woonsocket, R. I., protesting against the passage of the so-called Curtis-Reed bill, to establish a Federal department of education, which were referred to the Committee on Education and Labor.

He also presented resolutions adopted by Lodge No. 1 of the Fraternity of Royal Elephants, of Waterbury, Conn., expressing its disapproval of the so-called Volstead law and favoring the modification thereof, which were referred to the Committee on the Judiciary.

He also presented a paper in the nature of a petition from the Stamford (Conn.) group of Epworth Leagues, favoring the enforcement of the eighteenth amendment to the Constitution and the laws relating thereto, without modification, which was referred to the Committee on the Judiciary.

He also presented a paper in the nature of a petition from the New Haven (Conn.) Trades Council, favoring the passage of legislation restoring citizenship to Eugene V. Debs and also protesting against the passage of legislation providing for the finger printing of aliens, which was referred to the Committee on the Judiciary.

He also presented petitions and papers in the nature of petitions from the Concordia Sick Benefit Society, of New Britain; General J. Putnam Unit of the General Steuben Society, of Greenwich; the German School Society, of New Britain; the Turners' Society, of New Britain; Carl Schurz Unit No. 22, Steuben Society, of Hartford; and the Teutonia Maennerchor (Inc.), of New Britain, all in the State of Connecticut, praying for the passage of legislation providing for the return of seized alien property to its owners, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. COUZENS, from the Committee on Civil Service, to which was referred the bill (S. 3560) to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927, reported it without amendment and submitted a report (No. 571) thereon.

Mr. GOODING, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 3732) making appropriations for the Hillcrest and Black Canyon units of the Boise reclamation project, Idaho, reported it with amendments and submitted a report (No. 572) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 2477) to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia; and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street, reported it with amendments and submitted a report (No. 573) thereon.

Mr. ODDIE, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3759) authorizing issuance of patent to Richard Murphy, reported it without amendment and submitted a report (No. 574) thereon.

Mr. HARRELD, from the Committee on the Judiciary, to which was referred the bill (H. R. 9305) to amend paragraph 1 of section 101 of the Judicial Code, as amended, reported it with amendments.

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 2761) for the relief of Nora B. Sherrier Johnson (Rept. No. 576);

A bill (H. R. 2797) for the relief of Mary M. Pride (Rept. No. 577);

A bill (H. R. 8534) to amend an act entitled "An act to authorize the purchase by the city of McMinnville, Ore., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and vested in the United States by the act approved June 9, 1916," approved February 25, 1919 (40 Stat. p. 1153) (Rept. No. 578); and

A bill (H. R. 8817) reserving certain described lands in Coos County, Ore., as public parks and camp sites (Rept. No. 579).

AMENDMENT OF RULE XXXVIII

Mr. CURTIS. From the Committee on Rules, I report back with an amendment the resolution (S. Res. 188) to amend paragraph 2 of Rule XXXVIII of the Standing Rules of the

Senate relative to nominations, and I submit a report (No. 575) thereon. The committee was instructed to report back within seven days and I had intended to submit the report on last Saturday, but I understand the seven-day limit does not expire until to-day.

The amendment proposed by the Committee on Rules was to strike out all after line 3 of the resolution, and in lieu thereof to insert the following:

2. All information communicated or remarks made by a Senator when acting upon nominations concerning the character or qualifications of the person nominated shall be kept secret, but all votes upon any nomination shall be printed in the CONGRESSIONAL RECORD whenever the Senate by a majority vote shall so order. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret. This rule shall not apply to a Senator making public his own vote.

Mr. ROBINSON of Arkansas. In the same connection I offer the following amendment in the nature of a substitute for the resolution as reported by the Senator from Kansas [Mr. CURTIS].

Strike out paragraph 2 of rule 38 and insert:

"Hereafter nominations made by the President to the Senate shall be considered and voted on in open session except when otherwise ordered by a majority vote of the Senate."

The VICE PRESIDENT. The resolution reported by the Senator from Kansas and the amendment in the nature of a substitute submitted by the Senator from Arkansas will be printed and the resolution will be placed on the calendar.

ENROLLED JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the enrolled joint resolution (S. J. Res. 61) authorizing the Federal Reserve Bank of Chicago to enter into contracts for the erection of a building for its branch establishment in the city of Detroit, Mich.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. EDGE:

A bill (S. 3954) for the relief of Lewis C. Hopkins & Co.; to the Committee on Claims.

By Mr. McMASTER:

A bill (S. 3955) granting a pension to George C. Widlon; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 3956) for the relief of Lawrence McCreanor; to the Committee on Military Affairs.

By Mr. GOFF:

A bill (S. 3957) granting an increase of pension to Orlen K. Tillman; to the Committee on Pensions.

By Mr. HARRELD (by request):

A bill (S. 3958) to provide for the permanent withdrawal of certain lands adjoining the Makah Indian Reservation in Washington for the use and occupancy of the Makah and Quileute Indians; to the Committee on Indian Affairs.

By Mr. McNARY:

A bill (S. 3959) to increase the salaries of the chief justice and the associate justices of the Supreme Court of the Philippine Islands; to the Committee on the Judiciary.

A bill (S. 3960) granting an increase of pension to Charles A. Bills; and

A bill (S. 3961) granting an increase of pension to Cynthia Rudler Osgood; to the Committee on Pensions.

By Mr. REED of Missouri:

A bill (S. 3962) for the relief of Busch-Sulzer Bros.-Diesel Engine Co. (with accompanying papers); to the Committee on Claims.

By Mr. STANFIELD:

A bill (S. 3963) to provide for the protection, development, and utilization of the public lands in Alaska by establishing an adequate system for grazing livestock thereon; to the Committee on Public Lands and Surveys.

By Mr. FLETCHER:

A bill (S. 3964) for the relief of Buel J. Fenton (with accompanying papers); to the Committee on Military Affairs.

By Mr. McKELLAR:

A bill (S. 3965) to establish a national military park at the battle field of Stone River, Tenn.; to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana:

A joint resolution (S. J. Res. 91) directing the Secretary of War to allot war trophies to the American Legion Museum; to the Committee on Military Affairs.

By Mr. STEPHENS:

A joint resolution (S. J. Res. 92) consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the years 1866, 1867, and 1868, and vesting the right in each State to sue in its own name; to the Committee on Claims.

AMENDMENTS TO RIVERS AND HARBORS BILL

Mr. FLETCHER submitted two amendments intended to be proposed by him to the bill (H. R. 11176) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were referred to the Committee on Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House disagreed to the amendment of the Senate to the bill (H. R. 8908) granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DENISON, Mr. BURNES, and Mr. PARKS were appointed managers on the part of the House at the conference.

INDUSTRIAL DEVELOPMENT OF THE SOUTH

Mr. TRAMMELL. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a clipping in regard to the industrial development of the South, taken from the Washington Herald of yesterday.

The VICE PRESIDENT. Without objection it is so ordered. The clipping is as follows:

[From the Washington Herald, April 11, 1926]

SOUTHERN BUILDING ACTIVITY CONTINUES

No indications of a let-up in the tremendous building activities of Florida and the entire South are in sight, according to the official building reports for the 12 Southern States made public to-day by S. W. Straus & Co.

Of special interest are the reports from Florida, showing that building activities in all parts of that State are not only continuing along former spectacular lines, but are rapidly gaining momentum.

In the 132 leading southern cities, building permits amounting to \$54,920,131 were issued in March. In the 83 cities which submitted comparable figures, there was a gain of 29 per cent over March, 1925, and of 34 per cent the first quarter of the year.

The 60 principal Florida cities issued \$20,827,877 in March building permits. Nineteen of these centers submitted comparable figures, showing a gain of 98 per cent over last March, and of 92 per cent for the quarter.

Amazing building activities continued in Miami where building permits of \$3,330,923 were filed in March, a gain of 28 per cent over the same month a year ago. Since the 1st of January Miami's building declarations have totaled \$10,925,936, a 48 per cent increase over the same period a year ago. Houston was a close second to Miami among the southern cities, and Louisville a very creditable third. Among the 25 leading building cities of the South 7 were in Florida, 5 in North Carolina, and 4 in Texas.

Among the southern cities where very unusual building activities are pending, as revealed by the Straus reports, are Birmingham, Memphis, Dallas, Fort Worth, Amarillo, San Antonio, New Orleans, Greensboro, Charlotte, Winston-Salem, Asheville, High Point, Atlanta, St. Petersburg, Tampa, Jacksonville, Fort Lauderdale, West Palm Beach, and Coral Gables.

SENATOR FROM IOWA

The Senate resumed the consideration of the resolution (S. Res. 194) declaring Daniel F. Steck to be a duly elected Senator of the United States from the State of Iowa for the term beginning March 4, 1925, reported by Mr. EARNST from the Committee on Privileges and Elections.

The VICE PRESIDENT. The Senator from West Virginia [Mr. Goff] is entitled to the floor.

Mr. GOFF. Mr. President, I note that both the Senator from Missouri [Mr. REED] and the Senator from Idaho [Mr. BORAH] are present. I have been recognized as entitled to the floor, but inasmuch as the affirmative is upon those supporting the majority report of the Committee on Privileges and Elections I feel that I should have the opportunity, speaking for the committee, to close the debate. I would, therefore, at this time like to make such an arrangement as may be

with the two Senators to whom I have referred to permit a division properly of the time and have them precede me with such speeches as they feel advised they desire to make with reference to the case now before the Senate.

Mr. BORAH. Mr. President, speaking for myself, I had not expected to make any speech on the subject. I may take 15 minutes during the 15-minute limit period, but I had not anticipated speaking longer than that. The matter has been gone over so thoroughly and presented on both sides in such great detail that at this time I doubt if anything would be gained by one not on the committee undertaking to cover the ground again. There are two controlling propositions in the controversy, as it seems to me, on which I may speak briefly, but not at length.

Mr. REED of Missouri. Mr. President, I had understood that the Senator from West Virginia desired to speak at this time, and I gave notice that I would follow him. Subsequently I had a conversation with the Senator, in which he very courteously said to me that he was willing fairly to divide the time, a proposition which I very much appreciated, but I had expected the Senator to proceed this morning and that I would follow him. My papers are not exactly in shape, but if I can be indulged long enough to send to my office and the Senator prefers that I should precede him I will do so, because I think his proposition that the burden is upon the majority to make out the case is perhaps sound and that he is entitled to follow me, if, indeed, anything I may say is worthy of his reply.

Mr. GOFF. I think that course would be very agreeable to the Committee on Privileges and Elections, and especially to those signing the majority report. I should appreciate it very much if the Senator from Missouri, who, I understand, is the only one on the minority side who desires to make an extended address, would proceed with his address.

Mr. REED of Missouri. If the Senator will give me time enough to get my papers from my office, I will do so, otherwise I shall have to follow the Senator when he gets through.

Mr. GOFF. That course is perfectly agreeable to the Senator from West Virginia, if the Senate will agree to it.

THIRD WORLD'S POULTRY CONGRESS AT OTTAWA, CANADA

Mr. NORRIS. Mr. President, in the meantime I ask unanimous consent to report from the Committee on Agriculture and Forestry favorably, without amendment, the joint resolution (H. J. Res. 213) for participation of the United States in the Third World's Poultry Congress, to be held at Ottawa, Canada, in 1927. I submit a report (No. 570) thereon and I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection?

Mr. MOSES. Mr. President, let it first be read for the information of the Senate; or will the Senator state what it is?

Mr. NORRIS. I can explain the joint resolution more briefly than the reading of the report, because the report contains considerable correspondence and several extracts from the President's message.

In March the President sent a message to Congress asking Congress to provide for the participation on the part of the Agricultural Department in an international poultry congress which will meet in 1927 at Ottawa, Canada. This joint resolution provides for an exhibit of the progress and present condition of the poultry industry in the United States to be made by our Government.

Mr. MOSES. Mr. President, may I interrupt the Senator from Nebraska at that point?

Mr. NORRIS. Yes.

Mr. MOSES. Is the message to which the Senator alludes the one which was referred to the Committee on Foreign Relations, following which the Senator from Massachusetts introduced a joint resolution providing for our participation in that congress?

Mr. NORRIS. Yes; I rather think it is. The message was referred, as was the joint resolution offered by the Senator from Massachusetts, to the Committee on Foreign Relations. No objection was made to the resolution there, but in the meantime a similar joint resolution was introduced in the House of Representatives and referred there to the Committee on Agriculture. The joint resolution passed the House and came over to the Senate and was referred to the Committee on Agriculture and Forestry of the Senate.

Mr. MOSES. And the joint resolution has been favorably reported by that committee?

Mr. NORRIS. The joint resolution has been favorably reported, and I will say to the Senator that it also has the approval of the Senator from Massachusetts, who introduced the joint resolution which went to the Committee on Foreign Relations.

tions. I desire also to say that it authorizes an appropriation of \$20,000. I think it only fair to make that statement.

Mr. ROBINSON of Arkansas. Does the joint resolution provide for an appropriation or merely authorize an appropriation to be made?

Mr. NORRIS. The joint resolution authorizes an appropriation of \$20,000.

Mr. ROBINSON of Arkansas. Will the Senator once again state for what the joint resolution provides? There was so much noise in the Chamber I could not hear his statement.

Mr. NORRIS. The joint resolution provides for participation on behalf of the Agricultural Department in an international poultry congress, which is to meet at Ottawa, Canada, in 1927.

Mr. ROBINSON of Arkansas. Is the joint resolution unanimously reported?

Mr. NORRIS. It is.

Mr. COPELAND. Mr. President, is the Senator from Nebraska asking for immediate action on the joint resolution?

Mr. NORRIS. I am asking for immediate consideration of the joint resolution.

Mr. SWANSON. Mr. President, I desire to say in that connection that I think the Foreign Relations Committee favorably reported the joint resolution, which was referred to that committee.

Mr. NORRIS. I have not looked up that matter, but, as I remember, the Senator from Massachusetts, in a conversation with me, said that the Committee on Foreign Relations had not acted.

Mr. SWANSON. I thought that committee had acted. They were favorable to the measure and thought it ought to be adopted.

Mr. COPELAND. Mr. President—

Mr. NORRIS. I yield to the Senator from New York.

Mr. COPELAND. I hope that the request of the Senator from Nebraska for the immediate consideration of the joint resolution will prevail. I doubt if the average American citizen realizes what an enormous business is involved in the poultry industry. In my State we consume \$200,000,000 worth every year. So it is a matter of importance.

Mr. NORRIS. I think it is in size the third industry in the United States.

Mr. COPELAND. I think it is the third.

Mr. SACKETT. It ranks fifth.

Mr. COPELAND. I hope the joint resolution may be considered and passed and that the appropriation may be made.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the invitation of the Government of Canada to the United States to send delegates and an exhibit to the Third World's Poultry Congress, to be held at Ottawa, Canada, during July and August, 1927, be accepted.

SEC. 2. That the President is hereby authorized to designate official delegates to enable the United States to participate in the proposed congress.

SEC. 3. That the Secretary of Agriculture is authorized to prepare and install a suitable national exhibit for display at the proposed congress, portraying in a correlated manner the fundamental features concerning the organization and development of the poultry industry of the United States, including the broad problems of production, distribution, and marketing of poultry and poultry products, and the sum of \$20,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the purpose of preparing, transporting, and demonstrating such an exhibit.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA

Mr. WALSH. Mr. President, on Saturday last the Senate passed the bill (H. R. 5701) to designate the times and places of holding terms of the United States District Court for the District of Montana. I had intended to offer from the floor an amendment to the bill, but I was unavoidably absent at the time. One place for holding court was inadvertently left out. I ask unanimous consent for the reconsideration of the action of the Senate by which the bill was reported to the Senate as amended, the amendment made as in Committee of the Whole concurred in, the amendment ordered to be engrossed, the bill ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. WALSH. Now I ask unanimous consent for the present consideration of the bill.

Mr. SMOOT. I wish to ask if the bill referred to has been transmitted to the House of Representatives?

The VICE PRESIDENT. The Chair is informed that it has not been.

There being no objection, the Senate as in Committee of the Whole, resumed the consideration of the bill.

Mr. WALSH. On page 2, line 3, after the name "Great Falls," in the amendment reported by the Committee on the Judiciary, I move to insert the name "Billings."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SENATOR FROM IOWA

The Senate resumed the consideration of the resolution (S. Res. 194) declaring Daniel F. Steck to be a duly elected Senator of the United States from the State of Iowa for the term beginning March 4, 1925, reported by Mr. EAKES from the Committee on Privileges and Elections.

Mr. REED of Missouri. Mr. President, I wish to confine my remarks to two or three major propositions and I shall endeavor to limit myself so as to give the Senator from West Virginia [Mr. GORE] as much time as I shall occupy.

Mr. President, it seems to me that in approaching this question all of us ought to have but one desire, and that is to decide the case according to the law and the evidence. I have no patience with any argument or talk based upon matters of political consideration; indeed, I think this is a case that peculiarly is removed from the realm of political advantage, for I do not know what we would gain as Democrats by trading off a man who investigated Daugherty and Fall and others for a man who steadfastly criticized that investigation, who denounced it in his campaign in the State of Iowa, and who evidently held to the view that the investigation should not have been made at all, or, if undertaken, should have been made in some other way. But politics or political advantage or disadvantage is not to be here considered. We are to decide which one of these two men the State of Iowa elected to the high office of Senator. We are to decide it without passion, without prejudice, and without favor.

I regret exceedingly that upon this matter I find myself in antagonism with Senators for whom I entertain the highest regard and respect and particularly that I find myself in opposition to the views expressed by the Senator from Georgia [Mr. GEORGE] and the Senator from Arkansas [Mr. CARAWAY].

Mr. President, we are here governed by the Constitution of the United States and by the law of Iowa. If we do not follow the Constitution and if we do not follow the law of Iowa, we then are substituting our will for the legally expressed will of the people of the State of Iowa. I can find no warrant for that; and I desire to call the attention of the Senate merely by way of preliminary to the pertinent provisions of the Constitution:

The Senate of the United States shall be composed of Senators from each State—

And as it originally read—

chosen by the legislature thereof—

And as it now reads—

elected by the people thereof.

They, not the Senate, choose the Senators.

Then under the heading of qualifications the Constitution provides:

No person shall be a Senator who shall not have attained to the age of 30 years, and been 9 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The times, places, and the manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law—

Not by resolution of the Senate; but "by law"—

make or alter such regulations, except as to the places of choosing Senators.

Each House shall be the judge of the elections, returns, and qualifications of its own Members.

We have reserved the right in the Constitution to pass upon the qualifications, and those qualifications are set forth in the Constitution and are our guide. That is all that section 5 means as it applies to qualifications. Another right we have is to decide who is elected. Elected how? Elected under and pursuant to the laws of the State that is authorized to pass the laws. Congress can not interpose its will; Congress can not interfere with the State's right except in one way and that is by the enactment of a law—not by the voice or vote of one branch of the Congress.

I say, with all the respect in the world for the opinion of others, that if the Senate undertakes to say that a man is elected who is not elected according to the laws of the State from which he comes, then the Senate has usurped the powers and functions which the Constitution has placed solemnly in the people of the State who send here the man seeking a seat in this body.

It is as much an act of usurpation as if we were utterly to ignore everything done in the State and proceed ourselves to declare elected some man who might not even have been voted for in his State.

When the State of Iowa comes to act, it passes a law. It prescribes the rules and regulations under which the election shall be held. It fixes the qualifications of the voter. It tells the kind of ballot he shall cast. It tells how he shall mark that ballot. It tells the manner in which the ballot shall be preserved. It tells how the ballot shall be counted. It tells how the returns shall be certified and finally ascertained. So that with all of those questions the State of Iowa alone is authorized to deal; and if we can interfere in any respect and say that, in our opinion, the law ought to have been different, or that, in our opinion, a ballot ought to be counted which was not cast in accordance with the law, then we are substituting the will of one branch of Congress for the will of a sovereign State, and we are doing it in the teeth of the Constitution of the United States.

I therefore say that the law of Iowa must be followed in this matter.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. REED of Missouri. I am not going to decline to yield to my brother Senators; but, as I have limited my time, I wish that I might simply answer a question without going into an argument.

Mr. CARAWAY. The question I desire to ask is this: Does the Senator mean that every ballot should have been scrutinized under the law of Iowa and only legal ballots counted, and that if there was any irregularity that should bar the ballot?

Mr. REED of Missouri. I think the ballot must be cast in accordance with the law of the State of Iowa.

Mr. CARAWAY. Then, if I may ask the Senator just one more question, does the Senator realize that if that rule had prevailed Steck would have won by 2,740 votes?

Mr. REED of Missouri. That he would have won is the Senator's construction.

Mr. CARAWAY. The Senator has not seen the ballots, has he?

Mr. REED of Missouri. Oh, no. I am laying my premise here; I think it is perfectly sound, and I do not agree at all with the conclusion of my good friend from Arkansas.

Mr. President, much has been said about the intent of a voter. When the law expressly states how the intent shall be expressed you must follow that law, or if you do not you are in a maze of absolute uncertainty.

It is true that there is a limited field within which the intent may be ascertained by the act of the voter himself. For instance, let us suppose that a man wrote in the name "Brookhart" instead of writing Brookhart's initials. As there was only one Brookhart running, there would be no difficulty in ascertaining who was meant. I am speaking now of the way in which the ballots shall be cast, the way in which they shall be counted, and how they shall be marked. Those things are matters of substantive law, and we can not set them aside without saying that our will is superior to the law of the State and without going into a perfect labyrinth of speculation and of guesswork.

Mr. CARAWAY. Will the Senator pardon me just one minute?

Mr. REED of Missouri. Yes.

Mr. CARAWAY. The law of Iowa declares that—

Mr. REED of Missouri. I will pardon the Senator for a question but I can not pardon him for an argument.

Mr. CARAWAY. I do not want to make an argument.

Mr. REED of Missouri. The other day the Senator spoke when his time was unlimited, and I have agreed with the Senator from West Virginia [Mr. Gorr] to limit my remarks; so I must hurry.

Mr. CARAWAY. I just want to suggest that the law says the name shall appear but once upon a ballot, and yet where Brookhart's name is written in it appears twice on every one of those ballots; and yet the Senator counts those votes.

Mr. REED of Missouri. Oh, Mr. President, that clause of the law clearly did not cover any such case as the Senator has put.

Mr. CARAWAY. When it said "twice," I thought it meant it.

Mr. REED of Missouri. You can give an absurd construction to the Lord's Prayer if you want to, but it is hardly necessary to do it. That related to the printing of the ballots, of course.

Mr. CARAWAY. May I ask the Senator what makes him say that?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED of Missouri. I will yield for a question, and I would yield for an interminable and endless argument if it were not that I have agreed with the Senator from West Virginia to give him some time, and I am going to keep the faith.

Mr. President, there is another thing that I want to do. The first thing that I want to call attention to is the law of Iowa. There is a misapprehension created here by the arguments that have been made.

The laws of Iowa may be peculiar, but there they are. If a man wants to vote, let us say, a straight Republican ticket, he can do so by putting a mark in the circle at the top. That is one way to vote; or he need put no mark in the circle at the top, and can put a mark in the square opposite each name. That is another way in which he can vote a straight ticket. There is a third way in which he can vote a straight ticket. He can place a cross in the circle at the top of the ticket, and also place a cross in any or all of the squares beneath the circle. That is the plain language of the statute, and I want to emphasize it so that everybody will understand it. The third way, if you want to vote a straight ticket, is to place a cross in the circle at the top, and then you can go down the line, under the absolute letter of the statute itself, and place a mark opposite one of the names or two of the names or two-thirds of the names or all the names but one, and it is still a straight ticket. That is the law of the State of Iowa, and no man who has read that law will challenge my statement.

There is a method provided whereby, for example, a Republican so desiring need not vote the entire ticket and yet not vote for any Democrat. All the names he does want to vote for are on that ticket, but there are also some he does not want to vote for. The law in that respect reads:

If the names of all the candidates for whom the voter desires to vote appear upon a single ticket but he does not desire to vote for all the candidates whose names appear thereon, he shall place a cross in the square opposite the name of each such candidate for whom he desires to vote without making any cross in the circle at the top of such ticket.

To illustrate: If a Republican in Iowa desired to vote for every man on the Republican ticket but Brookhart, under the law he made a cross in the square opposite each name on the Republican ticket except the name of Brookhart, but he did not make a cross in the circle at the top of the ticket. This would then have been a straight Republican vote with the exception of Brookhart and there would be no vote cast either for or against Brookhart.

On the other hand, if the voter did place a cross in the circle at the top and then proceeded down the ticket, making a cross opposite the names of all of the candidates except Brookhart, the vote would be counted for Brookhart because the cross in the circle in itself under the law constituted a vote for every man on the ticket whether the cross appear opposite the name or not. When the cross is made in the circle at the top, then the cross made opposite the names of any candidate on that ticket is mere surplusage.

Again, if this same Republican desired to vote all of the Republican ticket except Brookhart and desired to vote against Brookhart, he could employ either one of two methods. He could place a cross in the circle at the top of the ticket without making any cross opposite the names of the candidates on the Republican ticket. He could then go over to the Democratic ticket and make a cross opposite the name of Steck. This would constitute a vote for Steck. Or he could employ the second method, viz, he could omit any mark in the circle

at the top of the Republican ticket and go down the Republican ticket, placing a cross opposite each candidate except Brookhart and could then go across to the Democratic ticket and make a cross in front of Steck's name. This would constitute a vote for the entire Republican ticket except Brookhart and would also constitute a vote for Steck.

Mr. President, there is not any question on earth about that being the law of the State of Iowa. No man can rise in his place and successfully challenge any statement I have made.

There is another rule by which we are to determine this election, namely, presumption and burden of proof. The official count gave to Brookhart a majority of 755 votes. He has been duly commissioned as a Member of this body. The absolute presumption of law is that he is here with good right and title, and that presumption of law must stand until it is overcome by competent evidence, and if the evidence has not been produced we have no more right to seat a man who has not proven his title to the seat than we have to seat any other stranger. The question of determination of this evidence was solemnly submitted to the Senate for decision on its merits.

Mr. President, we can not substitute for proof either our own guess or the admission of the contestee or the stipulations of the contestee. Nor can we decide the case without competent evidence, even though the contestee has failed to make timely objections. His failure can not supply the lack of proof. Nor can his failure confer title to the office of Senator upon a man who fails to prove his right to a seat here. Men get here because they are elected in accordance with the law, not because of a technical omission or failure of their opponents. Is it necessary to argue that proposition?

Mr. NEELY. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from West Virginia?

Mr. REED of Missouri. For a question; yes.

Mr. NEELY. In view of the Senator's sweeping statement, will he not permit me to inquire if he thinks that Lorimer and Newberry became Members of the Senate according to law?

Mr. REED of Missouri. I do not think they got here according to law. I say that men get here because they are elected according to the law. They can not get here because of a stipulation or agreement, or the failure of their opponents, or anybody else, to present evidence, or to object in time.

Mr. NEELY. Then it does not follow, from the Senator's earlier observation, that he means that everyone who comes here with a certificate of election has necessarily been legally elected.

Mr. REED of Missouri. I have never made any statement susceptible of that kind of construction. I am sure the Senator will bear me out in that.

Mr. NEELY. The Senator made the broad statement that one "gets here" according to law.

Mr. REED of Missouri. Yes, and no man is elected according to law who buys his way into this body. He is elected contrary to law.

Mr. NEELY. I, of course, concur in that opinion. My purpose in interrogating the Senator was to ascertain whether his broad premise means that when one presents his certificate of election to the Senate, as Senator Brookhart has done, a conclusive presumption of the validity of the election of the person holding the certificate arises.

Mr. REED of Missouri. I made no such statement. I made the statement—and if the Senator will follow me closely he will not be in error, as he is this time—that a man with a certificate comes clothed with the presumption that he is here according to law, but that presumption may be rebutted by evidence, and only by evidence, and not by stipulation or agreement, and not by any technical failure to make an objection at a particular time.

Mr. NEELY. Does the Senator contend that there is not sufficient evidence in this case to justify the Committee on Privileges and Elections in finding that Mr. Steck was duly elected a Member of the Senate?

Mr. REED of Missouri. I will come to the question of evidence later on. I claim that there is no evidence that will warrant the finding of the majority of the committee.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. REED of Missouri. I yield.

Mr. ASHURST. It becomes obvious that those who assert that a stipulation can put Mr. Steck into the Senate, by irresistible logic must admit that a stipulation, ergo, would have put Mr. Lorimer into the Senate.

Mr. REED of Missouri. Yes; and that is a very good illustration. Suppose there had been a contestant in the Lorimer case, and he had come here and solemnly admitted that Lorimer was here lawfully, and suppose the evidence before the Senate

had been just what we afterwards found it to be; what would we have done with that sort of an agreement except cast it out as utterly unworthy of consideration?

The right to hold the office can only spring from an election by the people. It can not be conferred by the mistake of Brookhart or by his failure to make an objection. The public is the real party, not Brookhart or Steck. They are but two individuals. But the question we must settle is the right of a man to sit as a member of a legislative body which controls the affairs of a great nation, whether he is of right entitled to be a part of the Government of the United States; and that question can not be settled on the failure of some individual at a particular moment to make an objection. I shall come to the question of the evidence after a while.

To overcome the presumptions aforesaid, competent evidence must be produced. Absent frauds; this may be done by counting all of the ballots or by counting enough ballots to demonstrate that if all of the ballots were present and counted against the contestant he would, nevertheless, be elected.

Perhaps I can make that somewhat clearer. It must be proven that all of the ballots have been produced, and that by a count of those ballots it is found that the contestant is entitled to the seat, or, if there are any ballots absent, the number must be small enough so that if they were all counted for the contestee the contestant would win anyway. To illustrate, if there were 5,000 ballots short, and the contestant had, on the ballots that were produced, 6,000 majority, then manifestly the 5,000 ballots would be immaterial, because they would not change the result.

Mr. ASHURST. Mr. President, will the Senator yield there?

Mr. REED of Missouri. After I finish the sentence. But if the contestant, on the face of the ballots, wins by only 1,000 votes, and there are 5,000 ballots absent, it can not be said that the ballots show he is elected, because there is a failure to produce the other 5,000 ballots, and they might change the result, the presumption being that the man is rightfully in his place, he having the official count back of him. The presumption is that those ballots were favorable to him, and it is a conclusive and absolute presumption when the evidence is not here to rebut it.

Now I yield to the Senator from Arizona.

Mr. ASHURST. I thank the Senator, but it is unnecessary now, because the Senator has so clearly stated the rule that I can add nothing to what he has said.

Mr. REED of Missouri. Now, I come to another proposition, to which I invite the attention of the lawyers in this body particularly. Before the ballots can be counted, before they can be received in evidence at all, before they become competent evidence for any purpose, there must be strict proof that the ballots have been properly preserved. There must be a prima facie showing that they have not been tampered with, that they have been kept in the proper custody. If those matters are not shown, then there are only fugitive pieces of paper, not properly avouched, and they can not be received in evidence under the decision of any respectable authority in the United States. That is settled by a large line of decisions, and I can cite the authorities if Senators want them; it is so stated by McCreary on Elections, by Cooley on Constitutional Limitations, and by a very well-reasoned case in the State of Arkansas (50 Ark. 1, c. 94), and by a multitude of other cases, all to the same import. There must be a prima facie showing. The committee is in the same situation that a man is in who comes into court basing his case upon a written document. Before he can introduce a written document he must prove that it is signed by the parties, or he must show there was such a document and that it is lost. He must authenticate the instrument. These three-quarters of a million pieces of paper called ballots can not be counted as such ballots until there has been preliminary proof that they were the ballots cast in that election. No such proof was offered in this case. The only thing that anywhere nearly approximates it is a certificate by the auditor that the inclosed ballots were sealed by him and sent here. There is no evidence that they are all the ballots. There is no evidence that they were delivered to him in the manner and form provided by law. There is no evidence whatever that ballots have not been lost, that ballots have not been destroyed, that ballots may not have been tampered with, or that the ballots were held in strict custody as provided by the laws of Iowa.

When we come to technicalities, which are appealed to so vehemently here against Brookhart, I interpose, not a technicality, but a substantive principle of law that has absolutely not been met in this case. Mr. Steck simply failed to prove his case in that regard. How he came to do it, with the general attorney of the Ku-Klux Klan to represent him, I do not know, but I know that if I had been trying this case, or if my dis-

tinguished friend from West Virginia had been trying this case, the first thing we would have thought of when we brought in the ballots would have been to prove their custody, to prove that these were the ballots, and that these were all of the ballots; and if any of them were missing, we would have accounted for the missing ballots; and we would have proceeded to show how the parties voted, if it had been possible to do so. There is an absolute failure of proof in that behalf.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield for a question.

Mr. NEELY. If the Senator had been a member of the Committee on Privileges and Elections, and the contestant and the contestee had brought 989,000 ballots to the committee and in effect certified that those ballots had been duly cast, and that they were the source of the contest we are considering, would the Senator, on his own motion, have gone to Iowa and taken proof to establish the fact that there had been no tampering with the ballots, if no irregularity in connection with them had been suggested?

Mr. REED of Missouri. Mr. President, there was a suggestion of that sort, to begin with. In the next place—

Mr. NEELY. I challenge the Senator to find such suggestion in the record.

Mr. REED of Missouri. I will show it before I get through, and show it conclusively by the record. But, in addition to that, these people never came here and made any such statement as that "these are the ballots cast in this election."

Mr. NEELY. Not in words—

Mr. REED of Missouri. No; and not in any other way.

Mr. NEELY. The record shows that they did.

Mr. GEORGE rose.

Mr. REED of Missouri. I must insist that I can not argue this with Senators. I will yield for any proper question. I would argue it with Senators, but I promised the Senator from West Virginia to give him time to close, and I am going to try to do that.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield to the Senator.

Mr. GEORGE. I merely wanted to ask the Senator what his attitude would be if Brookhart himself came in and said, "We desire that you count these ballots," and helped us to count the ballots.

Mr. REED of Missouri. I did not hear the question.

Mr. GEORGE. What would have been the Senator's attitude if Senator Brookhart himself had come to the committee and asked if we would meet and count these ballots and had actually himself participated in the count of the ballots?

Mr. REED of Missouri. My attitude would have been this: That the burden of proof was upon the contestant, and that he must supply that proof. If he did not supply that proof, when he got through I would have told him that he had not proven his case.

Mr. GEORGE. Then you would not have allowed Senator Brookhart to count the ballots?

Mr. REED of Missouri. I would have allowed anybody to stand, under proper surveillance, and count the ballots, if he wanted to, and he might offer them until he was black in the face, but, unless there was the showing required by law as to the validity of the ballots, I would not have accepted them as against the official return.

Mr. GEORGE. Then the Senator would have permitted him to count them and would not have bound him by what he found?

Mr. REED of Missouri. I am not binding him. I am talking about binding the Senate. I care nothing for Brookhart in the matter, and I care nothing for Steck. Mr. Brookhart is here with a certificate of election, with a certificate from the authorities of his State that he is entitled to his seat, and the burden is upon Mr. Steck under every decision of every court to prove his right to the seat.

Mr. GEORGE. Let me read to the Senator just one sentence. That is all I ask to read from an Iowa case, the case of De Long against Brown, One hundred and thirteenth Iowa:

The preliminary proof, unless waived, is essential to the competency of the ballots.

If a contestee can not waive it when he himself goes and counts the ballots, then how could it be waived?

Mr. REED of Missouri. I say it can not be waived, and I say that in this case it was not waived as to the vital issues to which I now come.

Mr. President, there are three principal disputes in the case. The first one is that 1,323 straight Republican ballots, where the circle was marked and some of the squares on the ticket, but not the square in front of Brookhart's name, were not counted for Brookhart. Here I want to invite the especial

attention of the Senator from Georgia. Class 3 of the classes which the lawyers in the case made out were votes where the voter marked a cross in the circle at the top of the Democratic ballot and then, proceeding down the ballot, marked a cross in the square in front of certain of the names on the ticket, but failed to put a cross in the square in front of Steck's name. Of these votes Steck got 1,163 and Brookhart conceded them to him, did he not?

Mr. GEORGE. I did not understand the Senator. I thought the Senator was discussing the 1,344 votes.

Mr. REED of Missouri. Class three ballots, as specified by the lawyers, are ballots where the voter marked a cross in the circle at the top of the Democratic ballot and marked a cross in the square in front of certain of the names of the candidates on the Democratic ticket, but failed to put a cross in the square in front of Steck's name. Of these votes there were 1,163 in favor of Steck and 14 in favor of Brookhart.

Mr. GEORGE. I will say to the Senator from Missouri that I do not recall the particular classification 3 because I have never bothered myself about any of those votes, agreeing with the Senator from Missouri, so far as that goes, on how those votes should be counted.

Mr. REED of Missouri. I know the Senator did, and I wanted to get the Senator's statement on this point. My understanding from the record is, and if I am wrong I will be corrected right now, I hope, that when they came to count those ballots they found of the Democratic ballots that there were 1,163 that had a cross in the circle at the top and then a cross in the square opposite the names of certain candidates, but there was no cross opposite the name of Steck; that Steck's representatives claimed the benefit of those ballots and that Brookhart conceded them to Steck and 1,163 of them were counted for Steck, and only 14 for Brookhart.

Mr. CARAWAY. Mr. President, just to show the inconsistency of that statement, how could there be 14 for Brookhart with no cross in front of anybody's name, when there was a cross in the circle at the top of the Democratic ticket? It would answer itself that there could be no such ballot as that, and there was not any such ballot as that.

Mr. REED of Missouri. We ought to be able to agree on the facts.

Mr. CARAWAY. We could.

Mr. REED of Missouri. The Senator wants to say something unpleasant?

Mr. CARAWAY. If that is unpleasant, let it go for an unpleasantness.

Mr. REED of Missouri. Certainly; we will let it go any way the Senator wants to.

Mr. CARAWAY. Absolutely. I am tired of this everlasting trying to lecture somebody about being unpleasant.

Mr. REED of Missouri. The Senator has a perfect right to entertain a weary feeling any time he sees fit.

Mr. CARAWAY. I am going to exercise that right.

Mr. REED of Missouri. I decline to yield to the Senator any further.

Mr. CARAWAY. The Senator need not do it, because I am tired of that kind of lecturing.

Mr. GEORGE. Mr. President, I hope the Senator from Missouri will yield to me.

Mr. REED of Missouri. I do. I asked the Senator from Georgia a civil question and I know I am going to get a civil answer.

Mr. CARAWAY. If that has application to me, the Senator will have to address me and not somebody else when he wants to talk to me.

Mr. REED of Missouri. I shall have to call the Senator from Arkansas to order pretty soon.

Mr. CARAWAY. Of course.

Mr. GEORGE. The third class of ballots were conceded by both Steck and Brookhart, and there were 1,163 votes claimed by and conceded to Steck and 14 claimed by and conceded to Brookhart. The challenge, whatever it was in that particular class of votes, was identical; that is to say, the challenge leveled by each party was upon the same kind of ballot.

Mr. REED of Missouri. Those were 1,163 votes on the Democratic ballot where there was a cross in the circle at the top and where there were crosses opposite certain names on the Democratic ticket, but there was no cross opposite Steck's name. Mr. Steck desired to have them counted for him. Mr. Brookhart conceded it was fair to count them for him and the challenge was withdrawn.

Now I come to class 5; and what were the ballots in that class? They were ballots where the voter had marked a cross in the circle at the top of the Republican ticket and also had marked a cross opposite the names of certain Republican candidates, but failed to put a cross in front of Mr. Brook-

hart's name or Steck's name. The two cases were identical. There is not a hair's shadow between them. Of these votes there were 3,834, but Mr. Steck withdrew his challenge to all of them except 1,344. But why did he let his challenge stand as to the rest of them, amounting to 1,344? The cases were identical except in this particular, that as to those 1,344 votes on which he stood on his challenge most of them had a cross opposite all of the names but Brookhart's, but there was none opposite his name. Nevertheless the principle is identical. We can not cure the defect, if it was a fatal defect, by making an admission as to two or three or four other names.

Mr. Steck, having taken the advantage of Mr. Brookhart's withdrawal of his challenge, having had counted for himself these names that were on his ticket marked with a circle at the top and no cross opposite his name, proceeds to insist on a challenge against Brookhart for exactly the same kind of votes that appear in favor of Brookhart. Talk about waiver! Talk about estoppel! Talk to me about fair dealing on the part of a man who takes the advantage of every vote that is cast for him where there is a circle at the top and none opposite his name, and then denies the application of the same rule to his opponent and wants to cut him out of thirteen hundred and odd votes! No wonder the Senator from Georgia, who is always a fair man—he may not always be right, because none of us are, but he wants to be fair—counts those 1,323 or 1,344 votes for Brookhart. When he takes it out of the case with those facts back of his decision to which I have just called attention, what man is there in the Senate who has the temerity to say when we are deciding the rule the question of who was elected, not on what Brookhart did or what Steck did, that we will throw out the same votes that were counted for Steck, exactly the same character of votes?

That reduces the case down to a question of 74 or 75 votes. That is the end of those thirteen hundred and odd votes according to my judgment. I want to discuss the question as dispassionately as I am able to. I certainly have not any feeling in it—and I want to say to my friend from Arkansas that I do not think there ought to be any feeling between him and me about it.

Mr. CARAWAY. Mr. President, if the Senator will pardon me, the Senator is exceedingly wrong about his statements; but he did not want me to correct him about them and showed a good deal of impatience about it, and I thought the Senator was trying to lecture me.

Mr. REED of Missouri. It was just the Senator's manner.

Mr. CARAWAY. I am not much inclined to be lectured by anybody if I can help it.

Mr. REED of Missouri. I have never tried to lecture the Senator.

Mr. CARAWAY. Then I just misunderstood the Senator.

Mr. REED of Missouri. Now, we are down to 76 votes, and according to another set of figures to 26 votes. Let us see what we can do about those votes.

There are five precincts in which the votes varied materially from the poll books. The official count was taken in one of those precincts. There were one hundred and ninety-odd votes short, and therefore the judges said or the counters said or somebody down here said: "We will have to take the official count; the ballots are not here." That was logical; that was right; it was perfectly manifest that if the ballots are not there there is no evidence to dispute the official count unless we put in extraneous evidence, which was not done in this case. By taking the official count in Winterset Township over the ballots that were there Mr. Steck gained 34 votes. All right. There was another township, the second ward.

Mr. CARAWAY. Mr. President, will the Senator pardon me just a moment? I am sure the Senator does not want it to go into the Record that Mr. Steck gained 37 votes in the first precinct of Winterset, because the official count was taken there?

Mr. REED of Missouri. That is what I say. The official count was that much better than the votes that were in the box.

Mr. CARAWAY. I thought the Senator stated it the other way.

Mr. REED of Missouri. That is the way I stated it.

Mr. CARAWAY. I know the way the Senator stated it, and I think the Senator was in error.

Mr. REED of Missouri. Mr. Steck gained by virtue of the official count being taken in that precinct, but then we go over to Emmet County and there turns up the second ward in Estherville Township, where there are 20 ballots missing. What are we going to do there? Again the ballots are not there. The committee took the official count before and the parties agreed to it; Steck agreed to it, if that counts for anything; Brookhart agreed to it. The committee established

there the rule that where the ballots were missing they would take the official count, and rightly, because the presumption is that the official count is correct, and when the ballots are not at hand it is certain that there is no evidence to overcome that presumption. They did not take the official count as to Estherville. Then they hunted around and found in a separate package 34 more ballots which the auditors sent down in a separate package, stating that they belonged in that precinct. Clearly they had not been kept together; clearly the law had not been observed; clearly there was every kind of an opportunity for tampering with those ballots in the State of Iowa before they reached Washington. The committee proceeded in that case to count the ballots and that made a difference against Brookhart of 61 votes. If they had taken the official count, as they did in the other case, he would have had 61 votes more than he is given. That wipes out nearly all of the 76 majority for Steck.

Let us go to Bear Grove Township in Guthrie County. There were 20 ballots missing. Again the same situation was presented; and, again, instead of taking the official count, they proceeded to count such ballots as were there. What about the missing ones? For whom were they cast? That made a difference against Brookhart of 21 votes, and the whole 76 votes for Steck are gone; they are wiped out, sir.

Again we come to Center Township, Wapello County, the ninth precinct of Ottumwa. There are 22 ballots missing. Again they refused to take the official count; they counted the ballots and disregarded the missing ballots. That made a difference against Brookhart of 41 votes. Give him those and the 76 votes for Steck have been entirely overcome and there is a majority for Brookhart.

Again take Jackson Township in Lee County, the second precinct. There are 12 ballots more than names on the poll book—12 ballots too many. Somebody stuffed the ballot box in that case on the face of appearances. The committee counted those ballots without any evidence as to them except that the poll books showed they should not be there, but they found the ballots in the package. That makes a total that Brookhart lost by virtue of the application of a rule one way against him and then reversing the rule and working it against him again when the circumstances were reversed. It makes a difference of 144 votes. I can not, to save my life, understand how, in the face of a situation of that kind, any man can say for a minute that Brookhart has not overcome the 76 majority for Steck, of which the distinguished Senator from Georgia [Mr. GEORGE] speaks.

Mr. President, were the ballots kept sealed? Had they been kept in accordance with the law? There were 67 precincts where the containers were unsealed. If the official count had been taken in those cases, Brookhart would have gained 309 votes over what were given to him. Those 309 votes would have settled this case, unless we throw out the 1,323 votes which the Senator from Georgia refuses to throw out, in which he is manifestly right.

Mr. President, what are you going to do with a case of that kind? Are you going to say because Mr. Steck said he did not want the votes counted when they were 192 short—and Mr. Brookhart conceded that was fair—that afterwards you will permit Mr. Steck to reverse himself and say, "When there are ballots short, I now want the votes counted in these boxes, because they are favorable to me"? Will that enable us to get the truth? Will not the Senate apply the rule one way or the other? Will the Senate say that where the votes are not in the box they can not be counted, but the official returns must be taken in all cases, or will the Senate adopt the other rule and say, "Count all the ballots and disregard the official returns altogether"? This is the cold record in this matter. I have been through the entire record.

There is another proposition here. Remember, now, how they vote in Iowa. Before a voter can get a ticket he must call for it and give his name, and then his name is written in long-hand in a book furnished the judges for that purpose. When he votes he votes a ballot on which the judges have put their initials, and that is a solemn book register of that vote. Therefore the number of ballots in the box ought to tally with the names in the book. But, sirs, if there is any variance, clearly the book ought to be the better evidence than the absence of a fugitive piece of paper—a single piece of paper which either might be lost or something else substituted for it. There is the book solemnly written out. It is a good deal like the books of a grocery store. Which is the better and most satisfactory evidence of the fact, that a man is charged on the books or the fact that the grocery can not find a particular ticket for a particular sale—a ticket that may have been stuck on a spike. So I say when we compare the books with the votes we find it is true that there are 8,500 votes in the State missing. For

whom were they cast? There is no evidence as to that; nobody knows. The presumption, therefore, is that the official count is correct and that the judges, when they counted the ballots, counted only the ballots which were there, and that the official count must be taken, for there are 3,500 votes gone; nobody knows anything about them, and the presumption is that the official count is right and that Brookhart is here properly. Who is there who will say we are then to indulge the presumption that these 3,500 votes would not have altered the election when we are down to a difference of 76 votes, and the burden was upon Mr. Steck to prove it? I say that if this case had been tried closely, and tried in a court of law, it is my humble judgment that the lawyers would have proceeded to have accounted for those 3,500 votes by some sort of evidence, but not a word of evidence was introduced in this record to account for them. The record shows that they went into the box; they are not here now; and I say, that being the case, that Mr. Steck must show a majority of more than 3,500 so that he can say, "If you counted all those votes for Brookhart it would not change the result."

Now, Mr. President, I come to the question of the alleged stipulations. I am absolutely astounded to find the claims made which have been made in this case in regard to the stipulations. First, let us see what the duty of the committee was. Turn, if you please, to the resolution authorizing the Committee on Privileges and Elections to act. That resolution did not direct the committee to find out what the parties to the contest wanted; it directed the committee to examine the facts, to count the ballots, to ascertain the truth, and to report all of the facts to the Senate.

What happened? On July 20, 1925, there was some sort of stipulation made to bring the ballots to Washington; but, if Senators who remain to listen to this case will give me their attention, that stipulation did not provide an agreement that the papers that might be sent in were the ballots or that they were all the ballots. It was simply stipulated that the ballots should be sent in. That is on page 54. On January 6, 1925, Steck filed his contest. In March, 1925, Brookhart answered. On July 20, 1925, the subcommittee met; and, Mr. President, anyone who will read the proceedings of that subcommittee will ascertain that the chairman of the subcommittee called in the lawyers on each side and, in substance, said to them, "We have a force here to count these ballots, and, if there is no objection, we will send them to count the ballots." The ballots were to be brought here under a stipulation which entitled both parties to be present and required a joint certificate as to the verity of the ballots by the auditors and by the representatives of the respective parties.

Subsequently the parties waived the right to have their men present; but they did not waive the certificate of the auditor that the ballots, when he sent them, were in the condition in which he received them. There was not a word of waiver of that kind; but, if they had waived it all, the situation then would have been that there was an agreement to send in the ballots. What ballots? The ballots cast at the election; not a part of the ballots; not something in addition to the ballots, but the very ballots cast at the election. That does not involve, on the part of the lawyers or on the part of the contestant and contestee, any admission that the ballots are valid, any waiver of a right of challenge or any concession whatever of that kind.

The ballots were brought in here, and then what happened? The next thing was that these gentlemen proceeded to their count—these men who were there simply to make the count, authorized by the committee to do that. A subpoena was sent out—it had been sent out before—for the auditors to bring in these ballots. The proceedings were informal. On page 67 of the record I find this, and I want to impress it upon Senators who have suddenly invoked the rule of technicalities:

Mr. MITCHELL. Mr. Chairman, I assume that this hearing is more or less informal, and that whatever denials and affirmative matter we have entered here as defense will be considered as though not withdrawn now.

The CHAIRMAN. Oh, yes; the proceedings are informal. You do not have to observe the steps you would in a court. You are losing no right by what is done.

The proceedings were informal. Up to that time these men had been off there counting the ballots. There was no committee to which to appeal. The committee was not in session. The committee itself was not counting the ballots. The committee was to meet thereafter and consider the result of this count and any other evidence that it might be proper to bring in.

When Mr. Mitchell asked the question:

I assume that this hearing is more or less informal, and that whatever denials and affirmative matter we have entered here as defense will be considered as though not withdrawn now—

The Chairman said:

Oh, yes; the proceedings are informal. You do not have to observe the steps you would in a court. You are losing no right by what is done.

In that light this case proceeded—an informal case.

On December 3 the committee met, and Mr. Turner was put on the stand. Prior to that, I believe, or immediately subsequent, a great deal of this record is taken up with statements as to what the committee in Iowa did to Brookhart, and what the newspapers printed. Nearly all of the hearings that we have printed here are confined to that sort of stuff.

The committee met. Mr. Turner, the chief accountant, was put upon the stand, and he testified that he had not examined the ballots, but that he took the word of the examiners. That appears on page 71. His evidence, therefore, was hearsay evidence, and ought to have been excluded.

Then Mr. Blair Coan came in. It appears from Mr. Blair Coan's statement that he had been back of this movement against Brookhart, and that he was there to punish Brookhart because Brookhart was one of the men that had investigated the Daugherty corruption.

Mr. GEORGE. Mr. President, I hope the Senator will not inject that into this contest. Any evidence of Blair Coan was put in on the contest filed by the regular Republican Committee of the State of Iowa against Senator Brookhart. That we dismissed.

Mr. REED of Missouri. I understand that you dismissed it.

Mr. GEORGE. That is not in Steck's contest.

Mr. REED of Missouri. But you received the evidence.

Mr. GEORGE. We received it in their contest; not in the Steck contest.

Mr. CARAWAY. Mr. President, I have the ballots in class 3, and I am sure the Senator wants to be correct about it. The class 3 ballots were exactly like the 2,240 votes under class 5 which were conceded to Mr. Brookhart. There is not a single ballot in class 3 and class 5 that were alike that the attorneys did not agree upon and that we passed upon exactly alike. I have the ballots right here.

Mr. REED of Missouri. I shall have to ask the Senator—

Mr. CARAWAY. Of course, if the Senator does not want the information, he can exclude it; but the fact is—

Mr. REED of Missouri. I am not trying to exclude anything except begging the Senator to understand that I must yield the floor in a few minutes.

Mr. CARAWAY. The fact is as I have stated. I have seen the ballots. The statement that classes 3 and 5 were alike is incorrect.

Mr. REED of Missouri. Well, that is my information.

Mr. CARAWAY. Well, it is mistaken.

Mr. REED of Missouri. Very well.

It is admitted, sir, that the ballots from 67 of these precincts came in with the seals broken, and it is admitted that Brookhart challenged every one of them. That is not all. So far from Brookhart conceding the validity of those ballots or waiving his right to challenge, I say he made the challenge the first time it could be made. You could not expect a man to go down with a lot of 30 or 40 clerks, men and women, engaged in counting ballots, and stand down there and make his challenges. It was the duty of these people to note any irregularities to which attention was to be called, but finally this committee was to decide the merits of every question involved in this evidence.

The PRESIDING OFFICER (Mr. OGDEN in the chair). Will the Senator suspend while the Chair makes the announcement that he understands that the Senator's time will be up in five minutes?

Mr. REED of Missouri. There is no absolute time limit, but I am going to treat the Senator from West Virginia [Mr. GORR] fairly.

I say that this lawyer for Mr. Brookhart did preserve his rights. I say he preserved them at the only time he could preserve them, when he was before the committee. Then he made his objection. An objection before that, to a counter who had no authority to rule upon it, would have been a puerile thing, except as a mere record of the fact that he made a specific objection.

On page 195 of the record I find this is laid down:

Senator GEORGE. Before we begin, Mr. Mitchell, may I ask, did the supervisors and the clerks tabulate the returns—tabulate their work?

Mr. MITCHELL. Yes, sir.

Senator GEORGE. Is that available, here?

Mr. MITCHELL. That is what I understood was to be the basis of this hearing this morning; that the tabulation prepared by Mr. Turner as official tabulator was to be introduced.

They had not yet come to putting in the evidence, for the evidence that was to come before this committee and substantially the only evidence it had was the evidence of the men who made this tabulation; and now for the first time it is to be presented to the committee, and it has not yet been presented.

Mr. MITCHELL. That is what I understood was to be the basis of this hearing this morning; that the tabulation prepared by Mr. Turner as official tabulator was to be introduced.

Mr. PARSONS. I will introduce it.

So it had not been introduced yet.

Mr. MITCHELL. If we can arrive at that point, I think we will clarify the whole situation.

Now, in order to answer one question I will say this, that we are going to object to the recount as a whole for this reason, that the burden, as we understand it, is imposed upon the contestant to demonstrate to the satisfaction of the committee, or in the case of a contest, to the court, that there has been no reasonable opportunity for tampering with the ballots. We will object to the recount particularly so far as it affects the paper ballots for the same reason, that there has been no attempt to show that these ballots, after they were sent in by the officials charged with their counting, had not been tampered with, or there was no opportunity to tamper with them.

We would object specifically to 67 precincts, and I have made a list of those precincts here, in which it appears by the returns made on the work sheets of the supervisors here, both of them agreeing that these ballots were received in unsealed sacks, and therefore there is *prima facie* evidence, at least, that there was opportunity for tampering with those ballots. They involve some 16,000 ballots—over 16,000—in one case, and over 15,000 in the case of the other party.

We would offer further objections to the recount in that upon the attorneys' checking up on the tabulation, we find that there are 47 ballots unaccounted for; in other words, the tabulation shows an excess of 47 ballots over those the attorneys have been able to discover, 4 of which appear by the tabulation to be votes challenged against Mr. Steck and 43 challenged against Mr. Brookhart.

Further:

Senator CARAWAY. You know, this is the first time that I have attended any hearing of the testimony in this case. Was this objection to the recount made at the time the ballots were brought here or is this the first time you have lodged your objection to the recount?

How could it be made when the ballots were brought there? A lot of sacks were sent here by express from different points of shipment, I presume. To whom were they to object? Were they to go down and object to the station agent? Were they to go down and object to the custodian? This is what Mr. Mitchell said:

This is the first time that I, as representing Senator Brookhart, have offered this objection; and it is really the first opportunity, because this is when the recount is offered—when the tabulation is offered.

And that is when it had to be made.

But the objection has been entered in each case of the 67 precincts that I have a list of here on the work sheets, which work sheets were signed by the supervisors, one of whom represented either party.

Mr. President, to say that this man did not object, and object in time, is not tenable; but if he had never made an objection, if he had stood mute, and if the facts appeared as they appear here now, it would be the duty of the Senate, in determining who is entitled to a seat in this body, to decide the question according to the law and the fact, even though an attorney had utterly failed to make an objection.

Why, Mr. President, the case is like that of offering a deposition that has incompetent evidence in it. You do not have to object when the deposition is being taken; you object when the deposition is offered. The only thing you can not object to is the particular form of the question.

Mr. President, there is another important point in this case that I wanted to discuss; but I have gone a little over my time, and I hope the Senator from West Virginia will pardon me.

Mr. GOFF. Mr. President, in the discussion of this case for the majority of the committee, I wish to say at the very beginning of my remarks that neither the committee nor myself as its advocate was influenced in the least by any political suggestions or colorings.

Mr. BLEASE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	Keyes	Reed, Pa.
Bayard	Fernald	King	Robinson, Ark.
Bingham	Ferris	La Follette	Robinson, Ind.
Blease	Fess	Lenroot	Sackett
Borah	Fletcher	McKellar	Sheppard
Bratton	Frazier	McLean	Shipstead
Broussard	George	McMaster	Shortridge
Bruce	Gerry	McNary	Simmons
Butler	Gillett	Mayfield	Smith
Cameron	Glass	Metcalf	Smoot
Capper	Goff	Moses	Standfield
Caraway	Gooding	Neely	Stephens
Copeland	Hale	Norbeck	Swanson
Couzens	Harreid	Norris	Trammell
Cummins	Harris	Nye	Tyson
Curtis	Harrison	Oddie	Walsh
Dale	Heflin	Overman	Warren
Deneen	Howell	Phipps	Watson
Dill	Johnson	Pine	Wheeler
Edge	Jones, Wash.	Ransdell	Williams
Edwards	Kendrick	Reed, Mo.	Willis

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, there is a quorum present.

Mr. GOFF. Mr. President, as I was stating when the absence of a quorum was suggested, there was and is no view, political or prejudiced, which animated or controlled the actions of the Committee on Privileges and Elections. This entire question was determined according to the facts and the law, and I intend to show to Senators on both sides of this Chamber that not only were the laws of Iowa respected and followed in every regard, but that the laws of the Nation, as well as the Constitution of the United States, were observed in every step which the committee took.

When the Committee on Privileges and Elections assumed jurisdiction of this contest, referred to as the Steck-Brookhart contest, it had before it the pleadings of the contestant and the contestee. Those pleadings raised certain issues, which it became the duty of the committee to investigate and then decide. Those issues were based upon this very necessary and initial fact: That at least two months before the petition of Mr. Steck was filed with the Senate of the United States, in which he raised the issues involved in this contest, Senator Brookhart, as was his right, sought and obtained in the State of Iowa an injunction against opening the machines, in order that the State statute providing that the machines should be opened within 30 days after the election should not in any way interfere with this contest. It is a striking matter that before Mr. Steck filed his petition of contest with the Senate of the United States Senator Brookhart, in anticipation, went out into the State of Iowa and obtained an injunction against the opening of the machines. That kept the machine vote intact, and when the contest was duly filed the issues then raised showed that upon the very face of the official returns from the State of Iowa there was a plurality of 775 votes in favor of Senator Brookhart.

My distinguished friend from Missouri [Mr. REED] has spent some time arguing upon the presumptions that arise from a certificate of election. If I should voluntarily follow him to his legal conclusion, I would be compelled to admit that in few, if any, of the election contests which have appeared before the Senate or the House of Representatives would it be possible to overcome the almost irresistible presumption which attaches to a certificate of election.

I regret I can not take the time now at my disposal to go into all of the provisions of the code of Iowa adopted in 1924, which I have here before me, relating to elections. All of these provisions were passed for the purpose of safeguarding the ballots after they have been cast by those entitled to vote.

These ballots—and I challenge anyone to contradict what I shall now say—were sent to the proper custodians, the auditors of the different counties where the ballots were cast, and they were sent there according to the law of Iowa, when the polls closed, and they were in the custody of those county auditors continuously until they found their way, under the stipulation of the parties, into the jurisdiction of the committee here in the city of Washington.

It has been said that men can not stipulate their way into the Senate of the United States, and that men can not be stipulated out of the Senate of the United States. How axiomatic that statement is. The very making of it not only sounds an inherent truth, but furnishes its own responsive answer. There is no suggestion in the record that anybody

was to be stipulated out of the Senate in this contest, or that anybody could be stipulated into the Senate.

Your Committee on Privileges and Elections did the only thing it could do. It heard the parties to the contest, and they did the only thing they could do, to prove or disprove the issues which were raised by their respective pleadings.

It has been suggested in this debate that these great questions of sovereign government can never be subject to encroachment by the stipulations of the parties in interest.

Mr. President, this Government of ours is a government of law and not a government of men, but how can the laws be enforced if they are not enforced through men? Parties come before the Senate in contest, come officially representing the inherent rights of sovereign States; but, nevertheless, they come representing those rights, and solely because they advance and maintain their own personal interest in them. The parties in this contest came before the committee and undertook to meet the issues here involved, whether, under a fair and impartial count in the city of Washington, under the direction of your committee, the official managers and the official counters in the State of Iowa had made honest mistakes. Your committee approved and permitted certain stipulations and certain agreements entered into by the parties to this contest who each assumed and carried before the Senate of the United States such portion of the delegated sovereignty of the State of Iowa to which they were each entitled to make claim by virtue of facts that they were the representatives entitled to act.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Nebraska?

Mr. GOFF. I yield for a question.

Mr. NORRIS. When the Senator refers to stipulation does he also include objections? Is there any question involved here about objections sometimes having been made too late?

Mr. GOFF. That might be involved. I want the Senator to ask me any question, but he knows how limited my time is, and I do not intend to become involved in any argument.

Mr. NORRIS. I shall not interrupt the Senator without his consent.

Mr. GOFF. I want to be interrupted, and I wish I had all day to talk about the case.

Mr. NORRIS. So do I. Then I will ask the Senator this question: The Senator mentioned two or three particular precincts where, it seemed to me, one rule was applied in one precinct and the reverse in another one.

Mr. GOFF. Does the Senator refer to the five-precincts beginning with Winterset?

Mr. NORRIS. I want to ask the Senator about the first ward of Winterset, Madison County, where there was a shortage of votes, it seems, and the committee took the official count, which gave Mr. Steck 198 votes. They took the official count, as I understand it, because there were a large number of votes short. There were not as many ballots as there were people who voted at that precinct, so they gave Mr. Steck the official count, which gives him a gain of 198 votes.

I am not criticizing that gain, but in Guthrie County, Bear Grove Township precincts, there was a shortage of 20 ballots as compared with the number of people voting. If the committee had taken the official count there, it would have given Senator Brookhart an advantage of 20 votes, but there they did not take it, which gave Steck an advantage. In Estherville Township, where there was likewise a shortage of 34 ballots, the committee did not take the official count, which gave Steck an advantage again of the discrepancy. The same applied in Center Township, Wapello County, where there was a shortage of 22 ballots. The committee there refused to take the official count, and again gave Steck the advantage.

Why is it? There may be a good reason for it; but as I understand it the committee did this because, it is claimed and denied, I think, that Senator Brookhart's attorney did not object in those precincts.

Mr. GOFF. While as a matter of course I intended to discuss the precincts to which the Senator has referred and while it is true that he has anticipated my argument in the request which he now makes I shall divert and answer his inquiries at this time.

In the first ward of Winterset, in Madison County, where there was a difference—in fact, a shortage—of 198 votes, the counters gave, by special consent and agreement among themselves, the benefit of the official count to Senator Brookhart. Why did they do it? They did it because the ballots from that precinct came to the city of Washington unsealed.

Mr. NORRIS. But the advantage was for Steck. Steck gained 198 votes.

Mr. GOFF. I know Steck would have gained if we had gone on, but he did not gain by the recount. I am not going into that speculative field. As I understand it, if we had gone on we would have found a gain of over 60 votes for Steck.

Mr. WHEELER. As a matter of fact, taking the official count, there was a gain for Steck, and that is what we are complaining about. The official count gives a gain for Steck in that precinct.

Mr. NORRIS. Nobody is complaining of that particular precinct. I am not complaining about it, but why not apply the same rule in the other precincts?

Mr. GOFF. Let me say in answer to the suggestion of the Senator from Nebraska and the Senator from Montana that those votes came here in unsealed packages and they were unsealed.

Mr. WHEELER. Mr. President—

Mr. GOFF. I want to say that in reference to every other one of the precincts to which the Senator from Nebraska has referred and which no doubt the Senator from Montana has in mind, every one of the packages, the original containers bearing the votes, came to the city of Washington sealed, with no evidence whatsoever that they had been opened or that there was the opportunity existing at any time or place that the contents of those containers could have been changed, and they were obviously the best evidence.

Mr. NORRIS. Let us get the facts.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. GOFF. I yield to the Senator from Nebraska.

Mr. NORRIS. I want to ask the Senator another question. In one of those seven precincts where the ballots were short is it not true that Senator Brookhart lost 20 votes, the exact number of ballots that they were short, and can the Senator account for that by an accident? Would it be sufficient explanation to say that the ballots in this particular precinct came sealed when that shortage occurred?

Mr. GOFF. I can account for that difference in many ways. There was unquestionably a difference between the official count in many of those precincts and the number of ballots in the ballot box, and I intend in the course of my discussion to refer to that fact. There were in none of these precincts any evidences that the original containers had been opened, except in the first ward of Winterset, Madison County, which is shown by two exhibits to which the Senator has referred on pages 248 and 249.

Mr. STEPHENS. Mr. President, will the Senator yield at this point?

Mr. GOFF. I yield for a question.

Mr. STEPHENS. I only want to ask a question. Does not the Senator know, with reference to the Estherville precinct in Emmet County, that it was noted on the work sheet that the ballots came here in a sealed box just as the Senator stated many others came, and that later there were 34 other ballots sent here as coming from the same precinct, thus showing that the fact that it was reported to have been sealed is not conclusive at all that the ballots had been preserved in the manner required by law? I call attention to pages 248 and 249 of the hearings.

Mr. GOFF. There is no dispute about that fact. The ballots came down here as shown in Exhibit A on page 248, to which the Senator from Mississippi has called my attention—Emmet County, Estherville Township. They came in a sealed sack. Then later on, as the work sheets show, the chief supervisor found "no votes, 65." He found 5 Brookhart ballots protested by Mr. Pendy, and he found 20 less ballots than the number of names on the poll book. That is not an unusual circumstance to meet with in this contest. Poll book after poll book came to the committee with just such discrepancies upon their face.

Mr. STEPHENS. I am not talking about discrepancies.

Mr. GOFF. I know what the Senator is talking about. I am answering the Senator's question in my own way.

Mr. STEPHENS. I understand, but I am discussing the fact that 34 ballots came separately and were not in the bag that came here sealed originally.

Mr. GOFF. The record shows that 34 ballots did come here later. They came in an unsealed package and they were not considered by the counters and were not considered by the supervisors.

Mr. STEPHENS. Does not the law of the State of Iowa require that all ballots shall be kept together? The point I am making is the fact that 34 came separately and apart from the main sack, showing that they were not preserved as required by law.

Mr. GOFF. I understand the Senator's question thoroughly; in fact, I understood before he asked it, and I knew the motive

that prompted it. I have discussed these questions with the distinguished Senator from Mississippi, and I know his psychology and his mental operations upon this very issue. But I want to say, and for the purposes of this case it is all sufficient, that the representatives of these parties when they counted these identical ballots agreed to count them according to the original stipulations and understandings and agreements, and they were satisfied that the ballots came from an untampered custody.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. GOFF. For a question only.

Mr. WHEELER. What was the committee sent out to do? Was not the committee to get the facts regardless of any stipulations?

Mr. GOFF. Exactly; and the committee obtained the facts.

Mr. WHEELER. I submit that the committee did not get the facts, and I do not believe the committee knows the facts.

Mr. GOFF. That is where the Senator from Montana and I disagree and where we will never agree.

Mr. WHEELER. That is a certainty, that the Senator and I would never agree, because he does not know the facts, and neither did we agree upon Harry Daugherty, so let us not get into any argument about that.

Mr. GOFF. No; the Senator has to inject matters into this case that show he is lacking in that fine judicial quality which a Senator should possess.

Mr. WHEELER. If I lack judicial qualities, then I am sure the Senator is lacking them in this case.

Mr. GOFF. I refuse to yield any further for argument. I shall yield to the Senator for any question, but I shall not have my time consumed by yielding to matters of political immateriality.

Now, Mr. President, let us merely for one moment in regard to—

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. GOFF. The Senator may do so if it is a short question, but, understand, I am not going to let the Senator from Nebraska consume my time.

Mr. NORRIS. No; I will not ask the Senator any question without his consent. I wanted to ask the Senator if he will not explain, as I asked him before, why in the four precincts which I named the committee always applied the rule that gave Steck the gain and Brookhart the loss?

Mr. GOFF. Yes; I am going to do so now; and will the Senator remain quiet just a moment while I do so?

Mr. NORRIS. Yes; I shall be glad to do so if the Senator will answer the question.

Mr. GOFF. Very well.

Mr. President, I shall take up one of the poll books to which so much reference has been made. This [exhibiting] is a poll book from the county of Adair, in Prussia Township. This poll book shows that 214 voters were listed. That is the indorsement made by the clerk whose duty it was to record the name of every voter when he entered the voting booth and gave his name to those in charge of the election. Two hundred and fourteen names were written upon this book. Then we turn to the official returns on page 42 and we find 191 votes cast for the office of United States Senator; 103 for Brookhart and 88 for Steck. When we examine these poll lists, take the names written and recorded by the election clerks, and then turn to the official returns we find discrepancies, and, as I have noted it, in this particular poll book a discrepancy of 23 votes. This indicates that when we compare the poll list with the votes in the ballot box, compare the ballots with the very official paper, the law of Iowa requires these election judges to keep we have a discrepancy of 23 votes upon the face of the returns before the poll books and ballots can reach those who are charged with their custody. It is asked, Why is it when the ballots came to the city of Washington and were counted a difference was found between the poll lists and the number of official ballots as established by the recount? I can take other poll books that are lying here—and time only prevents—and show that the same situation exists reflecting merely the mistake of those who honestly conducted the election.

Mr. NORRIS. Mr. President, may I ask the Senator something about this poll book to which he has referred?

Mr. GOFF. Yes.

Mr. NORRIS. Does not the Senator realize that he has compared before the Senate the number of votes cast for Senator and the number of voters voting, and that that is not a determination of the number of ballots that were cast; that there were, perhaps, a good many voters there who did not vote for Senator at all?

Mr. GOFF. And there were a good many who did not vote for President, according to that book.

Mr. NORRIS. Exactly; and that is true of every precinct, probably. The Senator can not deduce anything from that.

Mr. GOFF. And there were 207 officially recorded as voting for President, while there are 214 names on the poll list.

Mr. NORRIS. The 214 men voted, but all of them did not vote for Senator, and probably all did not vote for some other candidates; so the Senator's poll book does not prove anything.

Mr. GOFF. That is what I expected, Mr. President. I expected the Senator from Nebraska to say that he could not be convinced against his will, and I am not surprised that he should take and does take that position. However, I am going to reply to the suggestions of the Senator from Nebraska with reference to the five precincts in the different exhibits which appear from pages 247 to 251.

In Bear Grove township, in Guthrie County, it was found by the chief supervisor that 236 ballots were the number cast, according to the recount; 23 of them were no votes, and from this precinct the ballots came to Washington sealed as required. It was agreed by the counters; it was agreed by the attorneys; it was agreed by the parties to this contest, who, as I said a moment ago, came here clothed, if you prefer so to term it, with the sovereignty of their State—it was agreed by all the parties that the ballots were the best evidence as to the number of votes cast, and it was so ruled.

Mr. WHEELER. Mr. President, will the Senator yield to me?

Mr. GOFF. Certainly.

Mr. WHEELER. The law of Iowa requires, does it not, that proof should be offered as to the preservation of the ballots?

Mr. GOFF. Certainly.

Mr. WHEELER. And there was not any preliminary proof offered at all as to how these ballots were kept prior to the time that they came into the auditor's hands, was there?

Mr. GOFF. Oh, yes; there was.

Mr. WHEELER. What proof was introduced in evidence to show that these ballots were properly preserved from the time they left the counties?

Mr. GOFF. There was proof, and I will discuss that. It was the proof that came with the ballots, came with the certificates, came with the ballots from their proper custodians.

Mr. WHEELER. Mr. President, will the Senator yield for just one more question, and that is this: Would not it have been possible for the committee to call witnesses when objection was made to these ballots here in Washington?

Mr. GOFF. The Senator from Oklahoma was asking me if the officials were not presumed to do their duty, and I did not catch the question of the Senator from Montana. I wish him to finish his question, please, so that I may go on.

Mr. WHEELER. They are presumed to do their duty; but the law requires, does it not, that evidence should be introduced preliminary to the ballots being used as the best evidence?

Mr. GOFF. I know the Senator's question. Will he let me answer it?

Mr. WHEELER. Yes.

Mr. GOFF. Mr. President, we come to Emmet County, Estherville township, in the city of Estherville. This is Exhibit A on page 248. In that precinct the ballots came properly sealed, but it was ruled that the ballots were the best evidence as to the number of votes contained in the ballot box and for whom cast.

Mr. WHEELER. That does not answer my question, however.

Mr. GOFF. Well, I will answer the Senator's question. I am not going to answer it all at once, but I am going to answer the question in my own time and in my own way.

Mr. LENROOT rose.

Mr. GOFF. Does the Senator from Wisconsin desire to ask me a question?

Mr. LENROOT. I wanted some information. The Senator from West Virginia referred to Bear Grove township. I understood the Senator to say the counters and attorneys had agreed upon the vote there, but the work sheet seems to show the result was submitted to the committee, and Mr. Mitchell objected to the recount. Was there any waiver or stipulation as to that township?

Mr. GOFF. I say that everything that appeared on the work sheet was agreed to by the counters and agreed to by the attorney and then later submitted to the committee.

Mr. LENROOT. For decision?

Mr. GOFF. For decision.

Mr. NORRIS. The decision in that case was to count the ballots, and Brookhart lost by that. The decision in the other case, in Winterset, was to take the official count, and Brookhart lost there. The peculiarity of that is manifest.

Mr. GOFF. Mr. President, with all due respect to my esteemed friend from Nebraska, I shall refuse to yield further for any question connected with the precincts until I finish my argument.

Mr. NORRIS. Very well.

Mr. GOFF. I know what the Senator is trying to bring out before the Senate. He is trying to bring out a situation that is not justified by the facts; that is not justified by the law. Senators say that parties to the contest could not stipulate or waive anything. They say, when the parties to this contest came down before the committee of the Senate of the United States and agreed to go to Iowa and do certain things and agreed to expedite the decision of the issues here involved, that these men who, if they had ceased to act, this contest would have ceased, had no right to come in and agree as to what the record showed, because it was an encroachment upon some sovereign right. You may call it, Mr. President, a waiver in law or you may call it an estoppel in equity. You may say, as Senators have said who are arguing for the minority report, that the parties to the contest under such conditions could not waive rights which would put a man in or out of the Senate or that they could not make stipulations that accomplished the same thing. I do not care what it may be called, but I say, Mr. President, when the parties to this contest came before the Committee on Privileges and Elections and agreed to do the things which they did agree to do, when they went out and took the official count of the machines and then, as it is well known and understood by every Senator who has considered this matter, for the purpose of their personal and financial convenience, waived or took back the provisions of the stipulation requiring that the representatives or supervisors of each of the parties should go to each of the counties, inspect the ballots, and talk to the auditors and satisfy themselves that the ballots were in the same condition in which they were when they were sent to them when the polls closed on the 4th of November, 1924—when they did that, and then came down here and appointed their supervisors, agreed that Mr. Turner, a man dissociated from the Senate, who spends his official life in the Census Bureau, should be the chief tabulator, and each appointed his respective supervisors, Mr. Pendy being appointed to represent Mr. Steck and Mr. Louis Cook to represent Mr. Brookhart, and they stood here day by day and saw the ballots opened; had their official tabulating sheet, which they called a work sheet, and indorsed thereon everything that occurred to them, their objections, their protests, I challenge, Mr. President, anyone to say or to point to a statement or a suggestion that any of the representatives of the contesting parties saw fit to indorse on the work sheet a statement or even a suggestion that the ballots had been tampered with.

I know that Senators on the minority side do not like the word waiver. They object to estoppel. But, Mr. President, ever since Moses thundered the moral precepts from Mount Sinai it has been the rule of good morals, it has been the rule of statesmanship, it is tied up and wrapped up in the Constitution of the United States, that when a man keeps quiet when it is his duty to speak he shall not be allowed to speak when he ought to keep quiet.

Why did not these men come and say to your committee: "There is something unusual; there is something wrong"? Why did they not come and suggest from day to day on this work sheet that there were matters which challenged the attention of those who were wedded to the principles of political truth and the precepts of moral right?

As the distinguished senior Senator from Montana [Mr. WALSH] so well said the other day—it was not when he was making his very lucid argument; it was when he was criticizing a suggestion made—"Is it the purpose of the Senate to permit contestants to sit by and gamble with the recount?" Is it, Mr. President, the purpose of the Senate, which we like to call the most deliberative judicial body in all the world—and I believe it is, because it has back of it all the Anglo-Saxon civilization and the Anglo-Saxon law that has made the United States of America the greatest Nation on this earth, and which will continue it in such a position just so long and no longer than we are honest with ourselves.

Mr. President, it does not become those who attack the action of my committee, this majority report, and say that it is contrary to what they consider the law to be.

What is the law? The law of Iowa is that when the polls close these ballots shall be placed into containers; that these ballots shall be sealed; that before the ballots are put in the containers they shall be folded twice; they shall be strung on a wire; the wire shall be tied in a knot at the end; that knot shall be sealed. And that the ballots so strung on a wire and

so sealed shall be put in such a container. Then the law provides that this container shall be drawn together tightly, that the knot shall be tied, and that a seal shall be placed upon such knot. Then certain indorsements, according to the law, are required to be indorsed upon the back of this container. Then the ballots so preserved are sent to the official custodian. He is required to keep them inviolate for a period of six months, unless duly and legally directed to surrender them.

It has been suggested that no one went to the State of Iowa to see that these containers were properly sealed before they were given to the postmasters of the several townships and registered and sent to the city of Washington. I say, Mr. President, that the Senate of the United States, through its committee, is not concerned with that question, in the light of what these parties did; and when these ballots came here and these containers were opened, they were opened in the presence of the representatives of the contestant and the contestee, and no one raised a protest or suggested irregularity.

Does anyone imagine that when one of these containers was opened, if there was anything upon the inside to indicate that the ballots had been tampered with, it would not have appeared upon the work sheets signed by the representatives of these parties? As a matter of course it would have appeared there, unless we are to indulge the unreasonable and inhuman presumption that men of honor and men of integrity refuse, when the crucial test comes, to serve their principals and to be faithful to their trust. There is not a suggestion on any of the work sheets that such a condition arose, and not even a suspicion occurred to the minds of any of the representatives of these parties.

It is true that later when the parties came to Washington, about the 4th of December, 1925, the ballots had been counted. They appeared before the Committee on Privileges and Elections and made certain requests and raised certain objections. They had a right to advance these objections. They had a right to make any argument that they saw fit to make. But when they undertook, Mr. President, to attack the custody of these ballots, I say as a matter of law, based upon the inherent fairness and morality of the common sense of the situation, that they have no justification for saying that the ballots did not come from the proper custody.

The ballots were duly and legally transmitted here, and they were inspected by the parties, and not one of them raised a suggestion of doubt. The ballots were then counted, and the attorneys came before the subcommittee and stated they were not ready to proceed. The reason they gave was that there were eight-odd thousand ballots challenged, eight-odd thousand ballots protested and questioned, which could be divided into classes not only to clarify the situation but to aid the parties and to assist the committee in reaching a correct decision in the matter.

Mr. President, I have tried to prepare a sheet which illustrates these 16 classes which I think are determinative of this contest, and I shall ask Mr. Turner to put it on the board where everyone can see it. When it reaches the board and is in a position for inspection I shall call to the attention of the Senate certain of the facts that are there disclosed.

This sheet shows how the committee passed on the ballots which were considered valid votes for one party or the other, and is as follows:

	Brookhart	Steck
Unchallenged.....	443,817	447,944
Agreed by attorneys.....	14	1,163
Class 2.....	42	13
Class 4.....	276	62
Class 5.....	2,490	
Class 6.....	1,755	149
Class 7.....	37	27
Class 8.....	21	1
Class 9.....	90	
Class 10.....	4	
Class 11.....	22	222
Class 12.....	37	57
Class 13.....	16	362
Class 14.....	24	14
Class 15.....	97	155
Class 16.....	7	
Total.....	448,740	450,169
Steck plurality.....		1,420

Mr. President, that there may be no ground for a difference of opinion, that we may start with the unchallenged votes, I turn to page 81 of the contestant's brief and argument, the incumbent's brief and the personal summary by Senator Brookhart, and call attention to the fact that he there states that the tabulated votes were 443,817 for himself and 447,944 for

Mr. Steck. Those are the figures to which he agrees as being the figures of the tabulator. Now, I invite attention to page 230 of the first division of the hearings. I there show on this chart that class 1 of the 16 classes is omitted. Class 1, as it appears on page 230, is:

No votes; conceded by both parties.

Mr. Steck was charged with 35 and Mr. Brookhart was there charged with 115. Those votes were conceded by all parties to be no votes, and it was agreed by the attorneys—it was agreed by Senator Brookhart when he appeared before the full committee and presented his contention—that there was an agreement of "no votes" in class 1. We will, therefore, waste no time in discussing that phase of the question.

I proceed to subdivision 2 in this classification of 16 divisions; and I shall not, Mr. President—because the Senate has heard so much about this very matter in the last few days—go into it at any length. All that I desire to say, however, is that in this classification, known as class 2, and which consisted of 69 ballots, 14 of these were claimed for Mr. Steck and 55 for Senator Brookhart.

They had been claimed by the opposing attorneys as no votes for either candidate. The committee went through these ballots and ruled 13 of them to be good for Mr. Steck. These ballots were held to show an intention to vote for Mr. Steck on the part of the voters, and one of these ballots—and I mentioned a moment ago that there were 14—was held to be a defective ballot and therefore no vote. In this last ballot Senator Brookhart's name had been stricken out, and the cross before the name of Mr. Steck had an oblique line leading to it, but there was no cross in the square, and it was not considered by your committee a sufficient indication of an intention to vote for Mr. Steck.

The committee then ruled, as will be seen on the board, that 42 of the votes claimed by Senator Brookhart were good votes for Senator Brookhart, and the committee concluded that they showed an intention on the part of the voters to vote for Brookhart, and as to the remaining ballots the intention to vote for anyone for Senator was not sufficiently clear to enable the committee to determine for whom they were intended.

These ballots were in three classes. The first embraced 11 ballots, as is shown by stipulations 53 and 59. Those were the agreements the attorneys entered into when they promised the committee, in the early part of December, 1925, that if they were given a short time they would tabulate and arrange these votes.

Now I go to class 3, shown on the sheet under the heading "Agreed by attorneys." Class 3 consisted, as will be seen by reference to page 230, of votes conceded to the parties under whose names they appeared. Mr. Steck was conceded 1,163 votes and Mr. Brookhart was conceded 14 votes.

Class 4. This class embraces all those ballots wherein the name of either Steck or Brookhart was written in the Progressive column for Senator, with various and different initials. A cross was also in some of these ballots, placed in the square before the name so written in. In this class there were 62 votes claimed by Steck and 276 such votes claimed by Brookhart. The committee held that the intention of the voter was sufficiently clear and the ballots were ruled for the respective parties as indicated.

The argument was made that the committee adopted one rule in the case of Senator Brookhart and another rule in the case of Mr. Steck. Let me merely, for the purposes of comparison, go to subdivision 5. There are included under Senator Brookhart's column 2,490 votes. Those 2,490 votes came from a classified tabulation of 3,834 ballots which were claimed by Senator Brookhart and objected to for several reasons. Two thousand four hundred and ninety of them were conceded by Mr. Steck's attorneys to be good votes, and they were so treated by the committee.

Mr. President, a contest was filed by the Republican State Central Committee of the State of Iowa against the seating of Senator Brookhart. That contest, which appears in volume 1 of the hearings, stated, in substance, that Senator Brookhart was not a Republican; that he was not a member of the Republican Party; that he obtained his primary nomination under false pretenses; that he had gotten his name on the ticket under false pretenses; that prior to the 3d day of October, 1924, he had refused to indicate whom he would support for President of the United States. Then the petition goes on to state that from and after the 3d day of October, 1924, when it was too late to take his name from the ticket, he announced that he would support the candidacies of Senator La Follette and Senator Wheeler.

The Republican State central committee then proceeded to show that on the 3d day of October, 1924, in what was known

as his Emmetsburg speech, Senator Brookhart made certain statements. Mr. President, I am not criticizing Senator Brookhart personally. It was a matter within his own conscience to stand with his party or to go against it. It was a matter for him to decide. I have thought of the principle so frequently raised in American politics, that when a candidate offers his name to his people and gives them his promise that he stands for certain things, he has made the highest moral promise and assumed the most binding obligation that man can ever make, because he does not make it to an individual—he makes it to thousands of his people.

I remember, Mr. President, that many years ago it fell to my lot to reside for a number of years in the State of Wisconsin. I remember talking with Senator La Follette, father of the Senator LA FOLLETTE now a Member of this Senate, and discussing with him then the question to which I have just adverted. I could show among my books and papers a speech made by the late Senator La Follette in which he said that when a man made a promise to the people of a sovereign State it was the highest form of promise he could make. Senator Brookhart made such a promise, and he did not keep it. Why mince words? He broke it, and the Republican State central committee came here and protested his election.

The Senator from Georgia [Mr. GEORGE] has said the contest was dismissed, which is true. Nevertheless, it has this important bearing upon this question, that on the 5th day of October, 1924, the Republican State central committee of the State of Iowa announced publicly that it had no candidate for the office of United States Senator. It published that in every newspaper. It sent it broadcast to the people of that great Commonwealth. It blazoned it on the housetops, and it electrified it into the minds of the people. It was known, known to everybody, and known everywhere. May I make another statement in that connection? It was made known because in his Emmetsburg speech Senator Brookhart saw fit to leave the Republican Party.

Mr. REED of Missouri. Mr. President—

The PRESIDING OFFICER (Mr. GILLET in the chair). Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. GOFF. I yield.

Mr. REED of Missouri. I do not want to interrupt the Senator, but merely to ask him if he recalls, when I was referring to these matters in connection with the Iowa contest, he stated to me that that was wholly out of the case, and, in substance, that I should not refer to it?

Mr. GOFF. Do I understand the Senator to say that I said that?

Mr. REED of Missouri. I so understood the Senator.

Mr. GOFF. May I suggest to the Senator that I did not interrupt him once while he was speaking, but that it was the Senator from Georgia?

Mr. REED of Missouri. I apologize to the Senator. I am in error, then.

Mr. GOFF. I wish to say, in reply to the Senator, that I am referring to this not to bring in politics but in order to show the psychology of the voter. That is the only purpose for which I make reference to it.

In this very connection—and what I intend to read will but confirm to the Senator from Missouri what I have said—I refer to page 111 in the first volume of the hearings. I wish to show what Mr. Mitchell, the attorney for Senator Brookhart, said in cross-examining the chairman of the Republican State central committee in regard to this matter. I read:

Mr. MITCHELL. When the committee passed this resolution that there was no Republican candidate, was that given to the newspapers?

Mr. BALDRIDGE. Yes.

Mr. MITCHELL. Would state that that had considerable publicity?

Mr. BALDRIDGE. I would judge so.

Mr. MITCHELL. As a matter of fact, practically every voter in the State of Iowa knew of that action which was taken by the State central committee, did he not?

Mr. BALDRIDGE. The voters had an opportunity to read the newspapers.

Mr. MITCHELL. And most of them do in Iowa.

Mr. BALDRIDGE. We have the smallest illiteracy of any State in the Union.

Mr. President, when the attorneys and the supervisors came to protest and contest these eight thousand and odd votes which I have itemized on the board a protest was entered in subdivision 5 as to 2,490 ballots against Senator Brookhart, upon the ground that Senator Brookhart was not a member of the Republican Party. And in that very connection a counter challenge as to 1,163 votes was entered by the representatives of Senator Brookhart against Mr. Steck. To show merely that

the same rule and the same procedure was followed, in class 5 Mr. Brookhart was given the 2,490 votes out of the 8,000 protested by your committee. It was then conceded by Senator Brookhart's representatives that the 1,163 votes which had been contested and protested by the representatives of Senator Brookhart were good votes.

Mr. President, if I may divert for a moment—

The VICE PRESIDENT. The Chair will state that under the unanimous-consent agreement the Senator's time will expire in 15 minutes.

Mr. NORRIS. Does not the time expire at 3 o'clock?

Mr. GOFF. The time expires at 3 o'clock, but I have 15 minutes under the unanimous-consent agreement.

The VICE PRESIDENT. The agreement is that beginning at 3 o'clock no Senator shall be permitted to speak more than once or longer than 15 minutes. The Chair rules that that would apply to the Senator occupying the floor at the time of the beginning of the unanimous-consent agreement. The Senator may proceed for 15 minutes longer.

Mr. GOFF. That was my understanding, and I thank you, Mr. President, for confirming my view.

The committee had, as I said, 3,834 votes in that class which were protested votes, and when 2,490 of them were conceded to be good votes and the attorneys came before the committee and so conceded them there was no further contest or protest in reference to the 2,490 votes, although, subtracting 2,490 from the 3,834 ballots claimed for Senator Brookhart, we came to the ballots known as the 1,344 ballots, which I shall now discuss.

Mr. President, there was no violation by your committee of the laws of Iowa in reaching that conclusion. The law to which reference has been made is section 811 of the Code of 1924. I say that if we had been in the courts of Iowa there would have been a serious question as to whether the Code of 1924 applied. I say so because that code never went into existence until the 28th day of October, 1924, less than 10 days before the people of Iowa went to the polls. That code provided that anyone could vote the straight Republican ticket by marking a cross in the circle at the top of the Republican column. It provided that one could omit doing that and put a cross in the square opposite each name on the Republican ticket.

Mr. PHIPPS. Mr. President, will the Senator yield for a question?

Mr. GOFF. Certainly.

Mr. PHIPPS. Does the Senator know whether or not the official ballots had been printed before the 28th day of October?

Mr. GOFF. I know they had been printed.

Mr. PHIPPS. Does the Senator know whether or not—on some of those ballots, at least—instructions appeared to the voter describing the manner in which he might mark a cross to indicate his preference in voting?

Mr. GOFF. I do, and I have one such ballot which I will ask Mr. Turner to place on the blackboard.

Mr. REED of Missouri. Mr. President, does the Senator mean the ballots delivered to the voters bore a legend of instructions telling them how to vote, or was that on the sample ballot?

Mr. GOFF. The legal ballot bore such instructions. I hold in my hand an exact duplicate of the ballot which I have asked Mr. Turner to place on the blackboard. It is the official ballot for absent or disabled voters. I will say to the Senator from Missouri that the ballot from which I shall now read is the official ballot. This ballot was cast. This ballot is entitled "Official ballot for absent or disabled voters, general election, Polk County, Iowa, November 4, 1924." At the bottom of the ballot which was sent out to the absent and disabled voters of the State of Iowa there appeared upon the bottom of the ballot now on the blackboard the following:

To vote a straight party ticket, mark a cross in the circle only. If not voting a straight party ticket, mark a cross in the square over the name for which you wish to vote, and also mark your party ticket.

Mr. President, such ballots were accompanied by the affidavit of the absent or disabled voter, and I understand from talking with the supervisors and the tabulator and the officials charged with the counting of these ballots that there were 10,000 such ballots cast in the State of Iowa on the 4th day of November, 1924.

Mr. REED of Missouri. Is that in the record? Is the last statement made by the Senator in the record?

Mr. GOFF. No, that statement is nowhere in the record, in those words and figures, but it is based upon a computation of the number of absent and disabled voters in counties of similar size in the State of Iowa.

Mr. ASHURST. Mr. President, is the Senator, who is an able lawyer serving us, giving testimony entirely aliunde the record? Do I understand it is not in the record?

Mr. GOFF. You should understand it is within the knowledge of the officials.

Mr. ASHURST. That is not my question. Is there in the record what the Senator has related?

Mr. GOFF. If the Senator's conclusion was correct that my speech were in the record, then it would have been a mere superfluity to make it.

Mr. ASHURST. The conclusion I place on the Senator's statement is that it is wholly hearsay according to the way he stated it. It is not in the record, according to the Senator's statement.

Mr. GOFF. There are figures in the record from which it can be and in fact was computed, but the conclusions I have drawn are not stated in the record.

Mr. ASHURST. I wanted to be clear. Either it is in the record or it is not.

Mr. GOFF. The Senator is entitled to indulge any conclusion he may see fit.

To proceed further, what was the intention of the voter? The voter had before him the fact, scattered broadcast throughout the State of Iowa, that Senator Brookhart was not a Republican and that he had been repudiated by the State central committee. That fact has been proved by Senator Brookhart's attorney on page 111 of the record. Instructions were sent out to the voters similar to the instructions I have read. This fact will appear by referring to the official book, which reads:

This envelope contains a book of election laws. [NOTE.—This book must be returned to the county auditor.]

Here is a book of instructions having in it the laws as they existed in Iowa in the year 1922. There was no opportunity for these later code provisions upon which the minority so strenuously relies to be placed before the voters.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. GOFF. I only have five minutes and I can not yield. There was not only sent out to the voters this book of instructions, but they knew that they could vote, even under the code of 1924, in the way in which these 1,344 votes were cast. That provision—subdivision 3—of the code is not mandatory. It says the voter may mark his ballot in any one of three ways—and it does not take from the voter of the State of Iowa the right to vote in any way he sees fit so long as he expresses his intention. It is our duty to find the intention of the voter. It is our duty to construe every election law to find the intention of the voter. The rule is well stated in 20 Corpus Juris at page 155:

The intent of the voter is the prime consideration in determining the validity of the ballot, but this intent must be determined by an inspection of the ballot itself read in the light of the surrounding circumstances.

Mr. President, let me repeat that last statement. When we arrive at the intent of a voter we must reach that intent, judicially speaking, in the light of the surrounding circumstances. What was the light shining upon these 1,344 votes? Will anyone say that the people of Iowa did not know that the Republican State central committee had repudiated Senator Brookhart? Will anyone be so bold as to argue that when Mr. Mitchell brought out the fact that his constituency was the most literate and well read of any constituency in the Nation, and that such information had gone to everybody in the State of Iowa, that the people did not understand that they had no candidate for the great office of United States Senator on the Republican ticket? What did they do? They went into the polling booth and received a ballot. They went to the Republican ticket and they put a cross at the head of the Republican column. They came down the ticket and when they reached the name of Senator Brookhart they passed it by, and thereby destroyed by a special exemption their general intent as it appeared at the top of the ticket.

Can anyone say, that if we take both ballots and read them in the light of the surrounding circumstances, read them as the Republican State central committee and Mr. Mitchell would have us read them, that the people of the State of Iowa did not know that they had no candidate for the United States Senate? They were Republicans and they wanted to vote the straight Republican ticket. When they went down that column in these instances all over the State they clearly indicated and expressed an irrebuttable intention that they would not include Senator Brookhart in their general Republican vote.

Mr. REED of Missouri. Mr. President, will not the Senator admit that there were thousands of Democrats in that cam-

paigned who wanted to vote for Mr. Brookhart, and the record clearly discloses that situation?

Mr. GOFF. I do not doubt that possibly this is true.

Mr. REED of Missouri. Were there not counted for Mr. Steck over a thousand votes where the cross was not in front of Mr. Steck's name, just as it was not in front of Mr. Brookhart's name when the committee threw out the 1,344 votes?

Mr. GOFF. No, I do not understand that there was any such situation. What I do understand is that the Senator contended—and I hope now if in answering the Senator I run over my time that the Senator will allow me to take it out of his 15 minutes.

Mr. REED of Missouri. No, I will not do that; but I will be generous enough to let him have time to answer the question.

Mr. GOFF. I would like to take it out of the Senator's 15 minutes, and I will not take very long.

Class 6. In this class 149 votes are claimed for Steck and 1,758 for Brookhart. These ballots, except three of them claimed by Brookhart, showed a vote for the respective candidates in the Republican and Democratic columns; and these ballots also had in some instances a cross before the blank line for Senator in the Progressive column. All of these ballots were held to show the intention of the voter except in the case of the three ballots claimed by Brookhart. There was one cross in the square before Brookhart's name in the Republican column. These three ballots had only a cross in the blank space opposite the Progressive column for Senator. These ballots were, as stated, given to the respective parties. These three ballots, in addition to the cross in the Republican circle, had crosses in the squares for the different offices shown in the Republican column except that for Senator. In the case of these three ballots it was held the intention was clearly shown not to vote for Brookhart and they were, for this reason, ruled no votes.

Class 7. In this class 65 ballots are included, 27 being claimed for Steck and 38 for Brookhart. While these ballots all had crosses in two party circles, though not both the Republican and Democratic columns, these ballots were held, with the exception of 2 ballots claimed by Brookhart, to show clearly the intention of the voter to vote for the candidate for whom claimed. In the case of the one ballot wherein there were crosses in both Republican and Progressive circles, and further crosses in the squares in the Progressive column for President, there were also crosses in the squares opposite the blank lines for United States Senator in the Progressive column. There were also crosses in the squares in the Republican column other than candidates for President and Senator. It was clearly intended not to vote for Brookhart, and so ruled no votes by the committee.

Class 8. Here the name of either Steck or Brookhart was written in the Progressive column, making all names appear twice on the ballot for Senator, and the cross placed before the name so written. These were ruled as good votes.

Class 9. These ballots were those where the name of Brookhart was written in the Progressive column, but no initials. The Progressive column, in which these names were written, sometimes had crosses in the square before the name and sometimes did not. These ballots were ruled by the committee as good, and were held to show intention sufficiently to vote for Brookhart.

Class 10. Out of 4 sample ballots, 4 were ruled by the committee to be votes for Brookhart.

Class 11. These ballots covered those on which arrows had been drawn, pointing to the candidate before whose name the cross had been made. These ballots were held good. The objections raised to these ballots were that they were mutilated in the sense that the arrow identified them as the vote of a certain individual. The committee overruled this contention and counted the ballots for the respective candidates, 222 for Steck and 22 for Brookhart.

Class 12. These ballots had lines directly before the name of the candidate by whose name a cross had been placed in the square, or other marks drawing attention to the cross so made. These ballots were held by the committee not to be identified ballots, and therefore good, 58 for Steck and 36 for Brookhart.

Class 13. These ballots were those where the name of one party was stricken out and a cross was placed in the square before the name of the other candidate. They were objected to on the ground of obliteration. They were held good votes for the party before whose name the cross had been placed. The committee held that they showed a clear intention on the part of the voter so to vote. There were 362 of such votes for Steck and 16 for Brookhart.

Class 14. These were ballots where crosses had been made in the squares opposite one candidate, and erased or obliterated and marked again in the square opposite the name of the op-

posing candidate. These ballots were ruled good. There were 14 of these for Steck and 24 for Brookhart.

Class 15. These were the ballots which contained miscellaneous markings. The committee held them good, and there were 97 for Brookhart and 155 for Steck.

Class 16. These were 10 unclassified votes, all of which were claimed by Brookhart. With the exception of 3 ballots the committee gave them to Brookhart. These 3 ballots had the name of Brookhart stricken through and no cross in any senatorial square, and were therefore ruled as no votes. This was clearly the intention of the voters.

The VICE PRESIDENT. The time of the Senator from West Virginia has expired.

Mr. REED of Missouri. Mr. President, I can take the floor only once, and when I take it I will give the Senator a chance. I do not want to take the floor now.

Mr. SHORTRIDGE. Mr. President, Senators will place me under additional obligation if they will permit me to proceed and state within a few moments, as I necessarily must, certain rules of law and certain principles by which I am guided, and by which—and I say this with the utmost respect—I think other Senators should be guided in reaching a conclusion in respect of this matter. Necessarily I can not elaborate; I must content myself with what may be regarded as rather a dogmatic statement of certain rules, of certain principles.

I first invite the thought of the Senate to the certificate of election coming from the State of Iowa. That certificate of election was presented here. It was found to be in due form and sufficient in substance, and being so found, the Senator certified to as being the duly chosen Senator from the State of Iowa appeared in this Chamber, took the oath, and entered upon the discharge of his duties as a qualified duly chosen Senator from a sovereign State. I ask that that certificate may appear in the brief remarks which I shall make, Mr. President.

The VICE PRESIDENT. Without objection, it is so ordered.

The certificate is as follows:

STATE OF IOWA,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November, 1924, Hon. Smith W. Brookhart was duly chosen by the qualified electors of the State of Iowa a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1925.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Iowa.

Done at Des Moines this 5th day of December, 1924.

[SEAL.]

N. E. KENDALL,
Governor of Iowa.

By the GOVERNOR:

W. C. RAMSAY,
Secretary of State.

Mr. SHORTRIDGE. Thereafter Mr. Steck filed a contest. That contesting paper or petition will be found on page 9 of the hearings. It contains various allegations; indeed, quite a large number of allegations of fact; and I must assume that it was considered by him or those representing him that if those facts were established, if they were proved, he would establish his right to a seat in this body.

May I emphasize to the thoughtful Senators who do me the honor to listen that certain specific allegations were set forth and appear in the contestant's petition? What rule of law shall govern us here to-day in determining whether the facts alleged have been proved? In all actions at law, in all proceedings in equity, in all criminal prosecutions, in all matters where an allegation is made, the burden of proof rests upon him who makes the allegation. That is a rule of law; that is a rule of law observed in every civilized country; that is a rule of law enforced in every tribunal of justice; and I trust it will be far in the future when, if ever, this body shall cease to be governed by law and by accepted principles and rules of law. The burden of proof rests on the contestant.

The question therefore is, Has this rule of law which places upon the contestant the burden of proof been satisfied?

In aid of the contestee there are certain presumptions applicable to this case, presumptions which the law introduces in support of his certificate of election. I scarcely need to add that a presumption is a deduction which the law expressly directs to be made. There are conclusive presumptions, presumptions which may not be controverted. And there are many disputable presumptions, presumptions which may be controverted. Among the latter class of presumptions is the great presumption, immemorial, honored, respected in every civilized tribunal on this rolling earth, the great and all-embracing presumption that a man is innocent of offense, is

guiltless of any crime or offense charged against him. That great presumption protects alike the princess in her silver slipper laced with gold and the peasant maiden shod in wood. It protects alike the king on his throne and the subject kneeling. It protects us all here and elsewhere. That presumption of innocence of crime or of offense charged is a shield of protection for every official high or low, for every citizen rich or poor.

But there is another important presumption, recognized in the laws in all the States of our Union, and that presumption is that "official duty has been regularly performed." It is found in the codes of the different States. These presumptions prevail and protect unless and until they are controverted and overcome. How may they be overcome? I am repeating almost in *hæc verba* the words of the Senator from Missouri. These presumptions, so important, so vital, in the protection of life and liberty and property rights, must be overcome, thrown down by evidence and by competent legal evidence. I put these questions to the thoughtful minds present. Has this certificate of election been discredited? Has the burden of proof been satisfied? Have these presumptions been overcome, not by imagination, not by theory, not by whim or passion or prejudice, but have they severally been overcome by competent evidence found here in the record before us?

I come next to this great proposition, Mr. President, concerning which much might be said, namely, the power of the Senate in matters of election of Senators. Article I, section 5, of our Constitution provides that—

Each House shall be the judge of the elections, returns, and qualifications of its own Members.

Power, authority to judge, necessarily implies that we shall judge, and in judging be guided by certain principles, rules, and not by prejudice or passion or whim or certainly not by party predilections. In saying this let no man present or elsewhere think or infer that I am imputing to others a decision other than they conceive to be the result of the evidence in this case. I do not assume to be moved by higher motives than those who may differ from me, but I repeat that the power to judge given to us by the Constitution carries with it the duty to judge according to the rules and principles of law.

That brings me in my present remarks to this vital question: By what rule shall we judge under the authority given us to judge—by the rule that follows the State law or by the "rule of intent," so called, said to have been adopted by the Senate? An answer to that question, Mr. President, raises a vital issue, an issue that lifts this case far above persons, far above parties. That issue involves the relation of the State to the Federal Government as that relation affects the right of the State to choose its two Senators. That issue involves the right and the power, the constitutional right and power, of a State to choose its Senators. Has the State that power? The Constitution of the United States gives it that power in specific language, unequivocal, direct, and so plain that we can all understand. Moreover, the Constitution provides that the "times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof." Conceding the right of the State to choose its Senators through the machinery of its own laws, not inconsistent with the Constitution of the United States, should we not in judging of the election of a given Senator turn to and be guided by the constitution and laws of that State?

Mr. President, under the Constitution the State determines who are electors; the State enacts laws for the exercise of the elective franchise, for primary and general elections, for counting votes cast and for whom, and for certifying to the result. We are brought, then, face to face with this question, which we must answer; I must answer at any rate: Shall we ignore the constitution and laws of a State and the result of an election certified to by the governor or the authorized agent of that State? I can not too strongly emphasize how deeply I feel upon that question. To ignore the laws of a State, searching out for the so-called "intent of the voter," would be to ignore the dual form of our government—an "indestructible Union made up of indestructible States." To do so, Mr. President, would be to degrade the State, to deprive it of an integral portion of its sovereignty, and to impair the structure reared by the wisdom of our ancestors. It is conceivable that by doing so a majority in this body, swept away by party passion, in the arrogance of power, might deprive a State of a voice in this Chamber.

Mr. President, I have said that an issue is raised in this case that lifts this contest far above persons—nay more, it lifts far above parties. This is the Senate of the United States.

We are vested with great power; we are charged with grave duty—the duty of preserving the rights of men and of States.

In his noble address when assuming that chair, Vice President Coolidge uttered these memorable words:

To the Senate, renewing its membership by degrees, representing in part the sovereign States, has been granted not only a full measure of the power of legislation but, if possible, far more important functions. To it is intrusted the duty of review, that to negotiation there may be added ratification and to appointment approval. But its greatest function of all, too little mentioned and too little understood, whether exercised in legislating or reviewing, is the preservation of liberty. Not merely the rights of the majority—they little need protection—but the rights of the minority, from whatever source they may be assailed. The great object for us to seek here, for the Constitution identifies the Vice Presidency with the Senate, is to continue to make this Chamber, as it was intended by the fathers, the citadel of liberty. An enormous power is here conferred, capable of much good or ill, open it may be to abuse, but necessary, wholly and absolutely necessary, to secure the required result.

Whatever its faults, whatever its human imperfections, there is no legislative body in all history that has used its powers with more wisdom and discretion, more uniformly for the execution of the public will, or more in harmony with the spirit of the authority of the people which has created it, than the United States Senate. I take up the duties the people have assigned me under the Constitution, which we can neither enlarge nor diminish, of presiding over this Senate, agreeably to its rules and regulations, deeply conscious that it will continue to function in harmony with its high traditions as a great deliberative body, without passion and without fear, unmoved by clamor, but most sensitive to the right, the stronghold of government according to law, that the vision of past generations may be more and more the reality of generations yet to come.

Yes, Mr. President—

the great object for us to seek here, * * * is to continue to make this Chamber, as it was intended by the fathers, the citadel of liberty.

And in order that "union and liberty" may be "one and inseparable"—the words of Webster in reply to Hayne—we must uphold the constitutional power of the States, and that power includes the right to choose their Senators according to their laws.

Mr. President, I repeat, there are principles, there are laws, there are provisions of the Constitution by which we should be guided and governed. By them I shall be guided and governed.

In view of the Constitution of the United States and the laws of Iowa, as I read them, and in the light of the facts as I see them, I have reached the conclusion that the contestant, Mr. Steck, has not established his right to a seat in this body as the duly chosen Senator from the State of Iowa, and if permitted to do so, I shall vote accordingly.

THE VICE PRESIDENT. The time of the Senator from California has expired.

MR. LENROOT. Mr. President, I do not rise to occupy the entire 15 minutes, nor for any other purpose than to explain the vote I am about to cast in this very important matter.

I believe that Senators, in acting upon this matter, occupy exactly the same relation to the contest that a judge upon the bench occupies to the case before him; and I am sure that Senators do approach the consideration of this question from that standpoint.

In the first place, Mr. President, I think it unfortunate that we have not before us a record upon which we may form a judgment except upon one theory of the law. That is to say, if the Senate does not accept the theory of the majority of the committee with reference to the question of the discrepancy between the poll lists and the actual ballots found in the box, then we have before us no record upon which we or anybody could form any intelligent judgment, because the evidence is wholly missing except upon the theory that that discrepancy was wholly immaterial.

But first, Mr. President, the question of the 1,344 ballots, which involves the question of whether Senators shall use their own judgment without regard to any provisions of law in arriving at the intent of the voter, or whether the law of Iowa shall be followed by Senators in arriving at that intent.

It seems to me, in view of the provisions of the Constitution under which the power is practically delegated to the States to make rules for the government of these elections unless Congress itself sees fit to exercise its jurisdiction that is given by the Constitution, that the States must make rules with reference to these elections governing the question of how the intent of the voters shall be arrived at. The State of Iowa has made such a rule. We can not say that it is an unreasonable rule. That being so, it seems to me that we must follow it. Indeed, Mr. President, if we do not, if we shall

take the other theory—that the Senate is not bound at all by any State law in arriving at the intent of voters—then we have destroyed to a very large degree the protection that a State ought to have; because if we are to follow our own views, irrespective of the laws of a State, how easy it is to decide these election contests according to partisanship and through passion or prejudice, as the case may be?

That being so, Mr. President, I am forced to the conclusion that the law of Iowa with reference to arriving at the intent of the voters being a reasonable law, we must be governed by it; and I shall be forced to consider that those one thousand three hundred and forty-odd votes should be counted for Mr. Brookhart.

That leaves a majority for Mr. Steck of 46 votes; and the only question then remaining, it seems to me, is the one of the discrepancy between the poll lists and the ballots found in the box.

Mr. President, I do not believe that the Senate should assume that wherever there is any discrepancy any presumption should arise that the error is wholly in the poll list, because that must be the presumption if the discrepancy is to be thrown aside. I realize, as I think every Senator must, that natural human error would result many, many times in a discrepancy of 1, 2, 3, 4, or possibly 5 ballots between the poll list and the ballots found. I do not say where the line should be drawn as to what may be termed natural error and where the presumption should arise that something has happened, either by reason of acts of the election officers or subsequently, to affect the situation, changing the result of the official count. But where we have a discrepancy of as high as 6 or 7 per cent—that is, where there are 20 less ballots found in a ballot box in which the total vote of the precinct is only 256—that is too large a discrepancy to be accounted for by natural human error, according to my judgment; and where there is such a discrepancy—and we have the evidence of it before us—and where it was properly brought to the attention of the committee, it seems to me that we must take notice of it, and we must each form our own judgment as to whether that was a discrepancy where we should conclusively presume that the error was in the poll list and not in the number of ballots, or presume that something has happened somewhere so that the ballots in the box do not accurately represent the vote that was actually cast at that election.

I appreciate that there have been stipulations and waivers and estoppels urged. We have no evidence before us, we have none in the record, of the 1,068 precincts where there are discrepancies. We do not know what the discrepancies are in a single one of those precincts except the few that we find in the record. It might be that if we had all the evidence before us, it being an average of only three, if we were to indulge merely in presumption, a difference of three should not be held to affect the result, and the recount should be taken rather than the official count. But we do find in the record, Mr. President, five precincts in four of which the recount was taken and in one of which the official count was taken; and as to those four precincts concerning which there is question, it seems to me that the objection was seasonably made; the notation was made upon the work sheet that in those particular cases the question was submitted to the committee; the attorney for Mr. Brookhart properly and in a timely way raised the question before the committee; and it seems to me the only criticism that can be indulged—and it is a just criticism—is that in the case of those five precincts, instead of the protested ballots going into the general mass of protested ballots, they ought to have been kept segregated by each precinct; and if that had been done the committee and the Senate could have had the fullest information with regard to those precincts.

Therefore, so far as my own conclusion is concerned, I feel myself limited to the consideration of these particular precincts, starting in with a majority of 46 for Mr. Steck; and the first one is the Estherville precinct, where there is a shortage of 20 votes, where the vote came in a sealed sack, as did all of the other three, and in which Mr. Brookhart loses 66 votes by the recount.

As to this precinct, I can not understand how the presumption that has been urged that this is merely a natural error or discrepancy can be maintained, because it appears from the record itself that after the discrepancy was discovered 34 more ballots were sent to the committee, purporting to come from this same precinct; and when those 34 ballots are counted, instead of having a shortage of 20, we have an excess of 10. That being so, Mr. President, it seems to me that utterly destroys any possible presumption that the discrepancy of 20 was a natural discrepancy that can be accounted for through error in the poll list. That being so, it seems to me there is nothing to be done except to resort to the official count.

In the case of the Bear Grove township there was a total vote of 256. There is a discrepancy of 20, nearly 6 per cent of the entire vote of the precinct, Mr. President. Every Senator has had experience, I think, as I had in my early days, in acting as election clerk; and is it possible to assume that out of a vote of 256 voters there would be a shortage of 20 unless there be mistake or fraud? And there is no evidence of fraud. So it seems to me conclusive that there must be a mistake in this particular precinct. We can not account for it through any natural discrepancy. That being so, it seems to me that we are again compelled to resort to the official count.

As to those two precincts they overcome the 46 majority. As to what the precincts are other than those set out in the record, we do not know. I wish we did. I think it very unfortunate that the Senate has not the discrepancy in each precinct. I think it very unfortunate that the contested or protested ballots were not kept segregated in each precinct, so that the Senate would have full opportunity to pass upon the merits of each precinct and decide for itself, or each Senator for himself, as to a discrepancy as to whether it was one that could naturally be accounted for through human error, or accounted for through mistake and an absence of ballots, a shortage of ballots for some cause or other.

So, Mr. President, so far as I am concerned it seems to me that as far as this record goes neither party has made a case. Taking these precincts concerning which we do have evidence, it would seem to me that Mr. Brookhart had a majority, but only by resorting to the official count rather than to the recount. Therefore, my mind has come to the conclusion that in this kind of a record—and I do not reflect in any way upon the committee; they gave us this record in accordance with their theory of the law, and we have not the evidence upon which to arrive at a conclusion upon any other theory of the law—realizing that the burden is upon the contestant to satisfy the Senate that Mr. Brookhart was not elected and that he was, and believing, as I do, that that burden of proof has not been successfully sustained, see nothing to be done, so far as I am concerned, other than to vote to seat Mr. Brookhart, for the reasons I have stated.

Mr. NORRIS. Mr. President, in the few minutes at my disposal I desire to take a bird's-eye view of the entire situation. To begin with, there was an election in Iowa, after which an official certificate of election was issued to Senator Brookhart, giving him a majority of over 700 votes. There has not been a single syllable of testimony anywhere, not a claim made anywhere, that there was any fraud, anything wrong, or even any mistake in the official count. It stands before the Senate now untarnished and undefiled.

Mr. GEORGE. Is the Senator speaking of the official count?

Mr. NORRIS. The official record, yes; the official count.

Mr. GEORGE. I do not want to take the Senator's time—

Mr. NORRIS. I yield.

Mr. GEORGE. But in every class of precinct the count was impeached.

Mr. NORRIS. That would naturally follow the institution of a contest. Not a single person has testified to any fraud at the election, any misconduct of the judges in counting the ballots, nothing of that kind. Of course, in a general way, there could not be a contest without an attack of the official count. I concede that.

Who made the official count? And I can say this without censure, I know, because the able Senator from West Virginia has spent a good share of his time in showing that everybody in Iowa knew and believed that Senator Brookhart was not a good Republican. Who held the offices? Who were the judges and the clerks of election all over that State? They were either Republicans or Democrats. The Democrats were for Steck; and the Republicans—at least those who followed the State central committee—were against Brookhart. So, without ascribing to anybody any fraud, it is fair to say that practically all of the election officials of the State of Iowa were the political enemies of Senator Brookhart. I am not charging a single one of them with doing a thing he did not believe to be right, but it is fair to say that they would not give Brookhart the benefit of a doubt. The doubts all over that State would be resolved, as would be natural to expect, in favor of Steck. So, if there is any shade of objection to the official count, it would be that Steck got the best of the doubtful conditions. Yet, notwithstanding all that, his political enemies gave Brookhart a majority in the State of Iowa of over 700 votes.

That is not all. There are certain precincts in Iowa where the vote is had by machine. A machine is a cold, mathematical proposition. There is no sentiment, no feeling, about it. Everything is done by machinery. The machine does not lie; it can not lie. It reacts, and when it records the votes, and the machine is kept locked—and it is conceded that the machines

in Iowa were kept locked—the result stands. Nobody can change it. Nobody can pull a ballot out or put another one in.

It is remarkable that when this contest started and the counters began to count the votes, in the machine precincts Brookhart gained more than 700 votes, simply demonstrating again that where the machinery of the election was mainly against him they did not always read the results right. They made mistakes in not counting the straight votes for Brookhart; and when the recount was made, he gained. In the machine precincts there was no chance of fraud. I submit there was no opportunity to change a single vote. Yet Brookhart gained, and with the official count he has more than 1,500 votes to the good.

Then we commence to recount the paper ballots, where, if the same rule had applied—and there was no reason why it should not apply—and no mistake had been made and there had been no fraud, we would have expected Brookhart to have made a similar gain. The ballots were counted by his political enemies, and that is where opportunity for fraud existed, if it existed at all. What happened? When we get into the paper ballots, Brookhart commences to lose. There we commence to find that the number of names of the men who voted in a given precinct does not correspond with the number of ballots brought here before the committee. We find differences of over a hundred in one voting precinct, 25 and 30 in some other precincts that are mentioned in the minority report.

Can anybody conceive, in a precinct of two or three hundred voters, that there should be a difference of 20 between the number of ballots in the box and the number of persons who voted at the election? Would it not have been true that the official counters would have found that out the night of the election? Can anyone conceive that that condition could exist? We might find a change of one or two, or perhaps three, occasionally.

Another thing, in one of these precincts, as the Senator from Mississippi, a member of the committee, tells us, there were 20 ballots short, 20 less ballots sent to the committee than the number of persons who voted in that precinct, and Brookhart lost just exactly 20 votes. Does anybody believe that would happen? Does anybody think for a moment that it could be an accident that 20 votes should be taken out and that every one of those votes would be a Brookhart vote?

Again, Mr. President, we find that in Winterset precinct, Madison County, the ballots sent did not correspond with the number of persons voting, and the committee took the official count. I think they did the right thing. Brookhart gained, in that case, 198 votes. Then we go on down to Guthrie County, Bear Grove township, where there was a shortage of 20 votes out of less than 500 votes cast. It would have been to Brookhart's advantage to have followed the same rule and take the official count, but the committee did not take it. They counted the ballots, and Brookhart loses.

Then they go on down to Emmet County, Estherville township, where there was a shortage of 20 ballots, and later on somebody sent to the committee 34 more ballots and said they belonged to that precinct. The committee counted the ballots in that case. It was to Steck's advantage and Brookhart's loss. They did not follow the rule. They established what I believe to be the legal rule as to Winterset precinct in Madison County. They took the official count. Then we go down to Wapello County, Center township, where there was a shortage of 22 ballots. If they had followed the rule, the correct rule, and taken the official count in that case, Brookhart would have been the gainer. But they did not do it. They took the reverse of the rule and counted the ballots, and Brookhart again was the loser.

There were two or three others mentioned in the minority report, but I shall not go over it. However, it looks to me as though this rule is just, is legal, and is the only rule honest men can take. We can not take a precinct where there are 20 votes short and count the ballots and arrive at the correct result of the election in that precinct. It is physically impossible to do it, and every man knows that it is impossible. It is no answer to say that Brookhart's attorney did not object in time or that they agreed to do this, or anything of the kind. It has been disclosed, and it stands undisputed, that those are the facts, and no amount of argument can get away from it or get around it. If we followed the rule established in the first precinct I have named and took the official count, then it is conceded, it stands uncontradicted, that Brookhart would be ahead.

Much has been said about these 344 votes, and I am astounded that anyone who claims to be learned in the law should thrust aside the law of Iowa and refuse to count those votes for Brookhart. It must be remembered that not all of those votes omitted only the name of Brookhart. They omitted

Brookhart and others, sometimes only Brookhart; but a large majority of the ballots omitted the names of other candidates besides Brookhart, and the counters of the votes in Iowa, faced with the law of Iowa, counted them as straight ballots.

Senators, it seems to me that if there is any place in the world where we ought to stand up for law and order it is in this body. Are we to send out to the country the word that we are going to cast aside the solemn statutes of Iowa? It is no answer to say that the election law was passed only a few days before the election, because it likewise stands uncontradicted that that law only put into statute form what had been the law of Iowa for years and had been so declared by the Supreme Court.

Are we to say to the country that we are above the law of a sovereign State? Are we to establish a precedent here that we disregard law in the Senate of the United States, that we violate the Constitution of the United States? Are we to establish that kind of a precedent here, merely for the purpose of putting one man out and putting another man in?

It seems to me, Mr. President, that there is but one side to that legal proposition. There can be no legal dispute about it. Again we come back to the fact that the official count of Iowa gave these votes to Senator Brookhart, as the law provided; and if the law of Iowa provides that these votes shall be thus counted, we are stopped, unless we want to be violators of the law, from taking any other position.

Mr. ASHURST. Mr. President, when one is about to prepare an unpalatable dish for a fellow being it is well to reflect, "How would I like to partake of this dish I am preparing for my fellow citizen?"

The Senate has never established a rule to follow in contested-election cases. Therefore we are relegated to the law of the particular State, as has been pointed out by the Senator from California [Mr. SHORTRIDGE], the Senator from Missouri [Mr. REED], and the Senator from Wisconsin [Mr. LENROOT]. The Senator from California read the credentials of the sitting Member, Mr. Brookhart. Three decisions of the Supreme Court of the State of Iowa hold that before such a prima facie, that is to say, a certificate, can be overthrown, clear and unmistakable evidence must be introduced to that effect. We are asked to overthrow a certificate, regular on its face, held by the sitting Member, upon what? Upon a shortage of 3,000 or more ballots, and we are asked to count the absent ballots against the sitting Member. I decline to do so.

Two tally sheets are kept in Iowa under the law, and where the ballots are absent it is the duty of the contestant to bring both tally sheets in order that we may have a complete check upon the matter. That was not done. We are asked to overthrow the prima facie upon an absence of ballots. We are asked to overthrow the certificate upon the absence of one of the tally sheets.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. ASHURST. I have only 15 minutes, but I will yield.

Mr. CARAWAY. Oh, never mind.

Mr. ASHURST. I hope the Senator will at least take the floor and make some answer to what I am saying.

Mr. CARAWAY. All right; I shall do so.

Mr. ASHURST. The Senator spent a day and a half arguing the case, and I hope that he will now take a minute or two and tell me why they did not bring both tally sheets here. I pause for a reply.

Mr. CARAWAY. Does the Senator know they were not both here?

Mr. ASHURST. I do; that is what your report said.

Mr. CARAWAY. Will the Senator kindly show me that statement in the record or the report?

Mr. ASHURST. I ask the Senator what authority he had to count the absent ballots against the sitting Member?

Mr. CARAWAY. According to the sworn statement of the gentleman for whom the Senator from Arizona is going to vote. We had between 1,000 and 2,000 votes more on the recount than were originally counted. There were nearly 7,000 votes that were determined on the recount, and if the Senator is not going to be bound by them, then he would have to return to the official count.

Mr. ASHURST. That is not an answer to my question as to why the committee counted the absent votes against Brookhart.

Mr. CARAWAY. They did not, and nobody has asserted that they did. There is not a line of evidence that we counted the absent ballots against anybody.

Mr. ASHURST. I assert that you did.

Mr. CARAWAY. The Senator can not find it in the record.

Mr. ASHURST. The prima facie has not been overcome. The Senator from Arkansas will be a candidate for reelection this fall and 31 other Senators will be candidates in various

States. I hope the Senator from Arkansas will be reelected. He contributes to the life and strength of the Republic. He provides the humor of the Senate. He is the king's jester of the Senate. When he comes here with a certificate, or if any other Senator presents a certificate and the same is challenged, what will he do? He will plead with the Senate not to follow the rule that he is to-day invoking in the Steck-Brookhart case. He will plead with the Senate to follow the rule that I invoke to-day; that is, that the certificate granted by the State of Arkansas shall not be overcome by defective evidence.

The able Senator said that Brookhart waived the question of discrepancy of ballots. That was clearly answered by the Senator from Montana [Mr. WALSH]. How could the Senator waive any point as to the contents of the sacks and packets until he knew the number of ballots therein, and that could only be ascertained by a count of the ballots in the sacks? It would have been a senseless and untimely thing to object until the ballots were counted and ascertained to be short, and yet the anvil chorus has been loudly proclaiming that he waived the question of shortage of ballots.

I am inclined to agree with the statement of the Senator from Wisconsin [Mr. LEXNOR] that at best and at the most it is a mere guess. Conceding integrity of opinion to every other Senator, which I do—I am not more earnest than the Senator from Arkansas, but searching the recesses of his own heart he is unable to say that it is more than a mere guess.

Mr. CARAWAY. Oh, I deny that absolutely. There is not a single fact on which to base that statement.

Mr. ASHURST. Very well, the Senator denies that statement. He does not even know a good guess when he sees one.

Mr. CARAWAY. At least, I do not make up my mind until I have seen the facts.

Mr. ASHURST. And even then the Senator does not.

Mr. CARAWAY. Oh, the Senator can not say that.

Mr. ASHURST. I made up my mind as soon as I heard the Senator's speech made.

Mr. CARAWAY. Oh, that is not so.

Mr. ASHURST. I must hurry along.

Mr. CARAWAY. I think the Senator had better do so.

Mr. ASHURST. I am not anxious for any swordplay with that scintillating wit, that rather heartless speaker, the Senator from Arkansas. I am not particularly anxious to get into a duel of words with him, but with right on my side I am not afraid to enter into such a contest.

Mr. CARAWAY. Mr. President, did the Senator ever look at one of the votes that was cast?

Mr. ASHURST. I did.

Mr. CARAWAY. How many did the Senator examine?

Mr. ASHURST. I was not on the committee.

Mr. CARAWAY. There are 4,000 of them. How does the Senator know how they were cast if he did not see them?

Mr. ASHURST. We commissioned the Committee on Privileges and Elections to make an examination of the ballots and it did not do so.

Mr. CARAWAY. But we did do it. The Senator is entirely mistaken about that.

Mr. ASHURST. Did the Senator examine the ballots?

Mr. CARAWAY. We examined every ballot except those ballots which the Senator from Iowa [Mr. Brookhart] authorized his attorney to agree were not voted for him.

Mr. ASHURST. How many ballots did the Senator examine?

Mr. CARAWAY. I examined about 4,000.

Mr. ASHURST. There were over 900,000 cast.

Mr. CARAWAY. Oh, but the Senator from Arizona—

Mr. ASHURST. We commissioned the Committee on Privileges and Elections to examine the ballots and they did not do it. Now they attempt to overthrow the prima facie after they have been remiss in their duty.

Mr. CARAWAY. If the Senator thinks he will get anywhere by making a loud noise, I am perfectly willing for him to try it.

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Arkansas?

Mr. ASHURST. Certainly, I yield.

Mr. CARAWAY. The Senator from Arizona must bear in mind the fact that Mr. Brookhart agreed to have the votes counted by having his representatives present, without having the members of the committee examine each individual vote. The Senator knows that.

Mr. ASHURST. But the Senator did not examine all of the ballots, and that is what he should have done. He is the instrument of the Senate.

Mr. CARAWAY. But not of the Senator from Iowa.

Mr. ASHURST. He is commissioned by the Senate to act for the Senate.

Mr. CARAWAY. I deny that.

Mr. ASHURST. The instrument of the Senate.

Mr. CARAWAY. Yes; put it that way.

Mr. ASHURST. I withdraw the term "creature." I do not intend to bring the word "creature" into juxtaposition with the Senator.

Mr. CARAWAY. There are times when that is permissible. Would the Senator have accepted the recount where the parties agreed upon it?

Mr. ASHURST. There is no authority of any man to stipulate one man into the Senate and one man out. According to the Senator's philosophy, it would have enabled us to stipulate Mr. Lorimer into the Senate and somebody else out. I decline to allow a seat in the Senate to be stipulated away.

Mr. CARAWAY. Is not the Senator conscious that he is acting under stipulation when he—

Mr. ASHURST. I am not acting on stipulations.

Mr. CARAWAY. Would the Senator accept a stipulation of any kind?

Mr. ASHURST. I mean by that that the Senator can not overcome the prima facie in that way.

Mr. CARAWAY. The stipulation helps to do it.

Mr. ASHURST. You do not overcome the prima facie in that way. In this contest, Mr. President, I have not charged the committee with bad faith.

Mr. CARAWAY. Oh, of course, not.

Mr. ASHURST. The Senator mumbles sotto voce "of course, not." I am charging the committee with the failure to perform that duty which the Senate imposed upon it. Moreover, if I have not the capacity to indulge in sword play with the Senator, I have, at least, the fortitude to endure his thrusts.

At 5 o'clock this contest is to be disposed of. When the din and sensations of this hour are forgotten, when all that is said and done here to-day is gathered into—I was about to say history, but history will not even deign to notice it—but when it shall have been gathered into musty tomes, when we have left these seats forever, no man will look back with pride upon the fact that he voted to overcome a prima facie and displace a Member legally elected and seat another man on such flimsy testimony.

When in doubt, Mr. President, we should make a bee line for justice. Then we will not have to live eternally with that feeling of self-reproach and reproof.

Let this case be decided on its merits. I desire that a Democratic Senate shall be elected in 1926 and that we will have a Democratic Senate in 1927. No well-informed man doubts other than that the Democrats will triumph in 1926, but let us not obtain one seat "purchased." Let us not obtain even one seat to which we are not entitled. Let us come with clean hands on the 4th day of March, 1927. Let no coward thought of praise or blame enter into this contest to decide the issue.

The VICE PRESIDENT. The time of the Senator from Arizona has expired.

Mr. CARAWAY. Mr. President, this case is decided, and I am not unconscious of the fact that nothing I shall say will change its result. However, I do not mean to let any Senator allege as his reason for voting for Mr. Brookhart that it was all a guess and he had as good a right to guess as the other fellow, which, of course, if it is a guess, is true.

There is not a Senator on this floor, either those sitting in front of me or those on the other side, who examined the votes cast in Iowa who will rise here now and say that Mr. Steck was not elected. There is not a Senator on either side who cared enough about right or wrong in this contest to look at the ballots in dispute who will stand up and say that Mr. Brookhart was elected. I will pause for a reply just as long as Senators want me to pause so they give me one minute before my time expires. There is not a Senator who saw the ballots who will stand up here and say that.

Mr. ASHURST. I stood up and said that I believed Mr. Brookhart had been elected.

Mr. CARAWAY. The Senator said that he had not seen the ballots.

Mr. ASHURST. No; I have not.

Mr. CARAWAY. Then, of course, the Senator's belief is founded upon—I will not say what. It is so obvious, what is the use to say it? When the Senator says he never saw the ballots, does not know anything about them, and therefore he is going to vote for Brookhart; if that is a reason, why should anyone vote for Steck?

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. BRUCE. Mr. President, may I interrupt the Senator from Arkansas for a moment to say that the Senator from Arizona went further than that—

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Maryland?

Mr. BRUCE. The Senator from Arkansas went further than that.

The VICE PRESIDENT. Let there be order in debate.

Mr. CARAWAY. I yield to the Senator from Maryland.

Mr. BRUCE. The Senator from Arizona went further than that and said that Senators in this body who ventured to differ from him propose to steal the seat.

Mr. CARAWAY. Of course it is not stealing provided you vote his way. I say again, sir, and I know it is true and nobody will deny it, that there is not a man on this floor who examined the votes who will stand up now and say that Mr. Steck was not elected and that Mr. Brookhart was elected. I know that to be so. No honest man could have gone through the votes and reach any other conclusion.

Senators can not change the facts; God Almighty can not do that. They can change their votes in the Senate sometimes and make statements that others do not have time to examine; they can vote against a man who receives a majority of votes and put a man in the Senate that did not receive a majority; but they can not change a fact; they can not change the fact that the people of Iowa did not vote the way some Senators talk. Senators who are voting on this question without any reference to how the votes were cast can make any excuse they want to people who do not know the facts, but they can not come here with a statement like the one which has been made and expect anyone who knows the facts to accept it because it is not true, and nobody is going to accept it.

The Senator from Missouri [Mr. REED] said that class 3 and class 5 were alike. They were not any more alike than class 3 and class 16. But what difference does that make to one who is going to vote his political sentiments and then denounce other Senators for wanting to seat Steck because they will not help him to seat Brookhart?

Let me say to those who want this cause decided because they say there was a shortage of 3,300 votes, why, God bless your soul, if you decide it the other way you will do it in the face of 7,000 votes. Disfranchising the people of Iowa, and doing it by your vote! Those who would rather seat one contestant than another because they have some prejudice in the matter, because they served on a committee with the incumbent at one time, can do so if they desire, but they will not change a fact, they will not make it right, and they will not make anybody believe that it was right.

Now, it is said that the parties to the contest could not enter into stipulations. Why, every Senator who votes on this question is stipulating as to 995,000 votes. You never repudiate a stipulation until it hurts the man you have resolved to vote for, and then you join him in repudiating his solemn stipulations and say that a stipulation could not be made; but you do not repudiate a single stipulation that helps him. You do not fool anybody by that sort of argument; you do not make anybody accept it.

The Senator in effect charges the committee with dereliction of duty. There is no man on the floor of the Senate, including the Senator from Arizona, who if he had been on that committee would have handled every one of those votes. Why, everyone who has ever practiced law knows that attorneys' stipulations are accepted and recognized in every court from that of a justice of the peace to the Supreme Court of the United States. We do business with each other under the belief that men will tell the truth and honorable men abide by their agreements. We would not practice law a day without such agreements. No one ever tried a lawsuit in his life that there was not some kind of an agreement to which the parties lived up.

I do not care personally about the question of sustaining the committee or not sustaining it. I want Senators to vote their convictions; but I should like to have Senators before they do so to examine the facts. I would not want them to ignore the facts and expect us to sit still and listen to such tirades as we have heard and accept the statements thus made as true. They are not true; and yet Senators who have not examined the facts talk about the dereliction of the committee.

I thought it was the duty of a Senator before he made up his mind to examine the facts. It does not do any good to accuse some one else of a failure to examine the facts, base your conclusion upon some other man's failure of duty, charge us with dereliction, and admit in the same breath that you are derelict and have not taken the time and have not availed yourself of the opportunity to look at the votes, when it would not have taken you an hour to have done it.

I may be the king's jester. It may prove something to the Senator from Arizona, but, thank God, there is one difference between him and me in this case. I know what the record

shows; I know what the vote was, and I can prove by every Republican member of the committee who served with me, who sat there and examined the facts, that there was not a single question about who won or who lost until we had gone through with the votes. If that is not true, there are enough Senators on the other side of the Chamber who will stand up now and say so. There is not one of them who is going to do it, because they all know they can not do it and keep their reputations for speaking the unsullied truth. Senators charge us with dereliction, but are making up their minds as to how they shall vote when they do not know and have not examined the record, as members of the committee did. Although they had an opportunity to do it, they would not do it, and then come here and charge us with dereliction of duty. Well, Mr. President, it sounds well. Denunciation may be good politics; I do not know as to that.

The Senator from Arizona said I would come back, but let me say this to him: If I should come back here with a contest on my hands and I should go into a recount of the votes and should have to keep my seat by breaking my stipulations and he should vote for me under those circumstances, so help me, Almighty God, he and I would speak the same language no more forever, because I want to be seated, if I am seated at all, so that I may look any man in the face and say I got the seat because I was entitled to it.

Mr. ASHURST. Mr. President, the Senator's majority will be so great he need not worry about any contest.

Mr. CARAWAY. If it should be, I should expect the Senator from Arizona to vote against me, because I will not come here without a majority; and I say I know he will be against me, because Mr. Steck has a majority and he is against him.

Mr. ASHURST. I will never vote to overcome the certificate of the State of Iowa by mere presumptions and by guesses.

Mr. CARAWAY. There is not any such presumption.

Mr. ASHURST. I will follow the Iowa law.

Mr. CARAWAY. Does the Senator know what the result would have been if we had followed literally the letter of the law in this case?

Mr. ASHURST. Does the Senator mean the law of Iowa?

Mr. CARAWAY. Yes; in this case.

Mr. ASHURST. Yes; I would seat Brookhart.

Mr. CARAWAY. On what does the Senator base that?

Mr. ASHURST. On supreme court decisions.

Mr. CARAWAY. Did the supreme court ever say anything about the Brookhart-Steck contest?

Mr. ASHURST. No; but I refer to the reasoning of the supreme court.

Mr. CARAWAY. The reasoning is the other way. Does the Senator know how many votes were given to Brookhart that the law of Iowa would have stricken down? When a voter who did not appear to know what the law was but honestly tried, as we thought, to vote for him, we gave the vote to him.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. CARAWAY. Yes.

Mr. ASHURST. The Senator tried to ascertain the intent of the voter?

Mr. CARAWAY. Yes.

Mr. ASHURST. All right. Suppose 2,000 voters had written on the ballots "I hereby vote for Senator Brookhart," you would not have counted those votes for him, would you?

Mr. CARAWAY. Every one of them.

Mr. ASHURST. I do not think you would.

Mr. CARAWAY. I know we would. There were votes counted for Brookhart where there was no cross in the circle and no cross in the square opposite his name. The Senator from Arizona did not know that, but if he had taken two minutes he could have found it out. Some voters wrote in the name "Brookhart" without an initial, and they spelled it in every imaginable way, but wherever Brookhart's name got on the ballot the vote was counted for him, although the voters neglected every legal precaution to make it a vote for Brookhart. The committee gave him that vote. If the Senator had examined the record, he would have known it.

According to legal intent, as expressed by the Senator from Montana, Brookhart was beaten by a greater majority than that indicated; but the Senator from Montana the other day said that he was going to regard no stipulation, but only take certain townships and reach his conclusion, and the Senator from South Carolina [Mr. BLEASE] said, like the Senator from Arizona a while ago, that he was not going to overturn the State certificate; and yet only a few weeks before he voted against the seating of Mr. Nye.

Mr. BLEASE. Mr. Nye was appointed by the governor.

Mr. CARAWAY. Well, he had a certificate.

Mr. BLEASE. Brookhart was elected honestly by the people.

Mr. CARAWAY. I repeat, Mr. President, that every vote that was ever suggested by any man on either side was accounted for. These votes were brought here in accordance with Senator Brookhart's agreement. He denied it; but afterwards there was found a telegram from his lawyer to the county auditors showing what I have said to be the fact, and everybody knows it. There were nearly 7,000 more votes than the officials had allowed to be counted in Iowa. There was a discrepancy in the machine vote. Brookhart got 774 plurality by recounting them and nobody complained of that. The Senator from Arizona never heard of it.

Mr. ASHURST. Mr. President, will the Senator yield to me at that point?

Mr. CARAWAY. Yes.

Mr. ASHURST. If there were no stipulations in the case, would the Senator vote to seat Steck?

Mr. CARAWAY. Yes, sir. I would, because we went through the votes and ascertained that Steck got a plurality. I have never seen Steck until within the last few days, and I never discussed the merits of the case with him in my life. The other party to the contest went all around the Senate and, wherever he could, inoculated Senators with his views, and they come here and vote for him.

When the Senator from Arizona sits by his fireside and congratulates himself that among all the corruption and the dishonesty in the Senate he himself escaped pollution from all these things he will at least be the only one who congratulates himself.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. ASHURST. The Senator is quite humorous.

Mr. CARAWAY. I had not intended to be.

Mr. ASHURST. The Senator is most humorous when he tries to be serious.

Mr. CARAWAY. That is, when I discuss the Senator from Arizona; the subject accounts for that. [Laughter.]

Mr. GEORGE. Mr. President, I do not know that I shall consume the entire 15 minutes allotted to me; but I wish to draw the attention of the Senate to the one question in this case.

The Senator from Wisconsin [Mr. LENROOT] very properly said that there was but one question, though he narrowed and restricted the question and devoted his attention to the four or five precincts in which there is a discrepancy between the poll books and the number of ballots found on the recount. The particular precincts to which reference was made appear in the official report, but these precincts are the extreme cases out of 1,068 precincts; that is all. There is but one rule invoked with reference to the four precincts, and that is, there being a discrepancy, it is said to be the duty of the Senate to go back to the official count.

The 67 alleged unsealed precincts to which reference is made present exactly the same question. That is, a discrepancy appearing in those cases between the number of names on the poll list and the actual ballots in the box, it is said to be the duty of the Senate to go back to the official count in those precincts.

Therefore, Mr. President, this whole case presents, as I tried very earnestly to say in my presentation of it to the Senate, but one question—one single question. It is not fair to take the four extreme cases where, by virtue of a return to the official count, Mr. Brookhart would gain; nor is it fair to select out of the whole a few precincts in which Mr. Steck, by a return to the official count, would gain.

For instance, 63 precincts were selected and set out in the official report, not as illustrating a fair way to deal with the question but for the purpose of illustrating one thing, and that is that you can pick out certain precincts and go back to the official count and you can bring about a gain either for Steck or for Brookhart; so that the question fairly presented is, What effect is to be given to the names appearing on the poll books where the ballots found by your committee are actually less than the number of names on the poll books, taking not particular precincts to the benefit of Mr. Brookhart by the application of the rule invoked or other particular precincts which, standing alone, would benefit Mr. Steck by the application of the rule invoked?

Undoubtedly, on the ballots actually counted by your committee, if once they are conceded to be good ballots and all of the ballots cast, there is but one verdict that can be rendered in this case. Under the admitted facts, the count made by your committee gives to Steck a plurality of all the votes cast in the election. Indeed, there is no dispute about it, because in that event the necessity for the rule now sought to be applied would not arise.

Now, I am going to ask the Senate to consider fairly and dispassionately for just a few minutes the law of Iowa with reference to the poll books.

It undoubtedly is the law that the ballot unimpeached is always the higher and better evidence; and that is not the law merely in counting the vote on the day of election. It is the law of contested elections. The law of Iowa requires the preservation of the ballots for six months—for what purpose? I ask those Senators who invoke the rule of State rights; for what purpose? For one purpose, and that is to enable the candidate who has been defrauded, or who thinks he has been defrauded to contest the election. Where can you contest an election for Senator? In the State? The State has no jurisdiction over it. In this body—in this body only.

For six months after the election the law of Iowa provides for the preservation of the ballots for but one purpose—for a contest of this election—and no tribunal has the power or the right or the authority to entertain a contest over a seat in this body save the Senate of the United States.

Mr. President, when on election day the votes are canvassed—and I beg Senators to notice this, because the case is practically settled on the law of Iowa, if indeed it is not actually settled—on the day of election, when the canvassers count out the votes, it is made the duty of the judges to place all of the ballots except—and note the exception—to place all of the ballots in the box except those marked "defective," or rejected as double, after having folded them twice, on a pliable wire, both ends of the wire to be sealed, and then to place the ballots thus sealed in a sack, the sack itself to be sealed.

The law of Iowa does not require that every ballot shall be placed in the container, because from that container, under the letter of the law of Iowa, are to be excluded ballots rejected as double, defective ballots, or rejected ballots; and not only that, but I beg Senators to listen to law: It is made the duty of the judge, after having doubly sealed the ballots which are to go up to the county seat, to return all the ballots to the officer from whom they were received, who shall carefully preserve them for six months, and the statute is mandatory that he shall at once return the ballots.

Now look at the statute dealing with the poll book:

In each precinct one of the poll books containing the aforesaid signed and attested return and one of the registration books, if any, shall be delivered by one of the judges within two days to the county auditor.

When you deal with the ballots, they are to be twice sealed and at once carried up to the county seat. When you deal with the poll books, under the law of Iowa the election judges may retain them in their possession for two days; and that is not all. The ballots are doubly sealed; the ends of the wire running through the ballots are brought together and sealed; and then the sealed ballots are placed in the container, and the container itself sealed; and yet the poll book, which we are told imports verity, the poll book that must upset the solemn verdict of the people of Iowa, may be retained in the hands of the judges for two days, and it is never sealed under the law of Iowa. There is not a requirement that it be sealed. It goes up to the courthouse and is but a public document, where anybody may falsify it by adding names to it and subtracting names from it; and yet you are asked to overturn a recount fairly and honestly made upon the single excuse that there is a disparity between the number of names appearing on the poll books and the actual ballots found in the box and counted by your committee.

Mr. REED of Missouri. Mr. President, may I interrupt the Senator?

Mr. GEORGE. I yield for a question.

Mr. REED of Missouri. The Senator has dwelt on the stringing of the ballots on the wire. All that it would be necessary to do in order to have a shortage of the ballots on the wire would be not to put them there in the first instance, and then, no matter how much you sealed the wire, the ballots would not be there.

Mr. GEORGE. Exactly. I said in my argument the other day that if there was any fraud it occurred in the 1,068 precincts in Iowa; and in order to establish it, though there is not a badge of it here appearing except the alleged proof that springs out of a disparity between the number of names on the poll book and the ballots in the box, you will have to convict nearly 5,500 men scattered all over the State of Iowa of fraud.

Mr. REED of Missouri. No; I do not want to take the Senator's time, but that would not follow at all. There might have been fraud in some precincts and not in others.

Now about the book: The Senator says it was not sealed; but the only way the book could be changed would be by forgery, by somebody going out and writing in or eliminating some names.

Mr. GEORGE. Exactly.

Mr. REED of Missouri. And if that had been the case would not Mr. Steck have promptly shown it when he was confronted with the fact that there was a surplussage of ballots? Was not the burden on him to show it?

Mr. GEORGE. There was no surplussage of ballots, Mr. President.

Mr. REED of Missouri. I should have said a deficiency of ballots.

Mr. GEORGE. The point I make, and the point I insist on, is that under the law of Iowa the mere shortage, or alleged shortage, of ballots is not taken into consideration; and I could demonstrate it if Senators wished it to be demonstrated. I said the other day that the poll books had been sent back to Iowa. Five of them fortunately remain here; and on three of them out of the five you will find a less number of votes actually counted for any set of officers than the names on the poll list.

For instance, in this particular poll book, in Union Township of Adair County there are 209 names on the poll book, and yet the highest number of votes counted for any candidate or candidates is 206, or an actual shortage of 3 ballots.

Mr. REED of Missouri. Mr. President—

Mr. GEORGE. Just a minute; my time is nearly out. I think I will anticipate the Senator. But it is said that there might have been no votes; three of the voters might not have voted for the two candidates in the election who together received the highest number of votes. So they might not have; but examine that book. These judges merely sent it up. The auditor at the county seat declared the result. Not one word is said about a shortage; not one word explaining that discrepancy, and yet the result of that election was declared. Manifestly the discrepancy was not considered because it is nowhere noted. Yet we are asked to reject the recount on a ground not even taken into consideration by the officials of Iowa.

The VICE PRESIDENT. The time of the Senator from Georgia has expired.

Mr. STEPHENS and Mr. BORAH addressed the Chair.

The VICE PRESIDENT. The Senator from Mississippi.

Mr. STEPHENS. Mr. President, may I say just a word? I desire to withdraw the resolution that I offered by way of substitute for the committee resolution. I see no reason for having two votes on this matter, so at this time I withdraw my resolution. If the Senator from Idaho [Mr. BORAH] desires to speak, I will yield the floor to him, with the understanding that if he does not occupy the 15 minutes I shall claim the balance of the time.

Mr. BORAH. Mr. President, this controversy has been submitted with such detail and fullness, and the time remaining is so short, that one must confine his remarks to very general propositions.

I presume every Senator desires to know before he casts his vote, or would like to reach a conclusion, as to what the voters in Iowa did upon last election day, whom they elected as Senator from that State, and will be governed by that rather than the proceedings which may or may not have taken place before the Committee on Privileges and Elections. In other words, I presume every Senator, if he can come to a conclusion under the law and upon the record as to who was really elected from that State, will be governed by that state of facts and by that condition rather than by any proceedings or any stipulations or any waivers about which there has been much controversy in this debate.

Senator Brookhart holds the certificate of election. The authorities in the State of Iowa canvassed the returns and issued a certificate of election. That certificate was presented here, Senator Brookhart was sworn in, and now holds the seat. In view of the present condition of the record, and in view of the present condition of facts as they are presented to the Senate, that to my mind is a controlling factor in this controversy.

In the first place, in order to deprive Senator Brookhart of his seat here it must be conceded that we must disregard the law of the State of Iowa. The 1,344 votes which are to be taken from him, according to the majority report, must be taken from him in disregard and in disrespect of the law of that State. The law of Iowa provides that a voter may vote a straight ticket in three different ways: First, by putting a cross in the circle at the head of the ticket; second, by putting a cross in the square opposite each name upon the ticket; third, by putting a cross in the circle at the top of the ticket,

and by putting crosses in the squares before any or all names upon the ticket. The law is plain and unmistakable. A ticket voted in any of these ways is a legal ballot, and must be so regarded under the laws of that State. We have no other rule to guide us.

The committee has found 1,344 ballots in which there was a cross in the circle at the head of the ticket, and in which all names were voted upon, apparently, upon the ballot, except that of Brookhart's, by putting a cross in the square opposite each name.

The law of Iowa must be taken into consideration in order to arrive at the intent of the voter. It is true that the intent of the voter should prevail, but the intent of the voter must be ascertained by taking into consideration the law under which he was casting his ballot. The strong and predominant and dominating intent of the voter in the first instance was to cast a legal ballot. The presumption is, a conclusive presumption, that he knew the law under which he was voting. We can not arrive at the intent of the voter other than by considering the fact that he intended to vote a legal ballot, and was voting in accordance with the laws of the State of Iowa.

It has been said that instructions were sent out which might lead to the inference that a different method of voting would be regarded by the election board as a legal method. In the first place, if the instructions were contrary to the law of the State, undoubtedly the law of the State would have to obtain. In the second place, the instructions which I have examined are not in contravention to the terms of the law, are not confusing under the law. The instructions designated one way in which a voter could vote a straight ballot. They did not pretend or assume to cover the other two subdivisions of the law.

For instance, the instruction which has been read to us was to the effect that if a voter desired to vote a straight ballot, he should put a cross in the circle at the head of the ticket only. But no one would controvert the proposition that, notwithstanding the instruction, if a voter disregarded those instructions and put a circle in front of every name upon the ballot, that would be a straight ballot. The instructions did not undertake to cover the entire law, and that had been the law in Iowa, off and on, for 30 years. At one time it was the law, at another time it was changed, and then they went back to the law as it has existed since 1919. Different contests had gone to the courts in that State under the law; it had been a matter of public concern and of public interest, and undoubtedly the voters of the State knew that they could vote a straight ticket in three different ways.

But let us assume that there was confusion upon this proposition. We can not set aside a certificate of election; we can not set aside the plain provisions of the law, upon inference, upon conjecture, upon speculation. If they are to be set aside, they must be set aside upon legal, competent, and, according to the courts, overwhelming proof as to the intent and purpose of the voter. We must have clear legal proof. That is not here.

So it seems to me that 1,344 votes can only be denied Mr. Brookhart upon the theory that we are to disregard the plain provisions of the Iowa statute with reference to the manner in which a voter may cast a straight ballot.

Secondly, we come to the more debatable proposition with reference to the 76 votes which must be accounted for, even if the 1,344 votes are given to Senator Brookhart. What is the situation? An election is held in the State. The entire machinery is under the control of the State. The election is held under the State law, and in accordance with the State law. The canvassers, or the parties in authority, canvass the situation, and arrive at the conclusion that Senator Brookhart has been elected, and he is given the certificate of election. It is conceded here that for some reason, whether through fraud, which no one charges specifically, or whether through error, in some way 3,300 ballots are gone, or 3,500, as some one near me states. Before we can overturn the certificate of election, and the presumption that every officer in that State did his duty in canvassing the returns and in sending here a Senator, we must have an accounting for those 3,300 ballots. Whether we rely upon the official returns, or whether we rely upon the ballots, they must be accounted for and shown by legal and competent evidence to have been cast in contravention to the certificate of election.

If we take the fact that Brookhart is here with his certificate of election, then the second proposition is just as thoroughly established, that every presumption of law accompanies that certificate, the presumption that the officers did their duty, the presumption that the law was complied with, even the presumption that the 3,300 ballots were for Senator Brookhart—those presumptions obtain and control until they are overcome

by legal and competent evidence. It does not make any difference to me, so far as this proposition is concerned, whether the one or the other—the official count or the ballots—is the best evidence as against the other. The fact remains that there is a discrepancy and that there is a condition of affairs unaccounted for by legal evidence, by competent testimony.

If we were in a court of justice and were undertaking to break this certificate, we would not only have to bring the ballots to the court, but we would have to bring them under certain terms and conditions which would make them legal and competent evidence to overcome the certificate of election. I contend, Mr. President, that as to legal evidence, there is no legal evidence whatever as to these 3,300 ballots, as to what became of them, for whom they should be counted, or how they should be disposed of.

If it were not for the certificate of election, I am frank to say it would be very difficult to tell whether Mr. Steck or Mr. Brookhart was entitled to the seat. In other words, it would be very difficult for the Senate to seat either one of these gentlemen upon the evidence which is now presented to us, because it is not such evidence as would be accepted, in my judgment, in a court for the purpose of seating or unseating a Member of the Senate.

I thought I had a copy of the instructions which were given out, but I have not. I think they have been read, however. As I said a moment ago, if we view the instructions as covering the entire law, and, if so, in contravention of it, we must take the law; but, in my opinion, the instructions do not contravene the law. Therefore we have these voters casting their ballots under the law of the State and the officers of the State canvassing the returns, and we have the legal result of that canvass here to be passed upon.

I ask any Member of this body, where is the legal evidence to overturn the certificate of election? What part of the testimony can be pointed to as bearing the test of the legal and competent testimony for the purpose of overturning the certificate of election?

It has been argued here at length as to whether or not there was fraud in the different precincts. That is wholly immaterial. It does not make any difference how the discrepancy happened or under what circumstances it took place. The committee has failed to present it in such way that it amounts to evidence against the acts and conduct and the results of the acts and conduct of the officers of the State of Iowa, and until that has been done the certificate of election must be the authority for the Senate seating Mr. Brookhart. Otherwise, we are going to establish, first, that we do not intend to follow the law of a State; and, secondly, that we will decide controversies of this kind without legal evidence. If we establish that kind of a precedent, we will have entered into an undefined field without chart or compass, without any manner or means by which we shall be guided in the future. Disregarding, in the first instance, the law, and disregarding, in the second instance, the certificate of election, without legal or competent evidence to overcome it, I can not conceive of an election without law under which the election is held, and if it is held under the law then we must be governed by the law.

The VICE PRESIDENT. The hour of 5 o'clock having arrived, under the unanimous-consent agreement, Senate Resolution 194, reported by the Senator from Kentucky [Mr. ERNST] from the Committee on Privileges and Elections, is to be voted upon. The resolution reads:

Resolved, That Daniel F. Steck is hereby declared to be a duly elected Senator of the United States from the State of Iowa for the term of six years, commencing on the 4th day of March, 1925, and is entitled to be seated as such.

The question is upon agreeing to the resolution.

Mr. ASHURST and Mr. REED of Missouri demanded the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call the roll.

Mr. FESS (when his name was called). I am paired with the senior Senator from Illinois [Mr. McKINLEY]. If that Senator were present, he would vote "yea." Were I permitted to vote, I would vote "nay."

Mr. McMASTER (when his name was called). I have a pair with the junior Senator from Colorado [Mr. MEANS]. If he were present, he would vote "yea." I transfer that pair to the junior Senator from Minnesota [Mr. SCHALL], who, if present, would vote "nay." I therefore am at liberty to vote. I vote "nay."

Mr. SHORTRIDGE (when his name was called). On this vote I have a pair with the junior Senator from Delaware [Mr. DU PONT], who is absent on account of illness. If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay."

Mr. HEFLIN (when Mr. UNDERWOOD's name was called). My colleague [Mr. UNDERWOOD] is absent on account of illness.

Mr. WADSWORTH (when his name was called). Upon this question I have a pair with the senior Senator from Alabama [Mr. UNDERWOOD]. I understand that were he present he would vote in the affirmative. If I were permitted to vote, I would vote in the negative.

The roll call having been concluded the result was announced—yeas 45, nays 41, as follows:

YEAS—45			
Bayard	George	Keyes	Sheppard
Bratton	Gerry	King	Simmons
Broussard	Gillett	McKellar	Smith
Bruce	Glass	McLean	Swanson
Butler	Goff	Mayfield	Trammell
Caraway	Greene	Neely	Tyson
Copeland	Harrell	Overman	Warren
Dale	Harris	Phipps	Watson
Deneen	Harrison	Pittman	Weller
Edwards	Hefflin	Robinson, Ark.	
Ernst	Jones, N. Mex.	Robinson, Ind.	
Fletcher	Kendrick	Sackett	
NAYS—41			
Ashurst	Ferris	Metcalf	Shipstead
Bingham	Frazier	Moses	Smoot
Blease	Gooding	Norbeck	Stanfield
Borah	Hale	Norris	Stephens
Cameron	Howell	Nye	Walsh
Capper	Johnson	Oddie	Wheeler
Couzens	Jones, Wash.	Pepper	Williams
Curtis	La Follette	Pine	Willis
Dill	Lenroot	Ransdell	
Edge	McMaster	Reed, Mo.	
Fernald	McNary	Reed, Pa.	
NOT VOTING—10			
Brookhart	Fess	Schall	Wadsworth
Cummins	McKinley	Shortridge	
du Pont	Means	Underwood	

So Daniel F. Steck was declared to be a duly elected Senator of the United States from the State of Iowa for the term beginning March 4, 1925.

INDEBTEDNESS OF ITALY TO THE UNITED STATES

Mr. SMOOT. I ask that the unfinished business be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which is House bill 6773.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America.

PROPOSED RECESS

Mr. SMOOT. Mr. President, I move that the Senate take a recess until 12 o'clock to-morrow.

Mr. HARRISON. Mr. President, will the Senator withhold his motion just a moment?

Mr. SMOOT. Very well.

Mr. HARRISON. To-morrow a number of Senators are going to be out of the city. We have had a pretty tense situation for some days. Can we not take a recess until the following day?

Mr. SMOOT. I would not like to agree to that.

Mr. McKELLAR. If the Senator will yield, I will state that I gave notice a day or two ago that I would speak to-morrow on the unfinished business. I find, however, that I am obliged to leave the city. I hope the Senator will agree to a recess until Wednesday. I can not possibly be here to-morrow.

Mr. SMOOT. There are other Senators who are ready to proceed to-morrow, and I do not think it would be advisable to take a recess until Wednesday.

Mr. HARRISON. Will not the Senator let the sense of the Senate be tested out on the proposition?

Mr. SMOOT. I do not think that is necessary.

Mr. ROBINSON of Arkansas. I suggest to the Senator from Mississippi that he can test it out himself if he chooses to make a motion to recess over until Wednesday. He can do that without getting the consent of the Senator from Utah.

Mr. McKELLAR. We merely wanted to get his approval. I hope the Senator from Utah will let the unfinished business go over until Wednesday.

Mr. SMOOT. I want the Senate to take a recess until to-morrow. There are other Senators who are ready to proceed.

Mr. HARRISON. Mr. President, I move that when the Senate takes a recess to-night it be until Wednesday morning at 12 o'clock.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi.

Mr. HARRISON. I ask merely for a rising vote on the question.

Mr. SMOOT. Mr. President, a point of order. My motion was that the Senate take a recess until to-morrow at 12 o'clock.

Do we not have to vote on that motion before we vote on the motion of the Senator from Mississippi?

The VICE PRESIDENT. The motion of the Senator from Utah will take precedence over that of the Senator from Mississippi.

Mr. SMOOT. Let us have the yeas and nays on the motion that the Senate take a recess until to-morrow at 12 o'clock.

Mr. HARRISON. I move to amend the motion by making it Wednesday at 12 o'clock.

The VICE PRESIDENT. The Chair will hold the amendment to be in order. The question is on agreeing to the amendment offered by the Senator from Mississippi to the motion of the Senator from Utah.

Mr. SMOOT. I call for the yeas and nays.

The VICE PRESIDENT. The question before the Senate is on agreeing to the amendment of the Senator from Mississippi to the motion of the Senator from Utah, on which the Senator from Utah demands the yeas and nays.

Mr. ROBINSON of Arkansas. Mr. President, pending the motion of the Senator from Utah [Mr. SMOOT], I ask him if he will not withhold the motion for a moment, in order that Mr. STECK may have an opportunity to be sworn in as a Member of the Senate? Mr. STECK is now present.

Mr. SMOOT. I have no objection to that, Mr. President.

SENATOR FROM IOWA

The VICE PRESIDENT. Mr. STECK will present himself at the desk and take the oath of office.

Mr. STECK, escorted by Mr. CUMMINS, advanced to the Vice President's desk, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

RECESS

Mr. SMOOT. I move that the Senate stand in recess until to-morrow at 12 o'clock.

The VICE PRESIDENT. The Senator from Utah moves that the Senate recess until to-morrow at 12 o'clock. The Senator from Mississippi [Mr. HARRISON], the Chair understands, offers an amendment to the motion of the Senator from Utah, that the Senate take a recess until 12 o'clock on Wednesday. The question is on the amendment of the Senator from Mississippi.

Mr. SMOOT and Mr. JONES of Washington called for the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call the roll.

Mr. ROBINSON of Arkansas (when his name was called). I have a general pair with the Senator from Illinois [Mr. MCKINLEY], and therefore withhold my vote.

The roll call having been concluded, the result was announced—yeas 27, nays 54, as follows:

YEAS—27

Bratton	George	Neely	Steck
Broussard	Gerry	Overman	Stephens
Copeland	Harris	Pittman	Swanson
Edwards	Harrison	Ransdell	Tammell
Ernst	Heflin	Reed, Mo.	Tyson
Fernald	Kendrick	Sheppard	Weller
Fletcher	McKellar	Simmons	

NAYS—54

Bayard	Fess	McMaster	Sackett
Bingham	Frazier	McNary	Shipstead
Blease	Gillett	Mayfield	Shortridge
Bruce	Glass	Metcalf	Smith
Butler	Goff	Moses	Smoot
Cameron	Gooding	Norbeck	Stanfield
Capper	Hale	Norris	Wadsworth
Couzens	Howell	Nyc	Walsh
Cummins	Johnson	Oddie	Warren
Curtis	Jones, Wash.	Pepper	Watson
Deneen	Keyes	Phipps	Williams
Dill	King	Pine	Willis
Edge	La Follette	Reed, Pa.	
Ferris	Lenroot	Robinson, Ind.	

NOT VOTING—15

Ashurst	du Pont	McKinley	Schall
Borah	Greene	McLean	Underwood
Caraway	Harrell	Mann	Wheeler
Dale	Jones, N. Mex.	Robinson, Ark.	

So Mr. HARRISON's amendment to Mr. SMOOT's motion was rejected.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah that the Senate stand in recess until 12 o'clock to-morrow.

Mr. HARRISON. I desire to ask the Senator from Utah a question. Will not the Senator from Utah agree that to-morrow at 2 o'clock we shall adjourn or take a recess?

Mr. SMOOT. If the Senate will agree to meet to-morrow at 11 o'clock, I will be perfectly willing to do that.

Mr. HARRISON. Then let us meet at 11 o'clock.

The VICE PRESIDENT. Does the Senator from Utah, then, modify his motion?

Mr. SMOOT. I will modify my motion, as I know Senators really have an important appointment early to-morrow afternoon, and move that the Senate take a recess until 11 o'clock to-morrow.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah that the Senate stand in recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, April 13, 1926, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 10 (legislative day of April 5), 1926

[Omitted from the RECORD of April 10, 1926]

APPOINTMENTS IN THE ARMY

William Payne Jackson to be brigadier general, Infantry.
Harry Frederick Rethers to be assistant to the Quartermaster General, Quartermaster Corps.

Edgar Jadwin to be Chief of Engineers.

Herbert Deakyn to be assistant to the Chief of Engineers.

APPOINTMENTS BY TRANSFER IN THE ARMY

Robert Wilkins Douglass to be second lieutenant, Air Service.

PROMOTIONS IN THE ARMY

TO BE MAJORS

Walter Davis Dabney.

Gabriel Hoyt.

William Alexander MacNicholl.

POSTMASTERS

FLORIDA

Ira C. Williams, Danla.

OHIO

Faye W. Helmick, Baltimore.

Helen M. Roley, Basil.

Louis A. Conklin, Forest.

Mae E. Douds, Hudson.

John B. Corns, Ironton.

Howard C. Moorman, Jamestown.

Albert E. Gale, Lima.

John Q. Sanders, Waynesfield.

WASHINGTON

George D. Montfort, Blaine.

Elizabeth E. Trasher, Clearlake.

William W. Campbell, Colville.

Mary A. Johns, Kalama.

Allan Austin, Onalaska.

Lawrence C. McLean, Selleck.

Nora S. Okerberg, Soap Lake.

Fanny I. Jennings, Spangle.

May V. Garrison, Sumas.

H. Robert Nelson, Wilkeson.

HOUSE OF REPRESENTATIVES

MONDAY, April 12, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O thou ancient of days. Teach us the truth of divine care, the sweet satisfaction of repentance, the blessings of obedience, and the marvelous inspiration of Thy holy word. May we have the courage of unrewarded labor, the gentility of speech, and the nobility of silence. O bless us with the music of a loving heart that sings and rejoices when things go wrong. Be our guide and guardian and grant us a sense of Thy companionship. May our dear homeland see the glory of the Lord and the excellency of our God. Let all institutions continue to laud and magnify the spirit and teachings of Him, the Divine Teacher of men. Dedicate all firesides to the value of love, to the warm joys of friendship, to reverence in the hearts of children, and to a lasting desire to purify the heart of the world. We pray in the blessed name of Jesus, our Savior. Amen.

The Journal of the proceedings of Friday, April 9, 1926, was read and approved.

GOOD ROADS

Mr. NELSON of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the road bill, as I shall not be able to be here on Thursday.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the Record on the road bill. Is there objection?

There was no objection.

Mr. NELSON of Wisconsin. Mr. Speaker, this Dowell bill authorizes the appropriation of \$75,000,000 annually for the fiscal years 1928 and 1929, as well as \$75,000,000 annually for the same period to be used on Federal forest roads.

The only issue before us, as I understand the situation, is, Shall the policy of cooperation between the National and State Governments be discontinued? And, to that question this bill makes an emphatic negative answer.

This matter of Federal participation became very acute suddenly, because of several utterances of President Coolidge, which caused great alarm to the friends of good, national roads.

This alarm was made known to Members of Congress in no uncertain terms. Resolutions and protests by letter and by telegram came to me from county highway officials and from State and National organizations generally. Sentiment seemed to be unanimous and decidedly opposed to the President's position.

Perhaps a few brief excerpts best reveal the sentiment of my district in reference to any discontinuance of Federal aid. I quote from a lengthy communication sent me by Mr. F. A. Cannon, executive secretary Good Roads Association of Wisconsin:

President Coolidge in his Memorial Day address said:

"When the National Treasury contributes half, there is temptation to extravagance on the part of the State. Yet there are constant demands for more Federal contributions. Whenever, by that plan, we take something from one group of States and give it to another group there is great danger that we do an economic injustice on one side and a political injury on the other. We impose unfairly on the strength of the strong, and we encourage the weak to indulge their weakness."

The President, in his Budget message to Congress, makes the following comment on Federal aid:

"I do, however, recommend for the consideration of Congress that future legislation restrict the Government's participation in State road construction to primary or interstate highways, leaving it to the State to finance the secondary and intercounty highways. This would tend to diminish the amount of Federal-aid contributions."

Discussing the President's attitude, Mr. Cannon further says of the result of the Coolidge plan in Wisconsin:

The total mileage of roads on which Federal aid can be spent in Wisconsin under the Federal aid law is 5,514 miles, or 7 per cent of the total road mileage of the State. Of this, three-sevenths, or 2,355 miles, are designated under the Federal aid law as the primary Federal-aid system, and four-sevenths, or 3,159 miles, as the secondary Federal-aid system. Under the plan proposed by President Coolidge, the secondary system of 3,159 miles would be stricken from the Federal-aid system.

Wisconsin, because it is a great tourist State, has much stronger claims for receiving Federal aid than most States. The roads of Wisconsin are not merely State roads but are national roads in the summer months.

Under the plan advocated by President Coolidge, State Trunk Highway No. 17, running northward along the lake shore, would be cut off from Federal aid, as would State Trunk Highway No. 16, running from Manitowoc to Green Bay. State Trunk Highway No. 10, traversing the State northward from Madison and running to Ashland, would be cut off the Federal-aid list, as would State Trunk Highway No. 35, running northward from Fountain City and up to Superior. State Trunk Highway No. 20, traversing the State east and west through Janesville to Dubuque, would be cut off from Federal aid, as would State Trunk Highway No. 33, running westward across the State from Waupun to La Crosse. Also, State Trunk Highway No. 21, from Oshkosh westward to Tomah, and State Trunk Highway No. 14, traversing the State westward from Forest County to Barron, in Barron County.

These are only a few instances of the roads which under the Coolidge plan would be cut off from Federal aid, and one of two things would result, either the roads would not be built or it would be necessary to raise more funds in the State and counties to build them.

Wisconsin, under the highway law passed by the last legislature, has laid out a six-year program up to the year 1931. This program was laid out with the expectancy of Federal aid being continued. In fact, in every State of the Union these programs have been largely laid out with this expectancy. If Federal aid is cut off, new means and new methods must be devised in carrying out these programs.

The reaction to the President's attitude may be realized from this typical protest from a county highway official:

The people of our county and surrounding counties, and I believe this is true of a greater part of the State, are not a little concerned over the recommendations of President Coolidge to reduce the amount of Federal aid for highways.

Many of the richer counties have already received Federal aid, whereby the good-roads movement all over the country has received a great impetus.

It does not seem fair or wise that this aid should be withheld from the poorer and less fortunate communities just at a time when they are able and anxious to take advantage of it.

Our county has just adopted an \$830,000 four-year program. Should Congress follow the President's recommendations in its appropriations, our program must necessarily be abandoned.

Similar communications were received from many county highway officials, from the Madison Chamber of Commerce, and from numerous automobile clubs.

This bill, therefore, is very reassuring to all friends of the present good-roads policy. Indeed, at the hearings it soon became apparent that the President's recent utterances are not sustained, either by the membership of the committee or by the many organizations of national scope representing the sentiment of the people of the country. No opposition to continued Federal participation appeared at all. On the other hand, the friends of the present joint system of cooperation presented a very strong case.

As a member of the committee, I have become convinced that Congress should continue the present policy of constructing the 7 per cent interstate mileage system as now embodied in the present law. Let me frankly admit that I have not been an ardent champion of the present policy. I have had a fear that this road program was putting too heavy a burden upon the rural taxpayers of my district. I did not like the inequality of return of benefits to the people. Those who happen to live on the primary and secondary highways seemingly receive great benefits, but the other 93 per cent, who live farther away from these favored roads, did not appear to be getting their fair share. But with the equalization of the burdens that have been brought about through gasoline taxes and automobile licenses, this fear of mine has vanished, and I have also observed with genuine satisfaction that these primary and secondary roads have been so well laid out that all the people use them. It seems comparatively easy for anyone who has an automobile or a truck to avail themselves of one of these trunk lines; and as the people of my district and of the country have purchased their automobiles and are willing to pay the cost of maintenance, I think they are entitled to have good roads. For these certainly tend directly to lessen the cost and to increase efficiency.

The hearings were exceedingly convincing. The position taken by the President and by other Representatives of Eastern States was frankly stated and its weakness fully shown.

Objection 1. No constitutional authority or obligation for Federal participation. The weakness of this position was made clear by pointing out that as early as 1803 the Federal Government voted to build the Cumberland Pike.

Evidently there was not much doubt in the minds of such framers of the Constitution as Jefferson, Madison, or Hamilton that this was a proper Federal function, nor did the constitutional objection appear very alarming to such statesmen as Webster, Calhoun, and Clay, all alleged to have been famous advocates of Federal roads.

Finally the unsubstantial character of this objection was made clear by pointing out four specific provisions of the Constitution itself. It not only authorizes the Federal Government but makes it a duty to provide for the general welfare and the common defense, establish post roads, and to regulate commerce. It was abundantly proven that the present road policy is in accord with and rests upon these provisions of the Constitution.

The general welfare is promoted by these interstate roads, for they make for social betterment, closer union, and a better understanding between sections of our country. They are educational in their effects and afford national enjoyment.

The common defense has been kept in mind from the beginning of the program. General Pershing, testifying before the committee, spoke emphatically of their value "in time of war" for the transport of "food supplies."

The Postal Service is directly benefited. The rural service saved many millions of dollars, not to mention dispatch of delivery and comfort to the carrier.

Finally, interstate commerce is being more and more benefited. The general use of trucks is growing at a very rapid

rate. Besides all the independent or private operators in 1925, there were approximately 51 railroads making use of motor trucks, supplementing their shipping service. Interesting data was given to the committee showing the remarkable growth of the transport of milk from the farms to the cities by trucks and the development of the roadside markets. These roads are bringing the consumer to the producer as well as the producer to the consumer.

Moreover, the obligation of the Federal Government to continue participation was shown by pointing out that the present policy was inaugurated by Congress and not by the States. Upon it alone rests responsibility for it. Under acts of Congress in years 1912-13 a joint committee of House and Senate considered this subject extensively. Its report advocated participation by Congress to emphasize to the States the importance of good roads, to raise the standards of road building, and to shift the burdens more equitably from rural to city inhabitants. Accordingly in 1916 Congress inaugurated the present policy and made the first appropriation. These interstate roads are national in scope and service and as arteries of commerce are under the control of the Federal Government. It has been pointedly said that instead of the Federal Government building roads for the States, the States were invited by this policy to build roads for the Federal Government.

Objection II. The alleged inequitable distribution of the funds between the States. To this the reply is made that the apportionment rests upon an equitable threefold basis. One-third accordingly to the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States; and one-third in the ratio which the mileage of rural-delivery routes and star routes in each State bears to the total mileage of rural-delivery routes and State routes in all the States.

It was clear "taxable property" would not do, because of the unequal methods of assessments by States, over which the Federal Government would have no power. Wealth of States would not be a good basis, because it would overlap with that of population, which virtually gives the same element. No more equitable basis for distribution of Federal road funds could be devised.

Objection III. A few States pay the taxes for building roads for other States.

To this selfish complaint the answers are both numerous and conclusive:

(a) When the Federal Government wants money with which to pay its bills, it calls on everybody, irrespective of the State in which they live, to pay according to income.

(b) States, as such, have no obligations; and tabulation of receipts for the Federal Treasury, by States, is misleading, unfair, and in many cases far from the truth as to who meets the assessments.

(c) People do not live necessarily in one place; some are born in one State, educated in another, and carry on business in still another.

(d) States are prosperous not because they are political units, but because the whole country is prosperous.

(e) The wealthier States have the greatest number of motorists who make use of the highways of other States.

(f) The Federal Government holds title to 21 per cent of the lands in all other States, the greater part of which lie west of the Mississippi River; obviously to ask these States to pay to connect up interstate roads so that motorists from other States may travel across these public-land States would be very unfair.

(g) It is the national resources of the far distant States, such as the mines of Nevada, Utah, Montana, and Colorado, which enable citizens of New York to sit in smug complacency as millionaire residents of the cities of Eastern States.

(h) Insurance, whether fire, life, or casualty, is a business, national in its scope, but the headquarters of these companies are in New York, Hartford, and Baltimore.

(i) Sheep are pastured in New Mexico, Arizona, and Utah, but Boston happens to be the center of the wool market.

(j) Surplus funds gravitate to certain cities where power is cheapest or new material nearest at hand.

(k) These cities are merely clearing-house centers for large contiguous territory, irrespective of State lines.

(l) The poorest State helps to make rich the richest State. The Constitution does not allow States to set up tollgates at State lines; States do not contribute as such to the Federal Treasury.

In a pamphlet entitled "Who Pays Uncle Sam's Bills," printed in the hearings, facts and figures are given which abundantly demonstrate the absurdity of the claim that a few States are building the roads of the other States. As this

claim is put forth from time to time as to other expenses than for roads, it may be well to point out its absurdity in more detail.

1. By a group study of States, taking those ranking highest in either total basic wealth or total national wealth, it is demonstrated that in reality that no State pays more into the Federal Treasury than is indicated by its wealth and population.

2. If the group is taken that makes the largest payments into the Federal Treasury, it is easy to account for any large percentage of payment of taxes by a few States. Thus, New York pays 28.8 percentage of total revenue with a percentage of total wealth of only 11.7 and a population of only 10.2. This is readily accounted for. The heads of our monopolies live in New York City, but make their profits in all States. Thus, Rockefeller, who collects his earnings from gasoline everywhere, pays an income tax in New York of \$7,500,000; but he is one of many thousands who reap profits in all States to swell the income tax of the State of New York.

3. This is true not only of individual incomes, but also of corporation taxes. To prove this, it is but necessary to point out that the United States Steel Corporation paid an income tax of \$16,000,000, but only two of its 145 plants and warehouses are located in New York State.

4. The same fact is seen when we consider the banks. New York is a financial center. From the report of the Treasury Department we learn that 38 per cent of the deposits of the New York City national banks come from banks and trust companies outside of New York State.

5. Likewise the railroads. Wall Street bankers control their funds. Thus, the Union Pacific in 1923 paid an income tax in New York of \$4,500,000, and yet this road does not operate east of Omaha and Kansas City, half the length of the continent from New York State. The Southern Pacific paid a tax of \$5,000,000, and this road does not run any nearer New York than New Orleans.

Some other States, such as Michigan and North Carolina, seem to pay a larger percentage of income tax than total wealth or population would warrant. This is easily accounted for when we remember that of the Michigan income tax the Fords alone paid \$21,260,000.

North Carolina's seeming excess is due to the fact that 86 per cent of the total internal revenue paid by North Carolina is on tobacco in its manufactured form, and the purchaser, wherever he may live, pays for the revenue stamp. The pretense, therefore, that a few States are paying Uncle Sam's bills is as false as it is narrow, selfish, and un-American.

Objection IV. The Federal Government is furnishing funds on too large a system of interstate roads. To this the answers are that 7 per cent was chosen because it was found that this was the least mileage that would connect all the county seats and main market centers. These were selected after careful study, and will provide a properly correlated system, accommodating at the same time local and farm-to-market traffic, as well as State and interstate traffic. Any reduction in this system of highways as now selected and approved would tend to break the continuity of said system, and might so restrict the same that many communities served by highways now rightfully included therein would be deprived of such service.

The Federal Government, having put its hands to the plow, can not draw back, but must go on with the States to finish the work. In a few days we shall have constructed a magnificent chain of interstate connecting highways, linking together every city of 5,000 population or over, a system unequaled by any other country in the world.

Objection V. The Federal appropriations are so large that the States must overburden themselves to meet the Federal allotments. To this reply is made that the States have constructed a larger mileage of State roads without Federal funds than with Federal funds. In 1924, for instance, all that was needed to meet the Federal funds was \$67,081,920, but the States expended in excess of the amounts for Federal-aid roads, \$413,273,000.

Answering objections was only a small part of the hearing. Representative and well-informed officials spoke affirmatively for the continuance of Federal participation in the construction and maintenance of the 7 per cent interstate-road system. These stated to the committee that they were authorized to speak for their respective national organizations. In this authoritative way we learn the views of the following:

The United States Bureau of Public Roads.
American Association of State Highway Officials.
The American Automobile Association.
National Road Builders' Association.
The American Federation of Labor.

The National Automobile Chamber of Commerce.
The American Bankers' Association.
The American Farm Bureau Federation.
The National Grange.

All spoke for the present joint cooperation of National and State Governments until the present 7 per cent interstate system had been completed.

Much satisfaction was revealed because of the progress of road construction up to date. It was shown that there are approximately 3,000,000 miles of highway in this country, some 500,000 miles of which are improved roads. The Federal Government has completed, or has under construction and authorized, some 60,000 miles.

Mileage at the present time, under the act of 1921, is approximately 200,000 miles of roads in Federal-aid highway systems; that is, 200,000 miles possible, but only between 170,000 and 180,000 miles have actually been approved for the system. Of this 170,000 to 180,000 miles of Federal-aid system there have been improved up to the present time approximately two-thirds of the mileage.

In other words, the total allowable mileage in the 7 per cent system would be approximately 200,000 miles. The total actually approved for that system up to July 1, 1925, was 178,797 miles. The total mileage improved and under construction with Federal aid on February 1 was 63,239 miles, and it is estimated that there have been improved by States without Federal aid about 65,000 miles. That would represent a balance unimproved of 50,558 miles.

The types of the roads completed up to February 1, 1926, were as follows: The low types, including the graded and drained and the sand, clay, and graveled surfaced roads, totaled 35,402 miles, or 67½ per cent of the total mileage completed.

The intermediate types, consisting of water-bound macadam, totaled 4,006 miles, or 7.7 per cent. The high types, consisting of bituminous cement concrete, Portland cement concrete and brick, totaled 12,892 miles, or 24.6 per cent; and bridges, 102 miles.

Sixty-seven and one-half per cent of all Federal aid projects are of low type. They are of graded and drained sand-clay or gravel construction. This system was designated in 1921, and it was the belief at that time that within 10 years or 12, perhaps, it would be possible to make at least some improvement of the entire system. It now appears that it will be possible within that time to get over the whole system, or practically the whole system as now approved.

The cost of construction up to date, the high peak of construction in 1925, and the rapid progress made are seen from the following figures:

United States Government has expended \$417,000,000 upon good roads.

Our expenditures for the fiscal year 1925 reached a total of \$97,472,506. This is the largest expenditure made in any fiscal year; that is, these are funds actually paid out to the States, and it is a peak expenditure.

The total expenditures on all classes of roads for one year—in 1915—were \$240,263,784, whereas the expenditures for 1925 were \$1,176,000,000. The total expenditures through State highway departments in 1915 were \$54,884,007, while in 1925 they were \$596,176,000.

The public use of this system may be understood from these interesting items:

The Federal Rural Delivery and Star Route Postal Services now use 1,205,572 miles of highway every day in this service, and yet is assisting the States in the improvement of about 200,000 miles. In the use of this mileage 30,060,816 individuals are being served, and yet there are still over 14,000,000 to be added as the service can be extended.

Over 4,000,000 of the 17,500,000 motor vehicles in the United States are owned by farmers and operated in the rural communities. [Note.—Greater in 1926; over 20,000,000; at the same ratio farm-owned motor vehicles would exceed 5,000,000.]

That the public want these highways and that they are prepared to pay the cost of them is best evidenced by the fact that for 10 years the average sum spent in the acquisition of cars has been close to \$2,000,000,000 annually, while the amount expended for gasoline, tires, repairs, and garage items will now average at least three times that amount.

During the year just closed we have produced 3,678,327 passenger cars and 474,923 motor trucks.

Placed end to end these vehicles would constitute a caravan 9,688 miles in length, or enough to produce a solid three-line block of traffic from one coast to the other, but giving a space of 20 feet, the minimum safe distance between vehicles, they would cover a highway 25,419 miles in length.

The total number of motor vehicles now in use in the United States is approximately 20,000,000, of which 17,500,000 are passenger cars and the remainder trucks and busses.

Placed end on end these vehicles would occupy 46,836 miles of highway. Properly spaced, they would cover 122,593 miles, or the entire length of all of the improved mileage of all types contained in the Federal-aid system up to this time. Assuming these to be two-way highways, they would entirely cover one-half of the total improvement, or all of the miles improved with Federal aid.

Tourists spend more than \$2,000,000,000 a year along the various so-called popular highways.

There can be no question about the attitude of the general public toward continued highway improvement. The mere fact that there are 20,000,000 motor vehicles on the streets and highways of the Nation to-day constitutes a straw vote of tremendous significance.

Emphasis was placed on the generosity of the Federal Government for transportation in the past:

(a) To encourage the early development of the railroads, our Government contributed to them nearly 200,000,000 acres of the public domain, valued at nearly \$500,000,000. In addition, there was authorized by Congress approximately \$65,000,000 for railroad financing.

(b) The expenditure of one and one-quarter billion dollars in the development of waterways and harbors in the United States.

(c) The construction and maintenance of the Panama Canal at a cost of over a half billion dollars.

The Federal Government, therefore, has expended on Federal highways only slightly more money than it cost to build the Panama Canal and only one-third as much as the sums appropriated for rivers and harbors.

The party pledges to this policy was not overlooked. The Republican platform contained this—

We pledge a continuation of this policy of Federal cooperation with the States in highway building.

The Democratic position is as follows:

We call attention to the record of the Democratic Party in this matter and favor a continuance of Federal aid under existing Federal and State agencies.

The present adverse attitude of the President was practically ignored, while his former utterances were reviewed.

President Coolidge in his first message to Congress made this statement:

Highways and reforestation should continue to have the interest and support of the Government.

How can they have real support from the Government without financial backing?

He also said:

No expenditure of public money contributes so much to the national wealth as for building good roads.

If that is so, the only question is: "How shall the public money be contributed?"

On September 1, 1925, addressing the delegation appointed by himself, through the authority of Congress, to represent this Government at the Pan American Congress of Highways at Buenos Aires, President Coolidge said, in part:

• • • "recognizing, as I do, that better facilities of road communications will be conducive to improved intercourse and good understanding and can not but react to the social and economic advantages of all the nations concerned, I look forward hopefully to the time when • • • the two continents of North America and South America will be united in physical fact through modern highways as they are to-day united by bonds of mutual friendship and good will."

Being a national hope, how can it be accomplished except by national cooperation? Surely the States on our northern or southern borders will not be expected to assume the entire responsibility.

The chief witnesses, however, before the committee were the director of the bureau himself and his staff. At the conclusion of his masterly presentation, the director gave utterance to the following suggestive sentiment:

It was my privilege during the past year to make a trip through Latin American countries as a member of the official delegation appointed by the President to attend the first Pan American Congress of Highways held in Buenos Aires. • • • We saw in Latin America lands just as fertile, just as capable of production as our own lands. We saw cities highly developed and a splendid civilization, but we saw the country and the cities divided and a fertile countryside undeveloped through lack of roads. So that I come before your committee to-day with a more profound conviction than I have ever held before that highways are one of the prime essentials of our civilization and one

of the prime necessities for the maintenance of our standards of living in the rural sections as well as in the cities; and I am convinced also that the reason that roads have not been developed in the Latin American Republics is largely that there have been no favorable governmental policies in those countries.

In conclusion, Mr. Speaker, let me say that it is the unanimous view of the Committee on Roads that the policy of co-operation between the National and State Governments should not now be discontinued. This bill authorizing the appropriation of \$75,000,000 annually for the fiscal years 1928 and 1929, as well as \$7,500,000 annually for the same period to Federal forest roads, should pass even though threatened with a presidential veto. This is not thought probable, however, for it is believed that the President knows that the territorial limits of the Nation extend beyond Massachusetts, New York, and a few other Eastern States.

AGRICULTURAL RELIEF

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on agriculture and agricultural relief.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD on agriculture and agricultural relief. Is there objection?

There was no objection.

Mr. EDWARDS. Mr. Speaker, we frequently hear references to the "farm problem." This is not a problem for the farmers alone. It is a national problem. It is a most important and serious one, too, concerning all the people and the future prosperity of our whole country. Other industries can not remain prosperous long with agriculture prostrate.

Congress convened in December and we have been here over four months, each day expecting action to solve what is generally known as the "farm problem," and as yet no solution has been made. The responsibility is with the Republican administration in power, but that does not relieve the minority party of its duty to appeal and protest in behalf of the agricultural industry. The mistake has been made by the Republican Party, which is the party of protected manufacturers and big interests, in assuming that this is strictly a "farm problem." Let us see if it is not more than that. To start with, agriculture is the oldest and most important industry. Every other enterprise is dependent upon it for its continued success, and the whole world is dependent upon the tillers of the soil for clothes and food. But for the products of the soil every other industry, as well as the human race, would perish from the face of the earth. There is prosperity at present, but not for the farmer as a class.

In 1920 the lands and buildings belonging to the farmers of the United States were estimated at \$63,000,000,000. The farm census shows that same property in 1925 is estimated at \$46,000,000,000, showing a shrinkage or loss of \$17,000,000,000. This will be referred to for the sake of argument as capital stock invested in lands and buildings. This is by no means all that the farmers have lost in that period of time.

In 1920 the livestock of the farmers was estimated in the census report at \$8,200,000,000. In 1925 it represented a value of only \$5,200,000,000, showing a loss in that regard of an additional \$3,000,000,000. In addition to that, it is estimated that the farmers have lost at the rate of \$2,000,000,000 per annum for the last five years on their crops, making an additional \$10,000,000,000 in that period. This figure is based upon the standard of prices for a similar period before 1920. These items alone, without reference to other items of loss, show that the American farmer has sustained a loss of \$30,000,000,000 in the last five years. This argues to a certainty that the farmer has a problem; but if followed a little further must it not certainly lead us to the conclusion that the problem is greater than one for the farmers alone? It seems so to me, and I am sure will so address itself to the thought of any sober-minded man who is interested in the welfare and future happiness of our country. With agriculture, our basic industry, breaking down, with farming becoming unpopular and unprofitable, does it not present more than a problem for the farmers?

If other industries had suffered in like proportion, there would not be such a striking contrast as the figures I am going to quote will present. What was the entire national wealth in 1920? What was it in 1925? When we get these figures we will see that the agricultural industry, a raw material producing industry, is the only major industry that has so grossly suffered.

The national wealth in 1920 was estimated at \$290,000,000,000. In 1925, covering the same five-year period we have been discussing, in which the farmers sustained the \$30,000,000,000 loss just recited, the entire national wealth was estimated at upward of \$375,000,000,000. Let us assume it was

\$375,000,000,000. We find then that despite the loss in agriculture the national wealth of the entire country shows an increase of \$85,000,000,000. This to my mind is a sad and deplorable picture. These figures show that while the national wealth as a whole increased to the enormous amount of \$85,000,000,000 our unfortunate farmers lost in the same period of five years the alarming sum of \$30,000,000,000.

When conditions of this kind can occur there is something economically and radically wrong. The question in my mind is whether the farmer needs more legislation or the repeal of legislation that is making certain groups rich and prosperous at the expense of the farmers, whom it is impoverishing and robbing. I am inclined to think that no substantial relief will be given the farmers through legislation until we have repealed the Fordney-McCumber Tariff Act. The report of the research department of the National Farm Bureau Federation declared that this act, which is in the interest of manufacturers and big business, is costing the farmers of the United States \$10 in outgo for every dollar they gain by it. Is this not in large measure the cause of much of the losses our farmers are sustaining? Would it not bring much relief if this act were repealed? Can we really get any relief until this high-protective tariff, enacted to enrich the manufacturers, is repealed? Can the cure be effected until the cause is removed? We might administer heroic treatments and prolong the agony, but are you not convinced that here in this Republican pet protective act we have at least found much of the trouble?

I have long since come to the conclusion that of all classes of people who really ought to be educated it is the farmer. He needs to know more than how to plow, how to set crops, how to grow them. He needs to know more than about hog cholera, horse colic, and the "botts." He needs to know more than how to gather and harvest his crops; even more than how to market them. He needs to study and know economics and government. If the farmers of this country could understand how adversely raw material from the farms is affected by the high tariff that has always impoverished and robbed them and how it is enriching the manufacturing interests of the country, largely at the expense of the farmers, they would never suffer another high-tariff advocate to occupy a seat in the Congress if they could help it. How does it rob him? The answer is simple. Everything he buys, practically, for his farm and for use in his home is protected under the high tariff, and he pays that unseen or hidden tax, while everything he sells, and he produces and sells only raw materials, is unprotected.

Not only the high tariff is robbing the farmer, but the banking rates and credits as applied to the farmer operate against him, and the transportation rates are against his interest. The hearings conducted by the Interstate and Foreign Commerce Committee during the last Congress disclose the fact that agriculture, staggering and crippled as it is, is paying more than twice its just share of the revenues that railroads receive for freight transportation. Agriculture furnishes about 9 per cent of the total volume of rail freight traffic and pays over 18 per cent of the revenue the railroads receive for freight carried. No wonder agriculture, the oldest and most honorable pursuit of man, is prostrate under these unfair burdens while other industries, and especially the carriers, continue to show increased profits and many of them enormous dividends. How long, oh, how long, will the tillers of the soil continue to submit to such injustice?

When we contemplate these figures, these staggering losses of the farmers, we can understand why there have been thousands of bank failures in agricultural sections; we can understand why thousands of farms have been sold under foreclosures and by sheriffs. No one begrudges fair profits to any group of industries. We like to see them prosper. It is significant, however, when we find from census and commercial reports that industrial plants, manufacturing plants, transportation lines, and practically every other industry, except agriculture, are prospering and showing profits. Steel manufacturers boast of the biggest year in history; while "big business" everywhere shows large earnings.

How long can the agricultural industry last at the rate it is going? I know of no industry that could have held up as well as it has under such adverse and staggering losses. No matter how hard the farmer works, no matter how fruitful the soil is, under present conditions it seems the more he produces the more he loses. Truly it must be that "from him who hath not it shall be taken," and it continues that on top of his losses other and still greater losses are piling up, and the industry is expected to go on and on enriching the "tariff barons" and the "big-business captains," while present-day farmers are enslaving themselves and their posterity who shall undertake to carry on with tilling the soil.

Even the postal rates are adverse and help to handicap the farmer. In order that the Post Office Department might make a showing, in a previous Congress, postal rates were increased and rates raised on reading matter. Every newspaper, every magazine, every book that gives wholesome reading should go to the farm homes of our country at the lowest possible cost, and the rural population, the very salt of the earth, should be encouraged in all things that will make for better education and for better conditions.

If our farmers are reduced to penury and if farm owning and home owning is destroyed in this country as it was in some of the old countries, must we not also expect the unrest and evils that history tells us come with that unfortunate condition? When I speak of farmers, of course I mean in the main, I certainly do not think it will ever come with all the farmers, although it has happened and is happening at a frightful rate, with thousands of farmers who know nothing else but how to farm and who are unable to turn to other avocations. Thousands have given it up in despair and turned to other fields for livelihoods for themselves and their families. Out of such conditions come great issues. In such conditions there is much suffering and unrest. In those conditions to-day are great issues and problems for all the people of this Republic. Whatever the cause, the condition is alarming and sickening. Whatever the cause, it should be remedied, and it is the duty of Congressmen, regardless of whether they represent agricultural districts or not, to act in the interest of the whole country. Is it not of interest to the whole country when the record of farm insolvencies from 1910 to 1924 shows an increase of 1,000 per cent? In what other line have insolvencies shown even half that deplorable increase? Contemplate the numberless avocations that have shown profits in that period, and think of the misery and the suffering these failures have brought to the many thousands who have lost their all and who will slave the rest of their lives and never regain a footing, and will never do more than have just a simple, meager existence in the absolute necessities of life, such as plain food and clothing, with little means to even do more than give their offspring the advantages of a grammar-school education. This is deplorable, when we know that the strength of our Republic lies in an educated, happy, and prosperous people. Is this not a problem for the whole country? It seems so. Many far-sighted men and women are so considering it, as will be seen from the following:

The National Industrial Conference Board, with headquarters in New York, numbering among its officers and directors such men as Mr. O'Leary, the president of the Chamber of Commerce of the United States, maintained by the funds of industry, managed by industrial experts, composed of industrial executives, has submitted to the American people its profound conclusion, after one year of continued and earnest study, that the average income of the American farmer for the year 1924 was \$736, as contrasted with the average income for transportation workers of \$1,570, of \$1,250 for manufacturing wage earners, of nearly \$1,700 for ministers, of over \$2,100 for clerical workers, of \$1,650 for Government employees, and even of \$1,300 for teachers, whom we have been taught to believe are the lowest paid of our American wage earners.

We do not want a peasant population in this country. We must never be reduced to that condition. The strength of our Republic is now, as it has ever been, in the sturdy yeomanry found in our rural population. This yeomanry must not be reduced to serfdom through poverty, or else it will be destroyed. It must have been heartrending conditions similar to these that touched the great Goldsmith when he wrote:

Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay;
Princes and lords may flourish, or may fade;
A breath can make them, as a breath has made;
But a bold peasantry, their country's pride,
When once destroyed, can never be supplied.

The tendency to concentrate large fortunes in the hands of the favored few will more and more make for this unfortunate end.

When we have removed the cause then we ought to enact constructive and helpful legislation in the interest of the farmer. The tariff act ought to be repealed and the freight rates ought to be adjusted, so that the farmer will not be eaten up in that respect. Now, the average farmer does not stop to think that one of the most helpful things to him is river and harbor improvement. It helps to open up new markets and give easier and quicker access to those markets. We must have friendly and better relations abroad in order that we may find new customers and new markets for our products. You say how does harbor improvement benefit the

farmer? Let us see. It has been estimated that the improvement of the harbor at Savannah, in handling the enormous commerce that passes through that port, favorably benefits over 20,000,000 people, yet Savannah itself has a population of only about 125,000. Her harbor handles agricultural products and products for the agricultural industry in what is imported and exported of and for an area stretching as far west as Chicago. The freight rates are reduced by water rates for hundreds of miles inland. Freight can be carried by water for half what rail rates are. Our rivers and harbors should be opened up and improved and should be utilized to help solve this question, especially as the railroads are worked to their capacity and are unable to handle the freights that are piling up to be moved. Especially, too, as no more railroads are being built or will be built for many years, perhaps, in this country.

Another help will come to the farmers, especially of the South, if that great power at Muscle Shoals can ever be put to use in the manufacture of nitrates and fertilizers. It is estimated by good statisticians that it will greatly reduce the cost of nitrates and fertilizers. Some one has stated it will save the farmers of Georgia over \$20,000,000 yearly, and I confess that is an item worth saving.

When we have repealed the "blood-sucking" tariff act that is sapping the very life of our agricultural population, adjusted freight rates, improved the waterways and harbors of the country, improved the highways so as to provide for quick, cheap, and easy motor and vehicle traffic, reduced the cost of nitrates and fertilizers, contributed to better educational facilities, reduced taxes, reduced the postal rates, given a good mail service, and helped in the marketing end of the question, especially to open new markets and find new customers, we will have gone a long way toward giving much-needed relief. Many farmers do not need credits. Sometimes I fear that credits have been too easy and interest rates too high; yet there are thousands of good men who need help and must have it to again put them where they will continue as producers for the general welfare. There should be a revolving fund of not less than \$100,000,000 established by the Government with which to finance agriculture and especially with which to finance the marketing of our crops. Our farmers must be helped in the study of their crops and of conditions as well as economics. The Government has done but little in connection with the boll weevil that costs the cotton-producing States over \$50,000,000 per annum. Congress has just been playing with the subject. I may be mistaken. I hope I am not. It is my judgment that the boll weevil can be exterminated as the cattle tick has been exterminated if we would but make a concentrated and determined fight in an intensive and comprehensive campaign for his extermination. It would be worth all it costs to accomplish it. I have introduced a bill asking for the appropriation of \$3,000,000 per year for five years for this purpose. I wish it might pass. In the whole five years it would cost not much more than an ordinary battleship, and if results were accomplished, as it would be, it would save upward of \$50,000,000 per annum to the southern cotton growers alone. We can not accomplish all we would like to, but we can at least try.

Certain demagogic individuals who would discredit me have made light of this effort on my part. If it works, or if it does not work, I am in favor of doing the best that can be done to exterminate this pest, and if we can not exterminate him we can perhaps make more progress in controlling him than we have been making along that line. One thing certain, I am not going to sit up here during an entire session of Congress and not open my mouth. I am here to represent not only the district from which I hail, but I am also a representative of the entire country. I was born and reared on a farm and practically all I have is in farms and farm lands. For generations my people have been engaged in agriculture. My sympathies are with those engaged in that great industry. I want to be of help to the tillers of the soil. Their sad plight grieves me. I can not longer sit here quietly and know of their distress without speaking for them. I am here as a Democrat, proud of the history and accomplishments of that great old party. I am thoroughly convinced that Jeffersonian Democracy of "equal rights to all and special privileges to none," as laid down by that greatest of all Democrats, is best for all classes of people in this country; but in these trying days, when the welfare of millions of our farmers are at stake, I pledge myself to any and all relief measures regardless of whether they are originated by the Democrats or by the Republicans. If they will give relief and help the agricultural industry I will gladly support them, regardless of who originates them. I have taken that position with reference to tax reductions and have voted and worked for all tax reductions in order to bring all possible

relief to those who have been so heavily burdened. While I am here my time and what little talent I have belong to my country and to those people who have honored me. I earnestly hope that something can and will be done for the relief of those for whom I have spoken to-day.

Farming is the backbone of our country. It must go on if we remain a happy and prosperous people. It can not go on under conditions I have referred to. Relief must be had. I earnestly appeal to Members of Congress to rise above party affiliations, put country above party, see this thing as a great national matter, and act quickly and wisely for a long-suffering and patient industry that hangs to-day by a thread. We must do it for the further reason that if unrest and great unhappiness spread among our rural population it will tend to weaken our citizenship. The very existence of our Republic and its safety depends upon a strong, God-fearing, and law-abiding citizenry. This one class of our population has been discriminated against too much. The manufacturers, as important as they are to our civilization, have too long been fattened at the expense of the farmers. Other industries have been too long pampered by and through the protective tariff, and far too little is being done for the agricultural population by our Government. The question is a big and serious one. Let us meet it bravely as Americans, loyal to our American sense of justice, and give relief to millions of farmers who are crying out for relief. Let us do it before it is too late. As we delay, as we vacillate, as we give other matters the right of way, this great element of our country suffers and continues to lose what they have, longing and begging for relief. If conditions are improved for them, conditions will be better for all of us. It will benefit every class. Let us be constructive and recognize this industry as the greatest and most necessary of all enterprises, and do the just and manly thing by the millions who till the soil.

A few years ago the life of a farmer was considered an independent vocation. To-day, with many exceptions of course, the farmer is reduced to dependency. A few years ago a mortgage over a man's farm was the exception rather than the rule. To-day it is the rule rather than the exception; and literally millions of farms are mortgaged, livestock pledged; even unplanted crops are covered by liens.

It will require approximately \$4,000,000,000 to run the Government next year. Of this we are told by experts that approximately 85 per cent goes for the Army and Navy and causes incident to the armed forces, including pensions and the like. Think of this! Only 15 per cent of all our appropriations going for constructive purposes, for, indeed, all expenditures for armaments and wars are for destructive rather than constructive purposes. How long can we afford to let this proportion of our governmental expenses continue in this way? It should be reversed, and this Government should be expending many more millions than it is spending in the interest of agriculture, in seeking out new trade, new friends, and better friends in the large and foreign markets of the world, and in making new markets at home, for our products; and spending many more millions in advancing the cause of education and in trying to help establish that "peace on earth" to which the Master referred, which will make armies and battleships unnecessary and which will tend to solve the menace of lawlessness that is sweeping the land. I am not an extremist on the question of armaments, but I do think that our expenditures are "geared up" wrong, and unless we reverse the order and turn to things that are more constructive and put more of our thought and the Government's funds to constructive purposes the day is not far distant when we will bitterly regret it. If we can cut and reduce the appropriations we are making for battleships and other instruments of destruction, we will be able to spend more for agriculture, education, and highways and other things that will advance our civilization. I believe we should at all times be prepared with an adequate means of defense, but as certainly as day follows night wars follow big armaments.

The agricultural industry can not be rebuilt in a day. It can be rebuilt in a few years, and it should be rebuilt even if it takes many millions of dollars to do it, and we should never again choke it off with high tariffs or any other discriminating legislation. We should encourage agriculture and give fair play to the laws of supply and demand, helping our farmers find the demands not only at home but in all the markets of the world. [Applause.]

AIRCRAFT IN THE NAVY AND MARINE CORPS

The SPEAKER. When the House adjourned on Friday the previous question had been ordered on H. R. 9690, a bill to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps and to ad-

just and define the status of the operating personnel in connection therewith. The question now is on the engrossment and third reading of bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is now on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 94, noes 7.

Mr. BLANTON. Mr. Speaker, I object to the vote and make the point that there is no quorum present.

The SPEAKER. Evidently no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 297, nays 40, answered "present" 1, not voting 93, as follows:

[Roll No. 67]

YEAS—297

Abernethy	Eaton	Lanham	Sabath
Ackerman	Edwards	Lankford	Sanders, N. Y.
Adkins	Elliot	Larsen	Sanders, Tex.
Aldrich	Ellis	Lasaro	Sandlin
Allen	Evans	Lea, Calif.	Scott
Andersen	Fairchild	Leatherwood	Seger
Andrew	Faust	Leavitt	Shreve
Appleby	Fenn	Lehlbach	Simmons
Arentz	Fisher	Letts	Sinnott
Arnold	Fitzgerald, W. T.	Linthicum	Smith
Aswell	Fletcher	Little	Snell
Ayres	Fort	Lozier	Sosnowski
Bacharach	Foss	Luce	Sparring
Bachmana	Freeman	Lyon	Sproul, Kans.
Bacon	French	McClintic	Stalker
Bailey	Prothingham	McDuffie	Stephens
Bankhead	Fuller	McFadden	Stobbs
Barbour	Furlow	McLaughlin, Mich.	Strong, Kans.
Beck	Gambrell	McLeod	Strother
Beers	Garber	McMillan	Summers, Wash.
Berger	Garrett, Tenn.	McKeynolds	Summers, Tex.
Bisler	Garrett, Tex.	McSweeney	Swank
Black, N. Y.	Gasque	MacGregor	Sweet
Bland	Gibson	Madden	Swing
Bloom	Gifford	Magee, Pa.	Taber
Boles	Gilbert	Magee, N. Y.	Taylor, Colo.
Bowles	Glynn	Magrady	Taylor, N. J.
Bowling	Goldsbrough	Major	Taylor, Tenn.
Bowman	Goodwin	Mansfield	Taylor, W. Va.
Box	Green, Fla.	Mapes	Temple
Brand, Ohio	Griest	Martin, La.	Thatcher
Briggs	Hadley	Martin, Mass.	Thurston
Brightman	Hale	Menges	Tillman
Browne	Hall, Ind.	Merritt	Tilson
Browning	Hall, N. Dak.	Michener	Timberlake
Buchanan	Hardy	Miller	Tinkham
Bulwinkle	Harrison	Milligan	Tolley
Burdick	Hastings	Montague	Treadway
Burtness	Hawley	Montgomery	Tucker
Burton	Hayden	Mooney	Underhill
Butler	Hersey	Moore, Ohio	Underwood
Campbell	Hickey	Morgan	Uphaw
Cannon	Hill, Ala.	Morrow	Valle
Carpenter	Hill, Md.	Murphy	Vestal
Carr	Hill, Wash.	Nelson, Me.	Vincent, Mich.
Carter, Calif.	Hoch	Nelson, Mo.	Vinson, Ga.
Carter, Okla.	Hogg	Newton, Minn.	Vinson, Ky.
Chalmers	Holaday	Newton, Mo.	Voigt
Chindblom	Hooper	Norton	Wainwright
Clague	Howard	O'Connell, N. Y.	Walters
Cole	Hudson	O'Connell, R. I.	Warren
Collier	Hudspeth	O'Connor, La.	Wason
Colton	Hull, William E.	Oldfield	Watres
Connally, Tex.	Jacobstein	Oliver, Ala.	Watson
Conner	James	Parker	Weaver
Cooper, Ohio	Jeffers	Parks	Welsh
Cooper, Wis.	Johnson, Ind.	Peavey	Wheeler
Cornling	Johnson, S. Dak.	Peery	White, Kans.
Coyle	Johnson, Tex.	Perkins	White, Me.
Cramton	Johnson, Wash.	Porter	Whitehead
Crisp	Kabu	Pou	Whittington
Crowther	Kearns	Prall	Williams, Tex.
Crumpacker	Keller	Pratt	Williamson
Darrow	Kemp	Quin	Wilson, La.
Davenport	Kerr	Ramseyer	Wingo
Davey	Ketcham	Rankin	Winter
Davis	Kiefner	Ransley	Wolverton
Deal	Kiess	Rayburn	Wood
Dickinson, Iowa	Kinchelee	Reece	Woodruff
Dickinson, Mo.	Kindred	Robinson, Iowa	Wright
Doughton	King	Robson, Ky.	Wurbach
Douglass	Kirk	Rogers	Wyant
Drane	Knutson	Rowbottom	
Driver	Kurtz	Rubey	
Dyer	Lampert	Rutherford	

NAYS—40

Allgood	Crosser	Hull, Morton D.	Rainey
Almon	Dominick	Jones	Reed, Ark.
Anthony	Eslick	Kvale	Romjue
Bell	Fulmer	Lowrey	Rouse
Black, Tex.	Gardner, Ind.	McKeown	Schneider
Blanton	Garner, Tex.	Moore, Ky.	Shallenberger
Brand, Ga.	Greenwood	Moore, Va.	Sinclair
Busby	Hammer	Morehead	Speaks
Canfield	Hare	Nelson, Wis.	Stearns
Collins	Huddleston	Ragon	Wefald

ANSWERED "PRESENT"—1

Byrns

NOT VOTING—93

Auf der Heide	Fitzgerald, Roy G.	LaGuardia	Smithwick
Barkley	Fincherty	Lee, Ga.	Somers, N. Y.
Beedy	Frear	Lindsay	Sproul, Ill.
Begg	Fredericks	Lineberger	Stedman
Boylan	Free	McLaughlin, Nebr.	Stevenson
Britten	Funk	McSwain	Strong, Pa.
Brumm	Gallivan	Manlove	Sullivan
Carew	Golder	Mead	Swartz
Celler	Gorman	Michaelson	Swoope
Chapman	Graham	Mills	Thomas
Christopherson	Green, Iowa	Morin	Thompson
Cleary	Griffin	O'Connor, N. Y.	Tincher
Connolly, Pa.	Haugen	Oliver, N. Y.	Tydings
Cox	Hawes	Patterson	Udlike
Cullen	Houston	Perlman	Vare
Curry	Hull, Tenn.	Phillips	Weller
Dempsey	Irwin	Purnell	Williams, Ill.
Denison	Jenkins	Quayle	Wilson, Miss.
Dickstein	Johnson, Ill.	Rathbone	Woodrum
Dowell	Johnson, Ky.	Reed, N. Y.	Yates
Doyle	Kelly	Reid, Ill.	Zihlman
Drewry	Kendall	Schafer	
Esterly	Kopp	Sears, Fla.	
Fish	Kunz	Sears, Nebr.	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Udlike (for) with Mr. LaGuardia (against).

Until further notice:

Mr. Vare with Mr. Byrns.
 Mr. Manlove with Mr. Gallivan.
 Mr. Connolly of Pennsylvania with Mr. Celler.
 Mr. Begg with Mr. Hull of Tennessee.
 Mr. Kendall with Mr. Wilson of Mississippi.
 Mr. Williams of Illinois with Mr. Cullen.
 Mr. Brumm with Mr. Smithwick.
 Mr. Dowell with Mr. Auf der Heide.
 Mr. Mills with Mr. Sears of Florida.
 Mr. Denison with Mr. Cox.
 Mr. Patterson with Mr. Weller.
 Mr. Fish with Mr. Johnson of Kentucky.
 Mr. Purnell with Mr. Doyle.
 Mr. Reid of Illinois with Mr. Lindsay.
 Mr. Free with Mr. Stevenson.
 Mr. Rathbone with Mr. Cleary.
 Mr. Gorman with Mr. Thomas.
 Mr. Strong of Pennsylvania with Mr. Barkley.
 Mr. Graham with Mr. O'Connor of New York.
 Mr. Funk with Mr. Hawes.
 Mr. Phillips with Mr. Tydings.
 Mr. Morin with Mr. Boylan.
 Mr. Esterly with Mr. Chapman.
 Mr. Curry with Mr. Carew.
 Mr. Beedy with Mr. McSwain.
 Mr. Johnson of Illinois with Mr. Quayle.
 Mr. Yates with Mr. Drewry.
 Mr. Christopherson with Mr. Griffin.
 Mr. Kopp with Mr. Woodrum.
 Mr. Britten with Mr. Sullivan.
 Mr. McLaughlin of Nebraska with Mr. Lee of Georgia.
 Mr. Dempsey with Mr. Oliver of New York.
 Mr. Perlman with Mr. Kunz.
 Mr. Reed of New York with Mr. Mead.
 Mr. Golder with Mr. Stedman.
 Mr. Sproul of Illinois with Mr. Somers of New York.
 Mr. Green of Iowa with Mr. Dickstein.
 Mr. Thompson with Mr. Frear.
 Mr. Fredericks with Mr. Schafer.

Mr. BYRNS. Mr. Speaker, I have a general pair with the gentleman from Pennsylvania [Mr. VARE]. I desire to withdraw by vote and answer "present."

Mr. CONNERY. Mr. Speaker, my colleague [Mr. GALLIVAN] has been called away on important business. He asked me to say that if he were here he would vote yea.

The result of the vote was announced as above recorded.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The doors were opened.

BRIDGE ACROSS THE POTOMAC RIVER

Mr. BURTNESS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 8908, an act granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to take from the Speaker's table H. R. 8908, to disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. The Chair appoints the following conferees: Messrs. DENISON, BURTNESS, and PARKS.

A DEMONSTRATION OF CHRISTIAN UNITY

Mr. HUDSON. Mr. Speaker, I ask unanimous consent to print in the RECORD a communication received by me from the Detroit Council of Churches.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD by printing a communication addressed to him by the Detroit Council of Churches. Is there objection?

There was no objection.

Mr. HUDSON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

THE DETROIT COUNCIL OF CHURCHES,

April 6, 1926.

HON. GRANT M. HUDSON,

House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: At a meeting of the Detroit Council of Churches held yesterday, I was instructed to convey to you, and through you to our two Senators, our Congressmen from Michigan, and the Judiciary Committee, our desire that you all shall stand with unflinching fidelity in your support of the National Constitution and the preservation of the Volstead Act.

We want to assure you that the people of the great State of Michigan, so large and valuable an element of which we represent, are overwhelmingly back of the eighteenth amendment and the Volstead Act. Our constituency may not be so noisy as some other elements of our population, and are not much given to using our energies on the straw votes of newspapers, but we all are back of law and order and depend upon our Representatives at Washington to do the same.

Will you, therefore, convey copies of this communication to the Senators and Representatives from Michigan, and particularly have it presented to the Judiciary Committee now conducting a public hearing of the prohibition question?

Very cordially yours,

REV. M. C. PEARSON,
Executive Secretary.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 4007. An act to amend an act approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States"; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States";

H. R. 6730. An act to detach Fulton County from the Jonesboro division of the eastern judicial district of the State of Arkansas and attach the same to the Batesville division of the eastern judicial district of said State; and

H. R. 9085. An act providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia.

The message also announced that the Senate had passed without amendments bills and resolutions of the following titles:

H. R. 96. An act authorizing an appropriation of not more than \$3,000 from the tribal funds of the Indians of the Quinalt Reservation, Wash., for the construction of a system of water supply at Taholah on said reservation;

H. R. 187. An act making a grant of land for school purposes, Fort Shaw division, Sun River project, Montana;

H. R. 264. An act to amend an act to provide for the appointment of a commission to standardize screw threads;

H. R. 1944. An act for the relief of Charles Wall;

H. R. 2703. An act granting six months' pay to Anton Kunz, father of Joseph Anthony Kunz, deceased, machinist's mate, first class, United States Navy, in active service;

H. R. 3431. An act for the relief of Frederick S. Easter;

H. R. 4835. An act to remove the charge of desertion from the records of the War Department standing against William J. Dunlap;

H. R. 5210. An act extending the provisions of an act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona;

H. R. 6355. An act providing for the acquirement by the United States of privately owned lands in San Miguel, Mora, Taos, and Colfax Counties, N. Mex., within the Mora grant, and adjoining one or more national forests, by exchanging therefor lands or timber within the exterior boundaries of any national forest situated within the State of New Mexico or the State of Arizona;

H. R. 6573. An act to extend the time for the completion of the Alaska Anthracite Railroad Co., and for other purposes;

H. R. 7255. An act to regulate the sale of kosher meat in the District of Columbia;

H. R. 7752. An act to authorize the leasing for mining purposes of land reserved for Indian agency and school purposes;

H. R. 8646. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes;

H. R. 9314. An act to provide for the enlargement of the present customs warehouse at San Juan, Porto Rico;

H. R. 9957. An act authorizing a survey for the control of excess flood waters of the Mississippi River below Point Breeze in Louisiana and on the Atchafalaya outlet by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes;

H. J. Res. 171. Joint resolution authorizing the Secretary of the Interior to approve the application of the State of Idaho to certain lands under an act entitled "An act to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands," approved September 22, 1922; and

H. J. Res. 191. Joint resolution authorizing the Federal Reserve Bank of Richmond to contract for and erect in the city of Baltimore, Md., a building for its Baltimore branch.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 43. An act authorizing the President to issue an appropriate commission and honorable discharge to Joseph B. Maccabe;

S. 85. An act to correct the status of certain commissioned officers of the Navy appointed thereto pursuant to the provisions of the act of Congress approved June 4, 1920;

S. 96. An act to amend the national defense act approved June 3, 1916, as amended by the act of June 4, 1920, relating to retirement;

S. 112. An act for the relief of the owner of the American steam tug *Charles Runyon*;

S. 227. An act to provide for the appointment of an additional district judge for the district of Connecticut;

S. 464. An act for the relief of W. P. Dalton;

S. 475. An act to authorize the President of the United States to appoint an additional judge of the district court of the United States for the southern district of the State of Iowa;

S. 505. An act to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased;

S. 511. An act for the relief of all owners of cargo laden aboard the lighter *Linwood* at the time of her collision with the U. S. S. *Absecon*;

S. 537. An act for the relief of the owners of cargo aboard the steamship *Bozley*;

S. 565. An act limiting the creation of extension of forest reserves in New Mexico and Arizona;

S. 577. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to Alberta Sister Sauls;

S. 675. An act granting certain lands to the city of Ogden, Utah, to protect the watershed of the water-supply system of said city;

S. 722. An act to authorize the selection of certain publicly owned lands by the State of Oregon;

S. 1361. An act for the relief of the Maryland Casualty Co.; the United States Fidelity & Guaranty Co., of Baltimore, Md.; and the Fidelity & Deposit Co. of Maryland;

S. 1642. An act to provide for the appointment of an additional district judge for the eastern district of Pennsylvania;

S. 1726. An act for the relief of the Atlantic & Caribbean Steam Navigation Co.;

S. 1728. An act for the relief of the owners of the steamship *San Lucar* and of her cargo;

S. 1730. An act to authorize the payment of indemnity to the Government of Great Britain on account of losses sustained by the owners of the British steamship *Mavisbrook* as a result of collision between it and the U. S. transport *Carolinian*;

S. 1930. An act to authorize the Postmaster General to readjust the terms of certain screen-wagon contracts, and for other purposes;

S. 1963. An act authorizing the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims;

S. 2124. An act for the relief of Philip Hertz (Philip Herz);

S. 2338. An act authorizing the President to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army;

S. 2568. An act for the relief of Ocean Steamship Co. (Ltd.), a British corporation;

S. 2512. An act to authorize the Comptroller General of the United States to relieve Fred A. Gosnell, former disbursing clerk, Bureau of the Census, and the estate of Richard C. Lappin, former supervisor of the fourteenth decennial census

for the Territory of Hawaii and special disbursing agent, in the settlement of certain accounts;

S. 2709. An act to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. p. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes'";

S. 2712. An act authorizing an appropriation from the tribal funds of the Chippewa Indians of Minnesota for the construction of a road on the Leech Lake Reservation;

S. 2714. An act to authorize the cancellation, under certain conditions, of patents in fee simple to Indians for allotments held in trust by the United States;

S. 2717. An act to reserve the merchantable timber on all tribal lands within the Klamath Indian Reservation in Oregon hereafter allotted, and for other purposes;

S. 2876. An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.;

S. 2898. An act for the relief of all owners of cargo laden aboard the steamship *Oconee*;

S. 2955. An act for the relief of Chaplain A. E. Stone, United States Navy;

S. 2967. An act to authorize the Secretary of the Interior to sell certain lands within the Fort Madison Indian Reservation, in the State of Washington, heretofore set apart for school or administrative purposes;

S. 3015. An act for the relief of William J. Murphy;

S. 3031. An act for the relief of George Barrett;

S. 3049. An act for the relief of Mrs. M. McCollom, Margaret G. Jackson, and Dorothy M. Murphy;

S. 3112. An act for the relief of the estate of Charles Le Roy, deceased;

S. 3268. An act authorizing repayment of excess amounts paid by purchasers of certain lots in the town site of Bowdoin, Mont.;

S. 3283. An act to provide for the appointment of Army field clerks and field clerks, Quartermaster Corps, as warrant officers, United States Army;

S. 3463. An act to extend the time for the exchange of Government-owned lands for privately owned lands in the Territory of Hawaii;

S. 3550. An act providing for an inspection of the Kennesaw Mountain and Lost Mountain and other battle fields in the State of Georgia;

S. 3627. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State;

S. 3647. An act to appoint Mate John Joseph Bresnahan, United States Navy, a boatswain in the Navy;

S. 3786. An act to enable members of the Reserve Officers' Training Corps who have interrupted the course of training prescribed in the act of June 4, 1920, to resume such training, and amending accordingly section 47c of that act;

S. J. Res. 60. Joint resolution authorizing the expenditures from the Fort Peck 4 per cent fund for visits of tribal delegates to Washington; and

S. J. Res. 71. Joint resolution authorizing the Secretary of the Interior to establish a trust fund for the Kiowa, Comanche, and Apache Indians in Oklahoma, and making provision for the same.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 8917. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes;

S. J. Res. 61. Joint resolution authorizing the Federal Reserve Bank of Chicago to enter into contracts for the erection of a building for its branch establishment in the city of Detroit, Mich.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 43. An act authorizing the President to issue an appropriate commission and honorable discharge to Joseph B. Maccabe; to the Committee on Military Affairs.

S. 85. An act to correct the status of certain commissioned officers of the Navy appointed thereto pursuant to the provisions of the act of Congress approved June 4, 1920; to the Committee on Naval Affairs.

S. 90. An act to amend the national defense act approved June 3, 1916, as amended by the act of June 4, 1920, relating to retirement; to the Committee on Military Affairs.

S. 112. An act for the relief of the owner of the American steam tug *Charles Runyon*; to the Committee on Claims.

S. 227. An act to provide for the appointment of an additional district judge for the district of Connecticut; to the Committee on the Judiciary.

S. 464. An act for the relief of W. P. Dalton; to the Committee on Claims.

S. 475. An act to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Southern District of the State of Iowa; to the Committee on the Judiciary.

S. 505. An act to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased; to the Committee on War Claims.

S. 511. An act for the relief of all owners of cargo laden aboard the lighter *Linwood* at the time of her collision with the United States steamship *Abasco*; to the Committee on Claims.

S. 537. An act for the relief of the owners of cargo aboard the steamship *Borley*; to the Committee on Claims.

S. 565. An act limiting the creation or extension of forest reserves in New Mexico and Arizona; to the Committee on the Public Lands.

S. 577. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to Alberta Sisler Sauls; to the Committee on Claims.

S. 675. An act granting certain lands to the city of Ogden, Utah, to protect the watershed of the water-supply system of said city; to the Committee on the Public Lands.

S. 722. An act to authorize the selection of certain publicly owned lands by the State of Oregon; to the Committee on the Public Lands.

S. 1361. An act for the relief of the Maryland Casualty Co.; the United States Fidelity & Guaranty Co., of Baltimore, Md.; and the Fidelity & Deposit Co. of Maryland; to the Committee on Claims.

S. 1642. An act to provide for the appointment of an additional district judge for the eastern district of Pennsylvania; to the Committee on the Judiciary.

S. 1726. An act for the relief of the Atlantic & Caribbean Steam Navigation Co.; to the Committee on Claims.

S. 1728. An act for the relief of the owners of the steamship *San Lucar* and of her cargo; to the Committee on Claims.

S. 1730. An act to authorize the payment of indemnity to the Government of Great Britain on account of losses sustained by the owners of the British steamship *Marisbrook* as a result of collision between it and the U. S. transport *Carolinian*; to the Committee on Foreign Affairs.

S. 1930. An act to authorize the Postmaster General to readjust the terms of certain screen-wagon contracts, and for other purposes; to the Committee on the Post Office and Post Roads.

S. 1963. An act authorizing the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims; to the Committee on Indian Affairs.

S. 2124. An act for the relief of Philip Hertz (Philip Herz); to the Committee on Military Affairs.

S. 2338. An act authorizing the President to reappoint Chester A. Rothwell, formerly a captain of Engineers, United States Army, an officer of Engineers, United States Army; to the Committee on Military Affairs.

S. 2368. An act for the relief of Ocean Steamship Co. (Ltd.), a British corporation; to the Committee on Claims.

S. 2512. An act to authorize the Comptroller General of the United States to relieve Fred A. Gosnell, former disbursing clerk, Bureau of the Census, and the estate of Richard C. Lappin, former supervisor of the fourteenth decennial census for the Territory of Hawaii and special disbursing agent in the settlement of certain accounts; to the Committee on Claims.

S. 2709. An act to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. p. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes'"; to the Committee on Indian Affairs.

S. 2712. An act authorizing an appropriation from the tribal funds of the Chippewa Indians of Minnesota for the construction of a road on the Leech Lake Reservation; to the Committee on Indian Affairs.

S. 2714. An act to authorize the cancellation, under certain conditions, of patents in fee simple to Indians for allotments held in trust by the United States; to the Committee on Indian Affairs.

S. 2717. An act to reserve the merchantable timber on all tribal lands within the Klamath Indian Reservation in Oregon hereafter allotted, and for other purposes; to the Committee on Indian Affairs.

S. 2876. An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.; to the Committee on Military Affairs.

S. 2898. An act for the relief of all owners of cargo laden aboard the steamship *Oconee*; to the Committee on Claims.

S. 2955. An act for the relief of Chaplain A. E. Stone, United States Navy; to the Committee on Military Affairs.

S. 2967. An act to authorize the Secretary of the Interior to sell certain lands within the Fort Madison Indian Reservation, in the State of Washington, heretofore set apart for school or administrative purposes; to the Committee on Indian Affairs.

S. 3015. An act for the relief of William J. Murphy; to the Committee on Claims.

S. 3031. An act for the relief of George Barrett; to the Committee on Military Affairs.

S. 3049. An act for the relief of Mrs. M. McCollom, Margaret G. Jackson, and Dorothy M. Murphy; to the Committee on Claims.

S. 3112. An act for the relief of the estate of Charles Le Roy, deceased; to the Committee on Claims.

S. 3268. An act authorizing repayment of excess amounts paid by purchasers of certain lots in the town site of Bowdoin, Mont.; to the Committee on the Public Lands.

S. 3283. An act to provide for the appointment of Army field clerks and field clerks, Quartermaster Corps, as warrant officers, United States Army; to the Committee on Military Affairs.

S. 3550. An act providing for an inspection of the Kennesaw Mountain and Lost Mountain and other battle fields in the State of Georgia; to the Committee on Military Affairs.

S. 3553. An act to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project; to the Committee on Irrigation and Reclamation.

S. 3647. An act to appoint Mate John Joseph Bresnahan, United States Navy, a boatswain in the Navy; to the Committee on Naval Affairs.

S. 3786. An act to enable members of the Reserve Officers' Training Corps who have interrupted the course of training prescribed in the act of June 4, 1920, to resume such training and amending accordingly section 47c of that act; to the Committee on Military Affairs.

S. J. Res. 60. Joint resolution authorizing the expenditures from the Fort Peck 4 per cent fund for visits of tribal delegates to Washington; to the Committee on Indian Affairs.

S. J. Res. 71. Joint resolution authorizing the Secretary of the Interior to establish a trust fund for the Kiowa, Comanche, and Apache Indians in Oklahoma and making provision for the same; to the Committee on Indian Affairs.

REPORT OF PRESIDENT'S AIRCRAFT BOARD

Mr. BEERS. Mr. Speaker, I offer a privileged resolution from the Committee on Printing and ask for its immediate consideration.

The SPEAKER. The gentleman from Pennsylvania offers a resolution which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 9

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on Interstate and Foreign Commerce of the House of Representatives be, and is hereby, empowered to procure the printing of 1,500 additional copies of the hearings held before the President's Aircraft Board on matters relating to aircraft, including the report of the President's Aircraft Board.

The resolution was agreed to.

PROCEEDINGS IN MEMORY OF THE LATE WILLIAM JENNINGS BRYAN

Mr. BEERS. Mr. Speaker, I present another privileged resolution from the Committee on Printing and ask for its present consideration.

The SPEAKER. The gentleman from Pennsylvania offers a resolution which the Clerk will report.

The Clerk read as follows:

House Resolution 186

Resolved, That there shall be compiled and printed as a document for the use of the House of Representatives, as may be directed by the Joint Committee on Printing, 22,000 copies of the proceedings in the House of Representatives on March 19, 1926, held in memory of the late William Jennings Bryan.

Mr. BLANTON. Mr. Speaker, as I understand it, these documents will be distributed through the Document Room? The resolution was agreed to.

CIVIL AVIATION

Mr. PARKER. Mr. President, I call up the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes.

The SPEAKER. This bill is on the Union Calendar and the House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes, with Mr. CHINBLOM in the chair.

The Clerk read the title of the bill.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. Under the rule adopted for the consideration of this bill there will be three hours of general debate, and the gentleman from New York is recognized.

Mr. PARKER. Mr. Chairman, I do not pose as an expert on aviation, but having been a member of the President's Aircraft Investigating Board, it would be impossible for me not to have some notion regarding aviation. I am not going to take up this bill in detail. I am going to leave that to the other members of the committee. I am simply going to discuss for a few moments the general subject of commercial aviation, because I am much impressed with the fact it is going to play a very important part in the commerce of the United States within the next 20 years.

We can all remember when the automobile was considered a dangerous mode of transportation. To-day aviation is in much the same condition, but it will be but a very short time before aviation will be used for commerce to a very great extent where the question of time is of major importance and not the question of expense. It is surprising the number of miles that have been flown in commercial aviation. At the present time we have no legislation to control commercial aviation. This bill carries no appropriation except an appropriation to light airways the same as you furnish facilities to light the harbors and the channels for the craft that navigate the water.

There is one controversy in this bill, and only one, and that is the jurisdiction of the air over the various States. Is that to be retained by the States or are we to establish a policy, as we have on the water, that all navigable air is under Federal control? This is absolutely the only question involved and the only controversy in this bill.

There is no question but what if any of you gentlemen were going to Chicago to-night, you would go by air if you thought it was as safe as going by train, on account of the fact you can go by air in perhaps 6 hours, whereas it takes 24 hours to go by train. Now, all in the world this bill does is to try to make aviation as safe as possible. There is always to be a hazard about it, of course, but we want to make it, through inspection of both the aircraft and the pilots, as safe as it can possibly be made.

I know, gentlemen, this is a rather dull subject, but it is an extremely important one, and it is one that is going to occupy the minds of the American people for the next 25 years to a very great extent. There is one farmer, for instance, in the far West that uses a plane to go about his farm. In Florida planes were used commercially very largely during the land boom. I have just received a letter this morning from Aviation stating they have endeavored to find out how many miles had been flown by private craft during the last year. The statement is surprising. Over nine and a half million miles have been flown by private aircraft during the last year.

The only commercial aircraft we have now, practically, is the Post Office Department craft. The Post Office Department has been extending the Air Mail Service all over the country and the figures with respect to it are very illuminating.

The Post Office Department, as you know, is now letting contracts to private concerns rather than putting the Government in the business of transporting the mails in this way. There is to be opened very shortly a mail service from Dallas, Tex., to New York. There is a mail service now from New York to San Francisco. There was a record made within a very short time of four and a half hours from New York to Chicago.

What we are trying to do by this bill is to make aviation safe so as to attract the public and the public's patronage, because, as a matter of national defense, every pilot you have

on a commercial plane is a potential factor in time of war, because you have a trained pilot to use if an emergency ever arises.

Mr. KING. Will the gentleman yield?

Mr. PARKER. Certainly.

Mr. KING. I would like to ask the gentleman whether the committee has made any provision for protecting the people who are walking upon the earth. I notice they are bringing pianos every day down here to Washington from New York by airplane. It is a very fine plan and I am in favor of it, but some of us might get hit.

Mr. PARKER. In answer to the gentleman I will say that at the present time we have no law to restrict aviation. After this bill is enacted the Secretary of Commerce would have the power to say practically what they could do.

Mr. HILL of Maryland. I would like to ask the gentleman whether he would prefer to yield now or later for a question about the bill.

Mr. PARKER. I would rather the gentleman asked some of the other members of the committee who are going to discuss the bill in detail, as I simply want to discuss the general proposition involved.

Now, take the Air Mail Service; it was started in 1918. Let us see what they have done to improve the safety. I want to impress upon you that the thing that appeals to me is the making of aircraft safe and that mode of transportation safe. As far as I am concerned that is all there is in this bill.

The fatalities, according to the Air Mail Service, have gone down from 64,000 miles to a fatality in 1918 to over 200,000 miles per fatality in 1925. That is due entirely to the inspection of the aircraft and the care with which the pilots have been selected. That is a tremendous improvement—from 64,000 miles per fatality to over 200,000 miles per fatality.

Now, this does not put the Government to any great expense. It will put it to some expense in lighting airways the same as you light your harbors, the same as you buoy the Potomac River to make it safe for navigation. It will entail some expense to the Government, of course. But let me say a word about the emergency landing fields which are to be provided. They are simply level fields where the aviators can make a forced landing, land with safety to the pilot and his plane.

There is a great difference between a forced landing and a crash. The crash means when a man falls and loses control of his machine. A forced landing means when he can come down slowly and land on some field that he has picked out. If we have emergency fields they will be marked and established one for every 50 or 100 miles on the airway and give the man an opportunity, if he finds he has engine trouble or something of that kind, to make a safe landing and protect both the lives and the property under his control.

Mr. LINTHICUM. Will the gentleman yield?

Mr. PARKER. Yes.

Mr. LINTHICUM. Will not the Government have to buy these fields?

Mr. PARKER. No; they can be leased.

Mr. LINTHICUM. How is it proposed to light them?

Mr. PARKER. It is proposed to light them just as you light for navigation on the water.

Mr. LAZARO. Will the gentleman yield?

Mr. PARKER. I will.

Mr. LAZARO. What has England and France done to develop commercial aviation?

Mr. PARKER. In answer to the gentleman I will say that every civilized country in the world except the United States has taken the question up earnestly and some have provided a direct subsidy. We do not believe in a direct subsidy, but we must light our airways and establish them for the reason that no private enterprise could possibly do it, because they could not use it for their own private business.

Mr. LAZARO. I know they have done that, but I had reference to the lines and the lighting, and so on.

Mr. PARKER. Their problems are not as great as ours because their distances are shorter.

Mr. LAZARO. And still they have problems?

Mr. PARKER. Oh, yes; but they have done a great deal and have established landing fields.

Mr. BLANTON. Will the gentleman yield?

Mr. PARKER. I will.

Mr. BLANTON. How much does the gentleman estimate that this will cost during the next five years?

Mr. PARKER. For the first year about \$250,000.

Mr. BLANTON. And the second and third and fourth years?

Mr. PARKER. That will depend upon how many routes are established and what the commercial necessity is.

Mr. BLANTON. Will it not increase each year?

Mr. PARKER. I hope so; naturally, as our transportation increases, it will increase, but not faster than the necessity compels the department to establish these routes.

Mr. BLANTON. Is it to be connected with the Government Postal Service?

Mr. PARKER. The facilities of the present Postal Service are to be turned over to the Department of Commerce under an agreement between the Post Office Department and the Department of Commerce.

Mr. BLANTON. And the Department of Commerce is to run all the air mail?

Mr. PARKER. No; it has nothing to do with that at all. The facilities of the airways are turned over.

Mr. BLANTON. The airways are still to be used by the Postal Service?

Mr. PARKER. Yes; this has nothing to do with the physical transportation of the mail.

Mr. BLANTON. This bill will have no connection whatever with the physical transportation of the mail?

Mr. PARKER. Absolutely not. The mail will be transported over these air routes in a similar way that the mail is now transported over steamship routes.

Mr. BLANTON. Any private aviation concern can use these routes?

Mr. PARKER. Absolutely; yes.

As I have said, there is a very great difference between a forced landing and a crash. Twelve crashes have occurred in the Postal Service within the last year. Two men have been killed. That is to say, there were 10 crashes and the pilots were not hurt. If you will bear with me for a moment, I shall try to explain to you what makes a crash and what makes a forced landing. If a man has engine trouble and his plane loses speed so that it gets below 50 miles an hour—that is about the average—he loses control of his machine, the same as one may lose steering way on a boat. He can not control it unless he has a certain speed. If he has a speed of over 50 miles an hour, he can absolutely control that plane, even if his engine is dead. If he is up 5,000 feet, for instance, he can drift for 5 miles practically before he lands, so that you see that gives him a very great chance to make a safe landing. All we want to do is to establish these airways and make it possible to make aviation safe.

I reserve the remainder of my time.

Mr. BLANTON. Mr. Chairman, I ask for recognition for 10 minutes against the bill.

Mr. PARKER. The gentleman from Alabama [Mr. HUDDLESTON] has control of the time.

Mr. BLANTON. I do this after an agreement with the gentleman from Alabama.

The CHAIRMAN. The gentleman from New York has consumed 16 minutes.

Mr. BLANTON. I ask for recognition for 10 minutes against the bill.

The CHAIRMAN. Under the rule recognition by the Chair will have to be for an hour. If the gentleman yields the floor at the end of any time less than an hour, the Chair will consider that only the amount of time actually consumed has been granted to those in opposition to the bill.

Mr. PARKER. Mr. Chairman, I ask that the gentleman from Alabama control an hour and a half and that I control an hour and a half.

The CHAIRMAN. That can not be done in committee, it not having been done in the House. The Chair will see to it that the time is equally divided between those for and those against, under the rule.

Mr. BLANTON. Mr. Chairman, all I want is 10 minutes, and I ask the Chair to notify me at the end of that time, so that the balance of the hour may be used by others.

I was one of the 39 Members who voted against the new separate naval aircraft bill this morning. I voted against that bill, and I shall vote against this bill, and the new Army aircraft bill, because I realize the urgent necessity for one department of national defense, and these three bills will prevent our effecting that wise economy.

I was present at the hearings before the President's aircraft board. I carefully studied the testimony given by air experts there and my conclusion is that if we pass each one of these bills that are now coming so fast before the House, one right after the other, the naval bill this morning, now this bill, then the Army bill soon to follow, and the others, we are never going to have any department of national defense with a unified air bureau. If there is one thing that the evidence before the President's aircraft board established it was the urgent necessity for doing away with the Department of the Navy and doing away with the Department of War, and then

creating one department of national defense, and in that department of national defense establish a naval bureau, an Army bureau, a marine bureau, and an air bureau. Then with such a separate, independent, unified air service you would not have the Air Service of the Army starved to death by the General Staff as it has done for the last dozen years; you would not have the naval air service starved to death by the admirals who want the money for something else, as it has been, but you would have a well-equipped Air Service, and that air bureau then could allocate its service to the various departments that need it, and just when and where they need it, and that, too, in an efficient manner.

The bill we passed this morning created a separate air service within the Navy with a financial program covering the next five years. Do you know how much money it provided? It authorized for the present fiscal year, \$12,285,000; for the following fiscal year, \$16,223,750; for the next following fiscal year, \$17,582,000; for the next fiscal year after that, \$18,941,250; for the next fiscal year after that, \$20,046,250; and for the following fiscal year after that, \$17,476,250. That totals the enormous sum of \$102,554,500 for the next five years, and for the air service in the Navy alone.

We now have this bill coming in from the Interstate and Foreign Commerce Committee, which the distinguished chairman admits will cost \$250,000 the first year, and, if his hopes are realized, it will increase in cost every year thereafter. What else will it cost? It is estimated by experts that the inspectors alone, under this bill, will cost over \$1,000,000 each year. Then it provides for an additional "Assistant Secretary of Commerce," and that means all of the additional employees and added expenses that are incidental to such a position.

And worst of all it is still another infringement upon State rights by this Federal Government.

Then what else have we on this new air program? There will shortly follow the new, separate Army aircraft bill, which the gentleman from Pennsylvania [Mr. MORIN] has already reported to the House, No. 10827, and it is now on the Union Calendar awaiting passage. That provides for an enlarged, new, separate aircraft program for the Army. It is specially designed by the General Staff to defeat a unified air service. It provides:

The Secretary of War is hereby authorized to equip the Air Corps with 2,200 airplanes, with 10 airships, and with such number of free and captive balloons as he may determine are necessary for training purposes.

Do you know how much all of that is going to cost?

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes; I yield to the gentleman.

Mr. PARKER. Does the gentleman not think it advisable to encourage commercial aviation?

Mr. BLANTON. Yes; certainly I do. I am for that just as much as the gentleman or any member of his committee, but why could it not be done through a unified air service as a bureau in the department of national defense? Such a unified air bureau could allocate efficient air service that was needed by the Coast Guard; it could allocate the Air Service that was needed by the Army; it could allocate such air service as is needed by the Navy and by the Prohibition Unit in the Treasury Department; it could allocate the Air Service needed by the Agricultural Department, and eventually it is going to have a separate air service if we all sit here like mocking birds and swallow every piece of legislation that these committees bring before us. For one, I am not going to do it. I am going to raise my feeble voice against these bills and vote against every one of them, because it is a step backward in the wrong direction.

Mr. LEA of California. Is the gentleman in favor of placing military authority in control of civil aviation?

Mr. BLANTON. Why military authorities are in control of several things now that are not military. The improvement of rivers and harbors is in the hands of military officers. Every time you build a levee on the Mississippi River it has to be done by the Army Engineers. Hundreds of millions of dollars are expended through Army officers in the War Department on matters purely civil, so why kick now all of a sudden about the Air Service?

I want to say to my friend this: The people of the United States have waked up on this question. They are in favor of doing away with the War Department and doing away with the Navy Department, and they are for combining the two in one new department of national defense. They are for a bureau of the Army and a bureau of the Navy and a bureau of marines and a unified air bureau. They know that would save millions each year. They are for a unified air service, because they know it will make for efficiency.

That sentiment is going to grow in the United States in the next 10 years like no other question that is now before the people. Yet you are now proposing to do away with all that by these separate bills. And it is admirals and the General Staff doing it. You are crowding out that proposition. You are making it impossible for us to establish this department of national defense with a unified air bureau. It will be stifled to death by all these bills which various committees are now bringing in.

Why do we not stop it? If we do not believe in it, why should we not stop it? We should hold all these separate bills up until we have a proper bill.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield? Mr. BLANTON. Yes.

Mr. LINTHICUM. I want to ask the gentleman whether he thinks this legislation, being under the Secretary of Commerce, would interfere with the Secretary of War and the Secretary of the Navy?

Mr. BLANTON. There would be just as much reason for that assumption as the fear suggested by the gentleman from California [Mr. LEA]. One would necessarily overlap into the other. But if you had an independent air service in this Government you could then properly allocate the service to any department that needs it.

Mr. LINTHICUM. If this bill passes, as it will, would the Army and the Navy be obliged to conform to the routes laid down here?

Mr. BLANTON. Yes; certainly they would. What other cross-country routes would they have? You put all the control in the hands of the Department of Commerce, and you do not know whether it would meet the approbation of the engineers in the War Department or in the Navy Department or not. That is something yet to be determined.

This bill, and each of these other separate bills, is uneconomical. Talk about the President's economy program! This is the most extravagant proposition I ever heard of. There is no economy in it. You are going to have five separate independent air services, overlapping, one interfering with the other, with waste, extravagance, and graft connected with the whole business. You ought to stop it now. Now is the proper time to stop it. If we had 20 determined men to get up on the floor and speak their sentiments and fight, and stand like the Rock of Gibraltar we could stop it. But you fellows will not fight. You sit here and take what is handed to you. You follow the path of least resistance because it is easy to follow.

Mr. VINSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. VINSON of Kentucky. I would be interested in hearing the gentleman tell us in what way the passage of the Navy aviation bill and the Army aviation bill and this bill will interfere with the creation of a department of national defense?

Mr. BLANTON. Every one of them has a five-year program. Whenever you have mapped out a program for five years you can not interfere with that.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. PARKER. Is there a five-year program in this bill?

Mr. BLANTON. No. There is a perpetual program. It makes the Army and Navy follow the cross-country routes that the Secretary of Commerce prescribes. I shall fight for one department of national defense and a unified air service, and I shall vote against all these separate bills.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I yield back the balance of my time, so that the gentleman from Alabama [Mr. HUDDLESTON] and others who want time may use it.

Mr. PARKER. Mr. Chairman, how does the time now stand?

The CHAIRMAN. The gentleman from New York has used 16 minutes and 10 minutes have been used in opposition.

Mr. PARKER. I yield 15 minutes to the gentleman from Connecticut [Mr. MERRITT].

The CHAIRMAN. The gentleman from Connecticut is recognized for 15 minutes.

Mr. MERRITT. Mr. Chairman, I propose to give briefly to the committee what I think are the main features of this bill. And, first, I would like to say to the committee that this bill is the result of a number of years' consideration by all the departments interested and by various committees.

In the last Congress this same Committee on Interstate and Foreign Commerce reported out a bill under the leadership of Chairman Winslow, to whom a great deal of credit should be given for the results which we now present to you. I may

say that the delay in presenting this final bill has not been due to any lack of consideration, but to necessary care and consideration. The results, at least some of the results, you will approve of, because the bill presented in the last Congress covered some 55 pages, while in this Congress, by condensation and by more general statements, we think we have covered all the essential features in a bill embracing only about 19 pages. We have not lost sight of the fact that this industry is such a new industry that there is but little experience to guide us, and, therefore, we have not striven to make the provisions of the bill too strict or too detailed.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman care to be interrupted now, or later?

Mr. MERRITT. At any time.

Mr. HILL of Maryland. The bill that passed the Senate is the Bingham bill?

Mr. MERRITT. Yes;

Mr. HILL of Maryland. And your committee has substituted for that the Morrow Board report, or the Winslow bill?

Mr. MERRITT. Both. We have been guided by the report of the Morrow Board, and we have also been guided by the Winslow bill. As a matter of fact, a considerable part of the Morrow Board report adopted or agreed with the Winslow bill and was taken from it. The Bingham bill and the identical bill, introduced by Mr. PARKER, followed that Morrow report; and, although we approve that report, we have stricken out the Senate bill, not because we have changed the structure, but we thought it would be easier to report an entirely new bill covering the same field, but avoiding, for the sake of simplicity, the printing of a multitude of amendments, which have been inserted in order to make it workable.

Mr. HILL of Maryland. The original Bingham bill was a bill prepared by the Department of Commerce, following the Morrow Board?

Mr. MERRITT. I believe so; but I am not certain of that.

Mr. HILL of Maryland. The gentleman's bill, as reported, provides for an Assistant Secretary of Commerce for purposes of aviation?

Mr. MERRITT. Yes.

Mr. HILL of Maryland. Did the original Bingham bill provide that?

Mr. MERRITT. Yes.

Mr. HILL of Maryland. And it was recommended by the Morrow report?

Mr. MERRITT. Yes.

Mr. HILL of Maryland. So that feature remains the same?

Mr. MERRITT. That feature remains the same, and that is the feature which has been changed from the Winslow bill, the Winslow bill having provided for the creation of a separate bureau.

Mr. HILL of Maryland. But did not provide an assistant secretary?

Mr. MERRITT. No.

Mr. PEERY. Will the gentleman yield?

Mr. MERRITT. Yes.

Mr. PEERY. As I understand, this bill provides for the licensing of those who participate in aviation?

Mr. MERRITT. Yes.

Mr. PEERY. And that the Government shall collect a fee?

Mr. MERRITT. Yes.

Mr. PEERY. What is the plan or purpose of the bill as to how that matter shall be handled?

Mr. MERRITT. That was one of the points I referred to in my general remarks, namely, that we appreciated that this industry is very new. I have talked at length with the officials of the Department of Commerce, and they say their intention is to make this fee extremely moderate at first in order to see how it works, and it may be advisable later to abolish the fees, but I think the gentleman may be assured that there is no intention to make those fees at all excessive.

Mr. PEERY. That is left entirely to the discretion of the Department of Commerce?

Mr. MERRITT. Yes.

Mr. KINDRED. Will the gentleman yield?

Mr. MERRITT. I will.

Mr. KINDRED. The gentleman knows that at various county fairs and other public exhibitions there are present, as I understand, with very little regulation or very loose regulation, aviators who set up their ability to carry passengers on a trip which I consider endangers their lives. What are the regulations which will control that sort of thing?

Mr. MERRITT. No man who engages in commercial aviation, especially for the carrying of passengers, can do so without a license and without having a certificate as to the air worthiness of his ship.

Mr. KINDRED. Is it proposed under this bill to control such abuses as I refer to?

Mr. MERRITT. It is; yes.

Mr. KINDRED. What will be the qualifications for a license or for the issuance of a certificate to the effect that the aviator is competent?

Mr. MERRITT. That will have to be covered by the regulations issued by the department.

Mr. KINDRED. But it is strictly covered in this bill?

Mr. MERRITT. It is; yes.

Mr. SHALLENBERGER. If the gentleman will permit, in response to the gentleman from New York, the bill provides that certain spaces may be reserved above places such as churches, public fairs, and gatherings of that sort, whereby the airplanes will be prohibited from using those spaces. In that way they will be protected.

Mr. BLAND. Will the gentleman yield?

Mr. MERRITT. Yes.

Mr. BLAND. What is the basis of Federal jurisdiction in licensing an aviator at a fair held in the State and under local jurisdiction? Where do you get your Federal authority?

Mr. MERRITT. Well, it is the same authority, in general, as permits the United States to make regulations for the railroads with reference to interstate and intrastate business.

Mr. BLAND. Provided they are engaged in interstate business; yes.

Mr. MERRITT. It is also provided that in intrastate commerce nothing can be done to interfere with interstate commerce.

Mr. BLAND. Exactly. Where the transaction of intrastate business is so connected with interstate business or so interwoven that the regulations with respect to intrastate business would impose a burden on interstate business, the Federal Government would have jurisdiction, but under what authority would the Federal Government have the right to require an aviator in the State of Virginia or in the State of Massachusetts, flying in that State, living in that State and flying over fairs in that State, to get a Federal license?

Mr. PARKER. Will the gentleman yield so that I may reply to the gentleman from Virginia?

Mr. MERRITT. Yes.

Mr. PARKER. Is it not more comparable with the navigation of the water?

Mr. BLAND. That is a matter of the regulation of commerce, and that is a matter of the regulation of commerce between the States.

Mr. PARKER. Oh, no; the gentleman is mistaken. Commerce entirely intrastate is regulated by the Federal Government as it relates to the water.

Mr. BLAND. Does the gentleman mean that we can pass a Federal regulation dealing entirely with commerce within a State and in no wise connected with interstate business?

Mr. PARKER. We can certainly control the licensing of the boat, the licensing of the pilot, and everything of that kind. I will not say you can control the price that may be charged for the shipment of a commodity, but it is necessary to have a Federal license to run a boat on the James River, and this is exactly comparable with that.

Mr. MERRITT. Mr. Chairman, I decline to yield further at this point.

Mr. WAINWRIGHT. Will not the gentleman leave himself enough time or take enough time at the end of his general remarks so that we may ask one or two questions?

Mr. MERRITT. I will if I have the time.

Mr. WAINWRIGHT. We understand that the gentleman is really explaining this bill.

Mr. MERRITT. I do not want to give too much time to details, because I want, in the time the chairman has allotted to me, to give a general view of the bill. Of course, when the bill is read under the five-minute rule there will be an opportunity for inquiries as to the details.

I think it will be worth while, on this general principle that the gentleman has just been asking about, the control of the air, to call the attention of the committee to the fact that there exists among the principal nations of the world a convention which relates to international air navigation. This convention was negotiated, I think, during the administration of President Wilson. It was signed by the representatives of the United States, but as that convention has some relation to the League of Nations, it has never been presented to the Senate. However, in drawing this legislation we thought it best and safest in the end to pay attention to some of the provisions, at least, of that international convention.

I think the committee will be interested in listening to the basic points of that convention. I will not read all these articles. I am going to read a part of the first three articles of the

general convention which, as I have said, the United States has signed, but which has not been ratified by the Senate:

The high contracting parties recognize that every power has complete and exclusive sovereignty over the air space above its territory.

Article 2 is important in connection with this bill:

Each contracting State undertakes in time of peace to accord freedom of innocent passage above its territory to the aircraft of the other contracting States, provided that the conditions laid down in the present convention are observed.

Regulations made by a contracting State as to the admission over its territory of the aircraft of the other contracting States shall be applied without distinction of nationality.

Following is the provision reserving the air space which the gentleman from Nebraska [Mr. SHALLENBERGER] has mentioned:

Each contracting State is entitled, for military reasons or in the interest of public safety, to prohibit the aircraft of the other contracting States, under the penalties provided by its legislation and subject to no distinction being made in this respect between its private aircraft and those of the other contracting States, from flying over certain areas of its territory.

In that case the locality and the extent of the prohibited areas shall be published and notified beforehand to the other contracting States.

The chairman has already pointed out that this legislation does not in any way interfere with Army flyers or with Navy flyers. All we are trying to do in this legislation is to encourage, and, in the most general way, to regulate and provide for licensing civil aviation. Of course, this bill and the result of it will have a great effect on both the Army and the Navy in this way. It will result in furnishing a tremendous reserve of competent flyers for the Army or the Navy in case of need. Therefore it is not only important for civil aviation but it is important in the way of national defense.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. MERRITT. Yes.

Mr. SHALLENBERGER. In reply to what the gentleman from Texas pointed out, wherein he stated he thought this bill overlapped other services, and in further explanation of what you have just stated, in section 2 of the bill authority is conferred on the Department of Commerce to regulate and control aircraft and its operation; and in section 3, as you will note, it is specifically stated that the public aircraft of the United States and its airmen are exempted from the operations of this bill and that the Secretary of Commerce shall exempt them. Therefore there is no question but what, so far as the operation of aircraft by the Army and the Navy is concerned, it is unrestricted under this bill, other than the fact they are required to operate under the rules laid down here so far as public airways are concerned.

Mr. MERRITT. The gentleman is quite right.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. PARKER. Mr. Chairman, I yield the gentleman 10 minutes more.

Mr. MERRITT. In order that I may not overrun my next 10 minutes, I will have to ask gentlemen to refrain from questions until I conclude.

As has already been said, the administration measures of this bill are under charge of an Assistant Secretary of the Department of Commerce to be created. That department, instead of overlapping by its activities any other department, is authorized and required to coordinate with them. For instance, they are authorized to call on the meteorological service for weather reports. They are authorized to get from other departments any reports as to accidents and causes thereof; to get information as to foreign experience and disseminate it to all the other departments.

Then, instead of overlapping any activities of the Post Office Department, they are authorized and required to take over from the Post Office Department the present operation of the air mail. They take over all the Post Office appropriations for that purpose and their air ports. The Post Office Department, as you know, is proposing to run the air mail now not directly, as it has been doing, but by contract, and some very interesting results will undoubtedly come from that. I am reliably informed that a commercial aviation company is actually in existence which proposes to initiate an express service from Dallas, Tex., to New York City, via Chicago, with a flying time schedule of less than 10 hours.

Mr. WAINWRIGHT. Is the gentleman ready for questions now?

Mr. MERRITT. I would rather wait until I get through my statement, because I may not have any time left.

For purposes of safety and for regulation of registration and inspection, broad powers are necessarily given to the Secretary of Commerce.

In the Winslow bill we tried to be rather more explicit than we have been in this bill, but we recognize there must be a working out by experience and by trial. None of us is wise enough to know what may result from further experience.

The Secretary of Commerce has authority within the appropriations which may be granted, to provide lighted and marked airways for these great trade routes. This is on the same principle that the Government provides beacons and channel marks and lighthouses on the sea. You will find when we come to read the bill that we have recognized the great similarity between air navigation and sea navigation, the principal difference, of course, being that navigation on the high seas is over neutral territory, whereas air navigation over the continents is over territory which is controlled by the sovereignty of the States underlying the air. But there is even more difficulty of recognizing any boundaries in the air than there is on the sea, and with regard to the question of interstate or intrastate regulation it is inconceivable, except in the very greatest States, that any aviator who flies at all will not be doing interstate flying. Of course, that may not be true of some particular fair, but it is also true that over that territory there is more than likely to be an airway on which commerce is proceeding. So that anyone who gets within the area of that airway must be regulated under the rules of interstate commerce, so as not to interfere with such commerce.

There is one very important provision whereby the Secretary of Commerce is prohibited from giving any exclusive right in any airway. There is not going to be any monopoly or favored interest in the use of airways, but anybody who gets a license for a ship which is found to be safe can fly on his own responsibility, without interference or permission from anybody else.

In regard to the question of license and inspection, there has been considerable question and some doubt in the minds of some gentlemen, but I will say that from my informal conversation with heads of the departments and other officials they do not propose to have the great number of Government inspectors that might be necessary if every aircraft should be inspected regularly. They will have rules, such as they have in the government of railways, so the Government inspector can go about occasionally and see that the local inspectors are doing their duty. Of course, the contractors contracting for mails and passenger service will be looking out for their own interest to have them inspected carefully. By an occasional inspection by a United States inspector all of these crafts can be kept up so that the great mileage to which the chairman of the committee referred a little while ago which already exists without fatalities will be increased indefinitely.

There is another provision of importance, and that is that foreign-owned aircraft shall not engage in interstate commerce in this country. That provision is similar to the provision for coastwise traffic.

We provide also for ports of entry. You will see the ramifications of this bill are very great with reference to the carrying of commerce, passengers, and immigration, and all of those questions will have to be taken into consideration.

Toward the end of the bill there are provisions for penalties and the enforcement of those penalties in court.

We have had to take account of the continental extent of the United States, and we could not make the court in which penalties should be enforced too distant, so we provide for the jurisdiction of the State courts in certain cases, so that when a man gets into trouble or does anything wrong he can be tried with the least inconvenience both to the authorities and to himself.

I think those are all the general provisions to which I wish to refer. We think we have a well-arranged bill, so that as the bill is read it will develop itself under that reading. I will now yield to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. I would like to ask the gentleman how it is proposed to operate the airways which the Post Office Department turns over. As I understand, there are 2,500 miles of airways under the Post Office Department, and when this is in operation they will have about 6,000 miles.

Mr. MERRITT. They will be operated by the Department of Commerce. The agreement with the Post Office Department is that it shall turn over the facilities, such as the routes, the lighting, and radio, and also its appropriation of \$400,000 already made. The estimate of the chairman of the Appropriations Committee is that in addition to that appropriation it will take not exceeding \$225,000 or \$250,000 for the extra provisions in this bill.

Mr. FROTHINGHAM. That will be under the new Assistant Secretary?

Mr. MERRITT. Yes; he will have charge of it.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. MERRITT. I will.

Mr. VINSON of Kentucky. In view of the language found in section 3 which exempts public aircraft of the United States in this language, "the Secretary of Commerce shall exempt from the requirement of regulations made under section 2, except requirements as to registration or as to air-traffic rules upon established airway," I would like the gentleman to explain why there is any need to have subsection (b) and subsection (c) in section 2, which provides for examination and rating of aircraft of the United States as to their air worthiness and a periodical examination rating of airmen serving in connection with the aircraft of the United States?

Mr. MERRITT. There is a difference between public aircraft of the United States and other aircraft.

Mr. VINSON of Kentucky. Under subsection (a), section 2 defines what civil aircraft is and subdivision 2 is a definition of public aircraft.

Mr. MERRITT. That is similar to the United States registration of vessels.

Mr. VINSON of Kentucky. Is it contemplated by this bill to have a rating on public aircraft as to worthiness?

Mr. MERRITT. That is a public aircraft—no.

Mr. VINSON of Kentucky. No such thing is contemplated in the bill?

Mr. MERRITT. Not at all.

Mr. PARKER. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Chairman and gentlemen of the House, I simply rise to sound a note of conservatism as far as this bill is concerned. I do not think we should delude ourselves with the belief that if we adopt this measure it is going to insure the development of civil aviation in this country. To accomplish that we have to do far more than what is here proposed.

The purpose of this measure is to foster and regulate civil air navigation, but I am afraid it lays more stress on regulation than on fostering; indeed, it provides for the regulation of something which, except for governmental activities, does not yet exist.

It provides a fairly elaborate structure or cage for these birds, with rules and conditions to regulate their flying; but I wonder whether it really will go far toward filling the air with flying machines as vehicles of our commerce and industry, as common carriers, in the same sense that we have carriers of persons and goods upon the sea and on the land.

The amazing thing to-day is that we, the originators, the pioneers of air navigation, the superiors in so many ways to other nations in points of excellence, have lagged so behind them; indeed, have hardly yet made a start in aerial transport as a useful method of transportation. We may hold speed records and altitude records, we may lead all the world in the frequency, rapidity, and volume of mail matter transported by our air mail, but the fact remains that there does not yet exist in the country to-day, as I understand, one line either adapted, offering, or holding out much prospect of carrying persons and goods through the air.

The President's Aircraft Board said:

We may, if we will, take the lead in the world in extending civil aviation.

They called attention with just pride to the accomplishment of the air mail, referring to it as our, practically, only outstanding accomplishment in civil aeronautics. They said that—as common carriers, however, aircraft have not been used as much in this country as in Europe. In this respect they should stand on a general parity with vehicles of transportation by sea.

But they went no further than to recommend a bureau of air navigation in the Department of Commerce, progressive extension of the air mail, steps to meet the need for airways, and air-navigation facilities, including an adequate weather service, saying that beyond this they did not presume to go. Why this timidity? Why, if civil aviation must be regarded as so important an element of the national defense or to better serve the needs of man for transportation, did they pause at the very threshold of possible and necessary Government stimulations of civil aviation?

The Lampert committee of this House went no further. It, too, recommended the regulating and encouragement of commercial flying through a bureau of air navigation, the charting of airways, emergency fields, aircraft facilities, night flying, and a specialized weather-information service, but stopped there. They, too, said—

That in respect to the operation of airplanes for profit the United States is far behind in the use of planes for navigation.

The other nations excel us largely because of subsidies granted commercial aviation as a reserve for war.

That commercial aviation lags because of the inherent difficulties of operating on a profit-making basis.

That last sentence tells the story—

the inherent difficulties of operating on a profit-making basis.

If civil aviation is important, vital as a reserve and as a stimulus to foster and keep alive a healthy and expandible aircraft industry, if it has economic advantages which make it worthy of promotion, it can never be developed or kept alive except on one of two conditions—either the difficulties of operating on a profit-making basis must be overcome without direct Government assistance, or this Government, in the same manner that all the other great governments have proceeded, must get behind it and stand behind it generously and courageously until it can stand alone or until it has been clearly shown that its advantages are not sufficient to merit such support.

How comes it that England, France, and Germany are so far ahead of us in civil aviation? In England in the year to March, 1925, they carried 13,478 passengers on regular lines and 43,766 in other flying, and over 500 tons of cargo. And in France in 1924, 16,729 passengers, 1,934,756 pounds of express matter, and 1,174,571 of mail; and in Germany on the civil lines in 1925 they flew 4,000,000 miles and carried 87,000 passengers, and during the first half of 1925 one concern or combination flew 900,000 kilometers and carried 15,200 passengers, simply because the Government of these countries have stood behind the service with subsidies or subventions; and the impressive feature is the comparatively small cost involved. The net cost to Great Britain for civil aviation for 1925-26 was estimated at £357,000, or \$1,775,000; while in France the subventions for 1925 were but 61,760,000 francs, or, at the present rate of exchange, not more than \$2,500,000, while their total budget for all expenditures in connection with the service for personnel, material, subventions, airways, and all the incidentals was 163,518,200 francs, or, say, \$6,500,000. In Germany the total cost of the subsidies was only about \$2,500,000.

In other words, they supply not only all the service and all the necessary airways and other adjuncts but, in addition, have found it necessary to contribute a large proportion of the cost of operation out of the public treasury. How can we expect to have civil aviation in this country; what reasonable expectations can we have in this country that this business, this service, can be rendered at a profit on the capital invested unless the Government is prepared to render direct financial assistance?

Our costs of every kind must be relatively higher here than abroad—labor, material, and everything that goes into the original investment and the cost of operation. Then how can we hope to succeed where they certainly would have failed? It may be possible to develop a system of common carriage by air through the medium of the Post Office Department and the air mail, and through the indirect subsidies involved in contracts with private concerns. Wealthy enthusiasts may for a time be willing to embark a part of their fortunes in such enterprises, but will they continue indefinitely?

No one can be more hopefully desirous than I, Mr. Chairman, that important results may be accomplished by this bill, yet I believe, indeed predict, that we will not have commercial aviation in the sense they have it abroad, either as a reserve for national defense or to serve the needs and convenience of our people, until we are prepared to go far beyond what is provided by this bill.

Mr. PARKER. Does the gentleman not think this is a step in advance?

Mr. WAINWRIGHT. I think it is a fine bill. Everything that it provides is necessary, if we are to have any commercial aviation. But I do not believe its adoption will come anywhere near realizing the hopes that so many people indulge, that we shall have the air full of commercial flying machines and thereby a great reserve for the national defense. We will never have anything like that until we courageously face the situation and the needs of commercial aviation. In other words, if the American people really want to have commercial aviation and common carriage through the air, they must pay the price and adopt the expedients that other countries have found necessary.

Mr. HUDDLESTON. Mr. Chairman, I rise in opposition to the bill.

This Chamber is a hard place in which to speak. If the Members are not here, there is no use in speaking; and when they are here, they make so much noise that you can not be

heard. The only wonder to me is that we do not abolish debate altogether. We have present here now some 30 or 40 Members. If some Member should make a point of no quorum, we would get them all here, and then you could not hear it thunder in the House. That is debate in the House of Representatives.

While I purpose to debate this bill somewhat seriously, I have not much heart in it because of the situation. We rely very largely on our committees. Whatever a committee recommends is usually done. Members do not know what is in this bill; they have not read it; I imagine that even some members of the committee have not read it. Yet, if a roll call is had, they will come rushing in and vote "aye," according to faith in the committee. So it is hardly worth while to debate. I do so merely from a sense of duty.

I feel that there are certain features of this bill that should be brought to the attention of the House. In future years, when the evils which will flow out of it will have become obvious to everyone, perhaps somebody will go back and look in the Record and ask why nobody called attention to them. I do not want that individual who may look back into the Record to find that nobody said anything; that nobody warned against the bill. I rise to issue with my feeble voice a warning against this bill as violating certain fundamental principles.

Attention has been called to the fact that last year the committee reported this bill in a form that had some 40 pages, and that this year they have been able to reduce it to 19 pages. There is no pressing necessity for passage of the bill. I have no doubt, if we should defeat this bill, they would come back next year with one of about five pages, which would answer every purpose. The more you write into a bill of this kind the more you have to repent of later on.

The fundamental fault of which the committee was guilty is that in this bill they undertook to provide a complete code of laws governing the subject of aviation. At present we have no law. When we get through with this bill we will have a law for every conceivable angle of the subject of aviation. We should have used the method of trial and error. We should have passed such laws as may be most needed now—and no doubt some laws are needed—and then have left it to future experience to guide us as to what laws we might need to govern the details.

But here we find that, so far as the law is concerned, the utmost detail relating to aviation is attempted to be provided for by this bill. Manifestly such a measure was the work of legal experimentalists, of theorists, and doctrinaires. It was the work of men of vivid imaginations, who projected themselves far into the future and saw visions of the—

Heavens filled with commerce—

Plots of the purple twilight dropping down with costly bales.

Instead of writing a law these gentlemen should have been writing a new Locksley Hall. Theirs is the work of prophets, not of lawgivers. It was for them to project themselves into the future and to visualize a time when men are developing wings and found their activities in the air and not on the soil. That is obviously the situation which was in the minds of these gentlemen. Necessarily, having so visualized the future and brought their vision right back to date, they found the pressing necessity to cover the entire field and leave nothing for future legislators except to undo that which they are now seeking to do.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. JOHNSON of Texas. I have not given this bill very careful study.

Mr. HUDDLESTON. Nobody has, except by a bare possibility the subcommittee.

Mr. JOHNSON of Texas. I want to inquire of the gentleman whether or not, under the terms of this bill, they would undertake to deal with all kinds of aviation, both interstate and intrastate?

Mr. HUDDLESTON. With civil aviation of every conceivable kind and character.

Mr. JOHNSON of Texas. Suppose a concern in my State of Texas, which is large, and where you would have to travel a great distance before you reach the border line, a concern down there dealing in aviation, with a point of destination entirely within the State. Would it be regulated and controlled by this bill?

Mr. HUDDLESTON. Oh, yes. As I said in discussing the bill in the committee, a man owning a large tract of land could not take the air from his residence to a back field without getting a license from the Secretary of Commerce. [Laughter.] That is no exaggeration. He would have to have his machine tested, and to have a pilot's license, and he must

comply with such traffic rules and regulations as may be provided by the Secretary of Commerce. Such power is given to the Secretary of Commerce as would be intolerable if that situation existed which these gentlemen have visualized, to wit, if aviation had become a serious factor in commerce.

Mr. Hoover, who has already been made dictator of the radio, now with this bill becomes lord of the air. He is already lord of the waters. He is the Poo-h-Bah of this administration. He is the factotum of the executive branch of our Government—its man of all work. There is but small limit to his authority and activities. I quote again. He is almost equal to Alexander Selkirk and almost able to say:

I am monarch of all I survey;
My word there is none to dispute;
From the center clear round to the sea
I am lord of the fowl and the brute.

[Laughter.]

He will be lord of the air if this bill should pass. Nothing, unless it falls strictly within the province of the Almighty, that can be done in all the region lying above a man's head that Mr. Hoover will not undertake to regulate and deal with. [Laughter.] Perhaps even a disembodied spirit will not be permitted to wing its way upward into a better world without petitioning Mr. Hoover and getting a pilot's license before he starts. [Laughter.]

Mr. BLAND. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. BLAND. Is the gentleman aware of the fact that this legislation will also give this man Hoover command over the ships?

Mr. HUDDLESTON. Yes. He will be lord of the air over the seas.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. BANKHEAD. Of course, I know that the Constitution of the United States in these days seems to be a very archaic document—

Mr. HUDDLESTON. Yes; some of its provisions are quite out of date.

Mr. BANKHEAD. But by what strength of general construction have they authority to undertake to regulate intrastate control of airplanes?

Mr. HUDDLESTON. The best answer I can make to the question of the gentleman from Alabama [Mr. BANKHEAD] is to read subdivision (c) of section 13, which is found on page 30 of the bill, as follows:

The Congress hereby declares that the application of the provisions of this section to intrastate air navigation in the navigable air space is made necessary for the reason that air commerce is a unit and does not regard State lines and that interstate and intrastate air navigation are so mingled together that the United States can not exercise complete effective control and protection of air navigation in interstate and foreign commerce and prevent interference therewith without incidental regulation of intrastate air navigation in the navigable air space.

The bill expressly covers flying wholly within a State. This is their theory: The Constitution gives the Congress the power to regulate foreign commerce and commerce between the States. I do not know where the courts will stop in their construction of that clause. Every year we find it extended, and extended, and extended. The powers of Congress under the commerce clause are so exceedingly broad and general that they permit interference with the most intimate details of life and every activity of business. It is hard to say where the limit is.

But I want to say to the gentleman who has asked me the question that in my opinion this bill is an unconstitutional measure. Congress has power to regulate interstate commerce only. It has no authority to meddle with intrastate commerce. It can not extend its authority to the regulation of intrastate commerce, unless such regulation is reasonably necessary as an incident to the regulation of interstate commerce.

Congress can not regulate intrastate commerce as such. Congress has no power, so far as commerce within a State is concerned, except such power as is reasonably necessary in the performance of its constitutional function in the regulation of interstate commerce. I think every lawyer will agree with me in that view. The Supreme Court has said that Congress may regulate intrastate commerce when it is necessary for the protection of interstate commerce. The court has never gone any further.

This bill, at one fell swoop, takes for the Federal Government exclusive jurisdiction of all of the air that lies above every foot of soil of the United States. Do you realize that, gentlemen?

Mr. TUCKER. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. TUCKER. Will my friend permit me to call attention to what seems to be a most generous concession in this bill?

Mr. HUDDLESTON. Certainly.

Mr. TUCKER. I read:

The Government of the United States hereby consents that the several States and the Territories and possessions of the United States (and any political subdivision thereof in pursuance of the law of the State, Territory, or possession), may by law (1) provide for the prosecution of offenses that are punishable by the Federal Government—

And so forth.

It gives us the right to punish for the violation of the Federal law. We must at least thank them for that concession. We may also prescribe penalties, forfeitures, civil or criminal, to be imposed for such offenses.

Mr. HUDDLESTON. I thank the gentleman for his comment on that.

Mr. LEA of California. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. LEA of California. In response to that question, I wish to call the gentleman's attention to the fact that the offense to be prosecuted under the State law must be defined by the State law. It permits the State to make a similar law and prosecute under the State law and bar a prosecution by the Federal Government.

Mr. HUDDLESTON. Now, let us get back to our mutton.

Mr. LINTHICUM. Before the gentleman gets back to that I want to call his attention to something he omitted in speaking of what Mr. Hoover, Secretary of Commerce, could control. He also has commercial attachés throughout the civilized world, has he not?

Mr. HUDDLESTON. Yes. We will consider a bill which extends his powers on that subject to-morrow.

Mr. JOHNSON of Texas. Before the gentleman passes from this point, when did it become necessary for the Federal Government to give the State government the right to prescribe penal offenses?

Mr. LEA of California. Will the gentleman permit me to answer that?

Mr. HUDDLESTON. I prefer not to continue on that line further. That is something I did not bring out.

I want to come back to a point which is an interesting feature in this bill. At one fell swoop the Federal Government takes exclusive jurisdiction of all of the air over the soil of the United States.

Whether it be actually needed for aviation purposes, whether it be necessary for airways and landing spaces, whether it be remote from the city, whether it be far away in the forest or somewhere on some bald mountain peak, Uncle Sam will be there. He is taking it over. There will be no more State lines, and the States will have nothing to do with aviation. Uncle Sam is taking over the air. The soft zephyrs that blow in Florida, the sturdy breezes that rumple the locks of my friend from Texas, the icy blasts that come from the home of my friend from Minnesota, and the snowy winds of Maine—Uncle Sam has taken them all. What is the use of a State, anyhow? What is the value of local self-government? What is the sense in preserving the institutions of our fathers? It is all bosh. It is no part of the Hoover scheme of things. Lord of the air and the sea. Where will he stop? What is he going to end up with?

Now, this idea of exclusive Federal control and jurisdiction of this subject goes through and through this bill. I have prepared and will offer them at the proper time—a half dozen or more amendments. It will take them all to delete out of this bill those portions of it which exclude the States from the powers they have heretofore exercised.

Of course, I know that owners of private property have no rights that the aviators are required to respect. The doctrine when I studied the law books was that if you owned land, it was yours down to the center of the earth and up to the top of the heavens, and you had the right to go anywhere in your property that might suit you without asking anybody's leave. But Mr. Hoover proposes to reverse that rule. He proposes to say that hereafter land owners must "keep their feet on the ground." No longer are you to be permitted to ascend into the heavens, if you have the means of doing so. You must get his permission, and the vehicle in which you ascend must meet with his approval.

Mr. MERRITT. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. MERRITT. Does the gentleman hold, in view of this new invention of aviation—which would have been new to our

fathers, at least—that if he has a ranch in Texas, he could forbid anyone from flying over his ranch?

Mr. HUDDLESTON. I hold that under this bill I could not do it.

Mr. MERRITT. Do you think you should?

Mr. HUDDLESTON. Probably we should do like it is said the Mexicans do and confiscate the minerals as well as the air.

Mr. MERRITT. The gentleman does not answer my question.

Mr. HUDDLESTON. No; the trouble is that I gave the gentleman an answer he did not want. That is the trouble with him. The gentleman does not like to talk about confiscating minerals, but he is perfectly willing to confiscate air. To the man who has no minerals in his land the air above it is more valuable than the minerals under it. He would not object to Mexican confiscation of the below surface. All he wants is enough of the bottom to hold up the surface, and so that he can keep on using the surface. But a flyer can come sailing over in an airplane and drop a monkey wrench on his head or do something else which would disturb his privacy. A flyer can sail at will over my home, and I could not prevent it under the terms of this bill. He can sail around and around with his rattling and his roaring. He can disturb my privacy and put me in danger of his falling down upon me, and I have not a word to say. Although I have title to the land from the Government, or it has come down to me through the generations, and though I paid for it, not only have I lost the right to fly over my own land, but somebody else has succeeded to that right. It has been taken from me and donated to the public.

The holders of Mr. Hoover's permits have the exclusive privilege, and Mr. Hoover has the right to say who shall fly over my land, how high he shall fly, how many passengers he may take with him, what "eternal verities" they may confront as they pass along, and a thousand and one things. All is put in the control of Mr. Hoover.

Now, I am not willing to give any man that power. There is no need to give it.

Mr. MERRITT. I insist the gentleman has not answered my question.

Mr. HUDDLESTON. I think I have. I am opposed to confiscation. If the public needs the air over my land, let the right of eminent domain be exercised; let the easement be condemned and pay me for it.

Mr. MERRITT. I want to say that if the gentleman is talking about an airman maneuvering around and around a place of that kind, he must have quite a good-sized place.

Mr. HUDDLESTON. A flyer can maneuver around over a 10-acre field. A distinguished public man on a great occasion a few years ago was trying to make a speech in a park here, and one of these fellows was flying an airplane. He did not care to hear the speech, but wanted to show off. He flew around and around and around, and the orator could not speak.

Mr. CONNALLY of Texas. Will the gentleman yield right there?

Mr. HUDDLESTON. Yes.

Mr. CONNALLY of Texas. Is that the cause of the gentleman's solicitude, that he does not want to be interfered with while making a speech?

Mr. HUDDLESTON. Well, I may say this: Without giving any names, the man who was making the speech is about the best speaker I know of, and I would rather hear him speak than anybody else. As a rule, if there is anything I hate worse than speaking myself, it is to hear some one else make a speech. But in his case I make an exception. He could not speak that day because of the rattle and roar which went on.

Suppose you retire from your enemy into the bosom of your own plantation, where you hope to be safe and secure from him. You can not be safe under this bill. All he has to do is to learn how to aviate and then go and fly over you. He can fly and fly as long as he wants to and you can not take a shotgun and drive him away—he holds a Hoover license. You can not use the time-honored methods to defend your privacy and your home. The traditional right of the Englishman to defend his castle is repealed so far as this bill is concerned.

If this bill had proposed to exercise the right of eminent domain over the air and to pay landowners whatever might be awarded to them as damages, it would in that respect present an aspect of reasonableness and fairness. But they coolly answered me when I presented that thought, "Oh, they can not prove any damages. We will just go and take it." That is the idea back of this bill—we will just go and take it. It is expropriation to confiscate the air over a man's land just as

much as if you took the minerals that lie beneath the soil. It is confiscation just as much as if you took something that you could weigh and feel. The right to privacy, the right to view the heavens unobscured by one of these pestiferous fellows flying around for the purpose of showing off and perhaps doing the tall spin and the oak leaf, and other fool "stunts," are valuable rights belonging to a landowner and he ought not to be robbed of them by the strong arm of the Government.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. SUMMERS of Washington. The gentleman may recall that the dedicatory exercises of the Lincoln Memorial were very seriously marred by such a performance as the gentleman is now describing. That may have been referred to before I came on the floor.

Mr. HUDDLESTON. Yes; I called attention to that just a moment ago.

Mr. SUMMERS of Washington. The hospitals also very seriously object to having flying going on near them.

Mr. LINTHICUM. If the gentleman will permit, I would like to tell the gentleman, in connection with his statement about not being able to shoot one of these fellows, about a little incident that happened recently. There was a woodpecker out our way the other day who began on a metal steeple of the church and disturbed the congregation to such an extent that they asked permission to shoot him. They wrote to the conservation commissioner of Maryland and he said they could shoot the woodpecker, but when they were about to exercise that right they ascertained they could not do it because the Government had something to say about woodpeckers as migratory birds. They have now taken it up with the Government; meanwhile the woodpecker is still pecking away on the steeple on the church. [Laughter.]

Mr. HUDDLESTON. Probably the woodpecker will be protected under this bill as an aviator, if he will get a license from Mr. Hoover, and then he can fly back and forth at will and peck any wood he can find. [Laughter.] But he will have to have a pilot's license and have his wings inspected.

Now, passing on from that point. Of course, I can not vote for the bill. In my opinion it is unconstitutional, and responding to my obligation as a Congressman I can not vote for the bill. But apart from the question of the legalistic aspect of constitutionalism, the bill involves a very important question of public policy. At last, though it be legal, it violates the right of self-government.

It is foolish to take away from the people the right of self-government simply because we are dealing with a new subject. Let us hold to some of the ancient rules. Self-government is still good for many things. If it is good for going along on the surface of the land, it is good for travel through the air. Let the States continue to deal with the subjects of which they have the proper jurisdiction.

Passing on from that point I take up the matter of appropriations, which was referred to by the gentleman from Texas in his remarks. There is absolutely no limit in this bill, so far as appropriations are concerned. Unlimited appropriations are authorized by this bill for this year and for next year and for every year which may come hereafter. What appropriation will be made will be left to the discretion of the Committee on Appropriations as same may be approved by the House. The gentleman from New York [Mr. PARKER] says \$200,000 next year. If the committee say \$200,000,000, they have jurisdiction to report that amount, and whatever they desire in any year thereafter they can report.

It is contemplated under this bill that the Secretary of Commerce will provide airways; that is, routes mapped out to go through the air over. How wide they are to be I do not know. How long they are to be I do not know. What the rights of the Government are to be within them I have not the slightest idea. It is expected that lights and beacons, and so on, will be put up all along these airways. The chances are that some blue-coated pilot of the air will see that order is preserved and traffic rules carried out. Whatever the Secretary says goes under this bill. It is contemplated also there will be landing fields. There will be many, but how many the bill does not say. Where they will be and what their size will be nobody knows. There are to be facilities at these landing places and airdromes for shelter, and gasoline stations, and, the chances are, soda-water stands and whatever else, I have not the slightest idea; but whatever people may need when they have been up high in the air and land on the ground. The Secretary of Commerce is expected to provide them all. [Laughter.]

The idea is that the whole country will be crisscrossed and covered with these airways and these lighted spaces, and so on, and that there will be an efficient corps of employees to care

for the lights and turn them on and off and to cut down the trees and smooth the ways and to keep the grass cut, and a thousand and one things. How many employees are to be provided to carry out this work I do not know. What it is going to cost nobody knows. The committee has not the slightest information on that point. I could not guess within \$100,000,000 what it would cost within 10 years or how much will be spent in that kind of work during the years that are to come.

I think the bill ought to limit the appropriations. I do not know of any other interest that comes here with a wide-open authorization of any appropriation the committee may want to make. As far as I know, this is the only instance in which an unlimited amount may be appropriated in order to carry it out.

Mr. BLANTON. Will the gentleman yield?

Mr. HUDDLESTON. With pleasure.

Mr. BLANTON. I want to call the gentleman's attention to the fact that the Committee on Appropriations usually follows the Budget estimates, and that the Secretary of Commerce has great influence with the Bureau of the Budget, and whatever he asks of the Bureau of the Budget will be the Budget estimates.

Mr. HUDDLESTON. This bill comprises an entire complicated system of laws. It is a complete code of laws covering this subject down to every detail. Glancing through it I find my greatest hope in section 14, which provides that if any provision of the bill is declared unconstitutional then the validity of the remainder will still remain. [Laughter.] That is the most hopeful sign that has come out of the subcommittee, the recognition there made that perhaps some section of the bill is unconstitutional.

I imagine that if all the sections that would have to be amended in order to eliminate the usurpation of jurisdiction on the part of the Federal Government, it would not leave much of the bill remaining.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. HUDDLESTON. I will.

Mr. MORTON D. HULL. Has the gentleman any answer, and if so, what, to the question that if it be true that the ownership of the air above is in the owner of the land, how can we deal with aviation?

Mr. HUDDLESTON. I studied Blackstone and Kent's Commentaries, but they did not have airplanes in their time. They never conceived that the right of the landowner to view the heavens at will unobscured by airplanes would be disputed. Those old fogies taught me that the right to light and air and view were of value and could not be confiscated without compensation. They got the idea from Justinian. Of course, all three of them were old fools.

Mr. MORTON D. HULL. The gentleman does not think that that ancient doctrine is going to stand in the way of laws for the regulation of aviation?

Mr. HUDDLESTON. No; I do not think it would if we went at the subject in a reasonable way. It would be proper for the Secretary of Commerce in order to provide for airways to take condemnation proceedings and go through the forms of condemning the easement so that whatever rights the owner of the land may have would be evaluated and paid for. That would be a constitutional method. But here comes the Government and says to the man, "You are in the way of a development; get out of the way." Is that what the gentleman would favor?

Mr. MORTON D. HULL. I have not said that I favored anything; I was asking the gentleman a question.

Mr. HUDDLESTON. I have answered the gentleman the best I can.

Mr. BANKHEAD. Will the gentleman from Alabama allow me to answer the gentleman from Illinois?

Mr. HUDDLESTON. Certainly.

Mr. BANKHEAD. With reference to the ancient doctrine to which the gentleman has referred, laid down by Kent and Blackstone, there were no telephones nor telegraphs at that time, and yet they were subsequently invented, and there have been a great many decisions by the courts which hold that they can not put up a line across a man's premises without compensation. Here is the same principle.

Mr. HUDDLESTON. The American Bar Association was much interested in this subject. They appointed a committee of their young men. Some of them had taken the air, although they had not seen much of the law, and they realized the importance of aviation if not of preserving property rights. This committee calmly came before us and said in substance, "Oh, that is an old worn-out doctrine that a man owns the air. That

does not prevail under modern development and modern ideas. He has no such right at all. He thinks he bought the air, but all he bought was about as high as he could reach, and whatever there is above that is for the aviators." That is about the answer they gave. What the law may be I fear I do not know. I am a much better judge of what honesty and right and good public policy is than I am of the legalisms of the law, although I spent over 20 of the worst years of my life studying it. [Laughter.] You can not tell what a court is going to hold. You can not tell whether they are going to keep holding it, and you can not tell what made them hold it when they held it. [Laughter.] But the principles of honesty and justice—the principles that protect a man in the enjoyment of his own property—remain the same now as in Blackstone's and Kent's time, and will so remain as long as God is in heaven, for justice never changes. [Applause.]

Mr. KING. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. KING. I am much concerned over one feature of this legislation. I presume there is some provision to be made about the care and against the destruction of an airway by cyclone or tornado?

Mr. HUDDLESTON. I think Olympian Jove would not dare to hurl a thunderbolt without a license from Secretary Hoover. Probably Icarus's equipment would have been pronounced defective by one of Secretary Hoover's inspectors, so that he would have been saved from the jolt he got.

Mr. BLANTON. Will the gentleman yield?

Mr. HUDDLESTON. I will.

Mr. BLANTON. Under the old rule of law where one exercising ordinary care coupled with an act of God does damage to another, that one is not responsible. Here is an airway set out by Mr. Hoover. An aviator flying down the airway strikes a cyclone or something of that kind and is brought to earth on top of a farmhouse. Does that act of God give the farmer any redress, or is there any provision in the bill that covers that feature of it?

Mr. HUDDLESTON. Mr. Chairman, that is a rather difficult legal question, and I must decline to try to solve it for the gentleman. It may be that if Mercury should have his anklets approved by Mr. Hoover, after due and formal inspection, and be a bearer of an air pilot's license, he might fall at will without liability to respond in damages.

With reference to the question asked by the gentleman from Illinois [Mr. KING], and in all seriousness, these airways are to be maintained and these lights cared for by the Government.

There is a clause in the bill that if anybody interferes with them he will have to go to jail. Probably if a farmer burning a pile of brush on his own land should set up what might be considered a confusing light, the farmer will have to go to jail. That is a provision of this bill. I sought vainly to get the committee to change it, but they would not. Ephraim was wedded to his idols. Theorists and doctrinaires heed no practical considerations. They are thinking about the future and of the heavens filled with "the nations' airy navies, grappling in the central blue," "with the standards of the peoples plunging through the thunderstorm," and so on, and on, and on. I would that they could usher in "the parliament of man, the federation of the world," with the balance of their vision.

Mr. LEA of California. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. LEA of California. I call the gentleman's attention to line 23, on page 20, in which we find the following words:

Any person (1) who, with intent to interfere with air navigation—

And so forth.

Would not that make some qualification of the gentleman's statement of the law?

Mr. HUDDLESTON. That subsection reads in full as follows:

Any person (1) who, with intent to interfere with air navigation—in the navigable airspace or waters of the United States, exhibits within the United States any false light or signal at such place or in such manner that it is likely to be mistaken for a true light or signal required by regulation under this act, or for a light or signal connected with an airport or other air navigation facility; or (2) who knowingly removes, extinguishes, or interferes with the operation of any such true light or signal; or (3) who without lawful authority knowingly exhibits any such true light or signal.

Clause 3 does not require any bad intent; it does not say with "intent to interfere with navigation"; it merely says "knowingly." You must have a permit from Mr. Hoover in order to help a flyer and to give him his true light and signal.

If you find that a light has accidentally gone out, you can not light it or set it up again unless you have a permit from Mr. Hoover. Your intention may be honest and humanitarian, but away with you to jail. I think there is plenty of that kind of stuff in the bill to support the suggestion that I make as to its unreasonableness. [Applause.]

Mr. PARKER. Mr. Chairman, I yield the remainder of my time to the gentleman from California [Mr. LEA].

The CHAIRMAN. The gentleman from California is recognized for 12 minutes.

Mr. LEA of California. Mr. Chairman and gentlemen, before addressing myself to the bill before the committee, I desire to announce the death of Luther Burbank, who was a resident of my home city, Santa Rosa, Calif. Mr. Burbank was unquestionably the greatest Californian of his generation. He contributed more to the improvement of the quality and productivity of the products of the garden, the field, and the orchard than any other man in the history of mankind. Some people refer to his work as though it were a matter of magic or of mystery. It was neither. Mr. Burbank's work was accomplished because of his incessant labor. His system has become the system everywhere on earth for the development of vegetable life. It was simply the intelligent, trained, experienced selection and development of the best. Mr. Burbank had a great heart. He was as gentle and kind and as humble as a human being can be. From the standpoint of the service he has performed for his fellow man, he deserves a high place in the history of the great of our country and of the world. [Applause.]

The gentleman from Texas [Mr. BLANTON] opposes this bill upon the theory that it would interfere with the establishment of a separate defense system of the United States. I agree with the gentleman from Texas that this country should have a separate department for national defense. I believe every military arm of the Government of the United States should be centralized and in one control. Whenever we go to war we face the necessity of developing a unity of control, supply, and operations of our military forces. As a business proposition for the United States and from the standpoint of effective military operations that organization ought to be trained to habituate itself in time of peace to that unity that is necessary in time of war. I would never be in favor of turning over to the military authorities the right to control civil aviation in the United States.

As one who has been active in the preparation of this bill, I am here to support its provisions. I believe this is a good bill. I confess that we have attempted to anticipate the growth of aviation in the United States. We have attempted to meet conditions that are sure to arise. That I take to be one of the merits of this bill.

To begin with, we must consider this fact. We are going to have regulation of aviation and we are going to have regulation by 48 States of the Union or else we are going to have a uniform system of regulation by the Federal Government. It is far better that now, in the initial stages of aviation, when aviation is more or less an experiment, we should develop a system of law under which aviation may be developed, instead of attempting to make aviation readjust itself to conform to the law 20 or 30 years from now when the problem has become much more difficult than to-day.

Mr. JOHNSON of Texas. Would it not be better to wait until the development of aviation so that we may see its needs and they might be ascertained than to try to anticipate its needs by law in advance?

Mr. LEA of California. I think there is no difficulty to-day in anticipating the needs of aviation so far as they are included in this bill. There is nothing new in this bill. Everything has a precedent in the laws and practices of this country as applied to other functions. In addition to that, practically everything that is in the bill is in the international air navigation convention as adopted at Prague in 1919. That convention was signed by representatives of the United States and has been ratified by leading progressive nations of the world. There is nothing new in the bill and there is much more in the air navigation convention than in this bill.

This bill assumes we are going to have air navigation of important proportions in the United States. In preparing this bill we have felt we should do two things: We should try to promote civil air navigation, and we should try to prescribe those reasonable regulations that are necessary for safety and for the protection of the public in the operation of airplanes.

There are three primary uses of the airplane. The first great distinctive quality of the airplane, as distinguished from other methods of transportation, is that it has the fascinating quality of rising from the ground and following the routes of the birds. If the airplane could do nothing else than that, it

would be a fascinating subject to the American people and would cause them to devote themselves to its development.

As contrasted with other methods of transportation, the airplane has one primary advantage over other systems, and that is its speed. When speed is important, as it frequently is with travelers, or in the transmission of messages or freight, the airplane is in a class by itself. From the standpoint of safety or economy the airplane has little or nothing of advantage over established methods of transportation.

The primary reason why the airplane is not a successful competitor with other means of transportation to-day is its lack of economy, or expense of operation. The primary solution of the problem of successful civil aviation depends upon the development of the airplane, so it can transport freight and passengers on a profit basis and at reasonable prices. Until that time comes the airplane will not be a serious competitor with ground and water transportation.

The use of airplanes for transportation must be limited to those light articles that can be transmitted at small cost on account of light weight, or to those articles of commerce where weight is unimportant as compared with the value of the article. A large number of the nations of the earth have so developed civil aviation that by comparison the United States lags behind. However, the fact is that nearly every commercial line of aviation on earth is subsidized by the interested government.

The primary use of the airplane, however, and the spectacular use of it, has been for military purposes. The airplane has and will be used for military purposes regardless of the expense of operation. The military airplane at the beginning of the World War was a crude and ineffective affair. Four years of war in Europe developed an efficient flying machine. When we were in the war for 19 months we learned that America could produce, so far as quantity production was concerned; but the fundamental weakness of America in the war as to aircraft matters was the lack of proper designs. We did not have the approved successful designs for the types the battle lines in Europe required.

We have not begun to solve our military aviation problem until we have approved and established designs of effective machines of the types that war requires. So far as the War Department and the Navy Department lack such designs our program is a failure, and only to that extent. We have good and efficient machines for some of those types only.

If we develop civil aviation in the United States, we will simplify the question of design. We will have broad experience in aviation and experienced designing forces in the United States. In addition to that we will have the manufacturing force to produce engines and planes in quantity production rapidly. In addition to that we will have a trained personnel. We will have a great reserve capable of going to the battle front in a few weeks and manning the planes that will be produced to meet an emergency. So a most important step in the development of military aviation is the development of civil aviation.

ENCOURAGEMENTS TO AVIATION

The provisions of this bill may be divided into two classes. The first provide encouragements for aviation; the second, regulations. In the way of encouragement we provide that the Secretary of Commerce shall foster aviation and shall encourage the establishment of air ports and air-navigation facilities in the United States. He is given power to chart airways and publish maps showing routes and facilities to accommodate travel on those routes.

The bill also provides that aircraft facilities owned by the United States shall be available for public use, subject to regulation by the head of the department having control of the facilities. In emergency cases supplies may be furnished aviators from the fields owned by the United States. The Secretary of Commerce can designate airways for travel.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. LEA of California. I ask recognition in support of the bill.

The CHAIRMAN. The gentleman from California is recognized in his own right.

Mr. LEA of California. Within the limits of the appropriation provided by the Committee on Appropriations and Congress, the Secretary has power to establish fields, signal facilities, and air-navigation facilities.

The Weather Bureau is authorized to make reports in aid and support of aviation. There is nothing of an unusual character about this provision. As you know, the Government is permitted to aid and encourage many lines of industry in the United States.

REGULATIONS

Now, as to regulations. The bill provides for the registration of all airplanes, with minor exceptions. The planes to be registered must belong to a citizen of the United States, to a public subdivision thereof, or the Government itself. The law also provides for three forms of certificate to be issued by the Secretary of Commerce—one as to the air worthiness of the ship, the other as to the competency of the airmen, and the other as to air-navigation facilities. The air-navigation-facility certificate is not compulsory. The certificates of air worthiness, airmen, and navigation facilities shall not be required as to operations of governmental machines.

Mr. RAMSEYER. Will the gentleman yield?

Mr. LEA of California. Yes.

Mr. RAMSEYER. The gentleman made the statement that each airplane had to be registered, but he did not state where it was to be registered.

Mr. LEA of California. That is subject to regulation by the Secretary of Commerce and arrangements can be made for registration in different parts of the country.

Mr. RAMSEYER. Does the bill provide that it must be so arranged?

Mr. LEA of California. No. It is to be done by regulations of the Secretary of Commerce.

Mr. RAMSEYER. Then, as he has general regulatory powers, the regulation may provide for different places outside of Washington or they may not.

Mr. LEA of California. Well, the plan announced is to have a system whereby the machines may be registered in different sections of the country.

Mr. RAMSEYER. They are to be registered with the Commerce Department?

Mr. LEA of California. Yes. The Secretary of Commerce is authorized to prescribe traffic rules. Every plan of any nation or political section of a country that has attempted to provide for the regulation of airplanes has provided for air traffic rules. It is manifestly necessary that airplanes operating in the air shall have a system of signal rules as ships have at sea. There must be a signal system so that the operator will know on which side the ship shall pass, what signal shall be displayed in the daytime or at night, and so forth.

Another authority given the Secretary of Commerce is to prescribe the altitude at which airplanes must fly. We are all familiar with the fact that there has been more or less complaint about airplanes flying so low that they disturb people for various reasons.

Mr. BLAND. Will the gentleman yield?

Mr. LEA of California. Yes.

Mr. BLAND. Has the gentleman any idea as to the size of the staff that will be necessary to enforce this law or how many employees will be needed?

Mr. LEA of California. It is expected that a small staff will be sufficient, because the inspection will be similar to locomotive inspection in the United States. For that service there is a small number of men who inspect about 60,000 locomotives in the United States, with the aid of some subordinate employees.

Mr. BLANTON. Will the gentleman yield?

Mr. LEA of California. Yes.

Mr. BLANTON. The gentleman realizes that in most of the States, or in numerous parts of some of the States, there are privately owned and privately manipulated airplanes?

Mr. LEA of California. Yes.

Mr. BLANTON. Run for pleasure and where they charge so much to go up. All of those will have to be inspected under this bill?

Mr. LEA of California. Yes. They are subject to inspection in States that have inspection laws at the present time.

Mr. BLANTON. But under this bill they are subject to inspection by Mr. Hoover?

Mr. LEA of California. They are.

Mr. BLANTON. And they will have to be inspected?

Mr. LEA of California. They will have to have certificates of air worthiness.

Mr. BLANTON. Does not the gentleman believe there will have to be at least one inspector for every State and probably a number of them for some of the States, like California, Ohio, and Texas?

Mr. LEA of California. No. We do not have an inspector for every State in the inspection of engines.

Mr. BLANTON. Take Texarkana. It is 980 miles from Texarkana to El Paso across Texas. One inspector would not inspect at Texarkana and also inspect at El Paso, nearly 1,000 miles away. One inspector would not inspect at Dalhart and then go down the coast to Corpus Christi.

Mr. LEA of California. The inspector will not have to follow the machine, but the machine will have to follow the inspector. It will be necessary for the owner of the machine to have a certificate.

Mr. BLANTON. The gentleman from California knows there are to be lots of inspectors under this bill?

Mr. LEA of California. Unquestionably as aviation develops there will eventually have to be a sufficient number; but if we have 48 States regulating aviation, the same situation in multiplied numbers would have to be met.

Mr. BYRNS. Is there any provision in the bill which fixes the number of inspectors or how often inspections shall be made?

Mr. LEA of California. Periodically; that is all. There is no specific time set for inspection, and there is no limit on the number of inspectors or provision as to how many there will be.

Mr. BYRNS. It seems to me there could not arise any particular necessity for a great many inspectors, because even though the inspector may be some distance away an airplane could get to him in a very short time.

Mr. LEA of California. Yes. It will not be the inspector who would chase up the airplane. An airplane will be prevented from operating without an inspection after a certain date.

Mr. BYRNS. What does the bill provide with reference to the cost of the inspection?

Mr. LEA of California. The cost is left to regulation by the Secretary of Commerce with the provision that the fees shall be reasonable.

Mr. BYRNS. Is it expected that the fees will meet the inspection or not?

Mr. LEA of California. It is not. It is not likely, at least during the near future, that the fees received from inspections will pay the cost of regulation.

Mr. BYRNS. How about licenses, plus inspection?

Mr. LEA of California. There are three certificates authorized to be issued. Those are the only certificates charged for—air worthiness, the certificate for airmen, and for air navigation facilities. A certificate is not compulsory for air navigation facilities.

Mr. BLANTON. May I propound one other question?

Mr. LEA of California. Yes, briefly.

Mr. BLANTON. I have in mind intrastate business wholly. There will be a certain amount of airplane business that is intrastate both in Texas and California. That being so, why should the Federal Government have anything to do with that business?

Mr. LEA of California. Because whenever an airplane in Texas, for instance, rises from the ground and enters the air it is in the national air highway. The air of this country is an interstate highway for airplanes, so that an airplane in Texas that enters into the air is in interstate commerce and is in a national highway. It should conform to interstate traffic rules. The State of Florida has passed an air navigation act providing for fees and regulations somewhat similar to this bill.

It also contains a provision that when the United States adopts an air navigation law the law of Florida shall be thereby repealed. They appreciate the advantage of having a uniform system in the United States instead of requiring men to fly under harassing regulations of 48 different States. A man who rises in a State and flies over a State should be subject to the same traffic rules as a man who flies from State to State.

Mr. BLANTON. I will grant that on these national airways that should be law. I imagine there will be a national airway cutting across my State both ways, but in other parts of the State, 200 or 300 miles from that national airway, there will, no doubt, be a local air business that is wholly intrastate and wholly disconnected from this national airway; and that being so, why should the Federal Government control in any way?

Mr. LEA of California. Of course, there are two propositions; one is the law and the other is the wisdom of the legislation, outside of the constitutional question. I think that every practical reason is in favor of the assumption of the Federal power, so that every machine shall have a similar identification mark and be compelled to abide by the same traffic rules. The international convention which has been signed by 12 nations provides for exactly the same traffic rules and the same identification for 12 nations of the earth, and we in the United States should not attempt to encourage a varied lot of identifications and traffic rules. We should encourage unity, which means economy and convenience of operations.

So far as we have the power under the Constitution, we have assumed it in this bill to give Federal regulation. If we have attempted to assume a power that the Constitution does not authorize, of course to that extent the States will retain their power. The States have the power, so far as it does not in fact interfere with interstate commerce.

Mr. BLANTON. But those of us in California and in Texas who are against this everlasting and eternal encroachment by the Federal Government upon the rights of the States, how are we going to reconcile this kind of measure with the views of our people at home when we let the Federal Government come in and tell them what they shall do with respect to every kind of airplane that is flown in a State on intrastate business?

Mr. LEA of California. Well, so far as I am concerned, I recognize the fundamental theory to which the gentleman is attached, but I think as a practical proposition the men who operate the airplanes will want this sort of regulation. They will want this sort of regulating power for their enterprise.

Mr. BLANTON. But there is only a small percentage of them.

Mr. LEA of California. The people will want it, too.

One important feature of the airplane is that it is already being used more or less in aid of the commission of crime. When injuries or damages result from the operation of airplanes or when crimes are committed by their use, the whole United States is interested in identifying those planes. Suppose we have 48 different systems of identification in the United States, what would identification amount to?

Under this bill the President it given power to make certain air reservations for military reasons or to conserve the public interest.

This bill has several provisions in reference to foreign aircraft. Foreign aircraft are not permitted to register under the provisions of this bill. Military aircraft from other nations are permitted to come here only with the consent of the Secretary of State. The civil aircraft of other nations are exempted and may come to the United States under regulations prescribed by the Secretary of Commerce, but only in case the nation from which they come grants reciprocal rights to the American aviators.

This bill prevents foreign aircraft from engaging in interstate commerce. This provision follows the rule in reference to water transportation. Only American ships can engage in the coastal trade of the United States or in interstate commerce.

The bill also provides for ports of entry for planes coming to the United States from foreign lands, so that the customs service, the Immigration Service, and the health authorities may have charge of entrances by airplanes the same as by ships or other means of transportation.

Mr. MOORE of Virginia. Will my friend yield for one very brief question?

Mr. LEA of California. Certainly.

Mr. MOORE of Virginia. Why does the bill locate a part of the authority with reference to foreign airplanes in the Secretary of State—that is to say, with reference to military airplanes—and a part of it in the Secretary of Commerce?

Mr. LEA of California. The Secretary of State is the representative of the United States in dealing with other nations. It was thought that power should rest with the official who traditionally represents the United States in matters concerning other nations.

Mr. MOORE of Virginia. Except to meet the traditions or to meet a mere theory, would it not be better to have all the power centered in one official?

Mr. LEA of California. Of course, military machines have to do with the political power, and diplomatic relations to other nations and the Secretary of State may more properly represent the United States as to such matters.

The Constitution of the United States does not specifically give Congress power over water transportation, yet under the decisions of the Supreme Court a steamboat can not navigate on waters inside of a State without an inspection and a certificate by the representative of the United States.

The air may be compared with water as a means of transportation. The vessels of the United States and the vessels of private citizens have the right to navigate the water although a private individual owns the land underneath the water. So the airplanes of the United States have the right, we believe, to navigate the air although underneath them is land owned by some private individual.

Mr. MOORE of Virginia. Will my friend again permit an interruption?

Mr. LEA of California. Yes.

Mr. MOORE of Virginia. As I understand it, the gentleman is dealing with a question similar to the question that was dealt with in the early days of the Government when the Con-

gress, sanctioned by the Supreme Court, determined there could be a regulation of navigable streams even though no interstate commerce ever, as a matter of fact, was carried upon the waters of such streams.

Mr. LEA of California. Yes.

Mr. MOORE of Virginia. The mere possibility that there might be was taken as a basis for regulation.

Mr. LEA of California. I was citing the authority established in those cases as authority to justify the assumption of power by this bill.

Mr. MOORE of Virginia. And in that case the governmental agencies were dealing with navigable waterways.

Mr. LEA of California. They were.

Mr. MOORE of Virginia. Here the Committee on Interstate and Foreign Commerce and the Committee of the Whole are dealing with the matter of navigable airways.

Mr. LEA of California. Yes. In other words, suppose we concede private exclusive ownership from the center of the earth to the highest sky. Then, possibly, no airplane would have the right to cross any man's land without condemning such right to cross. This would be equivalent to saying that we shall have no aviation in the United States. If every individual can prohibit any plane from crossing over his land, the handicap to aviation would be insuperable.

The fundamental principle in reference to damages or even to condemnation suits is that the law does not take notice of trifles. When an airplane crosses over a man's land 1,000 feet or 5,000 feet or 10,000 feet above it, what injury is done? If the owner goes into court to recover damages for the injury from the trespass, his case would be thrown out of court, because he would be unable to show any injury. So whatever trespass might be claimed by the individual against the operator of an airplane crossing over the air would be a trifle of which the courts would not take recognition.

Mr. RAMSEYER. Will the gentleman yield?

Mr. LEA of California. I will.

Mr. RAMSEYER. Does the gentleman concede that the man who owns the land owns the air to heaven?

Mr. LEA of California. He does, but it is subject to the right of transportation, as is the water over his land. It is impossible to take an archaic theory developed in the time of Blackstone, several hundred years ago, when they did not dream of airplanes, and say that such a theoretical principle is going to stop the progress of the world.

Mr. RAMSEYER. If that is the law, does the gentleman think it can be set aside or repealed by an act of Congress?

Mr. LEA of California. If individuals have a vested right, Congress can not deprive them of that vested right. The individual must show damages before he has any standing in court.

The provision quoted by the gentleman from Alabama as to the assertion and power over intrastate aviation is a paraphrase of the language of Judge Taft in a decision recently made by the Supreme Court. I quote Judge Taft:

Commerce is a unit and does not regard State lines, and while under the Constitution, interstate and intrastate commerce are ordinarily subject to regulation by different sovereignties, yet when they are so mingled together that the supreme authority, the Nation, can not exercise complete effective control over interstate commerce without incidental regulation of intrastate commerce, such incidental regulation is not an invasion of State authority.

Mr. BLAND. What was the character of the case from which the gentleman is quoting?

Mr. LEA of California. That was a railroad case involving the interstate commerce clause of the Constitution. Now, as to the practical question as to what would happen in the way of regulation by the States. Here is the aviation law of Florida. This is about such a law as any State of the Union undertaking to assume State regulation of airplanes would enact. It covers most subjects covered by this act. It provides for a fee of \$100 for a certificate of air worthiness; \$50 for a certificate for an airdrome; \$25 for a certificate for the airman, and a fee of \$100 for the license for the operation of an airplane.

There is a penal provision against the operation of an airplane in Florida without having this certificate. An exception is made of airplanes owned by the United States. One provision requires figures 3 feet high on the side of the machine. As a matter of fact many airplanes do not have fuselages large enough to accommodate the figures required by the State of Florida. If such provisions were required by every State in the United States could you imagine a greater handicap? Should we encourage 48 States to indulge in this sort of regulation? That is the practical question we must meet.

We believe in aviation and its future. It deserves the encouragement and support of the American people. I believe this bill is a helpful and a reasonable step toward the accomplishment of greater air navigation.

Mr. BLAND. How soon will the gentleman's committee bring in a bill that will take automobiles under the jurisdiction of the Federal Government?

Mr. LEA of California. We have no intention of bringing in such a bill, but if the gentleman from Virginia wishes to offer such a bill it will be considered.

Mr. BLAND. I think that the Department of Commerce would like to have jurisdiction over the automobiles of the country.

Mr. PARKER. Mr. Chairman, I ask unanimous consent to dispense with the reading of the bill and read the committee amendment instead.

The CHAIRMAN. If there is no more debate, the Clerk will read the bill, and the gentleman from New York asks unanimous consent that the reading of the bill after the enacting clause be dispensed with and that the committee amendment be read in lieu thereof. Is there objection?

Mr. HILL of Maryland. Does that mean that there will be no opportunity for amendment?

Mr. PARKER. No amendments may be offered after the reading of the amendment.

Mr. HILL of Maryland. And to any paragraph?

Mr. PARKER. Yes.

Mr. HUDDLESTON. This is to be read as one amendment, and at the end it will be subject to amendment?

The CHAIRMAN. Yes. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the committee amendment, as follows:

Strike out all after the enacting clause and insert the following:

"That it shall be the duty of the Secretary of Commerce to foster civil air navigation in accordance with the provisions of this act, and for such purpose—

"(a) To encourage the establishment of air ports and other air navigation facilities.

"(b) To make recommendations to the Secretary of Agriculture as to necessary meteorological service in connection with the maintenance of established airways.

"(c) To study the possibilities for the development of commercial air navigation and the aeronautical industry and trade in the United States and to collect and disseminate information relative thereto.

"(d) To advise with the Bureau of Standards and other agencies in the executive branch of the Government in carrying forward such research and development work as tends to create improved light or other signal structures, radio directional finding facilities, and other air-navigation facilities. The Secretary of Commerce is authorized to transfer funds available for carrying out the purposes of this subdivision to any such agency for carrying forward such research and development work in cooperation with the Department of Commerce.

"(e) To investigate, record, and make public the causes of accidents in civil air navigation in the United States.

"(f) To exchange with foreign governments through existing governmental channels information pertaining to civil air navigation.

"SEC. 2. Regulatory powers: The Secretary of Commerce shall by regulation—

"(a) Provide for the registration of eligible aircraft. No aircraft shall be eligible for registration (1) unless it is a civil aircraft owned by a citizen of the United States and not registered under the laws of any foreign country, or (2) unless it is a public aircraft of the Federal Government or of a State, Territory, or possession, or of a political subdivision thereof. All aircraft registered under this subdivision shall be known as aircraft of the United States and shall be entitled to the benefits conferred and shall be subject to the duties imposed by law upon such aircraft. All public aircraft of the Federal Government shall be registered as aircraft of the United States.

"(b) Provide for the examination and rating (upon registration and periodically thereafter) of aircraft of the United States as to their airworthiness.

"(c) Provide for the periodic examination and rating of airmen serving in connection with aircraft of the United States as to their qualifications for such service. Such examinations shall be based upon the character, physical fitness, training, and practical experience of the airman.

"(d) Provide for the periodic examination and rating of air navigation facilities available for the use of aircraft of the United States as to their suitability for such use.

"(e) Establish air traffic rules for the navigation and protection of aircraft in the navigable air space or waters of the United States, including rules for taking off and alighting, signal rules for land and water structures, rules as to safe altitudes of flight, rules for identifica-

tion and marking, rules for the maintenance of log books, and rules for the prevention of collisions between vessels and aircraft.

"(f) Provide for the periodic issuance and expiration and for the suspension and revocation of registration, aircraft, airman, and air navigation facility certificates, and such other certificates as the Secretary of Commerce deems necessary in administering the functions vested in him under this act. Within 20 days after notice that application for any certificate is denied or that a certificate is suspended or revoked, the applicant or holder may file a written request with the Secretary of Commerce for a public hearing thereon. The Secretary upon receipt of the request shall forthwith (1) arrange for a public hearing to be held within 20 days after such receipt in such place as the Secretary deems most practicable and convenient in view of the place of residence of the applicant or holder and the place where evidence bearing on the cause for the denial, suspension, or revocation is most readily obtainable, and (2) give the applicant or holder at least 10 days' notice of the hearing, unless an earlier hearing is consented to by him. Notice under this subdivision may be served personally upon the applicant or holder or sent him by registered mail. The Secretary, or any officer or employee of the Department of Commerce designated by him in writing for the purpose, may hold any such hearing and for the purposes thereof administer oaths, examine witnesses, and issue subpoenas for the attendance and testimony of witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths. Witnesses summoned or whose depositions are taken shall receive the same fees and mileage as witnesses in courts of the United States. All evidence taken at the hearing shall be recorded and forwarded to the Secretary for decision in the matter to be rendered not later than 10 days after completion of the hearing. The decision of the Secretary, if in accordance with law, shall be final. The denial, suspension, or revocation shall be invalid unless opportunity for hearing is afforded, notice served or sent, and decision rendered within the respective times prescribed by this subdivision.

"SEC. 3. EXEMPT AIRCRAFT: (a) The Secretary of Commerce shall exempt from the requirements of regulations made under section 2, except requirements as to registration or as to air traffic rules upon established airways: (1) Public aircraft of the United States and airmen serving solely in connection therewith, and air navigation facilities owned or operated by the United States or any governmental instrumentality thereof and used exclusively (except for emergency public use as provided in section 5) in the service of the Federal Government; and (2) aircraft navigated solely outside of established airways and used solely for experimental or scientific or signaling purposes, and air navigation facilities used solely for such purposes.

"(b) The Secretary of Commerce may exempt from the requirements of regulations made under section 2: (1) Anchored aircraft, aircraft navigated upon established airways and used solely for experimental or scientific or signaling purposes, or aircraft in the custody of any officer or employee of the United States in pursuance of an examination authorized by law or of a seizure for violation of law; and (2) air navigation facilities used solely for such aircraft and airmen serving solely in connection with such aircraft.

"SEC. 4. AIRSPACE RESERVATIONS: The President is authorized to provide by Executive order for the setting apart and the protection of airspace reservations in the United States for national defense or other governmental purposes and, in addition, in the District of Columbia for public safety purposes. The several States may set apart and provide for the protection of necessary airspace reservations in addition to and not in conflict either with airspace reservations established by the President under this section or with any airway designated by the Secretary of Commerce under subdivision (j) of section 10.

"SEC. 5. AIDS TO AIR NAVIGATIONS (a) Whenever at any time the Postmaster General and the Secretary of Commerce by joint order so direct, the established airways under the jurisdiction and control of the Postmaster General, together with all airports, emergency landing fields, and other air navigation facilities used in connection therewith, shall be transferred to the jurisdiction and control of the Secretary of Commerce. All unexpended balances of appropriations in respect of such established airways, airports, emergency landing fields, and other air navigation facilities shall thereupon be available for expenditure under the direction of the Secretary of Commerce, in lieu of the Postmaster General, for the purposes for which such appropriations were made.

"(b) The Secretary of Commerce is authorized, within the limits of available appropriations hereafter made by the Congress, (1) to establish, operate, and maintain along airways the following: Emergency landing fields, light and other signal structures, radio directional finding facilities, radio or other electrical communication facilities, and other necessary air navigation facilities; and (2) to chart such airways and arrange for publication of maps of such airways, utilizing the facilities and assistance of existing agencies of the Government so far as practicable. The Secretary of Commerce shall grant no exclusive right for the use of any airway, airport, emergency landing field, or other air navigation facility.

"(c) Air navigation facilities owned or operated by the United States may be made available for public use under such conditions and to such extent as the head of the department or other independent establishment having jurisdiction thereof deems advisable and may by regulation prescribe.

"(d) The head of any Government department or other independent establishment having jurisdiction over any airport owned or operated by the United States may provide for the sale to any aircraft alighting at the airport fuel, oil, equipment, and supplies, and the furnishing to it of mechanical service, temporary shelter, and other assistance under such regulations as the head of the department or establishment may prescribe, but only if such action is by reason of an emergency necessary to the continuance of such aircraft on its course to the nearest airport operated by private enterprise. All such articles shall be sold and such assistance furnished at the fair market value prevailing locally, as ascertained by the head of such department or establishment. All amounts received under this subdivision shall be covered into the Treasury; but that part of such amounts which, in the judgment of the head of the department or establishment, is equivalent to the cost of the fuel, oil, equipment, supplies, services, shelter, or other assistance so sold or furnished shall be credited to the appropriation from which such cost was paid, and the balance, if any, shall be credited to miscellaneous receipts.

"(e) Section 3 of the act entitled "An act to increase the efficiency and reduce the expense of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture," approved October 1, 1899, is amended by adding at the end thereof a new paragraph to read as follows:

"Within the limits of the appropriations which may be made for such purpose, it shall be the duty of the Chief of the Weather Bureau, under the direction of the Secretary of Agriculture, (a) to furnish such weather reports, forecasts, warnings, and advices as may be required to promote the safety and efficiency of air navigation in the United States and above the high seas, particularly upon established airways designated by the Secretary of Commerce under authority of law as routes suitable for air navigation, and (b) for such purposes to observe, measure, and investigate atmospheric phenomena and establish meteorological offices and stations.

"SEC. 6. FOREIGN AIRCRAFT: The Congress hereby declares that the Government of the United States has, to the exclusion of all foreign nations, complete sovereignty over the air space above the lands and waters of the United States, including the Canal Zone. Aircraft a part of the armed forces of any foreign nation, including other aircraft in command of an individual who is a member of such forces, shall not be navigated in the United States, except in accordance with an authorization granted by the Secretary of State. The Secretary of Commerce may by regulation exempt from the requirements of section 2 aircraft that are registered under the law of any foreign nation and that are not a part of the armed forces of such nation, if such nation grants a similar exemption in respect of aircraft of the United States, but such foreign aircraft shall not engage in interstate commerce in the navigable air space or waters of the United States. The President may employ the military or naval forces of the United States to exclude or expel from the United States aircraft of any foreign country entering the United States otherwise than in accordance with the provisions of this section.

"SEC. 7. APPLICATION OF EXISTING LAWS RELATING TO FOREIGN COMMERCE: (a) The navigation and shipping laws of the United States, including any definition of 'vessel' or 'vehicle' found therein and including the rules for the prevention of collisions, shall not be construed to apply to seaplanes or other aircraft or to the navigation of vessels in relation to seaplanes or other aircraft.

"(b) The Secretary of the Treasury is authorized to (1) designate places in the United States as ports of entry for civil aircraft engaged in foreign commerce and for merchandise carried on such aircraft, (2) detail to ports of entry for civil aircraft such officers and employees of the customs service as he may deem necessary, and to confer or impose upon any officer or employee of the United States stationed at any such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the customs service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the customs and public health laws to such extent and upon such conditions as he deems necessary.

"(c) The Secretary of Commerce is authorized by regulation to provide for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels to such extent and upon such conditions as he deems necessary.

"(d) The Secretary of Labor is authorized to (1) designate any of the ports of entry for civil aircraft as ports of entry for aliens arriving by aircraft, (2) detail to such ports of entry such officers and employees of the Immigration Service as he may deem necessary, and to confer or impose upon any employee of the United States stationed at such

port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the Immigration Service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the immigration laws to such extent and upon such conditions as he deems necessary.

"(e) Any person violating any customs or public-health regulation, entry or clearance regulation, or immigration regulation made under this section shall be subject to a penalty of \$500, which may be remitted or mitigated by the Secretary of the Treasury, the Secretary of Commerce, or the Secretary of Labor, respectively, in accordance with such proceedings as the Secretary shall by regulation prescribe. In case the violation is by the owner or the person in command of the aircraft, the penalty shall be a lien against the aircraft. Such penalty may be collected by proceedings in personam against the person subject to the penalty and/or proceedings in rem against the aircraft. Such proceedings shall conform as nearly as may be to civil suits in admiralty, except that either party may demand trial by jury of any issue of fact, if the value in controversy exceeds \$20, and facts so tried shall not be reexamined other than in accordance with the rules of the common law. The fact that in a libel in rem the seizure is made at a place not upon the high seas or navigable waters of the United States shall not be held in any way to limit the requirement of the conformity of the proceedings to civil suits in rem in admiralty. The Supreme Court of the United States, and under its direction other courts of the United States, are authorized to prescribe rules regulating such proceedings in any particular not provided by law. The determination under this section as to the remission or mitigation of a penalty imposed under this section shall be final. In case libel proceedings are pending at any time during the pendency of remission or mitigation proceedings, the Secretary shall give notice thereof to the United States attorney prosecuting the libel proceedings.

"(f) Any aircraft subject to lien for any penalty imposed for the violation of a customs, public health, entry, clearance, or immigration regulation made under this section, may be summarily seized by and placed in the custody of such persons as the appropriate Secretary may by regulations prescribe and a report of the case thereupon transmitted to the United States attorney for the judicial district in which the seizure is made. The United States attorney shall promptly institute proceedings for the enforcement of the lien or notify the Secretary of his failure so to act. The aircraft shall be released from such custody upon (1) payment of the penalty or so much thereof as is not remitted or mitigated; (2) seizure in pursuance of process of any court in proceedings in rem for enforcement of the lien, or notification by the United States attorney of failure to institute such proceedings; or (3) deposit of a bond in such amount and with such sureties as the Secretary may prescribe, conditioned upon the payment of the penalty or so much thereof as is not remitted or mitigated.

"SEC. 8. FEES: There shall be paid to the Secretary of Commerce prior to each issuance of a certificate by him under this act a reasonable fee in an amount to be fixed by the Secretary. All fees and penalties paid to the Secretary under this act shall be covered into the Treasury as miscellaneous receipts.

"SEC. 9. ADDITIONAL ASSISTANT SECRETARY OF COMMERCE: To aid the Secretary of Commerce in fostering air navigation and to perform such functions vested in the Secretary under this act as the Secretary may designate there shall be an additional Assistant Secretary of Commerce, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose compensation shall be fixed in accordance with the classification act of 1923. Except as otherwise specifically provided, the Secretary of Commerce shall administer the provisions of this act, and for such purpose is authorized (1) to make such regulations as are necessary to execute the functions vested in him by this act; (2) to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere and for law books, books of reference, and periodicals) as may be necessary for such administration and as may be provided for by the Congress from time to time; (3) to publish from time to time a bulletin setting forth such matters relating to the functions vested in him by this act as he deems advisable, including air navigation treaties, laws, and regulations and decisions thereunder; and (4) to operate, and for this purpose to purchase, within the limits of the available appropriations hereafter made by the Congress, such aircraft and air navigation facilities as are necessary for executing the functions vested in the Secretary of Commerce by this act.

"SEC. 10. DEFINITIONS: As used in this act—

"(a) The term 'citizen of the United States' means (1) an individual who is a citizen of the United States or its possessions, or (2) a partnership of which each member is an individual who is a citizen of the United States or its possessions, or (3) a corporation or association created or organized in the United States or under the law of the United States or of any State, Territory, or possession thereof, of which the president and three-fourths or more of the board of directors

or other managing officers thereof, as the case may be, are individuals who are citizens of the United States or its possessions and in which at least 51 per cent of the voting interest is controlled by persons who are citizens of the United States or its possessions.

"(b) The term 'United States,' when used in a geographical sense means the territory comprising the several States, Territories, possessions, and the District of Columbia (including the territorial waters thereof), and the overlying air space; but shall not include the Canal Zone.

"(c) The term 'aircraft' means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

"(d) The term 'public aircraft' means an aircraft used exclusively in the governmental service.

"(e) The term 'civil aircraft' means any aircraft other than a public aircraft.

"(f) The term 'aircraft of the United States' means any aircraft registered under this act.

"(g) The term 'airport' means any terminal landing field or other supporting surface (including structures fixed thereto or anchored or floating thereon) which is suitable for use for the landing and taking off of aircraft.

"(h) The term 'emergency landing field' means any landing field or other supporting surface (including structures fixed thereto or anchored or floating thereon) which is suitable for use both as a location for landing lights and other signal structures, radio or other electrical communication facilities, and other necessary air navigation facilities, and as an emergency landing place for aircraft navigating the airway.

"(i) The term 'air navigation facility' includes any airport, emergency landing field, light or other signal structure, radio directional finding facility, radio or other electrical communication facility, and any other structure or facility used as an aid to air navigation.

"(j) The term 'airway' means a route in the navigable air space designated by the Secretary of Commerce as a route suitable for air navigation.

"(k) The term 'established airway' means any airway along which there have been installed emergency landing fields, and light or other signal structures, or radio or other electrical communication facilities, or other air navigation facilities.

"(l) The term 'airman' means any individual (including the master and any pilot, mechanic, or member of the crew) who engages in the navigation of aircraft while under way, and any individual who is in charge of the inspection, overhauling, or repairing of aircraft.

"SEC. 11. NAVIGABLE AIRSPACE: As used in this act, the term 'navigable air space' means air space above the minimum safe altitudes of flight prescribed by the Secretary of Commerce under section 2, and such navigable airspace shall be subject to a public right of freedom of interstate and foreign air navigation in conformity with the requirements of this act.

"SEC. 12. ADVISORY COMMITTEE FOR AERONAUTICS: The membership of the Advisory Committee for Aeronautics is increased from 12 to 15 members, to be appointed by the President. Of the additional members, one shall be a representative of the office of the Assistant Secretary of Commerce in charge of civil air navigation, one of the office of the Assistant Postmaster General in charge of the air mail service, and one of the Coast Guard.

"SEC. 13. PENALTIES: (a) It shall be unlawful, except to the extent exempt under section 3 or 6 of this act—(1) to navigate any aircraft in the navigable air space or waters of the United States otherwise than in conformity with the air-traffic rules and with Executive orders regulating air space reservations; (2) to navigate any aircraft in such navigable air space or waters, unless such aircraft is registered as an aircraft of the United States and has an aircraft certificate; (3) to serve as an airman in connection with any aircraft of the United States without an airman certificate; or (4) to maintain any land or water structure in violation of the air traffic rules. Any person willfully committing any offense in violation of this subdivision shall be punishable by a fine not exceeding \$500 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment.

"(b) Any person (1) who, with intent to interfere with air navigation in the navigable air space or waters of the United States, exhibits within the United States any false light or signal at such place or in such manner that it is likely to be mistaken for a true light or signal required by regulation under this act or for a light or signal connected with an air port or other air navigation facility; or (2) who knowingly removes, extinguishes, or interferes with the operation of any such true light or signal; or (3) who without lawful authority knowingly exhibits any such true light or signal; or (4) who fraudulently forges, counterfeits, alters, or falsely makes any certificate authorized to be issued under this act, or knowingly uses or attempts to use any such fraudulent certificate, shall be guilty of an offense punishable by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment.

"(c) The Congress hereby declares that the application of the provisions of this section to intrastate air navigation in the navigable air

space is made necessary for the reason that air commerce is a unit and does not regard State lines and that interstate and intrastate air navigation are so mingled together that the United States can not exercise complete effective control and protection of air navigation in interstate and foreign commerce and prevent interference therewith without incidental regulation of intrastate air navigation in the navigable air space.

"(d) The Government of the United States hereby consents that the several States, and the Territories and possessions of the United States (and any political subdivision thereof in pursuance of the law of the State, Territory, or possession), may by law (1) provide for the prosecution of offenses that are punishable by the Federal Government under this section and that occur within their respective territorial jurisdiction or in the air space above such territory, and (2) prescribe penalties or forfeitures, civil or criminal, to be imposed for such offenses. The trial and acquittal, or the conviction, of any person under any such law for any such offense shall constitute a bar to the trial and conviction of such person by the Federal Government for such offense. Prosecution under this subdivision shall be in accordance with such practice and rules of evidence, pleadings, and forms and modes of proceedings as the State, Territory, or possession may prescribe.

"SEC. 14. SEPARABILITY: If any provision of this act is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the application of such provision to other persons and circumstances shall not be affected thereby.

"SEC. 15. TIME OF TAKING EFFECT: This act shall take effect upon its passage, except that no penalty shall be enforced for any violation thereof occurring within 90 days thereafter."

Mr. BLANTON (during the reading of the amendment). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Is this whole amendment read as an amendment, or is it divisible?

The CHAIRMAN. It is one amendment, the committee amendment in substitution for everything following the enacting clause.

Mr. BLANTON. And all of it will be read by the Clerk at one time?

The CHAIRMAN. Yes.

The Clerk concluded the reading of the amendment.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. If the provisions of this bill shall be enacted into law, I think it is fair to say that they will do more to establish aviation on a permanent basis in the United States than any other thing that has ever been done or proposed. Under existing law there is no regulation at all of the movement of airplanes in the air. All civil aviation is unregulated, except that in the Post Office Department, and that is only regulated by the Post Office Department itself without respect to any law. All the airways that have been built for air-navigation purposes have been built by the Post Office Department. There are about 2,500 miles of these and they were built because of a determination on the part of the post-office authorities that the best way to succeed in air mail transportation is to expedite the movement of the mail. In order to expedite the movement of the mail it is necessary to fly night and day. With distances less than 500 miles, or even more than 500 miles, where a train can leave a place at night and reach its destination in the morning, there is no advantage in the movement of the mail by air, because that is all that could be done by the airplane; but where the distance is a thousand miles or more and where the plane can travel night and day as the train does, then you can expedite the movement of the mail by air.

It is true that it has cost the Government a great deal more money to move mail by air than by train. The original cost by air was about \$5.35 per ton-mile. That was finally reduced to about \$2.40 per ton-mile and the hope is that as it becomes more perfect and planes can carry a larger load they will be able to reduce the cost to about 60 cents per ton-mile, which will be a great advance; but 60 cents per ton-mile compared with 9 cents per ton-mile by train is still a very large additional cost over train movement.

Commercial aviation is the only medium, in my judgment, through which this country will ever be placed on a successful permanent military aviation basis, because whatever you do for the military or the Navy, however much it may be, will never be enough to maintain factorles in which to construct airplanes for emergency purposes in time of war to the extent that the emergency will require. The only way in my judgment that that can be done is to encourage in every way possible by law the operation of commercial aviation concerns throughout the country. These commercial aviation concerns that are about to be established and many of which are already established are asking no subsidy from the Government. What

they are asking is that the Post Office Department shall turn over the carrying of the mail by airplane to these commercial aviation corporations, and when the Post Office Department does that it will be surrendering what now is an opportunity for the Post Office Department to spend a large amount of money, and will be able to get the work done for which the Government is now spending that money without the expenditure of a cent except what it costs those who patronize the air in the transportation of their mail.

Contracts are let by the Government under this law to these commercial aviation companies to carry the mail by air for not to exceed four-fifths of the amount received in postage, so that nothing whatever comes out of the Treasury of the United States under that law for the payment of mail transported by air. What the Government will be called upon to pay for is the establishment of airways. That is, the Government will be building on the ground aids to navigation by air for commercial aviation similar to the guides to navigation at sea in the form of lighthouses and lightships. These will have to be maintained. We have 2,500 miles of these airways now. They have been constructed at the expense of the Post Office Department with appropriations made by Congress. They are being maintained by the Post Office Department. The Post Office appropriation bill for 1927 carries \$450,000 to maintain airways. If this bill shall pass, that \$450,000 of the Post Office appropriation will be transferred to the Department of Commerce and placed under the jurisdiction of the Secretary of Commerce, and there will be added to that under this bill about \$225,000 more for the maintenance of the airways already erected and for any airways that may be required to be erected during the coming fiscal year. So that the total cost under this act for the present will be about \$225,000 more than the existing cost per annum.

What more? The Secretary of Commerce under this act will have power to license aviators. He will have power to cancel licenses for cause. He will have power to restore these licenses if restoration is justifiable. He will have power to inspect airplanes to be used by every civil company operating in the air. This inspection will in itself be a guaranty to safety of life in the air, because, after all, the one thing that we most need is surety for safety in the air. The Secretary of Commerce will be charged with the responsibility of seeing that no plane which is unfit to fly shall be commissioned to fly, and that will be a wonderful thing in itself. He will have the power, when recommended by the Postmaster General, to build new airways to meet the new air mail facilities that the Post Office Department says may be required throughout the country. He will have the power to establish fields. He will have the power to erect lights. In other words, he will have the power to regulate and see to it that all the airplanes operated by civil interests throughout the country shall be owned and operated by Americans. He will have the power to place in action a civil aviation system that will encourage the investment of money in aviation manufacturing enterprises that will give to America in the long run facilities through which, in case of war, America will be able to manufacture to meet the emergency needs of the country as she never has had, and as no country in the world might have if you carry out this work as it should be carried out.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BYRNS. Mr. Chairman, will the gentleman yield to a question?

Mr. MADDEN. My time is exhausted.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BYRNS. I ask unanimous consent that the gentleman may proceed for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BYRNS. Mr. Chairman, I want to say that I think some legislation like this is very much needed. I wanted to ask the gentleman from Illinois this question, Whether under this bill the Secretary of Commerce will have the right to issue licenses and also make an inspection?

Mr. MADDEN. Yes. He will have the right to do that, and I hope when he does fix the fees they will be moderate, so that they will not be a burden on anybody.

Mr. BYRNS. Will these inspections and these license fees be reasonable, and will they still be sufficient to enable him to cover the cost of administration?

Mr. MADDEN. I think it will be done without a burden on the industry. I hope it will be. And I hope the fees will be sufficient to meet the cost of operation.

Mr. HILL of Maryland. Mr. Chairman, I wish to offer an amendment.

Mr. HUDDLESTON. Mr. Chairman, I have an amendment that I wish to offer.

The CHAIRMAN. The Chair will first recognize the gentleman from Alabama, a member of the committee, although the debate on the pro forma amendment is not exhausted. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDDLESTON: Page 13, strike out line 8 and insert in lieu thereof the following:

"(a) Provide for the granting of registration to eligible aircraft if application for registration is made by the owner of the aircraft; but no aircraft shall be required to be registered."

Page 14, line 8, after "aircraft," insert "in interstate or foreign commerce."

Page 28, line 6, after "navigation," insert "in interstate or foreign commerce."

Page 29, line 9, after "aircraft," insert "in interstate or foreign commerce."

Page 29, line 12, after "aircraft," insert "in interstate or foreign commerce."

Page 29, line 19, after "subdivision," insert "or of subdivision (c)."

Page 29, line 24, after "navigation," insert "in interstate or foreign commerce."

Page 30, strike out lines 15 to 24, inclusive, and page 31, line 1, strike out "(d)" and insert in lieu thereof "(c)."

Mr. HILL of Maryland. Mr. Chairman, have I the floor now?

The CHAIRMAN. The gentleman from Alabama has the floor on his amendment.

Mr. HILL of Maryland. I understood the Chair said the debate was not exhausted.

The CHAIRMAN. What the Chair said had reference to the pro forma amendment.

Mr. HUDDLESTON. Mr. Chairman, I call attention to the fact that by this bill exclusive jurisdiction over aviation is asserted by the Federal Government, jurisdiction over both interstate and intrastate commerce.

The purpose of my amendment is to confine the jurisdiction which the Federal Government asserts to interstate and foreign commerce. I do not know how I could explain it more clearly than in just what I have said. It expresses my opposition to this assertion of comprehensive jurisdiction, which, in my opinion, renders the bill of doubtful constitutionality and certainly as bad from the standpoint of policy. I have offered this amendment for the purpose of correcting that vice.

It is necessary to make the numerous changes provided for by my amendment in order to cover the point. My changes constitute one amendment. If that amendment is adopted and the changes made which I propose, the jurisdiction granted to the Federal Government by this bill will be confined to interstate and foreign commerce, and there will be no assertion of jurisdiction over purely intrastate commerce.

Mr. LEA of California. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. LEA of California. Does not the gentleman's amendment go further than that and provide that registration is at the option of the owner of the machine?

Mr. HUDDLESTON. It leaves the situation exactly as is now provided in the bill, except as to intrastate commerce, which is eliminated entirely out of the picture. Anyone who wishes to avail himself of the privileges of this bill or to use the airways, landing places, or facilities provided, and anyone who undertakes to use aircraft for carrying on interstate or foreign commerce will be subject to all of the provisions of the bill. But the aviator engaged in a purely intrastate activity will not be obliged to get a Federal license to carry it on, nor will he be obliged to have his machine inspected or dealt with in any way. In other words, it holds the Federal Government within its own proper and constitutional jurisdiction.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. HILL of Maryland. Mr. Chairman and gentlemen of the committee, the House this morning passed the naval aviation bill. There is pending before the House, and the House will doubtless pass it in the near future, the bill H. R. 1087, the Army aviation bill. This civil aviation bill now under consideration is the second of a series of three bills to take care of the air situation.

Beginning considerably over a year ago, there were held very exhaustive hearings on the air situation as presented by the bills for a separate air defense for the coordination of all national defense under one secretary of defense, with an under-secretary of air, and other suggestions for the air defense.

Now, this bill, as the gentleman from Illinois [Mr. MADDEN] has so ably and comprehensively stated, is the basic fundamental bill for all air defense. I think the House is to be congratulated, after these many months of hearings on the air situation, on the fact that they have finally resulted in a definite program which will take care of aviation in time of peace for commerce, and aviation in time of war for defense.

I have been very much interested in this subject, and at first was inclined to oppose the suggestion of the Morrow Board that there be an Assistant Secretary of Commerce, an Assistant Secretary of War, and an Assistant Secretary of the Navy, whose duties should be primarily to engage in aviation, but after going over the matter fully I think it is quite obvious that these specialists in these departments will render very excellent service in the development of aviation. This particular bill, as I said, is the basis of the whole thing. Aviation must be treated primarily as a commercial thing and secondarily as a defense thing, although the defense is absolutely necessary.

I am very glad to see that there is included in this bill section 9 providing an additional Assistant Secretary of Commerce whose primary duty shall be aviation. I hope that before this House concludes its sessions there will be adopted a revision of the National Council of Defense, which will provide for a real and active council of defense which will be small and effective. And on the executive committee of that council of defense I hope there will be placed the Assistant Secretary of Commerce which the House will doubtless provide for in this bill.

Mr. HOCH. Mr. Chairman, I offer a substitute for the Huddleston amendment.

The CHAIRMAN. The Chair will state that the amendment offered by the gentleman from Alabama is an amendment in the second degree.

Mr. HOCH. I think a substitute for the amendment would be in order. I am offering it as a substitute for the Huddleston amendment.

The CHAIRMAN. The Chair is inclined to think that the substitute would be an amendment in the third degree.

Mr. BLANTON. Mr. Chairman, there is permitted one amendment, an amendment to the amendment, and a substitute.

The CHAIRMAN. That is a generalization. The question is upon this particular amendment.

Mr. HOCH. The committee amendment is one amendment. The gentleman from Alabama offers an amendment to that amendment and the only question is whether this substitute is one in the third degree.

The CHAIRMAN. The Chair finds the reference he had in his mind, which is in the Manual on page 356, reading as follows:

An amendment in the third degree is not specified by the rule and is not permissible even when the third degree is in the nature of a substitute for an amendment to a substitute.

Mr. HOCH. Then, Mr. Chairman, I rise in opposition to the Huddleston amendment.

The CHAIRMAN. The gentleman from Maryland did that. Mr. HOCH. I move to strike out the last word.

The CHAIRMAN. That would also be amendment in the third degree. The gentleman will have to proceed by unanimous consent, in the opinion of the Chair.

Mr. HOCH. Then, Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HOCH. Mr. Chairman, I want to discuss for a minute the question that is involved before the vote is taken upon the Huddleston amendment. The amendment I propose to offer seeks to strike a middle ground between the provisions of the bill and the suggestion made by the gentleman from Alabama. I confess that as a member of the committee I have been considerably perplexed over this question of the assumption of jurisdiction by the Federal Government over intrastate flights. The bill by one blanket provision wipes out, or attempts to wipe out, all intrastate regulation. Now, my amendment proposes to assert Federal regulation over intrastate traffic or flights only in cases where it may be shown that the intrastate flight, as a matter of fact, does impose a burden upon or interfere with interstate aviation.

As a proposition of law I agree entirely with the statement made by the gentleman from Alabama, that the only theory

upon which we can impose Federal regulation on intrastate flights is that those intrastate flights impose a burden upon interstate flights. I know of no other theory upon which we can assume Federal jurisdiction. I will just read a part of the amendment I propose to offer as a substitute in place of the provision in the bill with reference to Federal jurisdiction:

Whenever interstate or foreign commerce by aircraft in the navigable air space or waters of the United States is rendered unsafe, or is unduly, unreasonably, or unjustly burdened by the regulation or absence of regulation of intrastate air navigation under the law of any State, then the Secretary of Commerce may by regulation prohibit such navigation by aircraft not registered as aircraft of the United States and/or extend the application of the air traffic rules to such air navigation, but only to such extent and so long as, after investigation and due notice and public hearing, the Secretary finds such prohibition or application necessary in order to make safe or remove the burdens upon interstate or foreign commerce by aircraft in the navigable air space or waters of the United States.

I may say that this attempts to set up a provision—which members of the committee are familiar with—analogue to the Shreveport doctrine with reference to transportation upon railroads. You will recall that in that case Federal jurisdiction was recognized only where it could be shown, as a matter of fact and reasonably, that there was by the intrastate regulation some burden imposed or some discrimination imposed upon the interstate business.

Now, I certainly do not assume to be at all wise about this proposition, but it seems to me we need not now go further than to set up clearly a regulation of interstate aviation. That, I believe, is necessary if we are to have a development of commercial aviation. But I think we might well leave it to time to show whether the States do seek to impose burdensome State regulation or whether the absence of regulation on the part of the States does, as a matter of fact, impose some burden or some discrimination upon or render unsafe interstate flights.

If it develops that there is any evidence of such burden or discrimination being imposed upon interstate traffic, then upon a proper hearing and a proper showing, as provided in my amendment, the Secretary may in that case have the power to extend Federal regulation in order to remove that burden or that discrimination.

Mr. PARKER. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PARKER. Mr. Chairman, I hope the gentleman's amendment will not prevail, because it seems to me we are confounding two things. The gentleman from Kansas cited the Shreveport case, which was a case involving rates. All this bill does is to try to insure safety. It has nothing to do with rates. The Secretary of Commerce has nothing to do with the rates that shall be charged for transportation by planes. It is simply to promote the safety of the planes and the safety of air navigation. I think there is a very decided difference.

Mr. HOCH. Will the gentleman yield?

Mr. PARKER. Yes.

Mr. HOCH. I do not, of course, refer to the Shreveport doctrine for the purpose of raising any question about rates, but the Shreveport doctrine—

Mr. PARKER. I did not yield for a statement but for a question. I did not intend to say that the gentleman did mean to say that, but still several people have referred to-day to railroad rates. Railroad rates and this matter have nothing to do with each other at all. One is a question of money and the other is a question of public safety, and I most certainly hope the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON].

The question was taken; and on a division (demanded by Mr. HUDDLESTON) there were—ayes 16, noes 68.

So the amendment was rejected.

Mr. HOCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

Mr. HOCH. Mr. Chairman, I ask unanimous consent that the first part of the amendment, down to the words "page 80," may be omitted in view of the fact that it is identical with the amendment offered by the gentleman from Alabama.

The CHAIRMAN. Without objection, the request of the gentleman from Kansas will be granted, and only the portion indicated will be read, but the entire amendment will be included in the RECORD.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. HOCH: Page 13, strike out line 8 and insert in lieu thereof the following:

"(a) Provide for the granting of registration to eligible aircraft if application for registration is made by the owner of the aircraft; but no aircraft shall be required to be registered."

Page 14, line 8, after "aircraft," insert "in interstate or foreign commerce."

Page 28, line 6, after "navigation," insert "in interstate or foreign commerce."

Page 29, line 9, after "aircraft," insert "in interstate or foreign commerce."

Page 29, line 12, after "aircraft," insert "in interstate or foreign commerce."

Page 29, line 19, after "subdivision," insert "or of subdivision (c)."

Page 29, line 24, after "navigation," insert "in interstate or foreign commerce."

Page 30, strike out lines 15 to 24, inclusive, and insert in lieu thereof the following:

"(c) Whenever interstate or foreign commerce by aircraft in the navigable airspace or waters of the United States is rendered unsafe or is unduly, unreasonably, or unjustly burdened by the regulation or absence of regulation of intrastate air navigation under the law of any State, then the Secretary of Commerce may by regulation prohibit such navigation by aircraft not registered as aircraft of the United States and/or extend the application of the air-traffic rules to such air navigation, but only to such extent and so long as, after investigation and due notice and public hearing, the Secretary finds such prohibition or application necessary in order to make safe or remove the burdens upon interstate or foreign commerce by aircraft in the navigable airspace or waters of the United States."

Mr. HOCH. Mr. Chairman, I shall detain the committee just a moment, because I think the issue is well understood.

I recognize the impracticability of leaving to the States alone the matter of regulation of air traffic, and I think we all recognize that if we are to have any commercial aviation development at all and any regulation thereof, the very nature of the thing requires there shall be very complete regulation on the part of the Federal Government in so far as interstate flights are concerned.

Referring just one moment to the Shreveport case, in view of the statement made by the gentleman from New York [Mr. PARKER], I was not referring, of course, to the Shreveport case for the purpose of injecting any question of rates. The Shreveport case, however, did raise clearly the question of the assumption of jurisdiction by the Federal Government over intrastate transportation, and I say there is an analogous situation here.

I am one of those who believe with reference to rail transportation that we have gone further than was necessary in assuming intrastate regulation. If we had stood by the Shreveport doctrine, that there shall be a showing of actual burden upon interstate business before we assume Federal jurisdiction, we would have a much better situation in this country than we have at present with reference to rates. Certainly the same question is here involved, and all I propose is that if there can be a showing that as a matter of fact there is some burden upon interstate flights, then the Secretary shall have power to assume jurisdiction over intrastate flights, and if there is no burden, then I do not know under what warrant of the Constitution we assume to legislate at all.

Mr. LEA of California. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. LEA of California. Does the gentleman's amendment go further than the Constitution itself goes with reference to the exercise of this power by the States?

Mr. HOCH. No; my amendment simply provides that you do not assume jurisdiction of intrastate flights until you have shown that there is a burden imposed upon interstate flights by the intrastate flights.

Mr. LEA of California. Would not the gentleman's amendment, if it became the law, cast a burden upon the Secretary of Commerce in addition to what the Constitution would require?

Mr. HOCH. No.

Mr. LEA of California. The Constitution takes care of its own protection.

Mr. HOCH. I will say, as a constitutional question, if you ever get into the courts on the question of assumption of jurisdiction over intrastate flights, the burden will be upon those seeking to uphold the law to show that there is a burden upon interstate business.

Mr. LEA of California. Then what is the use of the gentleman's amendment? Why not let the court construe the constitutional provision, instead of placing a particular burden on aviation.

Mr. HOCH. It seems to me that instead of saying that in all cases an intrastate flight is a burden upon interstate flights, we had better impose the burden of showing affirmatively that there is some such burden before we assume jurisdiction.

The CHAIRMAN. Will the gentleman from Kansas enlighten the Chair? The Chair understood the gentleman to say he desired only the portion of his amendment relating to page 30 to be read, but the Chair understands the gentleman is offering the balance of the amendment.

Mr. HOCH. Yes; I am offering the whole thing; but in view of the fact the first part is identical with the Huddleston amendment and consists of merely textual changes, I thought it unnecessary to read the first part of the amendment.

The CHAIRMAN. That was the understanding of the Chair. Mr. LEA of California. Will the gentleman yield further?

Mr. HOCH. Yes.

Mr. LEA of California. The Huddleston amendment contained a provision that no aircraft shall be required to be registered. Does the gentleman's amendment cover that part of the Huddleston amendment?

Mr. HOCH. I am not familiar with that particular part of the Huddleston amendment. I may say frankly, the amendment was prepared by the Legislative Drafting Bureau to carry out the idea I have here suggested.

Mr. LEA of California. The first paragraph of the Huddleston amendment provided that no aircraft shall be required to be registered. In other words, it would be just like the case of an automobile. A man owning the machine could go up and have it registered or not, and there would not be any identification mark or any way of holding him responsible for any violation of traffic rules.

Mr. HOCH. No; if he interferes with interstate flights, of course, he would have to be registered.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. PARKER. Mr. Chairman, I hope that this amendment will not be adopted for the reason that the sponsor of the amendment is not sure of what it does. Without making any reflection on the gentleman from Kansas, the subcommittee gave this very careful consideration, and it seems to me that license without the Federal Government gives the whole thing away. I most earnestly hope that the amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. HOCH].

The question was taken and the amendment was rejected.

Mr. BLAND. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 25, line 5, after the word and figure "section 9," strike out the words "additional assistant," and in line 6 strike out all after "Commerce" down to the period in line 13.

Mr. BLAND. Mr. Chairman, the purpose of the amendment is to strike out "additional Secretary of Commerce." It is covered by striking out the words "additional assistant" in line 5, so that after section 9 it would read "Secretary of Commerce," and again after the period strike out the rest down to the figures "1923" in line 13. It simply eliminates the additional Secretary of Commerce. My reason is that I desire to bring to the attention of the House the constant growth of additional Secretaries of Commerce. It might be of interest to state that there is on the calendar of the House a bill H. R. 7245, reported from the Committee on Merchant Marine and Fisheries, in which there is provision for two additional Secretaries of Commerce. Here is a bill with a third additional Secretary of Commerce. I want to submit to the House there seems to be no limit to the creation of additional Assistant Secretaries of Commerce. How far it is going or how far-reaching it will be I do not know, but I think it is about time that we knew how many new offices were going to be created.

Mr. BYRNS. Will the gentleman yield?

Mr. BLAND. Yes.

Mr. BYRNS. The duties of this Assistant Secretary will be confined to aircraft?

Mr. BLAND. Yes. My amendment seeks to eliminate the Assistant Secretary. We have another bill on the calendar that intends to eliminate the Shipping Board, and it will put more power in the Secretary of Commerce, and there will be no end to the Assistant Secretaries of Commerce, I suppose.

Mr. BLANTON. Will the gentleman yield?

Mr. BLAND. Yes.

Mr. BLANTON. And if the expenses of the Department of Commerce grow in the same proportion that they have within the last five years, it will not be many years before that de-

partment will spend as much money as the whole Government spent in 1917.

Mr. BLAND. There is no doubt about that. We hear a good deal about reaching out and taking away the powers that belong to the States, deprecating that tendency; and yet, when the proposition comes down, they do reach out and take over the powers that belong to the States. In other words, I would like to see them practice what they preach.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that all debate on the committee amendment and amendments thereto close in three minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on the committee amendment and amendments thereto close in three minutes. Is there objection?

There was no objection.

Mr. PARKER. Mr. Chairman, the question raised by the gentleman from Virginia was given careful consideration by the committee. The committee thought it entirely probable that you could get a better man for the price if you gave him the title of assistant secretary than if you went out and in cold blood tried to hire the man for the money alone. That is the reason that we gave the extra title of "Assistant Secretary of Commerce" to have control of aviation. I believe the reason is a good one.

Mr. BYRNS. Will the gentleman yield?

Mr. PARKER. Yes.

Mr. BYRNS. Is the gentleman quite sure that the Assistant Secretary will not get somebody under him to act for him and perform the duties that he would perform if he was made the inspector and placed under the Secretary?

Mr. PARKER. We can do it this way or have a separate bureau, but it seemed to the committee that this was a much cheaper way than to have a separate bureau.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. BLAND].

The question was taken; and on a division (demanded by Mr. GARNETT of Tennessee) there were 34 ayes and 66 noes.

So the amendment was rejected.

The CHAIRMAN. The question now is on the committee amendment.

The question was taken and the committee amendment was agreed to.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment with the recommendation that the amendment be agreed to, and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

Mr. PARKER. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

Mr. HUDDLESTON. Mr. Speaker, I offer the following motion to recommit, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. HUDDLESTON moves to recommit the bill to the Committee on Interstate and Foreign Commerce with instruction to that committee to report the same back forthwith with the following amendments:

Page 25, strike out lines 5 to 13.

Page 13, strike out line 8 and insert in lieu thereof the following:

"(a) Provide for the granting of registration to eligible aircraft if application for registration is made by the owner of the aircraft; but no aircraft shall be required to be registered."

Page 14, line 8, after "aircraft," insert "in interstate or foreign commerce."

Page 28, line 6, after "navigation," insert "in interstate or foreign commerce."

Page 29, line 9, after "aircraft," insert "in interstate or foreign commerce."

Page 29, line 12, after "aircraft," insert "in interstate or foreign commerce."

Page 29, line 19, after "subdivision," insert "or of subdivision (c)."

Page 29, line 24, after "navigation," insert "in interstate or foreign commerce."

Page 30, strike out lines 15 to 24, inclusive, and page 31, line 1, strike out "(d)" and insert in lieu thereof "(c)."

Mr. PARKER. Mr. Speaker, I move the previous question on the motion to recommit.

Mr. CHINDBLOM. Mr. Speaker, I make the point of order that this is a motion to amend an amendment which has already been adopted by the House.

Mr. BLANTON. I make the point of order that the point of order comes too late, the motion for the previous question having been made.

The SPEAKER. It does not come too late if the point of order is well taken.

Mr. CHINDBLOM. Mr. Speaker, we have just adopted an amendment to the bill. This motion to recommit seeks to amend the amendment.

The SPEAKER. The Chair is inclined to think that the point of order of the gentleman from Illinois is well taken, that this is an effort to amend an adopted amendment, which is out of order under the rule. The Chair sustains the point of order.

The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 135, noes 18.

Mr. BLANTON. Mr. Chairman, I object to the vote and make the point of order that there is no quorum present. We ought to have a record vote on these bills.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that the vote may be put off until to-morrow, immediately after the reading of the Journal.

Mr. BLANTON. Mr. Speaker, if I will not lose my rights I am perfectly willing to withdraw the point of order of no quorum in order to let this go over by unanimous consent.

The SPEAKER. The Chair will protect the gentleman in his rights.

Mr. BLANTON. Then, Mr. Speaker, I withdraw the point temporarily for that purpose.

The SPEAKER. The gentleman from New York asks unanimous consent that the vote upon the passage of the bill may be delayed until to-morrow, immediately after the reading of the Journal and the disposition of business on the Speaker's desk. Is there objection?

Mr. MAPES. Mr. Speaker, I think there is a special order set for to-morrow.

Mr. BLANTON. That would not interfere.

Mr. MAPES. I think it ought to be understood that the vote comes before the special order.

Mr. McREYNOLDS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Tennessee objects.

Mr. BLANTON. Mr. Speaker, I insist upon the point of order that there is no quorum present.

The SPEAKER. The Chair has counted, and it is clear that a quorum is not present. The question is on the passage of the bill. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 229, nays 80, answered "present" 1, not voting 121, as follows:

[Roll No. 68]

YEAS—229

Ackerman	Campbell	Elliott	Hastings
Adkins	Carpenter	Ellis	Hawley
Andresen	Carrs	Evans	Hayden
Andrew	Carter, Calif.	Fairchild	Hersey
Anthony	Chalmers	Fenn	Hickey
Appleby	Chinblom	Fisher	Hill, Md.
Arentz	Clague	Fitzgerald, Roy G.	Hill, Wash.
Arnold	Cole	Fitzgerald, W. T.	Hoch
Bacharach	Colton	Fletcher	Hogg
Bachmann	Cooper, Ohio	Fort	Hooper
Bacon	Cooper, Wis.	Foss	Houston
Bailey	Corning	Free	Hudson
Barbour	Coyle	Frothingham	Hull, Morton D.
Beedy	Cramton	Furlow	Jacobstein
Beers	Crisp	Gambrell	James
Bixler	Crosser	Garber	Jeffers
Black, N. Y.	Crowther	Gibson	Johnson, Ind.
Black, Tex.	Crumpacker	Gifford	Johnson, S. Dak.
Bloom	Curry	Glynn	Johnson, Wash.
Boies	Darrow	Golder	Kahn
Bowles	Davenport	Goldborough	Kearns
Bowman	Davey	Green, Fla.	Kelly
Boylan	Dickinson, Iowa	Greenwood	Kemp
Brand, Ohio	Dickinson, Mo.	Griest	Kerr
Brigham	Douglass	Hadley	Ketcham
Browne	Dowell	Hale	Kiefner
Burness	Drane	Hall, Ind.	Kiess
Burton	Driver	Hall, N. Dak.	Kindred
Butler	Edwards	Hardy	Kirk

Knutson	Moore, Va.	Smithwick	Vestal
Kurtz	Morgan	Snell	Vinson, Mich.
Lampert	Morrow	Somers, N. Y.	Vinson, Ga.
Lanham	Murphy	Sosnowski	Vinson, Ky.
Lazaro	Nelson, Me.	Speaks	Voigt
Lea, Calif.	Newton, Minn.	Spearing	Wainwright
Leatherwood	O'Connell, N. Y.	Sproul, Kans.	Wason
Leavitt	O'Connell, R. I.	Stalker	Watres
Lehlbach	Parker	Stephens	Watson
Letts	Perkins	Stobbs	Welsh
Lanthicum	Pratt	Strong, Kans.	White, Kans.
Lozier	Ragon	Strother	White, Me.
Luce	Ramseyer	Summers, Wash.	Whitehead
McClintic	Ransley	Swing	Whittington
McLaughlin, Mich.	Rayburn	Taber	Williams, Tex.
Madden	Reece	Taylor, W. Va.	Williamson
Magee, N. Y.	Robinson, Iowa	Temple	Wilson, La.
Magee, Pa.	Robson, Ky.	Thatcher	Wingo
Magrady	Rogers	Thompson	Winter
Major	Rowbottom	Thurston	Wolverton
Manlove	Scott	Tilson	Wood
Mapes	Seger	Timberlake	Woodruff
Martin, Mass.	Shallenberger	Tinkham	Wright
Merritt	Shreve	Tolley	Wurzback
Michener	Simmons	Treadway	Wyant
Miller	Sinclair	Underhill	Zihlman
Montgomery	Sinnot	Upsaw	
Mooney	Smith	Vaile	
Moore, Ohio			

NAYS—80

Abernethy	Collier	Hudspeth	O'Connor, La.
Allgood	Collins	Johnson, Tex.	Oldfield
Ainsou	Connally, Tex.	Jones	Parks
Aswell	Davis	Kincheloe	Peery
Ayres	Deal	King	Quin
Bankhead	Dominick	Kvale	Rankin
Beck	Eslick	Lankford	Reed, Ark.
Bell	Fulmer	Larsen	Romjue
Berger	Gardner, Ind.	Little	Rouse
Bland	Garner, Tex.	Lyon	Rubey
Blanton	Garrett, Tenn.	McBride	Sanders, Tex.
Bowling	Garrett, Tex.	McKown	Sandlin
Box	Gasque	McMillan	Schafer
Brand, Ga.	Gilbert	McKeynolds	Stegall
Briggs	Hammer	McSwain	Stedman
Browning	Hare	McSweeney	Swank
Buchanan	Harrison	Mansfield	Tillman
Busby	Hill, Ala.	Moore, Ky.	Tucker
Canfield	Howard	Morehead	Warren
Cannon	Huddleston	Nelson, Mo.	Weaver

ANSWERED "PRESENT"—1

Byrns

NOT VOTING—121

Aldrich	Frear	McLaughlin, Nebr.	Sanders, N. Y.
Allen	Fredericks	McLeod	Schneider
Auf der Heide	Freeman	MacGregor	Sears, Fla.
Barkley	French	Martin, La.	Sears, Nebr.
Beggs	Fuller	Mead	Sproul, Ill.
Britten	Funk	Menges	Stevenson
Brumm	Gallivan	Michelson	Sullivan, Pa.
Bulwinkle	Goodwin	Milligan	Sullivan
Burdick	Gorman	Mills	Summers, Tex.
Carew	Graham	Montague	Swartz
Carter, Okla.	Green, Iowa	Morin	Sweet
Celler	Griffin	Nelson, Wis.	Swoope
Chapman	Haugen	Newton, Mo.	Taylor, Colo.
Christopherson	Hawes	Norton	Taylor, N. J.
Cleary	Holaday	O'Connor, N. Y.	Taylor, Tenn.
Connery	Hull, Tenn.	Oliver, Ala.	Thomas
Connolly, Pa.	Hull, William E.	Oliver, N. Y.	Tincher
Cox	Irwin	Patterson	Tydings
Cullen	Jenkins	Peavey	Udiko
Dempsey	Johnson, Ill.	Perlman	Vare
Denison	Johnson, Ky.	Phillips	Walters
Dickstein	Keller	Porter	Wefald
Doughton	Kendall	Pou	Weller
Doyle	Kopp	Purnell	Wheeler
Drewry	Kunz	Quayle	Williams, Ill.
Dyer	LaGuardia	Rainey	Wilson, Miss.
Eaton	Lee, Ga.	Rathbone	Woodrum
Esterly	Lindsay	Reed, N. Y.	Yates
Faust	Lineberger	Reid, Ill.	
Fish	Lowrey	Rutherford	
Flaherty	McFadden	Sabath	

So the bill was passed.

The Clerk announced the following additional pairs:

General pairs until further notice:

Mr. Vare with Mr. Byrns.
 Mr. Newton of Missouri with Mr. Gallivan.
 Mr. Sweet with Mr. Montague.
 Mr. Eaton with Mr. Rainey.
 Mr. McFadden with Mr. Summers of Texas.
 Mr. Taylor of New Jersey with Mr. Bulwinkle.
 Mr. Morin with Mr. Carter of Oklahoma.
 Mr. Faust with Mr. Milligan.
 Mr. Sproul of Illinois with Mr. Connery.
 Mr. MacGregor with Mr. Lowrey.
 Mr. Wheeler with Mrs. Norton.
 Mr. McLeod with Mr. Pou.
 Mr. Irwin with Mr. Rutherford.
 Mr. French with Mr. Sabath.
 Mr. Dyer with Mr. Stevenson.
 Mr. Porter with Mr. Taylor of Colorado.
 Mr. Aldrich with Mr. Oliver of Alabama.
 Mr. Brumm with Mr. Martin.
 Mr. Freeman with Mr. Carew.
 Mr. Swoope with Mr. Auf der Heide.
 Mr. Sanders of New York with Mr. Doughton.
 Mr. Burdick with Mr. Schneider.

Mr. Fuller with Mr. LaGuardia.
 Mr. Michaelson with Mr. Peavey.
 Mr. Walters with Mr. Nelson of Wisconsin.
 Mr. Fredericks with Mr. Frear.
 Mr. Keller with Mr. Wefald.

Mr. BYRNS. Mr. Speaker, I voted "aye." I have a pair with the gentleman from Pennsylvania [Mr. VARE]. I wish to withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

ORDER OF BUSINESS

Mr. PARKER. Mr. Speaker, I ask unanimous consent that on each of the bills H. R. 3858 and H. R. 10860, which are on the tentative program, the debate be limited to one hour instead of two hours.

The SPEAKER. The gentleman from New York asks unanimous consent, with regard to House bills 3858 and 10860, that the general debate be limited to one hour instead of two hours.

Mr. GARRETT of Tennessee. Does the gentleman wish to arrange for the control of the time?

Mr. PARKER. And half of the time to be controlled by the gentleman from Kentucky [Mr. BARKLEY] or by the gentleman from Texas [Mr. RAYBURN] and the other half to be controlled by myself.

The SPEAKER. And that the time be controlled half by the gentleman from New York and half by the gentleman from Texas.

Mr. HUDDLESTON. It is entirely satisfactory to me, Mr. Speaker, if the gentleman from Texas desires to control the time.

Mr. RAYBURN. It would be entirely satisfactory to me if the gentleman from Alabama should have control of the time.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. TILSON. I understand if unanimous consent is not granted, such a course would be taken. As I understand it, the gentleman from Alabama [Mr. HUDDLESTON] is in opposition to the bill.

Mr. HOWARD. Mr. Speaker, I do not want to object, but I want to know what it is about. What is the subject of the legislation?

Mr. PARKER. For the information of the gentleman from Nebraska, I will say that one of the bills is the commercial attaché bill and the other is the lighthouse bill.

Mr. HOWARD. I am for the lighthouse but against the attaché.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PARKER. Mr. Speaker, I move that the House do now adjourn.

SUPPLEMENTAL REPORT ON H. R. 10356

Mr. WINTER. Mr. Speaker, I ask unanimous consent to file a supplemental report and resolution on the bill H. R. 10356, the subject matter being a letter from the Secretary of the Interior.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

ELECTION CASE OF SIROVICH V. PERLMAN

Mr. COLTON. Mr. Speaker, I submit a privileged report from the Committee on Elections No 1 and ask that it be printed under the rule. It is the election case of Sirovich against Perlman.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Report of the Committee on Elections No. 1 on contested-election case of Sirovich v. Perlman, from the fourteenth congressional district of New York.

The SPEAKER. Referred to the House Calendar and ordered to be printed.

Mr. COLTON. I wanted to serve notice that I shall call up this resolution for consideration next Thursday after the reading of the Journal.

The SPEAKER. The Chair will call the attention of the gentleman to the fact that there is a special order on Thursday. The gentleman from Massachusetts [Mr. UNDERHILL] has obtained permission to address the House.

Mr. COLTON. Following that.

The SPEAKER. The gentleman from Utah announces it is his purpose to call up the contested-election case mentioned

on Thursday, following the address of the gentleman from Massachusetts [Mr. UNDERHILL].

LEAVE OF ABSENCE

Mr. NELSON of Wisconsin, by unanimous consent, was granted leave of absence, indefinitely, on account of sickness in the family.

ADJOURNMENT

Mr. PARKER. Mr. Speaker, I renew my motion.

The SPEAKER. The gentleman from New York [Mr. PARKER] moves that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 52 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 13, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 13, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

Agricultural relief legislation.

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To regulate in the District of Columbia the traffic in sale and use of milk bottles, cans, crates, and other containers of milk and cream, to prevent fraud and deception (H. R. 6728).

To regulate the practice of chiropractic, to create a board of chiropractic examiners of the District of Columbia, and to punish persons violating the provisions thereof (H. R. 9055).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend paragraph (d) of section 14 of the Federal reserve act, as amended, to provide for the stabilization of the price level for commodities in general (H. R. 7895).

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

To carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925 (H. R. 9872 and 439).

To amend the act entitled "An act for the reorganization and improvement of the foreign service of the United States" approved May 24, 1924 (H. R. 10167).

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To provide further for the national defense by coordinating the Army and the Navy (H. R. 10248).

To constitute a council of national defense (H. R. 10982).

To provide for a council of national defense (H. R. 10985).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

436. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the fiscal year ending June 30, 1926, for the Department of State, amounting to \$92,068.03; also two drafts of proposed legislation affecting existing appropriations (H. Doc. No. 304); to the Committee on Appropriations and ordered to be printed.

437. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the United States Tariff Commission for the fiscal year ending June 30, 1926, in the amount of \$5,000 (H. Doc. No. 305); to the Committee on Appropriations and ordered to be printed.

438. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the Department of the Interior for the purchase of Indian supplies for the fiscal years ending June 30, 1924, and June 30, 1925, \$68,550.16; also a draft of proposed legislation affecting an existing appropriation (H. Doc. No. 306); to the Committee on Appropriations and ordered to be printed.

439. A letter from the governor of the Federal Reserve Board, transmitting its annual report to Congress covering operations during the year 1925, made in compliance with the provisions of section 10 of the Federal reserve act; to the Committee on Banking and Currency.

440. A letter from the Secretary of War, transmitting a report of the Chief of Engineers on preliminary examination of

Galveston Channel, Tex. (H. Doc. No. 307); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GASQUE: Committee on the District of Columbia. H. R. 58. A bill to provide for the election of the Board of Education of the District of Columbia, and for other purposes; with amendment (Rept. No. 839). Referred to the Committee of the Whole House on the state of the Union.

Mr. BEERS: Committee on Printing. H. Con. Res. 9. A concurrent resolution for the printing of 1,500 additional copies of the hearings held before the President's Aircraft Board on matters relating to aircraft, including the report of the said board (Rept. No. 840). Ordered printed.

Mr. BEERS: Committee on Printing. H. Res. 186. A resolution to print the proceedings in the House of Representatives in memory of the late William Jennings Bryan as a document (Rept. No. 841). Ordered printed.

Mr. MOORE of Virginia: Committee on Foreign Affairs. H. J. Res. 204. A joint resolution authorizing certain military organizations to visit France, England, and Belgium; with amendment (Rept. No. 842). Referred to the House Calendar.

Mr. SPEAKS: Committee on Military Affairs. S. 1786. An act to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; without amendment (Rept. No. 857). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on Elections No. 1. A report on the contested-election case of William I. Sirovich v. Nathan D. Perlman, Fourteenth New York district (Rept. No. 858). Referred to the House Calendar.

Mr. KELLER: Committee on the District of Columbia. H. R. 487. A bill creating the District of Columbia insurance fund for the benefit of employees injured and the dependents and employees killed in employment, providing for the administration of such fund by the United States Employees' Compensation Commission, and authorizing an appropriation therefor; with amendment (Rept. No. 859). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SEARS of Nebraska: Committee on Claims. H. R. 5507. A bill for the relief of Agnes M. Harrison, postmistress at Wheeler, Miss; without amendment (Rept. No. 819). Referred to the Committee of the Whole House.

Mr. SABATH: Committee on Claims. H. R. 6584. A bill for the relief of Charles O. Schmidt; with amendment (Rept. No. 820). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Claims. H. R. 10161. A bill for the relief of the owners of the barge *McIlvaine No. 1*; with amendment (Rept. No. 821). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 108. An act for the relief of the Commercial Union Assurance Co. (Ltd.), the Automobile Insurance Co. of Hartford, Conn., American & Foreign Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., St. Paul Fire & Marine Insurance Co., and the United States Merchants & Shippers Insurance Co.; without amendment (Rept. No. 822). Referred to the Committee of the Whole House.

Mr. MORROW: Committee on Claims. S. 1341. An act for the relief of John Plumlee, administrator of the estate of G. W. Plumlee, deceased; without amendment (Rept. No. 823). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 1651. An act for the relief of the widow and minor children of Ed Estes, deceased; without amendment (Rept. No. 824). Referred to the Committee of the Whole House.

Mr. SABATH: Committee on Claims. S. 3019. An act to reimburse certain fire-insurance companies the amounts paid by them for property destroyed by fire in suppressing bubonic plague in the Territory of Hawaii in the years 1899 and 1900; without amendment (Rept. No. 825). Referred to the Committee of the Whole House.

Mr. BECK: Committee on Claims. S. 1223. An act for the relief of J. L. Flynn; without amendment (Rept. No. 826). Referred to the Committee of the Whole House.

Mr. BECK: Committee on Claims. S. 1224. An act for the relief of John P. McLaughlin; without amendment (Rept. No. 827). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2111. An act for the relief of Levin P. Kelly; with amendment (Rept. No. 828). Referred to the Committee of the Whole House.

Mr. WALTERS: Committee on Claims. S. 2215. An act for the relief of James E. Simpson; without amendment (Rept. No. 829). Referred to the Committee of the Whole House.

Mr. MORROW: Committee on Claims. H. R. 1330. A bill for the relief of Helene M. Hubrich; with amendment (Rept. No. 830). Referred to the Committee of the Whole House.

Mr. SEARS of Nebraska: Committee on Claims. H. R. 2207. A bill for the relief of Simon R. Curtis; with amendment (Rept. No. 831). Referred to the Committee of the Whole House.

Mr. CARPENTER: Committee on Claims. H. R. 3069. A bill for the relief of Charles O. Dunbar; without amendment (Rept. No. 832). Referred to the Committee of the Whole House.

Mr. MORROW: Committee on Claims. H. R. 3231. A bill for the relief of Kate T. Riley; with amendment (Rept. No. 833). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 4125. A bill for the relief of Louis A. Hogue; without amendment (Rept. No. 834). Referred to the Committee of the Whole House.

Mr. CARPENTER: Committee on Claims. H. R. 4664. A bill for the relief of Arthur H. Bagshaw; with amendment (Rept. No. 835). Referred to the Committee of the Whole House.

Mr. CELLER: Committee on Claims. H. R. 6586. A bill for the relief of Russell W. Simpson; without amendment (Rept. No. 836). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 7674. A bill for the relief of Capt. H. Bert Knowles; with amendment (Rept. No. 837). Referred to the Committee of the Whole House.

Mr. WALTERS: Committee on Claims. H. R. 9089. A bill for the relief of Mabel Blanche Rockwell; with amendment (Rept. No. 838). Referred to the Committee of the Whole House.

Mr. WHEELER: Committee on Military Affairs. H. R. 726. A bill for the relief of George J. Covert; with amendment (Rept. No. 843). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 1597. A bill for the relief of Albert O. Tucker; without amendment (Rept. No. 844). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 1720. A bill for the relief of Lucius Bell; with amendment (Rept. No. 845). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 2160. A bill for the relief of Patrick J. Langan; without amendment (Rept. No. 846). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 3663. A bill to correct the military record of G. W. Gilkison; without amendment (Rept. No. 847). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 3703. A bill for the relief of Anthony Scharzenberger; without amendment (Rept. No. 848). Referred to the Committee of the Whole House.

Mr. FISHER: Committee on Military Affairs. H. R. 6655. A bill for the relief of William A. Hynes; with amendment (Rept. No. 849). Referred to the Committee of the Whole House.

Mr. WHEELER: Committee on Military Affairs. H. R. 8292. A bill to correct the military record of John R. Butler; without amendment (Rept. No. 850). Referred to the Committee of the Whole House.

Mr. WHEELER: Committee on Military Affairs. H. R. 8293. A bill to correct the military record of Milton Longsdorf; with amendment (Rept. No. 851). Referred to the Committee of the Whole House.

Mr. FURLOW: Committee on Military Affairs. H. R. 8961. A bill for the relief of William E. Jones; without amendment (Rept. No. 852). Referred to the Committee of the Whole House.

Mr. WHEELER: Committee on Military Affairs. H. R. 9324. A bill removing the charge of desertion from the name of George A. McKenzie, alias William A. Williams; with amendment (Rept. No. 853). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 7025. A bill for the relief of Mollie Van Hooser, administratrix of the

estate of Myrtle Van Hooser, deceased; with amendment (Rept. No. 854). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 7026. A bill for the relief of W. T. Murray, administrator of the estate of Florence Martin, deceased; with amendment (Rept. No. 855). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2320. An act for the relief of José Louzau; with amendment (Rept. No. 856). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3069) granting a pension to John Lange; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7801) granting an increase of pension to Lewis M. Kennedy; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10967) granting an increase of pension to K. Irene Hadley; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 779) granting an increase of pension to Andrew Long; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLE: A bill (H. R. 11193) to amend section 8 of the food and drugs act, approved June 30, 1906, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. LAZARO: A bill (H. R. 11194) for the Court of Claims to hear and determine the claims of those whose property was taken and used by the United States; to the Committee on the Judiciary.

By Mr. QUAYLE: A bill (H. R. 11195) to promote temperance in the United States; to the Committee on the Judiciary.

By Mr. CULLEN: A bill (H. R. 11196) to promote temperance in the United States; to the Committee on the Judiciary.

By Mr. SULLIVAN: A bill (H. R. 11197) to promote temperance in the United States; to the Committee on the Judiciary.

By Mr. LINDSAY: A bill (H. R. 11198) to promote temperance in the United States; to the Committee on the Judiciary.

By Mr. O'CONNELL of New York: A bill (H. R. 11199) to promote temperance in the United States; to the Committee on the Judiciary.

By Mr. KINDRED: A bill (H. R. 11200) to promote temperance in the United States; to the Committee on the Judiciary.

By Mr. MORROW: A bill (H. R. 11201) to provide for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings; to the Committee on Indian Affairs.

By Mr. KVALE: A bill (H. R. 11202) to provide for the preparation, printing, and distribution of pamphlets containing the Declaration of Independence, with certain biographical sketches and explanatory matter; to the Committee on Printing.

By Mr. TEMPLE: A bill (H. R. 11203) to amend subsections (c) and (o) of section 18 of an act entitled "An act for the reorganization and improvement of the Foreign Service and for other purposes," approved May 24, 1924; to the Committee on Foreign Affairs.

By Mr. DAVILA: A bill (H. R. 11204) exempting from the provisions of the immigration act of 1924 certain Spanish subjects residents of Porto Rico on April 11, 1899; to the Committee on Immigration and Naturalization.

By Mr. RAGON: A bill (H. R. 11205) to convey to the Big Rock Stone Co. a portion of the hospital reservation of the United States Veterans' Hospital No. 73 (Fort Logan H. Roots) in the State of Arkansas; to the Committee on World War Veterans' Legislation.

By Mr. KINDRED: A bill (H. R. 11206) to amend section 26 of the World War veterans' act of 1924; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 11207) to amend section 21 of the World War veterans' act of 1924; to the Committee on World War Veterans' Legislation.

By Mr. TILSON: A bill (H. R. 11208) to admit to the United States alien veterans of the World War; to the Committee on Immigration and Naturalization.

By Mr. MacGREGOR: A bill (H. R. 11209) to amend section 1 of the copyright act; to the Committee on Patents.

By Mr. KNUTSON: A bill (H. R. 11210) accepting the cession to the United States of certain of the Samoan Islands and to provide for a temporary government therefor; to the Committee on Insular Affairs.

By Mr. HARDY: A bill (H. R. 11211) to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER: A bill (H. R. 11212) to promote the unification of carriers engaged in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KIRK: A bill (H. R. 11213) providing for a mine rescue station and equipment at Pikeville, Ky.; to the Committee on Mines and Mining.

By Mr. BOYLAN: A bill (H. R. 11214) to promote temperance in the United States; to the Committee on the Judiciary.

By Mr. SABATH: Joint resolution (H. J. Res. 222) providing for the participation of the United States in the centennial celebration in the city of Chicago, Ill., and authorizing an appropriation therefor, and for other purposes; to the Committee on Industrial Arts and Expositions.

By Mr. BACON: Joint resolution (H. J. Res. 223) approving the plan and design for a memorial to Theodore Roosevelt submitted by the Roosevelt Memorial Association; to the Committee on the Library.

By Mr. APPLEBY: Joint resolution (H. J. Res. 224) providing for a survey for an emergency water supply for the hydroelectric propulsion for the proposed Great Eastern Freight Railroad described in H. J. Res. 214 and S. J. Res. 79, which was referred to the House Committee on Interstate and Foreign Commerce and to the Senate Committee on Interstate Commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SNELL: Resolution (H. Res. 216) to pay additional compensation to the clerk to the Committee on Rules of the House; to the Committee on Accounts.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. THATCHER: Memorial of the General Assembly of the State of Kentucky, requesting the Congress of the United States to appropriate a sum sufficient to purchase and erect in Caracas, Venezuela, a suitable statue of Henry Clay to be presented, in behalf of the people of the United States, to the people of Venezuela; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURDICK: A bill (H. R. 11215) granting a pension to Mary A. Klusella; to the Committee on Pensions.

Also, a bill (H. R. 11216) granting an increase of pension to Hortense J. S. Church; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 11217) granting an increase of pension to Augusta M. Quackenbush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11218) granting an increase of pension to Laura Beach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11219), granting a pension to Hannah Douglas; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 11220) granting an increase of pension to Mary J. Seymour; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11221) granting an increase of pension to Mary C. Wilday; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 11222) granting an increase of pension to Elizabeth Didyoung; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 11223) granting a pension to Thomas J. Mullin; to the Committee on Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 11224) for the relief of W. H. H. Riegle; to the Committee on Claims.

By Mr. GREENWOOD: A bill (H. R. 11225) granting a pension to Sarah E. Kirk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11226) granting an increase of pension to Louis D. Argo; to the Committee on Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 11227) to correct the military record of John W. Gulley; to the Committee on Military Affairs.

Also, a bill (H. R. 11228) to correct the military record of Andrew B. Ritter; to the Committee on Military Affairs.

Also, a bill (H. R. 11229) granting an increase of pension to Mary M. Reeves; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 11230) granting a pension to Anna Maud Hogmire; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 11231) to correct the military record of John Strevy; to the Committee on Military Affairs.

Also, a bill (H. R. 11232) granting an increase of pension to Lura E. Lathrop; to the Committee on Invalid Pensions.

By Mr. McSWEENEY: A bill (H. R. 11233) granting an increase of pension to Josephine Reynolds; to the Committee on Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 11234) granting a pension to Laura A. Fouch; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 11235) granting a pension to Hannah Randles; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 11236) granting a pension to John Williams; to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 11237) granting a pension to Willie G. Johnson; to the Committee on Pensions.

By Mr. SANDERS of New York: A bill (H. R. 11238) granting a pension to Alice A. Wilson; to the Committee on Invalid Pensions.

By Mr. SEGER: A bill (H. R. 11239) granting a pension to Mary Hopper; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 11240) granting an increase of pension to Elizabeth Eggleston; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 11241) granting an increase of pension to Minerva Rorick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11242) granting an increase of pension to Susan A. Ray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11243) granting an increase of pension to Melissa Butler; to the Committee on Invalid Pensions.

By Mr. STEDMAN: A bill (H. R. 11244) for the relief of Levi R. Whitted; to the Committee on Claims.

By Mr. STEPHENS: A bill (H. R. 11245) granting a pension to Mary C. Harbrecht; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 11246) granting a pension to Frank Rupert; to the Committee on Invalid Pensions.

By Mr. WATRES: A bill (H. R. 11247) granting a pension to Harry A. Caskey; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1730. Petition of the Board of Supervisors of Niagara County, N. Y., favoring bills introduced that will amend the immigration law so that World War veterans and their immediate relatives shall be included in the nonquota class of immigrants; to the Committee on Immigration and Naturalization.

1731. By Mr. BIXLER: Petition of F. R. Dickinson and other radio listeners-in of Greenville, Pa., requesting support of bills now pending in House and Senate to relieve radio situation; to the Committee on the Merchant Marine and Fisheries.

1732. Also, petition of B. F. Perkins and other radio listeners-in, of Greenville, Pa., requesting support of bills now pending in House and Senate to relieve radio situation; to the Committee on the Merchant Marine and Fisheries.

1733. Also, petition of Women's Relief Corps, No. 138, Ridgeway, Elk County, Pa., urging passage of a bill that will provide further relief for Civil War veterans and their widows; to the Committee on Invalid Pensions.

1734. Also, petition of Guy M. Gray and other radio listeners-in, of Greenville, Pa., requesting support of bills now pending in House and Senate to relieve radio situation; to the Committee on the Merchant Marine and Fisheries.

SENATE

TUESDAY, April 13, 1926

(Legislative day of Monday, April 5, 1926)

1735. By Mr. CULLEN: Petition by Fred W. Lange Trucking Co., of New York City, protesting against the passage of Senate bill 1734; to the Committee on Interstate and Foreign Commerce.

1736. By Mr. FULLER: Petition of Izaak Walton League of America, urging the establishing of a national park in the Ouachita Mountains of Arkansas; to the Committee on Agriculture.

1737. Also, petition of Ottawa Branch, No. 316, National Association of Letter Carriers, urging support of the revised retirement bill; to the Committee on the Civil Service.

1738. Also, petition of the Red Top Steel Post Co., urging the passage of House bill 7479; to the Committee on Agriculture.

1739. By Mr. FULMER: Petition of Ridge Baptist Association (a religious body composed of churches in Aiken, Edgefield, Lexington, and Saluda Counties, S. C.), protesting against the modification of the eighteenth amendment; to the Committee on the Judiciary.

1740. Also, petition of Woman's Missionary Union, Fairfield Association, Columbia, S. C., protesting against any change or modification of Volstead Act; to the Committee on the Judiciary.

1741. By Mr. GALLIVAN: Petition of National Association of Letter Carriers, M. T. Finnan, secretary, American Federation of Labor Building, Washington, D. C., recommending passage of House bill 7; to the Committee on the Civil Service.

1742. By Mr. HERSEY: Petitions of Mark A. Barwise and 22 others, Lester Goodwin and 23 others, and Mildred Curtis and 18 others, all residents of the fourth district, Maine, urging no action be taken on Copeland-Bloom bill to regulate the practice of mediums, etc., in the District of Columbia; to the Committee on the District of Columbia.

1743. By Mr. KINDRED: Petition of the Merchants' Association of New York to the Congress of the United States, opposing the Fitzgerald bill (H. R. 487); to the Committee on the District of Columbia.

1744. Also, petition of Maj. John W. Marks Post, No. 142, American Legion, urging the Congress of the United States to support House bill 10240, for the relief of American women assigned to the Medical Corps of the World War forces who contracted in line of duty disease which has resulted in total or partial disability, etc.; to the Committee on World War Veterans' Legislation.

1745. By Mr. KVALE: Petition of Minnesota Bankers' Association Committee Opposed to Branch Banking, remonstrating against branch banking in any form, and protesting against legalization of branches now operated by Minnesota banks; to the Committee on Banking and Currency.

1746. Also, petition of several residents of Tracy, Minn., urging the passage of House bills 71 and 7479; to the Committee on Agriculture.

1747. By Mr. MORROW: Petition of citizens of Clovis, N. Mex., opposing measures dealing with compulsory Sunday observance; to the Committee on the District of Columbia.

1748. By Mr. O'CONNELL of New York: Petition of the American Bankers' Association of New York, favoring the passage of House bill 2; to the Committee on Banking and Currency.

1749. Also, petition of John W. Frothingham, of Tarrytown, N. Y., in favor of House bill 7479, migratory bird refuge and marsh land conservation bill; to the Committee on Agriculture.

1750. Also, petition of Edwin D. Levinson, of Baar, Cohen & Co., 50 Broad Street, New York City, favoring the passage of House bill 7479, the migratory bird refuge and marsh land conservation bill; to the Committee on Agriculture.

1751. Also, petition of the Official Separator Co., of La Crosse, Wis., favoring the reduction of the third-class mail rate to the old standard of 1 cent; to the Committee on the Post Office and Post Roads.

1752. Also, petition of J. Francis Booraem, of New York City, favoring the passage of House bill 8708; to the Committee on Interstate and Foreign Commerce.

1753. By Mr. SWING: Petition of certain residents of San Diego, Calif., protesting against the passage of House bill 7179, for the compulsory observance of Sunday; to the Committee on the District of Columbia.

1754. Also, petition of certain residents of California, protesting against the passage of House bill 7179, for the compulsory observance of Sunday; to the Committee on the District of Columbia.

1755. Also, petition of certain residents of San Diego, Calif., protesting against the passage of House bills 7179 and 7822, for the compulsory observance of Sunday; to the Committee on the District of Columbia.

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	King	Robinson, Ind.
Bayard	Fess	La Follette	Sackett
Bingham	Fletcher	Lenroot	Sheppard
Blease	Frazier	McKellar	Shipstead
Borah	George	McLean	Shortridge
Bratton	Gerry	McMaster	Simmons
Broussard	Gillett	McNary	Smith
Bruce	Glass	Mayfield	Smoot
Butler	Goff	Metcalf	Stanfield
Cameron	Gooding	Moses	Stock
Capper	Greene	Neely	Stephens
Caraway	Hale	Norbeck	Swanson
Copeland	Harrell	Norris	Trammell
Cousens	Harris	Nye	Wadsworth
Cummins	Harrison	Oddie	Walsh
Curtis	Hedlin	Overman	Warren
Deene	Howell	Phelps	Watson
Dill	Johnson	Pine	Wheeler
Edge	Jones, N. Mex.	Pittman	Williams
Edwards	Jones, Wash.	Ransdell	
Ernst	Kendrick	Reed, Mo.	
Fernald	Keyes	Reed, Pa.	

Mr. PHIPPS. I desire to announce that my colleague, the junior Senator from Colorado [Mr. MEANS], is detained from the Senate by reason of illness. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Eighty-five Senators having answered to their names, a quorum is present.

AMENDMENT OF TRADING WITH THE ENEMY ACT

Mr. CUMMINS. Mr. President, I ask unanimous consent to submit a conference report and I intend to ask for its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the unanimous consent request of the Senator from Iowa?

Mr. SMOOT. I have no objection if it does not lead to discussion. If it does, I shall ask the Senator to withdraw it.

Mr. CUMMINS. It will not lead to discussion. The report is a unanimous one and I think everybody I know of who is interested in the matter agrees to the arrangement which has been made.

Mr. BRUCE. Mr. President, may I ask the Senator what the matter is? I understood he was going to bring up House bill 9398.

Mr. CUMMINS. It is a conference report on a bill which was introduced by the Senator from Utah [Mr. KING]. It passed the Senate, and the House made an amendment by which it is required that before the money shall be paid by the Alien Property Custodian to the claimant he must have declared his intention to become a citizen.

Mr. BRUCE. That is a different matter from the one I had in mind.

The PRESIDENT pro tempore. The report will be read. The Chief Clerk read the report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1226) to amend the trading with the enemy act, having met after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment, so that the said House amendment shall read as follows:

"(3A) An individual who was at such time a citizen or subject of Germany, Austria, Hungary, or Austria-Hungary, or not a citizen or subject of any nation, State, or free city, and that the money or other property concerned was acquired by such individual while a bona fide resident of the United States, and that such individual, on January 1, 1926, and at the time of the return of the money or other property, shall be a bona fide resident of the United States; or

"(3B) Any individual who at such time was not a subject or citizen of Germany, Austria, Hungary, or Austria-Hungary, and who is now a citizen or subject of a neutral or allied country, or"; and the House agree to the same.

ALBERT B. CUMMINS,
WILLIAM H. KING,
WILLIAM E. BORAH.

Managers on the part of the Senate.

JAMES S. PARKER,
JOHN G. COOPER,
CLARENCE F. LEA.

Managers on the part of the House.

Mr. CUMMINS. I move that the Senate agree to the conference report.

The report was agreed to.

PETITIONS

Mr. CAMERON. I ask unanimous consent to have printed in the RECORD and referred to the Committee on Education and Labor the bodies of petitions signed by worthy citizens of Globe, Ariz., and vicinity, who present their views in regard to the educational bill.

The PRESIDENT pro tempore. The Senator from Arizona presents certain petitions which he asks to have printed in the RECORD. Is there objection?

Mr. CURTIS. Are they long petitions?

Mr. CAMERON. No; they are brief.

Mr. CURTIS. I have no objection.

There being no objection, the petitions were referred to the Committee on Education and Labor, and ordered to be printed in the RECORD without the names, as follows:

GLOBE, ARIZ., February 9, 1926.

Hon. RALPH CAMERON,
Washington, D. C.:

We, the undersigned members of the Hill Street Parent-Teachers' Association, respectfully request that you support the education bill, S. 291, introduced by Senator Curtis.

GLOBE, ARIZ., March 4, 1926.

Hon. RALPH H. CAMERON,
United States Senate, Washington, D. C.:

We, the members of Gila District Council, Parent-Teachers' Association, respectfully petition that you support the education bill now before Congress for passage.

We, the members of Nottsgier Hill Parent-Teachers' Association, wish to support the education bill.

REPORTS OF COMMITTEES

Mr. CUMMINS, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3115) to amend section 220 of the Criminal Code (Rept. No. 581); and

A bill (S. 3841) to provide for the distribution of the Supreme Court Reports and amending section 227 of the Judicial Code (Rept. No. 582).

Mr. CUMMINS also, from the Committee on the Judiciary, to which was referred the bill (H. R. 8034) to authorize the destruction of paid United States checks, reported it with an amendment and submitted a report (No. 583) thereon.

Mr. COUZENS, from the Committee on Civil Service, to which was referred the bill (H. R. 3821) to place under the civil service act the personnel of the Treasury Department authorized by section 38 of the national prohibition act, reported it with an amendment and submitted a report (No. 584) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 10204) providing an additional wing to the District Jail, reported it with amendments and submitted a report (No. 585) thereon.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them severally without amendment:

A bill (H. R. 3797) to increase the limit of cost of public building at Decatur, Ala.;

A bill (H. R. 3971) to correct and perfect title to certain lands and portions of lots in Centerville, Iowa, in the United States of America, and authorizing the conveyance of title in certain other lands, and portions of lots adjacent to the United States post-office site in Centerville, Iowa, to the record owners thereof, by the Secretary of the Treasury; and

A bill (H. R. 5353) to amend the act of Congress approved March 4, 1913 (37 Stat. L. p. 870).

Mr. FERNALD, also from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 3691) to convey to the city of Lakeland, Fla., certain Government property, reported it with an amendment and submitted a report (No. 586) thereon.

Mr. NORBECK, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 7818) to amend section 304 of an act entitled "An act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes," approved August 15, 1921, reported it without amendment and submitted a report (No. 590) thereon.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. PHIPPS. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes, and I submit a report (No. 587) thereon. I desire at this time to state that I shall call up this bill for consideration at the earliest opportunity.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

CONSOLIDATION OF RAILWAY PROPERTIES

Mr. CUMMINS. From the Committee on Interstate Commerce I report back favorably without amendment the bill (S. 3840) to provide for the consolidation of carriers by railroad and the unification of railway properties within the United States, and I submit a report (No. 580) thereon. I ask that the bill be placed on the calendar and that the report be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be placed on the calendar and, without objection, the request of the Senator from Iowa for printing the report in the RECORD is agreed to.

The report is as follows:

[Senate Report No. 580, Sixty-ninth Congress, first session]

Mr. CUMMINS, from the Committee on Interstate Commerce, submitted the following report (to accompany S. 3840) to provide for the consolidation of carriers by railroad and the unification of railway properties within the United States:

The Committee on Interstate Commerce, having had under consideration the bill S. 3840, recommends to the Senate that it do pass. In order that there may be no possible misunderstanding with respect to the action of the committee upon the bill nor with respect to this report, it is deemed wise to submit a word of explanation. This bill, in substance and effect, was introduced by the Senator from Iowa [Mr. CUMMINS] on December 21, 1925, and numbered S. 1870. It was referred to the Committee on Interstate Commerce. Hearings were ordered upon it and they were begun January 21, 1926, and continued on January 22, 23, 28, and February 5, 6, 10, 18, 19, 24, and 25, when the hearings were closed after accumulating a showing of 318 pages.

Thereafter the committee, in executive session, considered the bill during five or six separate meetings. Many amendments—some important, some unimportant—were offered in the committee and adopted. A vote was then had upon a motion to report the bill as amended favorably, and that motion was agreed to. Inasmuch as the bill involves a somewhat complicated and intricate subject, it was then agreed by unanimous consent that its author should take the bill as so amended and introduce a new bill, which should be his original bill, with the amendments that had been agreed to in the committee. This was simply for the purpose of presenting the action of the committee in a form easily understood. It was further unanimously agreed that the new bill, when so introduced, should be referred to the committee and that thereupon the author of the bill should be authorized to report it favorably without further action on the part of the committee.

This will explain why it is that the bill reported is S. 3840 instead of S. 1870, and will connect the hearings held upon S. 1870 with the bill now reported to the Senate.

It is thought desirable, in order to fix responsibility for this report, to say that while a very considerable majority of the committee voted to report the bill favorably and while the facts to which reference will be hereafter made are fully established in the hearings, the reasons or argument for its enactment into law have been prepared by its author and have not been specifically acted upon by other members of the committee.

Every charge made for transportation, or indeed for any other public service, is a burden upon industry. We must have, however, adequate

and efficient transportation service; but manifestly, the charges for it ought to be the lowest charges that will maintain the service. The object of this bill is to secure the lowest railway rates that will maintain adequate and efficient railway service.

Before attempting to analyze or explain the several sections of the bill it seems wise to refer in a somewhat general way to the facts known to every inquiring person and fully shown in the record of the hearings which furnish the basis for the belief that the consolidation or unification of our railways into comparatively few systems is, in the highest degree, imperative if the people of the country are to enjoy the lowest railway rates that will maintain adequate and efficient service.

A brief survey of what may be called our "railway plant" and railway facilities will be of assistance. In the continental United States there are (using round numbers) 250,000 miles of single main-track railway. There are 40,000 miles of second, third, and fourth main tracks; 116,000 miles of terminal, switching, side, and passing tracks, aggregating 406,000 miles. There is the roadbed upon which these tracks rest; the bridges, culverts, and tunnels over which or through which they pass. There are 70,000 locomotive engines; 58,000 cars used in passenger trains, exclusive of sleeping, parlor, dining, and privately owned cars. There are 2,500,000 freight cars, not including freight cars owned by private enterprises. There are almost an infinite variety and number of station houses, roundhouses, machine shops, elevators, warehouses, and office and other buildings that can not be specifically enumerated but can easily be visualized. These tracks and their facilities constitute more than one-third—nearly one-half—of all the railway tracks and facilities of the whole world, and over these tracks and with these facilities there is moved every year more than half of the railway freight and almost one-half of the passenger traffic of the earth.

These interesting facts are mentioned mainly to suggest that the United States has many railway problems peculiar to itself, and that little valuable information can be secured by consulting the experience of other countries. These tracks and facilities are owned by about 1,500 and are operated by about 1,000 separate and independent railway companies. Of these companies about 190 (the number varying from year to year) are classified by the Interstate Commerce Commission as roads of Class I. This means a road whose annual gross operating revenue is \$1,000,000 or more. These roads represent a single-track mileage of about 236,000 miles. The remaining mileage is distributed among the roads of Class II and Class III, with revenues less than \$1,000,000 per year.

Another vital fact is that, upon the average, 80 per cent of all railway traffic is competitive in character; that is to say, the shipper or traveler has the choice of two or more railways either at the initial point or somewhere along the line of the freight movement or journey. The significance of this fact lies in the obvious conclusion that the rates for this competitive business must be the same, or substantially the same, from origin to destination.

The "net railway operating income" of a railway, under the rules of the Interstate Commerce Commission, is the amount which remains to the company from operation after paying the expenses of operation and maintenance; and, theoretically considered, that could be distributed by the company in the way of interest upon bonds or other obligations and dividends upon stock. The net railway operating income of all the railways in the United States was, in 1922, \$769,411,093; in 1923, \$974,917,715; in 1924, \$987,123,417. (For 1925 the reports are not yet complete.) If all the railway properties were owned by a single corporation this net railway operating income for 1924 would have paid more than 5 per cent upon the value of these properties, as tentatively determined by the Interstate Commerce Commission in 1920, with the capital investments since that time added. This, it is believed, would closely approach a fair return.

When, however, we inquire with respect to the distribution of this aggregate net operating income, we come to the real question involved in the policy of consolidation. The evidence submitted to the committee shows beyond controversy that no considerable part of our railway mileage can be abandoned. On the other hand, it is not controverted that our railway companies will be compelled for many years to come to invest from seven hundred and fifty million to a billion dollars annually of new money—that is to say, funds not derived from operation—in order to enlarge and improve their properties to meet the constantly growing demands of commerce. There are but two methods that can be employed to secure this new money. One is to borrow it; the other is to issue and sell capital stock for it. To borrow it the company must have good credit and be able to convince the investor in its bonds that it can carry the interest and, at the maturity of the loan, pay the principle. To sell stock at anything like par the company must be able to show that from its operating revenues it can pay the cost of operation and maintenance, its fixed charges and a fair dividend upon its capital stock.

Bearing these things in mind, we are ready to inquire how the aggregate net railway operating incomes of 1922, 1923, and 1924 were

distributed. It would prolong this report unduly to set forth the net railway operating income of each of the railway companies performing the service of transportation. For these details, reference must be made to the hearings. The following facts will be sufficient upon which to rest a conclusion.

First, it may be said that the 22,000 miles of Class II and Class III roads, as a whole, barely earned operating expenses, although there was moved a greater tonnage in each of these years than ever before. Specific illustrations of the situation will be confined to Class I roads, which carry about 96 per cent of our entire traffic.

Seventy railway companies of Class I, operating over 54,000 miles for the years 1922, 1923, and 1924, had an average net railway operating income of less than 3 per cent upon their property investment accounts. We use the property investment account because the Interstate Commerce Commission has not yet finished its valuation of all these properties. Twenty-one of these companies did not earn the cost of operation and maintenance. It is obvious that a railway company which earns less than the expense of operation and maintenance must very quickly cease operation, and it is equally obvious that a railway company which does not earn 3 per cent upon its value can not furnish adequate and efficient transportation for those who rely upon it for that service. A table showing the names, mileage, yearly net operating incomes for the three years mentioned is attached to this report. Thirty additional railways of Class I earned during these years an average net railway operating income of less than 4 per cent.

Without taking into account at the present moment the economies that may be secured through consolidation, it is submitted, as an inevitable conclusion, that if a process of wise consolidation is not soon entered upon and rapidly carried forward not less than 60,000 miles, and it may reach 80,000 miles, of our rail transportation system may be either abandoned or, at the best, will be rendering the most unsatisfactory and inefficient service.

These facts present the chief, though not the only, reason for the passage of this bill. Argument upon these conditions seems to be unnecessary. If the facts are fairly understood, consolidation in some form is a foregone conclusion.

While the continued and successful operation of all our railway lines is the principal reason for consolidation, it will be borne in mind that many students of the subject believe that great economies, both in operation and in maintenance, would be attained through intelligent and supervised consolidation. Unnecessary train service could be avoided, great overhead expenses could be eliminated, repairs upon equipment could be immensely reduced, and haulage of empty cars could be largely overcome. It has been estimated that with the service now being rendered there could be a saving of from \$300,000,000 to \$500,000,000 annually, all of which could be utilized in a reduction of freight and passenger rates.

It is hoped that this showing, drawn from the evidence submitted to the committee, will leave no doubt in any mind respecting the desirability of pursuing the policy of reasonable unification under the supervision of the Interstate Commerce Commission, and always with an eye single to the public interest. The committee has not had in mind increasing profits for the railway companies. Its attention has been directed solely to the highest efficiency in service and the lowest rates at which that service can be performed.

II

In order clearly to understand just what the present situation is, it is necessary to refer to the existing legislation upon this subject. In the transportation act, 1920, section (5) of the Interstate Commerce act was amended and paragraph (4), (5), and (6) of that amendment are as follows:

"(4) The commission shall as soon as practicable prepare and adopt a plan for the consolidation of the railway properties of the continental United States into a limited number of systems. In the division of such railways into such systems under such plan, competition shall be preserved as fully as possible, and wherever practicable the existing routes and channels of trade and commerce shall be maintained. Subject to the foregoing requirements, the several systems shall be so arranged that the cost of transportation as between competitive systems and as related to the values of the properties through which the service is rendered shall be the same, so far as practicable, so that these systems can employ uniform rates in the movement of competitive traffic and under efficient management earn substantially the same rate of return upon the value of their respective railway properties.

"(5) When the commission has agreed upon a tentative plan it shall give the same due publicity and upon reasonable notice, including notice to the governor of each State, shall hear all persons who may file or present objections thereto. The commission is authorized to prescribe a procedure for such hearings and to fix a time for bringing them to a close. After the hearings are at an end the commission shall adopt a plan for such consolidation and publish the same; but it may at any time thereafter, upon its own motion or upon

application reopen the subject for such changes or modifications as in its judgment will promote the public interest. The consolidations herein provided for shall be in harmony with such plan.

"(6) It shall be lawful for two or more carriers by railroad subject to this act to consolidate their properties, or any part thereof, into one corporation for the ownership, management, and operation of the properties theretofore in separate ownership, management, and operation under the following conditions:

"(a) The proposed consolidation must be in harmony with and in furtherance of the complete plan of consolidation mentioned in paragraph (5) and must be approved by the commission.

"(b) The bonds, at par, of the corporation which is to become the owner of the consolidated properties, together with the outstanding capital stock, at par, of such corporation, shall not exceed the value of the consolidated properties as determined by the commission. The value of the properties sought to be consolidated shall be ascertained by the commission under section 19a of this act, and it shall be the duty of the commission to proceed immediately to the ascertainment of such value for the properties involved in a proposed consolidation upon the filing of the application for such consolidation.

"(c) Whenever two or more carriers propose a consolidation under this section, they shall present their application therefor to the commission, and thereupon the commission shall notify the governor of each State in which any part of the properties sought to be consolidated is situated and the carriers involved in the proposed consolidation of the time and place for a public hearing. If after such hearing the commission finds that the public interest will be promoted by the consolidation and that the conditions of this section have been or will be fulfilled, it may enter an order approving and authorizing such consolidation, with such modifications and upon such terms and conditions as it may prescribe, and thereupon such consolidation may be effected in accordance with such order, if all the carriers involved assent thereto, the law of any State or the decision or order of any State authority to the contrary notwithstanding."

The future policy of railway regulation, in so far as it relates to this subject, was set forth in paragraph (4). The procedure to accomplish that policy was set forth in paragraphs (5) and (6). In accordance with the provisions of these paragraphs, the Interstate Commerce Commission employed Prof. William Z. Ripley, of Harvard University, a distinguished economist, to prepare and present to the commission his view of the tentative plan mentioned in paragraph (5). He was engaged in this work about one year and then presented his plan to the commission. The commission then took up the matter and agreed upon a tentative plan which was published and, after giving the notice prescribed by the law, it entered upon the hearings preliminary to the adoption of the final plan. These hearings were carried on in every part of the country and were not finally concluded until some time in January or February, 1925. Since that time the commission has been engaged in the effort to agree upon a plan. It has been unable to do so largely, if not wholly, because its interpretation of the present law requires a consolidation into a single ownership of the railways which are to constitute any given system. It must be conceded that this view of the existing statute presents an insuperable obstacle in the practical procedure of consolidation. It has been compelled to resort to paragraph (2) of section (5) as the authority for whatever unifications have taken place. It is this unfortunate situation that led to the introduction of the bill now being reported; and with these preliminary observations touching the existing statute, the committee turns to the analysis of the bill now under consideration.

III

The first section of the present bill is to relieve the Interstate Commerce Commission of the duty imposed upon it in the way of the preparation of the plan of consolidation or unification for a period of five years and to substitute for a plan during that time a procedure for voluntary applications upon the part of railway companies for leave to consolidate, merge, or unify, to become effective only upon the order of the commission, which can only be entered when it is believed by the commission to be in the public interest. Paragraphs (4), (5), and (6) of section (5) of the present law are amended so as to comprise paragraphs (1) to (29), inclusive.

Paragraph (1) declares a public policy and, inasmuch as everything which follows must be brought to the test of this policy, it is worth while to quote it, although it does not differ materially from the provisions of the existing law:

"(1) Inasmuch as the public interest requires that adequate transportation service shall be furnished by carriers to the public at the lowest rates consistent with such service and a fair return upon the value of the railway properties held for and used in such transportation, and inasmuch as the varied conditions under which such transportation occurs render it impossible to accomplish that end without the further consolidation of carriers and unification of railway properties, it is hereby declared to be the policy of Congress that a limited number of systems should be established by the consolidation of carriers or the unification of railway properties within the continental

United States that will, so far as practicable, maintain the existing routes and channels of trade and commerce and preserve as between themselves evenly balanced and effective competition equalizing, so far as practicable, the opportunities of originating traffic and of its interchange and delivery. Such systems shall be arranged, so far as practicable, that they can employ uniform rates in the movement of competitive traffic and under efficient management earn substantially the same rate of return upon the value of their respective railway properties."

Paragraph (2) provides that it shall be lawful for one or more carriers to make application to the commission for its approval of a consolidation, including a merger, or for the unification of railway properties by the acquisition, through purchase, exchange, lease, or otherwise, of another railway or other railways, or for the unification of control by the acquisition, through purchase, exchange, lease, or otherwise, of securities issued by any other carrier. It may be observed that these provisions cover not only the consolidation contemplated in paragraph (4) of the present law but also the unification of control provided for in paragraph (2) of section (5).

Paragraph (3) specifies certain requirements which must be contained in the application.

Paragraph (4) specifies additional information that must be presented to the commission with the application.

Paragraph (5) refers to the notice and hearing that must be given by the commission upon the application.

Paragraph (6) should be particularly noted. It provides that if, after the hearing, the commission finds that paragraphs (2), (3), and (4) have been complied with and "that the public interest will be promoted by the proposed consolidation or unification" and "that the proposed consolidation or unification is in harmony with and in furtherance of the policy declared in this section, the commission shall enter an order approving and authorizing the consolidation or unification on the terms and conditions and by the methods set forth in the application, or with such modifications thereof, or upon such terms, conditions, and methods as it may prescribe."

Paragraph (7) permits any carrier not included within the original proposal to file a petition of intervention and be made a party to the proceeding. This is to enable any carrier which believes it ought to be included in the consolidation or unification proposed to present its case to the commission, so that its rights may be examined and the fundamental policy preserved and carried into effect.

Paragraph (8) provides that before the order of approval shall become effective the board of directors and the holders of the voting securities of the several carriers affected shall have given their consent to the order.

Paragraph (9) prescribes that consent must be given by a majority of the directors and a majority, in amount, of the voting securities.

Paragraphs (10), (11), (12), (13), and (14) define the effect of any order of approval respecting the properties and liabilities involved in the consolidation, merger, or unification.

Paragraph (15) applies provisions of the existing law to conditions which may exist under any order approving a consolidation, merger, or unification under this bill.

Paragraph (16) provides that any holder of any securities who did not consent to the order of the commission may, within 90 days after the meeting was held, notify the carrier of his dissent.

Paragraph (17) provides that the voting securities held by any non-assenting security holder shall be purchased by the carrier or the corporation which is to manage, operate, or control the property and that if it is not purchased within 90 days that the carrier or corporation must begin condemnation proceedings for the acquisition of such securities; and if the carrier or corporation does not begin such proceedings within 90 days, the nonassenting holder may institute them. This paragraph, and another which will be mentioned later, gives absolute protection to the holder of any security who does not assent to the consolidation, merger, or unification, and it may be remarked here that paragraph (c) of paragraph (29) defines the term "securities," as follows:

"(c) The term 'securities' includes shares, bonds, or other evidence of interest or indebtedness issued by a carrier."

Paragraph (18) is an exemption from taxation of the processes employed in bringing about a consolidation or unification if it is in pursuance of a consolidation or unification approved by the commission. It also provides that "gain from the sale or other disposition of property or income from any distribution, in connection with any such consolidation or unification, shall not be subject to tax by or under the authority of any State or any political subdivision thereof," and further, "Any such consolidation or unification shall be held to be a reorganization within the meaning of that term as used in part (1) of Title II of the revenue act of 1926."

IV

Having dealt with the proceedings for consolidation or unification which follow an application by one or more carriers, we now reach another phase of the subject. It is hoped, and confidently believed,

that within five years after the passage of the proposed act there will occur many consolidations or unifications, all of them as prescribed by the Interstate Commerce Commission and in harmony with and in furtherance of the policy declared in paragraph (1). But it may well be that at the end of this period the work will not be complete, and so paragraph (19) provides that if, at the end of five years from the passage of this bill, the limited number of systems to be established in accordance with the policy set forth in paragraph (1) have not, in the opinion of the commission, been adequately provided for in its orders, the commission shall, as soon as practicable, prepare and by order, entered after notice and public hearing, adopt and publish a plan for the completion of such limited number of systems, either by the establishment of additional systems or by the allocation to any existing system of any carrier or properties not included in any such approved consolidation or unification.

Paragraph (20) restates the policy to be observed in adopting the plan in precisely the same language employed in paragraph (1) applicable to consolidations or unifications upon applications by the carriers.

Paragraph (21) recognizes that there may be terminal properties or outside lines which ought to be omitted from any established system, and discretion is given to the commission in that regard.

Paragraph (22) prohibits, after the five-year period has expired and the plan has been adopted and promulgated, consolidation or unification unless in accordance with the plan.

Paragraph (23) contains the necessary provisions for enabling the carrier which is to operate the system to acquire the ownership or the control of the railway property or properties which have not been theretofore brought into the system, and, to this end, condemnation proceedings are authorized. Paragraphs (24), (25), (26), and (27) are continuations of this subject.

Paragraph (28) deserves particular mention. Attention has already been called to the fact that from 1921 to 1925 the commission was engaged in holding hearings throughout the country upon a tentative plan for consolidations provided for in the existing law and also in hearings upon applications under paragraph (2) of section (5). In the course of these hearings the commission accumulated an immense volume of testimony, and this evidence, with the maps and tables which accompanied it, furnish the most complete information ever gathered together respecting the railways of the United States and the service they render. It is very desirable that this repository of information be at the command of the commission in the work it is authorized to do under this bill. It is, therefore, provided in paragraph (28) that "Any of the evidence included in the records of the commission in its proceedings under paragraph (2), (4), or (5) of this section, as in force prior to the passage of the railway consolidation act of 1926, and any abstract or written materials made by the commission and based upon such evidence shall be available to and may be used by the commission in its proceedings upon an application made under this section after the passage of this act or in adopting the plan provided for in paragraph (19); but any such evidence, abstract, or materials so used shall, by reference or otherwise, be made a part of its record in such proceedings."

Paragraph (29) is a paragraph of definitions and needs no explanation.

V

Section (2) of the bill consists mainly of paragraphs of readjustment in order that this bill may connect properly with the existing law and repeals paragraphs (2) and (3) of section (5) of the interstate commerce act concerning which an explanation has already been made.

VI

Section (3) of the bill rewrites paragraphs (6), (7), and (8) of section 15a of the interstate commerce act as amended. These paragraphs are commonly known as the "recapture" provisions of the existing law. The substantial changes

(a) The test of excess earnings is the average of the three immediately preceding years instead of year by year.

(b) Instead of using the fund accumulated by the Government from such excess earnings for the purpose of loaning to carriers, it is in this bill provided that the sums paid in shall be distributed by the commission among the carriers which have failed during the preceding calendar year to earn a net operating income of 5 per cent in amounts proportionate, as nearly as may be, to the amounts by which each carrier has so failed.

(c) After the plan provided for in paragraph (19) shall have been adopted the amounts paid in as excess earnings, collected from the roads within any system, are to be distributed only to the roads within that system.

The committee fully appreciates the complexity of the proposed legislation, but it begs to remind the Members of the Senate that it is complex only because the subject itself is complicated, and it presents its recommendation and report expressing the hope that Senators will be able to give this measure the study which its importance demands.

TABLE I.—Railroads in Class I with average net railway operating incomes of less than 3 per cent during the years 1922, 1923, and 1924

[Figures in Italics indicate deficits]

Name of railroad company	Average miles of road operated			Per cent of return on investment in road and equipment total (book value), including leased lines ¹			
	1922	1923	1924	1922	1923	1924	Average
Ann Arbor R. R. Co.	293.86	293.86	293.96	2.24	2.3	3.2	2.54
Atlantic, Birmingham & Atlanta Ry. Co.	639.88	639.88	639.88	1.14	.4	.3	.41
Atlantic & St. Lawrence R. R. Co.	166.78	166.78	166.78	6.75	15.6	11.5	11.94
Atlantic City R. R. Co.	176.96	170.13	169.53	1.79	1.9	1.0	1.59
Baltimore, Chesapeake & Atlantic Ry. Co.	87.61	87.61	113.21	.49	3.6	.8	1.69
Bingham & Garfield Ry. Co.	34.79	34.80	34.05	.69	2.2	1.7	.73
Boston & Maine R. R.	2,242.57	2,242.57	2,241.60	2.81	1.2	3.5	2.50
Buffalo, Rochester & Pittsburgh Ry. Co.	589.73	590.05	591.55	.79	4.0	3.5	2.76
Canadian Pacific (lines in Maine)	233.70	233.72	233.73	.29	1.7	1.4	.73
Central Vermont Ry. Co.	456.49	408.85	408.85	1.07	1.1	2.1	1.62
Chicago & Alton R. R. Co.	1,050.51	1,050.40	1,050.86	1.06	3.5	2.6	2.43
Chicago & Eastern Illinois Ry. Co.	945.13	945.13	945.13	3.41	3.8	1.7	2.77
Chicago & Erie R. R. Co.	269.58	269.56	269.56	4.65	1.1	3.4	.01
Chicago Great Western R. R. Co.	1,496.06	1,496.06	1,496.06	.16	1.2	1.3	.88
Chicago, Milwaukee & St. Paul Ry. Co.	11,029.86	11,010.74	10,986.92	1.90	2.7	2.6	2.40
Chicago, Peoria & St. Louis R. R. Co.	226.03	247.13	247.13	5.41	2.9	2.9	3.80
Cincinnati, Indianapolis & Western R. R. Co.	347.28	321.70	321.62	.98	1.7	1.8	1.26
Colorado & Southern Ry. Co.	1,099.26	1,099.26	1,091.63	1.23	.9	1.9	1.34
Columbus & Greenville Ry. Co.	191.64	167.70	167.70	7.70	.1	1.0	2.93
Copper River & Northwestern Ry. Co.	194.98	194.98	194.98	1.60	2.9	1.2	1.70
Denver & Rio Grande Western R. R. Co.	2,593.60	2,595.07	2,600.30	2.97	1.6	1.4	1.99
Denver & Salt Lake R. R. Co.	255.18	255.18	255.18	1.10	.6	.3	.09
Detroit & Mackinac Ry. Co.	885.64	875.84	875.42	.64	1.8	3.5	1.98
Duluth, South Shore & Atlantic Ry. Co.	591.30	591.30	591.30	.18	1.2	.9	.76
Duluth, Winnipeg & Pacific Ry. Co.	178.89	178.88	178.89	.24	.8	1.3	.52
Erie R. R. Co.	2,039.86	2,055.23	2,055.89	.52	8.0	3.3	2.57
Evansville, Indianapolis & Terre Haute Ry. Co.	(7)	137.90	146.26	(7)	.3	2.2	1.30
Fort Smith & Western R. R. Co.	249.75	249.75	249.75	1.86	.9	3.5	1.92
Fort Worth & Rio Grande Ry. Co.	236.22	235.22	456.64	3.15	.5	.2	1.14
Georgia & Florida Ry.	405.13	406.16	406.16	.59	1.4	1.2	1.06
Grand Trunk Western Ry. Co.	347.37	347.37	347.37	1.54	3.9	.9	2.21
Green Bay & Western R. R. Co.	257.46	254.18	254.18	1.51	1.1	1.7	1.49
Houston East & West Texas Ry. Co.	191.60	191.60	191.60	2.37	1.6	1.7	1.89
Kansas City, Mexico & Orient Ry. Co.	272.20	272.20	272.20	.63	.2	.1	.19
Kansas City, Mexico & Orient Ry. Co. of Texas	465.75	465.75	465.75	4.69	1.0	2.4	1.09
Kansas City, Oklahoma & Gulf Ry. Co.	314.45	314.42	314.42	2.89	1.3	0.1	1.46
Lehigh Valley R. R. Co.	1,334.78	1,372.72	1,374.62	.26	2.7	4.6	2.52
Los Angeles & Salt Lake R. R. Co.	1,139.80	1,190.86	1,209.10	1.58	8.6	1.8	2.32
Louisiana Railway & Navigation Co.	343.67	343.67	338.63	.40	.6	1.1	.69
Maryland, Delaware & Virginia Ry. Co.	82.63	65.37	(7)	8.69	4.7	(7)	4.14
Minneapolis & St. Louis R. R. Co.	1,649.90	1,649.90	1,647.26	1.35	1.2	1.4	.38
Missouri & North Arkansas Ry. Co.	323.29	264.57	364.57	.09	2.7	1.5	1.37
Missouri Pacific R. R. Co.	7,261.78	7,235.72	7,359.97	2.14	2.1	3.6	2.61
Morgan's Louisiana & Texas Railroad & Steamship Co.	400.67	400.67	400.67	.04	.7	.5	.14
New Jersey & New York R. R. Co.	45.72	45.72	45.72	6.65	8.8	8.0	8.18
New York, Ontario & Western Ry. Co.	569.40	569.40	569.40	.30	1.0	1.7	1.03
New York, Susquehanna & Western R. R. Co.	135.97	135.97	135.97	.77	.0	.0	.25
Northwestern Pacific R. R. Co.	560.44	496.80	498.36	2.30	2.0	1.8	2.03
Oregon-Washington Railroad & Navigation Co.	2,231.30	2,236.81	2,232.89	.80	.6	1.6	.46
Pittsburgh & Shawmut R. R. Co.	102.98	102.98	102.98	.06	1.8	1.4	1.08
Pittsburgh & West Virginia R. R. Co.	89.01	92.34	92.84	2.08	3.1	3.8	2.99

¹ In compiling the percentage of return for the years 1923 and 1924, the figures representing the total investment included cash on hand, materials, and supplies. The figures for 1922 do not include these items.

² Not in Class I.

TABLE I.—Railroads in Class I with average net railway operating incomes of less than 3 per cent during the years 1922, 1923, and 1924—Continued

Name of railroad company	Average miles of road operated			Per cent of return on investment in road and equipment total (book value), including leased lines			
	1922	1923	1924	1922	1923	1924	Average
Pittsburgh, Shawmut & Northern R. R. Co.	210.48	210.52	210.56	.51	.5	.5	.45
Quincy, Omaha & Kansas City R. R. Co.	252.72	250.84	250.84	2.63	2.6	2.6	2.63
Rutland R. R. Co.	413.01	413.01	413.01	2.17	3.2	2.87	2.74
St. Joseph & Grand Island Ry. Co.	258.50	258.50	258.50	.37	.9	1.5	.92
St. Louis, San Francisco & Texas Ry. Co.	134.41	134.41	137.95	.27	1.0	0.2	2.40
St. Louis Southwestern Ry. Co. of Texas	807.33	807.20	960.81	5.03	1.4	1.3	1.24
San Antonio, Uvalde & Gulf R. R. Co.	317.20	317.20	317.20	.13	2.0	2.3	1.47
San Antonio & Aransas Pass Ry. Co.	739.36	730.36	739.36	1.02	3.1	2.7	2.27
Spokane International Ry. Co.	165.69	165.69	165.69	4.33	2.2	1.6	2.71
Spokane, Portland & Seattle Ry. Co.	556.00	554.62	554.60	2.67	3.0	3.2	2.95
Staten Island Rapid Transit Ry. Co.	23.54	23.54	23.54	5.67	2.5	2.3	3.66
Texas & New Orleans R. R. Co.	507.95	507.95	507.95	.38	1.3	1.3	.15
Toledo, Florida & Western R. R. Co.	247.70	247.70	247.70	2.03	2.8	.7	1.84
Trinity & Brazos Valley Ry. Co.	368.89	368.89	368.89	.12	3.2	.8	.77
Ulster & Delaware R. R. Co.	128.88	128.88	128.88	.80	2.3	2.4	1.30
Utah Railway Co.	102.18	102.18	102.18	3.08	2.3	3.3	2.89
Western Maryland Ry. Co.	804.44	804.44	804.44	2.22	3.2	2.5	2.64
Western Pacific R. R. Co.	1,042.45	1,043.40	1,042.68	1.96	2.7	2.6	2.39
Wheeling & Lake Erie Ry. Co.	511.60	511.60	511.60	.46	3.1	2.7	2.08
Total mileage, 70 railroad companies.	54,300.78	54,380.78	54,023.90				

TABLE II.—Railroads in Class I with average net railway operating incomes of more than 3 per cent and less than 4 per cent during the years 1922, 1923, and 1924

Name of railroad company	Average miles of road operated			Per cent of return on investment in road and equipment total (book value), including leased lines			
	1922	1923	1924	1922	1923	1924	Average
Arizona Eastern R. R. Co.	382.66	382.66	382.66	3.52	4.1	3.2	3.62
Buffalo & Susquehanna Railroad Corporation	253.54	253.54	253.54	2.38	4.8	2.3	3.16
Carolina, Clinchfield & Ohio Ry.	291.00	291.20	291.20	4.30	3.7	3.7	3.90
Central New England Ry. Co.	295.87	295.87	294.71	2.62	3.5	3.7	3.94
Central R. R. of New Jersey	694.60	693.39	692.19	2.10	2.6	5.5	3.40
Chicago & North Western Ry. Co.	8,403.82	8,452.53	8,402.83	3.72	3.0	3.2	3.33
Chicago, Rock Island & Pacific Ry. Co.	7,655.00	7,635.13	7,611.46	3.85	3.6	4.1	3.85
Chicago, St. Paul, Minneapolis & Omaha Ry. Co.	1,749.19	1,749.19	1,749.19	4.39	3.3	3.7	3.79
Delaware & Hudson Co.	886.65	894.63	894.62	1.06	5.1	5.3	3.98
Duluth & Iron Range R. R. Co.	280.67	270.15	278.93	5.52	5.1	.8	3.80
El Paso & Southwestern R. R. Co.	1,139.88	1,139.00	1,139.00	3.92	3.0	4.8	3.90
Galveston, Harrisburg & San Antonio Ry. Co.	1,379.58	1,379.85	1,379.60	2.47	2.6	5.7	3.59
Gulf, Mobile & Northern R. R. Co.	438.51	465.95	405.95	2.96	3.3	4.2	3.49
Kansas City Southern Ry. Co.	767.00	767.00	773.01	3.26	2.8	3.1	3.05
Maine Central R. R. Co.	1,194.94	1,201.20	1,207.65	4.60	3.0	3.35	3.65
Minneapolis, St. Paul & Sault Ste. Marie Ry. Co.	4,304.13	4,306.49	4,402.53	3.45	3.8	3.0	3.41
Mississippi Central R. R. Co.	257.00	257.00	257.00	2.26	3.1	5.0	3.45
New Orleans & North-eastern R. R. Co.	207.74	207.74	207.74	.17	4.3	5.7	3.39
New Orleans Great Northern R. R. Co.	274.09	274.09	274.09	3.74	4.0	2.9	3.55
New York, New Haven & Hartford R. R. Co.	2,002.70	2,000.85	1,985.97	3.10	3.3	4.8	3.73
Norfolk Southern R. R. Co.	930.15	931.45	931.88	3.50	3.6	3.8	3.63
Northern Pacific Ry. Co.	6,640.64	6,608.99	6,679.94	3.63	2.9	3.4	3.31

¹ In compiling the percentage of return for the years 1923 and 1924, the figures representing the total investment included cash on hand, materials, and supplies. The figures for 1922 do not include these items.

TABLE II.—Railroads in Class I, etc.—Continued

Name of railroad company	Average miles of road operated			Per cent of return on investment in road and equipment total (book value), including leased lines			
	1922	1923	1924	1922	1923	1924	Average
Pennsylvania R. R. Co.	10,531.43	10,509.92	10,508.00	3.72	3.9	3.6	3.74
Port Reading R. R. Co.	21.19	21.19	19.71	2.24	5.2	3.1	3.51
Seaboard Airline Ry. Co.	3,576.11	3,576.11	3,571.19	2.13	3.7	4.1	3.31
Texas & Pacific Ry. Co.	1,952.74	1,952.74	1,952.74	2.84	3.7	4.0	3.51
Tennessee Central Ry. Co.	287.92	288.29	296.56	2.64	6.4	0.8	3.52
Wabash Ry. Co.	2,472.96	2,476.59	2,489.95	1.82	3.7	3.7	3.07
West Jersey & Seashore R. R. Co.	359.20	350.20	359.24	3.20	3.2	2.7	3.03
Yazoo & Mississippi Valley R. R. Co.	1,381.22	1,380.12	1,380.08	2.33	2.6	3.7	3.54
Total mileage, 30 railroad companies.	61,004.33	61,183.16	61,194.66				

Respectfully submitted.

COMMITTEE ON INTERSTATE COMMERCE.

AGRICULTURAL COOPERATION

Mr. McNARY. From the Committee on Agriculture and Forestry I report back favorably with amendments the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

The bill which I report favorably was introduced in the House by Mr. HAUGEN, and I introduced a similar bill in the Senate in the month of January. It has the approval of the Secretary of Agriculture. It merely extends the activities of the Department of Agriculture in the matter of promoting cooperative organizations. An amendment was adopted by the Senate committee this morning as a part of this proposed legislation treating with the general subject of the disposition of agricultural surpluses. At this time, in behalf of the committee, I make merely a verbal report and ask unanimous consent that I may have 10 days in which to file a written report upon the bill and the amendments.

The VICE PRESIDENT. Without objection, leave is granted. The bill will be placed on the calendar.

JUDICIAL DISTRICTS IN ARKANSAS

Mr. CARAWAY. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 3932) to amend section 71 of the Judicial Code as amended, and I ask unanimous consent that the bill may be considered at the present time, there being a necessity for its early passage. It merely affects the judicial districts in Arkansas.

The VICE PRESIDENT. The Senator from Arkansas asks unanimous consent for the present consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That section 71 of the Judicial Code, as amended, be amended to read as follows:

"SEC. 71. (a) The State of Arkansas is divided into two districts, to be known as the western and eastern districts of Arkansas.

"(b) The western district shall include four divisions constituted as follows: The Texarkana division, which shall include the territory embraced on July 1, 1920, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, and Nevada; the El Dorado division, which shall include the territory embraced on such date in the counties of Columbia, Ouachita, Union, Ashley, Bradley, and Calhoun; the Fort Smith division, which shall include the territory embraced on such date in the counties of Polk, Scott, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson; the Harrison division, which shall include the territory embraced on such date in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy.

"(c) Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the El Dorado division, at El Dorado on the fourth Mondays in January and June; for the Fort Smith division, at Fort Smith on the second Mondays in January and June; and for the Harrison division, at Harrison on the second Mondays in April and October.

"(d) The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Texarkana, Fort Smith, El Dorado, and Harrison. Such offices shall be kept open at all times for the transaction of the business of the court.

"(e) The eastern district shall include four divisions constituted as follows: The eastern division, which shall include the territory embraced on July 1, 1920, in the counties of Desha, Lee, Phillips, St. Francis, Cross, Monroe, and Woodruff; the northern division, which shall include the territory embraced on such date in the counties of Independence, Cleburne, Stone, Izard, Sharp, and Jackson; the Jonesboro division, which shall include the territory embraced on such date in the counties of Crittenden, Clay, Craighead, Greene, Mississippi, Poinsett, Fulton, Randolph, and Lawrence; and the western division, which shall include the territory embraced on such date in the counties of Arkansas, Chicot, Clark, Cleveland, Conway, Dallas, Drew, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lincoln, Lonoke, Montgomery, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, White, and Yell.

"(f) Terms of the district court for the eastern division shall be held at Helena on the second Monday in March and the first Monday in October; for the northern division, at Batesville on the fourth Monday in May and the second Monday in December; for the Jonesboro division, at Jonesboro on the first Monday in May and the fourth Monday in November; and for the western division, at Little Rock on the first Monday in April and the third Monday in October.

"(g) The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Helena, Batesville, Jonesboro, and Little Rock. Such offices shall be kept open at all times for the transaction of the business of the court."

SEC. 2. The following acts are hereby repealed:

(a) The act entitled "An act to fix the time for the holding the term of the district court in the Jonesboro division of the eastern district of Arkansas," approved September 8, 1914; and

(b) The act entitled "An act to transfer certain counties in the several judicial districts in the State of Arkansas," approved March 4, 1915.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BROUSSARD:

A bill (S. 3966) to extend the provisions of the United States employees' compensation act of September 7, 1916, as amended, to Andrew D. Ramelli; to the Committee on Claims.

By Mr. WATSON:

A bill (S. 3967) authorizing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.; to the Committee on Commerce.

By Mr. BORAH:

A bill (S. 3968) to provide for the regulation of radio communication, and for other purposes; to the Committee on Interstate Commerce.

By Mr. ERNST:

A bill (S. 3969) granting a pension to America Parker (with accompanying papers);

A bill (S. 3970) granting an increase of pension to Murcy Kelly (with accompanying papers); and

A bill (S. 3971) granting an increase of pension to Charles H. Phillips (with accompanying papers); to the Committee on Pensions.

By Mr. RANDELL:

A bill (S. 3972) authorizing an appropriation for the construction and equipment of a light vessel for The Passes at the entrances to the Mississippi River, La.; to the Committee on Commerce.

HOUSE BILL REFERRED

H. R. 9690. An act to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith, was read twice by its title and referred to the Committee on Naval Affairs.

HEIGHT OF BUILDINGS IN THE DISTRICT

Mr. BRUCE submitted an amendment intended to be proposed by him to the bill (H. R. 9398) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, which was ordered to lie on the table and to be printed.

GEORGE WASHINGTON-WAKEFIELD MEMORIAL BRIDGE

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8908) granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the

Potomac River, asking for a conference with the Senate on the disagreeing votes of the two Houses thereon, and appointing conferees on the part of the House.

Mr. BINGHAM. I move that the Senate insist upon its amendment, agree to the request of the House of Representatives for a conference on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. JONES of Washington, Mr. COUZENS, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD conferees on the part of the Senate.

INDIANS OF THE FORT PECK AND BLACKFEET RESERVATIONS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1550) to appropriate certain tribal funds for the benefit of the Indians of the Fort Peck and Blackfeet Reservations, which was, on page 1, line 10, to strike out all after the word "Interior" down to and including the word "discretion," in line 11, and insert "in accordance with existing law."

Mr. WHEELER. I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

PRODUCTION OF SULPHUR UPON THE PUBLIC DOMAIN

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3186) to promote the production of sulphur upon the public domain, which were, on page 3, after line 20, to insert a new section, as follows:

SEC. 6. That the provisions of this act shall apply only to the State of Louisiana.

And to amend the title so as to read: "An act to promote the production of sulphur upon the public domain within the State of Louisiana."

Mr. RANDELL. I move that the Senate concur in the House amendments.

The motion was agreed to.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On April 9, 1926:

S. J. Res. 58. Joint resolution authorizing the Librarian of Congress to return to Solomon's Lodge, No. 1, Free and Accepted Masons, of Georgia, the minute book of the Savannah (Ga.) Masonic Lodge.

On April 13:

S. 2530. An act authorizing the use of the funds of any tribe of Indians for payments of insurance premiums for protection of the property of the tribe against fire, theft, tornado, and hail;

S. 3108. An act to amend section 2 of the act of June 7, 1924 (43 Stat. L. p. 653), as amended by the act of March 3, 1925 (43 Stat. L. p. 1127), entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor";

S. J. Res. 37. Joint resolution authorizing the Secretary of Agriculture to cooperate with Territories and other possessions of the United States under the provisions of sections 3, 4, and 5 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor"; and

S. J. Res. 78. Joint resolution for the amendment of the plant quarantine act of August 20, 1912, to allow the State to quarantine against the shipment therein or through of plants, plant products, and other articles found to be diseased or infested when not covered by a quarantine established by the Secretary of Agriculture, and for other purposes.

CUBAN SUGAR

Mr. SMOOT. Mr. President, I want to take a moment of the time of the Senate to read a special cable dispatch from Habana and then to say a few words with reference to it. The cable dispatch reads as follows:

An appeal to the United States to help Cuba out of its present economic crisis by lightening the tariff on sugar was made to the correspondent to-day by President Machado.

A reduction, President Machado believes, which hardly would be felt by the American producers and would benefit the consumers, would prove to be one of the greatest factors in bringing about a closer friendship not only between Cuba and the United States, but between the United States and all Latin America.

Although the banking situation is regarded in many circles as serious unless an amelioration occurs in sugar prices, President Machado expressed the utmost confidence that no extreme measures would be necessary.

I want also to call the attention of the Senate to a statement which was made by the refiners, referring to their annual statement, from which we can see if there would be any relief given to Cuba as long as the refiners control the price of sugar in Cuba. The statement is dated New York, March 18, 1926, and reads in part as follows:

Statements by the executives of the American Sugar Refining Co., largest of the refiners and distributors of Cuban sugar, cast a light on the reason behind such investments. They say their company made a profit of nearly \$3,000,000 on its Cuban investments in the last year, and propose further to develop the Cuban properties.

In 1925 the company's own plantations produced 13 per cent of its raw-sugar requirements, and this percentage is to be increased. This was in a year of exceptionally low prices and a huge Cuban crop. Yet the company showed a profit of \$4,000,000 in its refining department, with a total income for the year in excess of \$7,000,000 after paying the American tariff requirements.

President Ogelvie, of the Cuba Cane Sugar Corporation, stated at the annual meeting of his stockholders that profits would be increased by \$12,000,000 a year if they could get the American tariff removed, with corresponding profits from any reduction that might be obtained.

The American sugar refiners who control the Cuban crop are never going to allow, unless it becomes absolutely necessary, the price of cane to advance beyond just what they want it to be. In other words, they can make their profits in Cuba or they can make them at the refineries in New York. To-day there may be seen on the windows of many grocery stores a sign reading "Sugar, 5 cents a pound," and that is the retail price. I wonder if there is any other commodity produced in the United States that is so low in price, even lower than before the war. I know of none; and I want to say now that if it were not for the tariff on sugar to-day there would not be a single sugar concern in the United States but what would be in the hands of a receiver. And bear in mind the statement read by me is the statement to the stockholders of the refining company, that if it had not been for the tariff they would have made \$12,000,000 more, and the consumer never would have gotten any relief if the tariff was reduced; but the sugar refiners, who control the situation, are the ones that would have obtained the benefit, as the president of the company says in this statement to the stockholders.

Mr. President, we all know what the trouble down in Cuba is. People there have been investing their money by tens of millions of dollars in buying land with the avowed purpose of controlling the sugar industry of the world—not of America alone, but of the world. Of course, the immense crop of sugar raised in European countries, in Java, and all over the world has prevented them from doing what they will ultimately do if they can—destroy the sugar industry in the United States. If that ever happens, God help the people, for what they will have to pay for their sugar when that shall have been accomplished no man can tell.

PRESS CLUB BUILDING

Mr. COPELAND. Mr. President, the Senator from Utah [Mr. KING] gave notice on Saturday last that he would ask to have considered this morning Order of Business No. 469, being the bill (H. R. 9398) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910. The bill, as Senators know, relates to the new Press Club building.

Mr. SMOOT. Mr. President, I hope the Senator will not make that request at this time. The Senator from Tennessee [Mr. McKELLAR] is ready to speak upon the Italian debt settlement bill, and I should like to have him proceed without further delay.

Mr. COPELAND. Mr. President, I referred to the junior Senator from Utah [Mr. KING], and I hope the senior Senator from Utah will not object. The bill to which I refer merely involves granting to the Press Club permission to erect their building to a height of 140 feet. The bill has passed the House and has been pending here now for two weeks. The failure to pass the bill is interfering with their plans of financing and their building plans, and I think the matter should be disposed of, as we agreed the other day it should be.

Mr. SMOOT. Does the Senator think the bill will lead to any discussion?

Mr. KING. It will probably lead to a debate of about 20 minutes.

Mr. SMOOT. I am informed that the bill will lead to discussion, and therefore I ask the Senator from New York not to press his request at this time.

The PRESIDENT pro tempore. Objection is made.

INDEBTEDNESS OF ITALY TO THE UNITED STATES

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, House bill 6773.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America.

Mr. McKELLAR. Mr. President, in what I have to say to-day about the Italian debt settlement much of it will be in reference to Premier Mussolini, and I hope to present some facts which may be of interest to the Senate. Let me say at the outset that in what I shall say to-day about the Italian debt settlement, I wish it distinctly understood that I have no criticism to make to the motives of the American Debt Commission. I concede at the very outset that they all acted in accordance with what they believed to be fair and just. I do not question their motives, either collectively or individually. But, Mr. President, I do question their judgment in making this settlement. I do not believe that they gave sufficient consideration to three elements of vital importance in any settlement.

First, I do not think they gave proper consideration to the instructions of the Congress.

In the next place, I do not think the commission gave sufficient consideration to the Italians' capacity to pay, as I shall hereafter point out more fully.

In the last place, I do not think that any settlement ought to have been made with Italy at this time because of the unstable condition of their Government.

I shall take up these three questions in order.

First. Mr. President, the obligations that we now hold of Italy's are for \$1,648,000,000, bearing the interest rate of 5 per cent. Italy has paid nothing on this indebtedness, neither principal nor interest.

On February 9, 1922, the Congress passed an act establishing the commission containing this proviso:

That nothing contained in this act shall be construed to authorize or empower the commission to extend the time of maturity of any such bonds or other obligations due the United States of America by any foreign Government beyond June 15, 1947, or to fix the rate of interest at less than 4½ per cent per annum. (Acts of the 67th Cong., 2d sess., p. 363.)

It will be remembered that the commission ignored this provision and reported a settlement with Great Britain, by which the bonds were run for a period of 62 years and fixing the rate of interest at 3 per cent for the first 10 years and 3½ per cent thereafter, and this departure from the first instructions was approved by the Congress. (Acts of 67th Cong., 4th sess., p. 1325.)

It is true that in the act passed February 28, 1923, there are to be found these words:

And settlements with other governments indebted to the United States are hereby authorized to be made upon such terms as the commission, created by the act approved February 9, 1922, may believe to be just, subject to the approval of the Congress by act or joint resolution (p. 1326).

Showing what was intended by this just settlement provision in the act of February 28, 1923, the Republican platform in 1924 provided as follows:

We stand for settlements with all debtor countries similar in character with our debt agreement with Great Britain.

So that, Mr. President, when it is recalled that some financiers say that Great Britain paid us 80 per cent of her indebtedness, and that we settled with her on that basis, and others say that it was as little as 66½ per cent—and I believe that the latter figure is the true figure—when the Debt Commission comes along and arranges a settlement with Italy at about 28 per cent, it seems to me that it is not in accordance with the directions of the Congress expressed by law nor in accordance with the spirit of the "just settlement act" as understood not only by our Republican friends in convention but as understood by the American people.

ITALY

Mr. President, Italy is a great nation. Some 2,000 years ago she was the ruler of the world. She is rich in historic interest, rich in a past and gone civilization, but for hundreds of years she has been torn with internal dissension and external in-

vasion. From time immemorial she has been the prey of Germany and of Austria and of France. Her people have so long been used to tyrannical rule that they hardly know any other kind. Sometimes a spirit of freedom has arisen, but it has been short-lived and Italy has relapsed into autocratic government. For nearly a hundred years she has, indeed, had a constitution and a Parliament, but her people have not been permitted to take any part in her government. Perhaps, under her present King, so long as he had any power, the Italian people enjoyed their greatest measure of liberty in nearly 2,000 years.

Mr. President, I have no word of criticism for the Italian people. They are a great people. Under the circumstances, perhaps, it is a remarkable thing that they have done as well as they have. I would not for the world be harsh in any settlement toward them. If I thought that this settlement would inure to the benefit of the people of Italy, I might vote to confirm it. Nay, I would go further than that, Mr. President. If it were to appear that the Government of Italy vouchsafed to her people any real measure of liberty, if it guaranteed the rights of freedom of property, if it enabled the people to be governed by representatives of their own choosing, I might be willing to cancel the indebtedness entirely.

Those Italians who have come over here and made their homes have, for the most part, become splendid citizens—some of them leading citizens—the great part of them industrious, honest, frugal, and successful citizens. In the city where I live, and in the other cities of my State, we have no better people than the citizens of Italian birth and lineage, and I would dislike to be considered ungenerous to them or to their native land.

But, Mr. President, we must be just before we are generous. We represent American constituents in this body, and, when we say American constituents, I mean naturalized American citizens as well as all other constituents, and we must see that their rights are protected before we undertake to give their money to other governments.

WHAT THE ITALIAN DEBT SETTLEMENT MEANS

Mr. President, the settlement with Italy reported by our debt commission is a very ingenious piece of work. It is misleading to the nth degree. The Italian commissioners certainly proved themselves very able and adroit, and I think, with every respect toward our members of the commission, that they were out-traded in every point in the game.

In explanation of this remarkable proposed settlement, in its report to the House the commission said:

The commission has always insisted that the full amount of the principal owed by all the debtor nations should be paid in full, and if any reduction was to be made on account of economic conditions and inability to pay, this reduction should be reflected in the interest rates.

Mr. President, this statement is without any real foundation in fact. The financial gentlemen on the commission who worked out this theory would make Machiavelli look like a piker. It is the very essence of sophistry. The truth is that the payment suggested by the commission, instead of being a payment of the principal indebtedness in full, is exactly the sum of \$528,192,000. In other words, if Italy had the money to take up this loan to-day she could take up the entire indebtedness of \$2,042,000,000 and any interest that may have accrued up to date for \$528,192,000.

Mr. President, I stop here long enough to ask, Why should we attempt to delude ourselves or delude other people? What we are getting for the \$2,042,000,000 is \$528,192,000.

Financial men have means of determining the present worth of a deferred debt, and according to calculations accepted everywhere, \$528,192,000 is the present worth of what this commission obtained. So that, Mr. President, when the commission report that they got "the full amount of the principal," this was a palpable mistake of fact.

THE FACTS

Mr. President, the United States loaned Italy during and after the war sums aggregating \$1,648,034,050.90. I am informed that the Treasury Department now holds Italian 5 per cent bonds for that principal sum, together with interest thereon. None of the interest has ever been paid by Italy. I believe there is credit for \$173,000 allowed on some matter of difference between the two countries, but really no payment has been made. In the meantime, the United States has already paid out in interest on this debt the sum of \$497,188,351.70. The Debt Commission arrived at the total indebtedness of \$2,042,000,000 by calculating past due interest at 4½ per cent up to December 5, 1922, and at 3 per cent until June 15, 1925. Not only under this proposed settlement does Italy not pay the

principal indebtedness but she pays only a fractional part of the interest.

This is shown by the table furnished by the distinguished Senator from Utah [Mr. Smoot] on page 6236 of the Record. This table shows what Italian pays on the Italian debt. Mr. President, I put the same figures in parallel columns and add another column showing what America pays each year on the Italian debt.

It is idle to call, as the Senator from Utah does call, a portion of these payments, payments on the principal, when as a matter of fact, the payments obtained from Italy never at any time, during the 62 years, reach the amount of interest we are now paying on said loan. We are paying on said loan the sum of \$86,785,000 annually on the principal loan as fixed by the commission, and the table submitted by the Senator from Utah shows the highest payment made by Italy as \$80,988,000 in 1937. In other words, Mr. President, if the present arrangement continues to the end of the period, not a dollar will ever be paid on the principal and the United States will have paid out in interest on account of moneys loaned to Italy the enormous sum of \$2,972,992,500.

I herewith submit a statement of the amounts of the total annual payments made by Italy under the proposed agreement, the amounts we are paying out in interest on account of the Italian loan, and the deficit in interest paid by us during the life of this agreement.

I ask unanimous consent that this table may be inserted in the Record without reading, Mr. President.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The table is as follows:

	Received from Italy	Paid out for Italy	Deficit in interest
June 15—			
1926	\$5,000,000	\$86,785,000	\$81,785,000
1927	5,000,000	86,785,000	81,785,000
1928	5,000,000	86,785,000	81,785,000
1929	5,000,000	86,785,000	81,785,000
1930	14,621,290	86,785,000	72,163,710
1931	14,706,125	86,785,000	72,078,875
1932	14,790,875	86,785,000	71,994,125
1933	18,075,500	86,785,000	71,709,500
1934	18,459,750	86,785,000	71,325,250
1935	18,943,500	86,785,000	70,841,500
1936	16,626,625	86,785,000	70,158,375
1937	17,006,875	86,785,000	69,778,125
1938	17,690,625	86,785,000	69,194,375
1939	18,171,625	86,785,000	68,613,375
1940	21,103,750	86,785,000	65,681,250
1941	21,662,750	86,785,000	65,122,250
1942	22,220,250	86,785,000	64,564,750
1943	22,876,250	86,785,000	63,908,750
1944	23,530,500	86,785,000	63,254,500
1945	24,083,000	86,785,000	62,702,000
1946	24,434,000	86,785,000	62,351,000
1947	24,984,000	86,785,000	61,801,000
1948	25,532,500	86,785,000	61,252,500
1949	26,279,500	86,785,000	60,505,500
1950	31,449,000	86,785,000	55,336,000
1951	32,134,000	86,785,000	54,651,000
1952	32,815,000	86,785,000	53,970,000
1953	33,492,000	86,785,000	53,293,000
1954	34,465,000	86,785,000	52,320,000
1955	35,352,500	86,785,000	51,432,500
1956	36,195,000	86,785,000	50,590,000
1957	37,152,500	86,785,000	49,632,500
1958	37,904,500	86,785,000	48,880,500
1959	38,752,000	86,785,000	48,033,000
1960	43,141,750	86,785,000	43,643,250
1961	43,898,000	86,785,000	42,887,000
1962	44,546,750	86,785,000	42,238,250
1963	45,388,000	86,785,000	41,397,000
1964	46,121,750	86,785,000	40,663,250
1965	47,348,000	86,785,000	39,437,000
1966	48,563,000	86,785,000	38,222,000
1967	50,266,750	86,785,000	36,518,250
1968	51,955,500	86,785,000	34,829,500
1969	53,629,250	86,785,000	33,155,750
1970	55,394,000	86,785,000	30,391,000
1971	57,434,000	86,785,000	29,351,000
1972	58,459,000	86,785,000	28,326,000
1973	59,469,000	86,785,000	27,316,000
1974	60,464,000	86,785,000	26,321,000
1975	61,944,000	86,785,000	24,841,000
1976	63,404,000	86,785,000	23,381,000
1977	65,844,000	86,785,000	20,941,000
1978	67,254,000	86,785,000	19,531,000
1979	67,644,000	86,785,000	19,141,000
1980	74,048,000	86,785,000	12,737,000
1981	75,708,000	86,785,000	11,077,000
1982	76,428,000	86,785,000	10,357,000
1983	77,048,000	86,785,000	9,737,000
1984	78,608,000	86,785,000	8,177,000
1985	80,128,000	86,785,000	6,657,000
1986	80,988,000	86,785,000	5,797,000
1987			
	2,407,677,000	5,280,676,000	2,972,992,500

Mr. McKELLAR. I desire to refer to the table, however, to show just what we are doing under this agreement.

If this debt settlement is approved, what happens the first year? Italy pays us \$5,000,000, and we pay out \$86,785,000 on account of the Italian debt. In other words, of Italy's interest due to us by contract Italy this year will pay \$5,000,000 of the interest and America will pay \$81,785,000 in interest, and that will go on for five years. In June, 1931—and I give only the round numbers—Italy will begin to pay as much as \$14,000,000 on the interest. America will pay \$72,000,000 on Italy's interest, in round numbers.

Later on those figures continue to rise; but the last payment made by Italy will be \$80,000,000 and America, under the present condition of the debt, will be paying \$86,000,000; and at the end of that period Italy never will have paid in any one year the interest on that money. The result is that at the end of the period, if present conditions obtain, Italy will have paid off her entire debt, principal and interest, to the United States, if this settlement goes through, and America will still have to pay the entire amount of the \$2,042,000,000.

Mr. President, when that learned commission comes before us and tells us that under those circumstances Italy is paying the full amount of the principal it is an insult to the intelligence of reasonable men. I hope that no Senator will vote for this settlement on the ground stated by the commission that he is ratifying a settlement which guarantees that Italy will pay the full amount of the principal, because it is no such thing.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. SMOOT. I do not know by what philosophy or reasoning the Senator makes any such statement.

Mr. McKELLAR. I make it upon the basis of the plain facts, the plain figures as to what we are paying. They can not be misunderstood. Does the Senator doubt that we are paying—

Mr. SMOOT. Yes; I do.

Mr. McKELLAR. Wait one moment; let me ask the question before the Senator answers it. Does the Senator doubt that we are paying to-day, on this indebtedness, \$86,000,000 in interest?

Mr. SMOOT. Why, Mr. President—

Mr. McKELLAR. Will the Senator just answer the question? Does he doubt it?

Mr. SMOOT. Mr. President, the bonds—

Mr. McKELLAR. Of course if the Senator does not want to answer the question, he does not have to.

Mr. SMOOT. I will answer the Senator if he will only be patient. If he wants me to answer him, I desire to answer him intelligently. I do not want to be chopped off with a half sentence.

Mr. McKELLAR. I do want the Senator to answer me.

Mr. SMOOT. Under the stress of war the Government of the United States was required to pay on certain of her bonds 4½ per cent, and England and Italy and all other countries agreed to pay 5 per cent, as the Senator has said. Taking the rate of interest paid during war time on the full amount Italy owes, with the interest added up to date at the rate of 4½ per cent, it would amount to about what the Senator says.

Mr. McKELLAR. Why, of course, it would amount to exactly what the Senator says.

Mr. SMOOT. Just wait a moment. Mr. President, the Government of the United States is not going to pay for 62 years 4½ per cent on those bonds.

Mr. McKELLAR. Mr. President, will the Senator yield right there? The Government is going to pay that rate until 1947—

Mr. SMOOT. Oh, no.

Mr. McKELLAR. Because these bonds run until 1947, and the Senator does not believe that America is going to pay all of her bonded indebtedness before 1947; so for that much of the time we know that we are going to pay the \$86,000,000 a year.

Mr. SMOOT. Oh, no, Mr. President.

Mr. McKELLAR. The Senator realizes that, does he not?

Mr. SMOOT. If we had the money, we could buy the bonds.

Mr. McKELLAR. Oh, if we had the money; but if we give it away to Italy, we will not have the money to buy the bonds.

Mr. SMOOT. What a silly statement—giving it away to Italy!

Mr. McKELLAR. I decline to yield further. The Senator has no business making such a statement about what I have said, and I decline to yield to him unless he can be respectful.

Mr. SMOOT. I did not—

Mr. McKELLAR. The Senator has made the statement that what I said is a silly statement. I resent it, and I am not going to yield to the Senator if he has not gentility enough to talk respectfully to a Senator who has been kind enough to yield to him. The Senator can take his seat, because I am not going to yield to him.

Mr. SMOOT. That is all right. The Senator has that right. Mr. McKELLAR. That is exactly right. The Senator ought to be genteel enough, he ought to be respectful enough, when he asks another Senator to yield, not to make remarks of that kind about him.

Mr. SMOOT. I never had any intention whatever of reflecting on the Senator.

Mr. McKELLAR. If the Senator did not have any intention of reflecting on another Senator, he ought to have sense enough not to make the sort of a statement that indicates it.

Mr. SMOOT. The Senator does not want to know what I was about to say, then.

LESSER INTEREST RATE

Mr. McKELLAR. But it is claimed by those who favor this settlement—and this is what the Senator claims—that hereafter the United States is going to get a smaller rate of interest.

Mr. SMOOT. No; the Senator—

Mr. McKELLAR. Who knows whether we are going to get a smaller rate of interest in 1948 or not? Nobody knows whether we are going to get a smaller rate of interest or not. I hope we will. I hope we will be able, by our own act, to obtain a smaller rate of interest, and thus save us from the enormous losses or a portion of the enormous losses that the Debt Commission is seeking to fasten upon us throughout all these years. It will be very fortunate, indeed, if we can do it; but Italy makes no contract to get us a better rate of interest. Italy is not concerned with our rate of interest. What she is doing is canceling her entire debt. As I understand, these bonds run for quite a period yet, until 1947—just how long I am unable to state—but, even if we are able to refund them, there will still be an enormous loss to the American Government; and we take the risk of whether we shall be able to refund them at a lower rate of interest or not. It may be that we will have to pay a greater rate of interest, and there is no guaranty upon the part of Italy that we may not do it. No one knows what the future will bring forth. It may be we will have to pay a greater rate of interest. If it was a question of a rate of interest, of course, everyone would agree that should the United States refund her bonds at a lower rate of interest, Italy should receive the benefit of it. I am perfectly willing that Italy shall receive a lower rate of interest if we are able to obtain it. I am perfectly willing that that shall be put in the contract; but even if we are able to reduce this rate of interest to 3 per cent, we will still have an enormous loss in interest alone, and the principal never will be paid.

ONE AND EIGHT-TENTHS PER CENT FOR 62 YEARS

Mr. President, the junior Senator from Nebraska a day or two ago made a striking statement of the facts when he pointed out that the meaning of this settlement was that the United States would get, during the period of 62 years, 1.8 per cent interest on the principal sum, and that was all. At the end of that period all the interest would be paid and the whole principal would be paid as far as Italy was concerned, and that is all that America would get out of it. We are paying 4½ per cent now; we are going to continue to pay 4½ per cent until 1947; and yet at no time does Italy pay more than 1.8 per cent, and the principal is canceled, under this agreement. America would not get a dollar of the principal, but under the agreement would merely get 1.8 per cent on the principal sum, while America now is paying 4½ per cent; and at the end of the period Italy, by the payment of 1.8 per cent interest, will have acquitted herself of the entire debt, while America will still owe the entire amount. In other words, Italy under the proposed settlement does not pay a dollar of the principal, and only pays 1.8 per cent interest on the principal sum during the period of 62 years.

Senators, can we afford to effect a settlement of that kind? Is it right to the American taxpayer? Is it right toward the American people? I say that it is not right, and that the Senate should not confirm this Italian debt settlement, that will mean practically a cancellation of three-fourths of the Italian debt.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Missouri?

Mr. McKELLAR. I yield.

Mr. WILLIAMS. I am very sure that the Senator from Tennessee has given deep study to this question, and I should like to ask him two questions, either now, or at some later stage in the development of his thesis.

Mr. McKELLAR. I would prefer if the Senator would wait just a few minutes, until I get my case before the Senate.

ITALY'S ABILITY TO PAY

The Senator from Utah stated that the Debt Commission made a most careful survey of Italy's resources, of her farm resources, of her bank resources, of her industrial resources, and all resources, and from this they concluded that the \$528,000,000 was all that Italy could pay, and hence the settlement as reported by the commission.

I heard a part of the speech of the Senator from Utah and have since read it as carefully as I could. I find, Mr. President, that a much better statement of Italy's resources, of her finances, of her production and industry, of her manufactures, of her commerce, and her navigation and shipping, is to be found in the Statesman's Yearbook of 1925 than is to be found in the report of the commission or in the speech of the Senator from Utah. Indeed, Mr. President, I find much in that book, which I take to be reliable, that I do not find in the Senator from Utah's address. I herewith attach a copy of the statements found in that yearbook and ask that it be printed as a part of my remarks as Exhibit A.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. McKELLAR. Mr. President, there are some features of it that I wish to discuss. The bonded indebtedness of Italy as of present date is about three and a half billion dollars. Her settlement with the United States will, in effect, add \$528,000,000 more, and assuming her settlement with Great Britain is what is claimed for it, it will add another \$528,000,000. So that her entire bonded indebtedness after the two settlements are ratified will amount, in round numbers, to little more than four and a half billion dollars. America's bonded indebtedness amounts to \$20,000,000,000, or more than four times Italy's bonded indebtedness, and we have already paid six and a half billions on it. I speak in round figures. Our own bonded indebtedness, if this settlement goes through, will be more than four and a half times as great as the bonded indebtedness of Italy. Yet this commission would have us settle with Italy on the ground that she is a bankrupt. She has 36,000,000 people to our 110,000,000.

I wonder how much consideration the commission gave these facts when they took off three-fourths of the burden of this indebtedness from Italy's shoulders and put it upon the backs of the American taxpayers; three-fourths of it, a billion and a half dollars and more, which they took off of the backs of the Italians, the bonded indebtedness of whose government compares with ours as four and a half billion compares with \$20,000,000,000, and we have already paid six and a half billion of our war debt.

Again, Italy's domestic bonded debt of three and a half billions of dollars and her foreign debt of a little more than a billion more, constitutes all of her indebtedness, while the 20 billion of America's bonded debt constitutes only a portion of her bonded debts. The bonded debt of our various States amounts to more than \$5,000,000,000. Our counties and cities are also enormously bonded. I wonder how much consideration our commissioners gave to these facts when they agreed to accept three-fourths of this indebtedness. It seems to me they were thinking too much of the interest of Italy and too little of the American taxpayer.

Again, Mr. President, Italy owns all of her own railways, all of her telegraph lines, all of her telephone lines. She likewise conducts a monopoly of tobacco business which is exceedingly profitable to her. I do not recall that the Senator from Utah had much to say about these properties belonging to Italy, when he declared her bankrupt.

Again, I invite the special attention of the Senate to her productions in agriculture, forestry, and mines and minerals, on pages 1042 and 1043 of the Statesman's Year Book. Her manufactures of cotton and silk, of sugar, and of machinery, are all most important and are shown to be in excellent condition and constantly increasing. There is another item of wealth that I do not recall that the Senator from Utah mentioned. It is Italy's navigation and shipping. Her merchant marine consists of 880 vessels of more than 2,700,000 gross tons. She has a splendid merchant fleet. Its business is enormous and growing. She has more than 10,000 miles of railways, and these statistics show that they are paying a profit. She has over 84,000 miles of telegraph wire and more than 116,000 sub-

scribers to her telephones. The life-insurance business of Italy is a state monopoly. She has rich valleys and the very best of farms, and while she does not make all she consumes, still they make wonderful crops in Italy just as they do in Germany. They fertilize their lands well, they work them well, and they get out of them very much more than we do in this country. No European country makes in foodstuffs all that she consumes, unless it be Russia.

Great stress was put on a statement by the Senator from Utah that Italy did not raise all she consumed. No European country does. Great Britain does not do that, France does not do it, Belgium does not do it, Germany does not do it. Russia is the only one that does, and she does not do it entirely.

The Senator from Pennsylvania paints a vivid picture of the poverty and distress of the Italians. You can not get such a picture from actually looking at their country. The northern part especially, while mountainous, is a most prosperous looking country, to say the least of it, and with every available space cultivated. I am afraid that our Debt Commission took the views of the Italian Debt Commission as expressed to them, rather than to dig into the facts independently.

Again, Mr. President, take the \$100,000,000 bond transaction. That transaction shows that J. P. Morgan & Co., international bankers, take a very different view of the Italian situation from what our Debt Commission does. Our Debt Commission took the position that Italy was bankrupt to the extent of 72 per cent. J. P. Morgan & Co. assured the bankers of this country, in selling the bonds, that Italy was bankrupt only to the extent of 6 per cent. The bonds were sold at 94, and I understood they were taken up three times over, and the transaction was at the very time that the Debt Commission was operating.

Did that look like the transaction of a bankrupt? Yet it was at the very time the Debt Commission was operating. If Italy had been in the condition our Debt Commission reports, surely J. P. Morgan & Co., one of the most reliable financial firms in the country, or in any country, would not have been advising its correspondents and customers to accept Italian bonds at 94, if Italy could only pay to the extent of 28 cents.

Mr. President, as I understand it, J. P. Morgan & Co. are the financial representatives of the present Government of Italy. We may rest assured that they know something about Italy's ability to pay. They know what her properties are. They know what her resources of every kind are. They are familiar with her banking situation. They have been lending her money before. It came out the other day that they had lent her recently \$50,000,000 and had taken security therefor. What arrangements there may exist between the Italian Government and the House of Morgan no one knows. I am quite sure that the commission did not ask as to these relationships. The commission does not know, as none of us know, whether the funds arising from the sale of \$100,000,000 of bonds were used for the purpose of taking up the \$50,000,000 previous debt that Italy owed Morgan & Co. or not. We do not know what private securities the House of Morgan still holds belonging to Italy and for the security of this \$100,000,000 of bonds. Is it right for America to give validity to these bonds under such circumstances as here appear? These matters should have been examined into by the commission so that they could have told Congress before this debt settlement was approved. It is an important matter if, as suggested, that Morgan & Co. negotiated these bonds solely on the general credit of the Government of Italy and sold the bonds at 95 per cent of their face value, why, it is perfectly clear that this settlement at 28 per cent should not be approved. On the other hand, if Morgan & Co. have private collaterals to guarantee the payment in whole or in part of these bonds, then it may be that the settlement is all that could be obtained. It is certainly a most significant fact that at the very time Italy was settling her debt to America at 28 cents on the dollar she was contracting another debt through her financial agents in this country at 94 cents on the dollar. It is claimed that one transaction had nothing to do with the other. It is a fallacious claim, Mr. President. If it had not been for the Italian debt settlement, perhaps the \$100,000,000 loan would not have been floated. In other words, in my own mind I have no doubt that the flotation of the \$100,000,000 loan in America was entirely dependent upon whether or not this marvelously good settlement for Italy was agreed to. I think the matter should be referred back to the Finance Committee to hold hearings about this matter and see just what the facts are in reference to the Morgan Italian loan. Many questions have arisen in regard to this loan, but not one word have we seen from the House of Morgan.

ITALY'S SHARE OF REPARATIONS

Mr. President, the Debt Commission seems to have left out of consideration entirely the reparations Italy will receive from Germany under the Dawes plan. Within a year or two she will be receiving something like \$50,000,000 a year as reparations from Germany. For the next 30 years, Mr. President, Italy will pay to the United States an average of a little more than \$20,000,000 a year. She will pay to Great Britain about the same sum. In other words, she will pay to her two foreign creditors about \$40,000,000 a year. She will receive during the same period between \$45,000,000 and \$50,000,000 a year from Germany, so that the enormous sums lent her will be quite easily repaid, if this settlement goes through. And we must remember at all times that \$648,000,000 of this sum that we are canceling was lent to her after the war and should have gone for the benefit of her Government and the upbuilding of her nation. It was not used for war purposes at all, but it was used for peace purposes.

The reparations she will get from Germany will give her a substantial balance of several million dollars after paying all she owes America under this agreement, and after she pays all of her engagements to Great Britain. We must remember that \$648,000,000 of this amount was not loaned for war purposes at all. It was loaned to enable Italy to rehabilitate herself after the war, and, as I shall call to the attention of the Senate later, this money was used for the purpose of putting Italy on her feet. It is not a war debt. It is a debt of the greatest importance to the civilian life of Italy, and yet it is classed as a war debt, and we take 28 cents on the dollar. It is probably more than she ever will get from Germany. In other words, if we accept this settlement, the reparations we will pay Italy will probably be greater than she will get from any of those who were her enemies during the war. I do not know whether these gentlemen took into consideration Mr. Mussolini's views about the Italian capacity to pay. If the Senator from Utah will not be ungracious enough to call me names I will be glad to know.

Mr. SMOOT. Mr. President, I do not ask the Senator to yield to me.

Mr. McKELLAR. I have no doubt for the first time that the Senator from Utah is about to hear Mussolini's ideas with reference to the ability of that nation to pay. I give it to him in Mussolini's own words.

MUSSOLINI'S IDEA OF ITALY'S CAPACITY

Mr. Mussolini is a great speaker and he has talked about many things. I quote from one of his speeches:

We are not in a good condition in Italy; but look at England, opulent, swollen, overgrown, gripped by the throat, and involved in a social crisis of fierce intensity. She is in danger at home and on her borders, in danger of the revolt of all the people of the Mediterranean against her Empire, a revolt which would justify the saying that the Mediterranean is for those who inhabit its coasts.

Look next at Germany, and see what a close escape she has had from an acute communistic crisis. And as for France, is her health perfect? This is no time for the Panglossian creed that everything is going for the best in the best possible of worlds. France is undergoing a hidden crisis, and if she seems more settled, it is for the tragic reason that she is literally exhausted by her military efforts.

And if we look at Switzerland, where unemployment rages, at Spain, at Portugal, at the states that have emerged from the ruin of Austria, at Austria herself, we have reason to comfort ourselves as to our own condition (p. 155, Gorgolini).

I fear, Mr. President, that our Debt Commission did not take into consideration Mr. Mussolini's evidence, wherein he points out that Italy is in a better condition than any of the European nations. Yet we made Great Britain pay at least 66% per cent and the Senator from Utah [Mr. Smoot] says he is going to make France pay more than Italy, and Switzerland has never been affected by the war.

I am afraid they did not have his views when they declared Italy a bankrupt. Here is the statement of her ruler that she was in better condition than any other of the great European nations, and yet while her premier and her autocratic ruler is declaring that she is in better condition than any other nation in Europe our Debt Commission takes 66% per cent of the indebtedness of Great Britain, whom Mussolini commiserates, and accepts 28 per cent from Italy on the ground that Italy is bankrupt. It seems to me they might have taken the opinion of Mr. Mussolini on that subject before bringing in this proposed settlement.

ITALY, RUSSIA, AND MEXICO

But, Mr. President, there is another reason why this settlement should not be entered into at this time. In my own judgment it is a most important reason.

For nearly 10 years we have refused to recognize the Russian Government because of their revolutionary and autocratic form of government. In that country a few revolutionists got together, overturned the government, murdered the royal family, killed or ran out the ruling classes of Russia, and assumed autocratic power. Apparently this autocratic power was lodged in a committee rather than one man, though Lenin was at the head of it.

Our Government has steadfastly refused to recognize the government set up in Russia, as she has a right to do, and the wisdom of this course I am not now disputing.

In 1922, a very similar situation arose in Italy. The revolutionists were called Bolsheviks in Russia and the revolutionists were called Fascists in Italy. In Russia they killed the royal family. In Italy the royal family capitulated and made terms with the revolutionists. The result was precisely the same. Attending the revolution in Italy was violence, murder, oppression, driving out of Italy those who were opposed to the revolutionists, just in the same manner as the revolution had occurred in Russia. Yet our Government refuses to recognize Russia in any way whatsoever and we not only recognize Italy but settle our debt on such liberal terms as will probably make complete the purposes of the revolutionists and turn Italy for all time over to a government quite as autocratic, quite as cruel, as the Government of Russia.

Our Government refused recognition to Mexico for a long time because of revolutions that were perhaps not half as far-reaching and not half as disastrous to human life and human liberty as the revolution has been in Italy, and yet it is only recently that we have recognized the Mexican Government, and even now the friendliness of our association with Mexico is constantly subject to comment.

MUSSOLINI

Mr. President, in my judgment, perhaps the greatest evil that has befallen the Italian people in a hundred years is Mussolini. In the period from 1919 to 1922 Italy's position was indeed a trying one. The King was weak and revolution was rife. The communists were trying to get control and had committed many depredations and outrages. The socialists were likewise trying to get control and their conduct was in every way revolutionary. Mussolini, D'Annunzio, and other revolutionists were each trying to make headway in Italy. The Duke d'Aosta, a near relative of the King, was popular and supposed to be a man of courage and capacity. The King was jealous of him. He had taken an active part in the war and was then a general in the army, and the King supposedly relied on him. Mussolini's nondescript bands of bandits were marching upon Rome. It seems that he was not with them but he was for them. He had become quite a leader and he was to be reckoned with. Evidently the King debated as to what was best and safest for him to do. If he called in D'Aosta he was afraid of revolution from that source which would put D'Aosta in his place, and so he concluded to deal with Mussolini. He sent D'Aosta out of Rome to await his directions and while he was out of Rome the King then sent for Mussolini and made him Premier and turned over supreme power to Mussolini, or at all events, Mussolini assumed supreme power. The King was and has been ever since as putty in his hands and has had no real share in the Italian Government.

According to an Italian paper printed in this country, Mussolini has been careful to arrange salaries for all the royal family and near-royalty. He provides that the King is to receive \$3,250,000 a year, the Duke d'Aosta \$200,000 a year—and we must realize that the King of England, which country Mussolini declares is a poverty-stricken country, does not receive as much—and six other dukes and princes \$200,000 each, while Mussolini takes himself only the relatively small amount of \$70,000 a year. Of course, the King and these princes and dukes are faring very well at the hands of the new dictator and will no doubt, as long as they do the bidding, or until he gets tired of them.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Tennessee yield to the Senator from New York?

Mr. McKELLAR. I yield.

Mr. COPELAND. I am sure the distinguished and high-minded Senator from Tennessee would not wish to mislead the Senate and certainly would not wish to mislead the country.

Mr. McKELLAR. Indeed, I would not.

Mr. COPELAND. I fear that from what the Senator has said to-day and what he said on the 1st of April in discussing the same subject, the tendency for the Senate and country

would be to believe in a thing which is probably not true. I know that the Senator, as he has already said, would not wish to have such an impression prevail.

I hold in my hand a letter which came to me from the Italian Embassy, and in this letter the statement is made that I may inform myself through Mr. Castle, of the Department of State, whether or not the figures given are correct. I took the pains to verify the figures and find that they came to the Department of State through Mr. Fletcher, our ambassador to Italy. The fact, which is quite contrary to the statement of my friend from Tennessee, is that these officers do not receive any such sums as the Senator has stated in his otherwise very interesting address.

If these figures are correct, His Majesty the King receives not the enormous sum mentioned by the Senator, but receives \$450,000. The crown prince receives \$120,000, and members of the royal family all together \$80,000, while the Prime Minister himself receives not the enormous sum mentioned by the Senator from Tennessee, but receives the sum of \$1,000 and \$300 for house rent. These figures are undoubtedly as reliable as any American can receive. I know that the Senator from Tennessee would not wish to impress upon a friendly power the thought that a Senator of the United States was seeking to put out figures which are so exorbitant and extravagant as in themselves to make them break down. If I am rightly advised, the figures which I have stated to the Senate are the correct figures.

I think we ought to be very modest in our expressions here. The country of Italy has a right to maintain its own sovereignty and to maintain its Government in its own way.

Mr. McKELLAR. Mr. President, I am not going to yield any longer to the Senator.

Mr. COPELAND. Certainly the Senator will yield to the extent of allowing me to complete my statement?

Mr. McKELLAR. I am not going to yield for the Senator to make a speech during my speech.

Mr. BINGHAM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Connecticut?

Mr. McKELLAR. I yield to the Senator from Connecticut for a question.

Mr. BINGHAM. It will take but a moment to state what I desire to say. I do not desire to interrupt the Senator unduly. I trust that the Senator will not proceed to give the Senate his opinions with regard to the Government of a friendly power in the spirit in which he has just done. It seems to me our rules in regard to discussing matters concerning foreign nations require that it shall be done in executive session where Senators may express themselves in accordance with their views just as freely and just as earnestly as they please without causing any disruption of friendly relations with foreign nations. I hope the Senator will not proceed as he has done several times this morning. I have been on the point of suggesting that we go into executive session in order that we might receive his opinions without their being cabled all over the world.

Mr. McKELLAR. Mr. President, after having been chastised by my distinguished friend on the other side, which chastisement I accept with all due grace, let me say that I am going to give him not my opinions, but I am going to give him the opinions of the man for whom this settlement is made.

I wish to digress here long enough to say that this is an international question, and it is not only the right but it is the duty of an American representative, as I understand his duty here, before we turn over to another nation, friendly or unfriendly, a billion and a half dollars of the money wrung from the American people by taxation, to look into the facts; and I am making no statement here that can not be made in any forum at any time, and no government that has a concern for its own obligations has any right to complain.

Mr. BINGHAM. Mr. President, I hope the Senator will not misunderstand me—

The PRESIDING OFFICER. Does the Senator from Tennessee yield further to the Senator from Connecticut?

Mr. McKELLAR. I decline to yield further at this time. I am going to give to the Senate the views of Mr. Mussolini himself about a very important matter.

MUSSOLINI, COMMUNIST AND REVOLUTIONIST

A day or two ago, in a colloquy between the junior Senator from Utah [Mr. KING] and myself, the Senator from Utah vehemently declared that Mussolini was not and never had been a communist, that he had only been a socialist, and that I did not seem to know the difference between the two "isms."

Of course, I pass that over. I might say that the Senator from Utah seems not to be very well acquainted with Mr. Mussolini's history, but I will not do that. I merely call his attention to Gorgolini's history of the Fascist Movement in Italian Life (1923) in which he says of Mr. Mussolini:

Having obtained a degree in French letters and become editor of a stirring revolutionary paper, in which he advocated the doctrines of Marx, he was soon expelled, as undesirable, from Swiss territory (p. 30).

This is the man to whom we are giving a billion and a half dollars, who only a few years ago was expelled from Swiss territory for being a communist; and yet, after America has raised a billion and a half dollars from her people by taxation, the Debt Commission proposes to turn over that amount for the purpose of upholding the administration and the power of Mussolini.

Again, on the same page, in speaking of his occupation after he had to leave Switzerland and came back to Italy:

He enlisted as a volunteer in the war against Austria, and performed all his duties as citizen and soldier. Being wounded, he returned to Milan to fight, in the columns of his journal, a battle against that subversionism which was fed by Russian, and perhaps by German, gold (p. 30).

On the subject of violence, says Mr. Mussolini—

And now I am quoting Mr. Mussolini himself. I call the attention of the Senate and the country to the fact that the statements I am about to quote are from Mussolini, to whom we are giving a billion and a half dollars of the American taxpayers' money in order that he may continue his régime.

Thirdly—

Says Mr. Mussolini—

we must choose the rightful objectives of violence. It is not always possible, in the excitement of the moment, but we must try to strike only those who deserve to be struck, and not others. And also, Fascist violence must be chivalrous. Absolutely so.

And again:

Violence is an exception, not a method or a system. It is not directed to personal vengeance, but to national defense. When it has reached its end it is a very grave error to urge it further.

And again:

We must act as strong men, we must watch with pistol in hand, so that the enemy may not be tempted to return to his counter-offensive, and at the same time we must allow ourselves the luxury of being generous and chivalrous toward those who are puzzled or ignorant (p. 104).

And again:

The complaints of the national press in regard to some sporadic individual violence on the part of the Fascists deserve instant attention. Let us first say that to-morrow, or soon after, we will give abundant documentation, through the files of *Avanti*, of the unheard-of verbal and physical violence to which socialists of all kinds and in every part of Italy abandoned themselves during the last electoral campaign.

Mr. President, here is the head of a government with a secret police numbering into the hundreds of thousands, committing almost every kind of violence and depredation upon the people of Italy, who gives as his reason for it and as his excuse for it that the socialists who are opposing him have been violent.

And again:

We add that certain violences on the part of individuals, if not justifiable, are nevertheless explainable.

I read Mussolini as revealed in his political speeches, November, 1914, to August, 1923, by an Italian named Severino.

On page 24, in discussing revolution, Mr. Mussolini says:

The country is young, but its institutions are old, and when, if I may be allowed to quote once more from Karl Marx—

The Senator from Utah [Mr. KING] said Mussolini was not a communist; yet he quotes from Marx—

the old pan-Germanist, a conflict between new forces and old institutions begins to shape itself that means the new wine can not any longer be kept in old skins or the inevitable will occur. The old forces of political and social life of Italy will fall into fragments.

That speech was delivered at Milan in 1915.

Again, in 1917, he quoted Karl Marx approvingly on the subject of revolution. In June, 1921, just before he was Premier, he says:

I know the communists. I know them because a great many of them are my sons—I mean, of course, spiritually [laughter], and I recognize with a sincerity that might appear cynical that it was I who first inoculated these people when I put into circulation among the Italian socialists a little Bergson mingled with much blanqui.

He was the first to inoculate the Italian people with the doctrines of Karl Marx and communism.

In several places in the speeches he speaks of having been a disciple of Marx.

Again, Mr. President, his speeches on revolution and violence show beyond controversy how he felt.

From pages 146-147 I quote from one of his utterances as follows:

I come now to the question of violence. Violence is not immoral.

Violence is not immoral! Here is the Premier with whom we are settling this great indebtedness, to whom we are giving a billion and a half dollars of the money of the American people, defending murder and other forms of violence of which he has been accused.

Violence is not immoral. On the contrary, it is sometimes moral—

Says Mr. Mussolini—

We dispute the right of our enemies to bewail our violence because, compared with that which was committed in the unlucky years of '19 and '20 and with that of the bolsheviks in Russia, where 2,000,000 people have been executed and another 2,000,000 still pining in prison, our violence is as child's play. On the other hand, violence is decisive, because at the end of July and August, having made use of it systematically for 48 hours, we got results which we should not have obtained in 48 years of sermons and propaganda. When, therefore, violence removes a gangrene of this sort it is morally sacred and necessary.

It is morally sacred and necessary to commit murder and other forms of violence.

And again, on page 138, in speaking of necessary violence, Mr. Mussolini says:

But we do not make a school, a system, or, worse still, an aesthetic violence. We are violent when it is necessary to be so. But I tell you at once that this necessary violence on the part of the Fascisti must have a character and style all its own, definitely aristocratic and, if you prefer, surgical.

Aristocratic murder! It is aristocratic to lay violent hands upon and put men in prison, shoot them down in the streets! That is aristocratic violence; and we are giving him a billion and a half dollars to continue his régime of violence in Italy. No doubt, Mr. President, Karl Marx would be delighted to know that he has such a promising pupil.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from New York?

Mr. McKELLAR. I yield.

Mr. COPELAND. Why does the Senator say we are giving Mr. Mussolini a billion and a half dollars to continue his violence, to use the words of the Senator? How can he be violent or raise armies or maintain them under the settlement which we have before us? How does it give him any money with which to do this thing?

Mr. McKELLAR. By this proposed settlement we relieve the kingdom which he controls of a billion and a half dollars of indebtedness, and the interest that might have been paid on the just debts of Italy is to be used for keeping up an army twice as large as ours. To-day they are keeping up such an army. If they are bankrupt, how do they get the money with which to maintain an army which is twice as large as that of the American Army? However, I will come to that in a few moments.

Mr. COPELAND. If the Senator will pardon me a moment further, I wish he would get to it, because I should like to find some way by which I can run my affairs and pay my bills if my creditors will be lenient with the past.

Mr. McKELLAR. O Mr. President, it is not a question of leniency. It is a question of a gift, a gift to a despot, as I shall show in a moment by his own words.

Again, to quote from one of his speeches made in 1923, Mussolini says:

To make a revolution it is not necessary to play a great drama of the arena. We have left many dead on the roads to Rome and naturally anybody who deludes himself is a fool. We have the power and

we shall hold it. We shall defend it against anybody. The revolution lies in this firm determination to hold power.

And again he says:

And now I come to the practical side of the discussion. They speak of liberty, but what is this liberty? Does liberty exist? After all, it represents a philosophic and moral concept. There are various manifestations of liberty. Liberty never existed. The socialists have always denied it (p. 354).

Here is a man who boasts of his violence toward his fellow man in running the Italian Government, who boasts that liberty never lived; and yet America is contributing its billion and a half dollars of her taxpayers' money to keep in office and in power a man with such views to rule over the Italian people.

Again, Mr. President, he admits he is a despot and admits it in no uncertain terms. I quote from his speech made on the 16th day of July, 1923:

I am not, gentlemen, a despot who locks up in a castle protected by strong walls. I circulate freely amongst the people without any concern whatsoever, and I listen to them. * * * Well, the Italian people up to now have not asked for liberty (p. 355).

And again:

And how can you check this discontent? By force? What is the state? It is the police (p. 356).

And again:

They say we want to abolish Parliament.

Mr. President, he has already abolished it.

No; it is not true. First of all, we do not know what we can substitute for it. Parliaments—the so-called technical councils—are still in the embryonic stage.

In his view, the Senate and the House of Representatives are "still in the embryonic stage"; and yet he is asking for a gift from them of a billion and a half dollars of the American taxpayers' money!

Maybe they represent some principles of life.

I suspect that this one will be regarded as representing "some principles of life" if we give Mr. Mussolini the billion and a half dollars that our Debt Commission wants to give to him.

With such subjects one can never be dogmatic or explicit; but in the face of to-day's state of affairs they represent only attempts.

I suppose Mr. Mussolini will call this a righteous attempt.

May be that in a second stage it may be possible to allot to these technical councils a portion of the legislative work (p. 357).

"A portion of the legislative work"!

This man who thus declares that he is the Italian state was the son of a blacksmith, and he himself worked at the trade. That is in no wise to his discredit. If he had risen in the world without violence, it would be to his credit. He went into the army for a short time, and it is claimed that he was wounded and was returned home. How he got out of the army writers seem not to know. At all events, while the war was going on and after he was entirely recovered he became the editor of a newspaper. It seems that he is also a natural leader of men and quite an orator. After the war he was teaching the doctrines of socialism, but the socialists got tired of him and he was turned out of the order. It seems at one time he was forced to leave Italy. He went to Switzerland, and because of the doctrines he taught he was compelled to leave Switzerland, and, finally, about the outbreak of the war, he got into the Italian Army, but was there for only a short time, and seems to have simply gone in and come out. But after the war was over, he became a great man of war.

I want here and now to call attention to some of the things that he has done.

First. He has overturned and destroyed the constitutional government of the Italian people.

Second. Out of the taxes wrung from the people he has in substance bought off the King and those about him.

Third. Out of the taxes of the people he has bought and paid for princes and dukes and other important personages in the Kingdom who were likely to give him trouble.

Fourth. He has abolished free speech in Italy.

Fifth. He has muzzled the newspapers in Italy. They can only print what he directs them to print.

Sixth. He has in substance and in fact abolished both houses of the parliament.

Seventh. He postpones or holds elections at his will.

Eighth. He has established a secret police or cheka, fashioned after the Russian cheka.

Ninth. He has abolished local self-government.

Tenth. These secret police, by his direction, have murdered or made away with or exiled all who have gotten in his way.

Eleventh. He has abolished established trade-unions and co-operative societies in Italy.

Twelfth. He has, by murder, intimidation, or exile, rooted out or attempted to root out Free Masonry in Italy.

I wonder what our Freemason friends are going to say about that. Here we are giving the man who has rooted out Freemasonry from Italy by violence a billion and a half dollars to further his own government.

Mr. HARRELD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Oklahoma?

Mr. McKELLAR. I yield.

Mr. HARRELD. I want to say that I have made some investigations along that line, and I have failed to find any of this so-called mistreatment of the Masons as being directed toward American Masons. Italian Masonry is quite a different thing from American Masonry. It is entirely different. I should like to ask the Senator if he knows whether or not my information is correct—that so far as any persecutions are concerned, they are confined to Italian Masonry?

Mr. McKELLAR. Yes; he is persecuting his own Masons, not the American Masons. The Senator is right to that extent. I never said that he was persecuting American Masons. If he did, he would probably reap the reward of having America look after her own citizens. The Senator is right about that; but the Italian branch of the Masons, as I understand, is a branch of the Scottish Rite Masons that exist all over the world. It is one of the branches of Freemasonry, and here is a man who is undertaking to run out Freemasonry from his own borders.

Mr. HARRELD. Is it not more of a religious question in Italy than it is in this country?

Mr. McKELLAR. It may be that a ruler of a nation who declares with pride that he is a despot, who declares that he has been guilty of all kinds of violence, acted from religious motives in running out Freemasonry in his own kingdom. That may be so. The Senator may be right, but I doubt it.

Mr. HARRELD. Perhaps he is acting from religious motives.

Mr. McKELLAR. I doubt it.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from New York?

Mr. McKELLAR. Yes.

Mr. COPELAND. What did Mussolini do about Masonry?

Mr. McKELLAR. He put his cheka or secret police—and I will give the number of them to the Senator; I think there are about 200,000 of the secret police—on the tracks of the Italian Freemasons, and destroyed some of them and ran many of them out of the country and silenced the rest.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. McKELLAR. I will yield to the Senator from Pennsylvania in a moment, after the Senator from New York has concluded.

Mr. COPELAND. Just a moment. Did not Mr. Mussolini do exactly what the State of New York did about the Ku-Klux Klan when it said that there could not be an order whose membership was kept secret, insisting that the Ku-Klux Klan in New York should reveal the names of their members? Is not that what Mr. Mussolini did regarding Masonry in Italy?

Mr. McKELLAR. I know what Mr. Mussolini has done, because I have read it from authoritative sources; but I do not know what the State of New York has done and has declared. That is a matter of some doubt.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

Mr. McKELLAR. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I have been informed that the Masonry of France and Italy is professedly antireligious, and that for that reason the Masonry of Great Britain and of America, which is frankly religious, has declined to recognize the French and Italian Masons as being members of the same order. Has the Senator information on that point?

Mr. McKELLAR. I have no information about that matter. I will say, however, that I would not have very much confidence in the views of Mr. Mussolini when he takes up the religious side of any question, in view of the record of his life as he gives it and as I have presented it here in his own words, not in mine. I doubt very much whether Mr. Mussolini, in his war on the Italian Freemasons, is impelled by religious beliefs or principles.

Mr. REED of Pennsylvania. Disregarding for a moment the secret of motives of men, which we are unable to fathom—

Mr. McKELLAR. We can fathom them from what they say; and I read to the Senate this morning—I do not know whether the Senator from Pennsylvania was here or not—excerpts from Mr. Mussolini's speeches which show conclusively what he thinks and how he feels in the inner recesses of his heart toward his fellow men. I yield further to the Senator.

Mr. REED of Pennsylvania. The Senator would be impressed, I should suppose, by the statements of the Encyclopedia Britannica as to the difference between Masonry in Italy and Masonry in our own country, and the fact that one of them is frankly atheistic and antireligious, while at home what we know as Masonry is profoundly religious. The Senator thinks that distinction is important, does he not?

Mr. McKELLAR. If it is correct, it is important. I have no knowledge about what the beliefs of European Freemasonry are.

Mr. REED of Pennsylvania. The Senator can find them in the encyclopedia.

Mr. McKELLAR. I do have some knowledge about American Freemasonry. It is intensely religious and in no wise opposed to the church.

Mr. SHORTTRIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from California?

Mr. McKELLAR. I yield to the Senator from California.

Mr. SHORTTRIDGE. The inquiry put by my friend the Senator from Pennsylvania prompts me to observe that I am not aware that the Italian Masons or the French Masons or any legitimate Masons in the world are atheistic. I understand that the fundamental principle of Free and Accepted Masonry throughout the world is a belief in the immortality of the human soul, and the accountability hereafter of man for what he does on this earth during this little spell we call life.

Mr. McKELLAR. I will say to the Senator that I have always so understood.

Mr. SHORTTRIDGE. I am not aware that any man can be a Mason anywhere in the world who does not subscribe to a firm belief, without evasion or equivocation or any mental reservation, in a Supreme Being, and, to repeat, the immortality and the accountability of the human soul.

Mr. McKELLAR. I have always understood that to be so.

Mr. SHORTTRIDGE. I do not wish to get into any controversy over the matter with my friend from Pennsylvania, but I was surprised at the implication of his question.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a further question?

Mr. McKELLAR. Just one moment. I simply want to say that while I am not an expert on the subject, I have always understood that the principles and doctrines of Freemasonry were substantially as has been well stated by the Senator from California; and I am quite sure, without having direct knowledge about it, that the Freemasons of Europe hold a like doctrine, and a belief in religion and in the immortality of the soul.

Mr. REED of Pennsylvania. The Senator has very kindly yielded to me once. Will he yield again?

Mr. McKELLAR. Indeed I will.

Mr. REED of Pennsylvania. The Senator's information can be completed by a mere reference to the encyclopedia as to the distinction between British and Italian Masonry. Now I want to ask the Senator this question:

If, in a nation so profoundly religious as Italy, an organization arises which is professedly antireligious and atheistic, and endeavors in every way to obstruct the peaceful worship of the religious people of Italy, does the Senator think that the movement against that organization ought to be discouraged even by talk in the United States Senate, just because they throw over themselves this distinguished name of Masons?

Mr. McKELLAR. Mr. President, Mr. Mussolini having started life as a communist, as a disciple of Karl Marx, having been for a long time a socialist, until he was turned out of that order, and now being a professed believer in violence, in the commission of all kinds of violent crimes; having a secret army in his own country known as the national police, known in Russia by the name of "Cheka," having for its purpose arresting, trying, and condemning, without public trial, I want to say that I would not have very much confidence in the religious belief of Mr. Mussolini. A man who is a communist does not believe in God, and Mr. Mussolini certainly was a communist—

Mr. REED of Pennsylvania. Mr. President, will the Senator yield there?

Mr. McKELLAR. And a disciple of Karl Marx. He may be, in the political exigencies of the case, a religious man now, but if so, he has recently become such. I have read a number of lives of Mr. Mussolini. I examined into his record before I brought this material to the Senate. I find nothing in his nature or in his speeches—and there are several books of his speeches—I have never seen anything about his record that indicated in the slightest degree a religious nature, and if Mr. Mussolini is attempting to defend himself and his violence toward the Freemasonry of Italy by claiming that he thus acts because of his religious belief, I would not have any more confidence in him after he made the claim than before.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. REED of Pennsylvania. Does not the Senator realize that it is a matter of world-wide knowledge that Mussolini and the movement which he heads have saved Italy from communism?

Mr. McKELLAR. Mr. President, I know that is claimed for him, but instead of having saved Italy from communism, unless I am more mistaken in the political situation than I ever believed I could be, in Italy to-day they have a government following even harsher, more cruel, more criminal practices than have ever been indulged in by any communists.

Mr. REED of Pennsylvania. Does not the Senator know that the Fascist movement has brought about a state of order in Italy so that to-day the streets of Naples are safer than the streets of New York?

Mr. McKELLAR. I am glad the Senator mentioned that fact, because it reminds me of something I saw with my own eyes.

Two years and a half ago I visited the city of Moscow, where the bolsheviks reigned supreme. Instead of having a one-man communistic government, as they have in Italy, they have a government presided over by several men. I want to say to the Senator and to the Senate that I have been in all the cities of this country, and I believe of Canada, and most of the cities of Europe, and I have never seen such perfect order in all my life as I saw in the city of Moscow. Why was that so? Because the government had killed off all of its enemies, and the citizens were afraid to have disorder in Moscow. I have no doubt in my own mind that if conditions in the city of Naples are as the Senator has described them, it means that the secret police, under Mr. Mussolini, have taken such cruel and inhuman steps as to make every one in that great city afraid to act.

Mr. JOHNSON. Mr. President, I think somebody ought to say a word in behalf of the police of New York. The fact of the matter is that in my opinion, from traveling the world to a limited extent, the best police force there is in the world is to be found in the city of New York to-day. I speak of surface indications; I know nothing of what goes on under the surface. So far as regulation is concerned, so far as protection is concerned, so far as efficiency is concerned, there is no police force, in my opinion, on the face of the earth, that comes within gunshot distance of the police force of the city of New York.

Mr. COPELAND. Mr. President—

Mr. McKELLAR. Mr. President, when the Senator first asked me about Naples I had in my mind to refer to the city of Moscow, which is ruled in somewhat the same way. I intended also to say something along the line of what has been said about New York City by the Senator from California, who has, however, said it much better than I could possibly say it. I frequently visit New York and I see no such disorder there as the Senator from Pennsylvania charges exists there. Of course, I do not know the inner workings of the police force, but it has always seemed to me that it was one of the best, one of the most efficient, one of the strongest police forces in the Nation. I believe that New York is a well regulated city and I am sure that is not due to fascism or communism or socialism or any other "ism," but is due to a splendid American spirit of efficiency that exists there.

Mr. SHORTRIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator yield to the Senator from California?

Mr. McKELLAR. I yield first to the Senator from New York and then I will yield to the Senator from California.

Mr. COPELAND. I am sure the Senator from Pennsylvania was using "New York" in the generic sense, meaning Pittsburgh and all the other cities of the country as well, because, as the Senator from California has said, New York is the best governed city in the country and has the best police force and is the best city in every sense. That is recognized, and I think the Senator from Tennessee will admit it.

Mr. WILLIAMS and Mr. JOHNSON rose.

The PRESIDING OFFICER. Does the Senator yield, and if so, to whom?

Mr. McKELLAR. I must yield first to the Senator from Missouri. I want to yield to all Senators.

Mr. WILLIAMS. I merely wanted to inquire of the Senator from Tennessee whether he did not think the Senator from California was referring to the high intelligence of the policemen in New York City as evidenced by a little story which is told of a Frenchman who was run over by an automobile. When dragged to the curb on the side of the street, he said to the policeman, "Parlez vous Français?" to which the policeman replied, "No; Chevrolet coupé." [Laughter.]

Mr. McKELLAR. I yield now to the Senator from California.

Mr. SHORTRIDGE. I dislike to interrupt the Senator's interesting historical review—

Mr. McKELLAR. I do not mind interruption as long as the Senator does not call me names.

Mr. SHORTRIDGE. I understand the Senator from Tennessee opposes the proposed settlement with Italy.

Mr. McKELLAR. Yes; I do.

Mr. SHORTRIDGE. May I inquire whether the Senator thinks that Mussolini is to pay the debt or the Italian people are to pay it?

Mr. McKELLAR. Such of it as we are seeking to recover is to be paid by the Italian people, but the Senator can realize that if we relieve the present Italian Government by a stroke of the pen of a billion and a half dollars, it will add very greatly to the stability and the power and influence of the Mussolini government, which I do not think is a good government for the Italian people. I now yield to the Senator from Pennsylvania if he desires to interrupt.

Mr. SHORTRIDGE. Pardon me for a moment. The Senator has answered my question. The thought I wish to draw out is this: No matter what may be thought of Mussolini, in the final analysis the Italian people, not the individual, Mussolini, will pay whatever amount is agreed upon to be paid.

Mr. McKELLAR. I will say, in answer to the suggestion made by the junior Senator from California, that if the settlement were with the Italian people and for their benefit, if I could be made to believe that it was to give them even a larger measure of liberty; if it were not, as it appears to me, an aid to another war brought on by their ambitious premier; if what we do with this debt could benefit the Italian people, for whom I have the profoundest respect and esteem, I should be very glad to go the limit in arranging any settlement with Italy.

Mr. NORRIS. Mr. President, may I suggest to the Senator from Tennessee that it is not the Italian people who are to pay; it is the American taxpayers.

Mr. McKELLAR. Of course. I will continue now for just a moment. I was enumerating what this self-called despot was doing for the Italian people.

Thirteenth. He has increased the army, navy, and air service of Italy.

Fourteenth. His autocratic rule is as complete as that of the Bolsheviks in Russia and infinitely more concentrated, as it is all in himself.

Fifteenth. The methods of Mussolini and the methods of Lenin and Trotsky are exactly the same. Originally they held the same views and probably Mussolini's views have not changed much. The only difference between the two systems is that Lenin and Trotsky murdered the royal family in Russia, and in Italy Mussolini let them live and bought them off.

Mr. President, there is no use in our camouflaging this situation. These are the plain facts. Does free America, does liberty-loving America, does justice-loving America want to uphold and defend, furnish the sinews of war and make secure for all time this dictator bandit, or would we like to help the Italian people? To my mind this is the great question before us. I not only believe that if we ratify this settlement we will do great injury to the American people, and especially to the American taxpayers, but I believe we will do a greater injury to the Italian people. We would be just as well justified to recognize Russia and take up the cudgels for the autocratic soviet régime in Russia as to ratify this settlement with Mussolini and take up the cudgels for his autocratic rule.

Mr. REED of Missouri. Before the Senator gets away from this other thought—

Mr. McKELLAR. I yield.

Mr. REED of Missouri. The Senator was asked, in an ironical way, whether he thought Mussolini was going to pay these debts. I beg to suggest that Mr. Mussolini has a good deal to do with the present ability to pay.

Mr. McKELLAR. Indeed he has.

Mr. REED of Missouri. Which is the test we are now applying.

Mr. McKELLAR. I thank the Senator for his contribution to the debate.

INTERNAL AFFAIRS

But, Mr. President, it is said that we have no right to be concerned about Italy's internal affairs. That we have no right to criticize the government that it now has. Why, Mr. President, the proposed settlement affects the internal affairs of both nations. It affects the internal affairs of America by taking an indebtedness of a billion and a half dollars off of the taxpayers of Italy and placing the burden upon the taxpayers of America. It is in every sense an international affair. It is absolutely proper that we should inquire whether this great gift of the American people is going to benefit the Italian people or whether it is going to inure to the personal and political fortunes of a revolutionist dictator. I say again that I would have a thousand times rather cancel the Italian debt if thereby it would inure to an orderly, peaceful, free, righteous government of the people of Italy, but I can not reach the conclusion that we ought to be thus liberal with a revolutionary government that may fall at any time.

MUSSOLINI'S AMBITION

Almost daily we see the evidences of Mussolini's ambition. From his published statements, it is perfectly apparent that he feels he is another Caesar or another Napoleon. He has visions of empire. He imagines himself as being the Man on Horseback. Of course he has no regard for financial obligations. In my own judgment I do not believe he would have ever sent a commission over here to treat about these past obligations had it not been for his desire to raise \$100,000,000 by a loan in America. His only regard for financial obligations is to get finances to back up his ambition. He wants to get rid of these debts to America and Great Britain naturally. He sends his agents over here and they plead bankruptcy, and while they are pleading bankruptcy over here, he is holding out to the Italian people in his speeches visions of the revived glory of Rome. He tells them he is going to build them a new Rome greater than the old Rome, a new empire greater than the old empire. He is undertaking to dazzle their imaginations and awaken their ambitions, and all for his own selfish ambition, and we are told by our debt-funding commission that we must help him. Mr. President, why should free America undertake to aid this bandit in his exploitation of the Italian people? We all know that Mr. Mussolini has flouted his treaties made solemnly with other nations. He has invaded territory of others in violation of those treaties. He has flouted the League of Nations of which his government is a member. He has tried to bring on war with Germany. He has disregarded, not only the right of individuals in his own country, but he has disregarded the right of every free nation of the world. Of course, Mr. President, under these circumstances, we have a right, nay, it is our greatest duty, to look into the nature of this government to which we are offering the enormous prize of more than a billion and a half of dollars.

NO HARD BARGAIN

But it is said that those of us who oppose this treaty want to drive a hard bargain with Italy. This is not true. I would not want to drive a hard bargain with Italy. I would be glad to be exceedingly lenient to her, but I think, considering the government she has, considering her resources, considering her capacity to pay, that the insignificant sum that we are demanding from her in this proposed settlement is permitting her to escape from her just obligations. Why should she be given better terms than is given Belgium, when Belgium lost her all during the war? Belgium has a constitutional government. She has a just and honorable man at her head. She does not present the spectacle of revolution, of violence, of anarchy, and yet the settlement with Italy is infinitely better for her than was our settlement with Belgium.

Why should we give Italy better terms than we give France? Nay, why should we give any of them better terms than we gave to our own kindred in Great Britain. Practically every real argument that has been made in favor of this settlement could have been made for these other countries. Great Britain raises on her farms but a fraction of what she consumes. France does not raise what she consumes. Belgium does not raise what she consumes. Every argument that has been made in reference to the resources of Italy could, with equal force be made with regard to the natural resources of each of the other nations.

It is not true, Mr. President, that anybody is trying to drive a hard bargain with Italy. Ah, Mr. President, the hard bargain in this case is not toward Italy, but it is toward the American

people. The hard bargain that this commission is undertaking to drive home is to make this Congress ratify and confirm one of the hardest bargains that was ever proposed toward the American people. The hard bargain that is being undertaken to be riveted upon the American people is to take an indebtedness of a billion and a half of dollars off of the backs of the people of Italy and place it upon the backs of the American taxpayers.

ARMY, NAVY, AND AIR FORCE

Mr. President, in considering Italy's ability to pay us more, our Debt Commission did not seem to take into consideration the relatively enormous sums that are now being expended by Italy on her army, navy, and air service, in other words, the sum that she is now spending to prepare for war. The despot of Italy—and he calls himself that—as I have heretofore pointed out, is anxious to make war. He is building up his army and his navy and his air service for that purpose. America has an army of about 125,000 men. Italy has an active standing army of 220,898 men. She has organized reserves of 947,912 and unorganized reserves of 1,500,000. She has 18,000 military officers, and she has a police force—the Italian cheka—of 290,000. Its police force is more than twice as big as our army, and yet, Mr. President, we are furnishing the sinews of war for Mussolini to maintain this great standing army, which is a constant menace to the peace of Europe. We are helping him do it. In addition to that, Italy has a navy of 5 battleships and battle cruisers, she has 15 lighter cruisers, she has 135 destroyers and torpedo boats, and she has 2,460 officers and 43,000 men in her navy. And we are called upon in this settlement to tax the American people to keep up this great naval army. What need has Italy for this naval armament anyway? The only purpose of it can be and the only purpose of this army can be to prey upon weaker nations around her, and yet we are helping her to maintain both army and navy.

Mr. Mussolini has recently organized an air service and is spending large sums for that. He has 753 officers in his air service and more than 10,000 enlisted men. When our Debt Commission were considering Italy's ability to pay, did they consider the lessening of the Italian Army and the Italian Navy as they should have done?

I herewith attach as Exhibit B statements from the library concerning the army, navy and air service of Italy. I call especial attention of Senators to this statement. It is a very enlightening one.

Mr. President, I ask unanimous consent that the statement may be printed in the RECORD without reading.

The PRESIDING OFFICER. Without objection it is so ordered.

[See Exhibit B.]

BUDGET

Mr. McKELLAR. In this connection, Mr. President, I call the especial attention of Senators to Italy's budget. She spent for the year ending June 30, 1925, about \$850,000,000. More than half of it she spent under the heading of "Treasury and finance." Probably \$140,000,000 of this was spent in interest on her internal bonds and other obligations. What the other \$350,000,000 was spent for, we do not know. She spent \$6,000,000 more on foreign affairs, \$17,000,000 on colonies, \$50,000,000 on education, \$37,000,000 on interior, \$45,000,000 on public works, \$48,000,000 on communications, \$95,000,000 on war, \$42,000,000 on the navy, and about \$20,000,000 on air service, and \$7,000,000 on agriculture, commerce, and labor combined. In other words, apparently out of the \$850,000,000 spent by her in 1925, probably half of it was spent in interest on bonds which financed past wars, and about \$170,000,000 on future wars, or preparing for future wars, and little or nothing on building up her country. It seems to me, Mr. President, our Debt Commission ought to have insisted that she cut her great standing army in two. It would be better for Italy, better for her people and better for the civilized world. If she had done so, she could have paid Great Britain twice as much as she did pay and have paid America what she in equity and good conscience should have paid America.

COMPARISON OF BRITISH AND AMERICAN SETTLEMENTS

But the advocates of this settlement say that Italy's debt to Great Britain was between two and a half and three billions of dollars, and that under the British settlement she does not pay Great Britain much more than she pays America. Ah, Mr. President, there is a reason for this. The reason is to be found in the secret agreements that have come to light. During the war she was promised by Great Britain that if she went into the war and stayed in the war, equitable adjustments of this indebtedness would be made, and it was this factor that

accounts for the remarkable settlement that she obtained from Great Britain, but even then, Mr. President, Great Britain got the best of it, because she has in her own possession more than \$110,000,000 of gold to carry out the debt settlement made by her.

But, Mr. President, we have no such secret agreement with Italy. The result of our going into the World War was for Italy's benefit. We also lent her a billion dollars for war purposes, and after the war was over we lent her an additional \$648,000,000. In other words, Mr. President, not for war purposes, but for peace purposes, for rehabilitation purposes, we lent the Italian Government \$648,000,000. Under this settlement we cancelled about one-third of this \$648,000,000 and all of the thousand million we lent her for war purposes. Surely we have done our part. The obligations of Great Britain and our obligations toward Italy are very different. As I understand it, all of Great Britain's money was spent by Italy for war purposes. Whatever may be said of the thousand million loan to Italy for war purposes, surely she should pay back the \$648,000,000 she borrowed from us after the war was over, together with the same rate of interest on it that we pay.

THE SENATOR FROM PENNSYLVANIA'S BAD PICTURE

Mr. President, I was greatly interested in the splendid speech made by the junior Senator from Pennsylvania [Mr. REED]. I was greatly touched by his pathos as he described the poverty of the Italian people, the bleak hills on which they live, their wasted homes, and their lack of fuel. Mr. President, I have not traveled all over Italy as the Senator from Pennsylvania apparently has, but I traveled in the northern portion of the country two years ago. I did not see the suffering then that he depicts. That part of it that he speaks of as bleak hills I thought as beautiful as I had ever seen. The eye can not imagine anything much prettier than the mountains and the valleys in northern Italy. Their crops appear to be abundant. Their houses were in good order, much better than many of the houses that many of our people live in, their lands were better tilled than ours. Grapes were growing everywhere, and I could see little evidence of the misery which the Senator from Pennsylvania describes.

But, as I say, I did not go over all of it, and I can only call attention to that which I saw. And, furthermore, I say that the description that Senator REED gives of Italy in his pathetic but powerful plea, that we should make a present to the present Italian Government of a billion and a half dollars, differs wholly from the picture as painted by Mr. Mussolini, which I have heretofore read.

Ah, Mr. President, speaking of pictures, the very day that the distinguished and able Senator made his speech, as I left my hotel I came by an employment office on Pennsylvania Avenue and there stood dozens of citizens standing around waiting for the office to open, with the hope of getting employment; and involuntarily, as I listened to the eloquent plea of the distinguished Senator for Italy, for Mussolini, for building up the power of a despot and a dictator, I could not help but think that perhaps our charity had better begin at home.

More than that, Mr. President, as I listened to him my mind turned to a visit I paid to western Pennsylvania several years ago when there was a great steel strike on and when I was sent with other Senators to investigate and see if an adjustment of it could not be found. I recall one morning that I went to the little town of Monessen—if I remember the name correctly—and examined into the homes of the people who lived there, and I was unable to speak to any of them, and they were unable to speak to me, because they did not know our language, and I did not know any of theirs. I was told that out of the 23,000 people who lived there, 21,000 of them could not speak the English language and only 2,000 of them could. I was told also that they spoke 26 different languages. I found, through interpreters, that they were unfamiliar with our institutions, that they did not go to American schools, that they had very little education, and that many of them did not really understand that for which they were striking. This town is a suburb of the great city in which the distinguished Senator lives. There are numerous other little towns around there and all in relatively similar situations, as we found on investigation. And as I listened to the eloquence of the great Senator from Pennsylvania, my mind could not help but turn again to his neighbors near Pittsburgh and wonder if it would not be better to use a part of this billion and a half that we are going to turn over to an Italian despot to make his neighbors a little better Americans, to give them a better training in citizenship, to give them a better chance in their race of life. Again, Mr. President, it seems to me that charity ought to begin at home.

Again, Mr. President, down in my own country there are many people whose lives are just as hard as the lives of those

who live in Italy. They have not as good homes to shelter them. They have no better food to give them nourishment. They have no better advantages than have the Italians, and I am wondering whether it would not be better to use a portion of this billion and a half of dollars in improving their conditions.

Ah, Mr. President, one other illustration. In the great cities of our country there are many poor people. Their lives are hard in the extreme. Many of them do not get the necessities of life. It is a constant struggle with them to live, right here in our own country. Oh, when we are distributing charity, when we have a billion and a half dollars to give away, and to give away to an Italian despot, would not it be a little better and a little more human to make the lives of our own people better and happier and more successful. I was touched indeed by the plea of the distinguished Senator for the people of another country; but, Mr. President, as long as there is suffering and want in our own country, as long as there are poor housing conditions in our own country, as long as there is unemployment and poverty and want, it seems to me that it is the duty of us as representatives to be just to our own people before we are generous to the people of other nations, and especially before we are generous to a man who proudly declares himself to be a despot, ruling by force and violence, without regard, as it seems, for either God or man, for law at home, or for contract abroad.

Oh, Mr. President, it is little short of a crime to give this vast sum of money to this Italian despot. A settlement to-day means nothing because if the Italian people ever come to themselves and shake off this yoke of tyranny, one of the first things they will do will be to repudiate his acts in this settlement as well as in all things else, and the people of the United States will have yet again to settle with the representatives of the Italian people. In making these remarks, Mr. President, I have no hard feeling against the Italian people. Their plight may indeed be pitiable but no more pitiable than many people in this country. I for one here declare that when it comes to charity, as in all else, that I believe in America first.

EXHIBIT A

STATESMAN'S YEARBOOK, 1925

PAUPERISM

In Italy legal charity, in the sense of a right in the poor to be supported by the parish or commune, or of an obligation on the commune to relieve the poor, does not exist. Public charity in general is exercised through the permanent charitable foundations, called "Istituzioni pubbliche di beneficenza" (Opere pie), regulated by the law of July 17, 1890. The general results of an inquiry in 1900 were: Leaving out of account institutions intended for lending or for the encouragement of saving (that is, monti di pietà, monti frumentari, casse di prestanze agrarie), there were 27,078 opere pie, with a gross capital of about 2,205,000,000 lire. Their net income amounted to 52,559,000 lire. Added to this net income were casual legacies, contributions from private benefactors, subsidies from communes (for hospitals), etc., all of which receipts are spent annually, and thus the sum at the disposal of the opere pie in 1900 (last available data) amounted to 120,765,000 lire. Between 1901 and 1917 the capital of all the benevolent institutions was increased by 385,000,000 lire. On December 31, 1921, the charitable foundations numbered 34,463, and their capital was 2,786,372,770 lire.

FINANCE

REVENUE AND EXPENDITURE

Direct taxes are those on lands, on houses, and on incomes derived from movable capital and labor. The tax on houses is at the rate of 12.5 per cent (with three-tenths additional) of the amount taxable, which is two-thirds of the real annual value in the case of factories and three-fourths in the case of dwelling houses. The tax on incomes from movable wealth was raised to 20 per cent of the amount taxable. The communes and Provinces also tax lands and buildings. The State grants to the communes one-tenth of the proceeds of the tax on incomes as compensation for other communal revenues made over to the State by various laws.

The principal indirect taxes are the customs duties, the octroi, the taxes on manufactures, the salt and tobacco monopolies, lotto.

Total revenue and expenditure for five years:

Years ending June 30—	Total revenue	Total expenditure	Difference
	<i>Lire</i>	<i>Lire</i>	<i>Lire</i>
1920-21.....	23,052,053,743	37,685,951,732	-14,633,897,989
1921-22.....	25,135,688,958	37,784,785,990	-12,649,097,032
1922-23.....	24,260,466,468	24,655,403,870	-394,937,402
1923-24 ¹	20,362,791,723	21,550,329,357	-1,187,537,634
1924-25 ¹	20,001,880,851	10,949,567,132	+9,052,313,719

¹ Estimates.

Estimates for year ending June 30, 1925

Sources of revenue	Lire	Branches of expenditure	Lire
ORDINARY		ORDINARY	
State property:		Finance.....	7,144,659,593
Real property.....	50,446,175	Justice.....	307,293,100
Railways.....	346,000	Foreign affairs.....	45,815,000
Direct taxes:		Instruction.....	938,405,626
Land tax.....	170,000,000	Interior.....	654,031,610
Income tax (person- ally).....	2,300,000,000	Public works.....	288,139,700
House tax.....	250,000,000	Posts and telegraphs.....	932,247,160
Taxes on transactions:		War.....	1,735,320,600
Succession duties.....	65,000,000	Marine.....	875,072,800
Registration.....	740,000,000	National economy.....	181,723,842
Stamps.....	520,800,000	Colonies.....	171,470,100
Taxes on railway traffic.....	126,000,000	Total of all ordi- nary.....	13,354,179,133
Indirect taxes, excise and customs.....	2,751,950,000	EXTRAORDINARY	
Monopolies:		Finance.....	4,817,389,116
Tobacco.....	2,900,880,000	Justice.....	66,683,772
Salt.....	171,000,000	Foreign affairs.....	42,606,000
Lotteries.....	325,000,000	Instruction.....	201,878,098
Quinine.....	18,200,000	Interior.....	95,857,311
Public services:		Public works.....	861,016,000
Post.....	500,120,000	Posts and telegraphs.....	188,668,172
Telegraphs and tele- phones.....	294,000,000	War.....	104,547,946
Repayments.....	345,271,562	Marine.....	49,973,230
Total (including various receipts).....	16,028,560,448	National economy.....	70,754,331
Virements.....	62,275,591	Colonies.....	95,900,000
Total ordinary.....	16,090,836,040	Total extraordi- nary.....	6,595,387,999
EXTRAORDINARY		Grand total.....	19,949,567,132
Various receipts.....	100,699,407		
Movement of capital.....	3,045,899,318		
Railway construction.....	250,000,000		
Total extraordinary.....	3,911,044,811		
Grand total.....	20,001,880,851		

¹ Virements indicate money received and expended for special purposes. Though expenditure of this nature is here shown only for the treasury and the ministry of finance, it is distributed among all the ministries to the total amount stated in the next table.

In the budget statement the revenue and expenditure are distributed over four categories, summarized as follows:

1924-25	First category (effective)	Second category (construction of railways)	Third category (movement of capital)	Fourth category (virements)	Total
	Lire	Lire	Lire	Lire	Lire
Revenue.....	16,643,705,942	250,000,000	3,045,899,318	62,275,591	20,001,880,851
Expenditure.....	17,998,935,230	250,000,000	1,638,356,309	62,275,591	19,949,567,132
Difference.....	-1,355,229,288		+1,407,543,008		+52,313,719

PUBLIC DEBT

Interest (including premiums) and sinking fund of the public debt on July 1, 1924:

Debts	Per cent	Rentes, inter- ests, etc.	Sinking fund	Year of extinc- tion
I. Consolidated debt:				
Rentes at 3½ per cent (ex. 3½)	3½	284,925,462	8,140,727,504	
Rentes at 3 per cent.....	3	4,802,119	160,070,666	
Rentes at 3½ per cent.....	3½	33,039,773	943,993,516	
Rentes at 4½ per cent.....	4½	32,427,491	720,610,923	
Rentes at 5 per cent.....	5	1,729,957,500	34,499,150,000	
Total consolidated debt.....		2,090,152,347	44,464,552,610	
II. Obligations.....	3-5	106,966,537	2,492,611,300	1940-1960
III. Permanent annuity due to the Holy See.....	3-3½	3,225,500	64,500,000	
IV. Debts separately inscribed.....	3-5	5,900,000	180,916,000	1940-1961
V. Various debts.....		1,772,304,557	36,053,028,918	1926-1985
Total debt (including all items).....		3,968,655,435	83,235,074,274	
Floating debt:				
Treasury ordinary bonds (in- terest).....		1,105,000,000		
Current accounts (interest).....		25,000,000		
Advances by the bank.....		20,900,000		
Total.....		1,150,900,000		

¹ By-law of May 1, 1912, the interest on the 5 per cent (gross) and 4 per cent (net) consolidated debts is reduced from 3½ per cent (net) to 3¼ per cent.

The capital (nominal) of the consolidated and redeemable debt amounted to 72,574,300,000 lire on July 1, 1920, and the interest to 3,542,000,000 lire.

On June 30, 1923, the property of the State was as follows:

	Estimated value, lire
Financial assets (treasury).....	24,687,848,211
Property, immovable, movable, loans, and various titles.....	7,774,973,423
Property of industrial nature.....	7,105,444,217
Material in use in army and navy.....	5,063,638,047
Property used in the service of the State.....	1,667,546,713
Scientific and artistic material.....	282,931,329
Total.....	46,532,381,938

In the financial year 1922-23 the revenue from State property was: Ecclesiastical, 272,364 lire; from fixed capital, 17,361,169 lire; from the Cavour Canals, 6,037,728 lire; various, 2,477,064 lire; total, 26,748,925.

DEFENSE

I. FRONTIER

The extent of the land frontier of Italy is as follows: French frontier, 300 miles; Swiss, 418; Austrian, 566; frontier of San Marino, 24; in all (exclusive of San Marino), 1,284 miles. The coast line of the peninsula measures 2,052 miles; of Sicily, 630; of Sardinia, 830; of Elba and the small islands, 648; the total length of coast is thus 4,160 miles.

On the Continental frontier of Italy the principal passes of the Alps are defended by fortifications. The basin of the Po is also studded with fortified places; the chief strong places in the region are the following: Casale, Piacenza, Verona, Mantua (these two belong to the old Austrian Quadrilateral), Venice, Alessandria. On the coasts and islands are the following fortified places: Vado, Genoa, Spezia, Monte Argentario, Gaeta; works in the Straits of Messina, Taranto. To the north of Sardinia a group of fortified islands form the naval station of Maddalena. Rome is protected by a circle of forts.

II. ARMY

Service in the army (or navy) is compulsory and universal. The total period is 19 years, beginning at the age of 20. The young men of the year are divided into three categories; the first being posted to the permanent army; the second also to the permanent army, but with "unlimited leave"; and the third—that is, those exempted from active service—to the territorial militia. The second-category men form what is called the "complementary force."

The term of service in the ranks of the permanent army is 18 months for all arms. After passing through the ranks, the men are placed on "unlimited leave"; that is, they are transferred to the reserve, in which they remain until they have completed a total of eight years' service. From the reserve the soldier passes to the mobile militia, the term of service in which is four years. After completing his time in the mobile militia he is transferred to the territorial militia, in which he remains seven years; thus finishing his military service at the age of 39.

The second-category recruits are regarded as belonging to the permanent army for the first eight years of their service. During this period they receive from two to six months' training, which may be spread over several years. They then pass to the mobile militia, and afterwards to the territorial militia, the periods of service in each being the same as in the case of the first category soldiers. The men allotted to the third category, who are posted at once to the territorial militia, receive 30 days' training.

In Italy each regiment receives recruits from all parts of the country, and the troops change their stations by brigades every four years. On mobilization regiments would be filled up by reservists from the districts in which they are quartered at the time. Reliefs are so arranged that at least half the reservists shall have previously served in the unit which they would join on mobilization.

The field army is organized into 10 territorial army corps, subdivided into 30 divisions and 2 cavalry divisions, and includes the general staff and commands of the larger units, the royal carabinieri, infantry, cavalry, artillery, engineers, aerial corps, the military districts, invalid and veteran corps, mechanical transport, railway transport, medical corps, supply corps, administrative services, veterinary corps, the military schools, institutes, and various technical establishments, the army and navy supreme tribunal and the military penal establishments.

Besides the above-mentioned units, the volunteer militia for national security was formed by decree of August 1, 1924. It is organized in 12 areas and 95 legions. Its members are required to fulfill the normal obligations of service in the active army. The establishment of the active army in 1924 was: Officers, 18,000; other ranks, 290,000, inclusive of Carabinieri.

The army corps consists of 2 divisions, the divisions of 2 brigades of infantry each of 3 battalions, and of artillery, engineers, and auxiliary services. A regiment of Bersaglieri and a proportion of heavy artillery will be attached to each army corps.

Each regiment of Bersaglieri (light infantry) consists of 3 battalions of infantry and 1 battalion of cyclists, the cyclists being intended to supplement the cavalry in the field. The Alpini are frontier troops, specially organized to defend the mountain passes leading into Italy; they consist of 8 regiments (26 battalions) of Alpine infantry and 2 regiments of 86 mountain artillery batteries.

Cavalry divisions each consist of 2 brigades of 2 regiments and of a horse-artillery regiment. Each cavalry regiment comprises regimental headquarters, 2 squadron groups, and 1 depot squadron.

The regiments of field artillery, heavy field artillery, heavy and coast artillery each comprise 1 headquarters, 4 groups, and a depot. The mechanically transported artillery is composed of a headquarters, 5 groups, and a depot. The regiment of horse artillery comprises 1 headquarters, 2 groups, and a depot.

The carabinieri are a force of military police. They are recruited by selection from the army and remain in the force for three years. They then serve in the reserve of the carabinieri for four years, after which they are transferred to the territorial militia for the remainder of their service and are reckoned as a part of the army. In 1924 the Carabinieri numbered 60,000; the public safety police 30,000 and the customs guards 30,000.

The garrison of Libya consists of 4 infantry battalions, 4 companies mounted infantry, and 3 mountain batteries of colonial troops recruited voluntarily in Italy for three years' service. The native army consists of 10 battalions, 6 squadrons, 4 mountain batteries, 3 camel squadrons, etc.

The Italians have a special African corps in Erythrea consisting of 2 companies of white infantry and 4 native battalions; also 12 native machine-gun sections, a local company of artillery (Italians), and a native mountain battery. Its total strength is about 5,500 of all ranks.

In Italian Somaliland there is a native corps of 10 infantry companies, 1 camel company, and 1 artillery company, with Italian officers, and a body of military police. Total strength, about 3,000 of all ranks.

III. AIR FORCE

By royal decree of April, 1923, the Italian royal air force is constituted as a separate force under a high commissioner for aviation. Detachments of the royal air force doing duty with the army and navy are for the time under the control of these services. The expenditure for 1924 was estimated at 399,000,000 lire. The number of airplanes in possession of the air force was 1,500, of which about 850 were available for active employment. It is proposed to increase this number to 4,500, of which 1,500 will be with the active force, 1,500 in second line, and 1,500 in third line. The royal air force is organized in one division of 6 regiments, and comprises 17 squadrons of airplanes, 5 squadrons of seaplanes, and 1 group of dirigibles.

IV. NAVY

The future of the Italian Navy is yet uncertain, but developments are contemplated. The treaty of Washington makes Italy the equal of France in capital-ship tonnage, and establishes a replacement tonnage at 175,000 tons (177,800 metric), but the existing ships have a gross displacement of only 135,100 metric tons. The complete new program, 1923-24 to 1927-28, which is really for replacements, includes 5 cruisers of 10,000 tons, 20 destroyers, and 20 submarines. Italy may begin to build capital ships, if she should so desire, in 1927, but there will be no compulsory scrapping until 1931.

The navy underwent complete revision and much reduction after the armistice. The armored cruisers are of little value. The list of light cruisers has been expanded by the accession of five enemy vessels. No large shipbuilding is contemplated, and all attention is directed to the flotillas and to the naval air service. In the 1923-24 estimates were 2 light cruisers, 4 destroyers, and 4 submarines, and the same program is to be repeated in 1924-25. Mine layers and other vessels are also in the program. There were considerable reductions in the personnel, but now there is to be expansion. The expenditure in 1922-23 was 614,182,767 lire, and the estimates of 1923-24 amount to a total sum of 773,616,662 lire.

The naval administration is under the Minister of Marine, with an assistant secretary; a chief of staff; a superior board, which controls the general administration and advises on policy. Under its direction are the heads of the various services of the personnel, naval constructors (genio navale), ordnance, equipment, engineering, and civil administration. A civil officer administers the department of the merchant marine, which is under the direction of the assistant secretary for the navy. For purposes of local naval administration there are rear admirals at all the important ports, while the naval commands are at Spezia, Naples, Taranto, and Venice. There are torpedo stations all round the coast. Summary of the Italian Navy:

	Completed at end of—		
	1922	1923	1924
Battleships.....	6	5	5
Battleships for coast defense.....	4	2	2
Armored cruisers.....	3	3	3
Light cruisers.....	17	18	10
Flotilla leaders and destroyers.....	62	58	61
Torpedo boats.....	51	69	65
Submarines.....	43	44	41

The two coast-defense battleships included in the summary and in the following table will eventually be sold, also the two older armored cruisers.

The tables which follow of the Italian fleet are arranged after the manner of other similar tables in this book.

Battle fleet

BATTLESHIPS, FIRST CLASS

First of class laid down	Name	Displacement	Armor		Principal armament	Torpedo tubes	Indicated horsepower	Maximum speed, knots
			Belt	Big guns				
1909	Dante Alighieri.....	20,000	9½	9½	12 12-in.; 20 4.7-in.	3	24,000	21
1910	Conte di Cavour.....	22,023	9½	9½	13 12-in.; 18 4.7-in.	3	24,000	22
1912	Giulio Cesare.....	22,562	9½	9½	13 12-in.; 10 6-in.	3	25,000	22
	Calo Duflo.....							
	Andrea Doria.....							

BATTLESHIPS FOR COAST DEFENSE

1903	Napoli.....	12,625	10	8	2 12-in.; 12 8-in.	2	19,000	22
	Roma.....							

ARMORED CRUISERS

1905	S. Giorgio.....	10,000	8	8	4 10-in.; 8 7.5-in.	3	18,000	22.5
	S. Marco.....	9,950	8	6½			20,000	
	Pisa.....						20,000	

LIGHT CRUISERS

1911	Libia.....	4,394			4 6-in.; 4 4.7-in.	2	12,500	22
1913	Campania.....	2,444			6 6-in.; 4 3 -in.	2	5,000	16
1911	Marsala.....	3,750			6 4.7-in.; 6 3-in.	2	25,000	28
1911	Nino Bixio.....	3,250						
1912	Quarto.....	4,842			7 5.9-in.; 2 3-in.	4	26,000	27
1912	Ancona.....	4,900			7 5.9-in.; 2 3-in.	4	26,000	27
1913	Taranto.....	4,320			8 5.9-in.; 2 3-in.	2	27,400	27.5
1911	Bari.....	3,444			9 3.9-in.; 1 3-in.	4	25,000	27
1911	Brindisi.....							
1911	Venezia.....							

The five cruisers last named are ex-enemy vessels. There are nine modern flotilla leaders, ranging upward from 1,300 tons to 2,350 tons and a speed from 33 to 37 knots. Twelve of the light cruisers and other smaller vessels are equipped as mine layers and carry large supplies.

The large flotilla of destroyers are composed of 30 and 35 knot vessels, very effective in character, and there are flotillas of quite modern torpedo boats. Considerable additions are being made. The flotilla leaders and destroyers include three ex-German and five ex-Austrian. The naval flying service is being developed.

The personnel consists of over 1,000 officers and 40,000 men, including 10,000 volunteers, which latter number is to be increased to 15,000.

PRODUCTION AND INDUSTRY

I. AGRICULTURE

The systems of cultivation in Italy may be reduced to three: (1) The system of peasant proprietorship (coltivazione per economia o a mano propria); (2) that of partnership (colonia parziaria); (3) that of rent (affitto). Peasant proprietorship is most common in Piedmont and Liguria, but is found in many other parts of Italy. The system of partnership or colonia parziaria, more especially in the form of mezzadria, consists in a form of partnership between the proprietor and the cultivator. This system is general in Tuscany, the Marches, and Umbria. Large farms (la grande coltura) exist in the neighborhood of Vercelli, Pavia, Milan, Cremona, Chioggia, Ferrara, Grosseto, Rome, Caserta, and in Apulia, the Basilicata, Calabria, and at Girgenti and Trapani in Sicily. In Italy generally the land is much subdivided.

The area of Italy comprises 71,652,592 acres. Of this area 65,995,000 acres are under crops and 5,662,500 acres are waste.

Number of proprietors in Italy, 1911: Proprietors of lands, 1,326,736; of buildings, 732,484; of lands and buildings, 1,737,341; total, 3,796,561. Proprietors of lands and buildings (3,796,561) per 100 of population, 11; proprietors of lands (3,064,077) per square mile, 27.

The principal crops for three years were as follows:

	Acreage			Produce in cwt.		
	1922	1923	1924	1922	1923	1924
Wheat.....	11,403,665	11,689,500	11,415,750	87,400,000	61,191,000	46,306,000
Barley.....	538,678	575,750	579,000	3,350,000	2,286,000	1,891,000
Oats.....	1,191,022	1,237,500	1,194,250	8,660,000	5,781,000	4,833,000
Rye.....	281,694	318,250	318,500	2,420,000	1,647,000	1,553,000
Melons.....	3,706,500	3,584,500	3,765,500	36,000,000	22,659,000	28,870,000
Rice.....	294,049	306,250	343,750	9,300,000	5,209,000	5,914,000
Beans.....	1,102,068	1,163,750	1,191,750	5,200,000	2,955,000	3,224,000
Potatoes.....	778,365	870,250	870,250	25,300,000	17,958,000	19,590,000
Sugar Beet root.....	148,260	226,000		34,000,000	26,994,000	
Vines ¹	12,107,900			726,000		43,516
Olives ¹	7,042,350			528,000		9,372

¹ Produce in thousand gallons.

In 1918 Italy had 989,786 horses, 949,162 asses, 496,743 mules, 6,239,741 cattle, 24,026 buffaloes, 2,338,926 pigs, 11,753,910 sheep, and 3,082,558 goats.

Silk culture, while flourishing most extensively in Lombardy, Piedmont, and Venetia, is carried on all over Italy. In 1923 the production of cocoons was 12,365,833 kilos; in 1922, 9,457,633 kilos; in 1921, 8,797,168 kilos.

II. FORESTRY

The forest area (belonging to the state) on June 30, 1921, was 115,629 hectares (289,072 acres). The yield from these forests was valued as follows in 1920-21: Timber, 26,933 cubic meters; firewood, 248,960 cubic meters; of a total value of 3,724,282 lire.

This total is exclusive of secondary produce valued at about 55,000,000 lire annually. The forest produce thus amounts to 225,000,000 lire. From 1867 to June 30, 1915, 33,555 hectares were replanted by or with assistance from the Government.

III. MINES AND MINERALS

The Italian mining industry is most developed in Sicily (Caltanissetta), in Tuscany (Arezzo, Florence, and Grosseto), in Sardinia (Cagliari, Sassari, and Iglesias), in Lombardy (particularly near Bergamo and Brescia), and in Piedmont.

Production in metric tons (1 metric ton=2,204 pounds or 1,019 metric tons=1,000 English tons) of metallic ores and other minerals in 1922:

Ores, etc.	Productive mines	Metric tons	Lire	Workers
Iron.....	19	311,214	17,446,760	1,564
Manganese.....	10	4,694	838,570	265
Copper.....	10	7,863	2,945,300	590
Zinc.....	100	95,624	37,360,780	8,987
Lead.....	6	30,617	30,527,335	90
Gold.....	6	560	145,000	66
Antimony.....	4	607	108,720	10
Mercury.....	6	1,541	40,645,000	2,434
Iron and cuprous pyrites.....	14	486,000	51,480,262	3,498
Mineral fuel.....	101	946,230	82,112,609	8,439
Sulphur ore.....	356	190,045	84,138,914	16,170
Asphaltic and bituminous substances.....	9	67,805	4,327,988	490
Boric acid.....	8	2,448	1,958,400	365
Total (including graphite, petroleum, and other minerals).....	736		402,224,172	45,550

The quarries of Italy employed in 1922, 48,073 persons (1,193 females), the output of building and decorative stone being valued at 323,945,716 lire.

IV. FISHERIES

On December 31, 1915, the number of vessels and boats employed in fishing was 26,725, with an aggregate tonnage of 70,443. These numbers include 48 boats of 419 tons engaged in coral fishing. There were 162,755 fishermen, of whom 6,902 were engaged in deep-sea or foreign fishing. The value of the fish caught in 1916 (excluding foreign fishing) was estimated at 17,473,503 lire; the value obtained from tunny fishing was in 1915, 221,331 lire, and from coral fishing 350,340 lire, the quantity being estimated at 327 kilograms.

V. MANUFACTURES

The Italian industrial census of June 10, 1911, showed that there were 243,926 industrial establishments in the country, having 2,304,438 employees and possessing 1,620,404 horsepower.

Cotton is an important industry. In 1923, 584,000,000 yards of single width and 203,000,000 yards of double width of cotton were woven.

On June 30, 1923, there were 785 silk-spinning mills and 193 weaving mills.

The manufacture of sugar is growing in importance. Sugar output (in metric tons) in 1904-5, 74,831; in 1905-6, 90,377; 1910-11, 169,250; 1913-14, 269,946; 1914-15, 146,888; 1919-20, 167,767; 1922-23, 264,250.

Commerce

Year	Special trade (in sterling) (exclusive of precious metals)		Precious metals (in sterling)	
	Imports	Exports	Imports	Exports
1919.....	£664,933,408	£242,620,683	£251,050	£41,478
1920.....	634,485,437	312,151,668	335,781	8,011
1921.....	802,755,868	369,032,918	454,860	87,234
1922.....	630,590,594	372,094,682	1,682,510	174,538
1923.....	687,938,408	442,370,532	1,102,828	153,416
1924.....	775,484,000	572,394,000		

The value in lire of the leading imports and exports for two years was as follows:

Items	Imports		Exports	
	1922	1923	1922	1923
Live animals.....	225,540,893	257,605,837	49,651,531	48,140,052
Meat, broth, soup, eggs.....	188,046,190	171,875,578	218,284,496	190,020,041
Milk, cheese products.....	162,881,028	60,039,919	218,718,364	372,888,818
Fish products.....	422,675,485	845,070,359	19,190,649	31,951,726
Colonials, sugar.....	455,299,915	492,182,075	34,355,305	44,968,907
Cereals, vegetables, roots, and their alimentary derivatives.....	3,626,565,505	3,537,054,105	382,897,874	458,260,360
Vegetables and fruit.....	40,445,538	41,583,764	962,223,151	983,876,434
Drinks.....	16,521,656	13,522,696	237,442,600	223,926,520
Salt and tobacco.....	278,510,707	282,422,450	19,796,142	32,626,224
Seeds and fruits, oils and their products.....	322,783,578	401,675,585	68,394,988	60,229,648
Animal and vegetable oils and fats, wax.....	313,382,150	241,851,649	104,629,559	255,526,194
Hemp, linen, jute, and other vegetable fibers, except cotton.....	213,311,078	240,136,385	456,999,377	495,263,818
Cotton.....	1,030,261,162	2,534,029,473	1,197,109,790	1,781,848,848
Wool, hair.....	906,658,290	1,048,015,510	200,046,513	302,879,416
Silk and artificial silk.....	578,954,092	493,413,659	2,426,244,662	2,762,943,215
Clothing, white material, and other sewn goods not in other categories.....	33,695,389	39,292,897	78,839,355	94,329,535
Minerals.....	11,804,357	35,753,041	68,302,692	62,616,538
Cast iron, iron, and steel.....	459,705,980	483,980,424	50,748,455	58,349,664
Copper and its derivatives.....	296,986,605	358,003,700	55,829,973	39,448,039
Other cotton, metals, and derivatives.....	98,403,747	150,151,570	60,427,578	50,296,886
Works of common metals not included in other categories.....	19,081,888	21,692,229	1,375,325	3,243,734
Machines and apparatus.....	509,311,020	463,099,643	124,554,205	154,708,654
Tools and instruments for agricultural purposes, etc.....	45,114,482	41,574,670	5,142,771	8,096,717
Scientific instruments and watches.....	90,533,077	139,810,290	8,760,411	14,174,946
Arms and ammunition.....	9,450,303	12,583,809	3,217,741	12,871,622
Vehicles.....	52,103,411	68,801,028	301,203,331	326,532,371
Stones, earths, and minerals.....	1,422,452,705	1,727,585,705	279,693,589	317,909,943
Building products and cement.....	23,755,698	15,964,027	9,409,602	12,047,743
Earthenware products.....	44,009,416	42,694,751	10,073,638	11,690,891
Glass and crystal.....	113,319,883	88,176,341	43,881,982	41,450,234
Reinforced concrete, graphite, and mica.....	9,109,259	12,116,403	8,041,668	12,849,459
Wood and cork.....	394,788,136	473,804,241	78,834,381	101,320,990
Straw and other weaving material.....	14,265,564	17,156,784	70,808,850	63,108,505
Inlaying material.....	55,627,983	57,609,338	5,321,871	4,729,690
Mineral oils, oils of resin, and tar, tyres, and resin.....	710,259,099	724,426,972	5,923,551	5,768,008
Essential oils, perfumery, soap, and candles.....	40,121,877	34,981,040	78,165,033	66,009,950
Inorganic chemical products.....	133,735,586	123,981,635	41,853,817	63,847,063
Fertilizers.....	88,585,533	121,651,650	1,858,627	4,229,275
Organic chemical products, medicines and pharmaceutical products.....	50,389,812	51,038,459	170,739,372	128,786,870
Tanning and dyeing materials, colors, and varnishes.....	33,995,679	31,874,792	52,409,742	45,375,520
Skins and furs.....	108,231,755	108,236,563	57,242,074	64,960,042
Elastic and gutta-percha.....	494,492,661	572,484,174	298,171,500	370,278,449
Paper and cardboard.....	109,777,369	160,378,124	136,428,145	186,501,286
Musical instruments.....	233,356,355	223,694,039	64,922,925	81,469,141
Precious stones, silver, quicksilver, and works made out of precious stones.....	18,953,201	27,585,105	8,214,367	13,573,685
Fashion objects, shoes, and personal effects not included in other categories.....	35,773,233	83,447,872	19,558,631	12,494,734
Toys and bronzes.....	63,106,154	49,116,983	322,599,973	351,596,775
Vegetable materials not included in other categories.....	50,760,746	53,000,942	15,408,434	24,227,760
Animal materials not included in other categories.....	190,593,216	204,193,782	101,630,394	99,690,936
Miscellaneous.....	44,982,746	34,237,008	9,636,920	13,802,044
Gold and silver.....	82,896,109	90,848,567	62,630,472	50,742,072
Total, all items.....	15,728,320,466	17,198,460,256	9,292,840,218	11,050,488,395
Grand total.....	42,062,738	27,570,771	4,369,466	3,835,436

The following table shows the nine countries with which the principal commercial relations were maintained by Italy in 1923:

Items	Imports into Italy		Exports from Italy	
	Lire		Lire	
Austria.....	325,625,188		235,242,016	
Czechoslovakia.....	158,486,307		67,167,601	
France.....	1,322,554,994		1,601,203,416	
Germany.....	1,299,099,003		692,942,200	
Great Britain.....	2,189,744,994		1,200,219,507	
Kingdom of Serbs, Croats, and Slovenes.....	489,290,707		336,033,843	
Switzerland.....	375,817,893		1,201,419,597	
United States.....	4,619,482,925		1,512,523,604	
Argentine Republic.....	1,053,046,475		740,666,203	

The principal articles of import into Great Britain from Italy, and British exports to Italy (according to the board of trade returns) in two years were:

Imports into United Kingdom	1922	1923
Almonds.....	£477,470	£273,423
Raw silk.....	377,708	377,786
Canned vegetables.....	585,606	412,993
Lemons.....	585,469	578,644
Silk manufactures.....	948,474	1,798,964
Rubber manufactures.....	942,907	809,847
Motor vehicles.....	773,706	813,018
Exports to Italy	1922	1923
Coal.....	£7,807,732	£10,124,069
Iron and steel.....	934,282	945,298
Machinery.....	752,071	928,722
Fish.....	315,354	294,787
Woollen goods.....	1,198,156	947,737
Cottons.....	860,793	792,927
Ships and boats.....	2,884,674	1,200,020

Total trade between Italy and the United Kingdom (board of trade returns) for five years (in thousands of pounds sterling):

	1920	1921	1922	1923	1924
Imports from Italy to United Kingdom.....	£17,880	£8,891	£11,276	£14,294	£18,237
Exports to Italy from United Kingdom.....	39,701	16,938	18,608	19,406	17,674

NAVIGATION AND SHIPPING

On January 1, 1923, the mercantile marine consisted of 880 vessels, of 2,708,000 gross tons; on January 1, 1922, of 856 vessels, of 2,484,182 tons.

In 1921 the vessels entered and cleared at Italian ports were as follows:

	Entered Italian ports		Cleared from Italian ports	
	Vessels	Tons	Vessels	Tons
Italian.....	167,988	32,294,743	167,850	32,225,421
Foreign.....	5,945	9,787,810	5,969	9,821,827
Total.....	173,933	42,082,553	173,819	42,047,248

Vessels entering and clearing in 1921 at the principal Italian ports:

Port	Entered		Cleared	
	Number	Tonnage	Number	Tonnage
Genoa.....	3,033	4,660,031	3,097	4,713,879
Leghorn.....	2,388	1,569,804	2,399	1,563,497
Naples.....	4,605	8,390,422	5,561	5,354,083
Messina.....	1,888	1,239,093	1,888	1,239,030
Catania.....	1,964	1,310,129	1,967	1,307,135
Palermo.....	3,521	2,472,434	3,499	2,435,299
Venice.....	2,661	2,007,497	2,548	1,968,207
Trieste.....	11,670	2,583,692	11,682	2,571,510

INTERNAL COMMUNICATIONS

I. RAILWAYS

Railway history in Italy began in 1839 with a short line between Naples and Portici (5 miles). Length of State railways (June 30, 1924), 10,210 miles. Receipts from State railways in 1922-23, 4,293,558,594 lire; expenditure, 4,083,408,567 lire.

The Government proposes to electrify nearly 4,000 miles of State railways. By June 30, 1924, 858 miles had already been electrified.

II. POSTS AND TELEGRAPHS

In the year 1921 (June 30) there were 11,376 post offices. The postal traffic was as follows:

	1922-23		
	Internal	External and transit	Total
Letters.....	502,259,000	44,072,080	546,331,080
Post cards.....	186,342,000	10,614,700	196,956,700
Newspapers, printed matter, etc.....	1,072,261,000	22,146,291	1,094,407,291
Post-office orders, etc.....	25,252,000	32,913	25,284,913
Total.....	1,786,114,000	76,865,984	1,862,979,984

On June 30, 1921, the telegraph lines had a length of 34,518 miles and the wires 248,264 miles. There were 9,480 telegraph offices, of which 7,451 were State offices and 2,029 railway offices. There were, in that year, 18,217,586 private telegrams sent inland, and 1,793,236 private international telegrams.

The telephone service in 1920-21 had 116,922 subscribers. There were 385 urban systems, and also 1,034 interurban systems, with 40,257 miles of line and 81,077 miles of wire. Total number of conversations in the year, 10,859,723 (excluding international conversations). In 1907 the telephone service passed to the direct working of the State.

MONEY AND CREDIT

State notes and bank notes in circulation in lire:

	1919	1920	1921	1922	1923
State notes.....	2,271,300,255	2,268,364,600	2,267,000,000	2,267,000,000	2,427,765,450
Bank notes.....	16,281,342,600	19,731,640,700	19,208,893,975	18,012,040,000	17,246,678,450

The total coinage from 1862 to the end of 1921 was: Gold, 430,840,430 lire; silver, 604,028,777 lire; nickel, 105,161,438 lire; bronze, 101,376,617 lire; total, 1,331,407,262 lire, exclusive of recoinage.

The nominal value of the money coined (including recoinage) in each year:

	Gold	Silver	Nickel	Bronze	Total
	Lire	Lire	Lire	Lire	Lire
1912.....	2,323,460	10,197,050	4,208,000	93,960	16,822,410
1918.....			8,619,400	239,200	8,858,600
1919.....			9,213,345	758,000	9,972,345
1920.....			20,366,549	5,468,100	25,834,649
1921.....			18,499,211	10,656,634	29,155,845

On June 30, 1924, the paper currency consisted of 17,525,047,650 lire of bank notes and 2,427,765,450 lire of State notes.

There is no national bank in Italy. According to the law of August 10, 1893, there are only three banks of issue: The Banca d'Italia, the Banco di Napoli, and the Banco di Sicilia. Assets and liabilities of these banks on December 31, 1923:

	Assets		Liabilities
	<i>Lire</i>		<i>Lire</i>
Cash.....	2,154,342,115	Capital.....	302,000,000
Bills.....	4,756,035,093	Notes in circulation.....	17,246,678,450
Anticipations.....	3,887,728,291	Accounts current, etc.....	2,582,731,701
Credits.....	1,256,939,692	Titles and valuables deposited.....	45,264,112,694
Deposits.....	45,264,112,694	Various.....	5,353,589,397
Various securities.....	13,929,954,357		
Total.....	70,740,112,242	Total.....	70,749,112,242

On December 31, 1923, the gold reserve amounted to 1,117,609,981 lire, the silver reserve to 125,010,387 lire, and the note circulation to 17,246,678,450 lire.

On June 30, 1918, there were 747 cooperative credit societies and popular banks, 1,904 rural banks, 221 ordinary credit companies, and 10 agrarian credit institutions, and (January, 1921) 11 credit foncier companies, of which 4 were in liquidation, with 752,185,375 lire of "cartelle fondiarie" in circulation, and with 727,830,047 lire of "mutui con ammortamento."

Deposits in the savings banks on June 30, 1924, were as follows: Post-office savings banks, 9,430,614,448 lire; ordinary savings banks, 10,331,121 lire.

On June 30, 1923, the savings deposited with the cooperative credit and ordinary credit companies amounted to 7,321,000,000 lire, and Monti di piet , 506,000,000 lire, and with Casse rurali, 797,000,000 lire.

On August 12, 1912, a law came into operation establishing life insurance as a State monopoly. The existing insurance companies were allowed to continue their operations for 10 years under certain conditions. The National Insurance Institute carries out the Government business. It started operations on January 1, 1913, and has already assumed large proportions, having absorbed the business of 24 insurance companies (15 foreign and 9 Italian). According to the law, the companies which at the end of 1911 were engaged in life insurance in the kingdom which did not cede their business to the Government were given the privilege of continuing their business for not more than 10 years, with the obligation of turning over to the Government Institute 40 per cent of the business done after the beginning of the new regime. Only 3 Italian and 9 foreign companies continued business in Italy under these conditions, and later one of these also ceded its business to the institute. Branches of the National Institute of Insurance were established in every Province of Italy, 2,386 branches in all.

The insurance effected by the institute in the years 1922 and 1921 was as follows:

	1922		1921	
	Number of contracts	Amount	Number of contracts	Amount
Insurance paid.....	33,624	Lire 714,365,942	35,837	Lire 636,066,000

MONEY, WEIGHTS, AND MEASURES

The money, weights, and measures of Italy are the same as those of France, the names only being altered to the Italian form.

The lira of 100 centesimi; intrinsic value, 25 22½ to 11. sterling.

The coin in circulation consists of gold 10-lire, 20-lire, 50-lire, and 100-lire pieces; of silver, 50-cent, 1-lira, 2-lira, and 5-lira pieces; nickel, 20-cent pieces; and bronze, 1, 2, 5, and 10 cent pieces. Nickel coin is being substituted for bronze to a large amount. Bank notes of 25, 50, 100, 500, and 1,000 lire are in circulation; also small notes issued by the State (biglietti di Stato) for 5 and 10 lire. During the war there were issued cash notes (buoni di cassa) of 1 and 2 lire, in substitution for silver pieces of corresponding value.

DIPLOMATIC REPRESENTATIVES

1. OF ITALY IN GREAT BRITAIN

Ambassador: Marchese Pietro Tomasi della Torretta del principi di Lampedusa (appointed November 15, 1922).

Counsellor: Gabriele Preziosi, C. V. O.

Secretaries: Giovanni Balsamo and Filippo del Duchi Caffarelli.

Military attaché: Lieut. Col. Amerigo Coppi.

Naval attaché: Count Rainieri Discia, C. V. O.

Air attaché: Capt. Silvio Scaroni, C. V. O., D. F. C.

Special attaché: Commendatore Pallaccia.

Commercial attaché: Giovanni Battista Ceccato.

Chancellor: Giuseppe L. de Grossi.

Archivist: Cavaliere Ugo Catani.

Consul in London: George A. Pirelli.

There are also consular representatives at Dublin (C.), Glasgow, Liverpool (C. G.), etc.

2. OF GREAT BRITAIN IN ITALY

Ambassador: Rt. Hon. Sir. R. W. Graham, G. C. V. O., K. C. M. G., C. B., appointed November 25, 1921.

Counsellor: H. W. Kennard, C. M. G., C. V. O.

EXHIBIT B

STATEMENTS CONCERNING THE ARMY, NAVY, AND AIR FORCE OF ITALY
LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE.

I. Army:

1. World Almanac, 1926, page 251 (table showing armed strength of world, revised by the United States War Department, as of Aug. 31, 1925)—

Active army (including 11,410 air force).....	220, 898
Organized reserves.....	3, 947, 912
Unorganized reserves.....	1, 500, 000

Total military man power.....	5, 680, 220
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2. Statesman's Yearbook, 1925, pages 1036 and 1039—

Active army, 1924—	
Officers.....	18, 000
Other ranks (including carabinieri, a force of military police).....	200, 000

Expenditures for ministry of war (estimates for year ended June 30, 1925)—

Ordinary.....	Lire 1, 795, 320, 600
Extraordinary.....	104, 547, 948

II. Navy:

1. Current History, September, 1925, page 966. "Vessels laid down or appropriated for since Feb. 6, 1922" (table prepared by Information section, Office of Naval Intelligence, Navy Department, June 1, 1925, and sent to the magazine editor)—

Light cruisers, first line.....	2
Destroyers.....	16
Submarines, all classes.....	12
Mine sweepers.....	6

Total.....	36
------------	----

2. London Times, Mar. 2, 1925, page 9. Quoting from a White Paper (Cmd. 2349) giving information concerning fleets of the world—

	Built	Building and projected
Battleships.....	7	
Cruisers.....	13	15
Aircraft carriers.....		1
Flotilla leaders.....	9	2
Destroyers.....	53	24
Torpedo boats.....	69	
Submarines.....	48	20
Coastal motor boats.....	12	
Gunboats and dispatch vessels.....	13	
River gunboats.....	2	
Mine sweepers.....	40	46

¹3 projected but not yet authorized.

²8 projected but not yet authorized.

³Including 3 projected but not yet authorized.

⁴To be combined mine layers and mine sweepers.

II. Navy—Continued.

3. League of Nations: Armaments yearbook, 1924, page 542—

Battleships and battle cruisers.....	5
Coast defense ships and monitors.....	11
Cruisers and light cruisers.....	15
Destroyers and torpedo boats.....	136
Submarines.....	43
Miscellaneous craft.....	21
Naval personnel—	

	Officers	Other ranks
Sea service.....	2, 221	43, 000
Shore service.....	239	
Total.....	2, 460	43, 000

III. Air service:

1. Statesman's Yearbook, 1925, page 1040—

"The expenditure for 1924 was estimated at 309,000,000 lire. The number of airplanes in possession of the air force was 1,500, of which about 850 were available for active employment."

2. Appendix to report of President's Air Board (as quoted in Aviation, Dec. 21, 1925, p. 875)—

Italy—service airplane strength Apr. 1, 1925:

Service (including training).....	750
Reserve (including training).....	750

Air service personnel—

Officers.....	753
Enlisted men.....	10, 637

Total.....	11, 410
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Pilots..... 921

3. World Almanac, 1926, page 140:

Same figures as above.

IV. Summary of defense expenditure for war, navy, and aeronautics:

(000 omitted)

	1922-23 preliminary closed accounts	1923-24 estimates voted	1924-25 estimates submitted to Parliament
Ministry of war.....	Lire 2, 328, 490	1, 899, 899	1, 899, 919
Ministry of marine, navy.....	770, 289	770, 565	925, 046
Ministry of the interior, aeronautics.....	93, 300	200, 000	399, 000

League of Nations: Armaments Yearbook, 1921, page 547.

[Margaret G. B. Blachly, Mar. 31, 1926.]

Mr. HEFLIN obtained the floor.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Alabama yield to me for two minutes?

Mr. HEFLIN. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. Mr. President, I do not think that the remarks of the Senator from Tennessee [Mr. McKELLAR] should go into the Record or go upon the telegraph wires unchallenged. I believe that in his expression of hostility toward the Prime Minister of Italy and toward the present Government of Italy he speaks almost alone in the American Senate. I believe that the vast majority of this body recognize the right of Italy to establish such a government as she pleases, not as we please, and that if that government preserves order, respects property rights and contracts, guarantees foreigners full safety of person and protection for their property, and if it acts with good faith toward us in its international dealings, it is none of our business, Mr. President, what system of internal government, given those requisites, the Italians may see fit to establish to themselves.

The Senator from Tennessee has been talking about the present government of a friendly nation for whom we have the highest respect and feelings of friendship, and yet his words sound as if they were leading up to a declaration of war against that nation rather than a consideration of a bargain worked out in full amity and unanimously approved by the representatives of the United States.

The Italian people are patriotic; they will resent what the Senator from Tennessee has said; and I should like them to know that he speaks for himself alone and not for the rest of us who sat here listening to him. The Italians are not only patriotic but they are an industrious and deeply religious people, and what the Senator from Tennessee has said can not help but wound their feelings. Under the Constitution the Senator has a right to say whatever he pleases on the floor of the Senate, but he has no right to commit us to the sentiments of hostility that he has expressed.

Mr. McKELLAR. Mr. President, is the Senator from Pennsylvania now speaking for the Italian people?

Mr. REED of Pennsylvania. I am speaking for the American Senate and for our sentiments toward a nation with which our relations are most friendly.

Mr. McKELLAR. Of course, I imagine that the American Senate will speak for itself when it comes to a show-down on this question, and I doubt very much whether the Senator from Pennsylvania, eloquent as he may be and strong as he may be, speaks for the American Senate. We shall later see how that works.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Utah?

Mr. HEFLIN. I can not yield any further just now until I shall have made my statement.

Mr. KING. Very well.

THOMAS JEFFERSON

Mr. HEFLIN. Mr. President, this is the anniversary of the birthday of a great Democrat, the author of the Declaration of Independence, the founder of the Democratic Party, a former President of the United States—Thomas Jefferson. I hold in my hand a newspaper which is published in Washington, known as the Pathfinder. It contains the two definitions of a Democrat which recently won the two highest prizes. Thirty thousand people submitted definitions as to what is a Democrat. The one winning the first prize reads as follows:

First prize in our "What is a Democrat?" contest is awarded Dr. M. D. Taylor, county health officer at Aztec, N. Mex. His definition, which captured the \$50 prize, follows:

"A Democrat is one who believes in the fullest freedom of speech, press, and religion; and separation of church and State; laws that bear equally upon all classes, without special privilege or monopolistic advantage; rights of States guaranteed by the Constitution; and less national paternalism."

The second prize was won by the brilliant and efficient representative of the minority on the floor of the Senate—Col. Edwin Alexander Halsey. His definition reads as follows:

A Democrat is one who votes to adhere to the principles of the party as expounded by Jefferson, Cleveland, and Wilson; which assure personal liberty, freedom of religion, speech, and press; equal justice, industry, frugality, and happiness; abhorring corruption and privilege, and preserving inviolate the Republic in vigor and union.

Mr. President, I would add to that list of great Democratic Presidents the name of the immortal Jackson, so that it would read "Jefferson, Jackson, Cleveland, and Wilson." I commend these definitions to Democrats everywhere and to the whole people of the United States generally, and I join with the thousands and hundreds of thousands throughout the Nation who to-day honor the name and principles of Thomas Jefferson.

INDEBTEDNESS OF ITALY TO THE UNITED STATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America.

Mr. COPELAND and Mr. KING addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. COPELAND. Mr. President, we have been reminded by the Senator from Alabama that to-day is the anniversary of the birth of Thomas Jefferson. I am sure the Senator from Tennessee will not misunderstand me when I say to him that I am afraid he forgot it was Jefferson's birthday. I want to join in the protest against what has been said to-day. I recall that when Thomas Jefferson died—

Mr. McKELLAR. Mr. President, will the Senator yield for just a moment?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Tennessee?

Mr. COPELAND. I yield to the Senator.

Mr. McKELLAR. Instead of the Senator from Tennessee forgetting that to-day is Mr. Jefferson's birthday, he is a devoted follower of that great statesman and the principles and policies for which he stood, and I have the honor of having been invited—and I expect to accept the invitation—to make a speech to-night at Chambersburg, Pa., in memory of Jefferson.

Mr. COPELAND. Mr. President, I trust that in his speech at Chambersburg, Pa., to-night the Senator from Tennessee will not repeat what he has said in the Senate to-day.

I recall when Mr. Jefferson died there was found in his papers a statement of the inscription he wanted placed upon his tombstone. He did not say that he wanted placed upon his tombstone the words, "Here lies Thomas Jefferson, former Governor of the great State of Virginia." He did not say that he wanted placed upon it the inscription "Here lies Thomas Jefferson, former President of the United States." But he did say that he wanted placed upon his tombstone the

inscription, "Here lies Thomas Jefferson, author of the Declaration of Independence, author of the statute of religious freedom for the State of Virginia, and father of the University of Virginia."

Mr. Jefferson took pride, first, in the fact that he believed in political freedom.

If Italy desires to have Mussolini for its dictator, that is Italy's business. It is not the business of the Government of the United States; it is not the business of the United States Senate; it is the business of Italy.

Mr. McKELLAR. Mr. President, does the Senator mean to inform the Senate and the country by what he has said that, in his belief, if Mr. Jefferson were alive to-day, being the great lover of liberty and freedom that Mr. Jefferson undoubtedly was, he would be defending, as apparently the Senator from New York is defending, the dictatorship of Mr. Mussolini in Italy or a dictator in any other country?

Mr. COPELAND. Mr. President, Mr. Jefferson would not be defending any act of cruelty or intolerance upon the part of Mr. Mussolini. Neither am I seeking to defend any such act; but Mr. Mussolini has the position which he occupies in Italy by the choice, or at least by the acquiescence of the Italian people.

Mr. McKELLAR. O Mr. President—

Mr. COPELAND. And I have no doubt, Mr. President, that if Mr. Jefferson were alive to-day he would take the position that some Senators have taken here in opposition to the attitude of the Senator from Tennessee.

Mr. NEELY. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from West Virginia?

Mr. COPELAND. I yield.

Mr. NEELY. I dissent to the statement that Mussolini occupies his present position as a result of the choice of the Italian people. He is a dictator to-day because the person who shot at him last week was such a poor marksman that she hit his nose instead of his head.

Mr. COPELAND. Mr. President, the second inscription that Mr. Jefferson asked to have placed upon his tombstone was, "Here lies Thomas Jefferson, author of the statute of religious freedom in the State of Virginia." No matter what Mr. Mussolini may think about religion or about religious institutions, I think, so far as we are concerned, that it is not for us to criticize or dictate to Mr. Mussolini or the Italian people in that regard.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield further to the Senator from Tennessee?

Mr. COPELAND. I yield.

Mr. McKELLAR. Remembering that Mr. Jefferson was the great defender of religious freedom by word and act in this country, does the Senator believe that if Mr. Jefferson were alive he would give countenance to, directly or indirectly, or give expression of his approval, directly or indirectly, to any ruler who sought to drive out, as has been claimed here to-day of Mussolini, a portion of his people and do violence to them because of their professed religious belief? If the Senator has that sort of a view of Thomas Jefferson, I must say that it is the first time I ever heard such a view expressed.

Mr. COPELAND. Does the Senator from Tennessee now refer to the attitude of Mr. Mussolini toward the Masonic movement?

Mr. McKELLAR. The Masonic movement. It has been claimed that it was a religious act on the part of Mr. Mussolini; that he was driving out the Masons of Italy because of his devotion to the church in Italy. Does the Senator believe that that is the religious freedom for which Mr. Jefferson gave the best years of his life? If he has any such view as that about Jefferson, I ask him to go and read again the life and character and record of Mr. Jefferson.

Mr. COPELAND. Mr. President, I think the Senator from Tennessee has misstated—unintentionally, of course—the position that Mr. Mussolini has assumed toward Masonry in Italy.

I referred a few moments ago, in replying to the Senator from Tennessee, to the fact that in the State of New York our legislature saw fit to pass an act making it unlawful for any organized institution in that State to have a secret membership. It was required of every institution that it should give publicity to the rolls of its membership. The act sought to take the mask from persons who were marching about in certain sections of our State in opposition to the best thought of our people, in my judgment; and, if I am correctly advised, that is what Mr. Mussolini insists shall be done in Italy.

I do not regard Masonry in Italy as at all like Masonry in the United States. It is an entirely different institution; and, to get back to the question of the Senator from Ten-

nessee, I believe that if Mr. Jefferson were alive and active to-day he would be taking this position too.

Mr. McKELLAR. I do not believe it.

Mr. WHEELER. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Montana?

Mr. COPELAND. I do.

Mr. WHEELER. The Senator does not approve, does he, of the action taken by Mussolini against the Masons and against the Methodists and the Baptists and the Catholics over there?

Mr. COPELAND. I assume that the Senator from Montana is setting a trap for the Senator from New York.

Mr. WHEELER. No; I am not setting any trap—nothing of the kind.

Mr. COPELAND. I want to say, as I have said before to-day and in my own formal address a few days ago, that I hold no brief for Mr. Mussolini. If this matter of the debt settlement hinged upon Mr. Mussolini, I presume I should take exactly the same attitude that the Senator from Tennessee assumes; but now I want to go on with what I was going to say.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Utah?

Mr. COPELAND. I yield.

Mr. KING. If the Senator will pardon the trespass, Thomas Jefferson, if he were alive, in my opinion would look beyond the acts of any man, whether he were a dictator or an oligarch, and look at the people. He would look at the Italian people and seek to understand their aspirations and to aid them in all movements which they might make toward higher liberty and toward greater freedom. Because for the moment there may be a dictator, Mr. Jefferson, if he were alive, would not attack that government. He might seek by argument and reason, if he had the opportunity, to advance the cause of liberty, and to lead them to the abolition in the proper way of any tyranny or intolerance existing in their own land.

Mr. COPELAND. I thank the Senator from Utah for his high sentiments.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Idaho?

Mr. COPELAND. I do.

Mr. BORAH. The reasoning of the Senator from Utah might lead him to favor the recognition of Russia.

Mr. KING. No; it will not lead to a recognition of Russia, for the reason that the people of Russia are not in favor of a dictatorship, and the communistic organization there is not, by reason of its record, entitled to the recognition of the United States. If the question before us were whether we should recognize Mussolini and his Government as a de facto or as a de jure government, a different question might be presented. We have recognized the de facto and the de jure existence of the Government of Italy, and we found no reason to withdraw that recognition.

Mr. McKELLAR. Mr. President, will the Senator yield to me for just one moment?

Mr. COPELAND. I yield to the Senator from Tennessee.

Mr. McKELLAR. I want to answer one suggestion made by the junior Senator from Utah.

Not only would the reasoning of the Senator from Utah lead him into a recognition of the Soviet Government of Russia, as has been suggested by the Senator from Idaho, but it would lead him not to remember the views of Mr. Jefferson himself, because we all know that while Mr. Jefferson was our ambassador to France he took a very active part in declaring his belief in a free government for France. Mr. Jefferson had the courage at any time and at all times in his life to stand and plead for the freedom of the individual, for liberty everywhere, and that is why I am for him. Mr. Jefferson was opposed to dictators, was opposed to autocratic government, was opposed to the kind of government they have in Italy, and I do not see how any disciple of Mr. Jefferson can take any other view.

Mr. WHEELER. He would be opposed to a political dictator in New York or New Jersey or Vermont or anywhere else.

Mr. McKELLAR. Anywhere.

Mr. COPELAND. Now, Mr. President, I want to revert to what I was saying about Mr. Jefferson. However, I think these interruptions have added to the value of the hour.

The third thing that Mr. Jefferson wanted placed upon his tombstone was:

Here lies Mr. Jefferson, the father of the University of Virginia.

That was the first university to permit elections in studies; the first university where the student was permitted to choose

the thing that he wanted to study. In other words, Mr. President, in politics, in religion, in education, Mr. Jefferson believed in self-determination; and I contend that the Senator from Tennessee, ardent advocate as he is of the beliefs of Mr. Jefferson, has to-day given an example of his opposition to views which, in my judgment, Mr. Jefferson would hold if he were alive to-day.

There is one other matter to which I want to refer. Of course, the Senator from Tennessee is a bachelor, and he is not informed on these matters; but he spoke about the appearance of wealth and of the well-to-do appearance of the people of Italy. I want to say to the Senator from Tennessee that there is just one sure way of knowing whether a people is a well-to-do people or whether poverty abounds, and that is by the infant death rate. The infant death rate in Italy is twice as high as it is in the United States; and that is a sure indication of poverty. I may say to the Senator from Tennessee that I hope that as he goes on in life he will come to have a more practical knowledge of all these things having to do with the family life.

When I know that the infant death rate in Italy is higher than it is in any other civilized country, I know that it is a country where poverty abounds. Let not the Senator from Tennessee say that Italy is rich and well-to-do and can pay this money, because if these mortality figures mean anything, to one who is somewhat versed in the subject, they mean that there is poverty in that country; otherwise the babies would not die like flies, as they do.

Mr. McKELLAR. I want to admit frankly that I do not know anything about the subject the Senator is now discussing.

Mr. COPELAND. Mr. President, I am very glad indeed that the Senator confesses that there is one subject of which he is not fully the master, as he is of all other subjects.

Mr. McKELLAR. I admit it frankly.

Mr. COPELAND. But he is a young man yet, and it must be said that he has much to learn.

So, on Jefferson's birthday I want to say from this side of the Chamber, as a Democrat, that I do not approve the sentiments expressed by my colleague from Tennessee. I think that it is wrong—and the Senator will bear with me if I say it—for a Senator of the United States to reflect, as I fear that he has reflected to-day, upon the sovereignty and upon the right of self-determination of the Italian nation, a friendly nation, and one of our allies in the late war. So I want to add my protest to the protest of the Senator from Pennsylvania [Mr. REED], across the aisle, against what the Senator has said.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. COPELAND. I yield to the Senator from Tennessee.

Mr. McKELLAR. That is quite a remarkable statement for the Senator from New York to make, after having candidly admitted on the floor just a few moments ago that if he believed that Mussolini would be the beneficiary of this settlement, or substantially that, he would be inclined to vote against it; that he indorsed what I had said about Mussolini. Mussolini apparently is the bone of contention here; and after the Senator having indorsed what I said about Mussolini, I do not see how he can take issue with what I have said in reference to him. I want to say to him—I do not know whether he was here all the time or not—that all he will have to do is to look in the Record in the morning, because it will all appear there, and read what Mr. Mussolini says about himself; and if he can find there aught that is in consonance with the great principles of freedom for which Thomas Jefferson stood he is an abler man to get that out of Mr. Mussolini's statements than I have been. I see nothing in common between the two men; and I have no doubt in my own mind that if Mr. Jefferson were a Member of the Senate to-day he would be found lining up against dictatorship, against violence, against autocratic government, just as he lined up against them during all the years of his life.

Mr. BORAH and other Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New York yield, and to whom?

Mr. COPELAND. Just one moment. Mr. President, nothing in my remarks, I am sure, would make anybody believe that I was comparing Thomas Jefferson to Mussolini. Nobody but the Senator from Tennessee got that idea.

Mr. McKELLAR. The Senator has defended Mussolini on the ground that Jefferson would have defended him if he had been here.

Mr. COPELAND. Mr. President, I am defending the Italian people, a friendly nation, against an attack made in the Senate.

Mr. McKELLAR. Oh, Mr. President, the Senator does not want to misrepresent what I have said. I have been defending the Italian people in everything I have said here. I have

gone so far as to say that if I thought the cancellation of this debt would be to the interest of the Italian people, I might be induced to vote for its entire cancellation. I am not against the Italian people. I am defending them. I say that I do not approve of the dictatorship that the Senator from New York appears to be defending here.

Mr. COPELAND. Mr. President, at last the Senator from Tennessee is coming to his real self. I congratulate myself and the Senate and the country that I have been able to stimulate the Senator from Tennessee into making what is really a very good speech now. I hope he will not add anything to what he has just said, because if he does he will detract from its force. He has said at last that we ought to deal with some degree of humanity with Italy, and that we ought to be lenient with them. At last he has set aside Mussolini as being unimportant in the controversy; and I congratulate him that at last he has taken a position which is tenable and sound.

Mr. ASHURST. Mr. President, I have received a number of telegrams and letters from citizens of Arizona urging me to vote in favor of the measure providing for the Italian debt settlement. I ask that they may be printed in the RECORD and lie on the table.

There being no objection, the telegrams and letters were ordered to lie on the table and to be printed in the RECORD, as follows:

PHOENIX, ARIZ., February 25, 1926.

HON. HENRY F. ASHURST,

United States Senate, Washington, D. C.:

We believe that the confirmation of the Italian debt settlement will be of benefit to the citizens of Arizona. The production of copper in this State is directly affected by the export of copper, which, in turn, is affected by the credit of the national who buys copper. The maintaining of copper production in Arizona is certainly in the best interests of this State. Would appreciate your using your efforts to secure confirmation of Italian debt settlement.

HENRY G. BOICE,

President Arizona Cattle Growers' Association.

PHOENIX, ARIZ., February 26, 1926.

Senator HENRY F. ASHURST,

Senate Chambers, Washington, D. C.:

The citizens of this city sincerely believe you should support Italian debt settlement as presented by the Senate Finance Committee. Italy uses great quantities of copper at present, and if their finances are cut off our State will suffer, which means all business will suffer. We urgently pray for your support.

C. B. FLYNN,

President Mesa District Chamber of Commerce.
O. B. STAPLEY.

PHOENIX, ARIZ., April 10, 1926.

Senator ASHURST,

Washington, D. C.:

The Gazette believes that the ratification of the Italian debt proposal now before Congress will be of benefit to the copper industry of Arizona in that more orders for copper will be placed in Italy and southern Europe than otherwise. We believe that this is an economic question from Arizona's standpoint and has no other important significance in this State.

JOHN HENRY WHITE,

Managing Editor.

BRYAN AKERS,

Editor and Publisher of Arizona Daily Gazette.

PHOENIX, ARIZ., February 27, 1926.

HENRY F. ASHURST,

United States Senate, Washington, D. C.:

The Italian debt settlement now before the Senate seems to be of importance to the mining industry of Arizona. As an economic problem, the sheepmen are interested in the continued operation of the mines, and for this reason request that you support the Italian debt settlement.

A. A. JOHNS,

President Arizona Woolgrowers' Association.

INSPIRATION CONSOLIDATED COPPER CO.,

OFFICE OF THE PRESIDENT,

New York, February 24, 1926.

HON. HENRY F. ASHURST,

United States Senate, Washington, D. C.:

MY DEAR SENATOR: Personally I am very strongly of the opinion that we should accept the debt settlement recently arrived at with Italy for two reasons: The first is that if we don't we will ultimately get less; and the second is that it is essential for Europe to get its

debts settled before the countries can properly get established and obtain credit for the purchase of supplies, which largely come from this country.

Arizona is especially interested. The copper exports for the last half of last year were only three-fourths of the exports for the first half, and the foreign market is stagnant at the present time. It is, as you know, the top few per cent of demand above or below normal production that really makes the price of copper, and if Arizona is going to pick up it sadly needs a greater export demand and a consequent reasonable price for copper. Since the first of this year the falling off has continued, and the exports are lower than the average rate for the last half of last year. This situation is serious, and if it can not be corrected it will force curtailment of copper production in our State and elsewhere, with a consequent decrease in employment and the injurious depressions that follow.

I take the liberty of presenting to you my views, and hope in studying this very important question they may be of some service to you.

Yours very truly,

L. D. RICKETTS,

FLAGSTAFF, ARIZ., February 28, 1926—1.50 a. m.

HON. HENRY F. ASHURST,

United States Senate, Washington, D. C.:

We respectfully request your earnest support to the passage of the Italian debt settlement now before the Senate. We believe it will in a large measure benefit basic industries of Arizona.

CHAMBER OF COMMERCE.

MIAMI, ARIZ., February 26, 1926.

HON. HENRY F. ASHURST,

United States Senate, Washington, D. C.:

Understand that Italian debt-settlement question is soon to be taken up by Senate. Large part of the copper exported in 1925 was taken by Italy, and prospects are for them to take a greater tonnage in 1926 provided the debt settlement is satisfactorily arranged, and it is of utmost importance to copper producers of this State that that plan under consideration may be ratified, and I trust you may be able to use your best efforts to further this program.

J. H. HENSLEY, JR.,

Mine Superintendent, Miami Copper Co.

BISBEE, ARIZ., February 26, 1926.

HON. HENRY F. ASHURST,

Washington, D. C.:

The Bisbee Chamber of Commerce very strongly urges that you lend the influence of your efforts to the support of the legislation now before the Senate in reference to the debt settlement with Italy. As you know, Arizona is producing 42 per cent of all domestic copper, and in order that export copper business be increased European countries must receive credit from the United States settlement of Germany's financial problems immediately reflected itself in copper demand. Prosperity in Bisbee district and entire State depends upon stimulation of copper demand. Please wire us your opinion regarding final passage.

GEORGE JAY,

President Bisbee Chamber of Commerce.

PRESCOTT, ARIZ., February 26, 1926.

HON. HENRY F. ASHURST,

United States Senate, Washington, D. C.:

Exporting copper has fallen off rapidly. Italy has taken half total production Arizona. Believe Arizona faces serious economic problem unless treaty proposing Italian debt settlement approved by Senate. If copper mining curtailed as result nonapproval, all Arizona will suffer. Urge your favorable action.

YAVAPAI COUNTY CHAMBER OF COMMERCE,
HARRY W. HEAP, President.

PHOENIX, ARIZ., February 26, 1926.

HON. HENRY F. ASHURST,

United States Senate, Washington, D. C.:

Success of Arizona agriculture is tied up with the continued operation of the mines. For this reason we believe they are justified in asking ratification of the Italian debt settlement, so as to support purchasing of copper for export. We believe Arizona will benefit by prompt settlement, and therefore ask your support.

ARIZONA FARM BUREAU FEDERATION,
GEO. M. BRIDGE, President.
WALTER STRONG, Secretary.

PHOENIX, ARIZ., February 26, 1926.

Senator HENRY F. ASHURST,

United States Senate, Washington, D. C.:

Arizona is vitally affected by the output of its copper mines. The copper output is at present reduced because of lack of export demand.

Europe is in need of copper, but unable to buy because of debt due this country. In order to relieve the copper situation we urge that you give every possible support to the passage of the Italian debt settlement now before the Senate.

ARIZONA PACKING CO.

DOUGLAS, ARIZ., February 26, 1926.

Senator HENRY F. ASHURST,
Washington, D. C.:

This association convinced failure to indorse Italian debt settlement would work great injury to copper industry of Arizona. Therefore our organization will greatly appreciate your support.

ARIZONA WHOLESALE PRODUCE ASSOCIATION,
JOHN F. BARKER, President.
GEORGE E. BUXTON, Secretary.

PHOENIX, ARIZ., February 26, 1926.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

We are informed that the Italian debt settlement is now before the Senate, and that continuance of copper purchases by Italy is largely dependent on approval of same. In view of vast importance to all interests in Arizona of maintenance of good demand for copper, we respectfully urge that you give every support possible to passage of Italian debt settlement.

BEARDSLEY INVESTMENT CO

TUCSON, ARIZ., February 25, 1926.

Hon. HENRY F. ASHURST,
Washington, D. C.:

Please support legislation now before Congress on debt agreement, United States and Italy. Same of importance to our State. Italy large buyer of copper.

A. H. CONDRON,
Secretary Tucson Chamber of Commerce.

CLARKDALE, ARIZ., February 26, 1926.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Referring to Italian debt settlement, we are advised favorable action this bill by Senate will have favorable effect on copper export business. While I have been following press reports concerning this bill, I am naturally in no position to pass upon it, but would appreciate your giving consideration to it from viewpoint of copper exports and otherwise, and if consistent support it.

ROBERT E. TALLY.

GLOBE, ARIZ., February 26, 1926.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Economic situation of your constituents engaged in producing copper in Arizona absolutely demand that the exportation of metal be not interfered with by making the Italian debt settlement a purely political issue. We appeal to you to use your best efforts to defeat this proposal.

GLOBE LUNCHEON CLUB,
F. A. WOODWARD, President.
W. A. SULLIVAN, Secretary.

MIAMI, ARIZ., February 26, 1926.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Representing a group of your Democratic constituents, I appeal to you to consider the economic effect of making the Italian debt settlement a purely political issue. Italy takes 300,000,000 pounds of copper a year, and our industry, just struggling out of a five-year depression, needs this market badly. Get back to ancient and honorable issues that made our party great. Tariff for revenue only; and, above all, State rights.

Dr. JOHN E. BACON.

PHOENIX, ARIZ., February 26, 1926.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

The importance of confirming in the Senate Italian debt settlement has been brought to the attention of Arizona. Every citizen of this State is interested in the sale of the excess production of copper abroad. The export of copper has fallen off in an alarming degree during the past eight months, and in the last two months the loss has become dangerous. We believe that the credit which will be available to Italy, based on the settlement before the Senate, will allow the increased purchase of copper. Every citizen and every industry of Arizona is dependent in great measure on the continued operation at large production of our copper mines. The directors of industrial congress, representing all industries, have voted for confirmation of

this settlement and have instructed me to wire you, placing the matter wholly in your hands as our representative, asking that you give the matter your very earnest consideration as a support to the economic development of the State.

(Signed) ARIZONA INDUSTRIAL CONGRESS,
P. G. SPILLSBURY, President.

INSPIRATION, ARIZ., February 25, 1926.

Hon. HENRY F. ASHURST,
Washington, D. C.:

I understand the Italian debt question will be up this week for consideration. Italy purchased a large tonnage of copper in 1925, and the prospects for American producers making heavy exports of copper to that country in 1926 are better than last year, provided the debt question can be disposed of. It is of the greatest importance to the mining interests of this State that the proposed agreement be ratified, and we sincerely hope that your influence can be exerted in that direction.

T. H. OBRIEN.

DOUGLAS, ARIZ., March 29, 1926.

Senator ASHURST,
Washington, D. C.:

We feel that the Italian debt settlement proposition should be approved by Senators representing Arizona. We feel that the copper industry will be greatly benefited should this settlement be made.

DOUGLAS CHAMBER OF COMMERCE AND MINES,
By REX RICE, President.

RAY, ARIZ., March 3, 1926.

Senator HENRY F. ASHURST,
United States Senate, Washington, D. C.:

We believe that settlement of Italian debt is of great importance to the copper industry of Arizona, as for reasonable prosperity it is essential that foreign sales be maintained and increased if possible. Postponement of the Italian debt settlement will undoubtedly hurt our foreign business and bring about depression in the industry which will not only be detrimental to ourselves but to all other industries in the State of Arizona who either are dependent upon the copper industry in some measure or who themselves have foreign market to sustain.

W. S. BOYD.

PHOENIX, ARIZ., March 3, 1926.

Senator HENRY F. ASHURST,
Washington, D. C.:

Your support in securing the early passage of the Italian debt settlement before the Senate is of very vital importance to every citizen of this State in its effect upon the operation of the copper-mining industry of Arizona, and will, we, believe, be heartily appreciated by all those who have at heart the interests of Arizona.

PRATT GILBERT CO.

FLAGSTAFF, ARIZ., March 1, 1926.

Senator HENRY F. ASHURST,
Washington, D. C.:

I hope you can consistently support confirmation Italian debt settlement. I believe it will be for best interests our country.

T. A. RIORDAN.

PHOENIX, ARIZ., March 1, 1926.

Senator ASHURST,
Senate Office Building, Washington, D. C.:

The general business interests of Arizona are so dependent on the purchasing power of the mines and are so interested in every policy of betterment that we earnestly ask you to favorably consider and give your support to the passage of the Italian debt settlement before the Senate.

W. S. MASON.

PHOENIX, ARIZ., March 2, 1926.

Hon. HENRY F. ASHURST,
United States Senator, Washington, D. C.

DEAR SIR: We understand the Italian debt settlement is now before the Senate for confirmation.

As I understand it, this settlement has the approval of Secretary of the Treasury, Mr. Mellon, also the administration. For that reason we believe it would be to the best interest of the State of Arizona to approve this settlement. Unless foreign countries can receive credit from the United States we will be unable to export to those countries, and this will particularly effect Arizona, for the reason that we are, as you know, very large producers of copper and must depend on foreign demand to keep our mines operating.

This is our sincere viewpoint, and we trust you will give it your serious consideration.

Very truly yours,

ARIZONA GROCERY CO.,
By GEO. W. MICKLE.

SOUTHWEST METALS CO.,
Humboldt, Ariz., March 2, 1926.

HON. HENRY F. ASHURST,

United States Senate, Washington, D. C.

DEAR SIR: Permit me to respectfully call your attention to the important bearing on the copper industry of our State of the ratification of the Italian debt settlement agreement proposed by the present administration.

Without an increasing copper trade the copper market is certain to go still lower and the industry of Arizona is at present in a very precarious condition, where any further depression in the market may cause reduction in output or entirely shutting down of certain mines with the resultant unemployment of labor and general hardship upon the community.

Our own company, being a comparatively high-cost producer, will be among those who will feel this situation most keenly, and we believe that the prosperity of this State as well as of other States producing copper is very largely dependent upon the purchasing power of Europe, which can only be stabilized through ratification of the present agreements for funding debts to the United States.

Yours very respectfully,

G. M. COLVOCORESSES,
General Manager.

THE PUBLIC DOMAIN AND STATE RIGHTS

Mr. ASHURST. I ask unanimous consent to print in the RECORD a letter from the Hon. George W. P. Hunt, Governor of Arizona, addressed to the President of the United States, concerning the problem of the public domain in the Western States.

The VICE PRESIDENT. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE, STATE HOUSE,
Phoenix, Ariz., April 9, 1926.

MY DEAR MR. PRESIDENT: The year 1926 is the sesquicentennial of many stirring events in the history of our country. And, perhaps, it is due to the fact that ancestors on both the paternal and maternal sides of my family participated in some of these events that makes me feel so keenly the necessity of adhering to the fundamental principles upon which our Government was founded and causes me to reflect that "a frequent recurrence to fundamental principles is necessary."

In particular I feel the importance of recognizing and sustaining the fact that this Government is made up of sovereign States and that the Federal Government derives its authority from powers conferred upon it by the States, rather than the Federal Government being all powerful and governing 48 subject States.

While the doctrine of State rights has long been the primary doctrine of the particular political party with which I have been affiliated all my life, yet many ardent Republicans have also enunciated and sustained the doctrine of State rights, among whom may be listed Abraham Lincoln, and I note that in several of your State documents, Mr. President, a reference to the necessity of maintaining the integrity of our State governments.

I am addressing you at this time for several reasons:

First. Because of the occurrence of the one hundred and fiftieth anniversary of many of the historical events which go to make up the early history of our Nation, a record in which all American citizens take a deep and lasting pride, and which constitutes the fount from which we imbibe the spirit of liberty and the ideals of our country.

Second. Because I see the continual encroachment and building up of the Federal Government at the expense of the States, and the consequent weakening of the power and influence of the States.

Third. Because the State of which I have the honor of being chief executive has been one of the chief sufferers from the policy of Federal aggrandizement; and

Fourth. Because there appears to be a definite, well-defined movement under way, which is sustained by several of the members of your Cabinet, to perpetrate a crime against the State of Arizona and to violate one of the most sacred and fundamental principles of our Constitution.

It needs no statement from me, Mr. President, to impress you with the fact that this Nation was not built by a race of men who were nurtured and coddled by any group of Federal bureaucrats.

The men who conquered the West and girdled it with bands of steel, who bridged our rivers, tamed mountain torrents, and wrested from the mountain and desert fastnesses the mineral treasures they contained; who have conquered the desert and made it bloom and produce for mankind; these men did not want, and their progeny do not want, to be nurtured by any Federal bureau. In fact, Mr. President, the experience in my State—and I think the same is true of other Western States—is that Federal bureaus do not nurse and protect the builder. They act as a drag to sap his vitality, and thus prevent the conquering of nature, and retard the putting of the resources of nature to the use and benefit of mankind.

In the State of Arizona 67 per cent of the area, Mr. President, is still in the control of the United States Government, in spite of the fact that we were granted Statehood and sovereignty 15 years ago.

I direct your attention, Mr. President, to the treaty with Mexico, in which that nation ceded a considerable portion of the territory which now constitutes the State of Arizona. That treaty provides that the territory "shall be formed into free, sovereign, and independent States and incorporated into the Union of the United States as soon as possible, and the citizens thereof shall be accorded the enjoyment of all the rights, advantages, and immunities as citizens of the original States."

It is pertinent at this point to inquire, how it can be contended by anyone that the State of Arizona and other Western States have been admitted to this Union on a parity with the other States in the Union where no reservations of lands were made, in view of the fact that the original price paid for the territories that were acquired by the Federal Government, and out of which the Western States were formed, was nominal, and the National Treasury has been repaid manifold.

This 67 per cent of the area of the State of Arizona, which is controlled by the Federal Government in one way or another, pays no taxes to assist in maintaining the State government or in developing the State; and if the land were in private ownership, Mr. President, and the private owner did no more to develop the territory owned by him than the Federal Government is doing to develop the West, that citizen would receive and merit the condemnation of his neighbors.

But that is not the worst phase of the situation, Mr. President. There now appears to be a tendency in the bureau, which now to such a large extent control our Federal Government, to sponsor legislation which will create a monstrous condition in the West, in the shape of the United States Government as the permanent landlord of all this vast domain. A permanent landlord, leasing the public domain, exacting rents and royalties from those who undertake to make a living by grazing livestock, cutting timber, or developing minerals upon the public domain within the borders of sovereign States and paying no taxes to those States.

This policy, I think, Mr. President, is repugnant to every vital and fundamental principle underlying the Constitution of the United States and the principles upon which this Nation is founded.

A careful perusal of the ideas and the spirit which actuated the early statesmen of this Nation in acquiring the territory which constitutes the public domain indicates beyond any question of doubt that it was their intent to divest the Federal Government of control over public lands as rapidly as the country could be settled and the lands sold.

When Thomas Jefferson executed the Louisiana Purchase he recognized the fact that this act of his administration was consummated without authority of law, and he proposed an amendment to the Constitution of the United States to ratify the act.

Many of the ablest statesmen this Nation has produced, and who were imbued with the spirit and principles of the founders of this Republic, have denied the constitutional authority of the Federal Government to hold lands within the limits of the States, except for such purposes as forts, arsenals, dockyards, and other needful buildings, and for the purpose of maintaining a place for the Capitol of the United States.

I have asked attorneys to advise me under what authority the United States continues to hold dominion over the vast areas in the Western States, and I am advised that there are only four sections of the Federal Constitution upon which such authority rests:

1. Article I, section 8, paragraph 17, reads as follows:

"To exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may by cession of particular States and the acceptance of Congress become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings. And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof."

2. Article III, section 2, provides:

"The judicial power shall extend to controversies . . . between citizens of the same State claiming lands under grant of different States."

3. Article IV, section 3, paragraph 2, provides:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State."

But I am told by attorneys that the full scope of this paragraph has never been construed or settled by the Supreme Court.

4. Article XI provides:

"The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state."

Attorneys have advised me that these are the only powers ever granted by the States or the people of the United States to the General Government regarding lands.

But the fact remains that the whole tendency and policy of the Federal Government in the early years of this Nation was to recognize the proposition of creating new independent sovereign States from the public lands, as early as possible, and to dispose of the public domain within the States by sale, homestead, or other means, as rapidly as the lands could be absorbed into private use.

The outstanding menace to the development of the West, in the matter of State sovereignty, is the new policies being discussed and formulated by bureaus in Washington and by Congress, which seek to perpetuate Federal ownership of the public domain in western States.

It is a ridiculous proposition, Mr. President, in addition to being disheartening and destructive to the building up of the West, to have some young man—whose chest and head have recently been expanded because he has received a beribboned diploma—announcing that he has been graduated from some school of forestry in the East, and that he is able to fill a swivel chair position as a forestry expert; with his diploma, burnished puttees, and semi-military uniform, decorated with gold buttons and insignia, undertaking to tell a gray-haired, sunburned, and frostbitten stockman, who has survived the experiences of marauding Indians, of drouths, fire, epizootic, and other epidemics of disease, how to run his business.

It is even more discouraging to the development of the West to have some self-conscious, highly important graduate of a school of forestry advising and instructing men who have lived in the woods 40 and 50 years, and who know the timber industry from the tree to the market, how to run their business, and informing some of them that they have been in business too long and that they should retire and give some one else a chance.

It is exceedingly exasperating to the sour-dough prospector, who has survived a diet upon which only the hardiest could survive—yea, who has even undergone the pangs of hunger and thirst because of his optimism that the vein of metal was only another day's labor away—those days piling one upon another, running into years—when applying for a patent upon his claim to be required to prove to some swivel-chair bureaucrat that he is not a crook trying to rob the Government.

The men who have built the West and wrested it from savage nature for the use of man; the men from the West who enlisted under the banner of Roosevelt and fought at San Juan, whose breed and progeny still live in the West, were not men, as I have already said, who were nurtured by Federal bureaucrats.

The present policies, if pursued and carried out to their ultimate conclusion, Mr. President, can only result in the change of the ideals of America, and instead of men taking pride in their hardships and labor in wresting a continent from nature and making it productive for a new race of men, we shall set up in their place a system that is very graphically illustrated by Emil Jannings in the Last Laugh, in which it is illustrated that under some circumstances the worth of a man is judged by the uniform he wears.

You can render a great service to this Nation, Mr. President, during this year, when our people have their minds attracted to the great historic principles upon which our Government is founded, by directing their attention to the fact that we have departed from the principles of the fathers and by urging a return to those principles. You can render a great service to this Nation, Mr. President, by urging that the intent of the fathers be fulfilled and the territory within the borders of the Western States be ceded to them to be administered by the States in the interest of the people within the States where the territory lies, and accomplish the completion of the establishment of 48 sovereign States.

If the Federal Government sets out on the path of becoming a perpetual, permanent landlord, deriving rents and royalties from the public domain, the time will come—it must come in the West—when the whole foundation upon which State sovereignty rests must break down.

One can not walk the streets, enter any public building, or go anywhere within the State of Arizona to-day—and I presume the same is true of other Western States—that he does not collide with Federal employees of every type, form, and character.

There is scarcely a public activity in the State of Arizona that does not impinge upon some Federal bureau or department. There is not an industry but is affected thereby. The horde of Federal employees continues to grow. New additions are made every year, and the trouble is, Mr. President, that the greater number of these employees are wholly nonproductive.

I am writing, Mr. President, not as one who believes in the exploitive theory concerning the resources of our country, but as one who has been a staunch advocate of conservation.

As a young man, a member of the Legislature of Arizona when it was still a Territory, I advocated and supported the turning into a forest reservation of some of our mountain country, of the county which I represented, which had been cut over to secure timber for the mines.

I have supported many of the other conservation ideas and policies, but when I observe the stock industry of our State driven to the verge of bankruptcy by governmental policies; when I was informed by the manager of the Saginaw-Manistee Lumber Co., which has been operating in the State for the past 40 years, that due to new policies in the department, which are instituted overnight without any consultation with the men who are in the lumber business, and which are based upon mere interpretations of leases and regulations of the department, that his company has been operating at a loss for the past several years, due to these policies, and that if such policies continue it means the company must cease operations; when I observe some of the most progressive men among our mining engineers and prospectors seeking locations and spending their money in the nation south of the Arizona line rather than put up with and contend with the harassment and with the policies formulated by the Federal Government within our own State concerning mineral ground; when I see the money being paid by our stockmen as grazing fees and the money paid by the lumber industry for the purchase of timber being utilized to pay a lot of uniformed nonproductive Federal employees, I can not see the benefit to either our State, our industries, or our Nation of the present governmental policies.

And, finally, Mr. President, when I contemplate the activities in Washington of members of your Cabinet and others in connection with the proposals for development of the Colorado River, and the plans they have put forward to invade the State of Arizona and the State of Nevada without the consent of those States for the purpose of enriching and aggrandizing another State, I pause to inquire what has become of the principles which underlie the Government of this Republic?

I note from Associated Press reports of April 6 that an amendment to the proposed Boulder Canyon bill, proposed by a representative of the sovereign State of Nevada, was brusquely brushed aside by the chief of one of the bureaus—the Secretary of the Interior—who proposes that the Federal Government shall regulate the matter of controlling the Colorado River, a matter which vitally concerns the interests of two sovereign States.

I, as Governor of Arizona, have repeatedly protested against the pending legislation. The Legislature of the State of Arizona has twice refused to ratify the Colorado River compact without another compact first being made between the three States in the lower basin which would fully carry out the provisions of the law enacted by Congress, which authorized the making of a compact which would apportion the water of the Colorado River "among the States."

The State of California, which will profit most from the pending legislation in Congress concerning the Colorado River, has repeatedly refused to negotiate, and has obstructed the carrying out of the provisions of the law enacted by Congress and the seven States in the Colorado River Basin to make such a compact. And when a committee was finally appointed by California to negotiate, it undertook to make conditions precedent to negotiating which would give that State everything it wanted.

It is true that a member of your Cabinet, a gentleman from California, has undertaken to assure you and the country that the State of Arizona is adequately protected under the provisions of the Colorado River compact. I pause to inquire of you, Mr. President, who, under the provisions of the Constitution of the United States, is best able to determine whether this State is protected by the compact, a citizen of another State who will profit by the despoiling of this State or the Legislature and the Governor of the State of Arizona?

I think, Mr. President, that the time has come to call a halt upon proposals to increase the powers of the Federal Government, and that it be definitely recognized that the safety of this Government lies in maintaining 48 sovereign, strong, and virile States; that the strength of this Nation is dependent upon its citizens enjoying to the utmost the benefits of local self-government, so that they may be self-reliant and ready to fight, if necessary, for the maintenance of ideals and principles upon which the Government of this Nation is founded.

If we continue to travel the path we have been on for the past several years, we will eventually adopt the goose step.

I also pause to inquire, Mr. President, why any of the sovereign States of this Nation should place their destiny in the keeping of any member of the President's Cabinet, especially, Mr. President, of the Secretary of the Interior, irrespective of who he may be or what political party he may belong to.

The record of Secretaries of the Interior during the past generation is not one, Mr. President, to give confidence to the States. And I particularly direct your attention to the fact that if enlarged powers are to be given to the Secretary of the Interior and the Government continues to maintain in the West the vast public domain it still pos-

esses, and in addition becomes a Shylock landlord, collecting rents and royalties, that the West will be at the mercy of the Secretary of the Interior and be without protection, as our Senators and Congressmen now spend a great amount of their time as messengers among the bureaus.

I have been so bold upon several occasions, Mr. President, as to suggest that the public domain in the Western States be ceded to the States. Last year I addressed a communication to the governors of the Western States suggesting that they join me in advocating that this policy be urged upon the Congress of the United States.

The Government has been in the land business nearly a century and a half, and I think the time has arrived when the remaining unreserved, unappropriated, and nonirrigable public domain should be disposed of in the quickest manner for the benefit of the people of the States in which the lands are located. A considerable portion of the land will never be worth very much, acres of it being required to graze a single cow. But, instead of keeping it as the property of the Federal Government to produce revenue to maintain a horde of non-productive clerks and uniformed traveling inspectors, the citizens of this country should be permitted to acquire the property so that it may be placed upon the tax rolls of the several States for the benefit of those States.

If this policy is not adopted, I would advocate that you recommend to Congress that the surface rights in these lands be sold and disposed of at a nominal cost, and that the homestead law be amended so as to permit a homesteader to take up adequate land to permit of some farming and stock raising, so that the Western States may grow, increase in population, and that this territory in the West may be developed. If the latter policy is adopted, provision should be made to have the policy conform to State laws governing sheep driveways, etc., and the right to prospect for minerals retained.

The youth of this country should be permitted its opportunity to suffer hardships and heartbreaks, to have its soul tested, to undergo discouragements, and to anticipate and taste the fruits of victory which come from having achieved success in making useful for mankind what have been condemned as desert wastes.

I have confidence in the West, Mr. President. I love its deserts and its mountains, and I believe the time will come when even some of the least productive sections can be made to sustain and grow produce which will be useful to men, and I think and believe that the youth of our Nation will find a means of utilizing this domain, provided it is given the opportunity, and that opportunity, Mr. President, will not come with the Government as a land-leasing landlord.

I commend these thoughts to you in connection with many of the great problems which confront our country.

Very respectfully yours,

GEO. W. P. HUNT,
Governor of Arizona.

HON. CALVIN COOLIDGE,
President of the United States,
Washington, D. C.

STATUE OF SIMON BOLIVAR

Mr. FESS. Mr. President, we have been listening to eloquent utterances on behalf of a great American. There was a great American in South America by the name of Bolivar, a man who is regarded as the Washington of South America. When the Pan American Congress met in Santiago in 1923 they recommended that a statue be erected in Panama in honor of this great South American. Panama was to donate \$10,000 to the \$100,000 that was provided. It was recommended that the United States should also contribute \$10,000 for the purpose. The matter has been taken up with the Secretary of State by correspondence from South America; the President of the United States recommended it in his last message to Congress; and the Committee on the Library has reported favorably unanimously that the \$10,000 be contributed for this purpose.

I ask unanimous consent to present the report of the committee, and I ask for immediate consideration.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Is there objection?

Mr. BORAH. I have no objection to the Senator submitting the report, but my attention was diverted. Do I understand that this is a bill to erect a statue to General Bolivar?

Mr. FESS. Yes; on which \$100,000 is to be expended by the Pan American countries, \$10,000 to be provided by this Government.

Mr. BORAH. I shall not object to the consideration of the measure, but I take this opportunity to say that there are several great Americans connected with the organization of this Government to whom we have not yet seen fit to erect statues. It occurs to me that while we are considering this matter of paying tribute to those to whom we feel indebted for the great work of the past, we might very well, while reach-

ing out into other countries, consider several of those to whom we are indebted for the existence of this Republic, and to whom we have never yet seen fit to erect statues, or in any other way to pay proper tribute to their memories.

Mr. FESS, from the Committee on the Library, to which was referred the bill (S. 2643) to provide for the cooperation of the United States in the erection in the city of Panama of a monument to Gen. Simon Bolivar, reported it without amendment and submitted a report (No. 588) thereon.

Mr. FESS (continuing). Mr. President, I appreciate what the chairman of the Foreign Relations Committee has said. If time permitted, I would like to have an opportunity of setting before the Senate the claim of Simon Bolivar for this recognition. I will not have time to-day, and I therefore will not ask for the immediate consideration of the measure, but will defer it to a future time and let it go to the calendar.

The PRESIDING OFFICER. The bill will be placed on the calendar.

AMERICAN LEGION MUSEUM

Mr. ROBINSON of Indiana. Mr. President, I report back, without amendment, from the Committee on Military Affairs, the joint resolution (S. J. Res. 91) directing the Secretary of War to allot war trophies to the American Legion Museum, and I submit a report (No. 589) thereon. I ask for the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. I have no objection if it will not lead to debate.

Mr. ROBINSON of Indiana. I think, if the Senator will bear with me just a second, that there will be no discussion of the joint resolution for the reason that it simply provides that the Secretary of War shall be directed to allot and deliver, without cost to the United States, for the National Museum of the American Legion, in Indianapolis, at their headquarters, war trophies from the World War, without any expense to the Government. A similar joint resolution passed the House of Representatives without any debate, and with no dissenting voice of any kind. I assume there will be no objection to it here.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. BLEASE. As a member of the Senate Committee on Military Affairs, I object.

The PRESIDING OFFICER. The joint resolution will be placed on the calendar.

HEIGHT OF BUILDINGS IN THE DISTRICT

Mr. KING. Mr. President, I rose to ask that the Senate proceed to the consideration of House bill 9308, to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910.

Mr. SMOOT. I understood that my colleague would call up the bill to-morrow morning.

Mr. COPELAND. May we expect to take it up to-morrow morning?

Mr. SMOOT. I think so. I have no objection, if it will not lead to very much debate. My colleague says it will not lead to any debate to speak of.

Mr. COPELAND. The junior Senator from Utah promised to call it up to-day, but if it is understood that we can bring it up to-morrow morning that will be agreeable.

Mr. KING. I shall ask for its consideration to-morrow morning.

Mr. SMOOT. That will be all right, if it does not lead to any further debate than my colleague has stated to me.

Mr. KING. I do not think it will take more than 10 or 15 minutes.

ORDER FOR RECESS

Mr. SMOOT. I ask unanimous consent that when we recess to-day, we recess until 12 o'clock to-morrow. I will state that it is desired that we shall have a short executive session now.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and the Senate (at 1 o'clock and 50 minutes p. m.), under the order previously entered, took a recess until to-morrow, Wednesday, April 14, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 13 (legislative day of April 5), 1926

UNITED STATES COAST GUARD

The following-named persons in the Coast Guard of the United States, to rank as such from May 15, 1926:

TO BE ENSIGNS

Cadet Ira E. Eskridge.	Cadet Francis C. Pollard.
Cadet Richard M. Hoyle.	Cadet Harry W. Stinchcomb.
Cadet Miles H. Inlay.	Cadet Howard J. Whitmore.
Cadet Harold C. Moore.	

TO BE ENSIGNS (ENGINEERING)

Cadet (Engineering) Kenneth K. Cowart.
 Cadet (Engineering) Morris C. Jones.
 Cadet (Engineering) Gaines A. Tyler.
 Cadet (Engineering) Stanley J. Woychowsky.

These young men will have satisfactorily completed the course of instruction for cadets and cadets (engineering) at the Coast Guard Academy, have passed the prescribed physical examination, and have served as cadets the time required by law.

UNITED STATES ATTORNEY

Harry H. Atkinson, of Nevada, to be United States Attorney, District of Nevada, vice George Springmeyer, whose term has expired.

UNITED STATES MARSHALS

Siegel Workman, of West Virginia, to be United States marshal, southern district of West Virginia. A reappointment, his term having expired.

Albert C. Sittel, of California, to be United States marshal, southern district of California. A reappointment, his term having expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 13 (legislative day of April 5), 1926

COAST AND GEODETIC SURVEY

TO BE AIDS

William Francis White.
 Edward John Burke.

TO BE JUNIOR HYDROGRAPHIC AND GEODETIC ENGINEERS

Hubert Alexander Paton.	William Francis Malnate.
Alexander Francis Jankowski.	Carl Fred Ehlers.
Carl Ingman Aslakson.	Frank Gerard Johnson.
Samuel Barker Grenell.	Paul Albert Smith.
Riley Jacob Sipe.	

UNITED STATES ATTORNEYS

Charles F. Cole to be United States attorney, eastern district of Arkansas.

Raymond U. Smith to be United States attorney, district of New Hampshire.

UNITED STATES MARSHALS

James C. McGregor to be United States marshal, western district of Pennsylvania.

J. Ray Ward to be United States marshal, district of Utah.

POSTMASTERS

CALIFORNIA

Samuel N. Frost, Holtville.
 George M. Eaby, La Habra.

IOWA

John L. Gallagher, Eddyville.
 Frederick W. Steele, Walker.

MAINE

Earle H. Roberts, Fort Kent.
 Ivory J. Bradbury, Hollis Center.
 Thomas H. Phelan, Sabattus.

MASSACHUSETTS

Raymond C. Hazeltine, Chelmsford.
 James R. Tetler, Lawrence.
 Delano E. Chase, Linwood.
 Myron M. White, South Duxbury.
 Sara H. Jones, West Barnstable.
 George B. Waterman, Williamstown.

MICHIGAN

Henry M. Cosler, Bear Lake.
 Benjamin F. Scamehorn, Bloomingdale.
 Fred W. Cutler, Fairgrove.
 Jesse M. Green, Roscommon.
 John M. Klipp, Watervliet.

MINNESOTA

Merton E. Cain, Carlton.
 Ingebright A. Hanson, Frost.
 Robert L. Bresnan, Madison Lake.

MISSISSIPPI

Robert W. Kyzar, Columbia.
 Kathleen J. Martin, Louise.
 Henry P. Patton, Sardis.
 Taylor E. Dunn, University.

NEBRASKA

Fred H. Herrieln, Deshler.
 Herbert H. Ottens, Dunbar.
 John T. Bierbower, Giltner.
 Allen A. Strong, Gordon.
 Harold Hjermfelt, Holdrege.
 Henry E. Schemmel, Hooper.
 Howard L. Sergeant, Juniata.

NEW YORK

Henry Leonhardt, Alexandria Bay.
 C. Homer Hook, Greenville.
 John B. Read, Poland.
 Earl B. Templar, Valley Falls.

NORTH CAROLINA

John W. Chapin, Aurora.
 George T. Whitaker, Franklinton.
 Charles R. Grant, Mebane.
 James L. Sheek, Mocksville.

NORTH DAKOTA

Victoria Quesnel, Bathgate.
 James W. Pratten, Milton.

OKLAHOMA

Jeanette E. Perry, Boley.
 George A. Strouse, Billings.
 Gavin D. Duncan, Boswell.
 John E. T. Clark, Coalgate.
 Orlo H. Willis, Delaware.
 Ida White, Konawa.
 Arthur W. Crawford, Mooreland.
 Grace M. Johnson, Mulhall.
 Merrill M. Barbee, Spiro.
 Eve A. Loyd, Stigler.
 Albert Ross, Thomas.
 Harvey G. Brandenburg, Yale.

PENNSYLVANIA

Julia A. Ernest, Beavertown.

RHODE ISLAND

Charles F. Holroyd, Thornton.

SOUTH CAROLINA

Horace A. White, Simpsonville.

TENNESSEE

Lincoln M. Bromley, Iron City.

TEXAS

James T. Shaw, jr., Anna.
 Arthur H. O'Kelley, Atlanta.
 James R. Corbin, Blooming Grove.
 Robert S. Brennand, Colorado.
 Jasper M. Brooks, Copperas Cove.
 Jasper N. Coffman, Dalingfield.
 William C. Guest, Dayton.
 Andrew Schmidt, Edna.
 Jesse C. Miller, Elgin.
 Elam O. Wright, Estelline.
 Arnold H. Kneese, Fredericksburg.
 James W. Hampton, Handley.
 Minnie S. Parish, Huntsville.
 Louis J. Scholl, Malakoff.
 Joel W. Moore, McDade.

VERMONT

Earle J. Rogers, Cabot.
 Burton M. Sweet, East Hardwick.
 Frank C. Stewart, Fairfax.
 Berton M. Willey, Greensboro.
 Laura B. Stokes, Waitsfield.

WYOMING

Charles A. Ackenhausen, Worland.

HOUSE OF REPRESENTATIVES

TUESDAY, April 13, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art our heavenly Father, who givest liberally of all good things that make life worth while, we seek to worship Thee. We thank Thee that we are still living in the enjoyment of Thy love and mercy. We bless Thee for life's gifts and opportunities. May they mean to us self-denial, industry, courage, patience, and perseverance, rather than success, greatness, or victory. Oh let us be faithful to our daily tasks. Rebuke every excess and every defect and let our energies bend toward a large, orderly, and balanced life. If hope is fading, if our step is faltering, if our strength is weakening, if our ideals are lowering, oh take us by the hand, bend our wills to Thine, and lead us on. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 5701. An act to designate the times and places of holding terms of the United States District Court for the District of Montana.

The message also announced that the Senate had passed without amendment bills and resolution of the following titles:

H. R. 3932. An act to amend section 71 of the Judicial Code as amended;

H. J. Res. 213. Joint resolution for participation of the United States in the Third World's Poultry Congress to be held at Ottawa, Canada, in 1927.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 3186. An act to promote the production of sulphur upon the public domain and in the State of Louisiana; and

S. 1550. An act to appropriate certain tribal funds for the benefit of the Indians of the Fort Peck and Blackfeet Reservations.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 8908) granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Jones of Washington, Mr. Couzens, Mr. Bingham, Mr. Fletcher, and Mr. Sheppard as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1226) to amend the trading with the enemy act.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 8917. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes.

AMENDMENT TO THE TRADING WITH THE ENEMY ACT

Mr. PARKER. Mr. Speaker, I present a conference report on the bill (S. 1226) to amend the trading with the enemy act, for printing under the rule.

VISIT OF CERTAIN MILITARY ORGANIZATIONS TO FRANCE, ENGLAND, AND BELGIUM

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 204, authorizing certain military organizations to visit France, England, and Belgium. It is a resolution which was introduced by the gentleman from Connecticut [Mr. TILSON], and has been unanimously reported by the Committee on Foreign Affairs.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of House Joint Resolution 204, which the Clerk will report.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, may I ask the gentleman from Virginia whether he has talked with the gentleman from Tennessee [Mr. GARRETT] about this matter?

Mr. MOORE of Virginia. No; I have not. I overlooked doing that, but the resolution has the unanimous approval of the Committee on Foreign Affairs.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I ask that the joint resolution be reported so we may know what it contains.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Resolved, etc., That the Richmond Light Infantry Blues Battalion, of Richmond, Va.; the First Company Governor's Foot Guard, of Hartford, Conn.; the Second Company Governor's Foot Guard, of New Haven, Conn., and the Putnam Phalanx, of Hartford, Conn., are authorized to visit France, England, and Belgium during the month of May, 1926, as military organizations of the United States, under such conditions as may be imposed by the Governments of the countries aforesaid to be visited.

Sec. 2. That the visits herein authorized shall be without expense to the United States.

With the following committee amendments:

Page 1, line 7, after the word "authorized" insert the words "to accept the invitation."

Page 1, line 9, after the words "of" insert the words "their respective States recognized by."

Mr. BLANTON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Virginia a question. Admitting that these are deserving organizations of Richmond, Va., and Hartford, Conn., why should they be picked out above all of the other organizations in the United States, which likewise rendered worthy service in France? Why should they be singled out?

Mr. MOORE of Virginia. I may say to the gentleman that they are not singled out. They have been invited—one of them, at least, has heretofore been invited by Marshal Foch—all of them, I believe, have been invited to make this visit in May. We would not ask for the immediate consideration of the resolution except that the time is approaching when these organizations expect to start on their journey.

Mr. BLANTON. One further question. Does the gentleman know that when this joint resolution gets to the other end of the Capitol the little clause in this resolution, the saving clause, which says that it shall be without expense to the United States, will not be stricken out; and if it is stricken out, the gentleman from Connecticut [Mr. TILSON] will not permit the resolution to pass, will he?

Mr. TILSON. The resolution will never pass this House if that clause is stricken out.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the resolution was passed was laid on the table.

Mr. TILSON. Mr. Speaker, under leave granted, I wish to extend here a few remarks on the character of the military organizations referred to in the resolution called up by my friend from Virginia [Mr. MOORE], and which has just passed this House. I do this because under the circumstances I did not have the opportunity to speak when the resolution was passed.

The history of all the organizations mentioned in the resolution goes back to an early period in our history. As to the Richmond Light Infantry Blues, I shall not attempt to say anything except that this well-known organization of splendid men of the Old Dominion State is not only a historical organization but under a different military designation is an integral part of the federalized National Guard of the State of Virginia, and as such rendered notable service in France during the World War. For a number of years this fine organization has been exchanging visits with the Connecticut organizations referred to in the resolution, which visits have accomplished a noble purpose in bringing together in more friendly social relationship the young manhood of Virginia and Connecticut.

The Connecticut organizations have had an enviable record of service from a period prior to the Revolutionary War. The First Company of Governor's Foot Guard was formed in Octo-

ber, 1771, and the Second Company, of New Haven, in March, 1775. Both of these companies saw actual service in the Revolutionary War, and in every war since that time in which our country has been engaged these organizations have furnished an active fighting company.

The personnel of all these organizations is made up of men of high character, of fine standing in the communities in which they live, and they are well qualified in every way to worthily represent this country on their visit abroad. They have been invited to Europe by Field Marshal Foch, of France, and it is the purpose of these men to visit the battle fields on their trip.

The organizations referred to in the resolutions are not going to Europe as strictly military organizations, although they have been recognized in the military laws of the United States. While not going in a military capacity, these men are greatly interested in military matters and in the battle fields of the war, about 60 per cent of them, as I am informed, having served in the military forces during the World War. Many of them will have the pleasure of revisiting the scenes of their heroic service of the year 1918.

I am grateful to the membership of the House for their courtesy in passing this bill by unanimous consent, and on behalf of the men most directly concerned I sincerely thank the House for permitting the bill to be passed in this way.

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a brief memorandum from the commander of one of these organizations.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. MOORE of Virginia. The following is an extract from a memorandum furnished me by Maj. M. F. Neal, commanding the Light Infantry Blues:

The friendship of the Richmond Light Infantry Blues Battalion and the First and Second Companies, Governor's Foot Guards, of Connecticut, began at Jamestown Exposition in 1907. Since that date these organizations have exchanged numbers of visits on anniversaries and other suitable occasions. In 1908, the Blues went to Connecticut. In 1911, the Foot Guards came to Richmond. In 1912, the Blues went to Connecticut. In 1915, for the Confederate reunion, the Foot Guards came to Richmond. In 1922, the Blues went to Connecticut. In 1924, the Foot Guards came to Richmond. In 1925, the Blues went to Connecticut. The governors of Virginia and Connecticut have accompanied the Blues and Foot Guards on their visits to the respective States, and the friendship of these two military organizations has gone far to completely wipe out that feeling of "the North" and "the South" that had existed between the two Commonwealths.

In 1914 the Blues and the Foot Guards began to plan a trip to England to visit one of their territorial commands. This trip had to be abandoned, due to England's entry into the war.

In November, 1921, the Blues had the honor of escorting Marshal Foch on his visit to Richmond, Va. The Foot Guards had the similar honor in Connecticut. While in Richmond, Marshal Foch invited the Richmond Light Infantry Blues to visit France at a time when she was not torn by war and strife.

In 1922, when the Blues were visiting the Foot Guards in Connecticut, the matter was discussed, but nothing definite adopted.

In 1924, when the Foot Guards were visiting the Blues, at Richmond, it was decided that the trip would be made in 1926, and committees formed and the plans laid for the trip. It was then determined to also visit England and Belgium at the same time to also pay respect to these allies.

The purpose of the trip is to promote good will and a closer understanding between our own and the countries to be visited; to visit again the battlefields of France, on which our organization served in the World War, and to pay respect to the memory of those of our comrades who made the supreme sacrifice.

THOMAS JEFFERSON

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from New York [Mr. BOYLAN]. [Applause.]

Mr. BOYLAN. Mr. Speaker and gentlemen of the House, I am thankful to the distinguished Speaker, the leaders, and the Members of the House for the opportunity to say a few words to-day about that great American, Thomas Jefferson.

Thomas Jefferson was the foremost apostle of liberty—human liberty—the world has ever known. Other men, including many who were associated with him in creating this great Republic, were more interested in the forms of freedom, in liberty as an abstract idea, than in universal emancipation. Some sought to trammel liberty and keep it within narrow bounds. Many of the founders proposed a system of govern-

ment which should be little short of a republican monarchy. But Jefferson had an infinite faith in the people in days of distrust of the populace, agitation, and revolution, and at a time when democracy was but a name he stood firm for a government in which the power would be resident, not in the men of intellect, of financial influence, or social standing, but in the artificers of the cities, the woodsmen of the frontier, the laborers on the farms and plantations, the seamen along the Atlantic coast. He was the plain people's only champion at a time when they were inarticulate.

I often think, as I note increased demands for vesting all authority in the hands of the Central Government, that our greatest need is another Thomas Jefferson to speak out in behalf of the rights of the common people, to utter the individual's well-founded jealousy of a Federal Government which daily reaches out its talons for more and more control over our daily lives. The great Democrat who championed freedom of worship in Virginia, a system of State universities in which students might elect their own courses of study, and a Government resting solely upon the consent of the governed would be the first to protest against the growing encroachment which the Federal Government, through hateful amendments to the Constitution and a distortion of democracy, is making upon the life, liberty, and happiness of the individual citizen.

If Jefferson were sitting in this Chamber to-day, or holding the office of governor of any of our sovereign States, I can picture him as our leader in the struggle against sumptuary laws which restrict the decent freedom of the individual, against proposals to lodge control over our widespread educational system in the Federal Government, against domination of political groups by the great financial interests, against class discrimination, against bowing the knee to Europe whether it take the form of writing down their just and honest debts or accepting their decisions in international matters of vital import to our western Republic. Nine years before Washington's Farewell Address, you may remember that Jefferson was writing from Paris to caution against "entangling alliances"—those were his very words—and as Washington's first Secretary of State he adhered to that great American policy.

Jefferson's birthday this year should be a day upon which we rededicate ourselves to the many great causes and the single great principle—human liberty—for which he fought over a period of 40 years. It may seem trite to recall his services to liberty, his struggling for the doctrine of universal emancipation, but it was not so in his day. His enemies, at home and abroad, sneered at his demands for the fullest form of freedom. They pointed to the excesses of the French Revolution, and shuddered at the resulting wars which drenched Europe with blood from the North to the Red Sea.

"This," they retorted, "is what your liberty would give us in America."

But Jefferson never faltered; his vision was keener than theirs, his trust greater, his understanding deeper. Though a George the Third sat on the English throne, and a Napoleon strode across the European continent like a colossus, and a Metternich and a Talleyrand set the wicked pace for diplomats of the Old World, Jefferson labored to such avail that he created not only a nation but a party. It was only a few years afterwards that Jefferson became the first President of a nation and a party which, largely through his own efforts, were builded on the doctrine that all men are equal in the eyes of nature and the law, that life, liberty, and happiness are inalienable rights, that the function of government is to safeguard and guarantee those rights, and that all the authority and inspiration of government are drawn from the consent of the governed.

Trite words to-day, perhaps, for they are embedded in every child's history book; but, unfortunately, there are indications that those in charge of our Government are straying from the path marked out by such guideposts. No longer, I fear, do they exercise a dynamic influence upon those who sit in high places.

So we need a Jefferson to guide us back to sanity, to fundamentals, to the doctrine preached by him in the most critical period of our country's history. We need a "majestic and free voice" such as his to sound a trumpet call awakening us from our lethargy and slumber, the presence of a leader who traveled life's common way "in cheerful godliness," yet assumed life's lowliest burdens and duties on behalf of those who could not do so themselves.

To those who head the forces of reaction in our time Jefferson would protest, as he did to George the Third, in tones of defiance and warning:

Open your breast, sire, to liberal and expanded thought—

Thundered the great Virginian, then only 31 years old.

Let not the name of George the Third be a blot on the page of history. The whole art of government consists in the art of being honest. Only aim to do your duty and mankind will give you credit where you fail.

With equal justice he could say to-day to those who seem bent upon converting the Government into an instrument for improving the condition of the powerful and wealthy that—the whole art of government consists in the art of being honest.

Though we can not emphasize too much Jefferson's service in framing the Declaration of Independence, which struck an entirely new and loftier note in the century-old struggle for human rights, and his accomplishments from 1776 until he returned to Monticello late in life, broken in health and sadly in debt, it seems to me his earlier achievements were even more noteworthy. His later triumphs in the field of politics and human development were merely an extension of the principles he epitomized in Virginia. There he stood forth as the foe of a medieval organization of society, politics, law, and education. You can not know the true Jefferson, the father of a nation and a party, unless you understand his services in destroying outworn social, political, legal, and religious forms in the Old Dominion.

Virginia, with Massachusetts, was the nursery of the Revolution, of the Declaration of Independence, and of the United States of America. But the seeds of democracy had been planted in the Bay State long before; it needed only provocation to bring them to their period of growth. In Virginia George the Third and all he represented had stout defenders. It was Jefferson who made Virginia's soil fertile for the reception of democratic ideas in that grand old State, and it was Virginia which swept the rest of the South into the maelstrom of war and freedom, out of which we emerged as a Nation.

There, as later, by pen and uttered word, he betrayed a magic skill in crystallizing into sharp and distinct outlines the issues for which America fought. He gave voice to the wavering sentiment of human freedom. Time and again when the colonists were swaying between complete independence and partial servitude to the British crown there came from Jefferson's lips or pen a statement, a letter, or draft of resolutions which banished doubt, inspired the faint-hearted, and nerved the isolated groups to the great efforts which culminated in both a warlike and peaceful vindication of the great principles set forth in the Declaration of Independence.

In Virginia, however, Jefferson revealed his instinctive hatred of all forms of oppression and tyranny, his faith in the people, and his realization that the tyrant may assume many shapes. In his day Virginia had an established church which was recognized and favored by the Government; it was a crime to join dissenting churches. He struggled for years against the established forces, incurring the lasting enmity of powerful groups, but in the end he brought complete religious freedom to that great Commonwealth. Virginia, because of Jefferson, was the first sovereign State in the history of the world to proclaim formally in its laws the absolute religious freedom of all its citizens.

So, too, he revised the judicial code which supported and bulwarked an institution of punishment and tyranny that went back to the Middle Ages. He forced the repeal of laws against witchcraft and heresy, of legislation which preserved great landed estates to the permanent disadvantage of the many, of statutes which restricted manufactures, navigation, and development of a sound currency system. An aristocrat on his mother's side, with the blood of nobility in his veins, he struck a death blow at aristocracy in so far as it sought to determine and control what the people should think, how they should worship, how they should be governed, and how they should live. I firmly believe he would have struggled against any attempt to say what they should eat or drink.

It was in Virginia that Thomas Jefferson transplanted the seeds of democracy which, under his care and guarding, have flowered and grown into a sheltering tree whose beneficent shadows now stretches across the world.

Long before slavery became a problem, dividing our Nation and requiring determination by the sword and gun, Jefferson urged its abolition. His original draft of the Declaration of Independence cited British fostering of the iniquitous slave trade as one of its crimes against America and humanity, but unfortunately it was stricken out by the more conservative of the patriots. In the Virginia Legislature he labored for eventual emancipation of the black men. In establishing a temporary form of government for the Northwestern Territory he inserted a clause banishing slavery after the year 1800; it lost by 1 vote. Many of his doctrines that have come down to us are being stricken out day by day and are losing by one or more

votes. As he was ever on his guard, so we must be. Problems almost as serious as that of slavery, problems which threaten to divide a nation, are upon us now; it is not necessary to enumerate them.

Jefferson, as I have mentioned, was determined to keep us from imperialistic schemes abroad, but he was an ardent believer in a greater America. It was he who initiated and consummated the Louisiana Purchase; it was he who sponsored the Lewis and Clark expedition through western wilds to the Pacific coast; it was he who inspired the acquisition of the Floridas.

It was he who enhanced young America's prestige abroad by sweeping the Mediterranean clear of the Barbary pirates at a time when such world powers as Great Britain, France, and Spain were paying yearly tribute to the Sultan of Morocco. And before Monroe promulgated that great doctrine of America for the Americans, without interference from the Old World, he submitted it to his friend and adviser, then living in retirement at Monticello.

Thus "Jeffersonian Democracy" is not a mere political catchword. It is a glowing ideal which should animate us, regardless of party to-day, even in the face of triumphs by those who have abandoned his principles, who still manifest distrust in the people's right and ability to govern their own affairs. As against the theory that people were created for the government, which is at the root of many of our evils to-day, he proclaimed the principle that the government was established for the people. Liberty to him was not a privilege; it was a right, and government a mere responsibility delegated by the people. The first and only consideration was how much government was necessary to achieve human happiness and freedom—freedom in government, freedom in education, freedom in worship.

It is time to reexamine our Government in the light of these flashes of inspiration enjoyed by our great leader. It is time for the men in charge of our Government to make a pilgrimage, if only in fancy, to the grave of Thomas Jefferson and draw renewed faith in the people from the following epitaph, which he wrote himself:

Here was buried Thomas Jefferson, author of the Declaration of American Independence, the statute of Virginia for religious freedom, and father of the University of Virginia.

[Applause.]

FOREIGN COMMERCE SERVICE OF THE UNITED STATES

Mr. PARKER. Mr. Speaker, I call up the bill (H. R. 3858) to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes.

The SPEAKER. This bill is on the Union Calendar, and the House therefore automatically resolves itself into Committee of the Whole House on the state of the Union for its consideration.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3858, with Mr. CHANDLER in the chair.

The Clerk read the title of the bill.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. Under the rule adopted by unanimous consent, general debate is limited to one hour, one-half to be controlled by the gentleman from New York [Mr. PARKER] and one-half by the gentleman from Texas [Mr. RAYBURN].

Mr. PARKER. Mr. Chairman, I yield to the gentleman from Kansas [Mr. HOCH].

Mr. HOCH. Mr. Chairman and gentleman of the committee, the time allotted to this bill is very short and I am also well aware there is a desire on the part of many gentlemen to attend other ceremonies elsewhere to-day and I shall attempt to cover in a very few words the subject of this bill.

This bill in its language creates a bureau of foreign commerce in the Department of Commerce. As a matter of fact, we have such a bureau now and have had for many years, but it has never had a legislative status. The purpose of this bill primarily is to give to this bureau, which is rendering such an invaluable service to the interests of the country, a permanent status in the law, to clarify the situation in some respects, and to add to the administrative efficiency by certain provisions.

This service started 20 years ago and had its origin in an appropriation bill in the House, and since that time it has steadily grown. It has grown because of the service it is rendering and because of the insistent demands upon the part of the country for its extension. We now have 42 offices

scattered over the world—in Europe, in the Near East and the Far East, in Asia and Africa, in South and Central America, and other countries—42 offices all together.

At the head of this service is Dr. Julius Klein, and I want to take time in the few moments I shall speak to you to say that I believe I express the common sentiment of those who have been familiar with Doctor Klein and his work when I say there is in the service of the Government no man who is giving more intelligent, more zealous, and more efficient service than Dr. Julius Klein. [Applause.] He is a man who was drafted for this task; a man who does not look at this problem from any party standpoint but entirely from an economic and business point of view.

I shall not attempt here—because I am going to keep my word about the length of time I talk to you—to summarize the work that is being done by this foreign service bureau. It extends to all branches and all kinds of American business, including not only manufactured products but agricultural products as well. I might take the time here to read to you the testimony of men who came before us representing agricultural cooperative associations, who voluntarily testified to the great service which this bureau is rendering them. I pause here to say I think the man is no friend of agriculture who wants to draw a line between industry and agriculture, but rather he is the friend who says that agriculture is a basic industry and who insists that all of the extension methods and the machinery which have been available for manufactured products shall be applied to the extension of the business of the farmer. This measure is distinctly in the interests of agriculture as well as in the interest of the other industries of this country.

Mr. MADDEN. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. MADDEN. How much will the increase in the expenses be by reason of the increase of salaries provided here?

Mr. HOCH. The increased expenses under this bill will be very slight. There is an increase in the maximum salary of \$500 over that which is now carried, from \$9,500 to \$10,000, and the probabilities are there will be two men promoted to that salary. I have the word of Doctor Klein that the total increase of salaries for the present force will not exceed \$2,000 a year.

Mr. MADDEN. Two thousand dollars per man?

Mr. HOCH. A total of \$2,000 for all the men to whom these increases apply.

Mr. MADDEN. Why do they not make the increases in salaries through the classification board? Why is this bill taking these men out from under the classification act?

Mr. HOCH. It follows a practice which has existed not only in the service but which existed under the Rogers bill which we passed.

Mr. MADDEN. The classification act was not in existence then. Since that time we have classified men in the civil service, and there ought to be some respect paid to that law. The Chief of the Bureau of Foreign and Domestic Commerce is enthusiastic about getting the things he wants, and he has got to be watched to see he does not overdo that.

Mr. HOCH. Of course, the Appropriations Committee has control.

Mr. PARKER. Does the classification act apply outside of the District of Columbia?

Mr. HOCH. It does not apply to the field service. It does not apply to the Foreign Service. We have passed the Ketcham bill which gives the Secretary of Agriculture the right to fix salaries, and I am not criticizing that bill.

Mr. MADDEN. I do not think it does. If it does, we will find out about it. We have something to say about that.

Mr. KETCHAM. I will say to the gentleman from Kansas and to the gentleman from Illinois that it does not, but it is analogous to the service in other fields.

Mr. MADDEN. The Secretary of Agriculture will not be permitted to fix any salary he pleases.

Mr. HOCH. No one is asking for that; but the language of the Ketcham bill is broader than in this bill. I will say that after the hearings were held the committee was convinced that these men are selected very carefully for their qualifications and experience, and that they are held to account for the character of the work that they do. There is no stricter efficiency test anywhere in the governmental service. Now, I do not think that I will use any more time, unless some one wants to ask a question.

Mr. KETCHAM. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. KETCHAM. Will not the gentleman refer to the fact that this is an effort on the part of the departments as the result of an agreement to avoid duplication?

Mr. HOCH. They are in agreement, I am glad to say. The differences that existed between the Department of Agriculture and the Department of Commerce have been straightened out.

Mr. MADDEN. That is because they were coordinated upward, each one getting what he wanted. Later on they will break out again and want more.

Mr. HOCH. I will say that we held exhaustive hearings, and I do not believe the Government is spending money anywhere where it brings more definite and larger return than it does for the money expended in this service. Certainly there is nothing we need more as a business proposition in this country than to extend our foreign markets, particularly in these days when the European countries are getting back to the pre-war conditions and are reaching more competitive conditions with us.

Mr. MADDEN. These men are not sent out to make sales, are they?

Mr. HOCH. They are sent out to find markets and to get trade information, and they have rendered very valuable service to American agriculture and industries of all kinds.

Mr. MADDEN. What do these figures mean: "Class 1, \$8,000 to \$10,000"? That is a \$2,000 increase.

Mr. HOCH. No; the maximum under the present practice is \$9,500. That makes a raise of \$500.

Mr. MADDEN. And is that true in class 2?

Mr. HOCH. No; the present maximum is \$9,500. There is no legislative status for this service; it has been entirely within the control of the Appropriations Committee.

Mr. MADDEN. Do they think the Appropriations Committee has been penurious?

Mr. HOCH. Not at all; and they are not complaining. I will say that the Appropriations Committee at every hearing has recognized the great value of the service.

Mr. HARE. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. HARE. Does this bill provide for any new activity in the service?

Mr. HOCH. It does not. It does not provide any essential departure from what is already done.

Mr. HARE. Does it provide for anything that can not be done under the present system?

Mr. HOCH. The gentleman was not here when I explained that. I am sorry that he was not. There is no legislative authority for the service, and any appropriation would be subject to a point of order. This legislation is necessary to give a feeling of certainty and permanence to this service and to promote its efficiency.

Mr. HARE. Has all the work accomplished by the bureau in the few years—and I will admit that it has been very valuable—has it all been accomplished without legislative authority?

Mr. HOCH. Under appropriations made by Congress. This is purely a parliamentary matter and the gentleman does not want me to go into a discussion of that situation?

Mr. ARENTZ. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. ARENTZ. Is there any connection between this service and the Diplomatic Service?

Mr. HOCH. We have a provision in the bill which is entirely satisfactory to the State Department wherein it is provided that these trained men shall be attached to these consular offices, but they are not in any sense ministers or consuls. That is necessary to give them a standing and in order for them to get entrée in foreign countries for various purposes.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. KETCHAM. Is not this legislation very desirable also from the standpoint of its marking out the lines of effort of the various departments and preventing the thing we have all desired to prevent, namely, duplication of effort?

Mr. HOCH. I think there will be effort to avoid duplication. Mr. Chairman, I yield back the remainder of my time.

Mr. HUDDLESTON. Mr. Chairman, I rise in opposition to the bill. I yield 15 minutes to the gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. Mr. Chairman and gentlemen, I desire to deal briefly in the time allotted to me with matters that come more directly in contact with the work of this bureau. I am for the bill, because it gives status and additional power to the bureau that deals with that most essential department of our national life, our foreign and domestic commerce. Under the efficient leadership of Dr. Julius Klein, the director of this bureau, it has taken a prominent part in expanding the commerce and trade of our Nation. The result has been that our exports and our imports are now double

what they were prior to the war. Our exports in 1925 amounted to \$4,900,000,000 and our imports in that year were \$4,288,000,000. That is a balance of trade in our favor of over \$600,000,000.

Some very interesting facts are disclosed in a study of the reports of the Bureau of Foreign and Domestic Commerce of the Department of Commerce. For instance, they show that the largest item of our export trade is cotton, and that, of course, has been continually so; but now the article of greatest value of our imports is rubber, and this is the first year that rubber has become the major item in our imports. The second greatest item in our exports is mineral oils and their derivatives, and the third, for the first time in the history of the country, is automobiles. We know that automobile tires are made from cotton and rubber and that mineral oils furnish the lubricant and the power that drives the automobiles; so for the first time in history, automobiles and the necessary articles for their operation—cotton, oil, and rubber—have become the greatest trade factors in the world.

The Bureau of Foreign and Domestic Commerce has dealt exhaustively with the rubber question during the past year, because it has become of supreme importance among our imports.

In prior remarks I have directed the attention of the Congress to the great increase in the cost of automobile tires to American users, and I have tried to point out the fact that the enormous profits made by the tire manufacturers in 1925 proved that this advance in cost to the American users of automobile tires was not warranted. The gentleman from Minnesota [Mr. NEWTON] made a lengthy explanation of the rubber situation the other day, and lately his remarks were extended in the Record; but the facts I have pointed out have not been successfully challenged, nor can they be. The rubber manufacturers paid less than \$100,000,000 over the agreed fair price for their rubber in 1925 over the price paid in 1924, but by their own admission they charged the American users of tires \$500,000,000 advance in price in 1925 over 1924. The enormous profits they show for 1925 are the results of these tremendous advances. It is true that the manufacturers claim that they received only part of the advanced price, but it is well known that on most tires the public actually paid an advance from 75 to 100 per cent for the tires they used.

The reports of the Bureau of Foreign and Domestic Commerce reveal further interesting facts in respect to the price of automobile tires, which have not been disclosed before, and that is what I want to bring to the attention of the Congress; and I think it will also interest the country. As I have already pointed out, the American manufacturers sold in 1925 \$350,000,000 worth of automobiles to the rest of the world. That was greatly in excess of the amount they ever sold before. These automobiles are fitted with tires, and when these tires wear out new ones must be bought, so that our trade in exportation of tires is rapidly growing. We have heard a great deal about the low price of corn, and the gentleman from Kansas [Mr. HOCH] has just mentioned it. Many claim that the surplus that we sell to the foreigners is the reason for the unprofitable price to the American farmer for his corn, but the same economic laws do not seem to work in respect to tires. The manufacturers sell them cheap to the foreigner; but the American consumer, no matter whether crude rubber is high or low, must pay a greatly advanced price over that paid by the foreign consumer.

Mr. JOHNSON of Texas. Mr. Chairman, about what difference is the percentage in the price to the foreigner and to the domestic user?

Mr. SHALLENBERGER. I am coming to that. The fact that we produced a surplus of tires does not depress the price of tires, although they tell us it does depress the price of corn under similar circumstances. The manufacturers admit that they have advanced the price of tires to the domestic consumer from 50 to 60 per cent, but they did not advance the price to the foreigner over 10 per cent, as proved by the reports of the Department of Commerce. The total value of tires exported in 1924 was \$15,062,708, and the number of tires exported was 1,240,000. The average price to the foreigner, therefore, was \$12.05 per tire for 1924. The value of tires exported in 1925 increased to \$21,055,372, an increase of over \$6,000,000. As we increase our exportation of automobiles we increase the value of our exportation of tires. The total number of tires sold in 1925 increased to 1,628,000 and the average price to the foreigner was \$13.12, or an average increase to the foreigner for the year of only \$1.07 on all tires exported to the rest of the world. The automobile manufacturers are upon record in hearings before our committee, and we know that they advanced the price to the American consumer from 50 to 60 per cent; but by the records that I have before me they ad-

vanced the price to the foreign user of tires less than 10 per cent for the year 1925. Fifty per cent increase in price to the American user of a \$10 tire amounts to \$5, and on a \$30 balloon tire it amounts to \$15. This evidently is one time when the foreigner did not pay the tax.

The value of corn exported in 1925 was only about \$15,000,000. About one-half of 1 per cent of the corn that we produce is exported.

We sold \$21,000,000 worth of auto tires to the rest of the world during the same year.

The reports of the Bureau of Foreign and Domestic Commerce explode the claims that it is the surplus that is the millstone around the farmer's neck. With 3,000,000,000 bushels' production of corn in 1925, we sold less than 13,000,000 bushels to foreign markets, less than one-half of 1 per cent.

The gentleman from New Jersey [Mr. FORT] the other day made an interesting speech upon agriculture and offered as his remedy for the poor price of corn the creation of a corporation to buy and store all the corn offered below a certain price and holding it for future advance. He termed it investment rather than speculation. But at the best it is a plan that has broken every corporation and every individual that have tried it. No one has yet been able to corner enough corn to control the market and the price for the United States.

The reports of the Department of Commerce show that the farmers themselves are right now doing the very thing the gentleman from New Jersey would have his corporation do. They are storing and holding their corn off the market to the extent of over 1,300,000,000 bushels, but the price keeps going down, because the world knows the corn is in existence.

The amount of corn stored on farms on March 1, 1925, was 700,000,000 bushels; on March 1, 1926—1,350,000,000 bushels; 600,000,000 more stored than a year ago, but the price does not rise. If that 600,000,000 of stored corn could be sunk in the sea or burned up, the price would jump in 24 hours from 71 cents, the present price at Chicago, to \$1.15 or \$1.25, where it was a year ago when the amount stored was 600,000,000 less.

The problem is to find a profitable market for 600,000,000 bushels of corn, whether at home or abroad. Manufacturing it through hogs, sheep, and cattle into high-selling and profitable animal products and limiting and controlling production is a practical solution of the corn-price problem. Increasing our foreign sales is another.

The party in power continues to deal in agricultural relief nostrums, and fiddles while the farmer fails, and refuses to make any move to change the laws that have made manufacturers and railroads increase \$60,000,000,000 in wealth in the last five years, while the farmers have become \$25,000,000,000 poorer, as shown by the reports of the Department of Commerce. Give the farmer a square deal on the tariff and fair freight rates and lower taxes, and the farmer can take care of himself. The administration is determined to find a sound agricultural remedy, even though it costs the farmer every dollar he is worth.

Corn has kept going down in price while Congress flounders with the question of farm relief. I paid 70 cents a bushel for corn three months ago that is now quoted at 50 cents on the same market. Instead of fixing the corn price up, they are fixing it down.

It reminds me of an experience I had on another occasion. I recall not long ago that the gentleman from Kansas [Mr. TINCHE] told us about the cattle-feeding operations of Chairman HAUGEN of the Agricultural Committee. You will recall that he told us how the agile chairman of the Agricultural Committee and apostle of high protection overleaped the tariff wall and landed in Canada to buy his steers in a free-trade market to feed his Iowa corn.

I also feed cattle, but I buy them or raise them in Nebraska. I recall that in 1920, the last year under a Democratic administration, I was feeding a bunch of cattle and in the spring of the year I needed a thousand bushels of corn to finish them. A neighbor came to me and said he had a thousand bushels to sell, and I bought it at \$1.65 per bushel, and I gave him a check for \$1,650 for that thousand bushels of corn.

In 1921 I was again feeding cattle and in February of that year the same neighbor came to me and again wanted to sell me a thousand bushels of corn. I said to him, "I can not pay you more than about half as much this year as I paid you a year ago. Something has happened to us and the bottom seems to have fallen out of prices for farm products."

Now, this neighbor had voted the Republican ticket for the first time in 1920 and had the enthusiasm of the new convert, and he said to me, "You know the Republicans are coming into power next month. Mr. Harding becomes President on March 4, and I think he and the Republicans will fix things

up. I don't have to have my money until the 1st of May when real estate taxes are due. You need the corn now. I'll tell you what I will do. I will haul you the corn to-morrow and you pay me the price corn is on the 1st day of next May after the Republicans and Mr. Harding fix it up."

"All right," I said. And he hauled me the corn. But he did not wait until the 1st day of May to get his money. He met me in the road on the 27th day of April when I was coming in from the ranch, and he stopped me and said, "SHALLENBERGER, I am afraid to wait until the 1st day of May for fear you won't have to pay me anything for the corn."

I said to him, "What is the price in town to-day?" And he replied, "Thirty-eight cents."

And so I wrote him out a check for \$380 for same amount of corn and just as good corn as I had paid him \$1,650 for one year prior, before Mr. Harding and the Republicans had fixed it up for him.

They have fixed it up in a different way for big business and the railroads. They have fixed it up for them by law so that their prosperity is unprecedented. They have fixed it up so that the American Telephone & Telegraph Co. made \$107,000,000 net; General Motors, \$106,000,000; Ford Motor Co., \$115,000,000; United States Steel, \$90,000,000; Standard Oil, \$100,000,000; the rubber barons, \$100,000,000 of net profits in 1925.

Ninety-four industrial corporations last year each made over \$10,000,000 or more in net earnings. There was never a year in the history of this Government when so many industrial and transportation companies in time of peace made record profits as in 1925. And yet during the last five years agriculture has lost \$25,000,000,000.

The way the party in power has brought about agricultural relief has been to relieve the farmer of about everything left upon the farm. A careful study of the reports of the Department of Commerce convinces me that the way to relieve the farmer is to repeal the unfair laws that rob him. Unfair tariffs, unfair freight rates, and unfair taxes make up a triple burden too great for the farmer to shoulder. [Applause.]

It is because I hope that this great bureau, which has done such splendid work in the past, may find for us a better market for our corn and other agricultural products that I am for this bill.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. JOHNSON of Texas. What reason, if any, is given by the manufacturers of these automobile tires for discriminating against the home buyers and in favor of the foreign buyers?

Mr. SHALLENBERGER. They make no excuse. I do not think they admitted it. I presume the reason is that they wanted to make money by this practice.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. KETCHAM. Has the gentleman gone into the matter of investigating the size of the tires sold in foreign markets as contrasted with the larger-sized tires sold here?

Mr. SHALLENBERGER. That question is not related to the question that I have referred to. The comparison that I make is the average advance in price of tires, from one year to another, in the foreign trade as compared with the average advance in price of tires in this country.

Mr. KETCHAM. Is there not a difference in the character or size of the tires shipped abroad where there is a contrast of price, because in this country we use a much higher percentage of larger-size tires than they use abroad?

Mr. SHALLENBERGER. Yes; but the matter that I call attention to is that the average price of the tire in this country, by the admissions of the manufacturers, advanced 50 or 60 per cent. They put the prices of all tires up 50 per cent of more. So far as the exported tire is concerned, whether 10, 15, or 20 dollar tire, the average price of exported tires was advanced less than 10 per cent to the foreigner.

Mr. KETCHAM. Does the gentleman set out all those figures in his statement?

Mr. SHALLENBERGER. Yes.

Mr. KETCHAM. The gentleman is sure that that is a fair statement of the facts?

Mr. SHALLENBERGER. Yes; I am sure that is the only conclusion that can be drawn from the report of the Department of Commerce.

Mr. KETCHAM. The gentleman will set that out in full in his remarks, will he?

Mr. SHALLENBERGER. The facts as stated by me are all taken from the department reports, and I can point to the tables showing the figures I have given in monthly report of Foreign Commerce.

Mr. SPEAKS. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. SPEAKS. I am very much impressed with the gentleman's statements. I want to inquire how, in the event the price of corn reaches a profitable figure, you can prevent a constantly increasing production?

Mr. SHALLENBERGER. That is a problem that the farmer must settle for himself. By cooperative organization overproduction can be greatly controlled.

Mr. SHALLENBERGER. I yield back the balance of my time, if I have any left.

The CHAIRMAN. The gentleman has consumed 15 minutes.

Mr. PARKER. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. LEA].

The CHAIRMAN. The gentleman from California is recognized for five minutes.

Mr. LEA of California. Mr. Chairman, my confidence in the Bureau of Foreign and Domestic Commerce is greatly increased because of my confidence and respect for Doctor Klein, who is at the head of that service. I regard Doctor Klein as one of the ablest men connected with the Government of the United States. Doctor Klein is in no sense a politician. A problem presented to him is met and treated according to its substantial merits without reference to political phases.

Last summer I was over in Europe, and I visited a number of the offices of our commercial attachés. I spent some time at a number of them and learned something of their work.

At Hamburg I found Mr. Squire in charge; at Berlin, Mr. Herring; and at Prague, Mr. Hodgson. Each of these men is a high-class man, selected on a basis of his ability and fitness. Other places I met men of similar type.

At every place I visited they were actively engaged in explaining and making clear to foreign buyers where they could purchase American commodities. They were constantly informing the foreign buyers where there might be a market for our products, or where our products might be obtained.

I wish to call your attention to the foreign trade and commerce of the United States. I have here a chart showing the foreign trade of the United States for the last 35 years. This chart for convenience is divided into the different periods covered by the different tariff bills. The first is the McKinley tariff bill, enacted in 1890; then the Wilson bill, enacted in 1894; the Dingley bill, enacted in 1897; the Payne-Aldrich bill, enacted in 1909; and the Underwood bill, enacted 1913 during the Wilson administration, and then the emergency tariff act, 1921, at the end of the Underwood bill, and finally the existing tariff law.

By reference to statistics you will find that in 1890 we had a volume of trade of only \$1,700,000,000 a year. We had even a less foreign trade under the Cleveland administration act, the Wilson bill. We had a volume of \$2,500,000,000 under the Dingley bill. It increased to \$3,750,000,000 under the Payne-Aldrich bill. It increased to over \$8,000,000,000 as the average under the Underwood bill, and then it fell down to about \$7,000,000,000 under the emergency tariff act, and for the last three years under the Fordney-McCumber bill we have had an average volume of trade of \$8,250,000,000.

The Bureau of Foreign and Domestic Commerce came into the picture in 1905 in a modest way. I do not exhibit these figures to show that the representatives of the Bureau of Foreign and Domestic Commerce have produced this result; but here we have the greatest volume of trade ever enjoyed by any nation in the history of the world. In 1920 about \$50,000,000,000 of commerce moved from one nation to another in the commerce of the world.

The United States in 1920 had a volume of commerce of \$13,500,000,000. Our country represents one-sixteenth of the population of the world, but we were then in possession of one-fourth of its international trade. We now have a volume of foreign trade of over \$8,000,000,000 per year.

The world is in an unsettled condition. We are living under abnormal conditions. We are doing business in the United States now on an inflated basis; the rest of the world is on an inflated basis. Unless the history of the future is different from what it has been in the past, we are approaching the time when we are going to have a long descending scale of prices with a retardation of business. When that time comes we will need our foreign commerce worse than we need it to-day. Our foreign commerce in recent years is one of the greatest prizes in commerce that any nation has ever enjoyed. The amount that this bill requires to sustain this commerce, to promote commerce, and to increase it is comparatively small. It is only a drop in the bucket in proportion to the value of the trade involved.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. PARKER. Mr. Chairman, I yield the gentleman one additional minute?

Mr. KETCHAM. Will the gentleman yield?

Mr. LEA of California. Yes.

Mr. KETCHAM. In the period from 1913 to 1921, will the gentleman make a statement as to the amount, if he has the figures available, of foreign commerce in the war period that would be attributable to just the unusual situations that prevailed at that time?

Mr. LEA of California. The commerce, beginning with the Payne-Aldrich bill, with an average of \$3,750,000,000, jumped to an average, for the first eight years of the Underwood bill, of \$7,960,000,000. This map illustrates the difference, the abnormal as contrasted with the normal. This line represents the balance of trade of the United States for the last 35 years. Here is the balance of trade under the eight years of the Underwood bill, which takes in the abnormal period. During that period of eight years the United States had a balance of trade of over \$19,000,000,000. We have heard much about the United States being the creditor nation of the world, and here is how the United States became the creditor nation of the world, when for eight years it had an average annual balance of trade of over \$2,500,000,000.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. HUDDLESTON. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK of Texas. Mr. Chairman, I would not be less interested than any other Member, I hope, in the development and enlarging of our foreign trade service, but it looks to me as though the principal purpose of this bill, as is the principal purpose of most of the bills of this kind that we have been dealing with, is to increase the salaries of those who are employed in the positions. In fact, I make bold to assert that is the moving purpose behind the bill.

I realize perfectly well that there are two classes of legislation that it is perfectly useless to oppose in the House of Representatives; that is, a salary increase bill and a bill to pension somebody or increase pensions. When a bill of that sort is brought up for consideration we can figure always and without exception that it will pass by a large majority. A bill was passed last Wednesday, I believe it was, an agricultural relief measure so-called, brought in by the Committee on Agriculture, to increase the salaries of our Foreign Service employees of the Department of Agriculture by placing them on a list to be known as agricultural attachés, and in the law it was provided that the Secretary of Agriculture should fix the salaries and make the grades, but the bill said he should make them in accordance with other similar Government positions. So I dare say that we can safely calculate that the Secretary of Agriculture will fix the salaries of the agricultural attachés at practically the same figures as the classification provided in this bill.

We are often told, and I imagine no one will contend to the contrary, that wages and salaries in foreign countries are lower than they are here in the United States. That seems to be universally agreed upon. Yet the salaries provided in this bill for employees in the Foreign Service will be considerably higher than for employees in the United States. When we wrote the reclassification act of 1923, reclassifying all of the employees in the Government service here in the city of Washington, the highest-paid grade was the grade known as the professional and scientific service.

I would like to have the Members of the House compare the salaries we have provided for the professional and scientific service in the United States with the salaries in the grades which is fixed in this particular bill. The salaries and grades of the professional service are found on page 19 of the reclassification act. They begin at grade 1. Eighteen hundred and sixty dollars is the beginning salary of that grade and it graduates up to \$2,400. Grade 2 begins at \$2,400 and graduates up to \$3,000; and without taking the time to read them all we get down to grade 7, which is the highest grade, and the salary provided for that grade is \$7,500.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDDLESTON. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Chairman, I do not think this is one of those sorts of bills against which this stock argument of economy might lodge with any degree of force. Of course, we all believe in economy, and we all talk that way, but I desire to call the attention of the committee to the fact that if any man in this House had sat through the hearings on this meas-

ure, he would have become convinced that this service, in its limited way in the past, has been one of the greatest and most beneficial services that has come out of any department of the Government. What are we disturbed about now more than anything else? What is the thing that is said will hold up the adjournment of Congress if it is held up? It is the question of farm relief legislation. And what brings about the intense situation with reference to agriculture? It is the surplus American crops that we are trying to find a market for somewhere. The same is true with reference to other things as well as to agricultural products, to the products of our mines and our factories. These men in the Department of Commerce have done more within the recent few years to find markets of the world for surplus American products than any other agency in this Government in a quarter of a century.

Mr. HARE. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. HARE. Does the gentleman know whether or not the markets for these surplus crops are for raw materials or for the manufactured products?

Mr. RAYBURN. Both, but mostly, of course, for the manufactured products.

But is not the gentleman as much interested in one part of America as he is in another; in one class of products that should be exported as in another?

Mr. HARE. I should think, though, that their activities should be directed as much toward the raw material as the manufactured product and not show any partiality—

Mr. RAYBURN. The Department of Agriculture has its agents in every part of the world trying to find markets for all the things produced in agriculture. A bill was passed here quite recently to cover that.

Mr. HARE. But this provision has been in existence for some time, and these people have not paid attention to finding a market for the raw material as they have the manufactured product.

Mr. RAYBURN. I doubt very seriously if the gentleman is correct about that. I think not. This service found a market for the rice of California, and the rice growers of California would have been out of business years ago if it had not been for this service that found a market for rice, where the people would eat the kind of rice they raise in California when they would not eat it in any other country with which we had been trading.

Mr. HARE. I want to make it clear that I am heartily in favor of the activities of this bureau, but I would like to see them as much interested in finding foreign markets for raw materials as they are in finding such markets for manufactured products.

Mr. RAYBURN. I would like to see it increased along all lines, but it can not be increased unless we pass a bill of this kind.

Mr. LEA of California. If the gentleman will permit, I would like to make a suggestion in connection with that statement. Europe buys 53 per cent of the exports of the United States. Europe is a small consumer of our manufactured products but is a large consumer of our raw materials. Therefore it is absolutely true that the great increase in the exported articles of the United States has been in the raw materials.

Mr. RAYBURN. I simply want to say in the minute I have remaining that this is a great service. It has done a great and an almost stupendous work in finding markets for the surplus of America, and I trust it may be carried on as the provisions of this bill set out it may be carried on. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDDLESTON. Mr. Speaker, the foreign commerce service was originally conceived as a sort of glorified bureau of commercial salesmen for American manufactures and its activities have been largely along that line. During the recent years of depression in agriculture pressure has arisen that this bureau should take on the business of selling American farm products and considerable service has been performed along that line. Nevertheless, it remains that whatever we appropriate for this service amounts, in logic, to a subsidy to commerce which can not be distinguished in principle from a subsidy to shipping or to any other private business activity.

The chief fault I find with the service is that it is obsessed with the idea that commerce consists wholly in selling something; that commerce is altogether in selling and that buying is no proper part of it; and that all the profits of commerce are derived by those who have something to sell. You can not interest the service in buying anything abroad which might possibly be produced in the United States, no matter at what

cost. A group of farmers, for instance, can expect no help from this service if they should desire to exchange their surplus crop for the articles which they require, such as clothing, tools, and so on.

The idea has never gotten to the Department of Commerce that sometimes it is better to buy than it is to sell, and that commerce that is real commerce consists in an exchange of products, an exchange of value for value. This idea has not been able to permeate into the imagination of the department. Their conception is that America ought to be absolutely self-contained and that we ought not to buy anything in a foreign country that in any possibility can be produced here. We are expected to be self-contained so far as consumption is concerned, and yet we are expected to do business with the world in the surplus of what we produce. How in the name of common sense are we ever going to be able to do business with the world when we only sell to them and buy nothing they produce? How can they buy from us if we will not buy from them, how can they pay? How can foreign countries pay what they owe us for borrowed money and continue to buy our goods and cotton and wheat when we do not buy from them.

The ideal of the people in charge of the Department of Commerce is that we ought to produce on our own soil absolutely everything that is needed in the United States and buy absolutely nothing abroad. That is their goal; that is the golden hour they look forward to. They would like to do that and then have a handsome surplus of products which we would sell abroad for money. Of course, our trade could not last 60 days on that basis; but suppose it did. What would we do with the money? That they do not know. That has passed beyond their imagination. They have never thought of that. Of course, gold is mere dross. Money is a mere counter. It is of value merely because it commands some one's service or something that some one has produced or something that he has. Money is of no value unless we buy service or something else with it.

Every article that we buy from a foreign country at a lesser price than we can produce it for in this country is to our advantage. The balance of trade is nothing to gloat over. Oh, Doctor Klein and Mr. Hoover think they have done wonders when they point to a favorable balance of trade. With what glee they chant, "The balance of trade is in our favor." Now, of course, I am all lopsided and wrong headed, and my mind is incapable of appreciating logic and economics, and all that sort of thing. I am with the economic philosophers; but, pshaw, what do we know! We philosophers are foolish enough to think that frequently it is better that the balance of trade be on the other side, and that it may represent the fact we are getting something that we want from an outsider instead of giving him something that we have produced and could very well use ourselves and getting no return for it. Ultimately a favorable balance of trade may mean an export of capital, of real capital, to wit, natural resources and the work of our hands and brains. Ultimately it may mean that something has gone abroad in excess of that which we have received in return. It is always good sense to buy when you can something that you want and need for less than you can produce it yourself. The seller in such a case is the one who is stung. [Applause.]

Mr. PARKER. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. UNDERHILL] the balance of my time.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. UNDERHILL. Mr. Chairman, while the gentleman from California was coming across the continent in order to embark for Europe to make some study of trade conditions and other situations over there, I was leaving my home on the eastern seaboard for San Francisco, where I took passage to the Orient, in order to learn something of trade conditions over there and the market for our goods, as well as other matters of great interest.

I listened to the gentleman from Alabama with great attention, and I am surprised. I can not quite get his angle. Most of us are particularly interested in our own constituency, and rightly so. I can not conceive how a man who represents in part the great city of Birmingham, with its wonderful potential possibilities and future, excelled by no other city or location in the United States, can take such an attitude as he does. Furthermore, his whole State is ripe for development, and I think it will be difficult to find capital for development unless a market is found for the output of that State.

It is not a local question; it is a problem confronting every State to find a market for its raw material and manufactured articles.

I have a few facts here with reference to New England that I want to give you a little later after discussing briefly the features of the bill. It may interest the gentleman from Alabama to see what can be accomplished by giving a little more encouragement to these trade relations.

Mr. Chairman, I should be very much surprised to find any opposition to this bill, which has been unanimously reported to the House by the Committee on Interstate and Foreign Commerce.

In the first place, this bill merely makes statutory the foreign service of the Bureau of Foreign and Domestic Commerce of the Department of Commerce. It does not provide for any additional appropriations. The Foreign Service of the State Department has been placed on a firm footing so far as authority from Congress is concerned, because of a bill passed last Congress at the instance of my late lamented, splendid colleague, John Jacob Rogers, and furthered in the Senate by the late Senator Henry Cabot Lodge. I saw no concerted opposition to that measure. Only on Wednesday last was a bill passed by this House without opposition creating a foreign service in the Department of Agriculture, and the foreign work of this department is comparatively small.

The basic work of the Department of Commerce's Bureau of Foreign and Domestic Commerce is to collect and disseminate trade information. This involves many ramifications, and the successful manner in which this work has been done since the inception of Mr. Hoover as Secretary of Commerce needs no comment from me. Trade agents of the Commerce Department are located in no less than 34 foreign countries spread throughout Latin-America, the Far East, and Europe. They are part of a service that is 20 years old.

I might add in passing that I would not object to seeing the provisions of this bill extended to some of our possessions. For instance, there is a tremendous opportunity in Hawaii that I think is being neglected to a certain extent. They are using an immense amount of material and machinery, and we might secure considerable trade from these islands.

May I say here with reference to the gentleman from Texas that, although the cost of living is somewhat cheaper in foreign countries, these trade representatives have to entertain rather extensively and lavishly sometimes in order to get business.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLACK of Texas. The gentleman does not mean to say that these representatives of ours, commercial attachés, agricultural attachés, so called, have to entertain on any such scale as the Diplomatic Corps?

Mr. UNDERHILL. No; I do not mean to say so, but they do entertain, and it is good business for them to do so.

Mr. BLANTON. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLANTON. They kotow some, do they not?

Mr. UNDERHILL. I would not say that—courtesy is not kotowing. A man, to be a successful salesman, must be, and a representative of our Government should be, courteous.

Mr. BLANTON. I got that expression "kotow" from a former distinguished leader of the House, Hon. Claude Kitchin, who said at the beginning of his service that these men all had to kotow.

Mr. UNDERHILL. Well, I will take no issue with the gentleman whose acquaintance I was denied.

Mr. BLANTON. The gentleman was unfortunate in not knowing him.

Mr. UNDERHILL. Their trade data is reported by cable and otherwise to the Department of Commerce here in Washington and then through its many media—the district offices located in some 10 or 12 leading cities in the United States, cooperative offices situated in other important distributing centers and maintained at the expense of chambers of commerce and boards of trade, since Government appropriations are insufficient to keep them up, and the news and trade press—is given to business men, trade organizations, banks, schools, and so forth, for assimilation and guidance. These trade agents, known technically as commercial attachés or trade commissioners, are men of experience, education, and temperament especially qualified for this collection of economic information and for the rendering of American trade-promotion service.

Now, does the House know that there is no legislative provision for this foreign service? Does it know that these Government officers, located in the strategic commercial centers of the world, and performing duties so essential to the protection and development of our foreign markets, would be compelled to return home in the event that a point of order was raised by any Member against appropriating moneys for the maintenance of this service?

nance of this service? Does it appreciate that in this happening our economic and trade fabrics would be paralyzed? And, yet, all that is needed to prevent this catastrophe is the approval of Congressman Hoch's meritorious bill, which, as I mentioned before, has been approved unanimously by the House Committee on Interstate and Foreign Commerce.

Does the House fully appreciate what needs our foreign trade serve? We are not entirely a self-sufficient country, as great as we are. We must find foreign markets for 10 per cent of our yearly production, since we can only consume 90 per cent of it, and this 10 per cent in 1925 amounted to \$4,909,396,000 in exports. That additional 10 per cent frequently furnished the margin of profit which permitted our great industries to practice efficient methods of mass production and thus increase our total output of products. We are compelled to rely on foreign sources for our consumption of sugar, coffee, tea, tin, rubber, silk, newsprint paper, unmanufactured wool, and so forth, if we are to maintain our superior standards of living, and these items comprised principally our imports of 1925, which had valuations of \$4,227,995,000. Thus our total foreign trade, exports and imports, totaled \$9,137,391,000. And this amount was \$936,427,000 greater than the total foreign trade for 1924, when it amounted to \$8,200,964,000. This, gentlemen, is a gigantic institution, and this House should not hesitate in granting American business and industry the protection it needs and which is provided by Congressman Hoch's bill.

I had been in the trade game nearly all my life before I came to Congress, and I have traversed some of the proverbial Seven Seas only recently. I have seen the products of the United States of America in far-off China, in Japan, and in the Philippines; everywhere I went I was confronted with the ingenuity of our country. This is inspiring, indeed, and actuates one's motives in improving it wherever and whenever possible.

I hope this bill carries overwhelmingly. I do not pretend to know the details involving all the sources of exports from the United States, but I do know that if other sections of the country can make—and I trust they will—the excellent showing New England made during 1925 in the sales of its merchandise to foreign marts this bill will have little difficulty becoming law. Exports from the six States of New England during 1925 amounted to \$191,820,500, as compared with \$177,383,184 for 1924, an increase of nearly \$14,500,000. Massachusetts's exports during the same period were \$118,607,731 and \$114,418,430, respectively, an increase during 1925 of well over \$4,000,000. These items, gentlemen, are worthy of your consideration.

The last decade has witnessed our foreign trade progressing by leaps and bounds. We have entered hitherto unknown foreign markets, and we must stay there. We hear much about the economic recovery of Europe, and this, of course, must mean increased competition everywhere from such leading countries as Great Britain, Germany, and France. Our task, then, is not only to watch the moves of these foreign countries but to study more the purchasing power of the peoples of the world and to approach our markets from that standpoint. All of this requires guidance, such as is covered by the bill under discussion. [Applause.]

Mr. FREE. Mr. Chairman, the foreign service of the Department of Commerce has been developed during the last 20 years, until now it is composed of 124 Americans stationed in 42 foreign offices. These trade experts are specializing on the development of American export trade. They have no duties other than those of promoting our foreign trade. This is done, first of all, by making personal investigations of conditions abroad and submitting cabled and mailed reports on them. These reports describe the methods of entering foreign markets, methods of facilitating trade, and assisting American manufacturers in directing sales efforts abroad.

The foreign service is directed in its trade promotion work by the Bureau of Foreign and Domestic Commerce, which has on its staff experts in all commodities which enter into foreign trade, who interpret the desires and who transmit the requirements of American business men to our foreign representatives, and interpret the reports from our foreign representatives to the American business community. These experts prepare lengthy questionnaires and inquiries which enable the foreign representatives of the Department of Commerce to get exactly the sort of information required by an American business man. The foreign representatives are free to travel in their territory in search of information, and resort to the cable constantly in order to get information regarding opportunities for the sale of American goods to American manufacturers at the earliest possible moment. The reports from these foreign representatives are distributed by the Bureau of Foreign and Domestic Commerce to American manufacturers and exporters.

This foreign service has been of great value to American business men in developing foreign trade. In order to indicate the practical type of service rendered by these trade representatives abroad, I will mention some specific accomplishments.

The first two instances mentioned have been of especial value to the farmers in my State, California.

ASSISTANCE RENDERED RICE GROWERS' ASSOCIATION OF CALIFORNIA BY THE BUREAU OF FOREIGN AND DOMESTIC COMMERCE

The Rice Growers' Association of California was created in October, 1921. The industry at that time was bankrupt. The banks of the community producing rice were practically bankrupt; the business houses were bankrupt. The producers had a crop of some 4,000,000 bags of "paddy" rice with no market, knew nothing about the conditions with which they had to contend, and with no domestic demand for the rice.

This problem was presented to the Bureau of Foreign and Domestic Commerce. It was not only necessary to know the crops that were produced in competing areas abroad, but it was also necessary to know their economic conditions. California rice producers needed to know what was behind the fluctuation of the Japanese yen, what their gold holdings were, what the future of their silk market might be, what their political situation was in relation to the stability of government, in relation to the farmer, and to business. This information was all secured by the foreign service of the Department of Commerce and in this particular instance was the cause of prosperity to the rice producers of California.

Through the foreign service information was obtained regarding the conditions in French Indo-China, Siam, China, and Japan. The solution of this problem was not in going into the American market nor into the foreign markets of Europe to compete with the producers of our Southern States, but the outlet was found in Japan, a point where one would least expect to find it.

Within a year there was exported out of the port of San Francisco 78 per cent of the crop of 1921. This represented the largest quantity of rice which had ever been exported from the United States and sold at a price which was satisfactory and which returned the rice producers of California to a condition of stability.

SERVICE RENDERED TO PRUNE EXPORTERS BY BRUSSELS OFFICE IN 1923

The proposed Belgian tariff revision of 1923 carried in its first draft a scale of duties for prunes which would have severely hindered their exportation from California. The rates proposed were, in francs per hundred kilos:

Two hundred for prunes in packages of less than 10 kilos each.

Sixty in barrels weighing 180 kilos or more and in sacks weighing 80 kilos or more.

On: hundred in other packages.

The export trade from California being mainly in small packages, this would have made it very difficult for the shipper from that State to compete in the Belgian market.

Mr. S. H. Cross, at that time acting commercial attaché at Brussels, took the matter up with the Belgian customs authorities and succeeded in getting them to agree to reducing the duties on prunes imported in small packages, with the result that the proposed duties were changed to the following, in francs per 100 kilos:

One hundred and twenty for prunes in containers of less than 10 kilos each.

Eighty for prunes in larger containers.

The tariff as finally enacted contained these rates, which are those now assessed.

The importance of this service may be gathered from the fact that our prune exports to Belgium in the last three years reached the following values:

1923.....\$233,088
1924.....322,833
1925.....395,649

Accomplishments	Fiscal year ended June 30—			
	1922	1923	1924	1925
Foreign trade opportunities:				
Number of individual opportunities published.....	2,960	4,260	3,846	4,909
Number of cases in which reserved information was furnished.....	127,385	332,127	345,784	446,865
Trade lists (lists of foreign merchants).....				
.....number of copies.....	71,900	181,040	417,195	687,159
Special informational circulars (mimeographed).....				
.....number of copies.....	350,000	1,000,000	3,100,000	3,713,800
Visitors to district offices.....	61,497	63,561	67,401	61,998

Accomplishments	Fiscal year ended June 30—			
	1922	1923	1924	1925
Pages of printed material issued.....	11,328	10,085	14,030	14,230
Commercial services rendered:				
Total services rendered.....	505,661	881,521	1,168,972	2,041,250
Commodity—				
Agricultural implements.....	6,210	14,014	28,353	47,841
Automotive.....	17,674	56,232	105,459	181,606
Chemical.....		36,984	68,601	103,477
Coal.....	10,877	8,356	6,711	8,744
Electrical.....	7,822	32,636	64,355	112,245
Foodstuffs.....	28,565	103,373	143,579	142,306
Iron and steel.....	7,456	27,918	52,288	112,559
Leather.....	2,923	12,881	23,471	29,108
Lumber.....	10,844	26,177	37,826	70,483
Machinery.....	11,178	46,309	71,990	99,038
Minerals.....		18,566	21,371	45,049
Paper.....	2,829	13,668	16,923	17,518
Rubber.....	4,114	14,407	19,894	21,208
Shoes.....	3,803	10,211	11,892	16,388
Specialties.....	15,948	75,023	97,890	230,223
Textiles.....	18,503	64,429	80,669	106,195
Technical—				
Commercial law.....	3,998	10,376	14,727	14,543
Finance and investment.....		7,660	13,726	15,546
Statistics (foreign trade).....	10,994	23,630	28,711	29,871
Transportation.....	5,244	15,193	20,940	28,620
Tariffs (foreign).....	16,300	19,764	25,730	27,062
Miscellaneous.....	320,377	246,724	215,887	555,620
Regional and reclassification of above—				
Latin America.....	20,619	132,456	232,200	329,737
Near East.....	5,905	20,287	49,917	62,464
Far East.....	15,399	93,224	173,763	233,875
Eastern Europe.....	4,837	20,812	55,617	83,295
Western Europe.....	32,378	269,244	339,679	746,318
Domestic commerce.....			19,148	51,370

TYPICAL RESULTS SECURED THROUGH THE BUREAU OF FOREIGN AND DOMESTIC COMMERCE DURING THE PERIOD JANUARY 1 TO APRIL 10, 1926

A European representative of an American motor-car company states that because of the prompt and effective assistance given by our London office he was able to close a contract for 128 cars, involving a sum of \$204,000.

Indebtedness to our Peking office is acknowledged by a New York steel-products corporation for the placing of a contract with the Imperial Government of Japan calling for \$402,655 worth of steel rails.

Through the assistance of our trade commissioner a Los Angeles oil-refining company made a suitable connection in Shanghai, China. Orders for 55,000 cases of kerosene oil, with an approximate value of \$100,000, were received during the first six months.

Due to a misclassification of a shipment of 10 tons of aluminum foil brought to Spain by an American company excess duties and fines amounting to \$5,229 resulted. Case had been pending two years when our commercial attaché at Madrid was prevailed upon for assistance, who, with the aid of the foreign tariffs division of the bureau, not only succeeded in saving this entire amount for the American firm but obtained a proper classification in duty without which further shipments of aluminum foil would have been prohibitive. This was accomplished in the face of strong opposition.

Through information furnished by the bureau a San Francisco manufacturer of barrels learned of the market for its product in Medan, Sumatra, and from this territory received orders amounting to \$43,572.15, with prospective business for considerably more.

Leads furnished by the bureau have brought foreign orders amounting to \$75,000 to a Los Angeles firm dealing in foodstuffs.

A Chicago manufacturer of wall board was furnished with information by our Chicago office which led to business in Cuba amounting to \$25,000.

Commercial attaché at Madrid rendered service to a New York motor company's branch office at Madrid by helping secure a decree authorizing dispatch of their merchandise through the free zone of Malaga, thus enabling \$423,000 worth of automobile parts tied up at Malaga for several months to be cleared.

The securing of an agency in Amsterdam, which holds out very good possibilities for the development of substantial business for a Wisconsin manufacturer of tractors, was the work of our commercial attaché at The Hague. First order was for two tractors and repair parts valued approximately at \$1,500.

A Santiago importer, who was put in touch with firms in New York and Baltimore by our commercial attaché, placed \$20,000 worth of business.

By making use of information furnished by the bureau, a San Francisco exporter of foodstuffs formed contacts in several foreign countries and realized business, mostly in dried fruits, amounting to \$63,077.38.

A new Chilean law made it compulsory to place stamps on all samples of pharmaceutical products. Commercial attaché at Santiago intervened and succeeded in having this law modified to embrace only saleable samples. Revision resulted in large savings to American manufacturers who are in the habit of freely distributing samples.

Through the use of trade lists obtained from our Chicago district office, a Milwaukee (Wis.) manufacturer of motors developed \$90,000 worth of orders from Argentina, Australia, and Japan.

Commercial attaché in Copenhagen, Denmark, prompted a merchant in his city who was in the market for insulating lumber to cable an order to a Chicago manufacturer, resulting in business amounting to \$8,500.

Information furnished by the bureau has brought \$30,000 worth of business to a New York exporter of foodstuffs.

In placing the representation of their firm for north China in the hands of a Shanghai firm, an Indiana automobile manufacturer was very materially assisted by our trade commissioner. Initial order was for four cars valued approximately at \$5,000.

In letting out contracts for the purchase of 184,000 pairs of shoes, valued at \$580,960, the War Department was guided by the bureau's advice, and in acknowledging this service state "we expect to learn more and more on you to help us pick the right time of purchase."

An Ohio manufacturer of vacuum cleaners developed a connection in England through information furnished by the bureau which has brought approximately \$150,000 worth of business, with promise of \$30,000 worth weekly in the future.

Through the coordinated efforts of our New York and Calcutta offices a New York manufacturer of filing systems reports that a hopeless situation was cleared up and a debt of \$415 collected from an Indian firm.

A European representative of several American automotive manufacturers credits to the assistance of our commercial attaché at Prague \$8,000 worth of business in Zurich, Switzerland.

A Boston, Mass., firm sold \$50,000 worth of paper maker's supplies to a contact in Mannheim, Germany, which resulted from bureau information.

A New York credit bureau that has been taking advantage of the services afforded by our New York office, reports as an example of concrete results secured thereby, the saving of \$4,500 to one of its clients.

A San Francisco exporter of canned goods received orders from Shanghai amounting to \$6,245.10 through assistance rendered by our trade commissioner.

By following up a lead furnished by the bureau, an Ohio rubber company secured an agent in Zurich, Switzerland, who has taken approximately \$20,000 worth of their merchandise.

Contacts in Ceylon and Mesopotamia which resulted from information furnished by the bureau have been responsible for the placing of \$7,200 worth of foreign business by an Ohio tire manufacturer.

After learning of the desire of a Sumatra importer to purchase automobile and tractor accessories from information received from the bureau, a Chicago manufacturer furnished \$4,000 worth.

A New York stationery company made agency connections with a Shanghai firm whose name the bureau furnished. This connection yielded \$2,000 worth of business in 1925, and the firm reports being advised that this would be considerably increased during 1926.

Through the services of our commercial attaché at Vienna, a St. Paul manufacturer of waterproof sandpaper reports forming a highly valued contact in Vienna. First six months' business amounted to \$2,527.82.

A Pennsylvania manufacturer of wire found an outlet for its product in Turin, Italy, by following up a bureau lead. Sales thus far amount to \$7,073.43, with prospects of this figure growing considerably larger.

Assistance given by our commercial attaché was responsible for a Santiago, Chile, firm taking on the representation of a St. Louis shoe manufacturer. Initial order was \$1,000.

A New York manufacturer of surgical instruments and hospital equipment states that following up information given by the bureau brought a \$5,000 order from Santos, Brazil.

The activities of our commercial attaché in Johannesburg, South Africa, resulted in agency connections to several American motor companies and the placing of initial orders to about \$7,500.

The desire of a newspaper publisher in Santos, Brazil, to purchase a linotype was brought to the attention of American manufacturers by the bureau, and as a result an order was placed with a New York firm. Cost of machine was \$5,400.

The desire of a Santiago firm to take on another line of automobiles was brought to the attention of a New York manufacturer's representative by our commercial attaché with the result that an initial order for \$10,000 worth of cars was placed.

Because of cooperation extended by our trade commissioner in Shanghai a firm in that city made connections with several American firms with whom business placed thus far amounts to \$11,644.28.

A New York manufacturer of automobile accessories has placed business amounting to \$32,000 in Trieste through the services of the bureau.

EXTRACT FROM ADDRESS OF E. F. WHITEHURST, PRESIDENT FEDERATED MANUFACTURERS CORPORATION, DELIVERED BEFORE THE FOREIGN TRADE CLUB OF CALIFORNIA

I am giving you to-day the media through which more than \$1,000,000 of new overseas business was secured. The character of the commodity dealt in was technical and engineering products. The figures

given are authentic and are of very recent compilation. In all shipments were sent to 41 different countries. The media through which the business was secured was assumed to be that through which the overseas buyer first came into contact with the American company.

From the tabulation of the information taken from the card records the following statistics have been obtained:

1. Orders secured as the result of previous acquaintanceship and experience of the overseas buyers with the American company, 36.8 per cent.
2. Business secured from overseas buyers who were directed to the American company by satisfied customers of the American company, 24.7 per cent.
3. Business secured through the cooperation of the United States Bureau of Foreign and Domestic Commerce, 20.1 per cent.
4. Business secured through overseas salesmen of the American company, 11.7 per cent.
5. Business secured through correspondence with firms not previously acquainted with the American company, 3.2 per cent.
6. Business secured through the cooperation of the chambers of commerce, foreign trade associations, etc., 2 per cent.
7. Business secured from advertising in American export publications, directories, etc., 6 per cent.

The net profit realized on sales secured through the cooperation of the Bureau of Foreign and Domestic Commerce showed a profit on the outlay of over 20,000 per cent. Net profit realized as the result of business secured through overseas salesmen showed a profit of 6 per cent. Business secured through correspondence showed a loss of 28 per cent. Profit realized from business secured through the cooperation of the chambers of commerce and foreign trade associations was practically infinite as practically no expenditure was incurred in securing this business. Business secured through advertising in American export publications, etc., showed a net loss of 84 per cent on the investment. The most surprising fact revealed by these statistics is that over 20 per cent of the total business secured was directly traceable to the efforts of the Bureau of Foreign and Domestic Commerce, sales from this source coming ahead of business secured by the company's overseas salesmen, as well as also totaling a greater amount than business secured through direct solicitation by correspondence or advertising.

EXTRACTS FROM LETTERS OF COMMENDATION RECEIVED BY THE BUREAU OF FOREIGN AND DOMESTIC COMMERCE DURING THE PERIOD JANUARY 1 TO APRIL 10, 1925

Ever since I got a glimpse of the report of the Bureau of Foreign and Domestic Commerce early in December I have wanted to write to you just to be on record in evidencing appreciation of the wonderful work your bureau has accomplished.

More than 2,000,000 acts of service to business during the year ended, of course, gives no adequate picture of the values arising out of them.

When one thinks of the bureau's appropriation as under \$3,000,000 and of the billions of dollars worth of business your bureau can further serve, it is certainly clear that American business is getting a hitherto unheard of bargain in your bureau. The most reasonable thought this suggests is that the appropriation ought to be multiplied many times. (An advertising agency of New York City.)

We believe that a piece of work well performed is worthy of praise. For that reason it has been in the mind of the writer to write you expressing the deep appreciation of this company for the many favors and great amount of information that has been given us by the various foreign posts of your department.

In order to give a complete report of all of the services we have received too much of your time would be taken up, but we will say that never in a single instance have the representatives of the United States failed to give us full reports, constructive criticism, and in addition offering us further assistance.

While I am about it, I also wish to tell you that your Seattle office is giving very fine, efficient service.

As seasoned exporters and developers of foreign markets for American goods, we believe that we probably recognize expert service better than any magazine writer or tourist, and we feel that it is only just to tell you we appreciate and value the work of the personnel of your department. (Seattle export house.)

We have had so much fine cooperation from your department that we feel that every American business firm engaged in foreign trade would be justified in making a substantial direct contribution to its maintenance, and are convinced that most of them would be prepared to do so.

If at any time we can assist you by bringing the fine activities of your department to the notice of our Congressmen, we will be more than pleased to do so. Your activities have been the direct result of substantial profits to us on more than one occasion. (A San Francisco manufacturers' corporation.)

I have read with deep and serious interest the evidence which you gave before the House Committee on Appropriations. I want to take this opportunity of indorsing the many tributes which have been paid to the efficiency and helpfulness of your bureau in widening the scope and raising the prestige of American export trade. The export depart-

ment of this company has received the very finest cooperation from your bureau, and we are able to trace definite business as a result. (A Pennsylvania manufacturer of batteries.)

As you know, we have constantly called on you during the past several years for information of all sorts in connection with our exporting of mahogany and hardwood lumber. In fact, we have at times felt embarrassed at asking for so much information and in taking up so much of your time. We have always received from you prompt and concise information of the sort we wanted, and this has been a great help to us in developing our business.

We are doing business through three or four European agents, with whom we made our connections solely through your help and advice, and we find that the information you have given us regarding them has been borne out by actual experience. Also in one case when we appointed an agent against your advice we have regretted that we did so. (A lumber exporter of New Orleans.)

At this time, the beginning of a new year, may we express to you our deep appreciation of the assistance and cooperation we at all times have received from the bureau.

For the past few years our foreign business has been steadily increasing, and at the end of the year when we see our previous figures bettered we naturally feel gratified for the assistance received in our analysis of foreign marketing problems, and in thinking of the various agencies organized to help the American exporter we naturally think first of your bureau.

Needless to say, it is our sincere hope that the work of your bureau will never be curtailed, but, rather, that its scope will be enlarged. We feel you are doing a great service to American manufacturers and only regret that more American firms are not acquainted with the high quality of service which you render. We were very much interested in reading an article recently in *The Nation's Business* and trust that that article will serve to bring before a greater number of people the important niche that you fill in the field of foreign commerce.

Will you, therefore, accept our thanks for your assistance in the past year, and our sincerest wishes for success in the coming year. (A New York manufacturer of office machines.)

The figures which have been recently published showing the great increase in exports of automotive products last year over any previous year are most gratifying to us.

From my experience in the automotive division, and acquainted as I am with its service, I know that they have contributed toward this increased business; and if I can, without being misinterpreted, I want to express to you and to your associates our thanks and appreciation for the amount which the automotive division of the bureau has contributed to the successful accomplishment of last year. With their continued activity and interest, we hope to be still further assisted by them. (A prominent Michigan manufacturer of motor vehicles.)

We appreciate the splendid cooperation which the Department of Commerce has given us, for we showed over 100 per cent increase in our foreign business in 1925 in comparison with 1924. We attribute this largely to the cooperation received from your department by the names furnished us, whom we circulated, and through this means built up a nice outlet for our products. (A Wisconsin manufacturer of automotive devices.)

It is a great pleasure for me, as well as an obvious duty, to mention the untiring help and consistent cooperation of your department's representative in the Baltic States, Commercial Attaché Carl J. Mayer. This assistance has been of great service to the progress of the loan and other negotiations and evidences the high value of the Department of Commerce under its present able administration to American interests overseas. (A New York banker.)

At this time of the year our thoughts revert gratefully to those whose assistance has helped us. We wish to take this opportunity to thank your bureau for the prompt, courteous, and intelligent manner in which our various inquiries and requests have been attended to. We have bothered you for many things during the year, and you certainly should be complimented upon the manner in which you have attended to our wants. (A New York hardware company.)

Permit us to extend to you at this time and to the other members of your department our expressions of appreciation and sincere thanks for the excellent service rendered. In all cases where we have requested your cooperation it has been given freely and without hesitation. We feel that the value of your office to those engaged in foreign business can not be overestimated, but it is possible that some of us could be a little more generous in giving expression to our gratitude for the service rendered. (A Seattle export company.)

The CHAIRMAN. General debate has expired, and the Clerk will read the bill.

The Clerk read as follows:

SEC. 3. (a) The Secretary is authorized to appoint officers of the foreign commerce service, but only after eligibility has been determined by examinations held by the Civil Service Commission and the Department of Commerce in coordination, except that the Secretary may, with the approval of the Civil Service Commission, appoint without such examination any person who, prior to the date on which this act

takes effect, has served, or has passed an examination for appointment, as commercial attaché, assistant commercial attaché, trade commissioner, division head, assistant trade commissioner, commercial agent, or special agent in the Bureau of Foreign and Domestic Commerce.

(b) The Secretary shall appoint each officer of the foreign commerce service to a grade specified in section 1, and to one of the following classes, and shall fix his compensation within the salary range specified for such class: Class 1, \$8,000 to \$10,000; class 2, \$7,000 to \$9,000; class 3, \$6,000 to \$8,000; class 4, \$5,000 to \$7,000; class 5, \$4,000 to \$6,000; class 6, \$3,000 to \$5,000; class 7, below \$3,000. In making appointments to a grade and class and in fixing compensation the Secretary shall take into consideration the examination and record of the officer and the post to which assigned.

(c) The Secretary is authorized to promote or demote in grade or class, to increase or decrease within the salary range fixed for the class the compensation of, and to separate from the service officers of the foreign commerce service, but in so doing the Secretary shall take into consideration records of efficiency maintained under his direction.

(d) Any officer of the foreign commerce service may be assigned for duty in the United States for a period of not more than three years without change in grade, class, or salary, or with such change as the Secretary may direct.

Mr. HOCH. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Amendment offered by Mr. HOCH: Page 3, after line 23, insert a new paragraph, as follows:

"(e) The Secretary of Commerce is authorized, whenever he deems it would be in the public interest, to order to the United States on his statutory leave of absence any foreign commerce officer who has performed three years or more of continuous service abroad: *Provided*, That the expenses of transportation and subsistence of such officers and their immediate families, in traveling from their posts to their homes in the United States and return, shall be paid under the same rules and regulations applicable in the case of officers going to and returning from their posts under orders of the Secretary of Commerce when not on leave: *Provided further*, That while in the United States the services of such officers shall be available for trade conference work and for such other duties in the Department of Commerce and elsewhere in the United States as the Secretary of Commerce may prescribe."

Mr. HOCH. Mr. Chairman, this simply follows the present practice and is identical with the provisions of the Rogers bill. It was omitted by oversight.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was agreed to.

Mr. BLACK of Texas. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 3, strike out all of paragraph (b) and insert in lieu of the matter stricken out the following:

"(b) The Secretary shall appoint each officer of the foreign commerce service to a grade specified in section 1, and to one of the following classes, and shall fix his compensation within the salary range specified for such class: Class 1, \$7,500; class 2, \$6,000 to \$7,000; class 3, \$5,000 to \$6,000; class 4, \$4,000 to \$5,000; class 5, \$3,000 to \$5,000; class 6, \$3,000 to \$4,500; class 7, below \$3,000. In making appointments to a grade and class and in fixing compensation the Secretary shall take into consideration the examination and record of the officer and the post to which assigned."

Mr. BLACK of Texas. Mr. Chairman, in the remarks I made in the limited time granted to me by the gentleman from Alabama [Mr. HUDDLESTON], I was about to undertake a comparison between the reclassification act of 1923 for scientific and professional services and the salary grades provided in this bill. As I stated in those remarks, professional and scientific services are the best paid of the classified employees under the reclassification act of 1923. In the amendment that I have offered I have substantially followed the salary grades provided for the professional and scientific service in that reclassification act, for the reason that these foreign-service employees could properly be termed professional and scientific employees. For example, class 1, in the bill before us, the salary is fixed at \$8,000 to \$10,000. My amendment would provide a salary of \$7,500. In class 2 as written in the bill there is provided the salary of \$7,000 to \$9,000, and my amendment would provide \$6,000 to \$7,000. In class 3 in the bill the salary ranges from \$6,000 to \$8,000, and my amendment would provide \$5,000 to \$6,000. In class 4 the bill provides \$5,000 to \$7,000, and my amendment would provide \$4,000 to \$5,000. In class 5 the bill provides a salary range of \$4,000 to \$6,000, while my amendment provides a salary range from \$3,000 to \$5,000. In class 6 the bill pro-

vides a salary range of from \$3,000 to \$5,000, and my amendment would provide a range of from \$3,000 to \$4,000. Class 7 provides a salary range of \$3,000 and under, and my amendment would not make any change in that class. What situation do we have? Under the present law the director, the able Doctor Klein, who has been referred to in the debate, is a classified employee under the reclassification act of 1923, and he receives \$7,500 per year. If this bill is passed, then class 1 of the employees under his direction will receive a salary of from \$9,000 to \$10,000 each, as against the salary of \$7,500 that the director himself receives. It seems to me that that is an illogical thing to do. It is indefensible. There is no need for it. It is an extravagance which the House can not justify.

Mr. HOCH. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. HOCH. I do not happen to know, and perhaps the gentleman is correct, in respect to the salary that Doctor Klein receives, but I do know that he is doing what he does to-day at a great financial sacrifice to himself, and to adopt the amendment suggested by the gentleman from Texas would virtually kill this service, because it has been almost impossible to keep at the present salaries the character of men that are needed to do this work effectively.

Mr. BLACK of Texas. Let me say this to the gentleman from Kansas—not with reference to Doctor Klein, because I do not know him personally, and he may be all that the gentleman says; but the argument always used is that somebody is serving the Government at a sacrifice. We have now a bill pending before the Committee on the Judiciary to increase the salaries of the Federal judges to \$12,500 a year. The argument made is that most of these judges are serving at a sacrifice. Perhaps they are, perhaps they are not; but the matter of Government salaries is certainly not so bad as often pictured. The fellow who is tied to a comfortable, permanent Government salary is often much better situated than his neighbor in private employment. It is all the time represented that we are paying less salaries in the Government service than are being paid in private employment.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLACK of Texas. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK of Texas. To-day the Committee on Banking and Currency had Governor Strong, of the Federal reserve bank, before it, and in the course of his testimony he gave us the figures of the average salary of the clerical employees in the Federal reserve bank in New York City. I was surprised to hear him state that the average salary is \$1,500 a year. That, of course, does not include the officers of the bank. It is constantly represented to us that the clerical employees of the Government of the United States are being paid less than they are being paid in private employment, but I think if gentlemen will make a little examination they will find that such is not the case. The average Government employee receives about \$1,700 per annum, which is not so bad when compared with other employments.

Gentlemen say that this is a bill that will relieve agriculture by affording wider markets and will help the farmer and will help business. Perhaps it will; perhaps it will not; but at any rate, here is what is happening in Congress. It happened in the last Congress and it will probably happen in the next Congress. Notwithstanding the farmer has a dollar that all will admit is below the purchase level of the professional man, of the laboring man, of the clerical employee, what is this Congress doing and doing every day and every week? Committees of Congress come in here and say that unless we increase this or that Government salary the employee will have a less purchasing wage, and therefore in order to keep him up with the purchasing level we must raise his salary. It would be impossible for me to undertake to trace, and I would not try to trace, these additional expenses to the backs of the farmer. But one thing is certain, some of it gets there. Of one thing we may rest assured, and that is whenever you increase the overhead cost of Government, whenever you increase the overhead cost of industry, whenever you increase the overhead cost of labor, whenever you increase any of these overhead costs that enter into the general cost of living, agriculture pays its part of it, and this widening space in the purchasing power of the farmers' dollar is constantly going on to his disadvantage. These kinds of laws represented by this bill simply add on a little more to his already heavy burden.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. JONES. Can the gentleman give any estimate as to the number of new employees and officers authorized by this bill?

Mr. BLACK of Texas. I think there are to be no new ones; that the same number of employees are to be retained.

Mr. JONES. There is nothing in the bill that says that, but the bill seems to authorize new employees without number.

Mr. BLACK of Texas. Undoubtedly that will be the case, but, of course, Congress would have to provide for any increase in the number by increasing the appropriation for the Foreign Service. We would at least have that measure of control.

Mr. JONES. There is no limit to the organization?

Mr. BLACK of Texas. No; there is not.

Now, Mr. Chairman, let us go just a little further. I am not one of those who have been trying to hold out to the farmer of this country the idea that we can increase his prosperity by setting up a board or another aggregation of governmental employees to draw a lot of high salaries. I do not believe you can do it, and I do not intend to try to help him in that way. But I have said to that great agricultural constituency that I have the honor to represent that whenever we can decrease the cost of Government, whenever we can work economy in Government operation and pass on that economy in the form of tax reduction, we can render the farmer in that manner at least some tangible constructive benefit, and I am going to pursue my policy of voting against an increase in these Government salaries. [Applause.]

Mr. PARKER. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this section and all amendments thereto close in five minutes. Is there objection? There was no objection.

Mr. PARKER. Mr. Chairman, I yield to the gentleman from Kansas [Mr. HOCH] five minutes.

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes.

Mr. HOCH. Mr. Chairman, just a word. I agree with the gentleman from Texas [Mr. BLACK] as to an increase of salaries generally; but as I said a moment ago, this does not involve an increase for more than two or three members of this service, and those are cases where the increase is necessary. I am sure that if the gentleman from Texas had heard these hearings he would have been impressed with the absolute necessity, if we are to maintain the high character of this service, that we must provide salaries like those proposed here. The turnover in the service is so great that they are constantly faced with the difficulty of retaining the kind of men they need if the service is to be carried on effectively.

I wish we had the time to go through the question of the training and the experience of some of these individual men who are engaged in this service, the sort of requirements exacted and examination that is made of them before they can enter the service.

As I stated in my opening remarks, I do not believe there is a higher class of men anywhere, and if anywhere there is a valuable return made to us it is in this service.

I hope the gentleman will not kill the service, because that would be the effect of his amendment.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield for a moment?

Mr. HOCH. Yes.

Mr. BLACK of Texas. Does the gentleman contend that there is a higher standard of qualifications for these employees than for those employees who are classified under the reclassification act of 1923 as scientific and professional men?

Mr. HOCH. I will say that the field from which men of this kind can be selected is much more limited and the requirements very exacting. In addition, those to whom the gentleman refers have retirement provisions and things of that sort that these men do not have, and the conditions in foreign countries, as the gentleman knows, are in many cases much different from those here.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BLACK].

Mr. RAMSEYER. Mr. Chairman, can we have the amendment reported again?

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. BLANTON. Let us have a division, Mr. Chairman. I ask for a division on that.

The CHAIRMAN. The gentleman from Texas asks for a division.

The committee divided; and there were—ayes 11, noes 54.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. (a) Subject to the requirements of the civil service laws and rules, the Secretary is authorized to appoint, fix the compensation of, promote, demote, and separate from the service such clerks and other assistants for officers of the foreign commerce service as he may deem necessary.

(b) When authorized by the Secretary and in accordance with the regulations of the Civil Service Commission, officers of the foreign commerce service may employ in a foreign country, from time to time, fix the compensation of, and separate from the service such clerical and subclerical assistants as may be necessary.

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Texas moves to strike out the paragraph.

Mr. BLANTON. This paragraph gives the Secretary the right to lift them up or let them down at will, and pay big salaries or little, as he sees fit. The fate of my colleague's amendment a moment ago, receiving 11 votes with 54 votes against it, shows the utter futility of trying to legislate sensibly at this time and on this occasion, when even the mind of the majority leader and that of the Speaker are undoubtedly elsewhere. They ought to be enjoying themselves with the Vice President. Just now we could not muster more than 11 votes for that good amendment. Thank God, the gentleman from Iowa [Mr. RAMSEYER], the friend of the farmer, was one of them, so that the quality of the 11 was all right. [Laughter.]

I want to show you what one of the greatest men who ever sat in this body, Claude Kitchin, said on this subject, when the gentleman from Massachusetts, the late Mr. Rogers, our former splendid colleague, was trying to do then what you are doing now, namely, to raise these salaries in the Foreign Service; Mr. Kitchin said:

Mr. Lansing does not ask for it except to permit these secretaries to meet and mingle socially with the kings and queens and monarchs, the princes and the princesses, and the lords and ladies of Europe, and have them tango and kotow—

That is where I got that word "kotow" [laughter]—to have them tango and kotow around with royalty; not to perform their duties in office.

That is what Claude Kitchin, the former great leader of this House, said on January 26, 1920, on a proposition similar to the one now before us.

And that is what you are fixing to do here by this bill, to give our foreign attachés more money to tango and kotow with the princesses of Europe. [Laughter.]

And on that day Claude Kitchin further said:

The only reason in the world which the Secretary of State gives is to enable these secretaries of the ambassadors to go into good society, into "tango" and "ko-tow" society. [Laughter.] You can call this increase of salaries a tango increase.

And Claude Kitchin then called on the Republican leader to help him save the Treasury, for from that same page, 2070 of the Record for January 26, 1920, I quote:

Mr. KITCHIN. Mr. Chairman, I know that there are three economists in this House—one the gentleman from Wyoming [Mr. Mondell], and one the gentleman from Texas [Mr. BLANTON], and myself. I want to suggest to the gentleman from Wyoming that here is where he can help me and Mr. BLANTON save some money to the Government.

That was "tango" and "kotow" then. It is "tango" and "kotow" mostly in this bill.

Mr. HOCH. The gentleman's reference, of course, was to the Diplomatic Service, and not to this service.

Mr. BLANTON. But this foreign high-society monkey business has been extended to the commercial attachés.

Mr. HOCH. I doubt whether any of these men would know what the tango is.

Mr. BLANTON. No; because now they do the "Charleston." You go over and watch them in the kind of knee breeches that our other friend from Kansas [Mr. TINCER] described the other day.

Mr. HOCH. I wish the gentleman would keep the distinction clear between the Diplomatic Service and these business men in this service.

Mr. BLANTON. But if these business men are now tangoing and kotowing just like the men in the Diplomatic Service formerly did, you will find them doing the "Charleston" and all other modern dances, just as their diplomatic brethren are doing, and you are furnishing them the extra money with which to do it. It may suit some of you to do this, but the gentleman from Iowa [Mr. RAMSEYER] is a wise man. He knows it does not suit the farmers of Iowa, and therefore he was one of the 11 who voted for my colleague's amendment, but we could get only 11 votes, with only 65 Members present. I will tell you what your committee ought to do. You ought to adjourn this House right now and let us get back into a better legislative mood than we are in just now. The present atmosphere is not conducive to sane legislation, and I think the majority leader ought to adjourn us and turn us loose.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

There was no objection.

Mr. HUDDLESTON. Mr. Chairman, the gentleman from Massachusetts [Mr. UNDERHILL] commented upon the marvelous development and future possibilities of my home community of Birmingham. I am with him in what he said. I am happy to be able to agree. That which makes the Birmingham district great is its natural resources—the coal, iron, and other minerals that are there in the hills, the timber, the water, and the climatic conditions, and, of course, the genius and industry of its people. We are peculiarly well situated for the manufacture of iron and steel. It is generally conceded that we can produce it more cheaply there than anywhere in the whole world. We have little need for commercial attachés; our costs of production take care of us. But we think it is only fair that our foreign customers be permitted to sell freely to us, so that they may be able to buy our products.

How different is the case of the constituents of the gentleman from Massachusetts. Their textile industry is confronted with an entirely different situation. They have no fuel and no raw material; their climate is harsh and unfavorable and they are far from the consuming centers. Yet, despite all of those natural obstacles which are inevitably bound to drag them down, they continue to try to operate their cotton mills and to work against the forces of nature. The result is that every year some of their mills are being moved down into the South. His manufacturers of textiles are investing in southern mills the profits which they have been enabled to realize through an unjust and oppressive protective system. No new mills are being built in his section and old ones are being abandoned. But down in the South—where God ordained the mills should be when he made the climate and put the coal and cotton there—new mills are being built all the time. Good sense on the part of his constituents would lead them to close up and move to the South en masse.

I know of nothing which better illustrates the inexorable laws of economics than to compare the situation in the New England textile industry with that of the iron industry in the community in which I live.

All the gentleman from Massachusetts [Mr. UNDERHILL] needs to do in order to get a little economic enlightenment is to apply the principles that are at work upon his industries and upon mine to the industries of the world. These economic laws are not applicable only to Massachusetts and to Alabama; they are applicable to the whole world. Peoples of the world, wherever they may be, ought to devote their energies and talents to the production of those things which their natural resources and their genius, their native ability, and their transportation, and other facilities, enable them to produce best; they ought to leave other things alone. They ought to exchange the products which they are able to produce economically for the products which others are better able to produce.

So America ought exchange the things which our genius, industry, and our natural resources enable us to produce cheaply for the products of other parts of the world. We ought not to be guilty of this economic assinnity—and I do not know of any other word that fits the case like that does—of trying to compete with all the world in everything. Apart from climate and resources of nature, the peculiar genius and talent of peoples should be taken into account. There is room in the world for all; there is useful production in which every man may engage. Leave each people to work at the thing for which they are best equipped, each to his own bent. Then let them exchange their products freely and on a fair basis. It would work wonders in production and economy. It would make for civilization and for the peace of the world. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

The Clerk read as follows:

SEC. 5. (a) Any officer of the foreign commerce service designated by the Secretary of Commerce shall, through the Department of State, be regularly and officially attached to the diplomatic mission of the United States in the country in which he is to be stationed. If any such officer is to be stationed in a country in which there is no diplomatic mission of the United States, appropriate recognition and standing, with full facilities for discharging his official duties, shall be arranged by the Department of State. The Secretary of State may reject the name of any such officer if in his judgment the assignment of such officer to the post designated would be prejudicial to the public policy of the United States.

(b) No officer of the foreign commerce service shall be considered as having the character of a public minister.

Mr. TEMPLE. Mr. Chairman, I move to strike out the last word for the purpose of asking a question or two of the chairman in charge of the bill. In the report accompanying this bill it is said that the commercial attachés are attached to embassies or legations and outrank the trade assistants who are attached to less important offices, evidently meaning the consulates. The bill, however, provides that they shall all be attached to the diplomatic mission. Would the chairman object to inserting at that place, after the word "mission," "or to a consulate?" That is evidently the intention as written in the report.

Mr. HOCH. I am not sure whether the language of the report is technically accurate or not. On the face of it I see no particular objection to the insertion of those words, but I will say this: The committee was advised that the language of this provision was passed upon by the State Department and is entirely satisfactory to them. Without further information I would hesitate, as far as I am concerned and as one member of the committee, to agree to such an amendment in the absence of a suggestion from the State Department, because it is a very delicate subject and they have passed upon this provision and have O. K'd it.

Mr. TEMPLE. If the State Department has passed on it and the gentleman is not mistaken about it, I will not insist on the amendment.

Mr. HOCH. I was so advised by Doctor Klein this morning. I inquired again in order to reassure myself.

Mr. TEMPLE. There is another point bearing on the next sentence of subsection (a) of section 5, which reads as follows:

If any such officer is to be stationed in a country in which there is no diplomatic mission of the United States, appropriate recognition and standing, with full facilities for discharging his official duties, shall be arranged by the Department of State.

What means has the Department of State of communicating with a government with which we have no diplomatic relations?

Mr. HOCH. I do not know just how the Department of State would do that, I will say frankly to the gentleman, but they seemed to think that they could do it, and I do know, as the gentleman knows, that there are several countries with which we have no diplomatic relations.

Mr. TEMPLE. I know of one very notable instance, and that is Russia.

Mr. HOCH. Yes.

Mr. TEMPLE. Is it intended that if the Department of Commerce should appoint such commercial agents for Russia that the Secretary of State shall arrange facilities for them?

Mr. HOCH. No; there is no intention of that.

Mr. TEMPLE. It is mandatory as it stands.

Mr. HOCH. There is no intention of that sort at all.

Mr. TEMPLE. The language would indicate that.

Mr. HOCH. And the gentleman will notice that the last sentence provides that the Secretary of State may reject the name of any such officer if in his judgment the assignment of such officer to the post designated would be prejudicial to the public policy of the United States.

Mr. TEMPLE. He may reject the name of the officer suggested to him and another man may be nominated.

Mr. HOCH. And he can reject the second one, and so on indefinitely.

Mr. TEMPLE. But that would not be in harmony with the spirit of the law.

Mr. NEWTON of Minnesota. If the gentleman will permit, as I understand subdivision (a) of section 5, the whole matter rests with the Secretary of State. If there is any idea on the part of the Department of Commerce of having a representative where there is no diplomatic mission, the Secretary of State must pass upon the matter in the first instance.

Mr. TEMPLE. I do not intend to insist upon the amendment. I understand the State Department reads these discussions and my inquiry will serve my purpose if it calls attention to a matter I hope will not be overlooked.

Mr. MADDEN. Let me ask the gentleman from Pennsylvania a question if I may.

Mr. TEMPLE. Yes.

Mr. MADDEN. Suppose, in the great anxiety of the Secretary of Commerce to expand the commercial business of the United States in foreign lands, he should take it into his head to send a commercial attaché to Russia, for example, with which country we have no diplomatic relations. Suppose that matter was submitted to the Secretary of State, with whom would the Secretary of State negotiate in Russia to arrange for the acceptance of the commercial attaché sent by the Secretary of Commerce?

Mr. TEMPLE. I think he would find himself embarrassed in attempting to enter into communication when the channel of communication has been definitely closed.

Mr. MADDEN. The business people of the United States, I take it, are doing more or less business with Russia?

Mr. TEMPLE. Oh, undoubtedly.

Mr. MADDEN. And inasmuch as this is an agency to promote the business of the country and to foster the development of the business of the people of this country, I am wondering whether they would have sufficient influence with the Secretary of Commerce to induce him to send a commercial attaché to a place where we have no diplomatic representation; and if so, what the effect would be on our standing as a nation?

Mr. TEMPLE. I think if such a thing may be done, we should not say that the Secretary shall—that is, must—arrange for appropriate recognition and standing for such commercial attaché.

Mr. MADDEN. Why should we not say "may"?

Mr. TEMPLE. "Shall" is the language of the act.

Mr. MADDEN. Yes; I know that.

Mr. TEMPLE. It was said a moment ago that there are a good many countries where we have no diplomatic mission. We have none in Russia, we have none in Abyssinia, and perhaps there are some others—international atoms like the little Republics of San Marino, Andorra, and Lichtenstein—where we have no diplomatic missions. We have such representation, however, in the new countries of Esthonia, Latvia, and Lithuania.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Pennsylvania may be extended five minutes. This is a matter which is worth while discussing. It may save us a lot of trouble later.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Does the gentleman from Pennsylvania, who is one of the most ardent students of international law and the Diplomatic and Consular Service, as well as our commercial development, that we have in the House or in the country, think that there should be any such language carried in any bill passed by this House as would even by inference place the responsibility on the Secretary of State of doing a thing which it is impossible for him to do?

Mr. TEMPLE. I at least wanted to call attention to it in the Record. The bill will be taken up, of course, at the other end of the Capitol, and if the State Department is satisfied with it I am.

Mr. MADDEN. That is true, but we ought to be guided by gentleman like the gentleman from Pennsylvania, who has the most comprehensive knowledge of international questions of anybody I have ever come in contact with. I am willing to take his advice and judgment on any matter of that kind.

Mr. MERRITT. Will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. MERRITT. If the gentleman will take the first sentence in the section in connection with the last one, I think he will see that under the paragraph no man can be sent anywhere without the joint agreement of the Secretary of Commerce and the Secretary of State, so the complication suggested by the gentleman from Illinois can not occur.

Mr. MADDEN. Then the Secretary of Commerce's attaché is not in complete charge of the development of commerce in foreign lands, but is only one of the few men who are there to consult with other men to see what the other men are going to do.

Mr. MERRITT. No; the Secretary has it called to his attention there is a commercial possibility in Russia or in any other place where we have not a minister or ambassador—

Mr. TEMPLE. What other place is there?

Mr. MERRITT. And he says:

I would like to arrange for the participation of some industry in this country in that business.

Mr. MADDEN. Whom does he say that to?

Mr. MERRITT. He goes to the Secretary of State and states that is what he wants to do, and then asks, "Can you not arrange to get me some communication with that government?"

Mr. MADDEN. How can he if we have no diplomatic relations with that country?

Mr. MERRITT. Then the Secretary of State says yes or no. If he says no, then the Secretary of Commerce can not do it under the language of this paragraph. If he says yes—

Mr. TEMPLE. Allow me to read the language of the paragraph:

If any such officer is to be stationed—

Mr. MERRITT. But he is not to be stationed without the consent of the Secretary of State.

Mr. TEMPLE. Allow me to read the complete sentence:

If any such officer is to be stationed in a country in which there is no diplomatic mission of the United States, appropriate recognition and standing, with full facilities for discharging his official duties, shall be arranged by the Department of State.

Is not that mandatory?

Mr. MERRITT. Yes, but with an "if."

If any such officer is to be stationed in a country in which there is no diplomatic mission of the United States—

Then, according to the latter part of the section—

the Secretary of State may reject the name of any such officer—

And so forth.

Mr. MADDEN. It compels him to make an arrangement and then permits him to reject it.

Mr. MERRITT. No; if he does not reject him he must assign him.

Mr. TEMPLE. Mr. Chairman, I recognize the impossibility of legislating in a body as large as this, where a great variety of opinions may be expressed, or of extemporizing language that will accurately accomplish the desired result and do nothing more. My purpose has been accomplished by calling attention to a matter that ought to be considered carefully. I shall not offer an amendment.

Mr. MADDEN. I hope the committee will take notice of what the gentleman from Pennsylvania says and, Mr. Chairman, I offer an amendment. I move that the word "shall" be stricken out and the word "may" be inserted.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Pennsylvania is withdrawn and the gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 4, line 17, after the word "duties" strike out the word "shall" and insert in lieu thereof the word "may."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. (a) Any officer, clerk, employee, or assistant of the Bureau of Foreign and Domestic Commerce, while on duty outside the continental limits of the United States and away from the post to which he is assigned, shall be entitled to receive his necessary traveling expenses and his actual expenses, in an amount not exceeding \$10 per day fixed by the Secretary, incurred for subsistence, including, at the discretion of the Secretary, expenses for subsistence for the entire period while attending a trade gathering, congress, or conference, and, in any other case, for the entire period (but not exceeding 60 days) while remaining continuously in any one place, except that the Secretary is authorized to prescribe a per diem allowance not exceeding \$8 in lieu of subsistence.

(b) The Secretary may authorize any officer of the foreign commerce service to fix, in an amount not exceeding the allowance fixed for such officer, an allowance for actual subsistence, or a per diem allowance in lieu thereof, for any clerical or subclerical assistant employed by such officer under subdivision (b) of section 4.

(c) Any such officer, clerk, employee, or assistant, while on duty within the continental limits of the United States, shall be entitled to receive the traveling expenses and actual expenses incurred for subsistence, or per diem allowance in lieu thereof, authorized by law.

Mr. HOCH. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

Page 5, line 6, strike out line 6 and through the word "Secretary" in line 7, and insert in lieu thereof the following: "expense incurred by subsistence of per diem allowance in accordance with law."

Mr. HOCH. Mr. Chairman, I will say that this provision with reference to per diem puts it under existing law. The reason for that is that while there is great need for that there is pending before the House a bill introduced by the gentleman from Illinois [Mr. MADDEN] which seeks to put all of these persons on a uniform basis, and the committee is desirous of cooperating and does not wish to complicate it.

Mr. MADDEN. The gentleman from New Jersey, chairman of the Committee on Civil Service, has a bill under consideration which has been given exhaustive study, and I would like to have him make a statement in regard to it.

Mr. LEHLBACH. Mr. Chairman, I wish to say in explanation of the amendment offered by the gentleman from Kansas that there have been three bills providing for uniform travel and per diem allowance given consideration by the Civil Service Committee. One was introduced by the gentleman from Ohio [Mr. BORG], who subsequently introduced a measure to take the place of the original bill, and a third bill introduced by the gentleman from Illinois [Mr. MADDEN]. The committee has held extensive hearings on the subject and heard from every department of the Government. Various bills and suggestions have been given scrutiny by the subcommittee, and it is prepared to report to the full committee, and it is expected that the Civil Service Committee will to-morrow report to the House a measure which deals comprehensively and conclusively with the service in all parts of the world, both foreign and domestic. For that reason it is not desirable that the limit should be carried in this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was agreed to.

Mr. HOCH. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Page 5, line 12, after the word "place," strike out down to and through the word "subsistence," in line 14.

Mr. HOCH. The purpose of that amendment is to make the section conform to the action already taken.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3858) to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a Foreign Commerce Service of the United States, and for other purposes, and had directed him to report the same back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PARKER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

Mr. BLANTON. Mr. Speaker, the previous question having been ordered, I make the point of order that there is no quorum present.

Mr. PARKER. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. BLANTON. No; the hour of 2.30 having arrived.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is not.

Mr. PARKER. Mr. Speaker, I move a call of the House.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 78, noes 9.

So a call of the House was ordered.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 69]

Abernethy
Adkins
Aldrich

Andresen
Anthony
Appleby

Arents
Auf der Heide
Bailey

Barbour
Barkley
Bass

Berger
Britten
Browning
Brum
Bulwinkle
Butler
Byrns
Canfield
Carew
Carter, Calif.
Carter, Okla.
Celler
Chapman
Christopherson
Clague
Cleary
Collins
Connolly, Pa.
Coring
Cox
Crisp
Cullen
Curry
Davy
Denison
Dickstein
Doyle
Drewry
Edwards
Esterly
Fairchild
Faust
Fish
Flaherty
Frear
Fredericks
French
Funk

Gallivan
Garner, Tex.
Garrett, Tenn.
Garrett, Tex.
Golder
Gorman
Graham
Green, Iowa
Griffin
Harrison
Hastings
Hawes
Hersey
Holaday
Hull, Tenn.
Irwin
Jeffers
Johnson, Ill.
Johnson, Ky.
Johnson, S. Dak.
Jones
Kahn
Keller
Kelly
Kendall
Kerr
Kless
Kindred
Kuns
Kvale
LaGuardia
Lampert
Lanham
Lee, Calif.
Leatherwood
Leavitt
Lee, Ga.
Lindsay

Lineberger
McClintle
McFadden
McLeod
McMillan
McReynolds
MacGregor
Magee, Pa.
Martin, La.
Martin, Mass.
Mead
Michaelson
Milligan
Montgomery
Moore, Ohio
Morgan
Morin
Neelson, Wis.
Norton
O'Connell, N. Y.
O'Connor, N. Y.
Oliver, N. Y.
Parks
Perkins
Phillips
Prall
Purnell
Quayle
Ragon
Raney
Ransley
Rathbone
Reed, N. Y.
Reid, Ill.
Rouse
Rowbottom
Rutherford
Sabath

Randers, Tex.
Schnelder
Sears, Fla.
Simmons
Sosnowski
Sproul, Ill.
Stegall
Stedman
Strong, Kans.
Strong, Pa.
Sullivan
Sweet
Swoope
Taber
Taylor, Colo.
Taylor, Tenn.
Thomas
Timberlake
Tinkham
Treadway
Tucker
Tudings
Underwood
Updike
Vare
Vinson, Ga.
Vinson, Ky.
Walters
Welsh
White, Me.
Williams, Ill.
Wilson, La.
Wilson, Miss.
Yates
Zihlman

The SPEAKER. On this roll 273 Members have answered to their names, a quorum.

Mr. PARKER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. Is a separate vote demanded on any amendment? If not the Chair will put them engross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BLACK of Texas. Mr. Speaker, I offer the following motion to recommit, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. BLACK of Texas moves to recommit the bill to the Committee on Interstate and Foreign Commerce and report the same back forthwith with an amendment reading as follows: Page 3, strike out all of paragraph (b) and insert in lieu of the matter stricken out:

"(b) The Secretary shall appoint each officer of the foreign commerce service to a grade specified in section 1 and to one of the following classes, and shall fix his compensation within the salary range specified for such class: Class 1, \$7,500; class 2, \$6,000 to \$7,000; class 3, \$5,000 to \$6,000; class 4, \$4,000 to \$5,000; class 5, \$3,000 to \$4,000; class 6, \$3,000 to \$4,500; class 7, below \$3,000. In making appointments to a grade and class and in fixing compensation the Secretary shall take into consideration the examination and record of the officer and the post to which assigned."

Mr. PARKER. Mr. Chairman, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to recommit offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLACK of Texas) there were—ayes 32, noes 153.

Mr. BLACK of Texas. Mr. Speaker, I object to the vote upon the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and thirty-eight Members present, a quorum.

Mr. BLACK of Texas. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. As many as favor ordering the yeas and nays will rise and stand until counted. [After counting.] Nineteen gentlemen have risen, not a sufficient number, and the yeas and nays are refused.

So the motion to recommit was rejected.

The SPEAKER. The question now is on the passage of the bill.

The bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BRIDGE BILLS ON THE SPEAKER'S TABLE

The SPEAKER. The Speaker has on his desk four Senate bills, S. 1884, to authorize the department of public works, division of highways, of the Commonwealth of Massachusetts to construct a bridge across Palmer River; S. 1804, extending the time for the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railway; S. 2288, granting the consent of Congress to the South Park commissioners and the commissioners of Lincoln Park, separately or jointly, their successors and assigns, to construct, maintain, and operate a bridge across that portion of Lake Michigan lying opposite the Chicago River, Ill.; and S. 2742, to authorize the construction of a bridge across the Fox River in Kane County, Ill. Similar House bills to these have been passed. Without objection, these Senate bills will be indefinitely postponed.

There was no objection.

LIGHTHOUSE SERVICE

Mr. PARKER. Mr. Speaker, I call up the bill (H. R. 10860) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to increase the efficiency of the Lighthouse Service, and for other purposes.

The SPEAKER. The gentleman from New York calls up the bill (H. R. 10860) in respect to the Lighthouse Service. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Illinois [Mr. CHINDBLOM] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, for the consideration of the bill H. R. 10860, with Mr. CHINDBLOM in the chair. The Clerk reported the title of the bill.

Mr. PARKER. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. Under the rule one hour of general debate on this bill is allowed, of which the time is to be controlled one-half by the gentleman from New York [Mr. PARKER] and one-half by the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Chairman, the gentleman from Alabama [Mr. BANKHEAD] is opposed to the bill, and I think he ought to control the time, and I relinquish the control of the time in his favor.

Mr. PARKER. Mr. Chairman, the Lighthouse Service has acquired a great deal of property throughout the country. As conditions have changed that property is not useful for lighthouse purposes. This bill simply conveys this property now belonging to the Government to various municipalities and States for park purposes, reserving always the right to retake the property at any time for Federal purposes. The Lighthouse Commissioner assures us that the passage of the bill will probably save the Government many thousands of dollars in upkeep. For instance, in the city of Cleveland there is a lighthouse right in the center of the business part of the city.

There is an authorization here for this property to be sold, and also an authorization for the Committee on Appropriations to appropriate \$60,000 to build a lighthouse where it will be valuable. This property will bring more than \$60,000. It involves no outlay on the part of the Government, but the Budget recommended that we authorize a specific appropriation rather than have a revolving fund.

There are a few administrative propositions in the bill which I think can be discussed very much better under the five-minute rule. I know that you gentlemen are tired, and I trust we shall not have to use the whole hour in general debate.

Mr. HUDDLESTON. Mr. Chairman, I ask to be recognized in opposition to the bill.

I think the gentleman from New York [Mr. PARKER] ought to take up a little more of his time in explaining the provisions of the bill. I do not think that burden ought to be cast on me. The strange situation is presented in that numerous features of the bill are not so much as referred to by the gentleman in charge. The House is given no idea from the few words the gentleman from New York has said as to what the bill is really about. I am not intending to reflect on the remarks of the gentleman, but evidently he is more concerned with expedition than he is with imparting light to the Members of the House. I feel as if the House ought to know what is in the bill.

Mr. MADDEN. The gentleman ought to understand that this is a lighthouse bill.

Mr. HUDDLESTON. It ought not to be incumbent on those opposed to the bill to furnish all the light.

Mr. PARKER. It will be debated fully under the five-minute rule.

Mr. HUDDLESTON. The only proper time to explain a bill is at the beginning. But if I must, of course I must. If nobody else will do it, I will assume the duty of telling the House what the bill is about. I hope that the House will preserve order. I do not want to have to strain my voice in performing this function that belongs to somebody else.

In the first place, this is an omnibus bill. It carries a great many incongruous propositions. Only one of its purposes was disclosed by the remarks of the gentleman from New York. He told you that the Lighthouse Service has some land which it does not need any longer and proposes to turn it over to States and municipalities. To my mind that is the slightest part of what this bill is intended to do. It includes that subject; that is true; and most of the space in the bill, if you measure it with a yardstick, relates to that subject. However, it has numerous other aspects.

For instance, subsection 7 of the bill proposes to convey to private parties for a nominal consideration certain land owned by the Lighthouse Service. That is a complete departure from the other subjects of the bill. That is the kind of a matter which properly should have been made the subject of a private bill. It is to quiet title in private parties to some land which is probably in dispute between them and the Government. I hope that Members will take occasion to read the bill and see just what it does purport to do.

Now, as to the numerous other sections, there is a proposal to convey to various municipalities and States for other public purposes tracts of land of various sizes and in various locations, such conveyances to be made without cost. In other words, we are here donating Government property to certain municipalities and to States. What this land is worth nobody knows. In some instances we have a very slight idea as to its extent. Some of it may have great value. Of course, we reserve the right in the bill—a right I insisted on with tears in my eyes, and finally succeeded in getting the committee to accord—the right to reclaim the land at any time the Government may need it. But obviously that is a right that will probably never be exercised. You know when the Government parts with possession of land and it is used by a municipality as a park there is but the remotest possibility that the Government will ever take it back. We are giving away land, public assets, that probably cost the Government money, and we are getting nothing in return.

The talk that it is expensive to the Government to keep this land requires a very considerable stretch of the imagination. We could walk off and leave it. We do not need to spend a cent on it for a thousand years if we do not want to. It will not cost the Government a cent to keep it if we do not feel obliged to improve it. Therefore the idea that the Government should give it away as a measure of economy is based, as I say, on a wide stretch of the imagination.

I doubt if it is good policy for the Government to give away to any State or city property that belongs to it. It seems to me that a proper responsiveness to our duty as trustees for the people of the United States in holding this property would require us to have this land appraised and sell it for a fair market price and let whoever wants it buy it. That is what I would do if it were my own private property. That is what I would do if I were a director of a corporation owning this property. But it seems that there is no closed season with Uncle Sam. The idea is to get out of him anything you can. It is a question of influence. I do not think our duty rests more lightly upon us as Members of Congress than it would as managers of a private corporation or of private property.

If I were the guardian of an orphan who owned this land, I would not give it away; if I were the administrator of an estate or the executor of a will, I certainly could not reconcile the giving away of this land with my duty. The time has come, it seems to me, when we ought to respond to our obligation to the Government with some degree of fidelity and to the same extent that we would to a private obligation or to one imposed upon us in some other capacity. Congressmen are not supposed to have consciences, of course, and are not expected to do businesslike things, and it is because the public feels that way that Congress stands so low in public estimation. A little more businesslike methods in Congress and a little more dealing with public affairs in a businesslike way would gain for us more of the respect of the people and would make Congress as an institution more worthy not only of regard but of influence.

Mr. LOZIER. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. LOZIER. In principle is there any difference between donating this Government property to these cities and passing a bill donating from the United States Treasury an amount equivalent to the value of this property?

Mr. HUDDLESTON. It is exactly the same proposition.

Mr. LOZIER. Is it not a subsidy?

Mr. HUDDLESTON. It is a gift of the value of the property. The only qualification that could possibly be conceived is that the Government reserves the nominal and formal right to retake this property if it should need it at some time in the future.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. HILL of Alabama. The gentleman will recall that the War Department had certain property which it did not need and this House authorized the sale of that property, and up to date the sale of a part of that property has brought some \$7,000,000,000 into the Treasury of the United States. Does not the gentleman think that the Treasury Department should pursue the same policy in regard to its property as the War Department pursued as to its property and get some return from this property?

Mr. HUDDLESTON. I think that is sound. I also remember that the War Department and the Navy Department turned over to the States, through the Department of Agriculture, vast quantities of trucks and road implements and material all free of charge. They gave it away; and I also remember how the States took little care of that property and realized little benefit from it.

But the gentleman from Alabama [Mr. HILL] must remember that had we put those trucks on the market and sold them it would have been in competition with private business, and that there are a lot of influential truck manufacturers in this country who want their business promoted instead of having it competed with.

Mr. McSWAIN. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. McSWAIN. I call the attention of the gentleman to the fact that a few years ago this House donated the Fort McHenry property—where the song "The Stars and Stripes" was written—to the city of Baltimore, and that during the last two or three years the city of Baltimore has been trying to get Congress to take it back and maintain it as a park for the use of that city.

Mr. HUDDLESTON. I have no doubt that the people who are the beneficiaries under this bill would be perfectly willing to have the Government retain those lands if we would undertake to develop them as parks for their use. I have no doubt they would be glad to come in on that basis. It so happens that in these particular cases they have expressed a willingness to take the land as it is. We do not have to lubricate the proposition in any way for them, but it may be that they, like the city of Baltimore, will come back later and ask that we develop and improve the lands.

Mr. LAZARO. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. LAZARO. Does the gentleman know how many cities and municipalities will get the benefit of this bill?

Mr. HUDDLESTON. There are all told about six, as I understand. Unfortunately not one of these is my city. One of the rules which I adopted when I entered this House was that I had to have a share of the spoil when I helped to roll in a pork barrel. I am not going to roll any pork barrel unless there is something for me in the barrel. The chances are that if they had offered to donate two or three hundred acres of land in the suburbs of my city on which my people could disport themselves, as they have in these instances, I would have been found supporting the bill, and in consequence of my success in fleeing Uncle Sam have been elected to Congress for several terms on the strength of that generosity. [Laughter.]

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. COOPER of Ohio. I would like to ask the gentleman whether it is not true that there are several parcels of land carried in this bill that are to be transferred from one department of the Government to another, so that they can be used for better purposes than at the present time?

Mr. HUDDLESTON. Yes; but I do not refer to those instances and they are not included in the number I gave.

We are in the strange situation, gentlemen, that you can not take your hand out of one pocket and put it in another of your own pockets without an act of Congress. That shows how elastic our Government is. Here is the Lighthouse Service, that does not need some of its land, and the War Department, that does need it, and it takes all of this machinery of an act of Congress to turn over the land to the other department.

Now, then, to proceed to another point. This subsection 7 donates to private parties a piece of land said to be about an acre. I would like for you gentlemen who have the bill before you to read the report of the committee. And, I will say in passing, that no hearings were held on this bill. We had a report submitted to us from the Lighthouse Service. What responsibility was back of the report I have not the slightest idea; but on that meager information that you will find here in the committee report will be found absolutely everything the committee knows about this bill and about its subjects.

Mr. McDUFFIE. If the gentleman will permit, the gentleman does not mean to refer to section 7 of the bill.

Mr. HUDDLESTON. Yes.

Mr. McDUFFIE. I think the gentleman is referring to paragraph 7 and not section 7. Section 7 seems to deal with lights in aid of navigation on the Allegheny River.

Mr. HUDDLESTON. I refer to line 9, on page 5. It is numbered 7. It may not be a separate section; probably it is not, but that is not material.

I was just going to say with reference to that matter that here is an acre of land near Cleveland, Ohio, exactly where it is I do not know, and how valuable it is I do not know. I do not know anybody who does know. No information was given to the committee on the subject. The report of the committee which shows all the committee knows on the subject and was copied from a statement made by some one in the Lighthouse Service, I do not know who, says this:

This property, consisting of about 1 acre, has been occupied for two or three generations by Joel Norton and descendants. They appear to have occupied the property in good faith and have paid taxes on it. If it were not for the fact that the prescriptive right does not operate against the United States, these people would now have a valid title derived from long occupation without any adverse claims. The reservation is no longer required for lighthouse purposes, and it is considered equitable to confirm title in the heirs of Joel Norton for a nominal consideration.

Now, why give this land away? What is the equity and what is the equity based on? So far as I know, and so far as anybody else knows that is known to me, here is a man who got on some land that belonged to the Government of the United States. He stayed there for two or three generations. How long that may be I leave to people who are better versed in the length of a generation than I am to say—maybe 20, maybe 40 years; I have not the slightest idea. But he went there and he had the use of it through all these years, and now because he was so considerate as to use it during all these years we propose to give it to him. That is the equity back of this proposition. What the land is worth nobody knows. We did not hear any evidence. Nobody came before us. All the committee knows is just what you find in this report. The land may be worth \$1 or it may be worth \$100,000, so far as I know.

Mr. PARKER. Will the gentleman yield?

Mr. HUDDLESTON. Yes; certainly.

Mr. PARKER. Did not the subcommittee have hearings on this bill?

Mr. HUDDLESTON. No; not that I know of.

Mr. PARKER. I think the gentleman is mistaken about that.

Mr. HUDDLESTON. I will state to the gentleman what my understanding on that point is; if I am in error, I wish to be corrected. The gentleman from Connecticut [Mr. MERRITT] was on a subcommittee appointed to consider a number of bills. He asked the Lighthouse Service for a report, and what they quote here in the committee report was the response, and that is all Mr. MERRITT or any Member knows, so far as I know. He never told us anything more about it. We had it up in the committee in his presence, and if he knew anything more about it he kept it in the recesses of his bosom. I assume that if he had had any further information he would have given it to us.

Now, why should this provision—subsection 7—be in this bill? What has it got to do with the balance of the bill? Not a thing on earth. A lot of separate bills were referred to our committee; they embraced the various subjects dealt with by this bill and other subjects. It was considered strategic for parliamentary reasons to melt them into one and shove them into the House with the idea you could get a dozen bills through in that way just as easy as you could one. One of them was no worse than the other and they were all bad. That must have been the ground on which the action was based. They are certainly incongruous.

Quieting a private individual's title without complete knowledge of the facts! It is said he claimed and held Government property in good faith. How do I know there was any good

faith about his occupancy? How do I know the Government will not need this land in future? We have got the word of just one man, and I do not even know who the man is, and I do not know how high he is in the Lighthouse Service or what his authority is. We are trusting him absolutely in all these matters. If he is an honest man and a capable man, good. If he is a crook or if he is incapable, we are ruined. We are dealing with this important subject when we have not any real information about it.

Well, comment is unnecessary. I have stated the facts.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. HUDDLESTON. Certainly.

Mr. MADDEN. Is the gentleman from Alabama against the bill?

Mr. HUDDLESTON. I am. I certainly have been speaking to mighty poor account if I have not yet got it over to the gentleman that I am against it.

Mr. MADDEN. I was not quite sure. [Laughter.]

Mr. HUDDLESTON. I am glad the gentleman asked me the question. I want to make it perfectly clear even to the most rudimentary intelligence that I am against the bill. [Laughter.]

Mr. MADDEN. Mine does not even approach that. I am glad the gentleman says he is against the bill because now I may understand what the gentleman is trying to get at. I would like to ask the gentleman whether there have been any hearings on this bill or not?

Mr. HUDDLESTON. No; not a real hearing.

Mr. MADDEN. Do I understand the gentleman to say the bill's only sponsor is the head of the Lighthouse Service?

Mr. HUDDLESTON. I do not know whether he is the head or not. I would be glad for the gentleman from Connecticut [Mr. MERRITT] to tell us about that.

Mr. PARKER. If the gentleman will permit—

Mr. HUDDLESTON. Will not the gentleman allow the gentleman from Connecticut [Mr. MERRITT] to tell about that in his time?

I reserve the balance of my time, Mr. Chairman.

Mr. MADDEN. I would like to ask that question because I think it is quite important.

Mr. MERRITT. Mr. Chairman, these matters being all matters of detail within the knowledge of the Lighthouse Bureau and not within the knowledge of anyone else, our committee, being overloaded with work, thought it would conserve time by appointing a subcommittee. The committee appointed a subcommittee consisting of myself as chairman, Governor SHALLENBERGER, Mr. PHILLIPS, and two others as members of the subcommittee.

This subcommittee heard Mr. Putnam, head of the Lighthouse Bureau. All of the facts here are not matters of opinion but matters of record in the bureau.

Mr. MADDEN. The ownership and location of the property?

Mr. MERRITT. Yes.

Mr. MADDEN. And the obsolescence of the lighthouse purposes, is that a matter of record also?

Mr. MERRITT. Yes. All matters of record, and any man can see from the statement of a man like Mr. Putnam, a man of unimpeachable character, what the facts are. If you will read the report, I think you will see that there is no doubt about the propriety of disposing of it.

Mr. MADDEN. Will the disposition of this property involve the purchase of other property?

Mr. MERRITT. No. Here is the fact. None of this property is given to anyone. Under the provisions of the bill every piece of property not sold for cash is given under a revocable license, whereby the town or State makes use of the property until the Government wants it, and in that case it comes back to the Government.

Mr. MADDEN. Does the bill place any limitations on the purpose for which the property can be used?

Mr. MERRITT. It is for park purposes; and if the property is not used for that purpose, it comes back automatically.

Mr. MADDEN. Is there any obligation on the part of the Government to spend any money for its beautification or upkeep?

Mr. MERRITT. No. As a matter of fact, the Government saves two or three thousand dollars a year, because they give up the maintenance of the lights and put in an automatic beacon.

Mr. MADDEN. Who puts in the beacon?

Mr. MERRITT. The United States. Take the first section up at Lake Champlain. There is an old lighthouse which the State of New York rebuilt. It is proposed to give it to the State of New York. The Government will save under the re-

vocable license, because the automatic light only costs \$300 a year, while the other light with a keeper costs \$1,000 a year.

Mr. MADDEN. That is good business. What is the total value of the property involved here?

Mr. MERRITT. Well, that is problematical.

Mr. McSWAIN. I do not see in the report any statement that it is worth any sum.

Mr. MERRITT. There is some property in Michigan which is sand dunes on the shore of the lake, and they have no commercial value whatever.

Mr. McSWAIN. Copper under them?

Mr. MERRITT. The State wants to get control of it, so that they will not be sold. They want to keep that property intact.

Mr. MADDEN. That is becoming the most valuable for park purposes. People like to wallow in the sand instead of wallowing in the mud.

Mr. HUDDLESTON. May I ask the gentleman if there were hearings held before the subcommittee and statements reduced to writing? There are no printed hearings. Did any witnesses testify before the subcommittee, and was their testimony reduced to writing?

Mr. MERRITT. I think the only witness we had was Mr. Putnam and his assistant. Their statements are in writing in the records of the department.

Mr. HUDDLESTON. I notice that the report includes something which purports to be quoted matter, and it is my understanding that that was a statement made by Mr. Putnam.

Mr. MERRITT. That is right.

Mr. HUDDLESTON. That is all there was to it. And the committee knows nothing about it except what is set forth in the report?

Mr. MERRITT. That is practically correct.

Mr. PARKER. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Chairman, there are two items in this bill about which I am very well posted. No. 7 is a tract situated on Cunningham Creek, Ohio, which is in my district. Years ago the lighthouse was abandoned. There is no one of the younger generation that remembers the time when the lighthouse was on that site. In the last Congress a special bill was passed in the House authorizing a quitclaim deed to the heirs of Joel Norton. The bill passed the Senate also, but in some way was lost in the shuffle at the end of the session. The value of the property would be perhaps two or three hundred dollars. It has been occupied by several generations of this family for 60 years.

Item 13 authorizes the sale and conveyance by quitclaim deed to the highest bidder, after due advertisement, upon such terms as the Secretary of Commerce may deem for the best interests of the United States, the lighthouse property located on West Ninth Street and Main Avenue, in the city of Cleveland, with the keepers' dwellings and other improvements thereon. I can remember that lighthouse from the time when I was a very small boy. It is now no longer useful as a lighthouse, as the lights are located on the breakwater and piers on a level with the lake.

This is on high ground. It is, however, used for quarters for lighthouse keeper—some four families—and it is in a business district. The land is of value altogether out of keeping with that which would naturally be devoted to the use of lighthouse quarters. It can probably be sold for from \$75,000 to \$100,000 and adequate quarters furnished for the families for a much less sum. Consequently, as it is no longer needed as lighthouse quarters and as those who occupy it can be provided with quarters at a much less price than the property could be sold for, as stated in the report, it is desirable to dispose of it. For those two items certainly I can vouch.

Mr. COOPER of Wisconsin. Mr. Chairman, I desire to ask the gentleman from Connecticut [Mr. MERRITT] a question. I notice on page 9 the following language, in section 2, respecting these proposed gifts of land by the Government—

shall be subject to the express condition that the grantee assume the obligations imposed by such paragraph, including carrying out the purposes of the grant.

But the date when the grantee shall assume the carrying out of that obligation is by the next sentence left entirely to the Secretary of Commerce, for it merely provides that the Secretary of Commerce may at "any time"—"any time" means 10 days or 10 weeks or 10 years—send a notice when the grantee shall begin to carry out that obligation. There is no definite time fixed. Now, it is customary in deeds of a revocable kind to provide not only that the grantee shall assume the obligations imposed by the deed but also to fix

definitely the date when its possible revocation shall occur by a provision that if such grantee does not begin or resume the performance of such obligation within a certain period from and after the delivery of the deed the property shall, upon the expiration of such period, revert to the grantor without further notice or demand or any suit or proceeding.

That is the way the deed should read. It would not require any further act by Congress or by any official. The date of the possible revocation would be fixed definitely. But this section merely provides that the grantee need not begin the performance of the obligations imposed by the paragraph until the Secretary of Commerce shall send the grantee a notice, and this he may send at "any time," and he may delay it for years.

Mr. MERRITT. The difference between the two propositions is that the gentleman is talking about a deed, while this is a mere license.

Mr. COOPER of Wisconsin. But the same principle would apply, whether to license or deed, if the Government's interest is to be protected and if there is a condition that the land is to be devoted to park purposes.

Mr. MERRITT. The point is that with some of these properties it is not necessary to do anything at all; you want to leave them alone, and the property that the gentleman from Michigan [Mr. McLAUGHLIN] is speaking about, they do not want to do anything with. The object of this bill is to grant these communities whatever benefits come from the use of these properties, which are of no value to the United States, but at the same time to hold them in case they shall be of value to the United States and leave the United States free to take them over again.

Mr. COOPER of Wisconsin. Yes, but in the license, if you call it a license—I think it is to be a deed—you ought expressly to declare in the language of this section, beginning in line 14—

and if such grantee—

And if this is a "grantee," then it must be a deed—

and if such grantee does not begin or resume the performance of such obligations within a period of six months from the date of the delivery of the deed.

And so forth. The date for the revocation ought not to be left to the uncontrolled discretion of any Government official. When the Government conveys land to a person by a deed with a clause declaring the purpose for which the land must be used, the deed itself ought to specify the date when, if the condition be not performed, the deed shall be considered revoked.

Mr. MERRITT. The committee did not think that.

Mr. COOPER of Wisconsin. That is the only way to protect the Government, because if you leave it to the discretion of an executive officer, he might not send the notice in five years. He might not send it at all.

Mr. MERRITT. If he is a faithful officer he will look after the interests of the United States.

Mr. COOPER of Wisconsin. Was Fall a faithful officer?

Mr. MERRITT. I do not know about that.

Mr. COOPER of Wisconsin. This is a Government of law, not of men, and it ought to be in the law itself.

Mr. McLAUGHLIN of Michigan rose.

Mr. MERRITT. Mr. Chairman, I yield to the gentleman from Michigan.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, on page 8, subdivision (12), there is provision for the transfer to the State of Michigan of portions of two lighthouse reserves. I am quite familiar with them. As to the conditions on which transfer is to be made, the bill says they are to be transferred to the State of Michigan "on such terms and conditions as to providing means of access to the light stations and the Coast Guard station," and so on, "as the Secretary of Commerce shall determine." These places are isolated, largely sand dunes on the shore of Lake Michigan. One of them is difficult of access. I believe the usual means is by boat. When I talked with the Assistant Secretary of Commerce about these lands, told him our State wishes to acquire them for park purposes, and asked him to make a favorable report to the Congress, he referred me to the Superintendent of the Lighthouse Service. I talked with the superintendent, and found him desirous of imposing a condition that the State of Michigan must construct and maintain highways to these places and over them to the stations. I said that the State of Michigan contemplates the construction of highways to and over these places of resort for our people and for tourists.

Mr. MADDEN. Was this a voluntary surrender of the property by the department or was it done at the solicitation of the State?

Mr. McLAUGHLIN of Michigan. I first suggested to officials of the department that transfer to the State should be made. It was, of course, voluntary on their part, because determination of the matter was, in the first instance, entirely in their hands. I had looked over the properties, had communicated with the superintendent of parks of our State, and had him visit them. He wrote me that the State would like to acquire them, and I took up the matter with the Department of Commerce to see whether or not a favorable report might be made on a bill that I would introduce to provide for transfer of title. As far as information respecting these properties are concerned, as to whether or not the subcommittee of the Committee on Interstate and Foreign Commerce acquired information to enable it intelligently to report this bill to the House, when I talked with the Superintendent of Lighthouses I found him fully informed; he knew more about them than I did, although I live in the immediate vicinity of the properties. It was from him, I believe, that the subcommittee obtained its information. I have said that the State of Michigan contemplates construction of highways to and over these properties.

I said to the Superintendent of Lighthouses and to the Assistant Secretary of Commerce, "The State intends to build roads, but I do not wish you to fix an early or definite time, because the State will ultimately, soon I hope, build, carrying out its general plan of construction of highways to enable travelers to reach these and other State parks. Make such conditions as you think are proper and necessary, and if the State does not wish, or is unable to comply with them, it will, of course, refuse to accept the lands."

Then as to the provision for six months, as the bill says, I am not sure but that the provision was inserted as the result of my conference with the Commissioner of Lighthouses. I told him that the State intends at an early date to construct these highways, but if the Secretary of Commerce would serve notice on the State now, immediately on the enactment of this law, and hold it responsible and refuse to execute a conveyance or would take away the property after the conveyance because the State does not promptly comply, that would be a hardship and would defeat the purpose of the law, so far as these particular properties are concerned. So he said:

Well, suppose we withhold the notice as long as we think is proper, and then give the State notice, and if it does not comply with the notice within six months the land shall revert to the Federal Government.

I think that is the reason for the insertion of that provision in section 2, found on page 9. And so far as these particular properties are concerned, I think that is a reasonable provision.

Now these lands have for many, many years been lighthouse reserves, and not subject to sale; hence no one knows what they are worth or what they would bring on a sale. But immediately adjoining, and practically a part of one of them, is a homestead tract owned by the Federal Government, subject to homestead entry since homestead laws were first written on the statute books, and nobody wanted them; and alongside of them, near them, is some of the finest farming land in the State of Michigan, occupied and cultivated for generations. If this land had been worth anything, it could have been taken up as a homestead and acquired at no cost. Now, from what I have said you can judge of the money value of these properties to the Federal Government.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. COOPER of Wisconsin. The Government is giving away real estate for park purposes. If a private individual were giving it away for that beneficial purpose, he would be sure to put in the deed a clause providing that if the grantee did not, within six or eight months or one year—some definite period—from the delivery of the deed, begin performance of that obligation the title shall revert to the grantor or his heirs. Now, ought the Government of the United States to give away real estate for park purposes and not say anything at all definite in the deed concerning the revocation? Ought not the deed to read that if the municipality does not within 10 months or one year begin performance of the obligation it shall revert to the Government?

Mr. McLAUGHLIN of Michigan. I think if our Government were dealing with property of any considerable value, or if it were dealing with private individuals, all precautions the gentleman from Wisconsin suggests ought to be taken and perhaps written into this bill. But here is one government dealing with another government. Here it is passing money, if there is any value here, from one pocket to another, and as far as these Michigan properties are concerned I think the provisions of the

bill are satisfactory and safeguard the interests of the Government. The bill says that the lands are to be disposed of to the State "on such terms and conditions as the Secretary of Commerce shall determine." Now, if the conditions are not complied with—

Mr. COOPER of Wisconsin. Would you give that power to Mr. Fall?

Mr. MERRITT. What could Mr. Fall have done that would have hurt the United States in that case?

Mr. COOPER of Wisconsin. He would not with my vote have had a chance.

If I were giving away my property and wanted it to revert to me in the event it should not be used for public-park purposes, I would so state in the deed and definitely fix a time for revocation. I am a trustee, and in dealing with the property of my cestui que trust it is my duty to be as careful as I would if the property were my own.

Mr. McLAUGHLIN of Michigan. I think the Government of the United States can deal more leniently and should deal more liberally with a State than with an individual, or than one individual could deal with another. As to Mr. Fall, I have no more use for him than you have. But I do not think any of the officials of the State of Michigan who will have to do with this matter will try to corrupt the Federal Government or any of its officials.

Mr. COOPER of Wisconsin. The gentleman is aware of the fact, to quote a hackneyed phrase, that this is a Government of law and not of men. There is a governor of a State now in the penitentiary for 10 years for forgery and perjury. What reason has the gentleman for his trust of men who happen to receive a majority vote in a State? I repeat with Jefferson that "governments are founded in distrust of human nature," and as trustees it is our duty to protect in every way within our power the property of our cestui que trust as if we were dealing with our own property.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield to me?

Mr. McLAUGHLIN of Michigan. If my time has not expired and I have the floor, I will yield to the gentleman from North Dakota.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CROSSER rose.

Mr. PARKER. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from New York has two minutes remaining. The gentleman from Alabama [Mr. HUDDLESTON] has control of the time on the minority side.

Mr. PARKER. I suggest to the gentleman from Alabama to go ahead. I will put the gentleman from Ohio [Mr. CROSSER] on last.

Mr. HUDDLESTON. I invite anyone who wants to act intelligently on this bill to read the committee report. He will find that it is composed almost altogether of quoted matter. The quoted matter is a communication which came from the Lighthouse Service and that is all the information that anybody on the committee or in the House has concerning this bill, unless he has some private knowledge derived from the outside. That is what I charged a few minutes ago, and the colloquy which has occurred rivets it and makes it perfectly clear that I was not in error.

Now, with reference to the piece of real estate in Cleveland, Ohio. We are authorizing, by subdivision 13, on page 8, the Secretary of Commerce to advertise that property and sell it to the highest bidder on such terms as he may think proper. That is the extent to which the Government's interest is being protected by this bill. There is no upset price and no provisions for appraisement. The Secretary of Commerce is given absolute discretion. He can sell it for \$1 down and \$1 a month for the balance of his life, with interest or without interest.

The bill provides that he may sell it upon such terms as he may deem for the best interests of the Government. In other words, we leave the matter entirely to his discretion. I submit that is a method of disposing of real estate that no intelligent business man would ever adopt. It can not be defended by anybody who has any regard for business principles. I have seen lots of sales to the highest bidder. They are sometimes advertised in a perfunctory way and possibly few know anything about them. A few fellows who are interested go in together and each agrees he will not bid against the other, or they bid it up to where they think it is safe and then it is knocked down. This property may be sold for a quarter of a dollar, so far as the authority contained in this bill is concerned.

Mr. MERRITT. Will the gentleman yield?

Mr. HUDDLESTON. I can not yield now.

Mr. MERRITT. I would like to give the gentleman some information.

Mr. HUDDLESTON. The gentleman has passed that point. I am sorry, but I have not the time to yield, because there are several other matters in the bill which should be discussed.

Mr. MERRITT. I want to ask the gentleman if he is aware that the Secretary of Commerce under existing law has full authority to sell all of this property if he wants to do so?

Mr. HUDDLESTON. If so, why are you asking for this legislation?

Mr. MERRITT. Because we do not want to have it sold.

Mr. HUDDLESTON. You are asking that we give him authority to do something he already has the right to do, so you say. If we are doing that we are stultifying ourselves. But I think it is quite likely that the gentleman from Connecticut [Mr. MERRITT], although perfectly sincere and frank, is mistaken. I imagine that the reason for this bill being in the House lies in the fact that we are authorizing the Secretary of Commerce to do something that he has not the right to do now.

I have devoted nearly all of my time to telling you about these land deals but they are just a part of the bill. There are three or four other sections in the bill more deadly than the land sections. The worst we can do as to the land is just to give it away, but these other provisions in the bill will yoke onto the neck of the Government certain laws which may plague us long into the future. Take, as an illustration, the retirement provisions for employees of the Lighthouse Service. I have not the time to comment on that section, but I ask gentlemen to read section 3 of the bill.

And I ask gentlemen who may want to vote like a real Congressman, and not like a sheep jumping over a fence, to read section 4 of the bill. It gives the Secretary of Commerce the right to pay any employee of the Lighthouse Service for any property he may lose or which may be damaged at stations or on vessels of the Lighthouse Service or in transit. An employee of the Lighthouse Service traveling or stationed in the performance of his duties can have a trunk loaded with his goods and if it is damaged by a railroad collision or if it is lost or destroyed he has the right to require the Government to pay him for it. And are we expected to pay, as in the case of soldiers and sailors, merely for equipment lost?

Oh, no. He can have almost anything he wants in the trunk. He can have jewelry, or works of art, or almost anything else that he wants in the trunk, and if it is lost or damaged the Federal Government has got to pay. And has got to pay him without the judgment of a court but simply upon his claim as made to the Secretary of Commerce; in short, we are simply opening up the door to petty graft by such a provision.

Mr. BURTNESS. Has not the gentleman overlooked the amendment that was written in the bill in that regard?

Mr. HUDDLESTON. I must decline to yield. I have the laboring oar; I have to do the work of both sides and explain the bill, and oppose it also, so I have not the time to yield. If I had the time I would be glad to yield to everybody, but I have not even the time to explain all of the features of this bill. If I attempted to do that it would take me a long time.

It is absurd that we should be undertaking to legislate in such a fashion. Here is an omnibus bill, including numerous incongruous subjects not related in the slightest degree. It is put out in this fashion, merely for the purpose of parliamentary strategy. Are we going to vote for it? Well, not I. If I were not bound to respond to the obligation I assumed here in the well of the House to protect the interests of the United States; if I were blind and oblivious to that, at least I would have some regard for my reputation for intelligence and for the record which I am making for my people back home.

Now, if I have any more time I will yield to anyone who wants to ask me anything.

Mr. SUMMERS of Washington and Mr. CROWTHER rose.

Mr. HUDDLESTON. I yield first to the gentleman from Washington.

Mr. SUMMERS of Washington. My understanding is the Secretary of Commerce has authority to sell this land now, but does not have authority to give it away until we pass this bill.

Mr. HUDDLESTON. He will have authority to practically give it away if we pass this bill.

Mr. SUMMERS of Washington. Yes; but he has not the authority now to do that. I would like to know something about Fernandina, Fla., if the gentleman from Alabama or the gentleman from Florida can tell us about that.

Mr. HUDDLESTON. The gentleman from Florida [Mr. GREEN] has as much right to be given land for a park next to Fernandina as the gentleman from Michigan [Mr. McLAUGHLIN] for a park for his constituents. Both of them I admire very much, and each should come in on the same basis as the

other. If you are going to give away the Government's land, it does not make any difference how much it is worth nor what the Government paid for it, nor does it make any difference what the Government wants to do with it. The whole question is, Does some State or municipality want to use it for park purposes? If so, give it to them.

The Government has near the edge of my district several thousands acres of valuable coal land. I think I will conceive the idea of establishing a public park in that section of the country and invite the Government to donate that land to my city or my county or my State; then having gotten possession of it we will be in shape to chaffer with the Government when it comes to the matter of getting the minerals out of it. Is there any minerals on the land covered by this bill? I do not know. Has it any other value? I do not know, and nobody here knows.

I yield now to the gentleman from New York.

Mr. CROWTHER. Four hundred and twenty acres of land in Florida at present valuation ought to be nearly enough money to run the Government for a year.

Mr. HUDDLESTON. I do not think we ought to single out the Florida donation for criticism. May I say to the gentleman if this bill is bad at all, it is bad in principle. It is not a question of where the land lies nor what it is worth. The question is whether we are going to stand on principle and act like business men in discharging our functions as trustee for the people of the United States, or are we going to just roll out a pork barrel here and let him get something out of it who can.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. PARKER. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Chairman, in harmony with the doctrine which has been invoked so much recently, it seems to me proper to call attention to the fact that six pieces of the property referred to, are to be transferred either to States or subdivisions of States. We have heard a great deal about local self-government, State rights, and all that sort of thing. If that principle be sound, then I do not think we are committing any serious wrong in allowing these States and the one city to have the property and to use it, especially in view of the fact we can take it back without the consent of the grantees at any time we see fit. The transfers of six parcels of land enumerated in this bill are to be made to States. Four other tracts are simply transferred from one department of the Government to another—a mere formality necessary for technical reasons.

One of the remaining two items included in the bill relates to the property in Cleveland to which my colleague, Mr. BURTON, referred a few moments ago as being located in one of the most disagreeable sections in the city, from the standpoint of residence.

It is adjacent to the Union Station, with all its smoke, and is surrounded by warehouses and factories and dirt of every kind. In order to allow these lighthouse keepers to have a decent place in which to live, it is proposed to authorize the Secretary of Commerce to sell this property to the highest bidder after due advertisement. It must be sold to the highest bidder after due advertisement, and then they are not allowed by the terms of the bill to spend more than \$60,000 for a new house. I do not think they will spend \$40,000 to build the residence necessary to house the lighthouse keepers.

The other tract is in Lake County, a rural county of Ohio, where I believe the land is not worth more than \$300 an acre at the most. This land has been occupied for sixty some years. I do not see how much can be lost by the transfer of that 1 acre. If it were a private transaction, a quitclaim deed would be given to those in possession of the property as a matter of common decency in order to clear the title to land held as long as this property has been held by the claimant.

The CHAIRMAN. The time of the gentleman from Ohio has expired. All time has expired and the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to dispose of the following surplus lighthouse reservations in the manner and under the conditions indicated:

(1) To convey to the State of New York, for public-park purposes, all of the Crown Point Lighthouse Reservation, N. Y., together with all buildings thereon, excepting such tracts of land as are necessary for the maintenance of lights as specified herein; reserving the right to the Lighthouse Service to maintain such lights in the tower or at such other place on the reservation as the needs of navigation may require, and the right to enter upon the reservation by the most convenient route by land or water for the purpose of maintenance of such lights, and reserving an easement for beams of light from such lights,

and the right to trim any trees that now exist or may hereafter exist that interfere with or obstruct the range of any such lights. The Lake Champlain Transportation Co., and its successors, shall be permitted to maintain and use its pier, now located at the reservation, erected under permission from the Treasury Department dated May 1, 1888, in the same manner and subject to the same terms and conditions as though the conveyance had not been made. The State of New York shall be required to maintain the memorial tower erected on the Crown Point Lighthouse Reservation under authority of the act of Congress entitled "An act to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain," approved February 20, 1911.

(2) To transfer to the War Department for military purposes the portion of the Elm Tree Beacon Lighthouse Reservation, N. Y., described as follows: Beginning at a point on the center of a granite monument on the southwesterly side of New Dorp Lane, which monument marks the northwesterly corner of the property and bears 125 degrees 59 minutes 15 and 0.53 feet from a monument of the topographical department of New York City; thence the property line bears 122 degrees 9 minutes 92 and 0.38 feet to the center of a similar granite monument; thence continuing in the same straight line 154 and 0.66 feet more or less to high-water line of New York Bay; thence along the said high-water line as the same winds and turns to the southwesterly corner of a stone jetty; thence along the southwesterly face of the said jetty 301 degrees and 9 minutes 144 and 0.03 feet to the westerly corner thereof; thence 38 degrees 54 minutes 0.56 feet; thence 304 degrees and 7 minutes 75 feet to the center of a granite monument at the southwesterly corner of the property; thence 36 degrees 35 minutes 229 and 0.033 feet to the center of the stone monument at the point or place of beginning, being an area of 1.1 acres more or less.

(3) To transfer to the Treasury Department for use of the Public Health Service that portion of the Brewerton Channel Range Rear Lighthouse Reservation, Md., located approximately 450 feet outside the line of the quarantine station at Baltimore, Md., except that the Department of Commerce shall retain for lighthouse purposes the site of the skeleton tower on which the rear light of the range is displayed and necessary right of way thereto. The Secretary of Commerce shall describe by metes and bounds the exact portion of the reservation transferred.

(4) To transfer to the Treasury Department for Coast Guard purposes all of the Cape Charles unused Lighthouse Reservation, Va., now lying on the ocean front, consisting of about 6 acres of land on Smiths Island, Va., together with structures thereon.

(5) To transfer to the War Department the parcel of land located at Long Point, N. C., known as the Long Point Lighthouse Reservation, and in exchange therefor the Secretary of War is authorized to permanently transfer to the jurisdiction of the Secretary of Commerce a parcel of land approximately 5.7 acres, located at Coinjock, N. C., and being a portion of lands acquired for improvement of inland waterway from Norfolk, Va., to Beaufort, N. C.

(6) To convey to the city of Fernandina, Fla., for public-park purposes that portion of the Amelia Island Lighthouse Reservation, Fla., consisting of all that portion of section 12, township 3 north, range 29 east, Tallahassee meridian, Fla., lying north of the shell road running east from the city of Fernandina across section 12, reserving to the United States an easement for beams of light from the Amelia Island Lighthouse and the right to trim any trees that now exist or may hereafter exist that interfere with or obstruct the rays of such light.

(7) To convey by quitclaim deed to the heirs of Joel Norton for a consideration of \$10 certain land known as the Old Lighthouse Reservation, situated at Cunningham Creek, in Lake County, Ohio, which Joel Norton and descendants have occupied and paid taxes on for many years. The property is described as follows in the deed of March 11, 1836, from Robert Harper, and others to the United States: "A certain piece or parcel of land situated in the township of Madison, county and State aforesaid, which is also in township No. 12, in the sixth range of townships in the Connecticut Western Reserve (so called), in tract No. 1, it being a part of 50 acres of land heretofore deeded by John Cunningham to the Harpersfield Commercial Co. by deed bearing date May 6, A. D. 1816, as follows, to wit: Beginning at a point on the west line of said 50 acres, 34 rods northwardly from the southwest corner of said 50 acres, and running thence north 2° west along said west line 10 rods; thence north 88° east 16 rods; thence south 2° east 10 rods; thence south 88° west 16 rods to the place of beginning, containing 1 acre of land."

(8) To convey to the State of Michigan for public-park purposes, that portion of the Round Island Lighthouse Reservation in the Straits of Mackinac, Mich., lying eastward of a true north and south line passing through a point distant 1,900 feet, 135 degrees true from the center of the Round Island Lighthouse Tower, which tower is located at latitude 45 degrees, 50 minutes, 15 seconds north, and longitude 84 degrees, 37 minutes west, containing approximately 352 acres.

(9) To convey to Keweenaw County, Mich., or to the State of Michigan, a portion of the Copper Harbor Lighthouse Reservation,

Mich., for public park purposes, the said tract consisting of 50 acres on the west end of lot 3, section 33, township 59 north, range 28 west, Michigan meridian.

(10) To convey by quitclaim deed to the city and county of Honolulu, Hawaii, for public purposes, a strip of land 20 feet wide, the same being a portion of the Makapuu Point Lighthouse road connecting Koko Head with the Makapuu Point Lighthouse, upon the express conditions (a) that the city and county of Honolulu, Territory of Hawaii, shall maintain that portion of the road transferred in condition suitable for the uninterrupted traffic of motor vehicles of the United States; (b) that within 30 days after receipt of any request therefor from the Secretary of Commerce the clerk of the city and county shall submit to the said Secretary of Commerce a report regarding its compliance with the terms and conditions stated in this paragraph; and (c) that in the event of the failure of such city and county to comply with the conditions of this paragraph the grant shall be forfeited, and upon written notice from the Secretary of Commerce to such clerk the property so conveyed shall immediately revert to the United States without further notice, demand, or action brought. The conditions of clauses (a), (b), and (c) of this paragraph shall be suspended during any period during which a public highway on any other road is open and in good condition, by means of which uninterrupted access may be had by motor vehicles to the Makapuu Point Light Station from Honolulu.

(11) To convey to the Mount Vernon Chapter of the Daughters of the American Revolution the Jones Point Lighthouse Reservation, Va., containing approximately 3,000 square feet, acquired by purchase April 3, 1855, with all structures thereon. The grantee shall maintain the reservation, including the initial boundary stone marking the original southern corner of the District of Columbia, located thereon, in a safe and proper condition for historical purposes.

(12) To convey to the State of Michigan for public-park purposes such portions of the Big Sable and Little Sable Lighthouse Reservations, Mich., as are not required for lighthouse purposes, on such terms and conditions as to providing means of access to the light stations and the Coast Guard station and for maintaining easements for beams of light for the lights that may be maintained by the United States as the Secretary of Commerce shall determine.

(13) To sell and convey by quitclaim deed to the highest bidder, after due advertisement and upon such terms as the Secretary of Commerce may deem for the best interests of the United States, the lighthouse property located on West Ninth Street and Main Avenue, in the city of Cleveland, Ohio, together with the keepers' dwellings and other improvements thereon. The Secretary of Commerce is authorized to provide suitable quarters for the lighthouse keepers, in the city of Cleveland, Ohio, and to acquire, by purchase, condemnation, or otherwise, a suitable site, and to contract for the erection and completion of suitable buildings thereon, and there is hereby authorized to be appropriated the sum of \$60,000, or so much thereof as may be necessary, to be available for such purpose, including the purchase of necessary equipment and the rental of temporary quarters for the lighthouse keepers.

Mr. WATSON. May I inquire if each conveyance is to rest upon the specifications mentioned therein?

Mr. PARKER. Yes.

Mr. WATSON. Therefore after this bill is passed and a conveyance is made, the United States can not make any other easements than are mentioned in this statement.

Mr. MERRITT. No; all the conditions go with the original grant.

Mr. WATSON. Therefore if, after the passage of this bill, the Government thinks it wise to make another reservation when it conveys the property to New York, it can not do so until it comes into the House again.

Mr. MERRITT. Of course, under the general provision it can take back the whole property for Government purposes.

Mr. WATSON. I know; but that is not my thought. When the Government conveys this property to the State of New York there are here mentioned certain easements. After the passage of this bill, if the Government desires to create another easement, can the Government do so without coming to the House for permission?

Mr. MERRITT. I should say not, without reentering on the land and taking possession of it under the general provision.

Mr. WATSON. Taking entire possession of it?

Mr. MERRITT. Yes.

Mr. McLAUGHLIN of Michigan. If they can take the whole, why can not they take back a part?

Mr. WATSON. That is not the question; the question is in regard to making the original conveyance. If the conveyance is made to the State of New York and the State desires to erect a hotel for park purposes, can it do so without getting permission from the Government?

Mr. MERRITT. Yes.

Mr. WATSON. New York can do what it pleases with it, if it is for park purposes.

Mr. MERRITT. I do not think that New York would be so foolish as to build a hotel on it, because they might lose the hotel.

Mr. WATSON. The State might like to erect a building on the property so conveyed to it.

Mr. MERRITT. They could do anything consistent with park purposes.

Mr. WATSON. It might want to put up a factory.

Mr. MERRITT. Not for park purposes.

Mr. WATSON. It might want to build a factory for the manufacture of ice cream.

Mr. MERRITT. If they did that, the Government probably would regain the property.

Mr. WATSON. This conveyance is not to be in fee simple?

Mr. MERRITT. No; it is a revocable license.

Mr. WATSON. It is to be recorded?

Mr. MERRITT. All of these matters are of record, I presume. The point is that nothing can be done under this bill to take the title out of the United States.

Mr. WATSON. I understand that.

Mr. MERRITT. No one by fraud can divest the United States of any right whatever in regard to this property.

Mr. WATSON. I notice that there is a pier reserved for the Champlain Transportation Co. If any other company wanted to have a pier, would it have the right without getting the permission of the Government?

Mr. MERRITT. They would have to go to the State.

Mr. WATSON. And it would not have to apply to the Government?

Mr. MERRITT. No; I think not.

The pro forma amendment was withdrawn.

The Clerk read as follows:

(b) The Public Health Service is authorized, in the discretion of the Secretary of the Treasury, to provide medical, surgical, and hospital services and supplies for the officers and crews of vessels of the Lighthouse Service, including when practicable the detail of medical officers on such vessels.

Mr. MORTON D. HULL. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. What is involved in these two paragraphs?

Mr. PARKER. These two paragraphs are to put the Lighthouse Service on the same basis as the Coast Guard. The Coast Guard is given medical attendance, and we desire to put the Lighthouse Service on the same basis.

Mr. MORTON D. HULL. Then this has nothing to do with the disposition of public property?

Mr. PARKER. Absolutely not.

Mr. MORTON D. HULL. It really belongs in another bill.

Mr. MERRITT. I will say that under this section now being read very full hearings were had in the last Congress. The bill passed the House and was lost in the Senate. The idea of these two sections is to give these men who are in distant lighthouses where there are no hospitals, where they can not go to a regular health hospital, to give them the same right as the Coast Guard has to go to a private hospital.

Mr. MORTON D. HULL. My question grew out of the fact that it was entirely foreign to the rest of the bill.

Mr. MERRITT. Yes; we thought it would save the time of the House if these matters relating to the Lighthouse Service were all comprised in one bill.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 4. The Commissioner of Lighthouses, subject to the approval of the Secretary of Commerce, is authorized to determine any claim not exceeding \$500 of any officer or employee of the field service of the Lighthouse Service for personal property hereafter lost or damaged at stations, depots, or on vessels of the Lighthouse Service, or in transit by reason of official duties, as a result of storm, fire, shipwreck, or other extraordinary cause not due to the negligence or voluntary act of such officer or employee, if the commissioner, with the approval of the Secretary, finds and declares that such property was useful and reasonably necessary to such officer or employee in his line of duty. The Secretary shall report the amounts so determined to Congress for payment as legal claims out of appropriations that may be made by Congress therefor.

Mr. MADDEN. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. MADDEN: Strike out all of section 4.

Mr. MADDEN. Mr. Chairman, there have been a great many cases of the kind referred to in section 4 submitted by the Chief of the Lighthouse Service in the Department of

Commerce for adjudication by the Appropriations Committee. It has frequently happened that we found from the evidence in the case that recommendations have been made for payment of compensation for the loss of equipment, clothing, goods, and other valuables, shipped by the employees of the service on the boats of the Government for which there is no charge made, where the packing of the goods has been badly planned and executed under the supervision of the man who makes the claim for damages and loss. It seems to me, in the light of all the cases that have come from the Department of Commerce that the Committee on Appropriations has been obliged to reject, based on the facts and on the law in the case, that this section of the bill is an attempt on the part of the Department of Commerce to legalize things that have proved to be illegal, where attempts have been made by the committee to adjust claims by men in the service.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MORTON D. HULL. Is not the Post Office Department authorized to make adjudications in small claims?

Mr. MADDEN. They are all allowed—these people are allowed, the Department of Commerce is allowed—under the law to do certain things, but they have come to us with such cases that we were not able to agree on with them, and now they are putting the case in another form so as to compel us to do it.

Mr. PARKER. Will the gentleman take section 4 and change the \$500 amount to some other amount?

Mr. MADDEN. Oh, I am against the whole thing.

Mr. PARKER. So that they can settle small claims.

Mr. MADDEN. They ought not to be allowed to settle, and they are not allowed to settle these matters in any department.

Mr. PARKER. Except the post office?

Mr. MADDEN. They are, but they come to the committee with recommendations after they have made an adjustment, and then the committee compels them to prove the legal liability of the Government of the United States in every case, but in many cases they have not been able to do it.

Mr. MERRITT. How about the Army and the Navy?

Mr. MADDEN. We do it with all of them.

Mr. MERRITT. Why not with these people?

Mr. MADDEN. These people have not been able to prove the claims they brought before us. It seems to me that their records are bad and they try to adjudicate cases not warranted, and if they do that under existing circumstances they will do it under any circumstances. We ought not under any circumstances to permit the comptroller's decisions to be overridden by legislation where there is no justification for any other decision except the one rendered.

When we passed the Budget act we provided that the Comptroller General should take the place of the Comptroller of the Treasury, who was the head of the auditing sections of the Government, of which there were six. The Comptroller of the Treasury, in other words, the chief auditor, was an independent officer appointed by the President, to whom appeals might be taken from decisions rendered by the various auditors, and invariably when the auditor general or the Comptroller of the Treasury, as he was then called, refused to render decisions in keeping with the demands of the departments, if they had influence enough with the President they had the comptroller removed until they got a decision such as they wanted. The Treasury was not even secondary in the consideration of the problem. The taxpayer had no chance anywhere. We are now trying to protect the taxpayer. This section of this bill takes away the right of the taxpayer to protection, and it ought not to be passed. When we passed the Budget act we created what is known as the Comptroller General and we authorized the President to appoint him, but we took away the power of the President to discharge him, and now nobody can get a decision that is not in accordance with the law, no matter how much influence he may have. When they run up against the Comptroller General with an illegal claim and it is rejected, when it is rejected you will find all the newspapers in the country being fed with propaganda against the comptroller because he stands for the law. Then, when they can not do anything else they come before the House and Senate committees and ask to have the law changed, so as to set aside the ruling of the Comptroller General. What we ought to do is to protect the Treasury of the United States, and the way to do it is to knock this section of the bill out.

Mr. BURTNESS. Mr. Chairman and gentlemen of the committee, in my judgment this section is one of the fairest provisions in this bill. What does it do? It simply gives to these

people who are engaged in this isolated Lighthouse Service the same privilege under the law which is now given to those who are in the regular military and naval service. In so far as the amount of claims that may be settled is concerned, I believe the amount is similar to that in the Post Office law, where the department has the authority to settle claims not exceeding a certain figure. The distinguished chairman of the Committee on Appropriations has by inference in his argument suggested that if this bill is passed the Appropriations Committee will not hold the purse strings. Of course, that is not the case at all. That committee will have the same right to control the appropriations that may be made under the provisions of this particular act as it has to-day, and as the gentleman just three minutes ago told us they do in respect to their method of controlling claims that come before the Post Office Department or that come from the soldiers and the sailors. That committee can make these people prove the facts so as to show that they have not settled a claim except one that is just and fair. In other words, they check up to see whether the policy of settlement laid down in the law is carried out.

What is the situation to-day? When these losses are incurred by some of the poor people working in the Lighthouse Service, the individual that loses a few hundred dollars' worth of clothing or some other necessities of life, and who is acquainted with a Member of Congress with influence or something of that sort gets the Member of Congress to introduce a special claims bill for him and he gets that bill through once in a while. The ones who have the influence, the ones who can perhaps most afford to lose are the ones who get relief, and the rest of them do not get relief at all.

The property contemplated as falling within the provisions of this act is safeguarded. It does not include jewelry or works of art or anything of that sort, as suggested by the gentleman from Alabama [Mr. HUDDLESTON]. It simply includes property that the Secretary finds and declares "was useful and reasonably necessary to such officer or employee in his line of duty," property that was reasonably necessary in his work of guarding one of these lighthouse stations. When these claims are settled, the Department of Commerce would bring in its report for the purpose of obtaining from the gentleman from Illinois and other members of the Committee on Appropriations the money needed to settle these claims; they would have to show the committee that the claims come directly within those provisions of the act, and I take it that there is no danger but that the gentleman from Illinois and all the rest of the members of the Committee on Appropriations will stand on guard watching as they have done so well heretofore, the interests of the people of the taxpayers' country. But in fairness to all of these people so that they may all be treated alike, so that there will not be discrimination in favor of a man with influence and against those without it, I think the section ought to stay in the bill.

The CHAIRMAN. The gentleman's time has expired.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. DOWELL. I desire to inquire of the gentleman from North Dakota [Mr. BURTNESS] how he can read into this section the right of the Committee on Appropriations to determine these claims after they have been determined by the officer?

Mr. BURTNESS. The officer will determine the claim, but he will have no money with which to pay the claim until the money comes from the Committee on Appropriations.

Mr. DOWELL. After the matter has been determined legally the chairman of the Committee on Appropriations has but one thing to do, and that is to recommend the payment of the claim, whatever it may be. There is no question about it.

Mr. BURTNESS. The gentleman from Illinois told you on the floor only a few moments ago that when various departments come and demand the payment of claims the committee forces them to show that they have approved the claim in a legal way.

Mr. DOWELL. But in this statute you are determining the amount by law. The Committee on Appropriations has absolutely nothing to do with the amount of it, I care not what it may be. If it is only worth 10 cents and the amount determined is \$500, the Committee on Appropriations must recommend the payment of the \$500, because it is determined by law in this section. It does seem to me, whatever may be the right here, that the gentleman from North Dakota can not say to this House that we are leaving this question to the Committee on Appropriations to determine, when as a matter of law it is

determined by the officers, and all the Committee on Appropriations has to do is to pay the claim.

Mr. BURTNESS. Does not the gentleman concede that in substance and in general these provisions are identical with the provisions of the act for the relief of the members of the Army and the Navy in matters of this kind?

Mr. DOWELL. It says "determine any claim." The gentleman from North Dakota tried to specify that it applied only to certain kinds of personal property, but this says "any claim not exceeding \$500." The question was raised by the chairman of the Committee on Appropriations. When this statute is adopted you take from the Committee on Appropriations every power to make inquiry back of the finding of the officer. They have no authority under this law to go behind that finding. All they have to do is to take the finding of the officer and pay the claim.

Mr. BURTNESS. Does the gentleman claim that the right is taken away from the Committee on Appropriations to determine whether the findings have been made by the department in accordance with the law and the facts?

Mr. DOWELL. Certainly. It says, "The finding must be made by the officer," and when he has followed that law the Committee on Appropriations has nothing to do with it but to pay it. It seems to me that whatever may be the intention here of the committee, the plain language of this statute, if it is adopted, takes from this Congress, takes from the Committee on Appropriations, every power to inquire into any claim that may be allowed.

Mr. BURTNESS. The gentleman has apparently entirely overlooked the language, which makes it even plainer than the rest of the statute. It says:

The Secretary shall report the amount so determined to Congress for payment as a legal claim out of appropriations that may be made by Congress therefor.

Mr. DOWELL. Certainly; legal claims. It is as plain as it can be that the Committee on Appropriations has nothing further to do with it.

Mr. HUDSON. Does not the language say that this commissioner is to determine the claim?

Mr. DOWELL. Yes; and it is a legal claim.

Mr. HUDSON. The hands of the Committee on Appropriations are tied. The gentleman from North Dakota wants to take the view that Congress may sit down and say, "We will not pay a legal claim."

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DOWELL. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. DOWELL. I do not know the intention of the committee, but I object to the construction that the committee is placing upon this statute. I maintain that everyone who carefully reads this statute will agree with the chairman of the Committee on Appropriations. Neither this House nor anybody in this House has anything to say about the legality of that claim when it has been determined by the commissioner.

Mr. PARKER. Mr. Chairman, I will accept the amendment of the gentleman from Illinois [Mr. MADDEN].

Mr. DOWELL. Mr. Chairman, I yield the floor.

Mr. SCHAFER. Mr. Chairman, I desire to be recognized.

Mr. MORTON D. HULL. Mr. Chairman, I want to ask the chairman of the Committee on Appropriations a question.

The CHAIRMAN. The gentleman from Illinois [Mr. MORTON D. HULL] rises in opposition to the pro forma amendment.

Mr. MORTON D. HULL. What is the language of the act which authorizes the Post Office Department to settle these minor claims?

Mr. MADDEN. The Post Office Department is required to show the Committee on Appropriations the legal liability of any claim which they may submit to the committee for appropriation. Under this they have already determined the legal liability, and all the committee would have to do would be to insert the amount stated to be due.

Mr. MORTON D. HULL. What is the language that requires that?

Mr. MADDEN. I can not quote the exact language. They recommend, but they do not determine the legal liability until we accept it.

Mr. HUDSON. We have a particular case now in which the department recommends what the amount shall be. But they did not determine.

Mr. MADDEN. They recommend; that is all.

The CHAIRMAN. The pro forma amendment is withdrawn. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MADDEN] to strike out the section.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. PARKER. Mr. Chairman, I move that that be made section 4.

The CHAIRMAN. Without objection, the Clerk will correct the numbering of the section.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. Hereafter officers and crews of vessels of the Lighthouse Service and light keepers and depot keepers of the Lighthouse Service shall be permitted to purchase commissary and quartermaster supplies from the Army, Navy, or Marine Corps at the price charged officers and enlisted men of the Army, Navy, or Marine Corps.

Mr. SCHAFER. Mr. Chairman, in line 2, page 11, I move to strike out the word "Lighthouse," and I ask unanimous consent to speak out of order for five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to speak out of order for five minutes. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Chairman, ladies, and gentlemen of the committee, I have listened with a great deal of interest to the plea of the distinguished chairman of the Appropriations Committee to protect the Treasury of the United States and to protect the taxpayers of the United States. Therefore, in these few minutes I wish to bring to the attention of the House information which throws some light on a proposition which, in my humble judgment, would not protect the Treasury or the taxpayers of the United States. I think it is very appropriate to bring this matter to the attention of the House during the consideration of the lighthouse bill, which we are now discussing. The press report which I will read in part will throw some light on the capacity of the Italian Government to pay its war debts.

The Washington Post of Monday, April 12, contains a quoted speech delivered by Premier Mussolini of Italy at Tripoli on April 11, and which reads in part as follows:

Facist Italian Tripoli! You represent here Italy, which is daily more prosperous and powerful. Rome carries the beacon lamp of strength to the shores of the African Sea. No one can stop our inexorable will.

This utterance by the Premier of the Italian Government does not square with the financial condition as presented by the representatives of the Italian Government when they were negotiating the Italian debt settlement. This debt settlement places a burden of \$1,513,808,000 upon the taxpayers and Treasury of the United States and relieves the taxpayers and the Government of Italy of this burden.

Mr. BLANTON. Will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. BLANTON. Did the gentleman ever hear a boy whistling when he was in the dark?

Mr. SCHAFER. I do not get the gentleman's point.

Mr. BLANTON. Well, Mussolini was simply whistling in the dark. He was trying to keep up his courage.

Mr. SCHAFER. Well, if we can not take Mussolini's statement as to the prosperity and capacity of the Italian Government when delivering his speech to Tripoli and give it any great weight, then I do not think we should give any great weight to the statements of the representatives of the Italian Government who negotiated the refunding of the debt of the Italian Government.

Mr. BLANTON. Will the gentleman yield again?

Mr. SCHAFER. Yes; I yield.

Mr. BLANTON. The gentleman no doubt noticed in the press the other day that Trotsky made the announcement that the infamous communistic Soviet Government of Russia was the most successful Government in all the world. He was whistling in the dark, too.

Mr. SCHAFER. Well, I will say that Trotsky did not make that statement one day, and then when he came to another government to have his debts refunded at the expense of the nation to which his Government owed money claim that his Government was too poor to pay.

Mr. BLANTON. If the gentleman will yield further, the difference between Mussolini and Trotsky is that Mussolini says, "I will pay you so much," while Trotsky says, "I will not pay you anything." That is the difference between the two Governments. [Applause.]

Mr. SCHAFER. Well, I can see where the gentleman from Texas, who repeatedly stands on the floor of this House and talks about protecting the rights and interests of the poor taxpayers of the Nation, has been a little derelict in his duty and would rather protect the interests of the taxpayers of our debtor nations at the expense of the taxpayers of our own Nation. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. Without objection, the pro forma amendment to strike out the word "lighthouse" will be withdrawn.

There was no objection.

The Clerk read as follows:

Sec. 8. Hereafter the provisions of section 6 of the act entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," approved June 20, 1918, as amended, shall apply to the Commissioner of Lighthouses, the Deputy Commissioner of Lighthouses, the chief constructing engineer, and the superintendent of naval construction of the Lighthouse Service.

Mr. MADDEN. Mr. Chairman, I move to strike out section 8. This section makes the act of 1918 applicable to the men referred to in this section. Section 6 of the act of 1918 provides that the men in certain services of the Government, the military service, the Coast Guard Service, and other services of that character, shall be permitted to retire at the age of 65 years, and after 30 years of service, and they are compulsorily retired at the age of 70. These men are in the civil service of the Government. You are going to do something for them that you compel other people to pay for, and you are going to give them what you do give them free. They are not called upon under this section of the bill to pay one single dollar toward the retirement compensation which they are authorized to receive under this act. I do not see why we should do that, and I do not think we should. I do not think we should make a preferential class.

Mr. MERRITT. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MERRITT. What happens in this service differs from what happens in the Coast Guard Service in this respect: The men you speak of as being put in a preferential class are already—when they are in the field service—under the retirement law. Now, it is for the benefit of this service to put those who are familiar with the field service into these four office positions, because they know more about the work, and unless we amend the bill in this way a man who has been in the field for a number of years, and is subjected to all the dangers, and is promoted for his good work, as he should be, will lose the benefit which he had before, and I do not think that is just.

Mr. MADDEN. I do not think this is just. I think this ought not to pass. I do not think we ought to pick out a special class for special consideration.

We are talking a great deal about the amount of money that will be required to pay the cost of the so-called retirement of civil service employees in the Government. These men and women are now required to pay 2½ per cent of the salaries they draw toward the retirement fund, and there is a bill pending to make them pay 4 per cent, and still there is a great deal of doubt in the minds of many about the wisdom of enacting that law. But right in the teeth of that situation we come here with a bill that retires people without the payment of one dollar toward the cost.

I wonder if we are ever going to reach the point where nobody pays any attention whatever to the people who pay these bills? All anyone has to do now is to be on a Government pay roll and then he reaches the situation where he says that under the starvation wage he is receiving he must be protected in his old age, but who pays for the protection of the man who gets behind the plow at 3 o'clock in the morning and plows through the fields all day in the broiling sun? Whose pension roll does he go on? Do you say he does not pay any part of the bill? He does. He may not file a tax schedule. He may not have a heavy income-tax payment to make, but in the long run he pays the income-tax payment of the man who files a schedule because he pays for it in everything he buys.

You can not justify the payment of pensions to the men who are occupying these high places here, and they are occupying high places and drawing big salaries. They ought to be able to save enough money out of what they get to take care of themselves when they get through with Government service. If they do not do it, we are not to blame. Who is going to take care of the man who digs coal in the coal mines? Whose pension roll does he go on? Who is going to take care of the man who digs sewers and erects the buildings and carries the bricks and works in the brickyards or in the machine shops? Is there any con-

sideration to be given to him or is it only necessary to get on the Government pay roll to be put in a preferred class?

I hope this section will be stricken from the bill.

Mr. WAINWRIGHT. Mr. Chairman, I rise in opposition to the amendment, for the purpose of asking a question. I would like to ask if this is the situation raised by this section. If a man has been 30 years in the Lighthouse Service and finally acquires the right to a pension, if he is then promoted to be chief of the service, he loses his right to a pension under the present system.

Mr. MERRITT. Yes.

Mr. WAINWRIGHT. And this will preserve his rights along that line upon promotion?

Mr. MERRITT. Yes.

Mr. MADDEN. And he ought not to get it.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. MADDEN] to strike out section 8.

The question was taken; and on a division (demanded by Mr. HUDDLESTON) there were—ayes 29, noes 41.

So the motion was rejected.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore (Mr. TILSON) having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee having had under consideration the bill (H. R. 10860) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to increase the efficiency of the Lighthouse Service, and for other purposes, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

Mr. PARKER. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The amendment was agreed to.

The bill was ordered to be engrossed, read a third time, and was read the third time.

Mr. BLANTON. Mr. Speaker, I offer a motion to recommit. I move to recommit this bill to the Committee on Interstate and Foreign Commerce, with instructions to report the same back forthwith with the following amendment, to wit, with section 8 stricken out.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on Interstate and Foreign Commerce, with instructions to that committee to report the same back forthwith with an amendment striking out all of section 8.

Mr. PARKER. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Texas to recommit the bill.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. Would it be out of order for the Chair to state that the motion to recommit is the same as the amendment offered by the chairman of the Committee on Appropriations?

The SPEAKER pro tempore. The gentleman has stated it in his parliamentary inquiry to the Chair.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 30, noes 47.

Mr. BLANTON. Mr. Speaker, I object to the vote because there is not a quorum present, and make the point of order there is not a quorum present.

Mr. PARKER. Will the gentleman withhold that so I may make a unanimous-consent request?

Mr. BLANTON. The gentleman can make it afterwards. We have already had to stay here all the afternoon, and we might just as well stay here longer.

Mr. SNELL. Mr. Speaker, will the gentleman withhold his point of order so that I may present a privileged report?

Mr. BLANTON. In case the Chair will protect me on the point of no quorum, I will withhold it and let the gentleman do so; but otherwise, not.

The SPEAKER pro tempore. The gentleman can protect himself on that.

Mr. BLANTON. In protecting myself I will have to insist on my point.

Mr. SNELL. I would like to present a rule.

Mr. CHINDBLOM. Mr. Speaker, I make the point of order that while the gentleman has made a point of order that there is no quorum present upon the rising vote, the Chair has not announced there is not a quorum present.

The SPEAKER pro tempore. The Chair has not yet had an opportunity to count. The Chair will count the Members present as soon as he has the opportunity to do so.

Mr. BLANTON. And if there is not a quorum present, that will force an automatic roll call. Then I withhold my point for a moment.

BANKRUPTCY

Mr. SNELL, chairman of the Committee on Rules, presented a report from that committee providing for the consideration of a bill (S. 1039) to amend an act establishing a uniform system of bankruptcy, which was referred to the House Calendar.

RURAL POST ROADS

Mr. SNELL also presented a report from the Committee on Rules for the consideration of the bill (H. R. 9504) to amend an act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," which was referred to the House Calendar.

FOREIGN COMMERCE SERVICE

Mr. PARKER. Mr. Speaker, I ask unanimous consent to go back to the bill H. R. 3858 and make a clerical correction.

The SPEAKER pro tempore. Without objection, the proceedings on the vote to recommit will be vacated.

There was no objection.

Mr. PARKER. In the bill H. R. 3858, page 5, I wish to strike out, in line 7, the words "incurred for subsistence," which is a repetition, because it is covered in the amendment offered by the gentleman from Kansas [Mr. Hoch].

The SPEAKER pro tempore. Without objection, the amendment will be made.

Mr. MAPES. Mr. Speaker, I do not think the Chair understood the request of the gentleman from New York. It was not with reference to the bill under consideration, but is with reference to the bill previously passed by the House.

Mr. CHINDBLOM. Mr. Speaker, if I may be permitted to suggest, would it not be a proper procedure to ask unanimous consent that in the engrossment of the bill those words may be omitted?

The SPEAKER pro tempore. That would be all that would be necessary.

Mr. PARKER. Then, Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H. R. 3858, on page 5, line 7, the words "incurred for subsistence" may be omitted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

LIGHTHOUSE SERVICE

Mr. PARKER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PARKER. When will the vote come on the previous question if the House should now adjourn?

The SPEAKER pro tempore. The vote will come on the motion of the gentleman from Texas to recommit on next Thursday.

Mr. HUDDLESTON. Has the previous question been ordered?

The SPEAKER pro tempore. The previous question has been ordered on the motion to recommit and also on the bill and all amendments thereto. The House began to divide, but that vote has been vacated. So that the question will be on the motion to recommit.

Mr. PARKER. And that will come up on Wednesday or Thursday?

The SPEAKER pro tempore. On Thursday morning.

ADJOURNMENT

Mr. PARKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.), the House adjourned until to-morrow, Wednesday, April 14, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 14, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

Agricultural relief legislation.

COMMITTEE ON WAYS AND MEANS

(10 a. m.)

To provide for the payment of the awards of the Mixed Claims Commission, the payment of certain claims of German nationals against the United States, and the return to German nationals of property held by the Alien Property Custodian (H. R. 10820).

COMMITTEE ON THE PUBLIC LANDS

(10.30 a. m.)

Investigation of Northern Pacific Railway land grants.

EXECUTIVE COMMUNICATIONS, ETC.

441. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report showing all navigable streams upon which power development appear to be feasible, and the estimate of cost of examinations of the same, submitted in accordance with the requirements of section 3 of the river and harbor act of March 3, 1925, was taken from the Speaker's table and referred to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 10352. A bill to extend the time for constructing a bridge across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky.; with amendment (Rept. No. 861). Referred to the House Calendar.

Mrs. ROGERS: Committee on World War Veterans' Legislation. H. R. 10772. A bill to amend the World War veterans' act, 1924; without amendment (Rept. No. 862). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on Irrigation and Reclamation. S. 3553. An act to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project; without amendment (Rept. No. 863). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 9450. A bill to authorize the refund of \$25,000 to the Columbia Hospital for Women and Lying-In Asylum; without amendment (Rept. No. 864). Referred to the Committee of the Whole House on the state of the Union.

Mr. FAIRCHILD: Committee on Foreign Affairs. H. J. Res. 209. A joint resolution requesting the President of the United States to invite foreign governments to participate in the Seventh International Dental Congress to be held at Philadelphia, Pa., August 23 to 28, 1926; with amendment (Rept. No. 865). Referred to the Committee of the Whole House on the state of the Union.

Mr. LETTS: Committee on the Public Lands. H. R. 10859. A bill to provide for the transfer of certain records of the General Land Office to States, and for other purposes; without amendment (Rept. No. 870). Referred to the House Calendar.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. R. 11208. A bill to admit to the United States alien veterans of the World War; with amendment (Rept. No. 871). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 10821. A bill for the appointment of certain additional judges; with amendment (Rept. No. 872). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on the Public Lands. H. R. 9916. A bill to revise the boundary of the Grand Canyon National Park in the State of Arizona, and for other purposes; without amendment (Rept. No. 873). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNELL: Committee on Rules. H. Res. 219. A resolution providing for consideration of S. 1039 to amend an act establishing a uniform system of bankruptcy; without amendment (Rept. No. 874). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 174. A resolution providing for the consideration of H. R. 9504, to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes"; without amendment (Rept. No. 875). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. H. R. 1565. A bill for the relief of Pirtle Handley; with amendment (Rept. No. 866). Referred to the Committee of the Whole House.

Mr. APPLEBY: Committee on Claims. H. R. 3592. A bill for the relief of Johanna B. Weinberg; with amendment (Rept. No. 867). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 511. An act for the relief of all owners of cargo laden aboard the lighter *Linwood* at the time of her collision with the U. S. S. *Absecon*; without amendment (Rept. No. 868). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2898. An act for the relief of all owners of cargo laden aboard the steamship *Oconee*; without amendment (Rept. No. 869). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (S. 3538) authorizing the Secretary of the Interior to pay legal expenses incurred by the Sac and Fox Tribe of Indians of Oklahoma; Committee on Claims discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 11073) granting a pension to W. T. Jolly; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HADLEY: A bill (H. R. 11248) to provide for the permanent withdrawal of certain lands adjoining the Makah Indian Reservation in Washington for the use and occupancy of the Makah and Quileute Indians; to the Committee on Indian Affairs.

By Mr. VINSON of Georgia: A bill (H. R. 11249) to permit the purchase of naval aircraft and aircraft engines without advertisement, and for other purposes; to the Committee on Naval Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 11250) to provide for the deportation of certain aliens, to supplement the naturalization laws, and for other purposes; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 11251) authorizing an additional appropriation for eradication or control of the white pine blister rust, in accordance with the provisions for this item contained in "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes" (H. R. 8264, 69th Cong., 1st sess., as amended); to the Committee on Agriculture.

By Mr. MORROW: A bill (H. R. 11252) authorizing the Secretary of the Interior to cooperate with the Middle Rio Grande conservancy district, a political subdivision of the State of New Mexico, in the conservation, reclamation, and drainage of Pueblo Indian lands along the Middle Rio Grande Valley, State of New Mexico, and for other purposes, and authorizing an appropriation therefor; to the Committee on Irrigation and Reclamation.

By Mr. McKEOWN: A bill (H. R. 11253) to create a Federal farm committee, a Federal farm board, to standardize production, issue debentures, levy an excise tax on purchasers of agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. HICKEY: A bill (H. R. 11254) to amend paragraph 59 of the tariff act of 1922; to the Committee on Ways and Means.

By Mr. McSWAIN: Resolution (H. Res. 217) requesting the Secretary of the Navy to report to the House of Representatives the total number of commissioned officers of the Navy who are on the retired list, and the total amount such officers are drawing annually; to the Committee on Naval Affairs.

By Mr. GRAHAM: Resolution (H. Res. 218) for the immediate consideration of H. R. 10821, providing for the appointment of certain additional judges; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 11255) granting a pension to Carl Johan Anderson; to the Committee on Pensions.

By Mr. DENISON: A bill (H. R. 11256) granting a pension to Frances H. Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11257) granting an increase of pension to John Rovinski; to the Committee on Pensions.

By Mr. ESTERLY: A bill (H. R. 11258) granting an increase of pension to Margaret E. Mertz; to the Committee on Invalid Pensions.

By Mr. HARE: A bill (H. R. 11259) to reimburse or compensate James E. Parker for money, clothing, and other property misplaced or appropriated by United States authorities during the World War; to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 11260) granting an increase of pension to Catherine Luper; to the Committee on Invalid Pensions.

By Mr. HILL of Washington: A bill (H. R. 11261) granting a pension to Katherine Hager; to the Committee on Pensions.

By Mr. HILL of Maryland: A bill (H. R. 11262) granting a pension to Juliet Ople Ayres; to the Committee on Pensions.

By Mr. HOGG: A bill (H. R. 11263) for the relief of Augusta Gladbach; to the Committee on Claims.

By Mr. KIRK: A bill (H. R. 11264) granting a pension to Leaner Napier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11265) granting an increase of pension to Burnham Gibson; to the Committee on Pensions.

By Mr. MAJOR: A bill (H. R. 11266) granting a pension to Absalon B. Dempsey; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 11267) granting a pension to Sarah E. Arthur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11268) granting an increase of pension to Barbery E. Massie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11269) granting an increase of pension to Mary L. Richards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11270) granting an increase of pension to Mary M. Tappana; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 11271) granting an increase of pension to Maggie A. Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11272) granting an increase of pension to Margaret Kauffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11273) granting an increase of pension to Jane Flury; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11274) granting an increase of pension to Katie E. Sterner; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 11275) granting an increase of pension to Martha Alice Bingham; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 11276) granting an increase of pension to Ellen F. Smith; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1756. By Mr. ANDREW: Communication from Gloucester (Mass.) League of Women Voters, opposing any change in the Volstead Act; to the Committee on the Judiciary.

1757. By Mr. FULLER: Petition of Mark F. Hall and others opposing the passage of House bill 487; to the Committee on the District of Columbia.

1758. Also, petition of various individuals, expressing opposition to the bill H. R. 39; to the Committee on Interstate and Foreign Commerce.

1759. Also, petition of Henry Baker, Jr., and others, favoring the passage of House bill 8708; to the Committee on Interstate and Foreign Commerce.

1760. Also, petition of the Northern Illinois State Teachers College, and others, in favor of House bill 7479, the migratory bird refuge and marsh land conservation bill; to the Committee on Agriculture.

1761. Also, petition of Illinois State Natural History Survey Division, urging favorable action on House Joint Resolution 210; to the Committee on Agriculture.

1762. By Mr. GALLIVAN: Petition of James L. Smith, 6 Jay Street, South Boston, Mass., recommending early and favorable consideration of House bill 8132; to the Committee on Pensions.

1763. By Mr. KVALE: Petition of W. H. Kernkamp, adjutant, and 109 members of Post 87, American Legion, Alexandria, Minn., urging passage at this session of legislation endorsed by the American Legion's national legislative committee; to the Committee on World War Veterans' Legislation.

1764. Also, petition of Mrs. Luvinia Harmon and five other citizens of Glenwood, Minn., remonstrating against any modification of the present prohibition enforcement act; to the Committee on the Judiciary.

1765. Also, petition of members of Local No. 17882, Postal Employees, Minneapolis, Minn., urging the same relative increase for laboring employees in the Post Office Department that was accorded clerical employees, in view of their similar living costs; to the Committee on the Post Office and Post Roads.

1766. By Mr. O'CONNELL of New York: Petition of W. Palen Conway, vice president Guaranty Trust Co. of New York, favoring the passage of House bill 7479, the migratory bird refuge and marsh land conservation bill; to the Committee on Agriculture.

1767. Also, petition of Prentice N. Gray, of New York City, favoring the passage of House bill 7479, the migratory bird refuge and marsh land conservation bill; to the Committee on Agriculture.

1768. Also, petition of the American Legion National Legislative Committee, favoring the passage of the Johnson bill (H. R. 10240), the Green bill (H. R. 10277), and the Fitzgerald bill (H. R. 4548), and requesting the Speaker of the House, the Republican steering committee, and the Rules Committee to give an opportunity to vote on these bills; to the Committee on World War Veterans' Legislation.

SENATE

WEDNESDAY, April 14, 1926

(Legislative day of Monday, April 5, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Shipstead
Bayard	Frazier	McKinley	Simmons
Bingham	George	McLean	Smith
Blaise	Gerry	McMaster	Smoot
Borah	Gillett	McNary	Stanfield
Bratton	Goff	Mayfield	Steck
Broussard	Gooding	Metcalf	Stephens
Bruce	Greene	Moses	Swanson
Cameron	Hale	Neely	Trammell
Capper	Harrell	Nye	Tyson
Caraway	Harris	Oddie	Wadsworth
Copeland	Harrison	Overman	Walsh
Couzens	Heflin	Phipps	Watson
Curtis	Howell	Pine	Weller
Deneen	Johnson	Pittman	Wheeler
Dill	Jones, N. Mex.	Reed, Mo.	Williams
Edge	Jones, Wash.	Reed, Pa.	Willis
Fernald	Kendrick	Robinson, Ark.	
Ferris	King	Sackett	
Fess	Lenroot	Sheppard	

Mr. PHIPPS. I wish to announce that my colleague [Mr. MEANS] is detained from the Senate by illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on April 13, 1926, the President had approved and signed the following acts:

S. 1250. An act to amend an act entitled "An act donating public lands to the several States and Territories, which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, as amended by the act approved March 3, 1883;

S. 1462. An act permitting Leo Sheep Co., of Rawlins, Wyo., to convey certain lands to the United States and to select other lands in lieu thereof, in Carbon County, Wyo., for the improvement of the Medicine Bow National Forest;

S. 1746. An act to authorize the Secretary of Commerce to transfer the Barnegat Light Station to the State of New Jersey; and

S. 1809. An act to extend the time for the construction of a bridge across the Wabash River at the city of Vincennes, Knox County, Ind.

TRANSPORTATION OF MONTANA ELK TO MASSACHUSETTS (S. DOC. NO. 97)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, in response to Senate Resolution 184 (by Mr. WALSH, agreed to March 31, 1926), relative to the recent shipment of live elk from the National Bison Range in Montana to the State of Massachusetts, which, with the accompanying paper, was ordered to lie on the table and to be printed.

NATIONAL PARKS IN SOUTHERN APPALACHIAN MOUNTAINS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior submitting, pursuant to law, recommendations relative to the establishment of national parks in the southern Appalachian Mountains, together with a report of the Southern Appalachian National Park Commission, which, with the accompanying papers, was referred to the Committee on Public Lands and Surveys.

STATE TAX OF KANSAS

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the Record at this point a letter in regard to the State tax of the State of Kansas. A statement was inserted in the Record some time since on this subject, which did the State an injustice.

The VICE PRESIDENT. Without objection, it is so ordered. The letter is as follows:

APRIL 1, 1926.

Hon. BEN S. PAULEN,

Governor, State of Kansas.

DEAR GOVERNOR PAULEN: Yesterday you called my attention to an address by Congressman W. R. WOOD, of Indiana, which appeared in the CONGRESSIONAL RECORD December 18, 1925.

In this address Congressman Wood makes use of the financial statistics of States, as compiled by the United States Census Bureau, and compares the expenditures of 1924 with those of 1917.

The classification of expenditures as made by the bureau shows Kansas with a per capita cost of \$3.65 in 1917 and \$22.17 in 1924, only one State in the Union having a higher per capita expenditure in 1924.

In order that you may have the facts, I wish to advise that the Federal figures include the soldiers' compensation in amount of \$28,978,466.15, paid by Kansas in 1924 to her World War veterans. This fund came from the sale of bonds of the State, which are being paid off at the rate of \$1,000,000 a year.

The total expenditure for State government in Kansas in 1924 was \$12,339,639.08, exclusive of the soldiers' bonus, which was a per capita expenditure of \$6.80, based on the 1925 census.

The total expenditure in 1917 was \$6,440,510.47; a per capita cost of \$3.65. It would be manifestly unfair and misleading to say that the cost of State government in Kansas in 1924 was \$41,318,105.23, as \$28,978,466.15 of that amount was a payment to the soldier boys, and could not be properly included.

May I give you the correct expenditures for the years 1917 and 1924, classified as follows:

	1917	1924
Executive department.....	\$136,676.33	\$222,583.25
Judicial department.....	213,383.11	337,996.02
State agencies and legislative expense.....	1,602,692.18	2,947,055.82
Educational institutions.....	2,529,776.59	5,595,134.81
Charitable institutions.....	1,013,674.00	1,553,526.59
Penal institutions.....	784,436.02	1,432,691.80
Patriotic institutions.....	162,872.24	250,650.79
Total.....	6,440,510.47	12,339,639.08
Soldiers' compensation.....		28,978,466.15

Of the \$12,339,639.08 expended in 1924, \$6,506,031.91 came from direct or property taxes and the remainder from fees and indirect sources, such as corporation and inheritance taxes, etc.

Congressman Wood is not to be criticized, as he used the Federal figures, except that in commenting he referred to the expenditures as being "routine" and aside from any special expenditures. The Kansas soldiers' bonus was "special" and not a "routine" item.

Leaving out the soldiers' bonus item, some 35 other States in the Union had a higher per capita expenditure than Kansas in 1924.

You may feel at liberty to utilize the facts given in this letter in any way that you see fit.

Yours very truly,

N. A. TURNER,
State Budget Director.

DEVELOPMENTS IN MISSISSIPPI

Mr. STEPHENS. A few days ago there appeared an article in the Baltimore Sun written by a man by the name of L. R. Cleveland. This article reflected very much upon the people of my State and the State itself in regard to conditions there. It was a scurrilous and slanderous publication and was such a misstatement of facts that an answer has been written by Mr. L. J. Folse, of the Mississippi State Board of Development. It has been given to the public. I have here a rather brief article, which contains Mr. Folse's reply, which was published on April 12, 1926, in the Commercial Appeal, of Memphis, Tenn., which I ask may be inserted in the Record at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

MISSISSIPPI FIGHTS BACK AT HER CRITICS—LAYS CARDS ON TABLE IN ANSWERING BALTIMORE SUN—CITES SCHOOL RECORD—ADVANCE OF EDUCATION FIVEFOLD IN 10 YEARS—THE DISAPPEARANCE OF "ONE-HORSE" SCHOOL, ETC., IS HER ARGUMENT

The phenomenal advance of the State of Mississippi in education, its position among other States of the Nation regarding those requisites for happiness and contentment, told in figures to make sure of their facts, have been hurled in the face of an article appearing in a recent issue of the Baltimore Sun, written by L. R. Cleveland, a man said to be unknown to the "Magnolia State."

These figures were compiled by L. J. Folse, general manager of the Mississippi State Board of Development, and prepared in such a way as to register a striking argument against certain propaganda that Mississippi has unjustly suffered.

THE EVIDENCE

In his reply Mr. Folse sets forth a condensed summary of what is doing in this State and its future possibilities, as follows:

On December 20, 1817, Mississippi became the twentieth State of the Union. Nature endowed Mississippi with many advantages. Up to 20 years ago the State was backward in economic development. Since that time, as a result of scientific agricultural development and general industrial expansion, Mississippi has made great progress.

Between 1880 and 1920 the population of Mississippi increased 60 per cent, but in the same period its per capita wealth increased 298 per cent; the assessed valuation of all property in the State increased 551 per cent; bank deposits increased 6,379 per cent; and the value of manufactured products increased 2,275 per cent; and the amount invested annually for public schools increased 1,030 per cent.

No State in the Union has given greater attention in recent years to education than Mississippi. In 1900 Mississippi invested in public education \$1,385,000; in 1910 \$2,726,000; in 1922 \$9,390,000.

The per capita expenditure for school for every child 5 to 7 years of age, increased from \$2.34 in 1900 to \$15.84 in 1922.

To-day Mississippi has 1,000 strong central consolidated or rural high schools, which have taken the place of more than 3,000 small one and two teacher schools. Three hundred and thirty of these schools have a 10-acre plot of land which belongs to the school, on which a home has been built for the teachers and furnished them, rent free. Thus the teacher and his family become a part of the community for 12 months in the year.

Fifty-one of our counties have built magnificent agricultural high schools, with boarding accommodations, varying from 50 to 250 students. The cost for board and incidental expenses is about \$10 per month.

In 1910 we had only two consolidated schools, with an enrollment of 205 students and property worth \$8,000; in 1925 we have nearly 1,000 consolidated high schools, with property valued at \$10,747,000 and 144,498 children enrolled. The growth in this field of education in Mississippi is not surpassed anywhere.

Approximately \$300,000 is being spent annually on the building of good rural schools, with industrial departments, for the negro girls and boys of the State. The plan of education worked out for the colored population of Coahoma County is said by experts to be the best of its kind in the world.

Not content with this high achievement in educational work a complete survey of the entire educational system of the State was completed by a commission of competent educators from various sections of the country.

EDUCATIONAL RECORD

According to the recent survey there are more high school graduates in Mississippi entering college every year than in any other State in proportion to our population. We have six colleges on the "A" list, with several others nearly up to standard, not to mention the junior colleges located at convenient places in the State.

We spend annually for the maintenance of our public schools approximately \$14,000,000.

Illiteracy for native white was only 3.6 per cent; for negro population, 29.3 per cent; for whole population, 16 to 20, 12 per cent.

The mortgage debt on Mississippi farms in 1920 was \$30,046,000, or 30.3 per cent of the value covered, against 31.7 per cent in 1910. The average interest paid in 1920 was 6.5 per cent. The average value of a farm in 1920 was \$4,539, while the average debt per farm was \$1,375.

The birth rate of Mississippi was 24 per thousand for 1923, or, respectively, 24.5 per cent for the white population and 23.5 per cent for the colored.

For the United States the birth rate in 1923 was 33.8 per cent. The average number of children born to a mother in the United States in 1923 was 3.3 per cent; for the mothers of Mississippi it was 3.7 per cent.

The illegitimate birth rate for the entire registration area was 1.4 per cent for the white population; it was only 0.9 per cent for the white population of Mississippi.

The proportion of white to the total population in 1910 was 46 per cent; it was 48 per cent in 1920.

In health achievement Mississippi has an enviable record. Its death rate for whites is lower than that of any Southern State, and, as will be noted from the foregoing statements, its record is not surpassed in other important departments.

Mississippi is particularly proud in its achievement of malaria eradication and control. It has reduced malaria infection by 55 per cent, and, according to the Federal department of health, it is the only Southern State qualified to speak authoritatively with respect to the condition of malaria. In five years it has reduced malaria infection by 55 per cent for the State as a whole, and it has eliminated it entirely in certain counties and its present program contemplates the total eradication of this disease in the State.

Mississippi is rapidly establishing in each county an "All times health unit." It has, or will have by January, 1927, 20 counties with this service. No greater contribution can be made to the welfare of the people of the rural districts than by extending this phase of our health work.

The land area of Mississippi is 46,362 square miles, the population per square mile in 1920 was 38.6, the total population for the State for that year being 1,790,618. The rural population for 1920 was 1,589,497, or 86.6 per cent of the total population.

GREAT FARMING STATE

From 1910 to 1920 the value of farm property, etc., increased as follows:

	Per cent
Value of all farm property.....	126.3
Value of all farm buildings.....	84.7
Value of all farm improvements.....	135.9
Value of all livestock.....	79.4
Value of all farm crops.....	139.2

Mississippi is third in strawberry production per acre.

Mississippi sold 9,344 pounds of butterfat in 1909 and 1,864,594 pounds in 1919, the greatest increase of any State.

Mississippi leads the entire Mississippi Valley with a 34 per cent increase in corn production for the same period.

From 1910 to 1920 Mississippi led all of the States with a 96 per cent increase in hay production for the same period.

The first carload of butter shipped from the South was shipped from Mississippi. Mississippi has made greater progress in dairying than any State in the Union. On March 10 the Borden Condensed Milk Co. opened its \$750,000 condensery at Starkville, Miss. This is the only plant of its kind in the South and is, in fact, a great recognition of the present and future possibilities of this industry in Mississippi.

Mississippi's creamery output in 1923 (Government report) was greater than the combined output of Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, and Louisiana. This was made possible by the unsurpassed pasture values, of which the Government station at McNeill, Miss., says in a bulletin: "It can no longer be doubted that pastures in Mississippi can be established which will equal or excel in carrying capacity any pastures in the United States, and this at a very low cost of establishment." After reciting specific performances, it goes on to say, "Pastures of such high-carrying capacity over such long periods are not known elsewhere in the United States."

The Mississippi Power Co., operating in northeast and in south Mississippi, the Mississippi Power & Light Co., operating in central and northwest Mississippi, are now serving practically every town and city in the State, and the investment of these two companies will reach \$50,000,000 in a short time.

The State highway system in Mississippi comprises over 4,800 miles, over 2,500 miles of which are practically completed; while most of our roads are of gravel construction, we have many hundred miles of paved and brick highways. Paved highway is being built along the entire coast line of Mississippi, extending from the Alabama to the Louisiana line, one-half of which is completed. We have spent in 1926 for bridges alone over \$6,000,000, and we look for Federal approval for the construction of a bridge over the Mississippi River at Natchez and Vicksburg.

The finest private residence, I believe, to be found in the entire South is being built by Mr. Hugh L. White at Columbia, Miss., and it will cost over \$300,000.

In the 90 or more cities and towns in Mississippi of over 1,000 population I do not believe there is to be found in any State a higher expression of culture than is demonstrated in the private homes, churches, and public buildings.

Thousands of investors, unlike misinformed people like Mr. Cleveland, have discovered that Mississippi offers unsurpassed opportunities, and the development of our Gulf coast alone within the past two years has increased the taxable wealth of that section over \$60,000,000, and the coast line of Mississippi is without doubt unsurpassed in natural beauty.

Due to the fine work of the Mississippi Legislature of 1924 and 1926, we feel the public policy of the State of Mississippi is as favorable to the investor as that of any other State, and we shall gladly give information as to specific laws or answer inquiries regarding the public policy of the State.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the House had passed the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House disagreed to the amendment of the Senate to the bill (H. R. 8918) granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo.; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DENISON, Mr. BURNES, and Mr. PARKS were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill and resolutions of the following titles, in which it requested the concurrence of the Senate:

H. R. 3858. An act to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes;

H. J. Res. 204. Joint resolution authorizing certain military organizations to visit France, England, and Belgium; and

H. Con. Res. 9. Concurrent resolution for the printing of 1,500 additional copies of the hearings held before the President's Aircraft Board on matters relating to aircraft, including the report of the said board.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

H. R. 96. An act authorizing an appropriation of not more than \$3,000 from the tribal funds of the Indians of the Quinault Reservation, Wash., for the construction of a system of water supply at Taholah on said reservation;

H. R. 187. An act making a grant of land for school purposes, Fort Shaw division, Sun River project, Montana;

H. R. 264. An act to amend an act to provide for the appointment of a commission to standardize screw threads;

H. R. 1944. An act for the relief of Charles Wall;

H. R. 2703. An act granting six months' pay to Anton Kunz, father of Joseph Anthony Kunz, deceased, machinist's mate, first class, United States Navy, in active service;

H. R. 3431. An act for the relief of Frederick S. Easter;

H. R. 3932. An act to amend section 71 of the Judicial Code as amended;

H. R. 4835. An act to remove the charge of desertion from the records of the War Department standing against William J. Dunlap;

H. R. 6355. An act providing for the acquirement by the United States of privately owned lands in San Miguel, Mora, Taos, and Colfax Counties, N. Mex., within the Mora grant, and adjoining one or more national forests, by exchanging therefor lands or timber within the exterior boundaries of any national forest situated within the State of New Mexico or the State of Arizona;

H. R. 6573. An act to extend the time for the completion of the Alaska Anthracite Railroad Co., and for other purposes;

H. R. 7752. An act to authorize the leasing for mining purposes of land reserved for Indian agency and school purposes;

H. R. 8646. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes;

H. R. 9314. An act to provide for the enlargement of the present customs warehouse at San Juan, P. R.;

H. R. 9957. An act authorizing a survey for the control of excess flood waters of the Mississippi River below Point Breeze in Louisiana and on the Atchafalaya outlet by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes;

H. J. Res. 171. Joint resolution authorizing the Secretary of the Interior to approve the application of the State of Idaho to certain lands under an act entitled "An act to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands," approved September 22, 1922;

H. J. Res. 191. Joint resolution authorizing the Federal Reserve Bank of Richmond to contract for and erect in the city of Baltimore, Md., a building for its Baltimore branch; and

H. J. Res. 213. Joint resolution for participation of the United States in the Third World's Poultry Congress, to be held at Ottawa, Canada, in 1927.

PETITION

Mr. WARREN presented a petition of sundry citizens of Moose, Wyo., praying the repeal or substantial modification of

the prohibition enforcement law, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the bill (S. 3148) to regulate the manufacture, renovation, and sale of mattresses in the District of Columbia, reported it without amendment and submitted a report (No. 591) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 3807) granting relief to the Metropolitan police, and to the officers and members of the fire department of the District of Columbia, reported it with amendments and submitted a report (No. 592) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 2273) conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*, reported it without amendment and submitted a report (No. 593) thereon.

He also, from the same committee, to which was referred the bill (S. 2674) for the relief of Kate T. Riley, reported it with an amendment and submitted a report (No. 595) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 2938) for the relief of the stockholders of the First National Bank of Newton, Mass., reported it with an amendment and submitted a report (No. 594) thereon.

He also, from the same committee, to which was referred the bill (S. 107) for the relief of the Commercial Assurance Co. (Ltd.), reported it with amendments and submitted a report (No. 596) thereon.

Mr. EDGE, from the Committee on Foreign Relations, to which was referred the bill (H. R. 10200) for the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America, reported it with amendments and submitted a report (No. 597) thereon.

Mr. JOHNSON, from the Committee on Immigration, to which was referred the bill (H. R. 6238) to amend the immigration act of 1924, reported it with an amendment.

Mr. BORAH, from the Committee on Foreign Relations, to which were referred the following joint resolutions, reported them each without amendment:

H. J. Res. 149. Joint resolution to provide for membership of the United States in the Central Bureau of the International Map of the World; and

H. J. Res. 150. Joint resolution to provide for the participation of the United States in a congress to be held in the city of Panama, June, 1926, in commemoration of the centennial of the Pan American Congress which was held in the city of Panama in 1826.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 3973) for the relief of Frank Andress (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 3974) granting an increase of pension to Elizabeth B. Williamson (with accompanying papers); to the Committee on Pensions.

By Mr. BAYARD:

A bill (S. 3975) for the relief of the owners of the barge *McLaine No. 1*; to the Committee on Claims.

By Mr. GOFF:

A bill (S. 3976) for the relief of William P. McKinley; to the Committee on Military Affairs.

By Mr. JONES of New Mexico:

A bill (S. 3977) to amend an act entitled "An act for the relief of settlers on railroad lands," approved June 22, 1874; to the Committee on Public Lands and Surveys.

By Mr. CAMERON:

A bill (S. 3978) to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary reclamation projects, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. ROBINSON of Indiana:

A bill (S. 3979) granting a pension to Nancy Kirby (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3980) for the relief of the Sachs Mercantile Co. (Inc.); to the Committee on Naval Affairs.

By Mr. HARRELD:

A bill (S. 3981) to confirm the title to certain lands in the State of Oklahoma to the Sac and Fox Nation or Tribe of Indians; to the Committee on Indian Affairs.

By Mr. LENROOT:

A bill (S. 3982) granting a pension to Henry F. Clement; to the Committee on Pensions.

By Mr. BAYARD:

A bill (S. 3984) granting a pension to Sarah J. Breslin; to the Committee on Pensions.

DIVISION OF SAFETY IN THE DEPARTMENT OF LABOR

Mr. SHORTRIDGE introduced a bill (S. 3983) to create in the Bureau of Labor Statistics, of the Department of Labor, a division of safety, which was read twice by its title.

Mr. SHORTRIDGE. Mr. President, permit me to state briefly the purpose of this bill. There is no such thing as an adequate system of industrial accident reporting in the United States. The best obtainable estimate is that the death toll of industrial accidents is not under 23,000 per year and that non-fatal injuries total 2,500,000. The days of labor lost as a result of these injuries has been said to be 227,169,970 per annum and the wage loss \$1,022,264,866. Under the workmen's compensation laws of various States there is paid annually in compensation something like \$250,000,000, or about one-fifth of the actual wage loss.

It is hoped by this bill to put an agency of the Government in a position to collect and organize the actual facts in such a way as to greatly reduce these casualties. The full cooperation of the States and all other accident-reporting organizations will be sought and, it is believed, secured, to the end that attention may be called, not in general terms but by specific reference, to the places and causes of these accidents.

Some 20 years ago the iron and steel industry voluntarily agreed to report all accidents and all pertinent facts regarding accidents to the Bureau of Labor Statistics, which in turn compiled these records in such a form as to locate by departments, and in some instances even by occupations, the dangerous spots in the industry. The management of the industry in turn, guided by these figures, have so intelligently directed their safety work within the industry as to have reduced their frequency rate from 80.8 in 1907, when this work was begun, to 30.8 in 1924, per thousand full-time workers in those plants. If anything approximating these results can be secured in other industries, it would seem that it is high time we were providing for the extension of the methods.

In a word, Mr. President, the purpose of this bill is to reduce the haphazard to life and limb of men, women, and children engaged in industry. From a humanitarian and an economic-commercial point of view the bureau to be set up will do much good to employer and employee.

I move that the bill be referred to the Committee on Education and Labor.

The motion was agreed to.

CHANGE OF REFERENCE

On motion of Mr. SWANSON, the Committee on Foreign Relations was discharged from the further consideration of the joint resolution (S. J. Res. 77) authorizing certain military organizations to visit France, England, and Belgium, and it was referred to the Committee on Military Affairs.

AMENDMENT TO RIVERS AND HARBORS BILL

Mr. HALE submitted an amendment intended to be proposed by him to the bill (H. R. 11176) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

ALIENS WHO SERVED IN ARMY OR NAVY

Mr. WADSWORTH submitted an amendment intended to be proposed by him to the bill (H. R. 9761) to supplement the naturalization laws by extending certain privileges to aliens who served honorably in the military or naval forces of the United States during the World War, which was ordered to lie on the table and to be printed.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by title and referred as indicated below:

H. R. 3858. An act to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes; to the Committee on Commerce.

H. J. Res. 204. Joint resolution authorizing certain military organizations to visit France, England, and Belgium; to the Committee on Military Affairs.

REGULATION OF AIRCRAFT IN COMMERCE

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes.

Mr. JONES of Washington. I move that the Senate disagree to the amendment of the House, ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. JONES of Washington, Mr. FERNALD, Mr. BINGHAM, Mr. FLETCHER, and Mr. RANDELL conferees on the part of the Senate.

NATIONAL CONFERENCE ON OUTDOOR RECREATION

Mr. MOSES. Mr. President, I hold in my hand the manuscript of the proceedings of the National Conference on Outdoor Recreation, compiled by Hanford MacNider, Assistant Secretary of War, and I ask unanimous consent that his letter may be printed in the RECORD and the manuscript referred to the Committee on Printing.

The VICE PRESIDENT. Without objection, it is so ordered. The letter of the Assistant Secretary of War is as follows:

NATIONAL CONFERENCE ON OUTDOOR RECREATION,
Washington, D. C., April 1, 1926.

The Hon. GEORGE H. MOSES,

Chairman Committee on Printing, United States Senate.

MY DEAR SENATOR MOSES: Through your courtesy the proceedings of the meetings of the National Conference on Outdoor Recreation, held under the auspices of the President in Washington, have been printed as Senate Documents No. 151 and No. 229.

Last January, at the invitation of the President's committee, a meeting of the National Conference on Outdoor Recreation was held, and it would be most helpful if the proceedings of this meeting could likewise be published as a public document, for in fact these proceedings are in the nature of a report to the President's Committee on Outdoor Recreation.

Very sincerely yours,

HANFORD MACNIDER,
The Assistant Secretary of War,
Executive Secretary President's Committee on Outdoor Recreation.

HEARINGS BEFORE THE PRESIDENT'S AIRCRAFT BOARD

The VICE PRESIDENT laid before the Senate the concurrent resolution (H. Con. Res. 9), which was read as follows:

Concurrent resolution

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on Interstate and Foreign Commerce of the House of Representatives be, and is hereby, empowered to procure the printing of 1,500 additional copies of the hearings held before the President's Aircraft Board on matters relating to aircraft, including the report of the President's Aircraft Board.

Mr. FESS. For the Senator from Pennsylvania [Mr. PEPPER] I ask that the concurrent resolution may be agreed to.

The concurrent resolution was considered by unanimous consent and agreed to.

MISSISSIPPI RIVER BRIDGE NEAR LOUISIANA, MO.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendment of the Senate to the bill (H. R. 8918) granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BINGHAM. I move that the Senate insist upon its amendment, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. JONES of Washington, Mr. COUZENS, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD conferees on the part of the Senate.

AIRSHIP "LOS ANGELES"

Mr. COPELAND. Mr. President, there has been a very disquieting report in some of the papers about the condition of the gas bags on the airship *Los Angeles*. I send to the desk a resolution, which I introduce simply to make inquiry from the Secretary of the Navy regarding the matter. My purpose in doing this is that fears may be allayed. I assume, of course, that the airship is perfectly safe, but one of the articles to which I have referred would tend to create the opposite impression. I ask to have the article inserted in the RECORD and the resolution read.

The VICE PRESIDENT. The clerk will read the resolution. The Chief Clerk read the resolution (S. Res. 200), as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, requested to inform the Senate whether, in the opinion of the aeronautical experts of the Navy Department, the gas bags of the Navy dirigible *Los Angeles* are safe.

Mr. COPELAND. I know there can be but one answer to the question, because our Navy would not permit any airship to be used which was not safe, but the article which I have asked to have printed in the Record and others which I have read indicate serious criticism. I think it is only right that the Senate should take appropriate action in order that the country may be relieved of any anxiety regarding the matter. I therefore ask unanimous consent for the immediate consideration of the resolution.

Mr. HALE. Mr. President, would the Senator object to a reference of the resolution to the Committee on Naval Affairs? I am sure the committee will want to get the facts in the matter.

Mr. COPELAND. It is entirely satisfactory to me to have the resolution referred to the Committee on Naval Affairs, assuming, of course, that the committee will get the information at once. I want to say to the Senator from Maine that I have no thought of criticism of the Navy in the matter. I have taken this action simply because serious criticisms had been made, and I think it is only right that the Navy should have an opportunity to answer such criticisms. I have no doubt satisfactory answer can be made. I am very happy to have the resolution referred to the Committee on Naval Affairs.

The VICE PRESIDENT. The resolution will be referred to the Committee on Naval Affairs.

Mr. COPELAND. I ask that one of the articles to which I have referred may be printed in the Record at this point.

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

[From the Washington Daily News, Monday, April 12, 1926]

"LOS ANGELES" GAS BAGS SAFE?—HUGE DIRIGIBLE'S LONG-DELAYED FLIGHT POSTPONED AGAIN PENDING TESTS

By John Wallace

Delayed flying plans, gas bags that have had to undergo strenuous patching and repairing to hold helium, the opinion of a leading aeronautical authority that leaky bags invite disaster similar to the *Shenandoah's*, and a muttered undercurrent of misgivings among some of the crew led yesterday to the fear that the Navy dirigible *Los Angeles* is not safe for flight.

Weather permitting, the *Los Angeles* is to be taken from the hangar at Lakehurst, N. J., late this afternoon and moored to the mast in the flying field.

The mammoth dirigible was to have taken the air Saturday for her first flight in nine months. That was the date set by the Navy Department.

Capt. George W. Steele, jr., commandant at Lakehurst, postponed it. It is doubtful if any flight will be made before the end of this week.

Mechanics and gas-bag experts, working feverishly 16 hours a day, spent the week end overhauling the ship. If she is tied up to the mast to-day she will swing there several days more, according to Captain Steele, while the various controls are adjusted and tested to minimize risk of mishap.

OFFICIALS MOVE CAUTIOUSLY

With the recollection of the *Shenandoah* tragedy still burning in their memories, the authorities at Lakehurst are moving cautiously.

Presumably, also, the bureau chiefs at Washington have learned certain lessons from perusal of the testimony taken at the *Shenandoah* inquiry.

The gas bags of the *Los Angeles* will retain their full equipment of valves, permitting the free escape of helium if the ship should be carried above pressure height. Capt. Anton Heinen, German dirigible expert, testified at the *Shenandoah* inquiry that the cutting down of the number of valves on the *Shenandoah* in order to save helium was directly responsible for the disaster that cost 14 lives.

Those responsible for the modification of the *Shenandoah's* valve system indignantly denied this and loudly denounced Heinen; but, nevertheless, they have let the valve system of the *Los Angeles* severely alone.

ONLY LOCAL FLIGHTS PLANNED

Among them is Lieut. Roland G. Mayer, who was chiefly concerned in making the change on the *Shenandoah*. Two months ago Mayer was made construction officer of the *Los Angeles*, succeeding Lieut. William Nelson, who was transferred to the Philadelphia station. Since then Mayer has been in direct charge of all the work of making the dirigible shipshape.

Another lesson, apparently, is that it isn't altogether wise for partly trained officers and crew to take an airship on a long flight.

Accordingly Captain Steele made known only local flights, with a return to the mast at Lakehurst field each sundown, will be attempted for at least two months.

"The idea," he said, "is to thoroughly train every officer and member of the crew before any long flights are made."

IS SHIP SAFE? IS QUERY

Yet with all this caution the question of the worth of the *Los Angeles'* gas bags will not down, and it leads inevitably to another query: Is the giant airship safe for flight?

The doubt arises from the rather general belief that the bags have not been handled in the last nine months with the care and skill their delicate texture requires. The doubt is raised by some of the members of the crew who have participated in and closely observed the overhauling and repairing that has been going on.

One who talked to Doctor Eckener, who built the *Los Angeles* and brought her here two years ago with a German crew from Friedrichshaven, quoted the expert as telling the officers at Lakehurst:

"These bags should last the life of the ship. They were made to do so. But you must handle them as you would a sheer silk gown, not as you would a flannel petticoat."

"You can stick your fist through the bags," one of the men who has been handling them declared earnestly the other day.

"They won't stay inflated longer than four hours," another asserted.

Through the courtesy of Captain Steele the reporter was enabled to go through the interior of the *Los Angeles*.

He found the outer surfaces of the gas bags literally sprinkled with patches some 6 to 8 inches in diameter. It was impossible to count them, because the bags were not inflated and hung in folds.

The largest of these bags when inflated are 90 feet in diameter and 45 feet long. There are 13 bags in the *Los Angeles*, with a gas capacity of 2,600,000 cubic feet, 450,000 cubic feet greater than was that of the *Shenandoah*. The outer covering is of a specially prepared cotton cloth. The inside of this is smeared with a sort of glue, the secret formula for which is known only to the German makers, and the whole interior is lined with gold beater's skin, which comes from the intestines of animals and which is impervious to air when in good condition.

BAGS STILL SAID TO LEAK

From the best accounts obtainable, the gas bags on the *Los Angeles* are not impervious to air, the goldbeater's skin having rotted in many spots.

For weeks the men at Lakehurst have been replacing the rotted parts with new strips of skin and putting patches on the outside of the bags. Yet, it is said, they still leak.

The facts as unearthed by the Daily News were laid before an American aeronautical engineer of national reputation. He stipulated that his name be not used, because he did not desire to engage in any controversy with the Navy Department, but this is what he said:

"I myself would not fly in an airship with leaky bags."

"By unending vigilance and attention on the part of the crew the chances are that any ordinary break that occurred in the bags could be repaired in flight."

ENGINEER POINTS OUT PERIL

"But there is always the possibility that a large break might occur. There would be greater likelihood of this if the ship were caught in a storm, carried above pressure height, and the escape valves were not able to take care of all the gas expansion. If one bag broke, the one next to it would be apt to break also."

What happened to the *Los Angeles's* gas bags?

Paraphrasing Doctor Eckener's neat figure of speech, the bags have evidently not always been handled as much like "sheer silk gowns" as like "flannel petticoats." Goldbeater's skin can be properly worked with only in a warm, moist atmosphere. In the German factories this work is done in rooms where the right temperature and humidity are scientifically and exactly maintained. Doctor Eckener and the German crew gave the Lakehurst men instruction in these things while they were here.

How much of it was heeded can at best be only a matter for conjecture.

Captain Steele stated that the repair work has been going on in a room the temperature and humidity of which have been properly adjusted.

"That is necessary, is it not?" he was asked.

"It is not necessary," he rejoined, just a trifle sharply. "But it is advisable."

Captain Steele's statement of the care used in working on the bags applied to the time they have been in Lakehurst. They were taken from the ship some eight months ago.

From a man who was in constant touch with what went on at Lakehurst at that time, the Daily News has learned that the bags were transported to the Philadelphia station.

JAMES MADISON MEMORIAL

Mr. COPELAND. Mr. President, I hold in my hand an article by Arthur Deerin Call, entitled "Needed, a worthy memorial to James Madison," which appeared in the magazine *Peace* for April, 1926. I ask that it may be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

NEEDED A WORTHY MEMORIAL TO JAMES MADISON

By Arthur Deerlin Call

A monument points like a fixed finger to the ideals of its builder. The world rears monuments to its great and to its loved ones, in spirit honoring them and itself. America has many monuments, but among them all there stands no adequate memorial to "the greatest constructive statesman our country has produced"—James Madison.

It was Gaillard Hunt, editor of the writings of Madison and author of the best life of him—none too well written—who, in an address in Orange, Va., August 14, 1919, said: "James Madison was the greatest constructive statesman our country has produced." Upon this the one hundred and seventy-fifth anniversary of his birth, it is peculiarly fitting, therefore, to consider and to weigh the major services of this man.

OUR INTEREST IN THE SUPERLATIVE

The "greatest constructive statesman"! We, especially we Americans, it is said, have a weakness for the superlative. It gratifies us to be told that Demosthenes was the "greatest orator" of all time; that Solomon was the "wisest man" that ever lived; that the Washington Monument is the "tallest structure" of its kind in the world; that we are "the greatest nation" in all the earth; that the three "greatest statesmen" of the nineteenth century were Lincoln, Bismarck, and Cavour. Whatever the psychology, it pleases us to tag something in terms of the superlative. Sometimes our superlatives are justified and appropriately applied. Gaillard Hunt's superlative is of that kind.

STATESMAN DEFINED

A statesman is one who successfully links experience to the immediate needs and at the same time unto the enduring benefit of the State. Such was the man who led the raw recruits of 13 bickering States to victory in 1782 over the trained redcoats of Britain; who presided over the Federal Convention of 1787, and who served as President through the first eight years of our United States of America. Such was John Adams, the Patrick Henry of New England, bearer of the brunt of battle for independence, "Colossus of the debate," who later, in the midst of intrigue in his own Cabinet and faced with a great opposition in the negotiations with France, placed his fate in the hands of history and stood forth against his party, a great American. Such was Alexander Hamilton, who, as the first Secretary of the Treasury, "smote the rock of national resources and an abundant stream of revenue came forth," who "touched the dead corpse of the public credit and it sprang upon its feet." Such was Thomas Jefferson, author of the Declaration of Independence, of the ordinance of 1787, diplomat, learned in the arts and sciences, master of men, political genius, friend of the "man of no importance." All these were men who linked experience to the immediate needs and unto the future benefit of this country. They were statesmen.

But "the greatest constructive statesman our country has produced" was James Madison, because he, probably more than any other man, linked experience to the needs of the new Government and determined modes of growth and achievement of our United States, modes apparently permanent as they have been useful. Thanks largely to him our Constitution is to-day the oldest continuous constitution of the oldest continuous Government in the world.

LESSER FOUNDATIONS OF MADISON'S REPUTATION

Hunt's characterization of the "little man of Montpelier" is true, not because of Madison's services as the fourth President of these United States, from March 4, 1809, to March 4, 1817, the choice of Jefferson, who "loved him as a son," and who had retained him as Secretary of State through eight years; not because he was our war President through the war commonly known as the War of 1812; not because he was a modest man, free of all vainglory—a fact; not because of those last 19 years of private life, surviving his friend Jefferson by a decade; not because of the final pictures of him, meditative yet useful, amid his books and friends, farming, raising Merino sheep and other animals, condemning nullification and secession as in no sense akin to his Virginia resolutions, as, indeed, "twin heresies" which "ought to be buried in the same grave;" serving as rector of the University of Virginia.

After his death, June 28, 1836, there was found among his papers one entitled "Advice to my country." This document reads as follows: "As this advice, if it ever see the light, will not do so till I am no more, it may be considered as issuing from the tomb, where truth alone can be respected and the happiness of man alone consulted. It will be entitled, therefore, to whatever weight can be derived from good intentions and from the experience of one who has served his country in various stations through a period of 40 years; who espoused in his youth, and adhered through his life, to the cause of its liberty; and who has borne a part in most of the great transactions which will constitute epochs of its destiny.

"The advice nearest to my heart and deepest in my convictions is, that the Union of the States be cherished and perpetuated. Let the

open enemy to it be regarded as a Pandora with her box opened, and the disguised one as the serpent creeping with his deadly wiles into Paradise."

Fine as is this utterance, it is not sufficient to stamp its author as "the greatest constructive statesman our country has produced."

James Madison was born March 16, 1751. One of his ancestors patented nearly 5,000 acres of Virginia, afterwards incorporated in the county of Orange. James, being the eldest of seven children—four boys and three girls—inherited this estate, afterwards called "Montpelier." Notwithstanding he was born in Port Conway, some 50 miles away, Montpelier was his home throughout his 85 years. He graduated from Princeton at 18, in 1769, doing his junior and senior work in one year. He then took one year post-graduate work in Hebrew and the study of theology, under Witherspoon, returning to his home to serve as teacher of his brothers and sisters. His studies in theology led him to revolt at the religious intolerance rampant in Virginia and elsewhere at that time. Among his writings of that period is a letter to William Bradford, Jr., of Philadelphia, in which the young man did, for him, an unusual thing; he let himself go. He wrote:

"But away with politics! . . . That diabolical, hell-conceived principle of persecution rages among some; and, to their eternal infamy, the clergy can furnish their quota of imps for such purposes. There are at this time, in the adjacent country, not less than five or six well-meaning men in close jail for publishing their religious sentiments, which in the main are very orthodox. I have neither patience to hear, talk, or think of anything relative to this matter; for I have squabbled and scolded, abused and ridiculed, so long about it to little purpose that I am without common patience."

Madison's first public service of importance was his championship of the principle of religious freedom, and of the prohibition for America of an established church—principles still standing in the Virginia Bill of Rights.

SUMMARY OF HIS LIFE

Continue the summary of James Madison's life. He became a member of the committee of safety in 1774—youngest member of the committee; a delegate to the Virginia constitutional convention of 1776, which he called his "first entrance into public life"; and then a member of the First Virginia Assembly under his State's new constitution, of the same year. Falling of election to the next assembly because he refused to canvass for the office, he was made a member of the governor's council. He was elected a delegate to the Continental Congress for 1780-1783. He was again a member of the Virginia Assembly in 1784, and again of the Continental Congress in February, 1787. He was a member of the Annapolis convention of 1786, of the Federal convention of 1787, and of the first House of Representatives, 1789-1797. He was the author of the Virginia resolutions of 1798, and still again a member of the Virginia Assembly in 1799-1800. He was Secretary of State under Jefferson from 1801 to 1809. He was elected President by the Democratic Party in 1808 and again in 1812. Save for his services as a delegate to the Virginia constitutional convention of 1829, March 4, 1817, marked the end of his 40 years of public life. But these facts in themselves, impressive as they are, do not warrant the claim that he is "the greatest constructive statesman our country has produced."

JUDGED BY HIS CONTEMPORARIES

Contemporaries recognized his greatness. When a joint resolution was reported by the Library Committee to the Congress to purchase the copyright of Madison's manuscript work, Senator Asher Robbins, speaking before the Senate, February 18, 1837, said:

"I consider this work of Mr. Madison, now proposed to be given to the world under the patronage of this Government, as the most valuable one to mankind that has appeared since the day when Bacon gave to the world 'Novum Organum.'"

The Senator closed with this:

"If, then, this appropriation was merely to express a nation's gratitude to a national benefactor, it would be the least it would become her to make. But besides that we are to consider that it is to purchase for this country and for mankind a treasure of instruction whose value no man can measure, no figures can express."

One of Mr. Madison's biographers, Sydney Howard Gay, says:

"If we may trust the reports of his contemporaries, though he wanted some of the graces of oratory, he was not wanting in the power of winning and convincing. His arguments were often, if not always, prepared with care. If there was no play of fancy, there was not forgetfulness of facts. If there was lack of imagination, there was none of historical illustration when the subject admitted it. If manner was forgotten, method was not. His aim was to prove and to hold fast; to make the wrong clear and to put the right in its place; to appeal to reason, not to passion nor to prejudice; to try his cause by the light of clear logic, hard facts, and sound learning; to convince his hearers of the truth as he believed in it, not to take their judgment captive by surprise with harmonious modulation and grace of movement."

Following Mr. Madison's death there was mourning throughout the country. Public meetings were held. September 27, 1836, there was such a meeting in the Odeon at Boston. The program of the exercises was as follows:

"ORDER OF PERFORMANCES IN THE ODEON, TUESDAY, SEPTEMBER 27, 1836, OCCASIONED BY THE DECEASE OF JAMES MADISON, FORMERLY PRESIDENT OF THE UNITED STATES

"I. Voluntary on the organ: By G. J. Webb.

"II. Prayer by Reverend Doctor Lowell.

"III. Ode: By the choir of the Boston Academy of Music.

"(Poetry by Park Benjamin, music by G. J. Webb)

"How shall we mourn the glorious dead?

What trophy rear above his grave,

For whom a nation's tears are shed—

A nation's funeral banners wave!

"Let eloquence his deed proclaim,

From sea-beat strand to mountain goal;

Let hist'ry write his peaceful name

High on her truth-illumined scroll.

"Let poetry and art through earth

The page inspire, the canvas warm—

In glowing words record his worth,

In living marble mold his form.

"A fame so bright will never fade,

A name so dear will deathless be;

For on our country's shrine he laid

The charter of her liberty.

"Praise be to God! His love bestowed

The chief, the patriot, and the sage;

Praise God! to him our fathers owed

This fair and goodly heritage.

"The sacred gift, Time shall not mar,

But wisdom guard what valor won—

While beams serene her guiding star

And glory points to Madison!

"Eulogy by the Hon. John Quincy Adams.

"V. Hymn, O God, our help in ages past.

"VI. Benediction."

The address upon this occasion by John Quincy Adams, who himself had been President of these United States from 1825 to 1829, is a masterpiece of historical analysis and forensic power. Among other things, Mr. Adams remarked:

"Among the numerous blessings which it was the rare good fortune of Mr. Jefferson's life to enjoy was that of the uninterrupted, disinterested, and efficient friendship of Madison. But it was the friendship of a mind not inferior in capacity and tempered with a calmer sensibility and a cooler judgment than his own."

In conclusion he said:

"The Lord is in the still small voice that succeeds the whirlwind, the earthquake, and the fire. The voice that stills the raging of the waves and the tumults of the people—that spoke the words of peace, of harmony, of union. And for that voice may you and your children's children, 'to the last syllable of recorded time,' fix your eyes upon the memory and listen with your ears to the life of James Madison."

But nothing in all this would warrant us in calling James Madison "the greatest constructive statesman our country has produced."

THE LARGER EVIDENCES

The justification of this characterization of James Madison lies in the fact that he, probably more than any other man, let it be repeated, linked world experience to the needs of a national government, and determined modes of growth and achievement of our United States apparently permanent as they have been beneficent. He, more than any other man, brought about the call of the Federal Convention of 1787; he, more than any other man, was responsible for its success; and he, more than any other man, brought about its acceptance by the people of the States.

CALL OF THE FEDERAL CONVENTION

The period following the American Revolution was called by William Henry Trescott of that time, and later by John Fluke, "the critical period of American history." James Madison lived in that period, and sensed, perhaps as no other man, how critical it was. The war period from 1770 to 1782 was a period of combat. But war is a binding force. War unites a people. The recent World War united our America in one common aim. Following this war, however, we have been faced with certain outward-flying forces tending to disintegrate our unity of national purpose. This was particularly the case following the treaty of Paris, in 1783. Pessimism permeated the States, burdened with their debts because of the war. The Government was without

credit. There were tariff barriers between States, Connecticut, for instance, taxing imports from Massachusetts higher than imports from Great Britain.

Some were carrying on war with the Indians—indeed, some warring with each other. Half-baked reformers then, as always, flooded the country with their weird panaceas. Organized bands were burning buildings in Carolina and carrying on a rebellion in Massachusetts. Property rights, law and order, union and self-government, liberty itself, seemed to be skidding to oblivion. Madison saw it all and determined to do everything in his power to stem the destructive onrush.

The chaotic condition of the commerce between the States was illustrated, for example, by what was known as the "Potomac question." Maryland's charter gave her jurisdiction over this river to the Virginia shore; but Virginia claimed the privilege of free navigation of the Potomac. Smuggling was a common practice. The evasion of State laws disturbed Madison, not so much because of the frauds themselves as because of the general weakness of the Confederacy, of which these were but symptoms.

Madison complained to Jefferson, then in the Continental Congress, suggesting that he confer with the delegates from Maryland about the matter. Jefferson complied with this suggestion. Madison then moved in the Virginia Legislature for the appointment of commissioners to meet with commissioners from Maryland. This meeting of commissioners took place in Alexandria in the spring of 1785. The meeting was of great interest to Mr. Washington, who had recently become president of the Potomac Co., the purpose of which was to make the upper Potomac navigable and to open up a good road to the Ohio River—all with the thought of encouraging emigration westward. It soon developed that the Potomac was of interest not only to Maryland and Virginia, but to Pennsylvania, and Delaware—indeed, to all of the States.

Because of the deplorable conditions of trade in Virginia, Madison was able to make use of the needs of the State in the interest of a conference of delegates from all the States. He prevailed upon the Virginia legislature to pass a resolution, the result of which was the call of a conference of commissioners of all the States to meet in Annapolis on the second Monday of September, 1786. On September 11 of that year commissioners from the five States of Virginia, Delaware, Pennsylvania, New Jersey, and New York showed up.

The result of the conference of these commissioners was an address, written by Alexander Hamilton and signed by John Dickinson, urging a conference of delegates from all the States to meet in Philadelphia on the second Monday of May, 1787, "to devise such further provisions as shall appear to be necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union."

Upon the initiative of James Madison, Virginia was the first to choose delegates to such a convention, the delegates being George Wythe, age 61; Edmund Randolph, age 34; George Mason, age 61; James McClurg, age 40; John Blair, age 55; James Madison, age 36; and George Washington, age 55. Had it not been for Madison, Washington would probably have never attended the convention.

SUCCESS OF THE CONVENTION

To James Madison is largely due the success of the Federal Convention of 1787. The convention had been called for the second Monday of May, 1787. Not until 11 days later, the 25th, did a quorum of the delegates make a session possible. On the third day of the conference, May 29, Mr. Edmund Randolph, of Virginia, submitted a plan for the organization of the Government. This plan was the only plan discussed throughout the convention. Our Constitution grew directly out of it. The man who first outlined the plan was James Madison, who in a letter to Edmund Randolph, under date of April 8, 1787, set forth his ideas of what the new Government should be.

Mr. Madison's place in the convention is familiar to everyone who has given any attention to that great event. Only two men addressed the conference oftener than Mr. Madison—Gouverneur Morris and James Wilson. It became more and more clear as the convention proceeded "that the first man of the assemblage was James Madison." William Pierce, a delegate from Georgia, kept some notes of his impressions of the convention. In one of these notes he wrote:

"Mr. Madison is a character who has long been in public life; but, what is very remarkable, every person seems to acknowledge his greatness. He blends together the profound politician with the scholar. In the management of every great question he evidently took the lead in the convention, and though he can not be called an orator, he is a most agreeable, eloquent, and convincing speaker. From a spirit of industry and application which he possesses in a most eminent degree he always comes forward the best-informed man of any point in debate. The affairs of the United States he perhaps has the most correct knowledge of of any man in the Union. He has been twice a Member of Congress and was always thought one of the ablest Members that ever sat in that council. Mr. Madison is about 37 years of age, a gentleman of great modesty, with a remarkably sweet temper. He is easy and unreserved among his acquaintances and has a most agreeable style of conversation."

This man Madison, later to be characterized by John Fiske as a political philosopher "worthy to rank with Montesquieu and Locke," was literally the center of the conference, for he chose a seat directly in front of George Washington, the presiding officer, with the other members on his right and left. He chose this place because, having had experience as reporter of the Continental Congress, he had set for himself the task of reporter of the convention. He was not absent a single day, nor more than a fraction of an hour in any day. He did not lose a "single speech, unless a very short one." In the midst of this remarkable labor he found time to write to Jefferson, "I have taken lengthy notes of everything that has yet passed, and mean to go on with the drudgery if no indisposition obliges me to discontinue it." It was given to Mr. Jefferson to read Madison's notes years after. Under date of August 10, 1815, he wrote to John Adams:

"Do you know that there exists in manuscript the ablest work of this kind ever yet executed of the debates of the Constitutional Convention of Philadelphia in 1787? The whole of everything said and done there was taken down by Mr. Madison with a labor and exactness beyond comprehension."

On reading the remarks of Madison throughout those laborious days, one learns to appreciate not only the faithful attention to detail but the large statesmanship of the man. "The people were, in fact, the fountain of all power, and by resort to them all difficulties were gotten over," he argued. It is in that spirit that he defended the plan of submitting the Constitution, the result of their handiwork, not to the legislature for ratification but to conventions of delegates specially elected by the people.

But, still more important, when confronted with the question whether or not the new Government should have power to coerce a recalcitrant State with force of arms, Mr. Madison said no. Such a plan was provided for in the Virginia resolution; but when the matter came up in the fourth session, May 30, Mr. Mason, according to Madison, "observed that the present confederation was not only deficient in not providing for coercion and punishment against delinquent States, but argued very cogently that punishment could not, in the nature of things, be executed on the States collectively, and, therefore, that such a government was necessary as could directly operate on individuals, and would punish those only whose guilt required it." Whereupon, the following day, Thursday, May 31, Mr. Madison observed:

"* * * that the more he reflected on the use of force the more he doubted the practicability, the justice, and the efficacy of it when applied to people collectively and not individually. * * * A union of the States containing such an ingredient seemed to provide for its own destruction. The use of force against a State would look more like a declaration of war than an infliction of punishment, and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be bound. He hoped that such a system would be framed as might render this recourse unnecessary, and moved that the clause be postponed."

The motion was, as he says, "agreed to nem. con.," and the subject, although subsequently brought before the conference in the session of June 15 by the New Jersey plan, was never again seriously considered.

There can be no doubt of Mr. Madison's influence upon the success of the Federal convention. One must agree with Bowers that "no one in either branch of Congress or at the head of any of the departments had approached his services in the framing of the Constitution."

RATIFICATIONS OF THE CONSTITUTION

Neither can there be any doubt of Mr. Madison's influence in getting the new Constitution acceptable to the States. He returned to the Congress in New York in November, 1787, led in overcoming opposition there to the Constitution, interested himself in the revenue bill, and introduced resolutions to establish three executive departments of the Government—a Department of Foreign Affairs, a Treasury Department, and a War Department.

In the first session of the first Congress, June 8, 1789, Mr. Madison moved the consideration of certain amendments to the Constitution. By these amendments he hoped to disarm the opposition to the Constitution, particularly in Rhode Island and North Carolina, not to mention his own State of Virginia. After consideration in committee and adoption by the Senate and House, 12 amendments were forwarded by the President to the States. Of these 12 amendments all but the first two were adopted by the States and declared in force December 15, 1791. They satisfied the general demand for a "Bill of Rights" and helped immeasurably toward making the new Constitution palatable to the States.

There remain two other reasons for crediting Mr. Madison with the ratifications of the Constitution. Of the 80 papers making up the *Federalist*, John Jay wrote 5; Alexander Hamilton, 51; and James Madison, 29. There is not time here to add more than to say that Mr. Madison's papers are in no sense inferior to those of his collaborators. He enjoyed the work. He would have written more had he not been called back to his State to aid there in the ratification of

the Constitution. This leads to the other fact, that the ratification of the Constitution by Virginia, tenth thus to ratify, definitely settled the question of the acceptance of the Constitution by the Union. This achievement, too, was due primarily to the statesmanship of James Madison.

James Madison's title as "the greatest constructive statesman our country has produced" can therefore be briefly summarized. The cause of religious freedom in Virginia, afterwards extended in other States, was very appreciably advanced by James Madison. The call of the Federal Convention of 1787 can be definitely traced to the act of the Virginia Assembly in 1784, affecting trade on the Potomac River, an act introduced by James Madison; to the meeting of the commissioners in Alexandria and Mount Vernon in 1785, upon the initiative of James Madison; to the invitation to the Thirteen States for a meeting of delegates at Annapolis in 1786, promoted by James Madison; to the call for a convention of delegates to meet in Philadelphia in 1787; and to the approval of such a convention by the Congress, both because of the influence of James Madison. The success of that Federal Convention depended largely upon the plan, serving as a basis for the discussions of the convention, originally drafted by James Madison; upon the theory of the noncoercion of States, stood for by James Madison; upon the first 10 amendments, known as the Bill of Rights, drawn and successfully pleaded for by James Madison; upon the 29 papers in the *Federalist* written by James Madison; upon the ratification of the Constitution by the State of Virginia because of the victory over such men as Patrick Henry, powerful George Mason, James Monroe, Benjamin Harrison, and other Virginia giants of that day, by James Madison.

In his work Jefferson and Hamilton, Claude G. Bowers says of Madison: "There was not a man in America who was his peer in the knowledge of constitutional law or history." After Madison's first great speech in the Virginia Convention, June 6, 1788, John Marshall, who had listened to him, said in after years: "If convincing is eloquence, he was the most eloquent man I ever heard." Fisher Ames, jealous opponent of Madison, confessed him to be "our first man." In his book *James Madison's Notes and a Society of Nations*, Dr. James Brown Scott, after reminding us that "the Constitution of the more perfect Union has succeeded," suggests that if different States and kingdoms should be inclined to substitute the regulated interdependence of States for their unregulated independence "they need only turn for light and leading to the little man of Montpelier, who has preserved for all time an exact account of what took place in the conference of States in Philadelphia in the summer of 1787."

"Although the 'drudgery' of the undertaking 'almost killed him,' it is fortunately a fact that, 'by an authentic exhibition of the objects, the opinions, and the reasonings from which the new system of government was to receive its peculiar structure and organization,' we are now aware, as Mr. Madison then was, 'of the value of such a contribution to the fund of materials for the history of the Constitution, on which would be staked the happiness of a young people, great even in its infancy, and possibly the cause of liberty throughout the world.'"

IN CONCLUSION

In other words, James Madison is entitled to our special consideration, not because of any number of ordinary services to this Government, not because of the judgment of his contemporaries, but because he initiated the Federal convention of 1787, saved the convention, and, more than any other man, got our Constitution accepted at last by all of the States. No one has ever questioned James Madison's title as "Father of the Constitution."

We Americans, always interested in the principles of justice, in the rights of the individual man, in the abolition of arbitrary power, in the firm establishment of a government of laws and not of men, in the promotion of man's liberty along the bright highway between anarchy and tyranny, principles embodied in the Constitution, would honor both justice and ourselves, it would seem, were we to go about the business of rearing somewhere, somehow, a matured artistic conception of a worthy memorial to James Madison.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1550. An act to appropriate certain tribal funds for the benefit of the Indians of the Fort Peck and Blackfeet Reservations;

S. 3186. An act to promote the production of sulphur upon the public domain within the State of Louisiana;

H. R. 5210. An act extending the provisions of an act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona; and

H. R. 7255. An act to regulate the sale of Kosher meat in the District of Columbia.

INDEBTEDNESS OF ITALY TO THE UNITED STATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America.

Mr. COPELAND. Mr. President, I ask permission to have printed in the Record at this point a letter by Frederick H. Allen, of New York, on the Italian debt settlement, which appeared in the New York World of this morning.

The VICE PRESIDENT. Without objection, it is so ordered. The letter is as follows:

[From the New York World, April 14, 1926]

THE ITALIAN DEBT SETTLEMENT

To the Editor of The World:

The excellent editorials appearing of late in the World, and the speeches made in the United States Senate, make it plain that the opposition to the Italian debt settlement is made up of two elements: (1) the "bitter enders" and "the last red cent" men, seeking, or pretending to seek, that which it is impossible to get; and (2) those swayed by their sentiments against Mussolini because of his dictatorship and the methods of government that have been established and enforced in Italy, which do not accord with their ideas of democracy.

We pride ourselves on being a practical people, and one of our cardinal political policies is not to interfere in the internal political arrangements of foreign states; yet, in opposing the Italian debt settlement we violate both of these concepts.

The settlement of the Italian debt has been put by the present administration on an entirely business basis. The Italian commission laid all its cards on the table, and, regarded from this point of view, the settlement with Italy, as shown by Mr. Mellon, obliges Italy to pay in proportion to her capacity an ever higher percentage of her budget expenditures than has been exacted from either the British or Belgians. In the case of England, the settlement amounts to 4.6 per cent of the total British budget; the Belgian settlement to 3.5 per cent; and the Italian settlement to America alone, 5.17 per cent, and to America and Great Britain 11.47 per cent. Whether the comparison be made with either the total foreign trade of these countries or their national income, the proposed proportionate payments to us by Italy are much greater than in the case of either England or Belgium. Certainly to oppose the settlement is to be not practical, for no one can imagine that another commission would be able to offer more than the one presided over by Signor Volpi. Thus, as a practical matter, Italy would surely feel she had done her best to reach a desirable and honorable settlement with us, and that, if it should be rejected, she would be under no obligation to make further effort. The result for our taxpayers would be that they would be getting nothing instead of something from Italy.

Some Senators say they consider the liberal settlements proposed would add to the prestige and power of Mussolini, and for that reason they would thus attempt to influence the internal policies of Italy by using the debt as a club. As a matter of fact, should our Senate defeat the settlement it would add greatly to Mussolini's strength, for Italy would then have nothing to pay and the popularity of Mussolini would be added to, just as did Mr. Wilson's interference in the Fiume matter at the Peace Conference add to the popularity of Sonnino and Orlando, for Mussolini, with his remarkable proved ability to dramatize events and appeal to the emotions of his people, would probably arouse an even greater enthusiasm than was shown those Italian representatives on their return home from the Peace Conference in 1919 and increase the bitter feeling against us that was then stirred up in that country. It is unfortunate that senatorial dignity and that courtesy due to a friendly people could be so far forgotten by our national representatives as was the case of Senator McKELLAR when he so vehemently and unthinkingly stigmatized Mussolini as a "bandit."

Another strained argument against the settlement is this, that it would increase the power of Mussolini and so help him in what are called his imperialistic tendencies, whereas the settlement would, on the contrary, have just the opposite effect, for the reason that he, having assented to pay to us the sum of \$2,042,000,000, would be all the more bound to keep the peace in order to make the payments which thereunder Italy would be in honor compelled to make.

The statement of Senator JOSEPH ROBINSON, showing that in the proposed settlement the debt incurred by Italy to us prior to the armistice was really canceled, owing to the deferred payments and the low interest rates provided for; and the suggestion that he then made, that this debt be canceled and not be considered by us; that then by establishing a higher rate of interest on the balance, the postarmistice debt, we would in the end be as well or even better off financially, and in addition be credited for a wise and generous action, would seem to be a solution much to be preferred to the one adopted.

Democratic Senators opposing the settlement should ponder those words of Jefferson: "We certainly can not deny to other nations that principle whereon our Government is founded; that every nation has a

right to govern itself under what form it pleases and to change these forms at its own will."

Napoleon said: "Statesmanship is only common sense applied to matters of great importance."

In the case of the Italian debt settlement, to allow prejudice to defeat the settlement would be both not practical and conspicuously lacking in common sense.

FREDERICK H. ALLEN.

NEW YORK, April 10.

Mr. FESS. Mr. President, I do not intend to detain the Senate at any great length in the discussion of the problems of the Italian debt settlement. There are a few observations which I would like to make in view of the fact that some of us were Members of Congress at the time the loan was made and recall very distinctly the debates which took place at that time. One of the most thrilling incidents in the life of our time was when President Wilson came to the Capitol and addressed the Congress on the impending war under date of April 2, 1917. Among many of the statements that thrilled those who heard him, I read the following:

American ships have been sunk, American lives taken, in ways which it has stirred us very deeply to learn of, but the ships and people of other neutral and friendly nations have been sunk and overwhelmed in the waters in the same way. * * * Only the vindication of right, of human right, of which we are only a single champion, will suffice.

In the discussion of the problems which would be involved he further stated:

There is one choice we can not make, we are incapable of making: We will not choose the path of submission and suffer the most sacred rights of our Nation and our people to be ignored or violated.

He further said:

It will involve the utmost practicable cooperation in council and action with the governments now at war with Germany, and, as incident to that, the extension to those governments of the most liberal financial credits, in order that our resources may so far as possible be added to theirs.

He also further stated:

It will involve also, of course, the granting of adequate credits to the Government, sustained, I hope, so far as they can equitably be sustained by the present generation, by well-conceived taxation.

The President further stated:

We are now about to accept the gauge of battle with this natural foe to liberty and shall, if necessary, spend the whole force of the Nation to check and nullify its pretensions and its power.

Mr. President, soon after this address was made Congress passed a joint resolution recognizing the existence of a state of war between this Nation and Germany, and then, in due course of time, legislation came before us to extend loans to our associates in the war. In the discussion when the loans were being considered there were many sharp criticisms, because there was no provision as to the terms and time of the repayment of the loans. In fact, some Members of the House of Representatives and the Senate sharply scrutinized all the provisions of the measures and at the same time caustically criticized the lack of such terms. I recall different Members answering those criticisms. The then distinguished leader of the majority in the House of Representatives from North Carolina explained the character of the loans. He also assured the country that the loans would be repaid. Mr. Kitchin then said:

The Secretary of the Treasury said, however, that he thought some of these governments would be able to meet their obligation in some four or five years after the loan was actually made and especially after peace. But we thought best—

He is speaking now of the purpose of the committee—

under all the circumstances and facts presented to us to leave the date of maturity to the discretion of the President and the Secretary of the Treasury. The date of maturity is going to be the same as the date of maturity in the United States bonds that we issue.

That was the statement of the chairman of the Ways and Means Committee answering the criticism that the terms of repayment and the time of maturity of the loans were not fixed. Mr. Kitchin further said:

As I have said several times, I think, so far as I am concerned, I will not be bothered about that [the terms]. I believe we will be protected. The interest of the Allies to whom we loan the money and our interests will be protected by the President and by the Secretary of the Treasury.

Then the minority leader on the Ways and Means Committee, who at that time happened to be Mr. Fordney, of Michigan, made the statement that the obligations would be protected, and he also stated:

Their only purpose is to aid them—the Allies—in the best way possible to fight our battle across the sea without calling upon our men to go there. I do not believe that one single dollar of the money to be loaned to them as provided for by this bill will ever be used for the purpose suggested by the gentleman; if so, I would like to see some provision of law that would prevent it, because if they were to borrow this money from us and then retire outstanding bonds what they would have to do when in need of money would be to come again and sell their own bonds at a higher rate of interest than they are getting this money from us for, a thing not at all likely to be done by them.

I desire to quote these statements for two reasons: One is to dispel any possible idea that this was a mere gift; rather it was a loan and it was understood that in time the loans would be repaid. Mr. MADDEN, who now is the chairman of the Appropriations Committee of the House of Representatives, then gave assurance that that would be done, but at the same time he stated that it was so important that the loans should be made that, even though not a dollar of the money was ever repaid, our duty, nevertheless, would be to advance to our allies these loans.

One of the speeches that I recall very distinctly was made by Mr. RAINEY, now a Member of the House of Representatives, as he then was, in which he said:

We are making this loan in order to further our interests primarily in this World War, and from that moment when the Congress of the United States declared that a state of war existed between this country and Germany every blow struck at Germany by any of her enemies was struck also in our interest, because we have entered this war for the declared purpose of bringing it to a speedy conclusion, not for the purpose of territorial aggrandizement, not for the purpose of claiming for ourselves at the close of the war extravagant war indemnities.

I recall most distinctly the utterance of the chairman of the Appropriations Committee of the House of Representatives at that time, Mr. John J. Fitzgerald, of New York, who said, while he was sure the loans would be repaid, it was so important that they should be made that, even though he knew they never would be repaid, they should be made anyway.

I have before me also the utterances of distinguished Members of the Senate, including the distinguished senior Senator from North Carolina [Mr. SIMMONS], whose remarks have been quoted in this debate heretofore.

Mr. President, I have quoted the utterances of Members of Congress made at the time the loans were made in order that we might refresh our memory as to the fact that they were made as loans and not as gifts. There was no suggestion of that sort. I also have in mind in quoting the men who actively participated in the debate on the legislation to call attention to the fact that they realized the necessity of making the loans, despite the fact, as expressed at the time that there might be some difficulty in their collection.

I also have in mind the criticisms that were offered by some members of the minority side, then the Republicans, against the administration, which at that time was Democratic, because it did not specify a stipulation in the loans as to particular time of maturity and the terms of repayment. I did not share in that criticism at the time, believing as I did that the loans would be repaid, because I felt that no country could maintain its honor and credit by any step looking to a repudiation of its obligations.

However, some time elapsed—a period which some people think has been unnecessarily long—before steps were taken to adjust the loans. There is no question before us as to whether there should be any cancellation. That is a closed question so far as we are concerned. I do not think anyone believes that there is any basis for agitation to cancel the loans, either on the ground that they were extended as gifts, which they were not, or on the ground that the debtor nations are not in a position to pay. In other words, I believe it is better for the debtor, as well as for the creditor, that these loans should be regarded as sacred obligations, and I am quite certain that there is not a large number of people in the United States who take any other view than that.

The question with us is, Upon what basis shall the adjustment be made? Shall we take the position that every dollar, not only of principal but all the interest, shall be paid whether or not the debtor nation is capable of making such repayment? Mr. President, I do not believe any Senator would be, in my judgment, so short-sighted and so regardless of the welfare of our own country as to insist upon pushing a debtor nation beyond its ability to pay, and thus make possible a collapse

and a total cancellation by forfeiture of the debt. Neither do I believe there is any Senator whose prejudices are so deeply grounded against any country that he would want to push that country beyond its ability to pay.

I assert that every consideration of sound economics, both for the debtor and creditor country, should lead us to adopt the policy of payment according to ability to pay rather than payment according to specific terms. In other words, I am convinced that the action of the administration in refusing to attempt to specify exact terms of repayment in 1919, when the money was loaned, because it could not be foretold what the conditions after war would be, was a wise policy and not properly subject to the severe criticism that was leveled against it at the time. On the other hand, I hold that the lapse of time has proven the wisdom of keeping open the terms of collection, and the ability of the nation to pay seems to me to be the sound principle upon which to proceed.

That is the position we have taken, as I understand, with Great Britain and every other country with which a settlement thus far has been made or proposed. In the case of Great Britain we canceled not \$1 of principle, but her note is \$4,600,000,000; and when it came to fixing the rate of interest there was a question as to whether we should concede anything to Great Britain below the ruling rate allowed on the Liberty bonds, 4½ per cent, for whatever reason—whether because of her industrial and financial condition, due to the war, or whether because in the anticipated future the rate of interest might rule less than it is ruling to-day. The rate of interest this Government is paying now is 4¼ per cent. We are going to give 62 years in which Britain is to pay the debt. The question was: Should we charge 4¼ per cent for the 62 years, the basis upon which we are paying interest now, or should we make a concession on interest? The decision, both by the commission and by the approval of Congress, was that we would make a concession, and instead of 4¼ per cent interest the rate that has been fixed is 3 per cent for the first 10 years and 3½ per cent for the next 52 years. If we take that on an average, there is a concession of interest from 4¼ to about 3½ per cent, which would be a reduction of annual rate of a little less than three-fourths of 1 per cent, and, rendered in actual percentage, that would be settling on the basis of about 83 per cent of the interest. Mark you, it is not a cancellation of a dollar of the principal. That is to be paid 100 per cent; but it is a concession of about 17 per cent on the interest, ranging below what interest ranges to-day.

That being the basis that has been adopted with all the countries except Italy, as to which we are making a very remarkable concession on interest, it at once becomes a question of keen debate and dispute. In the case of Italy not one dollar of the principal is canceled. In fact, the original principal was \$1,648,000,000, but the principal upon which we are settling is \$2,042,000,000. In other words, the interest on \$1,648,000,000 at 4¼ per cent up to a certain time—December 15, 1922—is added to the principal when we come to settle the principal, remembering that every dollar of it is to be paid, not a dollar to be canceled. Then the question of concession of interest comes to us, as it did in the case of Great Britain. If we settled with Great Britain on the basis of 83 per cent of her interest, giving her a concession of 17 per cent, what concession, if any, should we make to Italy, and upon what basis should we make it?

Mr. President and Members of the Senate, I think that Italy, compared with other debtor countries should receive very favorable consideration from this body. She has a country half as large as France, with a population almost as large as that of France. She has not any raw material in any great quantity. About all she has is silk and water power and her labor, and her labor up to date has served as a chief element of revenue through the emigration policy of Italy. Since we have cut off the large immigration from Italy by our last legislation, that source of revenue, as far as our country is concerned, is almost entirely dried up. It is not dried up as far as Italy is concerned, of course, because Italy's emigration is going now into South America in great quantities. There will be revenue from that particular source in the future, but it will not come so much from the United States, as must be apparent to every Senator.

Mr. President, Italy has little if any coal. The United States in contrast has 43 per cent of all the coal mined in the world, and we use 42 per cent. Italy has no iron to speak of. The United States has 54 per cent of all the iron produced in the world, and consumes 53 per cent. Italy has very little if any copper. The United States produces 49 per cent of all the copper mined in the world, and consumes 44 per cent. Italy has no cotton. The United States produces 69 per cent of all the cotton produced in the world, and consumes 37 per cent of

It. Italy has little if any oil. The United States produces 64 per cent of all the petroleum produced in the world, and consumes 72 per cent. In other words, the United States is not self-sustaining in her production of oil.

These are largely basic elements in the tremendous wealth of the United States. All of them are lacking on the part of Italy. That is a feature that it seems to me ought to be included in the consideration of this subject as between the United States as a creditor country and Italy as a debtor country.

Mr. President, the United States has a wealth that is variously estimated at \$380,000,000,000. Italy's wealth, according to the latest figures, is \$22,300,000,000. Our wealth, therefore, is over seventeen times that of Italy.

Mr. BORAH. Mr. President, where does the Senator get his estimate of Italy's wealth at \$22,000,000,000?

Mr. FESS. I took it from the Government actuaries' reports repeated by the Senator from Utah [Mr. Smoot].

Mr. SMOOT. Mr. President, I will say that we got that figure from Italy's own estimate of her value, and the other countries of the world also use the same identical figure.

Mr. BORAH. Mr. President, the London Economist gives the national wealth of Italy at this time as \$33,000,000,000. The World Almanac gives it as \$35,000,000,000. Every authoritative publication that I know of, outside those that are interested in this debate, gives it as over \$30,000,000,000.

Mr. SMOOT. Mr. President, we had the Secretary of Commerce, Mr. Hoover, make a thorough examination as to the values that I quoted in my speech, and that was the report that the Secretary gave to the commission. Not only that, but I will say to the Senator that I have the official figures from the representatives of Italy, and they say that the total value of Italy is from \$20,000,000,000 to \$22,000,000,000.

Mr. BORAH. Mr. President, the territory which they acquired during the war is estimated at almost one-half of the \$22,000,000,000.

Mr. FESS. Mr. President, the figures that I have given come from the actuaries of the Government and were verified by the statement of the Senator from Utah [Mr. Smoot]. I have not thought it necessary to go further into that matter. I aim to deal with accurate statements rather than irresponsible utterances.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. FESS. I yield to the Senator from New Jersey.

Mr. EDGE. I might draw the further attention of the Senator to the estimate of the Bankers' Trust Co. of New York, which company, as the Senator knows, has branches all over Europe and elsewhere in the world. The Bankers' Trust Co. of New York estimates Italy's national wealth in 1923 as \$21,500,000,000.

Mr. FESS. That is less than the figure I gave.

Mr. President, the estimated annual income of the United States is three and a half times the total wealth of Italy, which strikes me as one of the most startling statements that could be made in reference to the comparative wealth of the two countries. I am not offering that as a reason why there should be any undue concession. Just because our country is wealthy and is the creditor of Italy, not so wealthy, is the debtor, I do not mean to quote these figures to indicate that there should be undue concessions. What I have in mind is that the disparity in ability to take care of an obligation is so sharp and so great that I think it ought to be taken into consideration.

Mr. EDGE. Mr. President, will the Senator yield again?

Mr. FESS. I yield to the Senator from New Jersey.

Mr. EDGE. I do not want to disturb the Senator's train of thought; but in view of the fact that the Senator has stated that he was not using the wealth of the two countries as an argument except in passing by way of comparison, I might draw attention to the fact that the Senator from Tennessee [Mr. McKellar] yesterday, in arguing against the settlement, very distinctly used the relative bonded indebtedness of the two countries as an argument against the settlement when he drew attention to the fact, which I think is entirely correct, that our bonded indebtedness incurred in the war is \$20,000,000,000, as compared with Italy's bonded indebtedness of, I think, three and one-half billion dollars. That, of course, demonstrates that the bonded indebtedness in our case is practically five times as great as in the case of Italy; but when using that as an argument it is quite proper, it occurs to me, to use the national wealth also as an argument.

Mr. FESS. I thank the Senator for his comment.

Mr. President, so far as the relative wealth of the two countries goes, I think it should have very little effect upon our decision, save as suggestive of our policy, to wit: that the ability of the debtor country to pay should be the determining

factor not only for the sake of the debtor country but also for the sake of the creditor country. If we insist upon a debtor country doing beyond its ability to do, it will repudiate the obligation that it owes; it takes no argument to convince anybody that as between total financial collapse and repudiation, the latter will be chosen rather than the former. From our standpoint, therefore, it seems to me it would be an unwise policy to push a country beyond its ability to pay, because we would probably lose the entire payment by giving the debtor government a basis upon which to make that decision, unwise as it would appear to me to be.

Mr. President, there are certain things that we as an interested creditor ought to have in mind in our consideration of what a debtor should do. In the first place, if the debtor should continue to spend more than it collected, and refuse to balance its budget, as many countries do, I should look with considerable sympathy upon the views of those who assert that we ought to be more rigid than we are; but that is not true with Italy. Italy is one of the few European countries that have adopted the plan of balancing the budget.

That may be either in increasing her production, which is under the limit of her natural resources, or in cutting off some of her expenditures. Italy is doing both of those things. I know countries in Europe that are not so much concerned about their expenditures, if we are to judge by the obligations they are making, but that statement can not be truly made about Italy. She is pushing her production to the very limit of her ability and she is reducing her expenditures down to the bone, and in that way has succeeded in balancing her budget.

There is another item which a creditor ought to take into consideration in regard to a debtor, and that is whether the debtor is put in such a position that it can know something definite about the amount of its obligations. So long as we fail to make an adjustment so that the debtor country knows precisely the size of its obligations, so long will indefiniteness continue, and so long will there be chaos so far as the fulfillment of future obligations goes.

That was one of the difficulties that faced Germany until the famous commission made its report. So long as Germany knew nothing about what she was to pay in the form of reparations, there was absolutely no possibility of putting the full capacity of German industry into action, but as soon as a definite plan was agreed upon, so that the debtor knew something about how large the obligations annually coming due were, they could make some specific arrangement to meet them.

That is the case with Italy, and one of our chief concerns as a creditor of Italy would be to make definite what her obligations to us are, so that she can make her plans to meet them. That is in her interest, and it will be indirectly greatly in our own interest.

I have insisted that no country will take the position voluntarily of repudiation, because of the economic effect, the penalty economically that would be visited upon it. Such a policy would drive all liquid capital out of the country and bar foreign capital from entrance. Therefore I believe that there is no doubt about every debtor country, including those which have not yet made their arrangements with us, making definite plans for the adjustment of the obligations.

Mr. ROBINSON of Arkansas. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. FESS. I yield.

Mr. ROBINSON of Arkansas. Does the Senator feel reasonably assured that the plan which has been adopted for the payment of German reparations can be and will be carried out?

Mr. FESS. No one can be assured of it. There are now and then dispatches coming out of Germany which indicate her difficulty in making her next reparations payments. I do not know all the facts, but I am quite certain that the wisest course the interallied countries could make would be to make specific and definite that obligation.

Mr. ROBINSON of Arkansas. The Senator from Ohio thinks it is possible to make definite now the amount Germany can and will pay?

Mr. FESS. I have not the data on which I could make that statement.

Mr. ROBINSON of Arkansas. The Senator has made the statement, as I understood him, that until it is definitely ascertained what Germany will pay, it is impossible for German industry to resume full operations, implying, as I understood him, that the effect of the arrangement which has been consummated is to bring German industry back into full operation. What I ask him now is whether he feels, from all the information he has, that the plan which is in force at present will be carried out.

Mr. FESS. I am very hopeful that it will be.

Mr. ROBINSON of Arkansas. We are all hopeful, of course, but that is not quite responsive to my question, and if the Senator has information sufficient upon which to reach a conclusion respecting that point, I wish he would state to the Senate whether he believes that Germany can and will carry out the arrangement that is now contemplated with respect to the payment of reparations.

Mr. FESS. I do not have the data necessary for me to predicate a specific judgment on that.

Mr. ROBINSON of Arkansas. The Senator plainly implies a doubt, at least he indicates, as I feel sure is the fact, that sufficient information is not now available to enable him to reach a reliable conclusion respecting the question I asked him. What effect does the Senator believe will result if Germany defaults finally in her payments of reparations under the Dawes plan, or under any other plan that may be agreed upon? What effect will that have upon the consummation of the Italian debt settlement? I do not mean upon the passage of this bill, but upon the actual carrying out by Italy of the settlement contemplated by the bill.

Mr. FESS. Whatever loss Italy must suffer by the failure of the small proportion of reparations she is to get will further disqualify her in ability to pay her debt to us.

Mr. ROBINSON of Arkansas. So that if a readjustment with Germany becomes necessary with regard to the amount of reparations she is to pay, another readjustment will be necessary with Italy in regard to the payments she is to make to the United States under this plan.

Mr. FESS. I think our commission very wisely has refused from the beginning to settle the obligation of any of these countries to us upon the condition that Germany is to pay any amount of reparations. I think that was a very wise decision on the part of the commission, because we do not want to become the collecting agency of these governments against any country.

Mr. WILLIAMS. Mr. President, will the Senator yield, so that I may interpose a question at this point with respect to German reparations?

Mr. FESS. I yield.

Mr. WILLIAMS. Does not the Senator from Arkansas understand that there is complete flexibility in the plan for the payment of reparations from Germany, and even though Germany might fail to make its next payment that will not absolve Germany from future payments?

Mr. ROBINSON of Arkansas. Certainly, Mr. President. The Senator from Missouri has indicated by his question that he has failed completely to grasp the significance of the questions I am asking the Senator from Ohio. The Senator from Ohio, I think, has fully comprehended my question. My point is that, taking the statement of the Senator from Ohio in response to my question, we are making a settlement by this bill which will possibly not be carried out for the reason that Italy's ability to pay depends in large part on Germany's carrying out the arrangement that has been made with respect to the reparations she shall pay to Italy, and if Italy does not receive the reparations contemplated from Germany, we will have to make a new settlement or revise our settlement with Italy.

Mr. WILLIAMS. Mr. President, I did not misunderstand the point made by the Senator from Arkansas, but my point was that the two things are quite dissimilar; that there is no relation between the two; that the settlement with Germany was a provident settlement; that time is not of the essence of that settlement; that if Germany fails to make a payment of reparations when the next one becomes due, it does not follow that she can not make the payment at a future time.

Mr. ROBINSON of Arkansas. I understand that perfectly, Mr. President.

Mr. WILLIAMS. And that there is no provision, under this settlement, by which Italy—

Mr. ROBINSON of Arkansas. Mr. President, the Senator from Missouri surely can see that if there shall be a reduction in the amount of the reparations Italy is to receive from Germany, the principal source from which Italy is to derive the funds with which to carry out the settlement with the United States, the settlement contemplated by the pending bill, which is the payment of reparations by Germany, as there necessarily must be if Germany proves unable to meet the payments generally, then Italy will expect a readjustment of her settlement with the United States.

Mr. WILLIAMS. No, Mr. President, I do not misunderstand that, if the Senator please. The settlement with Italy is an independent settlement. The settlement with Italy, so far as the report of this commission is concerned, is predicated upon Italy's ability to pay, without reference to what moneys she may receive from Germany through reparations under the Dawes plan.

Mr. ROBINSON of Arkansas. Mr. President, the Senator is mistaken. The Senator from Utah [Mr. Smoot] said plainly in his speech to the Senate that Italy never could carry out this settlement if Germany defaulted finally in the payment of reparations due Italy under the plan now in force; that Italy must get the funds with which to carry out the settlement from German reparations. True, the commission did not embrace in the bill any provision relating to a modification of the settlement in case Germany should fail to pay Italy's reparations, but the Senator from Utah made it quite clear, and other Senators have done so, that the value of this settlement depends upon the amount of reparations which Germany shall pay to Italy.

Mr. SMOOT. Mr. President—

Mr. ROBINSON of Arkansas. I know it does not in contemplation of law. I understand the law in this particular. But in practical effect, if it be true that Italy can not pay the United States unless she collects reparations from Germany, then it follows that if the amount of reparations which Germany is to pay to Italy shall be permanently reduced the amount of the payments Italy will make to the United States will be correspondingly reduced, and we might just as well face the fact that we are making a settlement now which will probably have to be revised.

Mr. WILLIAMS. And in facing the fact it is just as well to have some knowledge of the plan to be worked out under the Dawes Commission.

Mr. FESS. I yield to the Senator from Utah.

Mr. ROBINSON of Arkansas. Just a moment. I do not know what the implication of the statement of the Senator from Missouri is. I assume that the Senator from Missouri does understand the Dawes plan, but for the purposes of this argument it is not material what the exact detail of the Dawes plan is. If it fails to work permanently, or if future circumstances prove that Germany is entitled to a revision of the amount of reparations she must pay, if in time we come to apply the same yardstick to Germany that we apply to Italy, everybody knows that German reparations will be reduced. If we compare the amount of the indebtedness which Italy proposes to pay by this settlement, for instance, during the first 10 years, taking into consideration also the amount she must pay to Great Britain, with the amount of reparations Germany is required to pay in the next 10 years, it will be realized that the measurement that has been applied in the case of Germany is totally different from that applied in the case of Italy.

Mr. WILLIAMS. Then my purpose was, though it may be that I do not know what we are talking about, to dissociate, if possible, the German reparation settlement and the proposed Italian settlement.

Mr. ROBINSON of Arkansas. I agree with the Senator that legally the two are dissociated, but I assert that actually and as a matter of practical advantage the two are inseparable in the way the matter has been presented to the Senate.

Mr. WILLIAMS. But the payments under the Dawes plan will proceed. Time is not of the essence of those payments. If they can not pay now, they must pay when they procure marks with which to pay.

Mr. ROBINSON of Arkansas. But if they never procure them, they will not pay, of course.

Mr. WILLIAMS. And if they do not procure them, they would not pay and should not pay.

Mr. ROBINSON of Arkansas. Certainly; and then there will be a revision of the German reparations, and in truth that is what the world may expect.

Mr. WILLIAMS. I do not want the Senator to understand that my position with reference to the Italian debt settlement is based upon Italy's ability to pay. I do dissociate the two things in my own mind. I regard the Dawes settlement and the plan worked out under that settlement as equitable not only to the creditor nations of Germany but equitable to the people of Germany. I am not impressed with the present ability of Italy to pay as an argument why the settlement should be made.

Mr. REED of Missouri. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Ohio yield to the senior Senator from Missouri?

Mr. FESS. I yield.

Mr. REED of Missouri. I understand the Senator from Ohio wants to emphasize the point that the proposed Italian debt settlement is a settlement that is, in the opinion of the Senator from Arkansas [Mr. Robinson], one that is hard and fast; that we are basing it upon the ability of Italy to pay at this present time, and that hereafter if Italy is unable to pay she will not pay; but that in the German settlement, even if Germany is not

able to pay to-day or able to pay next year, she does not thereby escape. The French say to Germany, "If you can not pay to-day or to-morrow, you have got to pay ultimately, anyway, when you are able to pay." That is the difference between the Italian settlement and the German settlement.

Mr. SMOOT. The Senator is wrong in his conclusions, I will say.

Mr. WILLIAMS. I understand the settlement as made under the Dawes Commission plan is responsive to a well-defined, well-understood, sound economic plan and depends upon the ability of Germany to procure, not in Paris nor in London nor in New York, dollars or pounds or francs, as the case may be, but is based upon the proposition that she receives at the Reichsbank in Berlin gold marks with which to pay.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Ohio yield to me to ask the Senator from Missouri a question?

Mr. FESS. I yield.

Mr. ROBINSON of Arkansas. Does the Senator from Missouri think, or does he not think, that in effecting this settlement both the commission on the part of the United States and the commission representing Italy took into consideration the undertaking of Germany to pay reparations to Italy in determining the ability of Italy to pay the United States?

Mr. WILLIAMS. The only way I can answer that and the only information I have is from the press as to statements reported to have been made by Volpi when he returned from the United States and from Great Britain.

Mr. FESS. Mr. President, I shall have to decline to yield further except to the Senator from Utah [Mr. SMOOT], who has been trying for some time to secure my permission to interrupt. I yield now to the Senator from Utah.

Mr. SMOOT. For the Record and in order that the matter may be perfectly straight, I want to quote what I said on this question:

The commission did not neglect to make a careful study of Italy's interest in reparations and its effect on her capacity of payments. Reparation receipts, of course, represent a new credit to Italy in her international balance of payments. Up to the present time Italy's reparation receipts have not been relatively very large. There is no doubt, however, but that they have been of substantial assistance in enabling Italy to balance her budget and restore economic equilibrium.

Italy receives only 10 per cent of German reparations, against 52 per cent allotted to France and 22 per cent to Great Britain. To compensate Italy for the small percentage of German payments she was given 25 per cent of Austrian, Hungarian, and Bulgarian reparations. But Italy has been compelled to renounce practically all of these latter payments as her contribution to the reconstruction and restoration of her former enemy countries. She has received reparations in substantial amounts only from Germany. Up to August 31, 1924, when the Dawes plan went into effect, Italy had received 456,000,000 gold marks, all in the form of deliveries in kind, chiefly coal. Up to August 31, 1925, the end of the first Dawes-plan year, she had a credit on the books of the agent general of 66,000,000 gold marks, nearly all of which was applied to payment for deliveries of coal, coke, and allied products. Italy normally should receive 10 per cent of the Dawes-plan payments, but as prior to August 31, 1924, she received heavier payments than she was entitled to receive, her share is to be reduced during the next few years till the extra payments are absorbed. During the second Dawes-plan year, 1925-26, it is estimated that Italy will receive 84,000,000 gold marks; 1926-27, 77,000,000 gold marks; 1927-28, 127,000,000 gold marks; and 1928-29, 175,000,000 gold marks. It is expected that deductions from Italy's share will cease after 10 years, so that in 1935 and thereafter Italy should receive about 195,000,000 gold marks annually. When the normal yearly payments are reached, the distribution per capita of German reparations will be substantially as follows: Italy, \$1.19; Belgium, \$4.75; and France, \$6.18. No one can deny that German reparations will largely provide Italy with the means of making the payments required under her debt settlements with the United States and Great Britain. This is a fact, whether we admit it or not.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator from Utah a question?

Mr. FESS. I yield for that purpose.

Mr. ROBINSON of Arkansas. If Italy is to derive from German reparations the funds with which to execute this settlement, and German reparations fall in whole or in part, does it not follow that Italy will default in the carrying out of this settlement?

Mr. SMOOT. I think if Germany defaulted wholly that it would be impossible, perhaps, for Italy to pay according to the terms of the agreement, but it does not relieve Italy of any obligation. At any time she is able to pay she has to pay. For instance, with reference to the situation as to Germany

to-day, it is generally conceded that under the Dawes plan she will have to pay \$10,000,000,000 to \$11,000,000,000.

Mr. ROBINSON of Arkansas. How much does Germany pay during the first 10 years and how much does she pay annually?

Mr. SMOOT. I have not the list of payments here now.

Mr. ROBINSON of Arkansas. I mean the total reparations under the Dawes plan?

Mr. SMOOT. I have not that figure here now. I have the original amount that they were to pay, but I have not the later figures.

Mr. WILLIAMS. They pay \$625,000,000 a year.

Mr. SMOOT. We must remember that all of the German pre-war indebtedness was wiped out, and if she carries out the Dawes plan as contemplated and as generally understood she will have to pay about \$10,000,000,000 to \$11,000,000,000. France, of course, owes more than that to England and America, or approximately that with the interest added. Germany is more capable of paying her reparations than Italy is possibly capable of paying her indebtedness to the United States, not taking into consideration that she is owing England more than she owes the United States. But, of course, in the settlement the commission did not take into consideration that we were not going to get anything from Italy because of the fact that she was going to receive her reparations, but I do know that it will have a great bearing upon the ability of Italy to pay the United States.

Mr. ROBINSON of Arkansas. Does the Senator from Utah feel that the same test of ability to pay was made as to Germany in the Dawes plan that is being made as to Italy in the pending bill?

Mr. SMOOT. I think upon the same financial basis and based upon the ability of all of the countries to pay.

Mr. ROBINSON of Arkansas. Does the Senator think that Germany is as able to pay \$625,000,000 a year in reparations as Italy is to pay the United States \$5,000,000 a year in debts and Great Britain \$20,000,000 a year in debts?

Mr. SMOOT. That, of course, is only the beginning. I will say to the Senator.

Mr. ROBINSON of Arkansas. The Senator does not pretend to say that it is practicable or possible now to measure the ability of Italy or any other country to pay 25 or 62 years from now?

Mr. SMOOT. No.

Mr. ROBINSON of Arkansas. The conclusion the committee reached was based entirely upon existing conditions.

Mr. SMOOT. No; not entirely, I will say to the Senator.

Mr. ROBINSON of Arkansas. Existing facts and conditions reasonably to be expected.

Mr. SMOOT. We have one settlement plan with a country that was absolutely impossible for it to carry out, and it had to ask an extension of time on \$3,000,000.

Mr. FESS. Mr. President, I think I shall have to decline to yield further.

Mr. ROBINSON of Arkansas. I think the Senator from Ohio is entitled to resume his speech.

Mr. SMOOT. I apologize to the Senator from Ohio.

Mr. FESS. It is perfectly proper, because Senators have brought out phases of the discussion that I think every Senator wanted to hear.

Mr. SWANSON. Mr. President, will the Senator yield to me?

Mr. FESS. I yield.

Mr. SWANSON. This settlement has been invoked as being similar to the Dawes settlement, and it has been so claimed in order to give this settlement recognition and support in the country, but I think there is a difference between this settlement and the Dawes settlement. I would like to have the Senator explain if my impression is not true.

Mr. FESS. I would be glad to do that. Probably I was unfortunate in using my illustrative material.

Mr. SWANSON. Let us see if this is true—

Mr. FESS. Let me state it, and let the Senator see whether I am accurate or not. I had made the statement that certain things should be done in a debtor country and that the creditor country should be interested in those things being done. One was that the budget must be balanced. Italy has done that. The other was that obligations ought to be distinctly stated, and there I used the Dawes plan as an illustration.

Mr. SWANSON. My objection to the plan is that it is not in accordance with the Dawes plan. If I understand the Dawes plan correctly, it did not have anything to do with the ultimate payment that Germany had to make in reparations and it did not affect the \$32,000,000,000 of reparations that must be cared for. The Dawes plan, as I understand it, determined the capacity of Germany to pay yearly. The Vice President deserves a great deal of credit for having effected

that plan. The Dawes Commission determined that Germany could pay so much yearly. It did not affect at all the ultimate payment that Germany ought to make. The payment of \$32,000,000,000 was not affected by the Dawes plan.

My objection to the Italian debt-settlement plan is that it fixes the annual payments at so much a year, and at the end of 62 years the debt is canceled. That is the difference between this plan and the Dawes plan. The Dawes plan provides for \$600,000,000 a year, and leaves the question of ultimate payment to the developments of the future.

Mr. FESS. I think I shall have to decline to yield until I make one or two statements, because I do not want this speech of mine to be made by my colleagues.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield just a moment?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. FESS. I must decline to yield, and I do so as genially as the Senator asked me to yield.

Mr. ROBINSON of Arkansas. I think the Senator from Ohio has been very generous.

Mr. FESS. As I recall, the Dawes plan was based upon four fundamental principles that are easily understood when clearly stated. The first one was that Germany must subject herself to as heavy taxation as the Allies. In other words, she can not decline the payment of reparations and at the same time refuse to adopt a rational taxation system. That is the first principle, and Germany acceded to it.

The second principle was that the Allies must be willing to loan \$200,000,000 of actual specie as a basis for a new issue, that the depreciated mark might have substituted for it a mark that is worth its face value, because it would be redeemable. It was not only provided that the specie must be actually delivered, but it had to be delivered by the Allies, because the Allies must be interested in the restoration of Germany or she would not be restored. That was the second provision. The United States not only agreed to loan 50 per cent of the entire amount, but when she agreed to loan \$110,000,000 of the \$200,000,000, it was oversubscribed, I understand, thirteen times in about as many minutes.

The third provision was—and this is what the Senator from Virginia had in mind—that Germany, with those conditions established, must be willing to pay to the extent of her ability the reparations that had been stipulated.

Mr. SWANSON. The Senator is mistaken about that.

Mr. FESS. The fourth item was that with those conditions met, France must be willing to evacuate the occupied portions of German territory.

Mr. SWANSON. My contention was that the Dawes plan simply fixed the amount of yearly payments. The ultimate payment was not affected at all by the Dawes plan. I say the trouble with the present proposed plan is that it fixes the ultimate payment which it is said is necessary for Italy, and does not say it is necessary for Germany. I am willing to vote for the settlement if it shall be confined to yearly payments, and let the ultimate payment in 62 years be on the basis of the Dawes plan with reference to the future payment by Germany.

Mr. FESS. We are not going to dispute about what is the opinion of the Senator from Virginia. It is only the opinion that I am expressing that I want to get before the Senate, and I have stated that. I use that illustration as evidence of the wisdom of our definitely specifying Italy's obligation to us, and I repeat that until settlement is made, so that Italy shall know what her obligation is to be, there is no economic recovery possible in Italy to the fullest extent.

The third view that I have is that our ability to collect the debt will largely depend upon the progress of Italy and her ability to secure necessary liquid capital, for she does not possess it herself, and everybody is aware why she does not. It must depend upon her ability to get credit from other countries, and ours is the country from which it is possible for her to obtain credit. Until Italy has made her stipulation to pay, so long as there is anything uncertain about the fulfillment of her governmental obligation there is no possibility of private capital going to Italy.

For that reason it is to the interest of Italy first, and to our interest indirectly, that Italy be met on the basis of her ability to pay and that the contract be closed. She has balanced her budget, which is good. We are to specify definitely what she is to pay, which is wise. Then private capital will ultimately flow into Italy to reinvigorate her industries and enable her to produce and sell in order that she may have the wherewithal with which can pay the debts which she owes. It seems to me that those propositions are fundamental, and two of them depend upon our action.

The Senator from Arkansas raises a question now of Italy's ability and purpose to pay. We have no purpose to involve the payment of German reparations as a condition to receiving our payment, but it is true that if reparations are not paid, small though they be—for only 10 per cent of the reparations to be paid will go to Italy—it goes without saying that Italy's ability to pay her debt in that degree is going to be crippled. Nobody wants to deny that, but we do not take England's view. Italy owed to England a much larger debt than Italy owes to us, yet England settled the debt at a much less figure than is called for by our settlement with Italy and wrote into it a condition making it dependent upon the payment of German reparations. We did not do that, and I do not think it would have been wise for us to have done so, for the reason, as I said a moment ago, that we as a Government are not going to become the collecting agency of any government in Europe. The considerations which I have mentioned, it seems to me, ought to argue very strongly here for the expedition of this proposed legislation.

The Senator from Arkansas also suggested that we shall have to revise this settlement. That may be, but that is no reason at all why we should not make the settlement now. It seems to me it is an argument that we ought to make the settlement upon the data that we have at hand as to the ability of Italy to pay; and if a revision is impelled by considerations that may develop later, we shall meet that question when it arises.

Mr. KING. Mr. President, will the Senator from Ohio yield to me?

Mr. FESS. I yield to the junior Senator from Utah.

Mr. KING. Of course, if any of the nations which are debtors to the United States are dependent for meeting their obligations to us in part upon the payments received from Germany, then the same principle would apply to France and to England, and there might be a temporary revision from year to year to meet the contingencies which possibly might affect the payments from those countries.

Mr. FESS. I thank the Senator for that observation. What he has stated is absolutely true.

Mr. KING. I agree with the Senator that that ought not to be a reason for failing to enter into this settlement.

Mr. EDGE. Mr. President, it does not make the settlement less desirable, because it may be necessary to revise it; in fact, it makes it more desirable, I should assume.

Mr. FESS. That is true.

Mr. SMOOT. Mr. President, the bill itself provides for that. It provides that whenever a country can not pay one year, upon a certain length of notice it may be excused from paying for a period of two years.

Mr. FESS. Mr. President, there is another consideration that appeals to me immensely in reference to this particular settlement. That is the character of taxation that Italy has adopted and from which her people are now suffering. Some of the governments in Europe, as I suggested a moment ago, have tried to avoid heavy taxation. They have avoided it to a point where it has become a subject of very severe criticism from this side of the water from those who are creditors of those nations. However, that is not the case as to Italy. It seems to me that her taxation system is tremendously burdensome; in other words, every conceivable source of revenue that the Italian Government can find has been sought out, and taxation is so heavy that I wonder how the people get along under the burden. Consider our own system of taxation. Mr. President, if the exemptions in our income tax law should be applied to Italy and salaries and incomes below that exemption were not subject to taxation in that country, there would be more taxpayers—and I want the Senate to get this—there would be more taxpayers having incomes above the exemption in the city of Chicago alone than in the entire Kingdom of Italy. In other words, their taxation is so burdensome that it goes into the very recesses of every source of wealth.

Mr. President, we are the first country in all the world in agriculture. Italy is way down on the list, because she is very poor in agricultural ability. She can not produce the food she needs, and any country that must buy the necessities of life in order to subsist is in an unfortunate situation, unless that deficiency can be recouped in some other way.

Mr. COPELAND. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New York?

Mr. FESS. I yield to the Senator from New York.

Mr. COPELAND. In that connection has the Senator called attention to the large purchases of the products of the farm made by Italy from the United States?

Mr. FESS. I have not done that; but the Senator from Utah [Mr. Smoot] covered that subject and did so in a very exhaustive manner, and presented comparative figures.

Mr. COPELAND. It seems to me, Mr. President, that it would add strength to the argument of the Senator if at this point the fact were brought out that last year Italy bought from the United States \$91,000,000 worth of cotton, \$26,000,000 worth of wheat, \$8,000,000 worth of oil, \$28,000,000 worth of copper, all from the fields and mines and wells of this country.

Mr. FESS. I did not repeat those figures because they were dealt with exhaustively by the Senator from Utah the other day; but they are very pertinent, I will say to the Senator from New York.

Mr. President, I was about to say that in transportation facilities and their extent we are the first country in all the world; we are first in mining and manufacturing of all the nations of the world, and we are first in our banking resources, having about three-fifths of the banking resources of the entire globe. We are also first in managerial ability and in the organization of industry, and first in the initiative of labor. In other words, America does not only possess all the basic elements at the bottom of great material wealth, but is first in every single one of them. Italy is a country that is away down in rank in all of these basic elements, and she owes us a tremendous amount of money; one-tenth of her total wealth is owing to us in cash. Due, I believe, to the obligation we owe to the citizens of America, we can not give such an amount of money to any country; we have got to regard the debt as an obligation which must be respected, and we are proposing by the pending settlement bill to have every dollar of the principal paid; but when it comes to paying the interest, stretching over 62 years, in the face of Italy bending under her system of taxation in order to make her budget balance, resorting to every element of industry in order to produce to the maximum, cutting to the very bone in her expenditures, and at the same time respecting her obligation, the question comes to me, Shall we make a concession in the interest charge?

The settlement now under consideration provides for the payment of 100 per cent of the principal. We conceded to Great Britain 17 per cent of the interest; but the pending proposal is to concede to Italy a much larger percentage than to Great Britain, and I think it is justified. I shall not for a moment hesitate in voting for the proposal, and I shall do so as one who was in Congress when the loans were made, with the understanding that they were never to be considered a gift, but that they were to be considered an obligation, sacredly regarded and to be repaid. I was one who wondered why we should not enter into specific stipulations at the time, but was convinced, under the leadership of Woodrow Wilson, that that was not the time for us to make such terms. I do not think now it lies in the mouth of any Member of the Senate to say that we ought, after eight years, to quibble about what the terms shall be, but that the settlement should be based on the ability of the Government to pay. Anything else is unwise from the standpoint of America and would be unwise from the standpoint of the debtor country.

MATERNITY AND INFANCY ACT

Mr. SHEPPARD. Mr. President, unless some Senator desires to discuss the Italian debt settlement bill, it is my intention to speak very briefly on another matter.

Mr. President, recently I addressed inquiries regarding the work under the maternity act to the proper authorities in cooperating States, and asked permission in an address before the Senate on this act to append the replies and the summaries of the work in these States, as a part of my remarks, with the headings I had supplied. That permission was granted by the Senate. I had not at that time assembled the replies in proper shape for publication. They are now ready, and I present them for insertion in the RECORD as a part of my remarks.

I asked these State agencies also for a few copies of letters which they might have received from mothers who had experienced the benefits of the act, or from others who had observed its operation. Quite a number of these were sent me, and I shall be glad to show them to anyone desiring to see them. On account of the large number, I shall not ask to place them in the RECORD at this time. I may read some of them to the Senate later.

It is hardly possible to examine these replies and summaries from State agencies and these letters of comment without an increasing appreciation of the importance and the necessity of this work. The replies and summaries I present cover the work of the 43 States and of the Territory of Hawaii, cooperating with the National Government under the maternity and infancy act.

As to the present status of the measure, let me add that, after consultation with the Budget Bureau and the President, the Secretary of Labor transmitted to Congress a recommendation for the continuation of the appropriations under the maternity act for two additional years. The act itself is permanent legislation. The appropriations, however, when the act first passed in 1921, were limited to five years, beginning June 30, 1922. The bill authorizing further appropriations passed the House a few days ago by the overwhelming vote of 218 to 44. It came to the Senate, and was referred to the Senate Committee on Education and Labor. I understand that this committee has voted adversely on the bill. It will be brought before the Senate, however, for discussion and decision during the present session.

I again ask permission to insert the replies and certain summaries in the RECORD as a part of these remarks.

The PRESIDING OFFICER (Mr. KING in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

ALABAMA

ALABAMA STATE BOARD OF HEALTH,
Montgomery, March 3, 1926.

Senator MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SENATOR: In reply to your circular letter of February 19, I am giving you the following summary of accomplishments in Alabama through activities under the Sheppard-Towner Act and inclosing a few excerpts from the narrative reports of the 29 nurses who are employed under this act.

The per capita expenditure for activities in the interest of maternal and infant hygiene has increased from 0.0056 in 1921 derived from State and Red Cross funds to 0.0204 in 1925 derived from State and Federal funds.

Alabama was admitted to the United States death registration area for 1925 on a test of 1924 records. A test of birth registration is under way.

Prenatal supervision of expectant mothers has been undertaken in 28 counties, together with an educational program covering the hygiene of infancy and preschool-age children. The practice of midwifery has been brought under control in these counties.

Very truly yours,

JESSIE L. MARRINER,

Director Bureau of Child Hygiene and Public Health Nursing.

ARIZONA

PROMOTION OF THE WELFARE AND HYGIENE OF
MATERNITY AND INFANCY, STATE OF ARIZONA,
Phoenix, March 8, 1926.

Hon. MORRIS SHEPPARD,

United States Senate Office Building, Washington, D. C.

MY DEAR SENATOR: Your letter of February 19 was received in due time. Please pardon the delay in answering it, but some of the material which I wished to include was not available.

Herewith I am sending considerable material in the shape of reports and copies of letters, and you can use such of it as seems adapted to your purpose. In making copies of the letters I have not attached the names of the writers. Since these letters were written to me in strict confidence, I do not feel at liberty to reveal the identity of the writers. I am, however, quite willing to make affidavit as to their correctness and authenticity and the fact that the originals are in the files of this office.

Please be assured that I am very grateful for your interest and cooperation in endeavoring to secure a continuation of the Sheppard-Towner program.

Sincerely yours,

Mrs. CHARLES R. HOWE,

Director Child Hygiene Division.

ARKANSAS

ARKANSAS STATE BOARD OF HEALTH,
BUREAU OF CHILD HYGIENE,
Little Rock, March 26, 1926.

Senator MORRIS SHEPPARD,

Washington, D. C.

MY DEAR SENATOR: Your letter of February 19 which was sent to Doctor Koenig would have had more prompt attention, but Doctor Koenig was in the field, which may account for part of the delay.

I do not believe any intelligent person who is reasonably well informed regarding the operation of the Sheppard-Towner Act in Arkansas would hesitate to say that it has been accepted with enthusiasm and has met a very urgent need.

You will also find a copy of the "Arkansas Family Series," under separate cover. Reference is made to it in many of the letters, so we

send it in order that you may see what type of literature is being published and distributed as a result of this act.

The Arkansas Medical Society has approved the Sheppard-Towner Act and has indorsed the State board of health in its administration of same.

We are very grateful for your efforts in securing public health and welfare legislation, and we hope that you will be successful in establishing the Sheppard-Towner Act as firmly as are some of the agricultural subsidized acts.

Very respectfully,

STATE BOARD OF HEALTH,
Bureau of Child Hygiene.
By C. W. GARRISON, M. D.,
Special Agent, Children's Bureau.

CALIFORNIA

CALIFORNIA STATE BOARD OF HEALTH,
BUREAU OF CHILD HYGIENE,
San Francisco, Calif., March 5, 1926.

Hon. MORRIS SHEPPARD,
Member United States Senate,
Committee on Irrigation and Reclamation,
Washington, D. C.

MY DEAR MR. SHEPPARD: I take pleasure in sending the material which you have requested from women of the rural area of California. I have included a number of letters coming from different small towns showing how widespread the appreciation of the opportunity developed under the Sheppard-Towner Act.

I inclose, too, a brief statement which we have prepared of the work which has been accomplished during the past three years in California.

Upon receipt of your letter I wrote to various health officers and others in the State who have been closely connected with maternity and infancy work in California, asking them for an expression of opinion as to the value of the work in their communities. When I receive these answers I shall take pleasure in forwarding them as well.

We are looking forward with every hope to the continuance of the Sheppard-Towner bill over a longer period, knowing that it has stimulated many local communities to work on their own behalf and that with longer time we may show material results in our maternity and infancy mortality rates.

Sincerely yours,

ELLEN S. STADTMULLER, M. D.,
Director.

CALIFORNIA ACTIVITIES UNDER THE SHEPPARD-TOWNER ACT

Administrative agency: State board of health, bureau of child hygiene. Staff: Director, physician-lecturer, supervising nurse, 2 maternity-home inspectors (nurses), 4 clerks (1 vital statistics), 18 public-health nurses in 12 counties, on part pay from Sheppard-Towner funds.

Activities up to December 31, 1925: The State nurses supervised the work of the field nurses for maternity and infancy. These field nurses have organized 56 permanent and 14 temporary health centers, in which 40,412 children have been examined. (These figures include some but not all of the children examined during the preschool campaigns.)

Dental conferences and little mothers' classes have been held in a limited number of localities.

State survey of midwives: Three hundred and fifty-six found, of which one hundred and eleven were licensed to practice.

State physicians have examined children in the past year, using this means to stimulate interest in permanent child-health centers and to launch new work of this kind. Lectures to organizations to fill demand for educational work. One physician constantly employed, speaking on child hygiene to groups of men and women, reaching over 10,000 people in the past year. These talks occasionally precede or follow child-health conferences. Prenatal round tables also offered. Sets of prenatal letters have been prepared. These were first distributed to 5,500 physicians of California. Up to the present time 8,678 sets have been sent to mothers.

Inspections: In September, 1925, the bureau of child hygiene assumed the work of inspecting maternity hospitals and homes, making recommendations to the State board of health for license. There are 353 known institutions to be visited. New homes are constantly springing up. This offers a large field for prenatal education and improvement of confinement care.

Educational exhibits have been arranged at fairs, food shows, in well-baby weeks, and in connection with women's organizations.

Eleven new pamphlets have been prepared; 314,877 pieces of literature have been distributed, making an average of 8,745 a month for 36 months.

COLORADO

COLORADO CHILD WELFARE BUREAU,
DEPARTMENT OF PUBLIC INSTRUCTION.

Senator MORRIS SHEPPARD,
United States Senate, Washington, D. C.

Sir: We understand a bill for an appropriation for the years 1928 and 1929 for the extension of the maternity and infancy act is now

before Congress and that the Committee on Interstate and Foreign Commerce of the House of Representatives has already granted a hearing to the supporters of the bill.

Knowing you to be coauthor of the maternity and infancy act, we are writing you to place before you the benefits of this work to Colorado that you may use the information when the bill comes before the Senate.

Before this Federal act went into effect the only work done in Colorado for mothers came under the mothers' compensation act, which in no way covers the ground of the maternity and infancy act, but does go to show our legislators were alive to the fact something had to be done for the mothers in this State. Since the passage of the maternity and infancy act Colorado had written into its statutes a "maternity act" which seeks to provide for a mother six months before the birth of the child until six months after. This maternity act is part of the dependency act of 1923 and is for the sole purpose of relief. This law does not provide for the big, broad, educational work of the Federal act. It reaches the particular individual at a crisis but does not teach our young women the glories of perfect motherhood nor bring to their consciousness the miracle of bringing into the world a healthy, happy child in a healthy, happy way as is taught under the maternity and infancy act.

The spirit of the Federal act is to give to the prospective mother knowledge of herself and the needs of the coming child. We have tried to carry this out in Colorado. Through the courtesy of the Woman's Farm Bureau of the Colorado Agricultural College we have given classes in prenatal infant and child care to the farm women. Other women in the rural communities have been gathered together through the various church aid societies, parent-teacher associations, and women's rural clubs and given lessons on maternity hygiene. Lack of knowledge along these lines is appalling. The consequent mistakes, heartaches, and tragedies are even more appalling.

A most outstanding angle of maternity work in Colorado has been in giving the services of a gynecologist to rural communities. The women on our dry lands as well as those in the mountain districts are seldom able to go to a specialist for examination. They do remarkably well to keep the current family doctor bills paid up. There is always the great drawback of shyness or timidity in having the local doctor make the examination. Whatever the cause of past carelessness in seeking knowledge of themselves we find these women extremely keen to learn the reason of their constant pain and ill health from the gynecologist. In one little town of about 600 population 19 women were examined by this woman specialist. There were three prenatal cases in almost completed term who had not yet seen a physician regarding their condition and only expected to call one in in case of an emergency. The other 16 cases were the results from injuries from childbirth, barrenness, depletion through having so many children under unfavorable circumstances, tumor, cancer, etc. After the examinations the follow-up nurse from the bureau made contact with physicians regarding the cases whenever the patient would allow her to do so. Before the week ended the prenatal cases had all been arranged for and one woman had gone into Denver to her old family physician for an operation for carcinoma. She also established "mother's classes" in the town. This work with the mothers as individuals is the heaviest educational work done in the maternity and infancy division of the bureau, but at the same time the most appreciated by the women themselves.

In our maternity and infancy health conferences we found great numbers of adolescent girls developing goiter. It developed that goiter in women and children exists to a startling degree in large areas in our State. Babies as young as three months old were found to be afflicted. Through heavy publicity in every locality visited by the health conference goiter and its prevention became a subject of common concern and preventative measures have since been adopted in all these communities.

Another important maternity and infancy activity is our campaign on breast feeding. The good done in training mothers in the care and feeding of infants is inestimable. Our feeding cases have been countless owing to outstanding programs on diet for the mother and the child.

The greatest friends to the maternity and infancy work in Colorado are the doctors. It is only when they are in favor of a program that we go into their community. They have been our staunchest friends and most constant supporters.

Inclosed are copies of some letters from a few of the leading physicians in the rural sections of our State showing their attitude toward our endeavors to help mothers and their children.

Maternity and infancy work is bound to grow and grow. It is popular, humane, and of vital necessity. There is a real place for all its activities in Colorado, and Congress will surely see that it continues. One can not picture a single Congressman who would not give to the women of his State the advantage of every bit of knowledge that would make of her a more perfect mother.

In our printed report of 1923-24 you will find a summary of the number of conferences, established stations, classes for mothers and

girls, and the number of children examined. The gynecologist and the better rounded clinics have been developments of the work of 1925 and 1926.

With a firm belief that Congress will be friendly toward this great boon to womankind, I am,

Most sincerely yours,

ESTELLE N. MATHEWS,
Executive Secretary.

DELAWARE

PROMOTION OF THE WELFARE AND HYGIENE OF
MATERNITY AND INFANCY, STATE OF DELAWARE,
Dover, Del., April 13, 1926.

Hon. MORRIS SHEPPARD,
United States Senate Building, Washington, D. C.

MY DEAR SENATOR SHEPPARD: In replying to your letter inquiring as to the value of the Sheppard-Towner funds assigned to the State of Delaware, it is my great pleasure to state that through this fund a great many babies' lives have been saved. While the death rate compared with other States' death rate is still high, nevertheless there has been a steady decline from a much higher death rate.

Through these funds one of the most valuable educational services has been performed, namely, convincing a more or less reluctant public that a small State like Delaware had a serious problem in high maternal and infant deaths, and that the remedy was procurable through public funds. The dissemination of health education can not be overestimated. At the State health centers physicians and public-health nurses hold weekly conferences, and the public-health nurses visit the homes of every known prenatal case and deliver birth certificates to all new-born children. These visits are always accompanied by valuable information and instruction. The service is state-wide, includes the city of Wilmington, and therefore leaves little opportunity for missing any mother or child.

Those of us who know Delaware conditions know that the Sheppard-Towner funds are just beginning to function satisfactorily for the further decline in maternal and infant deaths. Undoubtedly it would mean a great sacrifice in the lives of mothers and babies to have this fund unavailable after the five-year period, and it is to be hoped that Congress may see fit to continue this fund for a longer period in order that the gains made during the past five years may be permanent gains.

It is well recognized in Delaware that the mothers of the State appreciate the value of the work that has been possible through the Sheppard-Towner funds. During a recent session of the legislature, when it seemed that a reduction in the State appropriation was pending, the mothers of Delaware from the northmost to the southmost boundaries flooded the senate and house with personal appeals for the appropriation.

Delaware mothers and babies still need this help. May your good offices, Senator SHEPPARD, which have been so successful and meritorious in the past in promoting this national life-saving purpose, again serve this State and your country in furthering so worthy a cause.

Very sincerely yours,

MISS MARIE T. LOCKWOOD,
Supervisor of Public Health Nurses and Midwives.

SUMMARY OF WORK IN DELAWARE

Administrative agency: State health and welfare commission.

Staff: Director (nurse, part time), 13 community nurses (part time), 2 clerks (part time), 1 milk inspector (part time), 1 sanitary engineer (part time).

Activities: Child-health conferences, 797, at which 21,028 examinations were made. Continued corrections were obtained in every locality. The interest and cooperation of parents are increasing.

Prenatal conferences, 93. The number of women attending was not recorded.

Midwives' classes: Eleven class groups with an enrollment of 392. Two state-wide meetings attended by 182 midwives were held. Improvement in reporting births has been noted, also in the midwives' standards of personal hygiene and their use of equipped bags. Many who were inefficient have ceased to practice. The supervision from the State department has reduced the number of unlicensed midwives and brought about an improvement in those practicing.

Mothers' classes, 5, with 20 women attending.

Little mothers' classes, 2.

Nutrition classes, 1.

Community demonstrations, 2.

A better milk supply was made the object of some campaign work. New permanent child-health centers established, 4. The centers have weekly conferences in rural districts and daily ones in city locations.

Volunteer assistance was given during the year by 3 physicians and approximately 30 lay workers.

Lectures and addresses by staff members, 90.

Exhibits: Graphs, charts, and exhibit material have been prepared for use at clubs and fairs, and films have been shown frequently.

Literature distributed: Several hundred Federal bulletins have been used each month, and a State health bulletin was printed and widely used.

Home visits: Fourteen thousand eight hundred and fifty-six have been made. Demonstrations of the proper selection and preparation of food has been an especial objective.

FLORIDA

STATE BOARD OF HEALTH,
BUREAU OF CHILD WELFARE AND PUBLIC HEALTH NURSING,
Jacksonville, April 7, 1926.

Hon. MORRIS SHEPPARD,
*United States Senator,
Senate Office Building, Washington, D. C.*

Sir: Replying to your letter of March 25, re: Sheppard-Towner work in Florida.

July 1, 1922, this work was begun with an appropriation of \$3,000 Federal money matched by Florida Legislature with \$3,000 State money. Four nurses (three white and one colored) were employed, and a state-wide program was planned and put in operation.

1923: Legislature in regular session matched the entire Sheppard-Towner appropriation for the State, which is \$11,531.72.

1924: As a result of work accomplished by division of maternal and infant-hygiene staff, five extra nurses were added to the staff to work with school children.

1925: Two field supervisors were added, these to assist the director in giving an advisory and supervisory service to the rapidly increasing number of public-health nurses employed by organizations, industries, communities and counties, our desire being that no matter what the plan of work undertaken a program of Sheppard-Towner work should be carried on also.

1922: There were 16 nurses employed by counties, communities, and industries in the entire State.

1926: There are now 108; and while we can not claim that this increase is all due to the Sheppard-Towner work inaugurated in 1922, a large part of the increased interest and desire for continuous work in their respective counties has been due to the work done by the Sheppard-Towner nurses on their periodic visits.

Inclosed please find reports covering the work in Florida from its inception in 1922 to December 31, 1925. I am having some letters written you directly by people who have followed the work and can speak with authority about its value.

Assuring you, sir, of my appreciation of your interest, I am,

Respectfully,

LAURIE JEAN REID, R. N.,
Director Bureau of Child Welfare and Public Health Nursing.

Administrative agency: State board of health, bureau of child welfare and public-health nursing.

Staff: Director (nurse), 7 nurses (1 part time), 2 clerks (1 part time), 1 auditor (part time).

Activities: Child-health and prenatal conferences: One hundred and twenty-eight conferences for white children, with 2,326 examinations made; 48 for colored children, with 3,147 examinations made. At the conference 1,366 white mothers and 1,402 negroes were given instruction on prenatal care.

Midwives' classes: There were 134 class meetings for white midwives and 358 for colored. Altogether 2,902 midwives received instruction and 2,024 completed the prescribed course and received "certificates of fitness." Most of the undesirable midwives have ceased practicing. The follow-up work when a midwife reports stillbirths is having an excellent effect upon the work and the attitude of the midwives, and physicians are being more promptly called if abnormalities or unusual difficulties are to be dealt with.

Neighborhood institutes: In place of the usual mothers' classes it has been found advisable to hold a more informal kind of meeting, termed "neighborhood institutes," in order to obtain the desired attendance and arouse the interest of the women whom it is the aim to reach. Over 600 such meetings were held, more than half of them being for negroes:

The method of procedure was as follows:

The nurse who has to make a demonstration of maternity and infancy work first sought out a woman willing to offer her house for the occasion. The woman herself invited friends and neighbors, being left in control of the matter of whom might attend, unless she asked the nurse to extend invitations. The mothers were instructed in prenatal, postnatal, and child care. If possible more than one meeting of the same group is held. The nurse began her talk on preparation for confinement by telling the assembled women that she wished to help them to learn to improvise in order to save money. She showed them how to use material things at hand, even the contents of the rag-bag, in their preparation before the suggestion was made of expending a single penny. This proved more productive of results than permitting the nurse to carry with her an equipment whose very excellence discouraged mothers who could not afford one so complete.

During one month a different type of neighborhood institute from the one generally held was conducted in two counties. Several points in each county were covered, the same program being conducted in each place. In addition to the State nurse, who talked on maternal and infant hygiene, these institutes were attended by the county nurse, who talked on home hygiene and sanitation; the home demonstration agent, who talked on the family wardrobe; the county nutrition worker, who attended to the details of the noon meal during which the women were taught food values and proper menus for a well-balanced diet; and the county welfare worker who gave talks on household economics.

Dental clinics, 38, of which 9 were for negroes.

Demonstrations, 6: These were made in connection with local activities, such as well baby conferences, local fairs or celebrations, and the demonstrations covered feeding of infants, preparation and care of maternity cases, the use of silver nitrate in the eyes of the newborn, preparations of material to be used, such as solutions, pads, etc.

New permanent child-health centers established, 10.

Campaigns: During negro health week and the first week of May, a special campaign was carried on to interest parents in the periodic examination of infants and preschool children. Constant efforts have been made to improve birth registration, more than 1,000 unreported births being recorded and birth certificates issued.

Lectures and talks by staff members: 705, to both white and colored audiences in rural and urban localities. Films were shown by the movie truck in 49 rural districts before audiences totaling approximately 10,500 persons.

Literature distributed: About 10,700 copies, such as mothers' manuals, midwives' manuals, and bulletins on the feeding of children, and 7,430 pieces of miscellaneous material were distributed during the last half of the fiscal year. The number of the first half year was not reported.

Maternal and infant hygiene work is gradually being made a part of the work of the county and community nurses, and is regularly so done in 10 counties. The beginning was made by having them assist the State staff in conferences and in reporting conditions found.

GEORGIA

PROMOTION OF THE WELFARE AND HYGIENE OF
MATERNITY AND INFANCY, STATE BOARD OF HEALTH
AND UNITED STATES DEPARTMENT OF LABOR CHILDREN'S BUREAU, COOPERATING, STATE OF GEORGIA,
Atlanta, Ga., March 2, 1926.

HON. MORRIS SHEPPARD,
United States Senate, Washington, D. C.

DEAR MR. SHEPPARD: We would like for you to know what we think about the Federal aid given Georgia under the Sheppard-Towner Act. We think Congress should have expressions from the States as to what has been accomplished under the law. It is perfectly natural and commendable in our lawmaking bodies to take an inventory and find the results of appropriations made.

Immediately after the act was passed Georgia accepted it through Governor Hardwick. We immediately proceeded to get an organization for the purpose of carrying out the intent of the law. We had valuable advice and assistance from Washington, and a director for the work was loaned us for a short time.

I feel sure that every State has its own local problems, its own peculiar situation, its own most urgent need. Our State is about 80 per cent rural, with 161 counties and 3,000,000 people. We have a baby born in this State every seven minutes. We found that 11 of them died the first day; that one-third of all deaths in all ages were children under 15 years of age; that 10,215 were under 5 years, or 88 per cent of the total.

We found that of the 60,000 babies born each year 33,000 of them were born without a physician being present. We have about 5,000 negro midwives, many of them not able to read and write, firm believers in many superstitions, charms, etc. This we consider perhaps our greatest problem.

To do a good job the expectant mother had to be reached and educated, as well as the midwife. The unvarnished facts were laid before the State Medical Association, and the house of delegates passed a resolution asking us to take charge of the situation and prepare regulations for midwives and proceed to give them the necessary training. The regulations were prepared, as well as a set of 10 lessons, for midwives. These were submitted by the president of the medical association to the counselors by mail, and they were requested to vote "yea" or "nay." They passed the regulations. Therefore it will be seen that the regulation of midwives is a medical association act; we simply administer it for them.

To reach the rural mother (black and white), we put in the field the healthmobile manned (or rather womaned) by a woman physician, a nurse, and a director of visual education. The State supervisor of nurses is the advance agent, and goes into a county some two weeks in advance of the unit, makes all necessary arrangements and contacts, always getting the county medical society in line first, taking their advice, and next the superintendent of schools. This conference decides who will sponsor the work in the county, either the P. T. A.,

woman's club, or some other association of women. The program for each day is practically the same: Mothers' conference, examination of babies, midwives, expectant mothers, and each evening a public meeting, at which a talk is given on sanitation, health, and the necessity of the examination of expectant mothers and the supposedly healthy babies, the remainder of the evening being spent with the movies on health—the healthmobile being equipped with generator for lights and two picture machines.

We follow up our contacts with visits by nurses in the home. Everywhere we have been gladly received and have had many requests for return visits.

We now have 18 nurses on our staff. In addition to the county work, we instruct midwives, conduct mothers' classes and little mothers' leagues. The average county requires about six weeks for the itinerant nurse. The larger counties require her services continually, as we try to organize clinics for both the mothers and babies. Children's health centers are permanent organizations. We are endeavoring to have Georgia children physically fit when they enter school.

We manufacture and distribute to the physicians and midwives 1 per cent solution of silver nitrate for the prevention of blindness. It is a misdemeanor for one who attends a woman in labor not to put this solution in the baby's eyes. By the use of this we hope to reduce blindness 50 per cent in our State.

I might mention that in one instance the work of one of our negro nurses has reduced the negro mortality in her county among infants and young children 52 per cent, and that we employ three negro nurses, besides having been loaned the services of a negro woman physician.

I am requesting some of our people who are familiar with the work in Georgia to give you their opinion direct. I hope this will not burden you too much; I feel that this letter direct from the citizen to you is better than my editing their opinions and expressions. I am also taking the liberty of sending you under separate cover several annual reports of the State board of health, the statistics therein having been compiled by one from your own State—Dr. William A. Davis.

One of our greatest handicaps is the limited franking privilege.

Please request us for any information that we have not given or anything that we can do to secure the continuation of the Sheppard-Towner law. The value of the work in our State can not be placed in dollars and cents but in the lives of mothers and children and in the years to come a citizenship fit to labor and produce.

Yours very truly,

JOE P. BOWDOIN, M. D.,
Director, Division of Child Hygiene,
Special Agent, Children's Bureau.

HAWAII

BOARD OF HEALTH, TERRITORY OF HAWAII,
Honolulu, March 12, 1926.

HON. MORRIS SHEPPARD,
United States Senate, Washington, D. C.

MY DEAR MR. SHEPPARD: As one of the originators of the Sheppard-Towner maternity and infancy act, you would be interested to know what this appropriation means to mothers and little children of many races here in Hawaii. The Territory has had the benefit of this Federal assistance only since last summer, but the remarkable rapidity with which the work has progressed in so short a time indicates the need it has met and the appreciation with which it is received.

In seven months 51 health centers have been established in the rural districts of Hawaii. More than 2,000 children are already enrolled in these health centers with a monthly attendance of about 1,500. This rapid progress is the result of the cordial cooperation which we have received everywhere. Plantation managers welcome our work and cooperate because they know it to be sound from a business standpoint. Sick babies mean laborers away from work. Physicians are generously giving their time to take part in the work. In rural Hawaii physicians are responsible for districts with enormous population, so they realize the value of preventive as well as curative medicine.

To our health centers come babies and mothers of every race. Interpreters are necessary in many cases, but a desire to give the best care to little children seems to speak a universal language.

In the beginning people asked me how we should get them to come, but one of my nurses said to me recently, "Soon we will have to ask you how to keep them from coming; if the numbers continue to increase as they have done it will be difficult to be as thorough as you insist we must be to be effective."

Yours very truly,

V. B. APPLETON, M. D., Director.

IDAHO

STATE OF IDAHO, DEPARTMENT OF PUBLIC WELFARE,
BUREAU OF CHILD HYGIENE,
Boise, Idaho, March 13, 1926.

HON. MORRIS SHEPPARD,
Senate, Washington, D. C.

DEAR SIR: We have your letter relative to the activities of the Sheppard-Towner work in Idaho. As I have been connected with the work since its beginning in the State your letter has been referred to me,

Prior to the enactment of this law the Bureau of Child Hygiene had never received any money from the State. It was a department in name only. The last two legislatures have each appropriated \$5,000 for this bureau. While this amount is small compared to what some of the States are appropriating, we feel that it is a beginning of the State's realization of its duty to the mothers and children within its borders.

I am inclosing herewith a brief statement of our work and extracts from some of the letters received.

Wishing you the best of success in a work which has meant so much to the mothers and babies of our Nation, I am,

Most respectfully,

Mrs. S. J. EWEN,
Associate Director Bureau Child Hygiene.

SUMMARY OF THE MATERNITY AND INFANCY WORK IN IDAHO

In Idaho the Sheppard-Towner funds are administered through the bureau of child hygiene. The program of the bureau is planned with the thought of reaching the mothers who live in the isolated rural communities, mothers who by reason of their isolation have not had the opportunity to learn that the right kind of prenatal and postnatal care will not only conserve the health of mothers and babies but in many instances the lives.

The outstanding feature of the program is the mother and child health conferences, the greater number of which have been held in the rural communities. At these conferences mothers are given simple but scientific instruction in the care, feeding, and general development of their children and the hygiene of maternity. That mothers appreciate this opportunity that the State gives them is evidenced by the fact that at the 65 conferences held, 633 mothers and 5,714 children have been examined.

Follow-up visits on the cases examined show that many children have been brought back to normal health by the correction of defects and a better knowledge on the part of the mother regarding care and feeding.

Some striking results of the examinations of the mothers have been obtained, including the discovery of cancer in its early stages in six of the mothers. The subsequent removal of these growths, thereby preventing long illnesses and possibly the deaths of these mothers, is a result of the work which should commend itself to any thinking person.

Actual results of the Idaho program may be summed up as follows:

1. The maternity death rate is steadily decreasing.
2. The 1925 infant mortality rate is the lowest that Idaho has ever had.
3. Physicians report that more women are consulting them during the early months of pregnancy than heretofore.
4. Mothers report better babies and fewer sick babies.

INDIANA

INDIANA STATE BOARD OF HEALTH,
UNITED STATES DEPARTMENT OF LABOR, CHILDREN'S BUREAU,
Indianapolis, March 29, 1926.

Hon. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

DEAR MR. SHEPPARD: I am very much interested in your letter of March 25. For some reason we did not receive in this department an earlier letter from you.

I am inclosing a letter which was made a part of the record on the hearing before the House committee and the summary, which was also included.

Recently I wrote for our State health bulletin a narrative summary of the work in Indiana before and after the acceptance of the Sheppard-Towner Act. I prepared for the League of Women Voters a similar article, all of which I am sending you. As soon as the 1925 report comes from the press I shall send you a copy of that.

If you need additional material, I shall be glad to supply it.

Very respectfully yours, *

ADA E. SCHWEITZER, M. D.,
Director of Division of Infant and Child Hygiene.

INDIANA STATE BOARD OF HEALTH,
DIVISION OF INFANT AND CHILD HYGIENE AND
UNITED STATES DEPARTMENT OF LABOR,
CHILDREN'S BUREAU, INDIANAPOLIS.

Miss GRACE ABBOTT,

Chief U. S. Department of Labor,
Children's Bureau, Washington, D. C.

DEAR MISS ABBOTT: I believe that the extension of the act for protection of maternity and infancy (Sheppard-Towner Act) should be for at least another five-year period for the following reasons:

1. Initiation of maternity and infancy activities in many States and the extension of programs in others were made possible by the Federal aid.
2. Much has been accomplished in improving infant health and in lowering infant mortality rates, for ages 1 month to 1 year. This work needs further stabilizing and localizing.

3. Much more needs to be done in lowering early infant mortality and maternal mortality, and in securing observance of better health standards at all ages.

4. The mutual helpfulness of States to each other, the promotion of effective activities on a more economic basis has been greatly enhanced by the helpfulness of the Federal board in evaluating activities and in acting as a clearing house for new ideas and plans of work.

5. Our plan of work has been accepted by them. Improvements suggested and much valuable additional assistance has been given, through speakers, correspondence, quotas of bureau publications, and loans of equipment.

The Indiana State health commissioner, Dr. Wm. F. King, authorizes the statement that the Association of State and Provincial Health Officers approve the extension for a period not less than 10 years.

Respectfully,

ADA E. SCHWEITZER, M. D.

Administrative agency: State board of health, division of infant and child hygiene. Staff: Director (physician), 3 physicians, 4 nurses, 1 exhibit director, 1 clerk and organizer, 1 secretary, 4 clerks.

Activities: Child-health conferences, 119, at which 3,937 children were examined. A special survey was made in two counties (La Porte and Newton) to discover the situation in regard to correction of defects which had been noted by physicians examining in conferences. The percentage 36.89 was ascertained for La Porte County. For Newton 48.4 per cent. Much general improvement was noted in health and habits.

Mothers' classes, 374, with 16,640 women enrolled, has been the major feature of the program in Indiana for the entire year. Three units are in the field conducting the classes, each unit consisting of a doctor and a nurse. The class work is given in five lessons, three by a physician and two demonstrations by the nurse. The emphasis is placed on prenatal care and preparation for home confinement, though one lesson is devoted to the care of the baby in its first year and one lesson to the preschool child. With this plan Indiana is working out a prenatal program, with much attention to detail by educational methods.

Usually a circuit includes two counties, with lessons in each a week apart to each group in the circuit. The work is arranged to take in all sections of the county, 8 to 14 classes in each. The nurse usually gives demonstrations before class groups in one county, while the doctor lectures before the groups in an adjoining county. Each is equipped with a car and material for illustrating her share of the work. Motion pictures are a feature of the work. While the physician gives the last lecture of the series, the nurse enters the next community to arouse interest in the classes. Letters with a questionnaire are also sent to the secretary of the county medical society, the county health officer, and the local physicians. Newspaper publicity is obtained, and mimeographed outlines of the lectures distributed. Women who are prominent in organization work are asked to serve as county and township chairman. An attempt is usually made to have a continuation of the course conducted by local physicians.

Lectures and talks by staff members, 1,980. Motion pictures were widely shown, and a number of charts were also loaned for exhibit purposes at county fairs and on other occasions.

Exhibits and projects: Child-health week at Winona Lake, Chautauqua, Indiana State fair better baby contest, lectures on care of the baby and motherhood to girls at Home Economics School, model maternity and infancy center in new baby building at State fair, exhibits shown at county fairs and other meetings, exhibit prepared for American Medical Association meeting in Chicago shown at State conference of charities and corrections, also at Illinois League of Women Voters meeting in Chicago. Other exhibits were shown at Peoria, Ill.; Lafayette, Ind.; Biennial Council of the General Federation of Women's Clubs, West Baden, Ind.; National Educational Association at Indianapolis, and exhibits were also shown before local, State, and national groups, all of which has aided the national program for maternity and infancy work.

Literature distributed, 156,044 pamphlets, etc.

Midwives: There are fewer than 200 in the State, and these are mostly in two districts whose population is largely foreign. The women are learning that they should demand skilled attention.

Volunteer assistance was given by 44 physicians, 19 nurses, and more than 500 lay persons. Efficient cooperation has been given by nearly every state-wide women's organization, including parent-teacher associations, and a number of men's fraternal and professional organizations.

IOWA

THE STATE UNIVERSITY OF IOWA,
DIVISION OF MATERNITY AND INFANT HYGIENE,
Iowa City, Iowa, February 27, 1926.

MORRIS SHEPPARD,

United States Senator,
Senate Offices, Washington, D. C.

DEAR MR. SHEPPARD: As an immediate reply to your letter regarding the Sheppard-Towner work I am sending a copy of a bulletin which

explains the nature of the work. Although this is now old, a second edition is being prepared bringing the figures up to date. The general nature of the work is about the same.

I should be glad to learn what other specific information you would like, and should be glad to send you anything I can get.

Assuring you of my desire to be at your service, I remain,

Yours very truly,

EDWARD H. LAUER, Director.

EXCERPTS FROM BULLETIN ON MATERNITY WORK IN IOWA

A casual wayfarer driving past the consolidated school at the edge of the little town is attracted by the jam of autos and the groups of people in the school yard. It is midsummer. School is not in session and so he stops to see what is going on. Inside the building a waiting room is crowded with mothers and children. A swinging door gives a glimpse of a physician examining a rosy cherub proudly held in his mother's arms while a nurse fills out the health chart. Another door opens and a mother, or perhaps a mother and father, are ushered out from a private conference with a second physician—a woman—who excuses herself with the remark that at 3 she is to talk to a group of mothers on prenatal care. Here another group is poring over the pamphlets on infant feeding or child care or the nurse may be showing them the latest styles in sensible baby wear. To the interested query as to the meaning of all this, one of the busy farmer's wives in charge says, "Why, we are having a Sheppard-Towner clinic," and she hurries away to see if the doctor will have time to see just one more baby.

PRINCIPLES UNDERLYING THE PROGRAM

In setting up the program for Iowa the following fundamental principles were considered operative, and no activity was undertaken which could not be justified by its relation to these principles.

1. Federal and State grants always have as their primary objective the stimulation of local communities to learn how to do certain things which need to be done, and then by virtue of this knowledge to encourage these communities to make provision for doing these things without Federal or State aid.

2. The program therefore must be essentially educational.

3. The particular objective in this field is to awaken people to an appreciation of the importance of the public-health problem and then to stimulate communities to organize their resources to meet that problem.

4. Absolutely basic to the success of any public-health program is the situation in which adequate medical and dental service of the highest type shall be within reach of every person.

5. To render such trained medical and dental service effective, however, it is necessary that the general public shall be educated to make use of such service to the fullest extent. The individual must be brought to see that he owes it to society to be healthy.

THE IOWA PROGRAM

The activities carried on by the division of maternity and infant hygiene in accordance with the above fundamental principles have been as follows:

1. The holding of clinics or conferences at which children of pre-school age have been examined. Special effort has been made to reach children in need of medical attention. The service is limited to diagnosis, and for treatment of defects parents are referred in every case to their family physician.

2. In connection with these clinics group meetings and individual conferences on prenatal care have been held by women physicians with mothers and expectant mothers.

3. Literature on infant feeding, infant care, child care, prenatal care, children's teeth, etc., has been prepared and distributed throughout the State.

4. There has been inaugurated a program of active cooperation with the State Medical and State Dental Societies, primarily through their respective committees, in an attempt to make available to the general practitioner the best technique and latest advances in the fields of obstetrics, pediatrics, and oral hygiene.

WHAT HAS BEEN DONE WITH CHILDREN

Up to July 1, 1924, clinics have been held in 540 communities in 97 of the 99 counties of the State, with a total of 696 days of service. The following map and tables show in detail the work done:

THE FUTURE

The work has begun well and has been successful in arousing interest and enthusiasm throughout the State. If the activity can be continued for a number of years along the lines laid down, the results will fulfill the expectations of the supporters of the program.

KENTUCKY

STATE BOARD OF HEALTH OF KENTUCKY,
BUREAU OF MATERNAL AND CHILD HEALTH,
Louisville, Ky., March 6, 1926.

HON. MORRIS SHEPPARD,
United States Senate, Washington, D. C.

DEAR SIR: I have received your letter of February 23, and have been trying to get together letters which I thought might be useful to you in your work toward the continuance of the Sheppard-Towner Act.

I am inclosing an outline of the plan of our work in Kentucky which we have been carrying on since we first received national funds. This plan of work was approved by all organizations in the State and by the medical profession. So far as I know, in Kentucky we have had no opposition to the work from any part of the public or from the medical profession.

Since July, 1922, we have done a great deal of health educational work before many groups consisting of men's and women's organizations and before large numbers of school children. Each year we have had some one on the program of the State medical society. We also have had opportunity of speaking to many county medical societies on maternal and child health.

Much has been said by those opposed to it about Sheppard-Towner work not lowering maternal and infant death rates. This has not been true in our own State. Nevertheless, so many factors affect the statistics of both birth and death rates that I hardly think it fair in so short a period of time to expect definite results in any State concerning these rates, but I do know what we have done is to improve the standard of health for women and children and also the care they are now receiving. Naturally, lower death rates are bound to be a by-product of our work.

I wish I could express to you the appreciation of all the women of my State for the stand some of the splendid men in Washington are taking by being interested in the human needs of the people whom you represent.

Feeling sure you will have success in the effort you are making, and with kindest regards, I am,

Faithfully yours,

ANNIE S. VEECH, M. D.

P. S.: Inclosed you will find figures for the work accomplished since 1922. During 1925 the department has done a definite piece of maternal and child-health work in 110 of the 120 counties in Kentucky. By this you see the increase in what we have been able to do from year to year.

I am inclosing a selected number of letters, many of which have come to us unsolicited from the people in the State.

A. S. V.

LOUISIANA

STATE OF LOUISIANA, DEPARTMENT OF HEALTH,
New Orleans, March 3, 1926.

HON. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

DEAR MR. SHEPPARD: As coauthor of the Sheppard-Towner maternity act, I feel sure you will be interested in our work in Louisiana.

We did not begin until September 1, 1924, because the legislature up to that time had not seen fit to accept the terms of the Sheppard-Towner Act and only did so at the 1924 meeting because Doctor Dowling, of the State board of health, offered to meet the Federal appropriation out of the appropriation given the State board of health for general work.

Naturally through the bureau of child hygiene we had done some infancy and maternity work, but very little because of lack of funds.

I have tabulated reports of work from September, 1924, to December, 1925, and take pleasure in inclosing a copy of the tabulation. I think it speaks for itself, as work of this character with so many children in such a large number of the parishes of the State and in different lines must bring great returns, although we can not know of the effect in so short a time as a year and a few months.

As requested, I am inclosing copies of letters in regard to the work.

Very truly yours,

AGNES MORRIS, Director.

LOUISIANA STATE BOARD OF HEALTH,
BUREAU OF CHILD HYGIENE,
DIVISION OF MATERNITY AND INFANCY.

Report of work done from September, 1924, to December 31, 1925

Baby and preschool age conferences:	
Visits to parishes.....	192
Conferences held.....	418
Children examined.....	11,012
Children found defective (1924 data not complete).....	8,300
Defects found.....	34,470
Interviews, doctors and others.....	1,424
News articles, local papers.....	110
Group talks.....	104
Attendance at talks.....	1,837
Mothers instructed.....	4,310
Health exhibits arranged.....	15
Children weighed and measured at fairs.....	1,800
Nutrition corrections reported by health units.....	76
Dental work:	
Visits to parishes.....	15
Dental clinics held.....	48
Children examined.....	6,156
Children found with defective teeth.....	3,733
Children who received dental care (data not complete).....	2,800
Children teeth cleaned or filled.....	2,176
Treatments.....	766
Extractions.....	3,462
Parents and others interviewed.....	253

Special work:

Visits to parishes in interest of M. and I. work and follow-up work among colored children	17
Interviews, doctors and others	858
Group talks	151
Little mothers' classes started	7
Mothers' classes started	6
Visits to homes of colored children	498
Defects found, corrected	151
Defects found, under treatment	694
Registration:	
Visits to parishes	51
Doctors interviewed	861
Registrars interviewed	310
Others interviewed	419
Group talks	54
Present at talks	560
Births registered	250
Deaths registered	69
Midwives:	
Parishes represented	24
Midwives interviewed	834
Home visits to midwives	374
Classes held	169
Attendance at classes	1,241
Demonstrations	117
Assisting in getting equipment	171
Silver nitrate distributed (ampules)	2,653
Midwives completing standard six weeks' course	26
Prenatal work:	
Visits to parishes	36
Mothers interviewed	254
Home visits	234
Group talks	30
Present at talks	260
Talks to mothers on registering the baby	1,019
Work done by portable laboratory:	
Parishes visited	5
Number positive feces examined	429
Number positive malaria examinations	41
Literature distributed	15,388
School conferences held	211
Children examined	23,776
Children inspected (second visit)	3,953
Corrections found on inspection	1,445
Children found defective	21,624
Defects found	79,795

MARYLAND

STATE OF MARYLAND DEPARTMENT OF HEALTH,
Baltimore, February 26, 1926.

Senator MORRIS SHEPPARD,

Senate Office Building, Washington, D. C.

MY DEAR SENATOR SHEPPARD: Replying to your letter of the 23d asking what has been accomplished by the bureau of child hygiene in Maryland, I think I can best reply by sending you a copy of the "Activities of the Bureau of Child Hygiene," also a copy of a letter received some time ago from a grateful lady on the Eastern Shore. This came as a surprise, without solicitation.

The bureau of maternity and child hygiene was established in Maryland to take advantage of the provisions of the Sheppard-Towner bill. Up to that time there was no bureau covering this field in our department.

It is only fair to say that in the administration of the bureau we have been perfectly free to develop our own program and carry out our work as we have seen fit. We have attempted no spectacular activities, but have devoted the resources of the bureau to building up public-health sentiment and activities for children in the various counties; that is, in helping each county help its own children. This year, for the first time, each of the counties has one or more public-health nurses. In 15 counties the bureau is contributing toward the budget of the nurses. All the nurses are carrying on child-health work.

Believe me, very truly yours,

J. H. M. KNOX, Jr.,
Chief, Bureau of Child Hygiene.

SUMMARY OF THE WORK IN MARYLAND

ACTIVITIES OF THE BUREAU OF CHILD HYGIENE

The bureau of child hygiene of the Maryland State department of health is the youngest of the eight bureaus of the department. It was established in 1922, and is financed partly by State and partly by Federal funds (Sheppard-Towner appropriation). Its activities are limited, in accordance with the laws under which it operates, to advisory care of mothers and children under school age. Care of the health of children of school age, with special reference to the control of communicable diseases, and the medical inspection of school children in the grades is included among the activities of the State bureau of communicable diseases.

MIDWIFERY SURVEY

The first piece of work undertaken by the bureau after its organization was a survey of the midwifery conditions in the State.

FIELD WORK

The field work of the bureau is done in cooperation with the deputy State health officer or local health officer with the assistance of the

local public-health nurse. Clinic physicians are sent on invitation from the deputy State health officer or local health officer to conduct the child-health conferences that have been organized in 15 of the 23 counties.

CHILD-HEALTH CONFERENCES

These conferences are held at regular intervals, usually about once a month, in different parts of the county. No medical treatments are given, but any child who needs such treatment is referred to its family physician. Great care is taken to interest and secure the cooperation of the local physician. A report is sent to each physician outlining the results of the examination of his patient.

Nearly 5,000 babies and preschool children (4,986) were examined at the 279 conferences that were held during the year ending December 31, 1925.

PRENATAL ADVICE

Regular prenatal conferences have not been organized. Whenever advice is given, it is given in response to the request of the mother. A circular entitled "Suggestions to Maryland's Future Mothers," containing advice in regard to care during the prenatal period, was published during the summer of 1925. Copies of the circular were sent to all the physicians in the counties, for use in their private practice, and to the public-health nurses.

EARLY VISITS WHERE THERE ARE NEWBORN BABIES

In a number of the counties a special effort is made by the public-health nurses to visit each new mother as soon as possible after the birth of the baby, in order that the mother may have the benefit of helpful suggestions. In accordance with this plan the registrars in 15 counties send an early report of births to the deputy State health officer, and through him to the public-health nurse. The counties in which this is done are Allegany, Anne Arundel, Calvert, Cecil, Charles, Frederick, Harford, Kent, Montgomery, Prince Georges, Somerset, St. Marys, Talbot, Wicomico, and Worcester.

EDUCATIONAL MATERIAL

Educational literature on the care of the baby and the preschool child is distributed by the bureau and is available to any nurse or mother in the county who desires it. The bureau recently issued a pamphlet of instructions to be used in classes for midwives.

STATEMENT BY MARYLAND MOTHER

MAY 30, 1925.

There are some privileges extended to the public which are loudly lauded, while other most important opportunities are accorded us and probably we fail to adequately express our delight and appreciation for services rendered. It is in this spirit of thanksgiving that I tender these few lines.

I am one of the Talbot County mothers who has enjoyed and profited by the medical advice of some of the most prominent and ablest physicians in Maryland. This great service has been procured through the bureau of child hygiene, conducted monthly in our county by Dr. J. H. Mason Knox, Jr., chief.

It is surprising, however, how few mothers, comparatively speaking, have seized this opportunity of placing the supposedly well children under such physical inspection. At the monthly conferences the preschool child—infancy to seven years, inclusive—is given a thorough examination, the individual history recorded, each defect registered and then referred to the family physician for any necessary treatment. Personally I deem it one of the greatest assets that young mothers possess—access to such superior knowledge for the mere asking—and am very proud that my native State takes advantage of this phase of the Sheppard-Towner bill in appropriating a sum of money to carry on such a magnificent work. Its advantages must be even keener in the rural sections, where local physicians are fewer and beyond the "beck-and-call" range.

This article has been prompted by the heartfelt whisperings of mothers overheard by the writer at a recent conference, grateful mothers who desire other parents to profit by their good fortune. Our sincerest appreciation is directed to our two Talbot County health nurses and to the various specialists who so arrange their professional hours to help keep well our little folks—to-morrow's healthful men and women.

MICHIGAN

MICHIGAN DEPARTMENT OF HEALTH,
BUREAU OF CHILD HYGIENE AND PUBLIC-HEALTH NURSING,
Lansing, March 1, 1926.

Senator MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR MR. SHEPPARD: I am in receipt of your letter of February 23, and in response to the same am sending you a copy of the accomplishments in Michigan under the Sheppard-Towner Act up to the date of January 1, 1926. I am also inclosing copies of letters from women who have received benefit from the work done under the Sheppard-Towner funds.

We in Michigan are very anxious, indeed, that this work may be continued, as we feel that the work has been in operation too short a time to put it on a permanent basis.

We shall eagerly await the news from Congress as to the action taken upon the reappropriation of the funds.

Sincerely yours,

MICHIGAN DEPARTMENT OF HEALTH,
LILLIAN R. SMITH, M. D.,

Director Bureau of Child Hygiene and Public-Health Nursing.

Résumé of activities in Michigan, July 1, 1922, to January 1, 1926

Total number infant clinics held by bureau staff.....	814
Total number infants and preschool children examined.....	10,117
Total number prenatal clinics held by bureau staff.....	93
Total number prenatal examinations.....	137
Total number prenatal talks and consultations.....	143
Total attendance at talks and consultations.....	2,457
Total number prenatal letters sent.....	68,660
Total number Little Mothers' Leagues organized.....	690
Total number enrolled.....	14,983
Total number mothers' classes organized.....	229
Total number mothers enrolled.....	8,256
Total number women's classes organized.....	37
Total number enrolled.....	381
Mother and baby health centers in State (outside of Detroit and Grand Rapids).....	70
Total number babies examined at centers reporting since February, 1923.....	69,536
Total prenatal attendance at centers.....	8,953
Total number county health committees organized.....	51
Total talks made by bureau staff.....	1,388
Total attendance at talks.....	65,191

Two county demonstrations in infant and maternity nursing were conducted in Alger County, 10 months; and in Calhoun County, 12 months.

Birth-registration certificates have been sent to parents of all babies born in the State since March 1, 1924. A Message to Parents on infant care accompanies the certificate. To date 181,231 have been mailed.

MINNESOTA

MINNESOTA DEPARTMENT OF HEALTH,
DIVISION OF CHILD HYGIENE,
Minneapolis, Minn., March 2, 1926.

Hon. MORRIS SHEPPARD,
United States Senate,
Committee on Irrigation and Reclamation,
Washington, D. C.

MY DEAR MR. SHEPPARD: I am inclosing a copy of a brief summary of the educational program in maternal and infant hygiene that has been carried on in Minnesota under the Sheppard-Towner Act. I believe this will give you in as concrete a form as possible an idea of the type of program which has been carried on in Minnesota.

As you request, I am also inclosing copies of a few letters received from women in the State typical of the response which comes from women who have received aid through this act.

If you wish any further information about our work here, I shall be very pleased to send it to you.

Respectfully yours,

RUTH E. BOYNTON, M. D.,
Director.

EXCERPTS FROM MINNESOTA PROGRAM

The division of child hygiene of the Minnesota State Board of Health was formed July 1, 1922, to administer the Sheppard-Towner Act in Minnesota. The formation of this division of the State board of health was necessitated by the passage of the Federal Sheppard-Towner law and the acceptance of the provisions of this act by our State legislature. The duties of the division of child hygiene are to cooperate with the United States Children's Bureau in the promotion of the welfare and hygiene of maternity and infancy. The State law authorized the State board of health "to provide instruction and advice to expectant mothers during pregnancy and confinement and to mothers after childbirth." By the wording of the Federal and State laws the activities of the division are necessarily limited to educational work.

Prenatal letters: A series of nine prenatal letters containing advice and instruction for expectant mothers has been prepared. The names of the women to whom these letters are sent are referred to us by physicians and public-health nurses, as well as by the women or their friends. The fact that many physicians of the State are using these letters for all of their expectant mothers shows that they fill a real need. During the year 1923 about 2,000 women received these letters.

Prenatal clinics: During the past year monthly prenatal clinics have been held in five counties of the State in cooperation with the physicians in the counties. The purpose of the clinics is to cooperate with the physicians in the promotion of the well-being of expectant mothers and to impress upon the women of the community the necessity for

going to their doctors for prenatal care. Before starting clinics in any county a meeting was held with the physicians discussing the plans for clinics with them. At these clinics a complete physical examination was given each woman. A general talk on the hygiene of maternity is given by the clinician, and a nurse from the division demonstrates the preparation for home confinement. Such men as Dr. Fred L. Adair and Dr. C. O. Maland have been the clinicians at these clinics.

MISSISSIPPI

MISSISSIPPI STATE BOARD OF HEALTH,
Jackson, Miss., February 16, 1926.

Hon. MORRIS SHEPPARD,
United States Senate, Washington, D. C.

MY DEAR SENATOR SHEPPARD: In reply to your letter of February 23, under separate cover, we are mailing to you our biennial report to the legislature and your attention is called to pages 214 to 285, inclusive. This will acquaint you with the maternal and infant hygiene activities in the State.

Personally, and as executive officer of the State board of health, I wish to express my appreciation of the splendid aid that has been extended to us under the Sheppard-Towner Maternity Act.

It is rather encouraging to go out in the field and find professional and lay members of the community speaking of "prenatal care," "mothers' classes," "child welfare conferences," and the like. A few years ago the communities were interested in school work only, but more and more are realizing these newer phases of the work.

I trust you may glean some of the information you desire from our report. With best wishes, I am,

Yours very truly,

F. J. UNDERWOOD, M. D.,
Executive Officer Mississippi State Board of Health.

SUMMARY OF WORK IN MISSOURI UNDER MATERNITY ACT

Administrative agency: State board of health, division of child hygiene.

Staff: Director (physician), 1 physician, 2 staff nurses, 3 county nurses, 1 nutrition worker, 3 clerks. Additional medical and nursing assistants for special work as needed.

Activities: Child-health conferences, 146, at which 4,161 examinations were made. The correction of defects which had been noted at conferences averaged 17 per cent. In some communities the percentage ran as high as 30 per cent.

Prenatal conferences, 90, with an attendance of 2,298.

Mothers' classes, 195 class groups, with 3,157 women enrolled. One of the most important phases of the work of the county maternity and infancy nurses has been the mothers' classes. The course includes 10 lessons outlined by the State division. It is given to any group of women in the county who request it. When the course is completed an infant clinic is usually held.

Little mothers' classes, 95. In some communities this has been a vacation activity for schoolgirls, but a number of junior high schools have made the work a compulsory course.

Dental clinics, 5, with 258 children receiving care.

Nutrition classes, 90. These are conducted by the State nutrition worker and arranged on a county basis. The counties selected are allotted a period of one month's time each for the work. Prior to the nutrition worker's arrival in the county, the county health department arranges for group meetings for mothers in at least six different communities of the county. In this manner a series of four lessons can be given to each group. The subjects discussed with the mothers are as follows: (1) Food selection; (2) food habit; (3) scoring lessons on usual diet; (4) proper diet for the expectant mothers; (5) diet in overweight and underweight and in constipation.

Group demonstrations: Fifty-one conducted at county fairs, community home-comings, farm picnics, etc. Demonstrations include such things as preparation of artificial feeding, nursing care, and preparation for home confinement. Sometimes talks on child care are given and educational films and slides are shown.

Home demonstrations, 3,633. These demonstrations are given by the county nurses in the homes. They include the following: Preparation of a feeding formula; home pasteurization of milk; care of the new-born baby; post partum care; preparation of infant layette and preparation of a sterile obstetrical pack for home delivery. In many instances there are many other problems which the mothers desire to take up with the nurse, and these problems are handled according to the particular question involved.

A birth-registration campaign was made the feature of the observance of child-health day on May day. A chairman of May day activities was appointed by the State board of health, and an executive committee, consisting of the county superintendent of schools, county health officer, and president of the county medical society was organ-

ized in each county. The committee enlisted the cooperation of any and all interested organizations in the county. Each county worked through its school districts, and a complete survey was made of every birth in that district during the year of 1924 on forms furnished by the State board of health. When the survey was completed all forms were returned to the bureau of vital statistics and the names were checked against the records on file. If the bureau of vital statistics found a birth not registered, a letter was sent to the physician or midwife delivering the case requesting that the birth be properly registered as soon as possible. Through this campaign much interest has been aroused in birth registration, and it is believed that when the next Federal check is made the State will be admitted to the birth-registration area.

New, permanent child-health centers established, 6.

Lectures and talks by staff members, 190.

Literature distributed, 116,546 pamphlets, leaflets, etc.

Prenatal letters: Six thousand one hundred and twenty-six distributed.

Exhibit material: Five health films were loaned to 25 communities.

A sterile obstetrical pack was also made, with mimeographed instructions for its preparation.

An intensive six-month's campaign for diphtheria immunization was conducted, in which 3,397 children were treated, and local physicians aided by giving talks on the prevention of diphtheria, and two films on the subject were loaned to communities requesting them.

The stimulation of interest due to the work of the division resulted in four counties raising funds for the employment of county nurses and in the passage of a law at the last session of the legislature giving county courts authority to appropriate money for public-health nursing work.

MONTANA

MONTANA STATE BOARD OF HEALTH,
DIVISION OF CHILD WELFARE,
Helena, March 1, 1926.

Hon. MORRIS SHEPPARD,

United States Senator, Washington, D. C.

MY DEAR SENATOR SHEPPARD: Thank you very much for your letter of February 23, expressing your interest in the future of the Sheppard-Towner maternity act. I am inclosing for your use a copy of a paper which summarizes Sheppard-Towner activities in Montana from July 1, 1922, to June 30, 1925. In addition to what is stated in this paper, I should like to say that since June 30, 1925, we have also aided in county nursing services for the following counties: Prairie and McCone combined and Broadwater, Meagher, and Wheatland combined. In addition, during the last half of 1925, we held approximately 270 baby and preschool child conferences with 3,000 children examined. About 1,624 ampoules of silver nitrate were distributed, and over 30,000 pamphlets, cards, and leaflets on maternity and infancy welfare were distributed.

Montana first accepted the act through its governor in 1922, and in the following year the State legislature accepted the act and appropriated the full amount necessary to meet the entire Sheppard-Towner Federal appropriation, \$8,701.91. The next legislature of January, 1925, appropriated \$8,700 to meet the Sheppard-Towner Act. I think that this will show you the way Montana feels about this maternity and infancy act, and that the people of the State are as a whole deeply interested in its success. * * *

Thanking you for your interest, I am,

Yours very truly,

HAZEL DELL BONNESS, M. D., Director.

DESCRIPTION OF WORK UNDER MATERNITY ACT IN MONTANA

The work in Montana was begun in May, 1922. The first year was spent largely in acquainting the people of the State with the nature of the work and in making a beginning in our program. Since that time the program has developed rapidly until at the present time we have several well-defined objectives. At the outset it was admitted that we could not get very far with our maternity and infancy program without proper vital statistics as upon satisfactory registration depends our accurate knowledge of mortality rates. We have made it a part of our program to aid in every way possible the registration of births and deaths in Montana. Secondly, we have felt that it is impossible to do any sort of permanent work in the maternity and infancy field without county public-health nurses. To this end we have aided in the establishment of county nursing services wherever possible. The third feature of our work has been an intensive campaign of educational health conferences carried on through our field staff and of educational propaganda through our office.

Our State field staff at the present time consists of four nurses. This staff is maintained in cooperation with the Montana Tuberculosis Association, and one field nurse is maintained by the tuberculosis association and three by the board of health. Our nurses hold baby and prenatal conferences and give lectures and demonstrations. In addition to our State field staff, we are carrying on the policy of aiding in county nursing services.

The following counties have received aid in their nursing services to the extent of one-fourth of the nurse's salary during the year:

Daniels County, one year.
Pondera, one year.
Beaverhead, one year.
Fergus, one year.
Wibaux, one year.
Fallon, one year.
Prairie, one year.
Cascade, one year.
Lewis and Clark, three years.
Missoula, three years.
Dawson, one year.
Gallatin, one year.
Powell, one year.
Flathead, one year.

It is not possible to convey to you an adequate idea of the amount of work that is carried on in Montana under the provisions of the Sheppard-Towner Act without giving some figures. From the beginning of our active field work in the autumn of 1922 to June, 1925, the following work has been done:

Baby and prenatal conferences	1,639
Children examined	20,996
Prenatal cases personally advised	1,669
Prenatal cases which have received our sets of 9 letters	1,500
Mothers advised at clinics, mothers' classes, etc.	10,822
Little mothers' classes held with an average of 10; 12 lessons given to each class	59
Baby birth registration cards	30,000
Ampoules of silver nitrate distributed	6,686
Laboratory examinations (maternity and infancy only)	4,620
Literature distributed through our office, including diet cards, height and weight cards, pamphlets on prenatal, infant, and child care, etc.	60,000

It is very difficult to evaluate the results of our educational program, as we have no exact scientific measure of the accomplishments. We have ample indirect evidence of the good resulting from the work in the increased interest in maternity and infant hygiene shown all over the State. We have considerable correspondence in our office concerning these matters with women who have become especially interested. Our nurses report that the work is being more and more favorably received, and, best of all, we know that the children who are being seen for the second, third, or fourth time are showing marked improvement in health and parents are having defects corrected in a most gratifying manner.

While we can not draw any very definite conclusions concerning our maternity and infancy mortality rates because of the short time the Sheppard-Towner work has been under way, yet I think that we may say that we have already been able to lend some influence to the favorable trend of these rates in Montana:

Maternal mortality		Infant mortality	
1915	8.2	1915	73.3
1916	9.5	1916	85.4
1917	12.3	1917	94.0
1918	15.6	1918	87.0
1919	11.7	1919	80.0
1920	8.7	1920	72.7
1921	7.4	1921	67.0
1922	7.8	1922	68.7
1923	7.5	1923	71.4
1924 (provisional figures)	7.1	1924	65.6

NEBRASKA

STATE OF NEBRASKA,
Lincoln, March 2, 1926.

Mr. MORRIS SHEPPARD,

Committee on Irrigation and Reclamation,
United States Senate, Washington, D. C.

MY DEAR MR. SHEPPARD: It gives me pleasure to comply with your request of February 23.

Nebraska had no work in maternity, infancy, or child hygiene until the maternity and infancy act was accepted by our legislature in 1922. This division of child hygiene, in the State bureau of health, was created then to administer the funds in educational work for the health of mothers and little children in Nebraska. During these years past there have been many thousands of children examined by our competent local physicians, and fathers and mothers have been instructed in the care of the child, and many physical defects found have been corrected. "Follow-up" home calls are made by the field nurse to further instruct and guide these parents in the better health of mothers and children. This work is highly appreciated, and often expectant mothers are found in these homes who need instruction and encouragement.

The prenatal instruction to expectant mothers has been much appreciated, as the accompanying letters show.

Mothercraft classes have been held in various parts of the State, in which prenatal care and care at confinement has been stressed, as well as the physical care of the body.

The bulletins Prenatal Care, Infant Care, Child Care, and Child Management have been distributed in large numbers—during 1924, 73,188, and 1925 (one-half year), 19,246.

A trained Indian nurse has done splendid educational work with the Indian mothers and little children. More mothers are coming to the agency hospital and doctor for care than ever before, and better conditions in the homes prevail.

Very truly yours,

LOUISE M. MURPHY, R. N.,
Director, Division Child Hygiene.

NEVADA

NEVADA STATE BOARD OF HEALTH,
CHILD WELFARE DIVISION AND
UNITED STATES DEPARTMENT OF LABOR AND
CHILDREN'S BUREAU COOPERATING,

March 10, 1926.

MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR MR. SHEPPARD: Am inclosing our first biennial report. We have continued along the same lines as originally planned, and at present have seven public-health nurses in the State.

There are 17 counties in Nevada, and we have divided the State into eight districts; up to date we have given some service to every county but one and will have a nurse in there for demonstration work within the next few weeks. You can readily see that this service is limited in some of the districts as it is impossible for the nurses to reach every place; distances are great, as well as the country sparsely settled. Dr. Russell Anderson, of the Children's Bureau, in Washington, has a copy of a letter written by one of our nurses that will give you an idea of our difficulties; she tells me that she does not know of a case parallel to this one in any other State. I am sure that she will be glad to let you have a copy of this if you wish it.

The nurses without doubt have been able to get closer to the people and have had better personal contact by being forced to make the home calls and give advice there.

This has gone a long way toward educating the public; it seems necessary to educate each individual to sell the maternity and infancy program to the masses.

Am inclosing a copy of the work done from September, 1925, to January, 1926.

At present we are starting an intensive piece of work among the preschool children of the State that will enter school in September, 1926.

The parents seem most interested in this piece of work.

Our plans are to have the first examinations in March and April and, if possible, another in August, before school starts; if this can not be done in August, we will have a second examination as soon after school opens as convenient.

We are following along the line used by Dr. Ellen Stadtmuller, of California, during the time that she did the preschool work there last year, but in a much smaller way.

Sincerely yours,

MAUDE WHEELER,
Executive Secretary Child Welfare Division.

NEW HAMPSHIRE

NEW HAMPSHIRE STATE BOARD OF HEALTH,
DIVISION OF MATERNITY, INFANCY, AND CHILD HYGIENE,
CHILDREN'S BUREAU COOPERATING,

Concord, March 8, 1926.

MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SENATOR SHEPPARD: The maternity and infancy work brought about through the Sheppard-Towner Act in New Hampshire has been most gratifying, and we feel successful. We have been able to accomplish a great deal in an educational way through our pamphlets and leaflets which are sent to the mother of every newborn baby in the State from the time the child is registered until it reaches the age of one year, and our letters and books on the necessity of prenatal care which reach about 15,000 prospective and potential mothers yearly. Our nurses are able to give much valuable service not only in an educational way but in actual help in thousands of homes throughout the State. We have held over 200 child-health conferences which have been a splendid means not only in the correction of physical defects but a means of education to parents and physicians alike.

The work has been received by all concerned in a most satisfactory manner. There has been no complaint from the physicians and the work is highly thought of by the people in general.

Last year New Hampshire had the second greatest drop in infant mortality in the country. We hope that this splendid record will be continued this coming year.

There is very rarely a mail comes to the office but contains letters from mothers thanking us for the service that has been rendered for literature sent and either asking for additional information or for a call from one of our nurses. These letters are all answered, and whatever help the mother desires is given.

The State board of health feels that it is accomplishing a greatly needed piece of work in New Hampshire and sincerely hopes that the Sheppard-Towner funds will be continued for a longer period of time.

Very sincerely yours,

ELENA M. CROUGH, R. N.,
Director Division Maternity, Infancy, and Child Hygiene.

EXCERPTS FROM DESCRIPTION OF WORK IN NEW HAMPSHIRE

Seven nurses who are specialists in maternity and infancy work have been employed by the division during the past year. These nurses visit the homes of newborn babies in their territories to give each mother whatever help or advice she may desire. From the beginning of the work there has been hardly an instance where these health visitors have not been gladly received by the mothers, frequently sent for, and always welcomed as a greatly needed friend. Particularly is this true in the rural sections where distance is great and it is difficult to reach a physician. The nurse is able to help the mother with many problems, set her mind at rest on many subjects, give her proper intelligent prenatal care, take her if necessary to a physician for examination, and do many things to make her more comfortable in mind and body. If her baby needs a doctor's care, the nurse tells her so and sees that a visit is made to the physician's office or that the doctor comes to the home. Her duties are so diversified that it is impossible to enumerate them, but the important thing is she is the recognized friend and helper of mothers and children, both loved and respected wherever she and her work are known.

One of the important services rendered is the establishing of the obstetrical package. This is primarily a service for the physicians, particularly in rural communities, although the cities have also taken advantage of this service. Materials sufficient for three packages are given free of charge by the department. A group of women are instructed how to make and sterilize them. Each package is sold for \$2, this money being used to purchase further supplies to continue the work. In a great many instances the prospective mother is too ill or too poor to properly prepare for her confinement, and this carefully made sterilized maternity package may be the means of saving her from puerperal septicemia. Much credit should be given to each group of women carrying on this service in 32 towns in the State.

More intensive and consistent health education is necessary if we are to lessen sickness and disease and if we are to lower maternal and infant mortality. One of the most effective ways to give the necessary information to the public is by means of free literature, lectures, moving pictures, poster display, and lantern slides. Close attention has been paid to all of these. Every mother in New Hampshire receives the latest and best pamphlets, booklets, diet slips, and letters on prenatal, infant, and child care from the time of her baby's birth until it reaches the age of 1 year.

All of our exhibit material is available to the public. Books by noted authorities on these subjects are in our loan library and will be loaned free of charge upon request.

We are encouraging our schools to institute home nursing and child-hygiene classes by loaning equipment necessary for the success of such classes.

Every request to speak on prenatal, infant, and child care is complied with, as we feel that this is one of the best methods of imparting information not only in connection with the maternity and child-hygiene program but on health matters in general.

Giving instruction in prenatal and infant care to groups of mothers and interested women is another important feature of our work. The full course consists of nine lessons concerning all phases of the hygiene of maternity and infancy, but in instances where it is unfeasible to give the full course, three lectures have been arranged that will be most helpful and give a great deal of valuable information. These courses will be given absolutely free of charge to any woman, club, or group of women in the State.

In sections where no nurse is employed, if a mother desires to secure the services of a nurse, a letter addressed to the director of the division, Concord, N. H., will meet with an immediate reply.

NEW JERSEY

STATE OF NEW JERSEY, DEPARTMENT OF HEALTH,
Trenton, March 3, 1926.

Hon. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SENATOR SHEPPARD: Replying to your letter of February 23, would give you the following facts regarding the application of the Sheppard-Towner moneys in the State of New Jersey:

The Legislature of New Jersey passed the enabling act in 1922, and New Jersey participated in the benefits of the Sheppard-Towner Act

beginning 1922, when it received \$12,000 and each year thereafter \$31,284.55.

In addition, the legislature has appropriated directly to the health department for the child-hygiene work \$60,000 each year from 1922, with the exception of 1925-26, when it was increased to \$65,000.

As a result of the activities of this department, child-hygiene work is established in 258 communities, representing 100 field nurses. Of these nurses 68 are paid by the local communities, and in this way the State is left free to extend its demonstrations and efforts to develop the work throughout the State.

The infant-mortality rate since 1918 has declined from 112 to 69. The maternal mortality rate has been practically stationary. You may be interested in a series of maps which show a reduction of infant mortality by county.

Perhaps the results can be summarized by saying that in 1918, 15 counties were black, which means that the mortality rate was over 100 deaths per 1,000 live births; while in 1924 there were no black counties and but 1 county of the 21 in the State with a mortality rate between 90 and 100.

Trusting this is the desired information, I remain

Very truly yours,

H. B. COSTILL, M. D.,
Director of Health.

NEW MEXICO

STATE OF NEW MEXICO DEPARTMENT OF PUBLIC WELFARE,
BUREAU OF PUBLIC HEALTH,
Santa Fe, March 6, 1926.

Hon. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SENATOR: Miss Margaret Reeves, director of the State bureau of child welfare, has handed to me your request for data on the operation of the maternity and infancy act in this State, as Miss Reeves's bureau no longer administers these funds.

We compiled recently a summary of statistics for the use of our Senators and Representative, and I am inclosing herewith a copy of these data.

The central State health agency in New Mexico was created in 1919. Naturally, because it was new and untried, its appropriations were exceedingly meager. I think I can safely say that no other contribution from the Federal Government has been productive of so much good as has the allotment for maternity and infancy work, for it made possible the extension to large numbers of rural mothers an educational program that could not have been supported in any other way. Part of this money is now going to the permanent maintenance of public-health nurses connected with full-time county health departments, and they are giving a large share of their time to special health work for mothers and babies.

You have doubtless been made aware of the opposition to a continuance of the Federal allotment on the part of some States and of some medical groups. I am disappointed that physicians should take this attitude and believe that it is chiefly due to a failure to understand the underlying motives of this program. At least in this State the physicians have given the most cordial cooperation to the maternity and infancy nurses, and one county medical society has elected one of our nurses to honorary membership. This seems to me to indicate that the doctors are fundamentally in sympathy with this program once it has been demonstrated to them, and that opposition arises from ignorance of its scope. At the meeting of the American Medical Association in Dallas next month I expect to read a paper in which some of these matters will be discussed. While I do not hope that this will in any way influence the opinions of those who have already made up their minds, I can at least go on record in favor of a continuance of the act and give a statement of our practical experience with it.

I sincerely hope that you will succeed in gaining a continuation of this extremely valuable cooperation.

Respectfully,

G. S. LUCKETT, M. D.,
Director State Bureau of Public Health.

Report on all Sheppard-Towner activities in New Mexico
(For the period from July 1, 1922, to July 1, 1925)

FIELD WORKERS

1. Children's health conferences.....	287
(a) Number examined.....	4,473
2. Children seen individually.....	4,098
3. Conferences for expectant mothers.....	7
(a) Total examined.....	18
4. Individual prenatal visits.....	509
5. Visits to maternity cases.....	100
6. Number classes for midwives.....	230
(a) Number enrolled that received certificates.....	56
7. Visits to midwives.....	280
8. Little mothers' classes (schoolgirls).....	8
(a) Number enrolled that received certificates.....	59
9. Health demonstrations.....	78
10. Home demonstrations (nursing).....	1,779

11. Public talks.....	875
(a) Attendance.....	4,396
12. Press articles written.....	293
13. Literature.....	12,816
14. Patterns distributed.....	1,915
15. Births registered.....	981
16. Total miles traveled.....	23,827
17. Communities visited.....	146
18. Home visits, unclassified.....	6,370

STATE BUREAU

1. By the Chief of Child Hygiene Division (from Feb. 1, 1925, to July 1, 1925):	
(a) Talks to groups.....	9
Attendance.....	617
(b) Days in field.....	72
(c) Boards of county commissioners visited.....	4
(d) Child health conferences assisted.....	2
Number examined.....	39
(e) Counties visited.....	15
(f) Communities visited.....	63
(g) Miles traveled.....	4,300
2. Instructions to mothers mailed out ¹	24,179
3. Milk letters, with instructions to mothers ¹	6,005
4. New teaching material, new report forms, and establishment of little mothers' classes were additional accomplishments during the period from Feb. 1, 1925, to July 1, 1925.	

NEW YORK

STATEMENT FILED BY DR. ELIZABETH GARDINER, ACTING DIRECTOR OF THE BUREAU OF MATERNITY, INFANCY, AND CHILD HYGIENE, STATE DEPARTMENT OF HEALTH, ALBANY, N. Y., WITH HOUSE COMMITTEE ON INTER-STATE AND FOREIGN COMMERCE, JANUARY 14, 1926

The following is a brief statement of the work done in New York State under the provisions of the Federal maternity and infancy act during the fiscal year July 1, 1924, to July 1, 1925:

Administrative agency: Department of health, division of maternity, infancy, and child hygiene.

Staff: Director, associate director (physician), executive clerk (physician), 4 physicians, 23 staff nurses (and 24 part-time maternity and infancy community nurses employed from Sheppard-Towner and local funds), 3 county nurses, 2 midwife inspectors (nurses), 1 organizing field agent, 1 office manager, 4 clerks, 8 stenographers, 1 advance agent, 1 chauffeur.

Activities: Child-health conferences, 236, at which 4,895 children were examined. In addition to the conferences conducted by the State staff, 2,049 conferences were conducted in local communities where the staff was partly supported by maternity and infancy funds, with 17,694 children attending, and 6,027 physical examinations made. In selecting communities in which the State units were to conduct child-health conferences preference was given to those most likely to continue them on a local basis after one or two demonstrations by the State unit.

Prenatal conferences, 155, at which 525 examinations were made. The local staffs partly supported by maternity and infancy funds held 1,488 additional conferences, with 8,406 women in attendance, and 3,116 examined. The prenatal conferences conducted by the State unit were organized by a nurse who made the preliminary arrangements, called on prospective patients, obtained the permission of physicians for patients' attendance, and, if necessary, made the follow-up visits on patients who attended the conferences. If there was a local nurse, she generally did the follow-up work.

New permanent child health centers established, 30, making a total of 28 centers partly supported by maternity and infancy funds. In addition 108 were entirely supported by municipal or private funds. These were given advisory and supervisory service by the State division and report to it.

New permanent parental centers established, 10.

Mothers' classes, 154 class groups, with a membership of 2,217 taught by State staff, 236 taught by local staffs.

In 28 communities child-health consultations have been carried on by part-time physicians, who receive an honorarium from Federal funds. These consultations are held regularly either monthly or twice monthly throughout the year.

Sixteen specialists in obstetrics and pediatrics served as regional consultants for the division, they aiding in the progress of maternity and infancy work in various parts of the State by addressing medical societies and other groups of physicians, conducting graduate courses in obstetrics and pediatrics, and conducting pediatric clinics. These consultants received a small compensation on the per diem basis for their services. During the year two courses in obstetrics, consisting of six lectures on prenatal care, postpartum care, management of normal labor, pathology of pregnancy (two lectures), and pathology of labor, were given to county medical societies; and a clinical group of physicians on Long Island gave one course of pediatric clinics. The course in pediatrics covered natural feeding, artificial feeding, nutritional disturbances, tuberculosis and cardiac diseases in young children, posture or office orthopedics, and protective inoculations.

Six community demonstrations were made.

¹ Items 2 and 3 cover entire period of Sheppard-Towner activities within the State.

NORTH CAROLINA

NORTH CAROLINA STATE BOARD OF HEALTH,
Raleigh, April 2, 1926.

Senator MORRIS SHEPPARD,

United States Senate, Washington, D. C.

DEAR SENATOR SHEPPARD: Your letter of March 27, relative to what part the Sheppard-Towner Act plays in the maternity and infancy work of North Carolina, has been received.

The State, together with Federal funds derived from the Sheppard-Towner Act, participates financially on a 50-50 basis with every county in the State desiring to undertake maternity and infancy work in accordance with a plan jointly approved by the State board of health and the Children's Bureau of the Department of Labor. The county budget usually consists of \$2,500, of which amount the State contributes \$625; the Children's Bureau, \$625; and the county, \$1,250. It is expected that this basis of financial cooperation will be continued for a period of one or two years, after which there will be a gradual reduction of State and Federal funds and a gradual increase of county funds until a period is reached at which time the counties can assume their full responsibility.

Trusting this information is what you desire and that you will be successful in securing the continuance of the appropriation of the Sheppard-Towner Act in Congress, I am,

Very truly yours,

H. A. TAYLOR, M. D.,

Director Bureau of Maternity and Infancy.

SUMMARY OF WORK IN NORTH DAKOTA UNDER MATERNITY ACT

Administrative agency: Department of public health, division of child hygiene and public-health nursing.

Staff: Director, 1 nurse, 1 clerk.

Activities: Child-health conferences, 127, at which 2,817 examinations were made. Many of the conferences were return visits to communities in which conferences had been held last year. In these places it was found that an encouraging number of the defects noted by the examining physician at the conference of the previous year had been corrected. Prenatal conferences were held in conjunction with the child-health conferences. Mothers were advised concerning prenatal care, and any mother desiring an examination was given one. The State bureau received more requests to hold conferences in various communities of the State than it could fill.

Campaigns: Assistance was given in the birth-registration campaign in the first six months of the year. North Dakota entered the birth and death registration area in December, 1925, as a result of the campaign.

New permanent child-health centers established, 2.

New permanent prenatal centers established, 1.

Lectures and talks by staff members, 69.

Literature distributed, 15,846 pamphlets of various kinds.

Volunteer assistance was given by 22 physicians, 19 nurses, and 336 lay workers. The physicians have cooperated throughout the State, and much of the success of the conference work was due to their support in creating local interest, as well as their aid at the conferences. Local organizations have been helpful in preparing for the conferences.

The child-health conferences held annually in connection with the State fair have aroused so much interest that a special building was planned for the accommodation of future conference work at the fairs.

OHIO

STATE OF OHIO DEPARTMENT OF HEALTH,
Columbus, March 3, 1926.

Mr. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

DEAR MR. SHEPPARD: In answer to your letter of February 24 may I send you a copy of the last annual report as prepared by my predecessor? Our program for this year includes most of the items of the maternal and infant welfare program carried on by other States. We are demonstrating public-health nursing services in the counties by holding children's clinics, broadcasting information through talks, printed matter, and the healthmobile, organizing little mothers' leagues, giving radio talks, etc.

The reports of the State department of health on Sheppard-Towner activities, however, do not constitute a fair measure of the total amount of work done in our State. This is because of the unique organization of Ohio's health work in accordance with the Hughes-Griswold act, which tends to decentralize health work so that most of it is carried on not by the State department of health but by the local county health districts. We feel that our main function is to lead the way and to encourage our local health officers and nurses. It has been somewhat difficult to fit the provisions of the Sheppard-Towner Act into this scheme of organization, but I am quite certain that we have been successful and with very gratifying results.

Sincerely yours,

H. E. KLEINSCHMIDT, M. D.,
Chief, Division of Child Hygiene.

PLAN OF ADMINISTRATION OF THE SHEPPARD-TOWNER ACT IN OHIO,
1923-1925

For the furtherance of efficient and comprehensive health service and for the dissemination of knowledge as means to assist in the reduction of maternal and infant morbidity and mortality, the following plan is proposed:

1. Education.

A. Lectures before medical societies and local health organizations by obstetricians and pediatricians of national repute.

B. Institutes: Organized at convenient points for physicians, health commissioners, and nurses.

C. Clinics.

1. Prenatal.

2. Preschool.

3. Orthopedic: Purely diagnostic and educational in nature and always referring patients back to the family physician.

D. Instruction to nurses: By printed outlines or correspondence, or in small specially organized groups upon the specific problems of maternity and infancy.

E. Demonstrations: These demonstrations will be organized in order—

1. To assist the community in recognizing and practicing minimum standards for the hygiene and welfare of maternity;

2. To carry to potential and expectant mothers through conferences and demonstrations practical methods of personal and child care;

3. To cooperate with the medical profession in the educational and diagnostic phases of the management of pregnancy and infancy;

4. To stimulate a greater interest in the vital statistics of these periods of life;

5. To promote a coordination of effort among all agencies interested in maternity and infancy;

6. To emphasize these general public health measures which are essential to the success of any personal or public health program.

The general organization of these demonstrations will be under the direct supervision of the Ohio Department of Health. It is hoped that certain assistance will be furnished by local official and voluntary, professional and social agencies.

The local administration of these demonstrations should be arranged jointly by the general or city health districts and the Ohio State Department of Health. The demonstrations should continue for a reasonable period until the State Department shall have been furnished evidence that the work will or will not be continued by local effort. The following procedures are advisable before the actual work is begun:

1. The preliminary meetings with the county medical, dental, and other societies to present the objects and extent of the proposed demonstration.

2. Preliminary survey of the local problem and facilities.

3. Arrangements for office space and for cooperative assistance from professional and social groups.

4. Meetings, at various times, of public officials and representatives from official and voluntary organizations and societies to adopt plans for the permanent prosecution of the work.

It is very essential that the medical profession and laity both understand thoroughly that these demonstrations are solely educational and diagnostic in nature. In every instance the professional relationship between patient and physician will be preserved. The demonstration will in no instance assume actual corrective or treatment measures.

The home visitation and conference educational and demonstration work will be carried on by nurses and physicians. This work will be carried to prospective mothers and into homes where there are children, with the consent and approval of the family physician, and then only after he has been made familiar with the nature of the information to be given. It is not contemplated that such educational work should be limited to subjects pertaining solely to the hygiene of the maternal and infant periods. The subjects covered should include all those phases of public health which bear upon general health promotion of the mother during the important periods of pregnancy and delivery as well as the specialized applications of public health principles pertaining to the hygiene and welfare of infancy and the preschool period.

OKLAHOMA

STATE OF OKLAHOMA,
DEPARTMENT OF PUBLIC HEALTH,
Oklahoma City, March 3, 1926.

Hon. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

DEAR SENATOR: It gives me great pleasure to acknowledge receipt of your letter of the 24th ultimo and to try to advise you in a general way as to what has been accomplished by the act in our State. However, the thing you ask is indeed difficult, quite as difficult as to look at a boy of 4 and estimate his value at 60. The infancy act, looked at through my own eyes (although I admit I might be prejudiced), bids fair to be nothing short of an Abraham Lincoln, should its life be spared and its possibilities developed.

Prior to the acceptance of the act, no appropriation had been made for the health and welfare of these groups, and Oklahoma being only 18 years old has had little time to develop anything in the way of instruction in maternal and infancy hygiene through volunteer and official organizations. Aside from our two largest cities, in each of which there is a very efficient but inadequate nursing organization, the only instruction available to the mother, aside from that through this bureau, is from the physician or the occasional unlicensed, untrained midwife.

The accomplishments of this bureau probably are best seen in the change of attitude shown by the general public and the professional groups. The mothers are beginning to sense their rights and responsibilities as regards proper prenatal care, proper care at the time of delivery, proper aftercare, proper care of the infant, and proper care of the preschool child. They are eagerly acquainting themselves with the accepted standards of excellence as regards prenatal, natal, and postnatal infant and child care, and are asking that the care they get approximate these standards. In turn they are beginning to sense their tremendous responsibilities of citizenship in giving to the community a superior people physically, mentally, and morally.

The medical profession, recognizing the part it plays in this new order of things, is rising to the need. This is evidenced by the number of doctors taking postgraduate work in obstetrics and pediatrics and in the number making changes of location. Just recently a three months' postgraduate course in pediatrics has been launched in seven counties of the State with 146 physicians enrolled. Other county societies are demanding the instruction, and they will be visited as soon as the extension department of the university, which is responsible for this work, can reach them. A number of new hospitals have been built, and each one has made, or is making, special provision for maternity work.

The dentists are cooperating with the bureau almost as a unit in furthering the subject of dental education, and the graduate private-duty nurses are showing such an interest that the bureau just at this time is outlining an intensive postgraduate course in maternal and infant hygiene, which will be available to them as well as to all senior pupils in the accredited nurse training schools.

So great is the interest being shown in the rural home-making clubs that at least one home demonstration agent remarks that if this interest in health continues, she will be unable to complete her own project. Probably the most revolutionary change of attitude is the interest in and the demand for special training in maternal and infant hygiene by the normal schools, the other schools of higher learning, the high schools, and even the grades. Since Oklahoma introduced child care and training in its public-school curriculum in 1923 and since the teachers of home economics have been getting theoretical with some practical training in these subjects for three or four years, it was an easy matter to work out a cooperative scheme whereby the special, technical skill, literature, and equipment of the bureau could supplement that of the instructors in home economics in both the teacher-training and the public schools, so that the maternity and infancy program may be standardized for the entire State.

Something of the growth of the work can be sensed by a comparison of the following figures:

The number of county fairs visited upon our own initiative in 1924 was 32.

The number visited upon special request of the interested authorities in 1925 was 56.

The approximate number of mothers getting the prenatal and postnatal letters in 1924 was 2,000.

The exact number getting letters in 1925 was 6,751.

The number of talks and lectures given by the staff (exclusive of that of the director) upon the initiative of the staff in 1924 was 447.

The number given by the State staff (exclusive of the director) and upon special request of the interested organizations in 1925 was 1,505.

We are happy to advise that as soon as we could make our position clear to the various professions and the general public we have had nothing but the most hearty cooperation from all the official and non-official health and educational institutions in the State. The press, too, has been very helpful.

That the mothers appreciate this service is evidenced by the many letters of appreciation coming to us daily, copies of a few of which will be sent you. My own opinion is that the Sheppard-Towner Act promises to fulfill in our State everything that is expected of it by its authors and its friends, but more time is needed in which to "clinch" the program that shows such phenomenal promise.

Assuring you of our gratitude for your efforts in behalf of the mothers and infants, we are,

Yours very sincerely,

LUCILE SPIRO BLACHLY, M. D.,

Director.

OREGON

OREGON STATE BOARD OF HEALTH,
BUREAU OF PUBLIC HEALTH NURSING AND CHILD HYGIENE,
Portland, Oreg., March 6, 1926.

Senator MORRIS SHEPPARD,

United States Senate, Washington, D. C.

SIR: There is no doubt in the minds of those of us who have worked close to the bureau of child hygiene, through which the provisions of the Sheppard-Towner Act function in this State, of the success of this very splendid work. As Oregon was the fifth State to accept the provisions of the Sheppard-Towner Act, we have had time to measure some of the results of our program, and feel that at least we have succeeded in arousing a very great interest in better child health in every section we have contacted.

Our program for the first year, 1922, as outlined by Miss Cecil Schreyer, assistant director of the bureau of child hygiene, and further enlarged upon by Dr. Estella Ford Warner, who was appointed director upon Miss Schreyer's resignation, included:

1. The issuance of prenatal letters: A series of nine advisory letters sent out upon request to any expectant mother residing in the State.

2. Form letters were sent out advising physicians, clubs, and other organizations of these letters and asking their cooperation. Articles were sent to papers also.

3. Distribution of literature on prenatal care and child care.

4. Establishment of child-welfare clinics over the State.

5. Addresses and talks before clubs and other organizations telling them of the work of the bureau.

6. Supplying individuals and organizations with information and material on maternal and child welfare.

7. Affiliating with the University of Oregon School of Social Work for lectures and field service.

During the first year and a half the mailing list for the prenatal letters reached the 1,200 mark, and 82 clinics, at which 3,500 children were examined, were held. Out of 36 counties, 22 were reached during this period, some of the most interesting clinics held being in the most isolated sections of our State.

During the second year a series of three postnatal letters was added to the educational program, and certificates of birth, together with a letter to parents telling them of the services of the bureau, were sent to all parents with babies born outside of the city of Portland. This has brought in a satisfactory return in the way of requests for advice and literature as well as appreciation.

During the spring and fall of 1923 lectures on maternal and infant hygiene were given in connection with courses at the University of Oregon and the Oregon Agricultural College, and a series of lectures and class work was presented at the summer session of the university extension. Studies were made by the bureau statistician concerning the incidents and causes of stillbirth and the causes of infant and maternal mortality.

In 1924 a series of four prenatal clinics was arranged for in cooperation with the obstetrical department of the University of Oregon Medical School and the Portland Visiting Nurses' Association. These clinics offer services to those who could not otherwise afford prenatal care and also serve as a teaching center for the medical students.

In July of this past year one of the weekly letters of the State board of health called attention to the work of the bureau of child hygiene and asked that doctors, nurses, and people interested in prenatal letters send in names to this office for this service. This letter was reprinted in most of the county newspapers, and has resulted in a marked increase in the number of prenatal letters.

Relative to the prenatal letters, we frequently meet mothers out over the State who express their appreciation of the advice they have received in this way.

In the five counties where there is a full-time unit and where the nurses are paid from Sheppard-Towner funds, there has been a most intensive maternity and infancy program carried on during the past year. Three permanent infant and preschool clinic centers have been established, little mothers' classes have been organized, demonstrations have been made of the obstetrical kit for home deliveries, and infant and preschool clinics have been held in various parts of the counties. In one county a dental survey was made of all the school children which has resulted in the establishment of a permanent dental clinic. In two of these counties much work has been done in the schools relative to immunization for diphtheria and scarlet fever.

Owing to the resignation of Doctor Warner in January, the Children's Bureau kindly loaned us a clinician for state-wide clinics during the latter part of the summer. Eighteen clinics were held, covering the different sections of the State pretty thoroughly, and over 1,000 children were examined. Many of these clinics were held in most isolated sections and were very well attended, showing the results of the intensive clinic program held previously. In going over this territory with the clinician, one of the most hopeful indications of the good results of the Sheppard-Towner work that I observed is the intelligent interest the young mothers are taking in their children

and the desire expressed for more frequent clinics. They are very anxious that we come back again this year and plan for two or three day clinics in each place so that all the mothers may be benefited.

We find, too, that there are many more requests on the part of the young mother for information such as is given out through this bureau as to feeding, posture, habit training, etc. * * * The young mother is calling for later literature on child nutrition and development and is demanding the very best for her child in every respect.

We are very anxious in this section of the country to see the Sheppard-Towner work continued through another five-year period, which would place our work on a most substantial basis.

Very truly yours,

GLENDORA M. BLAKELY, R. N.,
Assistant Director, Bureau of Child Hygiene.

PENNSYLVANIA

STATEMENT OF DR. MARY BIGGS NOBLE, DIRECTOR OF ADMINISTRATION OF THE SHEPPARD-TOWNER ACT FOR THE STATE OF PENNSYLVANIA, BEFORE HOUSE INTERSTATE AND FOREIGN COMMERCE COMMITTEE, JANUARY 14, 1926

Doctor NOBLE. Mr. Chairman and gentlemen of the committee, I want to say at the beginning that we have the very greatest latitude in making our plans in Pennsylvania.

I had the honor to be in the division work before any Federal money was available, and our plans were simply laid aside because there was no money to carry them on, and it was simply the matter of getting out those plans and starting them when the money was available.

The three points that I shall make are that we are starting permanent child-health work, going into communities, and making such a basis that if we were suddenly swept off the map, either in the central office or federally, that community would have a good deal within itself to keep going for its own babies and mothers.

We could not put our fingers on 25 child-health centers outside of Pittsburgh and Harrisburg when we started to interest the local committees in this work. We have now 418 permanent centers. A good many of those the State has not been directly responsible for, but outside of Harrisburg almost every single center uses something that our division supplies, either our advice, our organizing help, or our literature and record forms.

For example, in one county they have reduced their infant death rate to 46, where the State rate is 78, and I think it can be safely said that practically every child under 6 is under the supervision of the public health nurse and locally interested women. They only lost three mothers in that county, with a population of 40,000, last year.

In the second place, we are attacking, which is our worst problem, the deaths of the mothers, and I want to show you the map that we made out showing the deaths of mothers in Pennsylvania [showing map of Pennsylvania]. Each pin is a mother who died in 1924. We lost altogether 1,337 mothers. We have scarcely made a dent in that situation, and we admit that is one reason, and I think perhaps they very best argument, why we should have more time with money going on to help us out. Everybody is working on it. All scientists and physicians are more interested than they have ever been before.

In these two things the spontaneous interest of the physicians and the automatic response in the communities is something that, in contrast to three years ago, is almost more than we could have anticipated. Doctors were not understanding, and certainly not very much interested, in our preventive work, and we now have over 700 physicians interested in both the baby work and the other work. There are 12,000 physicians all told in the State, and a very large proportion of them are interested in this work. We look back over three years and we feel that we have their friendliness and their interest and their cooperation, and that they understand the program as they never did before.

The most spectacular thing we have done, perhaps, is to interest the midwives. In nine counties we have full-time women physicians supervising, controlling, and instructing midwives. Midwives to the number of 666 are being controlled and supervised. There the infant death rate just after birth—what we call the "neonatal," new-born death rate—was 23.7, where the rate for the State is very much higher. And their maternal death rate in 11,000 deliveries was only three as against a rate for the State of six point something. We feel that if we can control the midwives as we are doing now through the whole State, and particularly in the rural areas, in the coal region, where there were more foreigners and where it is the most pressing problem, that we can be doing the best work.

RHODE ISLAND

(Rhode Island accepted the benefits of the act in April, 1925. The report submitted covers the work done in the remainder of the fiscal year (May and June) 1925)

Administrative agency: State board of health, division of child welfare.

Staff: Director, 4 nurses, 1 field secretary, 1 stenographer.

Activities: Child-health conferences, two each week. The number of children examined was not reported.

Home visits, 4,164. These were made by the staff nurses.

Lectures by staff members, three.

SOUTH CAROLINA

SOUTH CAROLINA STATE BOARD OF HEALTH,
Columbia, S. C., March 13, 1926.

Senator MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SENATOR SHEPPARD: In response to your inquiry as to what has been accomplished in South Carolina by the infancy maternity act I can cite the following:

Two thousand six hundred and thirty midwives have been given a course of instruction in the proper care of mothers and babies. This course has consisted of 10 lectures and as many practical demonstrations. At the conclusion of it those women who have shown an understanding of the teaching are given permission to practice for a year under the supervision of the State field nurses. As half the women in South Carolina are cared for at childbirth by midwives, it is evident how important this work is.

Nine hundred and twenty mothers have been given a course of 22 lessons in the hygiene of the home and the care of infants and young children, and over 3,000 others have had 10 or more lessons in child care.

One thousand one hundred and eighty-three girls have joined Little Mothers' League groups to learn how to care for babies. As these are generally seventh and eighth grade girls who will before many years marry and have children of their own this is certainly a thing of value to the community as well as to the students themselves.

One thousand eight hundred and twelve baby conferences have been held, at which 28,947 infants and preschool children were examined and the mothers advised as to their care and treatment.

We have been able to do a great deal of educational work leading toward the establishment of prenatal clinics and better care for women before and at the time of confinement.

Our infant-mortality rate has been lowered to 91.4 this past year, but we consider that the fact that these children who do not die are also being cared for in a more intelligent way, so they will grow up to be more useful and efficient citizens, is of equal importance.

Much remains to be done, especially along the line of prenatal care. This most important branch of the work is always the most difficult to put across because of the hesitancy of expectant mothers about coming to clinics, so that the nurse must bring about the education of these women by repeated home visits.

We do feel now, however, that a beginning has been made and that a few more years will enable us to reach every part of our State with an educational program that will result in a permanent lowering of our maternal and infant death rate.

I am inclosing a letter just received asking for help from us. This letter is fairly typical. We seldom get letters from women acknowledging our help, because when we receive such a letter as this we refer it to our nearest public-health nurse and ask her to visit the woman and keep in touch with her as long as she needs advice and assistance. Our reports then come in through the nurse.

Frequently women who have brought a sickly baby to a child-health conference return the next year with a healthy child and tell us quite proudly that they have followed the doctor's instructions to the letter and are more than pleased with the result.

If there is any more information that I can give you that would be of value or interest, I will gladly furnish it.

Sincerely yours,

ADA TAYLOR GRAHAM, Director.

SOUTH DAKOTA

STATE BOARD OF HEALTH,
DIVISION OF CHILD HYGIENE,
Waubay, March 2, 1926.

Hon. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR MR. SHEPPARD: Complying with your request of February 25, I am very glad to forward to you a copy of the report of the work of the South Dakota division of child hygiene, cooperating with the United States Children's Bureau under the provisions of the Sheppard-Towner Act. The report covers the period from the time the Sheppard-Towner appropriation became available to December 31, 1925, but is only a brief summary and is listed as a reference in the program of study for the child welfare department of the South Dakota Federation of Women's Clubs.

Inclosed also, as requested, are copies of a number of letters from individuals who have received or observed some benefit from our work.

It is my sincere hope that the Members of Congress will feel that the work under the Sheppard-Towner Act throughout the States has been of sufficient value to justify its continuance.

I should like to take this opportunity to express to you my personal appreciation of your efforts in this field. Working among the people, as I do, I can see the great benefit that it has been to thousands of people throughout the United States, directly and indirectly.

Very truly yours,

STATE BOARD OF HEALTH,
CLARA E. HAYES, M. D.,
Director, Division of Child Hygiene.

WORK OF THE SOUTH DAKOTA DIVISION OF CHILD HYGIENE

The division of child hygiene administers the United States Sheppard-Towner fund for maternity and infancy, the State appropriation to match that fund, and the appropriation made by the last legislature for crippled children.

A budget of both State and Federal funds for maternity and infancy is submitted annually to the United States Children's Bureau for approval. The privilege of rebudgeting semiannually is granted in case the year's work can not be carried out as planned. In addition to the entire State appropriation, a large amount of the Federal allotment remaining after deducting the cost of administration is used for actual work within the State.

The best information on the purpose and duties of the division of child hygiene I believe is a report of the work done since it began operation. Following is a summary of the work up to December 31, 1925.

NURSING

The division of public-health nursing has been maintained. The supervisor of public-health nursing secures properly qualified nurses for county and school work and supervises and helps all public-health nurses in the State. She makes advance arrangements in the field for mother and baby clinics, assists the director of the division with such clinics, and conducts mothers' classes. For the past eight months a field nurse has been employed. She makes arrangements for and assists with the mother and baby clinics and arranges for and conducts classes for mothers.

Financial assistance has been given to Harding, Perkins, Corson, and Dewey Counties in the employment of county nurses who have carried out special programs of maternity and infancy work in addition to the general public-health nursing. Whole-time county health departments have been organized in Pennington and Yankton Counties with financial aid from the International health board. These departments, together with Brown County whole-time health department, have received some financial help. Each department employs two or three public-health nurses who carry out intensified maternity and infancy programs.

All arrangements have been made for more than a year to give Harding County further help with the maintenance of a public-health nursing program, but no nurse can be found to take the work.

MATERNITY AND PRESCHOOL CLINICS

These clinics give opportunity to expectant mothers for physical examination and advice and for physical examination of children of preschool age and advice to their parents regarding the correction of physical abnormalities and proper care. In the clinics conducted by the director of the division and State supervising nurse, the field physician and nurse working five months in 1924 and 1925, and the physicians and nurses of counties helped financially 8,135 children and 122 expectant mothers have been given examination. Clinics were held in 62 counties and 159 towns once and in 40 counties and 91 towns twice. In the whole-time county health departments, 145 expectant mothers and 735 infants have been under supervision.

EDUCATIONAL WORK

The South Dakota Mother's Book has been revised. A copy is sent to the mother of each child whose birth is reported to the State board of health. In all phases of our work the importance of birth registration is emphasized. Although South Dakota is not in the United States birth registration area, for the past four years the rate of births reported has been slightly higher than the average rate of reporting in the birth registration area.

A small publication on infant feeding has been prepared and many copies are sent out upon request.

Special instructions on prenatal care have been sent out upon request to 7,941 expectant mothers.

Four hundred and ten lectures have been given on maternity and child-health subjects, most of which have been illustrated with special films.

The last phase of educational work to be developed is the mothers' classes, consisting of eight lessons covering the whole period of pregnancy. The last two lessons are demonstrations of the preparation of materials for confinement and things necessary for the baby. With each of the first six lessons an additional demonstration of some phase

of the care of the baby during the first month of life is given. Several county nurses have conducted mothers' classes. The State supervising nurse and the field nurse have just completed 10 courses in Jackson, Jones, Lyman, Brule, McCook, and Division Counties, with a total enrollment of 169 members. The attendance at these classes increased with each lesson. Many of the members walked over a mile and several as far as two miles and a half to attend. There have been numerous expressions of gratitude for the work and of the benefit which it has already been to the members. The classes are usually held in the home of one of the members. All materials, including typed outlines for each member, is provided by the division of child hygiene. Twelve more classes have been planned to begin in January. Six of these will be in Butte, Lawrence, and Meade Counties, and six in Deuel, Hamlin, and Clark Counties.

TENNESSEE

STATE OF TENNESSEE, DEPARTMENT OF PUBLIC HEALTH,

Nashville, March 13, 1926.

HON. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SIR: Dr. W. J. Breeding has asked me to make a general statement on the accomplishments as a result of the expenditure of money in Tennessee under the Sheppard-Towner Act. The statement can be quite brief, for definite statistical evidence can be presented.

Two types of work in this field are in progress in Tennessee. The first is a generalized program for counties in which there are no full-time local health organizations. Obviously, work of this kind will not lend itself to any definite statement as to its value until after a considerable period of time. We believe its principal value at present is that resulting from general educational activity; that is, a shortening of the lines of communication between the sources of health information and the individual mother who must profit by our knowledge of health principles if these principles are to have practical value. We think that our activities in this field have had considerable value and present as evidence a better understanding of health problems, which is quite apparent to our field workers.

The second form of activity in which we are engaged is specific in nature and principally performed by nurses attached to local full-time health organizations, mainly consisting of full-time county health departments. In addition to the work being done in cooperation with county health departments, some counties are maintaining county nursing units without full-time health departments. Evidence of the improvement of conditions in these areas is definitely shown by the slow but sure and consistent decline in the infant-mortality rate, which is a very sensitive index. If the infant-mortality rate for the State as a whole had been as low as the rate in the areas where this work is being done, Tennessee would have lost 167 fewer babies than it actually lost in 1924. Needless to say, we are extending this plan of activity to our counties as rapidly as possible. A statistical study of maternal-mortality rates has not yet been possible, but I feel confident similar results would be shown.

Very truly yours,

E. L. BISHOP, M. D.,
Commissioner of Health.

TEXAS

TEXAS STATE BOARD OF HEALTH,
Austin, Tex., March 3, 1926.

HON. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SENATOR SHEPPARD: Your letter of February 25 received. I am inclosing letters for your use. I am sending originals, as we are taking these out of our files to throw away. We have thousands of letters of this type, and only one letter in our six years of operation in Texas condemning our work.

The one complete file that I am sending—the Spur, Tex., file—is in regard to laboratory tests made on a case, the result of which probably saved the mother's life. Where we have a nurse in the county, this is handled through the county nurse.

We have 28 maternity and infancy nurses in Texas, doing full-time work and putting on a county-wide program. We have one itinerant nurse, one negro nurse, and a supervisor with one assistant, who is also an advisory nurse. We have a maternity home inspector, which is required by the State law. The State law also requires that we furnish prophylactic drops for indigent cases, and we supply silver nitrate.

We have located 2,576 midwives, each one of whom is supplied with birth-certificate blanks and silver nitrate. Midwife classes are held in counties where we have a maternity and infancy nursing service.

We send a letter to the mother of every baby whose birth is registered. Copy of this letter is included, with reply attached. With this letter is inclosed a card, listing pamphlets for mothers of young chil-

dren. On requests through these cards we send out between two and four thousand pamphlets a month.

These pamphlets are secured from the Children's Bureau at Washington.

I am sending you a copy, one month's issue of the Gleaner, which gives you the report of the field work for that month, statistical and narrative. This goes out monthly to the nurses, and will give you an idea of our field work.

Our prenatal files carry an average of 2,000 names a month, of mothers asking for literature on prenatal care. The nurses in the counties hold classes for expectant mothers and mothers of young children.

Every woman's organization in Texas has a child hygiene division which is working in connection with the Department of Health to make the child-hygiene program as general as it is possible.

We are not in the birth-registration area, but we have estimated a loss of 9,000 babies a year in Texas under 1 year of age, and 900 mothers who die in childbirth. We are working to decrease this very high percentage, most of which is due to lack of prenatal care.

If I can give you further information, I shall be glad indeed to do so.

Very truly yours,

H. N. BARNETT, M. D.,
Director, Bureau of Child Hygiene.

UTAH

UTAH STATE BOARD OF HEALTH,
BUREAU OF CHILD HYGIENE,
Salt Lake City, Utah, April 3, 1926.

Hon. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

DEAR SIR: Response to yours of recent date has been delayed by my absence in the field and other interferences. I trust the following information may not be too late for your purpose:

The bureau of child hygiene of the State board of health, which was designated to direct the work of the Sheppard-Towner activities in Utah, has organized health centers in all of the counties of the State. To date 121 centers have been established in charge of local committees, at which well-baby clinics or conferences have been held at intervals. Examinations of the children have been made by the director of the bureau, supplemented by local physicians where available. Maternity welfare has been stressed at the centers and through literature sent from the office of the board of health. Follow-up work to secure the correction of defects discovered has been carried on by public-health nurses as far as possible.

During the period from January 23, 1922, to December 31, 1925, 26,105 examinations have been made at the health centers. Of these, 6,115 were reported normal, while the balance of 19,990 had one or more physical defects, totalling 38,719, thus showing an average of 1.48 defects per child examined. As a result of these examinations we have been able to have a great many defects corrected, underweight children have been brought to normal, tonsils and adenoids have been removed, teeth filled, and other conditions remedied too numerous to mention, while thousands have been immunized against diphtheria and smallpox. The prevention of goiter has been stressed to the expectant mother and the parents of little children, with the result that many are now taking preventive treatment for this condition. Mothers everywhere have expressed their great appreciation of the assistance thus given them, while many of the grandmothers have said, "How I wish I could have had such help when I was raising my family."

The work has proved of very great value. The promotion of maternity and infancy welfare has been farther advanced in Utah than would otherwise have been possible in many years. The discontinuance of the work at this time would be disastrous, because the demonstration of its benefits has not reached a stage of completion that will insure its permanency.

Respectfully yours,

H. Y. RICHARDS, M. D.,
Director, Bureau of Child Hygiene.

SUMMARY OF WORK IN UTAH

Administrative agency: State board of health, bureau of child hygiene.

Staff: Director (physician), 1 physician (part time), 1 staff nurse, 3 county nurses (part time), 2 clerks.

Activities: Child-health conferences, 234, at which 7,972 examinations were made.

Prenatal conferences, 54, with an attendance of 130. These were held in conjunction with child-health conferences. Expectant mothers were given instruction in prenatal care only.

Mothers' classes, 55 class sessions. A total attendance of 1,112 women was reported at the classes held during the last half of the year. The number in attendance at classes held during the first half year was not reported.

Little mothers' classes, 4.

Home demonstrations, 123. These included demonstration of layettes, infant care, and the preparation of infant and child diets.

Home visits, 2,296.

Maternity homes inspected, 7.

Infant homes inspected, 1.

Surveys made in two counties to secure information on such points as existing sanitary conditions, health resources, social agencies, etc., of each town in the county. This information was used in formulating plans of work in these two counties.

New permanent child-health centers established, 50.

Lectures and talks by staff members, 241.

Literature distributed, 13,594 Federal and State bulletins.

Exhibits: Charts, posters, slides, and other exhibit material have been prepared for fairs and meetings of various organizations. New graphs have been made showing the trend of infant mortality and morbidity rates in the State. These have been exhibited in the State offices and at other places where they might be of interest to the public.

Volunteer assistance was given by 75 physicians, 20 dentists, 28 nurses, and 722 lay workers. In so large a State the best method of work for the comparatively small staff has seemed to be to have one of the staff nurses go into a community, and after noting general health conditions and other relevant facts confer with the various clubs, churches, and other organizations, to interest them in the establishment of a health center. The next step was to have them appoint a temporary committee to prepare for the later arrival of a member of the medical profession, or a nurse, to give a demonstration of child-health work. These demonstrations were given good publicity in advance and the attendance was excellent. The visitors then were asked whether the examinations of their children were of value and whether they cared to make the organization permanent. The term "permanent organization" serves merely to indicate that some one is responsible for keeping the work going in the long intervals which must elapse between the visits of members of the State staff. The local physicians were expected to conduct the conferences and were requested to report the number of children examined, types of defects found, etc. If possible, the conferences were held in public-school buildings.

As a result of this work done by the State bureau, 50 new permanent health centers have been established this year, at which periodic child-health conferences are conducted by local personnel.

Tabulations were made of the results of the 11,562 examinations made at 386 child-health conferences held in 25 counties by the State staff or by local forces. These tables showed such points as number of children coming to the conferences for the first time, number of children returning for examination, and number and kind of defects found. Correction was recorded of 1,409 of the 14,681 defects noted.

VERMONT

STATE OF VERMONT,
DEPARTMENT OF PUBLIC HEALTH,
Burlington, Vt., March 18, 1926.

Hon. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

DEAR SIR: Replying to your request for information regarding the working of the Sheppard-Towner maternity act in this State, I beg to say that our work has been in progress for so short a time that it is as yet impossible to state results. However, so far as we have gone with the work, it promises well.

Our field nurse is already beginning to see results of her efforts, and the people are increasing their interest. Further than this, our progress in obtaining increased accuracy in vital statistics has been very satisfactory, and I feel that if the Sheppard-Towner work had accomplished no other result in this State than that shown in vital statistics it would still be thoroughly worth while.

Yours very truly,

CHAS. F. DALTON, Special Agent.

VIRGINIA

COMMONWEALTH OF VIRGINIA,
STATE BOARD OF HEALTH,
BUREAU OF CHILD WELFARE,
Richmond, March 9, 1926.

Hon. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SENATOR SHEPPARD: I regret the delay in replying to your letter of February 25, in which you ask for information regarding the accomplishments in Virginia under the acceptance act for Sheppard-Towner funds. I have been out in the field, and your letter has just come to my attention.

The bureau of child welfare was established in 1918, though without direct appropriation until 1920. During the four years to 1922 the principal emphasis was laid on the healthy school child, and health education in the schools was the greatest activity. However, the need for maternity and infancy work was clearly seen, and during

the summer months some attempt was made to reach mothers through child-welfare conferences. Also in order to stimulate public-health nursing to safeguard the health of school children in rural districts a small amount of money was set aside to aid in establishing such nursing service. It was not until 1922, when through the acceptance act Virginia received Sheppard-Towner funds, that a definite program for maternity and infancy work could be inaugurated.

From this time on various activities were gradually put into operation as the need became apparent and funds were available. With the assistance of this Federal appropriation, we have been enabled to help to support on an average 40 nurses a year in as many communities. We give from \$200 to \$500 a year toward a nurse's salary, and she is required to devote one-fourth of her time to maternity and infancy welfare work, including prenatal and postnatal instruction to mothers, and teaching midwife, home nursing, and mothers' classes.

We were enabled to put on an intensive study of the midwife situation in Virginia. There are 6,000 midwives in Virginia, most of them illiterate, ignorant, and superstitious. A large majority of these are negroes, and many of these attend white women. One-third of the mothers in Virginia are attended by midwives. Midwife classes have been organized in 34 counties where there are no public-health nurses and in 32 where there are nurses.

We give a course of eight lessons. Efforts are being made to eliminate the most ignorant and superstitious of these midwives, and to train a better class of women to take up this work under the supervision of doctors. Such women will be called doctors' helpers rather than midwives.

Child-welfare conferences have been held wherever requested. These conferences are of two kinds, permanent where there are health stations to which mothers are encouraged to bring their children regularly for instruction, and itinerant where the mothers come in groups to appointed places with their babies and preschool children for examination and instruction. In the past three years 6,385 children have been examined in the itinerant conferences alone.

One of the most far-reaching educational pieces of work put on by the Sheppard-Towner funds is the correspondence course for mothers. In this course mothers are trained through 12 regular lessons, including questions to be answered in writing and sent to the director for correction and additional information if needed. The course was written as simply as possible in order to reach even those who have poor educational background and who especially need instruction in maternal and infant care. It is given free to all mothers, fathers, and guardians of children. The course is in charge of a woman who is herself a nurse and a mother and has had many years' experience in training mothers through visiting nursing service.

During the two and one-half years this course has been in operation over 2,100 women have enrolled for instruction, and as a result of this teaching many of them have been induced to consult a physician rather than a midwife during the early months of pregnancy.

We all realize that without the Federal aid through the Sheppard-Towner fund it would have been impossible to accomplish what has been accomplished in maternity and infancy work in Virginia through the activities of its field workers and instructors.

According to your request I am inclosing some expressions of appreciation from those who have taken the correspondence course for mothers.

Very sincerely yours,

MARY EVELYN BEYDON,
Director, Bureau Child Welfare.

WASHINGTON

STATE OF WASHINGTON, DEPARTMENT OF HEALTH,
Seattle, March 29, 1926.

HON. MORRIS SHEPPARD,
United States Senate, Washington, D. C.

MY DEAR SIR: No money was available in this State for maternity and infancy work before the Sheppard-Towner Act became effective, and although several of the larger cities were carrying on some form of child-health activity, nothing on a state-wide basis had been done.

Through the avenues of child-health conferences, mother and baby health schools, and a correspondence course in the hygiene of maternity and infancy there is now available to the mothers of this State knowledge she should have relative to her own care during pregnancy and information regarding the care of her baby.

Physicians, public-health nurses, women's clubs, and other lay organizations have become keenly interested in these activities and the success of the State's program is due mainly to the cooperative efforts of these individuals and organizations.

One of the greatest assets which the division boasts is the deep interest in and the splendid attitude of the physicians throughout the State toward its child-hygiene program.

The death rate per 1,000 live births for infants under 1 year in this State has decreased from 59.09 in 1922 to 55.2 in 1924. The tabulations for the year 1925 have not yet been completed.

Inclosed is a brief summary of the activities of the division for the year ending December 31, 1925.

Very truly yours,

ELLA S. ERIKSON,
Advisory Nurse.

SUMMARY OF ACTIVITIES OF CHILD HYGIENE DIVISION OF STATE OF WASHINGTON, DEPARTMENT OF HEALTH, 1925

The division has for its object the education of the mothers of the State regarding their own care during pregnancy and the care of the infant and young child, so that morbidity and mortality during pregnancy, confinement, and infancy may be reduced.

Through cooperation with all public-health, medical, and lay organizations now conducting state-wide child welfare programs, the division is attempting to correlate all child-welfare activities now being carried on in the State.

The avenues through which this program is being promulgated are—

(1) CHILD-HEALTH CONFERENCES

During the past year child-health conferences have been conducted in 63 different communities of the State. Four thousand, five hundred and thirty-six examinations of infants and small children were made in these conferences. In each instance the significance of the findings were explained to the mother, need of medical and dental care pointed out, diet and general care discussed and questions answered. The conferences were all held under the auspices of some lay group in the community and with the cooperation of representatives of the medical profession.

(2) MOTHER AND BABY HEALTH SCHOOLS

Mother and baby health schools featuring lectures and demonstrations in prenatal and infant care have been held in many communities. The health schools consist of series of lectures and demonstrations by physicians, nutrition specialists, nurses, and other experts in child care. Mothers have been very greatly interested and attendance at the lectures has been most satisfactory. The health school idea is adaptable to communities of all sizes, anywhere from two to six lectures being given. Demonstrations depend upon material and assistance available.

(3) CORRESPONDENCE COURSE

A correspondence course in the hygiene of maternity and infancy given by the division has been highly successful. The course has a wide range of application and is being undertaken by groups of mothers as well as by individuals. Physicians and nurses have utilized this course as a means of instructing mothers. At the present time 273 mothers are enrolled in this course.

(4) LITERATURE AND RECORD FORMS

Physical examination forms and instructions for conference conduct have been prepared. Ten thousand two hundred and sixty copies of literature on child-health conservation have been distributed. The greater part of this literature is supplied by the Children's Bureau of the United States Department of Labor.

(5) FILMS, SLIDES, AND POSTERS

Films, slides, and posters owned by the division have been utilized by both lay and professional groups in promoting their child-hygiene programs.

For 1926 expansion of activities into the counties where comparatively little work in child hygiene has been done is planned. The coming year should see interest in child and maternal health manifest itself in some form in every county in the State.

WEST VIRGINIA

STATE OF WEST VIRGINIA, DEPARTMENT OF HEALTH,
DIVISION OF CHILD HYGIENE AND PUBLIC HEALTH NURSING,
PROMOTION OF THE WELFARE AND HYGIENE
OF MATERNITY AND INFANCY,
Charleston, W. Va., March 11, 1926.

HON. MORRIS SHEPPARD,
Committee on Irrigation and Reclamation,
United States Senate, Washington, D. C.

MY DEAR SENATOR SHEPPARD: It is a great pleasure to give all information possible to you concerning what has been accomplished in our State through the passage of the Sheppard-Towner Act.

Previous to the passage of this act in 1919 the Legislature of West Virginia created a division of child hygiene and public-health nursing, but funds were so limited that the work of the division was greatly handicapped. When Federal funds became available to us in May, 1922, it made possible added personnel and increased activity in our maternal and child-health program.

We are financing in the State department now, through Federal funds, one-half the salary and travel expense of the division director, the salary and travel expense for one white field advisory nurse and one colored field advisory nurse, two clerical workers, one clerk and one field worker in the vital statistics division. The remainder of our funds is used to supplement the budget for the employment of public-health nurses in local territory as a stimulus and encouragement toward establishment of a permanent health-protection program for the county or community. In a number of instances the successful demonstration of the public-health nursing program over a period of one or two years has resulted in the establishment of a full-time health department. This, we believe, is fulfilling the ultimate objective you had in mind in your heroic fight for the passage of the Sheppard-Towner bill.

If through the demonstration made by means of Sheppard-Towner funds in behalf of health protection and promotion for mothers and little children, permanent health organizations result in local territories in most of the States, you will have made a tremendous contribution to the country; indeed, we feel you have already done so.

Our State department of health is now contributing from \$600 to \$1,500 toward a budget for the employment of a public-health nurse in 11 counties of our State.

Besides the active nursing program and the activities related to birth registration, we are carrying on what, for want of a better term, we call a motherhood correspondence course. The inclosed copy of an article on this phase of the work which has just been prepared for the quarterly bulletin will be of interest. We are also inclosing copies of excerpts from mothers' letters which constantly come in.

If we can give you any further information, it will be our pleasure to do so.

Sincerely yours,

Mrs. JEAN T. DILLON, Director.

STUDY OF MOTHERHOOD CORRESPONDENCE COURSE IN WEST VIRGINIA

One of the methods used in several States to reach expectant mothers and mothers of young children, with health education as one means of reducing the maternal and infant sickness and death rate, is a series of letters and literature, grouped for convenience of expression under the title "Motherhood Correspondence Course."

West Virginia has been making a modest effort along this line since July, 1922. The course consists in our State of a series of five prenatal letters sent at short intervals, and accompanied by other material such as may be secured through the Children's Bureau and our own department, supplementary to the letters. The letters emphasize the importance of medical supervision from the beginning of pregnancy, of suitable diet, exercise, proper clothing, etc., for the expectant mother for the safeguarding of her own comfort and health as a means toward giving her child a fair chance to be well born. During the first six months over 800 women enrolled for this information, and by the end of the first year the number had grown to 1,875; by the end of the second year the enrollment had increased to 3,031, and at present the number is approximately 6,000.

The clerical work entailed has grown very heavy, and it was decided to make a test in order to find out whether results obtained were really commensurate with expense involved.

A simple questionnaire was sent out to 2,000 of the mothers who had been enrolled for a period of two years or longer.

It is interesting to note in connection with the above that the death rate under 1 year is 4.8 per cent, while for the State as a whole the figure stands at 7 per cent.

WISCONSIN

WISCONSIN STATE BOARD OF HEALTH AND UNITED STATES

DEPARTMENT OF LABOR, CHILDREN'S BUREAU,

Madison, March 1, 1926.

Hon. MORRIS SHEPPARD,

United States Senate, Washington, D. C.

MY DEAR SENATOR: I am very glad indeed to submit a very short account of the work which has been carried on in Wisconsin under the Sheppard-Towner Act.

The bureau has established a prenatal letter service, through which one letter each month is sent out to every expectant mother whose name is sent to us, and their letters of appreciation have placed a distinct value upon this branch of our service. We quote a few of these letters, as follows:

"You can never know how much your wonderful letters and bulletins meant to me. . . . I wish more of the prospective mothers knew of the splendid help your department gives."

"Thank you for the helpful literature. . . . It has helped me so much, as I knew nothing about motherhood."

" . . . I find your letters of great help; thank you for interest and kindness."

"Thank you for the helpful service. I saved your letters and bulletins and reread them from time to time. Sincerely believe that I can nurse my third baby for a longer period than the other two because of your information. I am taking care of myself the way you told me to do. . . ."

"I feel that it is due to your letters that my second baby lived. The first one did not live many hours, and I realize now that it was because I knew nothing about caring for myself."

"Every mother in Wisconsin ought to have your letters, which have been a wonderful help to me. . . ."

"The letters tell me everything I wish to know."

We could quote many more on this subject, but as these come from various parts of the State, it will show somewhat the appreciation which our mothers have.

In addition, Wisconsin has been able, through the cooperation of the board of normal regents and the board of education, to incorporate our infant-hygiene classes in the seventh and eighth grades of almost every school in the State. The plan for this has been worked out by Mrs. Gertrude Hasbrouck, organizer of the infant-hygiene classes in the public schools of Wisconsin, and is meeting with very wonderful success.

We have sent the inclosed bulletins of the child-welfare special and the six-year summary to each one of our United States Senators and Representatives; also to each counselor of the State medical society, besides sending a number of these to our various women's clubs, including the League of Women Voters, with headquarters at Chicago.

If we can send you any further information, or if there are any suggestions you can make as to how we could better reach or interest more people in this work, we will be very glad to accept anything offered.

Sincerely yours,

CORA S. ALLEN, M. D.,
Acting Director Bureau of Child Welfare.

Statistical summary of field and office work in Wisconsin, September, 1919, to September, 1925

Number of talks to groups	1,162
Number of home visits by field nurses	6,489
Number of child-health and prenatal conferences	1,337
Number of infants and preschool children examined	34,354
Number of prenatal patients received at health centers	958
Number of counties in which service was given	71
Number of cities in which service was given	710
Number of training schools for teachers visited and instructed	47
Number of advisory visits to public-health nurses	639
Number of district meetings of public-health nurses	31
Number of annual institutes	6
Sets of posters loaned	739
Sets of slides loaned	98
Films loaned	48
Number of circular letters sent out	73,288
Number of individual letters written	20,260
Number of prenatal letters issued	30,204
Number of publications distributed	480,492

The results of the work in Wisconsin have thus far exceeded expectations. Nevertheless the greatest results will appear in the next 10 or 20 years, when the children examined or the children of mothers having had this health service reach maturity.

WYOMING

THE STATE OF WYOMING,
DEPARTMENT OF PUBLIC HEALTH,
Cheyenne, March 29, 1926.

Hon. MORRIS SHEPPARD,

Committee on Irrigation and Reclamation,

United States Senate, Washington, D. C.

MY DEAR MR. SHEPPARD: I am inclosing a summary of the work done during 1925 in the State division of child hygiene in cooperation with the Children's Bureau, of Washington, D. C., under the Sheppard-Towner Act.

Our work has consisted of itinerant mother and child health conferences. At these conferences babies and children were examined by the local physician in the community in which the conferences were held. Defects were pointed out and advice was given. In all cases the baby or child was referred to its family physician. We furnish neither medicine nor prescriptions.

The mothers were instructed as to prenatal care, natal care, infant feeding, and child care. We also conducted permanent health conferences or centers. The field nurses also made home visits. This work consisted of instructing the mother in prenatal care and also in child care. Home visits were also made to see if any suggestions made at the conferences had been followed out.

There was also organized mothers' circles or groups, in which instruction in prenatal care was given.

There were 1,484 prenatal visits made, 6,615 children visited; there were 50 itinerant child and mother's health conferences held, at which

1,196 children were examined. There were 66 permanent health conferences conducted, at which 1,329 children were examined. There were 197 prenatal conferences conducted, at which there were 1,337 mothers in attendance. At the prenatal conference the mothers were instructed and demonstrations were made, but there were no physical examinations made.

Considering the great distances in Wyoming and the sparseness of the population the task of conducting these conferences and making these visits is considerable. We are sorry that we can not make a better showing, but I believe our work will compare reasonably well with other States when these factors are taken into consideration.

Very truly yours,

G. M. ANDERSON, M. D.,
State Health Officer.

CLAIMS AGAINST THE GERMAN GOVERNMENT

Mr. KING. Mr. President, a few days ago I offered a number of resolutions, three of which I desire to have taken up to-day.

One of those resolutions is Senate Resolution 198, calling upon the Secretary of State to transmit to the Senate certain information, if not incompatible with the public interest. I have submitted it to the chairman of the Committee on Foreign Relations, the Senator from Idaho [Mr. BORAH], and he has no objection to it. I shall have it read if Senators desire.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Utah yield to his colleague?

Mr. KING. I yield.

Mr. SMOOT. Do I understand that this is agreed to and will lead to no debate?

Mr. KING. Yes.

Mr. SMOOT. In that case I have no objection to its present consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider Senate Resolution 198, submitted by Mr. KING on the 10th instant, which was read, as follows:

Resolved, That the Secretary of State transmit to the Senate, if not incompatible with the public interest, copies of all correspondence, notes, exchanges, and communications which have passed directly or indirectly between the Secretary of State and the Government of Germany respecting the settlement and payment of claims against the German Government for indemnification on account of destruction of life and property of American nationals subsequent to August 1, 1914, including the instructions given to Ambassador Kellogg, who represented the Department of State at the Paris Finance Conference, and also advise the Senate as to whether the State Department at the Paris conference, or otherwise, agreed that the United States should assume the burden of the payment of awards made in favor of American nationals against Germany and accept from Germany, in subrogation of the rights of its own nationals, annual installments of \$11,000,000 for the payment of private American awards and annual installments of \$12,000,000 in reimbursement of the costs of the American Army of Occupation of the Coblenz area on the Rhine and in payment of other Government claims, as representing the entire obligation of the German Government to the Government of the United States in the premises, and if the Secretary made such an agreement, to advise the Senate of the considerations which induced him to make the same.

Mr. CURTIS. Mr. President, has the Senator taken up the resolution with the chairman of the Committee on Foreign Relations?

Mr. KING. I submitted this resolution, as well as the companion one asking the Secretary of the Treasury to furnish similar information if he had any, to the chairman of the committee; and he advised me that it is all right, that he has no objection to it.

Mr. CURTIS. I have no objection.

Mr. SMOOT. I understand that the Secretary has no objection.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. KING. Mr. President, the companion resolution calls upon the Secretary of the Treasury to furnish the correspondence which he may have had respecting the same matters mentioned in the resolution just passed. That resolution is numbered 199; and I ask to have it considered and acted upon at this time.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read Senate Resolution 199, submitted by Mr. KING on the 10th instant, and it was considered and agreed to by the Senate, as follows:

Resolved, That the Secretary of the Treasury transmit to the Senate all correspondence, notes, exchanges, and communications which have passed directly or indirectly between the Secretary of the Treasury and representatives of the German Government respecting the settlement and payment of American claims against Germany, together with a statement concerning all conferences and negotiations on the subject of such claims, to which he directly or indirectly has been a party, and to advise the Senate whether representatives of the Department of the Treasury, with his authorization, have carried on negotiations in Germany respecting the settlement and payment of such claims, and to report to the Senate any and all arrangements, recommendations, or agreements, which he has made in the premises, and the considerations which induced him to make the same.

PROPOSED PHILIPPINE MISSION

Mr. KING. I also ask unanimous consent to take up Senate Resolution 196 and have it acted upon.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read Senate Resolution 196, submitted by Mr. KING on the 9th instant, as follows:

Whereas it is reported that Carmel Thompson, Esq., of Ohio, has been appointed by the President, without authority of Congress and without the advice and consent of the Senate, to go to the Philippine Islands, accompanied by a staff and retinue of experts, investigators, and clerks, to make an investigation of conditions in the Philippine Islands and of the affairs of the Philippine Government and to report to the President upon the policy of the United States as affecting the political independence of the Philippine Islands; and

Whereas it is the exclusive function of Congress, under the Constitution, to determine the policy of the United States with respect to the Philippine Islands, and to make such investigations and visitations as it may deem advisable of the Territories and dependencies of the United States; and

Whereas Congress has made no provision for the payment of the expenditures of said Thompson and of his staff: Now, therefore, be it

Resolved, That the Secretary of the Treasury advise the Senate as to whether or not any funds in the Treasury are available for the payment of the expenses of said Thompson and his staff under any existing appropriation act; and if not, what funds of the Government are to be advanced or made available for the use of said Thompson and his staff in the premises?

Mr. CURTIS. Mr. President, if the Senator will eliminate the whereases, I have no objection to the adoption of the resolution.

Mr. KING. I shall defer to the wishes of my good friend, and the whereases may be stricken from the resolution as adopted.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. With the whereases eliminated, the question is on agreeing to the resolution.

Mr. KING. Of course, the whereases will appear in the RECORD.

The PRESIDING OFFICER. Without objection, the preamble will be stricken out.

Mr. KING. Of course, the preamble will appear in the RECORD of to-day's proceedings.

The PRESIDING OFFICER. It was read and will appear in the RECORD.

Mr. KING. As striking out the preamble necessitates a change in the resolution, I submit it in an amended form and ask for its adoption.

The resolution in its amended form was agreed to, as follows:

Resolved, That the Secretary of the Treasury advise the Senate as to whether or not any funds in the Treasury are available under any existing appropriation act for the payment of the expenses of an investigation of conditions in the Philippine Islands by Carmel Thompson, Esq., of Ohio, recently reported to have been appointed by the President of the United States to make such investigation, and his staff; and if no funds are available, what funds of the Government are to be advanced or made available for the use of said Thompson and his staff in the premises.

AMERICAN LEGION MUSEUM

Mr. BLEASE. Mr. President, on yesterday I objected to the consideration of a joint resolution of the Senator from Indiana [Mr. ROBINSON]. He had to go away this morning, and I told him that I would call up the joint resolution and withdraw my objection. It is important to him; and I request that the joint resolution be taken up at this time and passed.

The PRESIDING OFFICER. The Secretary will read the joint resolution.

The Chief Clerk read the joint resolution (S. J. Res. 91) directing the Secretary of War to allot war trophies to the American Legion Museum, as follows:

Resolved, etc., That the Secretary of War be directed to allot and deliver without cost to the United States, to the National Museum of the American Legion at its national headquarters, a representative collection of captured and surrendered war devices and trophies of the World War, to be selected from those war devices and trophies not otherwise allotted and accepted for distribution in accordance with law: *Provided*, That acceptance, shipment, and delivery shall be made within a reasonable time and under the laws and regulations, except as herein provided, that are now applicable to acceptance, shipment, and delivery of war devices and trophies to the States, Territories, possessions of the United States, and the District of Columbia.

Mr. BLEASE. It is just a little local matter.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE CALENDAR

Mr. SMOOT. Mr. President, I had intended at this time to ask for a unanimous-consent agreement to vote upon the Italian debt settlement bill. I have been informed that the senior Senator from Missouri [Mr. REED] is engaged at some of the departments, and that it will be about 3 o'clock before he returns, and that he desires to be here when a unanimous-consent agreement on this subject is submitted. Of course, I shall respect that request. I now ask unanimous consent that the unfinished business be temporarily laid aside until 3 o'clock, and that we take up the calendar under Rule VIII and consider bills to which there is no objection until that time.

The PRESIDING OFFICER. Is there objection to the request?

Mr. JONES of Washington. Beginning where, Mr. President?

Mr. SMOOT. Beginning where we left off the last time.

Mr. JONES of Washington. No; we got through with the calendar the other day. Why not begin with the calendar under Rule VIII, and, if there is an objection, take up the bill under Rule VIII?

Personally, I have no objection to the Senator's request, though I know that several Senators would prefer the course I have suggested. However, I will make no objection.

The PRESIDING OFFICER. Without objection, the request of the Senator from Utah is agreed to.

Mr. SMOOT. Mr. President, I now ask that Orders of Business 3, 4, 5, 6, 7, 8, and 30, being Senate bills 1134, 1135, 1136, 1137, 1138, and 1139, and House bill 6559, be passed over.

The PRESIDING OFFICER. Those measures will be passed over. The Secretary will state the next bill on the calendar.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Shipstead
Bayard	Fess	McKinley	Shortridge
Bingham	Fletcher	McLean	Simmons
Bleuse	Frazier	McMaster	Smith
Bornh	George	McNary	Smoot
Bratton	Gerry	Mayfield	Stanfield
Broussard	Gillett	Metcalf	Stephens
Bruce	Goff	Moses	Swanson
Cameron	Hale	Neely	Trammell
Capper	Harreld	Norbeck	Tyson
Caraway	Harris	Nye	Wadsworth
Copeland	Harrison	Oddie	Walsh
Couzens	Heflin	Overman	Warren
Cummins	Howell	Phipps	Watson
Curtis	Johnson	Pine	Weller
Dale	Jones, N. Mex.	Pittman	Wheeler
Deneen	Jones, Wash.	Ransdell	Williams
Dill	Kendrick	Reed, Pa.	Willis
Edge	Keyes	Robinson, Ark.	
Ernst	King	Sackett	
Fernald	Lenroot	Sheppard	

Mr. PHIPPS. My colleague [Mr. MEANS] is absent on account of illness.

The PRESIDING OFFICER. Eighty-one Senators having responded, a quorum is present. The clerk will call the next number on the calendar.

The bill (S. 1824) for the relief of R. E. Swartz, W. J. Collier, and others, was announced as next in order.

The PRESIDING OFFICER. The bill will go over.

REFUND OF TAXES

The bill (S. 2526) to extend the time for the refunding of taxes erroneously collected from certain estates was announced as next in order.

Mr. KING. Mr. President, if I may have the attention of the Senator from Missouri, I should like an explanation from the Senator as to what the effect of the bill would be, and what amount would probably be required to be paid from the Treasury to meet the claims which would be presented under this bill.

Mr. WILLIAMS. It is the purpose of the bill to extend the statute of limitations so as to cover this particular claim. About 95 per cent of these claims have already been paid. The reason the statute of limitations expired as to this claim was that a case was pending in the Supreme Court of the United States testing out the question, and during that test period, and before the Supreme Court had decided in favor of the contesting claimants, the statute of limitations was about to expire as to these claims. About 95 per cent of the claims have already been paid, and the report of the department shows that the claim ought to be paid. The only objection is that it ought to be covered by general legislation. By the same token, however, there are a great many individual claims which ought to be covered by general legislation to which such claims could be referable. I am satisfied of the propriety and the legality of the claim.

Mr. REED of Pennsylvania. The question that is raised by this bill is exactly the same question we were confronted with in two or three cases in the enactment of the tax bill which passed earlier in the session. In some of those cases the Senate declined to put in provisions similar to this, to allow persons to come in and bring suits for refunds who had slept on their rights until somebody else had succeeded in getting a favorable decision. I think the Senate ought to stop and consider whether it is wise to do this in particular cases of this sort, and not wipe out the whole statute of limitations in the tax bill.

Mr. WILLIAMS. I quite agree with the Senator from Pennsylvania that a serious question is raised by a bill like this; but I should like to ask the Senator from Pennsylvania a question—that is, when the Government of the United States obtains possession of money which does not belong to it, but does belong to an individual citizen of the United States, should it be permitted to keep that money?

Mr. REED of Pennsylvania. If it is not to be permitted to keep the money, then we ought to repeal all statutes of limitation.

Mr. WILLIAMS. I think the circumstances of this particular case make it one which is entitled to consideration, if any are to be considered.

Mr. REED of Pennsylvania. I do not believe we ought to act on particular matters of this sort without determining the general policy. At any rate, I think the bill had better go over for further consideration.

Mr. WILLIAMS. It has gone over so frequently I am very fearful that if it continues to go over we will never get any action either in this or in the other body. Bills similar to it were passed in the Sixty-sixth, the Sixty-seventh, and the Sixty-eighth Congresses.

Mr. REED of Pennsylvania. Provisions similar to it were stricken out of the tax bill which we passed earlier in the session.

Mr. WILLIAMS. The statute of limitations has been extended as to claims in like cases to enable the parties to bring claims of this kind to the only place where they can get relief.

Mr. REED of Pennsylvania. I know that; and yet there are dozens of other cases just as meritorious.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. REED of Pennsylvania. I object.

The PRESIDING OFFICER. The bill will be passed over, under the rule.

BILLS PASSED OVER

The bill (S. 2336) to reimburse Commander Walter H. Allen, civil engineer, United States Navy, for losses sustained while carrying out his duties was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1859) for the relief of Patrick C. Wilkes, alias Clebourn P. Wilkes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

DEPENDENT CHILDREN IN THE DISTRICT OF COLUMBIA

The bill (S. 1929) to provide home care for dependent children in the District of Columbia was announced as next in order.

Mr. WADSWORTH. Mr. President, I ask unanimous consent that instead of proceeding to the consideration of this bill we consider House bill 7669, which is Order of Business No. 495. The House bill deals with exactly the same subject, and it

would save time if we were to deal with the House bill on the calendar rather than the Senate bill.

Mr. KING. Is there any difference between the bills?

Mr. WADSWORTH. There is no difference in the object to be achieved by the bills, if the Senator will permit me just a moment, but the House bill has been amended by the Committee on the District of Columbia to make it conform with the Senate bill.

Mr. LENROOT. The recommendations of the committee are the same in both cases?

Mr. WADSWORTH. The report of the committee is the same as to both bills.

Mr. KING. Let me see if I understand the Senator. The House passed a bill known as the Wadsworth bill?

Mr. WADSWORTH. No; the Keller bill. It is a bill in which I have been interested, but it is Mr. KELLER's bill.

Mr. KING. Textually it is the same as the bill introduced by the Senator from New York?

Mr. WADSWORTH. Yes; practically.

Mr. KING. The Senate committee has reported out a bill desired by the people of the District of Columbia and known as the Capper bill.

Mr. WADSWORTH. The Senate committee has reported the so-called Capper bill, and now has reported the Keller bill, amended to conform in its objective with the Senate bill.

Mr. COUZENS. What are the differences between the bill as originally passed by the House and as amended by the Senate committee?

Mr. KING. It is apparent that this bill will lead to considerable discussion—

Mr. WADSWORTH. I hope an objection will not be raised. I think the discussion may take place under the five-minute rule.

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Maryland?

Mr. WADSWORTH. I yield to the Senator from Maryland, if he desires to ask a question.

Mr. BRUCE. I have just come into the Chamber, and I simply wanted to say to the Senator from New York that if this matter involves a discussion of that special board which I understand to be treated by the bill of the Senator, I am very strongly opposed to the passage of the bill, and I would like to have an opportunity not only to discuss it but to discuss it most fully.

Mr. WADSWORTH. Does the Senator, then, intend to object to the consideration of the proposed legislation during this call of the calendar?

Mr. BRUCE. I do not care to do so, but I am bound to object.

The PRESIDING OFFICER. The bill will be passed over under the rule. Order of Business 188, Senate bill 1929, is still before the Senate for disposition.

Mr. KING. It is the same proposition. Let them both go over.

The PRESIDING OFFICER. The bill will be passed over.

BILLS, ETC., PASSED OVER

The bill (S. 2007) for the purpose of more effectively meeting the obligations of the existing migratory-bird treaty with Great Britain by the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over under the rule.

The bill (S. 1459) for the relief of Waller V. Gibson was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over. The joint resolution (S. J. Res. 51) providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PENSIONS TO SURVIVORS OF INDIAN WARS

The bill (H. R. 306) to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended, was announced as next in order.

Mr. KING. My colleague is necessarily absent from the Chamber for a few moments. I ask that the bill be temporarily passed over. He has some amendments he wishes to offer.

The PRESIDING OFFICER. The bill will be temporarily passed over.

BILLS PASSED OVER

The bill (S. 756) directing the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918, commonly known as the Pittman Act, was announced as next in order.

Mr. WILLIS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over. The bill (S. 2808) to amend section 24 of the interstate commerce act, as amended, was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over. The bill (S. 2098) for the relief of M. Barde & Sons (Inc.), Portland, Oreg., was announced as next in order.

Mr. KING. The Senator who introduced that bill is not here. Let it be passed over until he returns to the Chamber.

The PRESIDING OFFICER. The bill will be passed over. The bill (S. 1897) to reinstate John P. Gray as a lieutenant commander in the United States Coast Guard, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

HENRY T. WILCOX

The bill (S. 1747) for the relief of the estate of Henry T. Wilcox, was announced as next in order.

Mr. KING. Mr. President, I shall not object to this bill, but with my present information I shall feel constrained to vote against it, because I think it would set a very bad precedent. I shall ask the Senator to explain it.

Mr. EDGE. Mr. President, I appreciate the courtesy of the Senator from Utah in withholding his objection. This bill, as can be seen by the report submitted by the Senator from Nebraska [Mr. HOWELL], cuts down a claim of \$18,559, made by Henry T. Wilcox, in the Consular Service of the United States, to \$5,000, covering the full claim. The circumstances are, briefly, these:

Consul Wilcox during the war was ordered, on very short notice, to go to France. His household goods were taken over in a United States transport, as was frequently done and has been the custom for many, many years. A large proportion of those household effects were lost. They were valued, as I indicated, at over \$18,000. The officials of the State Department and other officials, as appears in the report, have all, without qualification, indorsed the claim. The Committee on Claims, however, after considering all the facts, decided to cut the figures from \$18,000 to \$5,000, which is less than one-third of the original claim. Upon the report of the committee I ask favorable action.

It does not seem to me that this would set a precedent. Such claims have been paid many times in cases of Government officials ordered on duty by the Government, and who had the privilege of using transports for the carriage of their furniture. In cases where the furniture has been lost or destroyed reimbursement has regularly been permitted. I recall that last year I introduced a bill to reimburse Admiral Jayne, whose goods were lost in circumstances exactly like those in this case.

The Senate passed it because there seemed to be no real fair reason why Admiral Jayne personally should suffer the loss. That is all the bill proposes to do in the present instance.

Mr. KING. Mr. President, I shall vote against the passage of the bill. I think it is a very unwise precedent, or, if it is not a precedent, it is a very unwise policy for the Government to adopt. There are hundreds of officers and officials and agents of the United States gallivanting around the United States and throughout the world. We have terrestrial peregrinations by hundreds of Government officials and officers and agents. If they may embark upon ships and boats and railroads with their household effects of the value of \$20,000 or \$30,000—the claimant asks \$18,000 in this case—and the Government be responsible for losses, for thefts, for the negligence, if there be negligence, upon the part of those transporting the same, then it seems to me we are introducing a very dangerous practice into the policies and administration of the Government.

Mr. EDGE rose.

Mr. KING. I anticipate what the Senator is about to say, and it does not change the rule because the Government orders a man who is in the Consular Service to go to a given point. Senators are ordered to come to Washington when the President convenes us. If a Senator were to send here \$20,000 worth

of furniture and it was lost by the railroads, should the Government be called upon to pay for it? So, manifestly, officials who go abroad under orders, being in the service of the Government, under the civil service, perhaps, taking household goods and jewels and property of great value, should not, if the ship sinks or theft occurs, call upon the Government to pay for the loss.

A prudent man would have his goods insured, and it is no excuse to say, "I was on a Government boat." The property carried upon Government boats is usually insured. Insurance companies are for that purpose. If individuals ship abroad \$20,000 or \$30,000 worth of furniture, I submit that the Government ought not to be called upon to meet the obligation in the event of theft or loss.

Mr. EDGE. Mr. President, I concede there is some justification for the opinion expressed by the Senator. I do not believe, however, that the officials should be the ones to suffer. I think the practice should be discontinued. The State Department is empowered to order him to go, and arranges the specific transportation, and his furniture naturally has to go with him. If it is a bad practice, and that is a debatable question, then instructions should go from the Congress to the heads of the Departments of State and War that they should not issue such orders.

Mr. KING. If I should take an examination and be made a consul and I should be ordered from place to place, does the Senator believe that I should understand that the Government was to be responsible for the furniture which I took with me? Many consuls take no furniture with them. The great majority of them take none. If rich men are appointed as ambassadors or ministers or consuls and elect to take their furniture from the United States, then they take the same at their own risk. The Government, I think, is too generous in permitting them to take it and not to pay freight for having the same carried, but theirs is the risk, and it is unjust to the Government to ask it to assume the risk.

Mr. EDGE. That has been the practice for many years, and just why this particular consul should in any way be punished would be rather inconsistent.

Mr. KING. I might add that if it is a just rule, then the man ought to be paid for his furniture even if it cost him \$100,000.

Mr. EDGE. I think he should; but in this case he will take what the committee allowed.

Mr. KING. Manifestly the committee did not find it was just, but as a sop to him, in violation, it seems to me, of every principle of justice, they gave him \$5,000. We have to consider these things as custodians of the public funds. We represent the public and not a mere official.

The bill was considered as in Committee of the Whole, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, to strike "\$18,559" and insert in lieu thereof "\$5,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of Henry T. Wilcox, American consul, Paris, France, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, for loss and damage to household effects while in transit to Brest, France, and Antwerp, Belgium, on board United States transports *Antigone* and *Mercury*.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3321) to increase the efficiency of the Air Service of the United States Army was announced as next in order.

Mr. WADSWORTH. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2306) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, was announced as next in order.

Mr. COUZENS. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3624) for the relief of Hannah Parker was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7906) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than

the Civil War, and to widows of such soldiers and sailors was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2043) to authorize the opening of a street from Georgia Avenue to Ninth Street NW., through squares 2875 and 2877, and for other purposes, was announced as next in order.

Mr. SACKETT. I will ask for the committee that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

ELIMINATION OF MICHIGAN AVENUE GRADE CROSSING

The bill (S. 2322) to provide for the elimination of the Michigan Avenue grade crossing in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, on page 2, line 11, after the word "company" to strike out the following proviso: "Provided further, That the said railroad company shall pay the District of Columbia for the lighting of the viaduct under which the tracks of the said railroad company will pass, in accordance with the provisions of existing law," so as to make the bill read:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to construct a viaduct and approaches to carry Michigan Avenue over the tracks and right of way of the Baltimore & Ohio Railroad Co. in accordance with plans and profiles of said works, to be approved by the said commissioners: *Provided*, That one-half of the total cost of constructing the said viaduct and approaches shall be borne and paid by the said railroad company, its successors and assigns, to the collector of taxes of the District of Columbia, to the credit of the District of Columbia, and the same shall be a valid and subsisting lien against the franchises and property of the said railroad company and shall constitute a legal indebtedness of said company in favor of the District of Columbia, and the said lien may be enforced in the name of the District of Columbia by a bill in equity brought by the said commissioners in the Supreme Court of the District of Columbia, or by any other lawful proceeding against the said railroad company.

SEC. 2. That no street railway company shall use the said viaduct or any approaches thereto herein authorized for its tracks until the said company shall have paid to the collector of taxes of the District of Columbia a sum equal to one-fourth of the cost of said viaduct and approaches, which sum shall be deposited to the credit of the District of Columbia.

SEC. 3. That for the purpose of carrying into effect the foregoing provisions the sum of \$275,000 is hereby authorized to be appropriated, payable in like manner as other appropriations for the expenses of the government of the District of Columbia, and the said commissioners are authorized to expend such sum as may be necessary for personal services and engineering and incidental expenses. The said commissioners are further authorized to acquire, out of the appropriation herein authorized, the necessary land or any portion of same within the limits of Michigan Avenue as shown on the recorded highway plan, by purchase at such price or prices as in their judgment they may deem reasonable and fair, or, in the discretion of the commissioners, by condemnation, in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Law for the District of Columbia under a proceeding or proceedings in rem instituted in the Supreme Court of the District of Columbia: *Provided, however*, That of the entire amount found to be due and awarded by the jury as damages for, and in respect of, the land to be condemned to carry the provisions of this act into effect, plus the costs and expenses of the proceeding or proceedings taken pursuant hereto, not less than one-half thereof shall be assessed by the jury as benefits, the amounts collected as benefits to be covered into the Treasury of the United States, to the credit of the District of Columbia.

SEC. 4. That from and after the completion of the said viaduct and approaches the highway grade crossing over the tracks and the right of way of the said Baltimore & Ohio Railroad Co. at Michigan Avenue, in the District of Columbia, shall be forever closed against further traffic of any kind.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONDEMNATION OF LAND FOR HIGHWAY SYSTEM, DISTRICT OF COLUMBIA

The bill (S. 2537) to provide for the condemnation of land for the opening, extension, widening, or straightening of streets, avenues, roads, or highways in accordance with the plan of the permanent system of highways for the District of Columbia,

and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in all condemnation proceedings instituted by the Commissioners of the District of Columbia in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Law for the District of Columbia for the acquisition of land for the opening, extension, widening, or straightening of Piney Branch Road between Thirteenth and Butternut Streets; Thirteenth Street, extended, except through the Walter Reed Hospital Reservation; Concord Avenue; Nicholson Street, or any street, avenue, road, or highway, or a part of any street, avenue, road, or highway in accordance with the plan of the permanent system of highways for the District of Columbia, all or any part of the entire amount found to be due and awarded by the jury in said proceedings as damages for, and in respect of, the land condemned for such streets, avenues, roads, or highways, or parts of streets, roads, avenues, or highways, plus all or any part of the costs and expenses of said proceedings, may be assessed by the jury as benefits: *Provided, however,* That if the total amount of damages awarded by the jury in any such proceedings, plus the costs and expenses of said proceeding, be in excess of the total amount of benefits, it shall be optional with the Commissioners of the District of Columbia to abide by the verdict of the jury or, at any time before the final ratification and confirmation of the verdict, to enter a voluntary dismissal of the cause.

Sec. 2. That there is hereby authorized to be appropriated out of the revenues of the District of Columbia such sums as may be necessary from time to time to pay the costs and expenses of the condemnation proceedings instituted under the authority of this act and for the payment of the amounts awarded as damages, the amounts collected as benefits to be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia: *Provided, however,* That if the total amount of damages awarded by the jury in any such proceeding, plus the costs and expenses of said proceedings, be in excess of the total amount of assessments for benefits, such excess shall be paid out of the appropriation herein authorized.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALICE M. DURKEE

The bill (S. 44) for the relief of Alice M. Durkee was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Alice M. Durkee, of Lynn, Mass., out of any money in the Treasury not otherwise appropriated, the sum of \$2,000, in full settlement for injuries received by being struck by a United States mail truck in the city of Boston April 29, 1921.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

YVONNE THERRIEN

The bill (S. 45) for the relief of Yvonne Therrien was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Yvonne Therrien, of Lynn, Mass., out of any money in the Treasury not otherwise appropriated, the sum of \$300 in full settlement for injuries received by being struck by a United States mail truck in the city of Boston April 29, 1921.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 491) for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

FERRYBOAT "OREGON"

The bill (S. 111) for the relief of the owners of the ferryboat *Oregon* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the owners of the ferryboat *Oregon* against the United States of America for damages alleged to have been caused by collision between the U. S. S. *Candy* and said ferryboat *Oregon* in the East River, at New York, N. Y., on or about the 24th day of February, 1916, may be sued for by the said owners of the ferryboat *Oregon* in the District Court of the United States for the Southern District of New York sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judg-

ment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of the said ferryboat *Oregon*, or against the owners of the said ferryboat *Oregon*, in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided,* That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further,* That said suit shall be brought and commenced within four months from the date of the passage of this act.

Mr. KING. Mr. President, I ask the Senator from Missouri [Mr. WILLIAMS] whether this is the bill to which his attention was called a few days ago and whether he has any amendment to offer to it.

Mr. WILLIAMS. I have no amendment to offer. The only suggestion I have to offer with reference to the bill is that the War Department contends that the accident was unavoidable on the part of the Government steamer.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN STEAM TUG W. S. HOLBROOK

The bill (S. 116) for the relief of the owners and/or receiver of the American steam tug *W. S. Holbrook* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the owners of the American steam tug *W. S. Holbrook*, and/or the receiver of said property, against the United States of America for damages alleged to have been caused by collision between said vessel and the United States Navy steam tug *Pentucket* on or about the 1st day of November, 1917, at the navy yard, Brooklyn, N. Y., may be sued for by the said owners and/or receiver in the District Court of the United States for the Eastern District of New York sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of the said American steam tug *W. S. Holbrook* and/or receiver aforesaid, or against the owners of said American steam tug *W. S. Holbrook* and/or receiver of said vessel, in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided,* That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further,* That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM WOOSTER

The bill (S. 465) for the relief of William Wooster was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William Wooster, out of any money in the Treasury not otherwise appropriated, the sum of \$1,806.53, for the payment in full of the claim of the said William Wooster, of Holbrook, Ariz., under a certain transportation contract of April 17, 1905, between the said William Wooster and the United States, for losses sustained by the said Wooster by reason of the negligence of the Government in the failure to deliver the goods for shipment.

Mr. KING. Mr. President, I would like to have an explanation of the bill from the Senator from Arizona.

Mr. CAMERON. A similar bill has passed the Senate and the House at various times. The man William Wooster had a contract with the Government of the United States to deliver a certain amount of tonnage of goods in August and September at Holbrook, Ariz., to be transported to Fort Apache.

Mr. KING. Will the Senator tell me the branch of the Government with whom the contract was made and whether the contract was in writing?

Mr. CAMERON. The contract was with the Quartermaster General's Department for the hauling of supplies for the troops at Fort Apache. As the Senator probably knows, the contract was let at 92 cents per 100 pounds, but the Government did not deliver the goods until wintertime, and it cost Mr. Wooster, the contractor, something over \$2 per hundred pounds to deliver the goods. He lost in the transaction, according to the statement of the War Department, over \$6,000. We have been

trying for a number of years to get the bill passed. It has passed the House on one or two occasions, but did not then pass the Senate. It passed the Senate last session, but did not pass the House. I think it is about time that the Government should pay Mr. Wooster the small amount of money which is carried by the bill, being only \$1,800, when as a matter of fact his loss was almost \$7,000 and occurred away back in 1895.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. CAMERON. Gladly.

Mr. KING. Was there any limitation as to the time within which the goods were to be delivered to him for hauling?

Mr. CAMERON. Yes; they were to be delivered to him in August and September. There is a long report from the War Department. They recommend payment of the claim, but say they have not the money with which to pay it and that the only way he can be paid is for the Congress to appropriate the money.

Mr. KING. There was a breach of contract upon the part of the War Department?

Mr. CAMERON. Absolutely.

Mr. KING. It employed this man to haul certain merchandise at a certain time and then failed to deliver the merchandise at that time, but months later delivered the merchandise, and at the time they did deliver it the weather conditions were such that it made the transportation very much more costly than if it had been transported in August and September at the time the contract provided. Are those the facts?

Mr. CAMERON. Yes; those are the actual facts.

Mr. KING. I have no objection to the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY A. KESSEL CO. (INC.)

The bill (S. 2848) to extend the time for institution of proceedings authorized under private law No. 81, Sixty-eighth Congress, being an act for the relief of Henry A. Kessel Co. (Inc.), was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That an extension of not more than four months from the date of the passage of this bill, for the time for institution of the proceedings authorized under private law 81, Sixty-eighth Congress, being an act for the relief of Henry A. Kessel Co. (Inc.), be, and is hereby, authorized.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CREDITS ALLOWED CERTAIN GOVERNMENT CONTRACTORS

The joint resolution (S. J. Res. 47) authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918, was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the General Accounting Office is hereby authorized in the discretion of the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918, and where said payments have been credited in the accounts of the respective disbursing officers pursuant to the provisions of an act entitled "An act authorizing the Comptroller General of the United States to allow credits to and relieve certain disbursing officers of the War and Navy Departments in the settlement of certain accounts," approved April 21, 1922 (42 Stat. L. p. 497), as extended by the act approved February 11, 1925 (43 Stat. L. p. 8607).

Mr. KING. Mr. President, will the Senator from Connecticut [Mr. McLEAN] make an explanation of the joint resolution?

Mr. McLEAN. When we declared war, the War Department found itself in need of large quantities of Cavalry equipment—harness, saddles, and so forth. The War Department made contracts with the manufacturers, but shortly after some of the contracts were entered into the organized leather workers demanded a raise in wages. A commission was appointed to settle the question as to raise of pay or change in wage scale. An adjustment was made. Senators will find a copy of the adjustment printed on pages 1 and 2 of the report. Paragraph 5 of the adjustment reads as follows:

In the event that any changes in wage scale are made or approved by the commission—

That is, the commission appointed to adjust the matter—

In carrying out its functions under this agreement, compensatory adjustments shall be made by the United States in accordance with the recommendations of the commission.

This adjustment was printed in some contracts and in some of them it was not. Some of them were entered into before the demand for the increase in wages was made. The department settled the claims in accordance with this provision. These claimants already have their money. The bill merely provides that they shall keep it. It is declared by the Comptroller General, Mr. McCarl—in fact, he is the author of the bill—that, as all of these contractors are precisely on the same basis, there seems to be no possible reason why they should not be treated alike.

Mr. KING. Mr. President, what amount is involved?

Mr. McLEAN. About \$15,000. They already have their money; but the Comptroller General says that unless this bill shall be passed he will have to start some proceedings to get it back. He thinks, however, that they ought to keep the money, and he approves of this bill.

Mr. KING. The bill does not relate to any cases in future?

Mr. McLEAN. No; the cases are all stated in the report.

Mr. KING. It simply legalizes illegal payments which have heretofore been made?

Mr. McLEAN. I do not agree with the Senator with regard to that.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. W. NEIL

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 179) for the relief of J. W. Neil, which had been reported from the Committee on Claims, with amendments on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated, to"; and in line 6, after the words "sum of," to strike out "\$8,537.48" and to insert "\$7,947.53," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. W. Neil, of Ogden, Utah, the sum of \$7,947.53 as compensation for and in full satisfaction of any claim such J. W. Neil may have for losses suffered by reason of the libel of a carload of sugar belonging to him on May 21, 1920, by a United States marshal under color of the act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, as amended.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HELEN M. PECK

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 466) for the relief of Helen M. Peck. It proposes to pay Helen M. Peck \$230.50 in full satisfaction of all claims for damages sustained on January 20, 1921, through the loss of two horses and two packsaddles while in the use of the National Park Service at Grand Canyon National Park.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH B. TANNER

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 467) for the relief of Joseph B. Tanner, which had been reported from the Committee on Claims with an amendment on page 1, line 3, to strike out the words "That the sum of \$250 be paid to Joseph B. Tanner, of Shiprock, N. Mex.," and to insert "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph B. Tanner, of Shiprock, N. Mex., out of any money in the Treasury not otherwise appropriated, the sum of \$250," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph B. Tanner, of Shiprock, N. Mex., out of any money in the Treasury not otherwise appropriated, the sum of \$250, for reimbursement of the amount forfeited by him for nondelivery at the Navajo Springs Indian Agency, Colo., of 385 head of 2-year-old heifers of Hereford blood, and 15 bulls not less than three-fourths Hereford blood, 2-year-olds and 3-year-olds, the sum in question having been deposited by him in the form of a certified

check guaranteeing the performance of his contract to deliver these animals, which check was forfeited to the Government on account of his failure to make delivery under his agreement through a misunderstanding of the true meaning and intent of his contract as between the said Tanner and the inspecting official representing the Government.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET RICHARDS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1155) for the relief of Margaret Richards. It proposes to pay to Margaret Richards, of Little Rock, Ark., \$5,000 for injuries sustained while en route to Camp Pike to participate in an entertainment for convalescent soldiers on May 6, 1920.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1450) for the relief of the estate of John Stewart, deceased, was announced as next in order.

Mr. KING. Let that bill be read.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill.

Mr. KING. I should like an explanation of the bill, Mr. President; otherwise I shall ask that it go over.

Mr. WILLIAMS. Mr. President, just one moment.

Mr. CAPPER. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 2192) for the relief of Ella H. Smith was announced as next in order.

Mr. KING. Let that bill go over for the present.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 769) for the relief of the estate of Benjamin Braznell was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

ELIZABETH B. EDDY

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 102) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy. It proposes to pay to Elizabeth B. Eddy, widow of Charles G. Eddy, of New York, N. Y., \$602.92.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNIE H. MARTIN

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 767) for the relief of Annie H. Martin. It proposes to pay to Annie H. Martin, of Carson City, Nev., \$545.02 to enable her to make payment of a liability incurred by her as acting assayer in charge, United States Mint, Carson City, Nev., for losses in operating on bullion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HUNTER-BROWN CO.

The bill (S. 1304) for the relief of Hunter-Brown Co. was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

WILLIAM HENSLEY

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1451) for the relief of William Hensley. It proposes to pay to William Hensley \$1,500, in full payment for injuries sustained by him while in the discharge of his duties at the navy yard, Washington, resulting in the loss of three fingers of his right hand, loss of his left eye, and other injuries incurred by him in the line of duty.

Mr. KING. Mr. President, I merely wish to ask one question. Why does not Mr. Hensley receive compensation under the general compensation act instead of it being proposed that he shall receive it through a special bill?

Mr. CAPPER. He does not seem to be entitled to compensation under the general compensation act; but the Secretary of the Navy seems to report favorably on the bill. Similar bills have received several favorable reports in Congress and have been passed by the Senate several times.

Mr. KING. I was not objecting, but I was wondering why application was not made for relief under the general compensation law.

Mr. CAPPER. I am unable to give the Senator further information on the subject. It is a worthy claim, and I think it ought to be passed. As I have stated, it has heretofore passed the Senate a number of times.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES E. FITZGERALD

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2200) for the relief of James B. Fitzgerald, which had been reported from the Committee on Claims with an amendment in line 5, before the name "Fitzgerald," to strike out the initial "E" and to insert "B," so as to make the bill read:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized to extend to James B. Fitzgerald, a former employee in the Postal Service, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

The amendment was agreed to.

Mr. KING. Mr. President, I am unfamiliar with the bill, but I see in the report of the committee this statement, which is taken from a previous report on the bill:

The Post Office Department reports that Mr. Fitzgerald "was not entitled to benefit under the act of March 9, 1914, by reason of the fact that he was not in the absolute performance of his official duties when the accident occurred."

I shall have to ask that the bill go over. If Mr. Fitzgerald was not performing his official duties when the accident occurred, then, of course, he was not entitled to compensation.

The PRESIDING OFFICER. The bill goes over on objection.

MARK J. WHITE

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2242) for the relief of Mark J. White. It proposes to pay to Mark J. White, an officer of the United States Public Health Service, Treasury Department, \$163.75, representing a judgment for costs assessed against him by the Supreme Court of the United States on December 10, 1923, in case No. 172, October term, 1923, growing out of the case of William Leather et al. against White et al. for the recovery of certain real estate in the custody of the said Mark J. White as an official of the United States.

Mr. KING. Let us have an explanation of the bill or let the report be read.

Mr. CAPPER. Mr. President, this is a bill which was sent to the Committee on Claims by the Secretary of the Treasury. It has been submitted to the Bureau of the Budget. It is a worthy measure, and grows out of the case of William Leather et al. against White et al. for the recovery of certain real estate in the custody of White as an official of the United States.

The Secretary of the Treasury, in a letter to the committee under date of January 3, 1925, in regard to this case, says:

The necessity for this item of legislation arises by reason of the fact that Dr. Mark J. White, now an assistant surgeon general of the Public Health Service and formerly in charge of the hospital of that service at Maywood, Ill., was made a defendant in the legal action brought by the plaintiffs in the District Court of the United States for the Northern District of Illinois, eastern division, on June 24, 1921, for the purpose of recovering possession of the hospital property then under the official custody of this office.

Doctor White was represented by official counsel, and it is the understanding of this department that at some stage in the proceeding an appeal on a jurisdictional point was taken by the Government from the district court to the United States Circuit Court of Appeals for the Seventh District and finally to the Supreme Court of the United States. The decision of this latter court under date of December 10, 1922, was unfavorable to the contention of the Government, and by its mandate of that date costs were assessed against the defendant.

Doctor White had no personal interest in the case whatever; it was a Government case, and now the Secretary of the Treasury asks that he may be reimbursed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE ROYAL HOLLAND LLOYD

The bill (S. 2962) for the relief of the Royal Holland Lloyd, a Netherlands corporation of Amsterdam, the Netherlands, was announced as next in order.

Mr. KING. I should like to ask the Senator from New York [Mr. WADSWORTH] a question as to the bill.

Mr. WADSWORTH. I am not familiar with the bill.

The PRESIDING OFFICER. The bill will go over under the rule.

REMISSION OR DEDUCTIONS OR FINES UPON MAIL CONTRACTORS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3429) authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service, which was read, as follows:

Be it enacted, etc., That section 266 of the act of June 8, 1872, chapter 335 (17 Stat. p. 315), Revised Statutes 3962, is amended to read as follows:

"The Postmaster General may make deductions from the pay of contractors for failures to perform service according to contract and impose fines upon them for other delinquencies (which deductions or fines may be changed or remitted in his discretion). He may deduct the price of the trip in all cases where the trip is not performed, and not exceeding three times the price if the failure be occasioned by the fault of the contractor or carrier."

Mr. KING. Mr. President, will the Senator from New Hampshire briefly explain this bill and state how much will be involved?

Mr. MOSES. Mr. President, it would be impossible to say how much will be involved, but this bill arises out of the peculiar conditions which have grown up in the mail service, particularly in the State of Florida, where the increase in the bulk of the mails is such that the contractors who are carrying on what is now known as the screened wagon service, with which, of course, the Senator from Utah is familiar, and certain of the star-route contractors find themselves absolutely unable to perform the service which the increase in the volume of the mail demands, and in consequence of that they have in many cases been compelled to default in the service, greatly to the detriment of the progress of the mails. This measure is designed to give the Postmaster General authority to inquire into conditions which may arise in like circumstances.

I will say to the Senator from Utah that under the terms of this bill the authorization to the Postmaster General to inquire into these contracts and readjust them will not demand any added appropriation of public money. The cost, whatever it may be, can readily be cared for out of the appropriations already made, so that it entails neither an increase in the estimates nor an increase in the appropriations.

Mr. KING. I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ST. JOSEPH'S MALE ORPHAN ASYLUM, DISTRICT OF COLUMBIA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3012) to change the name of "The Trustees of St. Joseph's Male Orphan Asylum" and amend the act incorporating the same, which was read, as follows:

Be it enacted, etc., That the act of Congress incorporating "The Trustees of St. Joseph's Male Orphan Asylum," approved on the 6th day of February, in the year 1855, be, and it hereby is, amended as follows:

"The name of said corporation shall be St. Joseph's Home and School.

"SEC. 2. The purpose of said corporation shall be to care for and educate orphan, indigent, and other male children under 18 years of age under such rules and regulations as it may adopt.

"SEC. 3. All property now vested in The Trustees of St. Joseph's Male Orphan Asylum as incorporated as aforesaid is hereby vested in and confirmed to St. Joseph's Home and School as reincorporated by this act. Said corporation shall have power to acquire, hold, and convey such real estate as it may deem proper for its said purposes and to hold such personal property as it may use, or use the income from, for said purposes, and to take and hold real estate and personal property by grant, devise, or bequest: *Provided*, That any real estate granted or devised to it and not used for its corporate purposes shall be sold and conveyed away within five years after the date of such devise.

"SEC. 4. William H. DeLacy, John J. Earley, B. Francis Saul, James F. Shea, Henry W. Sobon, Cornelius F. Thomas, and Francis R. Weller are hereby constituted and confirmed as the said corporation and as trustees to manage the said corporation. When a vacancy occurs in their number they may fill such vacancy, and they may increase or diminish their number from time to time as they may deem expedient.

They shall elect a president, a secretary, and a treasurer from their number, adopt a corporate seal, and make all needful by-laws and rules and regulations for the institution to be conducted by said corporation.

"SEC. 5. Sections 3 and 4 of said act of Congress approved on the 6th day of February, 1855, and all parts of said act inconsistent with this act are hereby repealed.

"SEC. 6. The right is reserved to alter, amend, or repeal this act."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HARRY ROSS HUBBARD

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 869) for the relief of Harry Ross Hubbard. It directs the Comptroller General of the United States to credit the accounts of Harry Ross Hubbard, Lieutenant (junior grade), United States Navy, with \$942.25, disallowed in item 5 of statement of differences, certificate No. N-1379-E, dated May 6, 1922.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 945) for the relief of Gershon Bros. Co. was announced as next in order.

Mr. JONES of Washington. I ask that that bill may go over.

The PRESIDING OFFICER. The bill will be passed over under the rule.

The bill (S. 2981) to amend section 553 of the Code of Law for the District of Columbia was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will go over under the rule.

PENSIONS AND INCREASE OF PENSIONS

The bill (S. 3300) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes was announced as next in order.

Mr. KING. Mr. President, I ask unanimous consent, in view of the fact that a certain bill to which I shall call attention in a moment was to have been taken up yesterday morning and again this morning if we had had an opportunity to proceed with the consideration of the calendar, that we now take it up out of order.

Mr. MOSES. What is the bill?

Mr. KING. It is a bill relating to the height of buildings in the District of Columbia.

The PRESIDING OFFICER. The Chair will ask if objection was made to Senate bill 3300.

Mr. NORBECK. Mr. President, I will object.

The PRESIDING OFFICER. The bill will go over under the rule.

Mr. MOSES. Wait a moment, Mr. President. To what bill is the Senator from South Dakota objecting?

Mr. NORBECK. I was objecting to the request presented by the Senator from Utah [Mr. King].

Mr. MOSES. The Senator is not objecting to the consideration of Order of Business No. 287, being Senate bill 3300?

Mr. NORBECK. No.

The PRESIDING OFFICER. Is there objection to the present consideration of Senate bill 3300?

Mr. KING. Mr. President, was the bill passed by the House?

Mr. MOSES. This is the Senate bill.

Mr. SMITH. Is not this the identical bill that passed the House—House bill 8132?

The PRESIDING OFFICER. The Chair is unable to inform the Senator.

Mr. SMITH. My impression is that it is. If that be the case, that bill passed the House without a dissenting vote; and if the bills are identical we could substitute the House bill for the Senate bill and expedite the whole matter.

The PRESIDING OFFICER. Does the Senator make that suggestion?

Mr. SMITH. I should like to know from the chairman of the committee whether or not these bills are identical.

Mr. NORBECK. They are identical, and they are both on the calendar.

The PRESIDING OFFICER. The Chair is advised that they are identical.

Mr. SMITH. Then I move to substitute the House bill for the Senate bill, and let us vote upon that.

Mr. KING. Let it be read.

The PRESIDING OFFICER. Without objection, House bill 8132 will be read.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8132) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes, which had been reported from the Committee on Pensions, with an amendment in the nature of a substitute.

Mr. KING. I ask to have the bill read textually, please.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk proceeded to read the bill as proposed to be amended.

Mr. JONES of Washington. Mr. President, are we actually considering this bill now? I thought we were substituting the House bill for the Senate bill.

Mr. SMITH. This is the House bill, which we have substituted for the Senate bill.

Mr. JONES of Washington. Then we have already substituted it for the Senate bill?

Mr. SMITH. Yes.

Mr. JONES of Washington. Then the House bill is before the Senate?

The PRESIDING OFFICER. The House bill is before the Senate; the amendment is being read, and the question is on agreeing to the amendment.

Mr. SHORTRIDGE. Mr. President, I desire to be assured by the chairman of the Senate committee that this substituted bill, coming to us from the House, is in harmony with and the same as the Senate bill which has been reported to the Senate.

Mr. NORBECK. It is exactly the same, keeping in mind the fact that the Senate bill was amended in the Senate committee. When the House bill came over, similar amendments were made to it. I desire to state further that there were no material changes in the rates from those fixed by the House; but the retroactive features were struck out, and a good many things were eliminated that will reduce the cost considerably from the cost under the House bill.

Mr. McKELLAR. Mr. President, if the House bill is substituted for the Senate bill then there is just one amendment, and it will all be agreed to at one time; will it not?

The PRESIDING OFFICER. That is true. The question is on agreeing to the Senate committee amendment to the House bill.

Mr. SMOOT. Mr. President, I understood that a request was made to read the House bill as it would read if the amendment were adopted.

The PRESIDING OFFICER. That is correct.

Mr. SMOOT. Only part of it has been read. The Secretary stopped reading at the word "pensioners" in line 8, page 2, of the Senate bill. They are identical as far as the Secretary read, but he has not read any further than that.

Mr. SMITH. As I understood, the request was that the text of the bill be read. Was not that the request of the Senator from Utah?

Mr. KING. Yes; that the text be read.

The PRESIDING OFFICER. The Secretary is reading the Senate amendment in the nature of a substitute for the House bill, and will continue to read.

Mr. SMOOT. What I desire to do is to follow the Senate bill with the House bill, so that I can see what changes were made and whether they are identical.

The Chief Clerk resumed and concluded the reading of the amendment in the nature of a substitute, which, entire, is as follows:

That all persons who served 90 days or more in the military or naval service of the United States during the war with Spain, the Philippine insurrection, or the China relief expedition, and who have been honorably discharged therefrom, or who, having served less than 90 days, were discharged for disability incurred in the service in line of duty, and who are now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character not the result of their own vicious habits which so incapacitates them for the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States and be entitled to receive a pension not exceeding \$50 a month and not less than \$20 a month, proportioned to the degree of inability to earn a support, and in determining such inability each

and every infirmity shall be duly considered and the aggregate of the disabilities shown shall be rated: *Provided*, That any such person who has reached the age of 62 years shall, upon making proof of such fact, be placed upon the pension roll and entitled to receive a pension of \$20 a month; in case such person has reached the age of 68 years, \$30 a month; in case such person has reached the age of 72 years, \$40 a month; and in case such person has reached the age of 75 years, \$50 a month: *Provided further*, That all leaves of absence and furloughs under General Orders, No. 130, August 29, 1898, War Department, shall be included in determining the period of pensionable service: *Provided further*, That the provisions, limitations, and benefits of this section be, and hereby are, extended to and shall include any woman who served honorably as a nurse, chief nurse, or superintendent of the Nurse Corps under contract for 90 days or more between April 21, 1898, and February 2, 1901, inclusive, and to any such nurse, regardless of length of service, who was released from service before the expiration of 90 days because of disability, contracted by her while in the service in line of duty.

SEC. 2. The widow of any officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the war with Spain, the Philippine insurrection, or the China relief expedition, between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, and that all leaves of absence and furloughs under General Orders, No. 130, August 29, 1898, War Department, shall be included in determining the period of pensionable service, and was honorably discharged from such service, or, regardless of the length of service, was discharged for or died in service of a disability incurred in the service in line of duty, such widow having married such soldier, sailor, or marine prior to September 1, 1922, shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed upon the pension roll at the rate of \$30 a month during her widowhood. And this section shall apply to a former widow of any officer or enlisted man who rendered service as hereinbefore described and who was honorably discharged, or died in service due to disability or disease incurred in the service in line of duty, such widow having remarried either once or more after the death of the soldier, sailor, or marine, if it be shown that such subsequent or successive marriage has or have been dissolved, either by the death of the husband or husbands or by divorce on any ground except adultery on the part of the wife and any such former widow shall be entitled to and be paid a pension at the rate of \$30 a month, and any widow or former widow mentioned in this section shall also be paid \$6 a month for each child under 16 years of age of such officer or enlisted man, and in case there be no widow or one not entitled to pension under any law granting additional pension to minor children the minor children under 16 years of age of such officer or enlisted man shall be entitled to the pension herein provided for the widow and in the event of the death or remarriage of the widow or forfeiture of the widow's title to pension the pension shall continue from the date of such death, remarriage, or forfeiture to such child or children of such officer or enlisted man until the age of 16 years: *Provided*, That in case a minor child is insane, idiotic, or otherwise mentally or physically helpless the pension shall continue during the life of such child, or during the period of such disability; and this proviso shall apply to all pensions heretofore granted or hereafter granted under this or any former statute: *Provided further*, That when a pension has been granted to an insane, idiotic, or otherwise helpless child, or to a child or children under the age of 16 years, a widow or former widow shall not be entitled to a pension under this act until the pension to such child or children terminates unless such child or children be a member or members of her family and cared for by her; and upon the granting of pension to such widow or former widow payment of pension to such child or children shall cease, and this proviso shall apply to all claims arising under this or any other law.

SEC. 3. Any soldier, sailor, or marine or nurse now on the pension roll or who may be hereafter entitled to a pension under the act of June 5, 1920, or under that act as amended by the act of September 1, 1922, or under this act on account of his service during the war with Spain, the Philippine insurrection, or China relief expedition, who is now or hereafter may become, on account of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be given a rate of \$72 a month, provided such disabilities are not the result of his or her own vicious habits: *And provided further*, That no one while an inmate of the United States Soldiers' Home or of any national or State soldiers' home shall be paid more than \$50 per month under this act.

SEC. 4. That the pension or increase at the rate of pension herein provided for, as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rates herein provided on the fourth day of the next month after the approval of this act, except where otherwise herein provided; and as to persons whose names are not now on the pension roll, or who are not now in receipt of a pension under existing law, but who may be entitled to a pension under the provisions of this act,

such pensions shall commence from the date of filing application therefor in the Bureau of Pensions after the approval of this act in such form as may be prescribed by the Secretary of the Interior; and the issue of a check in payment of a pension for which the execution and submission of a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check, and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner.

SEC. 5. Nothing contained in this act shall be held to affect or diminish the additional pension to those on the roll designated as "The Army and Navy Medal of Honor Roll," as provided by the act of April 27, 1916, but any pension or increase of pension herein provided for shall be in addition thereto, and no pension heretofore granted under any act, public or private, shall be reduced by anything contained in this act.

SEC. 6. No claim agent, attorney, or other person shall contract for, demand, receive, or retain a fee for service in preparing, presenting, or prosecuting claims for the increase of pension provided for in this act; and no more than the sum of \$10 shall be allowed for such service in other claims thereunder, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall, directly or indirectly, otherwise contract for, demand, receive, or retain a fee for service in preparing, presenting, or prosecuting any claim under this act, or shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension allowed or due to such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding \$500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 7. That all acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby modified and amended only so far and to the extent as herein specifically provided and stated.

The PRESIDING OFFICER. The question is on agreeing to the amendment, in the nature of a substitute, which has just been read by the Secretary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. CURTIS. I ask for a yea-and-nay vote on the passage of the bill.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a pair with the junior Senator from Indiana [Mr. ROBINSON], who is absent. If he were present, he would vote "yea," as I intend to vote. I therefore am permitted to vote, and I vote "yea."

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. I transfer that pair to the Senator from Massachusetts [Mr. BUTLER] and will vote. I vote "yea."

Mr. PHIPPS (when Mr. MEANS's name was called). My colleague [Mr. MEANS] is absent on account of illness. If he were present, he would vote "yea."

Mr. REED of Pennsylvania (when Mr. PEPPER's name was called). The senior Senator from Pennsylvania [Mr. PEPPER] is necessarily absent. If he were present, he would vote "yea."

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD], and I am told that if present he would vote as I intend to vote. I therefore vote "yea."

The roll call was concluded.

Mr. COPELAND. The junior Senator from New Jersey [Mr. EDWARDS] is absent on official business. If he were present, he would vote "yea."

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is detained by illness.

Mr. DALE. If my colleague [Mr. GREENE] had not been unavoidably detained, he would have voted "yea."

Mr. HARRELD. Has the senior Senator from North Carolina [Mr. SIMMONS] voted?

The VICE PRESIDENT. He has not voted.

Mr. HARRELD. I understand that if the Senator from North Carolina [Mr. SIMMONS] were present he would vote "yea." Therefore, I am permitted to vote, and I vote "yea."

Mr. HOWELL. I wish to state that my colleague [Mr. NORMAN] is absent from the city. If present, he would vote "yea."

I also desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is detained. If he were present, he would vote "yea."

Mr. ROBINSON of Arkansas. The senior Senator from Rhode Island [Mr. GERRY] is necessarily absent. If present, he would vote "yea."

I have a general pair with the senior Senator from Illinois [Mr. MCKINLEY]. I am informed that if present he would vote "yea." Therefore I am permitted to vote, and I vote "yea."

The senior Senator from Missouri [Mr. REED] is also necessarily absent. If he were present, he would vote "yea."

I also desire to announce that the junior Senator from Iowa [Mr. STECK] is necessarily absent. If present, he would vote "yea."

Mr. FESS. The junior Senator from Minnesota [Mr. SCHALL] is unavoidably absent. If present, he would vote "yea."

Mr. FLETCHER (after having voted in the affirmative). I failed to announce that I have a general pair with the Senator from Delaware [Mr. DU PONT]. According to my information, if present the Senator from Delaware would vote "yea." Therefore I will allow my vote to stand.

Mr. BRATTON. The senior Senator from New Mexico [Mr. JONES] is necessarily absent on account of illness. If present, he would vote "yea."

Mr. JONES of Washington. I desire to announce that the senior Senator from Massachusetts [Mr. BUTLER], the junior Senator from Massachusetts [Mr. GILLET], the junior Senator from Delaware [Mr. DU PONT], and the junior Senator from Idaho [Mr. GOODING] are necessarily absent. If present, they would vote "yea."

Mr. WATSON. If my colleague [Mr. ROBINSON of Indiana] were present, he would vote "yea." He is unavoidably detained from the Senate.

Mr. SHEPPARD. The junior Senator from Texas [Mr. MAYFIELD] is unavoidably detained. If he were present, he would vote "yea."

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is necessarily absent. If present, he would vote "yea."

Mr. HARRIS. I desire to announce that my colleague [Mr. GEORGE] is necessarily detained on business of the Senate. If he were present, he would vote "yea."

The result was announced—yeas 72, nays 0, as follows:

YEAS—72

Ashurst	Ernst	McKellar	Sheppard
Bingham	Fernald	McLean	Shipstead
Bleuse	Ferris	McMaster	Shortridge
Borah	Fess	McNary	Smith
Bratton	Fletcher	Metcalf	Smoot
Broussard	Frazier	Moses	Stanfield
Bruce	Goff	Neely	Stephens
Cameron	Hale	Norbeck	Swanson
Capper	Harreld	Oye	Tammell
Caraway	Harris	Oddie	Tyson
Copeland	Harrison	Overman	Wadsworth
Coxens	Heflin	Phipps	Walsh
Cummins	Howell	Pine	Warren
Curtis	Johnson	Pittman	Watson
Dale	Jones, Wash.	Ransdell	Weller
Deneen	Kendrick	Reed, Pa.	Wheeler
Dill	Keyes	Robinson, Ark.	Williams
Edge	Lenroot	Sackett	Willis

NAYS—0

NOT VOTING—24

Bayard	Gillett	La Follette	Reed, Mo.
Butler	Glass	McKinley	Robinson, Ind.
du Pont	Gooding	Mayfield	Schall
Edwards	Greene	Means	Simmons
George	Jones, N. Mex.	Norris	Steck
Gerry	King	Pepper	Underwood

So the bill was passed.

Mr. BAYARD subsequently said: Mr. President, I was attending a conference when the vote was taken on H. R. 8132, the Spanish War veterans' pension bill. Had I been present, I would have voted in the affirmative.

Mr. SWANSON. My colleague [Mr. GLASS] is necessarily absent from the city.

Mr. SMOOT. I ask that Senate bill 3300 be indefinitely postponed.

The VICE PRESIDENT. Without objection, Senate bill 3300 will be indefinitely postponed.

Mr. WADSWORTH. I ask that the indefinite postponement of the Senate bill be delayed, and that the bill be left upon the calendar.

Mr. SMOOT. It is identical with the bill which has just passed the Senate.

Mr. WADSWORTH. I know that it is, but the House has not concurred in the Senate amendment.

Mr. SMOOT. Of course, but if they do not, then they would not agree to the Senate bill.

Mr. WADSWORTH. It might be possible to take up the Senate bill, under that unusual set of circumstances, and

legislate with that in mind. I merely ask that it be allowed to remain on the calendar.

Mr. SMOOT. I have no objection to that.

The VICE PRESIDENT. Is there objection? Without objection, the action indefinitely postponing Senate bill 3300 is reconsidered.

Mr. WADSWORTH. Let it remain on the calendar.

The VICE PRESIDENT. The bill will remain on the calendar, and will be passed over.

JAMES B. FITZGERALD

Mr. CARAWAY. I ask unanimous consent to return to Order of Business No. 273, Senate bill 2200, for the relief of James B. Fitzgerald. The junior Senator from Utah [Mr. KING] objected a moment ago, but he has informed me that he wants to withdraw his objection.

The VICE PRESIDENT. The bill has been considered as in Committee of the Whole, and a certain amendment has been made to it. The question now is, Shall the bill be reported to the Senate?

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James B. Fitzgerald."

TRUTH IN FABRICS

The bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. WALSH subsequently said: May I inquire what disposition was made of Senate bill 1618?

The VICE PRESIDENT. It went over under objection.

Mr. WALSH. I should like to inquire of the Senator from Kansas [Mr. CAPPER] if it is his purpose to press for the consideration of that measure, generally known as the "truth in fabrics" bill?

Mr. CAPPER. I understand that to-day we are considering only unobjected bills on the calendar. I do intend to ask for a vote on the measure known as the "truth in fabrics" bill. It is one farm relief measure on which every farm organization in the country is united, proposing legislation such as is recommended by the Committee on Interstate Commerce. I hope to have a vote on the measure before the present session is ended.

Mr. WALSH. I express the hope that the Senator will be insistent upon the consideration of the measure by the Senate. The subject has been before the Congress for a great many years, and a similar measure has come before us often. It ought to have a hearing before the Senate.

Mr. CAPPER. At the first opportunity offered I shall seek to have the bill taken up.

POTASH DEPOSITS

The bill (S. 1821) authorizing joint investigations by the United States Geological Survey and the Bureau of Soils of the United States Department of Agriculture to determine the location and extent of potash deposits or occurrence in the United States and improved methods of recovering potash therefrom was announced as next in order.

Mr. WILLIAMS. Let that go over.

Mr. SMITH. Mr. President, I think this is a matter of such importance, there is such a necessity of ascertaining the fact as to matters which have been considered by the Committee on Agriculture of importance to agricultural interests, that this bill should be passed.

Mr. WILLIAMS. I suggested that it go over because there appears to be no concurrence by the Department of Agriculture and no report from them.

Mr. SMITH. I understand that the Department of Agriculture has recommended this legislation. The Geological Survey has indicated that there are large deposits of potash in our country, and we want to ascertain all the facts in reference to them, because we are wholly dependent upon Germany. This is to authorize these departments to make investigations and to report as to the facts pertaining to this subject. I think the bill ought to be passed.

Mr. WALSH. I express the hope that no objection will be urged to the consideration of this measure.

Mr. WILLIAMS. I offer no objection.

The bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there be, and hereby is, authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$550,000 for the fiscal year ending June 30, 1926, and a similar amount for each succeeding fiscal year for four years, to be expended jointly in the proportion above mentioned, by the United States Geological Survey and the Department of Agriculture, respectively, for the purpose of determining the location and extent of potash deposits in the United States and new and improved methods of recovering potash from other substances: *Provided*, That before undertaking drilling operations upon any tract or tracts of land the Secretary of the Interior shall enter into a contract with the owners or lessees, or both, of the mineral rights therein, which contract shall provide, in the event that commercial amounts of potash or other valuable minerals are discovered, for reimbursement to the United States of not more than the actual cost of the exploration, and this claim for reimbursement shall constitute a preferred claim against any minerals developed and against any enhanced values due to the discovery of mineral in the land: *Provided further*, That such contract shall not restrict the Secretary of the Interior in the choice of drilling locations within the property or in the conduct of the exploratory operations, so long as such selections or conduct do not interfere unreasonably with the use of the surface of the land or with the improvements thereon, and the United States shall not be liable for damages on account of such reasonable use of the surface as may be necessary in the proper conduct of the work: *Provided further*, That before such drilling be commenced the owners of the land lying within a radius of 10 miles of the proposed well, in consideration of the great increase in value to their land incident to any discovery of potash and in order to prevent profiteering, be required to enter into an agreement whereby the Department of the Interior is empowered to act as referee in determining the maximum price at which the potash rights of such land can be sold, and, furthermore, that the purchasers of such rights, in consummating the purchase and in consideration of the advantage accruing from an equitable price for such rights as effected by the said department, be required to enter into an agreement whereby the potash obtained by them shall be marketed at a price not in excess of a maximum determined by the department as equitable, and, furthermore, from the net profits of such sales shall pay to the Government 10 per cent per annum until the Government shall have been reimbursed for the expenditure incurred in the exploration of the deposits in point.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. The Committee on Agriculture and Forestry reports as an amendment that the preamble be stricken out.

The amendment was agreed to.

INDEBTEDNESS OF ITALY TO THE UNITED STATES

The VICE PRESIDENT. The hour of 3 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 6773.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America.

Mr. McKELLAR. Mr. President, I desire to read a telegram at this time.

NEW YORK, N. Y., April 14, 1926.

Senator McKELLAR,

United States Senator from Tennessee,

Senate Chamber, Washington, D. C.

Five thousand Italian-Americans at a mass meeting in New York City under the auspices of the Anti-Fascist League of North America wish to congratulate you on your attitude against Mussolini and Fascism. Fascism must not be confounded with the Italian people. It is a murderous, autocratic, and coercive band of brigands which has destroyed law and order, liberty and democracy, and has placed 42,000,000 of liberty-loving people in abject slavery by threats, castor-oil beatings, and murder. America, whose traditions are freedom and democracy, should have nothing to do with Mussolini and his henchmen who are the antithesis of American ideals. We trust that your conferees in the United States Senate will follow your example, thus preparing the ground for a new Italy whose government we hope will soon be one for the people and by the people.

CHARLES FAMA, M. D.,

236 East Two hundredth Street, New York City.

Mr. SMOOT. Mr. President, I submit the following unanimous-consent agreement.

The VICE PRESIDENT. The clerk will read the proposed agreement.

The Chief Clerk read as follows:

Ordered, by unanimous consent, That on the calendar day of Saturday, April 17, 1926, at not later than 2 o'clock p. m., the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment or any motion that may be offered, and upon the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America, through the regular parliamentary stages to its final disposition; and that after the hour of 12 o'clock m. on said calendar day no Senator shall speak more than once or longer than 15 minutes upon the bill, or more than once or longer than 15 minutes upon any amendment offered thereto; and that when the Senate concludes its business on Friday, April 16, it recess until Saturday, April 17, at 12 o'clock m.

The VICE PRESIDENT. Under the rule the clerk will call the roll to establish the fact that a quorum is present.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	McKellar	Sackett
Bingham	Fernald	McLean	Sheppard
Blaise	Ferris	McMaster	Shortridge
Borah	Fess	McNary	Smith
Bratton	Fletcher	Metcalf	Smoot
Broussard	Frazier	Moses	Stanfield
Bruce	Gillett	Neely	Stephens
Cameron	Goff	Norbeck	Trammell
Capper	Hale	Nye	Tyson
Caraway	Harrell	Oddie	Wadsworth
Copeland	Harris	Overman	Walsh
Couzens	Hedlin	Phipps	Warren
Cummins	Howell	Pine	Watson
Curtis	Johnson	Pittman	Weller
Dale	Jones, Wash.	Ransdell	Wheeler
Deneen	Kendrick	Reed, Mo.	Williams
Dill	Keyes	Reed, Pa.	Willis
Edge	Lenroot	Robinson, Ark.	

The VICE PRESIDENT. Seventy-one Senators having answered to their names, a quorum is present.

Mr. SMOOT. Mr. President, the secretary of the Senator from Missouri [Mr. REED] has just notified me that the Senator is on the way from one of the departments. I understood that he would be here at 3 o'clock and that is the reason why I asked that the unfinished business be laid aside until that hour. His clerk informs me that he will not be here for about 10 minutes. I therefore ask unanimous consent to withdraw the unanimous-consent proposal at this time, and that we proceed to the consideration of unobjected bills on the calendar where we left off, until the Senator from Missouri arrives in the Chamber.

Mr. BORAH. Mr. President, may I make a suggestion to the Senator from Utah? I suggest that he modify his unanimous-consent request.

Mr. SMOOT. In what way?

Mr. BORAH. So that we shall vote at 4 o'clock on Saturday and that each Senator shall have 30 minutes on the bill to use as he chooses.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Idaho yield?

Mr. BORAH. Certainly.

Mr. ROBINSON of Arkansas. This morning when the subject was first mentioned and the proposal was made to try to reach some sort of an agreement, it was found that one Senator at least would have to leave here shortly after 2 o'clock on Saturday afternoon and he was very anxious that the vote should be taken before leaving. It was then proposed to carry the matter over until Monday when four other Senators announced that they would be compelled to be away on Monday and they would therefore object to any arrangement to have it go over to Monday.

I merely state this in order to show the reason for seeking to agree to vote at 2 o'clock on Saturday. There is no desire on the part of anyone to cut off debate. I myself would like to see the debate continue as long as anyone wants to speak, but it will be necessary to consult the convenience of Senators who find it necessary to leave.

Mr. BORAH. I should not want to interfere with the Senator, who, I understand, must go away at 2 o'clock.

Mr. ROBINSON of Arkansas. I was willing to vote at 2 o'clock for that reason, to serve the convenience of Senators who had told me they were compelled to leave immediately after that hour. I have no objection to meeting even at 10 o'clock on Saturday.

Mr. SMOOT. I am perfectly willing to meet at 10 o'clock or 11 o'clock on Saturday. If we meet at 10 o'clock, it would give four hours for debate, but there are two Senators who must leave, as they have said, not later than 2 o'clock on Saturday.

Mr. REED of Missouri entered the Chamber.

Mr. SMOOT. Inasmuch as the Senator from Missouri [Mr. REED] has just entered the Chamber, I withdraw my request to postpone the unanimous-consent proposal.

Mr. REED of Missouri. Mr. President, I have no desire to obstruct the business of the Senate. I regard this proposal as a species of intolerable grand larceny. I intend to resist it by every means in my power, and I shall object to the proposed unanimous-consent agreement.

Mr. SMOOT. I see no other course to pursue than to proceed with the consideration of the unfinished business.

Mr. BORAH. Mr. President, while Senators are seeking to come to an agreement as to the time to vote on the Italian debt settlement bill, I shall occupy a little time with a discussion of the proposed amendment to the Volstead Act.

Mr. SMOOT. Mr. President, will the Senator from Idaho yield before he proceeds further?

Mr. BORAH. Certainly.

Mr. SMOOT. I desire to resubmit the unanimous-consent agreement changed to read as follows:

Ordered, by unanimous consent, That on the calendar day of Wednesday, April 21, 1926, at not later than 2 o'clock p. m., the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment or any motion that may be offered, and upon the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America, through the regular parliamentary stages to its final disposition; and that after the hour of 12 o'clock m. on said calendar day no Senator shall speak more than once or longer than 15 minutes on the bill, or more than once or longer than 15 minutes upon any amendment offered thereto; and that when the Senate concludes its business on Tuesday, April 20, 1926, it recess until Wednesday, April 21, at 12 o'clock m.

Mr. WATSON. Mr. President, may we have the proposed agreement reported from the desk in order that all may hear it?

The VICE PRESIDENT. The Clerk will read the proposed unanimous-consent agreement.

The Chief Clerk read as follows:

Ordered, by unanimous consent, That on the calendar day of Wednesday, April 21, 1926, at not later than 2 o'clock p. m., the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment or any motion that may be offered, and upon the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America, through the regular parliamentary stages to its final disposition; and that after the hour of 12 o'clock m. on said calendar day no Senator shall speak more than once or longer than 15 minutes upon the bill or more than once or longer than 15 minutes upon any amendment offered thereto, and that when the Senate concludes its business on Tuesday, April 20, it recess until Wednesday, April 21, at 12 o'clock m.

Mr. BORAH. Mr. President, it is well known to everyone that after these unanimous-consent agreements are entered into we never have any debates that anyone pays any attention to until the day of the voting. We go about our other affairs and give very little consideration to the matter which is to be voted upon. I therefore ask that this agreement be amended so as to make the hour for its taking effect 4 o'clock and to give a Senator 30 minutes to use as he chooses. If he wants to speak 30 minutes on the bill, let him speak 30 minutes, but make the hour not later than 4 o'clock.

Mr. MOSES. Does the Senator from Idaho mean by using the expression "as he chooses" that a Senator may yield to some other Senator if he so desires?

Mr. BORAH. I meant to say that the Senator should use the time himself, not referring to anyone else.

Mr. SHORTRIDGE. Mr. President, I suggest that we might have that privilege, for during that period, having the floor, I might wish to yield it to the Senator from Idaho.

Mr. BORAH. Or vice versa.

Mr. ROBINSON of Arkansas. I should object to that, Mr. President.

Mr. BORAH. I am not asking it.

Mr. ROBINSON of Arkansas. I think it would be a bad precedent to establish to allow a Senator to get the floor and instead of using the time himself parcel it out among favorites. I will object to any arrangement such as that, either now or hereafter.

Mr. SHORTRIDGE. Then, I will object to the agreement.

Mr. SMOOT. I ask the Senator from California not to do that.

Mr. SHORTRIDGE. Well, I am objecting. I hope the Senator will be good enough to consult me now and then in regard to these unanimous-consent agreements.

Mr. SMOOT. Very well.

Mr. ROBINSON of Arkansas. Of course the Senator from California has the same right as has any other Senator to object, and I am heartily in favor of his exercising his constitutional right now and hereafter. He ought to do it more

often. The country is greatly benefited by the exercise of those constitutional rights, and, so far as I am concerned, I hope he will continue to exercise them.

Mr. SHORTRIDGE. I do not desire to indulge in any irony or sarcasm. I think I have been very courteous. I have never raised my voice in objection to any proposed unanimous-consent agreement. The thought I threw out by my suggestion has been expressed to me many times by Senators in this Chamber. It occurs to me now that it has some merit. I can well imagine that my friend from Arkansas—he can not provoke me into replying in a sarcastic vein—

Mr. ROBINSON of Arkansas. Why, Mr. President—

Mr. SHORTRIDGE. Pardon me a moment.

Mr. ROBINSON of Arkansas. Does the Senator think I am trying—will the Senator from California yield to me?

Mr. SHORTRIDGE. I will yield to the Senator.

Mr. ROBINSON of Arkansas. Does the Senator from California imagine that I am trying to provoke him? Mr. President, I am supporting him in the exercise of his right, but I will reaffirm the proposition that the practice of a Senator getting the floor with the privilege of parcelling out the time will not be indulged in hereafter.

Mr. SHORTRIDGE. Mr. President—

Mr. BORAH. Mr. President, may I say—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Idaho?

Mr. SHORTRIDGE. Yes; I yield with pleasure.

Mr. BORAH. I did not mean to ask for the privilege of parcelling out the time. I only meant that a Senator might use it himself.

Mr. ROBINSON of Arkansas. That is all right. I have no objection to that.

Mr. BORAH. I prefer to have it arranged that way.

Mr. SHORTRIDGE. I perhaps misunderstood my friend from Arkansas [Mr. ROBINSON]. He has ever been courteous to me, and I have endeavored to be so to him. I pay great heed to his opinion as to the wisdom of the rules of this body, as, perhaps, the RECORD will show. It has, however, occurred to me that it would be very wise when under a unanimous-consent agreement we enter the period for limited debate to permit a Senator having the floor to yield a little of his allotted time to another if he thought that by so doing his cause would be better presented and advanced. I see no harm in that practice. At any rate, I am not persuaded against that proposition. I may, however, be in error. Indeed, I thought when the Senator from Idaho made his request that he intended to convey that idea.

Mr. BORAH. No; I did not have that in mind.

Mr. SHORTRIDGE. The Senator from Idaho has now made that perfectly plain.

Mr. BORAH. Mr. President, if I may make the suggestion to the Senator, as it is a debatable matter as to whether we should yield time, and so forth, and one which we may want to consider at some length on some other occasion, suppose we waive it in this particular instance and take it up later.

Mr. SHORTRIDGE. To show that I am a good-natured man, I accept his suggestion and offer no objection to the agreement requested by the Senator from Utah.

Mr. FERNALD. Mr. President, I agree with everybody. [Laughter.] But I want to make an inquiry of the Senator. Is it the intention of the Senator to keep the debt settlement measure before the Senate constantly from now until next Wednesday, or will opportunity be afforded to consider other bills in the meantime.

Mr. SMOOT. Mr. President, if the unanimous-consent agreement shall be entered into, whenever a Senator desires to speak upon the bill I shall ask that it be laid before the Senate, and when no Senator desires to speak upon it I shall ask that it be laid aside.

Mr. SHORTRIDGE. That goes into the agreement practically as stated here, of course?

Mr. SMOOT. Yes.

The VICE PRESIDENT. Is there objection?

Mr. ASHURST. Mr. President, as the Record of yesterday's proceedings will disclose, I have received telegrams and letters from a large number of citizens of Arizona urging me to vote for this bill, and on matters of policy I am inclined to yield to the wishes of my constituents. I wish the bill to be disposed of early, but I am unable to agree to Wednesday. I will be glad to agree to Thursday, April 22, but I am unable to agree to Wednesday. I deeply regret to interpose an objection.

Mr. SMOOT. I hope the Senator will not object.

Mr. ROBINSON of Arkansas. Mr. President, let us find out if there is anybody who is going to be away on Thursday.

Mr. ASHURST. I am not going to be away, but I am not ready to vote.

Mr. SMOOT. I beg the Senator not to object.

Mr. ASHURST. Mr. President, at great personal sacrifice—and I speak in all seriousness—I will withdraw the objection.

Mr. SMOOT. I thank the Senator.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMOOT. Mr. President, it is understood, of course, that the words "15 minutes" are to be changed to "30 minutes," and that the vote is to be at 4 o'clock on Wednesday, April 21.

The VICE PRESIDENT. The clerk will read the unanimous-consent agreement as finally entered into.

The Chief Clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, by unanimous consent, That on the calendar day of Wednesday, April 21, 1926, at not later than 4 o'clock p. m. the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment, or any motion that may be offered, and upon the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America, through the regular parliamentary stages to its final disposition; and that after the hour of 12 o'clock m. on said calendar day no Senator shall speak more than once or longer than 30 minutes upon the bill, or upon any amendment offered thereto, and that when the Senate concludes its business on Tuesday, April 20, it recess until Wednesday, April 21, at 12 o'clock m.

Mr. SMOOT. That has been agreed to?

The VICE PRESIDENT. The agreement has been entered into.

Mr. REED of Missouri. Mr. President, I did not object to the unanimous-consent agreement, and I wish briefly to state why. First, I do not want to be in the position of holding up the business of the Senate; second, I am unable to hold up this bill effectively. If there were sufficient Senators to stand with me and who were inclined, as I am inclined, to talk on it until next December, I would stand with them and hold the fort from morning until night and until the next morning, until cloture at least was once more applied in favor of foreign nations; but I do not find a disposition to make that kind of a battle. Senators who have spoken against the bill are content with the persistence they have made, and they are, of course, entirely within their rights.

I shall take occasion to express myself on this bill a little later; but I wish now to say that I regard it as the worst piece of larceny ever attempted upon the taxpayers of this country. No matter how we may gloss it, no matter what excuse may be offered, we are, at the expense of the taxpayers of this country, making a present to Italy of between a billion and a half and two billion dollars. I regard the proposition as indefensible, as monstrous, as infamous, and I believe that when the question comes to be submitted, as it will be submitted, to the American people there will be other reports like that which we received from Illinois this morning.

THE PROHIBITION LAW

Mr. BORAH. Mr. President, it has been about eight years since we amended the Constitution of the United States and incorporated in it what is known as the eighteenth amendment. That amendment was not adopted, as is so often said, in haste or without due consideration and deliberation upon the part of the people of the United States. For some 50 years the subject of prohibition had been under discussion throughout the country, and, if I remember correctly, at the time of the ratification of the amendment 33 States of the Union had adopted prohibition. After the amendment was submitted to the States for ratification, I believe, all except two States ratified it. No amendment to the Constitution has ever been adopted after so full and prolonged a consideration as was the eighteenth amendment. Whatever its merits or its demerits may be, whether it should be now repealed or modified, there can be little controversy over the proposition that it was a deliberate act at the time it was written into the Constitution of the United States. It was perfectly clear at that time that the people intended to promulgate a national policy and that policy they inserted into their charter of government.

This amendment provides, in part, as follows:

SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from, the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

The language is specific and all-encompassing—that the manufacture, or sale, or importation, or exportation of intoxicating liquors "for beverage purposes is hereby prohibited."

This part of the Constitution has been construed by the Supreme Court of the United States; and in the first important case which went to the court involving a construction of it, the court said that the first section of the amendment, the one embodying the prohibition, is operative through the entire territorial limits of the United States, binds all legislative bodies, courts, public officers, and individuals within those limits, and of its own force invalidates every legislative act, whether by Congress, by a State legislature, or by a Territorial assembly, which authorizes or sanctions what the amendment prohibits.

The second section of the amendment—the one declaring that—

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation—

does not enable Congress or the several States to defeat or thwart the prohibition but only to enforce it by appropriate means.

Thus, Mr. President, there was written into the fundamental law, into the charter under which we live, an inhibition against the manufacture or sale of intoxicating liquors, and that binds the Congress of the United States, the several legislatures of the different States, the courts of the country, and each and every particular individual in the country; and so long as it remains in the Constitution it is the duty of the several legislatures, of the Congress, of the courts, of all agencies of government, of all public officials and of individuals to obey and in their respective places in organized society to assist in the enforcement and upholding of the Constitution. It imposes a responsibility and an obligation which neither the Congress nor the State legislatures can honorably shirk or in decency pass on to some other body. It binds every official and every citizen, and so long as it remains there it is the first duty of good citizenship to respect it and seek to uphold it.

We are now, Mr. President, engaged in a great campaign to find a way by which to evade the Constitution of the United States without apparently doing so; to find a method or a means by which we can counteract or nullify its terms and conditions without specifically repealing this part of the Constitution or without modifying it directly. It is a campaign to sterilize the Constitution while professing to respect it.

No one contends that those who are opposed to prohibition have not the right to carry on a campaign for the purpose of changing the Constitution. Any citizen or any body of citizens who believe that this is an unwise policy, that it is a policy which can not be sustained, a principle which can not be enforced, are not subject to criticism in their effort to remedy it by eliminating it from the fundamental law of the land; but the point which I desire to stress at this time and at all other times in the discussion of this matter in which I shall take part is that so long as it remains a part of the Constitution, so long as it is unchanged, it is the duty of every citizen loyally to support and maintain it, not only in letter but in spirit.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. EDGE. The Senator, as I followed his argument, implies that the national prohibition act which was passed by Congress as a method of enforcing the eighteenth amendment is as liberal an interpretation of the eighteenth amendment as Congress would be justified in making. Does the Senator take that position?

Mr. BORAH. I will come to that discussion in a few minutes. I am going to take up the proposed amendment.

Mr. EDGE. I desired to ask two or three questions in that connection. If the Senator prefers to have me wait, I will do so.

Mr. BORAH. Yes; if I do not cover the matter, I invite the Senator to the floor for the purpose of elucidating it by questions, because I have no desire to avoid that proposition. It is a legitimate part of the discussion, and we should be perfectly willing to discuss it.

As I said, the right to amend the Constitution is a right which can not be denied, and no one can be criticized for seeking to amend it. I desire to say, in passing, that the insertion of this amendment in the Constitution of the United States involved what to my mind was a very serious governmental proposition. Whether it was wise to take over from the States the great body of police power which we took over from the States at the time we amended the Constitution is a very serious problem—not only a problem relating to the question of prohibition, but a problem relating to the fundamental principles upon which our Government is organized. It touches the great and vital question of local self-government, and I do not wish to minimize its importance in this problem of prohibition. I find no fault, therefore, with those who believing it to have

been a mistake would seek to correct the mistake by amending the Constitution.

Mr. WADSWORTH. Mr. President, will the Senator comment upon another phase of the eighteenth amendment? Is it not also extraordinary in that its ratification amounted to the insertion of a sumptuary police statute in a constitution, thereby depriving the majority of the people as represented in the House of the Congress of any opportunity of legislating upon a problem of that kind by simple enactment of law?

Mr. BORAH. Undoubtedly, Mr. President, that is one of the serious problems which are involved in this matter; and I think perhaps that is incorporated in the other proposition which I made relative to the attempt to take over and take into the Constitution a principle of police power, and drawing away from the States the police power which heretofore had belonged to them.

But, Mr. President, those things can only be changed by an amendment of the Constitution itself. If it was a mistake to draw to the National Government this police power, if it was a mistake to put into the Constitution of the United States a principle of sumptuary law, the only way in which it can possibly be met is by a proposal either to repeal the eighteenth amendment or to modify it. Indeed, Mr. President, I doubt very much if modification will reach it. It seems to me if we are going to deal with the question which we are now discussing—the question of whether it is wise to take over this police power or to deal with this matter as a sumptuary principle in the Constitution—we can not meet it except by an elimination of the provision of the Constitution itself. So long as the Constitution stands one thing is more fundamental than prohibition, and that is the enforcement and the upholding of the Constitution. It involves the question of whether we are a law-abiding people.

We are discussing, these days, the question of what we shall do with reference to amending this provision of the Constitution; and about the first suggestion that comes to me when I suggest that the situation can be met only by constitutional amendment is that it takes too long, that it will take an infinite amount of time to change the Constitution of the United States, and that there must be some way by which the law can be so modified that we can get intoxicating liquor without offending the Constitution itself. In other words, the clear implication is that by ignoring not only the spirit of the Constitution but the letter of the Constitution, we can pass a law which will give percentages of alcohol sufficient to enable the people to enjoy, as they claim, their right to the use of intoxicating liquor. Impatience with the law is mob rule. The man hunting his neighbor with a shotgun is simply impatient with the law, and those who would disregard the Constitution because it takes too long to amend it are appealing to the spirit of the mob.

Mr. President, it is no part of the duty of a citizen to ferret out means by which to escape from the terms of the Constitution. It is no part of good citizenship, in my judgment, when citizens find in the Constitution a provision which they do not like, to see how far they can possibly go toward evading it or nullifying it without getting within the inhibition which the courts might lay upon them. So long as the provision is there, instead of seeking means to evade it, it is the duty of the citizens of the United States to find means to enforce it. If the means do not exist at this time, if the law is not sufficient and efficient, and if the power behind the law is not sufficient to enforce it, then, instead of finding means by which to evade it, it is our duty, and the obligation rests upon us, to find more effective means by which to make the Constitution effective. Change it if you will; rewrite it again if you may; but so long as it is there, it is the duty of every loyal citizen to see to its enforcement.

Some of the propositions which have been made seem to me most extraordinary. If there rests upon the Federal Government one peculiar exclusive and supreme duty it is to see to the enforcement and the maintenance of the Constitution of the United States and not leave its enforcement to the several States of the Union. The respective States of the Union are not primarily the custodians of the integrity of the Constitution. The custodian of that integrity is the Federal Government itself. To my mind any scheme or any plan which would shift to the States alone the obligation or the burden of enforcing the Constitution is a most pronounced evasion of the most solemn obligation which rests upon the National Government, and that is to protect its own charter, protect its own life, for the Constitution is its life.

The United States attorney for New York a few days ago in an interview said:

Let Congress modify the Volstead Act so as to permit each State to define nonintoxicating liquor, this definition to bind both State and Federal authority.

So modify the Volstead Act as to permit each State to be the judge of how and to what extent the Constitution of the United States applies in this respect and what is an interpretation and what is an enforcement of the Constitution of the United States? The proposal is not to amend the Constitution of the United States. The provision which imposes upon the National Government the inhibition of the sale and use of intoxicating liquors remains; but the proposal is to modify the statute which was passed, leaving the enforcement of the principle of the Constitution and the protection of the integrity of the Constitution to the respective States, while the National Government itself entirely abandons that obligation.

It is seriously proposed that the Federal Government shall abandon the interpretation and enforcement of its own great charter and through sheer cowardly, contemptible expediency leave it to 48 States with 48 different rules and standards to enforce and uphold it. To such desperate and despicable expediency do men resort when they have not the candor to urge repeal or the courage to preach open violation.

Mr. President, as a matter of fact, the great Civil War was fought over that principle. To my mind it is treason; it is a deliberate evasion of the Constitution, a nullifying and an annihilating of the charter under which we live. It is disloyalty to the first principle of a Federal Union and a violation of the oath which every Federal officer takes when he takes office.

Why, suppose the State of New York fixes a percentage of alcoholic content such as to be intoxicating. Shall the Congress of the United States and the officials of the United States, the custodians of the Constitution, acquiesce in the proposition and connive at its disregard of the Constitution? Shall we leave it to the State of New York or to the State of Idaho or to the State of California to say when and how and to what extent the Constitution of the United States shall be applied and enforced? It would make 48 standards. You might have a standard of 7 per cent in New York, and if so, they could ship their product to every State of the Union.

You might have a standard of 2 per cent in the State of Louisiana, and yet New York could send her 7 per cent product into the State of Louisiana against the standard which they have established there. We would have 48 different standards, no one guarding or protecting or enforcing or maintaining the Constitution, but 48 different States applying their different rules.

A few days ago there came to me a resolution passed by a committee of one of the dominant parties of the country in a near-by State, and the resolution reads:

Resolved, That the county committee (of the State and county) recommend to the Congress of the United States that the so-called Volstead liquor law be amended so as to permit light wines and beer.

Of course, the constituency for which they were politically speaking understands that "light wines and beer" mean intoxicating liquor. All this disturbance and all this debate are not for the purpose of securing nonintoxicating liquor. The people who are insisting upon this change are not insisting upon the change for the purpose of getting more nonintoxicating liquor. What they understand is that they are to secure intoxicating liquor; that wines and beer such as will give them their intoxicating drinks are to be allowed. We have a great political party, one of the dominant parties in the country, actually passing resolutions petitioning the Congress of the United States to violate or connive at the violation of the Constitution of the United States, and doing it for sheer political expediency.

Why not say to the people who are asking for light wines and beer, "You can not secure the intoxicating liquors which you desire until you amend the fundamental law under which you live"?

If this question is to be presented to the people, let us present it in such a way that it will raise the real issue, and either give or deny to them that for which they are asking, to wit, intoxicating liquor. The Legislature of the State of New York is now in the course of passing a referendum law, as I understand it, and so far as that is concerned, New York is simply in the lead. Other States will be asked to follow. In the referendum which they are to send out, if they pass the law, will be this question:

Should the Congress of the United States modify the Federal act to enforce the eighteenth amendment to the Constitution of the United States so that the same shall not prohibit the manufacture, sale, transportation, importation, or exportation of beverages which are not in fact intoxicating, as determined in accordance with the laws of the respective States?

That would delegate or leave to the respective States the power and the authority to say whether a particular beverage was intoxicating. If the State fixes a percentage which makes it intoxicating, what is the Government of the United States to do? The Government of the United States is to remain silent. The keeper of the Constitution, the sole power to enforce it throughout the Union, is to remain silent and connive at the violation of it from day to day and from year to year. That goes on through all the 48 States of the Union. It means legal chaos, it means constitutional anarchy, it means the breakdown of constitutional government. That referendum challenges the sincerity if not the loyalty of the great State of New York.

The great debate which took place prior to the Civil War was over that one great question, whether the States should determine what laws should be enforced and what should not, under the Constitution of the United States.

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. I yield.

Mr. BRUCE. The Senator will remember, however, that when the South asked that the fugitive slave law be enforced, legislatures throughout the free States connived, in just the manner the Senator from Idaho has reprobated so strongly, for the purpose of defeating the rights of the South under that law, and passed personal liberty laws. Judges and juries, too, refused to put the law into execution.

Mr. BORAH. Does the Senator want to plow through that mire of disgrace and degradation again? Does he appeal to a defiance of the Constitution as a precedent?

Mr. BRUCE. I am glad to hear the Senator say it was a period of disgrace and degradation. As far as I know, the Senator is the only member of the Republican Party who has ever made such a confession.

Mr. BORAH. I presume some might doubt my Republicanism, but I do not intend anyone shall challenge my devotion to the Constitution.

Mr. BRUCE. As I look at it, his Republicanism is about the only blemish on the character of the Senator.

Mr. BORAH. The Senator would not contend for a moment that the Northern States which undertook by legislation to nullify the provisions of the Constitution which gave the Southern States the right to follow their slaves were applying constitutional principles, would he? They were simply evading, nullifying, and destroying the Constitution itself.

Mr. BRUCE. Yes; but I mention it as another illustration of the fact that when laws undertake to fly in the face of nature they will not be observed.

Mr. BORAH. Very well, Mr. President; the Senator and I will not argue that. But let us go back to the fundamental law and submit that question to the people of the United States and see what they say about it. If they take it out, every man should live up to it with that out, just as now we should live up to it with it in.

Mr. BRUCE. All I meant to say was that slavery became, in the course of time, an offense to the moral instincts of the free States of the Union and of the world, and of course constitutional restraints proved as utterly futile for the purpose of keeping down the bitter hostility excited by the institution of slavery as the eighteenth amendment has proved in keeping down the natural desire of men for a form of rational enjoyment, within proper limits.

Mr. CARAWAY. Mr. President, will the Senator from Idaho permit me to ask a question?

Mr. BORAH. Yes.

Mr. CARAWAY. If we should carry out the theory that the States should be the interpreters of the Constitution, you could repeal or modify the peonage law and reestablish slavery, could you not?

Mr. BORAH. I suppose you could.

Mr. CARAWAY. If any State should wish to do it; if the States should be the guardians of the Constitution.

Mr. BORAH. Mr. President, suppose some one in New York or New Jersey or Idaho should make a proposal with reference to determining for itself, as a State, whether or not it would obey the fifteenth amendment, or determining for itself how far it would be bound by the fourteenth amendment, or determining for itself how far it would be bound by the seventeenth amendment.

What would these gentlemen who are now proposing that the States shall pass upon the question as to the extent to which they will be bound by the eighteenth amendment say to such a proposal? Or suppose the fifth article of the Constitution of

the United States were involved, where the property rights, the vested interests, of the great property-holding people of the United States are protected; and suppose the Legislature of New York, or a mass meeting in New York, should pass a resolution that the State of New York would determine for itself how far it would be bound by that provision. The Department of Justice here in Washington would have the members of that mass meeting in prison inside of 48 hours as communists and revolutionists. And if any of their ancestors had come here since the American Revolution they would likely seek to deport them as communists.

Mr. BRUCE. Mr. President, will the Senator permit me to ask another question?

Mr. BORAH. I yield.

Mr. BRUCE. Did not the South after the Civil War determine for itself, without regard to the fourteenth and fifteenth amendments to the Federal Constitution, whether it would or would not have ignorant negro suffrage riveted upon its neck? Did not every southern man of every station in life exercise every power that lay in him to stay the consequences of that frightful curse?

Mr. BORAH. Mr. President, so far as I know every law passed by the Southern States and now in force with reference to negro enfranchisement, or the right of the Negro to vote, has been sustained by the Supreme Court of the United States as constitutional.

Mr. BRUCE. Another illustration were those amendments of the utter vanity of passing laws that violate the primal instincts of human nature. What good did they do, so far as any practical consequences were concerned? Outraged human nature claimed its rights, and there is nothing which I regard with more satisfaction than the fact that when I was a boy, living in a remote countryside, all the white citizens of that community were banded together like brothers for the purpose of nullifying those amendments to the Federal Constitution, and defeating the will of Congress when it endeavored to enforce them; and, thank God, they defeated it.

Mr. BORAH. Mr. President, the Senator is preaching the doctrine of communism here in the Senate of the United States.

Mr. BRUCE. Oh, no.

Mr. BORAH. Yes, the Senator is; he is preaching anarchy.

Mr. BRUCE. It is not the Senator from Maryland, but the Senator from Idaho, who wishes us to recognize the Soviet Government.

Mr. BORAH. I do; and I think it might serve as a good example for us, the way we are proposing to do things in this country at this time. I think we could learn lessons from them if such doctrine as I hear now is to prevail. But do I understand the able Senator from Maryland to contend that the Southern States are now, in violation of the Constitution and in violation of the Supreme Court decisions, disfranchising the negroes of the South?

Mr. BRUCE. I mean to say that the South has solved its own suffrage problems in its own way, and it has solved them so wisely, despite constitutional and statutory inhibitions, that the whole country has acquiesced in its conduct.

Mr. BORAH. The Senator did not answer my question. Does the Senator contend that the solution which he speaks of is a solution in contravention and in violation of the Constitution of the United States and the decisions of the Supreme Court of the United States?

Mr. BRUCE. What is the use of asking me to say something that everybody knows? The southern people had to take their choice between constitutional abstractions and civilization, and they selected civilization.

Mr. MOSES. Oh, no, Mr. President, if the Senator from Idaho will permit me. The southern people had another choice. The implications of the Constitution are that a certain vote may be suppressed, but if suppressed, there is a constitutional price to be paid for it. It is a great and high privilege to suppress millions of votes, and why does not southern chivalry come to the front and pay the price which the Constitution mentions?

Mr. BRUCE. I recollect that one of the malefactors who gave the South the greatest trouble after the Civil War was a Moses of South Carolina.

Mr. MOSES. He did not come there; he was raised there. He was not a carpetbagger.

Mr. BRUCE. Surely that State was incapable of producing such fruit as that.

Mr. MOSES. He was not a carpetbagger; he was indigenous.

Mr. BORAH. If I may say just a word in explanation, at the risk, I suppose, of being criticized, I have always thought that the enfranchisement of the negro, at the time it took place, was a mistake. It was unjust to the white and unjust to the colored man.

Mr. BRUCE. Of course, the Senator has thought so.

Mr. BORAH. I have said here on the floor of the Senate I thought it was a mistake to take a race which had been in slavery for 300 years, and overnight put upon them the burdens and the obligations of discharging political duties in a great representative Republic, an almost impossible proposition. It required something of the negro that no race in history could have adequately met. He would have been better off to have worked out through time and education his franchise. But I do not agree with the Senator that at the present time the Southern States are doing these things in violation of the Supreme Court decisions. They have worked out a solution within the Constitution and within the decisions of the Supreme Court of the United States.

Mr. McKELLAR. That is precisely what we have done in Tennessee.

Mr. BRUCE. I think the less we say on the subject the better.

Mr. BORAH. I think so.

Mr. BRUCE. But I will say that it cost us a considerable amount of blood and tears to bring the rest of this country to the conclusion that the Senator from Idaho has reached.

Mr. BORAH. The Senator from Idaho has reached just one conclusion, and I put it plainly and I challenge the Senator from Maryland to controvert it—that so long as the Constitution of the United States remains as it is, it is the duty of every loyal citizen to help enforce it.

Mr. BROUSSARD. Mr. President, will the Senator yield to me for a question?

Mr. BORAH. I yield.

Mr. BROUSSARD. Does the Senator hold that the Congress of the United States may fix a higher percentage than one-half of 1 per cent of alcoholic content?

Mr. BORAH. I hold that the issue which we are now seeking to meet is not a percentage within nonintoxicating percentages. What is being sought is to give a percentage which will give these people an intoxicating drink.

Mr. BROUSSARD. Does the Senator contend that the fixing of 1 per cent would be a violation of the spirit or the letter of the eighteenth amendment?

Mr. BORAH. I am not sufficiently familiar with drinks to know, but what I say is that if we fix the percentage, it does not make any difference what it is, so that the beverage is still nonintoxicating, we will have the liquor question here just as prominently and persistently and pronouncedly as ever before. What the Senator's constituency, if he is speaking for the wets, is asking for is an intoxicating drink. They are not asking for a percentage that will add a little more flavor to a drink. They want something which will be intoxicating, and that is what they are fighting for. Does the Senator contend that the people who oppose the present Volstead Act would be satisfied if it were changed so as to give a nonintoxicating drink?

Mr. BROUSSARD. I hope the Senator will permit me to say just a word. The Senator started out by saying that he is not acquainted with liquors, and then he goes on to assume what those who advocate modification want. My purpose in rising was to ask a question. Does not the Senator believe that those who believe that one-half of 1 per cent is not justified under a proper interpretation of the eighteenth amendment are entitled to fix such a percentage by law and have the Supreme Court of the United States pass upon that law, just as they passed upon the fourteenth and fifteenth amendments to the Constitution?

Mr. BORAH. I will answer that, and I trust that my answer will not seem to be offensive, but if we fix the percentage and make it such that it will not give intoxicating liquors to the people who are asking for a change, it will not solve the question at all. What we are seeking to do, as I understand it, is to readjust the situation so as to satisfy, if possible, the country against persistent insistence upon a change of the prohibition law. If we fix it at a percentage which does not give intoxicating liquor, it will solve nothing. On the other hand, if we do fix it at a percentage which will give intoxicating drinks, we will have violated the Constitution.

Mr. BROUSSARD. During the war 3.75 per cent beer was declared nonintoxicating by the Supreme Court of the United States. Would the Senator believe that that is not a reasonable interpretation of the limitation placed upon Congress to define intoxicating liquor and to fix 3.75 per cent?

Mr. BORAH. Suppose we fix it at 3.75 per cent; if it is nonintoxicating and found to be such in practice as well in theory, we will have solved nothing.

Mr. BROUSSARD. We have not tried it. We have not tried 3.75 per cent beer. The people were satisfied with 3.75 per cent beer during the war.

Mr. BORAH. Oh, no.

Mr. BRUCE. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. I yield.

Mr. BRUCE. I am going to try to take up the matter in a little less controversial spirit. The proposition that the Senator seems to be emphasizing is the proposition brought forward by Mr. Buckner. Of course, so far as we are concerned, we are not responsible for any proposition brought forward by Mr. Buckner. The bills which are actually pending before the Committee on the Judiciary are bills which provide for 2.75 per cent and for beer that does not exceed the intoxicating point. So far as I know, the proposition or the question as to what shall be an intoxicating beverage and what shall not be an intoxicating beverage is not proposed to be remanded, so far as we are concerned, to the States at all. Surely the Senator would not undertake to say that 2.75 per cent beer is an intoxicating thing?

Mr. BORAH. Surely the Senator from Maryland would not undertake to say that if it is not intoxicating that the people for whom he speaks would be satisfied?

Mr. BRUCE. I would. In point of fact, I can speak—

Mr. BORAH. I am not speaking now particularly of legal constituents, but I am speaking of the people who are insisting that they have the right to have intoxicating liquor.

Mr. BRUCE. Because the people of Maryland, for illustration, are asking for 2.75 per cent beer, it does not follow that they are asking for an intoxicating beverage. The ordinary alcoholic content of beer made in the city of Baltimore before the adoption of the eighteenth amendment was 3 to 3.5 per cent. The Senator will probably be surprised when I tell him, because it is obvious that he is a highly temperate man—

Mr. BORAH. I am, I trust.

Mr. BRUCE. So am I—that it was the practice of the brewers in Baltimore City to give a gratuitous allowance each day of 16 glasses of beer to each and every driver of a brewery wagon, so slightly intoxicating was the merchantable beer that was sold at that time. A man simply had almost to drown himself—he had to submerge himself practically in a sea of beer—to intoxicate himself on 2.75 per cent beer.

Mr. BORAH. That is according to how long he has been at the business.

Mr. BRUCE. The general idea is that the longer he has been at it the more thoroughly inured he becomes. But the Senator, I think, is mistaken when he ignores the fact that a very large measure of relief, as the opponents of the Volstead Act see it, would be given by a modification of the Volstead Act allowing 2.75 per cent beer. Light wine is a different matter. I have never had much to say about light wines. I am not really sufficiently informed on the subject to know what percentage of alcoholic content we could define in wine that would justify any wine being called a light wine; but so far as beer is concerned there is no reason in the world, if we are influenced simply by considerations of intoxication, why the American population should not be allowed the privilege of drinking beer. The very rich and well-to-do will obtain their wine anyhow; you need not trouble yourself about that.

Mr. BORAH. I am going to trouble myself about it. So long as this Constitution remains as it is I am going to trouble myself about it. I look upon the rich and influential who violate the Constitution as the most dangerous people in the whole community.

Mr. BRUCE. They will take care of it in one way or another, and it does not make any difference how much you concern yourself about it or what abstract propositions you may bring forward with respect to it, they will have it, just as liberal men will have their Sundays without any extreme, puritanical, blue restrictions. Just as they will have all sorts of things without regard to merely teasing, unreasoning restrictions.

I am not going to interrupt the Senator any more, but I wish to direct his attention to the fact that there is nothing in 2.75 per cent beer, if we are right, that is inconsistent at all with the provisions of the eighteenth amendment, which are simply aimed at intoxicating beverages.

Mr. BORAH. In other words, I understand that all this great drive, this universal hubbub throughout the United States, this uproar in the market place, these hearings, and this great fight that is going on, are to get a little more non-intoxicating beverage, more of the same kind of stuff which you now reject.

Mr. BRUCE. The Senator knows, so far as I am concerned, that his remark is not applicable to me, because nobody knows better than he does that I have proposed an amendment to the eighteenth amendment to the Federal Constitution.

Mr. BORAH. Exactly. I commend the Senator for his courage and his intelligence in meeting the issue.

Mr. BRUCE. I do not think that 2.75 per cent beer would afford to the rational instincts of the people of this country the full measure of relief to which they are entitled.

Mr. BORAH. That is what I thought! [Laughter.] A Daniel come to judgment!

Mr. BRUCE. And I hope I am going to be a Daniel that will come to such a stern judgment as to sweep away all the unnatural and artificial restrictions of prohibition.

Mr. BORAH. That is what I am talking about. The Senator wants to sweep away the inhibition against intoxicating liquors.

Mr. BRUCE. In the ordinary course of constitutional procedure. We have to take the first step in every relation of life. Now, that 2.75 per cent is the first step. If the people of the United States are not willing to go any further, they will go no further.

Mr. BORAH. Of course we realize that that is the first step, and it is to weaken the law and break down the morale of the situation and then we will have 4 per cent and 5 per cent, and the next thing we will repeal the Constitution.

Mr. BRUCE. It may be that 2.75 per cent beer would afford such a measure of relief to natural human instincts that public opinion would then come to the aid of the law and we would not have this disgraceful spectacle of the law weekly, daily, hourly, momentarily violated in the United States.

Mr. BORAH. In other words, all that stands between the people of the United States and obedience to the law is the difference between 1.75 per cent beer and 3.75 per cent beer.

Mr. BRUCE. No; the difference is the difference between rational municipal ordinances and irrational municipal ordinances which violate one of the elementary impulses of human nature.

Mr. BORAH. The difference, with all due respect to the able Senator from Maryland, is the difference between the Constitution as it is and the Constitution repealed. If the Senator wants to repeal the Constitution of the United States he has a perfect right to start that campaign. No one is justified in criticizing that. The Constitution was made and will be unmade by the people of the United States. If it is not satisfactory to us, let us change it. But what I contend is that all this maneuvering with reference to percentages, and so forth, is to evade the Constitution of the United States, to undermine and destroy the morale of its enforcement, and not for the purpose of solving the question within the provisions of the Constitution.

Mr. BRUCE. But, may I ask the Senator from Idaho, if it is legally competent for us to enact a statute allowing 2.75 per cent beer without violating the provisions of the eighteenth amendment, is there any reason why that should not be done?

Mr. BORAH. Oh, no; but it will not solve anything. It will not settle anything, if it is not intoxicating. Your fight will go on.

Mr. BRUCE. There is where I do not agree with the Senator.

Mr. BORAH. The Senator just said that he has not much to say about light wines.

Mr. BRUCE. And I have not.

Mr. BORAH. But there are thousands and hundred of thousands and millions of people in the United States who have something to say about light wines. Will they be satisfied with that beer? They would be offended if you offered them beer.

Mr. BRUCE. I confess my ignorance of that subject. I do not know exactly, technically speaking, what constitutes a light wine and a heavier wine. I do not know. I know, as I said before, that whether we like it or dislike it, the affluent portion of the American population are going to have their wine—Constitution or no Constitution, statute or no statute. That has been demonstrated.

Mr. BORAH. I beg the Senator to permit me to proceed. The Senator has stated the issue. Let us argue it. The Senator has stated that the issue is that they propose to have what they want with reference to intoxicating liquor—

Mr. BRUCE. They do.

Mr. BORAH. Regardless of the Constitution of the United States or the statutes.

Mr. BRUCE. They do.

Mr. BORAH. If that be true, and I have no doubt that is just what the Senator thinks—

Mr. BRUCE. I do.

Mr. BORAH. If that be true, is not the orderly thing to do, so long as we profess to live under a constitutional government, to amend the Constitution in the manner provided by the Constitution itself, and rewrite the charter under which we live? Can the Senator conceive anything more degrading, demoralizing, and undermining to the good citizenship of the people than to have a solemn pledge in the Constitution of the

United States and to have great Senators stand upon the floor of the United States Senate and say the people are going to have what they want regardless of whether it is constitutional or not?

Mr. BRUCE. I can conceive of nothing more deplorable, nothing more tragic, nothing more scandalous, but I take human nature as it is. In other words, I look at this question exactly as the free-seller looked at the institution of slavery.

Mr. BORAH. Of course, and when Wendell Phillips spoke with reference to that proposition he said, "To hell with the Constitution."

Mr. BRUCE. Yes; he did.

Mr. BORAH. But there came along the man who, disregarding Wendell Phillips, found a way to solve that great question by amending the Constitution of the United States and effectuating the change which he desired under the Constitution and not in violation of it.

Mr. BRUCE. How did he find it? He found it by tracing his way through fire and smoke and flame and blood.

Mr. BORAH. I am one of those who believe that the Constitution of the United States is of sufficient value, if it is necessary, to trace our way through blood and fire in order to maintain it. [Applause on the floor and in the galleries.]

Mr. BRUCE. So do I when a great question like slavery is involved; so do I when a great issue like that of national sovereignty is involved; but not when nothing more is involved than the question as to whether a man shall or shall not be allowed to enjoy what I conceive to be a perfectly legitimate measure of human indulgence.

Mr. BORAH. Yes. Well, Mr. President, there is scarcely any vice that human nature may indulge that the particular person who indulges it does not resent the fact that the law prohibits or inhibits him from doing so.

Mr. BRUCE. That is not so. There is no uprising against punishment for forgery or against punishment for false pretenses and, above all, there is none against punishment for murder or for rape or for arson.

Mr. BORAH. But every man who commits forgery feels toward the law just exactly as the Senator does toward prohibition.

Mr. BRUCE. He does, but his neighbors do not. The difference in this case is not only that the man who takes—

Mr. BORAH. I am not sure that the Senator's neighbors do. That is what I want to find out.

Mr. BRUCE. I have previously stated to the Senator that many of my neighbors regard with great leniency the violation of the Volstead Act, because, as they conceive it, that act has no true moral sanction behind it. It endeavors to pronounce something as being criminal per se that is not so.

Mr. BORAH. Mr. President, there are hundreds and thousands and millions of people in the United States, as good people as live, who are devoted to law and order, who believe in obedience to law, who take the very opposite view from that of the able Senator from Maryland. They believe that while we are making a fight to maintain those provisions of the Constitution which protect property it is just as necessary to make a fight for the maintenance of the provisions which protect human values and the home.

Mr. BRUCE. That is simply because they are misguided enthusiasts who are incapable of drawing the true line of distinction between what is real criminality and what is merely artificial criminality.

Mr. BORAH. That doctrine will not do in this country.

Mr. EDGE rose.

Mr. BORAH. I yield to the Senator from New Jersey.

Mr. EDGE. I will wait until the Senator from Idaho shall have finished his remarks.

Mr. BORAH. Let us go back for a moment to what I think is the most serious proposition here. I regard all this discussion of percentages of the alcoholic content of liquor as evading the question, not intentionally, perhaps, upon the part of all those who discuss it. Every Senator here knows from the letters which he receives every day that the thing which many people are asking is not a change of percentage still keeping the liquor nonintoxicating, but what they are writing Senators about now, what they are passing resolutions about, what they are petitioning about is for intoxicating beverages.

It is the duty of the Senate of the United States, if it has not lost all capacity for leadership, to say to these people, "You want intoxicating beverages. We say to you that you can not get them under the Constitution, which we have sworn to support, until you, by the orderly processes pointed out by the Constitution, rewrite that instrument."

Mr. BRUCE. Mr. President—

Mr. BORAH. Just a moment. I want to speak for a few moments.

Mr. BRUCE. Of course.

Mr. BORAH. It is our duty to do that, as men whose business it is to uphold the Constitution, who have sworn to support the Constitution and who ought to have some capacity for leadership when the Constitution of the United States is involved. We should say to those who are advocating a change, "What you want is intoxicating liquors, but that is what you can not have until you take out of the Constitution that which the people of the United States put into the Constitution. That is what I am contending for here to-day. Let the people understand that this proposed change of the Volstead Act would settle nothing; it would solve no problem. It would leave liquor here haunting the corridors of the Capitol, and these people would be petitioning Congress next year just the same as they are doing this year. What these people are interested in is doing what the Constitution does not permit them to do."

Mr. BRUCE and Mr. EDGE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Idaho yield, and, if so, to whom?

Mr. EDGE. I thought the Senator from Idaho had concluded his remarks.

Mr. BRUCE. Mr. President, the Senator from Idaho knows that I have offered an amendment to the Constitution involving a combination of the Quebec plan of government supervision and control and local option; in other words, I am pursuing the very pathway that he thinks that I and those associated with me should pursue. Now I will ask the Senator from Idaho, Does that constitutional amendment meet with his approval or not?

Mr. BORAH. Distinctly not. I do not want this Government to become a saloon keeper. If that must go on, let it be by individuals. But, as I said a moment ago, I do not want to discuss indefinitely and exclusively the question of percentages.

I wish to refer again, for the consideration of the Senate, to the great referendum which the people are going to hold in the State of New York. They are going to petition the Congress of the United States by the voice of the people of New York to do what? To violate the Constitution of the United States. Do the people of a great Commonwealth such as New York, with its distinguished leaders of the past and its distinguished leaders of the present, its great educators, its great lawyers, its great jurists, and its great religionists, propose to come down here with a solemn referendum to the effect that the Congress of the United States shall disregard the Constitution of the United States? They propose to petition us to leave the enforcement of the Constitution to the States—a shameless proposition.

Is it not infinitely better, more in accord with good citizenship and with representative government, that they submit to the people of the State of New York the question of petitioning Congress to submit to the States for ratification an amendment which will take out the eighteenth amendment from the Constitution? Can you meet the question any other way? Is there any other orderly and decent way to proceed? Can you solve the problem by any other method or any other process? I ask, Mr. President, is it honest, is it candid leadership, is it in accord with the principles of the great Republican and Democratic Parties to seek to evade the question by asking us to violate the Constitution of the United States, to disregard it? Let us be candid enough to speak to the people in constitutional language, in language befitting public men in a government of law.

Mr. President, the liquor problem can not be disposed of by amendments which do nothing more than add an additional flavor to the drink. It can not be put at rest by changing the percentage if that percentage fails to give intoxicants. The contest is not over percentages. It involves deeper and more searching questions. After you have made your changes as proposed, if you remain within the provisions of the Constitution, your liquor problem will still be here, unsettled, undetermined, haunting the corridors of Congress and tormenting public opinion, insistent of attention and rapacious in its demands. Deep convictions are found on either side of this question. Great governmental, as well as great moral, problems are involved and percentages will not meet the situation.

But what I arose to say at this time is that whether prohibition stays or goes, rises or falls, the Constitution should be maintained and supported as it is written by all law-abiding people until it is changed in the manner pointed out by the Constitution. Obedience to the law is the rock foundation upon which our whole structure rests. To disregard it is to strike at the life of the Nation. And while disrespect for law applies to all laws, statutes, and enacted laws, there is a more sacred import to that rule of conduct when the Constitution itself is involved. It is the law of the land, the charter of our Government, approved by the people, defining and guaranteeing

the rights of the citizen, prescribing the duties, functions, and limitations of government, and to disregard it is to spell the end of order and representative government.

Mr. EDGE. Mr. President, it occurs to me, from following the eloquent speech of the Senator from Idaho, that he proposes to decide what the Supreme Court may do without permitting the Supreme Court to have an opportunity to decide for itself. That is the burden of most arguments against modification of the Volstead Act. In his argument he advanced the statement—and I believe he was seconded by the Senator from Tennessee—that relief from the fourteenth amendment had been worked out in a way which permitted the Southern States to administer it, within the Constitution, in a manner in which they preferred to administer it. I should like to see a similar opportunity afforded, at least, before individual Senators decide, for the Supreme Court, just what it will do with amendments to the Volstead Act.

The Senator from Idaho has indicated that the alcoholic limitation of the Volstead Act was unquestionably below a fair interpretation, so far as the word "intoxicating" is concerned, of the provisions of the eighteenth amendment. I was a member of the Senate when the Volstead Act was passed, as was the Senator from Idaho, and I recall the debate at that time. The suggestion was advanced by the proponents of the bill that the reason for the inclusion of the words "one-half of 1 per cent" was not to define intoxication but to provide a method or medium through which better enforcement of the eighteenth amendment could be obtained. We have been seven years working on that theory and we have absolutely and utterly failed.

I differ from the Senator from Idaho in his viewpoint that allowing the use of the maximum of alcohol that could be permitted within the term "intoxicating in fact" would not be helpful in this situation. I emphatically contend just the opposite. I believe if the Congress should pass an amendment to the Volstead Act permitting all the Constitution permits it would immediately alleviate the situation.

I may say, Mr. President, that, in my judgment, Congress has not the moral right to deny what the Constitution permits. We have heard a great deal to-day about upholding the Constitution. Then let us try the other experiment of allowing the full limit. Conditions could not be any worse than they are to-day. Senators refer to the hearings which are being held, but the facts that are coming out and going throughout this land as a result of those hearings can not be evaded by Congress if the Members of Congress do their full duty.

I admit beyond any argument that in order to legally obtain what are known as hard spirits or liquors it would be absolutely necessary to repeal or amend the eighteenth amendment; but I contend, side by side with that, if we would amend the Volstead Act and permit the alcoholic content to be as great as the courts might decide to be within the interpretation of the words "intoxicating in fact," we would remedy materially the present deplorable situation; we would at least reduce the discontent and unrest in the country and the challenge and protest against the law which prevail throughout the country. In that way we would, in my judgment, greatly improve conditions and help solve this the problem of all problems facing us to-day.

What is the definition of "intoxicating liquors," so long as it is alleged that nothing within that definition can satisfy? The only decision that I have seen from a Federal judge as to the definition of intoxicating liquor was delivered by Judge Soper, a Federal judge in the district of which Baltimore is a part. I have not a copy of the decision with me, but in effect he says this: Intoxication means what in the ordinary sense the average citizen knows as drunkenness through indulging in alcoholic beverages in quantity equal to what the average human could drink.

In other words, the word "intoxicating" means, according to that judge's decision, real drunkenness. How can we determine here that the Supreme Court, recognizing the sentiment of the country, recognizing as they have in recent years, and I think properly so, the rule of reasonableness in considering all questions, especially those questions which are close to the public—how can we contend that if we pass a bill reciting the very words of the Constitution itself, permitting citizens to have what the Constitution permits them to have, namely, beverages up to the point of being proven intoxicating in fact, that the Supreme Court of the United States would not uphold such an amendment to the Volstead Act? Further, how can we contend such liberty would not reduce the present use of bootleggers' poison?

Would that be evasion? It would not be nullification, Mr. President, if the Supreme Court so affirmatively decided, would

it? Then the great State of New York or the great State of New Jersey or the great State of Idaho would have, under the fundamental law of the land, without evasion, the right to manufacture, sell, or use beverages up to the point of being "intoxicating in fact"; and, as I have said, the courts must decide the violation of any law, and they would under such an amendment be given the responsibility to do so.

Such an amendment does not in any way mean that the State of Idaho or the State of Kansas shall not, if their State legislatures so decide, continue the one-half of 1 per cent, or continue without any percentage if they so elect. That is not confusing. It could not be, at any rate, more confusing than it is to-day. If the Supreme Court upholds this limit, then certainly the State courts or the Federal courts within the States would decide cases coming before them in harmony with that limit; and so they should.

Mr. BRUCE. Mr. President, may I interrupt the Senator for just one moment?

Mr. EDGE. I yield.

Mr. BRUCE. My impression is that the Senator from Idaho [Mr. BORAH] himself a few days ago offered some amendments to the Volstead Act that might be submitted by way of popular referendum to the people. Is not that the case?

Mr. BORAH. Yes; I submitted an amendment to a proposed referendum asking the people whether or not they desired to repeal the eighteenth amendment.

Mr. BRUCE. Were the amendments addressed entirely to the eighteenth amendment? My impression was that they were addressed also to the Volstead Act, were they not?

Mr. BORAH. If the Senator from New Jersey will yield to me—

Mr. EDGE. I yield to the Senator to reply.

Mr. BORAH. I submitted three propositions. The first was whether or not the people desired to amend the Constitution of the United States by taking out the eighteenth amendment; secondly, if they understood light wines and beers for which they were petitioning to be such beverages as were nonintoxicating.

Mr. BRUCE. Was the Senator drafting the second amendment merely as a matter of intellectual recreation?

Mr. BORAH. No; although I do sometimes indulge in that pastime.

Mr. BRUCE. It seems to me the Senator has some inconsistency to defend. Here this afternoon he has been deprecating the idea of any modification of the Volstead Act being entertained, and yet he himself is bound to confess that he was the draftsman of one.

Mr. BORAH. Let me explain the matter to the Senator, and then he will see that I am not inconsistent.

The Senator from New Jersey submitted what he proposed to form into a referendum throughout the United States; and I offered amendments to his referendum for the purpose of inquiring of the people what they understood as to nonintoxicating beverages, what they understood as to the eighteenth amendment, and whether or not they desired to repeal it.

I have not offered any amendment to the Volstead Act. I do not propose to offer any amendment to it; but I am perfectly willing, I will say to the Senator now, if he will work out a process, to take a referendum upon whether or not they desire to repeal the eighteenth amendment to the Constitution of the United States.

Mr. BRUCE. Yes; but the Senator's second amendment contemplated the idea that there would be a popular referendum in relation to the question as to whether the people of the United States wanted light wines or beer.

Mr. BORAH. Oh, no; I did not ask them that. I asked them if, in petitioning for light wines and beers, they understood that they would have such an alcoholic content as not to be intoxicating.

Mr. BRUCE. I am very glad, at any rate, to have listened to an explanation of these amendments from the Senator from Idaho, because, notwithstanding the extraordinary lucidity with which he generally conveys his ideas, I have yet to find a single, solitary individual who has ever been able to grasp the real meaning of the amendments suggested by him. Indeed, I am coming to think that the Senator must have suggested them in a satirical or sardonic spirit, because I confess that to me they are wholly unintelligible.

Mr. BORAH. I confess that I have considerable of a sardonic spirit when I am dealing with the question of amending the Volstead Act, because I do not find any sincerity at all behind the proposal. The thing these people are really seeking can not be secured by merely amending the Volstead Act.

Mr. BRUCE. I am sorry to hear the Senator say that, because I have always thought that one of his most splendid virtues was his sincerity of character.

Mr. EDGE. Mr. President, I had no intention of discussing at any considerable length this question at this time. It was introduced by the Senator from Idaho, and I felt should be briefly alluded to, and later I will reply as the subject demands.

I protest very emphatically against the continued inference that a proposal to amend the Volstead Act is a subterfuge. Such a contention is not justified in fact. It is not justified in law. An amendment to the Volstead Act, of course, as a matter of practicability, can be opposed by any Senator. That is his privilege at any and all times; but while the Volstead Act is sacred as all law is sacred, while it is a law, it is no less subject to amendment than any other act that Congress passes, even though it has such influences back of it that it apparently occupies a different position.

Any act of Congress is subject to proper amendment; and when one urges modification of the Volstead Act in the interest of bringing about a more temperate condition, in the interest of trying to alleviate to some extent what I consider the absolutely justified protest and challenge of millions of our people, it is unjust to assume it a move against enforcement of law; neither is it an invitation for violation of the law. It is quite the contrary, in my mind. If the public are entitled to this consideration, why should it be denied? It is a sincere movement to try to help a situation which Senators, whatever may be their public utterances, know perfectly well can not be evaded longer in the best interests of morals, in the best interests of recognition of the sublimity of law, which has been greatly reduced in this country.

In conclusion, I simply desire again to bring this view as forcefully as I can before the Senate. This act has denied, through its one-half of 1 per cent limitation, what the Constitution—the mandate from the people—clearly indicated that they were prepared to try—the prohibition of intoxicating liquor. I repeat, the one-half of 1 per cent limitation was placed there by its proponents to help enforcement. The object has failed. Has not the time arrived for us to be honest with the people who ratified the eighteenth amendment?

If we use the very language of the eighteenth amendment itself permitting beverages up to the point of intoxication, we can not possibly violate the Constitution, because we are simply repeating the Constitution. Then, it becomes a matter for the court—the court to which we have always looked up—to decide whether a citizen is guilty or innocent.

Is that a new doctrine in this country? Is that evading or nullifying the Constitution of this country? On the contrary, that is upholding the Constitution and trying to meet a situation honestly, legally, and squarely. It is the only way, in my judgment—at this time, at least, without the loss of much time through the possible amendment of the eighteenth amendment—in which we can meet the situation.

Conditions can not be worse than they are to-day. If you admit them honestly as they exist, you know it. You must realize what the present regulation is doing to the young men and to the young women, and how in all walks of life the thought of observance or reverence of law is almost a plaything and a football. You can not fairly contend when that condition exists that: "Technically, we can not pass any amendment to the Volstead Act without violating the Constitution." Let the Supreme Court decide that, not Senators here on the floor of the United States Senate. Let us see if legal modification will not help. Give the people all they reserved when they, through their mandate, ratified the eighteenth amendment, and then come back a year or two later and see if the conditions are not 100 per cent better than those we are facing to-day.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 44 minutes p. m.) the Senate took a recess until to-morrow, Thursday, April 15, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 14 (legislative day of April 5), 1926

MEMBERS OF THE RAILROAD LABOR BOARD MANAGEMENT GROUP

Samuel Higgins, of New York, for a term of five years. (A reappointment.)

PUBLIC GROUP

Ben W. Hooper, of Tennessee, for a term of five years. (A reappointment.)

LABOR GROUP

Walter L. McMenimen, of Massachusetts, for a term of five years. (A reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate April 14 (legislative day of April 5), 1926

POSTMASTERS

KANSAS

Charles N. Shafer, Fredonia.

NEW HAMPSHIRE

Archle W. Johnson, Bartlett.

NORTH CAROLINA

William B. Hemphill, Biltmore.

Luadan V. Rhyne, Dallas.

OREGON

William S. Bowers, Baker.

John A. McCall, Klamath Falls.

Ralph R. Huron, La Grande.

James E. Whitehead, Turner.

Fred K. Baker, Valsetz.

PENNSYLVANIA

John O. Whiteman, Claridge.

John W. Aumiller, Eagles Mere.

Ethel O. Lakin, Grassflat.

Permella H. Young, Jefferson.

Katherine A. White, Mildred.

George F. Grill, Pen Mar.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 14, 1926

The House met at 12 o'clock noon.

The Rev. Walter F. Smith, of the Park View Christian Church, Washington, D. C., offered the following prayer:

Our Father, we thank Thee for Thy abiding love and are grateful to Thee for all the blessings of life that Thou hast bestowed upon us. We thank Thee for our beloved country and for her opportunities and ideals. May those ideals ever be held high. Rest Thy blessing upon all in authority. Especially we pray Thee to bless these who have been called to administer the affairs of our Nation. Give to them wisdom and power, that through the guidance of Thy Holy Spirit they may prove what is the good and the acceptable and the perfect will of God.

Hear this our prayer and grant these our petitions, for we ask them in the name of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

GUARDIANSHIP OF INSANE AND INCOMPETENT VETERANS

Mr. KINDRED. Mr. Speaker, I ask unanimous consent to extend in the RECORD a letter received by me yesterday from Gen. Frank T. Hines, Director of the Veterans' Bureau, on the subject of the 18,000 guardians of insane and incompetent veterans in the United States, together with my own remarks upon the same subject, and upon the subject of my proposed amendments to eliminate fees paid unscrupulous guardians, and also my own remarks upon the medical care, hospitalization, and welfare of the veterans.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, when was this letter written by General Hines?

Mr. KINDRED. It was dated on April 10 and delivered at my office by messenger yesterday.

Mr. RANKIN. The gentleman is aware of the fact that the Veterans' Committee is preparing to investigate all of these guardianship scandals and that we are preparing to go to the very bottom of all these charges?

Mr. KINDRED. I have heard so unofficially.

Mr. RANKIN. Then, I say to the gentleman officially that that is correct.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. KINDRED. Mr. Speaker, in order to eliminate fees to unscrupulous guardians of insane and incompetent veterans and to administrators of deceased veterans, I propose the following amendments in addition to several others to be introduced by me to meet this serious situation—

A bill (H. R. 11206) to amend section 26 of the World War veterans' act of 1924;

Also, a bill (H. R. 11207) to amend section 21 of the World War veterans' act of 1924.

Mr. Speaker, my proposed amendments to the veterans' World War act of June, 1924, in the matter of guardianship and administration for the estates of insane and deceased veterans of the World War, were first suggested by me in a speech made by me in the House March 26, 1926, in which I stated, after discussing these abuses:

In this connection, as to the activities of the States in serving the needs of ex-service men, I wish to call attention to what I consider one or two glaring faults of our present law. I believe that these points to which I refer have been or will be covered by amendments that will be proposed by the Veterans' Committee in the legislation before the House.

I refer particularly to the present method of appointing guardians or committees of the person and estate of the insane beneficiary. I had a case pending for some months, which terminated only to-day, where, under the present law, a guardian was appointed by a court in Newark, N. J. I am going to mention the fact, because I referred the whole matter to the Veterans' Bureau, and they took up the whole correspondence, and have used considerable pressure in certain directions, and have gotten results after the matter had gone on in a disgraceful way for several months.

The present law provides for the appointment of a guardian or committee of an insane beneficiary by the local courts of the respective States. Now, it is a sad fact, which some of us in local politics know to be true, that there are a certain number of irresponsible hangers-on around courts who insist on having themselves appointed to responsible positions, and those persons are appointed, but they fail to give the money to the poor, blind, helpless mothers and fathers of the beneficiaries.

The court refused to remove him. The Veterans' Bureau used their influence to have the unprincipled rascal removed in this case which I speak of, who had kept the money from the mother for months.

I hope that the proper committee will report an amendment covering this matter, and also several other amendments which we should adopt, but I will not take the time to discuss them at this time.

I made these charges, based on personal investigation, some time before they were mentioned by others.

The recent charges of abuses by guardians of insane and incompetent war veterans have been made possible by the inadequate provisions of the existing law providing for guardians of insane and incompetent veterans. These abuses have occurred in connection with the appointment under existing law of improper and unscrupulous guardians, not only in the District of Columbia but in various other instances in the different States, as in the flagrant cases I called to the attention of the House of Representatives.

I and other Members of the House of Representatives personally knew of one or more such cases in which there have not only been abuses by guardians but failure of the courts having power to appoint them to remove improper and unscrupulous guardians even after evidence has been presented by Members of Congress and by others of such unscrupulous conduct on the part of the guardians, as alleged in the Fenning case.

The proposed amendments to the veterans' act of 1924, reported March 11, 1926, by the Veterans' Committee of the House as H. R. 10240, do not contain any amendment changing the objectionable features of existing law which have proven so unsatisfactory and have led to the scandals mentioned.

To meet this situation and to eliminate the appointments of guardians by the State courts the constitutional question in cases of insane or incompetent veterans having property located in any State and subject to the protection of the courts of that State has to be considered.

I recently had a personal interview with Gen. Frank T. Hines, Director of the Veterans' Bureau, on this and other phases of my proposed amendments, in which I propose to eliminate the appointment not only of guardians for incompetent veterans but administrators of the estates of deceased veterans by State courts, so that any moneys or equities due such incompetent or deceased veterans from the United States Government may be disbursed and paid directly to the legal dependents or beneficiaries of such veterans, directly by the Veterans' Bureau, through its existing bureau of guardians.

I have consulted able attorneys and they advise that from the viewpoint of saving unnecessary (commissions paid to Fenning were as much as 10 per cent) expense and delay to the veterans and their dependents, as well as the scandals resulting from the present system, that my amendment will prove adequate.

In my interview with the Director of the Veterans' Bureau on the provisions of my proposed amendments, and later, in an interview with one of the legal advisers of the Veterans' Bureau in charge of the department of guardianships and administration, both approved of the chief features of my amendments to eliminate the appointment of guardians by the State courts for insane or incompetent veterans, and administrators for the estates of deceased veterans, for the reasons mentioned.

General Hines's letter to me giving some account of the activities of the Veterans' Bureau in this connection, follows:

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, April 10, 1926.

Hon. JOHN J. KINDRED,

House of Representatives, Washington, D. C.

MY DEAR MR. KINDRED: In compliance with your request, I am submitting a résumé of the establishment of procedure which is now in force in this bureau in supervising activities of guardians of minors and mental incompetents.

Immediately after I assumed duties as the Director of the United States Veterans' Bureau on March 4, 1923, I made inquiry as to bureau policy and procedure in protecting the interests of veterans or dependents of veterans who were under guardianship, and was apprised of the fact that numerous criticisms had reached the bureau to the effect that legally appointed guardians were not fulfilling their trust in making the proper disbursement of funds for the benefit of disabled soldiers. The advice of the general counsel was requested, and he advised that the bureau had no definite policy as to the course of action to be followed in such instances. He pointed out that although there was no specific provision of law under which the bureau could institute proceedings in the State courts for the appointment or removal of guardians, there was no provision of law which inhibited the bureau from taking such steps in cases in which it was deemed necessary.

The general counsel was instructed to institute and conduct court proceedings wherever and whenever necessary to insure the appointment of a proper guardian for a beneficiary adjudged by the medical officers of the bureau to be mentally incompetent, and to institute and conduct similar proceedings for the removal of a guardian and the appointment of another whenever such proceedings were deemed advisable. The outline of this procedure was presented to the Department of Justice and approved by Mrs. Mabel Walker Willebrandt, Assistant Attorney General, and by Mr. A. T. Seymour, Assistant to the Attorney General, who at that time was Acting Attorney General.

Bureau officials were instructed by the director to exercise the greatest diligence in safeguarding the interests of mentally incompetent patients in every possible way.

Subsequently, a committee was appointed to study and report on the guardianship activities of the bureau. The general counsel reported to this committee that his office was checking up on every report which indicated irregularities or negligence on the part of legally appointed guardians and steps were being taken when necessary for the removal of guardians. At that time 18,000 guardians had been appointed and the committee which had been appointed recommended that guardianship activities be centralized in one division in order that closer supervision could be given in these cases.

The guardianship subdivision was established on May 8, 1924. Since that time the bureau has maintained a centralized record of all claimants who are minors or mental incompetents, and an investigation is made in each case of a mentally incompetent at least once annually or more often if necessary, to determine whether his condition had improved, whether the amount paid to the guardian had been properly handled and whether expenditures had been properly made. An accurate record is kept of the name and address of each guardian or person vested with the responsibility or care of a veteran or his estate, of the name and location of the court appointing such guardian, of the amount of the guardian's bond, and any other information pertinent to a close and thorough supervision of the case.

Annual reports required of guardians give the bureau an opportunity to keep a close check on expenditures and, in addition to the information so received, the bureau makes prompt investigation in any case in which correspondence or reports received by the bureau indicate irregularity of payments or misapplication of funds.

There has been appointed in each regional office a guardianship officer who is charged with the responsibility of supervising activities relative to the welfare of minors or mental incompetents who are entitled to the benefits administered by this bureau. This officer maintains close contact with all guardianship matters and investigates any case in which it is charged that the guardian, curator, conservator, or committee is in any manner failing to administer his trust. When an investigation shows any delinquency on the part of such person, the evidence thereof is promptly presented to the court of proper jurisdiction with a view to the removal of such guardian, curator, conservator, or committee, and the appointment of another.

Early investigations of guardianship activities indicated that the bureau was handicapped by the fact that the director was without authority to suspend payments to guardians who had shown evidence of delinquency pending action of the court in such matters. This matter was reported to Congress with the recommendation that the law be amended, and in accordance with this recommendation the last proviso of section 21 of the World War veterans' act, 1924, was added as follows:

"Provided further, That the director, in his discretion, may suspend such payments to any such guardian, curator, conservator, or other person who shall neglect or refuse, after reasonable notice, to render an account to the director from time to time showing the application of such payments for the benefit of such minor or incompetent beneficiary."

The bureau subsequently recommended the addition of section 505 of the World War veterans' act, 1924, which was enacted on March 4, 1925, and reads as follows:

"Every guardian, curator, conservator, committee, or person legally vested with the responsibility or care of the claimant or his estate, having charge and custody in a fiduciary capacity of money paid, under the war risk insurance act as amended, or under the World War veterans' act, 1924, for the benefit of any minor or incompetent claimant, who shall embezzle the same in violation of his trust, or fraudulently convert the same to his own use, shall be punished by fine not exceeding \$2,000 or imprisonment at hard labor for a term not exceeding five years, or both."

The regulations of the bureau require that if a patient of an institution is an insane disabled person shown to be entitled to compensation, there shall be paid to the chief officers of such institution any amount necessary for the immediate needs and comforts of such patient and the remaining amount due shall be paid to the guardian. These regulations were issued to insure prompt provision for the needs of incompetent beneficiaries of the bureau.

A very close supervision is maintained over the interests of all incompetent beneficiaries of the bureau and prompt action is taken by the bureau to protect their interests. Copies of Veterans' Bureau regulations and general orders governing guardianship matters are inclosed for your information.

Very truly yours,

FRANK T. HINES, Director.

In my discussion of the subject with the director I emphasized particularly the importance of getting rid of any system of fees or emoluments to be paid in connection with such guardianships or administrations out of the estates or equities of veterans due them from the United States Government.

The evils of the present system have been exemplified in the charges against Commissioner Fenning, of Washington, D. C., who is alleged to have received 10 per cent of all insane veterans' moneys that passed through his hands as guardian, and even to have accumulated a fortune of over \$100,000 in a very few years through connivance with the powers that had him appointed as guardian.

My amendment would eliminate and prohibit any fees of any kind to be paid in this connection to any official, either Federal or State, and would preserve to the veteran and his dependents or beneficiaries every cent due him by the United States Government which he has served.

Especially attention is called to the fact that my amendments also provide that all moneys and equities due from the United States Government to any veteran shall be paid directly to the veteran without being subject to any judgments or any claims of any kind against the veteran or his estate.

Whatever may be our estimate of the political, social, or moral results of the World War, there was the inevitable result of such a gigantic conflict, of thousands of sick and disabled soldiers from overseas and from home camps, suddenly and urgently in need of immediate hospitalization and medical care.

On March 17, 1921, and also March 26, 1926, I discussed the status of the neuropsychiatric and disabled wards of the United States Government as of these dates, and particularly stressed certain administrative faults of the United States Veterans' Bureau and the failure of the consultants on hospitalization to more promptly provide hospitals, provided for under liberal appropriations made by Congress.

NEUROPSYCHIATRIC WARDS

The status particularly of the neuropsychiatric ex-service men is to be discussed at this time from the viewpoint of hospitalization, vocational, and professional rehabilitation, disability compensation, and other medical and welfare agencies employed in their interest during and since the emergency referred to.

The United States Public Health Service from the beginning, with inadequate hospital and other facilities, and under great difficulties, coped with the serious problems of supplying proper and humane medical and surgical treatment to the neuropsychiatric and other groups of sick and disabled veterans; and it must in fairness be stated that this service deserves and should receive full credit and commendation for its achievements, this service having in fact laid the broad and deep foundations for the good work in medical and surgical treatment which has, with certain exceptions to be noted, continued by the medical service later created within and subject to the control of the Veterans' Bureau.

The Veterans' Bureau, created under the Sweet bill—passed by the Sixty-seventh Congress—consolidated all governmental activities relating to ex-service men under this bureau.

The singularly disgraceful conduct and subsequent prison sentence of the first director of the bureau, Col. R. C. Forbes, appointed by President Harding, is well known, with all of its disastrous results to the interest of the Government and the ex-service men.

The bureau, under the directorship of Gen. Frank T. Hines, who, while evidencing a personal desire to do justice to the ex-service men, has received both praise and adverse criticism from the disabled American veterans of the World War and the American Legion.

The last (1925) convention of the American Legion made recommendations for greater efficiency of the Veterans' Bureau, particularly relating to improving the medical service. The Legion commended the appointment by the director of the bureau of a council of medical and hospital service, which is composed of eminent specialists, and held that a higher medical personnel could be secured by appropriate legislation than that existing now in the bureau under the civil service. This recommendation is for legislation providing a Veterans' Bureau medical corps similar to that of the United States Public Health Service and the Army and the Navy. The Legion also requested legislation providing for the apportionment of compensation of insane claimants who have dependent parents, so that the amount paid to such parents or dependents shall be paid to them directly instead of to the guardians of the claimants.

The report of the committee on rehabilitation of the 1925 convention of the American Legion, page 34, says:

The Veterans' Bureau has never functioned with the efficiency which the American Legion can consider satisfactory. The evident lack of efficiency must be traceable to some cause. The Legion realizes that the present Director of the Veterans' Bureau inherited many faults and weaknesses in personnel and organization, in spite of which the bureau is now functioning more efficiently than at any time heretofore. But after careful examination of the problem, the committee of the American Legion has come to the unescapable conclusion that there is lack of coordination, unnecessary delay, and failure to keep the director correctly advised, thus creating a system which is intolerable.

I believe from personal official experience and investigation that while decentralization may have some advantages, these adverse criticisms of the bureau from these and other sources are in many instances well founded and that the faults complained of are due in great measure to the so-called decentralization plan adopted by the bureau, by which information and data relative to disabled ex-service men, such as their physical and mental condition, the evidence as to their claims for disability, and so forth, are filed in the many regional offices of the bureau, and that these most important facts are not on file at the central office of the bureau at Washington, and therefore not accessible to the people's Representatives at the Capitol except after long-drawn-out correspondence between them and the bureau and between the bureau and the regional offices. As an example of unnecessary delay, I cite the following case:

I initiated, under date of December 17, 1923, a request for investigation and report on the case of Harry Knopke, 243 Laconia Street, Elmhurst, Long Island, N. Y., whose father claimed dependency. There were exchanged 85 letters, and an unfavorable report was received on December 18, 1925, this covering a period of approximately two years, this being due chiefly, I believe, to the delays and red tape incident to the system mentioned.

HOSPITALIZATION

With the enactment of the World War veterans' act on June 7, 1924, it was anticipated that there would be a material increase in the number of admissions to hospitals during the year over the previous year, and also in the total number of patients in these hospitals at any one time. This expectation was borne out by experience, which showed that the total of 76,812 admissions, including the neuropsychiatric and all other groups, exceeded the admissions for 1924 by 16 per cent, although in fact this number was less than the total admissions for the fiscal years 1921, 1922, and 1923. With this increase in yearly admissions, there naturally resulted an increase in the hospital load, which mounted from a total of 21,730 to a peak of 30,753 during February, 1925, subsequently subsiding to 26,610 on June 30, 1925.

Under paragraph 10, section 202, of the World War veterans' act, providing for general hospitalization regardless of origin of disability, approximately 17 per cent of these were veterans of wars other than the World War.

The policy of hospitalizing to the greatest extent possible in Government hospitals is being continued. The trend in admissions during the past several years is significant. In the fiscal year, 1920, 45 per cent of the total admissions were to State and civil hospitals; in 1924 this percentage was 19.36 per cent; and in 1925 it had been reduced to 10.87 per cent. The results accomplished under this policy have been made possible through the carrying out of the permanent hospital construction program of the bureau.

The increase in Government hospitalization obtained for all types of disease, neuropsychiatric cases increasing during the year 1925 from 72 to 78 per cent, tuberculosis cases from 80 to 85 per cent, and general cases from 93 to 96 per cent.

At the commencement of the fiscal year 1925, 44 per cent of all patients in all bureau hospitals were suffering from neuropsychiatric conditions, 39 per cent from tuberculosis, and 17 per cent from general conditions, whereas, at the end of the fiscal year, these percentages were 46, 36, and 18, respectively. Of the net numerical increase during the year in all types of patients under treatment, the greatest increase was in neuropsychiatric cases, which cases increased from 9,929 at the commencement of the year to 12,139 at the end of the year. These figures indicate clearly that from the standpoint of hospitalization and custodianship the most important future problem will be in connection with the neuropsychiatric cases. This is substantiated by reference to the chart (No. 3) accompanying the Veterans' Bureau report for 1925, showing the periodic variation of patients in all hospitals; and that while the general and tuberculosis cases decreased from the peak in February by some 1,000 and 2,000 cases respectively, the neuropsychiatric cases since the peak have shown but a slight decline.

Increased hospitalization in Government facilities were made possible during 1925 through the completion of hospitals previously authorized by Congress.

Congress has been especially generous in the matter of hospital construction, having authorized since the World War total appropriations of \$3,214,775,000 for hospital construction and maintenance for veterans' disability compensation, for life insurance or so-called adjusted compensation, and for all other Government activities in the interest of ex-service men and women of the World War the appropriations for hospital construction alone amounting to \$58,595,000.

I, as a physician and a Member of the House who has taken a deep interest in this legislation, can truly say that Congress has always promptly and sympathetically met every demand in its power for the proper hospitalization and care of the veterans of the World War and other wars in which the United States has participated.

At the commencement of the fiscal year 1925 there were 15,861 beds available in all United States Veterans' Bureau hospitals, classified as follows: Neuropsychiatric, 5,203; tuberculosis, 6,510; and general, 4,148.

Of the 5,332 beds in general hospitals there are some 966 beds for neuropsychiatric cases and 906 beds for tuberculosis cases. The setting aside in general hospitals for neuropsychiatric and tuberculosis cases obtains in all general hospitals, and is due to the fact that prior to permanent hospitalization a bureau beneficiary is admitted to a general hospital for ob-

servation and diagnosis. Furthermore, emergency cases of this character frequently arise, and space must be immediately available to take care of them pending the making of available facilities for their care in hospitals specifically established for them.

In addition to the facilities made available by hospitals under the immediate jurisdiction of the United States Veterans' Bureau there are 9,824 beds made available through other Government agencies, including the War Department, Navy Department, national homes for disabled volunteer soldiers, the Public Health Service, and St. Elizabeths Hospital, Washington, D. C., these services furnishing 2,665, 2,370, 3,322, 534, and 933 beds, respectively, representing 41 individual hospitals. Of these 9,824 beds in other Government hospitals 3,130 are for tuberculosis cases, 2,214 for neuropsychiatric cases, and 4,480 for general cases. Thus it will be seen that in all Government hospitals, including those under the direction of the United States Veterans' Bureau, there was available on June 30, 1925, a grand total of 30,479 beds, representing a net increase for the fiscal year 1925 for all Government beds of 5,469.

It is estimated that all the hospital projects contemplated will have been completed or be under actual construction by June 3, 1927, and that this completed program will give the United States Veterans' Bureau a total of approximately 22,100 beds, exclusive of those in the other departments mentioned, according to the latest report (1925) of the United States Veterans' Bureau, making a total of all Government beds approximately of 31,924:

The general conditions of these hospitals in which these insane veterans are housed are good. The bureau's hospitals for the psychotic, with very few exceptions, are fireproof buildings, with outside rooms, light, airy, and well screened. Inspections made by the Veterans' Bureau reveal that the institutions are neat and orderly, the patients are bathed, shaved, and well cared for, the food is of good quality and well prepared.

Reports from the neuropsychiatric hospitals indicate a fortunate minimum of serious epidemic diseases among their patients and personnel. All possible precautions are taken, such as frequent examination of food handlers for typhoid, dysentery carriers, and venereal infection. There was practically no malaria reported. Every effort is being exercised to prevent and attempt to delay regression and ultimate deterioration in the insane. The institutions have classes in habit training which result in a noticeable improvement in the patient's deportment, tidiness, and cooperation. Occupational therapy is a part of every institution.

The interest of the patient is aroused in various manual pursuits, such as gardening, farming, pig and poultry raising, and some inside shopwork, such as basketry, weaving, leather and metal work, and carpentry. Some activity and interest is kept alive in the patients through athletics, the most popular being volley ball and group calisthenics. Religious services are held at all these institutions and through the able assistance of various organizations, such as the American Red Cross and the Knights of Columbus, etc., many diversions are offered, such as concerts, vaudeville shows, motion pictures, and dances. The medical officers in charge of the hospitals are frequently responsible for such innovations as monthly birthday parties for those whose birthdays fall within the month. All recognized aids in the treatment of these cases, such as hydrotherapy, electrotherapy, physiotherapy, etc., are available in the hospitals.

At the close of the fiscal year, June 30, 1925, there were 54 regional offices, 11 suboffices, and 80 medical-treatment stations in operation. Depending upon the claimant load at these regional offices and suboffices, there was operated by the medical service at each one of the following standard types of dispensaries:

Class A consisted of a complete unit, comprising clinics in internal medicine, general surgery, tuberculosis, neuropsychiatry, ophthalmology, diseases of the eye, ear, nose, and throat, urology, orthopedics, physiotherapy, dentistry, six chairs, X-ray clinical laboratory and pharmacy, with facilities for administration and social service, occupying approximately 8,500 square feet of floor space.

Class B consisted of a similar unit in which the surgical clinic embraces urology and orthopedics. The dental clinic had two chairs instead of six, and the section of physiotherapy was omitted, the floor space occupying 4,216 square feet.

Class C consisted of clinics in medicine, surgery, and eye, ear, nose, and throat, with a small clinical laboratory, one dental chair, and an X ray, if X-ray contracts justified its establishment, occupying 2,352 square feet.

MEDICAL SERVICE

The medical activities of regional offices and suboffices include the making of physical examinations, including spinal examinations (X-ray laboratory analyses and tests of blood,

urine, feces, spinal fluid, etc.), and the furnishing of care and treatment (including hospitalization, out-patient relief, follow-up nursing, dental, prosthetic and orthopedic appliances, etc.). In addition, the medical activities at regional offices (not at suboffices) includes a detail of trained physicians as medical members of claims and rating boards. The medical care and treatment furnished by the bureau is carried beyond regional offices and suboffices into the claimant's community and home. Follow-up nurses operating under direction of the regional medical officer and the suboffice medical officer, and guided by a card index in these offices giving the names and addresses of all beneficiaries requiring special periodic contacts, work out from these offices into remote sections of the country where transportation is primitive and travel laborious and difficult. In addition, under the liberal authority conferred by General Order No. 308, wide provision is made for treatment of beneficiaries by designated examiners and private physicians, under supervision of the regional offices. This brings the service to the beneficiary who is too ill to travel to a bureau hospital or dispensary, or when, by reason of comparative inaccessibility, it is more advantageous and less expensive to arrange for locality treatment rather than to travel the beneficiary into a field station of the bureau.

Previous to the enactment of the World War veterans' act of 1924, service disabilities could not receive out-patient treatment, as they now do under this act.

In order to offer facilities for the examination and treatment of beneficiaries who, because of employment necessities, were unable to attend the dispensaries during regular hours, arrangements were effected during the past fiscal year for evening-hour clinics at such stations as in the judgment of regional managers this special service was considered necessary. This service was at first mandatory, but after some months of experience it was found that the number of persons presenting during the additional evening-clinic hour was too small to warrant its continuance, so that the arrangement was made optional with the local offices concerned.

During the past fiscal year, the administration of United States veterans' hospitals was continued under the direct supervision of the medical service, central office, thereby insuring a uniform policy and control that could not otherwise be realized. Regional managers have jurisdiction over contract hospitals in their respective territories.

The supervision of United States veterans' hospitals is effected through three divisions of the medical service—general medical, tuberculosis, and neuropsychiatric—each under a chief who has had special training to fit him for his position. Under the medical director and in cooperation with the construction division of supply service, these officers decide upon questions of location, construction, closure, equipment, and operation of the types of hospitals (general medical, tuberculosis, or neuropsychiatric) under their jurisdiction; they advise in the formulation of a hospital program; transact correspondence, approve personnel and equipment requests, supervise hospital allocation to regional offices and recommend approval of requests for extraregional hospital transfers, and review and recommend acceptance of contracts and leases of contract hospitals.

The most eminent specialists of the communities in which the hospitals are located are engaged as consultants in order that the patient and the resident staffs of the hospitals may have the benefit of expert advice and assistance. A fairly high grade of nursing, dietetic, and reconstruction service, by selection of persons with the requisite training and experience who are attracted by the salaries offered by the Government, is maintained.

Emphasis has been placed during the past fiscal year upon the hospitalizing of such beneficiaries as would be benefited thereby and discharging patients who have received the maximum benefit of hospitalization. As a part of this program, especial attention has been paid to the receiving wards, where the incoming patients are placed for observation and examination, which include complete physical, serological, and, whenever indicated, X ray, hydrotherapy, electrotherapy, physiotherapy, and in selected cases psychotherapy.

Supplementing the thorough physical examination of the patients upon admission, another examination is made before discharge, so that there may be no dissatisfaction on the part of the patient, and full information can be given to the rating boards in the regional offices in order to expedite adjudication of the disability claims.

The educational programs are not limited to the personnel but include the patients themselves. This is particularly true in regard to diabetic, tuberculous, and trachomatous cases, where the patient's care of himself is of the utmost importance.

NEUROPSYCHIATRIC HOSPITALS

The 16 neuropsychiatric hospitals now operated by the bureau are serving fairly well the beneficiaries and are endeavoring to effect rehabilitation by modern methods.

The making of an early diagnosis as soon as possible has resulted in expediting claims, and the present policy of having the claims and rating boards from the regional offices visit the hospitals has worked out satisfactorily in securing an expedited adjustment of claims.

The neuropsychiatric activities, presenting as they do so many complex considerations and requiring a highly specialized administration, are perhaps the most important in the medical service. From the very nature of these ailments, embracing mental as well as neurological cases, hospitalization and custodial care are required in a very large percentage of them at some time during their contact with the bureau. As one gets farther away from the cessation of the war, there are more and more of these whose disabilities have been continuous since discharge, who will not recover. This is particularly true of those afflicted with the chronic deteriorating types of psychoses (insanities). They will require custodial care in an institution the remainder of their lives; and, in the majority of instances life expectancy will not be materially lessened by reason of their mental state. It can be seen, then, that these cases will be cumulative in institutions for an indefinite number of years. Clinical laboratory facilities are provided in each of the neuropsychiatric hospitals.

COMPENSATION DISABILITY

As a result of the provisions of section 200 of the World War veterans' act, 1924, extending the period of presumption of service connection of neuropsychiatric diseases to January 1, 1925, there has been a material increase in the number of permanently disabled insane entitled to care and compensation. These cases have in many instances been beneficiaries of the various States, cared for in State institutions, and the burden of their care has now been changed to the bureau.

The care of honorably discharged veterans of prior wars suffering from neuropsychiatric ailments, in accordance with section 202 (10) of the act just mentioned, will further tax the capacity of this special type of hospital. From the very fact that hospitalization plays such an important part in the care of these patients, the activities of this branch will of necessity embrace the activities of these hospitals.

There has been a consistent endeavor on the part of those in charge of this work to place, in so far as possible, all such cases on a permanent basis of compensation. Surveys of bureau and contract hospitals, examinations by boards of specialists, and special review of the cases in the central and regional offices have been made. As a result, all those showing a progressive mental disease, without remission, and exhibiting other manifestations which make it reasonable to suppose they will be totally disabled for the remainder of their lives, have been placed on permanent total ratings. In other instances, where the disability is not total but represents a somewhat fixed point of progression toward possible recovery, an appropriate permanent partial rating has been made. These cases are largely represented by peripheral nerve injuries, residuals of gunshot wounds, and other trauma, which at this time have become sufficiently removed, with respect to time from the date of the infliction of the original injury, to class them as having reached maximum improvement.

While it is appreciated that the majority of insane beneficiaries will require hospital care for an indefinite number of years, the fact has not been lost sight of that remissions occur, permitting patients to return to their communities from time to time, and in some instances even to resume their former activities in society. To this end every effort has been exerted to prevent any attempt to delay regression and ultimate deterioration in the insane. Occupational therapy has been an integral part of each institution. Cooperation and interest of the patient have been sought in various manual occupations in which his interest can be aroused. Such diversions as basketry, weaving, leather work, toy making, gardening, chicken raising, and bee culture, farming, and so forth, have been utilized. At one hospital 90 per cent of the patients were busy at some period of the day with a type of occupational therapy work. More and more effort along this line is constantly being made, benefit has been derived even in those cases apparently deteriorated. Instances in which spontaneous interest has been aroused have been followed by notable improvement in deportment, tidiness, and cooperation in patients whose intellectual level approaches the vegetative stage.

In addition to these procedures, largely in the domain of occupational therapy, reports show that each and every insti-

tution has had the able assistance of the American Red Cross, the Knights of Columbus, and other organizations in organizing and carrying out diversional entertainments for the benefit of the patient. Hospitals were equipped with radio and also with a library for patients and personnel, including a collection of medical works for the staff. To offer facilities for the examination and treatment of beneficiaries who, because of employment necessities, were unable to attend the dispensaries during regular hours during the past fiscal year, evening-hour clinics at such stations as in the judgment of regional managers have been held.

The average period of hospitalization for insane patients could not be based upon the Veterans' Bureau's experience, for many patients of this class have been continuously in the hospital since the close of the war and are still in the hospitals under treatment. However, of those patients who have through discharge attempted social readjustment the total average hospitalization has been 450 days. Probably the best estimate as to the necessary hospitalization for this group of patients is to consider that all those who have a chronic deteriorating type of psychosis will require custodialship care in institutions the remainder of their lives; and since in most instances the life expectancy will not be materially lessened by reason of this condition, the average hospital load, as indicated above, may be expected to be under hospitalization for an indefinite number of years, their average age now being 33 years.

The problem of handling the total neuropsychiatric group lies principally with the regional offices which are more or less constantly in contact with the men of this class who are not under hospitalization. There are 33,170 such claimants not under hospital care at this time.

DIVERSIONAL OCCUPATION

Diversional occupation in general applies with particular force to patients suffering from nervous and mental diseases.

In so far as practicable, all bureau hospitals have had the advantages of local consulting specialists to whom problem cases have been presented. The institutions are equipped with modern operating-room facilities and both minor and major operations are performed, including nose and throat work, by the part-time and full-time specialists. The value of this consulting service is twofold—it benefits the patient requiring it as well as the resident staff, who derive stimulation and counsel from these eminent specialists.

There has been freedom from any serious epidemic diseases.

OUT-PATIENT TREATMENT

Out-patient treatment and supervision of patients who have returned to the community have been instituted and extended during the past year. These clinics have been maintained in Veterans' Bureau hospitals where they are sufficiently accessible to make this practicable, and at other times where not so practicable. They have proven of inestimable value, particularly those in association with hospitals. A check is maintained on the patient's adjustment in the community; sympathetic advice is given; symptoms of recurrences are noted in their incipency.

The total number who have registered for vocational and educational rehabilitation is 335,643.

The total number who have entered training is 179,951.

The total number of disabled veterans of the World War, as of September 30, 1925, was 216,261, of which number 47,216 of the total had some neuropsychiatric disorder.

There have been 298,176 hospital cases since July 1, 1919, to September 30, 1925, 15,210 of which were psychotic, of which number 248 were discharged from the hospital as "recovered" and 3,726 discharged "benefited." A most notable and unfavorable feature of these figures is the fact that the number of definitely psychotic cases discharged as recovered was only 248 out of a total of 15,210, a percentage of recoveries of approximately 1.75, which is far less than that percentage of recoveries in any of our public and private institutions for insane persons drawn from the nonmilitary population. The low recovery rate may be due in part also to the larger number of insanities among veterans caused by serious trauma of the cerebrospinal system and also to neuropsychiatric conditions exclusively incident to the World War, the most complex of the psychoneurotic conditions.

The difference in the figure for the hospitalized psychotic cases and the total compensable psychotic claimants, is simply indicative of a series of interrupted hospitalizations for many of these men. It is difficult to give any definite figures with regard to the direct or indirect causes of insanity of the World War veterans, particularly with reference to shell shock. Shell shock itself is not a disease entity, but is considered as a reaction to fear. The term is vague and is connected not only with psychotic conditions, but also with neurotic ones, some of

which are due to hardships and influences of warfare, and others are due simply to the emotional stress of war. The Adjutant General of the Army made no effort to segregate the shell-shock cases, preferring to place them under a more scientific diagnostic term; however, the Veterans' Bureau attempted to use the term shell shock as a causative agent, but found it used so loosely as to make data obtained therefrom unsatisfactory. The bureau has no statistical data available on the subject of shell shock.

There are 47,216 neuropsychiatric ex-service men who are receiving compensation, 8,603 of whom are definitely psychotic or insane.

It has been found that the military population was 58.89 per cent of the total male population of a certain age group, and a comparison of these same age groups in institutions for the insane shows that the military population is 60.12 per cent of the total male population so hospitalized. One of the reports used was compiled by the United States Census Bureau, the other by the United States Veterans' Bureau. The use of similar nomenclature of diseases and conditions by the two bureaus allows this comparison. The slight difference in these percentages would indicate that the insanities among the ex-service men are largely the insanities of every-day life and are not distinguishable from those suffered by nonservice men in the communities. The insanities of ex-service men are the insanities of every-day life, in no way distinguishable from those suffered by nonservice members of the civil communities. The history of State hospitals for insane has been one of steady overcrowding; and inasmuch as the potential load of beneficiaries entitled to treatment in the bureau's neuropsychiatric hospitals embraces, through the provision of section 202, subsection 10 of the World War veterans' act, as amended, all honorably discharged veterans of the Spanish-American War, Philippine insurrection, Boxer rebellion, and the World War, without regard to service connection, a steady increase in Government hospital beds for these cases would seem necessary, in direct proportion to the normal ratio of insanity resulting from the stress and strain of their daily pursuits and the exigencies of modern civilization.

BRIDGE ACROSS MISSISSIPPI RIVER NEAR LOUISIANA, MO.

Mr. CANNON. Mr. Speaker, the bill (H. R. 8918) granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo., with Senate amendments thereto, has been messaged over by the Senate, and by authorization of the Committee on Interstate and Foreign Commerce I ask unanimous consent that the bill be taken from the table, the Senate amendments disagreed to, and a conference asked on the part of the House.

The SPEAKER. The gentleman from Missouri asks unanimous consent, by direction of the Committee on Interstate and Foreign Commerce, to take from the Speaker's table the bill H. R. 8918, disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

Mr. MAPES. Mr. Speaker, does the gentleman say that the Committee on Interstate and Foreign Commerce has directed him to make this request?

Mr. CANNON. Yes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees on the part of the House: Mr. DENISON, Mr. BURNES, Mr. PARKS.

CALL OF THE HOUSE

Mr. KINCHELOE. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Kentucky makes the point of order that there is no quorum present. Evidently there is not.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 70]

Aldrich	Cleary	Fredericks	Johnson, Ill.
Andrew	Connolly, Pa.	French	Johnson, Ky.
Appleby	Davey	Funk	Kelly
Auf der Heide	Denison	Gallivan	Kless
Ayres	Dickstein	Golder	King
Barkley	Doyle	Gorman	Kuns
Brand, Ga.	Drewry	Graham	Lee, Ga.
Britten	Ellis	Green, Iowa	Lindsay
Brunna	Esterly	Griffin	Linsberger
Campbell	Fish	Harrison	McClintic
Chapman	Fitzgerald, Roy G.	Hawes	MacGregor
Christopherson	Flaherty	Irwin	Magee, Pa.

Martin, Mass.	Perlman	Sanders, N. Y.	Upshaw
Mead	Phillips	Sears, Fla.	Vare
Michaelson	Pou	Sproul, Ill.	Volgt
Mills	Purnell	Strong, Pa.	Welsh
Morin	Quayle	Sullivan	White, Me.
Nelson, Wis.	Ransley	Taylor, Tenn.	Williams, Ill.
Norton	Rayburn	Temple	Wilson, Miss.
O'Connell, N. Y.	Reed, N. Y.	Thomas	Yates
O'Connor, La.	Rogers	Tincher	Zihlman
Perkins	Rutherford	Updike	

The SPEAKER. Three hundred and forty-four Members have answered to their names. A quorum is present.

Mr. TILSON. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

THE POLITICAL SITUATION

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. CARTER] may extend his remarks in the RECORD by inserting a speech made by him over the radio last night.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Oklahoma [Mr. CARTER] be given leave to extend his remarks in the RECORD by inserting a speech made by him over the radio last night. Is there objection?

There was no objection.

Mr. CARTER of Oklahoma. Mr. Speaker, under leave granted to extend my remarks, I insert the following speech delivered by myself last night over the radio:

I am delighted to have this opportunity to briefly express my views on the political issues of the day. Ever since that patron saint of democracy, Thomas Jefferson, gave expression to the maxim the Democratic Party has stood for that immortal principle, "equal rights to all and special privileges to none." The Republicans have been candid with reference to this principle. They have been frank. They have been truthful. They have never subscribed to the doctrine of "equal rights to all and special privileges to none." They have never proclaimed it, they have never practiced it, they have never pledged themselves to practice it; in fact, they have persistently ignored it, and therein lies the fundamental difference dividing these two great parties. The Democrats do not believe in taxing one class of people to enrich another, and especially do they protest against the policy being practiced by this administration of denying relief to the agricultural industries of this country while extending it in bountiful supply to others. The Democrats believe that so far as possible every industry should stand on its own responsibilities, but this does not mean that we would fail to recognize the conditions of any industry becoming so distressed as to merit legitimate Government aid. The Democrats do not believe in sectional prosperity, nor do they believe in class prosperity. They are committed to a general prosperity falling equally on all sections and classes in the country, and since agriculture is the basic industry of our country we do not believe there can be any permanent general prosperity throughout the land until agriculture is made prosperous. Evidence of this may be found in a comparison of the Democratic and Republican administrations.

Beginning on March 4, 1913, we experienced six years of Democratic administration in all the branches of this Government. Many of you will recall the conditions of that period. Everybody was prosperous. Not only manufactured products but raw materials brought an adequate price on the market. Livestock was high. Wheat was high. Cotton was high. Every man and every woman was able to get work at good living wages and there were two purchasers for almost everything anybody had to sell. The trouble the merchants had during that period was in getting goods. They did not care how much the goods cost so long as they could get the goods. The railroad trains were overloaded with freight and passengers and never before in the history of the world, certainly not in the history of our generation, was there such universal and general prosperity throughout the land. Our country was in fact so prosperous that the people seemed to get frightened or dissatisfied about it, and for some unknown cause in the fall of 1918 they "smote the hand that had fed them" and voted for a change in both legislative branches of our Government.

The change took place on March 4, 1919, when a Republican House and Senate were installed. Soon thereafter cotton, wheat, cattle, and all other products of the farm and ranch fell below the cost of production. The railroads, while charging much higher rates, were carrying fewer passengers and less freight. Factories and industrial institutions began to lead a hand-to-mouth existence. Millions of men and women anxious to work were out of employment, and for the first time in five years beggars and almshouses began to appear on the streets of our cities. More than 2,400 bank failures took place within a period of five years. According to the figures of our Agricultural Department, the value of farm land and equipment throughout the entire country was reduced from \$79,000,000,000 to \$59,000,000,000. This falling off of \$20,000,000,000 makes a reduction of more than 25 per cent in the value of the agricultural assets of our country.

Our Republican friends undertake to explain this difference of a general prosperity during our last Democratic administration and the depression and destitution under the present Republican administration by one single sentence. They assert that those prosperous Democratic days were due to our participation in the war. They asseverate this brief rejoinder with all the conclusion and finality of dictum, but they do not tell you that we did not get into the war until April, 1917.

The war came to an end November 11, 1918. The Republicans have been in full control of both legislative branches of the Government since March 4, 1919. They have been in complete control of every branch of the Government since March 4, 1921. What have our friends to say about the deplorable condition of agriculture in this the good year of 1926, almost eight years after the close of the war? How do they explain that after more than five years of uninterrupted Republican control of all the branches of the Government they have failed to restore any measure of their boasted prosperity to any agricultural section of this country, and still call upon the farmer to sell his commodities below the cost of production?

There may be some intermittent indications of business resumption in certain manufacturing sections, but even these are only isolated cases and no evidence whatever can be found of a return to prosperity in agriculture or in agricultural sections, and certainly no general prosperity throughout the Nation.

What is the matter with agriculture? What is the matter with business in the agricultural section? In my opinion the answer can be found partially in the high protective schedules of the Fordney-McCumber tariff act and partially in the refusal of the present administration to recognize the deplorable situation in the agricultural sections while providing relief for others. It is bordering on a tragedy that these conditions have been permitted to drag along with no serious attempts to provide substantial aid. Ah, but my opponents will say, "We can not legislate to relieve the farmer without indulging in class legislation, and you know that would be a violation of the Constitution." Let me ask my friends what became of your objections to class legislation when you passed through the House the so-called ship subsidy bill intended to give millions of dollars of the people's money to a class known as ship operators? Where were your principles on class legislation? Where were your constitutional objections when you passed the Fordney-McCumber tariff act, forcing farmers and all others in the country to pay tribute to the special interests protected by the excessive rates? If it be class legislation to respond to the distress of the agricultural industry, then why was it not class legislation to respond to the demands of the ship operators and tariff barons?

We must not criticize without proposing some remedy; and yet I have no faith in cure-alls. I indulge no vain hopes for a single specific, but I believe this situation might have been considerably relieved and prosperity gradually restored to our agricultural sections by doing a number of things, none of which would violate sound economics or even smack of class legislation.

First we should have gone to the source of the thing by rearranging the personnel of the Federal Reserve Banking Board so as to place a few members on that tribunal in sympathy with the producers and not altogether in sympathy with those who finance the producers. We have been sadly wanting in a well-defined, consistent foreign policy which would tend to stabilize and maintain real foreign markets for our surplus farm products. We should have looked to the prosperity of our own American farmers rather than devoting all our energies to relieving the peasantry of Europe. A rigid retrenchment and real economy in all the expenditures of public money by the Federal Government, State government, counties, and municipalities in order that we might have an actual, substantial reduction of taxes which would reach the agricultural sections as well as others. We should have a tariff revision reducing the rate on steel, on iron, on textiles, on sugar, and many other high schedules of the Fordney-McCumber Act, which piles up the cost of living so high on the agricultural sections of the country. A reasonable readjustment downward of freight rates, especially as they relate to transportation of agricultural products. Continue every possible and legitimate agency for supplying adequate credit to agriculture. Extend every legitimate aid and encouragement to farm cooperation, and create a high-grade commission of experts to look into the causes of the difference between the prices received by the farmer for his products and the price paid by the consumer, with a view to taking up the slack and eliminating some of the cost of distribution between the producer and consumer.

On the second day of next November an election is to be held to determine which of the two major parties shall control the two legislative branches of the Government for the next two years. What will the people do about it? What will the people do about those who have put upon them a discriminatory tariff law which annually extorts from the American public from three to four billion dollars, which takes from agriculture an amount variously estimated at from \$500,000,000 to \$1,000,000,000, yet giving agriculture in return only \$125,000,000? What will they say of a prohibitive sugar tariff which takes annually \$140,000,000 from the American housewife in order that the sugar barons might have an additional profit of \$92,000,000? What will they

say of discriminatory freight rates which take each year from agriculture more than from any other products of the country? What will they say of an Interstate Commerce Commission fixing these rates which is composed of 11 members with but one member on the commission who lives in and represents that enormous section west and southwest of the Missouri River? What will they do about an administration that has consistently failed to recognize the deplorable condition of the basic industry of our country? With due regard to our eastern friends, to whom we will always be fair and just, what will the people say of a national administration that seems to regard the Western States as mere provinces maintained for the single purpose of fattening the prosperity of certain favored classes at the expense of the masses and woefully impoverishing others?

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, the Committee on Agriculture having the call. The Clerk will call the committee.

The Clerk called the Committee on Agriculture.

SPLENETIC FEVER AMONG LIVESTOCK

Mr. HAUGEN. Mr. Speaker, I call up House Calendar No. 91, the bill (H. R. 9833) to amend section 6 of the act of May 29, 1884, creating the Bureau of Animal Industry, by striking out the proviso in section 6 of said act.

The SPEAKER. The gentleman from Iowa calls up the bill (H. R. 9833), which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9833) to amend section 6 of the act of May 29, 1884, creating the Bureau of Animal Industry, by striking out the proviso in section 6 of said act.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act of Congress approved May 29, 1884 (48th Cong., 1st sess., ch. 60), establishing the Bureau of Animal Industry in the Department of Agriculture be, and the same is hereby, amended by striking out the proviso in section 6 of said act, which reads as follows: "Provided, That the so-called splenic or Texas fever shall not be considered a contagious, infectious, or communicable disease within the meanings of sections 4, 5, 6, and 7 of this act as to cattle being transported by rail to markets for slaughter when the same are unloaded only to be fed and watered in lots on the way thereto."

SEC. 2. That all laws or parts of laws in conflict with this act be, and they are hereby, expressly repealed.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. BLANTON. Mr. Speaker, I wish to ask the gentleman from Iowa [Mr. HAUGEN] a question. Will the gentleman yield?

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. TILSON. There seems to be some misunderstanding, Mr. Speaker. This is a House Calendar bill, as I understand, and therefore the debate will be limited by ordering the previous question, so that if gentlemen wish to agree as to time they can do it now; otherwise the previous question will be ordered when the gentleman from Iowa is ready.

Mr. HAUGEN. May I inquire if any time is desired on the other side?

Mr. ASWELL. No.

Mr. BLANTON. Mr. Chairman, will the gentleman yield for a question?

Mr. HAUGEN. Yes.

Mr. BLANTON. One of the most valuable services rendered by this Bureau of Animal Industry was the distribution of black-leg vaccine to farmers over the country. But the bureau for the last three years has discontinued that distribution. While the gentleman is amending this act, why does he not take care of that situation? That saved thousands of calves for the farmers of the country, at very little cost to the Government. Would the gentleman mind taking care of that proposition in this bill?

Mr. HAUGEN. The suggestion of the gentleman would hardly be germane to this bill.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. GARNER of Texas. That proposition could only come from the Committee on Appropriations. There is already an authorization by Congress for that, but the Committee on Appropriations declines to make an appropriation. The rules do not permit its consideration here. It is a matter of discretion with the Committee on Appropriations. They declined to make any appropriation.

Mr. MADDEN. The committee after looking into the matter came to the conclusion that so little expense was attached to it that the farmers could buy it for themselves.

Mr. BLANTON. They can buy it, but they can not get the right kind. The former distribution greatly helped the small farmers of the United States. I intend to urge before the Committee on Appropriations the resumption of that distribution and try to get them to make appropriation for it.

Mr. HAUGEN. I yield 10 minutes to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia [Mr. CRISP].

The SPEAKER. The Chair does not understand how the time is to be divided.

Mr. GARRETT of Tennessee. None of us can understand it, Mr. Speaker, in the confusion.

The SPEAKER. Does the gentleman from Iowa yield?

Mr. HAUGEN. Yes; I yield 10 minutes to the gentleman from Louisiana, who, I understand, in turn yields 10 minutes to the gentleman from Georgia [Mr. CRISP].

The SPEAKER. Does the gentleman from Louisiana yield to the gentleman from Georgia?

Mr. ASWELL. Yes; I yield 10 minutes to the gentleman from Georgia.

The SPEAKER. The gentleman from Georgia is recognized for 10 minutes.

Mr. CRISP. Mr. Speaker and gentlemen of the House, when the Bureau of Animal Industry was created in 1884 that law prohibited the shipment in interstate commerce of cattle infected with communicable or contagious diseases, but there was a proviso placed in the act as a proviso to section 6 which says splenic or Texas fever in cattle shall not be considered a communicable or contagious disease within the purview of the act when cattle are being shipped from a tick-infested area to market for slaughter.

In 1884, when this act was created, very little was scientifically known about the tick, and it was not known at that time that this splenic fever was a communicable or contagious disease. It is agreed now by all authorities on the subject that it is highly contagious and communicable. Therefore, this provision in the act saying that it is not communicable is a legislative falsehood, because the disease is communicable.

For twenty-odd years the Southern States and the Department of Agriculture, through its Bureau of Animal Industry, has been advocating the repeal of this proviso, for with this proviso in the law the Federal Department of Agriculture has no authority to make rules and regulations prohibiting the shipment of cattle from tick areas in interstate commerce. They have no authority to make any regulations for the shipment of cattle from infested areas to free areas. The result of it is that frequently States that are free from the tick are reinfested by the shipment of these cattle in interstate commerce.

The law requires the railroads to unload and feed and water cattle within 28 hours in shipment, and when they are being shipped they are unloaded in stock pens, and these pens become infested with the tick. When a carload of cattle is being shipped for dairy purposes or for pasture, or mules or horses are unloaded in these pens, the cattle or stock so unloaded and fed are common carriers for the tick, and they become infested, and when the cattle or mules or horses are shipped out through the United States into tick-free areas those areas become reinfested.

The veterinarian of the State of Missouri has written several of the Missouri Congressmen that there have been three reinfestations in Missouri, and the gentleman from Illinois [Mr. ADKINS], a member of the Committee on Agriculture, advised the committee that there had been a reinfestation in Illinois.

There appeared before the Agricultural Committee in support of this bill seven State veterinarians from the South, to wit, the veterinarian from Georgia, Dr. P. F. Bohnsen, who was the one who called my attention to the matter, and it was at his instance and request that I prepared the bill; the veterinarians from South Carolina, North Carolina, Florida, Alabama, and Arkansas, and Doctor Mohler, of the Department of Agriculture, appeared. They all unanimously agreed that this bill should be enacted into law if the Congress desired to correct the legislative—shall I say—falsehood saying that this disease was not communicable, and if they desired to protect tick-free communities from reinfestation.

Mr. BOWLING. Will the gentleman yield?

Mr. CRISP. I will.

Mr. BOWLING. The gentleman referred to the veterinarian of the State of Alabama. I want to say that that particular man is Dr. C. A. Cary, who was born, reared, and educated in the State of Iowa, and he is a graduate of the Drake Uni-

versity of the State of Iowa. He has been at the head of the veterinary department and the department of animal industry in our Alabama Polytechnic Institute for the last 15 years, and he is heartily in favor of this bill, and has so written me.

Mr. CRISP. He so informed the committee and informed the committee of his place of birth and his various activities in connection with this legislation.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. CRISP. I will.

Mr. CHINDBLOM. Does the gentleman know what induced the Congress, when this provision was passed, to insert a statement of fact in this legislation?

Mr. CRISP. I do not, I will say to my friend from Illinois; but I presume at that time a very small area of the country was tick free and they wanted to get this bill through to protect the spread of other contagious diseases; and, furthermore, at that time the scientists were not as well posted and advised as to the character of that disease as they are now.

Mr. WINGO. Will the gentleman yield?

Mr. CRISP. I will.

Mr. WINGO. I want to get some idea of the practical workings. At present, if cattle from one of the nonfree areas of my district are to be shipped to Kansas City they are first driven to a station where they are dipped.

Mr. CRISP. Not under existing law.

Mr. WINGO. I am telling the gentleman what is going on now and has been going on. Last year, or two years ago, they required them to be shipped to Little Rock and dipped there; subsequently they established a station at Mena and one at Van Buren, I believe, in my district. They can now bring them there, dip them, and ship them to Kansas City. Now, if this bill passes they will not be permitted to do that, as I understand.

Mr. CRISP. I will say to my friend from Arkansas that, of course, I am not going to take issue with him as to facts which obtain in Arkansas, for I am ignorant about the situation there; but I do know that under existing law the Federal Department of Agriculture has no authority whatever to make any requirement for the shipment of these cattle in interstate commerce if they are infested with splenic fever, because the law says it shall not be considered a communicable disease. Therefore the Federal department has no authority to make any rules or regulations controlling the matter. Now, I understand that in Texas—a part of which is tick-free—they have a law requiring that when cattle are shipped from an infested area to a free area in Texas they have to be dipped. They may apply that in your State, as in Texas, to the shipment of cattle in interstate commerce; but it is voluntary on their part, or it is in compliance with some State law on the subject, because the Federal Government has no authority whatever to prescribe any rules or regulations which will control the matter. Any regulations by the United States Department of Agriculture on the subject would be void.

Mr. WINGO. Will the gentleman yield further?

Mr. CRISP. Yes.

Mr. WINGO. The gentleman is speaking about the Texas cattle tick?

Mr. CRISP. Yes.

Mr. WINGO. And the gentleman says there is not and has not been for several years any authority in the Federal Government to control this matter?

Mr. CRISP. There is none to-day.

Mr. WINGO. Well, under what authority, if any, does the Federal Government, through this bureau under Doctor Mohler, undertake to control and inhibit the driving of cattle from Polk County, Ark., across the Oklahoma line into McCurtain County, Okla.?

Mr. CRISP. I do not know that he does that, and he has said that he has no authority to do it.

Mr. WINGO. However, it is contended he has done it; and if so, it was done without authority of law.

Mr. CRISP. I think there is no authority of law for it, and I understood him to say before the Agricultural Committee in advocacy of this bill that they have no authority whatever in the premises now and could not do anything. As to the Texas situation, where intrastate shipments are controlled and regulated under the Texas law, he said he was impotent on account of this very proviso.

Mr. HUDSPETH. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. HUDSPETH. Under the Texas law one dipping is required when there is a shipment for immediate slaughter. As I understand from the attitude of the Agricultural Department, that has been done under the authority of the State, and that the Federal Government has no authority whatever to prescribe the character of dipping; but under this bill, as I

understand, an amendment will be offered which will provide that the dipping shall be under the supervision of the Federal authorities, which will be more effective, I think.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. HAUGEN. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. CRISP. I will say to my friend from Texas that after the Committee on Agriculture had unanimously recommended a bill, a distinguished gentleman from Texas, representing the cattle industry, came before the Committee on Agriculture in opposition to the bill. I was invited to be present. I stated to the committee I was not an expert in such matters as this; that I had no desire whatever to work any injury or injustice to the cattle raisers of Texas or of any other State; that I wanted to protect my own State and the other tick-free States from reinfestation; and that I would agree to any amendment of the bill that Doctor Mohler, of the Bureau of Animal Industry, recommended. I am advised that some of the distinguished Texas Members of this House, in connection with this distinguished attorney from Texas, have been to Doctor Mohler and have discussed the matter, and an amendment has been prepared which will be offered by the gentleman from Texas [Mr. JONES]. The amendment is perfectly satisfactory to me, and I shall vote for the gentleman's amendment. [Applause.]

This amendment simply provides that until 1928 the Department of Agriculture can only require one dipping before the cattle are shipped to slaughter. After 1928 that exception expires and then the department can make such rules and regulations as it sees fit for the shipment of the cattle just as the department makes rules and regulations for the shipment of diseased plants, and so forth. This will give the infested areas two years to clean up. In the meantime no harm or injustice is done them, and I shall ask the House to accept the amendment offered by the gentleman from Texas [Mr. JONES], which I understand is satisfactory to the Texas delegation.

Mr. GARNER of Texas and Mr. HUDSPETH rose.

Mr. CRISP. I yield to the gentleman from Texas [Mr. GARNER].

Mr. GARNER of Texas. If the gentleman will permit, I would like to say in that connection that the amendment can not be said to be entirely satisfactory to the Texas delegation, but it is the best we can get and we will have to acquiesce in it. I think myself—

Mr. CRISP. I am sure my friend would not want to injuriously affect my State and three-fourths of the United States, northwest and south, that are tick-free, by having them reinfested.

Mr. GARNER of Texas. I want to say to my friend that we are just as anxious to get these ticks eradicated as the gentleman or anyone else, but, of course, we would like an opportunity to ship our cattle to market for immediate slaughter until we can get these ticks eradicated.

Mr. CRISP. This amendment will permit that.

Mr. GARNER of Texas. It is just possible that by 1928 that situation will have arrived.

Mr. CRISP. This amendment does that, and I am for the amendment.

Mr. HUDSPETH. If the gentleman will permit, I will state that the amendment not only has the indorsement of the Chief of the Bureau of Animal Industry, Doctor Mohler, but the Secretary of Agriculture also indorses the amendment.

Mr. CRISP. I am for the amendment.

Mr. KETCHAM. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. KETCHAM. Before the gentleman concludes, will he state the attitude of the State veterinarians that appeared before our committee?

Mr. CRISP. Every one of them was heartily in favor of this bill and indorsed it, and every one of them advised the committee that if this bill passed, in their own States, they would accept the shipment of cattle into their States if they were shipped in accordance with inspections and rules and regulations provided by Doctor Mohler or by the United States Department of Agriculture. Many cattle shipped from these areas are not now permitted to be unloaded in these States, but these veterinarians say that if this bill is passed and regulations are promulgated by the Department of Agriculture, they will accept cattle coming from infested areas into their States.

Mr. KETCHAM. Will the gentleman also state that the amendment which is to be presented by the gentleman from Texas [Mr. JONES] is a committee amendment?

Mr. CRISP. I understood that, but—

Mr. JONES. I was just going to call attention to the fact that this is a committee amendment.

Mr. CRISP. But not being a member of the Committee on Agriculture, I did not know that myself. I know when I was before the committee, the committee expressed the hope we could agree on something, and I am agreed. [Applause].

Mr. HAUGEN. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES. Mr. Speaker, I desire to offer an amendment as a committee amendment at this time.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES: Line 2, page 2, after the word "thereto," insert the following proviso: "Provided, That until May 1, 1928, cattle infested with or exposed to cattle fever ticks may be shipped in interstate commerce for immediate slaughter after one dipping in accordance with such regulations as the Secretary of Agriculture may prescribe."

Mr. JONES. Mr. Speaker, this amendment has the unanimous indorsement of the committee, and it also has the indorsement of both Secretary Jardine and Doctor Mohler, of the Department of Agriculture; in fact, after conference with those who are interested, it was drafted by Doctor Mohler, and I would like to have the privilege of placing his letter in connection with it in the Record.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the Record in the matter indicated. Is there objection?

There was no objection.

The letter referred to follows:

APRIL 13, 1926.

Hon. GILBERT N. HAUGEN,

House of Representatives.

DEAR MR. HAUGEN: Referring to the department's letter to you of March 24 concerning bill H. R. 9833, introduced February 27, 1926, by Mr. CRISP, which seeks to amend section 6 of the act of May 29, 1884, creating the Bureau of Animal Industry, further consideration has been given by the department to this matter, and in order to allow the cattle industry a reasonable period of time in which to adjust itself to the changed conditions which would be brought about by the enactment of this bill into law, I now have to suggest that a provision be inserted in the bill permitting the interstate shipment until May 1, 1928, of cattle for slaughter after one dipping. This might be accomplished by adding the following language after the word "thereto," in line 3, on page 2 of the bill, as introduced by Mr. CRISP, and inserting in lieu thereof the following proviso:

"Provided, That until May 1, 1928, cattle infested with or exposed to cattle fever ticks may be shipped in interstate commerce for immediate slaughter after one dipping, in accordance with such regulations as the Secretary of Agriculture may prescribe."

Sincerely yours,

W. M. JARDINE, Secretary.

Mr. WINGO. Will the gentleman from Texas yield for a question for information?

Mr. JONES. I yield to the gentleman.

Mr. WINGO. As I understand, the effect of the gentleman's amendment will be this: It will give them until May 1, 1928, in these infested areas to get cleaned up. In the meantime, and until that date, they may, subject to regulations, ship cattle in interstate commerce for immediate slaughter after they have been dipped once.

Mr. JONES. Yes.

Mr. WINGO. And then if these areas are not cleaned up by that time such cattle will not be permitted to be shipped at all?

Mr. JONES. They will not be except under regulations prescribed by the Secretary of Agriculture. The Secretary will prescribe such regulations as he deems necessary to take care of the situation. It will then be up to the department.

Mr. WINGO. With his judgment on the matter, the Secretary would feel impelled to do that.

Mr. JONES. He probably would feel impelled to take such steps as he thought would be effective.

Mr. WINGO. The chief object of this is to give the infested areas two years to clean up; and if they are barred after that, it will be their own fault.

Mr. JONES. In a measure, yes; men have bought their cattle, fattened and handled them on the faith of the law as it is. To make such a law immediately effective would entail untold losses. This, as the gentleman suggests, would give them two years before the law takes full effect.

Mr. ADKINS. Will the gentleman yield?

Mr. JONES. Yes.

Mr. ADKINS. The thing your people were afraid of was the fact that if this amendment was not put in the department might impose unusual regulations such as dipping twice—

Mr. JONES. Yes; and even a third time. They could do it and they could require such a dipping as would make them unfit for sale and almost unmarketable if they were to be shipped for immediate slaughter. This would mean ruin to many owners of cattle if required at once and without chance for adjustment.

Mr. ADKINS. You want to prevent unwarranted regulations?

Mr. JONES. Yes; we want to require but one dipping, which is sufficient to prevent any chance for the spreading of the disease in cases of shipment for immediate slaughter.

Mr. CARTER of Oklahoma. The gentleman knows that it is necessary to dip the cattle over 10 days or 2 weeks; that the ticks germinate and come out again.

Mr. JONES. We had in the amendment that they must be shipped within 72 hours of the dipping, but Doctor Mohler suggested that we leave that as a regulation. They can make it 72 hours or 48 hours or such other time as they find necessary.

Mr. HUDSPETH. If properly dipped, there is not 1 case in 500 but that one dipping will kill the ticks.

Mr. McDUFFIE. What happens at the end of two years if they have not cleaned it up—they could not ship them at all.

Mr. JONES. They can not ship them except under such regulations as the Secretary of Agriculture may find necessary.

Mr. LOZIER. During the two years' time which they have to clean up is not there grave danger that areas now free from the infection may become infected?

Mr. JONES. No; where the cattle are shipped for immediate slaughter after dipping in a solution approved by the department there will be no danger of infection.

Mr. LOZIER. If one dipping will take care of it for two years, why will it not take care of it permanently?

Mr. JONES. This measure covers cases in which cattle are shipped for immediate slaughter, and the Secretary of Agriculture wants to work toward the end of absolutely eliminating the whole trouble, both in the infested zones and without the infested zones. He wants complete control after the time is given for adjustment with reference to the law at present and as proposed.

Mr. LOZIER. Does not this amendment suggest or propose that the free areas be held open and subject to this menace for two years?

Mr. JONES. They would be under the law as it is now. They could not require even one dipping, and there would be danger if there was not this one dipping. Where one dipping is had, as the amendment provides, and the cattle shipped for immediate slaughter there is no danger. That is the universal experience of the cattlemen.

Mr. GREEN of Florida. Does not the gentleman think it would be better to make it four years instead of two?

Mr. JONES. We endeavored to get that concession, but we could not get it. This is the best we could get after conference with the department.

Mr. GREEN of Florida. It will be almost impossible for us to clean up in two years.

Mr. JONES. In all the States, and especially in my State, great effort has been made, and two-thirds of the State is without the quarantine zone.

Mr. HAUGEN. Mr. Speaker, I move the previous question on the bill and all amendments thereto.

The previous question was ordered.

The SPEAKER. The Chair will call attention of the gentleman from Texas to the words "in lieu of the matter stricken out." The bill itself strikes out the language.

Mr. JONES. My amendment goes to the end of the matter stricken out. My amendment does not strike out anything. I leave the language of the bill as it is, but I will ask to modify it.

The SPEAKER. The Clerk will read the amendment of the gentleman as modified.

The Clerk read as follows:

Line 2, page 2, after the word "thereto," insert the following proviso in lieu of the matter stricken out.

Mr. CRISP. Mr. Speaker, I think we are getting the bill balled up. Why would it not be better to offer it as a separate section?

Mr. JONES. I do not think it is necessary to say "in lieu thereof" at all, because I do not strike out anything. I think the amendment in its original form was better.

Mr. CRISP. Mr. Speaker, I think the original proposition the way the amendment was prepared was the best way to offer it.

The SPEAKER. The Clerk will report the amendment as originally offered.

The Clerk read as follows:

Amendment offered by Mr. JONES: Line 2, page 2, after the word "thereto" insert the following proviso: "Provided, That until May 1, 1928, cattle infested with or exposed to cattle fever ticks may be shipped in interstate commerce for immediate slaughter after one dipping in accordance with such regulations that the Secretary of Agriculture may prescribe."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. ASWELL) there were—ayes 135, noes 13.

Mr. ASWELL. Mr. Speaker, I object to the vote upon the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Louisiana makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 307, nays 26, not voting 98, as follows:

[Roll No. 71]

YEAS—307

Abernethy	Driver	King	Romjue
Ackerman	Dyer	Kirk	Rouse
Adkins	Eaton	Knutson	Rowbottom
Allgood	Edwards	Kopp	Rubey
Almon	Elliott	Kurtz	Rutherford
Andresen	Eslick	Kvale	Sabath
Andrew	Esterly	LaGuardia	Schafer
Arenz	Evans	Lampert	Schneider
Arnold	Fairchild	Lanham	Seger
Ayres	Faust	Lankford	Shallenberger
Bacharach	Fenn	Larsen	Shreve
Bachmann	Fisher	Lea, Calif.	Sinclair
Bacon	Fitzgerald, Roy G.	Leatherwood	Sinnett
Balley	Fitzgerald, W. T.	Leavitt	Smith
Bankhead	Fletcher	Lehlbach	Snell
Barbour	Fort	Letts	Somers, N. Y.
Beck	Foss	Little	Sosnowski
Beers	Freeman	Lowrey	Speaks
Begg	Frothingham	Lozier	Sproul, Kans.
Bell	Fuller	Luce	Stegall
Berger	Fulmer	McClintic	Stedman
Bixler	Furlow	McKeown	Stephens
Black, N. Y.	Gambrell	McLaughlin, Mich.	Stevenson
Bland	Garber	McLaughlin, Nebr.	Stobbs
Blanton	Gardner, Ind.	McLeod	Strong, Kans.
Bloom	Garrett, Tenn.	McMillan	Strother
Boles	Gassane	McReynolds	Summers, Wash.
Bowles	Gibson	McSweeney	Sumners, Tex.
Bowling	Gifford	Magee, N. Y.	Swank
Rowman	Gilbert	Magrady	Swartz
Boylan	Goldborough	Major	Swing
Brand, Ga.	Goodwin	Manlove	Swoope
Brand, Ohio	Greenwood	Mapes	Taber
Brigham	Griest	Menges	Taylor, Colo.
Browning	Hadley	Michener	Taylor, N. J.
Bulwinkle	Hale	Miller	Taylor, Tenn.
Burdick	Hall, Ind.	Milligan	Taylor, W. Va.
Burtess	Hall, N. Dak.	Mills	Thatcher
Burton	Hammer	Montgomery	Thompson
Byrns	Hardy	Mooney	Thurston
Canfield	Hare	Moore, Ky.	Tilson
Cannon	Hastings	Moore, Ohio	Timberlake
Carew	Haugen	Moore, Va.	Tincher
Carpenter	Hawley	Morehead	Tinkham
Cariss	Hayden	Morgan	Tolley
Carter, Calif.	Hersay	Morrow	Trendway
Carter, Okla.	Hickey	Murphy	Tucker
Celler	Hill, Ala.	Nelson, Me.	Tydings
Chalmers	Hill, Md.	Nelson, Mo.	Underhill
Chindblom	Hill, Wash.	Newton, Minn.	Underwood
Clague	Hoch	Newton, Mo.	Upshaw
Cole	Hogg	Norton	Vestal
Collier	Holaday	O'Connell, R. I.	Vincent, Mich.
Collins	Hooper	O'Connor, La.	Vinson, Ga.
Colton	Houston	O'Connor, N. Y.	Vinson, Ky.
Connery	Howard	Oldfield	Voigt
Cooper, Wis.	Hudson	Oliver, Ala.	Wainwright
Cox	Hudspeth	Oliver, N. Y.	Walters
Coye	Hull, Tenn.	Patterson	Warren
Cramton	Hull, Morton D.	Peavey	Watson
Crisp	Hull, William E.	Peery	Watres
Crosser	Jacobstein	Perkins	Watson
Crowther	James	Perlman	Weaver
Crumpacker	Jeffers	Prall	Weller
Cullen	Jenkins	Pratt	Wheeler
Curry	Johnson, Ind.	Purnell	White, Kans.
Darrow	Johnson, Wash.	Ragon	Whitehead
Davenport	Jones	Rainey	Whittington
Davis	Kahn	Ramseyer	Williams, Tex.
Deal	Kearns	Rankin	Williamson
Dickinson, Iowa	Keller	Rathbone	Wolverton
Dickinson, Mo.	Kelly	Rayburn	Woodruff
Dominick	Kerr	Reece	Woodrum
Doughmon	Ketchum	Reid, Ill.	Wurzbach
Douglass	Kiefner	Robinson, Iowa	Wyant
Dowell	Kincheloe	Robson, Ky.	Zihlman
Drane	Kindred	Rogers	

NAYS—26

Aswell
Black, Tex.
Box
Briggs
Buchanan
Busby
Connally, Tex.

Garner, Tex.
Garrett, Tex.
Green, Fla.
Huddleston
Johnson, Tex.
Kemp
Lasaro

McDuffie
Mansfield
Martin, La.
Quin
Reed, Ark.
Sanders, Tex.
Sandlin

Smithwick
Spearing
Tillman
Wilson, La.
Wingo

NOT VOTING—98

Aldrich
Allen
Anthony
Appleby
Auf der Heide
Barkley
Beedy
Britten
Browne
Brumm
Butler
Campbell
Chapman
Christopherson
Cleary
Connolly, Pa.
Cooper, Ohio
Corning
Davey
Dempsey
Denison
Dickstein
Doyle
Drewry
Ellis

Fish
Flaherty
Frear
Fredericks
Free
French
Funk
Gallivan
Glynn
Golder
Gorman
Graham
Green, Iowa
Griffin
Harrison
Haves
Irwin
Johnson, Ill.
Johnson, Ky.
Johnson, S. Dak.
Kendall
Kless
Kuns
Lee, Ga.
Lindsay

Scott
Sears, Fla.
Sears, Nebr.
Simmons
Sproul, Ill.
Stalker
Strong, Pa.
Sullivan
Sweet
Temple
Thomas
Updike
Vaile
Vare
Wefald
Welsh
White, Me.
Williams, Ill.
Wilson, Miss.
Winter
Wood
Wright
Yates

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:
Mr. McFadden with Mr. Harrison.
Mr. Williams of Illinois with Mr. Lindsay.
Mr. Sweet with Mr. McSwain.
Mr. Vare with Mr. Parks.
Mr. Green of Iowa with Mr. Thomas.
Mr. Strong of Pennsylvania with Mr. Cleary.
Mr. Johnson of Illinois with Mr. Davey.
Mr. Kless with Mr. Gallivan.
Mr. Madden with Mr. Sullivan.
Mr. Ramsley with Mr. Barkley.
Mr. Martin of Massachusetts with Mr. Wilson of Mississippi.
Mr. Sproul of Illinois with Mr. Quayle.
Mr. Gorman with Mr. Wright.
Mr. Free with Mr. Corning.
Mr. Graham with Mr. Doyle.
Mr. Funk with Mr. Auf der Heide.
Mr. Denison with Mr. Kunz.
Mr. Connolly of Pennsylvania with Mr. Montague.
Mr. Butler with Mr. Pou.
Mr. Britten with Mr. Sears of Florida.
Mr. Christopherson with Mr. Mead.
Mr. French with Mr. Linthicum.
Mr. Scott with Mr. Griffin.
Mr. MacGregor with Mr. Lyon.
Mr. Kendall with Mr. O'Connell of New York.
Mr. Magee of Pennsylvania with Mr. Lee of Georgia.
Mr. Aldrich with Mr. Chapman.
Mr. Irwin with Mr. Drewry.
Mr. Anthony with Mr. Johnson of Kentucky.
Mr. Golder with Mr. Dickstein.
Mr. Phillips with Mr. Wefald.
Mr. Merritt with Mr. Frear.
Mr. Johnson of South Dakota with Mr. Nelson of Wisconsin.
Mr. Morin with Mr. Browne.

The result of the vote was announced as above recorded.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SUGAR IMPORTED FROM ARGENTINE REPUBLIC

Mr. HAUGEN. Mr. Speaker, I call up the bill (H. R. 358) authorizing the President to require the United States Sugar Equalization Board (Inc.) to adjust a transaction relating to 3,500 tons of sugar imported from the Argentine Republic.

The SPEAKER. The gentleman from Iowa calls up the bill H. R. 358.

Mr. LA GUARDIA. Mr. Speaker, I make the point of order against the bill that it is a private bill in its character and it can not be considered in any other light; that under the rules it should be on the Private Calendar and should come from the Committee on Claims.

Mr. BLANTON. Mr. Speaker, it has been as far back as Speaker Crisp, and all the way down in an unbroken line of decisions, that if a question is raised before a committee to which a bill has been improperly referred, reports the bill the Speaker would have to sustain the point of order, but it has been held, as I say, in an unbroken line of decisions that where a committee which has no proper jurisdiction of a bill is allowed to report the bill, then it has just as much power and authority to report it as would a committee where no question is raised in respect to it.

The SPEAKER. But the gentleman from New York makes the point of order that the bill is a private bill, and, therefore, should be on the Private Calendar.

Mr. BLANTON. If it went on any calendar, having allowed the Committee on Agriculture to assume jurisdiction over the

bill and to report it, then the chairman of that committee on Calendar Wednesday can call up the bill from his committee.

Mr. TINCHER. Mr. Speaker, this bill is not a private bill. The Committee on Agriculture has always reported bills pertaining to this sugar equalizing board, and it has that authority.

The SPEAKER. The Chair is prepared to rule. If this were the first instance of one of these sugar bills being reported from the Agricultural Committee and going on the Union Calendar, the Chair would seriously question whether the bill should not be on the Private Calendar; but bills similar to this, on a number of occasions heretofore, going back several years, have been considered and reported by the Committee on Agriculture and have gone on the Union Calendar. Under these circumstances the Chair thinks he must overrule the point of order.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONNALLY of Texas. Were points of order made on those bills on former occasions?

The SPEAKER. The Chair has not had time to investigate, but the impression of the Chair is that the point of order has never been raised before.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes, and requested a conference with the House on the disagreeing votes of the two Houses thereon, and had named Mr. JONES of Washington, Mr. FERNALD, Mr. BINGHAM, Mr. FLETCHER, and Mr. RANDELL as the conferees on the part of the Senate.

WATSON SUGAR CLAIM

Mr. KINCHELOE. Mr. Speaker, I have a point of order I desire to make to a portion of the bill.

The SPEAKER. The bill has not yet been reported. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to require the United States Sugar Equalization Board (Inc.) to adjust with Robert A. Watson, of South Orange, N. J., a certain transaction entered into and carried on by said Watson under the direction of the Department of Justice, which transaction involved the purchase in the Argentine Republic between the 11th day of June, 1920, and the 30th day of June, 1920, of 3,500 tons of Argentine refined sugar, the importation thereof into the United States, and the distribution of the same within the United States, and to require the said United States Sugar Equalization Board (Inc.) to liquidate and adjust the entire transaction in such manner as may be deemed by said board to be equitable and proper in the premises, paying to the said Watson such sums as may be found by said board to represent the actual loss sustained by him in said transaction, and for this purpose the President is authorized to vote or use the stock of the corporation held by him, or otherwise exercise or use his control over the said United States Sugar Equalization Board and its directors, and to continue the said corporation for such time as may be necessary to carry out the intention of this act.

Mr. KINCHELOE. Mr. Speaker, I make the point of order against that portion of the bill beginning on line 6, page 2, with the word "paying" after the word "premises," through the remainder of the bill. I do this upon the ground that the bill in effect is seeking to appropriate money. Paragraph 4 of Rule XXI, provides as follows:

No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations, nor shall an amendment proposing an appropriation be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction. A question of order on an appropriation in any such bill, joint resolution, or amendment thereto may be raised at any time.

From the footnotes I read the following:

The term "appropriation" in the rule means the payment of funds from the Treasury.

Language reappropriating, making available, or diverting an appropriation or a portion of an appropriation already made for one purpose to another is not in order.

Now this bill seeks to authorize the President to direct the Sugar Equalization Board not only to settle with Watson, but after the settlement is made to pay him, of course, out of the sugar equalization fund, which, of course, if not all expended,

will revert into the Treasury; and therefore it is in effect taking money out of the Treasury. On that I hold that the Committee on Agriculture under this rule has no right to authorize this appropriation or even authorize the President to direct the equalization board to make this settlement and then pay out of the equalization fund whatever amount may be due. I do not think the Committee on Agriculture has the power to do it under the rules of the House that I have just cited to the Speaker.

Mr. LEHLBACH. Mr. Speaker, will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. LEHLBACH. It makes no appropriation out of the Treasury or reappropriation out of the Treasury. The Sugar Equalization Board is a stock corporation organized under the Government for certain purposes and having stock of its own. This bill authorizes the payment by the corporation of this claim out of its assets. The bill as drawn, providing for such payment, was referred by the House to the Committee on Agriculture and was reported by that committee.

Mr. KINCHELOE. The gentleman says it is not to be paid out of the Treasury. Where would the assets of this equalization board go when its affairs are wound up? Would it not be to the Treasury?

Mr. LEHLBACH. I might say for the information of the Chair or recall to the recollection of the Chair that there is a \$30,000,000 profit, and this profit never came out of the Treasury.

The SPEAKER. The Chair would like to ask the gentleman this question: Was the same provision carried in the other bills?

Mr. LEHLBACH. Yes; it was.

Mr. KINCHELOE. I do not think the point of order was raised against them.

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, adding further to what the gentleman from New Jersey [Mr. LEHLBACH] has said, I have a letter written within a few days from Assistant Secretary Winston, in which he says there has been recovered in the equalization board \$30,000,000, and that they are holding back over \$12,000,000 for the purpose of settling these claims. It certainly can not be said that this is an authorization of the payment of money out of the Treasury. This is like two other bills that have passed the House.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. Yes.

Mr. CHINDBLOM. It seems the Sugar Equalization Board in this bill comes under the same category as the Panama Railroad Co., that being a corporation in which the United States owns all the stock, and it owns all the stock in this equalization board. Query: Could any money be paid either by the Panama Railroad Co. or the Sugar Equalization Board without authority from Congress?

Mr. LEHLBACH. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. LEHLBACH. I think the statement of the gentleman answers the point of order, because the Panama Railroad Co. continually, in the ordinary course of business, makes payments that are not appropriated for by the Committee on Appropriations.

Mr. CHINDBLOM. I am asking it just to raise the question. It seems to me the two organizations are analogous.

The SPEAKER. It appears to the Chair that this money arises from the profits made by the corporation.

Mr. LEHLBACH. Certainly, Mr. Speaker; and as the gentleman from Nebraska [Mr. McLAUGHLIN] pointed out, the money by the direction of the Treasury itself remains an asset of the corporation for the express purposes of this bill.

The SPEAKER. And this payment would have no connection with the Treasury?

Mr. LEHLBACH. Certainly not.

The SPEAKER. The Chair overrules the point of order.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONNALLY of Texas. Can the Chair base his ruling on anything except the record in the case?

The SPEAKER. The point of order is that this is an appropriation, and that the Committee on Agriculture has no authority to report an appropriation. The Chair does not think it is an appropriation or taking money from the Treasury of the United States.

Mr. CONNALLY of Texas. I understood the Chair that he was predicated his decision on assurances received by the gentleman from Nebraska [Mr. McLAUGHLIN] and the gentleman from New Jersey that the Treasury did decide that this money had not been put into the Treasury. The Chair, however, must take cognizance of the statute and the facts and

constructions in this case. According to the statutes, all the stock of this corporation is owned by the Government. According to the statute all this money is in the Treasury of the United States. It is not deposited in a bank.

The SPEAKER. This money is not a part of the Treasury funds. This money was made by the corporation in the ordinary transaction of business, and amounts, as the Chair understands, to about \$30,000,000, which is owned by the corporation.

Mr. CONNALLY of Texas. The Chair can not, however, understand or assume anything that is not in the record. This money is now in the Treasury of the United States. It may be there to the credit of the Sugar Equalization Board, but it is physically in the Treasury, and it can not be withdrawn from the Treasury except as authorized by law; and, being in the Treasury, whenever you take it out of the Treasury you are making an appropriation of that money.

Mr. LEHLBACH. Mr. Speaker, in answer to the gentleman from Texas, he says the Chair is not in possession of the record. The gentleman from Nebraska [Mr. McLAUGHLIN] called attention to the record. The record in this instance is the books of the Treasury and the books of the corporation.

They show that this money belongs to and is in the possession of the corporation. Would the gentleman hold, in accordance with his argument, that the retirement fund, made up of contributions by the employees for the purpose of paying for their retirement, being in the physical possession of the Treasury, therefore belongs to the Treasury as its own funds? The mere presence of the money in the Treasury does not make it the property of the United States Government.

Mr. BLACK of Texas. On the point of order, Mr. Speaker, I wish to ask this question: If these funds are not the funds of the Government of the United States, why is it necessary for Congress to pass a law directing that this payment be made?

If those who manage the Sugar Equalization Board have the right to pay this claim, and if it is a meritorious claim, and if they think it ought to be paid, why is it necessary to come here and ask Congress to pass a law directing that it be paid? I can not see any difference between a bill of this sort, directing the Sugar Equalization Board to make this payment out of funds that evidently belong to the United States Government, and a bill directing the Secretary of the Treasury to make a payment out of funds not otherwise appropriated.

Mr. LEHLBACH. Will the gentleman yield?

Mr. BLACK of Texas. I will.

Mr. LEHLBACH. This corporation, the Sugar Equalization Board, was created by an act of Congress which circumscribed the powers and the functions and activities of the board. At the time that these functions were created by the act bringing the board into existence this situation was not anticipated, and consequently its general powers do not cover this specific situation. For that reason Congress has repeatedly—and is considering the same proposition in this instance—vested this specific power in the board, a power which is not covered in its general powers which, as I say, were circumscribed, and did not take this settlement into consideration.

Mr. BLACK of Texas. Let me ask the gentleman this question: Those funds, if they are not expended under resolutions of this kind, belong to the Government of the United States, do they not?

Mr. LEHLBACH. They do not belong to the Government of the United States as yet.

Mr. BLACK of Texas. Well, they in effect belong to the Government, and is there any difference in principle between directing the Sugar Equalization Board to make this payment out of these funds and directing the Secretary of the Treasury to make it out of funds not otherwise appropriated?

Mr. LEHLBACH. The funds do not belong to the Government until the Sugar Equalization Board goes into liquidation. At that time, under the law creating the board, the money is paid into the Treasury. Now, if the gentleman suggests that because this money may eventually belong to the Federal Government—admitting that at present it does not—and says in principle that is the same as appropriating money, he is discussing the merits of the proposition and not the point of order.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. BLACK of Texas. I yield.

Mr. McLAUGHLIN of Michigan. The Sugar Equalization Board has always had authority to consider and adjust these claims. This claim has been before the Sugar Equalization Board; they considered it altogether without merit and refused to pay it. This is one of three claims that came before the Committee on Agriculture two or three years ago and were given some consideration. One was by the American Trading Co., one was by a man named De Ronde, and this one. It was

decided by the Committee on Agriculture that there was considerable merit to the American Trading Co.'s claim, and a bill was reported and put through the House providing for its adjustment. There was more doubt as to the merits of the De Ronde claim, and it finally slipped through the committee, but not on its merits—and I say that without reflection on the committee—but simply because the other one had gone through. It came here and was passed by the House by one majority. The President signed the American Trading Co. bill, but refused to sign the De Ronde bill, and it became a law without his signature. If he were other than the President of the United States, I presume Mr. De Ronde would have tried to mandamus him and compel him to submit the claim to the Sugar Equalization Board for adjustment, but a mandamus would not run against the President of the United States. Therefore Mr. De Ronde had no relief even after his bill was passed, and, as I understand it, he has gone into the courts now to try the case on its merits.

Now, I said the Sugar Equalization Board had considered these matters, and this is what happened: When they considered the American Trading Co. claim—the one that had the most merit in it—the board divided equally; therefore they could not make the adjustment, although Mr. Glasgow, who was the chairman of the board and its legal adviser, believed that the claim ought to be paid, but under the circumstances he said the only thing to do was to go to the Congress.

Now, Mr. Speaker, there is another thing in regard to the manner in which these bills were drawn.

Mr. LEHLBACH. Mr. Speaker, I make a point of order in order to make this inquiry: Has the Chair ruled on the point of order and are we now discussing the merits of this bill?

The SPEAKER. No. In view of some statements made by the gentleman from Texas [Mr. CONNALLY], the Chair has postponed his ruling.

Mr. LEHLBACH. All of this has nothing to do with the point of order.

The SPEAKER. The Chair would like to be enlightened on a question of fact. The Chair finds this language in the bill:

The President is authorized—

And so forth—

and to continue the said corporation for such time as may be necessary to carry out the intention of this act.

Does that mean that this board is now a defunct organization?

Mr. LEHLBACH. No.

Mr. McLAUGHLIN of Michigan. They still have a legal existence, but they are not operating.

The SPEAKER. Are they such an organization that they have in their custody a sum of money out of which it is proposed to pay this claim? Is that a fact?

Mr. McLAUGHLIN of Michigan. They have in their custody a certain amount of money; yes.

The SPEAKER. If that be the fact, the Chair thinks that this is not an appropriation in the sense of its taking money out of the United States Treasury, and therefore overrules the point of order.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I rose primarily to say that the Sugar Equalization Board did have original jurisdiction and it has jurisdiction now to consider this claim. It has considered it and has refused it, and this is a direction of Congress to allow it.

The SPEAKER. That has nothing to do with the point of order raised by the gentleman from Kentucky. The Chair has now ruled upon the point of order, and the House automatically resolves itself into Committee of the Whole House on the state of the Union—

Mr. SUMMERS of Washington. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. SUMMERS of Washington. If this bill from the Committee on Agriculture is in order, would another bill restoring to the wheat farmers of the United States the \$75,000,000 which was made by the United States Grain Corporation be in order?

The SPEAKER. The Chair does not consider that a proper point of order.

Mr. JONES. Mr. Speaker, a parliamentary inquiry. Will it be necessary to have an agreement about the time for general debate before going into committee?

The SPEAKER. No; the rules of Calendar Wednesday will obtain.

Mr. JONES. If more than our hour on the side is wanted, it will be necessary.

The SPEAKER. Yes.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONNALLY of Texas. The Chair started to say that the House automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of this bill. Why is that necessary?

The SPEAKER. That is necessary under the Calendar Wednesday rule. Where a bill is reported from the Union Calendar, the House must automatically resolve itself into the Committee of the Whole House on the state of the Union, with the further provision that there shall be not to exceed two hours of general debate.

Mr. CONNALLY of Texas. Is it not true the reason this bill is on the Union Calendar is that it carries a charge on the Treasury? Bills making appropriations or charging the Treasury or tax bills are the only ones required to be on the Union Calendar.

The SPEAKER. That may be true. The bill is on the Union Calendar as have other bills previously been on that calendar, and being on the Union Calendar the Chair has no recourse.

Mr. CONNALLY of Texas. The Chair ruled, however, when the point of order was made that this was a private bill, that it was not a private bill.

The SPEAKER. The Union Calendar also contains bills authorizing appropriations and not necessarily appropriation bills.

Mr. KINCHELOE. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. It is evident there is not a quorum present.

Mr. DARROW. Mr. Speaker, I move a call of the House. A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 72]

Aldrich	Flaherty	Linthicum	Stalker
Anthony	Frear	MacGregor	Stedman
Appleby	Fredericks	Magee, Pa.	Stevenson
Auf der Heide	Funk	Martin, Mass.	Strong, Pa.
Barkley	Gallivan	Mead	Sullivan
Britten	Golder	Michaelson	Swoope
Brumm	Gorman	Morehead	Thomas
Campbell	Graham	Morin	Tincher
Carter, Okla.	Green, Iowa	Nelson, Wis.	Treadway
Chapman	Griffin	Newton, Mo.	Updike
Christopherson	Harrison	O'Connell, N. Y.	Vaile
Cleary	Hawes	O'Connor, N. Y.	Vare
Connolly, Pa.	Irwin	Oliver, Ala.	Vinson, Ga.
Cooper, Ohio	Johnson, Ill.	Perkins	Welsh
Cornling	Johnson, Ky.	Phillips	White, Me.
Davey	Kemp	Pou	Wilson, Miss.
Denison	Kendall	Quayle	Wood
Dickstein	Kless	Ransley	Woodruff
Dominick	Kindred	Reed, N. Y.	Wyant
Doyle	Lampert	Sabath	Yates
Drewry	Lee, Ga.	Sears, Fla.	
Ellis	Lindsay	Sears, Nebr.	
Fish	Lineberger	Sprout, Ill.	

The SPEAKER. Three hundred and forty Members have answered "present"—a quorum.

Mr. DARROW. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 358) authorizing the President to require the United States Sugar Equalization Board (Inc.) to adjust a transaction relating to 3,500 tons of sugar imported from the Argentine Republic, with Mr. CHINDBLOM in the chair.

The Clerk read the title of the bill.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. KETCHAM]. I am for the bill, of course.

Mr. KETCHAM. Mr. Chairman and members of the committee, if I may have your attention for a few minutes I will try to set before you two or three vital things which I think ought to be considered in this case.

In the first place, I want to state who the representative of the United States Government was who figured in this case and with whom the agreements and arrangements were made by Mr. Watson, who is before the House with this claim.

From page 24 of the hearings that were held before the House Committee on Agriculture under date of January 6, 1925, and

at which hearings appeared Arnold W. Riley, former special assistant to the Attorney General, I read this statement as to his own activity and his own relations to this claim.

Mr. Riley states that during the time of the war he was special assistant to the Attorney General in charge of the investigation and prosecution of violations of the Lever Act, the so-called profiteering act. As time went on ultimately to him was assigned the responsibility of looking after the distribution of sugar and the control of the sugar under the arrangement we had at that particular time. In this connection, Mr. Riley says:

Ultimately, because of the fact that practically all the refineries were located in New York City, I opened a branch office in the post-office building in New York, in the early part of 1920. I spent most of my time there, although I still had my office in the Department of Justice in Washington and spent one or two days a week here.

Further, he says, speaking of conferences that were held between himself and various persons who desired to import sugar:

At different times I had conferences with the representatives of the sugar industry. They attended a conference with the Attorney General in Washington, and he referred them to me in the future for matters in connection with sugar.

I think that will establish from Mr. Riley's own testimony the place he had in relation to all these matters that came into the discussion of this particular case. I think no one reading the testimony of Mr. Riley will dispute but that he was the final authority and spoke the last word so far as the Government was concerned in the case.

Now, so far as Mr. Watson is concerned, he is a man who for many years has been engaged in the general business of wholesaling sugar and probably other products. Those of you familiar with the situation will recall at that particular period after the close of the war the supply of sugar was limited, and you recall the outrageous height that the price of that commodity reached. In my section of the State I think it ran as high as 30 cents a pound in one or two instances. Of course, all the powers of the Government were used to skirmish around and find where there were world supplies of sugar and bring them in. But those interested in doing that particular thing, either from the standpoint of profit or otherwise, found themselves face to face with the provisions of the Lever Act, and so they came to the Department of Justice to see what arrangement might be made for the importation of sugar.

Mr. Watson was one of that number. He came and talked with the authorities here and they, as the letter indicated, referred him back to Mr. Riley, who had his headquarters in a Government building in New York. He conferred with Mr. Riley as to the terms and conditions under which he might be permitted to bring in and sell and to whom he might distribute 3,500 tons of sugar. After a little informal conversation going over the matter Mr. Watson goes back to his office and prepares the memorandum, incorporating in it the understanding he had reached with Mr. Riley, the representative of the Government. I want to read from a letter one sentence written to Mr. Riley:

Some days ago this situation was fully discussed with your department in Washington, and the difficulties arising under the Lever Act seemed to be such as to make it inadvisable for me to pursue the matter further, but the great shortage of sugar in this country and the need to take measures to relieve the same has caused me to take up the matter anew with you in order to see if the transaction can be consummated. I am therefore laying the matter before you again for consideration, after an informal discussion with you to-day. I am prepared to do my best to carry the transaction through, provided your department will write me a letter giving its sanction to the importation of sugar from Argentina upon the following conditions:

1. Upon the basis of the present cost price to me of refined Argentine sugar, approximately 17½ cents per pound c. i. f. American ports, I propose to market the sugar at not exceeding 20 cents per pound.
2. Should the cost price to me of refined Argentine sugar change, my sale price would increase or decrease proportionately, as the case may be, so that the sale price might be either greater or less than 20 cents per pound, dependent upon the cost price to me.
3. I agree to permit your office to designate the channels through which this sugar shall be distributed, provided that the ultimate purchasers satisfy me as to their financial standing and as to the terms of settlement.

Mr. BROWNE. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. I have only 10 minutes. Please get this point: To show the absolute fairness and the whole-hearted sincere desire of Mr. Watson to play square, later on he was informed that he might purchase this sugar at 1 cent a pound

less than the price quoted here, and he immediately said to those above him:

I will give the consumers the advantage of that 1 cent.

When he was not required to do so. I make that statement in absolute proof of his sincerity.

Mr. BROWNE. Mr. Chairman, I would like to ask a question on that particular point.

Mr. KETCHAM. I can not yield. Third, I want this condition to get into the minds of every member of the committee:

I agree to permit your office to designate the channels through which this sugar shall be distributed, provided that the ultimate purchasers satisfy me as to their financial standing and as to the terms of settlement.

I think, my friends, that that is a pretty fair agreement between the representative of the Department of Justice and the man who was attempting to relieve a very serious situation in the United States under these critical conditions.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I yield five minutes more to the gentleman from Michigan.

Mr. KETCHAM. Mr. Chairman, I might state that the date of this letter from which I have read was June 19, 1920. We do not need to depend upon any informal understanding between Mr. Riley and Mr. Watson, but we have this definite letter from Mr. Watson to Mr. Riley, and I want Members now to listen to Mr. Riley's reply, written under date of June 23, 1920:

DEPARTMENT OF JUSTICE,
Washington, D. C., June 23, 1920.

ROBERT A. WATSON, Esq.,

Care of the Nafra Co. (Inc.), 120 Broadway, New York.

DEAR MR. WATSON: This is to confirm our various conversations and in reply to your letters of June 19 and 23, 1920.

In view of the fact that the sugar requirements of the people of this country are in excess of the supply now available and in order to encourage the importation into this country of foreign sugars, you will be permitted to import the sugars mentioned upon the terms set forth in your said letters.

You are further informed that if you carry out the department's requirements as to price and distribution as so set forth, no prosecutions under the Lever Act, as amended, will arise therefrom.

Yours very truly,

ARMIN W. RILEY,
Special Assistant to the Attorney General.

If that does not make a fair and square case of an agreement between the authorized representative of the United States Government and the man who desires to carry out that contract in good faith, I do not know how to interpret the English language.

Mr. MADDEN. I was just going to ask the gentleman the question which he has answered, whether or not he considers that a contract.

Mr. KETCHAM. Not in a legal sense, and the committee is not bringing this before the House of Representatives upon the theory that there is a legal obligation, but we do bring it upon the high ground of right and justice and morality, the things that would bind you and me if we were entering into a sacred obligation of this kind. In order that you may know that this is carried out in good faith I want you to note just one other statement, and this is from a letter from a man named Boyd, who had been appointed as chairman of the Cannery Supply Co. (Inc.), which was the active governmental institution organized at the behest of Mr. Riley for the purpose of having directly in charge the distribution of this sugar.

Please note this very brief statement. This is a letter to Mr. Watson:

CANNERS SUPPLIES CO. (INC.),
New York, July 23, 1920.

Mr. WATSON, Esq.,

New York City.

DEAR SIR: Relative to the sale of one car lot of 60,000 to 80,000 pounds of Argentine grade A granulated refined sugar to F. B. Lovelace, of Poughkeepsie, N. Y., at 21 cents net per pound f. o. b. car New York, would advise that I have just written acknowledging this order, and in consideration of your reducing the price of this sugar to 19 cents net per pound f. o. b. New York, I have quoted a price to Mr. Lovelace of 20 cents per pound f. o. b. New York.

Will you kindly note this order on your books and oblige,

Very truly yours,

CANNERS SUPPLIES CO. (INC.),
By JAMES BOYD, President.

Here again is a Government representative speaking. I call attention to the fact that that Government representative takes

down a profit of 1 cent per pound, if you please, to be put into the funds of this Sugar Equalization Board.

Mr. BROWNE. Will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. BROWNE. Does the gentleman mean to say that Mr. Watson paid 18 cents a pound down in Cuba for this sugar?

Mr. KETCHAM. Not in Cuba.

Mr. BROWNE. Is it not a fact that the producers of that sugar did not get over 5 cents a pound?

Mr. KETCHAM. This was produced in Argentina.

Mr. BROWNE. In Cuba or in Argentina.

Mr. KETCHAM. I am not able to say. I only know what he paid for it.

Mr. STEPHENS. Under what law or provision could this Government representative take 1 cent a pound?

Mr. KETCHAM. This was under those very extraordinary powers exercised during the time of the war.

Mr. STEPHENS. It went into the Government Treasury?

Mr. KETCHAM. It went into the pockets of the Sugar Equalization Board, and I may say now that there may be no question about whether or not that board now has any funds, I called the Treasury Department this morning and found that to the credit to the Sugar Equalization Board, and under that name, in the Treasury of the United States there is to-day \$12,954,780.45, which represents what still remains of the profits from the transactions of that board.

Mr. STEPHENS. In what fund is that?

Mr. KETCHAM. In this particular fund in the Treasury to the credit of this board.

Mr. STEPHENS. Then it would be fair to take out of that fund enough money to pay Mr. Watson for his losses?

Mr. KETCHAM. What his losses were.

Mr. STEPHENS. Would that money that would come to Mr. Watson come out of that particular fund?

Mr. KETCHAM. It would. But it is money that is not yet in the Treasury of the United States, it is in charge, nominally, at least, I think we may say legally, of the United States Sugar Equalization Board. I, of course, do not want to attempt any legal discussion, but I can not forego the privilege of reading one sentence from the decision of Judge Morris, who had the De Ronde case before him, and who was the one who granted the injunction against the closing up the business of the Sugar Board of Equalization. In the course of that opinion, with reference to the De Ronde case, he made this statement:

Moreover, the plaintiff is, in my opinion, entitled to have the amount of his actual loss in the transaction ascertained and paid.

That was the judgment of the court, and it is interesting to note that in the decision of the United States court of appeals the decision of the district court granting that injunction was affirmed on August 10 of last year.

So, gentlemen of the committee, I may say this, and I think probably this statement ought to be made: The gentleman from Michigan [Mr. McLAUGHLIN] made a statement that this claim, together with others, had been considered and had been declared to be unworthy.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I yield to the gentleman one additional minute.

The CHAIRMAN. The gentleman from Michigan is recognized for one minute more.

Mr. KETCHAM. I think it is fair to say that this so-called Watson claim was not one of the claims to which reference was made by the gentleman from Michigan. Speaking for myself, I may say that having listened to the testimony, pro and con, I believe for myself that this claim is grounded in equity, and by all that is fair and square between men and men and between the Government and individual citizens, it seems to me that Mr. Watson is entitled to compensation. He lost every dollar that he had in the world in trying to meet competition.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. STEPHENS. Was this bill introduced in the last House?

Mr. KETCHAM. Yes; it was.

Mr. STEPHENS. But never came up for consideration?

Mr. KETCHAM. No; it never came up for consideration.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. KINCHELOE. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

The CHAIRMAN. The gentleman from Washington is recognized for five minutes.

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, I regret that I am so busy this afternoon that I shall not be able to remain here to hear all of this debate; but I want to say now, once for all, no matter what may be said, that I am against this measure, and for extremely good reasons.

In my opinion it would not stand analysis. This is the third of these claims. I happen to know something about them from information obtained from Captain Lewis, who was himself in the Argentine at the time this game was attempted to be pulled off. In fact, at one time he was a party to it. He was an officer in the Boer War. I know him well. He formerly lived in my district; he is a citizen of the United States. The deal was too raw for him. He was to have made \$150,000 for himself on one of these deals, and at one time they paid him, I believe, \$50,000 or some similar sum, to get out of the way. They claimed he was in another employ on the side. Perhaps so. It was all wrong, I think. The whole game was to get more money by making an advance price in sugar. [Applause.]

I am speaking from memory as to the amounts in the Lewis end of it. Probably that Argentine sugar deal did not involve the particular sugar deal now under consideration, but as one was bad, I am afraid this one is bad. I have not had time lately to post myself as to the details, but other Argentine sugar claims were up here before. I have lots of information in my files. You remember one of these claims went through both branches of Congress and the President declined to sign it. One was called the De Ronde claim. You remember the De Ronde establishment down here, and how Members were to be run in, with entry. That stuff did not work then, and they do not try it now. If this claim is so good, or if any of these claims are so good, we have the Court of Claims where these various statements that are made might be adjudicated in a court. This could be sent there by special resolution.

This is a claim for \$750,000. Why hurry? We have not even considered many much more legitimate war claims yet. Every Member of this Congress knows 15 places where we can spend that \$750,000 much more profitably and properly than in the settlement of a very doubtful claim against this Government. We do not have to be in such a hurry to settle such doubtful claims. I hope you will not vote it through. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. KINCHELOE. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. JONES].

The CHAIRMAN. The gentleman from Texas is recognized for 15 minutes.

Mr. JONES. Mr. Chairman, and gentlemen of the committee, I have opposed all of these sugar claims that have been presented to this House, because I believe, in the first place, the Department of Justice had no authority whatever to make any agreement with these importers of sugar, and in the next place, even if they had the authority, the circumstances were such that no payments whatever are due, even from the standpoint of good morals, from the Government to these various importers.

However, I want to say in connection with this claim that this gentleman, Mr. Watson, is more modest and fairer in the presentation of his claim than the claimants in any of the other cases that have been presented. He has asked for less than the others, and only for enough to cover his losses. In my judgment he is a gentleman, and was both frank and honest in his statements to the committee. However, inasmuch as my colleagues on the committee are prepared to discuss the details of this claim, I am not going to do so, but I shall discuss just a little of the history of another of these claims, to show you what a mistake Congress made when it went into the payment of the so-called sugar claims which this Congress has acted upon.

This gentleman, whose claim is before us for action to-day, paid 16 cents a pound for his sugar in the Argentine, and he says that the settlement on the basis of 19 cents will pay all the freight, his commission, his insurance and other such charges, and his loss, all totaling 3 cents a pound.

You will remember the famous old American Trading Co. case, which was the big case of this whole series of cases, and the one about which more fight was staged than any of the others, and the one that seemed to have more pull, and which passed this House by a big majority. In that case those men were the first of these importers of sugar. They bought the sugar at 13 or 14 cents.

This Congress allowed them a settlement on the basis of 21.3 cents, or 7.8 cents profit per pound. If this gentleman is asking no less than his losses, then the American Trading

Co. and B. H. Howell & Co. got a profit from the settlement by the Congress of \$1,306,000. We all felt at the time that it was a doubtful case and we had evidence that convinced us of that fact, but under a special rule we were allowed only a few minutes for debate, and no chance to fully present the facts. The bill was thus rushed through to a final conclusion. Later developments have proven conclusively that the American Trading Co. was making a profit out of deceiving the committee or undertaking to deceive it or the Congress as to that transaction. Since they secured the money, they have had a lawsuit, which I understand is still pending, if it has not been settled by the profiteers themselves, who fell out among themselves over the swag which the Congress gave them.

Not only that, but there is a man down in Buenos Aires who bought this sugar for the company. You remember the American Trading Co. had an organization down in Argentina, and they bought this sugar from themselves even at 13 and 14 cents a pound. This man is suing them down there for his proportion of the profits on the sugar he sold them or bought for them, which they sold to themselves and on which they took two systems of profit in coming before the Government of the United States. That is one of the series of sugar claims that has been presented to the committee, passed on to the House, and passed by the House.

Everyone is familiar with the fact that the Government by virtue of its action during and immediately following the war caused losses to a great many people. When wheat was \$2.50 per bushel the Congress passed a law by virtue of which wheat was reduced from that figure to a point ranging from \$1.80 to \$2.20 per bushel, and men who had wheat in their granaries and men who had wheat in their elevators had the value of their property reduced in tremendous amounts, and could make a much better claim to the United States Government than any of these sugar claimants can make, even though you concede that they would, generally speaking, have a moral claim against the Government. But in keeping with the usual attitude of Representatives in talking for the farmer and acting against him and in favor of the other fellow the sugar claims are reported.

There are some more facts in connection with this American Trading Co. claim, which in my judgment was an outrage perpetrated against the United States Government. It developed that the men who were interested, the same ones who fought so valiantly for the claim of the American Trading Co., had tremendous sugar interests in the Island of Cuba and elsewhere, and the same directors were interlocking directors in 14 different sugar companies owning plantations in Cuba.

They learned that the Government was going to try to devise some method or have some procedure by which the price of sugar might be made more reasonable, and they apparently conceived the idea of going to the Argentine Republic and getting control of available sugar there—and they pretty nearly succeeded in doing it—in the meantime feeding the sugar from their Cuban plantations to the market here. There was a great supply of sugar notwithstanding their claim of shortage. They knew that the available supply of sugar would break the market. They wanted to get control of the sugar situation. They bought the Argentine sugar, held it back, and did not bring it in for three months; in the meantime they brought in and fed their Cuban sugar to the market, and yet they asked the American Government to pay their losses on their Argentine sugar. It was a gigantic scheme and, in a large measure, has succeeded. It is sad to note that they succeeded in getting the amount of those other claims out of the Congress of the United States.

Mr. McLAUGHLIN of Nebraska. Will the gentleman yield?

Mr. JONES. Yes.

Mr. McLAUGHLIN of Nebraska. In this gigantic scheme of defrauding that the gentleman speaks of, does he mean that the Department of Justice at that time was a party to it?

Mr. JONES. I do not mean that the Department of Justice was a party to it, although I think there were some men connected with the Department of Justice who are not wholly free from blame. But I am not going to discuss the individuals who might be connected with the department or others. I am saying there was a combination of these interests by which they not only did what I said but did one other thing. These sugar people, representing these sugar companies, after they had gotten these contracts tied up in the Argentine, and having control of an abundant supply of sugar in Cuba through their plantations and through other supplies in those islands, went out over the United States, when sugar was 26 and 27 cents a pound—now, mind you, they were telling the Government officials and others that there was a shortage of sugar, and were telling a lot of people in the United States that there

was a shortage of sugar—and told them, "You had better buy sugar now; contract for it now." So they contracted over a period months in advance with various retail dealers all over the South and West and in a great many sections of the North and East; they contracted to furnish them sugar, for a six months' supply or a year's supply, at 24 cents per pound. They evidently must have known that sugar was going down when sugar was selling at 26 and 27 cents a pound; otherwise they would not have gone out and contracted to furnish it for 24 cents a pound. They would not have done that if they had not had possession of information which would lead them to believe or know that sugar was going down.

But they got those big contracts. Sugar went down when the big supply came in. They could not keep it out forever. It went down to 8, 10, and 12 cents per pound. Then they sued these individual owners and merchants throughout the United States and made many of them comply with their contracts to buy sugar at 24 cents a pound. That is another side light in their scheme, which succeeded in a great many instances.

Mr. FORT. Will the gentleman yield?

Mr. JONES. Yes.

Mr. FORT. Do I understand the gentleman thinks that Mr. Watson was a party to this conspiracy?

Mr. JONES. No. I do not say that Mr. Watson was; rather I think he was the victim of it; but he was a sugar dealer of 25 years' experience. However, he was in no way connected with the case I am talking about. I want to make that clear. He not only was not connected with it, but I do not believe he would have engaged in such a plan.

Mr. FORT. I think the record shows that this is the only transaction in sugar that Mr. Watson ever had.

Mr. JONES. That may be; but he was in the importing business for 25 years.

Mr. FORT. He was an importer, but he did not deal in sugar.

Mr. JONES. I do not recall whether he handled sugar or not. The gentleman may be correct about that, and I thank him for his statement of correction. But he had been in the importing business for 25 years, and it seems to me that a man engaged in the importing business on a great scale should have known what he was doing. He went to the Government to get in on this thing; the Government did not come to him. That is shown in the hearings on page 26, and it does not seem to me he should have relief unless we are going into payment of all the farmers' claims or losses relative to war activities. While I am more favorably inclined toward his claim than any of these other claims I really do not think the Government is bound, either morally or legally, by any of the claims.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. JONES. Yes.

Mr. JOHNSON of Texas. The gentleman from Michigan read a letter from Armin W. Riley, Special Assistant Attorney General, addressed to Mr. Watson.

Mr. JONES. Well, it is agreed in that letter not to prosecute him under the Lever Act. We are not passing on whether or not he is going to be prosecuted under the Lever Act. I would vote to-day not to prosecute him under the Lever Act, and I suppose all of my colleagues would vote the same way. But this is not a case of prosecuting under the Lever Act.

This is a case of paying losses which were sustained by him, and I say that any man who is fair and who has the instincts of justice in his heart and would vote for this kind of a claim should also vote to repay the wheat men, the elevator men, the wheat owners, and wheat growers for the losses which were occasioned by the action of the Government, and which was a legal action during the war and which furnishes a far more just basis for complaint than any one of these claims.

Mr. JOHNSON of Texas. Assuming the Government was bound with reference to this agreement not to prosecute under the antitrust law—

Mr. JONES. I do not like to assume that, but I will assume it for the purpose of the question.

Mr. JOHNSON of Texas. Assuming that to be the fact, which I doubt, would it result that the Government would be either legally or morally bound for any losses that might occur on a contract between these individuals?

Mr. JONES. I do not think so. As a matter of fact, even the claimants themselves admit there could be no legal claim, because there was no legal authority in the Department of Justice to make these so-called contracts. The claimants themselves and their attorneys and those who testified for them universally admitted there was no legal claim and could be no legal claim because of the lack of authority to make a binding agreement, and thus any attempt to do so would be an

ultra vires contract. However, that, of course, should not keep us from paying a claim if it is a just one.

Mr. KETCHAM and Mr. LAGUARDIA rose.

Mr. JONES. I yield first to the gentleman from Michigan.

Mr. KETCHAM. Referring to this very matter, will not the gentleman concede that if Mr. Watson had had a free hand to make contracts before the arrival of his sugar there would not have been any loss.

Mr. JONES. But the very letter the gentleman read showed him in advance that he would have to comply with certain regulations in order to have the privilege of bringing in this sugar, and the gentleman's own letter shows he knew that before he ever bought a pound of sugar.

Mr. KETCHAM. Will the gentleman yield further?

Mr. JONES. Yes.

Mr. KETCHAM. Did not the text of that letter prescribe the price at which he would have to sell and the distribution that would have to be made?

Mr. JONES. It only prescribed that he could not sell at above 20 cents a pound, and that he knew also before he bought the sugar.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. JONES. Yes.

Mr. LAGUARDIA. As I recall the Lever Act, the only provision of that act under which he might have been prosecuted is the one with respect to profiteering?

Mr. JONES. Yes.

Mr. LAGUARDIA. So the Attorney General permitted him to profiteer, as they say, in order to break the price of sugar at 20 cents a pound.

Mr. JONES. That is a matter of opinion.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I yield 15 minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Chairman, I do not intend to rehearse all the details of this transaction, but I do want to advert to some of the statements that have heretofore been made with respect to this particular claim.

The gentleman from Washington [Mr. JOHNSON] referred to a Captain Lewis, whoever he may be, apparently a soldier of fortune who fought in the Boer war, but when his own country was at war was down in Argentina; who claims that with respect to this case, as the gentleman from Washington says, he was supposed to have a profit and was offered \$150,000, or something of that sort, in connection with this transaction.

I do not know who this Lewis may be, but I can say that Watson bought this sugar in the Argentine for the purpose of carrying out an agreement with the United States Government to bring this sugar to the United States and sell it at a profit to himself of 1½ cents per pound, and before he had that sugar loaded on a vessel in the Argentine the price of sugar in the Argentine went to 23 cents. He could have sold every pound of that sugar in the Argentine at a profit of 7 cents a pound. Now, why was he paying or offering to pay anybody \$150,000 for the privilege of bringing that sugar here and taking all the risks in connection with bringing it to the United States and then selling it at a cent and a quarter profit instead of selling it at a profit of 7 cents a pound in the Argentine? There was no Lever Act in the Argentine. He could have sold it for any price he wanted. Why did he not do that? Because he had entered into an agreement as an American citizen with his country to perform a service for his country, and no money could tempt him to swerve from that purpose or from rendering that service. [Applause.]

Buying Cuban sugar, holding back the Argentine sugar, and making a profit on Cuban sugar? Not Watson, because when this transaction was finished there was no profit on Cuban sugar to fall back on, because Watson was stone broke as a result of the transaction.

No agreement? There is no contract which under the statutes can be enforced against the Government of the United States or against the Sugar Equalization Board; but if the same arrangement that the representatives of the Department of Justice entered into with Watson had been made by a private citizen, of course there is a contract and of course there is an enforceable agreement.

The agreement was that Watson should purchase this Argentine sugar, should finance the transaction, should bring it to New York, should pay the customs duties, and then sell it to such buyers of sugar as the Department of Justice designated and to no others, he to make a cent and a quarter per pound profit on the transaction, and the Sugar Equalization Board to make 1 cent a pound profit on the transaction—a joint under-

taking under an enforceable agreement against anybody in the world except the Government of the United States.

Mr. OLIVER of New York. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. OLIVER of New York. What was the Sugar Equalization Board? I do not happen to recall now.

Mr. LEHLBACH. It was a corporation created under a war act for the purpose of enforcing the Lever Act, and for the purpose of securing an equitable distribution of sugar at reasonable prices and to prevent profiteering in sugar. It was a stock company, all the stock of which was owned by the President of the United States. Let me say in this connection that in these undertakings which the Sugar Equalization Board and its agency, the Cannery Supplies Co., directed by the Department of Justice, entered into, the result was they broke the price of sugar from 27 cents a pound to 5 cents a pound, and they saved the consumers of the United States \$1,000,000,000 in the cost of sugar, and they turned into the Treasury a profit on their part of the transaction of \$30,000,000, and they are still holding back over \$12,000,000 of this profit in order to settle this and similar claims. As a result of the joint transaction, while the Sugar Equalization Board made vast profits, they broke this man, and now there is the suggestion that there is no moral or legal obligation; that there is no inherent equity and justice to say that out of these inordinate profits that the Government, through the Sugar Equalization Board, made on the transactions, this man should not be made whole, when his entire loss was due to the fact he lived up to the letter and the spirit of his contract with the Government in every particular.

Mr. LOZIER. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. LOZIER. Does the gentleman contend that there was any agreement on the part of the Government to stabilize and hold the price of sugar at a definite point or to underwrite Mr. Watson against loss on that speculative investment?

Mr. LEHLBACH. This is what the Government undertook to do. The Government undertook to furnish Mr. Watson with a list of buyers of sugar to whom he was to transfer this sugar at a profit to himself of a cent and a quarter and a profit to the Government of 1 cent. Mr. Watson could have sold the sugar at a profit of 7 cents and could have entered into contracts at a much greater profit with buyers in the United States, but refrained under his agreement to sell the sugar to such buyers as the Government designated. He preferred to live up to his agreement with the Government in order to sell to buyers whom the Government might dictate, in order that the sugar might go where it was most needed, and although he importuned the department to tell him where the sugar should go they held back until sugar was 5 cents a pound and he was broke.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. LaGUARDIA. If Watson had a contract with this corporation and agreed to give the corporation a profit of 1 cent that they might furnish him with a list of buyers, why can not he sue the corporation?

Mr. LEHLBACH. Because this corporation is a quasi public corporation, the stock of which is held by the President of the United States and the agreement in behalf of the corporation was made by a special Attorney General, and the statute prescribes what kind of contracts and in what form the contracts must be entered into by an official of the Government with a private person. If this contract was made with a private concern instead of the Government, of course, it would be enforceable in law and could be collected.

Mr. UNDERHILL. The Court of Claims can adjust claims under a contract whether they be quasi contracts or not, can they not?

Mr. LEHLBACH. My understanding is that the jurisdiction of the Court of Claims extends only to claims against the Government of the United States. Now, technically the Sugar Equalization Board being a corporation under a special act of Congress, the jurisdiction of the Court of Claims does not extend—I have not examined the question very thoroughly, but I am informed that that is a fact by gentlemen who have studied it.

Mr. UNDERHILL. It extends to any subdivision under the Government as well.

Mr. LEHLBACH. Not to corporations.

Mr. UNDERHILL. An act of Congress could be had authorizing the taking of this case before the Court of Claims, could it not?

Mr. LEHLBACH. We are simply authorizing the Equalization Board to adjudicate it.

Mr. UNDERHILL. We are directing them to do it.

Mr. LEHLBACH. This Sugar Equalization Board is as competent to adjudicate it as is the Court of Claims, and more so.

Mr. TINCER. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. TINCER. The facts are that at the time the transaction was had between the Department of Justice and Mr. Watson the executive heads of the Government had undertaken to break the price of sugar without reference to the Sugar Equalization Board. It ignored the equalization board and undertook to break the price of sugar.

Mr. LEHLBACH. The functions of the various departments at that time were scrambled and mingled together and there was no clear demarcation of the bounds of jurisdiction by reason of the chaotic condition of things at that time.

Mr. OLIVER of New York. The gentleman says that the sugar board was to have a part of the profits of this transaction. The committee report does not show that.

Mr. LEHLBACH. A letter in the hearings regarding the price quoted by Mr. Watson to the Canner's Supply Co., which was another Government corporation, shows that. I will read the letter. It is as follows:

CANNERS SUPPLIES CO. (INC.),
New York, July 23, 1920.

Mr. WATSON, Esq.,
New York City.

DEAR SIR: Relative to the sale of 1 car lot of 60,000 to 80,000 pounds of Argentine grade A granulated refined sugar to F. B. Lovelace, of Poughkeepsie, N. Y., at 21 cents net per pound f. o. b. car New York, would advise that I have just written acknowledging this order, and in consideration of you reducing the price of this sugar to 19 cents net per pound f. o. b. New York, I have quoted a price to Mr. Lovelace of 20 cents per pound f. o. b. New York.

Will you kindly note this order on your books and oblige,

Very truly yours,

CANNERS SUPPLIES CO. (INC.),
By JAMES BOYD, President.

The buyers who were to be designated were to pay 1 cent more than Mr. Watson stated to the Government, so that the result was that in the sale of the sugar to be marketed under the joint partnership Mr. Watson was to profit $1\frac{1}{4}$ cents a pound and the Government profit 1 cent a pound.

Mr. BYRNS. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. BYRNS. I understand this claim arises in this way: The trading company, or Mr. Watson, wanted to buy sugar and bring it into the United States at a profit. It was the question of profit with him and not a question of serving the public.

Mr. LEHLBACH. I will say that Mr. Watson has been an exporter and an importer for 25 years, and he never engaged in a sugar transaction in his experience until this one, and he went into this doing what he was requested to do.

The testimony in some of the other cases shows that meetings were called by the Attorney General, Mr. Palmer, of various exporters and importers. They met here in Washington, and they were urged to import sugar as a patriotic duty.

Mr. BYRNS. But when you get down to rock bottom, are not the facts these, that Mr. Watson saw an opportunity to make some profit on importing sugar from Argentina into this country, and thereupon requested the Department of Justice to give him permission to bring that sugar in here and to make sales of it, and the Department of Justice complied with his request and told him he could bring that sugar into this country under certain conditions and requirements. After he had bought the sugar in the Argentine, the gentleman says that he could have sold it there for a profit of 7 cents; but Mr. Watson did not know that when he was making overtures to the Department of Justice for permission to bring that sugar in. Under those circumstances, the sugar having been brought in here, Mr. Watson having understood the terms and requirements upon which he could bring it in here, the price of sugar having gone down and he having made a loss, why should the people of the United States be taxed because he failed to make his profit and suffered a loss?

Mr. LEHLBACH. For two reasons. In the first place, the gentleman states the facts, but he inverts them. The initiative was not taken by Mr. Watson asking the Government for permission. The initiative was taken, and every Government witness has so testified, by the Department of Justice approaching the importers and asking them to bring in sugar. The second answer is that Mr. Watson had plenty of opportunity when that sugar came into his possession and while in transit from Argentina to New York to sell it at a profit at the price limited by the Government, but according to a further agreement with

the Government he withheld it from sale in order to await the designation of buyers by the Government.

Mr. BYRNS. The report of the committee shows, as I read it, that Mr. Watson's testimony was that during the shortage of 1920 he consulted with the Department of Justice, to whom he stated he had made an arrangement to import this sugar.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I yield the gentleman two minutes more.

Mr. LEHLBACH. I just want to say one word with regard to the wording of the letter to which reference has been made:

You are further informed that if you carry out the department's requirements as to the price and distribution as so set forth, no prosecutions under the Lever Act, as amended, will arise therefrom.

The impression is sought to be conveyed that that was all of the agreement there was. Let me call your attention to the fact that that letter was not written in the department, was not written by Mr. Watson, but was written by an attorney in a bank to meet a situation which Mr. Watson had to meet. It was meeting the proposition that they might run foul of the Lever Act. The letter is not inclusive of the entire understanding, whatsoever.

Mr. LOZIER. Is it not true from the letter of Mr. Watson of June 19 that the correspondence was initiated solely with a view of ascertaining the attitude of the Government under the Lever Act in case he imported the sugar?

Mr. LEHLBACH. No; that is not the fact.

Mr. KINCHELOE. Mr. Chairman, I yield 12 minutes to the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Michigan. Mr. Chairman, this is one of a number of claims brought to the attention of the Committee on Agriculture several years ago, to which as a member of that committee I gave a great deal of attention. This claim has been compared to the claim of the American Trading Co. In explaining why it is not the same, not at all similar, I shall be as brief as possible. The American Trading Co. was employed as the purchasing agent of the Government by agreement between the State Department and the Department of Justice, representing our Government, and the company. The records of both departments are loaded with letters passing between them and the United States ambassador at Buenos Aires, in which they speak of the American Trading Co. as "our purchasing agent," and after the sugar was purchased down there there was some question about it, and the settlement of it was taken up directly by our ambassador with the authorities at Buenos Aires. It was dealt with in correspondence and otherwise by the American ambassador and the American Secretary of State in his letters as "our sugar," the "Government's sugar." Other claimants tried to get in under the same tent with the American Trading Co., so we went to the office of the Secretary of State to see this correspondence and examine his records. I was the chairman of the subcommittee. With me were Mr. Jacoway, of Arkansas, and Mr. Ward, of New York. We saw every paper, and besides we have a letter over the signature of the Secretary of State, Mr. Charles E. Hughes, in which he says that the American Trading Co. was the sole company with which the Government of the United States ever had any such relations as to sugar or any arrangement under which the Government assumed any obligation whatever.

It is said that this claimant made an arrangement with Mr. Riley. What did Mr. Riley do?

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I have not the time. I am sorry. What did Mr. Riley do? The Sugar Equalization Board had been organized to function for six months. It had got through. The six months had expired.

In a way it turned over its duties, responsibilities, and authority, properly or not, to the Department of Justice, and Mr. Riley was an employee of the Department of Justice. He undertook to take up their work, and the correspondence between him and Mr. Watson was in that capacity, so far as Mr. Riley was concerned. Here is what Mr. Riley says he imposed upon Mr. Watson:

1. That you keep within what I thought then was a reasonable margin of profit.
2. That you sell to essential industries.

Gentlemen will remember that the department was controlling those essential products, controlling their use, and in a way controlling the price against profiteering. As to the arrangement between Mr. Riley and Mr. Watson when this sugar

came in. When Mr. Riley was a witness he testified as follows:

Mr. VOIGHT. And did you attempt to give any direction as to the disposition of that sugar?

Mr. RILEY. On its arrival?

Mr. VOIGHT. Yes, sir.

Mr. RILEY. No, sir.

Mr. McLAUGHLIN of Nebraska. You did in some cases, didn't you?

Mr. RILEY. That was before it arrived.

They were prepared to direct this sugar into essential channels—those that most needed the sugar—for the welfare of the country. He says:

That was before it arrived. You see, after it arrived the price was so much in excess of what the market was that it was out of the question for me to do anything, because nobody would pay anything. These names that I had of men who required sugar—they would not undertake to take the sugar at any price, particularly above the market.

Here was the effort of Mr. Watson that has been referred to so often, and which has been stressed so much, that he asked Mr. Riley to give him the names of purchasers. Riley says he learned that Mr. Watson was clamoring for the names of those to whom he might sell sugar. Mr. Riley says:

I told them it was impossible for me to get anybody to take the sugar at those prices. The market was demoralized at that time.

Why was it demoralized? Because incorrect and misleading newspaper reports came to and were published in the United States as to the amount of sugar available in Argentina and the amount that was arranged for to come into this country. When that news was spread abroad in this country the bottom dropped out of the price of sugar, and the price went down, almost if not quite, to 5 cents, when it had been up almost to 30 cents. That is why Mr. Watson would not sell in Argentina when he had a chance to make a large profit.

Mr. LEHLBACH. Was not his contract limited to a profit of a cent and a quarter a pound?

Mr. McLAUGHLIN of Michigan. His opportunity for profit in this country was satisfactory to him, anyway; and he did not care to sell in Argentina. There was no contract or understanding, no obligation on him to bring his sugar to this country against his own interest, or, if he wished, to sell in Argentina. That is the same thing that the American Trading Co. said. That is the same thing that De Ronde said; the same thing that Watson said.

This matter was settled four or five years ago when this man, Watson, had not the nerve to assert his claim. It had no merit and, besides, there were at that time men in the departments, familiar with all facts and circumstances, able to inform and advise the Congress. Now he takes the record of other cases and picks out this and that and the other fact that seems to be favorable to him and makes up the record himself.

This report of the committee is made up of two matters: One is Mr. Watson's statement, solely his statement, in which he puts his own construction upon the correspondence between him and Riley and his own understanding of the conversation between him and Riley, which he assumes to quote five years after the conversations were held; and the only other thing contained in the committee's report is a letter from Mr. Riley directed to Mr. Watson, in which he says:

If you follow our directions you will be permitted to bring in the sugar.

Now, his directions were simply that there should be no profiteering, it being the duty of the Department of Justice to prevent profiteering and extortion, and that the sugar should go to the essential industries, it being important and absolutely necessary so to distribute available sugar that there might be no monopoly or waste, so that it might reach needy and deserving hands. That is all there was to it. There was no obligation, legal or moral, assumed by our Government to insure Watson or anyone else a profit on sugar, no obligation to insure him purchasers except at prices prevailing at the time his sugar reached this country; and, as we know, when his sugar did reach this country the sugar market had broken and no one would buy at his prices or so as to save him from loss.

I have been in this House, Mr. Chairman, a long time and have often differed from officials of the Government as to the moral obligations of the Government, and have often been displeased—very, very much displeased—at the attitude of many of them in refusing to recognize moral obligations. I believe sincerely from my heart that it ought to be impossible for

the Government of the United States to do a wrong or mean thing; but the attitude of many of the departments in refusing to recognize moral obligations is, in my judgment, most reprehensible.

I believe in the recognition by our Government of every moral obligation, but I insist that there is not even a moral obligation in this case, and nobody went into these claims more deeply than I did at the time they were presented, when facts and records were fresh. As chairman of the subcommittee, I went through the papers in the State Department, had copies of them made and filed with the Committee on Agriculture. In all papers so examined, everything in the departments, we found nothing to justify this claim. The only one that I judged should be considered favorably was that of the American Trading Co., and the men composing that organization, we are told, are now quarreling among themselves about the division of the money they obtained from the Government.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. KETCHAM. The gentleman stated that nothing appears in the hearing except certain statements of Mr. Watson. The gentleman evidently has not seen the hearings that were held a year ago, in which all these matters were thoroughly threshed out. Several complete hearings were held, with the testimony of several witnesses.

Mr. McLAUGHLIN of Michigan. I said there is nothing more in the committee's report on this bill. I have seen the hearings, including the statement of Mr. Watson, which I do not accept at face value. I have also seen the statement of Mr. Riley, which upholds exactly the position I now take. He was trying to enforce the pure food law, and he assured Mr. Watson that there would be no prosecution if he kept within the law. But taking the statements of Mr. Watson at one time and another, I am not willing to accept them without corroborative testimony, and I do not find it. Corroboration is altogether lacking.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, will the gentleman from Kentucky [Mr. KINCHELOE] use some of his time?

Mr. KINCHELOE. Mr. Chairman, how does the time stand? The CHAIRMAN. The gentleman from Kentucky has 30 minutes remaining, and the gentleman from Nebraska has 25 minutes.

Mr. KINCHELOE. Mr. Chairman, I think there ought to be a quorum here. I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and three gentlemen are present—a quorum.

Mr. KINCHELOE. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLACK].

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. BLACK of Texas. Mr. Chairman, if I believed the Government of the United States was under any contract of any kind to make Mr. Watson whole in this transaction, of course, I would vote for this bill. Anyone who reads the hearings is bound to sympathize with Mr. Watson in his loss on this transaction. I happen to know of a great many wholesale grocers in this country who lost very large amounts on sugar which they had on hand at the time this price decline took place. Many of them had paid from 22 to 24 cents a pound for this sugar and suffered losses all the way from \$8 to \$10 per 100 pounds on it before they were finally able to liquidate. In other words, they had to follow the market on down until the sugar was disposed of. I happen to be connected with a wholesale grocery business in a small way and I know that for nearly a year after that price decline began it was impossible to handle sugar without a loss. You would buy a car to-day at the market price and before you could possibly dispose of it the market had declined to levels where you were bound to lose, and for more than a year, or nearly a year, after this price decline began it was absolutely impossible to handle sugar without a loss. Everybody knows that who is familiar with the business.

But that was not true as to sugar alone. It was true as to cotton, as to wheat, and as to meat products. Probably some of you gentlemen who are not familiar with the cotton situation will be amazed when I tell you that within a period of a very few months raw cotton declined from 40 cents a pound to 12 cents a pound, a decline of 28 cents a pound. Now, what happened by reason of these tremendous declines? Many bankers, many business men, and many farmers were wiped off the board, financially speaking, just like Mr. Watson was wiped off the board. But I have not heard anybody proposing that the Government step in and make good their losses.

This tremendous decline has been attributed to many causes. Some have said it was due to a deflation policy of the Federal Reserve Board; some have said it was due to the exhaustion of European credit in the United States in the middle of 1920; while others have said it was due to a buyers' strike, when the public refused any longer to buy at these high prices. Take sugar, for example. The public had seen it go on up from 20 cents to 21, to 22, to 23, to 24, and to 25 cents; then they stopped and said, "We will not buy." It reminds me of a story I used to hear on Governor Hogg, of my State. He went over to the city of London on a visit. He went into one of the hotels there and met the tipping nuisance on every hand. He had to tip the bellboy; he had to tip the waiter; he had to tip the hotel clerk, and everybody else around the hotel. Finally he went up to his room and went to the basin to wash his face and hands, and right above the basin was a sign, "Tip the basin." He said, "By Godlings I will not do it; I am getting tired of this tipping nuisance." [Laughter.] The American public had gotten tired of piling on one price advance after the other, and the buyers' strike as much as anything else brought about this precipitate decline in sugar, and before Mr. Watson could get from under he was a broke man. His situation is not different in that respect from many others, though of course I greatly sympathize with it.

Is there anything in these hearings to show that the Department of Justice agreed to buy 10,000 tons, or any part of 10,000 tons, of sugar from Mr. Watson? No. Nobody will contend that. Is there anything in this record that shows that any officials on the part of the Government guaranteed or undertook to guarantee that Mr. Watson would receive any particular price for this sugar? I can not find it. I have looked in vain for any guaranty of that kind.

Mr. McLAUGHLIN of Nebraska. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. McLAUGHLIN of Nebraska. The gentleman will recall that when the other cases of this kind were up the fact was brought out very clearly to the House, as is the case here, that at the time sugar was 27 to 30 cents a pound, and the Government was doing its best to break the price of sugar in the interest of the American public, that nobody thought of a loss, not even the Government itself.

Mr. BLACK of Texas. Oh, no; they were not thinking of a loss. Everybody thought these high prices would remain until they could get from under, and that was why so many went broke.

Mr. JONES. They were thinking of the profits.

Mr. BLACK of Texas. Let me tell you this: Mr. Watson was thinking of making 2½ cents a pound.

Mr. McLAUGHLIN of Nebraska. No; 1½.

Mr. BLACK of Texas. Well, there was a spread; he was allowed a spread from 17½ cents to 20 cents.

Mr. McLAUGHLIN of Nebraska. And the other party got the 1 cent; the Government got that.

Mr. BLACK of Texas. I will convince the gentleman he is incorrect about that in a moment. But here is what he was thinking of. Ten thousand tons of sugar made 20,000,000 pounds, and even at 1 cent a pound profit, if I calculate correctly, it would be about \$200,000. Reasonable profits were legitimate and I do not complain about Mr. Watson expecting to make a profit.

Now, let us take Mr. Watson's statement, his own statement, and see whether the Government is either legally or morally bound to pay this claim. Here is his statement, writing to Mr. Riley, of the Department of Justice. He says:

I am prepared to do my best to carry the transaction through, provided your department will write me a letter giving its sanction to the importation of sugar from Argentina upon the following conditions.

Now, listen:

1. Upon the basis of the present cost price to me of refined Argentine sugar, approximately 17½ cents per pound c. i. f. American ports, I propose to market the sugar at not exceeding 20 cents per pound.

Which would be a spread of 2½ cents, which, by the way, is a pretty good spread on sugar.

2. Should the cost price to me of refined Argentine sugar change, the sale price to me would increase or decrease proportionately, as the case may be, so that the sale price might be either greater or less than 20 cents per pound, dependent upon the cost price to me.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. KINCHELOE. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. BLACK of Texas (reading further)—

3. I agree to permit your office to designate the channels through which this sugar shall be distributed, provided that the ultimate purchasers satisfy me as to their financial standing, and as to the terms of settlement.

There was no difference in principle in this agreement than the license that was granted to all the wholesale grocers of the country. Every wholesale grocer, before he could sell a pound of sugar, had to get a license and bind himself that he would not make a larger profit than 1 cent a pound. That was all right. That was high enough and that is all they ought to have had, but the Government did not guarantee that they would not suffer a loss, and, as a matter of fact, as I said a while ago, many wholesale grocers of the United States lost as high as from \$8 to \$10 and \$12 on a sack of sugar.

Mr. FORT. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. FORT. In the first place, the gentleman understands that the phrase "17½ cents per pound c. l. f. in New York" means unloaded?

Mr. BLACK of Texas. Yes.

Mr. FORT. On board ship. Therefore, the 2½ cents spread the gentleman speaks about is not after the sugar is landed but while it is on board ship.

Mr. BLACK of Texas. I would like to conclude and I have just one word more to say.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BLACK of Texas. I merely want to add in conclusion that if the Government is not to make good the loss which thousands of citizens suffered by reason of the heavy price decline, then I do not see why Mr. Watson and a few others should be singled out for preferential treatment. Therefore, I shall feel compelled to vote against the bill.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman and gentlemen of the committee, I hope I may have your careful attention. I realize there are not many votes influenced by debate in the House, but this is a matter which I have gone into very thoroughly, and we are going to decide very soon whether we will authorize the Sugar Equalization Board to adjust the losses of an individual, not a corporation, but a single individual, who was induced to import sugar for the purpose of breaking the market in this country when sugar was high. This man went into the proposition and as a result of the break in the market, which the Department of Justice wanted to bring about, he has lost everything, all of his life's savings, and is out of business. His home has been mortgaged and has been sold for taxes. He has nothing left at all, and he is a man who has reached that age in life when it is impossible for him to start over. That is the reason, gentlemen, I am serious about this matter.

My friend, the gentleman from Michigan [Mr. McLAUGHLIN], attempted to explain to you that the American Trading Co.'s claim was the only just claim in connection with these importations. The only difference in the world between the American Trading Co.'s claim and this claim and the other claim that was passed by Congress is this: After going to the Department of Justice, the same as these other gentlemen did, and after having agreed with the Department of Justice to bring in this sugar, Mr. Franklin, of the American Trading Co., then went to the Department of State to try to make arrangements with them to keep from depositing the proportion of pelee sugar, as it was called, that it was necessary to deposit in the Argentine before sugar could be exported from the Argentine. After a series of negotiations, the Department of State did arrange it so the American Trading Co. would not have to expend the money to deposit that pelee sugar. Every other person who went into this proposition had to go down in his pocket and pay his money and put up this pelee sugar because they did not go to the State Department.

Mr. LEHLBACH. Will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. Yes.

Mr. LEHLBACH. If Mr. Watson had gone to the State Department, would not that department have made the same representations in his behalf?

Mr. McLAUGHLIN of Nebraska. Absolutely. That is the only difference between the claim the gentleman from Michigan refers to and the Watson claim.

Gentlemen, I want to call your attention for a moment to the history of this Watson claim. The gentleman from Michigan said that this is one of the claims that came up years ago. The gentleman from Michigan told me three days ago when I handed him the report on this matter that he had never heard of the claim before, and asked what it was. That is true, be-

cause the claim did not come up until after the gentleman was off of our committee and was on the Ways and Means Committee.

This Watson claim was twice reported unanimously by the Senate Committee on Agriculture, and in the last Congress it passed the Senate by a unanimous vote. There was not a single vote recorded against it. It came out of our committee of the House the other day with a unanimous report. There are three gentlemen who are opposed to it who happened to be absent, but they did not choose to file a minority report.

Mr. JONES. If the gentleman will permit, I will state that I was there and voted against it, but I did not file a minority report.

Mr. McLAUGHLIN of Nebraska. I was there and did not hear the gentleman's voice, but I will concede that if the gentleman says he voted no, of course, he did, but the report comes out, as the gentleman understands, as a unanimous report.

As I pointed out a moment ago with reference to the matter of profits and losses that have been talked about, because of the high price of sugar at the time these discussions were on, and when the Department of Justice placed its agency in New York for the purpose of bringing in these importers and inducing them to bring in this sugar to break the price of sugar in the interest of the American people, nobody thought of a loss because of the high price at that time. But what happened when the sugar was on its way? The newspapers came out with statements of this sugar coming in, with reports from the Department of Justice that great quantities of sugar were coming up from the Argentine, and it was such advertising propaganda which broke the price of sugar and brought quantities of sugar out of hiding and forced the price down from 27 cents a pound to 5 cents a pound.

In the case of Mr. Watson the Department of Justice, as is clearly shown, did tell him they would furnish the agencies through which he was to distribute his sugar.

Mr. KETCHAM. Will the gentleman again tell the House about how much the people of the United States saved by this depression of the price of sugar?

Mr. McLAUGHLIN of Nebraska. According to the statements of Mr. Figg and Mr. Riley, which were made two or three years ago, it saved the American people over \$1,000,000,000 in a single year, and it has been much more than that since.

The gentleman from Texas asks, Should we reimburse men who went broke on this account? I should say yes; when the American people admittedly saved more than \$1,000,000,000 the first year the price was reduced. Are the American people not under some moral obligation to the men who entered into arrangements with the Government to break the price of sugar, thereby losing everything they had?

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. Very briefly.

Mr. CONNALLY of Texas. Would the gentleman reimburse all the domestic wholesale grocers who had sugar when the price went down?

Mr. McLAUGHLIN of Nebraska. I will say to the gentleman that that line of talk is all demagoguery. That broad kind of talk means nothing. I am here as one Member of Congress—

Mr. CONNALLY of Texas. Answer the question and we will see if it is demagoguery.

Mr. McLAUGHLIN of Nebraska. I do not yield further. I am here as one Member of Congress to take up any claim that comes here, and am ready to consider each one on its merits. This talk about reimbursing everybody who sustained losses, without bringing in any definite claim, means nothing at all. I sympathize with all who lost money as a result of the war, but we can only consider each case as it arises.

Mr. BANKHEAD. Will the gentleman yield for just one brief question, because I really have an open mind on this case up to date. I want to do what is right. If this man has a good moral claim, I want to pay him his money.

Mr. McLAUGHLIN of Nebraska. Yes.

Mr. BANKHEAD. As I understand it, his claim is based from the moral standpoint on his letter to the Department of Justice, dated June 10, 1920, in which he sets out the conditions under which he is willing to enter into this transaction.

Mr. McLAUGHLIN of Nebraska. If the gentleman has the complete hearing of the House and Senate held last year, the gentleman will see there are many other letters confirming the department's agreement with Watson.

Mr. BANKHEAD. In reply to that the Department of Justice, through its representatives, answered:

You will be permitted to import the sugar mentioned upon the terms set forth in your said letter.

That is the basis, as I understand it, of the claim.

Mr. McLAUGHLIN of Nebraska. That is part of it. Yes; and there are other reasons.

Mr. BANKHEAD. That is all I can find as a written agreement.

Mr. McLAUGHLIN of Nebraska. I want to say that if you will look at the hearings before the House and the Senate that have been held on this case when Mr. Watson's claim was before the Senate, the Department of Justice sent a letter to the chairman of the Senate committee, and also to the chairman of the House committee, to the effect that the department believed that these claims were meritorious, on a par, and should be paid. I will say to the House that three different Attorneys General—Palmer, Daugherty, and the present Attorney General, either personally or by their representative—have all indicated that these claims were just and that these men should be reimbursed, and if that is not instruction to this House I do not know what is.

The gentleman from Texas [Mr. JONES] says the department's agents did not have the authority to enter into these contracts. Whether they did or did not makes no difference. They did enter into these contracts, and how can an ordinary citizen of the Government know if the department comes to him whether the department is acting legally or not? If the department is at fault we ought not to place the blame and responsibility on the private citizen who carried out the contracts of the department.

Mr. GILBERT. Will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. Yes.

Mr. GILBERT. Conceding that, will the gentleman point out where the Government guaranteed him the price?

Mr. McLAUGHLIN of Nebraska. The department did not guarantee him any price, but when sugar was selling in this country at 27 cents a pound the department made him agree that if he brought the sugar in he would not make more than 1¼ cents a pound, and the United Cannery Association, a quasi Government corporation of the Department of Justice, was to get 1 cent a pound. He could not make any more than that, and, further, he was bound by an ironclad agreement not to let his sugar go through any channel except that which the Department of Justice should designate.

Mr. LEHLBACH. Will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. Yes.

Mr. LEHLBACH. Did not Mr. Watson have ample opportunity to sell sugar at a profit before the market broke?

Mr. McLAUGHLIN of Nebraska. He could have sold his sugar after he bought it in the Argentine at 7 cents a pound profit, and the only reason he did not do it was that he considered he was duty bound to the Department of Justice to carry out his agreement.

Now, gentlemen, I am going to make this concluding statement: When I came down here seven years ago I took a solemn obligation to support the Constitution of the United States, and I say to you that when an agency of the Government by any pretense whatever leads a humble citizen of this Commonwealth into a program that results in his complete ruin and destruction financially, it is no more nor less than confiscation of that man's property. If we stand by any agency of our Government that actually confiscates a citizen's property, then we are getting pretty close to Russia. I could not stand idly by and watch anything of that kind go on without my protest, and I hope that when this question comes to a vote that we in fairness to ourselves and Mr. Watson, on the basis of the golden rule, "That we should do to others as we would be done by," that we will put ourselves in Mr. Watson's place and realize that if the Government had caused us to lose our homes and our life savings, we would ask and deserve reimbursement. Yes, gentlemen, if we were in the same place as this man, we would be here day and night trying to get the Government to settle a just obligation, and the Sugar Equalization Board should by all means pay this obligation. The board has already recovered in the Treasury over thirty millions of profits resulting from the board's operations.

The board has yet in its possession over twelve millions for the purpose of settling these losses, and they should, in the name of right and justice, make such settlement. [Applause.]

Mr. BLACK of Texas. Mr. Chairman, I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum. The Chair will count. [After counting.] One hundred and eight Members present, a quorum.

Mr. KINCHELOE. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Kentucky has 18 minutes and the gentleman from Nebraska 11 minutes remaining.

Mr. KINCHELOE. Mr. Chairman, I yield three minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman and gentlemen, there seems to be some controversy as to the merits of the bill now under consideration. I shall not address my remarks to that bill, but I shall bring to your attention an amendment, which I propose to offer, concerning the merits of which there should be no division in the House.

At the end of this bill I shall propose this amendment:

Provided, That the President is authorized to require the United States Grain Corporation to equitably distribute to the wheat growers of the United States \$75,000,000 profits accumulated by the United States Grain Corporation in handling wheat grown in the United States during the World War.

The situation, as I understand it, is this. A board was appointed to fix the price of wheat during the World War. They met and after much controversy finally compromised on a price of about \$1 a bushel below the price the farmers were receiving at that time. It was understood that the price agreed upon was to be the price at the primary market and was meant to be a minimum price. Instead of that it was construed by those who administered the act as being the price at the terminal markets and as a maximum price. As a result of this, according to those familiar with the situation, the American wheat growers suffered a loss of from one to two billion dollars.

So far as I can learn, there was an accumulated profit of \$75,000,000, and some say more than \$100,000,000, and some say \$56,000,000. A while ago I called up the United States Grain Corporation and undertook to ascertain the exact figures. I was informed that the corporation is in the course of liquidation, and that all books and figures are in New York. Then I recalled that I tried to ascertain some information in regard to this same subject three or four years ago, and the representative of the United States Grain Corporation in this city was absolutely unable to give me any information, except that everything is in the city of New York. I submit this for your consideration when the time comes to offer the amendment.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes; I yield to the gentleman from Oklahoma.

Mr. HASTINGS. Would the gentleman be willing to accept an amendment to his amendment appropriating \$50,000,000 to be distributed to pay back to the southern people for their cotton taken during the Civil War?

Mr. SUMMERS of Washington. The gentleman will have to make a statement of his case; and if he presents the facts clearly, I then will be willing to consider it.

Mr. KINCHELOE. Mr. Chairman and gentlemen of the committee, I have been a member of the Committee on Agriculture ever since these sugar claims have been pending before that committee. I think I have been present and have heard all the hearings on these bills. I have no unkind word to say against Mr. Watson. There is no doubt from this record that he is broke, and I am sure he is a good man. I want to lay before you in the little time that I have just the mental attitude of these gentlemen who went into this sugar business, and what action the Government took in order to get them in. There is no doubt that there was a shortage of sugar at that time, and that the price of sugar soared, and that the Government undertook to break that market. They did call several of these sugar men into conference here, and some of them in New York, for the purpose of getting them to import some sugar, but there is a difference between this claim and some of the others. Mr. Watson was not conscripted to go into the sugar business by the Government. He was not asked to go into the sugar business by the Government. On the other hand, he heard of it, and he went in of his own volition. He came from New York to Washington to get in touch with the representatives of the Department of Justice here for the sole purpose of getting the contract for the profit that he could make out of it, which was a perfectly legitimate ambition on his part. They said to him that they had placed the matter altogether in the hands of their representative in New York, Mr. Riley, and that he would have to go and see him. Mr. Watson got on the train and went back to New York and looked up Mr. Riley. Do not think that Mr. Watson was conscripted or persuaded to go into this business. He wanted to get into it. He then said that he did not want the Lever Act to apply against him and they said "all right, write out your agreement." He asked the Government to waive that, which it did, but the Government said it wanted to find the channels of distribution for the sugar when it got here, and Mr. Watson said:

I agree to permit your officer to designate the channels through which this sugar shall be distributed, provided that the ultimate purchasers satisfy me as to their financial standing and as to the terms of settlement.

Mr. LAGUARDIA. Why was that necessary?

Mr. KINCHELOE. Because the Government wanted to protect the public from being gouged by sugar speculators which might buy it and raise the price. He agreed to that. What else? He went down and bought the sugar and before the sugar ever arrived here the price had gone to pieces. When the sugar got into the port of New York the price was broken. In his examination at that time, I asked him whether he claimed the Government was delinquent. He said that had no agreement been made, he would not have had to accept the distribution by the Government of his sugar. But, Mr. Chairman, when his sugar got here the price was broken. There was no channel through the Government for his sugar to go for the price was broken.

I want to talk to you a minute about Mr. Riley. He was a member of the department and their representative. When Mr. Riley was on the witness stand I said to him:

And if I understand you, your department never asked Mr. Watson to buy any sugar at all, but, on the other hand, he came to you? Mr. RILEY. Yes, sir; that is so.

He then went on to elaborate that and said that Mr. Watson came to him and said he wanted to make those contracts to buy this sugar.

These gentlemen made the defense that if he had been permitted to sell the sugar in the Argentine he could have sold it at a profit. The truth is that the Argentine Government would not permit him to sell a pound of sugar in the Argentine. So far as the American Trading Co. is concerned they got the State Department to intercede in their behalf to let them import the sugar out of the Argentine without putting up the 30 per cent pelee sugar, and after they got here and the bottom had dropped out of the price of sugar they wanted to sell it in the Argentine.

The State Department said that they would not ask the Argentine Government to permit them to have any special privilege in the way of shipping it out, without depositing the 30 per cent pelee sugar, and then turn around and flood the Argentine market with it. If there was such a profit on sugar in the Argentine, why would the Argentine Government permit the American buyers to come there and buy sugar and export it to the United States for consumption? If there was a shortage there and a great demand for sugar in the Argentine, they would not do such a thing.

As I say, this is an unfortunate matter. This man is broke, and the gentleman from Nebraska [Mr. McLAUGHLIN] says that this is a single individual. That is true. The gentleman from Nebraska [Mr. McLAUGHLIN] said in answer to a question from the gentleman from Texas [Mr. CONNALLY] about the retailers of sugar and the wholesalers of sugar throughout this country losing, that that statement is absolute demagoguery. The truth about the matter is that there were thousands of retailers of sugar and thousands of wholesalers of sugar in the country who had their sugar on hand when this crisis came who suffered the same loss that Mr. Watson did, just the same as the farmers of this country did, as the gentleman from Washington [Mr. SUMMERS] has just said.

The United States Sugar Equalization Board made a profit, but simply because this Sugar Equalization Board has some surplus on hand, claims such as this are brought in. That money belongs to the Government, and there is no difference in principle between taking money from the Sugar Equalization Board, that expects to turn it into the Treasury, and taking it out of the Treasury of the United States direct to reimburse these people.

I am familiar with this proceeding, and I have never seen a more insidious lobby in the time that I have served here. I never have seen a more insidious lobby infesting this Capitol than the lobby that pushed the other sugar claims. I am not saying that about Mr. Watson's claim. But as to the other claims, there never was a greater outrage. There is no moral or legal obligation here. If there is a legal obligation, they would have been before the Court of Claims months and years ago to assert their rights.

These men were not inexperienced, guileless business men. I asked Mr. Watson several times, "Did the Government ever say to you directly, or even by innuendo, that it would stand any loss that might accrue to you in case you did not make a profit out of this?" He always said it did not.

Gentlemen, war is a conglomeration of inequalities. Not only these people in the sugar business went broke, but thou-

sands of farmers throughout this country after the war went broke through deflation. The farmers of the Northwest particularly have been knocking at the doors of the Committee on Agriculture for several weeks for hearings, telling of the precarious condition in which agriculture is situated with respect to all the various commodities raised on the farms of the United States. It is true they have asked us to provide a revolving fund out of the Treasury of the United States in order to save them and in order to uplift farming into a profitable industry. Over 700,000 farmers in this country have gone into bankruptcy in the last four years. That means a population of more than four and a half million people who have been driven from the farms of this country into the congested cities through no fault of their own, not through lack of industry; and yet you are going to say to-day that you will take one individual and pay him \$735,000 out of the Treasury of the United States and let all others who suffered losses go unreimbursed. That is what it means.

This bill means to reimburse a man who went into this business at arms' length. He was not a novice in the importing business when he went in. He went in, of course, with the legitimate purpose of making money, but when the price broke it made him a pauper. But that is only one of a million cases in the United States of men engaged in all lines of endeavor that have gone broke since 1920 in this country.

Yet, in effect, by the passage of this bill you would be telling me that I must go back to my farmers, who went broke during the war, as were many retail sugar dealers and many wholesalers—you say I must go back to my people and face them after this House has acted favorably on this claim in behalf of one man who claims to have suffered loss. I do not believe in that kind of equality. I believe that this is all an afterthought. These people knew they could not stand 10 minutes in the Court of Claims, but they thought if they could come to Congress they could put this through and it would save them. In the two bills that passed this House the President referred only one to the Equalization Board. Any of these claims is a better claim than passed this Congress which was paid. It is a question at last for you to decide as to whether or not you are going to take over \$735,000 of the taxpayers' money and reimburse one man. That is what it is in the last analysis.

This man, a broad, seasoned business man, looked up the department's representatives and said, "I want to get into this business," and he went into it on the same footing that the rest of them did. There are other claims that have never been reported. The Lamborn claim and the De Ronde claim are just as just as this is. Other men have gone broke under circumstances over which they had no control; they have gone broke in legitimate, honest business and in an honest endeavor to receive emoluments for themselves. If we undertook to pay them all, it would bankrupt the Treasury of the United States; it would bankrupt the United States Government to reimburse them for their losses.

What is the difference in principle between taking money and reimbursing these fellows who went into the sugar game and taking money out of the Grain Corporation treasury and reimbursing the farmers who went broke in the war? [Applause.] I would like to ask some one for this bill to rise in his place now and tell me the difference in principle.

Mr. McLAUGHLIN of Nebraska. I will say to the gentleman that I would have voted for that, but it was not advocated.

Mr. KINCHELOE. Of course, it was not advocated. Because the farmer is not able to come here and lobby and provide big dinners at the Willard Hotel. He is not able to come here and stand here in the Capitol day in and day out and year in and year out, as a lot of these gentlemen did. I do not mean that to apply to Mr. Watson.

Mr. LEHLBACH. You do not mean Mr. Watson?

Mr. KINCHELOE. No; I do not. But I will ask the gentleman from New Jersey this question: If you reimburse Mr. Watson, why not reimburse De Ronde?

Mr. LEHLBACH. I say, "Reimburse him!"

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. LOZIER. Did not Congress ask the farmers of the country to produce more wheat and pork?

Mr. KINCHELOE. Yes; and when they went broke we did not undertake to reimburse them. I am going to stand consistent with the taxpayers as a whole in these matters. [Applause.]

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. McSWEENEY].

The CHAIRMAN. The gentleman from Ohio is recognized for two minutes.

Mr. McSWEENEY. Mr. Chairman and gentlemen of the committee, I am trying to interpret my obligation as a Representative, which I think to a certain extent is that of being a mediator between the people at home and that invisible thing called the Government.

One thing is that I can not see where Mr. Watson had a right, when he got this sugar to America, to sell it; and if he was deprived of that right, it seems to me an obligation devolves on us as a government to take care of him. I am not questioning his right to sell it back in the Argentine, but I do question his right to sell it here in America, and I can find no place where the Department of Justice gave him the right to sell it to private purchasers.

There is another question that arises in my mind. I can not find anywhere that Mr. De Ronde has the right to carry his case into court; but if by the action of the Congress he is given that right, certainly we should give that right to Mr. Watson. We should do as the gentleman from New York [Mr. LA GUARDIA] suggested, permit him to carry his case into court. I feel we should open that channel to him. As I say, I do not understand the difference here. Mr. Watson, under the present circumstances, can not go into court, while Mr. De Ronde can. If our action will give Mr. Watson that right, I say we should take that action and let him have civil procedure to get some adjustment of what, it seems to me, is a deprivation of his rights on the part of our Government.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, I yield nine minutes to the gentleman from New Jersey [Mr. FORT].

Mr. FORT. Mr. Chairman and gentlemen of the committee, in order that we may clear the situation a little in the minds of those who have heard only a part of the debate, I want to picture again for a moment the condition that existed in this country in 1920. As to that condition I have some direct personal knowledge, because at that time, having just retired from the Food Administration, I was asked by the Attorney General through his assistants to assist in a campaign to break the price of sugar through public agitation. At that time the price of sugar in this country was approaching the 30-cent level. The Attorney General, without strict legal authority, assumed under the provisions of the Lever Act—which had been a war-time law—a measure of control over sugar in this country which, I think, he did not legally possess, but in accordance with that assumption of power, in the interests of the whole people as he believed, I honestly think, Attorney General Palmer sought to induce the importation into the United States of sugar from whatever market it could be procured. He solicited the assistance of the importers of the United States in that effort. This solicitation was both public and private. In response to that solicitation Mr. Watson, an importer and exporter of long standing and familiar with the channels of trade, found that he could buy sugar in the Argentine. He went to the Attorney General and he said:

I have a chance to get 10,000 tons of sugar in the Argentine. Can I bring it in and can I charge enough profit to cover the financing and other costs necessary to bring 10,000 tons of sugar from the Argentine?

The Attorney General said:

Yes; provided, first, you will limit your profit to 1½ cents per pound; and, second, provided you will let me tell you to whom you can sell it when you get it.

Mr. Watson agreed.

Now, the big controversy in the debate to-day seems to have turned on the price factor, but that is not the important thing. The important thing is that Mr. Watson agreed with the Attorney General of the United States that when that sugar got here he would only deliver it to people that the Attorney General approved. Throughout the entire time, from the day he made his agreement with the Attorney General to the day the sugar arrived in New York, Mr. Watson solicited the Attorney General to give him instructions for distribution. The Attorney General said: "I want to keep this sugar to relieve the places that are in the greatest distress when the cargo arrives in America." Therefore, in two months, out of 10,000 tons of sugar, he gave him distribution directions for only 120 tons of sugar. Under those conditions Watson could not protect himself. Watson could not make a contract to sell the sugar when it should get here, as the ordinary importer could have done. He was estopped, and yet, honorable man that he was, Robert A. Watson refused to sell it in the market of the Argentine at a 7-cent profit because he had given his word to the Attorney General of the United States that he would bring that sugar in here and take a profit of a cent and a quarter. Then these gentlemen say he was working for a

profit. I say to you, gentlemen of this House, that Mr. Watson did a patriotic act and that it was the acts of such men as Watson that broke the price of sugar in America and saved the people of America \$1,000,000,000 in one year.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. FORT. I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. Suppose this transaction had been between private parties? Does the gentleman think Mr. Watson would have a cause of action?

Mr. FORT. Absolutely; as I understand the facts.

Mr. MOORE of Virginia. Then I understand there would be no objection to amending the bill so as to say to this board that they are to decide it upon that basis.

Mr. FORT. That is exactly the basis that the Sugar Equalization Board has taken on the other claims. I know nothing about the legal effect of that, but my own feeling is, as Mr. Watson has said to me—his home is about 100 feet out of my district, and although I never met him until this thing came up, I know that he ranks in our community as one of our leading and most honorable citizens—"The issue in this matter as I see it, Mr. Fort, is whether the United States Government and myself are both honest." And as I see the issue, gentlemen, that is the issue for this House to settle.

I have studied the record from one end to the other, and I can not find where Robert A. Watson did a dishonest thing or a dishonorable thing, but everywhere from start to finish of that record he did what you or I, if we stood in his place to-day, would be proud we had done, even though it did bankrupt us. [Applause.]

Mr. KETCHAM. Will the gentleman yield?

Mr. FORT. Yes.

Mr. KETCHAM. Did he not do more than that in his offer to take a cent less?

Mr. FORT. The gentleman from Michigan [Mr. KETCHAM] reminds me that when the Argentine Government removed the export tax on sugar of 1 cent a pound, our Government had no official advice, but Mr. Watson wrote the Attorney General of the United States:

The Argentine Government has taken off its export tax of 1 cent. My price to you is reduced 1 cent.

One other thing is true also. He was directed by the Attorney General, and it was the only direction he ever had, that he must distribute his sugar through a certain channel of distribution, namely, the Cannery Supplies Co., an agency set up by the Attorney General, which the record shows expected to make, merely for giving Watson orders, a profit of 1 cent a pound, when all Watson was allowed to make was 1½ cents a pound for finding it, bringing it up from the Argentine, and financing it, and now that gentleman is assuming all the loss resulting, where he would have had to share the profit. [Applause.]

The CHAIRMAN. The time of the gentleman from New Jersey has expired. All time has expired, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the President is authorized to require the United States Sugar Equalization Board (Inc.) to adjust with Robert A. Watson, of South Orange, N. J., a certain transaction entered into and carried on by said Watson under the direction of the Department of Justice, which transaction involved the purchase in the Argentine Republic between the 11th day of June, 1920, and the 30th day of June, 1920, of 3,500 tons of Argentine refined sugar, the importation thereof into the United States, and the distribution of the same within the United States, and to require the said United States Sugar Equalization Board (Inc.) to liquidate and adjust the entire transaction in such manner as may be deemed by said board to be equitable and proper in the premises, paying to the said Watson such sums as may be found by said board to represent the actual loss sustained by him in said transaction, and for this purpose the President is authorized to vote or use the stock of the corporation held by him, or otherwise exercise or use his control over the said United States Sugar Equalization Board and its directors, and to continue the said corporation for such time as may be necessary to carry out the intention of this act.

Mr. CONNALLY of Texas. Mr. Chairman, I move to strike out all after the enacting clause.

Mr. Chairman and gentleman of the committee, a short time ago I asked a gentleman on the floor here who seemed from the heat and enthusiasm with which he discussed it to know a great deal about this bill for some pertinent information, and the gentleman from Nebraska [Mr. McLAUGHLIN], in a rather imperious and haughty tone, said that my question was demagogic.

I find the gentleman from Nebraska was not always of the same opinion that he now is with reference to this kind of

claims. I find in the CONGRESSIONAL RECORD of May 25, 1922, when the American Trading Co. bill, I believe it was called, another sugar case on exactly all fours, so gentlemen say, with this claim—I find the gentleman from Nebraska making this kind of a statement. He was then as now very much aroused about the injustice being done to a citizen. He said:

Mr. Chairman and gentlemen of the committee, I was one of the members of the Committee on Agriculture who was at first naturally prejudiced against this claim. I voted several times to defer the claim and postpone final action on it from time to time and even signed the minority report in the Sixty-sixth Congress—not that the evidence at that time convinced me that the claim was not just, but certain members of the committee had said to me that they had something to disclose. They said, "You act with us and hold this matter back, because we have some testimony that can be brought in after a while to show that there is something underhanded, something crooked in this transaction." I waited until the final hearing was held before the committee, at which time a gentleman came before the committee and gave testimony on hearsay, which he afterwards withdrew.

And so forth and so on.

The purport of the gentleman's speech was that at first, like the rest of us uninformed Members, he was naturally prejudiced against the claim; and though he sat on the committee and it came up time after time, he voted to postpone it and voted to postpone it because they had told him there was something wrong about it, and then finally, after investigating and postponing, the gentleman signed the minority report against the bill; and then, forsooth, because some gentleman who is not informed asks him a civil question as to whether or not he would favor reimbursing domestic purchasers of sugar who lost in the same way as this claimant, he denounces the question as being demagogic.

The gentleman reminds me very much of an old gentleman from South Carolina who was in this House some years ago. One of his colleagues began to inquire of him about some rather questionable practices and asked him, "Now, would you, or not, under those circumstances do a certain thing?" He said, "Now, look here, old boy, you stop right where you are. You are fixing to ask me a lie." [Laughter.]

The gentleman almost stamped a hole in the floor here about his concern under the Constitution of the United States and told how he held up his hand seven years ago and swore that he was going to uphold the Constitution—

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. The gentleman said he swore when he first came here seven years ago with his hand uplifted that he was going to uphold the Constitution of the United States, and that he did not propose in the case of any citizen who had a claim that the Constitution should be disregarded. [Laughter.]

It has taken the gentleman almost seven years under that burning oath of his to find out that this kind of claim ought to be allowed because way back in 1922 he had been in Congress then some years and had not found out then that under this oath of his he was bound to pay the American Trading Co. on a claim similar to the one now before the House.

This claim may be a just claim; I do not know. I was trying to ask the gentleman from Nebraska to get information about it, and although he stood out and brought in a minority report, he, like all new converts, has more zeal and enthusiasm than those fighting in the same ranks all the time possess. I wonder why the gentleman changed his views. I wonder what operated on his mind.

Mr. McLAUGHLIN of Nebraska. Does the gentleman want me to answer it?

Mr. CONNALLY of Texas. I will let the gentleman from Nebraska answer.

Mr. McLAUGHLIN of Nebraska. The gentleman asked me in reference to the American Trading Co. bill.

Mr. CONNALLY of Texas. No; I did not. I asked the gentleman if he would favor reimbursement of those domestic dealers in sugar who lost money by the breaking of the price?

Mr. McLAUGHLIN of Nebraska. If the gentleman will read the rest of the statement, he will find that I supported the American Trading Co. bill.

Mr. CONNALLY of Texas. The gentleman did not at first.

Mr. McLAUGHLIN of Nebraska. For the reasons given, but they did not discover anything and I supported the bill.

Mr. CONNALLY of Texas. The gentleman was on the committee. It was his business to investigate the merits of that claim and not listen to other gentlemen on the committee who intimated that there was something wrong. [Applause.] The gentleman from Nebraska somewhere along the line saw a great light and changed his mind, and because some of the rest of us want to know what the light was, in order that we may be advised about the bill, the gentleman undertakes in a pleasant, polite way to insult us. That is the difference between the gentleman from Nebraska and the gentleman from Texas in that regard.

Mr. HOWARD. Which gentleman from Nebraska?

Mr. CONNALLY of Texas. I mean the gentleman from Nebraska, Mr. McLAUGHLIN. The gentleman in a speech said that he had access to hundreds of pages of letters and that he had read them—letters which seemingly the full committee did not see. I wonder what access the gentleman had, what particular facilities he had, for discovering the truth that other members of the committee did not possess.

Now, I am not denouncing this bill; I want information; but when a gentleman in favor of the bill is so very enthusiastic but so irritable, when other gentlemen want to know about it, that he becomes offensive, there is a chance that we may form a conclusion that the bill is not what it ought to be. [Applause.]

Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

Mr. KINCHELOE. Mr. Chairman, I move to strike out the enacting clause. I do not think I care to be heard on it.

The CHAIRMAN. The question is on the motion of the gentleman from Kentucky.

Mr. HOWARD. Mr. Chairman, can not I be heard?

The CHAIRMAN. There may be five minutes' debate in favor and five minutes against it.

Mr. HOWARD. Mr. Chairman and gentlemen, this is a very perplexing situation for me. What am I to do? If I vote to strike out the enacting clause, I vote to kill the bill. If I vote to kill the bill, I am carrying discouragement to the hearts of the magnificent members of the Agricultural Committee.

Here they have labored all winter in an effort to bring out some matter of legislation granting relief to agriculture. Here is the first offering they have made to their fellow Members. [Laughter.]

Now suppose I vote ruthlessly to destroy this first child which they have presented to us. [Laughter.] If I were on the Agricultural Committee and my first offering to my fellow Members on the floor should be destroyed, then I know I should be discouraged, and so I greatly fear that our vote here, if it shall be in opposition to this bill in behalf of agriculture, will be discouraging to the committee. [Laughter.]

It is true, Mr. Chairman and gentlemen, that the fellow in whose behalf this bill has been drawn is not actually a sure-enough farmer, but if we can induce ourselves to grant him this three-quarters of a million dollars for the loss he sustained in gambling in sugar, who knows but we may reimburse the loss of all the farmers who gambled in wheat in war times. [Laughter.]

It may be a good thing for those of us who want to see agriculture properly cared for—it may be, I say—for us to vote for this bill. It is a rather nasty looking bill to me, but if it will produce good results in some other direction, perhaps we might better vote for it. I am like the gentleman from Texas [Mr. CONNALLY]. I have an open mind, but my mind is more or less against the bill. [Laughter.]

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes; I yield to the gentleman from Texas, but I meant the other one. [Laughter.]

Mr. BLANTON. Does the gentleman believe that if the committee can get us to pay \$750,000 to somebody who just happened to handle an agricultural product that that will be some encouragement to agriculture?

Mr. HOWARD. That is my only hope. If I shall vote for the bill, it will be with the thought in mind that it may so encourage the Agricultural Committee that perhaps before breakfast to-morrow they will bring out something better than this in behalf of agriculture. Who knows? I do not.

A MEMBER. Ask Colonel House.

Mr. HOWARD. Yes; Colonel House might know, but he has gone abroad on a mission now—and I am informed, by the way, that he has gone on a mission for the biggest man in the United States of America.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. HOWARD. That is all. [Laughter.]

Mr. LEHLBACH. Mr. Chairman, I rise in opposition to the amendment to strike out the enacting clause. In common with all of the members of the committee I have been amused and edified by the inimitable speech made by the gentleman from Nebraska [Mr. Howard]. He mentioned—and others have mentioned—relief to the farmer, both present and past. Of course we all hope and expect to pass legislation at this session of Congress which will afford substantial relief to the farmer. The limitation of profits by fixing prices during the war has nothing in common with the situation calling for the existing bill, nor has the fact that wholesale and retail sugar dealers and grocers might have sustained a loss by the break in the price any analogy with the situation with which we are confronted in this bill. Those people acted in accordance with their own judgment, and they were not limited in their dealings with the public nor, in their judgment, by the Government in any way.

However, we ought again to fix our minds on this fact. Mr. Watson purchased the sugar in accordance with a nation-wide campaign soliciting the purchase and importation of such sugar. The price is immaterial, although he had agreed to sell it at a cent and a quarter profit and allow the Government as a joint transactor a cent of profit. The fact remains that from the time that Mr. Watson purchased this sugar until it actually landed in New York City, during the entire period, he could have sold it in the Argentine at six times the profit he was to get in New York, and while the sugar was in transit he could have sold it in the United States at the profit called for by his agreement, and the reason why he sustained the loss was not because there was a break in the price of sugar after he acquired it, but because between the time that the sugar was acquired in the Argentine and the time it landed in New York City he could have made contracts with buyers of sugar at 20 cents a pound at any time if his hands had not been tied by his agreement with the Government, which prevented him from entering into such contracts with purchasers.

Mr. KINCHELOE. Why does the gentleman say that? The American Trading Co. in the hearings showed that they tried to sell it in the Argentine and the Argentine Republic would not stand for it, and the State Department said no they would not stand for it after they had asked the Argentine Government to relieve the trading company of the 30 per cent pelee sugar.

Mr. LEHLBACH. But Mr. Watson was not relieved from the deposit of the 30 per cent.

Mr. KINCHELOE. That is right.

Mr. LEHLBACH. Therefore, he had a right to sell it back in the Argentine any time that he wanted to. The limitation on the American Trading Co. with respect to resale was predicated upon the representation of the State Department that this was Government sugar.

The CHAIRMAN. The time of the gentleman from New Jersey has expired. The question is on the motion to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. KINCHELOE) there were—ayes 108, noes 42.

So the motion to strike out the enacting clause was agreed to.

Mr. KINCHELOE. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out. The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 358, and had directed him to report the same back to the House with the recommendation that the enacting clause be stricken out.

Mr. KINCHELOE. Mr. Speaker, I move the previous question. The previous question was ordered.

The SPEAKER. The question is on striking out the enacting clause.

The question was taken; and on a division (demanded by Mr. LEHLBACH) there were—ayes 122, noes 44.

Mr. LEHLBACH. Mr. Speaker, I make the point of order that there is no quorum present, and object to the vote upon that ground.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty-five Members are present—not a quorum. The question is on the motion to strike out the enacting clause. As many as are in favor of the motion will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 218, nays 76, not voting 137, as follows:

[Roll No. 73]

YEAS—218

Adkins	Driver	Kvale	Romjue
Allen	Edwards	LaGuardia	Rouse
Allgood	Eslick	Lampert	Rubey
Almon	Evans	Lanham	Rutherford
Andresen	Faust	Lankford	Sanders, Tex.
Andrew	Fisher	Larsen	Sandlin
Arenz	Fitzgerald, W. T.	Lazaro	Schafer
Arnold	Fletcher	Leatherwood	Schneider
Ayres	French	Leavitt	Scott
Bachmann	Fulmer	Letts	Shallenberger
Bailey	Furlow	Little	Shreve
Barbour	Gambrill	Lowrey	Simmons
Beck	Gardner, Ind.	Loxier	Smithwick
Beedy	Garner, Tex.	Lyon	Sproll, Kans.
Beers	Garrett, Tenn.	McClintic	Stedman
Bell	Garrett, Tex.	McFadden	Stevenson
Black, N. Y.	Gasque	McKeown	Strong, Kans.
Black, Tex.	Gilbert	McLaughlin, Mich.	Strother
Bianton	Goldsborough	McLeod	Summers, Wash.
Bowling	Goodwin	McMillan	Summers, Tex.
Box	Green, Fla.	McReynolds	Swank
Brand, Ga.	Greenwood	McSwain	Swing
Briggs	Hall, Ind.	Madden	Taber
Brown	Hammer	Magee, N. Y.	Taylor, W. Va.
Browning	Hardy	Major	Temple
Buchanan	Hare	Mansfield	Thatcher
Bulwinkle	Hastings	Mapes	Thurston
Busy	Haugen	Martin, La.	Tillman
Byrns	Hayden	Miller	Timberlake
Canfield	Hersey	Milligan	Tincher
Cannon	Hill, Ala.	Montague	Treadway
Carew	Hill, Wash.	Mooney	Tucker
Carrs	Hoch	Moore, Ky.	Underhill
Carter, Calif.	Hogg	Moore, Va.	Underwood
Chalmers	Holaday	Morehead	Upshaw
Clingue	Hooper	Morrow	Vincent, Mich.
Cole	Howard	Nelson, Me.	Vinson, Ky.
Collier	Huddleston	Nelson, Mo.	Wainwright
Collins	Hudspeth	O'Connell, R. I.	Warren
Connally, Tex.	Hull, Morton D.	Oldfield	Watres
Cooper, Wis.	Jacobstein	Oliver, Ala.	Wester
Corning	James	Oliver, N. Y.	Wofald
Cox	Jenkins	Peavrey	Wheeler
Cramton	Johnson, Ind.	Porter	White, Kans.
Crisp	Johnson, S. Dak.	Prall	Whitehead
Crosser	Johnson, Tex.	Quin	Whittington
Crumpacker	Johnson, Wash.	Ragon	Williams, Tex.
Davenport	Jones	Rainey	Williamson
Davis	Kelly	Rameyer	Wilson, La.
Dickinson, Mo.	Kemp	Rankin	Wingo
Domineck	Kerr	Rathbone	Woodrum
Doughton	Kiefner	Rayburn	Wright
Douglass	Kincheloe	Reed, Ark.	Wurzbach
Dowell	Kindred	Robinson, Iowa	
Drane	Kirk	Rogers	

NAYS—76

Ackerman	Dempsey	Kopp	Rowbottom
Aswell	Elliott	Lea, Calif.	Sears, Nebr.
Bacharach	Fairchild	Lehlbach	Seger
Bacon	Fenn	Lucio	Sinclair
Bankhead	Fort	McDuffie	Smith
Begg	Foss	McLaughlin, Nebr.	Snell
Beger	Gifford	McSweeney	Somers, N. Y.
Bixler	Hall, N. Dak.	Manlove	Speaks
Bloom	Hawley	Menge	Stephens
Bowles	Hickey	Michener	Stobbs
Brigham	Hill, Md.	Montgomery	Taylor, N. J.
Burton	Houston	Moore, Ohio	Tison
Chindblom	Hudson	Morgan	Tinkham
Colton	Hull, William E.	Murphy	Tolley
Coyle	Jeffers	Newton, Minn.	Wason
Crowther	Kahn	O'Connor, La.	Watson
Cullen	Ketcham	Patterson	Williams, Ill.
Curry	King	Pratt	Winter
Darrow	Knutson	Purnell	Zibman

NOT VOTING—137

Abernethy	Doyle	Irwin	Perlman
Aldrich	Drewry	Johnson, Ill.	Phillips
Anthony	Dyer	Johnson, Ky.	Pou
Appleby	Eaton	Kearns	Quayle
Auf der Heide	Ellis	Keller	Ransley
Barkley	Esterly	Kendall	Reece
Bland	Fish	Kless	Reed, N. Y.
Boies	Fitzgerald, Roy G.	Kunz	Reid, Ill.
Bowman	Flaherty	Kurtz	Robison, Ky.
Boylan	Frear	Lee, Ga.	Sabath
Brand, Ohio	Fredericks	Lindsay	Sanders, N. Y.
Britten	Free	Lineberger	Sears, Fla.
Brumm	Freeman	Lithicum	Sinnott
Burdick	Frothingham	MacGregor	Sosnowski
Burtness	Fuller	Magee, Pa.	Spearing
Butler	Funk	Magrady	Sproll, Ill.
Campbell	Gallivan	Martin, Mass.	Stalker
Carpenter	Garber	Mead	Steagall
Carter, Okla.	Gibson	Merritt	Strong, Pa.
Celler	Glynn	Michelson	Sullivan
Chapman	Golder	Mills	Swartz
Christopherson	Gorman	Morin	Sweet
Cleary	Graham	Nelson, Wis.	Swoope
Connery	Green, Iowa	Newton, Mo.	Taylor, Colo.
Connolly, Pa.	Griest	Norton	Taylor, Tenn.
Cooper, Ohio	Griffin	O'Connell, N. Y.	Thomas
Davey	Hadley	O'Connor, N. Y.	Thompson
Deal	Hale	Parker	Tydings
Denison	Harrison	Parks	Updike
Dickinson, Iowa	Hawes	Peery	Vaile
Dickstein	Hull, Tenn.	Perkins	Vare

Vestal
Vinson, Ga.
Voigt
Walters

Weller
Welsh
White, Me.
Wilson, Miss.

Wolverton
Wood
Woodruff
Wyant

Yates

So the motion to strike out the enacting clause was agreed to.
The Clerk announced the following pairs:

On this vote:

Mr. Hull of Tennessee (for) with Mr. Magrady (against).
Mr. Abernethy (for) with Mr. Perkins (against).
Mr. Lee of Georgia (for) with Mr. Appleby (against).

Until further notice:

Mr. Connolly of Pennsylvania with Mr. Hawes,
Mr. Dickinson of Iowa with Mr. Bland.
Mr. Eaton with Mr. Griffin.
Mr. Free with Mr. Lindsay.
Mr. Reid of Illinois with Mrs. Norton.
Mr. Frothingham with Mr. Sabbath.
Mr. MacGregor with Mr. Sullivan.
Mr. Mills with Mr. Tydings.
Mr. Gorman with Mr. Celler.
Mr. Wyant with Mr. Linthicum.
Mr. Sweet with Mr. Carter of Oklahoma.
Mr. Sosnowski with Mr. Deal.
Mr. Campbell with Mr. Vinson of Georgia.
Mr. Dyer with Mr. Spearling.
Mr. Hill of Maryland with Mr. O'Connor of New York.
Mr. Newton of Missouri with Mr. Boylan.
Mr. Griest with Mr. Connery.
Mr. Vestal with Mr. Peery.
Mr. Magee of Pennsylvania with Mr. Taylor of Colorado.
Mr. White of Maine with Mr. Steagall.
Mr. Welsh with Mr. Nelson of Wisconsin.
Mr. Wood with Mr. Harrison.

The result of the vote was announced as above recorded.

On motion of Mr. KINCHELOE, a motion to reconsider the vote whereby the enacting clause was stricken out was laid on the table.

THE TARIFF—SOUND FUTURE PROSPERITY IMPERATIVELY REQUIRES IMMEDIATE TARIFF REDUCTION—OUR DOMESTIC AND INTERNATIONAL TRADE

Mr. HULL of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on trade, commerce, and tariff subjects.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the Record on trade, commerce, and tariff subjects. Is there objection?

There was no objection.

Mr. HULL of Tennessee. Mr. Speaker, the most important domestic inquiry in the public mind is, What economic policies will afford the best basis for our industrial and business growth and sound, permanent prosperity in the future? This tremendously vital question must be asked and answered in the light of the present postwar financial, industrial, and commercial conditions rather than those existing 100 years ago, or 50 years ago, or 10 years ago, if a wise and correct conclusion is to be reached. The postwar period reveals the United States as not only the foremost producer of foodstuffs and raw materials but the foremost manufacturing Nation in the world. Shall the United States adopt the permanent policy of manufacturing and producing for itself, gauging production as nearly as possible to equal domestic consumption, and "dumping" any surpluses arising, or shall it, from the standpoint of its own enlightened self-interest, readjust industries and industrial policies for the purpose of meeting both the home market capacity and a healthy growing foreign trade? I profoundly believe that, whether willingly or not, destiny has brought us into the position of an essentially exporting and trading Nation.

The question of tariffs and their related economic policies infects itself here. Our foreign markets depend both on the efficiency of our production and the tariffs of countries in which we would sell. Our own tariffs are an important factor in each. They injure the former and invite the latter. Their inflationary effects on all prices in our home market and their extortion upon the people will be discussed later. These excesses and infamies are but too well known.

A brief glance at its history and development in this country will more strikingly reveal the heights and true nature of our present tariff structure. The tariff has been a subject of never-ending controversy because of the deep-seated belief that it is grossly unequal in its effects upon the people. During the first 20 years after the formation of our Government the tariff was so essentially a minor question and was so submerged by bigger problems that no distinct opinion for or against protective duties existed. The tariff rates were trivial as compared with those of the present day. The maximum rate in the act of 1789 was 12½ per cent. The views, or rather the impressions, of Madison and others shifted from time to time. The entirely casual expressions of statesmen about the unimportant subject of the tariff in that remote period and under wholly different conditions from those of to-day shed no light upon

the question of what their settled views would now be were they alive. I therefore attach no importance to isolated quotations from them which we occasionally see brought out in support of existing tariffs. We can only obtain their true attitude by applying their political philosophy to our present tariff and general economic situation. There is nothing uncertain about what that philosophy was. Imagine, therefore, if you can, Jefferson, Madison, Jackson, and Polk under their well-known banner of "equal rights to all and special privilege to none," marching at the head of the army of professional tariff lobbyists that came to Washington in 1921 and proclaimed themselves in favor of the high, extortionate, and unconscionable rates which they proceeded to write into the Fordney tariff law—rates designed to enrich one small class at the expense of the balance of the people. Any attempt to make the political philosophy of these early statesmen and patriots square with any important portion of the Fordney law is an outrageous libel on those great doctrines of human equality for which they stood and fought throughout their lives.

After the war of 1812-1814 the average tariff was raised to 20 per cent to pay the war debt and its interest. The "tariff of abominations" of 1828, with 30 to 45 per cent on textiles, was passed by accident due to political jockeying. It was greatly moderated under the acts of 1832-33, so that by 1842 it was lower than in 1816. There was no well-defined party division on the tariff until 1831-32. During this period protection was sought on the representation that the infant industries would within a reasonable time be able to stand alone without artificial stimulants, and that such industries would ultimately supply products as cheaply as they could be procured elsewhere. During the two generations following 1842 protection of "infant industries" was abandoned as a tariff slogan and "labor" was substituted. The Walker tariff of 1846 imposed 30 per cent rates on most manufactures, with lower rates or none at all on other articles. The tariff act of 1857 cut these rates to a level of 24 per cent. This was a nonpolitical revision. The Civil War tariffs were piled high and yet higher, 47 per cent average, primarily to offset the large internal-revenue taxes imposed, and with the distinct announcement at the time that no protectionist even dreamed of making them permanent. They were to be reduced as other war taxes following the war. But to the amazement of the country the tariff beneficiaries, after the war, proceeded to form a close alliance with the Republican Party, then in power, and thereupon announced that these high war tariffs would not only be retained intact as a permanent peace system but that they would even be increased from time to time in the future. This is precisely what later occurred. They went to 50 per cent under the McKinley tariff and 52 per cent under the Dingley law. Trusts and monopolies sprang up everywhere from 1897 to 1913.

This, in brief, is the story of tariff protection for industries, many of which were infants more than a hundred years ago. The principal tariff beneficiaries have completely dominated the Republican Party since 1867, and through it have written their own tariff rates in successive measures, with two exceptions, down to the Fordney Act of 1922.

Tariff beneficiaries have exhausted their ingenuity during past years in an effort to bolster up their excessive rates. They have even lugged in the name of Abraham Lincoln as one who if alive would stand for their extravagant rates enacted since the Civil War. In the light of Lincoln's political philosophy, entirely derived from the teachings of Thomas Jefferson, this has been a prostitution and perversion of his true views. Lincoln said:

The principles of Jefferson are the definitions and axioms of free society.

He then referred to the contentions of the opposition and stated that their object and effect were—

the supplanting of the principles of free government and restoring those of classification, caste, and legitimacy. They would delight a convocation of crowned heads plotting against the people. They are the vanguard—the miners and sappers of returning despotism. We must repulse them or they will subjugate us.

If Lincoln's philosophy against government by a class and legislation for a class means anything, it means that he would, if living, denounce the unholy combination between modern tariff beneficiaries and the Republican Party and brand the high customs rates as an economic outrage.

A singular fact is that the Republican Party never attempted to define tariff protection until driven to do so in 1904. That party for a generation was accustomed to take a steam shovel and pile tariffs on tariffs until the greed of the beneficiaries cried "enough." There was no time for rules of measurement nor desire for restraints. In 1904, under threatened political stress, the Republican platform suggested the difference in pro-

duction costs at home and abroad as a tariff basis. In 1908, feeling more secure politically, this definition was supplemented by the words "plus a reasonable profit to the domestic manufacturer." Experience revealed that the manufacturer constructed this as unbridled license to extort from everybody through unlimited high tariffs, with the result that this last clause has been omitted from Republican platforms since 1912.

The champion of tariff protection is always ready to urge typical high tariffs as a sure guarantor of prosperity to all classes of persons and all sections of the country. He not only declines to consider any other economic policies, however sound, but strives to avoid the consideration of the true merits of tariffs. There are two popular delusions which have been carefully developed during the past 60 years by cooked-up and paid propaganda. One is that the chief tariff benefits are intended for labor and agriculture. The actual beneficiary, the manufacturer, modestly remains in the background, while his hired agents and lobbyists keep the country flooded with spurious and false propaganda to mislead labor and agriculture. This astonishing impression has been built up in the face of the known fact that not a single farmer raising the staple products, as distinguished from a few minor specialties, has become rich through tariff protection, nor a single laborer, even in manufacturing industries enjoying the highest protection. On the other hand, we have seen a regular annual crop of wealthy individual manufacturers turned out through tariff protection. The other popular delusion is that the American people as a whole thrive better under high tariffs than under moderate or competitive tariffs. The historic facts are that every important panic since the Civil War has occurred either under Republican high-tariff administrations or their high-tariff legislation. The panic of 1873, under the Morrill high tariff; the panic of 1890-1894, under the McKinley high tariff, which was not repealed until August, 1894; the panic of 1907-8, under the Dingley high tariff; and the agricultural panic of 1921-1924, under the Harding administration elected in November, 1920, and the high agricultural tariffs in May, 1921, supplemented by the Fordney general tariff of September, 1922.

High tariffs have thus demonstrated, if anything, that while they can not create prosperity, they can wreck prosperity. To pursue the bedrock facts, I call attention to an exhaustive study of business depressions by Leonard P. Ayres, vice president of the Cleveland Trust Co., and one of the ablest economic authorities of the opposite political faith, and his conclusion to the effect that during 60 years preceding 1922, 4 years in every 10 were years of serious depression. No economic authority has challenged this finding, which was widely published.

For all practical purposes there are but two classes of tariff thought in this country to-day. One class thinks of tariffs in terms of revenue for the Federal Treasury. The other thinks of tariffs in terms of protection for some favored industry in this country. A tariff under the Constitution is a tax levied on articles imported from abroad. Under the doctrine of ability to pay, tariff taxes are the most inequitable of all, because they compel the poor man with a large family to pay more than the rich man with a small family. Since the arrival of income taxation modern high tariffs are more than ever a gift or a subsidy to a small class at the expense of the general public. Their avowed purpose is to increase the prices of domestic articles by restricting or preventing competitive imports. For example, when the Fordney tariff raised the rate 3 cents a pound on aluminum the price to the American people was promptly raised 3 cents. Modern high tariffs operate as a simple transfer of the property of producers who are not beneficiaries to those manufacturers who are, by making the prices of the latter higher than those of the former. If the tariff does not raise the prices, in what other way can it benefit our manufacturers? No manufacturer would countenance any tariff for a moment that would not enable him to sell his products to the American people at a higher price than he otherwise would. It is amusingly ridiculous to hear tariff champions on this floor become vociferous in proclaiming that the farmer gets 100 per cent benefit from his tariffs in the way of price increases, while they are silent as Julius Caesar about the manufacturers' tariff price increases. They had promised the farmer tariff prosperity, which they knew he would not get, and it is now a question of make-believe. Another point the student of tariff taxation must not overlook is that the difference between Republican high tariff professions and practices is as wide as the poles. Their professions of tariff theories are as plausible as their practices are outrageous. If the American people could only witness the passage of one Republican high tariff bill through Congress and could see the greedy army of highly paid tariff lobbyists swarming through the Capitol, each knowing just what he wanted and

assured in advance that he would get it, a new generation would have to come along before another typical Republican high tariff measure would see the light of day. It presents a continuous round of political and legislative debauches with graft aforethought.

The usual high-tariff system only contemplates a manufacturing output that will meet home consumption. It breaks down completely and becomes a serious impediment when a nation produces substantial surpluses of manufactures or products which must be sold elsewhere. This is true for the reason that high-tariff beneficiaries always welcome every person who joins in demanding any rates he may desire on his products. This policy insures wider support for the general scheme. The inevitable result is that not only raw materials, semimanufactures, and finished manufactures, but many materials we do not produce in sufficient quantities or at all, and others the production of which is not economically justifiable, are plastered all over with tariffs. This means increased prices, higher artificial costs of production of finished manufactures, and a corresponding disadvantage in competing in international markets. Our adversaries are not heard to condemn high costs of production or high living costs for the obvious reason that they would be obliged to repudiate the logical effects of high tariffs. We urgently need more economics and less selfishness and politics in dealing with tariffs.

Ultrahigh tariffs contemplate the prevention of any appreciable competition from abroad. Such tariff policy requires a network of provisions for discriminations, restrictions, reprisals, embargoes, boycotts, and retaliations. The Fordney tariff law bristles with all of these. They in turn invite, or rather challenge, any and every sort of reprisals or unfair trade treatment, such as our rubber and coffee price hold-ups. This shortsighted and suicidal policy is in striking contrast with the Democratic doctrine of moderate or competitive tariffs for revenue, accompanied by liberal, fair, and friendly trade policies and methods. This policy also leads to such absurd and destructive acts as those of the present administration in objecting to American loans to British rubber monopoly producers or to the German nitrate monopoly or the Brazilian coffee monopoly, with the result that they turned elsewhere for the money and then proceeded to hold up American citizens on prices.

The Democratic tariff and trade viewpoint would have favored these loans, since we must have their products, but with the condition precedent that they would guarantee to us fair trade treatment and fair prices in the future. This wonderful opportunity was recently thrown away by the administration and the people are now paying the penalty to the tune of hundreds of millions of dollars annually.

No highly protected country has been able to maintain a growing and successful merchant marine for the reason that it is only desired to sell and not buy, whereas vessels must be loaded in both directions in order to succeed. And in addition, the tariffs on virtually all the hundreds of materials entering into the construction of vessels greatly enhance their costs, thereby necessitating higher freight rates.

High-tariff countries which undertake to do a substantial exporting business are obliged both to sell on long credits and to grant subsidies, rebates, drawbacks, and other gratuities both on the transportation and sale of surpluses. This is an arbitrary, artificial arrangement which sooner or later works disaster to the domestic economic structure, as was illustrated by Germany's experience during the years prior to the war. A general collapse of her network of artificial industrial and trade conditions was imminent when the war broke out.

Our foreign trade is a tremendous factor in our domestic prosperity. Every country has an internal and external trade. Internal trade simply involves a distribution of products produced; external or foreign trade is a system of barter between nations. Each has something to sell and desires to purchase something. The sales may take the form of goods or services or both. By services is meant amounts realized from shipping, banking, insurance, tourist expenditures, and immigrant remittances. Capital loans, which means selling on a credit, are also a factor. Imagine the collapse in all industry if the United States could not export and sell her vast surpluses of cotton, tobacco, mineral oils, wheat, automobiles, lard, coal, copper, and an immense quantity of finished manufactures.

Foreign trade is really the mutually profitable exchange by nations of their surpluses. Europe, for example, must import foodstuffs and raw materials, while she desires to sell the more finished manufactures of many kinds. Her best customers are the more backward countries in finished manufactures, but which have surplus raw materials and other goods which Europe can profitably utilize. The United States is more nearly self-contained than any other nation. Its chief needs from abroad are such raw materials as rubber, silk, tin, sisal,

potash, nitrates, flax, hemp, and jute, and such other commodities as coffee, tea, sugar, and tropical fruits. This country, on the other hand, desires to exchange large surpluses such as those already mentioned. With our surplus of materials and our superior manufacturing capacity, how can we stay out of a large world trade? How can our debts abroad be paid and our surpluses of agriculture, of textiles, of iron and steel products, of coal, of automobiles, of leather products, and numerous others be disposed of? The alternative policy is "dumping" and periodical slumps and stagnation at home, such as are probably ahead for this year. Prices advanced 15 per cent during the period near the Fordney enactment, and except for overproduction they would have continued, but, as in 1923 and 1924, we will have fluctuations upward and downward. After the war there should, but for the tariff, have been a gradual recession of prices, as in the auto trade, the prices of which are now lower than before the war.

International trade does not mean that one nation would seriously displace the products of another any more than the Ford car has been displaced by other cars of different quality and price. It means, as a rule, that a nation goes out into the world and locates and develops new markets for its surpluses. This progressive course increases business, increases foreign living standards, and increases the demand for our goods. The world to-day offers America a most inviting opportunity to extend her foreign markets and develop her foreign trade to the extent of our surpluses in every line. This view is evidenced by the fact that the actual volume of international commerce is still below the level of 1914, notwithstanding the great increase of population in the meantime. The United States, England, Germany, and France, with less than 300,000,000 people, are the workshop of the world, which contains 1,800,000,000 population. Resolute action on our part, however, is required if we would take our rightful place in the field of world commerce. This is where high tariffs offer a tremendous obstruction.

I am a friend of legitimate business of every kind, big and little, and would do anything feasible to advance its welfare. It is my strong conviction that our tariff-protected manufacturers are wholly wrong in their view that this country can best succeed behind high-tariff walls. This is simply a difference of opinion. It is my unqualified belief that as this country becomes economically independent it is vital that it should correspondingly throw off artificial restrictions and restraints on its production and trade, such as high tariffs. They breed inefficiency, waste, and absentee management, as well as high cost of production.

To our credit, however, be it said that despite burdensome tariffs on their materials and machinery, a few manufacturing industries have established a wonderful state of efficiency and hence fairly low production costs and are selling their goods in all world markets. The automobile, the machinery, the cotton-cloth, the boot-and-shoe, and other industries are shining illustrations. We must buy more, however, if we would sell in increasing quantities. We shall otherwise be obliged to increase our importations of gold, of which we have already drained the world, or reduce exports, or make foreign loans to cover the difference, and the latter can not be continued indefinitely. And besides, the more we loan the more must be paid back with interest by some means. High-tariff champions, realizing that increased exports necessarily mean increased imports, bitterly oppose loans abroad. Floor Leader Fordney proclaimed in the House of Representatives in 1921 that a "dollar loaned abroad was a dollar lost." America, of course, can never establish herself in growing world trade to the fullest extent unless some of her surplus is placed in foreign productive enterprise, thereby enabling others to produce and to secure the purchasing power necessary to buy from us.

This condition also calls attention to the outstanding fact that high tariff advocates since 1920 have deliberately planned to junk our foreign governmental debts. Tariffs not only breed selfishness but an unreasoning fear. Our debts as rapidly as possible must be canceled on account of the fear that their payment might force more liberal tariff and trade policies. Already we have scaled these debts many billions of dollars in principal and interest. Since our virtual cancellation of the Italian debt the English and others seem to have commenced their expected drive for further readjustment downward of their respective debts. We are in the act of canceling our debt against Germany, \$255,000,000, for our Army occupation on the Rhine. Within two or three years I predict that the Dawes reparation plan will be greatly curtailed or emasculated. These incalculable losses are in considerable measure our penalty for high tariffs and economic isolation. This and the preceding administration at Washington will go down in history as the costliest

administrations to the American taxpayers during peace time since the beginning of the Government.

I now desire to call attention to the complete transformation in our entire financial, industrial, commercial, and general economic affairs that occurred during the war period. Our national wealth jumped from \$186,000,000,000 in 1912 to \$320,000,000,000 in 1920. The factory value of manufactured products rose from \$23,987,000,000 in 1914 to \$43,653,000,000 in 1921. The capital of manufacturers leaped from \$22,773,000,000 in 1914 to \$44,325,000,000 in 1919. The value of farm products increased from \$7,886,000,000 in 1913 to \$14,634,000,000 in 1920. The value of farm property rose from \$41,000,000,000 in 1910 to \$78,000,000,000 in 1920. Our foreign commerce went from \$3,900,000,000 in 1914 to \$13,500,000,000 in 1920. Exports for 1920 alone aggregated \$8,228,000,000. Nearly one-half the gold of the world gravitated to this country. The Nation possessed unlimited supplies of foodstuffs, most raw materials, and a huge manufacturing plant never before equaled in efficiency and output. Our national savings were \$18,000,000,000.

The other half of the world in 1920, on the other hand, was denuded of foodstuffs, raw materials, and manufactures; overwhelmed with debt; cursed with collapsed exchanges, depreciated currencies, and unbalanced budgets. Their one great need was foodstuffs and raw materials. Then was the time for America, dominating the world as she was—financially, industrially, and commercially—to adjust herself to both domestic and international finance and commerce. She could easily obtain and preserve a commercial foothold on every continent and in every country if she only willed to do so. The world was at our feet. The United States had but to pursue a policy of moderate or competitive tariffs for revenue, liberal trade policies, and fair trade methods. Her productive capacity was far beyond the needs of domestic consumption. The opposite course was pursued, and why?

The group of high-tariff manufacturers in this country again asserted their autocratic control of the Republican national leadership and decreed that America should pursue economic policies of aloofness and isolation and seek to live unto herself alone. They demanded and directed the rapid construction of extreme high tariffs around this country bristling with a network of trade obstructions and restrictions. This Nation, with its great prestige, then assumed world leadership in propagating high-tariff systems everywhere. Fifty-one of the 70 other countries proceeded to follow our example, and so sought to restrict to the very minimum trade with each other. One result has been that the international trade of all countries—except the United States, Canada, and one or two others—is to-day far below the pre-war level. Bitter trade wars have raged, as in the case of Germany and Poland. Many countries—such as Canada, the Argentine, Czechoslovakia, and others—not advanced in manufacturing are attempting to develop this class of industry and correspondingly to diminish their purchases of finished products from the United States, England, Germany, and France. In the meantime, the United States, shrinking from her unexampled world trade opportunities, kept her mind almost solely on the problem of erecting tariff obstructions against imaginary competition from every country.

Upon the deliberately false representation that agriculture was suffering injury under moderate tariff rates the Republican Congress sought in the latter part of 1920 to substitute extreme high rates on all agricultural products, and succeeded in so doing in May, 1921. They pointed to certain temporary dribbles of increased competitive imports, but cunningly ignored the outstanding fact that during 1920 we exported in excess of imports \$218,000,000 worth of manufactured and raw foodstuffs and food animals, contrasted with an actual excess of imports over exports in 1925. With the enactment of the agricultural high tariff of May, 1921, the farmer was assured that he was then on the primrose path to lasting prosperity. One of the leading political parties solemnly sponsored this colossal fraud on the American farmer. The same political party early in December, 1920, instituted tariff hearings preliminary to broad and sweeping high-tariff legislation at the earliest practicable date. The Fordney general tariff act of September, 1922, was the result. This enactment marked a complete departure from the Republican doctrine of tariffs measured by the difference in production costs here and elsewhere. It was utterly impossible during that period to ascertain costs of production abroad or, to any intelligible extent, at home. Costs were not the same in different sections of the United States and were different in the same industries. Relative costs, therefore, were a mere phantom as a tariff basis. Loud clamor, however, demanded radical rate increases, basis or no basis. The final outcome was that this general tariff law, strange and unprec-

edented as it was, was based on prices, although our domestic prices were never more violently fluctuating, while foreign exchanges were crashing. It was at this brief period of utter instability of production costs, prices, and foreign exchanges that the Republican administration enacted a general permanent tariff law. The pretext on which they predicated this hasty leap in the dark was the so-called flexible tariff provisions, which would enable the President to readjust rates as economic conditions became stabilized and practically remake the Fordney law so as to conform to peace conditions.

The American people overlooked the fact that the planets would be more liable to leave their respective orbits than a high-tariff administration would reduce a single tariff rate unless driven and kicked and clubbed into such righteous action. The truth is that the United States was experiencing an insignificant amount of sporadic items of imports of a purely temporary nature on account of collapsed exchange conditions in certain other countries, and a permanent tariff system was based on this fleeting condition. The rates were made as nearly prohibitive as possible against these temporary and abnormal prices of a limited number of commodities from abroad, while future industrial and trade developments were wholly ignored.

When the lobbyists and Republican politicians were clamoring for the speedy enactment of the Fordney high-tariff measure, an uninformed person would have been convinced that from 1919 our country had been undergoing a ruinous experience from foreign competition. He is surprised now to look back and see that during the four years from 1919 to 1922 our exports were \$24,465,000,000 while our imports were \$14,804,000,000; that is, we were selling \$9,661,000,000 more than we were buying. This is the way America was "ruined" during that four-year period. Hired tariff lobbyists and their political supporters wildly pointed out that imports during 1922 were greatly exceeding those of 1921, and that home manufacturers were about to be overwhelmed. It is true that in dollars imports for 1922 exceeded those of the previous year by \$603,000,000, but the big fact in this connection is that \$514,000,000 of this amount comprised raw and other materials for finished manufacturing here, while the increase of imports of finished manufactures was the insignificant sum of \$44,500,000, or less than the average annual increase before the war, when prices are equalized. Following the war, and especially the panic year of 1921, our domestic stocks of raw materials had become low, with the result that an increased amount of these products, almost solely those not produced in this country, were imported during 1922 and 1923.

The total imports of finished manufactures, dutiable and free, ready for consumption in 1921 were \$619,000,000, or in quantity not above the pre-war volume. But our exports of finished manufactures for 1921 were \$1,626,000,000, compared with the five-year pre-war average of \$654,000,000. The imports of all foodstuffs for 1922, chiefly noncompetitive, exceeded those of 1921 only \$45,000,000. These figures show how the farmers were being "flooded" by imports from abroad when the Fordney law was enacted to "protect" them from the "foreign avalanche."

This utterly sleeveless state of trade facts was grossly magnified to make it appear that American producers and manufacturers were being overwhelmed to the point of imminent destruction by oceans of foreign imports of foodstuffs and finished manufactures, and a huge economic scarecrow was thus constructed in order to frighten the people into acquiescing in the Fordney tariff outrage. During this very period the balance of the world was hungry and crying for our foodstuffs, raw materials, and finished manufactures. No home market was ever so impregnable and secure as ours.

The most amazing misunderstanding exists in regard to the application of the Fordney Act to existing industrial and trade conditions and also to its revenue yield, then and since, due to the fact that the tariff beneficiaries have constantly kept the country doped almost to death with false propaganda. The Fordney tariff law flew in the face of every sound economic policy and of every industrial and trade condition in this country. Its proponents at the time diverted attention from the main facts revealing our high state of industrial and trade development and pointed alone to certain scattering import increases.

Before entering upon a detailed analysis of the Fordney law and its misfit applications to our new postwar economic conditions I desire to comment briefly upon the two points which its sponsors now suggest in justification of the law. One is that it yields a Treasury revenue of nearly \$550,000,000, and the other that the nominal trade figures show an increase of imports and exports. The amount of revenue derived does not necessarily afford the remotest index to the kind and character

of the rates and the tariff level. A tariff law might raise all its revenue from imports we do not produce or from raw material rather than from competitive manufactures. A general tariff law, again, might raise all its revenue from sugar, raw wool, tea, and coffee, while prohibitive as to all finished manufactures. The recent English rates on sugar alone would yield nearly \$500,000,000 revenue to our Treasury without a dollar from any other tariff item. Since the coming of the income tax the true test of the scope and nature of tariffs in the most vital respect is not the revenue yield but their effects on imports of finished manufactures ready for consumption. These relate to the tens of billions dollars' worth of articles of a million different kinds and qualities which our 115,000,000 people purchase to wear and to use.

The average tariff rate, for example, on finished woolen manufactures is 61½ per cent; cotton, 47 per cent; silk, 60 per cent; metals, 49 per cent; sugar, 40 per cent; sundries, 40 per cent; pottery and earthenware, 60 per cent. This shows an average tariff rate for these seven groups comprising in the main finished manufactures ready for consumption of 49.7 per cent.

The average citizen has been falsely taught by propaganda that the increase of customs revenues from \$305,000,000 in 1921 to nearly \$550,000,000 in 1925, which is only \$350,000,000 in 1913 tax dollars, was due in important measure to increased imports of these finished manufactures as distinguished from raw materials and other crude commodities. Nothing is further from the truth.

The yield from sugar and raw wool alone approaches one-third of our total tariff revenue. We could easily raise a billion dollars from these and a few other crude-material sources, but, like the present yield from the Fordney law, it would be the costliest revenue to the taxpayers and to industry that ever went into a government treasury. A well-balanced, moderate, or competitive tariff system for revenue would remove the tariffs from most imported products we do not produce, excepting some purely luxuries, and afford competitive imports an opportunity in our markets to the extent of 5 to 10 per cent of our domestic production. This also would prevent monopoly of domestic prices and would insure a reasonable revenue yield from each scale of rates.

It is clear that the present tariff revenue yield is derived from raw materials and other crude stuffs rather than competitive finished manufactures. This fact is illustrated by the increase of customs revenues of \$153,000,000 for 1922 over 1921, whereas the imports of finished manufactures ready for consumption only increased in value—not in customs receipts—\$44,500,000. If we equalize pre-war with postwar values, the imports of dutiable finished manufactures even to-day are less than like imports prior to the war, notwithstanding our individual consumption has doubled during past years and the factory value of our manufactured products went from \$43,000,000,000 in 1921 to \$63,000,000,000 in 1925. This is an astonishing condition, which shows the absurdity of making the revenue receipts a test of the true nature of a general tariff structure and its economic wisdom.

I desire now to direct attention to the wholly misleading character of the figures of imports and exports under the operation of the Fordney tariff. When the figures of imports for 1923, the first full year of the Fordney Act, showed an increase of \$697,000,000, high-tariff beneficiaries professed astonishment and left the impression that a great volume of competitive imports were pouring in over the extreme high rates of this law.

Secretary Hoover's Yearbook of Commerce for 1923 utterly dispels this myth. The book says:

Higher prices account for almost all of the increase.

Figures are then cited showing a net price increase of \$670,000,000, leaving an increase of quantity or volume of increased imports for 1923 of the puny amount of \$23,700,000. Silk, sugar, coffee, rubber, wool, newsprint paper, burlaps, tin, and copper were chiefly responsible for this import situation. The increase of dutiable imports was due to the transfer of many articles from the free to the dutiable list by the Fordney law. Do not overlook this fact. The imports for 1924 were less than those of 1923 by \$180,000,000, chiefly on account of the decline in silk, wool, hides, and lumber imports. In 1925 the imports exceeded those of 1924 by \$618,000,000. But again to quote the official reports from Secretary Hoover's Department of Commerce:

Fully half of that increase has been owing to price advances.

I may also add that \$584,000,000 of this apparent import increase comprised raw and other materials for finished manufactures, while the increase of imports of finished manufactures during 1925 was only \$47,000,000, and the two chief items in

this increase were art products on the free list, \$15,000,000, and burlaps we do not produce, \$25,000,000.

These plain citations tell an entirely different story from that fed out to the American public intimating great imaginary sluices of competitive imports under the Fordney law. When import values have been swollen several hundred million dollars by foreign monopoly holdups, such as rubber, coffee, tin, and potash, high-tariff champions have proclaimed them as a large increase of our foreign trade under the Fordney Act.

The true story of the so-called growth of our exports is found on page 464 of Secretary Hoover's Yearbook of Commerce of 1924, to the effect that—

Making due allowance for the influence of price changes, the trends of the statistics for a longer period of time, exports do not appear quite to have reached the level that would have been reached by this time had the average rate of increase for the 10 or 15 years prior to the war continued.

In other words, had there been no war and no great expansion of business, of prices, of consumption, and of surpluses in this country, our exports now would occupy as high or higher level than they actually do.

This great country to-day should, and easily could, without tariff obstructions, be exporting around \$10,000,000,000 of surplus instead of less than \$5,000,000,000. Apart from the exports of finished manufactures that were made possible during the past four years by our foreign loans and by gold imports, what this country has been doing, and virtually all it has been doing, was making an exchange of near the same amount of foodstuffs and raw materials for foreign foodstuffs and raw materials not produced, or if so, in insufficient quantities, and manufacturing increased amounts of finished goods chiefly to meet the increased American consumption demand, which has doubled since 1900. This country should instead be manufacturing into finished products larger quantities of its own raw materials and of imported materials and selling the finished surpluses throughout the world. This we are not doing and the Nation is not making sound progress by restricting its finished exports virtually to the amount of our loans made abroad with which to pay for same. Secretary Hoover was unfortunate in his recent high-tariff plea when he intimated that our position as a great creditor Nation was not materially affecting our import and export situation and that the tariff was not destroying the ability of other nations to buy from us. The answer is patent. Europe in the first place has paid next to nothing of the principal and interest of her debt; secondly, she has drained herself of her gold with which to make partial payment for our exports; thirdly, our high tariffs have measurably checked imports, with the inevitable result that our exports will continue far below their sound and proper level.

In 1923 the actual production of the United States manufacturing industries averaged 72.2 per cent of their maximum possible output; iron and steel, 64 to 85 per cent; rubber goods, 66 to 73 per cent; paints and varnishes, 70 per cent; cotton textiles, 57 to 83 per cent; silk manufactures, 73 per cent; furniture, 79 per cent, and so on. Herein is stored future American prosperity, to be brought about by a constantly expanding international trade. Between 1890 and 1924 our exports were near one-sixth of our total trade, and there is no greater factor in our future economic welfare at home.

In the light of the obvious and controlling facts and figures which I have recited, let me repeat, just what was the object of the Fordney high-tariff enactment? We have seen that such tariffs greatly restrict trade among nations; that a nation can only buy to the extent that it is able to sell to some other nation, and that production costs artificially enhanced by tariffs are a tremendous impediment to exports and to world commerce. American industry during the years 1916-1920 had cleared 16½ billion dollars. Exports, as shown, were far outstripping imports. The sponsors of the Fordney tariff law were loudest in the claim that its chief purpose was to create and maintain high wages and higher living standards for American labor. They ignored the fact that we already had high wages. The impression was deliberately created, too, that all American labor was thus included. This is an astounding misstatement of fact. The United States Census of Manufactures for 1923 gives the number of wage earners in manufacturing industries at 8,778,156, whereas under the Federal census there are more than 40,000,000 wage earners in the United States. What relation have the Fordney high tariffs to the 860,000 coal miners, except to inflict upon them higher prices for all they buy to wear or use? There is no tariff on coal. What relation have these tariffs to the 1,777,000 railway employees, except to penalize them with high prices for the things they purchase? What tariff benefits are received by the 270,000 employees of electric railways; the 139,000 em-

ployees in the petroleum and iron-ore industries; the 43,000 in the copper industry; the 9,000,000 farmers and farm laborers not connected with the minor agricultural specialties claiming tariff benefits; the 887,000 carpenters; the 117,000 laborers in the slaughtering and meat-packing industry; the 131,000 brick and stone masons; the 195,000 blacksmiths; the 212,000 electricians; the 206,000 plumbers; the 323,000 painters; the 281,000 other mechanics; the 1,117,000 salesmen and saleswomen; the 414,000 clerks in stores; and on through the huge list of around 34,000,000 American wage earners not remotely in contact with tariff benefits, but only with its burdensome prices? There are not over six to six and one-half million wage earners in the industries which actually secure tariff benefits.

Notwithstanding these plain official facts, the false cry of protection to American labor, implying all labor, has resounded through this country for two generations. And the fact may be here noted that in the highest protected industries, such as the textiles, there have been more strikes, lockouts, and wage reductions than in any other. If high tariffs are so potent in increasing wages and living standards, why have they not been thus affected in scores of other nations which have maintained tariff protection, and why are wages lower in the highest protected industries in this country than in those other industries securing no tariff benefits, such as the building trades, the shoe industry, the automobile industry, the railway industry, and a long list of others?

The truth is that power and machinery are the great factors in American production. From 1914 to 1923 our primary horsepower in industry increased from 22,401,000 to 33,904,000. From 1899 to 1923 the volume of production increased 185 per cent; the number of wage earners, 90 per cent; installed primary power, 236 per cent. Intelligence and skill of labor, efficiency, new machinery, improved management, elimination of waste, mass production, and increased horsepower tell the story of manufacturing success in a number of lines. In these circumstances the highest-paid labor is the cheapest labor. The output per man, and not the money wage, is the test. And furthermore, we are blest with most ample foodstuffs, while such competitors as England must import two-thirds of her foodstuffs and 80 per cent of her raw materials. It is under these methods and conditions that America increases her per capita productivity and hence maintains the highest wages, the highest living standards, and lowest production costs in a number of lines. One American laborer who a few years ago operated five looms now operates 36 automatic looms. New brick machinery in Chicago enables one person to turn out 40,000 bricks per hour, compared with 60,000 per day in Germany a few years ago.

One American laborer produces four times the amount of tin plate than one in England. In the cotton textiles the output per laborer in the United States is four times as great as in Japan. Japanese cotton mills require four times the number of employees for the same amount of machinery as an American mill. The result is that the money cost per yard of cloth is three-eighths of a cent in Japan and one-fourth of a cent in America with automatic looms. The production of pig iron per man in the United States has increased from 671 tons in 1909 to 1,179 tons in 1925. In 1916 it required one man 1 hour and 42 minutes to produce a pair of shoes, while to-day 54 minutes are required. The output of workers in the cotton mills has increased three and four fold. One woman, for example, operating 25 machines, makes 150 dozen pairs of socks daily.

The wage cost of total manufacturing production in 1923 was only \$11,000,000,000 compared with products with a factory value of \$60,555,000,000, or a value added by manufacture of \$25,850,000,000. These interesting facts show that labor is receiving no more than its due and not as much in some industries. In 1925 we exported and sold countries abroad, including all those with so-called cheap pauper labor, \$1,800,000,000 of finished manufactures. Nothing is more false or absurd than the citation of money wages abroad for the sake of American labor comparisons. There are a number of other factors entering into the wage situation, and besides the output per man is the test. And again, money wages in countries with depreciated currencies often have twice the purchasing power internally than externally when converted into dollars. Experience has taught that efficiency and consequent reduction of production costs contain the chief secret of high wages. If given an opportunity, American labor will continue to demonstrate the folly of high tariffs, and that to afford the fullest measure of employment at the highest wages, trade among nations should be extended instead of restricted by excessive tariffs.

Probably the silliest twaddle ever injected into a tariff argument is the statement, made in the worst of bad faith, that on

account of our tariffs some 4,000,000 laborers were idle in the fall of 1920. Labor was receiving a wonderful high level of wages at this time, there were no hurtful imports, but on the contrary we exported \$3,228,000,000 during 1920. Hence the ground is cut completely from under the usual tariff arguments about low wages and excessive imports and resulting unemployment. The fact was that the Republican Congress had deadlocked the Government for two years and opposed every effort at international economic cooperation designed to keep our foreign trade channels open for the disposal of surpluses, while at the same time the millions of American soldiers were gradually being fitted back into industry amidst all sorts of temporary confusion and delay. The truth of the whole matter is best told by Secretary Hoover's Year Book of Commerce for 1922, as follows:

The President's conference on unemployment was called at Washington in September, 1921, to consider relief for the four to five million workers who were unemployed as a result of the depression of 1921.

Note the words "depression of 1921." The report of the Secretary of Labor states that 5,735,000 were unemployed in 1921, and most of them until the spring or summer of 1922. Not tariffs, but new highway building, new railway improvements, the automobile boom, and the building boom to catch up after the war—all temporary except one—finally relieved the labor situation.

Revenue considerations were not even thought of when the Fordney law was framed and enacted. The internal tax reduction bill was pending part of the time. Republican leaders were shouting that internal taxes must be reduced in order to reduce the cost of living, and at the same time they were valiantly heaping on high tariff rates in order to increase the cost of living. It so happened that there were those who desired large duties on such articles as sugar, raw wool, burlaps, and a number of similar materials for finished manufactures, otherwise the revenue yield would have been less than normal.

For the year 1924, compared with 1921, there was an actual decrease of customs revenues from the silk schedule of \$916,000, although the luxurious products of this industry retailed to the American people at \$1,000,000,000 to \$1,250,000,000, and raw silk consumption increased from 45,000,000 pounds to 63,000,000 pounds. The great cotton schedule only showed an increase of \$1,568,000 for the same period. These illustrations are sufficient to negative the popular impression about the chief sources of tariff revenue increases.

The average ad valorem rates of the schedules in the Fordney law obtained by dividing the amount of duties collected by the values of dutiable imports is grossly misleading as an index to the true and full level of the various tariff rates. Too many of these rates are prohibitive and hence concealed to render this sort of calculation at all accurate. Even this test, however, shows an increase of the chemical rates from 21 per cent in 1921 to 31 per cent in 1924; an increase of earthenware schedule from 34 to 40 per cent; of metals from 21 to 49 per cent; of wood manufactures from 15 to 22 per cent; and of sugar from below 30 to 40 per cent. The average ad valorem rate on all dutiable imports, 1924, is thus revealed as 36.56 per cent. From the standpoint of protection our postwar railway freight rates have afforded to all inland sections of the country the advantages of a reasonable tariff system. The Fordney law was designed to afford double protection, including sufficient tariff to cover freight rates from coast to coast when necessary. Probably two-thirds of the rates or classifications or both are either prohibitive in their effects or entirely useless from the standpoint of revenue or appreciable competition. The unnecessary rates are intended to keep out local or sporadic imports and also to enable the domestic manufacturer without the risk of outside competition to raise prices abnormally in case of threatened scarcity, as was recently illustrated by the large increase in the prices of automobile tires, which carried a 10 per cent tariff.

At the very time the Nation was thus proceeding to fence itself in from "destructive" foreign competition, our imports of finished manufactures did not exceed 2½ per cent of the much more than \$30,000,000,000 of merchandise retailed in this country to the American people. Most of this huge total, however, has since been sold at prices enhanced by the new tariff. In appraising or comparing imports, exports, and other trade figures it is important to bear in mind both price and quantity changes during recent years, because values depend on both.

Let us see what happened to the chemical schedule proper. Thirty-three new rates and classifications were added to the dutiable list. Virtually all other rates were greatly increased, some tenfold. The imports of chemicals proper for 1921 were \$40,309,000, and for 1924, \$42,700,000, with duties for the

latter year of only \$7,612,000. These general facts reveal the rates as highly excessive in the light of our largely increased consumption of chemicals. Most of the rates of acids are practically prohibitive, as is also true of indigo and other natural dyes. Potassium compounds, sodium compounds, flavoring extracts, lead compounds, calciums, and most other dutiable chemicals are so heavily tariff laden that only \$21,160,000 subject to duties under the chemical schedule proper were imported in 1924, including many we produce in insufficient quantities or not at all. The factory value of chemicals in this country in 1923 was \$630,000,000, wage cost 16 per cent, and dutiable imports slightly over 3 per cent. Chemicals are a serious cost factor in textiles, leather, steel, and most other important industries. Paints, colors, and pigments, for illustration, carry duties averaging 32 per cent, and the imports for 1924 were \$2,840,000, compared with \$2,362,000 in 1921, while the factory value of the domestic output for 1923 was \$404,000,000 and wages 7½ per cent. The imports were about one-half of 1 per cent, while the exports for 1924 were \$14,326,000. This one instance illustrates hundreds of cases existing throughout the Fordney tariff law. Soap is taxed from 24 to 30 per cent, with imports of \$556,000 and exports of \$7,400,000 for 1924, and more than that amount for 1925; value of production, \$276,000,000; wages, 7¼ per cent.

Sulphate of ammonia, an important fertilizer ingredient, is given a tariff of 9.82 per cent, although exports greatly exceed imports. New duties on caseln, coal-tar products, dyeing extracts, quebracho, vegetable and other oils, and caustic potash, and acids, are chiefly responsible for increased revenues. It is little wonder that average wholesale prices of all commodities rose 15 per cent.

Authors of the Fordney Act surprised the country by the number of new and high rates which they prescribed for the iron and steel schedule. Iron and steel products are a major cost factor in virtually every industry in America. Coal and iron are the two great basic commodities which underlie all industry. Twenty-five years ago Carnegie and his men boasted that they could produce the cheapest steel in the world and would soon control the world's markets. Ours was the greatest and richest iron-ore reserves, the largest coal reserves, best skilled labor, and best business management. In the face of these facts and conditions, and of our 100-year-old tariffs on iron and steel, we now find new tariffs restored on pig iron, steel rails, and the ferro-alloys, abrasives, and most other raw materials except iron ore, and largely increased rates on all iron and steel products, commencing with crude iron and steel, although the United States produces 60 per cent of the world's pig iron and steel. The new tariff on pig iron, iron in slabs, blooms, loops, bars, wire rods, boiler and other plate, of iron or steel, range from 4.19 per cent on the former to 36 per cent on the latter. Steel ingots are given 20 to 26 per cent; structural iron and steel, 13 to 25 per cent; tubular products, 25 to 33 per cent; steel rails, 7.41 per cent; wire, 17 to 45 per cent; nails, 3½ to 24 per cent; bolts, nuts, and rivets, 5 to 18 per cent; cast-iron plates, wheels, axles, forgings, and so forth, 10 to 25 per cent; builders' hardware, 40 per cent, imports, \$1,354; tinware, 40 per cent, imports, \$18,185; bathtubs, 56 per cent, imports, \$51,269; padlocks, 60 to 68 per cent, imports, \$38,000; hinges, 40 per cent, imports, \$126; horse and mule shoes, 4½ to 11 per cent, imports, \$87,000; imitation and other jewelry, 80 per cent, imports, \$1,566,000, while the value of domestic products is \$174,000,000; tools, such as axes, saws, files, shovels, and others used by mechanics, 20 to 49 per cent, imports, \$260,000.

The cutlery tariff provisions average 107 per cent. Table and kitchen cutlery 74 per cent, imports \$40,715; pocketknives \$1.25 to \$3 per dozen, 146 per cent, imports \$78,691; cheaper pocketknives 179 per cent; safety-razor blades 87 per cent, imports \$1,473; exports over \$4,000,000; pruning and sheep shears under \$1.75 per dozen, 151 per cent, imports \$2,883; other scissors and shears, 185 per cent, imports \$38,108. These amazing rates cost the people near \$50,000,000 annually.

Internal-combustion engines, 25 to 40 per cent, imports \$50,000; electrical machinery and apparatus, 20 to 50 per cent, imports \$2,748,000, exports \$69,827,000, factory value of domestic products in 1923, \$1,293,000,000, wages 24 per cent; other machinery, such as machine tools, textile machinery, printing presses, cash registers, lawn mowers, and most other, except agricultural, 30, 35, and 40 per cent; imports, including agricultural, \$11,755,000, while the exports are \$317,000,000. Why all these excessive tariff rates?

The iron and steel schedule proper shows imports of \$28,578,000 and revenues of \$7,834,000, or an average tariff rate of near 29 per cent. The total exports are \$221,000,000, while the factory value of iron and steel products, not including machinery, in 1923 was \$6,828,000,000; wages, 16½ per cent.

The imports are comparatively nominal. The cost of production in the iron and steel industry are measurably enhanced by high duties on ferro-alloys, chemicals, and other materials. The gradual decline of iron and steel exports since 1920 offers a striking illustration of the disastrous effects of extreme high tariffs on all raw materials, regardless of whether needed or whether the same are produced here in sufficient quantities, as it also makes plain the enhanced cost of production in all other industries.

The railroads consumed 22½ per cent of iron and steel products, or 5,986,000 tons, during 1925. On these and other products purchased for all purposes the railroads pay increased tariff prices of nearly \$200,000,000 annually, which they pass on to shippers in the form of higher freight rates. The farmer not only pays his share of this but he also is a consumer of iron and steel products in the amount of nearly 20 per cent of the entire output, so that he falls heir to this additional tariff burden. The building and bridge trades consume nearly 18 per cent, thereby unduly enhancing the cost of all building.

In its treatment of the earthenware schedule the Fordney law heaped new duties on such crude materials as beauxite, 22 per cent; magnesite, 22 per cent; graphite, 10 to 49 per cent; crude talc, common blue clay, burrstone, 15 per cent, and in addition took from the free list and imposed a duty of 65 per cent on chemical, surgical, and similar articles and utensils, and a new duty of 45 per cent on optical glass for laboratory, hospital, and school purposes, while the Underwood rates on china and other vitrified wares, painted, enameled, and so forth, was increased from 55 to 70 per cent; from 25 to 40 per cent on decorated articles made of earthy or mineral substances; from 40 to 50 per cent on painted, decorated, and so forth, earthenware and crockery ware; from 50 to 60 per cent on plain china, porcelain, and other vitrified wares; from 30 and 45 per cent to a single rate of 50 per cent on table and kitchen articles and utensils of glass; from 50 to 100 per cent above the Underwood rates on glass; from 25 per cent ad valorem to 40 per cent on lenses; from 30 to 50 per cent on stained glass windows.

The imports under virtually every rate in the earthenware schedule are either nominal or of minor values with the following exceptions: China, porcelain, painted, enameled, gilded, 70 per cent; earthenware and crockery ware painted, enameled, gilded; and plate glass not exceeding 720 square inches. The special earthenware imports just described aggregate nearly \$13,000,000 of the total of \$16,700,000 of pottery and earthenware for 1924, while the plate glass imports mentioned were \$9,950,000 of the total of \$10,374,000 for plate glass.

This increase of glass imports under high tariffs was due to the great auto expansion. This industry consumes over 40 per cent of our plate-glass supply, and with the building boom added we were obliged to procure a substantial amount of plate glass from abroad in order to supplement our domestic supply, thereby meeting abnormal demands since 1922. Tariffs or no tariffs, we had to have it, even though enhanced tariff prices correspondingly increased production costs in both the auto and building industries.

Many Americans, especially the wealthy, insist on purchasing from abroad the more beautiful and artistic articles of tableware, such as china, porcelain, earthenware, and crockery ware, which are decorated, enameled, or gilded. They pay the price, regardless of tariffs, just as the general public would pay the increased price for coffee if it were subject to tariffs of 5 and 10 cents a pound. They want these things, and they are either not satisfactorily produced at home or they believe they are not. The factory value of domestic products of stone, clay, and glass products, 1923, was \$1,538,000,000; wages, 28½ per cent. Total imports, 1924, \$54,480,000, or a small fraction of 1 per cent. What the masses buy of earthenware does not come in over the tariff.

The Fordney tariffs in the flax, hemp, and jute schedule again illustrate the two important points already stated to the effect that unnecessary rates on raw products and raw materials, especially when we do not produce them, greatly increase costs to the consumer, and that the figures purporting to show increased dutiable imports under the Fordney law are very deceptive. For example, there were imported in 1921 \$46,000,000 worth of jute bagging, cordage, unmanufactured flax, hemp, and burlaps of plain woven fabrics of single jute yarns not colored or dyed. These articles and their values were transferred from the free list to the dutiable list by the Fordney law, and quantities valued at \$62,575,000 came in as dutiable in 1924. This shows only a transfer from the free to the dutiable list, rather than an increase of imports.

The United States must import all its jute, and to every practical extent its flax and hemp. It was monstrous economics to enlarge the dutiable list, as just pointed out, and it was equally unjustifiable to increase the tariff rates on other

manufactures of flax, hemp, and jute. Why place a duty of 4 to 9 per cent on unmanufactured flax and hemp; 8.60 per cent on imports of burlap, aggregating \$59,000,000; 20 to 27 per cent on jute bags; 10 per cent on jute bagging for cotton; and from 25 to 50 per cent on many jute fabrics? The first result we see of the new tariff on raw flax and hemp is an increase in the tariff on certain woven flax and hemp fabrics from 35 per cent, Underwood law, to 55 per cent, and an increase as to certain other woven fabrics from 30 to 55 per cent. The 35 per cent tariff on towels and napkins of flax, hemp, or ramie was increased to 55 per cent as to some and 40 per cent as to others. The tariff on linoleum was increased, although the imports for 1924 were \$1,456,000, compared with factory domestic production of \$52,527,000 in 1923, or less than 3 per cent imports. The American people feel obliged to import certain quantities of the flax, hemp, and jute industry just as they feel it necessary to import many other products we do not produce either at all or in sufficient quantities. The tariff load in such cases is as burdensome as it is unnecessary. It is this class of imports, and others we do not produce in sufficient quantities, or at all, that the people demand from abroad which accounts for most increased imports and increased revenues under the Fordney law.

The Fordney woolen tariffs are far higher than any others in the modern world. They impose 31 cents a pound on raw wool upon the pretended theory that the American woolgrower will have his prices correspondingly enhanced. The specific rate of 31 cents on wool, regardless of price, is a severe discrimination against the cheaper wools. The United States Department of Agriculture in February, 1926, stated the fundamental economic law underlying the wool situation as follows:

Wool prices in this country are governed very largely by world conditions, but any slackening in business conditions in this country may temporarily depress American wool prices below their usual relation to world prices.

For 50 years prior to the World War, under high tariffs on raw wool, the prices of comparable wools in the Boston and London or world market upon the average were not materially different. During February, March, and April, 1921, fine territory wool prices ranged from 87½ to 90 cents a pound, whereas after the high Fordney rates of May, 1921, the prices ranged from 82½ to 86½ cents the remainder of that year. During July, August, and September, 1924, the price of the same wool in Boston was lower than similar prices in London. For the year 1924 the average price of fine territory wools in Boston was only 6½ cents above the average world price, and if this should be attributed solely to the tariff, our woolgrowers only received \$7,500,000 in tariff benefits, or about one-fifth of the tariff rates. If we allow 13½ cents as an average higher price per pound for our three best grades of wool above the London average price for 1924 and attribute this solely to the tariff, which is economically absurd, the woolgrowers' benefits are only \$16,200,000 on a wool output of 200,000,000 pounds. The Farm Bureau Federation early in 1923 estimated that the raw wool tariff cost the American farmers alone \$27,300,000. This is not the worst feature, because the woolen manufacturer increases his tariffs to correspond to a full-tariff benefit of 31 cents a pound to the woolgrower, with the result that the manufacturer procures the lion's share of tariff benefits. It is an economic axiom that the price of any commodity of worldwide production and consumption swings along near the world price level regardless of artificial tariff efforts to regulate and control it. Our woolen tariffs are sadly in need of the application of sound economics. There are 57,000,000 less sheep in the world than before the war.

The woolen schedule begins with 31 cents a pound on raw wool and proceeds with 63 per cent on wool yarns, with chief imports of \$2,666,000. Cheaper yarns are shut out with 75 per cent. We have the usual imports of specialties under the woolen and worsted tariff provisions, aggregating \$19,000,000 and carrying tariffs of 68 to 73 per cent. These are purchased by our wealthy class at near \$2 per pound. Cheaper woolen and worsted cloths are virtually shut out by tariffs of 67 to 101 per cent, so that only \$1,400,000 are imported. Total imports of woolen wearing apparel are \$9,498,000 under tariffs of 57 to 86 per cent. This item comprises English overcoats and other special foreign designs which a small group of our wealthy citizens prefer, regardless of tariffs. The same class of citizens also purchased certain very costly oriental carpets at \$7 per square yard, and 55 per cent tariff rate, in the aggregate amount of \$12,067,000. We see that virtually nothing the average citizen or the masses use or wear comes in under the woolen tariff schedule. Most of his tariff rates, being prohibitive, are concealed from the import figures. The total imports of wool manufactures, such as I have described, are

\$52,153,000, whereas the factory value of domestic woolen products is over a billion dollars and they are retailed at 33 1/2 to 50 per cent higher. The wage cost is 23 per cent. The American people are undoubtedly penalized by the woolen tariff schedule to the extent of \$250,000,000 to \$300,000,000 annually. In this connection it is pertinent to call attention to the fact that many concerns engaged in textile manufacturing have built up an enormous capital out of profits through stock dividend operations and insist on tariffs high enough to permit 10 to 20 per cent profit on such swollen capital without the hazard of outside competition. This condition applies more or less to all the textile industries.

The cotton tariffs call for general readjustment downward. We again find that the rates are either grossly excessive or prohibitive as to virtually all cotton products except a small amount of fine yarns or fabrics which we either do not produce or produce in limited quantities, and specialties which wealthy Americans insist on purchasing from abroad. The factory value of domestic production in 1923 was \$2,000,000,000; average labor cost, 21 per cent; average number of laborers, 495,000. The imports of cotton manufactures for 1925 were \$79,273,000; exports, \$148,238,000. A great outcry for new cotton tariffs was made in 1921 upon the ground that imports for 1920 were \$137,583,000. The fact that during the same year exports were \$402,000,000 was ignored. During the six years, 1920 to 1925, our exports of cotton manufactures exceeded imports over \$500,000,000. In 1925, imports of cotton cloth, \$26,424,000; exports, \$85,000,000. The cotton-yarn tariff runs as high as 25 to 34 per cent, with imports of only \$4,687,000. The tariffs on cotton cloth run from 11 1/2 to 45 per cent. We find such duties as the following on cotton wearing apparel: Fifty to 75 per cent on knit gloves, but \$3,187,000 of the total imports of \$4,379,000 are embroidered and imported by the well-to-do at 75 per cent tariff rate. The imports of hosiery are of the costly quality and \$1,103,000 of the total imports of \$1,239,000 pay a duty of 50 per cent. Exports of hosiery, 1924, were \$9,095,000. Cotton shirts, 35 per cent tariff, with imports of \$7,128; exports, \$2,218,000. Knit underwear and other knit apparel, 45 per cent, with imports of \$167,914. Handkerchiefs, 30 to 90 per cent, with no imports under the 30 per cent bracket, while \$1,259,000 of the total imports of \$2,284,000 come in under the 75 and 90 per cent rates through purchases of wealthy citizens. Cotton sheets and pillowcases, 25 per cent, with imports of \$13,525.

These citations show the range and useless or prohibitive nature of the cotton tariff rates. In return for this high schedule the cotton manufacturer was obliged to acquiesce in exorbitant rates on his acids, dyestuffs, machinery, and most other materials entering into manufacturing costs. High-tariff protection thus inevitably means excesses and abuses. The English exports of cotton manufactures are 40 per cent below the pre-war level, while ours are higher than for any year since 1920. What could our cotton manufacturers not do if they were only relieved of many artificial increased-cost items resulting from existing tariffs? Unless the cotton manufacturer were inflating his prices behind the shelter of these extreme tariffs he would not so strenuously cling to them. The people are thus mulcted to the extent of several hundred millions annually.

The silk schedule is clearly prohibitive or excessive from the standpoint of both revenue and competition. Imports of silk manufactures, 1924, were \$36,938,000, or less than those of 1921, notwithstanding the great increase in silk consumption in the United States, as heretofore pointed out. The revenues, as I have already stated, also show a decline. The principal silk fabrics, comprising silk in gray and velvets, come in at 55 and 60 per cent, respectively, while the tariff on silk wearing apparel averages more than 70 per cent, with imports of only \$7,599,000, of which \$6,500,000 constitutes ready-made clothing at 75 per cent. The tariff on handkerchiefs runs from 60 to 90 per cent, with imports of \$625,000, which is nominal.

The factory value of domestic silk production, 1923, was \$761,322,000; average wages, 10 1/2 per cent. It is manifest that this great class of luxuries, retailing at \$1,000,000,000 to \$1,250,000,000, should pay more than \$17,629,000 tariff revenues into the Federal Treasury, and in order thus to raise this pittance of revenue it is amazing to contemplate the enhanced tariff prices the country is paying on this huge amount of silk goods consumed.

The sugar tariff is 1.764 cents per pound against raw sugar from Cuba and 2.20 cents against imports from other countries, excluding our insular possessions, from which sugar is admitted free. The net revenue to the Treasury from sugar imports for 1924 was \$130,401,943. This makes allowance for drawback on sugar reexported. American sugar refineries import the raw, chiefly from Cuba, pay the duty, and refine

and sell to the general public. One hundred and seven pounds of raw sugar under the tariff make 100 pounds of refined. Other costs, because of the tariff levy, swells the total cost of refined sugar to near 2 cents a pound. The sugar refining companies must fix their selling price so as to include this 2 cents per pound tariff. The United States in 1925 consumed about 12,342,534,000 pounds of sugar, which at 2 cents per pound amounts to \$246,850,000. Of this latter amount \$130,401,000 went into the Treasury, leaving near \$116,450,000 paid by American consumers of sugar to the beet and cane sugar manufacturers in the United States and our insular possessions.

We imported 6,516,240,000 pounds from Cuba at 1.76 cents tariff, and 75,734,000 pounds from full duty-paying countries at 2.20 cents per pound. When the American sugar refineries, importing from Cuba, fix their price of refined sugar to the public, the beet sugar producer at home and the cane sugar manufacturer in our insular possessions and Louisiana, proceed then to fix their sugar prices along with or very close to the price level of the American sugar refineries. The result is that the prices of our domestic and insular sugar manufacturers and producers include the 2 cents per pound tariff, although they are not subject to any tariff. This 2 cents per pound multiplied by 5,750,559,000, which is the number of pounds of sugar produced in the United States and our insular possessions, gives a total of \$115,011,000, which the sugar tariff costs the American consumers in addition to what they pay into the Federal Treasury; or, at the naked tariff of 1.76 cents a pound it would be \$100,000,000.

The amount or subsidy goes to the domestic producer in the form of higher prices than he would otherwise be in a situation to charge. For every \$5 sugar tariff tax that consumers pay into the Treasury they pay \$4 and more to the domestic manufacturer. President Coolidge in his published statement of June 14, 1925, declining to reduce the sugar tariff, gave as one reason that it would mean a revenue loss of \$40,000,000. This is paradoxical, because he was even then urging a reduction of income taxes and Treasury revenues. May the country be saved from this selfish sort of economic philosophy!

Agricultural tariffs call for special comment. Figures have already been cited revealing the great strides of both agriculture and industry to 1921, and of the continued expansion of manufacturing industry since that time. The story of agriculture for the years 1921-1925 is tragic. The value of farm lands alone declined 31 per cent, or \$17,000,000,000. This colossal loss, together with abnormal losses on farm products, make the farmer \$25,000,000,000 to \$30,000,000,000 worse off than in 1920, and worse off than he was before the war, despite unprecedented high tariffs on all agricultural products since May, 1921. His indebtedness aggregates near \$12,000,000,000. Most countries have erected tariff barriers against his export surpluses. Farm failures during past years increased 1,000 per cent in contrast with commercial failures. Near \$8,000,000,000 of our \$10,500,000,000 loans made abroad since the war have been placed in Canada and South and Central America, where they would aid exports of our finished manufactures, but would not aid our food exports to Europe. The farmer has seen high tariffs thoroughly tried out in practice, and if he can not now see that he is receiving tariff burdens and not tariff benefits it would be in vain to reason with him. The absurdity of 20 cents a bushel on barley, 15 cents on corn, 15 cents on oats and rye, 42 cents on wheat, 3 cents a pound on fresh beef!

Agriculture has never gone to the heart of the tariff question; but should it fail soon to do so, it is destined to a state of permanent decay in this country. There is no more sound economic law than that tariffs are helpless to benefit an industry with a substantial surplus which must be annually sold abroad in competition with important quantities of like products from other countries. The American farmer, therefore, who produces of the total agricultural output some 80 to 85 per cent of the staple agricultural products, such as corn, cotton, wheat, oats, rye, hay, lard, meat products, and tobacco, much of which must be exported, can not hope to receive any appreciable tariff benefits. The existing tariffs, on the contrary, hurt the American farmer by (1) increasing his production costs, (2) his cost of living, (3) his transportation rates on both land and sea, (4) decreasing his foreign markets and his exports, and (5) decreasing his property value by surplus congestion. The tariff is a tremendous factor in the farmer's production costs, as it is in his living costs. There is scarcely an article he can purchase for any purpose at a price that is not tariff inflated. His agricultural machinery was placed on the free list, while high duties were imposed on all the materials entering into the same, and the fact that the manufacturer dominates the world compels the farmer to pay high-tariff prices just the same. While the inevitable logic of high tariffs is that home production

should not exceed home consumption ultraprotectionists are striving to expand the exports of industry while they are advising the farmer to restrict his output to the home demand. They tell him that he should be content with home markets. In the first place, the farmer's home market is secure, regardless of tariffs; secondly, of what concern is the home or any market to the farmer unless he can sell at a price above the cost of production? The farmer is interested in prices above all else. High-tariff advocates also tell the farmer that his collapse in 1921 was primarily due to commercial depression, whereas in truth the commercial depression was primarily due to the agricultural collapse and loss of purchasing power.

Agriculture continues as the basis of all sound domestic prosperity. Under existing tariff and trade policies industry will soon submerge agriculture and then the rule will be reversed. The farmer undoubtedly knows now just what has been happening to him during the past five years. In 1920 the exports of all foodstuffs and food animals were \$2,034,000,000, compared with similar exports of \$892,000,000 in 1925. Only 17 per cent of our imports of foodstuffs in 1925 were competitive. Attempts are at times made to mislead the farmer by pointing to the large volume of agricultural importations. They dodge the controlling facts that most importations of foodstuffs are tropical fruits, coffee, sugar, tea, and other products that we do not produce at all, or if so, in insufficient quantities. Tea, coffee, sugar, spices, and cocoa comprise \$620,000,000 of food imports for 1925. We produce none of these except some sugar. We must import wool and Egyptian cotton to the extent of \$162,000,000 unless we are to freeze; raw silks amounted to \$396,000,000 and crude rubber to \$437,000,000. We produce neither. A fair volume of winter fruits and vegetables come in from southern countries at a time not to compete with our own. We do not produce enough hides, and so we purchased \$96,000,000 of hides in 1925.

These are the principal scarecrow items of agricultural imports. There will naturally and inevitably filter into this country sporadic items of competitive imports, such as 12,635,000 pounds of fresh beef in 1924, but since we eat more than 7,000,000,000 pounds of beef annually, this insignificant quantity would not afford rations for two meals. It is these small dribblets of imported foodstuffs which come in in the natural course of international trade, tariffs or no tariffs, on which protectionists base their plea to the farmer. I am not discussing here a few minor agricultural specialties in this country which now and then claim some tariff advantages, but which comprise scarcely more than 15 per cent of American agriculture. One class of wheat growers now and then gets a slight whiff of tariff benefits, in no sense comparable to his injuries or to the far broader benefits he would derive from moderate tariffs, with the result that he is enlisted in support of all high-tariff programs.

This is in the face of the fact that probably three-fourths of the time competitive wheat in Winnipeg is higher than in Minneapolis, with the result that the American grower gets virtually nothing except some advantage against price fluctuations across the border, which occasionally occur. What most generally happens is that American and Canadian wheat moves on parallel routes to the world market in Liverpool, where they meet in competition and where the price of our domestic wheat at home is measurably fixed.

It is thus seen that mountainous tariff rates which are utterly meaningless are scooped out to the farmer, while he in return supports such unconscionable rates on iron and steel products, wearing apparel, house furnishings, and others I have detailed, which are wholly effective in increasing the prices of all articles and commodities the farmer must purchase. Under the existing tariff and related economic policies there is an irreconcilable conflict between industry and agriculture in this country. I am opposed to destroying one for the benefit of the other. I favor such fair and constructive treatment of both as will conserve and develop them to the fullest possible extent.

In conclusion, the Fordney law was written for protection and not for revenue. The increased revenues from the manufacture of the four great industries, iron and steel, cotton, wool, and silk, with products retailing at more than \$15,000,000,000, were less than \$20,000,000 for 1924 over the Treasury revenues of 1921. The Coolidge administration continues to pile up tariff taxes under the flexible provision, while it preaches internal-revenue tax reduction. The increase in imports has comprised either price increases or increases of materials for finished manufacturing, chiefly to supply our largely increased domestic consumption of finished products. With pre-war and post-war values equalized, imports were

\$2,550,000,000 for 1913; \$2,898,000,000 for 1921; \$3,367,000,000 for 1922; \$3,792,000,000 for 1923; \$3,611,000,000 for 1924, and \$4,228,000,000 for 1925. The imports of dutiable finished manufactures for 1924 are less than in 1914, notwithstanding our tremendous business expansion.

Many finished articles ready for consumption which the people wear and use as stated were transferred from the free to the dutiable list by the Fordney law. Burlap is one of such articles made dutiable. Deducting burlap imports of \$85,000,000 for 1925 for the sake of comparison, we have the following imports of dutiable finished manufactures, which are \$321,810,000 for 1914, \$350,922,000 for 1921, and \$442,000,000 for 1925. Equalizing 1914 values with 1925 values shows imports of \$465,450,000 for 1914, compared with \$442,000,000 for 1925. And again, imports of finished cotton, silk, and wool manufactures for 1921 were \$175,000,000, as compared with \$161,000,000 for 1924.

These outstanding and amazing facts expose the big fraud in the Fordney rates. The metals schedule, for example, averages 49.32 per cent ad valorem, the highest since the average of the McKinley Act in 1893-94.

Save for loans of \$10,500,000,000 and gold imports of near \$2,000,000,000, the volume of our exports during recent years would have been humiliatingly and disastrously low, while large overproduction in many industries would have created stagnation and idleness of labor and capital at home. The excess of exports for the 10 years 1916-1925 was \$22,500,000,000. It is folly longer to continue the great productive plant of the Nation—the greatest of all time—in a high-tariff strait-jacket. Taking as a basis \$26,000,000,000 the increase of factory value of domestic products by manufacture, which is ultra conservative, if we assume that the Fordney tariff increases prices an average of 15 per cent to the American people, a tariff cost of \$3,900,000,000 in prices in excess of a reasonable price is the result. During the present period of high prices this is extremely conservative. A high-tariff policy means the writing of tariffs by the beneficiaries and their constant jacking up to higher levels under the flexible provision, with the result that correspondingly higher artificial prices—prices out of line with world prices—are brought about. This condition will later even invite imports and also will destroy finished exports. Import tariffs do not aid exports, but correspondingly depress them.

America is no weakling, but an economic giant, standing at the head of the column of nations in finance and industrial efficiency and capacity, and she can not maintain a healthy growth in an industrial hothouse. Why wait for a crisis or a panic before correcting unsound policies? The rights and the welfare of both industry and agriculture alike must be recognized and promoted, and this can not be done through a system of ultra high tariffs. The flexible provision as an agency of tariff reduction is a colossal failure.

The existing tariffs should be reduced gradually and with careful regard for industry, which has been accustomed to artificial stimulants and influences. There should be no disposition to destroy or materially injure any efficient industry economically justifiable in this country. From the standpoint of adequate tariff protection even there is room to-day for a great economic issue on whether the enormous excesses and abuses in the Fordney law shall be eliminated. The Republican Party, however, is not the agency through which even this partial and patriotic step can be taken. That party has been the faithful servant of the extreme high tariff manufacturer since the Civil War. The latter has furnished the chief finances for that party during campaigns, and in turn has dominated the Republican national leadership with respect to its important legislative and other national policies. The result has been that the Republican organization has left colossal scandals and wholesale corruption in its trail during the past 60 years. It would be idle to propose honest tariff revision through the Republican Party. This would be equivalent to a proposal that the chief tariff beneficiaries themselves should revise the tariff. We have but to recall their fraudulent tariff revisions of 1884 and 1909. The ghost of Banquo did not disturb Macbeth's party more than a hint at tariff revision frightens high-tariff champions. It would be necessary for the Republican Party first to reform itself before reforming the tariff. It is helpless to do either.

The Democratic Party alone, disinterested, fair, and friendly as it is toward every class of legitimate business and every section of the country, can be looked to to revise the tariff to a moderate or competitive level for revenue, to establish fair and liberal trade policies and methods, and, in brief, to restore to this country sound economic policies, both domestic and international.

The conclusion is inescapable that under mossback, reactionary Republican rule the small group of extreme high-tariff manufacturers are in complete control. They dominate the Government; they in every practical sense are the Government. They have degraded our political life to the lowest level in history. All minor groups seeking special Government favors must operate through this all-powerful high-tariff group which constitutes the real citadel of what is known as special privilege. It is folly to condemn minor acts and policies of Government favoritism and to attempt to prosecute a program for their suppression until the strongly entrenched high-tariff group is first attacked, dislodged, and divorced from the Government. Some political party must resolutely enter upon this righteous task; and unless it is ready to turn its back on all its great traditions, principles, and achievements in opposition to vicious class legislation, governmental favoritism, and government by a class, the Democratic Party will welcome the combat.

PERMISSION TO ADDRESS THE HOUSE

Mr. HUDSON. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Michigan asks unanimous consent to address the House for one minute. Is there objection?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, may I ask the gentleman on what subject?

Mr. HUDSON. For the purpose of asking unanimous consent to insert in the Record a letter addressed to me.

Mr. LA GUARDIA. Mr. Speaker, still further reserving the right to object, I would like to follow the gentleman for one minute, because the gentleman has kindly informed me of the subject matter of the letter.

The SPEAKER. The gentleman from New York also asks unanimous consent to speak for one minute. Is there objection to these requests?

There was no objection.

Mr. HUDSON. Mr. Speaker, on March 24 in the Record, on page 6174, and succeeding pages, my colleague from New York [Mr. LA GUARDIA] brought to the attention of the House certain matters connected with the famous Remus case, and in connection therewith brought to the attention of the House one Franklin L. Dodge. Mr. Frank Dodge, the father of this gentleman, has been a lifelong resident of my home city, Lansing, Mich., and he is a highly honored and respected attorney of that city. Mr. Franklin L. Dodge is not known to me personally, but I have his letter addressed to me under date of April 10, in which he refutes the charges read into the Record by the gentleman from New York [Mr. LA GUARDIA], and I ask unanimous consent to insert that letter in the Record.

The SPEAKER. The gentleman from Michigan asks unanimous consent to insert in the Record the letter referred to. Is there objection?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, and in the minute granted to me by the House, I desire to state that I made no charges against the father of Franklin L. Dodge, whom I will concede is a gentleman of very high standing in the gentleman's community. I want to inform the House that my information was taken from sworn affidavits, depositions, and examinations before trial under oath.

Mr. HUDSON. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. HUDSON. Is it not a fact that the case is now on trial before the courts and has not been decided?

Mr. LA GUARDIA. I stated on examinations before trial under oath by order of the court. I do not want to extend these affidavits in the Record, because the very character of the case is such that the information in these affidavits is not of a nature that the membership of the House wants in the CONGRESSIONAL RECORD. I serve notice on the House that I will obtain certified copies of the sworn testimony and file it with the clerk of the Committee on the Judiciary so that the membership of the House may obtain the information from the same authentic source that I obtained it. I shall not object to the gentleman's request.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LETTER FROM FRANKLIN L. DODGE, OF CLEVELAND, OHIO

The letter is as follows:

CLEVELAND, OHIO, April 10, 1926.

Hon. GRANT M. HUDSON,

House of Representatives, Washington, D. C.

SIR: My attention has been called to a speech by Congressman LA GUARDIA, of New York, appearing in the CONGRESSIONAL RECORD for

Wednesday, March 24, 1926, on pages 6174, 6175, and 6176, in which he attacks my character and my conduct both in public and private life. I feel in justice to myself and my family that the Congress of the United States and the public ought to be placed in possession of the facts.

The charges are absolutely false; I deny them without qualification; they have no foundation in fact and the attack upon me is wholly unwarranted and manifestly unfair.

The provisions of section 6 of Article I of the Constitution of the United States preclude me from instituting any legal proceedings against Mr. LA GUARDIA for making and causing the publication of those charges in the course of his remarks on that occasion, and I must therefore content myself with presenting the true facts concerning the matters to which he referred in the form of a letter to you which I feel, in fairness, should appear in the CONGRESSIONAL RECORD and be given as wide publicity as the remarks of Mr. LA GUARDIA.

The charges were made by Mr. LA GUARDIA, but in my judgment he was the instrument by means of which George Remus placed before the Congress and the people of the United States his propaganda to ruin and blacken the fair name of his wife, Mrs. Imogene Remus, and to attempt to ruin my reputation and bring disgrace to an honorable family, of which I am a member. In the language of the Bible—

"The voice is Jacob's voice, but the hands are the hands of Esau," (Genesis, 27: 2.)

It is my belief that Mr. LA GUARDIA in making these charges has unwittingly become the tool of George Remus, one of the most unscrupulous men who ever immigrated to and resided in this country.

Mr. LA GUARDIA said on page 6176 of the CONGRESSIONAL RECORD on March 24, 1926:

"He violated another statute of the United States while in the employ of the Department of Justice, and he was permitted to resign."

I deny that I was permitted to resign as a special agent of the Bureau of Investigation of the Department of Justice because I violated a statute of the United States. I resigned to accept a position with the investigation department of the National Credit Men's Association. During the later part of June, 1925, the investigation department of the National Credit Men's Association entered into negotiations with me with a view of having me enter its employ to do investigative work, and on or about the 11th day of June, 1925, I transmitted my resignation to the Bureau of Investigation, Department of Justice, Washington, D. C., to take effect at its pleasure, and the said resignation was accepted effective on August 10, 1925. I defy any person to point to any act of commission or omission during my entire official life inconsistent with the proper discharge of my official duties.

I was assigned to some of the most important cases under investigation by the Government during my connection with it, and I do not hesitate to say that I can properly point with pride to the manner in which I handled the investigation of those cases and the results obtained by me under very difficult circumstances. In the performance of my duties I was thrown in contact with men who were using their talents and their wits to violate the laws of the United States and escape punishment for their offenses, and on one occasion I was offered 100 one thousand dollar bills if I would permit a certain person to escape the punishment which my work made it possible to impose upon him under the law. I thank God that I was true to my trust and that I did not for a moment swerve a hair's breadth from the path of duty. Of course, in my investigative work I had to enter and live in an environment at times which was not of my choosing, but in the performance of my duties it was not for me to reason why, but to do and die. It has often been said that republics are ungrateful. I have never been a cynic, but when I read the speech of Congressman LA GUARDIA attacking me and my record made on the floor of the House of Representatives of my country, I could not help but think that after all there was a grain of truth in that saying.

During my employment with the Government of the United States I never knew that George Remus or his wife, Mrs. Imogene Remus, owned or possessed any whisky certificates. Neither did I know anything about their property or their domestic affairs.

I never met Mrs. Imogene Remus until January 16, 1925. I met her in the presence of her husband in the Clark County jail at Athens, Ga., where George Remus, her husband, was confined at that time, and I was introduced to her by George Remus himself in the presence of United States District Attorney Clint W. Hager, of Atlanta, Ga., and Capt. Charles Redding, assistant United States attorney, of Savannah, Ga., who were with me at the time on official business connected with the investigation of certain alleged irregularities in the conduct of the United States penitentiary at Atlanta, Ga.

Thereafter I saw Mrs. Imogene Remus in the presence of her husband occasionally in the United States district attorney's office at Atlanta, Ga., when her husband, George Remus, was brought from Athens, Ga., to the Federal building at Atlanta, Ga., to testify before the grand jury at Atlanta, Ga., which grand jury was then investigating alleged irregularities in the conduct of the United States penitentiary, and to which grand jury there was being presented the evidence secured through the investigation conducted by myself and other Federal officials, and during the first trial of Warden Sartain and other peni-

penitentiary officials at Atlanta, Ga., during the month of February, 1925, in the Federal building in the presence of her husband, George Remus, who had been brought from Athens, Ga., to Atlanta, Ga., as a witness for the Government during the said trial in February, 1925. During his stay in Atlanta, Ga., at this time he was guarded by Max Goldman, of Athens, Ga., and during the daytime was kept in the United States attorney's office, Atlanta, Ga., and at night in the Robert Fulton Hotel, in Atlanta, Ga., always under the surveillance of Max Goldman and other guards, and Mrs. Remus was permitted by the guards to be with him on these occasions.

I was never in the presence of Mrs. Remus at Atlanta, Ga., or at Athens, Ga., or at any other place at any time except when she was in the presence of her husband or members of her family or friends or her attorney. I was never alone with her at any time or at any place in my life.

Mr. LA GUARDIA, in his speech, on page 6174, is recorded as saying:

"While he was investigating the conduct of the warden and other officials he became very friendly with the wife of the prisoner, Remus, and the conduct in the very warden's office is too obscene to relate at this time."

That charge is absolutely untrue. The depositions taken on behalf of Mrs. Imogene Remus and on file in the court of common pleas, division of domestic relations for the county of Hamilton and State of Ohio, at Cincinnati, Ohio, in the case entitled Imogene Remus v. George Remus, docket No. 196557, absolutely disprove that charge.

The foundation for that statement of Mr. LA GUARDIA no doubt is an ex parte deposition made on behalf of George Remus by one Vernon R. Chumbley, who served two terms of imprisonment in the United States penitentiary at Atlanta, Ga., and one term of imprisonment at the United States penitentiary at Leavenworth, Kans., and who, I understand, at one time was also confined in the State insane asylum in Tennessee.

The depositions of Warden John W. Snook, the present warden of the United States penitentiary, and other penitentiary officials on file in the above-entitled case at Cincinnati, Ohio, prove to a moral certainty that that charge is absolutely false. On March 19, upon motion of former Common Pleas Judge Edward T. Dixon, of Cincinnati, Ohio, counsel for Mrs. Remus, the cross petition naming me correspondent and the ex parte depositions filed by George Remus were thrown out of court. Every charge of improper conduct on my part with Mrs. Imogene Remus is shown to be false by the testimony contained in the depositions on file in that case and at the hearing of the divorce case I expect to be present to take the witness stand to meet the charges made against me by George Remus in his cross petition and by Mr. LA GUARDIA in his speech delivered on March 24, 1926.

Mr. LA GUARDIA's speech is replete with inaccuracies. The reader who is not in possession of the facts irresistibly comes to the conclusion that I was endeavoring to keep George Remus in the penitentiary, in jail, or in the workhouse at Dayton, Ohio, in order that I might enjoy the society of his wife and the use of his property, and that I was instrumental in having his bail in connection with the indictment pending against him in the district court of the United States at St. Louis, Mo., fixed at \$50,000, and that I had something to do with the institution of proceedings in the United States Circuit Court of Appeals for the Sixth Circuit at Cincinnati, Ohio, through which the Government of the United States is seeking to reverse the ruling of the United States district judge, Smith Hickenlopper, in allowing the writ of habeas corpus.

I had nothing to do with the investigation of the offense involved in the illegal removal of whisky from the Jack Daniels distillery at St. Louis, Mo., during the summer and fall of 1923 and the returning of an indictment against George Remus and his codefendants in that case. I was never assigned to the investigation of that crime and never knew such a crime was committed and had no knowledge that the facts concerning that offense were being investigated and that such facts had been presented to a Federal grand jury until I read in the newspapers of the return of the indictment at St. Louis, Mo. I never had and have not now any official knowledge of that offense and the evidence in the possession of the Government to prove the allegations of that indictment.

If Mr. LA GUARDIA had taken the trouble to make an investigation, he would have learned that the amount of the bond in that case was fixed upon the recommendation of Hon. Havath E. Mau, United States attorney at Cincinnati, Ohio, and that at that time Mr. Remus was not a Government witness but a fugitive from justice.

I never spoke to Mr. Mau on that subject in my life. My guess is that the bond was fixed at that amount because George Remus was the archconspirator and the master mind in the conspiracy which brought about the illegal removal of the whisky from the Jack Daniels distillery at St. Louis, Mo., and its diversion into unlawful channels. Mr. Remus's bond was furnished by a professional bondsman, and some time after his release he appeared before the grand jury at Indianapolis, Ind., and, I understand, testified before that grand jury, and although he was the archconspirator in the conspiracy case presented to the grand jury he received immunity for his testimony

and was not indicted, though he himself had been indicted for the same transaction by the United States grand jury at St. Louis, Mo.

I had nothing whatsoever to do with the error proceedings instituted by the Government in the United States circuit court of appeals at Cincinnati, Ohio, to have the court of appeals pass upon the question whether the sentence of imprisonment of one year in the workhouse at Dayton, Ohio, was to be served concurrently with his sentence of two years in the United States penitentiary at Atlanta, Ga.

I never discussed that question with any Government official in my life, and I was not instrumental in having those proceedings instituted. My judgment is that those proceedings are being pressed because of the decision of the United States Supreme Court in the case entitled United States of America, petitioner, v. James Daugherty, argued December 1, 1925, and decided January 4, 1926.

I never offered to sell whisky certificates to George W. Wallenstein, 30 Broad Street, New York City, nor did I ever use the name of John Gray, of Cleveland, Ohio, in that or any other connection.

The statement of Mr. LA GUARDIA, appearing on page 6176 of the CONGRESSIONAL RECORD of March 24, 1926, does not contain a word of truth. If Mr. LA GUARDIA has made an investigation, he would have learned that the whisky certificates belonging to Mr. Remus had been hypothecated by him in connection with the purchase by him of a distillery at Utica, N. Y., and that part of the whisky certificates which he hypothecated in that connection are forged and spurious whisky certificates. If Mr. LA GUARDIA had made an investigation, he would have learned that it was the practice of Mr. Remus to forge and counterfeit whisky certificates and to cheat and double-cross those with whom he transacted business.

Mr. LA GUARDIA in the course of his remarks charged me with attempting to bootleg Remus's whisky and to divert whisky into bootleg channels. His statements in that connection are also untrue.

Mr. Mat Hinkel, to whom Mr. LA GUARDIA also referred in his speech, is a man of upright character and a man of honor and integrity.

Mr. LA GUARDIA in the course of his remarks refers to a libel proceeding in Indianapolis, Ind., against 1,500 cases of whisky seized by the Prohibition Department at the Squibb Distillery at Lawrenceburg, Ind. I know nothing about that proceeding. I never had anything to do with it while in the Government service or since I left the Government service. I have learned, however, that those 1,500 cases of whisky was whisky which George Remus was attempting to divert into unlawful channels and that in order to save it for himself he caused Miss Blanche Watson, of Covington, Ky., to claim it as her whisky.

The district court at Indianapolis and the circuit court of appeals at Chicago, however, did not seem to put much faith in her claim and ordered the whisky confiscated to the United States.

As I said before, I have never had anything to do with this whisky and never saw it, and I had nothing to do with its custody, but Mr. Remus's action in connection with these 1,500 cases and his reference to the alleged diversion of 350 cases out of the 1,500 cases is in line with his past conduct. He is like the thief who cries "stop thief" to divert attention from himself to someone else.

George Remus is an atheist. He has no regard for the laws of God or man. He immigrated to the United States when a young man and is still unnaturalized. He claims to be a citizen by virtue of the naturalization of his father, and his claim to citizenship is false, as he well knows.

While practicing law in the city of Chicago he was notorious as a framer of evidence in divorce cases. He was disbarred from practicing law in the courts of that city. He was expelled from membership in the Masonic Order and the Illinois Athletic Club.

His first wife, Lillian Hansen Remus, instituted divorce proceedings against him on March 5, 1915, in the circuit court of Cook County, Docket No. B 9121, alleging that he addressed her with the most obscene, opprobrious, and violent language and was guilty of extreme and repeated cruelty against her and threatened her life and made her life miserable and violently attacked her and struck her on the face and head, and otherwise ill-treated her.

On April 7, 1915, she withdrew her petition for divorce against George Remus and caused the same to be dismissed upon his most urgent entreaties and promises, but his conduct toward her was such that on February 27, 1919, she again instituted divorce proceedings, alleging substantially the same acts of cruelty, and on March 3, 1919, a decree was entered in the superior court of Cook County, No. 342061, granting her divorce from George Remus on the grounds set forth in her petition.

He married Mrs. Imogene Remus on June 25, 1920, at Newport, Ky., and from that very moment, as the depositions show, he has been guilty of extreme cruelty toward her, and under threats and fear of bodily harm has caused her to do his bidding and brought untold agony, humiliation, degradation, and shame upon herself and family by reason of his repeated violations of law and conviction and confinement in the United States penitentiary.

His egotism knows no bounds. To satisfy his vanity he had a large tombstone erected upon his family lot in Chicago, and under his direction it was located at such a point upon the family lot that the

coffin containing the body of his father had to be cut in two in the construction of its foundation, and it has been his boast that after his death he desires to have a tombstone placed over his body bearing the inscription, "Here lies George Remus, the king of the bootleggers."

I have no property belonging to Mrs. Remus. I never received any property of whatsoever nature from Mrs. Imogene Remus at any time. I have not now nor never have had any property belonging to George Remus.

The title and ownership of the property claimed by George Remus is in litigation in connection with several suits pending in the court of common pleas of Hamilton County, Ohio, and the title and ownership of the whisky certificates which it is charged have been sold to M. J. Hinkel, of Cleveland, Ohio, are in litigation in a case pending in the Mason County circuit at Maysville, in the State of Kentucky. Those tribunals have the power to determine the questions involved and no doubt will decide the issues according to the law and facts. All of his property is hidden away in safety deposit boxes in various parts of the country and he recently made an investment in Florida real estate.

The statements of Mr. LAGUARDIA are as false as the statements of George Remus made before the so-called Wheeler investigating committee and repeated in various newspaper articles to the effect that he gave the late Jesse Smith \$250,000 for protection. The fact is that George Remus never knew or talked to Jesse Smith at any time or on any occasion. He asked to come before the Senate investigating committee so that he might have a vacation for a number of weeks from confinement in the United States penitentiary at Atlanta, Ga., and in order that he might achieve newspaper notoriety, knowing that his statement could not be contradicted by a dead man.

I again deny, without qualification, all of the charges made against me in the speech of Mr. LAGUARDIA in the House of Representatives on Wednesday, March 24, 1926, and contained on pages 6174, 6175, and 6176 of the CONGRESSIONAL RECORD on that date.

Respectfully,

FRANKLIN L. DODGE.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 96. An act authorizing an appropriation of not more than \$3,000 from the tribal funds of the Indians of the Quinalt Reservation, Wash., for the construction of a system of water supply at Taholah, on said reservation;

H. R. 187. An act making a grant of land for school purposes, Fort Shaw division, Sun River project, Montana;

H. R. 264. An act to amend an act to provide for the appointment of a commission to standardize screw threads;

H. R. 1944. An act for the relief of Charles Wall;

H. R. 2703. An act granting six months' pay to Anton Kunz, father of Joseph Anthony Kunz, deceased, machinist's mate, first class, United States Navy, in active service;

H. R. 3431. An act for the relief of Frederick S. Easter;

H. R. 3932. An act to amend section 71 of the Judicial Code as amended;

H. R. 4835. An act to remove the charge of desertion from the records of the War Department standing against William J. Dunlap;

H. R. 5210. An act extending the provisions of an act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona;

H. R. 6355. An act providing for the acquirement by the United States of privately owned lands in San Miguel, Mora, Taos, and Colfax Counties, N. Mex., within the Mora grant, and adjoining one or more national forests, by exchanging therefor lands or timber within the exterior boundaries of any national forest situated within the State of New Mexico or the State of Arizona;

H. R. 6573. An act to extend the time for the completion of the Alaska Anthracite Railroad Co., and for other purposes;

H. R. 7752. An act to authorize the leasing for mining purposes of land reserved for Indian agency and school purposes;

H. R. 8646. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes;

H. R. 9314. An act to provide for the enlargement of the present customs warehouse at San Juan, P. R.;

H. J. Res. 213. Joint resolution for participation of the United States in the Third World's Poultry Congress, to be held at Ottawa, Canada, in 1927;

H. J. Res. 171. Joint resolution authorizing the Secretary of the Interior to approve the application of the State of Idaho to certain lands under an act entitled "An act to authorize the State of Idaho to exchange certain lands heretofore granted

for public-school purposes for other Government lands," approved September 22, 1922;

H. R. 9957. An act authorizing a survey for the control of excess flood waters of the Mississippi River below Point Breeze in Louisiana and on the Atchafalaya outlet by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes;

H. J. Res. 191. Joint resolution authorizing the Federal Reserve Bank of Richmond to contract for and erect in the city of Baltimore, Md., a building for its Baltimore branch;

H. R. 7255. An act to regulate the sale of kosher meat in the District of Columbia;

S. 1550. An act to appropriate certain tribal funds for the benefit of the Indians of the Fort Peck and Blackfeet Reservations; and

S. 3186. An act to promote the production of sulphur upon the public domain within the State of Louisiana.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 96. An act authorizing an appropriation of not more than \$3,000 from the tribal funds of the Indians of the Quinalt Reservation, Wash., for the construction of a system of water supply at Taholah on said reservation.

H. R. 187. An act making a grant of land for school purposes, Fort Shaw division, Sun River project, Montana.

H. R. 264. An act to amend an act to provide for the appointment of a commission to standardize screw threads.

H. R. 1944. An act for the relief of Charles Wall.

H. R. 2703. An act granting six months' pay to Anton Kunz, father of Joseph Anthony Kunz, deceased, machinist's mate, first class, United States Navy, in active service.

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H. R. 4835. An act to remove the charge of desertion from the records of the War Department standing against William J. Dunlap.

H. R. 6355. An act providing for the acquirement by the United States of privately owned lands in San Miguel, Mora, Taos, and Colfax Counties, N. Mex., within the Mora grant, and adjoining one or more national forests, by exchanging therefor lands or timber within the exterior boundaries of any national forest situated within the State of New Mexico or the State of Arizona.

H. R. 6573. An act to extend the time for the completion of the Alaska Anthracite Railroad Co., and for other purposes.

H. R. 7255. An act to regulate the sale of kosher meat in the District of Columbia.

H. R. 7752. An act to authorize the leasing for mining purposes of land reserved for Indian agency and school purposes.

H. R. 8646. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes.

H. R. 9314. An act to provide for the enlargement of the present customs warehouse at San Juan, Porto Rico.

H. R. 9957. An act authorizing a survey for the control of excess flood waters of the Mississippi River below Point Breeze in Louisiana and on the Atchafalaya outlet by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes.

H. J. Res. 171. Joint resolution authorizing the Secretary of the Interior to approve the application of the State of Idaho to certain lands under an act entitled "An act to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands," approved September 22, 1922.

H. J. Res. 191. Joint resolution authorizing the Federal Reserve Bank of Richmond to contract for and erect in the city of Baltimore, Md., a building for its Baltimore branch.

H. J. Res. 213. Joint resolution for participation of the United States in the Third World's Poultry Congress to be held at Ottawa, Canada, in 1927.

ADJOURNMENT

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Thursday, April 15, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 15, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON POST OFFICES AND POST ROADS

(10 a. m.)

Fixing postage rates on hotel room keys and tags (H. R. 92)

JOINT COMMITTEE TO INVESTIGATE THE NORTHERN PACIFIC RAILWAY LAND GRANTS

(10.30 a. m.)

Room 347, House Office Building.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To create a commission to be known as the Federal Motion Picture Commission (H. R. 6233 and 4094).

COMMITTEE ON PATENTS

(10 a. m.)

To amend and consolidate all the rights respecting copyrights and to permit the United States to enter the international copyright union (H. R. 10434).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To provide compensation for employees injured and dependents of employees killed in certain maritime employments, and providing for administration by the United States Employees Compensation Commission (H. R. 9498).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

442. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year ending June 30, 1926, pertaining to the handling of public moneys, \$10,000 (H. Doc. No. 309); to the Committee on Appropriations and ordered to be printed.

443. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the Treasury Department for the fiscal year ending June 30, 1927, pertaining to the enforcement of the narcotic and national prohibition acts, \$2,931,010 (H. Doc. No. 310); to the Committee on Appropriations and ordered to be printed.

444. A letter from the Secretary of the Interior, transmitting information as to the boundaries and areas of the Shenandoah and other national parks (H. Doc. No. 311); to the Committee on the Public Lands and ordered to be printed, with accompanying document only.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McLEOD: Committee on the District of Columbia. H. R. 4498. A bill to abolish capital punishment in the District of Columbia; without amendment (Rept. No. 876). Referred to the House Calendar.

Mr. MICHENER: Committee on the Judiciary. S. 1039. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; with amendment (Rept. N. 877). Referred to the House Calendar.

Mr. HILL of Washington: Committee on the Public Lands. H. R. 10126. A bill to revise the boundary of the Mount Rainier National Park, in the State of Washington, and for other purposes; with an amendment (Rept. No. 878). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on the Public Lands. H. R. 10733. A bill to make additions to the Absarokee and Gallatin National Forests and the Yellowstone National Park and to improve and extend the winter feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes; with an amendment (Rept. No. 879). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. 2853. An act to authorize the transfer to the jurisdiction of

the Commissioners of the District of Columbia of a certain portion of the Anacostia Park for use as a tree nursery; without amendment (Rept. No. 885). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Kentucky: Committee on Military Affairs. S. 3283. An act to provide for the appointment of Army field clerks and field clerks, Quartermaster Corps, as warrant officers, United States Army; without amendment (Rept. No. 886). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PORTER: Committee on Foreign Affairs. H. R. 7532. A bill to provide payment for services rendered in preparation for the international conference on traffic in habit-forming narcotic drugs; without amendment (Rept. No. 880). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 7930. A bill for the relief of the Broad Brook Bank & Trust Co.; without amendment (Rept. No. 881). Referred to the Committee of the Whole House.

Mr. JOHNSON of Indiana: Committee on Military Affairs. H. R. 9232. A bill for the relief of Isaac A. Chandler; without amendment (Rept. No. 882). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on the Public Lands. H. R. 10446. A bill validating the application for and entry of certain public lands by Myrtle Sullinger; with amendment (Rept. No. 883). Referred to the Committee of the Whole House.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. 1415. An act authorizing and directing the Secretary of the Treasury to immediately reconvey to Charles Murray, sr., and Sarah A. Murray, his wife, of De Funiak Springs, Fla., the title to lots 820, 821, and 822, in the town of De Funiak Springs, Fla., according to the map of Lake De Funiak drawn by W. J. Vaukirk; without amendment (Rept. No. 884). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10044) for the relief of Emma Gregory, widow of Charles E. Gregory, who was the heir of Ann Gregory, deceased; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 11233) granting an increase of pension to Josephine Reynolds; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McLEOD: A bill (H. R. 11277) to provide for the incorporation of nonprofit, nonsecret associations of a national character, formed for patriotic and for professional purposes in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CHAPMAN: A bill (H. R. 11278) to authorize the erection of a statue of Henry Clay; to the Committee on Foreign Affairs.

By Mr. BERGER: A bill (H. R. 11279) to combat illiteracy in the several States, and for other purposes; to the Committee on Education.

By Mr. BLACK of New York: A bill (H. R. 11280) to promote temperance in the United States; to the Committee on the Judiciary.

By Mr. CLEARY: A bill (H. R. 11281) to promote temperance in the United States; to the Committee on the Judiciary.

By Mr. PRALL: A bill (H. R. 11282) to promote temperance in the United States; to the Committee on the Judiciary.

By Mr. WELLER: A bill (H. R. 11283) to promote temperance in the United States; to the Committee on the Judiciary.

By Mr. VINSON of Kentucky: A bill (H. R. 11284) to provide for an aircraft procurement board, and for other purposes; to the Committee on Military Affairs.

By Mr. SIMMONS: A bill (H. R. 11285) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. WOODRUM (by request): A bill (H. R. 11286) to extend the provisions of the act approved March 4, 1917, relating to pensions, and to provide for the payment of a pension to certain surviving officers, enlisted men, etc., serving under General Custer in Dakota between August 9, 1869, and August 9, 1874, and to the widows of such; to the Committee on Pensions.

By Mr. TEMPLE: A bill (H. R. 11287) to provide for the establishment of the Shenandoah National Park in the State of Virginia and the Great Smoky Mountains National Park in the States of North Carolina and Tennessee, and for other purposes; to the Committee on the Public Lands.

By Mr. KVALE: A bill (H. R. 11288) to provide for buying, storing, processing, and marketing agricultural products in interstate and foreign commerce, and especially for thus handling the exportable surplus of agriculture in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. COLLINS: A bill (H. R. 11289) authorizing the Secretary of State to prescribe what shall be permanent and what shall not be permanent records in embassies, legations, and consulates; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. CHAPMAN: Memorial of the Senate of the State of Kentucky, providing for participation of the Commonwealth of Kentucky in the commemorating the centennial of the Congress of Panama, and urging the President and Congress to appropriate funds for the erection and purchase of a statue of Henry Clay at Caracas, Venezuela; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 11290) granting a pension to James W. O'Neill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11291) granting an increase of pension to Rebecca J. Eaton; to the Committee on Invalid Pensions.

By Mr. BERGER: A bill (H. R. 11292) for the relief of Leo Muller; to the Committee on Claims.

By Mr. BLOOM: A bill (H. R. 11293) granting a pension to Marie Dehmelt; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 11294) granting an increase of pension to Harriet L. Dagwell; to the Committee on Invalid Pensions.

By Mr. FROTHINGHAM: A bill (H. R. 11295) granting a pension to Sarah L. Burr; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 11296) for the relief of George F. De Maranville; to the Committee on Military Affairs.

By Mr. LINEBERGER: A bill (H. R. 11297) to extend the provisions of the act of Congress approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries in the performance of their duties, and for other purposes;" to the Committee on Claims.

By Mr. LOZIER: A bill (H. R. 11298) granting an increase of pension to Margaret E. Stewart; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 11299) granting an increase of pension to Charles M. S. Ronsholdt; to the Committee on Pensions.

By Mr. MERRITT: A bill (H. R. 11300) granting an increase of pension to Mary E. Dolan; to the Committee on Pensions.

By Mr. NELSON of Maine: A bill (H. R. 11301) granting a pension to Ellen Colson; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 11302) granting an increase of pension to Ida Annette Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11303) granting an increase of pension to Elizabeth M. Ashman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11304) granting an increase of pension to Harriet S. Fellows; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11305) granting an increase of pension to Mary Connor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11306) granting an increase of pension to Eliza M. Whiting; to the Committee on Invalid Pensions.

By Mr. PERLMAN (by request): A bill (H. R. 11307) for the relief of Henry Fischer; to the Committee on Claims.

By Mr. PORTER: A bill (H. R. 11308) authorizing the payment of an indemnity to Great Britain on account of the death of Daniel Shaw Williamson, a British subject, who was killed at East St. Louis, Ill., July 1, 1921; to the Committee on Foreign Affairs.

By Mr. REED of New York: A bill (H. R. 11309) granting an increase of pension to Doroleski R. Stratton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11310) granting an increase of pension to Carrie Phillips; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 11311) granting an increase of pensions to Annie R. Jewett; to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 11312) granting an increase of pension to Catherine A. Ramsay; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 11313) granting a pension to Rebecca Jane Brady; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 11314) granting an increase of pension to Elizabeth Lewis; to the Committee on Invalid Pensions.

By Mr. WELLER: A bill (H. R. 11315) granting a pension to William Thaden; to the Committee on Pensions.

By Mr. WELSH: A bill (H. R. 11316) for the relief of Helen Rixon; to the Committee on Claims.

By Mr. WURZBACH: A bill (H. R. 11317) for the relief of the heirs of the late Dr. Thomas C. Longino; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1769. By Mr. COOPER of Wisconsin: Memorial of Racine Trades and Labor Council, Racine, Wis., urging Congress to restore to Eugene V. Debs his civil rights; to the Committee on Immigration and Naturalization.

1770. By Mr. CRAMTON: Petition signed by Jessie B. Dove and 13 other residents of Crosswell, Mich., urging passage of House bill 10240, to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

1771. By Mr. GALLIVAN: Petition of Massachusetts Fish and Game Protective Association, of Boston, Mass., recommending early and favorable consideration of the migratory bird refuge bill (H. R. 7479); to the Committee on Agriculture.

1772. By Mr. KERR: Petition of Woman's Club, of Raleigh, N. C., and Woman's Missionary Society and organized church workers, of Rockingham, N. C., in respect to the modification of the Volstead Act and the sale of light wine and beer; to the Committee on the Judiciary.

1773. By Mr. LEA of California: Petition of 25 residents of Eureka, Calif., protesting against the passage of House bill 7179; to the Committee on the District of Columbia.

1774. Also, petition of 30 residents of Berkeley, Concord, and Martinez, Calif., protesting against the passage of House bill 7179; to the Committee on the District of Columbia.

1775. By Mr. LINEBERGER: Petition of Mrs. Emma A. Halladay, 137 West Fifth Street, Long Beach, Calif., with 25 others, opposing House bill 7179, and other bills pertaining to subject; to the Committee on the District of Columbia.

1776. Also, petition of Lulu L. Alton, 1427 Harvard Street, Santa Monica, Calif., and about 30 others, opposing House bill 7179, and all legislation pertaining to the subject; to the Committee on the District of Columbia.

1777. Also, petition of W. B. Chedester, of Mayfield, Calif., and 11 others, protesting against pending religious legislation; to the Committee on the District of Columbia.

1778. By Mr. O'CONNELL of New York: Petition of the American Chiropractic Association (Inc.), of Syracuse, N. Y., requesting that disabled veterans be given, at the expense of the Government, chiropractic treatment on the same liberal basis as is accorded medical methods; to the Committee on World War Veterans' Legislation.

1779. By Mr. PRALL: Petition of residents and voters of Staten Island, N. Y., favoring the passage of House bill 6233, the Federal regulation of motion pictures; to the Committee on Education.

1780. By Mr. SWING: Petition of certain residents of San Diego, for the reflooding of Lower Klamath Lake; to the Committee on Irrigation and Reclamation.

SENATE

THURSDAY, April 15, 1926

(Legislative day of Monday, April 5, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Lenroot	Sheppard
Bayard	Fletcher	McKellar	Shipstead
Bingham	Frazier	McKinley	Shortridge
Blaine	George	McLean	Simmons
Borah	Gerry	McMaster	Smith
Bratton	Gillett	McNary	Smoot
Broussard	Glass	Mayfield	Stanfield
Bruce	Goff	MeCaulf	Stephens
Cameron	Greene	Moses	Swanson
Capper	Hale	Neely	Trammell
Caraway	Harrell	Norbeck	Tyson
Copeland	Harris	Nye	Wadsworth
Couzens	Harrison	Oddie	Walsh
Cummins	Heflin	Overman	Warren
Curtis	Howell	Phipps	Watson
Deneen	Johnson	Pine	Wheeler
Dill	Jones, N. Mex.	Pittman	Williams
Edge	Jones, Wash.	Ransdell	Willis
Ernst	Kendrick	Reed, Pa.	
Fernald	Keyes	Robinson, Ark.	
Ferris	King	Sackett	

Mr. PHIPPS. I desire to announce that my colleague, the junior Senator from Colorado [Mr. MEANS] is absent on account of illness.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

THOMAS JEFFERSON

Mr. NEELY. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial written by former United States Senator William E. Chilton, of West Virginia, on Thomas Jefferson, which appeared in the Charleston, W. Va., Gazette of April 13, 1926.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

THOMAS JEFFERSON

Whether Thomas Jefferson was born, as he said, on April 2, or, as some of the encyclopedias say, on April 13, constitutional freemen all over the world will in this month, consciously or unconsciously, pay a tribute of respect and love to the man, the patriot, the philosopher, the naturalist, the historian, the statesman, and the politician who accomplished more with his pen and his example to anchor in our institutions the true safeguards of liberty than any other American. He won, as he deserved, the confidence of the public to such an extent that, even while he was minister to France, his advice was sought by the leaders of America in framing the Constitution, and after he had retired to private life and had settled down at Monticello to enjoy the quiet of a farmer's life his opinion was sought and freely given, not only by Americans but by strugglers for liberty all over the world.

History does not give anything but the high spots of his life. The school children know that he wrote the Declaration of Independence, was the leader in Virginia in abolishing the law of primogeniture, and wrote the clause in the Virginia constitution divorcing church from state; was minister to France, member of the House of Burgesses of Virginia, member of the Continental Congress, Governor of Virginia, Secretary of State in Washington's Cabinet, Vice President of the United States, and President of the United States from 1801 to 1809, and that he seized the opportunity to buy from France the Louisiana territory which embraces most of the United States west of the Mississippi River. His fight for the general education of the people crowns him as the author of our free-school system, and his founding of the University of Virginia shows that he believed in higher education. It is not in politics, as modernly understood, that he reached his high place in the hearts of freemen. To him public office was merely an opportunity for service. To him glory and honor must come by merit and achievements, and this field is open in private life as well as public.

In the epitaph which he suggested for his monument, no mention is made of his holding public office. The three things which he suggested for the shaft over his grave were the authorship of the Declaration of Independence, the Virginia resolution for religious freedom, and the founding of the University of Virginia. These he regarded as achievements of lasting merit. In his mind anyone could be Secretary of State, Vice President, or President, but to prepare a chart of freedom, such as the Declaration of Independence; to lead a people like the Virginians, whose forefathers had been accustomed to an established church, and to whom primogeniture was a part of the warp and woof of the organization of society, to discard these things and organize

themselves upon the new idea, that an individual's relation to his God was his own affair, and that, since all men were born free and equal before the law, the law of primogeniture was a violation of that doctrine, required ability, patience, courage, and all the elements of great leadership. It takes close research into the innermost workings of politics and government, and patient investigation of the current literature of the times to understand the herculean task before Jefferson when he organized the Republican, now known as the Democratic, party.

Washington, Adams, Patrick Henry, Charles Carroll, John Rutledge, Luther Martin, John Marshall, Fisher Ames, and J. A. Bayard belonged to the party of Alexander Hamilton, in many respects one of the great men of the world. Hamilton was a consummate politician as well as a learned, thoughtful statesman and philosopher. He was a financier who stood as premier in his class, in the judgment of the world. As Secretary of the Treasury in Washington's Cabinet, Hamilton took charge of the finances of the young Republic when it was in debt and without resources and boldly fought and schemed until he got the National Government to assume the debts of the States, contracted during the Revolutionary War, and at once so organized the finances of the country that its obligations immediately went to par, its credit was restored, and the industrial institutions of the country became prosperous. It took courage and sacrifice upon Hamilton's part to do this, because the States were jealous of their institutions, and they feared the power of a strong Government. However, when the success of Hamilton's plans became evident, and the people, under the influence of the confidence which that success inspired, went to work, Hamilton was probably the most popular and highly respected man in the United States. He was a frank, manly, courageous man, who could maintain a cause in any company, and he was not backward in taking charge for the Federalist Party, in its eminently successful days during the administration of Washington from the adoption of the Constitution until 1797. Washington trusted Hamilton, because he understood the latter's ability and was grateful for his eminent services to the country.

When Washington retired from office Alexander Hamilton was the acknowledged leader of the Federalists, and his word was practically law. He was the "leader of the leaders" of that party, and these leaders sought his opinion and relied upon his judgment with implicit faith. There was one thing about Alexander Hamilton which prevented Jefferson from being in political sympathy with him. They were good friends and Jefferson trusted in Hamilton's honesty. But in the Constitutional Convention Hamilton had advocated a life term for the President and for the Senators. He did not believe in popular government. His idea was that the intelligence and the wealth of a country should govern it. He expressed himself frankly to this effect, and his appeal was always to the men of wealth and intelligence, feeling that the great masses of the people were not competent to manage public affairs.

Jefferson was a landowner and a slave owner, and was as much subject to the charge of being an aristocrat as anyone in Virginia. But he had that peculiar power that enabled him to divorce himself from his own interests and environment and to look deep into the merits and philosophy of every problem and the vision to look forward to the future. He saw at once that the doctrines of Hamilton were consistent only with a monarchy, and his heart longed for a new experiment in the New World, with a truly representative government, in which the people at frequent intervals could express themselves at the polls and name their own representatives and fashion their own laws. He saw that the necessary tendency of Hamilton's policies was toward plutocracy and the government of the few, and his knowledge of human nature taught him that the guaranties of the Constitution would be a mere mockery under such a government. He knew that there could be good monarchs but no good monarchies, good plutocrats but no good plutocracies. He understood that life is short and that the underlying principles of government could not be built around the life of any good man, not even Washington. A wise and humane king, like Gustavus Adolphus, was merely a king for one life and might be succeeded by a monster. Marcus Aurelius in Jefferson's eyes held for a span a position, to be disgraced later by some hereditary tyrant or imbecile. He could find no way of evading the note of humanity and justice in the Declaration of Independence that all men must be equal before the law, and this he could not reconcile with hereditary kings or life tenures. His insistence upon a bill of rights and specific guaranties came from his wise deductions that powers grasped or assumed by good officials for commendable purposes could be used by bad officials to rob or enslave the people. He foresaw that the resources of this country would develop immense wealth for the few, and he understood that there would be complicated problems arising out of the motley population which would be coming to this free country, and that our differences in soil, climate, and local habits and customs would make diversified and complex interests, which could not be accommodated to anything but a popular government, based upon the intelligence and the virtue of all the people. Hence he wanted the people educated and then vested with the burden of preserving these free institutions.

The views of Hamilton were put to the test during the administration of John Adams, whose administration was Federalist in the extreme, and was without the poise and the humane ideals which Wash-

ington had put into the Government. Jefferson saw that almost any kind of a policy would be all right under a man like George Washington, but the country found out that the ideas of Hamilton would not work under a man like John Adams. The latter and his leaders forced upon the country the alien and sedition laws, under which a free press and free speech were denied to the country, and some of the best citizens were dragged before partisan courts and put into dungeons for expressing their opinions of Government and its officials. Even the adherence of Washington to the Federalist Party could not save it, after such an exhibition of the difference between Hamilton's doctrines, in the hands of weak men, and Jefferson's principles. The result was, the founding of the Democratic Party, the election of Jefferson to the presidency, and the enthronement of that interpretation of the Constitution which has given the people popular government and has gradually removed all the restriction upon the franchise.

The greatest compliment to Jefferson is the fact that every political party which has ever been organized and has reached a national status has professed to be founded upon his principles. He was not a mere idealist. He was practical, sensible, thoroughly human, reasonable, tolerant, just. In his lifetime he was called a liar, a revolutionist, an atheist, and looked upon by the select wealthy few as an enemy to law and order; and yet he could not be tempted to advise anything but orderly, constitutional methods, and remedies. His obsession was that there could not be, in a Democratic republic, a few born to rule, while the great masses paid the bill and must take what is handed to them by their supposed superiors. By this rule he squared every contention about the Constitution. He was jealous of the power of Federal courts and predicted that these courts would, on account of the life tenure of the judges, become arbitrary and ready to grasp at powers not intended to be conferred upon them. For this he was criticized and called an enemy of courts, but the conflicts of jurisdiction between State and Federal courts since have fully demonstrated that his foresight was beyond that of any other living American of his time. In the temptation to take short cuts, in the demand to have bureaucratic government, which seems now to possess all branches of government, and in the solution of the complex problems which our wealth and resourcefulness have precipitated, there can be no permanence under any other policy than that of Thomas Jefferson.

If we solve a difficult question to-day by the time-serving methods of Hamilton, we only make a precedent for those who happen to be on the other side, to spring when they get into power. Jefferson's theory was, that if the people make mistakes, so do kings. He understood that it is human to err, and that governments must be founded so as to make it easy to correct errors. His broad mind comprehended the fact that confidence is not one-sided. No one has the complete confidence of another unless he gives that other his complete confidence. No people can be trusted unless they are trusted, and Jefferson saw no way, nor has the mind of man yet conceived a way, by which there can be a successful government of the people so organized or managed that a few can seize it.

INDEBTEDNESS OF ITALY TO THE UNITED STATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America.

Mr. SMOOT. Mr. President, I desire to inquire if there is any Senator who desires to speak on the Italian debt settlement.

If not, I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Without objection, the unfinished business will be temporarily laid aside.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6730) to detach Fulton County from the Jonesboro division of the eastern judicial district of the State of Arkansas and attach the same to the Batesville division of the eastern judicial district of said State.

The message also announced that the House insisted upon its amendment to the bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PARKER, Mr. COOPER of Ohio, Mr. MERRITT, Mr. RAYBURN, and Mr. LEA of California were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8830) amending the act entitled "An act providing for a comprehensive development of the park and playground system of the National Capital," approved June 6, 1924; requested a conference with the Senate on the disagreeing votes of the two Houses

thereon, and that Mr. ZIHLMAN, Mr. GIBSON, and Mr. BLANTON were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9833. An act to amend section 6 of the act of May 29, 1884, creating the Bureau of Animal Industry by striking out the proviso in section 6 of said act; and

H. R. 10860. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to increase the efficiency of the Lighthouse Service, and for other purposes.

PETITION AND MEMORIAL

Mr. OVERMAN presented a petition of sundry citizens of Catawba County in the State of North Carolina, which was referred to the Committee on the District of Columbia and ordered to be printed in the RECORD without the names, as follows:

PETITION TO CONGRESS AGAINST COMPULSORY SUNDAY OBSERVANCE

Believing—

1. In the American principle of the complete separation of church and state;
2. That Congress is barred by the first amendment to the Constitution from enacting any law enforcing "the Lord's day" as "holy time," or establishing religious observances by civil legislation, or giving one "sect or sects" an advantage above others;
3. That the observance of "the Lord's day" as "holy time" is an act of worship, and that honorable "labor," "amusements," "entertainments," and "secular business" can be forbidden only for religious reasons on Sunday;
4. That such legislation is detrimental to the best interests of both church and state; and
5. That all such legislation by Congress establishes a dangerous precedent, is unjust, discriminatory, religious, un-American, and unconstitutional, and should be opposed by every American lover of liberty of conscience and of true American ideals of freedom in religion: Therefore

We, the undersigned, adult residents of Catawba County, State of North Carolina, earnestly petition your honorable body not to pass any of the following compulsory Sunday observance bills, H. R. 10311, H. R. 10123, H. R. 7179, or H. R. 7822, now pending, or any other compulsory religious measure that may be introduced. Religious observances should be voluntary, not forced under penal codes.

Mr. WILLIS presented a resolution adopted by the directors of the Ohio Manufacturers' Association, protesting against the passage of the so-called Smith bill, being the bill (S. 2808) to amend section 24 of the interstate commerce act, as amended, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1752) for the relief of the Near East Relief (Inc.) (Rept. No. 598); and

A bill (S. 2733) for the relief of the State of North Carolina (Rept. No. 599).

Mr. GOODING, from the Committee on Interstate Commerce, to which was referred the bill (S. 2929) to authorize the refunding of certain evidences of indebtedness issued by carriers in interstate commerce, and for other purposes, reported it with amendments and submitted a report (No. 600) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States enrolled bills of the following titles:

S. 1550. An act to appropriate certain tribal funds for the benefit of the Indians of the Fort Peck and Blackfeet Reservations; and

S. 3186. An act to promote the production of sulphur upon the public domain within the State of Louisiana.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON of Arkansas:

A bill (S. 3985) to convey to the Big Rock Stone Co. a portion of the hospital reservation of the United States Veterans' Hospital No. 78 (Fort Logan H. Roots), in the State of Arkansas; to the Committee on Finance.

By Mr. HALE:

A bill (S. 3986) granting a pension to Annie F. McGown (with accompanying papers); to the Committee on Pensions.

By Mr. ERNST:

A bill (S. 3987) granting an increase of pension to Martha J. Wilson (with accompanying papers); to the Committee on Pensions.

A bill (S. 3988) to provide for the establishment of the Shenandoah National Park in the State of Virginia, the Great Smoky Mountains National Park in the States of North Carolina and Tennessee, and the Mammoth Cave National Park in the State of Kentucky, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. SHIPSTEAD:

A bill (S. 3989) to extend the time for the construction of a bridge by the city of Minneapolis, Minn., across the Mississippi River in said city; to the Committee on Commerce.

By Mr. CAMERON:

A bill (S. 3990) for the relief of George K. Jones; to the Committee on Military Affairs.

A bill (S. 3991) to provide for an investigation of the feasibility of irrigation development within the drainage area of Trout Creek, Ariz.; to the Committee on Irrigation and Reclamation.

By Mr. SHEPPARD:

A bill (S. 3992) for the purchase of land for use in connection with Camp Marfa, Tex.;

A bill (S. 3993) for the relief of W. E. Ayers; and

A bill (S. 3994) for the relief of Charles Evans Conkling; to the Committee on Military Affairs.

By Mr. NORBECK:

A bill (S. 3995) granting a pension to Freeman F. Whited; to the Committee on Pensions.

By Mr. JONES of New Mexico:

A bill (S. 3996) granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. REED of Pennsylvania:

A bill (S. 3997) to amend section 301 of the World War veterans' act, 1924; to the Committee on Finance.

By Mr. SHIPSTEAD:

A joint resolution (S. J. Res. 93) to amend a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920; to the Committee on Public Lands and Surveys."

PRINTING OF THE CONSTITUTION AND DECLARATION OF INDEPENDENCE
Mr. MOSES submitted the following concurrent resolution (S. Con. Res. 12), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the Constitution of the United States as amended up to April 15, 1926, together with the Declaration of Independence, be printed as a Senate document, with index, and that 3,500 additional copies be printed, of which 1,000 copies shall be for the use of the Senate and 2,500 copies for the use of the House of Representatives.

HOUSE BILLS REFERRED

The following bills were each read twice by title and referred as indicated below:

H. R. 9833. An act to amend section 6 of the act of May 29, 1884, creating the Bureau of Animal Industry, by striking out the proviso in section 6 of said act; to the Committee on Agriculture and Forestry.

H. R. 10860. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to increase the efficiency of the Lighthouse Service, and for other purposes; to the Committee on Commerce.

PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on April 14, 1926, the President approved and signed the joint resolution (S. J. Res. 61) authorizing the Federal Reserve Bank of Chicago to enter into contracts for the erection of a building for its branch establishment in the city of Detroit, Mich.

FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM (H. R. DOC. NO. 317)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State showing all receipts and disbursements on account of refunds, allowances, and annuities, for the fiscal year ended June 30, 1925, in connection with the Foreign Service retirement and disability system, as required by section 18 (a) of an act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes, approved May 24, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, April 15, 1926.

[Inclosure: From the Secretary of State, with accompaniment.]

EXPENSES OF DELEGATES TO INTERNATIONAL SANITARY CONGRESS (H. R. DOC. NO. 318)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State concerning the request made by the Secretary of the Treasury that an appropriation of \$2,500 be obtained from Congress for the expenses, as itemized in the report, of three delegates of the United States to the International Sanitary Conference, which is to meet at Paris on May 10, 1926, for the purpose of revising the International Sanitary Convention of 1912.

I ask of Congress legislation that will authorize the appropriation of this moderate amount for the purpose stated, and the inclusion of the appropriation in the next deficiency act for the fiscal year 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE,

Washington, April 15, 1926.

HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA

Mr. KING. Mr. President, the bill (H. R. 9398) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, has been on the calendar for a number of days. I have sought to have it taken up for consideration pursuant to promise. It relates to the National Press Club Building. It is quite important that a speedy disposition shall be made of the bill because financial arrangements must be entered into or consummated respecting its construction. I am opposed to the bill, but I feel that the Senate ought to have an opportunity to act upon it. I therefore ask unanimous consent that we may proceed to its consideration. It will take but a little while.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9398) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, which was read, as follows:

Be it enacted, etc., That an act entitled "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910, be, and it is hereby, amended by adding at the end of paragraph 5 of said act the following proviso:

"And further provided, That the building to be erected on lots 813, 814, and 820, in square 254, located on the southeast corner of Fourteenth and F Streets NW., be permitted to be erected to a height not to exceed 140 feet above the F Street curb."

Mr. KING. Mr. President, I regret that I can not see my way clear to support the pending measure. The people of Washington as well as the people of the Nation have been and are interested in the Capital of this Republic. There is a universal desire that it shall be a beautiful city, architecturally and artistically, and in harmony with those standards which should apply to the Capital of this great democratic Republic. Nations have been judged by their architecture. Buildings have voices and speak not only to the age in which they are constructed, but to succeeding ages.

If Washington had been constructed in conformity with the plan which was in the minds of Washington and L'Enfant, it would have presented a more beautiful appearance than it does to-day. One does not need to be aesthetic or artistic to appreciate how woefully lacking Washington is in those elements of beauty—architectural and otherwise—which should characterize the city of the greatest Nation in the world.

For years we have been building without a plan, and the pleas of those who have been solicitous for the proper development of the city have too often fallen upon deaf ears. Streets

dedicated to residences have been and are being destroyed for such purposes, physical and construction irregularities in all parts of the city are being permitted, deviations from a system of proper development which would enhance the beauty of the city are permitted with but little protest, the beautiful suburbs are being ruined, undulating hills, crowned with trees, are being destroyed, and additions are being laid out without proper coordination with the city, and sections which should be reserved for residential purposes are being invaded by business houses and street car lines, so that if conditions continue unchecked for two or three more decades, it will be almost impossible to rectify the mistakes made and correct the deformities which have been permitted and are still being permitted.

One does not need to be an artist or an architect or a city planner or possessed of aesthetic tastes in order to understand what these departures mean to the city of Washington and to what extent they impair the beauty of the city and the harmony of its development. From time to time efforts have been made to check the growing evils of which I have spoken and to establish a plan which would meet the desires and ideals and aspirations not only of the people of Washington but the people of the United States. But they have proven if not abortive, at least not wholly successful. And may I add, Mr. President, that the inhabitants of the District of Columbia are not the only ones interested in the Capital City of our country. The people of the United States are taxed to aid in maintaining the District government and in building a beautiful Capital for the Nation. They have a right to expect that the city shall not be marred and that its development shall be along proper lines and that as it is developed, it will more and more challenge the admiration of the world because of its architectural beauty and those characteristics which contribute to the raising of a city to a high standard of artistic beauty.

Washington is not an industrial center. It never will be a Pittsburgh or New York or Chicago. The people of Washington do not wish this, nor do the people of the United States. We are soon to appropriate \$50,000,000 for further public buildings. That money comes from the Treasury of the United States and from the taxpayers of our country. The expenditure of that large sum will undoubtedly add to the beauty of Washington. Those buildings should be constructed with reference to and in subordination to a plan which should be promptly worked out for their construction. They should be built with reference not only to the fiscal needs of the Government but with reference to the symmetry and harmony and beauty of the city.

I am told that former committees of Congress, who have considered the plans and policies for the District of Columbia, have felt that there should be restrictions upon the height of buildings, though they were perhaps too dilatory in taking action in the matter. In 1910, however, they passed an act which fixed the height of buildings at 110 feet in the business part of the city. In the residential section of the city a different rule was adopted. As I am advised, the zoning commission adopted a maximum height of 110 feet for the business districts, although they had authority to lower but not to increase this limit.

Prior to the establishment of the zoning regulations the Munsey Building upon Pennsylvania Avenue and the Willard Hotel, facing the same avenue, were erected. The height of each of these buildings exceeded the limit fixed in the later statute. However, in front of the Munsey Building there is not only the Avenue but another street and a parkway, so that between the curb in front of the building and the curb to the south the distance is perhaps 300 feet. There might be justification for permitting a greater height where a building was constructed upon so wide a street and with an area as wide as that in front of the Munsey Building and also in front of the Willard Hotel.

Most of the business streets of Washington are rather narrow. F Street is 100 feet in width and Fourteenth Street, between the Willard Hotel and the site of the proposed Press Club Building is 110 feet. The Willard Hotel, facing F Street, is 138 feet high. The building opposite the proposed Press Club Building (the Westory Building) is 110 feet in height. I repeat, the law permits the zoning commission to grant permits for buildings to be erected to a height not to exceed 110 feet. I am told that this law received full consideration at the hands of Congress and was not enacted until the whole subject had been fully canvassed and the requirements of the District and the people of the District fully considered.

The view was that this was not to be a great commercial city, that there should be, so far as possible, a substantial uniform skyline and buildings constructed in conformity with

architectural plans, to be approved by proper officials of the District of Columbia, including the Fine Arts Commission. It was hoped that the devastating activities in the city would cease and that the vandalism and destruction which were ruining the beauty of Washington might be halted, and that a new spirit would animate those who built and planned, so that a city beautiful might be erected which would meet the aspirations and the desires of the American people.

In my opinion, Congress acted wisely and the zoning commission has sought to carry out the law in good faith and according to its letter and spirit. I freely confess that in other cities a different plan might, with propriety, be adopted and the character of the city and the needs of the people and the nature of the enterprises and business and industries engaging the people, regarded.

I know there are many who do not see any objection to skyscrapers in the narrow streets of Washington, or irregular sky-lines or an entire lack of uniformity in streets, in business sections, and in the residential sections.

Mr. President, a person may be a shrewd business man and interested in business enterprises, and yet be deeply concerned in the symmetry and beauty and harmony of a city such as Washington. Some of the great business men of our country are profoundly interested in public buildings, in beautiful structures, in art, in museums, and in all things that make for the cultural and intellectual and spiritual development of the people. I am a good deal of a utilitarian and try to understand the business needs and requirements of our country and of our great cities. I have been able, however, to distinguish Washington from other cities and have taken the position that it was to be distinguished from the marts of trade and commerce and the industrial and business centers of the United States.

As I came into the Chamber a few moments ago, the Washington Post was handed to me and I noticed a very striking cartoon which shows the vandalism and destruction taking place in the suburbs of Washington. Beautiful trees and forests are being uprooted and torn asunder by the vicious and hungry bites of a mechanical dragon representing a steam shovel, and by this same monster, hills are being leveled and the surrounding beauties of Washington destroyed.

I am afraid that too many of us see the purely materialistic side of life and are imbued too much with the business and commercial spirit of the hour. It is quite likely, from what I can learn, that this bill will be passed. It has been widely advertised, and the importance of its passage has been emphasized and stressed. Reference has been made to the fact that it is a building erected by the Press Club, and I have been told that there should be no opposition to the wishes of the press.

Mr. President, no one has greater appreciation of the contributions which the newspapers of the United States have made and are making to liberty and to civilization than I have. The press is a mighty weapon in behalf of freedom and justice. No one, of course, living in a democratic country would deprecate the influence and power and the necessity of a vigorous and honest press. No one can deny the obligation which the American people are under to the newspaper men of our country. But members of the press are entitled to no greater rights than other citizens. And organizations in which they are interested are entitled to the same and no greater rights than are enjoyed by other organizations. Indeed, knowing hundreds of splendid, able, and patriotic newspaper men, and some of the proprietors of important newspapers and magazines throughout the country, I know that they desire no favors for themselves which they are unwilling shall be granted to others. Undoubtedly they believe that the construction of the National Press Club Building will be of benefit to the city and add to its beauty. They believe that the commissioners and the other officials to whom I have referred did not wisely exercise the discretion vested in them, or at least that they should have recommended a departure from the maximum limit of 130 feet. These views are shared by many Senators and doubtless by many people. I make no complaint, and accord to others the fullest liberty to advocate such measures and such policies as they deem proper. I am sure the newspaper men, with their well-known liberality of views, will have the same respect and regard for the views of those who differ from them as they do for those who are in harmony with them.

This question should be considered upon its merits, aside from those who are interested in the building or who are promoting the enterprise. If it is proper to pass this bill, it should be passed, and passed promptly. If not, it should be defeated. I have felt that I could not give my support to the bill, but have been desirous of having the Senate pass upon it at the earliest possible moment, so that those who are interested in

the erection of the building might make their plans accordingly and not be halted in the work which they are about to undertake.

Colonel Bell, one of the Commissioners of the District, wrote me on the 3d instant concerning the pending measure and inclosed a copy of the letter from the chairman of the Fine Arts Commission relative to the same. Colonel Bell states:

I have discussed this matter informally with all the members of the zoning commission except Major Grant, who is out of the city to-day, and the zoning commission concurs in the recommendation of the board of commissioners.

I might say, Mr. President, that when we were having a hearing upon the District of Columbia appropriation bill Major Grant, in response to a question which was propounded to him by myself, stated that he approved of the regulations which have been adopted by the zoning commission and stood by their views with respect to the proposed building.

I have a copy of a letter here, which was sent to me by Colonel Bell, from Mr. Charles B. Moore, the chairman of the Commission of Fine Arts, which is dated March 26, 1926, and reads as follows:

DEAR MR. WEBSTER: The Commission of Fine Arts at their meeting on March 25 considered your letter of March 11 in regard to the height of the building under construction at Fourteenth and F Streets NW.

The commission are unanimously of the opinion that the zoning laws as established should be observed according to their letter and their spirit. No special legislation should be enacted to give one person or a group of persons rights that are not extended to all other persons similarly situated. If the building under construction is "to be erected to a height not to exceed 140 feet above the F Street curb," then all buildings along F Street should be allowed to be built to that height.

The plans as submitted to the commission provide for a setback. The Commission of Fine Arts regard setbacks as desirable when properly regulated. The regulation of them should be carefully considered and should be made to apply throughout the city.

That letter is signed by the chairman of the Fine Arts Commission. It will be observed, Mr. President, that the commission unanimously recommends that the zoning laws as established should be observed according to their letter and spirit.

I have here a copy of a letter which was transmitted by Mr. Cuno Rudolph, chairman of the Board of Commissioners of the District of Columbia, to the Senator from Kansas [Mr. CAPPER], chairman of the District Committee of the Senate. It is dated March 4, 1926, and in it the following language appears in part:

The Commissioners of the District of Columbia have the honor to submit the following on Senate bill 3190, Sixty-ninth Congress, first session, entitled "A bill to amend an act entitled 'An act to regulate the height of buildings in the District of Columbia,' approved June 1, 1910," which was referred to them for report touching the merits of the bill and the propriety of its passage.

During the last session of Congress a bill—

Giving the number of it—

was enacted which permitted the Harrington Hotel to carry a new building to the height of 130 feet, although the height prescribed by the zoning regulations is 110 feet, the maximum for any property within the District of Columbia under the height prescribed by the zoning regulations. The height permitted at the location for the Harrington Hotel under the act of Congress approved June 1, 1910, was 130 feet, and the commissioners were of the opinion that that height should be permitted in that case, because the building proposed would then be the same height as the adjacent building, and the height not in excess of that prescribed by the act of Congress of June 1, 1910.

The building adjoining it, as I am advised, was constructed prior to the zoning regulations and the passage of the law to which I have invited attention. Congress, some people think, made a mistake when it modified the 1910 act and permitted the Harrington Hotel to rise to a height of 130 feet and gave the commissioners and other officials the power to grant permission for future buildings to be erected to a height in excess of 110 feet. However, that bridge has been crossed, and the question is, Shall we further modify the law and raise the maximum to 140 feet?

Further reading from the letter:

The commissioners are of the opinion that their recommendation in the present instance should be consistent with their recommendation with respect to the Harrington Hotel case.

There are higher buildings adjacent to the proposed Press Club Building, namely, the Willard Hotel and the Munsey Building, and it is believed that a height of 130 feet, which would be consistent with

the act of Congress of June 1, 1910, should be permitted. To comply with this requirement the word "forty" in line 1, on page 2, should be changed to "twenty."

Mr. President, the Senate is now advised as to the views of the commissioners, the Fine Arts Commission, and the zoning commission. Shall we follow their recommendations or shall we ignore them? As stated, I should be exceedingly gratified if I could support the bill. I have presented to the Senate what little I have to say upon this matter, and shall leave the question for their determination.

I might add one further statement. Already persons have been to see me, asking if they will be granted the same privilege as that provided in the pending bill. A representative of a corporation, which is to construct a building on New York Avenue, told me that if his company could obtain permission to construct a building to the height of 140 feet, it would immediately proceed upon the undertaking and erect a fine structure costing several millions of dollars.

Undoubtedly, if this bill passes, Congress will be importuned by others to modify the existing law and to pass special bills in their behalf. I submit to Senators, will it be wise? If the measure before us is enacted, where shall the line be drawn? There are amendments now pending to the bill under consideration to extend its provisions to the entire square upon which the Press Club Building is to be erected, as well as to other squares upon other streets in the city. We should consider the matter with the utmost care, with an eye single to the best interests of this Capital City, the inhabitants of the District of Columbia, and to the welfare of our country.

MR. COPELAND. Mr. President, I find myself in the fullest accord with practically everything the Senator from Utah has said. I know how devoted he is to the community, to the city, and to the District. I am in harmony with his ideas about beautifying the city, about maintaining restrictions which will insure for all time that it will be the model city of the country. In regard to this particular building and the block in which it is located, I took the view in the Committee on the District of Columbia that if we should change the restriction as regards this particular lot we should take the entire block and make a uniform height for that block.

However, there is ample justification for the request of the Press Club. The height of the Willard Hotel given by the Senator from Utah applies to its frontage on Pennsylvania Avenue. On F Street it is 158 feet high.

MR. KING. Mr. President, I beg the Senator's pardon. Major Wheeler, with whom I spoke this morning, said that on Pennsylvania Avenue the height of the Willard Hotel was substantially as the Senator said, and on F Street 138 feet. I think the Senator reversed it.

MR. COPELAND. That may be true; but, so far as the Munsey Building is concerned, which is in the same block, the elevation of that building is 156 feet and 8 inches.

MR. KING. Mr. President, will the Senator pardon me an interruption right there?

MR. COPELAND. Yes.

MR. KING. The Munsey Building, I think, is entirely too high. I think permission ought never to have been granted to erect it to its present height, but this much must be said with respect to it: It is on Pennsylvania Avenue, and there is a large vacant space, a large area in front of it, and I think from curb to curb the street must be—and I am only speaking now from my recollection of the situation—perhaps 150 or 200 feet.

MR. COPELAND. I think it is.

MR. KING. That would make a difference, and yet I do not plead that by way of justification for the height to which the Munsey Co. was permitted to erect its building.

MR. COPELAND. Mr. President, after hearing the testimony in the District Committee, it was my proposal that we make the height of buildings in that block 150 feet. I think the first bill which was brought in regarding the Press Club building allowed a height of 150 feet, but afterwards, finding out what was the height of other buildings, it seemed wise to accept the House bill and recommend a limit of 140 feet.

The Senator from New Jersey [Mr. EDWARDS] has offered an amendment, which I promised to call attention to and send forward to the desk, to make the height of all the buildings in that block 140 feet. In connection with that amendment, I have here and have promised to put into the RECORD a petition from the owners of property in that entire block asking that the height of buildings in the block be made 140 feet.

I ask unanimous consent to have this petition inserted in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

We, the undersigned property holders in square 254 of the District of Columbia, do respectfully petition the Senate for an amendment to H. R. 9398, which was passed by the House and is now on the Senate Calendar, by which all the property holders in the said square shall receive the same rights under the said bill as are to be bestowed on the National Press Building Corporation.

We respectfully represent that it is only a matter of fairness and right that if one-quarter of this square is to be exempted from the building limit of 110 feet that the other three-quarters of the square receive the same privilege.

Lots 28, 809, 810, 819, 37, 23, 44, 821, 801, 22, 46, 815, 45, 47, 824, 807, 808, 43, 805, 801, 811, 812, and 803.

Columbia Barber Co., George Miller, secretary; D. Loughran Co. (Inc.), J. W. Loughran, president; D. Loughran Estate, J. W. Loughran, agent; F. V. Killian; Anchor Theatrical Corporation (Inc.); Brownley Investment Co.; Rapley Theater Co., W. H. Rapley, president; C. C. Willard Estate, by Clare Willard, secretary; Henry A. Willard Estate, by J. M. Kirby, agent; Sarah B. Willard Estate, by J. M. Kirby, agent; the Munsey Trust Company, C. H. Pope, vice president; John J. Schwartz; C. Heinrich; Mary T. Milovich.

Mr. COPELAND. As regards the press building, the Senator from Utah and every other Senator realize that in recent years the overhead expense of every great building has increased so materially that the possibility of having one floor additional may make all the difference between success and failure in the operation of the plant. We are all agreed in the committee. The engineer commissioner was present and said that he could see no particular objection to placing the height of the building at 140 or even 150 feet. I think the zoning commission is entirely right in insisting upon the rule and that there should not be light reasons given for a change in the rule. I think the commission is entirely right in that; but in this instance, where the sky line now is far above 110 or even 130 feet, there is every reason in the world why this building should be permitted to be built to a height of 140 feet.

So I hope, Mr. President, that in spite of the logic and the argument and the good faith of the Senator from Utah the Senate will agree to the proposal and permit this building to be built to a height of 140 feet.

Mr. CAPPER. Mr. President, I am sorry that it is necessary for me to differ with the Senator from Utah in regard to this bill. It had full consideration by the Senate Committee on the District of Columbia, and the recommendation made by the committee was agreed to by every member of the committee except the Senator from Utah. A very representative delegation from the National Press Club was present and presented arguments in a very strong way for the enactment of the legislation. As the Senator from New York has said, the engineer commissioner was present and, while stating that the commission did not feel that it would indorse or recommend the passage of the bill, yet it had no objection to it.

Mr. Moore, of the Fine Arts Commission, was unable to be present, but he sent word that he felt that it would be better if all the buildings in that block might be of the same height, but he offered no objection to the passage of the bill.

Mr. KING. Mr. President, will the Senator yield?

Mr. CAPPER. I yield.

Mr. KING. I do not see how the Senator can make those statements in the face of these written statements by Mr. Moore and by Colonel Bell. Those men are guilty of duplicity and insincerity if they write this to me and to the commission and then make the statements which the Senator attributes to them. I want to say to the Senator that I talked with Major Wheeler only a day or two ago, and he said that the commission, the zoning commission and the Fine Arts Commission, adhered to the statements which I have read to the Senate this morning.

Mr. CAPPER. I only know what Commissioner Bell had to say at the meeting of the committee when a large number of people were present.

Mr. KING. Here is his letter to me, which I have read this morning.

Mr. CAPPER. As to Mr. Moore, his latest statement was made after he had gone into the matter further; and while he did not withdraw his objections, he said that the commission would have no objection to that height if it could be applied to the entire block. So I certainly hope that the bill as it comes from the House will be passed.

Mr. BRUCE. Mr. President, I am interested in the amendment to this bill which has just been read. Under that amendment a business concern desires to exercise the same privilege in the square between New York Avenue and G Street and

Fifteenth Street that would be exercised by the Press Club under the provisions of the bill itself.

Personally, I am heartily in favor of the license desired by the Press Club being granted to it, not only because I think that there are reasons why it is peculiarly entitled to consideration as respects the height to which it proposes to erect its building, but for general reasons.

I differ absolutely from the Senator from Utah with respect to the expediency of imposing height limitations on buildings in the business section of Washington. While, of course, the views of the District Commissioners upon that subject are entitled to a high degree of respect, they are, as far as I am concerned, by no means binding or conclusive; and I, for one, have no objection, whenever a real occasion for doing it arises, to setting aside the general restrictions of the zoning law to which the Senator from Utah has referred, or any other building law applicable to the District.

It seems to me that the Senator from Utah is asserting his nice artistic scruples in the wrong place. He reminds me a little bit of the astronomer in *Æsop's Fables*, who was so busy scanning the skies that he tumbled over into a well.

Mr. KING. The Senator is scanning the skies. He wants a high building. I do not. I want to keep on the ground.

Mr. BRUCE. No; the Senator entered into all sorts of nice refinements. Of course, we all know that the Senator has the same tendency as the rest of us to go up into the air at times, and I do not wish to impose too harsh restrictions upon his ascents. I say, however, that it seems to me that he is placing the emphasis in the wrong place. What this town needs more than anything else is some plan under which the area or the areas in it that should be set aside for public purposes would not be invaded by residential or business buildings.

As respects the extension of public building construction in this city, it can be said with as much truth as it can be said with respect to anything, in the language of the Scriptures, that—

Where there is no vision, the people perish.

Fifty, sixty, seventy years ago, if as far back as that the pecuniary resources of the Government were equal to such an achievement, this Government should have acquired all the property on either side of Pennsylvania Avenue from the Treasury Department down to the National Capitol. Then, indeed, as time went on this great Capital of ours would have been distinguished by the noblest, the most impressive, the most beautiful group of public buildings in the whole wide world, more beautiful than anything that Paris can offer, more beautiful than anything that Vienna can offer, more beautiful than any collection of buildings in the world in the form of a city. But Washington is a city of lost artistic opportunities. Though the idea that I am now outlining has been repeatedly suggested, it never has been followed up as it should have been. Consequently the development of the public-building side of Washington has been allowed to proceed in a hopelessly desultory, haphazard, and random sort of way.

The Government has bought land and erected public buildings here and there on it without reference to any comprehensive plan of any kind, building the Pension Building here, erecting or purchasing a building for the Department of Commerce there, both north of Pennsylvania Avenue, and erecting other scattered public buildings in other places, and even buying old buildings and reconstructing them for public purposes. In an artistic sense, all or much of that expenditure of money is absolutely lost, as much as if it were engulfed in the waters of the Pacific or the Atlantic. The same mistake, because of the same lack of vision, foresight, and expert skill, is now about to be repeated in the public buildings bill which we will have under consideration in a day or so at the most. There, again, Congress is asked to appropriate \$50,000,000 for the purchase of sites for public buildings and for the erection and reconstruction and purchase of public buildings in the city of Washington. The geographical limits within which that money is to be expended are not defined in the bill. Buildings may be erected or purchased north of Pennsylvania Avenue or south of Pennsylvania Avenue; sites may be purchased north of Pennsylvania Avenue or south of Pennsylvania Avenue; existing public buildings may be reconstructed north of Pennsylvania Avenue or south of Pennsylvania Avenue. The bill, to use the language of the poet, is "a mighty maze without a plan"; and the very gall in one of my physical organs begins to diffuse itself through my frame when I read the declaration in that bill that all public buildings erected under the bill are to be standardized, as if they were to be so many dry goods boxes on a colossal scale.

I propose to touch on those matters later. Let the Government, I say, make up its mind, under competent direction, as to

how the plan of public building construction in this city is to unfold, and then let it adhere to that plan. When it makes up its mind I assume that it will make it up under the very best professional advice.

If the resources of the Government are not equal at present to the purchase of all property of every description on either side of Pennsylvania Avenue from the Treasury Department down to the Capitol, it should at least take initial steps for the final acquisition of the last remnant of that property, much of which it owns already. And when some enlightened public building plan has been adopted by the Government, then I should share the scruples, perhaps I might call them the aerial scruples, of the Senator from Utah. I would not allow any business or residential structure to be built upon that avenue or near enough to it to mar its beauty as improved for public purposes.

So with the residential sections of the city. Of course, there should be a proper zoning law shutting out business buildings of one sort or another from those sections. In other words, I would have a great area for the erection of public buildings. I would have other great areas for residential purposes, and then I would have areas for business purposes, because the people of Washington are entitled to have their private business provided for in every respect. Within those business areas I would not impose any limitation upon the height of buildings whatsoever.

What right has the Senator from Utah to say that the material interests of the people of this city should be sacrificed to the fact that Washington happens to be the National Capital? In doing that, he reminds me of a Japanese trying to tie an oak down to the dimensions of a flower pot. This city has put on a pair of seven-league boots. It is growing with most remarkable rapidity. I have had occasion, as a member of the Committee on the District of Columbia, to go out to its suburbs and everywhere are evidences of growth, of expansion, of extension. The fact is that the business interests of this town are assuming no small degree of importance. Its retail-store interests, of course, are of very great importance; and I understand that to some extent industries are beginning to spring up within or just outside the limits of the city. Why should any artificial clogs of any kind be imposed upon the business progress of Washington in localities where business can properly be allowed to spring up; that is to say, consistently with what is due to the public-building area or areas of Washington and its residential area or areas?

So, naturally enough, entertaining these general views, I think that this privilege ought to be accorded to the Press Club. What harm will it do to anybody? They are about to erect a splendid building, which will be one of the architectural ornaments of Washington. Certainly I do not know any influence in American public life that is better entitled to a local habitation and a name than the American press. It was only a night or so ago that I heard a speaker repeat that pithy observation of Thomas Jefferson, that if he had to take his choice between government without newspapers and newspapers without government he would choose the latter; and so would I, because without newspapers there is no such thing as intelligent and incorrupt government.

So let the gentlemen of the press have their building. Let it rise into the air as high as they may desire, indeed, to as lofty a height as the aspirations of a free press itself rise. Then let these enterprising people for whose benefit my amendment has been offered have their building, too, with a height of 140 feet above the G Street curb. It, as I have said, would be in the block between New York Avenue and G Street, on Fifteenth Street. What harm would it do to anybody to have that building ascend to a height of 140 feet above the G Street curb? If it interfered in anyway whatever with the public building ideas that I have suggested, I should oppose it, and oppose it with all the power that lies in me, because I would not willingly see any structure of any kind, residential or business, erected at any place, which would interfere with the orderly evolution of the public building growth of Washington.

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from North Carolina?

Mr. BRUCE. I yield.

Mr. SIMMONS. I concur, in a general way, with the observations of the Senator from Maryland. I think that he is absolutely right with respect to the business section of the city. I am inclined to think he is right in respect to the other sections of the city. But I wanted to ask the Senator this question. Aside from his general proposition, does he not think that at this particular location there is a difference in favor of his proposition from the situation in some other sections of the

city? Just across the street, as we all know, and as has been referred to in the discussion, is the Willard Hotel. It fronts both upon F Street and upon Fourteenth Street. The proposed building will front upon F Street and upon Fourteenth Street; on the other side of Fourteenth Street. The Willard Hotel is 138 feet high, as I understand it.

Mr. BRUCE. Yes.

Mr. SIMMONS. The Press Club Building is limited to 130 feet, and according to my conception that will mar both the sightliness and the symmetry at that point. If the Press Club is allowed to build to the height of the Willard or, indeed, higher—

Mr. BRUCE. Two feet higher is the proposition.

Mr. SIMMONS. Will that not better conserve symmetry at that point than if it should be limited to 130 feet?

Mr. BRUCE. As I look at the matter, the preservation of symmetry as respects the height of buildings in business sections of a city is a matter of no material importance whatsoever.

Mr. SIMMONS. That I have conceded; but if the contrary view shall obtain as to the city at large, at that particular point would not the symmetry be better preserved by allowing this new building to be 140 feet than by limiting it to 130 feet by reason of the fact that on the opposite corner the building is 138 feet high?

Mr. BRUCE. I agree entirely with the Senator, and I confess that that aspect of the matter has escaped my observation. I thank the Senator for saying what he has said. In other words, a height of 140 feet, the Senator from New York will understand, promotes a degree of symmetry that a height of only 130 feet would impair. So if there is to be any consideration of the elevation of these two buildings at all—the building mentioned in the bill proper and the building mentioned in the amendment—it is better, so far as symmetry is concerned, that the height of the buildings should be 140 feet rather than 130 feet. The difference would be so trifling it would be hardly visible to the eye.

Mr. SIMMONS. In the other instance it would be quite marked.

Mr. BRUCE. Yes; it is, as far as lineal measurement goes, but so far as visualization goes the matter would be one of very little importance.

As I have intimated, for the purpose of my argument it is not necessary to stop there. I do not want to see any unreasonable limitation imposed upon the business growth of Washington. There is no reason why this city should not have its large business interests.

Mr. FLETCHER. Mr. President, may I inquire of the Senator whether he recalls the height of the building on the northwest corner of Fourteenth and F? I think it is a pretty tall building.

Mr. KING. That is 110 feet high.

Mr. BRUCE. The Munsey Building is about 158 feet high.

Mr. FLETCHER. What is the height of the building just south of this building on Fourteenth Street, occupied by the Bureau of Public Roads?

Mr. KING. It is less than 100 feet high.

Mr. BRUCE. The Senator from Florida brought out another highly relevant fact in connection with the discussion; that is to say, that on Fourteenth Street, at the point to which he referred, there is that marked irregularity.

In conclusion I want to say that my friend, the Senator from Utah, knows that I was indulging in a little awkward playfulness when I spoke of him as going up in the air. According to my political connections and limited stock of political ideas, I know of no Member of this body who is more in the habit of keeping his feet on the earth than is the Senator from Utah. If that were not true, I could not afford to say it because usually my feet are planted right where his are planted. If he ever gets up into the air, it is perhaps because it is congenial with his nature to breathe an ether that is just a little more wholesome than the air nearer to the earth. I say that much because my relations with the Senator from Utah and my respect for him are such that I could not afford for one single moment to have him form any misconception as to anything that I might say.

The PRESIDING OFFICER (Mr. WILLIAMS in the chair). The pending amendment will be stated.

The CHIEF CLERK. The amendment offered by the junior Senator from New Jersey [Mr. EDWARDS] proposes to strike out lines 7 to 11, inclusive, in the following words:

And provided further, That the building to be erected in lots 813, 814, and 820 in square 254, located on the southeast corner of Fourteenth and F Streets NW., be permitted to be erected to a height not to exceed 140 feet above the F Street curb.

And to insert the following language:

And provided further, That buildings to be erected in square 254, bounded by Fourteenth Street, F Street, Thirteenth Street, and E Street NW., be permitted to be erected to a height not to exceed 140 feet above the F Street curb.

Mr. KING. Mr. President, if it had not been for the concluding statement of the Senator from Maryland I should have been inclined to draw the sword and endeavor to give him as good as he gave me.

Mr. BRUCE. The Senator is perfectly capable of doing it. Mr. KING. The Senator's speech reminded me of a title to a book written in the thirteenth century. Before giving the title I shall briefly refer to the scope of ground and circumambient atmosphere covered and penetrated by my friend from Maryland. He spoke about the Bible and the necessity of vision in Aesop's Fables, the Japanese flower pot and the oak, the failure of Congress to adopt and follow a harmonious plan for the development of Washington. He exhibited greater familiarity with aerial matters than I possess and seemed willing to soar into the skies or at least to build into the nether blue. He wanted buildings to pierce the clouds, and I thought he would quote Webster's eloquent words when he referred to the monument that was to rise and pierce the skies. The Senator is always illuminating, and because of his erudition he is always instructive, but I could not help thinking, as he was dealing with me for the feeble words which I had uttered, of the title to the book which I have just referred to. The author said that it was "A book concerning all things and certain other things also." The speech of the Senator from Maryland concerns all things and certain other things also. But I am disarmed by his closing statement, and if permitted I would drink, of course, in water, to his health and would wish that he might live long and prosper.

My good friend was a little inconsistent, because being a Democrat, he does not believe in special privileges; and yet his chief reason for supporting the bill was that the Press Club deserves "special privileges" or special consideration. I paid my tribute to the press, but the members of the press are honorable men and they do not want special privileges. Any man who thinks—and, of course, the Senator had not that in mind at all, and I am speaking impersonally—that he makes friends of honorable journalists by any offer of sycophancy makes a mistake.

Mr. President, the speech of the Senator from New York [Mr. COPELAND] was a sensible one. He kept his feet upon the ground. He approved substantially all that I have said, that we should have a city here that is symmetrical and conformable to certain architectural types and lines. I hope my good friend from Maryland, whom I love, did not deduce from anything I said that I was opposed to business. Paris has today more than two and one-half millions of people. It has one hundred times, perhaps, as much business as the city of Washington. But its business houses, great as they are, conform to certain lines of architectural types which have been prescribed years ago. I presume the Senate and the House understood what they were doing when they laid down a rule of 110 feet and gave to the zoning commission authority to restrict it below that limit. Are we so much wiser? Perhaps some of us are, but not the Senator from Utah. I think they laid down that plan after full investigation. They were seeking to conform the development of the city to certain rules and regulations for which my good friend is contending.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. KING. I yield.

Mr. HARRISON. When was the law restricting the height to 110 feet enacted?

Mr. KING. In 1910.

Mr. HARRISON. There has been no change so far as the law is concerned?

Mr. KING. Not in the general law; but there was a deviation from it when a special act was passed permitting the erection of the Harrington Hotel, the limit being fixed at 130 feet. I have heretofore stated the reason given for this action.

Mr. HARRISON. What was the height limit before 1910?

Mr. KING. I am not sure what the regulation was.

Mr. HARRISON. It is quite true that through the years and during the growth of the city they have gradually increased the height of buildings in the business section of the city, is it not?

Mr. KING. I do not think that is quite accurate, and yet if the Senator knows, I would not dispute it.

Mr. HARRISON. I do not know; I am merely asking for information.

Mr. McKELLAR. What is the height requested here?

Mr. KING. It is 140 feet.

Mr. McKELLAR. What was the limitation on the height of the Munsey Building?

Mr. KING. The Munsey Building was built having in mind the great width of the street with a large area and two streets in front of it. As Major Wheeler, of the zoning commission, told me this morning, the present law enacted June 1, 1910, fixed the maximum height of buildings at 110 feet, the commission having discretion to limit the height below that figure.

Mr. McKELLAR. What is the height of the Willard Hotel right across the street?

Mr. KING. That is 138 feet.

Mr. BRUCE. The Munsey Building is 156 feet and 8 inches in height.

Mr. KING. But the Senator knows that the Munsey Building, as I have stated several times, faces upon a very wide area, which is perhaps 150 or 200 feet in width.

Mr. McKELLAR. It is down grade from F Street, too.

Mr. KING. Yes.

Mr. McKELLAR. What is the Senator's idea about it? What is the height to which he believes the building should be restricted?

Mr. KING. I would leave the matter entirely with the constituted authorities; that is to say, the Commissioners of the District, the zoning commission, and the Fine Arts Commission. When Congress sets up agencies to discharge certain duties and exercise their discretion, I would follow them, unless some special condition in some contingency arose which called for a modification of the law.

These officials are favorable to a limit of 130 feet. Accordingly, I would support that recommendation. We have invested them with authority and I would leave the matter in their hands. The District Commissioners and the Fine Arts Commission and the zoning commission have recommended against the bill; but, as stated, I am willing to recommend the maximum limit allowed by law, 130 feet.

Mr. McKELLAR. How was the vote of the committee?

Mr. KING. I was not present. I am told that all the members of the committee who were present favored the bill. Senator SACKETT and myself were not present.

Mr. COPELAND. May I answer the Senator from Tennessee?

Mr. KING. Certainly.

Mr. COPELAND. The vote in the committee was for a height of 150 feet, and every member of the committee except the junior Senator from Utah voted for that height. However, the House passed a bill providing for a height of 140 feet, and therefore it seemed wise for us to recede and accept the suggestion of the House.

Mr. KING. May I say to the Senator from New York and to the Senator from Maryland, if I understand the purpose or the plan of the building that it will bring the building, as one descends toward Pennsylvania Avenue, to a greater height above the curb than 140 feet, because the descent, as Senators will recall, is quite rapid; so I would imagine the extreme southern end of the building on Fourteenth Street would attain a height of approximately 148 or 150 feet.

Mr. BRUCE. I do not know. I am not certain about that fact.

Mr. HARRISON. But at that point the building would then be lower than the Willard Hotel. As one goes toward Pennsylvania Avenue on Fourteenth Street the lower end of the Press Club Building would be much lower than the height of the Willard Hotel.

Mr. KING. I think it would be from 4 to 6 feet, or approximately a little more, below the height of the Willard Hotel as it fronts on Pennsylvania Avenue.

Mr. HARRELD. Mr. President, as I understand it now, the Press Club Building, if 140 feet high, will still be below the sky line of the Munsey Building. Is that true?

Mr. CAPPER. That is true. If the Senator will yield to me for a moment, I will make a brief statement concerning that.

Mr. KING. Certainly.

Mr. CAPPER. Here is a statement filed with the committee by the Press Club committee having in charge the building, in which they said:

The only objection that the Press Club has heard of has come from the Munsey estate, which now controls the Munsey Building, and this objection the Press Club is now informed was made through error in that it was assumed that the Press Club Building would reach a much higher level than the Munsey Building, rather than the actual fact, which is that the Press Club Building erected to the full height requested in this bill would be lower than the Munsey Building.

The Willard Hotel will also be considerably higher than the press building when completed, and there can be no question at all but that

these three buildings, approximately the same height, will give a much better sky line and more greatly enhance the beauty of the city than if this colossal press building were forced to be erected to a lower level and less symmetrical mass.

Mr. HARRELD. Mr. President, that statement may be true in so far as these three buildings are concerned, but will not every business house on F Street be immediately asking for permission to erect another story or two stories on top of its building when this bill shall have been passed?

Mr. KING. An amendment has been offered, extending the provisions of the bill to the entire block.

Mr. HARRELD. How did we ever depart from 110 feet as the height under the zoning law to 140 feet? How did the Munsey Building ever come to be built? How did the Hotel Willard ever come to be built at that height?

Mr. CAPPER. Both those buildings were erected before the enactment of the zoning law.

Mr. COPELAND. Mr. President, if the Senator will permit there, there is a kind of elastic provision. Under certain circumstances the zoning commission may permit a height of 130 feet; but they never, by their own act, are permitted to go beyond 130 feet. When it is proposed that the height of a building shall go beyond that, the question must come to Congress. That is the reason why the Press Club have appealed to Congress. They found that in financing this project they must add another story to their building in order to carry them over.

Mr. HARRELD. I do not think that is a consideration. I have the highest regard in the world for the Press Club, but they ought not to want and they ought not to ask any special favors. I would deal with them just like I would with any individual in this matter.

Mr. COPELAND. When the matter was before the committee the very thought which the Senator from Oklahoma has in mind was raised. The question was, Why should an exception be made in favor of the Press Club?

Mr. HARRELD. I should like to know why.

Mr. COPELAND. At that time I think I myself offered the motion to make the height for the whole block 150 feet.

Mr. HARRELD. Then you would have to let owners of property on every other block in that vicinity erect buildings to the same height.

Mr. KING. And it would be insisted that Congress should allow buildings to be erected to the same height on the other side of the street.

Mr. COPELAND. The objection to that was that Major Bell, who was representing the commissioners and the zoning commission, said that they preferred that the committee would not take action about anything except this particular building, because they preferred to have each case considered on its merits. Furthermore, there was to be, as I understand, a restudy of the question of zoning.

The Senator from Oklahoma and, I am sure, the Senator from Utah appreciate this point: The question of overhead in a great building to-day is very different from what it was before the World War.

Mr. HARRELD. Granting that is true, are these people to have a special privilege over the other property owners in the vicinity? Is that what the Senator is arguing for?

Mr. COPELAND. I am arguing that the Press Club, having come to us to present their cause, and having granted such permission in other cases by action of Congress, we should grant permission in this instance. Not, however, because it is the Press Club, for if the Senator from Oklahoma will present a bill to have the height of a building raised on some particular lot, I know Congress will be very glad to consider it.

Mr. HARRELD. If I owned the building on the corner across the street from the proposed building, I will tell the Senator, I would next day ask for the same privilege. The question is, Are we going to accord the same privilege to everybody, or are we merely going to let one person or one individual or one club have this privilege? I have the highest regard in the world for the Press Club, but they ought not to ask for anything we are not willing to give other people. It is beyond and above them. I do not believe they should be charged with anything of that sort or even with requesting any special consideration in such a matter. I think too much of them to believe that they would do it.

Mr. CAPPER. Let me say to the Senator from Oklahoma that others have asked of Congress, and Congress has granted a similar privilege. The Harrington Hotel is an instance of that.

Mr. KING. That building was permitted to be erected to a height of 130 feet only for the reason that there was a building alongside of it of that height which had been erected the year before restrictions as to height had been adopted.

Mr. CAPPER. The height of that building exceeded the zoning restriction, and it required an act of Congress to enable the building to reach that height.

Mr. KING. Exactly; but that permission was granted only because there was a building there which had been erected before there were zoning restrictions or any law on the subject covered the situation. Of course, if an exception is made, it will be difficult to deny the benefits of the exception to all other persons.

Mr. HARRELD. Mr. President, will the Senator from Utah yield to me?

Mr. KING. I yield the floor.

Mr. HARRELD. Mr. President, I myself am interested in an office building and I know that it is very desirable to build into the sky because the overhead expenses, elevator service, and things of that sort on a 5-story building are practically the same as those on a 15-story building. Every owner of property in the vicinity of this building, should we grant this permission, will want to increase the height of his building to the extent to which the foundations will stand. The next day after the rule shall be varied such applications will be made. I know what I am talking about, because if the owners can add two or three stories to the top of their buildings it is practically net rent to them. Their overhead is going on anyway, and it is very desirable from their standpoint that they should be allowed to build additional stories. So we shall have a dozen applications the next day after we grant this permission.

Mr. PITTMAN. Mr. President, I should judge from the remarks of the Senator from Oklahoma that the higher a building is the lower the overhead expense will be, and therefore that the rooms in a tall building could be rented cheaper than they could in a low building. Is that true?

Mr. HARRELD. That does not necessarily follow, because the rentals are usually fixed by all the buildings taken together, which include low buildings as well as high buildings.

Mr. PITTMAN. I have never had any interest in an office building, but I assume that when the overhead can be reduced the rentals also can be reduced.

Mr. HARRELD. It does not work that way, though, because the general average cost or rental of a room is made up of the demand for rooms in both low and high buildings, and it usually strikes an average; but it is a known fact among building owners that when 4 stories are exceeded elevator service must be installed, and when elevator service is put in the overhead becomes so great that the building will not pay unless it is run up to 10 stories. The higher the building goes above that the more money can be made out of it. That is a known fact.

Mr. PITTMAN. This also figures in it, that if an individual owns a lot that is worth a high price a square foot he can hardly afford to build a 3-story building on it.

Mr. HARRELD. That is true.

Mr. PITTMAN. And if the lot is as costly as the building, the whole cost of the operation is reduced by increasing the cubic renting space on that lot.

Mr. HARRELD. That is true.

Mr. PITTMAN. Of course, Washington has been considered a small city in the past, but we have watched the growth of large cities like New York and others where it became an absolute necessity to erect high buildings.

Mr. HARRELD. But, if the Senator will yield, if he will go to Paris or London, he will find that it has not become necessary there to go more than five stories high.

Mr. PITTMAN. But none of us want to go to Paris or London; none of us want to copy their business methods.

Mr. HARRELD. They are larger than Washington, although of course they are not larger than New York.

Mr. PITTMAN. I understand that; but of course they have imported a number of our architects in London, I am glad to say, and they are now planning skyscraper hotels in London.

Mr. HARRELD. I do not want the Senator to misunderstand me. I am not opposed to buildings going higher, but the same rule must apply to all. If we give the Press Club the right to go 140 feet, I am going to support every other request that comes here to make the same height apply to other buildings. That is all I have to say about it. It is not fair to give consideration to one and not to others. So, if we shall pass this bill, instead of having a 110-foot zoning law, we will have a 140-foot zoning law. That will be the effect of the passage of this bill.

Mr. CAPPER. Mr. President, every application that has come before Congress of this nature has been granted.

Mr. HARRELD. But there never was one before that requested a height of 140 feet.

Mr. CAPPER. There was one for 130 feet. That was all that was asked.

Mr. HARRELD. Exactly. So there has been established a zoning law allowing a height of 130 feet, and the pending bill proposes to raise that limit, and, immediately we allow that to be done, we have reestablished a new zoning law, which provides for a height of 140 feet for buildings, because, as I have said, I am going to support everybody who applies for permission to erect a building to that height hereafter, and I think every other Senator will, for we can not afford not to do it. So the question is whether we want to raise the height prescribed by the zoning law from 110 feet to 140 feet. That is the question involved here.

Mr. COPELAND. Mr. President, if the Senator will yield, I wish to say I will vote with the Senator from Oklahoma on that proposition. As buildings are being erected now with a different kind of top than the old blunt, square top, I think the skyscraper is a beautiful building. When the Senator from Oklahoma gets ready to make his motion, I will be very glad to support it.

Mr. HARRELD. Mr. President, I do not want to say that I would want to do that to the extent of destroying the beauty of the city. There must be a limit somewhere.

Mr. PITTMAN. Mr. President, I have never been the owner of an office building. I have always been a renter, having been a practicing attorney for a number of years, and I am more interested in reducing rentals than I am in increasing profits. I know as a matter of economic fact that where there are high-priced lots the owner is enabled to reduce the rent by securing a greater renting space on such lots.

So far as the 140-foot limit is concerned, we have the Willard Hotel, which is not a high building by comparison with the buildings of this day. I should like to see the streets near the business center of Washington have a limit of not less than 140 feet.

Mr. HARRISON. Mr. President, I shall not detain the Senate long. I was a little surprised to find my good friend from Oklahoma fighting the onward progress of the city of Washington and asserting that he was not in favor of this measure. I am surprised that the Senator, who comes from the great State of Oklahoma that boasts of at least two cities, Tulsa and Oklahoma City, in which in the past he has taken great pride, with their 50 and 75 story buildings—

Mr. HARRELD. The highest buildings there are 22 stories.

Mr. HARRISON. The Senator is too modest; more so than usual, when picturing the progress of the magic cities of Oklahoma. Of course I added a few dozen stories to the skyscrapers of Tulsa and Oklahoma City, but the Senator should take no offense at that, as it is but in keeping with the generous expressions of the Senator's constituents when thinking and talking of Oklahoma.

Mr. HARRELD. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. HARRELD. The cities to which the Senator has referred are commercial cities, while Washington is a beautiful city which we are building as the capital of this the greatest country in the world and which is supposed to be free from commercialism.

Mr. HARRISON. The Senator will find out after a while that the hands of progress move on and can not be stopped. Values have increased in Washington the same as they have in many of the other large cities. People can not buy property on F Street and other high-priced centers here at prevailing high prices and erect buildings thereon if they are going to be compelled to maintain them squatty, as they have in the past. They will not invest under such circumstances, the buildings will not be erected, and the progress and development of the city will be retarded.

Mr. President, I sympathize in practically all instances with the people of Washington. They have very broad aspirations, and they are not represented here, save as to such time as Senators and Representatives can give them from their other duties. While I sympathize with them in many of their aspirations, I can not but help sometimes to be aggrieved because of their silence and apparently lack of interest in so many matters which, it would seem to me, should appeal to them.

We talk about zoning commissions and the Fine Arts Commission and the Commissioners of the District of Columbia trying to beautify the city, trying to make it attractive to the people of the country, so that they will move here and live, and doing the best they can to maintain values. It is contended that in a particular block a building shall not be erected over 10 stories or beyond a certain height; it is contended that a business house shall not be located in certain blocks or along certain streets; and yet we have seen in this city, without any protest upon the part of the people or busi-

ness organizations, and with apparent approbation of the Commissioners of the District of Columbia and other leading men and women, values in certain sections forced down because they did not have the courage—I will not say the foresight, for everybody knows it would have been the wise thing to have done—to try to check the colored population of the city from moving surely and rapidly into white sections.

I say that with no desire to engage in any discussion over the race question; but there is not a Senator present, there is not a person in the city of Washington, there is not an employee of the Washington Post, the Star, the Times, the Herald, or the News, but knows that the usurpation of white sections by the colored people is destroying values and shifting residential sections. New Jersey Avenue was once a residential section for white people. Its values were high, its location attractive; but now look at it.

Colored people moved in and on it; the white people sacrificed and bought elsewhere. As the white people moved farther west and farther north the colored population one by one followed, and in proportion to the numbers that did follow values declined. This situation continued until the colored residents forced themselves as far as Fourteenth Street. Some thought that surely the movement would then stop. But no; ambitious ones of the lot dreamed of blocks beyond, and so the favored and prominent and socially inclined among them bought up to Sixteenth Street. At every step values went down. And so to-day it matters not where you may select to build your home or live, it will be but a short time when the stability of prices will be shattered and the property value declined on the invasion of the colored population. There must be some consideration given to this question. Poor people, aye, even widows, who possess perhaps nothing but a home have experienced their life savings sacrificed because some of the colored population bought and moved next door to them. Restricted areas for whites and colored make for the stability of values and the common contentment of both. Any other policy, such as we have experienced in Washington, breeds differences between the races and makes not only for the insecurity and instability of property values but estrangements and bad feeling. Why the business people and the residents of the District remain silent I can not understand. On the other hand, they indorse for high office men of the colored race who are the prime movers in that invasion, men who appear as lawyers in cases in the Supreme Court of the United States to test the validity of restrictive ordinances. So I say that sometimes I can not but feel aggrieved at the lack of interest upon the part of the District population in rendering some assistance to cure the evil.

I have said all I desire, perhaps more than I should have said. But it is out of my system, and I shall at least feel better from it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey [Mr. EDWARDS].

Mr. KING. Mr. President, I hope the amendment of the Senator from New Jersey will not prevail. Recently we passed a bill creating a new commission for the purpose of preparing a plan for the city of Washington. I sympathize with what the Senator from Maryland [Mr. BRUCE] said about the necessity of providing a comprehensive plan to meet the needs of the District. About a year ago I introduced a bill authorizing the President to appoint a commission of three persons selected from among the most eminent architects, city planners, and builders in the United States for the purpose of preparing a plan for the future development of Washington, taking into account the streets, sanitation, public buildings, parks, highways, and every matter and thing relating to municipal government and to the welfare and development of the city. That bill in part has found a place in the measure which recently passed the Senate. I hope within a short time the organization created by this act will enter actively upon its duties. The organization as authorized to employ, as I recall, leading architects, builders, and city planners to aid in preparing a suitable plan to meet the necessities of the Nation's Capital. This amendment will, in my opinion, defeat the pending bill. So the friends of the measure before us should vote against it. There is no necessity of passing it now. Let us wait until the report of this new commission is presented.

When we meet in December we will perhaps have a report from them, or certainly within a few months thereafter, and the views of Senators may undergo a change with respect to building restrictions and cognate matters.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey [Mr. EDWARDS].

Mr. BLEASE. Mr. President, the Senator from New Jersey is not present.

The PRESIDING OFFICER. The amendment was presented by the Senator from New York for the Senator from New Jersey.

Mr. COPELAND. I offered the amendment at the request of the Senator from New Jersey, who could not be here to-day.

The PRESIDING OFFICER. The amendment has been regularly submitted.

Mr. BLEASE. Was not the amendment of the Senator from New Jersey offered by him some days ago?

The PRESIDING OFFICER. Yes; the amendment was pending when the bill came up this morning.

Mr. BLEASE. I suggest the absence of a quorum. A large number of Senators are absent from the Chamber.

Mr. COPELAND. Mr. President, does the Senator feel that he desires to make that suggestion in view of the absence of the Senator from New Jersey?

Mr. BLEASE. Yes; I do not think we ought to vote on a Senator's amendment without giving him a chance to get to the Chamber. That is why I suggest the absence of a quorum.

Mr. COPELAND. The Senator from New Jersey is out of the city. He is not here. That was the reason why I presented the amendment in his absence; so I hope the Senator from South Carolina will not feel it necessary to call for a quorum.

Mr. BLEASE. Mr. President, my recollection is that the amendment was offered the other day by the Senator from New Jersey himself.

Mr. COPELAND. It was.

Mr. BLEASE. I was in the chair at the time, and the Senator from New Jersey sent it up.

The PRESIDING OFFICER. It is true that the amendment was offered by the Senator from New Jersey and it was pending this morning when the bill came up.

Mr. BLEASE. That is what I say. Then I think the Senator from New Jersey should have an opportunity to be in the Chamber when it is acted upon.

Mr. COPELAND. Mr. President, the Senator from New Jersey has authorized me to represent him to-day.

Mr. BLEASE. That is all right, then. If the Senator from New York had a talk with him, it is all right.

Mr. COPELAND. Yes; I have had.

Mr. BLEASE. Very well. I withdraw the suggestion of the absence of a quorum.

Mr. BRUCE. Mr. President, may I ask the Senator from New York whether the amendment offered on behalf of the Senator from New Jersey includes the squares in which I am interested? I do not suppose it does.

Mr. COPELAND. No, sir; it includes only the square in which the Press Club Building and the Munsey Building are situated. It does not include any others.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Jersey [Mr. EDWARDS]. The amendment was rejected.

Mr. HARRELD. Mr. President, I desire to offer an amendment.

Mr. BRUCE. I believe my amendment comes next.

Mr. McKELLAR. May the amendment of the Senator from Maryland be stated?

The PRESIDING OFFICER. The amendment of the Senator from Maryland will be stated.

The CHIEF CLERK. The Senator from Maryland offers the following amendment:

On page 1, line 11, after the words "F Street curb," insert the following:

"And provided further, That building to be erected on land in square 223, lots 8, 11, 10, 10, B, A, 802, 11, G, F, E, and D be permitted to be erected to a height not to exceed 140 feet above the G Street curb."

Mr. BRUCE. Mr. President, I note the absence of a quorum.

Mr. COPELAND. I hope the Senator will not do that.

Mr. BRUCE. The first amendment that was offered, which asked for the same relief that my amendment asks for, was defeated, and I imagine that the same fate will overtake my amendment if it is left to this body without any real consideration. A great many Members of the Senate who were present when I made my observations on the pending bill are no longer present in the Senate Chamber.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BRUCE. Yes.

Mr. COPELAND. Personally, I am in favor of the Senator's amendment. It differs, however, from the amendment offered by the Senator from New Jersey in that it has not been considered by the District Committee. The amendment offered by the Senator from New Jersey had been considered there. It

had received the approval of the committee. Here we have a committee whose business it is to deal with these matters; and my judgment is, if I may say so to the Senator from Maryland, that this is a matter which should be considered by the committee before it is presented to the Senate.

Mr. BRUCE. Mr. President, I do not see that what the Senator from New York has said has any real pertinency to this amendment, because, of course, my argument was an entirely ineffectual one if I did not succeed in establishing certain general principles on which each and every one of these cases should turn. It does seem to me that the Senator is being influenced to some little extent by motives of selfish exclusion when he makes the point that he now makes with regard to the amendment offered by me. That is to say, having offered his own bill, and having quite ineffectively represented the Senator from New Jersey in relation to his amendment—quite languidly, I should say—he now announces, thinking that he is safely past the fiery ordeal himself, that he is opposed to the amendment offered by me.

Mr. COPELAND. Mr. President, if the Senator will yield—

Mr. BRUCE. Yes.

Mr. COPELAND. I did not say that I was opposed to the Senator's amendment. I think I said that I shall vote for his amendment, because I am in favor of increasing the height of all these buildings. What I did say related to the fact that this bill has not been considered by the District Committee.

Mr. BRUCE. To use the image of Alexander Pope, that is but another way of hinting dislike—not a body blow, of course, but a lateral stroke, like that of the man in the Bible who said:

Is it well with thee, my brother?

And then smote him under the fifth rib. I say that if this bill goes through the amendment should be adopted. There is no possible reason why any line of invidious discrimination should be drawn between this bill and this amendment—none whatever. There is no reason why the height of business structures should be limited where the Press Club building stands. There is no reason why it should be limited at this point between New York Avenue and G Street on Fifteenth Street.

I do not want to weary the Senate by chewing over the cud of a past discussion; that is certain; but many of the Senators who were present when I was making my address are no longer in the Senate Chamber, and I flatter myself that what I said must have had some little effect on the minds of some of the Members of the Senate; so I note the absence of a quorum.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	Lenroot	Sheppard
Bayard	Fletcher	McKellar	Shipstead
Bingham	Frasler	McKinley	Shortridge
Bleuse	George	McMaster	Simmons
Borah	Gerry	McNary	Smith
Broussard	Gillett	Mayfield	Smoot
Bruce	Glass	Metcalf	Stanfield
Cameron	Goff	Moses	Stephens
Capper	Gooding	Neely	Swanson
Caraway	Harreld	Norbeck	Trammell
Copeland	Harris	Nye	Tyson
Couzens	Harrison	Oddie	Walsh
Curtis	Heflin	Overman	Warren
Dale	Howell	Phipps	Watson
Deneen	Johnson	Pine	Weller
Edge	Jones, N. Mex.	Pittman	Wheeler
Ernst	Jones, Wash.	Ransdell	Willis
Fernald	Kendrick	Reed, Pa.	
Ferris	King	Sackett	

Mr. PHIPPS. My colleague [Mr. MEANS] is absent on account of illness. I ask that this notice stand for the day.

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present. The question is upon agreeing to the amendment offered by the Senator from Maryland [Mr. BRUCE].

Mr. BRUCE. Mr. President, when I addressed myself to my amendment to this bill a short time ago there was quite a full attendance of the Senate and, of course, it is sickening to me to think that I will have to cover the same ground in a second series of observations in the amendment.

Briefly, the situation is this: The pending bill provides that "the building to be erected on lots 813, 814, and 820 in square 254, located on the southeast corner of Fourteenth and F Streets NW., be permitted to be erected to a height not to exceed 140 feet above the F Street curb." That is the bill. My amendment asks that exactly the same privilege be allowed the corporation which proposes to erect the building on Fif-

teenth Street between New York Avenue and G Street. Just how any line of unjust discrimination can be properly drawn between the license requested by the bill and the license requested by the amendment, I for one can not see.

Mr. HARRISON. Mr. President, will the Senator permit a question?

Mr. BRUCE. Certainly.

Mr. HARRISON. I may be mistaken about it, but has not New York Avenue been widened lately?

Mr. BRUCE. Perhaps it has.

Mr. HARRISON. What is the width of New York Avenue?

Mr. BRUCE. I could not tell; but, of course, that corner is one that is very well known.

Mr. HARRISON. I understand that one of the arguments made a while ago in connection with fixing the height of buildings was that they should be equal to the width of the street plus 20 feet. New York Avenue, on which this building is to be located, is a very wide street. It may be 150 feet wide.

Mr. BRUCE. I thank the Senator for that point. The width of the street would justify a height of considerably more than 140 feet. That is the standard prescribed by the District Commissioners, and I can not for the life of me see why fish should be made of this bill and fowl of my amendment.

Mr. CAPPER. Does not the Senator think the better way to handle this building would be by way of a separate bill, as others have been handled?

Mr. BRUCE. No.

Mr. CAPPER. This Press Club bill is not the first bill that has come before the Senate when this privilege was sought.

Mr. BRUCE. That may be, but it is the first one brought to my attention after I was requested to offer this amendment. Of course, I know there are all sorts of influences at work here to prevent the adoption of this amendment, all kinds of influences elicited on account of the fact that certain individuals who are interested in that Press Club Building do not want their bill to go back to the House with any amendment on it. Here the bill is, and I have just the same right that any Senator has under similar circumstances to make this bill a host for my amendment. I want to know whether it is going out to the country that the Press Club, composed of representatives of the press, can come to Congress and get a privilege, and another body of citizens, who do not happen to be invested with exactly the same measure of influence and power, are unable to obtain precisely the same privilege.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from New York?

Mr. BRUCE. I do not know whether I will yield or not.

Mr. PHIPPS. Mr. President, can the Senator inform the Senate of the width of the streets covered by his proposed amendment? With that information we would know the limit of height of the buildings to be erected on those frontages.

Mr. BRUCE. I do not believe it would alter the Senator's views about it in the least degree, after the interview I have just had with him. I am speaking with the greatest respect. The Senator has just said that he is opposed to the amendment, and what is the use of my furnishing him information that would have no influence on him?

Mr. PHIPPS. The question addressed to me was, Can not this amendment be accepted? I said:

There are those who oppose it because they believe it would interfere with the city building program, and I for that reason am opposed to it.

I said I was opposed to it, and gave my reason why it should not be adopted.

Mr. BRUCE. The Senator had a perfect right to say that to me, and I had nothing more to say on the subject.

Mr. PHIPPS. My inquiry was most courteous when I asked the Senator if he could give us the width of the streets involved in this property.

Mr. BRUCE. And I propose to give the Senator a courteous reply. The Senator from Mississippi has just brought to the attention of the Senate the fact that New York Avenue has been widened, that it is a very wide street at that point, and that, therefore, instead of being entitled to a height of 140 feet, this company would really be entitled, in all probability, to erect a building with an elevation of 150 feet, according to the standard adopted.

Mr. PHIPPS. If the Senator will permit me, he has brought out the very point I was endeavoring to get. If he had given us the width of the street, we could have added 20 feet to it and would have known whether or not the amendment was necessary.

Mr. BRUCE. I can not give the width of the street to the Senator. I can obtain it, if it is a matter of any consequence.

If it would really influence the mind of the Senator from Colorado, I would be very glad to get it.

Mr. PHIPPS. It would decidedly influence me.

Mr. BRUCE. I wish the Senator had said that to me before, when I approached him. Nothing could have been more positive than his manner. Of course, he had a perfect right to say what he did say to me. He said no, that he was opposed to it. There was nothing more for me to do.

Mr. HARRISON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Mississippi?

Mr. BRUCE. I yield.

Mr. HARRISON. With reference to what the Senator said about the Press Club, of course, I know that the Senator does not want to state what may be erroneous. I happen to be a member of the Press Club, and I have not been approached on this question by anybody from the Press Club. I think the Press Club would like to see this legislation enacted. I do not think they would have any objection at all to an amendment which was justified by the facts, as I believe the Senator's amendment is justified by the facts.

Mr. BRUCE. All the same, I was approached by a member of the press and asked to withdraw my amendment. Of course, that is a fact of some little significance.

Mr. HARRISON. Every one knows that New York Avenue is a very wide street; and if the height of buildings is based on the width of the adjacent streets, it would seem to me that there should be more justification to this than to the other proposition. I had hoped the Senator from Kansas in charge of the bill would accept the amendment; and if it were found that the facts did not warrant it, then it could go out. I do not want to see this other legislation defeated, and I know the Senator from Maryland does not want to see it defeated.

Mr. BRUCE. Not in the least. I am not casting any reflection on the press. They have a right to submit an idea as to what is expedient for their building and what is not expedient, but I would find fault with Members of this body should they grant a special privilege to the Press Club, or to any other club, and then withhold that privilege from some citizen equally entitled to it.

Mr. CAPPER. Mr. President, I am sure there is no desire here to grant a special privilege to the Press Club, or to any other organization. The application of the Press Club has had very serious consideration before the zoning commission, before the District Commissioners, and before the Senate Committee on the District of Columbia; but the amendment which the Senator from Maryland proposes has had no consideration by anybody.

Mr. BRUCE. All those considerations by which the committee was influenced in reaching a favorable conclusion as respects this bill are necessarily involved in the consideration of the amendment I propose. It is in practically the same locality. It is subject to the same general principles of expediency and policy as the building contemplated by the bill itself. The members of the District Committee were just as well prepared, after a statement of the purposes of the amendment, to pass on the propriety of that amendment as they would have been if they had given two days' consideration in the committee room to the amendment.

Mr. CAPPER. I have no objection to granting this privilege to the property which the Senator from Maryland has in mind, but I doubt the wisdom of including it as a part of this bill.

Mr. BRUCE. I do not see that the question of wisdom arises. It is natural enough, perhaps, though I think their fears are entirely groundless, that the Press Club should desire that no amendment should be attached to their bill. As I said, I have no quarrel with them. They have a right to form their conception of what is expedient with reference to their own bill and what is not expedient; but it seems to me that the supporters of the bill here are disposed to take a perfectly selfish position, a position of selfish exclusion, and shut out everybody except just one single legislative favorite, so to speak, from the benefits of this indulgence. I say there is no justice in that and no propriety in it.

I proposed an amendment. Not one word of opposition was ever uttered by the Senator from New York [Mr. COPELAND], not one. The Senator from New Jersey [Mr. EDWARDS] had previously brought in an amendment asking for the same privilege with reference to a whole block in this immediate neighborhood, and the Senator from South Carolina [Mr. BLEAKE] objected to the consideration of that amendment on the ground that the Senator from New Jersey, by whom it was offered, was not present in the Chamber. How was that objection met?

By a statement, forsooth, from the Senator from New York that he represented the Senator from New Jersey; in other words, would take care of the inclinations and interests of the Senator from New Jersey; and, pray, how did he take care of them?

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BRUCE. No; I do not yield yet. I will yield afterwards to the Senator.

Mr. PHIPPS. Mr. President—

Mr. BRUCE. I will not yield until I have made my statement with regard to these facts.

Mr. PHIPPS. I merely wanted to give the Senator information that might be of assistance to him.

Mr. BRUCE. I shall be very glad to receive it in a moment, but I want to finish my narrative, which is a very interesting one.

Yes; the Senator from New York would take care of the Senator from New Jersey; there was no occasion at all for the conscientious or friendly sympathies of the Senator from South Carolina. Then when the amendment came up for adoption and there was a mere handful of Senators here the Senator from New York sat mute in his seat and never lifted his voice in behalf of the amendment, and no sooner was the amendment defeated than he immediately disclosed his hostile attitude also toward my amendment. I do not want to say anything that is not fully justified by the occasion, but I say that that conduct is unworthy of a Senator.

Mr. COPELAND and Mr. PHIPPS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Maryland yield; and if so, to whom?

Mr. BRUCE. I yield first to the Senator from New York.

Mr. COPELAND. I hardly think I am called upon to justify my act to the Senator from Maryland. His amendment is not on all fours with the amendment offered by the Senator from New Jersey. I told the Senate what is the fact; that in the Committee of the District of Columbia, where we had present the commissioners, the zoning commission, and the Fine Arts Commission, we gave consideration to the question whether or not we would act alone upon the application of the Press Club for this one site or whether we would act upon the whole block. It was decided by the District Committee that each case should be determined upon its merits. The Senator from New Jersey, as the Senator from Maryland will learn at a later time, is fully advised of all the circumstances and conditions under which I would present the matter to-day and which I did with his full knowledge and approval.

Mr. BRUCE. And stated that you represented him?

Mr. COPELAND. Yes; and stated that I represented him, which I did.

Mr. BRUCE. Represented all his interests in connection with that matter?

Mr. COPELAND. I think I did represent all his interests as they were conveyed to me in that matter. I think I am fully as much qualified to pass upon it as is the Senator from Maryland.

Mr. BRUCE. All I have to say is that I am filled with a sense of delight that the Senator from New York did not represent me.

Mr. COPELAND. In that particular connection I may say that I think the Senator from Maryland is overriding the practice of the Senate in a matter which has to do now, for instance, with the height of this building about which he knows and about which the rest of us do not know. I do not know what the building is. I have not had it brought to my attention. I am a member of the Senate Committee on the District of Columbia. If the Senator from Maryland would take the same interest in presenting a bill raising the height of this particular building, and presenting it with the same enthusiasm to the District Committee that he has presented it here this morning to the Senate, I have no doubt that the District Committee would gladly make a favorable report upon his bill. So far as I am concerned, as I have said to the Senator from Maryland and the Senator from Oklahoma, I shall vote for the matter, because I would be glad to see the height of all the buildings in the business section raised far above those now fixed at a lower point by the law of the District.

Mr. PHIPPS. Mr. President, will the Senator from Maryland yield to me for a moment?

Mr. BRUCE. I yield to the Senator from Colorado.

Mr. PHIPPS. I desire to furnish the Senator with information that may or may not be helpful to him. I am reliably informed that the width of New York Avenue along the line which the Senator's amendment covers is 130 feet. Therefore, with the permissible addition of 20 feet, a building to the height of 150 feet may be erected on New York Avenue. There-

fore it would appear that the amendment proposed by the Senator from Maryland is unnecessary to accomplish the purpose he has in mind.

The Senator addressed a question to me just as the motion was being put upon an amendment and asked me whether or not I was in favor of the bill. I would have told him, if I had had the opportunity, that I am not in favor of the bill, because I think it is departing from the established rule that has been laid down in the District for a permissible addition of 20 feet to the width of any street to determine the height of a building that may be erected. If that is a good thing for a particular location, then let us make it general for the entire business district. Do not limit it to one building, or one block or three or four blocks, or to one building at a time. Let us change the basic rule and not play favorites.

Mr. BRUCE. Then, as I understand the Senator from Colorado, the persons who propose to construct the building to which I have referred are entitled to elevate it to that height?

Mr. PHIPPS. I think so, and I will say to the Senator if the bill now before the Senate passes and becomes a law and the information I have furnished him is wrong or incorrect, I shall be glad to assist him to see that the project which he has in mind is given fair consideration.

Mr. BRUCE. Then I will say to the Senator, as we are asking not for 150 feet elevation, but only 140 feet, that it seems to me there ought not to be any objection at all to my amendment. There could not possibly be any reasonable objection made to it by anybody.

Mr. PHIPPS. Does the Senator see the necessity for it now?

Mr. BRUCE. I do, because I take for granted that the owners of this site have taken proper legal advice. They would not be here asking for the adoption of the amendment unless they had reason to believe that special action by Congress was necessary. I think that their sense of their own legal needs ought to be a more trustworthy guide than any information that the Senator from Colorado has been able hastily to collect.

Mr. SIMMONS. Mr. President, I want to suggest to the Senator that if the statement of the Senator from Colorado is correct, his amendment might and would, I think, prohibit the erection of the building at the point which he has in mind in excess of 140 feet, whereas under the present law it might be erected to a height of 150 feet.

Mr. BRUCE. That is true.

Mr. SIMMONS. If the Senator's amendment were adopted, it would become the law on the street in question with reference to the three lots.

Mr. BRUCE. I am willing that that should be so.

Mr. SIMMONS. He would restrict the height there to 140 feet, whereas under the present law the building could be erected to a height of 150 feet.

Mr. BRUCE. But I take it for granted, as I said before, that the sponsors of the amendment know what they are doing. The amendment was drafted at their instance and was handed to me to be offered, and I take for granted they have intelligent conception of what their rights are. I prefer a man's selfish comprehension of his own interests to any other idea of those interests.

Mr. SIMMONS. I appreciate the situation of the Senator who has been asked to introduce the amendment, but it occurred to me that possibly those gentlemen, in asking him to do this, did not know that they could erect a building there to a height of 150 feet. I think if they had known that fact they certainly would not have asked the Senator to introduce an amendment which would reduce the height from 150 feet to 140 feet.

Mr. BRUCE. That is their responsibility and not mine. They say 140 feet will suffice for their purposes, and if it will suffice for their purposes it will suffice for mine.

Mr. SIMMONS. I was simply making the suggestion to the Senator.

Mr. BRUCE. I appreciate most highly the friendly suggestion of the Senator, but if the Senate will adopt the amendment, I hope they will adopt it just as it is.

The PRESIDING OFFICER. The question is upon agreeing to the amendment proposed by the Senator from Maryland.

Mr. BRUCE. Mr. President, I move a reconsideration of the vote by which the amendment of the Senator from New Jersey was rejected.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Maryland, and until that is disposed of the motion is out of order.

Mr. KING. Mr. President, I heard the Senator from Colorado [Mr. PHIPPS] make a statement to the Senator from Maryland which I am sure the Senator from Colorado in good faith understood to be the law. The Senator from Maryland doubt-

less relied upon it. I do not know the status of the motion now before the Senate, but the fact is that on New York Avenue, I wish to say to the Senator from Maryland, though I am opposed to his amendment, no one may erect a building in excess of a height of 120 feet. That is the extreme limit.

Mr. BRUCE. Then the width of the street has nothing to do with it?

Mr. KING. Nothing at all. The zoning commission may restrict it to 110 feet, and, of course, opposite a public building they may not build in excess of 80 feet. The Senator will recall that the Keith Building and those buildings opposite the Treasury Building may not go in excess of 80 feet.

Mr. BRUCE. It comes to this, that the Senator from Colorado innocently has misled some Senators on this matter.

Mr. PHIPPS. I am very sorry I was not familiar with the law. I was evidently misinformed.

Mr. BRUCE. I think under the circumstances the Senator should move a reconsideration of the action of the Senate on that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Maryland.

On a division, the amendment was rejected.

Mr. BRUCE. I now move a reconsideration of the vote by which the amendment of the Senator from New Jersey [Mr. EDWARDS] was rejected, and I ask that the motion lie on the table until the return of the Senator from New Jersey.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland?

Mr. FESS. I object. Let us have a vote on the motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maryland to reconsider the vote by which the amendment of the Senator from New Jersey was rejected.

The motion was not agreed to.

The PRESIDING OFFICER. If there are no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CAPPER. Mr. President, there is on the calendar a similar Senate bill with the same title, being the bill (S. 3495) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910. I therefore move that the Senate bill be indefinitely postponed.

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. PHIPPS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of House bill 10198, making appropriations for the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. PHIPPS. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPROPRIATIONS FOR THE STATE AND OTHER DEPARTMENTS

Mr. JONES of Washington. I submit a conference report and I ask unanimous consent for its immediate consideration. I do not think there will be any discussion or debate upon it.

The PRESIDING OFFICER. The report will be read.

The report was read, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 5, 6, 11, 13, 14, 15, 18, 19, and 47.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 8, 9, 10, 16, 17, 20, 21, 24, 25, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37, 39, 40, 41, 42, 43, 45, 46, and 49, and agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and

agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$583,529"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$620,440"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "(including expenses of attendance upon meetings of technical and professional societies when required in connection with standardization, testing, or other official work of the bureau when incurred on the written authority of the Secretary)"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: " : *Provided*, That not exceeding \$5,000 shall be expended for the acquisition of land"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum named insert "\$2,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "In such amounts as may be determined by the President"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "Appropriations herein made for the Children's Bureau shall be available for expenses of attendance at meetings for the promotion of child welfare and/or the welfare and hygiene of maternity and infancy when incurred on the written authority of the secretary."; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 7 and 12.

W. L. JONES,
REED SMOOT,
LEE S. OVERMAN,
WILLIAM J. HARRIS,
Managers on the part of the Senate.
MILTON W. SHREVE,
GEORGE HOLDEN TINKHAM,
W. B. OLIVER,
Managers on the part of the House.

The PRESIDING OFFICER. Is there objection to proceeding with the consideration of the conference report?

Mr. KING. Mr. President, the consideration of the conference report will consume some time in discussion. I am very anxious to facilitate the passage of the District of Columbia appropriation bill, and I appeal to my friend, the Senator from Washington, who is also a member of the District Committee, to let the conference report lie over until we can get the District of Columbia appropriation bill out of the way.

Mr. JONES of Washington. I will not say that I will let the report lie over until we shall get the District of Columbia appropriation bill out of the way, but I will let it lie on the table for a while.

Mr. McKELLAR. Mr. President, I desire to ask the Senator from Washington a question in reference to the appropriation for the war-frauds section. Was that item agreed to or disagreed to?

Mr. JONES of Washington. We had to recede from the Senate amendment.

Mr. McKELLAR. So that amount was left in?

Mr. JONES of Washington. The provision is left as contained in the bill as it passed the House of Representatives.

Mr. McKELLAR. I hope the Senator from Washington will let the conference report go over, because I want to debate that feature of the report.

The PRESIDING OFFICER. The conference report will lie on the table and be printed.

AMENDMENT TO TRADING WITH THE ENEMY ACT

Mr. BINGHAM. Mr. President, I ask unanimous consent that the House of Representatives be requested to return to the Senate its message announcing its agreement to the conference report on bill (S. 1226) to amend the trading with the enemy act, together with the accompanying papers.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF FARMERS IN DROUGHT-STRICKEN AREAS

Mr. SMITH. Mr. President, on yesterday the Committee on Interstate Commerce ordered reported favorably a bill for the reduction of the rate of interest on the amount owed the Government by the railroads from 6 per cent to 4½ per cent. The Washington Post of this morning in its editorial column contains an article in which it is stated:

The Treasury holds railroad securities valued at more than \$300,000,000. It is proposed to extend or refund about \$304,000,000 of these obligations owing by 53 roads, fixing the time of payment at 33 years and the rate of interest at 4½ per cent.

This extension of the debt is to be granted only to those railroads unable to obtain credit and unable to pay what they owe the Treasury. Secretary Mellon says:

The article continues:

"I consider it sound public policy not to extend these Government loans beyond their terms except in cases where the carrier has no prospect of obtaining private credit."

The Treasury also has on hand agricultural securities valued at about \$113,000,000 in the shape of stock of the Federal land banks and intermediate banks and Federal farm-loan bonds.

Mr. President, I have not taken the floor this afternoon to object to the proposed legislation for the relief of the railroads. The argument was made in committee, and it will be made here on the floor, that the railroads were in the hands of the Government and under Government control during the time of the World War, that during that period and subsequent thereto they were in such a position that they had to have Government aid, and that the Government had preempted the bond market for its war activities, and therefore the railroads were in a measure forced to go to the Government and assume these obligations.

Whatever may have been the reason for the railroads owing the Government this amount of money, the argument is being made that as the Government can borrow its money now at 4 per cent, as the railroad is a public necessity and convenience, and as the Government should not or does not intend to make profit out of the accommodation rendered its citizens or their organized facilities, therefore we should reduce the rate of interest charged the railroads to the rate which the Government itself has to pay; that the Government should not rigidly enforce the obligations entered into at the rate of 6 per cent per annum.

Mr. President, as I said in the beginning, I am not here for the purpose of saying that this is not proper legislation; but I desire to call the attention of the Senate to the fact that if this \$304,000,000 owing the Government by the railroads shall be refunded at a rate of 4½ per cent, there will be a loss to the Government annually of \$6,000,000, the difference between what was obligated to be paid and what will be paid under the provisions of the bill.

Again, the time is extended from the period of about five years yet remaining before maturity to 33 years. That length of time is given over which this lower rate of interest will be charged, and the railroads are also given that length of time within which to recoup themselves if conditions shall permit them to do so. You will mark, Mr. President, that that means an actual gift on the part of the Government of \$6,000,000 annually. It is taking out of the bonds a rate of interest of 6 per cent and substituting therefor 4½ per cent; and even though the Government were unwilling to extend the time beyond the six years to 33 years, it would amount, if we should reduce the interest rate, to \$6,000,000 annually.

Mr. President, I want to call the attention of the Senate to the attitude of our financiers and the Government toward the railroads, which we all admit are an absolute necessity under the present forms of our organized society—commercial, social, and in every other respect. The committee reported that bill favorably, and reported it on the ground of the necessity of the railroads and the fact that they were owing the Government. On the other hand, I introduced at the beginning of this session a bill appropriating \$5,000,000, to be placed by the Government in the hands of the land banks, in order that the Government might relieve the drought-stricken farmers of certain districts from the necessity of either losing their property or being forced to borrow from local banks the amount

of money necessary to enable them to meet their interest charges.

Now, what occurred? The railroads obtained their loans from the Treasury at first at a rate of 6 per cent. The farmers, through the land banks and intermediate banks, pay a rate of 6¼ to 7 per cent. The seasons were so unfavorable in the Piedmont region of the Carolinas and Georgia that there was absolutely nothing made. Antecedent to that condition was the terrible deflation of 1921. Then followed for the first time in that section the advent of the boll weevil, which in the first three years practically destroyed the great cash crop of that section of the country. Then, for the first time in the history of the South so far as meteorological records go, there occurred the worst drought in the history of that section—in fact, the first drought—which absolutely destroyed the crop in a large part of these States. The greater part of the State of Georgia, throughout the Piedmont section and perhaps one-half of my State—I believe I am safe in saying that one-half of the counties of my State—absolutely failed in making a crop. The individual farmers in that section were obligated to the Federal land banks. The Government holds \$113,000,000 of the securities that gave them this facility for meeting their obligations. Now that they are absolutely unable to pay they are forced to give a second mortgage or mortgage other property at the local banks, which bank charges them 8 per cent discount, which means practically 9 per cent, in order to get the money with which to meet the interest maturing on the mortgage to the land banks.

I introduced the bill to which I have referred, believing that the Government was as anxious to save the farmers of this country, who are producing that which is essential to the country's life, and just as anxious to protect and foster the agricultural industry as the railroad industry.

The reply from the president of the land bank to an inquiry addressed to him was to the effect that perhaps 90 per cent of the interest that had fallen due up to the time when I introduced the bill and made the inquiry of him had been paid; but the question was, How had they been met and paid? Just as these struggling railroads had met their obligations—by going into the market and giving extra security and getting their money at a rate of interest that they said before our committee they could not pay and live.

For the same reason and by the same token I introduced this bill, providing that the Government should turn over to the land bank \$5,000,000 for the purpose of keeping at par the bonds issued to private individuals by the land bank, and simply holding the security that it already has, just as ample as the security the Government held on the railroads; for the property mortgaged to the land bank was sufficient to indemnify the Government against any loss if no interest was paid at all for two years. Therefore my proposition was that the Government should extend the payment of this interest for two years without requiring the payment of interest on the interest, without compounding the interest.

To illustrate, suppose some land owner had mortgaged his land for \$10,000. His payment per year, if he amortizes it—and that is the condition on which these mortgages are granted; he amortizes the loan as well as pays his interest—is \$700. He is unable to meet this payment. He goes to a bank and borrows the money to enable him to meet it. He discounts it at 8 per cent. Having his extra collateral discounted at 8 per cent, he is paying 9 per cent. He can not possibly live at that rate of interest; and in order that the bonds issued by the land bank may not be affected by the land bank itself carrying the interest for two years I have asked that the land bank shall receive this money from the Treasury, amply secured by the mortgages, and that the bank meet out of this \$5,000,000 the interest due, and allow an extension for two years of the time in which the landowner, the mortgagee may be able, if the seasons are favorable, to meet his obligation to the land bank, and not be mulcted in the sum of 8 or 9 per cent interest.

As I said, the president of the land bank says that 90 per cent of those within the drought-stricken region have been paying. These notes for interest are due semiannually, and therefore during 1926 it will be practically impossible for the landowners, those who have mortgaged their land, to meet these obligations without practically destroying their hope for the future. If the Committee on Interstate Commerce, taking into consideration the distressed condition of the railroads, can offer to remit to the railroads \$6,000,000 annually, is it not reasonable to ask that the farmers be granted merely an extension of time in which to meet their obligation at the same rate of interest that they are obligated to pay? The only thing lost by the Government would be the difference between the interest compounded and the straight interest. Consequently I went before the committee in regard to the matter. We have heard

nothing from it. It is intimated that it may be unfavorably reported.

Mr. President, I do not know that it is necessary for me to go further. As this article says, \$113,000,000 has been loaned directly by the Government to these institutions to aid the farmer, at practically an average rate of interest of 7 per cent. Bearing in mind that 7 per cent rate, let me read to you a letter from an officer of the Federal land bank to one of these unfortunate creatures in a section of country that comprises more territory than a whole State of this Union. Taking the drought-stricken region of Georgia and South Carolina, where the farmers practically made nothing at all, the area thus stricken is greater than the whole of an average State of this Union.

I want to read this letter from this land-bank official. I will not read the name of the person to whom it is addressed nor the name of the official, but it is an official letter:

DEAR SIR: When you accepted this loan you agreed to pay, on stipulated dates, the amortization installments for the above amount. Your failure to pay the above installment on date due is a violation of the contract under which this loan was granted. This violation gives the bank an absolute right to declare your entire loan due and payable forthwith and without notice to you. This default is a failure on your part to cooperate with your neighbors who form your association and who have indorsed your note to secure the loan, thereby becoming to a great extent responsible for its existence. Your neighbors, your indorsers, have met their obligations to the bank; and it is therefore this bank's duty to them as well as to itself to see that you now come on in performance of your duty to them as well as to the bank.

In view of these facts, you can see that it is decidedly to your advantage to at once pay the above installment, with interest thereon for default at 8 per cent from date due up to and including date on which remittance is received at this bank. Do not ask us to grant you an extension of time on this installment, as we have absolutely no right or desire to grant you favors which we can not grant to each and every borrower from the bank. We expect you to remit before laying this letter aside.

Now, mark the contrast between our attitude toward the railroads and our attitude toward the farmer. I will reread the latter part of the second paragraph of this letter:

In view of these facts, you can see that it is decidedly to your advantage to at once pay the above installment, with interest thereon for default at 8 per cent from date due up to and including date on which remittance is received at this bank.

The railroads failed to meet the interest due to the Government on bonds which they obligated themselves to meet at 6 per cent; and the action of this body is to meet and solemnly promise, by the report of the bill favorably, to reduce the rate of interest from 6 per cent to 4 per cent. In this case they propose that when Providence, nature, absolutely denies the farmer, the man conducting the basic industry of the country, the power to meet his obligations he is to be penalized without notice by means of an increased rate of interest to 8 per cent, and a threat to foreclose the mortgage and turn him out of doors; and his only recourse is to apply to some local bank at the same rate of interest, 8 per cent, in order to be permitted to go on and produce the food and clothing for this country.

Mr. President, the bill for the relief of the railroads will not pass this body until recognition is given to the claims of those whom the Government recognizes as constituting the vast unorganized army upon whose aggregate production the whole superstructure of America stands. I congratulate this body that we did in part recognize the claim of the unorganized producers of this country upon the Government to the extent that we gave them the privilege and facility of mortgaging their land in order to get enough money to meet the deficiency between the cost of what they produced and the price they got for it. They had to mortgage the very capital, the very basis out of which their living was to be made, in order to carry on the work so essential to the welfare of this country. They then instituted the intermediate credit banks, and I myself looked into the workings of that system. It does in some degree add a facility for the financing of agriculture; but the rate of interest and the method by which one obtains it is very little removed from the ordinary process of borrowing from an ordinary bank.

I had hoped that the Senate would take cognizance of the distressed condition of these people. I want to read one other letter from a man who is not only a farmer but one of the leading attorneys in my State. In a letter to me he says:

I notice in to-day's papers that you propose that the Government lend to the drought sufferers of last year, those who borrowed money from the Federal land banks on mortgages on their lands, and who, on account of the drought, can not meet their interest payments,

money to pay off the interest. You are absolutely correct in saying that unless relief of that kind or some other is extended to these people hundreds of them will lose their lands. Something of the kind should be done, and done at once, or else an act of Congress should be passed, if such could be done, whereby the land banks would extend the time for these payments, and during such extended time there should be no interest charged.

It is pitiful to realize, as I and hundreds of others in the northern and western sections of South Carolina do, that scores and hundreds of our farmers can not meet their interest or amortization payments, nor can they pay their taxes, for *they made nothing*—

He italicizes and emphasizes that fact—

last year on account of the drought that prevailed in these sections of our State; and they are among our best people. With their lands sold from under them and they made homeless and landless, what interest can they have further in our State? And why should they lose their homes for no fault of their own, but because Providence failed to favor them?

I do hope that you may be instrumental in doing something for this class of our people, else they will soon be made to join the tenant class in our State that is growing by leaps and bounds. Our county papers in South Carolina are filled week by week with sales of lands for taxes. It were better for the State and the counties to lose these taxes than to render people homeless and transform them from home owners to the tenant class. As you well know, the burden of government, Federal and State, county and municipal, is growing yearly. One can but wonder sometimes what the end will be.

This afternoon I shall have no more to say on this subject than what I have already stated to the Senate; but I am going to insist that the Committee on Banking and Currency shall report that bill out, whether favorably or unfavorably, so that the measure may be before this body. I hope they will take action on it before this railroad proposition comes up. If they do not, or even if they do, I propose to add to the railroad relief bill the proposition I have already advanced—relief for those who, from no fault of theirs, no manipulation of stocks and bonds, no waterlog or anything, have sustained this great loss. In fact, they were the victims of the lack of water, as these others, perhaps, were the victims of too much water.

I shall propose an amendment to that bill providing for the relief of these bankrupt and distressed producers in the agricultural districts of the Southeast, as we propose to come to the rescue, and perhaps rightfully, of railroads which find themselves in such a condition that they can not carry on without relief.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, returned to the Senate, in compliance with its request, the message from the Senate announcing its agreement to the conference report on the bill (S. 1226) to amend the trading with the enemy act.

DISTRICT OF COLUMBIA APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes.

Mr. PHIPPS. Mr. President, the formal reading of the bill having been dispensed with, I ask that the bill be read for action on the committee amendments.

The PRESIDING OFFICER. The Clerk will proceed to read the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the subhead "Office of corporation counsel," on page 5, line 14, after the figures "\$40,040" to strike out the comma and the words "and no part of this appropriation shall be available for the compensation of any person giving less than full time to his official duties;" so as to make the paragraph read:

Corporation counsel, including extra compensation as general counsel of the Public Utilities Commission, \$6,000, and other personal services in accordance with the classification act of 1923, \$34,040; in all, \$40,040.

The amendment was agreed to.

The next amendment was, under the subhead "Coroner's office," on page 5, line 19, to increase the appropriation for personal services in accordance with the classification act of 1923, from \$6,200 to \$7,100.

The amendment was agreed to.

The next amendment was, under the subhead "Public Utilities Commission," on page 7, line 8, before the word "personal," to strike out "attorney at law, \$6,000, and for other" and insert "For"; and in line 10, after the figures "\$40,620," strike out the semicolon and the words "in all, \$46,620; and no part of this appropriation shall be available for the compensation of any person giving less than full time to his official duties," so as to make the paragraph read:

For personal services in accordance with the classification act of 1923, \$40,620.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the director of traffic," on page 8, line 21, before the word "such," to insert "not exceeding \$350,000 of," so as to make the paragraph read:

For personal services in accordance with the classification act of 1923; for purchase, installation, and maintenance of traffic lights, signals, controls, and markers, painting white lines, labor, traffic surveys, city planning in relation to traffic regulation and control, and such other expenses as may be necessary in the judgment of the commissioners, \$100,000, and in addition not exceeding \$350,000 of such fees as may be received during the fiscal years 1926 and 1927 for re-issuing motor-vehicle operators' permits, which shall be applied exclusively to the purchase, installation, and maintenance of traffic lights and additional new street lamps and fixtures incidental to such work.

Mr. KING. Mr. President, I have had the opportunity of associating myself with the able Senator from Colorado [Mr. PHIPPS] and the Senator from Virginia [Mr. GLASS] upon this bill, and with most of its provisions I am in hearty accord. I take this occasion to pay tribute to the very faithful service which has been rendered by the Senator from Colorado, not only in the preparation of the bill but in all of his activities in connection with the District of Columbia.

This is perhaps one of the very few amendments in the bill with which I do not agree. I am entirely dissatisfied with the traffic director and his activities and the multitude of rules and regulations, amounting to hundreds, promulgated by him and his subordinates, many of which have been changed and modified and more of which must be changed and modified. I think we are giving too much authority to him and we are making too large appropriations.

I think we made a mistake when we passed the law creating the office of the director of traffic in that form. If we had given additional power to the chief of police and given him an assistant charged with the responsibility of formulating and enforcing under his chief, and, of course, under the District Commissioners, such rules and regulations as were necessary under the authority which then existed, we would not have had the mortifying experiences which have followed the new traffic law and the attempts to enforce it by the present director of traffic.

The amendment is before us. I shall not make any motion to strike it out or to modify it, but I did not feel that I should permit the bill to go through without expressing my disapproval of the traffic arrangements, of the maladministration of the authority and power conferred, and, indeed, of many of the foolish and absurd rules and regulations which have been promulgated.

This bill proposes to give the director of traffic a large amount of money, nearly three or four hundred thousand dollars, for lighting and for experimentation without sufficient restrictions. I am opposed to it. I think it unwise, and I regret that I am compelled to dissent from the action of the committee with respect to this item.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SWANSON. Mr. President, I would like to ask the Senator in charge of the bill whether adequate appropriations are recommended to take care of the streets in Washington?

Mr. PHIPPS. Mr. President, that was one problem to which the committee gave more thought and study than to any other. With a desire to avoid increasing the rate of taxation, which would perhaps be necessary had we added to the amount of the bill as it came from the House, that is to say, increasing the total of the amount, the committee endeavored to find places wherein certain activities might possibly be deferred for a year without disastrous results. The committee believes that it was successful in finding some such places. In two instances, where appropriations have been allotted to school buildings, the work would not require the entire amount during the year, as in two other cases, of the building of gymnasiums and assembly halls, aggregating \$150,000; and the committee has

added by amendment, if the amendment shall be approved, \$400,000 for the resurfacing of the streets.

The data which we have collected show that our program to-day is just about four years behind what it should be, estimating the proper expected life of asphalt and other pavings at 30 years, as against 20 years, which is accepted in many cities as a life that should be satisfactory. We have accumulated year by year cases of necessity of resurfacing, and by reason of that we are to-day expending large amounts for keeping up little repairs, doing patch work on the streets, which is becoming unduly expensive. Many of the streets are being patched.

For the streets that are 30 years of age or over we find a surface of eight hundred and fifteen thousand and odd square yards, to replace which will cost \$2,345,000, and yet we have only been resurfacing at the rate of about three to four hundred thousand dollars a year, and the bulk of the item—which has unfortunately all been combined in one, repairs and resurfacing—has gone to repairs instead of actually replacing the surface of the streets.

The Senate committee hopes to convince the Members of the House: First, that those items should be separated; secondly, that we should adopt a four or five year program, which will enable us to catch up at least at the end of four or five years. By adding this \$400,000 to the bill in the way which we have done it we are really providing for only one year's work, where nearly five years' work has accumulated.

Mr. SWANSON. I do not know who is responsible for it, but it seems to me that the streets of Washington, especially the thoroughfares, are in as wretched a condition as one would find in little towns of four or five thousand people. This is the Capital of the Nation, and I have never seen the thoroughfares of the city in worse conditions. I hope the committee will succeed in getting an appropriation sufficient to put the streets in a condition suitable to the Capital of this Nation.

I suggest to the Senator in charge of the bill that it seems to me that in Washington there should be higher automobile taxes, which could be used to take care of the streets. It seems to me that less is charged for automobile licenses in this city and less for gasoline than is charged in other cities where the taxes are dedicated to taking care of the streets. I suggest to those in charge of District affairs that there should be a fund which could be used for this purpose. I know somebody is responsible for the wretched condition of the Washington streets.

Mr. PHIPPS. I may say to the Senator that the gasoline tax is bringing in a very considerable revenue, but, unfortunately, for those who desire to see the streets resurfaced, a very large amount has been allocated to the paving of the streets and the development of new streets, where, of course, the abutting property owner pays 50 per cent of the cost of his frontage. Our desire is to divert more money from the gas tax to resurfacing, and that is what your committee is endeavoring to do, adding \$400,000 to the \$250,000 which the House appropriated for that purpose, and about \$200,000 which, I think, was carried in the deficiency appropriation bill.

Mr. SWANSON. I have gone out to the suburbs of the city, and the streets and pavements are much better there than in the lower parts of the town, where we find the main traveled thoroughfares. I think the committee has recommended a good appropriation, if the main thoroughfares are to be taken care of, but the thoroughfares down town in the city of Washington are more suitable to towns of about four or five thousand inhabitants.

Mr. PHIPPS. Let me say to the Senator that I have made it my personal duty to travel around as many of the side streets, those paralleling the main thoroughfares, as possible, and in that way to convince myself at least that this resurfacing program must be gone ahead with, and that without further delay; otherwise the repairs will eat us up.

Mr. SWANSON. Am I to understand that relief is to be given piecemeal, about 25 per cent a year, and that for three or four years a great many of the streets are to be in the same wretched condition in which we find them now?

Mr. PHIPPS. I think not. I was speaking of the number of streets having a surface over 30 years of age. I believe that by using the appropriation in the deficiency bill, and the amount in this bill, we can have the streets in reasonably good condition at the beginning of the following fiscal year.

Mr. SWANSON. Can the city of Washington use any of the gasoline tag and automobile tax for the resurfacing of the streets without the consent of Congress?

Mr. PHIPPS. No; the commissioners can not use any money without an appropriation by Congress.

Mr. SWANSON. Why do we not dedicate a certain amount of the automobile tax, and a certain amount of the gasoline tax, entirely to the resurfacing of the streets, so that we will not have to wait?

Mr. PHIPPS. The commissioners themselves have designated various streets to be resurfaced out of that tax, and your committee has added to that very largely. It has more than doubled the recommendation of the House.

Mr. KING. I think the Senator ought to put in the Record at this point the amount that was added for the purpose of resurfacing the streets, unless the Senator has made that statement already.

Mr. PHIPPS. That is the amount I have stated. The House provided an item for repairs and resurfacing of about \$270,000, to be devoted to resurfacing of streets that are not definitely designated in the bill, and there are about half a dozen items which are designated which will aggregate, as I recall, about \$100,000, to which the Senate committee added \$400,000.

Mr. KING. I want the Record to show that the Senate committee added approximately \$500,000 for resurfacing and for needed improvements above the provisions of the House, with respect to resurfacing and similar repairs, and in order to accomplish that purpose we have been compelled to reduce the appropriations which ought to apply to some of the suburban parts of the city; but the wretched condition of the streets in the business parts of the city, as suggested by the Senator from Virginia, constrained the committee to pursue the course which it did. Some of our friends in the suburban parts of the city will have to wait until next year, although the bill, I think, deals very generously with all parts of the city. The committee visited all sections of the city, the streets of the suburban districts as well as in the central and business sections of the city, and attempted to make a fair and just allocation of the funds which we deemed available and reasonably necessary for street purposes for the coming year.

Mr. COPELAND. Mr. President, may I ask the Senator from Colorado what the situation is with reference to the widening of H Street and the plans that the committee have in mind?

Mr. PHIPPS. As to the widening of the street, the work under the deficiency appropriation bill will probably be undertaken very soon. That carries an item for the widening of the street. The House had put an item in the pending bill to continue the work. They had no Budget estimate for it. The committee went over the ground and believed that was one item that could be allowed to go over for another year, and by that time we will see what the effect of the widening of the street will be. The attitude of the committee is not one of opposition but one of expediency.

Mr. COPELAND. I understand the Senator feels that perhaps it could not be done now; but—

Mr. PHIPPS. I was confused, and the clerk of the committee corrects me. The widening of H Street is a matter to which the committee is not opposed, but it was thought desirable to leave it out this year.

Mr. COPELAND. But there is a prospect that it may be taken up within a year or so?

Mr. PHIPPS. I would think so. In the natural course of events it would probably come in next year; but I think some of the citizens who would be affected by it, who would be called upon to pay a large amount of the costs, are really not ready for it yet.

Mr. COPELAND. It depends largely upon getting the full consent of those property owners?

Mr. PHIPPS. Approximately. I would not say it would require full consent.

Mr. COPELAND. May I ask the Senator what the situation is with reference to Sherman Circle?

Mr. PHIPPS. The committee were impressed with the necessity of taking care of that situation, and we believe we have done so.

Mr. COPELAND. I thank the Senator.

Mr. KING. Before proceeding further with the committee amendments we passed over an item on page 4 to which I wish to direct attention. It does not call for any amendment. In lines 20, 21, and 22 we appropriate \$155,240 for the assessor's office. I appreciate the fact that the point I am about to make would be general legislation and therefore would be subject to a point of order if I should tender an amendment to cover it. But I want to make just one observation, hoping that the assessor's office will adopt the suggestion which I am about to make. If not, I feel that some general legislation is imperatively needed.

I have received hundreds of complaints from taxpayers of the District to the effect that they receive no notice what-

ever of their tax assessments. They say that their complaint applies to real estate as well as personal property. By reason of getting no notice of the assessments levied against their property, in many instances property has been sold without their knowledge. Perhaps there was some negligence upon their part. I express no opinion with reference to that. In some instances, when they would go to pay their taxes and thought they had discharged their entire liability, where they would have a number of segregated pieces of property, they would not discover for a number of years afterwards that they had failed to pay the tax upon some piece of property. One case which was brought to my attention was with reference to a piece of improved property, the owner of which was awakened one morning by finding a number of people out upon the property tearing down some of his trees and attempting to plant others. When he made inquiry they said, "This property was sold at tax sale and now belongs to us."

I am advised that there are a number of men in the District forming a sort of combination for the purpose of securing tax titles, and they are profiting inordinately by the course which they pursue. I do not want to condemn or criticize the assessor's office, but many criticisms have been lodged with me by reason of the course pursued. Those who are in the coterie and buy these tax titles, of course, before they will give a quitclaim or make any relinquishment, exact enormous profits, and in some instances I am told the owners have had the utmost difficulty in securing their own property.

Mr. SMOOT. Mr. President, will my colleague yield?

Mr. KING. Certainly.

Mr. SMOOT. Do I understand that a person whose property is sold for taxes in the District of Columbia has not a certain time within which to redeem that property?

Mr. KING. I think that is true.

Mr. SMOOT. Then we ought to have legislation on the subject immediately.

Mr. KING. I mean to say that they have a period of redemption.

Mr. SMOOT. Does the Senator know the length of time?

Mr. KING. No; I do not recall it. Some of the letters which I have received state the fact and the time of redemption, but they claim that, getting no notices, they are misled as to the amount of their taxes and do not know the exact amount, and where they have a number of tracts or parcels of land or various kinds of personal property they are unable to determine, without searching the records, the aggregate amount which is due, and frequently, or at least occasionally, the entire amount is not paid, without fault upon their part, and they awaken to a realization of the fact later that some tax title is outstanding against their property by virtue of a tax deed.

I hope the assessor's office will institute a fair and proper system of notification to the taxpayers with reference to their taxes. If the appropriation in the pending bill is not adequate to enable them to perform that duty properly, we ought to increase it, but the large amount which I have indicated it seems to me should answer every legitimate demand.

Mr. FLETCHER. Mr. President, I have no fault to find with the rather liberal provision which appears to be made for the director of traffic, and I have no fault to find with the plan for improving the streets and taking care of the streets. The suggestion which the junior Senator from Utah has just made is an important one.

There is a condition in the city of Washington that I think is most deplorable. I am not in a position to put my finger on the trouble, but anyone who reads the newspapers from day to day must recognize the fact that the casualties on the streets of Washington arising from alleged automobile accidents are simply enormous. There seems to be a sort of impression here that the pedestrian has no rights on the streets at all. Even the right to use the sidewalk is sometimes questioned, because automobiles go after the pedestrian even on the sidewalks. Day after day people are killed here in Washington—an elderly lady run over and killed, a child 9 years old run over and killed—and what happens? Mr. Coroner makes a so-called investigation or inquiry and decides that there has been an unavoidable accident. In nine cases out of ten, I venture to say, the people who are reckless with regard to human life escape on the ground that what has happened was an unavoidable accident.

There is something wrong somewhere with the whole system. I do not know just what it is. I do not know whether the pending bill takes care of the pay of the coroner in the District or not, but it seems to me the coroner is more or less in a conspiracy with the automobile operators and owners, and the average individual who has to walk and is not able to fly and who ought to have some rights on the streets is utterly ignored by all of them. A man takes his life in his hand whenever he

starts out to walk in the city of Washington. It is an awful situation.

I have not had the time to investigate as to the statistics and to compare conditions here and accidents which happen here with conditions in other cities, but it does seem to me the situation has reached an alarming point in Washington. Day after day we read about people being run over and killed by automobiles. Mr. Coroner sits and decides that there has been an unavoidable accident in practically every case. Nobody gets punished. It simply means that the people who venture to use the highways, which ought to be available for their use, are taking their chances every day and are liable to be run over. There is something wrong with the situation. I hope the committee have had it brought to their attention and will do something about it.

Mr. PHIPPS. May I say to the Senator that the committee had before it not only the commissioners, but the director of traffic, Mr. Eldridge. The hearings show that some 11 pages are taken up by the testimony of Mr. Eldridge as to investigations made of the various types of electric signals and automatic control of traffic on the highways, what the experience has been in other large municipalities, and the details as to the lighting, cost, and all such things. In response to a question by the Senator from Kansas [Mr. CAPPER] as to the result of the lighting system, among other things, Mr. Eldridge said:

On Sixteenth Street there were 51 accidents during November and December before the lights were put on. They were put on during the early part of January and we have had 30 accidents on the street since then. During November and December there were 12 serious accidents and 1 death. During the months of January and February there were only four serious accidents and no deaths.

Senator PHIPPS. What was it in March?

Mr. ELDRIDGE. We have not received the figures for March as yet.

This hearing was about the latter part of March. We did not have very much testimony with reference to traffic conditions. It was rather scattering as to the accidents, but the belief was very strong upon the part of everyone that the automatic control of traffic by the signal lights was proving a success, that it would take a little time to accustom the people to it, but that pedestrians are already learning that the safe time to cross a street is when the lights show green or white and never when they show red; that they should not attempt to cross facing a red light.

Mr. SMOOT. Mr. President, I would like to ask the Senator if the question of glaring headlights that automobilists are required to use in the District of Columbia has ever been discussed in connection with accidents in the District?

Mr. PHIPPS. It has not been discussed before the Appropriations Committee. It has been discussed before the District Committee.

Mr. SMOOT. I can not understand why the District of Columbia should require automobiles to be equipped with glaring headlights, so that one driving toward them can not see even a quarter of a block when they shine in his face. The dim lights are not used, but automobiles are compelled to use the glaring lights.

Mr. KING. Mr. President, may I say to my colleague that in a recent hearing I called the attention of Mr. Eldridge to that fact, and expressed my disapproval of the method and the operation of the present plan, and he said that was the right way. Of course, I disagree with him.

Mr. SMOOT. I know when I am out in the evenings, when I meet an automobile I tell the driver of my automobile to go just as close to the other side of the street as he can and stop.

Mr. FESS. Mr. President, will the senior Senator from Utah yield to me?

Mr. SMOOT. Yes.

Mr. FESS. I understand that a driver must use the dimmers and not permit the full light; that to do so is against the regulation.

Mr. SMOOT. I wish I might take the Senator from Ohio out riding with me some evening and let him see to what extent the dimmers are being used.

Mr. FESS. I myself do not drive an automobile, but I ride in an automobile almost every day and especially during the evening, and the regulation to which I refer is the one under which the driver always operates. It is against the regulation to use any lights but the dimmers.

Mr. FLETCHER. Mr. President, I wish to say in reference to what the Senator from Colorado [Mr. PHIPPS] has observed regarding the lights at the intersection of Sixteenth and Fifteenth Streets and Massachusetts Avenue, and at other points, that I think they have been very satisfactory. I think they have been the means of preventing a great many accidents. I happen to live at the corner of Massachusetts

Avenue and Fifteenth Street and there was an accident there almost every day and every night, sometimes two or three a day, until those lights were installed. Since then I do not think there have been any accidents.

Mr. FESS. If the automobilists will obey the signal lights, there is no reason at all why there should be any accidents.

Mr. FLETCHER. That is a very admirable system, and also protects the pedestrian if he will observe the signals. I am not excusing the pedestrian who recklessly goes across the street when he knows he ought not to attempt it; but most of the accidents are happening, I think, outside of the zone where there has not been an installation of the green and red lights, where that system is not in operation, perhaps down town and in other portions of the city. But I think there has been a very great improvement in that regard. The installation of this system has been most helpful, and I think has been the means of preventing a great many accidents. Of course, those lights can not be extended everywhere. Accidents are still happening, and they constitute quite a serious menace, it seems to me, in other parts of the city.

Mr. KING. Mr. President, just a word. The Senator from Colorado [Mr. PHIPPS] has called attention to the statement made by Mr. Eldridge respecting accidents on Sixteenth Street. The fact is that there was bound to be a diminution in the number of accidents after the installation of the electric lights for the reason that people would not travel on Sixteenth Street; the traffic there was cut in half; perhaps for a period of six weeks or two months after the installation of the lights it was cut to less than 25 per cent compared with what it was prior to that time. Motorists would travel down the streets on either side of Sixteenth Street rather than down Sixteenth Street.

Mr. FESS. I want to say that I can confirm that statement. A great many persons avoid a street where the lights have been installed in order not to be held up.

Mr. SMOOT. I myself do so.

Mr. FESS. Many persons do.

Mr. KING. Mr. President, I desire further to say that Mr. Eno, who, perhaps, has given more time to the consideration of the subject of vehicular traffic than has any other man in the United States, is averse to this system of lighting and signaling. In his latest pamphlet of, perhaps, 100 or 150 pages he discusses that question and again emphasizes, as he has done in a former edition of his work, his objections to the system.

Mr. FESS. After all, the whole trouble is we have too many automobiles.

Mr. KING. After all, Mr. President, we do not have intelligent and rational traffic regulations and intelligent and rational handling of the motor traffic. If we had one head it would be far better. Then if that head were the head of the police and he could coordinate all of those activities, it would be very much better than to have the present system which prevails in this city.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "Contingent and miscellaneous expenses," on page 10, line 16, after the words "Board of," to strike out "Charities" and insert "Public Welfare," so as to make the paragraph read:

For printing, checks, books, law books, books of reference, periodicals, stationery; surveying instruments and implements; drawing materials; binding, rebinding, repairing, and preservation of records; purchase of laboratory apparatus and equipment and maintenance of laboratory in the office of the inspector of asphalt and cement; damages; livery, purchase, and care of horses and carriages or buggies and bicycles not otherwise provided for; horseshoeing; ice; repairs to pound and vehicles; use of bicycles by inspectors in the engineer department not to exceed \$800 in the aggregate; traveling expenses, including not exceeding \$1,000 for payment of dues and traveling expenses in attending conventions when authorized by the Commissioners of the District of Columbia; and other general necessary expenses of District offices, including the personal-tax board, harbor master, health department, surveyor's office, office of superintendent of weights, measures, and markets, department of insurance, and Board of Public Welfare, \$50,600.

The amendment was agreed to.

The next amendment was, on page 11, line 12 after the words "Board of," to strike out "Children's Guardians" and insert "Public Welfare," so as to make the paragraph read:

For maintenance, care, repair, and operation of passenger-carrying automobiles owned by the District of Columbia, \$72,680; for exchange of such passenger-carrying automobiles now owned by the District of Columbia as, in the judgment of the commissioners of said District, have or shall become unserviceable, \$12,000; and for the purchase of

passenger-carrying automobiles as follows: Surface division, two Ford roadsters, \$900; two Ford touring cars for the electrical department, \$900; one Ford sedan for the Board of Public Welfare, \$700; in all, \$87,180.

The amendment was agreed to.

The next amendment was, on page 13, line 5, after the word "plumbing," to strike out "secretary of the board of charities" and insert "director of public welfare," and in line 10, after the word "men," to insert "the superintendent of machinery and the fire marshal," so as to make the paragraph read:

Telephones may be maintained in the residences of the superintendent of the water department, sanitary engineer, chief inspector of the street-cleaning division, assistant superintendent of the street-cleaning division, inspector of plumbing, director of public welfare, health officer, assistant health officer, chief of the bureau of preventable diseases, chief engineer of the fire department, superintendent of police, electrical inspector in charge of the fire-alarm system, one fire-alarm operator, and two fire-alarm repair men, the superintendent of machinery and the fire marshal, under appropriations contained in this act. The commissioners may connect any or all of these telephones either to the system of the Chesapeake & Potomac Telephone Co. or the telephone system maintained by the District of Columbia or to both of such systems.

The amendment was agreed to.

The next amendment was, under the heading "Street and road improvement and repair, street improvements," on page 16, after line 21, to insert:

Northwest: For paving Oak Street, Ogden Street to Sixteenth Street, \$7,600.

The amendment was agreed to.

The next amendment was, on page 17, after line 2, to insert:

Northwest: For paving Ninth Street, Quincy Street to Rock Creek Church Road, \$4,300.

The amendment was agreed to.

The next amendment was, on page 17, after line 4, to insert:

Northwest: For paving Rock Creek Church Road, Georgia Avenue to Spring Road, \$5,600.

The amendment was agreed to.

The next amendment was, on page 17, after line 6, to strike out:

Northwest: For paving Nicholson Street, west to Colorado Avenue, \$7,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 12, to insert:

Northeast: For paving Second Street, T Street to Rhode Island Avenue, \$2,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 16, to strike out:

Northeast: For paving Franklin Street, Sixth Street to Seventh Street, \$7,200.

The amendment was agreed to.

The next amendment was, on page 18, after line 5, to strike out:

Northwest: For paving Cleveland Avenue, Cathedral Avenue to Garfield Street, \$14,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 11, to strike out:

Northwest: Audubon Terrace, Linnean Avenue to Broad Branch Road, \$15,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 2, to insert:

Northwest: University Avenue, south of Massachusetts Avenue, \$7,000.

The amendment was agreed to.

The next amendment was, on page 19, line 13, after the words "In all," to strike out "\$183,100" and insert "\$165,500," so as to read:

"In all, \$165,500; to be disbursed and accounted for as "Street improvements," and for that purpose shall constitute one fund, and shall be available immediately.

The amendment was agreed to.

The next amendment was, under the subhead "Gasoline tax road and street fund," on page 20, after line 7, to strike out:

Northwest: Pennsylvania Avenue (south side), Washington Circle to Twenty-fifth Street, \$5,000.

The amendment was agreed to.

The next amendment was, on page 20, line 12, before the word "Street," to strike out "Fourteenth" and insert "Twelfth"; and at the end of line 13, to strike out "\$55,000" and insert "\$74,400," so as to make the paragraph read:

Northwest: K Street, Twelfth Street to Connecticut Avenue, \$74,400.

The amendment was agreed to.

The next amendment was, on page 20, after line 13, to insert:

Northwest: K Street, Connecticut Avenue to Eighteenth Street, \$8,800.

The amendment was agreed to.

The next amendment was, on page 20, after line 15, to insert:

Northwest: Belmont Street, Fourteenth Street to Fifteenth Street, \$11,200.

The amendment was agreed to.

The next amendment was, on page 20, after line 17, to insert:

Northwest: Chapin Street, Fourteenth Street to Fifteenth Street, \$12,500.

The amendment was agreed to.

The next amendment was, at the top of page 21, to strike out:

Southeast: Minnesota Avenue, Good Hope Road to Eighteenth Street, \$28,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 7, to insert:

Southeast: Third Street, E Street to Virginia Avenue, \$7,400.

The amendment was agreed to.

The next amendment was, on page 21, after line 23, to insert:

Northeast: Fourteenth Place, North Carolina Avenue to D Street, \$9,500.

The amendment was agreed to.

The next amendment was, at the top of page 22, to insert:

Northeast: D Street, Fourteenth Street to Fifteenth Street, \$8,900.

The amendment was agreed to.

The next amendment was, on page 22, after line 2, to insert:

Northeast: Orleans Place, Sixth Street to Seventh Street, \$4,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 4, to insert:

Northeast: Morton Place, Sixth Street to Seventh Street, \$4,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 12, to strike out:

Northwest: Thirty-fifth Street, Prospect Street to Wisconsin Avenue, \$75,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 16, to strike out:

Northwest: Calvert Street, Connecticut Avenue to Twenty-ninth Street, \$24,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 18, to strike out:

Northwest: Varnum Street, Seventeenth Street to Eighteenth Street, \$8,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 20, to strike out:

Northwest: Eighteenth Street, Varnum Street to Webster Street, \$5,300.

The amendment was agreed to.

The next amendment was, on page 22, after line 22, to strike out:

Northwest: Webster Street, Seventeenth Street to Eighteenth Street, \$8,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 24, to strike out:

Northwest: Thirteenth Street, Upshur Street to Allison Street, \$21,000.

The amendment was agreed to.

The next amendment was, at the top of page 23, to strike out:

Northwest: For widening to 70 feet and repaving the roadway of Eleventh Street from New York Avenue to Massachusetts Avenue, \$45,000, and 40 per cent of the entire cost of such work shall be assessed against and collected from the owners of abutting property in the manner provided in the act approved July 1, 1914 (38 Stat. L. p. 524), as amended by section 8 of the act approved September 1, 1916 (39 Stat. L. p. 716); and the owners of abutting property also shall be required to modify, at their own expense, the roofs of any vaults that may be under the sidewalk or parking on said street if it be found necessary to change such vaults to permit of the roadway being widened.

The amendment was agreed to.

The next amendment was, on page 23, line 25, after the words "In all," to strike out "\$642,500" and insert "\$508,900," so as to read:

In all, \$508,900; to be disbursed and accounted for as "Gasoline tax, road and street improvements," and for that purpose shall constitute one fund and be available immediately.

The amendment was agreed to.

The next amendment was, under the subhead "Street repair, grading, and extension," on page 24, at the end of line 17, to strike out "\$5,000" and insert "\$15,000," so as to read:

For the condemnation of small park areas at the intersection of streets, avenues, or roads in the District of Columbia, to be selected by the commissioners, \$15,000.

The amendment was agreed to.

The next amendment was, on page 24, line 22, after the word "highway," to strike out "except Fourteenth Street extension and Piney Branch Road extension," so as to read:

To carry out the provisions contained in the District of Columbia appropriation act for the fiscal year 1914 which authorize the commissioners to open, extend, or widen any street, avenue, road, or highway to conform with the plan of the permanent system of highways in that portion of the District of Columbia outside of the cities of Washington and Georgetown there is appropriated such sum as is necessary for said purpose during the fiscal year 1927, to be paid wholly out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 25, line 5, after the word "extended," to insert a colon and the following additional proviso:

Provided further, That this appropriation shall be available to pay the awards and expenses under the act approved March 11, 1926, authorizing the widening of First Street between G Street and Myrtle Street NE.

The amendment was agreed to.

The next amendment was, on page 25, line 14, after the word "work," to strike out "\$600,000" and insert "\$1,000,000," so as to make the paragraph read:

Repairs: For current work of repairs of streets, avenues, and alleys, including resurfacing and repairs to asphalt pavements with the same or other not inferior material, and including the maintenance of non-passenger-carrying motor vehicles used in this work, \$1,000,000, to be available immediately. This appropriation shall be available for repairing pavements of street railways when necessary; the amounts thus expended shall be collected from such railroad companies as provided by section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected.

The amendment was agreed to.

The next amendment was, on page 26, after line 8, to strike out:

No part of any appropriation contained in this act shall be available for repaving, resurfacing, or newly paving any street, avenue, or roadway by private contract unless the specifications for such work shall be so prepared as to permit of fair and open competition.

The amendment was agreed to.

The next amendment was, on page 26, line 15, after the word "and," to strike out "strikes" and insert "strakes," so as to read:

For replacing fender and cluster piles, curbs, and strakes, including necessary repairs to concrete substructure at the District fish wharf, \$10,000.

The amendment was agreed to.

The next amendment was, on page 26, line 21, before the word "and," to strike out "Kilngle Road" and insert "Connecticut Avenue over Klingle Valley," and in line 22, before the word "bridges," to insert "southeast," so as to read:

BRIDGES

For construction and repair of bridges, including maintenance of nonpassenger-carrying motor vehicles, \$40,000.

For constructing highway guards on the Calvert Street, Connecticut Avenue over Klingle Valley, and Pennsylvania Avenue SE, bridges, to be available immediately, \$25,000.

The amendment was agreed to.

The next amendment was, under the heading "Public playgrounds," on page 30, line 13, after the numerals "1923," to strike out "\$87,925" and insert "\$94,085," so as to read:

For personal services in accordance with the classification act of 1923, \$94,085.

The amendment was agreed to.

The next amendment was, on page 30, line 15, before the word "shall," to insert ", except directors who shall be employed for 12 months," so as to make the proviso read:

Provided, That employments hereunder, except directors who shall be employed for 12 months, shall be distributed as to duration in accordance with corresponding employments provided for in the District of Columbia appropriation act for the fiscal year 1924.

The amendment was agreed to.

The next amendment was, on page 31, at the end of line 15, to change the total appropriation for playgrounds from \$162,805 to \$168,965.

The amendment was agreed to.

The next amendment was, under the heading "Electrical department," on page 34, line 1, after the figures "\$4,200" to insert a comma and "to be immediately available," so as to make the paragraph read:

For installing police patrol signal system in the proposed No. 13 police precinct and extending telephone system to proposed No. 13 police station house, including the purchase, installation, and relocation of boxes, instruments, wire, cable, conduit, connections, extra labor, and other necessary items, \$4,200, to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Public schools," on page 39, at the end of line 6, to increase the appropriation for the purchase of sanitary paper towels and for fixtures for dispensing the same from \$2,600 to \$5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds," on page 40, line 11, to reduce the appropriation for the completion of the construction of the Francis Junior High School from \$275,000 to \$250,000.

The amendment was agreed to.

The next amendment was, on page 40, line 14, after the word "all" to strike out "\$280,000" and insert "\$255,000," so as to read:

In all, \$255,000, to be disbursed and accounted for as "Buildings and grounds, public schools," and for that purpose, shall constitute one fund and shall be available immediately: *Provided,* That no part of such fund shall be used or on account of any school building not herein specified.

The amendment was agreed to.

The next amendment was, on page 40, after line 23, to strike out:

For continuing the construction of the new building for the McKinley Technical High School, \$200,000.

The amendment was agreed to.

The next amendment was, on page 41, at the end of line 13, to strike out "\$300,000" and insert "\$200,000," so as to read:

For the erection of an extensible junior high school building to replace the present Garnet-Patterson School building, in accordance with the plans of the Macfarland Junior High School, modified as the limits of the site may require, and including the removal of one or both of the present buildings as may be necessary, \$200,000; and the commissioners are authorized to enter into contract or contracts, as in this act provided, for such building at a cost not to exceed \$475,000;

The amendment was agreed to.

Mr. FLETCHER. Mr. President, I should like to make an inquiry in reference to certain items on page 42.

Mr. PHIPPS. Mr. President, if the Senator will pardon me for a moment, there is one amendment I should like to have disposed of before we reach page 42. I desire to offer an amendment to come in on page 41, line 22. At that point I move to insert the words "modified as the limits of the site may require."

In explanation of that amendment I will say that typical school building plans are being used wherever possible. In one or two instances, however, it has been found that they do

not quite fit in with the topography and, therefore, it is necessary, as in this case, to permit a slight modification of the plans.

Mr. FLETCHER. The Senator means to insert the words he has indicated after the word "school" in line 22?

Mr. PHIPPS. Yes; the amendment comes in in line 22 after the word "school."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 41, line 22, after the word "school" and the comma, it is proposed to insert the words "modified as the limits of the site may require."

The amendment was agreed to.

Mr. KING. Mr. President, I hope the chairman of the committee, while he is referring to the schoolhouses, will call attention to the schoolhouse near the Wardman Park Hotel and what some denominate the rather atrocious style of architecture which characterizes it.

Mr. PHIPPS. Mr. President, I will say to the Senator that following an inspection the committee had a conference with the architect, who brought in several school plans, which are still on exhibition in the committee room, and some suggestions were made which we hope will prove helpful.

Mr. KING. I hope so.

Mr. PHIPPS. As to the Calvert Street School, it is only fair to say that when the school building shall have been completed and shall have become a full-fledged building, so to speak, instead of being two-thirds of one, it will present a much better appearance.

Mr. FLETCHER. Mr. President, may I ask the Senator a question about the items on page 42?

Mr. PHIPPS. Certainly.

Mr. FLETCHER. Perhaps we can make one bite of the cherry. In the first place, what occasion is there for increasing the appropriation provided for the Langley Junior High School from \$100,000 and providing for a contract up to \$400,000?

Then there are two other items, one beginning on line 8 and extending to line 11, which reads:

For the construction of a combined gymnasium and assembly hall at the Petworth School in accordance with the original plans for the construction of said building, \$75,000.

That is stricken out.

There is also stricken out the item on page 42, which reads:

For the construction of a combined gymnasium and assembly hall at the West School in accordance with the original plans for the construction of said building, \$75,000.

My information is that those two items ought to stay in the bill and that the committee is making a mistake in recommending that they be stricken out of the House bill. At the same time, there is an item on that page increasing the appropriation for the Langley Junior High School by a considerable amount, and a contract is authorized up to \$400,000 for that school.

Mr. PHIPPS. Mr. President, I wish first to ask the Senator, if he will, to refer on page 41 to the item in reference to the Garnet-Patterson School. In that instance the committee reduced the appropriation from \$300,000 to \$200,000. We cut off \$100,000 there; we added \$100,000 to the appropriation for the Langley Junior High School and authorized the commissioners to enter into a contract for the completion of the addition to that school, because we believed that it was in the interest of economy; that they could make a better contract at a lower cost for a completed building than by letting the contract piecemeal. For that we had the consent and approval not only of the superintendent of schools but of the commissioners as well. We asked how much was involved; and while it is true the superintendent's guess of \$50,000 was pretty high, the chances are that a considerable saving will be effected by contracting for the entire work at one time.

Mr. FLETCHER. Let me ask the Senator precisely where this school is located and what the attendance there amounts to. I am not quite certain about the location of the school.

Mr. PHIPPS. The school is located on T Street NE. The site of the building was pointed out to our committee a year or two ago, and this is for the addition. By building that addition so as to include the assembly hall they will get a better contract than they otherwise would.

Mr. FLETCHER. Can the Senator give us an idea of the attendance there—the number of teachers and pupils?

Mr. PHIPPS. They are running from 1,100 to 1,200, we are told, in these junior high schools. This particular school is overcrowded now.

As to the Petworth School, lines 8 to 11, that is a grade school. Your committee visited that school, and also the West

School, covered in lines 15 to 17, inclusive. Those schools have playgrounds right adjoining them. They have well-finished, high-ceiling basement rooms which are used for class exercises, where the students bring their dumbbells, wands, or other gymnastic apparatus in bad weather. Of course, no doubt, they exercise out of doors in good weather. It was thought that those two schools could well go for another year, because, as I have stated, your committee wanted to find places in the House set-up where activities might be deferred for a year, so that we might divert that amount of money to the purpose of resurfacing streets without increasing the total amount of the appropriation, which would involve an increase in taxation.

Mr. FLETCHER. Mr. President, the Senator believes that eventually, perhaps, these accommodations will be provided. They are very important, but not absolutely essential things, I take it—the gymnasiums and assembly halls in these schools?

Mr. PHIPPS. I do not hesitate to say to the Senator that those of the committee who visited the West School and the Petworth School felt that we could put over that work for a year. We are not opposed to furnishing the assembly halls and gymnasiums; we think it should be done; but we do believe that there is more pressing, urgent need for the resurfacing of these streets.

Mr. FLETCHER. With that assurance, I shall not make any objection.

Mr. LENROOT. Mr. President, I ask unanimous consent to reconsider the action of the Senate whereby the second amendment on page 18 was agreed to.

The VICE PRESIDENT. Without objection, the vote whereby the amendment was agreed to will be reconsidered.

Mr. LENROOT. I should like to have an explanation from the chairman of the item I spoke to him about yesterday. I will say, before he makes the explanation, that it has been represented to me that the Citizens' Association of Chevy Chase, the Citizens' Association of Mount Pleasant, and the Connecticut Avenue Citizens' Association have all petitioned for this grading; and I should like to know the reason of the committee for taking the action they did.

Mr. PHIPPS. I can perhaps locate the ground for the Senator by asking him if he recalls the old mill on Park Road. Proceeding up Rock Creek, the first turning to the left is the Broad Branch Road; and perhaps 800 yards beyond that turning, or a little over an eighth of a mile, not over a quarter of a mile, is a small draw or valley that comes down from the direction of the Zoo into the Broad Branch Road. The Aububon Terrace location is to the left side, a sloping hillside characteristic of those in Rock Creek Park, which is now fully wooded, with good forest trees on it; and the new street, as proposed in the House bill, would come down into Broad Branch Road at right angles to it.

Mr. LENROOT. Where is Linean Avenue?

Mr. PHIPPS. I do not know where Linean Avenue is on the high ground.

Mr. LENROOT. Where is it in relation to Connecticut Avenue?

Mr. PHIPPS. I could not locate it. I only know that if it continues through to Connecticut Avenue, as it no doubt does, it must be 10 or 12 blocks farther out than Tilden Street, which is an entrance to the park.

Mr. LENROOT. Would it be sufficient to say that it would connect Twenty-ninth Street with Broad Branch Road and make another road from Rock Creek Park to Twenty-ninth Street?

Mr. PHIPPS. Twenty-ninth Street has not yet been opened between Cathedral Avenue and Connecticut Avenue, nor has it been opened on the farther side of Connecticut Avenue, according to my recollection; but the point of the whole situation, as the committee sees it, is this:

Here is a wooded slope affecting Rock Creek Park. If that hillside is denuded of trees the drainage will go into the sewers instead of the water from rainfall coming into Rock Creek; and all those interested in the park think it most important to keep up the flow there to the highest point possible. It looks to us as though this were really a real estate movement for the further development of a new section of territory; and if the people who own the ground are so desirous of cutting down those trees and throwing open that ground for the building of homes they should be sufficiently interested to pay for the grading. Ordinarily the grading, as the Senator may know, is paid for by the city. The cost of the paving is divided.

Mr. LENROOT. Has the street been cut through and the ground cleared?

Mr. PHIPPS. Oh, no; there is no evidence of a street there that can be discovered from Broad Branch Road, at least, nor

do I think you can see any evidence of it. There are some houses on the high ground I should say about half a mile back from Broad Branch Road. You can see houses there.

Mr. LENROOT. If the matter goes to conference, I take it the Senator would be willing to listen to any representations that might be made?

Mr. PHIPPS. Oh, we are quite willing to receive any further information about it.

Mr. LENROOT. I will talk with the Senator about it.

The VICE PRESIDENT. The question is on agreeing to the amendment which has just been reconsidered.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 42, line 2, after the word "School," to strike out "\$1,000" and insert "including an assembly hall and gymnasium, \$200,000; and the commissioners are authorized to enter into contract or contracts, as in this act provided, for said addition at a cost not to exceed \$400,000," so as to read:

For the construction of an addition to the Langley Junior High School, including an assembly hall and gymnasium, \$200,000; and the commissioners are authorized to enter into contract or contracts, as in this act provided, for said addition at a cost not to exceed \$400,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 7, to strike out:

For the construction of a combined gymnasium and assembly hall at the Petworth School in accordance with the original plans for the construction of said building, \$75,000.

The amendment was agreed to.

The next amendment was on page 42, after line 14, to strike out:

For the construction of a combined gymnasium and assembly hall at the West School in accordance with the original plans for the construction of said building, \$75,000.

The amendment was agreed to.

The next amendment was, on page 42, line 18, after the word "all," to strike out "\$1,620,000" and insert "\$1,270,000," so as to read:

In all, \$1,270,000 to be disbursed and accounted for as "Building and grounds, public schools, surplus revenue fund," and for that purpose shall constitute one fund, and remain available until expended: *Provided*, That no part of such fund shall be used for or on account of any school building not herein specified.

The amendment was agreed to.

The next amendment was, on page 43, line 5, before the word "bidder," to insert "responsible," so as to read:

None of the money appropriated by this act shall be paid or obligated toward the construction of or addition to any building the whole and entire construction of which, exclusive of heating, lighting, and plumbing, shall not have been awarded in one or a single contract, separate and apart from any other contract, project, or undertaking, to the lowest responsible bidder complying with all the legal requirements as to a deposit of money or the execution of a bond, or both, for the faithful performance of the contract.

The amendment was agreed to.

The next amendment was, on page 44, line 10, after the word "fund," to strike out the colon and the following provisos:

Provided, That no part of the appropriation herein made shall be expended for the purchase of any site the cost of which shall exceed the full value assessment of such property last made before purchase thereof plus 25 per cent of such assessed value: *Provided further*, That if any of the sites above enumerated can not be purchased under said limitation as to price then any of said moneys remaining unexpended or unobligated by reason of such price limitation, plus the unexpended balance of the appropriation of \$154,000 contained in the second deficiency act, fiscal year 1925, on account of the Park View School, which is hereby reappropriated, may be expended, subject to said limitation as to price, in the purchase of any or all other land authorized to be acquired in the five-year school building program act, approved February 26, 1925 (43 Stat. p. 986).

Mr. PHIPPS. Mr. President, just a word at that point.

I think it is only fair to say that the committee looks upon the proposition set forth by the House as a most important matter, and one which should not have approval without serious consideration. While it may find that some of the language included within that stricken out is proper, and should remain in the bill, the only clean way in which to handle the matter is to have the whole situation before us when we go to conference. Therefore we propose to eliminate all of the lan-

guage included within the provisos, so that we can discuss it with the representatives on the part of the House.

Mr. WILLIS. Mr. President, I desire to ask a question of the Senator. I notice, for example, on page 48—we are now on page 44—a similar proviso, or a proviso in part similar.

Mr. PHIPPS. Wherever the limitation of 25 per cent above the latest appraised value occurs the committee recommends striking it out, so that the whole question may be considered in conference.

Mr. WILLIS. Does not that appeal to the Senator as being a wise provision?

Mr. PHIPPS. Leaving it in?

Mr. WILLIS. Yes.

Mr. PHIPPS. There are arguments on both sides, I am perfectly frank to admit, but the arguments against it presented by the commissioners, presented by the superintendent of parks, presented by two or three other officials, and presented by citizens' organizations were, to the minds of the committee, stronger, certainly more definite, and more insistent than those that were received in favor of it.

Mr. WILLIS. I have the greatest confidence in the judgment of the Senator from Colorado, particularly upon a business proposition; but it did seem to me that that was rather wise legislation. It would prevent the public from being help up. It seems to me it is good legislation.

Mr. KING. Mr. President, I am not quite in accord with the action of the committee with respect to this matter; and yet at the time it was under consideration I felt constrained not to express any dissent.

There are some reasons which might prompt the committee to take this course. I shall not enumerate them. It is possible—indeed, it is quite certain—if those handling the money will act with prudence, that they may secure results which will be satisfactory in the acquisition of school sites. I want to say now that I have felt that some of the school sites have cost entirely too much, and that the District has been held up; and I do not approve of some of the methods adopted in acquiring these school sites and the lack of vigor, in my judgment, in prosecuting the suits for condemnation where the District was forced to go into the courts to exercise the right of eminent domain.

I do not want to criticize the lawyers who handled the cases; but I do express my opinion, from the investigations which I made, that the District has paid too much for school sites; and if any proper way could be adopted to secure better results and to limit the payments for the school sites, I should be very glad to give my support to it. I assent to this action because I am at a loss to suggest a better method. I do hope, however, that those who handle the money, if they are held up, will refuse to purchase, even though there shall be some delay. In some sections of the District the prices charged have been extortionate, far beyond what was reasonable and right, far above the assessments which have been levied by the city; and I do hope that in future purchases there will be wiser discretion and better judgment used than have been exercised in the past.

The amendment was agreed to.

The next amendment was, on page 45, line 2, to increase the appropriation for rent of school buildings and grounds, storage and stock rooms, from \$12,000 to \$15,000.

The amendment was agreed to.

The next amendment was, under the heading "Metropolitan police, salaries," on page 46, line 19, after the name "District of Columbia," to strike out "including the present assistant property clerk of the police department, who shall be appointed a sergeant on the Metropolitan police force," so as to make the paragraph read:

For the pay and allowances of officers and members of the Metropolitan police force, in accordance with the act entitled "An act to fix the salaries of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia," \$2,720,570.

Mr. McKELLAR. Mr. President, I want to ask the Senator in charge of the bill the reason for striking out the provision beginning with line 19 on page 46.

Mr. PHIPPS. That is the item regarding which the Senator spoke to me. The assistant property clerk, as our committee is informed, performs no police duty. He does not make arrests. He does not take his life in his hands, so to speak, but keeps accounts. He is drawing a salary of \$1,500 a year. To name him as sergeant on the police force would give him an increase of \$900 a year, promoting him over men on the force who have served for years and whose ambition it is to be named as sergeants.

Mr. McKELLAR. I want to say to the Senator and to the Senate, in regard to this particular matter, that this follows a precedent which has already been established by the Congress. Take the case of the present chief of police, Mr. Hesse. He was chief clerk in the department and was promoted to assistant chief of the police force only last year, or year before last. This case is in exact consonance with that.

So far as this particular clerk is concerned, he is drawing the highest salary he can receive in the department. His salary can run to \$1,500 a year and no more. He has been in the service for 11 years, is an excellent officer, has made a fine record, is a fine accountant, and there is no reason why he should not be promoted. He is a man who had two sons in the late war; he is an excellent citizen in every respect and an excellent officer. I hope the Senator will be willing that the amendment of the committee may be disagreed to.

Mr. CURTIS. There is an additional objection—I did not suppose that was the only one—and that is the virtual naming of the present clerk. I would suggest to the Senator having the bill in charge that if the item be left in, it provide for an assistant clerk instead of naming the man who is there now, as the clause practically does.

Mr. McKELLAR. I would be perfectly willing to accept that amendment.

Mr. PHIPPS. Your committee had no testimony or evidence before it which would justify it in approving this item. Therefore the committee thought the wise thing to do was to strike it out, to take it to conference, and to give the House an opportunity to show what information it might have other than that disclosed in its hearings. We were unable to have the commissioner in charge of this department say that it was a wise move. He would not say that it was a wise and proper thing to do, and the committee was not approached by representatives of the police department in the interest of the item. We felt that under the circumstances the proper thing to do was to strike it out in the Senate and take it to conference for further consideration. I would not feel inclined to have the amendment rejected on the floor, because that would mean that the provision would be the law; but I am perfectly willing to give it all fair consideration in conference.

Mr. McKELLAR. If the Senator will accept the suggestion made by the Senator from Kansas it will have the same effect, because it would raise the whole question as to this man. But I want to call the Senator's attention and the committee's attention to the evidence, and the only evidence, on which this change was made. It was made upon the testimony of Commissioner Fenning, and Commissioner Fenning appeared before the committee, as appears on page 44 of the Senate hearings, to have this identical thing done in the case of another man. He presented a memorandum relating to the present chief clerk of the fire department, whom it was sought to have appointed a battalion chief of the fire department of the District of Columbia. Then Commissioner Fenning went on to say:

I want to say in that connection that that language was not put in by the commissioners. The commissioners had no knowledge of it. It was put in by the House. I should like to file a memorandum in support of its staying in the bill, however. This memorandum shows that the present chief clerk of the department has been in that position for a number of years; that he has been in the fire department since 1912; that his duties are principally to act as assistant to the chief engineer in the administrative work of the department.

Mr. PHIPPS. That refers to the fire department, not the police department.

Mr. McKELLAR. It is identically the same in principle. Here he is pleading, giving all the reasons for the case in the fire department which might be given for the case in the police department.

I also want to call the attention of the Senator and the Senate further to the fact that Mr. Fenning did not bring this particular matter up at all. This was what occurred:

Commissioner FENNING. * * * It is the same language—to which I have raised no objection, although the commissioners had no part in its being in the bill—that appears on page 45 of the present bill with respect to an employee of the police department.

Senator KENDRICK. Is there not some opposition to that change?

Commissioner FENNING. Do you mean in the police department?

Senator KENDRICK. Yes; the change in rank, if you may call it that, of the assistant chief clerk. That is who it is, is it not?

Commissioner FENNING. The assistant property clerk, who is a civilian, on page 45 of the bill, which remained in the bill as it went through the House, but which was not put in at the suggestion of the commissioners. It is proposed that that man be appointed a sergeant of the Metropolitan police force.

Senator PHIPPS. What effect would that have on his compensation?

Commissioner FENNING. I think his present salary is something like \$1,680 (later corrected to \$1,500) as a clerk. A sergeant gets \$2,400, and is entitled to retirement at half pay, and is entitled to the general privileges of membership in the police department. That provision was put in by the House of Representatives. I am saying nothing for or against it.

Senator PHIPPS. But you should say something for or against it. That is what you are here for, to say whether or not that is a proper thing. Why should this man, who is a civilian employee and never in position to be called on to make an arrest or to perform the duties of a policeman, be designated as a sergeant of the police force? He is a clerk in the office.

Commissioner FENNING. I should be very glad to give my opinion on that subject, Senator PHIPPS.

Senator PHIPPS. Yes; that is what we want to know.

Commissioner FENNING. I did not do so out of courtesy to the House, which put it in. I presumed it was a matter that was being attended to here at the Capitol. I should say, as the commissioner in charge of the police department, that I see no reason why a person occupying such a position should be a member of the uniformed police force.

Senator KENDRICK. Would it not actually have an effect upon the morale of the police force?

Senator PHIPPS. It seems to me it would.

Commissioner FENNING. It might, very readily. It came as a surprise to the commissioners. I did not know it was going to be in the bill.

Senator PHIPPS. Does the same thing apply to the chief clerk in the fire department?

Commissioner FENNING. I do not think it does, for reasons which I will state.

It is exactly the same principle. Evidently the commissioner did not want to make that statement, but it seems that the Senator from Colorado rather urged him to give his opinion about it.

Here is a chief of police who was promoted in exactly the same way. He makes no recommendation about it. But the commissioner, at the urgent solicitation of the Senator from Colorado, did make the statement I have read. It seems to me it is reasonable and proper that this promotion should be made, and I hope the Senator will agree that the amendment may not be agreed to.

Mr. PHIPPS. Mr. President, in the case to which the Senator has referred, of this assistant property clerk, the committee was not approached by anyone to advocate the case. He has read the testimony and the only testimony we had that is printed.

Mr. McKELLAR. That is all I can find.

Mr. PHIPPS. In the case of the fire department, the fire chief came to me personally, hearing about this after the hearings had closed, and most strongly recommended the designating of their man as a fire marshal, giving as his reasons the fact that the man must respond to fire alarms after the first call; that he must remain on duty; must go and give orders when the chief is not there; and when the department has all been ordered out he must go to the place of the fire and confer with the chief, and take his orders in person there. So that that man is in actual control of the fire-engine employees when they are on duty, and must direct their going to fires.

Mr. McKELLAR. The same principle applies to this man.

Mr. PHIPPS. I do not think the Senator should ask that the item be restored. I think he should be satisfied with the statement that the conferees will be willing to give this matter every fair consideration in conference.

Mr. McKELLAR. That is a part of it, but I want to go a little further and ask the Senator, in order that it may remain in conference, to accept the suggestion made by the Senator from Kansas, which would put it in, in reality, because under the amendment of the Senator from Kansas the appointment of this particular man would not be required at all. I ask the Senator to let that be agreed to.

Mr. PHIPPS. It would make the assistant property clerk, whoever he may be, a sergeant.

Mr. McKELLAR. It would be on exactly the same grounds the Senator has given in the case of the fire chief.

Mr. PHIPPS. I can not see the necessity for paying an assistant property clerk \$2,400 a year. I would not do it in my own business, and I do not believe the Senator would do it in his business.

Mr. McKELLAR. If he were a competent and efficient man, I would give him a reasonable salary, and I would just as soon do it this way as in any other way. I think this is the better way, and I think this man is a good and competent man.

Mr. PHIPPS. He may be; that we are perfectly willing to find out; but we had no backing up of this recommendation from anyone representing the police department. Chief Hesse did not come. He has made no communication on the subject.

Mr. McKELLAR. Of course, it is very natural that the chief did not come. He was probably satisfied with it. He had been along exactly the same route before, and it is very natural to assume that he was entirely satisfied with it. I hope the Senator will let it go in.

Mr. PHIPPS. I want again to call the Senator's attention to the statement of Commissioner Fenning in the report of the testimony that the commissioners did not recommend or put either of those items in the bill.

Mr. McKELLAR. That is true; but whenever we get to legislating solely and alone in accordance with what the commissioners recommend there will be no use for the Congress at all; we might just as well turn it all over to them.

Mr. PHIPPS. Not at all; I do not agree with the Senator on that point. But I do say that when the bill goes to conference we shall give very full consideration to the proposition.

Mr. McKELLAR. I will ask the Senator this—

Mr. PHIPPS. I do not think the amendment suggested by the Senator from Kansas should be substituted, because I do not believe it would give the Senate conferees a full chance to thrash it out with the conferees on the part of the House.

Mr. McKELLAR. I will ask this: Of course, the Senator from Colorado will be on the conference committee. Would he object to my coming before the committee when the matter is before it?

Mr. PHIPPS. If the House conferees do not object, certainly not. Of course, the Senator knows the rules we usually try to observe with reference to conferences.

Mr. McKELLAR. I am quite sure the House conferees will not object, and I would like very much to appear there with a statement of all the facts, so that the matter can be thrashed out.

Mr. PHIPPS. I will be obliged to the Senator if he will produce a statement of the facts, because I confess that no such statement was presented to the committee.

Mr. McKELLAR. I thank the Senator very much, and will be glad to let it take that course.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 48, line 8, after the numerals "1928," to strike out the colon and the following proviso: "Provided, That the purchase price of the site shall not exceed the full value assessment last made before purchase thereof plus 25 per cent thereof," so as to read:

For the purchase of a site and the erection of a building to be known as the fourteenth police precinct station house to replace the subpolice station at Tenleytown, D. C., \$60,000, to be available immediately and to remain available until July 1, 1928.

The amendment was agreed to.

The next amendment was, under the heading "Fire department, miscellaneous," on page 50, line 12, after the word "items," to strike out "cost of installation and maintenance of telephones in the residences of the superintendent of machinery and the fire marshal," so as to make the paragraph read:

For contingent expenses, horsehoeing, furniture, fixtures, oil, medical and stable supplies, harness, blacksmithing, gas and electric lighting, flags and balyards, and other necessary items, \$30,000.

The amendment was agreed to.

The next amendment was, on page 50, after line 17, to insert:

For traveling and other expenses of a committee to be appointed by the Commissioners of the District of Columbia to consider and report upon the installation of a high-pressure water system in the congested high-value section of the District of Columbia, \$3,000.

The amendment was agreed to.

The next amendment was, on page 51, line 14, after the numerals "1928," to strike out the following proviso: "Provided, That the purchase price of the site shall not exceed the full-value assessment last made before purchase thereof plus 25 per cent thereof," so as to read:

For house, site, furniture, and furnishings for an engine company to be located in the vicinity of Sixteenth Street and Piney Branch Road NW., including the cost of necessary instruments for receiving alarms and connecting said house with fire-alarm headquarters, \$92,525, to be available immediately and to remain available until July 1, 1928.

The amendment was agreed to.

The next amendment was, under the subhead "Police court," on page 58, at the end of line 6, to strike out "\$84,270" and insert "\$84,570," so as to read:

Salaries: For personal services in accordance with the classification act of 1923, including \$300 additional for presiding judge, \$84,570.

The amendment was agreed to.

The next amendment was, on page 62, line 11, after the word "law," to insert "and expenses of commitments to the District Training School," so as to make the paragraph read:

For expenses attending the execution of writs de lunatico inquirendo and commitments thereunder in all cases of indigent insane persons committed or sought to be committed to St. Elizabetha Hospital by order of the executive authority of the District of Columbia under the provisions of existing law, and expenses of commitments to the District Training School, including personal services, \$8,000.

The amendment was agreed to.

The next amendment was, at the top of page 63, to strike out the heading "Charities and Corrections" and insert "Public Welfare," and, in line 3, to strike out "Board of Charities" and insert "Board of Public Welfare."

The amendment was agreed to.

The next amendment was, on page 63, line 5, to increase the appropriation for personal services, Board of Public Welfare, in accordance with the classification act of 1923, from \$32,000 to \$75,000.

The amendment was agreed to.

The next amendment was, on page 63, after line 5, to insert:

DIVISION OF CHILD WELFARE

Administration: For administrative expenses, including placing and visiting children, city directory, purchase of books of reference and periodicals not exceeding \$50, and all office and sundry expenses, \$5,000; and no part of the moneys herein appropriated shall be used for the purpose of visiting any ward of the Board of Public Welfare placed outside the District of Columbia and the States of Virginia and Maryland, and a ward placed outside said District and the States of Virginia and Maryland shall be visited not less than once a year by a voluntary agent or correspondent of said board, and that said board shall have power, upon proper showing, in its discretion, to discharge from guardianship any child committed to its care.

For maintenance of feeble-minded children (white and colored), \$37,500.

For board and care of all children committed to the guardianship of said board by the courts of the District, and for temporary care of children pending investigation or while being transferred from place to place, with authority to pay not more than \$1,500 each to institutions under sectarian control and not more than \$400 for burial of children dying while under charge of the board, \$120,000.

The disbursing officer of the District of Columbia is authorized to advance to the Director of Public Welfare, upon requisitions previously approved by the auditor of the District of Columbia and upon such security as may be required of said director by the commissioners, sums of money not to exceed \$400 at any one time, to be used for expenses in placing and visiting children, traveling on official business of the board, and for office and sundry expenses, all such expenditures to be accounted for to the accounting officers of the District of Columbia within one month on itemized vouchers properly approved.

The amendment was agreed to.

The next amendment was, under the subhead "National Training School for Boys," on page 66, line 19, before the word "with," to strike out "Charities" and insert "Public Welfare," so as to read:

For care and maintenance of boys committed to the National Training School for Boys by the courts of the District of Columbia under a contract to be made by the Board of Public Welfare with the authorities of said National Training School for Boys, \$46,000.

The amendment was agreed to.

The next amendment was, under the subhead "Medical charities," on page 67, at the end of line 15, to strike out "Charities" and insert "Public Welfare," so as to read:

For care and treatment of indigent patients under contracts to be made by the Board of Public Welfare with the following institutions and for not to exceed the following amounts, respectively:

The amendment was agreed to.

The next amendment was, on page 67, at the end of line 26, to reduce the appropriation for care and treatment of indigent patients, Washington Home for Incurables, from \$10,000 to \$5,000.

Mr. PITTMAN. Mr. President, I am very much interested in the amendment just stated. I observe that the amount provided for by the House was \$10,000 and that the Senate committee proposes to cut it down to \$5,000.

I had occasion to visit this institution several weeks ago. I went all through it. I examined the whole plant. I think I saw every patient in the institution. I think it is one of the most deserving charities in Washington. It is a home for incurables. There is no one there who is an addict to the use of alcohol or drugs, or anything of that kind. It is a home for paralytics, a home for those who suffer from cancer and who have been diagnosed as incurable. They have taken into that

institution some of the most pitiful cases I have ever seen. It is a difficult charity. It is a difficult kind of patient to attend to. The testimony of Mrs. Hopkins is set out at page 931 of the hearings before the House committee. I do not know whether the members of the Senate committee read those hearings or not.

The institution has 90 patients. It costs \$15,000 a year to look after those 90 patients. They have one of the most magnificent homes in Washington, a very large building comfortably arranged for those paralytics and others who suffer in a similar way. There is no aid asked of the Government at all in the way of paying interest on depreciation or rent, or any charge for this enormous building that has been put up by some of the people in this town to look after a peculiar character of patients. In most hospitals the patient goes in and comes out either dead or alive in a short time. This institution must be maintained during the life of the patient. It has been in existence since 1904, due largely to the charity of Mrs. Hopkins and some other ladies in Washington.

The actual cost to those ladies who have undertaken this charity is \$15,000 a year, without considering the investment in that large building or interest on their money or depreciation. It certainly seems to me, considering the character of the institution, that they should be helped to take care of it. It would be a calamity, indeed, for those 90 patients there, old women who are poverty-stricken, paralytics who can not move but who must stay there until they die, if through any chance the home should become bankrupt or should be abandoned.

It seems to me in a case of this kind the least the Congress of the United States could do on behalf of the people of the District is to give them a modest aid in the sum of \$10,000 a year toward the support of those 90 patients, when nothing is asked for this enormous, fine plant. Even such an amount will not care for more than two-thirds of the actual outlay for food and care. I hope the Senate will not reduce that amount in that way.

Mr. PHIPPS. The committee found that for the current fiscal year the amount set aside for the institution was \$5,000. The \$10,000 was, of course, an increase. Up to March 31, inclusive, out of the \$5,000 for this year's allowance \$3,743 had been spent. The rate per week is not only moderate but it is entirely too low, in my judgment. From a report of the institution which I asked for when I was solicited to do something or other in the way of extending some personal aid, I was very much disappointed to find that the work was being carried on upon such an expensive plant; that is to say, the comparison of overhead with the number of patients cared for.

It is a new home, as I understand it, on Wisconsin Avenue, which is a fine piece of property and a substantial appearing building. I have not as yet had an opportunity to visit it, but I have examined the report for the latest year it was available, and it seemed to me that the overhead was entirely too large for the number of people cared for and that the total cost per patient per year was greater than it should be. I do not see how the institution can make the rate it does to the city for the care of patients that it takes over at the instance of the Board of Public Welfare.

I will say to the Senator that there is not only this case but two or three other hospitals where the House has made changes, departing from this year's allowance and the Budget estimate, which we have changed. In the two items immediately following we have made a change, one for the Georgetown University Hospital, an increase of \$3,000 over last year made by the House, which we put back to this year's figure, and the George Washington University Hospital we treated in the same way. If we had the additional patients to be cared for and needed the additional money for that purpose, it would be a different proposition. The rate, as I said, is abnormally low, but from the experience of the past it does not seem necessary to increase the amount over the present fiscal year's allowance of \$5,000.

Mr. PITTMAN. Here is what Mrs. Hopkins said.

Mr. PHIPPS. May I inquire to what page the Senator is referring?

Mr. PITTMAN. Page 931 of the House Committee hearings. This is what she said:

Then, we have patients from six foreign countries, or from seven foreign countries, if you call Canada a foreign country, as follows: Canada, Germany, England, Ireland, Hungary, and Russia. There is a total of 144 people in the home. Fifty-three of them are salaried. There are 90 patients, 4 on the staff, 22 nurses, 4 orderlies, 24 servants, and 3 engineers. As I said, there are 53 salaries paid. To feed, warm, light, and nurse these patients costs us about \$5,000 per month. We fed them from November 1, 1924, to November 1, 1925, for 38 cents per diem per capita. I do not think that any of you did better than that in your own homes. For everything, all

the expenses, including the \$25,000 for salaries, and many other items, the cost was \$1.20 per diem per capita. There is no income or charge for the building; \$1.20 per day for 35 free patients means \$42 per day, and for the year it would amount to \$15,330. Congress gives us \$5,000. Therefore, we have a yearly deficit of \$10,330. I came up to see Mr. MADDEN the other day, and he asked me what I wanted. I told him I wanted two things. I told him that one of the things I wanted was \$10,000. Then one of my committee told me what an awful blunder I had made, because our deficit is more than \$10,000. There is a difference of \$10,330. I said that another thing I wanted was to get whatever we received direct. You give that to us through the Board of Charities, and they never give us the full appropriation. One year they took off \$600 and covered it back into the Treasury. Of course, that makes them look very well indeed from the standpoint of economy, but you do not know how they pinch it out of us.

The Board of Charities makes a deduction of a few dollars, two or three dollars, whenever a woman or a man is gone, and that is not fair. I think that when you give me \$5,000 you mean that we should have it. We need it for the expenses of the household. The room that has been occupied must be kept up. The room must be kept until the patient comes back. In looking back over the report for 35 years, we find that we have always had difficulty with the Board of Charities. There is always some delay. It is always one month late and frequently it is three months late. Now, why can we not have that money direct?

There is the situation. If they were here asking that the Government of the United States support the charity, then the question as to whether or not the overhead could be reduced would be a very material consideration for Congress. But they are not doing that. They have a plant out there that probably cost \$300,000 or \$400,000. It is not like a hospital. The rooms are not little rooms with a cot in each one. They are great big airy rooms out in the woods. Those incurables are not looked after like the ordinary patient who has a broken leg or something of that sort, where the nurse comes in once or twice a day to take his temperature.

These patients are in a condition where they require constant nursing morning, noon, and night. Most of them are helpless. Part of them can not move any more than a finger. There must be a lot of nursing for that kind of people. They have to have good air. They are there until they die. Some of them have been there for 30 years slowly dying and wholly helpless.

It can not be compared to another kind of hospital. There is not any better charity anywhere than is displayed in the care of these old men and women who are poverty-stricken, without relatives, absolutely helpless, many of whom can not move themselves at all, but have to be turned by a nurse, some of whom have to be lifted up in regular trusses and moved around in that way. Of course they have to have 22 nurses for those 90 patients. As a matter of fact, if it were possible, each one of them should have a nurse night and day.

These people are doing the very best they can. They could cut the building in two and make four rooms out of what is now one room and have one window where they now have two windows. They could cut down expenses for these 90 old men and women who are helpless, but whose minds are just as keen to-day as ever. They could cut down to \$5,000 a year; but when the women in charge of the institution are contributing the interest on an investment of between \$300,000 and \$500,000 and are taking care of the overhead over and above the \$10,000, it seems to me that it is a hard thing, to say the least, to talk about overhead expenses.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. PITTMAN. Certainly.

Mr. McKELLAR. As to the cost of it, I call the attention of the Senate to Mrs. Hopkins's statement, as follows:

Mrs. HOPKINS. Yes, sir; and we raised the money for it ourselves. I am glad that other people get assistance. I understand that when Providence Hospital was built they were given \$200,000; but we raised this money. We raised every penny of it ourselves. The cost of the new building and grounds was \$516,610.27; the cost of the new equipment was \$16,038.31; the balance left on hand was \$193, making a total of \$532,841.58.

It seems to me that the Senator from Nevada [Mr. PITTMAN] is exactly right. If the Congress makes any mistake in the world, it ought to be made on the side of these poor, helpless, defenseless people. I hope the chairman of the committee will agree to let the amendment be rejected, as has been suggested by the Senator from Nevada.

Mr. PITTMAN. I do not know what the value of the building is because I did not see the testimony, but I do know that it is a magnificent building, and I estimated roughly its value as being between \$300,000 and half a million dollars. I think

the members of the committee ought to go out and look at that building and acquaint themselves with the work being done there. As I said before, it is not like the emergency hospital; it is not a "joint" into which they throw somebody into as narrow a place as can be done with as little care as possible. Those who erected that building erected it in order to try to make as comfortable as possible the poor helpless people who possibly have to spend 30 or 40 years or the remainder of their lives without moving. They are not asking for very much help; they are not asking for any interest on the half million dollars invested; they are not asking for any rent; they are not even asking for the total amount of actual expenses incurred; they are asking for but \$10,000, when the actual cost of feeding these people is about \$15,000. I repeat, I wish members of the committee could have gone out and looked at the building as I did.

Mr. PHIPPS. Mr. President, the committee based its conclusion in this case upon the best evidence that it could readily obtain. It had the House hearings. It did not call a representative of the institution to appear before it. I have given the Senate my personal statement as to the matter. I asked for a report of their proceedings and as to what they were doing, because I have been personally solicited in reference to the matter. As the Senator from Tennessee [Mr. McKellar] has stated, there has been an investment of about \$506,000; the report which I had showed an investment of \$531,000, but it also showed that out of the annual appropriation of \$5,000 they had only used \$4,300.

They fix the per diem at a weekly rate for the patients there. I am perfectly willing to admit that it is too low. If they can feed the patients for 38 cents a day, they are not giving them as much good food as perhaps they should.

Mr. PITTMAN. I agree with the Senator as to that.

Mr. PHIPPS. Perhaps the patients do not need very much and that may be the reason why the per diem rate is fixed as it is. However, as it is recommended so strongly, I shall not offer any objection to the amendment being voted down.

The VICE PRESIDENT. Without objection, the amendment is rejected.

Mr. PITTMAN. I thank the Senator.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 68, at the end of line 1, to reduce the appropriation for care and treatment of indigent patients, Georgetown University Hospital, from \$8,000 to \$5,000.

The amendment was agreed to.

The next amendment was, on page 68, at the end of line 2, to reduce the appropriation for care and treatment of indigent patients, George Washington University Hospital, from \$8,000 to \$5,000.

The amendment was agreed to.

The next amendment was, on page 68, line 21, to strike out the heading "Gallinger Municipal Hospital" and insert "Gallinger Municipal Hospital."

The amendment was agreed to.

The next amendment was, commencing at the top of page 70, to strike out:

CHILD CARING INSTITUTIONS

BOARD OF CHILDREN'S GUARDIANS

Administration: For administrative expenses, including placing and visiting children, city directory, purchase of books of reference and periodicals not exceeding \$50, and all office and sundry expenses, \$5,000; and no part of the moneys herein appropriated shall be used for the purpose of visiting any ward of the Board of Children's Guardians placed outside the District of Columbia and the States of Virginia and Maryland, and a ward placed outside said District and the States of Virginia and Maryland shall be visited not less than once a year by a voluntary agent or correspondent of said board, and that said board shall have power, upon proper showing, in its discretion, to discharge from guardianship any child committed to its care.

Salaries: For personal services in accordance with the classification act of 1923, \$53,080.

For maintenance of feeble-minded children (white and colored), \$37,500.

For board and care of all children committed to the guardianship of said board by the courts of the District, and for temporary care of children pending investigation or while being transferred from place to place, with authority to pay not more than \$1,500 each to institutions under sectarian control and not more than \$400 for burial of children dying while under charge of the board, \$120,000.

The disbursing officer of the District of Columbia is authorized to advance to the agent of the Board of Children's Guardians, upon requisitions previously approved by the auditor of the District of

Columbia and upon such security as may be required of said agent by the commissioners, sums of money not to exceed \$400 at any one time, to be used for expenses in placing and visiting children, traveling on official business of the board, and for office and sundry expenses, all such expenditures to be accounted for to the accounting officers of the District of Columbia within one month on itemized vouchers properly approved.

The amendment was agreed to.

The next amendment was, on page 73, line 22, to strike out the heading "Miscellaneous."

The amendment was agreed to.

The next amendment was, under the subhead "Florence Crittenton Home," on page 74, line 15, after the words "Board of," to strike out "Charities" and insert "Public Welfare," so as to read:

For care and maintenance of women and children under a contract to be made with the Florence Crittenton Home by the Board of Public Welfare, maintenance, \$4,000.

The amendment was agreed to.

The next amendment was, under the subhead "Southern Relief Society," on page 74, line 21, after the word "of" to strike out "Charities, \$10,000" and insert "Public Welfare, \$5,000," so as to read:

For care and maintenance of needy and infirm Confederate veterans, their widows and dependents, residents in the District of Columbia, under a contract to be made with the Southern Relief Society by the Board of Public Welfare, \$5,000.

Mr. GLASS. Mr. President, with respect to this item were I to consult my own feeling I would not have a word to say, but being a member of the Senate Appropriations Committee and also of the Committee on the District of Columbia I was relied on by the worthy people who desire this money for the purpose indicated to look after the item. I was not present at the meeting of the committee at which the sum proposed to be appropriated by the House of Representatives was reduced by the Senate committee. It is a trivial amount, and for the last 10 years, with the exception of two years, it invariably has been \$10,000. Evidently the House thought it ought to continue at \$10,000, and I hope the Senate may reject the proposed committee amendment.

Mr. PHIPPS. Mr. President, the Senate committee was following the suggestion of the Budget Bureau, which had approved an appropriation of \$5,000; but this is also a charitable institution, and I shall not object to having the amendment rejected.

The VICE PRESIDENT. Without objection, the amendment is rejected.

Mr. PHIPPS. Mr. President, on page 74 I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Colorado will be stated.

The CHIEF CLERK. On page 74, line 21, it is proposed to strike out the word "Charities" and to insert in lieu thereof the words "Public Welfare."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 74, after line 22, to strike out:

NATIONAL LIBRARY FOR THE BLIND

For aid and support of the National Library for the Blind, located at 1800 D Street NW., to be expended under the direction of the Commissioners of the District of Columbia, \$5,000.

The amendment was agreed to.

The next amendment was, on page 75, after line 2, to strike out:

COLUMBIA POLYTECHNIC INSTITUTE

To aid the Columbia Polytechnic Institute for the Blind, located at 1808 H Street NW., to be expended under the direction of the Commissioners of the District of Columbia, \$1,500.

And in lieu thereof to insert:

NATIONAL LIBRARY FOR THE BLIND AND COLUMBIA POLYTECHNIC INSTITUTE

For aid and support of the National Library for the Blind and the Columbia Polytechnic Institute, to be expended under the direction of the Commissioners of the District of Columbia, \$6,500.

The amendment was agreed to.

The next amendment was, under the subhead "St. Elizabeths Hospital, nonresident insane," on page 76, at the beginning of line 1, to strike out "secretary of the Board of Charities" and

insert "director of public welfare," and in line 4, after the word "said," to strike out "secretary" and insert "director," so as to make the paragraph read:

In expending the foregoing sum the disbursing officer of the District of Columbia is authorized to advance to the director of public welfare, upon requisitions previously approved by the auditor of the District of Columbia, and upon such security as the commissioners may require of said director, sums of money not exceeding \$300 at one time, to be used only for deportation of nonresident insane persons, and to be accounted for monthly on itemized vouchers to the accounting officer of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Relief of the poor," on page 76, line 12, after the word "of," to strike out "Charities" and insert "Public Welfare," so as to read:

For relief of the poor, including pay of physicians to the poor, to be expended under the direction of the Board of Public Welfare, \$8,000.

The amendment was agreed to.

The next amendment was, under the heading "Anacostia River and Flats," on page 78, line 18, after the word "amount," to strike out "not more than \$25,000 shall be available immediately and remain available until July 1, 1928, for the purchase of necessary land above Benning Bridge: *Provided*, That the purchase price of any site or sites acquired hereunder shall not exceed the full value assessment last made before purchase thereof plus 25 per cent of such assessed value," and insert "\$145,000 shall be available for expenditure below Benning Bridge, and not more than \$25,000 may be expended above Benning Bridge in the acquirement of necessary land," so as to make the paragraph read:

For continuing the reclamation and development of Anacostia Park, in accordance with the revised plan as set forth in Senate Document No. 37, Sixty-eighth Congress, first session, \$170,000, of which amount \$145,000 shall be available for expenditure below Benning Bridge, and not more than \$25,000 may be expended above Benning Bridge in the acquirement of necessary land.

The amendment was agreed to.

The next amendment was, under the heading "National Capital Park Commission," on page 81, line 13, after the word "expended," to strike out the colon and the following proviso:

Provided, That the purchase price to be paid for any site shall not exceed the full-value assessment of such property last made before purchase thereof plus 25 per cent of such assessed value.

The amendment was agreed to.

The next amendment was, under the heading "National Zoological Park," on page 82, after line 5, to insert:

For the construction of public exhibition building for birds, \$49,000: *Provided*, That the Commissioners of the District of Columbia are authorized to enter into contract or contracts for the completion of said building in accordance with plans and specifications approved by the regents of the Smithsonian Institution, at a cost not to exceed \$102,000.

The amendment was agreed to.

The next amendment was, under the heading "Water service," on page 83, line 9, after the word "department," to insert "to the full amount of these revenues, and any deficit therein is hereby appropriated for out of the combined revenues of the District of Columbia," so as to read:

The following sums are appropriated wholly out of the revenues of the water department for expenses of the Washington Aqueduct and its appurtenances and for expenses of water department to the full amount of these revenues, and any deficit therein is hereby appropriated for out of the combined revenues of the District of Columbia, namely:

The amendment was agreed to.

The next amendment was, on page 85, line 7, before the word "respectively," to strike out "\$3" and insert "\$1.50," so as to make the paragraph read:

The rates of assessment for laying or constructing water mains and service sewers in the District of Columbia under the provisions of the act entitled "An act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes," approved April 22, 1904, are hereby increased from \$1.25 to \$2 and \$1 to \$1.50, respectively, per linear front foot for any water mains and service sewers constructed or laid during the fiscal year 1927.

The amendment was agreed to.

The next amendment was, on page 85, after line 9, to strike out:

The Commissioners of the District of Columbia are directed to increase the scale of water rents in effect in the District of Columbia by

not less than 25 per cent per annum for the fiscal year ending June 30, 1927: *Provided*, That such increase shall remain in effect until otherwise provided by law.

The amendment was agreed to.

The next amendment was, on page 85, after line 22, to strike out:

For traveling and other expenses of a committee to be appointed by the Commissioners of the District of Columbia to consider and report upon the installation of a high-pressure water system in the congested high value section of the District of Columbia, \$3,000.

The amendment was agreed to.

The next amendment was, on page 86, line 17, after the word "reservoir," to strike out "embracing lots 1 to 9, inclusive, square 1762; 9 to 16, inclusive, square 1763; 25 to 32, inclusive, square 1766; 19 to 27, inclusive, square 1845, \$25,000, and the commissioners are hereby authorized to close all highways abutting on any or all of the above-mentioned lots: *Provided*, That the purchase price of the site shall not exceed the latest full value assessment thereof plus 25 per cent," and insert "\$50,000, and the commissioners are hereby authorized to close, where necessary, all highways that may interfere with the development of the proposed project," so as to make the paragraph read:

For purchase or condemnation of site for new third high service reservoir, \$50,000, and the commissioners are hereby authorized to close, where necessary, all highways that may interfere with the development of the proposed project.

The amendment was agreed to.

The next amendment was, on page 87, line 19, after the numerals "1927," to strike out the colon and the following additional proviso:

Provided further, That no person shall be employed in pursuance of the authority contained in this section for a longer period than six months in the aggregate.

The amendment was agreed to.

The next amendment was, on page 90, after line 19, to insert:

That any person employed under any of the provisions of this act who has been employed for 10 consecutive months or more, shall not be denied the leave of absence with pay for which the law provides: *Provided*, That estimates of appropriations for the District of Columbia shall include provision for those positions which have been filled continuously for 12 consecutive months or more as regular and not temporary employments, if, in the judgment of the commissioners, such employments will be filled throughout the fiscal year for which the estimates are submitted.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. PHIPPS. Mr. President, the committee has authorized me to present several amendments. I send them to the desk and ask that they may be considered in their order.

The VICE PRESIDENT. The first amendment offered by the Senator from Colorado on behalf of the committee will be stated.

The CHIEF CLERK. On page 2, line 8, after the word "appropriated," it is proposed to insert "to be advanced July 1, 1926."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment offered by the Senator from Colorado will be stated.

The CHIEF CLERK. On page 26, after line 13, it is proposed to insert a new paragraph, as follows:

In addition to the provision of existing law requiring contractors to keep new pavements in repair for a period of one year from the date of the completion of the work, the Commissioners of the District of Columbia shall further require that where repairs are necessary during the four years following the said one-year period, due to inferior work or defective materials, such repairs shall be made at the expense of the contractor, and the bond furnished by the contractor shall be liable for such expense.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment offered by the Senator from Colorado will be stated.

The CHIEF CLERK. On page 32, line 25, after the numerals "\$750,000," it is proposed to insert:

Provided, That this appropriation shall not be available for the payment of rates for electric street lighting in excess of 87½ per cent of rates heretofore established by law, and rates established by the commissioners in accordance with law, and payment for electric current

for new forms of street lighting shall not exceed 2 cents per kilowatt-hour for current consumed.

Mr. McKELLAR. I inquire what will be the effect of that amendment, Mr. President.

Mr. PHIPPS. Mr. President, the reason for that amendment is this: Some years ago the rates to be paid by the city for electric lighting of the streets were fixed by law. Of course, they were based on the candlepower capacity of the various lamps. At that time the consumption of electricity, we will say, of a 40-candlepower lamp, was greater than the consumption is to-day with the newer methods and new lamps having a different filament, of tungsten or other element, that is used instead of the old wire. In the meantime the citizens, by award of the court, have been given a rebate on the rates which they were paying for electricity, and we felt that a reduction of 12½ per cent at this time in current rates was none too much to ask for. Following that, we are asking the legislative committee on the District of Columbia to take cognizance of the present rates, and, if the rates are to be fixed by legislation, then let us have a readjustment of the present rates.

Mr. McKELLAR. The amendment means a reduction for the city?

Mr. PHIPPS. It means a reduction for the city. Of course, the city has had a reduction in the lamps in use in its buildings, those that are under meter service, the same as have the citizens, but the street lights are on a flat basis.

Mr. McKELLAR. The amendment puts them on the same basis?

Mr. PHIPPS. It does not put them on exactly the same basis, but it makes the rates more comparable.

Mr. McKELLAR. At all events, it is a reduction?

Mr. PHIPPS. It is a reduction of 12½ per cent.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Colorado.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment offered by the Senator from Colorado will be stated.

The CHIEF CLERK. On page 40, after line 8, it is proposed to insert a new paragraph, as follows:

The children of officers and men of the United States Army, Navy, and Marine Corps, and children of other employees of the United States stationed outside the District of Columbia shall be admitted to the public schools without payment of tuition.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment offered by the Senator from Colorado will be stated.

The CHIEF CLERK. On page 49, line 16, it is proposed to strike out "Columbia, \$1,825,430," and in lieu thereof to insert: Columbia," including the present chief clerk of the fire department, who shall be appointed a battalion chief engineer in the fire department of the District of Columbia and shall act as ex officio chief clerk, \$1,828,680.

Mr. McKELLAR. That is the matter to which we referred a while ago?

Mr. PHIPPS. That relates to the question which was discussed a few moments ago. We desire to take the amendment to conference to inquire into it assiduously as we will into the others.

Mr. McKELLAR. Very well.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Colorado.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment offered by the Senator from Colorado will be stated.

The CHIEF CLERK. On page 49, line 18, it is proposed to strike out "\$7,080," and insert in lieu thereof "\$3,780."

The amendment was agreed to.

The VICE PRESIDENT. The next amendment proposed by the Senator from Colorado will be stated.

The CHIEF CLERK. On page 80, line 16, after the numerals "\$15,000," it is proposed to insert the following:

Provided further, That not to exceed \$5,000 may be expended by contract or otherwise for architectural or other professional services without reference to the classification act of 1923 or civil-service rules, as approved by the director, in the development of Meridian Hill Park.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment proposed by the Senator from Colorado will be stated.

The CHIEF CLERK. On page 92, after line 4, it is proposed to insert as a separate paragraph the following:

SEC. 7. That in disbursing funds appropriated for the expenses of the government of the District of Columbia the commissioners of said Dis-

trict shall require such form of receipt as evidence of payment as may be deemed sufficient in the opinion of the corporation counsel of said District to give full legal acquittance to the District of Columbia.

The amendment was agreed to.

Mr. PHIPPS. That completes the committee amendments.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. COPELAND. Mr. President, may I ask the Senator from Colorado if there is any more money appropriated this year for medical school inspection than last year?

Mr. PHIPPS. My recollection is that there is an increase, and that we accepted the House action with reference to it; but I will inform the Senator in just a moment.

I find that the increase amounts to only \$2,800.

Mr. COPELAND. On what page is it?

Mr. PHIPPS. That is on page 54, line 9.

Mr. COPELAND. Is the appropriation stated here the same as that of last year?

Mr. PHIPPS. No; there is an increase of \$2,800. Last year it was \$63,000.

Mr. SMOOT. The wording, however, is exactly the same.

Mr. PHIPPS. The wording is identical.

Mr. COPELAND. Does the Senator think that is the best that can be done this year?

Mr. PHIPPS. I think it is. There is no Budget estimate for any larger amount.

Mr. COPELAND. I never want the Senator from Utah to be against any matter of this sort—

Mr. PHIPPS. He never is unless he is right.

Mr. COPELAND. But my feeling about it is that we ought to be more liberal in the appropriations for the prevention of disease. There are certain mandatory things that we must do when we have the hospitals and the insane and the feeble-minded—

Mr. SMOOT. That is why we gave the increase.

Mr. COPELAND. But the money that is used in this way means the prevention of disease, and it means that there will be fewer appropriations and less money appropriations in the future for these institutions which are mandatory.

Mr. SMOOT. Never less, but in a better way.

Mr. PHIPPS. Never less. I wish to say to the Senator from New York that the committee did discuss this question of hygiene in the schools, and dwelt particularly—at least, I did—upon the importance of having the children's eyes examined. That to my mind is really more important and more necessary than to see that they brush their teeth every day.

Mr. COPELAND. Will the Senator assure me that the committee has gone just as far as it can go this year?

Mr. PHIPPS. It is unfortunately not possible for the committee to go any further this year.

Mr. COPELAND. I hope that next year the committee may take another step, because I have no doubt that appropriations of this sort make for the prevention of appropriations in the future.

Mr. PHIPPS. I agree with the Senator.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF TRADING WITH THE ENEMY ACT

The VICE PRESIDENT laid before the Senate the message from the House of Representatives, returning to the Senate, in compliance with its request, the message from the Senate announcing its agreement to the conference report on the bill (S. 1226) to amend the trading with the enemy act.

Mr. BINGHAM. Mr. President, I ask unanimous consent that the vote whereby the Senate agreed to the conference report be reconsidered.

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. BINGHAM. I now ask unanimous consent that the report be recommitted to the conference committee.

The VICE PRESIDENT. Without objection, it will be so ordered.

PUBLIC BUILDINGS

Mr. FERNALD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 6559, for the construction of certain public buildings, and for other purposes.

Mr. McKELLAR. I will ask the Senator if he intends to proceed with the bill this afternoon.

Mr. FERNALD. No; not to-night.

Mr. CURTIS. It is merely desired to lay it before the Senate?

Mr. FERNALD. Merely to lay it before the Senate.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. MOSES. Mr. President, the Senator does not intend to go on with the bill to-night?

Mr. FERNALD. No; not to-night.

Mr. MOSES. I desire to know from the chairman of the committee just exactly what he proposes. The unfinished business before the Senate is the Italian debt settlement.

Mr. FERNALD. It is not desired to make this bill the unfinished business.

Mr. MOSES. Then what is the request?

Mr. FERNALD. Just to lay the bill before the Senate for consideration.

Mr. MOSES. In other words, the Senator asks unanimous consent to lay aside the unfinished business temporarily for the purpose of taking up this bill?

Mr. SMOOT. It has been temporarily laid aside.

Mr. FERNALD. It has already been laid aside.

Mr. CURTIS. As I understand, the Senator desires to have the bill laid before the Senate to-night, so that there will be notice to the Senate that he will ask to go on with it to-morrow in case no Senator desires to discuss the Italian debt settlement.

Mr. MOSES. And the purpose is to take a recess to-night?

Mr. CURTIS. Yes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes, which had been reported from the Committee on Public Buildings and Grounds with amendments.

SPECIAL ASSISTANT CLERK TO INTERSTATE COMMERCE COMMITTEE

Mr. GOODING. Mr. President, I ask unanimous consent for the consideration of Senate Resolution 124, Order of Business 407, authorizing the Committee on Interstate Commerce to employ a special assistant clerk.

Mr. CURTIS and Mr. SMOOT. Let it be read.

The VICE PRESIDENT. The resolution will be read.

Mr. GOODING. I will state that there is an amendment to the resolution.

The CHIEF CLERK. The committee proposes to strike out all after the resolving clause and to insert:

That the Committee on Interstate Commerce of the Senate is hereby authorized to employ a special clerk during the remainder of the Sixty-ninth Congress, who shall be a rate expert, skilled in matters relating to railroad transportation, and shall be paid out of the contingent fund of the Senate at the rate of \$7,000 per annum.

Mr. GOODING. Mr. President, the Committee on Interstate Commerce now asks that that amendment be rejected, and that the chairman of the committee be allowed to employ a special clerk at \$2,500 per annum.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MOSES. May we have the original resolution read? Is the employment to be for the rest of the Sixty-ninth Congress or permanently?

The VICE PRESIDENT. The original resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Interstate Commerce of the Senate hereby is authorized to employ a special assistant clerk during the remainder of the Sixty-ninth Congress, to be paid out of the contingent fund of the Senate at the rate of \$2,500 per annum.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

ADDRESS BY HON. ROBERT L. OWEN ON CAUSES OF THE WORLD WAR

Mr. COPELAND. Mr. President, I hold in my hand an informative, illuminating, and interesting address by a former Member of this body, ex-Senator Robert L. Owen. I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The address is as follows:

An address by Hon. Robert L. Owen at Copley-Plaza, Boston, March 27, 1926, before the Foreign Policy Association relative to the more recent evidences as to the causes of the World War, Manley O. Hudson, professor of international law, Harvard Law School, presiding

Ladies and gentlemen, the presence here to-day of so many professors of history and of law and of so many others known to be scholars and learned in recent history gives me special satisfaction and courage, as it will afford you the chance of challenging any historical fact of which you may have doubt and give me the coveted opportunity of reply.

When the United States entered the World War in 1917 it was on the ground that the Imperial Government of Germany had persisted in making war on the United States. The officials of Great Britain and France by skillful publicity had persuaded the public opinion of America that the German people were dominated by an imperial military machine, had long prepared for war, had suddenly launched the war with the intention of first conquering Europe and then dictating to the United States and to the world, and that the success of the German military dynasty meant a grave danger to all democratic governments.

The vast disclosures of dependable official evidence since the war and the many recent works of historians (a portion of which is in a printed list before you—"Exhibit A") have gradually made a change in the opinions of informed men throughout the world. Whatever the causes of the World War, the fall of the military dynasties of the Romanoffs, Hohenzollerns, and Hapsburgs, etc., has advanced the cause of democratic governments and given a fairer prospect of world peace and prosperity. We must know the causes in order to prevent like causes bringing about a recurrence of war.

The causes of the World War may be said now to be thoroughly well understood and known by the scholars of the world. They are not so well known to the great mass of mankind, who have been misled by propaganda and are now kept in the dark by the silence of the press, which for stupid consistency's sake seems averse to giving full publicity to newly discovered truth.

The soil in which this monstrous war was born was excess nationalism (chauvinism) diligently taught by self-serving leaders, who thus sought to demonstrate their own patriotism and right of leadership. The vanity and patriotism of the mass of the population led them to the acceptance of such false doctrines.

Chauvinism led to militarism. It established the theory of "preparedness for war," and nearly all the leaders of Europe advocated preparing for war to the extent of their taxing capacity. They thus engendered fear of each other and pride of conquest. Commercialism and militarism gave birth to imperialism. The British leaders had extended the British Empire by conquest to every part of the world. Other nations followed suit, and imperialism became the order of the day. The German leaders were somewhat slow in demanding their "place in the sun," but finally demanded it and energetically began the building of a great navy. They thus excited the fear of leading British statesmen as dangerous competitors on the sea and in commerce and disturbed French ambitions to rule northern Africa. Germany supporting Turkey was in Russia's way on the Dardanelles and in the Balkans.

Out of chauvinism, militarism, imperialism, out of the desire for commercial expansion, out of ambition, fear, and vanity, grew the intrigues which led gradually to the planning and execution of the Great War, through secret diplomacy and a subsidized press.

In speaking to this audience one may be sure that they are more or less familiar with the evidence.

On December 18, 1923, I submitted to the United States Senate certain evidence, with exhibits and references, in which abundant proof appears. Recent evidence fully confirms the truth of what was then presented. (See CONGRESSIONAL RECORD.)

The most important of all these official secret records is *Un Livre Noir* (Rene Marchand) and *Entente Diplomacy and the World* (DeSlebert). These two books contain nearly 2,000 secret dispatches passing between the Russian Foreign Office between Sazonoff and his associates and the Russian ambassador at Paris, Izvolski, and the Russian ambassador, Benckendorf, at London. These records disclose the secret diplomacy of the officials in charge of the Foreign Offices of Russia, France, and Great Britain, and these dispatches clearly demonstrate that the officials in charge of the Russian Foreign Office had definitely made up their minds that Russia could only carry out what they called Russia's "historic mission" by a general European war.

Russia's historic mission, according to their view, was the control of the Dardanelles and free access to the Mediterranean (a reasonable aspiration), hegemony of the Balkan States, etc.

The Russian statesmen had been defeated in this ambition as to the Dardanelles by the British Foreign Office and its allies. Great Britain feared that Russia might be a dangerous competitor for the control of

India, and the British statesmen were not willing to see Russian power expand where the Suez Canal might be blocked.

When the Russian statesmen determined that a World War was necessary to "Russia's historic mission," they deliberately planned to bring it about. The first thing necessary was to make alliances against Germany, Austria, and Turkey, who were collaborating commercially to develop a Berlin to Bagdad railroad. The Russians first sought the cooperation of the statesmen in control of the French Foreign Office. This was an easy task, because by article 8 of the French law, July 16, 1875, the President of the French Republic has exclusive authority to negotiate and ratify treaties without the knowledge of the French people, the French Parliament, or even the French Cabinet.

Casimir Perier, the French President, and Delcassé, French Minister of the Foreign Office, in 1892 arranged the treaty by exchange of letters with Mouraviev, Russian Minister of Foreign Office. The few individuals at the head of the two Foreign Offices thus bound the Russian and the French people to attack the German people without notice in the event that Austria (e. g.) should ever mobilize. The Russians knew they could make Austria mobilize. This they did when they were ready in 1914. The treaty referred to says in plain words:

"2. In case the forces of the Triple Alliance, or of one of the powers which are a party to it (e. g., Austria), should be mobilized, France and Russia, at the first indication of the event, and without a previous agreement being necessary, shall mobilize all their forces immediately and simultaneously and shall transport them as near to their frontiers as possible.

"3. . . . These forces shall begin complete action with the greatest dispatch, so that Germany will have to fight at the same time in the east and in the west.

"4. The staffs of the armies of the two countries shall constantly plan in concert in order to prepare for and facilitate the execution of the measures set forth above.

"They shall communicate to each other, in time of peace, all the information regarding the armies of the Triple Alliance which is in, or shall come into, their possession," etc.

Up to the end of the World War neither the Russian nor French Parliaments were ever informed with regard to this treaty. It was the work of a very few men imbued with nationalism, militarism, and imperialism. There was another secret treaty between the Russian and French statesmen as to how they would divide German territory. The French statesmen were to have a free hand on the Rhine, were to recover Alsace-Lorraine, were to get the coal of the Saar Valley, etc. The Russians were to take what they pleased of eastern Germany. The people of Russia and France (much less the people of Germany) did not know of either of these secret treaties. They did not know that they would be sent to their deaths in a gigantic war that would wound or kill 37,000,000 people. With patriotic faith they accepted the leadership of their officials and paid a terrible penalty for it.

The Russian statesmen, in pursuance of this planning of the World War, borrowed something over seven thousand million dollars from the industrious French people, a newspaper campaign being put on for that purpose subsidized by a portion of the very money borrowed from the French people, and expended by French ministers to the subsidized French press, which advocated the purchase of Russian bonds as a sound investment. With the proceeds of this money the Russian statesmen built military railroads up to the German border; built munition plants, and established the greatest army then existing in the world, estimated at 2,230,000 men available for quick action by August 1, 1914. Dobrorolsky, in charge of mobilization, in his article on the mobilization of the Russian Army (see *Revue d'Histoire de la Guerre Mondiale*, April and July, 1923), says that the mobilization of July, 1914, called to the support of Russia approximately 15,000,000 men. At the Franco-Russian military conference of 1913, General Joffre assured the Russian General Staff that France would have ready for quick action 1,500,000 men. There were no natural boundaries to protect German territory on the east.

The German military leaders were thus placed in a condition of extraordinary peril in being required to protect two frontiers against Russia and France, either one of whom had more troops than Germany. The German leaders apparently knew nothing of this secret treaty, but were full of suspicion, and to the extent of their capacity developed their military preparation. The German people were encircled.

The Russian statesmen had also a secret treaty with the statesmen of Rumania, of Bulgaria, of Serbia; a secret understanding with Edward Grey, of the British Foreign Office; a gentleman's understanding with the officials of Italy. France had a gentleman's understanding with Edward Grey, by which the French coast on the west was to be defended by the British Fleet and a British Army of 160,000 men were to be thrown on the French left wing in the event of war, all of which was carried out. Belgium was reliable, and Germany was encircled on land and sea. Germany's allies were Bulgaria (which had a secret treaty with Russia), Turkey (which was isolated), and Austria, which was threatened with internal revolution by the Pan Slav movement. The German leaders did not count on Italy, as Von Moltke explained in his report of 1912. Germany was weak (very weak compared to the forces against Germany), and the German leaders knew it.

The German statesmen made numerous attempts at a friendly rapprochement with the Russian statesmen, with the French statesmen, and with the English statesmen, but were always defeated by French influence. A deliberate part of the strategy of the Russian and French leaders, engineering the World War, was to make the German leaders appear responsible before the world of having willfully launched the World War. It was not very difficult to do this, for in Germany there were a greater or less number of chauvinists, like Von Bernhardi, who praised war as desirable, and the enthusiasm and pride of William II made him at times appear as "rattling the sword" and as a "knight in shining armor." The real truth is that the German people and the German Government and the German Kaiser had shown themselves attached to the doctrine of European peace for over 40 years. They armed for fear and drilled with patriotic pride. Many of the French leaders had never forgiven the German leaders for the humiliation of the Franco-Prussian War of 1870. Many of them were influenced deeply by the desire for revenge, but all this might have come to naught except for the intriguing of the Russian leaders and what they were able to accomplish by secret diplomacy and the cooperation of a very small number of Serbian and French leaders and the conviction that the British leaders, in the event of war, would support France against Germany.

It is perfectly obvious to all students of history that the French people, the English people, the Russian people, the German and Austrian people went into the war moved by a spirit of loyalty and patriotism, and with honest hearts, calling God to witness as to the purity of their intentions. They had been misled by the use of their own money taken from them by taxes and used for propaganda through a subservient press subsidized to support the arguments of the leaders.

To impose on the French Government the secret obligation to cooperate with the Russian leaders in an attack on Germany, it was only necessary to make Austria mobilize or threaten to mobilize. This was not a difficult task. It was accomplished through the Pan-Slav movement. Austria had millions of Slav subjects. The Russian statesmen encouraged Austria to take over the administration of Bosnia and Herzegovina, which contained a Slav population. This action of Austria was treacherously used by the Russian statesmen to stimulate the hostility of the statesmen of Serbia against Austria.

Russian money was lavishly used to subsidize the Serbian press in a campaign of defamation against the Austrian leaders, urging the policy of a greater Serbia uniting all the Slavs under one government. This meant the disintegration and destruction of the Austro-Hungarian Empire. This conspiracy against the Austrian Government, encouraged by the Russian and Serbian leaders, finally led to the murder of Ferdinand, the Crown Prince of Austria, and his consort, on Austrian territory, with the connivance and aid of Serbian officials. The Serbian cabinet were advised of the plot, took no effective steps to prevent it, and did not inform the Austrian Government of the danger.

The Serbian intrigue against the Austrian leadership had reached a point where either it had to be checked or the Austro-Hungarian Empire had to dissolve. Russia's false pretense of a duty to protect Serbia was artificial and without either legal or moral foundation. It was a pretext to a desired war.

Under those conditions Francis Joseph, the venerable Emperor, sent a messenger to see William II on the 5th of July, 1914, at Potsdam. William II, deeply moved by the murder of the crown prince, gave his consent that Austria should deliver a sudden and swift blow to Serbia, believing that it was a "local controversy" and could be maintained as a "local" matter, and that Serbia deserved a rebuke. He had very good reason to believe this, because the other Balkan wars had been held by the great powers as "local" affairs that did not necessarily mean a general European war. For a century it had been the diplomatic practice to treat Balkan disputes as local and subject to adjustment by the powers. Austria in attacking Serbia formally disclaimed any intent to appropriate Serbian territory or to destroy Serbia's sovereignty, and solemnly assured the powers that its sole purpose was to protect the life of the Austrian Government from Serbian intrigue.

Bogitchevitch, in his recent book *The Causes of the War* (p. 68), called attention to an interview given by Sazonoff, Russia's Minister of Foreign Affairs, to the German press October 8, 1912, in which he states emphatically that the Balkan conflicts were regarded by the great powers as "local" matters.

This expression from the head of the Russian Foreign Office in the Berlin press on the occasion of his visit there was a declaration of the highest possible importance in deceiving the German and Austrian leaders. It must be remembered that the German leaders did not absolutely know of the secret treaties to attack Germany in case of Austria's mobilization. That was only assuredly known to the French and Russian leaders, and possibly to some of their allies, and therefore while the blunder made by William II on July 5, 1914, was a very serious one, it did not involve the moral culpability with which it has been charged. William II did not intend to unleash the European war. He did not know that the mobilization of Austria instantly meant a European war, and necessarily would lead to an attack on Germany by Russia, France, Great Britain, and other allies. The German and Austrian leaders tried to localize the conflict. The Russian

and French and Serbian leaders were determined on a general European war.

An American can well understand how Edward Grey would throw his support to France against Germany, with its Prussian military system and Hohenzollern dynasty. British leaders would naturally take the position they believed to be the best British interest. While the record does not show that Edward Grey wished war, even his friends must confess that his actions contributed to it because Russia and France knew that he would support them in case of war, and thus they were encouraged to war, and the German and Austrian leaders did not know that he would oppose them until too late, and thus they were not discouraged in time. The German leaders hoped for neutrality. They tried, being ignorant of the secret treaties and agreements against them, to secure the neutrality of France, Great Britain, and Belgium, when they saw themselves menaced by the Russian mobilization. Of course, they failed.

All the leading European nations contributed in part to the war by the spirit of chauvinism, militarism, and commercial imperialism, but the responsible leaders of Germany did not will the war; did not begin it. They were the victims of the conspiracy of the Russian statesmen who with infinite craft wove a web of encirclement so clever that many of the statesmen of their entente allies had no clear conception of what the Russian intention was.

When Austria delivered its ultimatum to Serbia July 23, 1914 (already anticipated by the European statesmen), the enemies of the German Government were ready for war.

JULY 24, 1914

Previous to the Austrian ultimatum Great Britain had already mobilized its war fleet, over 400 vessels, off Spithead.

On July 24, 1914, before Serbia replied, the British fleet was ready for war. On Sunday morning, August 2, the British regiments marched through London with full kit for the front, in pursuance of the Anglo-French understanding.

On July 24 the Russian Ministerial Council ordered Russian mobilization; confirmed by the crown council. The military officials were determined on a general mobilization, as will appear from the account of Dobrorolsky, the general in charge of Russian mobilization. The pretense that the Russian mobilization was a partial mobilization was merely a piece of Russian hypocrisy. The pretense that Sazonoff really wanted European peace had no foundation of fact. Sazonoff and Izvolski had been planning the European war for years, and the pretense of Sazonoff that the war came at an inauspicious time is not true.

Boghitchevitch, who was the diplomatic representative of Serbia in Paris up to 1907, and then in Berlin up to 1914, says with regard to Sazonoff and the expression of Sazonoff regretting that the war had been launched too soon and at a moment which did not appear to him propitious:

"The insincerity of the minister was complete. But his hypocritical declarations succeeded in making him appear before the European cabinets as an adversary of Russian Pan-Slavism, of which he was on the contrary—the course of events of the war of 1914 demonstrated it—the damned soul."

Boghitchevitch is quite right. Sazonoff's pretense that he favored peace was entirely insincere. He categorically refused in advance to consider any modifying influence from Great Britain or France in Russia's artificial, unfounded controversy with Austria over Serbia—just as Viviani and Poincaré refused to try to exercise any moderating influence on the policy of Sazonoff. Sukomlinov said to Baron Rosen, July 25, 1914, "This time we shall march." Edward Grey expressed the opinion that the Austrian mobilization would, of course, be followed by the Russian mobilization and did not discourage this act of war.

William II and his chancellor were the only ones in very high place who when they discovered a European war in sight strenuously attempted to stop it.

July 24, 1914, was a very historic day. On that day the Belgian Foreign Office sent out a circular to Belgian officials that Belgium was completely mobilized.

On July 24 France ordered from Africa the Moroccan troops and took preliminary steps for mobilizing. On July 24 France had already withdrawn its navy from the Atlantic seaport to the Mediterranean, relying upon British protection.

On July 24 the English Government had been committed by Edward Grey to Russia and France on land and sea (see De Siebert dispatches).

On July 24 Serbia mobilized.

On July 24 Russia's Ministerial Council ordered Russian mobilization.

On July 24 Raymond Poincaré, President of France, and Viviani, Minister of Foreign Office, had just left the Russian court, where they were received with enormous pomp and circumstance, and where they gave assurances to the Russian leaders that France was ready for war and would support Russia. Poincaré and Viviani reached Paris on July 29, and on the night of the 30th the following dispatch was sent (telegram 216 of Izvolski to Sazonoff):

"From military attaché to War Minister. 1 a. m.

"The French War Minister informed me in earnest, hearty tones that the Government is firmly decided upon war and requested me to confirm the hope of the French general staff that all our efforts will be directed against Germany and that Austria will be treated as a negligible quantity."

There can be no manner of doubt about the meaning of this telegram nor the actions of all the Allies in concert on July 24, notwithstanding the fact that with great hypocrisy Viviani and Sazonoff continued to talk about a peaceful settlement, and Poincaré on July 31 published a self-serving letter to the King of England urging peace—an insincerity incredible, but useful, very useful, in convincing the English people and the world of Poincaré's innocence and of the guilt of German leadership in launching the World War. Poincaré was not innocent.

William II, through Von Bethmann-Hollweg, demanded of the Austrian leaders conciliatory steps and was successful in getting the Austrian leaders to make important concessions that would have made peace a certainty if they had been met halfway or in any degree.

They were not met halfway. They were not met at all. The Russian leaders were determined on war, and they had agreed with the French leaders that Germany should be made to appear before the world as the aggressor. They, therefore, refused to stop their general mobilization and had the German military leaders in a position where they saw the general mobilization proceeding and knew that a Russian general mobilization meant war. The Czar himself had given his military subordinates to understand that a general mobilization meant war, and when the general mobilization was issued it was in substance and in effect a declaration of war against Germany. In the Czar's mobilization order of September 30, 1912, it was in terms declared "equivalent to the notification of a state of war with Germany." Sukomlinov said to Baron Rosen July 25, 1914: "Cette fois nous marcherons." The German leaders did not then know of this boast to Rosen, but they did know that Russian mobilization meant war and that if they waited too long it would make it impossible to defend Germany. Their only chance of success lay in superior speed and efficiency. They were coerced into war by this recognized military necessity, as the Russians intended. When Austria was induced to mobilize by the Pan-Slav Serbian and Russian conspiracy upon that instant Russia and France were mutually pledged by the secret treaty of 1892 to attack Germany, and the German leaders would have been fully justified then in declaring a state of war existing if they had known of this secret agreement. Common decency and common fairness in exercising judgment makes it necessary to remember that the German leaders did not know of the secret treaties. But Poincaré knew them, as President of France, and during the two preceding years he had repeatedly and in daily conversations (Un Livre Noir) assured Izvolski and the Russian Government that he would support Russia in a war against Germany.

Prof. Sidney B. Fay (New Republic, October 14, 1923, p. 197) points out and answers Poincaré's pretenses that he was a victim of German aggression. Poincaré's pose that he was the victim of Germany's premeditated assault has no foundation of fact. The evidence against him is now complete, and the more he disclaims the more he finds himself contradicted by the evidence and by an increasing army of scholars.

Poincaré knew from the secret Franco-Russian convention that "the aggressor shall be the power which mobilizes first" (No. 53), and that "mobilization is the declaration of war." (No. 71.)

He knew the Russian mobilization was a secret declaration of war by the secret Franco-Russian agreement. His repeated assertion that William II started the war by declaring a state of war existing (August 1) is contradicted flatly by his secret contract with Russia.

Poincaré flatters the French people and defends himself by an unending repetition of the well-known untruth that "the republican institutions of France are so conceived that no man can substitute his will for that of the people." The French President can do that very thing under the French law of 1875 (CONGRESSIONAL RECORD, December 18, 1923), and Poincaré did that very thing in sustaining and promoting the secret presidential treaty with Russia, where the French people were bound without their knowledge to wage war on the German people.

Even the French Parliament was ignorant of this secret treaty wherein Poincaré's will to war was leading them to ruin. Is Poincaré's flattering assurance that no man "can substitute his will for that of the people" true or false? What became of the "will of the people," who did not even know the secret treaty that bound democratic France to suffer for autocratic Russia, much less approve it?

Poincaré writes that "the foreign policy of France, before and since the war, has been conducted openly and in complete accord with the Parliament."

The secret treaties and archives now available completely disproves this assertion, and that the assertion is not innocently made is demonstrated by Izvolski's dispatches to Sazonoff, March 14, 1912, November 28, 1912, etc.

Poincaré wraps himself in the cloak of "France," and loudly proclaims "France has not wished war," and repeats and repeats and

repeats such truisms, but peace-loving, beauty-loving France is one thing, Poincaré is another thing. Poincaré is not France, and France is not Poincaré.

France desired peace.

Poincaré desired war, and engineered the unfortunate, splendid French people into a gigantic disaster.

Even the people of Alsace-Lorraine were opposed to war (see unanimous resolution May 6, 1913, Diet of Alsace-Lorraine), but Poincaré (of Lorraine) desired war and revenge, and he substituted his will for theirs.

October, 1920, at University of Paris, he said " . . . I have not been able to see any other reason for my generation living except the hope of recovering our lost provinces."

Poincaré attempts to discredit the dispatches between Izvolski and the Russian Foreign Office which photographed Poincaré and his war-provoking policies by calling them "Soviet" and "Bolshevik" publications. Their authenticity and veracity are well established, and even his own friend Sazonoff, now in Paris, does not dare to deny their authenticity.

Poincaré's pose as the apostle of peace and the champion of truth would be amusing if it were not so harmful in misleading the world.

Let us give him credit for believing that he was leading France to a "glorious victory" and into an "era of greater splendor," and that his motives were inspired by patriotism and true love of country. He has played his part. Many men have been misled by the brilliancy of their own imaginations and failed to realize until too late the relentless law of gravity which at last controls all things human.

Poincaré is brilliant, brave, intellectual, and of enormous industry, but he is pitifully weak when standing before the majesty of God's truth.

Many Frenchmen have pointed out Poincaré's responsibility. It was done by Valliant Couturier, "On the honor of an old French soldier," on the floor of the House of Delegates of France, etc., and by many French writers, such as Pavet, Marchand, Caillaux, Morhardt, Victor Margueritte, Fabre-Luce, Judet, Lazare, DeMartial, Dupin, DeTourey, etc. Un Livre Noir convicts Poincaré completely, but actions speak louder than words, and Poincaré's actions show that he willed the war and helped to plan it with Izvolski and Sazonoff.

But while on July 24 England, France, Belgium, Russia, Serbia were all ready for war, and Russia, Serbia, and France under treaty contract to attack Germany and Austria, William II, who has been painted by propaganda as the monster who wickedly unchained the dogs of war, was quietly cruising in northern waters on the Baltic, apparently unconscious that his complete ruin was impending. He came back on Sunday, the 26th of July, and began his frenzied but useless appeals for European peace. Even Sazonoff tells that the Kaiser begged the Czar to keep his troops from the border, and that William II was "nearly frantic." The die was cast. The war was already in progress. The Entente mobilization was already started. The World War had begun. William II was wasting his breath.

In Current History of May, 1925, Hon. John S. Ewert, the Canadian historian, gives a splendid sketch of the Russian order for general mobilization, in which is clearly set forth in detail the evidence of Russian insincerity, intrigue, and responsibility for the first steps of the war. His exceedingly able work, "The roots and causes of the wars, 1914-1918," brilliantly tells the story of responsibility.

The French Ambassador, Paleologue, suggested that the general staff of Russia take the responsibility of the Russian mobilization, and let the Foreign Office be free to deny mobilization. False peace representations were made to the German leaders, both in Berlin, St. Petersburg, and Paris, with a view (as the official dispatches show) to keeping them quiet until the avalanche was well started. When, on the 31st of July, it became obvious to the military leaders of Germany that the Russian mobilization was threatening them in a very dangerous way, they demanded action by the Kaiser. Under this pressure, the Kaiser demanded the cessation of the Russian mobilization by noon the next day. At 7 p. m., on Saturday, August 1, having received no reply, the Kaiser, through the German ambassador at St. Petersburg, on the ground of Russia's acts, declared a state of war existing between Russia and Germany, and the war was on "officially." He was fully justified by the facts. The Kaiser could only declare a war for defense constitutionally. When he declared solemnly to the German people that the sword was forced in his hand, he spoke the simple truth, but all the world made mock of it, for Germany, instantly blockaded by land and sea, was then painted by world-wide propaganda as having planned and launched the World War for purposes of world conquest, and the world has largely believed this monstrous perversion of truth.

But "Love of truth is the sovereign good of human nature," and in the course of time the truth is mighty and will prevail. "Ye shall know the truth and the truth shall make you free." The lovers of truth are many.

One thing is conceded by everybody. The people of Russia, France, and England, and the people of Germany and Austria had no desire to kill each other or to be killed. The unfortunate people of all these nations went into war in a patriotic spirit, following their leaders,

believing in them, trusting in their wisdom and justice. When the Russians found they had been betrayed, they drove their former leaders from Russia. The emperors and various small kings disappeared.

The Russian and French leaders who brought on this war are of little present consequence. Most of them are dead or in oblivion. The discussion of the causes of the war should not be diverted into stigmatizing individuals. What the world needs is to remember that the spirit of militarism and imperialism led to the war by intrigues, through secret treaties. If the diplomacy of Europe had been open diplomacy this war could not have happened, and the President of the United States, in laying down the conditions of peace on the 14 points, showed great wisdom in demanding open diplomacy. The peace of Europe requires not only a will to peace, but a will to open international intercourse, based on justice, common sense, and truth.

It is convenient to put the control of foreign affairs in an executive office where the records are kept and preserved and known, but it is dangerous to give control over foreign affairs to foreign office officials without parliamentary supervision. The structure of the French Government has this serious defect, and this is largely true of the British Foreign Office. The world has much to be thankful for, nevertheless. The militaristic dynasties have been overthrown, and 55 nations have now assembled in Geneva, pledged to principles of international cooperation on the basis of justice. The people of the United States believe in these fundamental principles, and are largely responsible for the establishment of the system at Geneva.

Not all of our statesmen have yet found themselves willing that our country should join the League of Nations because of the discovery of the secret agreements and selfish intrigues of Europe, and lack of good faith in dealing with the United States. Certain European statesmen should remember that on the 4th of November, 1918, they agreed on the 14 points, and then, immediately that the German people forced their leaders to surrender, the Entente leaders betrayed these promises in a number of important particulars. (See CONGRESSIONAL RECORD December 19, 1923, p. 876.)

Nevertheless, even these very Governments have been since the war increasingly useful in promoting the doctrines of liberty and justice, and in opening a new era of international understanding, international peace, and international good will through the League of Nations. They have our sympathy and respect in such a policy.

Let us, if possible, forget the weaknesses and errors of leaders and concentrate our attention upon the principles by which the future of the world may be safeguarded. Let us vigorously help to establish the doctrine of open diplomacy, parliamentary control of foreign affairs, mutual pledges of security, peaceful settlement of all disputes, and then international disarmament is made more practicable and the people may make it impossible for the ambition, fear, vanity, or other folly of human leadership again to crucify mankind.

EXHIBIT A

SOME RECENT WORKS ON THE ORIGINS OF WAR

1. H. H. Asquith, *The Genesis of the War*. London, 1923. 804 pp.
2. Corrado Barbagallo, *Come si Scatenò la Guerra Mondiale*. Rome, 1923. 166 pp.
3. Frederick Bausman, *Let France Explain*. London, 1922. 264 pp.
4. C. A. Beard, *Cross-Currents in Europe To-day*. Boston, 1922. 278 pp.
5. Sir George Buchanan, *My Mission to Russia and Other Diplomatic Memories*. London, 1923. 2 vols.
6. Winston S. Churchill, *The World Crisis, 1911-1914*. London, 1923. 2 vols.
7. Edith Durham, *The Serajevo Crime*. London, 1925.
8. John S. Ewart, *The Roots and Causes of the War*. New York, 1925. 2 vols.
9. A. Fabre-Luce, *La Victoire*. Paris, 1924. 428 pp. (Now translated, Knopf. "The Limitations of Victory.")
10. Sidney B. Fay, "New Light on the Origins of the World War," in *American Historical Review*, July, 1920; October, 1920; January, 1921.
11. Sidney B. Fay, "Serbia's responsibility for the World War," in *New York Times Current History Magazine*, October, 1925.
12. Sidney B. Fay, "The black hand plot that led to the World War," in *New York Times Current History Magazine*, November, 1925.
13. G. P. Gooch, *A History of Modern Europe, 1878-1920*. New York, 1923. 728 pp.
14. Otto Hammann, *Deutsche Weltpolitik, 1890-1912*. Berlin, 1924. 280 pp.
15. E. F. Henderson, *The Verdict of History: The Case of Sir Edward Grey*. Monadnock, N. H., 1924.
16. Karl Kautsky, *Outbreak of the World War*. German documents collected by Karl Kautsky and edited by Max Montgelas and Walther Shucking. New York, 1924. 688 pp.
17. Earl Loreburn, *How the War Came*. London, 1919. 340 pp.
18. Victor Marguerite, *Les Criminels*. Paris, 1925. 356 pp.

19. Max Montgelas, *The Case for the Central Powers*. New York, 1925. 255 pp.
20. E. D. Morel, *The Secret History of a Great Betrayal*. London, 1922. 47 pp.
21. Mathias Morhardt, *Les Preuves. Le Crime de Droit Commun. Le Crime Diplomatique*. Paris, 1924. 840 pp.
22. Maurice Paléologue, *La Russie des Tsars Pendant la Grande Guerre*. Paris, 1922. 3 vols.
23. Alfred Pevet, *Les Responsables de la Guerre*. Paris, 1921. 520 pp.
24. Raymond Poincaré, *The Origins of the War*. London, 1922. 230 pp.
25. A. F. Pribram, *The Secret Treaties of Austria-Hungary, 1870-1914*. Edited by A. C. Coolidge. Cambridge, 1922-23. 308, 271 pp.
26. Pierre Renouvin, *Les Origines Immédiates de la Guerre*, 28 Juin-Aout, 1914. Paris, 1925. 226 pp.
27. Baron Schilling, *How the War Began. The Diary of Baron Schilling, chief of the chancellery of the Russian Foreign Office in 1914*. London, 1925. 122 pp.
28. Stanojević, *Die Ermordung des Erzherzogs Franz Ferdinand*. Frankfurt, 1923. 66 pp.
29. F. Stieve, *Isvoisky and the World War*. New York, 1925. 254 pp.
30. John Kenneth Turner, *Shall It Be Again?* New York, 1922. 448 pp.

EXHIBIT B

Some recent publications by the Library of Labor, 96 Quai Jemmapes, Paris (10), France, on the origins and responsibilities of the war

	Francs
1. Gustave Dupin, <i>Response a Poincaré</i>	1.00
2. Boghitchévitch, <i>Les Causes de la Guerre</i>	7.50
3. Converset (Colonel), <i>Trois ans de diplomatie secrète</i>	6.75
4. Georges Demartial, <i>Comment on mobilisa les consciences</i>	7.50
5. Gustave Dupin (Ermenonville), <i>Juillet 1914</i>	3.50
6. <i>Conference sur les responsabilités</i>	2.00
7. <i>Le Règne de la Bête</i>	7.00
8. A. Ebray, <i>La paix malpropre</i>	35.00
9. Gouttenoire De Toury, <i>Poincaré a-t-il voulu la guerre?</i>	4.50
10. <i>Jaunes et le Parti de la guerre</i>	6.50
11. Lazare, <i>A l'origine du mensonge</i>	8.00
12. René Marchand, <i>La Condamnation d'un régime</i>	4.00
13. Victor Margueritte, <i>Les Criminels</i>	5.50
14. Millon, <i>La Genèse de la guerre</i>	2.25
15. Montgelas (General comte), <i>Question des responsabilités</i>	1.25
16. <i>Un plaidoyer allemand (Guide des responsabilités)</i>	12.00
17. Mathias Morhardt, <i>Les Preuves</i>	10.00
18. Nitti, <i>La Paix</i>	12.00
19. A. Pevet, <i>Les Responsables</i>	15.00
20. E. Renauld, <i>Histoire populaire de la guerre (3 volumes parus)</i>	21.50
21. <i>Vers la Verité, Une année parue</i>	15.00
DOCUMENTS	
22. <i>Le Livre Noir (Archives Impériales russes. Correspondance secrète d'Isvoisky)</i> , 2 volumes.....	30.00
23. <i>Tableaux d'Histoire, par Guillaume II (2 volumes)</i>	50.00

HANNAH PARKER

Mr. PHIPPS. Mr. President, during the call of the calendar yesterday a small bill in which I was interested was passed over, objection having been made by the Senator from Utah [Mr. KING]. I now call his attention to the bill, which is Order of Business 229, House bill 3624. The Senate has passed this bill on two different occasions, and now that the House has passed it I think the Senate should again approve it.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3624) for the relief of Hannah Parker.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 43 minutes p. m.) the Senate took a recess until to-morrow, Friday, April 16, 1926, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 15 (legislative day of April 5), 1926

FOREIGN SERVICE OFFICERS

UNCLASSIFIED

Dale W. Maher.
Edward J. Sparks.
William Clarke Vyse.

VICE CONSUL OF CAREER

Dale W. Maher.
Edward J. Sparks.
William Clarke Vyse.

PROMOTIONS IN THE NAVY

TO BE LIEUTENANT COMMANDERS

Leverett S. Lewis.
Henry P. Burnett.
Otto Nimitz.

TO BE LIEUTENANTS

James E. Nolan. Walton W. Smith.
Jewett P. Moncure. Hilyer F. Gearing.

TO BE MEDICAL INSPECTOR

Abraham H. Allen.

TO BE SURGEONS

John LeR. Shipley. James D. Rives.
Claude W. Colonna. George A. Alden.
Louis Iverson.

TO BE CHIEF ELECTRICIAN

Claude H. N. Dalley.

POSTMASTERS

ALABAMA

Henry H. Farrar, Blocton.
Frank M. Johnson, Haleyville.
George C. Adams, Ragland.

CONNECTICUT

Helen G. Miller, Coscob.

MINNESOTA

Pearl M. Hall, Ab-gwah-ching.
Clifton M. Krogh, Argyle.
Johannes A. Bloom, Chisago City.
William Edmond, Claremont.
Edgar Stivers, Dodge Center.
Charles F. Whitford, Henderson.
Edith A. Marsden, Hendrum.
William Pennar, Laporte.
Frank J. Machacek, Lonsdale.
Charley P. Fossey, Lyle.
Ole E. Nelson, Marietta.
George M. Young, Perham.
William J. Colgan, Rosemount.
Harvey Harris, Vesta.
Francis H. Densmore, Wilmont.

MONTANA

Mary J. Tasa, Flaxville.
Blanche E. Breckenridge, Grassrange.
Leon E. Phillips, Highwood.
Rose M. Sargent, Nashua.
Letta Conser, Plevna.
Marie I. Moler, Reedpoint.

PENNSYLVANIA

William Dickinson, Factoryville.
James W. Hatch, North Girard.

WASHINGTON

Arthur H. Eldredge, Colfax.
Edwin O. Dressel, Metaline Falls.

HOUSE OF REPRESENTATIVES

THURSDAY, April 15, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Remind us, our blessed heavenly Father, that no good thing wilt Thou withhold from them that walk uprightly. By the memory of the past we are encouraged to come to Thee. Touched with a feeling of our infirmities—Thou knowest us. Do Thou abide with us according to our requirements, and make our weakness to become our strength. Whatever the exactions and the responsibilities, teach us to be patient and faithful. If our liberties, our pleasures, or self-indulgence hold us from Thee, the Lord pity us and give us the freedom of our best selves. Keep Thou our pathway clear, our step firm, and may we never catch up with our vision. More and more may our lives become beautified in kindness, charity, and friendship and reflected in unselfish living. Amen.

The Journal of the proceedings of yesterday was read and approved.

AIRCRAFT IN COMMERCE

Mr. PARKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 41, disagree to the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table S. 41, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. GARNER of Texas. Reserving the right to object, will not the gentleman state whether he has consulted with the minority member with reference to this procedure?

Mr. PARKER. I have not.

Mr. GARNER of Texas. I shall have to object until the gentleman does so.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 8132. An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes.

The message also announced that the Senate had passed without amendment the following House concurrent resolution:

Resolved by the House of Representatives (the Senate concurring). That in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on Interstate and Foreign Commerce of the House of Representatives be, and is hereby, empowered to procure the printing of 1,500 additional copies of the hearings held before the President's Aircraft Board on matters relating to aircraft, including the report of the President's Aircraft Board.

The message also announced that the Senate had passed the following order:

Ordered, That the House of Representatives be requested to return to the Senate its message announcing its agreement to the conference report on the bill (S. 1226) to amend the trading with the enemy act.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 9398. An act to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 8918) granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo., disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JONES of Washington, Mr. COUZENS, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 44. An act for the relief of Alice M. Durkee;

S. 45. An act for the relief of Yvonne Therrien;

S. 102. An act to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy;

S. 111. An act for the relief of the owners of the ferryboat Oregon;

S. 116. An act for the relief of the owners and/or receiver of the American steam tug W. S. Holbrook;

S. 179. An act for the relief of J. W. Nell;

S. 465. An act for the relief of William Wooster;

S. 466. An act for the relief of Helen M. Peck;

S. 467. An act for the relief of Joseph B. Tanner;

S. 767. An act for the relief of Annie H. Martin;

S. 869. An act for the relief of Harry Ross Hubbard;

S. 1155. An act for the relief of Margaret Richards;

S. 1451. An act for the relief of William Hensley;

S. 1747. An act for the relief of the estate of Henry T. Wilcox;

S. 1821. An act authorizing joint investigations by the United States Geological Survey and the Bureau of Soils of the United States Department of Agriculture to determine the location and extent of potash deposits or occurrence in the United States and improved methods of recovering potash therefrom;

S. 2200. An act for the relief of James B. Fitzgerald;

S. 2242. An act for the relief of Mark J. White;

S. 2322. An act to provide for the elimination of the Michigan Avenue grade crossing in the District of Columbia, and for other purposes;

S. 2537. An act to provide for the condemnation of land for the opening, extension, widening, or straightening of streets, avenues, roads, or highways in accordance with the plan of the permanent system of highways for the District of Columbia, and for other purposes;

S. 2848. An act to extend the time for institution of proceedings authorized under Private Law No. 81, Sixty-eighth Congress, being an act for the relief of Henry A. Kessel Co. (Inc.);

S. 3012. An act to change the name of "The trustees of St. Joseph's Male Orphan Asylum" and amend the act incorporating the same;

S. 3429. An act authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service;

S. J. Res. 47. Joint resolution authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918; and

S. J. Res. 91. Joint resolution directing the Secretary of War to allot war trophies to the American Legion Museum.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved bills of the following titles:

On April 10, 1926:

H. R. 290. An act to amend section 99 of the act to codify, revise, and amend the laws relating to the judiciary, and the amendment to said act approved July 17, 1916 (39 Stat. L. ch. 248);

H. R. 7616. An act to amend section 89 of chapter 5 of the Judicial Code of the United States; and

H. R. 6117. An act to amend an act entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," approved March 12, 1914.

On April 12, 1926:

H. R. 4761. An act to amend section 9 of the act of May 27, 1908 (35 Stat. L. p. 312), and for putting in force, in reference to suits involving Indian titles, the statutes of limitations of the State of Oklahoma, and providing for the United States to join in certain actions, and for making judgments binding on all parties, and for other purposes; and

H. R. 6261. An act to authorize the exportation from the State or Territory of timber lawfully cut on any national forest or on the public lands.

On April 13, 1926:

H. R. 3921. An act to authorize the Secretary of War to enter into an agreement with the Clarendon Community Sewerage Co., granting it a right of way for a trunk-line sewer through the Fort Myer Military Reservation and across the military highways in Arlington County, Va., and to connect with the sewer line serving such reservation;

H. R. 3953. An act to authorize a departure from the rectangular system of surveys of homestead claims in Alaska, and for other purposes;

H. R. 3996. An act authorizing the Secretary of War to convey certain portions of the military reservation of Fort Sam Houston, Tex., to the city of San Antonio, Bexar County, Tex., for street purposes;

H. R. 5010. An act to provide for the payment of the retired members of the police and fire departments of the District of Columbia the balance of retirement pay past due to them but unpaid from January 1, 1911, to July 30, 1915;

H. R. 5961. An act granting certain public lands to the city of Stockton, Calif., for flood control, and for other purposes;

H. R. 6244. An act to authorize the Secretary of the Treasury to exchange the present Federal building and site in the city of Rutland, Vt., for the so-called memorial building and site in said city;

H. R. 6200. An act to convey to the city of Baltimore, Md., certain Government property;

H. R. 7178. An act authorizing the sale of certain abandoned tracts of land and buildings;

H. R. 9455. An act to dedicate as a public thoroughfare a narrow strip of land owned by the United States in Bardstown, Ky.;

H. R. 1827. An act for the relief of Frank Rector;

H. R. 4884. An act for the relief of Walter L. Watkins, alias Harry Austin; and

H. R. 8129. An act authorizing the Secretary of the Interior to cooperate with the States of Idaho, Montana, Oregon, and

Washington in allocation of the waters of the Columbia River and its tributaries, and for other purposes, and authorizing an appropriation therefor.

On April 14, 1926:

H. R. 7348. An act for the relief of Joseph F. Becker;

H. R. 185. An act authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle with the Sioux Indians in which the commands of Major Reno and Major Benteen were engaged;

H. R. 186. An act authorizing the payment of tuition of Crow Indian children attending Montana State public schools;

H. R. 4505. An act to authorize the Secretary of War to permit the delivery of water from the Washington Aqueduct pumping station to the Arlington County sanitary district;

H. R. 7036. An act providing for repairs, improvements, and new buildings at the Seneca Indian School at Wyandotte, Okla.; and

H. R. 8184. An act to authorize the Secretary of the Interior to purchase certain land in California to be added to the Coahuila Indian Reservation and authorizing an appropriation of funds therefor.

A MEMORIAL TO THOMAS JEFFERSON, THE AUTHOR OF THE DECLARATION OF INDEPENDENCE, AND TO JAMES MADISON, THE "FATHER OF THE CONSTITUTION"

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the House Joint Resolution 182.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on House Joint Resolution 182. Is there objection?

There was no objection.

Mr. BACON. Mr. Speaker, the Declaration of Independence of the thirteen United Colonies of America was proclaimed on the 4th day of July, in the year of our Lord 1776, whereby the United States assumed—

the separate and equal station among the powers of the earth to which the laws of nature and of nature's God entitle them—

And the one hundred and fiftieth anniversary of this immortal document is to be celebrated in 1926 throughout the length and breadth of this—

indestructible Union of indestructible States,

Not only is the year 1926 the one hundred and fiftieth anniversary of the Declaration of Independence written by Thomas Jefferson, but it also marks the one hundred and seventy-fifth anniversary of the birth of James Madison, "The Father of the Constitution." Through the Government of the Federal Union established on the 4th day of March, in the year of our Lord one thousand seven hundred and eighty-nine, under the Constitution of the United States the principles of the Declaration of Independence were rendered effective, and representative government made its formal entry into the world.

It is eminently fitting and proper, therefore, that the anniversaries of these two immortal documents and the two great Americans most closely associated with them should be celebrated together and that congressional action should be had in recognition of these events.

The city of Washington is filled with statues and public memorials to many Americans, and it seems strange that there is no public monument at the seat of the Government of the Nation in memory of either Thomas Jefferson or James Madison. I have introduced in the last Congress, and in this Congress, a bill to provide for public monuments to these two pre-eminent Americans, but at this time I merely wish to call attention to House Concurrent Resolution No. 23, which provides for a more modest and unique memorial. If this resolution is adopted by Congress, the Government Printing Office will be authorized to print in one volume, as a memorial to Thomas Jefferson and James Madison, all of the fundamental historical documents relating to the birth of the United States of America as a Nation.

These two great Americans were most intimately associated with these vital contributions to our form of government. It must be recalled once again that the author of the Declaration of Independence was Thomas Jefferson. It must be further recalled that the movement for a revision of the Articles of Confederation so as to—

render the Federal Constitution adequate to the exigencies of the Government and the preservation of the Union—

was conducted by James Madison.

It was also James Madison who kept the only authentic and accurate account of the proceedings in the Federal convention in which the Constitution was framed. There can be

no dispute that he is well entitled to be called "The Father of the Constitution."

It has always seemed to me that these basic documents on which our form of republican government is founded are too little studied and too little known. The representative government of the States of the American Union, organized under the Federal Constitution, is continually threatened by strange doctrines, and its principles are inadequately known and appreciated within the United States by multitudes of our fellow citizens enjoying its inestimable benefits. The safety of republican institutions admittedly and proverbially depends upon the frequent recurrence to first principles.

Therefore, it is suggested that in addition to the Declaration of Independence and the Constitution of the United States there should be printed, in one volume, all of the other historical documents that preceded and followed and pertained to these two vital declarations of the principles underlying the theory of our republican form of government. Many of these documents have never been printed or published in any form whatsoever, and most of them are not available except in the archives of some of the larger libraries in the United States. A casual reading of the list which I herewith append will immediately suggest to anyone the immense value and interest that this volume will be to lawyers, schools, colleges, and generally to all students of the early history of our country. A careful study of these documents should be required in every school throughout our land, and yet many of them are unavailable except to a select few who have the means to come to Washington to engage in research work. The wide dissemination of these papers, dealing with those momentous and stirring questions associated with the birth of our country, would do incalculable good. Why these glorious pages in our early history have remained closed so long to the general public is beyond comprehension.

Once this volume is made a public document, copies would be available at cost through the Government Printing Office to students, lawyers, colleges, and for distribution to the public generally. And it is this general distribution that I am seeking. I am firmly of the belief that there would be an overwhelming demand for this book.

Many suggestions have been made as to a fitting manner to celebrate the one hundred and fiftieth anniversary of the Declaration of Independence. Congress has recently appropriated \$2,186,000 for the Government to join in the celebration to be held in Philadelphia. It is eminently proper to celebrate the Declaration of Independence in the city of Philadelphia, but after all an exposition, in its very nature, is a transitory thing, and the memory of it soon fades. My suggestion is for a permanent memorial that will last for all time to come, and when it is realized that the cost is less than \$10,000 it would seem reasonable that Congress might seriously consider the matter.

No one can deny that the publication in permanent form of the historical documents pertaining to the birth of our country, such as the Declaration of Independence, the Articles of Confederation, the Constitution, the Instructions to the Delegates to the Federal Convention, the Madison Debates of the Federal Convention, and the many other relevant and pertinent historical documents mentioned in the appended list, would be one of the most fitting ways to celebrate the year 1926 in commemoration of the one hundred and fiftieth anniversary of the Declaration of Independence of the United States and the one hundred and seventy-fifth anniversary of the birth of James Madison; and it is more than fitting that this volume should take the form of a memorial to the two outstanding Americans who had the most to do with the framing of our republican form of government: Thomas Jefferson, the author of the Declaration of Independence, and James Madison, the father of the Constitution.

LIST OF PAPERS AND FUNDAMENTAL HISTORICAL DOCUMENTS PERTAINING TO THE BIRTH OF THE UNITED STATES OF AMERICA AS A NATION, ARRANGED IN CHRONOLOGICAL ORDER

1. Declaration and Resolves of the First Continental Congress, October 14, 1774. (McDonald, Wm., Select Charters Illustrative of American History, pp. 357-361.)
2. Declaration of the Causes and Necessity of Taking up Arms, July 6, 1775. (McDonald, pp. 374-381.)
3. Resolution of secrecy adopted by the Continental Congress November 9, 1775. (3 p.)
4. Preamble and Resolution of the Virginia Convention, May 15, 1776, instructing the Virginia Delegates in the Continental Congress to "propose to that respectable body to declare the United Colonies free and independent States." (Force, P., Archives, fourth series, Vol. VI, p. 1524.)

5. Resolution introduced in the Continental Congress by Richard Henry Lee (Va.) proposing a Declaration of Independence, June 7, 1776. (Journals of the Continental Congress, Library of Congress ed., Vol. V, p. 425.)

6. Declaration of Independence, July 4, 1776. (The Debates in the Federal Convention of 1787, ed. by G. Hunt, N. Y., 1920, pp. xxxiii-xxxvi.)

7. Articles of Confederation, March 1, 1781. (Hunt, pp. xxxvii-xlvi.)

8. Resolution of the General Assembly of Virginia, January 21, 1786, Proposing a Joint Meeting of Commissioners from the States to Consider and Recommend a Federal Plan for Regulating Commerce. (Hunt, p. xlvii.)

9. Proceedings of the Commissioners to Remedy Defects of the Federal Government, Annapolis, Md., 1786. (Hunt, pp. xlviii-III.)

10. Report of Proceedings in Congress, Wednesday, February 21, 1787. (Hunt, pp. III-IV.)

11. Ordinance of 1787, July 13, 1787. (McDonald, Select. Docs. of U. S. Hist., pp. 22-29.)

12. Credentials of the Members of the Federal Convention. (Hunt, pp. lvi-xxxiii.)

13. List of Delegates Appointed by the States Represented in the Federal Convention. (Hunt, pp. lxxxiii-lxxxv.)

14. Notes of Major William Pierce (Ga.) in the Federal Convention of 1787:

(a) Loose Sketches and Notes taken in the Convention, May, 1787. (American Historical Review, Vol. III, pp. 317-324.)

(b) Characters in the Convention of the States held at Philadelphia, May, 1787. (American Hist. Rev., Vol. III, pp. 325-334.)

15. Debates in the Federal Convention of 1787 as Reported by James Madison. (Hunt, pp. 17-583.)

16. Secret Proceedings and Debates of the Convention Assembled at Philadelphia in the Year 1787, for the purpose of forming the Constitution of the United States of America. From the notes taken by the late Robert Yates, Esq., chief justice of New York. (Albany, 1821, pp. 95-207.)

17. Notes of Rufus King in the Federal Convention of 1787. (King, R. Life and Correspondence, Vol. I, appendix, pp. 587-621.)

18. Notes of William Paterson in the Federal Convention of 1787. (American Historical Review, Vol. IX, pp. 312-340.)

19. Notes of Alexander Hamilton in the Federal Convention of 1787. (American Historical Review, Vol. X, pp. 98-109.)

20. Papers of Dr. James McHenry on the Federal Convention of 1787. (American Historical Review, Vol. XI, pp. 576-618.)

21. Variant Texts of the Virginia Plan, presented by Edmund Randolph to the Federal Convention, May 29, 1787:

Text A. (Hunt, pp. 23-26.)

Text B. (Yates, Secret Debates, App., pp. 209-212.)

Text C. (Document Hist. of the Const., Vol. I, pp. 329-332.)

22. The Plan of Charles Pinckney (S. C.) presented to the Federal Convention, May 29, 1787. (American Hist. Rev., Vol. IX, pp. 741-747.)

23. Variant Texts of the Plan presented by William Paterson (N. J.) to the Federal Convention, June 15, 1787:

Text A. (Hunt, pp. 102-104.)

Text B. (Documentary Hist. of the Constitution, Vol. I, pp. 319-323.)

Text C. (American Museum, Vol. III, pp. 362-363.)

24. Variant Texts of Plan presented by Alexander Hamilton to the Federal Convention, June 18, 1787:

Text A. (Hunt, pp. 118-120.)

Text B. (Hamilton's Works; Lodge ed., Vol. I, pp. 331-333.)

Text C. (Doc. Hist. of the Const., Vol. I, pp. 324-326.)

Text D. (Read, Life of George Read, pp. 453-454.)

Text E. (Yates, Secret Debates, pp. 225-227.)

25. The Constitution of the United States. (Hunt, pp. 627-638.)

26. Letters of the President of the Federal Convention, September 17, 1787, to the President of Congress, transmitting the Constitution. (Hunt, pp. 639-640.)

27. Resolution of the Federal Convention submitting the Constitution to Congress, September 17, 1787. (Hunt, pp. 640-641.)

28. Resolution of Congress, September 28, 1787, submitting the Constitution to the several States. (Hunt, p. 641.)

29. Circular letter of the Secretary of Congress, September 28, 1787, transmitting copy of the Constitution to the several governors. (Hunt, p. 642.)

30. Ratification of the Constitution by the several States, arranged in the order of their ratification. (Hunt, pp. 642-687.)

31. Resolution of Congress, July 2, 1788, submitting ratifications of the Constitution to a committee. (Hunt, pp. 687-688.)

32. Resolution of the Congress, September 13, 1788, fixing date for the election of a President, and the organization of the Government under the Constitution. (Hunt, pp. 688-689.)

33. Resolution of the First Congress submitting 12 amendments to the Constitution. (Hunt, pp. 689-691.)

34. The first 10 amendments to the Constitution. (Hunt, pp. 692-693.)

35. Subsequent amendments to the Constitution. (Hunt, pp. 694-697.)

DISTRICT OF COLUMBIA PARK AND PLAYGROUND SYSTEM

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8830, disagree to the Senate's amendments, and ask for a conference.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill H. R. 8830, disagree to the Senate amendments, and ask for a conference. The Clerk will read the title.

The Clerk read as follows:

H. R. 8830. An act amending the act entitled "An act providing for a comprehensive development of the park and playground system of the National Capital, approved June 6, 1924."

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, the principle, if not the only amendment that the Senate placed on the bill, as I understand it, is the one placing one-half of the cost on the United States.

Mr. BLANTON. No; that is a different bill.

Mr. CRAMTON. What is this bill about?

Mr. ZIHLMAN. It enlarges the personnel by adding four men from civilian life.

Mr. CRAMTON. Does it take away the chief forester or the chief engineer?

Mr. ZIHLMAN. It does not.

Mr. CRAMTON. Has it anything to do with the expense?

Mr. ZIHLMAN. Nothing to do with the expense.

Mr. MADDEN. Mr. Speaker, I would like to ask the gentleman if this prescribes who is to go on the commission?

Mr. ZIHLMAN. It says that the President of the United States shall appoint four eminent citizens trained in city planning in addition to the present personnel.

Mr. MADDEN. There are some Members of the House and Members of the Senate on the present commission?

Mr. ZIHLMAN. Yes.

Mr. MADDEN. I wish to express my strong disapproval—if it amounts to anything, and I suppose it does not—to any of these commissions containing membership from the House or the Senate where they are called upon to legislate upon things that they act upon as administrators. I think it is bad practice and a bad policy; it is bad for the Government and bad for the people. Our position should be here to act as critics of the administrators and not as advocates of the things that the administrators want. We can not be free if we are a part of the administration.

Mr. BLANTON. If the gentleman will permit me, and especially where Virginia and Maryland are so closely interrelated with the District of Columbia that you can not tell where the line begins and ends, and the gentleman from Maryland [Mr. ZIHLMAN] is one of those gentlemen.

Mr. CRAMTON. Let me make sure, Mr. Speaker. It was proposed to remodel this commission by taking off the chief forester and one or two others. That has been abandoned, has it? This proposition does not remove anyone now on the commission?

Mr. ZIHLMAN. It does not.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. ZIHLMAN, Mr. GIBSON, and Mr. BLANTON.

POTOMAC PARKWAY COMMISSION

Mr. ZIHLMAN. Mr. Speaker, I call up from the Speaker's table the bill (H. R. 4785) providing for the completion of the acquisition of land by the Potomac Parkway Commission, and move to concur in the Senate amendments.

The SPEAKER. The gentleman from Maryland calls up the bill H. R. 4785—

Mr. BLANTON. Mr. Speaker, I want some time on that.

Mr. CRAMTON. Reserving the right to object—

Mr. BLANTON. The gentleman can not object.

Mr. DYER. Unanimous consent is not necessary.

Mr. CRAMTON. A point of order, Mr. Speaker. Does it not require unanimous consent?

Mr. BLANTON. It is amended by the Senate. It is a preferential motion the gentleman is making. I want some time.

Mr. ZIHLMAN. Just a moment.

Mr. CRAMTON. Mr. Speaker, I withdraw any point of order. I did not understand the motion.

Mr. ZIHLMAN. I called up this bill from the Speaker's table and moved to concur in the Senate amendments, which I understand is a proper and privileged motion.

Mr. CRAMTON. Will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. CRAMTON. Does the gentleman intend to give the House liberal opportunity for debate on this proposition, which involves some several hundred thousand dollars of charge on the Treasury? Personally I should like some time on the question.

Mr. TILSON. Mr. Speaker, I hope the gentleman will not call this bill up if it will cause debate.

Mr. BLANTON. It ought to be debated. This is a proposition this House has turned down, and it ought not to be called up without debate.

Mr. TILSON. I hope the gentleman will withdraw his request, and I will help arrange—

The SPEAKER. The Chair thinks that this is not a case of unanimous consent, but thinks it is privileged; and if the matter is one that is likely to cause debate, the Chair thinks he ought to be advised.

Mr. ZIHLMAN. I withdraw the request.

COMMERCIAL AVIATION

Mr. PARKER. Mr. Speaker, I renew the request to take the bill (S. 41) from the Speaker's table, to disagree to the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the bill (S. 41), disagree to the Senate amendments, and agree to the conference asked. Is there objection?

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, I desire to ask the gentleman if that is the civil aviation bill?

Mr. PARKER. Yes.

Mr. HUDDLESTON. Has the Senate taken action on the amendments since we passed it the other day?

Mr. PARKER. Yes; and have sent it back asking for a conference.

Mr. HUDDLESTON. Will not the gentleman give us an opportunity to look over the Senate amendments before he prefers his request? I would like to see it as I seem to be the only one of the minority who opposed it.

Mr. PARKER. Of course the gentleman has got me—

Mr. HUDDLESTON. It is a very hasty action. We took action on it, I believe, either on Monday or Tuesday.

Mr. PARKER. We are simply insisting on our amendment; it is not a Senate amendment.

Mr. HUDDLESTON. I may be in favor of the Senate amendment if I got a chance to see it.

Mr. PARKER. They have not amended it; they simply disagree to our amendment and ask for a conference.

Mr. HUDDLESTON. They took no action?

Mr. PARKER. No; they disagreed to our amendment and asked for a conference.

Mr. HUDDLESTON. I have no objection.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 41) to encourage and regulate the use of aircraft in commerce, and for other purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. PARKER, Mr. COOPER of Ohio, Mr. MERRITT, Mr. RAYBURN, and Mr. LEA of California.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 44. An act for the relief of Alice M. Durkee; to the Committee on Claims.

S. 45. An act for the relief of Yvonne Therrin; to the Committee on Claims.

S. 102. An act to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy; to the Committee on Claims.

S. 111. An act for the relief of the owners of the ferryboat Oregon; to the Committee on Claims.

S. 116. An act for the relief of the owners and/or receiver of the American steam tug W. S. Holbrook; to the Committee on Claims.

S. 179. An act for the relief of J. W. Nell; to the Committee on Claims.

S. 465. An act for the relief of William Wooster; to the Committee on Claims.

S. 466. An act for the relief of Helen M. Peck; to the Committee on Claims.

S. 467. An act for the relief of Joseph B. Tanner; to the Committee on Claims.

S. 767. An act for the relief of Annie H. Martin; to the Committee on Claims.

S. 869. An act for the relief of Harry Ross Hubbard; to the Committee on Claims.

S. 1155. An act for the relief of Margaret Richards; to the Committee on Claims.

S. 1451. An act for the relief of William Hensley; to the Committee on Claims.

S. 1747. An act for the relief of the estate of Henry T. Wilcox; to the Committee on War Claims.

S. 1821. An act authorizing joint investigations by the United States Geological Survey and the Bureau of Soils of the United States Department of Agriculture to determine the location and extent of potash deposits or occurrence in the United States and improved methods of recovering potash therefrom; to the Committee on Public Lands.

S. 2200. An act for the relief of James B. Fitzgerald; to the Committee on Claims.

S. 2242. An act for the relief of Mark J. White; to the Committee on Claims.

S. 2322. An act to provide for the elimination of the Michigan Avenue grade crossing in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 2537. An act to provide for the condemnation of land for the opening, extension, widening, or straightening of streets, avenues, roads, or highways in accordance with the plan of the permanent system of highways for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 2848. An act to extend the time for institution of proceedings authorized under Private Law No. 81, Sixty-eighth Congress, being an act for the relief of Henry A. Kessel Co. (Inc.); to the Committee on Claims.

S. 3012. An act to change the name of "The Trustees of St. Josephs Male Orphan Asylum" and amend the act incorporating the same; to the Committee on the District of Columbia.

S. 3429. An act authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service; to the Committee on the Post Office and Post Roads.

S. J. Res. 47. Joint resolution authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918; to the Committee on the Judiciary.

S. J. Res. 91. Joint resolution directing the Secretary of War to allot war trophies to the American Legion Museum; to the Committee on Military Affairs.

EASTERN JUDICIAL DISTRICT OF ARKANSAS

Mr. OLDFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6730) to detach Fulton County from the Jonesboro division of the eastern district of the State of Arkansas and attach the same to the Batesville division of the eastern judicial district of the State of Arkansas, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to take from the Speaker's table the bill H. R. 6730, with a Senate amendment thereto, and concur in the Senate amendment. The Clerk will report the Senate amendment.

The Clerk reported the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

OLDROYD COLLECTION OF LINCOLN RELICS

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to have extended in the Record the speech delivered over the radio by my colleague, Mr. POU, upon the purchase of the Oldroyd collection of Lincoln relics.

The SPEAKER. Is there objection?

There was no objection.

Mr. DOUGHTON. Mr. Speaker, under leave granted me to extend my remarks, I insert herewith a speech delivered over the radio by my colleague, Hon. EDWARD W. POU, on March 24, 1926:

Congressman RATHBONE, of Illinois, whose father accompanied Abraham Lincoln to Ford's Theater on the night of the assassination of President Lincoln, has introduced in the House of Representatives a bill, numbered H. R. 8319. The bill provides an appropriation in the sum of \$50,000 for the purchase of the entire Oldroyd collection of Lincoln relics, containing 3,000 pieces, more or less, now on display in the Government property known as the house in which President Lincoln died, No. 518 Tenth Street NW., Washington City. A bill almost identical with that introduced by Congressman RATHBONE has passed the Senate three times, once at least by unanimous consent, but for some reason the House has never taken action.

Mr. H. B. Gauss, Washington correspondent of the Chicago Daily News, under date of March 4, in a letter to his paper, speaks of the Oldroyd collection as follows:

"Regarded by many historians as one of the world's most complete collection of Lincoln relics, it is felt that the exhibit could properly form one of the adjuncts of Washington's historic shrines." Captain Oldroyd for 60 years has devoted his life to the task of bringing together every available authentic relic of the Nation's great President. He has brought together more than 3,000 articles, constituting one of the most interesting and valuable collections ever assembled in behalf of a human being. There are books which Lincoln used as a struggling young lawyer; there are pieces of furniture from the Lincoln homestead, Springfield, Ill.; there are 11 autograph letters and documents; there are 70 badges and flags relating to the Lincoln campaign in 1860; there are many caricatures of his administration; there are 1,000 biographies of the martyred President; 325 newspapers, dating from 1848 to 1865, containing his speeches, war papers, account of his death and burial; 255 funeral sermons, addresses, and eulogies delivered upon his death.

There are photographs and illustrations of Ford's Theater, the conspirators' trial and execution. Eighty-three engravings of the Lincoln family, 27 busts and statuettes, 24 medallions, 171 political and memorial medals struck in honor of the President. An original black locust rail, split by Lincoln in 1830. The office chair used by him in his law office at Springfield. An original reward bill offering \$50,000 for the capture of Booth, Harold, and Surratt. There is the family Bible, out of which Lincoln's mother read to him when he was a young boy. The Bible is over 100 years old, and on the cover Lincoln wrote his name when not over 9 years of age.

Mr. and Mrs. Lincoln were ready to go to the theater, when two men asked him for a pass to Richmond, five days after the surrender of General Lee. The President returned to his office, wrote the following, went to Ford's Theater, and was shot two hours thereafter:

"No pass is necessary now to authorize anyone to go and return from Petersburg and Richmond. People go and return just as they did before the war. A. Lincoln."

This is the last piece of handwriting ever penned by the martyred President.

Captain Oldroyd has been offered \$5,000 for this paper in the handwriting of Mr. Lincoln, the very last words ever penned by the martyred President.

I have felt that I could perform no better service than to use the 15 minutes accorded to me to-night in briefly describing the Oldroyd-Lincoln collection.

The State of Illinois has appropriated \$50,000 to be used in purchasing this collection. It is also said that Mr. Henry Ford would willingly and gladly purchase the collection. Many persons have offered to buy from Captain Oldroyd particular pieces of the collection. Every offer has been declined. It is the ambition of Captain Oldroyd, it is his consecrated hope that the Nation will take over this collection.

I have talked with this man, and I believe the money consideration is secondary in his purpose and thought. He has paid out of his own pocket a considerable sum in assembling this wonderful collection—how much, he himself does not know. He will not even consider a sale to a private individual. He would not consider a sale to anyone who would have a commercial object in view. He is a patriotic American, who, as I do, places Lincoln upon the very highest pedestal a mortal can reach. He would feel that the great purpose of his life had been partially defeated if his collection should be disposed of in any way other than the acquiring of the same by the United States Government. He could undoubtedly dispose of his collection piece by piece for a much larger sum of money than the amount appropriated by the General Assembly of the State of Illinois.

I am told that a bill similar to that introduced by Congressman RATHBONE will probably be passed by the Senate. The chances are the House would pass such a measure by an overwhelming vote unless consideration of such measure were prevented by the legislative jam which occurs during the closing days of every session of Congress.

I have hoped that these remarks over the radio might arouse some interest, might result in putting some force behind the proposed measure.

Congress appropriated sufficient money to build the great Lincoln Memorial in Potomac Park. It is said there is no memorial building

in the whole world which compares in beauty and majesty with this work of America's architect, artist, and builder. Instinctively one enters the Lincoln Memorial with head uncovered. In the silence of that great monument one contemplates Lincoln after he had reached the pinnacle of world fame. But standing in the midst of the collection of relics brought together by Captain Oldroyd one sees Lincoln, a child, listening to the reading of the Bible at his mother's knee; one sees him a 9-year old boy writing his name on the old Bible's leaf. He is seen as a very young man splitting rails to build a fence around his humble cabin. We see him as a struggling young lawyer working far in the night. We see him as success begins to crown the efforts of an honest, industrious life. We see him elected to Congress. We see him a giant in debate with another giant.

We see him victorious even in defeat; we see him elected President; we contemplate his course during the Civil War with wonder, for the people of the South were saying, "This man is our friend, not our enemy."

And when he was assassinated many there were throughout the South who said, "Now we have lost a sincere friend, wielding the greatest power to help us." All say this now.

When Abraham Lincoln was stricken down there fell one who had been raised up by Almighty God to lead all nations upward to a plane of nobler action and to point out to the children of America the pathway which leads to national greatness and permanent peace.

CONSIDERATION OF BILLS ON PRIVATE CALENDAR UNOBTAINED TO

Mr. TILSON. Mr. Speaker, I ask unanimous consent that to-morrow, immediately upon the completion of the good roads bill, the House, as in Committee of the Whole House, may consider bills on the Private Calendar unobjected to.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that to-morrow, immediately after the conclusion of the good roads bill, it may be in order to consider, as in Committee of the Whole, bills on the Private Calendar unobjected to. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, is the roads bill going to come ahead of the bankruptcy amendment? I understand that there are two reports from the Committee on Rules, one on the roads bill and one on the bankruptcy law.

Mr. SNELL. Is it the intention of the gentleman from Connecticut to change the program in regard to the bankruptcy bill?

Mr. TILSON. I had understood that the bankruptcy bill would require only a very short time.

Mr. SNELL. That is true. It is ready and on the calendar, ready to be brought up at any time, though not before the roads bill.

Mr. TILSON. Then, Mr. Speaker, I change my request so that consideration of bills on the Private Calendar may follow immediately the consideration of the bankruptcy bill.

The SPEAKER. The gentleman from Connecticut modifies his request and asks unanimous consent that to-morrow, immediately after concluding the consideration of the bankruptcy bill, it may be in order to consider, as in Committee of the Whole House, bills on the Private Calendar unobjected to. Is there objection?

Mr. McLAUGHLIN of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McLAUGHLIN of Michigan. In case the bills on the Private Calendar are considered by unanimous consent, would the rules relating to the Consent Calendar prevail? That is, would one objection be sufficient in the first instance, and would it require three objections the next time the bill is called?

The SPEAKER. That rule would not apply in the case of the calling of the Private Calendar.

Mr. McLAUGHLIN of Michigan. I thought if we were going to proceed under a consent arrangement, that would probably be the case.

The SPEAKER. An objection to a bill on the Private Calendar under the proposed order would not strike it from the calendar. It would merely prevent its present consideration, and the rule in respect to three objectors would not apply.

Mr. GARRETT of Tennessee. I understand it is the purpose of the gentleman from Connecticut later on to have a Private Calendar day at which bills that are objected to may be considered?

Mr. TILSON. That is my intention. At a later day it is expected to take up the bills on the Private Calendar that have been objected to and consider them in the regular way.

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, there are a good many of us interested in the good-roads proposition. Is it the intention of the majority leader to have that bill called up immediately after the transaction of the

routine business this morning and the speech of the gentleman from Massachusetts [Mr. UNDERHILL]?

Mr. TILSON. It is.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that if the House be in session on Saturday next, immediately after the reading of the Journal and the disposition of business on the Speaker's table, the gentleman from Kansas [Mr. AYRES] may have permission to address the House for 15 minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that on Saturday next, if the House be in session, immediately after the reading of the Journal and the disposition of routine business, the gentleman from Kansas [Mr. AYRES] may be permitted to address the House for 15 minutes. Is there objection?

There was no objection.

THE LIGHTHOUSE SERVICE

The SPEAKER. When the House adjourned on Tuesday last the previous question had been ordered on the bill (H. R. 10860) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to increase the efficiency of the Lighthouse Service, and for other purposes. A motion to recommit the bill, offered by the gentleman from Texas [Mr. BLANTON], was pending.

Mr. BLANTON. Mr. Speaker, would it be in order for the Chair or some one else to let the membership of the House know that the motion to recommit is the same as the amendment offered by the gentleman from Illinois [Mr. MADDEN], so that Members would know what they are voting on?

The SPEAKER. The gentleman has stated it, whether it be in order or not.

Mr. MAPES. Would it also be in order to say that the motion to recommit was made by the gentleman from Texas [Mr. BLANTON]?

The SPEAKER. It would be equally in order. The question is on the motion to recommit offered by the gentleman from Texas [Mr. BLANTON].

Mr. WINGO. Mr. Speaker, would it not be well to report the bill by title and the motion?

The SPEAKER. Without objection, the Clerk will report the bill by title and the motion to recommit.

The Clerk read as follows:

A bill (H. R. 10860) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to increase the efficiency of the Lighthouse Service, and for other purposes.

Mr. BLANTON moves to recommit the bill to the Committee on Interstate and Foreign Commerce, with instructions to that committee to report the same back forthwith with an amendment striking out all of section 8.

The SPEAKER. The question is on the motion to recommit. The question was taken; and the Speaker announced that the yeas appeared to have it.

Mr. BLANTON. Mr. Speaker, I call for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—yeas 25, noes 108.

Mr. BLANTON. Mr. Speaker, I object to the vote, and make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and seventy Members are present—not a quorum.

Mr. TILSON. The roll call is automatic.

The SPEAKER. The Clerk will call the roll. The question is on the motion of the gentleman from Texas [Mr. BLANTON] to recommit the bill.

The question was taken; and there were—yeas 55, nays 291, not voting 85, as follows:

[Roll No. 74]

YEAS—55

Allgood	Corning	Huddleston	Schafer
Almon	Cox	Jones	Schneider
Beck	Cramton	Kemp	Sinclair
Black, Tex.	Edwards	Larsen	Somers, N. Y.
Blanton	Fletcher	Little	Sproul, Kans.
Bowling	Frear	Lowrey	Steagall
Box	Gardner, Ind.	Lozier	Strong, Kans.
Brand, Ga.	Garner, Tex.	McKeown	Taylor, W. Va.
Busby	Garrett, Tenn.	Madden	Tillman
Byrns	Gilbert	Morehead	Tucker
Canfield	Greenwood	Oliver, Ala.	Voigt
Carter, Okla.	Hammer	Peavey	Whittington
Collins	Hastings	Peery	Wilson, La.
Cooper, Wis.	Hill, Ala.	Rubey	

NAYS—291

Abernethy	Dyer	Kunz	Reid, Ill.
Ackerman	Eaton	Kvale	Robinson, Iowa
Adkins	Elliot	LaGuardia	Robison, Ky.
Aldrich	Ellis	Lampert	Ronjue
Allen	Ellick	Lanham	Rouse
Andresen	Esterly	Lankford	Rowbottom
Andrew	Evans	Lazaro	Rutherford
Arentz	Fairchild	Lea, Calif.	Sabath
Arnold	Frust	Leatherwood	Sanders, Tex.
Aswell	Fenn	Leavitt	Sandlin
Ayres	Fisher	Lehibach	Scott
Bacharach	Fitzgerald, W. T.	Letts	Sears, Nebr.
Bachmann	Fort	Lineberger	Seger
Bacon	Foss	Lithicum	Shallenberger
Bailey	Free	Lyon	Shreve
Bankhead	Freeman	McClintic	Simmons
Barbour	French	McDuffie	Sinnott
Beedy	Frothingham	McFadden	Smith
Beers	Fuller	McLaughlin, Mich.	Smithwick
Begg	Fulmer	McLaughlin, Nebr.	Snell
Berger	Furlow	McLeod	Sosnowski
Black, N. Y.	Gambrill	McMillan	Speaks
Bland	Garber	McReynolds	Spearing
Boles	Garrett, Tex.	McSwain	Sproul, Ill.
Bowles	Gasque	McSweeney	Stedman
Bowman	Gibson	Magee, N. Y.	Stephens
Boylan	Gifford	Magrady	Stevenson
Brand, Ohio	Glynn	Manlove	Strong, Pa.
Briggs	Goldsborough	Mansfield	Strotter
Brigham	Goodwin	Mapes	Summers, Wash.
Browne	Green, Fla.	Martin, La.	Summers, Tex.
Browning	Griest	Menges	Swank
Brumm	Hadley	Merritt	Sweet
Buchanan	Hall, Ind.	Michener	Swing
Bulwinkle	Hall, N. Dak.	Miller	Swoope
Burdick	Hardy	Milligan	Taylor, Colo.
Burness	Hare	Mills	Taylor, Tenn.
Burton	Haugen	Montague	Temple
Butler	Hawley	Montgomery	Thompson
Cannon	Hayden	Mooney	Tilson
Carew	Hersey	Moore, Ky.	Timberlake
Carras	Hickey	Moore, Ohio	Tincher
Carter, Calif.	Hill, Md.	Moore, Va.	Tinkham
Chalmers	Hill, Wash.	Morgan	Tolley
Chindblom	Hoch	Morin	Treadway
Clague	Hogg	Morrow	Tydings
Cole	Holaday	Murphy	Underhill
Collier	Hooper	Nelson, Me.	Underwood
Colton	Houston	Nelson, Mo.	Upshaw
Connally, Tex.	Howard	Newton, Minn.	Vale
Conner	Hudson	Newton, Mo.	Vestal
Cooper, Ohio	Hudspeth	Norton	Vincent, Mich.
Coyne	Hull, Morton D.	O'Connell, R. I.	Vinson, Ga.
Crisp	Hull, William E.	O'Connor, N. Y.	Vinson, Ky.
Crosser	Jacobstein	Oldfield	Wainwright
Crowther	James	Oliver, N. Y.	Warren
Crumpacker	Jenkins	Parker	Wason
Cullen	Johnson, Ind.	Parks	Watres
Darrow	Johnson, S. Dak.	Perkins	Watson
Davenport	Johnson, Tex.	Perlman	Weaver
Davis	Johnson, Wash.	Porter	Weller
Deal	Kahn	Pou	Wheeler
Dempsey	Kearns	Pratt	White, Me.
Dickinson, Iowa	Keller	Quin	Whitehead
Dickinson, Mo.	Kerr	Ragon	Williams, Tex.
Dickstein	Ketcham	Rainey	Williamson
Domink	Kiefer	Ramsayer	Wingo
Doughton	Kincheloe	Rankin	Winter
Douglass	Kindred	Rathbone	Wolverton
Dowell	King	Rayburn	Wood
Drane	Kirk	Reece	Woodruff
Driver	Knutson	Reed, Ark.	Wright
	Kopp	Reed, N. Y.	Wurzbach

NOT VOTING—85

Anthony	Flaherty	Lindsay	Sullivan
Appleby	Fredericks	Luce	Swartz
Auf der Heide	Funk	MacGregor	Tabor
Barkley	Gallivan	Magee, Pa.	Taylor, N. J.
Bell	Goldner	Major	Thatcher
Bixler	Gorman	Martin, Mass.	Thomas
Bloom	Graham	Mead	Thurston
Britten	Green, Iowa	Michaelson	Updike
Campbell	Griffin	Nelson, Wis.	Vare
Carpenter	Hale	O'Connell, N. Y.	Walters
Celler	Harrison	O'Connor, La.	Wefald
Chapman	Hawes	Patterson	Welsh
Christopherson	Hull, Tenn.	Phillips	White, Kans.
Cleary	Irwin	Prall	Williams, Ill.
Connolly, Pa.	Jeffers	Purnell	Wilson, Miss.
Curry	Johnson, Ill.	Quayle	Woodrum
Davey	Johnson, Ky.	Randley	Wyant
Denison	Kelly	Rogers	Yates
Doyle	Kendall	Sanders, N. Y.	Zihlman
Drewry	Kless	Sears, Fla.	
Fish	Kurtz	Stalker	
Fitzgerald, Roy G. Lee, Ga.	Stobbs		

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Vare with Mr. Gallivan.
 Mr. Gorman with Mr. Barkley.
 Mr. MacGregor with Mr. Wilson of Mississippi.
 Mr. Graham with Mr. Lee of Georgia.
 Mr. Welsh with Mr. Sullivan.
 Mr. Stalker with Mr. Mead.
 Mr. Patterson with Mr. Harrison.
 Mr. Martin of Massachusetts with Mr. Davey.
 Mr. Kless with Mr. Lindsay.
 Mrs. Rogers with Mr. Sears of Florida.
 Mr. Appleby with Mr. Quayle.
 Mr. Magee of Pennsylvania with Mr. Thomas.
 Mr. Denison with Mr. O'Connell of New York.

Mr. Taber with Mr. Hawes.
 Mr. Funk with Mr. Doyle.
 Mr. Connolly of Pennsylvania with Mr. Griffin.
 Mr. Green of Iowa with Mr. Auf der Heide.
 Mr. Johnson of Illinois with Mr. Chapman.
 Mr. Campbell with Mr. Drewry.
 Mr. Ransley with Mr. Cleary.
 Mr. Wyant with Mr. Woodrum.
 Mr. Kendall with Mr. Bloom.
 Mr. Taylor of New Jersey with Mr. Prall.
 Mr. Bixler with Mr. Johnson of Kentucky.
 Mr. Anthony with Mr. Celler.
 Mr. Thatcher with Mr. Hull of Tennessee.
 Mr. Purnell with Mr. O'Connor of Louisiana.
 Mr. Golder with Mr. Major.
 Mr. Yates with Mr. Jeffers.
 Mr. Phillips with Mr. Bell.
 Mr. Britten with Mr. Wefald.
 Mr. Curry with Mr. Nelson of Wisconsin.

The result of the vote was announced as above recorded.

A motion to reconsider the vote whereby the motion to recommit was rejected was laid on the table.

The bill was ordered to be engrossed and read a third time, was read the time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. Under the order of the House, the Chair recognizes the gentleman from Massachusetts [Mr. UNDERHILL] for one hour. [Applause.]

GENERAL CLAIMS

Mr. UNDERHILL. Mr. Speaker, pursuant to a promise which I made on frequent occasions during the last Congress, early in this session of Congress I introduced a bill seeking a remedy for the intolerable situation which exists in Congress and out of Congress with reference to claims bills.

The purpose of the bill, Senate 1912, as amended, is to relieve Congress from an intolerable situation which exists in the manner of the adjudication of claims, the machinery heretofore devised, having completely broken down, is no longer a medium of justice and equity toward our citizens. During the last Congress, the Sixty-eighth, over 2,000 claims bills were introduced. Only 250 of such bills became law, the largest number in the history of the committee. During the session the committee had two day sessions and six evening sessions, the latter under unanimous consent. One of the day sessions was the regular day assigned to the committee under the rules. The other day session was a Calendar Wednesday on January 19, 1925, when the admiralty bill was considered and passed.

The Claims Committee is the oldest standing committee of the House, established November 13, 1794. The Court of Claims was established in 1855, its powers extended in 1862 and 1866, later by the Bowman Act in 1863. These various acts afforded little relief until 1887, when the Tucker Act "provided for bringing suits against the Government."

There is a rather interesting coincidence connected with these last two acts. The Bowman Act takes its name from Hon. Selwyn Z. Bowman, who at that time was a resident of my city of Somerville, in Massachusetts. I was only a boy, but I knew Selwyn Z. Bowman very well, and to-day he is hale and hearty at the age, I think, of 86, and is attending to his regular business. I have lived in the city of Somerville almost all of my life; but the coincidence is that the father of our colleague from Virginia [Mr. TUCKER] introduced and passed the Tucker Act, which made the Bowman Act of some real value, and Mr. Tucker, during his incumbency here, represented the district in which I was born in the State of Virginia. I follow along with those two gentlemen in trying to find some relief for a situation that exists now to a much greater degree than it did in those days.

Concurrent jurisdiction in suits up to \$10,000 was given to the United States district courts. Jurisdiction under these acts were limited to contract claims. Since then Congress has passed a number of laws granting additional relief. In 1914 to the Agriculture Department to reimburse owners of horses, vehicles, and so forth, lost, damaged, or destroyed while being used in fire fighting; in 1910 to the Commerce Department, empowering the Commissioner of Lighthouses to consider and settle claims occasioned by collision not to exceed \$500; same power extended to the Superintendent of Coast and Geodetic Survey in 1920; in 1917, 1918, 1919, 1920, and 1922 the Navy Department was given additional powers; in 1914 the Post Office was given jurisdiction over burglary cases not exceeding \$10,000 and in 1921 to settle damages to the amount not exceeding \$500. This latter provision was extended to the War Department in 1920. In 1916 the Employees' Compensation Commission was established and in 1924 the World War veterans' act was passed. Two important acts were the act of 1922, known as the Underhill Small Claims Act, which gave the departments the power to settle property damage up to \$1,000, and the admiralty act of 1925, which authorizes suits

to be brought against the United States in admiralty for damages occasioned by Government-owned vessels.

I want to touch on these two matters particularly. In 1922 a small claims act, known as the Underhill Small Claims Act, was passed by this House. I say to you that that has worked admirably, economically, and equitably, and that over 1,500 claims have been settled at a minimum of cost, relieving the Congress of the burden of adjudicating over 1,500 claims. Last year we passed what is known as the admiralty act. Now, those of you who may be opposed to a change in the fundamental law of the land and hold the old idea that the king can do no wrong or that the sovereign or government can do no wrong will be interested to know that the admiralty act is the most drastic piece of legislation along that line that has ever been passed. It allows suits in admiralty for damages caused by United States vessels on the seas.

The sky is the limit and there is a hole in that. You can bring suits for damages because of accidents which occur on the seas and yet you have left out of consideration suits for damages which may occur on land. So, if any of you think that this bill of mine is drastic or revolutionary, just let me tell you it is simply a progressive step and in line with the measure which was passed last year.

In spite of all of this legislation, the number of damage claims before the Committee on Claims has increased this year, and it is a physical and mental impossibility to consider more than a very small proportion of them. The greatest dissatisfaction and the severest criticism of our Government in the matter of claims is the lack of a forum to which a claim may be taken as a matter of right as contrasted to the necessity for making supplication to favor of the governmental agency. Foreign governments are far more liberal in the practice of redress for claims than our Government. The idea that a government is immune from the jurisdiction of the courts is archaic, unjust, and inequitable. The Government can now be sued directly on matters of contract and in admiralty cases only.

In other words, if you are a big corporation, have a contract with the Government and the Government does not live up to its obligation, or does you an injury, you can sue the Government. If you are the owner of a great vessel costing a half million dollars or more and a Government vessel damages your vessel you can sue the Government; but if you are a poor citizen, an ordinary taxpayer, and the Government injures you or your property, you have no redress whatever except to come, with 2,000 others, to Congress, in its brief sessions, and ask Congress to adjudicate your claim.

Now, I am going to briefly set forth the provisions of the bill. First, it calls for an increase of the small claims act which was passed in 1922. The limitation contained in that act was \$1,000, and departments were authorized to settle cases, where property damage occurred, up to that amount. When I introduced the bill it called for \$5,000; the House passed it, however, with an amendment providing for \$1,000. In turn the departments submit to Congress their findings and the amount of damages and file with their report a short history of the accident and the claim for damages. So I increase the amount from \$1,000 to \$5,000.

Now, gentlemen, if you can trust your departments with the millions of dollars we have appropriated yearly for every department of the Government, you certainly can trust the departments to settle these property damages, which are easily ascertained, up to \$5,000. There is no opportunity for fraud or collusion. The department itself has to come back to Congress with its report, and the Committee on Appropriations has full jurisdiction to either refuse to make the payment or to act in accordance with the findings made by the department.

Second, it provides that suits may be brought in the United States district courts from this limitation of \$5,000 up to \$10,000, the United States district courts having joint jurisdiction with the Court of Claims in the settlement of these contract disputes of which I spoke previously. But in this case I make the limitation \$10,000 in order that I may protect the poorer citizens. In other words, if I simply threw open the doors of the Court of Claims, men would have to come from California, from Texas, from Maine, or from other sections of the country to Washington to try their suits or go to great expense in hiring legal counsel. If you give them the right to sue in the district courts for a small amount up to \$10,000 without a jury trial—and you want to keep in mind all through that in all these provisions I prohibit absolutely jury trials—

Mr. JOHNSON of Texas. Will the gentleman permit an interruption?

Mr. UNDERHILL. May I be allowed to proceed now, because I want to allow half an hour for answering questions later on?

We therefore protect the Government in suits brought by the local people in their local courts up to \$10,000, and for amounts above \$10,000 in the Court of Claims without jury trial.

You gentlemen who were here yesterday have in your minds a recent illustration of the futility of bringing such matters before this body. We lost an entire afternoon yesterday on a bill that never should have been brought before this body. My mind goes back only a year or two when we wasted another half day on this same bill, and my mind also goes back to the time when some members of two committees wasted considerable time in considering this matter. So you can see how ridiculous it is that we should continue this method of settling these complicated questions, which should really go to a court and be adjudicated there.

The third and what I consider the most important feature of the bill is for the settlement of personal injuries or death claims.

I provide that these may be settled by the Federal compensation board in much the same manner in which they perform a like service to Government employees. The provisions, however, are not nearly as liberal. The maximum amount is arbitrarily placed at \$5,000—\$5,000 for death or permanent injury. This may not seem just or equitable to you, but, gentlemen, it is a policy which has been adopted by your Claims Committee for the past five years—an arbitrary limit on the value of human life of \$5,000. If they had the right to go before a jury, you can readily see how the emotions and the sympathies of the jurymen would be stirred to such an extent that these claims possibly might reach an enormous total. Five thousand dollars is only a small amount for compensation for the sufferings of some injured people, while a jury might, in many instances, award damages of \$50,000 in another case, which would be far beyond the amount which the injury would really justify.

In cases of death and personal injury all classes of Government employees are protected through the medium of a Federal compensation act. It is only the poor taxpayer who has no redress except a plea to the Committee on Claims to which all private relief bills are referred and which is only a part of a very wretched, cumbersome, and wholly unsatisfactory system of affording relief. In case of a private employee, suit may be instituted in a court and damages recovered. There is no such remedy against the Government. The Committee on Claims has no facilities to determine questions of contributory negligence, sift evidence, and determine a host of questions which only a court or specially devised body can adequately consider. The passage of this bill will remedy an intolerable situation.

I want you to understand also that in all cases of contributory negligence the Government is protected by the provisions of this bill. Under the Federal employees' compensation act there is no question of contributory negligence, there is no question of the fault of some fellow employee, there is no assumption of risk, there is nothing of that sort; all of the benefit of the doubt is given to the injured employee; but in my bill I restrict it and I make it so the Government is protected in every regard and in every respect against attempted fraud.

Certain classes of claims in which relief is available under existing law are excluded.

Such, in brief, is the situation, the purpose of the bill, and the remedies proposed. To-day there is nothing adequate, scientific, or equitable relative to tort claims against the Government. It is a tremendous burden and expense to Congress in time and labor and embarrassment to individual Congressmen in their inability to get favorable action. Justice now awaits upon political considerations or the popularity of a Congressman or the influence of a Senator. It is expected that the Department of Justice would oppose such legislation on the grounds that it was revolutionary in its character, but the admiralty bill, which became a law in the last Congress, is the most drastic piece of tort legislation imaginable.

That is a part of their business, and when I first conceived this idea I realized and expected to have the opposition of the Department of Justice, because it is their business to oppose legislation of this character, but only on the ground that in the dark and dismal and distant ages of ignorance and injustice "The sovereign can do no wrong." If they continue to hold to that position, we will have to combat it here on the floor of the House until we educate them to a more humane view of matters.

Then I also call attention in the record to the fact that although I wrote the Department of Justice two years ago with reference to the admiralty bill, they offered no objection to that bill at the time, and when it passed the Senate there was not a word of opposition to it on the floor of the Senate, and yet, as I have said, it is as drastic a piece of legislation as you can conceive with reference to suits against the Government.

I would add that it is also as sensible a law as has been passed in recent years. Practically all of the departments are in favor of this legislation, and I believe that Congress, if given an opportunity to consider the bill on its merits, will pass the same by an overwhelming majority.

To-day's calendar carries 150 claims reported on favorably by the committee. Although the committee has been working faithfully since the convening of Congress, and it is now near the close of the session, only three bills reported by the committee have been acted upon. This is in no way the fault of the committee or the managers of the House, but because in the pressure of great public business it is no wonder that the sufferings of the individual citizen should go practically unnoticed. Congress is not the place to bring these claims. Sixteen busy Congressmen have devoted hours, days, and weeks and months to investigating these 150 claims favorably reported, and as many others that have been adversely acted upon and do not appear upon the calendar. These 150 claims have been reported favorably and unanimously by the committee. They must now have the unanimous consent of every Member of the House before they can be considered, and they must then follow practically the same procedure in another body. I have almost forgotten the details of bills which I examined and investigated in December and January, and other members of the committee find themselves in the same situation. All of their labors of months can be overturned or nullified by the whim, pique, or conscientious objection of an individual Member of the House.

The Federal Government is daily directing itself more and more into the affairs of the individual. Therefore the chances of injury because of carelessness of Government employees or because of unavoidable accident becomes greater all the time. The most important and legitimate function of the Government is the protection of the persons and property of its people. It provides such protection to the people one from the other, but with reference to itself neglects its most sacred duty. The Government which demands loyalty from its subjects should not deny justice to them. It may cost a little more money than the present system, but the Government will be repaid ten times over in loyalty, appreciation, and confidence of the people. [Applause.]

Now, gentlemen, I want to point out to you briefly some of the troubles which confront the Committee on Claims and confront each and every one of you individually.

This is a volume [indicating] consisting almost entirely of single sheets of bills referred to the Committee on Claims—almost 2,000 bills. It does not contain the Senate bills. You can see the impossibility of the Committee on Claims doing justice to you and to your people.

I want to tell you how many of you have written to me or have sent to me and asked me if I would not please give some attention to your particular claim.

There has been in the Sixty-ninth Congress requests for action in 700 different cases thus far, and we are only half through with this Congress. That is exclusive of the Senate bills.

Let me say a word in reference to Senate bills, without any criticism, because we are debarred by the rules of this House from doing that, but most of you have come in contact with this situation. The Senate passes most of these claims by courtesy. It does not demand from the department reports on the claims, but it passes them by courtesy. Then they come over here, and you go to the chairman of the Committee on Claims and say, "Here is a very pathetic case; the Senate passed it, and it is on the calendar. Will you not report it out?" I look it up and find that there is not a leg for it to stand upon. I come to you somewhat humiliated and tell you the circumstances, and you say that I am hard-boiled; that I am hard-hearted; and yet if I reported one of those bills and took it up on the floor of the House it would discredit the committee, and it would be thrown out on the objection of a hundred Members, let alone one. That is one thing that you are up against. We do not pass bills by courtesy; we pass them on their merits.

The number of bills introduced for Members by the committee in this Congress was 340. I want to call your attention to one thing. The committee never questions which side of the aisle a man sits on or what party he belongs to when a claim comes before us. Of the 340 bills that have been introduced in behalf of Members, 183 were from Republican Members and 157 from Democratic Members. You can see that the ratio is about 50-50, because there are more Republicans than Democrats.

In the last Congress there were 1,250 bills introduced in the House and 987 introduced in the Senate. The total number of House bills reported was 109 and 78 Senate bills. The total

number of bills to become law was 160. The total claims of bills before our committee to-day is less than \$12,000,000. That includes the good, bad, and indifferent; includes the French spoliation claims which we have not taken up, which amount to over a million dollars. We have turned down, I suppose, three or four million dollars of claims that had no standing or that we thought were unworthy.

Let me say that if these claims had their origin in an alien where the Government was responsible for his safety the Department of State would, as a diplomatic proposition, put it up to us, and we would have to pass the bill, no matter what the claim was.

How can we adjudicate these claims here? The power vested in the chairman of the Committee on Claims is tremendous and absolutely wrong. I can either refuse arbitrarily to consider your claim or I can take up each and every one of your claims to suit my convenience. Is it right to give that power to one Member of Congress? I claim that it is not right to give him that power or responsibility.

I have tried not to be influenced either by friendship or by any dislike I might have for an individual Member. I have tried to adjudicate all of these claims on their merits, and if I did not have the support of the finest bunch of men that ever were in Congress I could not do it. [Applause.] The Committee on Claims this year has worked like a pup at a root, and each Member at every meeting has been assigned a handful of claims and through the week, perhaps into the small hours of the morning, has studied them, and the next Friday has come to our meeting and made a report. He may have a half dozen reports to make, but we can hear but one report from that man, and he keeps these other five reports in his possession until he gets time to present them to the Committee on Claims. That is all wrong.

Mr. HERSEY. Mr. Speaker, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. HERSEY. I understand that the gentleman has a bill before his committee that would remedy this trouble?

Mr. UNDERHILL. Yes.

Mr. HERSEY. What is the situation of the bill? Has it been reported?

Mr. UNDERHILL. The bill is now on the calendar. I perhaps might give you a little outline of the parliamentary situation.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLANTON. The great trouble, one of the first troubles, is that the gentleman has taken the Senate bill and has stricken out all after the enacting clause and incorporated his bill as an amendment, and that amendment is 19 pages long. That amendment will come before the House and we will have to consider it as one amendment. We can not pass on all of the various paragraphs in those 19 pages as we should. That is the only mistake the gentleman has made.

Mr. UNDERHILL. The gentleman has made no mistake. He is going to lay his cards on the table and tell all about it. He did that with malice aforethought, if you may call it malice. It is the only thing that we can do at the present time, and it is the only reason that I am inflicting you for one hour here this afternoon in order to explain the provisions of the bill.

Mr. BLANTON. It brings the matter in here somewhat like a bill under the suspension of the rules, where we can not change it.

Mr. UNDERHILL. The parliamentary situation on the bill is this: I consulted with certain members of the Committee on Claims of the Senate, and I presented them this complete bill. They were at first rather favorably struck with the provisions of the bill. A little later on they began to hedge. They thought it was going too far; they got cold feet; they did not think that they could put it through the Senate; they thought there were too many over there who were wedded to the old idea that the king could do no wrong. They would not take the time or the trouble to explain to the Members of the Senate. I have been trying to do that to individual Senators for the last several weeks, and I have found nothing but encouragement. Consequently I had to take the Senate bill, which was only a part of my bill, and would have to be amended anyway very considerably in order to safeguard the Government. I took the Senate bill and substituted the Underhill bill by the unanimous vote of my committee. I have something concrete. I have something substantial and far better than anything which the Senate has put out. As much as I would like to have the credit, if there is any credit, and have my name attached to this bill, I am willing to sacrifice whatever honor there may be in that; it matters not whether this bill is known

as the Underhill bill or as a Senate bill, just as long as we get some relief from this intolerable situation in Congress and elsewhere throughout the country. I should like to spend the rest of my time in going through some of the cases that I have here. I have one case that has passed five different Congresses, one branch or the other, and has failed of passage in both branches, not because it did not have justification but because it was too late; it got caught in the jam; it could not get through; and these claimants have been waiting all of these years for relief for the payment of a debt which the United States owes them. Every Congress has agreed that it is a just claim, and yet it has not become a law. I have other bills here that have come down to us from the Senate. I might present those to you and show their inconsistency, show how one man was given for an identical claim a mere pittance and another was given several thousand dollars. That is not right. We should take these matters where they belong, before a proper court; then we should provide some medium where private citizens may get redress for a personal injury.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. GILBERT. I commend the gentleman for his effort to relieve this undesirable situation, but the remedy strikes me as unwise, right on the point that the gentleman is discussing. Why deny those of \$5,000 and less the right of court action, especially where recovery for human life itself is limited under this bill to \$5,000?

Mr. UNDERHILL. That is very simple. If the gentleman had asked me why I did not increase the amount from \$5,000 to \$10,000 or a larger figure, I could not have answered him; but here the man does not have to go to a court; he does not have to go to expense. He can simply notify the gentleman, say, that he has suffered this injury, and all the gentleman has to do is to call up on the telephone and notify the compensation board, and the compensation board makes an investigation; it has the machinery; it has the men out in the field service; it brings in a certain amount for injury. We have to make an arbitrary limit; we can not do otherwise.

Mr. GILBERT. I do not know that I fully understood the gentleman. He said all claims of \$5,000 and less would be referred to the department.

Mr. UNDERHILL. Oh, that is another phase of the bill. That has nothing to do with personal injury; that is only property damage.

Mr. GILBERT. I think a \$5,000 claim should have a judicial determination.

Mr. UNDERHILL. It may be possible that the House wants to reduce that amount from \$5,000. The Senate bill provides for only \$3,000 that the departments may settle. I would a good deal rather trust my case, if I had one, to a department than to be compelled to hire a lawyer to present my case to a court if it was less than \$5,000.

Mr. CRISP. Mr. Speaker, I am in thorough sympathy with the gentleman's desire; but as I understand the gentleman, he states that where these cases are put into court they shall be tried without a jury.

Mr. UNDERHILL. Yes.

Mr. CRISP. Now, the well-established policy of our country is trial by jury. What reason does the gentleman offer why in this case he is afraid to give the right of trial by jury?

Mr. UNDERHILL. I am simply following the precedent established in the establishment of the Court of Claims, where jury trial was excluded. Now, if you ask me my view as to the limitation, I answer that I would sacrifice and ditch the whole bill before I would allow these claims to go before a jury. The trouble is that people all over the land seem to think that the Government of the United States has got an unlimited supply of money; that it gets it out of a mine somewhere or picks it off the streets; but it comes out of the pockets of the taxpayer. You can not trust to the sympathy and emotions of a jury, and because some fellow makes a pretty sob-stuff speech on a case before them, instead of keeping the amount reasonable they will jack it up because they think this does not hurt anybody because it comes out of the Government.

Mr. CAREW. Judges have control of that.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. UNDERHILL. I will.

Mr. JOHNSON of Texas. I think subdivision 3 of section 2 limits the amount of recovery for death or injury to \$5,000. Would not that answer the gentleman's criticism as to the jury?

Mr. UNDERHILL. We do not put personal damages to the court at all.

Mr. JOHNSON of Texas. Yet you limit the amount to be recovered to \$5,000.

Mr. UNDERHILL. We have to do that.

Mr. JOHNSON of Texas. The jury could not go beyond that.

Mr. UNDERHILL. Why send it to court with the expense of a court trial?

Mr. ELLIS. If the gentleman will yield, does the gentleman preserve the same liberality as to limitation? What is the rule of limitation?

Mr. UNDERHILL. Please ask that of some member of the legal fraternity, but refrain from asking me absolutely technical legal questions. I do not speak the language, and I do not understand exactly what they mean.

Mr. MANLOVE. Will the gentleman yield?

Mr. UNDERHILL. I will.

Mr. MANLOVE. Does the gentleman place any statute of limitations in the bill? Does it carry any limitation as to period?

Mr. UNDERHILL. It carries several limitations. In the first place, it shortens up the time in which claims can be made for damages.

Mr. MANLOVE. That is as to claims in the future?

Mr. UNDERHILL. The gentleman means, is it retroactive?

Mr. MANLOVE. The bill is not retroactive as far as claims now pending, I understand?

Mr. UNDERHILL. No; we let those take their course.

Mr. FAIRCHILD. Is there any objection to permitting an amount under \$5,000 to go to the court, give the option of going to the department or have their right in court?

Mr. UNDERHILL. There is no objection, but the bill does not carry this option.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. UNDERHILL. I will.

Mr. SUMNERS of Texas. I desire to see if I get clearly in my mind what I believe is in the mind of the gentleman from Massachusetts. The gentleman wants by this legislation to establish the practice in our system of government of the right of the individual to litigate his claim for damages against the Government. That is one thing.

Mr. UNDERHILL. That is one thing, and it has been done in the establishment of the admiralty court. This extends to the land laws already existing with reference to the sea.

Mr. SUMNERS of Texas. But you do not want to go too far.

Mr. UNDERHILL. We can not do so.

Mr. SUMNERS of Texas. This question we are all disposed to ask can be answered by experience and subsequent legislation.

Mr. UNDERHILL. Before I take that up I would ask your attention to what I have here, which is Senate bill 1912, with the report, No. 667.

I do that because I would like to have those who are interested read this report, which goes more into detail than I can go. And then, before I forget it, I want to say two other things. One is to pay a small tribute of recognition to the men, the lawyers, on my committee. You all know I am a layman; but I could not possibly have gotten this bill out and have met with its legal requirements if it had not been for such men as the gentleman from Texas [Mr. Box], the ranking man on this side of the House on the committee, and the gentleman from Michigan [Mr. VINCENT], and other members of the legal fraternity who have given so much time and attention to this matter and so much assistance to me.

The other thing I want to say is that my purpose is to make a case here this afternoon in order that I can get a rule. If you think I have made a case, I want you to help. I can not get a Calendar Wednesday until after the vacation period, until the next session, and it will be a long way to December or January. Then I am fearful that the bill will get into a jam over in the Senate and that we can get nothing. So I want to put my request for a rule before you now, and thus get the bill passed by this body and into conference at an early date.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. MONTAGUE. What provision do you make for refund of excess taxes assessed and paid?

Mr. UNDERHILL. There is nothing of that here. There are several things that might have been included which have not been.

Mr. MONTAGUE. I notice you exclude any claim arising from the assessment of taxes or customs duties.

Mr. UNDERHILL. We excluded that because there is a period of limitation, and we did not want to go beyond that period. We have refused to consider bills this year where the applicant had slept on his rights.

Mr. MONTAGUE. May I ask the gentleman if he or his committee has taken that action?

Mr. UNDERHILL. It is the policy of the committee.

Mr. MONTAGUE. I understood the gentleman to say a while ago that he assumes full responsibility for what has been done by the committee.

Mr. UNDERHILL. No; I said that I could assume that responsibility.

Mr. MONTAGUE. I understood the gentleman to say he had stopped this and that.

Mr. UNDERHILL. No. I said there was too much power lodged in the hands of the chairman.

Mr. MONTAGUE. There are some small tax claims of, say, \$250 or \$300, excess taxes paid to the Government, similar claims that have heretofore been approved by the Government. There is no way now of getting action with respect to that class of claims if the department disapproves. But we have passed here bills in some cases giving a refund of many millions of excess taxes, while poor people or small business men are absolutely estopped from the exercise of their rights.

Mr. UNDERHILL. I understand the gentleman's indignation is probably justified, but we can not cure all the evils. Let me mention some of the inconsistencies of the present law. The Post Office Department, for example, in the case of a burglary, can settle the accounts of postmasters up to \$10,000, but if there happens to be an extra \$10 or \$50 bill in the till when that post office is robbed, then they have to come to Congress. Yet you appropriate hundreds of millions of dollars for the Post Office Department, but will not let them settle a burglary case in excess of \$10,000. The system is wrong.

Mr. MONTAGUE. When double taxes have been paid there is no possible way of relief unless you happen to belong to some enormous concern having millions?

Mr. UNDERHILL. I may say to the gentleman that if you pass this bill the committee will have some time to give to such bills as the gentleman refers to; and if every bill now pending before the committee were covered by this bill, the committee would still have left over 700 bills to consider.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLANTON. Up to 1919 the Congress never recognized in any case remuneration for a tort committed by an employee of the Government.

Mr. UNDERHILL. No.

Mr. BLANTON. But in the gentleman's bill the gentleman has recognized it as a general proposition that all torts committed by employees of the Government shall be recompensed by the Government?

Mr. UNDERHILL. Yes.

Mr. BLANTON. That is a new departure of law.

Mr. UNDERHILL. It was until 1919.

Mr. BLANTON. Is it not an unwise policy on which the Government should not embark?

Mr. UNDERHILL. It is unthinkable, an unhappy illustration, and I hate to suggest it, but I know the gentleman's family; I know that he has some fine, bright boys; I know that if a Government truck came down Pennsylvania Avenue and one of those boys happened to come along the sidewalk and the Government truck jumped the curb, because of defective brakes or defective steering gear, and knocked that boy down and injured him so that he would lose a leg or an arm, the gentleman would think that the employees of the Government ought to be made liable, through the Government itself, for the damages inflicted on that boy. [Applause.]

Mr. UPSHAW. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. UPSHAW. I notice that the time limit of April 6, 1920, the same as the other, applies to personal injuries and death claims. Why is it that a death that occurred one year before, or three, that is just as worthy a claim, should not be included?

Mr. UNDERHILL. I will simply answer the gentleman by saying there has to be some limit.

Mr. STRONG of Kansas. What is the number of the report on the bill?

Mr. UNDERHILL. House Report No. 667.

Mr. UPSHAW. Would not the gentleman be willing to put that date back five years?

Mr. UNDERHILL. No. The policy in regard to other similar legislation has been to make it retroactive only for a period of five years. That policy has been followed in this bill.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. HASTINGS. Has the gentleman made any effort to have hearings before his committee, in order to get a rule to report out this bill?

Mr. UNDERHILL. It is now having its hearing.

Mr. HASTINGS. This is the beginning of it?

Mr. UNDERHILL. Yes; this is the beginning of it.

Mr. HASTINGS. I want to say to the gentleman that I am in hearty sympathy with the purposes of his bill.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. LOZIER. Is it not true that there is a growing practice to hold the Government responsible for personal injuries and damages of that character, as one of the results of the tendency of our times by which the Government actively and intimately engages in the business of commercial activities?

Mr. UNDERHILL. Of course, that is the answer. It used to be the case years ago, when the sovereign or the king simply had his ordinary kingly duties to perform; but the President of the United States to-day and the Congress go into every phase of our daily life. You take enforcement of prohibition. The gentleman from Texas [Mr. BLANTON] and I agree absolutely on it, but if an agent of the Government, in making a justifiable raid, should be attacked and in defending himself should injure an innocent citizen, it seems to me the Government should recognize that as a part of the expense.

Mr. BRAND of Georgia. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BRAND of Georgia. I did not exactly understand the answer the gentleman gave to my colleague from Georgia [Mr. URSHAW]. Did the gentleman mean to say that all claims which originated prior to 1920 are excluded from the operation of this bill?

Mr. UNDERHILL. Yes; but it does not prevent the gentleman from bringing such a claim before the Committee on Claims later on.

Mr. BRAND of Georgia. Suppose a bill has been introduced and is already before your committee for a tort committed prior to 1920—

Mr. UNDERHILL. It will not affect that bill at all.

Mr. BRAND of Georgia. But it does not come under the operations of your bill?

Mr. UNDERHILL. No. We had to have a limit.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. JOHNSON of Texas. The next to the last section of the bill provides that limitations shall not run against individuals under 18 years of age. In my State of Texas a person is a minor until he is 21 years of age. Why should 18 years be fixed in this bill?

Mr. UNDERHILL. That was in order to protect the minor.

Mr. JOHNSON of Texas. I understand that, but should it not be 21 years instead of 18 years, because, as I say, in Texas a person is a minor until he reaches 21 years of age.

Mr. UNDERHILL. We took the general average.

Mr. JOHNSON of Texas. It occurs to me it ought to protect all minors.

Mr. BRAND of Georgia. One more important question, and I will ask the gentleman a frank question for information. Will the Members of Congress who have introduced bills that have gone to your committee, where a tort occurred prior to 1920, have any opportunity for a hearing at this session of Congress?

Mr. UNDERHILL. I doubt very much whether there will be any opportunity for a hearing, but they will get consideration of their bills.

Mr. BRAND of Georgia. When?

Mr. UNDERHILL. I do not know.

Mr. BRAND of Georgia. I am asking for information.

Mr. UNDERHILL. I can not tell the gentleman that. With 2,000 bills ahead of us it is impossible to tell when any particular bill will be given consideration. The gentlemen, however, can come around to headquarters and ask for that information.

Mr. BRAND of Georgia. I am coming to headquarters now.

Mr. UNDERHILL. I suggest that the gentleman come around to the office.

Mr. BRAND of Georgia. Why not tell me now?

Mr. UNDERHILL. Because there are too many bills before us and we can not tell when any particular bill will be reached.

Mr. BRAND of Georgia. I really want to know whether there is any reason for coming around and bothering you gentlemen.

Mr. UNDERHILL. Yes; come around and we shall be glad to see you.

Mr. PEERY. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. PEERY. As I understand, under the provisions of your bill you propose to give authority to the departments to settle claims up to \$5,000 in certain cases?

Mr. UNDERHILL. Property damage.

Mr. PEERY. If the department refuses that claim, is there any right of appeal to any other tribunal?

Mr. UNDERHILL. Yes; you can come back to the Committee on Claims, but I want to say you would not stand much of a show.

Mr. PEERY. Then you are virtually lodging with the department heads the right to refuse a claim, and with no right of appeal?

Mr. UNDERHILL. The policy to-day is this, and let me say that this has been the policy of the Committee on Claims for five years: When a claim is received and a gentleman comes before us and asks for consideration, the first thing we do is to refer it to the department, and they send back a report. We have no way of knowing whether the claim is justifiable or not, and the department sends us a report, and if the report is adverse that bill is usually dead.

Mr. MONTAGUE. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. MONTAGUE. The gentleman said that when a Member appears before his committee the bill is then referred to the department?

Mr. UNDERHILL. Yes.

Mr. MONTAGUE. How can he get before your committee?

Mr. UNDERHILL. He has not got a chance.

Mr. MONTAGUE. Of course not. I have begged to appear before your committee for five years, but I have not even had the courtesy of a hearing.

Mr. UNDERHILL. Let us be fair.

Mr. MONTAGUE. I am fair, but I disapprove the procedure and I must express it.

Mr. UNDERHILL. It is not a matter of courtesy, but it is a condition which exists. If we gave you a hearing we would have to give every Member a hearing.

Mr. MONTAGUE. So the gentleman can not say he gives an opportunity for Members to appear before his committee.

Mr. UNDERHILL. I did not say that.

Mr. MONTAGUE. A while ago the gentleman said that.

Mr. UNDERHILL. No. The gentleman misunderstood me. I said that when a gentleman comes and asks for consideration of his bill, consideration is given to it.

Mr. MONTAGUE. But a gentleman can not come and no consideration is accorded.

Mr. UNDERHILL. Any gentleman can come at any time and ask for the consideration of a bill. If any gentleman will do that, I will give it consideration, but not a hearing.

Mr. BACON. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BACON. The gentleman said that if the department approves a claim it will be dead.

Mr. UNDERHILL. I did not say that. I said that if the department disapproves a claim then the bill is usually dead. However, if the department approves a claim, then we make an examination ourselves, and we may make an adverse report. Then, too, the department often makes an adverse report, and the Bureau of the Budget as well.

Mr. BROWNING. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BROWNING. If the department gives facts in the report which show that the claim has some equity back of it, will not your committee then consider the bill?

Mr. UNDERHILL. Oh, yes.

Mr. BROWNING. Even though the opinion of the department is adverse to the bill?

Mr. UNDERHILL. Yes. For instance, in a post-office case the department may say it is the policy of the department not to recommend relief in some cases.

The committee says, however, that as the postmaster has no right to hire or fire his help, and as it is shown conclusively that some bookkeeper or some cashier ran away with a lot of money, the committee takes the position that it is absolutely unjust to hold the postmaster, and we do not care what the policy of the Post Office Department may be, we will put in a favorable report, and then the first time the bill reaches the floor somebody gets up and objects.

Mr. KNUTSON. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. KNUTSON. Did I not understand the chairman of the Committee on Claims the other day to state they did not allow Members of the House to appear before the Committee on Claims?

Mr. UNDERHILL. Oh, no; the gentleman is entirely mistaken.

Mr. KNUTSON. I asked the gentleman if I might appear before the committee, and the gentleman stated they had 1,500 or 1,600 claims, and it was obviously impossible to hear all the Members.

Mr. UNDERHILL. Yes; and what I particularly said to the gentleman was that this year the chairman had arbitrarily

refused to hear former Members of Congress; had refused to allow former Members of Congress to appear before the committee in behalf of claims.

Mr. KNUTSON. I did not hear the gentleman use the word "former."

Mr. BOX. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BOX. I think there has been some misunderstanding here to-day as I have heard this matter discussed. Do not the rules of the Committee on Claims, which are usually followed, require that all these bills shall be referred to a subcommittee and does not the subcommittee hear anybody who has anything to offer?

Mr. UNDERHILL. The subcommittee has full authority over its deliberations.

Mr. MOORE of Virginia. May I be allowed to ask the gentleman from Texas a question in the gentleman's time?

Mr. UNDERHILL. Yes.

Mr. MOORE of Virginia. How is a reference to a subcommittee brought about?

Mr. BOX. The rules require that the Member introducing the bill make a written request for its reference. Thereupon it becomes the duty of the chairman to refer it. I think I may say in the presence of the chairman of the committee, with whom I work in harmony, that they do not always get that. There has been some little issue about that between the chairman and myself, but not at all unfriendly. I feel that every man who requests a reference to a subcommittee is entitled to it. I do not agree with the policy that an adverse report by the department damns the claim and I have so expressed myself. The rules require that when the Member interested in a bill makes a written request for the reference of the bill to a subcommittee, such reference be made. In the average case this rule is followed. There has been some complaint of alleged failure to make such reference. But usually the claim is referred to a subcommittee upon written request, I never knew them to deny anybody a hearing. Did the chairman ever know of a subcommittee refusing to grant a hearing?

Mr. UNDERHILL. That is up to the chairman of the subcommittee.

Mr. MOORE of Virginia. If my friend will allow me a moment—

Mr. UNDERHILL. Let me first clear up this matter. My statement was with reference to the whole committee. If the whole committee should give hearings to one Member, it must give them to another and we would not accomplish anything. May I say just this, gentlemen. The chairman of the committee, perhaps, has been a little arbitrary; perhaps you may think he has been a little hard-boiled; you may think he has been unjust, but the purpose of the chairman was this: It would be impossible for the committee to report 50 per cent or even 25 per cent of these bills. If we put on the calendar many controversial measures, we lose the confidence of the House and of the conscientious objectors in the House; we get nowhere. It is for the purpose of serving the larger number of Members of the House that the chairman has tried to keep off of the calendar such measures as he knew would be objected to, to the extent of exclusion from consideration on the floor of the House.

Mr. HUDSPETH. Will the gentleman yield for a short question?

Mr. UNDERHILL. Yes.

Mr. HUDSPETH. Following the statement of my colleague from Texas, I would like to ask the chairman, as well as my colleague, When a bill is referred to a subcommittee is the Member who is the author of the bill then notified, so he may appear before that subcommittee?

Mr. UNDERHILL. No, sir.

Mr. HUDSPETH. Then, how does he know when his bill is going to be considered?

Mr. UNDERHILL. He does not know.

Mr. HUDSPETH. No; he does not, and his bill is killed, and he never knows anything about it.

Mr. UNDERHILL. The bill is not killed—

Mr. HUDSPETH. The gentleman from Texas has had eight killed in the last few days, and I did not even know the committee was going to consider them.

Mr. UNDERHILL. The gentleman from Texas has also had eight that have gone through.

Mr. HUDSPETH. No; not a bill up to this good hour that bears the name of the gentleman from Texas has been reported.

Mr. UNDERHILL. The gentleman ought to have better claims.

Mr. HUDSPETH. I have some good ones.

Mr. BOX. Under the regular procedure is it not made the duty of the Member to request a reference to a subcommittee and follow that up and ascertain who has his bill and take whatever steps are necessary to present it to the subcommittee?

Mr. UNDERHILL. It has been the practice of the subcommittees heretofore that if they found they needed further information they have requested the presence of the Member to give the information.

The SPEAKER pro tempore (Mr. MICHENER). The time of the gentleman from Massachusetts has expired.

PERMISSION TO ADDRESS THE HOUSE

Mr. CANNON. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman from Missouri rise?

Mr. CANNON. Mr. Speaker, I ask unanimous consent to proceed for 15 minutes.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to address the House for 15 minutes. Is there objection?

Mr. WOOD. Mr. Speaker, reserving the right to object, I want to say to the gentleman that as I understand it there is a special order to-day, and I also have a conference report which is privileged. I wish the gentleman would defer his request until we get through with these things.

Mr. COLTON. Mr. Speaker, there is a special order set for this time for the purpose of hearing a contested-election case.

Mr. DOWELL. Mr. Speaker, reserving the right to object, there is a special order and a special rule for to-day, and I would like to ask the gentleman to defer his request until they have been disposed of.

Mr. CANNON. Mr. Speaker, I am aware of that fact; but I want to make a very brief statement on a subject which I consider of some importance, and which relates to agricultural legislation. I hope the gentlemen will grant me this time. It will not displace the special order.

Mr. WOOD. Mr. Speaker, I appreciate the fact that the gentleman from Missouri does not occupy the floor very much and does not speak unless he has something to say, but I do not think he ought to interfere with the business set aside for to-day. If he will defer his request until after the order of the day has been completed, I think there will be no difficulty in getting the time he wishes.

Mr. CANNON. I will defer my request until later in the afternoon, if the gentleman thinks I can have time then.

The SPEAKER pro tempore. Does the gentleman withdraw his request?

Mr. CANNON. Mr. Speaker, I ask that I be given 15 minutes to address the House at the conclusion of the business to be brought before the House by the gentleman from Indiana.

The SPEAKER pro tempore. The gentleman from Missouri requests that he be allowed to address the House for 15 minutes at the conclusion of the business to be brought before the House by the gentleman from Indiana. Is there objection?

Mr. COLTON. Mr. Speaker, there is a special order, the report of Elections Committee No. 1, and I think the gentleman ought to postpone his request until after that is completed.

Mr. BLANTON. I would like to show the gentleman how unreasonable he is. There is not a quorum here, and if the gentleman from Missouri wants to insist on his right to be heard and have a quorum it would take 30 minutes to get the membership in. He does not resort to that, but has asked to be heard for just 15 minutes.

Mr. WOOD. I think there is no trouble. The special order of the elections case can be disposed of and then the conference report and then the gentleman from Missouri can come in.

Mr. DOWELL. May I inquire if the gentleman can complete his statement in 15 minutes?

Mr. CANNON. I can.

Mr. DOWELL. If the gentleman can conclude in 15 minutes, so far as the special order is concerned, I will not object.

The SPEAKER pro tempore. There is no special order that can take precedence over a unanimous consent.

Mr. OLIVER of Alabama. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri may proceed now for 15 minutes.

Mr. MANLOVE. Fifteen minutes from now or taking out the time that has been occupied in this discussion?

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

LEGISLATION FOR AGRICULTURAL RELIEF

Mr. CANNON. Mr. Speaker, it is now evident that we are on the last lap of this session of Congress. The newspapers

report that the gentleman from Ohio, the Speaker; the gentleman from Connecticut, the majority leader; the gentleman from Illinois, the chairman of the Committee on Appropriations—the great triumvirate of the House—have each in their turn called at the White House and on their return have issued authoritative statements in which they announce that we will be ready to adjourn much sooner than anticipated; that the legislative program is now practically complete, and that, so far as the House is concerned, we are ready to adjourn at most any time, and the sooner the better. Everything has been done that was intended to be done, everybody has been taken care of that was intended to be taken care of, and the powers that be are now ready and willing and anxious and impatient to get away, lest by some mischance the machine slip a cog and we begin to take up unauthorized legislation.

And it is now evident that the one single most important piece of legislation which this session of Congress was expected to consider—

Mr. CONNALLY of Texas. Who expected that? The gentleman means hoped.

Mr. CANNON. No. The most important piece of legislation which those most interested had a right to expect this Congress to consider—legislation involving some adequate solution of the most vital and most pressing problem before the American people to-day—is either to be stifled in the committee or reported out too late for enactment.

Mr. McLAUGHLIN of Nebraska. Let me say to the gentleman that the Committee on Agriculture is in session this morning, and we hope to report out a bill some time next week.

Mr. CANNON. The gentleman from Nebraska recognizes at once the legislation to which I refer, although I have said nothing about agriculture. [Laughter.] He concedes it to be the most important problem before the country to-day. [Applause.]

You know it is an old parliamentary trick of the trade—in use almost from the time the First Congress met at New York—under which legislation too important to be ignored—legislation that has been marked for slaughter but which they have not the courage to assassinate openly—is delayed until the end of the session and then at the last minute reported out and placed on the calendar to be lost in the legislative jam always attending the closing days of a long session of Congress.

Mr. MOORE of Virginia. Mr. Speaker, if my friend will permit, he has just stated what Mr. Speaker Reed, one of the great Speakers of the House, called the very gentle art of pretending to be for a thing and really being against it.

Mr. CANNON. That expresses it with the preciseness characteristic of the great Speaker.

Mr. MILLER. Let me ask the gentleman if he has introduced any bill or appeared before the Committee on Agriculture and laid down any specific program for agricultural relief?

Mr. CANNON. Mr. Speaker, I have been in constant consultation with the men who are pushing this legislation. I have cooperated in every possible way in the endeavor to bring this matter before this House from the beginning of the session, but it is evident that there has never been any serious intention of taking it up during this Congress.

The coming short session of Congress must necessarily be devoted exclusively to the passage of the supply bills. Any comprehensive legislation requiring extended consideration and debate must be enacted, if enacted at all, at the long session of Congress. So, when adjournment is taken next month, as has already been tentatively agreed upon and announced in the newspapers this morning, the Sixty-ninth Congress, charged as no Congress has been charged, pledged as no Congress has been pledged, to the relief of agriculture, is quitting without a single serious effort to discharge one of the most solemn and binding obligations ever assumed in any political campaign. Lest we forget, lest the lapse of time has so dulled our recollection of the pledges made by the great political parties in the last election, I want to read from the platforms adopted at New York and Chicago and personally indorsed by every Member of the House when his name appeared on his party's ticket. Here is what our friends the Republicans said at Chicago:

In dealing with agriculture the Republican Party recognizes that we are faced with a fundamental national problem.

Mark the phraseology. It does not refer to this great problem as a class problem or a bloc proposition. It does not deplore class legislation, or bloc organization, but the emphatic statement is made that it is a national problem.

Mr. WOOD. Mr. Speaker, will the gentleman yield?

Mr. CANNON. I deeply regret that I can not; I have but 15 minutes. I will be glad to answer the gentleman if he will secure additional time for me.

Mr. WOOD. But the gentleman would not have had the 15 minutes if it had not been for me.

Mr. CANNON. As I recall it, I am indebted to the gentleman from Alabama [Mr. OLIVER] for that courtesy. [Laughter.]

Here is what the gentleman's party agreed to do for agriculture. Here is his pledge:

We recognize that agricultural activities are struggling with adverse conditions that have brought deep distress, and we pledge the party to take whatever steps are necessary to bring back a balanced condition between agriculture, industry, and labor.

So much for the Republican platform. Now let us turn to the Democratic platform.

For, Mr. Speaker, while the Republican Party has a majority in the House and Senate, and controls the Presidency and is therefore primarily responsible for all legislation and lack of legislation here, at the same time Members on the other side of the House also have a responsibility and a duty to discharge. It is incumbent upon every Democrat who subscribes to the New York platform to cooperate in every possible way in the passage of legislation within the pledge I am about to read. Here is what the Democrats promised. They pledged themselves—

to stimulate by every governmental activity the progress of the co-operative marketing movement and the establishment of export marketing corporations.

We did not question whether or not that was economic. We did not say anything about price fixing, or putting the Government in business, but we pledged ourselves without reservation to the establishment of an export marketing corporation—

in order that the exportable surplus may not establish the price of the whole crop.

Mr. Speaker, those pledges were not conditional or contingent. They were definite; they were emphatic; they were unequivocal. Both parties promised to place agriculture on a basis of economic equality with industry and labor.

These were the campaign pledges of the two great parties, still unredeemed, when Congress met last fall.

With these pledges before us, let us consider the relative condition of industry, labor, and agriculture when this session of Congress convened in December.

Industry and labor were in the enjoyment of a period of unprecedented prosperity. Industrial production, movements of freight, corporate earnings, and individual incomes in industrial operations were the highest since the close of the war. Labor was receiving the highest wages for the shortest hours ever paid since man was first ordained to earn his bread by the sweat of his brow. In sharp contrast with these favorable conditions, agriculture was in direst distress. Conditions brought on by the postwar deflation, which prostrated agriculture but did not affect industry and labor, continued unabated. Farm products were selling at less than the cost of production. Farm credits were exhausted. Farm taxes were unpaid. Farm lands were being sold every day under the sheriff's hammer. Farmers were being driven into bankruptcy in all parts of the country, and the standard of living on the American farm had been forced down to the irreducible minimum.

Under these highly contrasting conditions, what class of legislation would you naturally expect the House to first take up for consideration when Congress convened—legislation in behalf of prosperous industry, legislation in the interest of contented labor, or legislation for the relief of distressed and despairing agriculture? I think you will agree that any sane and just man would say at once that even without the platform pledges of the two parties, the very nature and exigency of the occasion demanded that Congress proceed to the consideration of agricultural legislation at the earliest opportunity. And yet when Congress convened agriculture was unceremoniously thrust aside and the House settled comfortably down to the discussion of a bill demanded by industry reducing income taxes, when the farmers of the country had not been able to pay running expenses much less accumulate a taxable income for the four years past. So, while agriculture waited, we passed the revenue bill, cutting in half the taxes of wealth and industry, while farm taxes steadily increased. That bill having been disposed of to the entire satisfaction of all who paid taxes on large incomes, agriculture might now again be expected to receive some attention. But again agriculture is elbowed out of the way, and labor comes forward with a demand for needed legislation, which after due consideration we passed by the substantial vote of 381 to 13.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CANNON. Yes.

Mr. BLANTON. And in that labor bill the farmers came here and asked that they be protected, but they were turned down with only 13 votes favoring their side of it.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. CANNON. I wish that I could yield to the gentleman, but I regret that I have not the time. Labor and industry have both been taken care of and agriculture has had no attention whatever.

Surely now that both industry and labor have been given all they asked, agriculture is at last to have her long-delayed day in court. But this time the banking industry claims precedence. The banks of the United States reported profits and resources and daily clearings last year hitherto unequalled in this or any other country of the world. But at their suggestion we once more gave agriculture a swift kick in the slats and proceeded to legislate for the benefit of the poor, destitute, and downtrodden bankers of the Nation.

And this morning we are told that we are nearing the end of the session. Outside of routine business, the entire session has thus far been devoted to the interests of industry and labor. You have reduced industry's taxes. You have granted labor's every request. You have given the bankers generous consideration. You have jammed through the House the foreign debt settlements demanded by organized business—nothing for the farmer, but millions for Mussolini. You have completely forgotten the farmer. You have not reduced his taxes. You have not reduced his freight rates. You have not enforced his rights in the packer's decree. You have not reduced the price of fertilizer or the price of any other item entering into his costs of production. You have not reduced the tariff on the necessities of life he must buy. You have not increased the price of farm products. You have not given the farmer a living wage for his labor. You have not made it possible for him to secure an adequate return on his investments in land and equipment. You have not raised the pitiful standard of living on the American farm. You have not carried out your agreement to place him on a plane of equality with labor and industry. In short, you have not kept a single promise you made to the farmers in order to win the last two elections. [Applause.]

Not only have you failed utterly to keep faith with the farmer, but you have treated his representatives with singular discourtesy. Farm representatives have been subjected to flagrant insult and indignity.

Representatives of industry and labor appearing before committees of the House have been received with uniform courtesy. I attended the hearings before the Committee on Ways and Means when Mr. Mellon testified and when the great man appeared in the doorway a spell seemed to fall on all within the room. It was as if a sacred presence had entered. And throughout the hearings he was accorded the greatest deference and respect, a respect he was entitled to receive and which reflected credit on the great committee before which he appeared. The same courtesy and consideration has always been shown the representatives of organized labor when they appeared before committees of the House. But when the representatives of the allied farm organizations appeared in their official capacity to plead the cause of the farmer the atmosphere was that of a police court, and they were examined and cross-examined in much the same manner as a prosecuting attorney would examine a witness for the defense in a murder trial. They were badgered, bulldozed, and browbeaten. They were contemptuously addressed as "You fellows." They were insulted with insinuating questions of, "Who's paying your expenses here?"

Representatives of organized industry and organized labor have always been welcomed by congressional committees and treated with every courtesy and respect, but when representatives of organized agriculture appear before a committee of the House appealing for equal legislative consideration, promised in every party platform adopted in the last campaign, they are accused of threats and intimidation and are met with opprobrious epithets and referred to as "cheap skates."

Permit me to call to the attention of those who approve such methods to a very pertinent precedent, an historic incident which deserves to become a classic. Representatives of the farm organizations in one of our Northern States some time ago went down to the State capital to petition the legislature then in session for legislative relief indorsed by the farmers of the State. After listening impatiently to argument advanced by the farmers in behalf of their bill the committee before which they were appearing abruptly concluded the hearings by telling them, in much the same spirit that has been manifested here, to go home and sloop their hogs. The farmers obediently took the next train home. But at the next election they went to the polls and kicked both the hogs and the sloop out of the State legislature.

Mr. Speaker, when we consider the desperate plight of the farmer and note the fulsome promises made by all parties at each recurring election, promises which no attempt is ever

made to fulfill, we wonder at the cause of this apathy on the part of Congress in matters in which the farmers' interest is concerned. It is seldom that the real reason is acknowledged, but in an editorial appearing in one of the Washington papers last night, or the night before, one version of it is set forth in brazen effrontery. The editorial is, in part, as follows:

A Senate committee, after five years of intermittent inquiry and deliberation, is about ready to submit to Congress a farm relief bill.

That is important news.

It is, perhaps, even more important to you, the city dweller, than to the farmer.

Your nearest connection with a cow may be the milk bottle deposited each morning on your doorstep, and your chief grain problem may be nothing more than the necessity of deciding whether the contents thereof shall be poured upon corn flakes or cream of wheat. You will do well, however, to watch what the Senate committee proposes.

Under present conditions there is only one way for Congress to relieve the farmer, and that is to make it possible for the farmer to collect more money from you for what he produces.

The Washington politicians are loath to say this in so many words. They talk loudly of how the surplus of farm produce shall be removed from domestic markets, but their articulation is subdued when they contemplate the logical conclusion that the surplus must be removed so that domestic prices may be increased.

In the long run, any extra money given the farmer will come from the consumer's pocket.

Here is an editorial to make an honest man's blood boil. Here is an editorial writer and those whom he represents, who deny that "the laborer is worthy of his hire," and who are willing to adopt the methods of the highwayman and take from the farmer without pay because of his necessity the fruits and products of his honest toil.

The writer of this article is willing to act as a recipient of stolen goods. He wants something for nothing. So far as he is concerned, men may toil and sacrifice from dawn till dusk without recompense. Farm women may labor barefooted in the open fields. Farm children may go without education and without sufficient winter clothing. He is willing to take from them the products of their service and their tears and their sacrifice that he may live in unearned luxury and ease at their expense.

I can not believe that this man is the typical American or that his is the typical American viewpoint. I know it is not the position of labor. I trust it is not the position of industry. And I sincerely hope that before the rapidly approaching end of this session we can demonstrate that it is not the attitude of this House.

There is yet time to do something for agriculture. Late as it is, it is not too late to keep faith with the farmer. It is not absolutely necessary to adjourn by the 1st of June. Congress has in former years sat as late as October, even in election years. The farmers of the country would much rather have us stay here all summer, if that is necessary, and give them such legislative relief as we can, than to have us back home with our arms around their necks telling them how much we think of them and how much we sympathize with them and how much we are going to do for them if they will just send us back to Congress.

But if we are to adjourn and we do go home empty handed let me proceed right here to do a little threatening and a little intimidating on my own account. The farmers of the country are fed up on political apple sauce. They have had enough of promises that are never kept, and platform pledges that are never remembered after the votes are counted on election day. The farmers and the farm organizations at last are demanding a show-down. It is pay day with them. And if there is any significance in the signs of the times, either they are going to hear from this House at this session of Congress, or this House is going to hear from them at the coming election.

The SPEAKER pro tempore. The time of the gentleman has expired.

SIROVICH AGAINST PERLMAN

Mr. COLTON. Mr. Speaker—

The SPEAKER pro tempore (Mr. MICHENER). For what purpose does the gentleman rise?

Mr. COLTON. For the purpose of calling up the report on the contested-election case of Sirovich against Perlman reported from Committee on Elections No. 1. I ask for the consideration of the resolution submitted in that case.

The SPEAKER pro tempore. The gentleman from Utah calls up for consideration the report of the Committee on Elections in the case of Sirovich against Perlman. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That William I. Sirovich was not elected a Representative from the fourteenth congressional district of the State of New York and is not entitled to a seat herein.

Resolved, That Nathan D. Perlman was duly elected a Representative from the fourteenth district of the State of New York and is entitled to retain a seat herein.

Mr. COLTON. Mr. Speaker, I just want to take a moment of the time of the House to express appreciation for the conscientious work done by the members of the committee in this case. It has been my pleasure for a number of years to work on this committee with the ranking Member of the minority, the gentleman from Texas [Mr. HUDSPETH]; and, of course, I know, as all Members of the House know, you could not find a more fair, conscientious man than he. [Applause.] I can say that also, Mr. Speaker, with reference to the other members of the committee. The gentleman from Tennessee [Mr. ESlick] has given very thorough and careful consideration to this case. He has spent a great deal of time in studying the case. I could mention each one of the members of the committee on both sides of the House. They have given painstaking care to every phase of this case. It has been a judicial question with the committee entirely. Partisan politics has had no consideration whatever. The case was considered on the facts which were presented to the committee and the law governing such cases, and we have come to the conclusion that this resolution ought to be adopted as the only fair way of settling the case. We ask that the resolution be adopted. I now yield 10 minutes to the gentleman from Texas [Mr. HUDSPETH].

Mr. HUDSPETH. Mr. Speaker and gentlemen of the House, this is a contest different from the ordinary one that comes before the Congress. In this contest the contestant did not ask that he be given the seat in the fourteenth congressional district. He did not ask that the committee seat him, Doctor Sirovich, but his prayer was that the seat now held by Mr. Perlman be declared vacant and void and another election held. As stated by the chairman of the committee, the committee patiently heard the arguments of counsel for contestant and contestee. I think every member of the committee read the voluminous testimony taken in the proceedings held in New York City. I want to state to you frankly, Mr. Speaker, the case was not properly prepared before it was presented to the committee of Congress. I think every man on that committee will agree to that, and counsel for the contestant asked for additional time to produce additional testimony, but under the rules governing contested-election cases and the law it could not be granted. My distinguished colleague from Tennessee, Judge ESlick, looked up the precedents as to right of reopening and presented them to the committee, and his judgment was adopted as the unanimous judgment of the committee, and I want to say in passing in the eight years I have served on Elections Committees and six years upon this committee I have never seen partisanship creep into that committee but one time.

I warned you gentlemen at that time, and I made a prophecy that it would destroy the Republican organization in that district, and I predicted that you would not have the temerity to put up a man for Congress thereafter, and you never have had a candidate in the Winchester district of Virginia. You can not afford to deal with these matters in that way, and you can not afford to take away a man's seat from him by partisanship. Every man on the committee, Democrat or Republican, should try an election case as a judge would try a case on the bench, according to the law and the evidence solely. When you took TOM HARRISON's seat away from him you destroyed your organization in that district. You did violence to your conscience and thwarted the will of the electorate as fairly expressed in that district, and you knew it when you did it.

In this case, however, there has not been any partisanship, and there has not been any partisanship in the committee since the distinguished gentleman from Utah became chairman of that committee. [Applause.] A Democrat was seated the last time over a Republican by this committee, and every member of the committee voted to seat that Democrat. That is the way to try election cases. If you tried all such cases that way, there would not be so many ill-founded cases coming before Congress.

Now, gentlemen, you can take the testimony here, and if I wanted to act the part of a demagogue I might besmirch the character of the gentleman who holds this seat on the testimony of a self-confessed criminal, a burglar, and a crook; but I would not resort to that, and you would not have any respect for me if I did, and I certainly would have no respect for myself. That is the kind of testimony we had, and I would not base an adverse report on it; neither would my colleagues. There were irregularities in that contest, certainly, that should not have occurred. But, gentlemen, if you take every vote that Mr. Stump, the contestant's attorney, said

was doubtful and gave it to Doctor Sirovich it would not elect him.

There was one ballot box where there was a recount, and it was found that a certain man, George Raskin, had been put there as a tally clerk and that he had served 15 years on an indictment for burglary; and at another voting box one Lewis, a notorious crook, performed. Raskin said he had taken votes from Mr. Sirovich and counted them for Mr. Perlman. But if you would take those votes and count them for Mr. Sirovich he still would not have enough votes to elect him. This committee felt that it would not lower the dignity of this House and accept testimony of such disreputable characters.

But I do want to say in passing that men like that should not be put on election boards in New York in the future, and I am sure the gentleman from Utah [Mr. COLTON] fully agrees with me. We could not afford to take that kind of testimony and bring it in here either as a minority report or as a majority report. If we had done so, we would not be worthy of your confidence. Hence, this report comes to you to-day. My views herein expressed represents the view of Judge ESlick, and also I understand is the view of Mr. CHAPMAN, the other members of the committee on the minority side. We decline to join in the majority report, but decline to make a minority report, for there is not sufficient evidence to justify one. As far as the personnel of Elections Committee No. 1 is concerned, you can rest assured that cases will be considered from a judicial standpoint, and I trust this atmosphere will ever permeate it in the future.

The SPEAKER pro tempore (Mr. MICHENER). The question is on the adoption of the resolution.

The resolution was agreed to.

SPANISH-AMERICAN WAR PENSIONS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House bill 8132, which is the Spanish War pension bill, with Senate amendments, and agree to same.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 8132) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain named soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. GARRETT of Tennessee. Reserving the right to object, Mr. Speaker, I think the gentleman should give us some explanation of what the Senate amendment is.

Mr. KNUTSON. I will be glad to do so.

Mr. GARRETT of Tennessee. I understood the gentleman this morning to say he desired to go to conference.

Mr. KNUTSON. That was the intention, I will say to the distinguished minority leader; but afterwards we received a letter and telegram from the commander in chief of the Spanish-American War veterans, asking us to concur in the Senate amendments, because he was afraid if it went to conference and had to again be passed upon by both Houses it would jeopardize the bill. The gentleman from Georgia [Mr. UPSHAW], the ranking minority member of the committee, was informed of the present plan and approves of it.

Mr. GARRETT of Tennessee. We would like to know something of the amendments.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. CONNALLY of Texas. The gentleman talks about the commander in chief of the Spanish-American War veterans. It is not his responsibility. It is our responsibility. Why not have the Senate amendments put in the RECORD and take this up to-morrow? We shall not lose any time. The gentleman knows that I am just as strong for this bill as the gentleman is. We ought not to adopt legislation in this hasty manner simply because of a telegram from the commander and the consent of the gentleman from Georgia [Mr. UPSHAW].

Mr. KNUTSON. I will be glad to have the Senate amendments printed in the RECORD and call the bill up to-morrow.

Mr. CONNALLY of Texas. The gentleman should ask unanimous consent.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that the amendments of the Senate be inserted in the RECORD and also the telegram.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that the Senate amendments be

printed in the Record and the telegram included. Is there objection?

There was no objection.

The Senate amendments, explanation of same, and the telegram referred to are as follows:

Changes made in House bill by the Senate are as follows:

1. Senate struck out the automatic increase clause in the House bill and added a new section (section 4) that may automatically increase the pensions. I can not state for sure whether it does. Open for construction.

2. Reduced the rate for additional pensions for minor children from \$8 to \$6 per month. No other change in rates.

3. House bill proposed to bring the date of marriage down to the present day. Senate changed the same and gives title to widows if they were married to the soldier prior to September 1, 1922.

4. House bill proposed to commence increases in pensions from date of filing application for increase. Senate leaves the law as it is, so the increase will commence from date of medical examination.

5. House bill provided in widows cases, where the soldier dies subsequent to the approval of the bill, that the widow's pension should commence from date of the soldier's death. Senate changed this and makes widow's pension commence from date of filing application.

6. Remarried widows. House bill gave remarried widows title if the subsequent marriages were dissolved by death of the husbands or divorce without fault on the part of the wife. Senate amendment gives title if the divorce was not on the ground of adultery on the part of the wife. In other words, the wife may be at fault, but as long as she is not guilty of adultery she can be granted a remarried widow's pension.

7. House bill, in section 4, provided that no soldier, sailor, or marine, as described in the bill, who is in a hospital or institution under the control of the Government should have deducted from his pension any part of same for the benefit of any home or hospital fund. Senate leaves this provision out entirely.

SENATE AMENDMENT

SECTION 1. That all persons who served 90 days or more in the military or naval service of the United States during the war with Spain, the Philippine insurrection, or the China relief expedition, and who have been honorably discharged therefrom, or who, having served less than 90 days, were discharged for disability incurred in the service in line of duty, and who are now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character not the result of their own vicious habits which so incapacitates them for the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States and be entitled to receive a pension not exceeding \$50 a month and not less than \$20 a month, proportioned to the degree of inability to earn a support, and in determining such inability each and every infirmity shall be duly considered and the aggregate of the disabilities shown shall be rated: *Provided*, That any such person who has reached the age of 62 years shall, upon making proof of such fact, be placed upon the pension roll and entitled to receive a pension of \$20 a month; in case such person has reached the age of 63 years, \$30 a month; in case such person has reached the age of 72 years, \$40 a month; and in case such person has reached the age of 75 years, \$50 a month: *Provided further*, That all leaves of absence and furloughs under General Orders, No. 130, August 29, 1898, War Department, shall be included in determining the period of pensionable service: *Provided further*, That the provisions, limitations, and benefits of this section be, and hereby are, extended to and shall include any woman who served honorably as a nurse, chief nurse, or superintendent of the Nurse Corps under contract for 90 days or more between April 21, 1898, and February 2, 1901, inclusive, and to any such nurse, regardless of length of service, who was released from service before the expiration of 90 days because of disability contracted by her while in the service in line of duty.

SEC. 2. The widow of any officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the war with Spain, the Philippine insurrection, or the China relief expedition, between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, and that all leaves of absence and furloughs under General Orders, No. 130, August 29, 1898, War Department, shall be included in determining the period of pensionable service, and was honorably discharged from such service, or, regardless of the length of service, was discharged for or died in service of a disability incurred in the service in line of duty, such widow having married such soldier, sailor, or marine prior to September 1, 1922, shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed upon the pension roll at the rate of \$30 a month during her widowhood. And this section shall apply to a former widow of any officer or enlisted man who rendered service as hereinbefore described and who was honorably discharged, or died in service due to disability or disease incurred in the service in line of duty, such widow having remarried either once or more after the death of the soldier, sailor,

or marine, if it be shown that such subsequent or successive marriage has or have been dissolved, either by the death of the husband or husbands or by divorce on any ground except adultery on the part of the wife and any such former widow shall be entitled to and be paid a pension at the rate of \$30 a month, and any widow or former widow mentioned in this section shall also be paid \$6 a month for each child under 16 years of age of such officer or enlisted man, and in case there be no widow or one not entitled to pension under any law granting additional pension to minor children the minor children under 16 years of age of such officer or enlisted man shall be entitled to the pension herein provided for the widow and in the event of the death or remarriage of the widow or forfeiture of the widow's title to pension the pension shall continue from the date of such death, remarriage, or forfeiture to such child or children of such officer or enlisted man until the age of 16 years: *Provided*, That in case a minor child is insane, idiotic, or otherwise mentally or physically helpless the pension shall continue during the life of such child, or during the period of such disability; and this proviso shall apply to all pensions heretofore granted or hereafter granted under this or any former statute: *Provided further*, That when a pension has been granted to an insane, idiotic, or otherwise helpless child, or to a child or children under the age of 16 years, a widow or former widow shall not be entitled to a pension under this act until the pension to such child or children terminates unless such child or children be a member or members of her family and cared for by her; and upon the granting of pension to such widow or former widow payment of pension to such child or children shall cease, and this proviso shall apply to all claims arising under this or any other law.

SEC. 3. Any soldier, sailor, or marine or nurse now on the pension roll or who may be hereafter entitled to a pension under the act of June 5, 1920, or under that act as amended by the act of September 1, 1922, or under this act on account of his service during the war with Spain, the Philippine insurrection, or China relief expedition, who is now or hereafter may become, on account of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be given a rate of \$72 a month, provided such disabilities are not the result of his or her own vicious habits: *And provided further*, That no one while an inmate of the United States Soldiers' Home or of any national or State soldiers' home shall be paid more than \$50 per month under this act.

SEC. 4. That the pension or increase at the rate of pension herein provided for, as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rates herein provided on the 4th day of the next month after the approval of this act, except where otherwise herein provided; and as to persons whose names are not now on the pension roll, or who are not now in receipt of a pension under existing law, but who may be entitled to a pension under the provisions of this act, such pensions shall commence from the date of filing application therefor in the Bureau of Pensions after the approval of this act in such form as may be prescribed by the Secretary of the Interior; and the issue of a check in payment of a pension for which the execution and submission of a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check, and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner.

SEC. 5. Nothing contained in this act shall be held to affect or diminish the additional pension to those on the roll designated as "The Army and Navy Medal of Honor Roll," as provided by the act of April 27, 1916, but any pension or increase of pension herein provided for shall be in addition thereto, and no pension heretofore granted under any act, public or private, shall be reduced by anything contained in this act.

SEC. 6. No claim agent, attorney, or other person shall contract for, demand, receive, or retain a fee for service in preparing, presenting, or prosecuting claims for the increase of pension provided for in this act; and no more than the sum of \$10 shall be allowed for such service in other claims thereunder, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall, directly or indirectly, otherwise contract for, demand, receive, or retain a fee for service in preparing, presenting, or prosecuting any claim under this act, or shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension allowed or due to such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding \$500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 7. That all acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby modified and amended only so far and to the extent as herein specifically provided and stated.

CHICAGO, ILL., April 15, 1926.

HAROLD KNUTSON, M. C.,

House of Representatives, Washington, D. C.:

On behalf of the United Spanish War Veterans I earnestly request our friends in the House to concur in the Senate amendments to H. R.

8132, which passed the Senate April 14. I appreciate that the measure as passed by the House was superior in its administrative features, but my comrades and their widows and orphans do not wish to jeopardize the measure by the delay necessary for a conference report and the necessity of passage by both House and the Senate again. Have Senate bill passed by House at earliest moment.

CARMI A. THOMPSON,
Commander in Chief.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I call up the conference report on the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER pro tempore. The gentleman from Indiana calls up the conference report on the bill H. R. 9341, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The statement was read.

Following are the conference report and accompanying statement:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 12, and 17.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 6, 7, 8, 9, 13, 15, 16, 18, 19, 20, and 21, and agree to the same.

The committee of conference have not agreed on amendments numbered 1, 5, 10, 11, and 14.

WILL R. WOOD,
EDWARD H. WASON,

Except on amendments numbered 18 and 19.

JOHN N. SANDLIN,
Managers on the part of the House.

F. E. WARREN,
REED SMOOT,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On Nos. 2, 3, and 4, relating to the American Battle Monuments Commission: Strikes out certain language as proposed by the Senate; makes \$2,500 available for the purchase of motor-propelled vehicles, as proposed by the House, instead of \$5,000 as proposed by the Senate; and inserts the language proposed by the Senate authorizing the commission to procure the services of professional and technical personnel without reference to existing law.

On Nos. 6 and 7, relating to the Board of Tax Appeals: Appropriates \$594,224.64, as proposed by the Senate, instead of \$428,616, as proposed by the House; and makes \$422,248.64 available for personal services in the District of Columbia, as proposed by the Senate, instead of \$256,640, as proposed by the House.

On No. 8: Makes \$205,540 of the appropriation for the Bureau of Efficiency available for personal services in the District

of Columbia, as proposed by the Senate, instead of \$146,460, as proposed by the House.

On No. 9: Appropriates \$132,540 for salaries of the Employees' Compensation Commission, as proposed by the Senate, instead of \$129,040, as proposed by the House.

On No. 12: Restores the language stricken out by the Senate providing that no part of the appropriation for the Federal Trade Commission shall be expended for investigations requested by either House of Congress except those requested by concurrent resolution of Congress.

On No. 13: Appropriates \$10,000, as proposed by the Senate, for salaries and expenses of the Public Buildings Commission.

On Nos. 15, 16, and 17, relating to the Smithsonian Institution: Appropriates \$46,260, as proposed by the Senate, instead of \$45,760, as proposed by the House, for the system of international exchanges; makes \$23,833, as proposed by the Senate, instead of \$23,500, as proposed by the House, available for personal services in the District of Columbia; and strikes out the language proposed by the Senate appropriating \$12,500 for the construction of a steel gallery over the west end of the main hall of the Smithsonian Building.

On Nos. 18 and 19, relating to the United States Shipping Board: Appropriates \$13,900,000, as proposed by the Senate, instead of \$18,691,000, as proposed by the House, for expenses incident to the maintenance, operation, and repair of ships by the Fleet Corporation; and inserts the language proposed by the Senate appropriating \$10,000,000 to enable the Fleet Corporation to continue the operation of ships or lines of ships which have been or may be taken back from purchasers, provided that no expenditures shall be made from this appropriation without the prior approval of the President of the United States.

On No. 20: Appropriates \$10,000, as proposed by the Senate, for the expenses of the United States commission for the celebration of the two hundredth anniversary of the birth of George Washington.

On No. 21: Inserts the language proposed by the Senate providing that in unusually meritorious cases of one position in a grade, advances may be made to rate higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year and then only to the next higher rate.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 1: Fixing the compensation of the Allen Property Custodian at \$10,000 per annum.

On No. 5: Relating to expenditures by the Arlington Memorial Bridge Commission for professional and technical services without reference to existing law.

On No. 10: Permitting the Federal Board for Vocational Education to pay in advance for subscriptions to newspapers at not to exceed \$50 per annum.

On No. 11: Reappropriating the unexpended balance of the appropriation of \$50,000 made in the first deficiency act, 1925, for the expenses of the Federal Oil Conservation Board.

On No. 14: Appropriating \$250,000 for expenses to be incurred in moving various Government establishments under the direction of the Public Buildings Commission, and authorizing that commission to employ personal services without reference to existing law.

WILL R. WOOD,
EDWARD H. WASON,

Except on amendments Nos. 18 and 19.

JOHN N. SANDLIN,
Managers on the part of the House.

SPANISH-AMERICAN WAR PENSIONS

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman from Indiana yield to me for a moment before taking up the consideration of the conference report?

Mr. WOOD. I will.

Mr. GARRETT of Tennessee. I would like the attention of the gentleman from Minnesota [Mr. KNUSTSON]. I want to suggest to the gentleman that he prepare a brief statement in connection with this Spanish War veterans' pension bill to go in the Record in connection with the matter which he has already inserted, showing just what these amendments are, so that we may know definitely to-morrow, when we take it up for action, what they are.

Mr. KNUSTSON. May I say to the gentleman that my attention has just been called to the fact that all the amendments made by the Senate are in yesterday's Record.

Mr. GARRETT of Tennessee. But the Senate struck out the whole bill, did it not?

Mr. KNUTSON. Well, if I may take just a moment, the bill H. R. 8132 was introduced subsequently by the chairman of the Pension Committee in the Senate and they struck out section 4, which had to do with maimed soldiers; then the committee took up the bill that the Senator had introduced, which was similar to the House bill, and they made three changes, one of which reduced the age of minor children from 18 to 16—the pensionable age, the gentleman will understand—and the amount that such minors were to receive from \$8 per month to \$6 per month.

Mr. UNDERHILL. Will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. UNDERHILL. Why would it not be a good idea to have the Senate bill and the amendments printed in the RECORD?

Mr. KNUTSON. That is what we have.

Mr. GARRETT of Tennessee. That is already in the RECORD.

Mr. UNDERHILL. With the amendments?

Mr. GARRETT of Tennessee. Yes.

Mr. UNDERHILL. Printed in bill form?

Mr. KNUTSON. It is going to be printed in to-day's RECORD, so that Members may see it to-morrow, and the Senate bill is in yesterday's RECORD. Unfortunately there are no available copies of the Senate bill.

Mr. UNDERHILL. Then it ought to be printed for use in the document room.

Mr. OLIVER of Alabama. In that connection the House will be interested in reading page 7433 of yesterday's RECORD, wherein it appears that the Senate was laboring under the impression when they passed the bill that it was the same as the House bill, and I think if gentlemen of the House will read that page of the RECORD they will find it is important that this bill go to conference.

Mr. UNDERHILL. The idea I had in mind was that this bill ought to be printed in order to supply the demand that is being made all the time on Members for copies of the bill, and the bill is not available in the document room.

Mr. KNUTSON. The chairman of the committee will insert in to-day's RECORD a statement showing what the Senate changes are.

Mr. UNDERHILL. That does not give me what I want. What I want are copies of the bill in the document room available for Members when they have demands for them.

Mr. KNUTSON. Let me say to the gentleman that the bill as passed by the Senate is in the CONGRESSIONAL RECORD of April 14 in its entirety. I do not see why it is not possible to read the bill as it appears in the RECORD. I shall be glad to follow the suggestion of the gentleman from Tennessee and would rather not take any more time, because I have already intruded on the gentleman from Indiana.

CONFERENCE REPORT—INDEPENDENT OFFICES APPROPRIATION BILL,
1927

Mr. WOOD. I would like to ask the gentleman from Louisiana [Mr. SANDLIN] whether he wants to use any time.

Mr. SANDLIN. I would like to use some time; yes.

Mr. WOOD. Well, we have an hour between us. How much time does the gentleman want?

Mr. McDUFFIE. I should like to have as much as 10 minutes if it is agreeable to the gentleman.

Mr. WOOD. How much more time does the gentleman want?

Mr. SANDLIN. Ten more minutes.

Mr. BYRNS. The gentleman refers now to the report and not to the committee amendments?

Mr. WOOD. Yes. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. McDUFFIE].

Mr. McDUFFIE. Mr. Speaker and gentlemen of the House, I regret to trespass upon your time, yet I can but feel that attention should be again directed with all possible force to this conference report as to the amendments 18 and 19 dealing with appropriations for the Emergency Fleet Corporation.

Of course, I realize that I am now conducting a post-mortem examination, and this matter is more or less water that has passed under the mill. The majority party has expressed itself. We fought this question out a week or ten days ago. It was then decided and determined by the majority party, those responsible for legislation here, that the amendment of the House, which provided necessary funds, according to the evidence of all of those charged with the responsibility of the merchant marine, should be stricken out and some arbitrary figures of \$13,900,000 inserted.

The testimony showed that \$18,691,000 was needed to properly maintain our merchant marine. The House adopted those figures and amended the bill by increasing the Budget figures approximately \$5,000,000, but the Senate reduce the amount to the arbitrary figures of \$13,900,000. I think everybody

admits, unless it be the chairman of the Appropriations Committee [Mr. MADDEN], under whose active and hectic leadership the House refused to insist upon its \$18,000,000 provision, that \$13,900,000 will not maintain the Shipping Board activities during the next fiscal year. No one has yet in all the discussion of this subject informed this House how the figures \$13,900,000 were arrived at. No one knows to-day.

You gentlemen claim to be friendly to the American merchant marine, but your treatment of it denies your claims. The people of the great wheat-growing sections know what it means to have ships available to move their crops to world markets.

Of course, it has cost money to keep our flag on the seas, but all agree that it is money well spent. Indeed, the amounts appropriated from the Public Treasury for this purpose has been returned many fold in reduced freight rates to the American shipper. We are just beginning, after years of handicaps, to make a fair showing. Our competitors are claiming we are going out of business. The American people do not wish to pull down our merchant flag. Every man in this House knows that. Yet this very report, this very act of Congress indicates that you are choking and killing the merchant marine. Something is wrong somewhere. This administration is either grossly ignorant of conditions or it is grossly indifferent to them.

The country ought to know where the responsibility lies and it ought to be informed as to the real reasons for cutting this appropriation to almost half the amount provided for the present year—that is, from \$24,000,000 to \$13,900,000.

I do not think anybody will gainsay the proposition that one of the most important activities of the Government to-day is the building up of its foreign commerce as well as its national defense through the maintenance of its merchant flag upon the high seas. Gentlemen on that side of the aisle profess much faith in the merchant marine. They say, "We are going to see to it that money is provided"; at the same time they are withdrawing the money absolutely necessary for its existence, and under the whip and spur of the leadership of this House the majority side has refused to provide funds enough to operate the ships under our flag during the next year.

Oh, you say, "If this is not enough, come back, prove it is not enough, and we will consider a deficiency appropriation." We were astounded to find the chairman of the great Appropriations Committee, in valiantly defending his Budget figures, absolutely advocating a deficiency appropriation! Why, I ask, should he do that in this case? Why single out the merchant marine for such treatment? He does not do that with other departments. Is it the Budget or the merchant marine he is interested in? Somehow or other, \$13,900,000 fit into the scheme of things in making up the Budget by the Budget officer, and without rhyme or reason you have said, "We will adhere to these figures and if you need more money come back later."

This is out of the ordinary, to say the least, and you have only camouflaged by the additional provision in amendment 19 that \$10,000,000 is to be available for the use of the Shipping Board in keeping up the service of those ships which have been sold by the board and which may be turned back after failure to operate them by private enterprise. More than that, the President has been given the authority, and a most unusual authority, entirely out of the ordinary when it comes to the average appropriation bill, to supervise the expenditure from this fund. Not a dollar of it can be used without his approval, which means that unless the President really has his heart in the merchant marine very little or none of this money will ever be used for that particular purpose.

Gentlemen on this side of the aisle and some gentlemen on the Republican side of the aisle thought they might take \$5,000,000 of the \$10,000,000 and add it to the \$13,900,000 and have ample funds to operate. This would not have increased the Budget figures, but somehow this did not please the powers that be and the \$13,900,000 figures must stand as the edict of this Congress, which means you do not wish to encourage the merchant marine. All the testimony shows, notwithstanding the chairman of the Appropriations Committee—and I do not think even the gentleman from Indiana, whose heart, I believe, is really in this proposition, would deny it—that the amount carried in the bill as now presented is not a sufficient fund.

I want the country to know that those who are professing to be friendly, you on the Republican side who would pretend to uphold the hands of the merchant marine by your words, are, by your acts, absolutely cutting its throat, or smothering it to death. You are going to find that this amount of money will not carry on this great and important governmental activity. I think the American people ought to know where the responsibility is. Some of us, practically all on this side of the

also, have insisted that you provide ample funds for the Shipping Board. You have failed to do it, and within the next six months, when the activities of the shipping service are likely to be curtailed throughout the country, let it be understood where the responsibility rests for this slow-death process you are applying to our merchant marine.

The chairman of the Shipping Board, of course, says, "We will get along the best we can." He would say nothing else; he could say nothing else. Indeed, one member of the Shipping Board dared to suggest to the Committee on Appropriations at the other end of the Capitol that \$13,900,000 was not enough, and he was confronted with the suggestion he was acting contrary to the Budget law in that he dared make such a suggestion to that committee. Why have a Congress here if the Budget is going to do our legislating for the country? The Shipping Board, of course, is going to do the best they can, but we all know they will not and can not expand the service, nor with these limited funds can they maintain the merchant marine in as full vigor as was intended by the law. The Shipping Board and the president of the Fleet Corporation both realize their funds have been so cut down that such can not be done. Everyone knows they will try to stay within the amounts you have provided. They will feel their hands are tied, and therefore I say you are to-day crippling and strangling to death the shipping service of the American people.

I wish to express my opposition to a conference report that accedes to a policy of this administration which, if pursued, will drive our flag from every sea, just as all the enemies of the merchant marine are trying to do. [Applause.]

TRADING WITH THE ENEMY ACT

The SPEAKER pro tempore (Mr. TILSON). The Chair lays before the House a request of the Senate.

The Clerk read as follows:

Ordered, That the House of Representatives be requested to return to the Senate its message announcing its agreement to the conference report on the bill (S. 1226) entitled "An act to amend the trading with the enemy act."

The SPEAKER pro tempore. Is there objection to the request of the Senate?

There was no objection.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Louisiana [Mr. SANDLIN].

Mr. SANDLIN. Mr. Speaker and gentlemen of the House, as a member of this conference committee I could not agree to the action taken by the Senate on this item. While I realize it is futile to discuss the matter at this time, I want to say I thoroughly agree with the remarks made on this question by the distinguished gentleman from Alabama [Mr. McDUFFIE].

I am afraid that many Members of this House who have not studied this question do not realize the importance of the matter. I come from a section of the country that the merchant marine has meant a great deal to, especially in the shipment of its cotton. I realize that two years ago, when there was a congestion of wheat at the southern ports, if it had not been for the activities of the vessels of the Shipping Board the wheat farmers of this country would have suffered a very great loss.

It matters not from what section of the country the Members come, they are necessarily interested in this activity of the Government.

Then I am opposed to this method of appropriation. It is not reasonable or practicable. This action is not taken in any other department of the Government. Suppose the Post Office Department should come and ask for \$700,000,000, and the Appropriations Committee should say, "We will give you \$400,000,000, and then next fall we will in a deficiency bill allow you enough to run the Post Office Department." The same thing would apply to the War Department and every other activity of the Government. There is no man connected with the Shipping Board or the Emergency Fleet Corporation but that does not know that this amount is not enough to operate the ships now operated by the Emergency Fleet Corporation. They say next fall we will take care of it in the deficiency bill. In my opinion one of the great causes why this activity of the Government has not prospered before is because the American people realize that this Government has no fixed policy in regard to this activity.

Mr. DAVIS. Will the gentleman yield?

Mr. SANDLIN. I will.

Mr. DAVIS. With respect to sentiment of the American people, I wish to call attention to the fact that the platforms of both great political parties declared in favor of continuing the Shipping Board's trade routes until they could be sold, and sold to private interests with an assurance that they would

continue to be operated under the American flag. These planks in both platforms were adopted at the great conventions without opposition.

Mr. SANDLIN. I thank the gentleman for his contribution. I want to say in conclusion that I hope the Appropriations Committee this year, when this matter is brought before them asking for a deficiency, which certainly will be done, will carry out their promise and give the Emergency Fleet Corporation and the Shipping Board the money they need to operate the ships so necessary to our trade. [Applause.]

Mr. WOOD. Mr. Speaker and gentlemen of the committee, I think we have reason to congratulate ourselves and the members of this committee that this bill, which has given more trouble than any other appropriation bill heretofore, has passed this House and the Senate this year with less friction than in all the years since the adoption of the Budget. I wish to thank gentlemen both on the Democratic and Republican sides for their cooperation in making that thing possible.

I listened with a great deal of interest to the speech of the gentleman from Alabama [Mr. McDUFFIE] with reference to the action of the Senate in reducing the appropriation made by the House on his amendment to cover the losses of operation. I wish now to say, in all fairness to this House, that it may be that the \$13,900,000 appropriated will not be sufficient. I hope that it will be. Some things have transpired within the last few days that may make that possible. Whatever confusion has resulted in consequence of the estimates made by the Budget added to that of those who were supposed to know what the necessary amounts should be in the activity itself. The former president of the Emergency Fleet Corporation, in whom I have had great confidence, and of whom I have spoken with great deference on the floor many a time, thought that \$13,900,000 would be sufficient, in view of the fact that they have in contemplation the disposal of some of these lines and have disposed of them in this manner. Possibly the lines that were disposed of this week will come back into the hands of the Emergency Fleet Corporation. If I had my way about it the vessels disposed of never would have gone out of our hands under the circumstances.

In my opinion—and I say it with the greatest deference to the judgment of those who differ from me—in my opinion that is the worst blow that has been administered to the merchant marine by the Shipping Board, in which we have placed our dependence. They sold five passenger vessels in the Oriental Line, plying between the United States and the Orient, to the Dollar Line for an aggregate amount of \$4,500,000. Each one of these vessels cost more in its building than the sum total for the entire lot. They were not built during the war crises; they were built after the war for the purpose of carrying the trade of the United States to the Orient in our hope to extend that trade.

The merchant marine and fisheries act, section 7, provides that when disposal shall be made of these vessels they shall be disposed of, all things being equal, to those who are responsible and to those who are interested in the locality in maintaining a merchant marine from that locality. That is the substance, not the letter, of the provision of that section. In my opinion that law has been violated not only in spirit but in letter.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. WAINWRIGHT. Is there any agreement on the part of the Dollar Line to continue the operation of these vessels to the Far East, or is that entirely problematical?

Mr. WOOD. Yes, there is an agreement, and the agreement was written by the Dollars themselves, and that is the unfortunate thing about it.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. WOOD. For a brief question.

Mr. BEGG. Is it not a fact that the Dollar bid was according to the law in every respect, and \$500,000 higher than the next highest bid?

Mr. WOOD. Let me tell you all about the Dollar bid. They submitted some bids some few weeks ago, when they were bidding \$600,000 for each of these vessels instead of \$900,000, which bids were rejected. Then a new advertisement was made, based on the specifications, the items of which were furnished by the Dollars, where there were two bidders, one of them the Dollars and the other a stool pigeon of the Dollars, a man named Alexander. It is not so much what these vessels bring, as what the consequence to the United States in the future may be. This transaction gives a monopoly to the Dollars, a thing that should not be. The Dollars are not so patriotic that they would give up their substance to the United States. It is one of the biggest shipping lines in the

world, and one of the most selfish, if the facts that I have are true. They were not flying the American flag before the war. They were sailing under the British flag, and I will tell you what they have got now. They have three lines, one of them from San Francisco to the Orient, one of them, so far as freight is concerned, from British Columbia to the Orient, and now they will have the passenger traffic from Seattle to the Orient under a contract whereby they may transfer one or more of these vessels at any time and there are five of them. They are obligated to make 17 terminals and they may make them and yet absolutely destroy this line from Seattle to the Orient. All this has been done in protest from every responsible consideration. It was done against the protest of Captain Crowley who is president of the Emergency Fleet Corporation, who has studied this thing from the beginning to end, and in view of the responsibility imposed upon him he has advised against it. I am going to set his report out in the Record so that the whole country may know what has been done.

APRIL 12, 1926.

From: President, Fleet Corporation.
To: United States Shipping Board.
Subject: American Oriental Mail Line.

The Shipping Board at a meeting on April 6, 1926, referred to the president of the Fleet Corporation bids received on that date for the sale of the American Oriental Mail Line, consisting of the following vessels and prices received:

Name of bidder	Vessels (steamships)	Amount
W. B. Keene, for and on behalf of a proposed corporation.	President Grant.....	\$800,000
	President Jackson.....	800,000
	President Jefferson.....	800,000
	President McKinley.....	800,000
	President Madison.....	800,000
Admiral Oriental Line.....	President Madison.....	900,000
	President Jackson.....	900,000
	President McKinley.....	900,000
	President Jefferson.....	900,000
	President Grant.....	900,000

The Fleet Corporation called for bids for the sale of this line and designated the time for the reception of bids to be March 15, 1926. On March 16, 1926, the board was advised that no bids were received, but a preliminary discussion was had with Mr. R. Stanley Dollar, of the Admiral Oriental Line, at which time a number of changes were suggested by him in the proposed contract. The changes requested by Mr. Dollar were outlined in my memorandum of March 22, 1926, and the Shipping Board on March 23, 1926, considered the changes requested by the Admiral Oriental Line, which are as follows:

1. Terms of payment: The original form of contract used in advertising this line specified $2\frac{1}{2}$ per cent of the purchase price to accompany the bid and a further $22\frac{1}{2}$ per cent of the purchase price of each vessel in cash upon delivery thereof. The revised form of contract provides for $2\frac{1}{2}$ per cent of the purchase price to accompany the bid and a further $22\frac{1}{2}$ per cent of the purchase price of each vessel in cash upon delivery, or by an irrevocable letter of credit payable within two years from date thereof, together with interest thereon at the rate of $4\frac{1}{2}$ per cent per annum, payable annually.

2. Service: The original form of contract provided for a minimum of 17 round voyages per year, and the service to be maintained between the ports of Seattle, Wash., and Manila, P. I., calling each way at a port or ports in both Japan and China. The amended contract provides for a minimum of 17 round voyages per annum and that the buyer may, upon application to and approval by the Shipping Board, divert one or more of the vessels to another service operating under the American flag, but in the case of the vessels calling at Portland, Oreg., they will not be allowed to ship freight from that port in competition with the freight service maintained by the board.

3. Liquidated damages: The original contract provides, in addition to surrendering the vessels, for the buyer to pay to the seller the sum of \$1,000,000 during the first two years of the five-year period in the event of default in maintaining the service; the sum of \$800,000 in case such default happens during the third year of said five-year period; the sum of \$600,000 in case such default happens during the fourth year of the said five-year period; and \$400,000 in case such default happens during the fifth year, these sums to be paid as liquidated damages. The new and last form of contract used in advertising the line for sale eliminates entirely the liquidated damages, but does provide in case of default for the purchaser to surrender the actual possession of all vessels immediately upon written demand of the seller, and all sums paid by the buyer to the seller on the purchase price prior to such default shall remain the property of the seller.

The Shipping Board, on March 23, 1926, directed the Fleet Corporation to modify the form of contract in accordance with the above and to readvertise the line and obtain bids for the purchase of the same at the earliest possible moment. The Fleet Corporation accordingly read-

vertised the line for sale and called for bids to be opened in Washington at noon on April 6, 1926.

The bid of W. B. Keene is in the sum of \$800,000 for each of the five vessels, or a total of \$4,000,000. The bid is entered on behalf of a corporation to be organized within 90 days, which corporation will have a paid-in capital of not less than \$2,000,000; controlling interest of the capital stock of the corporation to be owned by American citizens and the good-faith deposit submitted with the bid to be retained as liquidated damages in the event of award and the failure by the bidder to comply with any of such provisions.

This bid also contemplates a modification of the form of sales agreement issued as a basis for bidding, to the extent required under paragraph 5 thereof, in order to give the buyer the option of accepting the vessels as soon as practicable after their arrival and discharge at Seattle, after the elapse of the 90-day period stipulated as the time within which the purchasing corporation will be formed.

The bid of W. B. Keene does not make any claim for preference under the provisions of section 7, merchant marine act, 1920; does not contain any financial statement of the proposed purchasing corporation beyond the announced intention of having a paid-in capital of \$2,000,000, and does not give any statement of organization of the bidder beyond the fact that Mr. Keene has arranged to establish his residence in Seattle. There is, however, a letter dated April 9, 1926, which Mr. Keene has submitted subsequently to the opening of the bids in which he has given his intentions as to the financial backing, organization, service, and terms of payment. It is impossible, therefore, to give any consideration to "the ability of such persons to maintain the service desired and proposed to be maintained" as provided for under section 7 in determining which bidders, if any, have the support, financial and otherwise, of the domestic communities primarily interested.

The bid of the Admiral Oriental Line is in the sum of \$900,000 per ship, a total of \$4,500,000 for the five vessels, or \$500,000 more than the bid of W. B. Keene. The bid of the Admiral Oriental Line is submitted on the identical form provided under the basis of bidding and does not contain any variations from the terms and conditions issued as a basis for bidding. An accompanying letter calls attention to the fact that the list of spare parts attached to the invitation is not, in the judgment of the bidder, an accurate statement of such items, and a schedule is furnished designed to show the spare parts which the bidder says are available and that should go to the successful purchaser which spare parts, according to our records, do not all belong to these particular vessels. The spare parts as listed in the contract in the invitation for bids are the ones, according to our records, that should go with the service. The remainder of the list submitted by the Admiral Oriental Line comprise our storeroom stock and can be used in the service of the United States lines or a part may be sold to the purchaser, but separate from the price paid for the ships.

The bid of the Admiral Oriental Line claims preference under the provisions of section 7, merchant marine act, on the theory that the bidder is a citizen of the United States having the support, financial and otherwise, of the domestic communities; that the bidder possesses the organization and ability to maintain the service desired and proposed to be maintained; and that the bidder, in its judgment, has contributed to some degree in the maintenance of the existing service by its operations thereof. The bidder submits a financial statement, as required by the invitation, consisting of a balance sheet as of February 28, 1926. The Treasurer desires to defer the expression of an opinion on this balance sheet until further information is obtained as to the principal asset items shown thereon, namely, cash and securities, \$935,816.40.

While the board is free to change its policy from time to time, I do not feel that the new form of contract, approved by the board on March 23, 1926, properly protects the Government or the service nor do I feel that it is fair to other purchasers of board tonnage, particularly the Munson Steamship Co., which purchased the Pan American Line under a contract much more satisfactory from our point of view.

I consider the American Oriental Mail Line on a much more paying basis to-day than the Pan American Line when sold, and I know of no condition on the west coast which would justify making the terms more lenient than those in the contract of sale of the Pan American Line. I feel that in case this line were sold under the terms now prescribed by the board that the Munson Steamship Co. will request some relief under their contract. It is true, however, that there is no legal obligation on the part of the board to in any way relieve the Munson Steamship Co.

The irrevocable letter of credit in lieu of cash payment, although proven satisfactory in cases of other sales, is not as satisfactory as the cash payment. The Munson Steamship Co. was compelled to pay cash for the first payment, and as the American Oriental Mail Line has a brighter outlook toward success I believe the cash payment should be insisted upon in this case. Mr. Keene, in his letter of April 9, 1926, indicates that in case the line is awarded to him the first payment will be made in cash.

The American Oriental Mail Line is now operating on a schedule with a sailing every 12 days, or 30 round voyages per year. I believe the business in the Northwest is sufficient to maintain the present schedule, and there are possibilities with the line efficiently operated to further increase the trade to a point where additional ships would be justified. The present form of contract provides a minimum of 17 round voyages per year with a proviso that the purchaser may, upon application to and with the approval of the Shipping Board, divert one or more of the vessels to another service operated under the American flag. Mr. Dollar requested a change in the original form of contract so as to permit him, in case the line was sold to his company, to divert one or more of the vessels, and I believe it was his intention in making this request to place the vessels so diverted from the Seattle service in either the California service or round-the-world service.

This provision should not be allowed, as I feel it may work to the disadvantage of the Pacific Northwest and particularly to the detriment of the port of Seattle. The service was established for the benefit of the Pacific Northwest, and I believe it should remain so.

There is no good reason why the liquidated damage clause should be waived in this sale. It was applied in the Munson contract, and it affords the protection I think the Government should have in the maintenance of service.

The bond, as provided in the original form of contract, should also apply in the sale of this service. It was required in the sale of the California Orient Line and the Pan American Line, and it will give the protection I think the Government should have in the American Oriental Mail Line. Surely, were the liquidated damages and bond requirements waived in this case, it would be reasonable to assume that the Dollar Steamship Co., who purchased the Pacific Mail and the Munson Steamship Co., would request some relief under their sale contracts.

Briefly, I do not believe that the Government is properly protected in the form of contract on which bids are now being considered. The ships to be sold are substantially the same as those sold to the Dollar Steamship Co., namely the California Orient Line, and to the Munson Steamship Co., and in fairness to these two companies I believe the terms and conditions should be more on the same basis for all.

The original cost of the five ships to be sold is as follows:

President Jefferson	\$7,202,170.91
President Grant	5,616,420.09
President Madison	5,848,863.59
President Jackson	6,365,118.88
President McKinley	6,906,426.59

Average cost..... 6,387,806.01

In addition to the original cost there has been spent on each vessel many thousand dollars for improvements. The service has been built up at a large expense to the Government to a point where the line is now on practically a paying basis. The financial statement for the calendar year 1925, which shows a loss of \$1,165,716.69, is not a true reflection as to the result of the operation of this service. There is to be taken into consideration the extraordinary reconditioning expense during the calendar year 1925 of approximately \$900,000. As a possibility of what the line should do throughout the year, I would call the board's attention to the results of the following terminations of ships in this service during recent months:

Vessel	Date of termination ¹	Result
President Jefferson	Mar. 26, 1926	\$30,501.95
President McKinley	Mar. 13, 1926	\$27,445.05
President Jackson	Mar. 2, 1926	\$45,784.45
President Madison	Feb. 18, 1926	\$17,992.91
President Grant	Feb. 6, 1926	\$1,665.23
President Jefferson	Jan. 26, 1926	\$9,948.61
President McKinley	Jan. 12, 1926	\$41,672.43
President Jackson	Jan. 2, 1926	\$72,528.35
President Madison	Dec. 21, 1925	\$29,322.85
President Grant	Dec. 9, 1925	\$26,814.39
President Jefferson	Nov. 27, 1925	\$2,060.68
President McKinley	Nov. 14, 1925	\$11,002.53
President Jackson	Nov. 2, 1925	\$3,670.99
President Madison	Oct. 21, 1925	\$8,752.79
		\$294,494.17

¹ 14 voyages.

² Profit.

³ Loss.

⁴ Net profit.

In arriving at these results each vessel has been charged with its proportionate share of the administrative expenses of the Fleet Corporation, these charges totaling \$66,583.86. This and other facts lead to the conclusion that under private operation these voyages would have returned even greater profits.

The above is a more favorable showing than that of the Pan American Line prior and up to the time of sale. The offer of the high bidder of \$900,000 per vessel is \$225,000 less per ship than that received for five vessels of the same type sold to the Dollar Steamship Co. with the California Orient service and is \$126,000 less per vessel than the price received for four vessels sold to the Munson Steamship Co. with the Pan America service.

In connection with the statement made in Mr. Dollar's letter of April 6, 1926, accompanying his bid, concerning the necessity of remodeling and alterations to passenger accommodations in order to increase the carrying capacity at an estimated expense of \$225,000 per vessel, I would call the board's attention to the fact that the accommodations in the five vessels now in this service are practically the same in number and arrangement as those in the five vessels of the California Orient Line, and it is my opinion that this expense is not warranted as evidenced by the fact that the present accommodations are rarely used to capacity and on many voyages less than 30 per cent of the spaces are sold.

In view of the above it is my opinion that the price offered is not adequate for this service.

While I have no criticism to make of the organization of the Admiral Oriental Line as an organization, I believe their interests rest in California, the headquarters of the Dollar Steamship Co., so that for the best interests of the domestic community I think the board would be fulfilling the interest of clause 7 of the merchant marine act of 1920 if it would place this service in the hands of Seattle interests who have their entire interests centered in the Northwest. Therefore, it is my recommendation that the bids received on April 6, 1926, be rejected, and as the negotiation for the sale of this line has been in progress for many months without satisfactory results, to the detriment of the service, I also recommend that further negotiations be suspended.

In my memorandum of November 30, 1925, I recommended that in case satisfactory bids were not received that the line be allocated to another managing operator, this recommendation having been originally made by Mr. Haney at a meeting of the Shipping Board in November. Mr. Haney, representing the Pacific Northwest, perhaps knew the conditions in that section better than anyone else in the Shipping Board or Fleet Corporation. The board, at a meeting on December 3, 1925, approved this recommendation, and if the board approves my recommendation contained in this memorandum to reject the offers for purchase and it is of the same opinion that a new operator should be selected and will so advise, I will be glad to submit immediately the name of a managing operator which will be satisfactory to the Fleet Corporation.

For the board's information in considering this matter, there are attached the original of the following telegrams received by the Fleet Corporation. I might say that Captain Bookwalter has just returned from the Orient from reviewing the conditions:

SOURCE AND DATE

Tacoma Chamber of Commerce, April 3, 1926.

Capt. C. S. Bookwalter, April 8, 1926.

F. W. Relyea, district director at Seattle, April 9, 1926.

Capt. C. S. Bookwalter, April 10, 1926.

Associated Industries of Seattle, April 10, 1926.

Portland Chamber of Commerce, April 11, 1926.

ELMER E. CROWLEY.

Mr. McDUFFIE. Mr. Speaker, will the gentleman yield?
Mr. WOOD. Yes.

Mr. McDUFFIE. Did I understand the gentleman to say that they are not required to sail under the American flag?

Mr. WOOD. Oh, no. These vessels are sailed under the American flag, but I say they did not sail under the American flag before the war, and that they can transfer one or more of these vessels, and the contract lasts for only a period of five years. I wish everyone would read this record. It is so startling that it is astounding. The Munsons bought some of these lines. They had to put up a bond of a million or more dollars to guarantee performance of the contract. The Dollars under this contract did not put up any bond at all, and they paid 2½ per cent down on a \$4,500,000 contract, and pay 22½ per cent, making 25 per cent in a period of five years, for which they proposed to give a letter of credit. That letter of credit may be good or bad, depending upon the bank when that time expires. They do not give a bond for one single dollar or anything else for performance, except the guaranty that they have written in this contract that these vessels may be taken away from them, a thing that was never done before and should not be done now.

The Dollars have a line from British Columbia. They are under contract and in cooperation with the Japanese. They have a line where they own both the freight and the passenger rights from Seattle, and they are now operating this oriental line under a contract with the Shipping Board. They are diverting the traffic. They are telling the people in Seattle that instead of going to the Orient over this line, sailing out of Seattle, they will pay their way down to San Francisco and take them over their line from that point, because they can then enjoy the beauties of the Shasta route. No one, and no combination of persons, should have a monopoly of traffic across the sea from this country to the Orient. You gentlemen from the West who have been telling us of the fears that you entertain

about what may occur from the yellow race on the other side of the sea, are to-day being submitted to a combination and organization of capital that is hand-in-hand with this very yellow people that you so dread.

We are spending now, and we have been spending, all the way from \$40,000,000 to \$50,000,000 a year in paying for losses upon the American merchant marine. It is one of the best investments that we have ever made. We have been reducing it until now the question between us is as to whether it shall be \$13,900,000 or \$18,000,000. We are spending \$250,000,000 a year for the maintenance of the Navy, and without this merchant marine the Navy would not amount to anything, absolutely nothing. Yet if we are to dispose of these lines as they have been disposed of—and I expect that we are powerless because of the action of this arrogant board—we will have surrendered the greatest arm the Navy has on the Pacific Ocean.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. BEGG. Is not that exactly what the gentleman and I voted for? Did we not vote to have the Shipping Board get out of the shipping business and sell these lines to private interest? It seems to me that the gentleman's remarks, if anyone has made a mistake, ought to be directed toward the Shipping Board and not to the purchasers. The purchaser complied with the law as I understand it, and was \$500 the highest bidder. I do not see where any criticism can lie against him.

Mr. WOOD. I am devoting it to the Shipping Board, and I say now that there can not be too much said in accusation against the Shipping Board.

Mr. BEGG. Will the gentleman discuss his part of the matter, viz, whether he has changed his views as to whether we ought to dispose of the ships and turn them over to private interests or operate them as a government?

Mr. WOOD. No; I have not. They ought to be disposed of to private interests. Let me tell you what happened. There were 15 men who came here from Seattle. They told me their combined wealth is twice or three times over that of the Dollars—gentlemen here know, Members of the House, as to the truth of this—trying to act within the provision of section 7 of the merchant marine act for the disposition of these vessels, trying to buy the freighters outright, as there was more loss than on passenger vessels, and asked the privilege of a few months until they could organize to take over these other vessels—

The SPEAKER pro tempore. The gentleman has consumed 15 minutes.

Mr. WOOD. I shall take 10 additional minutes. Now, I want to say in all honor to Captain Crowley, who is the responsible head of the Emergency Fleet Corporation, that in his opinion the opportunity ought to be given to these men in order that we would carry out the law as this Congress dictated in that section 7 of the merchant marine act. There is just one man on that Shipping Board in my opinion who is entitled to more respect than anybody else there, not only because of his honesty of purpose but his patriotism as shown through years of service, and that is Admiral Benson. [Applause.] He believes this thing should not be consummated. I am told that Mr. Plummer, who is sick and away, would have voted against it had he been here, but the other four gentlemen like adamant stood up for this Dollar Line. One of these men, Mr. Teller, I will say, when he was trying to get his confirmation, admitted to Senator Jones that he was opposed to putting a monopoly of the seas in the hands of the Dollars and would vote against it. Yet he was one of the most partisan in favor of the Dollars, and this man, Hill, from Dakota, who knows perhaps the difference between a schooner and a ship, I do not know whether he does or not, his objection was that some of these gentlemen who were proposing to take over this line themselves were shippers, and shippers ought not to have anything to do with the purchase of the vessels, has no fitness for a place on this board.

Mr. BEGG. Is it not a fact that Admiral Benson has been open and aboveboard against the United States selling any ships at all—

Mr. WOOD. No—

Mr. BEGG. In other words, he is in favor of Government operation and opposed to the sale of all of them?

Mr. WOOD. No; the gentleman is mistaken.

Mr. BEGG. That is the understanding I have regarding his position.

Mr. WOOD. Yesterday morning I went down and had a conference before this board, and I tried to show them what the objection was against this proposition, and my objection has come through years of investigation we have had before this Appropriations Committee, of investigation that has come unbiased, if you please, and the facts we have gathered in ref-

erence to the maintenance of the United States merchant marine. This transaction has occurred not only against the recommendation of Mr. Crowley, whose report I am going to put in the RECORD, and which I hope every Member will read, but against the recommendation of a man by the name of Bookwalter, who they themselves sent across on the other side of the sea to investigate this thing, and he sent telegrams back here—two, I think—advising against the sale of these ships to the Dollars. The telegrams are as follows:

PORTLAND, OREG., April 10, 1926.

G. K. NICHOLS,

Emergency Fleet, Washington, D. C.:

Your wire to San Francisco telephoned me to Portland. The American Oriental Mail Line is a member of the Shipping Board conference and represents American Pioneer Line and American Oriental Mail Lines cargo boats. As a member of other conferences, they vote the Dollar Lines, American Oriental Mail Line, American Pioneer Line. This gives them dominance in various conferences at Hongkong, Shanghai, Manila, and Kobe. By the use of these votes they have been able to control the rates so that the freight ships have been compelled to quote rates similar to passenger ships, while competitors with other freight lines have been outside the conference and have quoted 10 per cent less, thereby securing the cargo. The Dollar interests take advantage of this further by sending their own privately owned freight line, operated partly under American, partly under foreign flags, to pick up this freight. As long as American Oriental Mail Line is under control of Shipping Board we can in a measure control this vote; but if this line goes under private operation, our other lines must either get out of conference or submit to control by Dollar interests. At the same time the Dollar freight boats can be used as desired. Dollar freight boats now have contract for all sugar from Philippines to San Francisco. They are also calling at north China ports in competition with Shipping Board boats operated by Oregon Oriental Line. Our bad showing in the past in my opinion is largely due to domination of Dollar interests, and believe this can be shown. A great many shippers in the Orient have expressed to me in strong terms their fear of a monopoly should Dollar interests secure the American Oriental Mail Line passenger ships, and do not hesitate to state that they will immediately use other means of transportation in order to avoid this monopoly. You know they have recently taken over the oil contract from San Francisco formerly in hands of Struthers & Barry. Further, I do not believe that the American Oriental Mail Line passenger ships have had a fair chance to show what their earnings would be under management who had no other interests than the success of this individual line, and the figures upon which they are now basing value of service and ships is not a proper basis for the sale of these ships to anybody. I strongly recommend against this sale to the Dollar interests, as it will create a monopoly inimical to our own lines and to the American merchant marine in general. No. 88.

BOOKWALTER.

SAN FRANCISCO, CALIF., April 8, 1926.

NICHOLS,

Fleet Corporation, Washington, D. C.:

Re tel. sixth American Oriental Mail Line. Recommend sale not be made for reason that due to fact that in the various conferences in the Far East the interests represented by the Dollar Co.—namely, the Dollar Steamship Co., American Oriental Mail Line, American Pioneer Line, are dominant, as they now have three votes. As long as American Oriental Mail Line is controlled by Shipping Board the Shipping Board conference can control this vote. If, however, this line passes to private control, Shipping Board loses control of conference votes. This places Oregon Oriental Line and American Far East Line, American Oriental Mail Line cargo ships through conference votes directly under control and at mercy of Dollar interests. Even now these lines are seriously handicapped. I now have complete report of this condition written out and ready to present to you, which will explain this very complicated condition in detail. By surrendering control of American Oriental Mail Line we also surrender control of all Shipping Board services operating to and from the Orient four sixty-six.

BOOKWALTER, Seattle.

It was against the protest of the chamber of commerce of the city of Seattle, which has a most vital interest in this thing. It was against the protest of the chamber of commerce of the city of Portland, Oreg.

PORTLAND, OREG., April 11, 1926.

President CROWLEY,

Emergency Fleet Corporation, Washington, D. C.

We have steadfastly opposed every monopoly move for control of Shipping Board fleet. We still believe competitive control and operation of units having sufficient strength for individual effort should be the policy of the Shipping Board and the Government. Delivering the only two cargo-passenger lines owned by the Shipping Board on the Pacific and operating to the Orient to one company would be a

violation of the antimonopoly policy. We believe this should not be permitted. For these reasons we ask the Emergency Fleet Corporation not to make the sale of the Admiral Oriental steamers to the Dollar interests, which already own and operate the Pacific Mail and a round-the-world service between San Francisco and the Orient.

PORTLAND CHAMBER OF COMMERCE.

They did it against the advice and protest of Senator Jones from the State of Washington, who has given this matter very great thought and consideration. They did it against the suggestion and advice of the chairman of the Committee on Appropriations of this House. They did it against my suggestion. They did it against the suggestion of the chairman of the Committee on the Merchant Marine and Fisheries.

Mr. McDUFFIE. I am not familiar with the transaction with the Dollar Line; but what is the position of the board? What do they say about this sale that the gentleman thinks was wrong? If it was wrong, do they offer any reasons or excuse?

Mr. WOOD. I will tell you how they excuse themselves, and the only excuse they offered yesterday morning was that they were trying to get themselves to a point where they could operate within the appropriation.

Mr. McDUFFIE. I will say to the gentleman that is one of the things I told the gentleman and the House a week or 10 days ago would result from cutting down the necessary funds. Of course, it does not excuse the board for any wrongful act, if they have done wrong. I know Captain Dollar is one of the greatest and best ship operators of this or any other age. But when you fail to appropriate money, and tell this organization that it must operate within certain very small figures, the gentleman and his party are on dangerous ground in reference to the merchant marine—indeed, you destroy it.

Mr. WOOD. The very gentlemen making that excuse had the promise of gentlemen in the Senate; they had the promise of the chairman of the Committee on Appropriations of this side; they had the assurance of the Budget and of the President of the United States—that they never would want a dollar.

It is a mere excuse, a subterfuge. And I want to say that it has just simply demonstrated the weakness of this law under which this board operates when these men, selected as they must be from different sections of the country, are selected without regard to their fitness, when they are utterly and completely unfit. Take this man O'Connor. He was a stevedore at Buffalo, and he is a stevedore now. [Laughter.] Take this man Hill. He comes from South Dakota. I have nothing to say with reference to his character, but I do not think he has any qualification for the position he now holds. You take this man Teller. He simply got his position and was confirmed under false pretenses. Now tell me, with these millions and millions of dollars in the biggest business concern in the world in the hands of these men, when there is constant contradiction and conflict between them, that the best interests of the country are going to be conserved.

Mr. BLACK of Texas. Who appointed these three men?

Mr. WOOD. Well, here is the trouble about that business. I expect the President of the United States is more abused than anybody. I do not know what is in his mind about this, but I expect that if he had looked into this thing with the interest that some of these gentlemen have manifested the same thing would have happened to him that did happen to him when he tried to take action and make an investigation of the Tariff Board, that they would come up here with a resolution to investigate him. It is a deplorable thing. It is something that you and I are responsible for, in a measure, ourselves.

Mr. BLACK of Texas. The gentleman does not contend that we are responsible for the appointment of these men?

Mr. WOOD. No; you are not responsible for some of these appointments, except we voted for a law that provides this shall be selected from different sections of the country. Some of them we inherited, but some of them are our own. It is of little consequence whether they are Democrats or Republicans. It is of much importance whether they are efficient for their jobs.

Mr. BLACK of Texas. I was not inquiring as to their politics. I wanted to know who appointed them.

Mr. McDUFFIE. Regardless of politics, does not the gentleman agree with me that such acts of the board, right or wrong, are due to the policy on the part of this Congress and the administration in dealing with this activity of the Government? Is not this action of Congress in furnishing insufficient funds practically a suggestion or invitation to these gentlemen of the board to disregard the original purposes of the shipping act, or to get rid of ships in order to meet this insufficient appropriation?

Mr. WOOD. No. It simply affords them an excuse to carry out their designs. There is no trouble about Congress

appropriating money enough to carry on this business. It may be that they can get along within the \$13,900,000. But I would not let this opportunity pass without registering my protest against what I think has been the greatest blow that has been administered to the establishment of an American merchant marine.

Mr. DAVIS. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. DAVIS. I wish to state that I agree with the gentleman from Indiana, that the Shipping Board made a very grave mistake in this matter of the Dollar Line. I think they sold the ships for less than they ought to have been sold for, and I think they ought not to have been sold to the same companies that are operating ships out of San Francisco. And then, for the further reason, and in response to the question of the gentleman from Ohio [Mr. Bege] on the subject of bids, while it is true that when the bids were first submitted the Dollar Line bid the most, yet they were opened up, as the gentleman from Indiana suggested, and by a later bid a local interest bid more than had been bid by the Dollar Line, and for that reason and for the further reason that they were local interests, they were entitled to the first chance for the purchase of the ships under the law, as the gentleman from Indiana suggests.

But I think it is nothing but fair to say that there has been a tremendous pressure brought to bear upon the Shipping Board from various sources to get rid of these ships, to get them into the hands of private interests, no matter what the sacrifice was, and perhaps they were influenced to a large degree by that pressure, and I think they were influenced and affected by a prospect of a reduced appropriation. I am advised they are proceeding to make further curtailments because of that.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. WOOD. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has 20 minutes.

Mr. DAVIS. I do not think this mistake, as I view it, was due to any fault of the law, but it was due to a disregard of the law, the Jones Act of 1920. And I think it is fair to say that not only Admiral Benson and Mr. Plummer were opposed to that sale, which had been pending for months, but also Mr. Haney, who was a representative of the Shipping Board, was opposed to it, and this action was not taken until after he got off the board. And that very fact shows the importance of maintaining regional representation. If the Northwest had still been represented on the board, the chances are very likely that this sale could have been prevented, as it was prevented when the Northwest section had a representative on the Shipping Board. In other words, three of the old members stood steadfastly against this sale, and the sale was put over by the chairman of the Shipping Board and the three most recent appointees thereon.

But in this connection and in respect to the appropriation, I want to ask the gentleman from Indiana this, and in doing so I want to say that I believe the gentleman from Indiana is sincerely in favor of maintaining an American merchant marine. His expressions and his conduct heretofore have convinced me of that fact. But now you are proposing to appropriate \$13,900,000 for the operation of 276 ships that are now in operation by the Emergency Fleet Corporation, and that \$13,900,000 also must cover all administrative expenses, salaries, and all other expenses. Now, you are providing a \$10,000,000 defense fund to take care of the ships that may come back from the purchasers. Only 43 of those ships that have been sold are in operation in the foreign trade and 22 of those are in the hands of absolutely solvent companies and are already succeeding, so there is no chance of more than 21 coming back, and there is no present prospect of that. Does not the gentleman think that \$13,900,000 for paying all of the expenses and keeping 276 ships in operation is out of all proportion to \$10,000,000 to operate 21 ships that may come back?

Mr. WOOD. I will say in answer to the gentleman that his conjecture might be correct if we were proceeding upon the old line of procedure, but they have been reducing the amount of their overhead and they have made a most commendable reduction in that respect within the last year.

Here was the great trouble about this thing: They had offices all around the world; those offices were filled with people, many of whom were just simply there for the purpose of drawing their salaries, and it was a hard job and took a long time to eliminate them. They are not all out yet, but they are still getting them out.

It may be possible to get along within the \$13,900,000. Some of these gentlemen think they can do it, but if they can not

this Congress is going to be back here and we will give them all the money they need.

The SPEAKER pro tempore. The time of the gentleman from Indiana has again expired.

Mr. CONNALLY of Texas. Mr. Speaker, I ask that the gentleman have one additional minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. I notice that Senate amendment No. 12, which struck out the limitation that the House Committee on Appropriations inserted in the bill with reference to the Federal Trade Commission's investigations—

Mr. WOOD. That comes up in connection with the vote on these amendments.

Mr. CONNALLY of Texas. No; that is in the conference report and was agreed to. The gentleman represented the views of the House so efficiently that the Senate was forced to yield. I was wondering whether the gentleman had much trouble in getting the Senate to yield.

Mr. WOOD. What is that amendment?

Mr. CONNALLY of Texas. That was the amendment which hamstrung the Federal Trade Commission.

Mr. WOOD. No; we did not have much trouble in getting the Senate to yield, because they sometimes exercise some good sense over there.

Mr. CONNALLY of Texas. The House conferees stood up valiantly for the position of the House?

Mr. WOOD. Yes; we did; we did fine and we won.

Mr. CONNALLY of Texas. And the Senate was vanquished?

Mr. WOOD. Yes. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Speaker and gentlemen of the House, I want to call the attention of the House to what I think is a fair observation about this controversy. I do not believe there can be any gainsaying the fact that the House went on record specifically in favor of the Government getting out of the shipping business just as speedily as possible, and even went so far as to lay down certain requirements that the purchasers should meet. I know I voted for that and I am still in that same position. So far as I am concerned, if we could sell the remainder of the ships as advantageously as we have made this sale, and to as responsible a seaman as Captain Dollar, I would sell them all and vote for it this afternoon.

Mr. WAINWRIGHT. Will the gentleman yield for a brief question?

Mr. BEGG. Yes.

Mr. WAINWRIGHT. Is it not a fact that this sale, which the gentleman commends, was made at about one-fourth the price of ships sold to the Munson Line on the Atlantic coast?

Mr. BEGG. I do not care and that does not enter into it. The only thing that is to be considered by this House is this: We created machinery to dispose of our merchant marine, and the only way that Congress can have in selecting the personnel is through the executive branch of the Government. I am one Congressman who is perfectly willing to abide by the actions of the men selected by President Coolidge in 99 cases out of 100, and if there is any evidence of any crooked work or any graft or anything of that kind then there is a method of procedure. But I hesitate to question the reputation of any man or corporation simply because some men feel we have not received as much money as we ought to have received. We have received an enormous price. If we could dispose of the whole merchant marine on the same favorable basis—if you will figure it over a period of 10 or 15 years—we would be doing very well, because every year we are dumping millions into the sinkhole of the merchant marine.

There is nobody in Congress or out who questions the reputation of the Dollar Steamship Company; there is nobody in Congress or out who questions their ability to operate a steamship company, and if there is anybody who questions their loyalty to American interests, I have yet to hear the question raised. I firmly believe that Captain Dollar is doing more to promote peace in the Orient than all other Government agencies combined. If there is any criticism to be made of this transaction that criticism ought to be leveled directly at the men responsible, namely, the Shipping Board. As for Admiral Benson being opposed to it and being the only man on the Shipping Board who voted against it, to me it means nothing. I do not believe Admiral Benson would deny he was open and above board in favoring Government operation of the merchant marine. That is not to his discredit; that is to his credit, that he has the courage to come out and be honest and say that if he had his way about it he would not sell a single merchant ship. But Congress has decreed that the United States is to go out of the shipping business.

It does not require a long memory to recall when the gentleman from Indiana—and this statement is not made in any critical way, because I followed him—advocated on the floor of this House a cutting of salaries in the Shipping Board because the members of that board, I believe, were paid \$35,000 at the time. Now, \$35,000 for a certain man might be too much; it might be too much for the individual who was drawing the salary, but a man big enough to operate five of those vessels on one line is worth twice \$35,000 and can command that salary in any private corporation in America.

So I think, Mr. Speaker, we ought to direct our criticism in some other direction.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. WOOD. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the adoption of the conference report.

The conference report was adopted.

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 1: On page 4 of the bill, after line 10, insert: "That the salary of the Allen Property Custodian be, and the same is hereby, fixed at the sum of \$10,000 per annum from and after July 1, 1926."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. MADDEN. Will the gentleman yield me a couple of minutes?

Mr. WOOD. Yes.

Mr. MADDEN. Mr. Speaker, I think the Allen Property Custodian under existing law will be getting \$7,500 on the 1st of July. He will be getting as much for the work performed as anybody doing like work in the Government. I do not think the fact he was a Senator at one time should have anything to do with fixing his rate of pay. I am very sorry to see the question raised here, but I realize that conferees frequently have to come back with things that are inserted by the Senate, and these conferees were in no different attitude from many others. I am opposed to the motion of my colleague on the committee to recede and concur, and I hope the House will not agree to the Senate amendment.

Mr. BYRNS. Mr. Speaker, will the gentleman from Indiana yield me three minutes?

Mr. WOOD. Yes.

Mr. BYRNS. Mr. Speaker, I simply want to concur in what the gentleman from Illinois [Mr. MADDEN] has said. I have often wondered just when Congress is going to cease raising the salaries of the higher-paid employees of the Government. I do not think I ever knew of a proposition to raise the salary of one of these higher-paid employees that is as indefensible as this proposition, and in saying that I am casting no reflection whatsoever upon the House conferees, because, as the gentleman from Illinois has said, they, of course, in conference with the Senate, must many times yield on matters which their own judgment opposes.

When the Allen Property Custodian office was first created, and at a time when gentlemen will all agree that the Allen Property Custodian had more responsibility and more duties to perform than at any time since, because at that time he had to pass upon all kinds of questions as to what property should be taken over, as to what disposition should be made of various kinds of business which was taken over throughout the country as well as its control and management of the property and business which was taken over, the salary was \$7,500. Later on that Allen Property Custodian became Attorney General and another one was appointed. Then later on at different times two former Members of this House were appointed. It was last held by the gentleman from New York, Mr. Hicks, an honored and respected and highly esteemed former Member of this House who unfortunately died in office. No one suggested that his salary should be increased from \$7,500 to \$10,000; but, he died, and then an ex-United States Senator was appointed, and at the very first opportunity the Senate proposes to increase his salary in the face of the fact that a committee is now considering an administration measure which will doubtless pass at this session, which proposes to turn back more than 90 per cent of the property now held by the Allen Property Custodian. I say it is wholly and utterly indefensible to raise this salary at this time when his responsibilities will be so greatly reduced and his duties so much less after this administration measure passes.

Mr. MADDEN. Will the gentleman from Tennessee yield?

Mr. BYRNS. Yes.

Mr. MADDEN. Before the classification act was passed, Mr. Speaker, if I may inject this into the speech of the gentleman from Tennessee, the Allen Property Custodian got \$5,000 a year. Then later on he got \$6,000, and the salary went up to \$6,500 under the average, and by reason of language placed in all the appropriation bills the average would go to \$7,500 after the first of July, and surely that is all he ought to get, because that is all anybody doing like work in the Government service is now getting.

Mr. BYRNS. I thank the gentleman from Illinois for the correction so far as the amount of salary is concerned. I was entirely in error as to the amount of the salaries of former custodians. Up until possibly two years ago it was \$6,000. Now it is \$6,500, and this proposed increase amounts to 33 1/4 per cent. The present custodian accepted it at \$6,500. He will get \$7,500 July 1. Why increase it?

Mr. SNELL. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. SNELL. Has anybody ever refused this job at the present salary provided?

Mr. BYRNS. No; not that I have ever heard of, and none will refuse, and I do not think we ought to increase the salary merely because the present occupant is a former Senator.

Mr. SNELL. I entirely agree with the gentleman. I do not think the salary ought to be increased at this time.

Mr. SCHAFER. Will the gentleman yield?

Mr. BYRNS. Yes; if I have any time remaining.

Mr. SCHAFER. Did not some of the former Allen Property Custodians get considerable more money than \$5,000 or \$6,000 of salary, according to the indictments recently returned?

Mr. BYRNS. I understand this is the charge against one of the former custodians.

Mr. WOOD. Mr. Chairman, I wish to say a word in reference to this item. I appreciate there is some substance in what the gentleman from Illinois and the gentleman from Tennessee have said, but I want to say something in defense of the action of your committee. We yielded to this upon the insistence of the Senate conferees. You know this matter of being on a conference committee is a matter of give and take. I think we got more than we lost in yielding to this proposition; but that is neither here nor there.

Some of the gentlemen who occupy these places occupy them by reason of their social position. There are men who would give \$100,000 to have a chance to occupy some unimportant position here in order to be connected with the official and social set. The one who is occupying this position, unfortunately, is a poor man. I believe you will all agree he is an honorable and a conscientious man. He has a responsibility that is far beyond the responsibility of any Cabinet officer, so far as responsibility in finance is concerned. He has \$240,000,000 or \$250,000,000 worth of property in his hands. He is devoting all his time and attention to it.

This gentleman has been an adherent of the policy advocated by Theodore Roosevelt, that we should multiply and increase our representatives on the face of the earth, and that is a pretty expensive proposition in Washington.

Mr. BYRNS. Will the gentleman yield for a question?

Mr. WOOD. Yes.

Mr. BYRNS. The gentleman referred to the amount of money under his jurisdiction. Is there not a bill now pending, which has the support of the administration and for which, I presume, the gentleman will vote, which proposes to return to the owners of this property more than 90 per cent of it?

Mr. WOOD. Absolutely.

Mr. BYRNS. Then why increase his salary?

Mr. WOOD. For this reason: That very operation in itself is freighted with more responsibility than has been charged on the gentlemen who occupied the position during the passing years that we have had an Allen Property Custodian.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. GARRETT of Tennessee. Does the gentleman think that the distribution of this property, the method of which will be defined in the act, carries more responsibility than the taking it over?

Mr. WOOD. Taking it over was a matter of police force.

Mr. GARRETT of Tennessee. In paying it out all he has to do is to draw a check.

Mr. WOOD. It is not simply drawing a check; he will be responsible in many particulars.

Mr. HOWARD. Will the gentleman yield?

Mr. WOOD. I will.

Mr. HOWARD. The gentleman from Indiana has stated that socially a great many gentlemen would pay as high as

\$100,000 for this position, and immediately after his statement another distinguished gentleman on the floor said, sotto voce, that perhaps we ought to put these places up for the highest bidder and give the Treasury the advantage of it. [Laughter.] I do not approve of anything of that kind, but I do not know; if we are to raise these salaries as proposed, I do not know but what the proposition of my friend who sits not far from me might be well worthy of consideration. [Laughter.] Nothing of the kind has ever been tried, and it might be well to adopt it.

Mr. WOOD. When is the gentleman from Nebraska going to ask his question? [Laughter.]

Mr. HOWARD. Pretty soon. [Laughter.] The question that the gentleman from Nebraska desires to ask is, Does the gentleman from Indiana know the names of some of these fellows that would care to pay \$100,000 for the position? If he does, he might get into negotiation with the gentleman from Nebraska. [Laughter.]

Mr. WOOD. If I did, it might be embarrassing to the gentleman from Nebraska.

Mr. HOWARD. I thank the gentleman for his consideration of my feelings.

Mr. WOOD. I say to you, gentlemen, that a position of this character is freighted with responsibility in comparison with other positions. They are paying us \$10,000 a year, and we are not charged with any \$200,000,000 responsibility. I say it would be consistent to pay this gentleman the same amount of money that we are being paid.

Mr. SCHAFER. Will the gentleman yield?

Mr. WOOD. I will.

Mr. SCHAFER. I am in favor of increasing the salary of this custodian. I think the custodian has had an additional responsibility placed on him in view of the fact that we are contemplating returning the property. I think the present custodian has to carefully review the activities of the administration of all the prior custodians to see that justice has been done some of the aliens whose property we have had in our custody.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Indiana to recede and concur in the amendment of the Senate.

The question was taken; and on a division (demanded by Mr. SCHAFER) there were 12 ayes and 85 noes.

So the motion was lost.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Page 7, line 9, after the word "expended," insert the following: "Provided, That the act approved February 24, 1925, shall be construed as authorizing the expenditure, by authority of the Arlington Memorial Bridge Commission, of such portion as said commission shall determine, of this or any other appropriation heretofore or hereafter made to carry out said project, for the employment, at such compensation and allowances and on such terms as said commission shall decide, of expert consultants, engineers, architects, sculptors, or artists, or firms, partnerships, or associations thereof, including the facilities, service, travel, and other expenses of their respective organizations so far as employed upon this project, in accordance with the usual customs of their several professions, without regard to the restrictions of law governing the employment, salaries, or traveling expenses of regular employees of the United States."

Mr. CONNALLY of Texas. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CONNALLY of Texas. Does the last vote have the effect of the House insisting on its disagreement to the Senate amendment?

The SPEAKER. The House further disagrees with the Senate amendment.

Mr. WOOD. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. BYRNS. Will the gentleman yield to me?

Mr. WOOD. I yield to the gentleman three minutes.

Mr. BYRNS. Mr. Speaker, I want to call the attention of the House to this particular amendment. I voted against the original authorization for a memorial bridge over the Potomac. Of course, I realize that since Congress made the authorization and decided by a large majority to build a bridge, proper appropriations should be made, but I do not believe that out of the \$14,750,000 that was authorized to build the bridge Congress ought to turn over to the Arlington Memorial Bridge Commission a sweeping authority to employ any number of architects, any number of consulting engineers, any number of

artists, any number of sculptors, and fix their salaries regardless of all law on the statute books. That is what this amendment does. It not only applies to the appropriations carried in this bill, but to all future appropriations. Let me read the Senate amendment, so that you may see exactly what it provides:

Provided, That the act approved February 24, 1925, shall be construed as authorizing the expenditure, by authority of the Arlington Memorial Bridge Commission, of such portion as said commission shall determine, of this or any other appropriation heretofore or hereafter made to carry out said project, for the employment, at such compensation and allowances, and on such terms as said commission shall decide, of expert consultants, engineers, architects, sculptors, or artists, or firms, partnerships, or associations thereof, including the facilities, service, travel, and other expenses of their respective organizations so far as employed upon this project, in accordance with the usual customs of their several professions, without regard to the restrictions of law governing the employment, salaries, or traveling expenses of regular employees of the United States.

I never read an amendment which was as broad in its scope as this particular amendment. It gives to the Arlington Memorial Bridge Commission the absolute right, not only out of this appropriation but any appropriation that may be made hereafter, to employ any number of consulting engineers, any number of sculptors, any number of artists, any number of architects or firms or associations or partnerships, and fix their salaries, and also make allowances for them, without regard to the present laws governing such employments. This amendment was evidently framed to get around a disagreement that arose between the efficient Comptroller General and this bridge commission, which wanted to go outside of the law and employ certain persons, and to which the Comptroller General properly objected.

Mr. OLIVER of Alabama. Mr. Speaker, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. OLIVER of Alabama. And to concur in this amendment would be wholly inconsistent with the vote just taken by the House in refusing to increase the salary of a very important official to \$10,000 a year.

Mr. BYRNS. Absolutely. We are here giving them the right to pay \$50 a day or \$100 a day, or even \$500 a day, and the Congress has no right to interpose an objection. They can do it by a salary, or if they do not want to do it by a salary then they can fix a salary and make allowances. What do "allowances" mean? They may mean hotel bills or traveling expenses or any one of a thousand things. I do not think Congress wants to go that far. I think Congress wants that bridge built down there, as it said in its vote authorizing its construction, but I do not think you want to take out of the Public Treasury the money belonging to the people and pay any great sum of it to these extra artists and sculptors and consulting engineers, who will probably besiege the commission for employment, when we already have plenty of engineers in the Army and a Supervising Architect and other employees of the Government who can perform that work.

Mr. BLACK of Texas. And the adoption of this amendment is almost certain to cost the Government a great deal more money than if we had adopted the one which we just voted down.

Mr. BYRNS. There is no doubt about that. The adoption of this amendment will run into thousands of dollars for the employment of a lot of doubtful and, in many instances, unnecessary employees.

Mr. WOOD. Mr. Speaker, the gentleman from Tennessee [Mr. BYRNS] has gotten started off on the wrong foot. The purpose of this amendment is to save money and not to spend money. The gentleman said he never saw anything like it in his life, yet he voted for it in the case of the Soldiers' Battle Monument Commission; the same thing exactly is in that appropriation with reference to that.

Mr. BYRNS. What memorial is that?

Mr. WOOD. The battle monuments that we are putting up in France.

Mr. BYRNS. Where only a few hundred thousand dollars are appropriated, and here we have \$14,750,000.

Mr. WOOD. We have \$3,000,000 appropriated to commence on in this battle-monument project, and I do not know where that will stop or where this present one will stop, but the gentlemen who appeared before our committee, and the gentlemen who appeared on the other side of the Capitol, told us that this would be the means whereby money could be saved. There is a code of ethics among these architects and engineers where if they enter into a competition they can not render their services except in compliance with a certain schedule of

fees. If this amendment is adopted, they say they can save money instead of having to submit to this schedule of prices. I think the intention of the gentlemen is quite honest, and I think this will save money.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield? Mr. WOOD. Yes.

Mr. BANKHEAD. The gentleman has presented an analogy between this amendment and that with reference to the authorization for the Soldiers' Battle Monument Commission in Europe. I think it will be apparent to the gentleman that an entirely different situation is presented, for the reason that the activities of the first commission relate entirely with reference to foreign affairs, where the whole situation will be different.

Mr. WOOD. Oh, the gentleman is wrong with reference to that. So far as the activities in respect to the Soldiers' Battle Monument Commission are concerned, 99 per cent of them are here. The mere execution is over there. The adoption of plans, the construction, and everything of that character are all here, and the engineers and architects have it all to do on this side. All we have to do over there is to set up the monuments after they are completed.

Mr. BANKHEAD. And the money is appropriated for that purpose.

Mr. WOOD. We have already appropriated \$3,000,000.

Mr. BANKHEAD. And this Battle Monuments Commission has jurisdiction over the expenditure of \$3,000,000?

Mr. WOOD. Yes.

Mr. BANKHEAD. I regret that the attention of the House was not called to the authority given under that amendment at the time.

Mr. WOOD. I think it was a wise provision and I think this is a wise provision.

Mr. BYRNS. But does not the gentleman think that there should be some limitation? Here is an amendment to provide for not only unlimited numbers of expensive experts and salaries, but the Senate has actually added to the word "salaries" the word "allowances," and then the amendment provides for traveling expenses, and so forth, showing that something else is contemplated than traveling expenses when they use the word "allowances." Does not the gentleman think that before he moves to recede and concur there ought to be some limitation placed on this amendment which would limit the number that can be employed and also limit the amount of salaries that may be paid, as Congress has always done, unless it be in the exception to which the gentleman refers?

Mr. WOOD. But Congress has not always done it.

Mr. BYRNS. The gentleman has referred to only one case, and I know of no other.

Mr. WOOD. For instance, they may want some ornamentation. If they have to resort to the law, it might cost them thousands of dollars, where they might offer an incentive to architects and engineers in an opportunity to submit plans and bids and it would not cost them anything.

Mr. BYRNS. But I submit that could be very easily provided for without opening the doors of the Treasury to this Arlington Bridge Commission to spend all the money if they desired to do so for a big corps of high-priced experts.

Mr. WOOD. We are appropriating millions of dollars every year depending upon the faith of those who have to do with the spending of the appropriation. There has been selected a commission of high-minded gentlemen by the Speaker of this House and by the Vice President of the United States, and if we have faith and believe in them we will not go far amiss.

Mr. BYRNS. I do not mean to reflect on any members of the commission. I do not know who they are, but I do think that Congress, which is supposed to guard the Treasury of the people, should put a certain limitation and restriction on this amendment, so that the commission, whether the present or one to succeed it in the future, will not use the appropriation in the employment of unnecessary high-priced sculptors, artists, and so forth. This money will be spent and supervision will be had not by the commission but by some representative chosen for that purpose.

Mr. WOOD. I want to call the attention of the gentleman as to the personnel of this commission, and if we can not have faith in them we had better quit. The members of the commission are the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the chairmen of the Committees on Public Grounds of the Senate and House of Representatives. This is not an ordinary transaction. It is different from any appropriation we have ever made. It can only be comparable with the appropriations that we made, in my opinion, for the construction of the memorial monument, and to my mind we are going to save money under the ruling of the Comptroller General if we adopt this amendment rather than enlarge the spending of it.

It was the proposal, I know, of those who feel that they were in the right about the thing, and it would be a money saver rather than a money spender; so this House can decide for itself.

Mr. OLIVER of Alabama. If the gentleman will permit, does the gentleman understand the authority which this amendment would confer would be alone on the condition that the authority would be exercised by that commission—

Mr. WOOD. Yes.

Mr. OLIVER of Alabama. And that it would not authorize them to delegate that authority to others?

Mr. WOOD. No, sir; not in the least.

The SPEAKER. The question is on the motion of the gentleman from Indiana to recede and concur in the Senate amendment.

The question was taken, and the Speaker announced the yeas seemed to have it.

On a division (demanded by Mr. Wood) there were—ayes 34, yeas 44.

Mr. WOOD. Mr. Speaker, I dispute the vote and make the point of order there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members. The question is on the motion of the gentleman from Indiana that the House recede and concur in the amendment. The Clerk will call the roll.

The question was taken; and there were—yeas 128, nays 160, not voting 143, as follows:

[Roll No. 75]

YEAS—128

Ackerman	Cooper, Ohio	Hudson
Adkins	Cooper, Wis.	Hull, Morton D.
Allen	Coyle	Hull, William E.
Andersen	Crowther	Jenkins
Andrew	Crumacker	Johnson, Ind.
Arentz	Cullen	Kahn
Bachmann	Darrow	Klefer
Bacon	Davenport	Kindred
Bailey	Deal	Knutson
Beers	Dempsey	Kopp
Begg	Dowell	Lazaro
Bixler	Dyer	Leatherwood
Black, N. Y.	Elliot	Lehlbach
Bland	Ellis	Letts
Bloom	Esterly	Luce
Bowles	Fairchild	McLaughlin, Mich.
Bowman	Faust	McLeod
Boylan	Fenn	Magee, N. Y.
Brigham	Fitzgerald, Roy G.	Merritt
Browne	Fitzgerald, W. T.	Miller
Brumm	Furlow	Mills
Burdick	Gibson	Montague
Burton	Gifford	Montgomery
Carew	Griest	Moore, Va.
Carpenter	Hadley	Nelson, Me.
Carter, Calif.	Hall, Ind.	Newton, Minn.
Chalmers	Hardy	Parker
Chidblom	Hawley	Peery
Clague	Hersey	Perkins
Cole	Hickey	Porter
Colton	Holaday	Ramseyer
Connally, Tex.	Hooper	Rathbone

NAYS—160

Allgood	Evans	Little
Almon	Fisher	Lowrey
Arnold	Fletcher	Lozier
Aswell	French	McClintle
Ayres	Fulmer	McDuffie
Bankhead	Gambrill	McFadden
Barbour	Gardner, Ind.	McKeown
Beck	Garrett, Tenn.	McLaughlin, Nebr.
Bell	Gasque	McMillan
Berger	Gilbert	McReynolds
Black, Tex.	Goldsbrough	McSwain
Blanton	Goodwin	McSweeney
Bowling	Green, Fla.	Madden
Box	Hall, N. Dak.	Major
Brand, Ga.	Hammer	Manlove
Briggs	Hare	Mapes
Browning	Hastings	Martin, La.
Buchanan	Hayden	Milligan
Bulwinkle	Hill, Ala.	Mooney
Burtress	Hill, Md.	Moore, Ky.
Bushy	Hill, Wash.	Moore, Ohio
Byrns	Hoch	Morehead
Canfield	Hogg	Morrow
Cannon	Howard	Nelson, Mo.
Caras	Huddleston	O'Connell, R. I.
Carter, Okla.	Hudspeth	O'Connor, La.
Collier	Hull, Tenn.	Oldfield
Collins	Jacobstein	Oliver, Ala.
Cramton	Johnson, Tex.	Oliver, N. Y.
Crisp	Johnson, Wash.	Parks
Crosser	Jones	Peavey
Davis	Kemp	Quin
Dickinson, Iowa	Kincheloe	Ragon
Dickinson, Mo.	King	Raney
Dominick	Kirk	Rankin
Doughton	Lanham	Rayburn
Drane	Lankford	Reed, Ark.
Driver	Larsen	Robinson, Iowa
Edwards	Lea, Calif.	Robison, Ky.
Ellick	Leavitt	Rouse

NOT VOTING—143

Abernethy	Freeman	LaGuardia
Aldrich	Frothingham	Lampert
Anthony	Fuller	Lee, Ga.
Appleby	Funk	Lindsay
Auf der Heide	Gallivan	Linberger
Bacharach	Garber	Linthicum
Barkeley	Garner, Tex.	Lyon
Beedy	Garrett, Tex.	MacGregor
Boles	Glynn	Magee, Pa.
Brand, Ohio	Golder	Magrady
Britten	Gorman	Mansfield
Butler	Graham	Martin, Mass.
Campbell	Green, Iowa	Mead
Celler	Greenwood	Menges
Chapman	Griffin	Michaelson
Christopherson	Hale	Michener
Cleary	Harrison	Morgan
Connery	Haugen	Morin
Connolly, Pa.	Hawes	Murphy
Corning	Houston	Nelson, Wis.
Cox	Irwin	Newton, Mo.
Curry	James	Norton
Davey	Jeffers	O'Connell, N. Y.
Denison	Johnson, Ill.	O'Connor, N. Y.
Dickstein	Johnson, Ky.	Patterson
Douglass	Johnson, S. Dak.	Perlman
Doyle	Kearns	Phillips
Drewry	Keller	Pou
Eaton	Kelly	Prall
Fish	Kendall	Pratt
Flaherty	Kerr	Purnell
Fort	Ketcham	Quayle
Foss	Kloss	Ransley
Frear	Kuns	Reid, Ill.
Fredericks	Kurtz	Rogers
Free	Kvale	Romjue

So the motion was rejected.

The Clerk announced the following additional pairs: Until further notice:

Mr. Sweet with Mr. Garner of Texas.
 Mr. Bacharach with Mr. Tydings.
 Mr. Eaton with Mr. Wingo.
 Mr. Butler with Mr. Kunz.
 Mr. Free with Mr. Linthicum.
 Mr. Hale with Mrs. Norton.
 Mr. Sprout of Illinois with Mr. Prall.
 Mr. Purnell with Mr. Stedman.
 Mr. Reid of Illinois with Mr. Taylor of Colorado.
 Mr. Shreve with Mr. Corning.
 Mr. Newton of Missouri with Mr. Tucker.
 Mr. Michener with Mr. Abernethy.
 Mr. Kendall with Mr. Weller.
 Mr. Johnson of South Dakota with Mr. Garrett of Texas.
 Mr. Wyant with Mr. Douglass.
 Mr. Boies with Mr. Wright.
 Mr. Freeman with Mr. Johnson of Kentucky.
 Mr. Morin with Mr. Connery.
 Mr. Frothingham with Mr. Lyon.
 Mr. Murphy with Mr. O'Connor of New York.
 Mr. Kurtz with Mr. Romjue.
 Mr. Brand of Ohio with Mr. Mansfield.
 Mr. Britten with Mr. Greenwood.
 Mr. Fort with Mr. Kerr.
 Mr. Golder with Mr. Dickstein.
 Mr. Fuller with Mr. Sabath.
 Mr. French with Mr. Fox.
 Mr. Aldrich with Mr. Cox.
 Mr. Christopherson with Mr. Voigt.
 Mr. Sosnowski with Mr. Kvale.
 Mr. Phillips with Mr. Frear.
 Mr. Smith with Mr. LaGuardia.
 Mr. Perlman with Mr. Lampert.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Page 14, line 21, after the word "periodicals" insert: "Payment in advance for subscriptions to newspapers not to exceed \$50 per annum."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur in the Senate amendment. I hope the gentleman from Tennessee will not have any objection to this.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Page 15, after line 3 insert:

"FEDERAL OIL CONSERVATION BOARD

"The appropriation of \$50,000 made in the first deficiency act, approved January 20, 1925, for the 'Federal Oil Conservation Board, 1925 and 1926,' shall remain available until June 30, 1927."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur in this amendment.

The question was taken and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Page 25, after line 15 insert: "For all necessary expenses incident to moving various Government departments, bureaus, divisions, and

independent establishments and parts thereof from one building to another or moved within a building in the District of Columbia in connection with the assignment, allocation, transfer, and survey of space, including the removal and erection of building partitions, including personal services, without reference to civil-service rules, at rates of pay fixed and determined by the commission and without reference to the classification act of 1923: *Provided*, That the money herein appropriated may be used for reimbursing the Government departments, bureaus, divisions, independent establishments, and offices for actual expenses incurred by them in complying with the orders of the commission; to be expended on vouchers signed by the chairman of the commission, to be available immediately, and to remain available until expended, \$250,000."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur in Senate amendment No. 14.

Mr. BYRNS. I would like to ask the gentleman from Indiana just what changes do they contemplate making in the way of bureau and establishments? I think the House would like to have a little information on that subject.

Mr. WOOD. I will state to the gentleman that this amendment was put on the bill as a Senate amendment at the suggestion of Senator Smoot, who is at the head of the committee on official designations. His committee has had a survey made, and that committee is of opinion that by a readjustment of space they can save the United States Government more than the amount of money covered by this appropriation every year. Upon that representation made and upon the insistence of Senator Smoot—

My BYRNS. I noticed from the newspapers the other day that it was proposed to move the Pension Bureau from its present quarters up to the Interior Department Building.

Mr. WOOD. That is one of the recommendations.

Mr. BYRNS. Does the gentleman know of any other establishment to be moved?

Mr. WOOD. The Compensation Board is to be moved. Here is the trouble with these various administrative bureaus and departments: They are scattered all over the city of Washington. They are not related, and in consequence of their division it costs a great deal of money. The Pension Bureau is now under the Secretary of the Interior, as the gentleman knows. That is one of the largest items of saving in this calculation.

Mr. BYRNS. I am not questioning the advisability of making these changes, because I am satisfied they will not be made unless money is saved. What occurred to me was that a quarter of a million dollars is a whole lot of money to be spent in moving bureaus from one building to another. That is a whole lot of money to be used for such a purpose.

Mr. WOOD. I will say to the gentleman from Tennessee that it also struck me that \$250,000 was a lot of money to be spent in moving, but when I took into consideration the number of these activities that we have here and the trouble involved in effecting their removal, I was satisfied that it was necessary.

Mr. BYRNS. If the gentleman feels that that is not too much, I shall not object.

Mr. WOOD. I believe the gentleman from Tennessee realizes that Senator Smoot has given this question perhaps more attention and study than anybody else. He thinks this ought to be done, and I am relying largely on his judgment.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. AYRES. Were there any hearings on this proposition as to whether there would be any particular saving in moving the Pension Bureau to the old Interior Department Building? And for what purposes is the Pension Building to be used hereafter?

Mr. WOOD. There were no hearings before the House committee, but there were hearings before the Senate committee. They were very brief, but very pointed.

Mr. AYRES. Is there anything to show for just what purpose the old Pension Building is to be used?

Mr. BYRNS. Yes. Those things are all pointed out in the hearings. The very purpose of this consolidation is to get these activities together as near as possible. Take, for example, the General Accounting Office. It is lodged in some 40 different buildings in the city of Washington.

Mr. HUDSON. Mr. Speaker, perhaps the information that is now being imparted is valuable to these two gentlemen, but I submit that the rest of the House would like to have some information.

Mr. AYRES. I am perfectly willing for the rest of the House to hear it. They ought to hear. I am still not satisfied that it is necessary. Or, in other words, I am not satisfied that it is a saving to move the old Pension Bureau at this time down to the Interior Building. That is what this vote will do. It will do

it. At the present time they have not any too much room for taking care of the pension business of this country. As I understand it, there will be less room given them if they move into the Interior Department Building than they have in the present Pension Bureau Building. I do not think it is a saving to spend \$250,000 to move the Pension Bureau into the Interior Department building.

Mr. ARENTZ. What are we going to use the Pension Building for when they have moved?

Mr. AYRES. That is what I was asking of the gentleman from Indiana.

Mr. WOOD. We have what is known as the Public Buildings Committee. The function of that committee is to try to conserve space for the public activities. This committee has made a survey of the public buildings and the possibilities of the conservation of space. This proposal is the result of that survey. One of the main items is to remove the Pension Office into the Department of the Interior Building, one of the biggest buildings that we have; to take a lot of these rag-tag and bob-tailed activities that they have in the Department of the Interior and consolidate them down in the Pension Office Building. The gentlemen who are charged with this responsibility have told us that it would result in a saving in one year of practically as much as the amount of this appropriation.

I want to call the attention of gentlemen now to this fact, that one of the most important offices that we have is the General Comptroller's office. That has lodgement in 40 different houses in the city of Washington, with a constant mix up. One of the purposes is sometime to take and get these different activities somewhere near the center of their seat of action. This is the beginning of that proposition. We have passed here a public buildings bill, the purpose of which is to build some additional public buildings in the city of Washington.

Senator Smoot has been at the head of this commission for a long time, and has been conscientiously trying to concentrate these things so that when a man wants to find some place he will know where to go. If you were to start out to find something with reference to a particular matter concerning the Internal Revenue Bureau you would probably have to go to 15 different places.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. CARTER of Oklahoma. We all realize that, and we are all in sympathy with the gentleman; at least I am. I always want to support the gentleman, because he does some very splendid work on the Appropriations Committee. But does it not occur to the gentleman that \$250,000 for moving bureaus is an absolutely ridiculous proposition?

Mr. WOOD. I will say to the gentleman, as I said to the gentleman from Tennessee a while ago, that at first blush it seemed to me as though \$250,000 was a very great amount of money to move these bureaus. It would not cost the gentleman from Oklahoma or myself anything like that to move our effects.

Mr. CARTER of Oklahoma. I will move away from everything I have for 1 per cent of that.

Mr. WOOD. But the gentleman from Oklahoma should realize that there are more than 100 different places involved in this proposed reorganization and which will have to be moved. If it does not cost \$250,000, it will not be spent, but it may, and in all probability will, cost more.

Mr. CARTER of Oklahoma. Can the gentleman give specific information as to what bureaus will be moved under this \$250,000, so that the House may form some idea as to whether it is an extravagant or economical proposition?

Mr. WOOD. I will say the information we have is that it will save us more money in one year than the entire cost of this removal, and we get that information from gentlemen upon whom we must rely.

Mr. CARTER of Oklahoma. Of course, that is a conclusion and not any information about the subject upon which we can form an opinion. I repeat that it appears to me \$250,000 for moving a few bureaus is absolutely ridiculous.

Mr. LOZIER. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. LOZIER. I understand that the Pension Bureau is opposed to this removal on this ground: The personnel of the Pension Bureau amounts to about 820; the Pension Building is made up of large rooms, and in those rooms a unit or a particular branch of the bureau can be lodged. The head of the largest unit in the Pension Bureau told me this morning that he has 120 employees in his unit. He said:

Every one of them is in my sight, and I can oversee them every minute. If they put us down in the Interior Department Building, with a lot of small rooms, all separated, we never would be able to

know what is going on, and it would increase the expense and reduce the efficiency.

I am wondering whether or not this matter has been definitely determined upon.

Mr. WOOD. I will say to the gentleman from Missouri that I think it has been. Of course, I realize this, and the gentleman must know, by reason of his experience, that the various activities in this town do not want to be disturbed. They desire to be let alone. There are two things I have found that every bureau in this Government is prompted by. One is to get as many people as they can under their supervision and the second is to do as little work as possible. Now, this commission has determined that this action is in the interest of economy, and I think it ought to have the respect of this House. It is a joint commission made up of Members of this House and the Senate. We are constantly being urged to find more room and more room. We built a whole lot of temporary buildings during the war, and which we felt were only necessary to supply the emergencies of the war. We built the Army Building in the Mall and made it permanent in character, because we expected it would take about 10 years after the close of the war to close up the odds and ends of the war, yet this thing has resulted: All of those temporary buildings, or most of them, are still being occupied, and we are still being pressed for more room by reason of the expansion of our Government, whether necessary or unnecessary. The two buildings in the Mall which we built of a more permanent character were supposed to have been torn down in 10 years. It will soon be 10 years after the close of the war, and yet those buildings will stand for 100 years, in my opinion, notwithstanding the judgment of the gentlemen who think they are a blot on the artistic effect of the city.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana to recede and concur.

The motion was agreed to.

FEDERAL AID IN ROAD CONSTRUCTION

Mr. RAMSEYER. Mr. Speaker, I call up House Resolution 174.

The SPEAKER. The gentleman from Iowa calls up a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 174

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9504) entitled "A bill to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes." After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled between the chairman and ranking minority member of the Committee on Roads, the bill shall be read for amendment under the five-minute rule. After such reading has been completed the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and all amendments thereto to final passage.

Mr. RAMSEYER. I would like to see whether we can agree on time. How much time does the gentleman from Alabama want on his side?

Mr. BANKHEAD. On the rule?

Mr. RAMSEYER. Yes.

Mr. BANKHEAD. I will not ask for more than 20 minutes, and probably will not consume that much time.

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to limit debate on the rule to 40 minutes, one-half to be controlled by the gentleman from Alabama [Mr. BANKHEAD] and one-half by myself, and at the close of debate that the previous question shall be considered as ordered.

The SPEAKER. The gentleman from Iowa asks unanimous consent that debate on this resolution be limited to 40 minutes, one-half to be controlled by himself and one-half by the gentleman from Alabama [Mr. BANKHEAD], and that at the conclusion of debate the previous question shall be considered as ordered. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, is the gentleman going to finish this evening? It is now 5 o'clock.

Mr. RAMSEYER. As far as the gentleman from Iowa is concerned, he is ready to go ahead and dispose of the rule. Of course, he is subject to the will of the House.

Mr. BLANTON. The rule is still good in the morning. You are not going to have 40 minutes debate to-night, are you?

Mr. RAMSEYER. We will go along as long as we can. It is not 5 o'clock now.

Mr. BLANTON. We are a month ahead of the Senate right now. What is the use of working so late.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. RAMSEYER. Mr. Speaker and gentlemen of the House, personally I only desire to take up a few minutes to explain the purpose of the rule. The rule calls up what is commonly called the Dowell road bill and makes that bill in order. It provides for four hours of general debate in the Committee of the Whole House, one-half to be controlled by the chairman of the committee and the other half by the ranking minority member on the committee. After the general debate is concluded it is taken up under the five-minute rule. Then it is reported back to the House and the previous question is considered ordered.

The Dowell road bill is H. R. 9504. It authorizes the continuation of the appropriation for the road-building program for two years, the fiscal year ending June 30, 1928, and the fiscal year ending June 30, 1929, and authorizes an appropriation for each of those years of \$75,000,000.

This is what is being done now and has been done for a number of years. That is, under the law of 1916. That law, as many of you will recall, is known as the Shackleford good roads law, former Representative Shackleford, of Missouri, being the then chairman of the newly created Committee on Roads.

The bill provides for the forest trails \$7,500,000 yearly for two years; that is, for the fiscal year ending June 30, 1928, and the fiscal year ending June 30, 1929.

This is one of those Federal-aid projects. Since I have been in Congress I have never been very enthusiastic for the extension of Federal aid, but this particular Federal aid, I think, has amply justified itself. It is not new; in fact, Federal aid of this kind has been used ever since the foundation of the Government. The Government has made appropriations for and has encouraged the building of highways for transportation, river improvement, harbor improvement, and the building of canals, and the building of highways. Then during the railroad-building era the Government in many ways appropriated hundreds of millions of dollars, and not only the Federal Government but the State governments and the local governments, to encourage the building of railroads. Local communities taxed themselves and bonded themselves to get railroads.

Governor Larrabee, of Iowa, who was governor of our State from 1886 to 1890, was one of the pioneers in the movement to regulate the railroads and railroad rates. He wrote a book on railroads which I read about 25 years ago. In this book he made the statement that the land grants to the railroads from the Federal Government and the various State governments aggregated in area the States of Iowa, Illinois, Indiana, Ohio, Michigan, and Wisconsin.

I am simply calling your attention to this to assure you that Federal aid to help highway construction is nothing new. Aid in road building has been the established policy of the Government since its foundation, and in addition to providing highways for transportation it is also in aid of the building of post roads.

Mr. CONNALLY of Texas. Will the gentleman yield for a question?

Mr. RAMSEYER. Yes.

Mr. CONNALLY of Texas. As I understand it, this bill does not change the basic law, but simply provides an authorization for two years.

Mr. RAMSEYER. It extends it for two years more.

Mr. CONNALLY of Texas. And it does not amend the basic law?

Mr. RAMSEYER. Not at all.

Mr. Speaker, I reserve the balance of my time.

Mr. BANKHEAD. Mr. Speaker and gentlemen of the House, as has been stated by the gentleman from Iowa, the resolution which is now presented comes before you with a unanimous report from the Committee on Rules. It is also rather significant for a bill carrying this tremendous amount of authorization that the bill from the Committee on Rules also comes to the House with a unanimous report from that committee.

I think it is rather significant for the reason it indicates upon the part of the membership of the House a crystallization of sentiment and of opinion very largely in support of this governmental policy of Federal aid to our highways.

This is a comparatively new proposition in Federal policies. The question of Federal aid for highways is a matter that

has only been up for consideration in the public mind in a legislative way since about 1907, and the original bill recognizing this principle and authorizing any substantial appropriation for that purpose was only passed by the Congress in 1916. There was originally, of course, a considerable amount of opposition in Congress and out of it to the recognition of this principle of Federal aid for highways.

I think that it is also significant to the growth of public opinion in favor of the proposition, as shown by the report of the Committee on Roads in support of this bill, that the following great organizations composing the elements of public opinion presented their views to the committee in support of the continuation of this policy with ample appropriations. The American Association, the State highway officials, the American Automobile Association, the American Bankers' Association, the American Farm Bureau Federation, the American Federation of Labor, the National Grange, the American Roadbuilders' Association, the National Automobile Chamber of Commerce, and the Chamber of Commerce of the United States.

I dare say that there could not be secured in support of any governmental proposition upon which there was any element of opposition a similar amount of support and indorsement represented by as many great civic and industrial organizations as are recorded in favor of this bill.

Gentlemen, I venture to assert that there is no appropriation made out of the Federal Treasury that is of more real economic benefit and of greater popularity among the people than that provided for in the extension of Federal aid to highways.

There is reason for that. The reason is that this appropriation, wherever it has been the established policy, is not a theoretical proposition, but is a practical proposition; one that brings the substantial benefits of the Government directly to the front doors of the people of the country even in its isolated rural communities.

They not only get the economical benefits from a commercial aspect, but, as I regard it, one of the greatest benefits that come to the masses of the people; the one that has made it so popular among all branches of our people is the fact that it made possible the dissemination of intelligence and information to them—the cultural benefits, the social benefits as exhibited in church gatherings, and the adaptability of the existing system of education, and a number of other lines that I could suggest.

As I was thinking over the problem to-day it seemed to me that one of the great outstanding benefits that has come to the masses of the people of this country is that it affords an opportunity to have brought to their front doors and delivered to them not only the great daily papers of the country but the magazines, the county papers, the farm papers, the labor papers, and all mediums of knowledge to which they wish to subscribe.

Gentleman, it is important in any theory of our Government to have a quick and enlightened public opinion, and an intelligent public opinion must be based necessarily on the facts relating to any particular proposition. So it is with great gratification that I present my humble views in support of this rule and in support of a continuation of this policy.

Some gentlemen seem to have an opinion in some quarters that we have about reached the time when we can abandon appropriations out of the Treasury for the improvement of our highway system. For one I do not accept that view. I believe that the benefits have been so great, and the field in many sections of the country has been so exploited with large highway systems, that for a long number of years the Congress of the United States will be called upon to make a substantial appropriation for this great system. [Applause.]

I think that the people of this country, for the reasons that I have in a limited way suggested, are going to continue by expression of their opinion to instruct their representatives in the House and Senate to continue this appropriation in a substantial sum, not an extravagant sum, until ultimately, as far as our rural transportation facilities are concerned, we will almost reach the ideal system where there will be no section of the country so remote or isolated but that the dwellers and the producers there will have afforded to them and their children the benefits of this great arterial system of communication. [Applause.]

Mr. ARENTZ. Does not the gentleman think that in order to do this it would be necessary to amend this law a little in order to divert some of the funds from the arterial highways to the highways through the countryside that he speaks of?

Mr. BANKHEAD. That is a matter of administration, a matter of detail, and as the system progresses in its development that must be worked out by a meeting of the minds between the Federal and the State authorities. I agree with my

friend that that is one of the big problems that he has to meet in his section as well as in my own.

Mr. SUMMERS of Washington. And under the general law that we enacted some four or five years ago there is a definite division, of course, of these funds, the 4 per cent, the 3 per cent, and the 7 per cent highways of the States, so that it does carry the funds to the countryside to a very large extent.

Mr. LOZIER. And is not one of the most wholesome effects of good road legislation and appropriations the unification of the American people, enabling different sections of the Nation to get acquainted with other sections, and creating an era of good feeling and understanding between the respective portions of the United States?

Mr. BANKHEAD. Undoubtedly that is so, and that is covered, as has been suggested, by its cultural as well as its fraternal aspects.

Mr. McDUFFIE. And another very wholesome effect of the building of good roads is the solving of the problem of making farm life attractive, as the gentleman has already said, and thereby preventing the great influx of our people into congested centers, having them remain on the farm satisfied and contented.

Mr. BANKHEAD. I agree with my friend from Alabama that that is entirely true.

Mr. BLANTON. Is not one of the most valuable assets to the rural population the fact that good roads have brought markets closer to farms? They are not so dependent upon the railroads. The farmers and the stockmen in my country are using trucks to carry their calves and yearlings and even grown stock to market 150 miles away.

Mr. BANKHEAD. Not only is what the gentleman says true but what all of these other gentlemen have said, and these various suggestions indicate the composite strength and all of the material advantages bound up in this great system of Federal highways.

Mr. LOWREY. I think the gentleman is very gracious in permitting all of us to make up his speech, but I think the gentleman has omitted one very important item and that is that the consolidation of the rural schools has depended upon the development of the highways. In my State the estimate of the education department is that we have so far done away with the little one-teacher school and that 70 per cent of our pupils are now in the graded consolidated schools, and all along by the country highways are the large school buildings, with auditoriums and a half dozen classrooms, with all the advantages of a high-grade school.

Mr. BANKHEAD. That is all very true and a very important feature. In conclusion, Mr. Speaker, I spoke a moment ago about an enlightened public opinion. That, of course, is very largely dependent upon the press of the country. I think it is due to the press of the country, not only the great city dailies, but the little county papers and the magazines and other trade journals, to say that very largely through their persistent and continuous advocacy of this system has it reached its great popularity with the people and with the Congress of the United States. At the risk of being just a little bit sentimental upon this question of the press, and as a tribute to their great service in this great work, I am going to take the liberty, during the few minutes I have left, of reading into the RECORD an apostrophe, if one may call it such, to the printing press, by Mr. Robert H. Davis:

I AM THE PRINTING PRESS

I am the printing press, born of mother earth. My heart is of steel, my limbs are of iron, and my fingers are of brass. I sing the songs of the world, the oratorios of history, the symphonies of all time. I am the voice of to-day, the herald of to-morrow. I weave into the warp of the past the woof of the future. I tell the stories of peace and war alike. I make the human heart beat with passion and tenderness. I stir the pulse of nations and make men do braver deeds and soldiers die. I inspire the midnight toiler, weary at his loom, to lift his head again and gaze, with fearlessness, into the vast beyond, seeking the consolation of a hope eternal. When I speak a million people listen to my voice. The Saxon, the Latin, the Celt, the Hun, the Slav, the Hindu, all comprehend me. I cry the joys and sorrows every hour. I fill the dullard's mind with thoughts uplifting. I am light, knowledge, power. I epitomize the conquests of mind over matter. I am the record of all things mankind has achieved. My offspring comes to you in the candle's glow, amid the dim lamps of poverty, the splendor of riches; at sunrise, at high noon, and in the waning evening. I am the laughter and the tears of the world, and I shall never die until all things return to the immutable dust. I am the printing press.

[Applause.]

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

INTERNATIONAL SANITARY CONFERENCE (H. R. DOC. NO. 316)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Foreign Affairs and ordered printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State concerning the request made by the Secretary of the Treasury that an appropriation of \$2,500 be obtained from Congress for the expenses, as itemized in the report, of three delegates of the United States to the International Sanitary Conference, which is to meet at Paris on May 10, 1926, for the purpose of revising the International Sanitary Convention of 1912.

I ask of Congress legislation that will authorize the appropriation of this moderate amount for the purpose stated, and the inclusion of the appropriation in the next deficiency act for the fiscal year 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE, April 15, 1926.

FOREIGN SERVICE RETIREMENT SYSTEM (H. R. DOC. NO. 317)

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Foreign Affairs and ordered printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State showing all receipts and disbursements on account of refunds, allowances, and annuities, for the fiscal year ended June 30, 1925, in connection with the foreign service retirement and disability system, as required by section 18 (a) of an act for the reorganization and improvement of the foreign service of the United States, and for other purposes, approved May 24, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, April 15, 1926.

EXTENSION OF REMARKS

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a statement I made this morning before the Committee on the Judiciary of the Senate.

The SPEAKER. Is there objection?

Mr. DOWELL. Mr. Speaker, I object.

SUBMARINE CABLE ACROSS ST. LOUIS RIVER—PIER AT REHOBOTH BEACH

Mr. BURTNESS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7455) to legalize the submarine cable laid in the St. Louis River at the Spirit Lake Transfer Railway drawbridge, between New Duluth, Minn., and Oliver, Wis., and used for the lighting of the village of Oliver, Wis., and the bill (H. R. 5012) to legalize a pier into the Atlantic Ocean at the foot of Rehoboth Avenue, Rehoboth Beach, Del., with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to take from the Speaker's table certain House bills with Senate amendments thereto, and concur in the Senate amendments. The Clerk will report the bills.

The Clerk read as follows:

A bill (H. R. 7455) to legalize the submarine cable laid in the St. Louis River at the Spirit Lake Transfer Railway drawbridge between New Duluth, Minn., and Oliver, Wis., and used for the lighting of the village of Oliver, Wis.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

Mr. CONNALLY of Texas. Mr. Speaker, reserving the right to object, what is the effect of the Senate amendment that has just been read?

Mr. BURTNESS. There is no change at all; it is simply textual in nature.

Mr. CONNALLY of Texas. Has the gentleman conferred with the ranking minority member on the committee which handled this bill?

Mr. BURTNESS. No.

Mr. CONNALLY of Texas. Then I must object only for the reason that if the gentleman will take it up with the minority member of the committee—

Mr. BURTNESS. I took it up with the author of the bill, and, as I say, there is absolutely no change in the bill—

Mr. CONNALLY of Texas. I think that good parliamentary practice and courtesy requires that the gentleman should consult with the ranking minority member.

Mr. BURTNESS. There is entire accord on the two sides in reference to bridge legislation.

Mr. CONNALLY of Texas. If the gentleman will give assurance that the minority representatives on the committee are not against the bill, I will withdraw my objection.

Mr. BURTNESS. I certainly can give that assurance.

Mr. CONNALLY of Texas. If the gentleman has not conferred, how can he give such assurance?

Mr. BURTNESS. The gentleman upon the subcommittee handling this legislation is not opposed to this. I think I can say I have discussed this proposition with them.

Mr. CONNALLY of Texas. I withdraw my objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

A bill (H. R. 5012) to legalize a pier into the Atlantic Ocean at the foot of Rehoboth Avenue, Rehoboth Beach, Del.

The Senate amendment was read.

The SPEAKER. Is there objection?

Mr. CONNALLY of Texas. Reserving the right to object, is this in the same situation?

Mr. BURTNESS. The same situation exactly, simply a change in the language, and all this does is to legalize the maintenance of these structures which were established without permission of Congress in the first place. The Senate did not like apparently the language of the House bill as drawn and as reported unanimously by the committee, and rewrote the language. There is absolutely no difference.

Mr. CONNALLY of Texas. Do the minority members agree?

Mr. BURTNESS. Unquestionably.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Why can not this go over until to-morrow morning? It is a quarter past 5 now.

Mr. BURTNESS. Mr. Speaker, I ask unanimous consent that the bills H. R. 9688, H. R. 8190, and H. R. 8950 be taken from the Speaker's table, that the Senate amendments be disagreed to, and the House ask for a conference.

The SPEAKER. The Clerk will report the bills by title.

The Clerk read as follows:

H. R. 9688. An act granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Bay Bridge, Ohio.

H. R. 8950. An act granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn.

H. R. 8190. An act authorizing the construction of a bridge across the Colorado River near Blythe, Calif.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection; and the Speaker appointed, as the conferees on the part of the House, Mr. DENISON, Mr. BURTNESS, and Mr. PARKS.

APPROPRIATION BILL FOR THE STATE, JUSTICE, COMMERCE, AND LABOR DEPARTMENTS

Mr. SHREVE, by direction of the Committee on Appropriations, submitted for printing, under the rule, a conference report on the bill (H. R. 9795) making appropriations for the State, Justice, Commerce, and Labor Departments for the fiscal year ending June 30, 1927, with accompanying statement.

SECTION 29 OF THE VOLSTEAD ACT

Mr. HILL of Maryland. Mr. Speaker, I renew my request to extend in the RECORD the remarks I made before the Committee on the Judiciary.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD by inserting a statement made by him before the Committee on the Judiciary. Is there objection?

Mr. CONNALLY of Texas. Reserving the right to object, Mr. Speaker, are those the same remarks that the gentleman referred to a moment ago?

Mr. HILL of Maryland. Yes. My request was then objected to.

Mr. CONNALLY of Texas. For the present, Mr. Speaker, I shall have to object.

The SPEAKER. Objection is heard.

Mr. HILL of Maryland. Mr. Speaker, the gentleman from Texas [Mr. CONNALLY] is willing, as I understand, to withdraw his objection to my request.

Mr. CONNALLY. I withdraw my objection to the request of the gentleman from Maryland.

Mr. BLANTON. Mr. Speaker, I want to inquire if it has anything to do with prohibition?

Mr. HILL of Maryland. It relates to the interpretation of the Volstead Act.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, under the leave to extend my remarks in the Record I include the following:

STATEMENT OF REPRESENTATIVE JOHN PHILIP HILL OF MARYLAND, BEFORE THE SUBCOMMITTEE OF THE JUDICIARY COMMITTEE OF THE SENATE, THURSDAY, APRIL 15, 1926, AT 10 A. M.

To-day the Volstead Act permits and legalizes cider and wine containing possibly from 2.7 to 11.68 per cent of alcohol. To-day Congress has the power to permit and legalize similar beverages to be sold under proper restrictions for use in the home. Congress has the power to pass such legislation in 10 minutes if it desires.

On January 8, 1926, Gen. Lincoln C. Andrews, Assistant Secretary of the Treasury, in charge of prohibition enforcement, made the following statement on the above matter in reference to the Volstead Act: "Section 29 has been interpreted by the courts in the case of United States against Hill and in the case of Isner against United States, and I am satisfied that the court has properly interpreted the law in these cases, which interpretation, as I understand it, amounts to this: That a householder who manufactures in his home for home consumption ciders and fruit juices which acquire by fermentation one-half of 1 per cent or more of alcohol by volume, but which are not intoxicating in fact, does not violate the law, but that the law is violated if the fermentation process is allowed to proceed to the point where the beverage becomes intoxicating in fact."

The two cases of United States against Hill and Isner against United States settled the law on the immediate power of Congress to so modify the Volstead Act as to permit such temperate beverages as wine and beer when sold under proper restrictions.

The rulings of law in the case of United States v. Hill (vol. 1, 2d ser., Fed. Repts. p. 954) were made on November 11, 1924, in the District Court for the District of Maryland. The decision in the case of Isner v. United States (vol. 8, Fed. Reporter, 2d ser., p. 487) was handed down by the Circuit Court of Appeals, fourth circuit, on October 20, 1925. No appeal was taken from this decision to the Supreme Court on the part of the United States. The decision in this case, confirming the principles of law established in United States against Hill, is therefore binding on every United States criminal court in the Nation, and no appeal to the Supreme Court is now possible.

The eighteenth amendment to the Constitution provides "the manufacture, sale, or transportation of intoxicating liquors * * * is hereby prohibited." So long as the eighteenth amendment remains a part of the Constitution, the manufacture of "intoxicating liquors" within the United States is illegal. The law of the United States as fixed in the Hill and Isner cases specifically provides that there may be beverages containing as much as 11.68 per cent of alcohol which are not "intoxicating liquors" and which therefore are not prohibited by the Constitution.

The Supreme Court has decided that it is the duty of Congress to define the words "intoxicating liquors." Congress, in section 29 of the Volstead Act, has made such a declaration, permitting as not "intoxicating liquors" beverages containing considerably over one-half of 1 per cent. Section 29 of the Volstead Act is as follows: "The penalties provided in this act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar."

In the case of United States v. Hill I was indicted under six counts. The first count charged that on September 27, 1924, at Baltimore, I did unlawfully manufacture certain intoxicating liquor, to wit, 25 gallons of wine. The second count charged the unlawful possession of such wine. The third count charged that on September 18, 1924, at Baltimore, I did unlawfully manufacture certain intoxicating liquor, to wit, 30 gallons of cider. The fourth count charged unlawful possession of such cider. The fifth count charged that I maintained a common nuisance at my home by the manufacture of 25 gallons of wine, and the sixth count charged that I maintained a common nuisance at my home when I manufactured 30 gallons of cider.

For over two years I had been attempting, through official channels, to obtain a definition of the word "nonintoxicating" in section 29 of the Volstead Act. The Prohibition Unit had stated, through Judge Britt, its counsel, that the definition of one-half of 1 per cent was the exclusive definition of "intoxicating" and applied to section 29.

I did not believe this decision to be correct, because on April 26, 1922, I wrote to the Federal Prohibition Commissioner and asked him, "Under the national prohibition act, what is the percentage of alcohol permitted by your office for use in the home as 'nonintoxicating'?" I desire also to ask specifically whether cider containing 2.75 per cent of

alcohol by volume is permissible for use in the home." On May 2, 1922, the Federal Prohibition Commissioner, Roy A. Haynes, replied, "As at present advised, this office is not disposed to take action against the manufacturer for use in the home of the maker of cider or other fruit juices containing not more than 2.75 per cent of alcohol by volume." This decision, however, was afterwards revoked by the Federal Prohibition Commissioner, and the one-half of 1 per cent definition applied. He revoked it when I asked, "Why not 2.75 beer?" All the correspondence between the Federal Prohibition Commissioner (Mr. Haynes), the Secretary of the Treasury, the Attorney General, and myself on this subject is contained in the CONGRESSIONAL RECORD, beginning in volume 62, part 2, Sixty-seventh Congress, second session, at page 11456.

In interpreting the existing law the United States district judge said: "The Government contends, and its contention is not without some force, that the words 'nonintoxicating cider' which a person may manufacture for use in his own home must be construed with reference to the definition of the term 'intoxicating liquor' given in the first section, to wit, that it shall not contain one-half of 1 per cent or more of alcohol by volume. But it is obvious that by the concluding sentence of section 29 of the act Congress intended that persons manufacturing nonintoxicating cider for use in their homes and not for sale should be in a class by themselves, at least in some particulars, otherwise the sentence has no meaning or use whatsoever."

If it was intended to punish persons for manufacturing cider for use in their own homes which contains more than one-half of 1 per cent of alcohol by volume, there was no necessity for the provision, for the act without the sentence already provided such punishment. If, on the other hand, it was intended by Congress that persons who made cider containing less than one-half of 1 per cent by volume should not be subject to punishment, there was no need for the provision, for the reason that the other provisions of the act did not provide punishment for such persons. The only reasonable explanation for singling out home manufacturers of cider and fruit juices for special mention in this section, to my mind, is that Congress did not intend to subject them to the strict provisions as to the alcoholic content of the product specified in section 1, but intended to prohibit the manufacture of cider and fruit juices for home use, which should be, in fact, intoxicating. If the section is so interpreted, then there is a reason for its insertion in the act. This interpretation of the law is borne out at least to some extent by the discussion in the United States Senate on September 4, 1919, reported in the CONGRESSIONAL RECORD (vol. 58, pt. 5, pp. 4847-4848), when the sentence above quoted, or part of it, was first inserted in the act by amendment. The opinion was then expressed on the floor of the Senate by the chairman of the committee in charge of the bill that the cider and fruit juices prohibited as to manufacture for home use were those intoxicating in fact.

United States District Judge Soper described the wine in question in the following instructions to the jury: "You will consider in that connection the alcoholic content of the liquors. You have heard them given in evidence, and I have already repeated them to you. So far as the wine is concerned, it runs from 3.34 to 11.68 per cent. If, in your judgment, any of that wine was intoxicating, whether or not, in your judgment, all of it was, the charge on the first two counts is made out."

The United States district judge described the cider in question in the following instructions to the jury: "Now, gentlemen, when you come to the third and fourth counts of the indictment the only question for you to decide is whether the cider was intoxicating. Everything charged in these counts is admitted except the intoxicating quality of the product. What I have said as to the definition of intoxication and the comments I have made thereon, qualified, however, by the fact that the highest alcoholic content of the cider was 2.7 per cent, are pertinent to these counts, and you will make up your verdict accordingly."

The United States district judge defined the word "intoxicating" as used in section 29 of the Volstead Act as follows: "Intoxication in this section of the law means what you and I ordinarily understand as average human beings by the word 'drunkenness.' If this wine was capable of producing drunkenness when taken in sufficient quantities—that is to say, taken in such quantities as it was practically possible for a man to drink—then it was intoxicating."

The jury, under this definition of "intoxicating," after 17 hours of deliberation, rendered a verdict of "not guilty" on all counts, and thus legalized beverages of different descriptions having alcoholic contents of from 2.7 to 11.68 per cent.

The case of Isner against United States confirmed the principle enunciated by the United States district judge in the case of United States against Hill. Construing the same section of the Volstead Act, section 29, United States District Judge Webb, rendering the opinion of the circuit court of appeals, consisting of himself and Circuit Judges Waddill and Rose, said: "We were interested in the argument of the Government brief in this case, but are forced to the conclusion that whatever Congress may have meant by inserting the above clause in the prohibition act we are bound to consider and accept the plain language of it. We are forced to the conclusion that Congress intended to take

out of the general class of intoxicating liquors nonintoxicating ciders and fruit juices made by one to be used exclusively in his home, and therefore put nonintoxicating vinegar and such fruit juices in a different class, and required that before a person can be convicted under the act for manufacturing such vinegar and fruit juices same must be proved by the Government to be in fact intoxicating."

The United States district judge then continued: "We therefore hold that in all such cases it is necessary to prove that such vinegar and fruit juices are, in fact, intoxicating before a conviction can be had. This view of this section is unanimously held by the court, and, as the writer of this opinion was a Member of the lower House of Congress when this act was passed, he can say without doubt that the foregoing construction of this section was the intent and meaning of Congress. This provision now under consideration was not a part of the bill as it passed the House of Representatives but was inserted in the Senate after a number of speeches had been made by persons complaining that the "grandmother and housewife" were going to be "penalized and made criminals" if they made blackberry cordials or blackberry wines for use in their own homes. In order to meet such objection on the part of such critics of the bill this provision was agreed upon and inserted in the Senate after a conference of Members and Senators deeply interested in the passage of the act and the success of prohibition. A different interpretation than this one placed upon the act would be to totally disregard the plain language of the Congress, which inserted this provision in the Volstead Act for the purpose of making a different rule for conviction of persons who make nonintoxicating vinegar and fruit juices exclusively for their home uses."

If home-made cider and wine containing from 2.7 to 11.68 per cent of alcohol are not intoxicating, in fact, and are legal when made in the home, it is absurd to say that similar beverages are not equally legal and equally not intoxicating, in fact, when made outside of the home if made under Government supervision and sold under Government supervision for consumption in the home or with meals in properly regulated hotels.

To-day the Volstead Act permits and legalizes cider and wine containing possibly from 2.7 to 11.68 per cent of alcohol. To-day Congress has the power to permit and legalize similar beverages made anywhere to be sold under proper restrictions for use in the home.

FEDERAL AID ROAD BILL

Mr. KIRK. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on the bill H. R. 9504.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. KIRK. Mr. Speaker, I favor the passage of this bill (H. R. 9504) to amend the act entitled "An act to provide that the United States shall aid the States in construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The Constitution of the United States guarantees, among other things, that the Nation shall—

- (1) Provide for the common defense.
- (2) Promote the general welfare.
- (3) Establish post offices and post roads.
- (4) Regulate commerce among the several States.

Notwithstanding the authority of this Nation under the provisions of the Constitution above quoted, no definite plan was arrived at until the year 1916, when Congress for the first time passed a Federal road bill, which appropriated \$75,000,000 to be spent over a period of five years, in aid to road construction. Congress again in February, 1919, passed another act appropriating \$200,000,000 for like purpose, to be spent over a period of three years.

In November, 1921, the third bill was approved, appropriating \$75,000,000 for a like purpose, which covered only a one-year period. The fourth bill was approved June 19, 1922. It carried a three-year program—\$50,000,000 for the fiscal year ending June 30, 1923; \$65,000,000 for the fiscal year ending June 30, 1924; and \$75,000,000 for the fiscal year ending June 30, 1925. And thus this Government, under the authority of the Constitution and those laws, stands committed to a national system of Federal aid in the construction of post roads throughout the United States under a definite well-defined policy in connection with the various States of the Union, practically all of which have accepted the Federal-aid system and have provided the necessary funds to meet the demands of the Federal Government, and by so doing are securing from the Federal Government the allotment of Federal aid money due the respective States for building post roads therein.

The method adopted for the distribution of Federal aid money is fixed on the following basis:

One-third according to the ratio which the area of each State bears to the total area of all the States; one-third in the ratio

which the population of each State bears to the total population of all the States, as shown by the last available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery routes and star routes in all the States.

This bill under consideration continues this system for a period of two years, appropriating \$75,000,000 for the fiscal year ending June 30, 1928, and \$75,000,000 for the fiscal year ending June 30, 1929.

Additional sums are appropriated for forest roads and trails, \$7,500,000 for the fiscal year ending June 30, 1928, and \$7,500,000 for the fiscal year ending June 30, 1929. The total mileage which this system of roads now includes in the States is about 280,400 miles.

The States are leading the Federal Government in expenditures in the building and construction of post roads and highways in the various States.

This Federal aid can be acquired and matched by the tax levied on automobiles and gasoline by the various States, and there is no good reason why any State should not receive its share of the Federal aid money, as they all have State highway departments at this time.

Sixty per cent of the present highway mileage in the Federal system has not been touched.

The Federal Government paid to the States the largest amount of money last year in its history of road building.

The sum expended on all classes of roads for the last year, 1925, was about \$1,176,000,000—of this sum, the States expended \$596,176,000.

It was said by General Pershing in 1921, that—

The country road will be of tremendous value in time of war—the roads must be relied upon to obtain the needed food supplies.

This is one reason why the Government should aid the States in constructing roads, but this is only one reason—there are many reasons why it should do so.

Good roads affect the general welfare of the Republic.

It furnishes a new artery of commerce between the people of the States and aids in the transportation of the commodities of each.

It brings about a better understanding of the citizens of the various States.

It furnishes a means by which the children of the States may be able to reach the schools which will afford them greater opportunities for an education.

It increases church attendance.

It places the citizens in closer touch with medical service.

It brings about a social betterment in the communities and States.

Horse-drawn vehicles are vanishing and are giving way to the automobile. The present roads served approximately 30,000,816 individuals the last year. Time is being saved and the business world is moving at lightning rapidity. The time for the delivery of the rural mails has been reduced one-half. One-half the expense for gasoline and repairs of automobiles are saved by good roads, and yet in some sections in some of the States the people are shut in from the outside world on account of bad roads.

In the district which I represent, most all the roads are impassable through the winter season. One county in my district has spent \$700,000 within the last four years, raised by bond issues by vote of the people for road building. Other counties of my district have also spent enormous sums, raised in the same way to build good roads, and we have only made a start. There is not a foot of hard surface road in my district.

These people, the earlier settlers from Virginia and the Carolinas, as the stream of immigration moved westward, stopped and built their homes and located in the hilly country of Kentucky and adjoining States, where they have lived for more than 100 years. They are isolated and shut off from the outside world. Although their country was rich beyond description in coal, minerals, oil, gas, and timber, yet it availed them nothing because of lack of transportation until the railroads within the last few years entered that section, when a marvelous development began, and to-day dotted here and there throughout that section you see thriving towns inhabited by a happy people, and in the mountains of that section you hear the hum of industry on every hand.

What we need most is the completion of the highways so well begun, so that the products and varied industries may be brought in touch with the markets of the world, and this, together with the influences from without coming in touch with the people of that section, will make it the richest country in the world.

Kentucky needs the help of the Nation to help her complete her roads. Other States likewise need help. The people of these mountains are of the purest Anglo-Saxon blood to be found in the United States. They are true, honest, courteous, and kind; they remember an injustice, and they never forget a friend or a deed of kindness. They are law-abiding, yet they are brave to a fault. They stand for the Constitution and laws of the land. They are full of patriotism and never faltered in defense of the flag. They are by nature religiously inclined. They are shrewd and studious and when given a chance for an education produce some of the greatest minds of America. The latchstring to their door hangs on the outside to all comers, and the stranger is welcome to the hospitality of their home.

I am proud of them. I am proud to be called a "Mountaineer."

It has been said in the past that Kentucky was noted for its good whisky, fine horses, and pretty women. The whisky is not now so good or plentiful, but the horses are just as fine and the women are just as pretty as in days gone by.

The population has doubled within the last 10 years. The strangers, numbered by the thousands, have entered our gates and have been most heartily welcomed. Through this section comes the trail of the immigrant going west—the highways we are striving to build passes over these trails, opening up a gateway from the North to the South. We need to complete them—we want the Government to help us do it.

Good roads, in addition to other virtues named, are great civilizers. All highly enlightened countries of the Old World were road builders. The Romans were noted for their fine roadways. The good roads in France greatly aided the allied armies to win the World War. No great nation can afford to be without them. Certainly the United States should have them. Good roads are emblems of civilization. I hope this bill will pass.

VIRGINIA BILL OF RIGHTS

Mr. MOORE of Virginia. Mr. Speaker, I offer a concurrent resolution and ask unanimous consent that it be at once considered. Only a minute will be occupied.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of the resolution which he presents. The Clerk will report it.

The Clerk read as follows:

House Concurrent Resolution 22 providing for the appointment of a joint committee to represent Congress at the celebration of the one hundred and fiftieth anniversary of the adoption of the Virginia Bill of Rights

Whereas the one hundred and fiftieth anniversary of the adoption of the Declaration of Rights, written by George Mason and commonly called the Virginia Bill of Rights, is to be celebrated in the city of Williamsburg, Va., the place of its adoption, on the 12th day of June, 1926; and

Whereas the said Declaration of Rights is recognized as one of the great liberty documents of all time; has served as a model for similar statements of fundamental principles contained in the constitution of many of the States of the American Union and in the early amendments to the Constitution of the United States, and has been an inspiration to liberty-loving people throughout the world; and

Whereas it is fitting that the Congress should be represented in the observance of such anniversary: Therefore be it

Resolved, by the House of Representatives (the Senate concurring), That there be, and is hereby, created a joint committee consisting of 10 members, five of whom shall be appointed by the presiding officer of the Senate and five by the Speaker of the House, to attend said celebration, for the purpose of representing the Congress of the United States.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. BLANTON. It was understood that the gentleman from Virginia would state that those who will represent us would pay their own expenses, and that it would involve no expense whatever to the Government. That ought to be understood.

Mr. MOORE of Virginia. There is no appropriation provided in the resolution.

Mr. MADDEN. And can the gentleman assure us that there will not be when the Senate puts it in?

Mr. MOORE of Virginia. If any is suggested, I will oppose the item.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

DESIGNATION OF SPEAKER PRO TEMPORE FOR SUNDAY

The SPEAKER. The Chair designates the gentleman from California, Mr. CURRY, to preside next Sunday at the memorial exercises in honor of the late Representative RAKER, of California.

LEAVE OF ABSENCE

Mr. JEFFERS, by unanimous consent (at the request of Mr. McDUFFIE), was granted leave of absence for one week on account of important business.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Friday, April 16, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 16, 1926, as reported to the floor leader by the clerks of the several committees:

JOINT COMMITTEE TO INVESTIGATE THE NORTHERN PACIFIC RAILWAY LAND GRANTS
(10.30 a. m.)

Room 347, House Office Building.

COMMITTEE ON PATENTS

(10 a. m.)

To amend and consolidate all the rights respecting copyrights and to permit the United States to enter the international copyright union (H. R. 10434).

COMMITTEE ON EDUCATION

(10 a. m.)

To create a commission to be known as the Federal Motion Picture Commission (H. R. 6233 and 4094).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10 a. m.)

To provide for the protection and development of the lower Colorado River Basin (H. R. 9826).

COMMITTEE ON WAYS AND MEANS

(10 a. m.)

To amend section 524 of the tariff act of 1922 (H. R. 10939).

COMMITTEE ON LABOR

(10 a. m.)

To divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases (H. R. 8653).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

445. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill "To amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy"; to the Committee on Naval Affairs.

446. A communication from the President of the United States, transmitting a supplemental estimate of appropriation under the legislative establishment, United States Senate, for the fiscal years 1925 and 1926, in the sum of \$11,095.89 (H. Doc. No. 313); to the Committee on Appropriations and ordered to be printed.

447. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year ending June 30, 1926, pertaining to the Office of the Supervising Architect, \$128,000; also, proposed legislation affecting the use of existing appropriations (H. Doc. No. 314); to the Committee on Appropriations and ordered to be printed.

448. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the Navy Department for the fiscal year ending June 30, 1926, amounting to \$3,504.32, and a draft of proposed legislation affecting existing appropriations pertaining to the Navy Department (H. Doc. No. 315); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,
Mr. WURZBACH: Committee on Military Affairs. H. R. 7817. A bill to establish a national military park at the battle

fields of the siege of Petersburg, Va.; without amendment (Rept. No. 887). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH: Committee on the Civil Service. H. R. 7889. A bill to prescribe a uniform allowance to officers and employees in all services of the United States while traveling and on temporary duty on official business, and for other purposes; with amendment (Rept. No. 888). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSEYER: Committee on the Post Office and Post Roads. H. R. 11084. A bill to amend the act of February 28, 1925, fixing the compensation of fourth-class postmasters; with amendment (Rept. No. 889). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. H. R. 11203. A bill to amend subsection (c) and (o) of section 18 of an act entitled "An act for the reorganization and improvement of the Foreign Service, and for other purposes," approved May 24, 1924; with amendment (Rept. No. 890). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL: Committee on Indian Affairs. S. 2702. An act to provide for the setting apart of certain lands in the State of California as an addition to the Morongo Indian Reservation; with amendment (Rept. No. 893). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPROUL of Kansas: Committee on Indian Affairs. S. 2706. An act to provide for the reservation of certain land in California for the Indians of the Mesa Grande Reservation, known also as Santa Ysabel Reservation No. 1; without amendment (Rept. No. 894). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS: Committee on Indian Affairs. H. R. 10610. A bill to confirm the title to certain lands in the State of Oklahoma to the Sac and Fox Nation or Tribe of Indians; with amendment (Rept. No. 895). Referred to the Committee of the Whole House on the state of the Union.

Mr. KNUTSON: Committee on Indian Affairs. H. R. 9270. A bill authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims; without amendment (Rept. No. 896). Referred to the Committee of the Whole House on the state of the Union.

Mr. LETTS: Committee on Indian Affairs. H. R. 11171. A bill to authorize the deposit and expenditure of various revenues of the Indian Service as Indian moneys, proceeds of labor; without amendment (Rept. No. 897). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 10131. A bill granting the consent of Congress to the Wakefield National Memorial Association to build, upon Government-owned land at Wakefield, Westmoreland County, Va., a replica of the house in which George Washington was born, and for other purposes; without amendment (Rept. No. 898). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. S. 2763. An act to amend section 103 of the Judicial Code, as amended; without amendment (Rept. No. 899). Referred to the House Calendar.

Mr. SPROUL of Illinois: Committee on the Post Office and Post Roads. H. R. 3842. A bill authorizing the Postmaster General to make monthly payment of rental for terminal railway post-office premises under lease; with amendment (Rept. No. 901). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWING: Committee on the Public Lands. H. R. 9387. A bill to revise the boundary of the Sequoia National Park, Calif., and to change the name of said park to Roosevelt-Sequoia National Park; with amendment (Rept. No. 902). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. S. 2368. An act for the relief of Ocean Steamship Co. (Ltd.), a British corporation; with amendment (Rept. No. 891). Referred to the Committee of the Whole House.

Mr. HASTINGS: Committee on Indian Affairs. S. 3538. An act authorizing the Secretary of the Interior to pay legal expenses incurred by the Sac and Fox Tribe of Indians of Oklahoma; without amendment (Rept. No. 892). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 1361. An act for the relief of the Maryland Casualty Co.; the United States

Fidelity & Guaranty Co., of Baltimore, Md.; and the Fidelity & Deposit Co. of Maryland; without amendment (Rept. No. 903). Referred to the Committee of the Whole House.

Mr. FISHER: Committee on Military Affairs. H. R. 8663. A bill for the relief of Alvin H. Tinker; without amendment (Rept. No. 904). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11223) granting a pension to Thomas J. Mullin, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROY G. FITZGERALD: A bill (H. R. 11318) to provide for the publication of the Code of the Laws of the United States, with index, reference tables, appendix, etc.; to the Committee on Revision of the Laws.

By Mr. RATHBONE: A bill (H. R. 11319) to incorporate the American Citizenship Foundation; to the Committee on the Judiciary.

By Mr. THATCHER: A bill (H. R. 11320) to provide for the establishment of the Shenandoah National Park in the State of Virginia, the Great Smoky Mountain National Park in the States of North Carolina and Tennessee, and the Mammoth Cave National Park in the State of Kentucky, and for other purposes; to the Committee on the Public Lands.

By Mr. HUDESPETH: A bill (H. R. 11321) for the purchase of land for use in connection with Camp Marfa, Tex.; to the Committee on Military Affairs.

By Mr. WELLER: A bill (H. R. 11322) to promote temperance in the United States; to the Committee on the Judiciary.

By Mr. COYLE: A bill (H. R. 11323) to amend section 2 of the act relative to naturalization and citizenship of married women, approved September 22, 1922; to the Committee on Immigration and Naturalization.

By Mr. BYRNS: A bill (H. R. 11324) to establish a national military park at the battle field of Fort Donelson, Tenn.; to the Committee on Military Affairs.

By Mr. GRAHAM: A bill (H. R. 11325) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof; to the Committee on the Judiciary.

By Mr. KELLY: A bill (H. R. 11326) to authorize the President to deal with a national emergency in the mining of anthracite and bituminous coal by appointment of temporary board or boards and fuel administrator; to the Committee on Interstate and Foreign Commerce.

By Mr. TINCHER: A bill (H. R. 11327) to establish a Federal farm advisory council and a farmers' marketing commission; to aid in the development of major cooperative associations for the marketing of agricultural commodities; to aid in the disposition of surpluses of such commodities, and for other purposes; to the Committee on Agriculture.

By Mr. WAINWRIGHT: A bill (H. R. 11328) to amend the World War veterans act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. HAWLEY: A bill (H. R. 11329) for the relief of certain counties in the States of Oregon and Washington, within whose boundaries the revested Oregon & California Railroad Co. grant lands are located; to the Committee on the Public Lands.

By Mr. McLAUGHLIN of Nebraska: Resolution (H. Res. 221) to investigate the transactions of individuals, partnerships, associations, and corporations in connection with the administration and enforcement of standards of railway equipment and supplies prescribed by law or by the Interstate Commerce Commission; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 11330) granting a pension to Glenn E. Koehler; to the Committee on Pensions.

By Mr. BEERS: A bill (H. R. 11331) granting a pension to Margaret F. Plummer; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 11332) granting a pension to Joseph K. Moore; to the Committee on Pensions.

By Mr. FLETCHER: A bill (H. R. 11333) for the relief of Joseph Kahnheimer; to the Committee on Claims.

Also, a bill (H. R. 11334) granting an increase of pension to Sarah E. Blossier; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 11335) granting an increase of pension to Susanna May; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 11336) granting an increase of pension to Dorothea Walter; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 11337) granting a pension to Mary Atwater; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11338) granting an increase of pension to Mary Cypher; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 11339) granting an increase of pension to Serranda J. Ilgenfritz; to the Committee on Invalid Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 11340) granting an increase of pension to Elizabeth Langley; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11341) granting a pension to Charles G. Mynatt; to the Committee on Pensions.

By Mr. TILSON: A bill (H. R. 11342) granting an increase of pension to Adele K. Heitmann; to the Committee on Invalid Pensions.

By Mr. TOLLEY: A bill (H. R. 11343) granting a pension to Rebecca M. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11344) granting an increase of pension to Sarah L. Norton; to the Committee on Invalid Pensions.

By Mr. TYDINGS: A bill (H. R. 11345) granting a pension to Mary E. McCutcheon; to the Committee on Invalid Pensions.

By Mr. UPSHAW: A bill (H. R. 11346) granting an increase of pension to Jane Jackson; to the Committee on Pensions.

By Mr. WINTER: A bill (H. R. 11347) for the relief of Robert Hancock; to the Committee on War Claims.

By Mr. WOOD: A bill (H. R. 11348) for the relief of Alfred A. Winslow; to the Committee on Claims.

By Mr. WYANT: A bill (H. R. 11349) granting an increase of pension to Sarah Agnes Wirsing; to the Committee on Invalid Pensions.

By Mr. ZIEHLMAN: A bill (H. R. 11350) granting an increase of pension to Martha Cherry; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1781. By Mr. ANDREW: Communication from Calvary Baptist Church, Salem, Mass., opposing any modification of the Volstead Act and recommending a more rigid enforcement of the eighteenth amendment; to the Committee on the Judiciary.

1782. Also, communication from First Baptist Church, Danvers, Mass., opposing any modification of the Volstead Act; to the Committee on the Judiciary.

1783. Also, communication from Second Congregational Church, of West Newbury, Mass., opposing any modification of the Volstead Act; to the Committee on the Judiciary.

1784. By Mr. BOYLAN: Resolution adopted by the New York Chapter, Knights of Columbus, representing 30,000 members of the Knights of Columbus residing in Manhattan and Bronx, expressing the sentiment of this organization in so far as the Mexican situation is concerned; to the Committee on Foreign Affairs.

1785. By Mr. CONNERY: Petition of the Friends Society of Lynn, Mass., against the proposed modification of the Volstead Act; to the Committee on the Judiciary.

1786. By Mr. CULLEN: Resolutions of New York Chapter, Knights of Columbus, protesting against the outrages committed by the Mexican Government against the churches and ministers of all denominations; to the Committee on Foreign Affairs.

1787. Also, resolution of the Village Club of Flatbush, Brooklyn, N. Y., expressing opposition to the Volstead Act and advocating its repeal; to the Committee on the Judiciary.

1788. Also, resolution of the Woman's Relief Corps of Reese Post, No. 77, expressing sympathy for the pension bill providing for the care of Civil War veterans and their widows and urging that the bill be passed; to the Committee on Invalid Pensions.

1789. By Mr. GALLIVAN: Petition of Boston Post, No. 200, Grand Army of the Republic, Harry H. Bazin, clerk, 18 Weld Avenue, Roxbury, Mass., recommending early and favorable consideration of the Elliott pension bill (H. R. 4023); to the Committee on Invalid Pensions.

1790. By Mr. GRIEST: Resolution of Pennsylvania Post, No. 34, of the American Legion, urging favorable consideration

of pending legislation for the relief of World War veterans and sundry bills relating to Army and Navy defenses and World War debts; to the Committee on World War Veterans' Legislation.

1791. By Mr. HAMMER: Petitions of North Wilkesboro (N. C.) Kiwanis Club; Woman's Missionary Society of the Methodist Episcopal Church South, of Mount Gilead, N. C.; Mrs. C. B. Ingram, secretary; Social Service Department, Trinity Methodist Episcopal Church South, Troy, N. C.; Social Service Department, Troy Baptist Church, Troy, N. C.; Social Service Department, Troy Presbyterian Church, Troy, N. C.; and Twentieth Century Mothers' Club, Mrs. B. T. Wade, chairman, in opposition to repeal of Volstead law; Woman's Missionary Society, Methodist Episcopal Church South, North Carolina Conference, Mrs. J. Le Grand Everett, Rockingham, N. C., secretary; Women of Richmond County, N. C., Mrs. Anna Lea Harris, secretary, Rockingham, N. C., opposing legalized sale of wine and beer; also resolution of Woman's Club of Raleigh, N. C., opposing modification of prohibition; to the Committee on the Judiciary.

1792. By Mr. McSWEENEY: A petition of certain citizens of Wooster and West Salem, Ohio; to the Committee on District of Columbia.

1793. By Mr. MOORE of Virginia: Petition of Michael Vogel, Mrs. A. C. Vogel, Miss Lucile Vogel, Miss Leona Vogel, Miss Dorothy Vogel, Miss Ruth Vogel, all of 208 Carroll Avenue, Del Ray, Alexandria, Va., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1794. Also, petition of Bessie A. O'Meara, 1122 Girard Street NW., Washington, D. C., in favor of compulsory Sunday observance; to the Committee on the District of Columbia.

1795. Also, petition of Charles E. Sterling, 58 Wheeler Avenue, Clarendon, Va.; S. L. Will, 66 Wheeler Avenue, Clarendon, Va.; F. D. Will, 66 Wheeler Avenue, Clarendon, Va.; W. H. Kessler, 73 Ellerson Avenue, Clarendon, Va.; Herman Schmid, Arlington, Va.; Mrs. L. C. Clement, Ballston, Va., protesting against the enactment of compulsory Sunday observance bills; to the Committee on the District of Columbia.

1796. By Mr. O'CONNELL of New York: Petition of the Village Club of Flatbush (Inc.), of Brooklyn, N. Y., favoring the repeal of the Volstead Act; to the Committee on the Judiciary.

1797. Also, petition of Frank Gillmore, of New York City, favoring the passage of the migratory bird refuge and marsh land conservation bill; to the Committee on Agriculture.

1798. Also, petition of the New York Chapter, Knights of Columbus, protesting against outrages committed by the Mexican Government against the churches and ministers of all denominations; to the Committee on Foreign Affairs.

1799. By Mr. O'CONNOR of New York: Resolution of the New York Chapter, Knights of Columbus, representing 27,000 members of Manhattan and Bronx Boroughs, city of New York, protesting against the outrages committed by the Mexican Government against the churches and ministers of all denominations; to the Committee on Foreign Affairs.

SENATE

FRIDAY, April 16, 1926

(Legislative day of Monday, April 5, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	Keyes	Reed, Pa.
Bayard	Fess	King	Sackett
Bingham	Fletcher	Lenroot	Sheppard
Blaine	Frazier	McKellar	Shipstead
Borah	George	McLean	Shortridge
Bratton	Gerry	McMaster	Simmons
Broussard	Glass	McNary	Smith
Bruce	Goff	Mayfield	Smoot
Cameron	Gooding	Metcalf	Stanfield
Capper	Greene	Moses	Stephens
Caraway	Hale	Neely	Swanson
Copeland	Harrell	Norbeck	Trammell
Couzens	Harris	Nye	Tyson
Curtis	Harrison	Oddie	Wadsworth
Dale	Heflin	Overman	Walsh
Deneen	Howell	Pepper	Warren
Dill	Johnson	Phelps	Watson
Edge	Jones, N. Mex.	Pine	Wheeler
Edwards	Jones, Wash.	Pittman	Williams
Fernald	Kendrick	Ransdell	Willis

Mr. PHIPPS. I desire to announce that my colleague, the junior Senator from Colorado [Mr. MEANS], is absent on account of illness. This announcement may stand for the day.

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate Nos. 10, 11, and 14 to the said bill, and concurred therein; and that the House had further disagreed to the amendments of the Senate Nos. 1 and 5.

The message also announced that the House had disagreed to the amendment of the Senate to each of the following bills:

A bill (H. R. 9688) granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Bay Bridge, Ohio;

A bill (H. R. 8950) granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn.; and

A bill (H. R. 8190) authorizing the construction of a bridge across the Colorado River near Blythe, Calif.—

requested a conference with the Senate on the several disagreeing votes of the two Houses thereon, and had appointed Mr. DENISON, Mr. BURNETT, and Mr. PARKS managers on the part of the House at the respective conferences.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills:

H. R. 5012. An act to legalize a pier into the Atlantic Ocean at the foot of Rehoboth Avenue, Rehoboth Beach, Del.; and

H. R. 7455. An act to legalize the submarine cable laid in the St. Louis River at the Spirit Lake Transfer Railway drawbridge, between New Duluth, Minn., and Oliver, Wis., and used for the lighting of the village of Oliver, Wis.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 6730. An act to detach Fulton County from the Jonesboro division of the eastern judicial district of the State of Arkansas and attach the same to the Batesville division of the eastern judicial district of said State; and

H. R. 9398. An act to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910.

MUSCLE SHOALS

Mr. BLEASE. Mr. President, I have here a short article on Muscle Shoals which I would like to have printed in the Record. It appears in the Locomotive Engineers' Journal for April, 1926.

There being no objection, the article was ordered to be printed in the Record, as follows:

SHALL THE POWER TRUST ENSLAVE THE SOUTH

Every engineer in the country has a vital interest, both as a railroad man and as a taxpayer and consumer, in the action of the Congress authorizing the securing of bids to turn the South's greatest natural resource over to a private corporation.

"If I were greedy for power over my fellow men," says a former Secretary of War, "I would rather control Muscle Shoals than be continuously elected President of the United States." For Muscle Shoals, on which the Government has spent over \$150,000,000 of your money, and mine to develop a great hydroelectric power plant, controls the industrial development of the whole southern Mississippi Valley. The man or corporation that gets Muscle Shoals will be the power king over one of the richest and most undeveloped sections of the United States, embracing 13 States and 20,000,000 people.

The largest hydroelectric power dam in the world has been built by United States Army engineers at Muscle Shoals, harnessing three times as much water as tumbles down Niagara Falls and capable of producing up to 3,000,000,000 kilowatt-hours of electric energy a year. If this gigantic power is developed by the Government and sold to the people at cost it will add to the comfort of every home, stimulate the advancement of agriculture, and create a great industrial civilization throughout the Southland. But if Congress hands the Muscle Shoals power monopoly over to a private corporation, whose sole aim in grabbing it is to make profits, the new South will be at the mercy of this power king, who can make or ruin its industries by juggling the cost of electric power. For cheap power is the lifeblood of industry. The

rich natural resources and potential raw materials of the South can never be developed without it.

The one logical private bidder for Muscle Shoals is the General Electric Power Trust. Through its Electric Bond & Share Co. it now controls 1,700 power companies in 40 States, including the Alabama Power Co., now buying from the Government some of the power generated at the giant shoals plant. It is futile to talk of the Government "regulating" this power octopus and compelling it to charge fair prices. The cold fact is that Government regulation of a private monopoly is always a failure, because the monopoly keeps the books. Indeed, the only possible way for the Government to offset the present throat hold of the Power Trust on the American people is for it to operate the Muscle Shoals plant in competition with the rates charged elsewhere by the private monopoly, and thus prove how cheaply super-power can be produced.

The Government is now generating electricity at its Panama Canal plant for three-tenths of a cent a kilowatt-hour, while it has to pay private plants from 10 to 16 cents per kilowatt-hour at various Army camps throughout the country. While the publicly owned Panama plant is too small and too far away to curb the rates charged by the Power Trust, the Muscle Shoals plant is not. The friends of the Power Trust in the Congress attempt to deceive the farmers by stating that the private monopoly receiving Muscle Shoals will have to make cheap fertilizer for them from the nitrate produced. Leaving aside the facts that the cyanamide process of producing nitrogen from the air has now been superseded by cheaper methods, and that at best only a small part of the giant power generated at Muscle Shoals would be used for making fertilizer, the Power Trust would never sell the farmer anything at a loss, and for every penny he saved on fertilizer he would lose a dollar on higher power bills.

Perhaps some Journal reader in the far North will say: "What has all this to do with my job and my bank account?" Just this: Cheap electric power from a publicly owned Muscle Shoals will create an industrial prosperity in the South that will radiate throughout the continent, shipping its products over your railroad and mine, decreasing the cost of many of the necessities of life that you and I have to buy, and curbing the Power Trust in the prices it charges us for electric light and power in our own homes.

It is not too late to prevent the rape of Muscle Shoals by private interests. Write now to your Senators and Representatives in Washington protesting against it. Remind them that they are pledged by the act of Congress creating Muscle Shoals plant to run it as a public property, and that even the commission of power experts appointed by the act of the last Congress recommended Government ownership as the wisest solution. The resolution just adopted calls for bids as good as that offered by Mr. Ford, which was about 6 cents on each dollar of the taxpayers' money invested, to say nothing of the real worth of the plant.

We make bold to prophesy that if this Congress should betray its previous pledge and ignore the national interest by turning Muscle Shoals over to a private monopoly, it will thereby create a scandal besides which the corruption of Lorimer and Newberry, of Doheny and Fall, will sink into insignificance. Sooner or later the people will realize the enormity of such a betrayal and will surely visit condign punishment on those faithless public servants responsible for it.

CLAIMS AGAINST THE GERMAN GOVERNMENT (S. DOC. NO. 99)

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, submitted in response to Senate Resolution 199 (submitted by Mr. KING and agreed to April 14, 1926), communicating to the Senate certain information relative to American claims against Germany, which, with the accompanying paper, was ordered to lie on the table and to be printed.

PAYMENT TO WILLIE PERRY CONWAY

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, reporting, pursuant to law, relative to an expenditure alleged to have been made without authority of law, to one Willie Perry Conway for retainer pay as a de facto transferred member of the Fleet Naval Reserve, which, with the accompanying papers, was referred to the Committee on Naval Affairs.

PETITIONS AND MEMORIALS

Mr. WARREN presented a memorial of sundry citizens of Thermopolis, Wyo., remonstrating against any modification of the prohibition enforcement law, which was referred to the Committee on the Judiciary.

Mr. TRAMMELL. Mr. President, I desire to have printed in the Record and referred to the Committee on the Judiciary a telegram and certain resolutions adopted in protest against any modification of the Volstead Act.

There being no objection, the telegram and resolutions were referred to the Committee on the Judiciary and ordered to be printed in the Record, as follows:

ORLANDO, FLA., April 15, 1926.

Senator PARK TRAMMELL,

United States Senate, Washington, D. C.:

The session of First Presbyterian Church, Orlando, protests against any changes in the eighteenth amendment and affirm our faith in the Volstead Act. Request you to use your influence to see that no change is made.

W. R. ONEAL,

Clerk, First Presbyterian Church.

Prohibition resolution adopted by the Duval County Law Enforcement League protest meeting, Sunday afternoon, April 11, 1926, Duval Theater, Jacksonville, Fla., presented by (Mrs. W. B.) May Mann Jennings

Whereas Florida has upon three different occasions voted overwhelmingly to eliminate the liquor traffic from both State and Nation: First. County by county under the State local option laws.

Second. By the ratification of the State prohibition amendment to the Florida constitution submitted by the legislature.

Third. By the ratification of the Federal eighteenth amendment by the Florida Legislature: Therefore be it

Resolved, That the Duval County Law Enforcement League protests against the submission for ratification by the United States Congress, or any amendment to the Federal Constitution which would repeal the eighteenth amendment, known as the prohibition amendment, or the enactment by Congress of any legislation which would modify in any respect or tend to weaken said eighteenth amendment or the provisions of the Volstead Act. That the league hereby urges Congress to strengthen in every way possible the prohibition laws and make every provision for more stringent enforcement of the full letter of existing laws and exact from officials in charge of said law enforcement, vigorous adherence to same. That Florida Senators and Representatives in Congress are hereby urged to exhaust every honorable means and method and the limit of their respective influence to see that the wishes of Florida, expressed through the ballot on different occasions, be carried into effect; be it

Resolved, That the Duval County Law Enforcement League appeal to Gov. John W. Martin, the Federal, State, county, and city officials of Florida to redouble every and all efforts to secure stringent enforcement of the prohibition laws throughout the State. That the judges of the courts are urged in the interest of public safety, both moral, spiritual, and physical, to give the limit of the law in sentences for violation of the prohibition laws; be it

Resolved, That the newspapers of the State be asked to publish these resolutions urging the law-abiding citizens to render the officials all possible cooperation in the interest of the success of enforcement work. That copies be sent to President Coolidge, Secretary Mellon, General Andrews, Gov. John W. Martin, and the United States Senate committee conducting the hearing on prohibition in Congress, and the Florida Representatives in Congress, and the Woman's National Committee for Law Enforcement, in cooperation with whom this meeting is held.

Prohibition resolution

The following resolution was adopted by the churches listed below Sunday morning, April 11, 1926, at the respective churches listed with their membership:

To the Judiciary Committee of the United States Senate:

The _____ church of Duval County, Fla., with _____ number of members, at its morning service on Sunday, April 11, 1926, by a standing vote, do hereby respectfully petition the Senate Judiciary Committee and other Members of the United States Congress to make no changes in the Volstead Act except such as will strengthen its enforcement.

Name of church	Names signed	Number of membership
Union Congregational.....	A. E. Leonard, pastor.....	325
First Methodist.....	P. W. Ellis, pastor.....	1,600
Alford Memorial Presbyterian.....	M. M. Reynolds, pastor.....	85
Livingston Memorial Methodist Episcopal.....	J. B. Crippen, pastor.....	50
Anderson Memorial Methodist Episcopal South.....	J. W. Blake, pastor.....	140
St. Matthews Methodist Episcopal South.....	A. M. Daiger, pastor.....	75
Talleyrand Avenue Baptist.....	Rev. H. G. Eaton, pastor.....	82
Fairfield Methodist.....	R. H. White, secretary.....	194
Marvin Methodist.....	Fred B. Langford, pastor; J. R. McMillan, Sunday-school superintendent; M. M. Woodley, for the church.....	184
Springfield Presbyterian.....	O. G. Collar.....	600
Phoenix Baptist.....	J. D. Clark, clerk; B. F. Green, moderator.....	204
Franklin Street Baptist.....	J. S. Judah, pastor.....	300
Central Christian.....	Sam. I. Smith, pastor.....	400
Avondale-Hurray Hill Christian.....	James A. Barnett, pastor.....	100

Name of church	Names signed	Number of membership
Riverside Park Methodist Episcopal South.....	W. A. Myres, pastor; L. P. McCord, for Sunday school; M. F. McCook, for church.....	500
First Baptist.....	Len. G. Broughton, pastor.....	2,000
Hendrix Memorial, Methodist Episcopal South.....	J. G. Campbell, pastor.....	265
First Christian.....	J. T. Small, clerk.....	1,200
Springfield Methodist.....	Rev. Smith Hardin, pastor.....	700
Wesley Memorial.....	Rev. W. C. Fountain, pastor.....	408
Snyder Memorial.....	Addyman Smith.....	335
St. Johns Division, 195, Order of Railway Conductors, State legislature committee.....		250
Apr. 12, 1926. The Springfield Improvement Association of Jacksonville indorsed the league resolutions.		100
Total membership represented in all organizations.....		10,316

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on the District of Columbia, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2729) to authorize the refund of \$25,000 to the Columbia Hospital for Women and Lying-in Asylum (Rept. No. 601);

A bill (S. 3790) to provide for transfer of jurisdiction over the Conduit Road in the District of Columbia (Rept. No. 602); and

A bill (S. 3887) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Daniel F. Crump within Glenwood Cemetery (Rept. No. 605).

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 564) confirming in States and Territories title to lands granted by the United States in the aid of common or public schools, reported it without amendment and submitted a report (No. 603) thereon.

Mr. STANFIELD also, from the Committee on Civil Service, to which was referred the bill (S. 786) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, reported it with an amendment and submitted a report (No. 604) thereon.

Mr. WATSON, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 9463) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, reported it without amendment and submitted a report (No. 606) thereon.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (S. 2305) to correct the military record of Sidney Lock, reported adversely thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GERRY:

A bill (S. 3999) to provide a parole commission for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SWANSON (by request):

A bill (S. 4000) to reimburse R. B. Miller and to repay to him for overcharge in freight on manganese shipments paid by him to the United States Railroad Administration; to the Committee on Claims.

By Mr. MOSES:

A bill (S. 4001) granting a pension to George A. Shaw (with accompanying papers); to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 4002) granting a pension to Hannah Cowan; and

A bill (S. 4003) granting a pension to Margaret Cowan; to the Committee on Pensions.

A bill (S. 4004) to amend the World War veterans' act, 1924; to the Committee on Finance.

By Mr. WILLIS:

A bill (S. 4005) to provide a permanent government for the Virgin Islands of the United States, and for other purposes; to the Committee on Territories and Insular Possessions.

A bill (S. 4006) for the relief of George W. Allison (with accompanying papers); to the Committee on Claims.

CITIZENSHIP OF INDIANS

Mr. DILL introduced a bill (S. 3998) making eligible to citizenship North American Indians born outside the United States, which was read twice by its title.

Mr. DILL. Mr. President, I wish to say just a word. At the present time North American Indians born on this continent outside the borders of the United States are not admissible to citizenship under the immigration laws. I do not believe it was the intention of Congress to make such people ineligible to citizenship, and the purpose of the bill is to correct that condition. I move that the bill be referred to the Committee on Immigration.

The motion was agreed to.

AMENDMENTS TO PUBLIC BUILDINGS BILL

Mr. MOSES, Mr. BRUCE, Mr. SWANSON, and Mr. PITTMAN each submitted an amendment intended to be proposed by them to the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes, which were severally ordered to lie on the table and to be printed.

TRAVELING EXPENSES OF CERTAIN SENATORS

Mr. COPELAND submitted the following resolution (S. Res. 201), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to all Senators whose term of office commenced on the 4th day of March, 1925, and who actually traveled from their homes to be in attendance during the special session of the Senate called by the President to convene on said day, and were not paid mileage as Senators or Members of the House of Representatives during the session of Congress immediately preceding, the amount usually paid to Senators as mileage for attendance upon a regular session of the Congress.

PRINTING OF MADISON DEBATES OF THE FEDERAL CONVENTION, ETC.

Mr. FESS submitted the following concurrent resolution (S. Con. Res. 13), which was referred to the Committee on Printing:

Whereas the Declaration of Independence of the 13 United States of America was proclaimed on the 4th day of July, in the year Anno Domini 1776, whereby the United States assumed "the separate and equal station among the powers of the earth to which the laws of nature and of nature's God entitle them"; and

Whereas the one hundred and fiftieth anniversary of the Declaration of Independence is to be celebrated in 1926 throughout the length and breadth of this "Indestructible Union of Indestructible States," now happily 48 in number; and

Whereas through the government of the Federal Union established on the 4th day of March, in the year of our Lord 1789, under the Constitution of the United States the principles of the Declaration of Independence were rendered effective and representative government made its formal entry into the world; and

Whereas the movement for a revision of the Articles of Confederation so as to "render the Federal Constitution adequate to the exigencies of the Government and the preservation of the Union" was conducted by James Madison, of Virginia, later a delegate to the Federal Convention and fourth President of the United States, to whom there is no public monument at the seat of government of the Nation, and by Alexander Hamilton, of New York, later a delegate to the Federal Convention and first Secretary of the Treasury under the Constitution, in commemoration of whose services a bronze statue, erected by the private munificence of an anonymous donor, was recently placed on the steps of the National Treasury; and

Whereas the safety of republican institutions admittedly and proverbially depends upon the frequent recurrence to first principles; and

Whereas the representative government of the States of the American Union organized under the Federal Constitution is threatened without and its principles are inadequately known and appreciated within the United States by multitudes of our fellow citizens enjoying its inestimable benefits; and

Whereas an authentic and accurate account was kept by James Madison of the proceedings in the Federal Convention in which the Constitution was framed, the texts of the debates and proceedings of which could be published in one small volume and ought to be widely distributed as a public document, together with the Declaration of Independence, the Articles of Confederation, the Constitution, the instructions to the delegates to the Federal Convention, the instruments of ratification of the States, and the texts of the amendments to the Constitution: Therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there shall be compiled, printed with illustrations, and bound as may be directed by the Joint Committee on Printing 10,000 copies of the Madison Debates of the Federal Convention, together with the Declaration of Independence, the Articles of Confederation, the Constitution, the instructions to the delegates to the Federal Convention, the instruments of ratification of the States, and the texts of the amendments to the Constitution, and other relevant and pertinent historical documents for distribution in the year 1926 in commemoration of the one hundred and fiftieth anniversary of the Declaration of Independ-

ence of the United States of America, to the end "that government of the people, by the people, for the people shall not perish from the earth," of which 3,000 copies shall be for the use of the Senate and 7,000 copies for the use of the House of Representatives.

INDEPENDENT OFFICES APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives receding from its disagreement to the amendments of the Senate, Nos. 10, 11, and 14, to the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes, and further disagreeing to the amendments of the Senate Nos. 1 and 5.

Mr. WARREN. I move that the Senate insist on its amendments still in disagreement, request a further conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. WARREN, Mr. SMOOT, and Mr. OVERMAN conferees on the part of the Senate.

PARK AND PLAYGROUND SYSTEM OF THE NATIONAL CAPITAL

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8830) amending the act entitled "An act providing for a comprehensive development of the park and playground system of the National Capital," approved June 6, 1924, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CAPPER. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. CAPPER, Mr. JONES of Washington, and Mr. KING conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. SMOOT. Mr. President, I would like to inquire if there is any Senator who desires to proceed to the consideration of the unfinished business, the Italian debt settlement bill. If not, I shall ask the Senate to proceed to the consideration of the public buildings bill.

Mr. FERNALD and Mr. McLEAN addressed the Chair. The VICE PRESIDENT. The Senator from Maine. Does he yield to the Senator from Connecticut?

Mr. FERNALD. I yield to the Senator.

Mr. McLEAN. I would like to inquire of the Senator from Utah if he expects the Senate to adjourn to-morrow and to have a call of the calendar on Monday.

Mr. SMOOT. I see no reason why we should not.

Mr. McLEAN. I think there are many important matters on the calendar which Senators are anxious to have disposed of.

Mr. SMOOT. I have no objection to an adjournment to-morrow.

Mr. McLEAN. Under the circumstances I think it would be well to have that understood, if possible.

Mr. SMOOT. I have no objection to it.

Mr. JONES of Washington. Mr. President, I would like to call up the conference report on House bill 9795.

The VICE PRESIDENT. The Chair lays before the Senate the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1927, and for other purposes.

Mr. JONES of Washington. The report was read yesterday. I understand that the Senator from Tennessee [Mr. McKELLAR] has something to say with reference to the report.

Mr. McKELLAR obtained the floor.

Mr. HARRISON. Mr. President, a parliamentary inquiry. What is the status of the public buildings bill now?

The VICE PRESIDENT. The unfinished business is the Italian debt settlement bill. Any Senator can demand the regular order. At the same time the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes, at the request of the Senator from Maine [Mr. FERNALD], is before the Senate for consideration.

Mr. JONES of Washington. I understood that I had consent for the consideration of the conference report on the bill making appropriations for the Departments of State, Justice, and so forth.

The VICE PRESIDENT. The Chair laid the conference report before the Senate and, without objection, it will be proceeded with.

Mr. HARRISON. I merely want to find out the status of the public buildings bill, because I am very much opposed to it.

Mr. FERNALD. That bill is before the Senate. I yielded to the Senator from Washington [Mr. JONES] to enable him to call up for consideration a conference report.

Mr. HARRISON. I had understood that merely the motion had been made to take up House bill 6559, the public buildings bill, but that the motion had not been acted upon.

The VICE PRESIDENT. The public buildings bill was laid before the Senate last night by unanimous consent.

Mr. BRUCE. That was my understanding.

Mr. OVERMAN. There were only half a dozen Senators here at the time. I do not like that way of doing business. Senators ought to be here when such important matters are laid before the Senate.

The VICE PRESIDENT. On the objection of any Senator the regular order of business, which is the Italian debt settlement bill, can be brought before the Senate. The public buildings bill can be laid aside on the objection of any Senator.

Mr. KING. Mr. President, it seems to me that the Senator from Maine, with his sense of fairness, ought not to avail himself of the permission which was given to take up the public buildings bill this morning when only a handful of Senators were present, and many of those who object to the bill were absent at the time. He ought to renew his request this morning and allow the consent which he obtained last night to be set aside under the conditions to which I have referred.

Mr. FERNALD. Mr. President, this bill has been on the calendar for nearly four months; it is next to the Italian debt settlement. I have been trying to have it considered here for the last 60 days. Yesterday afternoon I asked and received unanimous consent for the consideration of the bill, and I can not withdraw the request now.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The business before the Senate, under the regular order, is the Italian debt settlement. Upon objection, the consideration of the bill referred to by the Senator from Maine [Mr. FERNALD] will be set aside.

Mr. HARRISON. Then a call for the regular order will displace the public buildings bill, and I call for the regular order.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8132) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes.

APPROPRIATIONS FOR THE STATE AND OTHER DEPARTMENTS

The VICE PRESIDENT. The regular order is the Italian debt settlement bill—

Mr. JONES of Washington. Mr. President, I understood—

The VICE PRESIDENT. But, under the unanimous-consent agreement, the conference report submitted by the Senator from Washington [Mr. JONES] is before the Senate, and the Senator from Tennessee [Mr. McKELLAR] is entitled to the floor.

Mr. JONES of Washington. Mr. President, it was my understanding that the conference report was really before the Senate by unanimous consent. The Senator from Maine has no objection to having it now taken up, I presume.

Mr. FERNALD. I yield for that purpose.

The VICE PRESIDENT. The conference report is before the Senate.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1927, and for other purposes.

[For conference report see RECORD of yesterday's proceedings, Senate, p. 7498.]

Mr. McKELLAR. Mr. President, I shall detain the Senate for only a few moments in my discussion of the conference report.

The bill as it passed the House contained the following language:

(11) Investigation and prosecution of war frauds: The unexpended balance on June 30, 1926, of the appropriation "Investigation and prosecution of war frauds, 1926," is continued and made available for the same purposes, and for the employment of regular assistants to United States district attorneys (not exceeding \$100,000) if that

amount is not needed for the investigation and prosecution of war frauds, during the fiscal year 1927: *Provided*, That not more than one person shall be employed hereunder at a rate of compensation exceeding \$7,500 per annum.

Mr. President, the Senate struck out that provision but the committee of conference has restored it. Before the vote shall be taken on the adoption of the conference report I merely wish to let Senators know exactly what the adoption of that item would mean. Last year, over my earnest protest and the protest of many other Senators, a million dollars was appropriated for the prosecution of war frauds. My recollection is—and if I am wrong about it, I hope the Senator from Washington [Mr. JONES] will correct me—that about \$300,000 of that appropriation has already been spent, and this is a proposition to appropriate the unexpended balance of last year's appropriation. That is correct, is it not?

Mr. JONES of Washington. No.

Mr. KING. Yes; that is right.

Mr. JONES of Washington. The Senator from Tennessee is wrong about that.

Mr. McKELLAR. What are the exact figures? I am not wrong about the appropriation of last year and the appropriation for this year, but the exact amount I do not carry in my mind, and I should be glad to have the Senator from Washington supply it.

Mr. JONES of Washington. The adoption of the conference report as to that item will mean that there will be reappropriated at the end of the fiscal year about \$300,000. That will be the amount which will be available.

Mr. McKELLAR. Mr. President, I ask the Senator if it is not the intention to discontinue this activity?

Mr. JONES of Washington. It is the intention to close up the work very soon; but this was the situation that was presented to us by the other House, and I think very properly so: This item in the bill as it came from the House had been stricken out by the Senate, and if that action had been agreed to, then there would have been nothing with which to prosecute the cases as to which the department is now practically ready to bring suit. Then the people involved would have been notified that after the 1st of July there would be no further prosecutions, and therefore they would have staved off all of these cases. That was the situation that confronted the conferees, and, of course, I am satisfied the Senator from Tennessee does not want a situation like that to be brought about.

Mr. McKELLAR. If that were the correct situation, I would not; but I am sure that that is not the correct situation. The correct situation about that matter is this: Those in charge of the war frauds section secured an appropriation of a million dollars last year and have used only a part of it. They are making no headway in the matter of collections. They tried only three lawsuits in nearly a year, as is shown by the hearings. They obtained a judgment for \$14,000 in one case, a judgment for \$111 in another case, and a judgment for \$85 in a third case. They employed about 46 lawyers to obtain those three judgments. They also effected some compromises.

The truth of the business is that when the matter is examined into, eliminating that portion of the work that has been done in the War Department, which is substantially the same work, it will be found that the war frauds section has been a cost to the Government for the entire time and that we have not got back what we appropriated. As a matter of fact, the only purpose of this appropriation is to furnish jobs for a number of gentlemen in that branch of the service. It will not be one particle of benefit to the Government. Nothing has been accomplished by those gentlemen. They have merely built up a large force, and they want to continue it over another year. That is what the adoption of this report would mean—that and nothing else. It would not be for the advantage of the Government but it would be for the advantage of those who are holding those jobs in the war frauds section. They are accomplishing nothing, as I have pointed out time and time again.

The Senate by an overwhelming vote, as I remember, or perhaps by unanimous consent, struck out the item when the bill was under consideration after the statement was made. Now, here it comes back from the conference committee in the old way, just as many things of that kind happen. I am not reflecting at all upon the conference committee. I have no doubt that these gentlemen appeared before the committee and made an ex parte statement, and that upon that ex parte statement the committee was moved to restore the item. I think it ought not to be restored. I think the conference report ought to be sent back to the conference committee. I think the Senate should insist upon its amendment. Therefore, Mr. President, I move that the Senate insist upon its amendment and ask for a further conference with the House of Representatives thereon.

Mr. FLETCHER. Mr. President, before the Senator from Tennessee concludes, let me inquire whether the three judgments to which he has referred represent the entire amount accomplished by this great force, or whether they also made settlements and adjustments that yielded the Government a considerable return? That is the important consideration.

Mr. McKELLAR. Including what the similar section in the War Department did, and other items, they make a more favorable report; a very much larger sum has been collected, but a year ago the two managers of this section—and I think they were getting \$10,000 a year and building up a great legal organization there—came before the committee. I asked for a statement of what they had collected for the preceding seven months of that year, and they gave it to us, and that report showed that, while they had an appropriation of \$500,000 for the whole year for that specific section, they had collected \$171,000 in round numbers, \$14,000 by one judgment, \$85 by another judgment, and \$111 by a third judgment. Compromises constituted the remainder of the \$171,000.

Mr. LENROOT. To how much did the compromises amount?

Mr. McKELLAR. They amounted in round numbers to \$156,000, and the judgments to fourteen thousand and some odd dollars.

Mr. LENROOT. The Senator is mistaken.

Mr. McKELLAR. I am not mistaken. The gentleman to whom I have referred supplemented the statement later, but they gave that as their testimony. It can not be misunderstood. The truth of the matter is that the only good that is being done by this appropriation is to the officeholders who occupy positions in the war-frauds section. The item in the bill ought not be agreed to. The Senate thought it ought not to be agreed to and struck it out of the bill, but now the conferees have put it back. It ought not to be put back.

The VICE PRESIDENT. The motion of the Senator from Tennessee is out of order. The question before the Senate is on agreeing to the conference report.

Mr. JONES of Washington. Mr. President, the Senator from Tennessee is right in part, but he does not go far enough. According to the testimony which was taken before the committee in 1925, the collections for the six months of that fiscal year up to January 1, 1925, were \$157,581.19, and then there were judgments amounting to \$14,191.65; but for that entire fiscal year the collections by this branch of the Government amounted to \$3,217,731.65. We can not judge the accomplishments of a collection agency of this kind by merely picking out a certain period of time and citing what was done during that period. We can not judge the collections for a fiscal year by taking merely a part of that fiscal year.

Mr. SMITH. What was the total amount collected by this agency?

Mr. JONES of Washington. During the fiscal year ending June 30, 1925, the collections were \$3,217,731.65. The total collections since this agency was created amount to something over \$10,000,000.

Mr. McKELLAR. Yes; but that was done in the earlier stages of the proceedings, Mr. President.

Mr. JONES of Washington. The \$3,217,731.65 to which I have referred were collected during the one year I have mentioned. I have here the figures showing the collections by this agency.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. JONES of Washington. Certainly.

Mr. KING. Is it not a fact that the War Department had a very active and intelligent organization, which worked for a number of years and collected and settled claims amounting to tens of millions of dollars?

Mr. JONES of Washington. But, Mr. President—

Mr. KING. I am not through. Is it not also true that the War Department agency after adjusting the accounts of a large number of persons with whom business had been done turned into the Treasury as a result of those efforts on their part a great many million dollars?

Mr. JONES of Washington. The War Department collected \$4,719,295.88.

Mr. KING. I am referring to the War Department.

Mr. JONES of Washington. The amount I have named is what the War Department claimed to have collected.

Mr. KING. They collected more than that, let me say to the Senator.

Mr. JONES of Washington. This is the amount that was claimed to have been included in the collections made by the Department of Justice.

Mr. KING. But anterior to that they collected tens of millions of dollars.

Mr. JONES of Washington. Possibly so.

Mr. KING. Many of those collections were brought about by reason of the fact that there was some dispute as to the accounts upon one side and the other, and it was only a matter of bookkeeping and a matter of adjustment. The War Department agency had almost ready for settlement a number of other cases, involving six or eight million dollars, whereupon the Department of Justice stepped in—

Mr. JONES of Washington. No; the Senator is mistaken.

Mr. KING. Wait a moment. We provided appropriations for the Department of Justice, which created this organization and took over the work which had been almost completed by the War Department. It now claims credit for the work which had been done by others.

Mr. JONES of Washington. No, Mr. President; the Senator is mistaken. The War Department collected every claim that it possibly could collect and adjusted every claim that it possibly could adjust.

Mr. McKELLAR. Mr. President—

Mr. JONES of Washington. If the Senator will wait just one moment; of these it collected something like \$4,719,295.87; but when the War Department came up against a claim that it could not settle, that it could not adjust, that it could not bring to a conclusion, it turned it over to the Department of Justice, of course. So that these claims that came over to the Department of Justice were not claims that were ready for settlement, but they were claims that the Department of War could not adjust or settle.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. McKELLAR. Mr. President, I desire to ask the Senator whether it is not absolutely true that we appropriated last year \$500,000 for the war frauds section of the War Department?

Mr. JONES of Washington. Approximately; yes.

Mr. McKELLAR. They are still cooperating, and these collections represent what both sections have been able to collect.

Mr. JONES of Washington. No; the Senator is wrong about that.

Mr. McKELLAR. No; I am not, Mr. President.

Mr. JONES of Washington. This \$10,638,386.74 collected by the Department of Justice does not include a single dollar collected by the War Department—not a dollar. That is over and above the adjustments by the War Department.

Mr. CARAWAY. Mr. President—

Mr. JONES of Washington. I yield to the Senator from Arkansas.

Mr. CARAWAY. How much of this was collected by compromise and how much did they give away to get this amount?

Mr. JONES of Washington. That I do not know. There were compromises. There were adjustments.

Mr. CARAWAY. Did they give away more than they got?

Mr. JONES of Washington. I suspect that they have settled claims that originally involved probably more than they got. That is very likely so.

Mr. CARAWAY. How much did they collect by suit? Does the Senator know?

Mr. JONES of Washington. No; I can not tell how much was collected by suit.

Mr. McKELLAR. Practically none, Mr. President; substantially none.

Mr. JONES of Washington. O Mr. President, they have collected quite a good many cases by suit; but even granting it to be true that they did not collect by suit, here is the situation at the present time, at any rate, with reference to these suits, which would be abandoned if this amendment had been finally accepted in conference:

On January 20, 1926, there were 463 cases open on the docket of this section.

That is, the war frauds section.

Mr. CARAWAY. Mr. President, let me ask the Senator why he says that they would be abandoned if this amendment were accepted.

Mr. JONES of Washington. Because there would be no appropriation to carry on the work after the 1st of July.

Mr. CARAWAY. Have we not the Department of Justice, whose duty it is to prosecute suits brought by the Government?

Mr. JONES of Washington. Oh, yes.

Mr. CARAWAY. Have we not district attorneys in every district?

Mr. JONES of Washington. Yes; but these men are not acquainted with the facts of these cases. They would have to start in again, and we would have to employ additional assistants and United States attorneys.

Mr. President, I want to say that I expressed myself on the floor of the Senate when this matter was inaugurated. My judgment then was that it would be wiser to let the past go; that the chances were, I thought, that we would probably spend more than we would collect. I have been mistaken in that. We have collected four or five times as much as we have spent in doing it, so that we are just that much ahead. We have spent about \$2,000,000, and we have collected over \$10,000,000 that we might have expected to be a loss. I think that is a profitable transaction. We now have confronting us a situation where there are three or four hundred cases that they have practically gotten ready to bring to a conclusion. If an amendment like this is adopted, if this conference report is rejected, these cases will be abandoned and the people who are contesting them with the Government will be notified that after the 1st of July we do not propose to press these claims. What will they do? Why, of course they will postpone settlement until after the 1st of July, and it will all be gone.

We may not get a great deal out of it. I do not know. We have been getting out of it rather more than we have spent, and as long as we can carry on things in that way we are making money.

Mr. McKELLAR. Mr. President, what cases are there that will go over, and how many lawyers are involved? Will it take all 46 lawyers to look after these cases that are going over? There are 46 lawyers, according to the latest report, that are to carry over these several cases. We know, and the Senator has admitted, that 46 lawyers were engaged for seven months of the time in trying three lawsuits.

Mr. JONES of Washington. No; I have not admitted anything of the kind.

Mr. McKELLAR. The two representatives of this section swore to that, and there can not be any doubt about their testimony.

Mr. JONES of Washington. I do not know how many cases there were during the whole year. I know that the Senator has picked out certain facts within a certain period that do not represent the actual situation during the whole year. Instead of collecting about \$171,000 for the fiscal year, we collected over \$3,000,000; whether by suit or compromise or final adjustment does not make any difference. There has been collected over \$3,000,000 instead of \$171,000.

Now with reference to the force, here is the statement:

There were 45 attorneys paid out of this appropriation during the current year, now employed at the seat of government, and eight attorneys in the field; total, 53 special assistant attorneys in the service at the present time. In the hearings it is stated that they expect to reduce this force to 27 attorneys, 9 stenographers, 22 accountants, and 4 clerks.

In other words, they expect to cut this force practically in two. They are cutting down the force, and that is cutting down the appropriation, and all in the world that we do now is to reappropriate the balance that may be left for next year, which will probably amount to two or three hundred thousand dollars; and, as I say, we are confronted with this situation: If we cut off all of this appropriation, we practically notify these people that we do not propose to press these claims at all.

Mr. McKELLAR. Mr. President, instead of doing that, why do they not arrange to turn them over to the Attorney General of the United States, and give him, say, \$100,000 extra for the purpose of completing these cases. Why keep this enormous number of attorneys—27 of them, as the Senator now claims—that are going to be on the rolls during the coming year? Why keep those 27 lawyers for another 15 months to look after several undefined cases that may bring the Government two or three hundred thousand dollars? I believe that is the statement that the Senator made.

Mr. JONES of Washington. No; I did not make any statement like that.

Mr. McKELLAR. What was the statement? How much will these claims involve?

Mr. JONES of Washington. I started to read them a moment ago when the Senator interrupted me. I will tell him what the total is.

Mr. McKELLAR. I shall be very glad to hear it.

Mr. FLETCHER. Mr. President, may I inquire of the Senator whether this appropriation that is continued, \$300,000, is merely to pay the salaries of the attorneys, or does it cover expenses?

Mr. JONES of Washington. It covers all the expenses, stenographers and accountants, and so on. In other words, it does practically what the Senator has suggested. It turns this work over directly to the Attorney General to carry on with his regular force; and then, as it is brought to a close, these people will go out. These two men who had charge of it, who submitted these facts and data, expect to leave the Government service in a very short while.

Now, with reference to the business as it is pending:

On January 20, 1926, there were 463 cases open on the docket of this section. Of those, 108 cases, involving over \$77,000,000, were in suit.

Of course, we do not know how much will be collected. We can not tell.

Mr. WHEELER. Mr. President, how much have they collected?

Mr. JONES of Washington. They have collected altogether over \$10,000,000. Of course, we have spent about \$2,000,000. That is what it has cost us to collect this amount of a little over \$10,000,000. It is very natural that the easier cases are closed first. The cases that can be adjusted by compromise are settled, and it is only what we might call the hard cases that go to trial.

Mr. WHEELER. How much of the \$10,000,000 have they collected by compromise, and how much by suit?

Mr. JONES of Washington. That I can not tell the Senator. I just assume that possibly the majority of them have been collected by compromise.

Mr. WHEELER. Does the Senator know how many cases were compromised?

Mr. JONES of Washington. No; I do not. I do not remember those details. I think probably they appear in the hearings. The House went into this matter very fully and closely; and the House, in making the provision that it has made in this bill, did not follow the suggestion of the department. It did not follow the suggestion of these attorneys. It framed this up on its own initiative, according to the way it thought the work ought to be carried out.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. JONES of Washington. I yield.

Mr. McKELLAR. The Senator from Montana [Mr. WHEELER] asked how many cases had actually been tried. In all the testimony that has been taken for the last two or three years about this war-frauds section, does the Senator recall a single other case that has been tried except the three reported by Mr. Michael and Mr. Andrews, who reported that three lawsuits had actually been tried, in one of which there was recovered a judgment of \$14,000, in another one a judgment of \$115, and in a third a judgment of \$85? Does the Senator recollect the statement of a single other lawsuit that has actually been tried during all this time by this great corps of lawyers?

Mr. JONES of Washington. Mr. President, I have not been very much concerned with the number of cases that were actually tried. What I have been concerned about is as to whether or not it has paid the Government to spend the money that it has spent in trying to adjust these claims and collect them for the Government. We have spent about \$2,000,000, we have collected over \$10,500,000, and if we had not provided for carrying on the work of this section the chances are about ninety-nine out of a hundred that we would not have gotten anything out of it.

Mr. McKELLAR. This appropriation began in 1923 with 500,000, \$500,000 more was appropriated in 1924, \$700,000 in 1925, and last year \$1,000,000.

Mr. JONES of Washington. Yes; but that has not been spent. We have spent for this service, in round figures, \$2,000,000.

Mr. OVERMAN. This item only appropriates the unexpended balance.

Mr. JONES of Washington. That is all.

Mr. McKELLAR. I know; but it is the Government's money, and why misuse an unexpended balance? This money will come back into the Treasury on July 1 if it is not thus wasted, and it ought to be restored to the Treasury. I want to say that in my judgment—and we examined these witnesses before the committee—not a dollar will be brought into the Government's coffers if we allow it to be expended. We are throwing away \$300,000 of the people's money in voting for this item.

Mr. JONES of Washington. Now, Mr. President, I want to read this statement, which was prepared by the Attorney General:

On January 20, 1926, there were 463 cases open on the docket of this section (the war-frauds section). Of those, 108 cases, involving over \$77,000,000, were in suit.

Most of these cases are in suit still.

The investigation of 60 cases, involving claims aggregating more than \$11,000,000, had been completed. Since that time additional actions have been instituted and additional investigations have been completed. If the present program of this section is adhered to other actions will be instituted and other investigations completed prior to June 30, 1926.

That is, June 30 of this year.

Mr. McKELLAR. Mr. President—

Mr. JONES of Washington. I will ask the Senator please to wait one moment.

We have estimated that on that day between 150 and 200 cases will still be open on the docket of this section. If they are abandoned the Government will fail to recover large sums which are justly due it, and the money theretofore expended in their investigation and prosecution will have been entirely wasted. Some of these cases involve actual fraud.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. JONES of Washington. I yield to the Senator from Montana.

Mr. WHEELER. How long have they been on the docket at the present time?

Mr. JONES of Washington. I do not know. These have not all been on any docket except the docket of this section. The docket referred to is not the docket of the court.

Mr. McKELLAR. Mr. President, let me ask the Senator a question. Does the Senator think that cases now just being prepared for trial are going to be wound up in the next 12 months, or by July 1, 1927? The Senator is sufficiently familiar with litigation to know that it will not be done. Exactly that same plea can be made a year from now.

Mr. JONES of Washington. They will be wound up, Mr. President, if the Senator from Tennessee has his way about it—

Mr. McKELLAR. They certainly will be.

Mr. JONES of Washington. And they will be lost to the Government. Every possible hope that the Government may have of collecting any of this money will be gone. In other words, Mr. President, while the Senator does not intend it, if what he advocates is carried out, no greater service could the attorneys of these people render to their clients than would be accomplished by that, because it would mean the abandonment of their cases, and they would not have further need for attorneys or defense or anything of the sort.

Mr. CARAWAY. Mr. President, does the Senator actually mean that the Department of Justice would let the Government's cases be dismissed for want of prosecution unless we hired special attorneys to handle them? That seems to be a pretty broad indictment against the Department of Justice.

Mr. JONES of Washington. I do not yield to the Senator any further now.

Mr. CARAWAY. I do not care whether the Senator does or not.

Mr. JONES of Washington. I have the floor.

Mr. CARAWAY. The Senator can not keep it always, though.

Mr. JONES of Washington. The Senator from Arkansas will proceed in his own time, if he desires to do so.

I have not made any indictment against the Department of Justice. The Senator knows that the Department of Justice has no more attorneys in its regular force than are necessary to carry on the regular business of the department. We know further that if we abandon this section, these cases will be abandoned, or we shall have to provide an additional force for the Department of Justice. We shall either have to do that or the department will have no force greater than is necessary for its regular work, and I do not think we can assume that they have more than they need. If they had, of course, we ought to cut the force down. That is why I say these cases will have to be abandoned. In the first place, in a great number of the cases lawsuits have not been commenced.

They are about ready to bring the cases into court. Does any Senator think that if we abandon this war-frauds section, which we created for the specific purpose of prosecuting these cases, the Department of Justice will go on with the cases which are just ready to be brought into court? I think they have a right to assume that the Congress does not want them to abandon the cases, but if we do not agree to this provision, it seems to me they will have to come here and say, "We must have an additional force." They now have men who are trained in this line of work—men who are acquainted with the work; men who know the facts and know the circumstances upon which the Government claims are founded.

Mr. WHEELER. Mr. President, the Senator knows, does he not, that if these cases had been properly handled they should

have been brought a long time ago, but that instead of being properly handled, they were switched from the Department of Justice to the War Department, and from the War Department back to the Department of Justice, for a number of years?

Mr. JONES of Washington. No; the Senator does not know that they have not been properly handled. Probably mistakes have been made. Very likely mistakes have been made, but I have too much confidence in the men who are attempting to carry on the affairs of the Government to think that they are generally deficient, that they are generally influenced by this motive or that.

It may be that some of them are not as efficient as they ought to be; probably that is true. It may be that some of them have made mistakes; probably that is true. It may be that some of them have been neglectful; probably that is true. But I think we have a right to assume that, as a whole, these men are competent and that they are trying to do the very best they possibly can for the Government, that they are handling these cases in the very best possible way. We must not overlook the fact that the people against whom these claims exist will employ, and no doubt in some instances have already employed, the ablest attorneys possible to get, paying them large fees.

Mr. NEELY. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from West Virginia?

Mr. JONES of Washington. I yield.

Mr. NEELY. The Senate struck this item from the bill. May I inquire of the Senator what argument was presented or what facts were submitted to the managers of the conference that impelled them to reverse the action of the Senate and restore the item to the bill?

Mr. JONES of Washington. Mr. President, we were met by the House conferees at once with the statement, "If your amendment prevails, much of the work that has been done will have been wasted already; many of the claims which are practically at the point of having suit brought will be abandoned, and there will result great loss to the Government." The House committee has gone into this whole situation in the greatest detail, and the members were unanimous in the belief that the approval of this amendment of the Senate would mean a very serious loss to the Government.

Mr. NEELY. The managers on the part of the House had no information other than that which is contained in the hearings, had they?

Mr. JONES of Washington. I suppose not. They had gone into the matter far more fully than the Senate committee had. Of course, we had their hearings, and we had this additional statement from the Attorney General.

Mr. NEELY. Does the Senator believe that the information contained in the record of the House hearings justifies the conclusion that the conferees have reached regarding losses that would probably result from our failure to agree to the restoration of the provision under consideration?

Mr. JONES of Washington. I do, absolutely. Mr. President, I ask to have printed in the Record a letter and memorandum from the Attorney General, answering in detail many of the very questions which were raised in the discussion before, and which have been raised now.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the Record, as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., March 30, 1926.

HON. WESLEY L. JONES,
United States Senate.

MY DEAR SENATOR: I inclose herewith a memorandum submitted to me by the directors of the war transactions section of this department, relative to the action of the Senate last Saturday in striking from the act making appropriations for this department for the next fiscal year all provision for the investigation and prosecution of cases arising out of war transactions.

In view of the fact that the directors of the war transactions section were charged on the floor of the Senate with having misrepresented to me the collections made in cases involving war transactions, and since I know that charge to be entirely unfounded, it seems to me that in fairness to them the inclosed memorandum should be inserted in the Record, so that the charge will not be permitted to stand unanswered.

I hope that you will agree with me.

Sincerely yours,

JNO. G. SARGENT, Attorney General.

DEPARTMENT OF JUSTICE,
WAR TRANSACTIONS SECTION,
Washington, D. C., April 1, 1926.

HON. WESLEY L. JONES,
United States Senate.

MY DEAR SENATOR: The Attorney General has requested me to send you the inclosed memorandum, which is a copy of the memorandum referred to in his letter to you dated March 30, 1926.

Very truly yours,

JEROME MICHAEL, Director.

(Inclosure.)

MARCH 29, 1926.

Memorandum for the Attorney General

On Saturday the Senate eliminated from the appropriations bill all provision for the investigation and prosecution of war frauds in the next fiscal year. During the course of the debate we were charged with having misrepresented to you the facts regarding this section's collections, and other inaccurate statements were made.

THE STATEMENTS

1. Up to date "only a little over \$300,000" of the current appropriation of \$1,000,000 has been expended and "the bill reappropriates the sum of about \$700,000."

2. This department asked "that the unexpended balance be reappropriated for another year."

3. This section did not collect \$3,217,731.65 in the fiscal year ending June 30, 1925, as the Attorney General reported to the Senate, but "somebody has been imposing upon the Attorney General" and "it is impossible that the figures can be correct."

4. The figure of \$3,217,731.65 was arrived at by adding the collections made by the War Department "to the miserable pittance that the war-fraud section of the

THE FACTS

1. As shown by the record of the hearings before the subcommittee of the House Appropriations Committee (p. 160), which was available to the Senate, the expenditures to December 31, 1925, the first six months of the current fiscal year, were \$316,726.39, and (p. 161) as the expenditures of the section are at the rate of approximately \$52,500 per month the estimated expenditures for the entire fiscal year are about \$700,000. The bill, therefore, reappropriated about \$300,000 instead of about \$700,000, as a most cursory examination of the record of the hearings before the House committee would have shown.

2. This department did no such thing. This department estimated the requirements for the next fiscal year at \$250,000. The Budget reduced the estimate to about \$211,000. Instead of providing for the appropriation of a specific sum the House committee recommended the appropriation of the unexpended balance of this year's appropriation entirely, as we are informed, upon their own initiative and without suggestion from this department.

3. The figures are correct and no one has imposed on the Attorney General. In February, 1925, we stated to the Senate Appropriations Committee that from July 1, 1924, to January 30, 1925, the section had collected \$157,581.19 and had obtained judgments aggregating \$14,191.65. These figures were cited to the Senate last Saturday as proof of the statement that the collections from July 1, 1924, to June 30, 1925, could not have been \$3,217,731.65, and they were used in such a manner as to create the impression that we have given the Senate and the Attorney General conflicting information. The fact is that the collections from January 30, 1925, to June 30, 1925, were sufficient to bring the total for the entire fiscal year to \$3,217,731.65. We attach an itemized statement of the collections in question.

4. As inconceivable as it may be, the figure of \$3,217,731.65 is correct and includes no collections made by the War Department.

THE STATEMENTS—continued

Department of Justice has collected, namely, \$171,000, and the two added together amount to the figures given by the Attorney General," and "the only way in which it can be conceived that the figures of the Attorney General are correct is that he has included the collections made by the War Department through compromises."

5. "The only way the Attorney General's figures can be accounted for is that he has been misled about the matter"; and "they [Messrs. Andrews and Michael] testified themselves that they had not collected any such sums."

6. "Most of the funds collected by the Department of Justice were from cases that had been practically settled by the War Department." "There were a number of cases ready to be settled, and the Department of Justice stepped in and got the credit."

7. "The Department of Justice never did collect \$8,000,000 out of fraud cases. It did collect a small amount, a few of the cases being based on fraud, some merely on contracts; but the greater part of the amount collected by the Department of Justice resulted from negotiations which had been conducted by the War Department, and the War Department was practically in a position to close the matters when they were turned over to the Department of Justice perhaps for drawing the proper releases and entering the judgments, so that the matter would be fully concluded."

The House Appropriations Committee took more than 50 printed pages of testimony concerning the work of investigating and prosecuting war frauds, past, present, and prospective. It is inconceivable that if the Senate had been familiar with that testimony we would have been charged with having imposed upon you, or that statements so inaccurate as those we have commented upon would have been made or permitted to pass unchallenged.

As we have already asked you to permit us to return to private practice by the end of the present fiscal year, we are concerned by the action of the Senate only because of our interest in the work to which we have given almost two years and of our desire to see the rights of the Government maintained. As we understand it, if no appropriation is made for the purpose of investigating and prosecuting cases arising out of war transactions in the next fiscal year, the department will have to abandon that work altogether because of the lack of the funds necessary to carry it on. If that is so, the action of the Senate will have the following results, which we deem it our duty to call to your attention:

1. If the action of the Senate becomes the action of Congress it will become known, upon the passage of the appropriation bill, that no funds will be available next year for the purpose of investigating and prosecuting war frauds. Under those circumstances defendants will endeavor by every means to delay the trial of their cases and will refuse to negotiate with this department for their settlement. It will thus become extremely difficult, if not impossible, to obtain trials or settlements during the remainder of this fiscal year. That raises the question whether, if the work must end, in any event, on June 30, 1926,

THE FACTS—continued

5. The Attorney General has not been misled. His figures can be accounted for by the fact that they are absolutely accurate, and we have not testified other than in accordance with the fact that the collections for the fiscal year ending June 30, 1925, were \$3,217,731.65.

6. It has been the almost invariable practice of the War Department not to refer cases to this department until the War Department, after exhausting all possible means open to it, has been unable to adjust them, and wherever it has been possible for the War Department to settle a case it has done so, unless the case involved actual fraud. The cases referred to the Department of Justice are those which the War Department has been unable to settle.

7. In cases arising out of war transactions this section has collected to March 22, 1926, \$10,226,769.40, and on that date there was payable to the Government, in addition, \$411,617.34 on account of compromises theretofore closed, making a total of \$10,638,386.74. Since March 22, 1926, this section has agreed upon additional compromises aggregating approximately \$125,000. These collections did not result from negotiations conducted by the War Department. If the War Department had been in a position to settle them, they would not have been referred to the Department of Justice. In addition to the \$10,638,386.74 collected by this section, the War Department has collected \$4,719,295.87 (Hearings before House committee, p. 349), no part of which is included in the collections made by this section.

it is not advisable to stop it now, or at least very materially to modify the present program of this section, and to confine its efforts to cases in which the work of investigation has been completed. The cost of maintaining the section at the present time is in excess of \$50,000 a month. There would certainly seem to be no point in continuing to investigate cases which must be eventually abandoned. Furthermore, if the work of this section in the trial and settlement of cases is to be rendered largely abortive by the knowledge that the work must end on June 30, 1926, further expenditures will be largely wasted.

2. On January 20, 1926, there were 463 cases open on the docket of this section. (Hearings before the House committee, p. 207.) Of those, 108 cases, involving over \$77,000,000, were in suit. The investigation of 60 cases, involving claims aggregating more than \$11,000,000, had been completed. Since that time additional actions have been instituted and additional investigations have been completed. If the present program of this section is adhered to, other actions will be instituted and other investigations completed prior to June 30, 1926. We have estimated that on that day between 150 and 200 cases will still be open on the docket of this section. If they are abandoned, the Government will fail to recover large sums which are justly due it, and the money theretofore expended in their investigation and prosecution will have been entirely wasted. Some of these cases involve actual fraud.

3. In the last week five new cases have been received from the War Department. We understand that 13 other cases will be received during the present week. These 18 cases are said to involve approximately \$6,000,000. These cases, and any others that may hereafter be referred to this department by the War Department, must likewise be abandoned.

4. We think it safe to say that by the end of the present fiscal year at least \$11,000,000 will have been collected by this section in cases arising out of war transactions. The result of the abandonment of the cases which will be open at the end of the present fiscal year will be to discriminate against those war contractors whose contracts were first reached in the investigation of war transactions and to permit a very considerable number of war contractors to retain moneys to which they have no right.

Respectfully submitted.

(Signed)

PAUL SHIPMAN ANDREWS,
JEROME MICHAEL,
Directors War Transactions Section.

Collections by war transactions section for fiscal year 1926

Name	In full, on account, etc.	Compromise
Accessories Manufacturing Co.	\$280.38	\$10.00
Atee Garment Co.		105,000.00
Bridgeport Brass Co.		85.00
Beebe, Stacey K.		5,466.56
Bell Manufacturing Co.		360.82
Beste, Bergland & McKay		279.18
Brown County Products Co.		500.00
Barnes, F. C. Co.		32,500.00
Columbia Salmon Co.		150,000.00
Columbia Salvage Corporation (Benicia arsenal claim)		200,000.00
Charleston Industrial Corporation		10,000.00
Connecticut Brass & Manufacturing Co.		405.57
Evans Oil & Fertilizer Co.		15,100.00
Erickson, E. J.		21,331.31
Do.		10.00
Ferguson, Henry A.		567.18
Foster Merriam & Co. ¹		14,000.00
Graves, N. Z.		15,048.50
General Fireproofing Co.		66.92
Grossman, Jacob		350.00
Haddock Fuel Corporation		7,062.88
Hayes-Ionia Co.		9,000.00
Hogshire, E., & Sons Co.		15,000.00
International Coal Prod. Corporation		1,500,000.00
Do.		1,500.00
Kimmel, Louis		48.00
Kaplan, A. D.		7,500.00
Lanigan Uniform Co.		75,000.00
Mitchell Motors Co.		165,000.00
Mesta Machine Co.		111.65
Montague, Wilford W.		17,121.13
Nassau Smelting & Refining Works (Ltd.)		25,561.61
Nashville Industrial Corporation		1,225.66
Pass, Samuel W.		514.65
South Texas Haymakers Association		70.00
Stevens, Niel C.		80.00
Stokes, John Y.		29,543.10
Sullivan, Young Russland (Inc.)		500.00
Stoops Packing Co., The		300,000.00
Tacony Steel Co.		27,330.74
Valley Forging Co., The		14,191.81
Ward & Pride		440,000.00
Holt Manufacturing Co.		
Total	140,038.03	3,077,602.72
		140,038.93
		3,217,731.65

¹ This sum has been collected in cash as compromise offer, but has not been finally accepted and may be returned to the company in the event of an unfavorable decision by the United States Supreme Court in a related pending case.

Mr. FLETCHER. Mr. President, may I inquire of the Senator if the time has not about arrived when the statute of limitations will bar these claims? It seems to me that there must be a time when they will be barred. Perhaps some of them are based on contracts under seal, and that may save them from the running of the statute, but unless suits have been brought already, or will be brought soon, I imagine the statute will run against many of the claims.

Mr. JONES of Washington. I dare say that is true. Just in brief, it seems to me that Congress can not afford to take a position which would be equivalent to saying to these defendants, "After the 1st of July we do not propose to prosecute the claims against you, and if you can just hold out until the 1st of July you will go practically scot-free." I do not think Congress can afford to take that position, especially in view of the fact that with the expenditure of a couple of million dollars we have collected already for the Government out of these claims, which probably almost all of us considered practically hopeless, nearly \$11,000,000.

I think the conference report should be agreed to.

Mr. CARAWAY. Mr. President, if the courteous Senator from Washington has concluded, so that somebody else may have a right to say a word, I should like to be heard.

Mr. JONES of Washington. The Senator can proceed just as long as he desires.

Mr. CARAWAY. I have not yielded to the Senator to say that.

Mr. JONES of Washington. I thought I would give the Senator some information.

Mr. CARAWAY. That is the only information the Senator has given so far, and I accept it, because he did not have a line of information about how many of these cases had been prosecuted or how much of that work was due to the energy and skill of the men he wants to keep on the pay roll. He had nothing of that kind to tell the Senate. He merely made the bald declaration that it would mean an abandonment of suits if Congress did not continue to keep these men on the pay roll after years of their being on the pay roll. It is rather remarkable that the Senate had all the information that is included in the House hearings when it struck out the provision, and nobody ever thought about that not being compelling until, for some reason, we find the provision back here, with no additional information to justify its being in the bill.

I do not know whether the Department of Justice are to be trusted or not. The Senator seems to think they can not do anything without hiring special attorneys. He ought to know them better than I do; they belong to his particular party, and that party put them in office. If they are absolutely useless, the country ought to know it, and the Senator from Washington could perform one service in all of his long career by telling the country so.

I do not know what is to come out of continuing these people on the pay roll. The Senator a moment ago said that all the easy matters had been settled; that is, those which could be handled without effort; that with the expenditure of \$2,000,000 they got back nearly \$10,000,000. We might have turned it over to any collecting agency and have beaten that. They would have taken it on a commission of 10 per cent and would have gotten us more money with less expenditure.

There is nothing in the results accomplished to warrant the continuation of these people on the pay roll, and there is not a line of information in the statement of the Senator from Washington which would warrant us in continuing them, because he has disclaimed, whenever he was asked the question, knowing anything about it, except that there are fifty-odd men on the pay roll, and for God's sake keep them there.

Mr. McKELLAR. Mr. President, I want to ask the Senator from Washington if it is not true that this is not a final report of the conferees. There are some other matters to be considered, are there not?

Mr. JONES of Washington. No; this is a final report.

Mr. McKELLAR. Was everything agreed to? I asked the clerk a moment ago, and I understood from him that two matters had not been agreed to.

Mr. JONES of Washington. Since the Senator reminds me, I will state that it is a complete agreement except that there are one or two items which had to go back to the House under their rules. If the House agree to them, then it will be a final agreement.

Mr. McKELLAR. If the report had to be sent back to the House for action, it seems to me that we might well send it back to conference and let it be further considered by the conference committee. There is no reason why that should not be done. It is not a final transaction yet.

Mr. JONES of Washington. Will the Senator permit?

Mr. McKELLAR. Yes.

Mr. JONES of Washington. If the House should agree to what the House conferees recommend, it will be final.

Mr. McKELLAR. So, if the Senate were to agree, it might be final, but it is still in conference, as a matter of fact, and there is no reason why the report should not go back to the conferees.

Mr. President, I want to say just a few words about this appropriation before it is finally voted on. This is the third fight we have had over these appropriations. I think it was some two years ago when Mr. Michael and another gentleman came before the committee asking for an increased appropriation of \$700,000, and that was given in the deficiency and in the regular appropriation bill.

Naturally I wanted to know something about what this organization was doing, and, as I recall Mr. Michael's testimony, it was substantially to this effect, that at that time they had 46 lawyers, and they wanted to employ about 110 or 115. They wanted to double their organization. They had an accountant at a tremendous salary. I have forgotten exactly what it was, but I believe one accountant was getting \$18,000 a year. There were numerous other accountants. There was all this vast corps of lawyers, a number of them getting about \$10,000 a year at that time, and many of them getting \$7,500. It was a very costly and expensive organization.

Mr. Michael was asked to bring the facts and figures as to what they were doing, and in order that the exact results could be obtained, I asked him for the data as to the period between July 1 and February 1 of that fiscal year. It was then that the startling information was given that this vast array of 40-odd lawyers had tried three lawsuits, and, so far as the record shows and so far as their testimony shows, as I recall it, not a single other lawsuit has been tried during all the years this war-frauds section has had control of that work.

Think of it, Mr. President, 46 lawyers trying three cases, two magistrate court cases, in one of which the judgment was for \$115 and in the other a judgment for \$85 and in one a real judgment of \$14,000.

They had also collected in that seven months about \$156,000 more. When confronted with these facts they were told, because I so advised them in the hearings, that war was going to be made on them if they did not produce better results.

Notwithstanding that testimony the next year, or perhaps it was that very same year, there came in a recommendation from the President of the United States and from the economical Budget Director for an appropriation of \$1,725,000 for the war-fraud section. They were going to get lawyers from everywhere to help them, I suppose, to try those three cases. They always said they had some cases they were going to bring, but apparently they have not brought them, or if they have brought them, they have not mentioned them. They have accomplished practically nothing except in the way of a compromise, and that compromise has cost the Government, according to the figures of the Senator from Washington, fully 20 per cent of the amount of the claims. As the Senator from Arkansas [Mr. CARAWAY] said, they could have given the claims to a collection agency and no doubt could have obtained tremendously better results at half the cost.

The Senator from Washington [Mr. JONES] says the attorneys ought to be kept on for another year because the cases are not closed. We will have exactly the same proposal another year that we have now, that there are still cases on the docket undisposed of, and that they must have another appropriation for the war-fraud section to carry on. As long as these gentlemen are retained in office there will be recommendations from the Budget Director and from the President of the United States, notwithstanding his economy program, to keep these men on the pay rolls of the Government. It is a situation for which there is no warrant. I do not like the idea of keeping 27 lawyers on the pay roll who have collected only the insignificant amounts that are involved after these long years. The idea of keeping them on the pay roll and continuing cases that may or may not be tried when the whole 46, or 55, as the Senator from Washington said, have tried but three cases that we know about and then secured only one judgment of \$14,000 in all those cases. It is willful, woeful waste and extravagance. It ought not to be countenanced by any legislative body. It is a matter that ought to be stopped, and there is but one way to stop it, and that is to stop it now.

If we stop it now we will save the \$300,000, and if we do not stop it now we lose that much, and a year from now there will be in some form, by some means, a recommendation from the Department of Justice to keep these very lawyers on the

pay roll in that or some other capacity. It ought not to be countenanced, and I hope the Senate will vote down the provision.

This is not a final report, and we have plenty of time to consider it. There is no reason why it should not be sent back to conference for further consideration. I regret that it is not within the rules to make a motion to refer it back to the conferees with instructions, but there seems to be no such motion permissible under our rules. Therefore I can only hope that the Senate will join me in defeating the conference report. We have plenty of time to take the matter up and save this small sum. Comparatively speaking, \$300,000 is a small amount, but when we know it is going to be wasted in the way that has been shown here we ought to save it for the American people.

Mr. WHEELER. Mr. President, I merely wish to add a few words to the suggestions already made by the Senator from Tennessee [Mr. McKELLAR]. If any business in the country had been handled in the way the war frauds section of the Department of Justice has been handled, it would be bankrupt. There is not a lawyer in the Senate to-day, if he examined into the records of the Department of Justice and the way in which they have handled these war-fraud cases, who would not say that every lawyer connected with that department was either entirely incompetent to handle the business or else there was something wrong with the way it was handled.

I want to say to the Members of the Senate before they pass upon this question that there has been some talk about settlements. The section did make some settlements. I tried to look up a moment ago the figures of one settlement to which reference has been made with some motor company in Detroit for something like \$1,000,000, when the evidence showed beyond a question of doubt that the Government was entitled to recover and could have recovered something like \$9,000,000. Yet we are paying to these attorneys in the Department of Justice something like \$300,000 or \$400,000 to go out and compromise an indebtedness due the Government, an indebtedness which is justly due, which it was admitted was due the Government, for \$1,000,000, when there was something like \$9,000,000 or \$10,000,000 due and collectible.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. McKELLAR. Does not the Senator believe, with the facts before him and before the Senate as they are, that one real, genuine, good lawyer with a good stenographer could get more out of the compromises of all these cases than this whole body of lawyers have demonstrated that they are able to get?

Mr. WHEELER. I do not think there is any doubt in the world but that two or three good, competent, first-class lawyers would have handled the matter and settled the cases or tried them a long time ago. The evidence before the committee investigating the Department of Justice showed the fact, and showed it beyond a question of doubt, that these cases were first investigated by the War Department. Then they would be sent over to the Department of Justice. After they were sent there the Department of Justice would go into a long investigation of them, and then they would be sent back for some reason or other to the War Department and another investigation would be ordered there. So they were shifted from one department to another department until some of the claims at least got so old and stale that perhaps no lawyer could get at what the real facts were or could get the witnesses to prove the cases.

I say that if we had an Attorney General of the United States who was competent and who had some assistants down there who were competent, it would not be necessary to go out and employ so many lawyers at an expense of \$300,000 for the recovery of this money. Just as long as the Congress of the United States is willing to appropriate \$300,000 a year for this purpose, just so long will we have these 26 lawyers down there coming to Congress asking for an appropriation and still saying that the cases are pending. The cases ought to have been closed up long ago. The evidence in most of the cases was found in the War Department and then the cases were sent over to the Department of Justice for further investigation. They have simply mismanaged them from the very start. It has either been done through incompetence or a willful mismanagement of the cases. I for one want to see the appropriation cut out completely. We are simply wasting \$300,000 of the people's money by appropriating it in this way or permitting it to be appropriated for this purpose.

Mr. KING. Mr. President, when the Department of Justice appropriation bill was before the Senate a few days ago attention was called to the enormous appropriation carried for the Attorney General's office and for the employment of an army

of attorneys and assistants to the Attorney General. For the Department of Justice, as I now recall, more than \$13,000,000 were appropriated. Congress has generously provided for legal help in all the Federal districts, and the number of district attorneys, assistant district attorneys, special assistants, and assistants to the Attorney General, great as it is, becomes larger each year. To aid in enforcing the law and detecting crime there are hundreds of marshals and deputies, and also an investigation bureau which has a large personnel and extensive machinery.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Utah yield to the Senator from Tennessee?

Mr. KING. I yield.

Mr. McKELLAR. I will ask the Senator if it is not true that the excuse given for this appropriation is that there are quite a number of suits yet to be brought and which ought to be brought, and another year is required for their prosecution or settlement? Is it not true that every suit which will be brought must be brought by the district attorney of the district in which the defendant lives; that district attorneys will have to bring the suits anyway; and that special assistants can only aid in the matter? Is not that true?

Mr. KING. That ought to be the practice, and the district attorneys ought to look after the cases referred to by the Senator. Unfortunately, politics too often plays a part in the selection of district attorneys and their assistants, resulting in the appointment of some incompetent officials. This results in the appointment of many special assistants, who go into States in which they do not reside to take charge of and try cases arising in such States. Then there are special assistants for post-office cases, special assistants for narcotic cases, special assistants for counterfeiting cases, special assistants for deportation and fraudulent naturalization cases, until we have a list of assistants which is formidable if not imposing. There are enough regular district attorneys and their assistants to properly handle all cases and matters of a legal nature in which the Government is a party or is interested.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. WHEELER. The Senator will remember that during the Democratic administration the United States district attorneys throughout the United States almost without exception handled all these cases. They would sometimes be worked up by special agents of the Department of Justice, and then the cases would be sent out to the United States district attorneys and they would handle the cases themselves. They did not have and were not required to have a big staff of special assistants and politicians traveling all over the country for the purpose of bringing these suits.

Mr. KING. I think the Senator is right.

Mr. BRUCE. Mr. President—

Mr. KING. I yield to the Senator from Maryland.

Mr. BRUCE. I desire to say that in the State of Maryland the abuse of employing special assistants in the city of Baltimore became very flagrant and finally led to the enactment of a law positively forbidding the employment of special counsel under any circumstances. The legal staff of the city solicitor's office in Baltimore is a considerable staff, and yet, as I said, special counsel were employed so frequently and at such great expense to the city that finally the legislature came to the conclusion that a positive and unqualified interdiction of the practice should be enacted, and it was enacted.

Mr. KING. The United States might well profit by the example of Maryland. But an examination of the appropriation bills for the past 9 or 10 years will show an enormous increase in the number of Government attorneys—both in the Attorney General's office in Washington and in the various districts throughout the country. And, as stated, there are scores, if not hundreds, of special attorneys and special assistant attorneys and assistants to the Attorney General, and the list grows and the costs increase. I believe that there are in the Department of Justice, as there are in all other departments of the Government, too many employees and not enough efficiency.

Mr. WHEELER. Mr. President, will the Senator yield again?

Mr. KING. I yield.

Mr. WHEELER. I merely want to make the comment that during the investigation of the Department of Justice we found one lawyer who was paid something like \$10,000 and who had not done one single piece of work, except he said that he was ready to try the case at any time they asked him to do so. They had paid him \$10,000, but he had never done one thing.

In many other instances we found that these special assistants to the Attorney General were representing the Government in one case and representing some defendant in another case. In many instances they were nothing more than political friends of the Attorney General, and on one hand they would be prosecuting a case for the Government while on the other they would be defending a case for some criminal.

Mr. KING. Mr. President, I believe that the laws of the United States should be enforced and that funds should be provided for that purpose, but I have felt that there has not been economy in the law-enforcing branch of the Government. I have insisted that the Department of Justice should have sufficient funds with which to enforce the laws.

I have been very much interested in trying to have the antitrust laws enforced, and have conferred with the Department of Justice upon various occasions with reference to this matter. I met Mr. Daugherty, the Attorney General, shortly after his appointment, and stated that I felt sure that whatever money the Department of Justice required to enforce the laws I was sure Congress would appropriate, and that the Democrats would cordially support such appropriations.

The Democrats did vote large appropriations to the Department of Justice, including many hundreds of thousands of dollars to enforce the Sherman and Clayton Acts. I regret that the antitrust laws were not enforced and much of the money appropriated for their enforcement was wasted. Senators are familiar with the record, and I shall not stop to examine it.

However, it is not improper to add that trusts and combinations in restraint of trade increased in number and in power; combinations in restraint of trade and mergers of great corporations were organized to a greater extent than during any similar period of time in the history of our country.

If Senators are interested in the appropriations provided for the Department of Justice for the next fiscal year they will find on examining the bill recently passed that enormous sums were appropriated for assistants to the Attorney General and for special attorneys. I felt when the bill was under consideration that Congress was too liberal. I did not challenge the item because I did not want it said that any Democrat had opposed law enforcement or refused adequate appropriations for that purpose. I believed that the amount appropriated was too much and that it would not be wisely or economically used, and that some incompetent and inefficient men would be selected for responsible positions.

Mr. President, turning to the subject before us, permit me to say that immediately after the war charges were made, particularly by Republicans, that frauds had been committed by various persons and corporations in their dealings with the Government under war contracts. The Attorney General, as I recall, declared that if he had sufficient appropriations he would convict many persons of crimes growing out of war transactions. He and other persons stated that many contractors had robbed the Government, had made false reports, and committed frauds which had resulted in losses to the Government of hundreds of millions of dollars. The House of Representatives made investigations, taking volumes of testimony; many sensational charges were made, and the country was led to believe that nearly all persons who have dealt with the Government had been guilty of perjury and fraudulent practices.

It transpired that most of the charges made were wholly baseless, and that in other cases there were honest disputes between the Government and contractors which subsequently were amicably settled, the Government in some instances being found to be in the right, and the contractors in the greater number of instances being found to be bona fide creditors and entitled to further payments by the Government.

Undoubtedly there were some frauds, and some conscienceless scoundrels took advantage of the situation which the war created and deliberately robbed the Government. The Department of Justice was allowed large sums for the purpose of investigating war contracts and war-fraud cases and to enable it to take the necessary steps to protect the interests of the Government, to bring civil suits where necessary, and to institute criminal proceedings where the facts warranted such course.

May I say that after the partisan declamations of the Attorney General it was discovered that the overwhelming number of persons who had war contracts with the Government lived up to the same and were acquitted of any moral obliquity or any legal transgression. The fact is that many partisan Republicans tried to play politics out of the war and out of the conduct of the war. The real fact, however, is that a majority of those in official positions and who represented the Government in making the war contracts were Republicans, and

that the majority of those who had contracts with the Government were likewise Republicans.

After several years of effort, or lack of effort, whichever it may be, of the Department of Justice and its army of experts and agents and attorneys and assistant attorneys and special assistant attorneys there were, as I recall, but two convictions of persons charged with war-fraud cases. One person was convicted of a misdemeanor and fined a few dollars, and the other was an Army officer, I think of the Reserve Corps, who was charged with having improperly secured or disposed of an automobile.

Mr. BRUCE. Mr. President, I would like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. Yes.

Mr. BRUCE. Was the Army officer who was arrested a guest of Gen. Smedley D. Butler?

Mr. KING. The Senator is venturing upon rather delicate ground, in view of what is occurring at San Diego, where General Butler is now stationed. He was not the officer to whom I referred. A short time before the automobile transaction which I have just mentioned, General Butler was in Haiti and he was active in expelling the Haitian National Assembly from its quarters; he then locked the doors and prevented the Haitian national legislature from meeting. Later he was engaged in the quiet Quaker City of Philadelphia. I notice that he is now writing for publication his achievements and perhaps his defenses, for the edification of the wets and the dries. Where next he will appear I do not venture to predict. The Senator from Maryland must use his imagination in fixing his next field of operation.

But we will dismiss General Butler.

Mr. President, as I was saying, after all the noise and bluster and charges and partisan cries of Mr. Daugherty and other foolish and partisan Republicans, only two persons were found who had violated the criminal statutes. I shall not say that there were not more persons who were guilty of violations of the law. It may be that the Department of Justice failed in its duty because of a lack of interest or gross incompetency. In my opinion, and that is the opinion of many, there were some flagrant violations of the law and there were some persons who should have been sent to the penitentiary because of their transgression.

Be that as it may, the Department of Justice spent many hundreds of thousands of dollars—indeed several millions of dollars—in its war-fraud activities. The appropriations made did not bring adequate results. A few earnest and competent lawyers, with the necessary accountants and investigators, could have accomplished far greater results than are to be credited to the Department of Justice, and the war-fraud section which it set up in the department.

It should be said in this connection that the War Department, soon after the armistice, undertook the settlement of the thousands of incomplete transactions between it and persons and corporations who had furnished the Government billions of dollars' worth of supplies, munitions, equipment, materials, and commodities, which were necessary in the prosecution of the war.

The sudden termination of the war produced a remarkable situation in our industrial life. Thousands of contracts, involving hundreds of millions of dollars, had to be terminated by the Government, though the contractors and subcontractors were ready and willing to complete their contracts. Supplies and raw materials aggregating tens of millions of dollars in value were in the hands of contractors, to be used by them in the execution of their undertakings to the Government. To adjust all of these complicated transactions were a stupendous task. The War Department set up a section, or organization, which addressed itself with the utmost vigor, and, so far as I have learned, in a fair and honorable way, toward an adjustment and settlement of these myriad questions and complicated matters.

Thousands of cases were promptly settled. In some instances it was discovered the Government had a credit; but in most instances it was found that the Government was indebted to contractors and those who had furnished supplies of various kinds. In a number of cases, relatively small, measured by the aggregate number of transactions, the minds of the parties could not meet and suits were instituted. In practically all controversial matters the War Department, through the agency which it set up, ascertained the facts, prepared the evidence, and referred to the Department of Justice the matter of bringing the appropriate legal action. Even after some of the matters had been referred to the Department of Justice, the War

Department succeeded in settling the cases, thus avoiding suits, or, if suits were brought, avoiding the necessity of trials.

The fact is that the Department of Justice has played an insignificant and unimportant part in settling the cases growing out of the war. It can not claim credit for the collection of ten millions of dollars, as stated by the Senator from Washington [Mr. Jones]. Through its efforts it has effected a few settlements, but, in my opinion, if the agency set up by the War Department to settle these cases had been left alone it would have settled them long before this, and with greater advantage to the Government.

The record of the Department of Justice in handling the so-called "war-fraud cases" is not a very creditable one. We were told more than a year ago that if Congress would give it another year and a large appropriation, which was, as I recall, \$1,000,000, it would wind up the work before it and go out of business. The organization in the Department of Justice still exists. It wants three or four hundred thousand dollars more, and has nothing to indicate that when Congress prepares the next general appropriation bill demands will not be made for another large appropriation for the same organization. Its life will be extended like all other governmental agencies. It will claim immortality.

I shall vote to reject the conference report, hoping that if the bill goes back to conference the item in question will be stricken from the bill.

The PRESIDING OFFICER. The Chair will state for the information of the Senator from Utah that the motion of the Senator from Tennessee was declared to be out of order.

Mr. McKELLAR. We shall have to vote down the conference report.

The PRESIDING OFFICER. The question before the Senate is the adoption of the conference report.

Mr. KING. Then, I shall vote in the negative on that question.

Mr. OVERMAN. Mr. President, I wish to say that the Senator from Tennessee [Mr. McKELLAR] has rendered a great service to the country in fighting this war-frauds item. For three years I have stood with him faithfully in the fight he has made, as he knows, both in the committee and in the Senate; but, Mr. President, I am a member of the conference committee on this bill, and I am bound to say that I obtained some enlightening information regarding the item after talking with the head of the war-frauds section, who, as the Senator knows, is a Democrat and a splendid man. He has resigned and is going back to New York to his practice, and had no reason not to tell me the truth about it.

Because of the fight which the Senator has made, in a short time this bureau is to be abolished. They did not spend \$300,000 of the money appropriated last year, which is in their favor, on account of the fight the Senator made. So they have \$300,000 left over, which is all they ask to wind up this bureau. There are \$77,000,000 involved in pending suits, and the gentleman to whom I have referred and in whom I have great confidence tells me that it is absolutely necessary, in his judgment, to leave this board undisturbed for a short time and to allow them to have the unexpended balance in order that they may conclude their work on these cases. Then the Attorney General, in July, 1927, can proceed as the Senator from Montana and the Senator from Utah say he ought to proceed.

I say that the service which has been rendered in this connection by the Senator from Tennessee has been admirable and has brought about this state of affairs. I voted in the Senate with the Senator from Tennessee on this item, but in conference the members of the committee on the part of the House brought in testimony and arguments to show that the appropriation should be continued, and when the gentleman who is at the head of this bureau, in whom I have such great confidence, and who, as I say, is a good southern Democrat, told me it is absolutely necessary to have the amounts proposed to be appropriated I must say that I felt inclined to yield my opposition.

Mr. McKELLAR. Mr. President, will the Senator yield for just one moment? The Senator recalls that several years ago I made a similar fight against the annual appropriations for the so-called Council of National Defense. I think it had not met or operated for a long time. The Senator recalls that it took about three years finally to separate that organization from the pay roll of the Government. I have been in the Senate about nine years, and so far as I recall the Council of National Defense organization is the only bureau, section, department, or independent commission of any kind that has ever been separated from the Government pay roll after it has been organized. The Senator from North Carolina has been here more than twice as long as I have, and I want to ask him if he remembers any organization once established, except the

Council of National Defense, that has ever been separated from the pay roll?

Mr. OVERMAN. Very few of them; and about half of them ought to be abolished.

Mr. McKELLAR. Why, of course.

Mr. OVERMAN. I was just complimenting the Senator on what he has been doing, not only in regard to the Council of National Defense but in regard to the very thing that we have before us now. I want to extend it for only six months and let them carry out their policy because, I am told by one of the best Democrats in this country and as able a man as there is in this country, a good man at the head of that section, that in his judgment it is absolutely necessary.

Mr. McKELLAR. Mr. President, I thank the Senator for all he has said, but I want him to use the knife this time. Let us see that this is the second one of the utterly useless and extravagant bureaus that are taken out. It is almost like pulling eyeteeth to abolish any section or division or organization of any kind after it is once established.

Mr. OVERMAN. That is the reason why I congratulate the Senator—because he has succeeded.

Mr. McKELLAR. I have not succeeded yet.

Mr. OVERMAN. This section is going to be abolished. No more appropriations will be made for it. This is the end of it; so I say that the Senator has accomplished a great deal, and that is the reason why I am complimenting him.

Mr. McKELLAR. Does not the Senator know that by some means within the present year these gentlemen who are now on the pay roll are going to find some way of circumventing the situation and that they will come back before the Congress and ask to be kept there another year?

Mr. OVERMAN. No. If they do, the Senator and I, who are on the committee, will stop it.

Mr. McKELLAR. We can not stop it if we divide our forces.

Mr. OVERMAN. Yes, we can, because the promise is made by the Attorney General that it will be done. It will be only a short time when the whole thing will be wiped out, if the Attorney General, as the Senator from Montana [Mr. WHEELER] has suggested, will attend to his business as he ought to do, and have able men to attend to it, and not special attorneys. But these men are preparing these cases, and know them thoroughly, and they think they can collect a great deal of money for the Government; and I have confidence in these men. They have abolished half the force now. They will abolish all the force in a short time. Why not give them a trial for six months, and let us see what they can do? We have been giving them a million dollars. They did not spend it all. They have a large part of it on hand. All that we are giving them is just what they did not spend. We are not giving them any new appropriation.

Mr. McKELLAR. I know; but does not the Senator recall that when Mr. Andrews and Mr. Michael, the joint heads of this department—each receiving a salary of \$10,000, as I remember—were before the Appropriations Committee two years ago, I said to them just exactly what the Senator is saying to me now: "If you can not show results I am going to use every effort within my power to have your organization done away with by not giving it an appropriation?"

Mr. OVERMAN. The Senator has succeeded now in doing exactly that.

Mr. McKELLAR. No; I have not progressed that far. They have come back now without results; in fact, they came back the very next year and demanded \$1,725,000 to build up an organization of lawyers all over the country. To use their own expression, they wanted to comb the country with a fine-tooth comb and get the very best legal talent possible to go on with these very cases. They said they were going on with them then. They have not done it. They have not been filed.

Mr. OVERMAN. The Senator has stopped all that.

Mr. McKELLAR. No; at the last moment they want another year now in which to file some more suits.

Mr. OVERMAN. No, no.

Mr. McKELLAR. I think we have gone far enough. Let us apply the knife now, and put them out of business.

Mr. OVERMAN. If the Senator from Tennessee will yield to me, the Secretary of War takes these cases first, and has his lawyers and his accountants go over them; and if they can not collect them they send them to the Attorney General.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. OVERMAN. Yes.

Mr. WHEELER. That is true. Every one of these claims is taken up first by the War Department, and its legal advisers pass on them. Then they go over to the Department of Justice, and when they get over there in many instances the De-

partment of Justice takes another year or six months to investigate those same identical cases.

Mr. OVERMAN. I agree with the Senator. That is the reason why I have been making the same fight that the Senator from Tennessee [Mr. McKELLAR] made here for two years, and I stood with him; but now we have this sort of a condition—

Mr. WHEELER. Let me interrupt the Senator once more. These cases now have all been worked up by the Department of War; and all that it should be necessary to do, if the Department of Justice have competent United States attorneys, as they should have, and as they can get if they want them, and not politicians, is to turn these cases over to the United States district attorneys, and they can try them.

Mr. OVERMAN. I have great confidence in the head of the section, Mr. Michael, who, as I say, is one of the most splendid men I know.

Mr. McKELLAR. But he is going to leave.

Mr. OVERMAN. He has quit the department. Therefore I believe what he tells me, because he is going to leave and give up his salary.

Mr. McKELLAR. If the Senator will permit me just a moment, this gentleman who is going to leave is a delightful gentleman, as the Senator says; and we can imagine how he feels about these 46 lawyers who are now on the pay rolls, and several accountants, and a number of other officials to help them. They have about as much help as they are in numbers themselves. We can imagine how he feels. He feels kindly toward those who have been under him, and he wants to help them out. He just wants to provide for them for another year out of the kindness of his heart; but ought the Senate of the United States, with full knowledge of the waste and the extravagance that is contained in this provision, to give away the people's money to these favored gentlemen who have already been favored for a long time at the expense of the Government?

Mr. OVERMAN. No, Mr. President; I do not think so. I believe, as Mr. Michael tells me, that if this work is continued they can collect millions of dollars more by spending this \$300,000. I have confidence in him.

This is the condition of the matter: The bill has gone back to the House of Representatives with this provision struck out in the Senate. The House would not agree to it. The House had the testimony there, and they would not agree to it.

Mr. McKELLAR. It never has gone to the House. It has not been voted on by the House.

Mr. OVERMAN. In conference, I mean.

Mr. McKELLAR. Yes; in conference; but the House has not voted on it.

Mr. OVERMAN. I am telling the Senator how the matter stands to-day. It is out of the bill now. It went to conference. There were splendid men on the conference committee who had investigated this matter ten times more thoroughly than we had. They took months to do it. Every one of them says it is absolutely necessary to keep this work going for the next six months. The 27 lawyers are to go out. The leading members are to resign, and they say it is worth while to expend this sum for six more months. Why should we not do it? If we send the bill back to the House of Representatives, they will never agree to our action. They are going to stand by the action of their conferees.

Mr. McKELLAR. Let us give them a chance to represent the people for a little while.

Mr. OVERMAN. We did give them a chance in the conference committee in fighting over this very item. Of course, the Senators stand by what the Senate does; but if we can not get the House to yield, what are we to do? We have done the best we could, Mr. President; and I am going to vote to sustain the action of the conference committee.

Mr. McKELLAR. I call for the yeas and nays on agreeing to the conference report.

Mr. NEELY. Mr. President, a little while ago the Senator from Washington [Mr. JONES] stated in effect that the House had thoroughly investigated the necessity of continuing this appropriation for another year; and the distinguished Senator from North Carolina [Mr. OVERMAN] now corroborates what the Senator from Washington said.

Let me invite the attention of the Senate to all the evidence that I have, on the spur of the moment, been able to find in the voluminous record of the House hearings on the bill touching this particular item.

Mr. OVERMAN. Is the Senator reading from the House hearings or the Senate hearings?

Mr. NEELY. I am about to read from the record of the hearings before the subcommittee of the House Committee on Appropriations. The statement of Mr. Galloway, an Assistant Attorney General, is as follows:

WAR CONTRACT CASES

Another very large group of cases, both in number of cases and amount involved, are the war contract cases. Those, as the committee will well understand from their very name, are cases of contracts with the Government for war supplies and war materials. Included in those cases are requisitions by the Government of materials during the war for the purposes of the war.

Mr. OVERMAN. Mr. President, will the Senator yield to me?
Mr. NEELY. Yes.

Mr. OVERMAN. The Senator is reading from the testimony of Mr. Galloway, the Assistant Attorney General. If he will turn to the testimony of Mr. Michael and Mr. Andrews and others he will find that there are 10 or 15 pages of testimony there.

Mr. NEELY. I do not find their testimony in this volume.

Mr. OVERMAN. It was down before the Senate committee.

Mr. NEELY (reading)—

We have a large number of those, and they are very important. The facts in each case differ from the facts in every other case, requiring separate and individual attention for each case. They can not be treated as a class, except as the principle of the law involved may be the same.

Mr. OLIVER. That class of cases is not being handled by the war board section?

Mr. GALLOWAY. If it is a claim against the Government, the division with which I am connected has charge of it and defends it alone.

Mr. OLIVER. Have any of those cases been decided?

Mr. GALLOWAY. Yes, sir; a number of them. Under the Dent Act, in the event that the War Department refused to make an award, or in the event that the award which was made was unsatisfactory to the claimant, the statute, it is contended, gives the claimant a right of action, and there have been a number of those suits brought.

I might say, however, that in my opinion the war claims are very rapidly passing, and that within a fairly short time—I would not say how soon—we will have them pretty well cleaned up. It will take some little time, however.

I think I have finished outlining these various groups of cases. I am ready to take up the other items.

That is all that I have found in this volume on the question.

Mr. President, if the foregoing constitutes all the evidence on the point in issue, I submit that the Senate conferees were not justified in agreeing to the restoration of this \$300,000 item to pay the salaries of 27 private attorneys and their clerical help for another year.

I hope that the conference report will be rejected and that this item may be eliminated. To reappropriate \$300,000 for these 27 lawyers who are doing work, if any, that ought to be done by the Attorney General's regular corps of assistants is to throw away more than a quarter of a million dollars of the taxpayers' money.

Mr. OVERMAN. Mr. President, the Senator says he does not find anything about this matter in the report. I have before me the same report that he has, and if he will turn to page 157 of the report he will find about 10 or 15 pages in regard to this matter.

Mr. NEELY. If there is anything to be said or found in justification of this appropriation I shall be glad to hear it or see it.

Mr. OVERMAN. It begins on page 157.

Mr. NEELY. We were assured a year ago when this matter was debated at great length that unless great progress was made during the ensuing year no further appropriation would be asked for the continuance of the so-called war-fraud prosecutions. Now, without any showing of satisfactory results of the million-dollar appropriation of a year ago, we are asked to make a present of \$300,000 more to the 27 lawyers and their assistants, who are to continue a work that promises little or no return for this huge expenditure of public funds.

Mr. JONES of Washington. Mr. President, will the Senator yield just a moment?

Mr. NEELY. Certainly.

Mr. JONES of Washington. The testimony with regard to that matter begins at page 157. I see that it goes on to 199, and I have not gotten to the end of the testimony yet with reference to this very matter.

Mr. McKELLAR. Most of that is a list of lawyers, is it not?

Mr. JONES of Washington. Oh, no.

Mr. McKELLAR. I ask for the yeas and nays.

Mr. NEELY. Mr. President, I have not surrendered the floor. I ask the Senator from Washington if Mr. Michael, who appears to have testified relative to this matter, is one of the beneficiaries of the appropriation?

Mr. JONES of Washington. Mr. Michael is one of the two men at the head of this section. I do not know whether he is

the gentleman to whom the Senator from North Carolina referred or not.

Mr. OVERMAN. He resigned.

Mr. JONES of Washington. But I do know Mr. Michael did not seek the position. It sought him. That is, the head of the department sought him, and Mr. Michael told us in the hearing a year ago that he wanted to get away as soon as possible. If he has not resigned already, he expects to go very soon. He is not here for the money there is in it. The committee will bear me out, and I think the Senator from Tennessee will bear me out, that Mr. Michael and the other gentleman, I believe, Mr. Andrews, impressed the committee as being very able men, men who were trying to do their best, and I think men who had not sought the positions, but were really serving from a patriotic motive, rather than a purely financial motive.

Mr. McKELLAR. The Senator will recall that the war-frauds section had been entirely changed, and these two gentlemen requested to take charge of it, which they did jointly. They impressed me as being very honorable men, and I am not surprised that they have since resigned, when they found that they were accomplishing nothing for the Government. It is perfectly natural for a self-respecting lawyer, when he finds that it is impossible for him to do anything for his client, to retire from his employment.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. BRUCE. I would like to ask the Senator from Washington whether the committee united in the vote eliminating this appropriation from the bill when the bill was in committee?

Mr. JONES of Washington. It was not eliminated in the committee; it was eliminated on the floor of the Senate.

Mr. BRUCE. Did the Senator vote adversely to it or in favor of it?

Mr. JONES of Washington. There was no vote.

Mr. McKELLAR. After an argument it was eliminated practically by unanimous consent.

Mr. NEELY. Mr. President, we are about to do in this case just what we do in every similar case, and that is to make a rubber stamp of the Senate to be used by the managers of the conference on the part of the House. I am tired of the custom and purpose to do everything in my power to discontinue it. We appoint the ablest men in the Senate to manage a conference relative to a revenue or an appropriation bill. These Members are always ready to assert themselves, vigorously defend their opinions, and ably represent their constituents on every other conceivable occasion or question, but just as soon as they get into a controversy with House conferees they become panic-stricken, hoist a white flag, and surrender everything the Senate has intrusted to them. Let it be understood that I am referring to conferees of the Senate in general, and not particularly to the managers who have handled this case.

Mr. OVERMAN. Mr. President—

Mr. NEELY. Recently when the conference report on the revenue bill was being considered and a protest was made against a surrender by our managers the distinguished Senator from Utah [Mr. Smoot] informed us that "the House will never yield."

Mr. President, the Senate's habitual servility to the House in matters of conference is making a unicameral body of the Congress and robbing the Members of this Chamber not only of their self-respect but of the respect of the country. The time is ripe for a declaration of independence by the Senate on the subject of conference committees, their actions and reports. For one, I am ready to sign such a declaration to-day.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. NEELY. I yield.

Mr. OVERMAN. The Senator said he could not find anything in the hearings about the matter, and I knew he had not looked through them. He is mistaken, of course honestly so. I find here a list of the cases and full details of every case now pending, as to every suit that has been brought, and the amounts. The total is \$77,041,578. In one case in Maryland \$7,000,000 was involved. If Senators will look over these cases, they will find a great many of them in their own States where the Government is suing.

Mr. NEELY. Yes; I recently heard of one of these cases that was settled for \$500,000, although it was reported to me that the Government should have recovered \$3,000,000.

Mr. OVERMAN. That might be so. It is a good thing that this administration recovered \$500,000.

Mr. NEELY. Of course, we should be thankful if we escape from this administration, like Job, with the skin of our teeth.

Mr. OVERMAN. Cases involving \$77,000,000 are now pending, which this bureau has in hand, and this man at the head of it is one of the best of Democrats, everybody knows, and one of the best men in Washington to-day. He was brought here.

He did not come; he did not seek the place; and he tells me it is absolutely necessary to wind this up in six months. Then the section is to go out of existence, and there will be no more money appropriated for that purpose. Why not let them have six months more to wind this up?

Mr. NEELY. Because they will not wind it up, either in six months or in six years.

This war-fraud section is about to become a perpetual incubus on the taxpayers. It is the duty of the Senate to discontinue it, and let the regular staff of the Department of Justice complete the work that has been assigned to the special attorneys for whom this \$300,000 appropriation is requested. We ought to begin here and now to rid the Government of its countless supernumerary employees, employees who have multiplied in every department of the public service, municipal, State, and national, until they are devouring the substance of the people, as the locusts devastated the land of Egypt in the days of Pharaoh the King.

Instead of preaching economy eternally let us practice it, occasionally, and let us begin now by striking out this item and saving the people \$300,000.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. McKELLAR. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McKELLAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	Kendrick	Reed, Pa.
Bayard	Fernald	Keyes	Sackett
Bingham	Ferris	King	Sheppard
Blaine	Fess	McKellar	Shipstead
Borah	Fletcher	McLean	Shortridge
Bratton	Frazier	McMaster	Simmons
Broussard	George	McNary	Smith
Bruce	Gillett	Mayfield	Smoot
Cameron	Goff	Moses	Stephens
Capper	Gooding	Neely	Trammell
Caraway	Hale	Norbeck	Tyson
Copeland	Harrell	Nye	Wadsworth
Couzens	Harris	Oddie	Walsh
Curtis	Harrison	Overman	Warren
Dale	Heflin	Pepper	Watson
Deneen	Howell	Phelps	Weller
Dill	Johnson	Pine	Wheeler
Edge	Jones, N. Mex.	Ransdell	Williams
Edwards	Jones, Wash.	Reed, Mo.	Willis

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present. The yeas and nays have been ordered on the adoption of the conference report, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. In his absence I withhold my vote.

Mr. PHIPPS (when Mr. MEANS's name was called). My colleague, the junior Senator from Colorado [Mr. MEANS], is necessarily absent on account of illness.

The roll call was concluded.

Mr. GILLETT. I transfer my general pair with the Senator from Alabama [Mr. UNDERWOOD] to my colleague, the senior Senator from Massachusetts [Mr. BUTLER], and vote "yea."

Mr. BRATTON. I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. I am informed that if he were present he would vote as I intend to vote. I am, therefore, at liberty to vote, and I vote "yea."

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Illinois [Mr. McKINLEY] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Rhode Island [Mr. METCALF] with the Senator from Iowa [Mr. STECK].

The result was announced—yeas 57, nays 15, as follows:

YEAS—57			
Ashurst	Edge	Jones, Wash.	Reed, Pa.
Bayard	Edwards	Kendrick	Sackett
Bingham	Ernst	Keyes	Shortridge
Blaine	Fernald	McLean	Simmons
Borah	Fess	McMaster	Smith
Bratton	Frazier	McNary	Smoot
Broussard	Gillett	Moses	Wadsworth
Bruce	Goff	Norbeck	Warren
Cameron	Gooding	Nye	Watson
Capper	Hale	Oddie	Weller
Copeland	Harrell	Overman	Williams
Couzens	Harris	Pepper	Willis
Curtis	Harrison	Phelps	
Dale	Howell	Pine	
Deneen	Johnson	Ransdell	
	Jones, N. Mex.		

NAYS—15			
Caraway	Heflin	Neely	Stephens
Dill	King	Reed, Mo.	Trammell
Ferris	McKellar	Shipstead	Wheeler
Harrison	Mayfield		

NOT VOTING—24

Butler	Glass	Metcalf	Stanfield
Cummins	Greene	Norris	Steck
du Pont	La Follette	Pittman	Swanson
Fletcher	Lenroot	Robinson, Ark.	Tyson
George	McKinley	Robinson, Ind.	Underwood
Gerry	Means	Schall	Walsh

So the conference report was agreed to.

SANDUSKY BAY BRIDGE, OHIO

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9688) granting the consent of Congress to the construction, maintenance, and operation of a bridge across the Sandusky Bay at or near Bay Bridge, Ohio, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BINGHAM. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. JONES of Washington, Mr. COUZENS, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD conferees on the part of the Senate.

MINNESOTA RIVER BRIDGE

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8950) granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BINGHAM. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. JONES of Washington, Mr. COUZENS, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD conferees on the part of the Senate.

COLORADO RIVER BRIDGE

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8190) authorizing the construction of a bridge across the Colorado River near Blythe, Calif., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BINGHAM. I move that the Senate insist upon its amendment, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. JONES of Washington, Mr. COUZENS, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD conferees on the part of the Senate.

TEXTILE STRIKE AT PASSAIC, N. J.

Mr. BORAH. Mr. President, a few days ago a resolution was introduced and referred to the Committee on Manufactures relative to the investigation of the conditions in the strike at Passaic, N. J. The Senator from New Jersey [Mr. EDGE] stated at the time that the employers were quite as much interested in having the resolution agreed to as were the workmen. I have no doubt that the information as stated to the Senate by the Senator was correct information given to him. But it now appears that the employers are no longer desirous of having the resolution passed; at least I have information to that effect. I think it is reliable information.

The conditions in New Jersey are such, or, at least, they are becoming such, that it seems to me there is every reason why the resolution should be passed. I desire to say at this time that unless the committee can see its way clear to make a report upon the resolution within a very short time I shall feel under the necessity of bringing it up for consideration in the Senate with a view to asking the discharge of the committee.

I ask permission to have inserted in the Record, without reading, the telegram which I send to the desk.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The telegram is as follows:

NEW YORK, N. Y., April 16, 1926.

United States Senator WILLIAM E. BORAH,
United States Senate Building, Washington, D. C.:

How much longer is the Congress of the United States to ignore the critical situation flaring up in New Jersey textile-strike area? Freedom of speech, press, and assemblage throttled. Reporters thrown out of courts for taking notes. Riot guns and machine guns ready to be trained on women and children. Strike leaders arrested and held incommunicado under \$10,000 to \$30,000 bail on technical charges.

Women social workers flung into gutter by special armed deputies. Mayor Burke, of Garfield, employee of Botany Worsted Mills, has turned whole situation over to sheriff, who is trying to break backbone of strike regardless of Constitution. Are we to have another Herrin in the East? Why should New Jersey delegation hold up congressional investigation? In name of humanity, can not some action be taken to uphold constitutional guaranty and avert calamity?

E. H. GAUVREAU,
Managing Editor New York Evening Graphic.

PUBLIC BUILDINGS

Mr. SMOOT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII. Is there objection?

Mr. BRUCE. What is to be done about the public buildings bill?

Mr. SMOOT. It is on the calendar.

Mr. HARRISON. How far down on the calendar is the bill?

Mr. SMOOT. It is not very far down. It is No. 30 on the calendar.

Mr. HARRISON. I object.

The VICE PRESIDENT. Objection is made.

Mr. SMOOT. Mr. President, there is no Senator ready to speak on the Italian debt settlement, and as we have an hour fixed at which we will vote upon that question, if the Senator from Maine [Mr. FERNALD] wants to proceed with the public buildings bill or with any other legislation, and it requires a motion to do so, which would displace the unfinished business, I have no objection to that course being pursued. But I want to say to the Senator that if his bill or any other measure is before the Senate whenever a Senator desires to speak upon the Italian debt settlement, I shall ask that the Italian debt settlement bill be laid before the Senate.

Mr. FERNALD. Mr. President, I regret to be obliged to make a motion to take up House bill 6559, the public buildings bill. I first ask unanimous consent that the Senate proceed to the consideration of the bill, and if there shall be objection, I will then make the motion.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maine?

Mr. HARRISON. I object.

Mr. FERNALD. I move that the Senate proceed to the consideration of the public buildings bill.

Mr. HARRISON. That motion is debatable, is it not?

The VICE PRESIDENT. The motion is debatable.

Mr. HARRISON. Mr. President, I understand if the motion of the Senator from Maine prevails it displaces or sets aside the Italian debt settlement bill?

The PRESIDENT pro tempore. It has that effect.

Mr. HARRISON. On that motion I ask for the yeas and nays.

Mr. JONES of New Mexico. Mr. President, I suggest the absence of a quorum.

Mr. CURTIS. Mr. President, I submit a parliamentary inquiry first.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CURTIS. While it is true that agreeing to the motion made by the Senator from Maine would set aside the Italian debt settlement bill as the unfinished business, yet it would not affect the unanimous-consent agreement to vote upon that bill on next Wednesday?

The PRESIDENT pro tempore. The effect of the motion, if agreed to, would be to displace the Italian debt-settlement measure as the unfinished business before the Senate, but it would vitiate in no sense the unanimous-consent agreement already entered into for voting on that measure next Wednesday. The absence of a quorum having been suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	McKellar	Shipstead
Bingham	Ferris	McKinley	Shortridge
Blaine	Fess	McLean	Simmons
Borah	Fletcher	McMaster	Smith
Bratton	Frazier	McNary	Smoot
Broussard	George	Mayfield	Stephens
Bruce	Gillett	Moseley	Swanson
Cameron	Glass	Neely	Tyson
Capper	Gooding	Nye	Wadsworth
Caraway	Hale	Oddie	Walsh
Copeland	Harris	Overman	Warren
Couzens	Harrison	Pepper	Watson
Curtis	Howell	Philips	Weller
Dale	Johnson	Pine	Wheeler
Deneen	Jones, N. Mex.	Pittman	Williams
Dill	Jones, Wash.	Reed, Mo.	Willis
Edge	Kendrick	Reed, Pa.	
Edwards	Keyes	Sackett	
Ernst	King	Shoppard	

The PRESIDENT pro tempore. Seventy-three Senators having answered to their names, a quorum is present. The question is on agreeing to the motion proposed by the Senator from Maine [Mr. FERNALD]. On that the yeas and nays have been demanded.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a pair with the Senator from Delaware [Mr. DU PONT]. I am advised that if he were present he would vote as I shall vote. I therefore vote "yea."

The roll call was concluded.

Mr. PHIPPS. I desire to state that my colleague, the junior Senator from Colorado [Mr. MEANS], is necessarily absent on account of illness.

Mr. GILLET. I transfer my general pair with the Senator from Alabama [Mr. UNDERWOOD] to my colleague, the junior Senator from Massachusetts [Mr. BUTLER], and vote "yea."

Mr. BRATTON. I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. Not knowing how he would vote if present, I withhold my vote. If permitted to vote, I should vote "nay."

Mr. SIMMONS (after having voted in the negative). I have a pair with the senior Senator from Oklahoma [Mr. HARRIS]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and will let my vote stand.

Mr. JONES of Washington. I desire to announce the general pair of the Senator from Rhode Island [Mr. METCALF] with the Senator from Iowa [Mr. STECK].

Mr. HARRISON. I desire to announce the necessary absence from the Senate on official business of the Senator from Nevada [Mr. PITTMAN], the Senator from Rhode Island [Mr. GERRY], the Senator from Alabama [Mr. HEFLIN], and the Senator from Louisiana [Mr. RANSDELL].

The result was announced—yeas 55, nays 16, as follows:

YEAS—55			
Ashurst	Edwards	Jones, N. Mex.	Reed, Pa.
Bingham	Ernst	Jones, Wash.	Sackett
Blaine	Fernald	Kendrick	Shoppard
Borah	Ferris	Keyes	Shipstead
Broussard	Fess	McKinley	Shortridge
Bruce	Fletcher	McLean	Smoot
Cameron	Frazier	McMaster	Swanson
Capper	Gillett	McNary	Wadsworth
Copeland	Glass	Moseley	Warren
Couzens	Gooding	Nye	Watson
Curtis	Hale	Oddie	Weller
Dale	Harris	Pepper	Williams
Deneen	Howell	Philips	Willis
Edge	Johnson	Pine	

NAYS—16			
Caraway	King	Overman	Smith
Dill	McKellar	Pittman	Stephens
George	Mayfield	Reed, Mo.	Tyson
Harrison	Neely	Simmons	Walsh

NOT VOTING—25			
Bayard	Greene	Norbeck	Steck
Bratton	Harrell	Norris	Trammell
Butler	Hefflin	Ransdell	Underwood
Cummins	La Follette	Robinson, Ark.	Wheeler
du Pont	Lenroot	Robinson, Ind.	
Gerry	Means	Schall	
Goff	Metcalfe	Standfield	

So Mr. FERNALD's motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes.

Mr. FERNALD. Mr. President, there is a very much overworked phrase often used and often untruthfully used, but in this particular instance it may be used with absolute truth, and that is "Everybody knows." Everybody in the Senate, everybody outside the Senate, everybody in the country knows that we need public buildings for the Government. There has been no public buildings bill for 13 years. In that time the business of the Government, as carried on by the different departments of the Government, has increased 100 per cent in the city of Washington, and the public business carried on through the Post Office Department of the country has increased more than 100 per cent. I do not intend to consume all the time this afternoon in explaining the provisions of the pending bill. I desire to say, however, that if we continue much longer under the present system of renting buildings in this city and outside of this city the realtors will own the entire country. In every instance when a lease expires in this city the rent is advanced by 10 to 50 and sometimes 100 per cent. We are paying in this city to-day rentals of more than a million dollars to the realtors, and in the United States at large, mostly for post-office buildings, we are paying \$23,000,000, which is more than the yearly appropriation provided by the pending bill.

Mr. SIMMONS. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. Willis in the chair). Does the Senator from Maine yield to the Senator from North Carolina?

Mr. FERNALD. I yield.

Mr. SIMMONS. The Senator from Maine states that what we are now paying in rentals amounts annually to more than the actual sum that will be expended under this bill should it become a law?

Mr. FERNALD. Not more, but about the same.

Mr. SIMMONS. Then, I wish to ask the Senator, why does not the bill provide for a larger expenditure under those conditions?

Mr. FERNALD. Mr. President, I should have liked to have it much larger; but the Senator knows that there are three departments of this Government, and we were unable to get together on any larger annual appropriation.

Mr. SIMMONS. When the Senator refers to the inability of his committee to win the approval of the executive department, I suppose he refers to the economy program. Does the Senator see any economy in that?

Mr. FERNALD. We have our personal views on that matter, Mr. President. I have thought that we ought to expend rather more, but this was all that we could get together on and agree to.

Mr. SIMMONS. The Senator says, "This was all we could get together on." Who objected? Did the House object? Where did the objection come from?

Mr. FERNALD. The committees of the two Houses, in meeting and conferring on this matter, found that they could agree on this amount. I am not able to say that we might not have gone a little higher, but it is about all that the President cared to stand for.

Mr. REED of Missouri. How much?

Mr. FERNALD. Twenty-five million dollars a year for six years.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. FERNALD. I yield to the Senator from Mississippi.

Mr. HARRISON. I do not want to interrupt if the Senator has a speech outlined and would rather continue without interruption.

Mr. FERNALD. Oh, no; I am perfectly willing to answer questions.

Mr. HARRISON. The Senator said, as I understood him, that this amount was all that the President would stand for.

Mr. FERNALD. That is about what he thought we ought to have.

Mr. HARRISON. Is this method of spending the money that will be appropriated under this authorization the only method that the President would stand for?

Mr. FERNALD. I did not discuss that matter with the President. I have not discussed it at all with him, but I have discussed it with the chairman of the House committee.

Mr. HARRISON. Will the Senator tell the Senate why the long-established precedent and practice of Congress of following the course of specifying what places needed post offices and public buildings should be abrogated and we should just say to the Secretary of the Treasury, "Here is so much money; go to it. The election is coming on. Select those places that you, in your wisdom, want to select"?

Mr. FERNALD. If the Senator will just be patient, I had intended to take that up a little later on.

Mr. HARRISON. I am sorry that the question is such a hard one that the Senator does not care to answer it at this time.

Mr. FERNALD. It is not a hard question at all. I am quite willing to answer it right now.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Ohio?

Mr. FERNALD. Yes, sir.

Mr. FESS. I remember that the last public buildings bill that was acted upon was passed in 1913. That was the year in which President Wilson was inaugurated.

Mr. FERNALD. Yes.

Mr. FESS. We had eight years in which there was no public buildings bill passed by either House or Senate, and we have had nearly eight years since, and no public buildings bill. It is not a political question at all. I am wondering whether there is any chance to have any kind of a bill passed unless we remove the objections that heretofore have defeated all legislation; and is not this an effort to remove the objections?

Mr. FERNALD. Mr. President, there are two answers that I want to make to the Senator.

Mr. HARRISON. Before the Senator makes those two answers, may I ask him a question?

The PRESIDING OFFICER. Does the Senator from Maine further yield; and if so, to whom?

Mr. FERNALD. I yield to the Senator from Mississippi.

Mr. HARRISON. The Senator from Ohio says that it would be difficult to pass a bill in any other way. Does not the Senator from Maine know as well as the Senator from Ohio knows that public buildings bills always got more votes than any other bills that were proposed in Congress and that that is one of the objections raised to the proposition?

Mr. FESS. They have not gotten any votes for 13 years.

Mr. FERNALD. The Senator asks a very pertinent question. There are two very good answers to it.

First of all, the reason why we could not pass one of the old-style bills is the fact that there were more than a thousand bills introduced providing for public buildings in the different States. It is simply impossible for a committee to consider as many bills as that and do justice to anybody. That is the first answer.

The second answer, which is rather of a political nature, is this—and the Senator knows that I have never undertaken to bring politics into any discussion on this floor. I came here as a business man to do what seemed to me to be the right thing, regardless of politics; but, inasmuch as the Senator has mentioned the matter, as I go on and explain this bill let me say to the Senator that the first provision of \$15,000,000 is carrying out precisely the plan that was inaugurated under a Democratic administration by a Democratic President and a Democratic Secretary of the Treasury. Sixty-five buildings will be built under that plan; so it can not be charged that we are using politics in this particular bill.

Now I want to go on and explain the provisions of the bill.

Mr. ASHURST. Mr. President, will the Senator pardon me there while I illustrate?

Mr. FERNALD. Yes.

Mr. ASHURST. Take, for example, the State of Arizona. Three buildings in that State were authorized in the public buildings bill of 1913. This bill simply furnishes the money to build the three buildings in the State of Arizona that were authorized in 1913.

Mr. JONES of New Mexico. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from New Mexico?

Mr. FERNALD. I yield.

Mr. JONES of New Mexico. Referring to the statement just made by the Senator from Arizona, as well as that of the Senator from Maine, I desire to call attention to an amendment which was put into this bill on page 2, lines 7 to 9, inclusive. If in the act of 1913, the last general bill, provision was made only for acquiring a site, this bill does not insure the erection of any building upon that site unless the Secretary of the Treasury in his discretion shall see fit to construct a building upon that site. I am not sure but that the same provision relates to section 4 of the bill, where sites only have been acquired; and I feel sure from what has been said by the Senator from Maine as well as the Senator from Arizona that it was not the intention to put in jeopardy those places where sites were authorized and the construction of buildings authorized.

Mr. SWANSON. Mr. President, will the Senator yield to me?

Mr. FERNALD. I will yield to the Senator from Virginia in just a moment.

In reply to the Senator from New Mexico, I want to say that all of the buildings that were authorized under the act of 1913 are provided for and will be built under this bill. As to the second question there are a great many sites that were mentioned where it is not necessary and it is not asked now that buildings be built. They are not emergency matters, and in those instances it was thought best to give preference, and the Senator from Virginia [Mr. SWANSON] has offered an amendment covering that particular matter.

Mr. SWANSON. Mr. President, will the Senator yield now?

Mr. FERNALD. Yes.

Mr. SWANSON. I thought that we certainly ought to construct the buildings that have been authorized. This bill directs that to be done. The money is appropriated. Then there are other places where sites have been bought and no buildings have been authorized. I thought those ought to have preference over anything else contained in the bill, and the bill was drawn in that way. It was afterwards developed that some of these places where sites had been authorized were mining places with shifting populations. I was talking a few minutes ago to a Senator who has in his State some places where they had oil wells and mines where he would not ask for public buildings. As drawn the bill would compel the construction of buildings at those places if they have been heretofore authorized. This provision was put in so as not to make it manda-

tory on the Secretary of the Treasury to construct a building in a town that had 5,000 people in 1913 and has not 500 now. It leaves it to him, so that where the necessity for buildings has disappeared their construction would not be compulsory.

If this language does not cover that view of the matter, I am sure the Senator from Maine will accept any amendment that will carry out that purpose—first, to make it compulsory to construct a building where a building was authorized; second, to give preference where the site has been acquired under the act of 1913. If this language does not do that, and the Senator wants to propose any reservations to make it certain, he can draw any language that will do that and yet will not compel the construction of buildings where the town has practically disappeared.

In order that Senators may know what they are doing, I should like to have read from the desk the list of buildings in the different States that will be constructed under this \$15,000,000 provision, and then what will be done under the authorization for sites, so that every Senator may know exactly what his State gets under this bill, and nobody will have any doubt about it.

Mr. SMOOT. In other words, if the Senator will read section 3 of the bill—

Mr. JONES of New Mexico. I have that in mind, and I am trying to get an interpretation of this amendment put into the bill so far as it relates to section 3 of the bill. As stated by the Senator from Virginia, I believe that he has clearly in mind doing the same thing that I believe should be done; but I call attention to the language of this amendment on page 2, which says:

Giving preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired.

I think it is quite clear that in cases coming within the purview of that amendment it is wholly within the discretion of the Secretary of the Treasury as to whether or not he shall construct a building there. In cases where an authorization was made for the acquirement of a site and the construction of a building, if the site has been acquired, would not that put such a case under this amendment rather than under section 3 of the bill, which makes provision for completing such buildings?

As I take it, in any case if a site only has been acquired, even though there may have been an appropriation for acquiring the site and the construction of a building, it would still be within the discretion of the Secretary of the Treasury as to whether or not the building should be constructed. If that is the purpose of this bill, I am quite sure that so far as I am concerned I could not agree to it.

Mr. SMOOT. I will say to the Senator that if he will note the enumerations found in section 3, and will get the documents referred to there—

Mr. JONES of New Mexico. I have that document right before me.

Mr. SMOOT. Then, if the Senator has all of those documents, he will find that the case he has just referred to is covered in section 3; and all cases that are covered in section 3 do not fall under the provisions of the proposed amendment on page 2 that the Senator has just referred to.

Mr. JONES of New Mexico. If the Senator from Utah is right about that, then the matter which I am bringing to the attention of the Senate is settled; but I am not convinced that he is right about it.

Mr. SWANSON. I am satisfied that the Senator from Maine will accept any provision that gives preference in the expenditure of this money to places where sites have been acquired, provided we do not compel the construction of buildings in places like mining camps where a site has been acquired and the population has disappeared.

Mr. JONES of New Mexico. There is nothing said here about the disappearance of populations.

Mr. SWANSON. I know there is nothing said about it, but that amendment was drawn in its present form because we did not know the specific cases. The Senator might have an amendment drawn providing that where the receipts of the post office do not amount to so much we will get rid of the sites; but, as far as I am concerned—and I hope the Senator from Maine will feel the same way—the Senator can draw any amendment that will suit him that will give preference to those places, provided it does not compel the construction of buildings where they are not needed.

Mr. SMITH. Mr. President—

The PRESIDING OFFICER. The Senator from Maine has the floor. To whom does he yield?

Mr. FERNALD. I yield to the Senator from South Carolina.

Mr. SMITH. I want to ask that we may have read the list of sites and buildings that have been authorized. Let us know by States just what is proposed under this bill.

Mr. JONES of New Mexico. Before the reading begins, I should like to make an inquiry. Does the document from which the Senator will read indicate the cases where an authorization was made for the purpose of acquiring a site and the construction of a building as distinguished from those cases where sites only were authorized to be acquired?

Mr. FERNALD. It does. Two or three buildings were left out of Document 28 by some clerical error, which have been added to the bill.

Mr. OVERMAN. Does the bill name any towns or cities which have public buildings in them?

Mr. FERNALD. Only those that were authorized under the act of 1913.

Mr. OVERMAN. I understand. Then all Senators are talking about now are these sites which have been purchased and where no buildings have been authorized. The \$15,000,000 can be used for that purpose, but the \$100,000,000 has nothing to do with that at all.

Mr. FERNALD. Not at all. If the Senator will permit me to explain the three different provisions of the bill, I think it might be helpful in solving this problem.

Mr. SMITH. My request was that the amounts authorized to be expended in the different States might be read, so that we would know what provision was made.

Mr. FERNALD. For buildings already authorized.

Mr. ASHURST. And sites.

Mr. SMITH. Buildings and sites already authorized, so that we may know what States are going to get preferential treatment under the \$15,000,000 appropriation.

The PRESIDING OFFICER. The Chair suggests that the Senator from South Carolina should be more specific in his request, because there is no way the clerk can tell what is to be read in the table that has been sent to the desk.

Mr. SMITH. I was informed by a member of the committee that that was the correct table, giving an answer to the request I made.

Mr. FERNALD. If the Senator from South Carolina will give me his attention, since that document was gotten out 62 buildings have been erected, in the last two years.

Mr. SMITH. This will give us a pretty good idea.

Mr. FERNALD. It will give an idea.

Mr. McKELLAR. Instead of giving a good idea, can not the Senator from Maine give us an exact list of those that are on the preferential list?

Mr. FERNALD. I can give a list of those that have been authorized to date.

Mr. SMITH. Then, in place of the clerk reading it, let the chairman of the committee read it himself.

Mr. HARRISON. May I inquire, is this authorized for buildings or is it merely for sites?

Mr. SMITH. For sites.

Mr. FERNALD. For buildings—

Mr. HARRISON. I want to know. One talks one way and another another.

Mr. FERNALD. These are buildings authorized in the bill which will be built.

Mr. HARRISON. And the money for those buildings only is to come out of the \$15,000,000?

Mr. FERNALD. Absolutely.

Mr. McKELLAR. Let us have the list read.

Mr. HARRISON. And any site that has been authorized does not come out of this \$15,000,000?

Mr. FERNALD. No. The list is as follows:

Alaska, Juneau.

Arizona, Globe.

Arkansas, Prescott.

California, Red Bluff, San Pedro.

Colorado, Durango.

Connecticut, Branford, Putnam.

Florida, Marianna.

Georgia, West Point.

Idaho, Coeur d'Alene, Sandpoint.

Illinois, Batavia, Metropolis, Mount Carmel, Paxton.

Iowa, Des Moines.

Kentucky, Shelbyville.

Maine, Caribou, Fort Fairfield.

Massachusetts, Leominster, Malden, Newburyport, Southbridge, Waltham, Winchester.

Michigan, Wyandotte.

Minnesota, Montevideo.

Nebraska, Central City.

Nevada, Fallon, Goldfield.

New Jersey, Bayonne, East Orange, Millville, Montclair.

New Mexico, East Las Vegas.
New York, Fort Plain, Long Island City, Syracuse, Yonkers.
North Carolina, Wilson.
North Dakota, Jamestown.
Ohio, Akron, Fremont, Wilmington.
Pennsylvania, Donora, Lewistown, McKees Rocks, Olyphant, Sayre, Tamaqua, Tarentum, Waynesburg.

Mr. HARRISON. Mr. President, will the Senator read the Pennsylvania list and also the Mississippi list?

Mr. FERNALD. There are no authorizations for Mississippi.

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER. Does the Senator yield to the Senator from Maryland?

Mr. FERNALD. Let me complete the reading, and then I will yield.

Mr. BRUCE. I was just going to ask the Senator, in connection with that, whether there is any provision made there for the State of Maryland.

Mr. FERNALD. South Carolina, Lancaster.

South Dakota, Chamberlain.

Tennessee, Athens.

Washington, Seattle.

West Virginia, Williamson.

Wisconsin, Madison, Tomah.

Wyoming, Buffalo, Cody.

Totals for these projects will be \$17,000,000, and it will require \$9,100,000.

Additional:

Missouri, St. Louis.

New Jersey, Newark.

Montana, Missoula.

Mr. SWANSON. That is under what section?

Mr. FERNALD. That is under the \$15,000,000 section. All of those have been provided for under the act of 1913. We are just carrying out the provisions of that act.

Mr. SMOOT. I was quite sure there would be a misunderstanding owing to what the Senator said in the first place. These are the building projects contained in Senate Document 28, reestimated; not all the buildings in Document No. 28, but these are the ones being reestimated.

Mr. JONES of New Mexico. Reestimated when?

Mr. SMOOT. Since Document No. 28 was prepared.

Mr. FERNALD. That was two years ago.

Mr. SMOOT. Two years ago.

Mr. FERNALD. And there have been 62 buildings built since that time.

Mr. McKELLAR. I understand that if this \$15,000,000 bill passes, the only building that will be erected in Tennessee will be the one at Athens.

Mr. FERNALD. The Senator is mistaken about that.

Mr. McKELLAR. I would be glad to be informed about it.

Mr. FERNALD. The Senator's State is just as likely to have public buildings erected in it as any other State.

Mr. McKELLAR. That is if we take our hats in our hands and go up and ask the Secretary of the Treasury if he will do it.

Mr. FERNALD. I do not think that is quite fair. It is left to the discretion of the Postmaster General for emergency cases. If there is an emergency in the Senator's State—and I think there is one—if there is an emergency case where a post office is needed, the Postmaster General will know better than anyone else about the matter.

Mr. McKELLAR. Not long ago I undertook for two hours to get the Architect of the Treasury, who has this matter in charge for the Secretary, to state whether or not he regarded a case as an emergency, and he declined to do it. I do not feel that there is very much chance for Tennessee under the terms of the bill.

Mr. FERNALD. Would the Senator say that the Secretary of the Treasury was fair if he should promise all Senators who went to him that they would have public buildings erected in their States? Suppose a dozen Senators should go?

Mr. McKELLAR. I do not know what goes on.

Mr. FERNALD. I can tell the Senator—

Mr. McKELLAR. I saw the Architect of the Treasury at the suggestion of the Senator from Maine. Upon his suggestion I had a conference with him for about two hours, and I got no satisfaction out of him whatsoever.

Mr. FERNALD. The Senator got just what any other Senator got.

Mr. McKELLAR. Then that is precious little.

Mr. JONES of New Mexico. Mr. President, I would like to inquire of the Senator from Maine from what he was reading just a while ago?

Mr. FERNALD. I was reading the reestimates of the cost of buildings that were provided for under the act of 1913. All of those will be built if the pending bill passes.

Mr. JONES of New Mexico. I do not find any such provision in the bill. Document No. 28, referred to in the bill, contains a very much larger list than that read by the Senator from Maine.

Mr. FERNALD. I have just explained that 62 buildings indicated on that list have been built since that document was printed.

Mr. SMOOT. Not only that but it includes buildings as to which there was no need of a reestimate. The list the Senator read was of reestimates, and in Document No. 28, I will say to the Senator from Tennessee, there are mentioned seven buildings for Tennessee.

Mr. McKELLAR. And all those have been built.

Mr. SMOOT. Therefore Tennessee is away ahead of the States that are not mentioned in Document No. 28.

Mr. McKELLAR. No; we are away behind. Other States have had theirs first.

Mr. SMOOT. If these are all built but one, Tennessee is better off than any State mentioned in Document No. 28.

Mr. SWANSON. I would like to have that document read which shows the buildings that were provided for in 1913. Those that have not been built under that will be built under this provision.

Mr. SMOOT. They are set out here.

Mr. SWANSON. All those buildings have already been built. The Senator does not want to have them rebuilt?

Mr. McKELLAR. Certainly not.

Mr. SWANSON. I want to say that in 1913, under a fair division of the fund for public buildings, certain buildings were authorized.

Mr. SMOOT. Here is the list of them.

Mr. SWANSON. Those in whose States buildings have been erected have no right to complain. I would like to have that list read to the Senate to show that the Senator from Tennessee and the Members of the House agreed to the arrangement made at that time, and all that would be done under section 1 would be to complete what was authorized at that time.

Mr. FERNALD. That is all there is to it.

Mr. SMOOT. I will say to the Senator from Tennessee that although Utah is mentioned in Document No. 28, we have not all the buildings, but Tennessee has, and Tennessee has no right to complain.

Mr. McKELLAR. These buildings were built years before, and the sum authorized in 1913 was to complete the number of buildings that had been started before. Tennessee has not gotten her proportion, even under the old law, and under this law Congress is going to appropriate \$100,000,000 to be turned over to the Secretary of the Treasury to fix the places and the amount to be expended on each one just as he sees fit.

Mr. SWANSON. We will discuss that when we get to it.

Mr. McKELLAR. We are at it right now.

The PRESIDING OFFICER. The Senator from Maine has the floor. To whom does he yield?

Mr. FERNALD. I yield to the Senator from Virginia.

Mr. SWANSON. The object now is to determine whether that \$15,000,000 is right. The Senator from Tennessee has his part of it, and he is kicking because he has his completed before other States have theirs.

Mr. McKELLAR. Quite the contrary—

Mr. FERNALD. Mr. President, I can not yield further. I want to explain this measure.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. FERNALD. I know the Senator from Tennessee means to be fair. The Senator from Virginia has explained the matter absolutely. In 1913, when that bill was passed, different buildings were to be built in Tennessee. They have all been built since that time but one. There is no question about it, and, as the Senator from Virginia said, we are working on this \$15,000,000 project. I want to explain that before we get to the \$100,000,000 proposition.

Mr. McKELLAR. The \$15,000,000 project, of course, is perfectly proper. There is no objection to that. I do not think there will be any objection on the part of anybody, because the buildings have to be completed. But when it comes to appropriating \$100,000,000 to be turned over to the Secretary of the Treasury, to be distributed under his will, I am opposed to it.

Mr. FERNALD. I understand; but we have not gotten to that yet. The Senator is perfectly satisfied with the \$15,000,000 provision?

Mr. McKELLAR. I am satisfied with the \$15,000,000 as provided here.

Mr. FERNALD. Let me go on with something else.

Mr. SMOOT. Mr. President, I now ask that Document No. 28, covering the buildings provided for in that document, be read to the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah? The Chair hears none, and the clerk will read the document referred to.

Mr. McKELLAR. Mr. President, as I understand it, the list that is to be read now from the desk is a list of the buildings that are to be completed under this bill.

Mr. SMOOT. Those that are already completed, of course, are not provided for here.

Mr. McKELLAR. Those that are not—

Mr. SMOOT. Will be completed under this bill.

The PRESIDING OFFICER. The clerk will read as requested. The legislative clerk read as follows:

Names of cities where sites only or sites and buildings have been authorized, limit of cost of each project, amount authorized in each case, cost of land where sites have been acquired date of acquisition by Government, balance available, estimated cost of project, and increase in limit required

Place (a)	Date site acquired (b)	Cost of site (c)	Amount authorized (d)	Balance available (e)	Estimated amount (f)	Increase (g)
Alabama:						
Albertville	June 9, 1917	\$2,500	\$5,000		\$55,000	
Andalusia	Feb. 25, 1915	4,975	150,000	\$45,000	110,000	\$65,000
Attalla	Apr. 20, 1918	4,000	5,000		55,000	
Greenville	Jan. 22, 1917	5,000	5,000		95,000	
Sylacauga	Sept. 10, 1914	5,000	5,000		80,000	
Union Springs	Aug. 26, 1914	4,500	5,000		55,000	
Alaska:						
Fairbanks	Sept. 30, 1915	15,000	15,000		400,000	
Juneau	Sept. 2, 1911	22,500	1200,000	177,500	477,500	309,000
Arizona:						
Globe	Nov. 14, 1911	15,000	{ \$15,000 \$100,000 }	100,000	225,000	125,000
Prescott	Apr. 13, 1915	7,500	7,500		250,000	
Tucson	Apr. 29, 1914	15,000	15,000		425,000	
Arkansas:						
Brinkley	Sept. 30, 1918	3,735	5,000		55,000	
Conway	June 16, 1915	2,000	5,000		100,000	
El Dorado	Mar. 2, 1922	5,000	5,000		175,000	
Forest City	May 28, 1917	4,600	5,000		65,000	
Marianna	Feb. 7, 1917	2,750	150,000	47,250	92,150	45,000
North Little Rock (Argenta)	Dec. 14, 1920	9,500	10,000		100,000	
Prescott	Aug. 24, 1914	(9)	160,000	50,000	65,000	15,000
Russellville	Feb. 17, 1917	5,000	150,000	45,000	130,000	85,000
Stuttgart	Not purchased		5,000		90,000	
California:						
Bakersfield	Aug. 23, 1911	17,500	{ \$20,000 \$135,025 }	135,000	250,000	115,000
Long Beach	Feb. 14, 1914	40,000	40,000		750,000	
Modesto	Dec. 28, 1916	17,000	20,000		175,000	
Red Bluff	Jan. 31, 1917	9,800	160,000	50,200	135,200	85,000
San Bernardino	June 17, 1913	16,500	20,000		200,000	
San Luis Obispo	Oct. 30, 1916	7,500	80,000	72,500	115,000	42,500
San Pedro	Site not selected.		60,000	60,000	600,000	440,000
Colorado:						
Canon City	May 8, 1915	11,000	15,000		140,000	
Durango	Jan. 24, 1912	10,000	{ \$10,000 \$100,000 }	100,000	250,000	150,000
Monte Vista	May 22, 1916	3,900	10,000		100,000	
Montrose	Mar. 31, 1916	15,000	15,000		400,000	
Sterling	July 21, 1917	15,000	15,000		125,000	
Connecticut:						
Branford	June 8, 1917	9,000	155,000	45,400	60,400	15,000
Manchester	Aug. 22, 1911	12,000	15,000		100,000	
Mystic	Mar. 22, 1917	4,000	155,000	51,000	76,000	25,000
Putnam	Sept. 15, 1911	8,500	165,000	56,500	106,500	50,000
Delaware:						
Newark	Dec. 18, 1914	4,000	5,000		60,000	
District of Columbia:						
State, etc., Department ¹						
Florida:						
De Funiak Springs	Jan. 9, 1917	(9)	6,000		70,000	
Key West	Nov. 3, 1915	52,750	80,000		450,000	
Kissimmee	Oct. 9, 1914	5,000	6,000		70,000	
Lake City	Oct. 17, 1914	6,000	7,500		85,000	
Marianna	Nov. 16, 1916	4,000	170,000	66,000	151,000	85,000
Georgia:						
Canton	Aug. 29, 1916	5,000	5,000		50,000	
Douglas	Aug. 22, 1917	3,500	155,000	51,500	76,500	25,000
Eatonville	Apr. 10, 1917	3,000	5,000		55,000	
Madison	July 21, 1917	5,000	5,000		65,000	
Monroe	May 29, 1916	5,000	5,000		65,000	
Rossville	Apr. 3, 1915	5,000	5,000		70,000	
Sandersville	Aug. 12, 1915	5,000	5,000		65,000	
Thomson	Sept. 25, 1915	5,000	5,000		55,000	
Toccoa	Jan. 28, 1915	5,000	5,000		65,000	
Waynesboro	Apr. 13, 1915	4,093	5,000		70,000	
West Point	Apr. 28, 1916	6,000	150,000	44,000	69,000	25,000
Idaho:						
Caldwell	June 28, 1915	8,500	10,000		100,000	
Coeur d'Alene	May 3, 1912	13,200	100,000	86,800	251,800	165,000
Manapa	Jan. 13, 1917	6,200	10,000		125,000	
Sand Point	Aug. 6, 1916	(9)	170,000	70,000	115,000	45,000
Illinois:						
Batavia	Not selected.		195,000		95,000	Nons.
Carlinville	Mar. 10, 1917		10,000		95,000	
Carrollton	Sept. 14, 1918		7,000		100,000	
Chicago, West Side			1,750,000			
Chicago, East Sixty-third			50,000			
Cicero	June 19, 1915	6,000	7,000		100,000	
Geneseo	July 15, 1920	10,000	160,000	50,000	100,000	50,000
Havana	Nov. 14, 1916	9,000	10,000		110,000	
Highland	Sept. 30, 1914	4,000	7,000		80,000	
Jerseyville	Sept. 9, 1918	6,250	165,000	58,750	98,750	40,000
Mendota	Sept. 8, 1917	10,000	10,000		70,000	
Metropolis	Site not selected.		150,000	50,000	100,000	50,000
Mount Carmel	Sept. 23, 1914	20,000	175,000	55,000	115,000	60,000
Paxton	Site not selected.		160,000	60,000	100,000	40,000
Spring Valley	June 27, 1921	6,000	10,000		75,000	
Woodstock	Aug. 23, 1917	15,000	17,000		110,000	

¹ Site and building.
² Site.

³ Building.
⁴ Donated.

⁵ Proposition taken up by Committee on Public Buildings and Grounds in their report to the Senate.

Names of cities where sites only or sites and buildings have been authorized, limit of cost of each project, amount authorized in each case, cost of land where sites have been acquired, date of acquisition by Government, balance available, estimated cost of project, and increase in limit required—Continued

Place (a)	Date site acquired (b)	Cost of site (c)	Amount authorized (d)	Balance available (e)	Estimated amount (f)	Increase (g)
Indiana:						
Bluffton	Oct. 9, 1918	\$11,500	\$70,000	\$58,500	\$98,500	\$40,000
Clinton	Jan. 4, 1917	6,800	100,000	83,200	73,200	20,000
Decatur	Sept. 20, 1919	9,000	10,000		125,000	
Greensburg	July 26, 1917	12,000			140,000	
Lebanon	Apr. 3, 1917	9,000	10,000		115,000	
Linton	Aug. 18, 1916	5,500	8,000		95,000	
Mount Vernon	Sept. 15, 1911	7,500	7,500		100,000	
Noblesville	Dec. 11, 1917	10,000	10,000		110,000	
North Vernon	May 16, 1918	10,000	10,000	50,000	85,000	25,000
Plymouth	Not purchased		10,000		80,000	
Rochester	do		170,000	62,000	112,000	50,000
Salem	do		5,000		60,000	
Warsaw	Oct. 27, 1921	10,000	10,000		100,000	
Iowa:						
Albia	June 19, 1917	5,000	5,000		100,000	
Cherokee	July 19, 1916	12,000	170,000	88,000	100,000	45,000
Des Moines	Aug. 15, 1919	65,000	100,000	250,000	600,000	350,000
Fairfield	Sept. 18, 1916	7,000	10,000		100,000	
Marengo	Dec. 29, 1915	3,500	5,000		75,000	
Newton	July 13, 1917	10,000	10,000		125,000	
Oelwein	Aug. 23, 1915	8,000	8,000		85,000	
Kansas:						
Holton	Sept. 22, 1911	4,500	7,500		90,000	
Kentucky:						
Barbourville	Nov. 9, 1921	5,000	5,000		80,000	
Central City	June 17, 1915	7,500	7,500		60,000	
Elizabethtown	Dec. 23, 1916	4,000	7,500		75,000	
Eminence	Oct. 11, 1915	6,850	8,000		65,000	
Falmouth	Nov. 21, 1914	5,000	5,000		60,000	
Harrodsburg	Mar. 24, 1917	7,500	10,000		85,000	
Hodgenville	Aug. 28, 1917	2,500	5,000		55,000	
Madisonville	Dec. 29, 1916	5,000	10,000		90,000	
Murray	May 3, 1917	4,000	5,000		60,000	
Paintsville	Aug. 10, 1917	4,000	5,000		75,000	
Pikeville	Not purchased		7,500			
Prestonburg	Mar. 12, 1918	3,000	5,000		60,000	
Shelbyville	June 10, 1911	10,000	110,000	50,000	100,000	50,000
Louisiana:						
Morgan City	Dec. 7, 1921	6,000	6,000		80,000	
Thibodaux	Mar. 13, 1918	5,000	150,000	45,000	60,000	15,000
Maine:						
Caribou	Sept. 20, 1911	10,000	110,000	50,000	80,000	30,000
Fort Fairfield	Feb. 8, 1915	18,000	180,000	62,000	77,000	15,000
Hallowell	Mar. 13, 1912	6,500	20,000		70,000	
Maryland:						
Salisbury	Apr. 21, 1917	10,500	100,000	79,500	104,500	25,000
Massachusetts:						
Amherst	June 5, 1923	10,500	180,000	69,500	99,500	30,000
Leominster	July 2, 1917	20,000	190,000	70,000	135,000	65,000
Malden	Site to be donated		150,000	150,000	250,000	100,000
Newburyport	May 3, 1912	25,000	25,000	70,000	140,000	70,000
Provincetown	Dec. 10, 1917	7,500	8,000		90,000	
Southbridge	Nov. 11, 1915	18,000	180,000	62,000	122,000	60,000
South Framingham	Dec. 19, 1916	18,000	25,000		145,000	
Waltham	Oct. 17, 1911	46,051	115,000	68,900	178,900	110,000
Winchester	Mar. 31, 1916	19,500	175,000	55,500	120,500	65,000
Michigan:						
Benton Harbor	June 2, 1917	25,000	25,000		160,000	
Boysie City	Aug. 14, 1911	5,000	10,000		70,000	
Calumet	Not purchased		20,000		120,000	
Cheboygan	Oct. 2, 1906	7,900	170,000	62,100	87,100	25,000
Hastings	Dec. 30, 1918	6,300	181,000	74,700	124,700	50,000
Midland	Nov. 8, 1916	5,000	160,000	54,000	99,000	45,000
Wyandotte	Site not purchased		175,000	75,000	150,000	75,000
Minnesota:						
Duluth	Apr. 15, 1911	88,700	95,000		650,000	
Fairmount	Site not purchased		95,000	60,000	115,000	55,000
Montevideo	Aug. 23, 1911	5,000	150,000	50,000	110,000	60,000
Mississippi:						
Holly Springs	Feb. 2, 1914	6,500	15,000	43,500	73,500	30,000
Water Valley	Apr. 29, 1916	5,000	140,000	45,000	75,000	30,000
Missouri:						
Aurora	Apr. 19, 1909	6,975	10,000		90,000	
Caruthersville	July 18, 1918	4,000	5,000		75,000	
Centralia	Sept. 11, 1914	6,000	7,500		100,000	
Farmington	Jan. 30, 1918	5,000	5,000		80,000	
Fayette	Mar. 28, 1917	4,000	125,000	51,000	91,000	40,000
Harrisonville	Oct. 27, 1916	5,000	122,500	47,500	67,500	20,000
Lamar	Aug. 22, 1914	7,000	10,000		65,000	
Lebanon	Dec. 16, 1914	6,800	7,500		75,000	
Liberty	Sept. 28, 1917	6,000	60,000	54,000	69,000	15,000
Mountain Grove	Oct. 12, 1916	6,000	7,500		80,000	
Sikeston	June 18, 1917	7,500	7,500		75,000	
Trenton	Jan. 23, 1910	2,000	10,000		90,000	
Unionville	Feb. 28, 1917	7,500	7,500		55,000	
West Plains	Aug. 29, 1914	5,000	7,500		75,000	
Nebraska:						
Central City	July 17, 1917	Donated	155,000	55,000	75,000	20,000
Nevada:						
Fallon	June 14, 1917	1,500	155,000	53,500	65,500	12,000
Goldfield	Not acquired		175,000	75,000	75,000	None

¹ Site and building.

² Site.

³ Building.

Names of cities where sites only or sites and buildings have been authorized, limit of cost of each project, amount authorized in each case, cost of land where sites have been acquired date of acquisition by Government, balance available, estimated cost of project, and increase in limit required—Continued

Place (a)	Date site acquired (b)	Cost of site (c)	Amount authorized (d)	Balance available (e)	Estimated amount (f)	Increase (g)
New Hampshire: Somersworth	Dec. 23, 1920	\$7,500	\$7,500		\$60,000	
New Jersey:						
Bayonne	Nov. 19, 1913	25,000	¹ 25,000 ² 100,000	¹ 100,000	250,000	\$150,000
East Orange	Oct. 9, 1911	48,696	¹ 60,000 ² 125,000	125,000	390,000	295,000
Millville	Nov. 26, 1912	14,700	¹ 55,000	40,300	115,300	75,000
Montclair	Nov. 11, 1914	30,000	¹ 130,000	100,000	250,000	150,000
Passaic	Apr. 7, 1913	25,000	25,000		¹ 50,000 ² 425,000	
Red Bank	June 8, 1914	25,000	25,000		125,000	
Rahm	Mar. 2, 1917	10,000	10,000		100,000	
Vineland	Nov. 8, 1915	10,000	¹ 70,000	60,000	120,000	60,000
Woodbury	Nov. 12, 1912	15,000	¹ 70,000	55,000	80,000	25,000
New Mexico: East Las Vegas	Dec. 27, 1917	9,000	¹ 125,000	116,000	116,000	None.
New York:						
Bath	Dec. 9, 1914	13,000	15,000		90,000	
Binghamton	Mar. 22, 1916	100,000	100,000		¹ 25,000 ² 475,000	
Bronx	July 17, 1914	275,900	² 285,000		116,500	35,000
Cohoes	Feb. 1, 1916	58,500	¹ 140,000	81,500	170,000	
Dunkirk	Mar. 21, 1914	20,000	20,000		95,000	30,000
Fort Plain	Site not purchased.		¹ 65,000	65,000		
Long Island City	Apr. 13, 1915	40,000	¹ 200,000	160,000	310,000	150,000
Lyons	Dec. 18, 1917	15,000	15,000		90,000	
Nynck	Aug. 10, 1911	15,500	15,500		100,000	
Ononda	Mar. 29, 1917	14,350	20,000		110,000	
Saranac Lake	Jan. 12, 1917	18,500	¹ 90,000	71,500	111,500	40,000
Syracuse	Oct. 6, 1911	324,999	¹ 325,000 ² 650,000	550,000	1,600,000	1,050,000
Utica	Sept. 20, 1911	90,500	100,000		800,000	
Yonkers	June 22, 1917	338,000	¹ 600,000	160,300	550,000	390,000
Walden	Nov. 19, 1914	7,500	¹ 65,000	57,500	87,500	30,000
Waterloo	June 2, 1911	19,000	¹ 30,000 ² 55,000	55,000	90,000	25,000
North Carolina:						
Edenton	Aug. 2, 1916	4,000	7,500		85,000	
Lenoir	Aug. 24, 1915	4,500	8,000		90,000	
Lumberton	Sept. 16, 1914	10,000	10,000		115,000	
Mount Olive	Aug. 25, 1920	2,000	5,000		75,000	
Mount Airy	Site not purchased.		5,000		100,000	
Rockingham	No appropriation.		5,000		75,000	
Rutherfordton	July 21, 1917	4,000	5,000		65,000	
Thomasville	Sept. 13, 1917	8,000	¹ 55,000	47,000	82,000	35,000
Wadesboro	No appropriation.		5,000		70,000	
Wilson	May 28, 1909	10,000	¹ 60,000	50,000	250,000	200,000
North Dakota:						
Fargo	Apr. 9, 1915	23,500	25,000		600,000	
Jamestown	Dec. 23, 1911	7,500	¹ 10,000 ² 175,000	75,000	260,000	185,000
Ohio:						
Akron	Aug. 28, 1914	80,280	¹ 400,000	313,720	1,000,000	686,280
Conneaut	Nov. 3, 1911	15,000	15,000		115,000	
Delphos	Not purchased		7,000		¹ 10,000 ² 90,000	
Fremont	Apr. 2, 1912	12,000	¹ 15,000 ² 100,000	100,000	145,000	45,000
Jackson	July 31, 1911	10,000	10,000		85,000	
Kenton	Nov. 2, 1916	14,000	¹ 80,000	66,000	131,000	65,000
Millersburg	Feb. 26, 1918	7,500	7,500		70,000	
Napoleon	Sept. 15, 1915	7,500	7,500		115,000	
New Philadelphia	July 20, 1915	12,400	12,500		120,000	
Niles	May 27, 1911	15,000	15,000		110,000	
Sandusky	Mar. 30, 1917	55,000	¹ 215,000	160,000	280,000	120,000
St. Marys	Sept. 23, 1917	6,500	7,500		75,000	
Steubenville	Sept. 23, 1912	35,000	270,000	235,000	235,000	None.
Urbana	June 3, 1911	13,000	15,000		115,000	
Washington Court House	Feb. 6, 1915	15,000	¹ 80,000	65,000	115,000	80,000
Wilmingon	Not purchased		¹ 75,000	75,000	130,000	85,000
Oklahoma:						
Frederick	Mar. 8, 1917	6,800	10,000		90,000	
Hobart	May 28, 1915	10,000	10,000		110,000	
Oregon:						
St. Johns	Not purchased		5,000		55,000	
Pennsylvania:						
Donora	Not selected		¹ 75,000 ² 25,000	75,000	100,000	25,000
Dubois	Oct. 5, 1912	25,000	¹ 85,000 ² 100,000	85,000	135,000	80,000
Franklin	Feb. 1, 1915	19,000	¹ 100,000	81,000	161,000	80,000
Kittanning	Sept. 30, 1909	15,000	15,000		125,000	
Lancaster	Oct. 1, 1917	127,833	138,278		500,000	
Lewistown	May 15, 1917	16,500	¹ 75,000	58,500	103,500	45,000
McKees Rocks	Sept. 7, 1916	14,500	¹ 80,000	65,000	100,000	35,000
Olyphant	Not selected		¹ 65,000	65,000	85,000	20,000
Pittsburgh	Pending	660,000	660,000		2,250,000	
Pittston	Mar. 25, 1919	20,000	¹ 100,000	80,000	230,000	150,000
Rochester	Aug. 4, 1911	26,000	30,000		65,000	
Sayre	Not selected		¹ 80,000	80,000	130,000	80,000
State College	Feb. 9, 1916	14,400	¹ 75,000	60,600	120,600	60,000
Tamaqua	Not purchased		¹ 75,000	48,000	123,000	75,000
Tarentum	July 28, 1911	20,000	¹ 20,000 ² 60,000	60,000	125,000	65,000
Tyrone	Aug. 2, 1918	25,000	25,000		150,000	
Waynesburg	Not selected		¹ 75,000	75,000	140,000	65,000

¹ Site and building.

² Site.

³ Building.

⁴ New site or additional land.

⁵ Additional land.

⁶ This matter will require a survey of the entire Bronx situation.

⁷ Additional for site.

Names of cities where sites only or sites and buildings have been authorized, limit of cost of each project, amount authorized in each case, cost of land where sites have been acquired date of acquisition by Government, balance available, estimated cost of project, and increase in limit required—Continued

Place (a)	Date site acquired (b)	Cost of site (c)	Amount authorized (d)	Balance available (e)	Estimated amount (f)	Increase (g)
Rhode Island:						
Warren.....	June 8, 1918	\$10,000	\$10,000		\$75,000	
South Carolina:						
Dillon.....	Oct. 9, 1914	7,500	7,500		75,000	
Lancaster.....	Mar. 30, 1915	8,000	150,000	\$42,000	82,000	\$40,000
South Dakota:						
Chamberlain.....	Not selected		160,000	60,000	75,000	15,000
Milbank.....	July 7, 1917	4,000	7,500		85,000	
Vermillion.....	Jan. 4, 1917	2,500	7,500		85,000	
Tennessee:						
Athens.....	Dec. 24, 1914	5,000	150,000	45,000	115,000	70,000
Elizabethton.....	Not purchased		2,500		120,000	
Franklin.....	Jan. 17, 1917	6,200	155,000	48,800	128,800	80,000
Huntingdon.....	Aug. 13, 1915	2,500	2,500		75,000	
Memphis subpostoffice.....	Mar. 14, 1918	90,000	210,000	120,000	750,000	630,000
Rogersville.....	Dec. 30, 1916	2,250	8,000		65,000	
Tullahoma.....	June 28, 1919	6,000	150,000	44,000	74,000	30,000
Texas:						
Atlanta.....	Sept. 19, 1912	4,000	8,000		65,000	
Coleman.....	Oct. 12, 1915	1	8,000		70,000	
Comanche.....	Aug. 13, 1918	3,000	50,000	47,000	87,000	40,000
Crockett.....	Sept. 23, 1915	6,000	6,000		85,000	
Dallas.....	Apr. 18, 1914	250,000	300,000		2,000,000	
Georgetown.....	Oct. 5, 1914	5,000	8,000		85,000	
Gilmer.....	Jan. 23, 1917	5,000	155,000	50,000	70,000	20,000
Huntsville.....	Jan. 25, 1912	5,000	5,000		85,000	
Memphis.....	Mar. 16, 1916	3,600	7,300		75,000	
Mount Pleasant.....	Dec. 29, 1916	5,000	165,000	50,000	80,000	30,000
Orange.....	Apr. 10, 1915	5,000	160,000	55,000	110,000	55,000
Pittsburg.....	Feb. 21, 1917	5,000	155,000	60,000	65,000	15,000
Seguin.....	May 19, 1914	(¹)	7,800		80,000	
Sweetwater.....	Nov. 19, 1914	6,500	7,500		90,000	
Taylor.....	Mar. 31, 1915	5,000	8,000		115,000	
Utah:						
Nephi.....	May 17, 1918	5,000	8,000		85,000	
Vernal.....	Mar. 15, 1918	4,750	150,000	45,250	130,250	85,000
Vermont:						
St. Johnsbury.....	June 26, 1917	8,500	1100,000	91,500	146,500	55,000
Virginia:						
Buena Vista.....	Apr. 4, 1919	4,000	5,000		75,000	
Cape Charles.....	Not purchased		7,500		75,000	
Manassas.....	Dec. 19, 1919	3,750	8,000		65,000	
West Point.....	Sept. 21, 1915	5,000	5,000		55,000	
Woodstock.....	July 23, 1917	4,000	5,000		65,000	
Washington:						
Colfax.....	Oct. 25, 1917	5,500	7,000		75,000	
Pasco.....	July 12, 1916	10,000	10,000		75,000	
Seattle.....	Jan. 11, 1912	160,500	1200,000	300,000	4,800,000	4,500,000
West Virginia:						
Hinton.....	Mar. 14, 1913	5,027	110,000	50,000	85,000	35,000
New Martinsville.....	June 20, 1916	12,250	12,250		85,000	
Philippi.....	Apr. 13, 1914	8,000	8,000		60,000	
Williamson.....	Oct. 28, 1911	6,500	17,500	50,000	250,000	200,000
Wisconsin:						
Madison.....	Nov. 19, 1923	336,448	1560,000	213,552	853,552	640,000
Milwaukee, west side.....	No appropriation.		100,000		250,000	
Mineral Point.....	Dec. 9, 1921	4,463	60,000	55,500	70,500	15,000
Monroe.....	Aug. 1, 1911	7,500	7,500		110,000	
Tomah.....	July 18, 1917	8,000	155,000	47,000	72,000	25,000
Waupun.....	Sept. 3, 1913	3,400	5,000		80,000	
Wyoming:						
Buffalo.....	Sept. 14, 1911	7,000	17,000	62,500	97,500	35,000
Cody.....	Apr. 20, 1912	4,500	160,000	50,000	125,000	75,000
Green River.....	Oct. 6, 1911	6,000	6,000		70,000	
Newcastle.....	Dec. 22, 1916	4,400	8,000		75,000	

¹ Site and building.

² Site.

³ Building.

⁴ Donated.

⁵ Additional for site.

¹¹ Present site not suitable; changes in legislation contemplated.

¹² New site and building.

Mr. COPELAND. Mr. President—
The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from New York?

Mr. FERNALD. I yield.

Mr. COPELAND. May I ask the Senator from Maine what post-office buildings are to be erected in the State of New York?

Mr. FERNALD. Under the first provision of the bill they are at Fort Plain, Long Island City, Syracuse, and Yonkers.

Mr. COPELAND. How much is the appropriation for Fort Plain?

Mr. FERNALD. Fort Plain is estimated to cost \$75,000, and there has been \$65,000 already appropriated. It will require \$10,000.

Mr. COPELAND. Of course, I am delighted that Fort Plain is to have a post-office building, but does it not seem amazing to the Senator from Maine that Fort Plain, with a population less than 3,000, should have a total appropriation of \$75,000?

Mr. FERNALD. That provision was enacted in 1913, and I assume the Senator must have had a very influential Representative from that district or Senator from his State at that

time. Under the old method that was the way those things were obtained.

Mr. COPELAND. I am delighted that some active Congressman was so energetic as to get \$75,000 for this nice little town. I am delighted that they are to have a post office, but I want to inquire why the Bronx, with a million people, is not taken care of? Why is not Nyack taken care of, and Suffern and Tarrytown and Monticello and Hudson, as well as a hundred other New York State towns I might mention?

Mr. FERNALD. That case proves the folly of that kind of legislation and the advantage of this kind. There were many such instances all over the country under the old system.

Mr. COPELAND. What is the advantage of the new plan?

Mr. FERNALD. There will be no more of those buildings erected where they are not needed under the provisions of the present bill. They will be built where the emergency exists.

Mr. COPELAND. Is it the contention of the Senator that those post offices, including Fort Plain, are unnecessary? Does the Senator contend that under the old plan the post offices which have been provided for are unnecessary?

Mr. FERNALD. I am taking the Senator's word for it. It seems, in this instance, that it was unnecessary.

Mr. COPELAND. Regardless of what the policy is and who established it, it is perfectly absurd to have such discriminations. Let me repeat that I am glad Fort Plain is to have a post-office building; but there are great thriving commercial communities in New York State where post-office buildings are more sadly needed, as, for instance, in the Bronx. I hope the new plan may permit this. It is a great pity to think the money of the taxpayers may be carelessly appropriated.

Mr. FERNALD. It is a very great waste.

Mr. OVERMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from North Carolina?

Mr. FERNALD. I yield.

Mr. OVERMAN. I notice that the Senator is now talking about \$100,000,000.

Mr. FERNALD. Yes; I am going to get to that amount now.

Mr. OVERMAN. The Senator has got off of the \$15,000,000? Has the Senator a list of the buildings proposed to be built with the \$100,000,000?

Mr. FERNALD. No; there is no list.

Mr. OVERMAN. I have been told by a Member of the House of Representatives, though I do not know whether it is true or not, that 22 States, according to the present arrangement, will not get anything even under the \$100,000,000 plan. I do not know whether that is correct or not. I am asking the Senator if he knows.

Mr. FERNALD. The Senator has information that I do not have. I am sure he will take my word.

Mr. OVERMAN. I want to know if it has ever been estimated for in such a way as to enable the Senator to know?

Mr. FERNALD. There is no such list, and I have never heard of any estimate being made.

Mr. OVERMAN. I take the Senator's word for it, of course. May I ask one further question? Has the Senator a list of the places where there is an emergency?

Mr. FERNALD. No; I have not. There was such a list made up, I think, two years ago. The House asked for a list of emergency cases from the Post Office Department. They estimated in many instances where an emergency did exist, but that list is of no value now, because many of those places have been provided for. It just comes to my mind that there was a case in Minnesota, at St. Paul, where there was an emergency case listed. They have had to rent a building there at an expense of \$120,000 a year rental.

Mr. OVERMAN. I admit that is a matter of necessity. A list was furnished to me, and I think it was the emergency list of two years ago to which the Senator referred. My State did not have an emergency case in that list, and yet I know some of the post-office buildings in North Carolina are about to fall down.

Mr. SMOOT. Does the Senator mean the list that was just read at the desk?

Mr. OVERMAN. No; I am asking the Senator from Maine for information, and he tells me that I am wrong. I was inquiring about the emergency cases.

The PRESIDENT pro tempore. The Senator from Maine has the floor. To whom is he yielding?

Mr. OVERMAN. I am asking for information, if the Senator has a list of the emergency buildings, or if he can advise me where it can be found?

Mr. FERNALD. No; I have not.

Mr. CARAWAY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Arkansas?

Mr. FERNALD. I do.

Mr. CARAWAY. The Senator from Maine a minute ago said that under this plan there would be no such waste of public funds as occurred at Fort Plain. If the Senator does not know where the money is to be expended, what is the basis of that statement?

Mr. FERNALD. A Senator stated that a post-office building had been erected in that town when it was not needed.

Mr. CARAWAY. Yes; I heard that statement.

Mr. FERNALD. I believe that the Secretary of the Treasury and the Postmaster General in using their judgment will never erect a building where it is not needed. I base my judgment on the fact—and I think the Senator from Arkansas must concur with me in the statement—I have lived and acted under a Democratic administration—

Mr. CARAWAY. I knew that some good influence had come into the Senator's life at one time.

Mr. FERNALD. Just a moment. I lived under two Democratic Secretaries of the Treasury. I found them just as fair

and just as honorable and as desirous of doing the right thing as I have found to be the case with our present Secretary of the Treasury, whom I have seen but once. I believe in leaving such matters to public officers where they are disposed to be fair. I know and the Senator from Arkansas knows that Senators and Representatives in years past have secured the passage of public building bills by locking them together and helping each other, and in many towns all over the country buildings have been erected where they were not needed.

Mr. CARAWAY. That, however, did not happen in my State. But I was going to ask the Senator, is he under the impression that the Secretary of the Treasury and the Postmaster General know more about Maine than the Senator from Maine knows?

Mr. FERNALD. I am satisfied that the Postmaster General knows more about the post offices in Maine than I do. He knows about the receipts of the offices there.

Mr. CARAWAY. The Senator himself can get the receipts of post offices in three minutes. If that is what the Senator would be governed by, that information could be had in a minute. Does the Senator imagine that the Postmaster General and the Secretary of the Treasury know more about the development of communities and the possible future needs of every State in the Union than do all the men in both branches of Congress?

Mr. FERNALD. The Senator from Maine knows that the Postmaster General can tell him in three seconds about every post office in the United States, while I do not have that information.

Mr. CARAWAY. The Postmaster General can not tell—

Mr. FERNALD. Will the Senator allow me to conclude my sentence?

Mr. CARAWAY. Yes.

Mr. FERNALD. I do not know anything about the post offices of the Senator's State, while the Postmaster General does know about them. He also knows about my State; he knows about all the States.

Mr. CARAWAY. The Postmaster General knows about the postal receipts, but that information is not confined to the Postmaster General. Any of us may also have that information. The question I am asking is, is it the impression of the Senator from Maine that the Postmaster General knows more about the possible development and, therefore, the future needs in all the States than do all the Representatives and Senators?

Mr. FERNALD. I am inclined to think the Postmaster General knows more about my State than I do, for I know very little about the post offices in the State.

Mr. CARAWAY. The Senator knows something about the post offices in a general way. He knows the State is up north somewhere.

Mr. FERNALD. I know where the towns are.

Mr. CARAWAY. And the Postmaster General knows what the receipts of the post offices are.

Mr. FERNALD. Yes.

Mr. CARAWAY. And the Senator from Maine could get that information in a few minutes?

Mr. FERNALD. Yes.

Mr. CARAWAY. Is that the basis on which the Senator now urges us to surrender all control over the appropriations for public buildings?

Mr. FERNALD. I am going to discuss the matter of giving up control over the appropriations later on, when we get to it.

Mr. BRUCE and Mr. SHORTRIDGE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Maine yield, and, if so, to whom?

Mr. FERNALD. I yield first to the Senator from Maryland.

Mr. BRUCE. I will ask the Senator to pause long enough in order to allow me to offer an amendment to the bill, to be considered in due course when reached.

Mr. FERNALD. Does the Senator from Maryland desire that the amendment which he proposes shall be taken up after the committee amendments shall have been disposed of?

Mr. BRUCE. Yes.

The PRESIDENT pro tempore. Does the Senator from Maryland wish to have his amendment read?

Mr. BRUCE. I should like to have it read.

The PRESIDENT pro tempore. The Secretary will read the amendment, following which the amendment will be printed and lie on the table.

The CHIEF CLERK. On page 2, line 23, after the word "conveyance," insert a colon and the following proviso:

Provided, however, That with the exception of land that may be taken for increasing the site of the Government Printing Office no additional land shall be acquired in the District of Columbia north of Pennsylvania Avenue or north of New York Avenue.

Mr. FERNALD. I assume that the amendment will lie on the table, Mr. President.

The PRESIDENT pro tempore. That order has been made.

Mr. SHORTRIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from California?

Mr. FERNALD. I yield.

Mr. SHORTRIDGE. The Secretary has just read a long list of cities where post-office buildings are to be erected. For the information of the Senate, I wish the Senator from Maine would now explain from what fund the money is to come for the purpose of carrying out the work of building the post offices named? I wish the Senator would explain so that I, at least, may understand it.

Mr. FERNALD. There is, I will say to the Senator from California, an appropriation in the bill of \$15,000,000, and all of the post offices that have been authorized under the act of 1913 will be built out of that \$15,000,000, to be added to what is already appropriated for that purpose. That covers the \$15,000,000. If we are all satisfied with this provision—and I think we must be—

Mr. SMITH and Mr. McKELLAR addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Maine yield; and if so, to whom?

Mr. FERNALD. I yield first to the Senator from South Carolina.

Mr. SMITH. Before the Senator leaves the discussion of section 3 of the bill, let me say that, as I understand, it leaves the entire expenditure of all that has heretofore been appropriated, plus the \$15,000,000 provided in this bill as the additional limit, entirely to the discretion of the Secretary of the Treasury as to what buildings shall be completed and as to what buildings additional sums shall be allotted. The bill uses this language:

The Secretary of the Treasury is hereby authorized to disregard the limit of cost fixed by Congress for each project—

That is those that are already provided for—

to purchase additional land for enlargement of sites and to enter into contracts for all or so many of said buildings heretofore authorized to be constructed, but not yet under contract, as may be possible within a total additional limit of cost of \$15,000,000.

He could put the whole amount into a half dozen buildings if he say fit.

Mr. FERNALD. The Senator is mistaken. Let me say to him that the list which has been read covers all the buildings which were authorized in 1913, and under the provisions of this bill carrying \$15,000,000 appropriation every one of those buildings in each of the towns named will be erected.

Mr. SMITH. But the bill does not say so.

Mr. FERNALD. It does say so.

Mr. SMITH. If the Senator will examine the language he will find that the Secretary of the Treasury may increase the limit as to any particular project.

Mr. FERNALD. Let me tell the Senator why that is. The reason why the 65 buildings have not been erected is that there was not sufficient money originally provided with which to erect them. So the authorizations have not been carried out and the buildings provided for have not been erected. This bill, however, provides that within the additional \$15,000,000 every one of those buildings may be erected.

Mr. SMITH. The language of the bill in section 3, which provides for the \$15,000,000 appropriation, proceeds to enumerate certain acts and certain appropriations in addition to those covered by the statement which was read from the desk, and then it says, without a period in the entire paragraph:

The Secretary of the Treasury is hereby authorized to disregard—

I am reading beginning at the end of line 11, on page 6—

The Secretary of the Treasury is hereby authorized to disregard the limit of cost fixed by Congress for each project.

Mr. FERNALD. Now wait a minute right there. The Secretary of the Treasury is to disregard the limit heretofore fixed by Congress. That is the reason why these buildings were not erected. That covers that.

Mr. SMITH. Very well. The section reads further.

to purchase additional land for enlargement of sites and to enter into contracts for all or so many of said buildings heretofore authorized to be constructed, but not yet under contract, as may be possible within a total additional limit of cost of \$15,000,000.

Reading the context in the preceding portion of the section he is to disregard the appropriations heretofore authorized, and he is to add to those appropriations amounts to the limit of \$15,000,000 and construct and complete such buildings as he sees

fit within that limit. If the amount appropriated will provide for the construction of only half of them or a third of them, he may expend it all on that limited number.

Mr. FERNALD. Let me say to the Senator that the estimate for completing those buildings is less than \$15,000,000, and everyone of them will be erected. It will cost at present rates \$13,700,000 to do so.

Mr. SMITH. It seems to me, Mr. President, that it would have been a very easy matter to have made it mandatory in the law, and provided that the buildings heretofore provided for shall be completed at an additional cost not to exceed \$15,000,000. Then there would be no doubt about it; but here it is proposed to provide that the Secretary of the Treasury may increase the limit as to any such building.

Mr. FERNALD. Let me say to the Senator that the limit of cost will have to be increased as to most of the buildings. The reason why they have not already been built is that the amount appropriated was not sufficient.

Mr. SMITH. Very well; but suppose the Secretary of the Treasury were to increase the limit as to some of them only and thus consume the \$15,000,000, the other buildings would have to wait.

Mr. FERNALD. I have assurance that that will not be done.

Mr. SMITH. Oh, the Senator has an assurance!

Mr. HARRISON and Mr. ODDIE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Maine yield; and if so, to whom?

Mr. FERNALD. I yield first to the Senator from Mississippi.

Mr. HARRISON. The Senator says that there were 68 of these projects which the \$15,000,000 would take care of, as I understood him.

Mr. FERNALD. Yes.

Mr. HARRISON. And the designation of those buildings was read from Senate Document No. 28.

Mr. FERNALD. I will say that that is rather confusing.

Mr. HARRISON. That is exactly what I want to have clear in my mind. The Senator read some document which the Senator from Utah said was not correct.

Mr. FERNALD. I have the document here.

Mr. SMOOT. I said that was a reappraisal.

Mr. FERNALD. This document was printed two years ago and a number of the 62 buildings mentioned therein have been erected.

Mr. HARRISON. The Senator does not want to give the impression to the Senate that all the projects in the various States mentioned in the document which was read are to be provided for under this \$15,000,000 fund?

Mr. FERNALD. No.

Mr. HARRISON. They are merely to be given preference under the sum appropriated?

Mr. FERNALD. Only those that are authorized and have not been built will be erected and not those for which the sites only have been provided.

Mr. ODDIE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Nevada?

Mr. FERNALD. I yield to the Senator from Nevada.

Mr. ODDIE. I have introduced several bills providing for the erection of a number of Federal buildings in the State of Nevada. I should like the Senator from Maine in a few words to tell me what the chances will be for those buildings being taken care of under this bill?

Mr. FERNALD. There are at least 380 bills of similar character before the committee of the Senate. We have not given them any consideration, because we felt that this general bill would cover the whole situation. No attempt has been made to secure action on any of those particular bills. I do not know where the \$100,000,000 appropriation is to be expended, but I presume it will be spent where emergencies exist. I can not give the Senator any assurance.

Mr. McKELLAR. Mr. President, may I ask the Senator a question?

Mr. FERNALD. The Senator may.

Mr. McKELLAR. Why were not the bills which have been introduced covering building projects in various States referred to the Treasury Department for an estimate and for a report so that we would know something about them? Are we going to turn over our legislative duties to the Secretary of the Treasury?

Mr. FERNALD. Mr. President, we did not believe that it would be the proper procedure to consider ten or eleven hundred special bills.

The committees of the two Houses decided on this method of handling public building measures. So we have not asked

for estimates from the department on the individual special bills.

Mr. McKELLAR. But during the entire history of the Government the other course has been pursued.

Mr. FERNALD. Yes; this is the first time we have undertaken to follow this method.

Mr. HARRISON. Mr. President, before the Senator proceeds, will he allow me to ask him a question?

Mr. FESS. Mr. President—

Mr. FERNALD. I first yield to the Senator from Ohio.

Mr. FESS. When a public buildings bill was previously under consideration in the Senate, the senior Senator from Florida [Mr. FLETCHER] offered an amendment covering those building projects which have already been authorized. That measure could not be finally disposed of, and so no action was taken.

Mr. FERNALD. Absolutely.

Mr. FESS. And this item is intended to cover all the Senator from Florida included in his amendment?

Mr. FERNALD. Absolutely. Now I yield to the Senator from Mississippi.

Mr. HARRISON. Mr. President, if buildings should be constructed on all the sites that have been designated in legislation by Congress heretofore, and if all the buildings should be completed that have been authorized, according to the estimate of the Treasury Department, what would be the total sum?

Mr. FERNALD. About \$38,000,000. The cost under this bill would be about \$15,000,000, and to build on the sites the Senator mentions would cost about \$23,000,000.

Mr. HARRISON. It would be a total, then, of about \$38,000,000?

Mr. FERNALD. About \$38,000,000; yes.

Mr. McKELLAR. In that connection, I notice on Document 28:

Tennessee—Elizabethton: (Site.) Not purchased.

That was read by the clerk a few moments ago. The Senator will find it on page 6.

Mr. FERNALD. Yes.

Mr. McKELLAR. Will that be included in this bill?

Mr. FERNALD. What is it—just for a site?

Mr. McKELLAR. It says here, referring to the site—Not purchased.

But it has been authorized.

Mr. FERNALD. No; that will not be included in the bill.

Mr. McKELLAR. Here is Athens, where the site has been purchased but nothing else has been done. Will that be included in this bill?

Mr. FERNALD. It has been authorized; yes. In the case of Athens, Tenn., there has been \$95,000 appropriated, and \$45,000 will be taken out of this \$15,000,000.

Mr. McKELLAR. Will the Senator go down, then, to the Memphis sub post office?

Mr. FERNALD. That is the only one in the Senator's State that will come under that provision.

Mr. McKELLAR. Will that come under that provision to the extent of \$630,000?

Mr. FERNALD. Not under this; no. That will have to come under the general provision of \$100,000,000.

Mr. McKELLAR. Why would the Memphis sub post office be taken out of this?

Mr. FERNALD. There is no authorization.

Mr. McKELLAR. Yes; there is an authorization. If the Senator will examine the document, he will see that there is an authorization of \$210,000, and the department has estimated \$750,000. It appears there.

Mr. FERNALD. The authorization has not been made.

Mr. McKELLAR. Yes; the authorization has been made, to the amount stated, \$210,000. That appears on page 6 of the document. The department thought, though, that more ought to be spent there, and estimated further that it would cost \$750,000, but it has not been reported upon. There is, however, an authorization of \$210,000. Why would not that come within the appropriation?

Mr. FERNALD. Memphis has recently had an appropriation for a substation post office. The department has listed Memphis as one of the towns where the necessity is urgent, and it would come under the \$100,000,000.

Mr. McKELLAR. But it would not come under this?

Mr. FERNALD. No.

Now, if Senators will allow me to proceed, I think I have fairly cleared up the meaning of the provision carrying the \$15,000,000. The next provision in the bill is for \$50,000,000, to be expended in the District of Columbia.

Nobody knows so well as the Senators who have been on the Public Buildings Commission the need of buildings in this city. The efficiency that can be brought about by having these clerks and operators in the different departments under one roof will be more than can be estimated in dollars and cents. For instance, the activities of the Agricultural Department are distributed among 45 different buildings. The activities of the Bureau of Internal Revenue and the General Accounting Office are distributed all over the city. If the chief wants to get into communication with any one of his aids, a man must go half or three-quarters of a mile to get to the department. That condition exists in all of the different departments in this city. We are paying \$980,000 annually in rentals here, and every time a lease expires the owner of the building raises the rental from 10 to 50 and sometimes 100 per cent.

In the case of the Post Office Department, in one city under the emergency clause that has been reported, we are paying \$120,000 rental for a building that we had to get within two years. In the entire Post Office Department we are paying \$23,000,000 in rentals, so that the total amount paid for rentals of public buildings by the United States Government to-day is almost \$25,000,000.

It is not expected that these can all be cared for under this bill; it is not expected that relief can be given to every one; but we can begin to make improvements and stop some of these tremendous charges.

In 1913 the parcel post bill passed. Last year the department handled 3,780,000,000 packages of parcel post.

Mr. OVERMAN. Mr. President, is it intended to build great parcel-post storage houses?

Mr. FERNALD. No.

Mr. OVERMAN. In the case of these rentals that the Senator is talking about, a great deal of the amount is for rent of storage houses, is it not?

Mr. FERNALD. Yes.

Mr. OVERMAN. Is it intended to build those storage houses with the \$100,000,000?

Mr. FERNALD. I can not tell the Senator just what the intention of the department is.

Mr. OVERMAN. The intention would be to build where they are paying rent, in order to stop paying rent?

Mr. FERNALD. Yes; to stop paying rent.

Mr. OVERMAN. Would not that take nearly \$100,000,000, without doing anything else?

Mr. FERNALD. No; I do not think so, Mr. President. I think the department will be inclined to take care of every emergency case and to make this legislation popular.

Mr. OVERMAN. That is the reason why I am asking the question. The Senator says we are paying an immense amount of rent?

Mr. FERNALD. Yes.

Mr. OVERMAN. The Senator calls this an emergency case, and he wants to take care of all those conditions?

Mr. FERNALD. Yes.

Mr. OVERMAN. I should like to know how much money will be required for these emergency cases?

Mr. FERNALD. I am unable to answer that question. I know what the growth of the postal business has been in 13 years. Last year the parcel post carried 3,796,916,179 pounds of matter. In 1923 it carried 3,594,000,000 pounds, in round numbers. In 1913, when it was first established, it carried but 708,000,000 pounds. To show what a tremendous advance there has been in that kind of service, the receipts of the Post Office Department in 1913 were \$266,619,000, while in 1925 they were \$599,591,000—almost double in 13 years, a gain of \$332,000,000 in 13 years—and yet we have not had an appropriation for public buildings in all that time.

Mr. President, I have tried to explain the situation in regard to these three provisions—the first provision to take care of buildings already authorized under the act of 1913; the second provision to use \$50,000,000 for the construction of buildings in the District of Columbia; the third provision to carry \$100,000,000 for public buildings in different sections of the United States.

Mr. CARAWAY. Mr. President, will the Senator let me ask him a question there?

Mr. FERNALD. Yes; I yield.

Mr. CARAWAY. If it was such a wise thing to leave the departments here in charge of determining where these buildings should be erected, why was it necessary to give the District of Columbia specifically \$50,000,000?

Mr. FERNALD. That was about the amount estimated by the Public Buildings Commission.

Mr. CARAWAY. I know; but why should it be taken care of up to the full amount of its estimates, and leave all the

48 States to get only what was left, and at such places as the department might see fit to authorize?

Mr. FERNALD. That is the provision of the bill.

Mr. CARAWAY. I know it is, but I am asking for the reason. I can see that it is in the bill.

Mr. FERNALD. I think it is exceedingly necessary to have these public buildings in the city of Washington. I think it is economical to build them.

Mr. CARAWAY. Presumably it is economical, or we would not build them anywhere; but why was it thought necessary to say to the department: "You must expend \$50,000,000 of this sum in the District of Columbia, and then you may spend every bit of the rest of it in one other State if you want to"? Under what theory did they do that?

Mr. FERNALD. If the Senator has read the bill—

Mr. CARAWAY. I have.

Mr. FERNALD. Then, as a good lawyer, the Senator certainly will understand from the language of the bill that not more than \$5,000,000 can be used in any one State.

Mr. CARAWAY. I do not know where that provision is. The Senator can not point it out.

Mr. OVERMAN. Five million dollars in any one State?

Mr. HARRISON. Five million dollars annually.

Mr. CARAWAY. Oh, of course; but the Senator knows that it is not all to be spent in one year. It can be spent where the department pleases; and when the Senator talks about there being a limitation here to the expenditure of \$5,000,000 in a State I know that the Senator was just mistaken about it.

Mr. FERNALD. No; I was not mistaken. The Senator from Arkansas was mistaken. He said all of it could be spent in one State.

Mr. CARAWAY. It can be, absolutely. If the Senator does not know any more about his bill than that, he had better read it himself instead of asking me to read it. The Secretary could spend every dollar of it in one State, if he desired.

Mr. FERNALD. How does the Senator come to that conclusion?

Mr. CARAWAY. Because the language of the bill says so. It provides for his expending \$5,000,000 a year, and he could take enough years to spend it all in one State.

Mr. FERNALD. But it is to be expended in six years. Twenty-five million dollars a year is to be expended for six years, so he could not spend it all in one State.

Mr. CARAWAY. He could not spend \$25,000,000 a year for 6 years, which would amount to \$150,000,000, and take 10 years to spend in the District of Columbia \$10,000,000 a year.

Mr. SWANSON. Mr. President—

Mr. FERNALD. I yield to the Senator from Virginia.

Mr. SWANSON. I heard the Senator's speech, and there is a portion of it that I can not agree to as an explanation of this bill. If there is any doubt about it, I am going to offer an amendment to cover it, and I understood the Senator to consent to it.

As I understand this bill, it is simply an authorization to the Appropriations Committee to appropriate \$100,000,000. The Appropriations Committee can make the appropriation to the extent of \$100,000,000 for the purposes indicated in this bill at such places, for such specific amounts, and at such times as it pleases, not exceeding \$5,000,000 in any one State for the six years that this bill runs.

Mr. FERNALD. That is right.

Mr. SWANSON. That is simply an authorization. The Appropriations Committee can not appropriate until another committee makes an authorization. As I understand, all that this bill does—and if it does not do this I want to make it clear in the bill—is this: The Appropriations Committee can come in here and make a specific appropriation in any State for a specific amount, provided it does not exceed \$5,000,000. Then, after it makes this appropriation for the specific amount, the Treasury Department is authorized to carry it out, and has the power to do so under this bill, provided it does not exceed this limitation.

Mr. OVERMAN. I call the Senator's attention to that one exception. This bill authorizes \$60,000,000 to be spent. The President and the Budget send down to the committee a schedule showing where these buildings shall be constructed and the amounts to be expended. Now, for example, suppose the Budget sends down no appropriation for any building in my State. I want an appropriation, and I offer an amendment to provide one, but even if the committee allowed it somebody would raise the point of order that it was not estimated for by the Budget; so we are appropriating subject to the Budget and the President.

Mr. SWANSON. No; if the Senator will permit me, if the Appropriations Committee of the Senate makes an authoriza-

tion it is in order under the rules of the Senate. If this amount is authorized, the amendment would be in order to that amount. The Senator might have difficulty in getting it through if the Secretary of the Treasury or the Postmaster General or the Department of Justice did not recommend a specific building.

Mr. OVERMAN. There is where the Senator is mistaken. If a particular amount is authorized for, say, Salisbury, N. C., that is in order; but if the Secretary of the Treasury and the Budget Committee and the President send down a certain amount for a certain building, we have to accept that. We can not authorize any other amount.

Mr. HARRISON. Mr. President, may I ask the Senator how he interprets this language in the bill on that point?

That the Secretary of the Treasury shall submit annually and from time to time as may be required estimates to the Bureau of the Budget, in accordance with the provisions of the Budget and Accounting Act, 1921, showing in complete detail the various amounts it is proposed to expend under the authority of this act during the fiscal year for which said estimates are submitted.

So, before the proposition comes here, it must go to the Bureau of the Budget.

Mr. SWANSON. That is true, as everything in the nature of an appropriation for the Navy Department must go to the Budget Bureau, under the law, and every proposed appropriation for the War Department must go to the Budget Bureau.

Mr. FERNALD. If the Senator will permit, I will read that provision of the law.

Mr. SWANSON. I am going to draw an amendment. The only condition under which I will support this bill is that it shall be an authorization and that the ultimate fixing of the specific amounts for buildings will be left to the Appropriations Committee, which represents the different sections of the country. If that shall be done, the rights of all the States will be left to that committee to consider them, instead of following the old method under which the Committee on Public Buildings and Grounds would consider them. If sections are treated with injustice, if sections do not get what they are entitled to and are discriminated against, they will have an opportunity when the appropriations come before us.

The only condition under which I will support this bill is that there shall be no contract for any building or site or change in location until the appropriation has been made by Congress, which would absolutely prevent the Treasury having the disposition of the money.

As I understand the purpose of the bill and the spirit in which it ought to be passed, it is to provide for emergencies in various sections of the country. It must go to the Budget Bureau, which has to approve it; then it will be sent to the Appropriations Committee, and the Appropriations Committee will determine whether the appropriation shall be made or not. In addition to that, I would provide that no contract shall be made or obligation entered into by any contractor until the appropriation is made.

Mr. SMITH. Let me ask the Senator this question before he takes his seat. We have authorized a specific lump sum. Then we have put limitations upon it to the extent that in no one State shall expenditures exceed \$5,000,000 within a year. Why do we need to have the Budget pass upon it, when, as the Senator has said, we have appropriation committees which can hear the needs of the States, and, with the limitations already provided in the law, provide for the amounts necessary to meet what, in their judgment, is necessary to meet the emergencies which must come within the limitations of the measure?

Mr. SWANSON. The Senator ought to have made that objection when the Budget law was passed. You can not even get an improvement of a river or harbor, you can not even get an improvement in the navy yard at Norfolk or an arsenal, until the Budget passes on it. The Senator ought to have made that objection at the time the Budget bill was passed.

Mr. SMITH. The point I am making is this—

Mr. FERNALD. Will the Senator yield to me for just a moment?

Mr. SMITH. I yield.

Mr. FERNALD. I am sorry to disturb these two distinguished lawyers, but I want to read them the proposed law. On page 7, section 4, the bill provides:

The Secretary of the Treasury shall submit annually and from time to time as may be required estimates to the Bureau of the Budget, in accordance with the provisions of the Budget and Accounting Act, 1921, showing in complete detail the various amounts it is proposed to expend under the authority of this act during the fiscal year for which said estimates are submitted.

Now just a little more. This is the law, and, as the Senator from Virginia has said, the Senator from South Carolina ought to have made his objection about two years ago. This covers the matter completely:

(b) Estimates for lump-sum appropriations contained in the Budget or transmitted under section 203 shall be accompanied by statements showing, in such detail and form as may be necessary to inform Congress, the manner of expenditure of such appropriations and of the corresponding appropriations for the fiscal year in progress and the last completed fiscal year. Such statements shall be in lieu of statements of like character now required by law.

That covers the whole thing.

Mr. SMITH. If the Senator will allow me, the Senator from Virginia said I should have made my objection two years ago. This has nothing to do with the law now providing for the Budget, because this has anticipated what the Budget may do by an act of Congress making an appropriation for a specific lump sum. When there is no authorization, they state within a certain amount just what they suggest can be expended.

Mr. SWANSON. If I understand the practice of the Budget Bureau, they sometimes do recommend new projects, but mostly they are confined to authorizations of Congress. If we left this out, it would be subject to a point of order.

I have an amendment to offer. My support of the bill, I told the Senator, would be dependent upon an amendment being agreed to providing that no contract shall be made for a building, or a modification, until a specific appropriation has been made for it by Congress.

Mr. SMITH. That is exactly what I am trying to get now.

Mr. SWANSON. I am not willing to let the Secretary of the Treasury or the Postmaster General take a hundred million dollars and say where he will put it. All they can do under the present Budget law is to recommend, under authorizations, where they think something ought to be done; where they think the greatest emergency is. It then comes up to the committees to pass on their estimates and recommendations, and I felt that I would like to have an amendment made to this bill, because every member of the committee reserved the right to offer and vote for any amendment he saw proper. There is no compulsion on a single member of the committee, from the chairman down, to support the bill. We reserved the right to vote for any amendment, to do as we pleased when it got to the Senate.

This bill is being offered in order to get the best results, to get rid of a bad condition in the country, a congestion of business in the cities. If any other way can be found under our system of appropriations by which it can be handled, I would be very glad to support any measure along that line, giving Congress more power; unless we could have a bill, as we used to have, providing an authorization for specific buildings. Such a bill was offered in the House, but it was beaten 2 to 1.

Mr. HARRISON. Why can not we have such a bill?

Mr. SWANSON. We could not get it through.

Mr. HARRISON. Why could we not get it through? Of course, we could not get it through if Senators would not support it.

Mr. SWANSON. We would be two months on it in the Senate—

Mr. FERNALD. In the first place, this bill passed the House—

Mr. HARRISON. It passed the House under a suspension of the rules, which allowed no amendment to be offered, with only 40 minutes debate.

Mr. SWANSON. I think a motion to recommit, with an amendment, was offered by a Representative from the Senator's State.

Mr. HARRISON. I am not sure about that.

Mr. SMITH. I think the amendment the Senator from Virginia is proposing to offer is exactly in line with what I have been claiming; that under the specific limitations of the bill a committee of Congress could within the limitations in the bill make certain recommendations that would carry out the purpose of the bill, rather than leave it to the discretion of the Secretary of the Treasury. I propose to offer certain amendments even to section 3, to prevent him having that absolute power.

Mr. SHORTRIDGE. Mr. President, I want to suggest a possible situation to the Senator from South Carolina and ask what the procedure would be under the framework, the plan, of this bill?

Let us suppose that the Director of the Budget, or the Secretary of the Treasury, cooperating with the Postmaster General, should recommend a post office, one building, for the Senator's

State where he thought there was an urgent need for another post-office building in another city in South Carolina. How would the Senator go about to secure the other post-office building under the scheme and philosophy of this bill?

Mr. SMITH. Under the provisions here \$100,000,000 is set aside for the benefit of 48 States, limiting each State to \$5,000,000.

Mr. HARRISON. Annually.

Mr. SMITH. Annually; providing that not more than \$5,000,000 may be expended in any one State. I think we ought to have a provision in the bill under which a committee of Congress would have the authority to pass upon and authorize what should be done in their judgment after hearing testimony, rather than leaving it to the Secretary of the Treasury or the Budget, because we have limited the amount to each State, and we have limited the total lump sum, which is already covered, in effect, in the bill. I would leave it to the proper committee of Congress to say what a State could or could not have within the limitations of the proposed act.

Mr. McKELLAR. I have offered an amendment which will cover that particular point.

Mr. SMITH. I would like to ask the Senator from California if he agrees with my position.

Mr. SHORTRIDGE. I am inclined to agree with the Senator.

Mr. SWANSON. The junior Senator from Arkansas [Mr. CARAWAY] has drawn an amendment at my request which I think carries out my idea in connection with requiring the appropriations to be made by Congress before a contract can be entered into. I recognize that all this power should not be given to any one political party, whether it is mine or not, and I stated to the Senator and the Senator led me to understand that he would accept an amendment which would prevent the making of any contracts before the money had been appropriated. I leave that point to the Senate.

Mr. SHORTRIDGE. That may be wise, but might it not unduly delay matters and frustrate a very good plan?

Mr. SMITH. It might delay matters with some people who thought they would be specially favored in getting this money, but there will not be any delay of the general public business, I assure the Senator. If he goes along with the rest of us, there will be no delay.

Mr. McKELLAR. I ask unanimous consent that the amendment may be read here, if the Senator from Maine does not object.

Mr. FERNALD. I do not object.

The VICE PRESIDENT. The clerk will read the proposed amendment.

The legislative clerk read as follows:

Provided, That no contract shall be entered into for the erection of any building or modification thereof which is to be paid for out of the authorization herein provided until the appropriation therefor shall be made by act of Congress.

Mr. HARRISON. May I ask the Senator why he does not include the purchase of sites, too? The bill authorizes the Secretary of the Treasury to buy sites whenever he wants to do so.

Mr. SWANSON. I presume that sites ought to be included.

Mr. FESS. That absolutely nullifies the purpose of the entire bill.

Mr. HARRISON. If it does, it does exactly what I want to do.

Mr. FESS. I know that is what the Senator is trying to do.

Mr. CARAWAY. May I ask the Senator from Ohio in what way it nullifies the purpose of the bill?

Mr. FESS. It means that you can not have any authorization for the location of a public building, even after the bill is passed, until Congress so specifies by special act, which never will be done, because everybody else will be wanting to come in.

Mr. SWANSON. It does not mean any such thing.

Mr. FESS. It introduces the "pork-barrel" element.

Mr. SWANSON. If this is not included, it simply means that we would give the power to appropriate money to the Treasury Department, which I shall never vote for, and which is contrary to the Constitution of the United States.

Mr. FESS. No; we appropriate—

Mr. SWANSON. No; we do not appropriate. The bill simply makes an authorization. It is a fundamental principle of the Constitution that no appropriation of public money can be made except by a vote of Congress. The great question in connection with the bill is this: Could the Treasury Department make a contract for the whole \$100,000,000 and then come and compel Congress to make an appropriation in pursuance of the contract it had no authority to make? This merely prohibits the making of contracts under the authorization until

the appropriation is made for them, which is in accordance with our Constitution.

Mr. KING. Mr. President, will the Senator from Maine yield for a question?

Mr. FERNALD. I yield.

Mr. KING. The Senator from Ohio mentioned the question of "pork barrel." I was wondering if the bill offered by the able Senator from Maine is intended to make the Treasury Department the "pork barrel" and transfer the duties of the "pork barrel," as heretofore discharged, as it is alleged, by Congress, to the Treasury Department?

Mr. FERNALD. I have not alleged that it was a "pork barrel" bill.

Mr. FESS. Will the Senator from Maine yield?

Mr. FERNALD. Yes; I yield.

Mr. FESS. The bill is not an appropriation bill. The bill is an authorization for an appropriation to the amount of \$150,000,000 or \$165,000,000 to be applied as indicated in the bill. Whenever there is a necessity for the expenditure of any part of the \$150,000,000 or \$165,000,000 for the erection of any building or otherwise, it will, of course, have to be reported to the Senate by the Appropriations Committee and passed upon by the Senate, because we do not appropriate in the bill now before us. We simply authorize the appropriation. If the Senator means that there should be no act in the way of public-building activities until we specifically in each case have an act of Congress with reference to it, we would get nowhere.

Mr. SWANSON. There is a doubt in the bill as I construe it. I understood the Senator from Maine to say he would accept a provision that no contract should be made until the appropriation was actually made.

Mr. FERNALD. If the Senator will allow me to read from the bill, I do not think there will be any trouble about understanding it. Let me read just one section. Section 4 on page 7 of the bill reads as follows:

SEC. 4. The Secretary of the Treasury shall submit annually and from time to time as may be required estimates to the Bureau of the Budget, in accordance with the provisions of the budget and accounting act, 1921, showing in complete detail the various amounts it is proposed to expend under the authority of this act during the fiscal year for which said estimates are submitted.

Mr. SWANSON. There is only this issue between us, as I said, about the language. The Senator has the idea that no contract should be made until there has been an appropriation. I say we should make it clear that no contract can be made to provide for the expenditure of the whole \$100,000,000 until a committee of the Senate reports a bill making an appropriation. With such a provision I would have no objection to the present bill; but if the bill will allow contracts to be made for the entire authorization and then we have to wait to get the appropriations under the authorizations, I am not in favor of it.

Mr. FESS. There can not be a single dollar used under the bill until Congress appropriates it.

Mr. SWANSON. That is all right, but I simply want to make it stronger and provide that the Secretary of the Treasury can not enter into contracts until the money is actually appropriated.

Mr. FESS. We can not make it any stronger than the language of the bill is now.

Mr. SHORTRIDGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from California?

Mr. FERNALD. I yield.

Mr. SHORTRIDGE. Replying to the thought of the Senator from Virginia, if he will do me the honor to give me his attention, might it not be well to provide that the Secretary could make contracts subject to future authorization or future appropriation? Do we want to deny him the power to enter into a provisional contract? The Senator catches my thought, I hope, by the question.

Mr. SWANSON. The Senator from California wants to make contracts subject to approval by Congress?

Mr. SHORTRIDGE. Yes.

Mr. SWANSON. I do not see any trouble about the matter. If all sections of the country are going to be treated equally and fairly, which they ought to be, I do not see why we should make a contract to erect a \$10,000,000 building at this or that place until the appropriations are actually made which would authorize it. What would be the objection to that procedure?

Mr. SHORTRIDGE. We could enter into a contract provisionally or subject to future action by Congress. Let us not deny the Secretary of the Treasury the power to enter into a contract subject to a condition subsequent.

Mr. OVERMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from North Carolina?

Mr. FERNALD. I yield.

Mr. OVERMAN. My proposed amendment would save a lot of trouble if the Senator would agree to it, and I hope he will accept it, and that is that the \$100,000,000 shall be distributed among the States according to their population. Everybody would be treated share and share alike under such an arrangement. North Carolina would get her share, Maine would get her share, and California would get her share.

Mr. PITTMAN. I do not think Nevada would get anything anyway.

Mr. OVERMAN. Nevada would get \$75,000, but will not get anything under the bill as now written. California would get \$3,500,000.

Mr. SMOOT. The bill would have to be rewritten if we accepted such an amendment.

Mr. HARRISON. Mr. President, will not the Senator permit the bill to go back to the committee so that the committee may give some further consideration to the question and to the suggestions which have been made?

Mr. FERNALD. Mr. President, we have been considering the measure all winter. We can not give it any more sincere consideration than we have done.

Mr. PITTMAN. Mr. President—

Mr. FERNALD. I yield to the Senator from Nevada.

Mr. PITTMAN. I would like to have read an amendment which I intend to propose at the proper time, to see if the Senator, after it is read, has any objection to it.

The VICE PRESIDENT. The clerk will read the amendment to be proposed by the Senator from Nevada.

The LEGISLATIVE CLERK. Add a new section at the end of the bill, as follows:

SEC. 8. Any and all appropriations proposed, requested, or made for the purpose of carrying out the provisions of this act shall be included in a separate bill to be known as the public buildings appropriation bill. Appropriations for other purposes than those herein provided shall not be included in such public buildings appropriation bill.

Mr. FERNALD. Of course, I could not accept that amendment. It would carry us back to the old system.

Mr. OVERMAN. I do not see why the Senator can not accept the amendment which I have offered, anyway.

Mr. FERNALD. I could not accept it, of course.

Mr. OVERMAN. What is the trouble with the amendment which I have proposed? It would give every taxpayer in the United States a share.

Mr. FERNALD. The trouble is that New York and Pennsylvania would get one-fifth of the appropriations.

Mr. OVERMAN. They will get more than one-fifth under the pending bill.

Mr. SMOOT. Mr. President, let me call attention to some figures, if the Senator from Maine will allow me.

Mr. FERNALD. I yield to the Senator from Utah.

Mr. SMOOT. I will merely make the statement, and the Senator from Virginia can look it up. There are some States in the Union that are better fixed to-day for governmental buildings than other States. I frankly say that they are the largest States of the Union.

Mr. OVERMAN. They will get just as much under the pending bill if we leave it as it is.

Mr. SMOOT. They certainly would if we adopted the amendment of the Senator from North Carolina.

Mr. OVERMAN. What is the population of Utah?

Mr. SMOOT. We have about 525,000.

Mr. OVERMAN. That is the proportion that Utah would get, and they would not get it under the present bill.

Mr. SMOOT. We will take our chances.

Mr. OVERMAN. Unless the Senator is a good politician.

Mr. SMOOT. No; I am not a politician.

Mr. OVERMAN. There is the trouble with the bill. Human nature is the same the world over, and I would not trust any three men in any party to distribute \$60,000,000 to favor this section or that section or so as to help elect this man or that man to Congress.

Mr. SMOOT. I do not believe the Secretary of the Treasury would dare to do an injustice to any part of the country. I know that if I were Secretary of the Treasury politics would make no difference with me; I would treat all alike, as I think the appropriation bills in the past have done.

Mr. HARRISON. Mr. President, may I say that I regret the remark made by the Senator from North Carolina. I do not agree with him about the Senator from Utah. He said that he does not think Utah would get anything under the

pending bill. I think that Utah would have perhaps more than any other State if the bill should pass.

Mr. SMOOT. The Senator gives me too much credit and gives my colleague [Mr. KING] too much credit. I do not think it is possible to do that. Not only that, but I would not think of asking more than Mississippi will get. I would be content, and I will agree with the Senator from Mississippi right now that Utah shall not have one-half of the amount Mississippi will get.

Mr. HARRISON. I know Mississippi will not get anything, and I know Utah will get all it wants.

Mr. SMOOT. I am not worried about it at all. Mississippi will get her share just as sure as the sun will rise to-morrow morning.

Mr. SHORTRIDGE. I insist that Gulfport, Miss., shall have a new post-office building.

Mr. FERNALD. Mr. President, I have been on my feet as long as I ought this afternoon. I should be glad to have a vote. I do not think it is necessary to make any more of a speech. I have tried to explain the bill as best I could and to answer all questions Senators have propounded. We have given the entire afternoon to the consideration of the bill. I shall be glad now to consider the amendments. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be considered as they are reached in the reading of the bill.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House insisted upon its disagreement to the amendments of the Senate, Nos. 1 and 5, to the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes; agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Wood, Mr. WASON, and Mr. SANDLIN were appointed managers on the part of the House at the conference.

OCCUPATION OF HAITI

Mr. KING. Mr. President, I send to the desk and ask to have read a resolution. I regret that my physical condition does not permit me to discuss it, as I had intended to do this afternoon, but I give notice that at an early day I shall speak upon the situation in Haiti. I ask that the resolution may be read.

The VICE PRESIDENT. The clerk will read the resolution.

The legislative clerk read the resolution (S. Res. 202), as follows:

Resolution

Whereas it is claimed that the following statement contains some of the important facts relating to Haiti and its occupation by military forces of the United States and also some of the important occurrences following such occupation, together with facts relating to existing conditions in Haiti, which said statement is as follows, to wit:

That the people of Haiti achieved their political independence in 1804 and established a republican form of government, under which the Haitian people controlled their political affairs without interruption or interference from foreign powers until the military seizure and occupation of Haiti by the United States on July 28, 1915, which occupation has continued to this day without the consent of the Haitian people;

That there was no sufficient reason for the American occupation of Haiti, the disturbances in said country being purely of an internal character and in no wise affecting the lives and liberty of Americans or other foreigners;

That after the seizure of Haiti the admiral in charge of the American forces of occupation declared martial law and took control of the Government of the Haitian Republic, interfering in the election of the President of Haiti in August, 1915, and exerting military pressure and other influence, which resulted in the election of Dartiguenave as President of Haiti;

That the United States presented to said Dartiguenave and to the National Assembly of Haiti, consisting of two legislative bodies provided in the constitution of Haiti, a proposed convention giving to the United States control of the revenues, police, public works, and sanitary administration of Haiti, which convention the national assembly was unwilling to ratify, whereupon the admiral in command of said American forces cut off the salaries of the opposing members of the assembly and announced that if the tendered treaty was not ratified the United States "has the intention to retain control in Haiti until the desired end is accomplished, and that it will forthwith proceed with the complete pacification of Haiti," under pressure of which threat

the national assembly accepted such convention, which had been signed on the 16th day of September, 1915;

That a new National Assembly of Haiti was elected in 1916, and upon the convening of the same the United States presented to said assembly a proposed new constitution for Haiti, whereby the provisions of the then Haitian constitution which forbade foreigners and foreign corporations from owning Haitian lands were substituted by provisions which authorized the holding of Haitian lands by foreigners and foreign corporations, and made other changes in the constitution, all of which, and particularly the provisions permitting the holding of lands by foreigners, were not acceptable to the National Assembly of Haiti, which refused to accept such new constitution, whereupon the military forces of the United States summarily and arbitrarily dissolved the national assembly, took forcible possession of the legislative chambers, and locked the same against members of the assembly, and when the houses of the assembly met in other places they were summarily and forcibly dispersed by American military power;

That thereupon an election was called for the alleged purpose of having said new constitution submitted to the people for ratification; that there was in fact no election or true expression of the people; that a few votes were cast under the supervision and control of the military forces of the United States and conditions and circumstances which clearly indicated that the wishes of the people of Haiti were not expressed and that said new constitution was not in fact ratified by the people;

That upon the dissolution of said national assembly said Dartiguenave, by dictatorial decree, set up a so-called council of state, appointing all the members thereof, which was an extraconstitutional and illegal body and which usurped and attempted to take over and exercise the legislative powers of the National Assembly of Haiti, and it has continued from that time until the present to exercise said usurpatory authority in defiance of the will and desire of the people of Haiti;

That the term of office of said Dartiguenave expired August 12, 1922, and thereupon, as it is claimed, the United States selected Louis Borno to be his successor; that said council of state had no power or authority to act in the premises, but the members of said illegal organization, with the support and under the direction of the American military occupation, pretended to elect as President of Haiti said Louis Borno, although said Borno was not eligible for the Presidency of the Haitian Republic because he is not a son of a Haitian citizen, as prescribed by the constitution of Haiti;

That under the new constitution of Haiti, as well as the void and unratified constitution, the two legislative bodies of the Haitian Government were empowered to meet as a national assembly and to elect, at the time designated in said old constitution, as well as at the time provided in said new constitution, the President of the Haitian Republic;

That said council of state, in the manner stated and in defiance of said provisions, pretended to elect said Borno for the term of four years, the period prescribed in the so-called new constitution, which the National Assembly of Haiti had refused to accept;

That the constitution of Haiti, as well as the new constitution, sought to be imposed on the Haitians, provides for the election of the members of the two legislative bodies of the Haitian Republic, but since the suppression of said bodies no elections have been held, or permitted to be held, by those in control of Haiti, as a result of which no national assembly existed to choose the President of Haiti, as provided in said constitutions;

That under the terms of the new constitution a president of Haiti was to have been chosen by the national assembly on the 12th day of April, 1926, but said assembly, having been abolished by the military forces of the United States and the dictatorial decree of Dartiguenave, said council of state, with the approval and support of the military forces of the United States, pretended, on said day, to reelect said Borno as President for a further term of four years; that it has been understood for many months that Borno aspired to another term as President and was supported for such position by General Russell, if not the State Department of the United States, and to bring about that result said Borno has within the last year appointed 18 of the 21 members of the council of state from among his relatives, personal friends, and retainers in order that he might be assured of his reelection on April 12 of this year;

That the term of said convention of September 16, 1915, expired on September 15, 1926; that if the United States had any right under said convention to occupy Haiti and control its Government and the people of Haiti, such right no longer exists, and the further presence of the United States in Haiti means continued usurpation of the constitution, laws, and Government of Haiti and the subversion of the civil liberties of the Haitian people by superior military forces;

That it is claimed that the actual Government of Haiti is in the hands of General Russell, who is supported by the military forces of the United States; that Borno and said council of state are subject to his will and act in accordance with directions given by him; that the liberties of the people are restricted, the freedom of the press

abridged, the independence of the courts interfered with, the voice of the people in the matter of levying taxes and expending them silenced, the right of franchise denied, and the people of Haiti subjected to a foreign dictatorship which attempts to screen its power behind Haitian agencies which it has set up and through which it operates;

That there will be no correction of these conditions and no restoration of civil government and constitutional authority in Haiti until the Chamber of Deputies and the Senate shall be elected by the people of Haiti, and shall, in turn, as an electoral body, elect the President of Haiti under the terms of the Haitian constitution;

That the suppression of civil authority by military power is contrary to the Constitution of the United States and those principles of political and civil liberty which are professed by the Government and the people of the United States: Now, therefore, be it

Resolved, That the Committee on Foreign Relations is directed to consider the statements and claims herein set forth and report to the Senate measures which shall permit the Haitian people to set up and establish a government of their own choice and assume control of their own Government and their own civil and political affairs, and which shall provide for the withdrawal from Haiti of all military forces of the United States and all officers—military, naval, and otherwise—except only regularly accredited diplomatic representatives or consular agents as may be agreed upon by the Government of the United States and the Government of the Haitian Republic.

Mr. KING. Mr. President, the resolution which I have offered demands the earnest consideration of the Senate. In my judgment Congress should promptly deal with the Haitian question and terminate a situation which is intolerable to the Haitians and inconsistent with American policies and in contravention of the spirit of democratic institutions. I intended to discuss the resolution to-day and the acts of American occupation, but illness prevents me from so doing.

May I say that since preparing the resolution yesterday I have learned that Mr. Borno has been made President for another term of four years, notwithstanding his disqualification. Supported by the United States and General Russell and American marines he was "selected" by the so-called council of state, an illegal body, 18 members of which he appointed during the past 12 months. At an early day, Mr. President, I shall attempt to discuss the general conditions existing in Haiti and the course of the United States in Haitian matters.

Mr. CURTIS. I understand the resolution offered by the Senator from Utah will lie on the table.

Mr. KING. I ask that the resolution may lie on the table.

The VICE PRESIDENT. It will be so ordered.

ALIENATION OF SOVEREIGNTY

Mr. SHORTRIDGE. Mr. President, some 10 days or more ago when the learned Senator from Utah [Mr. KING] was discussing in passing the Philippine question in some of its aspects I ventured to inquire of him whether, in his opinion, Congress is empowered to alienate the sovereignty of the United States, and the Senator made a certain reply.

Mr. KING. I said Congress could do so.

Mr. SHORTRIDGE. Then followed a brief colloquy between us and other Senators. I now ask unanimous consent to have published in the RECORD an article on this subject written by Mr. Daniel R. Williams, which appeared in the Virginia Law Review. I think it is a very instructive article, and will perhaps be read with profit by those who are interested in subjects which may hereafter come up and be discussed in the Senate.

Mr. CURTIS rose.

Mr. KING. Mr. President, if the Senator from Kansas will permit me, I wish to say to the Senator from California that the United States did make a treaty with Great Britain by the terms of which we ceded to Great Britain a portion of American territory north of what is now the boundary line between the United States and Canada. So we have exercised that right which the United States possesses to cede away American territory.

Mr. SHORTRIDGE. My reply to that remark, Mr. President, is, with great respect for my friend's historical knowledge and his profound legal learning, that we did nothing of the sort. I further make the statement that we never have up to this minute ceded or alienated our sovereignty over one square inch of American territory. However, I do not propose now to enter into that discussion.

Mr. COPELAND. The Senator from California has forgotten that we gave away the Isle of Pines.

Mr. SHORTRIDGE. No; we did not give away the Isle of Pines. We never had title to or sovereignty over the Isle of Pines by virtue of our treaty with Spain. The treaty of Paris ceded and conveyed to the United States sovereignty over Porto Rico and the Philippines, but it did not convey or cede to us sovereignty over the Isle of Pines.

Mr. COPELAND. I would say, for the relief of the Presiding Officer and of my friend from California, that I am not going to repeat the eight-hour speech which I made on that subject which convinced me that the Senator from California was mistaken.

Mr. SHORTRIDGE. But it did not convince the Senate.

Mr. CURTIS obtained the floor.

Mr. SHORTRIDGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from California?

Mr. CURTIS. I yield.

Mr. SHORTRIDGE. Mr. President, I certainly will not now enter into a discussion over this important question. I do not intend to do so; but replying to my friend from New York [Mr. COPELAND], I ask him to remember that the treaty of Paris specifically conveyed or alienated the sovereignty of Spain over the Philippines and Porto Rico to the United States of America. Inasmuch as this question of the competency of Congress to surrender and alienate our sovereignty over territory may come up for discussion, I invite attention to the argument of Mr. WILLIAMS. Of course, learned Senators are aware that what a certain number in the Philippines are now demanding, a number in Porto Rico are demanding; and if we are to surrender sovereignty over the Philippines we shall be asked in a short time to surrender sovereignty over Porto Rico. So that this question of the power of Congress under the Constitution to pull down the American flag and surrender sovereignty is a very important one.

I ask that the article to which I have referred may appear in the RECORD.

The VICE PRESIDENT. Without objection, the article will be printed in the RECORD.

The article is as follows:

IS CONGRESS EMPOWERED TO ALIENATE SOVEREIGNTY OF THE UNITED STATES?

(With special reference to the Philippine Islands)

While planted in general terms, our inquiry as to the constitutional right of Congress to alienate sovereignty will be examined here with special reference to the Philippine Islands, where, if at all, the issue will likely arise.

ACQUISITION OF THE PHILIPPINES AND VALIDITY OF TITLE

By treaty with Spain, ratified in February, 1899, the Philippine Archipelago, theretofore held under Spanish sovereignty, was ceded to the United States. Construing the force and effect of this cession, our Supreme Court, speaking through Chief Justice Fuller in the Diamond Rings case (183 U. S. 176, 179), said:

"By the third article of the treaty Spain ceded to the United States 'the archipelago known as the Philippine Islands,' and the United States agreed to pay Spain the sum of \$20,000,000 within three months. The treaty was ratified; Congress appropriated the money; the ratification was proclaimed. The treaty-making power, the executive power, the legislative power, concurred in the completion of the transaction.

"The Philippines thereby ceased, in the language of the treaty, 'to be Spanish.' Ceasing to be Spanish, they ceased to be foreign country. They came under the complete and absolute sovereignty and dominion of the United States, and so became territory of the United States over which civil government could be established. The result was the same, although there was no stipulation that the native inhabitants should be incorporated into the body politic and none securing to them the right to choose their nationality. Their allegiance became due to the United States, and they became entitled to its protection.

"The Philippines, like Porto Rico, became, by virtue of the treaty, ceded conquered territory or territory ceded by way of indemnity. . . . The Philippines were not simply occupied but acquired, and having been granted and delivered to the United States by their former master, were no longer under the sovereignty of any foreign nation." (Italics supplied.) (Ibid., p. 173.)

Spain's sovereign rights over the Philippine Islands were clearer than are those of most modern countries to their national territory. When Spanish sovereignty was extended to such islands in 1565 no "Filipino nation" was destroyed or supplanted, for none existed. The then inhabitants, estimated at 500,000 and occupying limited areas of the coastal plains, were split into numerous tribal groups, speaking different dialects, and altogether lacking in homogeneity or union. These tribes—of Malay origin—were themselves invaders, the aborigines being the pygmy blacks now known as Negritos, of whom possibly 30,000 are still extant. In the exercise of her dominion Spain took over the unoccupied and unclaimed areas of the archipelago—agricultural, forest, and mineral—and held and administered them as crown lands for over three centuries. At no time, either then or later, were these lands ever owned, occupied, or claimed as the territory or patrimony of any Philippine tribe or Filipino body politic. Upon American occupation this "public domain" constituted over 63,000,000 acres, or 80 per cent of

the total land area of the islands, while 40 per cent of the archipelago is still given over to Pagan and Mohammedan peoples, numbering approximately 1,000,000.

By conquest, purchase, and treaty, therefore, Spain's sovereignty over the Philippines, together with her title to these crown lands and other public holdings in the islands, passed to the United States. Referring to the validity and completeness of this conveyance, Chief Justice Fuller stated in the *Diamond Rings* case (*Ibid.*, p. 180):

"The sovereignty of Spain over the Philippines and possession under claim of title had existed for a long series of years prior to the war with the United States. The fact that there were insurrections against her, or that uncivilized tribes may have defied her will, do not affect the validity of her title. She granted the islands to the United States, and the grantee in accepting them took nothing less than the whole grant." (*Italics supplied.*)

SOVEREIGNTY UNDER OUR FORM OF GOVERNMENT IS IN THE PEOPLE

The proposition is elementary that in the United States "the people are sovereign." Inasmuch, however, as there is a growing tendency on the part of Americans generally to forget or ignore the fact and to acquiesce in the gradual encroachment upon their rights by governmental agencies, it is well to stress the point. How our system of government differs in this regard from those of European countries (as existing in 1797) was clearly brought out by Chief Justice Jay in the early case of *Chisholm v. Georgia* (2 U. S. 419, 471), where he said:

"Sovereignty is the right to govern; a nation or state sovereign is the person or persons in whom that resides; in Europe the sovereignty is generally ascribed to the prince; here it rests with the people; there the sovereign actually administers the government; here, never in a single instance; our governors are the agents of the people and at most stand in the same relation to their sovereign in which regents in Europe stand to their sovereigns. Their princes have personal powers, dignities, and preeminences; our rulers have none but official; nor do they partake in the sovereignty otherwise or in any other capacity than as private citizens."

The same principle was thus stated by Justice McLean in *Spooner v. McConnell* (Fed. Cas. No. 13249):

"The sovereignty of a state does not reside in the persons who fill the different departments of the government but in the people from whom the government emanates and who may change it at their discretion. Sovereignty, then, in this country abides with the constituency and not with the agent, and this is true both in reference to the Federal and State Governments."

In *Yick Wo v. Hopkins* (118 U. S. 356, 369) our Supreme Court, per Matthews, J., said:

"When we consider the nature and theory of our institutions of government, the principles upon which they are supposed to rest, and to review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power. Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law is the definition and limitation of power."

It follows as a consequence that sovereignty over all territory belonging to or acquired by the United States is vested in the American people as a whole, and is held for their use and benefit. This principle, which is fundamental, finds expression in *Shively v. Bowlby* (152 U. S. 1, 57), as follows:

"Upon the acquisition of a territory by the United States, whether by cession from one of the States or by a treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States for the benefit of the whole people and in trust for the several States to be ultimately created out of the territory." (*Italics supplied.*) (Cited and approved in *Morris v. United States*, 174 U. S. 190, 237.)

In *Dred Scott v. Sandford* (19 How. (U. S.) 893, 448) Chief Justice Taney, referring to the powers and limitations of the General Government over territories, stated:

"A power in the General Government to obtain and hold colonies and dependent territories, over which they might legislate without restriction, would be inconsistent with its own existence in its present form. Whatever it acquires it acquires for the benefit of the people of the several States who created it. It is their trustee, acting for them and charged with the duty of promoting the interests of the whole people of the Union in the exercise of the powers specifically granted."

"At the time when the territory in question was obtained by cession from France it contained no population fit to be associated together and admitted as a State; and it therefore was absolutely necessary to hold possession of it, as a territory belonging to the United States, until it was settled and inhabited by a civilized community capable of self-government and in a condition to be admitted on equal terms with the other States as a member of the Union. But, as we have before said, it was acquired by the General Government as the representative and trustee of the people of the United States, and it must therefore

be held in that character for their common and equal benefit; for it was the people of the several States, acting through their agent and representative, the Federal Government, who in fact acquired the territory in question, and the Government holds it for their common use until it shall be associated with the other States as a member of the Union. (*Italics supplied.*)

It results, therefore, that when the United States, as indemnity for a war financed by the American people, and through payment of \$20,000,000 of public funds, acquired from Spain "the complete and absolute sovereignty and dominion" over the Philippines, this sovereignty, together with the ownership of Spain's public holdings in the islands, became and is now vested in "the people of the United States." The acquisition was for their use and benefit as principal, and is now subject to their exclusive control and disposition. Neither Congress nor any other governmental agency has authority or jurisdiction to alienate this sovereignty, or to convey or compromise these rights, except as the power so to do may have been delegated to or conferred upon them by "the sovereign owners."

ALIENATION OF SOVEREIGNTY

Since the United States became a nation—now nearly 150 years—not a square foot of territory once brought under the American flag has ever been alienated. In certain cases of disputed boundaries or where question of title was involved there have been adjustments, but the record discloses no single instance where sovereignty, admittedly vested in the people of the United States, has been transferred or withdrawn. Lacking, therefore, any concrete case of alienation, either attempted or consummated, the issue whether or not Congress has constitutional authority in the premises has never come before our courts for decision. It is only now, after the lapse of a century and a half, and this through proposals by Congress to alienate United States sovereignty over the Philippines, that controversy has arisen and the subject acquired other than academic interest.

Scarcely was the treaty with Spain ratified and our title to and sovereignty over the Philippines become a fact, than agitation began looking to their alienation. The question thus precipitated was, unfortunately, seized upon by party leaders as a "political issue," and the fate of the islands and their people became thereafter a pawn in the game of partisan politics. This action was taken despite the fact that Americans generally were altogether uninformed as to Philippine conditions or the needs of the situation, and in the full knowledge that such "imported issue" would have no actual bearing or influence upon election returns nor represent in any way the considered judgment of our electors upon the policy to be adopted. The Democratic party aligned itself with those favoring abandonment of the islands and announced it to be the "paramount issue" of the presidential campaign of 1900. Subsequent platforms of such party have carried analogous planks, that for 1924 advocating the immediate grant of Philippine independence.

In 1916 the United States Senate, then Democratic, passed a bill providing for absolute Philippine independence in not less than two nor more than four years, which bill was defeated in the lower House by a narrow margin. In the act finally agreed upon by both Houses in August, 1916, a preamble thereto recites (among other things) that—

"It is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein."

The truth of this allegation, or at least the authority of a partisan majority in Congress, largely influenced by political commitments, to thus categorically interpret the will of the American people as to the Philippines, might well be questioned were it relevant to our present inquiry. Our only concern here, however, is to evidence that Congress (irrespective of party) has uniformly acted on the assumption that it is vested with authority to alienate the Philippines at its pleasure, and that this idea has thus far gone largely unchallenged. Doubtless the quiescent attitude of our press and public as to the "mandate" or authority of Congress upon such a vital matter finds explanation in the nature of the proposed alienation, i. e., the grant of independence to the Filipino people. Had Congress evidenced the less sentimental purpose of making a *gratuitous transfer* of the Philippines to Japan, or like foreign power, including title to 63,000,000 acres of public domain of the United States—comprising 80 per cent of the land area of the archipelago—the reaction of our public to any such proposition and the denial of authority in the premises would unquestionably have been immediate and pronounced. And yet Congress can do this very thing if the power heretofore assumed by it as to the Philippines actually exists.

This disposition of our people to endow Congress with practically unlimited powers, and to acquiesce in measures by that body utterly unrelated to its legislative functions, is thus diagnosed by Cooley in his *Constitutional Limitations* (Cooley, *Constitutional Limitations*, 7th Ed., 124):

"It is natural that we should incline to measure the power of the legislative department in America by the power of the like depart-

ment in Great Britain; and to concede without reflection that whatever the legislature of the country, from which we derive our laws, can do, may also be done by the department created for the exercise of legislative authority in this country. But to guard against being misled by a comparison between the two, we must bear in mind the important distinction already pointed out, that with the Parliament rests practically the sovereignty of the country, so that it may exercise all the powers of the government if it wills so to do; while on the other hand, the legislatures of the American States are not the sovereign authority, and, though vested with the exercise of one branch of the sovereignty, they are nevertheless, in wielding it, hedged in on all sides by important limitations, some of which are imposed in express terms and others by implications which are equally imperative."

Given the present trend of international interest to the Pacific, and the constantly increasing political and commercial bearing of the Philippines upon the whole Far Eastern situation, wisdom would counsel that the constitutional right of Congress to alienate such islands, or to state "the purpose" of the people of the United States with respect thereto, should be thoroughly canvassed and determined beforehand. Particularly is this true when we consider that should the Philippines once be actually cut adrift by congressional act, or a specific date fixed for our withdrawal therefrom, it might then be difficult, if not impossible, for the American people, in whom sovereignty is vested, to raise the question of authority effectually.

HAVE THE PEOPLE OF THE UNITED STATES DELEGATED TO CONGRESS THE RIGHT TO ALIENATE SOVEREIGNTY?

Here again it is elementary that if the power to alienate territory of the United States exists in Congress, such authority must be found in the Constitution, which instrument defines and limits the measure of sovereignty surrendered by the people. Cooley, in his *Principles of Constitutional Law*, says (Cooley, *Principles of Constitutional Law*, 29-31):

"The government created by the Constitution is one of limited and enumerated powers, and the Constitution is the measure and the test of the powers conferred. Whatever is not conferred is withheld and belongs to the several States and the people thereof. * * *

"The Congress of the United States derives its powers to legislate from the Constitution, which is the measure of its authority; and any enactment of Congress which is opposed to its provisions, or is not within the grant of powers made by it, is unconstitutional, and therefore no law, and obligatory upon no one."

In *McCulloch v. Maryland* (4 Wheat. (U. S.) 316, 405), Chief Justice Marshall thus definitely stated the proposition:

"The government of the Union, then, is, emphatically and truly, a government of the people. In form and in substance it emanates from them. Its powers are granted by them and are to be exercised directly on them and for their benefit. This Government is acknowledged by all to be one of enumerated powers. The principle, that it can exercise only the powers granted to it, would seem too apparent to have required to be enforced by all those arguments which its enlightened friends, while it was depending before the people, found it necessary to urge. That principle is now universally admitted."

A comprehensive statement of the limitations imposed upon the general government by the Constitution, and the course to be pursued should further powers become necessary, is found in *Kansas v. Colorado* (208 U. S. 46, 89). The court, speaking through Mr. Justice Brewer, said:

"But the proposition that there are legislative powers affecting the Nation as a whole, which belong to, although not expressed in the grant of powers [in the Constitution], is in direct conflict with the doctrine that this is a Government of enumerated powers."

"That this is such a Government clearly appears from the Constitution, independently of the amendments, for otherwise there would be an instrument granting certain specified things made operative to grant other and distinct things."

"This natural construction of the original body of the Constitution is made absolutely certain by the tenth amendment. This amendment, which was seemingly adopted with prescience of just such contention as the present disclosed the widespread fear that the National Government might, under the pressure of a supposed general welfare, attempt to exercise powers which had not been granted. With equal determination the framers intended that no such assumption should ever find justification in the organic act, and that if, in the future, further powers seemed necessary, they should be granted by the people in the manner they had provided for amending that act. [Italics supplied.] It reads: 'The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.' The argument of counsel ignores the principal factor in this article, to wit, 'the people.' Its principal purpose was not the distribution of power between the United States and the States, but a reservation to the people of all powers not granted. The preamble of the Constitution declares who framed it—'We, the people of the United States'; not the people of one State but the

people of all the States, and Article X reserves to the people of all the States the powers not delegated to the United States.

"The last paragraph of the section [sec. 8, Art. I], which authorizes Congress 'to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof,' is not the delegation of a new and independent power, but simply provision for making effective the powers theretofore mentioned. * * * No independent and unmentioned power passes to the National Government or can rightfully be exercised by the Congress." (Ibid., p. 88.)

The right to alienate sovereignty is not among the enumerated powers of Congress. It further appears that an attempt to incorporate such a power was rejected by the framers of the Constitution. In the convention of the State of Virginia which met on June 2, 1788, to consider the question of ratification of the Federal Constitution an amendment was proposed providing as follows (see Snow, *The Administration of Dependencies*, 470):

"No treaty ceding, contracting, restraining, or suspending the territorial rights or claims of the United States, or any of them * * * shall be made, but in cases of the most urgent and extreme necessity, nor shall any such treaty be ratified without the concurrence of three-fourths of the whole number of the Members of both Houses, respectively."

Gov. Edmund Randolph, who headed the Virginia delegation in the convention and presented the Virginia resolutions, opposed such amendment, saying (Ibid.):

"Of all the amendments, this is the most destructive, which requires the consent of three-fourths of both Houses to treaties ceding or restraining territorial rights. * * * There is no power in the Constitution to cede any part of the Territories of the United States. But this amendment admits, in the fullest latitude, that Congress have a right to *dismember the empire*." (Italics supplied.)

The proposed amendment was not adopted, and the Constitution as then ratified and as now existing contains no grant of power to cede the territorial rights of the United States. That such was the understanding of those who shared in the making of the Constitution appears from certain writings of Jefferson and Hamilton, embodied in the opinion of Mr. Justice White in *Downes v. Bidwell* (182 U. S. 244, 315), as follows:

"Undoubtedly the thought that under the Constitution power to disposed of people and territory, and thus annihilate the rights of American citizens, was contrary to the conceptions of the Constitution entertained by Washington and Jefferson. In the written suggestions of Mr. Jefferson, when Secretary of State, reported to President Washington in March, 1792, on the subject of the proposed negotiations between the United States and Spain, which were intended to be communicated by way of instruction to the commissioners of the United States appointed to manage such negotiations, it was observed, in discussing the possibility as to compensation being demanded by Spain 'for the ascertainment of our right' to navigate the lower part of the Mississippi, as follows:

"'We have nothing else' (than a relinquishment of certain claims on Spain) 'to give in exchange. For as to territory, we have neither the right nor the disposition to alienate an inch of what belongs to any member of our Union. (Italics supplied.) Such a proposition, therefore, is totally inadmissible and not to be treated for a moment.' Ford's Writings of Jefferson, vol. 5, p. 476.

"The rough draft of these observations was submitted to Mr. Hamilton, then Secretary of the Treasury, for suggestions, previously to sending it to the President, some time before March 5, and Hamilton made the following (among other) notes upon it: 'Is it true that the United States have no right to alienate an inch of the territory in question, except in the case of necessity intimated in another place? Or will it be useful to avow the denial of such a right? It is apprehended that the doctrine which restricts the alienation of territory to cases of extreme necessity is applicable rather to peopled territory than to waste and uninhabited districts. Positions restraining the right of the United States to accommodate to exigencies which may arise ought ever to be advanced with great caution.' (Ford's Writings of Jefferson, vol. 5, p. 443.)

"Respecting this note Mr. Jefferson commented as follows: 'The power to alienate the unpeopled territories of any State is not among the enumerated powers given by the Constitution to the General Government, and if we may go out of that instrument and accommodate to exigencies which may arise by alienating the unpeopled territory of a State, we may accommodate ourselves a little more by alienating that which is peopled, and still a little more by selling the people themselves. A shade or two more in the degree of exigency is all that will be requisite, and of that degree we shall ourselves be the judge. However, may it not be hoped that these questions are forever laid to rest by the tenth amendment, once made a part of the Constitution, declaring expressly that the powers not delegated to the United States by the Constitution are reserved to the States respectively? And if the General Government has no power to alienate the territory of a

State, it is too irresistible an argument to deny ourselves the use of it on the present occasion."

"The opinion of Mr. Jefferson, however, met the approval of President Washington."

The only mention of "territory" in the Constitution is found in paragraph 2, section 3, Article IV, which reads:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, and nothing in this Constitution shall be construed as to prejudice any claims of the United States or any particular State."

It is argued by some that by virtue of the word "dispose" in this section Congress is authorized to alienate sovereignty as well as ownership over territory or other property belonging to the United States. Such view, however, is opposed to both the plain meaning of the section and to the uniform interpretation given it by our Supreme Court. In *Scott v. Sandford* (19 How., U. S. 393, 504) Mr. Justice Campbell, after an exhaustive investigation of the background of section 3, Article IV, as finally adopted, says:

"An examination of this clause of the Constitution, by the light of the circumstances in which the convention was placed, will aid us to determine its significance. The first clause is 'that new States may be admitted by the Congress to this Union.' The condition of Kentucky, Vermont, Rhode Island, and the new States to be formed in the Northwest suggested this as a necessary addition to the powers of Congress. The next clause, providing for the subdivision of the States, and the parties to consent to such an alteration, was required by the plans on foot for changes in Massachusetts, New York, Pennsylvania, North Carolina, and Georgia. The clause which enables Congress to dispose of and make regulations regarding the public domain was demanded by the exigencies of an exhausted Treasury and a disordered finance for relief by sales and the preparation for sales of the public lands, and the last clause, that nothing in the Constitution should prejudice the claims of the United States or a particular State, was to quiet the jealousy and irritation of those who had claimed for the United States all the unappropriated lands. I look in vain among the discussions of the time for the assertion of a supreme sovereignty for Congress over the territory then belonging to the United States, or that they might thereafter acquire. I seek in vain for an enunciation that a consolidated power had been inaugurated whose subject comprehended an empire and which had no restriction but the discretion of Congress." (Italics supplied.)

"The clauses in the third section of the fourth article of the Constitution relative to the admission of new States, and the disposal and regulation of the territory of the United States, were adopted without debate in the convention." (Ibid. p. 504.)

"* * * In *Pollards Lessee v. Hagan* (8 How. 212) the court says: 'The United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in cases where it is delegated, and the court denies the faculty of the Federal Government to add to its powers by treaty or compact.' This is a necessary consequence resulting from the nature of the Federal Constitution, which is a Federal compact among the States, establishing a limited government, with powers delegated by the people of distinct and independent communities, who reserved to their State governments and to themselves the powers they did not grant." (Ibid. p. 508.)

"I have endeavored with the assistance of these [historical documents] to find a solution for the grave and difficult question involved in this inquiry. My opinion is that the claim for Congress of supreme power in the Territories, under the grant 'to dispose of and make needful rules and regulations respecting territory,' is not supported by the historical evidence drawn from the Revolution, the Confederation, or the deliberations which preceded the ratification of the Federal Constitution. * * *

"And the advocates for government sovereignty in the Territories have been compelled to abate a portion of the pretensions originally made in its behalf and to admit that the constitutional prohibitions upon Congress operate in the Territories. But a constitutional prohibition is not requisite to ascertain a limitation upon the authority of the several departments of the Federal Government. Nor are the States or people restrained by any enumeration or definition of their rights or liberties. To impair or diminish either the departments must produce an authority from the people themselves in their Constitution; and, as we have seen, a power to make rules and regulations respecting the public domain does not confer a municipal sovereignty over persons and things upon it. * * *

"We have seen Congress does not dispose of or make rules and regulations respecting domain belonging to themselves, but belonging to the United States. These conferred on their mandatory, Congress, authority to dispose of the territory which belonged to them in common; and to accomplish that object beneficially and effectually they gave an authority to make suitable rules and regulations respecting it. When the power of disposition is fulfilled, the authority to make rules and regulations terminates, for it attaches only upon territory 'belonging to the United States.'"

"Consequently the power to make rules and regulations, from the nature of the subject, is restricted to such administrative and conservatory acts as are needful for the preservation of the public domain, and its preparation for sale or disposition. * * * But this clause in the Constitution does not exhaust the powers of Congress within the territorial subdivisions or over the persons who inhabit them. Congress may exercise there all the powers of government which belong to them as the Legislature of the United States, of which these territories make a part." (Italics supplied.) (Ibid., p. 512.)

In *United States v. Gratiot* (14 Pet. (U. S.) 526, 537) Mr. Justice Thompson, after quoting from section 3, Article IV, of the Constitution, said:

"The term 'territory,' as here used is merely descriptive of one kind of property, and is equivalent to the word lands. And Congress has the same power over it as over any other property belonging to the United States; and this power is vested in Congress without limitation and has been considered the foundation upon which territorial governments rest." (Italics supplied.)

Mr. Justice White in the case of *Downes v. Bidwell* (182 U. S. 244, 314), referring to the same subject, stated:

"I am not unmindful that there has been some contrariety of decision on the subject of the meaning of the clause empowering Congress to dispose of the Territories and other property of the United States, some adjudged cases treating that article as referring to property as such, and others deriving from it the general grant of power to govern Territories. In view, however, of the relations of the Territories to the Government of the United States at the time of the adoption of the Constitution, and the solemn pledge then existing that they should forever 'remain a part of the Confederacy of the United States of America,' I can not resist the belief that the theory that the disposing clause relates as well to a relinquishment or cession of sovereignty as to a mere transfer of rights of property is altogether erroneous." (Italics supplied.)

Given the fact that when the Constitution was adopted the United States was precluded from alienating sovereignty over any of the "Territories" then held by it, to now contend that despite such fact the framers of that instrument intended to confer such a power upon Congress as to Territories which might thereafter be acquired, is, to say the least, a forlorn argument.

In *Scott v. Sandford* (19 How. (U. S.) 393, 509), the court, per Campbell, J., said:

"The Constitution permits Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. This power applies as well to territory belonging to the United States within the States as beyond them. It comprehends all of the public domain, wherever it may be."

Another opinion, well worth quoting as to the meaning of the clause in question, is that of Thomas H. Benton, for 30 years a Member of the United States Senate from Missouri, who, in a book issued in 1857 entitled "A Historical and Legal Examination of the Dred Scott Case," said:

"Territories are not alluded to in it [the Constitution]. The body of the instrument shows the same thing, every clause except one being for States; and Territories, as political entities, never mentioned once; and the word 'territory' occurring but once, and that as property, assimilated to other property—as land, in fact, and as a thing to be disposed of—to be sold. Now, you never sell a territorial government, but you sell property; and in that sense alone does the word 'territory' occur, and that but once in the whole instrument. * * *

"The whole Constitution was carried out upon the principle of ignoring the existence of Territories. I speak of Territories, implying political existence and organization, in contradistinction to territory signifying land, and repeat that, as political entities, the Constitution ignores them." (Italics supplied.)

The above holdings evidence clearly and decisively that the Constitution simply confers authority upon Congress to dispose of territory as "lands." If any present confusion exists in the matter, it arises from failure to discriminate between the transfer of ownership in "territory" as property and a cession of sovereignty over "Territory" as a political entity.

If a further restraint upon the power of Congress to alienate Territorial sovereignty is required, it is found in the latter part of the clause (sec. 3, Art. IV), which reads: "And nothing in this Constitution shall be construed as to prejudice any claims of the United States or any particular State." Ownership of the public domain within a territory, no less than sovereignty over the territory as a whole, is, as we have seen, vested in the several States and the people thereof. Congress has, for instance, power to dispose of "ownership" in the 63,000,000 acres comprising the public domain of the Philippines, as it has equal authority to dispose of the ownership of the United States in its various military reservations and other property holdings. Should Congress elect, for instance, to "dispose" of Governors Island, N. Y., or the Presidio Military Reservation, San Francisco—that is, sell same to third parties—it would hardly be contended that with a transfer of such or like "property of the United States" sovereignty as well as ownership could be conveyed. Neither can it be seriously argued that

it would not work "to the prejudice" of the several States and their people should Congress, through alienation of the Philippines, deprive the American people not only of their property rights in the public domain of the islands, but their political or "sovereign rights" over the entire archipelago as well.

That the Philippines are Territory of the United States, in a political sense, is not subject to dispute. As heretofore seen, Chief Justice Fuller, in the Diamond Rings Case (supra, note 1), in referring to the title acquired from Spain, said: "They [the Philippines] came under the complete and absolute sovereignty and dominion of the United States and so became territory of the United States over which civil government could be established." He then further states: "This result was the same, although there was no stipulation that the native inhabitants should be incorporated into the body politic and none securing to them the right to choose their nationality." To the same effect opinion of Attorney General Gregory (30 Op. Atty. Gen. 462 (Oct. 28, 1915)), where it is held: "While, like Porto Rico, the Philippine Islands are not incorporated into the United States, they clearly are territory of the United States, and, to the extent that Congress has assumed to legislate for them, they have been granted a form of territorial government."

It is to be said that Congress, by its organic act of August 29, 1916, established a complete form of territorial government for the Philippines, including executive, judicial, and legislative departments, and that the officials of the government so organized take oath to support and maintain the Constitution of the United States. This organic act or charter differs only in matters of detail from the charters of other "Territories" organized by act of Congress.

In *National Bank v. Yankton* (101 U. S. 129, 133), Waite, C. J., defining the nature of Territories in their relation to the United States, said:

"All territory within the jurisdiction of the United States not included in any State must necessarily be governed by or under the authority of Congress. The Territories are but political subdivisions of the outlying dominion of the United States. Their relation to the General Government is much the same as that which counties bear to the respective States, and Congress may legislate for them as a State does for its municipal organizations." (Italics supplied.)

Chief Justice Marshall, in the case of *Loughborough v. Blake* (5 Wheat. (U. S.) 317), decided in 1820, discussing the constitutional provision that "all duties, imposts, and excises shall be uniform throughout the United States," thus stated what territory was included within such provision (p. 319):

"The power then to lay and collect duties, imposts, and excises may be exercised, and must be exercised throughout the United States. Does this term designate the whole, or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri, is not less within the United States than Maryland or Pennsylvania."

This "territory west of the Missouri," declared by Chief Justice Marshall to be no less a part of the "American empire" than Maryland or Pennsylvania, was not held in 1820 under any firmer title or more complete sovereignty than is the territory of the Philippines, today organized and operating by virtue of laws enacted by the Government of the United States.

It can safely be said, therefore, that the Constitution confers no power upon Congress, either express or implied, to alienate sovereignty over any territory belonging to the United States.

POWER ACTUALLY VESTED IN CONGRESS AS TO TERRITORIES

A comprehensive statement both of the source and the limits of congressional authority over Territories, appears in *Dorr v. United States* (195 U. S. 138, 140), where Mr. Justice Day, discussing whether or not trial by jury was a constitutional right in the Philippines, said:

"It may be regarded as settled that the Constitution of the United States is the only source of power authorizing action by any branch of the Federal Government. 'The Government of the United States was born of the Constitution, and all powers which it enjoys or may exercise must be either derived expressly or by implication from that instrument.' [Citing cases.] It is equally well settled that the United States may acquire territory in the exercise of the treaty-making power by direct cession as the result of war, and in making effectual the terms of peace; and for that purpose has the powers of other sovereign nations. This principle has been recognized by this court from its earliest decisions. The convention which framed the Constitution of the United States, in view of the territory already possessed and the possibility of acquiring more, inserted in that instrument in Article IV, section 3, a grant of express power to Congress 'to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.'"

"As early as the February term, 1810, of this court, in the case of *Sere v. Pitot* (6 Cranch, 332), Chief Justice Marshall, delivering the opinion of the court, said: 'The power of governing and of legislating for a Territory is the inevitable consequence of the right to acquire

and to hold territory. Could this position be contested, the Constitution of the United States declares that 'Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.' Accordingly we find Congress possessing and exercising the absolute and undisputed power of governing and legislating for the Territory of Orleans. Congress has given them a legislature, an executive, and a judiciary, with such powers as it has been their will to assign to those departments, respectively."

"And later, the same eminent judge, delivering the opinion of the court in the leading case upon the subject *American Inc. Co. v. Canter* (1 Pet. 511), says:

"The Constitution confers absolutely on the Government of the Union the powers of making war and of making treaties; consequently that Government possesses the power of acquiring territory, either by conquest or by treaty. . . ."

"While these cases and others which are cited in the late case of *Downes v. Bidwell*, supra, sustain the right of Congress to make laws for the government of Territories without being subject to all the restrictions which are imposed upon that body when passing laws for the United States, considered as a political body of States in Union, the exercise of the power expressly granted to govern the Territories is not without limitation. Speaking of this power, Mr. Justice Curtis, in the case of *Scott v. Sanford* (19 How. 393, 614), said:

"If, then, this clause does contain a power to legislate respecting the Territory, what are the limits of that power? To this I answer that, in common with all the other legislative powers of Congress, it finds limits in the express prohibitions on Congress not to do certain things; that, in the exercise of the legislative power, Congress can not pass an *ex post facto* law or bill of attainder; and so in respect to each of the other prohibitions contained in the Constitution."

" . . . Until Congress shall see fit to incorporate territory ceded by treaty into the United States, we regard it as settled by that decision (*Downes v. Bidwell*) that the Territory is to be governed under the power existing in Congress to make laws for such Territory, and subject to such constitutional restrictions upon the powers of that body as are applicable to the situation." (Italics supplied.)

In *Murphy v. Ramsay* (114 U. S. 15, 44) the court, per Matthews, J., said:

"The people of the United States, as sovereign owners of the National Territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion, they are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms or in the purposes and objects of the power itself; for it may well be admitted in respect to this, as to every power of society over its members, that it is not absolute and unlimited."

In *McCulloch v. Maryland* (4 Wheat. (U. S.) 816, 422), Chief Justice Marshall refers to the "universal acquiescence in the construction which has been uniformly put on the third section of the fourth article of the Constitution," to wit, that the power to "make all needful rules and regulations respecting the Territory or other property of the United States" is not more comprehensive than the power "to make all laws which shall be necessary and proper for carrying into execution the powers of the Government."

Mr. Justice White, speaking for the court in *Downes v. Bidwell* (182 U. S. 244, 290), discusses the subject as follows:

"In some adjudged cases the power to locally govern at discretion has been declared to arise as an incident to the right to acquire territory. In others it has been rested under the clause of section 3, Article IV, of the Constitution, which vests Congress with the power to dispose of and make all needful rules and regulations respecting the Territory or other property of the United States. But this divergence, if not conflict of opinion, does not imply that the authority of Congress to govern the Territories is outside the Constitution, since in either case the right is founded on the Constitution, although referred to different provisions of that instrument. . . ."

"As Congress in governing the Territories is subject to the Constitution, it results that all the limitations of the Constitution which are applicable to Congress in exercising this authority necessarily limit its power on this subject. It follows also that every provision of the Constitution which is applicable to the Territories is also controlling therein." (Italics supplied.)

In *De Lima v. Bidwell* (182 U. S. 1, 196), Justice Brown, describing the source and extent of congressional authority over the Territories, said:

"It is an authority which arises not necessarily from the Territorial clause of the Constitution but from the necessities of the case and from the inability of the States to act upon the subject. Under this power Congress may deal with territory acquired by treaty; may administer its government as it does that of the District of Columbia; it may organize a local Territorial government; it may admit it as

a State upon an equality with other States; it may sell its public lands to individual citizens or may donate them as homesteads to actual settlers."

Hon. Charles S. Lobingier, for many years a member of the Philippine Judiciary, and later Judge of the United States Court for China, in an article on "Territories" contributed to *Cyclopedia of Law and Procedure*, thus succinctly states the powers and limitations of Congress in the premises (38 Cyc. 200):

"B. Power of United States Congress to legislate: Congress has plenary power over the Territories unlimited by the restrictions of the Constitution, so long as they remain in a Territorial condition, and may legislate for them as a State does for the municipal organizations, and may annul the acts of a Territorial legislature either directly or indirectly, by passing inconsistent legislation, and may not only abrogate laws of the Territorial legislatures but may legislate directly for the local government. It may make a void act of the Territorial legislature valid, and a valid act void. But the power of Congress over Territories may be limited by treaty (and an act of Congress passed subsequent to a treaty of cession can not affect titles perfected thereunder), or by lack of authority, express or implied, to legislate on the subject, for instance, to alienate territory of the United States." (Italics supplied.)

As will be seen from these citations, the only power possessed by Congress over Territories is derived from authority to "make needful rules and regulations" therefor, or from the necessity of governing such Territories "because of the inability of the States to act on the subject"; and that, in exercising this authority, Congress is limited to the "purposes and objects of the power itself"; i. e., to providing a form of government for such Territories, and to making such laws therefor "as shall be necessary and proper for carrying into execution the powers of the Government." Furthermore, that these legislative functions of Congress, in their application, are subject to such restrictions as "are expressed in the Constitution or are necessarily implied in its terms." It will hardly be contended, we take it, that the power to alienate sovereignty is incident to or included in the power to legislate. In fact, it is as widely separated therefrom as the poles, for it would destroy the very thing over which legislation is authorized and to be exercised.

Belief is current that in the so-called insular cases our Supreme Court held that the Constitution did not extend to the Philippines, and that Congress is therefore free to work its will over them. What those cases actually decided is detailed by Mr. Justice Day in *Dorr v. United States* (supra, note 30) and is further expressed as follows by Chief Justice Taft in *Balsac v. Porto Rico* (258 U. S. 298, 312):

"The Constitution of the United States is in force in Porto Rico as it is wherever and whenever the sovereign power of that Government is exerted. This has not only been admitted but emphasized by this court in all its authoritative expressions upon the issues arising in the Insular Cases, especially in *Downes v. Bidwell* and the *Dorr* cases. The Constitution, however, contains grants of power and limitations which in the nature of things are not always and everywhere applicable, and the real issue in the Insular Cases was not whether the Constitution extended to the Philippines and Porto Rico when we went there, but which of its provisions were applicable by way of limitation upon the exercise of executive and legislative power in dealing with new conditions and requirements. The guaranties of certain fundamental personal rights declared in the Constitution, as, for instance, that no person could be deprived of life, liberty, or property without due process of law, had from the beginning full application in the Philippines and Porto Rico. * * * Indeed, provision is made for the consideration of constitutional questions coming on appeal and writ of error from the Supreme Court of the Philippines, which are certainly not incorporated in the Union."

Not only is there no holding or intimation here that Congress can go outside the Constitution in its dealings with the Philippines, but a reiteration that the principles and guaranties of that instrument are fundamental "wherever and whenever the sovereign power of the United States is exercised." Congress can not, for instance, dispossess private owners of one square meter of land in the Philippines without due process of law, and yet the anomalous claim is made that it possesses the far greater right of divesting—without process or sanction—the title and sovereignty of the American people over the entire archipelago, as also the unlimited and unrestricted power to transfer lands, people, and government, with or without consideration, to whomsoever it pleases.

CERTAIN CLAIMS MADE BY THOSE ASSERTING POWER IN CONGRESS TO ALIENATE THE PHILIPPINES

It has been argued that the right to acquire territory implies a right to alienate it. As well might it be argued that an attorney in fact, authorized simply to administer lands—and, under certain conditions, to acquire additional property at the expense and in the name of his principal—Ipsa facto becomes vested with authority to sell or give away such new holdings merely because secured through his agency. It is to be remembered that territory once acquired by the United States does not belong to the President, to Congress, or to the

Government, but to the people, who have delegated no authority to convey their sovereign rights therein.

Our action as to Cuba and the Isle of Pines furnishes no precedent for alienation. Cuba was not ceded to the United States, the treaty merely reciting that Spain "relinquishes all claim of sovereignty and title to Cuba." As to the Isle of Pines, question arose with the Cuban Government as to whether such island was ceded to the United States or constituted an integral part of Cuba. The doubt was resolved in Cuba's favor, and the United States, by treaty with that country, "relinquished in favor of Cuba all claim of title to the Isle of Pines." The same thing is true of various boundary settlements where adjustment was predicated upon like conflicts of title. There was no cession or alienation of sovereignty, the final conclusion in all such cases being that none had existed.

Stress is laid by others upon the fact that under the treaty with Spain it is provided: "The civil rights and political status of the native inhabitants of the Territories hereby ceded to the United States shall be determined by the Congress," it being claimed that this clause somehow confers a power upon Congress, otherwise denied it, to alienate sovereignty over the Philippines. The answers to this are various.

As heretofore seen, Chief Justice Fuller held in the *Diamond Rings* Case that, by virtue of the cession from Spain, the Philippines "came under the complete and absolute sovereignty and dominion of the United States," and "the grantee [the United States] in accepting them took nothing less than the whole grant." He then further states that "the result was the same, although there was no stipulation that the native inhabitants should be incorporated into the body politic, and none securing to them the right to choose their nationality."

In *De Lima v. Bidwell* (182 U. S. 1, 195) Mr. Justice Brown, construing the force and effect of the Paris treaty as regards the territory ceded thereby, said:

"One of the ordinary incidents of a treaty is the cession of territory. It is not too much to say it is the rule rather than the exception that a treaty of peace following upon a war provides for a cession of territory to the victorious party. It was said by Chief Justice Marshall in *American Insurance Co. v. Canter* (1 Pet. 511, 542): 'The Constitution confers absolutely upon the Government of the Union the powers of making war and of making treaties; consequently that Government possesses the power of acquiring territory, either by conquest or by treaty.' The territory thus acquired is acquired as absolutely as if the annexation were made, as in the case of Texas and Hawaii, by an act of Congress."

"It follows from this that by the ratification of the treaty of Paris the island became territory of the United States, although not an organized Territory in the technical sense of the word." (Italics supplied.)

And further in the same case it is said (p. 180):

"If * * * the question were broadly presented whether a country which had been ceded to us, the cession accepted, possession delivered, and the island occupied and administered without interference by Spain or any other power, was a foreign country or domestic territory, it would seem that there could be as little hesitation in answering this question as there would be in determining the ownership of a house deeded in fee simple to a purchaser who had accepted the deed, gone into possession, paid taxes, and made improvements without let or hindrance from his vendor."

Not only was there a complete and unqualified cession by Spain of her sovereign rights and dominion over the Philippine Archipelago, but an equally unqualified acceptance of the grant by the other sovereign power. Nothing further was left to be done or can be done in that regard, nor does American sovereignty over such islands now occupy any nebulous or intermediate state authorizing Congress to treat them differently from any other territory heretofore acquired by or belonging to the United States.

The Constitution makes no distinction between territories when once definitely ceded to or annexed by the United States. Whether unorganized, organized, or incorporated, title and sovereignty in every such case are identical, and Congress is no more authorized to override constitutional limitations, or to alienate sovereign rights, in one instance than in another. Its authority to legislate for any such territory, and to designate the measure of political rights to be enjoyed by the inhabitants, results solely from the fact that the particular territory involved, whatever its classification, belongs to the United States and is subject to the sovereign rights of the American people. As heretofore stated, the Philippines are now organized and operating under a complete form of civil government extended them by Congress, and constitute, in the language of the court in *National Bank v. Yankton* (supra, note 27), "a political subdivision of the outlying dominion of the United States."

It is to be observed also that had nothing whatever been said in the treaty as to the native inhabitants of the ceded territory, the matter of their "political rights" would have been equally within the jurisdiction of Congress. The clause in question neither adds to nor subtracts from congressional authority, being merely declarative of a power already vested in that body. As stated by Matthews, J., in

Murphy v. Ramsay (*supra*, note 31), where a question arose in regard to the Territory of Utah:

"The personal and civil rights of the inhabitants of the Territories are secured to them as to other citizens by the principles of constitutional liberty which restrain all the agencies of Government, State and National; their *political rights* are franchises which they hold as privileges in the legislative discretion of the Congress of the United States." (Italics supplied.)

In other words, Congress is now empowered, in its discretion, not only to confer such political rights upon the Philippine people as are enjoyed by the inhabitants of any American Territory but also to incorporate such Territory as a State of the Union. On the other hand, it can postpone such action indefinitely, as it could equally do had the treaty (as in the case of Alaska) provided that the inhabitants "shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States."

"The declaration that the United States may acquire territory to be formed into States, but not to be held indefinitely as colonies, is a proposition clearly without any practical value; it is a rule which can not by any possibility be enforced. Territory may be acquired and must be governed by Congress. How long it shall remain in its condition of dependence, or when it shall be erected into a State, is a matter to be determined exclusively by the National Legislature. Congress can not be compelled to act; nor can Territories be clothed with the attributes of States without the action of Congress. 'New States may be admitted by the Congress into the Union.' This language is simply permissive. When the admission shall be effected, and how long it shall be delayed, are matters residing entirely within the congressional discretion." (Italics supplied.) (Pomeroy, Constitutional Law, sec. 408.)

Here, again, whatever confusion exists as to the power of Congress over the Philippines, arises through failure to distinguish between the "political rights" extended the occupants of territory ceded to the United States, and sovereignty and dominion over the territory itself. Sovereignty and dominion would apply even though the territory was unpeopled, and would continue to apply even though all the inhabitants at the time of cession were eliminated.

Recurring to our analogy of an attorney in fact, it would not be contended that such an attorney, authorized simply to acquire lands for his principal, and to specify what relation the occupants should bear to the new owner would have the right in consequence to dispose of the fee title to such lands. It is or should be equally clear that Congress, under a legislative power limited to providing what political rights shall be enjoyed by the inhabitants of a ceded territory, does not acquire thereby the further and altogether independent power of alienating the sovereign rights of its principal over the territory so inhabited. In *Downes v. Bidwell* (182 U. S. 244, 359) Chief Justice Fuller, with whom concurred Justices Harlan, Brewer, and Peckham, stated:

"The powers delegated by the people to their agents are not enlarged by the expansion of the domain within which they are to be exercised. When the restriction on the exercise of a particular power by a particular agent is ascertained, that is the end of the question. To hold otherwise is to overthrow the basis of our constitutional law, and, moreover, in effect, to reassert the proposition that the States and not the people created the Government."

While appearing in a dissenting opinion, the principle above stated is sound sense, as it is undoubtedly good law.

Whatever may have been contemplated by the treaty, however, or whatever may be claimed for it, the powers of Congress are not and can not be enlarged thereby.

"The Government of the United States, as was well observed in the argument, is one of limited powers. It can exercise authority over no subject except those which have been delegated to it. Congress can not, by legislation, enlarge the Federal jurisdiction, nor can it be enlarged under the treaty-making power." (Italics supplied.) (*New Orleans v. United States*, 10 Pet. (U. S.) 602, 736.)

"It need hardly be said that a treaty can not change the Constitution or be held valid if it be in violation of that instrument. This results from the nature and fundamental principles of our Government." (*Cherokee Tobacco case*, 11 Wall. (U. S.) 610, 620.)

In *Marbury v. Madison* (1 Cranch. (U. S.) 137, 176) Chief Justice Marshall, speaking of the force and effect of the Constitution, said:

"This original and supreme will organizes the Government and assigns to different departments their respective powers. It may either stop here or establish certain limits not to be transcended by those departments. The Government of the United States is of the latter description. The powers of the Legislature are defined and limited; and that those limits may not be mistaken or forgotten, the Constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained?"

It has been urged by some that the distance of the Philippines, the character of their inhabitants, and the possible dangers involved in

our retaining them, create an emergency situation which can only be met through their alienation, and that unless Congress can act in the matter we are altogether helpless. Cooley, in his *Principles of Constitutional Law* (p. 33), referring to this line of reasoning, says:

"The Constitution itself never yields to treaty or enactment; it neither changes with time, nor does it in theory bend to the force of circumstances. It may be amended according to its own permission; but while it stands it is 'a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances.' Its principles, therefore, can not be set aside in order to meet the supposed necessities of great crises. 'No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false, for the Government, within the Constitution, has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to throw off its just authority.'" (Ex parte Milligan, 4 Wall. (U. S.) 2, 120.)

Should time or shaping circumstances disclose, either as regards the Philippines or any other Territory of the United States, that it would be well to reverse the policy—or fears—of the framers of the Constitution, and to vest in Congress an unrestricted power to alienate sovereignty in its discretion, it is always within the province of the American people—in whom such sovereignty is vested—to confer such power upon Congress through an amendment to the Constitution. As stated by our Supreme Court in *Kansas v. Colorado* (206 U. S. 40, 90), speaking through Mr. Justice Brewer:

"The people who adopted the Constitution knew that in the nature of things they could not foresee all the questions which might arise in the future, all the circumstances which might call for the exercise of further national powers than those granted to the United States; and, after making provision for an amendment to the Constitution by which any needed additional powers could be granted, they reserved to themselves all powers not so delegated." (Italics supplied.)

"Lest we forget," it might be well for our people, and for those whom they clothe with brief authority, to read and ponder in this connection Washington's memorable Farewell Address. He there has this to say concerning the founding of our Government and the relation of the Constitution thereto:

"This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. * * *

"It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way the Constitution designates. But let there be no change by usurpation, for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transitory benefit which the use can at any time yield." (Italics supplied.)

What, then, is the criterion which should guide in determining whether or not Congress is empowered, under the Constitution, to alienate "territory of the United States" where sovereignty and dominion are clearly vested in the American people? Mr. Justice Story, in his *Commentaries on the Constitution* (Story, *Commentaries on the Constitution*, sec. 1243), states the rule as follows:

"Whenever, therefore, a question arises concerning the constitutionality of a particular power, the first question is whether the power be expressed in the Constitution; if it be, the question is decided. If it be not expressed, the next inquiry must be whether it is properly an incident to an express power and necessary to its execution; if it be, then it may be exercised by Congress. If not, Congress can not exercise it." (Italics supplied.) (Quoted with approval in *United States v. Harris*, 106 U. S. 629, 641.)

Tried by this requirement, what, in a final summing of our argument, is the situation as respects the power of Congress to alienate sovereignty over the Philippine Islands?

If in the foregoing discussion we have correctly interpreted the decisions of our courts and other data relevant to the issue, the following appears:

That complete and absolute sovereignty and dominion over the Philippine archipelago now exists in the United States, nothing less than the *whole grant* having been ceded and accepted.

That the Federal Government, in acquiring such sovereignty and dominion, acted simply as the agent and representative of the American people, the sovereign owners, and that such territory is now held and administered for their common use and benefit as principal.

That neither Congress nor any other governmental agency has authority to alienate this sovereignty or to compromise the rights of the American people therein, except as the power so to do may have been delegated to or conferred upon them.

That the Constitution—which defines and limits the sovereign rights surrendered by the people to the Government created by them—confers no power upon Congress, either express or implied, to alienate sovereignty over any territory of the United States, nor is any such authority properly incident to or necessary for the execution of any power granted by that instrument or resulting therefrom.

That a proposition looking to conferring such a power upon Congress was expressly rejected by the framers of the Constitution; that the Constitutional Convention was precluded by previous commitments from granting such a power as to Territories then belonging to the United States, and that subsequent declarations of leading members of the convention indicate that no such power was granted or contemplated, either as to existing Territories or those which might thereafter be acquired.

That the only power vested in Congress as respects territory of the United States is to make needful rules and regulations for disposing of the public domain, and to *govern* such territory, *i. e.*, to *legislate therefor*, so long as it occupies a Territorial status.

That this power in Congress to legislate for Territories results because "of the inability of the States to act in the premises," and is limited "to the purposes and objects of the power itself," and subject to such restrictions as "are expressed in the Constitution, or are necessarily implied by its terms."

That alienation of sovereignty is not an incident to nor remotely included within the power "to legislate," but is diametrically opposed thereto.

That authority in Congress to transfer *ownership* in territory, *i. e.*, the public domain or other property of the United States, does not affect or include *sovereignty* over the territory itself, which sovereignty applies, and would continue to apply, even though the territory was unpeopled, or the inhabitants of such territory when acquired were completely extinguished.

That the treaty of Paris, providing that the civil rights and political status of the native inhabitants of the Philippines should be determined by Congress, is merely declarative of a power already vested in that body and confers no sovereign or despotic rights over the territory so inhabited.

That treaty provisions can not, in any case, override constitutional limitations, nor does the fact that Congress, as a *legislative body*, is empowered to prescribe what "political rights" the inhabitants of a Territory shall bear to the sovereign power, authorize it to usurp new and altogether unrelated functions, never conferred upon it by its principal.

That the Philippine archipelago is to-day, by congressional act, an organized Territory of the United States provided with complete legislative, executive, and judicial departments, and constitutes, as truly as any other of our existing Territories, "a political subdivision of the outlying dominion of the United States."

That alienation of the Philippines by Congress would operate "to the prejudice" of the United States and the people thereof—the lawful owners—and would be in violation of the express prohibition contained in section 3, Article IV of the Constitution, relating to territorial possessions.

If the conclusions enumerated above are sound, it logically follows that Congress has no present power to alienate sovereignty over the Philippines, or over any Territory of the United States. If this be the fact, then such power can come into being only through an amendment to the Constitution, wherein the American people expressly authorize Congress, as their agent and representative, to surrender, sell, or give away their sovereign rights in and over such Territory as and to whom such agent may see fit.

Should it be contended, however, that the within argument does not definitely establish the conclusions above announced, and at most simply casts a doubt upon the authority of Congress in the premises, what then should be the attitude of our Senators and Congressmen in dealing with the question? The answer to this, and it is a weighty one, is set out by Cooley in his constitutional limitations (p. 109) as follows:

"But when all the legitimate lights for ascertaining the meaning of the Constitution have been made use of it may still happen that the construction remains a matter of doubt. In such a case it seems clear that everyone called upon to act where, in his opinion, the proposed action would be of doubtful constitutionality is bound upon the doubt alone to abstain from acting. Whoever derives power from the Constitution to perform any public function is disloyal to that instrument and grossly derelict in duty, if he does that which he is not reasonably satisfied the Constitution permits. Whether the power be legislative, executive, or judicial, there is manifest disregard of constitutional and moral obligation by one who, having taken an oath to support that instrument, takes part in an action which he can not say he believes to be no violation of its provisions. A doubt of the constitutionality of any proposed legislative enactment should in any case be reason sufficient for refusing to attempt it; and, if legislators do not act upon this principle, the reasons upon which are based the judicial decisions sustaining legislation in very many cases will cease to be of force."

DANIEL R. WILLIAMS.

SAN FRANCISCO, CALIF.

EXECUTIVE SESSION

Mr. CURTIS. Mr. President, I was going to move an executive session.

Mr. FERNALD. I yield to the Senator for that purpose.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 30 minutes spent in executive session the doors were reopened.

CONVENTION WITH CUBA FOR THE SUPPRESSION OF SMUGGLING OPERATIONS

In executive session this day, the following convention was ratified, and on motion of Mr. BORAH the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a convention between the United States and the Republic of Cuba for the suppression of smuggling operations between their respective territories, signed at Habana on March 11, 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE,

Washington, March 23, 1926.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention between the United States and the Republic of Cuba for the suppression of smuggling operations between their respective territories, signed at Habana on March 11, 1926.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,

Washington, March 22, 1926.

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CUBA FOR THE SUPPRESSION OF SMUGGLING OPERATIONS BETWEEN THEIR RESPECTIVE TERRITORIES

The United States of America and the Republic of Cuba, being desirous of aiding each other in the suppression of smuggling from the territory of one state to the other, have agreed to enter into the present Convention and for this purpose have appointed as their respective plenipotentiaries:

The President of the United States of America, Mr. Enoch H. Crowder, Ambassador Extraordinary and Plenipotentiary of the United States of America in Cuba, and

The President of the Republic of Cuba, Mr. Carlos Manuel de Céspedes y de Quesada, Secretary of State of the Republic of Cuba,

Who, having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon the following articles:

ARTICLE I

The High Contracting Parties agree to aid each other mutually in the manner provided in this Convention in the prevention, discovery and punishment of violations of their respective laws, decrees or regulations with respect to the importation of narcotics, intoxicating liquors and other merchandise and the entry and departure of aliens.

ARTICLE II

The High Contracting Parties agree that clearance of shipments of merchandise by water, air, or land, from any of the ports of either country to a port of entry of the country, shall be denied when such shipment comprises articles the importation of which is prohibited or restricted in the country to which such shipment is destined, unless in this last case there has been a compliance with the requisites demanded by the laws of both countries.

The High Contracting Parties likewise bind themselves to prevent by all means possible, in accordance with the laws of their respective countries, the clearance of any vessel or vehicle laden with merchandise or having on board aliens destined to any port or place, when it is evident by reason of the tonnage, size, type of vessel, or vehicle, length of the voyage, perils or conditions of navigation or transportation, that it is impossible for it to transport said merchandise or persons to the place of destination mentioned in the request for clearance, or when the repetition of alleged accidents in prior voyages or the antecedents of or information concerning the vessels or vehicle furnish evidence that said merchandise or any part of the same or any person, whatever the ostensible point of destination thereof might be, is intended to be illegally introduced into the territory of the other High Contracting Party.

When one of the High Contracting Parties gives notice to the other that it suspects that a specified vessel in a port of the other High Contracting Party, although ostensibly destined to a port in a third country, is likely to attempt to introduce unlawfully into its territory merchandise or persons whose entry is prohibited or restricted, the other High Contracting Party shall require from the master or person in charge of the vessel—in accordance with the laws in force in the respective countries and such additional arrangements as may be agreed upon and incorporated in regulations by the appropriate authorities of the High Contracting Parties—a bond to produce a duly authenticated landing certificate showing such merchandise or persons actually to have been discharged at the port for which the vessel cleared. If any such vessel fails to produce the certificate in proof of lawful discharge of such merchandise or persons or produces a false certificate or evidence the bond shall be forfeited and thereafter for a period of five years the vessel shall be denied the right to enter or clear from any port of either of the High Contracting Parties with merchandise or persons of the same nature.

ARTICLE III

The High Contracting Parties agree to employ all reasonable measures—in accordance with the laws of their respective countries—to prevent the departure of persons destined to the territory of either of them who do not effect such departure through the ports of departure and are not destined to a port of entry in the other country.

Persons who are not nationals of either of the High Contracting Parties and who, coming from the territory of one of them, have attempted to enter unlawfully into the territory of the other and are returned to the territory of the High Contracting Party from which they proceeded, shall be returned in accordance with the laws in force in the country from which they are returned and such additional arrangements as may be agreed upon or incorporated in regulations by the appropriate authorities of the High Contracting Parties in order that such persons may be deported to the country of their origin.

ARTICLE IV

Each of the High Contracting Parties agrees with the other that property of all kinds in its possession which, having been stolen in the territory of the other and brought into its territory, is seized by its customs authorities, shall, when the owners are nationals of the other country, be returned to such owners, subject to satisfactory proof of such ownership and the absence of any collusion, and subject moreover to payment of the expenses of the seizure and detention and to the abandonment of any claims by the owners against the customs, or the customs officers, warehousemen, or agents, for compensation or damages for the seizure, detention, warehousing or keeping of the property.

ARTICLE V

The High Contracting Parties mutually agree that they will exchange or furnish when requested information concerning:

(a) The transportation of cargoes or the shipment of merchandise between said countries,

(b) The names and activities of the persons or vessels which are known to be or suspected of being engaged in the violation of the laws, decrees and regulations mentioned in Article I of this Convention,

(c) Persons leaving their territories who are destined to the territory of the other High Contracting Party or the activities of any persons in either country, when there are reasonable grounds to believe that said persons are engaged in unlawful migration activities or in conspiracies against the other Government or its institutions, when not incompatible with the public interest,

(d) The existence and extent of contagious and infectious diseases of persons, animals, birds, or plants, and the ravages of insect pests and the measures being taken to prevent their spreading, and

(e) The study and use of the most effective scientific and administrative methods for the suppression and eradication of said diseases and insect pests.

ARTICLE VI

The officials of the High Contracting Parties whose duty it may be to prevent or report the violation of the laws, decrees and regulations mentioned in Article I of this Convention are obliged, as soon as they have knowledge of preparations to smuggle or that smuggling has been effected, to do everything possible to prevent the same through all the means within their power in the first case, and to bring the matter to the attention of the proper authorities of their own country, in either of the two circumstances.

The appropriate authorities of each of the High Contracting Parties shall notify the appropriate authorities of the other High Contracting Party of violations of the laws, decrees and regulations mentioned in Article I of this Convention which have been communicated to them relative to attempts at smuggling or actual smuggling, and will furnish all information which they may have been able to gather with regard to the facts and circumstances thereof.

Such notification and information may be furnished and received only by appropriate officials who shall be designated by the respective Governments.

ARTICLE VII

It is agreed that the customs and other administrative officials of the respective governments of the United States of America and of the Republic of Cuba shall upon request be directed to attend as witnesses before the courts in the other country and to produce such available records and files or certified copies thereof as may be considered essential to the trial of civil or criminal cases arising out of violation of the laws, decrees or regulations mentioned in Article I of this Convention and as may be produced compatibly with the public interest. It shall be considered in these cases that they appear as agents of their respective governments, to inform the courts on matters upon which questioned, and when they so appear their character as such agents shall be recognized. Original records or documents produced by said officials shall not be retained by the courts, but legal copies thereof may be taken if necessary.

The cost of transcripts of records, depositions, certificates and letters rogatory in civil or criminal cases, and the cost of first-class transportation both ways, maintenance and other proper expenses involved in the attendance of such witnesses shall be paid by the nation requesting their attendance at the time of their discharge by the court from further attendance at such trial. Letters rogatory and commissions shall be executed with all possible despatch and copies of official records or documents shall be certified promptly by the appropriate officials in accordance with the provisions of the laws of the respective countries.

ARTICLE VIII

This Convention shall be ratified, and the ratifications shall be exchanged in the City of Havana as soon as possible. The Convention shall come into effect at the expiration of ten days from the date of the exchange of ratifications, and it shall remain in force for one year. If upon the expiration of one year no notice is given by either party of a desire to terminate the same, it shall continue in force until thirty days after either party shall have given notice to the other of a desire to terminate it.

In witness whereof the Plenipotentiaries above mentioned have signed the two originals of the present Convention and have affixed their respective seals thereto.

Done in two copies of the same text and legal force in the English and Spanish languages in the City of Habana, this eleventh day of March in the year one thousand nine hundred and twenty-six.

ENOCH H. CROWDER, [SEAL]
CARLOS MANUEL DE CÉSPEDES [SEAL]

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate took a recess until to-morrow, Saturday, April 17, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 16 (legislative day of April 5), 1926

UNITED STATES ATTORNEY

Sanford B. D. Wood, of Hawaii, to be United States attorney, district of Hawaii, vice Charles F. Parsons, promoted. Mr. Wood is now serving as United States attorney under appointment by the court.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

CAVALRY

Second Lieut. Mitchell Alonzo Giddens, Air Service, with rank from June 12, 1925.

PROMOTIONS IN THE REGULAR ARMY

TO BE FIRST LIEUTENANTS

Second Lieut. James Thomas Dismuke, Infantry, from March 4, 1926.

Second Lieut. Lewis Eugene Snell, Field Artillery, from March 6, 1926.

Second Lieut. Arnold Hoyer Rich, Air Service, from March 11, 1926.

Second Lieut. Charles Dawson McAllister, Field Artillery, from March 11, 1926.

Second Lieut. Vincent Joseph Tanzola, Infantry, from March 11, 1926.

Second Lieut. Edward Albert Banning, Infantry, from March 12, 1926.

Second Lieut. Frederic deLannoy Comfort, Cavalry, from March 12, 1926.

Second Lieut. Henry Laurance Ingham, Field Artillery, from March 13, 1926.

POSTMASTERS

ALABAMA

William F. Crownover, jr., to be postmaster at Oakman, Ala., in place of W. F. Crownover, jr. Incumbent's commission expired December 20, 1925.

ARIZONA

John C. McNary to be postmaster at McNary, Ariz., in place of H. E. Jenkins, removed.

CALIFORNIA

Francis R. Coleman to be postmaster at Weed, Calif., in place of G. W. Bull. Incumbent's commission expired January 24, 1926.

William P. Boyer to be postmaster at Reedley, Calif., in place of C. W. Mathews, removed.

GEORGIA

Daniel F. Davenport to be postmaster at Americus, Ga., in place of D. F. Davenport. Incumbent's commission expired April 11, 1926.

Lila H. Rambo to be postmaster at Blakely, Ga., in place of L. H. Rambo. Incumbent's commission expired January 17, 1926.

William H. Menees to be postmaster at Canon, Ga., in place of R. H. Ridgway. Incumbent's commission expired December 21, 1925.

Dallas Thompson to be postmaster at Fair Mount, Ga., in place of M. S. Erwin. Incumbent's commission expired November 23, 1925.

Annie P. Harper to be postmaster at Stillmore, Ga., in place of A. P. Harper. Incumbent's commission expires April 17, 1926.

Claude M. Proctor to be postmaster at Summit, Ga., in place of C. M. Proctor. Incumbent's commission expired January 17, 1926.

Henry A. Moses to be postmaster at Uvalda, Ga., in place of H. A. Moses. Incumbent's commission expired March 29, 1926.

Vennie M. Jones to be postmaster at Lavonia, Ga., in place of L. W. Vickery, removed.

IDAHO

Bruce D. Spratt to be postmaster at Fairfield, Idaho, in place of H. R. Owens. Incumbent's commission expired August 10, 1925.

INDIANA

LeeRoy Calaway to be postmaster at La Fontaine, Ind., in place of H. U. Blood. Incumbent's commission expired August 5, 1925.

IOWA

Elmer Akers to be postmaster at Decatur, Iowa, in place of Elmer Akers. Incumbent's commission expired March 24, 1926.

KANSAS

Guy H. Byarlay to be postmaster at Green, Kans., in place of G. H. Byarlay. Incumbent's commission expired March 31, 1926.

Isabel Brown to be postmaster at Lansing, Kans., in place of Isabel Brown. Incumbent's commission expired February 17, 1926.

KENTUCKY

Eva B. Jolly to be postmaster at Cloverport, Ky., in place of Marion Weatherholt, removed.

MICHIGAN

Charles E. Bassett to be postmaster at Fennville, Mich., in place of L. B. Carter. Incumbent's commission expired November 22, 1925.

William M. Snell to be postmaster at Sault Ste. Marie, Mich., in place of W. M. Snell. Incumbent's commission expired November 21, 1925.

MINNESOTA

Edward B. Hicks to be postmaster at Winona, Minn., in place of E. B. Hicks. Incumbent's commission expired March 29, 1926.

MISSISSIPPI

William G. Berry to be postmaster at Cruger, Miss., in place of R. B. O'Reilly, resigned.

MISSOURI

Claude P. Dorsey to be postmaster at Cameron, Mo., in place of C. P. Dorsey. Incumbent's commission expires April 17, 1926.

NEBRASKA

Vaclav Randa to be postmaster at Verdigre, Nebr., in place of Vaclav Randa. Incumbent's commission expired November 23, 1925.

NEW JERSEY

Clara C. Hurry to be postmaster at Atco, N. J., in place of C. C. Hurry. Incumbent's commission expired October 22, 1925.

Charles Morgenweck, sr., to be postmaster at Egg Harbor City, N. J., in place of Charles Morgenweck, sr. Incumbent's commission expired March 29, 1926.

NEW MEXICO

William S. Medcalf to be postmaster at Hope, N. Mex., in place of W. S. Medcalf. Incumbent's commission expired August 17, 1925.

NEW YORK

Hubert F. Strickland to be postmaster at Chenango Forks, N. Y., in place of H. F. Strickland. Incumbent's commission expired December 22, 1925.

Hobart R. James to be postmaster at Cherry Creek, N. Y., in place of H. R. James. Incumbent's commission expires April 18, 1926.

Edward H. Maloney to be postmaster at Dansville, N. Y., in place of E. H. Maloney. Incumbent's commission expired April 7, 1926.

Warren G. Hasbrouck to be postmaster at Highland, N. Y., in place of W. G. Hasbrouck. Incumbent's commission expires April 18, 1926.

Winfield S. Carpenter to be postmaster at Horicon, N. Y., in place of W. S. Carpenter. Incumbent's commission expired March 16, 1926.

Alfred B. Kent to be postmaster at Nunda, N. Y., in place of A. B. Kent. Incumbent's commission expired March 20, 1926.

William J. Herbage to be postmaster at Slingerlands, N. Y., in place of W. J. Herbage. Incumbent's commission expired August 17, 1925.

Manley S. Mack to be postmaster at Springwater, N. Y., in place of M. S. Mack. Incumbent's commission expired January 5, 1926.

James McLusky to be postmaster at Syracuse, N. Y., in place of James McLusky. Incumbent's commission expires April 18, 1926.

NORTH CAROLINA

William P. Lee to be postmaster at Benson, N. C., in place of W. P. Lee. Incumbent's commission expired February 15, 1926.

Alexander R. Duncan to be postmaster at Clayton, N. C., in place of A. R. Duncan. Incumbent's commission expired January 5, 1926.

Elijah F. Pearce to be postmaster at Princeton, N. C., in place of E. F. Pearce. Incumbent's commission expired January 5, 1926.

William J. Hardage to be postmaster at Waxhaw, N. C., in place of W. J. Hardage. Incumbent's commission expired April 13, 1926.

Ethel L. Smith to be postmaster at Garland, N. C., in place of W. R. Smith, deceased.

NORTH DAKOTA

James H. Cramer to be postmaster at Marmarth, N. Dak., in place of W. N. Thompson, removed.

OHIO

Charles L. Oberlin to be postmaster at Mineral City, Ohio, in place of C. L. Oberlin. Incumbent's commission expires April 17, 1926.

John H. Siegle to be postmaster at Urbana, Ohio, in place of J. H. Siegle. Incumbent's commission expires April 17, 1926.

Millard H. Bell to be postmaster at West Mansfield, Ohio, in place of M. H. Bell. Incumbent's commission expired March 23, 1926.

OKLAHOMA

Robert C. Mayfield to be postmaster at Glencoe, Okla., in place of R. C. Mayfield. Incumbent's commission expires April 17, 1926.

Cora B. Scott to be postmaster at Milburn, Okla., in place of C. B. Scott. Incumbent's commission expires April 17, 1926.

Roy A. Hoffman to be postmaster at Seminole, Okla., in place of R. A. Hoffman. Incumbent's commission expires April 17, 1926.

James S. Biggs to be postmaster at Stuart, Okla., in place of J. S. Biggs. Incumbent's commission expires April 17, 1926.

PENNSYLVANIA

Ed. D. House to be postmaster at Pleasantville, Pa., in place of E. D. House. Incumbent's commission expires April 17, 1926.

Wilbur C. Taylor to be postmaster at Port Royal, Pa., in place of W. C. Taylor. Incumbent's commission expires April 17, 1926.

Elmer E. Brunner to be postmaster at York Haven, Pa., in place of E. E. Brunner. Incumbent's commission expired April 3, 1926.

SOUTH DAKOTA

William A. Hodson to be postmaster at Cresbard, S. Dak., in place of W. A. Hodson. Incumbent's commission expired March 4, 1926.

Frank W. Farrington to be postmaster at New Effington, S. Dak., in place of F. W. Farrington. Incumbent's commission expired March 4, 1926.

Gertrude Snell to be postmaster at Tulare, S. Dak., in place of Gertrude Snell. Incumbent's commission expired April 12, 1926.

TENNESSEE

Robert D. Lindsay to be postmaster at Coal Creek, Tenn., in place of J. H. Gammon, resigned.

TEXAS

Scott F. Benson to be postmaster at Alvin, Tex., in place of S. F. Benson. Incumbent's commission expires April 18, 1926.

Maye B. Fitzgerald to be postmaster at Marfa, Tex., in place of M. B. Fitzgerald. Incumbent's commission expires April 18, 1926.

Arthur G. Skinner to be postmaster at Palacios, Tex., in place of A. G. Skinner. Incumbent's commission expired April 10, 1926.

Mamie Milam to be postmaster at Prairie View, Tex., in place of Mamie Milam. Incumbent's commission expires April 18, 1926.

Benjamin F. Huntsman to be postmaster at Winters, Tex., in place of B. F. Huntsman. Incumbent's commission expires April 18, 1926.

Mary V. Rollings to be postmaster at Dodsonville, Tex. Office became presidential July 1, 1925.

Ralph D. Sterling to be postmaster at Somerville, Tex., in place of E. G. Langhammer, removed.

VIRGINIA

Charles R. Coakley to be postmaster at Arrington, Va., in place of C. R. Coakley. Incumbent's commission expires April 17, 1926.

Philip B. Nourse to be postmaster at East Falls Church, Va., in place of P. B. Nourse. Incumbent's commission expires April 17, 1926.

James F. Walker to be postmaster at Fort Defiance, Va., in place of J. F. Walker. Incumbent's commission expires April 17, 1926.

Homo D. Gleason to be postmaster at Lovington, Va., in place of H. D. Gleason. Incumbent's commission expires April 17, 1926.

Ann E. Copps to be postmaster at Schuyler, Va., in place of A. E. Copps. Incumbent's commission expires April 17, 1926.

Emeline P. Lacy to be postmaster at Scottsburg, Va., in place of E. P. Lacy. Incumbent's commission expires April 17, 1926.

Eva C. Hudson to be postmaster at Tye River, Va., in place of E. C. Hudson. Incumbent's commission expires April 17, 1926.

WEST VIRGINIA

Sewell J. Champe to be postmaster at Montgomery, W. Va., in place of S. J. Champe. Incumbent's commission expires April 17, 1926.

Wendell Evans to be postmaster at Winona, W. Va., in place of Wendell Evans. Incumbent's commission expires April 17, 1926.

WISCONSIN

M. Vivian Brown to be postmaster at Minong, Wis., in place of M. V. Brown. Incumbent's commission expired March 14, 1926.

Andrew Bock to be postmaster at Stockholm, Wis., in place of Andrew Bock. Incumbent's commission expired April 13, 1926.

Thomas E. Noyes to be postmaster at Winter, Wis., in place of T. E. Noyes. Incumbent's commission expired November 18, 1925.

Hazel A. Fritchen to be postmaster at Franksville, Wis. Office became presidential July 1, 1923.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 16 (legislative day of April 5), 1926

MEMBERS OF RAILROAD LABOR BOARD

MANAGEMENT GROUP

Samuel Higgins.

PUBLIC GROUP

Ben W. Hooper.

LABOR GROUP

Walter L. McMenimen.

UNITED STATES COAST GUARD

TO BE ENSIGNS

Ira E. Eskridge.

Richard M. Hoyle.

Miles H. Imlay.

Harold C. Moore.

Francis C. Pollard.

Harry W. Stinchcomb.

Howard J. Whitmore.

TO BE ENSIGNS (ENGINEERING)

Kenneth K. Cowart.

Morris C. Jones.

Gaines A. Tyler.

Stanley J. Wojciehowsky.

POSTMASTERS

HAWAII

Frank Cox, Waimea.

Elizabeth H. Travis, Waipahu.

ILLINOIS

Howard K. Johnson, Blue Mound.

Victor F. Boltenstern, Cambridge.

Louis E. Ude, Carmi.

Fred More, Charleston.

Orville B. Lane, Fillmore.

Pauline E. Carnahan, Hindsboro.

Robert A. Blackmon, Lacon.

Edgar H. Mills, Lawrenceville.

George H. Townsend, Onarga.

Lewis S. Shrum, Orient.

Ernest K. Maher, Payson.

Homer F. Kelly, Roseville.

Frank E. Walters, Seaton.

Walter L. Eaton, Sidney.

Iley Smith, Willow Hill.

Alfred J. Meyer, Worden.

HOUSE OF REPRESENTATIVES

FRIDAY, April 16, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord our Lord, Thou art still with us in love and mercy, giv'ing us life with its manifold blessings. Vouchsafe us this day wisdom, peace, and contentment. Use us to promote sunshine and gladness in human hearts and homes. Mercifully keep us from any act which would deprive our country of any advancement in prosperity or good will toward all men. In no way may we condemn ourselves, but encourage us to walk calmly in the path of duty. We thank Thee for the years with their olden golden memories, so good and sweet. May the twilight of our evening time still find us gentle, faithful, and true; still working, hoping, and praying—waiting for the burden to fall and the light to break on the stairway that leads through the darkness to the Father's house. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, it is apparent that for to-day the order made for the consideration of the Private Calendar is not going to net us much in the way of the consideration of private bills. I therefore ask unanimous consent that the order for to-day in regard to the Private Calendar be made the order for to-morrow, Saturday.

The SPEAKER. May the Chair call attention to the fact that under the order of the House the gentleman from Kansas [Mr. AYRES] has been given the privilege of addressing the House immediately after the reading of the Journal? Will the gentleman's request precede that?

Mr. TILSON. That request was contingent upon our being in session to-morrow, as I recall, and therefore if this order is made the gentleman from Kansas [Mr. AYRES] will have time immediately preceding the order for which I have asked.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on to-morrow, at the end of the speech of the gentleman from Kansas, it shall be in order to consider, in the House as in Committee of the Whole, bills upon the Private Calendar unobjected to. Is there objection?

Mr. LINTHICUM. Mr. Speaker, reserving the right to object, I would like to ask the gentleman why he does not think it will net us very much on the Private Calendar if we proceed to-day?

Mr. TILSON. Because the business to be considered seems to be of such a character that it will not be finished before the end of the day. The roads bill will require practically all day and then we shall have the bankruptcy bill. These two bills will surely take all of the day.

Mr. LINTHICUM. Does not the gentleman think that bills on the Private Calendar are of some importance also?

Mr. TILSON. I do; and that is the reason I ask that we have all day to-morrow to consider them.

Mr. BANKHEAD. Will the gentleman from Connecticut yield?

Mr. TILSON. Yes.

Mr. BANKHEAD. The Private Calendar seems to be quite long and quite crowded. Has the majority leader given any consideration to the idea of having a night session some time so that we may consider bills on that calendar?

Mr. TILSON. Yes; that may be necessary a little later on, but at the present time it seems to me it should not be done. I believe that the membership of the House would generally prefer to sit on Saturday rather than to sit here late Friday night.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 10198. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 3624. An act for the relief of Hannah Parker.

The message also announced that the Senate had passed the following order:

Ordered, That the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1226) to amend the trading with the enemy act be recommitted to the committee of conference.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles when the Speaker signed the same:

H. R. 6730. An act to detach Fulton County from the Jonesboro division of the eastern judicial district of the State of Arkansas and attach the same to the Batesville division of the eastern judicial district of said State;

H. R. 9398. An act to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910.

H. R. 7455. An act to legalize the submarine cable laid in the St. Louis River at the Spirit Lake Transfer Railway drawbridge, between New Duluth, Minn., and Oliver, Wis., and used for the lighting of the village of Oliver, Wis.

COMMISSIONER FREDERICK A. FENNING

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for one minute. Is there objection? There was no objection.

Mr. MADDEN. Mr. Speaker, I have a letter from Mr. Fenning, one of the District Commissioners, asking me to ask the consent of the House to insert in the Record an answer which he wishes to make to the statements made by the gentleman from Texas [Mr. BLANTON] a week or more ago. I know nothing at all about the merits of the statement which Mr. Fenning asked me to insert in the Record, except he says it is a reply to the various statements made by the gentleman from Texas.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARNER of Texas. It occurs to me that the gentleman ought not to ask that at this time, in view of the fact that the gentleman says he does not know what is in the statement. It seems to me some one ought to go over it and find out what is in it.

Mr. MADDEN. I have gone over it. What I meant to imply was that I know nothing about the accuracy of the statements Mr. Fenning makes.

Mr. GARNER of Texas. I understand the gentleman will be responsible for the statement and that there is nothing in the statement which is in violation of the rules of the House?

Mr. MADDEN. There is nothing in the statement that is in violation of the rules of the House.

Mr. RANKIN. Mr. Speaker, reserving the right to object, we are holding hearings now, or attempting to hold hearings, in the Veterans' Committee touching this alleged misconduct with reference to the guardianship of these disabled veterans. Now, why could not Mr. Fenning come before that committee and make his statement there, so that the members of the committee could cross-examine him as to these charges of mis-handling the funds of these disabled veterans?

Mr. MADDEN. I think it is quite likely that Mr. Fenning would be willing to appear before that committee if he is permitted to do so, but at the same time I think he ought to be allowed to make a reply to the statements made by the gentleman from Texas.

Mr. RANKIN. I will say to the gentleman that this is an unusual procedure?

Mr. MADDEN. No; it is very usual.

Mr. RANKIN. I would like to know whether the gentleman has submitted the statement to the minority leader or any others on the minority side?

Mr. MADDEN. No; I have not. But let me say to the gentleman that this is not an unusual procedure.

Mr. RANKIN. Owing to the fact that we have had a great deal of difficulty on this proposition, and it looks as though we were going to have more, because we were unable to get a quorum before the Veterans' Committee this morning to go into this matter—

Mr. MADDEN. I hope the gentleman will not object.

Mr. RANKIN. I would like for the gentleman to withhold his request until he can submit it to some Members on the minority side who are interested in this investigation.

Mr. MADDEN. I think the gentleman ought not to ask that.

Mr. BLANTON and Mr. BROWNING rose.

Mr. BLANTON. Will the gentleman let me interrupt him?

Mr. MADDEN. Yes.

Mr. BLANTON. That statement of Fenning's contains how many pages?

Mr. MADDEN. I should say about 20 pages.

Mr. BLANTON. The gentleman is permitting a man charged with high crimes and misdemeanors to sit down in his office and deliberately prepare his own defense without any cross-examination, when several Members of Congress may have facts that would show the absolute unreasonableness of every statement he makes.

Mr. MADDEN. There will not be any objection to the gentleman showing that.

Mr. BLANTON. I shall not object to Mr. Fenning's statement going in the RECORD. Will the gentleman permit me to have time next Monday to answer this statement?

Mr. SNELL. Has not the gentleman had time already to make out his case?

Mr. BLANTON. I have not been able, apparently, to convince the chairman of the Rules Committee, but I have convinced many Members and the country, and I can convince the gentleman if I am given the opportunity.

Mr. GARRETT of Texas. Mr. Speaker, I shall object.

Mr. McSWAIN. Will the gentleman reserve his objection a moment?

Mr. GARRETT of Texas. Yes.

Mr. MADDEN. I hope the gentleman from Texas will not object.

Mr. GARRETT of Texas. I will reserve it.

Mr. MADDEN. I have no objection to the gentleman from Texas replying to the statement.

Mr. BLANTON. With that statement, I do not object to its going into the RECORD.

Mr. MADDEN. I am only asking this as a matter of fair treatment.

Mr. McSWAIN. If the gentleman will permit, I would like to make this statement. It is evident that this gentleman, Mr. Fenning, is going to be summoned before the Committee on World War Veterans' Legislation or perhaps another committee of the House. My experience in cross-examining witnesses is that the more written statements I can get from them whereby they have already committed themselves, the greater advantage it is to me in my cross-examination, and I would like to have everything Mr. Fenning has written if I were going to undertake to cross-examine him.

Mr. MADDEN. That is one reason why I think the statement should go in the RECORD.

Mr. RANKIN. The gentleman is undoubtedly unfamiliar with the situation. Unless we make more progress than we have been able to make so far, we will not be able to get him before the Veterans' Committee.

Mr. McSWAIN. You do not think you can get a majority of your committee to have him appear before it?

Mr. RANKIN. No; we were unable to get a quorum to come to the meeting this morning.

Mr. McSWAIN. This will not keep him from coming. Let us see what he says, and maybe we can then dig under him better.

Mr. MADDEN. I think that is one reason the statement should go in the RECORD.

Mr. RANKIN. But do not let him dig under first.

Mr. GREEN of Florida. There seems to be an effort being made to condone this human vulture, and I am not in favor of it.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object—and I do not object—but I do wish to make this statement at this time. I think the charges that have been made here with regard to this commissioner and the evidence that has been submitted in the form of affidavits, sworn testimony, are sufficient not only to justify but to imperatively demand an investigation by some committee of this House, either a special committee or one of the standing committees, which shall be clothed with full authority to send for persons and for papers and to administer oaths and get the complete record of the commissioner, which will either condemn or vindicate him.

This is not a matter that can be settled by the mere insertion in the RECORD of the statement which the gentleman has, no matter what it may contain. I do not object. I am perfectly willing the gentleman from Illinois should put the statement in the RECORD, but I wanted to express that view now. It is a matter in which I have no interest on earth.

Mr. BULWINKLE. Will the gentleman yield?

Mr. MADDEN. I want the gentleman from Tennessee to understand I am not trying to cover up anything Mr. Fenning has done.

Mr. GARRETT of Tennessee. I understand that.

Mr. MADDEN. I am not defending him.

Mr. GARRETT of Tennessee. I know perfectly well the gentleman from Illinois is incapable of attempting any such thing.

Mr. MADDEN. I am in thorough accord with what the gentleman has said, and I think that everything in connection with this matter should be investigated and the evidence adduced here.

Mr. BULWINKLE, Mr. TINCHER, and Mr. LOZIER rose.

Mr. LOZIER. Will the gentleman yield?

Mr. GARRETT of Tennessee. Mr. Speaker, I have a reservation pending.

Mr. LOZIER. Mr. Speaker, I hope the gentleman from Texas will withdraw his objection.

Mr. GARRETT of Texas. The gentleman from Texas is not going to do it.

Mr. LOZIER. I have an open mind in this matter, but I think it is due the Members of this House that this request be granted. The House does not sacrifice or surrender any of its rights by granting this permission. It is a reasonable request, and I hope the gentleman from Texas will withdraw his objection.

Mr. MADDEN. I wish to say to the gentleman that I do not commit myself to any defense of anything Mr. Fenning may have done.

Mr. BULWINKLE. If the gentleman from Illinois will permit, I wish to state in answer to the gentleman from Tennessee that yesterday a resolution was passed by the Committee on World War Veterans' Legislation instructing the chairman of the committee to prepare and urge for passage a resolution having for its object a full, complete, and sweeping investigation of all guardianship matters not only in the District of Columbia, but in the United States as well, with power in the committee to act.

Mr. MADDEN. I think that is a good thing to do, and I am in thorough accord with it.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. GARRETT of Texas. Mr. Speaker, in view of all the statements that have been made here and all that has been published in the newspapers, this man, instead of being contented with filing a statement to be printed in the RECORD of this House, should in honor and in justice to himself be knocking at the door of some committee of this House asking and demanding for admission to be cross-examined and to make a full sworn statement in his own behalf, and therefore I shall object to this mode of procedure. [Applause.]

The SPEAKER. Objection is heard.

SPANISH-AMERICAN WAR PENSION BILL

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8132 and agree to the Senate amendment.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the bill H. R. 8132 and agree to the Senate amendment.

Mr. JOHNSON of Texas. Is that the Spanish-American War pension bill?

Mr. KNUTSON. It is.

The Clerk read the title to the bill, as follows:

H. R. 8132. An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

THE MILLS BILL

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. GARNER of Texas. Mr. Speaker and gentlemen of the House, if the program said to be authorized by the administration is to be followed, within a short time, a week or 10 days, you will be called upon to vote on the most important piece of legislation outside of the tax bill that will come before this Congress. It is the most stupendous steal that has ever been suggested in the history of America. I want to suggest to the membership that it examine the hearings in order that you may be informed in reference to the bill, H. R. 10820, the

Mills bill. It has four major provisions. One is to return all of the alien property now in the hands of the Alien Property Custodian to the German nationals. The second is to pay the mixed claims, and the third is to pay the German nationals for damages that occurred by reason of our taking their property, and the fourth is for an issue of \$250,000,000 in bonds to meet the indebtedness.

It will be nearly impossible in debate on the floor of the House to explain the details of the four propositions, and the hearings reflect that fairly well. I want to suggest that you get a copy of the hearings and at least give consideration to sections 3 and 4, which fully explain the \$190,000,000 that the American people will have to pay and to whom they will have to pay it.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Speaker, I think the gentleman from Texas is very premature in the statement that he is making to the House. I do not see in the room at the moment the acting chairman of the Ways and Means Committee, or I should not take the floor to answer the gentleman. So far as I know—I was not a member of the subcommittee—so far as I know, the Ways and Means Committee has not acted on the bill with the view to reporting it. To my knowledge the bill has not come before the Ways and Means Committee for a vote. Therefore the gentleman from Texas is very premature in saying that it will be on the floor of the House within a week.

Mr. GARNER of Texas. Will the gentleman yield for me to correct him; he does not want to make a misstatement. The gentleman left his vote in the committee with the chairman, did he not?

Mr. TREADWAY. When?

Mr. GARNER of Texas. Yesterday.

Mr. TREADWAY. I did.

Mr. GARNER of Texas. And the gentleman is recorded three times on that identical bill on yesterday morning. Also the first provision in the bill was completed.

Mr. TREADWAY. I left my vote with the gentleman from Washington [Mr. HADLEY], but no vote was taken on the bill. Simply one section was considered.

Mr. GARNER of Texas. Yes; somebody had it and cast the vote.

Mr. TREADWAY. I was called to another committee meeting at the time, and I asked the gentleman from Washington [Mr. HADLEY] to vote for me. In conference with that gentleman since the gentleman from Texas took the floor just now, the gentleman from Washington agrees with me that the Ways and Means Committee has not voted to report out that bill.

Mr. GARNER of Texas. I did not say they had voted to report it, but it has considered the bill and completed the first section of it.

Mr. TREADWAY. When the gentleman says the bill will come before the House within a week's time, he is a prophet, and a false one.

Mr. GARNER of Texas. I know that President Coolidge is very much interested in it, according to the testimony before the Ways and Means Committee.

Mr. TREADWAY. The gentleman knows a whole lot about Republican affairs, but I think we also are entitled to have something to say about it.

Mr. GARNER of Texas. The record shows that the President is very much interested in it.

Mr. TREADWAY. Yes; and the record will show that the Ways and Means Committee has not decided to report the bill.

Mr. HOWARD. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. HOWARD. I want to speak a minute myself. I want to ask unanimous consent that the business of the House may now proceed in an orderly manner. [Laughter.]

The SPEAKER. Without objection, it is so ordered. [Laughter.]

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 8830) entitled "An act amending the act entitled 'An act providing for a comprehensive development of the park and playground system of the National Capital,' approved June 6, 1924, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had

appointed Mr. CAPPER, Mr. JONES of Washington, and Mr. KING as the conferees on the part of the Senate.

The message also announced that the Senate had further insisted upon its amendments numbered 1 and 5 to the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes, disagreed to by the House of Representatives, and had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. SMOOT, and Mr. OVERMAN as the conferees on the part of the Senate.

GENERAL ANDREWS AND BEER

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I send to the Clerk's desk to have read a brief statement by General Andrews on a subject of interest to the House.

The SPEAKER. Without objection, the Clerk will read.

There was no objection, and the Clerk read as follows:

STATEMENT FOR THE PRESS

APRIL 15, 1926.

The hypothetical question put to me yesterday before the Senate committee was: "If nonintoxicating cereal beverages or beer could be distributed under Government supervision for home consumption and in bona fide hotels to be taken with meals would this probably aid law enforcement?" I answered "Yes."

I am not advocating any change in this law. On the contrary, we have recently perfected plans and are seeking additional authority and funds from Congress to put them into effect, which we confidently believe will enable us to wipe out the beer traffic this season.

It is my task to enforce the law as written, and to that end I am giving my sole attention.

L. C. ANDREWS, Assistant Secretary.

Mr. KINDRED. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Mr. Speaker, I do not desire to enter into a discussion of this at this time any more than to make this observation. From my contact with General Andrews and the study of his work I am satisfied that he has a great capacity for the work that he is engaged in and a very thorough determination and desire for its success. The greatest need is that Congress should give him the authority and the funds that he has requested. I am satisfied, if this is done, that the work of enforcement which has so greatly improved under his leadership up to this time will improve further.

Mr. KINDRED. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to have the Clerk read the telegram which I send to the desk.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

GREENVILLE, S. C., April 16, 1926.

SOUTH CAROLINA CONGRESSMEN,

Washington, D. C.:

Our people stand solid for prohibition. Do all possible for it.

T. W. BOYLE.

FEDERAL AID IN CONSTRUCTION OF ROADS

Mr. DOWELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9504) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9504, with Mr. TINCHER in the chair.

The Clerk read the title of the bill.

Mr. DOWELL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOWELL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOWELL. Mr. Chairman and Members of the House, the subject of "good roads" has become of great importance to the people of the country. In the early days the people in a neighborhood built and maintained their own roads. The automobile, however, has completely changed the method of travel and the use of the highways, and has entirely revised the method of road building. The roads, heretofore of only local use and importance, have now become a part of a great system of national highways.

Some years ago Congress took up the subject of a national highway system, and since that time there has been a vast improvement in the construction and use of the highways. In 1912 a joint committee was appointed, composed of Members of the Senate and Members of the House of Representatives, to investigate and report on the subject of what part, if any, the Federal Government should take in the construction of roads. This committee made a careful investigation of the subject, and reported its findings to the House and Senate in 1915. As a result of this investigation and report Congress enacted legislation providing for Federal aid in the construction of highways.

The first legislation was enacted and approved July 11, 1916. This legislation provided for a five-year program and provided for an appropriation of \$75,000,000. Five million dollars became available the first year; \$10,000,000 became available the second year; \$15,000,000 became available the third year; \$20,000,000 became available the fourth year; and \$25,000,000 became available the fifth year.

The next legislation was passed in February of 1919 and carried an appropriation of \$200,000,000, covering a period of three years. The first \$50,000,000 became available immediately; \$75,000,000 became available for the fiscal year ending in 1920; and \$75,000,000 was available for the fiscal year ending June 30, 1921. Up to this time the action of the Government in aiding the States in the construction of roads was largely experimental.

In 1921, after a careful investigation and consideration of the whole subject, legislation was enacted providing for a comprehensive program of Federal aid in the construction of highways. This legislation provided for a program of road construction throughout the entire Nation, embracing 7 per cent of the roads in each State, and this 7 per cent aggregates approximately 200,000 miles of primary and secondary roads. This act established for the first time a definite governmental policy and program for cooperation with the several States in the construction and maintenance of a national highway system. Seventy-five million dollars was authorized for this work in the first year.

In 1922, following the general program outlined, Congress authorized the expenditure of \$50,000,000 for the fiscal year ending June 30, 1923; \$65,000,000 for the fiscal year ending June 30, 1924; and \$75,000,000 for the fiscal year ending June 30, 1925.

In 1925 Congress authorized the expenditure of \$75,000,000 for the fiscal year ending June 30, 1926, and \$75,000,000 for the fiscal year ending June 30, 1927. The present bill provides for an authorization for the fiscal years ending in 1928 and 1929. Briefly, this is a review of all of the moneys authorized and appropriated by the Government for Federal aid in the construction of good roads under the highway act.

Under the present law the Federal Government apportions these appropriations to the several States, and these funds are used in the construction of roads approved by the Secretary of Agriculture. Federal participation can not under the law exceed 50 per cent of the cost of construction of the roads or exceed \$15,000 per mile.

The method for the distribution of Federal aid funds to the several States is on the basis of one-third according to the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States; and one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery routes and star routes in all the States. You will, of course, observe that this will slightly change the amount annually that each State will receive by the varying changes in population and mileage of rural delivery and star routes.

Under this law the highways to receive Federal aid are constructed by the several States through their State highway departments, but the law empowers the Secretary of Agriculture to withhold Federal aid on any given project if it does not come up to the proper standards in compliance with the regulations of the department and if it does not in the same respect comply with the general system or policy of highway construction as provided in the act of 1921.

When the highway has been constructed with Federal-aid funds it then becomes the duty of the State in which it is located to maintain the highway in a proper manner, and if the State fails to so maintain any highway constructed with the aid of Federal funds, the Secretary of Agriculture may maintain such highway out of Federal-aid funds allotted to that State or may withhold any Federal aid to that State until the highway has been placed in a proper condition.

On the 1st of July, 1925, under the Federal-aid highway system, totaling approximately 200,000 miles of roads, 25,550 miles of this system was improved with a high-type surface, consisting of concrete and brick; 16,800 miles was surfaced with a medium type of surface, consisting of water-bound macadam and bituminous macadam; 49,450 miles of low-type roads, consisting of gravel and sand-clay had been constructed; and 30,000 miles had been only graded and drained. This leaves approximately 79,000 miles of the 7 per cent system of the highway program unimproved and untouched.

It is obvious that unless this program is followed up and Federal aid for the improvement of these roads is continued, the entire program built up in the last decade by this very satisfactory cooperation of the Federal Government with the highway departments of the several States will be greatly retarded and road construction will be given a terrific blow.

While road construction was going on in the several States, it was not until the Federal Government entered into cooperation with the States that a complete and adequate system of road building was adopted, and when the 7 per cent system or program is completed almost every section and part of the United States will be accessible to motor vehicles on an improved highway.

WHY SHOULD THE GOVERNMENT AID IN THE CONSTRUCTION OF ROADS?

There are more than 3,000,000 miles of roads in the United States. The Post Office Department is daily using 1,205,500 miles of highway in the delivery and collection of the United States mails. Many miles of these roads are practically impassable at certain seasons of the year, and they are used at great cost and inconvenience. The improvement of these roads will greatly increase the length of the mail routes, will greatly improve the efficiency of the mail service, and will greatly decrease the cost of the Government. Thirty million sixty thousand eight hundred and sixteen individuals or rural-delivery patrons are served along this mileage, and many millions more will be added to this number as the service can be extended.

It is interesting to note that five years ago 43 per cent of the rural carriers were using horse-drawn vehicles upon their routes, while to-day but 15 per cent are using horses. Also the time involved in the delivery of rural mails has been reduced one-half. But even under the present program the Government is only aiding in the improvement of approximately 200,000 miles of this more than 1,000,000 miles of rural-mail mileage.

Also the Federal-aid highway system, as approved by Congress in the act of 1921, under which we are now operating, includes all of the highways—more than 53,000 miles—which the War Department, after a careful survey, consider as necessary for our national defense.

Recognizing the importance and benefits of highway improvement and highway transportation, both of the great political parties, at their national conventions in 1924, gave utterance to their views in the following language:

THE REPUBLICAN PLATFORM

The Federal aid road act adopted by the Republican Congress in 1921 has been of inestimable value in the development of the highway systems of the several States and of the Nation. We pledge a continuation of the policy of Federal cooperation with the States in highway building.

THE DEMOCRATIC PLATFORM

Improved roads are of vital importance not only to commerce and industry but also to agriculture and rural life. We call attention to the record of the Democratic Party in this matter, and favor a continuance of Federal aid under existing Federal and State agencies.

Referring to this subject President Coolidge, in his message to Congress on December 6, 1923, used the following language:

Highways and reforestation should continue to have the interest and support of the Government. No expenditure of public money contributes so much to the national wealth as for building good roads.

The free use of the highways in the past few years has furnished wonderful educational and recreational opportunities to the people of our Nation, and the demand for the use of the highways is increasing day by day for this purpose. A statement was made before the Committee on Roads just recently that during the past summer 12,000,000 people used the high-

ways for education and recreation, and expended over \$2,000,000,000 in such purpose.

The importance of a complete system of Federal highways throughout the Nation can not be estimated in its benefits to the people of the country, in convenience, in recreation, in education, and in financial value.

When the present Federal-aid highway system was approved by Congress in 1921, it was the hope of Congress in this legislation to improve the highway from the farms to the markets, and thus aid in facilitating the marketing of farm products. Much has been accomplished along this line, as shown by the testimony in the hearings before the committee on this phase of the subject. Highway improvements are not only bringing this about but the evidence shows that better highway facilities are bringing the producer and consumer more closely together, to the great advantage and profit of both.

The improvement of the motor car has made highway improvement a necessity, and the vast expanse of the automobile trade and traffic has necessitated a nation-wide system of highways, and this can only be carried on in a system in which the Federal Government has a part.

The development of the automobile and of the automobile traffic, hence the necessity for greater and more extensive highway improvements, has progressed in the past few years beyond the most exaggerated dream of the enthusiast.

In 1895, just at the beginning of the automobile industry, there were but 300 automobiles in the United States. In 1900, five years later, only 14,000 automobiles had been manufactured. In 1910, 10 years later, the automobile registration had grown to a half million. In 1920, 10 years later, the number of automobiles had increased and approximately 9,000,000 cars were being used throughout the United States. In 1925, five years later, the automobile industry had made an enormous growth; the automobiles on the streets and highways almost doubled, and we had nearly 18,000,000 motor vehicles on the streets and highways. To-day it is estimated that approximately 20,000,000 motor vehicles are on the streets and highways of the United States, and the estimates indicate that these increases will continue in the future—no one knows where.

It is apparent to everyone who has given the subject serious consideration that with 20,000,000 motor vehicles in service and in operation throughout the country it is clear that a nation-wide system of highway construction is a necessity in the United States. And this necessity will grow day by day and year by year as these motor vehicles increase in number, in importance, and in value.

The telephone service has been in operation for a half century and has become a necessity in almost every household, yet we are told that there are to-day more motor vehicles in the United States than there are telephones.

In the testimony before the Committee on Roads some time ago the evidence disclosed that interesting experiments have been made to ascertain approximately the operating cost of motor vehicles over various kinds and types of roads, including dirt, gravel, and hard-surfaced roads.

This investigation discloses that on an ordinary dirt road we get approximately 14 ton-miles of traffic per gallon of gasoline. On gravel roads we get approximately 21 ton-miles per gallon of gasoline, and on hard-surfaced roads we get approximately 31 ton-miles per gallon of gasoline.

With gasoline costing 20 cents per gallon, the gasoline cost of operating a motor vehicle on a dirt road is approximately 1.43 cents per ton-mile. On gravel roads the cost is approximately 0.95 of a cent per ton-mile and on hard-surfaced roads approximately 0.64 of a cent per ton-mile.

Mr. COOPER of Wisconsin. Just what does the gentleman mean by hard surface; cement?

Mr. DOWELL. Cement, brick, and macadam.

Mr. HUDSPETH. And the gentleman is taking into consideration in the cost on a hard-surface road the wear and tear on the vehicle as well as the gasoline?

Mr. DOWELL. All things are considered.

The saving of gasoline in the operation of a car, however, is only one of the many items which go to make up the cost. Excluding the fixed items, such as taxes, license fees, and garage, which are not affected by road conditions, the experts claim that all other charges for operation and maintenance of a motor vehicle are affected in a like ratio, and in summing up the aggregate cost of owning and operating a motor vehicle the experts claim that the cost of operating a car over a gravel road is much less than over a dirt road. And the cost of operating a car over a hard-surfaced road is one-fourth less than operating it over a dirt road.

From estimates made by the National Automobile Chamber of Commerce, the Bureau of Public Roads, and the American

Association of State Highway Officials, the estimated value of motor vehicles in the United States in 1925 was approximately \$16,500,000,000. These estimates further indicate the American people are operating these automobiles on the streets and highways at the enormous cost of more than \$11,000,000,000 annually. This estimate does not include garage, driver's wages, and oils. And I saw a statement the other day issued by the Associated Press which included these items, and this estimate aggregated \$14,000,000,000, a sum in excess of one-half of the entire national debt. This huge annual outlay can not be imagined or understood until it is reduced to the individual automobile, but when we take into consideration that there are 20,000,000 motor vehicles in operation, we see it only requires an average outlay of approximately \$600 to \$700 per annum on each car to aggregate this vast sum.

With this vast investment and this enormous annual cost of operation, it is plain to everyone that a great system of highways is imperative. While the Federal-aid program is far from completed, great strides have been made in the past few years in the improvement of this system.

The highway departments in the several States are expending vast sums of money to care for the enormous increase in automobile traffic, and highway improvements have been going forward rapidly in the several States.

From the reports received from the several State highway commissions, the Bureau of Roads estimates that the cost of rural highway construction and maintenance alone in 1926 will be in excess of \$1,000,000,000. It is obvious that the appropriations by Congress to aid in the construction of a great national highway system is but a small part of the enormous sums appropriated and used by the several States for the construction and maintenance of a better highway system.

With the great increase in highway construction and the great increase in automobile traffic, the problem of better traffic regulations has become an important factor in the economic use of highways throughout the country.

Some time ago the American Association of State Highway Officials took up the subject of a uniform system of markings and signals on the interstate highways. Last year the Secretary of Agriculture appointed a joint board from the Bureau of Public Roads and the State highway departments to investigate and recommend a uniform system for markings and signals on the principal highways of the country.

This board made a careful investigation of the subject and submitted its report to the Secretary of Agriculture and to the several States, recommending a uniform system of markings and signals. The evidence before the Committee on Roads a short time ago indicates that the system recommended has been favorably received in the several States by their State highway commissions, and it is hoped that out of this will grow a uniformity of markings and signals, to the great aid and safety of motorists on the highways.

It is also apparent that uniform laws and regulations must be adopted in the several States for the better protection of the motorist, pedestrian, and others on the streets and highways. And just a few days ago the Second National Conference on Street and Highway Safety met in the city of Washington for the purpose of working out and submitting to the several States a uniform system for laws and regulations for the government and control of highway traffic. It is hoped that growing out of these conferences and the efforts of experts to work out a uniform system that much may be done in the saving of property and of human life.

The 20,000,000 motor vehicles now on the streets and highways have brought to our attention, in a forceful way, an appalling record of accidents, injuries, and deaths.

The committee on statistics of the National Conference on Street and Highway Safety report that during the year 1923 there occurred 22,600 deaths as a result of street and highway accidents, and estimated the number of serious personal-injury accidents at 678,000.

In 1924, 23,291 persons lost their lives as a result of street and highway accidents, and more than 500,000 persons received serious personal injuries.

These estimates do not include hundreds of thousands of minor injuries to property and persons.

In 1925 the estimated figures show 23,850 persons were killed, and that of the number killed approximately 7,000 were children of school age.

It is apparent to all that every effort possible must be made to curb this awful destruction of human life. [Applause.]

Permit me to say in conclusion that the legislation under consideration authorizes the Federal Government to carry on the present program of highway construction upon the Federal-aid system.

Never since the Government entered into the present plan of cooperation with the several States in the building of highways has there been such general and uniform support of this program.

The hearings before the committee brought many individuals and organizations in hearty support of the legislation. Among them were:

The American Association of State Highway Officials.
The American Automobile Association.
The American Bankers' Association.
The American Farm Bureau Federation.
The American Federation of Labor (by resolution filed).
The National Grange.
The American Road Builders' Association (resolution filed).
The National Automobile Chamber of Commerce.
The Chamber of Commerce of the United States.

Your committee unanimously submit this legislation, with the hope that it will meet with your approval, thus carrying on the present system of cooperation of the Federal Government with the several States in the building of highways, which has accomplished so much in the past years. [Applause.]

Mr. ALMON. Mr. Chairman, this bill authorizes an appropriation of \$75,000,000 for the fiscal year ending June 30, 1928, and \$75,000,000 for the fiscal year ending June 30, 1929, to aid the States in the construction of roads, to be expended according to the Federal highway act approved July 11, 1916, as amended, and also the sum of \$7,500,000 for each of said years for the improvement of forest roads and trails, to be expended according to the Federal highway act approved November 9, 1921, which the Director of Public Roads says will be as much as will be needed to carry out the present road program.

It comes with a unanimous report from the Committee on Roads after holding extensive hearings. This committee is composed of 13 Republicans and 8 Democrats, with the able and courteous gentleman from Iowa [Mr. DOWELL] as chairman. I have had the honor of being a member of this most important committee continuously during my 12 years of service in this House and am now the ranking Democrat on this committee. I have enjoyed the work and association of the members. I assisted in the preparation and passage in 1916 of the first law that made provision for Federal aid to roads in a substantial amount, also the act of 1921. I have been a believer in and advocate of national aid for roads many years. When we made the beginning 10 years ago there was considerable opposition. I believe there were about 75 votes in the House against the bill. The opposition was chiefly from Representatives from the large cities and where there had already been considerable road improvement. I told them at that time, in my maiden speech in the House, that it was just as much advantage to the cities as the rural districts that the roads in the rural districts be improved; that whatever aided the people in the rural districts, who are engaged in farming, would help the cities.

That it was the rural districts that supported the cities; that if it were not for agriculture, the basic industry, that grass would grow in the streets of the most of our cities. I also said that time would demonstrate the wisdom of Federal aid to roads. So it is indeed very gratifying to me to-day that I have not heard a single expression in opposition to continuation of liberal appropriations to aid the States in road improvement. [Applause.] It seems that there will not be a single vote against this bill. The operation and effect of the Federal appropriations made during the last 10 years to aid the States in highway improvement have been so helpful and beneficial; that the people of the Nation, regardless of place of residence, are in favor of a continuation of it.

The people of the Nation became somewhat alarmed last year, as you will remember, because of a remark made by President Coolidge in his memorial address, from which it might be inferred that he was unfriendly to a continuation of this policy, but we now have every reason to believe that this bill will meet with his approval.

UNANIMOUS SUPPORT OF NATIONAL ORGANIZATIONS

Our Committee on Roads held hearings on the various bills before it during the week of February 15-20. Never in the history of Federal road legislation has there been such a united support given for this kind of legislation. The following national organizations, covering almost every activity in the United States, presented arguments favorable to this legislation:

1. American Association of State Highway Officials.
2. American Automobile Association.
3. American Bankers' Association.

4. American Farm Bureau Federation.
5. American Federation of Labor (by resolution filed).
6. American Road Builders' Association.
7. United States Good Roads Association (Inc.).
8. National Grange.
9. National Automobile Chamber of Commerce.
10. Chamber of Commerce of the United States.

In addition to this the Bureau of Public Roads, in its capacity as administrator of the Federal highway funds, gave an accounting to the committee, as well as interesting data on surveys and research work covering road activities.

The committee is indebted to Mr. W. C. Markham, the able and efficient executive secretary of the American Association of Highway Engineers, for the very valuable information furnished by him and the assistance he rendered in bringing before the committee officials and representatives of a number of organizations interested in road construction.

I call your attention very briefly to the progress made in highway improvement in the United States during the past 10 years, which I believe is very largely attributable to the encouragement given the States and the local subdivisions thereof by the appropriations made by Congress. The States and counties gladly matched dollar for dollar the Federal appropriation, and raised and spent much more, as I will explain later.

ROAD IMPROVEMENT DURING PAST DECADE

In 1915 there were only 31 State highway commissions. To-day there is a working, active State highway commission in every one of the 48 States. In 1915, the year before we began national aid to roads, there were only 249,291 miles of improved roads in the United States. Now there are 467,933 miles, an increase in 10 years of 210,612 miles of improved roads. In 1915 there was expended \$240,263,784 in all of the States in road improvement, and 10 years later, in 1925, the sum went from \$240,263,784 to \$1,176,000,000, a gain of \$936,736,216.

AMOUNT OF FEDERAL FUNDS EXPENDED

There has been paid out of the appropriations by Congress in all the States for road construction to April 1, 1926, the enormous sum of \$496,239,652. Of this amount \$9,698,510 was expended in the State of Alabama, which I, in part, represent.

In 1925 the Federal automobile tax of 5 per cent amounted to \$68,201,814, just about the amount that was appropriated for roads. It is estimated that the 3 per cent tax provided in the 1926 revenue act will amount to \$69,600,000 for the year 1926; while this is paid by the manufacturers of motor vehicles, still it is added to the price of the cars and is paid by the purchasers and users of automobiles, trucks, and busses. So the Government is only giving back to road improvement about the amount of taxes collected on automobiles.

HOW FEDERAL FUNDS ARE DISTRIBUTED

When the Congress decided to contribute toward highway improvements the process of distributing Federal appropriations was made to the several States and not to certain roads. The method finally adopted for the distribution was on the basis of one-third according to the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census; and one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery routes and star routes in all the States. This has proven to be a most equitable and satisfactory method of distribution of the Federal funds.

Congress did not stop with an appropriation. November 9, 1921, will stand out as one of the great days in congressional action on the entire highway program. In addition to making an appropriation, to be expended in cooperation with the States, the law approved on this day provided for a definite system of roads to be constructed with funds from both the Federal and State treasuries. This system was limited to 7 per cent of each State's total road mileage. Seven per cent was chosen because it was found that this was the least mileage that would connect all the county seats and main market centers.

When the program of Federal aid to highway construction was adopted there were 2,941,294 miles of roads in the United States. The total allowable mileage in the 7 per cent system would be approximately 200,000 miles. The 7 per cent roads in Alabama amount to 3,959 miles. The total mileage improved and under construction with Federal aid on February 1 was 63,239 miles, and it is estimated that there have been improved by States without Federal aid about 65,000 miles. That would represent a balance unimproved of 50,558 miles; 25,550 miles of the 7 per cent system has been

improved with a high-type pavement, 16,800 miles with a medium-type pavement, and 49,450 miles with a low-type pavement, meaning a sand clay, selected earth, or gravel surfacing. It is estimated that only about 42 per cent of this system has been improved. It is thought that within the next five or six years it will be possible to improve in some form the entire system.

I think all will agree that hereafter we must build more permanent hard-surface roads than heretofore; it will prove to be real economy in the end.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. ALMON. I will.

Mr. MORTON D. HULL. Does that five or six years mean from the date of this authorization?

Mr. ALMON. From this time.

MAINTENANCE OF FEDERAL AID ROADS

One of the best pieces of road legislation we have enacted was that provision in the act of 1921 which requires that when a highway has been constructed with Federal aid and State funds it then becomes the duty of the State in which it is located to maintain the highway in proper manner, and if the State fails to so maintain any such highway the Secretary of Agriculture may maintain such highway out of Federal-aid funds allotted to that State, or may withhold any Federal aid to that State until the highway has been placed in a proper condition.

Mr. MANLOVE. Will the gentleman yield?

Mr. ALMON. I will.

Mr. MANLOVE. I have not had the pleasure of hearing all the gentleman's splendid speech, but I was wondering if he has touched upon the point of the transcontinental roads in his remarks? I know the gentleman is well informed.

Mr. ALMON. I want to say to my good friend from Missouri that I am so concerned about carrying to completion this 7 per cent system of 200,000 miles that I do not care to consider and talk at this time about transcontinental roads. [Applause.]

I am glad to see that certain organizations came before our committee at this time in favor of the continuation of this system and this policy of the Congress which at one time were in favor of all the Federal appropriations being spent on transcontinental roads. Another evidence of the success of our plan and system.

DIRECTOR McDONALD OF THE BUREAU OF PUBLIC ROADS

Much of this success is due to the splendid record of service of our able and most efficient director of roads, Mr. Thomas H. MacDonald. His duties are not only important but very difficult. However, during his service of seven years as director he has discharged his every duty in a most faithful, impartial, satisfactory, and efficient manner. His services to the country have been worth many times the salary which he receives. [Applause.]

There is, in my opinion, no other appropriation of the same amount that we make which is of as much benefit to as many people as that we make for road construction. So let us continue to make these appropriations as long as they are needed and demanded by the people. [Applause.]

The Congress is certainly committed to the completion of the 200,000 miles in the 7 per cent roads which have been selected and designated by direction of Congress.

FEDERAL GOVERNMENT HAS DIRECT RESPONSIBILITY

Without Federal appropriations it would be extremely difficult to obtain a connected system of interstate highways. Without Federal appropriations the great task just completed of numbering the Nation's highways and of providing uniform traffic and directional signs would have been long delayed. Without Federal appropriations the vast sum of knowledge made available through cooperative traffic and research studies would have been still lacking.

Ever since the cooperative work began on the building of the Federal aid highway system all roads constructed with Federal funds have been required to be so constructed that the culverts and bridges shall meet the needs and requirements of the Army. Likewise, when the system was approved, the War Department was consulted as to what roads would meet the greatest national need in any line of defense.

From the beginning of the Government the Postal Service has been a purely national function. Without railroads the highways and waterways were the sole source of carrying on this work for the people. With the introduction of rural-delivery mail service the use of the highway has been greatly augmented. The Federal Government is now using 1,205,572 miles of highway every day in this service and yet is assisting the States in the improvement of less than 200,000 miles. In the use of this mileage 30,060,816 individuals are being served, and yet there is still over 14,000,000 to be added as

the service can be extended. Five years ago 43 per cent of the rural carriers used horse-drawn vehicles. To-day there are but 15 per cent using horses. The time involved in delivery of rural mail has been reduced one-half.

Mr. HUDSPETH. Will the gentleman yield?

Mr. ALMON. I will be glad to yield to my friend from Texas.

Mr. HUDSPETH. I recall that when our committee was holding hearings on this bill and were discussing road material that there was a controversy between yourself and the gentleman from Kentucky [Mr. ROSSION], as to which was the better road material, Alabama asphalt or Kentucky asphalt. I would like to know if that has been decided.

Mr. ALMON. Yes; in favor of Alabama both as to quality and quantity. [Applause.]

While the development of a system of good roads is of inestimable value to all classes and all communities, it is of special benefit to the farming interests of the country. It enables the farmer to get his products to the market with the least possible delay and to take advantage of the prices when they are most advantageous. It is said we are living in a motor age. Marvelous changes have been effected in the economical and social life of America by the advent of the automobile. Motor trucks and motor vehicles have practically supplanted the slow-moving horse-drawn conveyances, and with an improved system of hard-surfaced public highway trunk lines and improved connecting highways the markets and the farmers are brought closer together and a more efficient and economical marketing and distributing system provided at a great saving of time and money. It has to a great extent destroyed the isolation of the farm and the farmer, permitted a notable extension in educational facilities, is an effective aid in medical relief, and is conducive to social intercourse and more friendly relations. It has been a great boon to rural communities and should not be discontinued.

Mr. Chairman, there are at least four great aids to the building of happy homes in this or any other country—four great pillars—the schools, the churches, the press, and the State. The highway systems are the arteries of the country by which these great aids are taken to the homes. The consolidation of our public-school system has been made possible because of better transportation. Horace Mann builded better than he expected when he led the fight for the public schools of America. Those schools are developing faster than even he dreamed they would develop. They are developing rapidly in every part of the land—the country boy and the city boy are put on an equality. This can be done only where there are consolidated schools, and consolidated schools are only possible in the rural districts where there are good roads.

FEDERAL APPROPRIATIONS AGAINST STATE

It has been intimated that the Federal appropriations for highways have been so generous that in order to meet the Federal law requirements States are compelled to make appropriations beyond their means. This argument is conclusively answered when your attention is called to the fact that the States have constructed a larger mileage of State roads without Federal funds than with Federal funds.

I also call your attention to the fact that in 1924 (last report) the States collected from auto licenses and gas tax \$358,060,055, when they needed but \$67,081,920 to meet the Federal funds. Again, the States expended in excess of the amounts for Federal-aid roads \$413,273,000.

In the State of Alabama, which I have been commissioned to represent in part, the gross receipts from motor-vehicle licenses and gasoline taxes for the fiscal year ending June 30, 1925, amounted to \$4,238,677, when only \$1,541,870 of State funds was required to match the Federal-aid apportionment for that year.

TWENTY MILLION MOTOR VEHICLES IN UNITED STATES

I referred to the fact that while great progress has been made in road building during the past 10 years, still it has not kept pace with the increase in motor vehicles which use the roads. Eleven years ago there were less than 1,000,000 motor cars, valued at less than \$100,000,000, on the streets and highways of our Nation. To-day there are more than 20,000,000 vehicles in use, and the total public investment in automobiles alone is something more than \$16,500,000,000.

More than 4,000,000 were manufactured last year, and a similar number will probably be produced in 1926. Statistics show that new cars are produced and old ones drop out at such a rate that about seven seasons will be required to replace all those in use now. There are about 400,000,000 engine horsepower in the 20,000,000 cars in the United States. The task of replacing those is comparable in magnitude to building over again all of the central industrial and public utility power

stations with their 45,000,000 horsepower and all of the steam locomotives in the country with their 130,000,000 horsepower.

In 1925 the total wholesale value of the cars and trucks produced reached \$3,000,000,000, while the wholesale value of parts, accessories, and tires amounted to almost another \$2,000,000,000. More than 3,200,000 persons obtained their livelihood from this industry in 1925.

This is about a million more than all the railroad workers of the Nation, and more than four times as many as all the persons employed in all the coal mines of this country. The total value of the motor-vehicle and allied industries and cost of roads is estimated to be \$22,000,000,000, while the estimated value of all the railroads of the Nation is about \$20,000,000,000, and the Nation is spending annually around \$9,000,000,000 for motor vehicles, parts, repairs, gasoline, oil, road construction, and so forth, while the total operating expenses of all classes of railroads last year were \$6,186,000,000. Last year there was four times as much passenger travel in motor vehicles as there was on railroads. We have in the United States about 83 to 85 per cent of all the motor vehicles in the world.

There can be no question about the attitude of the general public toward continued highway improvement. The mere fact that there are 20,000,000 motor vehicles on the streets and highways of the Nation to-day constitutes a straw vote of tremendous significance. Who would try to demonstrate that the condition of the highways has no effect upon the general welfare? Schools, churches, medical service, social betterment—all are tied up in this problem.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. ALMON. Yes.

Mr. LAZARO. Do any of these roads lead to Muscle Shoals?

Mr. ALMON. In answer to the question propounded by my good friend from Louisiana I would say that all roads lead to Muscle Shoals, as he will observe when he comes to see me next summer, as he has promised to do. [Applause.]

Permit me to say in conclusion that while every part of our country has been so greatly benefited from an industrial, social, and educational standpoint, let it not be forgotten that this great Federal-aid-to-road system was inaugurated during a Democratic administration. The same administration that established the Federal reserve banking law, the farm-loan banks, farm demonstration act, and parcel post law, all so good that our Republican friends join with us in voting for the necessary appropriations to carry on the good work. [Applause.]

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had insisted upon its amendment to the bill (H. R. 9688) granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Baybridge, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JONES of Washington, Mr. COUZENS, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1927, and for other purposes.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 8950) granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn., disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JONES of Washington, Mr. COUZENS, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 8190) authorizing the construction of a bridge across the Colorado River near Blythe, Calif., disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JONES of Washington, Mr. COUZENS, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD as the conferees on the part of the Senate.

FEDERAL AID IN CONSTRUCTION OF ROADS

The committee resumed its session.

Mr. DOWELL. Mr. Chairman, I yield 30 minutes to the gentleman from Kentucky [Mr. ROBSION].

The CHAIRMAN. The gentleman from Kentucky is recognized for 30 minutes.

BUILDING THE WORLD'S GREATEST HIGHWAY SYSTEM

Mr. ROBSION of Kentucky. Mr. Chairman, the bill now before us authorizes \$165,000,000 to be used in cooperation with the States in building good roads and in building roads and trails in the national forests for the next two fiscal years. This bill received the unanimous report of our Committee on Roads, and I apprehend it will meet with no serious opposition in the House.

This year the Federal Government, the States, and their subdivisions will expend more than \$1,030,000,000 for the construction and maintenance of the highways of the Nation. The Nation's annual road bill for the future will be at least \$1,000,000,000. It is the largest public-works job the world has ever known. The Federal Government will contribute about 8 per cent to this large expenditure. We have about 3,000,000 miles of highways of all types, ranging from mere trails to the very best improved surfaced roads. About 500,000 miles have been graded, drained, and surfaced. Under the act of November 9, 1921, a unified and definite system of highways, embracing about 200,000 miles, is provided for. This system is made up of 7 per cent of the star route and rural mail route road mileage of each State, and this system will reach and unite practically every county seat, city, and every important industrial center and market of the Nation, and when it is completed about 85 per cent of the population of the Nation will reside on this system or within 2 miles of this improved highway system, and anyone once getting on this system may go to every part of the Nation on an improved highway. [Applause.] About 125,000 miles of this system have been improved and surfaced, and the other 75,000 miles have not been either graded, drained, or surfaced. We are improving more than 11,000 miles per year, and it is hoped that this system may be completed, or at least all of it improved, by the year 1933. Of course, all of the mileage now improved has not been with high-type surface. Some of the surfacing has been made with clay and sand, and the other with macadam, brick, asphalt, or concrete, according to the needs of the travel. When this system is completed it will be the greatest, finest, and best system of highways in the world.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. JOHNSON of Texas. Is it not true also that the Government gets in the form of taxes on the sale of automobiles and accessories more than it puts in?

Mr. ROBSION of Kentucky. Yes; many times more.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield for a question?

Mr. ROBSION of Kentucky. I yield.

Mr. HUDSPETH. The bill was well considered by the committee of which my distinguished friend from Kentucky is a member, and the gentleman contributed a great deal toward securing a unanimous report on the bill. I want to ask the gentleman if the question has ever been decided whether the asphalt of Kentucky is better than that of Alabama? That seems to be the only question remaining unanswered. [Laughter.]

Mr. ALMON. I can decide that for you.

Mr. ROBSION of Kentucky. No; you can not decide it.

Mr. ALMON. I will say Alabama, and I think the committee decided that. [Laughter.]

Mr. ROBSION of Kentucky. No one, so far as I have ever heard, contends that Alabama asphalt is superior to the Kentucky rock asphalt, except one gentleman.

Mr. ALMON. Will the gentleman kindly say who that is, so the House may know whether he knew what he was talking about?

Mr. ROBSION of Kentucky. I think so much of the gentleman, and he being so hopelessly in the minority, that I do not want to expose him. Therefore, I shall refrain from mentioning his name. [Laughter and applause.]

You gentlemen of the House know this is a little fun indulged in between my good friend, Judge ALMON, and myself. He is a great good-roads booster and is a worthy Representative of a worthy people.

THE NATION ON RUBBER WHEELS

In the last 25 years there has been a tremendous development in the motor vehicle and in road construction. In 1895 there were only 300 motor vehicles in the United States. In 1900 this number had jumped to 14,000, and in 1924 to 17,500,000. We produced in 1925 about 4,325,000 motor vehicles, and it can safely be said now that there are more than 20,000,000 motor vehicles in use in the United States. We have about 83 to 85 per cent of all the motor vehicles of the

world. The motor-vehicle industry last year consumed 11 per cent of all of our iron and steel, 53 per cent of all of our plate glass, 50 per cent of all of our aluminum, 70 per cent of our upholstery leather, and 15 per cent of our hardwood lumber, 84 per cent of our rubber, 80 per cent of our gasoline, 7½ per cent of our copper, 84 per cent of our lead, and 9.3 per cent of our tin. The motor vehicles consumed 7,494,000,000 gallons of gasoline, 769,000,000 pounds of crude rubber, and 226,000,000 pounds of cotton fabric. The motor industry in all of its branches furnished employment to 3,200,000 people. This is about a million more than all the railroad workers of the Nation and more than four times as many as all the persons employed in all the coal mines of this country. The total value of the motor vehicle and allied industries, and cost of roads, is estimated to be \$22,000,000,000, while the estimated value of all the railroads of the Nation is about \$20,000,000,000, and the Nation is spending annually around \$9,000,000,000 for motor vehicles, parts, repairs, gasoline, oil, road construction, and so forth, while the total operating expenses of all class I railroads last year were \$6,186,000,000. Last year there was four times as much passenger travel in motor vehicles as there was on railroads.

California has one motor vehicle for every three and one-half and Iowa one motor vehicle for every four of its population. These States and some other States have sufficient motor vehicles to carry every person in the State out of the State in a single day on a single trip.

Mr. STEVENSON. Will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. STEVENSON. I want to ask the gentleman, because I know he has the facts, whether the statement that there were more passengers carried by motor vehicles than by railroads refers to the number of passengers or the number of miles traveled.

Mr. ROBSION of Kentucky. To the number of miles traveled. It has been clearly demonstrated that it requires only about one-half as much gasoline and oil to operate a motor vehicle on a good road as it does on a dirt road, and the cost of upkeep of a motor vehicle is only about one-half as much on a good road as on a dirt road, and a motor vehicle will last about three times as long on a good road as on a dirt road. With these facts in our minds, we must see clearly the tremendous importance to the Nation of improved highways. [Applause.]

EVOLUTION IN ROAD SENTIMENT

The evolution in road building in the Nation is one of the most interesting developments of our country. Only a few years ago people interested in good roads thought it was a question for the township or magisterial district. The road funds were being administered by something like 30,000 different boards in that many different communities. Of course, there could not come out of this any unified system of well-constructed and maintained highways. They failed. And then the more forward-looking people began to contend it was a problem for the whole county and not the small units of the county. The road funds were in the hands of something like 3,000 different county boards of the Nation. They failed. It was then men of larger vision began to feel that it was a State problem and many States, after conscientious and constant efforts, failed. The States failed to solve this great problem. It was then that men of wider vision began to realize that it was a problem in which the National Government must assume leadership. The times demanded a great, unified national system of highways. It was first thought that all the National Government would have to do would be to show the States how to do the job and, with this idea in mind, Congress in 1913 appropriated \$500,000 to be matched by \$1,000,000 from the States, and this sum was to be used to build pattern roads in various parts of the country to show the States how to construct good roads. I remember very well that a part of this money was used to build a pattern road leading over Cumberland Mountain through Cumberland Gap from Virginia and Tennessee to Kentucky. It was a water-bound macadam road, and, of course, it did not meet the requirements of the motor vehicle. But the States did not build the system of roads.

Mr. ALMON. Will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. ALMON. The gentleman is a most efficient member of the Committee on Roads and an enthusiastic supporter of national aid to roads. I trust that in nothing he has said he is intending to convey the idea or express the opinion that he is in favor of the discontinuance of national aid to roads after the 7 per cent roads have been constructed.

Mr. ROBSION of Kentucky. No Member of the House is a more earnest or active advocate of Federal aid for roads than I am. I trust the gentleman from Alabama will hear me to the end.

CONGRESSIONAL JOINT COMMITTEE

The rapid increase in the number of motor vehicles and great need for better highways was reflected in Congress, and under authority of an act of Congress of August 24, 1912, and continuing acts of March 4, 1913, and March 9, 1914, a joint committee, consisting of five Senators and five Representatives, was created and authorized to investigate the subject of Federal aid in the construction of post roads. This committee after very thorough investigation submitted its report to the Senate and House in January, 1915, favoring Federal aid and setting forth its reasons. The Hon. MARTIN B. MADDEN, of Illinois, the present distinguished chairman of the Appropriations Committee, and Hon. ROBERT GORDON LEE, of Georgia, were members of that committee. I wish to take this opportunity to congratulate our colleagues for their distinguished service in behalf of good roads and in behalf of the Nation. I wish now to read their report, so that you may know that they sensed correctly the needs of the Nation:

All the arguments that have been here presented showing the value of the construction and maintenance of good roads are of equal weight in support of the plea for Federal aid in this good cause. Experience has demonstrated that past methods are inadequate to accomplish desired results. To the original plan of leaving highway construction and maintenance to the several localities, State participation has been added in nearly every State in the Union, but even this has not proved to be sufficient, and the demand for Federal aid has become general and insistent.

National participation in the good-roads movement is justified, moreover, on more extensive grounds. The activity of the National Government would more strongly emphasize the importance of the attainment of good roads, would establish higher standards, and to some extent would shift the burden of expense from the rural resident to the inhabitants of the city.

Because the Nation stands higher in the esteem of the people than does any State or community, and because the Nation usually gives its attention to the larger and more important works for the promotion of the common welfare, everything in which the Nation participates naturally assumes a more important character. It is for this reason that when the Government undertakes the good-roads movement that movement will immediately be accorded in the public mind a far higher importance than it has to-day. Each individual throughout the length and breadth of the United States will then give more careful thought and more earnest effort to the good-roads movement.

That national participation will establish higher standards will scarcely be questioned. Presumably those officers of the National Government who are charged with the duties and responsibilities of promoting public-road improvement are men chosen from among the leaders in this line of work. They are men who presumably have devoted years to the study of practical and scientific problems of road improvement and to the investigation of the experience of road builders in foreign lands. The more direct participation of the National Government, therefore, should bring the attention of road builders throughout the country to the highest standards of road construction. We believe that this can be accomplished without building up an autocratic bureau vested with dictatorial power to which the road authorities of the United States would be subservient.

These gentlemen turned out to be not sons of prophets but prophets themselves, because everything they declared has come true. [Applause.] I want here to express my appreciation, after these years, for the wonderful service these men rendered to the cause of good roads and to the Nation as a whole. [Applause.]

Congress had come to the conclusion that it was the duty of the Federal Government to help the States to build the highways and not merely show them how to build them, and July 11, 1916, Congress authorized \$75,000,000 to cover a five-year program to aid the States in the construction of highways. In February, 1919, Congress authorized the further sum of \$200,000,000 for this purpose. These substantial appropriations greatly stimulated road sentiment and the States and subdivisions of the States came forward with hundreds of millions of dollars to engage in this great enterprise.

Illinois has provided \$160,000,000 in bonds, North Carolina \$85,000,000 in bonds, Missouri \$60,000,000 in bonds, Iowa about \$200,000,000 in the last eight years. Each of these States is raising millions annually for this work.

PRESIDENTS HARDING AND COOLIDGE URGE FEDERAL AID

President Harding was the first President in recent years to make a strong recommendation in his message to Congress for

Federal aid for roads, and the present splendid Federal aid highway act was signed by him on November 9, 1921. President Coolidge in his message to Congress December 6, 1923, said:

No expenditure of public money contributes so much to the national wealth as the building of good roads.

He again declared in his message to Congress December 8, 1925:

The work for good roads, better land and water transportation will all be continued.

The Republican National Convention in its platform of 1924 declared:

The Federal aid road act adopted by the Republican Congress in 1921 has been of inestimable value in the development of the highway systems of the several States and the Nation. We pledge a continuation of this policy of Federal cooperation with the States in highway building.

In the same year the Democratic platform made the following pledge:

Improved roads are of vital importance not only to commerce and industry but also to agriculture and rural life. We call attention to the record of the Democratic Party in this matter and favor a continuance of Federal aid under existing Federal and State agencies.

But these are not the earliest advocates of Federal aid for roads. Congress authorized and appropriated money in 1803 to 1806 to build the Cumberland turnpike. This pike was 130 miles long, 60 feet wide, and extended from tidewater on the Potomac to Wheeling, W. Va., on the Ohio River. It cost \$1,325,000 and was opened for travel in 1818. Unfortunately it was turned over by the Government to the States through which it passed and by them turned over to toll companies. This road was built at the urgent request of President Jefferson. He, Hamilton, Madison, Clay, Calhoun, and Webster were all earnest, active advocates of Federal aid for roads.

For half a century or more interest for Federal aid lagged in Congress. In 1893 the Federal Government established the office of road inquiry, and Congress appropriated \$10,000 to carry on the work of investigation. Much valuable work was done. It was in 1901 that the office of public roads was created. In the early struggle to bring about Federal aid for roads the Hon. M. O. Eldridge, the present director of traffic of the city of Washington, rendered splendid service. He was one of the great pioneers in this great movement.

Mr. DOUGHTON. Will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. DOUGHTON. Was that authorization for two years? We never had that much for one year, did we?

Mr. ROBSION of Kentucky. The authorization of \$75,000,000 in 1916 was for a five-year program, and in 1919 the \$200,000,000 was for a three-year program.

NO SYSTEM AND NO MAINTENANCE PROVISIONS

Congress had authorized \$275,000,000 for road construction in cooperation with the States, but the Federal aid law had three important defects:

1. The county and not the State was the unit in dealing with the Federal Government.

2. No unified system of highways was provided for.

3. Upkeep or maintenance was not required or provided for.

In the Sixty-seventh Congress President Harding and the Bureau of Public Roads, under the leadership of Mr. MacDonald, strongly urged Congress to cure these defects. I had the honor of presenting that bill to the Committee on Roads and had charge of the bill in the House. This bill was backed by the Bureau of Roads, the Association of American Highway Engineers, and the farm organizations of the country. It provided:

1. That the State and not the county should be the unit in dealing with the National Government in matching Federal aid.

2. It provided for a unified system of highways for about 200,000 miles that would reach practically every county seat, every industrial center, and every important market in the country.

3. It provided that the States should make provision for the constant maintenance and upkeep of all of the roads in which Federal funds were used.

4. In the event that any State failed to keep in good repair any such road, the Federal Government would make such repairs and charge it to the delinquent State and would withhold from such State any further Federal aid until such State should refund the money and make proper pledge and arrangements to maintain the road.

Another plan was submitted in the Senate. It contemplated the construction of one or two transcontinental highways, pass-

ing through each of the States, and were to be at least 20 feet in width and constructed by the Federal Government. The Senate plan was called the "joy riders' plan of America and the House plan was called the "farms-to-market roads." The House plan was adopted. [Applause.] Each of the 48 States has provided a highway department and has submitted to the Department of Agriculture a map showing the 7 per cent system of such roads that are proposed to be improved in cooperation with the Federal Government, and has passed suitable laws to provide for their constant upkeep and maintenance. This system of highways embraces about 200,000 miles. About 125,000 miles have been improved thus far and about 75,000 miles remain to be improved. We are improving about 11,000 miles a year of this system, and it is confidently expected that the entire system will be improved by the year 1933.

Before the act of 1921 counties were matching Federal funds. The rich counties that needed the roads least were matching Federal funds and adding to their highways. The poor counties that needed the roads most could not match Federal funds. Furthermore, we did not have any unified system. We were building little patches of roads in various counties, and then these were neglected and permitted to go to pieces. Under the act of 1921 the 48 States having submitted their proposed systems to the Department of Agriculture and the Bureau of Roads being under that department, with the Secretary of Agriculture, they have viewed the Nation as a whole and have laid out a great system of interstate and intercounty highways, so that these great continental lines are being built through the poor States and through the poor counties as well as the rich States and rich counties, forming a splendid, coordinated, united system. The motorist, when this system is completed, will know nothing about county lines and will be scarcely able to discern State lines.

Mr. LAZARO. Will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. LAZARO. And will not that bring about better understandings and remove sectional feeling?

Mr. ROBSION of Kentucky. Exactly so.

The State highway departments of the 48 States are very fortunate in their representative at the National Capital in the person of Hon. W. C. Markham. He has shown himself to be honest, reasonable, capable, and efficient, and he deserves much credit in helping to work out and write into law the act of November 9, 1921, and has won many friends for the road cause. I can not refrain at this time from expressing my admiration and sincere appreciation of the splendid work of the Hon. Thomas MacDonald, Director of the Bureau of Roads, and his associates. He perhaps deserves more credit than any other one person in helping to bring about the act of November 9, 1921, and his splendid knowledge, his unquestioned integrity, and uniform courteous treatment have caused the people of the States to rejoice in the leadership of the Federal Government in this great road movement. About \$600,000,000 has been disbursed under his direction, and I have not heard the least intimation of fraud or graft, and the representatives of the various highway departments of the Nation are unstinted in their praise of him and his associates. [Applause.] Under this law and the splendid management of Mr. MacDonald the Federal aid movement for roads has appealed to the citizens of the Nation, and in the recent hearings held before our committee the United States Chamber of Commerce, the American Bankers' Association, the American Automobile Association, the American Federation of Labor, the various farm organizations, and many other of the leading business organizations and road officials of the Nation strongly commend this activity on the part of the Federal Government and urged its continuation. This activity must be sound to receive such a hearty and unanimous indorsement from these organizations of business men and farmers and road officials.

HIGHWAY, RAILROAD, AND WATER TRANSPORTATION

There has been developed more or less jealousies among those interested in these three agencies of transportation. These agencies of transportation bear the same relation to the commerce of the Nation as the blood vessels bear to the human body. These arteries of commerce must be constructed and maintained in a vigorous and healthy condition to serve the Nation. No one discounts the importance of the railroads and rivers; but are not the highways more important? The highways touch every community, large and small, and all of the sources of production and every American home. Perhaps more than 65 per cent of all of the freight and passenger transportation of the country are moved over the highways; and, in fact, all of the commerce is moved in part of its journey

over some highway. There are sections of the country in which we must have the water transportation. I think it might be safely said now that water and rail transportation must take care of the long haul for passengers and freight and the heavy haul for freight. The motor transport can not successfully compete with water or rail in long haul of passengers, or freight, or the heavy-load freight. On the other hand, neither rail nor water transportation can successfully compete or satisfy our present social and commercial life in the short haul of passengers and light freight, and these great agencies of commerce and the American people must work out the problem to do justice to each and to give the best service to the American people. We need them all. [Applause.] I think the representatives of some of the railroads are unduly alarmed. While the railroad mileage in 1917 reached its high peak of 254,037 miles and had fallen January 1, 1924, to 250,183 miles, it does not follow that the railroads of the country are in danger. Some of the short-line railroads throughout the country, and especially in the Eastern States, have gone out of business, because they were largely engaged in short hauls of passengers and light freight. The Bureau of Railroad Economics, Washington, D. C., reports that the net revenue of class 1 railroads in 1920 was \$17,226,000 and for the year 1925 was \$1,136,980,000, and the value of the railroads had increased from 1920 to 1924 more than \$2,000,000,000, and in the year of 1925 the car loadings of the railroads of America were greater than they had been at any time in the history of our country. It might also be said that our highway development has been largely confined to the construction of highways running parallel with the railroads and rivers. The future road construction will be directed more especially to the construction of lateral lines. The increase in the railroad business has been largely due to the new business brought by the good roads, and this business will greatly increase as the years come and go when the lateral road lines are constructed.

The railroads receive more than \$400,000,000 in freight revenues annually from hauling road materials and motor cars, parts, and so forth. Mr. Markham, president of the Illinois Central Railroad, made a most interesting and instructive speech some time ago on this subject. He says one-eighth of the revenues of his railroad comes from the motor-vehicle industry and hauling road material.

Mr. LAZARO. Will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. LAZARO. I fully agree with the gentleman that we ought to have a complete system of transportation, railways, highways, and waterways. But in speaking of the importance of good roads the gentleman remembers that just a few years ago, when there was a serious railroad strike in the East and some of the people in the large centers were threatened with starvation, it was the motor truck that saved them?

Mr. ROBSION of Kentucky. Yes; that is true; and I am coming to that. That is one of the strong arguments for our road policy.

Then there is some complaint that the railroads are heavily taxed to construct highways for their competitors in business. The railroads last year paid about \$40,000,000 of taxes that went to the construction of roads throughout the country, but the motor industry, with its allied activities, perhaps paid more than \$900,000,000 in taxes, and more than half of this sum went directly for the construction and maintenance of highways, and you will observe that the motor industry is paying about three times as much taxes as all of the railroads, and paying many times more into the road funds than the railroads. There must be proper regulation of trucks and other motor vehicles that are engaged exclusively in commerce. Heavy trucks are very destructive to the highways and they should be made to assume a just proportion of the burden of constructing and maintaining these highways. They have no right to be provided a roadbed and it maintained without expense to them and to engage in commerce in competition with other agencies that must construct and maintain their roads. The country demands and is entitled to a truck and bus service. Few agencies have brought more comfort and satisfaction to the American people than the bus and motor truck service, and the people are entitled to have this service continued.

PRODUCERS—CONSUMERS

The proponents of the present Federal aid law—the act of November 9, 1921—had in mind a system of highways that would bring the consumers and producers of the Nation together, and this system was designated the "farm-to-market" and "producers-consumers" roads. We wanted a system of highways that would bring into closer relations the factory,

field, mine, and consumers; that would break down the barrier between our urban and rural populations. Under the leadership of the Federal Government and the building of the Federal highway system, States and counties have been putting on extensive programs for building local and lateral roads. These are reaching the farms and homes of the Nation.

The Bureau of Roads, under Edward L. Browning, research specialist, gave some very interesting testimony before our committee. A survey was made of about 10 of the great cities of the country. It was found that trucks were gathering up the milk within a radius of 40 to 50 miles of these cities and delivering it to the consumers in the cities, thereby affording cheaper and quicker service and giving to the consumers fresher and better milk without any additional cost to consumers and a better price to the producers. This was a great saving of time and expense to the farmers, because they were not required to quit work and deliver their milk to some railroad station. It was taken at their doors. With our good roads there has sprung up all over the country what is known as roadside markets. While these markets are comparatively young, yet they are doing a tremendous business. The city motorist now may buy fresh fruit, vegetables, and other farm products at the roadside as he takes his trip for pleasure or business. At some of these roadside markets there have been sold by the farmers as much as \$50,000 worth of farm produce in a single year. The Bureau of Roads made a survey in New Jersey in 1924 and found that these roadside stands sold \$305,000 worth of produce direct to the motorist. A similar survey was made in the State of Maryland in 1925, and it was found that nearly \$300,000 worth of produce was sold direct to the motorist.

One of the very great problems of the present day, and a problem that will become more pressing as the years come and go, will be how to feed and clothe the Nation. Good roads reaching all the sources of production will bring the fruits, vegetables, poultry, dairy, meat, and other products quickly and cheaply to the consumer. And even though there should be a breakdown in our rail or water transportation, the Nation could be cared for through and by her highways.

Good roads are a great educational asset. They are making better farms, better homes, better schools, and better citizens. Because of our roads the North, East, West, and South are enabled to mix and mingle together freely. Nothing could contribute more to a united and happy people. This is a great agency to wipe out sectional and provincial prejudices. In the language of the highway, we all become brethren and neighbors. I do not believe there could have been a Civil War if we had had a great system of highways such as we now have.

FEDERAL RESPONSIBILITY

There are those who inquire: Has the Federal Government authority to engage in this enterprise and will it not soon discontinue this expenditure of the public money? We think that this expenditure of public funds is clearly authorized by the Constitution, wherein it gives Congress the power—

- (a) To provide for the common defense.
- (b) To promote the general welfare.
- (c) To regulate commerce among the several States.
- (d) To establish post offices and post roads.
- (e) To make all laws which will be necessary and proper for carrying into effect these powers.

This authorization would be authorized under the national-defense clause. Nothing means more to the national defense than for the Nation to be able to mobilize and transport its resources of men and material quickly and effectively. [Applause.] In the future the highways of the Nation will be the greatest agency of transportation for this purpose. General Pershing, testifying before the Senate Committee on Post Offices and Post Roads in 1921, said:

The country road will be of tremendous value in time of war—the roads must be relied upon to obtain the needed food supply.

With the national defense in mind the Bureau of Roads, in helping to lay out and approve the present Federal aid highway system, consulted freely the War Department and other defense organizations of the Nation and established in this system of highways about 60,000 miles of the 200,000-mile system, roads that were specifically designed to be of great service to the Nation in time of war. The bridges are being built and the roads constructed with that thought in mind, and the Federal funds that we are appropriating from time to time are being used in cooperation with the States in building these national-defense highways. These good roads are as essential to the national defense as armies and navies. It could properly be contended that the Federal Government ought to pay the entire

expense thereof, but the States are paying more than half of this expense.

Every mile of the 200,000 miles of the Federal-aid system is a post road, and Congress has a perfect right under the Constitution to appropriate funds to provide post roads. The fact is, the Federal Government is using 1,205,000 miles of the highways of the various counties and States over which to transport the United States mails, and more than 300,000 miles of these 1,205,000 miles have been improved and put in order by the various counties and States at their own expense, and the Federal Government is contributing less than half of the cost of these 200,000 miles in the Federal system. I think Congress has the power, under the Constitution, to provide for the entire cost of this 200,000 miles. I know of no activity in which the Government takes part that means more to the general welfare of the whole Nation than the construction of good roads. The highest court in the land has spoken on this road subject a number of times. I refer to the cases, *Michigan Public Utility Commission against Duke*, decided January 12, 1925, reported in 266 United States 571; *A. J. Buck against E. V. Keykendall*, director of public works of the State of Michigan, reported in 267 United States 307; *George W. Bush & Sons Co. against William M. Malloy and others*, constituting the public service commission of Maryland, reported in 267 United States 317.

Some of the Northern and Eastern States have heretofore complained about the authorization for public highways. We expended about \$400,000,000 in building the Panama Canal. We have expended for rivers and harbors \$1,200,000,000, a sum nearly double that we have authorized for the construction of roads, but in the river and harbor appropriations the Federal Government has borne practically the entire cost, while in the construction of the highways the Federal Government has not borne one-half the cost. And let me point out further that the greater amount of this river and harbor appropriation was expended in and about the States that have protested against Federal aid for roads, and many of the States that have only recently been receiving contributions for roads have been contributing in taxes for more than 100 years for river and harbor improvements in the so-called rich States of the Nation. I am not taking a provincial view. I want to see the Nation developed as a whole, and to do this we must have a sane and economic program of highway and river and harbor improvement and development throughout the Nation. When Congress passed the act of November 9, 1921, it said to each of the States that you must establish a highway system; you must change your constitution and laws, if necessary, to make the State the unit and not the county in dealing with the Federal Government on this question; you must pass such laws as will provide for the maintenance of this system of roads, when constructed. You must submit a map setting forth 7 per cent of your highways used for star route and rural mail routes, and the Federal Government will get all these maps together and help work out a great coordinated and unified system of highways. The States complied with these conditions; the system was laid out and is now being constructed. The Federal Government agreed to help build the system, and I think the Federal Government is honor bound to continue this contribution until this great system is improved, and in doing so the Federal Government will provide for the common defense, promote the general welfare, and give its mail carriers proper highways on which to conduct the Nation's mail business. It will help to unite the country as it has never been united before. It will help to add immeasurably to our prosperity, comfort, and happiness, and it will cause the people everywhere to rejoice that they are citizens of the most wonderful country in all the world, and that our country has the greatest, finest, and best highway system in all the earth. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. ALMON. Mr. Chairman, I ask unanimous consent that all Members who speak on this bill may have five legislative days within which to extend their remarks.

Mr. DOWELL. Mr. Chairman, I would be very glad to join in that request, but I think the request must be made in the House and not in the committee.

Mr. ALMON. The committee can do this with respect to the bill that is being considered.

Mr. DOWELL. I think each individual may have permission, but general authorization must be made in the House. I will be very glad to join with the gentleman in his request when we get into the House.

Mr. ALMON. Mr. Chairman, my understanding of the practice is it can be done in committee.

The CHAIRMAN (Mr. TINCHER). It is the understanding of the Chair that the order can be made in the committee in as much as it applies only to gentlemen speaking on the bill.

Mr. DOWELL. Mr. Chairman, I have no objection and will join in the request if it is in order.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all Members speaking on the bill may have five legislative days within which to revise and extend their remarks. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ALMON. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. KEMP]. [Applause.]

Mr. KEMP. Mr. Chairman, I am in favor of this bill because I do not wish to hinder the progress of that agency through which the people—old and young—have derived so much happiness and which has proved such a convenience in modern life.

I am in favor of this bill because I do not wish to take from the 20,000,000 owners of automobiles the assurance of the needed continued road extension and improvement.

I am in favor of this bill because good roads have added billions of dollars to our national wealth through the enhancement of land and property values.

I am in favor of this bill because good roads have permitted a better understanding between the different sections of the country.

I am in favor of this bill because I want the United States to continue to stand an exemplar to Mexico, Central and South America, and other countries of the world in the expansion of road construction.

With our great factories, unlimited capital, skilled workmen, and massed production we need to create a market in those countries that will absorb our surplus production of cars.

That market once established would insure permanent prosperity in the automobile industry.

I am in favor of this bill because the Government collects in taxes on the automobile more than it expends on roads; besides it collects hundreds of millions of dollars of income tax from the industry.

I am in favor of this bill because it is fair to say that the money appropriated as Federal aid is derived from a direct tax on the cars, and is not contributed in undue proportion by the wealthy States, as claimed by some.

The Federal tax on cars for 1925 yielded \$131,872,000, while the Federal aid amounted to only \$75,000,000. Any Government expenditure which yields nearly 100 per cent profit in return should be continued without objection by those interested in Treasury receipts.

Furthermore, it is conceded that through good roads and the automobile remote and inaccessible parts of the country are made to prosper, and in the long run their prosperity is reflected in the fortunes of those who reside in the wealthy States—just as a local depression in business is felt with increasing force in other sections as the area of that depression expands.

I am in favor of this bill because, had not Federal aid been given the States, we would not have our present system of roads, and had not the roads been built we would not have 20,000,000 automobiles in operation to-day. And without the automobiles the great national prosperity of to-day would not exist.

The automobile industry has doubled its output in the last nine years. Over 3,000,000 men and women are now, directly or indirectly, engaged in this business. That great number of workers could not have been absorbed by the old-established industries and the then existing lines of business. Without a new and unaccustomed demand for labor there would have been widespread unemployment. An industry or business of vast proportions was required to be superimposed upon the old industrial and economic structure to absorb the labor and give employment to those not needed under the preexisting order. People bought automobiles because they were prosperous, and they continued to prosper because they bought automobiles.

I am in favor of this bill because I am opposed to applying a brake to the amazing progress and prosperity of this golden age of man's achievement.

I am in favor of this bill because I think it unwise to hamper the greatest industrial enterprise in this country, when it gives employment to over 3,000,000 men and women and stimulates and nourishes every other line of business.

The development of the motor vehicle as a major agency of individual transportation has provided the United States with a new and vitally needed outlet for large surplus supplies of labor, credit, and raw materials.

Billions of dollars have been added to the capital wealth of the Nation through the production, distribution, and use of the car.

Every phase of economic life has reacted to the stimulus of this new factor in modern civilization, while its influence upon social life and customs has been so profound as to entirely destroy the barriers of isolation which have existed between city and country as far back in history as tradition carries us.

HIGHWAYS ESSENTIAL TO DEVELOPMENT

The full effectiveness of the vehicle as an instrument for the general welfare awaits only a complete economic development of our highways.

Every rule of reason, every impulse for the betterment of living conditions in our country, justifies the continued expenditure of large sums annually for the increased capital facilities which the improved highway gives us.

The problem is not alone local in extent. It is national—even international—in its implications.

How much better, for example, would be the mutual understanding between Mexico and the United States if good roads permitted the daily interchange which we now enjoy with our neighbors to the north?

TWENTY MILLION VEHICLES IN UNITED STATES

Eleven years ago there were less than 1,000,000 motor cars, valued at less than \$100,000,000, on the streets and highways of our Nation. To-day there are more than 20,000,000 vehicles in use, and the total public investment in automobiles alone is something more than \$16,500,000,000.

More than 4,000,000 were manufactured last year and a similar number will probably be produced in 1926. Statistics show that new cars are produced and old ones drop out at such a rate that about seven seasons will be required to replace all those in use now. There are about 400,000,000 engine-horsepower in the 20,000,000 cars in the United States. The task of replacing those is comparable in magnitude to building over again all of our central industrial and public utility power stations with their 45,000,000 horsepower, and all of the steam locomotives in the country with their 130,000,000 horsepower.

The question has often been asked, When will the saturation point be reached in automobile consumption? Apparently that date lies far in the future. To maintain the present number of cars in this country requires an annual replacement production of about 3,000,000 cars. The automobile is the most coveted material thing in our civilization to-day. Every individual is a potential purchaser and, ordinarily speaking, it is merely the question of having the price. With easy terms of payment a surprisingly large number find the price. This situation will continue, and no one can say when or where the point of saturation will be reached. Great as the home market is, it is my opinion a still greater market lies beyond our borders in the foreign countries of the world. Already Mexico and South and Central American countries are awake to the great social and economic value of good roads and the automobile. The leaders of thought in those countries are profoundly impressed by the marvelous advancement brought in the United States through those agencies. They desire to imitate our example. They are looking to us for scientific guidance and instruction in road building. [Applause.]

FIRST MANUFACTURING INDUSTRY OF NATION

During the 25 years of its existence the business of manufacturing modern highway transportation has grown in extent until it is to-day first among all United States manufactures, rated according to wholesale value of production.

In 1925 the total wholesale value of the cars and trucks produced reached \$3,000,000,000, while the wholesale value of parts, accessories, and tires amounted to almost another \$2,000,000,000. More than 3,200,000 persons obtained their livelihood from this industry in 1925.

We may well ask what the economic situation in the United States might have been to-day had it not been for the vast range of new activities added to the industrial roster of the Nation by this product.

Labor has been employed during that time at high wages. There has been no unemployment, and yet all of the manufacturing industries have had ample labor to meet their requirements. The farms and factories could not profitably have produced more without creating an embarrassing surplus. What would those 3,200,000 people have done for a living during the last several years had they not found employment in this new industry? They could not have been absorbed in the old-established industries. Production in those industries met domestic and foreign demand in full and could not have been

expanded. There is but one answer to the question—widespread unemployment would have ensued and the great unprecedented prosperity of which we boast to-day would never have existed but for the expansion of the automobile industry and the absorption of said industry of what would otherwise have been a surplus of labor.

The answer, perhaps, is best found by a reference to conditions in other nations lacking this production and now faced by large lists of unemployed.

IMPETUS GIVEN ALL OTHER PRODUCTION

The tremendous impetus which the motor vehicle has given to all other lines of production is, perhaps, best determined by an examination into the market for raw materials furnished by the manufacturing of motor vehicles.

Rubber, per cent of total United States consumption used by automobile industry.....	84
Plate glass, per cent of, used by automobile industry....	50
Copper, per cent of, used by automobile industry.....	8
Iron and steel, per cent of, used by automobile industry....	11
Upholstery leather, per cent of, used by automobile industry.....	65
Gasoline consumed by motor vehicles, 1925.....gallons..	7,494,000,000
Crude rubber used in manufacturing tires, 1925.....pounds..	769,000,000
Cotton fabric used in manufacturing tires, 1925.....do.....	226,000,000

In addition to the products mentioned, the motor industry consumed approximately 10 per cent of the total tin production; 9 per cent of the lead; 3.5 per cent of the zinc. Millions of pounds of nickel, hundreds of thousands of board-feet of lumber, millions of yards of cloth, and hundreds of millions of square feet of imitation leather were absorbed.

The annual bill for paint, varnish, wool, lubricating oil, asbestos brake lining, and other raw materials entering into the car amounts to staggering figures.

MARKET FOR LABOR WIDENED

The broadening of the demand for labor naturally followed, despite the constant improvement in machinery and the utilization of every labor-saving device possible.

The increase in number of wage earners in those industries which contribute largely to the making of the motor vehicle is brought out in the Census Bureau's 1923 census of manufactures.

There are nearly 100,000 retail automobile establishments in the United States. (See p. 95 of Facts and Figures of the Automobile Industry for 1925.)

In the industry itself the average number of wage earners directly employed in the building of the vehicle has been as follows:

Motor vehicles:	
1923.....	241,356
1921.....	143,658
1919.....	210,559
1914.....	79,307
1909.....	51,295
1904.....	10,239
1899.....	2,241
Motor vehicle parts and bodies:	
1923.....	163,530
1921.....	69,119
1919.....	132,556
1914.....	47,785
1909.....	24,427
1904.....	1,810
Automobile repairing, 1914 (no later census taken).....	12,562
Rubber tires and inner tubes: ¹	
1923.....	73,963
1921.....	55,496
Petroleum refining:	
1923.....	66,717
1921.....	63,189
1919.....	58,889
1914.....	25,366
1909.....	13,929
Iron and steel, steel works, and rolling mills:	
1923.....	388,201
1921.....	235,515
1919.....	375,688
1914.....	248,716
1909.....	240,076
1904.....	207,562

That this volume has been obtained without adversely affecting the markets for other fabricated products is evidenced by figures collected from the Bureau of the Census, which compare the growth of selected industries during the period from 1914 to 1923, the term of the greatest expansion of the use of the motor vehicle.

In all cases these industries were selected because they might be considered to be the ones which might have been affected by motor-vehicle use, and they show a material increase in the factors of greatest importance to their prosperity—that is, the number of wage earners employed, the wages paid, and the value of the product. These figures are as follows:

¹ Prior to this figures are included in "Rubber goods not elsewhere classified."

Comparison growth selected industries
(Census Bureau figures)

Industry	Census year	Number of establishments	Wage earners (average number)	Wages	Value of products
Motor vehicles.....	1923	351	241,356	\$406,730,000	\$3,163,328,000
	1921	385	143,658	221,974,000	1,671,387,000
	1919	315	210,559	312,166,000	2,387,903,000
	1914	300	79,307	66,934,000	503,230,000
	1923	1,606	225,216	250,346,000	1,000,078,000
Boots and shoes, other than rubber.....	1921	1,505	183,502	204,954,000	867,476,000
	1919	1,449	211,049	210,735,000	1,155,041,000
	1914	1,355	191,555	105,695,000	501,760,000
	1923	3,043	168,089	204,513,000	776,495,000
	1921	3,033	124,311	144,110,000	550,164,000
Furniture.....	1919	3,273	140,188	143,112,000	579,650,000
	1914	3,324	130,138	73,282,000	270,939,000
	1923	4,607	194,820	235,487,000	1,178,715,000
	1921	4,539	165,306	201,832,000	934,776,000
	1919	5,238	175,270	197,822,000	1,162,986,000
Clothing; men's, not elsewhere specified.....	1914	4,830	173,747	85,828,000	458,211,000
	1923	984	51,672	37,943,000	241,331,000
	1921	860	45,427	33,182,000	203,944,000
	1919	806	39,603	25,834,000	205,327,000
	1914	762	51,972	19,170,000	95,815,000
Food and kindred products.....	1921	51,847	682,137	795,571,000	9,524,051,000

For further supporting data we have only to turn to the statement of the Federal Reserve Board commenting on the condition of retail trade as of February 1, 1926:

CONDITION OF RETAIL TRADE

Sales at retail stores in December were larger than in the corresponding months of any previous year, and sales for the year 1925 at all classes of retail stores were larger than for any other year for which statistics are available.

It is hardly necessary to point out that with the acquisition of the automobile come many miscellaneous purchases, such as outdoor clothing, camping supplies, cameras, sporting goods, and all the varied equipment of the outdoor life.

The condition of wholesale trade in 1925 is further brought out by the report of the Federal Reserve Board of January 30, 1926:

Trade at wholesale firms in 1925, as expressed in dollar values and indicated by the Federal Reserve Board's index of wholesale trade, exceeded that of any other year since 1920. The lines covered by the board's index include groceries, meat, dry goods, shoes, hardware, and drugs, and sales in all of these lines except groceries were larger than in 1924, and sales of groceries, meats, and drugs were slightly larger than in 1923.

RAILROAD EARNINGS AIDED BY MOTOR INDUSTRY

In the realm of transportation the motor vehicle has exerted a fundamental and favorable influence upon the older agencies. A review of railway operations in 1925 published by the Bureau of Railway Economics shows that from the standpoint of revenue, car loadings, and earnings the year 1925 was the greatest in the history of railroad operations:

Comparative traffic results

Revenue carloadings:		Passenger miles—Continued.	
1925.....	51,178,000	1924.....	36,126,000,000
1924.....	48,534,000	1923.....	38,008,000,000
1923.....	49,812,000	1920.....	46,848,000,000
1920.....	45,118,000	Total operating revenue:	
Net ton-miles:		1925.....	\$6,187,000,000
1925.....	456,000,000,000	1924.....	5,921,490,100
1924.....	429,453,000,000	1923.....	6,289,580,000
1923.....	457,607,000,000	1922.....	5,559,092,027
1920.....	449,125,000,000	1921.....	5,516,598,242
Passenger miles:		1920.....	6,178,438,459
1925.....	35,900,000,000		

3,400,000 CARLOADS DUE TO MOTOR BUSINESS

In the total of freight carloads hauled, automotive products were a large and important factor as is evidenced by an analysis made by the National Automobile Chamber of Commerce, which shows that 3,040,000 carloads of automotive freight, including shipments of motor cars and parts, gasoline used in automobiles, road-building material, and kindred freight, were hauled over the lines during the year 1925. Many other items, such as building materials and equipment for factories and garages, less than carload shipments of parts, accessories, and express matter, are not included, because there is no separate classification for them.

Another study by the same organization shows that more than 51 railroads are now using motor trucks to supplement their rail service at a large saving in operating expense and with a better degree of service to the using public. Fifteen railroads are studying the possibilities of transporting freight by truck, and 190 steam and electric railways are now using over 496 gasoline or gas electric rail motor coaches in their

operation. Twenty-six of these lines are already considering additional equipment of this type, and have already ordered 38 more units.

It thus appears that the chief field of the motor truck is as a supplementary means of transportation rather than as a competitor of the railroad and as a supporting testimony of this we have the comments of Mr. Jardine, Secretary of Agriculture:

One thing we know very definitely—there is no basis for the fear that the motor truck is going to compete seriously with the railroads. The facts we have found in all our surveys are sufficient to convince me. The truck has found its place in the short haul, and it is not taking over any business that the railroads can do as well or better.

Former Commissioner of Interstate Commerce C. P. McChord states:

The benefits to be derived from a system of well-constructed highways are widely diffused, touching every individual and every industry, whether or not they make use of them.

BUSSES BUILT INTO ELECTRIC RAIL SYSTEMS

Referring to the connection between the bus and the electric railway, we find that there were 70,000 busses in use on January 1, 1926, with the chassis production in 1925 of 17,466.

According to the study made by the National Automobile Chamber of Commerce, the motor bus has been adopted to provide transportation formerly supplied by 176 street railway companies over 2,500 miles of track. This does not include 12,000 miles of bus operation by street railways at the present time providing a service formerly not given by them.

It appears from this data that the rail and electric line operation are now predicated upon an alliance with motor transport and the use of it as a complementary service.

INSURANCE AND SAVINGS DEPOSITS SHOW LARGE INCREASE

The most striking evidence, however, that the miraculous development of the motor industry has simply created a new way to wealth is found in the financial and insurance situation.

The following chart illustrates this fact graphically:

Investment in motor vehicles, banks, life insurance, building and loan associations, 1913-1925

Year	Total deposits in all banks	Savings banks deposits	Building and loan association assets	Life insurance in force, ordinary and industrial	Wholesale value of motor vehicle production
1913.....	\$17,475,764,134	\$4,726,472,768	\$1,137,600,648	\$20,520,598,372	\$425,000,000
1914.....	18,517,732,879	4,936,591,849	1,248,479,139	21,565,652,328	458,957,843
1915.....	19,225,766,874	4,987,706,013	1,337,707,900	22,743,336,831	601,778,950
1916.....	22,877,607,339	5,088,587,295	1,484,208,875	24,656,030,335	954,969,355
1917.....	26,289,708,159	5,418,022,275	1,608,628,136	27,116,690,770	1,274,486,449
1918.....	27,931,843,777	5,471,579,949	1,769,142,175	29,797,068,355	1,236,106,917
1919.....	32,703,114,000	5,902,577,000	1,898,344,346	35,514,553,927	1,885,112,546
1920.....	37,683,563,000	6,536,596,000	2,126,620,390	42,330,968,000	2,232,927,628
1921.....	35,469,155,000	6,018,166,000	2,519,914,971	45,993,400,333	1,260,000,000
1922.....	37,194,318,000	7,181,248,000	2,890,764,621	50,290,700,176	1,789,638,365
1923.....	40,034,195,000	7,897,909,000	3,342,630,958	56,803,534,308	2,587,543,704
1924.....	42,954,121,000	8,439,355,000	3,942,939,880	63,779,740,552	3,328,066,004
1925.....	46,765,942,000	9,065,181,000	4,765,987,197	70,000,000,000	2,920,000,000

Similar statements could be made for all other forms of insurance, but as these largely represent simply a cost of business rather than an actual increment in wealth, such as life insurance does, they are not included.

USE OF CREDIT HAS SERVED TO STIMULATE ALL INDUSTRY

One of the most striking phases of the development of automobile buying in the United States in the last few years has been the use of credit through installment purchases. A careful tabulation made by the National Association of Finance Co. shows the total volume of retail automobile paper during the last year and the maximum amount outstanding at a given time, which is an important thing to bear in mind.

Total amount of retail automobile paper and outstanding amount at given time

Total wholesale value of cars and trucks.....	\$3,000,000,000
Dealers gross discount to cover all expenses and net profit.....	600,000,000
War excise taxes.....	100,000,000
Freight and delivery charges.....	200,000,000
Total retail value of cars and trucks.....	4,100,000,000
Total value motor vehicles sold for cash.....	1,000,000,000
Total value motor vehicles sold on installment plan.....	3,100,000,000
Total amount of cash-down payment.....	1,000,000,000
Total amount deferred payments on new cars.....	2,100,000,000
Total amount deferred payments on used cars.....	900,000,000
Total volume new and used car paper financed during year.....	3,000,000,000
Total amount of paper outstanding at given time.....	1,500,000,000

The buying of automobiles on credit is equivalent to the issuance of railway equipment certificates.

Credit buying of motor vehicles is a form of saving analogous to insurance. It mortgages the future by compelling one to put away a certain amount each month for a value-yielding investment. The same money placed in the bank (if it were placed in the bank) would in turn be loaned for any number of purposes, possibly financing an automobile plant, possibly for some less necessary purpose, so that the relative social gain or loss is difficult to determine. By doing his own investing the purchaser gets the immediate value of his resources.

The money thus invested becomes available to society and to the banker. It goes to the automobile manufacturer, to the persons he employs, to the raw materials he purchases, to the persons the raw-material manufacturer employs, to the banks which husband the employer's savings. In short, the money goes back into current industrial use.

Further, as it has already been indicated, the credit system has not been employed at the expense of other forms of investment.

CREATOR OF TANGIBLE WEALTH IN MYRIAD WAYS

The automobile, in fact, is a creator of tangible wealth in myriad instances.

The development of the petroleum industry of to-day could not have happened without the car, and this is only one of the more striking examples.

For the farmer, the traveling salesman, the suburban home owner, the high-class laborer, the use of the motor vehicles is an actual time and rent saving instrument, and this makes it a paying investment.

VEHICLE IN GENERAL USE BY FARM ELEMENT

In 1924 there were 4,265,280 motor vehicles in communities having less than 1,000 population, while the attached table, compiled by the Farm Journal, indicates the total estimated number of motor vehicles owned on farms.

Farm-owned motor vehicles, 1924

State	All motor vehicles	Passenger cars	Motor trucks
Alabama.....	34,014	33,912	2,102
Arizona.....	7,905	6,861	1,044
Arkansas.....	30,635	27,534	3,101
Colorado.....	49,425	44,195	5,230
California.....	142,153	125,575	16,578
Connecticut.....	18,884	14,364	4,520
Delaware.....	9,530	7,323	2,207
Florida.....	31,805	25,265	6,540
Georgia.....	69,159	64,809	4,350
Idaho.....	25,998	24,730	1,268
Illinois.....	195,768	184,068	11,720
Indiana.....	161,613	150,853	10,760
Iowa.....	219,854	200,785	19,069
Kansas.....	167,160	157,625	9,535
Kentucky.....	63,536	61,382	2,154
Louisiana.....	29,939	26,854	3,085
Maine.....	28,780	25,430	3,350
Maryland.....	51,453	43,938	7,475
Massachusetts.....	36,442	23,100	13,342
Michigan.....	144,214	133,794	10,420
Minnesota.....	174,801	164,193	10,608
Mississippi.....	43,907	41,300	2,607
Missouri.....	160,898	150,120	10,778
Montana.....	44,602	41,482	3,120
Nebraska.....	139,022	122,910	16,112
Nevada.....	2,571	2,334	237
New Hampshire.....	15,078	12,521	2,557
New Jersey.....	38,870	29,019	9,851
New Mexico.....	13,423	12,604	819
New York.....	178,019	146,748	31,271
North Carolina.....	89,293	83,848	5,445
North Dakota.....	70,768	69,430	1,328
Ohio.....	192,080	175,960	16,120
Oklahoma.....	107,128	98,927	8,211
Oregon.....	51,054	45,285	5,769
Pennsylvania.....	191,793	167,398	24,425
Rhode Island.....	5,693	4,077	1,616
South Carolina.....	52,179	47,233	4,946
South Dakota.....	76,660	73,184	3,476
Tennessee.....	65,712	62,857	2,855
Texas.....	207,384	186,617	20,767
Utah.....	14,651	13,562	1,089
Vermont.....	19,514	17,508	1,946
Virginia.....	73,677	64,076	9,601
Washington.....	66,466	47,911	8,555
West Virginia.....	84,224	29,658	4,576
Wisconsin.....	176,179	166,229	9,950
Wyoming.....	15,183	13,881	1,302
United States.....	3,821,085	3,453,159	367,926

MOTOR CAR HAS EFFECT ON ECONOMIC FARM LIFE

Repeated studies made by the Department of Agriculture have shown beyond the question of a doubt that the use of the car not only enables the farmer and his family to travel where

they want, when they want to, but has a decided influence on their economic life as well.

Where roads are improved, new markets are made available, rotation of crops becomes possible, areas held for purely farm use are brought within the influence of the cities and their values heightened, and the cost of labor is reduced through the large savings of time.

INFLUENCE ON CITY LIFE HAS BEEN OF WIDE SIGNIFICANCE

The influence on city life has been similarly significant. Large suburban areas have been made possible of development through road improvements and the use of the car. State-wide real-estate development such as witnessed recently in Florida would be impossible without highways transportation, and the highway engineer will unquestionably play a large part in every development of this kind in the future.

It is a significant fact that building figures for 27 Northeast States, collected by the F. W. Dodge Co., show that residential building has increased from \$450,000,000 in 1915 to \$3,000,000,000 in 1925, the period again of motor-car development.

The motor vehicle has redistributed the population, bringing about a large increase in the ownership of individual homes. It has taken the citizen away from the crowded flats of the city to the more ample living of the suburbs.

EDUCATION GREATLY AIDED BY USE OF MOTOR BUS

The influence which the use of the motor vehicle has exerted upon education can not always be stated in statistical terms. Studies made by the Bureau of Education of the United States show that in 1924 there were 19,656 motor buses in use by rural schools and 470,000 children were transported daily to them by motor vehicles.

The actual reports of 2,310 out of 3,309 county superintendents in the United States show that in this year there were 1,424 new school consolidations. Improved roads make possible a daily attendance at school, while the use of the bus has been a large factor in the elimination of the little red school house, which, while a picturesque element in our education system, is far from the standard set by the new consolidated schools, with their elaborate equipment for physical and mental training of the child and better grade of teachers.

NATION BOUND MORE CLOSELY TOGETHER BY IMPROVED COMMUNICATION

The effect of highway transportation in binding our country more closely together can not be overestimated. The Federal Government is using 1,205,572 miles of highway every day in the post-office service. In the use of this mileage 30,060,816 individuals are being served, and yet it is estimated that there are still over 14,000,000 persons to be added if the service can be extended.

From the standpoint of recreation, motor transport led to 10,120,000 motorists visiting the national forests in 1924, and 1,090,000 visiting the national parks in the same period. These travelers used the highways of all the States approaching these forests and parks.

The educational value of having large masses of the population acquainted with America's scenic resources is obvious.

Mutual understanding of different sections of the country is based on education. As men and their families travel from one State to another, there is a new sense obtained of the life and problems of one's neighbors and a new feeling of obligation to the Nation.

RELATION TO NATIONAL DEFENSE DEPICTED BY GENERAL PERSHING

The relation of the highway to the national defense is perhaps best determined from the testimony of General Pershing, speaking before the Senate Committee on Post Offices and Post Roads in 1921, when he said:

The country road will be of tremendous value in time of war * * *. The roads must be relied upon to obtain the needed food supplies.

IMPROVEMENTS IN MUNICIPAL FUNCTIONS

It is hardly necessary to point to the change which has been effected and the degree of fire prevention, police protection, sanitation, and similar municipal functions through the introduction of the motor unit.

INTERNATIONAL TRADE GREATLY STIMULATED BY CAR EXPORTS

The effect of the motor vehicles upon international relations is still in its earlier development, but already we can obtain some glimpse of what the future may be through the growth of this phase of motor-vehicle production in the past few years. In 1925, 550,000 motor vehicles were exported from the United States to the 114 countries of the world. This figure is larger than the total production of 1913.

The value of the vehicles and parts exported is approximately \$400,000,000, the commodity taking first place among

the manufacturing exports of the Nation, with an increase over the production of 1924 of 44 per cent. The vehicles so exported constituted 12.2 per cent of the total production, and of the 25,000,000 vehicles now in use the world over approximately 93 per cent were manufactured by American firms and 81 per cent of the registration is owned in the United States.

It is obvious that the continued expansion of this market is of first importance to industry and labor in the United States, since it provides a large field for the continued employment of services here. From the standpoint of the consumer it is important, since it insures a continuation of the present low prices of the vehicles—which are to-day 26 per cent below those of 1913—through a continuation of the mass production which brings with it low cost per unit.

In a large degree the extension of this trade is dependent upon road development and in this phase of its highway work alone; the United States Government has a responsibility which is not always immediately recognized and understood.

CAR BUILDING REQUIRES CONSTANT HIGHWAY PROGRAM ON LARGE SCALE

We turn now to the relation which exists between the economic use of the motor vehicle and highway development in our own country. Several significant facts will at once appear in this connection.

According to the testimony of Mr. H. H. Rice, appearing before the Roads Committee on behalf of the National Automobile Chamber of Commerce, if the 20,000,000 motor vehicles now in use in the United States were given a spacing of 20 feet, the minimum safe distance between vehicles, they would cover 122,593 miles, or the entire length of all of the improved mileage of all types of highways contained in the Federal-aid system up to this time. Assuming these to be two-way highways, they would entirely cover one-half of the total improvements, or all of the miles improved with Federal aid.

Mr. Rice might have gone further in his testimony and noted that the actual mileage covered by these vehicles is approximately one-fourth of all of the 500,000 miles of improved roads of all types which we have in the United States to-day.

With a continued annual production of 25,418 miles—assuming proper spacing of motor vehicles—it is obvious that we are but at the beginning of the development of an adequate system of highways despite all of the progress which has been made in the past 10 years.

MORE ROADS DEMANDED BY 20,000,000 MOTOR USERS

More roads are needed for local, State, national, and even international traffic, and the mere fact that the public of this country is to-day spending between \$8,000,000,000 and \$9,000,000,000 annually in the acquisition of cars and for their upkeep is evidence that it will not only support but will demand a continued reasonable road improvement.

In doing so, not alone does the motoring public, which to-day constitutes, generally speaking, the tax-paying public of the United States, receive a direct return in the form of lower transportation costs and increased service, which far offset the cost of development but the increase in the national wealth amounts to enormous figures.

As evidence of this latter fact, it may be noted that the Bureau of the Census, in its computation of our national wealth, does not include the investment for highways, because it is estimated that their cost is reflected many times over in the increased valuation of the land which they serve.

SPECIAL MOTOR TAXES OFFSET ENTIRE CURRENT COST OF ROAD WORK

If we turn again to the cost side of the ledger of this improvement, we will find that in 1925 the total special taxes paid by the motor-vehicle users of the country were estimated by the Bureau of Public Roads as follows:

Special taxes paid by motor users

Federal excise taxes.....	\$131,872,000
Motor-vehicle license fees.....	256,000,000
Gasoline taxes.....	164,468,000
Personal-property taxes, 20,000,000 cars (estimated).....	100,000,000
Municipal and local license fees (estimated).....	10,000,000
Total.....	662,335,000

In commenting upon this, T. H. MacDonald, Chief of the Bureau of Public Roads, says:

Current estimates indicate that the annual tax bill of the motor vehicles is rapidly overtaking the annual bill for highway improvement and maintenance * * * the utilization and extension of motor transport through improved roads is a creator of property values, which in fairness should be a proper balance between the direct assessments upon the motor user and the funds raised by the taxation of real property.

STATES ACT AS COLLECTION AGENCIES

There are those who argue that the cost of Federal appropriations must be borne largely by a few States. The fact is

that these States act simply as collection agencies for the revenue which is derived from the raw-material source of revenue of the Nation.

No one would argue that because the State of Michigan pays most of the manufacturer's motor tax that the people of Michigan are contributing that fund. It is paid eventually by the consumers of the Nation. The same is true of corporation taxes paid in the Eastern States as a result of earnings derived from the development of industrial, agricultural, or transportation production in all parts of the country.

SMALLER SUBDIVISIONS COULD NOT ACCOMPLISH TASK ALONE

In the development of the idea that the motor vehicle has supplied the Nation with a new outlet for vast surpluses of all kinds I have sought to point out the national as well as the local significance of highway transportation.

It is a truism to say that highway transportation knows no political boundaries. The man who drives a car does not find the end of his trip within his county or even his State, and consequently the improvement can not be stopped at county or State boundary lines but must be nation-wide. The Nation as well as the State and the local community has a direct responsibility in the development of these roads, and the annual authorization of \$75,000,000 granted by the House committee for continued participation in the building of interstate highways is but a mere pittance—8 per cent, to be exact—when placed alongside of the total highway expenditures of all subdivisions of the Government.

CREATION OF UNIFORM STANDARDS OF FIRST IMPORTANCE

Yet the continuation of this appropriation has many uses and purposes which go far beyond the question of money. In the creation of uniform standards of construction and operation and in the large program of cooperative research the Government has done much to facilitate the safe and free flow of traffic. The task recently completed of setting of a uniform system of directional and safety signs was one which would have been impossible or long retarded had it been left to local authorities alone.

The formulation of sound administrative policies, of standard specifications, of universal regulatory codes, are tasks requiring national vision, and these are but a few of the great public works which have been accomplished under the administration of T. H. MacDonald, Chief of the Bureau of Public Roads of the United States, and his able staff, in cooperation with the State highway officials of the Nation.

INTERNATIONAL RESPONSIBILITY MUST BE KEPT IN VIEW

While the task is but well under way in our country, the growth of the export business already touched upon has added a new and tremendously significant phase to our highway problem. Many of these questions which have been only possible of solution through cooperation between the States, with the National Government as a disinterested party serving the interest of all, must now be undertaken in an international sense.

The growth of international tourism, travel, and communication rests upon international agreements of a similar nature. Obviously, these can only best be accomplished through the participation in such conferences by the trained personnel of our Federal bureau.

Taken from whatever approach the student may care to make, whether it be economic, social, or moral, the influence of highway transportation is a dynamic force for the betterment of living conditions, not alone in our own country but throughout the world.

The Federal Government has been wisely committed to a policy of broad cooperation in this work, which should and must be continued until the task is completed.

Roads are but a means to an end, and that end is ideal individual transportation through the use of the automobile. Man has ever yearned for a freer bodily movement. With a spirit unconfined, it has seemed cruel that throughout countless ages his body should have been held like a prisoner chained to the earth.

It is our great privilege to live in the age of his liberation and to have some share in providing the facilities that make for his greater freedom of action. [Applause.]

Mr. DOUGHTON. Mr. Speaker and Members of the House, the bill under consideration for a continuation of our present national road program is one which I hope will receive the unanimous support of every Member of this body.

Before entering upon a discussion of the subject, I wish to make an observation relative to the services of the distinguished chairman of the Committee on Roads, Mr. DOWELL, of Iowa.

It was my privilege and pleasure to serve as a member of the first Road Committee ever created by Congress and was a

member of this committee for 12 years, from the Sixty-third to the Sixty-eighth Congress, inclusive. Our present chairman became a member in the Sixty-sixth Congress and was made chairman in the Sixty-eighth. I take pleasure in stating that he has been capable, diligent, faithful, and courteous, and as loyal and devoted to the subject of roads as he has been to the American flag; if I could put it any stronger, I would do so. [Applause.]

I enjoyed my service on the Roads Committee so fully and was so deeply interested in its work and accomplishments that I fear that I shall never feel quite so much at home on any other committee.

Prior to 1913, when the rules of the House were changed providing for the forming of a Committee on Roads, the Federal Government had appropriated little or no money and had given but slight encouragement to road building.

The first Committee on Roads in the House consisted of 22 members, only 5 of whom are Members of this House, namely: ASWELL, of Louisiana; BROWNE, of Wisconsin; SHREVE, of Pennsylvania; WOODRUFF, of Michigan; and DOUGHTON, of North Carolina, which shows how rapidly the membership of Congress changes.

When Congress first embarked upon the policy of assisting and cooperating with the States in construction of the great State and national highways the most optimistic advocates of the policy did not hope nor even dream of the phenomenal success that has been achieved in so short a time.

The money expended by the Federal Government for road building has done more to bring happiness, prosperity, and contentment to all sections of the country and all classes, callings, professions, and conditions of life than any similar investment.

It has been the wise policy of Congress to make these authorizations a year or two in advance of the actual appropriation in order that the various States could make their plans and know just the amount of help they would receive from the Federal Government.

At the time the Government adopted this policy few of the States had made anything like adequate provision for a systematic and complete system of highways. Now every State in the Union has a State highway department that is functioning successfully.

In 1915 the total amount expended by all the States of the Union for road building was only \$54,884,000, while in 1925 it had jumped to the colossal sum of about \$600,000,000.

In North Carolina, the State that I have been commissioned to represent in part, there had been practically nothing done in the way of road construction up to the time the Federal Government began its activities, but immediately upon the action taken by Congress, our State, under the progressive administration of Governor Morrison, provided for a State highway commission and for a division of the State into highway districts with a commissioner for each district and with a chairman who was to devote his entire time to road matters. Provisions were also made for raising the revenue with which to carry out the provisions of the law and meet the requirements of the Federal Government.

We realized at the outset if we only proceeded on a 50-50 basis with the Federal Government that this would be too slow and satisfactory results would be too long delayed. Therefore, our legislature in 1921 provided for issuing \$50,000,000 in bonds for road construction. Hon. Frank Page, one of the most successful business men of our State, was selected as the chairman of our State highway commission, and his most unusual success in handling road affairs attracted the attention of the entire country, giving him a national reputation. So conspicuous was his success in this respect that he has been elected president of the American Association of State Highway Officials.

Subsequent legislatures of our State have provided for raising additional amounts, totaling \$85,000,000, and we have received from the Federal Government up to this moment \$12,653,102, and there has been allocated or authorized for our State out of past authorizations by the Federal Government \$15,717,206, leaving still due North Carolina \$3,064,104.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. DOUGHTON. I will.

Mr. JOHNSON of Texas. I notice in passing through North Carolina a number of fine roads. I want to ask the gentleman if they have been built in recent years.

Mr. DOUGHTON. Practically all since January, 1921, when we first created our State highway department and authorized the first appropriation for carrying forward the work. We have now a system of highways reaching from the mountains to the sea and from Virginia to South Carolina. All sections of our State are connected with a modern system of up-to-date,

dependable, all-the-year-round State highways that bless, benefit, and uplift everyone who lives within the borders of the State.

Mr. JOHNSON of Texas. I would like to ask the gentleman how the State of North Carolina raised the money, whether by bond issue?

Mr. DOUGHTON. The State raised the money by pledging its credit or by the issuance of bonds. To take care of the interest on the bonds and for other purposes we have levied a tax on gasoline and licenses for motor vehicles, but without one dollar ad valorem or tax on personal property.

Mr. ROUSE. How much does the State raise by the gasoline tax?

Mr. DOUGHTON. For the year 1924 the amount raised from the tax on gasoline was \$4,529,048 and for licenses \$4,757,029, or a total of \$9,286,077; and for 1925 the amount raised from the tax on gasoline was \$6,092,378 and from licenses \$5,413,846, or a total of \$11,506,254. It is estimated that for 1926 we will receive a total amount from gas and licenses of approximately \$13,250,000.

Mr. ROUSE. How much is the tax on gasoline?

Mr. DOUGHTON. Four cents a gallon. I do not believe our State would have submitted to a system of property taxation for road-building purposes. The amount raised as aforesaid gives us sufficient funds to pay the interest on the road bonds issued and a sinking fund sufficient for the retirement of the bonds at maturity, also for the maintenance of the roads and for the administration of the highway law. The system has worked most admirably and to the unanimous satisfaction of the people of the State. On good roads the life of an automobile is twice as long as it was before the roads were improved. A gallon of gasoline will propel a car twice as far on good roads as on bad roads, to say nothing of the strain that is taken off one's religion, and the driver of a car is in no danger of falling from grace in our State. [Laughter.]

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. DOUGHTON. Certainly.

Mr. OLIVER of Alabama. The gentleman has been making an interesting statement, and I would like to know the road mileage they have in North Carolina.

Mr. DOUGHTON. The amount of hard-surface roads completed is 1,832 miles; other types of improved roads, such as gravel, and so forth, 2,615 miles; and we have under construction at the present time hard-surface roads 498 miles and other types 418 miles.

Mr. OLIVER of Alabama. What mileage has the State built without Federal aid?

Mr. DOUGHTON. We have built a large percentage of it without Federal aid. We have received in round numbers \$15,000,000 from the Federal Government and have expended approximately \$85,000,000 of State funds, or a total expenditure for road construction of \$100,000,000, only about 15 per cent of which has come from the Federal Treasury. This does not take into account the roads built by the counties but only the State and national system.

Mr. OLIVER of Alabama. Does the gentleman have at hand the amount of his State's bonded indebtedness for roads?

Mr. DOUGHTON. Eighty-five million dollars.

Mr. OLIVER of Alabama. And have the counties in addition to that made bond issues for the same purpose?

Mr. DOUGHTON. Many of them have built a system of county roads for which they have issued bonds.

Mr. GREEN of Florida. Are all the county roads under State supervision?

Mr. DOUGHTON. The county roads are not. The State system or interstate roads all belong to the State system and are maintained by the State.

Mr. PEERY. Did I understand the gentleman to take the position that the only way to get a State highway system was through the medium of a bond issue?

Mr. DOUGHTON. Oh, no. I said I believed that was the only way we could have succeeded in our State, and our success has been most wonderful, attracting the attention not only of all the other States of the Union but of the entire world. I do not, of course, mean to pass on what is best for other States in respect to this matter. In their wisdom they work out their own salvation.

Mr. PEERY. I think that is a matter for each State. Without any criticism for North Carolina, let me say that we are getting a splendid highway system in Virginia, and we are doing it without resorting to bond issue.

Mr. DOUGHTON. I compliment the gentleman and I congratulate his State. I made no suggestions nor intimation as to what was best for other States. I will say this, however: When one goes out of North Carolina into Virginia or Tennessee or into any of the other States that border ours, he is

always proud and thankful to get back into our own State and on our own good roads.

No State is more fortunate than North Carolina in its neighbors, and we are proud of them all. A finer galaxy of States surrounds no State in the Union than South Carolina, Georgia, Virginia, and Tennessee, "our beloved daughter with which we are well pleased."

However, I have noticed when meeting with citizens from any one of the aforementioned States that when interrogated as to where they live they will usually or frequently tell you one of four things: That they were raised in North Carolina, that their ancestors moved from North Carolina, that they married in North Carolina, or that they live right near the North Carolina line. [Laughter.]

Mr. GREENWOOD. Is any of the money raised by the gasoline tax allocated to the county?

Mr. DOUGHTON. No; but there is not a county in my State that does not receive the benefit of this fund, because our system of highways reaches from county seat to county seat and from principal town to principal town throughout the entire State.

The \$690,000,000 that has been authorized and apportioned to the various States by the Federal Government since 1917, when the first authorization was made, has not only been a great direct benefit to the States of the Union but the indirect benefit has been even greater. It has acted as an incentive and stimulus to the people of the various States to help themselves and encouraged by this Federal assistance they have created highway commissions, employed the most efficient road officials, engineers, and so forth, thereby bringing into action the most potential forces for road building of both the State and Federal Governments.

Our Nation and every State and section thereof has been uplifted educationally, industrially, and socially by the building of this splendid system of highways, and it has done more in every way to promote the general uplift and public welfare than any other one governmental agency.

"Finally, brethren," let us not forget that it was under a Democratic administration that this great movement was inaugurated, and it was a Democratic Congress that wrote the first practical, effective national highway law and made the appropriations necessary to carry out the same. "Lest we forget," it should also be remembered along with our good road law came through the Democratic Party the Federal reserve system, the farm loan law, the parcels post law, and the farm demonstration law. The condition of the farmer is bad enough as it is, but what would it have been had it not been for this constructive and helpful legislation? The picture is too dark to even contemplate.

I am supporting the pending legislation with an Abrahamian faith that it will be money wisely spent; that it will promote the public welfare and add to the prosperity, contentment, and happiness of all sections of the country and all conditions of life. [Applause.]

Mr. ALMON. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. HASTINGS]. [Applause.]

Mr. HASTINGS. Mr. Chairman, this bill authorizes the appropriation by Congress of the sum of \$75,000,000 for each of the fiscal years ending June 30, 1928, and June 30, 1929, as Federal aid for the construction of highways under the act of Congress approved July 11, 1916, and subsequent enactments amendatory thereof, and the additional sum for each of said years of \$7,500,000 for forest roads and trails.

I am very much interested in this legislation. I regard such legislation as an investment. I frequently refer to it as a productive appropriation, in that it results in beneficial returns. I would favor larger financial contributions on behalf of the Federal Government.

Under the terms of the act as amended not more than 2½ per cent may be used for administrative purposes in the city of Washington and \$73,125,000 of the sum appropriated is distributed among the several States on the basis of area, population, and mileage of rural mail delivery and star routes.

Under this distribution the State of Oklahoma receives the sum of \$1,755,105.

A great impetus has been given to road building since the first good roads bill was enacted on July 11, 1916. I was glad to give that bill my support. It was assailed at the time on the ground that it was unconstitutional, but the constitutionality of such legislation is now generally conceded, and its constitutionality has been sustained by all courts where it has been assailed. There is authority in the Constitution to provide for the common defense and general welfare, and authority is given to establish post offices and post roads, and we are also authorized to regulate commerce among the several States so that under any of these provisions the constitutionality of

the Federal Government contributing financially to road building may be successfully defended.

The advantages of good roads being so universally conceded and admitted, it is not now a controversial subject for discussion. The history of good roads legislation, however, is interesting.

Our first appropriation was in aid of the Cumberland Road and was approved by Thomas Jefferson on March 29, 1806, in the sum of \$30,000. This road was projected from Cumberland, Md., on the headwaters of the Potomac River, west to a point on the Mississippi River. Appropriations were made from time to time for a number of years, the last appropriation for that purpose being made May 25, 1838, and was in the sum of \$159,000.

New Jersey claims credit for the first State highway commission, which was established in 1891. In the year 1915 31 of the 48 States had highway departments. To-day all of the States have such departments. The total expenditures on all kinds of roads in 1915 were \$240,263,784. In the year 1925 the sum of \$1,176,000,000 was expended. These figures indicate the very great interest which all classes of citizens are taking in road construction. At an early date not enough consideration was given to road maintenance. It is now recognized as a necessity. True, the cost of maintenance is greatly lessened upon the more expensive roads, but it is recognized that a maintenance fund must be provided for.

It is estimated that there will be expended during the year 1926 the sum of \$1,030,286,948. My own State of Oklahoma, though new, is alive to the necessity of road construction and maintenance. The roads, particularly in the eastern part of the State, upon our admission to Statehood in 1907, were in a very bad condition, due to the fact that the lands had but recently been surveyed and that they were Indian lands and nontaxable. We have made remarkable progress. We have a splendid highway department, officered by men of exceptional ability, and all known to be good-road enthusiasts. It is estimated that there will be spent in our State during the calendar year of 1926 the sum of \$22,000,000 for the construction and maintenance of good roads.

The question of financing road construction and maintenance is a serious one with each of the several States. Most of them have resorted to a motor-vehicle tax, a gasoline tax, a gross-production tax in those States where oil and gas is produced, and an ad valorem tax. Through the courtesy of the very efficient secretary of the State Highway Commission of the State of Oklahoma, I am advised that the sources of road finance are as follows:

(a) A motor-vehicle tax based upon the manufacturers' list price of the vehicle. In 1925 this tax averaged \$10.53 per vehicle, including motor cycles, trucks, tractors, and automobiles of all characters. This tax is divided 40 per cent to the State highway construction and maintenance fund, and 60 per cent goes back to the counties from which it came, and out of this 60 per cent cities and incorporated towns get 15 per cent of the total vehicle tax collected within their corporate limits. The total of this tax in 1925 was \$4,570,572.45.

(b) A 3 cent per gallon gasoline tax. This tax is collected through the State auditor from the jobbers and wholesalers and is apportioned one-third to the counties upon the ratio of their area and population. The other two-thirds goes into the State highway construction and maintenance fund for the maintenance and construction of State highways. In 1925 the total tax collected from this source was \$5,374,858.92.

(c) One-sixth of the gross production tax collected in each county is returned to the road fund of that county, and in 1925 41 counties participated in this fund, there being divided among them \$1,503,112.42. No portion of this fund goes into the State highway fund.

(d) The State levies a quarter mill State tax for road purposes, which is returned to the counties from which it is collected, to be used upon the county highways. No portion of this tax reaches the State highway fund. During 1925 the sum of \$428,479.32 was derived from this source.

(e) The counties, through their county excise boards levy an ad valorem tax for roads and bridges, all of which goes to county and township highways. During 1925 the sum of \$4,111,914.02 was derived from this source.

(f) The townships also levy an ad valorem tax for roads, which is expended exclusively upon township highways, and during 1925 the sum of \$3,161,456.21 was derived from this source.

(g) There is also a provision in our statutes for a poll tax. This section of the law, however, is enforced in some parts of the State, and wholly neglected in others, and the record of its collection is so incomplete and difficult of compilation that about all we can do is estimate receipts. However I feel safe in advising you that at least \$500,000 per year is raised in this manner, and all of this is expended either under direction of the county commissioners or the township officials.

(h) Our Federal aid fund, which is handled exclusively under the jurisdiction of the State highway commission, in 1925 amounted to \$1,755,105.

In addition to the above there has been voted during the past few years approximately \$30,000,000 in the aggregate in township, county, and bridge bonds.

The act of November 9, 1921, provided that the nontaxable unappropriated public lands in excess of 5 per cent should be taken into consideration in the contribution by the Federal Government for road construction.

In 1924 I introduced a bill, H. R. 8885, and it became section 4 of the act of February 12, 1925, placing nontaxable Indian lands in the same class with nontaxable unappropriated public lands. This section is now permanent law. This provision is of greater importance to the State of Oklahoma than to any of the other States, for the reason that we have more nontaxable Indian lands in our State than in any other. The advantages of this provision to Oklahoma are apparent when it is known that in order to match the \$1,755,105 Federal aid which the State receives Oklahoma is required to pay the sum of \$1,415,000.

The more important transcontinental highways and those connecting the larger trade centers are receiving the first consideration, and the money thus far expended, contributed by the Federal Government, has been largely in aid of those roads. Aid to the lateral roads will follow. We must begin somewhere. If the Federal and State aid money is exclusively expended upon State highways, local money expended under the supervision of the county commissioners may be used in the construction of lateral roads leading into the centers of trade and State highways.

I think the money collected for road construction and maintenance is more cheerfully paid by the people of the country than any other tax. A system of State and National highways is being mapped out and the benefits of good roads are in evidence on every hand. This is one form of legislation that is indorsed by all classes, those who live in the cities and towns, and those in the country, and it can not be subject to the criticism that it is class legislation. The people are entitled to and have a right to expect full value for every dollar expended.

It is rapidly developing the rural sections of our country, making the lands more valuable, giving to the farmers better roads over which to carry their farm products to market, and thereby lessening the cost of such transportation, and the cheaper they can get their products to market the greater the net return will be received by them. It enables the farmer with his motor transportation to market his vegetables, dairy products, fruit, and poultry regularly and with little expense; it gives him rural mail facilities equal to the mail service received by those living in the cities and towns, and enables him to keep up with current events and market quotations; it makes possible better school facilities to the people in the country, thereby enabling their children to remain under the influence of home life and to be transported to district schools where better educational facilities are possible, and better church advantages, because distance is largely eliminated and the people of greater areas are enabled to assemble in larger congregations. Good roads are a necessity to the business men with modern motor transportation.

From the standpoint of recreation, improved highways enable the people of the cities and towns to spend enjoyable week ends in the country and it brings all classes of the people in sympathy with each other because they learn to know each other better.

I very greatly regret that the amount authorized as Federal aid is not very much larger. We are criticized with being too liberal in our expenditures for nonproductive appropriations. I think this criticism is in a large measure just. We are spending during the coming fiscal year very large sums of money for the maintenance of the Government, through its many departments and bureaus. We are making debt settlements, remitting to foreign governments very large sums of money. As compared with the British settlement we lose in the Italian debt settlement the sum of \$2,565,013,500. I spoke and voted against it. Suppose this amount of money were used in aid of road construction. It would enable us to improve and develop to a very great extent practically every highway throughout the country and would add greatly to the happiness and prosperity of our people.

I have repeatedly stated that I favor liberal appropriations for the internal development of our country, including good roads, rural credits, rural mail, farm legislation, and reclamation of swamp and overflow lands. We should aid our own people before we give too lavishly to dictators across the sea to finance revolutions, to pay the expenses of large standing

armies, and enable them to menace the peace of the world. [Applause.]

Mr. DOWELL. Mr. Speaker, on account of the gentleman from Indiana [Mr. Woon] desiring to present a matter of conference, I desire at this time to ask that the committee rise, and I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TRINCHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 9504, had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 6730. An act to detach Fulton County from the Jonesboro division of the eastern judicial district of the State of Arkansas and attach the same to the Batesville division of the eastern judicial district of said State; and

H. R. 9398. An act to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amendments Nos. 1 and 5 to the independent offices appropriation bill and agree to the conference asked for by the Senate.

The SPEAKER. The Clerk will report the bill by title. The Clerk read as follows:

A bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes.

The SPEAKER. The gentleman from Indiana moves that the House further insist on its disagreement of Senate amendments Nos. 1 and 5 and agree to the conference asked.

The motion was agreed to.

The SPEAKER. The Clerk will announce the conferees.

The Clerk read as follows:

Mr. WOOD, Mr. WASON, and Mr. SANDLIN.

PULLMAN SURCHARGE

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, the Pullman surcharge has come to be regarded by the public as such an onerous and irritating practice that I ask unanimous consent to extend my remarks in the RECORD on this subject.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD on the subject indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, the Pullman surcharge has come to be regarded by the public as an onerous and irritating exaction for the imposition of which there is no justification. It was first instituted, although under a different name, and swallowed patriotically by the public, by the Hon. William G. McAdoo, then Director General of Railroads, as a war measure for the purpose of curtailing travel. Save for this purpose it would never have originated, and in consonance with this purpose it was removed directly after the armistice. It was reinstated by the Interstate Commerce Commission in the Increased Rates, 1920, case, though not requested by the carriers when that case was originally instituted. The carriers insist that this surcharge must be maintained for the present and indefinitely in the future in the face of experience and justice, although it is a war-time measure unsupportable now.

The railroads in 1900 paid the Pullman Co. \$1,990,707 mileage charges and received no payment at all from the Pullman Co. In about 1905 the contracts with the Pullman Co. were altered. Mileage payments made by the carriers in 1922 were but \$473,496. On the other hand the contract revenues paid the railroads rose from zero in 1900 and \$142,908 in 1905, to \$11,616,866 in 1920, and after the surcharge were \$8,241,813 in 1921 and \$7,930,064 in 1922. Without going back to the time when the railroad companies were contented to receive no extra revenue from the Pullman Co. from that traffic, but instead to pay the Pullman Co. for the privilege of using its cars, it may be noted that the percentages of the total Pullman revenues received by the railroads were, in 1915, 6.95 per cent; in 1916, 6.67 per cent; in 1917, 8.99 per cent; an average of 7.53 per cent; were in 1920, 13.68 per cent; in 1921, 11.61 per cent; in 1922, 10.90 per cent; an average of 12.06 per cent. In addition the Pullman revenues themselves in these last three years were 20 per cent greater for each passenger mile because of the 20 per cent increase in Pullman rates in 1920. Thus

in 1920, 1921, and 1922, without the surcharge, the railroads received 192.19 per cent of the amount derived by them in 1915, 1916, and 1917, from every mile of Pullman travel. This percentage is obtained by dividing the average for 1915, 1916, and 1917, i. e., 7.53 per cent, into the average for 1920, 1921, 1922, i. e., 12.05 per cent, and multiplying the quotient by 1.20 per cent to account for the increase in Pullman revenue per passenger mile.

Long after the hearings in Increased Rates, 1920, had begun, the surcharge not having been among their original demands for increases, the brilliant idea occurred to the carriers that Pullman traffic could afford them additional revenue of many millions of dollars a year, to be obtained by increasing the Pullman charges, previously unquestioned by them, 50 per cent for the benefit of the carriers, in addition to the share of Pullman revenues they were already receiving.

The carriers wanted all they could get and what source was more logical than the Pullman passenger as to whom a precedent was found ready made in the calm way he had borne such a charge during the war. What if the railroads had for many years found no objection to the much lesser sums received by them from the Pullman Co. What if they had at one time been content to pay the Pullman Co. without receiving any compensation in addition to the ordinary fare. What if, under their peculiar contracts with the Pullman Co., they were already deriving from the Pullman passenger enormously more in 1920 than they had before the war. Here the war-time precedent opened to them a new source of revenue and they determined to draw on it. They have, without the surcharge, been reaping during the last three years almost twice the revenue, about 192 per cent, they were satisfied with in the three years preceding Federal control, not to make a comparison with the years before that. With the surcharge they have increased their profits from the use of Pullman facilities nearly tenfold, to be exact 98 per cent of their average profits per passenger mile in 1915, 1916, and 1917 from this source. This percentage is obtained by dividing the average for 1915, 1916, and 1917; that is, 7.53 per cent into the surcharge percentage of Pullman revenues; that is, 50, and multiplying the quotient by 1.2 per cent to account for increase in Pullman revenue per passenger mile, the result being 796.81 per cent, to which is added 192.19 per cent, representing the relation of contract revenue in the two periods, giving a total of 989 per cent as the relation of the amount taken by the carrier for Pullman facilities in 1920, 1921, and 1922 to that taken by them in 1915, 1916, and 1917 per passenger mile.

CARRIERS' CONTENTIONS

The carriers are obliged, of course, to offer some reasons for the continuance of a war charge in peace times. They contend that they have never made the return on investment allowed under the Esch-Cummins law by the Interstate Commerce Commission, that the cost of Pullman service is greater to them because they carry extra weight for Pullman passengers, since the cars are heavier and the passengers per car fewer, and that they are rendering an added service to the public.

The data adduced as to this matter is of great volume. This résumé consequently must be confined to some of the more salient features. It is impossible in this space to point out the fallacies of much specious or irrelevant data tending to obscure the main issues. More detailed discussion can readily be given if occasion warrants. The matters of fact stated herein where they are not of common knowledge are from the testimony and exhibits before the Interstate Commerce Commission, to which we shall be glad to give particular reference where same is requested.

CONTENTIONS OF THE PUBLIC—ALLEGED DEFICIENCY OF GENERAL REVENUE

The carriers admit that in the first four months of this year their return was 5.49 per cent as against the allowed return of 5.75 per cent. In making this computation the factor allowed for the usual great increase of business in the last six months of any year over the first six months is questionable.

The operating expenses upon which the showing of return is based do not allow for the abnormal expenses incurred by taking up the undermaintenance during Federal control, for which the carriers have made immense claims and toward which great sums of money have been paid them by the Government, nor does the showing of 5.49 per cent make allowance for accrued depreciation in investment and other matters unnecessary to refer to here. It is sufficient to say, without impugning the percentage set up by the carriers and accepting for the moment the figures furnished by them, that no showing whatever is made of the return on investment devoted to passenger service nor of the return on investment devoted to Pullman service. This claim of alleged deficiency in revenue leaves out of account entirely that if there were any deficiency that

is no justification in itself for making up the shortage from a single class of patrons. The carriers can not ignore the accepted principle that each service must stand on its own bottom and pay its own way, so far as the traffic will bear it.

LOSS TO CARRIERS INCURRED BY SURCHARGE

But even if we assume that there is a deficiency in return on investment and that it should be made up from one class of travel it must be apparent that the railroads lose more revenue than they gain by the surcharge. It is claimed by the carriers that Pullman traffic since the surcharge has increased somewhat more than coach traffic, but this claim does not take into account the fact admitted by them that travel in automobiles and busses has had a greater effect in depleting short-haul coach travel than Pullman travel; that ever since its inception many years ago Pullman travel has increased at a much greater rate than coach travel; that since the surcharge new opportunities for Pullman travel have been afforded by great increases in Pullman facilities, simultaneous with a reduction of coach facilities; that Pullman traffic would have increased in a much greater ratio had the surcharge not been imposed.

The outstanding and inescapable fact is that in the first year following the surcharge there was a decrease of 2,271,731,566 Pullman revenue passenger miles as compared with the year immediately preceding; that in the next year—that is, the last four months of 1921 and the first eight months of 1922—there was a further decrease of 953,488,724 Pullman revenue passenger miles, or a deficiency for such year as against the year immediately preceding the surcharge of 3,225,202,290 Pullman revenue passenger miles; that is, a total loss for the two years immediately following the surcharge as against the year preceding its institution of almost five and one-half billion Pullman revenue passenger miles. Moreover, the last four months of 1922 and the first four months of 1923 show a deficiency of 1,220,700,886 Pullman revenue passenger miles as against the same eight months of 1919 and 1920. The very first month of the operation of the surcharge was marked by a loss of 216,930,643 Pullman revenue passenger miles as against the last month preceding its inception.

Every Pullman revenue passenger mile lost means a loss of 3.6 cents to the railroads, not to speak of the additional loss to them of the contract revenues they would have derived from the Pullman Co. The very revenue they claim to need would be more than provided by the removal of the surcharge instead of by its continuance, and at the same time added service would be furnished the public.

EXTRA COSTS OF PULLMAN SERVICE—ERRORS IN CARRIERS' DATA

The carriers contend that the average Pullman car weighs approximately 110,000 pounds for the country as a whole. They have further attempted to show that taking the United States as a whole the average occupancy in Pullman cars is 12.82 passengers per car-mile, and the average occupancy in coaches is 15.88 passengers per car-mile, and from those figures it is calculated that the weight hauled per Pullman passenger is 11,310 pounds, while that per coach passenger is 6,927 pounds.

As against these figures of the western carriers for the country as a whole, the eastern and southern carriers have made certain tests of one week's duration on roads and trains selected by them in their districts, showing in the South somewhat greater divergence and in the East much less divergence in the weight of cars than the data above mentioned, while in both the South and East the tests show entirely different figures for occupancy with a very much larger excess of coach over Pullman occupancy than is shown by the data of the western carriers for the United States. Because travel fluctuates from month to month and even more so from week to week, because the road and car mileages chosen in these tests are totally insufficient and unrepresentative, as well as for many other reasons, which a detailed analysis makes apparent, it is not unfair to say that these tests present an unfounded selection and combination of figures, patently lacking in significance, rather than an earnest and enlightening statistical analysis, and are not entitled to any probative force whatever.

Like criticism can be made of the statistics offered by the carriers upon which their conclusions as to dead weights are based for the country as a whole; it is sufficient to say that the data submitted by them as to weight and occupancy of cars is merely a guess, and one shown on its face to be incorrect. For the assert that they have not and can not obtain, just as they did not obtain in the tests, comparative weight of Pullman cars and coaches on a mileage basis; that the weights they rely on are simply lump averages of the weights of certain cars selected by them without regard to the amount of use of the various classes of equipment included in the average. In other words, in getting the average weight of coaches and Pullman cars they have, for example, taken weights of old-fashioned

light coaches that are used but seldom, if at all; they have taken the lighter-weight coaches on smaller lines and given them as much or more influence in arriving at the average than the heavier coaches on lines having greater road mileage and operations, in some instances many times greater.

They admit further that they have not accurately excluded heavy commutation occupancy from the coach occupancy in comparing it with the Pullman. Although the capacity of Pullman cars is not as great as that of coaches, it must be remembered that their capacity can be utilized to a much greater extent, because it is possible to require reservations in advance. More important, however, the carriers' guess leaves out of account the fact that almost every coach ordered in recent years, and especially those used in the same general distance operations as Pullman equipment, have been of steel practically as heavy as Pullman cars, so that the carriers justify the continuance of this rate in the future upon conditions which are obsolete. Again, they omit the fact that Pullman occupancy would almost surely be much greater if the operation of wasteful and unnecessary Pullman trains and cars for the sake of competition with other lines were eliminated. The existence of this wasteful competition, because of which the carriers operate duplicating and superfluous trains between the same points in order that other lines may not obtain the business, is now made the basis for justifying this increased rate. Moreover, they omit to consider that Pullman occupancy would be much greater if the surcharge were removed. Before the surcharge the occupancy of Pullman cars was higher by several passengers per car-mile than it is to-day; and it is admitted that where the surcharge does not prevent people from traveling altogether, it tends at least to drive them from the Pullman into the coach, and thus to create the very divergency in occupancy given as the reason for its existence.

ADVANTAGES TO THE RAILROADS OF PULLMAN TRAVEL—SAVINGS TO THE RAILROADS

In considering the claim of extra expense the carriers neglect to remind us that they do not own the cars in which the Pullman passengers ride, nor do they mention that they do not even maintain them, and that in the eastern district the Pullman Co. also bears a great preponderance of the operating expenses.

This represents a saving to the roads of great amounts in interest on investment, maintenance, and operating expenses, in addition to the taxes paid by the Pullman Co., all of which the carriers themselves have to pay in the operation of coaches, not to speak of the revenue they derive under their contracts with the Pullman Co., amounting to \$27,788,743.65 in 1920, 1921, and 1922. Moreover, the Pullman Co., by supplying cars, as it must under the contracts, as and when demanded by the roads, enables them to take care of flexible demands and peak business which would otherwise be lost without a large additional investment in cars that would in normal times lie idle.

APPORTIONMENT OF OTHER EXPENSES

But, laying aside this most important element for a moment, the expense of railroad operations does not at all vary in direct proportion as the dead weight per passenger. Purely from the standpoint of distributing the common expenses incurred between coach and Pullman service, the Pullman has features tending to make it much cheaper for the railroads than coach service. The enormous terminal expenses can not be properly divided according to dead weight, but only according to the number of passengers using the terminals. Since the Pullman traveler makes an average journey about ten times as long as that of the average passenger, not only the large terminals but intermediate short-interval stations are maintained chiefly for the coach passenger. Wear and tear on roadbed and even fuel consumption, which is the item most directly affected by weight hauled, are largely governed by the number of stops and starts made, and there can be no doubt from the average length of journey that many more of these are made for the sake of coach passengers than for Pullman. Again, Pullman passengers move chiefly in the heavier lanes of traffic, where train occupancy is greater and more trains pass over the rails, thus netting more revenue to the carriers on their investment than coach traffic.

For while it is true that goodly portions of coach travel also move in the heavier lanes, in general coach traffic must have attributed to it the heavy investment and maintenance expenses of roadbed and facilities, with the comparatively small returns of the light lanes of travel. In other words, not nearly as much investment and expense per passenger is required for the Pullman traveler as for the average coach traveler. This is the first time that the carriers have attempted to justify a rate upon weight and occupancy. In other matters

involving passenger rates the carriers have endeavored to allocate to the service for which a rate is made the expenses reasonably incident to that service.

VALUE OF PULLMAN PATRONAGE

The most glaring fallacy in the carriers' theory for the surcharge is the failure to consider the fact that Pullman travel because of the long distances made, approximately ten times as great as that for the average passenger, is the most valuable type of patronage to the railroads and that from which they make the greatest net return. Of course, the carriers must admit that, although Pullman facilities are a benefit to the public, without them passenger transportation would be enormously curtailed. Moreover, the fact that Pullman travel is in great preponderance night traffic, relieves daytime facilities of the carriers and makes it possible for them to use their property 24 hours a day. This furnishes the carriers an immensely greater return on investment, even assuming that all this night travel would be transferred to the daytime. So, even if there were any extra weight per passenger, which, as already pointed out, is not the fact and not supported by any probative data, and ignoring the features involved in Pullman service which are most advantageous to the carriers, as shown before, what the surcharge really does is to make the passenger—and the most valuable passenger to the railroads from a revenue standpoint—pay extra for the very things that are of extraordinary benefit to the carrier.

If there were real merit in the contention of the carriers that the Pullman passenger costs them more than the coach passenger, is it possible to believe that they would not have made appropriate provision for this condition in their contracts with the Pullman Co.? For many years they were satisfied with immensely less than they now receive without the surcharge and at one time even paid the Pullman Co. for the privilege of using its facilities. The surcharge was an afterthought, proposed not even at the outset but long after the inception of the hearings in Increased Rates 1920, and it is inconceivable that the carriers during all these years have forgotten this item of \$33,000,000 annually.

The theories advanced by the carriers are the specious and superficial arguments usually put forward where real reasons are lacking to justify an obsolete precedent.

GOOD ROADS BILL

Mr. DOWELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9504.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9504, with Mr. TRISCHER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9504, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9504) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

Mr. DOWELL. Mr. Chairman, I yield to the gentleman from Michigan [Mr. HOOPER].

Mr. HOOPER. Mr. Chairman, it has been demonstrated already by the debate upon this bill that infinite good has been accomplished by the aid extended by the Federal Government to the States in the building of good roads. It is apparent that the membership of the House is in practical unanimity upon the proposition that the legislation under discussion is of vital importance to the Nation. It is apparent also that the discussion is one in which partisanship has no place.

Civilization marches with no uncertain step along good roads. They are the insignia of progress. They knit together communities isolated before; they bring town and country into closer and more harmonious relations. They permit to millions of our people pleasures and privileges never enjoyed by their ancestors.

Good roads are bringers of enlightenment. The various sections of our country are known to each other to-day as never before, because of the advent of the automobile and the good road. The nation whose people are able, as they are to-day, to travel in comfort over its highways is far more fortunate than the nation of yesterday, when the absence of good means of communication tended to provincialism and to jealousy and suspicion of those living in other sections.

Good roads are educational, because travel is educational. The hundreds of thousands who annually visit our great na-

tional parks, now that the automobile and the good road have made travel easy, must of necessity always afterwards be better citizens of their country, because they realize better than before its vast extent and the manifold wonders it holds.

The good road of to-day and of the future will do much toward making our Nation a compact and harmonious whole; much toward increasing the happiness and prosperity of our people in all sections of the country; and I am glad that our committee has reported a bill which seems to meet with such hearty approval from the membership of this House. The substantial aid given by the Federal Government to the activities of the States will surely have beneficent results for many years to come, not only in material ways, but in a happier and a more enlightened people. [Applause.]

Mr. DOWELL. Mr. Chairman, I yield five minutes to the gentleman from Utah [Mr. COLTON].

Mr. ALMON. And I, Mr. Chairman, yield 10 additional minutes to the gentleman from Utah.

The CHAIRMAN. The gentleman from Utah is recognized for 15 minutes.

Mr. COLTON. Mr. Chairman, Pat had been making a trip through the West, and when he returned he was asked what he thought of the roads. He replied: "Mr. Lincoln did a good job in making his road; Mr. Dixie did a good job in making his road; but, begorry, Detour, that Frenchman, made a miserable job of it." [Laughter.] We are engaged in a great program to eliminate detours in American roads.

Mr. Chairman and gentlemen, at the risk of being sentimental I am going to call your attention this afternoon to a phase of this question that appeals to me very strongly. History records how strangely the development of transportation and civilization are interwoven. When Rome prospered, when the Empire of Rome was at its height, it had its great Appian highway, connecting every part of that great empire. Every civilized nation has had a great system of transportation. We are told that the South American countries to-day feel that the lack of highway transportation is responsible for the slow development of those countries and of their great resources. We are all agreed that the basic unit of civilization, after all, is the home; the best asset that any nation has is a contented, happy people—a home-building people. [Applause.]

There are at least four great aids to the building of happy homes in this or any other country—four great pillars: The schools, the churches, the press, and the State. The highway systems are the arteries of the country by which these great aids are taken to the homes. The consolidation of our public-school system has been made possible because of better transportation. Horace Mann builded better than he expected when he led the fight for the public schools of America. Those schools are developing faster than even he dreamed they would develop. They are developing rapidly in every part of the land—the country boy and the city boy are put on an equality. This can be done only where there are consolidated schools, and consolidated schools are only possible in the rural districts where there are good roads.

The churches of our land are doing their part in the development of this great civilization of ours. Gentlemen, you need only to get people of various religious beliefs together and you get tolerance as a result of that coming together. We need to know each other better. When we do know each other, then the spirit of tolerance in religious belief is found, and where there is no social mingling together you will usually find religious intolerance. Good roads usually mean social development. And so by means of transportation this great pillar of civilization—the church—is enabled to better perform its function in the great scheme of things.

The press: We need an enlightened public opinion. Nothing brings that about like the daily papers, the magazines, that are brought to the very door of the inhabitants of this country. Good roads are always conducive to better understanding and react to the social and economic advantage of all the people.

And last, may I speak of the State? I come from a section of the country in the great West where we knew the old-time outlaw. We know him no more. The outlaw of the early West has been superseded by the automobile outlaw of the city. The outlaw of the West is a thing of the past, largely because we have access now to parts of the country heretofore not accessible. The old-time outlaw, gentlemen, is a thing of the past, largely because of the improved transportation system.

In my State, where we have but a little over a half million inhabitants, we have over 24,000 miles of highways. Sixteen hundred miles of that highway have been improved, and much of it either paved or graveled. Six hundred miles of that has received Federal aid. A thousand miles additional have been done by the people of my State. Sections of the great West that were heretofore inaccessible have been brought in contact

with the later civilization. It is impossible for the old-time condition to obtain. The State is able to function. Lawlessness in the old form has passed away, and I am constrained to believe that if you could solve the problem of transportation in the cities as well as we have solved it in the country our wet friends would not need to worry so much about lawlessness. [Applause.] If the officers of the law could pursue the criminals in our cities as they can in the country, there would be less bootlegging. Perhaps our wet friends could aid the enforcement of the law by giving attention to the traffic problem. Let them think more of this and less of wine and beer.

Now, gentlemen, I want to make one other point before concluding: Out in that section of the country we are still unable to build all of the roads that we want. Our country in certain sections is so sparsely settled that it is impossible for the people to build the necessary connecting links in the great primary system. A bill is pending before this Congress, which I introduced and which I hope soon to see reported out, that will enable the Federal Government to concentrate the funds that will be allotted to a particular State, and no more, in completing those links. The people are willing in many cases to sacrifice their comfort by postponing the work on county and secondary roads and permitting the Government to build where it is impossible for the State to do it. The States are now doing all they reasonably can do, and the Federal Government must help. The general welfare requires that we help connect the towns and homes of our people and make it possible to enjoy the benefit of their churches and the benefit of their schools and to give an equal chance to the boy on the farm and on the ranch with the boy in the city. Let them share alike schools and all other educational opportunities.

It is for this reason that we are so earnest and anxious for this program to be continued. We want our people to be enlightened; we want to have an enlightened public opinion. We want our States to enforce the laws and let our people understand that the happiness of our homes is dependent upon obedience to law and order. Teach the people correct principles, and they will govern themselves. Education will bring obedience to law.

If you will continue this plan as it has been commenced until this great system is completed and until you have brought the means of transportation to American home builders, you will aid in preserving the institutions of America and our great traditions will be perpetuated and made safe. I believe in the continuity of American institutions and American ideals; and if we are anxious to continue them, I say the United States Government can do much toward bringing about that happy condition by continuing this great road-building program. [Applause.]

Mr. DOWELL. Mr. Chairman, I yield to the gentleman from Utah [Mr. LEATHERWOOD].

Mr. LEATHERWOOD. Mr. Chairman, I desire to present to the committee certain facts and statistics relative to the disposition of our public lands and disbursements from the Treasury of the United States to the several States. This is not done in order to raise any controversial question as between the several States with reference to the policy of the Government in furnishing aid for the construction of roads and the reclaiming of arid land in the Western States.

Some opposition has been voiced, from time to time, by Representatives of the older States with reference to the question now under consideration, but I believe, Mr. Chairman, that if we will carefully study the history of the past and fully acquaint ourselves with what has been done for the various States by way of land grants and disbursements from the Treasury of the United States for internal improvements, and other purposes, we will all be more able to discuss the question of Federal-aid projects fairly and impartially.

Most of the criticism that we hear is directed at the so-called arid-land States, and I hope to be able to show that they have not received, and will probably never receive, in public land, or money, anything like the amount that has been given outright to many of the older States.

In the Nation's Business of March, 1926, there appears an article entitled "Let's stop this '50-50' business." The distinguished author of this article follows the same path that has been traveled heretofore by all the critics of reclamation and Federal-aid highways. He does not contribute anything new to the discussion of the question. He bitterly complains that many of the States pay large sums into the Federal Treasury annually and receive but a small share in return. He very properly points out that 25 per cent of the gross revenues from timber sales, grazing privileges, and other uses of the forests, are refunded to the States from which the revenue is derived. Reference is also made to the leasing act of 1920. It is true that 37½ per cent of the royalties, reserved under

the above-entitled act, are paid to the States from which the royalty was obtained.

The author of the article might also have noted that 10 per cent of the royalties thus obtained go into the miscellaneous fund of the General Treasury and that 52½ per cent is paid into the reclamation fund. Under the general reclamation law, that fund will ultimately go back into the Treasury for the benefit of all the States. The distinguished author of the article also complains that some of the larger Eastern States are wet-nursing other States; and, of course, he means the arid-land States. He carefully refrains, however, from pointing out to his readers that in most of the arid-land States from 50 to 90 per cent of all of their great natural resources are now impounded for the benefit, largely, of their wet nurses.

In my own State 80 per cent of all the land in the State is in public ownership and most of it will remain indefinitely in such ownership. It never can be taxed for State purposes, but it will contribute from its great natural resources large sums of money for the benefit of the entire country.

In a recent editorial appearing in the Kaysville Reflex, a newspaper published in my district, the editor makes this statement:

In the States east of the Mississippi the people have for themselves, and the States have as taxable property, every ton of coal, every stick of timber, every pound of lead, every water-power site, every perch of stone, every barrel of oil, every foot of natural gas; in fact, everything on the surface of the earth and under the earth, and wharf rights on the shore of the ocean, the lakes, and the rivers.

Let me remind the distinguished author of the above-entitled article that the East was built up by allowing the individual to take advantage of all of the great natural resources, while under the doctrine of conservation the great natural resources of the West are being largely held in trust for the benefit of the entire country.

My own State has had large areas of land allotted to it for school purposes, but under the present policy of the Government much of that land is being taken from the State upon the pretext that it contained known mineral deposits at the time the title was supposed to have passed to the State, and that therefore title never did pass.

I do not want to be understood as opposing the doctrine of conservation, for I am, Mr. Chairman, an ardent conservationist. I want the people of the older States, however, to take this matter under consideration when the question of Federal-aid projects is being discussed.

Let me call your attention to the vast resources of the arid-land States that, under the doctrine of conservation, are now locked up for the benefit of the entire country. I call your attention to page 30 of the annual report of the Secretary of the Interior for the fiscal year 1925. I quote two entire paragraphs for your information:

The United States owns approximately 30,000,000 acres of coal lands with valuable coal deposits of more than 200,000,000,000 tons. It has 500,000 acres of phosphate lands, which can supply 8,000,000,000 tons of this essential fertilizer when it is demanded for American farms. There are 4,000,000 acres of oil shale in the public domain from which possibly 60,000,000,000 barrels of oil can be extracted when prices warrant the higher cost of its development. Before that time, however, there are millions of barrels of oil yet to come from wells on Government land, the amount now being taken from public and Indian lands representing one-tenth of the Nation's annual petroleum production. Already one-twentieth of the coal mined in the public-land States comes from mines operated under Government lease, and 20 per cent of the zinc and 8 per cent of the lead mined in the United States comes from mines on Indian lands under supervision of this department. The public domain also contains hundreds of water-power sites with potential power aggregating 25,000,000 horsepower. There are a dozen or more water-power plants operating now in the United States of greater capacity for developing primary power than the site at Muscle Shoals and an equal number of unused sites of as great possibilities of development.

To safeguard this vast estate for future generations of America and permit its economic development to supply present needs require foresight and administrative skill. Five years ago Congress enacted the general leasing law, which established the system of leasing mineral deposits on public lands to private operators, the Government receiving bonuses and rentals as well as royalties on the minerals produced. At the present time there are outstanding 211 leases on Government coal lands and 422 on oil and gas lands.

From these vast resources the Government will in the future receive many times in revenue what it will expend for Federal-aid roads.

We frequently hear upon the floor of this House criticism directed at the reclamation policy of the Government, partic-

ularly where aid is extended and water furnished to lands in private ownership. For illustration, during the Sixty-eighth Congress when the appropriation bill for the Department of the Interior was being considered by the House, the gentleman from Michigan [Mr. CRAMTON] made this statement.

But, you know up in my country if a farmer wants a silo or some additional facility on his farm he can go to the Farm Loan Board of the United States and can borrow the money for that purpose. . . .

Why, for an area in private ownership should the Treasury of the United States spend its money, on terms more or less vague and uncertain, to provide these private facilities.

Under the terms of the bill every dollar of money so expended must be returned to the Government, and by the terms of the contract the individual receiving the benefit must give good and ample security as a guaranty for the faithful performance of the contract and the return of the money.

For the information of the gentleman from Michigan let me call his attention to a little bit of history.

The Federal Government has for a number of years cooperated with the State in the protection of State and private timberland from fire. Until the fiscal year 1926 this cooperation was carried on under the authority granted in section 2 of the act of March 1, 1911. Beginning with the fiscal year 1926, this cooperation is based upon the authority granted in sections 1 and 2 of the Clarke-McNary law, approved June 7, 1924. Contributions to the State of Michigan from the forest-fire cooperation appropriation are given below:

Calendar year:	
1914	\$1,564.64
1915	12.00
1916	8,648.00
1917	8,612.00
1918	4,008.00
1919	3,998.50
Fiscal year:	
1920	4.00
1921	7,240.00
1922	25,000.00
1923	22,285.92
1924	22,163.87
1925	23,935.00
Total	117,471.93

The above total sum referred to was a gratuity to the State of Michigan and its citizens by the Federal Government. Not one cent of this money is ever to be returned to the Treasury. I do not complain about this expenditure. I think it was a proper expenditure of money; but I want my good friends in Michigan to take this into consideration in discussing the subject of reclamation as it applies to the arid-land States.

I referred a moment ago to the fact that large grants of land have been made from time to time to the several States for internal improvements and educational purposes. Large sums of money were also paid to them out of the Federal Treasury for educational purposes. Many of the States in addition to the above items received aid for their State banks during President Jackson's administration. A considerable portion of this money deposited in the State banks was never returned to the Federal Government. On June 23, 1836, a measure was approved providing for the distribution of the surplus in the Treasury to the several States. This distribution was to commence on January 1, 1837. I will show you a little later the entire amount so distributed to each of the States.

For illustration let us take the States carved out of the Northwest Territory and hastily glance at what they have already received from land grants and funds distributed to them from the Treasury of the United States.

In my own State the minimum price for public land is \$5 per acre. That, in most cases, means desert land. If then we figure the value of the land granted to the States of the Northwest Territory at \$5 per acre and also the money given to the States out of the Treasury, we find that the State of Indiana has up to January 1, 1925, received \$43,511,398.58; Illinois, \$35,503,458.03; Ohio, \$22,989,848.64; Michigan, \$71,325,852.63; and Wisconsin, \$57,551,180.26; making a grand total for these five States of \$230,981,736.

From the above amounts received by these five States there should be deducted such sums as were repaid to the Government from the deposits made in their State banks, and I will insert in the RECORD a table from which this computation can be made.

Gentlemen of the committee, if you will carefully consider what has been done for the States east of the Mississippi River in the last 100 years I believe you will agree with me that your Government and my Government, whatever it may expend in the arid-land States for Federal-aid roads and reclamation, it will only be doing equity as between the several States. If

our great natural resources should be turned over to us, as they were to the people east of the Mississippi River, we could and would build our own roads, reclaim our arid lands, support our schools, and never ask for one cent of Federal aid. You have had all of nature's bounteous gifts for your own development. Most of our resources are locked up for the benefit of all and for the future ages. If you will consider this question in its true light, I am sure you will not complain about Federal aid in the West.

I am not going to discuss the benefit that all the people of the country get from good roads. The economic phases of this question have been discussed by those who have preceded me.

For your information and under the permission granted me I will now insert in the Record certain data prepared by the legislative reference service of the Congressional Library with reference to the questions which I have discussed. I believe it will be a benefit to the members of this committee in the future consideration of Federal-aid projects. This information is in the form of answers to certain questions propounded by me with reference to the matters which I have briefly discussed:

Question 1. What States received money from the sale of the public lands? How much did each State receive? How much interest did they pay? How much of the money did each pay back to the Government?

The first act of the Congress of the United States making provision for the disposal of the public lands was that of May 18, 1796. Under the terms of this statute a "credit system" for the purchase of public lands was put into operation, and this arrangement was further developed by the acts of 1800 and 1804. This "credit system" was continued until 1820, when the act of April 24 substituted a "cash sales system" that is still in force. The total amount received by the States from the proceeds of sales of public lands for purposes specified by the Federal Government is indicated in the following table:

Amounts accrued and paid to States for purposes of education or of making public roads and improvements on account of grants of 2, 3, and 5 per cent of net proceeds of sales of public lands lying within said States

State	Total to June 30, 1922	Fiscal year 1923	Aggregate to June 30, 1923, inclusive
Alabama.....	\$1,080,883.87	\$107.50	\$1,080,991.37
Arizona.....	35,588.38	1,217.49	36,805.87
Arkansas.....	331,921.82	693.19	332,615.01
California.....	1,158,614.66	1,985.88	1,160,600.54
Colorado.....	516,506.92	1,723.88	518,230.80
Florida.....	144,506.05	256.18	144,762.23
Idaho.....	298,138.08	1,601.66	299,740.34
Illinois.....	1,187,908.89		1,187,908.89
Indiana.....	1,040,255.26		1,040,255.26
Iowa.....	633,638.10		633,638.10
Kansas.....	1,127,987.59		1,127,987.59
Louisiana.....	470,071.40	84.88	470,156.28
Michigan.....	849,134.45	128.62	849,263.07
Minnesota.....	594,439.07	183.11	594,622.18
Mississippi.....	1,071,883.03		1,071,883.03
Missouri.....	1,061,105.54		1,061,105.54
Montana.....	575,596.65	1,826.90	577,423.55
Nebraska.....	574,468.76	98.19	574,566.95
Nevada.....	46,399.90	735.00	47,134.90
New Mexico.....	146,297.34	769.40	147,066.74
North Dakota.....	538,834.53	67.15	538,901.68
Ohio.....	969,353.01		969,353.01
Oklahoma.....	66,137.39	59.50	66,196.89
Oregon.....	759,641.02		759,641.02
South Dakota.....	348,008.32	182.33	348,190.65
Utah.....	168,030.04	3,211.46	161,241.50
Washington.....	431,575.07	336.78	431,911.85
Wisconsin.....	586,645.26		586,645.26
Wyoming.....	310,060.76	1,815.07	311,875.83
Total.....	16,883,661.75	17,008.17	16,900,669.92

These disbursements granted to the States from the net proceeds of the sale of public lands were for specific purposes, and no return in the way of principal or interest was expected by the Federal Government. Therefore no record exists of any returns made by the States benefited by these grants.

2. What States of the old Northwest received Federal aid for internal improvements? How much?

The old Northwest consisted of the present-day States of Indiana, Illinois, Ohio, Michigan, and Wisconsin. As early as 1802 the question of distributing the public lands among the several States became a subject of congressional inquiry. The need of improved transportation facilities between the East and the territory west of the Appalachian Mountains was very apparent, and many thought that the continued existence of the Union depended upon closer economic ties. Grants of public lands for internal improvements appeared to be the easiest way of promoting transportation agencies, such as railroads, wagon roads, and canals. In 1823 Ohio received a grant to be applied toward the construction of a road from the lower rapids of the Miami of Lake Erie to the western boundary of the Connecticut Reserve, and in 1824

Congress passed an act authorizing Indiana to construct a canal to connect the Wabash River and Lake Erie, granting a right of way 90 feet in width on each side of the canal.

By 1830 the practicability of railway transportation had been demonstrated, so in that year the State of Ohio was authorized to use the canal grant of 1828 for a railroad to connect Dayton with Lake Erie. In 1835 important grants were made for rights of way through the public domain in Florida and Alabama. In 1852 Congress passed an act granting a right of way 100 feet in width to all railroad companies then chartered, or that should be chartered within 10 years, through any public land of the United States over which the legislatures of the State should authorize the construction of a road.

These acts were soon followed by more comprehensive legislation. "The country went railroad mad and Congress reflected the general craze for immediate development of rapid means of communication. The Civil War also served to emphasize the importance of the railroad for military purposes and was one factor in extending the policy to the Pacific roads. The first grant to a Pacific railroad was made to the Union Pacific in 1862. This was also the first grant to a railroad corporation as distinguished from grants to States. But public opinion was swinging the other way. The last railroad land grant to a State was made to California in 1867, the last to a railroad corporation to the Texas Pacific in 1871."

The following table indicates the amount of Federal aid received by the States of the old Northwest for internal improvements, including canals, wagon roads, and railroads:

<i>Acres of land granted States</i>	
Illinois:	
Internal improvements, including canals.....	533,368
Railroads.....	2,595,133
Total.....	3,128,501
Indiana:	
Internal improvements, including canals.....	1,916,804
Railroads.....	
Total.....	1,916,804
Michigan:	
Internal improvements, including canals.....	1,750,235
Railroads.....	3,133,231
Total.....	4,883,466
Ohio:	
Internal improvements, including canals.....	1,019,071
Railroads.....	
Total.....	1,019,071
Wisconsin:	
Internal improvements, including canals and rivers.....	1,522,348
Railroads.....	3,650,589
Total.....	5,172,937

3. What States were given public lands within their boundaries? How much?

The following table shows the amount of public lands granted to the States within the particular State boundaries:

<i>Total amounts granted States</i>	<i>Acres</i>
Alabama.....	2,258,222
Arizona.....	10,489,236
Arkansas.....	9,372,993
California.....	8,422,664
Colorado.....	4,453,378
Florida.....	21,966,099
Idaho.....	3,631,965
Illinois (old Northwest).....	3,639,065
Indiana (old Northwest).....	4,306,253
Iowa.....	3,019,645
Kansas.....	5,605,733
Louisiana.....	10,990,025
Michigan (old Northwest).....	8,787,388
Minnesota.....	8,330,990
Mississippi.....	4,948,391
Missouri.....	5,574,485
Montana.....	5,869,618
Nebraska.....	3,458,711
Nevada.....	2,723,647
New Mexico.....	12,406,026
North Dakota.....	3,163,476
Ohio (old Northwest).....	2,492,925
Oklahoma.....	2,095,760
Oregon.....	4,352,132
South Dakota.....	3,432,604
Utah.....	7,414,276
Washington.....	3,044,471
Wisconsin (old Northwest).....	6,219,970
Wyoming.....	4,138,569

4. What States received aid for their State banks in President Jackson's administration? How much for each State? How much was returned from each State?

In 1833 President Jackson, having become convinced that the United States Bank was a menace to the best interests of the United States, decided to instruct the Secretary of the Treasury no longer to use it as a depository of public funds. Secretary Duane refused to carry out such a policy, so he was dismissed and Roger Taney, of

Maryland, was installed as the new Secretary of the Treasury. He promptly gave the order suspending deposits in the United States Bank after October 1, 1833, and certain State banks were then selected as the depositories of the public funds. A list of these State "pet banks," as they were called, and the public funds intrusted to their keeping, December 1, 1835, is as follows:

Table showing the condition of the selected banks according to the returns made to the Treasury Department near December 1, 1835

Banks	Date	Capital	Deposits of Treasurer United States	Deposits of public officers
Maine Bank, Portland.....	Nov. 21	\$165,000.00	\$200,687.86	\$38,318.47
Commercial Bank, Portsmouth.....	Nov. 23	102,000.00	129,037.51	61,758.38
Commonwealth Bank, Boston.....	Nov. 16	600,000.00	815,964.96	101,739.23
Merchants Bank, Boston.....	Nov. 14	750,000.00	782,022.43	29,446.44
Bank of Burlington, Burlington.....	Nov. 12	102,000.00	50,017.00	-----
Arcade Bank, Providence.....	Nov. 14	200,000.00	105,097.05	18,833.60
Farmers & Mechanics Bank, Hartford.....	Dec. 1	387,390.00	72,266.73	28,452.31
Bank of America, New York.....	Nov. 16	2,001,200.00	2,744,662.11	454,550.26
Manhattan Co., New York.....	do.....	2,050,000.00	2,648,277.42	84,826.72
Mechanics Bank, New York.....	do.....	2,000,000.00	2,620,811.04	156,748.93
Girard Bank, Philadelphia.....	Nov. 21	1,500,000.00	1,922,471.44	71,812.65
Moyamensing Bank, Philadelphia.....	Nov. 17	125,000.00	340,092.00	65,647.96
Union Bank of Maryland, Baltimore.....	Nov. 30	1,844,362.00	1,116,371.55	100,784.53
Bank of the Metropolis, Washington.....	Dec. 1	500,000.00	246,324.62	247,151.20
Bank of Virginia and branches, Planters Bank of Georgia, Savannah.....	Nov. 14	3,240,000.00	163,920.71	118,549.91
Bank of Augusta, Augusta.....	Nov. 17	535,400.00	85,195.04	12,284.78
Planters Bank, Natchez.....	do.....	600,000.00	43,399.95	-----
Branch Bank of Alabama, Mobile.....	Oct. 20	4,063,982.41	1,526,838.24	4,337.63
Union Bank of Louisiana, New Orleans.....	Nov. 9	2,000,000.00	943,180.19	80,110.87
Commercial Bank, New Orleans.....	Nov. 16	6,925,000.00	499,324.07	68,020.54
Union Bank, Nashville.....	Nov. 18	2,193,725.00	504,478.45	34,707.57
Merchants & Manufacturers Bank, Pittsburgh.....	Nov. 9	1,806,870.00	74,447.60	16,172.63
Commercial Bank, Cincinnati.....	Nov. 25	599,550.00	66,999.47	175,812.43
Commercial Bank agency, St. Louis.....	Nov. 14	1,000,000.00	747,544.06	40,517.73
Franklin Bank, Cincinnati.....	do.....	1,000,000.00	994,897.67	78,204.55
Louisville Savings Institution, Louisville.....	do.....	1,000,000.00	139,893.19	22,853.61
Bank of Michigan, Detroit.....	Nov. 11	68,172.00	115,724.31	18,849.56
Farmers & Mechanics Bank, Detroit.....	Nov. 15	444,200.00	863,601.89	77,478.97
Mechanics & Farmers Bank, Clinton, Columbus.....	do.....	150,000.00	669,538.29	13,056.93
Bank of State of North Carolina.....	Oct. 31	442,000.00	148,073.27	69,462.00
Planters & Mechanics Bank, Charleston.....	Nov. 14	232,125.00	296,596.81	33,945.47
State Bank of Indiana and branches.....	Oct. 24	1,096,000.00	27,802.70	-----
Aggregate.....	Oct. 31	815,000.00	484,326.94	11,276.94
Bank of the United States.....	Nov. 3	40,479,582.41	22,352,323.33	2,371,866.71
Bank of the United States.....	Nov. 3	35,000,000.00	3,927.29	584,537.19

The following table contains a statement of all losses to the Government on account of its deposits in State banks during the period preceding the final establishment of the subtreasury system in 1846:

State banks designated as depositories

Bank	Year	Balance due as per last statement
Bank of Vincennes, Ind.....	1836	\$168,511.64
Bank of Illinois.....	1842	46,906.51
Farmers & Mechanics' Bank of Indiana.....	1835	31,683.90
Tombeckee Bank.....	1839	98,178.70
Agricultural Bank of Mississippi.....	1839	883,404.30
Franklin Bank of Boston.....	1840	12,331.25
Commercial Bank of Buffalo, N. Y.....	1839	846.94
Franklin Bank of Alexandria, District of Columbia.....	1839	48,000.00
Bank of Edwardsville, Ill.....	1839	46,975.00
Bank of Missouri.....	1839	150,192.57
Bank of Washington, Pa.....	1843	5,638.15
Bank of Steubenville, Ohio.....	1844	200,036.33
Elkton Bank of Maryland.....	1844	25,372.19
Bank of Somerset, Md.....	1844	62,420.36
Bank of Columbia, Georgetown, D. C.....	1845	639,341.09
Virginia Savings Bank.....	1845	10,121.00
Merchants' Bank of Alexandria, Va.....	1845	3,217.00
Parkersburg Bank.....	1845	190.00
Bank of Greencastle.....	1845	595.00
Urbana Bank.....	1845	2,839.00
Junata Bank.....	1845	8,200.00
Huntington Bank.....	1845	2,390.00
Lebanon Miami Banking Co.....	1845	9,676.00
Farmers and Mechanics' Bank, Pittsburgh.....	1845	1,311.00
Bedford Bank.....	1845	4,069.37

State banks designated as depositories—Continued

Bank	Year	Balance due as per last statement
Farmers, Mechanics & Manufacturers' Bank of Chillicothe.....	1845	\$20,729.45
Farmers & Mechanics' Bank, Cincinnati, Ohio.....	1839	20,213.01
Do.....	1845	16,753.00
Miami Exporting Co., Ohio.....	1845	3,469.54
Bank of Cincinnati, Ohio.....	1845	3,946.00
Commercial Bank of Cincinnati, Ohio.....	1845	1,621.50
Bank of the Metropolis, Washington, D. C.....	1845	3,059.64
Centre Bank of Pennsylvania.....	1845	6,381.73
Total State bank depositories, etc.....		2,370,856.61

DISTRIBUTION OF THE SURPLUS

In January, 1835, the national debt was extinguished, and inasmuch as it appeared that a yearly surplus of some nine millions would accumulate in the public depositories, a strong movement was started to distribute this surplus among the several States according to their electoral vote. Finally, on June 23, 1836, a measure providing for this distribution was approved, and the payments to the States were commenced on January 1, 1837, and additional payments were to be made on April 1, July 1, and on October 1, 1837. The conditions under which this surplus was distributed to the States were embodied in section 13, of the act of June 23, 1836, and are as follows:

"Sec. 13. And be it further enacted, that the money which shall be in the Treasury of the United States, on the 1st day of January, 1837, reserving the sum of \$5,000,000, shall be deposited with such of the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall, by law, authorize their treasurers, or other competent authorities, on receiving certificates of deposits therefor, signed by such competent authorities, in such form as may be prescribed by the Secretary aforesaid; which certificates shall express the usual and legal obligations, and pledge the faith of the State, for the safe-keeping and repayment thereof, and shall pledge the faith of the States receiving the same, to pay the said moneys, and every part thereof, from time to time, whenever the same shall be required, by the Secretary of the Treasury, for the purpose of defraying any wants of the Public Treasury, beyond the amount of the five million aforesaid: *Provided*, That if any State declines to receive its proportions of the surplus aforesaid, on the terms before named, the same shall be deposited with the other States agreeing to accept the same on deposit in the proportion aforesaid: *And provided further*, That when said money, or any part thereof, shall be wanted by the said Secretary to meet appropriations by law, the same shall be called for, in rateable proportions, within one year, as nearly as conveniently may be, from the different States, with which the same is deposited, and shall not be called for, in sums exceeding \$10,000, from any one State, in any one month, without previous notice of the 30 days, for every additional sum of \$20,000, which may at any time be required."

On January 1, 1837, when the first payment of the surplus revenue was scheduled to take place, the actual surplus to the credit of the Government was \$41,468,859.97. This money was on deposit in the select banks, which were now called upon to transfer to the State officials, at designated periods, the surplus funds, excepting a reserve of five millions. There can be no question legally that this act of June 23 was "to be interpreted as merely a temporary deposit of the surplus with the States. Such is the wording of the act, and such has been the decision of the Supreme Court."

But the advocates of distribution were quite sure that the Federal Government would never recall these deposits, and that the States could use these funds for their own purposes without having to make provision for their eventual repayment. On his return home after the passage of the distribution bill, Mr. Clay informed his fellow citizens that he "did not believe a single Member of either House imagined that a dollar would be recalled," and the New Haven Palladium, December 8, 1836, significantly observed: "It is the people's money, and the Government will never ask for it."

The States have never made any provision for the repayment of these deposits, which were soon dissipated for various State needs. On two occasions, however, it has been suggested by Federal officials that these funds be made productive for Federal purposes. On December 9, 1840, the Secretary of the Treasury, in view of a deficiency in the revenue in 1842, advised that so much of the surplus as was needed should be recalled. A second occasion was in 1861, when it was proposed to borrow \$25,000,000 to meet pressing demands upon the Treasury. As security for such a loan, Secretary Dix, in a letter to the Committee on Ways and Means, January 28, recommended that "the several States be requested to pledge the United States deposit funds in their hands."

The amounts of the surplus revenue received by the States and the disposition of it will be shown in the following tables:

States	Elec- toral vote	The share received by each State	Amount to each free per- son (cen- sus of 1830)	Amount to each free per- son (esti- mated popu- lation, 1837)
Alabama.....	7	\$669,086.79	\$3.48	\$2.28
Arkansas.....	3	286,751.49	11.11	4.57
Connecticut.....	9	764,679.60	2.57	2.50
Delaware.....	3	286,751.49	3.90	3.82
Georgia.....	11	1,051,422.09	3.50	2.55
Illinois.....	8	477,919.14	8.04	1.49
Indiana.....	9	860,254.44	2.51	1.48
Kentucky.....	15	1,433,757.39	2.74	2.22
Louisiana.....	8	477,919.14	4.50	2.98
Maine.....	10	955,838.25	2.39	2.02
Maryland.....	10	955,838.25	2.77	2.54
Massachusetts.....	14	1,338,173.58	2.19	1.91
Michigan.....	3	286,751.49	9.07	1.63
Mississippi.....	4	352,335.30	5.39	2.59
Missouri.....	4	352,335.30	3.31	1.99
New Hampshire.....	7	669,086.79	2.49	2.39
New Jersey.....	8	764,679.60	2.40	2.15
New York.....	42	4,014,520.71	2.09	1.76
North Carolina.....	15	1,433,757.39	2.91	2.85
Ohio.....	21	2,077,260.34	2.21	1.54
Pennsylvania.....	30	2,867,514.73	2.13	1.77
Rhode Island.....	4	352,335.30	3.93	3.73
South Carolina.....	11	1,051,422.09	3.99	3.94
Tennessee.....	15	1,433,757.39	2.65	2.32
Vermont.....	7	669,086.79	2.38	2.33
Virginia.....	23	2,198,427.94	2.90	2.81

Tabular summary showing disposition of the surplus funds distributed among the States in 1837

Original use of principal	Use of interest	Final disposition or present condition of principal
Alabama: Deposited in the State bank and branches, and used for capital.	Devoted to support of schools till 1843 and since 1854.	Lost in bad banking or by too heavy charges on the capital of the bank.
Arkansas: Used as capital for the principal bank, and appropriated.	Nominally for schools; law, a dead letter.	Used up long since in general appropriations.
Connecticut: Deposited with the towns and loaned by them.	Three-fourths for schools till 1855 (by law one-half); after 1855 the whole for schools.	Still loaned by towns; some lost; some a fixed charge on town books.
Delaware: Invested in bank stock, loaned, and invested in railroads.	Devoted to schools.....	In bank stock and a single State bond.
Georgia: Invested in banking, or rather, deposited in the Central Bank and used as capital.	The interest on one-third was appropriated for schools, but probably used for general expenses till 1870.	Used up in banking.
Illinois: Internal improvements, failures.	The interest on two-thirds for schools.	Wasted on improvements.
Indiana: Two-thirds loaned, one-third used for bank capital.	The interest on two-thirds for schools; on one-third for the State debt.	The portion loaned was lost; the portion in the bank was doubled.
Kentucky: Used for bank stock and to pay the public debt.	The interest on four-sevenths devoted to schools.	Part in the school fund, and still exists.
Louisiana: Three-fourths appropriated for State debt and for bank stock, the rest for education.	For schools since 1854.....	Appropriated.
Maine: Mostly distributed per capita; a part devoted to schools.	A very small part for schools.	Mostly distributed.
Maryland: Two-ninths for State debt, the rest deposited in banks.	The interest on seven-ninths for schools.	Used to pay the State debt.
Massachusetts: Deposited with the towns to be used like revenue derived from taxation.	Somewhat for schools.....	Used up mainly on town expenses.
Michigan: State expenses and unsuccessful improvements.	-----	-----
Mississippi: Improvements (fraudulent (?) and State expenses (?).)	-----	-----
Missouri: State bank.....	For schools.....	Invested in State bonds.
New Hampshire: Deposited with the towns.	Small interest for schools.....	Distributed or appropriated; small part as a school fund.

Table showing the condition of the selected banks according to the among the States in 1837—Continued

Original use of principal	Use of interest	Final disposition or present condition of principal
New Jersey: Deposited with the counties.	A good part for schools since 1867 the interest on four-fifths for schools.	Expanded on war bounties and county buildings.
New York: Loaned on real estate....	Interest for education.....	In bonds and real-estate loans.
North Carolina: Invested in improvements, bank stock, and debt.	Mainly for education.....	Lost during the war and reconstruction period.
Ohio: Deposited with the counties to be loaned.	For schools.....	Used to pay the internal improvement debt. Interest charges till paid by the State to the school fund.
Pennsylvania: One-third for education, two-thirds for State expenses.	-----	-----
Rhode Island: Bank stock and loaned to towns.	Part for schools.....	Largely if not wholly used for State expenses.
South Carolina: Invested in a profitable railroad.	State purposes.....	Railroad property much injured during the war.
Tennessee: State bank.....	Schools.....	Used up in banking.
Vermont: Deposited with towns....	About half for schools in 1844, now nearly all.	Still deposited.
Virginia: Invested as bank capital.	-----	-----

Mr. ALMON. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. WHITTINGTON].

Mr. WHITTINGTON. Mr. Chairman, the main purpose of this bill is to aid the States in building good roads. It authorizes an appropriation of \$75,000,000 for each of the fiscal years ending June 30, 1928, and June 30, 1929. The Nation is interested in the construction of good roads as it is interested in no other subject. Civilization and highways are closely related. The question of good roads affects all the people in all the walks of life, whether they live in the city or in the country. The entire membership of Congress is in favor of legislation that promotes highway construction. In this modern and better day there is a universal sentiment that it is the duty of the Federal Government to assist the States in the construction of the main highways.

DISTRIBUTION EQUITABLE

The distribution of funds is made to the several States and not to certain roads; the method is equitable. One-third is according to the ratio which the area of each State bears to the total area of all the States; one-third is in the ratio which the population of each State bears to the population of all the States; and one-third is in the ratio which the mileage of rural-delivery routes and star routes in each State bears to the total mileage of rural-delivery routes and star routes in all the States.

There are about 3,000,000 miles of roads in the United States, and the Federal Government is now using daily 1,205,572 miles in the Postal Service. Under the law the United States is assisting the States in the improvement of about 7 per cent of the roads, or about 200,000 miles. In using the public roads the Postal Service is serving about 30,000,000 people, and there are about 14,000,000 to be added as fast as the service can be extended. Five years ago 43 per cent of the rural carriers used horse-drawn vehicles. To-day there are but 15 per cent using horses. The time of delivery of rural mail has been reduced more than one-half.

Under the law no State receives less than one-half of 1 per cent of the annual allotment of Federal funds. During each of the years Mississippi will receive approximately \$1,291,960. There was spent on roads in Mississippi during the year 1925 a total of approximately \$14,550,000.

FEDERAL INTEREST AND RESPONSIBILITY

What is the Federal interest? Is there any Federal responsibility in highway construction? Recently many objections have been urged against Federal aid and particularly against Federal aid in highway construction. However, there is ample authority in the Federal Constitution for Federal assistance in road building. Under Article I, section 8, of the Constitution Congress may levy taxes to provide for the common defense, to promote the general welfare, to establish post offices

and post roads and to regulate commerce among the several States.

The main highways will provide for the national defense. Nothing will mean more in time of war than to be able to mobilize and transport men and material quickly. General Pershing, speaking before the Senate Committee on Post Offices and Post Roads in 1921, said:

The country road will be of tremendous value in time of war. The roads must be relied upon to obtain the needed food supplies.

Improved highways are an important factor in the social and economic life of the people. They promote schools, and have aided as no other agency in the establishment of consolidated schools. They promote churches; they aid the people of the rural districts in obtaining medical assistance; and they contribute generally to the social betterment of the people in the country. The general welfare is promoted by making living conditions better.

The Postal Service is a Federal function. I have already stated that the United States is using daily more than a million miles of roads for rural mail purposes. The Government can render no better service than to extend the benefits of the rural routes. The people of the country are entitled to as good mail advantages as the people in the towns.

Good roads provide for commerce among the States. The question of transportation is an increasingly important one. Highway transportation, both freight and passenger, has come to stay. The truck aids the railroad in transportation; the highways are feeders to the railways.

THE HISTORY OF FEDERAL AID TO PUBLIC ROADS

Thomas Jefferson was interested in the internal improvement of the country. One of the first appropriations in aid of good roads was an appropriation of \$30,000 to build the Cumberland Road, projected to extend from the Potomac River to the Ohio River. It was known as the Cumberland Pike, and it was built from Cumberland, Md., as far as Wheeling, W. Va. The first appropriation was made on March 29, 1806, and the last appropriation for this purpose was made on May 25, 1838, in the sum of \$159,000.

The first highway department was established in New Jersey in 1891. To-day all of the States have such departments. The total expenditure for roads in 1915 was \$240,263,784. In 1925, \$1,176,000,000 was expended. Good roads are now recognized as a necessity.

The history of Federal aid for roads is interesting. In 1912 a committee of Congress was appointed to investigate the part that the Government should take in the building of roads. The report of this committee resulted in the first legislation that was enacted on this subject; it was approved on July 11, 1916, and this legislation provided for an appropriation of \$75,000,000 for a period of five years. The next legislation was passed in February, 1919, and carried an appropriation of \$200,000,000, covering a period of three years.

In 1921 a comprehensive program of Federal aid was enacted to provide for 7 per cent of the roads in each State, and this 7 per cent aggregates, as I have stated, 200,000 miles. In 1925 Congress authorized an appropriation of \$75,000,000 for each of the fiscal years ending June 30, 1926 and 1927. Under the present law the Federal Government can not participate more than 50 per cent in the cost of construction and can not aid in excess of \$15,000 per mile; the contribution by the Federal Government is on a 50-50 basis. The expenditure of the Federal funds contributed is under the supervision of the State highway department, and the Federal Government exercises through the Secretary of Agriculture a general supervision to see that any given project is up to the proper standards. The highways to be improved are selected by the States, and when completed the system will be the greatest on earth.

What is Federal aid? It is the share paid by the Federal Government as its obligation for the use of the national highway system. The Government is in the highway business on a basis of partnership between the Nation and the States. Its aim is to assist in the building of the main thoroughfares, north and south and east and west, through all the counties and in all the States of the Union, so that all cities of more than 5,000 inhabitants and all county seats may be connected.

The highways are used by the people of the whole country for education and recreation. During the past summer 12,000,000 people traveled the main highways and spent \$2,000,000,000 for the item of travel alone.

Again, the Federal tax on motor cars in 1925 yielded \$131,872,000, while Federal aid amounted to only \$75,000,000. The tax on cars has been materially reduced during the present session of Congress, and in my judgment, like all other excise taxes that originated during the war, it should be wholly repealed by the Federal Government. Excise taxes should be left

to the States as a source of revenue. I mention the collection of the motor tax to show that motor cars have paid more than the amount of Federal aid in road construction since the policy was inaugurated.

A complete system of Federal highways will be of inestimable value to the people of the country. President Coolidge in his message to Congress on December 6, 1923, used these words:

No expenditure of public money contributes so much to the national wealth as for building good roads.

MOTOR VEHICLES RENDER IMPROVED HIGHWAYS A NECESSITY

The automobile has made the improved highway a necessity. The development of the automobile has been remarkable. In 1895 there were 300 automobiles in the United States; in 1925 it is estimated that there are approximately 20,000,000 motor vehicles on the streets and highways of the country. There are more automobiles than there are telephones; this is true notwithstanding the fact that the telephone has been in operation one-half century, and motor vehicles have been in general use but little more than 15 years.

The investment in automobiles is more than \$16,500,000,000. The United States is first in the automobile industry. It is an important factor in the world trade of the United States. The automobile industry contributes very largely to the balance of world trade in favor of this country.

The difference in the cost of operation over improved roads and over unimproved highways would pay for the cost of improvement in a short time. To discontinue the Federal policy would be disastrous.

Experiments have been made to ascertain the cost of operation over various kinds and types of roads. These types include dirt, gravel, and hard-surfaced roads. The investigation discloses that an ordinary dirt road will give approximately 14 ton-miles of traffic per gallon of gasoline; graveled roads average approximately 21 ton-miles per gallon; and hard-surfaced roads, including concrete, brick, and macadam, give about 31 ton-miles per gallon of gasoline. The gasoline cost on a dirt road is approximately 1.43 cents per ton-mile; on gravel roads it is 0.95 of a cent; and on hard-surfaced roads 0.64 of a cent per ton-mile. When gasoline, repairs, and maintenance are considered the cost of operation over a hard-surfaced road is one-fourth the cost of operation over a dirt road.

There has been a remarkable revolution in road building as a result of the automobile. There has also been a marvelous development in good roads throughout the country. The problem became a national one; it demanded a great unified system of highway building. The increased traffic and the multiplication of motor cars bring problems that can only be solved properly by cooperation among all the States. Uniform traffic regulations promote safety; uniform standards of construction give efficiency.

The record of accidents, injuries, and deaths is appalling. There must be a uniform system of marks and signals. There must be greater aids to travel on the highways. Accidents and injuries must be eliminated. In 1925, 23,850 persons were killed as a result of highway and street accidents, and more than one-half million persons received serious personal injuries. Of the number killed, approximately 7,000 were children of school age. Every possible effort should be exerted to prevent this awful destruction of human life. The automobile has come to stay. America has more automobiles than the other countries of the world combined, and surely the Government can provide for their use so as to promote without injury the social and economic progress of the country.

BENEFITS OF GOOD ROADS

Everybody is benefited by good roads. The value of the crops of the American farmers last year was over \$20,000,000,000. Good roads are essential to the development of the community, and to the progress of the State and Nation. The merchant in the city, the resident in the town, and the farmer in the country, all profit by good roads.

Unimproved roads are a great burden to the people. The load falls ultimately on the consumer, and it is shared by the laboring man in the city and town, and the producer on the farm. The cost of hauling over the average unimproved roads exceeds the cost of hauling over improved roads about \$0.08 per ton-mile. It is estimated that the tonnage hauled on the highways of the United States is 700,000,000 tons per year; at an average haul of 9 miles the gross saving on transportation over improved roads is 72 cents per ton, or something like \$504,000,000 annually.

STATE AND FEDERAL COOPERATION

Formerly the jurisdiction of roads was vested in the county. It was a local question. The people in one part of the State

were not concerned about the condition of the roads in another part of the State. The citizens of one State, before the advent of motor cars, did not use the highways of another State. But now all has changed. The main highways are not limited to the borders of any one State. In some localities there are improved roads where more than 50 per cent of the traffic originates in other States. Some counties are traversed by main roads on which not more than 10 per cent of the traffic originates within that county.

If the citizens of the district or the county are to pay for their roads without assistance, they ought only to be called upon to pay for a road that is suitable for their own local traffic.

Mr. Chairman, the building of highways is no longer a local matter. The construction of the main thoroughfares is not a county or a State matter. In our generation we recall the time when the working of the roads was left to the community. Then the county assumed supervision over the improvement of the roads; finally the State highway commission was created. But to-day the construction of the main thoroughfares, north and south, east and west, through the counties, is no longer a county or State problem, but it is a national problem, because the use of these roads is not confined to the citizens of any county or State, and for the further reason that the main highways are now used by the citizens of the United States. [Applause.]

The people of the entire country who use the main thoroughfares should contribute to their construction. There is no fairer or more equitable method of contribution than Federal aid for the main highways. [Applause.]

TAXATION FOR ROADS

Taxation is burdensome; economy in government should be fostered. Road taxes and school taxes constitute the greater part of the local taxes of the citizens. In Mississippi something like 60 per cent of every dollar paid in ad valorem taxes goes to the support of the schools. The taxes for roads and for schools are especially heavy upon the landowner. There must be a reduction of land taxes if agriculture is to be profitable. All who profit from good roads should participate in the taxes for their construction and maintenance. All taxes, both State and national, have increased enormously in recent years. We can recall the billion-dollar Congress of a few years ago, but the billion-dollar Congress has now given way to a \$4,000,000,000 Congress. There must be a reduction in taxation. The present Congress has reduced taxes, under the revenue act of 1926, in the sum of approximately \$375,000,000. More than 2,000,000 taxpayers have been relieved altogether from income taxes. The rates in inheritance taxes have been materially reduced. There is no Federal inheritance tax on net estates of \$100,000 or less. In other words, after paying all the debts and liabilities of the estate, \$100,000 is exempt from Federal inheritance tax. An estate of \$150,000 would pay only \$500 Federal estate tax. So far as Mississippi is concerned, therefore, Federal estate taxes have really been abolished. I would like to see Federal inheritance taxes repealed altogether. I favor further tax reduction. I know, however, that taxes can only be reduced as the appropriations by Congress are reduced. Any demagogue can proclaim that he is in favor of tax reduction, but taxation can only be reduced by reducing appropriations. It is difficult for a legislator to vote against appropriations. Our Government is really a big business enterprise. It takes courage to vote against many appropriation bills.

A legislator must be careful, painstaking, informed, and he should be a man of broad views, and he should be well grounded as to all governmental functions. He must have the courage of his convictions, and it takes courage to vote against many appropriations and thereby provide for tax reduction. Some Members of Congress, when the matter of taxation is mentioned, are prone to dismiss it with the statement that the burden of taxation is really local and State, and the average citizen is not burdened with Federal taxes. For one, I believe that the Federal Government should aid in the reduction of certain local taxes. I know that the taxpayer is burdened; he ought to have relief, and the Federal Government should give him relief where it is proper in the exercise of its Federal functions. I believe that the Federal Government can aid the State and the county in reducing taxes by giving a sympathetic ear to the plea of the overburdened taxpayer and by lending a helping hand with the reduction of State and county taxes. I refuse to take refuge behind the statement that the burden of taxes is local rather than national. I know of no better way for the Federal Government to aid the overburdened taxpayer of our State and Nation than by aiding the States in the construction of the main highways and thus relieving the local

taxpayer from the entire burden of building these roads. [Applause.]

Moreover, land in the towns and in the country is being burdened for the construction of roads. In Mississippi this arises from the fact that a great portion of the tax collected is on land and on visible personal property. Those who use the highways, whether they are citizens of the county or the State or the Nation, should contribute to their maintenance, and I know of no better or more equitable method to provide for this contribution than by Federal aid in the building of the main roads. [Applause.]

BURDEN ON THE STATES EQUAL

Certain States are not overtaxed for aid to other States. The burden is not unequal. There is an agitation against Federal aid, and particularly against Federal aid to roads in certain parts of the country. This is particularly true in the States with the greatest wealth and the largest population. There has been a campaign against Federal aid. Those who oppose Federal aid argue that it is a departure from our system of government; that it promotes centralization; that it fosters bureaucracy; that it deprives the States of their independence and initiative; and that its tendency is toward the breaking down of local self-government. I am opposed to centralization, to bureaucracy, and to the Federal Government doing any of those things that can be done by the States and their subdivisions. I know that the government is best that is closest to the people. However, there are many instances where there should be cooperation between the State and the Nation. In all matters the State must maintain its independence.

In Federal aid to highways the State is not deprived of any of its rights. There is no tendency to centralization in Washington. The contracts are made by the State authorities; the roads are selected by the State agencies; they are built under the laws of the State, and the funds contributed by the Federal Government are disbursed by the State highway commission. This is as it should be, for I would oppose the surrender of the independence of the State and the transfer of its funds to the Federal Government in the construction of highways that received Federal aid.

Moreover, in Federal aid to highways the State is not sacrificing its initiative. The United States aids in the construction of the main highways to the extent of about 7 per cent of all roads in the States. The facts are that the States that have the best main thoroughfares have the finest system of lateral roads. The initiative of the States is being developed by the help of the Federal Government. Federal aid is helping and not hindering in road construction.

The better type of roads is being promoted. The people are realizing that the cheapest type of construction is the most expensive in the long run. I am not saying that all of the roads of the county should be of the same type. The type of road needed depends on the traffic. There should be several types of roads in every county, but it is unfair and inequitable for the local taxpayer to be called upon to build the type of road which is required to accommodate the State and national travel. The main roads should be of a permanent type; the Federal Government should aid in building them. Among the best types of main roads are concrete, brick, and macadam; they are the most economical in the long run for the main thoroughfares north and south and east and west through the counties and the States.

The States must never sacrifice their sovereignty to secure Federal aid. In accepting aid for roads local self-government is not destroyed and the rights of the States are not surrendered.

In my opinion, if some of the conditions now imposed were modified or withdrawn in Federal aid the administration would be more efficient and economical. I shall continue to work for the removal of any restrictions in Federal aid that will not stimulate State initiative.

The Federal Government has always been interested in the matter of transportation. Without Federal aid the transcontinental railroads could never have been built. It is said that the Federal Government granted lands to the transcontinental railroads that aggregated more than the entire area of the States of Iowa, Illinois, Indiana, Ohio, Michigan, and Wisconsin. If the Federal Government was justified in promoting railroads, surely it is more justified in supplementing the transportation of the railroads by aiding the highways.

Our Government is a dual form, and it involves a dual citizenship. We are citizens of the United States, and we are citizens of our respective States. We are neighbors and brothers largely because of better means of travel and communication. The Nation is vitally interested in lending a helping hand to

the States. We are citizens of a common country. Every State is interested in every other State. It is the duty of the Government to provide for the welfare of all the citizens. Mr. Justice McKenna expressed this thought when, speaking for the Supreme Court of the United States, he said:

Our dual form of government has its perplexities. State and Nation have different spheres of jurisdiction, as we have said; but it must be kept in mind that we are one people, and that powers reserved to the States and those conferred on the Nation are adapted to be exercised, either independently or concurrently, to promote the general welfare, material and moral.

I maintain that the opposition of States like New York and Massachusetts to Federal aid is not justified. The claim is made that many States receive in Federal aid more than they pay into the National Treasury. The statement is true as to many of the States, but the argument is not sound. I may say in this connection that Mississippi paid in Federal taxes during the fiscal year 1925 \$4,069,777.21 and received in Federal aid for all purposes from the Government \$2,523,354.20.

But no State pays more than its population and wealth justifies. Many large cities and commercial centers are really the clearing houses for the business of the Nation. There is not a large city in the country that secures its prosperity exclusively from the people who reside in the State in which the city is located. The poorest State helps to enrich the wealthiest State. It is a false theory that maintains that the States contribute to the Federal Treasury. Taxes are levied upon individuals and not upon legal subdivisions.

Opposition to Federal aid has been more pronounced since the income and inheritance taxes were enacted. The wealthier States maintain that the tax burden is unequal. In 1925 New York paid in Federal taxes \$658,585,982.21. It received in Federal aid \$5,736,846.21. Massachusetts paid \$118,909,084.22 and received \$1,649,915.10. New Jersey paid \$110,199,707.06 and received \$2,223,399.00. Michigan paid \$195,726,494.83 and received \$4,044,224.64. Again, it is said that in 1923 New York paid 28.72 per cent of all the income taxes paid in the United States, while New Jersey paid 4.35 per cent, and Massachusetts paid 6.72; Michigan, 4.24 per cent, while Mississippi paid 0.29 per cent, or approximately three-tenths of 1 per cent.

The State of New York for the years 1917 to 1925, inclusive, paid into the Federal Treasury 35.68 per cent, or more than one-third, of all the Federal estate taxes collected. Massachusetts paid 6.43 per cent, while Mississippi paid 0.14 per cent, or approximately one-eighth of 1 per cent. Of course, the great benefit from the repeal of the Federal estate tax will accrue to States like New York, Michigan, Massachusetts, and New Jersey.

However, the argument of those opposed to Federal aid is not sound. States are political and not economic units. There are many large corporations in New York City that derive their prosperity from other States. On the 15th of May, 1925, the deposits in New York City banks amounted to \$2,218,027,000, and yet 38 per cent of this amount represented deposits by banks outside New York City. Many large railroad corporations pay their income taxes in New York City. For instance, the Union Pacific in 1923 paid an income tax of \$4,500,000, and yet this railroad does not operate east of Omaha and Kansas City. But all of its Federal taxes were paid in New York State. Take another case: The United States Steel Corporation in 1923 paid an income tax of \$16,000,000 in New York. This corporation has 145 plants and warehouses, but only 2 of them are located in the State of New York. New York, Hartford, and Baltimore are the homes of many of the great fire, life, and casualty insurance companies of the country, and yet no one would be so foolish as to say that these cities alone contribute to their prosperity. Boston is the center of the wool market, yet there are but few sheep in the State of Massachusetts. The mines of several States of the West have furnished wealth to the residents of other States. There is not a large city in the country which secures its wealth exclusively from the citizens who live in that city or in the State where the city is located. Rockefeller lives in New York, and yet his fortune accrues from his operations in every State in the Union. Henry Ford resides in Michigan, and yet his business prospers because he sells cars in every county in the United States.

The entire Nation contributes to the building of all the great fortunes in the country. Wealth should be taxed for the benefit of the whole country and not for the benefit of any particular locality.

GOOD ROADS UNITE THE COUNTRY

National highways make neighbors of all the States and promote a better understanding among all the people. Progress and highways go hand in hand. Good roads are an educational asset. They make for better schools, they foster good citizen-

ship. They make better homes and better citizens. Humanity advances along its highways. We live in the golden age of human achievement, and highways are removing the barriers between the city and the country.

In Germany, France, and Italy the national governments build and maintain the main highways. The citizen is taxed for the secondary roads. The primary roads are for the general welfare and are constructed at the general expense. They were important factors in the prosecution of the World War.

Rome is famous for her legions and for her highways. We can not recall Rome without thinking of the Appian Way. The footprints of Caesar can be traced to-day in England along the highways that he constructed in his conquest of Britain.

The farm is the foundation of American prosperity. Good roads promote rural life. They make living conditions in the country worth while. Our national highways will help to unite the entire country. We lead the world in railways and, when completed, we will have the best and greatest highway system in all the earth. By Federal aid to highways the citizens of the United States, regardless of their residence, and according to their ability, are contributing to the progress and advancement of all the people. [Applause.]

Mr. DOWELL. Mr. Chairman, I yield 20 minutes to the gentleman from Ohio [Mr. BRAND].

Mr. BRAND of Ohio. Mr. Chairman and gentlemen of the committee, this does not seem to be exactly a debate on the road question. The Members of the House evidently have been about unanimously convinced that this bill should pass. [Applause.] I believe this is because the people of the country have been equally convinced. I do not hear in my State any objection to Federal aid from the National Government in helping the States to build roads.

However, the chairman has asked me to bring up the one objection to Federal aid which has lodged itself in the minds of some against this proposition. I refer to the way the money comes into the Treasury from the States and the proportion that goes out to those same States. The money does not go out in the same proportion to each State as each State puts the money into the Treasury, and some think, on that account, Federal aid is unfair. I have gone over the payments into the Treasury from the several States, and I have picked out some outstanding illustrations, and I want to bring them to the attention of the House and again give you my logic on the subject to show it is fair even under those circumstances.

North Carolina, for instance, pays into the Treasury of the United States about \$167,000,000 a year. South Carolina pays in only \$6,000,000; and yet when you find out what Federal aid they receive, you find that South Carolina receives nearly as much as North Carolina. South Carolina receives \$1,250,000 a year and North Carolina about \$1,750,000 a year, and yet North Carolina pays into the Treasury about thirty times as much as South Carolina. Now is this fair? Let us analyze and see where North Carolina gets the money that she pays into the Treasury. You will find down there the principal business is tobacco, and this State pays \$151,000,000 in tobacco taxes. The manufacturers down there put up tobacco in forms of cigarettes and in package form, and the Government requires that on each one of those packages you must have a stamp, and that stamp costs considerable money. All these packages are sent out all over the United States by the manufacturer, and does that manufacturer absorb the cost of that stamp himself? We all know he does not. He would break up if he did. He sends that package out over the United States with the tax added, and then everybody who smokes cigarettes or uses a package of tobacco contributes to the fund that comes back into North Carolina and is sent in to the Treasury of the United States, and North Carolina gets the great credit of paying \$167,000,000 into the Treasury of the United States. Why, gentlemen, North Carolina is just a collector of taxes; that is all. All the people are paying that tax all over the United States.

Let me take another illustration I find up in Michigan. Michigan pays \$193,000,000 a year into the Treasury. Indiana, her sister State, pays only \$38,000,000. Yet each of these States receive about \$2,000,000 Federal aid for roads. Is that fair? When you analyze the money paid by the State of Michigan into the National Treasury, you find that there is the State where the automobiles are made; and when you buy an automobile, you will find on your bill so much for national taxes, and you pay that before you get the machine. That is a part of its cost. So everybody who jumps over the roads in a Ford all over the United States or rides in a Cadillac contributes to that sum, which Michigan turns into the National Treasury. Michigan is a collector of taxes from all over this broad country.

The Standard Oil in New York and the Rockefellers in New York pay large sums into the National Treasury, but we all know that on every corner in this great country where there is a gasoline station that funds is being collected from the people generally in the United States, and it is sent to New York and turned over to the National Treasury.

So, if my logic is correct, I say it is absolutely fair to give national aid out of the National Treasury to the States. [Applause.] If there are those who do not agree with that logic of the situation; if there are those who cling to the idea it is not fair, then I want to say to you there is another way out for you. The States of the Union are collecting on gasoline to pay for the construction of roads, generally, 2, 3, 4, or 5 cents a gallon. Now, what is the Nation doing? We are placing a tax on the construction of every automobile made in the country, and when that tax is all collected we find it equals the amount of Federal aid which we have involved in this bill. So those who do not believe it is fair on account of the unequal amounts paid by the States into the National Treasury to pay out this Federal aid to the States, I believe they can see that we are collecting from the traffic the amount that the National Government is paying on the roads.

I believe in Federal aid to the States, not as a gift, not as a gratuity to the States, but as an obligation of the Nation, because the Nation is using the roads and needs them. We are running the Post Office Department down here, one of the greatest businesses in the country, and we are running it successfully. The Post Office Department has 45,000 rural mail carriers in the United States who go out on the roads of the country every morning. Each one of them drives about 30 miles every day, and this means that the mails are carried over 1,350,000 miles of roads every day. The States are spending at least \$1,000,000,000 a year making these roads good, and the Post Office Department is using them all without paying 1 cent for their use, and every dollar that the State spends on these roads makes it cheaper to deliver the mails. Now, is not that true? You know the mail carrier has reduced the time of his service to three or four hours a day on the rural routes. He gets through in three or four hours, and the Government is cognizant of that, and we are gradually beginning to reorganize the mail routes. In my district in the last year there have been five reorganizations. They have reduced the number of carriers. When a carrier dies now in my district or when one quits we do not appoint another. We reorganize the routes in that district. I had a report from Mr. Billamy this week saying he had reorganized in one town and changed the number of routes from 5 to 4, at an increase to the men delivering the mail of \$306 apiece in their annual salaries, and yet saved the Government \$1,260 a year at that place. We had five of these reorganizations in my district in the last year, and this means a saving to the Government of about \$6,000. This is all because the States and the counties have been spending money on these roads. Now, are you going to say that the Government is going to use all these roads and pay nothing for their use when it is an absolute benefit to the Government?

Another point: The traffic in the United States is now at least 20 per cent interstate traffic; that is, people do not travel just in their own State. They go out of their State, and just as soon as you go out of your State the State you are in is really under no obligation to furnish you a road. You are getting it for nothing and you pay no taxes there. It seems to me as soon as you get out of your own State you are in interstate traffic, you are in United States traffic, and it seems to me it is reasonable to say that the United States should contribute to the care and building of that road which such people are using at the sufferance of the State they are in.

Twenty per cent of the traffic is interstate, and a billion dollars is being spent by the State every year, and if the United States would spend her share represented by the interstate traffic, we would have a bill here for \$200,000,000, which is one-fifth of what is being spent, instead of \$75,000,000 which the committee reports.

Mr. HARE. Will the gentleman yield?

Mr. BRAND of Ohio. I will.

Mr. HARE. I am very much interested in the discussion and I would like to know the gentleman's idea of taking the excise tax off from automobiles and placing it in what would be known as a Federal highway fund to be used exclusively in the construction of roads.

Mr. BRAND of Ohio. That is a debatable question in which the automobile manufacturers and the users would object. I am not at all sure but that we are coming to that as a policy of road building.

Mr. HARE. My idea was that there would be no change in the excise, but when the tax is collected and turned into the

Treasury it would go into a fund to be known as a Federal highway fund.

Mr. BRAND of Ohio. There is no fairer way to provide for roads than by tax on the traffic on these roads.

Now, in conclusion, there is another reason why the Government should participate in road building, and that is as a means of national defense.

I remember during the war in 1918 out in Ohio the trucks were coming through our State in caravans, carrying war munitions to the East, where they were needed, and I remember very distinctly that some of our roads were not strong enough and broke down, and we had to declare an emergency on the national roads between Zanesville and Wheeling and build the roads strong enough to support truck traffic that the Government was furnishing.

Since that time I was in Europe and in France and studied the roads there. Now, does the French nation go out into the country and collect money from the country people for building main roads? Not at all. Way back more than 100 years ago one of the most practical and greatest men who ever ruled over man decided the French policy of building roads. Napoleon Bonaparte decided that policy, and the French nation at that time and since has built the main roads in France out of the public treasury.

I went down into Italy and stood on a road built by one of the Caesars centuries ago, and ever since that time in Italy the National Government has been building the main roads there as a means of defense.

And over in Germany I found the National Government building all their main roads as a means of national defense, so that they could get to their frontiers before the enemy could get in.

So when you compare what other nations are doing and what the United States are doing—we are furnishing 7½ per cent of the cost of building the main roads, while over there in Europe they are furnishing 100 per cent—you must conclude that this committee has brought in here a conservative measure. [Applause.]

Mr. ALMON. Mr. Chairman, I yield to the gentleman from Indiana [Mr. GARDNER].

Mr. GARDNER of Indiana. Mr. Chairman, in the consideration of this bill (H. R. 9504), a bill for the further extension of Federal aid to the States for the construction of Federal aid roads, I realize that there will be little, if any, opposition to the passage of this bill. Yet, as a member of the Committee on Roads, and one who has been interested for a number of years in the construction of good roads, I can not let this opportunity pass without expressing my views on this bill. And I desire, first, to give, in brief, the history, as I understand it, of what the Federal Government has done in the way of Federal aid to the States.

On August 24, 1912, an act was approved creating a joint committee composed of five Members of the Senate, to be designated by the chairman of the Senate Committee on Post Offices and Post Roads, and five Members of the House, to be designated by the chairman of the House Committee on the Post Office and Post Roads, to make inquiry into the subject of Federal aid in the construction of post roads and to report at the earliest practicable date. And for this purpose an appropriation of \$25,000 was made for the use of this joint committee in such investigation, and an appropriation of \$500,000 was made to be expended by the Secretary of Agriculture, cooperating with the Postmaster General, in improving the condition of the roads over which the rural mails were delivered, or were to be delivered.

On July 11, 1916, an act was approved authorizing the Secretary of Agriculture to cooperate with the States through their respective highway departments in the construction of rural post roads in the various States and Territories. And which act provided an appropriation of—

For the fiscal year ending June 30, 1917.....	\$5,000,000
For the fiscal year ending June 30, 1918.....	10,000,000
For the fiscal year ending June 30, 1919.....	15,000,000
For the fiscal year ending June 30, 1920.....	20,000,000
For the fiscal year ending June 30, 1921.....	25,000,000

That act provided that after the Secretary of Agriculture made certain deductions authorized by that act, he should then apportion the remainder of the appropriation of each fiscal year among the several States in the following manner:

One-third in the ratio which the area of the State bears to the total area of all the States.

One-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census.

One-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage

of rural delivery routes and star routes in all the States. (The information as to the mileage of rural delivery routes and star routes to be furnished by the Postmaster General.)

The same act made appropriation to be apportioned to the States as follows: The sum of \$1,000,000 for the fiscal year ending June 30, 1917, and each fiscal year thereafter, up to and including the fiscal year ending June 30, 1926. In all, \$10,000,000 to be used for the construction and maintenance of roads and trails within, or partly within, the national forests.

The act of February 28, 1919, amending the act of 1916, made appropriations for Federal aid, as follows:

For the fiscal year ending June 30, 1919, available immediately.....	\$50,000,000
For the fiscal year ending June 30, 1920.....	75,000,000
For the fiscal year ending June 30, 1921.....	75,000,000

Said additional sums to be expended in accordance with the provisions of the act of June 11, 1916. This amendatory act also made appropriations, to be expended in our insular possessions, of \$3,000,000 for each of the above-mentioned years.

The act of July, 1916, was further amended November 9, 1921, and made appropriation of \$75,000,000 for the fiscal year ending June 30, 1922, and also made additional appropriation for the construction and maintenance of forest roads and trails in the sum of \$5,000,000 for the fiscal year ending June 30, 1922, and \$10,000,000 for the fiscal year ending June 30, 1923.

The act of June 19, 1922, further amended and extended the act of 1916 appropriating \$50,000,000 for the fiscal year ending June 30, 1923; the sum of \$65,000,000 for the fiscal year ending June 30, 1924; the sum of \$75,000,000 for the fiscal year ending June 30, 1925, and also making the additional appropriation of \$6,500,000 for each of said years of 1924 and 1925, to be expended for the forest roads and trails.

And the act approved February 12, 1925, extended these appropriations for the fiscal years as follows:

The sum of \$75,000,000 for the fiscal year ending June 30, 1926.

The sum of \$75,000,000 for the fiscal year ending June 30, 1927, and the further sum of \$7,500,000 for the forest roads and trails for each of said years.

And this present bill simply continues this appropriation of \$75,000,000 to be apportioned among the States for each of the fiscal years ending June 30, 1928, and June 30, 1929, and the further sum of \$7,500,000 for the forest roads and trails for each of said years.

I simply call attention to these appropriations made in the past to show that the Congress is not being asked to do anything different from what it has done for the past several years. And, in my judgment, if there is any criticism to be offered to this bill, it is because the appropriation that it carries is too small, rather than too large, an amount, considering what these appropriations have done and are still doing for the good of the country.

The act approved November 9, 1921, in addition to making appropriation to be expended in cooperation with the States, the law provided for a definite system of roads to be constructed with funds from both the Federal and the State Treasuries. This system was limited to 7 per cent of the total road mileage of each State. Seven per cent was chosen because it was found that this mileage would connect all of the county seats and main market centers. And this appropriation is being asked for the purpose of further carrying out the construction of this 7 per cent mileage system.

The construction of good roads is not a political question, yet both of the two leading political parties have declared in favor of continuing this Federal aid to the States for the improvement of highways. In the last national platform of the Republican Party the platform pledges its party to a continuation of this program in the following language:

We pledge a continuation of this policy of Federal cooperation with the States in highway building.

The Democratic platform of the same year pledges its party to a continuation of this program in the following language:

Improved roads are of vital importance not only to commerce and industry but also to agriculture and rural life. We call attention to the record of the Democratic Party in this matter and favor a continuance of Federal aid under existing Federal and State agencies.

I desire to speak briefly of what Federal aid in road construction has done for my State, Indiana, and what progress has been made in the improvement of roads since the creating of this Federal-aid system, approved July 11, 1916, and amendments thereto. I speak of Federal aid in Indiana because I am more familiar with what Federal aid has done for Indiana than I am with what it has done for other States. Indiana did not have a law creating a State highway commission until 1917, when an act was passed creating such a commission. The

constitutionality of this act was challenged before the provisions of the law could be fully put into effect, but in 1919, in case of Wright et al. v. House (188 Indiana, 247), it was decided by the court that the act was constitutional. But before much was accomplished by that act the legislature of 1919 enacted a law which, with later amendments, is now the governing act of the State of Indiana as to the State highway commission.

This act of 1919 created a nonpartisan highway commission, composed of four members to be appointed by the governor, and that commission selects a director of the commission. Since the organization of the State highway commission in Indiana, under the provisions of that act, there has been a wonderful improvement in the highway system of the State due to the efforts of the commission. I believe the State highway commission of Indiana will compare favorably with any of the State highway commissions, and the present commission is doing a wonderful work in the State of Indiana. And for the information of those who care to know, I herewith submit a table showing the expenditures of that department for the fiscal year ending September 30, 1925:

Administration.....	\$52,669.08
Construction.....	9,639,765.92
Maintenance.....	3,761,597.72
Equipment.....	883,417.19
Capital expenditures.....	\$69,433.64
Right of way.....	108,967.71
Gasoline tax to counties.....	1,000,000.00
Miscellaneous.....	1,942.92
Total.....	15,517,942.18

Since the organization of the commission in 1919 the following table shows the miles of roads constructed by the Indiana State Highway Commission prior to 1925, during 1925, the program of 1926, and the totals, as follows:

Type	Prior 1925	During 1925	1926 program	Totals
Concrete.....	526.17	203.33	250	979.50
Bituminous.....	127.35	52.15	22	201.50
Brick.....	7.07			7.07
Total pavement.....	660.59	255.48	272	1,188.07
Gravel and stone.....	215.34	52.08	14.3	281.72
Grand total.....	875.93	307.56	286.3	1,469.79

On January 1, 1926, the State highway commission was maintaining a system of 1,225.44 miles of pavement; 2,629.48 miles of gravel and stone road; 81.07 miles of earth and new location; making a total of 3,935.99 miles. This 81.07 miles of earth road will practically all be constructed during the present year.

The following table shows what the State of Indiana has received from the Federal Government and what it has expended:

State's fiscal year	Amount apportioned to Indiana	Amount received by Indiana
1917.....	\$135,747.62	
1918.....	271,495.24	
1919.....	1,756,149.60	
1920.....	2,564,846.88	\$484,999.05
1921.....	2,087,033.27	1,446,622.73
1922.....	1,958,855.41	821,912.91
1923.....	1,305,903.61	1,834,769.09
1924.....	1,692,437.05	3,704,339.89
1925.....	1,939,903.32	3,619,411.98
1926.....	1,938,693.00	
Special, unclaimed by Montana.....	17,380.00	
Appropriation available July 1, 1926.....	1,935,890.00	
Total.....	18,204,355.00	11,912,655.60

SUMMARY

Total Federal aid received by Indiana.....	\$11,912,655.60
Federal aid under contract for construction (not collected).....	\$3,894,951.95
Federal aid allocated to projects not under contract for construction.....	336,600.00
Federal aid not allocated to projects.....	2,060,147.39
Federal aid available for construction projects, fiscal year ending Sept. 30, 1926.....	6,282,000.34

Total Federal aid apportioned to Indiana..... 18,204,355.00

The above figures and tables relating to Indiana were given me by John D. Williams, director of the State highway commission of Indiana.

I know of no one thing that has done more in improving conditions in the State of Indiana than has the improvement

of its roads. And I think what is true of that State is true of all States. It has brought the farmers closer to the markets. It has opened up many sections of country to development that were practically inaccessible before good roads were built through those sections. Many sections of the country, where but a few years ago farmers had difficulty in marketing their crops and livestock, on account of the condition of the highways, to-day are putting their products and livestock in the markets 25, 50, and more, miles away by use of trucks going over good roads to these markets. Schools are being consolidated, and the school children carried in automobiles to the schools; rural-mail routes are going over these roads carrying daily papers and other mail to the citizens of the rural districts in automobiles in about one-half of the time that it took the mail carrier of a few years ago to deliver mail on these routes with the horse-drawn vehicle. While the construction of good roads has brought about a wonderful improvement in the rural districts, yet this road-building program is still in its infancy.

President Coolidge, in his message to Congress December 6, 1923, said:

Highways and reforestation should continue to have the interest and support of the Government.

And the kind of support the States need from the Government in the improvement of roads is financial support. This program of Federal aid to the States in the construction of roads began under the act approved July 11, 1916, and continued to this date is the one good thing, in my judgment, above all others, that Congress has done for the upbuilding and improvement of the agricultural and rural districts of this country, and this date stands out as one of the great days in congressional action. Again quoting from President Coolidge's message of December 6, 1923:

No expenditure of public money contributes so much to the national wealth as for building good roads.

And in addition to contributing to the national wealth, I know of no appropriation that has done so much to improve conditions and bring about enlightenment as has this system of extending Federal aid to the States for road improvement. When this system was first inaugurated there was considerable opposition to the Government extending this Federal aid to the States, and some still contend that such appropriations should not be made. When conditions were different roads were constructed with the township or the county as the unit of taxation and construction. But conditions have so changed that it is necessary that the unit of taxation and construction be made larger, even larger than the State. With the township as the unit, the poorer townships are not financially able to construct roads that will accommodate the traffic of to-day. Many counties are not financially able to construct roads that will accommodate the traffic of to-day. Many States are not financially able to construct roads that will accommodate the traffic of to-day. Yet the public wants to travel through these townships, these counties, and these States that are unable financially to construct these roads, and there is no other alternative but to make the Federal Government the unit for the taxation and the construction of the main market roads. And many of the roads now are used more for the through traffic than they are used by the persons residing along the roads. For that reason it is proper and right that the Federal Government and the taxpayers of the Federal Government should bear a part of the expenditure for the construction of roads in the various States.

In Indiana the State highway commission, aided by the funds from the Federal Government, has constructed, and is constructing, the main market highways of the State. And, under our State laws, the counties and the townships are constructing roads to connect with these main market highways. On the roads built by the State Highway Commission of Indiana, the State's portion of the construction is being paid for as the roads are being constructed, and Indiana has no State bond issue for the construction of State and Federal roads, nor has the State any indebtedness for that purpose.

This same principle of finding a larger unit is recognized in many of our State school systems. In the State of Indiana, for instance, we have a law that any township, or municipality, after levying and collecting a certain rate on the taxable property of that municipality, and it is found to be insufficient to maintain the schools for the length of time required by the State law, that municipality may then draw on the State funds for a sufficient amount to continue the schools for the length of time required by the school system. The State recognizes the fact that it can not permit the children of any part of the State to be deprived of the necessary training in school because of the lack of funds in that particular municipality,

thus recognizing the fact that a township, or a county, is too small a unit for the school system, and the same is equally true with the road system.

Some of the larger cities, or some of the wealthier States, may contend that under this system of road building that particular city or State is paying more than its just proportion of taxes for road purposes. It may be paying out more money than it is receiving, yet these roads are bringing into that city, or that State, the products and necessities of life from the States receiving this benefit. The mines, and the agricultural fields of the West, in many instances, are sending their products to such cities and such States. Life insurance companies, banking institutions, manufacturing establishments, and other institutions receive much of their profits from States other than their own. And many of the stockholders, and others contributing to the profits of these institutions, are residents of other States. And it is just and equitable that these wealthier centers should contribute their pro rata part in the way of taxation to this Federal-aid system of road construction. And I hope that this bill continuing the appropriation of Federal aid to the States for road construction will pass without opposition. And I also hope that many more such appropriations will be made extending the life of this system for years to come. [Applause.]

Mr. DOWELL. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. MAGRADY].

Mr. MAGRADY. Mr. Chairman and gentlemen of the committee, I want to suggest to you that I know of nobody who objects more to high taxes than I do. You all know that when the road question arises it always brings up the question of taxes, and the great amount of taxes paid is a paramount thing in all our minds. However, we pay taxes in two ways. One is the direct way and the other is the indirect way. For many years I have been working for good roads. I have been paying taxes, including road taxes. I have been paying for repair bills, the biggest part of our road taxes. Without good roads we are paying excess taxes, because we are depriving the farmer of the right to come into town quickly and comfortably, and we are depriving the citizen of the city of the opportunity to get through the country easily. In that way we are aiding in high taxation. Let us be liberal and lay down the general broad plan, not for the citizens of the city only, nor for the farmer or worker alone, but for the Government as well. Let us help our neighbor and get acquainted with him by reason of our ability to get to him and home again without great inconvenience.

My earliest knowledge of contemplated road improvement dates back to the World's Fair in Chicago. Several little sections of sample roads were built for exhibition purposes only, so that all who were interested in good roads might see what was then supposed to be the last word in road building so far as the needs of that time were considered.

The advent of the automobile, and with it the tourist, awakened the public to the great need of better highways for both business and pleasure. State after State took up the question of building much-needed highways according to a set plan. Pennsylvania was among the first to prepare a great highway system, but found that it required a vast sum of money to make just a start in the work. Plans were proposed to raise some of the money to establish what is one of the most efficient highway departments of any State, and to prepare maps showing the proposed routes and plans for general construction of what then was considered a foundation strong enough for any known vehicle. Just as the railroads learned that the wooden rail with an iron strap fastened on top of it would not bear the heavy locomotives, freight, and passenger cars that roll over the tracks now, so the highway department has learned that what was once an amply strong and durable road for such traffic as then passed over it, is no longer able to bear the strain of the ponderous machines laden with every conceivable kind of freight that now is carried upon the highway, sometimes to the advantage of the shipper and very much so to the owner of the transport, because the State furnishes and keeps in good repair the track he is privileged to use. He has no overhead or capital investment in tracks that must be constantly renewed and kept in good repair. This situation borders on real socialism, to the great disadvantage of the stockholder whose savings are invested in railroads or trolley roads.

One of the situations that roused communities at first was whether or not the road would be laid to and through that particular community. Heads of departments were besieged with committees and delegations asking for immediate consideration of their locality. However, the permanent plan was adhered to and the more important ones were laid according to the then best-known practices of road builders.

Taxation was the one bugaboo that retarded the work. Bond issues were not possible because the fellow who did not own an automobile roused his neighbors to vote against the approval of a bond issue, and they voted it down. To the credit of the unselfish worker for good roads, let it be said, that in the face of defeat he continued diligently to talk and work for good roads. He is represented by the American Automobile Association, the Pennsylvania Motor Federation, and kindred well-known automobile clubs and highway associations and organizations. Unfair tax placed upon the automobile owner is fast becoming a thing of the past. Repairs are no longer needed in the same volume as formerly, so that form of indirect tax, a very heavy one, is going out of our present-day experience.

The spirit of early times relating to road construction largely held that each State, county, and locality must provide its own money by whatever plan of taxation they saw fit to adopt. The need of more permanent and rapid construction to meet the crying demands led to the invention of numerous plans of taxation for both building and maintaining the public road system. I believe one of the fairest plans is that of the gasoline tax.

The machine passing through a State and using the highways consumes gasoline in proportion to the mileage traveled, and assuming, of course, that all gasoline tax is paid into the proper treasury, the owner only contributes a small amount of his tax to assist in maintaining the kind of road he finds it a pleasure to use. Our road taxes give us as good returns in profit and pleasure as any we pay. Good roads reduce our cost of upkeep, which has been very heavy because of bad conditions existing not only in neighboring States but within our own balliwick.

The public-spirited, big organizations have persistently kept up the work of enlightening the people. Their efforts are being rewarded by having the pleasure of seeing the friendly attitude of the Sixty-ninth Congress toward helping States that are willing enough to carry on their good roads program, but are financially unable to bear the whole of the present heavy burden.

Good roads reduce taxes; they give the worker an opportunity to visit distant friends and to travel in comfort; they enable the farmer to reach distant markets that otherwise would be closed to him; they have helped to bring joy to the drudgery of domestic life by making it possible to travel in comfort in any season as we desire, disregarding distance and time of day. None have greater returns from good roads than the worker who daily may now travel distances to work that formerly required his absence from home for the week.

Regardless of whether the stretch of good road is within our State or in a distant one, I am for good roads and want to help get the best. I am in favor of the pending bill, H. R. 9504, which provides rural post roads, because I believe it is real economy. It gives all the people good value for the taxes paid and for the money spent in building good roads, whether for postal or general purposes.

Mr. DOWELL. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. WILLIAMS.]

Mr. WILLIAMS of Illinois. Mr. Chairman and gentlemen of the committee, it is always a real pleasure to me to support an authorization for the expenditure of public funds for Federal aid for the building of good roads. I had the honor to be a member of the Committee on Roads 10 years ago when the first bill of this kind was reported from the committee and enacted into law by Congress. I refer to the Shackleford Federal aid road bill. At that time there was quite a division in the Congress as to the advisability of the Federal Government contributing to the States in the aid of good roads. But we passed the act, which carried, I think, \$100,000,000 authorization. At that time it was suggested in the debate, and was urged as one of the arguments in favor of the policy of the Federal Government participating with the States in the building of roads, that such action would be an encouragement to the States and to the local subdivisions of the States to enter upon a constructive program of road building. I think that argument has been abundantly demonstrated to be sound by what has happened since that time.

In my opinion one of the most powerful incentives in this country in the past 10 years in inducing the States to enter upon the great program of road construction that we have seen in nearly all of them has been the aid and encouragement and approval given by the Federal Government to this great movement. Ten years ago the State of Illinois ranked twenty-ninth among the States of the Union in improved roads. Our whole State for four or five months out of every year was practically in the mud. Our towns were not connected with each other, and in places it was almost impossible for the

people living in the rural districts to get into the towns for several months in the winter season. Two years after the enactment of the Federal aid law our people began to discuss road building, and in 1920 there was submitted to the voters of Illinois a proposition to issue bonds in the amount of \$60,000,000 to be paid out of the automobile license fees, this fund to be used exclusively in the building of hard-surface roads.

The legislature laid out a system of roads, comprising some four thousand miles. The bonds were voted by the people by an immense majority, and our State commenced the improvement of its highways. At the end of two years it was seen that the \$60,000,000 would not be sufficient to complete the program laid out, and the legislature submitted an additional bond issue of \$100,000,000 to be paid in the same way. That was submitted to the people and the people by a very large majority voted that \$100,000,000 and an additional system of 3,000 miles was laid out by the legislature. In the 10-year period since the passage of this Federal aid road bill the State of Illinois has advanced from twenty-ninth place until now she is the first State in all the Union in its mileage of improved surface highways. [Applause.] So it is with particular pleasure to-day that I support this authorization for \$75,000,000 for the two ensuing fiscal years, to be contributed by the Federal Government as a part of the fund to be used by the States of the Union in the improvement of highways. Nothing does so much for the benefit of rural communities of the State as good roads, and this legislation and this policy of the Federal Government that we entered upon 10 years ago has been worth many times the amount of money it has taken out of the Treasury in encouraging the people of all the States to build improved roads. To-day this country is noted almost from ocean to ocean as a Nation of good roads, which all of its people enjoy, and which contribute greatly to their prosperity and happiness. [Applause.]

Mr. ALMON. Mr. Chairman, I yield to my colleague from Alabama [Mr. OLIVER].

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. OLIVER of Alabama. Mr. Chairman, I simply rise to say that no committee of Congress has contributed more to the prosperity, the happiness, and the welfare of every State, Territory, and island possession of our great country than has the Committee on Public Roads. [Applause.]

It is a pleasure to recall in that connection that my distinguished friend and colleague from Alabama, Judge ALMON, has been for some years a member of that committee, and I think I voice the sentiments of his associates when I say that no member of that great committee has shown broader vision, wiser foresight, and more constructive thought in the preparation of the programs that they have from time to time recommended to the House than has my friend from Alabama. [Applause.]

Mr. Chairman, I wish to ask permission to revise and extend my remarks.

The CHAIRMAN. The gentleman already has that permission.

Mr. OLIVER of Alabama. Mr. Chairman, I yield back such time as I have not used.

Mr. DOWELL. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE. Mr. Chairman and gentlemen of the committee, Charles Sumner over 50 years ago prophesied that the improvement of our schools and rural highways would do more toward advancing civilization than any other agencies. This great statesman's prophecy has come true. Back in Jefferson's time we began a system of Federal aid to construct the Cumberland Road from Cumberland, Md., toward the Ohio River, over which the march of civilization from the East toward the West began. The invention of the steamboat and the locomotive soon after turned the attention of the people from highways to these other ways of transportation, and appropriations were made for rivers and harbors and transcontinental railroads. As my friend from Iowa, Mr. RAMSEYER, said yesterday, we gave in land grants to the railroads more than the entire area of Iowa, Illinois, Indiana, Ohio, Michigan, and Wisconsin—in value more than enough to build the railroads. We abandoned the idea of Federal aid to roads for over a century, leaving the matter of road building to the localities, until the Sixty-fourth Congress, when the Federal Government again passed a Federal aid law, July, 1916. Since the appropriation of 1916 we have appropriated \$591,000,000 and the States have appropriated more than that amount to meet this amount. In 1918 we levied a Federal tax on automobiles, which the owners of automobiles paid, which amounted to \$942,816,107; in other words, the auto owners and truck owners have paid in

taxes \$451,616,107 more than the Federal Government has appropriated up to date for roads.

Our system of Federal aid for roads established in 1916 was thought out carefully by the Committee on Roads, of which I had the honor to be a member. Investigations were made in different States and different countries. The question of apportioning the money appropriated between the several States was a perplexing question. After considering many ways, the committee finally agreed that the fairest way of apportioning the money appropriated for roads by the Federal Government was by apportioning one-third according to the area of a State, one-third according to the miles of post roads and one-third according to the population. This gave a State like the State of New York, with a large population, a fairly large area and quite a large road mileage, a very fair apportionment of these funds. It gave to a State like Rhode Island or a State like Connecticut, small in area but large in population, a fair amount. It gave to States like Montana and Wyoming, with a small population and a fairly small road mileage but a large area, a fair amount of the Federal aid appropriation. I do not think any fairer apportionment could have been made than was made in the road law of 1916. That this method of apportionment has never been changed but reenacted by every succeeding Congress justifies my statement that this is a fair way of apportioning the money.

The bill we are considering here to-day, the Dowell bill, appropriating \$75,000,000 for the next two years, 1927 and 1928, is simply a continuation of the former road law.

This road law has been well administered by the Bureau of Public Roads and the money appropriated so honestly and efficiently expended that we have received a dollar's worth of road for every dollar expended. I think the people of the United States owe a great debt of gratitude to the director of public roads, Thomas H. MacDonald, who, for a very small salary, half of what a good many of the State highway commissioners are getting, has administered this road law so fairly and impartially and has given such satisfaction, that among the 48 States of the Union, I do not believe there is a single highway commissioner who is not his warm friend. [Applause.]

Commissioner McDonald is getting \$6,500 a year, when most of the State highway commissioners are getting from \$10,000 to \$20,000 a year. The highway engineer of Wisconsin, Mr. Hirst, was getting \$12,000 a year, and he resigned to accept a more lucrative position.

At first the cities objected because there was not a penny of this Federal appropriation that went into the construction of roads in any city of over 2,500 inhabitants, but the cities soon found they were benefited as much by these good roads as the country. Many commodities that had formerly been brought in by railroad were brought in by trucks much more conveniently and with far less handling, the trucks leaving the freight at the door. Take, for instance, the delivery of milk. In cities where formerly almost all of the milk came in by train, now 90 per cent of it comes in tank trucks. These tanks are glass lined and are built on the thermos-bottle principle, keeping the milk cool for many hours. The milk carried in the glass-lined trucks is delivered earlier than by rail and gets to its destination in better condition and at a somewhat lower price. So that from the utility standpoint the cities are getting the benefit of good roads as much as the country districts.

UNIMPROVED ROADS

The cost of hauling over the average unimproved roads has been estimated by good authority at 21 cents per ton-mile. The cost of hauling over improved roads is estimated at less than 13 cents per ton-mile, making a saving of 8 cents per ton-mile.

GROSS TONNAGE

The gross tonnage to be hauled over the highways of the United States on an average year is over 700,000,000 tons. This computation was made by a joint committee of Congress on Federal aid in 1914. It is much more than this now. The average haul computed at 9 miles makes a gross saving on the transportation over improved roads of 72 cents per ton. This, multiplied by the gross tonnage, gives \$504,000,000 the saving per year through improved roads, estimated away back in 1914. In other words, the United States has been paying a penalty of more than \$504,000,000 per year in the excessive cost of the transportation of our agricultural products alone because of its neglect of its highways.

The heaviest tax that the people of the United States are paying to-day is the poor road or mud tax. Quite a portion of this tax falls on the ultimate consumer and is shared by the laboring man in the city as well as the producer on the farm.

GOOD ROADS

The question of good roads concerns everybody. At one end of the road is the farmer with his crops for sale, which aggregated last year over \$20,000,000,000. At the other end of the road is the city with its people waiting to be fed, with merchants waiting for trade, and with the railroad waiting for goods to transport. To whose advantage is it to have good roads? For the farmer to come to town it is clearly to the advantage of the merchant in the city and the railroads as much as it is to the farmer. Every man's house faces on a road that connects with every other road and leads to every other man's door and to every market place throughout the land. The farm and the farmers are the great and abiding support of the city.

President Coolidge in his message at the opening of this Congress made the following comment on Federal aid to roads:

I do, however, recommend for the consideration of Congress that future legislation restrict the Government's participation in State road construction to primary or interstate highways, leaving it to the State to finance the secondary and intercounty highways. This would tend to diminish the amount of Federal-aid contributions.

PRIMARY AND SECONDARY HIGHWAYS

In my opinion, it would be a very great injury to the good-roads movement to confine Federal aid to what are known as primary or interstate highways. Many highways that are designated as secondary highways become primary highways under our present Federal-aid system. For example, the total mileage of roads on which Federal aid can be spent in Wisconsin under the Federal aid law is 5,514 miles, or 7 per cent of the total road mileage of the State. Of this, three-sevenths, or 2,355 miles, are designated under the Federal aid law as primary highways, and four-sevenths, or 3,159 miles, as secondary Federal highways. If we received Federal aid as President Coolidge proposed only on our primary highways, our secondary highways consisting of 3,159 miles would be stricken from the Federal-aid system. You can see at once that this would be a great blow to the splendid system of Federal aid which is in the process of completion in the United States.

STATE AND FEDERAL AID

It was my privilege to be chairman of the highway committee in the State Senate of Wisconsin in 1907, and the first State aid law passed by Wisconsin bears my name.

In my platform upon which I ran for Congress in 1913 I promised to work for Federal aid for roads, and the establishment of the parcel post. I was placed on the first road committee which was created by the Sixty-third Congress in 1913, and assisted in drafting the present Federal aid law. I also worked for and voted for the establishment of the parcel post. I am in favor of extending our rural routes, which we can do without very much more expense on account of our hard surface roads, so that eventually every farmer will have a mail box in front of his house.

OPPOSITION TO FEDERAL AID TO HIGHWAYS

The opposition to Federal aid to highways comes from a few of the wealthy States east of the Allegheny Mountains.

Statements have recently been made on the floor of Congress and broadcasted throughout the country that New York pays over 25 per cent of every bill that the United States must meet. New York therefore argues that unless she receives back 25 per cent of any distribution of Federal aid she is imposed upon. I deny that New York or any State contributes 1 cent more to the Federal highway fund than it receives in benefits.

We are all proud of the city of New York, the financial center and the metropolis of the United States. We, however, maintain that the city of New York could not be the financial center and the metropolis of the United States if it were not for the natural resources, the millions of acres of wheat, cotton, corn, and the 25,000,000 dairy cows and the other great resources that contribute toward making this the wealthiest nation in the world.

In the 10-year period from 1912 to 1922 the wealth of the United States increased from \$186,000,000,000 to \$320,000,000,000, a net increase of \$134,000,000,000. All of the 48 States, with their splendid citizenship, contributed to the increase of this unprecedented wealth. New York did no more than many other States in the creation of this wealth.

On May 15, 1925, the statement of the United States Treasury Department showed that while the deposits in the New York City national banks totaled \$2,218,027,000, 38 per cent of these deposits were from banks and trust companies outside of New York State.

RAILROADS

The Union Pacific Railroad in 1923 paid an income tax in New York of four and a half million dollars, and yet this road does not operate east of Omaha and Kansas City, a half continent away from New York State.

The Southern Pacific paid a tax of \$5,000,000 in New York and this road does not run any nearer than New Orleans.

The United States Steel Corporation in 1923 paid an income tax of \$16,000,000 in New York. They have 145 plants, only two of which are in the State of New York. They have 153,350 stockholders who paid this tax, and only 32,322 of these stockholders live in the State of New York. Many other corporations pay their income tax in New York, but are obtaining their resources and making their money in other States of the Union as well as New York State. As an illustration of this, such large corporations as the American Railway Express, American Beet Sugar Co., American Can Co., American Locomotive Co., American Radiator Co., American Smelting & Refining Co., American Tobacco Co., Western Union Telegraph Co., Nevada Consolidated Copper Co. pay these taxes in New York. So I say that although New York does theoretically pay 25 per cent of the taxes, yet, as a matter of fact, she does not pay any more than her share, because this wealth is produced from all over the country, and if it was not for the development of the West and the great agricultural parts of the country New York would not be the wonderful metropolis we are all proud of to-day.

Wisconsin, with her dairy industry alone, produces over \$200,000,000 in wealth each year. The South produces hundreds of millions of dollars' worth of cotton. The West produces wheat, corn, beef, and other farm products, besides the millions of dollars of oil and minerals; in the aggregate making a total of from \$30,000,000,000 to \$40,000,000,000 a year, and all of this wealth, no matter where it is eventually taxed, should help pay for the roads, for the roads contribute materially toward creating this great wealth. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ALMON. Mr. Chairman, our distinguished colleague, the gentleman from Louisiana [Mr. WILSON], who is president of the River and Harbor Congress, is not only a strong advocate of river and harbor improvement but is also for highways. I yield to the gentleman from Louisiana [Mr. WILSON].

Mr. WILSON of Louisiana. Mr. Chairman, I am much indebted to my good friend from Alabama [Mr. ALMON] and the other members of the Committee on Roads who have worked so diligently to bring out this bill providing for a continuation of the great program of highway building that looks to the completion of our system of public roads so that it may take its proper place in the transportation trinity—rail, river, and road—that means so much to all classes of the American people.

As the situation stands to-day the railway system may be considered as practically completed, no new mileage is being added, and no substantial extensions are contemplated. We have recently entered upon a comprehensive and businesslike program for the completion and utilization of our waterways. With authorizations already made and that made by this bill, there will be available for the highway program between now and June 30, 1930, \$300,000,000 to be expended by the Federal Government. This is what the friends of the highway system have advocated, and will make it possible to carry out the original intention, purpose, and plans of the Federal road program—a system of interstate highways connecting State capitals and principal cities, intrastate highways between county seats, and farm-to-market highways accessible to the main systems. The passage of this bill will bring new hope and confidence to the people living in the rural communities who have been continually paying taxes for the completion of the main lines, since this will enable the States, by joining local funds with the Federal contribution, to complete the connecting highways into the rural sections, and what we have termed the "farm-to-market" roads will be a reality.

With this comprehensive plan of highways completed it will be entirely practical to coordinate transportation over the system with our waterways. Not only for the cities and industrial centers, but also for the farmer as well.

Not long ago my attention was called to plans being worked out whereby schedules of time and place for shipment over one of our rivers would be given by radio the evening before, so that the growers of truck and other produce might come to the river landing over the improved highways and make direct connections into the market. Under our present rate of progress this will be entirely practical in all sections.

Shipment by water on our inland waterways is, generally speaking, about 20 per cent cheaper than rail, yet if the bene-

fits of this are to accrue directly to more than a very limited number of shippers improved highways are necessary. This is because rail and water interchange facilities are quite expensive and consequently widely separated. All those originating freight which might be more cheaply shipped by water, and who are within striking distance by truck of the waterway and yet far removed from an interchange point, must depend upon highways and motor transportation for the connecting link.

When the program of Federal aid to highway construction was adopted there were 2,041,294 miles of roads in the United States, and under the act 200,349 were entitled to this aid. Of this mileage so entitled, 57,500 miles have been completed or are now under construction with Federal aid, and 62,900 miles have been completed by the States without Federal aid. The original program is therefore about 60 per cent completed. The action of the committee in bringing out this authorization bill is wholly justified, because it would have been unthinkable to abandon a well-thought-out program, one bringing returns to every citizen, short of completion.

In my own State of Louisiana there are 39,803 miles, of which 2,771 miles of highway are eligible for Federal aid. Of the mileage eligible, about 40 per cent has been completed. Louisiana has been one of the most, if not the most, progressive and active of the Southern States in this work. Our plans for interstate and important intrastate highways are in the midst of execution, with the work going forward in all the States. To make an orphan of this half-grown highway system would be an economic blunder, to say nothing of the fact that it would be a breach of faith with the States and their political subdivisions which have bonded and taxed themselves to carry on their share. I therefore say again that the action of the committee was eminently proper and just.

One other point, Mr. Chairman. I can see nothing in the objection raised to the cost of the completion of the program. The appropriations made under the authorization in this bill will be productive investments in the best sense of the word. The improvements will bring comfort and convenience to all our citizens and will pay for themselves in tax returns, perhaps many times over. To take but one feature of the returns brought in the form of taxes to the Federal Government by more and better highways: The improvements increase the production and use of automobiles, on which the United States collects a tax. This increases the incomes of the manufacturers, distributors, and repairmen of automobiles and thereby increases the income taxes received from these people by the United States. And so the returns, direct and indirect, might be followed through the oil industry, the accessory people, and so on, almost ad infinitum. Returning, however, to the direct tax levied by the United States on the sales of automobiles, trucks, and accessories: Since 1918 the United States has collected \$791,000,000 from this source, almost twice the amount it has put into roads.

I can say with confidence that the continuation of Federal aid in road building meets the approval and support of an overwhelming majority of the people throughout the country.

Mr. ALMON. Mr. Chairman, I now yield to another distinguished, patriotic statesman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman, I hope the introduction that the gentleman from Alabama [Mr. ALMON] has given me does not carry with it an implication that my colleague, Mr. RILEY J. WILSON, who just preceded me, is lacking in patriotism or statesmanship. [Laughter.]

Gentlemen of the committee, I do not intend to impose upon you at this late hour in the evening with anything like an elaborate speech, but it has just occurred to me that in view of the fact that Louisiana was so backward for a number of years in road building and is so very much interested in it now that a few words from me on the bill under consideration might not be amiss. The conditions in southern Louisiana—I mean the physical surface conditions—retarded the movement of road building very considerably. But as in the case of all movements that are retarded, we latterly showed a wonderful burst of speed, and in accordance with the law of compensation have made up for whatever time that was originally lost. In addition to that we were able to profit by the experience of other States, though our conditions, I repeat, are somewhat different from those that obtain or prevail in other sections of our country. We have in southern Louisiana, within 6 inches of the surface of the soil and going down several feet in depth, a clay mud bottom, which made road building extremely difficult. Right at this point it may be of some information to the many Members present in the House, notwithstanding the lateness of the evening, to know that the clay mud bottom is the reason why we have such beautiful rice fields in the lower part of our wonderful State. Rice needs a great deal of water, which is furnished to the fields in our section through a series of main

canals and laterals. The process is economic, for the reason that the only way the water can escape is through evaporation. It is utterly impossible for water to percolate through clay which is gluish and bluish in its consistency.

Without a clay mud bottom it would be so expensive to keep the fields in water as to preclude farmers from the cultivation of rice. But to return to our mutton, as the French say—that is, to the subject of good roads—all parts of Louisiana, north, south, east, and west, are making such prodigious strides in road building, having several years ago solved the engineering problem of the clay mud bottom obstacle as to make the many visitors who pass through our beautiful Commonwealth express their amazement and wonderment in admiring tones. Through the piney-woods section, the cotton, the cane, and the rice fields run these splendid roads, which are a source of profit, comfort, and pleasure not only to Louisianians but to thousands of people from other States that visit us and then pass on to new scenes. In the very near future there will be completed two great bridges over the marsh section that lies between New Orleans and the Gulf coast, and then millions of people will annually pass through New Orleans, moving east and west along the great Spanish Trail.

En passant, we, in the Mother of States, as Louisiana is affectionately styled, are interested not only in good roads but in the profitable operation of our railroads, for we are the friends and not the enemies of railroads. We recognize that they are among the outstanding factors in the development of the wonderful civilization that obtains in the United States of America; but if we are interested in good roads and railroads, we are for obvious reasons interested in the scientific and logical development of rivers and harbors, with a view of ultimately coordinating these great transportation systems into a unified whole that will make for the greater glory and profit of the Nation.

The Rules Committee should unhesitatingly and immediately grant the rule for which the friends of rivers and harbors are asking in order that the bill reported out by the Committee on Rivers and Harbors shall have consideration and an expeditious passage through the House. We want the fraternal strife ended in regard to the bill, which is presently raging in the steering committee as a result of a division of thought among prominent Republican Members of the House as to whether or not certain features of the bill should be eliminated or not. We who are friendly to all waterway projects that will add to the transportation facilities of the country earnestly hope that the cruel war will soon be over and that the rule, the rule for which we are clamoring, will be granted.

I can not resist the opportunity presented through this discussion of transportation to remark that about seven or eight years ago while in the city of Chicago where I had gone to deliver an address a booklet was handed to me by a young man with the request that I read the editorials it contained taken from the New York American. I regard it as one of the best booklets that I ever had the pleasure of reading, but loaned it so frequently and to so many people that it was, of course, finally lost. For books, like umbrellas, are treated by many honest folks as not subject to larceny and property whose ownership varies with the possession. One of the editorials was on the subject of the desirability of the Government or the people of the United States acquiring all of the railroads and then operating them free of cost for the shipment of goods and the carrying of passengers. Such a suggestion may seem at first sight to you who are listening to me as blizzard as it read to the millions who read it; but, my friends, in the fullness of time that writer's suggestion will be vindicated and become a glorious reality.

Under such a mode of transportation farm land 500 miles from New York, Boston, Philadelphia, Baltimore, New Orleans, or San Francisco, or any other port, or from any inland city would become just as valuable as farm land within a hundred miles of the same city. For it is clear to even the superficial observer that the greatest factor in contributing to value of agricultural lands is the freight rates to which the products of that land are subjected. I believe that it was Fletcher who said:

I care not who write the laws of a country if you will permit me to write its songs.

And I might suggest to you that I would care not who wrote the laws of a country or was its executive if you were to grant me the right to fix the freight rates on all the commodities that move over that land through its transportation channels. Of course, there were many who endeavored to deride the editorial writer by suggesting that millions of people would be traveling constantly, because there was no cost attached to it. It did not take long, however, to see how ridiculous was such an

assumption. Some few relatively might gratify a curiosity to ride to a place that would be expensive, but the novelty over they would soon subside to normalcy; and business men and farmers never ship except that which they desire to sell.

Gentlemen of the committee, the idea of that editorial writer will be vindicated in less than a quarter of a century. We are gradually adopting it, in a measure, right now in this bill, for Federal aid to the several States for road building means nothing more nor less than giving to shippers and passengers for nothing at least a part of their transportation. I am in favor of it—do not mistake me. But I want you not to be confused and to understand that the proposition is not a revolutionary one as you might have thought when I first suggested it. In the fullness of time, in a quarter of a century as I suggested a moment ago, the idea in its entirety will be thoroughly vindicated. You are giving gradual expression to it in the appropriation for rivers and harbors.

For the millions and millions we are giving to good roads and rivers and harbors is a contribution to free transportation to the people and their goods. If you can build roads and waterways, you can build the equipment that will run over them. As a matter of fact that is what we are doing right now in the operation of the Mississippi-Warrior Barge Line. Do not be startled, gentlemen, it is in the coming and will come because it is the inexorable and logical development of the foundation which we are laying in building good roads and developing waterways. There is no doubt that in the near future the Government without the assistance and regardless of the attitude of some States will construct two great national highways from the Atlantic to the Pacific Ocean, one running through the northern tier of States and one running through the southern tier of States, and two other great roads running from the Canadian line to the Mexican border and the Gulf of Mexico, one through the Eastern States and one through the Western States. Probably it will startle you to know a prophet in his own country, for he deserves this title, Arthur Brisbane recently, while writing on the subject of New Orleans, the Gulf coast, and his friendly visit to one of the great publishers of the country, Col. Robert C. Ewing, stated that the time would come when the Great Lakes to the Gulf would be such a reality that ships would be seen steaming up the Mississippi River and through its tributary, the Illinois River, to the great inland city of Chicago, which is the glory of the Great Lakes. You are coming to what the editorial writer on the American brilliantly forecast years ago.

Mr. MADDEN. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. Yes.

Mr. MADDEN. If the Government can spend fabulous millions to build highways it ought to build waterways over which boats can float.

Mr. O'CONNOR of Louisiana. Undoubtedly.

Mr. MADDEN. Internal commerce of the country is of such importance as to justify the development of the internal waterways for the carriage of goods of the manufacturers and the products of the farmers—

Mr. O'CONNOR of Louisiana. Unquestionably.

Mr. MADDEN. That is true, is it not, in the Central and Middle West, where we are thousands of miles away from the seaboard?

Mr. O'CONNOR of Louisiana. And within a quarter of a century you are going to come to the conclusion that you will best promote the general welfare of this country by equalizing the value of land and distributing cities a little more scientifically. Instead of having congested cities of several millions in population, you will have more cities, splendidly situated geographically, and you are going to have the people free from the tyranny of freight rates. I agree with the gentleman in so far as his interrogation is concerned. I do not ask him to agree with what I said in addition, because it might carry him a little farther than he is willing to go presently.

Mr. MAPES. Does the gentleman know of any period within the last 25 years when the existing transportation systems of the country took care of the traffic better than they have in the last two or three years?

Mr. O'CONNOR of Louisiana. I do not exactly catch the import of the gentleman's interrogatory. I am not complaining about the instrumentalities that we have. They are conducting the business which brought them into existence admirably, I think; but I do state that advancement and a desire to meet the general demand for lower freight rates and the inexorable logic of the position that we have assumed in giving aid to the States in constructing highways will carry us inevitably to the end of the trail, and that is to build the equipment on which to operate over these roads and to carry free the goods and products of the people, farmer, and consumer, manufacturer and tradesman alike. It may seem radical and extraor-

dinary but it is coming. It is not revolutionary. It is evolution, and you—we can not sidestep. It will come so slowly and surely that there will be no commotion attending its march. The clamor for reductions but thinly conceals the desire for rates that will be zero, or at the vanishing point, to use a much used phrase.

Mr. ALMON. Mr. Chairman, I yield the remainder of my time to the gentleman from South Carolina [Mr. HARE].

Mr. HARE. Mr. Chairman and gentlemen, I do not know that I can make any further contributions in the way of an argument favoring Federal aid for roads. I rise to say that, in my judgment, we are in our infancy, in the road-building business. We have just begun. We take a great deal of pride in saying how much we have contributed to the building of roads in the last few years. We compliment ourselves in narrating the number of miles we have constructed. Yet I believe we have only begun; I believe, as I have said, we are only in the infancy of the system of building roads by appropriations from our Federal Government. I think that as soon as the main "throughways" have been constructed we are then going to build "highways" into the "byways." In other words, I believe as soon as the great network of roads has been completed between the States and the various sections of the country we will then launch out upon a system of building roads to such an extent that all of the rural mail routes of these United States will be constructed and maintained at the expense of the Federal Government, and I hope to see it done at no distant day.

It is rather singular that the excise tax from automobiles this year corresponds so nearly with the appropriation called for in this bill. We find that the estimated excise tax on automobiles for 1926 will approximate \$75,000,000, and we are authorizing to be appropriated \$75,000,000 for a two-year period. In view of the fact that the good-roads idea or the good-roads policy of the Government is a permanent, stable, and definite thing, it would be well for our Federal Government to consider creating what might be known as a Federal highway fund, whereby we can take the excise tax—that is, a tax paid when a person buys an automobile—and place it into a Federal highway fund, to be used exclusively in the construction and maintenance of highways. It is unfortunate that we have to pay this tax, for I am opposed to it; but if it is to be collected, we should set it aside and use it for the construction and maintenance of public highways; and if the highway system inaugurated by the Federal Government is to be permanent and continue, the Federal Government ought to begin such a program for financing the construction and maintenance of these roads in the future. [Applause.]

Mr. DOWELL. Mr. Chairman, I yield the remainder of my time to the gentleman from Kansas [Mr. SPROUL].

Mr. SPROUL of Kansas. Mr. Chairman and gentlemen of the committee, though a new member of the Roads Committee, I have immensely enjoyed both my associations and my work.

I desire to congratulate not only the committee but the House as well, upon having for the head of the Roads Committee the distinguished gentleman from Iowa [Mr. DOWELL] who has so ably and courteously guided the committee during its lengthy hearings upon the Federal aid roads bill, H. R. 9504.

Mr. Chairman, in the discussion of this bill, I desire to call attention to two remarkable facts which have been developed in the hearings before the committee and various speeches which have been made in support of this bill.

In the consideration of this bill before the Roads Committee and here on the floor of the House, not only no Member of the House has offered one word of opposition to the bill, but no word of opposition was offered to the Roads Committee during its entire hearings. This, to my mind, is not only remarkable, but it proves the almost universal popularity of Federal road legislation.

Another remarkable fact is that among the many distinguished Members of the House who have spoken in favor of this bill in strong terms of indorsement, are the distinguished gentleman from Alabama [Judge ALMON], the ranking Member on the minority side of the Roads Committee, the gentleman from Texas [Judge HUDSPETH], the gentleman from Virginia [Mr. PEERY], the gentleman from Louisiana [Mr. KEMP], the gentleman from North Carolina [Mr. DOUGHTON], the gentleman from South Carolina [Mr. HARE], the gentleman from Mississippi [Mr. WHITTINGTON], and the distinguished gentleman from Kentucky [Mr. ROSSIGNOL], ranking Member on the Republican side of the committee; men who, like myself, were born and reared in that section of our country where the doctrine of local self-government was more than elsewhere indelibly impressed on the minds of our ancestors by the tyrannical and oppressive rule of King George's government. I say this too, Mr. Chairman, is a remarkable fact.

Mr. Chairman, I am not informed as to the originator of this Federal aid for roads proposition, but certainly there is great credit due some person or persons for a proposition that has brought so much good to this Government and its people.

Mr. ALMON. Mr. Chairman, will the gentleman yield?

Mr. SPROUL of Kansas. I yield.

Mr. ALMON. The gentleman will recall that the distinguished gentleman from Illinois [Mr. MADDEN] is the only Member of the House now who was a member of the joint congressional committee, the report of which was very largely instrumental in the Congress of the United States in establishing this highway system.

Mr. SPROUL of Kansas. I thank the gentleman from Alabama for this information. This, however, is merely cumulative proof of the great worth of the gentleman from Illinois [Mr. MADDEN] to his country as a real statesman.

The governments of the original thirteen States, because of hardships experienced by the people under the reign of King George, provided for road districts of 3 or 4 square miles in area and a supervisor for each road district. Township or district boards, consisting of three members, also had some road-building jurisdiction. The roads built by these officers did not connect and coordinate, and for this reason only a very few years ago road building was vested in the county officers. A better system of roads, although limited to counties, was built. As the demands for intercounty travel increased it was observed that the roads of adjoining counties did not coordinate and connect in such way as to accommodate intercounty highway traffic. This condition gave rise to a demand for State boards to control and regulate intercounty or State road building. And as the population has increased and progress been made in various lines, including interstate traffic over public highways, the demand for interstate or national highways has grown throughout the whole country, hence the Federal aid and supervision laws by the Congress.

Fifty years ago there was no considerable sentiment or demand for an interstate or national road system. At that time Congress could not have been induced to enact the Federal road laws that we now have.

The country and natural resources of the United States have been wonderfully developed during the past 50 years, until its population now is approximately 117,000,000 people. To accommodate the demands of business being conducted throughout the whole country, 250,000 miles of railroad and 3,000,000 miles of public highways have been built to connect the thousands of municipal and the 48 State governments within the United States. Upon these 3,000,000 miles of public highway are driven more than 20,000,000 motor vehicles.

It is said that one-fifth of our entire population is traveling interstate every day, and that that one-fifth of the population changes every day, so that the one-fifth moving interstate today is different from the one-fifth that moved yesterday or which will move to-morrow or the day following, so that during a short space of time practically our entire population is moving interstate over the public highways of the country.

Mr. Chairman, the subject of an interstate public highway system has been wisely and lucidly discussed from many viewpoints. Various plans for raising money with which to build State road systems have been advanced. The North Carolina plan and system has been specially mentioned. It seems to comprehend an entire State system to be built from an issue of bonds, the bonds to be liquidated by a fund to be raised exclusively from a tax on motor vehicles, gasoline, and oils. It is said this plan of raising the money is working successfully; providing an ample interest fund, sinking fund, and maintenance fund, and relieving the taxpayers of any other tax burden for road purposes. Of course, the Federal-aid fund coming into the State contributes its share of the requirement for road purposes. In this connection it might be suggested that the Federal tax on automobiles, paid by those who purchase them throughout the United States, amounts to more than the Government appropriation of \$75,000,000 per year, so that if every State would employ the North Carolina system it might be said that the automobile purchasers and users would pay not only the State's share but the Federal Government's share of all road building and maintenance funds. When all the States impose a reasonable tax on motor vehicles, gasoline, and oils for road-building purposes it will be true in substance that the automobile owners will be contributing the sum total of the money expended in the United States in building and maintaining public highways.

A splendid and comprehensive system of good public highways in the United States constitutes the best of all educational agencies, an agency that enables the inhabitants in one part of the country to travel and see and learn of the development and progress of the country, industrially, edu-

ationally, and morally. It furnishes an opportunity to become acquainted with the greatest country in the world and the greatest people in the world; to see the most interesting natural scenery and phenomena. The road system furnishes an opportunity and an inducement for the people to become acquainted with each other. The road system gets rid of sectionalism and the prejudices of one part of the country against another. It makes better and more loyal citizens. It makes the entire people of our country united and harmonious, just as the United States is a solid and indivisible Government. A splendid interstate public highway system is the best possible national defense the Government can have. It would be an effective substitute for railways when for any reason they are not properly functioning.

Now, Mr. Chairman, I wish to discuss for a few minutes a proposition quite intimately associated with the highways. During the past summer and fall I had a pleasant trip from my home in Kansas, west to the Yellowstone National Park and from the park, over a different route, back through Kansas and into the Southern States to northern Alabama, where I visited with interest the great Muscle Shoals dam and power project, which is located in the congressional district of our good friend, Judge ALMON. From Alabama we drove through Tennessee and other States back to Washington. On these trips, of necessity, we were continually passing from one municipal jurisdiction and State jurisdiction into and through other municipal and State jurisdictions. We were continually traveling interstate. This long automobile trip over the public highways furnished an opportunity to observe a most complex and varied lot of traffic laws and regulations; laws that we knew nothing about and were therefore unable to obey.

The failure of the police to enforce the laws against us enabled us to keep out of the police courts. These many traffic regulations in the different cities and States were as different as the cities and States were different. No two cities, no two States, have the same traffic laws and regulations. Because of these conflicting and overlapping traffic regulations, no person traveling interstate can avoid breaking the laws and getting into police court once in a while. There is no question, Mr. Chairman, that it is costing the people of the United States many millions of dollars to even try to enforce the traffic regulations. Police courts are congested. Men are becoming law violators but do so reluctantly and unavoidably. Traveling interstate as they do, they can not know the laws of the jurisdiction into which they are continually going and traveling. One-half of all the crime in the United States consists in traffic violations. This subject, Mr. Chairman, deserves the attention of the American people.

The traveling public do not wish to be lawbreakers and to pay fines in the police court; but they can not avoid it if they travel. No good whatever comes from penalizing an interstate traveler. The next city into which he goes will have different traffic regulations about which he knows nothing and so he gets into trouble again. He thus unavoidably becomes a lawbreaker. There is too much differing and conflicting law to be in harmony with good citizenship.

I have here called attention to the cause for much of the crime in the country. This traffic regulation involves two or more questions, one a moral or good government question, another is economical, having to do with money and property, expenditure and loss; and there might be a third question, that of protection to life.

Many millions in money are paid out in maintaining the police, in fines, cost of maintaining police courts, and in damage to property, and the question is how to save and avoid spending this money.

The morale of our citizenship is being broken down. A general disrespect for law is being created.

Uniform title and transfer certificates of ownership could be provided by Federal law, thereby greatly reducing the number of larcenies of automobiles and incidentally reducing the number of holdups and robberies.

What are we going to do about these objectionable conditions? Shall we have uniform interstate traffic regulations? If so, how may they be brought about? It is possible that uniformity may be brought about to a degree by a system of amity agreements between the legal representatives of the different State or municipal governments; but it indeed would be very difficult to achieve much success by that method. Congress could enact legislation, as it certainly has power to do under the Constitution, which would provide for uniform traffic regulations throughout the United States.

The Constitution gives the Congress power to regulate interstate commerce and to build post roads, yet there may be some question as to just how far Congress, by legislation, may

go in regulating all character of traffic upon the public highways in the various States.

As I have stated, there is a big moral question involved, as well as a big economical one, in bringing about uniform highway traffic regulations.

While the system of highways of the United States is of inestimable worth to the people and the Government, yet incidental to its use, as I have suggested, are problems for solution by our thinking people. Whether uniform traffic regulations should be provided by Congress, if possible, is a question which should receive the serious consideration of the public. To throw some light upon the subject of the powers of Congress in that regard, I submit a few excerpts of opinions of courts defining the term "interstate commerce," what it includes, and so forth, and explaining the extent to which the Congress may regulate interstate and intrastate commerce. And we might say that many contend that Congress has ample power to regulate all automobile traffic upon connected interstate public highways, no matter to what remote part of the State they may extend:

The term "commerce" is defined in *Givens v. Ogden* (22 U. S. (9 Wheat.) 1, 6 L. A. D. 23) to mean not only traffic, but also intercourse.

In *Southern Railway Co. v. Railroad Commission* (1913) (179 Ind. 23, 100 N. E. 337) the court said: "There are some general propositions that may be regarded as settled:

"First. That the power of regulating commerce 'among the States' is in Congress and the subject of exclusive Federal control.

"Second. That when Congress does act, and its action covers the subject matter, its action is exclusive as to interference.

"Third. Until and unless Congress does act, and its action covers the subject matter, the States may act.

"Fourth. That so long as the action of the States is not repugnant to, or does not interfere with, or place burdens upon, or undertake to regulate interstate commerce, or are mere police regulations, their action, though in aid, or if in aid, of interstate commerce, is not invalid, unless it is a direct interference.

"Fifth. That it is not enough to render the State law invalid that it is similar to the Federal act upon the same subject. It must in operation interfere directly or substantially with interstate commerce, and not be an accidental or casual interference or remotely affect it hurtfully.

"Sixth. That where both the acts of Congress and of the State make a definite act an offense, the commission of the act may be an offense against each and punishable by each."

The police power of a State can not obstruct foreign or interstate commerce because the necessity of it is exercised, nor can objects not within its scope be secured under color of the police power at the expense of the protection afforded by the Federal Constitution. (*Railroad Co. v. Husen*, 95 U. S. 455; *Crenshaw v. Arkansas*, 389.)

Pensacola Telegraph Co. v. Western Union (96 U. S. 9), in which the court said:

The powers thus granted are not confined to instrumentalities * * * known or in use when the Constitution was adopted, but they keep pace with the progress of the country and adapt themselves to the new developments of time and circumstances. They extend from the horse with its rider to the stagecoach, from the sailing vessel to the steamboat, from the coach and the steamboat to the railroad, and from the railroad to the telegraph as these new agencies are successively brought into use to meet the demands of the increasing population and wealth. They were intended for the government of the business to which they relate at all times and under all circumstances. As they were intrusted to the General Government for the good of the Nation, it is not only the right but the duty of Congress to see to it that intercourse among the States and the transmission of intelligence are not obstructed or unnecessarily encumbered by State legislation.

The term "commerce" not only includes navigation but the transportation, by whatever agencies, of commodities or passengers, even on foot, or the transmission of ideas, and it is immaterial whether such transportation is connected with a sale. Included in the term transportation are all the services in connection with the receipt and delivery of the property transported. (*Pennsylvania v. Wheeling Brdg. Co.*, 13 How. 518; *Gilman v. Philadelphia*, 3 Wall. 713; *Head Money cases*, 112 U. S. 580.)

NATIONAL SUBJECTS REQUIRING UNIFORM REGULATIONS

The power to regulate commerce among the States, etc., is an absolute and exclusive grant of power to Congress; so far exclusive that no State has power to make any law or regulation which will affect the free and unrestrained intercourse and trade among the States. Whatever subjects of this power are in their nature national, or admit only of one uniform system of regulation, may justly be said to be of such a nature as to require exclusive legislation by Congress. The power embraces all the instruments by which such commerce may be conducted. Commerce, as embraced by this clause, strictly considered, consists in intercourse and traffic, including in

these terms navigation and the transportation and transit of persons and property, as well as the purchase, sale, and exchange of commodities. Whatever may be the nature and extent of the police power, no definition of it and no urgency for its use can authorize a State to exercise it in regard to a subject matter which has been confided to Congress exclusively. Whenever the statute of a State invades the domain of legislation which belongs exclusively to Congress it is void, no matter under what class of powers it may fall or how closely allied to powers conceded to belong to the States. (*Pittsburg, etc. v. Coal Co. v. Bates*, 156 U. S. 587; *Minnesota Rate cases*, 230 U. S. 352.)

INCIDENTAL CONTROL OF INTERSTATE RATES

Congress may control intrastate rates of a carrier under State authority when necessary to remove the resulting unjust discrimination against interstate commerce from the relation between intrastate and interstate rates which are unreasonable in themselves. (*Houston, etc., R. Co. v. U. S.*, 234 U. S. 342; *Illinois Cent. R. Co. v. Illinois*, 245 U. S. 493.)

COMMINGLING OF INTERSTATE AND INTRASTATE TRANSACTIONS

The authority of Congress extends to every part of interstate commerce and to every instrumentality or agency by which it is carried on, and the full control by the Congress of the subjects committed to its regulation is not to be denied or thwarted by the commingling of interstate and intrastate operations. This is not to say that the Nation may deal with the internal concerns of the State, as such, but that the execution by Congress of its constitutional power is not limited by the fact that intrastate transactions may have become so interwoven therewith that the effective government of the former incidentally controls the latter. This conclusion necessarily results from the supremacy of the national power within its appointed sphere. (*Minnesota rate cases*, 200 U. S. 352.)

TO STATES IN GENERAL

It is within the power of Congress to permit the exercise of the power to regulate interstate commerce by the States. In sections 4278 and 4279 of the Revised Statutes of the United States, relating to nitroglycerin and other explosives, Congress gives directly to any State, Territory, District, city, or town the right to prohibit the introduction of such substances into its limits for sale, use, or consumption therein. (*Ex parte Jervey*, 63 Fed. 960.)

It has been considered that the power given to Congress to regulate commerce is the power to prescribe the rule by which it shall be governed, and that "commerce," in the sense in which the word is used in the Constitution, is coextensive in its meaning with "intercourse." In so far as intercourse between two States consists in traffic, a rule prescribing the subjects of that traffic, or dictating the mode in which or the condition on which such traffic must be prosecuted is a commercial regulation. (*Carson River Lumbering Co. v. Patterson*, 33 Cal. 334, 339.)

"Commerce with foreign nations and among States," strictly considered, consists of intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property, as well as the purchase, sale, and exchange of commodities. (*Louisville & Nashville R. R. Co. v. Railroad Commission of Tennessee* (U. S., 19 Fed. 679, 709.)

"Commerce," as used in Constitution, Article I, paragraph 8, providing that Congress shall have power to regulate commerce, etc., embraces all instruments by which commerce may be conducted. (*Trade-mark Cases*, 100 U. S. 82, 96, 25 L. Ed. 550.)

"Commerce," as used in the Federal Constitution, includes within its scope and meaning interstate passenger travel, and the power vested in Congress to regulate commerce as applied to such travel is so far exclusive in its character that the State may not by any act of legislation impose burdens upon either the carrier or the passenger which would obstruct or hinder the free course of travel. (*Fry v. State*, 63 Ind. 552, 562, 30 Am. Rep. 238.)

"Commerce," as used in the clause of the Federal Constitution giving Congress exclusive right to regulate interstate commerce, includes passengers traveling into or through a State, and hence a State statute imposing a tax upon persons passing through or beyond its territorial limits is unconstitutional. (*Crandall v. State of Nevada*, 73 U. S. (6 Wall.) 35, 43; 18 L. Ed. 744, 745.)

Immigration is an ingredient of intercourse and traffic, so that the power to regulate commerce includes the power to regulate immigration; hence a State statute attempting to do so is unconstitutional. (*Lin Sing v. Washburn*, 20 Calif. 534, 570.)

While there have been times, places, and conditions in the history of our country when and where the doctrine of local self-government was not only sufficient but was and may yet be clearly the most appropriate and best doctrine for the needs of the people, yet now it would seem that in highway building and regulating the bigger and more general governments may function best to give the people what they need to meet the progress and requirements of the times.

The CHAIRMAN. The time of the gentleman has expired; all time has expired, and the Clerk will read:

The Clerk read as follows:

Be it enacted, etc., That for the purposes of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be expended according to the provisions of such act as amended:

The sum of \$75,000,000 for the fiscal year ending June 30, 1928.

The sum of \$75,000,000 for the fiscal year ending June 30, 1929.

SEC. 2. For carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended in accordance with the provisions of said section 23:

The sum of \$7,500,000 for the fiscal year ending June 30, 1928.

The sum of \$7,500,000 for the fiscal year ending June 30, 1929.

Not later than January 1 next preceding the commencement of each fiscal year the Secretary of Agriculture is authorized to apportion among the several States the appropriations heretofore, herein, or hereafter made or authorized to be made as provided in section 23 of the Federal highway act approved November 9, 1921.

Mr. ARENTZ. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Nevada moves to strike out the last word.

Mr. ARENTZ. Mr. Chairman, this \$7,000,000 means a great deal to such States as Nevada. Nevada has 110,000 square miles, with only 16 per cent on the tax rolls, with 77,000 people, and with forest reserves and Indian reservations within its boundaries. This \$7,000,000 will go a great way toward taking off the burden resting upon the State on account of these forest reserves and Indian reservations; a burden that the people of Nevada carry in order to furnish their proportionate share of the money necessary to meet the financing of the Federal highways.

I repeat, this highway construction in Nevada means a great deal. Before the construction of the Federal highways the State of Nevada really presented a gap in the transcontinental road across the western country, with its dry lakes, with its deserts, with its mountainous roads. To-day one will find in crossing the State of Nevada completed highways, with but few gaps in the entire length across the State. In 1927 we shall find the two highways, the Lincoln and the Overland Trail within the State of Nevada completed from the boundary of Utah westward to the boundary of California across the State of Nevada.

At that time I think it can be truly said that the transcontinental highways from Washington, D. C., to the Golden Gate will have been completed, and it seems to me that a fitting celebration should be had on the completion of such a transcontinental highway as either of these roads will be.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there for a question?

Mr. ARENTZ. Indeed I will.

Mr. MADDEN. The gentleman does not want the United States to enter upon the further expense of celebrating this thing, after having given these roads to the people of the various States?

Mr. ARENTZ. I am glad the gentleman brought that up.

Mr. MADDEN. After all, the State from which the gentleman comes contributes little to the construction of the public roads. We pay more for the construction of roads in Nevada than the State pays to the Government.

Mr. ARENTZ. The State of Nevada pays to the very limit of its capacity to pay. It is well to look into the history of the past of the State of Nevada. There is one little area within our State, that around Virginia City, which has produced in wealth during the time the country most needed it, gold and silver to the extent of \$650,000,000.

Mr. MADDEN. Who got it?

Mr. ARENTZ. The Atlantic cable and the Union Pacific Railroad and the Palace Hotel were constructed from this new wealth after it had been deposited in the Treasury of the United States, through the elasticity of which it represented a billion or more of credit.

Mr. MADDEN. They got the money out, but what did they do with it?

Mr. ARENTZ. They did a great deal of good with it.

The CHAIRMAN. The time of the gentleman from Nevada has expired.

Mr. ARENTZ. We intend to celebrate the completion of the transcontinental highway.

Mr. MADDEN. Who? Your State?

Mr. ARENTZ. The United States, with the assistance of the gentleman from Illinois.

Mr. MADDEN. We have built the road. That is celebration enough.

Mr. ARENTZ. We are going by means of that road to take people over to the State of Utah and the State of California and across to the State of Iowa; take the people out there into Nevada to show them the wonders of the transcontinental highway.

Mr. MADDEN. Who is going to do that?

Mr. ARENTZ. The State of Nevada, with the assistance of the Federal Government, through the courtesy of my friend from Illinois. [Laughter.]

Mr. MADDEN. I can assure the gentleman that Nevada will not do it at the expense of the United States if I have anything to say about it. [Laughter.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 3. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Mr. DOWELL. Mr. Chairman, I move that the committee do now rise and report the bill back to the House, with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TINCER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 9504) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, had directed him to report the same back to the House with the recommendation that the bill do pass.

Mr. DOWELL. Mr. Speaker, I move the previous question.

The SPEAKER. The previous question has been ordered.

Mr. DOWELL. I have been requested, Mr. Speaker, to ask unanimous consent that all Members may have the right to extend their remarks in the Record for five legislative days.

The SPEAKER. The gentleman from Iowa asks unanimous consent that all Members may have the privilege of extending their remarks on this bill for five legislative days. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

EXTENSION OF REMARKS—FEDERAL AID IN CONSTRUCTION OF ROADS

Mr. ARNOLD. Mr. Speaker, I am glad to give my support to this bill. We have three great systems of transportation in this country—the highway system, the railroad system, and the waterway system. All are of vital importance to the progress and prosperity of the Nation. Of these systems, none so directly affect and control community life, and through community life national welfare, as our public highways.

Our Federal-aid highway system, while of comparatively recent origin, is the most gigantic national highway system of any country in the world. In its present form it dates from the year 1916, when the Federal Government, recognizing the economic need of the Nation for the improvement of the main public thoroughfares, passed a Federal-aid road act appropriating \$75,000,000, to be expended during a five-year period as aid to States contributing at least an equal amount for the improvement of a system of highways under the direction of the Bureau of Public Roads in the Department of Agriculture in conjunction with the State highway departments of the various States desiring to participate in the program.

In 1921 the Federal highway act provided for a limited system of roads amounting to about 200,000 miles, and each State that desired to participate in the Federal funds was given the privilege of designating something like 7 per cent of its highways as Federal aid highways. This system of Federal aid met with such universal favor throughout the country that it has been continued from year to year, and this bill extends the law for an additional two years by authorizing an appropriation of \$75,000,000 for each year as a Federal con-

tribution to the States for the construction of highways under the act of 1916 as amended. The expenditure of Federal money for this purpose is an investment rather than a contribution and is reflected in substantial dividends through increase in national wealth, thereby promoting the general welfare of the American people.

In my own State of Illinois, on November 4, 1918, a proposition was submitted to the voters to issue bonds in the sum of \$60,000,000 for a system of hard-surfaced highways to be paid solely out of motor-vehicle license fees. Under this issue it was proposed to build something like 4,700 miles of hard-surfaced roadways. All funds available for highway construction under this bond issue, it was found, would be exhausted by the end of 1924 and that the \$60,000,000 would not build the mileage proposed. A proposition was submitted to the people in November, 1924, to issue an additional \$100,000,000 in bonds payable out of auto license fees to complete the mileage proposed under the bonds already issued and to build 5,100 miles of additional hard-surfaced highways.

This issue was likewise authorized by a vote of an overwhelming majority, and together with Federal contributions, Illinois has to-day completed and has in process of building a hard-surfaced system of highways second to none in any State of the Union. The proposed mileage, with the character of construction employed, can not be built out of the proceeds of the two bond issues, but it will reach far in that direction.

Under this system of Federal aid the Federal funds annually apportioned to the State of Illinois for 1920 and subsequent years are as follows:

1920	\$4,152,546.24
1921	4,305,067.91
1922	3,246,281.07
1923	2,164,187.38
1924	2,797,888.59
1925	3,203,867.90
1926	3,220,090.00
1927	3,175,616.00

The apportionment for the year 1927 was made available on December 31, 1925, making a total Federal apportionment to the State for the years named of \$26,325,545.18.

I am in favor of continuing this Federal support. All patriotic American citizens are interested in their respective communities and want to see their community grow and prosper and develop along social, economical, and educational lines. They want to see the standards of living in their community on the highest possible plane to the end that peace, happiness, contentment, and prosperity may be theirs to enjoy and transmit to their children and their children's children. As the Nation is a composite of communities and national life reflects community life, national life is raised to a higher standard of peace, happiness, contentment, and prosperity as community life is developed and made better.

While the development of a system of good roads is of inestimable value to all classes and all communities, it is of special benefit to the farming interests of the country. It enables the farmer to get his products to the market with the least possible delay and to take advantage of the prices when they are most advantageous. It is said we are living in a motor age. Marvelous changes have been effected in the economical and social life of America by the advent of the automobile. Motor trucks and motor vehicles have practically supplanted the slow-moving horse-drawn conveyances, and with an improved system of hard-surfaced public highway trunk lines and improved connecting highways the markets and the farmers are brought closer together and a more efficient and economical marketing and distributing system provided at a great saving of time and money. It has to a great extent destroyed the isolation of the farm and the farmer, permitted a notable extension in educational facilities, is an effective aid in medical relief, and is conducive to social intercourse and more friendly relations. It has been a great boon to rural communities and should not be discontinued.

The Federal Government can well afford to aid and assist in working out and building a great national system of trunk-line highways, as it adds to the general welfare of the people and is conducive to peace, contentment, and prosperity of the American people as a whole and cements more firmly the bonds of national fellowship. The \$75,000,000 a year which the Federal Government contributes under the Federal aid highway law, and which this bill continues for an additional two years, is less than the users of motor vehicles will pay into the Federal Treasury through the excise tax under the present revenue law, and this tax, collected as it is from the users of the roads, can be put to no better use by the Government than by applying it in conjunction with State highway departments to building and maintaining an effective and efficient system of improved highways.

Mr. MORROW. Mr. Speaker, this bill which authorizes the continuation of the road-building program for a period of two years to end January 30, 1928, and June 30, 1929, and which authorizes an appropriation for each year of \$75,000,000 is a very worthy measure. It provides for the forest trail roads, carrying the sum of \$7,500,000 for the same period as stated above. This is a continuation of the Federal-aid work now being carried on between the Federal Government and the several States.

In my opinion, this division of Federal aid is serving the country much better, by assisting the rural people in their transportation problem, than the Federal aid heretofore granted to railroads.

It is very apparent with the policy of the consolidation of railroads into large systems, which policy is already here, that the public highway must be laid out and constructed looking to the farmers' future transportation route for marketing farm products. The next problem then will be to prevent any attempt to put the highways under a Government licensing system so that the poor man's avenue of transportation will not be burdened with unjust charges; it is the one avenue open to-day that virtually prevents confiscation of the farmers' surplus products.

The unanimity of approval which this bill has met in the House shows the crystallization of sentiment for the present Government road program.

A country is measured by the prosperity and intellectual development of its citizenship. Citizenship builds and develops cities, counties, States, and nations. It is a well-known maxim that the morals and laws of a city, county, or State are not higher than the morals and intelligence of its citizenship.

Emigration and natural developments have drawn us away from this open and free spirit that was the order of things in the early settlement of this country; now the order of development is of things essential, and one of these is a system of highways for transportation and travel. It is largely to this end that the national system of highways has become a milestone in the development of our Nation. Great credit and praise must be given to those who have solved this problem for their ceaseless and untiring efforts to make it a success.

I might pause at this point and put the question "What is the meaning of this road building, which concerns all of the States of the Union, from coast to coast and from Gulf to the Canadian border?"

It means more than national legislation giving aid to the highways. It means the meeting of the minds of men to solve, safeguard, and construct great national highways for travel; not alone for pleasure, and with becoming more acquainted with the real history of our country, but it means also the development of great highways for transportation. It means the bringing of the people more closely in contact with the resources of the different States and communities of our Government.

It means the advertising of the mineral, timber, and other natural resources of regions unknown; that in time will be developed by the attraction of capital to the western States and to all the States that these great highways traverse.

No other form of travel or advertisement is equal to this method; people come directly in contact with the natural resources. It becomes a visual education. It opens up along the line new opportunity to study the country through which these great national roads traverse. It brings the remote western country in direct contact with the citizenship of the more developed and richer communities of the South and East.

It presents to them in delightful travel on their well-built roads, an opportunity to size up, inhale, and enjoy the pure atmosphere, and especially when you reach the mountains where water sparkles and refreshes the traveler; where you can travel at night where the moon shines so brilliantly and lightens the way of the tourist.

The kind and quality of roads should be left to skilled and expert people, always keeping in view the rights and full protection of the citizens, avoiding excessive expenses, and keeping taxation within reasonable bounds.

The building of good highways properly drained and permanent means one of the greatest civilizing influences of development that can be promoted in my State and in the Nation. I want to insert here a fitting poem entitled "The Trade Unionist":

An old man, going a lone highway,
Came at evening, cold and gray,
To a chasm vast and deep and wide.
The old man crossed in the twilight dim;
The sullen stream had no fear of him,

But he turned, when safe on the other side,
And built a bridge to span the tide.
"Old man," said a fellow pilgrim near,
"You are wasting your strength by building here;
Your journey will end with the ending day;
You never again will pass this way.
You've crossed the chasm deep and wide;
Why build you this bridge at evening tide?"
The builder lifted his old gray head.
"Good friend, in the path I have come
There followeth after me to-day," he said,
"A youth whose feet must pass this way.
This chasm, that has been naught to me,
To that fair-haired youth may a pitfall be;
He, too, must cross in the twilight dim.
Good friend, I am building this bridge for him."

Educate our people to the spirit of better roads and it means a superior class of citizenship; build cities nearer to the producer, so the American agriculturist can find a market for his products; build up and procure home consumption wherever possible, so that the middleman and transportation charges will not take the farmers' profit entirely away from them.

The difference in civilization to-day, between our primitive ancestors in following trails through the timber and fording swollen streams over mountains and across the plains, is the knowing how to live and how to travel. Let us make the most of it with our great resources; develop, and in developing let us choose permanency, by the best and most feasible routes.

The fact that we now travel by the automobile and airplane is that our intelligence has thus far advanced. Back of every development there must be knowledge, study, patience, and the knowing how to do the needed thing. In my opinion this can be best accomplished by the continuation of the cooperation of the Federal Government with the States in a uniform development of our highway systems as set forth in the Dowell road bill, H. R. 9504.

The question asked of a Kentucky backwoodsman by a stray tourist where the "road went," volunteered the information that it "didn't go nowhere; it stayed right there," illustrates in a simple manner the permanency of the road if constructed along proper lines, surfaced, drained, and maintained.

The principle of State rights has been encroached upon in many ways, and many contend that the road question should go back to the States. The wealthy States, with their large cities, seem to feel that they are contributing more than their share to the fund. This is not true to my way of thinking, as a great part of their income and wealth is gathered from the four corners of the Nation; this wealth is centered in the commercial and business cities, as Chicago, New York, Philadelphia, Boston, St. Louis, and other large financial centers. The ratio of population to the Federal-aid roads of the Nation forms an important unit in distribution.

This principle is eminently true, that the question of proper highways and the maintenance for the same failed in the majority of the States and no real system of highways was developed until the advent of the automobile and the public education to Federal and State aid was launched forth. It is apparent that the automobile development has been a wonderful factor, creating a spirit for good roads and for the national and State aid maintained roads. Statistics show that there were less than 1,000,000 motor vehicles in the Nation 11 years ago; that the then value was less than \$100,000,000. To-day there are 20,000,000 motor vehicles showing a total investment of \$16,500,000,000; that we are manufacturing now 4,000,000 vehicles per year; that we are using 7,500,000,000 gallons of gasoline per year; that the motor vehicle has gone to all parts of the country, to the farms, and to the small villages; that it has changed the conditions in cities so that people no longer seek to buy in the densely populated parts of the city, but go to the suburban parts and there buy their homes. In fact, it is not necessary to live in the city to transact business therein. The farmer is brought in close contact with all the matters of the city, even though he lives some distance from the city. He can almost enter into the activities of the city life.

While this has been expensive to the American citizen, it has been a real education in every way, and, in fact, about all there is in this life is the satisfaction there is in living and living properly. The American system of good roads, with gas-propelled automobiles, has been the main factor in bringing this satisfaction to nearly all of the citizens of the Nation.

The State of New Mexico has contributed to Federal-aid projects completed May 1, 1925, a total sum of \$4,433,901.97,

and there have been constructed under Federal-aid system in the State of New Mexico 1,331.90 miles of roads. These roads have been surfaced in their construction by means of crushed stone, gravel, and concrete. They were built under the supervision and inspection of the Federal engineers, in conjunction with the State highway engineer. The roads are practically permanent.

I quote from articles appearing in the New Mexico Highway Journal of December, 1925:

In view of the question raised in some quarters as to the wisdom of the Federal-aid policy of the Government, here are a few figures that will enable the situation to be viewed from a new angle:

Since 1918 motorists as a class have paid the Federal Government in the form of excise taxes on automobiles and parts the sum total of \$779,385,339. Since the beginning of the Federal aid the Government has actually expended \$276,305,407 as its share for the construction of Federal-aid highways, according to figures compiled by the American Automobile Association.

This means that the Government has expended less than 36 per cent of the amount of motor-vehicle revenue paid by the motorists as a class into the coffers of the Treasury Department. At this rate the Government still owes the motorists some \$503,079,932. With this balance sheet there can be little doubt that they will line up 17,000,000 strong for continuation of the Federal-aid policy.

They have already footed the bill.—The Denver Post.

I quote another article appearing in the same issue of the New Mexico Highway Journal:

In a recent attack on Federal aid for highways Governor Ritchie, of Maryland, contended that those States paying heavy income taxes receive back a smaller percentage in Federal aid than do States whose income taxes are smaller. That is quite true, but it is based upon a sound American principle that has made a strong union of the States possible, that has been the foundation of our wonderful system of public schools, and has, in fact, contributed to the general development and progress of the entire country.

The policy of Federal aid is here to remain as long as the excise taxes on automobiles go into the Federal Treasury. The necessity of a uniform system of public highways, regardless of State boundaries, is here to stay. It has assumed an importance far in excess of navigable streams, which are conceded to be under Government control, and such control not in conflict with State rights.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD, by direction of the Committee on Appropriations, submitted for printing under the rule a conference report and accompanying statement on the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent boards, commissions, bureaus, and offices for the fiscal year ending June 30, 1927, and for other purposes.

APPROPRIATION BILL FOR THE STATE, JUSTICE, COMMERCE, AND LABOR DEPARTMENTS

Mr. SHREVE. Mr. Speaker, I call up the conference report on the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1927, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Pennsylvania calls up the conference report on the bill H. R. 9795, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 5, 6, 11, 13, 14, 15, 18, 19, and 47.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 8, 9, 10, 16, 17, 20, 21, 24, 25, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37, 39, 40, 41, 42, 43, 45, 46, and 49, and agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$583,529"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$620,440"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "Including expenses of attendance upon meetings of technical and professional societies when required in connection with standardization, testing, or other official work of the bureau when incurred on the written authority of the Secretary"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "Provided, That not exceeding \$5,000 shall be expended for the acquisition of land"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum named insert: "\$2,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "in such amounts as may be determined by the President"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "Appropriations herein made for the Children's Bureau shall be available for expenses of attendance at meetings for the promotion of child welfare and/or the welfare and hygiene of maternity and infancy when incurred on the written authority of the Secretary"; and the Senate agree to the same.

The committee of conference has not agreed on amendments numbered 7 and 12.

MILTON W. SHREVE,
GEORGE HOLDEN TINKHAM,
W. B. OLIVER,
Managers on the part of the House.
W. L. JONES,
REED SMOOT,
LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes, submit the following statement explaining the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

DEPARTMENT OF STATE

On No. 1: Appropriates \$161,500, as proposed by the House, instead of \$171,500, as proposed by the Senate, for printing and binding, and strikes out the limitation as proposed by the Senate of \$10,000 for the preparation and printing of "Foreign Relations."

On Nos. 2 and 3: Appropriates \$5,000, as proposed by the House, instead of \$7,500, as proposed by the Senate, for the salary of the minister resident and consul general to Liberia, and makes the total for salaries of ambassadors and ministers

\$611,500, as proposed by the House, instead of \$614,000, as proposed by the Senate.

On No. 4, relating to contingent expenses, foreign missions: Inserts the words "and other expenses," as proposed by the Senate.

On No. 5, relating to contingent expenses, foreign missions: Reinstates the language as proposed by the House allowing the attendance at trade and other conferences or congresses under orders of the Secretary of State by the officers of the department.

On No. 6, relating to contingent expenses, United States consulates: Reinstates the language as proposed by the House allowing the attendance at trade and other conferences or congresses under orders of the Secretary of State by the officers of the department.

On No. 8, relating to the Mixed Claims Commission, United States and Germany: Corrects the title of the Tripartite Mixed Claims Commission to the Tripartite Claims Commission, as proposed by the Senate, by striking out the word "Mixed."

DEPARTMENT OF JUSTICE

On Nos. 9 and 10: Transfers \$12,800 from the appropriation "Inspection of prisons and prisoners" to the appropriation for salaries, office of the Attorney General, as proposed by the Senate.

On No. 11: Reinstates the language proposed by the House which was stricken out by the Senate affecting the investigation and prosecution of war frauds.

On No. 13: Appropriates \$3,400,000, as proposed by the House, instead of \$3,500,000, as proposed by the Senate, for the salaries, fees, and expenses of United States marshals.

On No. 14: Appropriates \$65,000, as proposed by the House, instead of \$89,000, as proposed by the Senate, for the purchase of law books.

On No. 15: Makes available for salaries at the United States penitentiary, Leavenworth, Kans., \$244,000, as proposed by the House, instead of \$244,940, as proposed by the Senate.

On No. 16: Transfers \$12,800 from the appropriation "Inspection of prisons and prisoners" to the appropriation for salaries, office of the Attorney General, as proposed by the Senate.

DEPARTMENT OF COMMERCE

On No. 17: Transfers \$10,000 from the appropriation for the promotion of commerce, South and Central America, Bureau of Foreign and Domestic Commerce, to the appropriation for printing and binding, for the Department of Commerce, as proposed by the Senate.

On No. 18: Appropriates \$472,350, as proposed by the House, instead of \$487,350, as proposed by the Senate, for promoting commerce, Europe and other areas.

On No. 19: Restores the language proposed by the House, which was stricken out by the Senate, "or at rentals at lower than prevailing rates," affecting the District and Cooperative Office Service.

On No. 20: Appropriates \$333,090, as proposed by the Senate, instead of \$298,090, as proposed by the House, for promoting commerce in South and Central America.

On No. 21: Appropriates \$290,000, as proposed by the Senate, instead of \$275,000, as proposed by the House, for promoting commerce in the Far East.

On Nos. 22 and 23, relating to the appropriation "Export industries," Bureau of Foreign and Domestic Commerce: Makes available for personal services in the District of Columbia \$583,529, instead of \$615,089, as proposed by the House, and \$598,529, as proposed by the Senate; appropriates for this appropriation \$620,440, instead of \$653,000, as proposed by the House, and \$635,440, as proposed by the Senate; and transfers \$32,560 from this appropriation to the appropriation "Mineral mining investigations" in the Bureau of Mines, as proposed by the Senate.

On No. 24, relating to printing "Lists of foreign buyers": Inserts the words "special commodity news bulletins," as proposed by the Senate.

On No. 25: Inserts language permitting the attendance at meetings concerned with the promotion of foreign and domestic commerce, when incurred on the written authority of the Secretary of Commerce, by the employees of the Bureau of Foreign and Domestic Commerce, as proposed by the Senate.

On No. 26, relating to the Bureau of Standards: Restores the language stricken out by the Senate relative to the attendance upon meetings of technical and professional societies, etc., by the employees of the bureau, and amended with the following wording: "when incurred on the written authority of the Secretary."

On Nos. 27, 28, 29, and 30, relating to magnetic and seismological observations in the Coast and Geodetic Survey: Adds the words "and seismological" in four different instances to

make the language of the paragraph consistent with the intent of the appropriation.

On No. 31, relating to the propagation of food fishes in the Bureau of Fisheries: Appropriates \$427,000, as proposed by the Senate, instead of \$418,000, as proposed by the House.

On No. 32, relating to the establishment of a fish-cultural station at Lake Worth, Tex.: Strikes out the words "construction of buildings and ponds and equipment" and inserts the following language: "acquisition of land therefor by gift and the construction of buildings therefor, and \$4,000 shall be available for the construction of a dwelling for the district supervisor or caretaker at the fish-cultural station at La Crosse, Wis."

On No. 33: Retains the language proposed by the Senate for the establishment of a fish-cultural station at Warm Springs, Ga., appropriates \$30,000 for that purpose, with the following proviso: *Provided*, That not exceeding \$5,000 shall be expended for the acquisition of land."

On No. 34, relating to maintenance of vessels, Bureau of Fisheries: Retains the words "and other equipment," as proposed by the Senate.

On Nos. 35, 36, and 37, relating to the Bureau of Fisheries: Transfers \$10,000 from the appropriation "Alaska, general service," to the appropriation made for the purchase or construction of a vessel for Alaska fisheries, as proposed by the Senate; and appropriates \$25,000, as proposed by the Senate, instead of \$15,000, as proposed by the House, for the appropriation "Mississippi Wild Life and Fish Refuge," and retains the language, as proposed by the Senate, making immediately available for construction and purchase of launches and equipment, from the appropriation contained in the act of February 27, 1925.

On No. 38: Makes the amount for attendance at meetings of professional and technical societies, in the Bureau of Mines, \$2,000, instead of \$5,000, as proposed by the Senate, and \$1,500, as proposed by the House.

On No. 39: Strikes out the word "Mines" and comma, and inserts the word "mine," as proposed by the Senate, to correct the title of the appropriation "Operating mine rescue cars and stations," in the Bureau of Mines.

On Nos. 40 and 41: Transfer \$32,560, as proposed by the Senate, from the Bureau of Foreign and Domestic Commerce, to the Bureau of Mines.

On No. 42. Retains the language, as proposed by the Senate, for the purchase, operation, etc., of motor-propelled passenger-carrying vehicles, in the Bureau of Mines.

On Nos. 43 and 44, relating to the production and investigation of helium: Makes certain slight changes in wording, as proposed by the Senate, and strikes out the wording "not to exceed a total of \$1,000,000, and," as proposed by the Senate.

On No. 45: Changes the total of the Bureau of Mines to conform to the transfer of \$32,560 from the Bureau of Foreign and Domestic Commerce to the Bureau of Mines, as proposed by the Senate.

DEPARTMENT OF LABOR

On No. 46: Retains the language, as proposed by the Senate, permitting the attendance at meetings, etc., by the employees in the Bureau of Labor Statistics.

On No. 47: Strikes out the language, as proposed by the Senate, allowing two assistants to the Secretary of Labor.

On Nos. 48 and 49: Retain the language, as proposed by the House, in the Children's Bureau, and, as proposed by the Senate, in the Women's Bureau, relative to the attendance at meetings, etc., in connection with the work of the bureaus.

The committee of conference has not agreed on amendments Nos. 7 and 12.

MILTON W. SHREVE,
GEORGE HOLDEN TINKHAM,
W. B. OLIVER,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 7. On page 10, after line 12, insert: "The Secretary of State may hereafter lease or rent, for periods not exceeding 10 years, such buildings and grounds for offices for the Foreign Service as may be necessary; and he may hereafter, in accordance with existing practice without cost to them, and within the limit of any appropriation made by Congress, continue to furnish the chief diplomatic representatives and their minor employees in foreign countries and officers and employees in the Foreign Service in China, Japan, and Tur-

key with living quarters, heat, light, and household equipment in Government-owned buildings and in buildings rented for use as offices at places where, in his judgment, it would be in the public interest to do so, notwithstanding the provisions of section 1765 of the Revised Statutes, and appropriations for 'Contingent expenses, foreign missions,' and 'Contingent expenses, consulates,' are hereby made available for such purposes; and he is also authorized, in his discretion, to furnish living quarters in such buildings to other officers and employees not herein provided for at rates to be determined by him."

Mr. SHREVE. Mr. Speaker, this amendment is made necessary by reason of a ruling of the Comptroller General. The Secretary appeared before the committee and called our attention to this fact: It seems that in various sections we are renting buildings for a short time. I believe the law requires that they must not be rented for more than a year, and this amendment is merely to extend the time and is really in conformity with the practice that now exists in the State Department. It is recommended by the Secretary, and I move that the House recede and concur.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. OLIVER of Alabama. I understand that the legislative committee of the House has requested that this be done.

Mr. SHREVE. I thank the gentleman. That is a correct statement.

Mr. BLANTON. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. BLANTON. Does the gentleman know just how much this amendment would cost the Government of the United States?

Mr. SHREVE. It will not cost the Government anything in addition to the money that is already being expended.

Mr. BLANTON. There is a clause that has been added which goes further than any practice that has ever been carried on by our State Department, and that is they may furnish any officer or employee of the Government with their quarters and their light, heat, and furniture; and by inserting the word "hereafter" in two places makes this permanent law, which requires legislative enactment to change, and that is further than we have ever gone before. There is no limitation and no restriction on it whatever, and we ought not to pass such very important legislation with a little handful of Members present and without any consideration by the House.

Mr. SHREVE. I think the gentleman is mistaken in his understanding.

Mr. BLANTON. It is very plain, and I suggest the gentleman let the chairman of the Committee on Appropriations read it. He surely does not mean to agree to let it go by default?

Mr. SHREVE. If the gentleman will read the bill, he will see there is no new departure.

Mr. BLANTON. Well, the Comptroller General has held there is no law for it now and has stopped it, and they are trying to get around the Comptroller General. That is exactly what they are trying to do. It ought to go back to the committee for consideration, and we ought not to let it pass now.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Pennsylvania.

Mr. BLANTON. Mr. Speaker, if this is to be pressed now I shall make a point of no quorum.

Mr. SHREVE. Perhaps if I read the letter from the Secretary it might explain the matter so that the gentleman will be satisfied.

Mr. BLANTON. I can understand the English language when I read it. I know what it means. It ought to be given full consideration.

Mr. TILSON. Does the gentleman wish to inconvenience Members by calling them back after they have gone to their offices to sign their mail and attend to other business?

Mr. BLANTON. Does the gentleman want to let this clause go in by default, with only a handful of Members present and when they do not know what it means?

Mr. JACOBSTEIN. Was this unanimously recommended by the legislative committee?

Mr. SHREVE. It was recommended by the legislative committee; it was recommended by the State Department and it has been passed by the Senate.

Mr. JACOBSTEIN. There was no opposition anywhere?

Mr. SHREVE. No.

Mr. BLANTON. It is not good and sound legislation and it ought not to pass. This amendment was put in elsewhere with only a few knowing about it. And not 10 Members of this House know anything about it. It is important legislation, which because of the use of the word "hereafter" becomes

permanent law whenever we pass this conference report. I know just exactly how such a provision is put into the bill elsewhere, and I know just exactly how the five members on this subcommittee and our conferees let it go in without protest. I also know that this provision is going to cost this Government hundreds of thousands of dollars annually more than our Foreign Service has been costing, and it is my sworn duty to stop it here and now if I can.

Mr. TILSON. Are the conferees on the part of the House agreed as to this?

Mr. SHREVE. Absolutely.

Mr. OLIVER of Alabama. I will say to the gentleman, in the first place the language is so drawn as to show that it is not intended to do anything more than what has been done in the past, and the legislative committee of the House, as I was informed, requested the Senate to put this on, and made the request of the chairman of this subcommittee that he accept it.

Mr. MADDEN. This is just what has been done in the past?

Mr. OLIVER of Alabama. That is all.

Mr. BLANTON. Mr. Speaker, I ask that the Clerk again read the amendment, if there is no objection, and I want the Members present to notice exactly how it is worded.

The SPEAKER. Without objection the Clerk will again report the amendment.

There was no objection.

The Clerk again reported the amendment.

Mr. MADDEN. This is just for offices.

Mr. BLANTON. Will the gentleman yield me five minutes on this?

Mr. MADDEN. Let me explain it to the gentleman before he gets the five minutes. I was rather inclined to think this was intended to pay the rent of the domicile of the representative, but it is not. It is for the offices and, of course, the offices belong to the Government and the rent ought to be paid.

Mr. SHREVE. Permit me to read a few words from this letter. This is from the Secretary:

At a few places in the service, particularly in China and Japan, where suitable buildings are almost impossible to obtain for consular purposes, and where customs impose peculiar responsibilities it has been the practice where consuls have rented buildings at Government expense for consular offices, to permit them to occupy for residence purposes without charge such portions of the building as were not required for offices. This has not been done merely in the interest of the consul but in the interest of the Government and of the prestige, and therefore the effectiveness, of the Consular Service.

That is the whole story.

Mr. BLANTON. Will the gentleman yield me five minutes?

Mr. BEGG. Will the gentleman allow me to make a statement before he obtains his five minutes? I happen to be on the Foreign Affairs Committee, and we held long hearings on the bill which has been passed authorizing an appropriation of \$2,000,000 for the purpose of buying offices.

Mr. MADDEN. That was for the purchase of embassies.

Mr. BEGG. Yes; embassies or any kind of foreign building. Just a moment ago when the clerk first read the amendment I was of the same impression as the gentleman, but a careful reading of the amendment will disclose that it is exactly what we are doing now, and this is the reason for the provision of 10 years. To-day if you were the representative in London—I will use that just as one place—and wanted to rent quarters, you have to sign the lease yourself. I will say that in Spain I know that has been true. Ambassador Moore is to-day obligated on a lease for two years, although he is no longer the ambassador. This is not fair to the representatives, and the reason for it is not on this side, but when you go to that country or almost any other country they refuse to lease unless you will lease for a period of three or five years, when under our own laws we can not lease but for one year. This amendment does not add an additional charge of one nickel, but simply authorizes the State Department to make a lease for 10 years, and I think if the gentleman is careful in his reading of the amendment he will find that is an accurate statement of it.

Mr. BLANTON. Will the gentleman yield me five minutes?

Mr. SHREVE. I yield five minutes to the gentleman from Texas.

Mr. BLANTON. Mr. Speaker, this shows just how careless we are in passing legislation. The gentleman from Illinois [Mr. MADDEN] thinks this only applies to offices. The gentleman is mistaken. It applies to living quarters for every single employee. That is exactly what it means. The letter from the Secretary which the chairman of the subcommittee read

shows that. You are making this permanent law on an appropriation bill, because the word "hereafter," that is put in here in two places, makes it permanent law, and the gentleman will not deny it.

Mr. BEGG. Will the gentleman permit me—

Mr. BLANTON. I have heard the gentleman and I now want him to hear me.

Mr. BEGG. I want to ask the gentleman what he thinks this means—

Mr. BLANTON. I will tell the gentleman what it means. It applies to their offices and also to their living quarters, and the Secretary may lease same for a 10-year period and furnish to our consular employees and to all other employees their living quarters, light, heat, and furniture. I know something about Government employees buying furniture.

Mr. BEGG. Will the gentleman let me read two lines right there to explain that matter?

Mr. BLANTON. In just a moment. I know something about this furniture buying. You will remember the bill over here at Norfolk, Va., where officers of the Navy bought for their residences mahogany chiffoniers at \$200 apiece, mahogany chifferettes at \$200 apiece, mahogany beds at \$200 apiece, mahogany tables at \$200 apiece, and mahogany chairs at \$100 apiece and wanted the Government to pay for them. We fought that bill here for three years and finally killed it and never let it pass. And it was Comptroller General McCarl who first stopped the payment. They exceeded their authority, and you are now giving this blanket authority here for them to buy anything they want, and then there would be no way to stop it, because the word "hereafter" makes it permanent law.

Mr. McKEOWN. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman.

Mr. McKEOWN. If it does not mean living quarters, why do they say living quarters and household equipment?

Mr. BLANTON. The letter which the chairman of the subcommittee read shows it is for living quarters. The Secretary mentions them as living quarters. And I know it is for living quarters.

Mr. SHREVE. Living quarters within the offices or within the building rented as an office.

Mr. BLANTON. Of course, they are living quarters just as much as if they were somewhere else. There is no question about it and the gentleman from Illinois [Mr. MADDEN] was mistaken about its being confined to offices.

Mr. MADDEN. That is true only in China, Japan, and Turkey.

Mr. MORTON D. HULL. Will the gentleman yield to me for a suggestion?

Mr. BLANTON. Yes.

Mr. MORTON D. HULL. That provision relates only to China, Japan, and Turkey. The other provisions refer to the Foreign Service generally and refer to offices only. Countries in which living conditions are intolerable are picked out for the purpose mentioned in the other part of the amendment.

Mr. BLANTON. I know; but this is not the proper way to pass such legislation—in a conference report on an appropriation bill. There are now only a handful of Members present, and our absent colleagues have a right to know what important legislation we are permitting the Committee on Appropriations to place in a supply bill in conference. After we pass this bill with the word "hereafter" used, it becomes permanent law, and if we should find out in the future that the department is spending millions of dollars annually in furnishing quarters, heat, light, and furniture to all of our employees abroad, we could not stop it until we were able to have the proper legislative committee bring in and pass legislation to stop it. We ought not to permit the Committee on Appropriations to do it. It ought to come from the legislative committee.

We Members have a right to take up a bill from the legislative committee and properly discuss it. You can not do it at this hour in the evening on a conference report. You ought not to make this important law on a conference report. The gentleman from Connecticut knows that I am sound in my position, but expediency prompts him to want to get this conference report through. We are not in a hurry. The conference report ought to be considered more carefully. I hope the gentleman will wait, because I am going to ask for a record vote on this amendment. If you want to bring the Membership in here, all right.

Mr. BEGG. Before the gentleman commits himself to do anything, will he permit me to have five minutes to make a statement?

Mr. BLANTON. Yes; 20 minutes, if the gentleman wants it.

Mr. BEGG. I do not want more than three.

Mr. BLANTON. Well, I have done my duty; I have called the attention of the House to this proposition.

Mr. SHREVE. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. I want to talk to the gentleman from Texas more than anybody else.

Mr. RANKIN. Does the gentleman desire the rest of us to leave? [Laughter.]

Mr. BEGG. Well, I will be satisfied for the rest to leave the room. There are two things in this amendment, and as I said, the Committee on Foreign Affairs has considered them, and I think I know what they are. The two things in the amendment are granting authority to the State Department to make a 10-year lease instead of a one-year lease, and the other proposition is to provide housing accommodations in Tokyo and Yokohama in particular. Now, I happened to be in Tokyo and Yokohama last summer.

Mr. BLANTON. That is why the gentleman is in favor of this proposition.

Mr. BEGG. No; but you can not rent a house in Yokohama if you had a million dollars, because the house is not there. When we send the consular agent over there, and by the way I will say that we have a good one—he is from Tennessee; if he is not permitted to live in a Government building he is not permitted to live in Yokohama.

In Tokyo, the whole city destroyed, with all the buildings of the United States—wherein are we damaged when we have appropriated money to build for him these very accommodations?

Mr. BLANTON. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. BLANTON. The gentleman is very frank, he admits that this embraces living quarters.

Mr. BEGG. They are doing it now.

Mr. BLANTON. The chairman of the Committee on Appropriations did not know it, and he is the man that furnishes the money.

Mr. BEGG. If the gentleman will wait a minute, this does not permit living quarters in any other place in the world except where they are getting them now.

Mr. BLANTON. Without any law?

Mr. BEGG. Without any law.

Mr. BLANTON. And you want to make this permanent law on an appropriation bill, in conference, with a handful of Members present?

Mr. BEGG. No; this is living quarters in offices where they rent the buildings anyhow.

Mr. MADDEN. It only applies to Turkey, Japan, and China.

Mr. OLIVER of Alabama. The conferees were informed that the legislative committee had given consideration to this.

Mr. BEGG. Absolutely.

Mr. OLIVER of Alabama. May I ask attention to this language which qualifies all in the section: "He may hereafter in accordance with existing practice," within the appropriation carried by Congress.

Mr. BEGG. Yes; and it will not cost a nickel.

Mr. OLIVER of Alabama. There are two limits to the power—it must conform to existing practice, and it must be within the appropriation which Congress provides.

Mr. TILSON. And can only be in the three places enumerated?

Mr. BEGG. Yes; now I want to make a statement. The gentleman from Texas would not willingly say to a foreign representative you must lease property and be responsible for the payment of it for the United States because of limitations that you can only lease it one year, would he?

Mr. BLANTON. I would say this: I have found that every member of the Foreign Affairs Committee who travels abroad and comes in contact with this Foreign Service and is treated nicely over there comes back and holds up the Congress to get these bills through.

Mr. BEGG. I was not treated courteously or nicely by the foreign representatives, and I came back sore at the most of them, but business is business. All this will do will be to grant the authority of the United States to lease for 10 years instead of 1.

Mr. SHREVE. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I think that instead of moving to recede and concur in the Senate amendment we ought to recede and concur with an amendment. The word "hereafter" appears in two places in the Senate amendment. That makes this permanent law. If we move to recede and concur, striking out the word "hereafter" wherever it occurs, that will be for this year only, and I think then that we can legislate upon it.

Mr. BEGG. That is satisfactory.

Mr. MADDEN. That is what we are going to do.

Mr. BLANTON. That is all right.

Mr. SHREVE. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment striking out in line 13 the word "hereafter" and also in line 16 by striking out the word "hereafter."

Mr. TEMPLE. Mr. Speaker, I hope that will solve the difficulty. The situation actually is that this House has passed a bill providing for construction in Japan of buildings that will furnish permanent quarters for all of the employees of the Diplomatic and Consular Service in Tokyo, and even if we limit it to one year I hope this will provide for them in the interval between the passage of the bill and the construction of those buildings.

Mr. McKEOWN. What other "officers and employees" are referred to in line 5, page 11, that the Secretary of State would permit to occupy these buildings?

Mr. SHREVE. Those were other officers in the foreign service. That refers to commercial and agricultural attachés.

Mr. BEGG. These Department of Commerce and Department of Agriculture attachés—foreign representatives.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to recede and concur in the Senate amendment with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 12: Page 34, in line 18, strike out the figures and words "\$108,186; in all, \$239,186" and insert in lieu thereof the following: "and who may be employed and assigned by the Chief Justice to any office or work of the court, including an additional assistant to the reporter of the court, if the court deems one necessary, to enable the reporter to expedite the publication of its reports, \$106,046; in all, \$237,046."

Mr. McKEOWN. Was not that covered in some legislation recently passed in the House?

Mr. SHREVE. Yes. This is merely to give the Chief Justice a chance to take on an additional assistant to the reporter of the court.

Mr. HILL of Maryland. Does not that reduce the amount from \$108,000 to \$106,000?

Mr. SHREVE. That is accounted for by a transfer that was brought about by the recommendation of the Budget Bureau, from one service to another. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to recede and concur.

The motion was agreed to.

THE VOLSTEAD ACT

Mr. HALL of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a letter received by me in respect to proposed amendments to the Volstead Act.

The SPEAKER. Is there objection?

There was no objection.

Mr. HALL of Indiana. Mr. Speaker, under leave to extend my remarks I insert the following letter:

MARION, IND., April 10, 1926.

HON. ALBERT R. HALL, M. C.

DEAR SIR: I don't believe that our Congressmen and United States Senators are so green that they will fall for the dope handed them by the so-called labor leaders who recently appeared before them and gave evidence (?) upon the booze conditions of the country.

No officer of any organization that I ever heard of has the right to commit the membership on any proposition other than that for which they are banded together, and President Green, of the American Federation of Labor, has absolutely no right to say that I or any other member of the Federation is against the prohibition law as it now stands.

The fact of the matter is that members of labor organizations are of different opinions on the booze question, the same as they are on religious and political questions, and these questions are taboo in labor organizations.

I have been a member of the Typographical Union for over 34 years and an organizer for the Federation for a number of years, besides secretary of our local trades council for a number of years, and wish to state that I am not in favor of any modification of the present law whatever.

In fact, conditions are so much better since the eighteenth amendment that I have come to the conclusion that the people advocating modification or repeal are doing so simply because they are drinkers themselves and can't get it in satisfactory doses under the present law.

The stories of dissatisfaction with the present law haven't shown up in Marion yet, and the only croakers we hear are people who voted wet when they had the chance and would do so again.

If any change is made, the law should be made stronger.

Yours truly,

FRANK BARR.

EXTENSION OF REMARKS

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by including with the remarks the report of the Southern Appalachian National Park Commission on national parks in the East, recently made.

Mr. BEGG. Reserving the right to object, how large is that report?

Mr. THATCHER. It is several pages. I do not recall the number of pages.

Mr. BEGG. Did they not make a report to the Congress in the form of a printed report?

Mr. THATCHER. It has not been printed. It ought to go into the Record as a matter of information.

Mr. TILSON. Should it not be printed as a House document?

The SPEAKER. The Chair is informed that it has already been ordered printed as a document.

Mr. TILSON. Is it available to Members in the form of a report?

Mr. THATCHER. Not to my knowledge.

Mr. BEGG. Will not the gentleman withhold that request until to-morrow or Monday, so that we may look into the matter?

Mr. THATCHER. Yes. The only thing is that there is legislation pending on the subject and Members ought to have the information embraced within the report, and they can get it better in the Record than in any other form.

Mr. TILSON. I regret to see long reports printed in the fine 6-point type in the Record, which is very difficult to read anyway. If it is going to be used, it ought to be in the form of a document.

Mr. THATCHER. I will withhold the request for the present, Mr. Speaker.

MODIFICATION OF THE VOLSTEAD ACT

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the bills looking to a modification of the Volstead Act.

Mr. BEGG. The gentleman's own remarks?

Mr. O'CONNOR of Louisiana. Yes.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker and Members of the House, in order to ascertain what purpose was to be accomplished, what mischief was to be remedied, what habit was to be changed, what manner was to be altered, what institution was to be suppressed, what new viewpoint on the part of the American people was to be secured through the submission and the subsequent ratification of the eighteenth amendment, let us read section 1 of that article:

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all Territories subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Keep in mind that the purpose of the American people, as far as that purpose can be learned and evidenced through this section 1, and the prior development of a prohibition sentiment throughout the country to the extent that it was registered by State laws all clearly and unmistakably show that the consummation wished for was the suppression of the manufacture, sale, or transportation of intoxicating liquors for beverage purposes. What did the people mean by beverage purpose? What did they understand by that phrase? What did they think the effect of ratification would be? The American people were justified in believing that beverage purposes meant the drinking of liquors of whatever alcoholic content in public places, under a license system with the State as partner, and for no other purpose in the world than to indulge in and bring on the intoxication to a more or less extent that follows unrestrained drinking of liquor under such circumstances and the other reactions that necessarily follow a high degree of mental and physical stimulation.

The purpose of the American people was to change and alter and prevent the operation of this habit which lead John Doe to invite Richard Roe to have a drink, long before dinner time, which invitation was accepted and followed by a reciprocal attitude on the part of the invitee, who in turn became the

inviter. It was intended to do away with the baneful habit which was known as treating and which meant that Smith asked Jones to have a drink in a public house which paid a license for the privilege of doing business and which offer to treat received something of an elaboration when Smith and Jones found Brown, Black, and White and others at the bar, who insisted that the newcomers have a drink with them that were already there, and which in accordance with the custom necessitated reciprocal action and to such an extent that it made for an abuse of the one drink that might have been beneficially stimulating. In other words, it was the custom of drinking in public houses at so much per drink and the treating habit that the American people intended to abolish, and not the use of beer, such as is contemplated by this bill, for food purposes at home, on one's own table and as a part of one's meal, just as tea or coffee is used by thousands of people who feel that it is a necessary concomitant of the breakfast, dinner, or supper to which they sit down. It was never intended by the common-sense people of this country to prevent men and women from drinking in their own homes white or claret wine with their meals and for the food value that lies in those wines. Whoever saw men in our country drinking white or claret wine as a beverage in order to get intoxicated in a public place? Who on earth can contemplate any man willfully sitting down and drinking 2.75 per cent beer to such an extent that it would overstimulate him any more than you can contemplate that same man gorging himself with rich and tasteful food merely to satisfy and gratify the sense of his palate and stomach.

Mr. Speaker, it would be just as ridiculous for a man to destroy his house because it presented an unsightly appearance as a result of projections lacking in architectural beauty and painted in such a way as to be wanting in an appeal to an artistic eye instead of changing the unsightly appearance by a few alterations and a new coat of paint as to act upon the belief that the proper thing to do would be to prohibit entirely the use of liquor instead of legislating against the abuses of a trade that sprang up in connection with what should be a reasonable demand for a nourishing and stimulating liquid with food value. The Congress, in my respectful judgment, misinterpreted the eighteenth amendment when it enacted the Volstead Act and prohibited the rational use of that produced by the forces of nature, for as long as fermentation is a part of the great natural or physical law that governs all things of a vegetable nature, a part of which is sugar, will you have alcohol, statutes to the contrary notwithstanding.

After all, what is deemed an abuse may by correction be made a desirable use, and I am going to illustrate by telling a story. Before doing so, however, let me say that the purpose of article 18 is to prevent the use of intoxicating liquors for beverage purposes and not to prevent their use for food purposes and medicinal purposes, or for what might be termed home domestic use. The great purpose that was in the minds of millions was to annihilate the barroom and thereby get rid of the treating habit, and not to prevent men and women from using at home for food and nourishment that which had been used from the sunrise of history. In order to get my views into the Record with regard to the failure of Congress to consider the psychology and the purpose of the eighteenth amendment and a total misconception, in my judgment, of human impulse, which are the besetting faults of our national legislation upon prohibition, I will read into it the remarks I delivered some time since on the floor of the House in connection with empowering the Coast Guard to function along enforcement lines. But I will tell my story and then extend these remarks with the address I have just referred to.

The story was related to me by a grand old civil lawyer in Louisiana years ago. A fine old gentleman who played out a distinguished part in the legal and martial history of Louisiana. He was a great actor in the drama of life, and I hope he is rendering a greater service in celestial spheres than he ever could perform on this terrestrial globe. The old gentleman was fond of saying that in ancient times a mother went to the temple to consult the high priestess about the future of her sons. She asked the priestess to do that which it is extremely unwise to try to do under any circumstances. She asked the priestess to throw her supernatural vision into the future and speak oracularly of what was to be. The priestess, after meditating a few moments, said to the anxious lady:

The outlook is extremely forbidding and may be wet with tears. One of your sons is doomed to be afflicted with the blood lust and may become an assassin, a killer of men; another is doomed to be a prevaricator, or in harsher language a professional liar; another is to become a mendicant, a beggar; another is to become a thief, who will steal lands and other possessions; and still another is to fall into the despicable

attitude of sneak thief and pickpocket; and another a disturber of the peace.

The old lady tore her hair and rent her garments and shrieked aloud in her anguish and sorrow at the terrible future that lay ahead for the sons that she had brought into existence. Softened by her plight, the priestess said:

But remember there is no condition on earth that can not be altered and no disposition tending to abuse that can not be converted into one of use and benefaction, for good and evil are convertible terms to some extent, and that which is evil may become good and that which is good may become evil. We are going to change, modify, alter by education the habits of your children which if left unrestrained would lead them to ruin. By education we will make them ornaments to society. Educate the son who is afflicted with the blood lust to be a surgeon; educate the one that would become the professional prevaricator in the law and make him a lawyer; make an uplifter of the heathen out of the one who would become a mendicant; make a great soldier out of the robber by a similar process; make a sleight-of-hand performer and juggler out of him who would become a pickpocket; and make a rhetorician out of him who would become a disturber of the peace.

Prohibition has many sons of an evil nature who are bent upon destroying that which should be an orderly existence. By modification you will change some and bring about a far better condition than the unbearable situation that obtains to-day which is growing to be a menace to our national life.

No amount of money, however prodigious the appropriation, will bring about in the way of enforcement the results that the enthusiastic and fanatical advocates of prohibition desire. I use these words in their proper meaning, as I do not wish to be offensive to anyone. If I can not make my attitude clear and convincingly set forth my viewpoint by reason and argument without acrimony or vehemence, I certainly will fall if I resort to abuse or villification. I am absolutely certain that a wise, regulatory measure would secure the results desired by the sagacious advocates of temperance to greater advantage and more efficaciously, efficiently, and effectively than by an attempt at total restriction and prohibition. There are many good men and women who insist that the best way to repeal a bad law is to enforce it regardless of the cost. This assumption, though popular from its oft-repeated expression, will not stand the test of reason or experience; but admitting merely for the purpose of disposing of the suggestion from a practical standpoint that enforcement can be secured with a sufficiently large appropriation and the tremendously large police establishment, anyone can see that such an attitude has its limitations and might under certain circumstances become illogical and unwise to the point of absurdity, for if it ever becomes necessary, in order to make a pretense at prohibition enforcement, to require an annual appropriation that would run to upward of \$2,000,000,000, the amount arrived at by the simple calculation involved in finding the result after being informed what fractional enforcement is secured on present appropriations, the American Government would find it indispensable to increase taxation to the point of confiscation, and thereby the entire fabric of the Constitution, by trying to vindicate one article, would be involved in the general ruin that would follow such a monstrous expenditure in a fatuous and hopeless attempt to enforce an impossible law. The attempt at enforcement of prohibition might become almost intolerable in the burdens it would impose, and so conclusively show its lack of policy or wisdom and of understanding of human nature as to render it nugatory, when it would fall into "innocuous desuetude." As a matter of fact, it must be clear to him who reads as he runs that there are millions in this country that believe that prohibition is a failure because it is fundamentally unsound, and that our appropriation for its enforcement is nothing more nor less than an extravagant and useless expenditure of public money, and in the minds of many its only result is negative and breeds corruption in prohibition enforcement circles. Of course it is known of all men that the columns of the great newspapers in all of the big cities daily contain stories showing that it is regarded almost as a duty to infract the Volstead Act.

I do not think that the general violation of this act is any longer disputed. I understand that at a convention of the American Federation of Labor, held, I believe, in Portland, Oreg., three years ago, it was put into the proceedings that there were more whisky glasses being manufactured, or blown, if that is the term, than ever before in the history of the country. I represent a constituency the majority of whom, as I said before, look upon prohibition as ill-advised and doomed to failure and necessarily they look upon the expenditure of

any money for the enforcement of it as money absolutely thrown away.

They can not see any wisdom in it, but, on the contrary, view it as unmitigated folly, and although their unalterable opposition to what they deem to be an unwarrantable invasion of their liberty may appear to be fantastic and absurd to some of our citizens who somewhat superciliously arrogate to themselves all of the virtues and patriotism in this country, still those people are sincere in their attitude of deep-seated hostility and antagonism to what they bitterly resent as oppression from a tyrannical minority organized in such a manner as to make for the congressional imposition of their views on the unorganized and helpless masses. And these constituents of mine are patriotic and wise in their ways. They are an educated people and have inherited and evidenced a splendid culture. They are not easily misled by sophistry. They can not understand why we should believe there is so much merit in prohibition when they thoroughly comprehend that the world long before prohibition had come to us gave to posterity the greatest poets, the greatest astronomers, the greatest industrialists, the greatest inventors and writers, under a system that made for more or less drinking, while the nondrinking countries of the Orient were steeped in ignorance, venality, and corruption, and had made absolutely no progress.

I have no faith in prohibition fundamentally. Regulation would produce infinitely better results. One thing is certain and fixed as the stars in their courses. Prohibition must show better results or the conclusion will be irresistible that it is a failure. That sort of failure would not be an unmixed evil even. On the contrary it would prove a blessing. Then the American people would approach the liquor question and traffic in a tolerant and wiser way, and secure through a regulatory process far greater and more lasting and beneficial results than the present system under the most favorable conditions and circumstances can yield. I speak more in sorrow than in anger at the bacchanalian orgies of drunkenness in all of our towns resulting from "white lightning," conveniently carried in stylish flasks, in big pockets, of the graft stories in our newspapers, of the sinister and menacing corruption existing in that part of the official life charged with enforcement. Of course there are—there must be—many honest, virtuous men connected with that service, but the people are undoubtedly correct in assuming that there are many vulnerable spots, and you know it is human for the most benevolent to judge the whole by a part of the system.

Only a short time ago Police Commissioner Enright, of New York, made a statement of such a startling nature that the Associated Press and other great news agencies carried it from ocean to ocean—as we love to express the vastness, the magnitude of our territorial empire, as it extends from east to west, from the rising to the setting sun. The commissioner declared, as I remember it, that every phase of society in the United States refused to respect and observe the Volstead Act and infringed it with the same savoir faire, serenity, composure, and tranquility that they would a statute that expressed a totally fallacious economic principle, a physical impossibility, or a physiological absurdity or other parliamentary and governmental aberration. And right here in Washington, Capital of the Nation, denominated by Admiral Plunkett, according to press accounts, as the wettest city in the Union, we find a number of persons who deny the soft impeachment and insist that there are a number of cities that are wetter. I heard some one say that if the dissenters are correct the other cities must be inundated, and that it is time to order the rafts. Prohibitionists to be convincing must try to prove that all of the great men who adorned and glorified the civilizations of ancient Greece and the magnificent Roman Empire, the heroes and geniuses of the Middle Ages, and the mighty men of the modern world were mythological characters, were never existent because it, from their viewpoint, was impossible for talent, culture, ambition, virtue, or patriotism to exist until the day of "reformers" arrived, who constructed by statute a prohibition fountain, whose miraculous waters made for a realization by them in the coming years of what was only a dream on our part of historically renowned men and women of the past.

That there were great men before Agamemnon they say is a historical idiosyncrasy. There were none. There were great men after, yes, but not before prohibition, the eighteenth amendment, as interpreted by Congress and through the Volstead Act. That the eighteenth amendment is susceptible to more than one interpretation and construction is, I think, admitted by thoughtful legalists. Is the prohibition therein expressed applicable to the States and the people thereof only, or does it also include the United States Government? Can the United States legally through Congress enact a law making grocery keepers or grocers, if you will, agents for the Government for the sale of

beer and wine not to be consumed on the premises but in the homes of the people? If it can and will do this, the greatest social economic problem of the country will be solved along sane and temperate lines. I commend this suggestion to your thoughtful consideration.

The quantity that one could buy of wine or beer or both could be determined by rule and regulation. Instead of the bootleggers, lawlessness, graft, and corruption that have followed in the wake of the Volstead Act, we would have a lawful agency supplying the reasonable wants of the people whose demands in all probability would become less and less for that which could be purchased like ham and eggs or salt and pepper. The man who desires to further the cause of real temperance I hope will favor and get behind this or a similar proposition. It is time to prohibit bootlegging, hijacking, corruption, and lawlessness by an enactment "within the law." The unholy alliance between the rum runner and the honest and sincere but misguided preacher must end. The coalition between the puritan and the blackleg must be broken. The silver handle must be removed from the wooden pitcher. Let the rule of reason prevail. Keep in mind the wonderful lesson conveyed by the beautiful story of the Garden of Eden and the prohibition "And the Lord God commanded the man, saying, of every tree of the garden thou mayest freely eat, but of the tree of the knowledge of good and evil thou shalt not eat."

Do not arouse the human curiosity of weak flesh and blood by prohibiting man from eating or drinking of the fruits and juices of the trees around him, lest you arouse a desire which he will find irresistible and which he will gratify.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Saturday, April 17, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 17, 1926, as reported to the floor leader by the clerks of the several committees:

COMMITTEE ON THE PUBLIC LANDS

(10 a. m.)

To revise the boundaries of Yellowstone National Park in the States of Idaho, Wyoming, and Montana (H. R. 9017).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10.30 a. m.)

Proposed bill amending the World War veterans' act with reference to the appointment of guardians.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

449. A letter from the Secretary of War, transmitting a report from the Chief of Engineers on preliminary examination and survey of Umpqua Harbor and River, Oreg. (H. Doc. No. 320); to the Committee on Rivers and Harbors and ordered to be printed, with accompanying papers.

450. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill, "To authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes"; to the Committee on Naval Affairs.

451. A letter from the Comptroller General of the United States, transmitting a report on a claim of one Willie Perry Conway for amounts believed to have accrued while serving in the Navy; to the Committee on Expenditures in the Navy Department.

452. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the Post Office Department for the fiscal years 1914 to 1924, inclusive, \$260,275.59, and supplemental estimate of appropriation for the fiscal year ending June 30, 1926, \$63,249.28, pertaining to the payment of balances due foreign countries; in all, \$323,524.87 (H. Doc. No. 322); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ROY G. FITZGERALD: Committee on Revision of the Laws. H. R. 10000. A bill to consolidate, codify, and reenact the general and permanent laws of the United States in force

December 7, 1925; without amendment (Rept. No. 900). Referred to the House Calendar.

Mr. WAINWRIGHT: Committee on Military Affairs. S. J. Res. 91. A joint resolution directing the Secretary of War to allot war trophies to the American Legion Museum; without amendment (Rept. No. 906). Referred to the Committee of the Whole House on the state of the Union.

Mr. VAILE: Committee on Foreign Affairs. H. R. 9872. A bill to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods, concluded on the 24th day of February, 1925; with amendment (Rept. No. 908). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. R. 11308. A bill authorizing the payment of an indemnity to Great Britain on account of the death of Daniel Shaw Williamson, a British subject who was killed at East St. Louis, Ill., on July 1, 1921; without amendment (Rept. No. 909). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROY G. FITZGERALD: Committee on Revision of the Laws. H. R. 11318. A bill to provide for the publication of the Code of the Laws of the United States with index, reference tables, appendix, etc.; without amendment (Rept. No. 910). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Iowa: Committee on Interstate and Foreign Commerce. S. 481. An act to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, amended August 23, 1912, March 3, 1913, and July 24, 1919; with amendment (Rept. No. 911). Referred to the House Calendar.

Mr. BOIES: Committee on the Judiciary. H. R. 5564. A bill to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation; with amendment (Rept. No. 924). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. WAINWRIGHT: Committee on Military Affairs. S. 2124. A bill for the relief of Philip Hertz; without amendment (Rept. No. 907). Referred to the Committee of the Whole House.

Mr. WALTERS: Committee on Claims. S. 726. An act for the relief of Hilbert Edison and Ralph R. Walton; without amendment (Rept. No. 912). Referred to the Committee of the Whole House.

Mr. SEARS of Nebraska: Committee on Claims. S. 1208. An act providing reimbursement to J. M. LaCalle for services as instructor at the United States Naval Academy, Annapolis, Md., from October 1, 1914, to October 19, 1914; without amendment (Rept. No. 913). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 1792. An act for the relief of William Alexander, Frank M. Clark, George V. Welch, Grant W. Newton, William T. Hughes, Lucy V. Nelson, Frank A. Gummer, Charles E. Mulliken, Leo M. Rusk, Fred Falkenburg, Meary E. Kelly, William C. Hall, Rutus L. Stewart, Hugo H. Ahlff, Paul J. Linster, Ruida Daniel, Faye F. Mitchell, Dollie Miller, Alfred Anderson, Gustavus M. Rhoden, Marie L. Dumbauld, and estate of Fred Moody, deceased; without amendment (Rept. No. 914). Referred to the Committee of the Whole House.

Mr. KELLER: Committee on Claims. S. 2158. An act for the relief of certain disbursing officers of the office of superintendent State, War, and Navy Department Buildings; without amendment (Rept. No. 915). Referred to the Committee of the Whole House.

Mr. SABATH: Committee on Claims. S. 2533. An act for the relief of R. P. Rueth, of Chamita, N. Mex.; without amendment (Rept. No. 916). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2848. An act to extend the time for institution of proceedings authorized under Private Law No. 81, Sixty-eighth Congress, being an act for the relief of Henry A. Kessel Co. (Inc.); without amendment (Rept. No. 917). Referred to the Committee of the Whole House.

Mr. KELLER: Committee on Claims. S. 3015. An act for the relief of William J. Murphy; without amendment (Rept. No. 918). Referred to the Committee of the Whole House.

Mr. MORROW: Committee on Claims. H. R. 9064. A bill for the relief of M. Barde & Sons (Inc.); with amendment (Rept. No. 919). Referred to the Committee of the Whole House.

Mr. MAGEE of Pennsylvania: Committee on Naval Affairs. H. R. 9755. A bill for the relief of Frank Flaherty; without amendment (Rept. No. 920). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 10641. A bill for the relief of Elias Field; without amendment (Rept. No. 921). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. S. 43. An act authorizing the President to issue an appropriate commission and honorable discharge to Joseph B. Maccabe; without amendment (Rept. No. 923). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8611) for the relief of Capt. J. Fleming Bel; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 11136) for the relief of Fritz Contzen; Committee on Claims discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 11340) granting an increase of pension to Elizabeth Langley; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERGER: A bill (H. R. 11351) to punish State and municipal officers who fail to take proper precautions to protect individuals from mob attacks and to punish those who participate in such mob attacks, and for other purposes; to the Committee on the Judiciary.

By Mr. KELLY: A bill (H. R. 11352) to enable the Postmaster General to make contracts for the transmission of mail by aircraft at fixed rates per pound; to the Committee on the Post Office and Post Roads.

By Mr. LAMPERT: A bill (H. R. 11353) to convey to the city of Oshkosh, Wis., certain Government property; to the Committee on Public Buildings and Grounds.

By Mr. WARREN: A bill (H. R. 11354) to change the time of holding court at Raleigh, N. C.; to the Committee on the Judiciary.

By Mr. UPDIKE: A bill (H. R. 11355) to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy; to the Committee on Naval Affairs.

By Mr. HARE: A bill (H. R. 11356) to create a Federal farm-surplus bureau, establish a farm-surplus board, and provide for holding corporations to aid in the orderly marketing, control, and disposition of surpluses of agricultural commodities, and for other purposes; to the Committee on Agriculture.

By Mr. NEWTON of Minnesota: A bill (H. R. 11357) extending the time for the completion of the bridge across the Mississippi River, county of Hennepin, Minn., by the city of Minneapolis; to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Joint resolution (H. J. Res. 225) providing for the withdrawal of the United States from the Philippine Islands, and providing for their neutralization; to the Committee on Insular Affairs.

By Mr. ARENTZ: Resolution (H. Res. 223) for the appointment of a special committee of the House for investigation of immigration and naturalization frauds; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 11358) for the relief of Madeline Hunt; to the Committee on Claims.

By Mr. BLOOM: A bill (H. R. 11359) for the relief of Max Rauch; to the Committee on Claims.

By Mr. CARSS: A bill (H. R. 11360) granting a pension to Eliza G. Murray; to the Committee on Invalid Pensions.

By Mr. CORNING: A bill (H. R. 11361) granting an increase of pension to Phebe J. Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11362) granting an increase of pension to Mary McGee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11363) granting an increase of pension to Margaret Dubos; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 11364) for the relief of Hurley W. Whitmore; to the Committee on Naval Affairs.

By Mr. ESTERLY: A bill (H. R. 11365) granting an increase of pension to Lydia A. Minker; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 11366) granting an increase of pension to Mary Hedrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11367) granting an increase of pension to Margaret Harshey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11368) granting an increase of pension to Lavina Runkel; to the Committee on Invalid Pensions.

By Mr. FREE: A bill (H. R. 11369) granting an increase of pension to Ramona G. Yoell; to the Committee on Pensions.

By Mr. HARDY: A bill (H. R. 11370) granting an increase of pension to Nancy A. Parker; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 11371) granting an increase of pension to Elizabeth Holland; to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 11372) granting an increase of pension to Amanda Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11373) granting an increase of pension to Mary Jane Anderson; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 11374) authorizing the payment of a year's salary to the widow or other dependents of diplomatic or consular officers who died at their post of duty; to the Committee on Foreign Affairs.

By Mr. SHALLENBERGER: A bill (H. R. 11375) granting an increase of pension to Martha M. Barber; to the Committee on Pensions.

By Mr. SMITH: A bill (H. R. 11376) to allow credits in the accounts of Anna J. Larson, special fiscal agent, Bureau of Reclamation, Department of Interior; to the Committee on Irrigation and Reclamation.

By Mr. SPROUL of Kansas: A bill (H. R. 11377) authorizing James L. Borroum and Francis P. Bishop to bring suits in the United States District Court for the State of Kansas for the amount due or claimed to be due to said claimants from the United States by reason of the alleged inefficient and wrongful dipping of tick-infested cattle, and giving said United States District Court for the State of Kansas jurisdiction of said suit or suits; Committee on Claims.

By Mr. WHITTINGTON: A bill (H. R. 11378) for the relief of Herbert A. Wilson; to the Committee on the Public Lands.

By Mr. WOLVERTON: A bill (H. R. 11379) granting a pension to William Kyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11380) granting an increase of pension to Samuel P. Falon; to the Committee on Pensions.

By Mr. SWEET: Resolution (H. Res. 222) authorizing additional compensation to the clerk of the Committee on Invalid Pensions; to the Committee on Accounts.

By Mr. DEMPSEY: Resolution (H. Res. 224) authorizing payment of \$600 per annum, payable monthly, as additional compensation to the clerk of the Committee on Rivers and Harbors of the House of Representatives; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1800. By Mr. BANKHEAD: Petition of members of the Long Memorial Methodist Episcopal Church South, opposing modification of the eighteenth amendment; to the Committee on the Judiciary.

1801. By Mr. BRIGHAM: Petition of 49 residents of Vermont, protesting against the passage of compulsory Sunday observance bills (H. R. 7179 and 7822) or any other national religious legislation pending; to the Committee on the District of Columbia.

1802. By Mr. BURTON: Resolution unanimously adopted by the Common Brick Manufacturers' Association of America, in annual convention at New Orleans, La., February 22-23, 1926, requesting that Congress place a proper and fair tariff on all brick imported into the United States, and that the Fordney Tariff Act, section 304, requiring the marking with the name of the country of origin of all articles made in foreign countries be immediately and rigidly enforced as to brick; to the Committee on Ways and Means.

1803. By Mr. GALLIVAN: Petition of Boston Musicians' Protective Association, Local No. 9, Herman P. Liehr, secretary-treasurer, 56 St. Botolph Street, Boston, Mass., recommending legislation for the modification of the Volstead Act; to the Committee on the Judiciary.

1804. By Mr. HOOPER: Petition of J. K. Gilbert and 34 other residents of Calhoun County, Mich., protesting against the passage of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

1805. By Mr. KUNZ: Petition of sundry citizens, favoring the passage of the Wadsworth and Perlman bill (H. R. 7089); to the Committee on Immigration and Naturalization.

1806. By Mr. KVALE: Petition of Willmar Branch Railway Mail Association, Willmar, Minn., requesting a special rule for immediate consideration of House bill 7 and urging favorable action thereon by the House of Representatives; to the Committee on Rules.

1807. Also, petition of Association of Federal Employees of Central Minnesota, requesting a special rule for immediate consideration of House bill 7 and urging favorable action thereon by the House of Representatives; to the Committee on Rules.

1808. Also, petition of the Willmar Branch of the Women's Auxiliary to the Railway Mail Association, requesting a special rule for immediate consideration of House bill 7 and urging favorable action thereon by the House of Representatives; to the Committee on Rules.

1809. Also, petition of the members of the Redwood Regional Ministerial Association, opposing any modification of the eighteenth amendment; to the Committee on the Judiciary.

1810. Also, petition of members of the Church of Covenanters, Glenwood, Minn., urging passage of the Sabbath observance bill; to the Committee on the District of Columbia.

1811. Also, petition of members of Newport Woman's Club, of St. Paul, Minn., urging passage of Senate bill 2957; to the Committee on Agriculture.

1812. By Mr. MANLOVE: Petition of Rev. Fred A. Sharon, Webb City, Mo., to amend the preamble of the National Constitution; to the Committee on the Judiciary.

1813. By Mr. MAPES: Resolution of citizens of Ottawa County, Mich., in mass meeting assembled, on April 10, 1926, protesting against the enactment of House bills 7179, 7822, and 10123, which resolution is signed by Elder J. E. Root, of Coopersville, Mich.; to the Committee on the District of Columbia.

1814. Mr. O'CONNELL of New York: Petition of the New York State Federation of Labor, favoring the passage of the Fitzgerald bill (H. R. 487), compensation to workers injured and killed in industry in the District of Columbia; to the Committee on the District of Columbia.

1815. Also, petition of Mrs. Henry Holt, of New York City, favoring the passage of House bill 7479; to the Committee on Agriculture.

SENATE

SATURDAY, April 17, 1926

(Legislative day of Monday, April 5, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	Keyes	Robinson, Ark.
Bayard	Fess	King	Sackett
Blagham	Fletcher	Lenroot	Sheppard
Blaise	Fraser	McKellar	Shipstead
Borah	George	McKinley	Shortridge
Bratton	Gerty	McLean	Simmons
Broussard	Gillett	McMaster	Smith
Bruce	Glass	McNary	Smoot
Cameron	Goff	Mayfield	Stanfield
Capper	Gooding	Metcalf	Stephens
Caraway	Greene	Moses	Swanson
Causey	Hale	Norbeck	Trammell
Cummins	Harrell	Nye	Tyson
Curtis	Harris	Oddie	Wadsworth
Dale	Harrison	Overman	Walsh
Deneen	Hedlin	Pepper	Warren
Dill	Howell	Phipps	Watson
Edge	Johnson	Pine	Wheeler
Edwards	Jones, N. Mex.	Pittman	Williams
Ernst	Jones, Wash.	Ransdell	Willis
Fernald	Kendrick	Reed, Pa.	

Mr. PHIPPS. I wish to announce that my colleague, the junior Senator from Colorado [Mr. MEANS], is absent owing to illness. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I wish to announce that the senior Senator from West Virginia [Mr. NEELY] is detained from the Senate by reason of illness in his family.

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes; that the House had receded from its disagreement to the amendment of the Senate No. 12 to the said bill, and concurred therein; that the House had receded from its disagreement to the amendment of the Senate No. 7 and agreed thereto with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill and concurrent resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 9504. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; and

H. Con. Res. 22. Concurrent resolution providing for the appointment of a joint committee to represent Congress at the celebration of the one hundred and fiftieth anniversary of the adoption of the Virginia bill of rights.

ENROLLED BILL SIGNED

The message further announced that the Speaker of the House had affixed his signature to the enrolled bill (H. R. 7455) to legalize the submarine cable laid in the St. Louis River at the Spirit Lake Transfer Railway drawbridge, between New Duluth, Minn., and Oliver, Wis., and used for the lighting of the village of Oliver, Wis., and it was thereupon signed by the Vice President.

THE PHILIPPINES

Mr. KING. Mr. President, I have heretofore upon two occasions presented a total of 96 resolutions adopted by provincial boards, municipal boards and councils, and Filipino organizations in favor of measures which I introduced and which are now pending before the Committee on Territories and Insular Possessions, providing for immediate independence of the Filipinos and for the withdrawal of American troops from the Philippine Islands.

Fourteen additional resolutions have been received since I presented a number on April 9. The resolutions which I now present favoring Philippine independence, with accompanying statements, have been adopted by provincial and municipal boards and councils in the Philippine Islands, and I ask that they be noted in the Record and referred to the Committee on Territories and Insular Possessions.

The VICE PRESIDENT. It is so ordered.

Under the order the resolutions of the following provincial and municipal boards were referred to the Committee on Territories and Insular Possessions:

- The municipal council of San Luis, Province of Batangas, P. I.
- The municipal council of Makato, Province of Capiz, P. I.
- The municipal council of General Trias, Province of Cavite, P. I.
- The municipal council of La Paz, Province of Iloilo, P. I.
- The municipal council of Aringay, Province of La Union, P. I.
- The municipal council of Kawayan, Province of Leyte, P. I.
- The municipal council of Catarman, Province of Misamis, P. I.
- The municipal council of Salay, Province of Misamis, P. I.
- The municipal council of Talisayan, Province of Misamis, P. I.
- The municipal council of Despujols, Province of Romblon, P. I.
- The municipal council of San Antonio, Province of Samar, P. I.
- The municipal council of Palapag, Province of Samar, P. I.
- The municipal council of Tinambacan, Province of Samar, P. I.
- The municipal council of Santa Rita, Province of Samar, P. I.

LEGISLATIVE, ETC., APPROPRIATIONS

Mr. WARREN. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 10425)

making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes, and I submit a report (No. 607) thereon. I wish to give notice that subject, of course, to the unfinished business I shall try to call this bill up on Monday for action by the Senate.

The VICE PRESIDENT. The bill will be placed on the calendar.

REPORTS OF COMMITTEES

Mr. CAMERON, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 95) for the relief of Carlos Tompkins (Rept. No. 608); and

A bill (H. R. 9964) releasing and granting to the city of Chicago any and all reversionary rights of the United States in and to the streets, alleys, and public grounds in Fort Dearborn addition to Chicago (Rept. No. 609).

Mr. CAMERON also, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon:

A bill (S. 2362) for the relief of Romus Arnold; and

A bill (S. 3457) providing for the appointment of Paul J. Messer as second lieutenant of Infantry, United States Army.

Mr. TYSON, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon and moved that the bills be indefinitely postponed, which was agreed to:

A bill (S. 3420) for the relief of James Monroe Gates; and

A bill (H. R. 3107) for the relief of Estle David.

Mr. FLETCHER, from the Committee on Military Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 2279) for the relief of James C. Baskin (Rept. No. 610); and

A bill (S. 3330) for the relief of Thomas G. Peyton (Rept. No. 611).

Mr. FLETCHER also, from the Committee on Military Affairs, to which was referred the bill (S. 3484) authorizing the Secretary of War to place the name of Henry J. Macpeake on the list of retired captains of the United States Army, reported adversely thereon and moved that the bill be indefinitely postponed, which was agreed to.

Mr. WATSON, from the Committee on Interstate Commerce, to which was referred the bill (S. 3440) to regulate the interstate transportation of black bass, and for other purposes, reported it without amendment and submitted a report (No. 612) thereon.

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3571) for the relief of Ada Brown-Hopkins, reported it with an amendment and submitted a report (No. 613) thereon.

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (S. 1857) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes, reported it without amendment and submitted a report (No. 614) thereon.

Mr. BINGHAM, from the Committee on Military Affairs, to which was referred the bill (S. 3114) for the relief of Harry E. Menezes, reported adversely thereon and moved that it be indefinitely postponed, which was agreed to.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the following bills, reported adversely thereon and moved that the bills be indefinitely postponed, which was agreed to:

A bill (S. 3485) providing for the restoration of Maj. James S. Greene to the active list of the Army; and

A bill (S. 3673) for the relief of Charles H. Stafford, deceased.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY (for Mr. NORRIS):

A bill (S. 4007) to facilitate and simplify the work of the Department of Agriculture in certain cases; to the Committee on Agriculture and Forestry.

By Mr. WATSON:

A bill (S. 4008) granting an increase of pension to Ella E. Keithley; to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 4009) declaring Poteau River, in the State of Oklahoma, to be a nonnavigable stream; to the Committee on Commerce.

By Mr. DILL:

A bill (S. 4010) granting an increase of pension to James McNeill; and

A bill (S. 4011) granting an increase of pension to John F. Taplin; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4012) to establish a Federal farm advisory council and a farmers' marketing commission; to aid in the development of major cooperative associations for the marketing of agricultural commodities and the acquirement thereby of adequate facilities; to aid in the disposition of surpluses of such commodities, and for other purposes; to the Committee on Agriculture and Forestry.

PROTECTION OF MIGRATORY BIRDS

Mr. KING submitted an amendment intended to be proposed by him to the bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, which was ordered to lie on the table and to be printed.

HOUSE BILL REFERRED

The bill (H. R. 9504) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

APPROPRIATIONS FOR THE STATE AND OTHER DEPARTMENTS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives receding from its disagreement to the amendment of the Senate No. 12 to the bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes, and receding from its disagreement to the amendment of the Senate No. 7 and agreeing to the same with an amendment, in line 1 of the amendment of the Senate to strike out the word "hereafter" and in line 4 of the amendment to strike out the word "hereafter."

Mr. JONES of Washington. I move that the Senate agree to the amendment of the House to the amendment of the Senate No. 7, wherein provision was made by the Senate for permanent legislation by inserting the word "hereafter." The House leaves out the word "hereafter" and continues it as before. I therefore move that the Senate concur in the action of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes; and that the House had receded from its disagreement to the amendment of the Senate No. 5 and agreed to the same with an amendment, in which it requested the concurrence of the Senate.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6707) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 7, 9, 10, 12, 13, 20, 28, 35, 45, 49, 55, and 56.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 8, 11, 14, 15, 18, 21, 22, 23, 24, 25, 30, 32, 34, 37, 38, 39, 42, 44, 47, 51, 52, 53, 54, 57, 58, 59, 60, and 63, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$810,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and

agree to the same with an amendment as follows: In lieu of the number proposed insert "four hundred and seventy-five"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$106,875"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$3,025,000, exclusive of tribal funds"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the employment of special counsel to assist State and Federal authorities in the prosecution of the person or persons implicated in the crimes resulting in the murder of Osage Indians and for expenses incident to such prosecution, \$20,000, or so much thereof as may be necessary, to be immediately available, to be paid from funds held by the United States in trust for said Indians, to be expended with the approval of, and under the supervision of, the Secretary of the Interior."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment add the following: ", to be immediately available"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "within such terms of years as the Secretary may find to be necessary, in any event not more than 40 years from the date of public notice hereinafter referred to, and the execution of said contract or contracts shall have been confirmed by a decree of a court of competent jurisdiction. Upon such confirmation of such contract as to any one of such projects, the construction thereof shall proceed in accordance with any appropriations therefor provided for in this act. Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized in his discretion to enter into agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$72,000, and no part of this amount shall be available for maintenance and operation of the Glasgow division after December 31, 1926, unless a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or with irrigation districts organized under State law providing for payment of construction and operation and maintenance charges for such district or districts"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "within such terms of years as the Secretary may find to be necessary, in any event not more than 40 years from the date of public notice hereinafter referred to, and the execution of said contract or contracts shall have been confirmed by a decree of a court of competent jurisdiction. Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized in his discretion to enter into agreement with the proper authorities of the State whereby such State shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"continuation of construction, and incidental operations, \$40,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$50,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "\$7,431,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For investigations to be made by the Secretary of the Interior through the Bureau of Reclamation to obtain necessary information to determine how arid and semiarid, swamp, and cut-over timberlands in any of the States of the United States may be best developed, as authorized by subsection R, section 4, second deficiency act, fiscal year 1924, approved December 5, 1924 (43 Stat. p. 704), including the general objects of expenditure enumerated and permitted under the second paragraph in this act under the caption "Bureau of Reclamation," and including mileage for motor cycles and automobiles at the rates and under the conditions authorized herein in connection with reclamation projects, \$15,000."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "\$1,819,440"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 2. Appropriations herein made for field work under the General Land Office, the Bureau of Indian Affairs, the Bureau of Reclamation, the Geological Survey, and the National Park Service shall be available for the hire, with or without personal services, of work animals and animal-drawn and motor-propelled vehicles and equipment."

And the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 26, 31, 46, 62, 64, 65, and 66.

REED SMOOT,
CHARLES CURTIS,
L. C. PHIPPS,
WM. J. HARRIS,
Managers on the part of the Senate.
LOUIS C. CRAMTON,
FRANK MURPHY,
C. D. CARTER,
Managers on the part of the House.

Mr. CAMERON. Mr. President, before the report is acted on by the Senate I want to make sure that there is no misunderstanding. I am informed that the item of \$450,000, which was put in the bill by the Senate for the construction of the Coolidge Dam, has been stricken out in conference by the conferees. I would like to ask the Senator from Utah the reason why that item was stricken from the bill and also would like to know if there is any likelihood, or if he can make any promise to the Senators from Arizona, that this item will be included in the next deficiency appropriation bill? We care not which bill carries the needed money, but we want to be sure about this matter.

Mr. SMOOT. Mr. President, I want to say to the Senator from Arizona that the House conferees were not opposed to the item of \$450,000 provided for the Coolidge Dam, but they insisted that they did not want to agree to the item in the conference report until after there had been an agreement between the Department of the Interior and the railroad company as to the amount of expense involved for removing the railroad and changing its course.

The chairman of the Public Lands Committee of the House has assured me that he would see that the item is in the next deficiency appropriation bill, it having been estimated for. I want to assure the Senator from Arizona now, so far as I can possibly assure him or the Senate, that that intention will be carried out in the House. If it shall not be carried out in the other House, I am going to ask the Senate unanimously to put the item into the bill. However, I will say

to the Senator that I have not the least doubt the House will include the item in the deficiency appropriation bill.

Mr. FERNALD obtained the floor.

Mr. CAMERON. Mr. President, will the Senator from Maine yield to me?

Mr. FERNALD. I yield to the Senator from Arizona.

Mr. CAMERON. Mr. President, I merely desire to take a moment of the Senate's time. I realize how very important the bill making appropriations for the Interior Department is, and I also realize that many Senators are deeply interested in the adoption of the conference report. I feel that the item providing for an appropriation for \$450,000 for the Coolidge Dam was legitimately placed in this bill by the Senate Committee on Appropriations and by the Senate. It was approved by the Budget Bureau. I can not understand wherein there is any difference between making an appropriation of \$450,000 in the bill now before the Senate and inserting it in a deficiency appropriation bill. The action of the committee of conference, it seems to me, is not justifiable nor well founded in fact; but I have a feeling for my fellow Senators and I wish them to know, rather than argue the question at length at this time, rather than assume the attitude of obstruction on this question, on the assurance of the Senator from Utah [Mr. SMOOT], who has had this bill in charge and has been the chairman of the conferees on the part of the Senate, that this needed money will be given in the next deficiency bill at this session, and the delay because of recent developments is not serious, I shall take one more chance in the matter and see if these Indians are going to be any longer misled. I sincerely hope that will not be the case.

I hold in my hand a telegram which I have just received from the chief of the Pima Indians. I send it to the desk and ask to have it read as a part of my remarks.

The VICE PRESIDENT. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

CASA GRANDE, ARIZ., April 16, 1926.

Hon. RALPH H. CAMERON,

Senate Office Building, Washington, D. C.:

Nearly two years have passed since President Coolidge signed Cameron bill. There has not a single thing been done to start construction work on dam. My people are still waiting for it to begin. We are waiting for it so patiently. Some of my people are very poor. To wait some of them are not getting enough things to eat. Some of them get sick, for they are not eating the right kind of food. No money to buy.

ANTONIO B. JUAN,
Pima Indian Chief.

Mr. CAMERON. Mr. President, I wish also to state that I feel there has been no real reason for juggling this appropriation around, as has been done. The excuse given in the first instance for nonaction was that there had been no settlement with the Southern Pacific Railroad Co. for their crossing the Pima Indian Reservation or the San Carlos Reservation. The Southern Pacific Railroad Co. is one of the greatest, if not the greatest, railroads in the West. There was never any reason why there could not have been a settlement with that railroad company at least a year and a half ago; there was no excuse for the delay; but that situation was used as a camouflage or something of that nature to delay this appropriation. I am sorry to see such methods used in the Halls of Congress; but I am glad to say now, before this conference report shall be adopted, that there has been a settlement made with the Southern Pacific Railroad Co. which is agreeable both to the railroad company and the Department of the Interior. So the only obstacle which it seems is standing in the way has been removed, and there is now no reason on earth for anyone to object to this appropriation of \$450,000 as it was carried in the bill and as it will be included in the deficiency appropriation bill, which is soon to be passed. A bird in hand is worth about three in the bush, and in permitting the conference report to be adopted without including this item I am aware that we are taking chances. Notwithstanding that, however, because of the importance of the bill and in view of the parliamentary situation of all important legislation and the nearness of adjournment, and because of my regard for my fellow Senators, who, I know, are very much interested in its passage, I am willing at this time to forego making further objection and will consent that the conference report may be adopted by the Senate.

I have here, Mr. President, a statement covering the situation so far as the Southern Pacific Railroad is concerned, and I ask unanimous consent to have it inserted in the Record as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

STATUS OF GRANT TO ARIZONA EASTERN RAILWAY
(Successor to Gila Valley, Globe & Northern Railway)

By special act of Congress, effective February 18, 1895 (28 Stat. 655), the Gila Valley, Globe & Northern Railway was granted a right of way through the San Carlos Indian Reservation in the Territory of Arizona. The grant provided for the extension of the railroad right of way "through the San Carlos Indian Reservation * * * entering the reservation on the south side of the Gila River, about 7 miles below Fort Thomas, continuing down said Gila River in a general northwesterly direction, crossing the same at or near the San Carlos Indian Agency; thence running up or near the San Carlos River in a generally northerly direction to or near Alliso Creek; thence along or near Alliso Creek in a general westerly or northwesterly direction to the town of Globe, in Gila County, Ariz., by such route as shall be deemed advisable by the company."

Section 6 of the act provides "that Congress shall have at all times power to alter, amend, or repeal this act and revoke all rights hereunder." Thus under the terms of this act Congress retains the power to revoke the grant of the right of way to this railroad.

The above act provided that the railroad should be built in three years, but the construction of the railroad was not finished in that time. By act of June 13, 1898 (30 Stat. 227), the time for construction was extended until and including the year 1899. Before the expiration of the time limit the railroad was constructed. A general act authorizes the Secretary of the Interior to grant rights of way for railroad companies through Indian Reservations, and on Indian lands and Indian allotments, and was passed on March 2, 1899 (30 Stat. 990). This act authorizes the Secretary of Interior to grant rights of way under certain conditions set forth in the act. Section 8 thereof provides "that Congress reserves the right at any time to alter, amend, or repeal this act or any portion thereof." There is no provision in this act similar to that in the special act of February 18, 1895, authorizing Congress to "revoke all rights hereunder." Under this act Congress probably could not constitutionally revoke a right of way without compensating a grant of a right of way made pursuant to this act without compensating the railroad for the value of its right of way.

The part of the railroad that will be affected by the construction of the Coolidge Dam and Reservoir is based partly on the grant of February 18, 1895, and partly under a grant made pursuant to the authority of the act of March 2, 1899. All of the railroad was first constructed under the prior grant, but thereafter a portion of the roadbed was washed out by the river, and it became necessary for the railroad to reconstruct its roadbed. Instead of building this section of the roadbed in the same section it had been built before, the railroad applied for a grant of a new right of way under act of March 2, 1899. The application was granted.

Congress could by act at the present time constitutionally revoke the grant of any portion of the right of way of the Gila Valley, Globe & Northern Railway Co. that would be flooded in the event the Coolidge Dam is built. A portion of the right of way affected could not constitutionally be revoked without compensation to the railroad company. The portion, however, that could be revoked would render the portion that could not be revoked useless.

The exact location of the portion of the right of way coming under the act of March 2, 1899, can be ascertained by examination of the files of the Interior Department. The right of way was not described in the act, but can be found only in the grant made by the Secretary of the Interior.

Excerpts from the act of February 18, 1895, and the act of March 2, 1899, material to a consideration of this subject matter are herewith attached.

Mr. SMOOT. Mr. President, I wish to assure the Senator from Arizona [Mr. CAMERON] that the chairman of the Public Lands Committee of the House of Representatives is in favor of the reclamation project covered by the item which he has been discussing. I can not say any more than I have already said—that I am sure we will see that the item goes into the next deficiency appropriation bill.

Mr. JONES of Washington. Mr. President, may I ask the Senator from Utah a question?

Mr. SMOOT. Yes.

Mr. JONES of Washington. The Senate passed a bill providing for a complete survey of the Columbia Basin project in the State of Washington. The bill was also passed by the House of Representatives and it was signed by the President on the 13th of this month. The Senate inserted an amendment in the pending bill providing the money for completing that survey. Will the Senator from Utah advise me what action was taken by the conference committee on the Senate amendment?

Mr. SMOOT. Mr. President, the conference committee agreed that that item, as every other item authorizing an appropriation, should go into the deficiency appropriation bill, where such items are covered by bills which have passed both Houses of Congress. The chairman of the committee of conference on the part of the House of Representatives thought

that a precedent would be established by inserting such an item in this bill without any estimate having been made for it. All it will be necessary for the Senator from Washington to do will be to get an estimate for the appropriation, now that Congress has authorized it to be made and the President has signed the bill for that purpose. The item will then go into the next deficiency appropriation bill.

Mr. JONES of Washington. I thank the Senator from Utah. His statement is very satisfactory, although I should rather have had the appropriation included in the pending bill.

Mr. SMOOT. If I had had my way about the matter, the appropriation would have been included in this bill.

Mr. ASHURST. Mr. President, I knew the Senator from Utah [Mr. SMOOT] long before either of us came to the Senate, and when he gives the assurance which he has, I am content. I have had in bygone days some acrimonious disputes with the Senator from Utah over politics, but when his word is given it is a bond so far as I am concerned, because I have found him to be a man who lives up to what he says.

A word concerning the Coolidge Dam on the Gila River in Arizona. The Pima Indians, whose water rights are to be protected and conserved by the construction of this project, form a tribe of Indians which has never been at war with the United States. No Pima Indian ever killed an American. Congress should and I believe will provide for the completion of the Coolidge Dam on the San Carlos project.

Mr. CURTIS. Mr. President, the Senator might add that the Pima Indians were self-supporting until the Government interfered with their water rights.

Mr. ASHURST. That is quite true.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

LABOR CONDITIONS IN COTTON TEXTILE INDUSTRY

Mr. GERRY. Mr. President, will the Senator from Maine yield to me?

Mr. FERNALD. I yield.

Mr. GERRY. Mr. President, in to-day's press I notice that the Senator from Idaho [Mr. BORAH] has urged the Committee on Manufactures to consider as soon as possible the resolution heretofore submitted providing for an investigation of the strike going on at Passaic, N. J. I understand that there has been some opposition to the proposed investigation on account of the question as to whether the Federal Government should go into a matter of this sort. That question I do not intend to discuss, but I do think that if the Committee on Manufactures should consider the resolution and authorize and conduct such an investigation, it ought to enlarge its scope and not limit it to one manufacturing corporation, but have it apply to the entire cotton-textile industry.

For example, last year in Connecticut the employees of the American Thread Co., of Willimantic, which, I understand, is a British corporation, commenced a very serious strike. The company reduced wages 10 per cent in January, although I am informed they paid something like a 10 per cent dividend on their capitalization from profits made during the previous year, and, not only that, but they also added much over a million dollars to their surplus. The strike involved something like 2,500 men, many of whom were ejected from the company's tenements. There can be no question raised in the Willimantic case that the workers are communists, because they are members of the United States Textile Workers of America, which organization is affiliated with the American Federation of Labor.

I am merely suggesting that if the resolution now pending before the Committee on Manufactures shall be taken up its scope should be extended, and provision should be made for an investigation of the entire industry. I think that would be the only sound way in which to proceed.

PUBLIC BUILDINGS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes.

Mr. COUZENS. Mr. President—

Mr. FERNALD. I yield to the Senator from Michigan.

Mr. COUZENS. I offer an amendment to the pending bill and ask that it may be read and printed and lie on the table, to be taken up at the proper time.

There being no objection, the amendment intended to be proposed by Mr. COUZENS was read, ordered to lie on the table, and to be printed, as follows:

On page 3, after line 8, insert a new paragraph to read as follows:

"The Secretary of the Treasury shall take into consideration the effect which may be exerted by governmental construction policy upon

general employment and industrial activity and shall report to Congress with recommendations whenever the volume of construction in the United States during any period falls one-third below the volume of the corresponding period of 1923."

Mr. FERNALD. Mr. President, at the conclusion of the business of the Senate yesterday an order had been entered for the reading of the bill and the amendments, with the suggestion that committee amendments be considered first. During the consideration of the bill, as Senators know, I was somewhat interrupted by inquiries which were all proper and legitimate, and I was glad to answer such questions honestly, if not intelligently, to the best of my ability. One or two features which were suggested in the many interruptions I fear I did not sufficiently clear up in the minds of Senators.

It is not strange that Senators desire to know all about this public buildings bill. It is a new method of authorizing public buildings, and the amount carried in the bill is much larger than the amounts carried in the bills which we passed some 15 years ago. In the 13 years that have intervened since we had a public buildings bill we have, of course, fallen far behind in our building, and at the same time the country and its business have continued to grow to a marvelous extent. The business in the District of Columbia has almost doubled in 13 years. The business of the Post Office Department has increased 160 per cent. Where we were formerly doing a business of \$250,000,000 or \$260,000,000 in the Post Office Department, in the year 1925 that had increased to \$599,000,000—almost doubled—and yet no appropriations have been made for the purposes specified in the pending bill.

Another matter which I wish to make clear to Senators relates to a question which I think was suggested by the Senator from North Carolina [Mr. OVERMAN], as to whether there had been a list made out by the Treasury Department of places where emergencies existed, and whether those emergencies were to be taken care of first. I desire to say to Senators that no such list exists; no such list has been made, and we are starting out with a clear field. As to the post offices and other public buildings that will be erected under this bill, outside of Document 28 there is a clear field, and they will be built only where emergencies exist.

We are now so far behind in the business of constructing public buildings that it would be simply impossible to make the appropriations and authorizations under the old system. During this Congress nearly 1,100 bills for public buildings were introduced in the House and Senate, and of course no consideration could be given to those bills; and even more than that number doubtless would have been introduced except for the fact that we had advised Senators and Members of the House of Representatives that these special bills would not be considered.

I do not intend to consume any of the time of the Senate to-day. In my interrupted remarks of yesterday I perhaps gave as much information as I would have given if I had been allowed to go ahead in a connected way. Nearly every phase of the bill was discussed, and I am going to content myself now with starting where we left off yesterday.

I hope Senators will be willing, now that the bill shall be read for amendment, that the committee amendments shall be first considered, and then that the bill shall be left open for amendments from the different Senators.

Mr. WILLIS. Mr. President, before that is done will the Senator yield for a question?

Mr. FERNALD. Very gladly.

Mr. WILLIS. I was interested in what the Senator said about this list that it was said had been framed. The report has gone out all over the country that there is such a list, and that certain places are included and others excluded. In order that we may get specific information about that, I turn to page 7440 of the RECORD, which includes a portion of the Senator's remarks of yesterday. In the course of his remarks he placed in the RECORD a certain list. For example, here is Michigan. Following that is the name "Wyandotte." Does that mean that Wyandotte, Mich., is the only place that is specifically provided for in this bill, and that it is so provided because work has already been in progress there or an appropriation made? What does that mean?

Mr. FERNALD. Wyandotte, Mich., is under the \$15,000,000 appropriation. It means that that building was authorized under the act of 1913 and that it will be completed under this bill.

Mr. WILLIS. Now, coming to my own State, for example, the State of Ohio, following the name "Ohio" on page 7441 in the list are the names Akron, Fremont, and Wilmington. What does that mean?

Mr. FERNALD. It means just the same thing—that those three towns will have public buildings.

Mr. WILLIS. Why?

Mr. FERNALD. Because they were authorized under the act of 1913.

Mr. WILLIS. Because they are already authorized; and with the exception of those three that are already authorized the slate is absolutely clean?

Mr. FERNALD. Yes, sir.

Mr. WILLIS. And if this bill shall pass, it is a matter then to be determined by the department, taking into consideration the necessities of the service?

Mr. FERNALD. That is absolutely correct.

Mr. WILLIS. I thank the Senator.

Mr. SMOOT. And it will be taken out of the appropriation of \$100,000,000.

Mr. WILLIS. I so understood.

Mr. FERNALD. Now I ask that the bill be read.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. FERNALD. I am very glad to yield.

Mr. McNARY. I desire at this time to propound an inquiry to the Senator from Maine. In answer to a question propounded by the Senator from Ohio, I understood the Senator to say that this \$100,000,000 will be used to complete the projects authorized in 1913.

Mr. FERNALD. No; that is the \$15,000,000.

Mr. McNARY. Then I desire to know if any of the amount of \$100,000,000 will be used for that purpose?

Mr. FERNALD. Not for that purpose; no; not for the completion of those projects which are authorized.

Mr. McNARY. Then have the Treasury Department, the Supervising Architect, or the Post Office Department submitted to the Senate committee or to the House committee any list of projects that they intend to construct under this authority?

Mr. FERNALD. They have not; no. As the Senator from Ohio says, there is a clean slate. I have no idea what buildings will be constructed, and no projects have been submitted to the committee.

Mr. McNARY. Then I am clear on the proposition about which I think there was a good deal of confusion yesterday in the minds of Members of the Senate, that no part of the \$100,000,000 will be used to complete the projects authorized in 1913?

Mr. FERNALD. The Senator is correct. I am very glad that Senators have taken up that matter, because I feared that there might be some confusion about it.

Mr. HARRELD. Mr. President—

Mr. FERNALD. I yield to the Senator from Oklahoma.

Mr. HARRELD. Is it not true that a representative of the Treasury Department appeared before the House committee when it was considering this bill, and submitted reports which had already been recommended by the Treasury Department, and which would more than consume the \$100,000,000?

Mr. FERNALD. In 1924 the House passed a resolution asking the Treasury Department to submit a list of towns where emergencies existed. They did that, but that has nothing to do with this matter. Many of those projects have been cared for. For instance, St. Paul, Minn., was included in that list. Since that time a building has been leased there at a rental of \$120,000, and many of the other projects have been taken care of. In others, the emergency does not exist now; so that that list has nothing to do with this bill.

Mr. HARRELD. Who made up that list?

Mr. FERNALD. I presume the Treasury Department made it up. I think a resolution was sent to the Treasury Department.

Mr. HARRELD. Then are we not in the attitude of appropriating \$100,000,000 here and allowing the places where buildings are to be erected to be determined by the head of a department who has already prejudged the case, who has already determined in his own mind, if he has not put it of record, just where this money shall be spent? Are we not going before a jury that is already committed as to where this money should be spent?

Mr. FERNALD. You are going before the Secretary of the Treasury.

Mr. HARRELD. And he has already reported that certain places are entitled to have this money spent there.

Mr. FERNALD. Oh, no; not at all. The emergency existed at that time; but, as I say, many of those matters have since been cared for, and in others the emergency does not exist.

Mr. FESS. Mr. President—

Mr. FERNALD. I yield to the Senator from Ohio.

Mr. FESS. Section 4 of the bill requires the Secretary of the Treasury to report in detailed form to the Budget Bureau.

The Budget Bureau then sends its estimate covering those items to the Appropriations Committee of the House. It has to go through that committee, meet the approval of the House, come over here, go to our committee, and meet the approval of the Senate. It seems to me that that amply safeguards the matter.

Mr. HARRELD. Mr. President, I shall be perfectly willing to risk the judgment of the Secretary of the Treasury, or whoever is delegated for that purpose in the Treasury Department, if he has not already prejudged the case. What I am objecting to is that this \$100,000,000 shall be put at the disposal of a man who is already predisposed to spend it on certain projects that have already been adopted by him. If that is true, then we ought to let this matter go to an unbiased board who could hear the proof de novo and determine where this money should be spent in each particular case. I do not want it to go to a jury that has already expressed itself as to where the money should be spent. It seems to me that these reports show that the Secretary of the Treasury, or the subordinate under him who would have charge of it, has already committed himself to the use of this money for certain projects.

Mr. FERNALD. The Senator is wrong about that, as I stated in the first place. Acting on the resolution of the House, they did bring forward this list; but that list has nothing at all to do with this bill, and a very great many of those projects have been cared for, while in the case of others the emergencies no longer exist. There is a change every year. They were acting under the resolution which was passed; but that list has nothing at all to do with this bill.

Mr. BRUCE, Mr. FLETCHER, and other Senators addressed the Chair.

Mr. FERNALD. One at a time, please.

Mr. HARRELD. I should like to get through with this colloquy.

Mr. FERNALD. Go on.

Mr. HARRELD. Does the Senator know what officer of the Treasury Department made up that list?

Mr. FERNALD. No; I do not.

Mr. FLETCHER. Mr. President, I think I can satisfy the Senator from Oklahoma on the point that he has in mind. It is perfectly well known, of course—it is a matter of record—that Congress, under the act of 1913, appropriated certain funds for certain buildings and sites, and that when the Government officials went to let the contracts for those buildings they found that they could not be constructed for the amount appropriated, and nothing has been done since. Now it is found that more money is needed to carry on the work which was authorized by Congress in 1913, and for which a partial appropriation has been made. That list, of course, is perfectly well known, and it is perfectly proper to deal with it here.

Mr. HARRELD. It is intended to cover that by the \$15,000,000?

Mr. FERNALD. Yes.

Mr. HARRELD. I understand that; but I understand, further than that, that it was brought out in the hearings before the House committee that the Treasury Department is already committed to a list of other cities where there were exigencies existing.

Mr. FLETCHER. I do not know about that.

Mr. FERNALD. There is no such list.

Mr. BRUCE. Mr. President, I simply desire to suggest to the Senator from Maine that it might be just as well to allow me to make a few observations on the amendment I have offered to this bill before the bill is read as an entirety, because the amendment I have offered is an amendment of a very radical nature, and has a very important bearing not only on the bill as a whole but also perhaps on some, if not all, of the proposed committee amendments.

Mr. FERNALD. If the Senator would be willing, it seems to me that the bill ought to be read first. It never has been read yet.

Mr. BRUCE. I thought the Senator had completed his speech and that he was suggesting now that the bill be read as a whole.

Mr. FERNALD. Yes; and I say I should like to have the bill read. It is a very short bill. Then the Senator, of course, could offer his amendment.

Mr. FLETCHER. Of course the Senator from Maryland can make his speech on the first amendment that is reached.

Mr. BRUCE. Yes; I know, but part of the suggestion of the Senator from Maine was that the committee amendments be taken up first. I say I think it would be a mistake to do that in advance of my amendment being disposed of, because my amendment will have a very important bearing, doubtless,

upon the committee amendment as well as upon the bill as a whole.

If my amendment is dealt with adversely by the Senate, that would clear the pathway of the Senator from Maine.

Mr. FERNALD. I am perfectly willing to have the Senator from Maryland proceed.

Mr. WILLIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Ohio?

Mr. FERNALD. Yes.

Mr. BRUCE. I have the floor, I think.

Mr. WILLIS. I thought the Senator from Maine had the floor.

Mr. BRUCE. I thought the Senator from Maine had surrendered the floor.

Mr. FERNALD. I had yielded to the Senator from Maryland, but will the Senator permit me to answer this question?

Mr. BRUCE. Certainly.

Mr. WILLIS. I think it is of the essence of this matter to have it cleared up with reference to this list about which the Senator from Oklahoma has spoken. If there is such a list, if this thing is all cut and dried and arranged beforehand, none of us would be in favor of the bill.

Is not this the fact, that some of these emergencies which were referred to in this list, which was issued in 1924, have already been provided for as the Senator has clearly stated? In other cases, in other cities, other emergencies have arisen.

Mr. FERNALD. Absolutely.

Mr. WILLIS. So that when it comes to disposing of this \$100,000,000 the Treasury Department begins ab initio, and considers every case upon its merits. Is not that the fact?

Mr. FERNALD. The Senator from Ohio is correct. Let me say, in answer to that, that this is similar to the list in Document No. 28. I thought I had answered that in my answer to the question asked by the Senator from North Carolina yesterday, and cleared that situation all up. The other list that is referred to here in Document No. 28 was confusing to Senators, because 62 of the buildings mentioned in that list have been built since the list was issued. The Senator from Ohio has cleared that up.

Now the Senator from Maryland may proceed. I thank him for yielding to me.

Mr. BRUCE. Mr. President, I have nothing to say in relation to the parts of this bill which deal with local improvement projects. The amendment which I have offered does not affect them in any way. What I propose to say I shall say entirely with reference to the portions of this bill which provide for the acquisition of sites for public buildings or for the erection of public buildings or for the purchase of existing buildings in the District of Columbia.

Mr. OVERMAN. Mr. President, will the Senator yield to me to ask a question?

Mr. BRUCE. I yield.

Mr. OVERMAN. Does the Senator propose to confine his remarks to buildings to be put up on the south side of Pennsylvania Avenue?

Mr. BRUCE. Yes; I do. That is what I wish to explain.

Mr. OVERMAN. I am in agreement with the Senator in that matter.

Mr. BRUCE. I wish to explain it. I think that when my amendment is brought to the attention of Senators it will probably receive a very considerable, if not a preponderant, support from them.

Some poet spoke of a city as "the city of the dreadful night." It seems to me that it can be truly said of Washington that it is the city of lost artistic opportunities. I imagine that very few Members of the Senate have given sufficient study to the subject to realize how all but hopelessly the original plan of the designers of the city of Washington—who were no less persons than the famous French engineer and architect, L'Enfant, and George Washington—have miscarried as time has gone on.

The plan of L'Enfant was that the National Capitol should be at the east end of a west and east line running through a point near the present Washington Monument, and that the White House should be at the north end of a south and north line running through the same point, and that all in the way of beauty, architectural and otherwise, that could be lavished by human skill, ingenuity, and genius should be lavished upon the Mall, the parks, the avenues, and the public buildings that were to be laid out and erected in association with those two lines or axes.

The plan of L'Enfant was such that no less than 16 avenues in this city were to open up vistas revealing the National

Capitol, and that other avenues in the same way were to open up vistas revealing in the same artistic manner the White House, or the President's House, as it was called. The Mall, which was to be laid out for a distance of a mile and a half from the National Capitol to a point near the present site of the Washington Monument, was to be no less than 400 feet wide, and on each side of it there was to be a park 600 feet wide. Flanking these parks were to be erected the public edifices of the city, and the Mall, parks, and avenues were to be adorned with monuments and statuary and other artistic objects.

No grander conception was ever formed in the cells of the human brain for the purpose of producing a splendid artistic result, and, as we all know, the pecuniary resources of the country have proved entirely adequate for the complete development of the L'Enfant plan and the entire fulfillment of his glorious, radiant vision.

Yet how completely have all the hopes involved in that plan been falsified by lack of vision, imagination, breadth of view, and, in some cases, of an unselfish spirit. Real-estate agents have had far more to do with the development of this city than any architect, engineer, artist, or technical expert of any sort has had. Grateful, indeed, should we be that at least a part of the L'Enfant plan should have been carried into effect. We have this superb edifice, the National Capitol, one of the chief architectural ornaments of this country, seated here upon this lofty hill and commanding one of the most beautiful, physical settings with which nature has ever blessed any city. And we have at the end of Pennsylvania Avenue the "President's House," of the L'Enfant plan. Moreover, perhaps here and there we have some shattered vestiges of that plan, but in the main the plan has gone to shipwreck.

At the present time the public side of Washington seems to be developing without any comprehensive plan of any sort. North of Pennsylvania Avenue are no less than 190 buildings used by the Government for public purposes. Some of these buildings are owned by it and some are only rented by it. The Agricultural Department, for instance, is housed in no less than 45 scattered buildings, and other departments of the Federal Government are housed in more than one building.

Buildings have been erected or have been purchased by the Government without reference to any real considerations of general convenience, comfort, or utility. We find one away off to the northeast, another away off to the southwest. Tenements of one sort or another occupied by the Government are strewn over the surface of a large part of the city of Washington.

Some of these buildings, of course, have no pretensions whatsoever to architectural beauty.

Mr. KENDRICK. Mr. President, will the Senator yield?

Mr. BRUCE. Certainly.

Mr. KENDRICK. In connection with the subject the Senator is discussing, I want to call his attention to section 2 of the pending bill, which would seem to place a further premium on proceeding without regard to order or artistic development. This section of the bill reads as follows:

SEC. 2. (a) The work of preparing designs and other drawings, estimates, specifications, and awarding of contracts, as well as the supervision of the work authorized under the provisions of this act, shall be performed by the Office of the Supervising Architect, Treasury Department, under the direction of the Secretary of the Treasury, except as otherwise provided in this act, but in designing and constructing buildings under the provisions of this act preference shall be given, so far as practicable, to standardized types, and in other cases where possible and appropriate to commercial types modified to meet governmental requirements, rather than to buildings of monumental character.

Mr. BRUCE. Exactly, and I propose to offer another amendment, which will doubtless be highly gratifying to the Senator from Wyoming, striking those words out of the bill. Just think of it, after this long lapse of time we have reached the point where it is gravely proposed that the public edifices of this city to be built in the future shall be standardized as though they were so many monstrous dry-goods boxes. I recall the fact that many years ago an English clergyman, who was a visitor to my father's home in southern Virginia, expressed on one occasion the opinion, after his attention had been called to the quadrangular, barnlike structures which constituted the Presbyterian churches of that part of the world, that all the misfortunes which the Civil War brought upon the South were due to divine resentment excited by the character of its ecclesiastical architecture. That is the kind of architecture which the Committee on Public Buildings proposes in the bill which is now before us to inflict upon the city of Washington.

Mr. KENDRICK. I desire to ask the Senator if he does not believe that the provision which I have quoted from the bill

suggests that after 100 years we still are without vision as to the future of this city?

Mr. BRUCE. Indeed it does, may I say to the Senator. Nothing else in the bill gave me such a shock as those words that the Senator from Wyoming has read. Never, it seems to me, has the plan of L'Enfant run so completely into the ground as it did when these provisions were conceived and embodied in the bill. But it has other features that might be freely commented on, too.

Mr. KENDRICK. In connection with this statement I take occasion to say that one finds upon a visit to most of our school buildings a condition that is not only shocking but actually discreditable. In almost every instance there is an entire absence of playgrounds around these great buildings. Every single bit of physical exercise that the children of the city take while at school must be taken under a roof and indoors. It seems to me that if we are ever going to nationalize our Capital we ought to proceed with at least a suggestion of the necessity of providing finally that it shall be the most beautiful city on the face of the earth.

Mr. BRUCE. I agree absolutely with the Senator from Wyoming. Nowhere in Washington do we see any evidence of any such thing as wise and comprehensive planning. No sort of proper attention is paid to futurity or even to the present. Why should such a state of things exist when we remember that this country at the present time is the wealthiest and most powerful country in the whole wide world, and entirely capable, almost at any time that it pleases, of having a collection of public buildings in the city of Washington that would far exceed in beauty and splendor the public edifices of ancient Rome or Athens or of modern Paris or Vienna; for the finest results of even the artistic culture of ancient Athens and Rome are available to the modern architect? I might add that, as I remember at this moment, the L'Enfant plan was not only originally formed by L'Enfant, one of the most remarkable engineers of modern times, with the aid of George Washington, but afterwards met with the approval of Thomas Jefferson, too; and only a few years ago I had the pleasure of hearing a distinguished professor of architecture at the University of Virginia, a Harvard man, say that, in his opinion, Thomas Jefferson, though he did not pretend to be a professional architect at all, was the greatest architect ever produced by the United States until the time of Stanford White and Ralph Adams Cram. And yet, apparently, we are unwilling to accept the ideas of these great men, and prefer to leave the future planning of our city to realtors and routine officials of the Government.

Mr. FLETCHER. Mr. President, will the Senator yield for an observation?

The PRESIDING OFFICER (Mr. EDWARDS in the chair). Does the Senator from Maryland yield to the Senator from Florida?

Mr. BRUCE. I yield with pleasure.

Mr. FLETCHER. The Senator's amendment provides that, with the exception of land that may be taken for increasing the size of the Government Printing Office, no additional land shall be acquired in the District of Columbia north of Pennsylvania Avenue or north of New York Avenue. I do not see that the amendment, if adopted, would interfere with the general provisions of the bill at all. I do not see that it proposes any new policy or any new principle. It is a mere limitation.

Mr. BRUCE. That is the point.

Mr. FLETCHER. I am inclined to think that the Senator's position is correct. In other words, the view is that south of Pennsylvania Avenue and south of New York Avenue abundant area already exists for the Government to use in putting up the structures it needs, and there is no occasion to go north thereof, and therefore that field ought not to be invaded by the Government.

Mr. BRUCE. The Senator has grasped my point precisely.

Mr. FLETCHER. It seems to me the Senator is correct about that, but the amendment, if incorporated in the bill, would not in any wise affect the general provisions of the character of the bill.

Mr. BRUCE. Not in the slightest.

Mr. FLETCHER. I am not sure whether we can find a sufficient area south of Pennsylvania Avenue and New York Avenue, but it seems on the face of it that the lands already owned by the Government in that area are sufficient, and possibly we would not have to acquire any new sites.

Mr. BRUCE. At the present time, of course, the Government owns 5 acres west of Seventeenth Street and south of New York Avenue and 5 acres east of Fifteenth Street and south of Pennsylvania Avenue. As I understand it, the Government also owns land along the Mall, and a very large

amount of it—the Senator from Utah [Mr. SMOOT] can correct me if I am wrong—and then there is along the south side of Pennsylvania Avenue, between the Treasury Building and the Capitol, other land which could be acquired and made subservient to the L'Enfant plan.

Mr. OVERMAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from North Carolina?

Mr. BRUCE. I yield.

Mr. OVERMAN. I think this is a very important matter. My mind goes back to about 15 years ago when we had a fight on the floor of the Senate on an amendment introduced, I think, by former Senator Heyburn, of Idaho, carrying out the idea which the Senator from Maryland has in mind and exactly the idea of L'Enfant, and that was to buy all the property on the south side of the Avenue and get rid of those old buildings there. We had an estimate then of what it would cost. It would have cost then only \$13,000,000. Now it would cost \$100,000,000 or more.

Mr. BRUCE. Very well; suppose it does?

Mr. OVERMAN. I do not care how much it would cost. It was a short-sighted policy of the Congress, when we had those plans of the architects and landscape gardeners from L'Enfant on down through the years, that we did not follow out their plans completely. We should have adopted that policy and established it completely 20 years ago, but here we are now 20 years later and no further along in the development of the city. I hope the Senator's amendment will be adopted.

Mr. BRUCE. There is nothing original about my suggestions, nothing in the world. They are simply suggestions that I have caught up from others; but it seems to me that the present is a very timely occasion for asserting them; and if I thought that all the Members of the Senate were as disposed to adopt them as are the Senator from Wyoming, the Senator from Florida, and the Senator from North Carolina, I would spare the Senate the tedium of hearing anything further from me on the subject. However, as I do not know how the Senate as a whole feels about them, I proceed to submit just a few additional observations.

Mr. KENDRICK. Mr. President, will the Senator yield to me again?

Mr. BRUCE. With pleasure.

Mr. KENDRICK. In view of the fact that we now seem to be embarking upon something like a comprehensive plan of building, I desire to ask the Senator whether or not he finds in the provisions of the bill any conditions providing for the orderly location of the departmental buildings, with due regard and due relationship of the one to the other, rather than having them promiscuously scattered all over the District?

Mr. BRUCE. Nothing whatsoever. The buildings can be erected in any part of the District of Columbia where it suits the will of the authorities mentioned in the bill to erect them.

Mr. KENDRICK. Does the Senator by his amendment intend to correct that condition?

Mr. BRUCE. No. My idea is that if we limit the Government in the purchase of sites to the territory south of New York Avenue and Pennsylvania Avenue, it will be compelled, by the very cogency of the limitation, to carry out the original plan for the development of Washington.

Mr. KENDRICK. The Senator realizes that even in the far-away interior of the country, in our small country towns, there is now a strong public sentiment favoring what is known as civic centers and plans for the harmonious construction of buildings that will satisfy the eye as well as serve the purposes of business or the other objects for which they are constructed.

Mr. BRUCE. Indeed I do. Nothing has made more marked progress in our country during my lifetime than the artistic spirit of the country. Look at New York City and consider what a marvelous transfiguration it has undergone in point of architectural beauty in the last 25 or 30 years.

Mr. KENDRICK. In view of the fact that we are now, as the Senator said, initiating a program of permanent construction, let me ask in that connection if we might not at this time well say that we can not afford to do things that do not provide for or have in contemplation the future ornamentation and the future beautifying of the National Capital?

Mr. BRUCE. Absolutely. The Senator is unquestionably correct.

Mr. SMITH. Mr. President, may I make a suggestion to the Senator from Maryland?

Mr. BRUCE. Certainly.

Mr. SMITH. Does not the Senator think, in addition to the fight he is making, that he should observe the desire for the artistic construction and beautifying of our public buildings

and those that are to be built hereafter, to the extent that we ought to have regard to the affairs of the Nation and the Nation's representatives, and have the department so related to the Capitol that one does not have to meander all over town even when he is trying to transact a little business with only one department? Our Navy Department is partly down on Pennsylvania Avenue and partly down on the Mall. The same is true of all the other departments. They are scattered all over town, and there is no correlation either in time or in the geographical location of the departments, or even within the departments themselves.

Mr. BRUCE. None at all. These buildings have sprung up, so far as I can see, practically without any reference to considerations of utility or convenience or comfort.

Mr. SMITH. It is the duty of the Senator from Maryland, as it is the duty of every other Senator, to visit the departments from time to time, and he knows what a great loss is involved not only of time from his office but time from the Senate itself, and that it is practically impossible for him, within the time allotted in a day during which he can be absent from the Senate and his office, to reach the departments and accomplish what he seeks to do in view of the nondescript way in which we have permitted the construction of our Government buildings.

Mr. BRUCE. I have already called attention to the fact that the Agricultural Department is housed in no less than 45 different scattered buildings.

Mr. FLETCHER. Mr. President, perhaps a moment ago when I indorsed the Senator's amendment it escaped me that New York Avenue after it crosses Pennsylvania Avenue then leads off into an area where the Government now owns property. I am afraid that a provision limiting the buildings to the south of New York Avenue will be too great a restriction. Would not the Senator prefer to strike out the provision relative to New York Avenue and just retain the provision as to Pennsylvania Avenue? I think north of New York Avenue, west of Seventeenth Street, there may be an area where it might be entirely proper to have Government buildings erected.

Mr. SMOOT. I think if the Senator from Maryland [Mr. Bruce] will wait until I get a diagram of the streets of the city of Washington and show him just where New York Avenue runs he will admit that it would be very unwise policy to prohibit the purchase of land for the location of Government buildings north of New York Avenue.

Mr. BRUCE. What property would be cut out should we prohibit the purchase of land north of New York Avenue?

Mr. SMOOT. New York Avenue runs to Pennsylvania Avenue at Fifteenth Street and begins again at Seventeenth Street south of Pennsylvania Avenue.

Mr. BRUCE. Yes; and then it continues right on down toward the Potomac River.

Mr. SMOOT. Mr. President, it seems to me if we are going to provide for any kind of a building program, unless we shall adopt the old building program referred to by the Senator from North Carolina [Mr. OVERMAN], making the south side of Pennsylvania Avenue the location for buildings, beginning at the foot of the Capitol and carrying our building program up to the Treasury Department, we shall have to use some of the ground north of New York Avenue in order to make it convenient to get from one department to another. I have no objection to a prohibition of the purchase of land north of Pennsylvania Avenue, but I think it would be a mistake should we prohibit the acquisition of land north of New York Avenue. I think if the Senator from Maryland will give the matter a little more attention he will agree to that.

I have given a great deal of study to this question. A program involving the expenditure of \$20,000,000 was mapped out here 16 years ago, as I recall, by former Senator Heyburn, of Idaho. We then had a large map showing exactly where it was proposed to erect buildings, their surroundings, the beautification of the grounds, and providing for the elevation of the ground on Pennsylvania Avenue so that it would be a magnificent street. There would be, I suppose, nothing like it in the world.

The ground to which I refer at that time would have cost the Government only \$20,000,000. For that sum we could have bought every piece of ground from the foot of the Capitol which was not owned by the Government up to the Treasury Department.

Mr. BRUCE. Does the Senator from Utah refer to the land on the north side or the south side of Pennsylvania Avenue?

Mr. SMOOT. I refer to the land on the south side of Pennsylvania Avenue.

Mr. BRUCE. The land on the south side of the Avenue from the foot of the Capitol to the Treasury Department?

Mr. SMOOT. Yes; on the south side of Pennsylvania Avenue all the way to the Treasury Department. The same land would cost \$100,000,000 now.

Mr. BRUCE. It would cost more than double the former price?

Mr. SMOOT. It would cost more than double the price for which we then could have acquired it, I will say to the Senator. I know that fact because I myself know of property there which is worth four or five times the amount it formerly was. That, however, would not make any difference.

Mr. BRUCE. That is a small matter so far as the Government is concerned.

Mr. SMOOT. It is a small matter in the life of a nation.

Mr. BRUCE. Let me ask the Senator—for I do not know—when was the ground which is now owned by the Government and embraces the Botanic Garden purchased? Was it since or before the time to which the Senator from Utah refers?

Mr. SMOOT. That land was purchased by the Government many years before the time of which I speak, perhaps as long ago as 100 years.

Mr. BRUCE. And that tract of land did not enter into the calculation?

Mr. SMOOT. That land has been owned by the Government for nearly 100 years.

Mr. OVERMAN. Mr. President, will the Senator from Maryland yield to me?

Mr. BRUCE. Yes.

Mr. OVERMAN. On the diagram which has been referred to by the Senator from Utah [Mr. Smoot] was one of the most beautiful pictures of public buildings I ever saw. I wish the Senator from Maryland would incorporate in his amendment one thing which has occurred to me, that these buildings shall be ornamental and monumental. We do not want ordinary office buildings put up. We want monumental buildings which will properly exhibit to future generations what this great country is, and if we do not have some such provision in the bill that policy will not be carried out.

Mr. BRUCE. Mr. President, will the Senator from North Carolina permit me to interrupt him for a moment?

Mr. OVERMAN. Yes.

Mr. BRUCE. This bill specifically provides that in designing and constructing buildings under the bill preference shall be given, so far as practicable, to standardized types, and in other cases, where possible and appropriate, to commercial types modified to meet governmental requirements rather than to buildings of monumental character.

Mr. OVERMAN. I am opposed to that.

Mr. BRUCE. But that is not all. The bill actually proposes to submit to the officials who are to occupy the different buildings the question as to whether they are or are not the right sort of buildings to be erected by the Government. It is simply incredible that any man who had any vision, any imagination, any sense of beauty, anything that lifts him above the level of the earth could have drafted such a bill.

Mr. FLETCHER. That provision applies to buildings outside the District of Columbia?

Mr. FESS. Of course.

Mr. SMOOT. It applies to buildings outside the District of Columbia. Of course, it ought not to apply to buildings in the District of Columbia.

Mr. KENDRICK. Mr. President, will the Senator from Maryland yield to me?

Mr. BRUCE. Yes; I yield to the Senator.

Mr. KENDRICK. Mr. President, can the Senator from Utah inform us whether or not it is planned to locate such departmental buildings as may be provided for in this bill according to the plan suggested by the Senator from North Carolina [Mr. Overman]?

Mr. SMOOT. I will say that there has been no definite decision arrived at by anyone of whom I know as to that matter. Of course, it will be under the Public Buildings Commission if the bill passes as it is, and I can assure the Senator that commission has not given one moment's consideration to the matter, because they thought it was an unwise thing to do, at least until the appropriation should have been made.

Mr. BRUCE. Mr. President, perhaps I know a little more about that, although that is hardly conceivable, because the Senator from Utah seems to know all that is to be known about everything that relates to the affairs of the Government—

Mr. SMOOT. Mr. President, I am chairman of the Public Buildings Commission, and I think I ought to know about these questions.

Mr. BRUCE. I am not criticizing the Senator from Utah; I admire the extent of his knowledge on such subjects. He has, of course, a very extraordinary degree of familiarity with whatever relates to the Government; but I do happen, I think, to

know a little about the particular matter under discussion he does not.

The purpose, as I am informed, is to use a large part—indeed, it may be that the whole will have to be used—of this money in acquiring the ground or most of the ground around Lafayette Square for the purpose of erecting Government buildings there. That fact has been communicated to us by no less a person than Maj. U. S. Grant, 3d.

Mr. SMOOT. Maj. U. S. Grant is merely a member of that commission; he is not chairman of it.

Mr. BRUCE. I understand that; but he is and deservedly so, a very influential member of that commission.

Mr. SMOOT. When I call a meeting of the commission, Major Grant will be there; but I say again to the Senator that the commission has never expressed an opinion by vote or even considered where the money appropriated by this bill shall be expended in the District of Columbia if the bill shall become a law.

Mr. BRUCE. I want to narrow the latitude of discretion about that; that is exactly what I wish to do.

Mr. KENDRICK. Mr. President, is it not true that the newspapers have contained very definite statements about the plan for a civic center near the White House?

Mr. BRUCE. I think so; I know that is contemplated.

Mr. SMOOT. I do not care what the newspapers say.

Mr. KENDRICK. Mr. President, let me ask the Senator this question: Is it not true that some ground has already been bought for the purpose of making improvements in that neighborhood?

Mr. SMOOT. No. I will say to the Senate that Congress has not made an appropriation for the purchase of any land in the District of Columbia, with the exception of the land which we had to buy in order to retain certain temporary buildings. The Government had no place in the world where it could house the employees who were in those buildings if their occupancy had been denied to the Government. So we made an appropriation of \$1,500,000 for the purchase of that land.

Mr. KENDRICK. What land?

Mr. SMOOT. The land on B Street just north of the new Army and Navy Buildings on B Street. For nearly a year and a half or two years we quietly had agents at work securing prices on that land. The House said that it could not be purchased for the amount of money which I have named, but we secured contracts for its purchase, and we purchased it for a little less than the \$1,500,000.

The buildings on that property as a habitation for employees are not only a disgrace to the Government, but would be a disgrace to any city in the United States. I want the money provided in this bill to be appropriated in order to replace those buildings, and I am quite sure that a portion of the money proposed to be appropriated will be used under the building program for the erection of buildings on that land.

Mr. KENDRICK. Mr. President, I wish to be understood as not opposing the appropriation.

Mr. SMOOT. No; I understand that.

Mr. KENDRICK. My desire in this particular case is, even though more than a hundred years have elapsed since the inauguration of the original plan, that in the great building program now contemplated for the city of Washington we shall proceed with some degree of discretion.

Mr. SMOOT. Mr. President, let me say to the Senator that I have stood upon the floor of the Senate for five long years calling attention to the conditions which exist here in regard to the necessity for Government buildings. I have told the Senate time and time again that we were compelled to provide for the erection of buildings in the District.

I even have gone so far as to introduce a bill for the purchase of a piece of land on which to erect an archives building. At the time that would have cost us about \$750,000, but three years have passed, and we have lost in the rentals alone which the Government has had to pay nearly \$2,000,000, because we failed to make that appropriation.

Mr. KENDRICK. Mr. President, I think it unfair to interrupt the Senator from Maryland further.

Mr. BRUCE. No; not at all; I am glad to yield.

Mr. KENDRICK. But I merely wish to make my point clear on this question. I would be content, so far as my vote and influence go, to continue to pay rent for 25 years more and to appropriate all the money that we are now planning to appropriate to buy sites, if they may be bought in the right places, rather than to locate buildings where they should never be located.

Mr. BRUCE. That is the point. It is a fact that the intent is entertained to purchase almost all the property surrounding

Lafayette Square with the money provided for by this bill. That statement has been made to me indirectly by the Senator from Alabama [Mr. UNDERWOOD] himself, who offered one of the amendments that has been offered to this bill or its Senate counterpart; it has come to me indirectly from Maj. U. S. Grant, 3d; it has come to me from other sources upon which I have every right to rely. That being the case, what is the ability of the Government to buy that property with the amount of this appropriation? I have obtained the assessed value of all of it, and the total assessed value amounts to upwards of \$13,000,000.

Mr. SMOOT. If the Government were to buy it now, it would have to pay more than that.

Mr. BRUCE. I am not entering into mere conjecture about the matter, because, judging from the price that property in that immediate locality has brought recently, that assessment total does not really represent more than one-half of the total value.

Mr. SMOOT. I do not think it represents one-half of the present value.

Mr. BRUCE. It does not. I was making the statement as conservatively as possible. Perhaps it does not represent more than one-third what it would cost the Government to acquire it.

Mr. SMOOT. That is more like it.

Mr. BRUCE. In other words, the greater part, if not all, of the \$50,000,000 appropriated by this bill for the District would be consumed in purchasing that land around Lafayette Square.

Mr. SMOOT. I assure the Senator, if I continue to be chairman of that commission, that will never be done.

Mr. BRUCE. This is a matter in which the Senator's assurance is valuable to me, just as valuable as any assurance could be under the circumstances, but I am not disposed to take any chances. He might not be able to control the situation.

Mr. SMOOT. I say if I could prevent it. One reason why I have been urging this appropriation—and this is the first time that Congress has shown any disposition whatever to make any kind of improvements here—is in order to get rid of the shacks to which I have referred. I can take the Senator down to some of the temporary buildings and show him where the floors have sunken 7 inches. I can take him to buildings where the partitions have bulged out 6 inches, and at some time or other—and we shall be fortunate if it does not come quickly—if we are not able to get the employees out of those buildings, there is going to be either a fire or a collapse that is going to cost the lives of I can not tell how many, and I want to keep my skirts clear of every responsibility in case such a thing should happen.

Mr. BRUCE. I share the Senator's feelings on that subject. Some of those buildings are disintegrating. Others involve the danger of fire at any time. There is no question about that; but that is no reason why this bill should not proceed along the proper lines.

Mr. SMOOT. That is true.

Mr. BRUCE. There is no reason why we should lose the opportunity that we have now of doing something of real importance for the purpose of promoting a comprehensive plan for the development of Washington.

Mr. FESS. Mr. President, will the Senator yield?

Mr. BRUCE. Yes; certainly.

Mr. FESS. I have great sympathy with what the Senator has been saying about standardized buildings. If there is anything that appeals to me in the Capital City it is that we should observe the tenets of art and of the right sort of buildings here in the Capital. The provision to which the Senator has called attention, however, is not mandatory, and it applies to post-office buildings out in the country where heretofore we have built some magnificent, monumental buildings away beyond the needs of the city and entirely out of proportion to conditions around the place. That is why that provision was put in.

Mr. BRUCE. The Senator, if I am not mistaken, is referring to another part of the bill.

Mr. FESS. This is the standardized provision to which the Senator from Maryland referred.

Mr. SMOOT. That applies only outside of the District of Columbia.

Mr. FESS. I am in thorough sympathy with what the Senator wants to do. Is not the Interior Department Building north of New York Avenue?

Mr. KENDRICK. Mr. President, right in that connection I want to say that the Interior Department Building is entirely separate and apart in its location from other Government

buildings in the city; and I do not think it is too much to say that the most startling thing to the visitor who comes here from the interior of this country is the lack of any relationship between the location of one Government building and that of another.

Mr. FESS. That is true.

Mr. KENDRICK. In that connection I want to say that I have no objection to having a civic center built around Lafayette Square, but the buildings ought to have some relationship in their location as Government buildings.

Mr. FESS. That could be done without doing it about Lafayette Square.

Mr. BRUCE. Let me say to the Senator from Ohio that I think he is mistaken in the view that he takes of the language of the bill. That provision—

Preference shall be given so far as practicable to standardized types, and in other cases where possible and appropriate to commercial types modified to meet governmental requirements, rather than to buildings of monumental character—

is not limited to buildings erected for post-office purposes.

Mr. FESS. I would support an amendment that any Senator would offer that would provide that the monumental character of buildings should be preserved here in the city of Washington.

Mr. BRUCE. I am glad to hear the Senator say so. I propose to offer an amendment to that effect; and it does seem to me that it would be peculiarly timely now, when we recall what very beautiful effects have been worked by the recent monumental structures erected south of Pennsylvania Avenue.

Mr. FESS. If the Senator will permit me, it is a great tonic to me to hear a Senator express himself on the floor of the Senate in favor of the element of art, instead of confining everything to the utilitarian point of view, because the latter is nearly always the ruling element in legislation. In this particular bit of legislation where we are dealing with the Capital City, as the Senator says, I join him in thinking that it ought to be the most beautiful city in all the world, and ought to be a model in every respect, so that the individual from any section of the country could come here to see the best and the last thing in the way of accomplishment. I join him in all that he says about maintaining the art effect here in the city.

I have been recently looking up the matter of art, if the Senator will permit me, here in the Capitol.

Mr. BRUCE. Certainly; I am listening with the greatest pleasure to the Senator.

Mr. FESS. I find that there have been lost articles of art of great value. We have been trying to trace them. For a specific example, the portraits of Louis XVI and Marie Antoinette were the gifts of those rulers to this Government as early as 1784. We can trace them to some extent. They were at New York while the Capital was there, then in Philadelphia, and then they were brought here.

They have hung in the Senate Chamber—not this Chamber, because this Chamber was not built, I understand, until about Civil War time, but in the old Senate Chamber. There is a description of the portraits in existence, from which we know that they were 13 feet high and very valuable. There is now no trace of them. We have been trying to locate them.

Mr. Charles Warren, the famous author of the work on the Constitution, wrote me recently about this matter and sent me an article that he had contributed to the Massachusetts Historical Association. He thinks that it is a proper function of the Congress, in the collection we are going to make in manuscript form of the history of the various art objects, both sculpture and paintings, here in the Capitol, to find where those portraits are. I have ascertained from the curator of the Capitol that his judgment is that they were burned in the fire of 1814, when the British set fire to the Capitol. Mr. Warren says, however, that they were mentioned in certain newspapers as late as 1842.

Some very valuable pieces of sculpture also have been lost. Some of them have been lost by fire. The fire in 1825 burned all but 25,000 volumes of the famous 55,000-volume library of Thomas Jefferson, and a lot of art objects also were destroyed in that fire. Then there was another fire in 1851.

It is pleasing to me to have a Senator see the value of the art collection here, especially with reference to what the city in its entirety is to be, and I join him; but I think this provision has reference to the post-office buildings out in the country at large.

Mr. BRUCE. I do not think so. I will look at the language more closely, but I do not agree with the Senator.

Mr. FESS. If it does not, then I suggest that the Senator offer an amendment to cover it.

Mr. BRUCE. It is of general application.

Mr. KENDRICK. Mr. President, I do not believe the Senator would come to that conclusion if he looked at the Interior Department Building. It is a wonderfully efficient building, and I think all of us will agree that we should not sacrifice the efficiency of a building even for its beauty; but—

Mr. FESS. The two could go together.

Mr. KENDRICK. They could be combined safely.

The Senator referred a moment ago to getting the best artistic effect consistently possible. I want to ask him if he believes it will be possible for us to proceed to erect the proposed departmental buildings, that are to be on an extensive scale and perhaps as durable as material can make them, and get the best results obtainable without some grouping and orderly location of the buildings?

Mr. FESS. Does not the Senator think it is a good start to make this authorization?

Mr. KENDRICK. This is a good time to make a start, but I do not believe that the bill contains provisions that would require that.

Mr. BRUCE. I call the attention of the Senator to this fact, however: A few days ago we passed the park and planning commission bill, with amendments. That bill was a House bill and was amended here, and now the two Houses are in conference over the amendments. The bill in all probability will become a law shortly. It provides for a planning commission the duty of which would be to adopt a comprehensive plan as regards parks and playgrounds and street layouts and also as respects public buildings in the city of Washington.

The Senator from Utah [Mr. KING] proposes to offer an amendment subjecting the provisions of this bill to the authority conferred by that bill on the commissioners created by it. I think that that is a good idea, though I do not care much for the nature of commissioners provided for by the bill.

Mr. FESS. I should like to have the Senator's view on what ought to be done with this northeast section—the part north of Pennsylvania Avenue running up to Fourth or Sixth Streets. Does not the Senator think that ought to be included in the Capitol Park by the removal of buildings that it appears to me are not at all in accord with the surroundings of the Capitol?

Mr. BRUCE. Indeed I do, Mr. President. I think if we do nothing else, we ought to provide for the acquisition of all the property on each side of Pennsylvania Avenue up to Louisiana Avenue. It is, as we all know, very inferior property of comparatively little value. On the south side, of course, the land where the Botanical Gardens are, is owned by the Government already. All the property up to Louisiana Avenue not owned by the Government should be acquired by it, either by purchase or by condemnation. That much we ought to do, anyhow; but my idea for the present is that if we by this amendment should limit the acquisition of property by the Government to the territory south of New York Avenue and Pennsylvania Avenue, then the Government, so to speak, would be forced back upon the L'Enfant plan.

I am extremely gratified by the prompt response that so many Senators have made to the suggestions of my amendment, and I want to point out to Senators just how this bill might work out practically.

Under its provisions the purchasing authorities of the Government could buy land for the purposes of the bill anywhere in the District of Columbia, north, south, east, or west. Such is the latitude of discretion reposed in them so far as the purchase of sites is concerned.

Mr. SIMMONS. Mr. President, I should like to ask the Senator a question. In recent years, when buildings have been constructed in this city, have not the authorities done that very thing?

Mr. BRUCE. They have.

Mr. SIMMONS. Have they not scattered them about over the city without any reference to coordinating the public buildings in any particular locality?

Mr. BRUCE. Absolutely; and they are about to do it again.

Mr. SIMMONS. And will they not do it again?

Mr. BRUCE. Under this bill, in my opinion, they will make a worse botch of it even than they have made of it in the past. The truth of the matter is that the selection of sites for the Government in Washington has been largely determined by real-estate activities.

Mr. SIMMONS. Exactly.

Mr. BRUCE. The real-estate men come to the Government officials and offer them property and bid against each other; and the result is finally that the Government, because it can get a

piece of property here a little cheaper than it can somewhere else, acquires it and erects a building on it without regard to general considerations of public convenience, comfort, or utility.

Mr. SMOOT. Mr. President, about the only building we have constructed here in recent years is the Interior Department Building, outside of those buildings that were constructed during the war period. The Senator knows that at that time it was a question of getting those buildings up just as quickly as possible, and getting the space as quickly as possible.

Mr. BRUCE. Oh, of course. I am not speaking of those buildings; but I will say to the Senator from North Carolina that I think that it would be a good idea for the Government to raze every one of them to the ground, to wipe every one of them out of existence.

Mr. SMOOT. We can not do that all at once.

Mr. BRUCE. Of course we can not; but I look on those structures as mere temporary structures.

Mr. SMOOT. They are temporary.

Mr. BRUCE. They are structures that arose, of course, out of the special exigencies of the war; and I think they ought to be gradually demolished, and supplanted by new public buildings adequate in every respect to the needs of the Government.

Let me proceed with my analysis of the bill. Not only could any land anywhere in the District of Columbia be purchased for its purposes with part of the \$50,000,000, but the persons who have the authority to purchase under this bill need not purchase any sites at all for building purposes. They could buy existing buildings, used for existing private purposes, and they could purchase such buildings and remodel or reconstruct them so as to answer governmental purposes.

Mr. SIMMONS. For instance, they could buy the building now rented by the Government for the Department of Justice.

Mr. BRUCE. That is true.

Mr. SIMMONS. They could buy the building that is now rented by the Government for the Interstate Commerce Commission.

Mr. BRUCE. That is true.

Mr. SIMMONS. They probably would do that very thing.

Mr. SMOOT. Oh, no, Senator; there is no such intention.

Mr. BRUCE. If I may say so without disrespect, judging by the low standards of artistic aspiration evidenced by this bill, I think that is just exactly what they would do.

Mr. SMOOT. If the Senator had been put in my position and held responsible for finding space for the employees—

Mr. BRUCE. I am not criticizing the Senator.

Mr. SMOOT. Who increased in number from 37,000 to 117,000—

Mr. BRUCE. The Government has no more useful servant than the Senator.

Mr. SMOOT. I thank the Senator.

Mr. BRUCE. That is my honest and sincere belief, and the Senator knows, I hope, that I never express anything but my honest and sincere beliefs. But the Senator can be the victim of circumstances himself.

Mr. SMOOT. I have had a good many responsibilities since I have been in Washington, and I say to the Senator that the most difficult one I have ever had placed upon me was the assigning of space to the different departments of the Government for their employees. The accommodations we have been able to furnish have been a disgrace, and I have been saying that now for four or five years.

Mr. BRUCE. I am going to help the Senator to get away from that, if the Senator will only help me to have my amendment adopted. But what I have stated would probably result, the Senator from North Carolina will understand. The Secretary of the Treasury, or whoever was the proper authority under the circumstances, would purchase a site and have a new building erected on it, or he would purchase some existing building and have it remodeled and reconstructed, or purchase some existing building that did not call for remodeling or reconstructing, or enlarge some existing public building; and our last estate would be worse than our first. After we had gone through those processes, it could then be said of the Capital, even more aptly than I said of it yesterday, that it is simply "a mighty maze without a plan."

Mr. SIMMONS. Mr. President, if the Senator will pardon me just a moment—

Mr. BRUCE. I yield.

Mr. SIMMONS. Ever since I have been a Member of this body I have heard discussed the very suggestion which the Senator has made, and I have been impressed with the sentiment in the Congress in favor of some systematic scheme for the location of public buildings in the city of Washington.

The project which the Senator has suggested, to acquire the property on either side of Pennsylvania Avenue, has been one

which has been freely discussed in recent years; but we have done nothing about it. The sentiment in favor of having a portion of the city segregated for the purpose of erecting public buildings has been much discussed.

Mr. BRUCE. That is the purpose of my amendment.

Mr. SIMMONS. Now, we have an opportunity, through this bill, to do something effective along that line. If this bill shall pass as it came from the other body of the Congress, we will delegate to two officials of the Government the sole and exclusive right of locating these buildings. The real-estate people of this city, always active, will get very busy, and inducements of all sorts will be offered to the Government to purchase buildings already used by the Government, and to locate other buildings at different places in the city, without any regard whatever for convenience or intercourse between the several departments here in Washington.

I think that is a matter which ought to be definitely determined and settled in this bill. I am very glad the Senator has raised the question. I hope the discussion will be continued, and I hope we will reach some conclusion along that line. It is discreditable to the Government, it is contrary, as I understand it, to the system adopted by all other governments, that of congregating the official buildings in some segregated portion of the Capital, with a view to efficiency and convenience. It is remarkable to me that we have not given attention to that matter heretofore.

The Senator has raised another question in which I am profoundly interested; that is, as to the type of the public buildings which are to be erected in this city. I am utterly opposed to the plan provided in this bill, of constructing these buildings upon some standardized form. The bill as now written undoubtedly applies to buildings erected in this city, as well as to those erected outside of this city. It is required that they be built, as far as possible, of standardized material. That means that they will be built with these low-pitched ceilings, as I understand it, such as are used in new apartment houses and hotels being constructed here in the city. That does not contribute to efficiency or to health. With these low-pitched ceilings a larger amount of surface is required for one man than would be required if the ceilings were higher. It is very important, to my mind, that a building in which a great many people are to be housed, probably a large number in one room, should have ceilings adequately pitched. You can not secure that by these standardized methods. That is important from the standpoint of efficiency and from the standpoint of health.

The other suggestion which the Senator makes is, to my mind, of more importance—that is, that the public buildings hereafter to be erected in the Capital of the country ought to be of the monumental character of those erected by our forefathers. It would be out of harmony if we should construct these great public buildings, which we have to build here in Washington City, upon a standardized plan, and we should not rely upon any agency with respect to that matter. We ought to write it in the bill, and write it so that that provision with reference to standardization shall apply not to buildings erected in the city of Washington but only to buildings erected outside of the city of Washington.

Mr. BRUCE. I ask the Senator to reflect upon the wonderful results which would have been achieved if the money spent on those 190 buildings, of one sort or another, owned or rented by the Government, north of Pennsylvania Avenue, had been expended south of Pennsylvania Avenue, in accordance with the original plan of L'Enfant. As it is, the whole thing has been left, as I have said, to purely haphazard influences, and mainly to the importunities of real-estate operators and agents.

If it were thought fit, a site might not be purchased for a building at all under this bill, and no really fine private building might be purchased for public purposes, but only a building which was run down in a greater or less degree. The bill expressly provides for the purchase of existing private buildings and their rehabilitation by the Government.

Mr. SMOOT. The only building, I think, to which that may apply, or which was in the minds of those who drew the bill, was the building the Agricultural Department had erected for its own purposes. Congress virtually instructed that that building be erected, as the Department of Agriculture wanted it for cotton purposes. That building has been built, and within the next few days a contract will be signed for the lease of that building, in which provision is made to purchase it.

Mr. BRUCE. The Senator can read all sorts of things between the lines of this bill, but I am taking the bill as it is and what it is possible to do under it.

Mr. SIMMONS. The apprehension I have is that if the bill is passed in its present loose form these gentlemen may say that

the Government is so much in need of these buildings right now that it will be better to purchase such buildings as the Department of Justice Building, the Interstate Commerce Building, or the Commerce Department Building, now rented by the Government; that it will be better to purchase buildings like that than to delay the matter.

Mr. BRUCE. That is just what they would say.

Mr. SMOOT. I am quite sure they will not say that as far as I am concerned.

Mr. SIMMONS. I am opposed to that.

Mr. SMOOT. So am I.

Mr. SIMMONS. Those buildings are not of the character we need here for the Government in the city of Washington; and if we must have them for the present, let us rent them until we can erect other buildings upon proper architectural plans.

Mr. SMOOT. The bill provides that your commission, Members of the House and Members of the Senate, together with the Architect of the Treasury and the Architect of the Capitol, shall assign all space in rented buildings.

Mr. SIMMONS. Take the building the Senator spoke of a little while ago, which was erected during the war and is so dilapidated, in which I think most of the records of the income-tax section are kept.

Mr. SMOOT. Those buildings belong to the Government.

Mr. SIMMONS. They belong to the Government.

Mr. SMOOT. They were built during the war and for war purposes.

Mr. SIMMONS. But they can not be used in their present condition with safety.

Mr. SMOOT. They should not be used.

Mr. SIMMONS. I would very much fear that this commission, composed of the Secretary and of the Postmaster General, would go out and buy some building to take the place of those, instead of tearing them down and erecting other buildings there.

Mr. SMOOT. This has nothing whatever to do with that. The provision in the bill relating to the Postmaster General applies to activities outside of the District of Columbia. That does not relate to buildings in the District of Columbia.

Mr. SIMMONS. But the Secretary of the Treasury has to do with the buildings inside the District.

Mr. BRUCE. He is to buy sites.

Mr. SIMMONS. He is to buy the sites, he is to select the locations, determine upon the character of the buildings to be erected, and fix the cost of the buildings, all the things which Congress has heretofore fixed in its legislation on the subject. We have had a good deal of controversy about that in the committee.

Mr. BRUCE. I am sorely afraid that if this bill goes through the Senator from Utah, and the others who are responsible for it, will incur the opprobrium that the English architect Vanbrugh incurred because of the many unsightly and monstrous buildings of one sort or another that he designed for the city of London. I have jotted down, as Senators were talking, some lines that were suggested as a proper epitaph for him. They were to this effect:

Lie lightly on him Earth for he
Laid many heavy loads on thee.

I am afraid that is what the Senator from Utah and the Senator from Maine, who have allowed themselves to be committed to this bill, are going to do.

Mr. SMOOT. I am not even a member of the Committee on Public Buildings and Grounds of the Senate. The interest I have in the bill is the \$50,000,000 that is to be expended in the District of Columbia. That would be under the direction of the building commission, as provided by the act of June 30, 1920. Let me call the Senator's attention to section 6 of the act, which says that the act of 1920—

relating to the assignment of space in public buildings in the District of Columbia, shall apply to all buildings constructed, extended, or enlarged under the provisions of this act in the District of Columbia, and no land for sites or enlargement of sites therefor shall be acquired or land belonging to the United States be taken for sites or enlargement of sites therefor without prior approval of the commission created by said act of March 1, 1919.

Mr. BRUCE. It is also provided that all sketches and plans and estimates for buildings "shall be approved by the Secretary of the Treasury and the head"—think of this—"the head of each executive department who will have officials located in such building."

Mr. SMOOT. But that relates to buildings outside of the District of Columbia. I am afraid the Senator has not studied the bill.

Mr. BRUCE. I am using that by way of illustrating the general character of the bill.

Mr. SMOOT. That relates to buildings outside of the District of Columbia, and that will be just as it has always been.

Mr. BRUCE. But it ought not to be that way.

Mr. SMOOT. Every post-office building in my State that was built during the war has the name of the Secretary of the Treasury on the corner stone, which I have always thought was wrong.

Mr. McKELLAR. On page 3 it is provided that—

The Secretary of the Treasury is authorized to carry on the construction work herein authorized by contract, or otherwise, as he deems most advantageous to the United States, and, in case appropriations for projects are made in part only, to enter into contracts for the completion in full of each of said projects.

Mr. SMOOT. That does not apply to the District.

Mr. McKELLAR. It does not limit it.

Mr. SMOOT. Yes; the \$100,000,000 appropriated by the bill is in a section which does limit it.

Mr. McKELLAR. This provision confers power on him entirely and completely?

Mr. SMOOT. Certainly; as to those buildings. There is no doubt about that. He has always had it.

Mr. McKELLAR. If he has it, why put it in this bill?

Mr. SMOOT. Because of the fact that this is not an appropriation bill. Every appropriation bill that was ever passed appropriating money for public buildings outside of the District of Columbia has had those very words in it. The Secretary always purchases the land.

Mr. McKELLAR. Suppose the Secretary of the Treasury were to build a big office building of modern style, like we have in New York or Cleveland or Pittsburgh or Salt Lake City or Memphis, an unornamented, plain office building, on one of the best sites that we have in the city—would the Senator approve of that?

Mr. SMOOT. If he did such a thing, I would not approve of it, of course.

Mr. McKELLAR. Then why give him the authority to do it, so that he can do it regardless of whether the Senate or the Congress or the people approve of it or not? I do not think we ought to do it. I think the Senator from Maryland is exactly right about this thing. I think we ought to erect buildings in the city of Washington, and I think the Congress ought to designate the nature of the buildings and arrange that they shall be not only useful but ornamental to the city, and that they shall be built for all time.

Mr. SMOOT. I know the Senator does not want to go that far. Here is a little town of two or three thousand people. He does not want—

Mr. McKELLAR. Oh, no; I am talking about the District of Columbia.

Mr. SMOOT. The Secretary of the Treasury has nothing to do with that. The commission created by law does that work.

Mr. SIMMONS. Mr. President, I would like to ask the Senator a question if the Senator from Maryland will yield?

Mr. BRUCE. Certainly.

Mr. SIMMONS. Would not the Secretary of the Treasury, under the authority of that bill, be able to buy the Department of Justice building to-morrow?

Mr. SMOOT. No, he can not in the District of Columbia. He can buy any building outside of the District.

Mr. SIMMONS. Why can he not do that?

Mr. SMOOT. Because there is no authority for him to do it.

Mr. BRUCE. But there is a question about that.

Mr. SIMMONS. I disagree with the Senator from Utah about that.

Mr. SMOOT. The commission created by the act of March, 1919, has control of that matter.

Mr. SIMMONS. The authority to buy buildings is not confined to buildings outside of the city of Washington.

Mr. BRUCE. Mr. President, I certainly have a right to make a few remarks during the course of my own speech, though, of course, I am glad to yield to the Senators if they desire to interrupt me.

Mr. SMOOT. I certainly beg the Senator's pardon.

Mr. BRUCE. I am only too glad to be interrupted. I am not asking the Senator to cease his interruptions, but I want to interpolate just an observation or two.

The Senator does not wish to create the impression that the Secretary of the Treasury has more limited powers under this bill than he really has. I ask Senators to turn to the first provision of the bill, where it is provided:

Be it enacted, etc., That, to enable the Secretary of the Treasury to provide suitable accommodations in the District of Columbia for the

*executive departments, * * * he is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such sites and additions to sites as he may deem necessary, and to cause to be constructed thereon, and upon lands belonging to the Government conveniently located and available for the purpose (but exclusive of military or naval reservations), adequate and suitable buildings for any of the foregoing purposes—*

Any of the foregoing purposes—

giving preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired, and to enlarge, remodel, and extend existing public buildings under the control of the Treasury Department, and to purchase buildings, if found to be adequate, adaptable, and suitable for the purposes of this act, together with the sites thereof, and to remodel, enlarge, or extend such buildings and provide proper approaches and other necessary improvements to the sites thereof.

How could power be more plenary?

Mr. SMOOT. That power he has had all the time in the District of Columbia.

Mr. BRUCE. I am not saying that he has not had it.

Mr. SMOOT. But section 6 limits him.

Mr. BRUCE. But I am not willing for that degree of discretion to be reposed in any officer of the Government whatsoever by the terms of this, taking the view that I do of its expediency. Does the Senator desire to ask me another question?

Mr. SMOOT. I agree with the Senator so far as that provision is concerned in the matter of purchasing sites outside of the District of Columbia.

Mr. BRUCE. But the powers conferred upon him are too great to suit my views of the bill, and they relate to the District of Columbia as well as to the country outside of the District. I ask the Senator from Utah and the Senator from Maine whether they do not think that this bill might be recommitment to the committee so as to be reduced to a shape that will take care of the proper future planning of public buildings in the city of Washington?

Mr. SMOOT. I am not even a member of the committee. The interest I have in the thing is the \$50,000,000 for the erection of buildings in the District of Columbia.

Mr. BRUCE. Let me say further that I think that it would be a most lamentable thing for the Government to proceed to buy land around Lafayette Square north of Pennsylvania Avenue, as is proposed to be done. That is what the real-estate agents of this city have, as I am informed, been working to accomplish for many years, and that is apparently what they are on the eve of accomplishing. To acquire that property would completely or all but completely absorb the entire \$50,000,000. The Senator knows perfectly well that drawings have been made of proposed public buildings that are to be erected around that square.

Mr. SMOOT. They can buy certain real estate, but not buy any officially for the Government of the United States.

Mr. BRUCE. Oh, the Senator is mistaken.

Mr. SMOOT. I do not want to appear captious in the matter, but under section 6 of the bill as it is now before the Senate I tell the Senator now, and I tell the Senate, that there has not been a single, solitary word said about the purchase of land anywhere in the District of Columbia for the establishment of these buildings, not one word. I have no thought as chairman of the commission of ever putting one where the Senator has suggested.

Mr. BRUCE. The information to which I am giving utterance has come to me indirectly from the senior Senator from Alabama [Mr. UNDERWOOD] and from Maj. U. S. Grant and others who are in a position to know pretty well what is proposed to be done under the provisions of this bill. The Senator says that he is not a member of the committee?

Mr. SMOOT. I am a member of the commission which is to handle the matter under section 6 of the bill. I am not a member of the Committee on Public Lands and Surveys.

Mr. BRUCE. I have seen drawings of buildings which I have been told are proposed to be erected around Lafayette Square. A Governor of Maryland, Governor Ligon, once became very indignant when something was repeatedly denied, and finally turned upon the person who made the denials and said, "My God, is there no such thing as fact?" I am beginning to feel that way about this project of buying all the land around Lafayette Square.

Mr. SMOOT. I do not know anything about it.

Mr. BRUCE. But others do. I thought that when it came to the operations of the Government the Senator from Utah was almost omniscient.

Mr. SMOOT. I do not know on what the Senator from Alabama based any such statement as that. The Senator from

Alabama has never appeared before the commission. He has never said one word to me about it. Major Grant, who was appointed in Colonel Sherrill's place, since he has been in the position which he now occupies and as a member of that commission, has never said one word about it, and there has not been a syllable uttered by him or any other member of the commission as to where the buildings will be erected. All of the time when Colonel Sherrill was a member of that commission and when this proposition was first thought of and first talked of by the commission, and when I introduced the first bill for this purpose, the commission itself agreed that it would never discuss where any building for any department would be located in the District, and so far as I am concerned I have followed out that agreement to the very letter. If Major Grant makes that statement—and I have not any doubt but what he did—

Mr. BRUCE. It did not come to me directly from Major Grant. It came through another person, but I have every reason to believe that this other person is perfectly trustworthy. I am told that the Senator from Alabama [Mr. UNDERWOOD] went so far as to obtain the assessed value of the property around Lafayette Square, with a view to supporting his amendment to the proposition contained in this bill, or its Senate companion piece, providing that the Government should not be authorized to buy any new land.

Mr. SMOOT. I want the Senator to take my word for it, as far as the commission is concerned. Every time I have made a statement on the floor here about the conditions existing in the District, with reference to the Government employees being located in temporary buildings and the necessity for this appropriation, within the succeeding 10 days or two weeks I have had many, many letters—I can not tell the Senator the number of letters, but many of them—from real estate agents with all sorts of propositions. That, of course, is as natural as anything could be.

Mr. BRUCE. They have been so successful in the past in coercing the location of Government buildings that it is not surprising that they should follow their success up in this case.

Mr. SMOOT. Not since I have been here. Will the Senator tell where there is one single place—

Mr. BRUCE. There are 190 buildings north of Pennsylvania Avenue scattered here and there—

Mr. SMOOT. All rented.

Mr. BRUCE. No, not all rented.

Mr. SMOOT. Oh, the Government did, prior to the war and during the war, acquire a few buildings. They bought a hotel.

Mr. BRUCE. The Senator makes the statement that all Government buildings north of Pennsylvania Avenue are rented by the Government.

Mr. SMOOT. No; I did not say that, or did not intend to say it.

Mr. BRUCE. I have the official information. Among the Federal buildings north of Pennsylvania Avenue owned by the Federal Government are the Bureau of Standards, the Arlington Hotel, Treasury Annex No. 1, Government Printing Office power-house, Government Printing Office annex, the Atlantic Building, the city post office, the General Land Office, the Patent Office, the Pension Office, the Courthouse, and so forth. That is only some of them.

Mr. SMOOT. So far as I can speak as chairman of the commission, I am going to insist on the use of every foot of space in those buildings that we can utilize.

Mr. BRUCE. Among the buildings that the Government is renting, and the total rentals amount to upward of a million dollars a year, for office purposes—

Mr. SMOOT. I have called attention to that fact.

Mr. BRUCE. Among the buildings rented by the Government are the Department of Justice, the Department of Commerce, the Emory Building, the Globe Building, and others. It also rents space in different private office buildings, as in the Investment Building, the Denrike Building, the Earle Building, the Merchants Transfer and Storage Building, and so on; in other words, in the housing arrangements of the Government there is no consistency of purpose, no coherence of plan.

Mr. SMOOT. I am aware of that; but does the Senator complain that the Government of the United States is renting this space? I do not think he does.

Mr. BRUCE. I am absolutely opposed to renting any space or erecting any structure for Government housing except in accordance with some definite, fixed plan.

Mr. SMOOT. But what would the Senator do? Would he turn the employees of the Government departments out on the street?

Mr. BRUCE. No; we must hold on to temporary buildings, just as until a small town is able to erect a brick schoolhouse it has to put up with portable frame school buildings.

Mr. McKELLAR. Mr. President, will the Senator from Maryland yield to me?

Mr. BRUCE. Certainly.

Mr. McKELLAR. This bill, instead of fixing any plan or aiding in any plan or system or arrangement by which buildings may be erected in the future, proposes to turn the matter over to one man to buy or to alter or to change or to add to or to arrange just exactly as it suits himself, and nobody else has anything in the world to do with it. It seems to me that the Senator from Maryland is exactly right in his contention that we ought to see that proper buildings are erected here in the city of Washington that will be useful and convenient for the Government and not merely useful and convenient to the citizens of Washington.

Mr. BRUCE. Especially will it not do to buy property or to erect any buildings around Lafayette Square, because a part of L'Enfant's plan was to give architectural dominance to the White House. That is the reason why the Treasury Department is on a lower terrestrial plane than is the White House; and that is the reason also for the excavation on Pennsylvania Avenue in front of the State, War, and Navy Building. The idea has been, though it has not been completely carried out in fact, to preserve the conspicuous prominence of the White House, the "President's House," as it was called by L'Enfant. Of course the idea of purchasing land around Lafayette Square and erecting public edifices there would tend to overshadow and dwarf the architectural distinction of the White House and would tend to make it a comparatively inconspicuous object. Then, moreover, as I see it, a fatal objection to that idea is, as I have shown from the assessment rolls of the city of Washington, that the purchase of the property around Lafayette Square would absorb or all but absorb the full sum of \$50,000,000.

Mr. SIMMONS. Mr. President, will the Senator pardon me for an interruption?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from North Carolina?

Mr. BRUCE. I yield.

Mr. SIMMONS. Mr. President, I think the Senator from Utah [Mr. SMOOT] was clearly wrong a little while ago when he said that under section 6 of the pending bill the commission created by the act of 1919 would have to give approval before the purchase could be made. As a matter of fact, that approval which is required of the commission created under the act of March 1, 1919, is in express terms limited to the construction of buildings and the remodeling of the same and the purchase of sites. It does not apply to the purchase of buildings. The first section read by the Senator from Maryland [Mr. BRUCE] not only applies to the purchase of buildings, but it applies likewise to the construction of buildings and the purchase of sites. This is the provision to which I refer as a part of section 1 of the bill:

and to purchase buildings, if found to be adequate, adaptable, and suitable for the purposes of this act—

"For the purposes of this act"; not of this section, but "of this act."

Section 6, to which the Senator referred, provides specifically for their consent or concurrence in the purchase of a site or in the construction of a building, but it does not provide for their concurrence in the case of the purchase of a building. There is where I apprehend the most danger.

Mr. BRUCE. I think that the purchases of sites by the Government under this bill ought to be limited not only to the area south of Pennsylvania Avenue but also to the area south of New York Avenue. If that were done, there would be ample space there for all the buildings that the Government is likely to erect for years to come. As I have pointed out, the Government already has five squares west of Seventeenth Street and five squares east of Fifteenth Street which it owns. Then, of course, there is the other property embracing large areas which it owns south of Pennsylvania Avenue and west of the National Capitol. There is no reason why the Government should not acquire every foot of land on the south side of Pennsylvania Avenue for the purposes of this bill if the appropriation should suffice. Anyway, it could purchase as much as the amount appropriated would allow.

So Senators will see that my proposition is to limit the Government in acquiring land under this bill to the area south of New York Avenue and Pennsylvania Avenue. As I have said, there is ample space south of those two avenues for all the building purposes of the Government. Above all, the effect of

my amendment, if adopted, would be to force the Government to abandon the course which it has been pursuing in the past of purchasing building sites or buildings and erecting buildings in a perfectly haphazard, random way. In other words, it would force the Government, substantially, at any rate, to adhere to the plan of L'Enfant in the future development of the city of Washington.

I believe that that completes all that I have to say about this bill at this time, unless I may be allowed to declare, in conclusion, that I hope that my friend, the Senator from Maine, and the other members of the committee, may, in view of what has been said here this morning—not simply by me but by so many other Members of the Senate—give their assent to the modification of this bill in such a manner as not to defeat its general object but to bring it into harmony with some true, proper plan for the future public-building growth of Washington City.

INDEPENDENT OFFICES APPROPRIATIONS

Mr. WARREN. I present a conference report on House bill 9341, being the independent offices appropriation bill.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

The committee of conference have not agreed on amendment numbered 5.

F. E. WARREN,
REED SMOOT,
LEE S. OVERMAN,
Managers on the part of the Senate.

WILL R. WOOD,
EDWARD H. WASON,
JOHN N. SANDLIN,
Managers on the part of the House.

Mr. WARREN. I move the adoption of the report.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

Mr. WARREN. I ask the Chair to lay before the Senate the action of the House of Representatives in regard to Senate amendment No. 5.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives receding from its disagreement to the amendment of the Senate No. 5 and agreeing thereto with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following: " : *Provided*, That the act approved February 24, 1925, shall be construed as authorizing the expenditure, with the specific approval of the Arlington Memorial Bridge Commission, of such portion as said commission shall determine, of this or any other appropriation heretofore or hereafter made to carry out said project, for the employment, on such terms as said commission shall decide, of expert consultants, engineers, architects, sculptors or artists, or firms, partnerships, or associations thereof, including the facilities, service, travel, and other expenses of their respective organizations so far as employed upon this project, in accordance with the usual customs of their several professions, without regard to the restrictions of law governing the employment, salaries, or traveling expenses of regular employees of the United States: *Provided further*, That under the authority contained in the preceding proviso the aggregate amount to be expended in connection with the entire project shall not exceed \$250,000, and any payments in reimbursement of actual expenses incurred for subsistence shall not exceed the rate of \$10 per day and any payments for per diem allowances for subsistence shall not exceed the rate of \$8 per day."

Mr. WARREN. I move that the Senate concur in the amendment of the House to the amendment of the Senate No. 5.

The motion was agreed to.

PUBLIC BUILDINGS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes.

Mr. FERNALD. It is Saturday afternoon; most of the Members of the Senate are absent from the Chamber; and I have agreed with those opposing the bill that no vote on the

bill should be taken; but I should like to have the order which was made yesterday carried out so that the text of the bill may be complete and the measure may be taken up in that form on Monday. After that shall have been done, I will be quite ready to have the Senate adjourn. I now ask that the formal reading of the bill may be dispensed with and that the bill may be read for amendment, the amendments of the committee to be first considered.

Mr. HARRISON. The Senator's request applies merely to amendments of the committee, as I understand?

Mr. FERNALD. Yes; it applies to the amendments of the Senate committee.

Mr. BRUCE. Let me ask the Senator a question. No amendments other than committee amendments will be taken up until Monday?

Mr. FERNALD. I have two amendments to offer on behalf of the committee, but no other amendments will be acted on. The Senator from Maryland will be protected.

Mr. BRUCE. It may be that some of the committee amendments will clash with my amendments.

Mr. FERNALD. They do not do so at all.

Mr. SMITH. Mr. President, may I ask the Senator in charge of the bill a question?

Mr. FERNALD. Certainly.

Mr. SMITH. As I understand, the Senator proposes to act upon the committee amendments which are in the bill, with two additional ones?

Mr. FERNALD. Yes; and then the bill will be complete in its text to take up on Monday.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine? The Chair hears none, and the Secretary will read the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Public Buildings and Grounds was, in section 1, page 2, line 7, after the word "purposes," to insert "giving preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired," so as to read:

That, to enable the Secretary of the Treasury to provide suitable accommodations in the District of Columbia for the executive departments and independent establishments of the Government not under any executive department, and for courthouses, post offices, immigration stations, customhouses, marine hospitals, quarantine stations, and other public buildings of the classes under the control of the Treasury Department in the States, Territories, and possessions of the United States, he is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such sites and additions to sites as he may deem necessary, and to cause to be constructed thereon, and upon lands belonging to the Government conveniently located and available for the purpose (but exclusive of military or naval reservations), adequate and suitable buildings for any of the foregoing purposes, giving preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired—

Mr. JONES of New Mexico. Mr. President, I ask that that amendment be passed over. I am preparing a substitute for it.

Mr. FERNALD. Very well.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment was, in section 1, page 3, line 5, after the word "therein," to insert:

Provided further, That all sketches, plans, and estimates for buildings shall be approved by the Secretary of the Treasury and the head of each executive department who will have officials located in such building.

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 4, after the word "Department," to insert "under the direction of the Secretary of the Treasury," so as to read:

SEC. 2. (a) The work of preparing designs and other drawings, estimates, specifications, and awarding of contracts, as well as the supervision of the work authorized under the provisions of this act, shall be performed by the Office of the Supervising Architect, Treasury Department, under the direction of the Secretary of the Treasury, except as otherwise provided in this act.

The amendment was agreed to.

The next amendment was, in section 5, page 7, after line 22, to insert:

Provided further, That expenditures outside the District of Columbia under the provisions of this section shall not exceed the sum of \$5,000,000 annually in any one of the States, Territories, or possessions of the United States.

The PRESIDING OFFICER. Without objection—

Mr. HARRISON. Mr. President, I do not want to be precluded from offering an amendment to that amendment. Under the agreement, as I understand, after the committee amendments shall have been disposed of I can offer an amendment to that amendment?

Mr. FERNALD. Yes.

Mr. HARRISON. I wish to move to strike out the word "annually" before the vote on the bill.

Mr. FESS. Does the Senator wish to move an amendment to the committee amendment?

Mr. HARRISON. I desire to amend the committee amendment, and I want to have an understanding that I may do so.

Mr. FESS. Then we had better not act upon the amendment now.

Mr. FERNALD. Very well, Mr. President, let the amendment be passed over.

The PRESIDING OFFICER. The amendment will be passed over on request of the Senator from Mississippi.

The reading of the bill was concluded.

Mr. FERNALD. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 4, line 12, after "(b)," it is proposed to strike out "The Secretary of the Treasury is authorized, in his discretion, (1) to procure advisory assistance when deemed advantageous in special cases involving design or engineering features," and to insert:

The Secretary of the Treasury is authorized, in his discretion, when deemed by him advantageous in special cases, (1) to procure by contract the floor plans and designs of buildings developed sufficiently to serve as guides for the preparation of working drawings and specifications, or to employ advisory assistance involving design or engineering features.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FERNALD. I also offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 10, line 4, after the word "receipts," it is proposed to insert a comma and the words "and to charge against the total sum of \$150,000,000 hereinbefore authorized only the respective net excess cost, if any, over and above the proceeds of such sales, of providing such new sites and buildings."

Mr. HARRISON. As I understand, these amendments are merely being offered to be printed now, not to be acted upon.

Mr. FERNALD. No; they are being acted upon.

Mr. HARRISON. I ask, then, that the amendment be read again.

The PRESIDING OFFICER. The Secretary will restate the amendment.

The Chief Clerk restated the amendment.

Mr. FERNALD. Mr. President, the effect of that amendment is—

Mr. HARRISON. That is all right.

Mr. FERNALD. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maine.

The amendment was agreed to.

ADJOURNMENT

Mr. CURTIS. Mr. President, I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 32 minutes p. m.) the Senate adjourned until Monday, April 19, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

SATURDAY, April 17, 1926

The House met at 12 o'clock noon.

Dr. W. A. Lambeth, Mount Vernon Place M. E. Church South, offered the following prayer:

Our Father, we believe that our work will abide and not have to be undone by others if it is done according to Thy wishes and Thy will. We believe that Thou art eternally wishing and willing the things that ought to be in this world. In Thy presence it is easier to believe that whatever ought to be will be some day. Give to us an increased spiritual ability to ascertain Thy wishes and Thy will. Then give to us the strength of mind and body and soul to help Thee bring in the things that ought to be, and may there be joy in the hearts of

each one of us as each one of us labors toward that end. These things we pray in the spirit of the Master Worker, Thy Son, Our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

ACCIDENTS AT HIGHWAY GRADE CROSSINGS

Mr. TAYLOR of West Virginia. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. BEGG. On what subject?

Mr. TAYLOR of West Virginia. Simply for the purpose of making an announcement which will be of interest to all the Members of House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of West Virginia. Last year 2,156 persons were killed and 6,466 persons were injured at railway grade crossings throughout the United States. These figures show a decided increase over the previous year, and we have every reason to believe that even more startling figures will be presented for the current year unless something is done to safeguard the lives of those who are compelled to cross railway tracks.

In the caucus room of the House Office Building there will be on exhibition all next week a complete model of a railway safety gate, invented by a West Virginian. The universal use of this automatic safety gate would greatly reduce, if not entirely eliminate, the needless loss of life at grade crossings, and this model has been brought here for the purpose of showing to the Members of Congress and others interested its practicability as a life-saver. The model will be on exhibition every day this next week, and on behalf of the inventor, Mr. W. T. Ferguson, I cordially invite every Member of Congress to make a personal inspection of this wonderful invention.

EXTENSION OF REMARKS

Mr. BLANTON. Mr. Speaker, I desire to prefer a unanimous-consent request. I have a certificate from the auditor of the Supreme Court of the District of Columbia showing that since the war started in 1917 he has paid Frederick A. Fenning \$98,909.18 as his fees and commissions as guardian and committee in lunacy cases, and that this runs as high as 50 per cent in one case. It runs 12, 20, 30, 40, 46, and even 50 per cent in some cases. I ask unanimous consent to put this certificate from the auditor of the Supreme Court of the District of Columbia in the Record showing the cases—

Mr. SNELL. Does this refer to the same matter the gentleman referred to the other day?

Mr. BLANTON. It shows each veteran's case, specifying the amount and the years, showing exactly what was paid each year in each case, and the per cent. This, I think, will be interesting, because I think yesterday Mr. Fenning claimed that his \$109,000 fees ran back to 1903 and that he only got 5 per cent. This shows exactly what he got and the years in which he got it. There will be nothing inserted in the Record except the certificate from the auditor of the Supreme Court of the District. I will put in no remarks of my own.

Mr. JOHNSON of Washington. Does not the gentleman think that a matter of this kind should be ordered printed for the information of the particular committee—

Mr. BLANTON. What committee? They are all balking and holding back and breaking quorums and will not have a hearing of any kind. I would like for the membership of the House to know something about this.

Mr. JOHNSON of Washington. It will be printed as a pamphlet for the information of the committee—

Mr. BLANTON. Some one would object to that. Every committee will get the benefit of it if it is put in the Record. It is information which gentlemen ought to know. This is information which each one of your districts ought to know, and they are asking for this information by letter every day, and I can not write a letter to every one of them, as my time is too much occupied, my desk is now piled with such mail, and I would put in this certificate of the auditor of the Supreme Court of the District so as to let the people of the country have this information.

Mr. BULWINKLE. Will the gentleman yield?

Mr. BLANTON. If I have the floor.

Mr. BULWINKLE. I wish the gentleman would not make that request now.

Mr. BLANTON. I want the steering committee of the House to know what the facts are so they will take action on this matter sometime. It is something that the country is entitled to, and you all ought to know it. I am not asking to put in any argument, but simply the certificate from the auditor of

the Supreme Court of the District of Columbia and nothing else.

Mr. TILSON. I do not think the steering committee or anybody else reads the fine-print stuff which the gentleman puts in the Record. I think it simply encumbers the Record and accomplishes no purpose whatever.

Mr. BLANTON. It is important.

The SPEAKER. Is there objection?

Mr. BEGG. Mr. Speaker, reserving the right to object—

Mr. BULWINKLE. Mr. Speaker, reserving the right to object—

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BEGG. Mr. Speaker—

Mr. BLANTON. Do not be afraid, if you want to object.

Mr. TILSON. I am not afraid.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BEGG. Well, Mr. Speaker, reserving the right to object, I want to say this—

Mr. BLANTON. Mr. Speaker, I ask for the regular order. If they are going to object, let them object. I ask for the regular order.

The SPEAKER. The regular order is demanded. The regular order is the question. "Is there objection?"

Mr. SNELL. I object, Mr. Speaker.

Mr. JOHNSON of South Dakota. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I present a conference report on the bill H. R. 6707, the Interior Department appropriation bill, for printing under the rule.

The SPEAKER. The gentleman from Michigan submits a conference report on the Interior Department appropriation bill. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 6707) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes.

The SPEAKER. Ordered printed.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I call up the conference report on the independent offices appropriation bill.

The SPEAKER. The gentleman from Indiana calls up the conference report on the independent offices appropriation bill. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes.

The SPEAKER. The Clerk will read the conference report. The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

The committee of conference have not agreed on amendment numbered 5.

WILL R. WOOD,
EDWARD H. WASON,
JOHN N. SANDLIN,

Managers on the part of the House.

F. E. WARREN,
REED SMOOT,
LEE S. OVERMAN,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on amendments Nos. 1 and 5 of the Senate to the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes, submit the following written statement explaining the effect of the action

agreed on by the conference committee and submitted in the accompanying conference report:

On No. 1: Strikes out the language proposed by the Senate fixing the compensation of the Alien Property Custodian at \$10,000 per annum beginning July 1, 1926.

The committee of conference have not agreed on Senate amendment numbered 5, relating to expenditures by the Arlington Memorial Bridge Commission for professional and technical services without reference to existing law.

WILL R. WOOD,
EDWARD H. WASON,
JOHN N. SANDLIN,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. BYRNS. This is the final report, with the exception of the Senate amendment No. 5, which asked for an additional appropriation?

Mr. WOOD. Yes.

Mr. BYRNS. Has the gentleman tabulated the full amount carried by this bill as passed and agreed upon by the conferees; and if so, what is that amount?

Mr. WOOD. In round numbers, \$512,000,000. The exact figures are \$512,928,376.64.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the outstanding amendment.

The Clerk read as follows:

Amendment No. 5: Mr. WOOD moves to recede and concur with an amendment. In lieu of the matter inserted by said amendment insert the following:

"Provided, That the act approved February 24, 1925, shall be construed as authorizing the expenditure, with the specific approval of the Arlington Memorial Bridge Commission, of such portion as said commission shall determine, of this or any other appropriation heretofore or hereafter made to carry out said project, for the employment, on such terms as said commission shall decide, of expert consultants, engineers, architects, sculptors, or artists, or firms, partnerships, or associations thereof, including the facilities, service, travel, and other expenses of their respective organizations so far as employed upon this project, in accordance with the usual customs of their several professions, without regard to the restrictions of law governing the employment, salaries, or traveling expenses of regular employees of the United States: *Provided further*, That under the authority contained in the preceding proviso the aggregate amount to be expended in connection with the entire project shall not exceed \$250,000 and any payments in reimbursement of actual expenses incurred for subsistence shall not exceed the rate of \$10 per day and any payments for per diem allowances for subsistence shall not exceed the rate of \$8 per day."

The SPEAKER. The gentleman from Indiana moves to recede and concur with an amendment.

Mr. WOOD. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. MADDEN].

The SPEAKER. The gentleman from Illinois is recognized.

Mr. MADDEN. I just want to say a word to the House. This is the item that was before the House on day before yesterday and sent back to conference. As the item stood then there was no limitation on the amount that could be expended on architect's fees, or engineers, or for experts, and no limitation on the amount that could be expended for travel or for per diem expense. If the ordinary practice in connection with the employment of architects and engineers were to be pursued and a commission paid for the services they might render it would cost \$900,000 to do what this amendment limits to \$250,000, and in accordance with the plan submitted before there would have been authority for the expenditure of \$12 a day flat, without limitation of any kind, for travel allowance and per diem expense.

This amendment now, as it goes back, limits the per diem expense to \$8 a day, and under no circumstances to exceed \$10 a day.

This would indicate that we have saved at least \$650,000 in what would have been expended if the amendment that was before us the other day had been adopted.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. AYRES. Does the amendment also put a limitation on the number of experts?

Mr. MADDEN. No. We can not do that, because these men are not employed in the ordinary way. They are called in for consultation. It puts a limit on the total amount that can be expended.

Mr. BYRNS. I understand the work will take about five years?

Mr. MADDEN. It will be a period of over five years for the expenditure of this \$250,000.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana.

The motion was agreed to.

ADEQUATE BUT ECONOMICAL DEFENSE POLICIES—SOME DANGEROUS NATIONAL TENDENCIES—HOW THE ESSENTIAL SPIRIT OF AMERICA MUST DOMINATE MERE MATERIAL POWER

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record on some matters relating to the national defense and related questions.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his own remarks on certain matters relating to the national defense. Is there objection? There was no objection.

MEMBER MILITARY AFFAIRS COMMITTEE

Mr. McSWAIN. Mr. Speaker, I did not seek membership on the Committee on Military Affairs, as I preferred either the Committee on Interstate and Foreign Commerce or the Judiciary, since these two last-named committees would have permitted me to aid legislation that comes very directly in touch with the people in peace times. But a new Member of Congress can not have his own choice of committees, and the Democratic members of the Committee on Ways and Means, who constitute a committee on committees, placed me on the Committee on Military Affairs. Of course, I claim no special experience in or knowledge of military matters, but since I was put on the committee I considered it my duty to study carefully all legislation coming before that committee and to seek to promote the interests of the people and of the taxpayers, and at the same time promote efficiency and economy in the military service.

MUSCLE SHOALS AND THE FARMER

Of course, during my service on said committee the matter of the Muscle Shoals proposition has been constantly before us, and this has a very direct relation to the everyday affairs of our people, both industrially and agriculturally. Muscle Shoals is a great source of power, and it has been my constant effort while on said committee to insure the use of a reasonable and fair part of that power for the manufacture of nitrates for use as fertilizers, so that the nitrogen-fixing equipment may be kept in constant use, and therefore we may be insured of an ample supply of nitrogen for explosives in the event of war. Otherwise, as our sole source of nitrates would be the deposits in Chile, on the west coast of South America, we would be dependent upon ocean transportation through the Panama Canal for the nitrates necessary to produce explosives in time of war. If an enemy fleet should drive our own fleet from the seas so that we could not protect transports carrying nitrates from Chile, or if an enemy air fleet should destroy the Panama Canal by blowing up the locks of said canal, we should be cut off from that source of nitrate supplies. At the same time before war, nitrates can be used with enormous advantages to agriculture during the time of peace and can be produced and sold with reasonable profit at Muscle Shoals and at much less than the cost of importing Chilean nitrates. The inevitable result, therefore, will be to enable the farmer to obtain more fertilizers and at less money than now possible.

NATIONAL DEFENSE

Mr. Speaker, gentlemen of the House and readers of the CONGRESSIONAL RECORD must not conclude that I am militaristic or a believer in war, or unaware of spiritual forces, merely because I have spoken frequently during the session on national defense. By no choice of mine, I happened to be placed on the committee dealing with this subject. But I am not blind to the fact that war, foolish and wasteful and often wicked as it is, has not yet been banished from earth. Just as every man, even in a civilized and Christian community, locks his home door at night, and usually keeps a rifle, shotgun, or pistol in his home, so perhaps for generations yet nations must be prepared for national defense. I welcome every reasonable and sensible plan for peace and friendship among nations, yet history teaches us how frail is the structure of peace at best. All reasonable men must approve a sane policy of national defense, based on economy and efficiency. We must remember that national defense does not begin nor end with the mere shore line. Our commerce upon the seas is a vital part of our national life. Invasion of our rights upon the seas has brought on every war, save one, which we have had with other nations since our independence. Even 114 years ago we declared war against Great Britain because she violated our rights at sea. So the Spanish War and the World War. We could barely live

if international commerce were cut off; but cotton would go to 4 or 5 cents a pound and industry would be stagnant. Such a peace would be dishonorable. We have equal rights on the seas, and we should and will maintain them.

AGRICULTURAL DECLINE

Mr. Speaker, I recognize the fact that agriculture is on the decline in this Nation, and that in our part of the country it is in a desperate condition. I am deeply interested in the subject by necessity and by choice. I recognize that the prosperity of the Nation depends upon its agricultural resources in the last analysis. I recognize that agriculture is the only really creative industry. All other industries take created wealth, such as raw cotton or lumber or iron and convert this material into other forms for the use and convenience of the people, but agriculture takes the God-given soil and sunshine and rain and human labor and from this combination brings into existence new things. It gives life for the first time to the grains of corn and wheat to produce the bread of mankind. It gives form and texture for the first time to cotton and wool, from which man produces clothing and covering for his comfort and pleasure. Agriculture takes the grass and grain of the field and by feeding them to the livestock and by breeding the livestock produces milk and butter and meat to supply strength to human bodies.

ECONOMIC TREND FAVORS INDUSTRY AGAINST AGRICULTURE

But the whole economic trend of the time is toward more industrialism. Within a generation the population has so shifted that now practically two-thirds of all the people live in cities and towns and are engaged in commercial, financial, and industrial occupations. It is true that improved methods of agriculture and wonderful agricultural implements make it possible for one-third of the people to produce more than that third and the other two-thirds can consume. Hence we are compelled to find foreign markets for our overproduction of cotton, of wheat, and of meat, and yet, in spite of a world market and a huge city demand, agriculture languishes.

Intelligent and honorable men by the tens of thousands have devoted their best energies for a lifetime to their farms and find themselves still in debt and barely able to have a few of the conveniences of life and with meager educational opportunities for their children. Why should the basic industry of the Nation be the least remunerative of all? Without the farm producing these raw materials and especially the meat and bread for the industrial population gathered in town and city, life in our great cities and centers of population would be impossible. Those who transport by rail and truck the things from the farm for the city folks to eat are reasonably well paid, and railroad stocks for the first time in history are now paying dividends. Those that labor as distributors and accountants in the great wholesale distributing agencies are reasonably well paid when compared with the farmer. Those who finance the transactions of commerce and industry are well paid, and the interest rate of money continues high. During the last two years stocks and securities in the financial centers of New York and Boston and Chicago have soared higher than ever before in history.

ONE-SIDED PROSPERITY

To one who considers earnestly and seriously this state of facts it must be manifest that there is a one-sidedness and a lack of balance in our economic structure, and he who loves his country and seeks to make her future sure must seek to learn the cause and offer a reasonable and sane remedy for this disproportion of prosperity.

PROTECTIVE TARIFF AND THE FARMER

Some have imagined that the protective tariff is helping the farmer. If this is true, in what pitiable and indescribable plight would the farmer be without the protective tariff? It is not so long since the eight-year period of Democratic administration—from 1913 to 1921—that we can not remember how conditions were. Yet does anyone recall that then the farmers were, barring the effects and consequences of the World War, in anything like the desperate condition that now confronts them? On the contrary the protective tariff is working to the detriment of the farmer.

As already stated, practically every class of farmer, save the trucker and fruit grower, is producing more than the domestic market can consume, and this surplus must go out into the markets of the world and there must meet products from other climates and produced under labor conditions different from our own. Hence, it is manifest that the protective tariff, which imposes a duty on goods brought into this country, can not stimulate and raise the price of goods produced in this country and exported to other countries. Furthermore, it must be manifest that since the protective

tariff increases the price of farm machinery and farm implements and all kinds of clothing and practically every domestic article, from a frying pan to a pair of scissors, from a carving knife to a crosscut saw, being on the duty lists and being increased in price by the tariff, the farmer is compelled to buy what he must have in a protected market where he has not the benefits of competition from other nations, and at the same time, he is compelled to sell the bulk of his production in a free market where he has no protection, and where he must meet competition from products produced in other climates and under other labor conditions.

FARM COOPERATION

What the farmer needs above all is a revision of the protective tariff so that we may have a tariff for revenue, with schedules so adjusted as to protect the differential between the price of American labor and foreign labor, but not unduly to bring about the watering of the stocks of American factories, nor make them neglect economy and business efficiency, nor to overlook the cheap raw materials that are at hand in America, the cheap land and cheap power at the disposition of the American manufacturer. But the American farmer needs a nation-wide organization of every group of producers on the cooperative basis, and national legislation properly to coordinate and combine these groups is essential to the ultimate prosperity of agriculture. Of course, the farmer must build up his own soil and must use intelligence in diversifying his crops and in preparing his produce neatly and prudently for the market and he must be a wise and shrewd merchant of everything that he produces. These things no legislation can do for him.

TAX EXEMPTION FOR EXPENSE OF SICKNESS, FUNERAL, OR EDUCATION

When the tax reduction bill was under consideration I offered amendments to allow the taxpayer, head of a family, a special deduction for special expense in case of medical or hospital charges or funeral expenses or school expenses for any member of his family. The Republican machine voted it down. The law now allows credit in the tax return for bad debts, losses by fire or storm, or worn-out machinery, or religious and charitable contributions. How much more reasonable it would be to allow credit for the unexpected and burdensome expense of sickness, surgical operation, or death?

ECONOMY MUST PRECEDE TAX REDUCTION

The taxpayer is grateful for the tax reduction made this session, but he also is concerned in our practicing the strictest economy so that other reductions may be made. Indications are that the recent cuts were not deep enough. It would be a good thing for us to face a deficiency now and then. Nations, like individuals, are safer when some impulses to extravagance and waste must be restrained.

AVIATION EFFICIENT AND ECONOMICAL DEFENSE

Another matter before the Military Affairs Committee during my tenure of office has been the matter of aviation, both military and civil, and I early took an advanced position on that question. I have labored continuously and zealously to bring about legislation that will encourage young men of talent, with a spirit of adventure, to go into aviation, either in the Army or in the civil service of the Post Office or in the private transportation business by air. I soon realized that there was a mental inhospitality among the high command of both the Army and the Navy toward progressive aviation. Very many of the aviators in the Army and the Navy came in as a result of their war-time service, and did not enter the Army and the Navy through the ordinary channels, and these former civilians, now former emergency officers, have not been any too generously welcomed by the regular old line officer personnel. Furthermore, the peculiar hazards of the air, the death rate being 10 in the Air Service to 1 in the Infantry or Artillery or Cavalry in peace times, justified not only an increase in pay for pilots that frequently and regularly are required to make flights in the air, but also justified concessions of other kinds to encourage the best of human material in sufficient numbers to come into the Air Service and to protect their families and loved ones in the event of death or permanent and total disability. I have therefore worked unceasingly to remedy the adverse conditions making against the necessary and inevitable progress of aviation.

EFFORT TO PRODUCE ECONOMY AND EFFICIENCY IN THE ARMY

I early became convinced that there is not only a lack of proper coordination and cooperation between the Army and the Navy but there is a certain feeling of jealousy, more than mere rivalry, between these two branches of the defense forces. Relying upon the opinions of experienced legislators and students of public affairs, and confirmed by my own limited observation and experience and study, I became convinced that it

would be possible to save at least \$100,000,000 a year out of the total annual Budget of nearly \$700,000,000 for the support and development of both the Army and the Navy. I could not see any reason whatever in having a set of sea transports for the Army and another set for the Navy. While the Army has its own docks and warehouses and storehouses, at the same time the Navy also has docks and warehouses and storehouses, thus duplicating these facilities. Likewise there is duplication in the coast defenses and in the landing fields and in the training schools and in the recruiting services. Furthermore, there is unnecessary competition between these two branches of service in the purchase of supplies, such as coal, oil, gasoline, uniforms, rations, and numerous other articles used by both services, and all could be included in the same contract of purchase. One hundred million dollars a year saved is worth while. It would pay the total annual budget of the State of South Carolina for 10 years. It is true that it would pay the present interest obligation of the United States Government for only about 30 days. The Federal Treasury measures dollars not in thousands, not in millions, but in billions.

COMPETITION IN BIDDING THE SAFEGUARD TO HONESTY AND ECONOMY

But I was not so blindly enthusiastic over the subject of aviation as not to discriminate between what is supported by reason and common sense and what is opposed to good business experience and everyday judgment. Therefore, when two committees, one a committee from the House of Representatives, known as the Lampert committee, and another committee known as the President's Aircraft Committee, or the Morrow committee, both instructed to study what is wrong with our aviation, and to make suggestions as to how to remedy it, recommended that, among other things, the laws requiring competitive bidding in the letting of contracts for the purchase of airplanes be amended and changed so as to permit a Government official to sign a contract with the manufacturer of airplanes without having advertised for bids, and without having submitted the proposition to a number of other manufacturers and merely to rely upon his own judgment, whether good or bad, whether based upon business principles or common sense or not, providing for the purchase at a stipulated price of a certain number of airplanes, I realized there was danger in this suggestion, and I immediately began to oppose it energetically on all occasions and at every opportunity. I spoke against it in private conversation with Members and on the floor of the House, and especially in the Committee on Military Affairs almost daily during the period of nearly 90 days I waged an uncompromising and deliberate fight against letting down the bars and letting out contracts without the safeguards of competition. The first vote in the Committee on Military Affairs stood against me 11 to 10, but I never gave up the fight and gave notice that upon the floor of the House I would oppose the bill and would move to strike out the provision that eliminates competitive bidding and to insert other provisions that would strengthen the existing law which requires competitive bidding, and also to insert a provision imposing criminal penalties upon any person or persons that should conspire and collude to prevent free, open, and unrestricted competition in bidding for the purchase or manufacture of airplanes. At the very last those favoring the idea realized the impossibility of securing the indorsement of the House of Representatives with the committee itself so evenly divided on such a fundamental question, and therefore they surrendered the fight, and the bill went out of the committee without the objectionable clause above mentioned.

MANY MILLIONS SAVED BY SAVING COMPETITION

I have tried to estimate how much will be saved to the Nation's Treasury by preserving the principle of competitive bidding in aircraft. It is manifest that the Army and the Navy will spend in the next five years at least \$150,000,000 on aircraft. I estimate that without competitive bidding the manufacturers would take at least one-third of this sum in the form of unreasonable and unnecessary and unconscionable profits. Therefore I feel that those of us who have made the fight to preserve and protect competitive bidding have saved to the Treasury at least \$50,000,000 for the next five years. But that is not all. Other departments will also be buying airplanes, and at the end of five years the air progress will largely expand, so that the more airplanes that shall be built the more profits the manufacturers would have made, and therefore the more money we have saved by saving the law which saves the Treasury against the exploitation of the shrewd and skillful manufacturer that is bound to take advantage of the inexperience of the Army and Navy officers. These gentlemen are just as honorable on the average as bank cashiers, or county commissioners, or city aldermen, or State officials generally. But we know that hundreds of bank cashiers default every year. Not

every default is a case of deliberate and sinful wrongdoing. Much of it is the result of inexperience in business and ignorance of the schemes and wiles by which the big business man mesmerizes and befuddles the brain of the public official. So it would be dangerous to the Treasury to permit an Army or Navy officer to sit down on one side of the table with one of these highly trained and shrewd business men on the other side of the table and let them make the figures and draw a contract for the purchase of airplanes and airplane equipment. I venture to say that in 95 per cent of all the cases the Government would get badly stuck and stung and the manufacturers would put countless millions of unnecessary profits in their pockets.

EFFORTS TO SAVE OUR NATIONAL RESOURCES

I have kept my eyes and ears open to save the resources of the Nation in other respects. When a bill was brought forward at the instigation of the War Department to authorize the sale of 48 different parcels of land situated in 14 different States ranging from New York all around to California, I realized that the Government was not adequately protected in providing for the proper appraisal and advertisement and sale by sealed bids first and then by public auction, and I set to work to try to amend the bill and next introduced a bill to regulate the sale of real estate under such conditions. Though it is impossible for said latter bill to become law at this session, yet I conferred with the Assistant Secretary of War and with an officer representing that branch of the service and wrote a very long letter setting forth my ideas as to the best plan of procedure in order to bring the best possible price for this real estate, and I am satisfied that the efforts thus made will result in saving many, many millions of dollars to the Treasury. Furthermore, I have given notice to all parties concerned that at the next session of Congress I will introduce a resolution calling upon the War Department to make a report to Congress of the price that each parcel of real estate brought when sold, so that the War Department now knows that its acts and doings in the premises will be carefully scrutinized in the future, and it is but human and reasonable that this consciousness will lead to a care and precaution in the sale of this real estate that might otherwise not have been exercised. We are all human, and some of us become lax and careless even about our own private business. Therefore, it is not unreasonable and unnatural that Army and Navy officers should be disposed to let them drag and slide and to take the line of least resistance unless they know that there will be a hereafter and that their acts and doings may be brought under the scrutiny of others. This has not been prompted by any unfriendliness toward these Army and Navy officers, and I feel quite sure that those who are sincere and genuinely devoted to the public interest appreciate my efforts to protect the public's interests, as many of these officers have so expressed themselves to me.

THE HOUSING PROGRAM FOR THE ARMY

Then, in another respect, I have been watching after the saving of our national resources. Parcels of real estate heretofore sold brought a total of about \$7,000,000, and a building program was brought in authorizing the use of this money in constructing certain barracks and hospitals at various military posts. I insisted that certain amendments be made to the bill itself, and then through a speech on the floor called attention of the War Department to the fact that shrewd and experienced contractors called upon to bid on these various jobs might take advantage of the representatives of our Government in the War Department unless the most scrupulous and painstaking checks should be made. I have become convinced from certain observation made during the war and from observations made in the District of Columbia during my service in Congress that there are many people who regard the Public Treasury as common prey, and do not consider it dishonorable to formulate schemes and execute plans to extract from the Treasury money that is not justly and honorably due. Therefore, I have also notified the War Department by this speech and by my general attitude on the subject that I will call for a report of how this money has been spent, so that I feel sure greater care and precaution will be exercised to insure something more like a reasonable return for the money expended.

HOW ONE ITEM OF \$281,440 WAS SAVED AT FORT BLISS, TEX.

I call attention briefly to the fact that by an amendment to a pending bill and by some remarks made in connection therewith there was saved to the Treasury in one transaction \$281,440. This was in connection with the purchase of additional land for use at Fort Bliss, Tex.

The Chief of Staff of the Army and the commanding general at Fort Bliss came before the committee urging the report of a bill to buy 3,600 acres of land for about \$360,000. The par-

ticular tract of land was described, and left no discretion with the War Department as to either the exact land or the price. I realize that an average of \$100 per acre for land in the vicinity of El Paso, Tex., is too high. I therefore insisted that the bill be amended so as to authorize an appropriation of such sum of money as might be necessary, not exceeding \$300,000, for the purchase of any land situated near Fort Bliss and suitable for use in connection with Fort Bliss, so that the various and numerous landowners in that vicinity might come in and offer their several tracts of land and thus be put to bidding one against the other for the sale of their land to the Government. The result was that the War Department, after such bidding—in that case the bidding taking the form of the lowest price offered for suitable land—bought 4,500 acres at a saving of \$281,440. After the result of this was published and came to the attention of the Hon. John C. McKenzie, formerly chairman of the Committee on Military Affairs, and now in private life and living at his home in Illinois, he wrote me the following letter, which I greatly appreciate and have great pride in calling to the attention of the country. Here is the letter:

Hon. J. J. McSWAIN,

Washington, D. C.

DEAR FRIEND MAC: It is impossible for me to forget my associations with members of the Committee on Military Affairs, and naturally I am interested in following the work of the committee, notwithstanding I am far away. I am especially pleased to note that through your efforts to guard the interest of the Government in the motion you made in connection with the Fort Bliss land bill in the last session has resulted in saving the people of our Government the snug sum of \$281,440 and in the acquiring of 4,532 acres, thus giving us 900 acres more than was proposed in the bill submitted to us. Such an achievement is surely worth while, and only demonstrates the necessity of the members of that great committee being ever diligent in protecting the Government's interests. You can feel that in being alert and submitting the proper motion at the time you saved enough to warrant the retaining you in Congress the remainder of your life. I often think of you and all the boys, and I wish you all well and hope that you all will be on guard to head off not only land exploiters but personal exploiters, of which there are many.

With kind personal regards, I am,

Your friend,

JOHN C. MCKENZIE.

TOO MANY DESERTIONS FROM THE ARMY—WHAT IS THE REASON?

But outside of the mere matter of dollars and cents there is a service that can be rendered in this connection. It is a service for promoting the spirit and morale of our military forces. I am bitterly opposed to anything that smacks of Prussianism. I believe in that leadership which is based on character and capacity, and I believe that such leadership should be drawn from every quarter, whether from the Military Academy at West Point or from our numerous high-class military schools or from our universities and colleges that have Reserve Officers Training Corps units or from the rank and file of the Army itself. Some of the best officers that have ever served our Army have risen from the ranks, as attests the example of Gen. James G. Harbord, in whose ability and fine judgment I have great confidence. I believe it will be a serious mistake if our Army authorities reduce the personnel of the warrant officers, such as sergeants and corporals, in order to enable them to maintain a certain number of enlisted men in the Army on the present appropriations. It would be far better, in my humble judgment, to cease recruiting for six months or more and let the enlisted personnel run down, maybe to 100,000 or below, rather than sacrifice the services of those sergeants and corporals that have given many, many years to the service and who should not be discouraged now but should rather be encouraged to believe that their future is secure in the Army. It is a startling fact that during the last year there were 13,000 desertions in the Army. This is more than 10 per cent of the enlisted personnel. There must be something wrong when more than 1 out of every 10 enlisted men take the hazards and chances of severe punishment and disgrace and desert from the Army. Civilian employees do not desert their jobs. Railroad employees do not desert their trains. Textile employees do not desert their factories. Bookkeepers and cashiers and stenographers do not desert their posts. They are all anxious to continue in service. Why is it that 13,000 enlisted men during the last fiscal year subjected their families to humiliation and their own good names to a slur and their bodies and persons to possible punishment by deserting from the Army? There are perhaps many answers, but most of them may be grouped under two general heads: First, the complete lack of natural human sympathy toward the enlisted man among those having authority to command in the Army; and second, the complete lack of any reasonable prospect of promotion in the service.

The spirit of Prussianism has produced these desertions. The spirit of Prussianism will kill the morale of the Army unless those in high command set their faces against it and give their junior officers to understand that they must exercise command as human beings and exercise authority based upon their own inherent personal characters and not only by the mere accident of office and legal authority.

REPUBLICAN ADMINISTRATION SHORTCOMINGS

Mr. Speaker, I respectfully submit that this Republican Congress has not only failed to pass adequate measures for the encouragement and aid of agriculture by revising the tariff, by assisting the cooperative movement, and by affording a more adequate credit system, but has neglected its great opportunity to stabilize business conditions generally. What all forms of business and industry need above all else is stability. Nobody but the speculator, manipulator, and gambler profits from fluctuations and sudden changes. How can that desirable stabilization be brought about? By removing some of the causes that operate directly or indirectly to cause price disturbances. What are some of these causes? Quick changes in supply and demand caused by strikes such as a coal strike, by transportation tie-ups, by sudden restriction of credits, and so forth, all affecting in a double way both supply and demand. The Republicans in charge of this Congress have missed a great opportunity and failed in a great duty to legislate to protect the public in the steady supply of coal so necessary to keep the factories open and furnish employment for millions and, in fact, to warm the homes, the churches, and schools of the people and to keep the trains running to carry milk, meat, vegetables, and bread to the many millions in the cities. All our people are interested in cheaper freight rates, but especially are we all interested in the steady continuous flow of coal at a fairly uniform price through the channels of transportation. It is all part of the great problem of stabilization.

COWPENS MILITARY PARK

But it is not waste to mark properly the historic places that inspire patriotism and teach lessons of proper national defense. Hence, I am proud to have had an active part in furthering the project to create a national military park at Cowpens battle field, where the pride and power of British regulars were crushed and broken by raw, backwoods militiamen under Gen. Daniel Morgan. This bill will become law, if not this session, surely the next.

STOP WAR PROFITEERING

But the great cause that has been so close to my heart since the Great War is to provide now in advance that if another war occurs we may be more efficient but incur less expense, and be rid of the riotous profiteers that during the recent war period fed and fattened on the substance of the Government and the people. This legislation must not pave the way for a despot. It must place no hair-trigger power in the hands of the President. It must provide that in war there shall be equal service and equal sacrifice for all and special privileges and profits to none.

TO INSURE HONESTY AND FAIRNESS OF FEDERAL JUDGES

No man can have higher respect for an honest and faithful judge than I have. Twice have I commended the services of that great jurist, Oliver Wendell Holmes, who, though over 85 years old, still serves the Nation as a member of the United States Supreme Court. For this reason did I record on March 31, 1926, in the CONGRESSIONAL RECORD my tribute to the life service of the late Judge George Williams Gage and my devotion to his memory as a friend. But for this same reason did I vote to impeach Federal Judge George W. English, of Illinois. We must protect the honest and fair judge by purging from the bench every judge who shows himself otherwise.

WHOLESALE POLITICAL PORK BARREL IS PUBLIC BUILDING BILL

I bitterly oppose the manner of suspending all rules and passing this bill by mob rule. We sadly need many public buildings in our part of the country, and several in the district I have the honor and pleasure to represent. But six States and the District of Columbia will get the bulk of that money and the "solid South" will not get taste or smell. On February 15, 1926, I concluded my speech of opposition in this way:

So, Mr. Speaker, I conclude by reminding my colleagues and constituents that in view of the great urgency for public buildings I might have supported the bill if amended so as to provide for some fair and reasonable distribution of these funds among the States. But I would not support a rule to ram this bill, without debate, down the throats of the Members of this House. I would not support such a rule if the Democrats were in power. I would not support such a rule for any purpose or under any circumstances except in the event of war or of a dire national emergency. Because more important than public buildings just now, and more important than any particular

legislation in these days of shifting and shuffling and compromising, is the preservation of the pure, unalloyed principles of the American representative government.

PARTIAL CANCELLATION OF ITALIAN DEBT

When the Italian debt funding bill was before the House, on January 15, 1926, I opposed it with all the energy I could command. It was not a party question, but I am proud to say that most of the Democrats voted against it. That irresponsible adventurer, Mussolini, mad with unexpected power, imagines that he has outgeneraled the American Government, but there are a bunch of Congressmen and a bigger lot of American people that he has not fooled. In my speech on January 15, 1926, I used this language:

Gentlemen talk as if this Italian debt were being paid. They say we are giving up three-fourths of the debt in order to get one-fourth. They say that it is like the case of an insolvent debtor who is unable to pay all his debts, and his creditors accept a part rather than nothing. But the analogy falls utterly. In the case of the creditors of a bankrupt debtor the estate is reduced to cash and the actual money is divided amongst the creditors and accepted in full discharge of the debt. Not so here. We are not being paid by Italy. The truth is that we are exchanging an obligation in writing, representing over \$2,000,000,000, for an obligation in writing representing only about \$500,000,000. It is like the case of a creditor who surrendered a worthless note for \$1,000 for another worthless note of \$250.

Mr. Chairman and gentlemen of the committee, I am an optimist in all things, but I hope I am not a mere idealist in anything. I always insist upon keeping my feet upon the solid ground. Therefore I am compelled to believe that this debt will never be paid, and, like it, most of the other debts due to this country will never be paid in full.

The time of settlement is prolonged too far into the future. It is the life of two generations of men. In the 62-year stretch of time ahead of us no man can foresee what will come to pass, but I am compelled to fear and believe that these debts will rise from time to time to plague us, to provoke irritation, and may be the source of very serious trouble.

AMERICAN DIPLOMATS IN FOREIGN COUNTRIES

The extravagance of the Federal Government and departure from that early simplicity and frugality that were the sure foundations of our greatness is a striking tendency of the time. In opposing the measure to buy or build elegant mansions in foreign countries for our ambassadors and ministers and consuls (usually millionaires) to live in, while the rank and file of the men and women who make up this Nation must buy or rent very modest homes for themselves, I said in part on February 16, 1926, these words:

Mr. Speaker, there is a lot of vanity and false pride about our ambassadors making a social show in foreign cities. America has the reputation of being fabulously rich. I expect the commission created by this bill will have to pay two or three times the real value for any property bought or any buildings constructed or any repairs made. This will furnish another indirect method of paying off debts due us.

It seems so easy for our people to forget the fundamental conception of America, which is that simple democracy, that philosophy that "A man's a man for a' that," that sentiment that "Kind hearts are more than coronets and simple faith than Norman blood," that elemental social teaching of the meek and lowly Nazarene that character—simple, sincere character—is the only virtue worth while.

INTERNATIONAL DISARMAMENT

We should be glad to see the competition in building armaments, such as ships and airplanes, stopped, and are glad that some progress has been made, but we must face the solemn fact that we are now spending yearly about \$700,000,000 on national defense. That is a per capita charge of nearly \$7 per person in the United States, or about \$35 on the head of every average family of five persons. However indirect this tax may be imposed, the ultimate burden must and does rest upon those who by labor, manual and mental, by brawn and brain, create and produce and distribute the wealth of the Nation. The need for further disarmament is manifest. The need for us to employ the cheapest and most effective weapons of defense—i. e., aircraft—is self-evident. But substantial disarmament is impossible in the present state of world affairs. We welcome the dove of peace, but demand that every bird appearing as such dove shall be scrutinized lest it prove to be a mere decoy.

ORRIN H. FARR AND DOROTHY E. COLE

Mr. UNDERHILL. Mr. Speaker, I present a privileged report on House Resolution 176 from the Committee on Accounts. The SPEAKER. The gentleman from Massachusetts presents a privileged report from the Committee on Accounts, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Orrin H. Farr the sum of \$275, and to Dorothy E. Cole the sum of \$58.33, being the amount received by them per month as clerks to the late Hon. Harry I. Thayer.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent to insert in the CONGRESSIONAL RECORD the remarks made by Commissioner of Indian Affairs Charles H. Burke before the Committee on Indian Affairs in reply to speeches made by the gentleman from Wisconsin [Mr. FEAR] attacking the bureau.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to insert in the CONGRESSIONAL RECORD the remarks made by Commissioner of Indian Affairs Charles H. Burke before the Committee on Indian Affairs in reply to speeches made by the gentleman from Wisconsin [Mr. FEAR] attacking the bureau. Is there objection?

Mr. HOWARD. Mr. Speaker, reserving the right to object, I suggest to the gentleman that the gentleman from Wisconsin is not now present, and I would ask him to withhold his request until he is present.

Mr. WILLIAMSON. I do not think the gentleman from Wisconsin would object to the reply going in, because he requested that Commissioner Burke make a reply to what he had stated.

Mr. JOHNSON of Washington. Will not the gentleman withhold his request until the gentleman from Wisconsin is on the floor?

Mr. WILLIAMSON. I will withhold my request, Mr. Speaker.

SALE OF SHIPS BY SHIPPING BOARD

Mr. WOOD. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Indiana asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. WOOD. Mr. Speaker and gentlemen of the House, I feel there is some information I ought to bring to the attention of this House. Thursday I spoke at some length with reference to the sale of the Oriental Lines by the Shipping Board to the Dollars. I learned this morning there were three bids submitted for those lines—one by the Dollars, one by a man by the name of Alexander, who is connected with the Dollars, and one by a man named Keene. The bid submitted by Mr. Keene—whether or not it was the fault of the mails I do not know—was not received by the president of the Fleet Corporation until too late, under the terms of the advertisement; but the president of the Fleet Corporation, feeling it was his duty to bring all the information he had before the Shipping Board, sent this bid to them.

The board was in session, and the bids had not been opened, but they refused to even consider or open the bid of this man Keene. The Shipping Board sent the Keene bid back to Captain Crowley, the president of the Emergency Fleet Corporation, and all he could do was to return it to Mr. Keene. The bid was afterwards opened, and it was found that Keene had offered \$600,000 more for these ships than had been offered by the Dollars, whose bid was accepted by the board.

Now, under the advertisement, the Shipping Board had the right to reject any and all bids, which they did in a prior transaction and under the same circumstances.

All of you recall the bid that was made by Mr. Ford. Something transpired by which his bid failed to reach the board until too late. At that time the board set aside all the bids.

Having this information I felt it my duty to bring it to the attention of this House and let the House know that these gentlemen, in my opinion—as I asserted the other day and now reassert—had not in mind the best interests of the American merchant marine in their action.

Mr. DYER. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. DYER. The gentleman does not mean to represent to the House that the Shipping Board has done anything in this matter other than what it was compelled to do under the law, does he?

Mr. WOOD. I mean to assert that they have done everything they ought not to have done under the law. [Applause.]

Mr. DYER and Mr. BLANTON rose.

Mr. WOOD. I yield to the gentleman from Missouri.

Mr. DYER. Could they consider a bid which reached them after the time stated in the advertisement?

Mr. WOOD. They could have done this: Under the advertisement for bids they had the right to reject any and all bids. That has been done before when the board received information concerning a bid which arrived late, and had they received the information in this case which the Keene bid contained the board could have rejected all of these bids and resubmitted the matter just as they did 10 days before.

Mr. DYER. Have they rejected them or accepted them or done anything about which the gentleman is complaining?

Mr. WOOD. Here is the basis for my complaint. There were two bids submitted, and only two, which were considered by the board. Those two bids were submitted upon facts furnished by the Dollars themselves, and I know what I am talking about. The man who submitted the second bid was just a stool pigeon of the Dollars, who submitted the other bid. The board had the right to open these bids and reject them, as they did in another case only 10 days before.

Mr. BEGG. Will the gentleman yield right there?

Mr. WOOD. Yes; I yield.

Mr. BEGG. Is the man who submitted this bid that was not considered a shipper or just some outside fellow who put in a bid and expected the Government to pay his expenses?

Mr. WOOD. I am informed that he is an acknowledged, responsible shipper.

Mr. BEGG. What line?

Mr. WOOD. I do not know what line.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. WOOD. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. WOOD. And he submitted with his bid a certified check for honesty of performance in the sum of \$100,000.

Mr. BLANTON. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. BLANTON. If the gentleman had made it known what he was going to talk about, I doubt very seriously whether he would ever have gotten the floor, because somebody would have objected.

Mr. WOOD. Well, nobody ought to object. I do not believe anyone here wants to have anything done that is not right. I have placed before this House, and always will, information relative to transactions which I do not think are right, and there is something wrong with the Shipping Board now, and something wrong in this transaction. [Applause.]

Mr. McDUFFIE and Mr. SABATH rose.

Mr. WOOD. I yield to the gentleman from Alabama.

Mr. McDUFFIE. When the leadership of this House suggests to the Shipping Board that they must sell the ships and get the Government out of business as quickly as possible, and following upon that the House proceeds to cut the money necessary to operate these ships practically half in two, what else do you expect from the Shipping Board? Are you not to blame after all for this transaction?

Mr. WOOD. The Shipping Board knew and had been cognizant of the fact, from the President down to every leader of this House, that there would be no curtailment with reference to their expenses, and that is mere subterfuge and excuse.

Mr. GARNER of Texas. Will the gentleman yield to me for a question?

Mr. WOOD. Yes; I yield to the gentleman from Texas.

Mr. GARNER of Texas. What I do not understand about this situation is that heretofore the gentleman has had charge of the appropriations for the Shipping Board and I remember the large salaries he permitted and how he praised the Shipping Board, stating what a great institution it was and what great men had hold of it. Now, it seems that somebody is unable to control it and make it do as they say and it is not worth a damn.

Mr. WOOD. Yes; and I will just answer you by saying that by reason of the action of gentlemen like the gentleman from Texas, whose purpose it was to make political capital, they cut down the salaries of the men who were responsible for the operation of the fleet and made it practically impossible to get men big enough to direct this work. And this, I think, is largely responsible for the present situation. We now find ourselves in this predicament. With inferior men on the Shipping Board dominating the activities of the Fleet Corporation, and attempting to direct and forcing the action of the Fleet Corporation, the interests of the country are being sacrificed.

Mr. GARNER of Texas. If the gentleman will yield, who has been in charge of the House of Representatives for the last six years—Democrats or Republicans?

Mr. WOOD. The Republicans; nominally in the last session and now in fact; but I will tell you what you will always find—

Mr. GARNER of Texas. Enough renegades on your side to attend to the business—is that what the gentleman means?

Mr. WOOD. No; but this is what I do mean to say. With practically a solid opposition upon the Democratic side, combined with the opposition of those on this side who are not Republicans but pretend to be, and who are always trying to throw a monkey wrench into the machinery, you have succeeded in doing a thing that will live to haunt you. I want to make this exception to this statement. I believe, and I know, there are some Democrats on your side who are just as sincere and honest as anybody in trying to establish a merchant marine which will be a credit to the station we occupy in the world, but I know there has been demagoguery on the Democratic side, contributed to, perhaps, from the other side, which has been destructive of the thing we all in our hearts should desire to accomplish. It was your section of the Nation that destroyed our once formidable merchant marine. It is your section that should now assist in reestablishing it.

Mr. CONNALLY of Texas and Mr. GARRETT of Tennessee rose.

Mr. WOOD. I yield to the gentleman from Texas.

Mr. CONNALLY of Texas. In referring to the opposition on that side and to those only claiming to be Republicans, the gentleman from Indiana is certainly not referring to the address by the gentleman from Ohio [Mr. BEGG] made a few days ago?

Mr. WOOD. No; I do not refer to the gentleman from Ohio, for he is a Republican all the time, but I do refer to 12 or 14 gentlemen with whom you people tried to form a coalition for the very purpose of destroying the operations of the last Congress, and would have done it again had it been possible. Oh, could we forsake the opportunity for political aggrandizement and look to the interests of our common country in these matters, as we would look to them in our own private concerns, how much better it would be. [Applause.]

The SPEAKER. The time of the gentleman from Indiana has again expired.

CLAIMANTS UNDER MIXED CLAIMS COMMISSION

Mr. MILLS. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, of course I do not object to the gentleman from New York having this consent. I simply call attention to the fact that there is a special order for to-day. I presume this is agreeable to the gentleman.

Mr. AYRES. Perfectly.

Mr. WINGO. Mr. Speaker, reserving the right to object, the gentleman from New York does not intend to follow in the footsteps of the gentleman from Indiana and accuse the demagoguery of the House for being responsible for the mismanagement of affairs in the Government?

Mr. GARNER of Texas. Mr. Speaker, may I say to my colleague that just a moment ago I talked with the gentleman from New York [Mr. MILLS] about the matter he is going to speak about. It is information I gave the gentleman this morning of a personal nature which he desires to convey to the House, and I do hope there will be no objection to his making the statement.

Mr. WINGO. I would not have raised the question if the gentleman from Indiana had not acted as he did. I do not want a repetition of his lecture to us for the misdeeds of the administrative forces of the Government.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MILLS. Mr. Speaker, when I returned to Washington after an absence of one day my friend from Texas [Mr. GARNER] informed me that in looking over the list of claimants who had received awards from the Mixed Claims Commission and whose claims therefore were covered by the bill H. R. 10820, introduced by me, he found there was a company in which I was a director and stockholder. As soon as he called that matter to my attention I telephoned the office of the company in New York and I found that the information of the gentleman from Texas was correct.

That being so, irrespective of any rule of the House but as a matter of what I consider proper conduct on the part of a Representative, I want to say to the House that I do not care, either in the Ways and Means Committee or on the floor of the House, to participate further in the consideration of that particular bill. [Applause.]

Mr. GARNER of Texas. Mr. Speaker, may I have three minutes in which to make a statement?

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. GARNER of Texas. Mr. Speaker and gentlemen of the House, that statement by Mr. Mills is one reason why I called the attention of the House to the hearings and asked Members to get a copy of the hearings, and especially called your attention to sections 3 and 4. I do not doubt but that there are 25 Members in the House of Representatives that, under the rules of the House, would not be permitted to vote on that particular bill.

As quick as I found out from definite information that the gentleman from New York [Mr. MILLS] was interested, I felt it my duty to call his attention to it. When I did he expressed surprise and said that he did not know that his company had a claim for an award under the Mixed Claims Commission, and if that was true, he would not take any further action with reference to the bill. I want to commend the gentleman from New York and all other Members of the House who will investigate and recuse themselves if they find that they have a special interest in it.

I do want to make this remark, however. The Secretary of the Treasury, so far as I can ascertain, and I think I have conclusive evidence, is a stockholder in five different corporations which has had an award from the Mixed Claims Commission, the total amounting to something over a million dollars. The Secretary of the Treasury, according to the Record, is the gentleman who made up this bill. He says that the President has examined it and is anxious that it shall become a law.

I mention this to illustrate the situation that I think is characteristic of some gentlemen who occupy seats on the majority side of the House—and that is that the Government can be used to make money for their henchmen. That is what the Secretary of the Treasury seems to think that the Government may be used for the purpose of making money, and that the legalizing of the theft makes it honorable to take the money. I do not think so and I do not think the minority or majority side of the House will come to that conclusion when you examine the case.

Mr. MADDEN. What does this bill do?

Mr. GARNER of Texas. It is to pay the awards of the Mixed Claims Commission, and the Mixed Claims Commission found that Germany owes these firms this amount of money and proposes to take the money out of the Treasury.

Mr. MADDEN. But we have an agreement that Germany shall pay her own debts, and I am in favor of her carrying it out.

Mr. CROWTHER. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. CROWTHER. The gentleman used the words "legalized theft." What is there to show that there is any theft here?

The SPEAKER. The time of the gentleman from Texas has expired. Under the special order the gentleman from Kansas [Mr. AYRES] is recognized for 15 minutes.

THE TARIFF AND THE FARMER

Mr. AYRES. Mr. Speaker, until within the last few years the advocates of a high protective tariff like the present law used the argument it was necessary to have such tariff rates to protect American labor. Owing to the fact American labor as a whole refuses longer to be used as a cat's-paw with which to pull out of the fire the chestnuts of the special interests, these interests are now trying to use the American farmer for the same purpose. They also are constantly playing the farmer against labor, and labor against the farmer, and have been successful up to date. I am inclined to believe that at last the American laborer realizes that for him and his family to be fed and clothed it is necessary for the American farmer to produce the raw material that makes the foodstuffs and clothing; and to enable him to produce such material it is necessary for the farmer to have sufficient remuneration for his efforts. On the other hand, the farmer can see his best customer is American labor, as it constitutes a vast majority of the consumers of the farm products, and that it is necessary for American labor to receive a living wage in order to enable him to consume such products. Their interests are identical in this particular, and yet each has allowed the special interests to play one against the other to a great extent in the past.

Heretofore these special interests have succeeded in getting Congressmen from labor districts in the cities to vote for a law like the present Fordney-McCumber tariff measure under the special plea of protecting American labor and, at the same time,

have persuaded Congressmen from agricultural districts to vote for it to get protection for the farmer. With such a persuasive argument used by the representatives of the special interests, apparently it was very easy to pass a tariff law full of graft. At last, both American labor and the American farmer are seeing how they are being used for the benefit of the special interests.

While I favor a tariff sufficient to protect both labor and agriculture, had I been in Congress when the present law was enacted I would have voted against it, for it does not benefit agriculture, neither does it benefit labor, and certainly it does not benefit the great consuming American public. It does not even benefit the honest, legitimate manufacturer.

Jollying the farmer has been a great game played by many statesmen in the past four or five years. I should think it a dangerous game, politically speaking, and I am wondering whether or not it is going to be played as successfully this year as it has been in the past. I believe that some are going to find, when they return home after the adjournment of Congress, that the farmer has learned a little about this game of jollying the farmer. [Laughter.]

I remember well a statement sent out about the time the Fordney-McCumber tariff law was passed to the effect that the agricultural schedule had been so framed that the law added anywhere from \$250,000,000 to \$300,000,000 annually to the income of the agriculturists of the United States. This law has been in operation ever since September, 1922, or about three and one-half years. Therefore, by this time, there should be over a billion dollars added to the income of the agriculturists of the United States. I am confident the agriculturists of my district and State would like to be informed what has become of their share of this billion dollars.

There may be representatives here from the agricultural Middle West who voted for the Fordney-McCumber tariff act and who are able to tell the farmers of my State and congressional district just how they have received their proportion of that billion dollars that has been added to their income. I must admit that I am unable to do so. Certainly I can not even undertake to do so in view of the statement I received only a few days ago from the Department of Commerce, which was released to the public press on March 10, 1926, giving the farm mortgage debt for the State of Kansas on January 1, 1925, with comparative figures for January 1, 1920. When I received this statement I felt that here was a document which would show just how my farmers had prospered under the Fordney-McCumber tariff, as has been claimed by so many orators on the floor of this House within the past two or three months. This report shows that on January 1, 1920, out of the total number of farms in the State of Kansas there were 65,640 operated by full owners; that the value of the land and buildings amounted to \$424,469,454, and that the total mortgage indebtedness reported at that time on such farms was \$109,914,464, or the ratio of debt to value was 25.9 per cent. As I say, I naturally supposed I would find that this debt had been materially reduced in the meantime, and especially in view of the many wonderful speeches I had heard in Congress and read in the CONGRESSIONAL RECORD lately relating how the present tariff law had brought such great prosperity to the farmers within the past three years of its operation. You can imagine my dismay when I found that instead of this wonderful prosperity having reduced this farm mortgage debt it had increased it, and that instead of it being \$109,914,464, or 25.9 per cent of the total value, the report showed that on January 1, 1925, of the total number of farms in Kansas there were 61,697 operated by full owners, and that the value of the land and buildings amounted to \$333,575,725, and that the total amount of mortgage indebtedness reported was \$130,431,381, or the ratio of mortgage debt to value was 39.1 per cent. Gentlemen, you can imagine my feelings when I saw from this report that the farms of my own State, which were operated by the full owners, during these prosperous times and under the Fordney-McCumber tariff law had decreased in value from \$424,469,454 to \$333,575,725, or more than \$90,000,000, and that at the same time the mortgage indebtedness had increased more than \$20,000,000.

While I knew this report was bound to be authentic and showed the true conditions in my State, still I could not help but feel, in view of so much that had been said about this prosperity, that there was somewhere something undoubtedly showing this prosperous condition of the farmer. Knowing that the best evidence of prosperity is shown by the purchasing power of a dollar, I thought here is where I will find it, so I looked into this question, and to be sure that nothing could be put over me when it came to facts, I again relied on the depart-

ment which could give accurate information of the purchasing power of the farmer's dollar. I got the information given by the late Secretary of Agriculture, Mr. Wallace, and then by the present Secretary of Agriculture, Mr. Jardine; and again I was disappointed, for here is what it shows the purchasing power of the farmer's dollar to be from the year 1913 to date:

	Cents
1913	100
1914	105
1915	103
1916	97
1917	107
1918	112
1919	112
1920	96
1921	84
1922	89
1923	61.3
1924	62.4
1925	60.3

I could not understand this, as the present tariff law became effective in the latter part of 1922. Here is a law that was going to add from \$250,000,000 to \$300,000,000 to the income of the agriculturists of the United States, and it has been in operation for about three and one-half years, and during that time, according to the Department of Commerce, the value of his land in my State of Kansas has decreased over \$90,000,000 and his indebtedness has increased over \$20,000,000, and the purchasing power of his dollar has steadily declined until now—or, rather, on November last it was only 60.3 cents. I thought certainly there must be some cause for this. What is it? Is it because everything he buys has gone up in price and the produce he sells has gone down?

Well, I found that on the question of farm machinery alone, according to a table put in the CONGRESSIONAL RECORD by one of my Republican colleagues from Kansas [Mr. STRONG], that a hand corn sheller in 1914 cost \$8, while in 1924 it cost \$17.50; a walking cultivator in 1914 cost \$18, while in 1924 it cost \$38; a riding cultivator in 1914 cost \$25, while in 1924 it cost \$62; a one-row lister in 1914 cost \$36, while in 1924 it cost \$89.50; a sulkey plow in 1914 cost \$40, while in 1924 it cost \$75; a three-section harrow in 1914 cost \$18, while in 1924 it cost \$41; a corn planter in 1914 cost \$50, while in 1924 it cost \$83.50; a mowing machine in 1914 cost \$45, while in 1924 it cost \$95; a self-dump hay rake in 1914 cost \$28, while in 1924 it cost \$55; a wagon box in 1914 cost \$16, while in 1924 it cost \$36; a farm wagon in 1914 cost \$85, while in 1924 it cost \$150; a grain drill in 1914 cost \$85, while in 1924 it cost \$165; a two-row stalk cutter in 1914 cost \$45, while in 1924 it cost \$110; a grain binder in 1914 cost \$150, while in 1924 it cost \$225; a two-row corn disk in 1914 cost \$38, while in 1924 it cost \$95; a 14-inch walking plow in 1914 cost \$14, while in 1924 it cost \$28; harness per set in 1914 cost \$46, while in 1924 it cost \$75. I further found that these same producers of farm machinery were exporting the same farm machinery to the extent of millions of dollars to foreign countries and selling it for much less than it was being sold to the farmers of the United States.

No doubt some of you are ready at this minute to jump up and ask me if I do not know that farm machinery is on the free list. Yes; I know it. That is one of the many jokes in the present law. Farm machinery is on the free list, but how about all the material used in making this machinery, such as iron and steel? Is that on the free list? No enthusiast for the present law, so far as I can see, is inclined to say it is. You all know that it is highly protected. Certain grades of harness are on the free list, but the hardware that is used to make the harness is highly protected.

I found further that notwithstanding farm machinery was on the free list, the producers of such machinery in 1925 exported \$77,223,000 worth of it, and there was imported into this country only \$3,094,000 worth of it. In addition to what I have already called to your attention as a reason why the farmer's dollar has so decreased in purchasing power, I found that under this law he pays for the tariff on articles which he has to purchase and which go into and are a part of his expense as a producer, such as from 21 to 39 per cent on bar iron; from 11 to 20 per cent on wire rods; 21 per cent on iron and steel sheets or plates; from 13 to 25 per cent on structural iron and steel; from 17 to 45 per cent on wire; from 3½ to 24 per cent on nails; from 5¼ to 18½ per cent on bolts, nuts, and rivets; from 78 to 131 per cent on pruning and sheep shears; from 14½ to 49 per cent on files and rasps and such tools; 60 per cent on pliers, pincers, and nippers; 30 per cent on such articles as shovels, scoops, and so forth; 30 per cent on corn knives, scythes, and so forth; 40 per cent on builders' hardware; 50 to 70 per cent on leather gloves; 19½ per cent

on salt; 30 per cent on paints and varnishes; and I could go on and mention hundreds of articles which bear a tariff and of which he pays his proportion, like 97 per cent on cheap woollens; 73 per cent on costly woollens; 57 per cent on socks; 55 to 63 per cent on gloves and mittens; 55 to 58 per cent on clothing not knit; 50 to 71 per cent on cotton gloves; 30 per cent on cotton hosiery; 90 per cent on laces; 35 per cent on his shirts; from 60 to 74 per cent on all of the kitchen and household utensils and cutlery of iron or steel; 79 per cent on kitchen and household utensils of aluminum. In fact, there is practically nothing he purchases for house or field but what he has to bear his part of the tariff carried in the present law. It has been well said that the existing tariffs hurt the American farmer by—

- (1) Increasing his costs of production.
- (2) Increasing his costs of living.
- (3) Increasing his transportation rates, both on land and sea.
- (4) Decreasing his foreign markets and exports.

As further evidence that the present tariff works to the disadvantage of the farmer, it would seem to me, is the fact that manufacturing concerns, which are highly protected, have reported more than \$10,000,000,000 for income taxes during the past three years, and their capital has increased from below \$25,000,000,000 to more than \$50,000,000,000 during recent years, while farm-land values have declined 27 per cent within the past few years. The American farmer is worse off to-day by anywhere from twenty-five to fifty billion dollars than he was in 1920. His indebtedness aggregates over \$12,000,000,000. Financially he is much worse off than before the World War.

In a speech I made in New York on the 27th day of June, 1924, I said that no longer could there be a highly protected and favored manufacturing East to the detriment and ruin of an unprotected, agricultural West; that there must be equalization. The question now is, How can that equalization be brought about? It has been thoroughly demonstrated that it can not be done by legislating in a circle. That is to say, each time there is a tariff law enacted giving the farmer a little protection, or even a supposed protection on some article produced by him, at the same time it increases the tariff on the many manufactured articles he has to purchase, thus pyramiding until he is crushed by reason of the inequality imposed by such legislation. This certainly can not bring him any relief. It is claimed by some who assume to speak for the American farmer that he demands the same benefit from tariff protection as has long been enjoyed by eastern manufacturers; that is to say, when a large surplus has been produced by him and there is no domestic market he may be permitted to dump his surplus or excess production on a foreign market and thus create a demand at home and thereby create a home market. This, no doubt, has been and is being done by highly protected manufacturing interests in this country. The question is, How can it be done by the agriculturist? He can not control his production. He has no control over the sun and rain. He has no assurance when he plants a crop that he will receive a return even of his seed. The manufacturer can control, absolutely, his output. He can shut down his plant, if need be, and stop his overhead and dispose of his surplus.

The farmer can not do this. Therefore, it seems plain to me that there is but one way to bring about this equalization, in so far as a protective tariff is to be taken into consideration. It is very evident it is impossible to bring agriculture up to the level of the highly protected manufacturer. To do so would compel us to continue in the ruinous system of pyramiding which would have but one result, the complete paralysis of agriculture, which apparently has already been done. So let us bring down the highly protected commodities to somewhere near the level, at least, of that of agriculture and make the purchasing power of the farmer's dollar as great as the purchasing power of the highly protected manufacturer. When we do this and provide for reasonable transportation rates so he can get his produce to market without having to pay to the railroads as much for freight as he receives for his produce—when these things are done—we will solve the difficulty, to a great extent at least, and it will not be a temporary makeshift but a permanent remedy.

As a general and economical proposition I am opposed to subsidies, but in view of the condition we find agriculture in at this time, I feel the Federal Government would be justified in providing for a subsidy to the carriers of farm produce, if necessary, as is done by the Canadian Government, to furnish better facilities and freight rates for agriculture. I am in favor of putting agriculture on a permanent and sound basis, and of making it prosperous in reality and not prosperous theoretically only.

AMERICAN LABOR AND THE TARIFF

As I said at the beginning, the special interests which are constantly clamoring for a tariff full of graft, use the argument that it is necessary in order to protect American labor. In view of this claim, and the further fact that these same interests are playing the agriculturists against labor and labor against the agriculturists, it might be well to see just how much of this swag goes to labor. When I say swag or graft, I mean a tariff rate that is higher than is necessary to protect properly the American producer, which is different from a so-called competitive tariff that will give ample protection to the producer and which will also produce a revenue for the Government.

American factory labor, which has been used by the special interests heretofore to put over a tariff measure like the Fordney-McCumber law, has also awakened, just as has the American farmer, to the realization he has been used for an unjust and unholy purpose, and is resenting it. Suppose at this time we analyze briefly the labor costs per unit of production of much of this highly protected production. I want to give a few illustrations, and in doing so I wish at this time to say I have been furnished much of my data upon which these illustrations are based by the Fair Tariff League; and further, that this league believes in a protective tariff; that its president, Mr. H. E. Miles, is a Republican and a protectionist, but as such is thoroughly disgusted with the present law, which he does not hesitate to say is full of graft. Now, suppose we see just how much the American factory labor is benefited by this tariff, passed in his name and honor.

We will take the production of cotton cloth. At the time the present tariff law was passed a woman or girl in this country operated on an average 10 to 15 looms, for which she received from \$16 to \$17.50 per week of approximately 50 hours per week. Owing to the efficiency of the American woman and the machinery which she operated, she was producing this cotton cloth so much cheaper than an operator doing the same kind of work in India at not to exceed one-fifth of the wages, that the India dealers could come to this country and purchase this cloth cheaper than they could produce it even with their cheap Indian labor, but because of the seeming difference between the wages paid the American woman or operator and the British operator, these special interests persuaded the Sixty-seventh Congress to increase the tariff rates so that it amounts on an average to about 40 per cent on all cotton fabrics, and with a tariff rate of from 86 to 90 per cent on laces and embroideries. To-day an operator runs on an average of 24 looms, and information from the United Textile Workers of America shows that there has been such an increase of production by an operator within the past three or four years and thereby a lessening of labor costs per unit of production because of his or her increased production, and further, with a 10 per cent reduction in wages since 1923, that the entire labor cost per unit of production is about 1½ cents per yard. It might be interesting to call your attention to the fact that at the present time, 1926, the Fall River mills are paying wages of 45 cents per cut of 47 yards of print cloth, while in England the weaver's wage is 51 cents per cut of 47 yards of the same kind of cloth. This is a fair illustration of how these special interests protect American labor against the much-talked of sweatshop pauper labor of Europe.

In 1925 these same interests exported 543,313,388 square yards of this cloth, valued at \$85,011,312, while imports amounted only to \$28,424,126.

Another illustration: Statistics show that fully 48 to 50 per cent of all table cutlery made in the United States for years prior to the enactment of the Fordney-McCumber tariff law was exported to foreign countries, because no country could produce it cheaper or even as cheap as the United States. For instance, the common bread knife was exported by this country the world over for 6½ cents. There is about 8 cents of labor in a knife. There was no competition whatever from foreign producers, yet the Sixty-seventh Congress gave the American producers of this knife 11½ cents protection, or four times the total American wage cost of producing it, and this illustration or fact applies also to many other commonly used articles. This country in 1923 produced \$72,477,013 of cutlery, and there was imported into this country the great amount of \$1,296,426, for which the importers paid a tariff at the rate of 106 per cent ad valorem equivalent, which was passed on to the American consumer.

Another simple little illustration easily understood is on the item of spark plugs. Statistics show that a machinist operating three machines makes a spark plug for an automobile every 6 seconds, or 600 plugs per hour, for which he receives anywhere from 50 to 75 cents per hour. It is almost impossible to

figure out the labor cost per plug it is so small. There is practically no wage cost. There is no foreign competition, yet in order to protect that American laborer from the sweatshops of Europe the producers of auto spark plugs persuaded the Sixty-seventh Congress to give them a 40 per cent tariff rate. Statistics show that in 1924 we exported 1,448,054 spark plugs and magnetos, and last year, 1925, we exported 2,192,320. There were no imports to speak of. To be exact, there were \$4,625 worth imported into this country.

It is said that the glucose manufacturers persuaded the Sixty-seventh Congress to give them a 50 per cent protection in order that they might be able to pay American wages in their production of glucose, which amounts to about 6 cents of each dollar of production. The consumers of glucose can easily figure out who is paying for this protection. We exported 171,721,842 pounds of glucose in 1924, amounting to \$6,099,725. In 1925 we exported 146,068,313 pounds, amounting to \$5,660,084. There were no imports at all in the years 1924 and 1925, therefore no competition and no revenue derived, so why this tariff of 50 per cent? Ask the housewife.

WOOLEN GOODS

It is said by those who have made a careful study of the wool tariff carried in the present tariff law that it costs the American people at least \$300,000,000, of which about \$37,000,000 goes to the woolgrowers or producers. I am informed that the tariff on tweed cloth from which women's tweed suits are made adds \$4 to the cost of each suit or coat, and it is estimated that 30,000,000 of these suits and coats are bought annually by American women, which makes it cost them annually \$120,000,000. It is said that the labor cost in weaving the woolen cloth is about 6 per cent. From this you can get an idea what this tariff is costing both men and women on woolen goods. Statistics show that in 1923, a year after the present tariff law went into effect, this country produced \$1,062,558,438 worth of woolen and worsted goods and that the dutiable imports for consumption of the same goods for 1924 amounted to \$21,083,701, upon which the importers paid the ad valorem equivalent of 73.33 per cent, which, of course, was passed on to the American consumers.

The same applications can be made as to the labor costs per unit of production on skirts, collars, underwear, hosiery of all kinds, gloves of all kinds, and, in fact, practically all wearing apparel of all kinds whatsoever, all of which would require too much time and patience to enumerate at this time.

I should think it unnecessary to call attention to any more illustrations to show just how factory labor, which produces most, if not all, of these highly protected commodities, has been exploited for the purpose of passing a tariff law that is permeated and saturated with unadulterated graft.

For instance, why should there be a tariff of 25 per cent on cash registers when the producers of cash registers already had a monopoly on them? In 1925 we exported 24,664, valued at \$4,892,272. The imports amounted to \$1,843. Consequently there is no competition and no revenue collected by the Government to speak of, just \$460.75. So again I ask, why this 25 per cent tariff rate? It may be that the business man who buys these machines could answer the question.

SEWING MACHINES

In almost every American home there is a sewing machine. In addition to this, hundreds of thousands of good, honest American women earn their living with a sewing machine. They were on the free list until the Sixty-seventh Congress passed the Fordney-McCumber Tariff Act, and then they were placed on the protected list. Why it was done no one except the producers, who already had a monopoly, can tell. However, a rate of from 15 to 30 per cent was provided, and in 1925 there were exported 262,536 machines, valued at \$8,743,670. The imports were negligible. Why make this monopoly all the more secure in its graft? I can not answer it. It may be that the housewives in the millions of American homes, or that the hundreds of thousands of women who earn their living with these machines, can answer it.

ALUMINUM WARE

Just why it was necessary to give the American Aluminum Trust a tariff rate of 79 per cent ad valorem equivalent on table, household, kitchen, and hospital utensils made of aluminum is something no one has attempted to explain. It already had a monopoly on such production. Statistics show that there was exported \$629,417 worth of this ware in 1925. So why was it necessary to give this 79 per cent rate to this monopoly or trust?

SHOTGUNS

The Sixty-seventh Congress did not even overlook the kid's shotgun. Under the old law there was a straight ad valorem

tax of 35 per cent, regardless of the price of the gun. Under the present law there is a straight ad valorem tax of 45 per cent, regardless of the price of the gun, and in addition a specific tax varying as to the price of the gun. For instance, under the old law, a shotgun valued at \$10 would carry a tax of \$3.50. Under the present law the same \$10 shotgun carries a tax of \$10.50, composed of \$4.50 ad valorem tax and \$6 specific tax.

Under the old law a \$25 shotgun carried a tax of \$8.75, while under the present law this same \$25 shotgun carries a tax of \$21.25, composed of \$11.25 ad valorem and a specific tax of \$10. Was that necessary to protect the manufacturers of shotguns? In 1925 we exported 55,461 shotguns, while there were imported into this country in 1924 just 5,810 shotguns of all kinds and, I understand, less in 1925.

I could mention many more just such items, but what is the use?

The question is, Whom does the present tariff law benefit? It does not benefit the business man nor the professional man, nor the laboring man, not even the laborer who produces the highly protected commodities listed in the law. It certainly does not benefit the farmer of my State. Even Senator CAPPER, who voted for the law, agrees to that. On November 29, 1925, he said:

Unless he (the farmer) is enabled to put his price up it will not be long before he will be demanding a reduction of the protective tariff, which keeps up the price of the manufactured articles he consumes. As a seller he—the farmer—must compete in world markets; as a buyer he must buy in a protected home market. As a seller he must take the world price; as a buyer he must pay the American protected price. It is absurd to assume that the farmer will long remain content at such a disadvantage. He demands readjustment.

Gentlemen, I know of but one class of American citizens that the present tariff law benefits, and that is certain special interests which succeeded in persuading the Sixty-Seventh Congress to pass the law. [Applause.]

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6707) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes.

The message also announced that the Senate had agreed to the amendment to the amendment of the Senate No. 7 to the bill (H. R. 9795) making appropriations for the Department of Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1927, and for other purposes.

BANKRUPTCY

Mr. MICHENER. Mr. Speaker, by direction of the Rules Committee I call up House Resolution No. 219.

The Clerk read as follows:

House Resolution 219

Resolved, That upon the adoption of this resolution it shall be in order to proceed to the consideration of the bill (S. 1039) to amend an act establishing a uniform system of bankruptcy, etc. When such bill is called up for consideration, the amendment proposed by the Committee on the Judiciary shall be read in lieu of the provisions of the Senate bill.

Mr. MICHENER. Does the gentleman from Tennessee desire any time on the rule?

Mr. GARRETT of Tennessee. Mr. Speaker, I do not myself desire time, but perhaps my colleague on the committee, the gentleman from Alabama [Mr. BANKHEAD] does.

Mr. BANKHEAD. Mr. Speaker, I desire no time further than to say that unfortunately the gentleman from Tennessee was called out on other business when we had this matter under consideration before the Committee on Rules. As we understand it, this matter comes with the unanimous report from the Committee on the Judiciary.

Mr. MICHENER. Yes; a unanimous report from the subcommittee and a unanimous report from the Committee on the Judiciary.

Mr. BANKHEAD. It is a unanimous report from the Committee on Rules. We have no request for time on this side.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The Clerk will report the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, before the Clerk begins to read I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. This is a House Calendar bill. The rule provides for the reading of the House substitute for the Senate bill. As I understand it, this is all one amendment. The question then would be upon the amendment unless there be amendments offered to the amendment. Is that correct?

The SPEAKER. The Chair so understands the situation.

Mr. GARRETT of Tennessee. Mr. Speaker, is the gentleman from Michigan going to have it read before he discusses it?

Mr. MICHENER. Yes.

The SPEAKER. The Chair thinks that the bill would better be read.

Mr. GARRETT of Tennessee. Mr. Speaker, I know of no desire on the part of any one to offer amendments, but if there should be any offered, when will be the time to offer them?

The SPEAKER. As the Chair understands the situation, the gentleman from Michigan [Mr. MICHENER] is in control of the time, and he could yield or he could move the previous question.

Mr. MICHENER. And if I yielded for an amendment would I not yield the floor?

The SPEAKER. If the gentleman yields for an amendment, he will lose the floor.

Mr. MICHENER. Then the parliamentary situation is this, that I am recognized for one hour and I may move the previous question at any time, but if I yield for an amendment I lose the floor, and the Member who is recognized to offer the amendment obtains the floor for one hour.

The SPEAKER. The Chair thinks that is correct.

Mr. GARRETT of Tennessee. Of course the gentleman from Michigan could yield time for debate without losing the floor.

The SPEAKER. Certainly.

Mr. GARRETT of Tennessee. But if the gentleman yielded for an amendment he would lose the floor unless there was some agreement in advance otherwise.

The SPEAKER. The Chair thinks that it is correct.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONNALLY of Texas. Could not the gentleman from Michigan yield 10 minutes to some one and then could not the gentleman to whom he has yielded 10 minutes explain an amendment which he desires to offer and could it not be voted on later?

The SPEAKER. Any gentleman who obtains the floor by yielding from the gentleman from Michigan could offer an amendment for information.

Mr. CONNALLY of Texas. Could he not take 10 minutes and make his explanation, and then say that he was going to offer his amendment at the proper time later on? Could not that amendment then be voted on without debate?

The SPEAKER. No; the amendment would not be before the House except for information. The Clerk will report the bill.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That section 1 (a), subdivisions 6, 8, and 24 of an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, and acts amendatory thereof and supplementary thereto, be, and the same hereby are, amended as follows:

"(6) 'Corporations' shall mean all bodies having any of the powers and privileges of private corporations not possessed by individuals or partnerships and shall include limited or other partnership associations organized under laws making the capital subscribed alone responsible for the debts of the association, joint-stock companies, unincorporated companies and associations, and any business conducted by a trustee, or trustees, wherein beneficial interest or ownership is evidenced by certificate or other written instrument.

"(8) 'Courts of bankruptcy' shall include the district courts of the United States and of the Territories and possessions to which this act is or may hereafter be applicable, the Supreme Court of the District of Columbia, and the United States Court of Alaska.

"(24) States shall include the Territories and possessions to which this act is, or may hereafter be, applicable, Alaska and the District of Columbia."

"Sec. 2. That the introductory provision preceding subdivision 1 of section 2 of said act, as so amended, be, and the same hereby is, amended to read as follows:

"That the courts of bankruptcy as hereinbefore defined, namely, the district courts of the United States in the several States, the Supreme Court of the District of Columbia, the district courts of the several Territories and possessions to which this act is, or may hereafter be, applicable, and the United States Court in the District of Alaska, are hereby made courts of bankruptcy, and are hereby invested, within their respective territorial limits as now established,

or as they may be hereafter changed, with such jurisdiction at law and in equity as will enable them to exercise original jurisdiction in bankruptcy proceedings, in vacation in chambers, and during their respective terms, as they are now or may be hereafter held."

"Sec. 3. That section 3 (a) of said act, as so amended be, and the same hereby is, amended to read as follows:

"(a) Acts of bankruptcy by a person shall consist of his having (1) conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, any part of his property with intent to hinder, delay, or defraud his creditors, or any of them; or (2) transferred, while insolvent, any portion of his property to one or more of his creditors with intent to prefer such creditors over his other creditors; or (3) suffered or permitted, while insolvent, any creditor to obtain a preference through legal proceedings and not having at least five days before a sale or other disposition of any property affected by such preference vacated or discharged such preference; (4) suffered, or permitted, while insolvent, any creditor to obtain through legal proceedings any levy, attachment, judgment, or other lien, and not having vacated or discharged the same within 30 days from the date such levy, attachment, judgment, or other lien was obtained; or (5) made a general assignment for the benefit of his creditors; or, while insolvent, a receiver or a trustee has been appointed, or put in charge of his property; or (6) admitted in writing his inability to pay his debts and his willingness to be adjudged a bankrupt on that ground."

"Sec. 4. That section 7 (a), subdivision (8) of said act, as so amended, be, and the same hereby is, amended to read as follows:

"(8) Prepare, make oath to, and file in court within 10 days after adjudication, if an involuntary bankrupt, and within 10 days after the filing of a petition, if a voluntary bankrupt (unless in either case further time is granted), a schedule of his property showing the amount and kind of property, the location thereof, its money value in detail, and a list of his creditors showing their residence, if known; if unknown, that fact to be stated, the amounts due each of them, the consideration thereof, the security held by them, if any, and a claim for such exemptions, as he may be entitled to, all in triplicate, one copy of each for the clerk, one for the referee, and one for the trustee."

"Sec. 5. That section 12 (a) of said act, as so amended, be, and the same hereby is, amended to read as follows:

"(a) A bankrupt may offer, either before or after adjudication, terms of composition to his creditors, after, but not before, he has been examined in open court, or at a meeting of his creditors, and has filed in court the schedule of his property and the list of his creditors required to be filed by bankrupts. In compositions before adjudication the bankrupt shall file the required schedules, and thereupon the court shall call a meeting of creditors for the allowance of claims, examination of the bankrupt, and preservation or conduct of the estate, at which meeting the judge or referee shall preside; but action upon the petition for adjudication shall not be delayed, except that the court, for good cause shown, may in its discretion delay such action upon such terms and conditions for the protection of and indemnity against loss by the bankrupt estate as may be proper."

"Sec. 6. That section 14 (a) and (b) of said act, as so amended, be, and the same hereby is, amended to read as follows:

"(a) Any person may, after the expiration of 1 month and within 12 months, subsequent to being adjudged a bankrupt, file an application for a discharge in the court of bankruptcy in which the proceedings are pending, if it shall be made to appear to the judge that the bankrupt was unavoidably prevented from filing it within such time, it may be filed within but not after the expiration of the next six months.

"(b) The judge shall hear the application for a discharge and such proofs and pleas as may be made in opposition thereto by the trustee or other parties in interest, at such time as will give the trustee or parties in interest a reasonable opportunity to be fully heard; and investigate the merits of the application and discharge the applicant, unless he has (1) committed an offense punishable by imprisonment as herein provided; or (2) destroyed, mutilated, falsified, concealed, or failed to keep books of account, or records, from which his financial condition and business transactions might be ascertained; unless the court deem such failure or acts to have been justified, under all the circumstances of the case; or (3) obtained money or property on credit, or obtained an extension or renewal of credit, by making or publishing, or causing to be made or published, in any manner whatsoever, a materially false statement in writing respecting his financial condition; or (4) at any time subsequent to the first day of the 12 months immediately preceding the filing of the petition, shall have transferred, removed, destroyed, or concealed or permitted to be removed, destroyed, or concealed any of his property, with intent to hinder, delay, or defraud his creditors; or (5) has been granted a discharge in bankruptcy within six years; or (6) in the course of proceedings in bankruptcy, refused to obey any lawful order of or to answer any material question approved by the court; or (7) has failed to explain satisfactorily any losses of assets or deficiency of assets to meet his liabilities: *Provided*, That if, upon the bearing of an objection to a discharge, the objector shall show to the satisfaction of the

court that there are reasonable grounds for believing that the bankrupt has committed any of the acts which, under this paragraph (b), would prevent his discharge in bankruptcy, then the burden of proving that he has not committed any of such acts shall be upon the bankrupt: And provided further, That the trustee shall not interpose objections to a bankrupt's discharge until he shall be authorized so to do by the creditors at a meeting of creditors called for that purpose on the application of any creditor.

"SEC. 7. That section 21 of said act, as so amended, be, and the same hereby is, amended by adding after paragraph (g) thereof a new paragraph (h), to read as follows:

"(h) A communication by a creditor, receiver, or trustee of one, by, or against whom a bankruptcy petition is filed, or who has been adjudicated a bankrupt, to another creditor, uttered in good faith and with reasonable grounds for belief in its truth, concerning the conduct, acts, or property of such bankrupt, shall be privileged, and the creditor, receiver, or trustee so uttering the same shall not be held liable therefor."

"SEC. 8. That section 23 of said act, as so amended, be, and the same hereby is, amended to read as follows:

"(a) The United States district courts shall have jurisdiction of all controversies at law and in equity, as distinguished from proceedings in bankruptcy, between trustees as such and adverse claimants concerning the property acquired or claimed by the trustees, in the same manner and to the same extent only as though bankruptcy proceedings had not been instituted and such controversies had been between the bankrupts and such adverse claimants.

"(b) Suits by the trustee shall only be brought or prosecuted in the courts where the bankrupt, whose estate is being administered by such trustee, might have brought or prosecuted them if proceedings in bankruptcy had not been instituted, unless by consent of the proposed defendant, except suits for the recovery of property under section 60, subdivision b; section 67, subdivision e; and section 70, subdivision e."

"SEC. 9. That section 24 (a) and (b) of said act, as so amended, be, and the same hereby is, amended to read as follows, and by adding at the end thereof a new subdivision (c), to read as follows:

"(a) The Supreme Court of the United States, the circuit courts of appeal of the United States, the Court of Appeals of the District of Columbia, and the supreme courts of the Territories, in vacation, in chambers, and during their respective terms, as now or as they may be hereafter held, are hereby invested with appellate jurisdiction of controversies arising in bankruptcy proceedings from the courts of bankruptcy from which they have appellate jurisdiction in other cases.

"(b) The several circuit courts of appeal and the Court of Appeals of the District of Columbia shall have jurisdiction in equity, either interlocutory or final, to superintend and revise in matter of law (and in matter of law and fact the matters specified in sec. 25) the proceedings of the several inferior courts of bankruptcy within their jurisdiction. Such power shall be exercised by appeal and in the form and manner of an appeal.

"(c) All appeals under this section shall be taken within 30 days after the judgment or order or other matter complained of has been rendered or entered."

"SEC. 10. That section 25 (a) of said act, as so amended, be, and the same is, amended to read as follows:

"(a) That appeals, as in equity cases, may be taken in bankruptcy proceedings from the courts of bankruptcy to the circuit courts of appeal of the United States and the Court of Appeals of the District of Columbia and to the supreme courts of the Territories in the following cases, to wit: (1) From a judgment adjudging or refusing to adjudge the defendant a bankrupt; (2) from a judgment granting or denying a discharge; and (3) from a judgment allowing or rejecting a debt or claim of \$500 or over. Such appeal shall be taken within 30 days after the judgment appealed from has been rendered, and may be heard and determined by the appellate court in term or vacation, as the case may be."

"SEC. 11. That section 29 (a), (b), and (d) of said act, as so amended, be, and the same hereby is, amended to read as follows, and that section 29 be further amended by adding after paragraph (d) thereof a new paragraph (e) to read as follows:

"(a) A person shall be punished by imprisonment for a period of not to exceed five years upon conviction of the offense of having knowingly and fraudulently appropriated to his own use, embezzled, spent, or unlawfully transferred any property or secreted or destroyed any document belonging to a bankrupt estate which came into his charge as trustee, receiver, custodian, or other officer of the court.

"(b) A person shall be punished by imprisonment for a period of not to exceed five years upon conviction of the offense of having knowingly and fraudulently (1) concealed from the receiver, trustee, United States marshal, or other officer of the court, charged with the control or custody of property, or from creditors in composition cases, any property belonging to the estate of a bankrupt; or (2) made a false oath or account in, or in relation to any proceeding in bankruptcy; or (3) presented under oath any false claim for proof against the estate of a bankrupt, or used any such claim in composition, personally, or by agent, proxy, or attorney, or as agent, proxy, or attorney; or (4)

received any material amount of property from a bankrupt after the filing of the petition with intent to defeat this act; or (5) received or attempted to obtain any money or property, remuneration, compensation, reward, advantage, or promise thereof from any person for acting or forbearing to act in bankruptcy proceedings; or (6) having been an officer or agent of any person or corporation, and in contemplation of the bankruptcy of such person or corporation, or with intent to defeat the operation of this act, concealed or transferred any of the property of the debtor; or (7) after the filing of the petition, or in contemplation of bankruptcy, concealed, destroyed, mutilated, or falsified any book, document, or record affecting or relating to the property or affairs of a bankrupt; or (8) after the filing of the petition, withheld from the receiver or trustee any book, document, or paper affecting or relating to the property or affairs of a bankrupt.

"(d) A person shall not be prosecuted for any offense arising under this act unless the indictment is found or the information is filed in court within three years after the commission of the offense.

"(e) (1) Whenever any referee, receiver, or trustee shall have grounds for believing that any offense under this act has been committed, or from facts or circumstances brought out in the course of administration or otherwise brought to his attention, that there is reasonable ground to believe that such an offense has been committed, or for special reason, an investigation should be had in connection therewith, it shall be the duty of such referee, receiver, or trustee to report such matter to the United States attorney for the district in which it is believed such an offense has been committed, including in such report a statement of all the facts and circumstances of the case within his knowledge, with the names of the witnesses, and a statement as to the offense or offenses believed to have been committed.

"(2) It shall be the duty of every United States attorney immediately to inquire into the fact so reported to him by any referee, receiver, or trustee, and the law applicable thereto, and if it appears probable that any offense under this act has been committed, in a proper case and without delay, to present the matter to the grand jury, unless upon inquiry and examination such district attorney decides that the ends of public justice do not require that the alleged offense should be investigated or prosecuted, in which case he shall report the facts to the Attorney General for his direction in the premises."

"SEC. 12. That section 38 (a), subdivision 5, of said act, as so amended be, and the same hereby is, amended to read as follows:

"(5) During the examination of the bankrupt, or other proceedings, authorize the employment of stenographers for reporting and transcribing the proceedings at such reasonable expense to the estate as the court may fix."

"SEC. 13. That section 64, subdivisions (a) and (b), of said act, as so amended, be, and the same hereby are, amended to read as follows:

"(a) The court shall order the trustee to pay all taxes legally due and owing by the bankrupt to the United States, State, county, district, or municipality, except franchise or license fees or taxes of a corporation, owing to States in which such corporation is not doing business, in the order of priority as set forth in paragraph (b) hereof: *Provided*, That no order shall be made for the payment of a tax assessed against real estate of a bankrupt in excess of the value of the interest of the bankrupt estate therein as determined by the court. Upon filing the receipts of the proper public officers for such payments the trustee shall be credited with the amounts thereof, and in case any question arises as to the amount or legality of any such tax the same shall be heard and determined by the court.

"(b) The debts to have priority, in advance of the payment of dividends to creditors, and to be paid in full out of bankrupt estates, and the order of payment shall be (1) the actual and necessary cost of preserving the estate subsequent to filing the petition; (2) the filing fees paid by creditors in involuntary cases, and, where property of the bankrupt, transferred or concealed by him either before or after the filing of the petition, shall have been recovered for the benefit of the estate of the bankrupt by the efforts and at the expense of one or more creditors, the reasonable expense of such recovery; (3) the cost of administration, including the fees and mileage payable to witnesses as now or hereafter provided by the laws of the United States, and one reasonable attorney's fee, for the professional services actually rendered, irrespective of the number of attorneys employed, to the petitioning creditors in involuntary cases while performing the duties herein prescribed, and to the bankrupt in voluntary and involuntary cases, as the court may allow; (4) where the confirmation of composition terms has been refused or set aside upon the objection and through the efforts and at the expense of one or more creditors, in the discretion of the court, the reasonable expenses of such creditors in opposing such composition; (5) wages due to workmen, clerks, traveling or city salesmen, or servants, which have been earned within three months before the date of the commencement of the proceeding, not to exceed \$600 to each claimant; (6) taxes payable under paragraph (a) hereof and (7) debts owing to any person who by the laws of the States or the United States is entitled to priority: *Provided*, That the term "person" as used in this section shall include corporations, the

United States and the several States and Territories of the United States: *Provided, however,* That priorities granted by any State law to its residents and to domestic corporations over nonresidents and foreign corporations shall not be recognized or allowed."

"Sec. 14. That section 70, subdivision (a) 2, and (b) of said act as so amended, be, and the same hereby are, amended to read as follows: "(2) Interests in patents, patent rights, copyrights, and trade-marks, and in applications for patents, copyrights, and trade-marks: *Provided,* That in case the trustee, within 30 days after appointment, does not notify the applicant for a patent, copyright, or trade-mark of his election to prosecute the application to allowance or rejection, the bankrupt may apply to the court for an order revesting him with the title thereto, which petition shall be granted, unless, for cause shown by the trustee, the court grants further time to the trustee for making such election; and such applicant may, in any event, at any time petition the court to be revested with such title in case the trustee shall fail to prosecute such application with reasonable diligence; and the court, upon revesting the bankrupt with such title, shall direct the trustee to execute proper instruments of transfer to make the same effective in law and upon the records.

"(b) All real and personal property belonging to a bankrupt estate shall be appraised by not more than three disinterested appraisers who shall be appointed by and report to the court. Real and personal property shall when practicable be sold subject to the approval of the court; it shall not be sold otherwise than subject to the approval of the court for less than 75 per cent of the appraised value."

"Sec. 15. Nothing herein contained shall have the effect to release or extinguish any penalty, forfeiture, or liability incurred under any act or acts of which this act is amendatory.

"Sec. 16. The provisions of this amendatory act shall govern proceedings, so far as practicable and applicable, in bankruptcy cases pending when it takes effect; but as to proceedings in cases pending when this act takes effect, to which the provisions of this amendatory act are not applicable, such proceedings shall be disposed of conformably to the provisions of said act approved July 1, 1898, and the acts amendatory thereof and supplementary thereto.

"Sec. 17. All acts or parts of acts inconsistent with any provisions of this act are hereby repealed.

"Sec. 18. This act shall take effect and be in force on and after three months from the date of its approval."

Mr. MICHENER. Mr. Speaker, the bill (H. R. 8119) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was favorably reported by the Committee on the Judiciary. The bill (S. 1039) introduced by Senator WALKER has passed the Senate. These bills in substance cover the same subject matter. The Senate bill (S. 1039) was referred by the Speaker to the Committee on the Judiciary and was reported back to the House with an amendment, that amendment being to strike out all after the enacting clause and insert the House bill H. R. 8119, so that we are to-day considering the Senate bill 1039, which, as amended, is House bill 8119.

The present bankruptcy law was enacted in 1898, and since that time there have been but few minor changes in the law. On the whole the law has worked well and has proved the wisdom of its enactment. Credit is such an important part in the commercial and industrial business of the country that a national insolvency law is a necessity.

During the last five years it has been realized by those familiar with the situation that certain amendments should be made to the law, and accordingly several bills have been introduced into the Congress looking toward these changes. In 1924 a subcommittee of the Committee on the Judiciary was appointed to conduct hearings and to consider these proposed amendments. Numerous hearings were held and much publicity was given to the fact that hearings were to be held. The first hearings were held in January, 1925, and the last hearings in January, 1926, and as a result of these hearings the bill H. R. 8119 was introduced. This bill has the active support of the American Bar Association, the National Association of Credit Men, the Commercial Law League of America, and many other organizations. These organizations appeared before the committee in behalf of the bill and no one has appeared in opposition to the bill. The Merchants' Association of New York City and some other organizations advocated further changes in the law. That is, they favor the bill H. R. 8119, but would make additional changes, the principal one of which would be the establishing of a system of official receivers, accountants, and so forth. After most careful consideration the committee concluded that the changes provided in this bill should be made and that we should not go further at this time.

Inasmuch as we have no knowledge of anyone opposing this measure, and inasmuch as the report accompanying the bill

and which has been available to all Members for some time, discusses in detail every proposed change, it will not be necessary to prolong this debate.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. BLANTON. The gentleman has absolute control of this time.

Mr. MICHENER. I yield for a question in reference to the bill.

The SPEAKER. The gentleman said that there was not any need of debate.

Mr. MICHENER. Mr. Speaker, if the gentleman wants some time, I shall be very glad to yield him time.

Mr. BLANTON. The gentleman has promised to yield me 10 minutes, but I call his attention to this: The gentleman is not even going to permit an amendment to the bill.

Mr. MICHENER. Mr. Speaker, I do not yield further at this time.

Mr. BLANTON. Would not the gentleman answer a civil question? Why does not the gentleman let us amend the bill?

Mr. MICHENER. Mr. Speaker, I refuse to yield further.

Mr. HUDSPETH. Mr. Speaker, the gentleman will yield for a question about the bill, will he not?

Mr. MICHENER. Yes.

Mr. HUDSPETH. In reading section 3, I see it is provided that if judgment is secured against a person, after 30 days he may be declared a bankrupt. Under the old law it was four months. Is not that a little hard?

Mr. MICHENER. No; I will explain that as I come to it. The gentleman has a wrong understanding. The bill does not so provide. The four-month period is not eliminated.

Mr. HUDSPETH. As I read it I get that idea.

Mr. MICHENER. The gentleman has not read it in connection with other provisions of the law. In 1925 the Federal Judicial Council recommended some changes in bankruptcy general orders, and these changes were made by the Supreme Court, and the efficacy of the amendments embodied in this proposed bill is to be considered in connection with these new general orders. The bankruptcy law is technical in the extreme, and practically every section and every subdivision thereof is dependent upon some other section, and its real effect can only be appreciated when one has a thorough knowledge of the law, the general orders, and the judicial construction given by the courts.

These amendments have been well considered and have been passed upon by those in the legal world most able to speak, and there seems to be a unanimity of opinion that these changes should be made. The primary purpose of the bankruptcy law is the relief of the honest debtor, and coupled with this is the idea of equality among creditors in the division of the bankrupt's assets. In short, it is contended that the bankrupt having more liabilities than assets should account for his assets and permit the creditors, under the law and guidance of the court, to wind up the estate, saving to the creditors at all times as much as possible of the assets, to the end that the bankrupt might be permitted to start anew in commercial life and that the creditors might suffer a minimum loss by reason of the debtor's failure. Experience has shown that there are certain loopholes in the law whereby it is possible for dishonest bankrupts and unscrupulous bankruptcy attorneys to work serious fraud upon the creditors, and one of the main functions of H. R. 8119 is to remedy this condition.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MICHENER. I would rather not now.

Mr. CONNALLY of Texas. For this question: Is it the purpose of the gentleman to yield later on in answer to questions as to different parts of the bill?

Mr. MICHENER. Yes.

Mr. CONNALLY of Texas. I will withhold my question.

Mr. MICHENER. The law performs its function so far as relates to the purpose to relieve an honest debtor from his misfortune. The failure, if such, of the bankruptcy law, and the malfeasances for its administration, have reference solely to its second purpose or function, that of securing to creditors at the least possible expense the equal distribution of the property of the debtor to his creditors.

It is needless to say that the most complaint comes from the larger cities, and it is the opinion of the committee that more rigid enforcement of the law by the courts in which it is administered will be most wholesome.

The evils of so-called "bankruptcy rings" can best be remedied by the courts administering the bankruptcy law. Statutory enactment is of no force or effect unless the requirements of the law are insisted upon by the judge before whom the litigants appear.

These proposed amendments are not in the way of innovations; they are simply declaratory of and for the strengthening of the present law, and are directed to helping creditors help themselves to administer that law. No honest debtor can in any way be injured by the proposed amendments, and no creditor will suffer by these changes.

The principal changes are:

(1) The meaning of the term "corporations" is broadened so as to include common-law trusts, and so forth.

Under the law to-day common-law trusts, or what are sometimes called Massachusetts trusts, are not subject to the bankruptcy law, and this amendment cures this defect in the law.

(2) Two new acts of bankruptcy are created, one act being subsection 4 of section 3 (a), which provides:

Suffered or permitted, while insolvent, any creditor to obtain through legal proceedings any levy, attachment, judgment, or other lien, and not having vacated or discharged the same within 30 days from the date such levy, attachment, judgment, or other lien was obtained.

Under existing law a creditor may obtain judgment against a debtor and hold that judgment for four months and one day, and it becomes a lien entitled to priority under the laws of the State if the debtor subsequently goes into bankruptcy; that is, the lien has been permitted to ripen into a preference, giving the creditor advantage over other creditors and defeating one of the fundamental principles of equality among creditors.

It will be observed that the debtor must be insolvent, the idea being that the insolvent estate during the term of four months shall be protected against seizures as well as against preferential payments out of the estate. Mr. Montgomery, an attorney for the National Credit Men's Association, and who is an authority on the bankruptcy law, said at the hearings:

The necessity for that proposition is to be found in a case decided by the United States Supreme Court, *Citizens Baking Co. v. Havenna National Bank* (234 U. S. 360), which holds that where a lien is obtained upon the property of one who subsequently becomes a bankrupt, but there is no sale or final disposition of the property within five days before the expiration of the four months, preference can be set aside and there is no act of bankruptcy; as, for example, if an attachment in an action is levied upon the property of a debtor and a suit is brought at the same time that the attachment is levied, that suit may be defended and final judgment in the action may not be obtained until more than four months after the attachment were levied; let us assume that none of the other acts of bankruptcy mentioned in section 3a has been committed. That lien remains upon the bankrupt's property for a period of more than four months, pending the final outcome of the litigation, and there is no sale or final disposition within four months from the obtaining of the levy. The opinions hold that no act of bankruptcy is committed, because there is no sale or final disposition until subsequent to the four months. At that time the act of bankruptcy takes effect, but the lien is perfected and has been on the property for more than four months, and is entitled to preference under the bankruptcy act.

In some States, like Massachusetts, an attachment issues at the beginning of suit and without the foundation being laid for attachment as is required in most of the States. This attachment is levied on the debtor's property and remains a lien through the entire proceeding, and it is to reach cases of this kind that this amendment is suggested.

I might say this in further explanation. In some States of the Union like Massachusetts they start a suit by attachment. The attachment issues and summons, and it is levied on the man's property and it remains a lien there until final disposition of the property. Now it is for the purpose of taking care of this kind of cases that this amendment is offered, and I think, I will say to the gentleman from Texas, it will not make much difference in the operation of the law in his State.

Mr. HUDSPETH. We do not start any suit in Texas by the issuance of an attachment unless it is shown the property is to be removed from the State or there is some statutory ground.

Mr. MICHENER. That is exactly as in my State.

Mr. HUDSPETH. They have to show that.

Mr. CARSS. Will the gentleman yield?

Mr. MICHENER. I will.

Mr. CARSS. How does this amendment affect the amount of exemption in this bankrupt proceeding as compared with the old law?

Mr. MICHENER. These amendments do not effect exemptions. I think the gentleman means to ask how this affects the wages of wage earners. Under the present bankruptcy law there is an amount of \$300 for wages earned within three months immediately preceding the bankruptcy proceedings allowed as a priority claim. In the amendment suggested the amount is raised to \$600. I might say to the gentleman the American Federation of Labor appeared before the committee

and asked that the limit on the amount be removed entirely and that the time limit be removed. In other words, that all wages earned in all time have priority over other claims. The committee thought that was inadvisable because it would open the gates to fraud, the very thing that we are trying here to close, but we did not feel that if \$300 in 1898 was the proper amount of wages earned within three months then in 1926, with changed conditions, that \$600 was a fair and equitable amount.

Mr. CARSS. I thank the gentleman for the information.

Mr. CONNALLY of Texas. On page 15, section 8, subdivision (b) relates to suits by trustees. As I understand the law at the present time, the trustee or receiver in bankruptcy has to sue in the State court for the possession of property due the bankrupt estate as though no bankruptcy proceedings had been filed, but I notice in section (b) here the bill provides that suits shall so be brought.

Except suits for the recovery of property under section 60, subdivision (b); section 67, subdivision (c); and section 70, subdivision (e).

What are those exceptions?

Mr. MICHENER. I can answer the gentleman's question quickly. Section 8, subdivision (b) is copied from the old law. That is the law to-day.

Mr. CONNALLY of Texas. Why does the gentleman want to reenact something that is in that form and thus confuse Members?

Mr. MICHENER. I will say to the gentleman that it was through an inadvertence on my part that that was left in the bill. It is in the law to-day. This bill was prepared by the American Bar Association and other organizations and revised on several occasions, but there is no change in (b).

Mr. CONNALLY of Texas. What the gentleman says about this bill being prepared by the American Bar Association and being supported, all the commercial lawyers being for it, and the wholesalers and collecting agencies, is interesting. I suppose the bankrupts themselves had very little representation before the committee.

As to section 11, why the necessity of creating a whole flock of new crimes and new criminal offenses? I, for one, have always been afraid of statutes for imprisoning people for debt. The bankrupt court is a close approach to that ancient and dishonorable statute by which people were thrown into prison for debt. I do not want to create new crimes and misdemeanors just because some collecting agency can not find some property to seize.

Mr. MICHENER. I appreciate the gentleman's suggestion, but it was thought advisable to make no changes. The language of the bill speaks for itself. The committee felt that only those changes should be included. This is in section which?

Mr. CONNALLY of Texas. Section 11. Were any facts presented to the committee showing any necessity for these new offenses? I think the present law is pretty strong. They seem to be able to collect everything that a fellow has got.

Mr. MICHENER. Has the gentleman read the report?

Mr. CONNALLY of Texas. Yes; I have read the report. But I understand the report contains nothing but a copy of the substitute. It does not explain anything.

Mr. MICHENER. It explains every change in every section in detail. On page 17 of the bill, section 11A, the only change there is the addition of the words "receiver, custodian, or other officer." In other words, it is now an offense to conceal property from the trustee. We felt that if that were true, then it should be an offense to conceal that same property from the receiver, custodian, or other officer of the court. If the gentleman will familiarize himself with the law, he will find that we have added but these words. The only change in section B is this: We did increase the penalty from two years to five years. The law says a person shall be punished by imprisonment for not exceeding two years upon conviction of the offense of knowingly and fraudulently concealing from the trustee or receiver any property. We have increased that to five years. We also added the words "United States marshals or other officer of the court charged with the control or custody of property or from creditors in composition cases." If there was any reason why we should punish the man who concealed from the trustee, then there was reason why we should punish the man who concealed from the custodian or marshal or other officer of the court having like duties to perform at certain stages of the proceeding.

Mr. BOWLING. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. BOWLING. As to subdivision (a) under section 11, if I understand the force and meaning of that language, it all

being one sentence, it is effective only on the trustee, receiver, custodian, or other officer. Is that the correct understanding?

Mr. MICHENER. There is no change in the law whatever only as above indicated.

Mr. BOWLING. That language is modified later on in the sentence, where he is described as a trustee.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I will yield for a short question.

Mr. BLANTON. After a discharge in bankruptcy has been granted, what does the gentleman think of the limitation of the time within which the same person can get another discharge from bankruptcy?

Mr. MICHENER. Under the law now a man going into involuntary bankruptcy can get a discharge as often as he likes so far as the time limit in the law is concerned. One going into voluntary bankruptcy can get a discharge once in six years.

Mr. BLANTON. Why do not you make it 20 years?

Mr. MICHENER. Because we made it six.

Mr. BLANTON. You will not permit an amendment to change it, will you?

Mr. MICHENER. No.

Mr. MOORE of Virginia. Mr. Speaker, I would like to ask the gentleman a question. It was stated that the Senate bill was offered by Senator WALSH. I want to ask the gentleman whether the House amendment, which supersedes the Senate bill, differs materially and in substance from the Senate bill?

Mr. MICHENER. It does not. It includes a few things not in the Senate bill, most of which are corrections to make the law conform to modern conditions, so far as the courts are concerned. For instance, we eliminate the Indian Territory and provide for an appeal in the District of Columbia from the Supreme Court to the Court of Appeals of the District.

Mr. MOORE of Virginia. So that we can safely say that the Walsh bill and this bill have the approval of the American Bar Association?

Mr. MICHENER. I do not think there is any question about that. However, this bill is a later bill. The Walsh bill was introduced at the last session and had the approval of the bar association at that time. After further consideration additional changes were made. Senator WALSH at the beginning of the session introduced the old bill again.

Mr. MOORE of Virginia. So far as these prosecutions are concerned of which the gentleman from Texas [Mr. CONNALLY] spoke, the limitations are not changed, are they, as to the time in which prosecutions are to be instituted?

Mr. MICHENER. Yes. There is a provision in the bill providing that the limitation be increased from one year to three years. Under the present law persons subject to the terms of the bankruptcy law may be prosecuted within one year. We increased that to three years at the suggestion of the Attorney General's department.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. MICHENER. Yes.

Mr. TAYLOR of Tennessee. Do you take care of the amendment recommended by the Retail Merchants' Association?

Mr. MICHENER. I do not know what that amendment is.

Mr. TAYLOR of Tennessee. I have had a number of letters from the Retail Merchants' Association in my district referring to an amendment in the bill in which they are interested.

Mr. MICHENER. I assume the gentleman refers to an amendment providing that no one shall be entitled to the benefits of the bankruptcy law unless he owes debts to the amount of \$500 or more?

Mr. TAYLOR of Tennessee. I think that is the amendment.

Mr. MICHENER. If that is the amendment to which the gentleman refers, I will say that the committee did not adopt that amendment and for this reason: The bankruptcy law is intended for the protection of the honest bankrupt, primarily. It was our notion that a man with debts amounting to \$499 is just as much entitled to the protection of this law—if there be a protection—as the man who owes debts of \$550. You can not arbitrarily set any particular amount unless you are going to do injury to the small man. I will say that there are many people in the country who have taken advantage of the bankruptcy law under that amount and they ordinarily come from the rural districts.

Mr. STEPHENS. Will the gentleman yield?

Mr. MICHENER. Yes.

Mr. STEPHENS. Following out that statement, if a man has debts amounting to \$500, or even \$1,000, why should he be given the aid of the bankruptcy law? If he owes \$500, surely in the course of his lifetime he can pay that \$500 or even \$1,000. I believe it ought to be limited to \$1,000; that no one

could take advantage of the bankruptcy law whose debts amounted to less than \$1,000, because that frees him from that indebtedness, and we know he has many years in which to retrieve his fortunes and pay the indebtedness.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. MICHENER. Yes.

Mr. CONNALLY of Texas. In other words, the gentleman thinks if a man owes \$1,000,000 he should get free of that?

Mr. STEPHENS. Yes.

Mr. CONNALLY of Texas. Whereas if he owes only \$500 the gentleman would make him pay every nickel and not let him go into bankruptcy?

Mr. STEPHENS. No. The idea of bankruptcy is that a man who might owe \$1,000,000 in business affairs has no prospect of ever retrieving his fortune and being able to pay the \$1,000,000; but my idea is that anyone who owes \$500 will have an opportunity to pay it some time in the next several years, and we should not relieve him of that debt.

Mr. WEFALD. Will the gentleman yield?

Mr. MICHENER. Yes.

Mr. WEFALD. Are we to understand that this bill will deal just as fairly with the little fellow as with the big one?

Mr. MICHENER. Absolutely.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. MICHENER. Yes.

Mr. JOHNSON of Texas. My experience in representing creditors in bankruptcy courts has been that the chief objection to the bankruptcy law has been that the cost of administration of estates in bankruptcy courts has been so high that the creditors have received very little, and as a rule they try to keep out of the bankruptcy courts. Is there any change made in the law to reduce the cost of administration?

Mr. MICHENER. Not directly but indirectly.

Mr. JOHNSON of Texas. In what way?

Mr. MICHENER. I do not want to take the time to explain that to the gentleman. The gentleman can find that in the report.

Mr. JOHNSON of Texas. I have read the report, but I can not find anything which explains that.

Mr. MICHENER. If it is not in the report, then there is nothing in the bill about it.

Mr. JOHNSON of Texas. I would like to ask why that was not considered? I am sure that one of the greatest criticisms of the bankruptcy law is that the cost of administration, the referees' fees and the trustees' fees and commissions, eat up the estate and there is nothing left. Has the gentleman heard that complaint?

Mr. MICHENER. Yes. We had long hearings on the question of official receivers. The only method advocated by anyone along that line is the official receivership proposition, which would come in and take over, on the part of the Government, the operation, the conduct, and the carrying on of all these estates. That would create innumerable Government officials and they would receive a salary; their fees would go into the Treasury of the United States, and it was suggested that these fees would take care of the actual cost. However, the committee did not feel that way about it. I do not think that is feasible, and at this time we are not in any way dealing with the fee system, but that may come up later.

Mr. JOHNSON of Texas. I think that is one thing in the law that ought to be given attention, because the referees in bankruptcy have grown rich at the expense of the creditors, and, as I understand, the organization of these referees is very strong and very powerful.

Mr. MICHENER. No referees appeared before the committee.

Mr. JOHNSON of Texas. I am sure they would have more sense than to do that directly.

Mr. MICHENER. I hope the gentleman will not take any more time. We are discussing these proposed amendments, and not amendments not included in the bill.

Mr. BRIGGS. Will the gentleman yield?

Mr. MICHENER. Yes.

Mr. BRIGGS. I want to ask the gentleman if any effort was made to prepare and submit any amendment in this bill which would relieve many of these bankrupt estates from being dissipated, which, I think, is one of the matters that was recently before this House in connection with some proceedings recently had here.

Mr. MICHENER. I will say to the gentleman that it is the opinion of the committee that the matters to which he refers can best be handled by the courts themselves. The bankruptcy law is sound in principle, and the bankruptcy law is well drawn, but in its administration there are conditions existing which should be remedied. These are largely in the large cities, and, in my judgment, they are due largely to the fact

that the court does not exercise the supervision which it should exercise over the administration of bankrupt estates. If the court insisted upon the law being carried out as it is and as amended here, I think the gentleman would have no cause for complaint.

Mr. HUDSPETH. Will the gentleman yield?

Mr. MICHENER. Yes.

Mr. HUDSPETH. The statute of limitations applies generally in the Federal courts to two years after the offense is committed. I want to ask why you extend that time to three years and permit some sleuths and some secret-service men—and they are always snooping around to find something on somebody—to have a longer time? Why do you extend it to three years?

Mr. MICHENER. For the reason that in some of the larger cities, like New York City, the bankruptcy cases go into the millions and it is very easy for a man to leave the jurisdiction or to leave New York; he can remain away for one year and then return and go unpunished.

Mr. HUDSPETH. What demand was there for this amendment? Did it come from the big cities and did the Attorney General recommend it?

Mr. MICHENER. The Attorney General recommended it; yes. My time has about expired, and I have promised to yield some time. Under permission to extend I will give a detailed statement of these amendments and the reasons therefor.

SECTION 1 OF THE BILL, BEING SECTION 1 OF THE LAW: "MEANING OF WORDS AND PHRASES"

To the definition given in present law of the word "corporations" has been added the following words: "joint-stock companies, unincorporated companies and associations, and any business conducted by a trustee or trustees, wherein beneficial interest or ownership is evidenced by a certificate or other written instrument."

The object of this amendment is to include within the scope of the operation of the bankruptcy law, beyond any doubt, those businesses conducted under the guise of so-called trusts.

Clause 8, defining "courts of bankruptcy," has been made to conform with present-day conditions by striking out reference to the "United States Court of the Indian Territory."

Clause 24 has also been modernized by striking out the words "the Indian Territory."

SECTION 2 OF THE BILL, BEING SECTION 2 OF THE LAW: "CREATION OF COURTS OF BANKRUPTCY AND THEIR JURISDICTION"

The comments with respect to clauses 8 and 24 of section 1 above are in point here.

SECTION 3 OF THE BILL, BEING SECTION 3 (A) OF THE LAW: "ACTS OF BANKRUPTCY"

There are three amendments to this section. The first is to be found in 3 (a) where the word "final," preceding the words "disposition of any property," has been changed to read "other."

The purpose of this amendment is to prevent frequent evasions of the bankruptcy act now occurring, due largely to inability to prove that a sale which has occurred within four months prior to the bankruptcy was a final disposition; some of the courts holding that until a hearing has been had on the merits there has been no final disposition of the defendant's property. In the meantime and upon the lapse of four months the bankrupt creditor has gained a preference by legal proceeding, thereby defeating the spirit of the law.

The second amendment to section 3 (a) is the insertion of a new act of bankruptcy which is designated "(4)" and reads as follows: "suffered or permitted, while insolvent, any creditor to obtain through legal proceeding any levy, attachment, judgment, or other lien, and not having vacated or discharged the same within 30 days from the date such levy, attachment, judgment, or other lien was obtained."

Under existing law a creditor may obtain judgment against a debtor and hold that judgment for four months and one day, and it becomes a lien entitled to priority of payment under the laws of the State if the debtor subsequently goes into bankruptcy; that is, the lien has been permitted to ripen into a preference, giving the creditor advantage over other creditors and defeating one of the fundamental principles of equality among creditors.

It will be observed that the debtor must be insolvent, the idea being that the insolvent estate during the term of four months shall be protected against seizures as well as against preferential payments out of the estate. As suggested by Mr. Remington at the hearing, this section has no reference to liens by right, no reference to foreclosure of mechanics' liens, or mortgage liens.

The third amendment in this section occurs in "(4)" of 3 (a) of the present law. Said "(4)" being "(5)" of the bill and as amended reads: "made a general assignment for the benefit of his creditors; or, whole insolvent, a receiver or a trustee has been appointed or put in charge of his property."

Under judicial interpretation the existing provision of the law has been held to mean that insolvency must actually be alleged in a peti-

tion for the appointment of a receiver, and a receiver must have been appointed because of insolvency in order to become an act of bankruptcy. Under the amendment the appointment of a receiver for a debtor who is in fact insolvent is in itself an act of bankruptcy, even though such insolvency was not directly alleged in the petition asking for the receiver.

SECTION 4 OF THE BILL, BEING SECTION 7 (A) OF THE LAW: "DUTIES OF BANKRUPTS"

All the language of subdivision (8) of section 7 (a) is stricken out and new language inserted.

The purpose of this amendment is to place the voluntary bankrupt on a parity with the involuntary bankrupt in respect to the filing of schedules and serves to eliminate the excuse for collusive petitions. Under existing law schedules must be filed within 10 days in involuntary cases and with the petition in voluntary cases. The adoption of this amendment will do away with many so-called "voluntary involuntary" bankruptcy proceedings.

SECTION 5 OF THE BILL, BEING SECTION 12 (A) OF THE LAW: "COMPOSITIONS, WHEN CONFIRMED"

This amendment strikes out the words "and action upon the petition for adjudication shall be delayed until it shall be determined whether such composition shall be confirmed," appearing at the end of section 12 (a), and inserts in lieu thereof the following: "but action upon the petition for adjudication shall not be delayed, except that the court, for good cause shown, may in its discretion delay such action upon such terms and conditions for the protection of and indemnity against loss by the bankrupt estate as may be proper."

Experience has shown that many composition offers are submitted which are never intended to be carried through, and it is customary and proper for the preservation of the good will of the bankrupt's business to continue its operation pending the consideration of his composition terms, and as these businesses are frequently conducted at a loss, therefore after the composition terms are withdrawn it is found that the bankrupt estate has suffered accordingly.

This amendment will prevent a debtor in bankruptcy making an offer of composition which ipso facto stays further proceedings and very often to the detriment of the creditors.

SECTION 6 OF THE BILL, BEING SECTION 14 (A) AND (B) OF THE LAW: "DISCHARGES, WHEN GRANTED"

In paragraph (a) of the present law the words "the next" are stricken out for the reason that these words have produced ambiguity, doubt existing as to whether a bankrupt has 12 or 13 months from the date of his adjudication in which to apply for his discharge. The amendment corrects this ambiguity, and is in accordance with the original intent of Congress, as indicated by the vast majority of courts passing upon the question.

In 14 (b) the first amendment occurs in subdivision (2). The principal change comes by striking out the words "with intent," so that the destruction, mutilation, falsification, concealment, or failure to keep books shall be ground for denying the discharge unless the court deems such failure or acts to have been justified.

Mr. Brandenburg, the authority on bankruptcy, said at the hearings: "Those of us who have made a study of the law have realized that under the statute as it originally existed all persons should keep books of account. Now, we know that the farmer does not keep books of account; we know that the ordinary householder does not keep books of account. This amendment permits the court to excuse the obligation of not keeping books of account, and we think that this is important."

In 14 (b) the second amendment comes in subdivision (3) of the present law, which reads as follows: "obtained money or property on credit upon a materially false statement in writing made by him to any person or his representative for the purpose of obtaining credit from such person."

This subdivision has been stricken out and there has been inserted in its stead the following: "obtained money or property on credit, or obtained an extension or renewal of credit, by making or publishing, or causing to be made or published, in any manner whatsoever, a materially false statement in writing respecting his financial condition."

The commerce of to-day is transacted almost entirely upon credit. Under the present law a false financial statement to be grounds for denying a discharge must be given directly to the complaining creditor or his representative. The amendatory provision serves to prevent those evasions of the law which now occur by having the false statements made to and distributed by commercial agencies.

In 14 (b) the third amendment comes in 14 (b) (4), the material change being that the words "four months" have been stricken out and the words "twelve months" inserted in lieu thereof.

The purpose of this amendment is to permit fraudulent transfers occurring at any time within 12 months preceding the filing of the bankruptcy petition to be grounds for denial of a discharge.

In short, the amendment requires the bankrupt to be honest for a period of 12 months preceding his bankruptcy instead of 4 months, as now provided, if he is to receive the benefits of the bankruptcy law.

In 14 (b) subdivision (5) it is provided that no bankrupt, voluntary or involuntary, can receive a discharge oftener than every six years. This is the law to-day so far as voluntary bankrupts are concerned. In actual practice the hearings developed that there are those who seek discharges in bankruptcy oftener than once every six years, and the practice has been to have some friendly creditors file involuntary petitions and in this way evade the law.

In 14 (b) subdivision (7) is found an entirely new subdivision.

By the provision of this amendment the burden of proof is shifted from the creditor to the bankrupt to explain any losses of assets or deficiency of assets, which should be present to meet liabilities, and in case an objector to a discharge shows to the satisfaction of the court that there is reasonable ground for believing that the bankrupt should be denied a discharge in accordance with section 14 (b), then the burden is placed upon the bankrupt to show that he is entitled to his discharge, the contention of the objector to the contrary notwithstanding.

SECTION 7 OF THE BILL, BEING SECTION 21 OF THE LAW: "EVIDENCE"

The amendment to this section consists in adding a subdivision to be known as ("h").

It is intended by this amendment that a creditor may write to another creditor or to the trustee or to the receiver, concerning the bankrupt acts or property of the bankrupt, and that the creditor shall not be held liable to any person for such communication, provided the same was uttered in good faith and with reasonable ground for belief in its truth. It developed before the committee that investigations of bankrupts, etc., are now conducted largely by creditors' committees and it was thought advisable to permit these creditors to communicate freely with each other in reference to the bankrupt's conduct in connection with his estate.

SECTION 8 OF THE BILL, BEING SECTION 23 OF THE LAW: "JURISDICTION OF UNITED STATES AND STATE COURTS"

The principal amendments in section 8 of the amendatory bill to section 23 of the existing law are these:

In line 3 the words "The United States district courts" have been substituted for "United States circuit courts," and section 23 of the existing law, relating to jurisdiction of the United States circuit courts, has been entirely eliminated. It is quite obvious that the United States circuit courts have been abolished.

SECTION 9 OF THE BILL, BEING SECTION 24 (A) AND (B) OF THE LAW: "JURISDICTION OF APPELLATE COURTS"

The amendments to this section are threefold: First, to comply with recent congressional legislation provision has been made for appeals in the District of Columbia to the Court of Appeals of the District; this change has been made in both subdivisions (a) and (b) of section 24. Second, the amendment to 24 (b) has for its object the elimination, so far as possible, of the fine distinction between appeals and reviews, as the judiciary repeatedly suggested should be done. It is proposed to amend the law by having reviews take the form of appeals, without, however, carrying up to the appellate court matters of fact as well as matters of law. Third, subdivision (c) is new and is as follows:

"(c) All appeals under this section shall be taken within 30 days after the judgment or order or other matter complained of has been rendered or entered."

The purpose of this amendment is to render uniform the time within which appeals and reviews may be taken. At the present time certain appeals are to be taken within 30 days and other appeals and reviews are to be taken within periods ranging from 30 days to 6 months.

SECTION 10 OF THE BILL, BEING SECTION 25 (A) OF THE LAW: "APPEALS AND WRITS OF ERROR"

The amendatory matter contemplates two changes in the existing section. First, the insertion of "the Court of Appeals of the District of Columbia"; and the other, striking out the period of 10 days within which an appeal might be taken and inserting in lieu thereof "30 days."

The reasoning applied to the amendments under the previous section is here in point.

SECTION 11 OF THE BILL, BEING SECTION 29 (A), (B), AND (D) OF THE LAW: "OFFENSES"

The first change is in section 29 (a) where at the end of the section the words "receiver, custodian, or other officer of the court" have been added, so that it shall be a crime to conceal from receivers, custodians, or other officers of the court, as well as from the trustee.

The first change in section 29 (b) is the substitution of the term of "five years" for two years, so that "a person shall be punished by imprisonment for a period not to exceed five years, upon conviction of the offense of having knowingly and fraudulently," etc.

As many of these commercial frauds are of large proportion, the maximum punishment now provided is thought to be inadequate.

The next change is in section 29 (b) (1). This amendment is recommended by the Attorney General, who in his annual report said:

"It shall be made an offense to conceal assets, not only from the trustee, as now provided by section 20 (b) (1) of the bankruptcy act, but also from creditors in composition cases, and from any officer of

the court charged with the control or custody of property, including, for example, receivers in certain cases, trustees, and United States marshals."

The next change occurs in section 29 (b) (5), which now reads as follows:

"(5) Extorted or attempted to extort any money or property from any person as a consideration for acting or forbearing to act in bankruptcy proceedings."

As amended this subdivision would read:

"(5) Received or attempted to obtain any money or property, remuneration, compensation, reward, advantage, or promise thereof, from any person for acting or forbearing to act in bankruptcy proceedings."

This amendment was prompted by the fact that the courts have given the most rigid interpretation to the word "extort," whereas it was doubtless the intent of Congress that one should render himself criminally liable if he knowingly and fraudulently received or attempted to obtain any money or property for acting or forbearing to act in bankruptcy proceedings.

To section 29 (b) has been added subdivisions (6), (7), and (8), as follows:

"(6) Having been an officer or agent of any person or corporation, and in contemplation of the bankruptcy of such person or corporation, or with intent to defeat the operation of this act, concealed or transferred any of the property of the debtor; or (7) after the filing of the petition or in contemplation of bankruptcy concealed, destroyed, mutilated, or falsified any book, document, or record affecting or relating to the property or affairs of a bankrupt; or (8) after the filing of the petition withheld from the receiver or trustee any book, document, or paper affecting or relating to the property or affairs of a bankrupt."

The purpose of (6) is to reach behind a corporate entity in order to get at the one directly responsible for the wrongdoing. Subdivision (7) is also intended to reach those acts committed in contemplation of bankruptcy; and subdivision (8) is a necessary complement to other provisions of the bankruptcy law.

In section 29 (d) the time within which a bankrupt may be prosecuted criminally has been changed from one year to three years. This amendment has been proposed at various times by many Attorneys General of the United States and conforms with the Federal penal statutes.

Section 29 (e) is new matter and the text of the amendment was prepared by the Attorney General. The Attorney General did not suggest the amendment but did perfect the text. The amendment is designed to secure the aid and cooperation of the United States district attorney in bringing to speedy justice offenders against the bankruptcy law.

SECTION 12 OF THE BILL, BEING SECTION 38 (A) (5) OF THE LAW: "JURISDICTION OF REFEREES"

This section has to do with the employment of stenographers in bankruptcy matters.

The rate allowed by the law to be paid to stenographers is not to exceed 10 cents per folio for reporting and transcribing the proceedings. The amendment would permit the payment to stenographers such reasonable compensation as the court might fix. It is impossible in the larger centers at this time to secure stenographers at the rate now provided in the bankruptcy law.

SECTION 13 OF THE BILL, BEING SECTION 64 (A) AND (B) OF THE LAW: "DEBTS WHICH HAVE PRIORITY"

The amendatory matter in this section is a revision of the provisions of (a) and (b) of the present act. The principal changes are:

"(a) That no order shall be made for the payment of a tax assessed against real estate of a bankrupt in excess of the value of the interest of the bankrupt estate therein as determined by the court."

And the insertion of a new priority debt as follows:

"(b) (4) Where the confirmation of composition terms has been refused or set aside upon the objection and through the efforts and at the expense of one or more creditors, in the discretion of court the reasonable expenses of such creditors in opposing such composition."

Under the present law wages due to workmen, clerks, etc., which have been earned within three months before the date of the commencement of bankruptcy proceedings and not to exceed \$300 to each claimant has priority. The amendment increases the amount of priority claims to \$600. Certain organizations appeared before the committee and asked that the time limit and the limit on amount be eliminated from the present law. However, the committee does not think this advisable, but is of the opinion that if \$300 was a proper priority claim in 1898, when the law was enacted, taking into consideration the value of the dollar then and the value of the dollar now, that \$600 would be a fair amount at this time, and for this reason this amendment is suggested.

"Priorities granted by any State law to its residents or to its domestic corporations over nonresidents or foreign corporations shall not be recognized and allowed" is a new provision, and the reason for its enactment is that one or two States have statutes granting liens on assets of insolvent estates in favor of their own citizens who are creditors. This amendment also serves to establish equality among creditors.

SECTION 14 OF THE BILL, BEING SECTION 70 (A) 2 AND (B) OF THE LAW:
"TITLE TO PROPERTY"

The present law reads:

"(2) Interests in patents, patent rights, copyrights, and trade-marks is changed to read:

"(2) Interests in patents, patent rights, copyrights, and trade-marks, and in application for patents, copyrights, and trade-marks; provided that in case the trustee, within 30 days after appointment, does not notify the applicant for a patent, copyright, or trade-mark of his election to prosecute the application to allowance or rejection, the bankrupt may apply to the court for an order vesting him with the title thereto, which petition shall be granted unless for cause shown by the trustee the court grants further time to the trustee for making such election; and such applicant may, in any event, at any time petition the court to be re-vested with such title in case the trustee shall fail to prosecute such application with reasonable diligence; and the court, upon re-vesting the bankrupt with such title, shall direct the trustee to execute proper instruments of transfer to make the same effective in law and upon the records."

This amendment is made necessary due to the fact that in the administration of bankruptcy causes the trustees often pay but little heed to patent rights and interests, and after closing the estate serious difficulties are later presented with respect to title. Under this amendment the trustee must act within a specified time, otherwise the bankrupt may take certain action looking toward re-vesting him with his title.

By the terms of (b) of the existing law all property belonging to bankrupt's estate must be appraised by three disinterested appraisers. While the amendment proposes that the property shall be appraised by not more than three disinterested appraisers who shall be appointed by and report to the court.

There are many small cases where there is no necessity for three appraisers, and the amendment would lodge a discretion in the court, permitting the court to appoint less than three appraisers if thought advisable.

Sections 15, 16, 17, and 18 are new, and in no way change or affect the existing law, other than to carry out the amendments of the preceding 14 sections.

Mr. MICHENER. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, this bill can not be amended, and it is not a good bill. The gentleman in charge of this bill will not permit us to amend it. The bankruptcy law that has been in force since 1898—28 years—ought to be repealed absolutely instead of thus being extended from time to time. I have sat around the settlement table, I guess, as much as any man in the House representing creditors both in bankruptcy proceedings and in assignment proceedings.

The best proceeding for the man who owes and for the creditors is the old practice of debtors making assignments, and then the creditors distribute the assets themselves. The estate of a bankrupt belongs to the creditors, and it ought to go to the creditors. It ought not to be dissipated in bankruptcy fees and expenses. In the English case the evidence showed that the smallest percentage of cost in bankruptcy cases was 26 per cent for administration, and in some courts that runs up to 40, 50, and 60 per cent of the estate for administration, referees' fees, trustees' fees, receivership fees, fees of the attorney for the bankrupt, fees for the attorney of the trustee, and fees for the attorney of the receiver. All of these fees eat up the estate, and we ought to stop it.

Why bring in a bill that can not even be debated and which can not, in any particular, be amended? You have got to vote for it just as it is, with no opportunity to offer amendments. The chairman will move the previous question and will not permit you to offer amendments. I am going to vote against it.

It permits any man to come in the bankruptcy court every six years and get discharged from all of his debts.

I want to tell you about a case I have been working on—

Mr. MICHENER. Will the gentleman yield?

Mr. BLANTON. In a moment. I have been trying to get the general counsel down here in the Veterans' Bureau removed from office, because he has been wrongfully keeping veterans and their widows and orphans from getting their just deserts. He is generally known as "Poker Bill" Smith. I have been trying to have him removed. Why he has been discharged in bankruptcy twice from paying his honest debts, and yet he is now drawing a big salary from your Government down here in the Veterans' Bureau. You ought to stop it. It is not conducive to honesty and integrity to permit these men to come in every six years and be discharged of all their debts.

Mr. STEPHENS. Can not the gentleman have him removed?

Mr. BLANTON. I have been trying my dead-level best to have him removed. If the gentleman will help me, I think we can get him removed.

Mr. STEPHENS. I will help you.

Mr. BLANTON. But it is a slow process.

Mr. STEPHENS. Because I think he ought to be removed.

Mr. BLANTON. If I could get the chairman of the Rules Committee to go home for a week, we could have some of these fellows removed, but as long as he is here to protect them, God knows, it is a hard proposition. [Laughter.]

Let me tell my friend something. If you will make the dishonest millionaire who owes \$1,000,000 pay his honest debts, the little fellow will pay his—the \$500 man and the \$1,000 man. It is because a man accumulates debts up to \$1,000,000 and gets discharged from them that you find little fellows suffering all over the country.

Mr. STEPHENS. I think Smith should be removed on account of lack of legal knowledge.

Mr. BLANTON. Why, of course. He never has known any law. He got into the legal fraternity by accident. [Applause.] He went in with a large bunch of applicants in 1916, and they just doled out his license here through this machine in Washington. Every attorney down there knows he knows no law. And I made him admit to Director Hines in the presence of Senator SHEPPARD that he had never tried any important case in a courthouse when he was made general counsel for the United States Veterans' Bureau.

The SPEAKER pro tempore (Mr. SNELL). The time of the gentleman from Texas has expired.

Mr. MICHENER. Mr. Speaker, I yield to the gentleman from Virginia [Mr. MONTAGUE] such time as he desires.

Mr. MONTAGUE. Mr. Speaker and gentlemen of the House, I do not desire to discuss the bill. I did not know it was coming up this morning, and a bill of such technicality needs some refreshing of one's memory before one can intelligently discuss it. I have been on the subcommittee with the gentleman from Michigan [Mr. MICHENER], who has charge of the bill upon the floor. I wish to say he has given it the most painstaking, intelligent, and conscientious attention and consideration; indeed, I may say his fidelity to this bill deserves the highest appreciation of the House. [Applause.]

There has not been a semblance of partisanship in the consideration of the bill. We were confronted with whether we could improve existing legislation, and this is an effort to do it. Whether we should abolish the bankruptcy law and have no bankruptcy law, as suggested by the gentleman from Texas [Mr. BLANTON], is another question. I simply wish to give the House this assurance, if anything from me can be an assurance, that this bill is an improvement of the existing law. It gives a fairer deal, if I may use that term, both to the creditor and to the debtor. Of course, the character of this law, the excellence of this law, is not of so much moment as the administration of the law. So, in the last analysis, we come back to the judge and the machinery of the court for the administration of law. We of the committee think this law will aid in that administration, that it is an advance and improvement, and for that reason I commend it to the favorable consideration of the House. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, what I shall have to say is expressed for the purpose of expressing my own views rather than with any expectation of influencing anybody else with reference to this bill. I shall vote against it, chiefly for the reason it increases the statutory period of limitation, in most cases, from one year to three years, and it makes new criminal offenses.

The effect of extending the statute of limitations is to give increased opportunity to harass and blackmail and threaten persons who have any dealings with a bankruptcy court from one to a period of three years.

I believe everybody ought to pay their debts; but since we have a bankruptcy statute, I do not believe in making it so harsh and so much an engine of oppression and inquisition as this bill seems to do. I have not had an opportunity to examine it very carefully. I am voting against it simply on account of the fact it does not seem to me there is any particular necessity at this time for adopting the amendments that are proposed here.

Mr. MICHENER. Mr. Speaker, I may say, in conclusion, that this bill simply does this—it improves present conditions. I have not heard a single man and there has not been a single organization speak one word against the provisions of the bill until my friend, the gentleman from Texas [Mr. CONNALLY], discussed the matter, because it is conceded by all that there are inaccuracies and imperfections in the present law, and this law improves those conditions.

Mr. CONNALLY of Texas. Will the gentleman yield for a question?

Mr. MICHENER. Yes.

Mr. CONNALLY of Texas. Does the gentleman think his statement that there has been no organization coming here opposing the bill is any real argument? Is it not our duty to examine this bill for ourselves and not wait until somebody comes here and opposes it? There are 100,000,000 people in this country who are not organized.

Mr. MICHENER. In answer to that statement I will say this bill was taken up for consideration more than a year ago. Hearings were held in January of 1925, and others were held in 1926. Every trade journal in the country and every newspaper in the country of any importance was notified of the hearings on this bill. The committee sent notices out to every one we thought might be interested. We sent notices to Federal judges and also to referees. The bill was submitted to the Department of Justice. This is not hasty action. It is the best bill we can pass at this time. It makes for honesty, it makes for economy, it makes for equality among creditors.

The matter was discussed by the judicial council, of which Judge Taft is chairman; it was given wide publicity, and while many people have appeared before the committee and have admitted that the changes were good, some have asked for further changes. There are additional changes that should be made. I agree with the gentleman from Texas in some particulars, but they are not included here, because there is no possibility of getting them through now. What we want to do is to improve on the present law. If a man believes the bankruptcy act should be repealed, if he does not believe in the principles of the law, he might vote against this bill; but if he believes in a bankrupt law, it strikes me that his duty is to vote for this measure. It is his duty to vote to make the law better and more effective so far as the people are concerned. The bankrupt has received at the hands of this committee every consideration. There is not a single provision in the bill that will make it one bit harder for the honest bankrupt.

Mr. MONTAGUE. Will the gentleman yield?

Mr. MICHENER. I will.

Mr. MONTAGUE. In the hearings before the subcommittee which were quite elaborate and sometimes laborious, and in the deliberations before the subcommittee, does the gentleman recall that there was any question that was more seriously thought of than the protection of the bankrupt himself?

Mr. MICHENER. Absolutely not.

Mr. MONTAGUE. Was there any purpose to make his life harder?

Mr. MICHENER. Absolutely not, and this bill and these amendments are not sponsored by lawyers engaged in bankruptcy practice. They were not bankruptcy lawyers. Loss in any business is reflected in the cost of operation. Reduce fraud in the bankruptcy law and reduce the cost to the consumer.

Mr. CONNALLY of Texas. Let me say that I am not a bankruptcy lawyer. I may be a bankrupt lawyer. [Laughter.]

Mr. MICHENER. Mr. Speaker, I move the previous question on the bill and amendments.

The SPEAKER pro tempore (Mr. SNELL). The gentleman from Michigan moves the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. BLANTON. Mr. Speaker, I move to recommit the bill to the Committee on the Judiciary.

Mr. MICHENER. And on that I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 3 ayes and 74 noes.

So the motion to recommit was lost.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 84 ayes and 2 noes.

Mr. BLANTON. Mr. Speaker, I object to the vote and make the point that no quorum is present.

The SPEAKER pro tempore. Evidently there is no quorum present. The doors will be closed, the Sergeant at Arms will bring in the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 277, nays 17, not voting 137, as follows:

[Roll No. 76]
YEAS—277

Abernethy	Aldrich	Almon	Arnold
Ackerman	Allen	Andersen	Aswell
Adkins	Allgood	Arents	Ayres

Bachmann	Fairchild	Letts	Seger
Bacon	Faust	Little	Shallenberger
Bailey	Fisher	Lowrey	Simmons
Beck	Fitzgerald, Roy G.	Lozier	Sinclair
Beady	Fitzgerald, W. T.	Luce	Slunott
Begg	Fletcher	McClintic	Smith
Bell	Fort	McDuffie	Smithwick
Berger	Foss	McFadden	Snell
Black, Tex.	Free	McKeown	Somera, N. Y.
Bland	Freeman	McLaughlin, Mich.	Sosnowski
Bloom	French	McMillan	Speaks
Boles	Furlow	McReynolds	Sparring
Rowling	Gambrill	McSwain	Sproul, Ill.
Rowman	Garber	Madden	Sproul, Kans.
Box	Gardner, Ind.	Magee, N. Y.	Stedman
Briggs	Garner, Tex.	Major	Stephens
Brigham	Garrett, Tenn.	Manlove	Stevenson
Browne	Gasque	Mansfield	Stobbs
Browning	Gilbert	Mapes	Strong, Kans.
Brumm	Glynn	Martin, La.	Strong, Pa.
Buchanan	Goldborough	Menges	Strother
Bulwinkle	Goodwin	Michener	Summers, Wash.
Burdick	Green, Fla.	Miller	Summers, Tex.
Burtness	Greenwood	Milligan	Swank
Burton	Griest	Mills	Sweet
Busby	Hadley	Montague	Swing
Butler	Hall, Ind.	Montgomery	Taylor, N. J.
Byrns	Hall, N. Dak.	Mooney	Taylor, Tenn.
Campbell	Hammer	Moore, Ky.	Taylor, W. Va.
Candfield	Hardy	Moore, Ohio	Thatcher
Caannon	Hare	Moore, Va.	Thompson
Carsa	Hastings	Morehead	Thurston
Carter, Calif.	Haugen	Morgan	Tilson
Carter, Okla.	Hersey	Morrow	Timberlake
Chalmers	Hickey	Murphy	Tincher
Chidblos	Hill, Ala.	Nelson, Minn.	Tinkham
Christopherson	Hill, Md.	Newton, Minn.	Treadway
Clague	Hill, Wash.	Norton	Tucker
Cole	Hoch	O'Connell, N. Y.	Tydings
Collier	Hogg	Oldfield	Underhill
Colton	Holaday	Oliver, Ala.	Underwood
Connery	Hooper	Patterson	Upshaw
Cox	Howard	Peavy	Vallie
Cramton	Hull, Morton D.	Porter	Vestal
Crosser	Hull, William E.	Pratt	Vinson, Ga.
Crowther	Jenkins	Purnell	Vinson, Ky.
Crumacker	Johnson, Ind.	Quin	Voigt
Curry	Kahn	Ragon	Warren
Davenport	Kearns	Ralney	Wason
Davis	Keller	Ramsayer	Watres
Deal	Denison	Rankin	Watson
Dempsey	Dickinson, Iowa	Rathbone	Weaver
Denison	Dickinson, Mo.	Rayburn	Wefald
Dominick	Doughton	Reed, N. Y.	Wheeler
Doughton	Douglass	Reid, Ill.	Whitehead
Douglass	Dowell	Robinson, Iowa	Whittington
Driver	Dyer	Rowbottom	Williams, Ill.
Beers	Eaton	Rubey	Williams, Tex.
Beers	Edwards	Rutherford	Williamson
Beers	Elliot	Sandlin	Wilson, La.
Beers	Estery	Schaefer	Wolverton
Beers	Evans	Schneider	Woodruff
Beers	Evans	Scott	Wright
Beers	Evans	Sears, Fla.	Wurzbach
Beers	Evans	Sears, Nebr.	

NAYS—17

Blanton	Huddleston	Larsen	Stegall
Collins	Hudspeth	Reed, Ark.	Wingo
Connally, Tex.	Johnson, Tex.	Romjue	
Fulmer	Jones	Rouse	
Garrett, Tex.	Kincheloe	Sanders, Tex.	

NOT VOTING—137

Andrew	Fenn	Kopp	Reece
Anthony	Fish	LaGuardia	Robison, Ky.
Appleby	Flaherty	Lampert	Rogers
Auf der Heide	Frear	Lee, Ga.	Sabath
Bacharach	Fredericks	Leibach	Sanders, N. Y.
Bankhead	Frothingham	Lindsay	Shreve
Barbour	Fuller	Lineberger	Stalker
Barkley	Funk	Lithicum	Sullivan
Beers	Gallivan	Lyon	Swartz
Bixler	Gibson	McLaughlin, Nebr.	Swoope
Black, N. Y.	Gifford	McLeod	Taber
Bowles	Golder	McSweeney	Taylor, Colo.
Boylan	Gorman	MacGregor	Temple
Brand, Ga.	Graham	Magee, Pa.	Thomas
Brand, Ohio	Green, Iowa	Magrady	Tillman
Britten	Griffin	Martin, Mass.	Tolley
Hale	Hale	Mead	Updike
Carpenter	Harrison	Michaerson	Vare
Celler	Hawes	Morin	Vincent, Mich.
Chapman	Hawley	Nelson, Mo.	Walnwright
Clary	Hayden	Nelson, Wis.	Walters
Connolly, Pa.	Houston	Newton, Mo.	Weller
Cooper, Ohio	Hull, Tenn.	O'Connell, R. I.	Welsh
Cooper, Wis.	Irwin	O'Connor, La.	White, Kans.
Corning	Jacobstein	O'Connor, N. Y.	White, Me.
Coyle	James	Oliver, N. Y.	Wilson, Miss.
Crisp	Jeffers	Parker	Winter
Cullen	Johnson, Ill.	Parks	Wood
Darrow	Johnson, Ky.	Perkins	Woodrum
Davey	Johnson, S. Dak.	Phillips	Wyant
Dickstein	Kendall	Pou	Yates
Doyle	Kerr	Prall	Zihlman
Drane	Kless	Quayle	
Drowry	Kindred	Ransley	
Ellis	Kirk		

So the bill was passed:

The following pairs were announced:
General pairs until further notice:

Mr. Graham with Mr. Johnson of Kentucky.
 Mr. Shreve with Mr. Lee of Georgia.
 Mr. Cooper of Ohio with Mr. Wilson of Mississippi.
 Mr. Bacharach with Mr. Cullen.
 Mr. Frothingham with Mr. Jeffers.
 Mr. Darrow with Mr. Taylor of Colorado.
 Mr. Magee of Pennsylvania with Mr. Bankhead.
 Mr. Wood with Mr. Black of New York.
 Mr. Stalker with Mr. Hull of Tennessee.
 Mr. Perkins with Mr. Kindred.
 Mr. Gorman with Mr. Nelson of Missouri.
 Mr. Hale with Mr. Linthicum.
 Mr. Anthony with Mr. Tillman.
 Mr. Irwin with Mr. Jacobstein.
 Mr. Green of Iowa with Mr. Lampert.
 Mr. Bixler with Mr. Thomas.
 Mr. Johnson of Illinois with Mr. Weller.
 Mr. Kiess with Mr. O'Connell of Rhode Island.
 Mr. Yates with Mr. Brand of Georgia.
 Mr. Wainwright with Mr. Carew.
 Mr. Vane with Mr. Wingo.
 Mr. Tolley with Mr. Mead.
 Mrs. Rogers with Mr. Kerr.
 Mr. Taber with Mr. Celler.
 Mr. Ransley with Mr. McSweeney.
 Mr. Beers with Mr. Lindsay.
 Mr. Barbour with Mr. O'Connell of New York.
 Mr. Connolly of Pennsylvania with Mr. Woodrum.
 Mr. Fenn with Mr. Sullivan.
 Mr. Brand of Ohio with Mr. Crisp.
 Mr. Fuller with Mr. Nelson of Wisconsin.
 Mr. Coyle with Mr. Chapman.
 Mr. Gifford with Mr. Drewry.
 Mr. Newton of Missouri with Mr. LaGuardia.
 Mr. Morin with Mr. Parks.
 Mr. Golder with Mr. Oliver of New York.
 Mr. Lehlbach with Mr. Lyon.
 Mr. Kopp with Mr. Prall.
 Mr. Martin of Massachusetts with Mr. Cooper of Wisconsin.
 Mr. Kendall with Mr. Barkley.
 Mr. Johnson of South Dakota with Mr. Corning.
 Mr. Perlman with Mr. Reed of Arkansas.
 Mr. McLeod with Mr. Green of Florida.
 Mr. Swoope with Mr. O'Connor of Louisiana.
 Mr. Phillips with Mr. Dickstein.
 Mr. Zihlman with Mr. Quayle.
 Mr. Welsh with Mr. Doyle.
 Mr. Hawley with Mr. Gallivan.
 Mr. White of Maine with Mr. Hawes.
 Mr. MacGregor with Mr. Boylan.
 Mr. Wyant with Mr. Hayden.
 Mr. Michaelson with Mr. Fou.
 Mr. Gibson with Mr. Drane.
 Mr. Ellis with Mr. Sabath.
 Mr. Carpenter with Mr. Cleary.
 Mr. Appleby with Mr. Auf der Heide.
 Mr. Britten with Mr. Frear.
 Mr. Temple with Mr. Harrison.
 Mr. Sanders of New York with Mr. Davey.
 Mr. Parker with Mr. Griffin.

The result of the vote was announced as above recorded.

The doors were opened.

On motion of Mr. MICHENER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill (H. R. 8119) was laid on the table.

THE PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. CHINDBLOM). Under the special order the Private Calendar will be called.

HARRY WALTER STEPHENSON

The first business on the Private Calendar was the bill (H. R. 8502) authorizing the President to reappoint Maj. Harry Walter Stephenson, United States Army, retired, to the position and rank of major, Coast Artillery Corps, United States Army.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to reappoint Maj. Harry Walter Stephenson, United States Army, retired, to the active list of the Army after ascertaining that he is qualified for the active service therein; and to commission him, by and with the advice and consent of the Senate, as an additional number in the Coast Artillery Corps, United States Army, in the rank, grade, and position on the promotion list held by him at the date of his retirement November 26, 1922: *Provided*, That no back pay or allowance shall accrue as a result of the passage of this act.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word. I merely want to call attention of the administrative powers that be to what the Secretary of War says about this bill. I quote the Secretary of War, as follows:

In the case of Major Stephenson the board recommended and, upon reconsideration, adhered to its recommendation that he be eliminated from the active list by reason of relative efficiency ratings, relative usefulness, and relative value to the service. An examination of this officer's record discloses much upon which the board may have found him less effective and of less value to the Government than other majors.

The Secretary of War winds up by saying this:

In view of all the circumstances, the War Department does not recommend favorable consideration or passage of H. R. 5064.

And yet the administrative powers that be let it pass. I can not stop it. I might have objected to it and postpone it, but it would pass later, and the time consumed would only take the place of some other bill that was good. I can not stop it. Therefore I did not object, but I wanted to urge a real protest here against the passage of such bills over the unfavorable recommendation of the department.

Mr. BEEDY. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I yield.

Mr. BEEDY. I call the attention of the gentleman also to the possible injustice here if this bill is passed that would be done a great many of the men who are on the list awaiting promotion.

Mr. BLANTON. Certainly; but these bills pass, nevertheless.

Mr. BEEDY. I call the attention of the committee to the letter of the department, signed by former Secretary of War, Weeks, as Secretary of War, under date of February 13, 1924, addressed to the late Hon. Julius Kahn, in which he outlines the three methods adopted of reducing the size of the Army, and in that letter he states that this petitioner was in one of those classes, and that it is contrary to good policy now to promote this man and shut out some other men who would otherwise be promoted.

Mr. BLANTON. But what is the use of objecting? They will pass the bill later.

Mr. BEEDY. But it is our duty to object. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BEEDY. Mr. Speaker, I am detailed here to perform certain work, not altogether agreeable. I was listening attentively to the opening of this calendar, but in the confusion I did not hear the announcement. I think there ought to be some way of preserving our rights here. I intended to reserve the right to object to this bill, but when I rose to do so the Chair informed me that that period had been passed. Is there not some manner in which my rights may be protected here?

The SPEAKER pro tempore. The Chair will say that the Chair pounded vigorously for order and spoke loudly when he asked if there was objection to the consideration of the bill.

Mr. BEEDY. The Chair was not at fault, but the membership of the House was in such disorder that it was impossible for me to hear, and I was listening.

The SPEAKER pro tempore. The Chair regrets the situation, but can not do anything about it. It is within the power of any gentleman, however, to ask unanimous consent that any action that may have been taken by the House be vacated.

Mr. BEEDY. Then, Mr. Speaker, I ask unanimous consent that the action taken may be vacated.

Mr. TAYLOR of Tennessee. Mr. Speaker, I shall object to that.

Mr. BEEDY. Is the gentleman from Tennessee objecting?

Mr. TAYLOR of Tennessee. Surely. It is my bill.

The SPEAKER pro tempore. The gentleman from Tennessee objects. The Chair requests the Members of the House to maintain order. It appears that by reason of disorder a Member of the House feels that his rights have been jeopardized.

Mr. TAYLOR of Tennessee. Mr. Speaker, this is the second time this bill has been unanimously favorably reported by the Committee on Military Affairs of the House. There are a half dozen pages in this report citing the magnificent record of Major Stephenson while he was a Regular Army officer. He had 13 years of experience in the Regular Army and served his country with conspicuous valor during the European war on the other side. Since his retirement he has been assigned to Reserve Officers' Training Corps duty in Tennessee, and as a Reserve Officers' Training Corps officer he has made a record second to that of no officer in America. He is a young man, in vigorous health, as the record shows. It is unjust to him not to be permitted to be reinstated.

Mr. BLACK of Texas. And I understand also that this officer is now in active service.

Mr. TAYLOR of Tennessee. He is, in the Reserve Officers' Training Corps service.

Mr. BLACK of Texas. As a retired officer, and that this will merely restore him to the commissioned rank of the Regular Army?

Mr. TAYLOR of Tennessee. That is all.

Mr. BLACK of Texas. The commission he formerly held. He is now in the active service of the Army?

Mr. TAYLOR of Tennessee. He is now in active service and is a comparatively young man and is enjoying splendid health.

His record for efficiency is above the average, according to the reports of the War Department.

Mr. HILL of Alabama. And the fact of the business is that he is such an efficient officer that the War Department called him back into the active service.

Mr. TAYLOR of Tennessee. Yes; and on account of his efficient record.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

J. H. TOULOUSE

The next business on the Private Calendar was the bill (H. R. 1243) for the relief of J. H. Toulouse.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$631.20 to J. H. Toulouse, to reimburse him for expenses incurred by him in connection with the devising and preparation of certain forms that were adopted by the sales-tax unit of the Bureau of Internal Revenue in connection with the collection of the tax on admissions.

With the following committee amendments:

Page 1, line 3, after the word "is," insert the word "hereby"; line 5, after the word "appropriated," insert the words "and in full settlement against the Government"; and, in line 7, after the word "expenses," insert the words "and services."

Mr. MORROW. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 546, identical with this bill, and substitute it for this bill, with the amendments that have been incorporated in the House bill.

Mr. BLANTON. The gentleman would have to ask for the substitution of the Senate bill for the House bill, and then offer the committee amendment.

Mr. MORROW. That is what I am doing.

The SPEAKER pro tempore. The engrossed copy of the Senate bill does not seem to be here.

Mr. UNDERHILL. Mr. Speaker, I do not think there is a Senate bill to substitute for this bill.

Mr. MORROW. The Senate bill has passed. It may not be here yet. In that event, let the House bill be considered.

The SPEAKER pro tempore. And the gentleman from New Mexico withdraws his request?

Mr. MORROW. Yes.

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN H. WALKER

The next business on the Private Calendar was the bill (H. R. 1244) for the relief of John H. Walker.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Chair will say in this case there is a Senate bill.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent that the Senate bill be substituted for the House bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. With the understanding that the amendment which is in the House bill goes in the Senate bill I will not object, but that amendment ought to go in.

Mr. UNDERHILL. Certainly.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 549) for the relief of John H. Walker

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,690.52 to John H. Walker, of

Pasadena, Calif., as compensation in full for services rendered by him in the matter of the survey of public lands under contract No. 385, New Mexico.

Mr. UNDERHILL. Mr. Speaker, I move that, in line 5, after the word "appropriated," the words "and in full settlement against the Government" be inserted.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: Page 1, line 5, after the word "appropriated," insert "and in full settlement against the Government."

The amendment was agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HEIRS OF LOUIS F. MEISSNER

The next business on the Private Calendar was the bill (H. R. 1897) for the relief of the heirs of the late Louis F. Meissner.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of Charles A. Meissner, Cecille J. Wenzel, and Louis F. Meissner, Jr., sole heirs of Louis F. Meissner, deceased, United States coupon bonds Nos. 76978, 76979, 76980, and 76981, in the denomination of \$100 each, of the 4 per cent funded loan of 1907, with interest thereon at the rate of 4 per cent from October 1, 1906, to July 2, 1907, the date of the maturity of the bonds, without presentation of said bonds or the coupons representing interest thereon from October 1, 1906, to July 2, 1907, which are alleged to have been stolen: *Provided*, That the said bonds shall not have been previously presented for payment, and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *Provided further*, That the said Charles A. Meissner, Cecille J. Wenzel, and Louis F. Meissner, Jr., shall first file in the Treasury Department a bond in the penal sum of double the amount of the bonds and the interest which had accrued thereon when the principal became due and payable, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the bonds hereinbefore described or the coupons belonging thereto.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH L. KERESSEY

The next business on the Private Calendar was the bill (H. R. 2042) for the relief of Joseph L. Keresey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, reserving the right to object in order that I may ask the gentleman from New York [Mr. O'CONNELL] some questions, I understand that the theory upon which the Claims Committee report out these bills is that men in the position of Keresey, for instance, are superintendents of substations, and they are not therefore responsible for the selection of men under them or for the custody of funds—

Mr. O'CONNELL of New York. They are not.

Mr. BEEDY. And that the responsibility under the bond running to the Post Office Department attaches to the postmaster?

Mr. O'CONNELL of New York. Of the city in which the substation is located.

Mr. BEEDY. If this is a fact, I wish somebody would explain to me how a trained postal inspector investigating this burglary makes a report after consideration to the department that this man Keresey was lax in his discipline, that he was not careful in seeing who had keys to this safe and those who did not, and this is the loss for which the man is himself responsible? How can a trained inspector in the Postal Department make that report if the fact was that there was no responsibility?

Mr. O'CONNELL of New York. The gentleman must realize that even in the report of the inspector, knowing, as he does,

the contrary to be the case, surely my friend from Maine would not hold this man responsible when the Director of the Budget indorsed the claim and the Postmaster General of the United States says it should be paid.

Mr. BLANTON. Will the gentleman yield?

Mr. BEEDY. I think I have the floor. Let me say to my friend from New York [Mr. O'CONNELL] I know that the Director of the Budget said this would not interfere with his financial program. He makes that as a general statement covering all of these bills, and I know the pressure that has been brought to bear upon the Post Office Department to settle this case. Let me ask this question: The bondsmen of this man have paid this loss, have they not?

Mr. O'CONNELL of New York. Not all; Keresey has paid every cent of it out of his small salary.

Mr. BEEDY. That is one thing I want to get before the House. Then this does not benefit the bondsmen?

Mr. O'CONNELL of New York. In no way whatever.

Mr. BEEDY. But it is money to be paid back to the man which has already been taken out of his salary.

Mr. O'CONNELL of New York. Yes; I am very glad to say to the gentleman.

Mr. BLANTON. Will the gentleman yield?

Mr. BEEDY. I will.

Mr. BLANTON. Who is the most responsible to the Government, the inspector or the Postmaster General, and who controls in this matter?

Mr. BEEDY. That question, of course, answers itself.

Mr. BLANTON. The Postmaster General, to whom we must look for proper administration, and he comes in and tells the Congress or requests the payment of this bill. He says it is not against the President's financial program. What are we going to do? I am not going to object to a bill of that kind.

Mr. BEEDY. It is no use to object, but it is our duty to get the facts before the House.

Mr. O'CONNELL of New York. I thank my friend. I am familiar with all the facts in the case, and it is entirely meritorious.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph L. Keresey, of Brooklyn, N. Y., the sum of \$1,569.40, as reimbursement for the loss of postal funds arising out of burglary at Station E, post office, Brooklyn, N. Y., on May 15, 1921.

With a committee amendment, as follows:

Page 1, line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ELLA E. HORNER

The next business on the Private Calendar was the bill (H. R. 2465) for the relief of Ella E. Horner.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. With the understanding, Mr. Speaker, that the committee amendment goes in the bill, I shall not object.

Mr. UNDERHILL. I will say to the gentleman from Texas that that will follow in every case.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ella E. Horner, the sum of \$240 as compensation for injuries received on September 16, 1922, at Auburn, N. J., when she was struck by a truck operated by the United States Army.

With a committee amendment, as follows:

On page 1, line 5, after the word "appropriated," insert the words "in full settlement against the Government."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

CUSTER ELECTRIC LIGHT, HEAT & POWER CO.

The next business on the Private Calendar was the bill (H. R. 3659) for the relief of the Custer Electric Light, Heat & Power Co., of Custer, S. Dak.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That an appropriation be, and is hereby, authorized out of any money in the United States Treasury not otherwise appropriated, in the sum of \$124.92, to compensate the Custer Electric Light, Heat & Power Co., of Custer, S. Dak., for the total destruction of a motor and starting switch used by the Government at its seed extractory in Custer, S. Dak.

With a committee amendment, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$124.94 to the Custer Electric Light, Heat & Power Co., of Custer, S. Dak., as compensation for the total destruction of a motor and starting switch used by the Government at its seed extractory in Custer, S. Dak."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

JOHN HAMILL

The next business on the Private Calendar was the bill (H. R. 4140) for the relief of John Hamill.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Reserving the right to object, Mr. Speaker, the amount granted the claimant in this case, I see, is \$5,000. The injury, while it is one that the House usually compensates for, it does seem the permanent disability is not enough to justify that amount, and that amount will be larger than the Committee on Claims is accustomed to give in cases of that kind.

For example, Col. C. C. McCulloch, jr., who was sent out there to examine the patient, reports that there is no apparent shortening of the leg, but that there is a slight weakness of the leg, and that the degree of permanent disability is 10 per cent.

Now, I think if this bill passes there ought to be an agreement that an amendment will be offered that makes the amount \$2,500 instead of \$5,000. I want to be just to both the claimant and the Government.

Mr. UNDERHILL. Mr. Speaker, the committee in reporting the amount of \$5,000 followed its usual course in reporting in such cases of loss of limb or permanent disability the sum of \$5,000. The committee has tried to be consistent in all of these cases, not making an award of \$1,000 to one applicant and \$5,000 or more to somebody else, but taking as the general basis on which to make an award \$5,000.

The purpose the committee had in making this award was this: Although the child had not lost the limb, the limb was not really of great use to him, and as long as the board found that the child would be crippled for life we recommended that a sufficient sum be given to enable his guardian to see to it that he should learn a trade and would not become a permanent charge on the community.

Mr. BLACK of Texas. I think the gentleman will agree with me that for injuries no greater than this the Committee on Claims usually recommends a smaller amount than that which is carried in this bill.

Mr. UNDERHILL. The committee having performed its services the chairman of the committee does not think it is incumbent upon him to state further as to how much Congress or the House shall allow in this case. If the gentleman from Texas wishes to offer an amendment, then we will leave it to the House to determine the amount suffered in damage by this boy.

Mr. BLACK of Texas. I shall object to the consideration of this bill at this time unless—

Mr. UNDERHILL. Will the gentleman withhold his objection and offer his amendment so we may put it up to the House? I do not oppose his amendment in any way.

Mr. ARENTZ. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. ARENTZ. This bill was turned over to me to examine and study. In studying this bill I had the same idea that the gentleman has, but in going over the correspondence and figuring that this child has a forward bending of the bone below the knee and that the child might become permanently disabled, I felt this amount should be allowed; but it was also my thought, like the chairman of the committee, that if anybody in the House saw fit to cut this sum it would be all right.

Mr. BLACK of Texas. I have no other purpose except to do justice in this case; but the reason I raise the question is that I want an agreement that this amount will be reduced, because I think it is unquestionably a just suggestion I am making. I understand that \$5,000 for the loss of life is the maximum amount that is granted, and yet here is a boy with an injury that only amounts to 10 per cent.

Mr. UNDERHILL. If the gentleman will offer his amendment, I assure him I will not offer any objection to it. I would be glad to have the responsibility in the House rather than in the committee.

Mr. BLACK of Texas. In view of the statement of the gentleman from Massachusetts, I shall not object.

Mr. BLANTON. Mr. Speaker, I reserve the right to object. Whose bill is this?

Mr. UNDERHILL. I do not know. We never ask that.

Mr. BLANTON. Is the gentleman here who is interested in this bill? Apparently not. Therefore, Mr. Speaker, I ask unanimous consent that it be passed without prejudice.

The SPEAKER pro tempore (Mr. TILSON). The gentleman from Texas asks unanimous consent that this bill be passed without prejudice. Is there objection?

There was no objection.

RELIEF OF OCEAN STEAMSHIP CO.

The next business on the Private Calendar was the bill (H. R. 8178) for the relief of Ocean Steamship Co. (Ltd.).

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FISH. Mr. Speaker, I object.

Mr. BLANTON. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. BLANTON. I ask unanimous consent to proceed for two minutes on this bill.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to proceed for two minutes on this bill. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, I want to state to the gentleman from New York [Mr. FISH] that if there were no reason for the passage of this bill other than the one I am going to state I believe it would appeal to him. Our colleague from Massachusetts [Mr. UNDERHILL] devotes more time to the work of his committee, I dare say, than almost any other chairman devotes to his work. He is doing splendid and good work. This is his bill.

Mr. UNDERHILL. It is not my bill. I just reported it.

Mr. BLANTON. The gentleman introduced it, did he not?

Mr. UNDERHILL. At the request of the State Department.

Mr. BLANTON. Well, he introduced it. Whenever the gentleman from Massachusetts introduces a bill and reports it out you can bet your head on there being some merit in it. I have found that out in watching him. I hope the gentleman from New York will let it go by, since the State Department requests its passage.

Mr. FISH. If the gentleman will state it was introduced at the request of the State Department I will withdraw my objection. The reason I objected was simply this: I understand that the United States has a number of claims against the English Government because of the confiscation of ships and cargoes during the war, which are still pending, and without having looked into it I would like to know more about it before we

take action on the bill. However, if it was introduced at the request of the State Department I will withdraw my objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to substitute Senate bill 2368 for the House bill now under consideration.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to substitute Senate bill 2368 for the House bill now under consideration. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of Ocean Steamship Co. (Ltd.), a British corporation, owner of the British steamship *Alecinous*, against the United States for damages alleged to have been sustained by reason of a collision between the said steamship *Alecinous* and the U. S. steamship *Artemis*, in or near the harbor of New York, on or about December 3, 1917, may be determined in a suit to be brought by said claimant against the United States in the United States district court for either the southern or eastern districts of New York, sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the said suit and to enter a judgment or decree for the amount of such damages, if any, with costs, as may be found due to said claimant from the United States by reason of said collision, upon the same principles and measures of liability as in like cases between private parties, and subject to the same rights of appeal and review: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *And provided further*, That such suit shall be brought not later than four months after the approval of this act.

SEC. 2. That should the proceedings herein authorized result in a decree or decrees in favor of said claimant and against the United States, then the amount of said decree or decrees shall be paid to the said claimant or to its proctors of record out of any money in the United States Treasury not otherwise appropriated.

With the following committee amendment:

Strike out all after the enacting clause, page 1, line 3, down to and including line 22, on page 2, and insert in lieu thereof the following:

"That the claim of the Ocean Steamship Co. (Ltd.), a British corporation, owner of the steamship *Alecinous*, against the United States for damages alleged to have been caused by collision between said steamship *Alecinous* and the U. S. transport *Artemis*, in or near the harbor of New York, on December 3, 1917, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases, and that said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found due from the United States to the said Ocean Steamship Co. (Ltd.) by reason of said collision, upon the same principles and under the same measures of liability as in like cases between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and upon such notice it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within four months of the date of the approval of this act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 8178) was laid on the table.

DISBURSING AGENTS—ALASKAN ENGINEERING COMMISSION

The next business on the Private Calendar was the resolution (H. J. Res. 99) for the relief of special disbursing agents of the Alaskan Engineering Commission or of the Alaska Railroad.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. I want to call the attention of the House to this statement from the Comptroller General who passed upon this case:

The act of March 4, 1921 (44 Stats. 1405), in appropriating for the expenses of the Alaskan Engineering Commission contains a proviso, as follows:

"That no one individual shall be paid an annual salary out of this fund of more than \$10,000."

This officer, Mears, attempted not only to draw the \$10,000 salary provided for in that act, which was limited to \$10,000, but he wanted to draw his salary as an officer as well, when the law did not authorize it. He could elect to draw either one of them, but he could not draw the two salaries under the law. He elected to draw the \$10,000, and he drew it, and now he is trying to get us to pay him his War Department salary as well. The Comptroller General recommended against it, and we are seeking by this bill to set aside the law and the order of the Comptroller General of the United States. We ought not to do that, and I am going to object, but if the gentleman from California wants to be heard I shall reserve my objection.

Mr. CURRY. The gentleman made his statement, and I wish to be heard in response to the statement, which is not based on facts.

Mr. BLANTON. I have quoted from the record.

Mr. CURRY. No; you have only quoted a part of it.

Mr. BLANTON. What is the other part?

Mr. CURRY. You have had your talk and I have said nothing.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. BLANTON. I reserve the right to object, so the gentleman may make his statement.

Mr. CURRY. Colonel Mears was to receive \$10,000 a year in salary as the engineer officer and manager of the Alaska Railroad. His salary as an Army officer was deducted from the \$10,000 a year. He was to receive from the War Department his salary as an officer in the Army and the difference between that and the salary that had been fixed by the President of the United States and the Secretary of the Interior and the commission at \$10,000 a year. He was paid that salary under the law that absolutely authorized the President of the United States, Woodrow Wilson, to fix the salary and to assign an Army or Navy officer to this work, which he did, with the consent of Secretary of War Baker and at the request of Secretary of the Interior Lane. The war came along and Colonel Mears thought his duty was in the Army and asked to be relieved of this duty. He reentered the Army, went over to France, built the railroads for the American Army, took care of our interests over there as a colonel in the Engineer Corps. He had constructed the railroad across the Panama Canal at the time of the digging of the canal, and was one of the officers for whom Congress passed an act permitting them to retire on a pension at any time. When he came back from the war he desired to go into private business and wanted to retire because the war was over, and he did not want to go back into the Engineer Corps and did not wish to go up to Alaska. At the personal request of the President of the United States and of the Secretary of the Interior he sacrificed thousands of dollars a year and went to Alaska at a salary which was fixed at \$15,000 a year, part of the salary to be paid as a colonel of the Engineer Corps and the balance of the salary from the funds of the Alaska Railroad. He was paid that for a long time. Then the Comptroller General stated that he was out of the Army if he took this position as chief engineer of the railroad and manager, or else he was in the Army and this money was paid, was illegally paid, by a man by the name of Chase, who was the auditing officer. This claim is against Mr. Chase. Colonel Mears received the money. He is an honorable man. He has resigned from the Army and has taken the position he was offered when he came back from France.

This is for the relief of Mr. Chase, and Mr. Chase happens to be a Democrat, and I happen to be a Republican. This mix-up came from the Democratic administration and was inherited by the Republican administration. I think the United States Government should be as honest in dealing with its citizens and in keeping its obligations as it compels its citizens to be in dealing with each other.

It is easy enough to object to a bill of this kind. One man of the 435 Members of the Congress can do it. It is an easy way of making a record. I would not care whether this bill was objected to or not if it was possible to consider it in the House upon the call of the committee; but it is on the Private Calendar, and it can only be considered in this way, because there are so many bills on the Private Calendar that the bills have to be considered that are unobjected to. I do not think the gentleman from Texas wants to make a record of trying to cheat a poor, unfortunate man by compelling him to pay \$3,333.34, when he honestly paid it to this man under the direction of the President of the United States and the Secretary of the Interior and the Engineering Commission.

Mr. BLANTON. Mr. Speaker, still reserving the right to object, the fact that this man is a Democrat, if he is one, does not cut any ice with me at all.

Mr. CURRY. It does not with me, either.

Mr. BLANTON. If he is trying to get something the law does not allow, I am against his getting it, whether he is a Democrat or not.

Mr. CURRY. But the law does allow it. We passed three laws—

Mr. BLANTON. Mr. Speaker, I do not yield.

Mr. CURRY. Will the gentleman let me explain this before he talks?

Mr. BLANTON. Certainly.

Mr. CURRY. We have passed three acts through the House to try to straighten this thing out.

The last bill we passed was sent from the Interior Department, O. K'd by the War Department. We took it up informally with the Comptroller General, and then we amended the bill in accordance with his suggestion. We passed the bill in that form and then he again refused to comply with that law.

Mr. BLANTON. I want to show you what the report shows from the statement by the Interior Department? May we rely on that or not? Here is what the department says:

From the compensation of \$10,000 per annum Colonel Mears is paid from the Alaskan Railroad fund the difference between his Army pay and \$10,000.

That makes his \$10,000 salary. Now let me go further and show you what Mr. Mears says. Remember that the act of March 4, 1921, passed under this administration, says that no one individual shall be paid an annual salary out of these funds of more than \$10,000. That is the law passed by the gentleman's administration. Here is what Mr. Mears says:

The disbursing officer of the Alaskan Engineering Commission continued to pay my salary as chairman and chief engineer of said commission, at the rate of \$15,000 per annum (less pay as Army officer) in accordance with the President's commission.

Mr. CURRY. Mr. Speaker, if there is going to be an objection, I ask for the regular order.

Mr. BLANTON. If the gentleman asks for that, I object.

C. M. RODEFER

The next business on the Private Calendar was the bill (H. R. 2009) for the relief of C. M. Rodefer.

The SPEAKER pro tempore (Mr. TILSON). Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem one 4½ per cent United States Treasury certificate of indebtedness No. 11227, of the denomination of \$10,000, dated September 15, 1919, and maturing September 15, 1920, and attached coupon No. 2 of the denomination of \$225, due September 15, 1920, without presentation of such certificate of indebtedness or coupon, which have been lost, stolen, or destroyed, and to pay from the proceeds of such redemption to the said C. M. Rodefer the total sum of \$10,225: *Provided*, That the said certificate of indebtedness and coupon shall not have been previously presented and paid: *And provided further*, That the said C. M. Rodefer shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of said certificate of indebtedness and coupon in such form and with such sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificate of indebtedness and coupon hereinbefore described.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Charles M. Rodefer United States Treasury certificate of indebtedness No. 11227 in the denomination of \$10,000, dated September 15, 1919, matured September 15, 1920, series T-10, with interest from March 15, 1920, to September 15, 1920, at the rate of 4½ per cent per annum, without presentation of the said certificate or the coupon representing interest thereon from March 15, 1920, to September 15, 1920, the certificate having been lost, stolen, or destroyed: *Provided*, That the said certificate of indebtedness shall not have been previously presented and paid, and that payment shall not be made hereunder for any coupon which shall have been previously presented and paid: *And provided further*, That said Charles M. Rodefer shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said certificate of indebtedness and the interest which had accrued when the principal became due and payable in such form and with such sureties

as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificate of indebtedness and coupon hereinbefore described."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

The title was amended.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOE F. JENKINS

The next business on the Private Calendar was the bill (H. R. 2324) for the relief of Joe F. Jenkins.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK of Texas. Reserving the right to object, this bill is one of several others, and I would like to look into it a little further.

Mr. JOHNSON of Washington. I hope the gentleman will not object. This is the case of a young country boy, a farmer boy 18 years of age, who went into the Army for the World War, went over the seas, and received free of charge all the cigarettes he needed until about the time of the armistice. There were several other boys, and they together stole a couple of cases of cigarettes, which all the fellows smoked. One of the other boys was sent to the military prison and served his sentence. His military record has been cured. But this boy, Joe Jenkins, served six months in prison, and his record is not yet saved for him.

Mr. BLACK of Texas. How was the record of the other boy cured?

Mr. JOHNSON of Washington. I do not know.

Mr. BLANTON. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. BLANTON. The only thing on earth they ever took was cigarettes?

Mr. JOHNSON of Washington. Yes; and the Salvation Army and the Young Men's Christian Association had furnished those prior to the armistice.

Mr. GREEN of Florida. How many cigarettes did they get?

Mr. JOHNSON of Washington. Sixty dollars' worth.

Mr. BLACK of Texas. Well, I will not object.

Mr. JOHNSON of Washington. For the country boy I thank you. An honorable discharge will be about all he will get in this life.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Joe F. Jenkins, who was a member of the Twenty-ninth Company, Twentieth Engineer Regiment, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 17th day of September, 1919: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote whereby the bill was passed was laid on the table.

GEORGE BARRETT

The next business on the Private Calendar was the bill (H. R. 1539) for the relief of George Barrett.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. A similar Senate bill is on the calendar, and, without objection, the Senate bill will be considered in lieu of the House bill.

There was no objection.

The Clerk read the Senate bill (S. 3031), as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, their widows, and dependent relatives George Barrett, Army serial No. 1637071, who was a private of Battery F, Twelfth Field Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said battery and regiment on the 3d day of April, 1919: *Provided,* That no back pay or allowance of any kind shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The bill H. R. 1539 was laid on the table.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 3624. An act for the relief of Hannah Parker; and
H. R. 5012. An act to legalize a pier into the Atlantic Ocean at the foot of Rehoboth Avenue, Rehoboth Beach, Del.

JOY BRIGHT HANCOCK

The next business on the Private Calendar was the bill (H. R. 8138) for the relief of Joy Bright Hancock.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, a sum equal to six months' gratuity pay granted to the regular officers of the United States Navy to Joy Bright Hancock, widow of the late Lieut. Charles Gray Little, United States Naval Reserve, who was a member of the crew of the ZR-2 airship, which was destroyed by an explosion on board the ship August 24, 1921.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A. B. EWING

The next business on the Private Calendar was the bill (H. R. 537) for the relief of A. B. Ewing.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, I reserve the right to object. This bill involves an amount of almost \$30,000; \$29,895.06, to be exact. On reading the report I find that the postmaster was found to be negligent in the remittance of funds; that his attention was called to it many times; that he would not remit, even though he promised to do so; and it at length led to this report by all of the inspectors who were put upon this case. I read from the report:

The postmaster has not concerned himself with any of the important matters in the office, his sole employment having been opening the mail, meeting the public, and some casual supervision, leaving to the assistant postmaster the handling of all finances, the keeping of the accounts, and rendition of all reports. The handling of the office correspondence has been conducted in a slipshod manner, which has resulted in letters from the department being lost or ignored, and inquiries from other postmasters have been passed around to various employees, who failed to answer them as required.

Mr. AYRES. On what page of the report is the gentleman reading?

Mr. BEEDY. I am reading from page 21 of the report. Finally, the First Assistant Postmaster General characterizes this postmaster as follows, as quoted by the post-office inspectors:

However, in reviewing the facts set forth above, it is shown that postmaster has failed to perform the usual duties and to accept responsibilities and management of the office devolving upon him by virtue of his appointment as postmaster. In fact, he can be well described in the language of the Hon. John H. Bartlett, First Assistant Postmaster General, as a "rubber stamp" of an experienced but incompetent, negligent, and procrastinating subordinate, and not a real asset but a "sad liability to the office."

Mr. BLANTON. Would not that apply to the ordinary Congressman?

Mr. MADDEN. Mr. Speaker, if that is the case, I think we ought not to waste much time upon this bill. I shall have to object to the passage of the bill.

Mr. AYRES. That is agreeable to me, if the gentleman desires to object. I am merely trying to help out one of his people.

Mr. MADDEN. I do not care who his people are. I object.

JOHN W. KING

The next business on the Private Calendar was the bill (H. R. 1731) for the relief of John W. King.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOWARD. Mr. Speaker, reserving the right to object, does anybody know John?

Mr. BLACK of Texas. Yes; I know him.

Mr. HOWARD. All right. [Laughter.]

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue to John W. King, of Avery, Tex., one permanent United States coupon bond in the denomination of \$1,000 of the third Liberty loan 4½ per cent bonds of 1928, with coupon due March 15, 1926, and coupons to maturity attached thereto, in lieu of a temporary coupon bond (number unknown) of the same loan in the denomination of \$1,000 with all coupons attached, destroyed by fire, charred fragments of which have been presented to the Treasury Department, and to pay interest at the rate of 4½ per cent per annum from September 15, 1918, to September 15, 1925, in the amount of \$297.50, representing the coupons attached to the temporary bond when destroyed, and coupons of the permanent coupon bond which will not be attached to the bond when issued: *Provided*, That the said bond shall not have been previously presented or ascertained to be in existence, and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *And provided further*, That the said John W. King shall file in the Treasury Department a bond in the penal sum of double the amount of the bond, and the interest which would accrue thereon until the principal becomes due and payable in such form and with such securities as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the destroyed bond hereinbefore described or the coupons belonging thereto.

With the following committee amendments:

Page 1, line 7, after the word "due," strike out "March 15, 1926," and insert in lieu thereof "December 15, 1920."

Line 11, strike out the word "all" and insert the word "three."

Page 2, line 3, after the word "to," strike out the words "December 15, 1925," and insert "March 15, 1920."

Line 4, strike out "\$297.50" and insert "\$63.75."

Line 6, after the word "destroyed," strike out the comma and "and coupons of the permanent coupon bonds which will not be attached to the bond when issued."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

WILLIAM D. McKEEFREY

The next business on the Private Calendar was the bill (H. R. 2011) for the relief of William D. McKeefrey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Ohio [Mr. MURPHY] a question. It occurs to me that the constituents of the gentleman are getting very careless about their bonds. They are losing entirely too many of them. How many more of these bills has the gentleman?

Mr. MURPHY. Mr. Speaker, this is the only one we have of this kind, and this man has been waiting since 1918.

Mr. BLANTON. They ought to buy some safes out there.

Mr. MURPHY. I think perhaps there was carelessness some place. This man admits it. The bonds have not shown up; they are lost.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill.

There was no objection.

The SPEAKER pro tempore. Without objection, the Clerk will read the committee amendment instead of the bill which has been stricken out.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of William D. McKeefrey, of Leetonia, Ohio, United States coupon bonds Nos. 39675, 39676, and 39677, in the denomination of \$100 each, of the 3 per cent loan of 1908-1918, with interest from date of issue to August 1, 1918, the date of maturity, at the rate of 3 per cent per annum, without

presentation of the said bonds or the coupons representing interest thereon from the date of issue to the date of maturity thereof, the bonds, with all coupons attached, having been lost or destroyed: *Provided*, That the said bonds shall not have been previously presented for payment, and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *And provided further*, That the said William D. McKeefrey shall first file in the Treasury Department a bond in the penal sum of double the amount of the bonds and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost or destroyed bonds hereinbefore described or the coupons belonging thereto.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HARRY COVENTRY

The next business on the Private Calendar was the bill (H. R. 658) for the relief of Harry Coventry.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Harry Coventry, who served in the World War as a first sergeant in Company I, Three hundred and twenty-sixth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States.

With the following committee amendment:

Line 9, after the word "States," insert "on March 3, 1920: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS J. GARDNER

The next business on the Private Calendar was the bill (H. R. 3376) for the relief of Thomas J. Gardner.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill. [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Thomas J. Gardner shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company L, Sixth Regiment Kentucky Volunteer Cavalry, on the 1st day of May, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. BLACK of Texas. Mr. Speaker, I move to strike out the proviso in the bill and substitute this language:

Provided, That no back pay, pension, or allowance shall accrue prior to the passage of this act.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLACK of Texas: On page 1, line 9, strike out the proviso and insert in lieu thereof "*Provided*, That no back pay, pension, or allowance shall accrue prior to the passage of this act."

Mr. BLACK of Texas. This is simply the usual form used in bills of this kind.

Mr. BLANTON. Mr. Speaker, I desire to amend the gentleman's amendment. At the end of the amendment of the gentleman from Texas add the following:

And shall not be paid to any Commissioner of the District of Columbia.

Mr. BLACK of Texas. I make a point of order against the amendment that it is not germane.

Mr. MAPES. I make a point of order against the amendment.

Mr. BLANTON. Mr. Speaker, I think it is a germane limitation. I think it is a proper limitation.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the amendment of the gentleman from Texas insert "And shall not be paid to any Commissioner of the District of Columbia."

The SPEAKER pro tempore. But the point of order is made against the amendment. Does the gentleman from Texas desire to be heard on the point of order?

Mr. BLANTON. I desire to be heard. Surely the Chair would not hold this is subject to the point of order. We can place any kind of a safeguard around pensions. This is a pension which when it will be paid will be paid to a man who served in the Civil War, a man who is possibly between 70 and 80 years of age or more, a man whose mind is not as strong as it was when he was 21 years of age, but a man against whom there could not be a true charge of imbecility and against whom there could not be a true charge of lunacy. Now, we have a right under those circumstances to safeguard the payment of this money and see that it does not get into improper hands.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. GARRETT of Tennessee. I understand the amendment proposed by the gentleman from Texas [Mr. BLACK] was that there could not be any allowance accruing. If it does not accrue, how could it—

Mr. BLANTON. That is prior to this act, and it will accrue after the act.

Mr. GARRETT of Tennessee. But the gentleman's amendment is an amendment to that of the gentleman from Texas.

Mr. BLANTON. I mean after it does accrue and after it has to be paid by the Pension Department they should not pay it to a Commissioner of the District of Columbia, because whenever it gets into the hands of such a commissioner it is squandered and the poor old veteran of the Civil War does not get the benefit of it. Now, that is a proper amendment; that is a safeguard. I submit the matter to the Chair.

The SPEAKER pro tempore. The Chair is ready to rule. The second clause of paragraph 7, Rule VI, says:

And no motion or proposition on a subject different from that under consideration shall be admitted under cover of amendment.

It seems to the Chair that the amendment introduces an entirely new subject and is therefore not germane to the amendment of the gentleman from Texas [Mr. BLACK]. The Chair therefore sustains the point of order.

Mr. BLANTON. Mr. Speaker, I ask for recognition against the amendment offered by the gentleman from Texas.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas.

Mr. BLANTON. Mr. Speaker and gentlemen, you are fixing by this bill to pay a pension to a survivor of the Civil War, an old gentleman who is at least 75 years of age, and the very minute that one of these Commissioners of the District of Columbia finds out this man is drawing a pension he is going to have his eyes on him and he will soon have lunacy charges against him, and he will have him declared a lunatic and put over in St. Elizabeths Hospital, and begin to collect the money and begin to take out his 10 per cent, and are we going to sit here and let him continue to do that way and not stop it? Why do not we stop it? I am trying to stop it. I have a resolution before your Committee on Rules that has been there for nearly a month slumbering the sleep of death.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. BLANTON. Your Veterans' Committee—some Democratic Members—are very enthusiastic and have been trying to get a hearing on the proposition, with Members clamoring to be heard, and they can not get but three or four Republican Members present, with no quorum, and they can not do any business.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BLANTON. I will yield.

Mr. CONNALLY of Texas. The gentleman is a member of the Committee on the District of Columbia, and that committee has jurisdiction of these matters. Could not the committee proceed and invite these people, Commissioner Fenning and others, to come before the committee?

Mr. BLANTON. Well, the committee could, but it will not.

Mr. CONNALLY of Texas. In a minute—and then if they refuse would not we be in a position wherein the House could not afford to refuse the authority? Why does not that committee go ahead?

Mr. BLANTON. If I were its chairman, the committee would act. I have found out that this House can afford to do

almost anything it wants and get away with it when those in authority do not want to do something. The committee to which I belong yesterday passed a resolution for the chairman to appoint a committee of five to investigate this matter. But it has not yet been appointed. Besides, that committee has not any authority to summon witnesses and make them appear. It has not any authority to make witnesses produce papers or records there.

Mr. MAPES. Mr. Speaker, I make the point of order that the gentleman is not discussing the subject that is pending before the House.

Mr. BLANTON. I know that this does not sound good to the administration.

Mr. MAPES. We are considering bills on the Private Calendar.

Mr. BLANTON. In deference to the Speaker, I will not force him to rule on this perplexing question, hence will yield the floor.

Mr. MAPES. Recognizing also that the gentleman is out of order.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

LEWIS WILLIAMS

The next business on the Private Calendar was the bill (H. R. 821) for the relief of Lewis Williams, formerly collector of internal revenue for the State of Idaho.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the account of Lewis Williams, formerly collector of internal revenue for the State of Idaho, by reason of shortage of book of special tax stamps, broker's \$50, numbered from 851 to 860, inclusive, only one of which stamps had been issued, being No. 851, with 10 coupons attached, with a book shortage consisting of the remaining stamps with a book value of \$458.33.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

HOWARD A. MOUNT

The next business on the Private Calendar was the bill (H. R. 2254) for the relief of Howard A. Mount.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Howard A. Mount, of Washington, D. C., the sum of \$685.64, to compensate him as philatelic stamp agent, Post Office Department, for loss of postage stamps inadvertently destroyed without credit in course of redemption in the said department.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

JOHN A. OLSON

The next business on the Private Calendar was the bill (H. R. 2329) for the relief of John A. Olson.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Reserving the right to object, Mr. Speaker, I notice that this is a cabin that Mr. Olson owned in the Olympic National Forest.

Mr. JOHNSON of Washington. Yes.

Mr. BLACK of Texas. He did not own the land on which the cabin was situated, did he?

Mr. JOHNSON of Washington. Yes. He owned the land. This is a good illustration of one of the hardships incident to pioneering ahead of the creation of these forest reserves. This forest reserve was proclaimed and built around the homestead of Mr. Olson. His house was in the forest reserve. His house at this time had been taken over and occupied by employees of the Forest Service.

Mr. BLACK of Texas. I have no objection if the house was on his own land.

Mr. JOHNSON of Washington. Yes. He owned the land. It was included within a forest reserve.

Mr. BLACK of Texas. The report simply stated that the house was in the Olympic National Forest. I gained the impression that the land belonged to the Government.

Mr. JOHNSON of Washington. No. I am glad the gentleman brought up that question so that an explanation might be made.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John A. Olson, of Olson, Wash., out of any money in the Treasury not otherwise appropriated, the sum of \$1,500 to reimburse and compensate him as owner of a house and contents destroyed by fire June 7, 1918, while the said house was occupied and used by employees of the United States Forest Service.

With a committee amendment, as follows:

On page 1, line 6, after the word "appropriated," insert "in full settlement against the Government," and on line 7, strike out the figures "\$1,500" and insert "\$900."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

H. R. BUTCHER

The next business on the Private Calendar was the bill (H. R. 2933) for the relief of H. R. Butcher.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to credit the account of H. R. Butcher, former second lieutenant, Quartermaster Corps, United States Army, disbursing officer of the Army at Camp Funston, Kans., with \$299.78, this sum being an alleged shortage in the accounts of the said H. R. Butcher and a balance due the United States while acting as disbursing officer at Camp Funston, Kans., when in fact there is no real or actual shortage or balance due by H. R. Butcher to the United States.

With committee amendments, as follows:

Strike out all of line 3, on page 1, and insert "That the Secretary of War be, and he is hereby, authorized," and in line 11, after the word "Kansas," strike out the remainder of line 11 and all of line 1, on page 2, and the words "to the United States" on line 2, and insert in lieu thereof "due to the lack of evidence to support certain war-time disbursements."

Mr. DICKINSON of Missouri. After line 10, the word "Kansas" ought to be stricken out on page 1.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

ROYAL HOLLAND LLOYD

The next business on the Private Calendar was the bill (H. R. 8894) for the relief of the Royal Holland Lloyd, a Netherlands corporation of Amsterdam, the Netherlands.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HUDSPETH. Mr. Speaker, reserving the right to object, I want to ask the chairman of the committee, my friend Mr. UNDERHILL, who is the author of the bill, if he considers this bill of more importance than some bills I have introduced or may introduce. This seems to be a bill to grant to the Royal Holland Lloyd, a Netherlands corporation of Amsterdam, the right to sue in the Court of Claims. I want to ask the gentleman if he thinks it is of more importance than to grant relief to a man where they commandeered his wool during the war, took it and sold it at a less price? The gentleman was not in my State, but was from the State of New Mexico, which at that time I introduced the bill had no Congressman, as I recall. That bill was denied a favorable report by the Claims Committee, and this poor fellow, McIntire, was forced into bankruptcy. I have introduced many other meritorious bills, one asking that a claim be allowed for two poor Mexican children, the Government being responsible for their loss.

And this bill has been turned down by his committee. I would like to ask if he thinks a bill to grant a Dutch company the right to sue in the Court of Claims is of more importance than bills of that character? Those bills have all been denied a favorable report. There was another bill I introduced where an Army officer ran into one of my citizen's cars and tore it to pieces. I introduced a bill for his relief, but that relief has been denied, but here is a Dutch company being given the right to sue in the Court of Claims, and the committee has favorably reported the bill, and the chairman of this committee is the author. Will the gentleman give the gentleman from Texas the same consideration in connection with the bill to grant relief to a poor widow whose husband gave his life in the customs service, and those poor maimed Mexican children? They have no court to go to. I ask the gentleman if he will give me that right?

Mr. UNDERHILL. If there was any medium through which the gentleman's claim could be settled other than the Claims Committee, the gentleman from Massachusetts would be more than glad to pass the responsibility on.

Mr. HUDSPETH. As I say, there is no other remedy.

Mr. UNDERHILL. I want to say to the gentleman and to the gentlemen of the House that the gentleman from Massachusetts, although his name appears on many bills, has not a single claim before the committee in which he is personally interested. This particular bill, and others, was introduced by the chairman of the committee at the request of the State Department. It is an international complication, and the collision occurred previous to the passage—

Mr. HUDSPETH. They were just stopped by the Federal Government for a short time; they were commandeered during the war, and now they want to come in and sue this Government.

Mr. UNDERHILL. No. There is an admiralty law on the statute books which allows suits against Government vessels when the collision occurred after 1919, I believe, but this antedates that law, and consequently we are extending the same privilege to these people at the request of the State Department.

Mr. CONNALLY of Texas. Will the gentleman explain to the gentleman from Wisconsin [Mr. COOPER] how the Committee on Claims got jurisdiction of this bill in preference to the Committee on Foreign Affairs, where it belongs?

Mr. UNDERHILL. All of these bills are referred to our committee and not referred to the Foreign Affairs Committee.

Mr. CONNALLY of Texas. It is for damages to foreign nationals?

Mr. UNDERHILL. We have had these bills ever since I have been a Member of Congress and on the committee.

Mr. HUDSPETH. I trust my big-hearted and liberal friend from Massachusetts—

Mr. UNDERHILL. I thank the gentleman.

Mr. HUDSPETH. Oh, I mean it—will grant me the right to go into the Court of Claims, to say the least of it, in behalf of these unfortunate people. It seems I can get no relief through this committee. I hope the gentleman will be that generous when I present a bill to that effect. And I know his

great generous heart will prompt him to do at least that much.

Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the Royal Holland Lloyd, owners of the Netherlands steamship *Zeelandia*, against the United States for damages alleged to have been sustained as a result of the refusal of the Federal authorities to grant clearance to the vessel during the period from October 17, 1917, to March 21, 1918, may be sued for by the said Royal Holland Lloyd in the United States Court of Claims, and said court shall have jurisdiction to hear and determine such suit to judgment: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. BLACK of Texas. Mr. Speaker, I offer an amendment. In line 11, after the word "judgment," insert the words "and either party shall have the right of appeal."

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 1, line 11, after the word "judgment," insert "and either party shall have the right of appeal."

Mr. BLACK of Texas. I will ask the gentleman from Massachusetts if the general bill that was passed in the House, and of which he was the author, did not contain a provision which gave either party to these admiralty suits the right of an appeal.

Mr. UNDERHILL. I believe it did.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

BENJAMIN A. J. FUNNEMARK

The next business on the Private Calendar was the bill (H. R. 3025) granting a patent to certain lands to Benjamin A. J. Funnemark.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I want to reserve the right to object. How far is this policy going to be continued of granting patents through Congress?

Mr. FRENCH. May I say to the gentleman that the person in whose interest this bill was introduced was permitted erroneously to apply for certain land under the enlarged homestead law, and he prosecuted his entry for a period of five years. Then when he came to offer final proof the local land office discovered that the law did not apply to homesteaders across the survey line within the bounds of the Nez Perce Indian Reservation, but did apply on the outside. The entryman's original land was within the reservation, and therefore his application for patent was rejected.

Mr. BLANTON. The Land Commissioner has authority to straighten those matters out, has he not?

Mr. FRENCH. No; not this matter.

Mr. BLANTON. Where they attempt to comply with the law?

Mr. FRENCH. But not in a case like this. When the law was passed, under which enlarged homestead additions could be made, it specifically provided that the law did not pertain to certain Indian reservations. The local land office apparently overlooked this provision.

Mr. BLANTON. Has there been any adverse report upon this bill?

Mr. FRENCH. Not an adverse report. The department is favorable to it.

Mr. BLANTON. Has there been any report from the department not recommending this bill favorably?

Mr. FRENCH. Not that I recall; certainly not in this Congress.

Mr. BLANTON. Well, in a previous Congress?

Mr. FRENCH. Not that I recall.

Mr. BLANTON. Well the gentleman has been here back to the time to which the memory of man runneth not to the contrary; so he ought to know.

Mr. FRENCH. Well, I think there has not been such a report. This is simple justice to the poor homesteader who lost out because of an error not of his own, but of the officers of the department.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue a patent to Benjamin A. J. Funnemark for 490 acres of land of a character available for entry under the stock raising homestead law, the said grant being in lieu of an equal area of land of like character upon which the said claimant was erroneously permitted to enter, the land erroneously entered being within the Lewiston (Idaho) land district, and more particularly described as follows: Lots 3 and 4, section 18; lots 1, 2, 3, and 4, section 19, township 11 north, range 45 east, Willamette meridian; and east half southeast quarter, section 13, east half northeast quarter, northeast quarter southeast quarter, southwest quarter northeast quarter section 24, northwest quarter southeast quarter section 30, township 11 north, range 44 east, Willamette meridian.

With the following committee amendments:

Page 1, line 10, strike out "Lewiston, Idaho," and insert in lieu thereof "Walla Walla, Washington, now Spokane."

Page 2, line 3, after the word "quarter," insert "northwest quarter, southeast quarter."

In line 6, strike out "northwest quarter southeast quarter section 30."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent to amend the title of the bill by inserting after the word "patent" the words "to certain lands."

The SPEAKER. Without objection, the title will be amended as indicated.

There was no objection.

T. ARTHUR MOORE

The next business on the Private Calendar was the bill (H. R. 1952) for the relief of T. Arthur Moore.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon furnishing sufficient evidence that he is the owner of the southeast quarter of section 13, in township 1 north range 1 east of the Salt Lake meridian, in the State of Utah, T. Arthur Moore is hereby authorized to convey to the United States the said land and to select in lieu thereof any tract of surveyed, vacant, unreserved, nonmineral public land of equal area and of the same character and of equal value to that conveyed; and the Secretary of the Interior is authorized, in his discretion, to accept such conveyance and to issue patent for the tract selected, the exchange to be made under such regulations as the Secretary of the Interior may prescribe.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES E. LOWE

The next business on the Private Calendar was the bill (H. R. 2744) to correct the military record of Charles E. Lowe.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles E. Lowe, who was a private in Company F, Thirty-seventh Regiment United States Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service and to have served "honest and faithful," as noted on his original discharge certificate.

With the following committee amendment:

Page 1, line 8, after the word "service," insert "February 12, 1900, and to have received the gunshot wound in right hand in line of duty."

The committee amendment was agreed to.

Mr. BLACK of Texas. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: In line 11, after the word "certificate," strike out the period, insert a colon and the following proviso: "Provided, That no back pay, pension, or allowance shall accrue prior to the passage of this act."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GUSTAV E. HOFFMANN

The next business on the Private Calendar was the bill (H. R. 7921) to authorize the Commissioner of the General Land Office to dispose by sale of certain public land in the State of Arkansas.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RAGON. Mr. Speaker, reserving the right to object, I would like to ask some one about this bill.

Mr. WILLIAM E. HULL. Mr. Speaker, I can explain the bill. This is a bill for the relief of a drug clerk in Peoria, Ill., who bought this land in 1913. It seems they made some mistake, and the General Land Office discovered that this tract had been erroneously posted in their tract book, and, in fact, a patent had never been issued by the Government to the State. So another person settled on it, and he has paid the taxes up to the present time. He is broke and has not anything except what he has invested here.

Mr. RAGON. Would the gentleman object to letting this bill go over without prejudice? I will explain to the gentleman why I ask that. The bill was called to my attention just immediately before we went on with the Private Calendar by my colleague, the gentleman from Arkansas [Mr. Wingo]. We had the Land Office called up to locate it. In the meantime the gentleman was called away from the Chamber, and I told him if it was in my district I would investigate the matter; and if it was agreeable, I would not object to it. The gentleman from Arkansas [Mr. Wingo] asked me to object to it if he was not here and the bill came up, if the land happened to be in his district. When we were called on the phone by the Land Office we found it was in one of the counties in the gentleman's district. We looked for the gentleman who is the author of the bill, and we likewise looked for the gentleman from Arkansas, who is a member of this committee—

Mr. WILLIAM E. HULL. I have been here all the afternoon, and I would like very much to have the bill go through now.

Mr. RAGON. I regret very much I am under the obligation of objecting to the bill. I regret very much I am in that attitude, I will say to the gentleman.

Mr. WILLIAM E. HULL. Although I have been very busy, I have been watching this case to-day, because I know the circumstances of this poor fellow. The bill ought to be passed. Will the gentleman let it go over without prejudice? I am sure the gentleman from Arkansas [Mr. Wingo] will not object to it after I talk with him.

Mr. RAGON. I have no objection to that, and I shall not object to it the next time it comes up.

Mr. WILLIAM E. HULL. Mr. Speaker, I ask unanimous consent that the bill may go over without prejudice, retaining its place on the calendar.

The SPEAKER. Is there objection?

There was no objection.

THE DAVIS CONSTRUCTION CO.

The next business on the Private Calendar was the bill (H. R. 4156) for the relief of the Davis Construction Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. UNDERHILL. Mr. Speaker, a similar Senate bill (S. 124) is on the calendar, and I ask unanimous consent to substitute the Senate bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed, under such regulations as he may prescribe, to receive fully itemized and verified claims and reimburse the Davis Construction Co., contractor for the Post Office Department Equipment Shops Building, erected at Fifth and W Streets NE., Washington,

D. C., under the supervision of the Postmaster General, for lesser due directly to increased costs due either, first, to increased cost of labor and materials, or, second, to delay on account of the action of the United States Priority Board or other governmental activities, or, third, to commandeering by the United States Government of plants or materials shown to the Secretary of the Treasury to have been sustained by it in the fulfillment of such contract by reason of war conditions alone. And the Secretary of the Treasury is hereby directed to submit from time to time estimates for appropriations to carry out the provisions of this act: *Provided, That no claim for such reimbursement shall be paid unless filed with the Treasury Department within three months after the passage of this act: And provided further, That in no case shall the contractor be reimbursed to an extent greater than is sufficient to cover its actual increased cost in fulfilling its contract, exclusive of any and all profits to such contractor: And provided further, That the Secretary of the Treasury shall report to Congress at the beginning of each session thereof the amount of each expenditure and the facts on which the same is based.*

The bill was ordered to be read a third time, was read the third time and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The bill H. R. 4516 was laid on the table.

LEVIN P. KELLY

The next business on the Private Calendar was the bill (H. R. 831) for the relief of Levin P. Kelly.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. UNDERHILL. There is a similar Senate bill (S. 2111) on the calendar, and I ask unanimous consent to substitute the Senate bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill (S. 2111), as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$6,000 to Levin P. Kelly, owner and captain of the schooner *John Bradley*, which was sunk on the 25th day of July, 1922, by Government launch No. 1, of the United States Naval Academy, through the negligence of the Government.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The bill H. R. 831 was laid on the table.

C. B. WELLS

The next business on the Private Calendar was the bill (H. R. 965) for the relief of C. B. Wells.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BEEDY. Reserving the right to object, how much was there involved in this transaction, how much steel was there? Mr. MORROW. It was the sale of some ore property.

Mr. BEEDY. How many tons of steel was there in the original sale? Is there anyone here that can give the information?

Mr. HILL of Alabama. This bill was introduced by the gentleman from Alabama [Mr. JEFFERS], who is unable to be here this afternoon on account of a surgical operation that his wife is to undergo.

Mr. BEEDY. I will ask that the bill be passed without prejudice.

Mr. HILL of Alabama. Just let me say this only involves the small sum of \$132.89.

Mr. BEEDY. This sale was made under the law and conditions which provided that the goods were sold "as is and where is." It seems that if there was not much of an amount of money involved in this sale it was small peanuts to come in and ask us to make up this \$132. If there was four or five hundred dollars involved, it would be 20 per cent, but if the purchase amount was five or ten thousand dollars' worth, it would make a difference. I think the man ought to stand by the terms of the sale under the law and take his medicine.

Mr. UNDERHILL. It makes no difference whether it was a million dollars or a hundred dollars, the principle is the same. They bought a certain amount of steel and there is no question that they did not receive what they ought to have. There was a shortage in the amount delivered to him, and it is so acknowledged by the department and by those who handled the whole transaction. Consequently, if the Government owes him \$132, it ought to pay him as a matter of principle and matter of right, not because it is a small amount or a large amount.

Mr. MADDEN. I recall a case a short time ago where a man bought a lot of Liberty motors of the War Department and the motors would not work after they got them. They tried to get them to exchange for motors that would work and they would not do it. That transaction involved many thousands of dollars. If the Government can not exchange a thing that would not work for something that would work after they sold it, what justice is there in having this paid?

Mr. BEEDY. There is nothing in the report to show any shortage. It says there are indications of a shortage. They do not admit or say there is any evidence which is conclusive or otherwise that the property purchased was not in possession of the Government. But, even granting that it was not, the sale of the property was under the law "as is and where is." The report says that a part of the alleged shortage appears to have been admitted. It is only a small matter. Inasmuch as they bought it in an open sale under the law "as is and where is," I think they should stand by it.

Mr. HILL of Alabama. This "as is and where is" applies where the property is in the possession of the Government. This property was not in the possession of the Government. That is the distinction. The property had not been turned over to the Government.

Mr. BEEDY. Will the gentleman point out in the report any evidence of that fact?

Mr. HILL of Alabama. I think if the gentleman will read the letter of the Comptroller General, he will find it.

Mr. MORROW. Mr. Speaker, will the gentleman yield to me? I made the report, and I ought to know something about it.

Mr. BEEDY. I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. The Chair thinks that that suggestion is not necessary. All of these bills retain their places on the calendar.

Mr. UNDERHILL. But under the rules of the House one objection on the first call of the calendar must be followed upon the second call of the calendar by three objections.

The SPEAKER. That applies only to the Consent Calendar. An objection to-day in the consideration of this calendar is merely tantamount to a statement that the House refuses to consider the bill at this time. The Clerk will report the next bill.

CHARLES C. HUGHES

The next business on the Private Calendar was the bill (H. R. 1464) for the relief of Charles C. Hughes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I would like to ask the gentleman from Illinois [Mr. SPROUL] a question. This bill is for the relief of Charles C. Hughes?

Mr. SPROUL of Illinois. Yes.

Mr. BLACK of Texas. The circumstances appear to warrant the relief, if the amount is correct. However, the report is not very clear on the loss of time. The largest item is for \$516 to cover the loss of time, but the report does not show what employment this man was following.

Mr. SPROUL of Illinois. He has made an affidavit that he was employed. I can not say positively what amount of salary he was drawing. I do know from the evidence that I got that if he had had a chance to bring the suit in the courts he would probably have obtained \$10,000 instead of the claim that they are making here.

Mr. BLACK of Texas. I am not questioning the merits of the claim, except to speak of the proof, which is not very full on the point of the amount of salary he was drawing at the time he was hurt.

Mr. UNDERHILL. Of course, the committee has to take an affidavit as being a fact.

Mr. BLACK of Texas. He could have stated what employment he was engaged in. There is nothing at all in the report to show what this man was doing at the time that he was injured.

Mr. SPROUL of Illinois. Oh, he was crossing the street.

Mr. BLACK of Texas. I mean the employment that he was engaged in.

Mr. UNDERHILL. We gave the claimant nothing for his sufferings, nothing for any subsequent injury which may possibly develop. We gave him only \$709 for his loss of time for the few weeks he was in the hospital and for his medical expenses.

Mr. BLACK of Texas. I am not going to object, because I understand the great amount of work which the Committee on Claims has to do and am not disposed to be unduly critical, but I merely call attention to the fact that this affidavit is not as clear as ought to be submitted in these reports.

Mr. UNDERHILL. That is a fact; but if the man had been out of employment or out of work for a long period of time, the bill, among others, would have been submitted to the Workmen's Compensation Board, and they would have stated the amount that he would have been entitled to under their rules and regulations; but considering the fact that we gave him nothing at all for his suffering and nothing at all in case further complications developed from the injury, we thought it only fair to allow him the full amount he claimed for loss of services, as sworn to in the affidavit.

Mr. BEEDY. Mr. Speaker, do I understand that it is the policy of the committee, where there is no legal liability as in cases of this kind, simply as a matter of charity to compensate these claimants?

Mr. UNDERHILL. Not at all.

Mr. BEEDY. The gentleman is cognizant of the report of the Secretary of War that in these cases there is absolutely no liability whatever.

Mr. UNDERHILL. Absolutely. I stood for an hour or more on the floor of this House the other day and called attention to the iniquity of this system, the injustices of it, and I still proclaim with all the strength that there is in me that the great Government of the United States should not quibble over legal liability, an inheritance of archaic principles.

Mr. BLACK of Texas. Mr. Speaker, I withdraw the reservation of objection, because in view of what the gentleman states, the amount is probably reasonable.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to Charles C. Hughes the sum of \$1,041 on account of injury sustained by the said Charles C. Hughes when struck by a United States Army truck as he was crossing Sixty-second Street at Stony Island Avenue, in the city of Chicago, Ill., on the 6th day of December, 1921.

With the following committee amendments:

Line 5, after the word "appropriated," insert "in full settlement against the Government," and in line 6 strike out "\$1,041" and insert in lieu thereof "\$709.86."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHANGE OF REFERENCE

The SPEAKER. Before proceeding to the consideration of the next bill on the Private Calendar the Chair desires to make a statement in regard to the reference of the bill (S. 2996) to validate payments for the commutation of quarters, heat, light, and of rental allowances on account of dependents. A similar House bill has been referred to the Committee on Military Affairs. This Senate bill was referred to the Committee on the Judiciary. The Chair consulted with the chairmen of both committees, and the chairman of the Committee on the Judiciary, to which the bill was referred, has no objection to its rereference to the Committee on Military Affairs. The bill is rereferred accordingly.

LUTHER H. PHIPPS

The next business on the Private Calendar was the bill (H. R. 1540) for the relief of Luther H. Phipps.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of Luther H. Phipps, of Seattle, Wash., United States coupon bonds Nos. 17938 and 53420 in the denomination of \$1,000 each, of the 4 per cent funded loan of 1907, with interest thereon at the rate of 4 per cent per annum from October 1, 1905, to July 2, 1907, the date of the maturity of the bonds, without presentation of said bonds or the coupons representing interest thereon from October 1, 1905, to July 2, 1907, which are alleged to have been lost or stolen: *Provided*, That the said bonds shall not have been previously presented for payment, and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *And provided further*, That the said Luther H. Phipps shall first file in the Treasury Department a bond in the penal sum of double the amount of the bonds and the interest which had accrued thereon when the principal became due and payable, in such form and with such sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the

United States from any loss on account of the alleged lost or stolen bonds hereinbefore described or the coupons belonging thereto.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NEFFS' BANK, OF M'BRIDE, MICH.

The next business on the Private Calendar was the bill (H. R. 1669) for the relief of Neffs' Bank, of McBride, Mich. The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. CHINDBLOM. Mr. Speaker, I suggest the amendment be read in lieu of the report.

The SPEAKER. The gentleman from Illinois asks unanimous consent the amendment be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Neffs' Bank, of McBride, Mich., United States Treasury certificates of indebtedness payable to bearer, Nos. 51828 and 51829, in the denomination of \$1,000 each, series IV-D, dated August 6, 1918, called for redemption November 21, 1918, and matured December 5, 1918, with interest from August 6, 1918, to November 21, 1918, at the rate of 4½ per cent per annum, without presentation of the said certificates of indebtedness, which have been lost, stolen, or destroyed: *Provided*, That the said certificates of indebtedness shall not have been previously presented for payment: *And provided further*, That the said Neffs' Bank, of McBride, Mich., shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said certificates of indebtedness and the interest which had accrued when the certificates were called for redemption, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness hereinbefore described.

The committee amendment was agreed to.

The SPEAKER. Without objection the Clerk will correct an error in spelling. [After a pause.] The Chair hears no objection.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A MOTION TO ADJOURN

Mr. BEEDY. Mr. Speaker, it is Saturday afternoon and some of the Members would like to get home, and I move that the House do now adjourn.

Mr. WOODRUFF. Mr. Speaker, I hope the gentleman will not make that motion. The Private Calendar is a long one and we do not have many opportunities to consider it, and certainly there are enough Members here interested in these bills on the calendar and others to warrant the House remaining in session some little time longer.

Mr. BLANTON. This is late enough on Saturday afternoon, and we are going to have another day next week.

Mr. WOODRUFF. It may be late enough for the gentleman from Texas, but a few of the rest of us are satisfied to stay here and work some time longer.

Mr. BLANTON. I am here all the time.

Mr. WOODRUFF. I know.

Mr. BEEDY. I will say to the gentleman from Michigan that a number of Members have come here and asked that that motion be made at 4 o'clock and I have allowed it to run now 15 minutes longer, and I understand that before this session is over there will be ample opportunity to cover the entire calendar.

Mr. WOODRUFF. I hope so.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARRETT of Tennessee. Will the gentleman withhold his motion so that I may submit a request?

Mr. BEEDY. Certainly, I withhold the motion.

Mr. GARRETT of Tennessee. Mr. Speaker, I do not see the gentleman from Connecticut [Mr. TILSON] on the floor just now, but he understood I was going to submit a request that on next Thursday immediately after the reading of the Journal and disposition of business on the Speaker's table that the gentleman from Texas [Mr. BUCHANAN] should have permission to address the House for 35 minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that on next Thursday after the reading of the

Journal and disposition of matters on the Speaker's table, the gentleman from Texas [Mr. BUCHANAN] may have permission to address the House for 35 minutes. Is there objection?

Mr. CHINDBLOM. Upon what subject?

Mr. GARRETT of Tennessee. Upon appropriation measures, I think. Now, Mr. Speaker, in view of the fact that I have mentioned the name of the gentleman from Connecticut, I want to say I do not mean to leave the impression that the gentleman exactly agreed to that, though he did not object to it and knew that request was going to be made. I will say this, that the matter may stand as it is now, and if the gentleman from Connecticut finds he should object to it on Monday I will ask to rescind the permission, but I do not think he will object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE

By unanimous consent, Mr. BULWINKLE was granted leave of absence for seven days on account of serious illness in family.

ADJOURNMENT

The SPEAKER. The gentleman from Maine moves that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 18 minutes p. m.) the House, under its previous order, adjourned to meet to-morrow, Sunday, April 18, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 19, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

A bill relating to the Office of Public Buildings and Public Parks of the National Capital (H. R. 6568).

COMMITTEE ON PATENTS

(9.30 a. m.)

To amend section 1 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended, by adding subsection (f) (H. R. 10353). Joint hearing.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

453. A message from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year ending June 30, 1926, pertaining to printing and binding, \$82,500 (H. Doc. No. 323); to the Committee on Appropriations and ordered to be printed.

454. A message from the President of the United States, transmitting a deficiency estimate of appropriation for the Post Office Department for the fiscal year 1925 and prior years, \$46,871.91, and supplemental estimates for the fiscal year 1926, \$440,000, in all \$486,871.91; also a draft of proposed legislation affecting an existing appropriation (H. Doc. No. 324); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. TAYLOR of Tennessee: Committee on Immigration and Naturalization. H. R. 11204. A bill exempting from the provisions of the Immigration act of 1924 certain Spanish subjects residents of Porto Rico on April 11, 1899; without amendment (Rept. No. 927). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. UNDERHILL: Committee on Accounts. H. Res. 176. A resolution to pay one month's salary to the clerks to the late Hon. Harry I. Thayer (Rept. No. 926). Ordered printed.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11295) granting a pension to Sarah L. Burr, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 8 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of South Dakota: A bill (H. R. 11381) to amend section 21 of the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. KINDRED: A bill (H. R. 11382) amending section 21 of the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. LINEBERGER: A bill (H. R. 11383) to provide for the establishment of a district office of the Bureau of Foreign and Domestic Commerce in the city of Los Angeles, Calif.; to the Committee on Interstate and Foreign Commerce.

By Mr. TINCHER: A bill (H. R. 11384) to amend the packers and stockyards act, 1921; to the Committee on Agriculture.

By Mr. COX: A bill (H. R. 11385) granting the consent of Congress to the Georgia-Florida Bridge Co. to construct a toll bridge across the Chattahoochee River at or near Neals Landing, in Seminole County, Ga.; to the Committee on Interstate and Foreign Commerce.

By Mr. FISHER: A bill (H. R. 11386) conferring jurisdiction upon the Federal District Court of the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*; to the Committee on the Judiciary.

By Mr. FORT: A bill (H. R. 11387) to establish a Federal farm board and to provide for the creation of agricultural corporations; to the Committee on Agriculture.

By Mr. O'CONNOR of New York: A bill (H. R. 11388) to amend section 3 of the act of March 4, 1915 (ch. 167), of the United States Statutes at Large; to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota: Resolution (H. Res. 225) empowering the Committee on World War Veterans' Legislation of the House of Representatives to print additional copies of the hearings on the bill (H. R. 4474) to amend the World War veterans' act of 1924; to the Committee on Printing.

By Mr. McFADDEN: Resolution (H. Res. 226) authorizing additional compensation to the clerk of the Committee on Banking and Currency; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SOMERS of New York (by request): A bill (H. R. 11389) to provide for the adoption by the United States of a new and simplified "Globe calendar" in place of the Gregorian calendar and now in general use for recording time; to the Committee on the Judiciary.

By Mr. BEGG: A bill (H. R. 11390) granting an increase of pension to Florence V. Gates; to the Committee on Invalid Pensions.

By Mr. BRAND of Georgia: A bill (H. R. 11391) granting a pension to Clyde R. Ayers; to the Committee on Pensions.

By Mr. DEMPSEY: A bill (H. R. 11392) to refund to Kramp and Gaskill income tax erroneously and illegally collected; to the Committee on Claims.

By Mr. ESLICK: A bill (H. R. 11393) granting an increase of pension to William Dooley; to the Committee on Pensions.

By Mr. FREDERICKS: A bill (H. R. 11394) granting a pension to Leona J. Stansbery; to the Committee on Invalid Pensions.

By Mr. FREE: A bill (H. R. 11395) granting an increase of pension to Simon Turner; to the Committee on Pensions.

By Mr. FROTHINGHAM: A bill (H. R. 11396) for the relief of Lawrence F. Nelson; to the Committee on Military Affairs.

By Mr. GOLDSBOROUGH: A bill (H. R. 11397) to carry out the provisions of the Court of Claims in the case of Martha J. Briscoe, widow of John A. Briscoe, deceased; to the Committee on War Claims.

By Mr. HALL of Indiana: A bill (H. R. 11398) granting an increase of pension to Anna A. Purviance; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 11399) authorizing the President to reappoint E. C. Callahan, formerly a captain of Infantry, United States Army, a captain of Infantry, United States Army; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 11400) granting an increase of pension to Archie S. Watkins; to the Committee on Pensions.

By Mrs. KAHN: A bill (H. R. 11401) to correct the military record of Frank Haas; to the Committee on Military Affairs.

Also, A bill (H. R. 11402) for the relief of U. R. Webb; to the Committee on Naval Affairs.

By Mr. LINEBERGER: A bill (H. R. 11403) granting an increase of pension to Mary H. Campbell; to the Committee on Invalid Pensions.

By Mr. MONTGOMERY: A bill (H. R. 11404) granting a pension to William R. Nelson; to the Committee on Invalid Pensions.

By Mr. SOMERS of New York: A bill (H. R. 11405) granting an increase of pension to Daniel Arundell; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 11406) granting an increase of pension to Aggie Holcombe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11407) granting a pension to Phebe Eyland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11408) granting an increase of pension to Jane A. Havens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11409) granting an increase of pension to Sara A. Giles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11410) granting an increase of pension to Emeline Westbrook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11411) granting an increase of pension to Hulda E. Boehm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11412) granting an increase of pension to Emma L. Putnam; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 11413) granting an increase of pension to Mary J. Bennett; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11414) granting a pension to Margaret Harmon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11415) granting a pension to Nannie A. Bell; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 11416) granting an increase of pension to Mary E. Davis; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 11417) for the relief of Miles A. Chancey; to the Committee on Claims.

Also, a bill (H. R. 11418) for the relief of R. H. Keene; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1816. By Mr. FENN: Resolutions of District No. 11, local of the Connecticut Valley Tobacco Association, indorsing House bill 6563 to establish a Federal farm advisory council and a Federal farm board, to aid in the disposition of the domestic surplus of agricultural commodities through cooperative associations, and for other purposes; to the Committee on Agriculture.

1817. By Mr. FOSS: Petition of sundry citizens of Athol, Mass., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1818. By Mr. FULLER: Petition of the Illinois Manufacturers' Association, expressing opposition to House bill 10502; to the Committee on Agriculture.

1819. By Mr. FULMER: Petition of Woman's Auxiliary, First Baptist Church, Sumter, S. C., protesting against any modification of the Volstead Act; to the Committee on the Judiciary.

1820. Also, petition of Woman's Missionary Society of Grace Baptist Church, Sumter, S. C., protesting against any modification of Volstead Act; to the Committee on the Judiciary.

1821. Also, petition of Woman's Auxiliary, First Presbyterian Church, Sumter, S. C., urging enforcement of the prohibition law and protesting against any modification of Volstead Act; to the Committee on the Judiciary.

1822. Also, petition of Mrs. W. P. Jordan, secretary Boys' and Girls' Work, South Carolina Christian Woman's Missionary Societies, Sumter, S. C., protesting against the modification of Volstead Act; to the Committee on the Judiciary.

1823. Also, petition of president and corresponding secretary, Woman's Christian Temperance Union, Columbia, S. C., protesting against any modification of the Volstead Act; to the Committee on the Judiciary.

1824. Also, petition of Woman's Christian Temperance Union, Batesburg, S. C., urging strict enforcement of the eighteenth amendment; to the Committee on the Judiciary.

1825. By Mr. GALLIVAN: Petition of Massachusetts Audubon Society, Winthrop Packard, secretary-treasurer, 66 Newbury Street, Boston, Mass., recommending early and favorable consideration of House bill 7479, known as the migratory bird refuge and marsh land conservation bill; to the Committee on Agriculture.

1826. By Mr. KINDRED: Petition of the New York Chapter of the Knights of Columbus, urging that the President of the

United States, as President, or through the State Department, to make known to the Mexican Government its abhorrence and protest against the inauguration of a policy in Mexico, the result of orders issued by the President of Mexico, which has for its object not only the destruction of the Catholic faith, but the wiping out of all religion among the people of that country, and whereby church property has been confiscated and nuns and priests driven from that country, in violation of the sacred rights of liberty and justice; to the Committee on Foreign Affairs.

1827. Also, petition of the New York Conservation Association (Inc.), urging the Congress of the United States to pass game refuge bill (H. R. 7479); to the Committee on Agriculture.

1828. By Mr. O'CONNELL of New York: Petition of the Common Brick Manufacturers' Association of America, in annual convention at New Orleans, La., February 22 to 26, 1926, for a fair tariff on all brick imported into the United States, and that the Fordney Tariff Act, section 304, requiring the marking with the name of the country of origin of all articles made in foreign countries, be immediately and rigidly enforced as to brick; to the Committee on Ways and Means.

1829. Also, petition of the New York Conservation Association (Inc.), of New York State, favoring the passage of Senate bill 2807 and House bill 7479, the game refuge bill; to the Committee on Agriculture.

1830. By Mr. RAINEY: Petition of Mrs. John Schmitker and 18 other ladies of Arenzville, Ill., favoring prohibition enforcement; to the Committee on the Judiciary.

1831. Also, petition of Grace Methodist Episcopal Church, of Jacksonville, Ill., favoring enforcement of prohibition amendment; to the Committee on the Judiciary.

1832. By Mr. SMITH: Petition signed by 37 citizens of Burley, Idaho, protesting against the amendment of the Volstead Act; to the Committee on the Judiciary.

1833. Also, resolution adopted by the Meridian Grange, Meridian, Idaho, protesting against the liberalization of the Volstead Act; to the Committee on the Judiciary.

1834. By Mr. SOMERS of New York: Petition of J. Francis Boornem, of New York City, favoring the passage of House bill 8708; to the Committee on Interstate and Foreign Commerce.

HOUSE OF REPRESENTATIVES

SUNDAY, April 18, 1926

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. CURRY.

In the absence of the Chaplain, Rev. Dr. Joseph Dawson, professor of Biblical literature, American University, offered the following prayer:

Almighty God, our Heavenly Father, we thank Thee for all Thy goodness to us as individuals and as a nation. We thank Thee for the men whom Thou hast given to enact laws for our Nation, and the example of patriotism that they have given to the world. We pray for the bereaved family. In the days of loneliness, when they long for the touch of a vanished hand and the sound of a voice that is still, do Thou hold them by Thy strong hand and speak comforting words to them, saying, "Fear not, for I am thy God."

When soon or late they reach the coast—
Over life's rough ocean driven,
May none be lost, but all be saved,
A family in Heaven.

Amen.

The reading of the Journal of the proceedings of yesterday was dispensed with.

THE LATE REPRESENTATIVE RAKER

The SPEAKER pro tempore. The Clerk will read the order of the day.

The Clerk read as follows:

On motion of Mr. LEA of California, by unanimous consent,

Ordered, That Sunday, April 18, 1926, at 12 o'clock meridian, be set apart for memorial services on the life, character, and public services of the late Hon. JOHN E. RAKER.

Mr. LEA of California. Mr. Speaker, I present the following resolutions and ask for their adoption.

The Clerk read as follows:

House Resolution 227

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. JOHN E. RAKER, late a Member of this House from the State of California.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to pay a tribute to our late colleague, Hon. JOHN E. RAKER, and in connection therewith make some comments as to his vision of the future of the United States—his fears and his hopes. Judge RAKER and myself had much in common. He represented a very large district on the Pacific coast in northern California, while I represent also a large district on the Pacific coast in southwestern Washington. Each district is beautiful with rugged snow-capped mountains; magnificent with great evergreen trees; and teeming with active, hopeful, aggressive western American citizens. Each district has needed much local legislation—public-land legislation, forest-reserve legislation, Indian legislation, reclamation and irrigation legislation, and, in fact, all other legislation of the kind that pertains to the true development of the newer part of our country.

When I came to Congress, Hon. Julius Kahn was the dean of the Pacific coast delegation. He had then had 10 years' service. Congressman Kahn died after 20 years' service. The dean of the Pacific coast delegation now is Hon. WILLIS C. HAWLEY, of Oregon, who is in his twentieth year of service. The next ranking Members from the Pacific coast in length of service are Hon. CHARLES F. CURRY, of California; Hon. NICHOLAS SINNOTT, of Oregon; and myself; one from each State and each in his fourteenth year of service. The coast States have found it best not to make frequent changes in congressional membership.

Forty-four Members, including HAWLEY, are now in Congress who have served longer terms than we three from the coast—21 of whom are Democrats and 23 of whom are Republicans. Our coast delegation is so small and our problems so great that we have not often divided along political lines. Hon. HENRY ALLEN COOPER, of Wisconsin, is now the dean of the House, and was at the time of Judge RAKER's death.

Judge RAKER in 1920 visited my home city, Hoquiam, and various cities in my district. I have visited various cities in his district, but did not have time to visit his home town.

Mr. Speaker, Macaulay has described the life of a legislator as a life of hope without realization; labor without accomplishment; devotion to duty without reward.

Such a description did not apply to the late Hon. JOHN E. RAKER. His hopes were realized; he saw much legislation which he had promoted enacted into law. His labors met with accomplishment. He never knew what it meant not to be at work. He never rested on his oars after success. I feel sure that to-day when the Members of this body pay tribute to his memory the central expression will be that he was a worker. His devotion to duty was rewarded, for although he had laid down his life in the service of his country, for he wore himself out, no one can say that he had not the esteem of all his fellow Members during the entire 15 years of his service here; and how few Members of Congress have been returned for term after term without political opposition or personal criticism in their districts!

JOHN E. RAKER came first to the Sixty-second Congress. I came to the Sixty-third Congress. Each of us sought to be placed on the Committee on Immigration and Naturalization, and we were made members of that committee at an extra session, in the spring of 1913, where we served side by side, long hours, hard work, year in and year out from that time until his last illness. The membership then was—

Immigration and Naturalization: John L. Burnett, of Alabama; Adolph J. Sabath, of Illinois; John A. M. Adair, of Indiana; Henry M. Goldfogle, of New York; James L. Shnyder, of Texas; William A. Oldfield, of Arkansas; John E. Raker, of California; John A. Key, of Ohio; Franklin Brockson, of Delaware; Augustus P. Gardner, of Massachusetts; Everis A. Hayes, of California; J. Hampton Moore, of Pennsylvania; Edwin A. Merritt, Jr., of New York; James Manahan, of Minnesota; and Albert Johnson, of Washington.

The committee had a majority of about 2 for restriction and every member had to be in his seat at every session.

Mr. SABATH of Illinois had been placed on the committee two years ahead of RAKER and myself. SABATH and I are now oldest members of that committee in point of service. What changes in personnel we have seen; what changes in policy.

The late Hon. John Burnett was chairman then, and continued chairman to the end of the Sixty-fifth Congress, in

the spring of 1900. Through the war period, the Sixty-third, Sixty-fourth, and Sixty-fifth Congresses had Democratic majorities. RAKER and myself had been lieutenants for Chairman Burnett. Throughout the strain in connection with the several rewritings of what became the immigration act of 1917, which was the Burnett bill, vetoed by President Taft in 1913; rewritten in committee and vetoed by President Wilson; again rewritten, again vetoed by President Wilson; again rewritten and finally passed over the President's veto.

The Sixty-sixth Congress had a Republican majority, and the honorable and responsible position of chairman was given to me. I knew that I could count on RAKER and Burnett as lieutenants. I do not say this in disparagement of the work of the other members, but the membership, except SABATH, was ever-changing, and while Mr. SABATH was not in accord with the restrictive policies which we were determined on, he did then and has ever since given us the benefit of his experience.

But we lost the services of Burnett. Two days before he was to have taken his seat in the Sixty-sixth Congress, which was called to meet May, 1919, he died from shock. A number of bombs had been sent by mail from New York to various prominent persons. One was sent to Burnett. The package was opened in Burnett's home by a negro servant girl, standing a few feet from Burnett. Her hands were blown off. The shock affected Burnett, who died next day. The front of the residence of the then Attorney General, Hon. A. Mitchell Palmer, on S street, in this city, was blown out the same night with an anarchist's bomb.

Our committee had been working on a bill to make more drastic the anarchist exclusion laws of the United States. Soon after we were organized in the Sixty-sixth Congress, we reported what is known as the anarchist exclusion act, which is now act of June 5, 1920. This was the first public act of my incumbency as chairman.

Efforts are made from time to time to amend, weaken, or abolish this piece of legislation. I do not see how a single word can be taken from it. All of the members of the committee worked on it, holding many night sessions. Those then on the committee who are still serving in Congress are SABATH, WILSON of Louisiana, KNUTSON of Minnesota, and VAILE of Colorado.

They will recall the efforts of Judge RAKER to write into that act a distinct definition of international communism and of communists who would destroy the Government by force, so that such red communists might be placed in the excludable and deportable classes of undesirable aliens. Oh, how he labored for that. Every kind of amendment he offered; every kind of definition, in an effort to differentiate the communist who would work with force and violence against government, and against the right to hold property, as different from communists of the type of some of our old New Englanders, who founded community settlements.

I wish now that we had used any one of the definitions which Judge RAKER offered, even at the risk of having Congress assailed as it now is by those international subversives, which charge that the word "anarchist" enacted in our immigration act is nothing but a verbal brickbat.

Gentlemen, on this occasion of tribute to JOHN E. RAKER in these days of rapidly developing subversive movements against the Government of the United States, may I not call on each and every one of you to remember the iron of duty in RAKER's otherwise gentle make-up; to remember the strength with which he stood for his Government, which is our Government, and I ask you to solemnly swear with me that so long as we live this Government shall not be broken down by boring from within, nor wrecked by those who would come among us with impossible political ideas and the dangerous political nostrums of European countries, which have made wrecks of nations and individuals.

Remember that under our form of government, and under our Constitution, we are an ever-changing Government. Ours is a government of law. We think of the changes as the results of the thoughts and the votes of the citizens. But it is not entirely so. Many foreign-language newspapers play a part. Whole congressional districts are beholden—not to the voters but the alien influences of those districts. Our big cities are becoming more and more alien in population and in thought. Most of these aliens are well-intended people, who want to be right in thought and action, but they are susceptible to influence of movements—often led, I am sorry to say, by American citizens—subversive of our Government. Each alien among us plays some part in molding our Government, even if never receiving the right to vote. He is given the right of free speech, but that does not mean the right to preach the over-

throw of the Government by force and violence. It never shall mean that. Free press does not mean that. Let those who are getting up communist labor strikes as a vehicle for advocating overthrow of government beware.

Let those who would save and protect and advance this Government be ever watchful.

We, as Representatives in Congress are the instruments through which the people change their Government. What tremendous fundamental changes during the 15 years that JOHN E. RAKER served as an honorable Representative, and during the 13 years I have served.

If we are busy and working under pressure and strain—as we usually are—the days merge one into another, and we do not have time to stop to note the great advantages. One day we vote on some momentous piece of legislation that changes our structure for all time. The next day we vote for an act to add 10 sections to a forest reserve, or to create a national park, or to correct the record of a World War veteran.

O Mr. Speaker, what fundamental changes in the evolution of the United States were made by Congress during the 15 years served by JOHN E. RAKER! I think of these—

1. Direct election of Senators, 1913.
2. Liquid currency system, 1913.
3. Graduated income tax, 1913.
4. Federal interest in organized labor, in interstate commerce, as shown in the Adamson Act, 1916.
5. The draft (exercise of the Government's right to require any man or class of men to serve in time of war. This right, having been tested will be extended whenever necessary to the drafting of capital, labor, and property), 1917.
- I do not include the declaration of war, or the passage of heavy emergency pre-war and war-killing legislation, through many strenuous months, here. War is incidental to the struggles of nations for existence. I am endeavoring to name some of the fundamental advances by law in peace times, not war times. I resume the list as follows:
6. National prohibition, 1919.
7. National women suffrage, 1920.
- JOHN E. RAKER was a leader in each of these movements—
8. Fifty-fifty system of Federal aid to State activities, about 1919.
9. Budget system, 1921.
10. Esch railway regulation and guaranty, 1921.
11. Regulation of aviation, the radio, the telephone, and the moving picture, beginning about 1922, and some still pending.
12. Immigration restriction act, 1924.

This last was a reversal of a policy which had existed from the beginning of our Government. We were an asylum; we are no longer an asylum for very good reasons.

These legislative enactments—there are others, but I have not had the time to search the records—give an idea of how this great free Government of the United States of America—a Government of the people, by the people, and for the people—is ever advancing; how it bends to the voice of the people; how the voice of the people is the voice of God, and why it is to-day the greatest and most successful experiment in Government ever attempted.

But ours is a very young Government. It may go too fast! It may overreach itself! When we have come to be 117,000,000 people we can not move as we did when we were fewer.

The JOHN E. RAKER type of old-fashioned, home-spun American is passing. How many have departed this life since he and I came to Congress!

Champ Clark, who in my opinion should have been called the "commoner," is gone. Former Speaker Clark used to tell me that it required 6 to 10 years to make a good Congressman out of a substantial new Member who was willing to work. His advice was: Take whatever committees to which assigned, do the work there thoroughly, strive for membership on more important committees and more work, learn the rules of procedure, and be always a real member of the Committee of the Whole House.

W. J. Bryan, who should have been called, I think, the "great evangelist of politics," rather than the "great commoner," has passed on; Sereno E. Payne, who had been painted out West as a dreadful devil, has gone. I believe that he did as much as any one man to fix and make sure that a protective tariff is as basic a fundamental of this Government as if it were one of the stones of our actual foundation. The tariff as perfected gave the United States its "industrial revolution," just as the invention of the steam engine and the spinning jenny gave England its "industrial revolution" more than 100 years ago. Our industrial revolution, which was well under way by 1896, enabled us to absorb the immigrants who began to come at

the rate of 1,000,000 a year, and made the restriction of immigration a question to be discussed principally from the economic standpoint, rather than that of the future of our Government—the standards of future citizens.

I would not mention the tariff in this memorial address—and what I have said is a matter of history rather than of politics—but for the fact that Mr. RAKER and myself had discussed it many times in connection with immigration. He believed in a tariff. He said that if Canada could sustain permanently a tariff policy, Canada would develop manufactures, and a home market, and that immigrants then would go there, which might relieve the United States from too much immigration coming to the cities—not to the country.

But I had started to mention a few of those whom RAKER and I found here in the Sixty-third Congress, but who are now reaping the last reward of devotion to duty. James R. Mann! What force he gave to Congresses of his day. Perhaps the so-called Mann Act should have been named by me as one of the recent fundamental acts—hardly, I think, fundamental—yet it pointed the way as to what can be done by law in the name of regulation of interstate commerce. Burnett, the little giant of the restrictive immigration movement! Born following the travail of that great War between the States, and, having seen the aftermath of one great race struggle in the United States, he was a restrictionist in the hope that we might never have another. Claude Kitchin, who fell full armored and died for his country as surely as if he had fallen on field of battle. Augustus P. Gardner! What an American he was; what a true patriot! He was a son-in-law of the late Senator Henry Cabot Lodge, who declared before his death that the immigration act of 1924 was the most important piece of legislation enacted in the past 50 years. Lodge is gone. If I undertook to mention the great leaders of the Senate for 13 years past who have passed on and other departed leaders of the House of Representatives, I would not be able to close this speech in another hour; nor can I take time to mention distinguished Senators and Members of the House who have retired and are out of political life but still giving their best efforts to the welfare and future of this Government.

Ah, my colleagues, don't think that because I mention a few of the departed that we now have no strong men in Congress. We have—men of the old school; men and women of the new school. But, my colleagues, the increased membership of the House, the tremendous program of legislation brought about by the centralization of Government, by the extension of commissions (which are the arms of Congress, and quickly become more powerful than the body that gave them birth), together with the great aftermath of legislation made necessary by the World War—all these things require more actual intensive labor, more varied noncoordinated work, with less time for forensic effort in the Halls of Congress than in the days when JOHN E. RAKER came from the Golden West to give his best efforts for the district that sent him, for his State, and for his Government.

Mr. Speaker and my colleague, now let me pay my most sincere and earnest personal tribute to our departed colleague, JOHN E. RAKER. To him we owe much for his continuous effort that brought about the final steps in the efforts of the United States to establish finally and completely the policy that: Those persons ineligible to citizenship shall be inadmissible for permanent residence.

What a perfect blending of the words of a Supreme Court decision with words from the Constitution. It was Congressman RAKER who kept that idea alive in our committee.

JOHN E. RAKER had another great conception for our future homogeneity and safety, which had he lived might have been brought to fruition.

After the immigration act of 1924 had been signed by President Coolidge on May 26, 1924, JOHN E. RAKER said to me about as follows: JOHNSON, one other change will be necessary to carry out the policy which the fathers of our Government intended. Early in congressional action—about 1803—they provided that persons who might be naturalized should be "free white" persons. The war of 1861 to 1865 made a change necessary. Following the adoption of the fourteenth and fifteenth amendments, Congress amended the naturalization laws to read as follows:

SEC. 2169. The provisions of this title shall apply to aliens being free white persons; and to aliens of African nativity and to persons of African descent. (R. S. 1878, p. 380; 1 Comp. Stat. 1901, p. 1833.)

Now that the quota act is permanent legislation, and restriction and selection is here for as long as this Government shall endure, Judge RAKER believed that an amendment would be needed to that section of the naturalization law. He said

that under the quota law no Africans will come from Africa. We have 11,000,000 negroes in our population. They need protection. He declared that we should go back as a base for naturalization to the words our fathers gave us:

Those who may be naturalized shall be white persons.

Judge RAKER and all members of the committee foresaw at the time of the passage of the 1924 act the situation that would be brought about by immigration from Mexico.

Congress must adjust that situation, the quicker the better. It will be a great task. It will take time.

And then, perhaps, some of the younger Members who shall be here in future Congresses may give thought and study to the last legislative idea of JOHN E. RAKER in the hope that as our population increases it may be as nearly as possible homogeneous—one race, one people, one language—for the enjoyment in the fullest measure of the benefits of a free government.

Mr. SMITH. Mr. Speaker, one of the first Members of Congress whom I met when I entered this body at the beginning of the Sixty-third Congress was the late Hon. JOHN E. RAKER, of California, whose character and public service we memorialize on this occasion. To me the duty which the hour imposes is a labor of love and I avail myself of this opportunity to pay my tribute to his noble attributes of mind and heart.

I was attracted to him by his genial and gracious manner, and instinctively felt that we would soon be good friends. When the committees were appointed I was pleased to learn that we were on two important committees, where we served side by side until the opening of the present Congress, when I was pained to learn that he was too ill to attend the sessions.

It was also my good fortune to enjoy his companionship on a European trip during the spring of 1919, and of a trip to California in 1923, and through his own district last summer, which afforded me an opportunity to know him probably as intimately as any one in this House, as my impressions were formed by constant association over a long period of years, and under varied circumstances. His death, therefore, was a deep personal loss to me, for I feel that I have lost, not only a loved colleague and delightful companion, but a dear friend.

The career of JUDGE RAKER, like that of many who have become prominent in public, professional, and commercial life, is an inspiration to the young men of the country, for his early life was surrounded by many handicaps incident to lack of advantages which might have been avoided had he possessed ample means. He literally carved success out of an environment that offered few opportunities for advancement, because of his industry, initiative, and a determination to win. He was early recognized in northern California as an able and astute young lawyer and soon won a high place in his profession. He was later elevated to the bench, in which capacity he made a splendid record. In 1910 he was elected to the Congress of the United States and was reelected to each succeeding Congress by increasing majorities.

When traveling in his district last summer I conversed with many of his constituents regarding his work in Congress who, regardless of party, expressed their admiration of him as their Representative, as a citizen, and as a friend and neighbor. In every city, town, and hamlet we visited the people thronged to meet him, and to welcome him and his devoted wife on their return from the Nation's Capital.

Judge RAKER's strongest characteristic was his devotion to duty. He appreciated the honor and responsibility of representing a large constituency in the Congress of the United States, and he was ever on the alert to advance their interests and to see that their right to consideration was not disregarded.

He worked early and late in his office, and was always punctual in attendance upon the sessions of committees and the House; and denied himself the diversions which are so necessary to good health. He was so strong and rugged in health that he seemed unconscious of the fact that he was impairing his strength by hard work and long hours of application. A few years ago he moved to an apartment within one square of the Capitol, in order, as he stated to me, that he could return to the office conveniently after the close of the day to meet the demands upon his time.

I remonstrated frequently against his close application to his work and especially his return to the office in the evening, but he insisted that he must inform himself on the many public questions coming before the House in order that he could better serve his constituents, his State, and the country.

Judge RAKER was a deep student of public affairs, and his illustrious ability and his indomitable industry enabled him to inform himself on every question which came up for consideration in the committees and on the floor of the House.

He possessed marvelous discernment and could interpret legislation with the greatest ease, and quickly discover any incongruities or inconsistencies therein, or with existing statutes, which, with his familiarity with parliamentary practice made him one of the most useful and valuable Members of the House.

As a logical and forceful speaker Judge RAKER had few equals. He had the courage of his convictions, and availed himself of every proper occasion to express them. The world is better because of such a life, and our work here will be better performed by the inspiration of the memory of his virtues and his splendid service to his constituency, his State, and our country.

Truly a good man has left us. In private life he was upright and pure; in public life he was faithful to every trust.

I can not say—I will not say—
That he is dead. He is only away.
With a cheery smile and a wave of the hand
He has wandered into an unknown land
And left us dreaming. How very fair
It needs must be, since he lingers there.
And you—oh! you who wildest yearn
For the old time step and glad return—
Think of him faring on, as dear
In the love there as the love here.

Mr. SABATH. Mr. Speaker, I am indeed grateful to the California delegation as well as to the membership of the House for being permitted to pay my respects to-day to the memory of one of the hardest-working and most sincere Members of this House, Hon. JOHN E. RAKER. I have known Mr. RAKER ever since he entered the House. During my 20 years of service in the House I have known a great many hard-working and sincere men, but I do not know of a single Member with whom I have had the pleasure to serve who was more devoted to duty or who possessed greater courage than JOHN E. RAKER.

I regret that I could not always agree with him on some matters of legislation which he advocated, but I know that he was honest and sincere in the things that he did advocate. Men will differ, and I reserved the right to differ with him and he reserved the right to differ with me on some questions, and in view of the fact that it has already been mentioned by the distinguished gentleman from Washington [Mr. JOHNSON] I am frank to say that the questions on which we disagreed were the questions of immigration and prohibition. Outside of those two questions we agreed on all the other matters. He was a progressive Democrat, a progressive man, who was trying to his utmost to serve the country and the people.

As a great many other men have been, he seemed unduly alarmed in respect to the future of our Nation, especially during the war. When we were forced into the war he was very apprehensive in respect to the foreign or alien element in the United States, but after the war, after he had noticed the thousands and thousands of these aliens who offered their lives to the country, enlisting, waiving their exemption rights, he began to realize and appreciate that even these men possessed the elements of loyalty and patriotism much more than he had formerly thought they could. Outside of the two questions which I have mentioned it was my good fortune to agree with Mr. RAKER and cooperate with him on nearly all other matters. He was active and courageous, as I have said, and I feel that the House and the country and his State have lost in him an extremely valuable Member of the House.

Mr. WILSON of Louisiana. Mr. Speaker, among the most pleasant and valuable associations afforded me since becoming a Member of the Congress have been those resulting from my service on the Committee on Immigration and Naturalization, and this has been equally true of the service under the late John L. Burnett, chairman under the Democratic administration, and under the guidance of the present chairman, Hon. ALBERT JOHNSON, of the State of Washington. The late JOHN E. RAKER was a member of this important committee at the time I was assigned to it at the beginning of my service in Congress, and he remained one of its leading members until he was called to his last reward.

This committee gives an unusual opportunity in a peculiar way to test the industry, diligence, and strength of a Member of the American Congress, to get the lines and angles of his sympathies, and to try out his willingness and ability to take the path of duty to his country and go unflinchingly forward when the distress and heartaches of suffering humanity, pictured with impelling force by the skill and eloquence of artists, would point and lead the other way.

The record of JOHN E. RAKER on this committee, as in this House, was one of courage, determination, and diligence. He eagerly grasped every opportunity for service to his district, State, and country, and spared no effort to make that service effective. He was a polished gentleman, open, frank, and direct at all times and in all things. As a friend and associate he was thoughtful, kind, and indulgent.

In his public career he was tenacious of his opinions; but he had the right to be, because they were formed after painstaking and diligent research. By incessant and untiring labor and the systematic collection of facts he was able to defend his position against all attacks. JOHN E. RAKER had the courage of his convictions and was a fearless advocate of truth and justice.

On November 21, 1889, our deceased colleague was married to Iva G. Spencer, daughter of Judge E. V. Spencer. Their home and family life was impressively beautiful. Here was the center of his happiness and devotion. He will be glad for us to say that in no limited measure were the successes and honors coming to him due to the assistance and counsel of this noble woman. She was truly his partner and the faithful and vigilant attendant during his illness and suffering. As he fearlessly approached the closing scenes of this life he might well have said:

Let no impatient mourner stand
In hollow sadness near my bed,
But let me rest upon the hand,
And let me hear the gentle tread
Of her whose kindness long ago
And still, unworn away by years,
Has made my weary eyelids flow
With grateful and admiring tears.

Mr. RUBEY. Mr. Speaker, ladies, and gentlemen of the House, we have met here to-day to pay our respects to the memory of a distinguished Member of this body—Hon. JOHN E. RAKER, of the State of California. Mr. RAKER was first elected to Congress in the election of 1910, and had he served out the term for which he was last elected he would have represented his district in Congress for 16 years.

I had the pleasure, and I may say the honor, of meeting Mr. RAKER for the first time when the Sixty-second Congress was convened by President Taft in special session in April, 1911, 15 years ago this present month.

It is indeed one of the greatest honors that can be conferred upon an American citizen to elect him to represent his district in the House of Representatives. It is the greatest legislative body in all the world, because it is the law-making body of the greatest Government on this earth, and not only that, but it is the greatest Government that has ever been established since the beginning of time. Not only is it a very great honor to serve in this body, but it is indeed a very great privilege. We meet here, gentlemen, and of late years ladies, too, who come from every section of the Republic. We form friendships and associations which bind us close together and which will remain with us as long as we shall live.

Long years ago, in a discussion of the chief characteristics of a gentleman, it was said they are—

High erected thoughts seated in a heart of courtesy.

Down through the ages these words have come; they are as true to-day as when first spoken. The soul of JOHN E. RAKER was at all times filled with "high erected thoughts" and his heart was full of love and courtesy for all mankind. Mr. RAKER began at once to actively look after every interest in the district he represented and his faithfulness and his fidelity to all his constituents and to all that Western country so impressed itself upon the people, that notwithstanding, he was a Democrat and continued in that faith to his death, he has been elected for the last three elections with the indorsement of the opposing party—indeed, a very great honor to be conferred upon any man.

In the Sixty-second Congress, there were 127 gentlemen who, along with our esteemed colleague, Mr. RAKER, came into the House of Representatives. I would like to detail briefly the story of those 127, who began their national legislative careers during that Congress:

Of that number there are only 11 of us who are Members of this House at the present time. Thirty-four of them have crossed the dark river and gone to their reward. A number of them have had preferment and are now serving in other places of distinction. One of them, as I recall, is now serving his people with honor as governor of a great State; another has served his State as governor and has now retired to private life.

Five have been elected to seats in the Senate of the United States, and are now serving their States with honor and distinction in that great body. One of those 127, I am pleased to say, has had the very great distinction of being nominated by his party as its candidate for the highest office in the gift of the American people. Three of them, as I recall, are located here in Washington, where they hold positions of trust. Some have gone into Foreign Service and, of course, a very large number have retired from public life.

I also want to recall here to-day the service rendered by our distinguished colleague in the committees of Congress upon which he has served. When one becomes a Member of Congress it is customary to assign him to those committees for which he is best fitted, or which have to do with those things about which he is best advised. When our colleague was placed upon Public Lands, Immigration and Naturalization, Irrigation and Reclamation, it was an ideal selection, for the West was particularly interested in these subjects. Mr. RAKER was particularly well equipped for service upon these committees. He remained upon them during his entire service and was a most faithful and efficient member of each.

He was an earnest and devout advocate of woman suffrage, and when the Committee on Woman Suffrage was created he was made chairman and held that position during the remainder of his service here. He had much to do with the passage of the woman suffrage amendment, and I know throughout the length and breadth of this land he will be honored and remembered by the good women of America.

I had the honor of serving with him upon the Committee on Public Lands. There were 22 of us who gathered around the table when that committee first met in the Sixty-second Congress. Upon that committee Mr. RAKER served during his entire term. Of the 22 who were members upon that committee at that time, there are remaining in the House only two of us, the gentleman from Colorado, Mr. TAYLOR, and myself. One other gentleman, who was then a member of that committee is serving with honor and distinction in the Senate, the Hon. JOE T. ROBINSON, who was at that time chairman of the Committee on Public Lands.

I mention these facts merely to show how rapidly changes take place in the personnel of the House and its various committees.

During my two years of service on the Committee on Public Lands, I had the opportunity of observing the work done by Mr. RAKER, and to note how earnestly he represented the needs not only of his own district but of all that great western country. Rarely was it that our committee met that Mr. RAKER did not present some matter of interest to his own people and urge its recommendation by the committee.

Mr. RAKER did not confine his work in Congress alone to the committee upon which he served. Just a few days ago as I sat in the committee room of the Committee on Agriculture, I reached up and took from one of the shelves a copy of the hearings of the committee taken in the days gone by. As I examined this volume I found it to be the hearings taken in 1916. At that time our committee brought in the appropriation bill for the Department of Agriculture, and this volume was the hearings on the 1916 appropriation bill. I casually opened it and as I did so I saw the name of our distinguished colleague, JOHN E. RAKER, who was appearing before that committee urging with his usual vehemence an appropriation of money to protect the livestock of the western country from the ravages of predatory animals. I mention this to show you that there was not a single solitary interest in the whole western country that he was not alive to, and which he did not, along with his other associates from that section, protect and defend.

I very much regret that circumstances over which I had no control, prevented me from joining with my colleagues who were designated to escort his remains to their last resting place. JOHN E. RAKER has gone to his reward, and those of us who have had the honor of serving with him through all these years, as well as all the Members who have served with him, will honor and revere his memory.

Mr. ROUSE. Mr. Speaker, JOHN E. RAKER and I entered Congress at the same time. We were elected in 1910 and took the oath of office on the same day, the 4th day of April, 1911, at a special session of Congress called by a proclamation of President Taft. At this time 118 new Members of Congress were elected, and until this time, this was the largest class of new Members in the history of the Congress. Just for a moment, consider the change in the membership of the House of Representatives. There are now only seven men left in that class; however, there are four Members of the present Congress

who were elected in 1910 but have been absent for one or more terms.

From the time I met Judge RAKER in one of the Washington hotels almost immediately after his arrival to enter upon the duties as a Congressman, and until his death, I considered him one of my very best friends in Congress.

Soon after he entered Congress he won the admiration and confidence of his colleagues. He was a splendid Representative, a student, and a ready and forceful speaker.

I often sat with him during the sessions of the House, and very frequently when I had inquiries regarding matters affecting the immigration laws of our country or matters pending in Congress and before his Committee on Immigration, I would consult him to get his views, and always found him ready and willing to give what I afterwards learned to be the proper advice. He and the gentleman from Washington [Mr. JOHNSON] and the gentleman from Texas [Mr. BOX] were my principal guides on matters of immigration.

He was an untiring worker for his constituents; considered by all who knew him to be one of the real energetic and conscientious representatives of the people. His place on the Immigration Committee of the House will be hard to fill; not only did he represent the people of his congressional district on this committee, but he represented a vast majority of all the citizens of the United States. I know he was held in the highest esteem by the people of the district which I have the honor to represent for his faithful work in behalf of the immigration laws which were passed during his service in the House, and I doubt if he was ever in my district or had ever had the pleasure of meeting any of my constituents except those whom it was my honor to introduce to him. If the personnel of the Immigration Committee of the House and Senate were always made up of the caliber of Judge RAKER, the Members of Congress would be relieved of answering many letters of inquiry from their constituents who favor restricted immigration legislation, our citizenship would be constantly improved, and our institutions be safely guarded.

Judge RAKER also held prominent assignments on the Committee of Irrigation and Reclamation and on the Committee on the Public Lands. When his labors here ended and for many years before, he was the ranking man on the Public Lands Committee. It was his incessant and studious labors on these two committees which greatly benefited not only his district and his State but the entire great western part of this Republic. When I was in California and visited two of the great cities of that State, I met with men who were loud in their praise of the work of this statesman. One gentleman, a member of the Chamber of Commerce of the City of San Francisco, stated to me that he had never known a man to represent a district from California in the House of Representatives, whose service was of more benefit to the entire State of California than those of Judge RAKER.

His home and his district was in the northeastern part of the State yet his efforts and his accomplishments were appreciated in every section of that great sovereign State which he loved so well. From the words of praise which I heard from the many citizens of his State, I believe he would have been honored with any office in the gift of his people.

JOHN E. RAKER has been called to his reward to that "house of many mansions."

If we would recall the example he set as a man, a statesman and a friend, stop and ponder, we would become better for the life he lived.

Mr. BOX. Mr. Speaker, and gentlemen of the House, within the limited time that circumstances now permit it is impossible to assemble and present all of the strong points in the life of a man like JOHN E. RAKER. It is impossible to present fully an appreciation of his services, even the cardinal features of them. I rise to express my appreciation of two or three phases of his life and work. I was associated with Mr. RAKER on the Committee on Immigration and Naturalization from the beginning of the Sixty-sixth Congress until his death. I found him with definite, settled convictions, settled purposes. I found him continuing, unchanging in the course which he adopted. I came to appreciate him very much on that account.

Another thing that I observed with great admiration in connection with Judge RAKER's public service was the place he held in the esteem of his own people. Men talk about politics as if it were something discreditable in a man to understand and serve his people and maintain their confidence. It is generally recognized that a business man must keep in touch with his trade, and that every other man who serves the public must cultivate the good will of his people and continuously have their support, but men sometimes speak of those of us

who serve the public as if it were discreditable for us to understand our people, for us to continuously maintain their good will. That is a necessary qualification for a man who serves the public. The man who does not do it does not serve at all, and if, by any mischance he did serve, he would be a failure. The man who does not understand his people, and who in turn does not make himself understood by them, can not long continue to represent them. I do not know how the idea got into American public life that public service and ability to understand and to continue to serve the people involves even a shade of discredit. Such an idea is born of shallow thinking and silly talk.

This attitude and propaganda supporting it are based on inability or unwillingness to discriminate between cunning tricksters and public servants who have tact and talent to enable them to understand and interpret the public will and needs. Such tact and talent are indispensably requisite to a representative government. Without men who understand public questions and know how to deal with the public there can be no constitutional, representative government. People who believe in the Constitution and the system it has established should not, through ignorance of what it involves, promote a state of the public mind which would destroy it. Men who do not believe in free representative government may consistently deride the necessary constitutional processes of winning and holding popular support of men and measures, but people who understand and love the rule of the popular will can not.

The fundamental thing that enables a man to maintain the confidence and support of his people is the deserving of that confidence and support. There are deceptions and miscarriages, of course, but not for long will a man hold the prevailing good will, the hearty support of his constituents, unless in the course of years they recognize that there is in him that which is expressive of the best that is in them, that on which they can depend. When a man has continued to hold the confidence and support of such a constituency as Judge RAKER had, if I had no other standard by which to test his life, I would know that there was sterling worth in his character and substantial value in his services.

I had the pleasure of visiting several parts of the district he represented. The majority of the citizenship of the district, I think, were of an opposing faith, and yet he continued, as you have been told, to represent that great district, with its great middle class, high class, American citizenship. I saw how heartily the people of his own party and of the Republican Party supported him, not as a matter of form, but it appeared in the manner in which they greeted him. The good will and confidence of people of both parties found spontaneous, continuous expression wherever opportunity for its expression was presented.

Gentlemen and dear lady, if I shall have the privilege of serving my people and the Nation as long as Judge RAKER did, if I can live in the recollection and esteem of my colleagues and have myself and in those who know me a knowledge of the fact that the people who have trusted me, who conferred this honor upon me, have had an ever-increasing confidence in me as the years have come and gone—if I have that privilege, I shall be glad to leave it to my children and my friends as a heritage well worth having.

Mr. VAILE. My acquaintance with JOHN E. RAKER did not cover quite as long a period as that of some of my colleagues, but it was long enough to give me an opportunity for full appreciation of him as a man and a legislator.

And it was rather an intensive acquaintance, on its professional side, because for six years I served on two committees with that most industrious Congressman. Those committees, Immigration and Naturalization, and Public Lands, were exceedingly active during all of that time.

The Committee on Immigration and Naturalization passed the 1920 amendments to the exclusion act, the two acts for the percentage restriction of immigration, and the act for the separate citizenship of married women. This legislation marked a complete change in the traditional policy of our Government on a matter as vital to the Republic as any that has ever been considered by this Congress, a matter that goes to the determination of what shall be the blood of this Nation through all the centuries to come.

The Committee on the Public Lands during this period considered and secured the passage of the oil-leasing bill, involving a change in our former policy with regard to the use of the natural resources of the public domain, many bills relating to the landed and mineral wealth of the United States and a great mass of private and local bills. That committee ranks very high in volume of work transacted, standing next, I

believe, to Claims and Pensions in the number of bills referred to and considered by it.

I might add that I served with him on a special joint committee of the two Houses of Congress to investigate matters growing out of the old Northern Pacific land grants. Several members of that joint committee are now dead—Senator Spencer, our late colleague Mr. Williams, of Michigan, and our Judge RAKER. The hearings of that joint committee for its one year's work now comprise some three thousand printed pages, and all of that great mass of testimony is sprinkled with his searching, studious questions.

The changes in national policy involved in the work of the two committees which I have mentioned were changes incident to the growth of the country, changes necessitated by an altering ratio between population and resources, changes requiring a long look into the future. In this work JOHN E. RAKER incessantly labored in a broad, constructive, statesmanlike manner.

Mr. Speaker, it is in the daily grind of duty, rather than in the flash of conspicuous moments, that a man's real quality appears. The Congressman who is genuinely useful to his constituents and to the country is not so much the man of brilliance as the man of steadiness, not so much the orator as the worker. JOHN E. RAKER was, indeed, an effective debater, though his effectiveness lay rather in his earnestness and his manifest sincerity, his vigor and virility, and the sense of personal conviction which he conveyed to his auditors, than in any attempt at rhetorical finish. As a speaker he was rough and ready. But he was ready in any situation, and his readiness came from plain, faithful, plugging, hard work.

He was as industrious as any man whom I have ever been my fortune to know. There was hardly a single day during the sessions of Congress for the six years of my association with him when one or the other of his committees was not in session. Very often indeed they were both in session on the same day. He attended every meeting of each of those committees except when their hours were in actual conflict, and even then he would contrive to keep in touch with both.

JOHN RAKER knew all the details of every bill pending before each of those committees. He made it his business to study every bill and to arrive at an intelligent conclusion supported by definite reasons, as to its merits or demerits. He always had his amendments ready and presented them cogently and thoroughly.

JOHN RAKER'S creed was the performance of duty. He took duty as it came, cheerfully, willingly, and tirelessly. I think it would no more have occurred to him to slight a task than to commit a crime. Indeed, to his mind, the two things were about synonymous. No task was so large as to dismay him, none so small as to incur his neglect.

I believe that the records of both those committees will show that Judge RAKER attended more sessions of each than any other Member except the chairman—and that is no small tribute in view of the very conscientious personnel of both those bodies. Often I have seen him come in loaded with law reports to fortify his argument on the matter under discussion. Time and again I have known him to spend the luncheon hour at the law library preparing himself, not with food, but with citations, for an afternoon session.

The pertinacity which was one of JOHN RAKER'S outstanding characteristics was sometimes irritating to his colleagues, but when that man got through with a proposition nothing had been overlooked.

JOHN RAKER had one quality which I often thought made his way more difficult for him. He was constantly seeking not the path of the least, but that of the most resistance. He was constitutionally unable to compromise. I do not mean that he could never be convinced. That did happen now and then, and when he yielded in such cases it would be with a good humor and generosity which warmed the hearts of his colleagues.

He had a warm heart himself, a most lovable and human disposition. He was the devoted husband of a most charming and cultured lady. Wrapped up somewhere with his iron will there was a melting element of almost womanly tenderness and sentiment. He loved his fellow men not theoretically and philosophically but with a lively personal affection.

But when he had made up his mind on a proposition he was set like a rock. You could ride over him by sheer force of votes, but when you got through he was just as solid and just as firm as ever and just as formidable in the next tussle. Defeated many times, he never knew defeat.

Pertinacity, persistence, fidelity, and ceaseless activity—these were the qualities of our departed colleague. He was by nature aggressive rather than defensive, communicative rather than receptive. His virtues were positive, not negative, virtues.

There was nothing passive about the man. His was a restless, active, inquiring, doing mind, sometimes belligerent, always forceful; the kind of mind that always presses home the attack and scorns to feint or parry. And how he did love a good fight!

He sat on the Democratic side of our shadowy dividing line. He was healthily and humanly partisan—vigorously so, because he could not be anything without being vigorous in it. But both sides respected him, both sides loved him, and he belonged to both sides. He nearly always received in his own district the nomination of both parties because he was the kind of a man in whom people have confidence.

He was the kind of a man you would want for a partner or a friend.

And in his big mountainous district of his big, generous State he is remembered as the friend of all the people, regardless of party, as the faithful representative of all and as a stalwart, positive, patriotic American.

Mr. CHINDBLOM. Mr. Speaker, it was not my privilege to serve on any standing committee with our late colleague from California, the Hon. JOHN E. RAKER, but during the seven years I have been a Member of the House I saw much of him on the floor of the House and in Committee of the Whole. Incidentally, the latter organization, to my mind, is of greater importance than is sometimes accredited to it, for, after the standing committees have reported to the House, the Committee of the Whole is the one place where the general membership of the House has an opportunity to influence the final form of our legislative enactment.

I did have an opportunity, early after my arrival in Washington to serve here, to become acquainted with Judge RAKER and his splendid life companion in something of a social way, and I saw some of the sides of his character which were not always displayed in his service on the floor of the House. In personal contact, he was affable, generous, lovable.

It has been said that he was a tenacious and vigorous advocate of the things which received his attention and his support. Let that be said to his credit. No man achieves results in a legislative body or elsewhere without struggle, without contest, without perseverance. If I were to try to give my personal view of his character as displayed in his service in the House, I think I would sum up that impression in the one word "sincerity." I believe Judge RAKER was absolutely sincere. I can not recall an instance when any Member of the House could have had occasion to question or doubt Judge RAKER's own conviction as to the accuracy of any statement which he made—and that is important in this body. When we feel that we can rely upon the sincerity, the good intent, the honesty, the integrity of a fellow member, while we may well disagree with him on questions of policy, we always know that we can contend with him, if that be necessary, upon a safe and equal basis; that the only issue is the true welfare of the people we are here to serve.

He was intensely devoted to his work and to his State and to the great West. The great Pacific coast territory never had a more valiant supporter of its particular interests than it had in our late colleague. We enjoyed his flashes of intensity in debate, his honest determination to achieve success. On this floor there must necessarily be clash of opinion, discussion of policy, and difference in viewpoint—we can not and need not always be in agreement—but one of the pleasant recollections which I shall carry from the membership in the National House of Representatives will be the personal acquaintance which it has been my opportunity to form with such men as Judge RAKER and other colleagues who have been or are still Members of this body. When they pass away—as did Judge RAKER, much to the surprise of some of us, apparently in the full vigor of activity—we cherish their memories in high regard and deep affection, and, as was the situation in his case, we find many things in their lives, in their records here, in their aspirations and their achievements, which we do well to emulate in the tasks yet remaining for us to do.

Mr. HUDSPETH. Mr. Speaker, I rarely ever attend the funeral of a close friend. This is the second time in my eight years of service in this body that I have delivered a eulogy upon a departed friend. I rarely attend funerals because I prefer to remember my friends as I saw them in the full vigor of life and robust manhood. No man cherishes the memory and affection of his friends more than I. My acquaintance with Judge RAKER when I entered this body in 1919 was one that was not calculated, as with some, to immediately form close ties of friendship. He was a member of the Immigration Committee. Im-

mediately after coming into this body I was called upon to introduce a resolution that came before that committee, having for its purpose the admission of certain laborers from the Republic to the south of us without the restriction of the literacy test, what was known as seasonable or emergency labor.

Through the instrumentality of my good friend Judge RAKER, and the able chairman of that committee, who is present here to-day, together with other Members, my efforts in that direction were very effectively defeated; but that did not affect me in my admiration of those gentlemen, and although I was forced to go to the Secretary of Labor to secure what my farmers and ranchmen had to have, I felt always and knew that they were honest in their convictions and in their opposition to the resolution. No man has greater admiration for the chairman of that great committee to-day than I, and no man had greater admiration for Judge RAKER than I. It was my good fortune to sit beside Judge RAKER on the Irrigation Committee for seven years and to discuss and formulate legislation for the great West that he loved and that I loved. He was an untiring worker on that committee. I followed his leadership and the advice that he gave me, because I was a new Member. While very enthusiastic for the reclamation of arid lands, I gained valuable information and inspiration in my work upon that committee from my deceased friend and colleague. I may say in passing that there are two gentlemen from the great State of California from whom I received as a new Member very valuable advice and instruction. The widow of one of them sits here to-day. I shall ever cherish the memory of Julius Kahn.

Together with my good wife, I visit the State of California almost every summer. It is our practice to spend our summers there. We were entertained in the home of the present presiding officer, and there I met many people from Judge RAKER's district. The surest test of a man and the affection in which his people hold him is the expression from what you may call the middle or the poor class. I met people from Judge RAKER's district who are not rich in this world's goods. They were loud in their praise of Judge RAKER and the consideration given to their problems by him. He was the friend of those who had not affluence and wealth in this world, and while the friend of those people, he was not the enemy of people more favorably situated. In his votes here in this House he accorded justice to all classes of people.

As has been said by one of my colleagues here, I trust when I shall leave this body that it may be said of me that I have been the representative of all the people of my district, regardless of political views or station in life. Such a man was Judge RAKER. It is a beautiful tribute, a magnificent tribute, to his sterling character and worth that he received the indorsement at every election of all the people of his district, both Democrats and Republicans. He was a party man like the rest of us, but he was not a partisan when it came to dealing with the people of his district. Party affiliations rarely entered into his deliberations here, because he was truly the representative of the people of his district, as I think a man should be. When it came to strong party questions, of course, Judge RAKER was aligned with his party just as you and I would be. When it was a matter of dealing with all of the people of his district, representing them, replying to letters which they wrote—and I have seen stacks of them—he was truly the representative of all the people of that splendid district.

What drew me most to him, my friends, was the fact that he was first, last, and all the time an American, and he stood here on this floor with the chairman of his committee and other members and fought to perpetuate American institutions in this country, and his views and influence have left their impress upon the legislation, the splendid legislation, that has come from that committee, to preserve America, and not only America, but the great State of California, for Americans and American ideals and institutions.

I have been in his home here. I know that good helpmate, who is to-day widowed and deprived of the support and comfort of this good man. They were blessed with children, but Providence so willed that they should be taken from him. Judge RAKER was truly a home man. He loved his family and his home life. He had the most tender and affectionate regard for his splendid wife. In his death his district has sustained a loss, I might say almost an irreparable loss. I do not know of a man in Congress who did greater work for the people of his district than did Judge RAKER. He was untiring in his work, and I have seen him in his office at the midnight hour.

And it was not for glory, it was not for the sake of loud applause, but for the good that he might do his people. That untiring work at all hours, there is no question in my mind,

brought about his untimely death. He went beyond human endurance in carrying on the work that he felt duty impelled him to do.

Let me say in conclusion, as I started out to state, his State, his district, and the entire Nation suffered a great loss in the death of Judge RAKER. These kind of men are not easily replaced in this body or in the affairs of this great Nation. He received the plaudits of his people in life. They mourn his untimely taking away. May the soul of JOHN RAKER, as I am sure it does and will, forever rest in peace.

Mr. MORROW. Mr. Speaker, my acquaintance with Congressman RAKER began with my service upon the Public Lands Committee of the House in the Sixty-eighth Congress. The State of California had in Congressman RAKER a strong defender of the rights of the American people; a man who apparently had won his way to success in life by hard, careful, and conscientious work.

He had a thorough knowledge of the law, always applicable to the questions as they were presented, and he never failed to assert his position with vigor. He was irresistible in presenting his viewpoint and seldom yielded the position he first advocated.

I learned to know him in my association and discussion of matters before the committee, and I always found him strong in his position, clear in his views, and always for a strict and rigid enforcement of the laws of the land.

He was a strong advocate for the growth and development of his adopted State; he worked for the protection of the forests and the natural beauty of the great Pacific State. Much legislation for California's great parks and for the preservation of California's timber was the work and the brain of JOHN E. RAKER.

No firmer defender of the American citizen against the encroachment of the Japanese on the Pacific coast could be found in all America than JOHN E. RAKER. No firmer friend to American citizenship in its opposition to undesirable foreign emigration could have been found in his State. When the bill for the restriction of foreign emigration was before Congress, no man in that entire body worked harder and unceasingly for its passage than did JOHN E. RAKER.

He never forgot that his position made him the servant of the people of his State, and of the Nation. That he served the people of his district, regardless of politics, is well known.

I had great admiration for Mr. RAKER, on account of his great force in presenting or defending his position upon any subject that he advocated.

Having once reached a conclusion as to his course he would be firm, and often alone in support of his position. It was this decisive trait in his make-up that made the people of his district and State trust him and return him to Congress successively for many years. This same trait of character brought to him the respect and confidence of his fellow Members in the legislative body. He had great personal courage, and possessed confidence in himself and in his position; he was always self-reliant.

Frequently in the heat of debate, and in the spirit of intolerance on the part of those who did not always agree with him, his measures would fail; undismayed he would return them to the calendar again, and in the final struggle he would succeed in having them placed in the statutes of the Nation.

When I think of the vast forest reserves of the State of California, and recall the efforts of Mr. RAKER in the extending and preserving of those great areas for future protection of the people of California, I can realize his vision for the future need of his State in the protection of its water and timber supply. The immense service rendered by him to the citizens of that great State is reflected in an editorial inserted in the RECORD by Mr. OLDFIELD on the 9th day of March, 1926; a brief excerpt I take the liberty to incorporate in my remarks to show the views carried by Mr. RAKER upon his entry into Congress, and how that indomitable will of his succeeded:

When JOHN E. RAKER first ran for Congress in 1910 he adopted a platform of his own and had it printed and circulated throughout his district. Among other things as I remember, he set himself down as favoring Japanese exclusion, woman suffrage, reclamation of arid lands, extension of the Forest Service, protection of our natural watersheds, reforestation, and development of hydroelectric power. Later he became a strong advocate of the National Park Service and of national game and fish preserves. At his request he was assigned to the Public Lands Committee, the Immigration Committee, and the Committee on Irrigation of Arid Lands, where he was able to force his views upon a membership composed mostly of easterners who know

nothing about the problems of the great western portion of their country.

It was a long, hard fight, but Congressman RAKER lived to see his efforts crowned with success. He lived to see every plank set forth in that 1910 platform a reality. He was really the author of the Japanese exclusion act, and he was chairman of the House Committee on Woman Suffrage when the seventeenth amendment became a law. He was the author of the desert land act and many other laws affecting the great West. He was the best land lawyer in Congress. Legislation fathered and championed by Mr. RAKER found its way into the Reclamation Service, the Forest Service, and the National Park Service.

Clearly, in the above editorial, is the congressional and civil life of JOHN E. RAKER portrayed. In conclusion permit me to say: Life is certainly uncertain, and man is not the maker or controller of his own period on earth. One year ago JOHN E. RAKER was a strong, vigorous, and virile man, whose eye was clear, whose step firm and decisive, whose brain was active. A man apparently content with the whole world; a man who had apparently another decade before him of vigorous, busy life; but, alas the Divine Ruler, who holds the destiny of man, decreed otherwise, and JOHN E. RAKER was passed on, leaving to mourn his untimely taking a devoted and loving wife and a host of associates who recall his busy and successful career.

We are no other than a moving row
Of magic shadow-shapes that come and go
Round with the sun-illuminated lantern held
In midnight by the master of the glow.

Mr. EDWARDS. Mr. Speaker, in honoring the memory of the late Hon. JOHN E. RAKER, we honor ourselves. A sense of duty, love of his memory, and ties of friendship bring us here on this occasion to pay tribute to the memory of one who is worthy of the most eloquent and earnest eulogies.

These would be sad occasions, here and elsewhere, but for the hope of life eternal beyond the grave. We are told that the truly good never die; but that they pass to life eternal. In that sweet thought we parted with our friend to whom we pay tribute to-day, believing that our loss is Heaven's gain. He has passed through that sleep called death, to that glorious life where there will be no more parting and no more sorrows. May we live worthy of his memory, and as commanded by our Lord, so that we also may enter into that endless life when we are called.

The older I get, and the more mature I become in my thought, the more I am convinced that there would be no real joy in life except as found in that blessed promise that those who believe in and serve God shall live again. It is disturbing and painful to me when I hear of atheists and infidels trying to upset and destroy this—the sweetest of all human hopes.

A truly great and good man passed from among us when our friend took his departure. His loss from the Congress, where he served so long and so ably, is keenly felt. We miss his counsel, his leadership, and his eloquence. It is a pity we have to give up such courageous men as he was. The country can ill afford to lose Christian statesmen of his splendid type; especially in this time of unrest when "redism" is undertaking, through deadly propaganda, to undermine our sacred institutions by fomenting atheism and infidelity upon our civilization.

It is an insidious propaganda, parading under the guise of "science" and "freedom of thought," a veritable "wolf in sheep's clothing," that would destroy, not only our Government, but our cherished hopes of the life immortal. It is intended to wreck us as it wrecked Russia. It would make of us a godless nation as it has made of Russia. It is a part of that false theory of evolution that argues God out of the creation and leaves its victims godless and hopeless. We need strong men, like the one to whose splendid memory we pay these tributes, to combat these menacing forces.

Mr. RAKER was indeed a strong character and there was no trace of infidelity in his noble soul. He was full of courage and stood bravely by his convictions. He was among those who believed that God rules our destiny and that to continue in happiness we must keep God closely and lovingly in our individual and national lives. His was a manly life, without cant and without hypocrisy. He stood firm, like the mountains of his beloved California, for all that he thought to be right and equally strong against all he thought was wrong. He supported all moral issues with a courage unsurpassed.

Judge RAKER was not in the House long before he was pointed out and referred to as a man of ability. He grew in strength and influence, which, added to his many years of experience here, made of him one of the most useful and powerful Members of Congress.

The late Speaker, Champ Clark, in a memorial address on April 9, 1910, in eulogizing his friend, the late Judge De Armond, in referring to how usefulness and influence grow with experience and length of service, in Congress, said:

The high places to which Phelps, Bland, and De Armond rose in both the House and the country is another illustration of the value of long service—value not only to themselves, but to their constituencies and to the entire Republic.

Men should not be sent hither simply to gratify their own personal ambitions, but because they can be of service, and having proved that they are of service, wisdom dictates that they should be kept here so long as they continue to be of service; and it may be confidently asserted that the value of the services of a man of capacity, character, industry, and good habits increase in exact proportion to his length of service. New England understands this thoroughly. So do the cities of Philadelphia and Pittsburgh. When a Representative from any of those places demonstrates his fitness here he is retained until he retires, dies, or is promoted. Five times in succession Philadelphia has had the distinguished honor of furnishing the "father of the House"—Kelley, Randall, O'Neill, Harmer, and Bingham. Should General Bingham, the present "father of the House," for any reason cease to be a Member, the title of "father of the House" would pass to still another Pennsylvanian, the Hon. John Dalzell. These facts should furnish much food for thought to every constituency in the land.

Sixteen years have elapsed since that great address by Speaker Clark. He himself rose to great power and influence through his matchless ability and long service in Congress. It might be noted in line with his comment, Pennsylvania, in the person of the beloved Hon. THOMAS S. BUTLER, still has the "father of the House," for continuous service.

The second California district recognized the wisdom of keeping a good man in Congress and they sent Judge RAKER here term after term until he was claimed by death in the very midst of his greatest strength and usefulness.

He was a friend and colleague of the great Champ Clark, and of that convincing orator and leader, the late Claude Kitchin, with whom he worked for the welfare of his party and of the country. He served long and well in the Congress. He was a tireless worker, fearless, able, and eloquent. This made a wonderful combination. Added to this were his friend-winning qualities. Few men had more or stronger friends than Judge RAKER had. He has left his splendid impress upon the laws and history not only of California, in whose soil he sleeps, but upon the Nation he loved so well.

He was a great lawyer, a hard student, and a statesman. He loved California and its people and those people loved him in return. They will miss him as we miss him here. He loved his country and was intensely patriotic. He came to the end of his earthly life full of honors, useful, and much beloved.

But, brother, you have not died in vain,
For you will live until the end of time;
Your record shines without a stain,
The soul of faith marches on unslain,
To the heights of the hills sublime.

Mr. REED of Arkansas. Mr. Speaker and my colleagues, the eloquent tribute already delivered in this House by Members of Congress properly portray the very high esteem which the House entertained for the valuable services rendered by the deceased, Hon. JOHN E. RAKER. It was not my good fortune to know Congressman RAKER prior to my service in this House which began in December, 1923. Judge RAKER had been a Member of Congress for quite a long time prior to this date. I was placed upon a Committee of Irrigation and Reclamation, of which Judge RAKER had been a member for many years. No one could serve on this committee without being forcibly impressed with the ability of the deceased. It is doubtful whether any member of this committee worked harder or familiarized himself with detail work upon questions before this committee more than Judge RAKER. It is true that some men achieve greatness who do not possess a combative attribute. History, however, discloses that the characters who achieve lasting and enduring achievement are principally confined to those characters who belong to the combative régime. Judge RAKER belonged to the latter class. In my opinion he was by nature endowed with a mind that fitted him for not only hard work but for studious, initiative, constructive and combative work. Nature was further good to him in giving him a strong physique and a brilliant mind as well as the gift of eloquence. This important committee will miss Judge RAKER; the American Congress will miss him more, as his services were in demand by all those interested in helping

that great array of our class of citizenship who need wise legislation.

Judge RAKER was strictly human, a strong contender for those principles he conceived to be right, yet ever ready to listen to those who contended for propositions contrary to his own views. The district he served so faithfully for a long time in the American Congress needs no encomium from me, and yet I can not fail in this brief address to say of the people of his district that when they selected Judge RAKER to represent their district in the American Congress, they acted wisely and placed one in high counsels of this Nation who never forgot to serve them ably and faithfully, even though he sometimes served them at the sacrifice of his own physical strength. The magnificent gathering of thousands of people at his funeral in the beautiful little town of Susanville, Calif., where we laid him to rest, thoroughly attest the very high esteem and the great love his own people bear for him.

Since the passing of my friend I have been forcibly impressed with this thought, that when some of our friends are summoned to the Great Beyond that we can not see, in our imagination, the physical form before us. Judge RAKER was one of those who impressed me so forcibly that I can yet in my imagination have an ideal picture of his physical stature and also remember even the tone of his clear strong and forceful voice.

Very few individuals of this life voluntarily want to withdraw and enter upon the possibilities of the life beyond. We have many tasks that we feel we have not finished. We have much labor that we desire to pursue further. In reality we are sometimes at a loss to understand why those are taken who seem to be thoroughly possessed with all their faculties for usefulness. Some of the most brilliant men who have ever served in the American Congress were taken at a very early age. But because of the fact that our finite minds can not reason out this matter is no argument why it is not right, for in reality there is so little which we do thoroughly understand. It is enough for us to know that the same God who has so gently dealt with this young Nation through these years of its incipency does understand and does all things well.

Judge RAKER had lived a little more than three score of years. He died in his days of usefulness. We can yet hear the plaudits of the multitude rejoicing in appreciation of the services of this brilliant man.

Judge RAKER was a brilliant advocate, an able legislator, a wise counselor, and a most estimable Christian gentleman. One of the past has said that if a man puts more into this world than he takes out of it his life is a success. Measured by this standard we indeed may say that Judge RAKER's life was a success.

The best will come in the great "To be,"

It is ours to serve and wait:

And the wonderful future we soon shall see

For death is but the gate.

Mr. CARSS. Mr. Speaker and Members of the House, at the funeral of our late friend and colleague, Judge RAKER, a very eloquent and well-deserved tribute was paid to his character and public services by Rev. Elijah Hull Longbrake. I ask unanimous consent to have published in the RECORD that funeral sermon as a part of my remarks, that it may become a part of these services.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none.

The sermon is as follows:

OURS AND THE NATION'S FRIEND, HON. JOHN E. RAKER, MEMBER OF UNITED STATES CONGRESS, SECOND DISTRICT OF CALIFORNIA

The eloquence of a worthy life speaks here to-day.

Our hearts are made sensitive to hear, in that the voice we heard we shall hear no more, the hand which once lifted beckoning our attention is stilled, and the personality which comprehended so much of the elements of manhood noble and strong, in which simplicity and honor were the outstanding characteristics, will never again visibly honor our presence. But it will be many a day before we shall escape his challenge for those things for which he so unflinchingly stood.

He now belongs to that innumerable company of whom it has been said, "He being dead yet he speaketh." No word of mine or yours can speak with tones so certain and memorable to-day as this his hour of life's summation, for friends, neighbors, and the Nation, all of whom he loved and so faithfully served.

To each in their place does he speak that message which most suitably expresses for them their particular angle of respect and esteem. May you cherish the thoughts which to-day will be yours.

A worthy life is an incomparable achievement.

To foregleam one's journey with the splendor of vision and clarified purpose is to taken nobility.

To hold consistently to that well-defined aim and swerve not, but throwing all into the challenge of life, and with steady stride move onward to the goal is evidence of the march of a man.

Mr. JOHN E. RAKER's life journey began when he was born, February 22, 1863, on a farm near Knoxville, Ill. When he was about 10 years of age his parents came to California, and he grew to manhood on a farm near Milford, Lassen County.

After careful training he entered the law office of Judge Spencer, with whom he later became associated in practice.

Early in his career he moved to Alturas, where his sterling character, moral worth, and civic leadership were quickly recognized, and he was honored with public office, which trust of the people, as their district attorney, was so well cared for he was further honored as their selection for superior judge.

He continued to serve in this capacity till his constituents called him to represent them and this second district of California in that incomparable legislative body of the world, the Congress of the United States of America. This leads one to inquire, Why should this man have been honored by this people and what was there about him which gave him unbroken command?

It is not enough merely to say he was unbeatable, so we are led to inquire why.

Some may ride the current and drift into positions of power. Others by strategy may outrun their opponents. But this is not the answer for the elevation to and mastery of the position held by our friend.

It takes a man foursquare to stand uncompromisingly for the needs of the people, to walk out into the open and, meeting all comers, receive the rising tide of approval of those whom he serves.

Mr. RAKER early was aware that the strongest force in meeting his fellow men and the most driving power for the progress of mankind rests upon integrity and personal character.

A day or two ago I had the pleasure of a personal letter from Dr. Clarence True Wilson, of Washington, who had followed him for the past 10 years closely, and in this regard he said: "I was quickly impressed with his manly vigor, perfectly transparent honor, frank and friendly dealings with his fellows."

You must know this man to have answered our question, Why and what was his secret of influence and rising power?

I had thought to go where men learn the measure of a man—out among the folks on the street and in the office, the shop, and the place where men meet—but it was not necessary for me to inquire. They came to me; and as though I were the ear of their friend they have told me much of him.

I had had but slight opportunity to know him, but men of transparent character and life need not that we shall live by their side for the years, for to the one of discernment he was as an open book. If I might, I would then seek our answer from what we all knew.

What a comfort to-day to be able to say of a man, "He was personally, domestically, professionally, and publicly clean." In all these regards he was upright, consistent, above reproach. Our saying it does not make it so, but it being so we can with good grace and much gratification write it down.

You know no man until you have entered into the sacred sanctuary of his personal life.

He was personally clean.

He was clean by choice.

No man is genuinely clean in character unless it be by his own choice. Character of that quality is never a veneer. It is whole timber and needs not that any shall apply anything whatsoever to cover undesirable traits.

Visioning a career he, after his fashion in all his undertakings, carefully determined what was right, genuine, and of worth, and having written these into his program of self-development, there was to be no purchase price on these qualities, for he was building a life, that he might build a career, and develop an asset to his fellowmen.

Thus his habits would be clean. They would be honorable. They would be desirable and full of worth.

He would be clean, for he must be consistent. You must know a man personally to appreciate him; you, too, must know him both at home and abroad to properly evaluate him.

What you are at home usually is a good index to what you are abroad. But for you to be a gentleman of honor at home and something less when away was not the habit of our friend. What he stood for in his constituents he himself followed. His measure for other men he would not for any appeal consent to lessen for his own, whether in conduct or official life. I am sure this must have been both a source of the confidence bestowed in him and his efficiency in his administration of his service.

Again quoting my good friend Doctor Wilson in his letter to me we find the evidence of another source of his strength. He said: "He came to live in the same building and I had a little more intimate knowledge of a perfect family life, with a beautiful devotion to wife and home which was reciprocated in an absolute trust that made

their home life together one of the most perfect examples of what an American home life ought to be."

One of our current editorials noted that if one wished to find Judge RAKER, he would be either in his office working, or in his home, or meeting the men about town, but never loafing; he had no time to loaf.

Our American homes could well profit by this example and bring again the level of our American life plains higher and solve many.

If we would ask again wherein lay the secret of this man's power and hold upon his fellows, may we answer again for the common or average man's group?

Kipling had his secret a long while ago, for did he not say that "If you can walk with kings nor lose the common touch"? Our friend was truly a friend of men.

On every hand we read "He had the confidence of his constituents," there is only one secret to such a privilege. "If you would have friends you must show yourself friendly," said a wise man of long ago and it was well said, and the truth of it was evidenced in the career of our loved friend.

He may not have called himself great, but greatness is not self-announced, it is rather the plaudits of the multitude who have felt the touch of a friend and helper and can not be restrained. Greatness is not self assumed, can not be thrust upon small souls, but is a reward for him who would forgetting its seeking achieve it while serving and receive its acknowledgment from only those who can give it.

It was these gifts and acquisitions which made him the chosen of the people of whom they were not ashamed.

May I again quote to you our friend Doctor Wilson when he said: "He was a keenly alive and intellectual lawyer and legislator, with a moral purpose that dominated all."

Having been a man first, and knowing that he profits most who serves best, he went forth as a servant of the people both of his district and his Nation.

Among certain of his contributions will be always remembered the Raker Act. In this there were found interests which affected his own district, then his State, and, unless carefully written, would be in due time lost to thieves and robbers. With painstaking care and his accustomed habit, "the man with the lamp" protected both the interests of his district and then the city of San Francisco, that the most deft-handed intriguer could not even in broad daylight walk away with the people's rights. This is only a suggestion of the course he followed in his position of trust.

That fine army of our country's manhood, the Legion, will always have cause to remember him and how with personal attention he looked to their interests. Yes, as a body was he interested; but personal service rendered was not once, but over and over again. Their call was his command, and his duty was not done till their request had been measured for its merits—and unabated interest till full deserts were gained.

To sum again, we quote from Doctor Wilson, who observed his service for 10 years: "His undeviating fidelity to the temperance reform and to the strengthening of the prohibition amendment saw him stand foursquare for every moral reform, every new bill and movement that meant human betterment, until no man in the American Congress was more admired and trusted than he. He was a noble Representative and the kind of a public servant we can hardly afford to lose, but I think this Nation is cleaner and better for the life he lived."

From the Bishop Chamber of Commerce came to me this word: "We of Owen Valley, who during the years of our struggle with the city of Los Angeles and the constant efforts to crush us found him our champion on all occasions; and we desire to express our deepest sympathy with the bereaved family and the congressional district he so faithfully and worthily represented."

These and many others are the testimony of service rendered.

What more shall we say? We shall not be able to write or speak his deserts. We may in our hour of personal and public loss, tarry for one or two reflections which will pay to him a tribute better than tears or flowers, our personal commitment to that for which he so undauntingly stood.

To our youth and the Legion for which he unselfishly gave himself with individual concern, to the fraternities who feel the silver cord broken, shall we not so evaluate him and those elements for which we admire him that as we turn from his bier to-day it shall be with high resolve that our lives shall be like his, clear; our career like his shall be like his, one of high service rendered, like him, too, we shall learn that should we walk with kings we shall not lose the common touch, but shall be a brother to man.

To my fellowmen and women of this district shall we not here highly resolve that that character and quality of leadership which was his we shall bring again to the cause of the Nation which he loved.

To you his colleagues in that the only one of its kind in the world, will you not catch from his fallen hands the torch he threw to you and press his and your cause with a purpose dominated with moral betterment for all human kind, the defense of the welfare of our Nation and courageous leadership for strides in the onward march toward the highest goal.

To this companion and loved ones who to-day can not yet measure the full appreciation of his going, may the gratifying thought and confidence of the life worthily lived, give you a sense of reward for his unmeasured investment.

And to one and all may it be with a hope that while to us it was as the end, to him it shall have been but the beginning of life, and reward better, richer, and fuller, with a closer and everlasting fellowship with God, the Father, and the Son, and with all those who have gone on before.

His precious body we shall tenderly lay to rest in the sunny slopes of his high Sierras looking toward the Golden Gate.

His life we cherish as our heritage and inspiration for our day.

His hope we shall catch and following the gleam move toward the eternal day when man is crowned with immortality.

And may God add His blessing.

Mrs. KAHN. Mr. Speaker, death loves a shining mark, a signal victory. So we felt when JOHN E. RAKER passed into the Great Beyond. Raised in the mountains, the son of pioneers and himself a pioneer, he embodied all the qualities of the real westerner—sincerity, reliability, independence, courage, an austerity of mind tempered by a loving heart.

He was devoted to his State and to his country.

The Hetch Hetchy will be a lasting monument, enduring as long as the State shall endure.

His career in Washington was one of service, increasing with each successive term. A man of strong convictions, yet one whose heart ever answered the call of the sick and needy. Few heard of his numberless acts of charity, but the widow and the orphan, the sick veteran and friendless soldier could tell the tale.

His home life was ideal, his wife sharing his joys and his sorrows. A true helpmate with all that that implies.

Faithful servant of his State, sincere friend, loving husband, what finer epitaph need one have?

Mr. BARBOUR. Mr. Speaker, JOHN E. RAKER, of Alturas, Modoc County, Calif., was a sturdy type of loyal American citizen. His career is noteworthy because it is representative of the lives of most successful Americans. The life of JOHN E. RAKER is a further demonstration of the fact that in America there is opportunity and that the road to accomplishment is barred to no one; that, while the way may be difficult, the goal may be reached by those who are worthy and will put forth the necessary effort.

Like many other distinguished Americans who have attained high position, JOHN E. RAKER spent his early life on a farm. He worked his way through the public schools and, after attending the State normal school at San Jose, Calif., studied law and was admitted to the bar of his State. It was while engaged in the practice of law that the name of JOHN E. RAKER became known to the people of California by reason of the important cases with which he was associated. Twice elevated to the bench of the highest trial court in California by the people of his county, he performed the duties of that office with honor and distinction.

It was as a Representative in the Congress of the United States that JOHN E. RAKER became best known. Elected to Congress eight times, he was 15 years a Member of this body. He represented a constituency of strong, sturdy Americans. While his district was of opposite political faith, he was returned to Congress without opposition, for his people believed in JOHN E. RAKER and in his loyalty to their interests. JOHN E. RAKER was a hard-working public official, tireless in his efforts, and always ready to serve. He had a deep interest in the welfare of those who may have been unfortunate. Himself inured to hard work, he was always interested in those who toil. He did much for the people of his State, and they showed their appreciation by the way in which they honored him. From the rugged mountains among which he lived, where men are men and where sham and pretense have no place he absorbed the sturdy elements of a character which shaped his whole career. He was honest in all things and honorable in his dealings with men. His was a life of service to mankind, and in his passing to a higher and greater reward California and the Nation have suffered a distinct loss.

Mr. LEA of California. Mr. Speaker, JOHN E. RAKER was born on a farm near Knoxville, Knox County, Ill., on the 22d day of February, 1863. Shortly after that his parents moved to Sedalia, Mo., where they remained but a short time and again removed to Knoxville. In 1873 when JOHN was only 10 years of age he moved with his parents to Lassen County, Calif. Lassen County is located in the northern part of California, and is a county of hills and mountains, valleys, and streams. It is a section of our State devoted to general farming. The

life of JOHN RAKER on the farm was similar to that of many California boys. He did the work that ordinarily falls to the lot of the farmer's son. He attended the public school, the grammar school at Susanville, and finally the State normal school at San Jose, Calif., where he completed his course in 1884.

While yet a boy Mr. RAKER manifested that energy and self-reliance that so well served him in later years. It was by his own effort that he secured his education.

In the early part of 1885 Mr. RAKER entered the law office of Judge E. V. Spencer, of Susanville, under whom he studied law. He was admitted to the bar in the latter part of the same year. His qualities at that early age so impressed Judge Spencer that he was received into partnership in the practice of the law under the name of Spencer & Raker. This firm became one of the leading law firms of northern California, and was engaged in many suits involving water rights and land matters, as well as criminal cases, some of which became noted.

Lassen County in 1885 was more or less a pioneer section of our State. During that year, before Mr. RAKER was admitted to the bar, the superior court made a special order permitting him, then only 21 years of age, to appear to represent a defendant in an important murder trial.

In 1886, after one year's admission to the bar, he was a candidate of his party for district attorney. In December of the same year he moved to Alturas, the county seat of Modoc County, where he thereafter maintained his home. From Alturas his practice extended in connection with the above-mentioned firm, out over northern California and into Oregon and Nevada.

In 1894 he was elected district attorney of Modoc County, which office he held for four years, 1895-1898. At the general election in 1898 he was the Democratic nominee for State senator.

In 1901 Mr. RAKER gained much public attention as the attorney for a number of defendants in a criminal case known as the Modoc lynching case. The attorney general of the State joined with the district attorney in the prosecution of these cases. The local population was divided into active and bitter partisans over the prosecution. Twenty-one men were indicted by the grand jury for murder, each one of whom was charged with five separate offenses, that being the number of men lynched. The trial commenced in November, 1901, and ended in March, 1902. No convictions were had, and all defendants were discharged. From the time of that trial until his death Mr. RAKER was regarded as one of the notable public men of the State of California.

In 1902 Mr. RAKER was elected judge of the superior court for Modoc County and reelected in 1908. He resigned this position on December 19, 1910. He was a member of the bar of Oregon, of California, and of the Supreme Court of the United States.

Mr. RAKER assisted in organizing the First National Bank of Alturas, and thereafter remained one of its directors.

From his early manhood Mr. RAKER took an active interest in the affairs of the Democratic Party with which he was affiliated. In 1906 he was elected to grand sashem of the Iroquois Clubs of California and reelected in 1907. At different times he was a delegate to the State Democratic convention and served on various committees. He was chairman of the Democratic State central committee in 1908-1910. He was a delegate to the Democratic National Convention at Denver in 1908.

Mr. RAKER also took an active interest in fraternal organizations. He was grand master in the Independent Order of Odd Fellows of California, 1908-9, and a representative to the Sovereign Grand Lodge at Seattle, and for several sessions a delegate to the Grand Lodge F. and A. M. of California.

On the 21st day of November, 1889, Mr. RAKER married Iva G. Spencer, the daughter of Judge E. V. Spencer, with whom he had been associated in the practice of law. The marriage was a most happy and companionable one. The 36 years of its duration saw no lessening in the admiration, respect, and affection in that sacred relation.

In 1910 Mr. RAKER was elected to the Sixty-second Congress, where he continued to serve into the first session of the Sixty-ninth Congress. In his last three elections he was selected at the primaries as the candidate of both the Democratic and Republican parties. After he once established himself in the knowledge and affection of the people of his district there was never any reasonable doubt as to whether or not he would be returned to Congress should he seek reelection.

I first learned of Mr. RAKER through the press of our State when I was a boy on a farm of California, as he had been. A few years more and he was recognized as one of the coura-

geous, upstanding men of our State. A few years more I became personally acquainted with and developed a friendship for him. A few years more and he was elected to the House of Representatives. With interest I followed his career here.

A few years more and I took my place beside Mr. RAKER in the House of Representatives. Here I confirmed my previous impression of him. Mr. RAKER's work was characterized by great fidelity to the people he represented and to the causes he espoused. He worked with tireless energy. He was decided in his views and zealous in support of them. The people of his district, in their confidence and reliance upon him, sent much work to his office. He never shrank from it nor complained.

It is not overstating the fact to say that he took up the duties of his office, even the details involving the affairs of most humble individuals, with energy and even with pleasure. He found a positive happiness in being able to be of service to others, or in aiding the cause to which he was devoted. There was no limit on the hours of his devotion. Many times I have passed the House Office Building of evenings when most windows were darkened, but from his office window I saw the light streaming. He was using hours of the night to perform work for the people of his district and the country, for which the hours of the day were not long enough.

Mr. RAKER was of the West, out of the West, and a part of the West. He grew with the West, he felt with the West, he understood the West. In Congress he made himself her voluntary advocate and defender. Her cause was his cause.

Mr. RAKER came to Congress with convictions and definite purposes. He came committed to support the exclusion of orientals, woman suffrage, reclamation of arid lands, extension of the forest service, protection of watersheds, reforestation, and the development of hydraulic power. He sought membership on the Public Lands Committee, the Immigration Committee and the Irrigation Committee. These committees furnished the most effective opportunities for serving the causes to which he was committed. Other committees might be rated as more attractive to the ambitious; these were the committees that offered the greatest opportunity for useful work. He waived more attractive committee assignments for these committees.

In later years he gave active support to the national parks. It was through his efforts that Mount Lassen, containing the only active volcano in our immediate country was made a national park. It will become one of the most notable of all our parks. It would be a strictly accurate reflection of Mr. RAKER's attitude to say that he dealt with every public question from the standpoint of the average ordinary intelligent, clean-minded American. He did that as naturally as the magnetic needle turns to the pole.

Our western section has its own peculiar problems. Other sections of the country do not always understand. The people out here east of the Rockies are equally good and great as our own people of the Pacific slope. None can give the most helpful sympathy to the problems they do not understand. To them Mr. RAKER sought to present his West, our West.

Some one has said, "The character of a people is shown by the character of the men they crown." To-day we pay tribute to the man whom the people of the second district of California crowned. I would also pay tribute to those who crowned him. Some despair of the future of our country. Some fear the type of men to whom the destiny of our country is committed. Only temporarily at least can the failure of America come from those who in office owe her fidelity.

The only real fear we can have for the future of our country is the failure of those who select their representatives to high positions in government. In the long run the people of our country will get that service by public officials which they reward and demand. So long as the American people give an intelligent, independent loyalty to public affairs, so long as they condemn the evil and reward the good in public life, the future of this country is secure.

A few weeks ago the Representatives of Congress attended the funeral of Mr. RAKER at Susanville, Calif., with a great concourse of friends. We went out to his grave in the cemetery on the hill overlooking Susanville, and laid his body away. His grave was surrounded by banks of flowers sent as tokens of affection and expressions of appreciation from people in many walks of life.

If only those whom he served should in the future visit that grave, many indeed would be the people of our State who would go there and leave a tear or a flower in appreciation of him. The young men of our State might well go there and learn lessons of industry and find inspiration in emulating his life. The

public men of our State might go there and learn lessons of sincerity, of fidelity, and loyalty to the trusts committed to their care.

In his early years in Congress, largely through his effort, legislation was secured which granted to San Francisco a water supply from the Hetch Hetchy that has ever since been regarded in an appreciative way as a great achievement from the standpoint of the people of San Francisco and the bay section of California. In subsequent years Mr. RAKER accomplished many things of service to his people, his State, and the country.

Perhaps from the general standpoint of the Pacific coast the most notable contribution of Mr. RAKER in Congress was the service he gave in connection with the immigration act passed by the Sixty-eighth Congress. An outstanding feature of that act, as measured by the Pacific coast interest, was the provision which excluded Orientals. Under the leadership of the Chairman of the Committee on Immigration of the House, the Hon. ALBERT JOHNSON, no one performed a more effective service in support of that provision than Mr. RAKER. Many members of Congress, as we people of the Pacific coast view the matter, might be given credit for their support of this provision. Credit to none of them can minimize or lessen the credit that is due the memory of JOHN E. RAKER for the ability and tenacious persistence and effectiveness with which he supported this provision for years, until it was finally written into the laws of his country.

Mr. RAKER gave that service through no narrow spirit of racial prejudice. He did it through a high-minded and just conception of our relations to that of the people of other nations. He knew that the way of peace and happiness between the United States and the Japanese people was not one of immigration and colonization. He recognized the fact that racial differences and prejudices do exist that are not temporary, and that legislation could not wipe away. He knew that to pursue a policy that would lead to a Japanese population of large numbers, where the people of that proud, aggressive, and able race could not be received on social or political equality, would develop not accord and harmony but discord, antagonism, international annoyances, irritation, and misunderstanding.

Mr. RAKER accepted the facts as he knew them. He supported exclusion not as an insult to Japan, nor as a humiliating disregard of the right of another people, but as a means of ultimately developing the friendship, the understanding, and harmony of these two nations. In so doing he performed a great service for his country.

Some time ago I stood in an ancient cemetery. There I saw a magnificent statue of an ancient warrior. In the midst of life and strength and courage the final summons came. The warrior laid his shield and sword at his feet. With manly mien the warrior accepted the summons. With one hand over his heart and the other extended to receive the message, with unflinching courage he accepted the call. JOHN RAKER has accepted the call.

His was the life for men to live; his the death to die. If it were for us to choose, which of us would select a different time to go? What better time than after a long and useful life, while so recently in the zenith of his powers, while there yet appeared before him so much of usefulness, while yet in the day of his active accomplishments, and when he was surrounded by the respect, admiration, and affection of his friends in greatest numbers?

Among the old-time outstanding men and editors of our State none are more highly honored than the Hon. Ed. E. Leake, editor of the Woodland Daily Democrat, of Woodland, Calif.

Mr. Leake, during a long and useful life, has been a close observer of public men and affairs. I submit an editorial from his pen under date of January 25, of this year, as follows:

CONGRESSMAN'S DEATH HELD GREAT BLOW TO ENTIRE STATE

Hon. JOHN E. RAKER, ranking member of Congress from California, and one of the best intellectual products of the State, is no more. His death came as a great blow to the State he had served so long, faithfully, and efficiently, and it is in the nature of a personal loss to his many loyal and affectionate friends who were so deeply attached to him because of his many virtues of mind and heart, his unflinching courage, high ideals, clear vision, and his exalted aspirations. Although a partisan of strong convictions he was so faithful in the discharge of his public duties, so unselfish in his support of public measures the purpose of which was to safeguard the rights of the people and promote the best interests of the Nation and the State, and his private life was so blameless and exemplary that he was eight times elected to Congress in a district in which his party was in a minority. In the last years of his public career no political opponent could be

found in the 16 counties comprising the first district strong enough to prevent him from receiving the nomination of all political parties.

No period of American history has presented questions of greater importance and problems more difficult of solution than those which arose during his period of service. They involved not only divisions of domestic policy for which the Constitution furnished a guide, but also many problems that the framers of the Constitution did not provide for and did not conceive would arise. He maintained his opinions with marked ability, he was always courteous in debate, ready in resources but never violent in manner and statement, satisfying his friends without irritating his opponents. His premises once admitted it was difficult to resist his conclusions, for any weak point in his position was always guarded by plausible argument.

Viewed from any standpoint, even his political opponents were forced to acknowledge that he was a learned lawyer, studious, diligent and successful; a trusted and honored Member of Congress, always retaining the respect and confidence of his constituency; a representative of unquestioned ability and integrity, faithful to his convictions as tested by the principles which he openly avowed and ably defended.

If we turn from his public life and view him as a man, in all the varied relations of life, we can pronounce his eulogy without the qualification of opposing opinions. That he was honorable and just in all his business affairs was never questioned. He was easy of approach, affable and kind, carrying into his private life none of the bitterness of political strife. He was a man of good habits, and unblemished character, plain, temperate, and the best type of an American citizen. He loved order, peace, and observed the obligations of religious morality, and more important than all else in human society, he was faithful to his duty, to his kindred, and his family, and left us an example of purity in private life.

It is these virtues, more than genius, learning, or intellectual force that made the lamented dean of California Congressman worthy of the high praise that has and will be bestowed upon him by his associates, and will preserve his memory in the hearts of the people of California.

Much appreciation of Mr. RAKER in our State came from outside of his district. As indicating the general attitude of the people of California, particularly of northern California, where Mr. RAKER was best known, I submit an editorial of the San Francisco Call under date of January 25 of this year:

JOHN RAKER, GOOD-BYE

In JOHN RAKER's first campaign for election to Congress he stated this as his creed:

"My work will be to labor for enactment of laws that will keep this great Government for its 95,000,000 people, and not for a favored few—the interests of the trusts. The people should be permitted to have a full voice in this Government of theirs. I stand for progressive legislation, both State and national, to that end."

No man can say that JOHN RAKER did not literally obey that creed of his. He kept his word, and was reelected again and again on the basis of his deeds at Washington.

Hetch Hetchy is in great measure a monument to him, for he was the man who introduced the measure that embodied the grant under which Hetch Hetchy is being constructed. Into that act he wrote provisions to insure Hetch Hetchy to the people forever. He safeguarded human rights explicitly so that neither by quibble nor by evasion can the Raker Act be voided without discovery.

San Francisco owes him much.

He came from the hills, from the "Modoc Country," the "Mother Lode," where gold was discovered and where our inexhaustible water power is now produced. It will not be easy to find another in the hills or in the city, so earnest, so honest, so vigilant for the people as JOHN E. RAKER.

Nothing in the career of Mr. RAKER has more typified the heart interest with which he responded to the cause of the humble than the time, sacrifice, and loyalty with which he espoused the cause of the California Indians.

I submit a statement issued by the Indian Board of Cooperation of California following the death of Mr. RAKER:

A MEMORIAL TO THE HON. JOHN E. RAKER

The Hon. JOHN E. RAKER is dead, but his work for the benefit of the Indians of California will live. The Indians loved him. They mourn as heartbrokenly as they would for one of their own kinsmen.

As a boy, as a man grown, as an attorney in private practice, as district attorney for the county of Modoc, Calif., as United States Congressman for the second district of California for the last 16 years, he has been their true and untiring friend. He has been that kind of a friend who "comes in when all others go out," a friend in need, one to be coveted and prized.

Congressman RAKER, as a Californian from childhood, reared in Indian country, was familiar with the unparalleled wrongs that these unfortunate people had to suffer. The wholesale confiscation of their lands, their homes and food supply, and the debauching and

murderous attacks that reduced these California Indians from a population of more than 200,000 at the beginning of the influx of the unrestrained gold seekers and the onward march of the soldiers commanded by those who taught "the only good Indian is a dead one" to a mere remnant of about 20,000 of to-day, are facts which were well known to Congressman RAKER.

His pleas for remedial legislation, and appropriations to alleviate the suffering and to provide a just settlement for these people are often found in committee and congressional records of the Congress of the United States.

His bill, giving authority to the Court of Claims and the United States Supreme Court to hear the case of the Indians and to render judgment against the United States Government for any amount that may be found due them, after years of hard work and determined effort, passed unanimously both Houses of Congress last year. The measure failed to become a law only because the President failed to sign the bill after Congress adjourned.

Reportedly during his last illness, though weakened and afflicted with pain, he expressed the keenest interest in this effort to provide a rectification of the wrongs done the California Indians. It was at his direction that, almost in the final hours of his life, his bill for the relief of the Indians was rewritten to meet, so far as possible, the administrative objections that have delayed the relief.

As a public servant, Judge RAKER possessed convictions born of a certainty. All through life his fight to better the conditions of humanity, to secure justice and fair play to all, was persistently determined but always fair and kindly. As a fighter for the things most worth while in life, he was never wanting. If the case had merit, even though unpopular, he gave it his best. He was loved and honored by statesmen and children alike.

The Hon. JOHN E. RAKER is dead, but the beneficent influence of his life will live.

Mr. SWING. Mr. Speaker, one of our number has been taken from us, and we have met out of respect to his memory to pay tribute to his character and to the work he did here.

It seems only yesterday that JOHN E. RAKER moved among us, alert and active, busy in the performance of his official duties, the very picture of health and rugged manhood. And then, while at the high tide of his powers and attainments, with no apparent weakening of his splendid physique, with no slackening of the gait at which he was wont to travel, and with no diminishing of that vigorous intellect, his call came, and after only a brief illness he passed on, leaving with us the clear-cut memory of him as we last saw him on the floor of this House.

At the time of his death, Judge RAKER was the dean of the California delegation in Congress, and his years of faithful service here were fruitful and profitable not only to the State which he had the honor so long to represent, but to the Nation as well. His work on the Immigration Committee centered around the restrictive legislation calculated to protect our country from too great a movement to our shores of people whom time and experience had proven difficult for us to assimilate into our body politic, and this included a settlement of the difficult Japanese problem for the Pacific coast. As a member of the Public Lands Committee he played an important part in shaping and securing the passage of the important Federal water power act, the Hetch Hetchy legislation to give San Francisco a water supply and the law granting the right of way for the Los Angeles aqueduct, to enable that city to bring its domestic water from the Owens River. On the Irrigation and Reclamation Committee he was an ardent advocate of the Boulder Dam project, which means so much to the entire Southwest, while as a member of the Committee on Woman Suffrage he made an important contribution to the movement which extended the franchise to the women of the country.

In his work JOHN RAKER always sought the truth. His mind was so constituted that it could not long remain in doubt or uncertainty. It insistently demanded to know, and it was ceaseless in its inquiry until it had determined the right and wrong of every question presented to it, and having made a determination, thereafter there was but one course to pursue, and that was to battle for the right as he saw it.

He had courage, both physical and mental, beyond what is given to most men. It stood him in good stead in the early days, since that part of California where he grew up was at that time still colorful with the romance of the lumber jack and mining camp. It contributed to his success there, and it characterized his work here. He dearly loved a good fight for a worthy cause, and the fact that he was sometimes in a hopeless minority never seemed to diminish in the least the enthusiasm and ardor with which he accepted the challenge to battle.

No appraisal of the life work of Judge RAKER would be complete without considering the important part his good wife

played in the attainment of his success. They were ideally mated, and their home life was happy. She was fitted in every way to be his life companion and was able to, and did, contribute directly to his steady climb up the ladder of fame.

Both were dearly loved by the people throughout their district, and there is no question whatever but that had he lived he could have been reelected over and over as long as he cared to serve them. On the death of her husband Mrs. Raker was urged to consent to be a candidate for Congress, and there is no doubt if she had consented she would have been elected, and would have served here with credit as a worthy successor of her husband.

When history has recorded the names of those who well and faithfully served our country's cause, who gave unstintingly of the best that was within them to protect the interests and promote the welfare of the people, who were, in public and private life, guided wholly by principle and high ideals, who sought only how best to serve the cause of truth and righteousness, then you will find the name of JOHN E. RAKER written large and high on that roll of honor. California will ever proudly cherish his memory as one of her most distinguished sons.

Mr. FREE. Mr. Speaker, for the fifth time since I have been a Member of Congress the Angel of Death has visited the California delegation and taken therefrom one of its Members. The last one to be taken was JOHN E. RAKER—a man of the type who built up the great West.

He was born in Knox County, Ill. At the age of 10 years he moved with his parents to Lassen County, Calif.

Not being overly endowed with worldly goods, he took to farm work to earn money with which to attend school. He graduated from the public schools and then entered the State Normal School at San Jose, Calif., in 1882, and graduated therefrom in 1884.

He was ambitious to become a lawyer and so studied law at Susanville, Calif., with Judge E. V. Spencer. In 1884 he was admitted to practice law in the State of California, and shortly thereafter became the law partner of his former instructor, Judge Spencer. In 1894 he was elected district attorney of Modoc County, Calif., which position he held for four years. From 1902 to 1910 he served as judge of the superior court for Modoc County, Calif. He was elected to the Sixty-second and each succeeding Congress.

If I were to name what I considered to be his two outstanding qualities, I would say determination and perseverance. I have never known a man who was more persistent in carrying out his ideas. He would sometimes take considerable time to make up his mind on a question; but once his mind was made up, from that moment he was willing to fight to maintain his ideas. From the time I entered Congress up to the time of his death I served with him on the Committee on Immigration and Naturalization in the House of Representatives, and I have seen him day after day fight perseveringly and militantly for the protection of American ideals in the United States.

Early last June, as a member of a congressional committee, I accompanied Judge RAKER through northern California. Upon reaching Mount Lassen Park we found there had been a heavy rain the night before. Judge RAKER was desirous that we should go into the center of the park and view the devastated area where the volcano had blown off the top of the mountain. Old residents feared the trip, but not so with Judge RAKER; and so, following the course laid out by him we persevered through rain, snow, and mud until we accomplished the purpose of our visit. On the trip he injured his foot, and that night suffered considerably. Next morning, while we went on, he was delayed because of his injury and intended to join us later. I bade him good-by, fully expecting to meet him in a day or so. I never saw him again. When I reached Washington he was in the hospital and not able to see me; and finally he passed to the Great Beyond, never having been strong enough during his last illness to greet friends, although he felt to the last that he would again join us in our work.

To-day, by her fireside, in the high mountains of California, where the big trees reach forth to meet the heavens, his widow is sitting alone, her mind turned toward this Chamber, knowing that here to-day the men who have been the associates of her husband for many years are doing him honor. Perhaps she can not understand why this grief has come to her. Perhaps she can not understand why one in the prime of life, so vigorous—mentally and physically—should have his life cut short on earth. It is perhaps intended that she, and we, should not understand. The mystery of death is no greater than the mystery of birth. That this is not the end, we must believe.

We do not doubt from season to season but that the flowers will bloom again. When the sun sets at night, we have no doubt but that there will be another day. In the brightness of the sunshine of the day, we well know there will come a night. So we must have faith and believe that we are part of a great scheme directed and controlled by a guiding power for the good of us all.

NO FAITH

- "I have no faith," he said to me,
And there was sadness in his eyes.
"No faith," said I. "That can not be.
Do you believe the sun will rise?
"Tis dark to-night. No stars are out,
You can not see one gleaming sign,
But can you tell me that you doubt
That stars and moon again will shine?
"You say the clouds have hid their light;
Science explains the darkness so.
And you believe that this is right,
But, tell me, do you really know?
"You have no knowledge that the sun
And moon and stars which disappear
Will keep their courses as they run,
And yet you plan from year to year.
"You see the sun sink down at night,
Nor grieve to see it slip away.
You wait to-morrow's coming light,
And yet you 'have no faith' you say."

Mr. CARTER of California. Mr. Speaker and Members of the House, we have met here to-day to honor and pay tribute to the memory of one who has been taken from us, the Hon. JOHN E. RAKER, devoted husband, beloved friend, lover of nature, advocate, and statesman; he leaves behind words and deeds which will always remain an inspiring monument to those who follow after him.

JOHN E. RAKER was an outstanding man among men, kind-hearted, loyal to his ideals, always courageously carrying the banner for any purpose that would benefit his fellowmen.

One of broad vision and understanding, he worked with untiring energy to see those visions made realities.

As a humble worker in the soil he learned to know and love nature.

While still a farmer we see him as a disciple of the Great Emancipator, striving as he toiled to secure an education. Through his determination he succeeded and became a brilliant advocate, highly esteemed among his colleagues.

These qualities of sympathetic understanding, high intelligence, honesty, and perseverance of purpose made him beloved by all, and it was with a supreme confidence in him that the people of his district chose him as their Representative in Congress. Since that time we have learned to know and love him, too. His vision and untiring energy have made possible the accomplishment of the Hetch Hetchy project, one of the greatest tasks ever attempted by man. Through his love and intimate knowledge of nature he was able to render valuable aid in the conservation of its resources.

In the passing of JOHN E. RAKER this Republic has lost one of its strongest bulwarks, for it is upon the foundation of such men as he that the security of this country is built.

To his devoted wife and helpmate we echo the simple words of that great man, Abraham Lincoln, "We weep with you."

The people of his community have lost not only their Representative in Congress, but also a staunch friend, and they mourn with us.

As a testimonial to the high regard in which he was held by his people, the following beautiful lines have been penned by Eleanor S. Warner, one of his friends, and dedicated to him since his death, titled—

HOME TO HIS HILLS

To the great winds of God
He has flung his spent purse,
Back to the universe.
Mantled in peace, unshod,
He has gone his shining way
To the far hills of day;
Outworn old paths of clay.
With him he carried nought
But his gem of high renown,
On earth he had wrought
For the Lord of Life's crown.

The courts of earth will miss
His guerdon of good will,
His purpose strong and still
Unstained by prejudice;
For just he was and kind,
Clean of life, and calm of mind,
To his vision never blind.

He was a friend to trees
And the fountained north hills,
To farms and schools and mills,
To roads and streams and seas—
His girth of love unbound.
Where men vexed problems found
His unbought service wound.

Blossoms we lay at his feet,
On his heart bright with hope
And big with good. We grope
In dusk; the dawn is sweet
He has won. How glad is he
Who has fought valiantly
For Christ's humanity.

O you who follow him,
Bear high his torch of right
Flaming to the peaks of light,
O you who follow him.

Mr. LEA of California took the chair as Speaker pro tempore.

Mr. CURRY. Mr. Speaker, again the angel of death has entered the ranks of the California delegation and this time has taken from our midst our friend and colleague, JOHN E. RAKER, who passed the border that separates time from eternity, at his apartments in the city of Washington on January 22 of this year. A congressional delegation accompanied his funeral cortege and he was buried January 31, 1926, at Susanville, Lassen County, Calif., in the midst of the magnificent mountains and forests and valleys of the Sierras, among the constituency he loved and had so ably represented for many years in the Halls of Congress.

From his early manhood JOHN E. RAKER was a leader of men. Among his many honors were being selected as grand master of the Odd Fellows, past master of his Masonic lodge, many times a delegate to the grand lodge, chairman of the Democratic State central committee, an influential delegate to many State conventions, and to a national convention of his party.

He was elected to serve the people as district attorney and as judge of the superior court of Modoc County and as a Representative in Congress from the second California district, which latter office he held from 1911 to the date of his untimely death. As a prosecutor he was fair to the public, but lenient to those who had taken the first erring step; as an advocate he was tireless and almost belligerent in defense of his client; as a counselor his advice was sound and dependable; as a judge he tempered justice with mercy; as a legislator he was a patriotic American, diligent in behalf of the interest of his constituents, his State, and his Nation. He knew the rules of the House, was ready in debate, and his arguments were based on accurate information and were eloquently presented.

San Francisco owes her right to use the water and power of her Hetch Hetchy Valley to his persistent and able efforts. He initiated the legislation that established the Mount Lassen National Park in his beloved Sierras and he had a very potent influence in shaping legislation on Immigration and Naturalization and on the Public Lands. He was an able, eloquent, militant, Christian statesman.

He and his beloved wife were married in their young manhood and womanhood and remained sweethearts to the end. As year succeeded year they became more and more in love with each other. He treated her with an undying affection and old-fashioned courtesy. She was a helpful companion and loving wife. Her high ideals and intelligent advice encouraged and assisted him in the battle of life. Together they achieved success and honor and made a host of true and loyal friends. He has bequeathed to her an unsullied name, an untarnished record, and sweet memories.

JOHN E. RAKER was a truly religious man. Religion is man's recognition of his dependence on and responsibility to God and of God's loving kindness. False religion depends on superstition, ignorance, intolerance, and fear. True religion is supported by reason, science, philosophy, and faith. Faith and love is the corner stone of all human and divine relationships. The family is maintained by faith and love; faith of the members of a family in each other; faith of the husband in the wife, the wife in the husband, and the children in their

parents, and all bound together by love. Business depends on faith in the integrity of obligations. The perpetuity of our Government depends on the faith of the people in its institutions and their militant love of liberty. And spiritual progress now and hereafter depends on faith in the Omnipotent Creator and Preserver of the Universe whom we call God, in a love that believes in and comprehends the fatherhood of God and the brotherhood of man, in a faith and love that is manifested by works.

JOHN E. RAKER had as unquestioning faith as that of the Patriarch Job, who said:

For I know that my Redeemer liveth and that He shall stand at the latter day upon the earth. And after my skin, even this body is destroyed, then without my flesh shall I see God, Whom I shall see for myself and mine eyes shall behold and not another, though my reins be consumed within me.

He has "fought the good fight of faith" and has entered into eternal life. We join with his beloved wife and bereaved relatives in their sorrow and mingle our tears with theirs in mourning, but we are comforted somewhat by the knowledge that he lived a good, conscientious, successful Christian life and "that a man's last day on earth is his birthday in eternity."

Out of the dusk a shadow, then a spark;
Out of the cloud a silence, then a lark;
Out of the heart a rapture, then a pain;
Out of the dead cold ashes, life again.

Mr. CURRY resumed the chair as Speaker pro tempore.

LEAVE TO EXTEND REMARKS

Mr. CARTER of California. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks in the RECORD on the life and character of Mr. RAKER.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that all Members may be permitted to extend their remarks in the RECORD on the life and character of Mr. RAKER. Is there objection?

There was no objection.

ADJOURNMENT

The SPEAKER pro tempore. In accordance with the resolution heretofore adopted, the House will stand adjourned until to-morrow.

Accordingly (at 2 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Monday, April 19, 1926, at 12 o'clock noon.

SENATE

MONDAY, April 19, 1926

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our gracious heavenly Father, we come into Thy presence this morning recognizing that goodness and mercy have been our portion. We ask that we may the better understand our obligations. Thou art sparing our lives and Thou art giving unto us responsibilities of great importance; and we therefore beseech Thee that this day shall make a record in the councils of the country that shall be for the glory of Thy name and the uplifting of the Nation in righteousness. We humbly ask in Jesus Christ's name: Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, April 5, 1926, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ANNUAL MESSAGE OF PRESIDENT GENERAL MRS. ANTHONY WAYNE COOK, DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. GOFF. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, as a part of my remarks, the annual message of the president general, Mrs. Anthony Wayne Cook, of the Daughters of the American Revolution. This address was delivered this morning at the opening session of the Thirty-fifth Continental Congress held in Washington to-day.

Mrs. Cook stands for America at her best. She is the peer of any of the gentlewomen who have foregathered here with their fellow members and delegates from every State and Territory of this Union, including those chapters in foreign and distant lands. Her sympathies and her vision are as infinite as her graces and virtues are intellectual and cultivated. She and her compatriot members in this great society have achieved fame at an unusual and sacred place—the Anglo-Saxon fire-

side. Like all true-hearted American women, they possess tact without diplomacy, courtesy without servility, and frankness without abruptness.

This Nation to-day rests not on the material achievements of man but on the homes of our country, where Christianity and morality are made the maxims of youth, and where the family life is but a miniature of what the broader life of the world should be.

The women composing this historical society, Mr. President, are intensely American, and ever devotedly loyal to the great truths—the whole truth always—upon which our fathers and mothers have builded. They will guard the gates, and in these restless days down in the lower regions of turmoil, it is they, and they only, who can and will keep burning those ideals without which civilization yields and passes, and anarchy, red-handed anarchy, comes into its own.

I ask that the address of the president general be printed in the Record at this point.

The VICE PRESIDENT. Without objection, it is so ordered. The address is as follows:

ANNUAL MESSAGE OF THE PRESIDENT GENERAL, DAUGHTERS OF THE AMERICAN REVOLUTION, MRS. ANTHONY WAYNE COOK, DELIVERED AT THE OPENING SESSION OF THE THIRTY-FIFTH CONTINENTAL CONGRESS, HELD IN WASHINGTON, D. C., APRIL 19, 1926, AT THE NEW WASHINGTON AUDITORIUM

For the last time it is my duty, privilege, and pleasure to address the opening session of a continental congress as your president general. Mine has indeed been a happy time of service, overflowing with the joy of interested planning and successful fruition in all that has, during this period, pertained to the progress and development of our society. It has been a triennium of accomplishment, made possible because of unselfish and helpful counsel on the part of official associates and of members functioning through their individual chapters and States for the well-being of the society and through it in no small degree for the welfare of the Nation, the well-being of our fellow Americans, and in simple truth, I may add, of the world.

Such assemblies as this bring understanding and camaraderie and confirm the mutual faith and confidence which bind us together in ties not to be broken—ties of fealty to a common cause and devotion to a consummate ideal of service. Through those privileged to be present and to be of the congress, its spirit will be translated to the many thousands represented but not of our present fellowship. I, who so well know the fine mettle of our membership, am sure that those of us here present will with understanding, unflinching courtesy, and true esprit de corps graciously overlook the minor inconveniences which by chance or unavoidable oversight may temporarily be ours incident to the largest Continental Congress ever assembled in the history of our organization. Officially in attendance upon the floor of this auditorium this morning are delegates representing every State and Territory of the Union and those of chapters in distant and foreign lands. Some of you have journeyed literally thousands of miles by sea and land to participate in this congress. Not as one whom you have so signally honored, but as a coworker and associate in the cause, may I greet you and may I felicitate the Nation upon the spirit in which you have assembled for the sessions of this, the Thirty-fifth Continental Congress of the Daughters of the American Revolution.

The day is sacred to our purpose.

On such an April morning 151 years ago a New England countryside awoke to the alarm of a night-riding courier. Fearsome were the tidings. The soldiers of the King were coming. Dire and ominous events portended. Grim, purposeful men obeyed the summons and assembled in arms on Lexington Common under command of a great, tall, man, their captain—one who had seen service in the French wars. They were but seventy. The odds against them were great, but their inflexible purpose was greater. Needless was the leader's warning, "I will order the first man shot who runs away." No cravens, no iscarlots had answered Paul Revere's call that April morning!

The world knows the story. While human hearts are attuned to sentiments of patriotism, while human aspiration seeks loftier heights, that story can not fade. "In the sacred cause of God and their country" those doughty Colonials stood fast and "fired the shot heard around the world." A stone memorial, "Sacred to liberty and the rights of mankind," records their names and valor, and a mighty nation, dedicated to liberty and justice, is the living memorial of their devotion. Truly, "no man can suffer too much, and no man can fall too soon, if he suffer and if he fall in the defense of his country's liberty."

To-day we are assembled in the Capital of the Republic made possible by that sacrifice. We are—many of us—descendants of those "embattled farmers" whose blood crimsoned Lexington green that April morning long ago. The martyr patriots of 1775 fought valiantly and died sublimely that they might prove their undying convictions. Because of their courage and devotion the principles of Anglo-Saxon

liberty and justice were not overborne, and liberty was proclaimed "throughout the land and unto all the inhabitants thereof."

We who are privileged to enjoy in security the manifold blessings of life in a land where law is administered with equality and with the consent of the governed should appraise it a sacred duty and our highest privilege to revere this day, April 19, and to admonish those who are to come after to enshrine it in sacred memory.

This year, the one hundred and fifty-first anniversary of Lexington and Concord, and the one hundred and forty-fifth commemoration of the surrender of Lord Cornwallis at Yorktown, is the thirty-fifth anniversary of the founding of the Daughters of the American Revolution as a national organization. Thirty-five years by way of contrast is but a brief span, yet what an astounding era of growth and accomplishment it is our proud privilege to chronicle.

The Daughters of the American Revolution are the Nation's greatest organized feminine group—an acknowledged asset in maintaining patriotic ideals and those helpful, law-abiding endeavors which contribute to the well-being of the individual and to the stability and stamina of the Nation. In this April, 1926, while we so justly rejoice in our well-earned place in the sun of American civic, patriotic, and educational achievement, let us remember in grateful reverence the organizers and charter members of our great society. Their untiring enthusiasm, their great vision, their brilliant, zealous effort, and the fortitude and disinterested purposes of those upon whom devolved the executive direction of the society during its formative years, laid broad and sure foundations upon which those who have come after have been privileged to build. Their faith, their hope, their courage, their vision, their judgment, their sublime confidence, and the righteousness of the causes they advocated were and are a never-failing source of inspiration to those of us who are now and those who may hereafter be intrusted with the duty, responsibility, and high privilege of leadership.

I am sure we all share a poignant regret that our beloved and patriotic shrine, Memorial Continental Hall, is no longer adequate to house our annual meetings. Yet, with this entirely appropriate feeling there is the compensatory congratulation that the growth which has overtaxed the facilities of our stately hall is in itself a thing in which we may all take joyful and thankful pride. Our good work is prospering and going on far in excess of even the most sanguine hopes of the founders.

No society can attain its highest development nor approximate its ideal of service unless it plans deliberately and definitely to include within its ranks the ultimate member. As individual members and as an organized group, then, it is incumbent that we omit no effort to enroll that ultimate member. To be a member of the Daughters of the American Revolution is to be allied with definitely constructive forces—forces striving to develop the highest and most responsive citizenship and to preserve under proper conditions those immemorial principles of personal and political liberty proclaimed in the Declaration of Independence and vouchsafed to every law-abiding citizen by the Constitution of the United States.

I can conceive of no greater privilege, nor can I envision greater opportunity for service.

In appraising the present and in forecasting the future of our own lives and the career of our society, let us consider the thought expressed in this ancient Sanscrit salutation to the Dawn:

For yesterday is but a dream
And to-morrow is only a vision,
But to-day well lived
Makes every yesterday a dream of happiness
And every to-morrow a vision of hope.

As to new problems and responsibilities that may present themselves, I believe it is sometimes not unprofitable to face a future for which we have not carefully planned in advance—to be brought, if I may so phrase it, to the very borderland of a "promised land" to enter upon and to possess which we must travel an uncharted course. Such efforts develop initiative and leadership. From them not infrequently come our happiest visions. Such experiences, too, almost invariably prove to be unfailing wellsprings of prudence and wisdom.

As an organization we have been a potent force in our land in the formation of public opinion, largely because we have been steadfast in our advocacy of sterling principles and have never swerved from the path of common sense or been influenced by the lure of false beacons which might have misdirected our energies. Let us continue our indorsement of that which is worth while in our national life, but let us refrain from giving this advocacy too lightly, too unadvisedly, or too frequently, lest, with its emphasis dulled, it lose its power and fail of its purpose. Particularly would I urge that the delegates and alternates be mindful of this suggestion during this congress when the pressure for indorsement will be insistent.

A most significant, and in its effect most far-reaching, activity in consonance with the ideals and purposes of our society are the annual oratorical contests held each June and open to friendly competition of high-school youth with the Federal Constitution as subject matter.

Originated and managed by Mr. Randolph Leigh, generously assisted by the cooperation of the newspapers of the country, these contests are making a profound impression for good upon teachers, pupils, and the public at large. This activity, I am sure, typifies one of the most helpful realizations of the dignity and essential worthiness of our institutions of democratic government that has enlisted our interest since the World War. It was a proud distinction conferred upon our society that the first of the "finals" for the award of national honors in this notable competition was staged in our historic Memorial Continental Hall three years ago next June.

Most appropriately the new auditorium to be erected by our society because of such a pressing need is, with the sanction and approval of this congress, to be named Constitution Hall.

This edifice is to stand as an enduring testimonial of the faith of the Daughters of the American Revolution in the soundness, virtue, and essential completeness of the Federal Constitution. I am confident that I voice the sentiment of our society and this congress in hoping that, upon its completion, Constitution Hall may serve as the forum for many future contests with the Federal Constitution as the theme.

Constitution Hall is to complement Memorial Continental Hall, our first national headquarters in the National Capital. Contributions, bequests, and the sale of bonds have assembled a fund of such proportions that it is now prudent that immediate steps be taken to realize our vision. I am most happy to announce that immediately following this morning's session the congress is to march to the site, in the rear of Memorial Continental Hall and the administration building, where it will dedicate the ground upon which our new auditorium is to be erected.

It is fitting and eminently appropriate that in so doing we consider the name chosen for this structure and its peculiar aptness in relation to the purposes and ideals of our society.

Constitution Hall is intended to serve as the eternal protest of the patriotic women of America against destructive attacks on the Federal Constitution. The Constitution is the direct result of the War for Independence. It is the Declaration of Independence written into organic law—the charter of American liberties. It came into existence after bitter experience had proved the futility and potential tragedy of loose confederation. Based upon careful adaptations from the State constitutions then in fairly successful function, the conferees of the Constitutional Convention evolved a system of balances and checks that mark the American Constitution as without a peer among the state papers of all time. Against the Constitution tempests of political strife, emotion, and passion have beaten in vain. It has withstood every test of time and circumstance. Its principles should be held inviolate. Such modifications and expansions of it as the growth of the Nation and the natural evolution of our system of government make necessary should be framed in harmony with the spirit of the original. It should be jealously guarded against radical attacks and attempts at subversion of its fundamentals, the inherent constituents of this great instrument of democratic government.

It is our desire, too, that Constitution Hall symbolize the belief of the Daughters of the American Revolution that we have not outgrown the Constitution. That it is neither archaic nor outworn. May that stately edifice impress upon all who look upon it the conviction that the Federal Constitution, notwithstanding all the good it has accomplished as an exemplar of free institutions, has not served its full purpose in the world; that it has yet before it a far and a fair goal, to be attained not by frequent change and amendment but through steadfast adherence to the principles laid down by its framers.

Let us recall the memorable words of Benjamin Franklin, spoken on the floor of the Constitutional Convention just before the vote adopting the finished work. Said he:

"Much of the strength and efficiency of any government in procuring and securing happiness to the people depends upon opinion, on the general opinion of the goodness of that government, as well as of the wisdom and integrity of its governors. I hope, therefore, for our own sakes, as a part of the people and for the sake of our posterity, that we shall act heartily and unanimously in recommending this Constitution wherever our influence may extend and turn our future thoughts and endeavors to the means of having it well administered."

With equal truth and to a like worthy purpose might our leaders to-day admonish us.

There should not be a high school, college, or university in this country that neglects to offer an inspiring, ably presented, prescribed course of study in citizenship and government. The enemies of our institutions have always recruited their ranks from among those ignorant of the true meaning of the principles of justice, liberty, and equality under law—the cardinal tenets of our national confession of political faith. As Daughters of the American Revolution it is our high privilege to serve as sentries, guarding the Nation against such peril from within; to foster and to protect and to pass on unimpaired the sacred heritage bequeathed us in the Declaration of Independence and the Federal Constitution.

Moreover, the time is at hand to inquire searchingly if business and industry, education, and government can withstand indefinitely the studied and unremitting assaults that result from loose thinking and

thinly disguised socialistic teaching in the schools and colleges of the country. If we fail to shield our young people from these false lights; if we fail to warn them against these will-o'-the-wisps, are we not neglecting our duties as parents and elders responsible for the education, character building, and citizenship of our children? This is something, fellow members, we can not and must not overlook.

The responsibility is ours to insist—to see to it—that the colleges and schools faithfully present facts of history and government in the United States and inculcate both a reverence for truth and a proper understanding and appreciation of the high destiny for which the Republic was founded.

I hope, too, as I have previously declared, that the time will not be long postponed when the coming into the full estate of citizenship—its rights, duties, and privileges—on the part both of the native-born and the naturalized, may be fittingly observed as an event of high significance in the life of the individual and one of equal importance to the welfare of the Nation.

Proponents of radical doctrines are alert and adroit in their attempts to make our schools and the textbooks of history read by the school children of the country vehicles for propaganda in support of their pestilential theories.

We, of America, are justly proud that we live under a government which gives us greater freedom than that of any other nation in the world. A government which is giving men and women political equality and advantages such as can be obtained nowhere else in Christendom. A government where the youth of our land are heirs to life, liberty, and happiness. A government whose enduring pride it is that the children of the most obscure parentage, through their own merit and the medium of that great instrument of democracy, the public-school system of America, are enabled to rise to positions of power and trust, responsibility and attainment.

We would be poor citizens indeed if we should stand in the way to-day of any honest efforts which are being made by governments or by individuals to reach a common understanding of world problems or of those reconstructive measures which are likely to bring about world peace and prosperity. But, in my opinion, it behooves us to beware of the disloyal pacifist dreamer who desires a hearing before our church circles, our home and school organizations, or our club organizations with the plea, "I am sure you will be open-minded enough to hear both sides of the story—to have a forum, as it were, expressive of current opinion." Almost invariably you will find that you have let yourself in for an eloquent, skillful propagandist who will presently try to sweep you off your feet into passing a resolution stressing some specific plan which your good common sense warns you against, but which you do not oppose, either because you dislike to be conspicuous in your opposition or that it does not seem quite courteous to be at an absolute variance with the stranger guest within your midst.

To what purpose are such deliberate misrepresentations presented to our school children in the guise of historical facts, do I hear you ask? To intentionally distort the traditions of American heroism and patriotism; to make mockery and derision of the high motives and purposes of the patriots, thereby to destroy the natural instinct of veneration in every youthful American heart for the ideals and principles of the Republic and its institutions.

At this juncture in our national life we would do well to heed the admonition of General Washington to his officers upon the eve of one of the great pivotal crises of the Revolutionary War:

"Put none but Americans on guard!"

Let that be the watchword. Let that be the test of fitness for those who are to choose textbooks for the instruction of our school children. Only by this precaution shall we disarm the enemy within the citadel!

With most commendable purpose the American Legion, in splendid cooperation with 32 other patriotic societies, has prepared a two-volume textbook of American history for public-school children throughout the country. This work is called *The Story of Our American People*. No effort has been omitted to make its presentation entirely truthful and nationally acceptable. Perfection, to be sure, is not claimed for it, but none the less it is a practical approach to the attainable. It is designed to prevent sectional distrusts and misconceptions, to present an accurate survey and a just appraisal of our institutions, to foster faith in the purposes and ideals of our Government, to inculcate belief in its sincerity, to instill patriotism and unswerving loyalty to our United States.

The American Historical Association is likewise doing noteworthy work in fostering historical research and in assisting in the collection of source papers and historical documents—landmarks of American history. These are being properly safeguarded and placed in designated libraries, statehouses, courthouses, and museums. Thus historical truth is at once safeguarded against loss and decay and made easily attainable to the student. A praiseworthy purpose this—for truth shall keep us free!

The statement has been made recently that because of the flood of cheap literature which has inundated the land our young people's literary appetites have been so stultified that they are incapable of reading through to its conclusion a really worth-while book. Perhaps the

remedy lies not alone in the judicious suppression of harmful reading matter or in a censorship over the press, but rather in the erection and maintenance of more public libraries which shall make accessible and attractive to our young people that type of helpful, beneficial adventure in fiction, history, and biography which they demand from books just as they crave it from life. A library often is a place where the spirit finds rest and refuge from the weariness of the workaday world, but it is more than that if it is properly used. It may become a place of mental recreation, a healthful playground for the fancy, a sanctuary where the living may commune with the choicest thoughts of those whose memories will never die—a school, and one of the best ever devised by the ingenuity of mankind. Let us have more of the right kind of books in a greater number of libraries all over this United States. Books in libraries where the librarians are imbued with the desire and the necessary feeling of responsibility to help make loyal, patriotic citizens out of the youth of to-day.

If America is to hold leadership in the world; if America is to meet and solve her domestic and internal problems, more thought must be given to public education. And a more generous policy must be pursued in appropriating funds for the building and equipping of schools and for the payment of salaries commensurate to the invaluable service rendered by teachers in the public schools—those to whom is entrusted the most vitally responsible function in government—the training of the future citizen of the Republic. It is indeed a far cry to the covered wagon of the pioneer, yet in all too many rural sections school facilities and equipment and teachers' salaries are but little in advance of what they were in the primitive days.

America will endure just so long as its public schools worthily endure. Democracy requires high intelligence and improved educational standards if it is to achieve its highest promise. The last, best hope, then, of America is the public school. School taxes, therefore, let us pay gladly and without stint. Let the paring knife of economy be applied here but sparingly.

From our earliest times the school and the church have been landmarks of American progress and prosperity. Our generation must not prove derelict in its responsibility to train the mind, health, and character of our young people through educational and religious training. Only thus may they be equipped to cope with the rapidly changing demands of modern life and thought. Let us not forget that for the highest type of citizen we are quite as dependent upon character as upon education.

Daughters of the American Revolution are continuing with more vigor and effectiveness than ever before their organized effort to bring new vision and the advantages of education and a recreated environment to that splendid strain of pure American stock resident in our southern mountains, until but recently debarred by isolation and natural barriers from contact with the rest of the country. Success has as well crowned our educational efforts in other sections. Loan scholarships have been made available to students in the colleges and universities of an increasing number of States, and the funds necessary have been raised for two girls' dormitories—one by the Massachusetts Daughters, at the American International College at Springfield, Mass., and the other by the National Society and Ohio Daughters, at Oxford College, Ohio, as a memorial to Caroline Scott Harrison, the first president general of our society.

The Bible was the book of books in the lives of the early settlers of America and of the founders of the Republic. "It was in a very real sense the great charter of all their liberties in the intellectual and political world, no less than in their moral and social." A Continental Congress representing in its assembly the people of all the Colonies went upon record as to their faith in it by indorsing a resolution to "import 20,000 Bibles from Holland, Scotland, or elsewhere into the different parts of the Union," upon the recommendation of its Committee of Commerce that "the use of the Bible is so universal and its importance so great."

If, as President Coolidge says, "We desire to be supremely American we must search out and think the thoughts of those who established our institutions. The education which made them must not be divorced from the education which is to make us." If, as we all profoundly hope, the Bible is to continue to be "the textbook of all spiritual education," I am persuaded it must be read daily, without sectarian comment, in all our schools. The Bible is not read enough. But for it in all likelihood there would have been but little reading among Christian people—no books, no magazines, no schools—for the translation of the Bible into the living languages was first responsible for a more universal desire to learn the art of reading. Reading the Bible daily, without sectarian comment, in my earnest opinion should never have been banished from certain of our public schools by law. A reverent reading of it—such as once prevailed—should be returned to the curriculum of the public schools. The eternal verities of the Bible should be instilled into the consciousness of every school child. With all our wealth; with all our marvelous achievements in applied science; with all our accumulated wisdom we must not forget—we of America—that that which the hands may handle is of the earth, earthy, but that which is of the spirit is everlasting.

Variety of racial strain has developed in America a truly remarkable people—strong, vigorous, and virtuous—and notwithstanding the pessimistic viewpoint of certain of their elders with respect to our young folk, there are finer possibilities than ever before in the youth of to-day. Each generation, to be sure, looks askance upon its young folk, convinced that they are doomed to dire misfortunes and downright ruin, and yet the world continues all the while to grow better and to become a finer and a kindlier place in which to live.

Our greatest potential asset as a nation is not alone in our wealth and natural resources, priceless as they are, but in the youth of our country.

Rather than continually searching out what's wrong with our young people, might it not richly repay our investigation to inquire what's right with the young folk and what's wrong with the elders? I think so. The youth of to-day is the leader of to-morrow. Why not face the facts? They are venturing forth gallantly, as youth has done since the world began, in quest of a promised land of ideals and dreams. What help and guidance are we giving them? Vain cavilling and querulous nagging—or inspirational leadership? Too much, quite, of the former and not nearly enough of the latter, I suspect. Perhaps we but reflect our own inferiorities, limitations, shortcomings, and failures. I wonder sometimes, too, if we have kept faith with our homes.

Home making and home-keeping constitute the greatest business in the wide world. They are primarily woman's business. Love is its first requisite—then infinite patience and time—time spent in the home; time to bring back to it the essentials of religion and of character building that should never have been permitted to escape from its sacred precincts; time for the children, their lessons, their associates, their reading, their amusements; time to set the right sort of example; time intelligently to widen the home horizon so that its inmates may not be unduly hampered by restrictions, but may look upon the home as an attractive haven, a bit of beauty and light and pleasure; time to make the home the place of refuge, comfort, and inspiration which God intended it to be, the sort of place—please God—it shall continue to be through a renewed zeal and consecration of the fathers and mothers of America. Let us have less rush and hurly-burly and distraction and more time for real living, and, I am convinced, we shall have better homes and young folk more content with them and happier in them.

Preeminent among the needs of the day is a renewed pledge of fealty to the ideals for which our hero dead have given their lives—if the principles of humanity, justice, freedom, and law observance are to prevail in the world. We of America are on trial. It is for us to show the world that freedom comes only through obedience.

In America we are at the crossroads as to law enforcement. There can be no negative conduct in relation to this great issue; for all conduct is positive. We are either for or we are against law observance and law enforcement. Let us search our hearts and ask ourselves: Do our lives exemplify the professions of our lips? We must face this fact squarely. We must understand that the actions of each day answer for us this question and have a very definite effect upon the national life of our day and time. Let it be understood that we can not pick and choose from among the laws those we will obey and those we will nullify in personal conduct.

Based upon a nation-wide survey conducted during my three-year term of service now coming to a close, it is my deliberate opinion that the people of America will never repeal the eighteenth amendment. Nor do I think we should. I am rather steadfast in the opinion that as Daughters of the American Revolution—members of the largest women's patriotic organization in the country—we should pledge ourselves not only to do whatsoever we can to prevent the repeal of the amendment, but to do our utmost by precept and example to aid and assist in its observance and enforcement. Let me remind you that our Union, that our present security and progress are predicated upon loyalty to the law and obedience of the law—not only lip service but daily action.

A welter of words and controversial claims are advanced by opponents and proponents of the amendment, but a statement compiled by insurance statisticians, neither advocates nor opponents but impartial fact finders, is significant. In 1917 the death rate among policyholders from alcoholism was 4.9 per cent for each 100,000. Five years later it was but 0.9 per cent, with the death rate due to such ailments as Bright's and heart disease—both indicated in alcoholics—showing a corresponding decline.

Moreover, all candid folk, whether friends or opponents of the amendment, must agree that the increased purchasing power of the public, so general since the war, has in no small degree been due to the amendment. Tremendous sums of money once spent for liquor have gone into other expenditures contributing to the greater happiness, comfort, and well-being of the national community. It is equally a matter of common knowledge that law enforcement without a militant public sentiment in support of it is impossible. The community, after all, is the basis of the Government, and law can never be administered by government alone. The individual—you and I—must insure honest and loyal respect for law by assuming the full responsibility of good

citizens in putting the law into effect. I am convinced that as a nation we are about to do this completely, enthusiastically, and successfully. I am persuaded, moreover, that the American people have not lost their distinguishing virtue, love of fair play, and the square deal; and that they will neither surrender nor retreat!

Thrift has long been esteemed an American virtue. The World War gave the old idea a new significance and a new urge, and restressed a fact we seemed in danger of forgetting—that reckless and heedless spending is unintelligent. Daughters of the American Revolution are thoroughly committed to the opinion that as a nation and people we must earn, use, and conserve with judgment, economy, and thrift if we are to realize the utmost that is desirable in comfort, happiness, and financial independence. Such a practice will tend not only toward present prosperity and future protection but will provide against the tragedy of dependence and want.

By happy circumstance the week of our congress is coincident with "Tree conservation week," a campaign which continues to enlist the earnest support of our membership. Ably assisted by the generosity and valuable professional services of Mr. MARTIN L. DAVEY and his corps of expert tree-life savers Daughters of the American Revolution are saving to posterity at least one historic tree each year. This is a work in every way worthy of our continued interest, one which we hope may be extended and broadened in its scope.

Since the first America has been a staunch advocate of world peace, Daughters of the American Revolution are steadfast in the belief that while it is the manifest duty of every citizen to foster the cause of peace, both at home and abroad, it is nothing short of supremest folly and criminal negligence to fail or to neglect to see to it that our national defense is at all times entirely adequate to cope with any untoward emergency. This, we believe, is an all-inclusive insurance, entirely prudent and commendable. Our Army and Navy and air defense should at all times be so sufficient as to equipment and so efficient as to training as to form a protective nucleus capable of rapid expansion in time of need. In the memorable words of Daniel Webster let me remind you that "God grants liberty only to those who love it and who are always ready to guard and defend it." Through adequate preparedness shall we best contribute to the peace of the world, keep faith with those who sleep in Flanders and its kindred battle fields and righteously maintain the strength and glory of this Republic.

Daughters of the American Revolution have given a strong impetus to the preservation of the Nation's vital records—historical documents and papers. As a result of our patient, careful research, authentic visualization is given the interesting and inspiring life histories and heroic deeds of the past.

Due to the foresight and effort of our organization, those who travel over the historic trails and highways of the country may read with interest and pride the annals of our early days. Monuments and markers preserve for the traveler the storied tradition. Historic sites and famous old houses have been determined and permanently marked by various States and chapters. In the vast open areas of the West as well as in the more densely populated East the old pioneer trails and landmarks are being preserved and their stories of daring and hardship and heroism made part and parcel of the great American tradition. This activity will assist in keeping alive a splendid concept of the self-denial, love of liberty, and righteousness which inspired those who had a part in the winning, the making, and the preservation of the American Union.

As Daughters of the American Revolution, ours is a proud heritage from our patriot ancestors of Revolutionary days.

How best may we prove ourselves worthy descendants?

Shall it not be in contributing our utmost toward a better citizenship and a greater America—an America fearlessly maintained, valiantly defended and protected from the clutching, blood-lustful hand of the anarchist, an America cherishing by active law observance and the maintenance of Christian ideals, the great principles of democracy and constitutional government—principles upon which our Republic was founded and upon which it had so magnificently endured?

On this day, reminiscent of Lexington and Concord, if our faith in the high purpose of our national ideals has weakened or wavered let the recollection of the courage and devotion of the men of 1775 teach us anew that "an ideal vowed is never lost." May we draw an inspiration from that recollection to reconsecrate ourselves to the observance of the law, both in spirit and in deed. May we not only resolve to be but in very truth become worthy citizens, united in efforts to make our communities the dynamic units of self-government they were intended to be, and can become with a definite purpose and will to perform on your part and mine.

In speculating upon the ultimate growth, progress, and destiny of our national society, let us remember that most of our undertakings are purposely and quite invariably continuing purposes. From their very nature they take on more and more concrete form as they develop and broaden in scope and usefulness. I trust that our civic and patriotic program will never become entirely fixed. Rather let it always be larger than city, State, or section, yet flexible enough to be adaptable to time, circumstance, locality, State or National need.

As individuals and as an organization we believe in the fundamental soundness of the social, economic, religious, and educational life of America. We have trust and confidence in the men and women called to leadership in its national and communal activities. We have an abiding faith in the great heart of the American people. We believe in the permanence of the American Government because of its justice and fairness in assuring to its "citizens both the right and the opportunity to improve their personal condition." And we believe in the institutions of America so admirably calculated to conserve the life, the liberty, the happiness, and the property of the American citizen.

When we behold the emblem of our country, the flag of the greatest Nation in the world to-day, let us resolve, as did our Revolutionary forefathers, that it shall ever wave over a free and liberty-loving people; that it shall ever represent the highest ideals of manhood, the loftiest standards of womanhood, the purest principles of social democracy. May its folds, blessed by Almighty God and glorified by the blood of patriots ever hold aloft the torch of freedom as a beacon light guiding mankind in its struggles for human freedom and human advancement.

Now and always it is my hope and my prayer for our beloved society that God will give each of us some share in working out His eternal purpose; that He will fill our weakness with His strength; that He will touch our hearts with His divine love; that He will direct our footsteps—keep us in ways that are wise and happy and teach us to hold fast the time-tested ideals cherished by our forefathers. May we ever be mindful that it is our duty righteously to defend the rights they maintained and bequeathed to us at so great a cost and so tremendous a sacrifice. Moreover, I pray that He will help us constantly to develop new resources of mind and spirit, so that we may be broadly visioned and generous to our neighbor's point of view. Bless us, that we may grow in Thy knowledge and power, and enable us as members and as an organization to render now and in the years that are to come a finer, a better service than it has been ours in the past to perform. Grant this, Dear Lord, I reverently ask, for Thy Name's sake. Amen.

THE TRANSPORTATION PROBLEM

Mr. HARRISON. Mr. President, I ask unanimous consent to have inserted in the Record an address delivered by the senior Senator from Arkansas [Mr. ROBINSON] on the 15th instant, in New York City, before the National Council of Traveling Salesmen's Associations.

The VICE PRESIDENT. Without objection it is so ordered. The address is as follows:

ADDRESS OF HON. JOSEPH T. ROBINSON, OF ARKANSAS, AT THE BIGGER AND BETTER BUSINESS DINNER OF THE ASSOCIATE DIVISION OF THE NATIONAL COUNCIL OF TRAVELING SALESMEN'S ASSOCIATIONS, HOTEL PENNSYLVANIA, NEW YORK, APRIL 15, 1926

SOME PHASES OF THE TRANSPORTATION PROBLEM

Senator ROBINSON spoke as follows:

"Notable as have been the changes during recent years in the commercial and industrial institutions of the United States, they have in no degree impaired the effectiveness or diminished the value of skillful salesmanship. The most intelligent survey of prospective conditions yields no indication that the business of the commercial traveler will soon become obsolete or decline substantially in importance. The constantly increasing complexity of living conditions, particularly in the centers of population, seem to assure that his services will be augmented both in value and influence.

"THE TRANSPORTATION PROBLEM

"The relation of transportation to public comfort and prosperity is readily discerned. The public health and safety are inseparable from the prompt distribution of agricultural and manufactured products. Despite the employment of new agencies for the carriage of goods and passengers, such as the automobile, the motor truck, and the airplane, railroads are destined to continue to be the principal instrumentalities through which the surplus products of various communities may be filtered into the places where they are demanded. If railway operations should suddenly cease, millions would immediately suffer discomfort, and within less than 30 days be reduced to poverty and hunger.

"It follows that sound public policy not only justifies, but requires that the railways be safeguarded against undue impairment of earnings, and that whatever adjustments in the form of reductions in charges for the carriage of freight and passengers are effected, should be made with proper consideration for the general public interest, which requires prompt and adequate railroad service. Nevertheless, excessive and unjust rates are destructive of enterprise and prevent development. Any policy intended to strengthen the credit of railway securities without due regard to the relation between the charges imposed and the effectual distribution of commodities in response to the law of supply and demand, will in the end defeat its own purpose and result in reducing, rather than in increasing earnings.

"RAILROAD EARNINGS"

"While railway earnings, in an address appropriate to this occasion, can not be discussed in detail, some facts of outstanding prominence may be mentioned. The total mileage in the United States of class 1 roads increased in 1925 over 1924 by only 656 miles, which implies almost complete suspension of construction. This slowing-up process may be attributed to a combination of causes, but is chiefly ascribed to changes in public policy—stricter governmental regulation designed to eliminate new railroad enterprises of doubtful necessity or questionable earning power.

"With respect to class 1 roads, freight revenues for 1925 aggregated \$4,553,065,290, as compared with \$4,349,036,142 for 1924, an increase of \$204,029,148. There appears to have been a slight decline in passenger earnings for 1925 over 1924, the figures for the first year being \$1,055,913,165, as against \$1,076,688,006, a reduction of \$20,774,841.

"The railway operating revenues, which include freight, passenger, mail, express, all other transportation, incidental and joint facility, total \$6,186,608,567 for 1925, whereas for 1924 they were \$5,987,662,226. Thus it appears that the railway operating revenues increased \$198,946,341.

"The 'Net railway operating income' for 1924 and 1925, respectively, was \$986,017,759 and \$1,136,984,243, representing an increase of \$150,966,484.

"It is important here to note that the revenues for 1925 from the sleeping and parlor car surcharge amounted to \$39,841,433, contrasted with \$37,025,417 for 1924, an increase of \$2,816,016.

"It may be admitted that the proper conclusions to be drawn from these figures, as to the elimination of the surcharge, from the standpoint of railway earnings, are affected with numerous considerations and arguments which for brevity's sake may not be here completely discussed. On the whole case it is clear that even if the discontinuance of the Pullman surcharge should result in material loss of revenues to class 1 roads, such discontinuance may be warranted as a measure of justice and as a means of stimulating travel on railways.

"INTERCHANGEABLE MILEAGE OR SCRIP COUPON BOOKS"

"Traveling salesmen and others who frequently contribute to railway passenger revenues sought in 1922 to compel by act of Congress the issuance by class 1 roads of interchangeable mileage or scrip coupon tickets at reduced rates. The history of this legislation is probably familiar to my hearers.

"The statute originated in the agitation for a form of reduced fares and the bill, as first presented, vested no discretion in the Interstate Commerce Commission.

"It was amended, however, so as to direct the commission to require the railroads subject to the act to issue such mileage or scrip-coupon tickets at just and reasonable rates and in such denominations as the commission might prescribe. This amendment was justified by its proponents on the ground that the Supreme Court of the United States had decided, in the case of *Lake Shore & Michigan Southern Railway Co. v. Smith* (April 17, 1899, 173 U. S. p. 684), that such legislation is discriminatory and constitutes a violation of the provisions in the Federal Constitution forbidding the taking of property without due process of law and denying the equal protection of the laws. The *Lake Shore* case did not involve an act of Congress. It held void, however, a statute of Michigan which required the railroad company to issue 1,000-mile tickets at a price below the maximum passenger fare authorized by law. The court said:

"Whether an act of this nature shall be passed or not is not a matter of policy to be decided by the legislature. It is a matter of right of the company to carry on and manage its concerns subject to the general law applicable to all, which the legislature may enact in the legal exercise of its power to legislate in regard to persons and things within its jurisdiction."

"In the case involving the Michigan statute the court discussed the voluntary issuance by railroads of interchangeable mileage tickets at reduced rates, and said:

"It is no answer to the objection to this legislation to say that the company has voluntarily sold 1,000-mile tickets good for a year from the time of their sale. What the company may choose voluntarily to do furnishes no criterion for the measurement of the power of the legislature. Persons may voluntarily contract to do what no legislature would have the right to compel them to do. Nor does it furnish a standard by which to measure the reasonableness of the matter exacted by the legislature."

"The amendment vesting discretion in the Interstate Commerce Commission was adopted in an effort to avoid the question of constitutionality which arose under the bill in its original form.

"The Interstate Commerce Commission, proceeding under the act directing that the railroads be required to issue mileage or scrip coupon tickets at just and reasonable rates, had hearings which lasted for several weeks and made findings of fact which proved fatal to their own decision that the rates resulting from a reduction of 20 per cent would be 'just and reasonable for this class of travel.'

"The railroad companies filed a bill in equity March 6, 1923, alleging that the order of the commission violated the fifth amendment and was inconsistent with section 2 of the interstate commerce act, requiring like charges for like service in similar circumstances. It was also claimed that the order was inconsistent with section 3 of the interstate commerce act, forbidding unreasonable preferences; and with section 15a of the transportation act, authorizing the commission to establish rates for rate groups that will earn a fair return upon the aggregate value of the property used in transportation.

"The Supreme Court said in part:

"The commission in its report pointed out that the net railway operating income for the seven months ended July 31, 1922, was below the return fixed as reasonable, discarded the supposed analogy between the carload rate and the interchangeable scrip of mileage ticket, intimated that the supposed benefit that the carrier might get from the advance use of the money would be more than offset by the increased expenses, and said that the question whether the scrip ticket would stimulate travel sufficiently to meet any loss that might result must remain a matter of speculation until an experiment was made."

"The court held that as a matter of law, considering the facts announced by the commission, the order constituted an abuse of discretion, and said:

"After thus excluding the grounds upon which the order could be justified, the commission held that the obvious spirit and apparent purpose of the law required that the experiment should be tried, and on these premises declared that the rates resulting from the reduction of 20 per cent would be 'just and reasonable for this class of travel.' It seems to us plain that the commission was not prepared to make its order on independent grounds apart from the deference naturally paid to the supposed wishes of Congress. But we think that it erred in reading the wishes that originated the statute as an effective term of the statute that was passed, and therefore that the present order can not stand." (U. S. v. New York Central R. R. Co., 263 U. S. pp. 608-611.)

"Thus the *Lake Shore* case, decided in 1899, rendered doubtful the power of Congress to compel the issuance of mileage or scrip coupon tickets at less than the regular passenger rates; and the *New York Central* case, decided June 21, 1924, held that the order of the commission directing the issuance of scrip coupon tickets at a reduction of 20 per cent was not enforceable, because of the absence of facts which would justify such an order.

"It is apparent that before you can secure benefits from the act of 1922, requiring mileage or scrip coupon tickets, the Interstate Commerce Commission must be convinced that the conditions which existed March 6, 1923, when its order was made, have materially changed. That, under the facts at a new hearing, no substantial loss in revenues would result from the issuance of mileage or scrip coupon tickets, because offset by increased travel, or that the earnings, present and prospective, justify the reduced rate recommended, even though material loss may result. It is to me doubtful, even under the decision in the late case referred to, whether it is necessary to show that no loss in revenue would result, provided the commission should find other facts upon which to base the conclusion that the issuance of mileage or scrip coupon tickets at reduced rates would constitute just and reasonable rates, inasmuch as the mileage book statute was passed after the transportation act and may, therefore, be considered as having modified the provisions of the latter as to what constitutes a fair return.

SOME REASONS FOR ELIMINATING THE SURCHARGE

"If business is to receive the encouragement and stimulus which we believe will result from reduced fares to traveling salesmen, the end may be more speedily accomplished through forbidding the collection of the surcharge rather than by new proceedings, either legislative or judicial, with respect to mileage or scrip. Prompted by your representatives, and convinced that the legislation is both fair and necessary, I have introduced and the Senate has passed on two separate occasions a bill to eliminate the Pullman surcharge. The measure was first passed through the Senate without discussion and by general consent. On the second occasion the whole subject was gone into. The vote by which the bill carried was overwhelming.

"In the House no action was seriously attempted with respect to the measure the first time the Senate passed it. The bill was pigeon-holed in committee. The House Committee on Interstate Commerce was so constituted that it was impossible to secure favorable action. The members of the committee were so decisive in their opposition that the greatest difficulty was encountered in forcing any consideration. At last, however, arrangements were effected by which a vote in the House was taken. The most powerful lobby I have seen during 25 years congressional experience appeared to fight the measure. Railroad lawyers, special agents, and trained lobbyists mobilized in the Capitol from every part of the United States and urged reasons—many of them fallacious and absurd—for the defeat of the bill.

"It was said that the first need is for the reduction of freight rates. The champions of farm organizations were prompted to join their resistance with that of the lobby, on the theory that farmers would

soon be able to secure the advantages of reduced rates on their products if the Pullman surcharge were retained. Experience has shown the insincerity of this ground of opposition, because no notable reduction of freight rates has occurred or is in prospect.

"Again, it is claimed that the surcharge is based on a 'luxurious service' for which the plutocratic beneficiaries can well afford to pay an extra charge.

"Sleeping cars are just as necessary to the comfort of travelers as are hotels and restaurants. One is indeed hard driven for an argument who finds it necessary to contend that a passenger who spends a night in a Pullman berth enjoys an extraordinary benefit for which he should be required to pay as for a luxury.

"Labor leaders were induced to join the opposition on the ground that the surcharge repeal might prove the first step in a policy of reducing revenues to such an extent that increased wages would become impossible and reductions in pay would be threatened.

"These are illustrative of the grounds on which the lobby encompassed the defeat of the bill and perpetuated a charge for which no substantial service is rendered; a charge which a majority of the Interstate Commerce Commission found is excessive and unjust in whole or in part; a charge which has crippled business and prompted thousands of travelers to resort to busses and automobiles rather than be imposed upon.

"Members of the House who had themselves introduced bills identical with my own, and some of whom had printed in the CONGRESSIONAL RECORD and circulated throughout their districts speeches denouncing the Pullman surcharge as extortionate, changed their attitudes and voted against the bill. They could not resist the powerful and organized pressure which the lobby exerted. But for this pressure, the bill would have passed the House by a tremendous majority. It is a sufficient commentary to state the simple historical fact that the surcharge repeal failed in the House by a vote of 2 to 1.

"At the beginning of this session I reintroduced the surcharge elimination bill and had it referred to the Senate Committee on Interstate and Foreign Commerce, where it is now pending. It seems probable that a favorable report may be secured and the bill again passed through the Senate, although it would encounter more opposition now than formerly.

"It is short-sighted policy for the railway executives to insist upon the retention of this unjust charge. Railroads generally are enjoying a period of great prosperity. Their earnings are speedily increasing. Net railway operating revenues are growing larger every year, notwithstanding alleged extravagance in expenditures. My conviction is unalterable that the surcharge has no foundation in either sound economic policy or justice."

SENATOR BURTON K. WHEELER (S. DOC. NO. 100)

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, in response to the first paragraph of Senate Resolution 171 (submitted by Mr. WALSH and agreed to March 25, 1926), certain information relative to expenses incurred in connection with the investigation of alleged offenses by Senator BURTON K. WHEELER, which, with the accompanying papers, was referred to the Committee on the Judiciary and ordered to be printed.

MESSAGE FROM THE WHITE HOUSE

A message from the House of Representatives, by Mr. HATTIGAN, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 124. An act for the relief of the Davis Construction Co.; and

S. 3031. An act for the relief of George Barrett.

The message also announced that the House had passed the following bills of the Senate severally with an amendment, in which it requested the concurrence of the Senate:

S. 549. An act for the relief of John H. Walker;

S. 1039. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and

S. 2368. An act for the relief of Ocean Steamship Co. (Ltd.), a British corporation.

The message further announced that the House had passed the bill (S. 2111) for the relief of Levin P. Kelly with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 658. An act for the relief of Harry Coventry;

H. R. 821. An act for the relief of Lewis Williams, formerly collector of internal revenue for the State of Idaho;

H. R. 1243. An act for the relief of J. H. Toulouse;

H. R. 1464. An act for the relief of Charles C. Hughes;

H. R. 1540. An act for the relief of Luther H. Phipps;

H. R. 1680. An act for the relief of Neff's Bank, of McBride, Mich.;

H. R. 1731. An act for the relief of John W. King;

H. R. 1897. An act for the relief of the heirs of the late Louis F. Meissner;

H. R. 1952. An act for the relief of T. Arthur Moore;

H. R. 2009. An act for the relief of C. M. Rodefer;

H. R. 2011. An act for the relief of William D. McKeefrey;

H. R. 2042. An act for the relief of Joseph L. Keresey;

H. R. 2254. An act for the relief of Howard A. Mount;

H. R. 2324. An act for the relief of Joe F. Jenkins;

H. R. 2329. An act for the relief of John A. Olson;

H. R. 2465. An act for the relief of Ella E. Horner;

H. R. 2744. An act to correct the military record of Charles E. Lowe;

H. R. 2933. An act for the relief of H. R. Butcher;

H. R. 3025. An act granting a patent to certain lands to Benjamin A. J. Funnemark;

H. R. 3376. An act for the relief of Thomas J. Gardner;

H. R. 3659. An act for the relief of the Custer Electric Light, Heat & Power Co., of Custer, S. Dak.;

H. R. 8138. An act for the relief of Joy Bright Hancock;

H. R. 8502. An act authorizing the President to reappoint Maj. Harry Walter Stephenson, United States Army (retired), to the position and rank of major, Coast Artillery Corps, in the United States Army; and

H. R. 8894. An act for the relief of the Royal Holland Lloyd, a Netherlands corporation, of Amsterdam, the Netherlands.

PETITIONS

Mr. JONES of Washington presented petitions of sundry citizens of Seattle and Spokane, in the State of Washington, praying for the passage without amendment of the so-called railway labor bill, which were referred to the Committee on Interstate Commerce.

Mr. WILLIS presented a resolution adopted by Division No. 1, Ancient Order of Hibernians in America, at Dayton, Ohio, favoring the passage of the so-called Phipps bill (S. 3533) to provide for the better definition and extension of the purpose and duties of the Bureau of Education, and for other purposes, which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by the directors of the Painesville (Ohio) Kiwanis Club, endorsing the proposal for the extension of the east breakwater at Fairport Harbor, Ohio, which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES

Mr. CUMMINS, from the Committee on the Judiciary, to which was referred the bill (H. R. 9829) to amend section 87 of the Judicial Code, reported it without amendment and submitted a report (No. 615) thereon.

He also, from the same committee, to which was referred the bill (S. 3028) to divide the eastern district of South Carolina into four divisions and the western district into five divisions, reported it with amendments and submitted a report (No. 616) thereon.

He also, from the same committee, to which was referred the second paragraph of the resolution (S. Res. 171) requesting information from the Attorney General relative to expenditures in investigations touching supposed offenses of Senator BURTON K. WHEELER, submitted an adverse report (No. 617) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 9039) to amend section 8 of the act approved March 1, 1911 (36 Stat. p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," reported it without amendment and submitted a report (No. 618) thereon.

He also, from the same committee, to which was referred the bill (S. 2516) for the establishment and maintenance of a forest experiment station in Pennsylvania and the neighboring States, reported it with an amendment and submitted a report (No. 619) thereon.

Mr. GOODING, from the Committee on Interstate Commerce, to which was referred the bill (S. 1344) to amend paragraph (11), section 20, of the interstate commerce act, reported it with an amendment and submitted a report (No. 620) thereon.

Mr. PINE, from the Committee on Military Affairs, to which was referred the bill (S. 2855) for the relief of Cyrus S. Andrews, reported it without amendment and submitted a report (No. 621) thereon.

Mr. TYSON, from the Committee on Claims, to which was referred the bill (S. 2741) for the relief of the State of Ohio, reported it without amendment and submitted a report (No. 622) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 598) for the relief of Alexander McLaren (Rept. No. 623); and—

A bill (S. 3555) for the relief of the Rochester Merchandise Co. (Rept. No. 624).

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (S. 546) for the relief of J. H. Toulouse, reported it without amendment and submitted a report (No. 625) thereon.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 949) to reduce the rate of postage on farm products, and for other purposes, reported it with amendments.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 4013) granting an increase of pension to Thomas S. Millikin; to the Committee on Pensions.

By Mr. GOODING:

A bill (S. 4014) granting a pension to Ezra E. Howard; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4015) granting an increase of pension to Alice Elwood (with accompanying papers); to the Committee on Pensions.

By Mr. CAMERON:

A bill (S. 4016) authorizing the Secretary of the Interior to purchase certain lands from Babbitt Bros. Trading Co.; to the Committee on Public Lands and Surveys.

RELIEF OF FARMERS

Mr. NYE. Mr. President, during the period of the war this Government of ours found itself confronted with the problem of producing more of the foodstuffs which were essential in carrying on the war, and with that end in view the Government appealed in one way and another to the farmers of the country to produce more foodstuffs. To make it possible for them to enter into this increased production various channels of credit were opened by the Government to the farmers of the United States.

We have before us at this time a proposal to grant a settlement on the basis of about 25 cents on the dollar with a foreign nation which borrowed money from the United States for ostensibly the same purpose the farmers of America borrowed money during the same period. I wonder, I seriously wonder at this time, if the Senate is going to be consistent and if this Government of ours is going to be consistent. To ascertain that fact, I have prepared and send to the desk a joint resolution which I ask may be read, printed, and referred to the Committee on Finance.

The joint resolution (S. J. Res. 95) providing that the United States make settlement of all debts arising from the World War, was read the first time by its title, the second time at length, and referred to the Committee on Finance, as follows:

Whereas it is being made the policy of the United States of America to settle debts owing it by European nations for as little as 25 cents on the dollar and less as in the case of the debt of approximately \$2,000,000,000 owing this Government by the Kingdom of Italy; and

Whereas such settlements are said to be justified; first, on the ground that no better settlement can be made and that such settlement is in accord with the ability of the debtor nations to pay; and second, that the loans involved were made to these debtor nations for the purpose of prosecuting a war in which the United States of America was mutually interested; and that therefore we owe liberal consideration in the collection of these debts: Now, therefore, be it

Resolved, etc., That the United States of America make settlement of all debts created as a result of the war and owing it by individuals and corporations at home as well as abroad, as in the case of the farmers of America, who borrowed extensively upon the encouragement of this Government through the channels of credit established by this Government, such as the War Finance Corporations, National Farm Loan Associations, Federal reserve system, and Federal land banks, etc.; and be it further

Resolved, That these settlements be made retroactive and upon the basis of property equities held by the farmer or other borrowers as of January 1, 1920, whether the farmer shall still hold these equities or shall have lost them through foreclosure or forfeiture on or since January 1, 1920; and be it further

Resolved, That a commission, the personnel of which shall be the same as the Debt Funding Commission, which has brought about the proposed foreign debt settlements with the United States, is hereby authorized to establish the machinery which it may deem necessary

to work out the balances of corporations and individuals upon which to base settlements and that the basis of settlements offered these corporations and individuals be on the same terms as those offered the Kingdom of Italy in point of number of years offered for settlement and in point of interest charges and otherwise, so that the United States of America may be dealing with its own people at least as liberally as it deals with foreign debtor nations.

AMENDMENTS TO PUBLIC BUILDINGS BILL

Mr. JONES of New Mexico submitted two amendments intended to be proposed by him to the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes, which were ordered to lie on the table and to be printed.

HOUSE BILLS REFERRED

The following bills were severally read twice by title and referred as indicated below:

H. R. 8138. An act for the relief of Joy Bright Hancock; to the Committee on Naval Affairs.

H. R. 1243. An act for the relief of J. H. Toulouse; and

H. R. 8894. An act for the relief of the Royal Holland Lloyd, a Netherlands corporation of Amsterdam, the Netherlands; to the calendar.

H. R. 1952. An act for the relief of T. Arthur Moore; and

H. R. 3025. An act granting a patent to certain land to Benjamin A. J. Funnemark; to the Committee on Public Lands and Surveys.

H. R. 658. An act for the relief of Harry Coventry;

H. R. 2324. An act for the relief of Joe F. Jenkins;

H. R. 2744. An act to correct the military record of Charles E. Lowe;

H. R. 3370. An act for the relief of Thomas J. Gardner; and

H. R. 8502. An act authorizing the President to reappoint Maj. Harry Walter Stephenson, United States Army (retired), to the position and rank of major, Coast Artillery Corps, in the United States Army; to the Committee on Military Affairs.

H. R. 821. An act for the relief of Lewis Williams, formerly collector of internal revenue for the State of Idaho;

H. R. 1464. An act for the relief of Charles C. Hughes;

H. R. 1540. An act for the relief of Luther H. Phipps;

H. R. 1669. An act for the relief of Neffs' Bank, of McBride, Mich.;

H. R. 1731. An act for the relief of John W. King;

H. R. 1897. An act for the relief of the heirs of the late Louis F. Meissner;

H. R. 2009. An act for the relief of C. M. Rodefer;

H. R. 2011. An act for the relief of William D. McKeefrey;

H. R. 2042. An act for the relief of Joseph L. Keresey;

H. R. 2254. An act for the relief of Howard A. Mount;

H. R. 2329. An act for the relief of John A. Olson;

H. R. 2465. An act for the relief of Ella E. Horner;

H. R. 2933. An act for the relief of H. R. Butcher; and

H. R. 3659. An act for the relief of the Custer Electric Light, Heat & Power Co., of Custer, S. Dak.; to the Committee on Claims.

FINANCIAL ARRANGEMENTS OF AMERICAN CITIZENS WITH FOREIGN GOVERNMENTS

Mr. SHIPSTEAD submitted the following concurrent resolution (S. Con. Res. 15), which was referred to the Committee on Foreign Relations:

Resolved by the Senate (the House of Representatives concurring), That the President be, and he is hereby, requested to direct the Departments of State, Treasury, and Commerce, the Federal Reserve Board, and all other agencies of the Government which are or may be concerned thereunder, to refrain henceforth, without specific prior authorization of the Congress, from—

(1) Directly or indirectly engaging the responsibility of the Government of the United States, or otherwise on its behalf, to supervise the fulfillment of financial arrangements between citizens of the United States and sovereign foreign governments, or political subdivisions thereof, whether or not recognized de jure or de facto by the United States Government; or

(2) In any manner whatsoever giving official recognition to any arrangement which may commit the Government of the United States to any form of military intervention in order to compel the observance of alleged obligations of sovereign or subordinate authority, or of any corporations or individuals, or to deal with any such arrangement except to secure the settlement of claims of the United States or of United States citizens through the ordinary channels of law provided therefor in the respective foreign jurisdictions, or through duly authorized and accepted arbitration agencies.

RESIDENT ASSISTANT CLERK OF DISTRICT COMMITTEE

Mr. CAPPER submitted the following resolution (S. Res. 205), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution No. 26, agreed to March 10, 1925, authorizing the Committee on the District of Columbia to employ a resident assistant clerk until the end of the first session of the Sixty-ninth Congress, to be paid out of the contingent fund of the Senate, hereby is continued in full force and effect until the end of the Sixty-ninth Congress.

CERTAIN FILES OF THE THIRTY-SEVENTH CONGRESS

Mr. SHIPSTEAD submitted the following resolution (S. Res. 206), which was ordered to lie on the table:

Resolved, That the following papers from the files of the Thirty-seventh Congress, third session, be transferred to the Minnesota Historical Society, St. Paul, Minn.:

Executive Document No. 7, Message from the President of the United States in answer to a resolution of the Senate of the 5th instant in relation to Indian barbarities in Minnesota (dated December 11, 1862);

Testimony received by and reports of the military commission which investigated the Sioux outrages in Minnesota in 1862;

Rough draft of S. 416, "For the relief of persons for damages sustained by reason of depredations and injuries by certain bands of the Sioux Indians";

Copy of S. 565, "For removal of certain bands of Sioux or Dakota Indians and the disposition of their lands in Minnesota and Dakota."

CORPORATE COMBINATIONS

Mr. WALSH. Mr. President, I submit a resolution for reference to the Committee on Interstate Commerce. I ask that it may be read from the desk.

The Chief Clerk read the resolution (S. Res. 203), as follows:

Whereas there have been formed in recent years numerous industrial and other combinations on the basis of the acquisition either of shares of stock or of plants or other assets, and in particular the following: The Kelvinator, Nizer, and Grand Rapids Electric Refrigerator Corporations, the du Pont de Nemours and Viscoloid Cos., the Remington and Noiseless Typewriter Cos., the Corona and L. C. Smith Typewriter Cos., the Icy Hot and American Thermos Bottle Cos., the Congoleum and Nairn Cos., the Glinter, J. T. Connor, and O'Keefe chain grocery stores; and

Whereas the consolidation of Earl & Wilson and Cluett-Peabody Co. brought together two of the largest shirt and collar manufacturers in the United States; and

Whereas the National Dairy Products Co. has been steadily engaged in acquiring ice-cream plants in various portions of the United States; and

Whereas a series of mergers, combinations, and consolidations have been going forward in the baking industry; and

Whereas the Kardex Co., formed by a combination of three companies, has acquired control of the Library Bureau and the Globe-Wernicke Cos.; and

Whereas the American Rayon Products Co. claimed to have combined mills representing 50 per cent of rayon output with the avowed purpose of aiding in stabilization through lessened competition; and

Whereas in January of this year Mr. A. F. Myers, special assistant to the Attorney General, stated to the House Committee on Appropriations: "Notwithstanding all the years of legislation on the trust problem and all the years of endeavor in enforcing antitrust laws, I think it must be recognized that we are just on the threshold of the trust problem. You can not pick up a paper without reading of some merger in business, and, as you know, unless it appear that the merger would result in restraint of trade within the decisions in the Steel case, or unless it is brought about by stock acquisition which results in elimination of competition between two companies within the meaning of section 7 of the Clayton Act, there is not now any legislation covering the situation. Congress did legislate on the subject of mergers in section 7 of the Clayton Act when it provided that no corporation engaged in commerce should acquire all or any part of the capital of another corporation where the purpose or effect might be to eliminate competition, but we find in practically all these recorded instances at the present day that the companies buy not the stock of each other but the physical assets, and that, of course, takes the transaction out of section 7 of the Clayton Act"; and

Whereas the aforesaid precedent of the decision in the Steel Corporation case seems to be misconstrued in view of the more recent decision in the Lehigh Valley Railroad case, in which a much smaller control of the industry affected was held to be in violation of the antitrust laws; and

Whereas the intention of Congress in passing the antitrust laws was to prohibit all combinations of competitors that would substantially lessen competition or tend to create a monopoly and increase of prices, whether by the acquisition of shares of stock or of plants or other assets; and

Whereas the profits from the issue of so-called watered stock by such monopolistic corporations is alleged to be one of the chief motives for their formation and an inducement to the charging of excessive prices for the commodities sold by them; and

Whereas it has been alleged that such combinations are in violation of the antitrust laws: Therefore

Resolved, That the Federal Trade Commission is directed to make an inquiry into the aforesaid corporations alleged to be organized and operated in violation of the antitrust laws and into all other important combinations of like character found during the last four years and to report to the Senate as follows:

(1) A description of the form and extent of each of the aforesaid combinations and such others of a similar character as may have been found.

(2) With respect to each of the combinations so described, (a) whether the effect or tendency of the combination has been substantially to lessen competition or to create a monopoly in any line of commerce in any section or community; (b) whether, and to what extent the effect of such combination has been to stabilize production and employment, as shown by (1) the proportion and growth of the production and sales of the combination in comparison with those of its competitors; (2) the prices and margins of profit on commodities sold; (3) the rates of profit on capital employed in the business; (4) the issue of securities in amounts in excess of the fair value of the property or earning power represented thereby, and the facts regarding the disposition of the same; (5) the total production in the Nation, and relative number of persons fully employed.

(3) What new form of Federal action whether legislative or administrative is recommended as most effective to regulate and control such corporate combinations, including legislation to prevent the issue of securities which are not justified by the fair value of the property or earning power of the issuing corporation, or respecting which adequate disclosure is not made regarding such value or earning power, to prevent speculative banking control, and to prevent excessive profits.

The VICE PRESIDENT. The resolution will be referred to the Committee on Interstate Commerce.

Mr. WALSH. Mr. President, I submit for the RECORD, and also ask that there may be referred to the committee with the resolution, certain newspaper reports concerning the organization of each of the corporations listed in the resolution.

The VICE PRESIDENT. Without objection, it is so ordered.

The newspaper reports are as follows:

KELVINATOR CORPORATION OF MICHIGAN

History: Corporation has been organized to take over the business and properties of the Kelvinator Corporation of Delaware and the Detroit Carrier & Manufacturing Corporation of Michigan. The combined companies will maintain their respective plants in Detroit. Over the period of the last several years the Kelvinator Corporation has purchased a large portion of its stamping and materials from the Detroit Carrier Co. The result and benefits of this consolidation will be numerous. Although Detroit Carrier & Manufacturing Co. will continue its present business, the surplus capacity of its large plant will be utilized to take care of the increasing volume of business and expansion of the Kelvinator Corporation. (Cumulative Daily Digest, citing official statement, February 6, 1925.)

Merger agreement: A merger of corporation and Nizer Corporation (Maryland) has been agreed upon by the dominant interests of both companies. As a condition of the merger, it is expected that Nizer will declare a small stock dividend to equalize its shares with those of Kelvinator, when they will stand at 253,750, after the conversion of the "A" stock. (Cumulative Digest, citing Wall Street Journal, November 11, 1925, p. 1.)

DU PONT DE NEMOURS CO.

Plans have been completed for the formation of company to manufacture and deal in pyroxylin, plastic products, and articles. Company, it is expected, will be chartered at Dover, Del., this week. Company will take over and carry on the business heretofore conducted by Viscoloid Co. (Inc.), with a plant at Leominster, Mass., and also the pyralin business heretofore conducted by E. I. du Pont de Nemours & Co., with plants at Arlington, N. J. (Cumulative Daily Digest, citing New York Times, April 7, 1925, p. 36.)

REMINGTON TYPEWRITER CO.

The company's assumption of control of the manufacturing and merchandising of noiseless typewriters through its 51 per cent ownership in the newly formed Remington-Noiseless Corporation should prove of great benefit to the Remington Co. and highly advantageous to the Noiseless. As a result of the affiliation, it is not overoptimistic to expect Remington earnings in two years to be among the largest in the company's history. (Cumulative Daily Digest, citing Wall Street Journal, February 27, 1924, p. 6.)

AMERICAN THERMOS BOTTLE CO. (M)

Reorganization plans: Plans for the reorganization of company and Icy-Hot Bottle Co. into a new Ohio company which will take over the assets of both companies provide for the continuance of the control of the new company by the present management for a period of

four years, or until January 1, 1929. (Cumulative Daily Digest, citing Cincinnati Inquirer, February 27, 1925, p. 18.)

A circular sent to stockholders of company and the Icy-Hot Bottle Co., dated February 20, 1925, informing them of the plan to organize a new company under the laws of Ohio, said in part: "The physical properties of the American Thermos Bottle Co. are in good condition and have a capacity ample to care for the increased burden to which they will be put. As a result of the concentration of manufacturing effort, and by elimination of other operating charges and the increased volume of business which will be gained, it is to be anticipated that a real betterment may promptly be developed in the company's earning power. (Cumulative Daily Digest, citing official statement, March 18, 1925.)

AMERICAN RAYON PRODUCTS CORPORATION

New corporation plans completed: Plans have been completed for the consolidation of seven of the largest rayon manufacturing companies in New York into a new concern to be known as the American Rayon Products Corporation, organized under the laws of Delaware. The capitalization is \$3,000,000. Among the companies which will enter the combination are the Knitted Textile Corporation, the Banner Silk Co., the Varyknit Co., Filtext Mills, Art Silk Mills, and the Crystal Mills. The merger will be sponsored by a large financial group, it became known April 21, which is expected to make public an offering in the near future of a block of the consolidated securities. * * * The capacity of the combined plants, according to the bankers, will be from 65 to 70 per cent of the Rayon knit goods used annually in New York. (Cumulative Daily Digest, citing New York Times, April 22, 1925, p. 34.)

CLUETT-PEABODY & CO. (INC.)

Acquisition: Purchase of Earl & Wilson (Inc.) by Cluett-Peabody & Co. (Inc.) was announced at Troy, N. Y., January 26, bringing about the merger of the two largest shirt and collar manufacturing concerns in Troy. It was said Cluett, Peabody & Co. (Inc.) had taken over the fiscal assets and the trade-mark of Earl & Wilson, and that Edgar H. Betts, president, would become a vice president of Cluett, Peabody & Co. The financial consideration involved was not made public. (Cumulative Daily Digest, citing New York Times, January 27, 1925, p. 5.)

NATIONAL DAIRY PRODUCTS CORPORATION (M)

President's statement in regard to acquisitions: President Rieck in the annual report to stockholders gives the following résumé of acquisitions: "During the past year the entire common stock of J. T. Castles Ice Cream Co., of Newark, N. J., and the Castles Ice Cream Co., of Perth Amboy, N. J., was acquired by your company, against which there were issued 40,000 shares of capital stock. In addition there was acquired the entire common stock of the W. E. Hoffman Co., which operates plants in Altoona, Phillipsburg, Tyrone, and Waynesboro, Pa., and the assets and business of the Durkin Ice Cream Co., of Waukegan, Ill. Since January 1, 1925, the entire assets of Moore Bros. Co., of Oil City and Meadville, Pa., and the assets and business of William Ohlhaber Co., of Aurora, Ill., were acquired. These acquisitions involved no further issue of National Dairy Products Corporation capital stock, the purchases having been financed out of earnings. In accordance with its established policy, your board of directors expects to add further properties during the year as advantageous opportunities arise." (Cumulative Daily Digest, citing official statement March 3, 1925.)

Acquisition: Corporation has acquired business of Chapelle Thompson Ice Cream Co., of Chicago, an old-established firm operating four plants, with a production last year of approximately 1,500,000 gallons. Acquisitions will effect substantial operating and marketing economies in connection with business of Hydrox Corporation, a National Dairy Chicago subsidiary. As acquisition was made by exchange of stock, no public offering of securities will be made. (Cumulative Daily Digest, citing Wall Street Journal, April 4, 1925, p. 6.)

NATIONAL DAIRY PRODUCTS CORPORATION

Contract for acquisition: Corporation has entered into a stock purchase contract to acquire later in November Sheffield Farms Co. and its affiliated companies, Sheffield By-Products Co. and Sheffield Condensed Milk Co. Supplee-Wills-Jones Milk Co. was acquired recently. (Cumulative Daily Digest, citing Wall Street Journal, November 10, 1925, p. 15.)

Corporation has acquired, through a merger, the assets of the Beyer Ice Cream Co. The Beyer Ice Cream Co. has extensive plants in Philadelphia and New York and has developed the largest ice-cream business in the country. (Cumulative Daily Digest, citing Wall Street Journal, January 5, 1926, p. 17.)

Control of Franklin Ice Cream Corporation has been obtained through the exchange of 22,000 shares of National Dairy Products Corporation stock for 22,000 shares of Franklin Ice Cream on a share for share basis. (Cumulative Daily Digest, citing New York Herald-Tribune, January 9, 1926, p. 12.)

KENNECOTT COPPER CORPORATION

Shareholders at special meeting April 9 authorized increase in capital stock from 8,000,000 shares to 5,000,000 of no par value and of capitalization from \$15,000,000 to \$25,000,000. Stockholders also authorized offer of exchange of stock of corporation for Utah Copper Co. stock on the basis of 1½ shares of Kennecott for 1 share of Utah. Should all the Utah shares be exchanged it would require 1,763,975½ shares of Kennecott. (Cumulative Digest, citing Wall St. Jour., April 10, p. 9.)

Corporation has acquired by recent exchanges about 95 per cent of the outstanding capital stock of Utah Copper Co. (Cumulative Digest, citing Wall Street Journal, July 15, 1925, p. 1.)

FIRST NATIONAL STORES, INC.

Company was organized August 25, 1917, in Massachusetts as the Ginter Co.; name changed to present title December 28, 1925. It is both an operating and a holding company and represents a consolidation of the business formerly conducted by the Ginter Co., the John T. Connor Co., and O'Keefe (M), Inc. (Cumulative Daily Digest citing official statement, January 20, 1926.)

Since the consolidation was effected the new company has closed about 25 old stores and opened 50 additional, making a net gain of 25 and giving the system just under 1,675 stores.

In 1925 company did a gross business of just under \$49,000,000. With the additions of the Dorr chain, expansion of both the general and meat stores, and natural growth of the business company expects to do over \$60,000,000 in 1926. (Cumulative Daily Digest, citing Boston News Bureau, February 11, 1926, p. 1.)

CORONA TYPEWRITER CO. (INC.)

Merger arranged. Arrangements were completed at Syracuse, N. Y., on December 16, 1925, for a \$12,000,000 merger of the above company with the L. C. Smith & Bros. Typewriter (Inc.). Frank R. Ford, president of Ford, Bacon & Davis (Inc.), of New York, announced that his company, which a little more than a year ago acquired control of L. C. Smith & Bros. Typewriter (Inc.), has contracted to purchase a controlling interest in the stock of the Corona Typewriter Co. (Inc.). The new company will organize before the first of the year, Mr. Ford said, under a new firm name, although the trade names of the Corona portable typewriter and the L. C. Smith standard office typewriter will be retained. Headquarters will be in Syracuse. (Cumulative Daily Digest, citing Boston Herald, December 17, 1925, p. 2.)

RAY CONSOLIDATED COPPER CO. (M)

Stockholders of both company and Chino Copper Co. have voted in favor of absorption of Chino by Ray through exchange of one and two-thirds shares of Ray for one of Chino. Ray shareholders also ratified issuance of 1,500,000 shares of additional capital stock for this purpose, making authorized capitalization 3,100,000 shares, par \$10. (Cumulative Daily Digest, citing Wall Street Journal, February 16, 1924, p. 3.)

CONGOLEUM-NAIRN (INC.)

President Foster states: "The merger of the Nairn Linoleum Co. and the Congoleum Co. (Inc.) has been completed and the vast production of the Nairn Linoleum Co. will henceforth be distributed through our selling organization." The merger gives Congoleum-Nairn (Inc.) a complete line of hard-surface floor coverings, combined inlaid and plain linoleums with congoleum rugs and floor coverings and should increase the volume of sales at a minimum of additional expense. (Cumulative Daily Digest, citing Wall Street Journal, December 4, 1924, p. 3.)

RAND-KARDEX CO.

Consolidation: New company. American Kardex Co. (Inc.) and the Rand Co. (Inc.) has been consolidated into the Rand-Kardex Co., manufacturers of metal office equipment, with capitalization of \$10,000,000. James H. Rand, sr., will be chairman of the board of directors of the consolidation and James H. Rand, jr., will be president and general manager. (Cumulative Daily Digest, citing Iron Age, May 7, 1925, p. 1400.)

RAND CO. (INC.) (M)

Proposed merger: New company. Ten years of keen business rivalry between a father and a son will end on April 1, 1925, with the combination of the Rand Co. (Inc.) and the Kardex Co., both of Tonawanda, N. Y., under the name of the Rand-Kardex Co. (Inc.). The Rand-Kardex Co. will have an authorized capital stock of \$10,050,000. Mr. Rand, sr., will be chairman of the board and Mr. Rand, jr., will be president and general manager. Mr. Rand, jr., said March 27 that a formal statement will be made to stockholders covering details of the merger and plan for exchange of stock on a pro rata basis. The merger gives the Rand-Kardex Co. factories in Canada and Germany, in addition to plants in the United States. (Cumulative Daily Digest, citing New York Herald-Tribune, March 28, 1925, p. 1.)

KARDEX-RAND CO.

Consolidation: President Rand, jr., announced June 30 that the Index Visible Co., of New Haven, Conn., had been consolidated with his company. (Cumulative Daily Digest, citing New York Times, July 1, 1925, p. 39.)

LIBRARY BUREAU

Acquired: The Library Bureau has passed into the control of James H. Rand, jr., president of the Rand-Kardex Co. Mr. Rand will consolidate the Library Bureau with the Rand-Kardex Co. He has already incorporated the new company, to be known as the Rand-Kardex Bureau, with a capitalization of \$25,000,000. (Cumulative Daily Digest, citing Wall Street Journal, October 31, 1925, p. 13.)

Offer for stock: President Rand, jr., of the Rand-Kardex Co., under an agreement with N. B. H. Parker, F. Kingsbury Curtis, George Hewitt Myers, and Thomas Roberts, jr., has acquired 16,720 shares of common stock of Library Bureau and upward of 25,689 shares of L. B. Securities Co., a Maine corporation, and now offers \$40 a share for such other common stock of the two companies as may be deposited in the National City Bank, New York, on or before December 26, 1925. (Cumulative Daily Digest, citing Boston News Bureau, November 2, 1925, p. 4.)

RAND-KARDEX BUREAU (INC.)

Company has now taken over the Globe-Wernicke Co., according to President Rand, jr. As a result, Mr. Rand, jr., said, the Rand-Kardex Bureau (Inc.) will be the largest distributor of business equipment in the world, both in sales volume and the number of employed. (Cumulative Daily Digest, citing New York Times, January 11, 1926, p. 44.)

AUNT JEMIMA MILLS CO.

Sale completed: The sale of company to Quaker Oats Co. was completed November 24 at a meeting of stockholders of company with representatives of the Quaker Oats Co. Price paid was \$4,000,000. The milling plant will be continued in operation at St. Joseph. (Cumulative Digest, citing New York Times, November 25, 1925, p. 32.)

STANDARD OIL CO. OF INDIANA (M)

Oil situation confidence indicated: Company's acquisition of control of Pan American Petroleum & Transport Co. at this time is regarded by bankers as indicating great confidence in the oil situation by Standard. (Cumulative Daily Digest, citing Wall Street Journal, April 3, 1925, p. 3.)

To increase output: Through the acquisition of Pan American's Mexican properties, tankers, and transportation facilities, company will become one of the largest producers and marketers of fuel oil in the world. (Cumulative Daily Digest, citing New York Financial News, April 3, 1925, p. 1.)

STANDARD OIL CO. OF CALIFORNIA

Consolidation: Consolidation of the Pacific Oil Co. and the Standard Oil Co. of California was announced December 24 by Henry W. De Forest, chairman of the Pacific Oil Co. President Kingsbury, of the Standard Oil Co. of California and President Shoup, of the Pacific Oil Co. and the Associated Oil Co., issued supplementary announcements on the merger. The merger is subject to ratification by shareholders. (Cumulative Daily Digest, citing New York Times, December 25, 1925, p. 31.)

The proposed consolidation of Pacific Oil Co. with the Standard Oil Co. of California under one organization, to be dominated by the latter, is one of the most important consolidations ever planned in the history of the oil industry, according to opinions expressed December 25 by executives affiliated with some of the largest companies in the industry. In one quarter the consolidation, which is subject to the approval of the stockholders of each company, was considered more important than the recent consolidation of the Magnolia Petroleum Co. of Texas and the Standard Oil Co. of New York, because of the fact that the latter previous to the consolidation controlled 70 per cent of the capital stock of the Texas organization. (Cumulative Daily Digest, citing New York Times, December 26, 1925, p. 18.) * * * According to this executive the combination would place the Standard Oil Co. of California as second in rank to that of the Standard Oil Co. of New Jersey, the leader in the world's petroleum industry. (Cumulative Daily Digest, citing New York Times, December 26, 1925, p. 18.)

Mr. WALSH. I also ask that there may be printed in the RECORD and referred to the Committee on Interstate Commerce a brief article appearing in the January number of the Journal of the Academy of Political Science, by Prof. W. Z. Ripley, of Harvard University, whose standing in America as an economist has been recognized by his being called before a number of the committees of the Senate on a number of occasions, and who sounds a clarion note of warning in this brief article

against the tendency exhibited by the organization of the combinations to which the resolution refers.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

[From the proceedings of the Academy of Political Science in the city of New York, Vol. XI, No. 4, January, 1926; Trade Associations and Business Combinations; a series of addresses and papers presented at the annual meeting of the Academy of Political Science in the city of New York, October 28, 1925; pp. 143-146]

TWO CHANGES IN THE NATURE AND CONDUCT OF CORPORATIONS

(W. Z. Ripley, professor of political economy, Harvard University)

Two changes in the nature and conduct of corporations, characteristic of the postwar period, have a direct bearing upon the future of private business in its relation to the supervisory or regulating agencies of the State. They are both bound to increase the likelihood of an extension rather than a lessening of the powers and activities of such bodies as the Federal Trade Commission. Fundamental these changes are, inasmuch as they strike at the very taproot of our capitalistic system. For this system is founded upon the theory that the private as distinct from the common ownership of property best conduces to the public welfare, because such possession involves the giving of a gauge or guaranty by the owner to his fellow citizens for thrifty, efficient, far-sighted and public-spirited management thereof. His is the reward if he be successful. And he bears the loss in case of misdirection. Otherwise stated, it is the fundamental principle, interwoven throughout all human relationships that power and responsibility must ever be yoked together. It is because these two developments directly assail this principle that I hold them to be sinister and of grave public import.

The first of these changes is the divorce of the ownership of property, represented by securities emitted by corporations or trustees, from any direct accountability whatsoever for its prudent and efficient management. The second change is the wide and ever-accelerating diffusion of a considerable portion of this ownership, represented by stock holdings of employees and of the direct consumers, both of public utility corporations and of private business companies as well. The net result of both changes is the assumption of an absolute control by intermediaries—most commonly bankers, so called—in place of the former responsibility for direction which, theoretically at least, rested upon the shoulders of the actual owners.

Both these tendencies menace alike the welfare of the private owners themselves and of the working classes; and they put the public interest in the sound and straightforward management of these businesses in jeopardy—not because bankers, as such, are more frail than other people in general, but simply because the possession of uncontrolled power is always certain to entail abuse, whereby both innocent and guilty are alike dragged down. The result, therefore, unless present tendencies are taken in hand, will necessarily be the extension of the activity of such bodies as the Federal Trade Commission, acting for the protection of those who have unwittingly made themselves wards of the State in respect of their possessions.

The practical disappearance of the individual and partnership forms of business organization in favor of the corporation took place before the war. Almost a thousand companies are now listed on the New York stock exchange alone—163 railroads and 763 other corporations. The present transformation is merely in respect of the seat of power over their direction. All kinds of private businesses are being bought up by banking houses, and new corporations are being substituted for the old, in order that the purchase price (and more) may be recovered by sale of shares to the general public. But the significant change is that the new stock, thus sold, is entirely bereft of any voting power, except in case of actual or impending bankruptcy. General stockholders, to be sure, have always been inert, delegating most of their powers of election. But at worst they might always be stimulated to assert themselves, and, in any event, they all fared alike as respects profits or losses. Under the new style of corporation such general stockholders are boldly deprived of all rights in this direction and new preferred stocks are sold up to the hilt of the value of the assets, if not beyond. The issues are called preferred stocks. They are really bonds. And instead, as formerly, of being limited to a half or two-thirds of the tangible assets, no limit is now set, except the powers of absorption of the investing public.

Every kind of business is being swept into this maelstrom. Several public utilities, except railroads, chain and department stores, food-stuffs, washing machines, refrigerators, confectionery, make-believe silk stockings, toilet and beauty preparations, our daily bread, our cake, and our ice cream—even our home-made pies! Every conceivable article, of direct or indirect consumption, is covered by the change. The recent Dodge Bros. (Inc.) is typical. A banking house buys up a private business for, let us say, \$146,000,000. This sum and more it recovers by the sale to the public for \$160,000,000 of bonds, preferred stock, and 1,500,000 nonvoting shares of class A common stock. But

not a single one of the 500,000 class B voting common shares is thus sold. The promoters have virtually paid themselves a handsome profit for the assumption of the entire directorial power, having mortgaged the property to the full amount of its original cost, including both assets and capitalized earning power.

Perhaps the baldest case of this sort is that of an artificial silk concern, which thus sold (let us hope?) 598,000 shares of nonvoting class A stock, reserving 2,000 of the total 600,000 shares as class B stock carrying exclusive voting rights. There is no concealment about it. But who, may we ask, has given a hostage to fortune for honest and economic management of the business? The promoters stand to lose only the amount of their stake—a minus quantity in dollars, leaving aside, of course, the moral obligation. It is the public stockholders who stand to lose their all in case of misdirection. And most of them have parted with any hope of participation in future profits over and above their fixed return by agreement in the subscription to forfeit all "preemptive" rights in the issue of new stock. How can there be other than a whirlwind of abuse of power under such conditions?

As for the second financial fashion—the wide distribution of stock to employees and to consumers of the corporation's product, whether electric service, steel, or what not—the effect is bound to be cumulative with that of insinuation of banking power between ownership and operation. Corporations have always been susceptible to control by concentration of voting power. Far less than half of the capital stock may be as effective for such control as possession of an actual majority. But it is elemental, requiring no proof, that the larger the number of shareholders the more easily may a small concentrated block of minority holders exercise sway over all the rest. With a dozen owners, probably 51 per cent will be necessary for dominance. With 300,000 scattered holdings, a possible 15 or 20 per cent of the votes can never be over-matched at an election. In 1923 there were 250,000 new stockholders registered in the electric light and power companies alone. The total number of stockholders in all sorts of concerns has almost doubled since 1900, rising to an aggregate of 14,423,000 in 1923. These shareholders now possess over \$70,000,000,000 worth of stock at par on the showing of the Federal income-tax returns. Such possession used to be confined to the wealthy and the well-to-do class. Now it comprehends the small householder and larger number of wage earners. The former concentration of wealth is now yielding place to so wide a diffusion as to call for public recognition by way of legislation or oversight. But the important point to note is that the wider the diffusion of ownership the more readily does effective control run to the intermediaries, in this case promoters, bankers, or management companies. Until corrected by appropriate revision of our corporation law or practice this apparently healthful manifestation may contain the seeds of grave abuse.

The foregoing dangerous tendencies are much aggravated also by reason of the operation of a number of highly artificial legal devices which serve to isolate still further the property owner from control over his investment. The holding company, voting trusts, trusts set up for the living, the moribund, or the dead, the investment trust, and finally the intervention of the life-insurance companies as investing agents for their policyholders, each and every one of these has latterly insinuated itself to still further set off ownership from responsibility in management. It is all cumulative, and in the aggregate fraught with the gravest possibilities.

Many remedies for undue concentration of power or direction of corporations have been suggested. There is one which stands forth pre-eminently. Publicity of accounts and their standardization are likely to be most serviceable as a check upon otherwise unrestrained control. These millions of investors and the public, even if they have so confidently given their possessions over into the care of others, have a right to full and complete unmitigated information. There lies an appropriate function for a rejuvenated and enlarged Federal commission to discharge an obligation of the Federal Government to a great and in many respects a helpless body of our citizens. This may come about soon. It may be long delayed. But it will occur some day as one of the several necessary correctives for these existing practices.

COMMITTEE SERVICE

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent that the Senator from Maryland [Mr. BRUCE] be relieved from further service upon the Committee on Military Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBINSON of Arkansas. I take this action at the request of the Senator from Maryland. I now ask that the junior Senator from Iowa [Mr. STUCK] be assigned to the Committee on Military Affairs in the place just made vacant by the retirement of the Senator from Maryland and that he also be named to fill a vacancy in the minority of the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. Without objection, it is agreed to.

AMERICAN-ORIENTAL MAIL LINE

Mr. McNARY. Mr. President, I submit a resolution and ask that it be read, and I ask unanimous consent for its immediate consideration.

There being no objection, the resolution (S. Res. 204) was read, considered by unanimous consent, and agreed to as follows:

Whereas the American-Oriental Mail Line, consisting of five President type Shipping Board vessels operated between Puget Sound and the Orient, representing an original cost in excess of \$31,000,000 and constituting the only American passenger-cargo line in the Pacific Ocean north of San Francisco, is proposed to be sold by the United States Shipping Board to R. Stanley Dollar for \$4,500,000; and

Whereas confirmation of the proposed sale to Mr. Dollar would place in the hands of one concern the trans-Pacific shipping of San Francisco and the Pacific Northwest, the same interest having already purchased the service from San Francisco, thus establishing by Government action a monopoly in the Pacific; and

Whereas the president of the United States Shipping Board Emergency Fleet Corporation after examination of proposals submitted to the board recommended that the board reject all bids because (a) the price offered is inadequate in comparison with former sales and in view of large actual profits in recent operations, (b) the terms upon which the ships are proposed to be sold do not protect the public interest, and (c) the interests of the Dollar Steamship Co. rests in California and the bid is generally disadvantageous to the Pacific Northwest and particularly to the port of Seattle; and

Whereas it is understood that the United States Shipping Board at the time it voted to sell the ships to the Dollar Steamship Co. had a supplemental bid of another bidder offering a higher price, which bid remained unopened; and

Whereas the assets of the United States Shipping Board are threatened with dissipation and it is reported that a substantially higher price could be obtained if new bids were invited: Now therefore be it

Resolved, That it is the sense of the Senate that the bid of R. Stanley Dollar and all other bids for the purchase of the vessels of the American-Oriental Mail Line be rejected; and that the United States Shipping Board should, in order to carry out the provision of section 7 of the merchant marine act of 1920 that "preference in the sale or assignment of vessels for operation on such steamship lines shall be given to persons who are citizens of the United States who have the support, financial and otherwise, of the domestic communities primarily interested in such lines," should either call for new bids in respect of the sale of such vessels or should reassign such vessels for operation to persons who are representative of and have the support, financial and otherwise, of the shipping and other interests of the Pacific Northwest.

WILLIAMSBURG (VA.) CELEBRATION OF BILL OF RIGHTS

The VICE PRESIDENT laid before the Senate a concurrent resolution from the House of Representatives (H. Con. Res. 22), which was read, as follows:

Whereas the one hundred and fiftieth anniversary of the adoption of the Declaration of Rights, written by George Mason, and commonly called the Virginia Bill of Rights, is to be celebrated in the city of Williamsburg, Va., the place of its adoption, on the 12th day of June, 1926; and

Whereas the said Declaration of Rights is recognized as one of the great liberty documents of all time, has served as a model for similar statements of fundamental principles contained in the constitution of many of the States of the American Union and in the early amendments to the Constitution of the United States, and has been an inspiration to liberty-loving people throughout the world; and

Whereas it is fitting that the Congress should be represented in the observance of such anniversary: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That there be, and is hereby, created a joint committee consisting of 10 members, 5 of whom shall be appointed by the Presiding Officer of the Senate and 5 by the Speaker of the House, to attend said celebration, for the purpose of representing the Congress of the United States.

Mr. SWANSON. Mr. President, the resolution simply provides for the appointment of a joint committee of the House and Senate, without the expenditure of any money. They are to pay their own expenses and are to go to Williamsburg to commemorate on the 12th of June the adoption of the noted and famous Bill of Rights of Virginia, written by George Mason, which has been adopted in most of the State constitutions. Mr. Mason was also the father of the first 10 amendments to the Federal Constitution. I ask unanimous consent for the immediate consideration of the resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

ITALIAN DEBT SETTLEMENT

Mr. WALSH. Mr. President, I am prepared to address the Senate on the subject of the Italian debt settlement, but I should be glad to conform to any arrangement for the disposition of business this morning.

Mr. CURTIS. We took an adjournment Saturday afternoon and we would like to have the morning business disposed of first.

Mr. WALSH. Very well.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FUNK, Mr. SIMMONS, Mr. TINKHAM, Mr. GRIFFIN, and Mr. COLLINS were appointed managers on the part of the House at the conference.

DISTRICT OF COLUMBIA APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PHIPPS. I move that the Senate insist upon its amendments, that it agree to the request of the House for a conference, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. PHIPPS, Mr. JONES of Washington, Mr. CAPPER, Mr. GLASS, and Mr. KENDRICK conferees on the part of the Senate.

PERMANENT ASSOCIATION OF INTERNATIONAL ROAD CONGRESSES

Mr. PHIPPS. Mr. President, from the Committee on Post Offices and Post Roads, on behalf of the chairman of the committee, the Senator from New Hampshire [Mr. MOSES], I report an original joint resolution authorizing membership in the Permanent Association of International Road Congresses. I desire to have the joint resolution read at length.

The joint resolution (S. J. Res. 94) to authorize appropriations for the expenses of membership in the Permanent Association of International Road Congresses, and for other purposes, was read, the first time by its title and the second time at length, as follows:

Resolved, etc., That there is hereby authorized to be appropriated, out of any sums in the Treasury not otherwise appropriated, not exceeding \$3,000 per annum to enable the United States to accept membership in the Permanent Association of International Road Congresses, and such further amounts as may be necessary for the expenses of participation in the meetings of the congresses and of the executive committee thereof.

Mr. PHIPPS. I ask unanimous consent for the immediate consideration of the joint resolution.

The VICE PRESIDENT. Is there objection?

Mr. ROBINSON of Arkansas. What is the nature of the joint resolution?

Mr. PHIPPS. It is a joint resolution authorizing membership on the part of the United States in the International Road Congress. The joint resolution has been approved by the department, and the Budget Bureau has also passed upon it. This is merely an authorization for an appropriation. The joint resolution will have to go to the House of Representatives; and if it meets with its approval, then an appropriation will be in order. It involves the sum of merely \$3,000.

Mr. ROBINSON of Arkansas. Mr. President, I am trying to hear the statement of the Senator from Colorado, but other Senators about me have more voluminous voices than has the Senator from Colorado.

Mr. PHIPPS. I was endeavoring to say to the Senator from Arkansas that the proposition is that the United States may have representation in the international road conferences along with the representatives of other nations.

Mr. ROBINSON of Arkansas. Where are the conferences to be held?

Mr. PHIPPS. I am sorry I can not inform the Senator as to that, and I do not wish to guess at it.

Mr. ROBINSON of Arkansas. I think the joint resolution had better go over, so that we may examine it.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

PENSIONABLE STATUS OF SPANISH AND WORLD WAR VETERANS

Mr. REED of Pennsylvania. I send to the desk a concurrent resolution, which I ask to have read.

The concurrent resolution (S. Con. Res. 14) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives be, and he is hereby, authorized and directed, in the enrollment of the bill (H. R. 8132) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes, to incorporate therein the following amendments, viz:

On page 2, line 6, of the Senate engrossed amendment, after the word "Provided" and the comma, insert the following: "That any such person whose name was upon the pension roll on the 5th day of April, 1917, and who served 90 days or more in the military or naval service of the United States during the World War and was honorably discharged therefrom, shall upon making proof of such fact be replaced upon the pension roll and be entitled to receive all the benefits of this act: *Provided further,*"

On page 5, line 9 of said amendment, after the word "roll," insert the following: "or whose names was upon the pension roll on the 5th day of April, 1917,"

On page 6, line 1 of said amendment, after the word "law" and the comma, insert the following: "or whose names were on the pension roll on the 5th day of April, 1917,"

On page 6, line 5 of said amendment, after the word "roll" and the comma, insert the following: "or whose names are not entitled to be replaced on the pension roll under the provisions of this act,"

Mr. REED of Pennsylvania. Mr. President, I am about to ask unanimous consent for the immediate consideration of the concurrent resolution just read, but before doing so I wish very briefly to explain its object.

Under the early pension laws for Spanish War veterans' pensions were given only in case of disability. A small number of such pensioners reenlisted when the World War broke out. Of course, they received no pension while they were in service during the World War.

Mr. FESS. A parliamentary inquiry, Mr. President. Is this a concurrent resolution?

Mr. REED of Pennsylvania. It is a concurrent resolution.

Mr. FESS. The bill to which it refers has passed both Houses of Congress, has it not?

Mr. REED of Pennsylvania. That is correct. This resolution proposes to direct the enrolling clerk to add the words indicated in the concurrent resolution in the engrossment of the bill, which has not yet occurred.

Mr. FESS. The bill is still before Congress?

Mr. REED of Pennsylvania. Yes; the bill is still within the power of Congress.

Mr. SMOOT. This being a concurrent resolution, I think, under the rules, it should go to a committee. If it were a Senate resolution, it could be acted on immediately.

Mr. REED of Pennsylvania. I made inquiry of a parliamentarian, and he informed me that it was not necessary to have the concurrent resolution referred to a committee. At all events, I am going to ask unanimous consent that the rule, if it applies to this case, may be waived. I think the Senator from Utah will agree with me that the concurrent resolution is a proper one, if he will let me make my explanation.

Mr. SMOOT. The Senator from Pennsylvania may make his explanation.

Mr. REED of Pennsylvania. A very few Spanish War veterans who had been disabled and were given pensions reenlisted in the World War. Of course they received no pensions while they were in the service. When they were discharged from the service, at the conclusion of the World War, they were told by the Comptroller General, as I understand, or the accounting authority of the Pension Office at that time, that the fact that they were well enough to enlist in the Army during the World War proved that they were not disabled by their wounds in the Spanish-American War, and therefore automatically terminated their pensionable status.

The matter was brought to my attention Saturday after the bill had passed by a veteran who had a Spanish bullet through his right thigh and another one through his left arm, who walks with a considerable limp and has suffered from neuritis constantly since the Spanish War and yet enlisted as a private immediately when the World War broke out. How he passed the examination I do not know; but he did; he served with

high credit and was discharged as a lieutenant at the end of the World War. He became connected with the aviation branch of the service, qualified as an aviator, and was on flying status practically throughout the whole of the World War. The wounds in his thigh and his arm which he received in the Spanish War and the neuritis which followed still persist.

There are very few of those cases; and all that the concurrent resolution will do by way of amendment to the bill is to provide that those veterans who had a pensionable status on April 5, 1917, and who served more than three months in the World War shall not thereby be deprived of the pensionable status which they had at the time of their second enlistment.

Of course they can not receive double compensation, because the World War veterans' act specifically provides that no person in receipt of a pension shall get any compensation under the World War act. So this will not in any way double up their pensions.

Mr. SMOOT. There is a general law now which provides that no veteran shall draw two pensions.

Mr. REED of Pennsylvania. Yes; that is provided in the World War veterans' act.

Mr. WALSH. Mr. President, let me make an inquiry of the Senator. Why should the restoration of the pensionable status depend upon three months' service? Why should that qualification be put in?

Mr. REED of Pennsylvania. Simply because I believe it covers every case and shows that there was a bona fide service in the World War. I know of no case where these men did not serve more than three months.

Mr. WALSH. There is no bonus or anything of that kind; but suppose the case of a man who did pass the examination, who was in the service for 30 days, and then it was discovered that he was unfit for service by reason of his former wounds; he would be excluded under the limitation to which I refer.

Mr. REED of Pennsylvania. I see the Senator's point; but these words occur in all the pension acts, and I left them in in this case simply because the precedent had been established in other pension legislation.

Mr. WALSH. But the Senator is endeavoring to take care of an exceptional class of cases.

Mr. REED of Pennsylvania. That is true; and I would be willing to strike out those words.

Mr. SMOOT. Mr. President, a soldier, in the first place, had to have 90 days' service before he was entitled to receive a pension.

Mr. REED of Pennsylvania. Yes; he had to have 90 days' service in the Spanish War; but what the Senator from Montana calls attention to is that the soldier should not really be required to have served 90 days in the second war; that the equities of the case are just as strong whether or not he served that length of time; and I think the Senator is right in that respect.

Mr. FESS and Mr. WILLIS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED of Pennsylvania. I yield first to the junior Senator from Ohio.

Mr. FESS. Mr. President, what effect does the Senator think the concurrent resolution will have in a case where a Spanish War veteran enlisted and served in the World War and was wounded and is now on the compensation roll? Does the law cover the case so that he would not get compensation for service in the World War and a pension also as a soldier of the Spanish-American War?

Mr. REED of Pennsylvania. If he was wounded in each war, he could take his choice as to which compensation he might receive.

Mr. FESS. But he would not be entitled to receive compensation for both?

Mr. REED of Pennsylvania. Not for both.

Mr. WILLIS. Mr. President—

Mr. REED of Pennsylvania. I yield to the senior Senator from Ohio.

Mr. WILLIS. Mr. President, I fully agree with what the Senator said, and therefore his answer to the question I am about to ask is not material from my viewpoint. However, I am interested in learning if the Senator knows how many cases of this kind there are in this peculiar situation?

Mr. REED of Pennsylvania. I have tried to find out. I think there are less than 20, but there may be as many as 20.

Mr. WILLIS. I do not think the information material; merely interesting.

Mr. TYSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Tennessee?

Mr. REED of Pennsylvania. I yield.

Mr. TYSON. I should like to ask the Senator what effect will the adoption of the concurrent resolution have upon the pension bill which has been passed by both Houses? Will it have the effect of delaying it so as to jeopardize its ultimate passage?

Mr. REED of Pennsylvania. It will not delay it in the least. The engrossing of that bill is now being started in the House, and I am advised that in all likelihood the concurrent resolution I have offered, if adopted by the Senate, can be acted on in the House to-day, and the engrossing can not be finished before to-morrow in any event.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the resolution was considered and agreed to.

JOHN H. WALKER

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 549) for the relief of John H. Walker, which was, on page 1, line 5, after the word "appropriated," to insert "and in full settlement against the Government."

Mr. JONES of New Mexico. I move that the Senate concur in the House amendment.

The motion was agreed to.

AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT

Mr. McNARY. Mr. President, I ask unanimous consent for the immediate consideration of the conference report on House bill S264, the annual agricultural appropriation bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the report, which was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8264) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 28, 37, 41, and 44.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 13, 14, 17, 20, 21, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36, 42, 43, 46, 48, 50, 58, 59, 60, 61, 62, and 63, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,653,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,678,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$750,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,940,653"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$9,477,763"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$12,300"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$495,004"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$368,290"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,333,055"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,908,055"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$500,220"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$588,480"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$507,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,016,230"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: On page 50 of the bill, in line 10, strike out the words "this insect" and insert in lieu thereof the words "these insects"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,625,168"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$775,150"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,421,607"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "\$4,746,397"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 54, 55, 56, 57, and 61.

CHAS. L. McNARY,
W. L. JONES,
LEE S. OVERMAN,
WM. J. HARRIS,

Managers on the part of the Senate.

WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,

Managers on the part of the House.

Mr. WILLIS. Mr. President, I desire to submit an inquiry to the Senator from Oregon.

The Senator will remember that a number of us appeared before the committee and urged an enlarged appropriation for the continuation of the tuberculin testing work. My recollection is that the committee recommended and the Senate adopted a provision for an increased appropriation of \$2,000,000. Personally, I think the continuation of that work is of the very greatest importance. I think it is wise economy to make large enough appropriations to exterminate this disease, if it may be, rather than to try to handle it piecemeal.

I therefore inquire of the Senator what agreement was reached by the conferees touching this matter.

Mr. McNARY. Mr. President, in answer to the inquiry of the Senator from Ohio and referring for a moment to the historical phases of this item, I will state that the House allowed \$4,103,000 for the eradication of tuberculosis in cattle. The Senate increased that amount to \$6,000,000. When the con-

ferrees met the matter was debated at length and the Senate conferees made a very determined and stout effort to retain the full amount appropriated—namely, \$6,000,000, but the time came when an agreement had to be reached, and the Senate conferees agreed to a House proposal that the amount might be increased by the sum of \$550,000.

At this time the bill carries the sum of \$4,653,000 for the purpose of making the tuberculin test in cattle. This is an increase of \$550,000 over the House bill. It is true that it is a decrease of practically a million and a quarter dollars from the bill as passed by the Senate, but let me again state to the Senator from Ohio that while the Senate conferees felt most sympathetic with this splendid work that is being done by the Department of Agriculture in cooperation with the States, we found determined resistance from the House conferees. Hence we have brought this item to the Senate for its consideration and approval or rejection.

Personally, as chairman of the conferees, I shall have no hesitation in going back into conference over the bill, if that is the expression and wish of the Senate, and trying again to increase the amount allotted; but under the circumstances and conditions as we found them I think the Senate conferees did all that could have been done and they did succeed in bringing about a substantial and material increase in this item.

Mr. JONES of Washington. Mr. President, let me inquire of the chairman of the committee whether we did not also increase by a very considerable sum the amount of money that should be immediately available?

Mr. McNARY. Yes. I was speaking of the total sum appropriated. It is true that the amount made immediately available by the House bill was \$200,000, and the Senate increased it to \$750,000.

Mr. WILLIS. Mr. President, I do not desire at all to seem to criticize the conferees on the part of the Senate, but I do express very deep regret that they felt compelled to yield to the House conferees on this matter.

Here is the situation: We are trying to solve this problem piecemeal. We make a relatively small appropriation, which is expended in the tuberculin testing work in a particular locality; and in an adjoining State or an adjoining county, where nothing has been done, there is an infected area which, through importations of diseased stock, promptly will overthrow the good which already has been accomplished.

If this matter is to be handled at all, it ought to be handled by an appropriation large enough to enable the department to grapple with this question and to solve it once and for all. My own opinion is that these piecemeal appropriations are exceedingly poor economy; and while, as I say, I do not feel disposed to criticize the conferees on the part of the Senate—I know that they were interested in this appropriation, and I have no doubt that they did all that they felt they could do—yet I do feel that the Senate ought to express its approval of the original appropriation by sending this matter back to conference. I hope that action will be had.

Mr. COPELAND. Mr. President, I am in hearty accord with what the Senator from Ohio [Mr. WILLIS] has just said. There is not anything I can think of that is more important than the conservation of child life; and every time we find a case of bone or joint tuberculosis we know that that child has been infected by bad milk, by tuberculous milk.

I can think of no appropriation that the Government can make which more directly affects the health and prospects of the children and of the future citizens of this country; and I fully agree with what the Senator from Ohio has said. When we are making these large appropriations for material things we can well afford to do something to protect the lives of the little ones of this country. I believe, too, with the Senator, that the conferees should be asked to return to the House, and, if possible, to secure the adoption and approval of the larger appropriation for this particular work.

Mr. LENROOT. Mr. President, as one of the conferees, I declined to sign the report which is now before the Senate because of the item now under consideration; and yet I do want to say for the conferees that every possible effort was made by them to secure from the House conferees a larger increase than was finally agreed upon, namely, an increase of \$550,000 over the amount carried in the House bill. The fact is that the House conferees delivered an ultimatum to the Senate conferees. We very much desired that they take this matter back to the House and let the House express itself upon the item as carried in the Senate amendment. This was refused, and finally the offer was made to increase this amount by \$550,000.

Mr. President, if the bill is sent back to conference I do not know whether or not any different situation will result, but I should like to see one more trial made. The situation

is especially acute in the Northwest. The city of Chicago has recently passed an ordinance providing that no milk shall be sold in the city of Chicago except that from tuberculin-tested herds. The result is that in southern Wisconsin, which is very heavily infected, and where tests are being made very rapidly, there are now whole trainloads of condemned dairy cows, blooded cows, the very highest grade of stock, being sent to the Chicago stockyards for slaughter. The State of Wisconsin last year appropriated \$750,000 as its share for indemnities and the testing and necessary expenses. That has already been exhausted. A session of the legislature was held last week to make a further appropriation, and \$450,000 was appropriated by the State to take care of this very acute situation.

It does seem to me, as the Senator from New York [Mr. COPELAND] has said, that when we are spending so many millions of dollars in other ways there ought not to be any objection upon the part of anyone to this comparatively modest increase that the Senate has provided for the conservation of human life; and at the same time, when we are talking about relief for the farmer, here is something that is substantial and practical, and will be of very great help to the dairy farmers of this country.

Mr. WILLIS. Mr. President, will the Senator yield?

Mr. LENROOT. I yield.

Mr. WILLIS. The Senator then has some hope, as a member of the conference committee, that if this matter is sent back to conference a different and more favorable result may be obtained?

Mr. LENROOT. I am frank to say that one reason which impelled me not to sign the report was that I hoped some parliamentary way might be found by which this matter could be sent to the House and the House could have an opportunity to vote upon it. Of course, if we send it back to conference, we will confront the House conferees exactly as we did before. But I do think this may result, if we send it back to conference, that the attention of the Members of the House will be called to the matter, and there is a way in the other House whereby they can reach this question. If we send it back to conference, it may aid in enabling them to do so. No great delay will result. We can meet with the conferees, and, of course, if they take the position they took before, there will be nothing our conferees can do except again to report the action to the Senate.

Mr. LA FOLLETTE. Mr. President, I sincerely trust that this conference report will be recommitted to the conference committee. The situation in Wisconsin as described is very acute. As a matter of fact, before the Chicago ordinance went into effect estimates were made as to what would be the result of testing in the southern counties of the State, which are dependent largely upon the city of Chicago as a market for their products, and the program of testing was put into force. The results of the tests to date have shown that a very much higher percentage of reactors have been found in these herds than was anticipated. I merely suggest that for the consideration of the Senate, to indicate that the demand for funds for indemnity purposes may be much larger than is now anticipated.

In some instances the very finest herds in that section of the State have been found to react as high as 60 per cent, and the burden thus thrown not only upon the State but also on the farmers is at once apparent. I sincerely trust that the report will be recommitted.

In order that the Senate may have exact information concerning this matter, I ask that there be read from the desk the statement made by the Governor of Wisconsin with relation to the calling of the special session of the legislature, which convened last Thursday and which, as has been stated, increased the appropriation \$450,000.

The VICE PRESIDENT. Without objection, the clerk will read.

The legislative clerk read as follows:

STATEMENT OF BLAINE IN CALLING SPECIAL SESSION

The statement of Gov. John J. Blaine relating to the special session follows in full:

"The city of Chicago on or about December 22, 1925, passed an ordinance requiring that on and after April 1, 1926, milk and cream sold for consumption within the city of Chicago must be produced by herds that have passed a satisfactory bovine tuberculosis test. The number of cattle in herds in Wisconsin furnishing such dairy products for the city of Chicago is estimated to be 135,000.

"In order to save to the dairy farmers of this State their Chicago liquid milk market, it was determined by the commissioner of agriculture and the livestock sanitary board that every effort should be made to have such herds tested. Up to April 1 about 95 per cent thereof had been tested. Past experience in the testing work had led the livestock sanitary board to believe that the percentage of reactors in

the counties furnishing the bulk of the Chicago milk would run from 4 to 18 per cent. Actual experience has demonstrated, however, that in some of the counties in the Chicago market area the percentage of reactors runs from 12 to 60 per cent.

"Due to the Chicago milk ordinance and the unlooked-for increase in number of reactors, an unusual demand has been made upon the indemnity funds. The State funds available for bovine tuberculosis eradication for the year ending June 30 next were \$832,000. The intensive work required in testing to save the Chicago market for the Wisconsin dairymen made such inroads upon the indemnity fund that it will become necessary to discontinue the area test work unless an emergency appropriation is made. If the city of Chicago had not enacted its rigid ordinance, the funds available for indemnities were sufficient to carry on the ordinary regular work of the department. It is found, however, that to carry on the ordinary regular work of the department, especially the area testing, the department needs \$450,000 to replace the funds taken from the regular appropriation in carrying on the work for the Chicago market area. The balance in the fund for tuberculosis eradication on April 1 was \$462,728.01, the larger part of which, if not all, is required to meet past demands, and the livestock sanitary board, after careful analysis, recommends that \$450,000 be appropriated as an emergency appropriation, so that the ordinary regular work for the eradication of bovine tuberculosis may go on for the balance of the fiscal year.

"Suggestions have been made, if a special session were called, to include many subjects. The subjects suggested, however, were all considered by the same legislature less than 10 months ago or are being considered by the interim committee. I do not feel justified in submitting such subjects, which would prolong the session, involving unnecessary expenditures by the State and personal inconvenience and expenses of the members of the legislature.

"The subject submitted involves a pressing emergency, and, in my judgment, the legislature will be able to dispose of it in a day."

Mr. COPELAND. Mr. President, I hope the Senate will not permit this matter to be passed over without making every effort to get the House managers to agree to the committee's suggestion. We have here to deal with something more than a public building or a good road. We have to do with human life—with the lives of these children—and I beg Senators when they vote on this matter to take into consideration the poor little crippled children who are struggling around the streets of the communities from which Senators come. I believe when Senators think of that they will not hesitate to vote to recommit.

I now move that this matter be recommitted to the conference committee for further conference with the House.

Mr. HARRISON. Mr. President, if all discussion of that item is completed, there is another matter in the conference report to which I want to call the attention of the Senate.

The Senate Committee on Appropriations recommended an appropriation of \$25,000 for a survey of the Gulf coast and South Atlantic region to study the mosquito whose existence is due to the marshes of Louisiana, which form about one-half the salt marshes of the whole country. I think the committee was unanimous in that recommendation, and the Senate was likewise unanimous; but the House conferees were divided as to whether the survey should be made by the Public Health Service or by the Agricultural Department, through the Bureau of Entomology.

I hope that when the conference report goes back the House conferees will agree to the Senate amendment, which was agreed to by all the agencies of the Federal Government, including the Secretary of Agriculture; Doctor Howard, of the Bureau of Entomology; Doctor Cumming, of the Public Health Service; as well as General Lord, of the Bureau of the Budget. The amendment was stricken down, I think, one-third of what was requested. I hope that when the report goes back to conference that item will be restored to the bill.

Mr. FLETCHER. Mr. President, I think the report of the conference makes that item \$10,000 instead of \$25,000.

Mr. McNARY. No.

Mr. FLETCHER. May I ask the Senator what the amount is?

Mr. McNARY. The able Senator from Mississippi asked the Senate for an appropriation of \$40,000 for the eradication of the salt-marsh mosquito. The Senator made a very favorable impression on the Senate committee, and they recommended \$25,000. But we were not able favorably to impress the House conferees, and the result is that no appropriation is made for this matter.

Mr. FLETCHER. None at all?

Mr. McNARY. None at all.

Mr. FLETCHER. I think this is a very important matter. We talk about diseases in this country, but there is not an

insect that is more poisonous and which spreads and distributes disease to a greater extent than the mosquito.

Mr. McNARY. May I at this point state to the Senator from Florida that the insect referred to here is not the mosquito that carries infestation. It does not carry malaria or any of the diseases. It is not that type of a bug. It is an annoying creature. It buzzes around and bites, but the bite while distressing is harmless.

Mr. FLETCHER. I would not want to trust any mosquito, as far as that goes. I do not care whether it is a salt mosquito or a stegomyia or any other kind. I think they are all dangerous, and they ought to be exterminated. It has been thoroughly demonstrated that they can be exterminated, and it can be done without very much expense. There ought to be a survey made and steps should be taken in that direction. I think this is a proper appropriation for us to make.

Mr. FESS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. FESS. The vote is on recommitting the conference report, is it not?

The VICE PRESIDENT. The question is on the motion made by the Senator from New York [Mr. COPELAND] to recommit the conference report.

Mr. CURTIS. Is a motion to recommit in order? I thought we had to vote on the question of agreeing or not agreeing to the report.

The VICE PRESIDENT. The motion to recommit is in order. If the motion to recommit is agreed to, the same conferees will be appointed.

Mr. CURTIS. Has the Senate the papers?

The VICE PRESIDENT. The House has not acted on the report. The same conferees can take it up if the motion shall be agreed to.

Mr. FESS. Mr. President, a further parliamentary inquiry. Was this a complete agreement?

Mr. McNARY. No, Mr. President; there were three items which were referred to the House for action.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from New York that the conference report be recommitted.

The motion was agreed to.

RELIEF OF STATE OF NORTH CAROLINA

Mr. SIMMONS. Mr. President, I ask unanimous consent for the present consideration of Senate bill 2733, for the relief of the State of North Carolina. This is a bill of much importance to certain Federal and State officials in North Carolina.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SMOOT. Let the bill be read so that I may look at the report.

Mr. SIMMONS. The bill provides—

That the State of North Carolina and the United States property and disbursing officer of the National Guard of the State of North Carolina are hereby relieved from accountability for 175 folding canvas cots, property of the United States, valued at \$430.50, which were loaned by such State to the mayor of New Bern, N. C., for the use of persons rendered homeless and destitute as a result of a conflagration in that city in December, 1922, and which were lost or rendered unfit for service.

Mr. SMOOT. I have read the report, and I have no objection to the bill.

Mr. SIMMONS. I wish to state that the fire occurred in my town. I was present on the day it occurred. It destroyed between 300 and 400 homes, mostly in the colored settlement, and rendered between 1,000 and 1,500 families destitute. Nothing was saved in the conflagration. The city, through its mayor, applied to the adjutant general of the State for the loan of some cots at Camp Glenn, a few miles from the city. It was several months before we could build enough houses to accommodate the people who had lost their homes, and during that time 175 of the cots were practically rendered valueless, or destroyed, or lost.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRAUDULENT ADVERTISING BY STATE CORPORATIONS

Mr. McLEAN. Mr. President, I ask unanimous consent for the immediate consideration of Calendar No. 515, the bill (S. 2606) to prohibit offering for sale as Federal farm-loan bonds any securities not issued under the terms of the farm loan

act, to limit the use of the words "Federal," "United States," or "Reserve," or a combination of such words, to prohibit false advertising, and for other purposes.

I will state that both the Federal Farm Loan Board and the Federal Reserve Board are very anxious to have action upon the bill. It is a simple measure. Its title explains its purpose, which is to prevent the fraudulent advertising of Federal farm-loan bonds by private State corporations. It also prevents the State corporations from using the words "Federal" or "United States" or "Reserve" in their organization. The Federal Reserve Board has had brought to its attention many instances of State corporations that have organized and used the word "Federal" or "United States" for the express purpose of misleading the public.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole and it was read, as follows:

Be it enacted, etc., That no bank, banking association, trust company, corporation, association, firm, partnership, or person not organized under the provisions of the act of July 17, 1916, known as the Federal farm loan act, as amended, shall advertise or represent that it makes Federal farm loans or advertise or offer for sale as Federal farm-loan bonds any bond not issued under the provisions of the Federal farm loan act, or make use of the word "Federal" or the words "United States" or any other word or words implying Government ownership, obligation, or supervision in advertising or offering for sale any bond, note, mortgage, or other security not issued by the Government of the United States or under the provisions of the said Federal farm loan act or some other act of Congress.

SEC. 2. That no bank, banking association, trust company, corporation, association, firm, partnership, or person engaged in the banking, loan, building and loan, brokerage, factorage, insurance, indemnity, or trust business shall use the word "Federal," the words "United States," or the word "reserve," or any combination of such words, as a portion of its corporate, firm, or trade name or title or of the name under which it does business: *Provided, however,* That the provisions of this section shall not apply to the Federal Reserve Board, the Federal Farm Loan Board, the Federal Trade Commission, or any other department, bureau, or independent establishment of the Government of the United States, nor to any Federal reserve bank, Federal land bank, or Federal reserve agent, nor to the Federal Advisory Council, nor to any corporation organized under the laws of the United States, nor to any bank, banking association, trust company, corporation, association, firm, partnership, or person actually engaged in business under such name or title prior to the passage of this act.

SEC. 3. That no bank, banking association, or trust company which is not a member of the Federal reserve system shall advertise or represent in any way that it is a member of such system or publish or display any sign, symbol, or advertisement reasonably calculated to convey the impression that it is a member of such system.

SEC. 4. That any bank, banking association, trust company, corporation, association, firm, or partnership violating any of the provisions of this act shall be guilty of a misdemeanor and shall be subject to a fine of not exceeding \$1,000. Any person violating any of the provisions of this act, or any officer of any bank, banking association, trust company, corporation, or association, or member of any firm or partnership violating any of the provisions of this act who participates in, or knowingly acquiesces in, such violations shall be guilty of a misdemeanor and shall be subject to a fine of not exceeding \$1,000 or imprisonment not exceeding one year, or both. Any such illegal use of such word or words, or any combination of such words, or any other violation of any of the provisions of this act may be enjoined by the United States district court having jurisdiction at the instance of any United States district attorney, any Federal land bank, joint-stock land bank, Federal reserve bank, or the Federal Farm Loan Board or the Federal Reserve Board.

SEC. 5. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POSTAL SERVICE IN ALASKA

Mr. PHIPPS. Mr. President, from the Committee on Post Offices and Post Roads I report back favorably without amendment the bill (H. R. 8192) authorizing the designation of postmasters by the Postmaster General as disbursing officers for the payment of contractors, emergency carriers, and temporary carriers for performance of authorized service on power boat and

star routes in Alaska. It is a bill to which there should be no objection, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That postmasters may be designated by the Postmaster General as disbursing officers for the payment of contractors, emergency carriers, and temporary carriers for performance of authorized service on power boat and star routes in Alaska.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE CALENDAR

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order.

Mr. SMOOT. Mr. President, I ask that Orders of Business Nos. 3, 4, 5, 6, 7, and 8 may go over.

The VICE PRESIDENT. They will be passed over. The clerk will state the next bill on the calendar.

The bill (H. R. 6559) for the construction of certain public buildings, and for other purposes, was announced as next in order.

Mr. FERNALD. Mr. President, a few moments ago the able Senator from Montana [Mr. WALSH] stated that he desires to address the Senate on the Italian debt settlement. I do not wish to deprive him of that privilege or other Senators of the pleasure of listening to him. In order that the bill which has just been announced may remain the unfinished business, I desire to yield to the Senator from Montana for that purpose.

Mr. SMOOT. If that course is going to be pursued, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Italian debt settlement bill be temporarily laid before the Senate for the purpose of enabling the Senator from Montana to address the Senate upon that subject.

Mr. WILLIS. Mr. President, I do not desire to object, but it was my understanding that we were going to work on the calendar until 2 o'clock. Why can we not do that?

Mr. SMOOT. I only made my request on the basis of the statement that the Senator from Montana desires to speak at this time.

Mr. WILLIS. I do not object, but I understood it was agreeable to the Senator from Montana to proceed with the calendar until 2 o'clock.

Mr. WALSH. I should be very glad to have the Senate work on the calendar until 2 o'clock.

Mr. FERNALD. Then I withdraw my request.

Mr. SMOOT. And I withdraw my request, too.

BILLS PASSED OVER

The VICE PRESIDENT. The clerk will state the next bill on the calendar.

The bill (S. 1824) for the relief of R. B. Swartz, W. J. Collier, and others was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2526) to extend the time for the refunding of taxes erroneously collected from certain estates was announced as next in order.

Mr. SMOOT. Mr. President, I would like to ask the Senator who introduced the bill, the Senator from Missouri [Mr. WILLIAMS], to make some explanation of the bill. I will say to the Senator that the reason why I make the request is that a similar bill was referred to the Finance Committee and I think that is where this bill ought to have gone. If the Senator has not the matter in mind right now, I ask that it may go over temporarily until he looks it up.

Mr. WILLIAMS. Very well.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The bill will be passed over temporarily.

The bill (S. 2336) to reimburse Commander Walter H. Allen, civil engineer, United States Navy, for losses sustained while carrying out his duties was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. WILLIAMS. I move that the bill be indefinitely postponed.

Mr. JONES of Washington. The present occupant of the chair is interested in the bill and would like to have it go over.

Mr. WILLIAMS. Very well; I withdraw my motion.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1859) for the relief of Patrick C. Wilkes, alias Clebourn P. Wilkes, was announced as next in order.

Mr. SMOOT. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1929) to provide home care for dependent children in the District of Columbia was announced as next in order.

Mr. SMOOT. Mr. President, will some Senator give an explanation of the bill? The senior Senator from New York [Mr. WADSWORTH] is not here, and he is interested in the bill.

Mr. CURTIS. The junior Senator from Utah [Mr. KING], my recollection is, asked on a previous occasion that the bill go over. As he is absent and the Senator from New York [Mr. WADSWORTH] is likewise absent, I ask that it may go over, if my colleague [Mr. CAPPER] is willing.

Mr. CAPPER. Certainly.

Mr. COPELAND. I join in the request because my colleague is anxious to be here when the bill is considered.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as next in order.

Mr. BAYARD. The junior Senator from Utah [Mr. KING] is unavoidably absent to-day. He has offered several amendments to the bill. In his absence to-day I ask that the bill go over.

Mr. SMOOT. I want to say also that the senior Senator from Missouri [Mr. REED] is very much opposed to the bill and desires to be present when it is considered.

The PRESIDING OFFICER. The bill will be passed over.

WALLER V. GIBSON

The bill (S. 1459) for the relief of Waller V. Gibson was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, their widows, and dependent relatives, Waller V. Gibson, who was a member of Troop C, Second Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 15th day of December, 1898: *Provided*, That no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LA FOLLETTE. Mr. President, I ask that the formal reading of any unobjected bill may be dispensed with.

Mr. SMOOT. There may be some of them that should be read.

Mr. LA FOLLETTE. I mean in cases where there is no objection, that the formal reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPLETION OF TOMB OF UNKNOWN SOLDIER

The joint resolution (S. J. Res. 51) providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery was announced as next in order.

Mr. JONES of Washington. Let the joint resolution go over.

Mr. FESS. Mr. President, I have allowed the joint resolution to remain on the calendar because an opportunity has not presented itself for its consideration. I want now to announce that I shall try to get early consideration of the matter and to have it determined one way or the other just as soon as possible.

The PRESIDING OFFICER. The joint resolution will be passed over.

PENSIONS FOR SURVIVORS OF INDIAN WARS

The bill (H. R. 306) to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended, was considered as in Committee of the Whole. The bill had been reported from the Committee on Pensions with an amendment, on page 2, line 18, to strike out the words "*Provided*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this act," so as to make the bill read:

Be it enacted, etc., That section 2 of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859,

to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended, is amended to read as follows:

"Sec. 2. The period of service performed by beneficiaries under this act shall be determined: First, by reports from the records of the War Department, where there are such records; second, by reports from the records of the General Accounting Office showing payment by the United States, where there is no record of regular enlistment, or muster into the United States military service; and third, when there is no record of service or payment for same in the War Department or the General Accounting Office by satisfactory evidence from muster rolls on file in the several State or Territorial archives; fourth, where no record of service has been made in the War Department or General Accounting Office and there is no muster roll or pay roll on file in the several State or Territorial archives showing service of the applicant, or where the same has been destroyed by fire or otherwise lost or where there are muster rolls or pay rolls on file in the several State or Territorial archives but the applicant's name does not appear thereon, the applicant may make proof of service by furnishing evidence satisfactory to the Commissioner of Pensions.

Mr. SMOOT. Mr. President, I notice that the bill was reported by the Senator from North Dakota [Mr. FRAZIER]. Can the Senator tell me why the amendment was agreed to by the Committee on Pensions as it appears on page 2, in lines 18 and 19? That language has been in all acts heretofore referring to Indian war pensions. I certainly shall ask that the amendment be disagreed to and that the bill be passed as it came from the House.

Mr. FRAZIER. The bill was reported according to the recommendation which was made to the committee.

Mr. SMOOT. I will say to the Senator that without the words in the bill as it came from the House we might as well not pass the bill. The Indian war veterans have no specific discharge certificates, and every bill that has ever been passed before contained the exact words put in by the House in this bill and proposed to be stricken out by the committee. The men were called out hastily, did their fighting and came back, and never thought of getting a specific discharge.

Mr. FESS. Is not that what the amendment provides?

Mr. SMOOT. No; it says "that the want of a certificate of discharge shall not deprive any applicant of the benefits of this act." The committee proposes to strike out that language, and I do not want to have it stricken out. I want it exactly the same as similar bills which have been passed.

Mr. FESS. Certainly.

Mr. JONES of Washington. I had a different impression, but I find what the Senator from Utah is maintaining is just what apparently was recommended by the former report, and that is what I would be in favor of, too.

Mr. SMOOT. I have no objection to the consideration of the bill at this time, but I wish it distinctly understood that the committee amendment to the bill is to be disagreed to. Otherwise I do not desire that the bill shall pass. Let us vote down the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NEELY subsequently said: Mr. President, in behalf of the junior Senator from Utah [Mr. KING], who is unavoidably absent, I ask unanimous consent that the vote by which H. R. 306 was passed earlier in the day be reconsidered.

The object of this request is to give the Senator from Utah an opportunity, when he returns, to speak to an amendment which he has offered to this bill, and which is pending. The object of his amendment is to liberalize the bill and to extend its provisions to veterans other than those who are mentioned in the bill.

The PRESIDING OFFICER. Without objection, the request of the Senator from West Virginia on behalf of the Senator from Utah is granted and the vote by which the bill was passed is reconsidered.

SILVER PURCHASES

The bill (S. 756) directing the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918, commonly known as the Pittman Act, was announced as next in order.

Mr. WILLIS. Let that bill go over, Mr. President.

The PRESIDING OFFICER. Being objected to, the bill will be passed over.

Mr. PHIPPS. Mr. President, the bill having been passed over, I merely desire to say that, while I should not ask for its consideration under the five-minute rule, I wish to serve notice that at the first convenient opportunity I shall ask to have the bill taken up for consideration.

AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (S. 2808) to amend section 24 of the interstate commerce act, as amended, was announced as next in order.

Mr. WILLIS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

M. BARDE & SONS (INC.), PORTLAND, OREG.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2098) for the relief of M. Barde & Sons (Inc.), Portland, Oreg., which had been reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "\$34,291.58, balance due" and to insert in lieu thereof "\$32,600 to," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$32,600 to M. Barde & Sons (Inc.), of Portland, Oreg., on a contract with the United States to remove from the channel of the Columbia River the wreck of the steamship *Welsh Prince*.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1897) to reinstate John P. Gray as a lieutenant commander in the United States Coast Guard was announced as next in order.

Mr. JONES of Washington. Mr. President, I should like to see that bill passed, and I think it ought to pass, but the junior Senator from Utah [Mr. KING], I know, has opposed it heretofore and has asked that it lie over. Under the circumstances I will have to ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3321) to increase the efficiency of the Air Service of the United States Army was announced as next in order.

The PRESIDING OFFICER. The Chair asks that that bill be passed over.

The bill (S. 2306) to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7906) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. TRAMMELL. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

OPENING OF STREET FROM GEORGIA AVENUE TO NINTH STREET NW.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2043) to authorize the opening of a street from Georgia Avenue to Ninth Street NW., through squares 2875 and 2877, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments.

Mr. SACKETT. Mr. President, I should like to offer certain committee amendments to the bill.

Mr. SMOOT. I ask that the bill may be read.

The PRESIDING OFFICER. The bill will be read.

The legislative clerk read the bill.

The amendment of the Committee on the District of Columbia was, in section 1, on page 2, line 8, after the word "cost," to strike out the article "an" and to insert the word "and," so as to make the section read:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Law for the District of Columbia, within six months after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to open a street, approximately 80 feet in width, from Georgia Avenue to Ninth Street NW., to include all of lots 895, 898, 896, 899, 927, 925, 923, 928, 882, 883, and 884 in square 2875, and the south 80.84 feet front by full depth of lot 931 in square 2877; *Provided*, That of the amount found to be due and awarded by the jury in said proceeding as damages for, and in respect of, the land to be condemned for said street opening, plus the cost and expenses of the proceeding hereunder, such amount shall be assessed as benefits by the jury against the Washington Railway & Electric Co. and the Capital Traction Co., respectively, in such proportion as the jury may find said companies to be benefited by the opening of said street and the im-

provement in the railway trackage conditions incident thereto as hereinafter provided, which said assessment shall be valid and subsisting liens against the franchises and properties of said railway companies, and shall be a legal indebtedness of said companies in favor of the District of Columbia, and the said lien or liens may be enforced in the name of the District of Columbia by a bill in equity brought by the said commissioners in the Supreme Court of said District or by any lawful proceeding; and such amount shall be assessed by the jury as benefits, and to the extent of such benefits, against the lots, pieces, or parcels of land on each side of said street and against any and all other lots, pieces, or parcels of land which the jury may find will be benefited by the opening of said street under the provisions of said subchapter 1 of Chapter XV of the Code of Law for the District of Columbia.

Mr. SACKETT. I ask that the amendments offered by me on behalf of the committee may now be stated.

The PRESIDING OFFICER. The amendments proposed by the Senator from Kentucky will be stated.

The first amendment proposed by Mr. SACKETT was, on page 2, in lines 13, 14, and 15; it is proposed to strike out the words "and the improvement in the railway trackage conditions incident thereto as hereinafter provided."

The amendment was agreed to.

The next amendment proposed by Mr. SACKETT was, in section 3, page 3, line 13, after the word "That," to insert "when-ever, in the judgment of the Public Utilities Commission of the District of Columbia, it is deemed in the public interest"; in line 14, after the word "Company," to insert the word "shall"; and, in the same line, after the word "be," to strike out the words "and it hereby is."

The amendment was agreed to.

The next amendment proposed by Mr. SACKETT was, in section 4, page 3, lines 23, 24, and 25, after the word "date," it is proposed to strike out the words "that all the land authorized to be condemned as provided for herein shall have been acquired by the District of Columbia," and in lieu thereof to insert "the said Washington Railway & Electric Co. is ordered by said Public Utilities Commission to construct tracks and make connections as provided in section 3 of this act."

The amendment was agreed to.

Mr. CARAWAY. Mr. President, I desire to ask the Senator from Kentucky a question. It is not intended by the bill to open up a street through what we know as Walter Reed Hospital, is it?

Mr. SACKETT. Mr. President, I should like to say in regard to the bill that it provides for the opening of a street off of one of the entrances to the ball park. There is a long block of 2,800 feet which needs to be bisected so that automobiles and pedestrians may pass through. The amendment which I have proposed has been offered at the request of the committee which examined the place. Under the amendments the street railway company will not be required immediately to lay their tracks in the street, but that matter will be left in the hands of the Public Utilities Commission, which may order them to do so whenever the commission shall deem it to be necessary.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS FOR EXTRA LABOR AT NAVY YARDS

The bill (S. 491) for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims was announced as next in order.

Mr. COPELAND. Mr. President, I am sorry, of course, to have to ask that this bill go over, but I promised the junior Senator from Utah [Mr. KING] that if he were not present I would ask that the bill go over. Therefore I make that request.

The PRESIDING OFFICER. The bill will be passed over.

ESTATE OF JOHN STEWART

The bill (S. 1450) for the relief of the estate of John Stewart, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay \$2,000 to William L. Browning, administrator of the estate of John Stewart, deceased, late civil engineer, for extra compensation for services rendered by him to the Government in connection with the Potomac Flats case.

Mr. SMOOT. Mr. President, I notice that the bill was introduced by the Senator from Kansas [Mr. CAPPER]. I will inquire of him what extra services were rendered by John Stewart to the Government to entitle his estate to \$2,000.

Mr. CAPPER. Mr. President, the services were rendered by this man a good many years ago in connection with an impor-

tant case known as the Potomac Flats case. Similar bills have been passed six times by the Senate and three or four times by the House of Representatives. It was sent here originally by Secretary Elihu Root and had the recommendation of the Secretary of the Treasury as well. Every Committee on Claims of the Senate during the last 12 years has made a favorable report on it. There ought not to be any objection to it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELLA H. SMITH

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2192) for the relief of Ella H. Smith, which had been reported from the Committee on Claims with an amendment on line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ella H. Smith, postmistress at Wynne, Ark., an office of the second class, the sum of \$3,700, which amount was lost by burglary without fault of hers, and which she repaid to the Government.

Mr. SMOOT. Mr. President, I will ask the Senator from Arkansas [Mr. CARAWAY] to explain the bill.

Mr. CARAWAY. Mr. President, I shall be glad to do so. A similar bill passed the Senate on a previous occasion without objection, but did not happen to be reached on the calendar in the House in time to be enacted into law.

The facts of the case are these: Mrs. Smith, a widow, was postmaster at Wynne, Ark. The office at that place was made a central accounting office, but the help furnished was not sufficient to take care of the work. During the sale of the war savings stamps she was compelled to keep them in a bank because there was no safe equipment in the office. Several people had access to them, and the office itself was also subject to a robbery. When the accounts were checked up it was found that \$3,700 were missing, and it was never possible to discover how or when the theft had occurred. No suspicion ever attached to Mrs. Smith. She mortgaged a little home which she had and paid the amount, and this is an attempt to give her back the money.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF BENJAMIN BRAZNEILL

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 769) for the relief of the estate of Benjamin Brazneill. It directs the Commissioner of Internal Revenue to reopen and allow the claim of the Braddock Trust Co., executor of the estate of Benjamin Brazneill, late of Pittsburgh, Pa., and refund \$2,323.47, the balance of taxes illegally collected under existing laws and decisions.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HUNTER-BROWN CO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1304) for the relief of Hunter-Brown Co.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JONES of Washington subsequently said: Mr. President, reverting to Order of Business No. 271, being the bill (S. 1304) for the relief of Hunter-Brown Co., I notice that, apparently, according to the terms of the bill itself, these people are to be reimbursed for moneys they expended in prosecuting their claims. I ask unanimous consent to reconsider the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed, and that the bill may go over.

The PRESIDING OFFICER. Without objection, the request of the Senator from Washington to reconsider the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed will be reconsidered, and the bill will be passed over.

ROYAL HOLLAND LLOYD, AMSTERDAM, THE NETHERLANDS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2992) for the relief of the Royal Holland

Lloyd, a Netherlands corporation of Amsterdam, the Netherlands. It provides that the claim of the Royal Holland Lloyd, owners of the Netherlands steamship *Zeelandia*, against the United States for damages alleged to have been sustained as a result of the refusal of the Federal authorities to grant clearance to the vessel during the period from October 17, 1917, to March 21, 1918, may be sued for by the Royal Holland Lloyd in the United States Court of Claims, and that court shall have jurisdiction to hear and determine such suit to judgment, but such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the court, and it shall be the duty of the Attorney General to appear and defend for the United States, and suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GERSHON BROS. CO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 945) for the relief of Gershon Bros. Co., which had been reported from the Committee on Claims with an amendment, on line 5, after the words "sum of," to strike out "\$58,379.96" and insert "\$5,078.11," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,078.11 to Gershon Bros. Co., of Atlanta, Ga., as just compensation and in full settlement and satisfaction of its damages and loss incurred and suffered by it when the building which it occupied was, on December 3, 1918, under authority of the national defense act, commandeered and taken possession of by the United States Government.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF DISTRICT CODE

The bill (S. 2981) to amend section 553 of the Code of Law for the District of Columbia was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PENSIONS AND INCREASE OF PENSIONS

The bill (S. 3300) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Mr. President, that bill, I think, should be indefinitely postponed. The Senate has passed the House bill on the same subject.

Mr. WILLIAMS. The Senate passed the House bill on the 14th of April.

Mr. SHORTRIDGE. I suggest that the Senate bill remain on the calendar, for the reason which was stated the other day by the Senator from New York [Mr. WADSWORTH]. I will inquire if the bill has finally gone to the President and been approved? Does the Senator from Utah know as to that?

Mr. SMOOT. I do not know whether the President has approved it or not.

Mr. WILLIS. Mr. President, a few moments ago reference was made to this matter. The bill has not gone to the President and been approved, but the Senate this morning adopted a concurrent resolution, offered by the Senator from Pennsylvania [Mr. REED], proposing in enrolling the bill to change certain of its provisions.

Mr. SMOOT. The bill is still in the House, then, I presume?

Mr. WILLIS. Yes.

Mr. SHORTRIDGE. I suggest that the bill be passed over.

The PRESIDING OFFICER. Without objection, the bill will be passed over.

TRUTH IN FABRICS

The bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. CAPPER. Mr. President, I should like very much to have this bill taken up, not to-day, but at an early date. The bill has been before the Committee on Interstate Commerce for several years; and finally, after extended hearings and full consideration, the committee has reported the bill in a form which I think eliminates most of the objections that heretofore have been urged against this proposed legislation.

The measure is supported by all the farm organizations of the country; it is urged also by many of the consumer organizations; and I think it is only fair that, after having been before Congress so many years, it should have consideration.

Mr. SMOOT. Mr. President, I want to say to the Senator that there is nobody who would rather support the wool industry than I, as my State is so deeply interested in it; but I do not want to approve of legislation that I know is absolutely impossible of enforcement.

As a manufacturer, I want to say to the Senator from Kansas that as the bill now reads it is absolutely impossible of enforcement; and I think that when the bill comes up, if it ever does—and I never want it to come up unless I am here—I can demonstrate to every Senator who will listen to what I have to say that it is impossible of enforcement or being put into successful operation.

No one approves more than I do the object of the bill, and I will support any legislation looking to that end; but this bill can not prove practical. It will cost more to enforce it than twice the cost of the goods.

Mr. SHORTRIDGE. Mr. President, can the Senator in a sentence or two point out wherein it can not be operative or put into execution?

Mr. SMOOT. I should have to begin at the beginning with the fleece of wool and carry it through every step of manufacture, and tell you what will happen in the carding room and what will happen in the spinning room and what will happen in the weaving room and what will happen in the finishing room, and why it can not possibly be carried out successfully.

Mr. WILLIS. Mr. President, I venture to express the hope that the Senator from Kansas [Mr. CAPPER] will persist in his effort to get this matter before the Senate. I have heard such conflicting opinions expressed that, while I have great confidence in the judgment and wisdom of the Senator from Utah, if he is right it is a most amazing thing that practically all the farm organizations in the country, and particularly the grange, the people in our section of the country who are interested in woolgrowing, who have been studying this question for years, are absolutely unanimous in the view that this would be helpful legislation and that the law would be enforceable. I hope we can get the question up here, and if the Senator can demonstrate what he says he can demonstrate I hope he will be given an opportunity to do it. Personally I do not believe he can do it. I believe this legislation can be enforced.

Mr. SMOOT. Mr. President, I have worked in every department of a woolen mill, beginning with the assorting of wool and going on to the finished cloth, and then I have sold the cloth; and I say now that the bill in its present form can not be enforced unless you have some individual empowered to enforce it in every mill where the goods are made; and even then it could not be technically complied with. The only way it could possibly be accomplished would be to make the cloth out of virgin wool and never use a single, solitary particle of that wool a second time, from the time it is washed in the washer until it is finished; and what would the goods cost if that were done? The cost would be prohibitive.

Mr. WALSH. Mr. President, let me inquire of the Senator from Kansas whether this question of the practicability of the legislation was considered by the committee.

Mr. CAPPER. It certainly was. The bill was referred to a subcommittee of the Committee on Interstate Commerce, headed by the junior Senator from Ohio [Mr. FESS]. The hearings covered a period of several weeks. Experts who were supposed to be familiar with the very questions that the Senator from Utah has raised were before the committee. It is my own opinion now that a reading of the report made by the committee and of the hearings and a discussion of the bill will demonstrate that the Senator from Utah is not correct in his belief that it can not be enforced.

Mr. WALSH. Can the Senator tell us some of the experts who urged that the measure is a practicable one?

Mr. CAPPER. The Senator from Ohio [Mr. FESS], who had charge of the hearings, can probably furnish more definite information as to just what came out at the hearings.

Mr. FESS. Mr. President, will the Senator yield?

Mr. WALSH. I yield to the Senator from Ohio.

Mr. FESS. I do not know how to classify the experts. We had a great array of testimony from every phase of the industry, from the manufacturer and the grower, as well as from

people not at all identified with textile work. One line of evidence that was pressed considerably was from the Bureau of Standards. We asked a representative of that bureau to determine whether it would be possible to take the fabric after it was woven and determine what was in it. His testimony was somewhat adverse, in that he said that it would be rather difficult. He did not want to be understood as stating that it could not be done, but that it would be quite difficult to do it. There were others—I do not know whether they would be classified as experts or not—who claimed that it could be done.

Mr. WALSH. Were they familiar with the process of manufacturing?

Mr. FEES. I could not say as to that. I might state further that there was at the hearings a representative speaking for a large group of industries in the way of cleaners; and he stated that one of the most commanding reasons for the passage of the bill is that in the cleaning process the defective element in the garment would not stand the process, and that the cleaner therefore would subject himself to damage for having ruined a garment when the real source of the damage was shoddy or something that was less substantial than the fabric of which the garment was supposed to be made.

It was along that line that some of the manufacturers were in favor of the legislation. Usually the textile people were against the bill as it was originally introduced. The Senator from Utah says the bill as now written is not susceptible of enforcement. I want him to understand that the bill as now written is not nearly so difficult of enforcement as the original draft, because the original draft required everything to be labeled, while this draft requires only the mixed goods to be labeled.

I hope the Senator from Kansas [Mr. CAPPER] will use his privileges under Rule VIII, the next time the matter comes up, to bring it before the Senate and have it definitely decided. It has been before the Congress for 15 years.

Mr. SMITH. Mr. President, I should like to ask what is the status of this measure now; because if it is up for consideration, I certainly desire to address the Senate in respect to the bill.

Mr. CAPPER. I have asked that the bill be taken up; but in view of the fact that only a few minutes remain of the morning hour, which, of course, would not give sufficient time for discussion, I am going to suggest that the bill go over temporarily. The next time we are considering the calendar I hope the bill will be taken up, and I shall make a motion for its consideration at the first opportunity that that motion can be presented.

Mr. SMITH. While I am on my feet I want to make just one statement.

I was a member of a subcommittee appointed to consider this bill at two sessions of the Congress; and I think we gave more consideration to this bill than perhaps any other that was ever submitted to our committee. After we had had exhaustive hearings, and had listened both to those who manufactured wool and to those who produced wool, it was the opinion of the subcommittee, regardless of where its members came from or of any unavoidable bias they might have, that such legislation was totally impracticable in our commercial life.

When the bill is up, at the proper time, I am going to give the Senate the benefit of the study I have made of the bill, without any prejudice one way or the other, and call attention to the difficulties that were presented to us.

Mr. CAPPER. Mr. President, the pending bill is quite different from the measure that was considered by the committee of which the Senator from South Carolina was a member. This is, in fact, a compromise measure; and, as I said at the beginning, it eliminates many of the objections that were raised to the original bill.

Mr. SMOOT. But the fundamental principles of the original bill are in this bill, Mr. President.

Mr. SMITH. Identically. They have eliminated some of the difficulties, but they certainly have left the fundamental difficulty right there.

Mr. GOODING. Mr. President, the fundamental principle of this bill is absolutely correct and sound, because every man who buys any piece of merchandise has a right to know what he is buying; and that is all that this bill proposes. I hope that some arrangements can be made to give this important piece of legislation proper consideration. It can not be disposed of or be given proper consideration here in the morning hour; and as a member of the steering committee I am going to urge that a date be fixed for taking up the bill, so that it can be properly considered.

I listened to much of the argument presented before the committee, and I want to say that the best evidence that was given there to the effect that it could be enforced and was

practicable came from manufacturers themselves. As far as the farmers are concerned, it is a piece of legislation that they have been demanding for years. The same opposition that appeared against this legislation appeared against the pure food bill. It is along the same lines and the same principles, and it ought to be given a trial. If it can not be enforced, possibly the Senator from Utah, with all his knowledge of the industry, can offer some amendments that will make it practicable and enforceable. I think it can be enforced; and I want to say to the cotton growers of the South that I am satisfied that this legislation is entirely in the interest of the cotton growers. Above everything, the man who buys cloth that is represented to be all wool and a yard wide ought to know whether it is wool or whether it is shoddy.

The PRESIDING OFFICER. The bill will be passed over.

MILTON F. NICHOLSON

The bill (S. 2033) to provide for the advancement on the retired list of the Navy of Milton F. Nicholson was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. JONES of Washington. Mr. President, the chairman of the Naval Committee is here. I have examined this report, and this appeals to me as a very meritorious case.

Mr. HALE. I think it is a very meritorious case.

Mr. JONES of Washington. I think the Senator from Utah will withdraw his objection after the bill has been explained.

Mr. SMOOT. There will have to be some good reason given.

Mr. JONES of Washington. There is a good reason.

Mr. HALE. Mr. President, this bill simply rectifies a mistake which the Navy Department made at one time. This is a case of an officer of the regular Navy who was retired in July, 1925, on account of injury received in the line of duty. Prior to the time he was retired he had made the grade for promotion and had the right to take a physical examination for that promotion. The department, however, did not have him examined and he went before the retiring board. Had he taken the physical examination for promotion and failed to pass the examination, under existing law he would have been retired in the advanced grade of junior lieutenant. He did not do so, and therefore he was retired as an ensign instead of as a junior lieutenant.

Mr. SMOOT. I see from the report that he did not take an examination because of physical disability.

Mr. HALE. Incurred in the line of duty.

Mr. SMOOT. I have no objection.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That Ensign Milton F. Nicholson, United States Navy, retired, shall have the rank and receive the pay and allowances of a lieutenant, junior grade, on the retired list of the United States Navy. Such rank shall take effect on August 7, 1925, and such pay and allowances shall be paid from and after such date.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL ARBORETUM

The bill (S. 1640) authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

NORWEGIAN BARK "JANNA"

The bill (S. 1729) to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian bark *Janna* as a result of a collision between it and the U. S. S. *Westwood* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be paid to the Government of Norway, out of any money in the Treasury not otherwise appropriated, as a matter of grace, and without reference to the question of liability therefor, as full indemnity for losses sustained by the owners of the Norwegian bark *Janna*, or any other parties peculiarly interested, as a result of a collision between it and the United States ship *Westwood* on October 31, 1913, the sum of \$45,978.36, as recommended by the President in his message of May 31, 1924.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NORWEGIAN STEAMSHIP "JOHN BLUMER"

The bill (S. 1732) to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian steamship *John Blumer* as a result of a collision between it and a barge in tow of the United States Army tug *Britannia* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be paid to the Government of Norway, out of any money in the Treasury not otherwise appropriated, as a matter of grace, and without reference to the question of liability therefor, as full indemnity for the losses sustained by the owners of the Norwegian steamship *John Blumer*, or any other parties peculiarly interested, as a result of a collision between it and a barge in tow of the United States Army tug *Britannia* on January 9, 1921, the sum of \$4,040.39, as recommended by the President in his message of May 31, 1924.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL RESERVATION AT HINGHAM, MASS.

The bill (S. 3227) to authorize the Secretary of the Navy to dispose of sand and gravel from the naval ammunition depot reservation at Hingham, Mass., was announced as next in order.

Mr. BUTLER. I move that the bill be recommitted to the Committee on Naval Affairs.

The motion was agreed to.

NATIONAL BANKING ASSOCIATIONS

The bill (H. R. 2) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, was announced as next in order.

Mr. FESS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

MARTHA E. BRACE

The bill (S. 3259) authorizing the enrollment of Martha E. Brace as a Kiowa Indian and directing issuance of patent in fee to certain lands was announced as next in order.

Mr. JONES of Washington. There seems to be an amendment to this bill which is entirely different from the bill as originally introduced. The chairman of the committee is not here, and I ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 718) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2858) to fix the salaries of certain judges of the United States was announced as next in order.

Mr. FESS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

FEES OF JURORS AND WITNESSES IN UNITED STATES COURTS

The bill (H. R. 120) fixing the fees of jurors and witnesses in the United States courts, including the District Court of Hawaii, the District Court of Porto Rico, and the Supreme Court of the District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISCRIMINATION AGAINST FARMERS' COOPERATIVE ASSOCIATIONS

The bill (S. 2965) to prevent discrimination against farmers' cooperative associations by boards of trade and similar organizations, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with amendments, on page 3, line 22, after the word "association," to strike the words "of producers or landowners, corporate or otherwise" and to insert the words "corporate or otherwise, composed substantially of producers

of agricultural products"; on page 4, to strike out lines 10 to 20, both inclusive, as follows:

Sec. 3. Any such cooperative association or any such organization whose duly authorized representative is excluded from such membership and privileges by any board of trade referred to in section 2 of this act may sue in the appropriate United States district court for a mandatory injunction compelling such board of trade to admit such duly authorized representative to such membership and privileges. The United States district court in whose jurisdiction such board of trade is operated or maintained shall have jurisdiction to issue such mandatory injunction and to award such incidental damages as it may deem appropriate.

And to insert in lieu thereof the following:

Sec. 3. Any such cooperative association or any such organization whose duly authorized representative is excluded from such membership and privileges by any board of trade referred to in section 2 of this act may sue in the United States district court in whose jurisdiction such board of trade is operated or maintained for a mandatory injunction compelling such board of trade to admit such duly authorized representative to such membership and privileges and for any damages sustained, and such court shall have jurisdiction to issue such an injunction and to award such incidental damages as it may deem appropriate.

So as to make the bill read:

Be it enacted, etc., That when used in this act (a) the term "agricultural products" means agricultural, horticultural, viticultural, and dairy products, livestock and the products thereof, the products of poultry and bee raising, the edible products of forestry, and any and all products raised or produced on farms and processed or manufactured products thereof, transported or intended to be transported in interstate and/or foreign commerce.

(b) The words "board of trade" shall be held to include and mean any exchange or association, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling agricultural products or receiving the same for sale on consignment.

(c) The words "interstate commerce" shall be construed to mean commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof, or within any Territory or possession, or the District of Columbia.

(d) For the purposes of this act (but not in any wise limiting the foregoing definition of interstate commerce) a transaction in respect to any article shall be considered to be in interstate commerce if such article is part of that current of commerce usual in dealing in agricultural products whereby they are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State or for manufacture within the State and the shipment outside the State of the products resulting from such manufacture. Articles normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this act. For the purpose of this paragraph the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nation.

(e) The word "person" shall be construed to import the plural or singular, and shall include individuals, associations, partnerships, corporations, and trusts.

(f) The act, omission, or failure of any official, agent, or other person acting for any individual, association, partnership, corporation, or trust, within the scope of his employment or office, shall be deemed the act, omission, or failure of such individual, association, partnership, corporation, or trust, as well as of such official, agent, or other person.

Sec. 2. No board of trade whose members are engaged in the business of buying or selling agricultural products or receiving the same for sale on consignment in interstate commerce shall exclude from membership in, and all privileges on, such board of trade, any duly authorized representative of any lawfully formed and conducted cooperative association, corporate or otherwise, composed substantially of producers of agricultural products, or any such representative of any organization acting for a group of such associations, if such association or organization has adequate financial responsibility and complies or agrees to comply with such terms and conditions as are or may be imposed lawfully on other members of such board: *Provided*, That no rule of a board of trade shall forbid or be construed to forbid the return on a patronage basis by such cooperative association or organization to its bona fide members of moneys collected in excess of the expense of conducting the business of such association.

Sec. 3. Any such cooperative association or any such organization whose duly authorized representative is excluded from such membership and privileges by any board of trade referred to in section 2 of

this act may sue in the United States district court in whose jurisdiction such board of trade is operated or maintained for a mandatory injunction compelling such board of trade to admit such duly authorized representative to such membership and privileges and for any damages sustained, and such court shall have jurisdiction to issue such an injunction and to award such incidental damages as it may deem appropriate.

The amendments were agreed to.

Mr. ROBINSON of Arkansas. I should like to have a word of explanation of this bill. Is the Senator from Kansas prepared to make a statement regarding it?

Mr. CAPPER. The bill was prepared by the Department of Agriculture in response to a demand from cooperative grain companies throughout the West doing business with the smaller board of trade. Under the futures trading act the cooperatives already have the privileges of contract markets. There are now 11 of these contract markets, but there are about 55 other markets in the United States—smaller grain exchanges—which do not come under the futures trading act. Cooperatives distributing patronage dividends are being arbitrarily excluded from these boards of trade. This bill simply gives to cooperatives the same rights in the smaller boards of trade already enjoyed by cooperatives doing business in the contract markets. The bill was prepared, as I said, by the Department of Agriculture. The officials of that department came before the Committee on Agriculture and urged its passage. I know of no reason why it should not be favorably acted on by the Senate.

Mr. BAYARD. May I ask the Senator from Kansas if these boards of trade are bodies organized under the Federal statutes?

Mr. CAPPER. They do not come under the futures trading act, as do the contract markets.

Mr. BAYARD. They are not created under the Federal incorporating laws?

Mr. CAPPER. They are not. In my own State, for instance, the State of Kansas, there are six small boards of trade which would come under the jurisdiction of the bill now before us. They can exclude cooperatives at will, because the Department of Agriculture has no control whatever over them. Cooperatives in the eastern part of my State enjoy the privileges of the Kansas City Board of Trade; but the cooperatives in the western part of the State have no rights in these smaller grain exchanges.

Mr. BAYARD. The thought in my mind, and what I was suggesting to the Senator, was this: Suppose one or two or more of these boards of trade within the Senator's State were conducting a business entirely intrastate, and one of your cooperative associations came along and desired to become a member for the purpose of transacting its business in one or more of those associations. What right has the Federal Government to pass a law insisting upon this purely local organization, doing a purely intrastate business, being received in the membership? What power have we in regard to it?

Mr. CAPPER. We certainly have power, because all of these grain exchanges are at times engaged in interstate business.

Mr. BAYARD. The thought in my mind is whether or not this proposed statute would be constitutional to that extent.

Mr. CAPPER. The Solicitor of the Department of Agriculture prepared the bill with great care, and at the committee hearing no question was raised as to its constitutionality.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES RITZEL

The bill (H. R. 5858) for the relief of Charles Ritzel was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STORAGE OF THE WATERS OF THE PECOS RIVER

The bill (H. R. 3862) to provide for the storage of the waters of the Pecos River was announced as next in order.

Mr. JONES of Washington. Let that go over.

Mr. COPELAND. The senior Senator from New Mexico [Mr. JONES] wishes that this bill may go over.

Mr. SHEPPARD. I hope the Senator will withhold his objection to the bill.

Mr. JONES of Washington. It is too important a measure, involving an appropriation of millions of dollars, to be taken up and considered in five minutes.

Mr. SHEPPARD. It has been approved by the Irrigation and Reclamation Committees of the Senate and the House and has passed the House unanimously.

Mr. JONES of Washington. I do not care to withdraw the objection.

Mr. SHEPPARD. In order that the Senator may consider the merits of the matter, let me say the bill does not create a new irrigation project. It merely provides for storing a normal water supply for districts already in existence, already fully settled, which were seriously damaged by the action of the Federal Government in establishing a Federal irrigation project about 65 miles north of these districts on the same river.

Mr. JONES of Washington. I may have no objection to the bill, but it seems to me it is too important to take up and consider in five minutes.

Mr. COPELAND. May I say to the Senator from Texas that the senior Senator from New Mexico asked that the bill go over, because he wishes to be present when it is considered.

The PRESIDING OFFICER. The bill will be passed over.

ELBERT KELLY AND OTHERS

The Senate resumed the consideration of the bill (S. 2168) for the relief of Elbert Kelly, a second lieutenant of Infantry in the Regular Army of the United States.

The PRESIDING OFFICER. This bill was considered on April 8 and amended, on page 1, line 8, by inserting the words "Orestes Cleveland, a second lieutenant of Infantry, and James Harrison Dickie, a second lieutenant of Field Artillery." The question is on agreeing to the committee amendment on page 2, line 1, to strike out the word "him" and insert in lieu thereof the word "them," so as to make the bill read:

Be it enacted, etc., That in the contemplation of an act of Congress approved June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," Elbert Kelly, a second lieutenant of Infantry, Orestes Cleveland, a second lieutenant of Infantry, and James Harrison Dickie, a second lieutenant of Field Artillery, in the Regular Army of the United States, shall be entitled to such credit for service performed by them as therein provided for officers in the service on June 30, 1922.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Elbert Kelly, Orestes Cleveland, and James Harrison Dickie, second lieutenants in the Army of the United States."

BILLS PASSED OVER

The bill (S. 66) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes was announced as next in order.

Mr. JONES of Washington. The bill can not be disposed of in three or four minutes, so it will have to go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9037) validating certain applications for and entries of public lands, and for other purposes was announced as next in order.

Mr. JONES of Washington. I would like to have the bill explained. In the absence of an explanation, I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 201) authorizing the removal of the gates and piers in West Executive Avenue between the grounds of the White House and the State, War, and Navy Buildings was announced as next in order.

Mr. FERNALD. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2839) for the relief of Capt. James A. Merritt, United States Army, retired, was announced as next in order.

Mr. JONES of Washington. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

JAMES MADISON BROWN

The bill (H. R. 6874) for the relief of James Madison Brown was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

R. H. KING

The bill (S. 1356) for the relief of R. H. King was announced as next in order.

Mr. WILLIAMS. I ask that the bill may go over.

Mr. SHEPPARD. Will the Senator withhold his objection?

Mr. WILLIAMS. Certainly.

Mr. SHEPPARD. A bill similar to this has already passed the Senate to-day, for the relief of another postmaster under similar circumstances. Congress has granted relief in a number of similar instances. The postmaster in this case has made

good the loss, and it practically bankrupted him to do so. There was no dishonesty on his part in connection with the defalcation.

Mr. WILLIAMS. The Postmaster General reports that the postmaster was negligent in the manner of handling post-office accounts and cash.

Mr. SHEPPARD. He may not have been as vigilant as he should have been, but Congress has pursued the custom of voting relief in cases of this kind.

Mr. WILLIAMS. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1860) for the relief of F. G. Proudfoot was announced as next in order.

Mr. JONES of Washington. I ask that that may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1650) for the relief of M. W. Hutchinson was announced as next in order.

Mr. JONES of Washington. There is an adverse report on this bill, and I ask that it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 115) for the relief of the owner of the steamship *Neptune* was announced as next in order.

Mr. JONES of Washington. I ask that that may go over.

The PRESIDING OFFICER. The bill will be passed over.

CARIB STEAMSHIP CO. (INC.)

The bill (S. 1727) for the relief of the Carib Steamship Co. (Inc.) was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$9,982.60 to the Carib Steamship Co. (Inc.), owner of the American steamship *Carib*, as compensation for and full satisfaction of all claims of said company for damages sustained by the steamship *Carib* and by said company, as its owner, as a result of a collision between the said steamship and the U. S. S. *Wachusett* on February 8, 1919, in the roads at the port of St. Nazaire, France, a naval board of investigation having placed the responsibility for said collision upon the *Wachusett* and the Naval Board of Review having fixed the damages sustained by the *Carib* at the said sum of \$9,982.60.

Mr. JONES of Washington. Will not the Senator from Delaware [Mr. BAYARD] explain the bill?

Mr. BAYARD. The bill is for the relief of the Carib Steamship Co. by reason of the fact that during the war a Government-owned and operated boat fell afoul of the steamship *Carib*, I think somewhere off the coast of France. A naval board of inquiry found that the accident was entirely the fault of those operating the Government vessel. This merely restores them to their rights.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDINGS

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bayard	Ferris	McKellar	Shipstead
Bingham	Fess	McLean	Shortridge
Blease	Fletcher	McMaster	Simmons
Borah	Frazier	McNary	Smith
Bratton	Gillett	Mayfield	Smoot
Broussard	Gooding	Neely	Stephens
Bruce	Hale	Norbeck	Swanson
Butler	Harris	Nye	Trammell
Cameron	Harrison	Oddie	Tyson
Capper	Hellin	Overman	Walsh
Caraway	Howell	Phelps	Warren
Copeland	Johnson	Pine	Watson
Couzens	Jones, N. Mex.	Ransdell	Weller
Curtis	Jones, Wash.	Reed, Pa.	Williams
Deneen	Kendrick	Robinson, Ark.	Willis
Edge	Keyes	Robinson, Ind.	
Edwards	La Follette	Sackett	
Fernald	Lenroot	Sheppard	

Mr. PHIPPS. I desire to announce that my colleague, the junior Senator from Colorado [Mr. MEANS], is absent because of illness.

The PRESIDING OFFICER (Mr. BLEASE in the chair). Sixty-nine Senators having answered to their names, a quorum is present.

Mr. WALSH. Mr. President—

Mr. SMOOT. Will the Senator yield to me?

Mr. WALSH. Certainly.

Mr. SMOOT. I ask unanimous consent that the unfinished business be temporarily laid aside and that the Italian debt settlement bill be laid before the Senate.

Mr. HARRISON. Mr. President, I object.

Mr. WALSH. I hope the Senator from Mississippi will not object.

Mr. HARRISON. I want the Senator from Utah to move to take up the debt settlement bill.

Mr. SMOOT. Oh, no.

Mr. HARRISON. I move that the Italian debt settlement bill (H. R. 6773) be taken up for consideration.

Mr. SMOOT. The Senator from Mississippi objected to my request to take it up.

The PRESIDING OFFICER. The Senator from Mississippi moves that the Senate proceed to the consideration of the Italian debt settlement bill.

Mr. HOWELL. Mr. President, it was the understanding that if we took up anything else in place of the Italian debt settlement bill, at any time we wanted to take up the Italian debt settlement for discussion we could do so.

Mr. SMOOT. That is what I ask at the present time. The Senator from Montana [Mr. WALSH] stated to me that he very much preferred to speak upon the bill when it was before the Senate rather than to speak upon the public buildings bill. I said then that I would ask unanimous consent that the Italian debt settlement measure be temporarily laid before the Senate.

Mr. HARRISON. I want the Italian debt settlement bill laid before the Senate. That is what I am asking to have done, and the Senator is objecting.

Mr. SMOOT. I am objecting to making it the unfinished business and displacing the present unfinished business now before the Senate. There is no necessity for it. The Senator from Montana, of course, could address the Senate upon the subject of the Italian debt settlement without asking that that measure be laid before the Senate, but he asked me to have the Italian debt settlement bill laid before the Senate in order that he might speak directly upon it.

Mr. CURTIS. Mr. President, in view of the conversation which took place when the public buildings bill was laid before the Senate and made the unfinished business, I hope the Senator from Mississippi will withdraw his motion.

Mr. HARRISON. Both the Senator from Kansas and the Senator from Utah know that there are certain Senators here who are very much opposed to the public buildings bill.

Mr. CURTIS. Certainly.

Mr. HARRISON. I have moved that the Italian debt settlement bill be laid before the Senate. There was an understanding that when anyone wanted to talk on the Italian debt settlement question that bill would be laid before the Senate. That was the understanding, and I have simply asked that it be carried out, and the Senator from Utah objects to it.

Mr. SMOOT. No; I asked that it be laid before the Senate, and the Senator from Mississippi objected.

Mr. HARRISON. I objected because I want the public buildings bill laid aside for the present.

Mr. SMOOT. That is for the Senate to determine. If the Senate wants to lay aside the public buildings bill, then Senators will vote favorably on the motion of the Senator from Mississippi. I do not deny that the Senator from Mississippi has a right to make the motion. He is perfectly within his rights in making the motion he has made. I asked that the unfinished business now before the Senate be not displaced, but that we temporarily lay it aside for the purpose of allowing the Senator from Montana to address the Senate on the Italian debt settlement. If the Senator from Mississippi still objects and wants a vote on his motion, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FERNALD. Mr. President, for information, what is the motion?

The PRESIDING OFFICER. The question is, Shall the Senate proceed to the consideration of the Italian debt settlement bill?

The Chief Clerk proceeded to call the roll.

Mr. PHIPPS (when Mr. MEANS's name was called). My colleague, the junior Senator from Colorado [Mr. MEANS], is absent on account of illness.

Mr. REED of Pennsylvania (when Mr. PEPPER's name was called). The senior Senator from Pennsylvania [Mr. PEPPER]

is paired with the junior Senator from Iowa [Mr. STECK]. If the senior Senator from Pennsylvania were here, he would vote "nay."

Mr. PHIPPS (when his name was called). I have a pair with the Senator from Georgia [Mr. GEORGE]. Not knowing how he would vote, I transfer my pair to my colleague [Mr. MEANS] and vote "nay."

Mr. REED of Pennsylvania (when his name was called). I transfer my pair with the Senator from Delaware [Mr. BAYARD] to the Senator from Vermont [Mr. GREENE] and vote "nay."

Mr. McNARY (when Mr. STANFIELD's name was called). My colleague, the junior Senator from Oregon [Mr. STANFIELD], is absent from the city. If present, he would vote "nay."

The roll call was concluded.

Mr. JONES of Washington. I wish to announce that the Senator from New York [Mr. WADSWORTH] has a general pair with the Senator from Utah [Mr. KING].

Mr. GILLETT. I transfer my pair with the senior Senator from Alabama [Mr. UNDERWOOD] to the junior Senator from Minnesota [Mr. SCHALL] and vote "nay."

Mr. SIMMONS (after having voted in the affirmative). I have a general pair with the senior Senator from Oklahoma [Mr. HARRELD], who is absent. I do not know how that Senator would vote, if he were present, so I withdraw my vote.

Mr. JONES of Washington. I was requested to announce that the Senator from Kentucky [Mr. EANSR] is detained on official business.

The result was announced—yeas 19, nays 44, as follows:

YEAS—19			
Borah	Harrison	Nye	Stephens
Bratton	Howell	Overman	Trammell
Ferris	McKellar	Ransdell	Tyson
Frazier	Mayfield	Robinson, Ark.	Walsh
Harris	Neely	Smith	
NAYS—44			
Bingham	Fernald	La Follette	Sackett
Bleuse	Fess	Lenroot	Sheppard
Broussard	Fletcher	McLenn	Shipstead
Bruce	Gillet	McMaster	Shortridge
Butler	Gooding	McNary	Smoot
Cameron	Hale	Metcalf	Swanson
Capper	Johnson	Oddie	Warren
Curtis	Jones, N. Mex.	Phipps	Watson
Deneen	Jones, Wash.	Pine	Weller
Edge	Kendrick	Reed, Pa.	Williams
Edwards	Keyes	Robinson, Ind.	Willis
NOT VOTING—33			
Ashurst	Ernst	McKinley	Simmons
Bayard	George	Means	Stanfield
Canaway	Gerry	Moses	Steck
Copeland	Glass	Norbeck	Underwood
Coxsena	Goff	Norris	Wadsworth
Cummins	Greene	Pepper	Wheeler
Dale	Harreld	Pittman	
Dill	Heflin	Reed, Mo.	
du Pont	King	Schall	

So Mr. HARRISON'S motion was rejected.

INDEBTEDNESS OF ITALY TO THE UNITED STATES

Mr. SMOOT. Now, Mr. President, I again ask unanimous consent that the unfinished business may be temporarily laid aside and that the bill providing for the settlement of the Italian debt may be laid before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. HARRISON. Out of courtesy to the Senator from Montana [Mr. WALSH], I will not object.

Mr. SMOOT. I thank the Senator.

The PRESIDING OFFICER. The Chair lays before the Senate House bill 6773.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America.

Mr. WALSH. Mr. President, I have no sympathy and little patience with the oft-repeated plea that the United States should forgive to its late allies the whole or some part of the debt due from them because they were fighting our war. Late dispatches from London tell us that one Philip Snowden advanced on the floor of the House of Commons the idea that the loans should be regarded as contributions by the United States in view of its tardiness in entering the war. If my memory is not at fault, this same Philip Snowden was himself somewhat tardy in getting into the war. I should not notice these animadversions on either the justice or the magnanimity of America emanating from foreign sources were it not that they are echoed by some sections of the press in this country and reflected in arguments made on this floor. I deny that any of the nations with which we became associated against the Central Powers were fighting our war. It was a European

quarrel, pure and simple, into which we were reluctantly drawn by reason of the invasion of our rights in the prosecution of it by one set of the belligerents. It is idle to attempt to apportion the responsibility for the sanguinary and devastating conflict.

My conviction that Germany was the chief offender has never been shaken, but the view once industriously inculcated and widely accepted that her enemies were blameless long since passed into the class of fiction. The war sprang out of the jealousies, the rivalries, the hatreds, the ambitions of the governing classes of the various nations of Europe, arising out of racial, linguistic, and religious differences past and present, shared to a greater or less extent by their people as a whole, respectively, and intensified by bloody and barbarous conflicts extending as far back at least as the dawn of history. In the passions thus excited neither the Government nor the people of the United States participated to any degree. We were in perfect amity with all the nations eventually becoming parties to the titanic struggle, not only nominally but in very truth. We had no quarrel with any of them; there existed between us and none of them either enmity or rivalry calling for military preparedness. There existed no controversies of any character not readily resolvable, as in the past all like differences had been resolved, by diplomatic negotiation or some form of arbitral procedure. On the other hand, Great Britain and Germany had regarded each other for years as potential enemies, so that it had become the settled policy of the former to build two battleships for every one laid down by her continental rival. The Berlin-to-Bagdad railway scheme had aroused apprehensions in England as to the future of her Indian possessions, and the rivalry in commerce of those two powers had become acute. It is needless to descant upon the sad heritage of hatred and vengefulness resulting from the reciprocal invasions through the centuries of France and Germany that history records. Russia's dream of dominating the waters connecting the Black Sea with the Aegean and exercising a hegemony over all the Slavic states continued to animate the counsels of the last of the Czars. The oppression of her Latin subjects by Austria fed the consuming ambition for the redemption of "Italia Irredenta" and made more easy the purchase of the repudiation by Italy of her alliance with the Central Powers through the secret treaty which came so near wrecking the peace negotiations at Paris.

I protest that the war was a European war; it was not ours, and its character is not changed by the fact that had the result been otherwise Germany might have been in a position with every disposition to march boot and spurred through the world. We should still have been protected against any warlike purposes she might have entertained against us by 3,000 miles of ocean, with no certainty that the conquests she madly hoped for would not be a handicap rather than an aid to her. We did, indeed, enter to make the world safe for democracy, that the people of the nations might in the future, through their representatives, pass upon the supreme issue of peace or war, rather than some ambitious autocrat or prince, but it would have been quixotic on our part to interfere upon any such ground, no offense upon the part of any of the belligerents having been directed against us. If the expectations indulged by our people in that regard were but feebly realized, if at all, the fault was not ours. Notwithstanding the generous impulses that stirred the hearts of the American people in taking up arms, and the high hopes with which they were animated touching the future peace of the world, through the enterprise in which they enlisted, what man is bold enough to assert that we ever would have got into the fray, or should have got into it, were our rights as neutrals strictly observed by the belligerents? Whether it was our war or one strictly European into which we were unfortunately drawn by the way in which it was prosecuted, having no share in the controversies giving rise to it, if it is to be regarded in any sense as an open question, is made plain by considering who became its beneficiaries. France recovered Alsace and Lorraine and divided with Great Britain a vast territory in Asia formerly a part of the dominion of the Turk, pursuant to a secret treaty between those two powers, which, with Belgium, took over the German colonies in Africa.

Italy extended her boundaries northward to the summit of the Tyrolean Alps, and the Adriatic, at her instance, became all but an Italian lake. It is unnecessary to mention the matter of reparations in money or movables, nor to dwell upon the very reasonable inference that the hope of the territorial acquisitions eventually effected tempered the horror and dismay with which Germany's precipitation of the conflict was regarded by those nations to which she threw down the gauge of battle. Anyway, the general partitioning which took

place and the contentions attending its accomplishment makes ridiculous the assertion that anyone was at any time fighting our war.

I refer to this subject reluctantly. I have no disposition to dwell upon it, but I can not sit idly by while my country is traduced as a Shylock for insisting upon liquidation of sums loaned by it to its allies for the prosecution of the war, in which we eventually became jointly engaged with them, and to repair its ravages, the imputation resting upon the perfectly baseless proposition that they were fighting *our* war.

There is another line of argument pursued in support of the extraordinarily generous settlement for which our approval is asked by the pending bill somewhat allied to that which has been considered. Copious quotations are made from speeches of Members of both Houses of Congress delivered while the bill authorizing the loans was in course of passage, the purpose of which addresses was to commend the measure and to dissipate any opposition that might arise founded upon the fear or belief that the nations to which the loans were to be made might not be able, in view of their magnitude, the vicissitudes of the war, and the impoverishment likely to follow from it to repay the advances to be made. Generally the speaker to whose remarks so much importance is now attached indicated that in view of the dire necessity of the nations allied with us in the war, the purposes to which the funds were to be devoted, and the interest we had in common with those thus associated with us in bringing the war to a successful termination, however risky any loan authorized by the act might be, however, it might be attended with peril of total loss, he was nevertheless in favor of the measure.

The senior Senator from Utah referred in opening the debate on the pending bill to comments along the lines indicated by the senior Senator from North Carolina, the chairman of the Committee on Finance, on reporting the bill for the act pursuant to which the loans were made, obviously to predispose Senators to assent to the proposal to abate to Italy three-fourths of the debt confessedly due from her to the people of the United States. It will be borne in mind, however, that Senator SIMMONS was arguing not that our Government make gifts, but that it make loans to our allies. He may have been willing to make gifts or to regard some undefined portion of the sums to be advanced as gifts, but no such course was proposed by him or by anyone else. The intent and purpose of the Congress is to be gathered from the legislation it enacts, and not by what one or more of the 96 Senators or 435 Representatives may have said in debate. Even in the event of ambiguity in the language of the statute the debates on its passage are regarded as a doubtful source of enlightenment. Congress was not asked to advance any money by way of gift, and it may be said with safety that it would not have done so had it been asked. Every consideration now invoked to induce the view that the advances ought to be looked upon, in part at least, as gifts, or as contributions by the Government of the United States to the common cause, was equally forceful at the time the legislation was before Congress and at the time the loans were made. The world peril the Entente Allies had arrested, the sacrifices they had made, the losses they had sustained, as now recounted, were then fresh in the memory of every Member of Congress. The trials they were still to endure were in the main easily to be imagined. And yet it was not conceived that Congress could be induced upon any such ground to pour billions gratuitously into their treasuries to be expended at their will. Still it is apparent that the view is entertained abroad, and to some extent on this side of the water, that our Government should now act as though it had or ought to have adopted such a spendthrift policy. The considerations adverted to as a reason for the abatement to the creditors of our Government of a part of the debts due from them were not advanced at the time the loans were effected. The funds were asked for by the borrowing nations, the obligation to repay was entered into, and the honor of the nations involved stands pledged for its redemption.

There is no basis offered on behalf of Italy upon which the Congress of the United States can justify to the people for whom it acts, and who themselves were obliged to borrow the money loaned, any abatement of the sums due except, if it be the fact, that the debtor is unable to meet its obligations. In the main it is upon that ground appeal is made for the approval of the settlement which has been negotiated with Italy, in effect that her obligation be regarded as discharged by payments extending over a period of 62 years, the present worth of which is a sum equivalent to approximately 26.2 per cent of the debt. It is said that in view of the paucity of the natural resources of that country, the capital of which was for centuries the capital of the world, she is unable to pay more. That question has been elaborately discussed and I am not disposed to dilate

upon it. Conceding the fact to have been established, it is argued that the adjustment of the transaction on the terms proposed would contribute to the stabilization of the finances of Italy and more or less of Europe in general, and so promote the rehabilitation of industry still suffering from the disorganization incident to the war, affording a much-needed outlet for our surplus products. This aspect of the case, I confess, makes a strong appeal to me. I may have been misguided in my views concerning the proper policy which the United States should pursue with reference to the nations of Europe since the armistice; but it has been my steady conviction that our country is vitally concerned, not alone on humanitarian but on economic grounds in the complete pacification of that theater of war, and my attitude concerning international problems that have been before us has been uniformly colored, if not controlled, by that conviction.

The four leading products of my State—wheat, copper, silver, and meats—all go abroad, the major portion of the surplus to the countries of Europe. If the substance of their people is consumed in devastating wars or eaten up in maintaining huge standing armies instead of being devoted to the development of productive enterprises, if by reason of political disturbances or financial derangements industry is at a standstill or is seriously handicapped, the people of my State suffer. Italy, it is true, is without a domestic supply of coal, the source of the marvelous development industrially of the manufacturing nations of Europe and America. But she is rich in undeveloped water power, the utilization of which would make enormous demands for the copper of Montana. Our durum wheat, a drought-resisting variety of that grain, is highly prized by the people of Italy by reason of its adaptability to the preparation of macaroni and other like dishes in favor among them. If there were any reasonable grounds for believing that the political, economic, and industrial conditions in Italy would be materially improved by approving the settlement negotiated by the Debt Commission with the government of that country, I should be powerfully persuaded upon national grounds, as well as some peculiar to my State, to indorse it without any critical analysis of its terms to ascertain whether it measured up fully to the tests said to have been applied of Italy's capacity to pay. But I am convinced we have no such assurance. On the contrary there is abundant ground for believing that what we are asked to do is simply to assist Mussolini, now master of Italy, supreme dictator as must be admitted, to arrange his finances that he may precipitate another war or bluster about until the fear, if not the belief, of such purpose on his part is general, strengthening his position at home through concessions wrung from feeble, war-worn neighbors that yield to the dread of a renewal of the carnage of which they have such ghastly memories.

Ambassador Houghton, called home to acquaint the President more intimately than the usual means of communication would permit with the conditions in Europe having a more or less direct bearing upon the disarmament conference, in which the United States is invited to participate, reported, as he was quoted by representatives of the press whom he met by appointment, that "the whole of Europe regards Premier Mussolini with the utmost distrust. His utterances," he continued, "are taken very seriously in European capitals with the result that there are turmoil and thoughts of war all over Europe." Undoubtedly the ambassador had in mind, among others, the swashbuckling speech he made early in February last, in which he threatened that an Italian Army might go through the Brenner Pass on the boundary between his country and Austria to avenge some offense given in speech by an irresponsible official of Bavaria, adding in that connection something about "two eyes for the loss of one" and "a whole set of teeth for the loss of one tooth" and characterizing the Locarno pacts, to which his Government was signatory, while still Europe was hailing them as its salvation, as something "soft, evanescent, and even hypocritical."

It was charged in the debate in the House of Commons on the failure to carry out the Locarno pacts by the admission of Germany to the league with membership in the Council, that responsibility for the debacle did not rest alone on Brazil, which insisted on being accorded contemporaneously with Germany a permanent seat in the Council, it "being well known on the Continent," the speaker declared, "that the real voice behind it all was the voice of Mussolini." American papers note as particularly significant that this statement so publicly made by Ashmead-Bartlett, startling as it was, drew no comment from either the Prime Minister or the Foreign Minister.

Although a denial has come from Brazil of continental inspiration of her obduracy, it is noteworthy that no disclaimer

has been issued by Mussolini. Ex-Attorney General Wickersham on his recent return from Europe, where he attended a meeting of the commission which, under the auspices of the league, is inaugurating the work of the codification of international law, in a public address declared Mussolini to be "the greatest menace to the peace of the world to-day," adding that "it is evident that when the Italian leader sees his control slipping he plans to enter upon a program of territorial expansion that will force his subjects to continue to lend their support." This view is no idle dream. The purpose is boldly proclaimed by the Fascist press. Thus, *La Tribuna*, a Roman paper, of January 6 last, says:

In what direction, then, can Italy look for her industrial development and the means of supporting her too many children? . . . The industry of a country without raw materials has natural limits which are not very wide and which can be easily reached but not passed over. This is the national deficiency that is becoming burdensome. At the present moment France refuses to give us raw iron. Tomorrow, if she can establish with Germany a metallurgical trust on the Rhine, she will impose on us a monopolistic price for her iron. Profiting by the peace treaties, England had already imposed on us her monopolistic prices for coal. Moreover, the same England, together with the British Empire, the United States, and even conquered Germany, has practically closed its markets to our exportation with its new protectionist tariffs. From all this we have the fatal result of a serious disequilibrium in our commercial balance. . . . We are face to face with a true and proper economic servitude which can not do otherwise than translate itself into a political servitude also. Now, in such conditions it would be dangerous to delude ourselves into thinking that Italian industry can go on developing in proportion to the increase in the population or to close our eyes to the threatening import of the consequences that will affect the political liberty of Italy. . . .

That is the great Italian problem which will not brook postponement. To it we must add that of our strategic freedom in the Mediterranean, which is a problem not less grave, and that of Italian nationality, which in more than one point of the Mediterranean is in serious peril. But let us confine ourselves to the first and greatest problem. If she does not wish blindly to continue on the road to ruin and servitude, it is clear that Italy must lay hands on raw material which will be her own, and lands of her own for purposes of colonization, it being understood that this is to take place outside of Europe. It is not less clear that nobody is going to cede us these things gratuitously. Therefore, if we are not ready one day to perish, we shall be forced to seize them. And to seize them necessarily and in the first place means a modification of the present map of the Mediterranean and in general the extra-European imperial map. And this change must necessarily come through an act of force.

The naval plans of Italy contemplate something more than freedom in the Mediterranean mentioned in the article to which reference has been made. A copyright dispatch from Rome to the *Chicago Tribune*, bearing date March 7, reports an interview with the Italian secretary of state of the navy from which the correspondent draws the conclusion that, in view of the polemics of the Fascist press for the construction of a fleet to dominate the Mediterranean, plans for the modernization of the navy of Italy have that end in view. I send to the desk a copy of the article referred to and ask that it be printed as an appendix to my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit A.)

Mr. WALSH. There is enough substance in the program of Italian naval expansion to excite the alarm of Great Britain, as shown by an article appearing in the *Washington Herald* of April 5, from the pen of Maj. Gen. Sir R. Maurice, chief of operations of the British general staff during the war, who, arguing for disarmament, points out that Britain's expenditures on her army and navy approximate what they were costing her when the great war was imminent—necessarily so, he insists, because of the disturbed state of affairs on the Continent. Having called attention to the higher range of prices, he adds:

But the most important reason of all is that despite the League of Nations, despite the Locarno pact, despite the welcome appearance of Germany at Geneva, the world in general and Europe in particular is in a very disturbed state. Emperor William's shining armor is no longer in evidence, but Mussolini's clenched fist is flourished in turn in the faces of Greece, Serbia, and Germany.

France has 1,300 airplanes in the service of her army; Italy has embarked upon a great program of air expansion and has voted money for 80 squadrons of approximately 1,300 machines, the same number as France.

Italy is not within bombing range of our shores, but she is casting covetous eyes on Malta, and some of Mussolini's hot-heads talk openly of an Italian Mediterranean.

Sensibly he remarks, continuing his argument:

But the best reason of all for limiting armaments is that the accumulation of armaments and competition in armaments were the direct causes of the World War. With Europe in the state in which it was in 1914, if the archduke had not been murdered, something else would have caused the armies to march.

Obviously the domination of the Mediterranean by Italy contemplates wresting from her such control as Great Britain now exerts from Gibraltar and Malta to keep the route to India open and from France such as she exercises to insure passage to and from her African colonies.

According to the soldier just quoted, Italy's air establishment even now, desperately poor as she is, according to the supporters of the pending measure, rivals that of France, or the money has been voted to make it so, this particular activity being a feature of the reorganization of her army. That arm is by no means being neglected, while the navy is being reconstructed and strengthened. Two days after the appearance of the article mentioned, on March 10, the press carried another dispatch from Rome telling of a further ambitious project of what our militarists call "preparedness." It is so ominous in character that I venture to present it in full as follows as it appears in the *New York Times*:

ITALY TO EXPAND ARMY AS FINANCES PERMIT—MUSSOLINI TELLS THE SENATE THAT TIMES ARE UNCERTAIN—WE MUST BE PREPARED

ROME, March 9.—After speeches by Marshals Cadorna and Diaz, Italy's commanders in chief in the World War, by Generals Caviglia and Giardino, who were army leaders in the conflict, and by Premier Mussolini in his capacity as Minister of War, the senate, by an almost unanimous vote, approved to-day the group of seven laws constituting the army reform proposed by Signor Mussolini.

In his speech the Premier said that when Italy's financial condition improved the number of divisions would be increased, bringing the standing army to 250,000 men, and added that "these are uncertain times and we must be prepared."

About a year ago the senate showed such hostility toward an army reform measure proposed by General Digiorgio, then Minister of War, whose plan was somewhat similar to that which was approved to-day, that Premier Mussolini hastily withdrew the bill before a vote was taken.

The main points of Signor Mussolini's army reform are a standing army of 220,000 men, while General Digiorgio proposed an army of only 140,000; compulsory military service for six months, while General Digiorgio proposed only three months; the adoption of a so-called tertiary division composed of three regiments instead of four; and written and oral examinations for all officers before promotion.

All of the speakers showed themselves favorable to the reform except General Caviglia, who criticized the adoption of the tertiary division, but expressed himself satisfied on all other points.

There being no criticism to answer, Signor Mussolini limited himself to explaining some points of the reform. Any army reform, he said, must necessarily knock against the rock of Italy's financial resources. It was not a question of devising a perfect army reform, he added, but of the best way of spending a fixed sum of money.

Justification for a standing army of 250,000 men, nearly twice the number of the Army of our great Nation of approximately 120,000,000 people, to be supported by the bankrupt, poverty-stricken Italians, consists in the fact that, to use the language of Mussolini, "these are uncertain times and we must be prepared." The contributions made by him to remove the uncertainty which unhappily prevails have been neither signal nor noteworthy, if indeed, as is asserted by the responsible observers whose comments have been quoted, he has not been one of the prime factors in continuing and fomenting it. His Tripoli speech bristles with bellicose bluster. The Kaiser never rattled his saber more ominously. He usually brandished his sword against imaginary enemies about to or yearning to invade the Fatherland. Mussolini's bugle blast is a call to conquest, to attack, not defense.

My voyage—

He said—

must not be interpreted as a mere administrative act, but as it is, an affirmation of power of the Italian people, a manifestation of the force which originates in Rome, and which extends from Rome to a glorious and triumphant littoral.

Again he said:

Fascist Italian Tripoli! You represent here Italy, which is daily more prosperous and powerful. Rome carries the beacon lamp of

strength to the shores of the African sea. No one can stop our inexorable will.

And then he continued:

You understand me more for what I have not said than for what I have said. Only this language is possible in Fascist style.

The Associated Press report adds:

What the premier left unsaid was proclaimed by the militantly imposing welcome accorded him far more loudly than it could have been in words.

And then, telling in detail of the military display and of exercises all having a military note reviewed by the distinguished visitor, the dispatch concludes:

With this over, he seemed to tighten his jaw, and glanced at the correspondents as if to indicate that Italy's first determination is to follow ancient Rome's road toward empire.

It is asserted that it is no affair of ours what kind of a Government Italy may have, nor may we complain if the fact be that it is autocratic rather than democratic, despotic rather than popular. And that is quite true so far as its internal administration is concerned, though the rule has not been adhered to with marked rigidity in the case of Russia.

It is, of course, none of our business whether, as generally proclaimed, the last vestige of liberty has disappeared under the Mussolini régime, whether freedom of speech and of the press remains but a memory, or whether the ruling order is maintained by protected murder and practices akin thereto, as indicated in a dispatch from Paris under date of April 5 telling of the death there of an Italian patriot, a scholarly man of mild though stirring eloquence, from the effects of a beating inflicted by adherents of Mussolini, from whose views and rule he chose to dissent. The story is so fraught with lessons that I ask a copy of it may be printed in the Record as a further appendix to my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See Exhibit B.)

Mr. WALSH. Mr. President, of course it is none of our business as to the kind of internal administration the Government of Italy gives its people, but when the Government of the United States is asked to forego three-fourths of a debt due to it from Italy, amounting to \$2,042,000,000, we may well inquire—indeed, the Members of this body would be derelict if they did not diligently inquire—whether the course proposed is likely to contribute to the peace of the world or to still further disturb it. The Corfu incident is not forgotten. The provocation in that case was great. The mouthings of the Bavarian Pan German may have been exasperating, but the reprisal in the one case and the retort in the other have filled Europe with alarm. Mussolini may not intend war; his swashbuckling speeches may be mere bluster; but no nation neighbor to Italy can afford to or will take chances. It is not going to disarm unless he retires or mends his ways.

The nature of the transaction for which our approval is asked by the pending bill is not fully appreciated from the assertion that the present worth of the payments to be made by Italy amounts to 26 per cent, approximately, of the debt. Our Government is paying $4\frac{1}{4}$ per cent interest on the money loaned to Italy, amounting to \$2,042,000,000, on which it pays interest at 1.1 per cent, an annual loss to us of something more than \$64,000,000. If we shall succeed in refunding our debt at $3\frac{1}{2}$ per cent, as some sanguine financiers say we shall, the American taxpayer will put up annually \$49,000,000 more for the money loaned to Italy than she returns for the use of it, a loss in the aggregate running into billions. If this loss is borne by all the people of the United States, each his ratable share, it lays upon Montana on the basis of its present population the staggering burden of over \$250,000 a year. Were the payment to be made directly out of the State treasury no one would defend it, but the load is carried by the people just the same, the money being collected by the Government at the customhouses and through the income-tax machinery, the immediate taxpayer then collecting it of the ultimate consumer, directly or indirectly in the added price demanded for the wares the former sells. It must not be forgotten either that over one-third of the great sum loaned to Italy, some \$800,000,000, was advanced after the armistice.

I can not be stampeded by the argument advanced in various ways to conceal its character as a threat that we can take what has been offered or take nothing. No nation can carry on in our times under the cloud of repudiation. If the Italian debt is not settled on the terms now proposed, it will be suing in less than five years for a satisfactory adjustment. Without any prompting from this side France, according to press reports,

is about to make another attempt to agree on terms for the settlement of her obligations. Neither am I perturbed by the assertion that the good will of the nations of Europe is worth the sacrifice we are called upon to make. No particularly commendable spirit has been exhibited in view of the prospect of a settlement upon the liberal terms proposed, no gratitude is displayed for our coming to the rescue of their cause when it was desperate or for the consideration shown them in connection with the loans they so eagerly sought from us, and precious little for the aid we extended to relieve the destitution which followed in the wake of the war.

Our experience has not been such as to justify the belief that had we at the outset done what they want us to do and have always wanted us to do, cancel the debt entirely, a more friendly regard would be felt toward us. The most that can be said is that the hostility which has been displayed might not have been so marked, since their attitude has always been that such a course should be pursued by us as a duty, as a matter of right on their part, not as a matter of grace on ours. But that time has passed, and the idea of cancellation has been repudiated by us from the beginning. We could not purchase their good will now by total cancellation, and we certainly can not by partial cancellation.

It will be prudent in considering arguments in favor of the Italian settlement to remember that upon the approval of it by the commission a loan of \$100,000,000 was secured through the Morgan firm by Italy on which she pays better than 7 per cent interest. Obviously the value of the bonds issued in evidence of that loan will be materially enhanced if the pending bill becomes a law. Without any direct evidence one may shrewdly suspect that not a little of the propaganda in favor of it is referable to that transaction and some of the public sentiment to the present holders of those securities calling for 7 per cent interest while those to our Government to be issued pursuant to the settlement, if it shall be approved, bear but 1.1 per cent, said to be all Italy can possibly pay.

Regardless, however, of the want of any generous response to the unparalleled philanthropy of America toward the stricken people of Europe, their appalling losses make a powerful appeal in support of the debt settlements that have been arranged, which might turn the scale were it not for the doubt troubling some of us as to whether in the case of Italy their plight will not be aggravated by any material improvement in the finances of the Italian Government and the world be brought again face to face with the cataclysm of war. If the Congress of the United States desires to do something for the people of Italy as distinguished from the Government of Italy, let it pull down the wall erected by the tariff act of 1922 to the level of the rates of the Underwood-Simmons Act, as to the commodities of greatest value and amount imported from that country. I have caused a computation to be made from which it appears that duties exacted by our Government on the leading imports from Italy above what would have been paid had the law it displaced been continued amounted in the year ended June 30, 1925, to upward of \$4,300,000, almost as much as Italy will pay annually, should the bill before us become a law, for the next five years.

It must be recognized by all that whatever Italy pays on the debt due the United States must be paid in goods produced by her people. Increasing the duty on imports from that country is equivalent in every essential respect to increasing the rate of interest on the debt. If, the obligation having been incurred and the rate of interest fixed, it were possible for the United States to increase the rate it would be inconceivable that it would do so. The morals of our people would revolt at such a proposal, and the world would be shocked if it were entertained by our Government. Yet without a qualm we burden the transfer of the products with which they must discharge the debt to the extent of upward of four millions annually above what it bore under the law when the debt was contracted, to say nothing of the near destruction of the trade they then enjoyed with us in respect to imports of a number of their leading products. We demand payment of the debt and then impose prohibitory tariffs, which make it impossible for them to pay. The duty on lemons, for instance, having been raised from the equivalent of one-half cent per pound, as fixed by the act of 1913, to 2 cents per pound, as prescribed by the act of 1922, in excess of 50 per cent ad valorem, the importations dropped from \$5,918,724 worth in 1914 to \$943,890 worth in 1924. Importations of macaroni that underwent an increase from 1 cent to 2 cents per pound, approximately 50 per cent ad valorem, fell from 121,924,372 pounds in 1914 to 3,625,372 pounds in 1924.

Relief to the people of Italy along the lines indicated would be alike honorable to us and just to them. Give them an op-

portunity to trade with us on reasonable terms and there would be no occasion for the largess contemplated by the bill before us.

Mr. JONES of New Mexico. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Mexico?

Mr. WALSH. Certainly.

Mr. JONES of New Mexico. I call attention to the fact that under the last tariff act there was a tariff of 60 per cent on straw hats. Under the flexible provisions of that tariff act the President of the United States has recently increased the tariff on straw hats selling at a price of \$9.50 per thousand or less from 60 per cent to 88 per cent.

Mr. SIMMONS. And they come from Italy.

Mr. JONES of New Mexico. Of course the northern part of Italy was the section of the country chiefly concerned.

Mr. WALSH. I thank the Senator for the additional information.

It was frankly confessed by the proponents of the act of 1922 that the conditions under which world trade was then being carried on were so abnormal and unstable that it was impossible to fix rates of duty conforming with reasonable accuracy to principles upon which they contended tariff legislation should be enacted. The depression of the German mark and other European currency was offered as a reason for rates which could not otherwise be defended or excused. The dramatic language of the Senator in charge of the bill which became that law in opening the discussion of it before this body will be recalled. On that occasion he said:

We have been often advised, and the advice is well founded, that of all times in our history this is the very worst time to formulate and put into effect a new tariff measure; but, Mr. President, it is equally true that of all times in the history of the country this is the time in which a protective tariff is most needed to sustain our American industries and our millions of people dependent upon them.

It was largely because of the fluctuations in the rates of exchange from which the world was then suffering that made it "the very worst time to formulate and put into effect a new tariff measure." The framers of the law took a bond of fate, however, by boosting the rates to unheard-of heights with an implied promise that they would come down if experience justified reduction under the operations of its so-called flexible provisions. In the same speech it was said:

With the rapid changes going on in the world in the cost of production, in the fluctuation of exchange, in the increase of labor's cost in some cases and decrease in others, any rate which we may now establish as being the proper rate may be found to work an injustice either as against the American manufacturer or the American importer.

Take note that, as viewed by Senator McCumber, the controversy was one between the American manufacturer and the American importer, not one between the American manufacturer and the American consumer. His rights and interests seem to have been forgotten, but the importer was to have justice done him, for the speaker continued:

We have attempted to meet this by a provision permitting the Executive, on a finding of fact that the rates are so high that they amount to an embargo or are unjust or too obstructive to fair competition and fair commerce or so low that our industries are being destroyed, to lower or advance the rates within fixed limits to meet those situations.

In the light of the history of the provision thus promised, as disclosed by the investigation now in progress, was there ever a more flagrant case of holding the word of promise to the ear and breaking it to the hope? Vast changes have ensued since but no evidences of any disposition to depart from a stand-pat policy are yet discernible.

The chairman of the Senate Finance Committee, who so resolutely urges the legislation upon which we are called upon to act, stated repeatedly upon this floor before he was appointed to membership on the Debt Commission that he could and perhaps would demonstrate that it would be to the financial interest of the United States to cancel all war debts due us. Whether that conviction influenced him in any degree in his acts as such member is a matter of speculation. That he discharged his duty as such obedient to the command of the law as he saw it no one questions, but he is known as an uncompromising, high protectionist, and must recognize that if the debts are ever to be paid they must be paid in the product of the debtor nations, and that every obstacle to the admission of such reasonably removable without peril to American industry must be removed. To demand at one and the same time a prohibitive tariff and liquidation of the war debt is contradictory and useless.

EXHIBIT A

[From the Washington Post of Monday, March 8, 1926]

MODERNIZED NAVY GOAL OF FASCISTI, SIRIANNI ASSERTS—NO INCREASE FORERUNNEN, BUT OBSOLETE UNITS ARE TO BE REPLACED—DOMINANCE IS SOUGHT IN THE MEDITERRANEAN—NATION MUST BE ABLE TO GUARD ITS 5,589 MILES OF COAST, ADMIRAL HOLDS

ROME, March 7.—Italy's naval program foresees no increase in the fleet, but modernization through the replacement of its many obsolete units with the more modern types of smaller craft.

The present economic state does not allow Italy to construct the superdreadnaughts permitted it under the terms of the Washington naval agreement. Therefore, it must concentrate on lighter vessels. But when conditions permit Italy intends to regain its naval power in the Mediterranean.

The ministry of marine is inclined toward the theory that the suppression of submarines would give large fleets more domination of the seas and relegate the weaker navies to still weaker positions.

Those are the more important points emphasized in an interview with Admiral Sirianni, undersecretary of state of the navy, upon whom the writer called to clear up the conflicting statements regarding Italy's building program which have been appearing in the Italian press.

Admiral Sirianni's declarations are most important in view of the polemics of the fascist press demanding the construction of a fleet to dominate the Mediterranean. The protection of vital interests of defense and domination is back of the Italian naval plans, the interview indicates.

"I am much pleased to grant an interview to a representative of a foreign paper," began Admiral Sirianni. "Italy can only benefit by the wider publication of the intensive effort it is putting forth toward the reconstruction and rehabilitation of all that the war and the long period of slack discipline among the people have destroyed.

GEOGRAPHY BASE OF NEEDS

"Italy's naval needs arise directly from its geographical situation and its special requirements, whose importance are evident, even from superficial consideration," he said. "You need only to glance at the map. Our country is inclosed within its limits by the national barrier of the Alps, which the nation, inspired by the value of what are its rights, has been able to conquer—the frontier assigned to it by nature. On every other side it is surrounded by the Mediterranean, and only by that sea, whose gates have been held by other powers.

"If you will consider that Italy has 9,000 kilometers (5,589 miles) of coast, on which are situated important cities open to attack; that it is not rich in cereals; that it lacks raw materials; that both of these things come to it over the sea; that it has scattered all over the world millions of its sons who carried their tenacious industry into foreign lands; if you will consider that its population has a yearly increase of approximately 400,000; that this makes it a vital necessity for it to further industries and foreign export, without which, bereft of colonies as it is, Italy would have, perforce, to break from its limits, you will form your own judgment as to whether each of these facts taken separately would not of itself call for a strong navy.

TO STOP DEPRECIATION

"If this is so, is it not a logical sequence that when they are viewed collectively it should be firmly asserted that there is no nation holding interests on the Mediterranean whose interests are equal to and certainly not greater than ours?"

"Why is Italy considering an increase in its navy, and what is its goal?" I asked.

"The statement that Italy is considering a definite program of immediate development in the navy is not based on facts," the admiral answered. "The only truth in this regard is that the country is rather anxious regarding the rapid depreciation that will be suffered by the fleet during the next few years, owing to the increasing deterioration of units in service and the decreasing value of the battleships, which are models long out of date, as regards tonnage, and the caliber of the discarded ships built during the war, and finally on account of the restricted program of new construction allowed by a scanty naval budget, which is not sufficient for the replacement of the units which must be laid aside.

"Our budget for the navy, exclusive of the sundry services outside the field of military activities, does not reach the sum of \$30,000,000. This amount must cover all coastal services. Without seeking a further comparison, you should only look at the budget of the German Navy, which, notwithstanding the restrictions imposed on its armaments, amounts to more than \$40,000,000.

"You can see for yourself that it is impossible for us, with the budget assigned to the navy, to dispose of a fleet important enough to correspond adequately with those bare needs recognized at the Washington conference, as those of a power with the degree of importance of France, for instance.

"It is evident that this state of things can only be intermediary; that is, one of waiting. When a need of a real nature asserts itself

It never fails to impose a call. Italy will recover its rank as a potent naval power in the Mediterranean." (Copyright, 1925, by the Chicago Tribune.)

EXHIBIT B

[From the New York World, April 6, 1926]

AMENDOLA, BEATEN BY FASCISTS, DYING—MUSSOLINI ACCUSED BY FORA OF INSPIRING ATTACK ON DEPUTY IN JULY, 1925—WAS FLEEING FROM A MOB—MOTORISTS AMBUSHED HIM AFTER TROOPS DEPARTED
[From the World's Bureau. Special cable to the World]

PARIS, April 5.—Deputy Giovanni Amendola, leader of the Italian Constitutional Party, who was attacked by Fascisti at the watering place of Montecatini last summer, is reported from Rome to be dying as a result of his injuries.

Anti-Fascisti repeatedly have accused Premier Mussolini of marking Amendola for suppression.

AMENDOLA LED AVENTINE OPPOSITION AGAINST MUSSOLINI'S FASCISTI

The attack on Deputy Amendola, inflicting injuries from which he has never recovered, occurred the night of July 20, 1925. It was the second time he had been beaten; the first having been shortly before the murder of the socialist deputy Matteotti. It was charged the men who killed Matteotti had organized the attack on Amendola.

Amendola was the leader of the Aventine opposition which was boycotting the Chamber of Deputies with its Fascist majority. He had been Minister of War in the Facta cabinet, which held office just before the Fascist revolution.

Last July he went to Montecatini for the cure. According to the official account of the incident, a large crowd, learning of his presence, stormed his hotel and was held off by carabinieri until Amendola could escape to his room. The mob could not be dispersed, but Fascist leaders persuaded them to allow Amendola to leave town in peace.

Accompanied by a truck load of troops, he started by automobile for Pistola. After escorting him through the Montecatini crowd, the troops left and the deputy drove on alone with his chauffeur and secretary.

At a lonely point on the road their car was forced to stop by two other machines blocking the way. As they slowed down a dozen or more men leaped from behind the hedge, clubbed Amendola severely, and escaped. He was brought back to Rome and was in the hospital for several weeks.

Mr. SMOOT. Mr. President, I intend to take no more than a moment of the time of the Senate to reply briefly to the remarks that have been made by the Senator from Montana touching the effect of the existing tariff rates and suggesting that lower rates ought to be established. Let me call the attention of the Senate to some of the facts as they exist. For instance, let me take our exports to Italy first, and then I shall call attention to our imports from Italy.

During the period of 1910 to 1914 we exported sixty-six million per year. In 1924 under the existing law we exported one hundred and eighty-seven million. For 1925 the value was \$205,000,000. Those were our exports. From 1910 to 1914 the average of our imports from Italy were \$51,000,000. Then followed the war. Coming down to 1924, under the existing tariff act we find that we imported \$75,000,000, and for the year 1925 \$102,000,000. In other words, we exported in 1925 in value twice as much as we imported. The imports in value in 1924 as compared with the 1910 and 1914 average were \$102,000,000 as against \$66,000,000.

The Senator may say what he will as to the result of our tariff act upon Italy, but the only falling off of any of the 10 principal commodities that we import occurs in the quantity of lemons. I think the Record will show that we had some Democratic votes for the duty on lemons. I remember that the Senator from Florida [Mr. FLETCHER] pleaded here on the floor of the Senate that it was necessary to increase the duty, and the Senators from California also insisted that if we were going to maintain that great industry in the United States, an industry of California and the South, the one-half cent on bulk lemons never would do it. The rate was increased. The result, of course, has been that Florida and California have largely furnished the lemons to the United States instead of Italy furnishing them. Italy, however, is still shipping them in bulk.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. SMOOT. Certainly.

Mr. HARRISON. Of course the Senator helped the Senator from California and the Senator from Florida in that matter?

Mr. SMOOT. I did, and very gladly did so.

Mr. HARRISON. What was the increase on lemons in that act?

Mr. SMOOT. I will tell the Senator exactly what it was. Under the Underwood-Simmons law the duty on lemons in packages of not over 1½ cubic feet is 18 cents per package; 1¼ to 2¼ cubic feet, 35 cents per package; 2½ to 5 cubic feet, 70 cents per package; over 5 cubic feet or in bulk, one-

half cent per pound. Those were the rates under the act of October 3, 1913.

Under the act of 1922 the classifications as to the cubic feet were eliminated and a duty of 2 cents a pound imposed on lemons.

Mr. HARRISON. It was an increase in percentages of about what, may I ask the Senator?

Mr. SMOOT. I should judge, taking it all in all, that it would be about 99 per cent.

Mr. HARRISON. That is the least fraction under a 100 per cent increase?

Mr. SMOOT. That is true. Not only that, I will say to the Senator, but it was shown by the Senator from California and the Senator from Florida that without that increase the industry could not exist in the United States.

Mr. HARRISON. May I ask what quantity of silk has heretofore been imported from Italy?

Mr. SMOOT. The quantity imported from Italy in 1912 was 2,058,000 pounds.

Mr. HARRISON. What was the value of that silk?

Mr. SMOOT. And in 1925 the importation was 1,929,000 pounds.

Mr. HARRISON. What character of silk does that include?

Mr. SMOOT. That is raw silk.

Mr. HARRISON. Has the Senator the figures as to silk apparel or goods made out of silk?

Mr. SMOOT. That is not one of the principal commodities imported from Italy.

Mr. HARRISON. That is one of the commodities imported.

Mr. SMOOT. I shall have to add up the figures, and will do so in just a moment.

The raw silk imported from Italy for 1925 was valued at \$12,120,815 and in 1924 it was valued at \$7,320,670.

Mr. HARRISON. So that there was an increase of about \$5,000,000 in 1925 over 1924. The situation is improving in Italy.

Mr. SMOOT. No; the situation is improving in the United States.

Mr. HARRISON. The Senator says the situation is improving in the United States. The figures quoted by the Senator from Utah show that we imported \$5,000,000 worth more of silk in 1925 than in 1924, as I understand.

Mr. SMOOT. That is correct; that is what I said.

In spun silk we imported from Italy in 1924 \$205,810 worth and in 1925 we imported \$620,599 worth. Of silk fabrics we imported from Italy in 1924 \$342,515 worth and in 1925 we imported \$345,017 worth.

Mr. HARRISON. What were the figures as to the importations for 1912 and 1913?

Mr. SMOOT. I have those figures only as to raw silk; I have not the figures as to the other varieties. I will assure the Senator from Mississippi, however, that they were very much less during the years he has mentioned, because at that particular time conditions were not very prosperous in the United States. We had in 1913 and 1914 a Democratic tariff, as the Senator from Mississippi knows.

Mr. HARRISON. Yes; and the people were afraid of a Republican administration coming in. May I ask the Senator what was the increase in the tariff on raw silk and on silk fabrics in the act of 1922?

Mr. SMOOT. Raw silk was free in that act, and it always has been free.

Mr. HARRISON. What was the tariff on silk products?

Mr. SMOOT. On silk products I think it was 45 per cent.

Mr. HARRISON. That is an increase.

Mr. SMOOT. Silk products were never imported free of duty.

Mr. HARRISON. What was the increase?

Mr. SMOOT. I think that the tariff on silk products was 45 per cent under the Democratic administration and 45 per cent under the Republican tariff; that is, on silk-woven goods.

Mr. HARRISON. The Senator states there was no increase in the tariff in the McCumber bill on silk or silk goods.

Mr. SMOOT. I think the tariff was the same under both bills, though I have not the act here.

Mr. HARRISON. Is the Senator from Utah sure about that?

Mr. SMOOT. I rather think that is true; there might have been a small increase.

Mr. HARRISON. I think just the contrary. That is why I am asking the Senator from Utah the question.

Mr. SMOOT. The Senator from Mississippi remembers when the Democratic tariff bill was under consideration that we had a Democratic Senator from New Jersey, and the Senator from Mississippi remembers, does he not, that that Senator from

New Jersey always took a great deal of interest in the duties on silk.

Mr. HARRISON. Just before we enacted the McCumber tariff bill we had a Republican Senator from New Jersey and we have a Democratic Senator now.

Mr. SMOOT. That sometimes happens.

Mr. HARRISON. Yes.

Mr. SMOOT. And vice versa. It happens oftener, of course, that a Democratic Senator gives way to a Republican Senator.

Mr. HARRISON. Well, there will be a striking exception as the result of the coming elections in November.

Mr. SMOOT. I prefer to take somebody else's opinion as to that, because I have heard the Senator from Mississippi express himself to that effect so often that he actually believes that what he states before each election will happen.

Mr. HARRISON. I know it ought to happen.

Mr. SMOOT. The Senator from Mississippi actually believes it will happen, and he prophesies it, but it seldom comes true.

Mr. HARRISON. The Senator from Utah also believes it, does he not?

Mr. SMOOT. Only once in a while some local situation brings that about; that is all, Mr. President. It is not because there is really a change of sentiment amongst the people.

Mr. BORAH. If they shall fall in any other way, the Republicans will seat a Democrat when he gets here.

Mr. SMOOT. The Republicans will seat him if he is entitled to have the seat, and if he is not so entitled we will not seat him.

Mr. HARRISON. We will never have the assistance of the Senator from Utah in seating a Democrat when he ought to be seated.

Mr. SMOOT. The Senator voted the other day to seat a Democrat.

Mr. HARRISON. The Senator from Utah did?

Mr. SMOOT. No; I misspoke myself.

Mr. HARRISON. I understood the Senator from Utah was going to vote that way, but when he voted he did not vote that way.

Mr. SMOOT. The Senator from Mississippi is always "understanding." He is the most prolific Senator in this body for always "understanding" things, but they never happen.

Mr. HARRISON. I had hoped that the Senator from Utah would vote right but he did not.

Mr. SMOOT. The trouble is that the Senator from Mississippi always "understands" it to be the way he wants it to be; not the way the facts are, but the way he thinks he would like to have them; and it is really a pleasure to follow the Senator.

Mr. HARRISON. The Senator from Utah is trying to get away from the question I asked him.

Mr. SMOOT. Not at all.

Mr. HARRISON. But I am not going to permit him to do it. I asked the Senator what increase there was in the tariff on silk goods under the McCumber tariff bill.

Mr. SMOOT. To tell the truth, I have not the figures here. I could obtain them; but I really do not believe there was any increase, but slight, if any.

Mr. HARRISON. Mr. President, if the Senator can not answer the question, very well.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. SMOOT. I yield.

Mr. ROBINSON of Arkansas. Unless the Senator from Utah is a very great expert he can not answer the question after he reads the paragraph in the act of 1922. I have it here before me, and, with the permission of the Senator from Utah, I should like to read it.

Mr. SMOOT. I have sent for a copy of the act.

Mr. ROBINSON of Arkansas. I have it right before me and have it marked. Will the Senator yield to me so that I may read it?

Mr. SMOOT. Certainly.

Mr. ROBINSON of Arkansas. Paragraph 1201 reads as follows:

PAB. 1201. Silk partially manufactured, including total or partial degumming other than in the reeling process, from raw silk, waste silk, or cocoons, or silk and artificial silk, and silk nolls exceeding 2 inches in length; all the foregoing not twisted or spun, 35 per cent ad valorem.

PAB. 1202. Spun silk or schappe silk yarn, or yarn of silk and artificial silk, and roving, in skeins, cops, or warps, if not bleached, dyed, colored, or advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number 205, 45 cents per pound, and in addition thereto ten one-hundredths of 1 cent per number per pound; exceeding number 205, 45 cents per pound, and in addition thereto fifteen

one-hundredths of 1 cent per number per pound; if advanced beyond the condition of singles by grouping or twisting two or more yarns together, the specific rate on the single yarn, and in addition thereto 5 cents per pound cumulative; if bleached, dyed, or colored, the specific rate on unbleached yarn, and in addition thereto 10 cents per pound cumulative: *Provided*, That any of the foregoing on bobbins, spools, or beams shall pay the foregoing specific rates, according to the character of the yarn or roving, and in addition thereto 10 cents per pound: *Provided further*, That none of the foregoing single yarn or roving shall pay a less rate of duty than 40 per cent ad valorem: *And provided further*, That none of the foregoing two or more ply yarns shall pay a less rate of duty than 45 per cent ad valorem. In assessing duty on all spun silk or schappe silk yarn, or yarn of silk and artificial silk and roving, the number indicating the size of the yarn or roving shall be determined by the number of kilometers that weigh 1 kilogram, and shall in all cases refer to the size of the singles: *And provided further*, That in no case shall the duty be assessed on a less number of yards than is marked on the skeins, bobbins, cops, spools, or beams.

Now I trust that the Senator from Mississippi has the information which he desires, and I give the Senator from Utah the rest of the afternoon to tell us what it means. [Laughter.]

Mr. SMOOT. Mr. President, there is not a word in paragraph 1202 but has a meaning.

Mr. ROBINSON of Arkansas. Yes; "a meaning all its own."

Mr. SMOOT. Every word in it is absolutely necessary in order to cover the importation of different sizes and kinds of silk. The wording of that paragraph is just as necessary as the wording of any paragraph there is in the whole act.

Mr. ROBINSON of Arkansas. Will the Senator tell us now just what is the duty on silk?

Mr. SMOOT. Yes; I can tell the Senator what the duty on any one size of silk is; but the duty varies, depending on whether it is fine-drawn silk or a coarser silk, just as the duties upon woolen yarns change with the size.

I will say to the Senator from Mississippi, however, that that has nothing to do with silk-woven fabrics. The duties on those commodities are in entirely different paragraphs.

The next paragraph in the tariff act covers thrown silk, and the one following that covers sewing silk, twist, floss, and silk threads or yarns, and the succeeding one covers woven fabrics.

Mr. HARRISON. Does not the Senator find that the increases in the McCumber law range from 60 to 90 per cent over the prior law?

Mr. SMOOT. Not on silk goods.

Mr. HARRISON. On silk fabrics and wearing apparel?

Mr. SMOOT. No; paragraph 1205 reads:

Woven fabrics in the piece, composed wholly or in chief value of silk, not specially provided for, 55 per cent ad valorem.

In the Underwood-Simmons bill the duty was 45 per cent ad valorem.

Mr. ROBINSON of Arkansas. Mr. President, it would be interesting, though incomprehensible, to read paragraph 1213, which also relates to the tariff on silk. May I read it?

Mr. SMOOT. That is about the same as the other paragraph, but covers artificial silk instead of the regular raw silk. One is made from cellulose, while the other is produced by a worm. That made from the cellulose, I will say to the Senator, is artificial silk, while that made by the worm is the real silk.

Mr. ROBINSON of Arkansas. Paragraph 1213 is comparatively simple.

Mr. SMOOT. It is about the same as the other paragraph.

Mr. ROBINSON of Arkansas. It is nothing like so difficult as the paragraph of which the Senator from Utah has just given such a lucid explanation. Paragraph 1213 reads as follows:

Artificial silk waste, 10 per cent ad valorem; artificial silk waste, not further advanced than silver or roving, 20 cents per pound, but not less than 25 per cent ad valorem; yarns made from artificial silk waste, if singles, 25 cents per pound; if advanced beyond the condition of singles by grouping or twisting two or more yarns together, 30 cents per pound; yarns, threads, and filaments of artificial or imitation silk or of artificial or imitation horsehair, by whatever name known and by whatever process made, if singles, 45 cents per pound; if advanced beyond the condition of singles by grouping or twisting two or more yarns together, 50 cents per pound; products of cellulose, not compounded, whether known as visc, cellophane, or by any other name, such as are ordinarily used in braiding or weaving and in imitation of silk, straw, or similar substances, 55 cents per pound; but none of the foregoing yarns, threads, or filaments, or products of cellulose, shall pay a less rate of duty than 45 per cent ad valorem. Knit goods, ribbons, and other fabrics and articles composed wholly or in chief value of any of the foregoing, 45 cents per pound and 60 per cent ad valorem.

Now, I should like to know what rate of duty that paragraph and paragraph 1202 carry, as compared with the rate of duty under the Simmons-Underwood tariff bill, if the Senator can tell us—what the increase in per cent ad valorem is.

Mr. SMOOT. I should judge about 12½ per cent increase.

Mr. ROBINSON of Arkansas. On both paragraphs?

Mr. SMOOT. On both paragraphs.

Mr. ROBINSON of Arkansas. The increase is the same. Well, Mr. President, the Senator from Utah may be correct. I am absolutely powerless to question the accuracy of his statement.

Mr. SMOOT. On the woven fabrics—that is, a completed piece silk shipped into this country, generally from Japan, sometimes from Italy, but great quantities of it from Japan, carloads of it—the duty is 55 per cent ad valorem, while in the Underwood tariff bill it was 45 per cent ad valorem.

Mr. HARRISON. Mr. President, may I say to the Senator that I have the figures of a tariff expert, and he says that the increase on silk fabrics and wearing apparel in the McCumber bill over prior law was between 60 and 90 per cent.

Mr. SMOOT. The expert, whoever he was, informed the Senator wrongly.

Mr. HARRISON. The Senator says he does not know exactly. The expert says the increase is between 60 and 90 per cent.

Mr. SMOOT. If I had made a statement here without being positive of it—if I had made it before I looked at the rate, and had made an error—I would have been reminded of it by the Senator not once but perhaps a hundred times during the discussion of a tariff bill; so I am very careful not to make mistakes.

Mr. HARRISON. If the Senator finds that he has made a mistake, I hope he will change the Record.

Mr. SMOOT. I have not made any mistake.

Mr. HARRISON. I say, if he finds that he has made a mistake, I hope he will change the Record.

Mr. SMOOT. It is here, Mr. President.

Mr. BORAH. Mr. President, I do not desire to take up the time of the Senate for more than a few minutes, but I want to put in the Record an article on the present financial and industrial condition of Italy, as found in what is known as "Trade Winds." This is the February number, 1926. The article is written by a gentleman by the name of O. D. Foster.

The publication is issued by the Union Trust Co., of Cleveland. Mr. Foster says that he secured his information from the International Chamber of Commerce, the United States Department of Foreign and Domestic Commerce, the Credito Italiano, the American Chamber of Commerce for Italy at Milan, the Italy-American Society, the Italian Power Co., Senator E. Conti, and others. The article is replete with facts and figures, and I think any Senator who is at all interested in this subject will be deeply interested in reading this article.

I read a paragraph or two.

Mr. Foster begins his article by saying:

In many ways the war was a benefit to Italy rather than a detriment.

I assumed, Mr. President, when the writer began his article in this style, that he was going to discuss particularly the acquisition of territory, but I find that that item in the development of Italy and in the growth of Italy is omitted entirely, and he confines his remarks to the industrial and economic condition of Italy proper.

Mr. Foster goes on to say:

It is a conservative estimate to say that Italy has at least quadrupled the productive equipment she had before the war.

Speaking of the electric-power capacity of Italy, he says:

The amount of capital invested in Italian plants for the production of electric power before the war was 700,000,000 lire. At the present time approximately 4,500,000,000 lire is invested in this industry.

On page 21 the article says:

Italy has always been a leader in the automobile industry. As far back as 1920 she exported 11,320 motor lorries and automobiles valued at about 500,000,000 lire.

He proceeds to give the development of the industry up to the present time.

Upon page 23 he gives an account of the shipping industry in its present development and the textile industry, and I observe that Mr. Snowden, in his speech in the House of Commons the other day, said that the textile industry in Italy had become a real competitor of the textile industry of the British Empire.

There is also an account of Italy's cotton industry and her silk industry; and the article covers the entire industrial and financial and economic condition of Italy in a very comprehensive way.

I ask unanimous consent to have this article inserted in the Record, and I trust Senators will find time to look it over. I am satisfied that if these facts and figures are correct—and I have every reason to believe that they are, because the writer gives his authority—we will have difficulty in arriving at the conclusion that Italy can not pay more than 26 cents on the dollar of her indebtedness of \$2,042,000,000.

The VICE PRESIDENT. Without objection, the article will be printed in the Record.

The article is as follows:

[From Trade Winds for February, 1926]

ITALY HAS TAKEN NEW LIFE SINCE THE WAR

By O. D. Foster

[NOTE.—The writer wishes to extend credit for information secured from the International Chamber of Commerce, the United States Department of Foreign and Domestic Commerce, the Credito Italiano, American Chamber of Commerce for Italy at Milan, Italy-American Society, the Italian Power Co., Senator E. Conti, and others.]

In many ways the war was a benefit to Italy rather than a detriment. For years she had depended on the other countries, principally Germany, for coal, machinery, and mechanical information. With clever foresight Germany had not failed to take advantage of this situation. Together with the machinery and coal, she sent the men to man the machines. At the time the war broke out Italy's industries were heavily manned with German experts. It was a tie which compelled her to be an aily. With the opening of the war, dissensions arose, and when these men were called to arms and German resources were shut off, Italy was obliged to think for herself and to discover some other means of securing credits, materials, and mechanical equipment for which up to that time she had depended on her neighbors. Conditions compelled her to turn within herself, and it is a conservative estimate to say that Italy has at least quadrupled the productive equipment she had before the war.

Looking for a minute at Italy's principal handicaps it is easy to see why she has always been in such a difficult economic position. Italy's total reserves of coal are estimated at 340,000,000 tons, and her petroleum deposits are scarce. The only beds of coal and lignite of any real importance are those in Tuscany and Istria, and the most accessible deposits produce a lignite which has only one-fifth to one-third of the calorific value of soft coal. She is also seriously hampered by lack of raw materials. Literally until the last few years Italy has had nothing to sell that was of great importance. She needed coal for her locomotives and her power stations, ore to make iron and steel, and cotton for her looms. She had scanty mineral resources—for her subsoils are poor in minerals—she had large areas of swamps, and her country was mostly arid, rocky, and mountainous, therefore transportation was difficult. This in part accounted for the fact that even as recently as 1875 she had practically no railroad system.

Hampered with such scanty internal resources it was the irony of fate to give her such a large population, for Italy is actually burdened with man power. Each year there is an estimated increase of half a million in the population over and above the death toll. This offers the reason for her enormous exodus, for her people can not find sufficient work to make their living in their own country. Italy has lost millions of people by emigration in the last quarter of a century. One year alone emigration reached 900,000 persons. But this has left her even richer, for these emigrants are continually sending money back to those at home, the total amount often running as high as a billion gold lire a year. These sums have helped build her railroads, her bridges, and her manufacturing plants. Since our immigration laws became so strict, Italy has been put to it to know what to do with her people, her present population having reached 40,000,000.

With conditions at this pass and a race as emotional and colorful as the Italian, they naturally moved along the lines of least resistance and developed the artistic side of their temperament. Italy turned her resources to art and craftsmanship and became the art center of the world. In effect this was much the position in which she stood at the outbreak of the war.

With her coal supplies shut off Italy was virtually in a panic. Intensely patriotic, with a highly developed sense of kinship, she demanded to care for her own. Second only perhaps to Italy's taste for art is her flair for engineering. Under the emotional strain of war all the imagination and fervor of her temperament was turned to the development of her resources. Her engineers saw in her swiftly running rivers a vital source of potential power. They set about developing it. Back as far as 1892, through her power station at Tivoli, Italy had demonstrated her first example of long-distance power transmission for industrial purposes. Now, she went to work in earnest to develop her white coal, for Italy's population and army must be clothed and fed.

Even in 1911 Italy possessed 40,305 engineering shops which employed 274,570 workers and were equipped with 77,000 horsepower. Power for these shops was a big problem. Italy went to work. By 1920, 406 hydroelectric power stations with a capacity of over 300 horsepower each had been erected and 83 were in the course of construction. Most of these were in northern Italy. Their completion

brought the total power available to 1,531,199 horsepower. This power was vitally necessary for Italy's development. All the capital which could be secured was put into hydroelectric development and the amount of electrical energy now being produced amounts to more than three times that generated before the war. It has doubled since 1920. In proportion to her size and population Italy leads the world in the utilization of hydroelectric energy. She has literally been forced to this development in order to compete with other nations industrially, for the cost of steam power in Italy is about four times that of electric power.

The amount of capital invested in Italian plants for the production of electric power before the war was 700,000,000 lire. At the present time approximately 4,500,000,000 lire is invested in this industry. Before the war the cost of electric power in the manufacturing industries amounted to 10 to 15 per cent of the cost of production, whereas to-day it has been reduced to an expense of only 6 to 7 per cent. The same may be said of the electricity used for illuminating purposes.

The supply of potential hydroelectric energy in Italy is equal to 40,000,000 tons of coal annually. Up to now her largest import of coal has been 11,000,000 tons a year. Water-power possibilities in Italy are roughly computed at 4,000,000 kilowatts. One and one-quarter million were in use in 1918 and an additional million are under construction for development. It is said that the saving in coal accomplished by the development of 1,000,000 kilowatts amounts to over 1,000,000,000 lire.

The northern section is the seat of the greatest manufacturing development, one reason being that here there is access through mountain passes to France, Switzerland, and Austria. Practically two-thirds of the power available lies in this section.

Piedmont, which is the heart of the great industrial section, includes the city of Turin, which is the seat of the Italian automobile and textile district and is the home of the Fiat factories. It also supports many other extensive manufacturing enterprises. In that vicinity the country to the north is alive with great textile mills, and its rich agricultural region to the south is likewise a network of electric distribution. Milan is the greatest industrial city in Italy and the center of a highly developed manufacturing region. Here are located some of Italy's most extensive cotton mills, notably those of Ernesto de Angeli. It is also the home of the Pirelli rubber plant, which supplies a great part of the rubber output of the country. Venice is also the center of a region with a population of 6,000,000, and while it is not as important industrially as Turin and Milan, it is a rich and valuable port which uses an immense amount of power. It also supports a number of smaller industries which use tremendous amounts of electricity. Bologna and Florence are likewise excellent power and light markets. Southern Italy is also coming to the front with some power plants of enormous voltage.

Among the largest groups of companies operating in the busy northern section may be mentioned the Piedmont Hydroelectric Co., operating in the Piedmont region; the Edison General Electric Co. and the Conti Co., operating in the Lombardy region; the Adamello General Electric Co., operating to the west of the Venetian region; the Adriatica Electricity Co., operating in the Venetian region; and the Negri Co., operating in the Genoa region. These companies all have extensive Alpine water-power developments, which complete a chain extending across the industrial northern section of Italy. They are linked together by high-voltage transmission lines and form what is virtually a superpower system.

Development in the southern section has been slower. Estimates of existing hydroelectric power place all the way from 70 per cent to 80 per cent in the northern section, according to the boundary lines drawn. Calabria and the islands have only about 11 per cent and the balance is distributed throughout the country. The most important of the southern plants are the hydroelectric works in Calabria and Sardinia, which, when completed, will be among the most important not only in Europe but in the world. The reservoir plants of the Sila in Calabria will have an installation of from 100,000 to 120,000 kilowatts and will produce 850,000,000 kilowatt-hours a year. Work on the artificial lakes in this Sila plateau is well under way. When completed they will supply a constant average of 160,000 horsepower. Five electric central stations will be fed by this hydroelectric power. The power scheme is completed by plans for irrigation, and storage dams will be built with irrigation canals and ditches, serving an area of 24,000 acres. The power will be supplied at low rates, and will be distributed by three main cable lines to Sicily, Apulia, and the Naples district, in addition to supplying the needs of the Calabian Provinces.

There is very little hydroelectric power in Sicily, but electric power will be carried from Calabria across the Straits of Messina when the Sila stations are in operation. At the moment Sicily is largely dependent on thermic plants. The modern plan for superpower is to centralize thermal production with electrical energy in large central stations situated as near as possible to coal fields or other fuel sources. During periods of drought it is often necessary to supplement hydroelectric power with thermal units, even in countries which are rich in water power.

Some idea of the volume of the demand for power and its future needs may be gathered from a study of just one of Italy's important industries and the source of its growth.

Italy has always been a leader in the automobile industry. As far back as 1920 she exported 11,320 motor lorries and automobiles, valued at about 500,000,000 lire. Since that time she has made enormous progress for very obvious reasons. Italy's mountainous nature makes the establishment of railroad communication difficult. Due to internal troubles and difficulties with her neighbors, Italy has many times located her cities on elevations which are difficult of access. This has not only developed cycling but also the motor industry and motor lorries are a very important part of the Italian freight movement. In fact, according to the most recent statistics obtainable (1924), there are only about 25,495 kilometers of railroad in the country, whereas there are 52,600 kilometers of motor-bus service. These busses and camions carry passengers, mail, and freight, and run on postal-line time-tables which are approved by the government. In their construction, vast amounts of power are necessary and this is largely supplied by hydroelectric energy.

To turn to the source of this wonderful "white coal." In the opinion of experts, the countless watercourses which rise in the Alps and in the Apennines represent not less than five and a half million horsepower of potential energy. Proportionate to size, this is about six times the water power possibilities of the United States. This flow varies in volume at different seasons. Alpine rivers are in flow during the summer when the snow and ice melt. At this time the Apennine rivers, dried by the summer sun, are at their lowest ebb. During the winter when Alpine rivers are at their lowest point because their glacier sources are frozen, the Apennine rivers are swollen by torrential rains. This condition has made advisable the creation of great mountain reservoirs, which balance the effect of high and low water not only in the same but in different regions. These reservoirs are built high in the mountains, near the glaciers which in themselves constitute a natural reservoir. Streams from several valleys are gathered into one great channel by means of tunnels and canals, which are often many miles in length.

Water accumulated in this fashion is then carried to the hydroelectric turbines. This high voltage is then transmitted to the centers of distribution. Due to the high heads, a small amount of water gives a large amount of energy. There are 59 of these artificial lakes, which impound 8,114,000,000 cubic feet of water. Seventeen others are under construction, with an estimated capacity of 28,313,000,000 cubic feet. Of these, the most important are in the Tiroso Mountains in Sardinia, in the Alpine Basin at Lys, above Palermo, and in the Sila Plateau in Calabria.

During the stress of war and since that period, Italy has almost completed the task of tying up her two great hydroelectric systems—that fed by the waters from the Alpine glaciers and that supplied by the rivers of the Apennines. Great high-tension feeder lines interconnect the several zones. But one gap exists; it is in central Italy. In this district Italy has large beds of peat and lignite. Their calorific content is too low to justify expensive transportation, but where power stations can be built at the pit's head they have important value. Steps are now under way to promote this development. The station of Torre del Lago, which utilized the peat of Lake Massaciuccoli is an example of what can be done in this use of peat, which is reduced to gas and this in turn burned in the steam boilers. Other plans are also under way for the use of peat and lignite in other centrals.

Closely linked with this huge plan for hydroelectric development is Italy's reclamation program. A large part of northern Italy consists of reclaimed plains which need draining and irrigation. The power used will be hydroelectric energy. The program for central and southern Italy is equally extensive. As now planned something like 2,000,000 acres will be reclaimed within the next six years by irrigation and drainage at an expenditure of some 7,000,000,000 lire. This includes the Pontine marshes adjacent to Rome. At the present time, Italy imports large quantities of wheat, corn, and maize, and it is hoped that if these marshes were reclaimed she may be self-supporting as to grain.

One of the by-products of hydroelectric power is water for irrigation. For instance, water from the station of the Sila will irrigate ten to fifteen thousand hectares in the plain of Cotrone, those of the Tiroso not less than 20,000 hectares of prairie land between Campidano and Oristano, and the water from the future stations of the Ceno and the Enza almost as much in Emilia.

Already Italy's productive capacity has been greatly increased through land reclamation. Because of her uneven surface and the torrential character of her rivers and courses, much of the country is of a marshy character. Also it has no great fertility, and only in certain sections are conditions really favorable to agriculture. Nevertheless, as you pass through Italy you will see the mountain sides terraced for vineyards, olive gardens, and extensive orchards. Italy has great variations in temperature, inasmuch as from north to south her surface varies from snow-capped mountains to tropical valleys. For this reason her agricultural products are varied, running all the way from citrus

fruit to cotton plantations. When one takes into consideration her many handicaps, the ratio of her cultivated to her total area is actually very high. Of the 70,822,191 acres comprised within her pre-war frontiers, only 5,591,911 are still unproductive.

Development has been slower in southern than in northern Italy not only because the land is more marshy but also because of the lower initiative of the people of that section. They are gradually being stirred to action through the important drainage projects now under way in the southern provinces, especially in those of Caserta, Naples, and adjacent territory.

One of the most pretentious of the schemes is that of the reclamation of the Pontine marshes. This work is hydroelectric, agricultural, and sanitary. The hydroelectric work consists of the reclamation of the Piscinamo Basin, where beds will be made for the mountain torrents which now submerge the lowlands and a dam built to control the waters.

The reclamation of this land is of great economic importance and its practical results are demonstrated by the increased rates from taxation in the reclaimed districts, which shows the treasury interest at the rate of 70 per cent for money invested.

Due to this reclamation work and the increased consumption of commercial fertilizers, agriculture is making rapid advances. In 1924 it not only reached but passed the pre-war record. In 1923 a little less than 1,200,000 tons of these fertilizers were used, and this was materially increased in 1924. The consumption of nitrate fertilizer alone was increased by 50 per cent.

In this connection the Italian Government has come to a realization of the importance of securing home supplies of nitrogenous products, both for purposes of national advance and agriculture, and has encouraged the industry by lenient taxation. Heretofore Germany has led in this industry largely because Italy was so hampered for coal. It is estimated that the work can be carried on profitably wherever electric energy is available at a cost not exceeding 4 centimes per kilowatt hour. This has been made possible in many sections of Italy, and large plants are now working at full capacity at Terni. Others are under way in the Trentino and the Marche. Just as soon as the hydroelectric works in Calabria and Sardinia are completed cheap power will be available on a large scale for the production of synthetic nitrogen.

Many potentially profitable industries still remain undeveloped in Italy. One of them is her extensive potash deposits. She also has large quantities of aluminum and some oil. Another place where she is lacking is in the development of her dye industry. At the moment she sends most of her goods to France to be dyed. With Italy's marvelous sense of color this is distinctly a wasteful process. She also has some of the most wonderful port facilities in the world, most of which are much underdeveloped. In reality, she occupies a truly strategic position in the Mediterranean Basin as a trading center. Her ports put her in touch with the entire western world and are ports of call for all the big Atlantic liners. In view of the fact that she depends so much on her imports for raw materials it is strange that she has been so dilatory in port improvement.

Development of the port of Venice did not take place until after the war. Before 1914 the maximum capacity of this port was 3,000,000 tons a year. The new port, Porto Marghera, was opened to navigation in April of 1922. It is nearly 3 miles long and runs parallel to the Mestre Venice Bridge. It is in reality the outlet of a great system of inland navigation which is still in the course of construction and which will eventually connect Milan and a series of the leading industrial centers of Lombardy and Venetia with the sea.

There are 7 miles of wharves, and the harbor works cover an area of 2½ square miles. The entire system is equipped with the most modern machinery for loading and unloading. Connection is made by rail with the Mestre trunk line, and the annual traffic capacity is 10,000,000 tons. The port is also surrounded by two industrial zones, with a ship canal for purposes of navigation. The new pier will be the connecting link between the sea-borne traffic and that floating in from the whole valley of the Po. The harbor of Palermo is also under improvement, and projects are already under way for the development of southern Italian ports.

Italy had 139,000 tons of shipping under construction in 1924, as compared with 133,000 in 1918, 365,000 in 1920, and 145,000 in 1923. In the seven-year period from 1915 to 1921 the total net tonnage of steamers and motor boats was diminished by 677,000 tons through war losses; 120,000 by ordinary accidents, due in part to war conditions; 99,000 by demolition; and 38,000 by sale and other causes. To offset this loss it was augmented by 531,000 tons through the acquisition of the vessels of Venezia Giulia, by 535,000 through foreign purchase, 529,000 by new construction, and 98,000 by other causes such as salvage.

In addition to her large textile trade, Italy has always been known as the heart of the silk industry. In 1917 there were about 12,000 mechanical looms, and by 1924 they had reached 19,000. In addition, there are about 5,000 hand looms. The production of the silk-weaving mills amounts to about 1,000,000,000 lire, of which about two-thirds is exported.

Italy has about 40,000 workmen employed in silk weaving. Unemployment in these trades is practically nonexistent.

Her production of artificial silk is to-day one of the most flourishing and strongest of all her industries, and the 1924 output placed Italy fourth in world production. Reports are that the output this year will rank her next to the United States. The investment of 420,000,000 lire in 1922 has probably been doubled at the moment. This progress is doubtless due to Italy's realization that she could produce the soda, carbon sulphate, and sulphuric acid required in the process in her home market, and she is also looking forward to the home production of the cellulose. As an outgrowth of this industry knitting and weaving factories have sprung up rapidly and are growing in importance.

Italy's cotton industry is also very extensive. At the outbreak of the war she possessed 4,620,000 spindles and 130,000 looms for the manufacture of cotton. In a short time the number of spindles will amount to more than 4,700,000. Italy has 64½ per cent of the spindles installed in Europe and 2.9 per cent of those installed in the whole world. It has 6.8 per cent of the looms in Europe and 4.4 per cent of those in the world. Italy exports 7 per cent of the total exports of all industrial nations; imports eight-tenths per cent of the imports of manufactured cotton of the world; employs 5.6 per cent of the world's labor and 9 per cent of European labor, and her capital invested in the cotton industry is more than 2 per cent of the world's investment.

In common with the other countries, Italy needs to improve her transportation facilities. To use American measurement she has about 12,000 miles of railroads, of which 2,000 are narrow gauge. Of this total 10,180 miles are owned by the State and 2,600 by private companies. The rolling stock of the State consists of 6,281 steam locomotives, 290 electric locomotives, 11,008 passenger cars, and 150,221 freight cars.

With the constant increase in electric power a huge plan of electrification of the roads is already under way. The program includes the electrification of 2,500 miles of trunk lines, comprising some 6,250 miles of track. Much of this has already been completed. The railway system in Piedmont and Liguria alone shows something like 700 miles of track already electrified. Work is also nearing completion on the Genoa-Pisa-Spezia-Leghorn, on the Bologna-Florence, and Bologna-Faenza, and on the Sanpiero-Ovada lines. In the south the Benevento-Foggia line is being electrified on the direct current system. Lines to Trieste, Fiume, Bologna, and other sections are also under improvement. In many cases the power will be supplied by hydroelectric plants built by private corporations. The great mountain reservoirs in the Sila will supply the power for electrifying the Calabrian railroads, and that carried to Sicily will be used for electrification in that section.

As further evidence of the progress and growth of the railways, statistics show that after a long course of deficits which culminated for the financial year 1922-23 in a deficit of 1,500,000,000 lire, 1924-25 shows a surplus of 209,000,000 lire. The number of travelers carried and the gross tonnage for the first five months of 1925—latest statistics obtainable—show a steady increase from month to month. Service is being improved in every way.

The calculation of Italy's continually increasing resources—that of the tourist trade—must not be forgotten, for it is one of her greatest sources of income. In all probability the past year, holy year, will show the greatest tourist traffic which has ever crossed her borders. During the summer season her hotels were crowded to the limits of suffocation, her trains were almost intolerable, and the Lido had the most brilliant season of its existence. Estimates of the income can only be gauged at the moment by those of 1924, when the money left by foreigners in Italy amounted to 3,000,000,000 lire. To compare this with industry, the merchandise exported of largest value was silk. That year silk exports amounted to 1,250,000,000.

Turning to Italy's financial condition: She faced a very serious crisis in 1920, for, in addition to the obligations of the war, she had internal expenditures for which there were no budgetary provisions. One of these was the bread subsidies, which amounted to several milliards (billions) of lire. Later on these were abolished and the state tried to increase its income by the impost of fresh taxes.

Italy's reconstruction expenses were also very heavy, for from the Alps to the sea—following the course of the Piave for a depth of close to 8 miles on either side—practically all of the buildings were destroyed. Also at the time of the armistice the Government was providing for the needs of 2,500,000 persons in the liberated and redeemed Provinces and was obliged to make arrangements for the return of 503,494 refugees.

All these expenses were a terrific drain on the exchequer, for within a few months after the war 2,880 miles of road and 239 bridges had been repaired and 100 miles of railway track had been relaid. Many miles of embankment were rebuilt and structural repairs were carried out on 76,633 houses prior to rebuilding the 91,498 which were totally or partially destroyed. During the first seven months of 1919 engineers repaired 26,375 buildings and replaced over 237,500 doors and windows. From July, 1919, to July, 1921, structural repairs were made to more than 30,200 houses and 2,000 public buildings were rebuilt in the liberated Provinces. Agricultural reconstruction entailed the col-

lection of live shells and bombs scattered over 238,000 acres of land, the removal of 2,000,000 miles of barbed wire, the filling of 1,192 miles of trenches, and the collection of tens of thousands of tons of metal waste. Italy also lost 320,000 head of cattle during the invasion, but these have been largely restored.

In addition to the war expenditure Italy faced other serious liabilities. Prices had risen, due to the depreciation of the currency and the reconstruction expenses in the invaded Provinces.

The railways were in a serious condition, due to inadequate yield, and the cessation of emigration during the war had depleted the sums sent home by emigrants. Since the new immigration law in 1924, which limited Italy's immigration to the United States first to 50,000 and later to 5,000 a year, this income has continued to decrease.

But since 1920 Italian finances have been on the mend. Budget deficits for the current year, July 1, 1924, to June 30, 1925, have decreased so materially that there is every reason to suppose that 1925-26 may even show a surplus. The domestic national debt was also reduced considerably in 1924, and in February, 1925, Italy's foreign commercial commitments were repaid in their entirety, leaving the interallied debts as her only foreign indebtedness.

The year 1924 was one of great prosperity for Italian commerce and industry, and the Italian people seem to have "found" themselves and coordinated their productive powers. Savings deposits in the important banks showed an increase of almost 3,000,000,000 lire, including the ordinary savings banks, which alone show an increase of 1,200,000,000 lire. Taking everything into consideration it is probably conservative to say that Italian savings in 1924 ranged from nine to ten billion, which is higher than the pre-war rate. The banking situation is in excellent condition and industrial institutions through their enormous increases in capital during 1924, in a large part, have canceled their indebtedness to the banks.

Many new companies are being formed in Italy, and capitalization has been increased. Four billion lire in new capital was invested in industrial pursuits in 1924. Exports also increased in 1924 over those of 1921 by 50 per cent, whereas imports remained about the same. Unfortunately imports have increased during the current year, due to the heavy purchases of wheat and sugar at prevailing high prices. Every effort is being made to rectify this condition. This year the harvest has been excellent, and it is officially estimated at 62,000,000 quintals of wheat, as against 46,000,000 in 1924. Strenuous efforts are being made to raise the amount of production per acre by careful seed selection and improved cultivation. In order to promote wheat growing the Minister of Finance has also reintroduced the duty on wheat and other cereals which were temporarily suspended at the outbreak of the war. The duty on wheat has been fixed at 7.50 gold lire per quintal. The means of reducing sugar imports are also under consideration.

All in all the situation in Italy is such as to cause congratulation and denotes very visible evidences of progress. Sometimes it takes a great catastrophe to rouse a nation to its best efforts. Italy is finding herself at last.

Mr. SMOOT. Mr. President, I want to say that of course Italy's industries must be built up; and the only hope of her ever paying her indebtedness is based upon the increase of her industries and the belief that she can get to manufacturing and that she can get to exporting goods. That is the only hope we have that Italy will be able to pay what this settlement calls for, and the amount that she owes Great Britain and her internal indebtedness. She will have to improve her condition or she can not possibly meet these obligations.

Mr. BORAH. There is just as much difference between this article and the outlook for Italy which it gives us and the condition of Italy and the outlook of Italy as presented by the representatives of Italy, who called upon our debt commission, as if they were dealing with two different countries.

Mr. SWANSON. Mr. President, the Senator from Utah in his opening speech stated that the aggregate national wealth of Italy was \$22,000,000,000. The Senator from Idaho the other day in his speech quoted his authority for the statement that it was estimated at between \$30,000,000,000 and \$35,000,000,000. I should like to ask the Senator from Utah whether the Finance Committee of the Senate made a thorough investigation to enable it to ascertain and report to the Senate as to which of these statements as to Italy's national wealth was true—\$22,000,000,000 or \$30,000,000,000?

Mr. SMOOT. No; the Finance Committee did not.

Mr. SWANSON. Does the Senator mean that the Finance Committee of the Senate made no investigation at all as to the national wealth of Italy? Where did you get that figure?

Mr. SMOOT. We got it, as I said the other day to the Senator from Idaho, from figures that were furnished by our departments, the Commerce Department and others, and also from statements that were made by other foreign countries.

Mr. SWANSON. Then the Finance Committee made no investigation at all of these matters, but simply took what the commission found?

Mr. SMOOT. Of course the Ways and Means Committee of the House made an investigation; and not only that, but the commission did.

Mr. SWANSON. I read the report of the Ways and Means Committee. They simply seem to take the same authorities that were before the debt commission. That is all they took.

Mr. SMOOT. That authority was as good as any authority in the world, I think.

Mr. SWANSON. Who is the specific authority for the statement as to the \$22,000,000,000? That is what I should like to know. Is it the Italian commissioners, or is it an impartial examiner?

Mr. SMOOT. I did not ask what particular agency in the Department of Commerce made that investigation. I can not say as to that. I did not ask who it was; but if the Senator wants to know, I think I can find out.

Mr. SWANSON. I should like to know. The Senator from Idaho in his speech the other day quoted several splendid authorities that are impartial and tried to estimate the wealth of the nation with a view to stating the facts so that people could ascertain them without regard to the settlement or non-settlement of the debt.

Mr. SMOOT. I have seen the statement that was attributed to the Senator. If we go back before the war, it was agreed, I suppose, all through the world that the total value of Italy was somewhere about \$15,000,000,000 or \$16,000,000,000. Perhaps it fell a little below that. Then it went up higher than that, and it has been estimated, as I said, all the way up to \$35,000,000,000; but I suppose that is calculated on the basis of adding to the former value of Italy the decreased value of money. I do not know what statement was made by the authorities.

Mr. SWANSON. As I understand, it is estimated that Germany is worth between \$70,000,000,000 and \$80,000,000,000, and the Dawes commission has made her pay \$625,000,000 a year. The present Vice President was able to get that amount from Germany. On the basis of the same percentage of national wealth that was used in the case of Germany what ought Italy to pay?

Mr. SMOOT. Providing Germany can pay it.

Mr. SWANSON. But she agreed to pay it, and the effort is being made to collect it.

I want to treat Italy generously, but I do not want to do an act of folly and injustice to the American taxpayer. The Finance Committee of the Senate was authorized to investigate this matter. It will not report on a little claim of a thousand dollars without a thorough examination. It seems to me that it ought to have made a thorough investigation of this matter and ascertained the facts. Instead of taking a report made by somebody else, we ought to have what it says, as a committee, the national wealth of Italy is.

Mr. SMOOT. I have heard the Senator say that before.

Mr. SWANSON. I want to reiterate it. It did not seem to make any impression then.

Mr. SMOOT. No; not at all.

Mr. SWANSON. That is what the committees of the Senate are organized for.

Mr. SMOOT. I want to say that the commission made as thorough an examination as it was possible to make of this debt and of all the other debts that have been reported to the Senate.

Mr. SWANSON. But the commission was organized to present to the Congress its judgment as to what is right. The Congress then appoints a committee to examine the matter. Whenever a department makes a recommendation, it is sent to a committee to ascertain the facts. I want to deal with Italy generously. I think Italy ought to be dealt with generously. I want to deal with every nation generously; but I should like to have a committee give me some facts, after thorough investigation, to justify me in acting.

Mr. SMOOT. Why does not the Senator come right out and say that he wants to defeat this measure if he can do it indirectly?

Mr. SWANSON. I do want to defeat it if it is not just and proper for the American taxpayer. Why does not the Senator from Utah come out and say that he is for it and that he does not want any examination because it might defeat it? Why does not the Senator come out and say: "I object to an investigation; I object to light on the subject, because if I should obtain that the settlement might be defeated in the Senate?"

Mr. SMOOT. The Senator from Utah has already stated why he thinks the settlement ought to be agreed to. Now, of course, it is in the hands of the Senate.

Mr. SWANSON. Why did not the whole committee of 17 members investigate it and report in their judgment as a committee what they think ought to be done after investigation? That is what worries me about this case.

Mr. REED of Pennsylvania. Mr. President, the committee may have been misled by the fact that very able Republicans and very able Democrats who did make a thorough investigation agreed on the accuracy of all the statements that have been given here in the Record; and we believed that when that committee, specially qualified for the task, had employed their experts to check up on all these statements and had made independent recommendations, and had agreed unanimously, Republicans and Democrats, we might safely assume that the facts as they stated them to us were correct.

Mr. SWANSON. Then the committee did exactly what the Senate refused to do. In other words, the committee left it to this commission to settle at what they pleased.

Mr. REED of Pennsylvania. Not at all.

Mr. SWANSON. The Senate refused to give them that authority. The Senate required the commission to report to Congress. When they reported to Congress it was for Congress to investigate the matter. Congress appointed a committee to conduct an investigation, and the committee simply took what the commission said and O. K'd it, which would have resulted in permitting them to settle a debt without investigation.

Mr. REED of Pennsylvania. But the trouble with the Senator is that he shifts his ground without stopping in between to give me a chance to answer the first question.

Mr. SWANSON. I do not shift at all. The Senator shifts. I said that we appoint this commission and give them instructions how to settle this debt. They do not see fit to follow those instructions. The next thing we know they negotiate a settlement and report it to the Senate. The Senate then has that settlement up for examination to see whether or not it ought to be ratified. Now, as I understand, the Finance Committee has the report of the commission referred to it, and without examining it or ascertaining anything except what the commission itself said it makes a report indorsing and approving the findings of the commission.

I would have confidence in the opinion of the Senator from Pennsylvania if he had examined into the matter; but why should I have any confidence in his opinion when he admits he has made no examination and simply reports what the commission reported? I could do that.

Mr. REED of Pennsylvania. If that is what the Senator understands, I am glad he brought up the subject, because he misunderstands the facts. What we took for granted, under the report of the commission, was the fact as to the Italian capacity to pay; but the Finance Committee did scrutinize the report very carefully and sent back for information as to calculations of present values. The terms were made on the basis of capacity to pay.

Mr. SWANSON. I could have had somebody estimate what the present value was. That would have been easy. That required no information, simply some mathematical calculation. What I would like to know—

Mr. REED of Pennsylvania. But the Senator will never know if he does not allow me to finish.

Mr. SWANSON. I will never know if the Senator made no examination.

Mr. REED of Pennsylvania. The Finance Committee, both Democrats and Republicans, did investigate the bargain made with Italy. What we took the word of the Debt Commission on was the financial condition of Italy. We did not send over to count the number of cattle they had per thousand inhabitants. We did not send over to count the tons of coal in their pitiful little coal pits, because this commission, which had experts and was in a position to examine into those things, and had full leisure, had agreed on the facts. So all of us, Republicans and Democrats, accepted those hypotheses as correct.

Mr. SWANSON. Do I understand that the Democratic members of the Finance Committee accepted the estimate this commission made as to the aggregate national wealth of Italy?

Mr. REED of Pennsylvania. I do not remember that that question was specifically raised, but I did not hear the findings of the commission as to the element of capacity to pay challenged by anybody on the Finance Committee, either Republican or Democrat. We did discuss at great length the terms of the bargain made with Italy, and the Democratic members and the Republican members all reserved the right to criticize it on the floor of the Senate if further reflection seemed to warrant their doing so.

Mr. SWANSON. I would like to have the Senator answer this question: What was the authority for the statement that the aggregate wealth of Italy was \$22,000,000,000 and only that?

Mr. REED of Pennsylvania. I do not know; but I can say—

Mr. SWANSON. Can the Senator tell me who does know? I want to vote intelligently on this matter. The Senator, as a member of the committee, was authorized to get that information for me.

Mr. REED of Pennsylvania. Nobody knows where any figure was obtained as to any country, but in every land there are statisticians at work trying to determine those figures for a variety of purposes.

Mr. SWANSON. The Senator from Idaho quoted from some four or five reputable sources that it was \$30,000,000,000.

Mr. REED of Pennsylvania. I do not know what those reputable sources were.

Mr. BORAH. Mr. President, let me make a suggestion that if the advocates of this bill will find any publication or any authority put out by a statistician that places it below \$30,000,000,000 I will be perfectly willing to consider it. Take the economists of London, take the World Almanac, take the figures gotten up in that way, and you find they give it up to as high as \$35,000,000,000. Those people make their investigations; they put out their publications year after year; the world comes to regard them as accurate and reliable; and it is the only information we really have. Strangely enough, the figures which the same publications give as to the national wealth of Germany, and the national wealth of Belgium, as to the national wealth of the United States, are accepted, and I do not know why we should question their figures as to the national wealth of Italy.

Mr. SWANSON. What does the Statesmen's Year Book give as the national wealth of Italy at present?

Mr. BORAH. I would not be sure as to the different publications. Some of them vary, making it thirty-three billion or thirty-five billion; but some go up as high as \$35,000,000,000.

Mr. REED of Pennsylvania. Of course, those things are necessarily estimated, as they are for this country or for any other country. With that we are not so vitally concerned as we are with the productive capacity of the country and the income of the country. We know what the income is, because Italy taxes her incomes just as we do, and if the Senator will just take this one fact home with him and nurse it, I think it will grow to be a very large and lusty fellow; that is, that if Italy had adopted exactly the same income tax law that we had in effect last year, the yield to her would have been only 1 per cent of what the yield was under her income tax law, because practically every income in Italy is under \$1,000 a year. She taxes her incomes at rates that would not be suffered here for a moment. If she adopted our percentages and applied them to her citizens' incomes, her yield would be only 1 per cent of what it is.

Mr. SWANSON. I served many years on the Ways and Means Committee in the House, and I know it is very difficult to make any comparison between tax exactions in foreign countries and those in this country. We have Federal taxes and State taxes and local taxes. In foreign countries the central government collects money and distributes it for a great many purposes for which our State and municipal governments collect taxes. I have not yet seen a statement in connection with taxes in foreign countries that makes any satisfactory comparison between our custom and theirs. Our State governments levy taxes, our counties levy taxes, the municipal corporations inside the counties levy taxes. Consequently it is very difficult to make any comparison between the American system of taxation and any foreign system of taxation. The British Parliament imposes a great many local taxes, but the local taxes in Great Britain, I think, are not as large as the local taxes in America if we consider the State, the county, and the municipal taxes. A great many things which the Parliament does in England the States and the municipalities do here. In looking over the Italian system of taxation, I have seen no statement segregated so as to make possible a comparison.

Mr. SMOOT. That was not taken into consideration in making our report. But I will say to the Senator that there are many forms of taxation in foreign countries the same as those we have. We have taken into consideration only the national taxation and exactly how the national taxes are expended, and that we have reported to the Senate.

Mr. SWANSON. I have an idea, though I may be mistaken, that in Italy a great proportion of the national taxes is used for education and similar purposes.

Mr. SMOOT. No—

Mr. SWANSON. I do not know as to Italy, but other foreign governments have budgets which cover a great many of the things our State governments take care of.

Mr. SMOOT. France does not and Italy does not.

Mr. SWANSON. I have never seen a comparison between our Government and foreign governments which we could justify as a just comparison.

Mr. SMOOT. I can give the Senator a copy of Italy's budget—that is, the national budget—showing just exactly what the taxes are, their source, and how they are expended. I assure the Senator there is nothing in that that goes to the States or to any subdivision of a State.

Mr. HOWELL. Mr. President, I would like to ask the Senator from Utah a question. I want the Senator to answer this: If the Senate, in its judgment, should see fit to vary or change this settlement, what would be the result?

Mr. SMOOT. The Italian Government has already approved the settlement, and in my opinion the result would be that we would not have any settlement. That is my opinion.

Mr. HOWELL. In other words, am I to understand it is the Senator's view that the Government of the United States must sign on the dotted line or Italy will refuse to pay?

Mr. SMOOT. That is not the way to put it. My opinion is that if the Government of the United States does not approve of this settlement it will be a long, long time before we have any settlement with Italy, and the money Italy would otherwise pay us Mussolini can use just as he pleases, to carry out the policies he has been criticized for here on this floor.

Mr. HOWELL obtained the floor.

Mr. HARRISON. Mr. President, will the Senator from Nebraska permit me to ask the Senator from Utah a question?

Mr. HOWELL. I yield to the Senator.

Mr. SMOOT. I want the public buildings bill to go forward, I will say to the Senator, and I know that the Senator from Mississippi does not want that.

Mr. HARRISON. I do not want it in its present form. It may be that we can get together on that.

I want to ask the Senator if there is some pamphlet we can get so that we can study a comparison of the taxes paid by the taxpayer in Poland, in Belgium, in Czechoslovakia, in Lithuania, in Hungary, and in Italy, and also the taxable value of their lands, their capacity to pay, and all that information. Have the commission any of that information?

Mr. SMOOT. We have the comparisons that were furnished the commission by Italy and Belgium, and by the countries with which we have settled; not in one volume, however.

Mr. HARRISON. The commission does not have that information in parallel columns, so that we can compare those various items?

Mr. SMOOT. No; it never has been so arranged that I know of.

Mr. SWANSON. The Senator from Mississippi does not want me to believe that the committee reported this bill, and recommended its passage without an investigation and without any data on the subject whatever?

Mr. HARRISON. The Committee on Finance had nothing on it.

Mr. SWANSON. Had nothing?

Mr. HARRISON. Had nothing. It was not discussed 30 minutes before the committee.

Mr. SWANSON. It did not make any investigation?

Mr. HARRISON. No investigation at all.

Mr. SWANSON. This \$2,000,000,000 debt was handled in this way, without any investigation on the part of the committee? I am surprised that the Senator who is chairman of that committee did not have a full investigation.

Mr. HARRISON. That is the way he operated on us.

Mr. SWANSON. I have never seen a thousand dollar claim come before us but that the Senator did not insist that we ought to have a full examination, if there had not been one.

Mr. HOWELL. Mr. President, I should like to ask the Senator from Pennsylvania a question. Inasmuch as he stated that the Finance Committee had received information before its action, I would like to know whether it came to any conclusion as to what the Italian ability to pay would be in the sixty-second year, in accordance with this agreement.

Mr. REED of Pennsylvania. I can state the conclusion I reached, that is, that Italy has undertaken all that she can pay at that time by any possibility, and I think Italy is going to have to refund her obligations to us by internal borrowing in those last years of this agreement. I do not mean to refund them to us, but I think she is going to have to borrow in order to make those final payments that she will owe us.

Mr. HOWELL. That is merely a guess, is it not?

Mr. REED of Pennsylvania. Of course it is. How could anybody talk about the sixty-second year from now without guessing?

Mr. HOWELL. Does the Senator think we ought to cancel this debt now, on a guess, 62 years in advance?

Mr. HARRISON. I think we ought to refund this debt now, or Italy may never be in shape to pay anything.

Mr. HOWELL. But Italy only pays us 1.1 per cent interest on this debt for 62 years, and then this proposed settlement provides that the debt of two billion one hundred and fifty million she owes us shall be canceled.

Mr. REED of Pennsylvania. Precisely, and if we do not refund this debt, and refund it now, and if Italy does not balance her budget, she is not going to be able to pay us anything on the debt. Those are the two prerequisites to solvency of the Italian Government, and she can not be solvent until she has done both things. She must balance her budget. That is her affair, not ours. She must refund her debts to Great Britain and the United States, and until she does those things, she must continue in the embarrassment in which she is laboring to-day.

The other day the Senator suggested, and very plausibly, that we ought to reject this debt settlement and sit back with our present claim and take all we could get each year. That sounds like a good course, but if we stop to reflect, Italy, unless she refunds her foreign debt, can not establish her credit. She can not pay us much of anything until she has refunded and put herself on a sound basis.

Mr. HOWELL. I would ask the Senator from Pennsylvania if it is not a fact that what I have suggested with reference to Italy is exactly what the Dawes Commission has provided in the case of Germany.

Mr. REED of Pennsylvania. No. The Dawes Commission has provided a specific amount to be paid each year by Germany with a provision that in case the transfer of exchange becomes impossible or too difficult the reparations shall be diminished for that year. That in substance is the arrangement.

Mr. HOWELL. But there is no provision for the cancellation of the \$33,000,000,000 that Germany is to pay under the Versailles treaty.

Mr. REED of Pennsylvania. The agreement of May, 1921, fixed German reparations at 132,000,000,000 gold marks, and that has been canceled, if the Senator likes that word, though I would say reduced to the present \$33,000,000,000.

Mr. HOWELL. I am speaking in dollars. The reparations provided for under the Versailles treaty were in the neighborhood of \$33,000,000,000.

Mr. REED of Pennsylvania. That is the same as 133,000,000,000 gold marks.

Mr. HOWELL. It was provided that Germany should pay according to her ability, but it was objected that to-day should be determined the ultimate amount that she is to pay. In other words, the \$33,000,000,000 is not canceled, but the beneficiaries are merely to receive from Germany from year to year what she is able to pay. If the Dawes Commission provided any such settlement with Germany, why should not we have a similar settlement with Italy?

Mr. REED of Pennsylvania. That is exactly what we have done. The Dawes plan fixed the maximum that Germany should pay at \$625,000,000, just as we are fixing the maximum for Italy to pay.

Mr. HOWELL. In how many years?

Mr. REED of Pennsylvania. In 62 years in this case.

Mr. HOWELL. I say for how many years in the case of the Dawes Commission plan?

Mr. REED of Pennsylvania. There is no definite limitation.

Mr. HOWELL. Absolutely. That is the point I am making. Why should we have a limitation of time in the Italian settlement?

Mr. REED of Pennsylvania. In the case of Germany the whole thing is contingent upon her future productive ability, with the safeguard clause that they have given her a fixed payment from year to year, and there is a general understanding that those payments by Germany will terminate in a certain time.

Mr. SWANSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. HOWELL. I yield.

Mr. SWANSON. Under this general plan they were not then commissioned to examine the ultimate payment. They had no authority except to fix an annual payment according to the capacity of Germany to pay.

Mr. REED of Pennsylvania. There is a general understanding that those payments will terminate in 37 years.

Mr. SWANSON. There has been no understanding and no agreement. France would not agree to the Dawes Commission plan except to fix the annual payments according to capacity to pay. The ultimate payments are left open. They had no commission to examine into that. One objection to the plan now before us is that there is an attempt to fix yearly payments and then to cancel the principal, which is not done under the Dawes plan.

Mr. REED of Pennsylvania. Of course the Senator is merely using his turn of words when he says we cancel the principal. I say we get every cent of the principal back from Italy.

Mr. SWANSON. Let me ask the Senator this question: The commission provided so many payments in 62 years, commencing with \$5,000,000 and then increasing at intervals. The Senator from Nebraska has estimated that if we take the \$2,000,000,000 and charge 1.8 per cent interest on the principal that is conceded, the 1.8 per cent interest charged from the beginning to the end will absorb all of the payments made. He contends that is one of the most generous treatments ever accorded anybody. He said we borrowed money at 4½ per cent. We are not speaking of money we had in the bank, but we had to go out and borrow money at 4½ per cent. We loan it to this debtor for 62 years at 1.8 per cent interest, which would absorb all the payments the debtor proposes to make. Then the Senator from Nebraska said that at the end of 62 years we cancel the principal. Call it interest or principal, he holds that that is the effect. I would like to know whether that statement is true or not as between the Senator from Nebraska, who makes the estimates, and the Senator from Pennsylvania, who denies them.

Mr. REED of Pennsylvania. I think it is clearly evident that the Senator from Virginia does not want the public buildings bill to be considered to-day.

Mr. SWANSON. The debt settlement is a bigger matter than the public buildings bill. If we get what is due us, we can put up a building in every village and city that needs it in America. I am trying to help put up buildings. I know that if this settlement is defeated and we can not arrange another settlement of some kind, and if we have to raise the amount by taxation, we are going to have difficulty in getting any public buildings.

Mr. REED of Pennsylvania. The Senator is certainly going to have difficulty in constructing public buildings with the nothing we will get if we do not ratify this settlement.

Mr. SWANSON. We are not so despondent as that. I have more confidence in the character and integrity and honesty and justice of Italy than the Senator has. I believe it is a reflection on Italy to say that she will borrow money and then say, "If you do not accept what I offer now, I will never pay anything." I think that is an unjust aspersion on Italy.

Mr. REED of Pennsylvania. If the Senator thinks that I said any such thing as that, I am very glad to remember that I have never said it.

Mr. SWANSON. The Senator said that Italy said, "If you do not take this, you will not get anything."

Mr. REED of Pennsylvania. I said if we do not take this Italy will not be able to pay anything.

Mr. CARAWAY. Why does the Senator say that? Does paying her debt make her any richer?

Mr. REED of Pennsylvania. I regret very much to seem to be blocking the public buildings bill that the Senator from Maine is so anxious to have considered.

Mr. HOWELL. I have the floor, Mr. President, and I want to assure the Senator from Pennsylvania that he is not blocking the public buildings bill. I am, incidentally!

Mr. REED of Pennsylvania. Then the Senator perhaps will permit me to answer the question of the Senator from Arkansas. I know the Senator will take it in the proper spirit. It is just exactly like a business man who has got into financial difficulties. He has two things to do: He has somehow to fix things with his creditors so he can pay them out of the earning power of his concern, and he has to fix things within his concern so there is a balance of earnings left each year—one an external problem and the other an internal problem.

Whether we talk about the Government of Italy or John Smith, the corner grocer, they all have to go through the same process when they get into financial trouble. Italy has made a brave start in balancing her budget. She has done it by the sternest kind of economy. But that is not enough. That is merely providing that the grocery is going to pay a little profit each year. She has to fix it up with the people who hold her notes, and that means Great Britain and the United States. She is not going to get out of the financial trouble she is in until she has done both things.

A railroad that gets into trouble retires its bond issue, and issues preferred stock in the place of the bonds or refunds its bonds, and we all think that is the proper thing to do in order that their fixed charges will not exceed the earning power of the property. That is in plain language just what Italy is trying to do each year—to get her fixed charges down within the limits of her earning power.

Mr. CARAWAY. The Senator started out by saying that if we did not accept this offer we would not get anything. A business concern can be put into the hands of a receiver and it is possible that its assets may be wasted in litigation; but that is not true with Italy. The thing I was curious to know was why the Senator said that if Italy does not pay this debt, she will be poor, but if she goes ahead and pays us she will have more money, as I understood from the Senator's statement.

Mr. REED of Pennsylvania. That perhaps is an indirect way of saying what I meant. Of course, I do not mean to say that Italy is going to repudiate her promises if it is within her power to live up to them, but I do say that we have to help her get on her feet or it will not be in her power to keep those promises.

Mr. CARAWAY. But how do we help her more to get on her feet if she does not pay anything than if we let her pay something? Which will help her the most, for us not to get anything or for her to pay something?

Mr. REED of Pennsylvania. The greatest help we could render would be to cancel the debt. But we are not going to permit that. We are here to represent America.

Mr. CARAWAY. If the Senator will pardon me, it has been said over and over again in the public print that Mr. Hoover is credited with having said it, and the Senator has said that if we do not accept their proposed settlement we will not get anything. Is that statement literally true, that we have to take this settlement or nothing?

Mr. REED of Pennsylvania. I do not believe I would like to make it as strong as that.

Mr. CARAWAY. Did not the Senator make it that strong a moment ago in answering the Senator from Virginia?

Mr. REED of Pennsylvania. I would rather put it this way—

Mr. CARAWAY. Did not the Senator say that we had to take this settlement or nothing?

Mr. REED of Pennsylvania. I do not think I put it as strong as that. If I did, here is what I meant. We will get nothing in the immediate future if we do not accept this settlement.

Mr. HOWELL. How much are we to get in the near future—\$5,000,000 a year?

Mr. REED of Pennsylvania. That is more than we have been getting.

Mr. CARAWAY. By what authority does the Senator make that statement? Has he any information that the Senate and the country have not got?

Mr. REED of Pennsylvania. No; but I have thought about it perhaps more than some others.

Mr. CARAWAY. What processes of reasoning did the Senator go through that make him think that unless we accept this settlement we will get nothing?

Mr. REED of Pennsylvania. I have been watching the precedents that have been established in Europe. Let us take the case of Germany. It was utterly impossible for Germany to reestablish herself until she had done those two things—balance her budget and fund her debt.

Mr. CARAWAY. But there is nowhere in any of the German settlements a provision by which she is excused from paying her debts.

Mr. REED of Pennsylvania. I beg the Senator's pardon. If he will think for a moment, he will remember that the amount Germany agreed to pay in the agreement of May, 1921, was 132,000,000,000 gold marks, which is \$33,000,000,000.

Mr. CARAWAY. I am conscious of that.

Mr. REED of Pennsylvania. If the Senator will take the maximum payment under the Dawes plan of \$625,000,000 a year, the Senator will see instantly that it is less than 2 per cent on that obligation, and Germany never pays the principal.

Mr. HOWELL. She keeps on paying indefinitely in accordance with her ability to pay.

Mr. REED of Pennsylvania. No; she will pay for 37 years.

Mr. HOWELL. Is there such an agreement that the payments are to end in 37 years?

Mr. REED of Pennsylvania. There is no such stipulation in the Dawes plan, but that was the general agreement.

Mr. HOWELL. But there is a stipulation in the Italian agreement that the payments shall cease at the end of 62 years.

Mr. REED of Pennsylvania. And Italy will be paying 25 years after Germany has quit.

Mr. CARAWAY. Here is what I am curious to know. Germany was entering into agreement to pay her former enemies, who were not presumed to have the same interest in her that they would have in a friendly nation. Italy is paying, or ought to be repaying, people who loaned her money when her political life was at stake and who loaned her money after the war to help reestablish herself. The papers have said that the present Government of Italy would very much welcome the defeat of the pending bill, because then Italy would regard herself as not morally obligated to pay us anything. The Senator has seen those statements?

Mr. REED of Pennsylvania. Yes; I have.

Mr. CARAWAY. Does the Senator believe the statements? Does he believe those are true statements?

Mr. REED of Pennsylvania. I can imagine an Italian senator going to his constituents and saying to them, "We have offered the utmost farthing that we can pay, and they would not take it."

Mr. CARAWAY. Does the Senator think Italy could say morally, "I do not owe them anything because they would not take the pittance I offered them"?

Mr. REED of Pennsylvania. I believe our case would be very much weakened if we declined to accept what our own commission said was the ultimate cent Italy could pay.

Mr. CARAWAY. But when we examine the report of the commission and the speeches in the other body of Congress, we realize that America never did get the inside information on which we are asked to act. We do not know, and I heard the Senator who is the chairman of the committee and who reported the bill say that he had no information. Under what theory do we say or does the commission say that this is all Italy could pay, when we are not given any information at all?

Mr. REED of Pennsylvania. The Senator was given a vast mass of information in the opening speech of the Senator from Utah [Mr. Smoot].

Mr. CARAWAY. The information that came to the committee in the House was confidential, if we may believe what the members of the committee said, and the Senator from Utah said he never saw it and never heard of it. Now, the information that the Senator from Utah gave was, with all due regard for the Senator from Utah—because I have the very highest respect for him and think he is one of the most useful men in the Senate—information could be obtained from the public print.

For instance, it was denied in the other branch of Congress, it was denied by the Secretary of the Treasury before the House committee, in effect, that Italy got anything out of the war. I dare say that she got property in Trieste alone, that was public property that belonged to Austria, that was worth at least \$500,000,000 or possibly a billion dollars.

Mr. REED of Pennsylvania. Oh, Mr. President—

Mr. CARAWAY. She got the only seaport of any importance possessed by the Kingdom of Austria-Hungary, an empire of 750,000 people, which was Trieste. All the shipping that country had, all of its public docks, all of its naval establishments were there. Italy got it all. Many of us have been in Trieste, and we know something about it. When it is said that Trieste and other territory were given to Italy merely to rectifying a boundary, of course we who happen to know about it are not expected to take that seriously.

One member of the commission said that the soil of Italy was barren. There is not a State in this Union that produces acre for acre with Italy. What I want to say is if that is all the information that committee had—and it doubtless was all it had, because that is the information it brought to both branches of Congress—we know it was so utterly misled by somebody that I do not think we could say we had any reliable information when we were asked to make this settlement.

Mr. REED of Pennsylvania. Do I understand the Senator from Arkansas to say that, acre for acre, Italy's production is greater than that of any State in the Union?

Mr. CARAWAY. Yes, sir; Italy's cultivated lands are more productive than are those of Pennsylvania.

Mr. REED of Pennsylvania. If the Senator is now limiting his statement to Italy's cultivated lands, I will say yes.

Mr. CARAWAY. Nothing is produced on uncultivated lands. I never presumed anybody thought that.

Mr. REED of Pennsylvania. The Senator's remark indicated that he thought so, but I know the Senator will agree with me—

Mr. CARAWAY. The Senator from Pennsylvania is not much of a farmer or he would know that farmers do not farm the woods.

Mr. REED of Pennsylvania. That is what shocked me, because I am such a good farmer—

Mr. CARAWAY. What shocked the Senator was that he did not understand that fields were the places where crops are grown.

Mr. REED of Pennsylvania. What shocked me was that the Senator seemed to be stating that uncultivated lands grew crops in Italy. I do not know how it is in Arkansas, but that is not the case in Pennsylvania.

Mr. CARAWAY. There are some people who advise the farmer who think that fields are not used for anything except to play golf upon. But what are we coming to? I still want to get the Senator's version of what he meant to say. Does he believe that Italy can with honor wrap her mantle around her and say, "Since I offered America what I was willing to pay, if she does not accept it I do not owe her anything; I am not morally under any obligation to pay her"?

Mr. REED of Pennsylvania. No. If the Senator will permit me to answer the question, I believe he will catch what I do mean. I say that any Italian statesman can go to his people and say, "We have offered to America what is admittedly the last cent we can pay."

Mr. CARAWAY. Oh, but it is not.

Mr. REED of Pennsylvania. Wait a moment.

Mr. CARAWAY. No one admitted that who ever took 10 minutes to find out what Italy's resources were. We were confronted here with a statement that Italy's entire wealth was only \$22,000,000,000, but nobody ever found that information outside of some propaganda on the part of Italy.

Mr. REED of Pennsylvania. The Senator does not let me answer. The Italian statesman that he is talking about—

Mr. CARAWAY. I was not asking about an Italian statesman. I was asking the Senator whether or not Italy could refuse to pay, and then say, "I am entirely absolved from any liability?"

Mr. REED of Pennsylvania. Of course, if Italy speaks she has got to speak through some statesman.

Mr. CARAWAY. Italy has been speaking through the Senator from Pennsylvania so eloquently that I wanted to find out about it.

Mr. REED of Pennsylvania. If Italy had no other spokesman than myself she would never get an answer in edge-wise between the Senator's questions.

Mr. CARAWAY. She would never have any more enthusiastic spokesman.

Mr. REED of Pennsylvania. I should like to answer the Senator's question.

Mr. CARAWAY. Very well.

Mr. REED of Pennsylvania. Italy would say to us and she would say to her own people, "We have offered America every last cent we can pay; America's Debt Commission admits it; what more can we do?"

Mr. CARAWAY. Pay her debt.

Mr. REED of Pennsylvania. She would say, "We can not pay more than our capacity; it is useless to try to offer less; what more can we do?" And she could, with entire honor, sit back and say, "We have done our utmost."

Mr. CARAWAY. I want to get at just what the Senator thinks. He thinks that Italy, if we refuse to accept this settlement, may, without sacrifice of national honor, say, "We owe America nothing."

Mr. REED of Pennsylvania. Oh, quite the contrary; I did not say that. She owes America every cent that she promised to pay when she gave us her notes.

Mr. CARAWAY. Then, what does the Senator mean by saying that Italy could preserve her honor and say, "I shall pay nothing"?

Mr. REED of Pennsylvania. I said that Italy could sit back and say that she had offered her utmost and America would not take it.

Mr. CARAWAY. And, therefore, that she will pay nothing?

Mr. REED of Pennsylvania. Perhaps, as time goes on, if she should have revenues available, she would pay something on account; I do not know; and what is the good of my guessing?

Mr. CARAWAY. That is what I am curious to know. The Senator has been threatening us that if we do not accept this settlement we will get nothing. I was trying to find out the basis for that threat.

Mr. REED of Pennsylvania. The basis for that threat is common sense; that if we do not help Italy to become stabilized, of course, she can not pay us or anybody else anything.

Mr. CARAWAY. That does not quite get back to the Senator's statement that she can honorably refuse to pay; but if her not paying is the reason now for her being so nearly destroyed, how is she going to be helped if we do not accept this settlement, and she says, "We will pay nothing"? How

will she be helped if this debt now hanging over her is what is now destroying her?

Mr. REED of Pennsylvania. Just as any corner grocer is impeded in his restoration to solvency by a debt hanging over him that is beyond his capacity to pay.

Mr. CARAWAY. This debt will be hanging over her until she pays it or we cancel it.

Mr. REED of Pennsylvania. Surely it will; but when she has refunded it to the point within her capacity to pay, then she can go ahead.

Mr. HOWELL. But suppose that the corner grocer said to his banker, "I repudiate my debt"; would that help him any?

Mr. REED of Pennsylvania. It would not help him any. He would have to go into bankruptcy.

Mr. HOWELL. How will it help Italy?

Mr. REED of Pennsylvania. Italy can not go into bankruptcy.

Mr. HOWELL. But, I ask, will it help Italy to repudiate her debt?

Mr. REED of Pennsylvania. Italy has not repudiated her debt.

Mr. HOWELL. But suppose she should do so?

Mr. REED of Pennsylvania. She has not shown any signs of repudiating her debt.

Mr. HOWELL. To say, we will probably get nothing if we do not sign on the dotted line, as she has indicated, then, certainly it is equivalent to repudiation.

Mr. REED of Pennsylvania. I did not say she would repudiate it or she would refuse to pay or that I expected her to do so; but I said I expected her to be unable to pay.

Mr. HOWELL. Very well. I want to ask another question. I have the floor, Mr. President, and I think I have been very patient. If the Senate, in its judgment, does not agree exactly with the Debt Commission, and suggests certain changes in the proposed settlement, does the Senator mean to say that would be sufficient justification for Italy to say that she could not pay and it was not in accord with her ability to pay?

Mr. REED of Pennsylvania. Of course, I do not. Italy will pay us, I know, all that she can; but if we do not refund our debt and Great Britain does not refund her debt, Italy's ability to pay will be very small.

Mr. HOWELL. But has not Secretary Mellon testified before the House committee that no man can judge what would be Italy's ability to pay in the future?

Mr. REED of Pennsylvania. No one can do better than estimate it.

Mr. HOWELL. Very well. Then, suppose the Senate should say, "We do not propose to make a definite settlement; we do not propose to limit the amount of money that we are to receive; we simply ask for a readjustment of the proposal. We do not ask you to pay any more necessarily than you are to pay annually under this agreement, but we refuse now to cancel this debt, as we do not know what your situation may be at the end of the period."

Mr. REED of Pennsylvania. Then we would put Italy in the same position that the Allies put Germany when she had a huge, undetermined cloud of reparations hanging over her head.

Mr. CARAWAY. She is in the same condition yet.

Mr. REED of Pennsylvania. No.

Mr. CARAWAY. There is no termination of Germany's obligation to pay.

Mr. REED of Pennsylvania. Because of the undetermined reparation claims hanging over her head Germany was unable to borrow in the markets of the world until the Allies met and agreed to postpone their claims to the private loans that Germany was floating. That was essential to enable her to borrow money to continue her financing.

Mr. HOWELL. But, Mr. President, it is undeniable that Germany's reparation debt of \$33,000,000,000 is not canceled, and nevertheless Germany is paying from year to year in accordance with her ability to pay. Why should we treat Italy differently?

Mr. REED of Pennsylvania. If the Senator would look at it through the same glasses in each case, I think he would agree that we were not treating Italy differently from Germany. In both cases there is a clear limitation of the annual payments according to capacity to pay as estimated now. That is why the Dawes annuities are distinctly limited to \$625,000,000.

Mr. HOWELL. Is there a definite limitation of the period during which Germany shall pay what she is able to pay?

Mr. REED of Pennsylvania. No. So far as I know, it has not been limited as yet.

Mr. HOWELL. Very well. Then, why should we write such a limitation in the settlement with Italy?

Mr. REED of Pennsylvania. Because there was not a definite limitation they had to postpone the lien of the reparations

to the private debts in order to enable Germany to make her loans and get started on a stable basis. We do not want to do that with Italy. If we should keep the debt open, as the Senator suggests, against Italy, Italy could never float a private loan without first coming to us to postpone the lien of our claim. We do not want to be put in that position.

Mr. HOWELL. Italy already has floated a private loan of a hundred million dollars.

Mr. REED of Pennsylvania. Based upon the agreement of the Debt Commission absolutely liquidating her debt. If we had left the other end of the period open, she never could have done it.

Mr. HOWELL. In other words, the bankers in New York were so sure that there was a majority in the Senate to ratify this Italian debt settlement that they loaned her the money immediately?

Mr. REED of Pennsylvania. They made the agreement on the faith of the unanimous settlement of the debt commission, which has been approved by an overwhelming vote in the House of Representatives, and which is going to be ratified by an overwhelming vote in the Senate when it comes to a vote on 4 o'clock Wednesday next.

Mr. CARAWAY. If the Senator has that information, why does he debate the question with so much ardor?

Mr. REED of Pennsylvania. I am only helping Senators to hold up the public buildings bill.

Mr. HOWELL. Mr. President, it has been stated upon the floor—and my attention was challenged to a cartoon in the Washington Post of yesterday which implied the same thing—that unless we accepted what Italy has determined she can pay, we will get nothing. What does that mean? That means that for Italy's obligations to pay we have substituted the principle of ability to pay. If that is true, Italy says to-day, "I can not fulfill my present obligations," and, if, at any time in the future in connection with the new proposed obligations, she determines that she is unable to pay, she will repudiate that just as is charged she will repudiate now.

Mr. President, we have settled this debt with nothing but another promise to pay. Her first promise was to pay \$2,150,000,000. Now she says, "I will promise to pay \$538,000,000"; but there is no security; there is no guaranty. This settlement is merely a limitation upon how much we will get. If Italy is able to pay more, we will be estopped from demanding it because of this settlement. If Italy, in her opinion, can not pay as much, we will not get what she agrees to pay in this proposed settlement. Yet it is admitted here that under the Dawes plan Germany is to pay according to her ability to pay, but her debt is not canceled. She does not know when it will be canceled, if ever. Why, then, should we accord to Italy such preferential treatment, when in the case of Germany the settlement involved \$33,000,000,000, and here it involves only \$2,150,000,000?

I think there is scarcely a member of the Finance Committee who understood that this settlement meant the payment of 1.1 per cent interest for 62 years and cancellation of the principal. I do not believe they had analyzed the proposal that far. What we are here led to believe is that Italy has pronounced an ultimatum, "This or nothing!"

Mr. President, we are constantly charged in Europe with being worshipers of the dollar. This is a debt of honor. Are we to stamp that opinion of Americans as correct by accepting a few paltry dollars for this huge debt, because of a fear of repudiation by Italy—that is, complacently resign a birthright for fear of losing a mess of pottage. That is exactly what such action would mean.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. HOWELL. Certainly.

Mr. REED of Pennsylvania. If the Senator's theory of the way to go about this thing is right, then Italy is to pay us each year as much as she can pay on the debt. Is that the idea?

Mr. HOWELL. No, Mr. President. So far as my theory has been stated upon this floor, it is this: Accept Italy's payments, if you will, but do not provide for the cancellation of this debt at the end of 62 years. The amount involved is only 1.1 per cent upon the principal. Why should we now to-day limit the American people to receiving but 1.1 per cent interest? If Italy is able to pay more, we should receive more, because if she is not able to pay the amounts proposed we will not get even 1.1 per cent.

Mr. REED of Pennsylvania. Then, on the Senator's method of calculation, at the end of the 62-year period Italy would still owe us the whole principal, plus 3 per cent per year accumulated interest for 62 years? Is that right?

Mr. HOWELL. No, Mr. President; my proposition is that she shall pay us 1.1 per cent interest for 62 years, and then the debt is not canceled. Your proposition is that she shall pay us 1.1 per cent interest for 62 years, and then the debt is canceled. What I insist is that the Debt Commission can not claim that they will have exhausted Italy's capacity to pay at the end of 62 years, and that then she will be unable to pay another dollar. They certainly do not claim that. If that is true, why can not Italy pay us an equal amount in the sixty-third year and the sixty-fourth year, and the sixty-fifth year? Great Britain has had a debt hanging over her head since 1688, and at the close of the Napoleonic wars it was greater in proportion to her wealth than it is now, and yet she rose to be the greatest empire in the world.

Mr. REED of Pennsylvania. Then the Senator would let this debt hang on into eternity?

Mr. HOWELL. I would let this debt hang on for the present, and let us determine at the end of 62 years whether Italy was able to pay us something more in the sixty-third year. I think that is no more than just to the American people.

Mr. REED of Pennsylvania. What would the Senator do next year, for example? To leave off the 62-year guessing, let us guess about next year. Suppose Italy comes along with \$5,000,000 next year. Are we to debate here in the Senate as to whether she could have paid \$6,000,000? Is that process to go on every year from now on into the dim future?

Mr. HOWELL. What I propose, because of what the commission has done, is this: The commission says that Italy is able to pay \$5,000,000 next year, \$5,000,000 the year after, \$5,000,000 thereafter for three years, and then she is able to pay more in the sixth year. I will accept the commission's judgment respecting that matter, but I do not accept the commission's judgment that this debt should be canceled at the end of the sixty-second year.

Mr. REED of Pennsylvania. Then the Senator is concerned not with what is to be paid during the next 62 years, but with what is going to happen 62 years from the date of this settlement—in 1987.

Mr. HOWELL. I have made up my mind that in the state of sentiment that seems to prevail here it is hopeless to obtain a readjustment of the annual payments, although Italy pays Great Britain \$10,000,000 the first year and \$24,000,000 the second year, and she never pays Great Britain less than about \$21,000,000 during each of the 61 years, and the last year she pays Great Britain \$10,000,000.

Mr. REED of Pennsylvania. And yet, if the Senator figures that settlement on the same basis that he is reiterating that ours must be figured on, Great Britain is getting during the 62 years only about eight-tenths of 1 per cent, and nothing on the principal. Is not that so?

Mr. HOWELL. Mr. President, Italy's debt to Great Britain was not comparable to our debt.

Mr. REED of Pennsylvania. But I asked the Senator about the calculation.

Mr. HOWELL. I am now giving you the facts respecting the Italian debt.

Mr. REED of Pennsylvania. But will not the Senator first tell us, please, whether that is not so—that their payments to Great Britain amount to about eight-tenths of 1 per cent for 62 years, and then the principal is canceled?

Mr. HOWELL. I will answer the Senator's question in due time, and I will answer it in this way:

On February 23, 1920, President Wilson received the following letter from Undersecretary of State Davis, who was in London:

MY DEAR MR. PRESIDENT: With reference to my memorandum of February 21, inclosing a proposed reply to the Chancellor of the Exchequer regarding the cancellation of intergovernmental war loans, I desire to submit for your further information the following consideration:

Without any specific proof—

I should like to have Senators note this—

Without any specific proof, I have for some time suspected that the loans made by England to France and Italy have not the same standing as our loans to the Allies. I recall that Mr. Lloyd-George told me England could not afford to force those countries to pay her. Article XI of the pact of London states that—

"Italy shall receive a military contribution corresponding to her strength and sacrifices."

Mr. President, and here is a convincing bit of supporting evidence, the British Chancellor of the Exchequer, on the floor of the House of Commons just the other day, made this statement in reference to the settlement of Italy's debt due Great Britain:

I ought to say that the Cabinet, in leaving me a very wide discretion in these negotiations, directed me to have regard, among other things, to the whole question of our relationship with Italy, both before, during, and since the war, which, as you know, has been one of unbroken friendship and cordial cooperation in many fields. Also it must be remembered that there have been on various occasions tentative discussions with the Italian Government and other British Governments on the question of debt repayment, which, while they in no way legally tie our hands, found at any rate no counterpart in the relations between the United States and Italy. At the time of the proposed imminent entry into the war very considerable offers were made to Italy which carried with them, subject to numbers of conditions which have not been fulfilled, the principle of the virtual cancellation of the overwhelming bulk of the obligations; and although it was never argued by Italy that anything of a legal nature or of a definite and final nature had taken place, yet at the same time we have felt bound to consider what had happened in the intervening period, which found no parallel in Italian-American relations, as a factor which must reasonably be borne in mind.

Mr. President, Undersecretary of State Davis wrote President Wilson that he suspected that Italy's debt to Great Britain was on no such basis as our debt; and then, six years afterwards, the Chancellor of the Exchequer absolutely verifies and certifies to that fact upon the floor of the House of Commons.

Great Britain's debt was not comparable to our debt—I do not care anything about the figures—and yet Italy pays Great Britain more than she pays us. As a matter of fact, in the first 31 years Italy pays Great Britain over 50 per cent of what she is to pay her, and in the first 31 years she pays us only 26 per cent of what we are to receive; and yet, Mr. President, when the interest we are paying on the money that we borrowed to loan to Italy amounts to \$91,000,000 a year, and she pays us only \$5,000,000 a year for the first five years, and all her payments together are equivalent only to 62 equal annual installments of \$24,300,000 a year, are we in order to get that \$24,000,000 to humble ourselves and say to Italy: "We accept your ultimatum. We will take what you will give us. Now, please promise, and cross your heart, you will pay this?" Will that not be our attitude if we sign on the dotted line?

I think that the country could well forego this \$24,000,000 and say: "We will not accept your ultimatum as to what you can pay or what you can not pay. The Senate of the United States is not bound by its attorneys, the commission that represented it, when it consulted with your representatives respecting this proposed settlement. The Senate of the United States intends to apply its judgment to this matter."

"The Senate of the United States accepts Mr. Mellon's statement that no man can tell at this time what Italy's ability to pay will be in the future, and therefore we do not propose to estop the American people from receiving what you are able to pay if you are willing to act justly and pay us what you are able to pay. We do not propose to oppress you. We want you to treat us as we treated you. For two years after the war we furnished you with money. It is a debt of honor."

Why, Mr. President, stop and think for a moment what repudiation means. In Europe, when a man sits down at a gambling table and incurs a debt the question as to ability to pay never enters into the question as to whether he shall pay. Under the code of Europe he must pay, even if it turns his family out in the street, or be banished from society. There is no greater gamble than war. Italy entered it after carefully considering the situation and making her arrangements. Then she came to us and said, "We need money to carry on our operations," and we furnished the money. When the war was over she said, "We need more money because of the condition of our people," and we furnished it. Now are we supinely to acquiesce in her attitude when she comes and tells us, as it is suggested she does, "This is our ultimatum; sign on this dotted line, or you get nothing?"

For the United States to acquiesce in any such attitude for a paltry \$24,300,000 a year is unthinkable. I think it is time that we took high ground in reference to some of these matters.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. HOWELL. I yield.

Mr. REED of Pennsylvania. If the Senator were the Debt Funding Commission, I gather from what he says that he would first tear up the refunding agreement that is now before the Senate. Will the Senator tell us what he would do next?

Mr. HOWELL. Mr. President, I have stated to the Senator from Pennsylvania what my suggestion is in connection with this settlement, and I will go a little further after repeat-

ing myself. I would not cancel this debt of \$2,150,000,000 62 years in advance. That is my first proposition.

Mr. REED of Pennsylvania. I am not asking the Senator what he would not do but what he would do. What message would the Senator send to Italy?

Mr. HOWELL. I will further answer the Senator as to what I would do. I would not insert in the agreement a provision whereby, if the bonds issued thereunder are held by Italian subjects, that they shall be taxable in Italy. That is one thing I would not do. I would insert in the agreement exactly what Great Britain insisted upon in her agreement. It is this:

The payments due under all bonds issued in accordance with this agreement shall be made without deduction for and shall be exempt from any and all taxes and other public dues, present or future, imposed by or under the authority of Italy, or any political or local taxing authority within Italy.

That is what I would put in this agreement instead of the corresponding provision we have.

Mr. REED of Pennsylvania. The Senator has not answered my question.

Mr. HOWELL. Just a moment. Of course I know the Senator does not like to have some one dictate as to how he shall answer a question, and I take the same position. But I want to call attention right here to this fact, that under our provision these bonds are not taxable in Italy only so long as they are in the hands of the United States, or in the hands of a corporation or individual not domiciled in Italy. Why should there be such a difference in favor of England as compared with the United States? There is another feature I would have changed in this agreement.

Mr. REED of Pennsylvania. I am not asking the Senator how he would change it. I am asking him this: Suppose the Senate turned down this settlement and the Senator were appointed our Debt Commission. How would he start negotiations with Italy, and what would he ask them to do?

Mr. HOWELL. I will afford the Senator another provision I would have in this agreement.

Mr. REED of Pennsylvania. The Senator would not have any agreement. It would all be torn up.

Mr. HOWELL. Well, in the agreement.

Mr. REED of Pennsylvania. How would the Senator ever get to an agreement?

Mr. CARAWAY. I trust the Senator would not get to an agreement by asserting to Italy, "You pay what you are willing to pay, and we will accept that, or you need not pay us anything." Would the Senator make that kind of an agreement?

Mr. HOWELL. I would not.

Mr. CARAWAY. The Senator would not come back and tell the American people, would he, that, "I have told a foreign country to say to us, 'You will have to accept this, or you must absolve us from owing you anything.' You can keep your honor and your cash, too." The Senator would not make that kind of an agreement, would he?

Mr. HOWELL. No. I believe we should handle this matter as a business proposition.

Mr. CARAWAY. And with a little regard for the American taxpayer.

Mr. HOWELL. Yes.

Mr. CARAWAY. And not be the apologist for a foreign country on the floor of the Senate against every assertion of American rights.

Mr. REED of Pennsylvania. It sounds to me as if the Senator from Arkansas were apologizing for the Democratic members on the Debt Commission.

Mr. CARAWAY. No; the Democratic members on the Debt Commission did not do anything that I would have done; but they can apologize for themselves.

Mr. REED of Pennsylvania. Everything the Senator has said sounds like an attack on them.

Mr. CARAWAY. Nobody is apologizing for the Democrats. The apology is for the Republicans, by the Republicans. They were in charge of the commission. They made the settlement. Unfortunately, some Democrats concurred in it. That did not make it right.

Mr. REED of Pennsylvania. Has the Senator ever investigated to find out why his Democratic brethren did concur?

Mr. CARAWAY. I know just as much about that as the Senator is willing to tell us about this. He told us that the Italian Government could not have gotten a loan if they had not known what the Senate was going to do. I would like to know who told the Italian people what the Senate was going to do.

Mr. REED of Pennsylvania. The Senator did not say anything like that.

Mr. CARAWAY. The Senator—

Mr. REED of Pennsylvania. Not even resembling it.

Mr. CARAWAY. The Senator can not get out of it so quickly as that.

Mr. REED of Pennsylvania. I am not trying to get out of it. I am merely contradicting it. I never said that.

Mr. CARAWAY. The Senator said that Italy could not have borrowed unless she had known that the Senate was going to ratify this debt settlement.

Mr. REED of Pennsylvania. I said she could not have borrowed unless the Debt Commission had concluded this agreement.

Mr. CARAWAY. No; the Senator went beyond that. He said unless this settlement was final. That is not his exact language, but that is the effect.

Mr. REED of Pennsylvania. Not at all.

Mr. CARAWAY. Then the Senator did not mean what the words meant. That is what the Senator said in effect, that the reason Italy could borrow was because this settlement had been made.

Mr. REED of Pennsylvania. Certainly, I said that.

Mr. CARAWAY. How did the bankers know it was going to be ratified?

Mr. REED of Pennsylvania. Why does not the Senator, when he quotes me, quote the same thing twice in succession?

Mr. CARAWAY. I can not do that, because the Senator shifts his position.

Mr. REED of Pennsylvania. I do not very often get a chance to answer the Senator's question—

Mr. CARAWAY. The answer is always different from the one the Senator made before.

Mr. REED of Pennsylvania. When I answer, the Senator does not listen.

Mr. CARAWAY. Why should I listen, because when the Senator makes an answer it is different. I heard three this afternoon.

Mr. REED of Pennsylvania. I have made about 25, and the Senator has heard three. That is just about what I get when I talk to the Senator.

Mr. CARAWAY. They were all different.

Mr. HOWELL. Mr. President, I desire to make clear another provision that I would introduce into any settlement. Under the proposed settlement, provision is made that the bonds which are issued, all in large denominations, may be exchanged for bonds of small denominations payable to bearer. The idea is that these bonds might be sold by this Government on the market. It is provided that Italy will assist in listing these bonds on any exchanges the Secretary of the Treasury may indicate. But in connection with this provision, there is another provision which renders any such bonds utterly unsalable.

The bonds bear only one-eighth of 1 per cent interest for 10 years, one-quarter of 1 per cent interest for the next 10 years, one-half of 1 per cent interest for the next 10 years, and 1 per cent interest for the next 10 years, and then 2 per cent interest, I think, for the last 7 years, or something like that. Anybody knows such a bond could not be sold on any market. So that this wise provision is all surplusage—utterly useless under the circumstances.

What I would do is this—and I propose to offer an amendment to this effect—I would provide that such bond shall be issued in such denominations, maturities, and at such rate or rates of interest as the Treasury might dictate, provided that no annual payment shall be increased throughout this period. In other words, if we are to make this settlement, let us have some bonds we can market, and sell them. Let us sell them to Italian subjects if possible. Let us get rid of them. That is what should have been provided, and we ought to have a similar provision in every one of the other agreements.

It would be a happy solution if we could get rid of these bonds, float them elsewhere, and thus relieve our Treasury.

I did not intend to go into this matter at this time. However, I am glad to have had the opportunity to make plain that there are provisions of this proposed settlement that ought to be corrected, and which can be corrected, in the interest of the United States, even though we propose to accept but 1.1 per cent interest for 62 years, and then cancel this debt, an outrage upon the American people. In closing I wish to call attention to the fact that in the course of my remarks I have not insisted that it is my opinion that Italy has any intention of repudiation, whatever the Senate may do. I have great faith in the Italian people.

Mr. COPELAND. Mr. President, a few days ago the Senator from Tennessee [Mr. McKellar] made a very interesting address on the Italian debt settlement, in opposition to it, and he received a telegram from one Doctor Fama, of New York City, which was inserted in the RECORD on April 14, in which Doctor Fama said:

Five thousand Italian Americans at a mass meeting in New York City under the auspices of the Anti-Fascist League of North America wish to congratulate you on your attitude against Mussolini and fascism.

I ask now that there be inserted in the RECORD a letter from Count de Revel. He is the head of the Fascisti League of North America.

I also ask to have inserted a letter from Judge Freschi, a long-time member of the Court of Special Sessions of New York. These letters will explain away the idea that any Italians of high standing in New York City are in opposition to this settlement.

The VICE PRESIDENT. Is there objection to the request of the Senator from New York?

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

FASCISTI LEAGUE OF NORTH AMERICA (INC.),
CENTRAL COUNCIL,
New York, April 16, 1926.

Hon. ROYAL S. COPELAND,
United States Senate, Washington, D. C.

MY DEAR SENATOR COPELAND: The Fascist organization laws here require of its members loyalty to America, support of the American Constitution, protection of the family, upholding the idea of religious freedom and civil government, and the perpetuation of organized society.

The meeting to which Doctor Fama refers was held on April 13, 1926, at Manhattan Lyceum, and the speakers were Vacirca (socialist), Tresca (anarchist), Bellanca (communist), Allegra (communist), Sormenti (anarchist), Lupis (communist), and Fama.

Less than 2,000 persons were present; most of them were of the international red (radical) element, and most of whom were not Italians. Few Italians ever attend such meetings. Vacirca is in this country on leave as nonquota immigrant. His permit has been twice renewed, and he recently lost his citizenship in Italy. Lupis is in this country with a temporary, commercial certificate.

Very sincerely yours,

IGNAZIO THAON DE REVEL,
President.

HARDIN & HESS,
New York, April 17, 1926.

Mr. C. W. JURNAY,
Secretary to Hon. Royal S. Copeland,
United States Senate, Washington, D. C.

MY DEAR MR. JURNAY: My information from an authoritative source is that the former member of the Italian Parliament, ex-Deputy Bergamo, is assisting the direction of an anti-Fascista (Il Corriere degli Italiani) newspaper, which directs the opposition to the Italian debt-settlement agreement.

Mr. Bergamo has issued a statement in which he says that the anti-Fascist forces have made Mussolini and the Italian Monarchy their political target and that the anti-Fascisti must stand for republicanism against Fascism and royalty, adding that the death of one is the destruction of the other. Bergamo further states that the King of Italy is an adventurer, without moral direction or sense.

It should be evident to all who read and understand that the blow is directed not so much at Mussolini as at the form of monarchical government, and it is not strange therefore that the meeting held in New York at the Manhattan Lyceum should have been addressed (outside of Doctor Fama) by a well-known group of socialists, communists, and anarchists.

Very sincerely yours,

JOHN J. FRESCHI.

Mr. McKellar. Mr. President, in this connection I desire to insert in the RECORD a telegram from the Italian Baptist Mission of Uniontown, Pa., on the same subject.

The VICE PRESIDENT. Is there objection?

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

UNIONTOWN, PA., April 18, 1926.

Hon. McKellar,
United States Senator of Tennessee,
Washington, D. C.:

Two hundred and fifty prominent law-abiding citizens, Italian extraction, of western Pennsylvania, assemble to-day at Uniontown, protest against the recent statement that all the Italians in Pennsylv-

ania State are followers of Fascism. This is an erroneous statement, because we as a part of such residents are earnestly urging that Fascism plague be fought to the limit because it is a dangerous enemy of humanity and suffocator of all principles of liberty and democracy. Assuring you that Italian feeling in general be against Fascism, we congratulate for attitude by you taken.

REV. GAETANO ALBANESI,
Pastor of Italian Baptist Mission.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock p. m.) took a recess until to-morrow, Tuesday, April 20, 1926, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 19, 1926

APPOINTMENTS BY TRANSFER IN THE ARMY

David Lamme Stone to be colonel, Quartermaster Corps.
Eugene Reybold to be major, Corps of Engineers.
Lowell Meeker Riley to be first lieutenant, Field Artillery.

PROMOTION IN THE ARMY

Carl Halla to be major, Finance Department.

POSTMASTERS

LOUISIANA

James R. Coplen, Sulphur.
Nathan R. Funderburk, Wisner.

MISSOURI

Mayme E. Prather, Advance.
Elan J. Nienstedt, Blodgett.
Charles T. Lease, Forest City.
Robert E. Ward, Liberty.
Lorenzo T. McKinney, Marceline.
John J. Sleight, Montgomery City.
Lena B. Porter, Novelty.
W. Arthur Smith, Purdin.

NEVADA

George H. Reinmund, Ruth.

PENNSYLVANIA

Harry M. Allison, Spring Mills.

HOUSE OF REPRESENTATIVES

MONDAY, April 19, 1926

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, Thy seal is set on all Thy works. Shadowing all, Thy Holy Spirit quickens in us the immortal hope and makes faith the determining power of man. Do Thou forgive our sins and give a deepening loveliness to all that we are. Oh may the very roots of our souls thrust deeply into soils which are eternally good. May we do nothing at the expense of integrity, delicacy, or beauty of spirit. Be with the notable organization that assembles in our city these days. May it be grandly optimistic, emphasizing the ideals and traditions of our homeland, on which it must ever abide for its glory and security. Inspire it with a moral and patriotic energy which shall touch the far borders of our Republic. With all of us, blessed Lord, may our inward reach be commensurate with our outward grasp, and Thine shall be the praise forever. Amen.

The Journal of the proceedings of Saturday, April 17, 1926, and of Sunday, April 18, 1926, was read and approved.

FREDERICK A. FENNING

Mr. BLANTON. Mr. Speaker, I rise to a question of the highest privilege.

Mr. MADDEN. Will the gentleman withhold for a moment, to enable the gentleman from Illinois [Mr. FUNK] to call up a conference report?

Mr. BLANTON. I will.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. FUNK. Mr. Speaker, I ask unanimous consent that the Chair lay before the House the bill H. R. 10198, the District of Columbia appropriation bill, with Senate amendments, in

order that the House may disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Illinois calls up the bill H. R. 10198, the District of Columbia appropriation bill, and asks that the House disagree to the Senate amendments and ask for a conference.

Mr. FUNK. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. Is there objection to the consideration of the bill which the gentleman calls up?

There was no objection.

The SPEAKER. The gentleman from Illinois moves to disagree to the Senate amendments and ask for a conference. The question is on agreeing to that motion.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. FUNK, Mr. SIMMONS, Mr. TINKHAM, Mr. GRIFFIN, and Mr. COLLINS.

FREDERICK A. FENNING

Mr. BLANTON. Mr. Speaker, I rise to a question of the highest privilege. By virtue of the office I hold as a Member of the House, I impeach Frederick A. Fenning, Commissioner of the District of Columbia, of high crimes and misdemeanors. I ask for time in which to make my charges.

The SPEAKER. The gentleman is recognized to make the charges referred to.

Mr. BLANTON. I will state to the Chair that after I have made these charges I will offer the usual resolution in such cases to the House.

Mr. Speaker, by virtue of my office as a Member of the House of Representatives of the United States, I impeach Frederick A. Fenning, a commissioner of the District of Columbia, of high crimes and misdemeanors.

1. I charge that the said Frederick A. Fenning, after being appointed to such office by the President of the United States, and after he had taken the prescribed oath and assumed the duties of the office of commissioner of the District of Columbia, violated his oath and the law by violating the provisions of section 5498 of the Revised Statutes of the United States, in that he acted as attorney and received fees and commissions in violation of such law, the penalty prescribed for such violation being a fine of not more than \$5,000 and imprisonment for not more than one year.

2. I charge that the said Frederick A. Fenning has violated the provisions of section 500 of Title V of the World War veterans' act of 1924 as amended by the act of March 4, 1925, which provides that respecting compensation and insurance claims filed in said United States Veterans' Bureau for adjudication and not prosecuted in courts no attorney shall receive a fee of more than \$10 in any one case, the penalty prescribed for its violation being a fine of not more than \$500 and imprisonment at hard labor for not more than two years.

3. I charge that the said Frederick A. Fenning has violated the law and the rules and practice of the Supreme Court of the District of Columbia, which prohibit any committee or guardian for a lunatic receiving as compensation more than 10 per cent of his ward's estate or annual income, in that the said Frederick A. Fenning in several cases wherein he is committee or guardian has received exorbitant remuneration ranging from 12 per cent to as high as 94 per cent, which facts are certified to by the auditor of the Supreme Court of the District of Columbia.

4. I charge that the said Frederick A. Fenning is guilty of what in every State of the Union is commonly known and denominated as the criminal offense of barratry, and what the common law applicable to the District of Columbia constitutes as barratry, in that he has excited, stirred up, and fomented claims against the Government, and many ex parte lunacy suits in the Supreme Court of the District of Columbia, and in that he has specially solicited individuals to employ him as their attorney to prosecute for them certain claims against various departments of the Government of the United States, and before the Congress of the United States, and before the courts of the United States; and in that he has solicited individuals to employ attorneys with whom he was associated or affiliated to prosecute claims and suits for them wherein he received a division of the fee, and that the said Frederick A. Fenning is and has been a common barrator.

5. I charge that the said Frederick A. Fenning has committed the offense of champerty, and through direct solicitation has induced others to employ him as their attorney in many champertous agreements, wherein they were to be out no expense and not to pay any fee unless he recovered, in which event he was to be paid a part of the amount he recovered, and that the said Frederick A. Fenning is and has been a common champertor.

6. I charge that continuously during the past 23 years the said Frederick A. Fenning has wrongfully conspired and confederated with Dr. William A. White, superintendent of St. Elizabeths Hospital, an institution of the United States Government, in an improper agreement and practice whereby the said Frederick A. Fenning was given an improper, selfish, monopolistic inside concession not allowed to other attorneys, wherein he was permitted to personally examine all records, correspondence, and papers relating to inmates of such institution, and thereby ascertain which of said wards of this Government had money, property, or compensation or pension claims against the Government of the United States, a privilege denied to other attorneys; and whereby the said Frederick A. Fenning would act as attorney for the said Doctor White or would have his law partner act as such attorney for said Doctor White in filing in the Supreme Court of the District of Columbia said Doctor White's petition praying that a certain inmate, found to possess money or property or to have a claim against the Government, be adjudged of unsound mind, and praying that a committee be appointed by the court to take charge of such estate and prosecute such claim against the Government, and in which petition said Fenning would have the said Doctor White recommend the said Frederick A. Fenning as the committee to be appointed, and I charge that in pursuance of said wrongful conspiracy and improper practice the said Frederick A. Fenning induced the said Doctor White to execute over 200 such petitions which said Fenning filed in the said Supreme Court of the District of Columbia, wherein said Fenning was recommended for committee, and in which cases the court appointed said Fenning as committee or guardian, and as such said Fenning came into possession of the money and property and income of his said ward and prosecuted said ward's claims against the Government of the United States, and out of which estate and annual income the said Frederick A. Fenning has received annually a large per cent.

7. I charge that the said Frederick A. Fenning, about 23 years ago, wrongfully and improperly solicited the Justice of the Supreme Court of the District of Columbia then having charge of lunacy cases, to appoint him guardian or committee in all lunacy cases, and that said Fenning was then told by said justice that he would not appoint as committee or guardian any person except the one recommended in the petition, and that then and continuously since then, the said Frederick A. Fenning has wrongfully and improperly solicited all persons who might file such petitions to name him therein as committee or guardian, and he has written many persons whom he had never seen or known, urging that they grant him permission to file such petitions for them, with himself named therein as the one recommended for appointment as guardian or committee.

8. I charge that the said Frederick A. Fenning has admitted under oath that about 23 years ago he caused to be originated the unlawful and improper practice of paying out of the estate of the person adjudged to be of unsound mind a fee of \$10 to each doctor employed in St. Elizabeths Hospital who signed one of the two required affidavits certifying that he deemed such person of unsound mind, notwithstanding the fact that the law requires all of said doctors employed in St. Elizabeths Hospital to give all of their time to St. Elizabeths Hospital, and said Fenning testified under oath that when about 23 years ago he asked the presiding justice to allow such fees to said doctors, that the said justice of the court asked him to look up whether there was any law allowing it, and that after two weeks' search he could find none, whereupon, although there was no authority for same, the court entered an order allowing it, and that such a fee has been unlawfully and wrongfully paid to said doctors ever since, and I charge that said Frederick A. Fenning thus caused a wrongful and unlawful system to be inaugurated and followed continuously for 23 years, which squanders in unwarranted costs the estates of his wards, and I charge that said Frederick A. Fenning thus used his ward's money to buy favors from and to ingratiate himself into the good graces of all the doctors in St. Elizabeths Hospital, whom he expected to use in his business, and I charge that continuously for the past 23 years the said Frederick A. Fenning has thus paid a fee of \$10 wrongfully to a doctor in St. Elizabeths Hospital, and has also paid a second fee of \$10, wrongfully, either to his brother-in-law, Dr. J. Ramsay Nevitt, who during all such time has been coroner of said District, or to some other friendly doctor in the District of Columbia, and this too, when the said Fenning knew that under the law and practice in the Supreme Court of the District of Columbia he was entitled to have doctors give their testimony in insanity cases for \$1.25 per day.

9. I charge that the said Frederick A. Fenning, by inaugurating the wrongful and unlawful practice of paying \$10 in each

case to some doctor in St. Elizabeths Hospital for testifying in a lunacy case, has incited the said Doctor White to wrongfully and unlawfully sell his testimony to criminals, as he did when he testified for Clarence Darrow in the Leopold and Loeb cases in Chicago, and received therefor \$250 per day for 14 days.

10. I charge that the said Frederick A. Fenning, since the United States entered the World War April 6, 1917, has been allowed by the auditor of the Supreme Court of the District of Columbia and has received as fees and commissions from the estates of his said wards, the enormous sum of \$98,544.46, and that, too, when his services to such wards was of practically no value whatever, and when some of said wards had never seen him, and that the said auditor of the Supreme Court of the District of Columbia has certified officially that said Frederick A. Fenning has been allowed and has received the said sum of \$98,544.46 as his fees and commissions since April 6, 1917.

11. I charge that the auditor of the Supreme Court of the District of Columbia has certified officially to the following: That in the case of Daniel G. Campbell, lunacy No. 4073, the rate of commission received by Frederick A. Fenning amounted to 15 per cent in 1920, 24 per cent in 1921, 23 per cent in 1922, 23 per cent in 1923, 31 per cent in 1924, and 36 per cent in 1925; that in the case of Daniel Paul Fenn, lunacy No. 4405, the rate of commission received by Frederick A. Fenning was 15 per cent in 1920, 18 per cent in 1921, 24 per cent in 1922, 25 per cent in 1923, 25 per cent in 1924, and 21 per cent in 1925; that in the case of Patrick Griffin, lunacy No. 4252, the rate of commission received by Frederick A. Fenning was 16 per cent in 1920, 18 per cent in 1921, 15 per cent in 1922, 25 per cent in 1923, 50 per cent in 1924, 31 per cent in 1925, and 32 per cent in 1926; that in the case of James A. Higginson, lunacy No. 3887, the rate of commission received by Frederick A. Fenning was 32 per cent in 1920, 16 per cent in 1921, 35 per cent in 1922, 19 per cent in 1923, 46 per cent in 1924, and 22 per cent in 1925; that in the case of William John Kennedy, lunacy No. 3694, the rate of commission received by Frederick A. Fenning was 30 per cent in 1920, 28 per cent in 1921, 25 per cent in 1922, 26 per cent in 1923, 25 per cent in 1924, and 37 per cent in 1925; that in the case of Patrick J. Byrne, lunacy No. 3682, the rate of commission received by Frederick A. Fenning was 24 per cent in 1920, 24 per cent in 1921, 37 per cent in 1922, 49 per cent in 1923, 37 per cent in 1924, and 64 per cent in 1925; and that in the case of John Flavehan, lunacy No. 1320, the rate of commission received by Frederick A. Fenning on January 22, 1926, for the preceding year was 94 per cent.

12. I charge that said Frederick A. Fenning made a deliberate attempt to deceive Congress when, in the prepared type-written statement he sent to Representative MARTIN B. MADDEN and requested its insertion in the RECORD, on Friday, April 16, 1926, he intimated that Gen. Frank T. Hines, Director of the United States Veterans' Bureau, erred when he certified that said Fenning received 10 per cent of the estate and annual income of his Veterans' Bureau wards, said Fenning intimating that his commission was only 5 per cent in most instances.

13. I charge that said Frederick A. Fenning made a deliberate attempt to deceive Congress when, in his said prepared statement, he falsely stated that the \$109,070.25 fees and commissions which the auditor of the Supreme Court of the District of Columbia had certified had been allowed to said Fenning "includes the full amount of commission and counsel fees in cases going back to the year 1903," because as a matter of fact many fees and commissions received by the said Fenning do not appear in said auditor's certificate, and said auditor certifies officially that since we entered the World War in 1917 the fees and commissions allowed by the auditor to said Frederick A. Fenning amounted to \$98,544.46, thus showing affirmatively that of the said \$109,070.25 allowed said Fenning in fees and commissions only \$10,525 was allowed prior to April 6, 1917, and said Fenning is yet to receive his commissions on all cases for the last 12 months that will end on the court year expiring May 1, 1926.

14. I charge that since our brave ex-service men have returned from France wounded and shell shocked in the World War said Frederick A. Fenning, as guardian and committee for wards of our Veterans' Bureau, has received from said United States Veterans' Bureau the enormous sum of \$733,855.87 compensation and insurance due them, and that he has deposited same in his own bank, the National Savings & Trust Co., of which he is a director and in which he owns stock, and that he receives substantial benefits from such deposits by receiving increased dividends on his stock in said institution.

15. I charge that the said Frederick A. Fenning in making loans of his wards' money, as the law requires him to do, he

has received discounts, or commissions, or brokerage fees, additional to the interest carried in the notes or obligations, and that when making for said Fenning a loan of \$15,000, said National Savings & Trust Co. received a commission, which benefited said Fenning either directly, or indirectly.

16. I charge that the said Frederick A. Fenning has deceived the Supreme Court of the District of Columbia, by having different justices thereof to allow him to deduct from the annual income of his wards the annual premium paid to the bonding company for his fiduciary bond, and not disclosing to such court that he is the solicitor for such bonding company, and as such receives from said bonding company a commission of from 15 to 20 per cent on such annual premium, and I charge that said Frederick A. Fenning now holds a solicitor's license issued by the Department of Insurance for the District of Columbia in the following companies, to wit, the Massachusetts Bonding & Insurance Co., of Boston, Mass., the United States Fidelity & Guaranty Co., of Baltimore, Md., and the Great American Insurance Co., of New York, which expire May 1, 1926, and are renewed annually, and as such solicitor, he is authorized to receive commissions, rebates, and compensation on business he causes to be given to such companies. And I charge that he is guilty of moral turpitude in being solicitor for said companies as such interest conflicts with his duties as Commissioner of the District of Columbia, and has influenced his action in adversely passing on an important insurance bill of about 100 pages which his said companies have been opposing in many respects.

17. I charge that the said Frederick A. Fenning is attorney for the Medical Society of the District of Columbia, and is paid an annual fee by them, and that such employment has interfered with his duties as commissioner and has adversely influenced his official action, in that he has opposed and refused to favorably report a bill sought to be passed by the chiropractors, and which bill his clients are opposing.

18. I charge that the said Frederick A. Fenning, as attorney for the said Medical Society of the District of Columbia, in disregard of his duties as said commissioner, has incited, aided, and abetted the doctors employed in St. Elizabeths Hospital, who by law are required to devote all of their time to such institution, to engage in private practices here in the District of Columbia; that as attorney for said medical society he has incited, aided, and abetted certain of the doctors employed in the United States Veterans' Bureau, and who are by law required to give all of their time to said bureau, to engage in private practice here in the District of Columbia, such doctors using the equipment of the Government in their said private practice; and that the said Frederick A. Fenning has knowingly permitted the District alienist, Dr. Percy Hickling, who receives a salary of \$3,300 for all of his time, to sell his testimony at the rate of \$50 per day and more to lawyers both in the District and outside of it.

19. I charge on reliable information that Frederick A. Fenning is attorney for and is financially interested in the undertaking business of Joseph Gawler's Sons (Inc.), and that during the past 23 years has caused many bodies from St. Elizabeths Hospital to be turned over to said undertaker for burial, a number of them being wards of said Fenning, and that in the lunacy case of Walter Garland Allan, No. 10713, the said Frederick A. Fenning on March 24, 1926, paid to said undertaker the sum of \$107.81 for burial expenses, which amount was the total residue of his ward's estate, after taking from same his own fees and commissions, and at such time said Fenning knew that for a charge of only \$52 Undertaker Tabler furnishes everything necessary and conducts decent funerals for wards of the United States Veterans' Bureau, and I charge further that through confederation with his said brother-in-law, Coroner J. Ramsay Nevitt, and his employee, Bill Franklin, said Fenning wrongfully caused the body of one drowned in the basin, which body was demanded by the Veterans' Bureau and should have been turned over to it, to be wrongfully turned over to Undertaker Tullavull, who made the Government pay \$108.50 for same, but which would have cost the Government only \$52 for identically the same kind of funeral had said body been turned over to the Veterans' Bureau and the funeral conducted by the bureau's undertaker, Tabler.

20. I charge that the said Frederick A. Fenning, without having any acquaintance whatever with her, solicited Mrs. Eudora S. Kelly, of Sharon, Mass., to employ him as her attorney to prosecute a claim of \$1,800 against the Government, which he agreed to do without any expense to her whatever, but that after the United States made payment to her he was to receive a portion of the amount paid her, and that when he learned that she had already employed Lyon & Lyon, attorneys, of Washington, D. C., to prosecute this claim for her, said Fenning solicited the help of one Henry P. Fellows, and

through him finally influenced the said Mrs. Endora S. Kelly to break her contract and power of attorney with Lyon & Lyon and to discharge them, and to employ said Fenning.

21. I charge that said Frederick A. Fenning, while Commissioner of the District of Columbia, on June 10, 1925, represented a client and as attorney filed in the Supreme Court of the District of Columbia a petition in lunacy case No. 10890, and as such attorney caused Michael Flaherty to be adjudged of unsound mind, and in his petition had himself recommended for committee, and had himself appointed as such committee, after which as such, he prosecuted a claim against the Government of the United States, and on June 20, 1925, reported to the court that he had received from the United States Navy the sum of \$565.80 as back pay due said Flaherty, and that he expected to receive from the United States Navy the sum of \$94.30 each month thereafter as pay due his said ward.

22. I charge that said Frederick A. Fenning, while Commissioner of the District of Columbia, on September 22, 1925, appeared in the Supreme Court of the District of Columbia as an attorney for a client, whose business he had solicited, and as such attorney filed a petition in lunacy case No. 11041, seeking to adjudge Richard M. Norris of unsound mind, said Fenning in his said petition alleging "That Richard M. Norris is entitled to war-risk compensation monthly, the amount not yet known," which showed that to recover same it would be necessary for him to prosecute a claim before the Veterans' Bureau, and as such attorney said Fenning had said Norris adjudged of unsound mind, and as said attorney said Fenning did prosecute such claim before said United States Veterans' Bureau, in violation of law, and had such claim allowed, and on January 20, 1926, as such attorney said Fenning made report to the court showing that his client had received a check from the United States Veterans' Bureau and had deposited it in the said National Savings & Trust Co.

23. I charge that the said Frederick A. Fenning, while Commissioner of the District of Columbia, appeared in the Supreme Court of the District of Columbia as attorney for his client, which business he solicited, and on the 20th day of October, 1925, filed a petition in lunacy case No. 11092 seeking to adjudge Francis D. Allen of unsound mind, and in such petition recommending that he be appointed committee, and said Fenning alleging in his said petition that the said Allen is entitled to recover from the United States Navy retired pay of \$150 per month as a Lieutenant in the Navy, and that, as such attorney, said Frederick A. Fenning tried said case on November 20, 1925, and caused said Allen to be adjudged of unsound mind, and caused himself to be appointed committee, and that on December 9, 1925, said Frederick A. Fenning reported to the court by his sworn pleading that he had received from St. Elizabeths Hospital \$116.55 due said Allen, and that he expects to receive from the United States Navy \$150 per month as retired pay due said Allen, and that he expects to receive certain funds said Allen has on deposit in a New York bank, and that he expects to receive proceeds from the sale of certain lots said Allen owns in New York, and that he expects to recover a refund of a deposit which said Allen made on a house in Pennsylvania, and upon all of which proceeds said Fenning will unlawfully receive at least 10 per cent annually.

24. I charge that the said Frederick A. Fenning, while a Commissioner of the District of Columbia, appeared as an attorney for his client in the Supreme Court of the District of Columbia and on December 2, 1925, filed a petition in lunacy case No. 11137 in said court, seeking to adjudge Charles L. Cunningham as of unsound mind, that the case was tried on December 4, 1925, and the judgment decreeing said Cunningham of unsound mind recites that petitioner appeared as his attorney—Frederick A. Fenning—and I charge that on January 27, 1926, said Commissioner Frederick A. Fenning, as said attorney, filed with said Supreme Court a petition for his client, stating that petitioner had employed said Frederick A. Fenning and Paul V. Rogers as attorneys, and asking permission to pay them their fee of \$150, and that on that same day, January 27, 1926, said Frederick A. Fenning secured a signed order from Chief Justice McCoy authorizing the payment of said \$150 fee to said Frederick A. Fenning and Paul V. Rogers, as attorneys, and that said Fenning received such fee in violation of the laws hereinbefore mentioned, and that on said January 27, 1926, said Frederick A. Fenning filed a petition for his client showing that petitioner had collected from a bank and the United States Navy the total sum of \$1,005.13, which was deposited in said National Savings & Trust Co., said Fenning's bank.

25. I charge that the said Frederick A. Fenning, while Commissioner of the District of Columbia, during the four months from December 1, 1925, to March 31, 1926, permitted the corporation counsel of said District, in the name of the Commis-

sioners of said District of Columbia, as petitioners, to file in the Supreme Court of the District of Columbia 150 cases of lunacy and caused 150 human beings, and residents of said District, to be incarcerated in insane asylums, charged with being of unsound mind, when many of said persons are sane, and should not be deprived of their liberty.

26. I charge that the said Frederick A. Fenning continuously for the past 23 years has conspired and confederated with the said Dr. William A. White to block and prevent sane patients wrongfully incarcerated in St. Elizabeths Hospital from securing their liberty through habeas corpus proceedings, and I charge that Frederick A. Fenning admitted under oath that he went to the court and caused the court not to discharge Miss Cornelia A. Corbett and her mother, and he thus wrongfully kept them in St. Elizabeths for two years and four months, during all of which time they were sane, and while there he squandered their property, and that when finally an able lawyer in the District through habeas corpus proceedings forced a trial for them before the court they were adjudged of sound mind and released, and that the said Miss Cornelia L. Corbett in cause No. 49104, law, sued said Frederick A. Fenning in the Supreme Court of the District of Columbia and recovered a judgment against him, and made him pay back to her a part of the value of her property which he had squandered, and that said wrongful acts of said Fenning caused the premature death of Mrs. Corbett.

27. I charge that said Frederick A. Fenning is now holding in St. Elizabeths Hospital Lieut. F. D. Allen who is sane, and that said Fenning is squandering his property.

28. I charge that in each of his cases said Frederick A. Fenning charges against his ward's estate a notary fee, in each and all of the many papers he must file under oath, when such notary is an employee of his law office, and such fees are allowed by the court, when they are not proper fees.

29. I charge that said Frederick A. Fenning uses his said office of Commissioner of the District of Columbia for his own selfish benefit and advantages, and that he exercises his power in an arbitrary and tyrannical manner, evidenced by his wrongful demotion of Inspector Albert J. Headley and punishing Officer Gore for doing his duty.

30. I charge that on February 12, 1926, said Frederick A. Fenning wrongfully and without cause, but for the selfish purpose of giving a \$2,100 position to his prospective son-in-law, Dr. Floyd McJ. Allen, forced out of office Dr. C. J. Murphy, and put in his place the said Allen, as a police and fire surgeon of the District.

31. I charge that in February, 1926, said Frederick A. Fenning, in order to promote one of his friends, wrongfully retired on pay of \$100 per month for life Sergt. Robert E. Lee, a physical giant, 6 feet 2 inches tall, 55 years old, weighing 225 pounds, who for four years had not missed a day for sickness, and concerning whom all of his brother officers testified there was no better man on the force, and that said Fenning arbitrarily refused to grant a proper hearing on the matter, requested by a Member of Congress.

32. I charge that on March 3, 1926, said Frederick A. Fenning wrongfully removed from office Dr. Edward Comstock Wilson, the hero of Knickerbocker Theater, as medical inspector of schools, for the selfish and wrongful purpose of putting in his place an old friend of Dr. William A. White, who is 73 years of age, simply because when said White and Fenning were under fire in a congressional investigation in 1906 this now 73-year old doctor then sympathized with them.

33. I charge that the said Frederick A. Fenning and Dr. William A. White are jointly interested in certain financial investments together, and in February, 1920, carried a partnership account in the Washington Loan & Trust Co., and that their relation is such that neither can render to the public that quality of service to which the public is entitled.

34. I charge that the said Frederick A. Fenning has made a deliberate attempt to deceive Congress when in said prepared statement he denied the report which the Veterans' Bureau inspector, Dr. Henry Ladd Stickney, filed with the bureau on April 26, 1924, wherein Doctor Stickney charged that said Fenning "constantly opposes the transfer of his wards from St. Elizabeths Hospital," and I charge that for over three years said Fenning has refused to turn over to Mrs. Eliza Lee, the legal guardian of the person and estate of her son, Roley Lee, her said son, but withholds him from her, and that said Fenning has already received in his fees and commissions the sum of \$1,155.27 from the estate of said Roley Lee, who was shell shocked in France and is a World War veteran.

Mr. Speaker, I offer the usual resolution in such cases, which I ask that the Clerk read.

The SPEAKER. The Clerk will report the resolution. The Clerk read as follows:

House Resolution 228

Resolved, That the Committee on the Judiciary be, and it is hereby, directed to inquire and report whether the action of this House is necessary concerning the alleged official misconduct of Frederick A. Fenning, a commissioner of the District of Columbia, and said Committee on the Judiciary is in all things hereby fully authorized and empowered to investigate all acts of misconduct and report to the House whether in their opinion the said Frederick A. Fenning has been guilty of any acts which in the contemplation of the Constitution, the statute laws, and the precedents of Congress are high crimes and misdemeanors requiring the interposition of the constitutional powers of this House, and for which he should be impeached.

That this committee is hereby authorized and empowered to send for persons and papers, to administer oaths, to employ, if necessary, an additional clerk, and to appoint and send a subcommittee whenever and wherever necessary to take necessary testimony for the use of said committee or subcommittee, which shall have the same power in respect to obtaining testimony as exercised and is hereby given to said Committee on the Judiciary.

That the expenses incurred by this investigation shall be paid out of the contingent fund of the House upon the vouchers of the chairman of said committee, approved by the Clerk of this House.

Mr. BLANTON. Mr. Speaker, I desire to use but a few minutes. I will not use the whole hour allowed me by the rules.

Gentlemen, this is an unpleasant duty for me to perform. I have tried to avoid it. I have done everything that any Member could do to obviate the necessity of filing impeachment charges. Nearly a month ago I introduced a resolution to have a joint committee of Congress investigate this matter. That resolution has been pending in the Committee on Rules for nearly a month without action. I have tried to get the chairman to report it out in some form, and amend it as he wanted to amend it, writing it as he thought it ought to be, in order to let us get action on it; but he has not done it. I have tried to get a proper subcommittee of the Committee on the District of Columbia to act. But I have failed there. Last Friday—you all know this—last Friday the District Committee, by an overwhelming vote, passed a resolution authorizing and directing the chairman of that committee to appoint a subcommittee of five to go to the bottom of these transactions. I called on the committee clerk before I came over here this morning to find out whether that subcommittee had been appointed yet, and was advised that it had not been, so the clerk reported to me, and I then told the clerk of the committee to tell the chairman that I would take steps myself to force the matter before a proper committee.

This session of Congress is nearly over. Something ought to be done about this before we adjourn. Frederick A. Fenning must be removed from office before we adjourn. I do not know of any committee better qualified to investigate this matter than that of my friend, the distinguished gentlemen from Pennsylvania [Mr. GRAHAM]. He will give it careful consideration. All the men on that Judiciary Committee are lawyers, and they know what is proper and what is ethical. They are able men, and they will give a fair deal to the Government and to the people, and a fair deal to the accused.

Mr. RANKIN. Mr. Speaker, will the gentleman yield for a question?

Mr. BLANTON. I yield.

Mr. RANKIN. I want to ask the gentleman from Texas whether or not in these cases of guardianship in which these excessive fees were charged the wards were veterans of the World War?

Mr. BLANTON. Oh, many of them. Many of them were shell shocked in France. Many of them are veterans of the Spanish-American War, and one or two of them are even veterans of the Civil War, if you please. Many of them are disabled men, retired from your Army and your Navy, and one other department of Government.

Mr. RANKIN. Will the gentleman yield further?

Mr. BLANTON. Yes.

Mr. RANKIN. The reason I asked that question is that a great many of us on the Veterans' Committee have been trying to get this investigation made, and it has been questioned by some members of the committee whether or not these excessive fees were charged in cases of demented veterans of the World War.

Mr. BLANTON. Many of them are veterans of the World War. I will give you one of them, the case of Roley Lee. He went to France and served his country valiantly. He was not only shell shocked but a shell broke and destroyed a part of his hip, and that poor boy came back home to die. His mother nursed him back to life, and then he disappeared for two years and she did not know what had become of him. Later

she found that he had been sent to St. Elizabeths Hospital by the forces that be here in Washington. Mr. Fenning, without knowing her, sent her a petition, to be signed by her, recommending him as committee. He found out the boy was entitled to compensation and insurance, so he sent that poor woman, over at Grundy, in Buchanan County, Va., a petition for her to sign which would make him committee for the boy. He said to her, "If you will sign this, I will look after your boy and I will get some money for both you and your boy." The poor woman was not able to come to see her boy in the hospital; she did not have the money with which to come, and under those circumstances she signed that petition. When Fenning sent her that document to sign and asked her to permit him to file that petition he was guilty of the crime of barratry under the common law, which is applicable here in the District of Columbia and applicable in the State of Virginia. He had himself appointed committee, and he has collected over \$11,000 of that poor boy's money, for he has just recently collected another fee of \$213 allowed him by Judge McCoy, additional to the amount shown in the certificate of Auditor Herbert L. Davis.

Three years ago that poor woman went into the probate court of Buchanan County, Va., and qualified as guardian both of the person and property of her son. She gave a bond of \$5,000 and received authority to take charge of her boy, and for three years she has tried to get Commissioner Fenning to turn that boy back to her and release him, but he will not do it, because he gets 10 per cent of his annual income. Gentlemen, he has drawn from that boy's estate, as shown by the auditor's certificate, over \$1,100 and more in fees and commissions, and that poor woman is spending every cent she can get to live here in Washington in order to be near her boy. Every morning at 9 o'clock she goes after him; they turn her boy over to her; she keeps him all day and then takes him back at 7 o'clock. Tell me about World War veterans. There are lots of them in St. Elizabeths being imposed upon daily by Commissioner Fenning.

Mr. LUCE. Will the gentleman yield?

Mr. BLANTON. I yield to the distinguished gentleman, who for nearly a week has held up the Veterans' Committee and prevented them from investigating this case. [Applause.]

Mr. LUCE. I may inform the gentleman that the Committee on World War Veterans' Legislation began this morning in an orderly manner—

Mr. BLANTON. Oh, yes. After you had gone to your steering committee and your steering committee gave you orders to act. [Applause.] They told you you had held this matter up until it had become a crime upon the country, and then you acted, because you were whipped into line by your steering committee. I know all about it, because I went before your Veterans' Committee and I begged the chairman to give me 10 minutes, did I not?

Mr. RANKIN. Yes.

Mr. BLANTON. And I was refused?

Mr. RANKIN. And I tried to get the committee to give you the hearing.

Mr. BLANTON. Now I yield to the distinguished gentleman from Massachusetts, and I will cut out of the RECORD all I have just stated, because I have a great deal of regard for the gentleman.

Mr. LUCE. And also because it is inaccurate. [Laughter.]

Mr. BLANTON. Well, I will leave it to the members of the Veterans' Committee as to its accuracy. What about it, men?

Mr. RANKIN. Will the gentleman yield?

Mr. BLANTON. I will be glad to yield, but first I want to find out about the accuracy of this. How about it, men?

Mr. RANKIN. The gentleman from Texas came before the Committee on World War Veterans' Legislation last Saturday—

Mr. BLANTON. Friday.

Mr. RANKIN. Friday or Saturday, and brought a list of these cases. He asked permission to make a statement of 10 minutes and every Member on the Democratic side was willing, waiting, and anxious to have him make that statement, but there was a point of order made.

Mr. BLANTON. By whom?

Mr. RANKIN. I believe by the gentleman from Massachusetts [Mr. LUCE].

Mr. BLANTON. Yes; it was made by the gentleman from Massachusetts, that there was not a quorum of the committee present, and that prevented my having 10 minutes.

Mr. RANKIN. And that prevented the Veterans' Committee from going ahead with this investigation and prevented the gentleman from Texas from presenting his facts.

Mr. TILSON. Is not the gentleman from Texas straying from his charges? In his remarks should he not confine himself to his charges?

Mr. BLANTON. Yes; and I will say to the gentleman from Connecticut that I want to confine myself to my charges. However, I want to discuss a few other matters before I conclude.

Mr. LUCE and Mr. BANKHEAD rose.

Mr. LUCE. Will not the gentleman yield to me?

Mr. BLANTON. Yes; I yield to the gentleman.

Mr. LUCE. Has the gentleman any knowledge as to whether any charges of delinquency by guardians in the District of Columbia have been laid before the officer of the Veterans' Bureau who is intrusted with the responsibility in the matter?

Mr. BLANTON. Yes. I am sure the distinguished gentleman from Massachusetts has been derelict in not reading the report of the distinguished investigator of the Veterans' Bureau that I put in the Record on April 8, that of Dr. Henry Ladd Stickney, who reported on April 26, 1924, to the Director of the Veterans' Bureau just about what I have charged Mr. Fenning with here on the floor of this House this morning—that is, the most serious charges.

Mr. LUCE. But within an hour and a half the officer of the Veterans' Bureau who is in charge of these matters was asked whether any charge of delinquency on the part of any guardian in the District of Columbia had been brought to his attention. He first answered with an explicit no; and then seems to have been reminded by an associate that something had slipped his mind.

Mr. BLANTON. Yes; something did slip his mind. [Laughter.]

Mr. LUCE. One moment. That question was pending at adjournment, and will be answered to-morrow morning.

Mr. BLANTON. Now, I can not yield further. I can not yield now for any defense.

Mr. LUCE. Will not the gentleman let me ask the question?

Mr. BLANTON. I do not want to yield for any defense.

Mr. LUCE. Do you decline to let me ask the question?

Mr. BLANTON. No. I will answer the gentleman's question. Ask it.

Mr. LUCE. Do you know of your own knowledge that any charge against any guardian in the District of Columbia has ever been filed with the proper officer in the Veterans' Bureau?

Mr. BLANTON. Yes, I do. I practically forced Director Hines to show me the report which this control officer, Doctor Stickney, filed with him about Frederick A. Fenning.

Mr. JOHNSON of Washington. Mr. Speaker, I make the point of order that the gentlemen are addressing each other not in the third person.

Mr. BLANTON. I know about Dr. Henry Ladd Stickney's report of April 26, 1924, which I saw in Director Hines's office and read in his presence. Dr. Henry Ladd Stickney was control officer for the United States Veterans' Bureau, and he was sent to St. Elizabeths Hospital by Director Hines in April, 1924, to investigate it, and to report conditions, and on April 26, 1924, he filed his report with Director Hines, from which I quote the following:

The control officer learned that one Frederick A. Fenning, Esq., an attorney, whose office is in the Evans Building, appears to have certain privileges and concessions shown him in contacting claimants of the bureau at the hospital. At the present time he is guardian for over 100 bureau patients. He constantly opposes the transfer of his wards from St. Elizabeths Hospital to any other hospital outside of this jurisdiction. It has been learned unofficially that Doctor White, superintendent, is very friendly to Mr. Fenning. Question is raised as to the propriety of allowing one attorney in the city to obtain guardianship of so many of the beneficiaries of the bureau.

REPORT WAS AN INDICTMENT AGAINST ST. ELIZABETHS

To show that the balance of Doctor Stickney's report filed with Director Hines was a serious indictment against St. Elizabeths, I quote further from same the following:

The construction capacity of St. Elizabeths Hospital is for 3,300 patients. It has 4,200 patients; 901 of them are United States Veterans' Bureau cases.

Howard Hall group are neither well ventilated nor lighted. The beds are of wooden construction, antiquated, and are without springs. The benches are of an old type and are very uncomfortable. Blacks and whites occupy the same small court during recreation hours.

In one semipermanent ward used for tubercular patients blacks and whites are both hospitalized in the same building and only separated by an imaginary line.

Besides the assistant superintendent, Dr. Arthur B. Noyes, there are 37 doctors on the staff, 1 chief nurse, 5 assistant nurses, and 675 attendants and orderlies.

The cost of rations per diem for the fiscal year ended June 30, 1923, was between 40 and 45 cents. Attendants handled food in the most careless manner, were sloppy in their service, and appeared wholly inefficient. Some patients were not allowed even spoons to

eat with. It is evidently the policy of the superintendent to keep down food cost. There was a doubt in the mind of the control officer whether or not all patients had sufficient amount of food. Lack of green vegetables and fruit, with no milk served except for tea and coffee, with no beverage for dinner, and weak tea for supper, with no butter served, but oleomargarine instead, I was not satisfied that the diet was well balanced, or that a sufficient number of calories were afforded these patients.

Several patients are bathed in the same water. Patients are not properly segregated. Beds are too near together, and too many are congested in the day room. There are an insufficient number of toilets and bathrooms and showers in many of the wards.

AND THEN CAME THE GRAND JURY REPORT

From the grand jury report on the murder of one Green by attendants in St. Elizabeths, I quote the following excerpts:

REPORT OF THE GRAND JURY

WASHINGTON, D. C., October 5, 1925.

In connection with the inquiry into the cause of the death of William Green, a patient of St. Elizabeths Hospital, on the 17th day of July, 1924, the grand jury made an investigation as to the general conditions of life at said institution.

The grand jury visited the hospital in a body and were shown about the grounds and through many of the buildings. As William Green came to his death in Howard Hall, they inspected it with greater care and more closely than they did the other buildings.

There are approximately 4,400 patients and 1,200 attendants in the entire institution, about 1,000 of the patients being veterans of the World War. We found the hospital greatly overcrowded and most deplorable conditions existing as a result of this overcrowding. There are some rooms, intended to accommodate 20 single beds, containing more than 40 beds; there is scarcely enough room to walk between these beds, and consequently there can not be the least privacy for the patients in dressing or undressing.

CONCERNING HOWARD HALL, WHERE GREEN WAS MURDERED

There is an open court in the center of the building, about 100 feet square, called by the inmates the "bull pen." This is the only recreation space available, and here the dangerous as well as the noisy patients mingle with those whose minds are almost normal. This intermingling must be very depressing to the latter class of patients.

After examining conditions in Howard Hall the members of the grand jury could readily believe the statement of the guard, who said: "If a man went in there—Howard Hall—with a perfectly sound mind, he would be hopelessly insane in less than three years. If I were an inmate I would go crazy in less than a year."

As there is no assembly hall in the building, it is but seldom that religious services are held, and accordingly the spiritual well-being of the patients is sadly neglected. There is nothing to break the dead monotony from one end of the week to the other.

Among the witnesses who were summoned and appeared before us, including present patients of the hospital, former inmates, and others well acquainted with the present inmates, many expressed the belief that there are many persons now confined there who are not now and never were insane, but who have been sent there for ulterior motives. Like stories have been in circulation in Washington for a long time; and whether true or false they are unquestionably injuring the hospital in the estimation of the people of this city, and some steps should be taken to clear up the situation.

We suggest that Congress be asked to authorize a commission, the members thereof to be appointed by the President, to act in conjunction with the superintendent and medical staff of the hospital, in carefully investigating the history and mental condition of every questionable case there, to the end that full justice may be done to each. This great institution will then occupy the position it should in the estimation of the people of this city and of the entire country.

Respectfully submitted for the grand jury.

DANIEL A. EDWARDS, Foreman.

Mr. BANKHEAD. I would like to ask the gentleman from Texas a question.

Mr. BLANTON. I yield to the gentleman.

Mr. BANKHEAD. The gentleman is impeaching Mr. Fenning as a civil officer of the Government of the United States.

Mr. BLANTON. That is as far as I can go.

Mr. BANKHEAD. Do all the charges enumerated in your articles of impeachment refer to acts of misdemeanor committed by him since his commission as a Commissioner of the District of Columbia?

Mr. BLANTON. Not all of them; but they are so closely interrelated and connected, and evidence a continuous wrongful system and practice, that under the rules and precedents of the Congress you can go back to the year 1, if you want to, and connect them all up because all the precedents warrant doing that.

Mr. BANKHEAD. What I had in mind is this: I will state to the gentleman that if the Committee on the Judiciary,

for instance, when this resolution is referred to them, should determine there are a great many matters relating to these guardianship affairs, and so forth, that are not germane to his official duties as Commissioner of the District of Columbia of the United States, by transferring this whole proposition to that committee, we might not lose sight of some of the other things that ought to be investigated along other lines.

Mr. BLANTON. The chairman of the committee, the gentleman from Pennsylvania [Mr. GRAHAM] is not going to overlook anything. He is a good lawyer. When he goes into this case it will be carefully considered. If Dr. William A. White were such an officer as could be impeached by Congress, I would also impeach him, for he deserves it, but I believe that the President will promptly remove him.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. BLANTON. I yield.

Mr. McKEOWN. Do all the judges in the District here allow these fees the gentleman has enumerated?

Mr. BLANTON. Not all of them.

Mr. McKEOWN. Has the gentleman looked into the amount of fees allowed by the different judges?

Mr. BLANTON. Yes; I have, but I do not want to mention that now.

Gentlemen, I want to say that the main thing the Committee on the Judiciary is going to find in their way, the first obstacle, will be a distinguished individual in Washington named Edward F. Colladay. He has bobbed up in front of me in several instances, during my investigations, and he will bob up in front of the committee, as he is Mr. Fenning's main defender.

Mr. FAIRCHILD. Mr. Speaker, I make the point of order that the gentleman from Texas is not speaking to his own resolution.

Mr. BLANTON. This man Colladay is defending Fenning.

Mr. FAIRCHILD. The gentleman is bringing in a third party who is not charged here.

Mr. BLANTON. But he is Mr. Fenning's chief defender before the people of Washington, and I have a right to discuss it.

Mr. FAIRCHILD. I submit the point of order, Mr. Speaker.

The SPEAKER. The gentleman from Texas will proceed in order.

Mr. BLANTON. Does the Chair hold I am not in order?

The SPEAKER. The Chair has been unable to hear the gentleman.

Mr. BLANTON. Whenever I proceed out of order, I want the Chair to stop me.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. BLANTON. I want to tell you about this man Colladay.

Mr. GREEN of Florida. I want to know if Colladay is the man who was indicted years ago in the District for misdemeanors and high crimes.

Mr. BLANTON. He was charged with forgery, and was granted \$500 bail, and was discharged on habeas corpus, but finally, on appeal, was remanded back to jail; but later he got his case nolle prossed.

Mr. FAIRCHILD. Mr. Speaker, I renew the point of order.

Mr. BLANTON. Mr. Colladay is the local national committeeman of the Republican Party here in Washington, and certainly you do not want to shield him.

Mr. FAIRCHILD. Mr. Speaker, I again make the point of order that the gentleman from Texas should limit his remarks to the man against whom he makes the charges.

Mr. BLANTON. I think so myself, and I will not go into that further. I was merely answering a question propounded by the gentleman from Florida.

LAWS APPLICABLE TO THE DISTRICT OF COLUMBIA

Mr. Speaker, section 1 of Chapter I of the Code of Law for the District of Columbia, as amended to June 7, 1924, provides:

The common law, all British statutes in force in Maryland on the 27th day of February, 1801, the principles of equity and admiralty, all general acts of Congress not locally inapplicable in the District of Columbia, and all acts of Congress by their terms applicable to the District of Columbia and to other places under the jurisdiction of the United States, in force at the date of the passage of this act, shall remain in force, except in so far as the same are inconsistent with, or are replaced by, some provision of this code.

BARRATRY

Rawle's Revision of Bouvier's Law Dictionary, on page 222, defines Barratry as follows:

Frequently exciting and stirring up quarrels and suits, either at law or otherwise.

There must be a practice of fomenting suits.

And on page 305 of this same Bouvier's Law Dictionary is defined Champerty as follows:

A bargain with a plaintiff or defendant in a suit, for a portion of the matter sued for, in case of a successful termination of the suit which the champertor undertakes to carry on at his own expense.

And champerty is an offense indictable at common law, so stated on said page 305.

IS A UNITED STATES COURT

In the case of *Benson v. Henkel* (198 U. S. p. 1) the Supreme Court of the United States held that the Supreme Court of the District of Columbia is a "court of the United States."

Now, Mr. Speaker and gentlemen, let me illustrate just how Commissioner Fenning treated some subordinate employees under him:

AFFIDAVIT OF DR. C. J. MURPHY

I, Dr. C. J. Murphy, being duly sworn, upon my oath state: For over four years I have been a member of the board of police and fire surgeons of the District of Columbia; about six months before Commissioner Fenning entered office the board had caused Dr. Floyd McJ. Allen to discontinue services he was rendering at clinics because of his inattention, and we secured Dr. R. L. DeSaussure, a nose and throat specialist, at \$1 per year to attend clinics and do the work Doctor Allen had been doing, with the understanding that pay work should go to him, which amounted to several hundred dollars a year; shortly after Commissioner Fenning went into office our board received notice that all pay work should be sent to Doctor Allen; when some of such pay work continued on to Doctor DeSaussure a second notice came from the District Building to our board that all pay work must go to Doctor Allen; it was common knowledge that Doctor Allen was waiting on a daughter of Commissioner Fenning as her suitor; about February 5, 1926, Doctor Allen advised me that he was going to get appointed on our board, and he asked me if I knew which one of us was to be left out; on February 11, 1926, I was called by Commissioner Fenning to his office, and he advised me that it was necessary to have a nose and throat man on the board; I told him that we had the services already of Doctor DeSaussure at \$1 per year, and that he was costing the police and firemen only about \$300, and it seemed useless to put a \$2,100 man on the board; I knew by his manner that he had called me there to fire me; I said: "You can't ask for my resignation, because I am going to hand it to you first." He said: "Can you have it here by to-morrow morning?" I said yes, and asked him if there was any charges against me, and he said none whatever. I took him my resignation the next morning and found that he had prepared already the appointment of Doctor Allen in my place, and that evening the press reported that I had resigned and that Doctor Allen had been appointed in my place.

C. J. MURPHY, M. D.

Sworn to and subscribed before me on this the 19th day of April, A. D. 1926: Given under my hand and seal of office.

[SEAL.]

JOHN ANDREWS,

Notary Public in and for the District of Columbia.

(My commission expires October 27, 1927.)

AFFIDAVIT OF DR. EDWARD COMSTOCK WILSON

I, Dr. Edward Comstock Wilson, of 1777 Columbia Road, Washington, D. C., being duly sworn, upon my oath state:

I am 46 years old; until removed on March 3, 1926, by Commissioner Frederick A. Fenning, I had been medical inspector of schools for the District of Columbia for about eight years, and not one charge was made against any of my work; on Thursday, February 25, 1926, Commissioner Fenning had me come to his office about 2.30 p. m., and said, "Doctor Wilson, I want you to understand that there is nothing personal in what I am going to say to you. I want your resignation by 10 o'clock to-morrow morning, because I have worked out a plan for reorganization." I said, "Are there any charges against me?" He replied, "No; there are no charges against you." I said, "This is rather sudden; suppose I don't resign?" He said, "Then I would remove you, for I am commissioner and have the power to do it." He said, "You can write me a letter telling me that your outside practice has grown so that you haven't the time to do the school work, and not let it be known that I called you to my office." I said, "That would be a lie, and I won't do it." He said, "Then I will remove you and mark it 'for the good of the service,' as I have the power to do it." I said, "That, too, would not be honest." He then said, "I can cause you a good deal of publicity if I remove you." I said, "Who do you want to put in my place?" He said, "That is personal." I told him that I would not resign, and at the next meeting of the commissioners he had them pass an order removing me, as of date March 3, 1926. I did not then know of the anniversary birthday dinner given Dr. S. S. Adams, July 12, 1923, for his 70th birthday, at which Mr. Frederick A. Fenning and his close friend, Dr. William A. White attended, nor of the speech Doctor White made that night expressing

his gratitude to Doctor Adams for showing sympathy for him in 1906 when Doctor White and Mr. Fenning were then under fire before the congressional investigation, and hence did not know that Commissioner Fenning was removing me to make a place for his 73-year-old friend, Doctor Adams.

In the Times last Saturday Commissioner Fenning intimated that he had in mind two charges made against me in 1920. It was unfair that he did not truthfully explain same. If they had anything to do with it, why did he not remove me in June, 1925, when he became commissioner.

All physicians must register every year by July 30 under the Harrison Narcotic Act. In 1920, being very busy, I forgot to register, and my attention was called to it in August, 1920, and I paid the forfeit required by law for my forgetting to register. Concerning same, Hon. R. A. Haynes, commissioner, wrote me as follows:

"Inasmuch as it was felt that the liability incurred by you was not due to a willful intent on your part to violate the law, it was closed by the acceptance of an offer in compromise under date of March 23, 1921."

And, concerning the other matter mentioned, Commissioner Fenning knows that I was exonerated absolutely by a jury before his own brother-in-law, Coroner J. Ramsey Nevitt, in 1920.

Only because I am asked to relate it, will state that on the night of the Knickerbocker Theater disaster, when 98 people were killed by its roof giving way under an unusual snowfall, I entered the ruins immediately that night, at a little after 9 o'clock, administered to the injured and dying continuously all that night and until 3 o'clock p. m. the next day. Approximately 300 people were injured, and I had to amputate the arm of one man. This was work of mercy, as I did not receive one dollar for any of such work.

EDWARD COMSTOCK WILSON, M. D.

Sworn to and subscribed before me, the undersigned notary, by the said Dr. Edward Comstock Wilson, on this the 15th day of April, A. D. 1926. Given under my hand and seal of office.

[SEAL.]

JOHN ANDREWS,

Notary Public in and for the District of Columbia.

(My commission expires October 27, 1927.)

CONCLUSION

Mr. Speaker and gentlemen of the House, I have about concluded. This man, Frederick A. Fenning, should not be permitted to hold office after this Congress has adjourned. He should be kicked out of office by Congress before we adjourn. These charges I have made against him can be established by overwhelming evidence. Most of same are matters of record.

WILL THE PRESIDENT DO HIS DUTY

The country will expect that the President of the United States will remove Frederick A. Fenning from office immediately, and not put this Congress to the unnecessary expense of investigating, when his own sworn evidence convicts himself.

HIS CRUEL TREATMENT OF SERGEANT LEE STARTED INQUIRY

When he refused to grant me a hearing, after he had so cruelly and unjustly retired Sergeant Lee, that act alone convinced me that he was not the proper kind of an official, and caused me to investigate him. And as my investigation progressed I was simply astounded. I learned that all of the numerous criticisms appearing in the press against him since he first became commissioner were all true and justly made. I had never dreamed that Frederick A. Fenning was the man referred to in the press as mistreating World War veterans. My correspondence with Mr. Fenning shows that I was one of the last to believe the reports against him. But as I proceeded with my investigation, his perfidy unfolded itself.

COMMISSIONER FENNING AND DOCTOR WHITE HAVE JOINT BANK ACCOUNT

I have before me a letter written by one of the assistant treasurers of the Washington Loan & Trust Co., from which I quote the following paragraph:

This note was paid on February 24, 1920, and the proceeds thereof credited to the account of F. A. Fenning and William A. White on the books of this company.

That proves conclusively that they are operating together financially.

I ask unanimous consent, Mr. Speaker, that I may insert in the RECORD a certified statement from the auditor of the Supreme Court of the District of Columbia, signed by him and certified to by him as being correct, embracing the fees that have been paid to Mr. Fenning and audited by the auditor.

Mr. TILSON. Why does not the gentleman refer that to the committee along with the charges?

Mr. BLANTON. I want to put this in the RECORD for the committee's information.

Mr. RANKIN. Mr. Speaker, I hope the gentleman from Connecticut [Mr. TILSON] will not object. We want to get

that information for the Committee on World War Veterans' Legislation, and I fear this is the only way we can do it.

Mr. BLANTON. I want this to go into the RECORD for their information, and the general information of all Members of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Chair refers the resolution and the charges to the Committee on the Judiciary.

Mr. HOWARD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. The gentleman from Texas a moment ago stated—I did not hear him very clearly—that he was going to keep some of his talk out of the RECORD. One particular part of it I hope he will not expunge; and if I have any right as a Member to insist on its going into the RECORD, I shall certainly do so.

Mr. BLANTON. I will not expunge anything if the gentleman from Nebraska objects to it. I only offered to do so as a courtesy to the distinguished gentleman from Massachusetts [Mr. LUCE].

REPORT OF AUDITOR OF SUPREME COURT

COMMISSIONS AND ATTORNEY FEES TO FREDERICK A. FENNING, ESQ., AS COMMITTEE OR ATTORNEY IN LUNACY CAUSES PENDING IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA ON MAY 16, 1925, AS SHOWN BY RECORDS OF HERBERT L. DAVIS, AUDITOR OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, SUPPLEMENTED BY CERTAIN DATA OF RECORD IN THE OFFICE OF THE CLERK OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

EXPLICATIVE

The following data are based upon copies of auditor's reports in the files of the office of the auditor of the Supreme Court of the District of Columbia, supplemented, in instances where no copies of auditor's reports were found in the files of the auditor, by original reports of the auditor or other data found among the records of the Supreme Court of the District of Columbia.

The rates and amounts of commissions and amounts of attorney fees, as listed herein, have not been ascertained by audit of current date, but are prima facie data.

The dates as listed are the dates of filing of auditor's reports or committee's accounts with the clerk of the Supreme Court of the District of Columbia.

This statement includes only lunacy cases in which reports were filed by Frederick A. Fenning, Esq., as committee or attorney, under the provisions of the sixty-ninth equity rule of the Supreme Court of the District of Columbia, and which were reported upon by the auditor of said court on May 16, 1925.

Additional cases in which Mr. Fenning has been allowed an attorney fee or commission, if any, should appear among the files of the clerk of the Supreme Court of the District of Columbia.

Commissions in excess of 10 per cent appear to be nominal allowances or compensation for extraordinary services.

Lunacy number	Name of ward	Date	Commission		Attorney's fee	Total
			Rate	Amount		
7742	Adler, Adolph.....	July 20, 1920	Per cent 10	\$162.58	-----	\$1,234.55
		Aug. 11, 1921	7	270.63	-----	
		Aug. 2, 1922	10	214.29	-----	
		July 31, 1923	9+	200.00	-----	
		Aug. 11, 1924	9-	200.00	-----	
		July 24, 1925	10	187.05	-----	
7767	Ahlemeier, Henry J.....	Aug. 9, 1920	10	155.31	-----	1,117.29
		July 19, 1921	10	179.18	-----	
		July 19, 1921	5	39.51	-----	
		July 24, 1922	10	165.09	-----	
		June 23, 1923	10	207.98	-----	
		June 24, 1924	10	183.22	-----	
		July 17, 1925	10	187.00	-----	
10713	Allan, Walter Garland...	Mar. 3, 1926	10	135.08	-----	135.08
7716	Anderson, Emanuel M....	Feb. 13, 1920	10	138.65	-----	665.13
		Jan. 22, 1921	10	148.40	-----	
		Jan. 20, 1922	10	129.80	-----	
		Jan. 18, 1923	10	144.00	-----	
		Jan. 25, 1924	10	138.99	-----	
		Jan. 24, 1925	10	145.45	-----	
		Mar. 10, 1926	10	119.84	-----	

Lunacy number	Name of ward	Date	Commission		Attorney's fee	Total	
			Rate	Amount			
7688	Arcece, Ardino.....	Aug. 6, 1920	Per cent 10	\$110.78		\$1,247.33	
		Aug. 11, 1921		5	92.09		
		Aug. 11, 1921		10	201.85		
		Aug. 4, 1922		10	202.01		
		July 30, 1923		10	218.77		
		Aug. 8, 1924		10	221.92		
		July 24, 1925		9-	200.00		
7686	Baker, Wilder P.	Feb. 14, 1920	10	124.82		527.41	
		Mar. 16, 1921	10	132.26			
		Mar. 14, 1923	10	134.45			
		Mar. 21, 1924	10	135.88			
7801	Barber, Edgar Wm.	Aug. 21, 1920	10	140.46		1,249.45	
		Aug. 25, 1921	5	56.76			
		Aug. 25, 1921	10	191.72			
		Aug. 4, 1922	10	209.66			
		July 23, 1923	10	217.87			
		Aug. 16, 1924	10	225.10			
		Aug. 29, 1925	10	207.88			
8400	Beazley, John A.	June 17, 1921	8	416.40		1,262.21	
		May 27, 1922	10	216.81			
		June 12, 1923	9+	200.00			
		June 6, 1924	10	229.00			
		May 29, 1925	8½	200.00			
7802	Beckettell, Logan G.	Feb. 14, 1920	10	224.39		1,253.75	
		Feb. 3, 1921	10	105.76			
		Jan. 26, 1922	10	138.44			
		Jan. 26, 1922	5	57.50			
		Jan. 26, 1922	5	42.68			
		Feb. 3, 1923	10	179.38			
		Jan. 24, 1924	10	181.35			
		Jan. 28, 1925	10	185.76			
		Mar. 10, 1926	10	138.49			
7764	Bekart, Frank.	Aug. 24, 1920	10	141.68		1,211.25	
		Aug. 11, 1921	5	83.38			
		Aug. 11, 1921	10	174.67			
		Aug. 2, 1922	10	211.52			
		July 30, 1923	9+	200.00			
		Aug. 14, 1924	9-	200.00			
		July 24, 1925	9+	200.00			
7911	Berg, Philip.....	Oct. 25, 1920	10	227.20		858.33	
		Oct. 27, 1921	10	202.31			
		Oct. 24, 1922	10	137.10			
		Nov. 7, 1923	10	146.78			
		Dec. 3, 1924	10	144.94			
7644	Bialkowski, Felix.	Mar. 20, 1920	10	118.63		1,091.04	
		Mar. 16, 1921	10	251.07			
		Mar. 30, 1922	10	174.04			
		Mar. 17, 1923	10	174.18			
		Mar. 14, 1924	10	183.33			
		Mar. 31, 1925	10	189.79			
10675	Boone, William.....	Feb. 19, 1926	7+	150.00		150.00	
7765	Boston, Okey M.	June 24, 1920	9	207.69		928.12	
		June 29, 1921	10	109.12			
		June 16, 1922	5	44.42			
		June 16, 1922	10	115.87			
		June 23, 1923	10	145.93			
		July 5, 1924	10	150.01			
		July 24, 1925	10	155.08			
2198	Bori, Adam.....	July 10, 1907	10	50.91	\$20.00		
		July 17, 1908	8	29.00			
		June 26, 1909	10	26.44			
		Jan. 12, 1911	10	54.06			
		Jan. 17, 1912	8	28.93			
		June 22, 1913	8	28.85			
		Feb. 12, 1914	10	36.05			
		Feb. 9, 1915	8	28.85			
		Feb. 21, 1916	8	28.88			
		Feb. 16, 1917	8	29.92			
		Feb. 13, 1918	8	28.94			
		Feb. 18, 1919	10	36.06			
		Nov. 13, 1920	10	63.11			
		Dec. 12, 1921	10	37.43			
		Jan. 5, 1923	10	37.55			
		Nov. 17, 1923	10	40.42			

Lunacy number	Name of ward	Date	Commission		Attorney's fee	Total
			Rate	Amount		
2198	Bozi, Adam.....	Dec. 30, 1924 Feb. 19, 1926	Per cent 10 10	\$36.99 39.68	\$20.00 662.07	\$682.07
7745	Braggs, James.....	Aug. 6, 1920 June 23, 1921 June 23, 1921 June 16, 1922 June 23, 1923 June 11, 1921 Aug. 29, 1925	10 5 10 10 10 10 10	112.04 70.44 142.40 179.57 197.61 192.52 199.17		1,093.75
8327	Brintla, John.....	Feb. 26, 1921 Feb. 20, 1922 Feb. 20, 1922 Feb. 21, 1923 Feb. 16, 1924 Mar. 17, 1925 Mar. 4, 1926	10 5 10 10 10 10 10	369.54 52.13 161.07 177.96 182.30 189.83 189.23		1,322.06
7872	Bruno, Gunaro.....	Aug. 24, 1920 Aug. 25, 1921 Aug. 25, 1921 Aug. 2, 1922 July 30, 1923 Aug. 19, 1924 Aug. 11, 1925	10 5 10 10 10 9 9+	132.08 100.25 152.27 208.37 215.15 205.42 200.00		1,213.54
3682	Byrne, Patrick J.....	Sept. 18, 1911 Oct. 1, 1912 Sept. 25, 1913 Sept. 18, 1914 Sept. 2, 1915 Sept. 11, 1916 Sept. 17, 1917 Sept. 4, 1918 Sept. 2, 1919 Sept. 2, 1920 Sept. 2, 1921 Nov. 22, 1922 Nov. 6, 1923 Nov. 19, 1924 Nov. 24, 1925	10 24+ 12+ 12+ 18+ 17+ 16+ 19+ 33+ 24+ 24+ 37+ 49+ 37+ 64+	107.96 5.00 5.00 5.00 5.00 5.00 5.00 5.00 10.00 7.50 6.00 5.00 5.00 5.00 5.00		186.46
10566	Cahill, Joseph P.....	Oct. 2, 1925	10	122.71		122.71
7683	Callahan, Thos. S.....	Oct. 6, 1920 Oct. 19, 1921 Oct. 19, 1921 Sept. 13, 1922 Sept. 13, 1922 Sept. 19, 1923 Oct. 27, 1924 Sept. 23, 1925	10 5 10 5 10 10 10 10	70.43 89.89 182.72 62.02 158.69 184.47 189.56 166.51		1,102.29
4073	Campbell, Daniel G.....	July 20, 1911 July 19, 1912 July 24, 1913 July 8, 1914 July 7, 1915 July 10, 1916 July 3, 1917 July 5, 1918 July 9, 1919 Sept. 2, 1920 Sept. 21, 1921 Sept. 3, 1922 Sept. 10, 1923 Sept. 24, 1924 Sept. 9, 1925	9 10+ 11+ 11+ 12+ 12+ 11+ 21+ 22+ 15+ 24+ 23+ 23+ 31+ 36+	95.78 5.00 5.00 5.00 5.00 5.00 7.50 10.00 7.50 6.00 6.00 6.00 6.00 6.00		181.78
7782	Caroussos, Nicholas G...	Aug. 31, 1920 Aug. 20, 1921 Aug. 20, 1921 Aug. 2, 1922 July 31, 1923 Aug. 16, 1924 Aug. 29, 1925	10 5 10 10 10 9 9-	168.57 105.61 156.45 210.88 205.10 210.49 200.00		1,257.10
7700	Carrera, Modesto.....	Dec. 27, 1919 Jan. 11, 1921 Jan. 7, 1922 Jan. 7, 1922 Dec. 20, 1923	10 10 5 10 10	79.43 216.94 56.71 136.56 171.63		

Lai- nacy num- ber	Name of ward	Date	Commission		Attor- ney's fee	Total
			Rate	Amount		
7700	Carrera, Modesto.....	Dec. 20, 1923 Dec. 30, 1924 Mar. 4, 1926	Per cent 10 10 10	\$194.31 150.71 145.87		\$1,192.16
9285	Carrigg, Leonard, Jr.....	May 23, 1925	9+	300.00		300.00
7743	Chase, John S.....	Feb. 19, 1920 Feb. 3, 1921 Jan. 26, 1922 Jan. 26, 1922 Feb. 19, 1923 Jan. 30, 1924 Jan. 24, 1925 Aug. 29, 1925	10 10 5 10 8 9+ 10 10	106.37 99.40 110.14 154.29 172.24 200.00 254.62 104.66		1,201.72
7870	Chenka, Robert.....	Aug. 28, 1920 Aug. 26, 1921 Aug. 26, 1921 Aug. 1, 1922 July 30, 1923 Aug. 19, 1924 July 24, 1925	10 5 10 10 9+ 9 0%	172.44 95.99 163.92 212.96 200.00 212.21 200.00		1,257.52
7658	Clifton, Sobers.....	Feb. 13, 1920 Feb. 3, 1921 Jan. 20, 1922 Feb. 3, 1923 Jan. 22, 1924 Jan. 28, 1925 Feb. 10, 1926	10 10 7 10 10 10 10	186.61 259.05 168.62 160.97 39.51 32.17 33.15		880.08
8769	Collins, Lena K.....	Feb. 20, 1922 Feb. 21, 1923 Feb. 21, 1923 Feb. 16, 1924 Apr. 7, 1925	9 5 10 5 9+	90.00 37.54 74 39.43 75.00		242.71
10316	Cooke, Hannah Kate.....	Apr. 7, 1925	5	311.93		311.93
10431	Connor, Samuel.....	Sept. 23, 1925	9+	100.00		100.00
7873	Cruz, Luis.....	Aug. 28, 1920 Aug. 25, 1921 Aug. 25, 1921 Aug. 15, 1922 Sept. 10, 1923 Aug. 22, 1924 Aug. 29, 1925	10 5 10 10 10 10 10	169.23 45.35 86.39 127.18 160.51 143.44 149.22		821.32
7072	Dalamon, Ramon.....	Nov. 3, 1920 Nov. 7, 1921 Oct. 24, 1922 Oct. 24, 1922 Nov. 7, 1923 Nov. 14, 1924 Oct. 28, 1925	10 10 5 10 10 10 10	250.29 180.73 55.67 161.98 191.96 193.44 192.75		1,229.82
3628	Daly, Thomas.....	Feb. 4, 1911 Feb. 26, 1912 Mar. 18, 1913 Mar. 17, 1914 Mar. 16, 1915 Mar. 20, 1916 Mar. 6, 1917 Mar. 13, 1918 Apr. 24, 1919 June 21, 1920 July 5, 1921 July 6, 1922 June 27, 1923 July 16, 1924 July 34, 1925	8 8 10 10 10 10 10 10 10 10 10 10 10+ 10 8-	224.40 14.70 13.67 14.22 14.27 16.20 9.38 18.59 19.04 19.41 27.33 15.92 20.00 20.38 120.00		877.51
7646	Day, Zelia.....	Feb. 19, 1920 Jan. 22, 1921 Feb. 17, 1922 Feb. 17, 1922 Feb. 17, 1923 Feb. 16, 1924 Mar. 26, 1925 Oct. 26, 1925	10 10 5 10 9 9+ 10 10	101.02 100.57 128.25 179.93 196.70 200.00 224.81 154.76		1,286.04

Lai- nacy num- ber	Name of ward	Date	Commission		Attor- ney's fee	Total
			Rate	Amount		
1476	Dixon, Frederick.....	Mar. 25, 1905 Mar. 14, 1906 Oct. 4, 1907 Oct. 8, 1908 Sept. 20, 1909 Sept. 16, 1910 Sept. 18, 1911 Sept. 17, 1912 Sept. 27, 1913 Sept. 24, 1914 Sept. 23, 1915 Sept. 27, 1916 Sept. 27, 1917 Sept. 18, 1918 Sept. 24, 1919 Oct. 25, 1920 Oct. 20, 1921 Oct. 24, 1922 Nov. 7, 1923 Oct. 21, 1924 Oct. 28, 1925	Per cent 10	\$93.72 61.44 95.99 94.81 89.62 89.64 90.63 90.66 90.76 90.38 90.05 92.83 93.43 91.00 92.66 92.67 92.94 92.58 94.13 84.86 84.98	\$35.00	\$1,925.08
7717	Erenbjerg, Neils P. J.....	June 1, 1920 July 20, 1921 July 17, 1922 July 17, 1922 June 23, 1923 June 19, 1924 June 20, 1925	10 10 5 8 22+ 10 10	152.52 118.30 148.65 150.99 500.00 206.11 216.82		1,493.39
3790	Farrell, Clayton.....	Nov. 28, 1910 Nov. 10, 1911 Nov. 13, 1912 Nov. 17, 1913 Nov. 10, 1914 Nov. 22, 1915 Nov. 27, 1916 Nov. 15, 1917 Nov. 20, 1918 Nov. 14, 1919 Nov. 3, 1920 Nov. 3, 1921 Dec. 28, 1922 Jan. 21, 1924 Apr. 1, 1925	10 10 10 10 10 10 10 10 21+ 10 10 10 10 10 10	80.26 38.70 38.76 39.71 49.13 63.52 63.47 63.57 135.00 62.25 60.54 62.75 67.38 63.05 79.15		967.23
4405	Fenn, Daniel Paul.....	May 17, 1913 May 8, 1914 May 24, 1915 May 5, 1916 May 1, 1917 May 8, 1918 May 12, 1919 Sept. 2, 1920 Sept. 26, 1921 Sept. 11, 1922 Sept. 12, 1923 Sept. 24, 1924 Sept. 6, 1925	10 12+ 10+ 19+ 12+ 24+ 21+ 15 18+ 24 25+ 25+ 25+ 21+	103.26 5.00 5.00 5.00 6.00 7.50 7.50 7.50 6.00 6.00 6.00 6.00 6.00		176.76
7784	Fisel, Samuel.....	Sept. 10, 1920 Oct. 25, 1921 Oct. 25, 1921 Oct. 23, 1922 Nov. 7, 1923 Nov. 13, 1924 Oct. 28, 1925	10 5 8 10 9+ 9 10	147.87 92.48 147.92 211.35 200.00 203.08 180.40		1,183.07
1320	Flavehan, John.....	Jan. 21, 1925 Jan. 22, 1926	8+ 94+	25.00 5.00		30.00
10028	Fletcher, Florence H.....	Jan. 14, 1926	10	36.11		36.11
7785	Foley, Walter A.....	Aug. 9, 1920 Aug. 28, 1921 Aug. 7, 1922 Sept. 6, 1923 Aug. 18, 1924 Sept. 25, 1925	10 10 10 10 10 10	146.71 176.86 146.73 157.24 159.48 173.25		960.27
9143	Franklin, Willie.....	Dec. 20, 1922 Dec. 20, 1922 Dec. 20, 1923 Dec. 24, 1924 Feb. 19, 1926	5 10 10 10 10	92.19 137.29 138.18 143.96 91.59		603.21

Lunacy number	Name of ward	Date	Commission		Attorney's fee	Total	
			Rate	Amount			
7903	Freeman, Ned.....	Sept. 10, 1920	Per cent	\$117.27			
		Aug. 26, 1921	10	114.07			
		Aug. 11, 1922	5	30.58			
		Aug. 11, 1922	5	109.06			
		Aug. 11, 1922	8	122.73			
		Sept. 10, 1923	9	219.91			
		Aug. 22, 1924	10	225.38			
		Aug. 29, 1925	9	200.00		\$1,139.00	
5153	Gallen, John.....	Aug. 27, 1914	14+	75.00			
		Aug. 6, 1915	10	48.11			
		Sept. 26, 1916	10	60.05			
		Sept. 27, 1917	10	53.07			
		Sept. 24, 1918	10	48.15			
		Sept. 24, 1919	10	48.12			
		Oct. 6, 1920	10	59.06			
		Oct. 25, 1921	10	72.30			
		Oct. 23, 1922	10	72.67			
		Nov. 7, 1923	10	79.40			
		Dec. 9, 1924	10	80.23			
		Nov. 12, 1925	10	56.17			
						752.33	
7905	Gartz, Geo. F.....	Sept. 9, 1920	10	135.70			
		Aug. 20, 1921	5	42.48			
		Aug. 20, 1921	10	153.54			
		Aug. 7, 1922	10	171.96			
		Sept. 10, 1923	10	192.06			
		Aug. 19, 1924	10	186.23			
		Sept. 10, 1925	10	190.08			
						1,078.07	
8328	Gaskell, John W.....	Apr. 10, 1921	10	150.41			
		May 10, 1922	5	59.99			
		May 10, 1922	10	154.48			
		Apr. 27, 1923	8	136.14			
		May 8, 1924	10	179.79			
		May 14, 1925	10	188.38			
				869.19			
7908	Grabosky, Joe.....	Dec. 27, 1919	10	67.36			
		Dec. 16, 1920	10	149.42			
		Jan. 6, 1922	5	31.57			
		Jan. 6, 1922	10	107.61			
		Jan. 5, 1924	7+	308.17			
		Jan. 5, 1924	9+	200.00			
		Dec. 29, 1924	9	207.87			
		Feb. 19, 1926	9	216.35			
						1,288.35	
4743	Grace, David.....	May 24, 1913	8	200.19			
		May 8, 1914	10	12.11			
		May 6, 1915	10	10.85			
		May 5, 1916	10	14.51			
		May 9, 1917	10	12.63			
		May 28, 1918	10	12.93			
		May 29, 1919	10	13.60			
		May 29, 1920	10	13.13			
		June 4, 1921	10	13.62			
		May 27, 1922	10	13.47			
		May 22, 1923	10	12.45			
		June 9, 1924	10	16.00			
		May 11, 1925	10	7.63			
						353.12	
6352	Grazer, Chas.....	Apr. 20, 1917	10	112.11			
		Apr. 30, 1918	10	65.34			
		Apr. 24, 1919	10	66.17			
		May 29, 1920	10	73.36			
		May 9, 1921	10	74.49			
		Apr. 24, 1922	10	74.48			
		Apr. 26, 1923	10	79.41			
		May 8, 1924	10	79.76			
Apr. 22, 1925	10	79.74					
				704.86			
8715	Green, Joseph.....	Mar. 3, 1923	10	122.87			
		Feb. 20, 1924	10	120.45			
		Mar. 18, 1925	10	120.57			
		Mar. 23, 1926	10	110.64			
6756	Greene, Wilbur E.....	Apr. 20, 1918	10	76.73			
		Apr. 24, 1919	10	86.18			
		May 29, 1920	10	72.00			
		Apr. 11, 1921	10	71.23			
		May 18, 1922	10	83.05			
		May 11, 1923	10	96.26			
		May 17, 1924	10	86.55			
		May 14, 1925	10	83.02			
						655.02	
4252	Griffin, Patrick.....	Feb. 13, 1913	Per cent	\$65.42			
		Feb. 18, 1914	7+	5.00			
		Feb. 11, 1915	12+	5.00			
		Feb. 2, 1916	12+	5.00			
		Feb. 2, 1917	11+	5.00			
		Feb. 11, 1918	17+	6.00			
		Feb. 5, 1919	22+	7.50			
		Feb. 16, 1920	16+	6.00			
		Jan. 24, 1921	18+	7.00			
		Jan. 16, 1922	15+	5.00			
		Jan. 19, 1923	25+	5.00			
		Jan. 21, 1924	50+	5.00			
		Jan. 21, 1925	31+	5.00			
		Jan. 22, 1926	32+	5.00			
7659	Hall, Fred C.....	Mar. 4, 1920	10	130.06			
		Feb. 18, 1921	10	100.11			
		Feb. 13, 1922	10	303.04			
		Feb. 13, 1922	5	131.68			
		Feb. 21, 1923	10	216.71			
		Feb. 20, 1924	10	226.61			
		Mar. 26, 1925	10	231.36			
						1,310.07	
5353	Hermann, Julius.....	Mar. 16, 1915	8	153.08			
		Mar. 22, 1916	9	76.17			
		Mar. 17, 1917	10	88.42			
		Mar. 16, 1918	10	93.25			
		Mar. 29, 1919	10	89.10			
		Mar. 10, 1920	10	97.21			
		Feb. 18, 1921	10	103.39			
		Feb. 11, 1922	10	107.96			
		Feb. 17, 1923	10	121.61			
		Jan. 25, 1924	10	152.13			
		Jan. 28, 1925	10	159.10			
		Mar. 4, 1926	10	166.45			
						1,407.87	
		3887	Higginson, Jas. A.....	Nov. 10, 1910	8	83.78	
Mar. 11, 1912	39+			10.50			
Mar. 18, 1913	12+			5.00			
Mar. 17, 1914	16+			5.00			
Mar. 22, 1915	13+			5.00			
Mar. 9, 1916	10+			5.00			
Mar. 2, 1917	13+			5.00			
Mar. 11, 1918	17+			6.00			
Mar. 10, 1919	26+			7.50			
Mar. 17, 1920	32+			6.00			
Apr. 25, 1921	16+			5.00			
Apr. 13, 1922	35+			6.00			
Apr. 27, 1923	10+			6.00			
Apr. 21, 1924	46+			6.00			
May 5, 1925	22+			6.00			
6331	Hill, Leon.....	Apr. 27, 1921	10	287.74			
		Apr. 25, 1922	5	17.15			
		Apr. 25, 1922	10	84.32			
		Apr. 27, 1923	5	77.50			
		Apr. 27, 1923	10	119.95			
		Apr. 29, 1924	10	143.58			
		May 14, 1925	10	139.03			
				869.27			
9735	Hodges, Carl.....	Dec. 13, 1923	6	340.68			
		Dec. 9, 1924	11+	20.00			
		Jan. 28, 1926	10	79.47			
				440.15			
7747	Howard, Wm. H.....	Sept. 13, 1920	10	158.35			
		Aug. 26, 1921	5	94.13			
		Aug. 23, 1921	10	109.43			
		Aug. 16, 1922	10	203.41			
		Sept. 14, 1923	10	228.35			
		Aug. 22, 1924	10	212.18			
		Aug. 25, 1925	10	220.42			
						1,226.28	
3503	Jawrosky, Felix F.....	Mar. 19, 1910	8	172.00			
		June 5, 1911	10	9.93			
		June 27, 1912	10	9.88			
		June 16, 1913	10	9.69			
		June 4, 1914	10	9.73			
		June 3, 1915	10	10.10			
		June 7, 1916	10	10.06			
		June 5, 1917	10	10.04			
		June 4, 1918	10	10.53			
		June 16, 1919	10+	10.00			
		June 28, 1920	10	12.80			
		July 11, 1921	12+	10.00			
		July 24, 1922	12+	10.00			
		June 19, 1923	15+	10.00			
		July 25, 1924	8+	10.00			
		July 20, 1925	16+	8.00			
322.76						322.76	

Lunacy number	Name of ward	Date	Commission		Attorney's fee	Total
			Rate	Amount		
7831	Johanson, Gustaf.....	Sept. 13, 1920	Per cent	\$136.38		
		Oct. 31, 1921	10	68.41		
		Oct. 31, 1921	7	149.23		
		Oct. 23, 1922	10	217.18		
		Nov. 7, 1923	10	227.22		
		Dec. 17, 1924	10	230.37		
		Nov. 16, 1925	10	210.58		\$1,240.37
6727	Johnson, James.....	June 8, 1918	10	133.58		
		June 13, 1919	10	93.66		
		Aug. 21, 1920	10	93.75		
		July 15, 1921	10	95.95		
		July 24, 1922	10	97.50		
		June 13, 1923	10	139.20		
		May 23, 1924	10	146.95		
		May 23, 1925	10	164.08		964.67
8256	Jones, Henry.....	Mar. 12, 1921	10	300.77		
		Feb. 20, 1922	5	111.98		
		Feb. 20, 1922	10	123.59		
		Feb. 21, 1923	10	182.47		
		Feb. 16, 1924	10	170.23		
		Mar. 26, 1925	10	223.37		1,112.41
1084	Joyce, William.....	Dec. 22, 1913	10	116.25		
		Dec. 11, 1914	8	68.96		
		Dec. 20, 1915	8	69.87		
		Dec. 19, 1916	10	90.33		
		Dec. 15, 1917	10	92.02		
		Dec. 10, 1918	10	94.92		
		Dec. 27, 1919	10	98.68		
		Dec. 17, 1920	10	104.10		
		Jan. 6, 1922	10	101.93		
		Dec. 22, 1922	10	113.41		
		Jan. 8, 1924	10	141.47		
		Dec. 24, 1924	10	136.65		
		Feb. 10, 1925	10	139.40		1,367.90
8057	Kass, Isadore J.....	Dec. 31, 1920	10	141.88		
		Jan. 7, 1922	10	98.31		
		Jan. 5, 1923	5	42.11		
		Jan. 5, 1923	5	15.65		
		Jan. 5, 1923	10	118.30		
		Jan. 26, 1924	10	14.30		
		Dec. 17, 1924	7	276.79		
		Feb. 19, 1926	10	217.93		925.27
7950	Kelly, Neil I.....	Jan. 20, 1921	10	150.93		
		Feb. 2, 1922	5	46.54		
		Feb. 2, 1922	10	126.57		
		Jan. 18, 1923	10	172.19		
		Jan. 21, 1924	10	170.14		
		Jan. 30, 1925	10	181.04		
		Feb. 24, 1926	10	127.27		974.68
3694	Kennedy, Wm. John.....	Apr. 28, 1911	10	109.40		
		May 27, 1912	12+	5.00		
		May 16, 1913	12+	5.00		
		May 11, 1914	10+	5.00		
		May 12, 1915	20+	5.00		
		May 5, 1916	15+	5.00		
		May 11, 1917	18+	6.00		
		May 14, 1918	22+	7.50		
		May 12, 1919	21+	7.50		
		May 27, 1920	30+	6.00		
		June 1, 1921	28+	6.00		
		May 22, 1922	25+	6.00		
		Apr. 23, 1923	26+	6.00		
		Apr. 21, 1924	25+	6.00		
		May 5, 1925	37+	6.00		191.40
1309	Kennon, Genevieve G....	May 21, 1923	10	51.88		
		May 20, 1924	9-	300.00		
		May 29, 1925	10	122.33		474.21
8312	Knight, Frank (or Francis).	Apr. 28, 1921	10	168.40		
		Apr. 18, 1922	17+	7.50		
		Apr. 27, 1923	15+	7.50		
		Apr. 23, 1924	8+	7.50		
		May 5, 1925	10+	7.50		198.40
2399	Koslick, Frank.....	Dec. 21, 1907	10	305.43		
		Dec. 30, 1908	8	53.26		
		Dec. 18, 1909	9	77.82		
		Jan. 4, 1911	9	90.44		
		Jan. 6, 1912	9	94.54		
		Jan. 10, 1913	9	99.74		

Lunacy number	Name of ward	Date	Commission		Attorney's fee	Total
			Rate	Amount		
2399	Koslick, Frank.....	Jan. 21, 1914	Per cent	\$103.41		
		Jan. 18, 1915	9	102.94		
		Jan. 21, 1916	9	107.69		
		Jan. 18, 1917	10	125.79		
		Jan. 26, 1918	10	126.49		
		Jan. 20, 1919	10	130.68		
		Jan. 31, 1920	10	136.94		
		Jan. 11, 1921	10	139.40		
		Jan. 11, 1922	10	150.37		
		Jan. 5, 1923	10	144.64		
		Jan. 21, 1924	10	113.62		
		Dec. 30, 1924	10	185.89		
		Feb. 19, 1925	10	158.94		\$2,448.63
3468	Krebs, John.....	Nov. 24, 1909	10	101.37		
		Nov. 26, 1910	8	68.06		
		Nov. 8, 1911	8	69.81		
		Nov. 14, 1912	8	72.83		
		Nov. 8, 1913	8	74.53		
		Nov. 10, 1914	8	75.40		
		Nov. 22, 1915	9	90.46		
		Nov. 27, 1916	10	103.73		
		Nov. 15, 1917	10	107.32		
		Nov. 15, 1918	10	110.41		
		Nov. 11, 1919	10	107.14		
		Nov. 19, 1920	10	120.49		
		Nov. 17, 1921	10	133.52		
		Dec. 6, 1922	10	132.38		
		Nov. 16, 1923	10	150.43		
		Dec. 9, 1924	10	154.23		
		Nov. 25, 1925	10	160.76		1,852.87
7851	Kucis, Anton.....	July 27, 1920	10	144.79		
		Aug. 11, 1921	5	44.63		
			10	164.59		
		Aug. 15, 1922	10	167.21		
		Sept. 12, 1923	10	186.52		
		Aug. 18, 1924	10	181.22		
		Sept. 10, 1925	10	191.04		1,080.00
7666	Kuhn, Anna T.....	Oct. 12, 1923	6+	300.00		
		Sept. 30, 1924	13+	7.00		
		Sept. 28, 1925	13+	7.00		314.00
8780	Lee, Riley.....	Mar. 7, 1922	5	134.95		
		Feb. 23, 1923	10	188.00		
		Feb. 14, 1924	10	204.22		
		Mar. 17, 1925	10	210.81		942.23
4281	Lindell, Oscar.....	Feb. 17, 1913	8	86.51		
		Feb. 18, 1914	11+	5.00		
		Feb. 11, 1915	10	6.89		
		Feb. 2, 1916	10	6.59		
		Feb. 2, 1917	10	5.41		
		Feb. 7, 1918	12+	6.00		
		Feb. 10, 1919	16+	7.50		
		Feb. 25, 1920	15+	7.50		
		Feb. 1, 1921	12+	7.50		
		Feb. 3, 1922	13+	6.50		
		Jan. 22, 1923	12+	7.00		
4345	Maiss, Julius.....	Jan. 21, 1924	9+	6.00		
		Jan. 21, 1925	22+	6.00		
		Jan. 22, 1926	12+	6.00		170.31
		Mar. 8, 1912	8	124.91		
		Mar. 14, 1913	10	5.31		
		Mar. 18, 1914	8+	290.43		
		Mar. 8, 1915	10	23.14		
		Mar. 25, 1916	10	26.66		
7811	McCarty, Francis X.....	Mar. 19, 1917	10	28.08		
		Mar. 13, 1918	10	29.73		
		Apr. 24, 1919	10	37.58		
		June 21, 1920	10	34.81		
		Aug. 20, 1921	10	34.50		
		Aug. 11, 1922	10	31.58		
		July 3, 1923	10	34.95		
		June 9, 1924	10	33.80		
		June 8, 1925	10	30.24		765.52
7811	McCarty, Francis X.....	July 21, 1920	10	114.94		
		July 19, 1921	10	149.69		
		July 1, 1922	5	160.63		
		July 1, 1922	8	160.61		
		June 25, 1923	9	200.00		
		June 9, 1924	10	208.24		
		May 29, 1925	9	215.73		1,149.84

Lunacy number	Name of ward	Date	Commission		Attorney's fee	Total
			Rate	Amount		
8021	McGuire, Edw. V.....	Nov. 19, 1920	Per cent	\$100.01		
		Dec. 2, 1921	10	59.60		
		Dec. 2, 1921	5	179.59		
		Dec. 6, 1922	10	173.65		
		Nov. 14, 1923	10	182.01		
		Nov. 24, 1924	10	181.18		
		Jan. 14, 1925	10	197.99		
						\$1,114.33
10593	McNeff, James.....	Jan. 14, 1925	7-	250.00		250.00
4366	McNeil, Wm. J.....	Jan. 20, 1913	17	82.03		
		Feb. 8, 1914	10	5.00		
		Feb. 10, 1915	10	5.00		
		Feb. 15, 1916	10	5.00		
		Feb. 12, 1917	10	5.22		
		Feb. 8, 1918	2+	6.00		
		Feb. 6, 1919	15+	7.50		
		Feb. 25, 1920	13+	7.50		
		Mar. 16, 1921	13+	7.50		
		Mar. 22, 1922	15+	7.00		
		Mar. 15, 1923	16+	7.00		
		Mar. 6, 1924	27-	6.00		
		Mar. 12, 1925	23+	6.00		
						156.75
7583	Mercado, Casimiro.....	Sept. 21, 1920	10	133.55		
		Oct. 5, 1921	5	109.83		
		Oct. 5, 1921	10	99.66		
		Sept. 15, 1922	10	161.05		
		Oct. 7, 1923	10	171.84		
		Oct. 17, 1924	10	174.71		
		Oct. 7, 1925	10	178.08		
						1,028.72
7832	Mientus, Stanley.....	July 23, 1920	10	174.90		
		July 19, 1921	10	162.48		
		July 17, 1922	10	131.39		
		June 25, 1923	10	145.38		
		June 11, 1924	10	193.96		
		July 24, 1925	10	215.10		
						973.21
7809	Milewski, Joe.....	July 21, 1920	9	194.87		
		July 19, 1921	5	54.52		
		July 19, 1921	10	173.14		
		July 6, 1922	10	166.22		
		June 27, 1923	10	194.15		
		June 24, 1924	10	180.09		
		July 24, 1925	10	179.15		
						1,142.14
7298	Motley, Wilfred R.....	Sept. 24, 1919	10	59.59		
		Oct. 6, 1920	8	244.79		
		Oct. 20, 1921	10	163.47		
		Sept. 29, 1922	10	182.74		
		Oct. 12, 1923	10	174.24		
		Oct. 17, 1924	10	184.87		
		Oct. 3, 1925	10	193.50		
						1,203.20
4711	Mutschal, Gus.....	Aug. 16, 1917	10	153.96		
		Aug. 26, 1919	8	160.73		
		Dec. 14, 1920	10	16.60		
		Jan. 10, 1922	10	22.55		
		Jan. 14, 1924	10	17.00		
		Dec. 17, 1924	10	17.47		
		Feb. 19, 1926	10	18.71		
						407.02
8402	Navarro, Santiago.....	June 3, 1921	10	195.62		
		May 27, 1922	10	119.73		
		June 23, 1923	10	135.19		
		June 6, 1924	10	143.82		
		June 20, 1925	10	145.59		
						739.95
7805	Nicholetto, Castenro.....	Sept. 21, 1920	10	218.98		
		Oct. 20, 1921	7+	289.42		
		Sept. 29, 1922	8	172.30		
		Oct. 12, 1923	9	200.99		
		Oct. 23, 1924	9	213.85		
		Oct. 7, 1925	8+	200.00		
						1,295.54
4207	O'Brien, John.....	Feb. 8, 1913	7	76.19		
		Feb. 10, 1914	10+	5.00		
		Feb. 17, 1915	10+	5.00		
		Feb. 9, 1916	11+	5.00		
		Feb. 2, 1917	10+	5.00		
		Feb. 8, 1918	13+	6.00		
		Feb. 6, 1919	15+	7.50		

Lunacy number	Name of ward	Date	Commission		Attorney's fee	Total
			Rate	Amount		
4207	O'Brien, John.....	Feb. 25, 1920	Per cent	\$7.50		
		Mar. 18, 1921	19+	5.00		
		Mar. 10, 1922	18+	6.00		
		Mar. 16, 1923	21+	6.00		
		Mar. 6, 1924	28+	6.00		
		Mar. 17, 1925	17+	5.00		
						\$145.19
7759	Pach, Frank.....	Sept. 17, 1920	8	188.38		
		Oct. 19, 1921	10	115.12		
		Sept. 29, 1922	10	109.37		
		Oct. 4, 1923	5+	300.00		
		Oct. 31, 1924	9	203.43		
		Oct. 10, 1925	8+	200.00		
						1,121.30
7812	Perko, Frank.....	July 29, 1920	10	148.30		
		June 10, 1921	10	91.57		
		June 9, 1922	5	132.05		
		June 9, 1922	8	146.03		
		May 26, 1923	10	217.28		
		June 19, 1924	9	203.13		
		June 20, 1925	9-	200.00		
						1,138.36
7874	Petrovitch, Stephen.....	Oct. 6, 1920	10	129.99		
		Oct. 29, 1921	10	194.76		
		Nov. 1, 1922	5	41.25		
		Nov. 1, 1922	10	207.54		
		Nov. 14, 1923	10	174.97		
		Nov. 14, 1924	10	140.30		
		Oct. 29, 1925	10	31.62		
						920.43
7787	Pierce, Leighton B.....	July 27, 1920	10	163.94		
		June 30, 1921	5	99.28		
		June 30, 1921	10	158.94		
		June 14, 1922	10	201.33		
		June 14, 1923	10	207.31		
		June 9, 1924	9+	200.00		
		June 26, 1925	9+	200.00		
						1,290.80
8412	Powers, Thomas F.....	Nov. 11, 1925	5+	250.00		250.00
7957	Puesley, George.....	Oct. 6, 1920	10	119.21		
		Oct. 31, 1921	5	94.20		
		Oct. 31, 1921	8	154.03		
		Oct. 25, 1922	10	253.95		
		Nov. 14, 1923	9+	200.00		
		Nov. 13, 1924	9	232.69		
		Nov. 12, 1925	10	180.45		
						1,236.53
9973	Randall, William.....	June 24, 1924	5	71.26		
		June 24, 1924	10	76.72		
		June 8, 1925	10	86.44		
						234.42
7685	Richardson, Arthur T....	May 6, 1920	10	133.98		
		May 17, 1921	10	101.41		
		Apr. 24, 1922	5	143.30		
		Apr. 24, 1922	10	164.58		
		Apr. 26, 1923	5	44.00		
		Apr. 26, 1923	8	172.46		
		May 17, 1924	9	204.28		
		May 14, 1925	8+	200.00		
						1,164.01
5810	Robertson, Daniel B.....	Feb. 4, 1915	10	66.78		
		Feb. 16, 1917	10	57.50		
		Feb. 20, 1918	10	54.69		
		Feb. 18, 1919	10	54.77		
		Apr. 9, 1920	10	63.47		
		May 5, 1921	8	50.70		
		May 10, 1922	10	62.56		
		Apr. 26, 1923	10	77.18		
		May 20, 1924	10	81.35		
		May 16, 1925	10	82.15		
						651.15
7718	Rocco, Femia.....	Jan. 1, 1920	10	299.73		
		June 11, 1921	10	168.61		
		May 18, 1922	10	137.02		
		June 12, 1923	10	140.05		
		May 21, 1924	10	147.42		
		June 20, 1925	10	134.33		
						937.16

Lunacy number	Name of ward	Date	Commission		Attorney's fee	Total		
			Rate	Amount				
7538	Rose, John H.	Oct. 6, 1920	8	\$249.66				
		Oct. 5, 1921	10	169.06				
		Sept. 29, 1922	10	173.61				
		Oct. 12, 1923	10	182.33				
		Oct. 31, 1924	10	187.89				
		Oct. 10, 1925	10	195.42				
					\$1,157.97			
8464	Ratlidge, Patrick	Aug. 25, 1921	9	301.21				
		Aug. 12, 1922	10	155.13				
		Sept. 26, 1923	10	167.44				
		Aug. 22, 1924	10	162.64				
		Sept. 10, 1925	10	167.94				
					964.36			
7814	Seligas, Gust	July 20, 1920	10	148.99				
		June 23, 1921	10	124.55				
		June 19, 1922	10	131.03				
		June 23, 1923	10	144.74				
		July 18, 1924	10	142.83				
		July 24, 1925	10	147.56				
					839.70			
7933	Selecman, Jos. S.	Sept. 21, 1920	9	204.02				
		Oct. 5, 1921	10	131.56				
		Oct. 9, 1922	10	127.41				
		Oct. 16, 1923	10	134.60				
		Oct. 17, 1924	10	70.45				
		Oct. 23, 1925	10	144.02				
					812.06			
10289	Shea, Wm. Patrick	Mar. 31, 1925	10	121.74		121.74		
1155	Sinnott, James A.	May 23, 1904	8+	100.00				
		Feb. 8, 1906	10	95.11				
		Jan. 29, 1907	8	56.51				
		Jan. 24, 1908	8	49.84				
		Feb. 18, 1909	8	48.45				
		Mar. 22, 1911	8	96.13				
		Mar. 22, 1912	6	45.05				
		Mar. 26, 1913	6	30.02				
		Apr. 6, 1914	6	30.07				
		Apr. 13, 1915	6	36.11				
		Apr. 29, 1916	7	42.17				
		Apr. 20, 1917	8	48.14				
		May 7, 1918	8	48.33				
		May 29, 1919	10	60.47				
		Aug. 9, 1920	10	75.56				
		July 9, 1921	10	60.00				
		July 24, 1922	10	60.06				
		Sept. 19, 1923	10	60.24				
		Aug. 18, 1924	7+	25.00				
		Sept. 25, 1925	10	75.40				
							1,142.66	
		7633	Smith, Rodney M.	Jan. 22, 1920	10	106.28		
				Jan. 24, 1921	10	320.15		
				Feb. 2, 1922	10	219.21		
Jan. 13, 1923	10			221.86				
Jan. 25, 1924	9+			200.00				
Jan. 28, 1925	10			207.91				
					1,275.41			
7723	Smith, Charles F.	Oct. 6, 1920	10	146.05				
		Oct. 25, 1921	10	177.51				
		Oct. 23, 1922	5	66.17				
		Oct. 23, 1922	10	132.28				
		Nov. 9, 1923	10	187.74				
		Nov. 13, 1924	10	178.24				
Oct. 28, 1925	10	164.12						
					1,062.11			
8019	Smith, Evelina P.	May 15, 1922	7	120.21				
		May 11, 1923	9-	150.00				
		June 9, 1924	10	173.97				
		June 20, 1925	10	162.14				
		Jan. 26, 1926	8+	75.00				
		Jan. 26, 1926	5	150.00				
					831.32			
9673	Starkes, Thomas Nelson	Nov. 9, 1923	10	145.75				
		Nov. 4, 1924	10	121.79				
		Oct. 29, 1925	10	121.79				
					389.33			
8096	Steele, Hugh A.	Nov. 24, 1920	10	161.66				
		Dec. 1, 1921	5	76.98				
		Dec. 1, 1921	10	140.67				
		Dec. 15, 1922	10	204.81				
		Nov. 17, 1923	10	214.22				
		Nov. 24, 1924	10	220.96				
		Jan. 28, 1926	10	215.80				
					1,235.10			

Lunacy number	Name of ward	Date	Commission		Attorney's fee	Total		
			Rate	Amount				
7744	Stebman, Cameron	Dec. 2, 1921	4+	\$164.48				
		Jan. 30, 1923	5	122.55				
		Jan. 30, 1924	5	122.19				
		May 16, 1925	4+	600.00				
						\$1,009.22		
3545	Stone, William C.	Sept. 13, 1909	4	39.90	1 \$150.00			
		Aug. 25, 1910	5	90.16				
		Aug. 25, 1911	4	72.77				
		Aug. 20, 1912	4+	52.39				
		Aug. 22, 1913	7	140.91				
		Aug. 8, 1914	7	120.63				
		Aug. 6, 1915	10	142.75				
		Aug. 22, 1916	10	135.78				
		Aug. 14, 1917	10	181.08				
		Aug. 13, 1918	10	181.17				
		Aug. 11, 1919	10	198.57				
		Sept. 9, 1920	10	200.56				
		Aug. 30, 1921	10	217.11				
		Sept. 13, 1922	10	218.87				
		Sept. 15, 1923	10	236.58				
		Aug. 19, 1924	10	233.62				
		Sept. 14, 1925	8	213.18				
				2,670.03	150.00	2,820.03		
		1591	Straub, Charles	June 6, 1905	7	346.26		
				July 19, 1906	9	49.88		
				July 22, 1907	9	53.70		
				1908	9	56.50		
				July 16, 1909	9	69.62		
				Aug. 22, 1910	10	83.03		
Aug. 11, 1911	9			72.90				
Aug. 8, 1912	9+			73.74				
Aug. 23, 1913	10			87.85				
Aug. 10, 1914	10			86.42				
Aug. 6, 1915	10			92.53				
Aug. 22, 1916	10			93.33				
Aug. 14, 1917	10			92.60				
Aug. 13, 1918	10			98.36				
Aug. 26, 1919	10			99.20				
Sept. 10, 1920	10			113.69				
Oct. 19, 1921	10			118.35				
Sept. 13, 1922	10			115.04				
Sept. 15, 1923	10			115.90				
Aug. 22, 1924	10			117.68				
Aug. 25, 1925	10			114.93				
						2,151.52		
8332	Sutton, William			June 7, 1921	10	178.76		
				May 25, 1922	5	100.33		
		May 25, 1922	10	153.61				
		May 26, 1923	9+	200.00				
		June 6, 1924	9-	200.00				
		June 20, 1925	10-	200.00				
				1,032.70				
7748	Taylor, French	Aug. 27, 1920	10	138.10				
		Aug. 25, 1921	5	99.98				
		Aug. 25, 1921	10	147.28				
		Aug. 7, 1922	10	202.47				
		Sept. 19, 1923	9	204.15				
		Dec. 15, 1924	10	218.67				
Aug. 29, 1925	9-	200.00						
				1,210.05				
7959	Thomas, Sidor	Oct. 28, 1920	8	250.01				
		Oct. 25, 1921	10	172.02				
		Oct. 23, 1922	10	178.98				
		Nov. 9, 1923	10	187.98				
		Nov. 13, 1924	10	88.27				
		Nov. 12, 1925	(*)	100.00				
				977.26				
5225	Thompson, John W.	Oct. 10, 1914	12+	75.00				
		Oct. 22, 1915	10	63.71				
		Oct. 21, 1916	10	64.45				
		Oct. 25, 1917	10	65.11				
		Oct. 15, 1918	10	66.34				
		Oct. 14, 1919	10	66.96				
		Oct. 28, 1920	10	75.60				
		Oct. 27, 1921	10	74.16				
		Nov. 1, 1922	10	76.05				
		Nov. 17, 1923	10	84.21				
		Nov. 14, 1924	10	86.55				
		Nov. 12, 1925	10	84.14				
						882.28		
		8101	Vazquez, Genaro	Dec. 16, 1920	10	178.73		
Dec. 2, 1921	10			143.09				
Dec. 15, 1922	5			53.37				
Dec. 15, 1922	10			162.80				
Nov. 17, 1923	10			177.41				

* Rate and amount of commission for 1909, 1910, 1911, and 1912 represents one-half as records show cocommittees during said years.

* No net assets for basis.

* Rate and amount of commission for 1909, 1910, 1911, and 1912 represents one-half, as records show co-committee during said years.

* No net assets for basis.

Lap- nacy num- ber	Name of ward	Date	Commission		Attor- ney's fee	Total
			Rate	Amount		
8101	Vazquez, Genaro.....	Dec. 15, 1924 Jan. 28, 1926	Per cent 10 10	\$180.36 186.93		\$1,082.69
4164	Watkins, Lee G.....	Nov. 10, 1911 Nov. 23, 1912 Nov. 10, 1913 Nov. 10, 1914 Nov. 20, 1915 Nov. 24, 1916 Nov. 7, 1917 Nov. 15, 1918 Nov. 11, 1919 Nov. 24, 1920 Nov. 17, 1921 Dec. 20, 1922 Dec. 8, 1923 Dec. 9, 1924 Jan. 24, 1926	8 8 10 13+ 8 10 10 10 10+ 10 10 10 10 10 10	232.80 51.86 16.32 17.74 18.47 22.67 10.74 21.00 17.13 21.39 20.86 20.09 19.39 20.29 20.34		531.09
3376	Weaver, Lewis.....	Sept. 7, 1909 Aug. 22, 1910 Aug. 25, 1911 Aug. 8, 1912 Aug. 23, 1913 Aug. 10, 1914 Aug. 10, 1915 Aug. 3, 1916 Aug. 14, 1917 Aug. 13, 1918 Sept. 10, 1919 Aug. 28, 1920 Aug. 30, 1921 Sept. 13, 1922 Sept. 15, 1923 Oct. 14, 1924 Oct. 7, 1925	8 10 10 10 10 10 10 10 10 12+ 10 10 10 10 10 10 10	167.78 40.81 47.73 41.03 47.43 44.68 46.75 48.52 46.72 60.00 48.56 48.46 48.47 48.96 48.69 43.31 35.92		913.84
7806	Williams, Henry.....	Sept. 13, 1920 Aug. 20, 1921 Aug. 1, 1922 Sept. 14, 1923 Oct. 31, 1924 Oct. 10, 1925	10 10 10 10 10 10	128.07 198.61 132.25 149.38 155.52 117.79		831.62
8575	Winbush, Hayne.....	Oct. 20, 1921 Oct. 20, 1921 Oct. 4, 1922 Oct. 12, 1923 Oct. 31, 1924 Oct. 7, 1925	5 10 10 9+ 10 10	64.09 215.21 199.10 200.00 211.34 230.20		1,119.94
8296	Wright, Richard.....	Apr. 23, 1921 Mar. 27, 1922 Mar. 6, 1923 Feb. 16, 1924 Mar. 18, 1925	5 8 10 10 10	259.55 127.23 174.45 137.58 61.23		760.04
Total.....						109,070.25

HERBERT L. DAVIS,
Auditor Supreme Court, District of Columbia.

MARCH 29, 1926.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL from the Committee on Enrolled Bills reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 7455. An act to legalize the submarine cable laid in the St. Louis River at the Spirit Lake Transfer Railway drawbridge, between New Duluth, Minn., and Oliver, Wis., and used for the lighting of the village of Oliver Wis.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the Committee of Conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes, and that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate numbered 5 to said bill.

The message also announced that the Senate had passed without amendment H. Con. Res. 22:

Resolved by the House of Representatives (the Senate concurring), That there be, and is hereby created, a joint committee consisting of 10 members, 5 of whom shall be appointed by the Presiding Officer of the Senate and 5 by the Speaker of the House to attend said celebration for the purpose of representing the Congress of the United States.

The message also announced that the Senate had passed the following resolution:

Senate Concurrent Resolution 14

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives be, and he is hereby, authorized and directed, in the enrollment of the bill (H. R. 8132) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine Insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes, to incorporate therein the following amendment, viz:

On page 2, line 6 of the Senate engrossed amendment, after the word "Provided" and the comma, insert the following: "That any such person whose name was upon the pension roll on the 5th day of April, 1917, and who served 90 days or more in the military or naval service of the United States during the World War and was honorably discharged therefrom, shall upon making proof of such fact, be replaced upon the pension roll and be entitled to receive all the benefits of this act: *Provided further,*"

On page 5, line 9 of said amendment, after the word "roll," insert the following: ", or whose name was upon the pension roll on the 5th day of April, 1917,"

On page 6, line 1 of said amendment, after the word "law" and the comma, insert the following: "or whose names were on the pension roll on the 5th day of April, 1917,"

On page 6, line 5 of said amendment, after the word "roll" and the comma, insert the following: "or whose names are not entitled to be replaced on the pension roll under the provisions of this act,"

BATTLE OF COWPENS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Battle of Cowpens.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD on the Battle of Cowpens. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, on this one hundred and fifty-first anniversary of the Battle of Lexington against British regulars, by "those embattled farmers whose shot was heard round the world," it seems fitting to recall that most signal and brilliant victory by American militiamen against trained and seasoned Imperial campaigners.

I have sought to show, and believe that history will sustain the claim, that but for the victory at Cowpens there would have been no glorious Yorktown. If Morgan's forces had been crushed and scattered, Cornwallis, with the aid of Tarleton's force, would probably have overwhelmed and destroyed Greene's army at Guilford Court House. With this accomplished, Cornwallis would have gained sufficient strength and confidence, and the patriot organizations would have been proportionately weakened and demoralized as to enable the British to keep the field and his refuge to the "bottle neck" at Yorktown would not have been taken. So we may justly and fairly claim that Cowpens is a companion victory with Kings Mountain, only 30 miles distant, and having taken place just 100 days prior thereto. So we can fairly assert that Cowpens and Kings Mountain deserve to rank with Bannington and Saratoga, with Bunker Hill, Brandywine, and Princeton. Already at a cost of \$65,000, a monument has been erected by appropriation of Congress on the Kings Mountain battle field, but not a single cent has ever been spent by any government on the Cowpens battle ground. Yet Cowpens battle ground is so situated with reference to railroads, highways, and concentrated populations as to render the improvement and development of same by the expenditure of \$25,000, a great object lesson in patriotism to tens of thousands annually.

HISTORIC SIGNIFICANCE OF BATTLE OF COWPENS

In order fully to grasp the far-reaching historical significance of the victory at Cowpens we must make a broad review of the situation in America generally. We will find that there had been no conspicuous victory since Burgoyne's surrender at Saratoga. We will find that New York and Newport seemed to be firmly held by the British. We will find that the populations in the smaller towns and in the country of the New England and the Middle Atlantic States were generally Whigs, and therefore strictly in sympathy with the cause of American in-

dependence, and perhaps the British had well-nigh despaired of ever reestablishing complete authority in that section of the country. However, there is ground for the belief that the English Government under Lord North concluded that if they could keep Washington and his resolute army busy watching the British forces penned up in New York and Newport they might send other forces to subjugate completely Georgia, the Carolinas, and Virginia. Thus there was a prospect that at least a portion of the colonies might be saved to the crown and be exceedingly useful as a counterpoise to such of the colonies as might win their independence.

Accordingly the British authorities set about to subjugate these Southern States. In turn the Continental Congress and the various States resolved that America would fight as a whole and win her independence as a whole. Consequently, efforts were made to raise the strongest possible army to resist the British in the South.

But the success of the British and the corresponding failure of the Americans was most disheartening and well-nigh fatal but for the events up to which we are leading. It will be recalled that there was a combined French and American attack upon the British entrenched in Savannah, and this ended in a most disastrous defeat on October 9, 1779, when the gallant Comat Pulaski with more than 1,000 other French and American soldiers gave up their lives.

The next move of the British was to capture Charleston, S. C., the principal city of the South at that time. No effort was spared either in the strength of the forces organized or in the desperate and cruel mode of warfare resorted to to terrorize the people of South Carolina, and especially to hold before their terrified minds the prospect of inciting the slaves to a general insurrection against their masters. John Fiske, in his history of the American Revolution, on page 165, Volume II, says of the resolute and determined spirit of the people of South Carolina to resist the powerful efforts of the British, that—

The fit ground for wonder is that, in spite of such adverse circumstances, the State of South Carolina should have shown as much elastic strength as she did under the severest military stress which any American State was called upon to withstand during the Revolutionary War.

Neither space nor time permits us here to record the terrible sufferings of the people of South Carolina during the campaign of 1780. The cruel and implacable General Prevost hesitated at no device of cruelty or barbarity to terrorize the population and to disorganize opposition. He had with him a corps of Indians that were expected to display the severest of barbarities and they did not disappoint him. At this time the famous Col. Banastre Tarleton first appears in the annals of the war for independence and immediately established that reputation which followed him throughout his career on American soil as an officer of ability, mingled with a wantonness and cruelty seldom equaled.

A large British army now advanced overland from Savannah, Ga., toward Charleston, S. C., and General Lincoln, in command of the American Army, consisting of about 7,000 troops, retired within the works about Charleston in the hope of being able to defend it. But resistance was in vain. After withstanding a long siege the entire army was compelled to surrender on May 12, 1780, and the city of Charleston fell into the hands of the British. The loss of the entire army, with the most prominent and important city in the South, well nigh crushed the hopes of all patriotic Americans everywhere. It was the greatest blow that the cause of independence had received since the surrender of Fort Mifflin. But it was not the only misfortune that was to fall upon American arms.

The British now sent out from Charleston forces in several directions to take possession of important inland points, such as Ninety-Six toward the west, and Camden, Winnsboro, and Cheraw toward the north. The Americans were still determined to defend their country, and, after the capture of Lincoln and his army in Charleston, General Gates, the hero of Saratoga, was put in command of the armies in the South, and he advanced southward through Virginia and North Carolina, gathering troops as he went. At this time Horace Walpole, in the British House of Commons, believing his statement to be true, said:

We look on America as at our feet.

The English Government thought that all resistance must now cease. But they did not understand the American spirit nor the resolute purpose back of American action. Now, again, the farmers left their fields and families, the workmen left their shops, and all classes rallied once more around the standard for independence. In the meantime an internecine warfare was

going on all over South Carolina. Many weak and irresolute persons, believing that the British authority would finally be restored, now deserted the cause of the colonists and joined the Tories, and it was neighbor against neighbor, and sometimes brother against brother, and no man's life nor home was safe. Negroes and Indians were called into this strife.

Families retired at night to be awakened before daylight by the crackling of the fires consuming their homes and barns. Their horses were stolen and carried away and their cattle and hogs driven into the camps of the enemy. Indeed, it took a stout heart to withstand the temptation to align one's self with what seemed to be the all-powerful victorious British cause.

But another sad disappointment was to afflict the patriots. Lord Rawdon, with about 2,000 British troops, was in command at Camden, S. C., and General Gates, with an American Army of about 3,000 men, most of them inexperienced militia and suffering from insufficient food, clothing, and medicine, and faint from long and weary marches in hot weather, advanced toward Camden. General Gates planned a surprise attack on the night of August 15, 1780, and Lord Rawdon, in turn, had planned a surprise attack at the same time, and their advance parties met about 3 o'clock in the morning of August 16 on the road about 5 miles from Camden. After a slight skirmish both armies rested on their arms waiting for daylight, and when the sun rose the battle was resumed. General Gates failed to display any of the daring and heroic leadership that won at Saratoga; on the contrary, he was hesitating, uncertain, and confused. He allowed his forces to be divided, he did not take advantage of the opportunity to flank the enemy, allowed himself to be caught on a narrow ledge of land between two inextricable swamps, and consequently was not only defeated but horribly routed, his army broken to pieces, his soldiers butchered or driven into the swamps, and himself forced to fly on horseback at full speed and almost alone, nearly 200 miles, to Hillsborough, N. C. Indeed, "The laurels of Saratoga had changed to the willows of the South."

Surely, this was "the year of disaster" for the cause of independence. The British thought, surely, now the southern spirit would be broken. Surely, resistance would cease. But not so. The British Army was divided into three parts—one under the famous Tarleton, another under an able and determined Scotch soldier, Colonel Ferguson, and the main body under Lord Cornwallis, who had come from Charleston and succeeded Rawdon in command at Camden. These three forces advanced by three different routes through the northern part of South Carolina toward North Carolina, and Ferguson's force of about 1,100 British regulars camped on a spur of King's Mountain and was surrounded, surprised, and destroyed by forces under Colonels Campbell, McDowell, Shelby, Sevier, and Cleveland on October 7, 1780. The men making up these patriotic organizations under these natural leaders were not regulars, and in fact could hardly be called "militia." They were made up from the hardy Scotch-Irish settlers, described contemptuously by Tarleton as "backwater men."

When they found that this force of the British had separated themselves from the main body they joined their favorite leaders and took their rifles and shotguns of various description with them, rode their own horses, provided their own ammunition, and even the private soldiers participated in the "council of war" as to whether or not an attack should be made upon the British established on King's Mountain. These men were independent fighters. The several subdivisions advanced upon the mountain from so many directions and quietly crept up its steep sides and had seized the sentinels around the camp before their approach was dreamed of. Colonel Ferguson displayed all the heroism and gallantry of the race of Scotch fighters from which he came. With defiance he shouted to his men, "Now beat the damned rebels to the ground." But it was all in vain. These determined backwoods fighters could not be terrified. One of them sent a bullet through the body of Ferguson himself, who fell dead from his horse. Practically the entire force was either killed, wounded, or captured.

This victory at King's Mountain gave cheer to the patriots from one end of the country to the other. But it was followed by a period of watchful waiting, and the loss of a thousand soldiers was by no means decisive as against the British. Hence they continued in their policy of terrorizing and destroying the people and their substance. Now, "the old wagoner," Daniel Morgan, who was with Braddock and Washington on their expedition against the French in 1754, went to the South with a commission from Congress as brigadier to exercise command under General Greene, who had supplanted the unfortunate Gates in command of the whole South. Morgan was a

character who deserves to be better known to the American people. On that expedition with Braddock he was a mere wagoner, a team driver, yet when insulted by a British lieutenant he knocked the lieutenant down and was tried by a summary court-martial and sentenced to suffer "500 lashes on his bare back." He was heroic to the point of desperation at Quebec and Saratoga.

THE BRITISH STILL DETERMINED

But the British were resolved to hold the ground they had gained in the Southern Colonies. The communications and security of Cornwallis were constantly threatened by the presence of forces under Gen. Daniel Morgan, varying from 200 to 800 men, according to the nature of the mission and the inclination of the troops of some of the militia organizations. Cornwallis was reinforced by 2,000 soldiers sent from New York by water to Charleston and thence overland to the interior, and in January, 1781, he ordered Colonel Tarleton to drive Morgan, "the wagoner," as he was contemptuously called, out of South Carolina or destroy him. The force of General Morgan had a very precarious existence. It was compelled to rely largely upon the people in the vicinity for subsistence and for forage for the force of about 80 cavalry under Lieut. Col. William Washington.

Morgan was slowly retreating to the northwest and was being pushed by the pursuing Tarleton. Finally, on the night of January 16, Morgan camped at what is known as "The Cowpens," a high plateau where the underbrush had been killed, due to the fact that the cattle for all that section would be assembled at that place to be branded and where it was possible to see through the forest for several hundred yards. In addition to the force of 80 cavalry, Morgan had 237 Continental troops and 553 militiamen from Virginia, North Carolina, South Carolina, and Georgia. Here Morgan determined that he must fight and went from mess to mess where the soldiers were bivouacked, advising them that they must fight not only for victory but for life, for home, and for loved ones, as well as for independence.

The disposition of the troops by General Morgan manifests unusual tactical skill. John Fiske, in his history of the American Revolutionary War, says that "the Battle of Cowpens was the most conspicuous tactical victory of the war." The arrangement was substantially as follows: About 60 sharpshooters from North Carolina were placed as skirmishers on the right flank and far out in front, and about 150 of the Georgia militia similarly placed on the left flank, making a thin line of skirmishers, who were instructed to pick out the officers as they would squirrels, and having delivered their first volley to fall back on the next line and reload.

Colonel Tarleton had a force of about 1,100 British regulars, with two field pieces and with great superiority in cavalry and in ammunition and in bayonets. When formed in battle line they all rushed forward with great impetuosity and confidence. But many of the officers fell under the well-directed aim of the American skirmishers. But when the British troops saw the skirmish line giving way they became overconfident, assumed that the Americans were retreating, and rushed forward in disorder. The next line of Morgan's troops, consisting of Virginia riflemen, delivered volley after volley that thinned the ranks of the British and threw them into confusion. The militia, having retired behind the Continental regulars, reformed and returned to the fight, this time striking the British left flank, while Lieutenant Colonel Washington, whose cavalry had been stationed in the rear of the main body of Morgan's troops, now bore down with irresistible force upon the British right flank so that soon the British were practically surrounded, and Tarleton barely escaped capture as he rushed at full speed from the field, accompanied by a few of the dragoons.

THE VICTORY AT COWPENS DECISIVE

On this glorious day of January 17, 1781, the American militiamen, "the backwater men," led by the plain civilian soldier, Daniel Morgan, gave wonderful account of themselves in administering a terrific and destructive defeat to a force of British regulars with a superiority of 300 in numbers and with great superiority in arms and ammunition. The Americans lost only 12 killed and 60 wounded, while the British lost 115 killed, 200 wounded, with about 550 prisoners, including 70 negroes that had been taken from their owners and masters and were carried by the British as camp servants. The British lost two standards, 100 horses, 35 wagons, 800 muskets, and their two fieldpieces, and many other supplies. General Morgan wrote in his report:

Our success must be attributed to the justice of our cause and the gallantry of our troops. My wishes would induce me to name every sentinel in the corps.

This victory settled the question of subjugating the South. Hereafter the sole problem in the mind of Cornwallis was to get away from those uncompromising and unconquerable patriots of South Carolina. Hence he moved northward with all dispatch, had a drawn battle with General Greene at Guilford Court House, and thence advanced through Virginia to his position at Yorktown. We know the rest. We know how Lafayette held him at bay on Yorktown Peninsula while Washington was coming from the Hudson over land and water to the great and final victory. We know how the French Admiral de Grasse had sent word that he would bring the French fleet to the Chesapeake Bay in the late summer of 1781, and how de Grasse, after a severe naval battle, prevented the British fleet from relieving Cornwallis from the "bottle neck" that the Americans and their allies had formed about him. But for the victory of the French fleet, Cornwallis would have embarked upon the British fleet and would have transported his army to New York, and thus Washington's march from the Hudson and the assembling of troops from north, south, east, and west at Yorktown would have been in vain.

Thus 1780, "the year of disasters," was followed by 1781, "the year of glorious victory." Thus King's Mountain, fought on October 7, 1780, on South Carolina soil, was followed shortly by Cowpens on January 17, 1781, also on South Carolina soil, distant only about 30 miles. These two victories turned the tide of war. These two victories heartened the patriots north and south. These two victories showed the haughty British regulars and the still haughtier British cabinet, led by Lord North, what these determined American militiamen could do. They were poor at drill, they had no uniform dress, they had little but the hunting rifle, but their aim was true, their hearts were fearless, and their wills were unconquerable.

Therefore, it is highly fitting that the Federal Government should at last take notice in a material way of the great contribution that the victory at Cowpens made to the cause of independence. While King's Mountain has been recognized in a partial way by the erection of a beautiful monument to the memory of her heroes, not one single dollar has ever been spent by either State or Federal Government at Cowpens. To create here a military park in the heart of the new industrial South, accessible from every quarter by railroad and highway, will afford the opportunity for millions to be inspired by the lessons of that victory. Military students may ponder well its teachings. Historians will here gather inspiration. Citizens of all sections and classes and callings will find here inspiration to a higher, more unselfish patriotism.

The amount suggested to be expended for the purposes of this military park is very modest. It will be noted that a memorial association has owned 1 acre of land of the old battle ground, where 70 years ago a small monument was erected by the Washington Light Infantry of Charleston, an organization named in honor of Lieut. Col. William Washington, a distant kinsman of Gen. George Washington. Especial attention is called to the fact that one of the citizens in the neighborhood that owns a portion of the battle field, a generous lady, has entered into a written agreement to donate without charge 5 acres of land.

The citizens of Spartanburg and Gaffney and surrounding country have agreed to raise \$1,000 with which to buy 5 acres additional and adjoining the 5 acres to be donated. If, therefore, under the authority contained in the bill the Secretary of War will acquire not exceeding 10 acres additional, connecting the 10 acres to be donated with the 1 acre above mentioned, making in all not more than 21 acres, there will be sufficient land to indicate for all time the principal features of the battle. Under the authority contained in this bill the Secretary of War, with the best information available, will have the principal places and positions of the respective armies indicated by appropriate markers. The Secretary of War will doubtless have roads graded and graveled through this park, so that visitors may inspect the positions with ease and comfort. This act of simple justice to the great heroes of a great cause has been too long delayed, and it is our confident hope that this Congress will promptly enact this bill into law, so that the hundreds of thousands of visitors now flocking by train and automobile to that section of the country may find material evidence of the loving appreciation of this generation of the devotion and heroism of the men who by their blood sealed not only the cause of American independence but the sacred cause of human right under free institutions "deriving their just powers from the consent of the governed."

EUGENE V. DEBS

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Washington asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker and gentlemen, I hold in my hand a socialist newspaper which contains a misleading story as to the citizenship of Eugene V. Debs, stating that there is danger that he will not be permitted to return to the United States from Bermuda; that there is to be a May day demonstration in the United States on that account. I think Members will find in their mail within the next few days numerous letters making an appeal that Eugene V. Debs be permitted to return to the United States. Members may answer such letters by saying that he has not lost his citizenship. He is still a citizen of the United States. It is possible under the condition of the pardon that he has lost certain rights of citizenship in the State of Indiana, but he was born here in the United States, and all this stuff put out by the socialist papers is bunkum pure and simple.

Recently there was introduced a joint resolution asking Congress to restore citizenship to Eugene V. Debs. It is H. J. Res. 172, to readmit Eugene V. Debs to the rights and privileges of citizenship. That resolution was referred to the committee of which I have the honor to be the chairman and was promptly tabled because he never had lost his citizenship. It was not a proper matter to come before Congress. I am making this statement so that Members may state the facts in answer to letters concerning that bill. Mr. Speaker, I yield back the balance of my time.

THE CONSENT CALENDAR

The SPEAKER. The Clerk will report the first number on the Consent Calendar.

CONSTRUCTION OF ROAD ON LUMMI INDIAN RESERVATION

The first business on the Consent Calendar was the bill (H. R. 61) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I see that this is a gratuity appropriation. I question the wisdom of enacting a policy of appropriating money for highways that are not eligible to come in under the Federal system.

Mr. HADLEY. Mr. Speaker, I wish to say to the gentleman from New York and to the House that if he will permit I will make a request that it go over. Preliminary to that I wish to say that objection was withheld to the consideration of the bill on a former occasion pending correspondence with respect to its terms.

From the correspondence received I am satisfied that the facts are not fully understood. I want it postponed until we can reach an agreement, and I hope it may be resolved to the satisfaction of all concerned. Therefore I ask unanimous consent that the bill be passed over without prejudice and retain its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

CONVEYANCE OF LAND ON THE KAW RESERVATION, OKLA.

The next business on the Consent Calendar was the bill (H. R. 7083) authorizing the sale and conveyance of certain lands on the Kaw Reservation in Oklahoma.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CARTER of Oklahoma. Mr. Speaker, reserving the right to object, at the request of the gentleman from Oklahoma [Mr. MONTGOMERY], who is interested in the measure, I ask that it go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ELECTRIC LIGHT AND POWER IN THE DISTRICT OF HANA

The next business on the Consent Calendar was the bill (H. R. 4799) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island and county of Maui, Territory of Hawaii.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object—

Mr. CRAMTON. Reserving the right to object, I have gone over the question of the form of the bill with the gentleman from California [Mr. CURRY] and the Delegate from Hawaii [Mr. JARRETT] and agreed with them on the proper form of

the bill. With the understanding that an amendment will be accepted at the proper time, I have no objection to the bill.

Mr. LAGUARDIA. The gentleman was kind enough to show me the amendment, and that eliminates some objections I had to the bill. But I find on page 2 what is commonly known as a joker in these franchises, where, after reciting the specific powers granted to the corporation, it gives them power to operate for any other purpose which the association may deem advisable. It seems to me that we do not want to extend any such power in a franchise which we are granting to generate electricity to be used for motive and lighting purposes.

Mr. CRAMTON. Mr. Speaker, the function of Congress in this matter is not to legislate originally, but to approve an act of the Legislature of Hawaii, and we have before us the act of the Legislature of Hawaii. The amendment that I have discussed with the gentleman would approve that act. I have not gone into all of the details of the act itself, as the gentleman from New York has.

Mr. LAGUARDIA. The gentleman in his proposed amendment recites specifically the powers of generating electricity, but does not give that blanket general power at all, as I remember it.

Mr. CRAMTON. The amendment that I shall offer is merely an approval of the act which has been passed by the Legislature of Hawaii, except as to section 17. Section 17 of the act passed by the Legislature of Hawaii, if approved by Congress, would give to the Legislature of Hawaii the authority hereafter to amend in any respect it desired, and the amendment that I shall submit would only perpetuate the right on the part of the Territorial legislature to amend subject to the approval of the Congress.

Mr. LAGUARDIA. And we retain control?

Mr. CRAMTON. Yes. The necessity for the change of form I will suggest is as follows:

The organic act of Hawaii, found on page 1141, volume 2, Supplement of the Revised Statutes of the United States, and approved April 30, 1900, provides in section 53—

that the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable. * * * (b) But the legislature shall not grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the approval of Congress; * * *

The Legislature of Hawaii under act 235 of the Session Laws of Hawaii for 1923 passed an act to grant a franchise for light and power purposes within the district of Hana, which is apparently identical in language with H. R. 4799 as reported to the House, except that it stipulated that the approval of the act by Congress must be secured within two years from the time of approval of the act by the governor. It was so approved by the governor May 2, 1923, and accordingly the limit of time fixed by the legislature for its approval by Congress would have expired May 2, 1925. By act 6 of the Session Laws of Hawaii for 1925, section 18 of act 235 of 1923 was amended so as to extend the time within which the approval of Congress might be secured to four years from the date of such approval by the governor, thereby authorizing approval by Congress up to May 2, 1927. Act 6 was approved by the governor March 20, 1925.

It is apparent, therefore, that it is the proper function of the Legislature of Hawaii to pass bills for granting charters for public utilities in the first instance, but that such laws are not effective until formally approved by Congress, and such approval by Congress to be effective must be given within the time stipulated in the act passed by the legislature.

The function of Congress, therefore, not being to legislate, but merely to approve or refuse to approve legislation drafted and enacted by the Legislature of Hawaii, it is clear that the form followed by the committee in this case of H. R. 4799 is undesirable. On its face it is an independent enactment by Congress, carrying no evidence as to whether any action by the Legislature of Hawaii had preceded it or not, and one having knowledge of the fact that a similar act had been passed by the Legislature of Hawaii could only determine the identical form of such act by a close comparison of the two acts. It further appears to be unnecessary and undesirable that the statutes of the United States, which are sufficiently cumbersome in any event, should be encumbered by setting up in full the franchise act when the only proper function of Congress is that of approval and confirmation.

It therefore appears that the proper course to be followed by Congress in all such cases is to express its approval of the act passed by the Territorial legislature. In this case section 17 of the Territorial act should not be approved by Congress, since its approval as it stands would operate as a grant of

authority to the legislature to alter, amend, or repeal this particular franchise without consent of Congress.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. CRAMTON. Mr. Speaker, the bill that is in the hands of the Clerk is a long bill setting out a franchise to be granted to a public-utility corporation in Hawaii. The function of the Congress is to approve or disapprove of that act. I propose to offer a substitute that is very brief, which recites such approval with a certain amendment. Therefore I ask unanimous consent, to save the time of the House, that the reading of the bill be dispensed with and that in lieu thereof the substitute which I send to the Clerk's desk may be read, which substitute I offer as an amendment.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the reading of the bill (H. R. 4799) be dispensed with and that in lieu thereof the substitute which he sends to the Clerk's desk be read and considered. Is there objection?

There was no objection.

The Clerk read as follows:

Strike out the whole text of H. R. 4799 after the enacting clause and insert the following:

"That Act 235 of the Session Laws of 1923, entitled 'An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island and county of Maui, Territory of Hawaii,' passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on May 2, 1923, as amended by Act 6 of the Session Laws of 1925, entitled 'An act to extend the time within which the approval of the Congress of the United States must be secured to act 235 of the Session Laws of 1923 by amending section 18 of that act,' passed by the Legislature of Hawaii and approved by the Governor of the Territory of Hawaii on March 30, 1925, is hereby approved: *Provided*, That the authority in section 17 of said act for the altering, amending, or repeal of said act shall not be held to authorize such action by the Legislature of Hawaii, except upon approval by Congress in accordance with the organic act."

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to conform to the text.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record upon the bill by inserting a further statement in respect to it.

The SPEAKER. Is there objection?

There was no objection.

PROMOTION OF A PROFESSOR OF THE UNITED STATES MILITARY ACADEMY

The next business on the Consent Calendar was the bill (S. 2274) providing for the promotion of a professor at the United States Military Academy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, I objected to the consideration of this bill last consent day. Let me ask the gentleman from Minnesota [Mr. FURLOW] the necessity for having a lieutenant colonel permanently detailed at West Point to teach natural and experimental philosophy?

Mr. FURLOW. Mr. Speaker, I hope the gentleman from New York will not object to the consideration of this bill.

The SPEAKER. This bill requires three objectors.

Mr. FURLOW. Mr. Speaker, the last time the bill was called up it was objected to because it was not explained on the floor. The bill affects one officer in the United States Army, a man who in 1917 was ordered to serve as an instructor at West Point. Being drafted into that service he was not permitted to go along on the promotion list with his classmates from West Point. This officer did not attempt to avoid service at the front, as shown by the report from the War Department. In fact, he did serve in about six of the major campaigns at the front after he had been assigned to duty at West Point. During the period when he was entitled to a vacation from West Point, he went to France and served, and then returned from France, acting upon orders from the War Department. This bill is sponsored by the War Department, to do justice to an officer who has been deprived of his regular promotion ad-

vantages. He is four years behind his classmates. The War Department recommends the passage of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any officer of the United States Army now holding the position of permanent professor at the United States Military Academy, and who on July 2, 1921, would have become entitled to his promotion to a colonelcy had he remained in the line of the Army and who on that date had completed more than three years' duty as permanent professor shall have the rank, pay, and allowances of a colonel in the Army, and that the said rank shall date from July 2, 1921: *Provided*, That no back pay and allowances prior to the passage of this act shall accrue.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ARTILLERY RANGE AT FORT ETHAN ALLEN, VT.

The next business on the Consent Calendar was the bill (S. 2752) for the purchase of land as an artillery range at Fort Ethan Allen, Vt.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, I wish some member of the Committee on Military Affairs would tell us how many more artillery fields or new fields the War Department contemplates buying, in view of the action taken by the Congress only a few weeks ago authorizing the sale of a great deal of surplus land and property.

Mr. HILL of Maryland. Mr. Speaker, that is a very proper question. The corps area in which Fort Ethan Allen is situated has no artillery range. I have here a statement from Senator GREENE, formerly a member of the House Military Affairs Committee. I will say for Senator GREENE that no man ever opposed more strenuously the acquisition of additional property. I have very great confidence, and so has the House, in his judgment.

I am told that the other corps areas have good ranges. I wish to emphasize the point that this artillery range is needed. It is not good policy to train men to drill with guns that do not know how to shoot.

Mr. LA GUARDIA. I want to say to the gentleman, of course no one has a greater admiration for the distinguished Senator from Vermont [Senator GREENE] than I have or confidence in his judgment. I served on the Committee on Military Affairs with him, and I shall not object to this out of deference to the distinguished Senator; but as long as I am a Member of the House I am going to object to any purchases of land by the War Department when they come here and ask us to sell what they have on hand.

Mr. HILL of Maryland. I agree entirely with the gentleman, and that is the position of the Committee on Military Affairs. It will be well for the committee to note what is said about this bill by Senator GREENE and by the War Department:

STATEMENT BY SENATOR FRANK L. GREENE

It seems desirable for me to call the attention of Congress to the necessity for the immediate passage of this bill. The urgency for prompt action arises from the fact that the options on the various properties involved expire January 1, 1927. In all probability it will be impossible to renew these options at the prices stipulated in the existing agreements.

In order to carry out the terms of these contracts, Congress must pass this bill (S. 2752) and provide for the appropriation of the required funds in the next deficiency bill.

The project has the approval of the War Department and of the Bureau of the Budget. This information is contained in a letter from Secretary of War Dwight F. Davis to Senator JAMES W. WADSWORTH, Jr., of the Senate Military Affairs Committee, under date of February 23, 1926.

I am told that the other corps areas have good ranges.

I wish to emphasize the point that this artillery range is needed. It is not good policy to train men to drill with guns that they do not know how to shoot.

This is in no sense a "raid on the Treasury" and the prices agreed to are evidence that there is little effort to profit at the expense of the Government. The sums named in the agreements are considered by well-informed persons to be fair to all concerned. In somewhat over 80 parcels of land there are only three which are thought overvalued. The prices for the various holdings vary from \$200 for 50 acres of cut-over timber land to \$20,000 for one excellent farm. It may be that some further adjustment will be possible. The Govern-

ment can buy most of the properties for less than \$5,000 in each case. The average price an acre is around \$34, which I am convinced is very reasonable. The entire tract is hilly and it is mostly pastures, wood lots, and some tillable land. It is in the heart of the Green Mountains at the junction of the town lines of Jericho, Underhill, and Bolton, about one-third of the range in each town.

If this same area were leased, the owners would demand \$34,866 a year. The high cost of leasing results from consideration of the inconvenience to the owners in moving goods and stock and in paying taxes and insurance during the periods of firing. It is only proper that they should be compensated for this. This in a few years would result in the expenditure of a sum that would at this time buy outright the entire property. While speaking of economy, I wish to point out that all equipment can be safely stored at Fort Ethan Allen, thus saving transportation costs.

We in New England are confronted with the problem of training artillery with no adequate facilities for actual firing. The only good ranges anywhere near are at Pine Plains, N. Y., and at Tobyhanna, Pa. These are in other corps areas and are now used to the limit. Obviously it is not good economy to send troops from New England to either of these places. In two or three years transportation costs would equal the sum necessary to pay for this project. Nor is it good financing to lease a range under the circumstances I have described.

At the proposed location the mountains form an effective backdrop and the slopes of these mountains are contained within the limits of the proposed reservation. The altitude there varies from about 900 feet to over 3,000 feet above sea level.

We have here an opportunity to acquire property where firing can be conducted with both the 75-mm. and the 155-mm. guns. Ranges can be secured up to 8,500 yards and probably more. The site has been carefully selected from the viewpoint of military utility and also from the standpoint of isolation. However, in spite of its isolation, it is conveniently close to Fort Ethan Allen, a distance of about 20 miles over good roads. This distance gives excellent opportunity for marching practice. This location was decided upon after a survey of a large amount of territory. It is not a haphazard project by any means. It has been thoughtfully considered from all angles, military and civilian. It is only recommended after a careful trial. A section of it sufficient for test purposes was leased last summer and it meets with the approval of the Regular, Militia, and Reserve officers. There is a scarcity now of desirable locations and as time goes on it will be increasingly difficult to secure one. If we wait until later we will have to pay a higher price, we may be unable to find such a desirable location, and in the meantime we will have to lease land at high prices for artillery practice.

Among the various plots suitable for camps in this area there is one on the banks of the Lee River large enough for a regiment of artillery. Within a hundred yards of this camp site there is ample water for animals, and in addition there is an abundance of good well water for troops. The camp would be on hard, well-drained land; the climate is healthful and the surroundings rich in scenic beauty. I mention these things because the welfare and contentment of troops are of primary importance.

Here we have a place where conditions are ideal, where the contour of the country provides for all sorts of maneuvers, gun positions, and ranges, where the civilian population is friendly and well disposed toward the Army, and where the interests of economy will be served in the cutting of transportation costs by the storing of guns at the post and the absence of damage claims against the Government. If it be found desirable to conduct airplane practice, no better location can be found. There is a municipal landing field in Burlington, near by, and there is plenty of opportunity for landing and taking off on the present reservation at Fort Ethan Allen.

The land owned by the State of Vermont comprises 1,234 acres. The latest session of the legislature authorized its disposal to the Federal Government. Gov. Franklin S. Billings wrote me under date of December 21, 1925, that "acting under 148, acts of 1925," he had given an option to the Federal Government on this land for \$18,000. There is no doubt of his authority to sell.

I am told that General Pershing is familiar with the conditions there and that he is favorable to this project. Other staff officers who have been on the ground are likewise favorably impressed.

October 14, 1925, Maj. Gen. John L. Hines, the Chief of Staff, wrote me that "such purchase is considered most desirable from the standpoint of successful field-artillery training in the First Corps Area. The results accomplished this summer were successful." He also wrote me on January 4, 1926, in part as follows: "From a military standpoint the permanent possession of this range is highly desirable, as it is quite evident that the day is fast approaching when artillery target ranges will be increasingly difficult to locate and much more costly to acquire." These letters were written in reply to communications I had sent him on this subject.

Maj. Gen. William J. Snow, Chief of Field Artillery, wrote to me on January 14, 1925, in reply to an inquiry, "From all accounts the terrain is well adapted to the purchase for which it is intended to be

used, namely, a field-artillery target range. I am heartily in favor of the project in view of the urgent need of the First Corps Area for a suitable range."

Lieut. Col. T. W. Hollyday, formerly in command at Fort Ethan Allen, has told me that practically every kind of artillery problem can be worked out at this site.

Lieut. Col. A. A. Starbird, now in command at that post, is enthusiastic about the possibilities of the range.

The people of Vermont are well disposed toward the military. The State believes in reasonable preparedness, and I may say here that at the outbreak of the World War the Vermont National Guard was the only militia outfit equipped and ready to take the field at once.

In closing, I want to say that I have been interested in this matter for a long period of time, and feel that at last a location has been found that can not be surpassed. I hope you will believe me when I say that I am not urging the enactment of the bill solely because it is located in the State which I have the privilege of representing. This range is needed in the First Corps Area.

WAR DEPARTMENT,
Washington, February 23, 1926.

Hon. JAMES W. WADSWORTH, JR.,

Chairman Committee on Military Affairs,
United States Senate.

MY DEAR SENATOR WADSWORTH: In compliance with your request of January 28, 1926, I am pleased to submit the following report on S. 2752.

The subject of the proposed legislation is the purchase of land as an artillery range at Fort Ethan Allen, Vt.

There are no provisions of existing law on this subject.

The acquisition of a target range in this vicinity has been under consideration for some time, and from a military standpoint the enactment of the proposed legislation is desirable.

It is necessary at present to rent a rather inadequate range at an annual expenditure of \$10,735, with the prospect of an advance in rentals next year, when the options to purchase expire.

In addition to this, we have been using without cost to the Government (under license signed by the Governor of Vermont) 1,200 acres of State land. This privilege may be withdrawn at any time, which would entail the rental of additional privately owned areas at a considerably increased expenditure.

The present rental of the land now under lease amounts to 5.37 per cent of the proposed purchase price; and if we add the rental to be expected if the State-owned land is withdrawn, it is apparent that the purchase would pay for itself in the matter of rental alone in a few years.

It appears therefore that both from a military viewpoint and from a business viewpoint the acquisition of this tract is advisable.

If the Committee on Military Affairs wishes to have hearings upon the proposed legislation, the following-named officers are designated to appear before your committee:

Lieut. Col. J. A. Baer, G. S.

Maj. A. C. Sandeford, F. A.

The Director of the Bureau of the Budget has been consulted and advises that this proposed legislation is not in conflict with the financial program of the President.

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

Mr. O'CONNOR of Louisiana. Reserving the right to object, what is the cost?

Mr. HILL of Maryland. Two hundred thousand dollars; and that is less than the capitalization of the rental at the present time.

Mr. O'CONNOR of Louisiana. I will not object, but I can not help but express my amazement at the inconsistency of the War Department in selling certain property used by a State National Guard and immediately afterwards asking for authority to purchase land at a cost of \$200,000—

Mr. HILL of Maryland. I will say to my colleague—

Mr. O'CONNOR of Louisiana. Will the gentleman permit me to finish? Jackson Barracks, in the city of New Orleans, was purchased about 1843 by the Federal Government at a cost of \$43,000, and was used as a barracks by the Regular troops up to about four or five years ago, when it was abandoned and then a permit issued to the State National Guard of Louisiana to occupy that ground and the buildings. The State National Guard at the blast of the bugle, of course, will go out heel to heel and arm in arm with the Regular troops, but notwithstanding this military fact and our protest, the War Department determined that this property must be sold and the National Guard evicted, kicked out unceremoniously, though it is unquestionably a part of the Military Establishment of the country. It was with considerable difficulty that we secured a recognition of the claim of the National Guard on property which had been used for military purposes by the United States

Government. We thought that the bill authorizing the sale of the no longer used reservations and abandoned forts, as connected in conference, assured the State that it could purchase this property for its National Guard.

Mr. HILL of Maryland. I will say to the gentleman I have been a member of the National Guard for 20 years and I would not do anything to discriminate against the National Guard, but this does not discriminate—

Mr. O'CONNOR of Louisiana. It is an inconsistency to put the National Guard off of military property and acquire other property at a cost of \$200,000 for a rifle range. No sophistry or casuistry will conceal that fact.

Mr. LA GUARDIA. If the gentleman will permit, in the bill we passed two weeks ago a piece of property in the gentleman's State was being used by the National Guard and they improved it. We authorized the sale, and the Louisiana National Guard has to go out and buy property—

Mr. O'CONNOR of Louisiana. Have to pass the hat, as it were, to acquire that which should have been given to them. And now we find a coordinator with full knowledge of the attitude of Congress toward our National Guard and Jackson Barracks, recommending that a Federal department take it over.

Mr. HILL of Maryland. I will say that the Federal Government is now furnishing the National Guard money for such purposes.

Mr. O'CONNOR of Louisiana. I wanted to bring this current history about Jackson Barracks out. As a matter of fact, by this bill priority is given (and generally speaking there is no fault to find with that) to a department of the Federal Government to acquire such property, as mentioned in the bill to which I referred. Now, what happens? A coordinator in New Orleans, who should have known that general priority accorded to the Federal departments was subordinate to the preference expressly or impliedly given to the National Guard, was seized with a remarkable idea in reference to that property. Notwithstanding that Congress intended to give the State National Guard the right of preference he was seized with the extraordinarily fantastical idea that a department of the Federal Government should take possession, claim it, and devote it to what—to the building of a quarantine station and marine hospital right next to where the slaughterhouses and stockyards of New Orleans are located. Why, it is a wonder he did not suggest that the Federal employees customhouse or a play ground be put in between.

Mr. MADDEN. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. I will.

Mr. MADDEN. What is a coordinator?

Mr. O'CONNOR of Louisiana. I am inclined to give it up, but I will make a guess. I think he is a humbug.

Mr. MADDEN. What else?

Mr. O'CONNOR of Louisiana. Besides that, I do not know. I am willing to say a coordinator—

Mr. MADDEN. I am serious.

Mr. O'CONNOR of Louisiana. So am I.

Mr. MADDEN. What is his function?

Mr. O'CONNOR of Louisiana. The function apparently of a coordinator is to secure information relating to the coordinating of different activities of the Government and submitting it and his recommendation to the chief coordinator, who transmits them to the Bureau of the Budget.

Mr. MADDEN. Is he in the State Department, Commerce Department, or what?

Mr. O'CONNOR of Louisiana. I always thought he was, in a measure at least, a subordinate of the Bureau of the Budget.

Mr. MADDEN. Oh, no.

Mr. O'CONNOR of Louisiana. Oh, yes.

Mr. MADDEN. He is not in the Bureau of the Budget.

Mr. O'CONNOR of Louisiana. If the gentleman will take the Congressional Directory, as made up for several years following the creation of the coordinators, he will see that it was grouped with the Bureau of the Budget.

Mr. MADDEN. What department?

Mr. O'CONNOR of Louisiana. He is under the Bureau of the Budget.

Mr. MADDEN. General Smithers?

Mr. O'CONNOR of Louisiana. Yes. I am quite sure the coordinators were brought into existence to render some assistance, real or imaginary, to the Budget Bureau.

Mr. MADDEN. He is not a member of the Bureau of the Budget; he is in the Army.

Mr. O'CONNOR of Louisiana. Then the Congressional Directory as made up for several years was misleading, as well as the information I thought I had on the subject from the bureau itself.

Mr. MADDEN. Is he in the Army?

Mr. O'CONNOR of Louisiana. I imagine so. I think I know what is in the gentleman's mind. There are so many Army officers that something had to be found for them to do. But you have entirely thrown me out of the position that I have always assumed and which I still adhere to, and that is in assuming that the coordinators are a part of the Budget Bureau.

Mr. BEGG. In how long does the gentleman from Illinois expect to get through?

Mr. MADDEN. I was trying to give the gentleman from Louisiana some information.

Mr. O'CONNOR of Louisiana. For which I thank the gentleman from Illinois. I suppose he means the coordinators, to justify their existence, must deal in a lot of bunk. The idea of suggesting that a quarantine station should be located in a city near the Gulf of Mexico side by side with a marine hospital and next door to the slaughterhouses from which we get our meat supply is something that would not occur to me.

Mr. MADDEN. Was there serious objection to that?

Mr. O'CONNOR of Louisiana. Yes; almost a riotous one, or what threatened to be an enormous mass meeting, which was called off on the assurance of General Lord. I should imagine that the gentleman from Illinois, with his knowledge of a city like Chicago, with its hygienic and sanitary conditions and sociological problems arising from the stockyards and packing houses would understand the objection to a proposed coordination that would do violence to the pledge to the National Guard; and which for grotesque composition makes reasonable the weird confection of the three witches in Macbeth, around the caldron into which they threw hell broth, lizards' tails, and so forth.

Mr. MADDEN. I am asking for information. I knew the gentleman from Louisiana would have it. I knew there was no place else where I could get it so accurately as from the gentleman from Louisiana.

Mr. O'CONNOR of Louisiana. I thank the gentleman for the compliment; but I wonder if the gentleman from Illinois will not give expression in his characteristic way on some day when he is feeling fit, to his idea of coordinators. I hope I am present when he roars out "Bunk."

What I want to get to the House is the extraordinary suggestions of some coordinators and their plain disregard of the intent of Congress to give a preference to the National Guard of a State in reference to property which the Secretary of War is authorized to sell under certain circumstances.

Mr. MADDEN. I was ignorant of that fact.

Mr. O'CONNOR of Louisiana. Oh, the gentleman can not plead ignorance of any subject. He is the best informed man in the House, in my judgment. He knows coordinators and is just joshing. I am informed by an official high up in the health service that the recommendations of some of the coordinators would outdo in fancifulness any of the stories of de Maupassant or our own Edgar Allan Poe.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and empowered to acquire, by purchase, condemnation, or donation, a tract of land containing approximately 6,007 acres in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt., and there is hereby authorized to be appropriated for such purpose a sum not to exceed \$200,000 out of any money in the Treasury not otherwise appropriated.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

Mr. BRIGHAM. Mr. Speaker, I ask unanimous consent to extend in the Record my remarks on the rifle range at Fort Ethan Allen, Vt.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. BRIGHAM. Mr. Speaker, the need of this artillery range is unquestioned. Fort Ethan Allen is a Cavalry and Field Artillery post. The Regular Army forces stationed there require a range for practice firing. Furthermore, it is the policy of the War Department to train various branches of the Reserve Army at Regular Army posts garrisoned by troops of the same branches. Since all the Field Artillery of the First Corps Area is stationed at Fort Ethan Allen, this post must train all the Field Artillery training forces for the First Corps Area.

The provision now being made for a range for target practice is outlined in the report of Secretary of War Davis concerning this bill. He says:

It is necessary at present to rent a rather inadequate range at an annual expenditure of \$10,735, with the prospect of an advance in rentals next year when the options to purchase expire.

In addition to this we have been using, without cost to the Government (under license signed by the Governor of Vermont), 1,200 acres of State land. This privilege may be withdrawn at any time, which would entail the rental of additional privately owned areas at a considerably increased expenditure.

Now the situation is just this: The Government holds options on this property, and some additional property needed to make the range safe and adequate, with the privilege of purchase on or before January 1, 1927. All this property, as the Secretary of War points out, can be purchased at a price upon which the rental now paid for a part will pay 5.37 per cent of the interest. The Secretary states further:

If we add the rental to be expected if the State-owned land is withdrawn, it is apparent that the purchase would pay for itself in the matter of rental alone in a few years.

Senator GREENE shows in his statement the rental of the total area involved in this bill would cost the Government \$34,866 per annum.

Prompt action now in passing this bill will make possible saving of the rentals for the ensuing year, beginning June 1, and will insure the War Department at reasonable cost an adequate target range in the First Corps Area for training the regular and civilian components of the Army.

As the Secretary of War says, in conclusion:

It appears therefore that both from a military viewpoint and from a business viewpoint the acquisition of this tract is advisable.

ADJUSTMENT OF WATER-RIGHT CHARGES

The next business on the Consent Calendar was the bill (H. R. 10429) to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, to amend subsections E and F of section 4, act approved December 5, 1924, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SMITH. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice, and that it retain its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

RETIREMENT FOR NURSE CORPS OF ARMY AND NAVY

The next business on the Consent Calendar was the bill (H. R. 8953) to provide retirement for the nurse corps of the Army and Navy.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mrs. KAHN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice and retain its place on the calendar.

The SPEAKER. Is there objection to the request of the lady from California?

There was no objection.

CASPER-ALCOVA RECLAMATION PROJECT

The next business on the Consent Calendar was the bill (H. R. 10356) to provide for the diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WINTER. Mr. Speaker, I ask unanimous consent to have this bill passed over without prejudice, and that it may retain its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, two weeks ago when this bill was first called up I said to the author, Mr. WINTER, of Wyoming, that I would object to its consideration until I could confer with Mr. Carpenter, our Colorado River water commissioner, and see if we could not come to an understanding as to the respective rights of the two States in and to the waters of the North Platte River and its tributaries. With understanding, the gentleman

from Wyoming on the 5th instant asked that this bill be passed over without prejudice, and that was done.

The same bill passed the Senate without objection and is on this calendar now. I at once wired to our Colorado officials and Mr. Carpenter and our attorney general, Mr. Boardright, came on here from Colorado and they are here now and they and I are conferring with Mr. WINTER and Mr. Hopkins, and others are now endeavoring to come to an interstate agreement as to the fair division of the waters of that stream. Colorado and Wyoming have litigated over those waters for 12 years already, and we all hope that we may come to an amicable understanding and thereby obviate future litigations and controversy. So, if the gentleman from Wyoming will ask to pass the bill over again, I will not now object, and I trust before it comes up again we may reach an agreement between the two States.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

BIRTHPLACE OF HENRY WADSWORTH LONGFELLOW

The next business on the Consent Calendar was the bill (H. R. 8267) to authorize the coinage of copper 1-cent pieces to aid in the preservation of the birthplace of the world's best-loved poet, Henry Wadsworth Longfellow.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. THURSTON. Mr. Speaker, this measure was introduced by Mr. Thayer, of Massachusetts, late deceased, providing for the coinage of copper coins to aid in the preservation of the birthplace of Henry W. Longfellow. The Treasury Department has opposed the issuance of the coin, and the sponsors of the bill have suggested the substitution of a medal. I ask unanimous consent that the bill may be passed over without prejudice and retain its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

OVERLAND COMMUNICATIONS ON THE SEWARD PENINSULA, ALASKA

The next business on the Consent Calendar was the resolution (H. J. Res. 73) authorizing the improvement of the system of overland communications on the Seward Peninsula, Alaska.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. SUTHERLAND. Mr. Speaker, I ask unanimous consent that House Joint Resolution 73 be passed over without prejudice and retain its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

ARMY FIELD CLERKS

The next business on the Consent Calendar was the bill (H. R. 9512) to provide for appointing Army field clerks and field clerks, Quartermaster Corps, warrant officers, United States Army.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

Mr. VINSON of Kentucky. Mr. Speaker, I ask unanimous consent that Senate bill 3283 be substituted for the House bill.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the Senate bill 3283 be substituted for the House bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That hereafter Army field clerks and field clerks, Quartermaster Corps, now in active service, shall have the rank, pay, allowances, retirement privileges, and benefits of warrant officers, other than those of the Army Mine Planter Service, and the Secretary of War is hereby authorized and directed to appoint them warrant officers of the Regular Army: *Provided,* That in determining length of service for longevity pay and retirement they shall be credited with and entitled to count the same military service as now authorized for warrant officers, including service as Army field clerks and field clerks, Quartermaster Corps, and all classified field service rendered as headquarters clerks and clerks of the Quartermaster Corps: *Provided further,* That the limitation in the act of June 30, 1922, on the number of warrant officers, United States Army, shall not apply to the appointees hereunder.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill, 9512, was laid on the table.

ALASKA RAILROAD

The next business on the Consent Calendar was House Joint Resolution 96, to authorize the President to pay to surgeons employed on the Alaska Railroad such sums as may be due them under agreement with the Alaskan Engineering Commission or the Alaska Railroad.

The Clerk read the title of the resolution.

Mr. SUTHERLAND. Mr. Speaker, I ask unanimous consent that this resolution may be passed over without prejudice and retain its place on the calendar.

The SPEAKER. The gentleman from Alaska asks unanimous consent that House Joint Resolution No. 96 be passed over without prejudice and retain its place on the calendar. Is there objection?

There was no objection.

REVENUE ACT OF 1926

The next business on the Consent Calendar was the bill (H. R. 10501) to repeal section 806 of the revenue act of 1926.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. What is the necessity for this bill?

Mr. HAWLEY. The necessity of distributing stamps among the post offices in the country has been done away with by the repeal of the various excise taxes, and all that are sold now are sold in the large centers.

Mr. BLANTON. This is a unanimous report from the gentleman's committee?

Mr. HAWLEY. So far as I know, it was a unanimous report.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 806 of the revenue act of 1926 be, and is hereby, repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ARMY SUPPLY BASE, SOUTH BROOKLYN, N. Y.

The next business on the Consent Calendar was the bill (S. 1486) to authorize the Secretary of War to lease to the Bush Terminal Railroad Co. and to the Long Island Railroad use of railway tracks at Army supply base, South Brooklyn, N. Y.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I have an amendment that would require the discontinuance of an action that is now pending in the courts by this company against the United States; and in order to make it clear that that is the intent of Congress, I want to insert an amendment on page 2, line 8. If that amendment is accepted, I shall not object.

The SPEAKER. This bill requires three objections. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized, in his discretion, to enter into and execute, upon such terms and conditions as he considers advisable, a lease or leases, joint or several, to the Bush Terminal Railroad Co. and the Long Island Railroad authorizing, for the interchange of freight between said railroads during the term thereof, such use of the tracks of any Government railroad as may be maintained within the limits of the Army supply base at South Brooklyn, N. Y., as will not interfere with the proper and necessary use of said tracks by the Government in the transaction and operation of its own business at said Army supply base: *Provided,* That any such lease to the Bush Terminal Railroad Co. shall become effective only upon waiver and surrender by the Bush Terminal Railroad Co. of any and all claims against the United States in any manner accruing from, connected with, or growing out of the use, occupation, or curtailment by the United States of the franchise rights of said railroad company and of any and all claims of any character whatsoever against the United States, except for any balance which may be due such railroad company for the physical value of track and overhead appropriated and retained by the United States. The term of any such lease shall be for such period as the

Secretary of War shall determine, not in excess of the unexpired portion of any franchise so appropriated or any renewal thereof.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 8, after the word "States," insert: "And the discontinuance, without cost, of any action now pending by the said company against the United States."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

EQUALIZATION OF PAY OF RETIRED OFFICERS

The next business on the Consent Calendar was the bill (H. R. 5840) to equalize the pay of retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

The SPEAKER. This bill requires three objections.

Mr. HILL of Alabama and Mr. MILLIGAN also objected.

ONE HUNDRED AND FIFTIETH ANNIVERSARIES OF THE INDEPENDENCE OF VERMONT AND THE BATTLE OF BENNINGTON

The next business on the Consent Calendar was House Joint Resolution No. 176, establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversaries of the independence of Vermont and the Battle of Bennington, and authorizing an appropriation to be utilized in connection with such observance.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. WELSH. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice and retain its place on the calendar.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that this resolution be passed over without prejudice and retain its place on the calendar. Is there objection?

There was no objection.

FISHERIES OF ALASKA

The next business on the Consent Calendar was the bill (H. R. 9210) to amend section 1 of the act of Congress of June 6, 1924, entitled "An act for the protection of the fisheries of Alaska, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act of Congress of June 6, 1924, entitled "An act for the protection of the fisheries of Alaska, and for other purposes," is amended so that it will read as follows:

"SECTION 1. That for the purpose of protecting and conserving the fisheries of the United States in all waters of Alaska the Secretary of Commerce from time to time may set apart and reserve fishing areas in any of the waters of Alaska over which the United States has jurisdiction, and within such areas may establish closed seasons during which fishing may be limited or prohibited as he may prescribe. Under this authority to limit fishing in any area so set apart and reserved the Secretary may (a) fix the size and character of nets, boats, traps, or other gear and appliances to be used therein; (b) limit the catch of fish to be taken from any area; (c) make such regulations as to time, means, methods, and extent of fishing as he may deem advisable. From and after the creation of any such fishing area and during the time fishing is prohibited therein it shall be unlawful to fish therein or to operate therein any boat, seine, trap, or other gear or apparatus for the purpose of taking fish; and from and after the creation of any such fishing area in which limited fishing is permitted such fishing shall be carried on only during the time, in the manner, to the extent, and in conformity with such rules and regulations as the Secretary prescribes under the authority herein given: *Provided,* That every such regulation made by the Secretary of Commerce shall be of general application within the particular area to which it applies, and that no exclusive or several right of fishery shall be granted therein, nor shall any citizen of the United States be denied the right to take, prepare, cure, or preserve fish or shellfish in any area of the waters of Alaska where fishing is permitted by the Secretary of Commerce. The right herein given to establish fishing

areas and to permit limited fishing therein shall not apply to any creek, stream, river, or other bodies of water in which fishing is prohibited by specific provisions of this act, but the Secretary of Commerce, through the creation of such areas and the establishment of closed seasons, may further extend the restrictions and limitations imposed upon fishing by specific provisions of this or any other act of Congress: *Provided further*, That the Secretary of Commerce is hereby authorized to permit the taking of fish or shellfish, for bait purposes only, at any or all seasons in any or all Alaskan Territorial waters.

"It shall be unlawful to import or bring into the Territory of Alaska, for purposes other than personal use and not for sale or barter, salmon from waters outside the jurisdiction of the United States taken during any closed period provided for by this act or regulations made thereunder."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

DAM ACROSS THE POTEAU RIVER

The next business on the Consent Calendar was the bill (H. R. 4080) granting the consent of Congress to the city of Fort Smith, Sebastian County, Ark., and the Fort Smith waterworks district of said city to construct, maintain, and operate a dam across the Poteau River.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CARTER of Oklahoma, Mr. CRAMTON, and Mr. McCLINTIC objected.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 120. An act fixing the fees of jurors and witnesses in the United States courts, including the District Court of Hawaii, the District Court of Porto Rico, and the Supreme Court of the District of Columbia;

H. R. 5858. An act for the relief of Charles Ritzel;

H. R. 6874. An act for the relief of James Madison Brown; and

H. R. 8192. An act authorizing the designation of postmasters by the Postmaster General as disbursing officers for the payment of contractors, emergency carriers, and temporary carriers for performance of authorized service on power-boat and star routes in Alaska.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10198) making appropriations for the government of the District of Columbia and other activities chargeable, in whole or in part, against the revenues of such District for the fiscal year ending June 30, 1927, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and ordered that Mr. PHIPPS, Mr. JONES of Washington, Mr. CAPPER, Mr. GLASS, and Mr. KENDRICK be appointed as the conferees on the part of the Senate.

JUPITER, FLA.

The next business on the Consent Calendar was the bill (H. R. 8903) to donate to the town, municipality, or city of Jupiter, Fla., for park purposes, the abandoned tract or tracts of land formerly used as a life-saving station.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, will the gentleman from Florida [Mr. SEARS] accept an amendment to sell this land en bloc instead of going into the retail real-estate business? If the gentleman will, I shall be glad to withdraw my objection.

Mr. SEARS of Florida. My friend, the gentleman from Ohio, knows the esteem in which I hold him, and will the gentleman permit an amendment to that providing that 5 acres be reserved for park purposes?

Mr. CRAMTON. Mr. Speaker, I want to join in the appeal of the gentleman from Florida. I think there ought to be some place down there where somebody can sit down for half an hour without paying rent.

Mr. LA GUARDIA. Or take a swim.

Mr. CRAMTON. I hope the gentleman from Ohio will accept the amendment from the gentleman from Florida.

Mr. BEGG. Let me hear the amendment of the gentleman.

Mr. SEARS of Florida. Provided that not less than 5 acres be reserved for park purposes.

Mr. BEGG. Five acres of ocean front?

Mr. SEARS of Florida. Yes.

Mr. BEGG. I do not object to that, although I do not accept it with any enthusiasm.

Mr. SEARS of Florida. I will say to my good friend from Ohio, in order that my record may be kept clear, that I have opposed the block sale in Florida for this reason: If you sell it in block only one man can bid on it. Therefore, you are not going to get as much for it as you would if you sold it in lots. In the sale of Chapman Field I protested, and the War Department has that protest on file. The Government will perhaps have to come here, and I will have to ask my good friend and colleague from Illinois [Mr. MADDEN] to make an appropriation of nearly as much as they got for the 600 acres for the purchase of 100 acres for a landing field. I did that in good faith because, as I have said, I want everybody to have a chance to bid on these lots. It is to be a public sale, and you can not buy for less than the appraised value. My friends, the gentleman from New York [Mr. LA GUARDIA] and the gentleman from Oregon [Mr. SINNOTT] and other members of the committee know this is not the bill I drew up; but I accept this bill because it is the best I can get, and I will accept the amendment of the gentleman from Ohio with my amendment because I realize the situation.

Mr. BEGG. I will say, and I think this ought to be said, inasmuch as the gentleman has made his statement, my reason for objecting to the Government going into the retail real-estate business is this: I think the net return to the Government from a block sale will be greater than if we go into the retail business. If we have 5 or 10 lots left or if anybody defaults on any of them, we have got to go through a suit of foreclosure and collection, and the amount of money spent by the Interior Department agents in running back and forth down there will eat up half the gross proceeds. I think if we want to sell it, we should sell it in block and get rid of it, and I will not object to the gentleman's amendment with respect to 5 acres, although I do not think that is necessary.

Mr. SINNOTT. Does the gentleman think that his amendment is a wise one?

Mr. BEGG. Yes; or I would not offer it.

Mr. SINNOTT. This property is worth \$10,000 an acre, and there are 80 acres of it. Only some one possessing \$700,000 or \$1,000,000 ready to invest it in this kind of property can buy it. It is only some real-estate speculator who would enter into a proposition of that kind who will buy it.

Mr. BEGG. Will the gentleman yield right there?

Mr. SINNOTT. In just a moment. Let the department divide the property up as the department contemplates doing and then you will have a number of bidders and will not practically turn it over to some wealthy individual who is the only person who can buy under your proposition. This matter has had very careful consideration by the Secretary of the Interior and also by the Public Lands Committee of the House.

Mr. BEGG. Will the gentleman yield now?

Mr. SINNOTT. Yes.

Mr. BEGG. In this property that the War Department was permitted to sell a few weeks ago, are they going to divide that up into small farms or lots or sell it en gros?

Mr. SINNOTT. I do not know what they are going to do, and I know nothing about that property; but I do know something about this situation.

Mr. BEGG. It seems to me it is entirely a wrong theory of governmental activity to put the Government into the allotment business in selling lots.

Mr. SINNOTT. They have frequently done that for years and years and have handled it successfully.

Mr. BEGG. And just a few weeks ago we had a bill up here to correct and clean up a sale of that kind in Alaska.

Mr. SINNOTT. And we have had hundreds of bills to clean up general-block sales?

Mr. CRAMTON. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. CRAMTON. When the Interior Department sells land there is no large charge against it for expenses. The expense of the sale is a very small percentage, according to their way of doing business, because they do not go outside and get expensive auctioneers, and so forth.

Mr. BEGG. Will the gentleman yield for a question on that point?

Mr. CRAMTON. Yes.

Mr. BEGG. How are they going to sell this land in lots unless they have it surveyed and run off and everything of that kind?

Mr. SEARS of Florida. That does not cost much.

Mr. CRAMTON. We have our surveying service. I think there is a great deal of merit in what the gentleman from Oregon has said. The gentleman is very familiar with the

handling of public lands. In an \$800,000 proposition you limit the opportunity for the Government to get its fair value.

Mr. SEARS of Florida. If the gentleman will yield, it simply means one man can bid on this land, but the other way gives everybody a chance.

Mr. LA GUARDIA. What will happen is that some New York corporation or some other group of men will go down there, bid on it in block, and then they will cut it up into lots and sell it and make an enormous profit.

Mr. SEARS of Florida. To be frank with my friend, I know that is the case right now. There is one party prepared to bid on this land.

Mr. BEGG. My answer to that is if the Government sells it in one lump, I do not care whether there is 1 bidder or 10 bidders, the Government will have its money. If the Government goes into the allotment business, they probably will not get the money.

Mr. WOODRUFF. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. WOODRUFF. Judging from what has been said about this particular land, it seems to me if your plan is followed we are simply turning this land over to a certain individual down there at his own price.

Mr. BEGG. Oh, no.

Mr. WOODRUFF. If there is to be only one bidder, what other answer can there be?

Mr. BEGG. This is to be a sale at public auction.

Mr. WOODRUFF. If there is only one man who can handle it, it will go at his own price.

Mr. BEGG. I think there will be more than one bidder.

Mr. WOODRUFF. If the gentleman from Ohio insists on his amendment, I shall object to the bill.

Mr. SINNOTT. I fear that the proposition of the gentleman from Ohio will just invite some wealthy syndicate or some syndicate to get together and handle that property.

Mr. BEGG. Well, let the matter go over until we can talk it over. I am thoroughly committed, I will say to the gentleman from Florida. Men came to me from this small town to get me to withdraw my objection. Before I was through they said that I was right and thanked me and did not want it allotted. Here is what will happen: Suppose the Government fails to sell five lots, or two lots, before they can improve a street they have to come and get permission of Congress—

Mr. MADDEN. Mr. Speaker, I call for the regular order.

Mr. BEGG. I shall object unless my amendment is adopted.

Mr. WOODRUFF. And I shall object to the bill if the amendment is agreed to.

The SPEAKER pro tempore. Is there objection?

Mr. HILL of Maryland, Mr. WELSH, and Mr. BEGG objected.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill retain its place on the calendar.

Mr. BEGG. This bill has been objected to three times, and that takes the bill off the calendar.

The SPEAKER pro tempore. Objection is heard, and the clerk will report the next bill.

TO VALIDATE CERTAIN DECLARATIONS OF INTENTION

The next business on the Consent Calendar was the bill (H. R. 3859) to validate certain declarations of intentions.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That so much of the seventh subdivision of section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended, as reads as follows: "Provided, That it shall not be lawful to make a declaration of intention before the clerk of any court on election day or during the period of 30 days preceding the day of holding of any election within the jurisdiction of the court," is repealed.

SEC. 2. No declaration of intention heretofore filed in disregard of so much of such act of 1906 as is above repealed shall be held invalid for such cause.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ALLOTING WAR TROPHIES TO THE AMERICAN LEGION MUSEUM

The next business on the Consent Calendar was the joint resolution (H. J. Res. 114) directing the Secretary of War to allot war trophies to the American Legion Museum.

The SPEAKER pro tempore. Is there objection?

Mr. WAINWRIGHT. Mr. Speaker, reserving the right to object, I have just been informed that the Senate has passed this identical resolution. I ask unanimous consent that the Senate resolution may be substituted for the House resolution.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate Joint Resolution 91, as follows:

Resolved, etc., That the Secretary of War be directed to allot and deliver without cost to the United States, to the National Museum of the American Legion at its national headquarters, a representative collection of captured and surrendered war devices and trophies of the World War, to be selected from those war devices and trophies not otherwise allotted and accepted for distribution in accordance with law; *Provided,* That acceptance, shipment, and delivery shall be made within a reasonable time and under the laws and regulations, except as herein provided, that are now applicable to acceptance, shipment, and delivery of war devices and trophies to the States, Territories, possessions of the United States, and the District of Columbia.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

House Joint Resolution 114 was laid on the table.

DISTRIBUTION OF THE SUPREME COURT REPORTS

The next business on the Consent Calendar was the bill (H. R. 10701) to provide for the distribution of the Supreme Court reports and amending section 227 of the Judicial Code.

The SPEAKER pro tempore. Is there objection?

Mr. MADDEN. I object.

Mr. GRAHAM. What is the gentleman's objection?

Mr. MADDEN. There are not sufficient now to give all the district attorneys a copy of these reports, and until a sufficient number is provided I think we ought to confine the Army to a study of military tactics.

Mr. GRAHAM. It makes a difference of only 12 reports. This is to furnish the court-martials approved by the Attorney General and the Secretary of War and is approved by the Bureau of the Budget.

PURCHASE OF QUARANTINE STATIONS, TEX.

The next business on the Consent Calendar was the bill (H. R. 10782) relating to the purchase of quarantine stations from the State of Texas.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BOX. Mr. Speaker, I ask unanimous consent to substitute for this bill a similar Senate bill (S. 3287) now on the Speaker's table.

Mr. BEGG. Mr. Speaker, is it the same bill?

Mr. BOX. It is identical.

The SPEAKER pro tempore. Is there objection to the substitution of the similar Senate bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the authority contained in the sundry civil act approved June 5, 1920 (41 Stats. p. 875), may be construed to permit of the purchase of the lands, and/or buildings, and/or equipment, or portions thereof, of the quarantine stations of the State of Texas to which good and sufficient title can be conveyed by the State of Texas to the United States without regard to the quarantine system or stations as a whole, appropriate deduction to be made from the appropriation therefor on account of such property to which good title can not be given by the State of Texas, using as a basis therefor the joint-appraisal report of representatives of the United States Government and the State of Texas, dated August 16, 1919.

SEC. 2. No buildings shall be purchasable under the authority of this act unless title can be given by the State of Texas to land on which situated, except in the case of those buildings of the quarantine station at Galveston, Tex., now situated on land owned by the United States Government, payment for which buildings is hereby authorized if good and sufficient title in the State of Texas can otherwise be shown to said buildings.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The similar House bill (H. R. 10782) was ordered to lie on the table.

INSURANCE COMPANIES TO FILE BILLS OF INTERPLEADER

The next business on the Consent Calendar was the bill (S. 2296) authorizing insurance companies or associations or fraternal or beneficial societies to file bills of interpleader.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this is the usual interpleader where there are two claimants to the same insurance?

Mr. GRAHAM. Yes.

Mr. LAGUARDIA. I have no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the district courts of the United States shall have original jurisdiction to entertain and determine suits in equity begun by bills of interpleader duly verified, filed by any insurance company or association or fraternal or beneficial society, and averring that one or more persons who are bona fide claimants against such company, association, or society resides or reside within the territorial jurisdiction of said court; that such company, association, or society has issued a policy of insurance or certificate of membership providing for the payment of \$500 or more as insurance, indemnity, or benefits to a beneficiary, beneficiaries, or the heirs, next to kin, legal representatives, or assignee of the person insured or member; that two or more adverse claimants, citizens of different States, are claiming to be entitled to such insurance, indemnity, or benefits; that such company, association, or society has paid the amount thereof into the registry of the court, there to abide the judgment of the court.

SEC. 2. In all such cases if the policy or certificate is drawn payable to the estate of the insured and has not been assigned in accordance with the terms of the policy or certificate the district court of the district of the residence of the personal representative of the insured shall have jurisdiction of such suit. In case the policy or certificate has been assigned during the life of the insured in accordance with the terms of the policy or certificate, the district court of the district of the residence of the assignee or of his personal representative shall have jurisdiction. In case the policy or certificate is drawn payable to a beneficiary or beneficiaries and there has been no such assignment as aforesaid the jurisdiction shall be in the district court of the district in which the beneficiary or beneficiaries or their personal representatives reside. In case there are beneficiaries resident in more districts than one, then jurisdiction shall be in the district court in any district in which a beneficiary or the personal representative of a deceased beneficiary resides. Notwithstanding any provision of the Judicial Code to the contrary, said court shall have power to issue its process for all such claimants and to issue an order of injunction against each of them, enjoining them from instituting or prosecuting any suit or proceeding in any State court or in any other Federal court on such policy or certificate of membership until the further order of the court; which process and order of injunction shall be returnable at such time as the said court or a judge thereof shall determine and shall be addressed to and served by the United States marshals for the respective districts wherein said claimants reside or may be found.

SEC. 3. Said court shall hear and determine the cause and shall discharge the complainant from further liability; and shall make the injunction permanent and enter all such other orders and decrees as may be suitable and proper, and issue all such customary writs as may be necessary or convenient to carry out and enforce the same.

SEC. 4. Public Act No. 346, Sixty-fourth Congress, entitled "An act authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader," approved February 22, 1917, and Public Act No. 465, Sixty-eighth Congress, entitled "An act to amend an act entitled 'An act authorizing insurance companies or associations and fraternal beneficiary societies to file bills of interpleader,' approved February 22, 1917," approved February 25, 1925, be and the same are hereby repealed. Said repeal shall not affect any act done or any right, accruing or accrued in any suit or proceeding had or commenced under said acts hereby repealed, prior to the passage of this act, but all such acts or rights, suits or proceedings shall continue and be valid and may be prosecuted and enforced in the same manner as if said acts had not been repealed hereby.

Mr. GRAHAM severally offered the following amendments, and they were severally agreed to:

Page 1, line 5, after the word "any," insert "casualty company, surety company."

Page 1, line 10, after the word "society," insert "has in its custody or possession money or property of the value of \$500 or more, or."

Page 1, line 11, after the word "issued," insert a bond or."

Page 1, line 12, after the word "more," insert "to the obligee or obligees in such bond or."

Page 2, line 5, after the word "to," insert "such money or property or the penalty of such bond, or to."

Page 2, line 6, after the word "has," insert "deposited such money or property or has."

Page 2, line 6, after the word "amount," insert the word "thereof."

Page 2, line 23, after the word "are," insert "claimants of such money or property, of in case there are."

Page 2, line 24, after the word "beneficiaries," insert "under any such bond or policy."

Page 3, line 1, after the word "or," insert "a claimant or."

Page 3, line 1, after the word "deceased," insert "claimant or."

Page 3, line 7, after the words "Federal Court," insert "on account of such money or property or on such bond or."

The bill as amended was ordered to be read a third time, was read a third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AUTHORIZING INSURANCE COMPANIES TO FILE BILLS OF INTERPLEADER

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, the bill S. 2296 authorizes insurance companies or associations or fraternal or beneficial societies to file bills of interpleader. The House Judiciary Committee has favorably reported this bill as follows:

(Report to accompany S. 2296)

The Committee on the Judiciary, to whom was referred the bill S. 2296, after consideration, report the same favorably and recommend that the bill do pass.

The only change made in the present law by this bill is found in the last sentence of section 2 of the bill as follows:

"Notwithstanding any provision of the Judicial Code to the contrary, said court shall have power to issue its process for all such claimants and to issue an order of injunction against each of them, enjoining them from instituting or prosecuting any suit or proceeding in any State court or in any other Federal court on such policy or certificate of membership until the further order of the court, which process and order of injunction shall be returnable at such time as the said court or a judge thereof shall determine and shall be addressed to and served by the United States marshals for the respective districts wherein said claimants reside or may be found."

The amendment is necessary in order to make more adequate the power of the court in the handling and disposition of bills of interpleader in suits authorized by the act of February 25, 1925, which is reenacted by this bill.

Baltimore is the home city of the surety companies. The Fidelity & Deposit Co., the United States Fidelity & Guaranty Co., the Maryland Casualty Co., and various other great companies are deeply interested in the pending legislation. As the bill passed the Senate and has been reported to the House it did not contain certain amendments which should be included in order to take care of the surety companies. Senator BRUCE has gone over this whole matter with Senator PEPPER, who introduced S. 2296, and Senator PEPPER has no objection to casualty and surety companies being included. The gentleman from Pennsylvania [Mr. GRAHAM] has agreed to the desired amendments to the present bill, which are as follows:

AMENDMENTS TO SENATE BILL 2296

A bill (S. 2296) authorizing insurance companies or associations or fraternal or beneficial societies to file bills of interpleader

Amend page 1, line 5, by inserting at the end thereof, after the word "any," the words "casualty company, surety company."

Amend page 1, line 10, by inserting at the end thereof, after the word "society," the words "has in its custody or possession money or property of the value of \$500 or more, or."

Amend page 1, line 11, by inserting after the word "issued" the words "a bond or."

Amend page 1, line 12, by inserting after the word "more" the words "to the obligee or obligees in such bond or."

Amend page 2, line 5, by inserting after the word "to" the words "such money or property or the penalty of such bond, or to."

Amend page 2, line 6, by inserting after the word "has" the words "deposited such money or property or has."

Amend page 2, line 6, by striking out the word "thereof" and inserting the words "of such bond or policy."

Amend page 2, line 23, by inserting at the end thereof, after the word "are," the words "claimants of such money or property or in case there are."

Amend page 2, line 24, by inserting after the word "beneficiaries" the words "under any such bond or policy."

Amend page 3, line 1, by inserting at the beginning, before the word "a," the words "a claimant or."

Amend page 3, line 1, by inserting at the end of the line, after the word "deceased," the words "claimant or."

Amend page 3, line 7, by inserting after the words "Federal court" the words "on account of such money or property or on such bond or."

In reference to this bill, I am advised by the Fidelity & Deposit Co. as follows:

The statute which is sought to be amended was passed some eight or nine years ago after an insurance company had been put in the unfortunate position of having a suit instituted against it in one State by one set of alleged heirs of a man and a similar suit in another State by another set, the result being that they were held liable in both suits, and therefore paid the amount of the policy twice. Senator PEPPER's amendment is, as I understand it, only intended to straighten out some of the procedure in order to accomplish the result originally intended. Our amendment is intended to bring casualty and surety companies within the provisions of the statute, so as to give us similar protection. While casualty and surety companies are for many purposes treated by the Government as insurance companies, the original wording of the bill and Senator PEPPER's amendment is not broad enough to bring casualty and surety companies within its provisions, as the language used contemplates an insurance policy only. The necessity for such protection to surety and casualty companies is illustrated by a recent experience we had. Under a bond given to protect all the shippers of grain to a certain elevator in Minnesota our principal defaulted, and we were ready and willing to pay the penalty of our bond, but there was no one to whom we could pay, as the claims exceeded the amount of the bond, and some of the shippers lived in Minnesota, some in Iowa, and some in the Dakotas. The result was that we had not only to pay the penalty of our bond but over \$6,000 interest and several thousand dollars in attorney's fees and expenses, all of which would have been obviated if we could have filed a bill of interpleader and paid the money into court. While, unfortunately, such cases are not frequent occurrences, they are becoming more frequent as time goes by, and, as you well know, business does not regard State lines, which do, however, fix the limits of the jurisdiction of the courts.

The pending bill is an important one, and the amendments materially extend the usefulness of the legislation here enacted.

COINAGE OF COPPER 1-CENT PIECES

Mr. THURSTON. Mr. Speaker, I ask unanimous consent to return to Calendar No. 289 (H. R. 8267) to authorize the coinage of copper 1-cent pieces to aid in the preservation of the birthplace of the world's best loved poet, Henry Wadsworth Longfellow.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Is that the Thayer bill?

Mr. THURSTON. Yes; but we have a substitute which we desire to offer.

Mr. BLANTON. But we want to see the substitute first. The gentleman ought to wait until the next day the calendar is called. We do not know what the substitute is. I hope the gentleman will not ask for that now. We are going to have another consent day.

Mr. CRAMTON. It is very short.

Mr. BLANTON. Mr. Speaker, for the present I object.

The SPEAKER pro tempore. Objection is heard.

AMENDING THE IMMIGRATION ACT OF 1924

The next business on the Consent Calendar was the bill (H. R. 10661) to amend the immigration act of 1924.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That subdivision (d) of section 4 of the immigration act of 1924 is amended by adding at the end thereof the following: "an immigrant who is the wife, or the unmarried child under 18 years of age, of an alien resident of the United States who entered the United States prior to July 1, 1924, and who continuously for at least two years immediately preceding the time of his admission to the United States for permanent residence was, and who entered the United States solely for the purpose of carrying on the vocation of minister of any religious denomination or professor of a college, academy, seminary, or university, if such immigrant is following to join such alien; or"

SEC. 2. Despite the provisions of the immigration act of 1924, the Secretary of Labor is authorized to admit to the United States for permanent residence any otherwise admissible alien who (1) is the wife or the unmarried child under 18 years of age of an alien resident of the United States who entered the United States prior to July 1, 1924, and who continuously for at least two years immediately preceding the

time of his admission to the United States for permanent residence was, and who entered the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination or professor of a college, academy, seminary, or university, and (2) who arrived at a United States port of entry between May 26, 1924, and July 1, 1924, and were thereafter temporarily admitted.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

DISPOSITION OF MONEYS OF LEGALLY ADJUDGED INSANE OF ALASKA

The next business on the Consent Calendar was the bill (S. 3213) to provide for the disposition of moneys of the legally adjudged insane of Alaska who have been cared for by the Secretary of the Interior.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, is not the five-year period provided for in the bill too short a time to hold this money and convert it into the Treasury?

Mr. DRIVER. Five years after paid in, and five years in which to make payment, and the five-year limit is predicated upon the theory of the investigation that is required by the Interior Department to ascertain the location of the—

Mr. LaGUARDIA. Is the proof required to recover when it is converted into the Treasury any greater than if made in five years when in the custody of the Department of the Interior?

Mr. DRIVER. Not at all.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That hereafter all moneys belonging to persons legally adjudged insane in the Territory of Alaska and deposited by them with the person, firm, corporation, or institution under contract with the Department of the Interior for the care of the Alaskan insane who have died in such institution, or under the care of such person, firm, or corporation, been discharged therefrom, or who have eloped and whose whereabouts is unknown, shall, if unclaimed by said person or their legal heirs within the period of five years from the time of death of the person or the date of the leaving of the institution, or the care of such person, firm, or corporation, be covered into the Treasury by the Secretary of the Interior: *Provided, however,* That the unclaimed moneys belonging to those who have heretofore died or left the institution, or the care of such person, firm, or corporation, prior to the date of this act, shall, at the end of five years from the passage of this act, also be deposited in the Treasury, subject, however, to reclamation by such persons or their legal heirs within five years from the date of this act.

SEC. 2. The Secretary of the Interior is authorized and directed, under such regulations as he may prescribe, to make or cause diligent inquiry to be made, in every instance after the death, discharge, or elopement of any legally adjudged insane person of Alaska, to ascertain his whereabouts, or that of his or her legal heirs, and thereafter turn over to the proper party any moneys in the hands of the institution, person, firm, or corporation, etc., to the credit of such person. Claims may be presented to the Secretary of the Interior hereunder at any time, and when established by competent proof in any case more than five years after the death, discharge, or elopement of such legally adjudged insane person of Alaska, shall be certified to Congress for consideration.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ROCKY MOUNTAIN NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 9390) to eliminate certain privately owned lands from the Rocky Mountain National Park and to transfer certain other lands from the Rocky Mountain National Park to the Colorado National Forest, Colo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That portions of the north and east boundary of the Rocky Mountain National Park are hereby revised as follows: "North boundary, beginning at the northwest corner of the northeast quarter of the northeast quarter of section 33, township 7 north, range 74 west, being a point on the present north boundary line of the Rocky Mountain National Park; thence southerly to the southwest corner of the northeast quarter of the northeast quarter of said section; thence westerly to the southeast corner of the northwest quarter of the northwest quarter of said section; thence northerly to the north-

east corner of the northwest quarter of the northwest quarter of said section, being a point on the present north boundary line of the Rocky Mountain National Park and the end of the above-described change of said boundary; and

East boundary, beginning at the northeast corner of section 3, township 3 north, range 73 west of the sixth principal meridian, Colorado, being a point on the present east boundary line of Rocky Mountain National Park; thence westerly along the township line to the northwest corner of said section; thence northerly along section line to the southwest corner of the northwest quarter of section 34, township 4 north, range 73 west; thence easterly to the southeast corner of the southwest quarter of the northwest quarter of said section; thence northerly to the northeast corner of the northwest quarter of the northwest quarter of said section; thence westerly to the northwest corner of said section; thence northerly along section lines to the southwest corner of the northwest quarter of the southwest quarter of section 22, said township; thence easterly to the southeast corner of the northeast quarter of the southwest quarter of said section; thence northerly to the southwest corner of the northwest quarter of the northeast quarter of said section; thence easterly to the southeast corner of the northeast quarter of the northeast quarter of said section; thence northerly along section lines to the northeast corner of the southeast quarter of the southeast quarter of section 15, said township; thence westerly to the northwest corner of the southwest quarter of southeast quarter of said section; thence northerly, passing through the northeast corner of the northwest quarter of said section, to the northeast corner of the southeast quarter of the southwest quarter of section 10, said township; thence westerly to the northwest corner of the southeast quarter of the southwest quarter of said section; thence northerly to the northeast corner of the northwest quarter of the southwest quarter of said section; thence westerly, passing through the northwest corner of the southwest quarter of said section, to the northwest corner of the northeast quarter of the southwest quarter of section 9, said township; thence southerly to the northeast corner of the southwest quarter of the southwest quarter of said section; thence westerly to the northwest corner of the southwest quarter of the southwest quarter of said section; thence northerly along section lines to the northeast corner of the southeast quarter of the southeast quarter of section 5, said township; thence westerly to the northwest corner of the southeast quarter of the southeast quarter of said section; thence southerly to the southwest corner of the southeast quarter of the southeast quarter of said section; thence westerly along section line to the southeast corner of the southwest quarter of said section; thence northerly to the northeast corner of the southwest quarter of said section; thence westerly to the northwest corner of the southwest quarter of said section; thence northerly along section line to the northeast corner of section 6, said township; thence easterly along the first correction line north to the southeast corner of the southwest quarter of section 32, township 5 north, range 73 west; thence northerly to the northeast corner of the northwest quarter of said section; thence westerly along section line to the northwest corner of said section; thence northerly along section lines to the southwest corner of the northwest quarter of the southwest quarter of section 20, said township; thence easterly to the northwest corner of the southeast quarter of the southeast quarter of said section; thence southerly, passing through the southwest corner of the southeast quarter of the southeast quarter of said section, to the southwest corner of the northeast quarter of the northeast quarter of section 20, said township; thence easterly to the southeast corner of the northeast quarter of the northeast quarter of said section; thence southerly to the southwest corner of the northwest quarter of section 28, said township; thence easterly to the southeast corner of the southwest quarter of the northwest quarter of said section; thence northerly to the northeast corner of the southwest quarter of the northwest quarter of said section; thence easterly, passing through the southeast corner of the northeast quarter of the northeast quarter of said section, to the southeast corner of the northeast quarter of the northeast quarter of section 27, said township; thence northerly along section line to the northeast corner of said section; thence westerly along section line to the southeast corner of the southwest quarter of the southwest quarter of section 22, said township; thence northerly to the northeast corner of the northwest quarter of the northwest quarter of said section; thence westerly along section lines to the southeast corner of the southwest quarter of section 16, said township; thence northerly to the northeast corner of the southeast quarter of the southwest quarter of said section; thence westerly to the northwest corner of the southwest quarter of the southwest quarter of said section; thence northerly along section line to the center line of the north branch of Fall River; thence northwesterly along the center line of the north branch of Fall River to the west line of the east half of the east half of section 17, said township; thence southerly to the northeast corner of the southwest quarter of the southeast quarter of said section; thence westerly to the northwest corner of the southwest quarter of the southeast quarter of said section; thence southerly to the southwest corner of the southeast quarter of said section; thence westerly along section line to the southeast corner of

section 18, said township; thence northerly along section line to the northeast corner of said section; thence easterly along section line to the northwest corner of section 16, said township; thence southerly along section line to the southwest corner of the northwest quarter of the northwest quarter of said section; thence easterly to the northwest corner of the southwest quarter of the northeast quarter of said section; thence southerly to the southwest corner of the northeast quarter of said section; thence easterly, passing through the southeast corner of the northeast quarter of said section, to the northwest corner of the northeast quarter of the southwest quarter of section 15, said township; thence southerly to the southwest corner of the northeast quarter of the southwest quarter of said section; thence easterly to the southeast corner of the northeast quarter of the southwest quarter of said section; thence northerly to the southwest corner of the northeast quarter of the southwest quarter of said section; thence easterly on mid-section lines to the southeast corner of the northwest quarter of section 18, township 5 north, range 72 west; thence northerly to the southwest corner of the northwest quarter of the northeast quarter of said section; thence easterly to the southeast corner of the northeast quarter of the northeast quarter of said section; thence northerly along section lines to the northeast corner of section 7, said township; thence westerly along section line to the southeast corner of the southwest quarter of section 6, said township; thence northerly to the northeast corner of the southeast quarter of the southwest quarter of said section; thence westerly to the northwest corner of the southwest quarter of the southwest quarter of said section; thence northerly to the northwest corner of the southwest quarter of said section, being a point on the present east boundary line of Rocky Mountain National Park and the end of the change of said boundary: *Provided, however,* That the following lands shall remain and be a part of the Rocky Mountain National Park: The northwest quarter of the northeast quarter and the east half of the northeast quarter of the northwest quarter of section 34, township 5 north, range 73 west; all of that portion of the following-described lands located in township 4 north, range 73 west, lying west of the hydrographic divide that forms the eastern boundary of the watershed of Cow Creek and of Aspen Brook; the east half of the northeast quarter of section 35; the east half of the southeast quarter and the southeast quarter of the northeast quarter of section 20; section 24; section 25; the east half of section 23: *Provided further,* That those portions of the following-described lands that are hereby excluded from the Rocky Mountain National Park, are hereby transferred to and made a part of the Colorado National Forest, subject to all laws and regulations applicable to national forests: The northwest quarter of the northeast quarter and northeast quarter of the northwest quarter, section 33, township 7 north, range 74 west; section 6, township 5 north, range 72 west; the southeast quarter of the southeast quarter of section 34, township 5 north, range 73 west; sections 3, 10, and 15, township 4 north, range 73 west.

SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion, to permit, by license, lease, or other authorization, the use of necessary land in the Rocky Mountain National Park for the maintenance and operation in its present height and capacity of the Arbuckle No. 2 reservoir.

SEC. 3. That the provisions of the act of January 26, 1915, entitled "An act to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes," and act of August 25, 1916, entitled "An act to establish a national-park service, and for other purposes," and all acts supplementary to and amendatory of said acts are made applicable to and extended over the lands hereby added to the park: *Provided,* That the provisions of the act of June 10, 1920, entitled "An act to create a Federal power commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," shall not apply to or extend over such lands.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

DISPOSITION OF CERTAIN LANDS IN FLORIDA

Mr. SEARS of Florida. Mr. Speaker, I ask unanimous consent to return to Calendar No. 305 and consider the same.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent to return to Calendar No. 305. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the title of the bill:

A bill (H. R. 8903) to donate to the town, municipality, or city of Jupiter, Fla., for park purposes, the abandoned tract or tracts of land formerly used as a life-saving station.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. Without objection, the Clerk will read the amendment and not the matter stricken out.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That lots 4 and 5, section 5, township 41 south, range 43 east, Florida, containing 8.25 acres, formerly used as a life-saving station but having been abandoned for that purpose, are hereby placed under the control of the Secretary of the Interior for disposition as hereinafter provided.

SEC. 2. That the Secretary of the Interior may cause the said lands to be subdivided into town lots, blocks, streets, and alleys of such dimensions as he may deem advisable, reserving not more than 5 acres for park, school, and other public purposes. Except as to the reservations mentioned he shall cause the said town lots so surveyed and subdivided, and each tract thereof, to be appraised by three competent and disinterested men to be appointed by him. When the appraisement has been approved by him he shall cause the said lots to be sold at public auction to the highest bidder on such terms as he may prescribe, at not less than the appraised value thereof, first having given not less than 60 days' public notice of the time, place, and terms of sale immediately prior to such sale by publication in at least one newspaper having a general circulation in the section of the country in which the lands are situated and in such other newspapers as he may deem advisable; that any lots remaining unsold may be reoffered for sale at any subsequent time in the same manner at the discretion of the Secretary of the Interior; and if not sold at such second offering for want of bidders then the Secretary of the Interior shall sell the same at private sale for cash at not less than the appraised value.

SEC. 3. That when a town is organized as a municipality embracing the lands in question the Secretary of the Interior is authorized to issue patent to the said municipality for all reservations, for parks, schools, and other public purposes, to be maintained for such purposes only.

Mr. LAGUARDIA. Mr. Speaker, I have an amendment to the amendment. Page 2, line 25, after the word "acres" insert "on the ocean front." That is to give to the town of Jupiter this park on the ocean front.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, line 25, after the word "acres" insert "on the ocean front."

Mr. BEGG. Mr. Speaker, I move to strike out the last word. The SPEAKER pro tempore. That is an amendment in the third degree, but without objection the gentleman from Ohio is recognized.

There was no objection.

Mr. BEGG. Mr. Speaker, I merely want to make a statement that I was persuaded to withdraw my objection to this bill after considerable argument on the statement by the gentleman from Florida that it might be interpreted in his country as a reflection on him if he was unable to get this bill passed. I do not care to do that against anybody. I do not think it is a good policy for the Government to go into the real estate business in a retail way. Not having changed my views a bit, but in order to prevent doing an unfairness to a colleague, I agreed to withdraw my objection, and I wanted that in the RECORD. I think again that this is the poorest kind of governmental business, and to embark upon it is a mistake.

Mr. HILL of Maryland. Mr. Speaker, I was one of the objectors and I withdrew my objection because of the amendment offered by the gentleman from New York placing in the bill the words "on the ocean front."

Mr. SEARS of Florida. Mr. Speaker, I want to thank my friend and colleague from Ohio. This is not the bill that I wanted, as the members of the committee will state, but it is the best that I can get.

Mr. MADDEN. I will say I am going to object if anybody is going to make any more speeches.

The SPEAKER pro tempore. The question is on the amendment to the amendment offered by the gentleman from New York.

The question was taken, and the amendment to the amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I move to strike out section 3, because the town of Jupiter has been incorporated. I think it is surplus at this time. I move to strike out section 3.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, beginning in line 18, strike out all of section 3.

The question was taken, and the amendment was agreed to.

Mr. SEARS of Florida. I ask that the title be amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ADDITIONAL BUILDINGS AT CERTAIN NAVAL HOSPITALS

The next business on the Consent Calendar was the bill (H. R. 10732) to authorize the construction of necessary additional buildings at certain naval hospitals, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLANTON. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas objects.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. BLANTON. Yes.

Mr. BUTLER rose.

Mr. BLANTON. Is the gentleman from Pennsylvania satisfied with his blanket bill, passed the other day?

Mr. BUTLER. Not altogether, but it is the best that can be done.

Mr. BLANTON. Mr. Speaker, the gentleman from Pennsylvania wants to be heard on this, I will reserve my objection.

Mr. WOODRUFF. Mr. Speaker, the bill (H. R. 10732) provides an authorization for funds for the construction of certain facilities at different naval hospitals in the United States and Territories.

Mr. BLANTON. Mr. Speaker, being overwhelmed here, I will withdraw my reservation.

Mr. WOODRUFF. I thank the very generous gentleman from Texas and will discontinue my remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to construct necessary additional buildings at the naval hospitals at Pearl Harbor, Hawaii, laboratory and mortuary building, \$35,000; Great Lakes, Ill., boiler plant and connecting line, \$200,000; Puget Sound, Wash., extension to mess hall and galley, \$32,000; Guam, mess hall and galley, \$18,000; San Diego, Calif., officers' ward building, 50 beds, \$150,000; which expenditure for the purposes aforesaid shall be made from the naval hospital fund.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

SESQUICENTENNIAL OF AMERICAN INDEPENDENCE AND THE THOMAS JEFFERSON CENTENNIAL COMMISSION OF THE UNITED STATES

The next business on the Consent Calendar was the resolution (S. J. Res. 30) authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would like to get some information. I notice that the resolution says no appropriation shall be made by Congress to carry out its purposes. Have they devised some way of carrying on the celebration? When they have devised the plan, will that plan provide an appropriation of several million dollars?

Mr. BACON. If the consent of Congress is required in that plan, Congress will be appealed to.

Mr. CRAMTON. I understood it would be worked out without an appropriation by Congress.

Mr. BACON. That is my understanding.

Mr. CRAMTON. If it were the idea that it was going to lead to a plan costing several million dollars, it would be a good plan to stop it now; but with the statement of the gentleman from New York, I shall have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution, omitting the matter stricken out.

The Clerk read as follows:

Resolved, etc., That there is hereby established a commission to be known as the Sesqui-Centennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document (hereinafter referred to as the commission), and to be composed of 19 commissioners, as follows:

The President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, ex officio; eight persons to be appointed by the President of the United States; four Senators by the Vice President; and four Representatives by the Speaker of the House of Representatives.

SEC. 2. The commissioners shall serve without compensation, and shall select a chairman from among their number, and no appropriation shall be made by Congress to carry out the purposes of this act.

SEC. 3. It shall be the duty of the commissioners to promulgate to the American people an address relating to the reason of the creation of the commission and of its purposes and to prepare a plan or plans for a program in cooperation with the officers and board of governors of the Thomas Jefferson Memorial Foundation, and the other National, State, city, civic, and patriotic committees, and other Jefferson centennial committees appointed throughout the country for the purpose of properly commemorating those signal events which have brought this commission into being; and to give due and proper consideration to any plan or plans which may be submitted to them; and to take such steps as may be necessary in the coordination and correlation of the various plans which may be submitted to the commission; and if the participation of other nations be deemed advisable, to communicate with the governments of such nations.

SEC. 4. When the commission shall have approved of a plan of celebration, then it shall submit for their consideration and approval such plan or plans, in so far as it or they may relate to the fine arts, to the Commission of Fine Arts, in Washington, for their approval, and in accordance with statutory requirements.

SEC. 5. That the commission hereby created shall expire within two years after the expiration of the celebration, December 31, 1926.

SEC. 6. This joint resolution shall take effect immediately.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The Senate resolution was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, the title will be amended so as to read: "Authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence."

There was no objection.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

USE OF PUBLIC LANDS FOR RECREATIONAL PURPOSES

The next business on the Consent Calendar was the bill (H. R. 10773) to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOODRUFF. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Oregon [Mr. SINNOTT], if he is present, a question about this bill.

Mr. CRAMTON. The gentleman from Oregon has been called out to attend an important conference of Members from the West interested in reclamation matters, and he asked me, so far as I was able, to answer any questions. I do not know whether I can answer the gentleman's question, but I shall be glad to if I can.

Mr. WOODRUFF. To what extent are the national forests to be used for recreational purposes?

Mr. CRAMTON. They can not be so used at all under this act, because this act has only to do with public lands under the Interior Department.

Mr. BLANTON. Is the gentleman from Michigan in favor of this bill?

Mr. CRAMTON. Very much so.

Mr. BLANTON. Since when?

Mr. CRAMTON. Since I learned there was such a bill. I have been in favor of the purposes of such a bill for a long time. It grew out of the recreational conference organized by the President, representing the different departments. They had a rather impressive program, but this is a small part of it.

Mr. BLANTON. It does not call for an enlarged program?

Mr. CRAMTON. No. It authorizes certain exchanges.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized, in his discretion, to withhold from all forms of appropriation unreserved nonmineral public lands, which have been classified by him as chiefly valuable for recreational purposes and are not desired for Federal administration, and to accept title on behalf of the United States from any States in and to lands granted by Congress to such State, and in exchange therefor to patent to such State an equal quantity or value of surveyed land so withheld and classified, any patent so issued to contain a reservation to the United States of all mineral deposits in the land conveyed and of the right to mine and remove same, under regulations to be established by the Secretary, and a provision for reversion of title to the United States upon a finding by the Secretary of the Interior that for a period of five consecutive years such land has not been used by the State for park or recreational purposes, or that such land or any part thereof is being devoted to other use: *Provided*, That lands so withheld and classified may, in the discretion of the Secretary of the Interior, be also held subject to purchase and may be purchased by the State or county in which the lands are situated, or by an adjacent municipality in the same State, at a price to be fixed by the Secretary of the Interior, through appraisal or otherwise, subject to the same reservation of mineral deposits and the same provision for reversion of title as are prescribed for conveyances to the States in consummation of exchanges hereby authorized, or be held subject to lease and may be leased to such States, counties, or municipalities for recreational use at a reasonable annual rental for a period of 20 years, with privilege of renewal for a like period. And the Secretary of the Interior is hereby authorized to make all necessary rules and regulations for the purpose of carrying the provisions of this act into effect.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

M'LENNAN COUNTY, TEX.

The next business on the Consent Calendar was the bill (H. R. 9212) authorizing and directing the Secretary of the Treasury to pay to McLennan County, in the State of Texas, the sum of \$20,020.60 compensation for the appropriation and destruction of an improved public road passing through the military camp at Waco, Tex., in said county, by the Government of the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas a question. Is the gentleman from Texas willing to say to this House that when they sought to locate this camp and aviation field at Waco they did not at least imply that they were doing this for the Government without cost?

Mr. CONNALLY of Texas. Well, I will ask the gentleman what he means by "doing that without cost"?

Mr. BEGG. Locating this aviation field there.

Mr. CONNALLY of Texas. I will explain the situation.

Mr. BEGG. If there was an understanding, implied or expressed, that the Government was to pay for the damage they did then I think we owe this debt, but if, on the other hand, the city of Waco—and among all cities within any reasonable radius of these camps there was a rivalry to get them located there—implied that if the Government would locate there they would furnish this land, I do not think they have a leg to stand on, so to speak, in asking compensation for damages. If the gentleman from Texas will state, on his word, that there was no such implication from the city of Waco, I shall not object.

Mr. CONNALLY of Texas. I will say to the gentleman that the gentleman from Texas is not going to state on his word anything he does not know. The gentleman from Texas was not there and he does not personally know about what the gentleman is asking, but the gentleman from Texas can briefly explain the circumstances surrounding this matter as they appear to be.

Mr. BEGG. That is not an answer so far as the gentleman from Ohio is concerned, because I think I know all of the facts.

Mr. CONNALLY of Texas. All of the land within this field except the public roads was leased by the Government and it paid rent for it. There was no gratis matter about that at all. There was a public highway that went through the field—

Mr. BEGG. May I interrupt the gentleman right there to ask him a question?

Mr. CONNALLY of Texas. Yes.

Mr. BEGG. Did the Government just go in and practically coerce the holders of this land to lease it or did the city of Waco tender the Government this land with a road on it?

Mr. CONNALLY of Texas. No; I will say to the gentleman that neither one of his assumptions is correct.

Mr. BEGG. I would like to have the gentleman explain the circumstances.

Mr. CONNALLY of Texas. The War Department, early in the war, decided that these aviation camps—and for that matter all training camps—should be located somewhere in the country where the weather would give the opportunity of all-year flying, so the result was that most of them were located in the South.

Of course, Waco wanted these camps, like every other city wanted them, but as a matter of fact that chamber of commerce at Waco went out and leased from the owners the lands which the Government thought were desirable for aviation purposes; then the chamber of commerce in turn leased those lands to the Government and the Government paid rent each year on every acre that was in the field. Within this aviation field there were several tracts. Here was one tract, there was another tract, and over there was another tract, and they leased all of those tracts. This improved highway passed through what was afterwards the field. Now, the chamber of commerce at Waco agreed with the Government that it would have those roads closed and the county voluntarily closed them to travel. The county received no compensation or rent. It closed the roads to accommodate the Government. After they were closed to travel the Government came along and plowed up part of the road, dynamited a concrete bridge on the road, filled up the ditches and leveled them. Now, the contract between the chamber of commerce, who had leased the lands from the private owners, and the Government contained provisions about damage to lands and fixed the rights of the parties. But the county had no contract and received no rent.

Mr. BEGG. That is just exactly the information I wanted.

Mr. CONNALLY of Texas. But the county was not a party to that contract.

Mr. BEGG. That does not make any difference.

Mr. CONNALLY of Texas. And consequently the owners, who had their contract with the Government, could present their claims to the War Department, but the county, having no contract, must come to Congress.

Mr. BEGG. As far as I am concerned, the gentleman has satisfied me. When he states there was a contract, either express or implied, that they would compensate for damages, the gentleman has given me the information I desired.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, has the amount of \$9,403.42 been computed or is that the maximum, as the bill now stands, which could be appropriated?

Mr. CONNALLY of Texas. There is a committee amendment which I will offer.

Mr. LAGUARDIA. That is for \$20,020.60?

Mr. CONNALLY of Texas. No; the amount is \$9,403.42.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to McLennan County in the State of Texas, or to the proper fiscal officers of such county, out of any money in the Treasury not otherwise appropriated, the sum of \$20,020.60 to compensate the said county for the value of an improved public highway in said county and which passed through a military camp at Waco, Tex., and which said improved highway was appropriated by the United States Government and was closed to public use and was destroyed by the Government in order to make said military camp available as an aviation field, and to compensate said county for the expense of constructing temporary roads in lieu of such road to accommodate travel during the use of said road by the United States.

Amend the title so as to read: "A bill authorizing and directing the Secretary of the Treasury to pay to McLennan County, in the State of Texas, the sum of \$9,403.42 compensation for the appropriation and destruction of an improved public road pass-

ing through the military camp at Waco, Tex., in said county, by the Government of the United States."

With the following committee amendments:

Page 1, line 7, strike out the figures "\$20,020.60" and insert in lieu thereof the figures "\$9,403.42."

On page 2, line 6, after the word "field," strike out the comma and the language "and to compensate said county for the expense of constructing temporary roads in lieu of such road to accommodate travel during the use of said road by the United States."

The committee amendments were agreed to.

Mr. CONNALLY of Texas. Mr. Speaker, I offer an amendment to the bill, after the figures "\$9,403.42," insert the words "which sum is hereby appropriated."

Mr. BEGG. Mr. Speaker, we can not do that in this bill. The best we can do is to authorize it to be appropriated.

Mr. CONNALLY of Texas. All right; I offer an amendment to insert "is hereby authorized to be appropriated."

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: Page 1, line 7, after the figures "\$9,403.42," insert "which sum is hereby authorized to be appropriated."

Mr. LAGUARDIA. Mr. Speaker, I would like to ask the gentleman what is the purpose of that amendment? On the first line of the bill you have the language "the Secretary of the Treasury is hereby authorized and directed to pay," and so forth.

Mr. CONNALLY of Texas. I took it up with the parliamentary clerk, and there seems to be some doubt about it.

Mr. LAGUARDIA. Very well.

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment:

Page 1, line 6, after the word "appropriated," insert the words "not to exceed."

Mr. CONNALLY of Texas. Mr. Speaker, there is no need of that amendment. We are appropriating a particular sum.

Mr. LAGUARDIA. I asked the gentleman from Texas if all the damages had been computed.

Mr. CONNALLY of Texas. I will say they have been. The Committee on Military Affairs has passed on the damages and has estimated them.

Mr. LAGUARDIA. If the damages have been computed in that amount, of course, my amendment is not necessary. If they have not been, I do not see any use of appropriating a fixed sum when the final sum may be less.

Mr. CONNALLY of Texas. The damages have been computed.

Mr. LAGUARDIA. Then I ask permission to withdraw the amendment.

The SPEAKER pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read as follows: "A bill authorizing and directing the Secretary of the Treasury to pay to McLennan County, in the State of Texas, the sum of \$9,403.42 compensation for the appropriation and destruction of an improved public road passing through the military camp at Waco, Tex., in said county, by the Government of the United States."

SENATE CONCURRENT RESOLUTION 14 REFERRED

Senate Concurrent Resolution 14, authorizing change in enrollment of the bill H. R. 8132, to the Committee on Enrolled Bills.

BIRTHPLACE OF HENRY WADSWORTH LONGFELLOW

Mr. THURSTON. Mr. Speaker, I ask unanimous consent to return to Calendar No. 289 (H. R. 8267) a bill referred to a moment ago.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to ask the gentleman if he can assure the House that this society is a historical or a literary society of standing, or is it just a proposition of one man or just a few men who want these coins or medals for the purpose of selling them for their own purposes? If the gentleman can assure this House this society stands as a literary society or as a historical society of merit, of course, I shall not object.

Mr. THURSTON. I will make this reply to the gentleman from New York: This matter was thoroughly and fully pre-

sented to the Committee on Coinage, Weights, and Measures by the secretary of the International Longfellow Society. I understand, and it was so stated before the committee, this organization owns the home in Portland, Me., where Henry Wadsworth Longfellow was born, and that the property is becoming dilapidated and needs funds for additional repairs. The idea is to sell these medals for the purpose of obtaining funds to help to maintain and keep this building in good repair.

Mr. LAGUARDIA. I understand the purpose of it, and, of course, there can be no objection to the purpose if back of it there is a society of standing, either literary or historical; but if it is just a sort of exhibition proposition I do not see why we should pass an act of Congress to permit these people to coin medals or anything else.

Mr. STEPHENS. Will there be any expense on the Government?

Mr. LAGUARDIA. No.

Mr. LOWREY. Will the gentleman yield?

Mr. LAGUARDIA. I yield to the gentleman from Mississippi.

Mr. LOWREY. This was first a proposition to coin 1,000,000 copper-cent pieces to be sold at 5 and 10 cents in the schools of America for school children to provide the money to restore and perpetuate the Longfellow home as a memorial. The Treasury Department sent a man before our Committee on Coinage, Weights, and Measures, protesting against the passage of any more of these coin bills, and I will say frankly I had been voting against them before the Treasury sent this man before the committee; but the Treasury stated that with the payment of the full value by the society, they would be glad to coin a medal, which was not to be legal tender and was not to interfere with our coinage system.

Mr. LAGUARDIA. Exactly; but as the gentleman says, you are coining a 1-cent piece or a medal, and some private organization is going to sell it for 4 or 5 cents as the case may be. If there is a worthy cause back of it, no one, of course, is going to object. If it is a literary or historical society of standing, of course, there is no objection, but if it is a private association, I should think this House would want to know more about it before we put into circulation these medals or these coins, and I therefore would ask the gentleman to withdraw his request and let this go over for a week, so that we may look up the standing of this society.

Mr. BEGG. Will the gentleman yield?

Mr. THURSTON. Surely.

Mr. TILMAN. Mr. Speaker, I demand the regular order.

Mr. BEGG. Is this home open to inspection by the public or is it a private proposition where you pay an admission fee?

Mr. THURSTON. It is open to the public.

The SPEAKER pro tempore. The gentleman from Arkansas demands the regular order. The regular order is, is there objection to returning to the bill (H. R. 8267), No. 289 on the calendar?

Mr. LAGUARDIA. Mr. Speaker, I object.

EAGLE LAKE

The next business on the Consent Calendar was the bill (H. R. 9724) declaring Eagle Lake, which lies partly within the limits of the State of Mississippi in Warren County and partly within the limits of the State of Louisiana in Madison Parish, to be a nonnavigable stream.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BEGG. Reserving the right to object, I would like to ask a question.

Mr. SANDLIN. The gentleman from Mississippi [Mr. COLLIER], who is the author of this bill, is not present.

Mr. BEGG. My question is why is this request?

Mr. SANDLIN. I am not familiar with it.

Mr. BEGG. I ask that the bill be passed over without prejudice.

The SPEAKER pro tempore (Mr. TILSON). Is there objection?

There was no objection.

BRIDGE ACROSS THE DELAWARE RIVER NEAR BURLINGTON, N. J.

The next business on the Consent Calendar was the bill (H. R. 10001) authorizing the construction of a bridge across the Delaware River at or near Burlington, N. J.

The Clerk read the title to the bill.

Mr. BRUMM. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

AMENDING THE JUDICIAL CODE

The next business on the Consent Calendar was the bill (H. R. 3745) to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "Judicial Code."

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 96, chapter 5, of the act of Congress approved March 3, 1911, and therein designated "The Judicial Code," be amended so that the same shall read as follows:

"SEC. 96. The State of New Jersey shall constitute one judicial district, to be known as the district of New Jersey. Terms of the district court shall be held at Newark on the first Tuesday in April and the first Tuesday in November, at Trenton on the third Tuesday in January and the second Tuesday in September, of each year, and at Camden at least once in each year at such time as the court may from time to time, by rule, designate. The clerk of the court for the district of New Jersey shall maintain an office, in charge of himself or a deputy, at Newark and at Trenton, each of which offices shall be kept open at all times for the transaction of the business of the court, and shall maintain an office at Camden, in charge of himself or a deputy, which office shall be kept open for the transaction of the business of the court for such times as the court may, by rule, direct, and the marshal shall also maintain an office, in charge of himself or a deputy, at Newark and at Trenton, each of which offices shall be kept open at all times for the transaction of the business of the court, and shall also maintain an office, in charge of himself or a deputy, at Camden, for such times as the court may, by rule, direct."

With the following committee amendment:

On page 2, lines 1, 2, and 3, strike out the words "at least once in each year at such time as the court may from time to time, by rule, designate" and insert in lieu thereof the words "on the first Tuesday in December."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

EXCHANGE OF UNSERVICEABLE AMMUNITION

The next business on the Consent Calendar was the bill (H. R. 9218) to authorize the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MADDEN. I object.

OIL AND GAS MINING LEASES ON UNALLOTTED LANDS, INDIAN RESERVATION

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. I object.

RETURN OF SILVER SERVICE PRESENTED TO BATTLESHIP NORTH DAKOTA

The next business on the Consent Calendar was the bill (H. R. 10394) authorizing the Secretary of the Navy in his discretion to deliver to the custody of the State Historical Society of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COYLE. Reserving the right to object, there are some committee amendments and the title is to be corrected by striking out the words "historical society" and returning the custody to the State authorities.

The SPEAKER pro tempore. Is there objection?

Mr. SINCLAIR. Mr. Speaker, I ask unanimous consent that a similar Senate bill be substituted for the House bill.

The SPEAKER pro tempore. The gentleman from North Dakota asks unanimous consent to substitute the Senate bill for the House bill. Is there objection?

Mr. BLANTON. Reserving the right to object, is the State of North Dakota what we call an Indian giver?

Mr. COYLE. This ship has been stricken off from the Navy list.

Mr. SINCLAIR. The ship is out of commission. The silver service was donated by the school children of North Dakota. We want it delivered to the historical society.

Mr. BLANTON. But the gentleman from Pennsylvania says that there is an amendment to deliver it to the State authorities. Why not deliver it to the historical society, and not take a

chance on what the governor may do? I know of some governors that you can not tell what they are going to do. [Laughter.]

Mr. SINCLAIR. The Secretary of the Navy believes that it would be more in keeping to give it to the State authorities.

Mr. BLANTON. If the gentleman wants it to go back to the historical society, I would have no objection, but I do not think it ought to go to any political organization.

Mr. SINCLAIR. It will eventually go to the historical society.

Mr. BLANTON. How does the gentleman know?

Mr. SINCLAIR. I have assurances that it will.

Mr. WOODRUFF. These silver services are always returned to the States. That is the invariable custom of the Congress.

Mr. BLANTON. But why not let this go to the historical society?

Mr. COYLE. The State authorities have approved the request of the historical society already. Therefore, if we pass it through the hands of the State authorities, the Federal Government is relieved from any claim on the part of anybody else within that State who might come here hereafter and make some claim in respect to it.

Mr. BLANTON. Let me state to the gentleman what I have in mind. This is a complete set of silver. When you deliver it back to the Governor of North Dakota, if he wanted to, why could he not put it in the governor's mansion and let it stay there?

Mr. SINCLAIR. I do not believe the governor could use this sort of silver. If the gentleman would read the list, he would see that.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I shall not object to it, but I think it ought to go to the historical society.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Is there objection to the substitution of the Senate bill?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the State of North Dakota, for preservation and exhibition, the silver service which was presented to the battleship *North Dakota* by the citizens of that State: *Provided,* That no expense shall be incurred by the United States for the delivery of such silver service.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The similar House bill was ordered to lie on the table.

The title was amended to read as follows: "A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State."

DECLARING EAGLE LAKE TO BE NONNAVIGABLE

Mr. COLLIER. Mr. Speaker, I ask unanimous consent to return to Calendar 320 (H. R. 9724), declaring Eagle Lake, which lies partly within the limits of the State of Mississippi, in Warren County, and partly within the limits of the State of Louisiana, in Madison Parish, to be a nonnavigable stream.

The SPEAKER pro tempore. Is there objection?

Mr. BEGG. Mr. Speaker, reserving the right to object, why is it necessary to remove this lake from the navigable-water list?

Mr. COLLIER. Eagle Lake has been a navigable stream. It is the old bed of the Mississippi River prior to the building of the levee between the lake and the river. The only way that a boat from the Mississippi River can now be taken into Eagle Lake would be to take it over the levee. All boats on Eagle Lake will now have to be built on Eagle Lake. It is an inland stream altogether.

Mr. BEGG. How large a lake is it?

Mr. COLLIER. About 18 miles long and about half a mile wide. At one time it was the bed of the Mississippi River.

Mr. BEGG. What is the advantage, and who is going to be the beneficiary if this is done?

Mr. COLLIER. The idea is to have this lake under the jurisdiction of Warren County, in Mississippi, and Madison Parish, in Louisiana, for the purpose of stopping some very indiscriminate seining that has been going on, with seines of several hundred yards in length. As long as the Mississippi

River fed the lake with fish it could stand it. I have written down there, and I find that there are going to be no restrictions in respect to fishermen who use a hook and line, either from Warren County or any other county. The lake will be subject to the general laws of Warren County and Madison Parish, represented by my colleague, Mr. WILSON of Louisiana.

The SPEAKER pro tempore. Is there objection to returning to this bill?

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Eagle Lake, which lies partly within the limits of the State of Mississippi, in Warren County, and partly within the limits of the State of Louisiana, in Madison Parish, be, and the same is hereby, declared to be a nonnavigable stream.

With the following committee amendment:

Page 1, line 6, after the word "stream," insert "within the meaning of the Constitution and laws of the United States."

Page 1, line 9, add a new section, as follows:

"Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SILVER SERVICE OF BATTLESHIP "MINNESOTA"

The next business on the Consent Calendar was the bill (H. R. 10539) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Department of Minnesota, the American Legion, the silver service set in use on the battleship *Minnesota*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the Department of Minnesota, the American Legion, for preservation and exhibition, the silver service which was in use on the battleship *Minnesota*: *Provided,* That no expense shall be incurred by the United States for the delivery of such silver service.

With the following committee amendments:

Line 4, strike out "the department of."

Line 5, strike out the comma after the word "Minnesota" and the words "the American Legion."

The committee amendments were agreed to.

Mr. BLACK of Texas. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 1, line 4, after the word "custody of" insert the words "the state of."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to conform to the text.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EXCHANGE OF CERTAIN LANDS IN HAWAII

The next business on the Consent Calendar was the bill (H. R. 10390) to extend the time for the exchange of Government-owned lands for privately owned lands in the Territory of Hawaii.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. There is an identical Senate bill on the Speaker's table.

Mr. CURRY. Mr. Speaker, I ask unanimous consent to substitute the Senate bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the provisions of the act of Congress approved January 31, 1922, authorizing the President to exchange certain Government-owned lands in the Territory of Hawaii, or any interest therein, for privately owned lands or lands owned by the

Territory of Hawaii, which were extended by the act of Congress approved March 3, 1925, are hereby further extended to January 31, 1929.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 10399) was ordered to lie on the table.

LITERACY TEST FOR VOTERS IN THE TERRITORY OF ALASKA

The next business on the Consent Calendar was the bill (H. R. 9211) to prescribe certain of the qualifications of voters in the Territory of Alaska, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object—

Mr. CARTER of Oklahoma. Mr. Speaker, reserving the right to object, I would like to get some information about this bill if any one here can give it. I want to know what purpose is expected to be subserved?

Mr. CURRY. Mr. Speaker, in 1924 Congress made Indians, Eskimos, and Aleuts citizens of the United States. In the Territory of Alaska there is no qualification for an electorate other than a residence of one year in the Territory and three months in the precinct. There is no registration of an elector. There is no way of knowing next year who voted last year legally. In Alaska there are about 58,000 people of which about 20,000 are white people and 38,000 are Indians, Eskimos, and Aleuts. Nearly all the white people up there can read and write. Probably three or four thousand Indians and Eskimos can read and write. The balance can not read and write. This bill is to require all persons who vote in Alaska to be able to read and write.

Mr. CARTER of Oklahoma. The purpose then is to disfranchise a certain class of Indians who can not read and write in the English language?

Mr. CURRY. No; it does not disfranchise anyone; Indians, whites, or anyone else. There are a number of whites who can not read and write, and a number of Indians who can not read and write. I do not think any person ought to vote, whether white or Indian, who can not read and write. If they wish to vote, they can learn.

Mr. CARTER of Oklahoma. Mr. Speaker, the gentleman who called my attention to this bill said the purpose was to disfranchise a certain class of the Indians—

Mr. CURRY. That is not true.

Mr. CARTER of Oklahoma. And since we have just passed an act granting citizenship to all Indians, I thought it was rather a step backwards, so I was somewhat opposed to the bill, but the other day I had a letter from a prominent Republican citizen in Alaska, which kind of shook me in my faith in my objections. This good Republican wrote me that the purpose of this bill was to wreck the Republican Party and defeat a lot of honest Republicans. Of course, I was in full sympathy with the first proposition; that is, the wreck of the Republican Party, but I thought if there were any honest Republicans they must be peculiarly indigenous to the climate of Alaska. Furthermore, I felt very strongly that that particular breed of this political faith ought to be preserved. [Laughter.]

Mr. CURRY. Every Chamber of Commerce of Alaska, the Democratic, and Republican Committee, the city trustees and mayors of cities up there, have asked for the passage of this bill.

Mr. SUTHERLAND. I want to state that there has been no solicitation by the Republican Party of Alaska. I happen to represent that party. I want to protest against such a statement.

Mr. CARTER of Oklahoma. Oh, the gentleman misunderstood me. This Republican who wrote me was protesting most vigorously against the bill.

Mr. SUTHERLAND. I protest against the statement of the gentleman from California.

Mr. CURRY. I will put in the Record all of these resolutions sent to me when the bill is considered. It is not to stop the Indians from voting.

Mr. CARTER of Oklahoma. Well, Mr. Speaker, under the circumstances I think we should find out something more about this measure before taking action on it, and I ask unanimous consent that this bill go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request?

Mr. WOODRUFF. Mr. Speaker, reserving the right to object, the gentleman from Alaska is here to-day and I would like to have his impression of this bill and what he thinks about it.

Mr. SUTHERLAND. If I may have time to explain. The Legislature of the Territory of Alaska passed this literacy test and put in a provision protecting the voters, just as the State of Maine, from which the gentleman who introduced this bill comes. They brought down this bill to eliminate that, and the purpose is to disfranchise every illiterate in the Territory of Alaska.

Mr. WOODRUFF. I object.

Mr. CURRY. If this goes over without prejudice we can straighten this thing out. I do not want to eliminate any person who has a right to vote, and I would like to have it go over.

The SPEAKER pro tempore. Is there objection to the bill going over without prejudice?

Mr. WOODRUFF. Mr. Speaker, I will not object to the bill going over without prejudice, but I object to its being considered.

The SPEAKER pro tempore. Is there objection to its going over? [After a pause.] The Chair hears none.

The Clerk will report the next bill.

CREATION OF A NATIONAL MILITARY PARK AT COWPENS BATTLE GROUND

The next business on the Consent Calendar was the bill (H. R. 4532) to create a national military park at Cowpens battle ground.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. I object.

Mr. STEVENSON. Mr. Speaker, will the gentleman reserve his objection?

Mr. BEGG. Yes.

Mr. STEVENSON. I do not know that we need as much authorization here on this proposition as we need an appropriation. This was one of the crucial battles in the South during the War of the Revolution. By Bancroft and other eminent historians it is stated to be one of the crucial battles and one of the most remarkable that have been fought in the South. The Washington Light Infantry 40 years ago built a monument there on a small area of land. We want 10 acres more of land, and they have it so designated that it will not go into the plowed-up fields of that country.

Mr. BEGG. I will say to the gentleman that if I do not object there will be half a dozen others that will.

Mr. STEVENSON. If you are bound to object, of course we will have to fight it out at some other time.

Mr. BEGG. That is what you ought to do. There ought to be some debate on it. A majority of the House is for it, and I am for it. But I do not think it ought to be passed by unanimous consent.

Mr. McSWAIN. Mr. Speaker, for the benefit of the half dozen who might object, I wish to state that in my humble judgment not nearly so much as \$25,000 is necessary in order to accomplish what it is thought to be desirable to do by the Daughters of the American Revolution.

Mr. BEGG. If that land in South Carolina is worth \$25,000, it is but another instance where we have to pay like thunder when we buy land.

Mr. McSWAIN. I will say to the gentleman that one lady has donated 5 acres of land, and others are going to give some land. All we need is to get \$5,000.

Mr. BEGG. If you cut it down to \$2,000 I will vote for it.

Mr. McSWAIN. Two thousand dollars will buy all the necessary land, and another \$3,000 should be given to build roads so as to enable visitors to drive through it, so that these points of interest can be visited. The Daughters of the American Revolution will take care of it, as they have bound themselves to do. Let us have \$5,000 anyhow.

Mr. STEVENSON. Mr. Speaker, I move to strike out "\$25,000" and insert "\$2,000."

Mr. BEGG. With the understanding of that amendment to be offered by the gentleman from South Carolina, I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from South Carolina offers an amendment. But first the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in order to preserve that part of the Cowpens battle grounds near Ezell, Cherokee County, S. C., where Gen. Daniel Morgan, commanding, participated in the Battle of Cowpens on the 17th day of January, 1781, the Secretary of War be, and he is hereby, authorized and directed to acquire, by purchase or otherwise, as much as 10 acres of land for the preservation of said battle field, to the end that it may be declared to be a national military park.

SEC. 2. To enable the Secretary of War to carry out the provisions of this act, purchase of the necessary lands, surveys, maps, marking boundaries, opening, constructing, or repairing necessary roads and streets, salaries for labor and services, traveling expenses, supplies and materials, the sum of \$25,000, or so much thereof as may be necessary, is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, to remain available until expended, and the disbursements under this act shall be reported by the Secretary of War to Congress.

With committee amendments, as follows:

Page 1, line 8, after the word "purchase" insert the words "gift, condemnation."

Page 1, line 9, strike out the words "as much as" and insert the words "not less than."

Page 1, line 9, after the word "ten" insert "nor more than twenty-one."

Page 2, line 4, after the word "act" insert the word "to," and after the word "purchase" insert the word "of."

Page 2, line 5, insert at the beginning of the line "to make necessary," and after the word "maps" insert the words "markers, points, or signs."

Page 2, line 6, after the word "boundaries" insert the word "for."

Page 2, line 7, after the word "streets" insert the word "for."

Page 2, line 8, at the beginning of the line, insert the word "for."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. STEVENSON. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Amendment by Mr. STEVENSON: Page 2, line 9, strike out "\$25,000" and insert in lieu thereof "\$2,000."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

SALE OF MARINE HOSPITAL AT DETROIT, MICH.

The next business on the Consent Calendar was the bill (H. R. 9875) to amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BEGG. Reserving the right to object, Mr. Speaker, I would like to have a little information.

The SPEAKER pro tempore. The gentleman from Ohio reserves the right to object.

Mr. BEGG. Which bill are we considering? Is it Consent Calendar 342 or 343?

The SPEAKER pro tempore. It is No. 341.

Mr. BLANTON. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Texas reserves the right to object.

Mr. BLANTON. I want to ask the gentleman from Ohio what are we going to do with all the hospitals in five years from now?

Mr. BEGG. What is the matter?

Mr. BLANTON. I am asking the gentleman a question, because the gentleman from Ohio is presumed to be over there watching over the Treasury.

If the gentleman allows the Public Health Service to tear down the building that is there now—

Mr. BEGG. This bill, I think, is all right.

Mr. BLANTON. And another new hospital is built, what are we going to do with all of them in five years from now? We have vacant beds now in every single one of them that we can not use.

Mr. BEGG. I will say that if we do not stop making more people eligible to use the hospitals free of charge we shall have

to build twice as many, but I think this proposition is all right. I have gone into this, and I think it is all right.

Mr. ELLIOTT. Will the gentleman from Texas yield to me?

Mr. BLANTON. Certainly.

Mr. ELLIOTT. In 1924 this Congress passed an act authorizing the sale of the marine hospital at Detroit, Mich., and authorized them to acquire a new site and to use the money to build a new hospital. Now, what this bill is proposing to do is this: To authorize the Secretary of the Treasury to transfer to the Department of Commerce a small piece of land at Detroit, Mich., for lighthouse purposes; another one at Key West, Fla., for lighthouse purposes; and the Department of Commerce is authorized to transfer a piece of land at Detroit, Mich., upon which this hospital can be built.

Mr. BLANTON. And is to build a new hospital?

Mr. ELLIOTT. That is already taken care of in the act we passed in 1924.

Mr. BLANTON. But they have never built it yet?

Mr. ELLIOTT. No.

Mr. BLANTON. What is standing in the way?

Mr. ELLIOTT. Well, they are trying to get a suitable site, and they can get this site on Government-owned land by making this transfer.

Mr. BLANTON. And the gentleman knows that when we pass this bill, then the next knock will be at the door of the Appropriations Committee for a deficiency appropriation to build this hospital.

Mr. ELLIOTT. Well, I do not think so; but if they did, it would be all right, because they need a marine hospital in Detroit and have had one there for many years.

Mr. BLANTON. Does the gentleman know we need one there?

Mr. ELLIOTT. All I know about it is that the Secretary of the Treasury and the Surgeon General of the United States have recommended this.

Mr. BLANTON. If I could stop the bill by one objection, I would do so; but, as I understand it, it requires three objections.

The SPEAKER pro tempore. It does.

Mr. BLANTON. And realizing that I can not get two other objections, I am not going to take up any more time.

Mr. LAGUARDIA. I will be one of three.

Mr. SCHAFER. So will I. Mr. Speaker, I ask unanimous consent that the bill be passed over without objection.

Mr. ELLIOTT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. Is there objection?

Mr. SCHAFER, Mr. BLANTON, and Mr. LAGUARDIA objected.

CONSTRUCTION AT MILITARY POSTS

The next business on the Consent Calendar was the bill (H. R. 10275) authorizing appropriations for construction at military posts, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I object.

The SPEAKER pro tempore. Three objections are required. Mr. LAGUARDIA and Mr. BLACK of Texas also objected.

GOVERNMENT WHARF AT JUNEAU, ALASKA

The next business on the Consent Calendar was House joint resolution (H. J. Res. 139) authorizing the construction of a Government dock or wharf at Juneau, Alaska.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That the following work of improvement is hereby adopted and authorized to be prosecuted under the direction of the Board of Road Commissioners for Alaska, in accordance with the plans recommended in the report hereinafter designated:

Dock or wharf at Juneau, Alaska, in accordance with the report submitted in House Document No. 561, Sixty-eighth Congress, second session, and subject to the conditions set forth in said document: Provided, That the sum authorized to be so expended shall not exceed the sum of \$22,500.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LAND FOR PARK PURPOSES IN HENNESSEY, OKLA.

The next business on the Consent Calendar was the bill (H. R. 9496) authorizing the Secretary of the Interior to con-

vey certain lands reserved for park purposes in the town of Hennessey, Okla., to said town of Hennessey, Okla.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I would like some information or else I shall object, and I may object anyway.

Mr. CARTER of Oklahoma. I do not know anything at all about this bill, but I see it is introduced by Mr. THOMAS, of Oklahoma.

Mr. BEGG. I know it is, and I hate to object in his absence.

Mr. CARTER of Oklahoma. He has been called to Oklahoma on some business, and, therefore, Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

AMENDMENT OF SECTION 103 OF THE JUDICIAL CODE

Mr. GRAHAM. Mr. Speaker, I wish to call the attention of the House for a moment to No. 383 on the calendar (S. 2763). This House passed a bill granting permission to hold court at Lewisburg, in my State. The Senate two days before had passed a Senate bill of the same nature. I tried to have the House bill passed in the Senate, but it will not be reached there for some time, and this is a matter of immediate and great concern to the sitting judge. An additional judge was asked for in that district under his predecessor, who is now dead. The present judge said he could get along and do the work without an additional judge, but that he needs this accommodation at his home town. The House passed the bill; the Senate passed another bill; and in order to clarify the situation, I simply ask unanimous consent that the House now pass the Senate bill. They are exactly the same, and this will relieve us from a sort of legislative confusion.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the fifth and sixth sentences of section 103 of the Judicial Code, as amended, are amended to read as follows:

"Terms of the district court shall be held at Scranton on the second Monday in March and the third Monday in October; at Harrisburg on the first Mondays in May and December; at Lewisburg on the third Monday in January; and at Williamsport on the first Monday in June. The clerk of the court for the middle district shall maintain an office, in charge of himself or a deputy, at Lewisburg; the civil suits instituted at that place shall be tried there, if either party resides nearest that place of holding court, unless by consent of parties they are removed to another place for trial."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CODIFICATION OF GENERAL AND PERMANENT LAWS OF THE UNITED STATES

Mr. ROY G. FITZGERALD. Mr. Speaker, I move to suspend the rules and pass, without reading except by title, the bill (H. R. 10000) to consolidate, codify, and reenact the general and permanent laws of the United States in force December 7, 1925.

The SPEAKER. The gentleman from Ohio moves to suspend rules and pass without reading the bill H. R. 10000, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. Is a second demanded?

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a second.

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Ohio is recognized for 20 minutes and the gentleman from Tennessee for 20 minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, I will say to the gentleman from Ohio that I asked for this second in order that the gentleman might give the House a brief statement, as I am sure he will be glad to do, showing just what additions have been made to the bill since we passed it before.

Mr. ROY G. FITZGERALD. I understood that that was the course of procedure which had been adopted heretofore.

Mr. Speaker, with this bill which we have before us (H. R. 10000) we are approaching, I hope, the culmination of the efforts of more than 30 years to codify the laws of the United States.

This bill embodies the work of our late Member, Col. Edward C. Little, former Congressman from Kansas, who devoted his time unsparingly both day and night, until many of us feel that his life was shortened and that he gave it to this great work.

Unfortunately in the preparation of a work of this kind there can be no changes made in the law. This committee of the House must come before you and give assurance that there is no change made. There are many portions of the law that are obsolete; there are many portions of the law that are contradictory; there are many portions of the law that I think we could unanimously agree to change if attention were directed to them; but if this committee attempted to present a code embodying changes, it would open the matter to discussion; the Members would certainly want to know what the changes were and why they were made; differences of opinion would arise; and if a reading of this bill were insisted upon, requiring a month or more of time, it could not pass. Consequently, with all the humility which I can assume, I must ask the House to take this bill on trust, as they have done former bills in the Sixty-sixth, Sixty-seventh, and Sixty-eighth Congresses.

Let me now tell you something of what has been done. In the preparation of H. R. 12, as we knew the bill in the Sixty-seventh Congress, and also in the Sixty-eighth Congress, there were efforts made by different departments of the Government to change the law. They had placed certain interpretations on the law under which they were working, and I do not blame them for wanting it changed, because there were really very good reasons why that should be done; but Colonel Little could not consent to it and did not consent. Then when the matter got to the Senate there was an accumulation of criticisms about the bill, some of them because of the very fidelity with which the former chairman of this committee had acted.

I could illustrate, but it would take considerable time. The Senate committee was impressed by the criticisms and would not act favorably on the bill. So after this House had unanimously passed the bill in the Sixty-sixth Congress and the Sixty-seventh Congress and the Sixty-eighth Congress, failure being repeatedly encountered in the Senate, it became necessary to proceed along somewhat different lines. Joint meetings and conferences were held by the Senate committee and the House committee, and at first we thought we could proceed along the lines that Colonel Little had pursued and employ experts or specialists to perfect, as the Senate put it, some of the imperfections in the code and bring it down to date. The course or stream of legislation is passing continually along. We must stop somewhere. This bill (H. R. 10000) stops at the beginning of this Congress. We have already enacted a great many laws of a permanent nature since then, and some of great importance, such as the revenue act. At the time of Colonel Little's bill we had enacted a great tariff act as well as a revenue act, and the Senators objected for the reason the Little code was not up to date.

Under an agreement which I believe has paved the way for the successful handling of this bill through the Senate, if the House approves, we submitted a proposition to the two great law publishing concerns of the country, the West Publishing Co. and the Edward Thompson Co.; and, historically, I may say it was rumored at least that some 20 years ago it was the opposition of not one of these companies but one of our law publishing concerns that caused the work on which hundreds of thousands of dollars had been spent to be wasted and come to nought.

Senator PEPPER, of the Senate committee, conferred with Mr. Homer P. Clark, the president of the West Publishing Co., of St. Paul, when we found the experts that we wanted to work on the bill were so immersed in duties at the Columbia University and elsewhere that we could not secure the kind of men we wanted. Senator PEPPER having spoken to President Clark, of the West Publishing Co., suggested that perhaps the publishing concerns were opposed to the publication because naturally both concerns had got out great annotated codes of their own and had many thousands of dollars invested in them. Mr. Clark said that they would not take any such attitude; that they thought it was very unfortunate for the United States and the courts that they had no authoritative statement of the law.

Mr. MADDEN. Will the gentleman yield? It has been suggested that it might be advisable to read the bill. Has the gentleman any objection to that this afternoon? [Laughter.]

Mr. ROY G. FITZGERALD. I will agree to read it to anybody that will agree to listen to it. [Laughter.]

Mr. MADDEN. I think it would be something of a job. I am sure the gentleman is competent to tell us all the iniquities involved in the bill without reading it.

Mr. MOORE of Virginia. May I ask the gentleman one or two questions?

Mr. ROY G. FITZGERALD. After I have finished this thought. The Senate passed an appropriation of \$10,000, and when they found the West Publishing Co., headed by Mr. Clark, of St. Paul, did not take the sort of selfish attitude that had been anticipated, the matter was brought before a conference of the two committees on the question of getting the two great law publishing concerns with their splendid staffs of specialists to take the Little bill, H. R. 12, as it was known in the former Congresses, and go through it and bring it up to date and make a modern code out of it.

These two concerns were called into conference. The presidents came here to Washington. Mr. M. B. Wailes, of the Edward Thompson Co., and Mr. Clark, of the West Publishing Co., and as a result of the conference, they undertook the work under a \$10,000 appropriation of the Senate. Nine months of work have gone into this bill, with the Little code as its base. They have spent not only the \$10,000 but have become so interested in it that it has cost the two concerns over \$20,000 in excess of the appropriation. They came to Washington, maintained from 10 to 15 experts and had this code checked all through the departments. I have a splendid letter here in the report from the Secretary of the Navy, approving the code. This was the department so hostile to H. R. 12 in the preceding Congresses. Now, I will yield to the gentleman from Virginia.

Mr. MOORE of Virginia. I will take the liberty of asking the gentleman a few questions, because I happen to have been on the Committee for the Revision of the Laws when Mr. Little was chairman, when the bill was brought here in the Sixty-sixth, Sixty-seventh, and Sixty-eighth Congresses and passed by the House. The gentleman knows I am in full sympathy with the general purpose he has in view.

I would like to ask the gentleman this: He stated that representatives of two great publishing companies have done this work. Has Professor Carpenter examined the work carefully so as to satisfy himself that it is properly done?

Mr. ROY G. FITZGERALD. I do not know as to Professor Carpenter, but in order that there might be an independent check made on the work we employed Joseph Chamberlain, of the research department of Columbia University, to make a cross-section test of the accuracy and completeness of the work. That is also set forth in the report.

Mr. MOORE of Virginia. I really had in mind Professor Chamberlain instead of Professor Carpenter. Of course, the gentleman himself has not had any opportunity to examine it.

Mr. ROY G. FITZGERALD. I can not quite say that, although mine has been a humble contribution compared with that of those who have worked on it. I have gone through, line by line, many parts of this work.

Now, I would also like to direct the attention of the House to quite a different provision in the bill from that which the House has been content to pass in connection with the three former bills for codification of the laws. Formerly there was a repealing clause which was more or less complete. I regret to say that the repealing clause in this bill is not of the character of the former bills. On page 1 is the important part of the bill. That contains the various enacting and repealing sections and all saving clauses. I say I regret it, because it was due to the Senate rather than ourselves that the extra saving clause was put in. In other words, if there is any mistake or omission in the code it has no effect at all because of the way the repealing clauses have been worked out by the two committees.

Wherever the law is "substantially identical" this code supersedes the old law; that is, the great mass of law as it existed on the 7th of December, 1925, but wherever there is any substantial difference the old law will still prevail and will control until the 1st day of July, 1927; the idea being that so many hundreds of thousands of dollars having been spent already on this work in order to insure, if possible, its passage through the Senate and allay apprehension of the great dangers that would flow from some error or omission or mistake to leave by this repealing clause a sort of interregnum during which errors, if found, can be corrected. It is my purpose to follow this bill with a bill for the publication which will provide that there will be inserted in every copy that goes out an explanation of these repealing clauses, together with requests for the scrutiny of the code by all of the different departments and bureaus, with the intention of passing amendatory laws or a series of amendatory laws to correct any errors disclosed.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. BLANTON. This is the so-called Fitzgerald bill?

Mr. ROY G. FITZGERALD. It bears my name because Colonel Little is dead, but it is really the colonel's great work.

Mr. BLANTON. It is not supposed to contain any change of any existing law?

Mr. ROY G. FITZGERALD. None at all.

Mr. BLANTON. And is a mere codification of existing law?

Mr. ROY G. FITZGERALD. Yes.

Mr. BLANTON. That being the case, for one I am willing to accept it on trust, but I might add this, that not knowing a single thing in any one of these numerous pages, and the bill is a foot thick, I know it could not be half as dangerous as another Fitzgerald bill which I know of which would seek to put this Government into the business of insurance, and I would rather have this one than the other.

Mr. ROY G. FITZGERALD. I am giving the gentleman a choice this afternoon.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. MOORE of Virginia. I know nothing more about the contents of the bill than any other Member of the House, and must take it, of course, on trust, but I wish the gentleman would explain section 3 of the bill with reference to the distribution of the code after it is printed.

Mr. ROY G. FITZGERALD. That is the bill that I shall call up immediately after this passes this House this afternoon.

Mr. MOORE of Virginia. We might consider the whole matter at one time.

Mr. ROY G. FITZGERALD. Section 3 is a portion of the bill relating to the publication, which recites what the committee hopes to add to the bare code itself, in order to make it usable. There is set forth the preface, the table of contents, four sets of parallel reference tables, and then the four great institutions of the country—the Declaration of Independence, the Articles of Confederation, the Ordinance of 1787, and the Constitution of the United States with amendments—together with an appendix, in which we will endeavor to codify, but not distribute through the work, the general and permanent law of this first session of Congress, so that when this is published it will be right down to the minute, so far as it is humanly possible to have it. We will then submit the whole thing for the scrutiny and constructive criticism of the departments and others during this interim until the 1st of July, 1927. Then, most important of all, is the index. That will take some three or four months to prepare. Of course, it is very difficult to use any work without an index. There is a provision in an appropriation bill that passed the House a couple of weeks ago for \$5,000, which will be the cost of preparing this index. Nothing has been done to add to the expense of this measure, nor will anything be done until it has passed the House and the Senate.

The index alone will cost \$5,000. This bill has only been printed as you see it here, on one side of the paper. When the code is completed, even with the index, preface, and so forth, it will be less than half the thickness of the bill as you see it now. If this committee had proceeded in the ordinary way to have this bill introduced and printed as ordinary bills are introduced and printed, it would have been plated, and would have cost \$186,584.36. As it stands now, the Public Printer's work on it amounts to \$16,627.25. There is a difference of about \$170,000 in the expense which would be entailed between the presentation of this bill as we have it here and the way an ordinary bill is presented. This saving of about \$170,000 is made possible by Public Resolution 24 of the Sixty-sixth Congress. It operates until the original bill, H. R. 9389 of the Sixty-sixth Congress, or some successor of that bill shall have passed the House and the Senate and become a law.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. WINGO. What is estimated will be the cost that each lawyer will have to pay in order to get a copy of this?

Mr. ROY G. FITZGERALD. The estimate received from the Public Printer this afternoon is \$5.

Mr. WINGO. Will the Public Printer have the exclusive sale of it?

Mr. ROY G. FITZGERALD. So far as I know there will be no one else from whom this can be obtained. That is less than half of what a similar work would cost if published privately.

Mr. WINGO. What number is contemplated to be printed in the first printing?

Mr. ROY G. FITZGERALD. That I can not say. I suggest the gentleman from Arkansas get a copy of the bill H. R. 11818. I want to take that up immediately after this bill

passes. This bill, H. R. 11318, provides for the elimination of the slip print and that there shall be printed in a pamphlet form only such number of copies of the code, until the index is ready, as may be requisitioned. The idea is not to distribute any more copies of the bare code without the index than are actually necessary to be used by those who need it, and as soon as the index is prepared the rest of the distribution will be made in accordance with the general statutes.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I asked for a second because the gentleman from New York [Mr. BLACK] did not happen to be in the Chamber at the time. I ask that the control of the time be transferred to him.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and also have granted the same privilege to the gentleman from Virginia [Mr. PEERY], a member of the committee, who has been suddenly called away by sickness.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the Record, and also that the same privilege be granted to the gentleman from Virginia [Mr. PEERY]. Is there objection?

There was no objection.

Mr. PEERY. Mr. Speaker, this bill comes to the Congress with a unanimous report from the Committee on Revision of Laws favoring its passage. The object of the bill is to present to the country a compilation of the laws of the United States of a general and permanent nature that were in force on the opening day of this session of the Congress. The official name assigned to the work is "The Code of the Laws of the United States of America."

The last official code of laws was enacted in 1874. Unfortunately, supplements to that code have not been enacted from time to time. Volumes of laws have been enacted since that date, but there has been no compilation of the same into an official volume from which official and definite information as to what the law is may be definitely and readily obtained. In order to ascertain the law it has been necessary to search the various volumes of the United States Statutes at Large that contain the laws enacted since that date. The situation has been met and helped to some extent by the publication of codes by the various publishing concerns; but the need for an official code, compiling and bringing the laws down to date in one volume, has been recognized by the legal profession, judges of the court, and the country in general. It is important that the judges of the land, lawyers, and those charged with the administration of the law may have access to an official compilation of the Federal laws in order that they may promptly ascertain the law and state the same.

This bill is intended to meet this demand. The bill represents the consummation of long and laborious work by those to whom this responsibility has been given. For some 30 years work has been going on to attain this end. Bills similar to this were reported to the Sixty-sixth, Sixty-seventh, and Sixty-eighth Congresses, and all of them were passed by the Lower House, but none of them passed the Senate, and so the work has continued. The bill passed by the Lower House in the Sixty-eighth Congress encountered some criticism and opposition in the Senate. The effort has been made in each succeeding Congress to meet all criticism that was justifiable and to perfect the work. The present bill represents a consummation of all these labors.

The bill that came to the Sixty-eighth Congress was the result of the splendid work of the late Col. E. C. Little, a Representative from Kansas, who made it the outstanding work of his service. Associated with him in the work were experts of high standing and distinction. I am sure that it is a matter of regret on the part of the membership of this House that Colonel Little could not live to see his work crowned by enactment into law, and our distinguished chairman, the gentleman from Ohio, Mr. ROY G. FITZGERALD, who has likewise rendered signal and distinguished service in connection with the present bill, pays to Colonel Little beautiful and unselfish tribute when he says that although the present bill bears his name, "It is really the Colonel's great work." The work of Colonel Little and his committee was taken as a basis for the present work and the two great publishing concerns of the country, the West Publishing Co. and the Edward Thompson Co., furnished a large staff of the very best trained experts for the completion of this work.

We feel that the work has been well done and the committee presents it to the Congress with faith in the correctness and

integrity of the work. The one outstanding instruction guiding all of the experts, who have collaborated in this great work, was that there should be no basic change in the law. It was felt that if any basic changes were made in the law it would defeat the passage of the bill, and so the statement of the law comes to the Congress with all its inconsistencies and its contradictions. The staff of experts who are skilled in the compilation of codes have arranged and classified the law into appropriate titles and statement of contents, which of themselves are no part of the law but which are so essential in any volume containing the law.

This arrangement comprises 50 titles, the first 6 of which cover the establishment of the Government and the various departments thereof. The remaining 44 titles are arranged in convenient and alphabetical order. In addition to the alphabetical arrangement of titles there are cross references from which any desired enactment of Congress may be readily located. The numbering system that has been followed will allow the insertion of new titles in the future without disturbing the number of existing titles. This is an important feature as it furnishes a scientific scheme for future supplements of the code. The work has been carefully compared, checked, and verified.

In addition to checking by the experts charged with the preparation of the work and by the experts in the various governmental departments and commissions to whom various sections of the work were referred, an independent test for accuracy was made for the committee by Prof. Joseph P. Chamberlain, one of the trustees of the legislative drafting research fund of Columbia University, of New York, who has given special attention to work of this character for the past 15 years. We would not dare to say that the work is void of error, but we do say that the most painstaking care and effort has been made to avoid error and that we believe that the work will prove itself as free from error as any work of a similar nature in our history.

Under clause 2, chapter 1, the sections of this code shall be in force in lieu of corresponding provisions contained in statutes enacted prior to December, 1925, which, where substantially identical, are repealed. The repeal of all acts of a general or permanent nature shall not become effective until July 1, 1927. Under clause 3 accrued rights are reserved. Clause 6 also contains a saving clause on the question of the code as evidence. Until July 1, 1927, in case of any inconsistencies between the provisions of any section of the code and the corresponding portions of legislation passed prior to that date, effect shall be given for all purposes whatsoever to earlier enactments. After July 1, 1927, the code, with any subsequent amendments, shall be conclusive as evidence. It is felt that this clause will give opportunity for ascertaining and correcting any possible error, if any, that may have crept in. It is hoped that this work will stand up before the careful scrutiny and criticism of the legal profession and that it will meet the approval of the profession and the country in general.

Mr. BLACK of New York. May I ask the chairman of the committee if he wants to use any time? Now I have only—

Mr. ROY G. FITZGERALD. Several Members have asked me to secure a little more time in order to answer questions, and I am pleased to do so.

Mr. BLACK of New York. I have some requests on this side from Members who wish to criticize the bill. The gentleman may have Members who want to support the bill. I can let the gentleman have more time in support of the bill.

Mr. ROY G. FITZGERALD. I would be very glad to have time to answer questions.

Mr. BRIGGS. Will the gentleman yield for a question?

Mr. CARSS. Mr. Speaker, it has been brought to my attention there have been some changes made in the law. I want to know in regard to the locomotive inspection laws. A statement has been prepared by an attorney that gives the original law and the codified version. Will the gentleman please explain the situation in regard to that?

Mr. ROY G. FITZGERALD. Mr. Speaker, I desire first to say to the gentleman from Minnesota that when the code was prepared in 1874 it was not perfect, and no code ever will be, and if we attempt perfection we will never get a code. The original code was followed by one bill after another amending defects. Now, in reference to what the gentleman asks me specifically. This morning the representatives of the inspection of locomotives of the United States called at my office with two Members of Congress and the matter was gone into at considerable length. One gentleman has prepared an analysis of what he thought were differences. I think the difference centered on three objections. Before we left the discussion there was possibly only one difference. This is argumentative.

I can not say to you that there might not be such an interpretation placed on the law, as one of these gentlemen, who is an expert on this, says there would be. In 1911 the first law was passed, and in that law there was provision for certain things to be done in three months; that is, certain rules, and so forth, were to be adopted. There was no provision for the inspection of anything except the boilers of locomotives. Now, some years went by and an amendment was made to the law—and right here I wish to say that the hope of this committee is to evolve a system hereafter whereby there may be a sort of continuous codification or some machinery set up so these troubles will not come.

When this amendment was passed there was an extension of the scope of all this work, an extension of inspection in regard to the locomotives and to appurtenances and to the tenders of the locomotives and there are changes going on in equipment all the time. A question arose when these gentlemen came to deal with the Interstate Commerce Commission. If the railroads neglected to make inspection rules for new equipment, and so forth, would the three months' provision for them to make such rules continue to govern? This amendment under the law did not specifically state as clearly as I would like to have it state, that it extended the time for inspection rules and modification indefinitely beyond the three months' time, making it a continuous affair for all time. Yet I believe that that is what the House in its enactment would have done if anybody had asked them to do it. When we came to study the law we did not dare to extend it. We never thought to do that. I myself have given the most rigid instructions to these revisioners, and they have also had the same instruction from the Senate, that no matter how foolish it may seem, we must regard the law as Congress made it and not try to change it even to improve it.

Mr. BLACK of New York. Has the gentleman finished?

Mr. ROY G. FITZGERALD. In a moment. I believe that most of the complaint on the part of these men is they are fearful of a restatement of the two laws. That not being contrasted as two separate laws they may not be construed one with the other and desire to have both titles stated as an additional safeguard. I go further and say that if they will present the Committee on the Revision of the Laws, at any time in the interim, before July 1, 1927, or afterwards, a restatement of this law which they have worked out, and which I believed everyone would agree to, that it could be cared for in a series of amendatory bills which can be presented to this House. For historical purposes, I add the following data:

The first Code of Federal Laws entitled the Revised Statutes was passed in 1874. It embraced volumes 1 to 17 inclusive of the Statutes at Large. The cost of preparation for printing was \$100,000. The bill passed the House without the repealing clauses having been printed. The bill passed the Senate in 40 minutes May 26, 1874. There were about 250 errors corrected by subsequent bills.

A commission to codify the laws was appointed under the act of June 4, 1897. About \$300,000 was expended and nothing came of the work. Col. Edwin C. Little, when he became chairman of the Committee on the Revision of the Laws, undertook the stupendous task and wore himself out with his indefatigable efforts.

His bill H. R. 9389, 1,262 pages, codifying the laws to March 4, 1919, passed the House unanimously December 20, 1920, in the Sixty-sixth Congress.

Again his bill H. R. 12 unanimously passed the House May 16, 1921, in the Sixty-seventh Congress, and again his bill H. R. 12 with supplement, index, cross-reference tables, and so forth, 1,627 pages, passed the House unanimously January 7, 1924, in the Sixty-eighth Congress.

This bill H. R. 10000 has 1,705 pages. The law is arranged in 50 titles. The first six are general and the remainder are arranged in alphabetical order, beginning with agriculture and ending with war.

Mr. CARSS. I thank the gentleman for his explanation.

Mr. LaGUARDIA rose.

Mr. BLACK of New York. Does the gentleman from New York desire time?

Mr. LaGUARDIA. Yes.

Mr. BLACK of New York. Very well. I first yield three minutes to the gentleman from Wisconsin [Mr. SCHAFER].

The SPEAKER. The gentleman from Wisconsin is recognized for three minutes.

Mr. SCHAFER. Mr. Speaker and Members of the House, I realize the importance of a codification of the law, but I can not vote for this codification which materially changes existing law enacted for the purpose of compelling common carriers engaged in interstate commerce to equip their locomotives with

safe and suitable boilers and appurtenances thereto. The present section 5 of the existing law is made section 28 of the codification and as codified the existing law would practically be nullified.

THE CODIFICATION

Section 5 of the present law reads in part:

That each carrier subject to this act shall file its rules and instructions for the inspection of locomotive boilers with the chief inspector within three months after the approval of this act, and after hearing and approval by the Interstate Commerce Commission such rules and instructions, with such modifications as the commission requires, shall become obligatory upon such carrier.

Therefore it is very clear that the words—

with such modifications as the commission requires—

give the Interstate Commerce Commission authority to amend the rules and instructions when it shall become necessary. Without this authority the act would be ineffective, as new equipment and new conditions require amended rules. It is very clear that the words—

with such modifications as the commission requires—

were incorporated in the present law in order to make it effective. Without granting the commission authority to amend rules and instructions, old, obsolete, impractical rules would be continued indefinitely, and the commission would be precluded from requiring changes or amendments.

Section 28 of the codification, which is to displace section 5 of the original law, reads as follows:

SEC. 28. Rules and instructions for the inspection of locomotive boilers which have been made by a carrier subject to this chapter and approved by the Interstate Commerce Commission are obligatory on such carrier until changed in the manner hereafter provided, and a violation thereof shall be punished as provided in section 34. A carrier may from time to time change such rules and instructions, but such change shall not take effect and the new rules and instructions be in force until the same shall have been filed with and approved by the Interstate Commerce Commission. The chief inspector shall also make all needful rules, regulations, and instructions not inconsistent herewith for the conduct of his office and for the government of the district inspectors: *Provided, however,* That all such rules and instructions shall be approved by the Interstate Commerce Commission before they take effect.

It may be stated without any contradiction that section 28 of the codification prohibits the Interstate Commerce Commission from requiring amendment to rules and instructions in effect. Amendments or changes in rules and instructions can be made, but only the carrier, under the codification, may from time to time change rules and instructions, with the approval of the Interstate Commerce Commission. Therefore, section 28 of the codification, codifying section 5 of the existing law, takes from the Interstate Commerce Commission the authority to compel common carriers to amend rules and instructions, even though such amendments be absolutely necessary for the safe operation of locomotives.

It is well known that equipment on locomotives continually changes and that it is necessary that rules and instructions be amended to meet new conditions. The original law should not be emasculated, as the codification would accomplish, thereby placing the Interstate Commerce Commission at the mercy of the railroad corporations whom they are to regulate, as no amendments could be made unless initiated by said railroad corporations.

The enactment of this codification will practically repeal and nullify the existing law, which was enacted to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto. [Applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. SCHAFER. I wish I had more time to discuss this important matter. I ask unanimous consent, Mr. Speaker, to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHAFER. I incorporate the following statement under the permission given me by the House to extend my remarks:

CODIFICATION OF LOCOMOTIVE INSPECTION LAW

A perusal of the codification of the locomotive inspection law, commonly known as the locomotive boiler inspection law (36 Stat. L. 913), as amended (38 Stat. L. 1192 and 43 Stat. L. 659), which has for its purpose the promotion of the safety

of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto, indicates that the codifiers handled the subject without due regard to the retention of the provisions of existing law.

It was generally understood that the object of the codification was to remove obsolete provisions of the laws which had been superseded by subsequent amendments, delete unnecessary words and classify and consolidate the various acts. It is universally conceded by those informed on the subject that a codification can not properly be used as a vehicle to introduce changes or ambiguities in existing laws, and certainly should not be used for the purpose of rendering present laws ineffective.

Section 24 of the codification of the locomotive inspection law clearly nullifies portions of the requirements of section 3, for which it is a substitute, in so far as the duties of the chief inspector and assistant chief inspectors are concerned.

Section 3 of the law contains the requirement, among other things, that the chief inspector and assistant chief inspectors shall see that the requirements of this act and the rules, regulations, and instructions made or given hereunder are observed by common carriers subject hereto. The codified version substitutes the word "inspection" for "act," and thereby limits the scope to inspection, whereas the act itself is much broader in scope. If the codification stands as now written, there will be no authority charged with the duty of seeing that the carriers "equip their locomotives with safe and suitable boilers and appurtenances thereto," that the locomotive, boiler, and appurtenances thereof "are in proper condition and safe to operate," no authority to see that the locomotives, boilers, and appurtenances are able "to withstand such test or tests as may be prescribed," no authority to require the carriers to "repair the defects which such inspections disclose," no authority to see that the locomotives are properly maintained. In short, the act requires such construction as will insure safety, the equipment of locomotives with safe and suitable boilers and appurtenances, the ability to withstand certain tests, proper maintenance in order that safe operation may be obtained, and requires that defects be repaired. None of these requirements are covered by the word "inspection," and a perpetuation of the present wording of section 24 would remove any possibility of these requirements being enforced.

The codifiers' section 28, which is a substitute for section 5 of the law, would unquestionably change the provisions of existing law. The proposed codification does not authorize the chief inspector to prepare rules and instructions to be observed by carriers in the absence of carriers filing their rules, nor does it authorize the commission to make any change in the present rules or any rules filed by any carrier, even though they might be ever so inadequate; neither does it require any carrier to file rules, it only permits them to do so. Therefore, it is apparent that the structure of the law in this respect is seriously weakened. The present rules and instructions were prepared by the chief inspector and agreed to by and between the representatives of the carriers and other interested parties. Such authority is not given if the proposed codification is accepted.

The proposed codification is—

Rules and instructions for the inspection of locomotive boilers which have been made by a carrier subject to this chapter and approved by the Interstate Commerce Commission are obligatory on such carrier until changed in the manner hereinafter provided . . . a carrier may from time to time change such rules and instructions, but such change shall not take effect and the new rules and instructions be in force until the same shall have been filed with and approved by the Interstate Commerce Commission. . . .

It will also be noted from this that the section provides only for rules covering the locomotive boiler, whereas the law covers the entire locomotive, its boiler, tender, and all parts and appurtenances thereof.

Ambiguities exist in other sections; viz:

Section 22 of the proposed codification, which is a substitute for section 1 of the law, is designated "Inspection of locomotives and appurtenances"; definitions, whereas nothing is defined in this section other than the terms "carrier," "common carrier," "railroad," and "employees." Inasmuch as no mention is made in this section of locomotives and appurtenances the designation of the section is incorrect and unquestionably changes the existing law. The existing law reads in part:

That when used in this act, the terms "carrier" and "common carrier" mean a common carrier by railroad . . . , etc.

The definitions in the original act are clearly applicable to all portions of the act and not only the inspection of locomotives and appurtenances, as the title of section 22 of the codification would indicate.

The designation of section 23 of the proposed codification, which is a substitute for section 2 of the law reads: "Use of unsafe locomotives and appurtenances unlawful; inspection and tests." This designation is somewhat ambiguous as the law requires "proper condition and safe to operate," etc., and does not employ the words "unsafe locomotives." The designation may well be changed to "Use of locomotives and appurtenances thereto not in proper condition and safe to operate without unnecessary peril to life or limb; unlawful." In order to more clearly express the purpose of the codified section and conform to the existing law.

The latter part of section 23 refers to "rules and regulations hereinafter provided for," but there are 23 additional sections in this chapter, and it would be inferred from the expression "hereinafter provided for" that any or all of the following 23 sections would have reference to the "rules and regulations hereinafter provided for," whereas, as a matter of fact, only 11 following sections refer to the locomotive inspection law. The section which provides for rules and regulations should be specified, otherwise the reference is misleading.

That the Congress recognized the importance of the law and its proper enforcement is evident when it is taken into consideration that it required that the chief inspector and the assistant chief inspectors be appointed by the President, by and with the advice and consent of the Senate, specified in detail exacting qualifications required of the chief inspector, the assistant chief inspectors, and the district inspectors, and specifically set out the duties of each.

On the other hand, the codifiers treated the matter very superficially, as is evidenced by the foregoing and by their action in combining the locomotive inspection law into a chapter along with numerous other laws which have no relation thereto other than that they come under the general heading of "railroads." It would appear that the combining of various unrelated laws into one chapter would lead only to confusion and misunderstanding. There is no apparent reason why the locomotive inspection law should not be set up in a separate chapter, as has been done with various other acts, such as the liability act, the hours of service act, the care of animals in transit act, the mediation act, and so forth.

The present law seems so well understood by those concerned that any change in language or method of expression may seriously affect its understanding. However, if it is necessary to change the language for the purpose of codification, the existing requirements, including its purpose and the methods for accomplishing the purpose, should by all means be fully retained.

A codification which makes worthless an act of such importance as the locomotive inspection law is indeed regrettable. The employees and their friends labored for years to accomplish the passage of this law. It appears to be fulfilling its intended purpose admirably, is apparently entirely satisfactory to both the employees and the carriers, and is a distinct protection to the employees and the traveling public. It will be difficult for the hundreds of thousands of individuals affected by its change to understand why the House could seriously consider the approval of a codification which would rob them of the protection afforded by the law as it now stands.

Mr. BLACK of New York. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 11 minutes remaining.

Mr. BLACK of New York. I yield four minutes to the gentleman from Wisconsin [Mr. VOIGT].

The SPEAKER. The gentleman from Wisconsin is recognized for four minutes.

Mr. VOIGT. Mr. Speaker, there has been no compilation or revision of the laws of the United States for about 50 years. The last revision was made in 1874, and a supplementary revision was made in 1878. Since then there have been published about 25 volumes containing the statutes passed by as many Congresses, and in order to find out what the law of the United States is the inquirer must, in many cases, wade through all these volumes. The difficulty is increased when it is considered that legislation is sometimes found in so-called appropriation bills, wherein one does not expect to find permanent law made or modified. This condition for all these years would have been wholly intolerable if private enterprise had not stepped in and published unofficial compilations of the statutes. That was done by the West Publishing Co., The Edward Thompson Co., the Barnes Publishing Co., and perhaps others. Nevertheless, during all these years we have had no

authoritative and official compilation which was entitled to judicial notice.

For the past 30 years efforts have been made in and by Congress to provide an official compilation, but such attempts, for one reason or another, have met with failure. The Government during this time has spent several hundred thousand dollars for compilations and revisions, and when these at different times were ready for adoption they failed of passage in either or both Houses of Congress. The chief difficulty in the past has been that Members of Congress feared that the offered compilation or revision failed to state the existing law correctly, and there is some such fear on the bill offered here to-day. It must be frankly admitted that such a fear is not groundless when we know that in the revision of 1874 about 250 errors were discovered, which had to be rectified by subsequent legislation.

A commission to codify the laws was created by act of June 4, 1897. That commission consisted of three members, each drawing \$5,000 a year. The commission labored, I am informed, about 10 years, and it cost the Government for their salaries and moneys expended under their supervision about \$300,000. It is stated that this commission did prepare a revision—I mean a real revision as distinguished from a compilation—but Congress refused to adopt it, actuated by the fear that the law was not accurately restated.

The later attempts to codify the laws were made by Col. Edward Little, as chairman of the Committee on Revision of the Laws of this House. Colonel Little did much of the work personally. He took the work seriously and for a number of years overtaxed his strength, and there is no doubt that the tremendous work done by him contributed to his untimely death. The code prepared by him, which we speak of as the Little Code, passed the House of Representatives in 1920, in 1921, and again in 1924, but each time failed of approval in the Senate.

The work now presented to you, embodied in H. R. 10000, is based on the Little Code, with what the committee believes are improvements. This bill contains 1,705 pages and is probably the largest bill ever presented to any legislative body in the world.

The members of the Committees in Senate and House on Revision of the Laws, with all their other duties, and the fact that they are not expert revisers, can not perform the stupendous task of revising or compiling the laws of the United States. By a very fortunate arrangement the chairmen of the two committees were able to interest the two great law publishing houses of this country, the West Publishing Co. and the Edward Thompson Co., in the work of getting up the present codification. The work thus far has been done under a Senate appropriation of \$10,000, for which these two firms agreed to do it, but we are informed that they have already invested \$20,000 of their own money in addition to this sum. These two firms have done this work from patriotic motives and are entitled to great credit. Increased reputation is what they will get for their pains and expenditure. This work, then, represents the efforts of the trained staffs of these two firms, and I am sure that the work has been done by the best talent obtainable in the United States. The work has been checked and rechecked by these experts, many of whom are lawyers and have had years of experience at it; and in addition to this, the various titles have been submitted for scrutiny to the Cabinet officers, various boards, commissions, and officers of the Government.

In the Little Code the sections ran consecutively through the whole volume. In the present work each title is separately numbered and each title has its own section numbers. In this way each title becomes a unit, and this method permits of additional sections without disturbing the numbering of other titles and also permits the insertion of additional titles.

The first six titles of the present work are concerned with what might be termed the set-up of the Government of the United States, as follows: 1, General and repeal provisions; 2, The Congress; 3, The President; 4, Flag and seal, seat of Government, the States; 5, Executive departments and Government officers and employees; 6, Official and personal bonds. The rest of the titles are arranged alphabetically, and run from number 7, Agriculture, to number 50, War.

This code now offered contains all general and permanent laws of the United States in force December 7, 1925, that is, up to the beginning of the present Congress. In addition to this bill, an additional bill has been reported from our committee, providing that if and when bill H. R. 10000 becomes a law—that is, when bill H. R. 10000 has passed House and Senate and has been approved by the President—it shall be known as "The Code of the Laws of the United States," and may be cited as "Code L. U. S." This further bill also pro-

vides that when and if H. R. 10000 becomes law, there shall be added a preface, table of contents, parallel reference tables to the Revised Statutes, and so forth, the Declaration of Independence, articles of Confederation, the Ordinance of 1787, Constitution of the United States, Appendix of laws passed by first session of the Sixty-ninth Congress, and an index. If the code now offered becomes law, the completed volume, with the additions stated, should be ready about three months after this session of Congress adjourns. It is contemplated that the volume shall be for sale by the Public Printer for about \$5.

The code now offered by the committee has the usual saving clauses in it so as not to disturb acquired right, pending criminal and civil cases, statutes of limitation, and so forth. It provides for the repeal of existing law, but at the same time provides for a continuity of the law. It is evident that if the new volume is to have the force of law that it must repeal prior law and it must speak from some definite date. The committee has given very careful consideration to the so-called repealing clauses, and the clauses which you will find on the first page, in addition to the so-called saving clauses, provide that where the prior enactment is substantially contained in the present code, that as to it the code takes effect as of December 7, 1925, and as of that date the prior enactment is repealed. If any question should arise as to this, it would be for a court or official or any interested party to determine what is meant by the word substantial. I take it to mean in this connection a full restatement of the intent and meaning of the prior law. It is further provided that if any prior law is not so substantially restated that as to it the repeal does not take effect until July 1, 1927. The two provisions may fairly be stated to mean that this code, if it becomes law, is presumptive evidence until July 1, 1927, and thereafter it becomes absolute. We have therefore arranged to give the code this probationary period, and any errors which may be found can be corrected in the second session of this Congress. Any errors of consequence will doubtlessly be found before the second session, as thousands of judges, lawyers, Government officials, and employees are constantly referring to the statutes and may be relied upon to detect any errors.

Perhaps it may be well to say a word here in reference to the terms "code," "revision," and "compilation." I think the most apt name for the present work is "code," as a code is a systematic statement of the law, which is what has been attempted. A revision of law contemplates a rewriting of the law and even contemplates changes in the law. This has not been the object of the committee. We have religiously endeavored to leave the law as it is, but we have attempted to arrange an orderly statement. A compilation of laws does not contemplate much more than an orderly collection. The present work goes a little beyond that, because the various titles of laws have been omitted; laws which are manifestly obsolete by reason of expiration by their own terms have been omitted. Also laws found in appropriation laws have been placed in proper titles. It should be understood that the present work is not a revision of the United States statutes. If this work should become law there will still be plenty of work to do for the Committees on Revision of the Laws in future Congresses, as it is desirable that a real work of revision should later be undertaken. The present work will lay the foundation for such a revision; it will much facilitate such a revision, because the committees can devote their attention to one or more titles, as may be feasible in a particular session of Congress.

It is probable that there are some errors in the code now offered. A thousand expert revisers could probably not make it error proof. I feel safe in saying that it is as free from error as it can be made, because it has been prepared by the best talent available and has been severely scrutinized and checked by independent investigators. The possibility of error should be no objection to its passage. The question is, Is it the best to be had? If we allow more time to elapse we shall create more possibility for error. The work has been too long neglected already, and I sincerely hope that this code may become law at this session. [Applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. VOIGT. May I have a minute more?

Mr. ROY G. FITZGERALD. I am sorry, but I can not yield more time.

Mr. BLACK of New York. Mr. Speaker, I yield two minutes to the gentleman from Virginia [Mr. MOON].

The SPEAKER. The gentleman from Virginia is recognized for two minutes.

Mr. MOORE of Virginia. Mr. Speaker, I do not think there will be any serious objection to the codification, which is covered by the bill H. R. 10000. But this bill is to be followed by another bill providing for the distribution of the

code when printed. I would like to have the attention of the gentleman from Ohio [Mr. ROY G. FITZGERALD]. When the second bill (H. R. 11318) comes along I would like my friend to explain as fully as he can section 3, which has reference to the matter of distributing the code after it is printed. That section provides that:

In addition to quotas already provided by law.

And so forth. I would like a specific reference to the law which is now assumed to provide the quotas. Then the section proceeds and says that the code when bound in buckram shall be distributed in the manner stated to the Members of Congress.

That is all right, but I would like to know whether there is anything in this second bill that would specifically require that the Government Printing Office should continue the printing of this code and put it on the market so it may be bought by anyone who wishes to purchase it at a price not exceeding the cost of printing and delivery.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. BLACK of New York. Mr. Speaker, I yield two minutes to the gentleman from Georgia [Mr. Cox.]

Mr. COX. Mr. Speaker, this is no effort to revise the laws. It is simply an effort to codify them. If there was excuse for the enactment of the Little code, then there is abundant reason for the enactment of this code. It attempts to bring the Federal statutes together in one work and makes it possible for the profession to know what the law is and where to find it.

The Committee on Revision of the Laws was unanimous in its support of this measure. I want to say to you that the chairman of that committee has given of himself most liberally in the preparation of this work. It is the Little code improved upon, of course, by the work of the chairman, the work of the committee, aided by the experts of these great law-publishing houses of the country, to whom reference has been made.

You gentlemen, of course, realize that this committee, in the time it has had to prepare this bill, could have accomplished nothing of any consequence except that it had been aided by the experts of the country whose business it is to codify the laws. We had these experts at our service by reason of the efforts of the chairman.

Mr. STEVENSON. Will the gentleman yield?

Mr. COX. I will.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. BLACK of New York. Mr. Speaker, I yield the gentleman from Georgia one additional minute.

Mr. STEVENSON. I want to ask this: In case there is a difference between the text of this and the text of any statute—

Mr. COX. The statute prevails up to July 1, 1927, when the law as stated in this code would prevail.

Mr. STEVENSON. In other words, if we pass this just as it is and there is no legislation making it the only general law and a conflict arises between the text of this and the original statute and the original statute prevails, then that will not help very much, will it?

Mr. COX. Of course, it would be almost impossible to prepare a work that would satisfy the demands of the profession except there be some effort at a revision of the laws. This work is burdened with a great many obsolete laws, because in codifying the laws there has been no effort made to rewrite them.

The SPEAKER. The time of the gentleman from Georgia has again expired.

Mr. BLACK of New York. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER. The gentleman from New York is recognized for two minutes.

Mr. BLACK of New York. Mr. Speaker, the only thing I can tell the House about this bill is that the general plan and the scope of this compilation follows the New York Consolidated Laws, which have proven very satisfactory to all the working lawyers of the State of New York and to everybody who has had to use the statutes of the State of New York.

You will find the law very readily in this work. You have your titles arranged alphabetically, and you have your laws set forth in the proper sections, one after another, where they belong, just as in the New York system.

As to the personnel which worked on this revision, I know the men from the Thompson Law Co. very intimately. Mr. Eldridge, who has had charge of this work, is a most painstaking, careful, and conscientious man. I know that, as far as that company is concerned, from my intimate knowledge of it everything has been done that could be done to insure care

in this compilation. I will warrant that that bill is as perfect as any compilation could be, knowing so well that Mr. Eldridge himself is so scrupulous in everything he undertakes in connection with law publications. He is an experienced law writer, and he is largely responsible for the most used annotations to the New York Consolidated Laws, which annotations have proven of such working value to all New York lawyers.

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent to proceed for two minutes, in order to answer my friend from South Carolina [Mr. STEVENSON].

The SPEAKER. The gentleman from Ohio asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. ROY G. FITZGERALD. The first page of this code the gentleman from South Carolina [Mr. STEVENSON] will find accurately covers the whole situation. All statutes of limitation are saved, all matters pending in the courts are saved, and then, after the specific saving clauses, the gentleman will find that if this code differs from the present law the prior law must prevail until the 1st of July, 1927. Personally I do not like this delay, but the Senators have prevailed upon both committees to make this concession of leaving this period open, because they think that such a provision will be necessary in order to pass the bill in the Senate.

Mr. STEVENSON. Then, as I understand it, the answer of the gentleman from Georgia [Mr. Cox] that the original statute prevails and not the provision in this bill, where they differ really means that the original statute prevails only up to July 1, 1927.

Mr. ROY G. FITZGERALD. Only up to that time, and then this code is final and conclusive.

Mr. LAGUARDIA. How would you correct errors? For instance, my attention has been called to the fact that in the original law there is provided a salary of \$3,600 for a certain officer, and in the proposed code here the salary is \$1,800. That clearly is an error. How is that going to be corrected—by an act of Congress prior to July 1, 1927?

Mr. ROY G. FITZGERALD. If that is an error, as the gentleman has stated, the original law must prevail up until the 1st of July 1927.

Mr. LAGUARDIA. And we will have to correct it before that?

Mr. ROY G. FITZGERALD. We can correct it before that time, because we have an entire session of Congress in which to do it.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. ROY G. FITZGERALD. I yield to the gentleman.

Mr. CHINDBLOM. I would like to ask the gentleman as the chairman of the committee, for the purposes of the Record, whether the bill now in the possession of the reading clerk of the House is the measure which he has moved to suspend the rules and pass.

Mr. ROY G. FITZGERALD. To the best of my knowledge and belief.

Mr. CHINDBLOM. Well, is it?

Mr. ROY G. FITZGERALD. I can not tell unless I look at it. Apparently it is.

Mr. CHINDBLOM. We had this same situation some years ago, and Mr. Mann wanted that made clear.

The SPEAKER. The time of the gentleman from Ohio has expired.

The question is on the motion of the gentleman from Ohio to suspend the rules and pass the bill.

Mr. SCHAFER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Wisconsin demands the yeas and nays. As many as are in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Two gentlemen have risen; evidently not a sufficient number.

So the yeas and nays were refused.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PUBLICATION OF THE CODE OF THE LAWS OF THE UNITED STATES

Mr. ROY G. FITZGERALD. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 11318) to provide for the publication of the Code of the Laws of the United States, with index, reference tables, appendix, and so forth, with amendments.

The Clerk read the bill, as follows:

Be it enacted, etc., That when and if H. R. 10000, a bill to consolidate, codify, and reenact the general and permanent laws of the United States in force December 7, 1925, shall become a law in the Sixty-ninth Congress, it shall be known as "The Code of the Laws of the United States" and shall be so entitled and labeled and may be cited as

"Code L. U. S."; that such act shall be plated from the type in which H. R. 10090 was printed when it shall have passed the House of Representatives and shall be printed in the same style and form; that the general provisions of the code for the printing and distribution of laws are hereby modified with respect to such code as follows:

1. No slip copies as provided in section 191, of Title 44, of the Code of Laws of the United States, need be printed or distributed.

2. In lieu of distributing the code in pamphlet form as provided by section 195 of Title 44, the Public Printer is hereby authorized and directed to print a sufficient number of copies without the index, reference tables, and other ancillaries provided for in section 2 hereof, to supply the regulations therefor, and to furnish one copy each to Members of the Sixty-ninth Congress and others who are entitled by sections 191 and 195 of Title 44 to copies of laws in slip or pamphlet form.

SEC. 2. That the Committee on the Revision of the Laws of the House of Representatives is hereby authorized to have prepared for said code to be published with it in a single volume, and the Public Printer is authorized to print as ancillaries thereto—

1. Preface.
2. Table of Contents.
3. Parallel Reference Tables to the Revised Statutes of the United States.
4. Parallel Reference Tables to the Statutes at Large of the United States.
5. Parallel Reference Tables to the United States Compiled Statutes, Annotated.
6. Parallel Reference Tables to the Federal Statutes, Annotated.
7. The Declaration of Independence.
8. The Articles of Confederation.
9. The Ordinance of 1787.
10. The Constitution of the United States and amendments.
11. Appendix with the general and permanent laws of the first session of the Sixty-ninth Congress.
12. Index.

SEC. 3. That in addition to quotas already provided by law, except as modified by section 1 hereof, there shall be printed, published, and distributed of said code with the said ancillaries all bound in one volume in law buckram 10 copies for each Member of the Senate and House of Representatives of the Sixty-ninth Congress for his use and distribution, and in addition for the Committees on the Revision of the Laws of the Senate and House of Representatives a number of bound copies equal to ten times the number of members of the respective committees.

SEC. 4. That the Committee on the Revision of the Laws of the House of Representatives is hereby authorized to prepare, and the Public Printer to print, in slip form and furnish with each copy of the code distributed before July 1, 1927, a statement calling attention to the repeal provisions of the code, sections 2 and 6, inviting scrutiny of the work and encouraging constructive criticism.

SEC. 5. That this code shall be published as Part I of volume 44 of the Statutes at Large.

Mr. LUCE and Mr. BLACK of New York demanded a second.

Mr. LUCE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LUCE. Is the gentleman from New York [Mr. BLACK] opposed to the bill?

The SPEAKER. The gentleman from New York [Mr. BLACK] is a member of the committee.

Mr. BLACK of New York. Mr. Speaker, I withdraw the demand for a second.

Mr. LUCE. Mr. Speaker, I demand a second.

Mr. MOORE of Virginia. I demand a second, Mr. Speaker.

The SPEAKER. Is the gentleman from Virginia a member of the committee?

Mr. MOORE of Virginia. No; I am not, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts rose first, and the Chair recognizes the gentleman from Massachusetts to demand a second.

Mr. LUCE. I am opposed to the bill, Mr. Speaker.

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROY G. FITZGERALD. Mr. Speaker and gentlemen of the House, this bill provides for a different sort of printing than would ordinarily take place. In the first place, this code as presented to you this afternoon is printed on only one side of the paper. It is the linotype work of the Government Printing Office. It has not been plated and not prepared for publication beyond that point which is necessary to fix its identity. This bill—H. R. 11318—provides for the code being printed from the plates prepared from this set-up in the type we have before us. The slip laws are done away with and the pamphlet laws are to be distributed on requisition to

those who need them until the index and other aids in the use of the work are prepared. When the whole work is completed it will be distributed as other laws of the United States.

Answering my friend the gentleman from Virginia [Mr. MOORE], the general law which will operate upon the code in accordance with the terms of this bill may be found in title 44 of the proposed code. I do not know that I can recall the sections in Barnes's code, but they are in title 44 of this code and are sections 191, 194, and 195 of title 44.

There is a general provision that all public documents, including this code, are to be printed and sold by the Superintendent of Documents at cost. I got the estimate on the cost as late as to-day. The code complete with index and other features can be sold by the Superintendent of Documents in any number and throughout the United States at \$5 a volume. I also investigated to find out what other codes cost, and I understand the cheapest code is \$12.

Mr. BLANTON. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. BLANTON. How many copies will be distributed through the folding room?

Mr. ROY G. FITZGERALD. I could not say offhand.

Mr. BLANTON. There will be at least one copy to each Member?

Mr. ROY G. FITZGERALD. Oh, yes; you will get 10 bound copies as soon as it is completed and you will get one copy long before it is completed.

Mr. BLANTON. There will be 10 bound copies distributed through the folding room for each Member?

Mr. ROY G. FITZGERALD. As soon as possible after it has passed the Senate and before indexing, every Member will have a copy.

Mr. CRAMTON. What does the gentleman estimate will be the cost of the 10 bound copies to be furnished each Member?

Mr. ROY G. FITZGERALD. I think \$5 leaves a little profit—\$4.50 or \$4 probably.

Mr. CRAMTON. About twenty or twenty-five thousand dollars?

Mr. ROY G. FITZGERALD. Yes. We have wasted now more than a half million dollars in attempting to pass this bill.

Mr. BLANTON. If there is anybody on earth that ought to know what the laws of the United States are and have access to them, it is Members of Congress.

Mr. CRAMTON. Yes; but does every Member of Congress need 10 copies?

Mr. BLANTON. Oh, we can get 10 for about the price that we get one.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. MOORE of Virginia. The gentleman will understand that I am not criticizing or antagonizing the bill; I want to get some information. I understand that if we print the code, it will be distributed not only to Members of Congress as specified and provided under existing law, but there is a distribution to all departments and agencies of the Government and Federal courts.

Mr. ROY G. FITZGERALD. As provided by law.

Mr. MOORE of Virginia. As provided by existing law.

Mr. ROY G. FITZGERALD. That is true.

Mr. MOORE of Virginia. And when that is done the Government Printing Office will continue to print the code, so that it will be on the market at a price not exceeding the cost of printing and the cost of delivery?

Mr. ROY G. FITZGERALD. Yes; through the Superintendent of Documents.

Mr. MOORE of Virginia. So that we have guarded against the code falling into the hands of private printers, who might sell it at a profit?

Mr. ROY G. FITZGERALD. There is no opportunity for exploitation.

Mr. TREADWAY. Will the gentleman yield?

Mr. ROY G. FITZGERALD. I will.

Mr. TREADWAY. Is not the inquiry of the gentleman from Texas answered on page 4, line 3? The gentleman from Texas asked how many copies each Member would have, and, as I read it, each Member of the House and Senate will have 10 copies.

Mr. ROY G. FITZGERALD. That is the intent to have it bound with all the accompanying features—there are 12 different features, the appendix, the cross reference to the Revised Statutes, the Constitution, and the others enumerated.

Mr. TREADWAY. Are these 10 copies that go to the Members of the House and Senate to be bound in buckram?

Mr. ROY G. FITZGERALD. Yes; but they can requisition other copies if necessary.

Mr. BARBOUR. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. BARBOUR. Are these bound volumes to go to the folding room, and will each Member get 10 volumes, or will they be distributed to anybody?

Mr. ROY G. FITZGERALD. As carefully as I could draw the provision, each individual Member will have 10 copies to his credit.

Mr. BARBOUR. I have found in other cases that the documents in the folding room have been distributed to others.

Mr. ROY G. FITZGERALD. This provides that each Member will get 10 copies.

Mr. TREADWAY. Does not that mean that the 10 copies will be listed to each Member in the folding room and put to his credit, and nobody else can go in and demand a copy belonging to the gentleman from California.

Mr. ROY G. FITZGERALD. It means that there shall be 10 copies for each individual Member of this Congress.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Certainly.

Mr. NEWTON of Minnesota. In connection with the indexing, I take it that the representatives of both of these book companies will be in charge of the indexing.

Mr. ROY G. FITZGERALD. We have no written contract but the presidents have indicated that they will undertake to do this work. The Declaration of Independence and Constitution of course will be furnished by the Secretary of State, but these concerns are willing to furnish the cross reference tables, which are another feature, to their own annotated works. The other cross reference tables I have to have made with the help of the legislative index division of the Congressional Library under an appropriation already given to this committee.

Mr. NEWTON of Minnesota. The index is such an important part of any code, and especially one that is new, that it seems to me it is quite essential that both of these concerns lend their assistance to indexing as well as to the other work.

Mr. ROY G. FITZGERALD. They have agreed to give it to the Public Printer for \$5,000.

Mr. COX. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. COX. In order that the publishers of this may realize the benefit of whatever may grow out of the labors they have put into the work, having superintended the preparation of this bill, would it not be necessary for them to proceed to the completion of the work by the preparation of an index?

Mr. ROY G. FITZGERALD. Yes; and this country will be under great obligations to these two concerns if they will finish that job as they promised me they will. They have expended more than \$20,000 out of their funds on the work already done.

Mr. BRIGGS. Mr. Speaker, will the gentleman yield?

Mr. ROY G. FITZGERALD. Yes.

Mr. BRIGGS. Does the gentleman leave it in the air as to whether or not this volume is to be indexed with a comprehensive index? Does the gentleman not think it ought to be fixed by law?

Mr. ROY G. FITZGERALD. I have to anticipate as well as I can. I secured from this House an appropriation of \$5,000 to do this. This is the estimate that I have had prepared by these companies, but I can not employ them to do it until the bill passes the Senate.

Mr. BRIGGS. The gentleman does not anticipate that the Congress will object to providing an adequate amount to prepare a comprehensive accurate index?

Mr. ROY G. FITZGERALD. Oh, no.

Mr. BRIGGS. What does the gentleman estimate will be the price of this volume when it is prepared and ready for the public?

Mr. ROY G. FITZGERALD. If it were to be sold by a private concern it would be \$12 or \$15, but as coming from the Public Printer it will not exceed \$5, and it might be a little less. I might add that we have had here in Washington as the headquarters the staffs of these two great law-publishing concerns. The presidents of both of the companies, Mr. Homer P. Clark, of St. Paul, and Mr. M. B. Wallis, of New York, have been here personally on the job. The editor in chief, Mr. Harold N. Eldridge, who has been so properly poised on the floor here to-day by the gentleman from New York, has been here and personally has superintended the work. We have had 11 of the most expert lawyers from the staffs of these two companies, and over 40 expert clerical persons on the work here continuously for weeks and weeks.

Mr. LUCE. Mr. Speaker, of course, I want this published, and I have not the slightest desire to use 20 minutes, but I did

want to make sure that I would have a chance to call the attention of the House to what seems to me an unfortunate provision in this bill. Paragraph 2 of section 1 calls for the publication and circulation of what I should say from a hasty glance at the law will be between three and four thousand copies, evidently intended for immediate use, until the bound volume is accessible.

Section 2 prevents even the insertion of a table of contents in this temporary volume. A book of this sort without a table of contents and an index is of small worth. Those of you who have had the volume we refer to as the "Little Code"—we have had it on our bookshelves now for two or three years—must have shared in my own annoyance in trying to find things in it without the help of an index. A book like this without an index is a pest and a plague; it is a nuisance. It wastes a very great amount of time and an additional amount of temper.

Mr. BLACK of New York. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. BLACK of New York. If the gentleman will look at the code, he will notice that it is alphabetically arranged under main titles, under which main titles there are subtitles, and in looking for a law one would go to the general, wholesale title, and under it then would find what he wanted in a subtitle. It is practically a table of contents for each section of the law.

Mr. LUCE. While the gentleman from Ohio [Mr. Roy G. Fitzgerald] was talking I had occasion to look to find out whether the sections relating to the library had been attended to, as I understood they were to be attended to. I am glad to find that they have been, but I stood there, it seems to me, an interminable time trying to find out where the provisions were.

Mr. BLACK of Texas. Can the gentleman give us any information as to how much it will cost to print these approximately 1,000 volumes in that particular form?

Mr. LUCE. I am not a member of the committee. The gentleman will have to ask some member of the committee for that information.

Mr. BLACK of Texas. Will the gentleman yield to see if we can get that information from some one?

Mr. LUCE. Certainly.

Mr. ROY G. FITZGERALD. Mr. Speaker, if I understand the question correctly, I might state that this bill as we have it before us cost in the Printing Office alone for the work \$16,627.25. If the bill had been printed as an ordinary bill is printed, and they had plated it and gone through with it, it would have cost \$186,584.36. They estimate at the Printing Office that they can finish this with the index and all these other appurtenances and put it out and sell it to the public at \$5.

Mr. BLACK of Texas. The gentleman is not giving the information that I desire. I want information as to the cost of printing the copies covered by paragraph 2; that is to say, the copies of the bill which would be distributed, one to each Member, and to departments of the Government before the index and preface, and so on, are prepared.

Mr. ROY G. FITZGERALD. I have no definite information about what the bare code itself would cost, but you would have to divide \$160,000, the cost of plating and printing this work, and apportion it among the different volumes, depending upon the number that we printed. That is best way that you can arrive at it.

Mr. Speaker, in this connection I ask unanimous consent to have printed in the Record a letter I received from the Public Printer to-day, which analyzes the cost and also the savings which have been alluded to here.

The SPEAKER. The gentleman from Ohio asks unanimous consent to have printed the letter referred to. Is there objection?

There was no objection.

The letter referred to is as follows:

GOVERNMENT PRINTING OFFICE,
OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., April 19, 1926.

MY DEAR MR. FITZGERALD: Now that the code bill has been put in type and it is ready for consideration by Congress, I want to take this occasion to thank you and your committee for its cordial cooperation in the printing of this monumental work. We also deeply appreciate the excellent service of the representatives of the West and Thompson publishing companies in connection with the preparation of copy and revision of thousands of proofs of the code. I am sure that everyone concerned in this great undertaking has reason to feel proud of the accomplishment.

I also want to compliment you and the committees of the House and the Senate on the economies that have been effected in the printing

of the code. If the code had been printed in the usual bill form as introduced, reported, and passed, it would have made 13,720 pages and have cost \$186,584.36. By printing the code in the form adopted by your committee, its size was reduced to approximately 1,700 pages, at a cost to date of only \$16,627.05. The net saving in the printing of the bill for consideration by Congress is thus \$169,957.31.

By eliminating the duplicate distribution of the code in the slip and pamphlet forms, as proposed by H. R. 11318, an additional economy of \$16,363.86 will be effected. To this saving should be added \$7,927.86, which would be the extra cost of separate prints of the code in its present form if the regular bill number had been printed as introduced, reported, and passed in the House and the Senate.

From this statement you will see that the total saving in the method of printing the code, as approved by your committee, will be approximately \$200,000.

If the code shall receive the approval of Congress at this session, I can assure you that this office will put forth every effort to expedite its publication.

Again congratulating you upon the splendid service that you and your committee have rendered the country in this great work, I beg to remain.

Respectfully yours,

GEORGE H. CARTER,
Public Printer.

Hon. ROY G. FITZGERALD,
Chairman House Committee on Revision of the Laws,
House of Representatives, United States,
Washington, D. C.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman from Massachusetts yield?

Mr. LUCE. Certainly.

Mr. GARRETT of Tennessee. I understood the gentleman to state just now that section 2 provides for the distribution to supply the Members of the Sixty-ninth Congress and others that are entitled to them with copies of this law in pamphlet form, but without any index whatever. If the gentleman will yield, I would like to ask the gentleman from Ohio [Mr. ROY G. FITZGERALD] to state why we would not better wait and let the Members have an indexed volume?

Mr. ROY G. FITZGERALD. The purpose is to save money as much as we can. It will take from three to four months to prepare the index and cross-reference tables and to compile the law of this session of Congress, including the revenue law. In the meantime there are a great many people who will demand copies of the code. It is the best and most compact statement of the Federal laws in existence, and it would be intolerable to withhold it three months or more from the public, awaiting the index and other features. This bill has been worded and reworded a great many times. The gentleman will notice it has been amended by the committee because the Public Printer felt it would be wiser to put it in the present form and thereby permit greater economy.

As originally drawn I cut out all the strip laws and cut in two the pamphlet copies. The Public Printer feels that he ought to be authorized to print just so many as may be demanded.

Mr. GARRETT of Tennessee. It does seem to me there ought at least to be printed a table of contents, making an index from the various titles and making it possible to ascertain the contents.

Mr. ROY G. FITZGERALD. There is no reason why that can not be done. This only permits the Public Printer to print the code bare of the index and other features to meet necessary requirement during the three or four months that the index is in preparation. He is willing to put in a table of contents, and I am willing personally to have it prepared. But this bill simply permits the printing in this form to meet the demands of those who must have it before the index can be completed.

Mr. GARRETT of Tennessee. The bill says they are to be printed without the index.

Mr. ROY G. FITZGERALD. This is permission to the printer to print enough to meet the demands.

Mr. GARRETT of Tennessee. But this permission provides that he does not put in any index.

Mr. ROY G. FITZGERALD. That is not the intention.

Mr. GARRETT of Tennessee. I have read it over carefully.

Mr. ROY G. FITZGERALD. He has already got permission to print.

Mr. TILSON. If the gentleman will yield, what is the use of printing these ponderous tomes until the index is ready? It is specifically stated that the law as contained in the publications heretofore issued shall be construed to be the law until 1927. Surely we can go on for the three or four months necessary to complete the index just as we have been going

on for 50 years. Why not let it go until the index is completed? Why lumber up the shelves in our offices with one copy each of this volume while it is without an index or table of contents?

Mr. ROY G. FITZGERALD. We give the Public Printer permission to do this if it is demanded of him. I do not think with a code of this kind in existence that we should be put in such a position that Members of Congress could not have a single copy of it. This book ought to be made available as soon as it becomes a law in order that errors may be ascertained, if there are any.

Mr. CHINDBLOM. I call the attention of the gentleman from Ohio to the fact that in paragraph 2 the Public Printer is not authorized but directed to print a sufficient number of copies without index, and so forth, and if you try to print an index after passing this law, you are in great danger that some accounting officer might say you did it without authority.

Mr. ROY G. FITZGERALD. There is no danger of printing the index, because it can not be prepared until the law passes.

Mr. CHINDBLOM. If you try to print a table of contents without authority you may have difficulty.

Mr. ROY G. FITZGERALD. This is intended simply to meet the demand of those who are entitled to a copy or feel they ought to have a copy of the bare code without a delay of months. This bill is calculated to save thousands and thousands of dollars.

Mr. BLACK of New York. Is it not a fact that under each title there is practically a complete index?

Mr. ROY G. FITZGERALD. Yes; the first six titles relate to the form of government, and after that it is in alphabetical order, with more than 500 cross references.

Mr. LUCE. Will the gentleman explain what would be the effect if we should not adopt his committee amendment, but would let the text stand here as originally drawn?

Mr. ROY G. FITZGERALD. The Public Printer sent up a protest against that. We would save something like \$7,000 by letting it stand in that way. In this way it would save something like \$14,000 or \$15,000, if too many copies are not demanded. It seems, if this bill passes the Senate and becomes a law, it will take three months to make the cross-reference tables and index. In the interim we should not be shut off from reference to the code, and therefore he has been directed to print a sufficient number to meet a reasonable demand. That, I think, is the best way to handle it, but I am not wedded to one way or other. My sole idea is simply to produce the law as stated here in its bare form and available in case of necessity, and to provide against the waste and loss which would be entailed by the general printing.

Mr. LUCE. Of course the gentleman understands that I have no desire to prevent the publication of the book. My question has been raised largely in the hope that inasmuch as the bill can not be amended here, somewhere else permission may be given to print a table of contents and index in even the first batch of copies.

Mr. GARRETT of Tennessee. Of course it can not be amended here under the rules except by unanimous consent. I would like to ask the gentleman from Ohio if he would not be willing, by unanimous consent, to insert in line 21, after the word "ancillary," the words "except a table of contents."

Mr. ROY G. FITZGERALD. Certainly, I would be very glad to.

Mr. GARRETT of Tennessee. That would improve it very much.

Mr. LUCE. That would help.

Mr. CHINDBLOM. It should not come before the word "Provided." It should come in after the word "hereof."

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent to offer the amendment as follows: Page 2, line 21, after the word "ancillaries" add "except a table of contents."

Mr. GARRETT of Tennessee. Yes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 21, after the word "ancillaries" add the words "except a table of contents."

Mr. CHINDBLOM. Mr. Speaker, that had better come after the word "hereof."

Mr. ROY G. FITZGERALD. I agree that that is so. If there is no objection, Mr. Speaker, I ask unanimous consent that the amending words follow the word "hereof."

The SPEAKER. Without objection, the Clerk will report the modified amendment.

The Clerk read as follows:

On page 2, line 21, after the word "hereof" insert "except a table of contents."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. LUCE. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER. Is further time desired? If not, the Chair will put the question. The question is on accepting the motion of the gentleman from Ohio [Mr. Roy G. Fitzgerald] and suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

APPROPRIATIONS FOR CONSTRUCTION AT MILITARY POSTS

Mr. JAMES. Mr. Speaker, I move that the House suspend the rules and pass the bill (H. R. 10275) authorizing appropriations for construction at military posts, and for other purposes, with the amendments which I have sent to the Clerk's desk.

The SPEAKER. The gentleman from Michigan [Mr. JAMES] moves to suspend the rules and pass the bill H. R. 10275, with committee amendments.

Mr. LAGUARDIA. Mr. Speaker, I demand a second.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed \$5,770,000 from the net proceeds derived from the sales of surplus War Department real property, including the sale of surplus buildings, deposited in the Treasury, as authorized by the act approved March 12, 1926 (Public No. 45, 69th Cong.), said sum to be expended for the construction and installation at military posts of such buildings and utilities and appurtenances thereto as, in the judgment of the Secretary of War, may be necessary, as follows:

Fort Benning, Ga., continuing of barracks construction, \$725,000; Fort Monmouth, N. J., barracks for enlisted personnel, \$555,000; Fort Monmouth, N. J., hospital, \$100,000; Camp Lewis, Wash., beginning construction of post hospital, \$125,000; Fort Sam Houston, Tex., barracks, \$500,000; Selfridge Field, Mich., barracks, \$570,000; Selfridge Field, Mich., noncommissioned officers' quarters, \$180,000; Camp Meade, Md., barracks, \$410,000; Fort Bragg, N. C., barracks, \$360,000; Fort Humphreys, Va., barracks, \$500,000; Camp Devens, Mass., barracks, \$500,000; Erie Proving Ground, Ohio, barracks, \$47,000; Edgewood Arsenal, Md., officers' quarters, \$90,000; United States Disciplinary Barracks, Fort Leavenworth, Kans., hospital, \$125,000; Mitchell Field, N. Y., barracks, \$287,000; France Field, Panama, officers' quarters and noncommissioned officers' quarters, \$139,000; Schofield Barracks, Hawaii, noncommissioned officers' quarters, \$72,000; Fort Wadsworth, N. Y., barracks, \$285,000; Maxwell Field, Montgomery, Ala., barracks, \$130,000; noncommissioned officers' quarters, \$70,000; *Provided*, That any unexpended balances or combined unexpended balances of any of the above amounts shall be available interchangeably for appropriation on any of the hospitals or barracks herein authorized.

Mr. BLANTON. Mr. Speaker, this kind of a bill ought not to be called up here at this time of day and passed under suspension. I make the point of order that we have no quorum. This is an important bill.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 77]

Aldrich	Curry	Hawley	Nelson, Me.
Andrew	Darrow	Hayden	Nelson, Wis.
Anthony	Davenport	Hersey	Newton, Mo.
Appleby	Dempsey	Holaday	O'Connell, R. I.
Auf der Heide	Denison	Hull, Tenn.	O'Connor, N. Y.
Ayers	Douglas	Irwin	Parker
Barkley	Doyle	Jacobstein	Parks
Beck	Drane	Jeffers	Peavey
Beedy	Eaton	Johnson, Ill.	Peery
Bixler	Esterly	Johnson, Ky.	Perlman
Bland	Fairchild	Keller	Phillips
Boies	Fenn	Kelly	Pou
Boylan	Flaherty	Kendall	Prall
Brand, Ga.	Fort	Kerr	Purnell
Britten	Frear	Kless	Quayle
Browne	Fredericks	Kindred	Ransley
Bulwinkle	Freeman	Kunz	Rayburn
Burtess	Fuller	Lee, Ga.	Reece
Butler	Funk	Lindsay	Reed, N. Y.
Campbell	Gallivan	Linsberger	Rowbottom
Carew	Gifford	McClintic	Sabath
Carpenter	Golder	McLaughlin, Nebr.	Sanders, N. Y.
Celler	Goldsbrough	Magree, Pa.	Schneider
Cleary	Gramam	Martin, La.	Scott
Cole	Green, Iowa	Mead	Seger
Connery	Greenwood	Michaelson	Shreve
Connolly, Pa.	Hale	Montague	Spearing
Cooper, Ohio	Hawes	Morgan	Stedman
Cullen		Merla	Sullivan

Swartz
Sweet
Taylor, N. J.
Taylor, Tenn.
Temple
Thomas

Thompson
Tucker
Tydings
Udlike
Upshaw
Vare

Vincent, Mich.
Vinson, Ga.
Walters
Watson
Weller
Welsh

Wood
Woodrum
Wyant
Yates
Zihlman

The SPEAKER. Two hundred and ninety-three Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I demand a second.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Michigan asks unanimous consent that a second may be considered as ordered. Is there objection?

There was no objection.

Mr. JAMES. Mr. Speaker and gentlemen of the House, on page 2 we have stricken out Schofield Barracks, Hawaii, \$450,000, for hospital construction, and the item for barracks at Camp Lewis, Wash., \$800,000, for the reason that both of these items are contained in the Army appropriation bill.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. JAMES. Yes.

Mr. McKEOWN. What is the purpose of providing that certain sections of the Revised Statutes—sections 1136 and 3734—shall not apply?

Mr. JAMES. That language has been stricken out.

Mr. McKEOWN. It has been stricken out of the bill?

Mr. JAMES. Yes.

Mr. WINGO. Will the gentleman yield?

Mr. JAMES. Yes.

Mr. WINGO. My understanding is that the item for Schofield Barracks is carried in the current Army appropriation bill, and is specifically appropriated for.

Mr. JAMES. The hospital; yes.

Mr. WINGO. And I suppose this language in the bill does not hurt that proposition?

Mr. JAMES. No.

Mr. WINGO. It does not affect the status of it?

Mr. JAMES. As I stated, it has been stricken out, and it was stricken out because the matter has already been taken care of in the Army appropriation bill.

Mr. WINGO. Then, as I understand it, the item for Schofield Barracks is stricken out of this bill?

Mr. JAMES. Yes.

Mr. WINGO. And that is because it is already appropriated for in the current Army appropriation bill?

Mr. JAMES. Yes.

Mr. WINGO. All I want to be sure of is that that hospital be finished.

Mr. WAINWRIGHT. We know you are interested in it.

Mr. JAMES. On March 1 of this year the House passed a bill (S. 1129) which authorized the sale of surplus War Department real estate in order to provide funds from which to build barracks and quarters. This act approved March 12, 1926 (Public Law No. 45) provided for the establishment of a fund known as the military post construction fund, and further provided that estimates of the moneys to be expended from that fund, including a statement of the specific construction projects embraced in such estimates, shall be submitted annually to Congress.

H. R. 10275 comprises the first of such annual estimates and includes a list of construction which can be accomplished this year from funds now on hand from the sale of real estate.

These funds now amount to practically \$7,000,000, and by July 1 will have had added considerable sums from sales now under negotiation.

The bill as introduced by the War Department originally called for construction items totaling \$6,820,000. This amount has been revised by your Committee on Military Affairs, and as revised authorizes the expenditure of \$5,770,000.

It was deemed advisable to strike out two items—one for the continuing of hospital construction in Hawaii, \$450,000, and one for the construction of barracks at Camp Lewis, Wash., \$800,000, for the reason that these items are already included in the Army appropriation bill. It was also deemed advisable for the reasons giving in our committee's report (Rept. No. 616) on this legislation, to add an item of \$200,000 to provide for new construction at Maxwell Field, Ala., to replace war-time cantonment buildings.

These amendments, as I have stated before, bring the total amount authorized by this bill down to \$5,770,000, which will provide hospital accommodations and permanent shelter for over 6,000 men and officers who are now living in war-time shacks and barracks.

As has been brought out many times in hearings on this subject, there are now living in war-time frame buildings over 40,000 officers and men of the Regular Army out of a total of 118,000; the buildings were designed and built with the idea of using them for not more than five years. It has now been nearly nine years since they were built—nearly twice their estimated life—and most of them have deteriorated to an extent where it is extremely uneconomical to try to keep them in repair; underpinnings rotted out, roofs and sills sagging, and windows and doors warped.

To compel our Regular Army to live much longer under conditions so detrimental to morale and discipline should not be countenanced by Congress.

It was brought out in the hearings before our committee that the same unsatisfactory conditions obtain at every post and station where troops of the Regular Army are occupying these cantonment buildings, and the greatest problem the War Department had in making up this year's construction list was to determine what could best be left out, rather than deciding on what should be built.

It will be noted that all the items included in this bill are either to replace war-time buildings or to furnish shelter where none now exists.

Taking up the items as they appear in H. R. 10275, I will run over briefly the reasons why these items were selected:

1. Fort Benning, Ga.: Continuing of barrack construction, \$725,000. There are stationed at this post two Infantry regiments, the Twenty-fourth and Twenty-ninth, who have been living in tents for more than six years. Last year Congress appropriated \$386,000 to commence permanent barracks from this appropriation, and there has been completed accommodations for about 360 men. It is desired to continue this construction this year to the extent of building three more sections of the barracks, which when completed will house an additional 685 men. The winters are cold in this part of Georgia, and these troops in tents have been subjected at times to great hardships.

2. Fort Monmouth, N. J., barracks for enlisted personnel, \$555,000.

The Signal Corps battalion and special troops numbering about 600 men stationed at this post are quartered in temporary frame war-time buildings, which offer little protection against the cold winters of northern New Jersey; the buildings have deteriorated to a point where it is cheaper to build new quarters than attempt to keep the old ones in repair.

3. Fort Monmouth, N. J., hospital, \$100,000.

The same remarks apply to the hospital building as to the barracks; the present hospital is a wooden shed, absolutely unfit for further use for hospital purposes. It is proposed with this sum to erect a 27-bed hospital in order that the sick may be suitably cared for.

4. Camp Lewis, Wash., beginning construction of post hospital, \$125,000.

The hospital at Camp Lewis is located in a frame war-time structure unsuited for further occupancy as a hospital. The Army appropriation act contains provisions for beginning barracks at this post, and it is desired to furnish at least two permanent wards at this time as a part of the permanent garrison construction.

5. Fort Sam Houston, Tex., barracks, \$500,000.

There is stationed at this post the Second Infantry Division, which for the greater part is quartered in war-time cantonment buildings, the condition of which has already been explained. It is desired with the amount specified to construct barracks for one of the Infantry regiments less two battalions, about 600 men, and for a brigade headquarters company, about 30 men. The completed barracks will require about \$600,000 more, which will be included in future lists.

6. Selfridge Field, Mich., barracks, \$570,000.

All of the Air Service stations except two were built during the war and are of the light frame construction which was deemed adequate for the duration of the war. All these posts must be rebuilt, and Selfridge Field was placed first on the list on account of the cold climate of northern Michigan.

7. Selfridge Field, Mich., noncommissioned officers' quarters, \$180,000.

This amount will provide for the construction of 30 sets of noncommissioned officers' quarters. At the present time there are no noncommissioned officers' quarters at this field, and the men are living in improvised shacks or are on a rental status in the near-by town of Mount Clemens.

8. Camp Meade, Md., barracks, \$410,000.

The Seventeenth Tank Battalion, comprising a total of about 512 men, are living at present in cantonment buildings which are about ready to fall down. The necessity for replacing these structures is evident, as has been stated before. This appropriation will provide permanent accommodations for the

entire battalion. There is also stationed at this post the Army Tank School, living under similar conditions, but pending the determination as to the ultimate location of this school, the War Department did not include any construction for them.

9. Fort Bragg, N. C., barracks, \$360,000.

This amount will provide for the construction of barracks for one battalion of Field Artillery, approximately 447 men, who are now living in war-time cantonments which are unfit for habitation. The roofs leak, floors sag, and the buildings are rapidly becoming uninhabitable.

10. Fort Humphreys, Va., barracks, \$500,000.

Two regiments of Engineers are living in war-time buildings which should be replaced. The \$500,000 for construction will provide permanent barracks for the personnel of these regiments, comprising about 650 men, with the exception of noncommissioned officers. All of the buildings at this post are of the frame war-time construction type and will have to be replaced at an early date. Other construction items will be placed on future lists.

11. Camp Devens, Mass., barracks, \$500,000.

The same conditions apply here as at other posts where troops are quartered in cantonment buildings. The severe climate makes service here a real hardship. The amount contemplated will provide barracks for one Infantry regiment, the Thirteenth, less two battalions, and barracks for brigade headquarters company, and when completed will house approximately 620 men.

12. Erie Proving Ground, Ohio, barracks, \$47,000.

There are about 50 enlisted men of the Ordnance Corps who are stationed at this post. The post occupies an exposed position on the shore of Lake Erie, and the frame buildings offer little shelter from the winter storms. This amount will provide permanent shelter for the enlisted men of the garrison.

13. Edgewood Arsenal, Md., officers' quarters, \$90,000.

There is a serious shortage of quarters for officers at this station. A number of them are at present quartered in stucco noncommissioned officers' quarters and in tar-paper shacks, and others are on commutation status. There are no adequate housing facilities for the officers on commutation status in this vicinity, entailing an additional expense and a loss of time for travel to and from their station. This should be remedied without delay as an economic measure.

14. United States Disciplinary Barracks, Fort Leavenworth, Kans., hospital, \$125,000.

This amount, it is contemplated, will build permanent hospital accommodations to replace a ward which is now installed in an old cell room. The cell room in which the present hospital is located is entirely unsuited for hospital purposes, is a fire hazard, and should be abandoned at the earliest possible date.

15. Mitchel Field, N. Y., barracks, \$287,000.

No remarks are necessary concerning the necessity for this construction, as the same reasons apply as were cited in the case of Selfridge Field. This new construction will provide barracks for 355 enlisted men now living in war-time barracks.

16. France Field, Panama, officers quarters and noncommissioned officers' quarters, \$139,000.

There is a serious shortage of quarters for both officers and noncommissioned officers at this field. Due to its isolated position, there are no houses in the immediate vicinity which can be rented, and it is necessary to provide shelter at the field for the officers and noncommissioned officers on duty there. With this \$139,000 it is proposed to erect 6 sets of bachelor officers' quarters, 4 sets of married officers' quarters, and 12 sets of noncommissioned officers' quarters.

17. Schofield Barracks, Hawaii, noncommissioned officers' quarters, \$72,000.

This post is in an isolated position, in a farming country where there are no houses available for rent nearer than 6 miles. It is proposed to build 24 sets of noncommissioned officers' quarters to house an equivalent number of these enlisted men who are now living in improvised shacks.

18. Fort Wadsworth, N. Y., barracks, \$285,000.

S. 1129 authorizes the sale of Fort Schuyler, where one battalion of the Eighteenth Infantry, comprising about 350 men, are now living in war-time cantonments. With the above sum it is proposed to construct permanent barracks for this battalion at Fort Wadsworth, N. Y., thus releasing Fort Schuyler for sale in order to provide additional funds for this housing program.

19. Maxwell Field, Ala., barracks, \$200,000.

This amount will provide permanent barracks for the headquarters, Fourth Division, Air Service Twenty-second Aero Squadron, Fourth Photo Section, and service detachments, a total of 162 enlisted men, and will construct quarters for 13 noncommissioned officers of the first three grades. The condi-

tions at this post are practically the same that obtain at all Air Service stations—war-time cantonment buildings, which must be replaced.

As I have stated before, the conditions under which so large a portion of our Regular Army is living are disgraceful. The natural effect on the morale of the officers and men is most detrimental. Another serious effect has been the loss of time taken from training to allow large fatigue parties to work on these buildings, not only to keep them half way habitable but, indeed, to prevent their absolute collapse.

To fail to take action on this bill at this session of Congress means a delay of another year before construction can even be commenced, which means that for that length of time troops will be subjected to a further unnecessary hardship. The money is available and has been set aside for this specific purpose. I should like to call your attention to a letter from the Secretary of War, dated April 6, 1926, urging early and favorable action. This letter is as follows:

THE SPEAKER,
House of Representatives.

SIR: In connection with H. R. 10275, now pending in Congress, I feel that it is my duty to urge early and favorable action.

The housing conditions under which a large proportion of our officers and enlisted men are compelled to live is a disgrace to the Government and should be remedied without further delay. These deplorable conditions have been emphasized from year to year in the annual report of my predecessor and have been fully described in hearings before the Congress.

This year with the passage of the act of March 12 (Public, No. 45) it seemed that means were at hand to remedy matters without imposing any burden on the taxpayer, as the act in question created a fund now amounting to practically \$7,000,000, from which new construction is to be financed.

H. R. 10275 sets forth a list of construction items at 18 places with a total expenditure of \$7,020,000 for this year's construction.

Until this bill is passed authorizing the appropriation, it seems that the War Department is unable to get estimates for this construction passed by Congress. To fail to do so will result in at least a year's delay in providing the shelter so urgently needed—meaning that another winter and possibly two summers will elapse before the buildings can possibly be completed for occupancy.

In view of the urgent necessity for action, may I request that this bill be placed on the suspended calendar for early consideration?

Respectfully,

DWIGHT F. DAVIS, *Secretary of War.*

I wish to also call attention to the letters from Major Brant and the Director of the Budget:

WAR DEPARTMENT,
WAR DEPARTMENT GENERAL STAFF,
Washington, March 25, 1926.

HON. W. FRANK JAMES,
Committee on Military Affairs,
House of Representatives.

MY DEAR MR. JAMES: With further reference to the concluding paragraph of H. R. 10275 which removes certain limitations, the following information is submitted:

The War Department having determined what construction is necessary to accommodate certain troops or equipment, the Quartermaster General is notified of the location, character, and capacity of the buildings required. The Quartermaster General then presents estimates based on the information furnished him by the War Department, and arrived at by determining the cubical contents of the building, and applying the cost of labor and material per cubic foot. In preparing this preliminary estimate the same method is followed as is used by all civilian contractors, and, of course, is only an approximation. This approximation, however, taking into consideration the varying costs of labor and material in different sections of the country, has been found by actual experience to work out very closely.

These estimates then are submitted to Congress asking for authority to construct the buildings and for an appropriation to defray the expense. Having received authority from Congress to do the necessary construction, detailed plans and estimates are then worked out in the office of the Quartermaster General, who, under the act of June 3, 1916, is charged with the direction of all work pertaining to the construction, maintenance, and repair of buildings, structures, and utilities other than fortifications connected with the Army.

These plans and specifications include all the necessary details to enable bidders to calculate the cost of construction and present their bids. No new construction work is done until such competitive bids have been invited by public advertising through the medium of newspapers, etc. Plans and specifications on file in the office of the Quartermaster General are available for all prospective bidders. On being received, these bids are publicly opened at a specified hour on a specified date, and awarded to the lowest bidder complying with the

requirements. It will be seen from the brief statement above that there is no opportunity for collusion between the Quartermaster General and prospective contractors, as was intimated in the hearings on this bill.

With reference to the clause which provides for waiver of sections 1136 and 3734, Revised Statutes, it is not really essential that this be included in the present legislation, as it is really a matter which pertains to appropriations. It was included in order to clear the situation and prevent any misunderstanding which might tend to prevent the execution of the construction projects.

Section 1136 provides that no permanent barracks in excess of \$20,000 shall be constructed until detailed estimates have been submitted to Congress and approved by special appropriation for the same. If this remains in effect, it is apparent that detailed estimates which have not yet been prepared, would have to be submitted for each and every item of construction included in this bill. It is held by the War Department that the information submitted already to the committee which gives the location, character of construction, accommodations for enlisted men and officers, together with size and estimated cost, is all that can be produced at this time. To draw up detailed plans and specifications prior to the granting of authority to construct these buildings would be merely a waste of time, inasmuch as Congress might eliminate any number of the buildings which it is proposed to construct.

Section 3734 provides that before a new building for the use of the United States is commenced, plans and estimates therefor shall be prepared and approved by the Secretary of the Treasury, Postmaster General, and the Secretary of the Interior. It seems perfectly clear that they are not interested in the construction of Army barracks, and it is thought best to include this waiver in order to eliminate any possible question. As a matter of fact, the act of June 3, 1916, prescribes that this work is a function of the Quartermaster General under authority of the Secretary of War, and makes no reference to the Post Office, Treasury, or Interior Departments. It is believed that this particular section was written up by Congress to cover the erection of public buildings such as post offices, etc. This same clause including these waivers will be found, for example, in the Army appropriation act for 1926, which provides for new construction at Madison Barracks, and the Air Field at Dayton, Ohio. The Quartermaster General states that Mr. Anthony is quite familiar with the necessity for the inclusion of such clause where Army construction is involved.

Trusting that the above information is what is desired—if any further details are considered necessary, please advise me and I will endeavor to obtain them.

Letter covering the same points has been forwarded this date to Mr. MORIN, chairman of the Committee on Military Affairs, and signed by the Acting Secretary of War.

Sincerely yours,

G. C. BRANT,
Major, General Staff.

BUREAU OF THE BUDGET,
Washington, April 17, 1926.

The honorable the SECRETARY OF WAR.

SIR: Referring to your letter of April 16, 1926, you are advised that the proposed amendments to bill H. R. 10275, authorizing appropriations for construction at military posts, and for other purposes, which you mention in your letter, are not in conflict with the financial program of the President.

Sincerely yours,

H. M. LORD, *Director.*

In view of all the circumstances set forth above I wish to urge the passage of this bill, not only as an economic measure but in justice to the officers and enlisted men of our Regular Army, who for so many years have been compelled to exist under such disheartening living conditions.

Mr. Speaker, I reserve the balance of my time.

[Cries of "Vote!" "Vote!"]

MR. LAGUARDIA. If gentlemen want to vote \$7,000,000 away without consideration, I certainly can not do very much to prevent it.

I believe, when we have a bill of this kind under consideration, the least we can do is to make a record and show what we are doing. Let the country at least know what is going on.

Gentlemen will recall that a few weeks ago a bill passed the House under suspension, and it has since become a law, authorizing the War Department to sell surplus property and to put the proceeds of the sales into a separate fund and to use that fund for repairs and construction. I opposed it at the time. I pointed out that the War Department would simply go wild in spending money, and here is your first bill appropriating \$7,200,000. And it is only a starter; it is only the first bill. My objection to the bill authorizing the sale of

surplus property was the creation of a separate fund. It is my firm belief that the proceeds should go in the Treasury, in the general fund.

To-day you appropriated \$200,000 for an artillery field at Fort Ethan Allen, Vt. To-day you authorized the Navy Department to build several hospitals, and a few weeks ago you authorized the Veterans' Bureau to build more hospitals and build extensions. I want to point out that several departments are building hospitals; the House is appropriating huge amounts of money and there is bound to be a great deal of unnecessary building. The War Department is authorized to sell surplus property and place the proceeds in a separate fund. Having this authority they will spend more money than they would otherwise. In addition to what we have already authorized them to sell, they are already planning to come here with a new list of surplus property and get authority to sell more, and then turn right around and ask for authority to sell more.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. JOHNSON of Washington. How can the gentleman possibly reason that either Congress or the War Department could run wild when it is proposed to provide suitable quarters for regiments and it costs \$1,000,000 per regiment to house them?

Mr. LA GUARDIA. Of course there is no objection to that, as the gentleman would know if he would follow what I have said. Here is \$7,000,000. Now, let us concede that every cent is necessary.

Mr. JOHNSON of Washington. Absolutely.

Mr. LA GUARDIA. All right. But does the gentleman know what they are selling and what they are building?

Mr. JOHNSON of Washington. I know of one tract of land in my district, owned by the War Department, covered with valuable fir timber worth a great deal of money, which should have been sold many years ago. It will soon be dead-and-down timber and not of real commercial value.

Mr. LA GUARDIA. And I know of one tract in my city that the War Department is going to sell, and they do not know the value of it.

Mr. WOODRUFF. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. WOODRUFF. The gentleman from New York has been holding up to the House as one of the horrible examples of legislation the bill that passed the House this afternoon by unanimous consent authorizing the Navy Department to build certain hospital facilities?

Mr. LA GUARDIA. No; I am simply pointing out that you have three departments of the Government now building hospitals. You have the Veterans' Bureau spending millions; you have the Navy Department; and now we are asked to authorize the Army to do the same thing. It seems to me that where you have hospitals in close proximity to each other you should use those hospitals for the various departments. The Veterans' Bureau hospitals to-day have thousands of vacant beds, with an enormous overhead, and yet the various departments come here and ask for more money to build more hospitals. There seems to be no coordination of hospital facilities.

Only last Saturday, in a New York paper, there was an inspired statement by the War Department and I want the gentleman to know of it. The War Department says it has more surplus property to sell and it has suggested that Governor's Island in New York harbor would bring \$18,000,000. They say it is worth only that, but they really do not know anything about values there. Then there is a proposal to sell the Presidio in California.

Mr. BLANTON. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. BLANTON. The gentleman says we have already given them \$20,000,000 and it may be \$30,000,000, and this bill appropriates \$7,000,000 more, but how are we going to stop this bill?

Mr. LA GUARDIA. That is it exactly.

Mr. BLANTON. How are we going to stop it. Whenever the powers that be ordain that a certain bill shall pass, they are going to pass it.

Mr. LA GUARDIA. The least we can do is to bring these matters to the attention of the House and to the attention of the country. The War Department, I repeat, only a few weeks ago having been empowered to sell surplus property is now looking around for more property to sell, and will come in with another bill very soon.

Mr. WOODRUFF. Will the gentleman yield?

Mr. LA GUARDIA. No; the gentleman can get time from the proponents of the bill.

Mr. GREEN of Florida. Will the gentleman yield to me?

Mr. LA GUARDIA. I yield.

Mr. GREEN of Florida. I think about all this money is derived from Florida lands or at least several million dollars of it, might we not just as well put it back into circulation.

Mr. LA GUARDIA. It does not go back into circulation in the gentleman's State.

Mr. GREEN of Florida. No; not in my State.

Mr. HUDSPETH. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. HUDSPETH. Is the gentleman a member of the Committee on Military Affairs?

Mr. LA GUARDIA. No; I am not.

Mr. HUDSPETH. I have just been wondering since I read in this report that at certain Army posts men and officers are living in tents. One of the major posts is in my district and men and officers to-day are living in tents without any roofs on the tents, and not only that, but many of the warehouses there that have the provisions are in the same condition.

Mr. LA GUARDIA. The gentleman does not get my point.

Mr. HUDSPETH. I have been wondering how they distributed this fund.

Mr. LA GUARDIA. Is not the gentleman's post included?

Mr. HUDSPETH. No; not one dollar, and I just wanted to know how they distribute this.

Mr. LA GUARDIA. Well, that is typical. Probably the gentleman can tell us about the clubrooms we are appropriating for.

Mr. HUDSPETH. Oh, if we could take care of these non-commissioned officers out there and the men who are living in tents, we would do away with the clubrooms, I will say to the gentleman.

Mr. LA GUARDIA. Let me say to the gentleman from Texas that this is what they will do. They will first get this \$7,000,000—

Mr. HUDSPETH. I want to get on to the system. If the gentleman can put me next to the system, I will appreciate it, because I represent one of the major posts out there.

Mr. LA GUARDIA. This is the system. We have given the War Department authority to sell \$20,000,000 of surplus property, and the proceeds go in a separate fund. They will come in with the same old story that this does not require any new appropriations because they have got the money.

They will take this first list contained in this bill and they will spend all of the money, and then they will come in later on and will put in the gentleman's post, and they will take some other districts—scatter them around and pass another bill and there will be no end.

Mr. HUDSPETH. When will they do it? If the gentleman will give me that information, I will thank him.

Mr. LA GUARDIA. When they are good and ready; when all the officers are quartered and when all the club rooms are built.

Mr. HUDSPETH. I am going to support the bill, but I want to get on to the system, and I thought the gentleman, being a military man, could put me next to the system.

Mr. LA GUARDIA. When you get on to the system of the War Department, then you are on to some system, believe me.

Mr. HUDSPETH. Then I am going to endeavor to get on to the system.

Mr. O'CONNELL of New York. And they have it patented too, have they not?

Mr. LA GUARDIA. Seemingly.

Let me call your attention to this language in the bill:

That any unexpended balances or combined unexpended balances of any of the above amounts shall be available interchangeably for expenditure on any of the hospitals or barracks herein authorized.

Mr. JAMES. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. JAMES. That is not the correct language. The correct language is "for appropriations" and not "for expenditure," which means that in order to do what the gentleman has suggested they would have to go to the Committee on Appropriations and get the necessary consent.

Mr. LA GUARDIA. What do these four lines mean then?

Mr. JAMES. Where you have "expenditure" it should be "appropriation," which means they would have to go to the Committee on Appropriations.

Mr. LA GUARDIA. I got the bill from the only source I can get bills.

Mr. HUDSPETH. Here is a copy of the bill which I will give the gentleman. I have almost worn it out studying it.

Mr. LA GUARDIA. That is the same bill I have.

Mr. HUDSPETH. There is no chance to amend the bill.

Mr. LA GUARDIA. That is the same bill I have.

Mr. JAMES. If the gentleman will examine the bill at the Clerk's desk, he will find the word "appropriation" instead of the word "expenditure."

Mr. LA GUARDIA. Is that the "old army game," one bill at the Clerk's desk and one before us?

Mr. JAMES. I read the gentleman the language as amended.

Mr. LA GUARDIA. All I know is the bill I have and the bill that all the Members have. If there is something else at the Clerk's desk, I think we ought to know it. [Cries of "Vote!" "Vote!"] That is not going to take me off my feet. I have been too long in the business for that.

Mr. HUDSPETH. I will state to my friend, if he will put me on to the system, I will appreciate it and will be under lasting obligations to him.

Mr. LA GUARDIA. I will tell the gentleman how he can get on to the system. Let us vote down this bill.

Mr. HUDSPETH. No; we would not get anywhere by doing that.

Mr. LA GUARDIA. The gentleman would get the repairs at the post he is interested in.

Mr. HUDSPETH. Oh, no.

Mr. LA GUARDIA. Then I will tell the gentleman what is going to happen. If the gentleman is going to pass this bill and wait until his post comes along, then they are going to keep it until the last so the gentleman will vote for every bill that comes along.

Mr. HUDSPETH. The gentleman is painting a gloomy picture for me.

Mr. LA GUARDIA. The situation is gloomy.

Mr. LOZIER. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. LOZIER. Does not the report show that this is simply the beginning of a series of demands that the War Department is to make for similar appropriations?

Mr. LA GUARDIA. Certainly; now this is interesting, and I want any gentleman on the Military Affairs Committee to deny this: You have posts in New York where you have a major general in command of about 200 men. This Army is top heavy with major generals, and we have to create posts for them. That is why you have to have headquarters and suitable buildings for all attachés, and that is why the soldiers in the gentleman's [Mr. HUDSPETH] State is not properly housed. There are three or four commands around New York where there is a major general with only 300 men in the whole command. A lieutenant could take command of those posts. Now if that is not so I would like to have some gentleman deny it. This corps of high ranking officers is selling land and selling property and making these repairs. There are a great many barracks throughout the United States that need repairs, but they will be the last on the list.

Mr. SCHAFER. What would the gentleman have the major generals do?

Mr. LA GUARDIA. I would have a proper table of organization and have the high command in proportion to the number of enlisted personnel. You do not have to be a military expert to know that.

Mr. HUDSPETH. But the gentleman from New York assures me that I will be on the list?

Mr. LA GUARDIA. I can not assure the gentleman of that if he votes for every bill that comes from the Military Committee.

Mr. WAINWRIGHT. This bill provides for the quarters for enlisted men. Is not the gentleman satisfied, in view of the fact that it provides for the urgent need of the enlisted men of the Army to-day?

Mr. LA GUARDIA. I believe if the War Department knows what they need they could come in with a complete list at this time. Will the gentleman say that this is all that they will ask for?

Mr. WAINWRIGHT. This is only a start, of course.

Mr. JAMES. I will assure the gentleman that this will be the last bill; that the Military Affairs Committee will not appropriate money unless it is in the Treasury. After this bill passes the House and the Senate, the War Department will, if they want to spend any money, have to come to the Appropriations Committee, and that will have to go before the House and the Senate.

Mr. LA GUARDIA. I am aware of that, but the gentleman knows that we made an appropriation for an artillery range, and he knows that they are selling land all over the country, and they are coming in with a bill for the sale of more surplus property.

Mr. JAMES. The gentleman stated a little while ago that they were going to sell Governors Island. Has the gentleman seen the statement in the paper that the Secretary of War denies that statement?

Mr. LA GUARDIA. Will the gentleman say that no more bills of that kind will come in for the sale of surplus property?

Mr. JAMES. I do not know.

Mr. LA GUARDIA. The gentleman can only guess; he does not know what they are going to do, but when the War Department brings in a bill it generally goes through the gentleman's committee.

Mr. SNELL. Does not the gentleman think this property should be sold if the Government does not need it?

Mr. LA GUARDIA. Yes. They are selling a piece of property in the gentleman's own town—Watertown. Does the gentleman know if Army officers will sell it for its real market value?

Mr. SNELL. I do not know anything about it; but what would a piece of property in Watertown be used for for governmental purposes?

Mr. LA GUARDIA. If it is of no use, sell it, but sell it intelligently and put the proceeds in the general fund of the United States Treasury.

Mr. SNELL. That is what we are trying to do.

Mr. LA GUARDIA. But you are keeping the funds separate and encouraging lavish expenditures on posts where it is not needed.

Mr. WAINWRIGHT. Will the gentleman tell us one object that is not necessary for the convenience and comfort of the personnel of the Army?

Mr. LA GUARDIA. I can tell the gentleman of other posts where it is more urgent.

Mr. WAINWRIGHT. There are posts on the list that are very urgent.

Mr. LA GUARDIA. But there are others more urgent. Mr. Speaker, I reserve the remainder of my time.

Mr. WRIGHT. The gentleman will concede that every item in the bill is meritorious, will he not?

Mr. LA GUARDIA. No.

Mr. WRIGHT. And that these improvements are needed at every point designated in the bill?

Mr. LA GUARDIA. No.

Mr. WRIGHT. Which is not needed?

Mr. LA GUARDIA. I say that there are other posts. The gentleman from Texas mentioned one of these posts a moment ago.

Mr. WRIGHT. But I am talking about the items included in this bill. Do they not need construction at every point mentioned in the bill? If not, will the gentleman please point out at which they do not need construction?

Mr. LA GUARDIA. The War Department knows the condition of every post in this country, and they should come in with a complete bill, so that we would know just what posts were more urgent than others.

Mr. WRIGHT. Does not the gentleman know that the War Department has offered a comprehensive program of construction going through a series of years, and that that whole matter was threshed out before a joint committee of the Senate and the House last year, that it is a matter of record, and that this is the beginning of the program?

Mr. LA GUARDIA. Exactly; and I want to know how great this program is and how much more property the department is going to sell.

Mr. WRIGHT. If the gentleman will read the testimony taken he will see that it is comprehensive.

Mr. LA GUARDIA. This is only a start.

Mr. WRIGHT. It is just the beginning of it.

Mr. LA GUARDIA. Exactly; and that is the point that I am trying to make. I reserve the remainder of my time.

Mr. JAMES. Mr. Speaker, I yield two minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, as I understand this bill, it is simply carrying out the policy that we entered upon a short time ago when we authorized the War Department to sell certain property that was found to be surplus. Through the development of the military art and changing conditions certain property owned by the Government has come to be surplus. A short time ago this House authorized the sale of this surplus property, but it was known at the time we authorized the sale that it was the intention to ask to invest the proceeds of the sale, or substantially the same money, in new buildings, which are very much needed to house the Army; and that is all this bill does. We are not entering upon a new policy of wild expenditure. We are in effect using the old property that has become surplus to construct new property that is absolutely necessary. What is wrong about it? It seems to me to be such a sensible, businesslike thing to do that I can not see where there can be anything wrong about it.

Mr. LA GUARDIA. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. LOZIER].

The SPEAKER. The gentleman from Missouri is recognized for one minute, all the time the gentleman has left.

Mr. LOZIER. Mr. Speaker, in the one minute allotted me, I can not discuss this matter in detail, but I can say that I intend to vote against this bill for two reasons: First, because it is proposed to railroad it through this House under a suspension of rules, without debate, and with no opportunity being given to consider its details and merits. From appearances, this bill carrying an appropriation of over \$7,000,000, will be rushed through the House in 20 or 25 minutes, without 1 Member in 50 knowing anything whatsoever about its provisions. Thus it is that Congress functions with lightning rapidity when the leaders decide they want to expend vast sums for military purposes. I am not a pacifist, but I do protest against the recklessness with which Congress grants the requests of the War and Navy Departments for funds.

Secondly, I am opposed to the subtle and cunningly devised plans by which the public funds are appropriated for military purposes, a very considerable part of which is wasted. When the War and Navy Departments ask for funds, the administration never says a word about economy. It always manages to find sufficient funds to maintain large military and naval establishments. And these demands, as in the present instance, are camouflaged under the guise that the funds are badly needed.

The report which accompanied this bill tells us that this is but the beginning of a series of similar appropriations which will be demanded of Congress in the near future, and no one can tell what the ultimate cost will be of this comprehensive program. It will not be denied that this expenditure of \$7,000,000 will be followed by others which will drain many million dollars out of the United States Treasury.

But they say the Government sold surplus property and now has this money in the Treasury. That does not change the situation. It is Government money that is being expended by this bill. But "what's the use" to object? A large majority of the Members of this House are eager and impatient to vote for this bill. I realize that I am in a hopeless minority, but my vote will be cast against this bill.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. JAMES. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. HILL].

Mr. HILL of Alabama. Mr. Speaker, the gentleman from Missouri [Mr. LOZIER] tells us that this is the beginning of a great military program. If the gentleman means by that that we are embarking upon a policy of enlarging our Army or anything leading toward militarism, he is entirely wrong. [Applause.] The Congress of the United States by law has fixed the size of the Regular Army of the United States. All in the world that this bill does is to take money which has been derived from the sale of surplus military real estate and exchange that money for the construction of buildings to properly house the Army which we have authorized and provided for. [Applause.]

This bill authorizes the appropriation of \$5,770,000 for the construction of barracks, quarters, and hospitals for the Army. Under the bill new buildings will be constructed at 20 different military posts of the United States. The War Department is indeed to be commended on its willingness and its efforts to dispose of surplus military property to secure as much as possible of the money necessary for the needed construction rather than seeking to hold fast to this surplus property and endeavoring to get this new construction paid for by money taken from the General Treasury of the Government.

The pending bill comes to this House in answer to an amendment placed by the House on the 1925 War Department appropriation act, which amendment was as follows:

The Secretary of War is hereby authorized and directed to submit to the Congress at its next session a comprehensive plan for necessary permanent construction of military posts, including Camp Lewis in the State of Washington, based on using funds received from the sale of surplus War Department real estate and from the sale of such property now owned by the War Department as in the opinion of the Secretary of War is no longer needed for military purposes.

The bill is the result of many days of hearings that have taken place since December, 1924. In that month the Committees on Military Affairs of the Senate and House of Representatives held joint hearings on the subject of the sale of surplus military real estate and the necessary permanent construction at military posts. In February, 1925, subcommittees of the Committees on Military Affairs of the Senate and House of Representatives held hearings on this subject and in January of this year the Military Affairs Committee of the House held further

hearings on this same subject. Just about three weeks ago the Military Affairs Committee of the House held hearings on the pending bill. The President of the United States in his annual message to this Congress on December 8 last recommended and urged the adoption of the policy that is being carried out in the pending bill. The Secretary of War in his annual report for the year 1925 plead with the Congress to adopt the policy of the bill and eloquently and elaborately set out the reasons for his plea. The policy was approved by this House on just March 1 last when it passed the bill S. 1129 providing for the sale of surplus military real estate.

The need for the construction of new buildings at many of our military posts is indeed compelling. There are to-day some 40,000 officers and men in the United States Army who are quartered in temporary shacks or in tents. As Maj. Gen. W. H. Hart, Quartermaster General of the Army stated at the joint hearings of the subcommittees in February, 1925, to which I have referred, the temporary shacks are of war-time construction, erected during the years 1917 and 1918 and they were never intended at the time of their erection to last longer than for the emergency then existing. They were constructed of unseasoned lumber and light material hastily thrown together, the time element being the essential factor. As General Hart further stated, many of the temporary shacks now being used as barracks are in extremely poor condition. The lumber has shrunk, the foundations are rotting and in many instances bunks have to be moved or covered during rainstorms. One of the worst features of the situation is the fact that large amounts of money appropriated each year by this House for the maintenance of the Army have to be spent for the upkeep and repair of these shacks. This expenditure is a pure waste so far as any permanent benefit is concerned, but it has to be made, for the officers and men of the Army must be housed. In some instances, General Hart tells us, it has been necessary to expend in one year practically one-third of the original cost on a barrack building in order to provide shelter from the elements. The money spent on such buildings merely tides over temporarily the present needs and gives no permanent relief. As the Hon. Dwight F. Davis, the Secretary of War, well states in his annual report for last year:

It is not too much to say that should such barracks be used many more years, the amount of money expended on their upkeep will soon have equaled the original cost of the structures at their war-time price. Such expenditures constitute an extravagance, not an economy.

This is like pouring water in a rat hole. I submit to the House the following significant statement by General Hart:

To cite a few instances indicating the wastage of repair funds: During the last fiscal year this office has received requests from—

Camp Lewis for an allotment of \$230,000 for purely repair work, of which \$60,000 is necessary for roofing, \$90,000 for floorings and replacing rotten underplinnings, and \$68,000 for other miscellaneous carpentry work;

Fort Bliss for \$194,000 for repairs, of which \$80,000 is for floorings and roofs;

Fort Benning for \$71,000 for ordinary temporary repairs. This is in addition to the money that is being spent for tentage at this post; and

Fort Bragg for \$120,000 for repairs to the roofs and underpinning.

A considerable part of these requests must be met immediately. The roofs and underplinnings must be attended to if the buildings are going to be occupied, and after a lapse of two or three years there will be no evidence of the expenditure of this large amount, and the work will have to be done over.

On the other hand, if this amount were available for expenditure on permanent structures, a far greater number of buildings could be taken care of; moreover, the repairs would be permanent instead of being quickly lost through the deterioration of the temporary building.

It is conservatively estimated that when soldiers are housed in tents, the cost of tentage per man per year is \$20. For the approximately 3,000 men at Fort Benning this would amount to \$60,000 per year. This is in addition to the money necessary for repairs to the temporary buildings.

The only solution of the problem is to replace the temporary buildings as rapidly as financial conditions will permit, thereby alleviating this most unsatisfactory condition and, in addition, conserving the annual repair funds allotted for yearly maintenance and upkeep.

The pending bill authorizes appropriations to relieve the conditions at Camp Lewis, Fort Benning, and Fort Bragg, besides relieving the conditions at 17 other Army posts. Do you gentlemen not believe that we should pass this bill and put an end to this awful waste of the people's money? Mark you, the appropriations authorized by this bill will not come out of the

General Treasury but out of the funds derived from the sale of surplus property and which funds are now in the hands of the Government.

The temporary shacks in which so many of our officers and men are housed are veritable fire traps. As the commandant of the Cavalry School at Fort Riley, Kans., where conditions are typical, stated in his annual report to the Secretary of War:

The war-time buildings are veritable fire traps, and in case of fire there would probably result a terrible loss of life, as many children live in these quarters. They would not be permitted in any well-regulated municipality.

As the Secretary of War states in his last annual report, the officers commanding units in the field are in constant dread of the outbreak of a conflagration in groups of temporary wooden buildings which are being used for housing purposes. We must remember, gentlemen, that many of these temporary wooden structures, which are mere tinder boxes, are being used for hospitals. The danger of fire in these buildings used for hospitals is naturally greatest during the long, dry summer months, and this is the time when these buildings are used not only for the care of the sick of the Regular Army but for the care of the sick of the National Guard, Reserve Officers' Training Corps, and other civilian units who are in attendance at the training camps. Can you imagine, gentlemen, the feeling of horror that would come over the Members of this House if they were to read in their morning paper that the lives of hundreds of sick soldiers had been snuffed out in some terrible conflagration or that Army women and children had been cremated in some awful fire? There has been heavy loss from fire in these temporary buildings, although fortunately no human lives have been taken. In the last fiscal year the loss reported by destruction by fires, the total number of which was 250, amounted to \$914,894.23 for the buildings, based on their original cost, and \$669,146.71 for the contents. These losses were to public property and do not include the losses suffered by individual officers and enlisted men of the Army. It is significant to note that in his annual report for 1924 the former Secretary of War, Mr. Weeks, stated:

At the Field Artillery School at Fort Sill the present temporary buildings are rapidly becoming unfit for occupying and in their present condition present a serious fire hazard.

Within a few months after the rendition of the 1924 annual report 116 sets of officers' quarters, all of temporary construction, were burned to the ground at Fort Sill.

Another danger to human lives in the use of these temporary shacks is the danger from the terribly dilapidated condition of many of them. In many instances steps and porches have had to be roped off on account of their unsafe condition.

Col. H. O. Williams, Inspector General's Department, testifying before the joint hearing of the subcommittees to which I have referred, made the following significant statement:

As to the very flimsy nature of those buildings, you have seen the pictures of them, but I would like to give you a little incident that occurred in Panama. We had a truck that got a little unmanageable; the driver put it in reverse and could not get it out, and it ran over a hill and hit one of our buildings that was housing about 60 enlisted men. It crumpled up that building as though it was a paper box or a toy house. Fortunately there were only two men sleeping in there, and the Lord protected them, and they were not hurt very much.

Gentlemen, we can not underestimate the effect that this poor and dangerous housing has upon the morale of the Army. The Secretary of War, in testifying before the Military Committee at our recent hearing, said:

In fact, it is a great surprise to me, when I go around, to see that there is any morale at all. I think it is wonderful that they are able to keep any morale at all.

Much of the time of the men of the Army, instead of being used for drill and military purposes, is taken in an effort to fix up and make livable the old wooden shacks. The men are kept busy fighting dust in dry seasons and mud in wet seasons. Their standards of living keep getting lower and lower, and correspondingly their morale gets lower. As Colonel Williams, to whose testimony I have referred, well said:

Another feature that affects the morale, and this is particularly true of the women, is the lack of privacy; the women have to stay in the house 24 hours; men get out and get a little relief. Outside of the physical discomforts, it being hot in the summer and cold in the winter, is this lack of privacy; the partitions in these buildings are very thin; any noise in one building goes right into the next building; every time a child cries it is heard by the next family; every time some one turns on a wheezy phonograph it is heard in the ad-

joining rooms; even the flushing of a toilet in one apartment is heard in the next. That gets on the nerves of the women, and they become almost nervous wrecks. I suppose they nag their husbands a bit, and the result is a lowering of tone and of morale.

Can we not imagine, gentlemen, the effect that these poor housing conditions must have upon the morale of the officers and men?

Gentlemen, let us pass this bill as a matter of sound economy, let us pass it and put an end to the danger that now hovers over the lives of 40,000 of the officers and men of the Army, and the lives of their families, let us pass it for the morale and the esprit de corps of the Army. Let us pass it for the Army, an Army that has never known defeat, and that has never failed the Nation in the hour of its need. [Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired. The question is on the motion of the gentleman from Michigan to suspend the rules and pass the bill as amended.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 223, noes 11.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on this bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL of Maryland. Mr. Speaker, this bill (H. R. 10275) is the first authorization of expenditure for Army posts, barracks, hospitals, and quarters made under the Wadsworth-Hill Act creating the permanent Army-post fund of about \$28,000,000, which was passed a few weeks ago.

This bill, as shown in the hearings, for the first time starts development of Army posts along the lines of the nine corps area system of the national defense act. At the hearings on March 20 I put in the following analysis of this bill:

Mr. HILL of Maryland. Here is my pencil memorandum as to the makeup of the 20 items in the authorization and, if that is correct, would you mind putting it in with your remarks? It gives the amount at each corps area and the purposes of the distribution, in a very brief form.

Twenty items of authorization

Overseas, Hawaii and Panama	\$691,000
First Corps Area: Camp Devens, barracks	500,000
Second Corps Area:	
Fort Monmouth, N. J., barracks	\$555,000
Fort Monmouth, N. J., hospital	100,000
Mitchel Field, N. Y., barracks	287,000
Fort Wadsworth, N. Y., barracks	285,000
	1,227,000
Third Corps Area:	
Fort Humphreys, Va., barracks	\$500,000
Camp Meade, Md., barracks	410,000
Edgewood Arsenal, Md., officers' quarters	9,000
	1,000,000
Fourth Corps Area:	
Fort Bragg, N. C.	\$360,000
Fort Benning, Ga.	725,000
	\$1,085,000
Fifth Corps Area: Erie Proving Grounds, barracks	47,000
Sixth Corps Area:	
Selfridge Field, Mich., barracks	\$570,000
Selfridge Field, Mich., noncommissioned officers' quarters	180,000
	750,000
Seventh Corps Area: Fort Leavenworth, Kans., hospital	125,000
Eighth Corps Area: Fort Sam Houston, Tex., barracks	500,000
Ninth Corps Area:	
Camp Lewis, hospital	\$125,000
Camp Lewis, barracks	800,000
	925,000
Total	6,820,000

This bill makes possible the development of Camp Meade, for which I have been working for five years, but that is only one quid of satisfaction.

This bill takes care of very necessary housings in all the corps area. I call the attention of the House to the following extracts from the hearings on the Wadsworth-Hill bill which I reported in the hearings on this bill—showing what this bill starts doing:

Mr. HILL of Maryland: Mr. Chairman, I have marked a few extracts from the joint hearings before the subcommittees of the Committees on Military Affairs, held February 18, 19, and 20, 1925, which I ask permission to have inserted in the record.

Mr. JAMES. Without objection, they may be incorporated. The Chair hears none.

The extracts referred to are as follows:

"Colonel KNOX. It is not as far as the combat arms are concerned, for this reason: The reservations are quite small and they are largely covered with buildings and fortifications. There is very little extra space for troops of the line to drill. There are no facilities for target practice with the rifle and with the machine gun. Also in some cases,

particularly in the First Corps Area, the animals for the trains of Infantry organizations and the animals for machine-gun carts have to be cared for at Camp Devens. These posts are largely on islands, which makes it necessary to use water transportation for both personnel and supplies, so they are generally unsatisfactory for mobile troops of the Regular Army. As a means of shelter, which is all they are getting at the present time, they will shelter the troops, but invariably in summer troops go for training purposes to Camp Devens.

"That is just one corps area, and the other corps areas along the Atlantic seaboard are in a similar situation.

"Mr. HILL of Maryland. In that corps area you would concentrate everything at Camp Devens if you could?

"Colonel KNOX. Yes, sir.

"Mr. HILL of Maryland. And that is your theory of national defense?

"Colonel KNOX. Yes, sir. They have to go there, anyhow. That is what we want. Of course, the Coast Artillery posts that we would thus vacate have valuable equipment, the care of which is necessary, and the Coast Artillery would care for this and would retain these posts, or a large majority of them.

"Mr. HILL of Maryland. And the same in the third area; you have your Artillery brigade at Fort Howard, have you not?

"Colonel KNOX. We have an Artillery brigade there less one regiment.

"Mr. HILL of Maryland. Is not that Infantry headquarters?

"Colonel KNOX. Yes, sir; the Twelfth Infantry, less one battalion.

"Mr. HILL of Maryland. It ought to be at Camp Meade, ought it not?

"Colonel KNOX. Yes, sir.

"The Third Corps Area is in a similar situation. It formerly had no strictly Infantry stations or mobile army stations other than at Fort Myer, which has Field Artillery and Cavalry.

"Chairman WADSWORTH. Are there any questions the members of the committee desire to ask the major?

"I see these photographs display typical quarters.

"Major PRENTISS. Yes, sir.

"Chairman WADSWORTH. I have seen a good many of them myself.

"Mr. HILL of Maryland. Yes; for instance, at Camp Meade there is a large number of barracks which are the type of one of these at Fort Bragg.

"Major PRENTISS. Yes, sir.

"Mr. HILL of Maryland. A number of them have been condemned; you can not put troops in them.

"Major PRENTISS. That is the fact.

"Mr. HILL of Maryland. And, as a matter of fact, a majority of them are in that condition.

"Major PRENTISS. An increasing number each year have to be abandoned. Last year one of those buildings collapsed with some Reserve Officers' Training Corps students in them, and it was a miracle that they were not injured.

"Mr. HILL of Maryland. There is an enormous danger from fire?

"Major PRENTISS. Yes; there is.

"Mr. HILL of Maryland. At those places?

"Major PRENTISS. At Camp Meade one of the buildings half burned down, and they put up a tar-paper partition so as to fix up the other end, and they are still living in that end of the building.

"Mr. HILL of Maryland. That night the whole camp nearly burned down.

"Mr. HILL of Maryland. Mr. Chairman, has it appeared in the record what camps in the nine corps areas are considered as ultimate corps area training camps? Has that been put in the record? For instance, I take it that Camp Devens is intended to be the central mobilization and concentration point in the First Corps Area; is that right?

"Major PRENTISS. Yes; I think Colonel Knox can give you that.

"Colonel KNOX. I think the corps area headquarters will remain in Boston.

"Mr. HILL of Maryland. I mean the mobilization and instruction headquarters.

"Colonel KNOX. Yes.

"Mr. HILL of Maryland. That is Camp Devens?

"Colonel KNOX. Yes.

"Mr. HILL of Maryland. And the second?

"Colonel KNOX. Camp Dix.

"Mr. HILL of Maryland. And the third?

"Colonel KNOX. Camp Meade.

"Mr. HILL of Maryland. And the fourth?

"Colonel KNOX. Camp McClellan.

"Mr. HILL of Maryland. And the fifth?

"Colonel KNOX. Camp Knox.

"Mr. HILL of Maryland. And the sixth?

"Colonel KNOX. Camp Custer.

"Mr. HILL of Maryland. And the seventh?

"Colonel KNOX. We have several in the seventh; I don't recall just now.

"Mr. HILL of Maryland. Well, that can be put in.

"Colonel KNOX. I think it is Fort Riley.

"Mr. HILL of Maryland. And the eighth, I suppose, is San Antonio?

"Colonel KNOX. Yes.

"Mr. HILL of Maryland. And the ninth?

"Colonel KNOX. Camp Lewis.

"Chairman WADSWORTH. You own the land necessary, do you not?

"Colonel KNOX. Yes; with the exception of a small portion at Camp Devens.

"Senator FLETCHER. Of what are the permanent establishments composed in the fourth area? Of course, at Camp McClellan, Ala., you need a number of permanent buildings.

"Major PRENTISS. Yes; that is the training center for that corps area.

"Senator FLETCHER. And where else?

"Major PRENTISS. The permanent buildings will be covered by Captain Hobson.

"Chairman WADSWORTH. Do you want to ask any more questions concerning the condition of buildings occupied for the distribution of troops? We have heard Colonel Knox and Major Prentiss on those phases.

"Mr. HILL of Maryland. Is it not a fact that practically all of these central mobilization and instruction points, and the points you have mentioned, are temporary construction for the war, and are in practically the same condition as the buildings you have shown at Camp Bragg?

"Major PRENTISS. Yes.

"Mr. HILL of Maryland. In other words, these nine points in the nine corps areas are made necessary by the new policy of defense in the nine corps areas?

"Major PRENTISS. Yes, sir.

"Mr. HILL of Maryland. And practically new construction should be made in all of them?

"Major PRENTISS. Yes, sir.

"Mr. HILL of Maryland. You have, however, drainage and sewerage and plenty of land?

"Major PRENTISS. Yes. The underground utilities in general are in good shape with the exception of certain water mains, where they used wood-stave pipes. The sewers, and so on, are in good shape, so it would be much more costly to build on new sites than the old sites.

"Mr. HILL of Maryland. Could you give us an estimate of the cost in the way of roads and land at these nine points now?

"Major PRENTISS. It runs up into a great many million dollars. Yes; I could give you that for the record.

"Mr. HILL of Maryland. I think that would be interesting to show what the Army proposes to build on at these permanent stations.

"Major PRENTISS. That will be inserted in the record."

Value of utilities now existing at corps area training camps

Corps area	Camp	Roads	Rail-roads	Water systems	Sewer systems	Incinerators
First.....	Devens.....	\$125,000	\$220,000	\$460,000	\$250,000	\$5,000
Second.....	Dix.....	190,000	325,000	235,000	265,000	10,000
Third.....	Meade.....	570,000	165,000	270,000	325,000	10,000
Fourth.....	McClellan.....	120,000	150,000	255,000	275,000	.....
Fifth.....	Knox.....	325,000	280,000	240,000	235,000	.....
Sixth.....	Custer.....	221,000	280,000	192,000	163,000	15,000
Seventh.....	Riley.....	648,000	.....	255,000	180,000	.....
Eighth.....	Travis.....	670,000	580,000	205,000	210,000	10,000
Ninth.....	Lewis.....	325,000	315,000	178,000	190,000	15,000
Total.....	.....	3,091,000	2,415,000	2,200,000	2,093,000	65,000

Corps area	Camp	Electric systems	Heating systems	Refrigerating systems	Totals
First.....	Devens.....	\$227,000	\$187,000	\$11,000	\$1,485,000
Second.....	Dix.....	154,000	187,000	11,000	1,377,000
Third.....	Meade.....	156,000	41,000	11,000	1,548,000
Fourth.....	McClellan.....	51,000	.....	26,000	877,000
Fifth.....	Knox.....	139,000	30,000	8,000	1,357,000
Sixth.....	Custer.....	108,000	210,000	11,000	1,200,000
Seventh.....	Riley.....	72,000	66,000	.....	1,118,000
Eighth.....	Travis.....	67,000	40,000	5,000	1,787,000
Ninth.....	Lewis.....	116,000	20,000	19,000	1,174,000
Total.....	.....	1,090,000	781,000	98,000	11,923,000

This bill means a start on an orderly development of the national defense, for which every Secretary of War has endeavored for many years.

It also includes \$90,000 for needed officers' quarters at the Edgewood Arsenal, Md., making a total expenditure of \$500,000 in Maryland.

SALE OF MARINE HOSPITAL AT DETROIT, MICH.

Mr. LAGUARDIA. Mr. Speaker, on Calendar 341, to which objection was offered, I desire to withdraw my objection, and

I understand the gentleman from Wisconsin [Mr. SCHAFER] desires to withdraw his objection.

Mr. BLANTON. Mr. Speaker, I make the point of order that it can not be done after—

Mr. LA GUARDIA. I am asking unanimous consent.

Mr. BLANTON. I object.

The SPEAKER. Objection is heard.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8132. An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes;

S. 124. An act for the relief of the Davis Construction Co.; and

S. 3031. An act for the relief of George Barrett.

REGULATING FOREIGN COMMERCE

Mr. MAPES. Mr. Speaker, I desire to file a conference report on the Ketcham seed bill for printing under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 2465) to amend an act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes.

The SPEAKER. Ordered printed.

PERMISSION TO ADDRESS THE HOUSE

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that after the special order of business for tomorrow I may be permitted to address the House for 15 minutes on veterans' legislation.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that upon the completion of business in order to-morrow he may address the House for 15 minutes on the subject of veterans' legislation. Is there objection? [After a pause.] The Chair hears none.

NATIONAL PARKS EAST OF THE MISSISSIPPI

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on national parks in the East, with the privilege of inserting a report of the Southern Appalachian Commission.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks by incorporating a report of the Appalachian Commission. Is there objection?

Mr. BLACK of Texas. Reserving the right to object, how much is this report?

Mr. THATCHER. About five letter pages double; not much.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. THATCHER. Mr. Speaker and Members of the House, one of the most important functions of government is that of providing adequate parks and recreational grounds for the people. A city is largely measured by its system of parks. If that system be ample and well planned; if the units involved are wisely located and rendered accessible and attractive, the very highest purposes are secured. The same is true as to State parks, and eminently true as to national parks.

Of course, there are certain standards involved as to the establishment of national parks which it is well to observe. These standards are most aptly indicated in the "Statement of national-park policy," outlined in the letter of instructions issued on May 13, 1918, by the Secretary of the Interior, Franklin K. Lane, to the Director of the National Park Service, Stephen T. Mather. See Report of the Director of the National Park Service for the fiscal year ending June 30, 1920, pages 419 to 421. Here are some of these standards as then defined by Secretary Lane, and which have been generally accepted by those having charge of our National Park Service:

In studying new park projects you [the Director of the National Park Service] should seek to find scenery of supreme and distinctive quality, or some natural feature so extraordinary or unique as to be of national interest and importance. You should seek distinguished examples of typical forms of world architecture, such, for instance, as the Grand Canyon, as exemplifying the highest accomplishment of stream erosion, and the high, rugged portion of Desert Island, as exemplifying the oldest rock forms in America, and the luxuriance of deciduous forests (p. 421).

It is not necessary that a national park should have a large area. The element of size is of no importance so long as the park is susceptible of effective administration and control (p. 421).

Secretary Lane, by experience, observation, and general ability was most excellently qualified to enunciate the rules whereby national-park projects should be tested. Those rules were formulated after years of close study of the national-park problem. He knew our national parks through sympathetic contacts. He was, and is, regarded as being a most eminent authority on the subject.

With a single exception, all of our national parks lie west of the Mississippi River. That exception is Lafayette National Park, a small recreation ground of a few thousand acres on the coast of Maine. Also all of our national parks, with the exception of Lafayette National Park, have been carved out of the national domain. Yet it must be remembered the national domain is as much a national asset as money in the Federal Treasury. The lands of the Lafayette National Park were donated by public-spirited citizens.

Not only are all of our national parks, with the single exception just noted, west of the Mississippi, but practically all of them are west of the eastern rim of the Rocky Mountains. One is in the far-away tropical isles of Hawaii and another in the remote and frigid mountains of Alaska. All of our western and territorial national parks, however striking or wonderful they may be, are for all practical purpose inaccessible to the great masses of our American population. These great masses lie east of the "Father of Waters," and but few of them ever have the opportunity of seeing a national park. Yet these masses, by reason of superiority in numbers and wealth, pay by far the greater part of our Federal taxes.

The national parks of the West are the proud possessions of all our people, and Federal funds to the extent of millions of dollars have been used in their maintenance and operation; and these expenditures must continue so long as these parks are maintained. All Americans approve of these expenditures; but it is high time, not only as a matter of need, but of justice as well, that an adequate system of national parks be created and maintained east of the Mississippi. The Mammoth Cave region of Kentucky, the Great Smoky Mountains of North Carolina and Tennessee, and the Blue Ridge-Shenandoah section of Virginia are eminently qualified to become national parks, and to form, with the Lafayette National Park, an adequate system of national parks east of the Mississippi. These three projects measure up to the high standards prescribed by Secretary Lane. Under the act of Congress approved February 21, 1925, and in accordance with its direction, these three areas were visited and examined during the past year by the Southern Appalachian National Park Commission, touching their worth as national-park projects; and recently all three of them have received the unequivocal approval of that commission, which is composed of the following members:

Hon. H. W. TEMPLE, Member of Congress from Pennsylvania, chairman; Maj. W. A. Welch, chief engineer and general manager of the Palisades Interstate Park of New York and New Jersey; Mr. Harlan P. Kelsey, former president of the Appalachian Mountain Club, of Boston, and well-known landscape architect; Mr. William C. Gregg, of the National Arts Club of New York, and a student of recreational agencies; and Col. Glenn S. Smith, acting chief topographic engineer of the United States Geological Survey, and representative of the Interior Department on the commission.

The commission on the 8th of the present month made its unanimous report to the Secretary of the Interior, declaring all three projects eminently worthy of inclusion in our national-park system and recommending that such inclusion be made upon the condition that the necessary lands be conveyed to the United States free of cost. The commission also, in its report, set forth the boundaries and areas which should be so acquired for national-park purposes as to the three projects. This report was transmitted to the Congress by the Secretary of the Interior on April 14, 1926, and he made recommendations as to the boundaries of the proposed Shenandoah and Great Smoky Mountains National Parks but made no present recommendation as to the Mammoth Cave project.

While it is true that the same progress in the matter of raising funds and securing offers of donations of lands has not been made as to the Mammoth Cave project as have been made as to the other two projects, it is also true that the other two projects have had the great advantage of having received in 1924 the approval of a like commission, in the form of a special committee, appointed by the Secretary of the Interior and made up of the same personnel as that constituting the present commission. The older body was not appointed agreeably to

any act of Congress, but was named by the Secretary to aid him in investigating Southern Appalachian park projects, including those of the Shenandoah and Great Smoky Mountains. The approval of these two projects in 1924 enabled their friends to launch intensive campaigns for the raising of funds with which to purchase the respective lands needed therefor. The Mammoth Cave project was not included in the survey of 1924 because there seems not to have been made any request therefor, though the idea of converting the Mammoth Cave region into a national park has been under discussion for years, and during the past 10 or 15 years various bills have been introduced in Congress providing for appropriations for such purpose. Also, in the year 1920, as will be presently shown, the acquisition of the Mammoth Cave section and its conversion into a national park was strongly advocated by Mr. Stephen T. Mather, then and now Director of the National Park Service. See his annual report of that year, pages 84 and 85. In his recommendations then made he went so far as to indicate his approval of the making of congressional appropriations for the purchase of the Mammoth Cave lands for national-park purposes. See, also, his annual report of 1918 (page 33) and his annual report of 1919 (page 40), earnestly urging that the Mammoth Cave area be converted into a national park.

Under leave granted, I now include, as a part of these remarks, the report of the Southern Appalachian National Park Commission made April 8, 1926, and transmitted to Congress in the manner already shown, omitting, however, the detailed boundaries of the three projects set forth in the report, because of their length.

REPORT OF SOUTHERN APPALACHIAN NATIONAL PARK COMMISSION
APRIL 8, 1926.

HON. HUBERT WORK,
Secretary of the Interior.

MY DEAR MR. SECRETARY: The members of the Southern Appalachian National Park Commission, appointed in accordance with the act of February 21, 1925 (Public, No. 437, 68th Cong.), have complied with the requirements of the act and with your instructions and desire to report as follows:

We suggest that reference be made to the report of your special committee submitted December 12, 1924, which gave the reasons for definitely recommending the Shenandoah National Park area and the Smoky Mountains National Park area as worthy of being acquired as national parks. In conformity with the requirements of the above cited act of Congress, members of the commission have during the past year made a more careful study and investigation of these and other areas and have found much additional evidence of the eminent worthiness of these two areas for acquisition as national parks. Your commission has also made a careful examination of the Mammoth Cave region of Kentucky and believes sufficient reasons exist to warrant its acceptance as a national park if requirements are met as outlined in this report. Below are briefly outlined some of these reasons.

Mammoth Cave is the best known and probably the largest of a remarkable group of limestone caverns, 20 or more of which have been opened up and explored to a greater or less extent. Included in this group are Colossal Cavern, Great Onyx Cave, New Entrance to Mammoth Cave, Salts Cave, Proctor Cave, Long Avenue Cave, Great Crystal Cave, Cave of the Hundred Domes, Diamond Cave, Mammoth Onyx Cave, Dixon Cave, and others, all of which contain beautiful and wonderful formations. There is good evidence that many more caverns yet to be discovered exist in this immediate territory, and it seems likely that most, if not all, of this entire group of caverns eventually will be found to be connected by passageways forming a great underground labyrinth of remarkable geological and recreational interest perhaps unparalleled elsewhere. The territory which embraces this network of caverns consists of about 15,000 acres, or an area approximately 4 miles wide and 6 miles long. Another geological feature of much interest is found in the thousands of curious sink holes of varying sizes through which much of the drainage is carried to underground streams, there being few surface brooks or creeks.

The Mammoth Cave area is situated in one of the most rugged portions of the great Mississippi Valley and contains areas of apparently original forests which, though comparatively small in extent, are of prime value from an ecological and scientific standpoint and should be preserved for all time in its virgin state for study and enjoyment. Much of the proposed area is now clothed in forest through which flows the beautiful and navigable Green River and its branch, the Nolin River.

All this offers exceptional opportunity for developing a great national recreation park of outstanding service in the very heart of our Nation's densest population and at a time when the need is increasingly urgent and most inadequately provided for.

Your commission has carefully investigated the above-recommended areas with a view of selecting on the ground the most suitable boundaries or limits of purchase area for the proposed parks. Your commission, through the cooperation of the Army Air Service, obtained air-

plane photographs of the Shenandoah and Smoky Mountains park areas, and these photographs proved to be a great help in determining suitable boundaries.

In accordance with your instructions the associations and organizations in the States in which these national-park areas are located were informed that the lands within the areas must be presented to the United States Government in fee simple before such areas could become national parks. On May 27, 1925, identical letters were addressed by the commission to the leading groups in these States, suggesting that they definitely organize to carry out the requirements of the commission and stating further that "to facilitate this work the commission considers it necessary that an organization state-wide in scope be incorporated to act for the citizens and organizations of such State for the purpose of centralizing their efforts; * * * and in order that it may be custodian of moneys, lands, and options for the purchase of lands within the proposed park areas to be held in trust for park purposes." In compliance with these suggestions of the commission the following organizations were incorporated: In Virginia, the Shenandoah National Park Association (Inc.); in Tennessee, the Great Smoky Mountains Conservation Association; in North Carolina, the Great Smoky Mountains (Inc.); and in Kentucky, the Mammoth Cave National Park Association. These organizations have been engaged in obtaining donations, both of money and of land, and options, with the following results:

The Shenandoah National Park Association (Inc.) reported April 3, 1926, that the total amount raised in donations is \$1,249,154, and a minimum net sum of \$1,200,000 for the purchase of the proposed Shenandoah National Park. The Great Smoky Mountains Conservation Association and the Great Smoky Mountains (Inc.) reported April 1, 1926, that Tennessee and North Carolina have raised jointly the total sum of \$1,066,693.91. The Mammoth Cave National Park Association reported April 1, 1926, two donations of property aggregating 3,629.13 acres, of which 1,324.10 acres are to be covered by fee simple title and 2,305.03 acres by cave rights. Included in this area are the caves exhibited by the Colossal Cavern and by the New Entrance Co., but not including Mammoth Cave.

In addition, these organizations reported that they have obtained many signed options covering considerable acreage. The Great Smoky Mountains Conservation Association, the Great Smoky Mountains (Inc.), and the Shenandoah National Park Association (Inc.) have entered into an agreement to carry on a national campaign to procure additional and sufficient funds to purchase substantially all the lands within the purchase areas of the designated Shenandoah National Park and the Smoky Mountains National Park.

As the Great Smoky Mountains Conservation Association (Tennessee) and the Great Smoky Mountains (Inc.) (North Carolina) jointly, and the Shenandoah National Park Association (Inc.) have complied with the requirements submitted to them by your commission, we therefore recommend that the two areas designated as above indicated be made national parks and administered as such when 250,000 acres in each of them have been transferred in fee simple to the United States. We also recommend that the Mammoth Cave National Park be established when the Mammoth Cave National Park Association can transfer to the United States in fee simple one-third of the proposed area (approximately 20,000 acres), including all the caves, and can assure you that steps will be taken to obtain additional and sufficient funds to purchase substantially all the lands within the designated boundaries.

Boundaries: The boundaries recommended in this report, being largely natural and easily determined, are such as to include all the area that the commission hopes will ultimately be acquired as national parks, it being well understood that there may be holdings within the recommended areas near these boundaries which may on further inspection be found impracticable or not economical to include.

(a) [Here follows a detailed description of the general boundaries of the Shenandoah National Park area (all in Virginia), comprising approximately 521,000 acres.]

(b) [Here follows a detailed description of the general boundaries of the Smoky Mountains National Park area (all in North Carolina and Tennessee), comprising approximately 704,000 acres.]

(c) [Here follows a detailed description of the general boundaries of the Mammoth Cave National Park area (all in Kentucky), comprising approximately 70,618 acres.]

I earnestly favor all three of these projects. All three are eminently eligible for national parkhood. The time is ripe for their consummation. Because of the greater masses of our population to be served east of the Mississippi, there is the greater need for national parks in this great section of our country than in the West. But national parks are needed in both the East and the West. I am glad to vote for adequate appropriations for the maintenance of the national parks of the West, and I believe that it would be just that Federal funds be expended for the acquisition of lands in the East for national-park purposes, though there is not being made at this

time any demand for such action. The present movement contemplates that the lands needed for the three projects under discussion shall be acquired through private and local enterprise and turned over, free of cost, to the Federal Government for national-park purposes. If, and when this is done the parks thus created will have to be improved, of course, under Federal expenditure, just as is the case as regards our existing national parks.

In the case of the Mammoth Cave National Park, however, the guide fees and other charges of an incidental character and the usual revenues from concessions will insure from the outset a substantial income; and the fact that the cave region is accessible by motor, rail, and river every day of the year, and is already "sold" to the world at large because known throughout the civilized earth as one of the "seven wonders of the world," will cause it to be, in our deliberate judgment, the most frequented, the most popular, and the best revenue producer of all our national parks.

In the House and Senate bills have recently been introduced having for their object the creation of the Shenandoah and Great Smoky Mountains National Parks, in accordance with the terms and recommendations embodied in the recent report of the Southern Appalachian National Park Commission. I have also introduced in the House H. R. 11320, and Senator ERNST has introduced in the Senate S. 3988, a bill having for its object the creation of all three of these proposed national parks—Shenandoah, Great Smoky Mountains, and Mammoth Cave—in accordance with the terms and recommendations of that report.

Under this bill the total areas required for the three projects, as indicated in the report of the commission, must be conveyed to the United States Government free of cost; and unless such conveyance is made as to any one of the three projects, that project fails and the Government is involved in no outlay. Also under this bill, which provides for equality of treatment as to the three proposed parks, each project may qualify and become a national park regardless of the other two projects. Thus each must stand or fall upon its own merits, though it is deemed wise to set up the legislation and administrative machinery necessary for the conversion of the three projects into national parks in a single bill or act for the reason that in the act of February 21, 1925, already mentioned, the commission was directed to survey the three projects; the survey of the three projects was thereupon made, and the findings and recommendations of the three projects have been embraced in a single report. Moreover, it will be easier to secure the enactment of one bill in Congress than it will be to secure the enactment of two or three separate bills.

There is no conflict of interest between these enterprises. They are separated by sufficient distances to preclude rivalry, yet are close enough to each other to permit their convenient negotiation, by tourists, as a single delightful, recreational adventure. Each of these parks—if established—will serve its particular purpose, and the three will constitute a vast triangle of national parks admirably located to serve the great masses of our people.

In addition to the strong seal of approval placed on the Mammoth Cave national park project by the Southern Appalachian National Park Commission, other eminent official recognition of the merits of that project are to be noted. Thus, in his letter of June 5, 1924, to the Chairman of the Public Lands Committee of the House, Hon. Hubert Work, then and now Secretary of the Interior, declared that—

the Mammoth Cave is one of the most widely known natural features of America—

And that—

unquestionably the Mammoth Cave is worthy of national-park status.

As already suggested, Mr. Stephen T. Mather, then and now Director of the National Park Service, in his annual reports of 1918, 1919, and 1920 indicated, in the strongest manner possible, his approval of the Mammoth Cave National Park project and declared that it fully met the requirements of the standard or test prescribed by Secretary Lane, already quoted, in that the Mammoth Cave region constituted one of the most remarkable of—

distinguished examples of typical forms of world architecture.

Let us quote the following from the statement of Director Mather touching the Mammoth Cave national-park project, as set forth in his 1920 report:

Many efforts have been made in the past to secure the Mammoth Cave, of Kentucky, with sufficient adjoining area, including the recently discovered Onyx Cave, to permit of its full development for a national park, but thus far these efforts have been fruitless. Nature's most

magnificent, and certainly the largest, limestone cavern, with approximately 40 miles [now 150 miles] of wonderfully formed underground passages and chambers, is not only known to every school child in the land, but is already the mecca of travelers the world over.

The land itself, covering the cave and contiguous areas, contains thousands of acres of the splendid virgin growth of the deciduous forest growth of the East. Its location at the head of navigation of the Green River contributes another particularly fascinating detail of the richness of that region. Its accessibility not only to our large centers of population but through ease of approach by motor, rail, and boat would insure it a popularity in the East that is so common to the major parks of the West. That part of the United States lying east of the Mississippi River contains only one national park, Lafayette National Park, in Maine, which, by the way, is constituted solely of lands contributed by public-spirited citizens. More national parks are needed in the East, and the inclusion of the Mammoth Cave region would add one of the most remarkable of "distinguished examples of typical forms of world architecture" to the proud national-park family. More than that, by virtue of its favorable location, it would at once perform its important function as a breathing spot available to every man, woman, and child of our large industrial centers at a minimum expenditure of money. (P. 84 of report.)

Thereupon, in the same report, Director Mather discussed the question of congressional appropriations for the purchase of the Mammoth lands for national-park purposes. He said:

Once proponents of the project secured hearings on a bill (H. R. 1606, establishing the Mammoth Cave National Park; hearing held May 3, 1912, before the Committee on Military Affairs, House of Representatives, 62d Cong.) for its purchase. More recently the project has secured fresh impetus, and many of its friends, including local organizations, are rallying to the support of a similar measure. On May 26, 1919, Representative R. Y. Thomas, of Kentucky, an ardent advocate of the project, who has introduced a number of bills in Congress of similar purport, introduced H. R. 3110, but no action has been taken. The property is in private hands, administered under the terms of a famous will which directs that upon the death of the last-named heir under the will the property is to be sold at public auction. It is understood that the advanced age of the two surviving devisees under the will makes it practically certain that before long the property will be put up at auction and sold to the highest bidder.

The famous Mammoth Cave may then go into speculative private hands and be forever lost for development as a national park for the benefit of the people of the country. It may be doubted whether Congress will see fit to appropriate the money needed to acquire the necessary lands. All national parks, with the exception of the Lafayette National Park, have thus far been carved out of the public domain. But certainly the fame of this great natural exhibit should constitute the greatest appeal for an exception to the rule. It is to be hoped that if Congress can not see its way clear to appropriate the funds necessary to acquire the areas needed, public-spirited parties will acquire it at the auction and donate it to the Government for the benefit of posterity. It ought to become the Nation's property. (Pp. 84 and 85 of report.)

Certainly no stronger official sanction of the Mammoth Cave National Park project can be found than that contained in this report of Director Mather. Since 1920 additional caverns in the Mammoth Cave region have been discovered and opened up to the world, and the end of such discoveries is not yet in sight. This whole region is honeycombed with marvelous caves and their ramifications, and in the aggregate they undoubtedly constitute the most wonderful system of caves in the world. At present the various caves are under diverse ownership and management. Should the Mammoth Cave National Park be created, all of these cave units would come under a single management—that of the Federal Government—and the limited accommodations now provided for tourists and visitors would be replaced by adequate and pleasing hotels and camps of the character now provided in the national parks of the West.

The holder of the life estate in the old Mammoth Cave is a woman more than 90 years of age. At her death this particular property must be sold at public auction. This is an added reason why legislation permitting the creation of the Mammoth Cave National Park should be enacted at the present session.

Director Mather's strong approval of this project is reinforced and strengthened by the sweeping and emphatic approval given by the Southern Appalachian National Park Commission in its report already quoted. Secretary Work, as has already been pointed out, has likewise declared the national park status of the Mammoth Cave project. The commission, as indicated in its report, recommended a smaller boundary for the proposed Mammoth Cave National Park than for the other two proposed parks. This is for the obvious reason that the stupendous caverns and underground passages making up the Mammoth Cave system constitute such a striking example of world architecture as to form, of themselves alone, a feature worthy of

national park recognition. Moreover, these cave properties are highly valuable. They are included in something between fifteen and twenty thousand acres of area. The cost of these cave lands, in fee, when added to the cost of the 51,000 acres contiguous and picturesque hill and knob country embraced in the total Mammoth Cave National Park boundary recommended by the commission, will be, perhaps, as much as the cost of the total area in either of the other two projects. The total cost of acquiring the necessary lands for the three projects will be several millions of dollars; and if they are acquired without cost to the Federal Government those responsible therefor will be entitled to the highest praise.

In the course of these observations, I must not fail to commend, as earnestly as may be possible, the splendid work performed by our colleague, Doctor Temple, and his associates on this commission. Untiringly, zealously, wisely, and without any compensation or reward except that which comes through the consciousness of having performed with marked success a highly important undertaking, they have made their surveys and studies in keeping with the spirit and purposes of the act of Congress authorizing the commission's appointment; and their report should result in the prompt creation of the national parks they recommend. Too much praise can not be given these distinguished and public-spirited men for the service they have rendered. The creation of these national parks will constitute a splendid recognition of an arduous task splendidly performed.

The present session of Congress is drawing to a close. The friends of these three great enterprises should join together and work as a unit in securing the enactment, at this session, of the necessary legislation to permit the establishment of these three national parks agreeably to the terms and conditions set forth in the report of the commission. I believe that the enactment of such legislation will constitute a great forward step in national-park and conservation work. I am sure that such action will be heartily approved by our entire population, East, West, North, South, and in our territorial and insular possessions. One of the greatest needs of the Nation is a system of national parks east of the Mississippi. The hour is ripe for their creation. It has now come to pass that "the waters of the pool are troubled," and we must enter them. Congress has the power to act, just as it has the responsibility. Let us, the Members of Congress, take advantage of the opportunity offered, and unite in this great movement, and write a new and splendid chapter in our national-park history. By doing so we shall earn not only the approval of the present generation, but, as well, the approval of the generations to come through all the future.

OUR SOLDIER DEAD IN FOREIGN LANDS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado [Mr. HARDY] have leave to extend his remarks in the Record by inserting a report of his visit to the American cemeteries in Europe.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the gentleman from Colorado [Mr. HARDY] may extend his remarks in the Record on the subject of his visit to the American cemeteries in Europe. Is there objection? [After a pause.] The Chair hears none.

Mr. HARDY. Mr. Speaker, I was recently in Europe and while there visited the battle fields where American troops were engaged in the great World War and the principal American cemeteries in France where more than 30,000 brave American boys rest in peace.

I want to tell the House and the country that the American cemeteries in Europe are permanently located, charmingly situated, well developed, and beautifully kept. It should be a pride and comfort to the mothers and comrades of those who fell and were left in France to know that no graves anywhere and no cemeteries in all the world are better cared for than these. I have visited or passed by hundreds of cemeteries in Europe where literally millions of the soldiers of the World War are buried. The English cemeteries are fairly well kept up. The French, German, and Italian cemeteries have a sadly neglected appearance. The American cemeteries are in tiptop condition and are the best cared for of all.

The American cemeteries are beauty spots in Europe and will be hallowed ground to Americans who visit them for centuries to come.

It has taken some years to develop this system of cemeteries for the American dead. During the war it was necessary that burials be made at convenient points. At the end of the war November 11, 1918, there were 2,007 places where six or more burials had been made. By preliminary concentration by the American Expeditionary Forces this number was reduced to 789. Final concentration work began January 1, 1920, and

the eight permanent cemeteries were located and developed. About this time many bodies were removed to the United States for burial at the request of relatives. For a time relatives had that option. In all 46,234 bodies have been brought to the United States, 604 were shipped to homes in foreign lands, 139 at the request of relatives were left where originally buried and at this time 30,502 rest in the eight permanent national cemeteries of Europe. A total of 77,552 graves are known and registered at home and abroad. The option of removal on the part of relatives expired April 1, 1922.

These removals left the cemeteries badly torn up—many vacant graves scattered around. This has all been corrected now. The cemeteries have all been laid out in perfect order—the rows even and straight, the arrangement artistic and impressive. Our men who fought in France have found their final resting places where they will sleep through the ages.

We have in Europe now eight American cemeteries—six in France, one in Belgium, and one in England. The lands have been acquired by the United States Government and the Government has assumed the responsibility for their care. Funds have been provided liberally by Congress and the War Department has given its best men for the development of the cemetery system.

The permanent cemeteries in France are located in picturesque spots near the great battle fields in which most of the men buried lost their lives. No two of the cemeteries are alike, but all are uniformly beautiful, well arranged, and are being given excellent care. They are all covered with blue grass and are as green as any Washington lawn. Trees and shrubbery have been planted, beauty spots laid out and are being developed. At the entrance gate of each is a caretaker's home and hostess house, where relatives may find quarters when required. In the center is a tall flagpole, from which an American flag flies always in the daytime.

The graves are marked by white crosses. At present the crosses are of wood, painted white. The names and organization numbers are painted in black. Once a year or oftener the crosses are washed, repainted white, and the names restenciled. Always the rows and rows of crosses stand out in the green field clean and conspicuous. From miles away over the rolling fields of France you can pick out an American cemetery with its American flag flying and its field of even systematical rows of snow-white crosses.

On the back of each cross is an aluminum strip, giving the name and organization number of the soldier. This is to avoid the possibility of any mistake. Over a few graves straight slabs bearing a six-pointed star—the star of David—in place of the cross appear. These are the graves of the orthodox Jews. There are 425 such stars in the eight cemeteries. In the near future white-marble crosses will take the place of the wooden crosses. Congress has appropriated nearly \$500,000 for the start, and the change is well under way.

In these eight cemeteries are now buried 30,502 American heroes. One thing that impressed me as I walked around reading the names on the crosses was the fact that there is no distinction given to rank or prominence. I found a brigadier general laid in an inconspicuous spot with a private on each of the four sides. An American ace whose name was much in both the American and foreign press for his bravery in attacking and bringing down German airplanes lies between privates whose names you have never heard. Officers and men, Young Men's Christian Association workers, and Red Cross nurses all rest together without special marks or distinction. Included in the heroic dead in these eight cemeteries are 1,397 officers, 42 Young Men's Christian Association workers, 5 Knights of Columbus workers, 41 Red Cross workers, 44 nurses, and 1,656 graves are marked "Unknown."

The most important, so far as number of graves goes, is the Meuse-Argonne Cemetery. In it are 14,091 graves. The name indicates the battles in which they lost their lives. It covers 130 acres. The graves are on a sloping hillside and the arrangement is in the shape of a great shield. Down at the bottom of the slope is a fountain and lily pond. The caretaker's home and hostess house are upon another elevation overlooking the whole. You can hardly imagine a more picturesque situation than this cemetery presents from the caretaker's home, and its beauty will grow as the shrubbery and trees so artistically arranged around the edges develop with age. This cemetery is near the little village of Romagne-sous-Montfaucon, Meuse, France, and is 156 miles from Paris.

The St. Mihiel Cemetery covers a section of the battle field of that name and has 4,141 graves. Many of the boys buried here lost their lives in the St. Mihiel drive, and some of them almost at the spot where they are buried. This cemetery covers 37½ acres. It is more or less level, but on an elevated tract, and can be seen from miles around. It is being beautifully deco-

rated with trees and shrubs and has good buildings at the entrance gate. St. Mihiel Cemetery is near the little village of Thiaucourt, Meurthe-et-Moselle, France, and is 180 miles out from Paris.

In the Aisne-Marne, named for the two rivers along which so many battles were fought, are 2,212 graves. It is in the uniform style more or less, and is being given the usual good care and development, covering 34 acres. It lays near the battle field of Belleau Wood and is near the well-known French town of Chateau-Thierry and only 52 miles distant from Paris, so is easily reached.

The Oise-Aisne Cemetery is the second largest of them all, having 5,934 graves. It is in the neighborhood of Fere-en-Tardenois and only 67 miles from Paris. It covers 32 acres of ground and is being beautifully developed.

From here I drove out a little way in the country to see the grave of Quentin Roosevelt, who is buried in the field where he lost his life. It was the desire of his distinguished father that he lie where he fell. Over the grave is a cross and near by on the public highway is a beautiful memorial fountain erected to his memory. The inscription on the fountain reads:

Lieut. Quentin Roosevelt, age 20, Air Service, U. S. A., fell in battle Charnery, July 14, 1918.

And below are the lines:

Only those are fit to live who are not afraid to die. (Theodore Roosevelt.)

This cemetery is not far from Rheims.

The Somme Cemetery covers only 14½ acres of ground but is the resting place for 1,816 of our Nation's heroes. It is near Bony and 83 miles distant from Paris. It is the only American cemetery in France I did not visit.

In the outskirts of Paris, in fact only 7 miles distant, is Suresnes Cemetery, which will naturally because of its convenient location, be the most frequently visited of them all. Already thousands of Americans who visit Paris have come here to pay their homage to America's dead. It has a beautiful location on a little hillside under the protecting shade of the historic old Fort Valeron. From the grounds one looks out over the River Seine and the Bois de Boulogne into the city of Paris, a magnificent view indeed. This cemetery lends itself especially well to decoration and, being one of the first located on a permanent basis, it is the best developed. It contains the graves of 1,506, many of whom died in the hospitals of Paris.

In Belgium, near Waerzeghem, is Flanders Field Cemetery, 85 miles from Brussels and 183 miles from Paris. It contains only 6 acres and has 365 graves.

In England we have the Brookwood Cemetery at Surrey, which is 28 miles from London. It embraces only about 5 acres of ground and contains the graves of 437 persons, some of whom died of diseases or accident while in England on their way to France, and some bodies, known and unknown, washed ashore from transports torpedoed off the western coast of Great Britain.

These permanent cemeteries in Europe are under the administration of the American Graves Registration Service, Quartermaster Corps. The chief officer in Washington is an assistant to the Quartermaster General, in charge of cemeterial division, War Department. Headquarters are maintained in Paris, where the officer in charge has general supervision of all the American cemeteries in Europe. Any person having business in connection with graves in American cemeteries can address the Quartermaster General, Washington, D. C., or the American Graves Registration Service, 20 Rue Molitor, Paris, France.

Each cemetery has its caretaker, who is superintendent in charge. The caretakers are a fine bunch of men, all members of the American Expeditionary Forces, and all have their hearts in their work.

Every possible courtesy is shown relatives of American soldiers buried in these cemeteries. Many mothers have visited the graves of their sons, and other relatives have shown keen interest. Both in the Washington and Paris offices a complete record is kept of each grave. By inquiry it is easy to ascertain in what cemetery and its exact location—row and number—is any grave. Where accommodations can not be found easily near the cemetery, the service is taking care of relatives who wish to visit the grave at comfortable hostess houses at a moderate cost. Any mother can have a photograph taken of her son's grave without cost by asking for it. And relatives can arrange with the service to have any grave decorated at special times or stated dates by providing the funds for the expenditure desired. We found many graves with flowers and special decorations on them, either provided for by relatives through

the service or through some individual who resides nearby. Elaborate and impressive services are held in all the American cemeteries on Memorial Day, and at that time all of the graves are beautifully decorated. Many of the Gold Star Mothers of America are present at the grave sides of their sons for Memorial Day service.

Scattered over the countries are a number of graves of American soldiers under private care, like that of Quentin Roosevelt. Parents or relatives have arranged for the care of these graves through private channels. Following the example set by President Roosevelt, a number of parents arranged to have their sons buried at or near where they fell in battle or died. The United States Graves Service has no control over these graves and does not participate in their care, but a perfect record of them is kept in the department. They are noted on the records as "Do not disturb" cases. Of these private graves there are 80 in France, 57 in England and Ireland, and 2 in Belgium.

There are still in the battle area something like 1,488 unlocated graves. In the excitement of battle hasty burials were necessarily sometimes made and records made were incomplete or distinguishing landmarks wiped out by shellfire. The most careful search is being made for those unlocated graves. Two searching parties are working continuously on the job. Since July 1, 1925, 93 bodies have been recovered, and of these quite a number have been identified. When a body is found, if identification is not plain the greatest pains are taken to work out clues that will lead to the identification of the remains. This is sometimes done by things the boy carried in his pockets and in a number of instances by the dental work on his teeth.

When a new body is found and identified, the nearest relative is notified and given the option as to place of burial. The body may be sent to the parents' home if desired. But after burial is made in the permanent cemeteries no more removals are now permitted.

I want to say again that mothers, relatives, and comrades of heroes who are buried in our American cemeteries in Europe can rest assured that their graves are well cared for—far better, in fact, than graves are in many of our own cemeteries here at home.

THE UNKNOWN HEROES

I have mentioned the fact that the crosses at the heads of 1,656 graves in American cemeteries bear the inscription "unknown" and that 1,488 American heroes lie in unlocated graves.

In Arlington Cemetery at Washington is a monument to the "unknown" soldier. I was at the impressive burial service of this unknown soldier on November 11, 1921. Greater honor has never been paid to any king or president or any of the world's great personalities than was paid to the unknown soldier on that day. So far as I know no individual ever had a more imposing funeral. The monument stands, among other monuments to America's greatest soldiers, in memory of the 3,144 unknown soldiers buried in Europe.

At Chalons-sur-Marne we went around to the hotel de ville, which is French for city hall, to see the place where this body of the unknown was selected. From four unknown soldiers in sealed caskets brought in from different fields this one was selected by Sergeant Younger. From here the body started on one of the greatest funeral tours in the world's history—across France, across the sea, arriving in New York, signal honors and impressive services everywhere. It passed through a line of bowed heads and flags at half-mast from Chalons to the sea, from New York to Washington. The body lay in state in the Capitol and was buried with military honors at Arlington.

Every American mother who mourns a son in a grave marked "unknown" can feel an intimate thrill of pride in this service and in this monument to the "unknown soldier," for it is in spirit, and may have been in fact, her own son who was so signally honored, her own son who is buried here.

Other countries have followed our example in honoring the unknown soldier. I have visited the graves of the unknown soldier in France, Italy, Belgium, and England.

THE UNKNOWN DEAD

(By John F. Brandon, in the Providence Journal)

The Unknown Dead? Not so; we know him well
Who died for us on that red soil of France,
Who faced the fearful shock of gas and shell,
And laughed at death in some blood-strewn advance.

Nameless in truth, but crowned with such a name
As glory gives to those who greatly die,
Who marched, a simple soldier, with the flame
Of duty bidding him to Calvary.

He is all brothers dead, all lovers lost,
All sons and comrades resting over there;
The symbol of the knightly, fallen host,
The sacred pledge of burdens yet to bear.

Mangled and torn, for whom we pray to-day,
Whose soul rose grandly to God's peaceful throne,
Leaving to us this quiet, shattered clay,
Silent and still—unnamed—but not unknown.

PROHIBITION, THE CONSTITUTION, THE ENFORCEMENT OF PROHIBITION, AND ITS EFFECT

Mr. GREEN of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of law enforcement.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GREEN of Florida. Mr. Speaker and fellow Members of the House, a great deal has recently been said relative to prohibition, its enforcement, and the lack of same, and I assure you that it gives me pleasure to at this time have the opportunity to express to you my views on this timely and all-important subject. It is always a pleasure to me to defend our prohibition laws and to advocate their rigid and full enforcement. The fact is, as an officer of our Government and as a private citizen I am for the rigid enforcement of each and every law, both Federal and State, because without law and its strict enforcement our Government surely could not long exist.

Inasmuch as our Federal prohibition laws are based upon the eighteenth amendment to the Constitution, I think it well to briefly discuss the Constitution, which is a written instrument declaring the powers granted by the people of the United States for the establishment of the Federal Government; dividing the machinery of government into legislative, judicial, and executive branches; defining the power and duty of each and asserting certain principles by which they are to be governed. It was drafted by representatives selected by the original thirteen States, with the exception of Rhode Island, in a convention held at Philadelphia in the year 1787, written, of course, by Thomas Jefferson.

The Constitution was submitted to and ratified by the conventions of the thirteen States and became effective March 4, 1789, at which time Washington was made President; and, may I say in passing, that the original Constitution had opposers of its ratification; notably among them were such men as the eloquent Patrick Henry, Benjamin Harrison, John Tyler, Richard Henry Lee, Elbridge Gerry, Thomas Sumter, the then Governor of South Carolina, George Clinton, Governor of New York, and many others. Incidentally, their main force of attack was that it was destructive of the rights of the States just as the wet forces are to-day arguing that the eighteenth amendment is destructive of State rights; and, my friends, when I see the distinguished gentlemen of this House from such States as Maryland, New Jersey, New York, Massachusetts, and Rhode Island to-day defending so strongly the rights of the States I wonder how they and their predecessors stood during the years from 1840 to 1870, when the real rights of States were in jeopardy and when the States of my fair Southland suffered their almost every right to be confiscated. We from the South know and thoroughly appreciate what is meant by State rights and have no sympathy with those from the great wet centers when they cry State rights because it interferes with their pocketbook or their vicious appetites.

The Constitution may be amended by a vote of two-thirds of a quorum in the House of Representatives and in the Senate voting for said amendment; this vote offers it to the conventions or legislatures of the various States and must in turn be ratified by three-fourths of these legislatures. The eighteenth amendment, which prohibits the manufacture, sale, and transportation of intoxicating liquor within, the importation thereof into, or the exportation thereof from, the United States and all territories subject to the jurisdiction thereof for beverage purposes was passed by the United States Senate August 1, 1917, and by the House of Representatives December 17, 1917. It was then submitted to the legislatures of the several States, and by January 16, 1919, the legislatures of the necessary three-fourths of the States had ratified the amendment; it was then proclaimed by the Secretary of State and became an integral part of the Constitution, to take effect one year thereafter, going into effect January 16, 1920.

It is singular, Mr. Speaker, that 46 of the 48 States, all States except Rhode Island and Connecticut, ratified the eighteenth amendment. It is also interesting to note that the amendment was submitted by a vote of 282 to 128 in the House of Representatives, and by a vote of 65 to 20 in the United

States Senate, in each branch more than the necessary two-thirds. Since the adoption of the eighteenth amendment, measures bearing upon prohibition and its enforcement have repeatedly come before Congress, and it is interesting to note that every time, the dry vote has increased and the wet vote decreased.

Seven years' time was allowed for the various States to ratify the eighteenth amendment, but, Mr. Speaker, only 12 months were required. The total vote in the lower house of the legislatures of the States ratifying the eighteenth amendment was 3,782 votes for, to 1,035 votes against, or 78.5 per cent affirmative. The total vote in the senates of the respective legislatures was 1,310 for, to 237 against ratification, or 84.6 per cent affirmative; and it is also interesting to note that 98.2 per cent of the population of the United States resided in the 46 States which ratified the eighteenth amendment.

The enemies of prohibition should forget the erroneous idea that prohibition came in overnight, so to speak, by the adoption of the eighteenth amendment; the fact is, prohibition has been a live issue in all of the States for years and years, and only through ardent efforts of the dries and the religious and moral workers was it possible to adopt this amendment. Thirty-three States had adopted State prohibition prior to the date upon which national prohibition became effective.

These States and the date of adoption are as follows: Alabama in 1915; Arizona in 1914; Arkansas in 1915; Colorado in 1914; Florida in 1918; Georgia in 1907; Idaho in 1915; Indiana in 1917; Iowa in 1915; Kansas in 1880; Kentucky in 1919; Maine in 1851; Michigan in 1916; Mississippi in 1908; Montana in 1916; Nebraska in 1916; Nevada in 1918; New Hampshire in 1917; New Mexico in 1917; North Carolina in 1908; North Dakota in 1889; Ohio in 1918; Oklahoma in 1907; Oregon in 1914; South Carolina in 1915; South Dakota in 1916; Tennessee in 1909; Texas in 1918; Utah in 1917; Virginia in 1914; Washington in 1914; West Virginia in 1912; Wyoming in 1918.

By adding the area of these, you will find that 95.4 per cent of the total area of the United States and that 68.3 per cent of the total population of the United States lived in no-license territory at the time that the eighteenth amendment became effective, and yet we still have those wet advocates who cry State rights and who would force alcoholic liquors and all of its iniquities over this vast dry territory and this large majority of American citizens. I am sure that since this date, dry area and dry population census percentage has increased. In fact, I do not believe that more than 15 per cent of the peoples of the United States are wet, and this meager minority in their selfish and vicious beliefs would undertake to force intoxicating liquors upon the other 85 per cent.

This meager wet minority, which advocates the modification of the Volstead law, contend that crime and drunkenness have increased and that prohibition has failed. Permit me to say, Mr. Speaker, that the latest official refutation of the charge that prohibition has failed, that drunkenness has increased, and that crimes related to drinking have gone upward is given by the preliminary report of the United States Census Bureau's count of prisoners for the year 1923. Comparing that year with 1910, a year uncomplicated with war, unusual economic conditions, or saloon restriction, the figures in this census report show a remarkable decrease.

There were 121.2 prisoners in penal institutions January 1, 1910, for each 100,000 persons in the country. On January 1, 1923, this had dropped to 99.7, a decrease of 17.7 per cent. The number of commitments per 100,000 population showed an even greater relative decrease, falling from 521.7 per 100,000 in 1910 to 325.1 per 100,000 in 1923, a reduction of 37.7 per cent.

The decrease in drunkenness commitments is especially significant. There were 170,941 such commitments in 1910, but only 91,867 in 1923, the ratio in 1910 being 185.9 per 100,000, and in 1923, 83.1, a decrease of 55.2 per cent. Disorderly-conduct cases dropped 51.5 per cent, assault commitments 53.1 per cent, prostitution cases 28.8 per cent, and other offenses generally related to intemperance and drunkenness in equal degree.

The decrease in the number of commitments to jails and workhouses is more significant in relation to the liquor question than the decrease in the total number of commitments.

The total commitments would have been much lower if "violations of city ordinances," had not risen 67.3 per cent in the ratio per 100,000.

That drink-caused crime has greatly decreased since the eighteenth amendment closed the saloon, the most prolific source of crime and misery, is proven beyond refutation by these Government figures.

I have tables bearing out these statements, but they are rather lengthy and I shall not ask permission to place them in

the Record, but will be glad to show them to anyone who may doubt the veracity of the above statements.

The wets claim, I believe, among other things, that the health of the country is worse now than it was before prohibition, but statistics reveal the opposite, as will be seen by the crude death rates issued by the Bureau of the Census for the following years:

1913-----	14.1	1918-----	18.1
1914-----	13.6	1919-----	12.9
1915-----	13.6	1920-----	13.1
1916-----	14.0	1921-----	11.6
1917-----	14.3	1922-----	11.8

I do not have the 1923 statistics officially. Reports from 35 cities, received each week during 1922 and 1923, show a death rate of 13 for 52 weeks of 1923, as compared with 12.5 for the same period in 1922. On the basis of the ratio between the death rate of these cities and the Nation in 1922, the death rate for 1923 may be estimated at 12.2 per 1,000 population. The average annual death rate from 1913 to 1917 was 13.92 per 1,000. Since the influenza epidemic made the 1915 rate abnormal, it may be ignored, although the greater mortality among users of alcohol definitely increased the toll of death. Had the average rate of the five wet years prevailed in the years of prohibition, 873,975 more deaths would have been recorded. Prohibition did not save all of these lives, but no other single factor affecting the entire people did so much to reduce mortality.

The decrease in the death rate from tuberculosis of all forms is significant. This was between 140 and 150 per 100,000 in the years before prohibition, the lowest figure recorded in the wet years being 14.2 in 1916. The following figures, as issued by the Bureau of the Census, show the continuous decrease since alcohol was outlawed as a beverage:

1919-----	125.9	1921-----	99.4
1920-----	114.2	1922-----	97.0

One might quote like decrease in the death rate in other diseases in which the use of alcohol depresses vitality and breaks protective barriers.

The decrease in deaths from alcoholism under prohibition appears in the following figures:

Alcoholism death rates per 100,000 policyholders in the Metropolitan Life Insurance Co., industrial department:

1912-----	5.3	1918-----	1.8
1913-----	5.2	1919-----	1.4
1914-----	4.7	1920-----	.6
1915-----	4.1	1921-----	.9
1916-----	5.1	1922-----	2.1
1917-----	4.9		

Alcoholism death rate, United States Census Bureau:

1912-----	5.3	1918-----	2.7
1913-----	5.9	1919-----	1.6
1914-----	4.9	1920-----	1.0
1915-----	4.4	1921-----	1.8
1916-----	5.8	1922-----	2.6
1917-----	5.2		

The increase for 1922 is marked, due probably to the propaganda of opponents of prohibition, but is still far below the lowest recorded for the license era. This is the more significant, since the intoxicants obtainable are usually poisonous. If any considerable fraction of the former quantities of liquor was now being used, the dangerous beverages of the bootlegger would send the alcoholism death rates soaring. That these rates continue to fall is good evidence of the effectiveness of prohibition in greatly decreasing liquor consumption.

It has also been contended by the wets that the morality and spiritual life of the Nation is lower since the adoption of the eighteenth amendment, but to the contrary, statistics reveal that the opposite is altogether the case. I shall not place in the Record tables showing the great improvement on the morals of our country, as I believe it is too evident to be stressed.

Mr. Speaker, to my great surprise there are those who will contend that prohibition is unsound economically. After all, these great issues resolve themselves in to an economic status, and statistics show that since the advent of national prohibition, America has grown financially by leaps and bounds. America, in reality, was a dry Nation long before the adoption of the eighteenth amendment, because, I say it was dry from the time a majority of its area and a majority of its citizens lived in license free territory; and it is interesting to note this vast and enormous business, economic, and financial growth in the past 20 years has been phenomenal. America's manufactured products have increased from \$15,000,000,000 to over \$60,000,000,000, her food products have increased from less than \$3,000,000,000 to over \$10,000,000,000, her mineral products have increased from about one and one-third billion dollars to \$6,000,000,000, her imports and exports amounted to \$2,450,

000,000 and reports for 1924 showed increase to \$8,200,000,000; the bank clearings were, \$438,000,000 for 1924, or four times that of 20 years ago, and bank deposits have increased in like proportion and \$43,000,000,000 were deposited in the banks of the United States in 1924.

Now, my friends, is there anything which speaks better for prohibition than this great financial steadiness and growth; why, America to-day is the world's banker. Financial experts like Herbert Hoover, Judge Gary, Henry Ford, Roger Babson, R. H. Scott, and others, attribute our prosperity in part to prohibition; you probably know how long drunken employees would be permitted to work for Henry Ford, America's greatest financial wizard. The foreign nations which are jealous of us and envy our prosperity under prohibition criticize us extremely for having adopted prohibition, but when they want money, they come to America after it. And we can not forget that during the great World War America was the only dry nation which had soldiers on the firing line, and their record is known too well by each of you for me to stress it here, and I would have you bear in mind also, that when the time for peace came, the peace terms were dictated by a dry nation's president, Woodrow Wilson, President of the United States of America. It seems to me that this alone should be argument enough for prohibition and for its strict enforcement.

No nation is so prominent to-day in world affairs as is the United States. It leads in invention, education, diplomacy, jurisprudence, and finance, and this great lead and prosperity among the nations of the world is strengthened by its being the only dry nation.

Those who are trying so hard to modify the Volstead Act would have us to believe that more alcohol is consumed now than was consumed before the adoption of the eighteenth amendment, but for your information, I desire to read here a short statement by Hon. Wayne B. Wheeler, superintendent of the Anti-Saloon League of America:

The consumption of intoxicants has dropped to a small fraction of its former total. The records show that prior to prohibition we consumed 84,825,000 gallons of pure alcohol annually in 1,880,000,000 gallons of beer; 83,000,000 gallons of pure alcohol in 167,000,000 gallons of whiskey and distilled spirits; over 6,000,000 gallons of pure alcohol in 42,000,000 gallons of wine, a total of over 174,000,000 gallons of pure alcohol. This is more than twice the total production of denatured alcohol to-day.

Under prohibition 6,000,000 gallons of specially denatured alcohol was diverted to beverage use, and the best estimate is that less than 10,000,000 gallons of alcohol is made or consumed in smuggled liquor, moonshine, and home brew, exclusive of permitted beverages. This is less than 10 per cent of the former beverage consumption.

The newly issued census figures show a 55 per cent decrease in drunkenness commitments in 1923 compared with 1910. Later figures show this decrease continued through 1925.

America's sobriety is far ahead of European nations cited by the wets as evidence of the superiority of license. The ratio of drunkenness convictions in England and Wales was 200 per 100,000 population in 1923. The ratio of such convictions in the United States was 83.1 in the same year, 1923, according to the Census Bureau. London arrests three and a half times as many for intoxication per year as New York, and Paris twice as many, in spite of the greater severity of our police. One hundred and ninety-three thousand registered home distilleries in France contribute to the intoxication of that nation. With bread lines, unemployment doles, debt dodging, and hands outstretched for American loans, the wet nations of Europe may profit by America's example of new freedom from alcohol's rule.

Pauperism and the slums that clustered around their creator, the saloon, have gone with it. Our pauperism ratio to-day, according to the latest census estimate, is the lowest in our history.

A great deal has been said relative to the cost of enforcing prohibition, but, Mr. Speaker, I am always willing to vote to expend money when the investment is so good. Money spent to enforce prohibition is a wise investment. I voted for the appropriation to enforce prohibition, and would have voted for it had it carried twice the amount. The cost of prohibition enforcement through the Prohibition Bureau amounts to about \$9,000,000 annually. The total appropriation of \$9,250,000 covers the enforcement of the law against narcotics as well as intoxicating liquor. The returns to the Government through penalties, seized property, and so forth, is shown by the following report for the fiscal year ending June 30, 1922:

Court fines, exclusive of Alaska-----	\$2,824,685.01
Taxes and penalties for illegal manufacture and sale of-----	239,964.14
Amounts paid in compromise-----	1,739,662.80
Total-----	4,804,271.95

Action has been taken on the forfeiture of bonds of \$3,000,000. Over \$130,000,000 of special assessed taxes have been placed on the tax list, a considerable portion of which will be collected.

As a matter of fact, it is costing the Government practically nothing to enforce prohibition. Bootleggers, rum runners, and illicit dealers are paying for their lawlessness through these fines and penalties. Even if \$5,000,000 more were added, if the internal-revenue collectors and other Federal officers would use the power they have to impose penalties upon these illicit dealers, it would bring back in dollars to the Government twice as much as it costs. If the income-tax division and the revenue collectors would do their whole duty, the Government would collect \$5 for every \$1 it costs to enforce the law, even though the alleged added amount spent by the Justice Department were all counted in.

In Ohio the State prohibition commissioner, under the State law, made his report for 22 months, showing that with 1 commissioner and 22 assistants it cost the State \$216,000 to enforce prohibition. There was returned to the State, county, and local treasuries \$2,000,000 which bootleggers and rum runners paid for their experiment in lawlessness.

But even if there were no compensation and the Government did not get \$1 back, it would furnish no good reason why the law should not be enforced. To spend \$9,000,000 to enforce prohibition for 110,000,000 people means about 8 cents per head.

For an average family of five this is 40 cents.

Mr. Speaker, I hold in my hand remarks by the Attorney General of the United States, recently made before the Women's National Committee for Law Enforcement, Hotel Washington, Washington, D. C. I shall not read it, as I have been given unanimous consent to include it in the RECORD in my remarks. It will follow my remarks in the RECORD.

Those who are asking for a modification of the Volstead Act, cry liberty and freedom, but when personal liberty and personal freedom is corruption, vice, financial greed, immorality at the distress, injustice, and expense to others, then it ceases to be liberty and freedom; particularly is this true when it would be so called liberty and freedom for the meager minority at the peril of the great majority. Why, they have brought witnesses from foreign countries to testify that we should modify our prohibition laws, and I for one do not need foreigners from Canada or from any other country to come to Washington to tell me what laws are needed for the American people.

My experience, Mr. Speaker, is that we have too many foreigners interfering with the administration of American laws, and all foreigners, whether they be rich or poor, humble or high, pluper, foreign minister, or diplomat, should be compelled to abide by our laws when they are within our bounds, and surely no foreign nation should expect their subjects, even though they be foreign ministers or diplomats, to openly and notoriously violate our laws when they are within our bounds.

Mr. Speaker, we need dry men to enforce dry laws; so long as the powers that be, which are given authority to enforce our prohibition laws are not in full sympathy with their enforcement, you may expect graft, greed, corruption, and unlawful acts in prohibition enforcement to continue. Only recently, I read in a paper where at Tampa, Fla., on April 17, \$15,000 worth of imported liquor and alcohol had been stolen from the Government warehouse. Now, were the officers in charge performing their full duty? I say they were not. So long as wet men are placed in charge of enforcing a dry law, you may expect warehouses to leak. And I hope the time will soon come when prohibition officers will be instantly fired when they go before committees and say that the sale of beer or wine would strengthen prohibition. Men who believe the sale of light wine or beer would strengthen prohibition are wet to the core, and should never be permitted to occupy a dry berth.

I am proud to say, Mr. Speaker, that I came from a dry State. Florida is a dry State and is enforcing her prohibition laws. While I was on the bench before I came to Congress, I sentenced law violators to months in the jail for having in their possession less than one pint of intoxicating liquor. But, Mr. Speaker, we need the cooperation and full service of dry Federal prohibition enforcement agents.

I hold in my hand a clipping from a newspaper of my State; it is an article written by a small school boy, Elmer McMillan, a boy in his early teens, who resides in my home city. I shall not take the time to read it, but it concludes as follows:

Why should we degrade our country to satisfy the thirst of some degraded men who do not think of the American homes but of the money they will make in the liquor traffic. If this is all the respect

we have for our country, I do not think we should have the right to be protected by the American flag and to call ourselves American citizens. For the main thought of every American citizen under Old Glory should be to raise the flag to higher places and not lower it.

Now, Mr. Speaker, this is a typical American boy, raised by a mother who is a total invalid, but a sweet Christian character, and in spite of her affliction has regularly gone with her family to church, and raised by an honest, plain father, who works daily for the support of his several children, and so long as steady American fathers raise patriotic sons like Elmer McMillan, America shall be a dry Nation.

REMARKS BY THE ATTORNEY GENERAL OF THE UNITED STATES AT LUNCHEON OF WOMEN'S NATIONAL COMMITTEE FOR LAW ENFORCEMENT, HOTEL WASHINGTON, WASHINGTON, D. C., APRIL 13, 1926

Madame the President and members of the Women's Committee on Law Enforcement, in approaching the subject before you at this social gathering of the representatives of your great body, I am somewhat at a loss how to begin.

To me, the matter of having the law observed, in a country under a Government like ours, seems a very simple thing. All that is necessary is that each member of each family in each community in each State shall go about his and her business each day with the purpose in mind to obey the rules made by society for its own guidance. But it happens that there are here and there among us persons who do not have such purpose; persons who, instead of trying to earn an honest living, by honest toil, undertake to get the means of living in what they think and hope will be an easier way.

We must remember that a living for all must be earned by all, and each member of society who does not by some useful action earn his keep, increases the burden of the rest who have to earn it for them.

With those who are a burden from being mere drones, shirks, we need not further concern ourselves here; with those who by active preying on their fellow members of the social body undertake to get a living, or more than a living—the means of luxury—we are here very much concerned.

With those who undertake to set aside the rules of life which we ourselves have made, and satisfy their cravings of lust, of appetite, of revenge, of malice by reprisals on individuals, on the community, we are very much concerned.

We make law governing the relations of individuals to each other and their property, and we provide courts in which individuals may seek redress for violations of their legal rights by other individuals.

We make law governing the relations of individuals to the community, and provide by law penalties for infraction of such law. The community as a body can not well impose such penalties, and so we provide courts to pass on the question of whether there has been an infraction of the law, and provide representatives of the community to prevent in such courts charges against persons accused of infractions of the law—prosecuting officers.

What is the duty of such a representative of the community toward its laws?

It seems to me that a prosecuting officer, while and so long as he holds his place as the representative of the law, ought not to take the position that the law as it is ought not to be the law.

The law is the will of the body politic, and we are in our places by the will of the body politic, put there to execute that will; and if we go about declaring in speech and in print that the law ought to be changed, so that acts which are offenses against the law will not be offenses, we thereby weaken our causes in the minds of the tribunals before whom we must try them.

I notice on the letterheads of this committee that the purpose of the organizations it represents is to encourage the enforcement of all the law, with especial emphasis on the eighteenth amendment and the Volstead Act, and I have been informed by some of your officers that you are particularly anxious for an expression of my views on that subject.

Let me say that what my views are is not, as I see it, of much greater importance than what your views are. I can keep the machinery of prosecution of violators of the law in motion, but you can make the results of such work effective, or to a considerable extent impair its effectiveness.

At the risk of being accused of having a single-track mind, I wish to repeat here in substance a few observations I have before publicly made on this subject.

In this country, under our system of government, the will of the people expressed by their vote becomes and is the rule of conduct which all citizens are bound to observe and which all citizens or aliens must be compelled to observe. That rule of conduct creates the duty of every inhabitant of the jurisdiction doing the voting.

The eighteenth amendment is the law of the land.

The Volstead Act is the law of the land.

Both by constitutional command of the whole people and by legislative enactment of their representatives in Congress it has been decreed that traffic in intoxicating liquor shall cease.

There is no room for discussion as to what the voters of the country have said.

There is no halfway place in the command they have laid upon their servants chosen and appointed to administer the law.

But notwithstanding that the law is as it is, notwithstanding the will of the people is that this traffic, and, of course, the drinking of alcohol, shall cease, a considerable number of persons insist they will not obey the law and persist in the traffic to supply drink for themselves and others who are willing to reward them for the chances they take.

Those who engage in the business, those who furnish the business by buying its wares, and some who do not wish to either sell or buy liquor, undertake to excuse the violators by saying over and over that this law is an infringement of personal liberty.

They declare that since the prohibition law went into effect it has never been practically in effect.

That it has been a disastrous, tragic failure.

That the Federal Government is powerless to enforce it, because, they say, "The instinct of personal liberty is very strong." "Man can not be made over by law," and "thousands of the best citizens of the country have been brought into contact with the bootlegger, and have no compunction whatever about violating the law."

Let us examine these propositions briefly.

Though some of those who make these claims and arguments may not, do not, have in mind a purpose to make the thing prohibited easier to procure and less dangerous to make and sell by those who would provide it, nevertheless such is the effect upon the execution of the law.

Personal liberty to do what? Anything except to facilitate the making, sale, and use of intoxicants? Why? Any reason, except that the use of them may not be interfered with?

What other result can follow the constant declaration that the law is not binding on the consciences of those who do not favor its provisions, because they say it interferes with personal liberty and the instinct of personal liberty is very strong. What other result can follow than that juries will hesitate to convict on charges of violation of the law?

What other result can follow than that those contemplating engaging in the traffic will be encouraged by the thought that probably, even if detected and arrested, conviction will not follow?

No compunction about violating the law? Violating it how? What for? Anything except to provide intoxicants for somebody to drink?

No.

Such contentions, when made by those who do not want liquor for themselves, who would not intentionally put obstacles in the way of enforcement of the law, must be made without realization of the effect of their position.

That effect can be and is only to weaken public sentiment in favor of any law enforcement and to encourage violation of all law.

It is only a step—and an easy one—for the man of loose moral fiber who hears and reads that men of education, of standing and influence, aver and urge that he is not in conscience bound to give allegiance to one provision of the Constitution, is not in conscience bound to observe one statute because it interferes with his liberty to do as he pleases in that matter, to come to the conclusion that he is not in conscience bound to observe another law, and then another, which interferes with the liberty he would have to do some other act but for the law; and when he is told that many of the best citizens violate a part of the law without compunction, what conclusion can he reach but that he may violate any part of it without compunction?

The difference between civilization and barbarism is in the presence or absence of law.

The very idea of law in a community carries with it the surrender of individual freedom of action for the good of the whole body.

In a state of barbarism one may walk or drive where he please, unless the "personal liberty" of another stronger than he interferes.

In Washington one must drive on the right-hand side of the street. Why? Because the community has decided that the welfare of the whole, of which he is a part, demands that he be deprived of liberty to drive where he please and compelled to go on the right-hand side.

Does anyone contend that "man can not be made over by law" in this matter?

Does anyone contend that because "the instinct of personal liberty is very strong" he has a right to endanger the safety of everyone in the street, including himself, by asserting his personal liberty and driving on the left-hand side?

What is the difference between insuring the safety of travel by depriving men of their personal liberty through compelling them to drive on the right side and compelling them to be sober when driving through depriving them of the means of getting drunk?

The real source of the embarrassment to the enforcement of the law is, not that the law interferes with personal liberty—any law which has any effect upon the conduct of the individuals composing society does that—must do that—but that so many well-intentioned persons, thoughtlessly, or following some process of unsound reason-

ing, join hands with those who intentionally violate the law and give them aid and comfort in attempting to justify their unlawful conduct.

There is no right of personal liberty to perpetuate an institution which the law condemns.

In this country that the liquor traffic shall be exterminated is established by solemn resolution of the electorate.

That it ought not to exist is admitted by those making the arguments and claims I have been discussing when they say either by way of preface or conclusion to every discussion, "We do not desire to bring back intoxicating liquor"; "There is no intention ever to bring back the saloon." Those who say this honestly surely can not have thought out the result to which their arguments lead.

The rest "do protest too much."

Again, if it be true that "the prohibitory law has never been practically in effect," that "it has been a disastrous, tragic failure," that "the Government is powerless to enforce it," in what way does it interfere with the personal liberty of those who would drink intoxicants?

The answer is, as everybody knows, that by reason of the existence of national prohibition, by reason of its practical effect, by reason of the exertion of the power of the Federal Government, the traffic in liquor is becoming day by day more and more difficult and dangerous to carry on.

As the application of the Federal power grows more strict, and the manufacture within the country and importation from without become more restricted, as the business becomes more difficult and dangerous, the price of the goods dealt in rises, and right there is where the shoe pinches; right there is the evidence which can not be controverted, that the Federal Government is not "powerless to enforce" the law.

I maintain that to show the law, any law, is violated is not to show that it is not being enforced, or that it can not be enforced.

If that argument were sound, then, because crimes of murder, rape, robbery, smuggling, stealing, embezzlement, continue to be committed, we must say the penalties against them can not be imposed.

No one likes that.

As the amount of liquor available for consumption decreases and the price of liquor rises and the profit per quart or per gallon increases, new and keener wits and ingenuity are attracted to the business; new and complicated and skillful schemes are devised for evading the law and constantly increasing watchfulness, activity, and study required for their detection; many of them go on for a time without detection. But ways of meeting and overcoming them are found and can be found for all of them.

Recently some one made an argument that the great increase of cases in court for violation of the prohibitory law is an indication that the law is not being and can not be enforced.

I submit that that increase in cases in court is an index of the activities which have resulted in whisky being unobtainable except at an expense many times as great as before those activities were exerted by the Federal Government.

And as the work of detection, seizure, and arrest resulting in such cases in court goes on the extinction of the traffic draws so much nearer.

That this traffic may be declared an evil thing, and may be abated under the provisions of the now existing law, is firmly settled by judicial decision of the highest court.

What remains in the way of its complete abatement?

The temptation to make money in the traffic, created by those who either willfully or thoughtlessly disregard their highest obligations to their country and themselves and offer and pay for violation of the law a bribe large enough to offset the danger of prosecution, fine, and imprisonment.

To those "thousands of the best citizens of the country who have no compunctions whatever about violating the law" I address the question: Upon reflection, having called to your attention what your action really means and is in paying an outlaw for violating the law of your country in order to furnish you the means of gratifying your desire for drink, don't you think it better to refrain from such bribery in the future?

Don't you feel that, unless you so refrain, there may be some doubt about your being longer entitled to the designation "best citizens of the country"?

Can you afford to endanger your property, your safety, your lives, and the property, safety, and lives of your wives and children by teaching and practicing the doctrine of purchasing the commission of crime?

Laying aside for the moment any consideration of your duty as citizens, does not your interest lie the other way?

To those who, after considering the character and consequences of their acts, persist in promoting and fostering the violation of the law, I say that the hand of punishment shall fall as often and as heavily as those now charged with the duty of administering the law can cause it to fall.

To you, the women of this country, I say, you can by your influence and your votes secure the election and appointment of honest, faith-

ful administrative officers, and the discharge and retirement of those who prove to be dishonest, unfaithful, inefficient.

More than this—

Remember that the business of making, transporting, and selling liquor is not entered upon from the motives which incite the commission of most other crimes—jealousy, revenge, sudden anger, ill will toward society generally, but only for profit.

The market for the goods is the whole foundation of the great cost in money, time, and effort of suppression of the traffic.

You can see to it that at no social event in your charge shall your tables be disgraced by the presence of unlawful liquor.

You can, if you will, make the serving of unlawful liquor at social functions of your acquaintances so unpopular that it will cease.

Will you do your part?

I notice further on your letterheads, "Allegiance to the Constitution" on the one side, "Observance of law" on the other side.

With two such supporters staying up its hands, enforcement of the law must win.

"Then came Amalek and fought with Israel in Rephidim.

"And Moses said unto Joshua, Choose us out men and go out and fight with Amalek; to-morrow I will stand on top of the hill.

"So Joshua did as Moses had said to him and fought with Amalek, and Moses, Aaron, and Hur went up to the top of the hill.

"And it came to pass, when Moses held up his hand that Israel prevailed; and when he let down his hand Amalek prevailed.

"But Moses's hands were heavy; and they took a stone and put it under him and he sat thereon; and Aaron and Hur stayed up his hands, the one on the one side, and the other on the other side; and his hands were steady until the going down of the sun.

"And Joshua discomfited Amalek and his people with the edge of the sword."

SALE OF MARINE HOSPITAL AT DETROIT, MICH.

Mr. McLEOD. Mr. Speaker, I ask unanimous consent that the bill H. R. 9875 retain its place on the Consent Calendar.

The SPEAKER. The gentleman from Michigan asks unanimous consent that H. R. 9875 retain its place on the Consent Calendar. Is there objection?

Mr. BLANTON. Mr. Speaker, I regret to object, but I do.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 42 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 20, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 20, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend paragraph (d) of section 14 of the Federal reserve act as amended to provide for the stabilization of the price level for commodities in general (H. R. 7895).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

Legislation relative to labor disputes in the coal-mining industry.

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To amend an act entitled "An act to create a juvenile court in and for the District of Columbia (H. R. 6715 and H. R. 7612).

(7.30 p. m.)

For the creation of a junior college as part of the public-school system of Washington, D. C. (H. J. Res. 113).

To authorize attendance of nonresident pupils in public schools of the District of Columbia upon payment of tuition (H. R. 10596).

To incorporate Strayer College (H. R. 10730).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States providing for National Representative for the people of the District of Columbia (H. J. Res. 208).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10.30 a. m.)

Proposed bill amending the World War veterans' act with reference to the appointment of guardians.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

455. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1926, to remain available until June 30, 1927, for resurfacing and paving the approach road to Vicksburg National Cemetery, Vicksburg, Miss., \$40,000 (H. Doc. No. 325); to the Committee on Appropriations and ordered to be printed.

456. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the District of Columbia for the fiscal year ended June 30, 1925, and prior years, and supplemental estimates of appropriations for the fiscal year ending June 30, 1926, together with certain audited claims and final judgments against the District of Columbia amounting in all to \$183,600.54; also a draft of proposed legislation making \$2,351 of the unexpended balance of the appropriation for salaries of public-school teachers, District of Columbia, fiscal year 1925 (H. Doc. No. 326); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MONTAGUE: Committee on the Judiciary. H. R. 5365. A bill to amend the Judicial Code by adding a new section to be No. 274D; without amendment (Rept. No. 928). Referred to the House Calendar.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 3137) for the relief of F. G. Alderete, and the same was referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS: A bill (H. R. 11419) authorizing the appropriation of \$25,000 for the erection of a monument or other form of memorial at or near Waynesboro, in Burke County, Ga., to mark the battle field where the battle of Brier Creek was fought in the Revolutionary War; to the Committee on the Library.

By Mr. BERGER: A bill (H. R. 11420) to provide for the enforcement of first amendment to the Constitution of the United States, to punish violations of its provisions, and for other purposes; to the Committee on the Judiciary.

By Mr. ALLGOOD: A bill (H. R. 11421) to provide for conveyance of certain lands in the State of Alabama for State park and game preserve purposes; to the Committee on the Public Lands.

By Mr. VINSON of Georgia: A bill (H. R. 11422) to amend the act entitled "An act authorizing the Department of Agriculture to issue semimonthly cotton-crop reports and providing for their publication simultaneously with the ginning reports of the Department of Commerce"; to the Committee on Agriculture.

By Mr. HAUGEN: A bill (H. R. 11423) to facilitate and simplify the work of the Department of Agriculture in certain cases; to the Committee on Agriculture.

By Mr. LEAVITT: Joint resolution (H. J. Res. 226) authorizing the Secretary of War to lend 350 cots, 350 bed sacks, and 700 blankets for the use of the National Custer Memorial Association at Crow Agency, Mont., at the semi-centennial of the battle of the Little Big Horn, June 24, 25, and 26, 1926; to the Committee on Military Affairs.

By Mr. BECK: Joint resolution (H. J. Res. 227) concerning the settlement of war debts at home as well as abroad; to the Committee on Ways and Means.

By Mr. BACON: Concurrent resolution (H. Con. Res. 23) authorizing the printing of the Madison Debates of the Federal Convention and relevant documents in commemoration of the one hundred and fiftieth anniversary of the Declaration of Independence; to the Committee on Printing.

By Mr. BLANTON: Resolution (H. Res. 228) concerning the alleged official misconduct of Frederick A. Fenning, a Commissioner of the District of Columbia; to the Committee on the Judiciary.

By Mr. ROBINSON of Iowa: Resolution (H. Res. 229) providing for the consideration of S. 481, entitled "An act to amend section 8 of an act entitled 'An act for the preventing the manufacture, sale, or transportation of adulterated

or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes"; to the Committee on Rules.

By Mr. BUTLER: Resolution (H. Res. 230) for the consideration of H. R. 10503, H. R. 10312, H. R. 7181, H. R. 3904, H. R. 3763, and S. 2058; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANFIELD: A bill (H. R. 11424) granting a pension to Susan M. Day; to the Committee on Invalid Pensions.

By Mr. CHINDBLOM: A bill (H. R. 11425) granting an increase of pension to Clarissa A. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11426) granting an increase of pension to Mary L. Miller; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 11427) granting a pension to Emilie Julia McEnery; to the Committee on Pensions.

By Mr. ESTERLY: A bill (H. R. 11428) granting an increase of pension to Harriett R. Enochs; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 11429) granting an increase of pension to Josie Ranes; to the Committee on Invalid Pensions.

By Mr. FREDERICKS: A bill (H. R. 11430) granting an increase of pension to Ella M. Colibert; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 11431) granting an increase of pension to Madara N. Kingston; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 11432) for the relief of the Majestic Hotel, Lake Charles, La., and of Lieut. R. T. Cronau, United States Army; to the Committee on Agriculture.

By Mr. MACGREGOR: A bill (H. R. 11433) for the relief of Theodore Herbert; to the Committee on Military Affairs.

By Mr. MOORE of Kentucky: A bill (H. R. 11434) granting an increase of pension to Mary E. Eades; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 11435) granting an increase of pension to Evelina C. Gardner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11436) granting an increase of pension to Caroline A. Gleesettle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11437) granting an increase of pension to Sarah F. Garrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11438) granting an increase of pension to Amelia H. Stone; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 11439) granting an increase of pension to Catherine Craigan; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 11440) for the relief of Catherine Simon; to the Committee on Claims.

By Mr. SWARTZ: A bill (H. R. 11441) granting an increase of pension to Mary E. Norris; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11442) granting a pension to James M. Smith; to the Committee on Pensions.

By Mr. THURSTON: A bill (H. R. 11443) granting a pension to Elizabeth McGinniss; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 11444) granting an increase of pension to Jennie I. Aldridge; to the Committee on Pensions.

By Mr. VINSON of Georgia: A bill (H. R. 11445) to grant an honorable discharge to Albrecht Nest, apothecary of the Navy; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1835. By Mr. GALLIVAN: Petition of Albert G. Wolff, 51 Cornhill, Boston, Mass., recommending early and favorable consideration of the Elliott pension bill (H. R. 4023); to the Committee on Invalid Pensions.

1836. By Mr. GARNER of Texas: Petition of San Antonio Trades Council, in opposition to Senate Resolution 167; to the Committee on Immigration and Naturalization.

1837. Also, petition of citizens of Hidalgo County, Tex., in opposition to compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1838. Also, petition of citizens of Edinburg, Tex., against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1839. By Mr. HERSEY: Petition of C. R. Simmons, M. D., and 20 other residents of Oakland, Me., protesting against the passage of the Copeland-Bloom bill, to regulate the practice of mediums and spiritualists in the District of Columbia; to the Committee on the District of Columbia.

1840. By Mr. HUDSON: Petition of citizens of Flint, Mich., and vicinity, protesting against the passage of House bill 7179, known as the Sunday observance bill; to the Committee on the District of Columbia.

1841. Also, petition of citizens of Lansing, Mich., urging that all possible means be used to prevent any modification of the eighteenth amendment to the Constitution or the so-called Volstead Act, and to promote in every way possible the vigorous and effective enforcement of the said amendment and act; to the Committee on the Judiciary.

1842. By Mr. MAPES: Letter of Mrs. Florence Goodwin and 14 other members of the Woman's Relief Corps, No. 258, of Ironwood, Mich., advocating the passage of legislation for the benefit of veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

1843. Also, letter of A. C. Van Raalta Woman's Relief Corps, No. 231, Holland, Mich., signed by Mrs. Elizabeth Van Goerin, president of the corps, and 20 other members thereof, advocating the passage of legislation for the benefit of veterans of the Civil War and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

1844. Also, letter of Mrs. Josie Murray and 26 other residents of Sparta, Mich., advocating the passage of legislation for the benefit of veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

1845. By Mr. MORROW: Petition of citizens of Berino, N. Mex., advocating enforcement of the prohibition act; to the Committee on the Judiciary.

1846. By Mr. O'CONNELL of New York: Petition of the Long Island Federation of Women's Clubs, of Brooklyn, N. Y., opposing the passage of the Wadsworth-Perlman bills; to the Committee on Immigration and Naturalization.

1847. Also, petition of the Fredericksburg Chamber of Commerce, Fredericksburg, Va., favoring prompt action upon the report of the Battlefield Commission concerning the battles fought in Spotsylvania County, Va., from 1862 to 1865; to the Committee on Military Affairs.

SENATE

TUESDAY, April 20, 1926

(Legislative day of Monday, April 19, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 2274. An act providing for the promotion of a professor at the United States Military Academy;

S. 2752. An act for the purchase of land as an artillery range at Fort Ethan Allen, Vt.;

S. 2763. An act to amend section 103 of the Judicial Code, as amended;

S. 3213. An act to provide for the disposition of moneys of the legally adjudged insane of Alaska who have been cared for by the Secretary of the Interior;

S. 3283. An act to provide for the appointment of Army field clerks and field clerks, Quartermaster Corps, as warrant officers, United States Army;

S. 3287. An act relating to the purchase of quarantine stations from the State of Texas;

S. 3463. An act to extend the time for the exchange of Government-owned lands for privately owned lands in the Territory of Hawaii;

S. 3627. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State; and

S. J. Res. 91. Joint resolution directing the Secretary of War to allot war trophies to the American Legion Museum.

The message also announced that the House had passed the bill (S. 1486) to authorize the Secretary of War to lease to

the Bush Terminal Railroad Co. and to the Long Island Railroad use of railway tracks at Army supply base, South Brooklyn, N. Y., with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill and a joint resolution of the Senate of the following titles with amendments, in which it requested the concurrence of the Senate:

S. 2296. An act authorizing insurance companies or associations or fraternal or beneficial societies to file bills of interpleader; and

S. J. Res. 30. Joint resolution authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 3745. An act to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code";

H. R. 3859. An act to validate certain declarations of intentions;

H. R. 4532. An act to create a national military park at Cowpens battle ground;

H. R. 4799. An act to approve act 235 of the Session Laws of 1923 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island and county of Maui, Territory of Hawaii";

H. R. 8903. An act to donate to the town, municipality, or city of Jupiter, Fla., for park purposes, the abandoned tract or tracts of land formerly used as a life-saving station;

H. R. 9210. An act to amend section 1 of the act of Congress of June 6, 1924, entitled "An act for the protection of the fisheries of Alaska, and for other purposes";

H. R. 9212. An act authorizing and directing the Secretary of the Treasury to pay to McLennan County, in the State of Texas, the sum of \$9,403.42, compensation for the appropriation and destruction of an improved public road passing through the military camp at Waco, Tex., in said county, by the Government of the United States;

H. R. 9390. An act to eliminate certain privately owned lands from the Rocky Mountain National Park and to transfer certain other lands from the Rocky Mountain National Park to the Colorado National Forest, Colo.;

H. R. 9724. An act declaring Eagle Lake, which lies partly within the limits of the State of Mississippi, in Warren County, and partly within the limits of the State of Louisiana, in Madison Parish, to be a nonnavigable stream;

H. R. 10000. An act to consolidate, codify, and reenact the general and permanent laws of the United States in force December 7, 1925;

H. R. 10275. An act authorizing appropriations for construction at military posts, and for other purposes;

H. R. 10501. An act to repeal section 806 of the revenue act of 1926;

H. R. 10539. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Department of Minnesota, the American Legion, the silver-service set in use on the battleship *Minnesota*;

H. R. 10661. An act to amend the immigration act of 1924;

H. R. 10732. An act to authorize the construction of necessary additional buildings at certain naval hospitals, and for other purposes;

H. R. 10773. An act to authorize acquisition or use of public lands by States, counties, or municipalities, for recreational purposes;

H. R. 11318. An act to provide for the publication of the Code of the Laws of the United States with index, reference tables, appendix, etc.; and

H. J. Res. 139. Joint resolution authorizing the construction of a Government dock or wharf at Juneau, Alaska.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 124. An act for the relief of the Davis Construction Co.;

S. 3031. An act for the relief of George Barrett;

H. R. 3624. An act for the relief of Hannah Parker;

H. R. 5012. An act to legalize a pier into the Atlantic Ocean at the foot of Rehoboth Avenue, Rehoboth Beach, Del.; and

H. R. 8132. An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	Jones, Wash.	Reed, Pa.
Bayard	Fernald	Kendrick	Robinson, Ark.
Bingham	Ferris	Keyes	Robinson, Ind.
Blease	Fess	King	Rackett
Borah	Fletcher	Lenroot	Sheppard
Bratton	Frazier	McKellar	Shipstead
Broussard	George	McLean	Shortridge
Brace	Gerry	McMaster	Simmons
Butler	Gillett	McNary	Smith
Cameron	Glass	Mayfield	Snoot
Capper	Goff	Moses	Stanfield
Caraway	Gooding	Neely	Stephens
Copeland	Greene	Norbeck	Swanson
Coxsena	Hale	Nye	Trammell
Cummins	Harrell	Oddie	Tyson
Curtis	Harris	Overman	Walsh
Dale	Harrison	Pepper	Warren
Deneen	Heflin	Phipps	Watson
Dill	Howell	Pine	Weller
Edge	Johnson	Ransdell	Williams
Edwards	Jones, N. Mex.	Reed, Mo.	Willis

Mr. PHIPPS. I desire to announce that my colleague [Mr. MEANS] is absent on account of illness. I will allow this notice to stand for the day.

Mr. JONES of Washington. I was requested to announce that the Senator from Illinois [Mr. McKINLEY], the Senator from Rhode Island [Mr. METCALF], the Senator from Montana [Mr. WHEELER], and the Senator from Wisconsin [Mr. LA FOLLETTE] are absent in attendance upon a committee meeting.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

CONDITION OF RAILROAD EQUIPMENT

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, in compliance with Senate Resolution 438, dated February 26, 1923, a report for the month of March, 1926, showing the condition of railroad equipment and related information, which was referred to the Committee on Interstate Commerce.

PETITIONS AND MEMORIALS

Mr. CAPPER presented memorials numerously signed by sundry citizens of Liberal and Nortonville, in the State of Kansas, remonstrating against the repeal or modification of the eighteenth amendment to the Constitution, or the Volstead Act, which were referred to the Committee on the Judiciary.

Mr. FLETCHER presented a resolution adopted by the Methodist Men's Club of the First Methodist Church, of Pensacola, Fla., favoring the passage of such legislation as will prohibit the transportation, by any means whatsoever, of articles now prohibited by law from being transported through the mails, with special reference to obscene literature, which was referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by "Broward" Klan No. 52, Realm of Florida, Invisible Empire, Knights of the Ku-Klux Klan, of Fort Lauderdale, Fla., protesting against the severance of diplomatic relations with the Government of Mexico on account of its alleged policy relative to religious organizations, and favoring the severance of diplomatic relations with the Italian Government on account of certain of its alleged policies, which were referred to the Committee on Foreign Relations.

He also presented resolution adopted by "Broward" Klan No. 52, Realm of Florida, Invisible Empire, Knights of the Ku-Klux Klan, of Fort Lauderdale, Fla., deploring the action of certain persons and newspapers, especially the daily press of Fort Lauderdale, Fla., relative to the movement to dispense light wines and beers and other intoxicants, which were referred to the Committee on the Judiciary.

Mr. COPELAND. Mr. President, I should like to have printed in the RECORD a telegram in regard to the Italian debt settlement. I ask that the Secretary may read the telegram which I send to the desk.

The VICE PRESIDENT. Without objection, the Secretary will read the telegram.

The telegram was read as follows:

[Western Union telegram]

NEW YORK, N. Y., April 19, 1926.

Hon. ROYAL S. COPELAND,

United States Senate, Washington, D. C.:

As president of the Italian World War Veterans' Association, 27,000 members in New York and 180,000 in United States, majority being American citizens spiritually united to American Legion, recommend Senate give equitable and just vote for Italian debt settlement aside from partisan consideration, remembering that debt was made for cause of liberty and humanity in which we fought with American forces. We protest against Fama telegram as not representing true sentiments of Italian-Americans in this country, but only those of minor groups of disgruntled communists who wound our international relations. Please present this message to Senate.

PIERO GAROFALO, *President.*

Mr. BORAH. Mr. President, I did not understand who are the signers to that telegram.

The VICE PRESIDENT. The clerk will state the name signed.

The CHIEF CLERK. The telegram is signed Piero Garafalo.

Mr. COPELAND. Mr. President, I should like to say in response to the question asked by the Senator from Idaho, that the telegram in question was signed by an American citizen representing, as he says, some hundred thousand Italian-Americans who fought in the cause of liberty.

Mr. BORAH. I was not questioning his citizenship. I was trying to find out who he was.

Mr. COPELAND. Very well.

The VICE PRESIDENT. The telegram will lie on the table.

Mr. COPELAND presented the following telegram from Doctor Fama, of New York, protesting against the proposed Italian debt settlement, which was ordered to lie on the table and to be printed in the Record, as follows:

[Western Union telegram]

NEW YORK, N. Y., April 19, 1926.

Senator ROYAL S. COPELAND,

United States Senate, Washington, D. C.:

I have spoken before hundreds of Masonic clubs throughout the State of New York and many Protestant churches of various denominations. Their unanimous consensus of opinion is that the Italian debt settlement must not be ratified at this time. The greatest issue is a moral one. Ratification by the United States Senate will mean more murders of Masons, more murders of Protestants, and destruction of their property in Italy, and the trampling under foot of freedom and democracy, for which 72,000 of our boys laid down their lives in the Great War. The voices of these thousands of earnest Americans of New York State is the voice of all earnest Americans throughout the United States, and it is the voice of our 72,000 boys who died at the front to make the world more free for democracy. Will you heed these voices, or will you heed the voice of the dictator Mussolini, who is to-day the greatest menace to world peace and contentment?

CHARLES FAMA, M. D.,

236 East Two hundredth Street, New York, N. Y.

Mr. COPELAND also presented the memorial of Franklin B. Sprague, Jr., of Hollis, and sundry other citizens, all in the State of New York, remonstrating against the settlement of the Italian debt upon terms allowing any concession to Italy, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. SMITH, from the Committee on Interstate Commerce, to which was referred the bill (S. 951) to promote the safety of passengers and employees upon railroads by prohibiting the use of wooden cars under certain circumstances, reported it without amendment and submitted a report (No. 626) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 3844) to amend the act entitled "An act to create the White House police force, and for other purposes," approved September 14, 1922, reported it without amendment and submitted a report (No. 627) thereon.

He also, from the same committee, to which was referred the bill (S. 3559) to incorporate Strayer College, reported it with amendments and submitted a report (No. 628) thereon.

Mr. HARRELD, from the Committee on Indian Affairs, to which were referred the following bills and joint resolution, reported them severally without amendment and submitted reports thereon:

A bill (S. 3613) authorizing an appropriation for a monument for Quannah Parker, late chief of the Comanche Indians (Rept. No. 629);

A bill (S. 3929) to authorize the deposit and expenditure of various revenues of the Indian Service as Indian moneys, proceeds of labor (Rept. No. 630);

A bill (H. R. 9967) authorizing an expenditure of \$6,000 from the tribal funds of the Chippewa Indians of Minnesota

for the construction of a road on the Leech Lake Reservation (Rept. No. 631); and

A joint resolution (H. J. Res. 134) authorizing the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to prosecute claims, jointly or severally, in one or more petitions, as each of said Indian nations or tribes may elect (Rept. No. 632).

Mr. GILLETT, from the Committee on the Judiciary, to which was referred the bill (S. 3545) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof, reported it with amendments and submitted a report (No. 633) thereon.

Mr. CAMERON, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 3978) to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary reclamation projects, and for other purposes, reported it without amendment and submitted a report (No. 634) thereon.

Mr. McNARY, from the Committee on Indian Affairs, to which was referred the bill (S. 3382) to appropriate tribal funds of the Klamath Indians to pay actual expenses of delegate to Washington, and for other purposes, reported it with amendments and submitted a report (No. 635) thereon.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

Mr. RANDELL. Mr. President, from the Committee on Agriculture and Forestry I present the views of the minority, those members of the committee who are opposed to its passage, on the bill (S. 454) to prevent the sale of cotton and grain in future markets.

The VICE PRESIDENT. The views of the minority will be printed as part 2 of Report No. 508.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills:

S. 124. An act for the relief of the Davis Construction Co.; and

S. 3031. An act for the relief of George Barrett.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MAYFIELD:

A bill (S. 4017) for the relief of Russell & Tucker and certain other citizens of the State of Texas; to the Committee on Claims.

By Mr. FRAZIER:

A bill (S. 4018) to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the poet Henry W. Longfellow; to the Committee on Banking and Currency.

By Mr. TRAMMELL:

A bill (S. 4019) providing for a reduction in the rate of postage on grove and farm products; to the Committee on Post Offices and Post Roads.

By Mr. SHORTRIDGE:

A bill (S. 4020) granting an increase of pension to Alice M. Gay; to the Committee on Pensions.

A bill (S. 4021) to provide for the establishment of a district office of the Bureau of Foreign and Domestic Commerce in the city of Los Angeles, Calif.; to the Committee on Commerce.

By Mr. PEPPER:

A bill (S. 4022) granting a pension to Frank L. Rider; and A bill (S. 4023) granting an increase of pension to Keziah Imhof; to the Committee on Pensions.

By Mr. BLEASE:

A bill (S. 4024) to regulate the employment of certain persons by the United States Government; to the Committee on Immigration.

By Mr. HARRELD:

A bill (S. 4025) authorizing the President to order Charles Pope Hollingsworth before a retiring board for a rehearing of his case, and upon the findings of such board change his status from the elimination retired list to the physical disability retired list; to the Committee on Military Affairs.

By Mr. REED of Missouri:

A bill (S. 4026) to provide posthumous promotion to First Lieut. William T. Fitzimmons; to the Committee on Military Affairs.

By Mr. WATSON:

A bill (S. 4027) to authorize the construction of three cottages and an annex to the hospital at the National Home for

Disabled Volunteer Soldiers at Marion, Ind.; to the Committee on Military Affairs.

By Mr. HARRIS:

A bill (S. 4028) for the relief of A. L. Rogers; to the Committee on Claims.

By Mr. GLASS:

A bill (S. 4029) to provide for the erection of a memorial to commemorate the battle between the *Monitor* and the *Merrimac*; to the Committee on Naval Affairs.

By Mr. HARRELD:

A bill (S. 4030) authorizing Porter Bros. & Biffle, a copartnership composed of H. L. Porter, N. A. Porter, and J. W. Biffle; Spradling & Porter Bros., a copartnership composed of Royal Spradling, H. L. Porter, and N. A. Porter; Henry Price, Royal Spradling, J. L. Keith, W. T. Brummett; Price & Florence, a copartnership composed of Henry Price and Buster Florence; and G. J. Keith, to bring suit against the United States of America in the United States District Court for the Eastern District of Oklahoma, giving said United States District Court for the Eastern District of Oklahoma jurisdiction of said suit for loss and damage sustained by them through the negligent dipping and erroneous certification of tick-infested cattle in the State of Texas by the Bureau of Animal Industry, Department of Agriculture, for loss and damage sustained by them through such negligent dipping and erroneous certification of said cattle by said Bureau of Animal Industry; to the Committee on Claims.

By Mr. REED of Pennsylvania:

A bill (S. 4031) granting a pension to George D. Helwig; to the Committee on Pensions.

ITALIAN DEBT SETTLEMENT

Mr. HOWELL submitted three amendments intended to be proposed by him to the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America, which were ordered to lie on the table and to be printed.

CERTAIN FILES OF THE THIRTY-SEVENTH CONGRESS

On motion of Mr. SHIPSTEAD, the resolution (S. Res. 206) to transfer to the Minnesota Historical Society certain papers in the files of the Senate presented during the Thirty-seventh Congress, which was laid on the table yesterday, was referred to the Committee on Indian Affairs.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by title and referred as indicated below:

H. R. 10501. An act to repeal section 806 of the revenue act of 1926; to the Committee on Finance.

H. R. 10539. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Department of Minnesota, the American Legion, the silver-service set in use on the battleship *Minnesota*; to the Committee on Naval Affairs.

H. R. 10732. An act to authorize the construction of necessary additional buildings at certain naval hospitals, and for other purposes; to the Committee on Public Buildings and Grounds.

H. R. 10000. An act to consolidate, codify, and reenact the general and permanent laws of the United States in force December 7, 1925; and

H. R. 11318. An act to provide for the publication of the Code of the Laws of the United States with index, reference tables, appendix, etc.; to the Select Committee on Revision of the Laws.

H. R. 3745. An act to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code"; to the Committee on the Judiciary.

H. R. 3859. An act to validate certain declarations of intentions; and

H. R. 10661. An act to amend the immigration act of 1924; to the Committee on Immigration.

H. R. 9210. An act to amend section 1 of the act of Congress of June 6, 1924, entitled "An act for the protection of the fisheries of Alaska, and for other purposes"; and

H. R. 9724. An act declaring Eagle Lake, which lies partly within the limits of the State of Mississippi, in Warren County, and partly within the limits of the State of Louisiana, in Madison Parish, to be a nonnavigable stream; to the Committee on Commerce.

H. R. 8903. An act to donate to the town, municipality, or city of Jupiter, Fla., for park purposes, the abandoned tract or tracts of land formerly used as a life-saving station;

H. R. 9390. An act to eliminate certain privately owned lands from the Rocky Mountain National Park and to transfer

certain other lands from the Rocky Mountain National Park to the Colorado National Forest, Colo.; and

H. R. 10773. An act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes; to the Committee on Public Lands and Surveys.

H. R. 4532. An act to create a national military park at Cowpens battle ground;

H. R. 9212. An act authorizing and directing the Secretary of the Treasury to pay to McLennan County, in the State of Texas, the sum of \$9,403.42, compensation for the appropriation and destruction of an improved public road passing through the military camp at Waco, Tex., in said county by the Government of the United States; and

H. R. 10275. An act authorizing appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

H. R. 4799. An act to approve act 235 of the Session Laws of 1923 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the District of Hana, on the island and county of Maui, Territory of Hawaii"; and

H. J. Res. 139. Joint resolution authorizing the construction of a Government dock or wharf at Juneau, Alaska; to the Committee on Territories and Insular Possessions.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9685) providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2465) to amend the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seedling purposes," approved August 24, 1912, as amended, and for other purposes.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 4785) to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act, approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ZIHLMAN, Mr. GIBSON, and Mr. BLANTON were appointed managers on the part of the House at the conference.

AFFAIRS IN ITALY

Mr. FERNALD obtained the floor.

Mr. WALSH. Mr. President—

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Montana?

Mr. FERNALD. I yield.

Mr. WALSH. Those who followed the course of my remarks yesterday will be deeply interested, I am sure, in a dispatch which appeared in the Washington Star of last evening. I send the paper to the desk and ask that the dispatch be read.

The VICE PRESIDENT. The clerk will read as requested.

The Chief Clerk read as follows:

[From the Washington Evening Star, April 19, 1926]

ATTACK BY ITALY FEARED IN TURKEY—SIZE OF ARMY DOUBLED IN FACE OF MUSSOLINI'S RECENT EXPANSION HINTS

(By the Associated Press)

LONDON, April 19.—Turkey's new levy of army conscripts is causing general speculation and is regarded in various quarters as giving substance to recent rumors of contemplated Italian or Italo-Greek aggression at Turkey's expense.

Turkey is calling up the military classes of men of 21 and 22 years of age, and all the reserve men of from 23 to 26. The urgent action of the Turkish recruiting bureau is said to be causing considerable nervousness among the people of Turkey.

While there is nothing concrete on which to base fears of an attack on Turkey, in political circles the opinion is advanced that the smoke indicates the presence of fire, and Turkey's action in increasing the peace footing of her army consequently is considered highly suggestive of danger.

DUCE'S SPEECH IS FEARED

Premier Mussolini's recent speeches and his reference in February to Italy's "Napoleonic year" is being interpreted not only in Turkey as

seriously aggressive and as suggesting an intention to achieve colonial expansion in Anatolia, which is declared to be the Duce's aim. It is suggested that more precise form may be given the Italian intentions Wednesday, when the traditional anniversary of the founding of Rome is celebrated. Mussolini is expected to have something more to say then regarding his country's political policy.

From Angora, the Turkish capital, came advices to the effect that everyone has been following closely Mussolini's voyage to Tripoli and the general political situation, and that Turkey has not failed to make proper preparations. The Constantinople newspapers decline to believe that Italy would make an unprovoked attack on Turkey, but nevertheless they express satisfaction that the Turkish Government is taking all necessary precautions.

Recently London newspapers have printed rumors of an alleged design by Mussolini to enlist the support of Greece for his imperial ambitions. These rumors alleged that Greece, through long credit contracts with Italy, would purchase rifles, tanks, and other munitions which could be used against Turkey in Thrace while Mussolini was taking action in Asia Minor.

The Daily Express says a secret treaty the Allies signed in London in 1915 conditionally promised Italy a just share of the region adjacent to Adalia (a seaport of Asia Minor in the Vilayet of Konieh) and this agreement has not been fulfilled. The Express adds:

"Italian munition firms, motor firms, and industrial firms are working day and night to provide Greece with tanks and armored cars and artillery and other arms and ammunitions, which are now pouring into Greece, where the disastrous defeat by the Turks in 1922 still rankles. President Pangalos, of Greece, is modeling himself into a Mussolini."

It is estimated that the men called to the Turkish colors yesterday, added to those already summoned in connection with the Kurdish trouble and the Iraq dispute with Great Britain, will bring the Turkish Army to about double its normal peace strength of 120,000 officers and men.

Mr. SMOOT. Mr. President—

Mr. FERNALD. I yield to the Senator from Utah.

Mr. SMOOT. While the article was no doubt read with the idea of influencing the Italian debt settlement, I do not see any reason why it should be taken into consideration in the settlement of that question. The strength of the Italian Army is a trifle less in numbers than it was before the war. I do not know whether there is anything, in fact, in the newspaper report at all. There is nothing in it as affecting the Italian debt and no suggestion that it is going to be increased. I can not see that the dispatch has any bearing whatever upon any debt settlement that we will make with France or Italy or any other country.

Mr. WALSH. Mr. President, I called attention yesterday to the fact that the Italian Parliament had just passed a bill for the reorganization of the Italian Army by which its numbers would practically be doubled, to 220,000 men. Certain other countries, apprehensive of attack, are governing themselves accordingly. Turkey, according to this statement, apprehensive that she may be the object of attack by Italy, is increasing her army. Thus the dangerous practice of competitive armaments is going on, induced by the conditions that prevail in Italy.

Mr. SMOOT. Mr. President, there is nothing, even considering the statement as to an army of 220,000 men that would indicate any such action on the part of Italy. The present maximum is limited to 220,000 men, as against 234,000 for the year immediately preceding the great war and 240,000 for the years 1923 and 1924. There is actually a reduction under the present maximum limit of the army of Italy.

Mr. BORAH. The Senator is now speaking of 220,000 men as the regular army.

Mr. SMOOT. The maximum is limited to 220,000 men.

Mr. BORAH. That is the regular army?

Mr. SMOOT. No; that includes the police, which used to be entirely separated from the army.

Mr. BORAH. I beg the Senator's pardon. Mussolini himself stated in a public speech within 30 days that the regular army consisted of 220,000 men, and that that did not include the police, which was not credited as belonging to the army at all.

Mr. SMOOT. Mr. President, I am informed by the Italian ambassador that there has been a change in that respect. Those men are paid from the army funds and are counted with the army to-day. The Senator's statement was correct, as it affected conditions until a recent time. The Senator's statement was that they are entirely separated from the army, but I am informed that condition has been changed.

Mr. BORAH. I have the official gazette issued by the Italian Government and printed in February, which provides for the army and an increase of military expenditures under the head of the Interior Department, because the police are covered under that department. It is a wholly different organization.

Mr. SMOOT. But the number involved is not affected. The Senator is right as to his last statement.

Mr. HARRISON. May I ask the Senator a question before he sits down?

Mr. FERNALD. Mr. President—

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Mississippi?

Mr. FERNALD. I shall be very glad to yield to the Senator from Mississippi.

Mr. HARRISON. I want to ask the Senator from Utah a question while he is on his feet in connection with the matter under discussion. Does the Senator from Utah think that in the event Italy should become engaged in a war we would be in as good or better position to collect the money that Italy is now owing us as we would if Italy should remain out of war?

Mr. SMOOT. No; of course not. If Italy should be drawn into war it would be very doubtful whether she could make any payments at all on her indebtedness to us.

Mr. HARRISON. I was merely wondering if the Senator would agree with this statement:

But listen, folks—

Mr. SMOOT. That does not start out very well.

Mr. HARRISON. I am quoting from the distinguished Senator from Indiana [Mr. WATSON] in his inaugural-campaign address for reelection to the United States Senate.

But listen, folks. If Italy wanted to go to war, I would rather she would owe us that \$2,040,000,000, with an agreement to pay so much a year, because that would keep her from putting that money into her navy or into her army.

Does the Senator from Utah agree to that?

Mr. SMOOT. I do. With such an agreement Italy could not put so much money into her expenditures for war.

Mr. HARRISON. The Senator from Utah will agree with anything the Senator from Indiana may say.

Mr. WATSON. And be on perfectly safe ground.

Mr. SMOOT. The Senator from Mississippi asked me if I agreed to that statement, and I said I would agree to it, irrespective of whether it came from the Senator from Indiana or anyone else.

PUBLIC BUILDINGS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

Mr. BRUCE. Mr. President—

Mr. FERNALD. I yielded the floor all the afternoon on yesterday, and I am very anxious to make some headway on the bill. I am very glad, however, to yield to the Senator from Maryland.

Mr. BRUCE. Mr. President, I desire to withdraw the amendment which I have heretofore offered to House bill 6559 and to substitute in its place the amendment which I send to the desk, which I ask may be read.

The VICE PRESIDENT. In the absence of objection, the clerk will read as requested.

Mr. BRUCE. I hope order will be preserved in the Chamber, as it is a very important amendment which I ask may be read.

Mr. SMOOT. I should like to hear the amendment read.

The CHIEF CLERK. In section 1, page 2, line 23, after the words "deed of conveyance," it is proposed to insert the following:

Provided, however, That aside from land that may be acquired for enlarging the site of the Government Printing Office, the sum of \$50,000,000 hereinafter made available for projects in the District of Columbia shall be used exclusively for the purpose of acquiring by purchase, condemnation, or otherwise, south of Pennsylvania and New York Avenues and west of Maryland Avenue, protracted in a straight line to Twining Lake, such sites or additions to sites as the Secretary of the Treasury may deem necessary to provide such suitable office accommodations in the District of Columbia as are hereinbefore mentioned, of constructing adequate and suitable buildings for the furnishing of such office accommodations on said sites or additions to sites, or on sites already owned by the Government south of Pennsylvania and New York Avenues and west of Maryland Avenue, as above mentioned, and of providing suitable approaches to said buildings, and beautifying and embellishing their surroundings; it being the sense of the Congress that the haphazard practice heretofore pursued by the Government of erecting or purchasing buildings for such office accommodations north of Pennsylvania Avenue should come wholly to an end, and that suitable provision for all such office accommodations in the future should, as nearly in harmony with the plan of Peter Charles L'Enfant as may be practicable, be made in the territory south of Pennsylvania and New York Avenues and west of Maryland

Avenue, as above mentioned, and in such manner as to gratify the highest standards of architectural beauty, as well as practical utility.

Mr. PHIPPS. Mr. President, will the Senator from Maine yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Colorado?

Mr. FERNALD. I yield.

PERMANENT ASSOCIATION OF INTERNATIONAL ROAD CONGRESSES

Mr. PHIPPS. Mr. President, yesterday I reported from the Committee on Post Offices and Post Roads Senate Joint Resolution No. 94, which is now on the calendar, being Order of Business 636. I sought to have the joint resolution considered at that time, but objection was made by the Senator from Arkansas [Mr. ROBINSON]. The joint resolution merely authorizes an appropriation for the purpose of enabling the United States to participate in the international road conferences. The Senator from Arkansas, who asked to have the joint resolution go over, has informed me that he would offer no objection to its consideration and passage.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 94) to authorize appropriations for the expenses of membership in the Permanent Association of International Road Congresses, and for other purposes.

Mr. HARRISON. Mr. President, I should like to ask the Senator from Maine if he is not going to ask to have the public buildings bill laid aside so that those Senators who desire to speak on the Italian debt-settlement measure may speak to-day? Of course, the Senator knows that to-morrow we are to vote on the measure under a unanimous-consent order.

Mr. SMOOT. Mr. President, I will ask unanimous consent to have the public buildings bill laid aside just as soon as anyone desires to speak on the Italian debt settlement bill.

The VICE PRESIDENT. Senate Joint Resolution No. 94 has been taken up by unanimous consent, but when that shall have been disposed of the Italian debt settlement bill will be before the Senate.

Mr. CURTIS. Mr. President, I wish to know if, under the terms of the joint resolution, the United States is to become a permanent member of the International Road Congress?

Mr. PHIPPS. The joint resolution merely enables the United States to accept membership and to participate in the meetings of the International Road Congress.

Mr. CURTIS. I should like to have the joint resolution again read. I may say that the United States now belongs to a number of international organizations and yearly sends representatives to their meetings. When I was chairman of the subcommittee on the State Department I examined into the matter, and, from what I could ascertain, it became apparent that our country derived practically no benefit from our membership in such international organizations, and a few of the appropriations were discontinued. I have no objection to having the United States represented at the meetings of the International Road Congress whenever in the judgment of the Federal Road Department it would be wise to have our country represented, but I do object if the joint resolution provides that the United States shall become a permanent member of that organization and be required to appropriate money every year to keep up the organization. I should like to know whether or not the joint resolution provides for permanent membership on the part of the United States.

Mr. PHIPPS. The joint resolution authorizes the United States to accept membership.

Mr. CURTIS. Then I object to the consideration of the joint resolution at this time.

The VICE PRESIDENT. The joint resolution will go over.

PUBLIC BUILDINGS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes.

Mr. FERNALD. Mr. President—

Mr. HARRISON. Mr. President, will the Senator from Maine yield to me for just a moment?

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Mississippi?

Mr. FERNALD. I yield.

Mr. HARRISON. I had understood that perhaps the Senator from Missouri [Mr. REED] desired to speak to-day on the Italian debt settlement bill.

Mr. FERNALD. In that event I will be very glad to ask that the public buildings bill may be temporarily laid aside.

Mr. HARRISON. It is understood, then, that when a Senator desires to speak on the Italian debt settlement bill that measure will be laid before the Senate?

Mr. SMOOT. There can be no doubt as to that. Any Senator may speak on the Italian debt settlement bill now or at any time between now and 4 o'clock to-morrow.

Mr. REED of Missouri. Mr. President—

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Missouri?

Mr. FERNALD. I yield.

THE PROHIBITION LAW

Mr. REED of Missouri. I had desired to address the Senate on the Italian debt settlement. I can not do so satisfactorily at this moment, for two reasons: First, I have been so unfortunate as to be a member of the committee investigating this "wet" and "dry" question, and that committee has been held in session every forenoon, and latterly it has been held in session during the afternoon. In the early hearings we adjourned in the afternoon, so that Senators could attend the sessions of the Senate. I have asked that the same procedure be followed when the "drys" were putting in their testimony, but the majority of the committee has refused to extend that courtesy.

The situation just now is that an important witness, who has made some very serious charges, was upon the stand at 12 o'clock. I asked that the hearings be continued until to-morrow morning in order that I might come here and give attention to this important business, the Italian debt. It was stated by one member of the committee that he probably could not be there; that he could not be there if the public buildings bill was being considered, and it appears that it is being considered. The Senator from Montana [Mr. WALSH] was absent when the controversies of which I am now speaking came up. It was stated that one member of the committee could sit, and the rest would be absent. I protested, but my protest was voted down, so that the hearings are going on.

I might state that four members of the committee are very "dry," and I am the only member of the committee who seems to be interested in cross-examining the witnesses now coming upon the stand, so that I can not address myself to this question until I am released from that committee. I suppose the same degree of courtesy which has been extended will be extended during the rest of the afternoon, and the committee held in session.

That is the situation I am in. I can not be in two places at once. I will say that in all my experience in the Senate I have never known before, when a legislative jam was on that members of the committee wanted to attend, that the hearings have not been set aside or continued at the request of a member of the committee. I suppose the situation is such that I could get nowhere by offering a resolution on the floor of the Senate directing the committee to discontinue its sessions during the time the business of the Senate requires the attendance of its members.

Perhaps late in the afternoon I can be released so that I can talk on this question. Of course, I can not ask the Senate to hold up its business.

Mr. BRUCE. Mr. President—

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Maryland?

Mr. FERNALD. I do.

Mr. BRUCE. It does seem to me that it is incumbent on somebody connected with this committee to make some sort of explanation of the motives that induced the committee to extend the kind of treatment that it has to the Senator from Missouri. Of course, so far as I am concerned, I expect no liberal measure of justice from anybody sharing the sentiments of the majority of that committee; but it does seem to me that simply because a member of the committee happens to be in a minority, that is no reason why he should not be shown a fair measure of consideration and politeness.

Mr. HARRELD. Mr. President—

Mr. FERNALD. I yield to the Senator from Oklahoma.

Mr. HARRELD. It happens that I am chairman of this much-abused committee, the committee on prohibition. At the beginning the committee agreed that each side should have 24 hours; that we would sit four hours a day when it was possible, which, of course, necessitates a session of two hours in the afternoon. By a vote of the committee once or twice they have not held the afternoon sessions, but by a vote of the committee to-day they did decide to hold the afternoon session agreed upon. It is to be regretted that that conflicts with what some individual Senator feels is his right, but I want to say that the committee is trying to be fair to both sides.

Witnesses have been subpoenaed here from all over the United States and are here waiting to be heard. Some of them have been here for three or four days waiting to be heard before the committee. Those witnesses have some rights as well as the members of the committee and Members of the Senate.

We are trying to do the best we can with the matter. It is a hardship on all of us to stay over there, but we are trying to carry out the agreement which was made with these people when we started that we would hold sessions four hours a day and do the best we can with it.

Mr. REED of Missouri. Mr. President—

Mr. FERNALD. I yield to the Senator from Missouri.

Mr. REED of Missouri. In the first place, the Senator from Oklahoma is not chairman of the committee. There is no chairman of the committee. The name of the Senator from Colorado [Mr. MEANS] appeared first, and under a custom which has grown up the Senator from Colorado assumed the duties of chairman, of which I made no complaint. The Senator from Colorado became ill, and the Senator from Oklahoma states that the Senator from Colorado appointed him chairman—by what authority I do not know.

Mr. HARRELD. No; if the Senator will yield—

Mr. FERNALD. Yes.

Mr. HARRELD. My authority comes from the Senator from Iowa [Mr. CUMMINS], who is chairman of the Judiciary Committee, in writing, appointing me as chairman.

Mr. REED of Missouri. Very well.

Mr. HARRELD. Whether or not he had authority to do so Senators can judge for themselves.

Mr. REED of Missouri. The Senator from Iowa had no authority to appoint a chairman of the subcommittee by any resolution of the Judiciary Committee, but I make no complaint about that.

The fact is that there are no witnesses down here under subpoena—not a living witness. At the inception of this hearing the proponents of these various bills agreed with some of the opponents of the various bills on a division of time. The committee indicated that it would allow 24 hours on each side, and that the various sides would each have 24 hours; so that it was somewhat akin to a proceeding in court, each side being represented. Then the proponents asked for subpoenas for certain witnesses. The chairman of the committee stated that he had subpoenaed two officials, and that he would not subpoena others without the orders of the committee. The matter was brought before the committee in a formal application and refused; so that with the exception of one or two persons whom the chairman of the committee had summoned on behalf of the proponents of the bill no one was subpoenaed on that side.

My understanding is that the acting chairman of the committee, the Senator from Oklahoma [Mr. HARRELD], wired the district attorney of Chicago to come here. If you treat that as a subpoena, which it is not, then that official is here in response to a subpoena. No other subpoenas have been issued. These witnesses are here voluntarily, brought here by the organizations with which they are affiliated, just as witnesses on the other side were brought here by the organizations that solicited their attendance.

There was one witness upon the stand, a prohibition officer from Pittsburgh. He was put upon the stand at the request of the Senator from Pennsylvania [Mr. REED], who came before the committee and stated that he did not appear as a witness, but that this gentleman was here and anxious to testify and get away. Thereupon the committee put the witness upon the stand.

Mr. HARRELD. Mr. President, I hope the Senator will state that correctly. I stated at the time that he would be put on if the committee for the "drys" sanctioned what he was going to say and asked for him to be put on, and he was put on at their instance.

Mr. REED of Missouri. Very well; he was put on at their instance, the committee consenting to it, if that technicality makes any difference, and testified until the hour of noon. At that time the question came up of the continuance of the hearing.

I stated my position then much as I have stated it here; whereupon the Senator from Pennsylvania [Mr. REED] was asked his judgment, and he stated to the committee in substance that he thought the business of the committee ought to give way to the business of the Senate. If I do not state the matter accurately, the Senator from Pennsylvania will correct me. He stated that the witness could stay over until tomorrow and testify. Notwithstanding that situation, a vote was taken, two members of the committee being present aside from myself—the acting chairman and the Senator from West

Virginia [Mr. GOFF]—and they voted to go on with the hearing. That is the situation; and these witnesses who are here are here voluntarily, just as the witnesses on the other side all came voluntarily, except two or three.

Mr. WALSH. Mr. President—

Mr. FERNALD. I yield to the Senator from Montana.

Mr. WALSH. I should not inject myself into this controversy at all were it not for the sweeping indictment against this committee made by the Senator from Maryland [Mr. BRUCE], who told the Senate that he did not expect any measure of justice from the committee constituted as it is.

The committee, Mr. President, consists of the Senator from Missouri [Mr. REED], the Senator from Massachusetts [Mr. GILLETTE], the Senator from Oklahoma [Mr. HARRELD], the Senator from West Virginia [Mr. GOFF], and myself. I wonder upon what sort of basis of justification a Senator, a Member of this body, rises and declares here that no measure of justice can be secured from a committee so organized.

Mr. BRUCE. Mr. President—

Mr. WALSH. I yield to the Senator.

Mr. BRUCE. Why should I have any confidence in the sense of justice of the Senator from Montana, when from first to last he did all in his power to prevent us from having any hearing at all—

Mr. WALSH. That is—

Mr. BRUCE. Any hearing in relation to the most important question, perhaps, that has ever agitated the minds of the people of the United States since the sectional struggle over slavery? Why should I have any confidence in the sense of justice of the Senator from Oklahoma, when he did not hesitate to say, in the course of these proceedings, that in his opinion anybody who brewed or distilled liquor in a house should be pronounced guilty of a felony, the most extravagant, the most outrageous speech that has ever been made in this body since one of the Senators declared that he was in favor, under certain circumstances, of capital punishment for a violation of the Volstead Act?

Mr. HARRELD. Mr. President—

Mr. BRUCE. When men are so destitute of any sense of proportion as that, so utterly unable to understand the significance of facts as they are, who could have any confidence in their sense of justice, where their passions are so strongly involved?

Mr. EDGE. Mr. President—

Mr. WALSH. Mr. President, I do not yield to the Senator. I want to finish what I have to say.

I do not desire to comment upon this matter, or to enter into a defense of the committee at all. I merely desire to call the attention of the Senate to the statement of the Senator from Maryland, and to leave that to stand for itself. I do desire to say that I was not present when the action was taken this morning to adjourn until this afternoon, but I think it a most extraordinary thing that a member of the committee should come before this body and ask it to endeavor to regulate the time when a committee should sit or when it should not sit.

From the beginning the Senator from Missouri [Mr. REED] has been absorbed with other matters, the same as every other member of the committee has been. It was contemplated that the work of this committee would take just two weeks; that one week would be assigned to one side, and one week to the other side; that we would sit four hours each day, and complete the work in the two weeks' time.

Most of us serve upon the committee with great reluctance. It takes a great deal of our time that we would like to devote to other matters. But we endeavored to arrange that, and we found it utterly impossible to do so. We sat during the morning hour, and adjourned for the afternoon, in each instance, or at least in a number of instances, at the earnest request of the Senator from Missouri. I joined in the request, and I was eventually obliged to abandon the work of the committee for three days in succession, to give my attention to other pressing matters.

I mean to find no fault whatever with the action of the other members of the committee who insist upon going on, and it seems an extraordinary thing to me that the Senate of the United States should be asked to interfere in this matter, and take out of the hands of the committee the decision as to when they should or should not sit.

Mr. REED of Missouri. Mr. President, I made no such request.

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Missouri?

Mr. HARRELD. Mr. President, I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator will state it.

Mr. HARRELD. Since prohibition has been an issue in this country, it has been charged that all the fanatics in the country belong on the prohibition side.

The VICE PRESIDENT. The Senator will state his question of personal privilege.

Mr. HARRELD. I am coming to it. The statement of the Senator from Maryland on this floor shows that not all the fanatics are on the prohibition side.

The VICE PRESIDENT. The Senator will please state his question of privilege.

Mr. HARRELD. I am stating it. My point is this: The Senator criticized what he claimed was something I said. He said that I stated that any man who would run a distillery ought to be put in the penitentiary. That is not an accurate statement. The proof had just been made to the committee, at the time I made my assertion, that in Baltimore, I think it was, hundreds of distilleries were being run in the homes of the people of that city in the presence of big families of children, and I said that the man who would do that ought to be held guilty of felony, that the law ought to make it a felony; and I still adhere to that view.

Mr. BRUCE. Mr. President, that is precisely what I said.

The VICE PRESIDENT. Does the Senator from Maine yield?

Mr. HARRELD. No; the Senator from Maryland said—

The VICE PRESIDENT. To whom does the Senator from Maine yield?

Mr. FERNALD. I do not yield to anyone at this time.

Mr. HARRELD. Mr. President, I want to correct the statement—

The VICE PRESIDENT. The Senator from Maine has the floor.

Mr. HARRELD. I rise to a point of personal privilege again.

The VICE PRESIDENT. The Senator will state his point of personal privilege.

Mr. HARRELD. The Senator from Maryland just said that I had quoted exactly what he said. The Record shows that he said that I stated that any man who would run a distillery ought to be charged with a felony, that it ought to be made the law that such action should constitute a felony. I did not make that sort of a statement. I said the man who would run a distillery in the midst of his family and his children ought to be held guilty of a felony, and the law ought to make that a felony, which is quite a different statement. I did not say that any man who runs a distillery elsewhere than in the home should be made guilty of a felony.

Mr. FERNALD. Mr. President—

Mr. EDGE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Maine yield?

Mr. EDGE. I will take but two minutes if the Senator will yield to me.

Mr. FERNALD. Mr. President, for four days the public buildings bill has been before the Senate, and I have not had an opportunity to say 50 words in the whole four days. I have yielded to everybody for every purpose under the sun. We have decided the tariff on silk stockings and settled the Italian debt. We have talked upon almost every subject that could be brought before the Senate. I intend to be courteous to everybody and give everyone an opportunity.

Mr. EDGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from New Jersey?

Mr. FERNALD. I yield.

Mr. EDGE. I promise the Senator not to take more than three minutes.

Mr. DILL. Mr. President, a parliamentary inquiry. How often has a Senator the right to yield and not lose the floor? According to my recollection of the rules, if a Senator yields more than twice, except for a question, he loses the floor. Can one Senator hold the floor and yield to a dozen Senators?

Mr. EDGE. I will yield back to the Senator from Maine. The Senator has yielded to me.

Mr. DILL. I want an answer to my parliamentary inquiry.

Mr. FERNALD. Of course, it is very well known that if a Senator yields, except for a question, he loses the floor; but I assume that the Senator to whom I yield will yield the floor to me.

Mr. EDGE. Mr. President, I do not want to prolong this controversy; but in order that the Record may be accurate it is only just for me to draw attention to the fact that the "wet" side of these hearings, so termed, extended over a period of more than two weeks. Those who were sponsors for bills being considered made no objection whatever. As I recall it, there was not a single afternoon session during the period the

committee were considering the testimony on that side. There was one evening session, as I recall.

Mr. HARRELD. There were several afternoon sessions and one night session.

Mr. EDGE. I think the Senator is mistaken. There was one night session. There was one afternoon session upon the day we gave over to the proponents of the other side breaking in the middle of our testimony.

The Senator from Montana expresses surprise that a Senator would present his case before the Senate as the Senator from Missouri has done. When a Senator made the request that he made of the committee, and especially in view of the policy adhered to by the other side, I think it is most extraordinary that there should be the slightest question at all.

I am going now to take advantage of the courtesy of the Senator from Maine to ask unanimous consent to introduce a resolution which provides, in effect, that all the hearings of the committee shall be postponed until after the vote is taken on the Italian debt settlement bill to-morrow afternoon.

Mr. HARRELD. Mr. President, I rise to a point of order.

Mr. WALSH. Mr. President—

Mr. EDGE. I ask the Secretary to read the resolution.

The VICE PRESIDENT. The clerk will read the resolution. The Chief Clerk read as follows:

Resolved, That the Subcommittee of the Judiciary Committee be directed by the Senate to discontinue hearings on pending prohibition measures until after the vote is taken on the Italian debt settlement.

Mr. WALSH. Mr. President—

Mr. HARRELD. I ask that the resolution may go over under the rule.

The VICE PRESIDENT. The Senator from Montana.

Mr. WALSH. As the resolution is obviously a reflection on the committee, I object to its being introduced.

Mr. FERNALD. Mr. President, the public buildings bill, carrying an appropriation of \$165,000,000—

Mr. WALSH. Mr. President—

Mr. FERNALD. I yield.

Mr. WALSH. Was there a ruling on the objection?

The VICE PRESIDENT. If there is objection, the resolution can not be introduced.

Mr. SMOOT. Mr. President, I ask unanimous consent that the Italian debt settlement bill be laid aside and that the unfinished business be proceeded with.

The VICE PRESIDENT. Is there objection?

Mr. ROBINSON of Arkansas. What is the request?

The VICE PRESIDENT. The Senator from Utah asks unanimous consent that the Italian debt settlement bill be laid aside.

Mr. SHORTRIDGE. Mr. President, I could not hear the request, and I object until I know what the request is.

Mr. SMOOT. The situation is this, that the Italian debt settlement bill was taken up and is now before the Senate. No one desires to speak upon it, and therefore we want to lay it aside and proceed with the public buildings bill.

Mr. SHORTRIDGE. I have no objection.

Mr. EDGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. EDGE. Did I understand the Vice President to rule the resolution I introduced out of order? I asked unanimous consent to introduce a resolution, it was introduced and read, and I heard no objection.

The VICE PRESIDENT. The Chair did not put any such request.

Mr. EDGE. Then, as I understand it, the resolution becomes a part of the Record.

The VICE PRESIDENT. The Senator from Montana objected.

Mr. EDGE. It goes over under objection for one day.

Mr. WALSH. I objected to the introduction of the resolution.

Mr. EDGE. After the question was propounded as to whether there was objection the resolution was read. Do I understand that the Senator then objected to the consideration of the resolution? It had already been introduced.

Mr. WALSH. I objected to the introduction.

Mr. EDGE. It had already been introduced.

Mr. WALSH. How had it been introduced?

Mr. EDGE. By the Senator from New Jersey, and read at the desk. It becomes a part of the Record, does it not?

The VICE PRESIDENT. The resolution was read for the information of the Senate, and objection was made to its introduction.

Mr. ROBINSON of Arkansas. Mr. President, there is no question but that the ruling of the Chair was correct. The ob-

ject of taking a recess is to prevent the injection into the Senate and the consideration of matters other than the unfinished business. When a measure is before the Senate the only way in which another can be brought to the attention of the Senate in any form is by unanimous consent. Unanimous consent was not asked for the introduction of the resolution, and when it was proposed to be introduced, then objection was made. Of course, the Senator did ask that the resolution be read, and it was entirely proper for him to do so, but when a request for its presentation was made the Senator from Montana objected, and that was entirely competent.

Mr. EDGE. Mr. President, will the Senator yield at that point?

Mr. ROBINSON of Arkansas. Certainly.

Mr. EDGE. I do not question at all the Senator's parliamentary position; he is entirely correct, as I understand it. But the point I wanted to make was that I did ask for unanimous consent when I first addressed the Chair.

Mr. ROBINSON of Arkansas. The Senator did not ask unanimous consent, out of order, to introduce a resolution, and consent was not granted.

Mr. EDGE. It is quite true that it was not granted, but I wanted to make clear that I proceeded in the usual way.

Mr. ROBINSON of Arkansas. The Senator can ask now, if he desires, to offer his resolution, and unless some Senator objects it can be offered. He can ask unanimous consent for its consideration. But there is no occasion to criticize the Chair for sustaining the point of order that was made, because the Chair could not have done anything else.

Mr. EDGE. Mr. President, I had no intention of criticizing the Chair, and I want that to be perfectly clear. I think I proceeded in the usual order, and, recognizing that objection has been made, I subside.

PUBLIC BUILDINGS

Mr. FERNALD. Mr. President, I call for the regular order.

The VICE PRESIDENT. The regular order is the public buildings bill.

Mr. HARRISON. Mr. President, I understood the Italian debt settlement bill was the regular order.

The VICE PRESIDENT. It was laid aside by unanimous consent.

Mr. HARRISON. I thought there might be objection to that procedure.

Mr. ROBINSON of Arkansas. If there is any Senator who desires to speak on the Italian debt-settlement question, the bill should be kept before the Senate.

Mr. FERNALD. And it will be kept before the Senate.

Mr. ROBINSON of Arkansas. I do not know whether anyone present desires to speak on the debt-settlement question or not, but our unanimous-consent agreement contemplates that that may be done.

The VICE PRESIDENT. That is correct.

Mr. SMOOT. If there is any Senator who desires to speak on the Italian debt settlement bill, now is the time to do it.

Mr. ROBINSON of Arkansas. It may be that the Senator from Maine desires to discuss it.

Mr. FERNALD. No; I desire to discuss the other bill a while. I may want to discuss the Italian debt settlement bill at a later time. Now, Mr. President, if there is no one else who wants to speak, I ask that the public buildings bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

Mr. FERNALD. Mr. President, on last Friday when the bill was brought before the Senate for consideration we made some progress. On Saturday there were so many Senators who had important business engagements in the afternoon that we only proceeded about two hours and devoted that time to the consideration of the bill. During that time we made progress, and all the committee amendments were agreed to except two. Those two amendments went over because the Senator from New Mexico [Mr. Jones] desired to offer an amendment to the committee amendments. Those two amendments are the first to be considered to-day, and I hope that we can make some progress to-day and settle the matter of the public buildings bill before the Italian debt-settlement measure comes to a vote to-morrow afternoon.

It would seem to me, from the arguments which have been made by Senators, that there is not so much opposition to the bill or to the passage of the bill as there is to some amendments that might be offered. Without taking any more of the time of the Senate, because I have already tried on several different occasions before the Senate to discuss the measure, I ask that

we proceed immediately to consider the committee amendments. The first committee amendment is on page 2, to which the Senator from New Mexico [Mr. Jones] desires to offer an amendment. I ask to have that committee amendment considered.

Mr. HARRISON. Mr. President, may I say to the Senator from Maine that the opposition to the measure has not had an opportunity to talk on it at all. I desire to discuss the bill and to analyze it and try to show its nefarious features, and I shall do so at the first opportunity.

Mr. FERNALD. The Senator is privileged now to do so if he desires.

Mr. HARRISON. I understood that the Senator from Washington [Mr. DILL] desires to proceed on another matter for a little while.

Mr. DILL. If the Senator wants to take up the amendment and submit it, I will talk then.

Mr. FERNALD. I simply want to bring the amendment before the Senate, and then if the Senator wishes to speak he may do so.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 7, after the word "purposes," insert a comma and the following words:

giving preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

AMERICAN-ORIENTAL MAIL LINE

Mr. DILL. Mr. President, yesterday, when I was not in the Senate, a resolution was passed by unanimous consent regarding the sale of certain ships by the Shipping Board. These are ships of the American-Oriental Line, running out of Seattle. There was no discussion at that time, and I think since unanimous consent was given for the consideration and passage of the resolution, that I am not violating the proprieties of this hour to any great extent when I discuss for a few moments the reasons for it and the meaning of it.

Mr. SHORTRIDGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from California?

Mr. DILL. I yield for a question only.

Mr. SHORTRIDGE. I rise, thanking the Senator for his courtesy, to move to reconsider the vote whereby the Senate on yesterday agreed to Senate resolution 204, relative to the proposed sale of vessels of the American-Oriental Mail Line and their operation. The resolution referred to was passed yesterday without any discussion, and it happened to be during my absence.

Mr. DILL. It happened to be in my absence, too.

Mr. SHORTRIDGE. I am now asking unanimous consent to reconsider the vote by which the resolution was adopted.

Mr. DILL. I shall have to object to the unanimous-consent request to reconsider that vote. If the Senator wants to make a motion to do it, he can do so; but I shall have to object to any unanimous-consent request for that purpose.

Mr. SHORTRIDGE. I should have asked for unanimous consent first, which I have now done and which is not agreed to, wherefore I move to reconsider the vote by which resolution 204 was agreed to.

Mr. DILL. I do not know whether the motion is in order with the public buildings bill before the Senate.

Mr. SMOOT. The Senator from California can enter the motion, but we can not act on it. If he desires to enter the motion, that is all right.

Mr. SHORTRIDGE. Certainly I can enter the motion, and I have done so.

Mr. HARRISON. May I ask the Senator if he desires action on his motion at this time?

Mr. SHORTRIDGE. No; I do not desire it. It will come up to-morrow probably.

Mr. DILL. Mr. President, I rose to give some reasons, I hope, for the passage of the resolution, and if possible to call the attention of the members of the Shipping Board and the President to the importance of following the terms of the resolution as passed by the Senate. The sale which is proposed to be made of the ships of the American-Oriental Line running out of Seattle, it seems to me, is an act that exceeds the authority of the Shipping Board in the use of proper judgment in the proper management of the merchant marine.

Mr. SHORTRIDGE. Mr. President, will the Senator yield for a question?

Mr. DILL. Certainly.

Mr. SHORTRIDGE. In view of the fact that the Senator desires to discuss this subject, to discuss a resolution which was passed on yesterday, to the end that we may take up and

consider the matter from all points, may I again request unanimous consent to reconsider the action of the Senate by which the resolution was adopted?

Mr. DILL. I object to the request. I simply want to discuss the subject.

Mr. McNARY. Am I to understand the Senator is objecting?

Mr. DILL. I object to the unanimous-consent request. The Senator from California has announced that he wants to have a motion pending to reconsider the passage of the resolution, and to that, of course, I have no objection.

I want to begin by calling attention to the fact that these ships were put in operation in 1921, having been completed at that time. They have been in operation ever since. They are ships that were leased and running out of Seattle to the Orient. The striking thing about the management of the ships and their sale at this time is to be found in the statement of their earnings during the past two or three years. For the fiscal year 1924 the profits were \$939,743.62. During the fiscal year 1925 there was a loss of \$1,556,226.82. It should be stated, however, that some \$900,000 of that loss was the result of recon-ditioning the ships, and should not properly be charged to loss in operation. For the first six months of the fiscal year 1926 the loss was \$40,435.61. Beginning in January, 1926, the ships began to make money, and the profits for that one month were \$104,252.17. In February the profits were \$16,007.68. The ships had begun to make money. At that very time the Shipping Board advertised them for sale.

The ships cost on the average something like \$6,300,000 each. The bids that came in were, one for \$800,000 per ship, and another for \$900,000 per ship, and although the ships are making money the Shipping Board are so anxious to get rid of them that they refused to open an additional bid which came in the day the board met to decide on the bids. They refused to open the additional bid, I am informed, on the ground that if they did so they would have to reject all bids. They gave us their reason for selling the ships at about one-seventh of their cost when they are now making money that they want to keep expenditures within the appropriation allowed by Congress. There is a defense fund in the appropriation to take care of cases of this kind if the ships do lose money, but why should they sell them at the very time when they have just begun to make money? Why should they refuse to look into another bid that is handed to them and thus avoid any possibility of getting more than \$900,000 apiece for the ships except that they are so anxious to sell?

There can be but one answer, and that is that the majority of the members of the Shipping Board are anxious to have the ships go to the Dollar Co., of San Francisco. The Dollar Line, if they get these ships, will have a monopoly of the American ship lines from the Pacific coast to the Orient, for they now have one line out of San Francisco and another line out of British Columbia, and with this line they would then have a monopoly of American shipping to the Orient.

But that is not all. The contract is the most liberal contract, I think, that has ever been offered for the sale of ships of this kind. Instead of 25 per cent cash demanded of the purchaser, they ask for only 2½ per cent, with a provision that 22½ per cent may be paid in the form of an irrevocable letter of credit, to be paid within two years and bearing interest at 4½ per cent. Why should the Shipping Board arrange that the Government shall finance the great Dollar shipping interests at 4½ per cent when the best we do with our banking system in the interest of the farmer is 5½ per cent?

I can not understand it. I think the action on the part of the Shipping Board was an unwarranted, unjust, and unconscionable exercise of their authority and is simply a process of scuttling American ships that are in control of the Government by turning them over to a private interest without any assurance that that private interest will continue to run them on the lines which have been established.

The law of 1920 specifically provides that in the sale of ships in cases of this kind, as is mentioned in the resolution of the Senator from Oregon [Mr. McNARY], they shall be sold to companies who have financial backing in the community from which the ships sail. With a bid coming to them before they had decided what they would do with reference to existing bids, they refused to look at that bid for the reason that they would have to readvertise and reopen the entire case. It happens that the ships are all very high-class ships and in very good condition. Yet not only does the contract provide for only 2½ per cent cash being paid and that the other 22½ per cent of the so-called cash payment shall be financed at 4½ per cent interest by the Government, but there is no bond required against the purchaser, as has been the case in other contracts, particularly in the case of the Munson Line ships that were bought on the east coast. So I say the resolution

of the Senator from Oregon not only was a wise resolution but the Shipping Board and the President should give heed to that resolution, because it is justice to the interests of the American people and because of the fact that if the proposed contract shall be carried out it will place a monopoly of the shipping of the Pacific Coast in the hands of this San Francisco company.

I have no prejudice against the company because it is located in San Francisco, but I do maintain that the commercial interests in the Northwest, from which these lines run their boats, should be considered, and the board should adopt every possible method to secure the best possible offer from the people in the communities from which the ships sail. After a period of five years there is nothing to keep these ships running from the Northwest at all; yet the port of Seattle is 900 miles closer to the Orient than any other port on the Pacific coast.

Mr. President. I am not going to take more time on this subject. I only wanted to voice my indignation at the action of the majority of the Shipping Board in this matter and, if possible, to call their attention anew to the subject, so that they might reconsider their action and save these ships to the people of the Northwest, serve the best interests of the shipping business as a whole and the interests of all of the American people.

Mr. SHORTRIDGE. Mr. President—

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Maine yield to the Senator from California?

Mr. FERNALD. I yield.

Mr. SHORTRIDGE. Mr. President, it would be a very easy matter indeed to make reply to the statements which have been made by the Senator from Washington [Mr. DILL] and a very easy task to justify fully the action of the Shipping Board. I shall not now detain the Senate for that purpose. Perhaps, to-morrow, if it shall seem necessary or desirable, I shall undertake to set forth the facts, which fully justify the action already taken by the Shipping Board.

Mr. McNARY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Oregon?

Mr. FERNALD. I yield.

Mr. McNARY. In case the able Senator from California [Mr. SHORTRIDGE] should avail himself of the opportunity to make the statement which he has indicated, I shall undertake to show that the sale referred to was an unconscionable one, that it was against the interest of the American people, and was destructive of the American merchant marine. So I give notice to follow up the statement of the distinguished Senator from California similar to that he has given relative to the statement which has been made by the Senator from Washington [Mr. DILL].

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On April 16, 1926:

S. 1144. An act authorizing the Secretary of War to acquire a tract of land for use as a landing field at the air intermediate depot near the city of Little Rock, in the State of Arkansas.

On April 17:

S. 3186. An act to promote the production of sulphur upon the public domain within the State of Louisiana.

On April 19:

S. 1550. An act to appropriate certain tribal funds for the benefit of the Indians of the Fort Peck and Blackfeet Reservations.

CLAIM ON ACCOUNT OF FRENCH STEAMSHIP "MADELEINE" (H. DOC. NO. 335)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to a claim presented by the Government of France against the Government of the United States on account of the losses sustained by the owner of the French steamship *Madeleine* as the result of a collision between it and the U. S. S. *Kerwood*, which at the time of the collision was being operated by the War Department, and I recommend that an appropriation be authorized to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

THE WHITE HOUSE, Washington, April 20, 1926. CALVIN COOLIDGE.

PUBLIC BUILDINGS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes.

Mr. FERNALD. Mr. President, I should like to have considered the first amendment to the pending bill, which is on page 2. The Senator from New Mexico [Mr. JONES], however, is absent, and before the amendment shall be acted on I should like for him to be present.

Mr. HARRISON. Mr. President, I desire to speak on the Italian debt settlement, and so I ask that that bill be laid before the Senate.

Mr. FERNALD. I ask unanimous consent that the public buildings bill may be laid aside and that the Italian debt settlement bill may be laid before the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Chair lays before the Senate the Italian debt settlement bill.

INDEBTEDNESS OF ITALY TO THE UNITED STATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America.

Mr. HARRISON. Mr. President, since the debate upon the Italian debt settlement began there has been a remarkable shift in the contention of its proponents. It was believed by those who listened to the discussion of the British debt settlement measure that the settlements with the other foreign countries which were to follow would be along similar lines. Indeed, not only those who took part in that discussion believed that but the country likewise was led so to believe, for, as the attention of the Senate has been called to the fact before, the Republican convention at Cleveland incorporated in its platform that idea. Of course, an effort has been made to explain away that plank; excuses have been offered for it, and the contention that it should apply to the Italian debt settlement has been combated by many of the legal luminaries of the Senate. Included in that list was none less than the distinguished Senator from Connecticut [Mr. BINGHAM], who made a very eloquent and ingenious speech trying to explain away the meaning of that platform. I hope that Senator convinced himself of the correctness of his contention, for I am sure he convinced no one else.

Merely for the purpose of keeping my argument in sequence, I wish again, so that it may brighten the lines of my speech, to refresh the memories of Senators as to just what the Republicans at Cleveland did state respecting these debt agreements. In considering what the Republicans stated at that time we must not lose sight of the background. That there was arising at the time in this country a movement in favor of canceling the indebtedness of foreign nations to this Government, and in order to allay that feeling, to put itself right before the people and to win votes in the campaign the Republican Party stated that the future agreements for the settlement of foreign debts which might be made with European countries would be on terms similar to those agreed to in the British debt settlement.

Mr. BINGHAM. Mr. President, will the Senator from Mississippi yield at that point?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Connecticut?

Mr. HARRISON. Yes; I yield.

Mr. BINGHAM. Is the Senator from Mississippi quoting from the platform when he uses the phrase "similar terms"?

Mr. HARRISON. I am going to quote from that platform. I was first trying to refresh the mind of the Senator, so that he might again see the background which he visualized when he left his beautiful home in Connecticut and in 1924 sojourned to Cleveland to attend that well-oiled convention.

Mr. BINGHAM. Mr. President, I hope the Senator—

The PRESIDING OFFICER. Does the Senator from Mississippi yield further to the Senator from Connecticut?

Mr. HARRISON. I yield.

Mr. BINGHAM. Mr. President, I hope the Senator has not any sentiments of envy toward the convention at Cleveland when he compares it to the convention which was held in New York.

Mr. HARRISON. The Republican convention, I will say, got away in much quicker time. Everything worked splendidly; the wheels were well greased and there was plenty of oil.

Mr. President, here is what the Republican platform said in regard to debt-settlement agreements:

We stand for settlements with all debtor countries similar in character with our debt agreement with Great Britain.

I do not care how smart or how ingenuous one may be, he can not confuse the meaning of those words; they are too simple; they are too plain for that. That declaration meant exactly what it said, that the future agreements which were to be made with France, with Italy, with Belgium, and other foreign countries were to be similar in character to the one into which we had entered with Great Britain. That meant that the number of years which were to be given to various foreign countries in which to pay their debt would not be longer than 62 years, because that was the number of years we had given to Great Britain within which to pay her debt. It meant that the interest charges were to be not less than 3 per cent, because for 10 years that was the interest rate arranged for in the British settlement. It meant that after 1930 the interest rate was not to be less than 3½ per cent, because those were the interest rates which were charged to Great Britain under the agreement. No one contended at that time that it meant anything different from that.

If any Republican spellbinder had gone before the people in that campaign and had contended that the Republican administration, if placed again in power, would stand for a debt settlement with Italy under which one-eighth of 1 per cent interest would be charged after 1930, one-fourth of 1 per cent for the next 10 years, and one-half of 1 per cent for the next 10 years, and no interest until 1930, the Republican management would have recalled that spellbinder from the stump; he would not have been permitted to make Republican speeches. It would have been ruinous and contrary to the policies of the Republican management.

The debt settlement with Great Britain, in the speeches made at Cleveland, both by the temporary chairman and the permanent chairman, and by other speakers there and by speakers throughout the campaign, was heralded as one of the big achievements of the administration. Boasts were made of the settlement which had been obtained with Great Britain and of the interest rate which had been charged, which was from 3 to 3½ per cent.

I excuse my friend from Connecticut for defending that agreement and contending for it as the basis of the terms imposed by the Italian debt settlement, under which the interest rate is one-eighth of 1 per cent. I excuse other Republican Senators who have taken the same position, but if the people of the country can be made to believe that is what the Republican Party meant when they wrote their platform, then they are dumber than I think they are. Senators on the other side of the Chamber may fool themselves, but they can not fool the people. Ah, I know at times they become politically insane, but they soon recover and in the end find themselves.

There was a debate in the Senate when the British debt settlement was under consideration, and that question was discussed. It was discussed by no less authority than the distinguished chairman of the Finance Committee, the Senator from Utah [Mr. SMOOT]. I am sorry he is not here. He would not deny what I am about to say, because I am going to read what his contention was.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. HARRISON. Yes; I yield.

Mr. FESS. The Senator from Utah was not aware that the Italian debt settlement measure was coming up at this time, but he will be in the Chamber in a very few minutes.

Mr. HARRISON. That is the trouble about the Republican leaders. They jump around so much that when they see things coming up they run away from them. [Laughter.] I am perfectly willing for lieutenants of the Senator from Utah on the other side of the Chamber to send out and request him to come here, because really the speech which he then made and from which I am about to quote is quite a remarkable speech. It is good; some of the best matter I ever heard him express is embodied in that speech.

Mr. BINGHAM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Connecticut?

Mr. HARRISON. Yes; I yield.

Mr. BINGHAM. The Senator from Mississippi was not sitting quite close enough to the Senator from Utah a few moments ago, or perhaps the Senator from Utah did not speak loud enough to be heard by the Senator from Mississippi, when he asked whether any Senator desired to speak on the Italian debt settlement, and apparently no one replied.

Mr. HARRISON. The Republicans change their minds so often the Senator must accord a Democrat an occasional opportunity to change his mind.

Here is what the Senator from Utah said in discussing the British debt settlement. I hope my friend, the distinguished

junior Senator from Pennsylvania, who has made speeches on this subject, will listen to this quotation. I may say that his have been among the best speeches which have been made, because he is a lawyer of high standing, and it takes a lawyer of his high standing and great ability really to make as plausible a speech as he has made in order to offer any kind of an excuse for anyone to vote for the pending agreement.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Pennsylvania?

Mr. HARRISON. Yes.

Mr. REED of Pennsylvania. I wish to say to the Senator that when he starts with such compliments as that I am always fearful of what will follow, and so I am waiting for the conclusion of the Senator's remarks with great interest.

Mr. HARRISON. I always compliment the Senator from Pennsylvania because he deserves to be complimented. [Laughter.] He made as fine a speech in the presentation of his side of this question as could possibly be made. I never dreamed when this Italian debt settlement measure was presented to the Senate that anyone could make as remarkable a speech as the Senator from Pennsylvania made. I do not know where he got his information. He did not happen to be a member of the Debt Commission. It is true he journeyed to Italy several times and performed great service over there for his country, and he is in a better position, perhaps, to know of the conditions in Italy some years ago than are some of the others of us; but certainly as a member of the Finance Committee he did not get the information that he has given to the Senate.

But the Senator from Pennsylvania, in his adroit way, with all of his attractive personality, as well as the distinguished Senator from Connecticut, have shifted the contention here by saying that Italy is paying all the principal, and that we are merely releasing her from paying interest, and that by so doing we are complying with the platform of the Republican Party when it says that the debt settlements will be similar in character to that with Great Britain.

Mr. BINGHAM. Mr. President, will the Senator yield at that point?

Mr. HARRISON. Yes; I yield.

Mr. BINGHAM. I regret that it is necessary to go over this matter again; but the Senator appears to be quite oblivious of the fact that the debt settlement with England, when it was finally passed by the Senate, contained a provision that the commission created by the act of February 9, 1922, was authorized to make settlements with other governments indebted to the United States upon such terms as it might believe to be just.

Mr. HARRISON. I am delighted that the Senator has called that to my attention. He has read it to the Senate just an hour before I was going to read it to the Senate. I was coming to that in the course of my remarks.

That is what makes the course of the Republicans in the Senate seem to me so remarkable. The House of Representatives, when it passed the bill to which the Senator has called the attention of the Senate, said that the terms of debt settlement in the future, if I recall the exact wording, should not be more favorable than those given in the British debt settlement. Those were the words, in effect—that they were to be similar in character and not more favorable to the other countries. When it reached the Senate, it was contended in that discussion—and if I am not correct in that, I want the Senator from Pennsylvania and the Senator from Connecticut now to rise, because I have the Record here before me and I shall read it, if desired, so I assume that they agree with me as to that—the contention in the discussion of the British debt settlement was that, without such a provision, we might give to some other country in our settlement with them more favorable treatment than Great Britain received, and Great Britain would become aroused and protest and ask for a revision of its terms of settlement. From reading the debate in the CONGRESSIONAL RECORD you will get that idea.

The House of Representatives had that language in the legislation. It came to the floor of the Senate. It was discussed here. The Senator from Utah [Mr. Smoot] defended the provisions embodied in the House bill. He made speech after speech, day after day, defending that provision, but in the end it was stricken out. It was stricken out upon the suggestion of the distinguished Senator from Massachusetts at that time, Mr. Walsh, and the Senator from Arkansas [Mr. Robinson]. So, in the end, when the legislation passed it was in the form to which the Senator has just called the attention of the Senate.

That law was passed in 1923. The convention in Cleveland met in 1924; and there, as they met around the council table

to write this wonderful platform for the Republican Party, they wrote into it, not the law of 1923, but they said:

We stand for settlements with all debtor countries similar in character with our debt agreement with Great Britain.

In other words, they followed the idea expressed by the House.

Now, which is the Senator going to stand by? Is he going to repudiate this plank in his platform that was written after the law was passed to which he has called my attention? I submit that there can not be any misunderstanding about it. When the Senator from Connecticut and his party went to the country in 1924 it was with fine-spun speeches upon their lips, claiming as an achievement the British debt settlement, and saying, "If you will keep us in power we will settle with Italy, we will settle with Belgium, we will settle with Hungary and the other countries upon terms similar to those that were included in the British debt settlement."

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. HARRISON. I yield to the Senator.

Mr. REED of Pennsylvania. So that the RECORD may be complete, will not the Senator read into the RECORD at this point what the Democratic platform said on the same point; or was not the Democratic convention in session long enough to get around to it?

Mr. HARRISON. Will the Senator read to me what the Democratic platform said about that?

Mr. REED of Pennsylvania. I do not happen to have it here. I recall it rather roughly, but not well enough to state it. Will not the Senator read it?

Mr. HARRISON. I do not recall that we dealt with that matter in our platform. I know there was no politics in the passage of the British debt settlement. I voted for the British debt settlement. Most of the Senators over here voted for it. Indeed, I think there were but very few Senators who voted against the British debt settlement. There was no politics in it. There was no reason why we should claim in our platform any great achievement for our party, except that of cooperation in the ratification of the settlement with those on the other side who believed in it.

Mr. REED of Pennsylvania. Does not the Senator recall what his own platform said about this subject?

Mr. HARRISON. I do not recall what we said about it. I do not think we mentioned it. It was not a political issue.

Mr. REED of Pennsylvania. Then the Senator does not know whether he is consistent with good Democratic doctrine in what he says or whether he is not?

Mr. HARRISON. I know that Senators on this side of the aisle are standing for the same treatment toward these other countries that we stood for in the case of Great Britain. We do not believe in discrimination.

Mr. REED of Pennsylvania. The Senator does not know what his party stands for on that subject; does he?

Mr. HARRISON. Yes; I know what my party stands for.

Mr. REED of Pennsylvania. Then will not the Senator tell us?

Mr. HARRISON. Yes; if the Senator will take his seat, I am going to tell him. The Democratic Party stands in behalf of the taxpayers of America where their interests conflict with those of the taxpayers of Italy. We loaned to the Government of Italy \$2,042,000,000. We expected to get that money back in time if the war was won. The war was won; and yet the Senator from Pennsylvania and his colleagues over there, notwithstanding what they wrote in their platform, notwithstanding their protestations to the American people in the elections, now ask us to concede to Italy 73 cents on the dollar and to collect only 27 cents on the dollar.

Mr. REED of Pennsylvania. Does the Senator think—

Mr. HARRISON. Just wait until I finish. The Senator asked me a question, and he must wait until I get through.

The Democratic Party does not stand for what the Senator from Pennsylvania and this administration stand for—the relief of the Italian taxpayer during the period of 62 years of all interest charges on the Italian debt except \$365,000,000. The Democratic Party does not stand for that which the Senator from Pennsylvania stands for—shifting from the Italian taxpayer to the shoulders of the American taxpayer during the 62 years, under the terms of the Italian debt settlement, \$3,052,000,000.

Mr. REED of Pennsylvania. Now will the Senator yield?

Mr. HARRISON. Not yet; I have not finished.

The Democratic Party stands for treating Italy no better than we treated Belgium. It can not reconcile its views to the belief that we should exact from Lithuania, for instance, 82 cents out of every dollar that she owes to us and exact from

Italy only 27 cents out of every dollar that she owes to us. The Democratic Party does not believe in and can not reconcile its views to the policy that the Republicans are trying to put over here of exacting from Hungary 82 cents out of every dollar that Hungary owes us, while at the same time exacting from Italy only 27 cents out of every dollar that Italy owes to us.

Mr. REED of Pennsylvania. Now does the Senator feel like yielding?

Mr. HARRISON. No; I have not finished yet. Just wait a minute. I am going to give the Senator some facts.

The Democratic Party does not stand for the policy that the Republican Party stands for of exacting from Poland, which had a pretty hard time during the war, 82 cents out of every dollar that she owes to us, while at the same time exacting from Italy only 27 cents out of every dollar that she owes to us. The Democratic Party does not stand for burdening the American taxpayer while releasing the Italian taxpayer, of giving more favored treatment to Italy than to the other European allies. The Democratic Party does not believe in erecting the walls of protection so high that Italy can not sell to us some of the lemons and some of the linen fabrics and some of the silk fabrics and some of the cotton fabrics and some of the straw hats and some of the other things that she formerly sold to us in order to have some kind of a balanced trade and improve her economic condition. The Democratic Party stands for permitting and encouraging Italy to get upon her feet and sell something here. So there are many differences between what the Senator from Pennsylvania stands for and what I stand for.

Mr. REED of Pennsylvania. Now will the Senator yield?

Mr. HARRISON. I can not reconcile my views to the political insincerity and hypocrisy of the Senator's political comrades, himself, and this administration in saying they are trying to help Italy by relieving her of the payment of 73 cents on the dollar that she owes us and at the same time saying to her: "You can not ship to this country any of your goods and sell them here so as to enable you to pay your debts."

Now I yield to the Senator.

Mr. REED of Pennsylvania. I thank the Senator from Mississippi for yielding. I should like to put this question to the Senator:

I have looked over the Democratic platform of 1924, and I find that there is no express reference to the international debts or their settlement. Probably the Democratic convention was not at Madison Square Garden long enough to get around to that, but I do find the following statement:

The Government of the United States for the last four years has had no foreign policy, and consequently it has delayed the restoration of the political and economic agencies of the world.

I should like to ask the Senator, who knows more about Democratic policies than I do, whether it is the policy of his party that the Italian debt should be collected, the whole \$2,000,000,000 of it, with 5 per cent interest, such as the present promissory notes of Italy call for? Does the Democratic Party insist on the collection of 5 per cent interest on that debt? If not, why did Democratic officials make that loan, and why did they stipulate for 5 per cent interest when they made those advances to Italy? Do they believe in scaling down the amount at all; and if so, why? Do they believe in limiting our collection to the Italian capacity to pay or do they believe in trying to collect more than the Italian capacity to pay?

Will not the Senator, in this hour that he has allotted to himself for this subject, answer some of those questions?

Mr. HARRISON. If the Senator will take his seat and bide his time with patience and not get too nervous while I talk, I shall do it. Just be seated, and I will do it.

Mr. REED of Pennsylvania. I assure the Senator that I am not nervous. I am merely looking for information, because the Senator has not even come anywhere near answering any of those questions yet.

Mr. HARRISON. I know that I could not answer them to the satisfaction of the Senator at all.

When these debts were contracted by these nations and the 5 per cent charge was imposed, of course, it was hoped that in time we would collect the 5 per cent interest rate, but no one ever thought or ever dreamed that we were going to release them from all of the interest charges. No American citizen believed that any statesman would ever have the audacity to suggest the payment of an interest rate less than that borne by the already burdened taxpayers of America. Like other Senators on this side of the Chamber, I voted to reduce the interest rate in the case of Great Britain to 3 per cent until 1930 and 3½ per cent for the rest of the time; so I have proven that I am not a stickler for any particular interest rate

at all. I did that at the suggestion of your commission, and in the belief that that rate would be the standard to be followed in all other instances. We were so led to believe. The trouble is, I was fooled as well as the country was fooled. But let me say to the Senator that when he deals with international questions and foreign countries and shows preference to one country over another he is sure to get into deep water; that he is liable to become enmeshed in international controversies; that whenever you settle with Italy upon the terms proposed here, giving to them all the interest charges until 1930, and after that one-eighth of 1 per cent for 10 years, and on down the line, you are inviting Belgium to come in and ask for a revision of the terms of settlement we have entered into with her; you are inviting Poland and Czechoslovakia and Lithuania and Hungary and Great Britain and every other country to come in and ask for a revision of the terms of their settlement.

What excuse can be offered when Poland comes in and when Czechoslovakia comes in? What justification can you make for exacting from them an interest rate of 3 or 3½ per cent while practically giving all the interest to this other country? That is one phase in answer to the Senator's question.

He has asked me what I would do in the circumstances. He asked the Senator from Nebraska [Mr. HOWELL] yesterday what he would do under the circumstances. In that the Senator is as adroit and as ingenious as usual. In his speech the other day, and in the speech of my friend the senior Senator from Indiana [Mr. WARREN] placing himself before the people of Indiana in the coming election for reelection—and we can always take a speech of the distinguished senior Senator from Indiana as a criterion in political matters that other Republicans will follow—they ask, in discussing this Italian debt settlement, "What would you do? Would you go to war?" By that they try to give the impression to the country that those of us who oppose the present Italian debt settlement would go to war in order to collect it.

You can not fool anybody with such an argument as that. There has never been any suggestion that we should go to war, except the expressions falling from the lips of my friend from Pennsylvania and his colleagues on the other side. Of course, we would not go to war with Italy about her debt to us. But I say that it is better to effect no terms of settlement with Italy at all than to ratify this agreement with Italy, and thereby cause these other countries to come here and demand a revision of the settlements we have made with them.

They have already put off the settlement for eight years; but we did not go to war during that time. All those on the other side who have made speeches concede that Italy is getting upon her feet, that she is developing, that she is progressing, and that her exports are growing, that her valuations are increasing, and that the people are becoming more contented all the time. In other words, before the war, if I recall the figures correctly—and they will be combated, no doubt, by the Senator from Pennsylvania, but I base them upon statisticians' reports—the wealth of Italy was \$22,000,000,000 and now they say it is \$35,000,000,000.

Yesterday the distinguished Senator from Utah, in his colloquy with Members on this side, in discussing exports from Italy, cited the fact that in 1925 they amounted to \$5,000,000 more than they did in 1924. So what harm is there, what harm can there be, in sending this Italian debt settlement, which we have already put off for eight years, back to the committee for further investigation, or put it off for 3 years, or 2 years, or 5 years, or 10 years, until Italy can get economically in better condition, and be better able to settle, than now? We can then obtain better terms than we have in this debt settlement, and at the same time we would be avoiding this international complication in which we are bound to find ourselves if we show this favor toward Italy as against Poland, Lithuania, Hungary, and other allied countries.

I notice the Senator from Pennsylvania [Mr. REED] leaving the Chamber. I am glad the distinguished Senator from Utah [Mr. SMOOT] has now come in. When I am attached to the one, I am deserted by the other. [Laughter.] So I suppose that when the distinguished Senator from Pennsylvania [Mr. REED] saw my friend from Utah coming in, he thought the cause was in able hands and that he might be excused for a time. But I am going to read to the Senator from Utah some of his fine-spun speeches made back when the British debt settlement was before the Senate, when he talked in a different vein from that in which he speaks now.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New York?

Mr. HARRISON. Yes; I yield to the Senator.

Mr. COPELAND. I just came into the Chamber and heard the latter part of the colloquy between the Senator from Mississippi and the Senator from Pennsylvania. We are not considering the settlement of this Italian debt as a political matter, are we?

Mr. HARRISON. I told the Senator from Pennsylvania before the Senator from New York came in that the debt settlement never had been considered along political lines, and that so far as I was concerned it could not be settled along such lines. I cited the platform of the Republican Party, in which they had claimed the British debt settlement as a great achievement, when they could not have passed it without the Democratic votes that were given to it.

Mr. COPELAND. I am very glad to hear the Senator say that, because I understand this settlement pending here is a joint product of the two parties, and the Democrats on the commission voted with the majority. So far as I am concerned, as a Democrat, I am glad to announce that I am for the settlement, believe in it heart and soul, and I do not want any Member of the Senate to feel that the matter is being settled as a purely partisan question, because certainly it is not.

Mr. HARRISON. I have never said that this Italian debt settlement was being discussed from a partisan standpoint, and I never had any doubt as to where my friend from New York stood on the proposition—not a bit. He has as much right to vote for this Italian debt settlement as I have to vote against it. I can understand the Senator's viewpoint, and I am sure he will accord to me the right to see it from my viewpoint. I see the taxpayers of America in this matter, and I am not blinded by these crying statements and appeals to help the Italian taxpayer in preference to the American taxpayer. Men may be influenced in this matter by various causes, and I do not care what they are. I am not questioning anybody's motives at all. It is not a personal matter. But do not be deceived by the fact that there were two Democrats on this commission, or three. I would not care if it had been made up entirely of Democrats; that would make no difference with me. I know that tempting offers to go on the commission were repudiated and spurned by Democrat after Democrat. I have very high regard, I have warm affection for all three of the Democratic members and, I may say, for the Republicans as well. I say that because my friend from Utah [Mr. Smoot] may become aggrieved if I should not mention the Republican members too. But I am not fooled, and there is no use to appeal to me for my vote, because it is said that Democrats were on the commission.

Many Democrats of high standing were offered places on the commission, and they would not take them, and they did not take them, because they knew that this funding agreement was going to be written by the stroke of the hand of the man who those on the other side like to say is the second Hamilton of the world's history. The acceptance of such in the circumstance naturally weds criticism without hope of winning glory. Mr. Mellon was no doubt the man. I do not suppose some of the members of the commission knew what was going on in the writing of this proposition. My friend from Utah may once in a while have been taken into the council, and some little details may have been whispered to him, because they appreciated the fact that he had to sit here and stand the brunt of this discussion. But some on the commission perhaps were never able to locate the place where they were having the meetings with the Italian delegates.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. CARAWAY. It is more painful still that they do not seem to realize what it is now.

Mr. HARRISON. No; they have not told us anything, and the committee knew nothing about it.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. McKELLAR. The Senator must not forget that it is absolutely necessary to approve this debt settlement in order to make the hundred-million-dollar loan negotiated by Mr. Morgan for the Italian Government good at 7 or 8 per cent interest.

Mr. HARRISON. Yes. No one knows the influence of that loan of Morgan & Co. to Italy. That is the most cunning stroke, that is the most clever Italian hand, that can be found in all of this controversy. No doubt they visualized that in pushing this debt settlement through the Senate, and winning some support in the country for it, if they could get Mr. Morgan & Co., with all of his affiliated organizations in New York and his interlocking banks throughout the country, to sell to certain people in the United States some of these Italian bonds, and thus get them interested, and then let them know that whatever action this body took with refer-

ence to this Italian debt settlement their bonds would be affected, they might out of all that list find some influential person who could touch some influential key to help along the passage of this legislation.

Mr. COPELAND. Mr. President, will the Senator yield further?

Mr. HARRISON. I yield.

Mr. COPELAND. I want to ask the Senator, and also the Senator from Tennessee, if they think that anybody here is voting for this settlement because the Morgans want us to vote for it. Does any Senator here think that I am voting for it because the firm of Morgan is going to be benefited?

Mr. HARRISON. Of course not.

Mr. COPELAND. There is not one of the Morgans who has helped the Democratic Party in my State.

Mr. HARRISON. No matter if there were a billion Morgans, they could not influence the Senator from New York. He is an exceptional man. Of course they could not. But if Mr. Morgan sold some of these bonds to certain people throughout the country, and they knew that if this Italian debt settlement should fall in the Congress of the United States their bonds would not be worth as much as though it were ratified, some of those fellows would be for the ratification of this settlement, and occasionally one might be tempted to write a letter to their Senator and to their Congressman to vote for it, and that might create an impression on the mind of the Senator that there was really some sentiment behind all this proposition, that the people in the country were for the ratification of the Italian debt settlement.

Mr. COPELAND. Mr. President, a Senator might on his own account have brains enough to know whether this is a good settlement or not.

Mr. HARRISON. Of course not, and that is why we want to send it back to the committee so that we can find out about these things.

Mr. BAYARD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Delaware?

Mr. HARRISON. I yield.

Mr. BAYARD. The Senator stated a moment ago, if I understood him correctly, in substance, that the sale of this \$100,000,000 of Italian bonds throughout the country had created a sentiment in favor of the settlement.

Mr. HARRISON. I said it may have created such a sentiment.

Mr. BAYARD. I will ask the Senator if he can tell us any one holder of any of those bonds to-day who is here advocating directly or indirectly the settlement of this debt?

Mr. HARRISON. No; and that is the reason why I want the matter recommitted to the Committee on Finance. Let us find out some of those facts.

Mr. BAYARD. But the Senator can not cite any of them?

Mr. HARRISON. I want that done so we can find out just to whom the bonds were sold and just what their activities are with reference to the passage of the legislation.

Mr. BAYARD. If the Senator had a list of the bondholders to-day, would he be satisfied then?

Mr. HARRISON. No. I think the committee ought to investigate the proposition and ought to find out their views about it. The Senator does not deny the proposition that if the agreement should be defeated it would affect the bonds that were sold by Morgan & Co. throughout the country, does he?

Mr. BAYARD. No; I do not deny that for a moment.

Mr. HARRISON. That is the point I was trying to make before.

Mr. BAYARD. I understood the Senator to have another thing entirely in his mind, and that was that if it were known that the bonds were bought purely for this purpose, then it would have an effect.

Mr. HARRISON. Yes.

Mr. BAYARD. Can the Senator think of any holder of the bonds, whoever he may be, having approached anybody in the Senate advocating the ratification of this settlement?

Mr. HARRISON. No; I can not. I do not know who bought the bonds. I know the papers say they were sold by Morgan & Co., and that they got a 7 per cent commission, and that the bonds bear 7 per cent interest.

Mr. BAYARD. The Senator does not intend to intimate at all that the holders of the bonds are using their influence to bring about a settlement or rejection of the debt settlement?

Mr. HARRISON. No; I am merely saying the bonds were sold throughout the country. They may have been sold to some very influential persons. No doubt those men were business men and they realize that if the settlement with Italy is defeated their bonds are going to be affected. No doubt some of them have written to their Senators to vote for the proposi-

tion. Whether or not a Senator has been influenced by that means I do not know. I know it is said that men in Congress, both in the House and in the Senate, are sometimes influenced by letters which they get from home. That is true with reference to the prohibition question. That is true with reference to many other questions. I have no doubt; no matter how courageous some distinguished Senators may be, that if they get a thousand letters from some of their powerful constituents asking them to vote for the Italian debt settlement, they might do so.

I have no doubt, on the other hand, that if some Senator had about 10,000 Italian voters in his particular city and he was coming up for reelection this year, and those Italians and their organizations should have a lot of confabs and should pass resolutions saying that they were in favor of the approval of the Italian debt-settlement agreement, it would have a very potential effect upon the workings of the mind as well as the heartstrings of some Senators.

Mr. SMITH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from South Carolina?

Mr. HARRISON. I yield.

Mr. SMITH. The Senator is making a plea for the recommitment of the matter to the Committee on Finance for further investigation. I think it is perhaps a little persuasive along the line of argument he is making to call attention to the fact that in the World Almanac for 1926, which we all of us more or less consider a pretty good authority on questions of statistics, I find that the national wealth of Italy in 1912 was estimated at \$22,000,000,000, and in 1922, 10 years later, at \$35,000,000,000, a difference within 10 years of \$13,000,000,000 in the way of increased wealth on the part of Italy. I think it was stated here that perhaps the national wealth of Italy does not exceed about \$20,000,000,000 now. According to this authority it is \$35,000,000,000.

Mr. HARRISON. That was in 1922.

Mr. SMITH. Yes.

Mr. HARRISON. The Senator from Utah [Mr. SMOOT] yesterday showed how the exports from Italy had increased \$5,000,000 in 1925 over 1924, and other figures show how things in general are improving in Italy. There is no telling how Italy stands now in the matter of taxable wealth.

Mr. SMITH. The Senator must remember that the war intervened between 1912 and 1922, and in spite of the devastation to which attention has been called the wealth of Italy increased about \$13,000,000,000.

Mr. HARRISON. Yes; and here is what the American Chamber of Commerce of Italy says about Italy's condition:

The financial situation of Italy has steadily improved since the war ended, and more especially since 1920.

The budget deficits for the current financial year (July 1, 1924-June 30, 1925) have considerably decreased; it is hoped that the budget can be balanced and even that there may be a surplus in 1925-26.

It was also found possible to reduce the domestic national debt to a considerable extent in 1924; and in February, 1925, Italy's foreign commercial commitments were repaid in their entirety, so that now the only foreign indebtedness remaining to be settled is the important one of "interallied debts."

The year 1924 has been one of great prosperity for Italian commerce and industry. After the war and immediate postwar periods of disordered and unproductive activity the Italian people seems to have found itself and to have coordinated its productive powers.

And here is what Morgan & Co. in its advertisement to sell the one hundred millions of dollars of Italian bonds in November, last year, says respecting Italy's condition:

His Excellency Count Giuseppe Volpi, Minister of Finance of the Kingdom of Italy, authorizes the following statement in connection with this issue:

"The Italian Government's budget is balanced. Since 1922 the budgetary situation has been undergoing steady improvement, and in the fiscal year ended June 30, 1925, actual revenues amounted to 20,456,000,000 lire and expenditures to 20,247,000,000 lire, resulting in a surplus of 209,000,000 lire. The Government's budget for the current fiscal year ending June 30, 1926, as passed by the Italian Parliament, shows an estimated surplus of over 177,000,000 lire, and includes estimated payments on the intergovernmental debts. Receipts for the first three months of the current fiscal year, according to provisional returns, showed an excess of about 168,000,000 lire over expenditures.

"The Italian Government has available resources and revenues sufficient for its current requirements, both domestic and foreign. It proposes, therefore, to devote none of the proceeds of the present loan to ordinary expenditures, but to hold the entire amount as a gold reserve, available for currency-stabilization purposes, leading to the final steps

in the Government's definite fiscal and financial policy, of which a completely stabilized currency is a vital part.

"Since 1923 the Italian Government has made progress in funding its floating debt and in reducing the outstanding amount of its total internal debt.

"Since 1923 the Italian Government has made progress in funding its floating debt and in reducing the outstanding amount of its total internal debt. On June 30, 1923, the total internal debt amounted to 95,944,000,000 lire. On June 30, 1925, it stood 90,841,000,000 lire, a reduction of over 4,700,000,000 lire. With the exception of a very limited amount of bonds issued in London prior to 1914, the present loan constitutes the entire Italian governmental external debt in the hands of the public.

"The Government's indebtedness to the United States Government has been funded under an agreement, dated November 14, 1925, subject to ratification by the United States Congress and the Italian Parliament. This agreement provides for payment over a period of 62 years, beginning with payments of \$5,000,000 annually during the first five years, gradually increasing during the life of these bonds to approximately \$26,500,000 in the twenty-fifth year and to approximately \$31,500,000 in the twenty-sixth year.

"The Italian Government's only other intergovernmental debt is that to the British Government, discussion of which is under way."

But the Senator from Pennsylvania [Mr. REED], who does not now honor me with his presence, in his very remarkable speech the other day employed language quite different in character. He said:

I wish they could have seen the effect the war has had upon Italy—the cripples, the reduction in her vitality that inevitably followed the war, the tremendous reconstruction that was necessary to make bare life possible.

Of course, that is true. Italy suffered. Other countries suffered. Poland, God knows, suffered. Belgium suffered, and we are exacting out of Belgium 55 cents out of every dollar we loaned her, and out of Italy only 27 cents of every dollar we loaned her. Czechoslovakia suffered. Lithuania suffered. All of the countries to whom we loaned money suffered. We suffered ourselves. The same picture that is painted of Italy could be painted of almost every other country in Europe. The Senator from Pennsylvania said further:

I wish the Senate could have gone over there to see the industry those people are showing, the long hours the people are working.

Oh, this is the language of an advocate to a jury, of a very adroit lawyer:

The long hours the people are working. They start before daylight, I know, because I used to swear at them for waking me up at 5 o'clock in the morning.

Of course the Senator thinks that because they have long hours over there, because they start work at daylight and in some instances work until sundown, those people are doing something out of the ordinary, something that is not practiced in the United States. The Senator, sitting in his office in the great metropolis of Pittsburgh, where his vision is obscured by the smoke of the protected industries of that city, can not see beyond Pittsburgh. He can not scan away out yonder to the plains and prairies of the West, not even to Indiana or Ohio or out into the valleys of his own State. He does not know that there are other sections of the country outside of Pittsburgh where men are working from daylight to sundown, where they have long hours, where they belong to no union, and where they do not even get as much money as he said the laborers of Italy get. I know there are men in this country who work not alone themselves from sunrise and who have to plow and labor after the sun goes down, and in many instances even work by the light of the moon-lit rays in the night, but their wives and their boys and their girls are working too, and they are not making the pittance which the Senator from Pennsylvania says the Italian laborer is making. There are farmers in this country who are doing that sort of work. Those are not the people for whom the distinguished Senator from Pennsylvania speaks and to whom he offers praise, but those from whom to-morrow he is going to take \$3,500,000,000 and give to those midst Italian skies and under Mussolini's flag. He is not thinking of the distress in this country of the men who are working long hours and getting nothing in return.

Italy may be in a bad fix—no doubt she is—but I have in part cited the facts, which conclusively show she has improved to a very large extent in recent years. Her wealth has been told and the increase in her wealth has been alluded to.

Then, too, Italy has over \$500,000,000 in power plants. Before the war she was eighth in merchant marine, while to-day she is fourth. If one can imagine what that means, he

will know how greatly Italy will be aided in working out her own economic salvation. Surrounded as she is by water, by the Mediterranean, the Adriatic, and other waters, possessing a merchant fleet fourth of any in all the world, with the cheap labor that she has, with the wonderful seamen in whom Italy glorifies, she has every opportunity, if our Government would not too greatly restrict her trade, to build up a foreign trade and to become economically healthy again. The annual savings in 1924 in Italy were \$420,000,000, and it is said that Italian immigrants in this country send back to Italy every year \$260,000,000. I do not know the figure, but it must be a stupendous amount that the tourists from America and England leave in Italy every year, because all who can and are able to do so visit that great country.

We were told yesterday of Italy's exports increasing. We are now told how her wealth is increasing. Italy is getting upon her feet. Why not wait, instead of ratifying the favored agreement at this time—an agreement that reeks with discrimination and which is sure to cause international complications and debt revisions. We can lose nothing and will save much.

My attention was diverted and I did not get to the point that I desired to make when my friend the Senator from Utah [Mr. Smoot] was absent from the Chamber. I was speaking of the platform of the Republican Party when it said in 1924 that—

We stand for settlement with all debtor countries similar in character with our debt agreement with Great Britain.

I alluded to the fact before in my argument, but the Senator from Pennsylvania [Mr. Reed] and others said that we were to be 62 years in collecting every cent that we had loaned to Italy, that we were collecting the principal, and that we were merely releasing the interest charged. Is interest not similar to principal? Did not the country believe, when that platform was written, that we were going to exact from Italy and Belgium and the other countries 3 and 3½ per cent interest?

Would not that interest rate be similar in character to that which we imposed on Great Britain? Here is what the Senator from Montana said in 1923 in discussing this question on the floor of the Senate:

Mr. WALSH of Montana. I would say with respect to that, I think the word "similar" is not sufficiently well defined to serve the purpose. I think something in addition to that ought to be incorporated in the bill.

Here is what the Senator from Utah [Mr. Smoot] said in reply—and I am sure he will not now take issue with the statement he then made:

I will say to the Senator that I have given that much thought. If we do not use the word "similar" and do use some more definite word than that, we can not change the annual payment. The annual payment would have to be just exactly the same as enumerated in the bill. The word "similar," however, will certainly cover the 3 per cent and 3½ per cent and the real fundamentals of a settlement.

The Senator from Utah said the word "similar" meant that since we had charged Great Britain 3 and 3½ per cent we must charge the other nations 3 and 3½ per cent. The Senator from Utah always wants to follow his platform and his party, and so in the platform was written the plank:

We stand for settlements with all debtor nations similar in character with our debt agreement with Great Britain.

When we collect from Great Britain 3 and 3½ per cent and from all the other countries 3 and 3½ per cent, and we let Italy off with no interest charge until 1930, for the next 10 years one-eighth of 1 per cent, for the next 10 years one-fourth of 1 per cent, for the next 10 years one-half of 1 per cent, and so on, who can contend that the Senator's party can fool the people into thinking that that is similar in character, that they are living up to their platform pledge? They are doing that which they have always done—betraying the promises they have made to the American people.

Mr. FERNALD obtained the floor.

Mr. REED of Pennsylvania. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Pennsylvania?

Mr. FERNALD. I yield.

Mr. REED of Pennsylvania. Mr. President, I was hoping before the Senator from Mississippi [Mr. Harrison] had finished his speech he would tell us what he would do. He is an eloquent critic; he has pointed out how we are betraying the American people and departing from our platform and throwing away American dollars for the sake of aliens; but he does not tell us how he would handle the situation.

Mr. HARRISON. While the Senator from Pennsylvania was on his visit to see Secretary Mellon I made my statement as to that. I am sorry he was out of the Chamber at the time.

Mr. REED of Pennsylvania. I felt so weak after the Senator's earlier remarks that I went down to get something to eat.

Mr. HARRISON. I am glad that my darts reached the right place.

Mr. REED of Pennsylvania. I am glad the Senator noted my absence. It was a very nice lunch, and I am glad I went; but I am sorry to have missed that eloquent period in the Senator's remarks in which he stated how he would have handled this situation.

Mr. HARRISON. The Senator from Mississippi expressed himself on that point.

Mr. FESS. Mr. President, I do not agree with the interpretation of the plank of the Republican platform which the Senator from Mississippi places upon it. The platform states:

Our attitude has not been that of an oppressive creditor seeking immediate return and ignoring existing financial conditions. Our position has been based on the conviction that a moral obligation such as was incurred should not be disregarded.

We stand for settlements with all debtor countries similar in character with our debt agreement with Great Britain.

I might say, Mr. President, that I was a member of the committee that drafted the platform, and I heard the discussion prior to the adoption of that language in the platform. It was framed on the basis on which the other debt settlements had been recommended, namely, on ability to pay, and not as a Shylock demanding every ounce of flesh whether nations were able to pay or not.

The Senator from Mississippi, who is chastising the party to which he does not belong because, as he says, it disregards its platform obligations, is rather in an unfortunate position as a critic, for I recall that in 1912 the Democratic platform, which was very strongly supported by the distinguished Senator from Mississippi, who was then a Member of the House of Representatives, stated:

We favor a single presidential term, and to that end urge the adoption of an amendment to the Constitution making the President of the United States ineligible for reelection, and we pledge the candidate of this convention to this principle.

The candidate of that convention was Woodrow Wilson, and in 1916 the Senator from Mississippi, who now caustically criticizes a doubtful question of Republican policy, supported the candidate who violated that pledge, and the distinguished Senator from Mississippi then violated his pledge to his party platform.

Mr. HARRISON. May I say to the Senator from Ohio that the majority of the American people were against me? They just would have Mr. Wilson as President again.

Mr. FESS. I commend the Senator from Mississippi not only for his genial characteristics but for the ease with which he tries to get out of a corner. The same platform in 1912 makes this statement:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the [Panama] Canal.

That is a solemn pledge which is found in specific language in the Democratic platform for that year. The Senator from Mississippi was a Member of the House of Representatives, as the Senator from Ohio was a Member of that body at that time. The Senator from Mississippi will recall the discussion in the House of Representatives following the recommendation of the President to disregard this plank. He was one of the strong figures in that debate, and he will recall whether or not he took the position that we ought to repudiate that plank, which was repudiated under the leadership of the Democratic President.

I would not say anything about these matters were it not that the Senator from Mississippi is not in a good position to occupy the rôle of critic in the particular phase of political controversy to which he has addressed himself.

Mr. HARRISON. Mr. President, the Senator will recall that I was in a hopeless minority on the Panama Canal tolls question. I happened to be one of about 37, I think, in the House—at least of the Democrats—to vote to keep that campaign pledge. The Senator, however, on his side had a majority against it, and I was overruled.

Mr. SMOOT. There was certainly a majority of Democrats in the Senate who voted not to keep that pledge of the Democratic platform.

Mr. FESS. Mr. President, whether the Senator was consistent or not, I was careful not to make any embarrassing statement on that subject, for I did not recall just how he

voted, and had not examined the Record; but the party then in power, which was the Democratic Party, did repudiate its pledge. So I might make the same criticism of the Democratic Party that the Senator from Mississippi has been making of the Republican Party, for the Democratic Party violated a pledge which was as specific as possible and about which there could be no ambiguity. In this instance, however, I do not hold that the Republican plank of 1924 carried with it the idea that the terms for all debt settlements, including the rate of interest, must be identical with the terms of the British settlement, but that the character of the settlements, based upon ability to pay, should be similar. In my opinion that is the only correct interpretation of the platform plank, because it is stated immediately before the sentence which the Senator from Mississippi has quoted that the Republican Party would not insist upon unreasonable conditions.

Mr. McKELLAR. Mr. President, as illustrating the poverty in which Italy now finds herself, according to the report of the debt commission, I desire to read from an article in the New York Times of April 13 under the following headline:

Work on new Rome begins next week—State advances 90,000,000 lire to start restoring city's "Augustan glory"—Slums will be torn down—Public buildings will be erected and ancient structures excavated under Mussolini's plan.

This is the bankrupt nation about which the Senator from Utah and other Senators have told us.

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(By wireless to the New York Times)

ROME, April 13.—The full details of the grandiose plan for the beautification and development of Rome, which will be begun on "Rome's birthday," April 21, were made public to-day.

By the way, April 21 will be to-morrow, so that to-morrow, with money probably borrowed in this country, Mussolini will begin to rebuild Rome on the Augustan plan.

This work will be undertaken in obedience to the commands of Premier Mussolini, who in his speech at the inauguration of Senator Cremonesi as the first Governor of Rome, ordered him to make Rome again "as vast, well ordered, and powerful as in the days of Emperor Augustus."

Why should it not be? If they are going to have Emperor Mussolini over there shortly, and especially if Italy has America to back her, why should they not have an imperial city to go along with the emperor?

The State is advancing 90,000,000 lire to the city administration for meeting the first expenses of putting the plan into effect.

Mr. COPELAND. Mr. President, may I ask the Senator how much that is in American money?

Mr. McKELLAR. It is about two and a half million dollars. The situation is quite like that before us in connection with the public buildings bill. They begin by using a part of the appropriation, but they are going to use it all and more before they get through.

The plan worked out by the city administration contains much that is highly interesting from an archeological standpoint.

Why should not this bankrupt nation use money to delve into matters of archeological interest? Why should not America put this enormous tax of a billion and a half dollars on her people so that Mr. Mussolini may again build an imperial Roman city in which Mr. Mussolini may reside as emperor?

It includes the demolition of ramshackle houses and huts clustering around the Theater of Marcellus—

I am glad to learn that, although it takes away a good deal of the very great interest I had the other day in listening to the Senator from Pennsylvania when he said that the houses of the Italian people were not good. They are going to do away with those houses in the city of Rome which fail to measure up to the ideals of what houses ought to be in that city, as expressed by the Senator from Pennsylvania.

It includes the demolition of ramshackle houses and huts clustering round the Theater of Marcellus, the excavation of the Forum Oltorium and the Circus Maximus, and the restoration and beautification of the ancient Appian Way.

All Americans must be interested in that. I am sure the Debt Commission must be right, that the American people love to be taxed to the amount of a billion and a half dollars in order to help restore the ancient Appian Way and excavate for archeological purposes in the city of Rome.

The Theater of Marcellus, which was one of the finest buildings of imperial Rome, now rises in the midst of a slum district, inhabited by

many poor families who have turned into unsanitary homes the boxes in which the emperors and Rome's patricians once used to sit. It is proposed to demolish all those unhealthy houses and cut a large open space around the theater, which will then remain revealed to view in its full splendor.

Why should we not tax the American people to bring about so desirable a result, to restore in its full ancient splendor this old piece of architecture?

The remains of the Forum Oltorium and the Circus Maximus are now completely buried, though plans for their excavation have been considered for years. The Circus Maximus is of especial interest, as it was imperial Rome's greatest arena and in the height of its glory was capable of seating 100,000 people. The excavation of the Circus Maximus is an event keenly looked forward to by all archeologists, who believe it will furnish much wonderful material.

And this is to be done by the nation that our commission says is bankrupt!

The Appian Way, the "Queen of Roads," will be rid of some of the modern buildings rising near it. Some of its monuments needing repair will be restored, and many trees will be planted along its borders.

NEW STREETS TO REVEAL PAST GLORIES

The city administration's plan also includes the cutting of two new thoroughfares, the first connecting Trajan's Forum with the Roman Forum and the second leading to the Colosseum.

I stop long enough to say that I have read many of Mussolini's speeches, and I do not wonder that he wants the Colosseum, which will hold 100,000 people, restored so that they may listen to the magic of his eloquence, especially after he becomes emperor again, due to American help.

Though both of these new streets have been decided upon for reasons of traffic, both have considerable archeological interest. The first will run right through the zone of the imperial forums and will expose to view the entire left flank of Capitol Hill, and the second will render the Colosseum, which now rises in the center of a saucerlike depression, visible from the center of the city.

The city administration also proposes to build an "artisans' quarter," with homes, workshops, and stores. This new quarter should rise at the foot of the Aventine Hill.

Finally, it is proposed to construct a new academy of fine arts, a new exhibition hall, and new school of architecture, and to complete the new university building.

Premier Mussolini, who by next week will have returned from Tripoli, will inaugurate most of these projects.

Mr. REED of Pennsylvania. Mr. President—

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Tennessee yield to the Senator from Pennsylvania?

Mr. McKELLAR. I do.

Mr. REED of Pennsylvania. Does the Senator think it is an extravagant program to appropriate about one-fourth as much for these improvements as we are spending for a single bridge across the Potomac River from the city of Washington?

Mr. McKELLAR. Mr. President, if Italy is in the dire condition reported by the commission and the committee; if it is so poor that it can not pay more than 28 cents on the dollar of its current debt; if it is so poor that it can borrow from America after the war is over some \$800,000,000, and then seeks to get out of this enormous indebtedness by claiming that it is bankrupt and paying only 28 cents on the dollar, when all of this money has to come out of the pockets of the American taxpayer, I say that Italy has no business spending money for any such purpose.

Mr. REED of Pennsylvania. Has the Senator forgotten those days in the panic of 1893 when every American city was confronted with the unemployment problem and the problem of feeding its own people and resorted to public works in order to do it?

Mr. McKELLAR. No; but we did not repudiate our debts, nor did we declare our Government bankrupt, as the Italian Government has been declared bankrupt by the commission in reporting to this body.

Mr. REED of Pennsylvania. There were a very great many thousands of Americans in that year, and every year since, who have done exactly what Italy is doing in this case—made a composition with their creditors to the utmost of their ability.

Mr. McKELLAR. I differ with the Senator about the "utmost of their ability," and if the Senator will just wait a minute I think he will change his mind about the question of ability.

Mr. COPELAND. Mr. President—

Mr. McKELLAR. I will yield to the Senator from New York in just a moment. I want to read from the New York Times again.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. SMOOT. The New York Times is in favor of the settlement, is it not?

Mr. McKELLAR. It may be; I do not know; but I imagine that the New York Times reports the facts whether it is in favor of the settlement or not; and the fact that the New York Times is in favor of this settlement indicates that the articles appearing on the other side of the question are more likely to be true, or, I will say, quite as likely to be true.

Mr. SMOOT. No; it indicates that those articles have no influence whatever on the editorial writer of the New York Times or the policy of the New York Times.

Mr. McKELLAR. Whatever else might be said, I am quite sure that neither the articles in the New York Times on the Italian debt nor any other argument in favor of the American taxpayer will have any influence on my good friend the Senator from Utah.

Mr. SMOOT. The Senator can have that opinion if he wants to.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from New York?

Mr. McKELLAR. I yield.

Mr. COPELAND. Almost the Senator from Tennessee persuades me to be for Mussolini. I have been inclined to be against him.

Mr. McKELLAR. The Senator has been talking very strongly for him for some time. I do not know why the Senator has changed recently.

Mr. COPELAND. I have been talking for the Italian people, but pretty soon I am going to talk for Mussolini.

Mr. McKELLAR. All right; I hope the Senator will if he thinks that way. It is his duty to talk on this floor the way he believes. If he believes that Mussolini is the kind of man to control the Italian people, and he thinks he is deserving of a gift from the American taxpayers of a billion and a half dollars, it is his duty to be for Mussolini, and nobody can complain.

Mr. COPELAND. Mr. President, the Senator has forgotten Coxey's army, which marched on Washington demanding that public works be undertaken. We have pending in the Senate at this time a bill asking that there be enacted into law a provision that these great improvements shall be made in a time of industrial depression. If Mr. Mussolini is wise enough to try to have improvements made at a time when the people are without work, I begin to think that he is considerable of a man, and I think from this time on I shall be inclined to be favorable to him. It is absurd, however, as I see it, for the Senator from Tennessee to undertake to defeat this Italian debt settlement because they are undertaking to do some public work in Italy at this time in order to give employment to those who are without it; and when they propose to do it by the destruction of the slums it seems to me that they are acting very wisely in the expenditure of the comparatively small sum which has been appropriated for this work in Italy.

Mr. McKELLAR. Will the Senator admit that the New York Times is a reputable newspaper and that its articles are usually based on fact?

Mr. COPELAND. Yes; I will admit that.

Mr. McKELLAR. If the Senator admits that, then can I call his attention now to this "bankrupt" nation that he is speaking about; this nation that has come to us under the leadership of Mr. Mussolini asking for the cancellation of three out of four parts of its debt? I want to show the Senator from a reliable source—

Mr. SMOOT. Mr. President, do I understand that this is an editorial from the Times?

Mr. McKELLAR. No; it is not; it is an article from the Times.

Mr. SMOOT. Of course, they are not responsible for all the news that is published.

Mr. McKELLAR. I think this article states the fact, and if the Senator has any doubt about it I will make the statement on my own responsibility; I will take the responsibility for it.

Italy transformed to hive of industry.

Does that look like the bankruptcy that Senators have been talking about?

Mr. SMOOT. I hope it is true.

Mr. McKELLAR. Does that look like the poverty that the Senator from Pennsylvania almost made tears come to our eyes by talking about the other day?

PEOPLE APPEAR INSPIRED WITH A COMMON PURPOSE, THRIFTY AND COMFORTABLE—MUSCOLINI IS FOCAL POINT—PREMIER'S SPIRIT PERVADES POPULACE, CONFIDENT THEY ARE ON THRESHOLD OF ERA OF PROSPERITY

By John H. Finley

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ROME, April 16.—On reaching Rome this morning after a night's ride with my guide from Naples and after surrendering our tickets at the station gate a guard remarked smilingly: "This is the end of your journey; this is Rome." And to Rome, or at any rate to Italy, all roads seem to lead just now, as they did in the ancient days.

A European King came to Rome on the train on which I traveled comfortably from Naples. I saw another European King at Pompeii, who must pass through Rome to reach his northern kingdom again. I also traveled some distance toward Rome with two personages who attracted much more attention than royalty when they arrived in Italy. They were Douglas Fairbanks and Mary Pickford.

The northern King might wander in Italy or Pompeii without attracting much more attention than the nobility got, according to Bolivar, on the night of the great disaster. The other European King might pass unnoticed among the guests in a Neapolitan hotel. But not so these artists from Los Angeles, whose films the Epicurean Latin poet, Lucretius, would have been delighted to see as confirming his theory of the transmission as films or images of objects and ideas.

NO LONGER A "HOSTEL OF WOE"

There is, however, one figure to whom the roads of all thought seem to lead. He is at the present moment on the way home from Africa, so I have not been able to see him, but one is aware that his personality pervades and dominates the Italy I so far have seen from the siren rocks off Capri to Corso and from Umbestide to Rome, from fishermen and peasants to scholars and financiers.

I saw Italy before the war, I saw Italy during the war, and I saw Italy shortly after the armistice. This first glimpse seven years later reveals a changed surface aspect. Dante could no longer inveigh against this land of his as "a hostel of woe" or as "a vessel without a pilot in a mighty storm."

If there is woe it is invisible and not even suggested in the faces of the people one sees in the streets, in the shops, or at work along the road. I have seen hardly a beggar, save the blind. Industry has seemingly become a passion.

There is no feverish haste, no sign of interference here. There is obvious thrift and absence of prodigality. Incidentally, in all the miles I have walked I have not seen enough litter to fill a bucket. All in all Italy seems—at first sight, at any rate—to be a transformed land, lifted into industry and orderliness by some common hope or purpose.

PEOPLE'S CONDITION BETTER

If that is the explanation, even though that hope or purpose has been stirred by a single individual, Italy has entered upon a new life that will survive the voice that animated it.

Some of us may prefer other ways of obtaining such objectives; others may believe they can not be permanently achieved except through what are usually, if not necessarily, slower processes of democracy. But no outside observer can doubt that those to whom proclamations are addressed in posters along the ancient ways of Rome to-day, in grateful recognition of Mussolini's escape from death or serious injury, are for the time being in better state.

Their confident hope is that they will find this improved condition is but a preface to a permanently better state to be attained through the self-discipline which they are practicing under leadership of their own creation—under the guidance of one who holds the reins of Justinian's refted bridle.

My heavens! How could a great newspaper man have written such a thing if he had read the report of this commission about the poverty of Rome and of Italy, about the bankrupt condition of Italy, about the people not having employment, and not having enough to eat?

Mr. REED of Pennsylvania. Mr. President, the Senator answers his own question.

Mr. SMOOT. Mr. President, I might add to what the Senator says that that sounds like a real-estate boom for Rome—an advertisement for Rome.

Mr. McKELLAR. Yes; I think it is.

Mr. REED of Pennsylvania. The Senator does not understand that these are the impressions of this newspaper correspondent on the day that he reached Rome. He writes this article evidently the day that he arrives there, and his attention has been largely on royalty and Douglas Fairbanks.

Mr. McKELLAR. And Mussolini; do not forget the Senator's friend Mussolini. I imagine that the Senator understands about how he would feel when he met Mussolini. The Senator has had that privilege, has he not? Has not the Senator from Pennsylvania met Premier Mussolini?

Mr. REED of Pennsylvania. Yes; and I was very much impressed by his earnestness.

Mr. McKELLAR. Was it just a social visit that the Senator paid or was it on a matter of business?

Mr. REED of Pennsylvania. I am glad the Senator is so much interested in my affairs.

Mr. McKELLAR. I am very much interested.

Mr. REED of Pennsylvania. I am glad to answer.

Mr. McKELLAR. I understood that another very distinguished gentleman from this country was at the same luncheon or dinner party with the Senator, and I was just wondering if that was correct. I understood that Mr. Stearns, of Massachusetts, and sometimes of the White House, was also at the luncheon with Mr. Mussolini. Is that correct?

Mr. REED of Pennsylvania. The Senator's understanding on that point is just like his understanding on these other things.

Mr. McKELLAR. It is mistaken, is it?

Mr. REED of Pennsylvania. There was no luncheon. I went to call on Mr. Mussolini at his request. I found him very earnest and very much troubled about the attitude of America toward him. He had been hearing the kind of talk that we have heard in the Senate recently. He wondered whether that spoke for all of America. I assured him that it most emphatically did not, and he seemed to be relieved.

Mr. McKELLAR. I am sure he must have been very greatly relieved after having heard that assurance from the Senator from Pennsylvania. Was I mistaken about the company in which the Senator called?

Mr. REED of Pennsylvania. Mr. Stearns went there, and he seemed to agree with me; yes.

Mr. McKELLAR. He was there?

Mr. REED of Pennsylvania. Yes.

Mr. McKELLAR. Was Mr. Thomas Lamont, of the firm of J. P. Morgan & Co., also there?

Mr. REED of Pennsylvania. He was not.

Mr. McKELLAR. My informant is in error, then.

Mr. REED of Pennsylvania. The Senator really ought to check up on his informant, because most of his information—

Mr. McKELLAR. I am checking up right now. I am checking up by asking the Senator from Pennsylvania the facts, and he has given them to me.

Mr. REED of Pennsylvania. I am glad to give them; but may I suggest to the Senator—

Mr. McKELLAR. By the way, I am glad to find that my informant was two-thirds right, anyhow.

Mr. CARAWAY. Mr. President, may I ask the Senator from Tennessee a question?

Mr. McKELLAR. I will yield to the Senator from Arkansas in a moment. Mr. Stearns, from Massachusetts and from Washington, was there, and the Senator from Pennsylvania was there. May I ask if the Italian debt was discussed in any way?

Mr. REED of Pennsylvania. The Italian debt was not mentioned, if that will relieve the Senator.

Mr. McKELLAR. I do not know that I can say that I am relieved, but I am notified of what took place.

Mr. CARAWAY. The Senator is astonished?

Mr. McKELLAR. I am rather astonished that Mr. Mussolini, who put up through his commissioners such a tale of poverty and woe, did not say something about it if his nation was in that condition. It is remarkable that he did not mention it to the Senator from Pennsylvania and the gentleman from Washington and Boston when he was feeling so aggrieved that there were some people over in America who were trying to look after the interests of the American taxpayer.

Mr. REED of Pennsylvania. Oh, no; he was not at all aggrieved about that. He was aggrieved at the evidences of hostility from people who did not know what they were talking about.

Mr. McKELLAR. The only evidences of hostility are from Senators who are in their places here demanding that we shall not cancel three-fourths of the debt of Italy. Is there any ignorance about that? There is no doubt about that, is there?

Mr. REED of Pennsylvania. I quite understand the Senator's position on this debt settlement. He wants Italy to pay more than she has the capacity to pay, and we are sorry that she can not.

Mr. McKELLAR. No; as I said before, I would be perfectly willing to yield up the entire debt to Italy if it would thereby influence those people to have an honest, just, and equitable government.

Mr. REED of Pennsylvania. Who is going to judge that? Is the Senator going to set himself up as an umpire of the Government of Italy?

Mr. McKELLAR. Not at all; but we are umpires to the extent of \$2,042,000,000, because their dictator has sent a commission here and is seeking to have canceled for his benefit a billion and a half dollars of American bonds, on which this Government is now paying interest at 4½ per cent. I say that makes it an interesting question and a proper question for America to consider.

Mr. REED of Pennsylvania. Does the Senator think it is any of our business to criticize the personnel of the Italian Government, or the form of government they have? Would it make any difference if Italy did not like President Coolidge? Should she therefore pay us less?

Mr. McKELLAR. I think it would make a very great difference. The Senator says it is none of our business. It is our business as to what kind of government they have in Russia, and I think the Senator takes that position about it, does he not?

Mr. REED of Pennsylvania. Certainly, because in Russia property is not respected and life is not safe, and American citizens travel at their peril. That is not so in Italy.

Mr. McKELLAR. Did the Senator ever know of an American citizen being injured in Russia?

Mr. REED of Pennsylvania. I do not remember the name of any American citizen injured in Russia; no.

Mr. McKELLAR. Does not the Senator know that not two weeks ago American seamen were attacked in Italy?

Mr. REED of Pennsylvania. I do not. I investigated that story.

Mr. McKELLAR. I would be very glad to have the Senator tell what his investigation showed.

Mr. REED of Pennsylvania. Through the State Department I got the truth of it. The story as published in the papers was that the Fascisti had made an attack on American seamen.

Mr. McKELLAR. Yes.

Mr. REED of Pennsylvania. The fact of the matter was that one negro sailor got drunk, stood up and said insulting things to a crowd in a restaurant, having nothing whatever to do with the Fascisti at all, insulted a lot of people who were there, tore up in derision some Italian money that he had, and he was then arrested by the American naval patrol and taken back by his own shipmates to his own ship, and the Italian people who were present cheered the American officer. That is the truth of it.

Mr. McKELLAR. I know nothing about the facts. I suppose the Senator has investigated the matter, and I am perfectly content to accept the Senator's statement about it. I only know this: That that was not the report from people on the ground.

Mr. SMOOT. I know that is the truth, because we have had an investigation, as the Senator from Pennsylvania has said. Not only did this sailor tear up the Italian money, but he expressed his derision in the way he did it and in what he said. I do not want to repeat what he said to go into the Record, but I say to the Senator that if he had been there, and if he had been an Italian citizen, he would have done worse than they did.

Mr. McKELLAR. I do not know about that, because I was not there.

Mr. BLEASE. That was a case of the "nigger in the woodpile."

Mr. WILLIAMS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Missouri?

Mr. McKELLAR. I yield.

Mr. WILLIAMS. I would like to inquire of the Senator from Tennessee whether he has considered the difference between capacity to pay and means of making payment. For example, the Senator has just read a long article, a very interesting one, about the reconstruction of Rome by Mussolini. That must be paid for, must it not, in Italian lire?

Mr. McKELLAR. Unless they can get the money from credulous Americans. I imagine that if this debt settlement is ratified, Italy's borrowing capacity in America will be greatly advantaged, and probably Mr. Mussolini can come over to New York and make other loans, and probably arrange his "city beautiful."

Mr. WILLIAMS. I am not indulging in this colloquy in opposition to what the Senator is saying, but I would like to bring out this one particular point at this place.

Mr. McKELLAR. I will be very glad to have the Senator interrupt.

Mr. WILLIAMS. They do use paper money in Italy, and the coin of the realm is the lira, is it not?

Mr. McKELLAR. Yes.

Mr. WILLIAMS. They do not pay those Italian workmen, who are engaging in that reconstruction work, in American dollars, do they?

Mr. McKELLAR. No; because they can take American dollars and buy innumerable lire for that purpose; and that is what they do.

Mr. WILLIAMS. They can not use American dollars in that country in any form, can they?

Mr. McKELLAR. If there is any country in the world where the American dollar can not be used, I have never seen it.

Mr. WILLIAMS. I understand; but the Italian Government does print paper money which is paid to those workmen.

Mr. McKELLAR. They have what they call money, but I will say to the Senator—I know he has traveled abroad—that the American dollar, whether paper or gold or silver, is accepted anywhere in the world, and it is regarded as very much better than any other money.

Mr. WILLIAMS. But they do not use that ordinarily in exchange between the people of that country, in paying for reconstruction work, and an ordinary Italian laborer would never see an American dollar, would he?

Mr. McKELLAR. Not many of them.

Mr. WILLIAMS. The Italian Government would not use American dollars to pay Italian workmen.

Mr. McKELLAR. I doubt it.

Mr. WILLIAMS. That being true, does not the Senator think there is a great difference between the Italian Government, as such, paying a debt to America, I mean where it has to pay gold or produce, commodities, or service—

Mr. McKELLAR. Of course, debts are paid by balance of trade in international affairs, but, as we all know, the Republican Party has placed a tariff wall around America so high that it is impossible for Italy to sell us her goods.

Mr. WILLIAMS. The English Government has done the same thing, has it not?

Mr. McKELLAR. Of course it has not.

Mr. WILLIAMS. If the Senator will pardon me, immediately after the war the English Government did that very thing, and now maintains a high tariff wall.

Mr. McKELLAR. The reason the English Government has such credit, and the reason its medium of exchange has risen in value until it is equally as valuable as it was before the war, is that immediately after the war Great Britain came over to America and settled her debt on a reasonable basis, and thereby obtained a credit. That was very different. England did not claim to be bankrupt. England did not claim that she was unable to pay. She came over and made an agreement that was fair and just, or very largely so, and the result was that her own condition has been improved.

I want to say to the Senator from Missouri that, in my judgment, it is not fair for America to make fish of one and fowl of another. It is not right to make Great Britain pay 80 per cent, to make Belgium, who suffered more than any other nation by reason of the war, and who virtually got no territory, pay 55 cents on the dollar, and allow Italy to settle at 28 cents on the dollar, with all the prosperity these papers show she is enjoying, with her national wealth rising from \$22,000,000,000 in 1912 to \$35,000,000,000 in 1922, being now considerably more than that, and with her large accession of territory. I say it is not fair for this Government to make a settlement of 55 cents on the dollar with Belgium and 28 cents with Italy. Does the Senator think that is fair?

Mr. WILLIAMS. I will answer that in just a moment. Let us go to that English situation.

Mr. McKELLAR. Let the Senator answer it now while we are right on it. Does the Senator think that is fair?

Mr. WILLIAMS. I am not impressed—

Mr. McKELLAR. I am glad to hear the Senator say he is not impressed that that is fair.

Mr. WILLIAMS. I am not impressed with the argument that capacity to pay is the only measure by which we should scale down any of these foreign obligations. I am rather impressed with the idea that the means of making payment is the real test, and that that was the basis for the settlement made by the Dawes committee, acting under the Reparations Commission.

Mr. McKELLAR. What distinction does the Senator make between capacity to pay and means of making payment?

Mr. WILLIAMS. The distinction I draw is this, that Germany to-day has all the earmarks of a prosperous nation; that is to say, her industries are in excellent shape; she has 60,000,000 people willing and ready and able to do all sorts of work; she has her railroads in excellent condition; her transport system is in fine shape, and any American going to Germany would say that Germany had excellent capacity to pay.

But she can not pay unless her exports exceed her imports, and it was for that reason, instead of paying us dollars and paying the Allies dollars, the Dawes commission provided that we should go to Berlin and take our payment in gold marks if we could get them there, and extended the time of payment so that there is no time fixed within which Germany shall pay. I am impressed with the wisdom of that great experiment.

Mr. McKELLAR. If the Senator will excuse me a moment, I do not catch his distinction, for this reason, that Germany is paying to the extent of about \$850,000,000 a year, as I recall the figures, to all of those to whom she has to pay.

Mr. WILLIAMS. No—

Mr. McKELLAR. Or she will within a very short time. She is paying a very large sum, and, in addition to that, I call the Senator's attention to the fact that Germany does not make all she consumes. She has a deficit every year.

Mr. WILLIAMS. If I understand the plan under which Germany pays, it is that by the agreement of London, made in 1921, German reparations should be 132,000,000,000 gold marks. When the Dawes committee was appointed by the Reparations Commission, that sum was not fixed at all or the time within which it should be paid determined, but from a payment of 7,980,000,000 gold marks a year the amount was reduced by the Dawes commission to 2,500,000,000 marks a year. But she does not pay in American dollars; she does not pay in English pounds; or in French francs, or in Italian lire. She simply gets a credit in the bank at Berlin of so much per year, which will not be 2,500,000,000 marks until a five-year period has elapsed after the settlement. When those gold marks are deposited in the Reichsbank in Berlin for the credit of the Allies, they are deposited there as marks. Therefore if the Allies want payments of their debts on reparations, they must go to Berlin and get them in marks. How shall the exchange be made? It must be made by the Allies themselves; and it is up to them to find the means of taking payment. I am impressed with that method of making payment, and that is the difference between means of payment and capacity to pay.

Mr. McKELLAR. Why can not that same plan be followed in this case?

Mr. WILLIAMS. That is a very serious question.

Mr. McKELLAR. It seems to me that if that works well with Germany, and by it Germany has to pay between six and eight hundred million dollars a year—

Mr. WILLIAMS. Germany never has to pay that. If the Senator will pardon me, Germany will never have to pay more than \$625,000,000 a year, and then only if her exchange warrants it. That is to say, if she has more exports than she has imports she will pay; otherwise, she will not pay.

Mr. McKELLAR. She is paying now, and Italy is not paying now. That is the difference between them, and that is one reason why Germany is getting on her feet and why Italy is boasting a dictator.

Mr. WILLIAMS. Take the English situation. Last year she paid \$22,000,000 on principal and \$138,000,000 on interest. How was she able to pay it? She was able to pay it because she is a creditor nation to many nations, and she can go into the marts of the world and there purchase American dollars, because she has the balances of trade which enable her to do it; and when she scours the world and gets American dollars to pay, there is no chance for Italy to get them, because Italy has not an export trade in excess of her import trade.

Mr. McKELLAR. Does the Senator take the position that Italy ought not to pay any more than 28 per cent?

Mr. WILLIAMS. I think the Dawes plan is a most excellent plan.

Mr. McKELLAR. What I am trying to get at is the position of the Senator. I do not understand from what he has said just what he wants to do or would do. Does the Senator take the position that 28 per cent, as reported by the Debt Commission, is all that Italy ought to pay, or should she pay more?

Mr. WILLIAMS. I do not think we ought to demand any more than determined by the commission.

Mr. McKELLAR. The Senator is not in favor of the settlement?

Mr. WILLIAMS. I think I am, because those who have made it have my absolute confidence.

Mr. McKELLAR. That is the only reason? It does not meet the approval of the Senator's own mind?

Mr. WILLIAMS. With all deference to the committee which went into the question—and it is with deference, because they know so much more about it than I could possibly know—it seems to me they should have distinguished between capacity to pay and means of payment.

Mr. McKELLAR. In other words, the Senator does not approve of the settlement, but he is going to vote for it simply because he has confidence in those other gentlemen.

Mr. WILLIAMS. I think we must make settlement.

Mr. McKELLAR. Am I right about it? Is the Senator for it simply because he has confidence in the commission, and his own mind does not approve of it?

Mr. WILLIAMS. No; I would not quite say that.

Mr. McKELLAR. Does the Senator approve it or not?

Mr. WILLIAMS. The Senator knows as well as I do that foreign obligations are never paid, in any sense of the word, as we understand it.

Mr. McKELLAR. We are having a lot of them paid by Great Britain, according to the report of the Secretary of the Treasury, and I imagine that he is reporting the facts about it.

Mr. WILLIAMS. They are paid in the same sense that the credits in a bank are paid. For instance, a bank is the biggest debtor we have. All deposits in the bank are subject to payment on demand; yet if we made demand on the bank for payment, we would break the bank immediately. What happens to the bank with its great liabilities—that is, its deposits? The Senator draws a check on the bank and gives it to me. I deposit it in the bank, and the bank maintains its liabilities. The Pennsylvania Railroad may have bonds running for 999 years. That is a bond in perpetuity. It never will be paid. It pays interest, to be sure; but if we want to get rid of a thousand-dollar bond of the Pennsylvania Railroad which runs for such a length of time, we simply sell the bond and transfer the right to collect the interest to some other person. So it is with foreign obligations.

Mr. McKELLAR. The Senator's explanation of the business done by foreign nations and the business done by railroads is all very well, but I am wondering what is the net result in the Senator's own mind? I want to ask the Senator so we will see where he stands. Does the Senator approve of the debt settlement as made by our Debt Commission?

Mr. WILLIAMS. With all respect to the Senator from Tennessee, I do not think either he or I are sufficiently expert on a question of this kind to determine whether the funding of the debt in this case is a sound and wise thing. Therefore, I am accepting the judgment of those who made the settlement.

Mr. McKELLAR. So the Senator from Missouri is going to accept the judgment of other people rather than to give his own judgment the benefit of the doubt.

Mr. WILLIAMS. I know that we must fund the debt. We must fix payments and times for payment. I should like to see the entire interallied debt funded in much the same way as the Dawes commission has funded or fixed the German debt for payment.

Mr. McKELLAR. That is the Senator's best judgment.

Mr. WILLIAMS. That is what I would like to see done.

Mr. McKELLAR. But the Senator is going to waive that and vote for the settlement as proposed here by the Debt Commission.

Mr. WILLIAMS. Their judgment, I think, is better than any that I have or any that the Senator from Tennessee has.

Mr. McKELLAR. The Senator is going to accept their judgment although he does not agree with it entirely?

Mr. WILLIAMS. Yes.

Mr. McKELLAR. Now I understand the position of the Senator.

Mr. CARAWAY. Mr. President, may I ask the Senator from Tennessee a question?

Mr. McKELLAR. Certainly.

Mr. CARAWAY. What was the wisdom in having the debt settlement brought back to Congress at all?

Mr. McKELLAR. None whatever, if all Senators take the same position that the junior Senator from Missouri takes, which is, while it does not meet his approval, he is going to accept it because the commission has reported it.

Mr. WILLIAMS. If I may answer that question further, I would say that if we do not do this I would scarcely know what we should do, and I have not heard any suggestion from the Senator from Tennessee.

Mr. McKELLAR. I think it ought to be referred back to the committee, and that the committee ought to examine into all the facts. There is a wide discrepancy between the facts as presented by the Debt Commission and the facts found in the leading publications of the country. The statement of the national wealth of Italy differs in the two reports more than 50 per cent, one being \$22,000,000,000 and the other \$35,000,000,000. There is a great doubt about how much Italy received as reparations in the war in the way of territory. None of that matter has been presented. It seems to me that with all this doubt and uncertainty the matter should be referred back to the committee, and even the junior Senator from Missouri does not give his approval, according to the

argument he has made, but feels compelled to accept the settlement of the Debt Commission. If all other Senators are going to give up their individual views just in order to effect some sort of settlement, I do not believe that the interests of the taxpayers of America are being considered.

Mr. WILLIAMS. The point to my question, if the Senator pleases, was to inquire whether he had drawn any distinction in his own mind between what we call capacity to pay and what we call means of making payment. That was the purpose of my question.

Mr. McKELLAR. Yes; I understand.

Mr. COUZENS. Mr. President, I would like to ask the Senator from Missouri a question if the Senator from Tennessee will yield to me for that purpose.

Mr. McKELLAR. I yield to the Senator from Michigan.

Mr. COUZENS. The Senator said the debt can be funded. Why should it be funded when the Dawes plan was not a funding plan?

Mr. WILLIAMS. The Dawes plan is a working plan and provides for the payment of 2,500,000 gold marks a year. I call that a funding plan, a plan under which the debt shall be paid.

Mr. COUZENS. I do not agree with the Senator that it is a funding plan. Otherwise the Italian debt settlement is not a funding plan, because in the case of Germany the plan has no termination of the debt period, and in the case of Italy there is a termination of the debt period, two entirely different kinds of settlement.

Mr. WILLIAMS. I admit they are two different types of settlement, and there is no doubt about it, but when I refer to a funding plan I mean agreeing upon the amount of the debt and agreeing upon the terms and times and amounts of payment.

Mr. McKELLAR. May I ask the Senator a question? The Italian Government owes us \$2,042,000,000.

Mr. WILLIAMS. I think so.

Mr. McKELLAR. During the 62 years they will pay us 1.8 per cent interest, while we are now paying for that same money 4¼ per cent interest. At the end of that period, if the United States goes on just as it is, we will still owe the \$2,042,000,000 and Italy will have paid her principal and interest in full. Does that meet with the approval of the Senator?

Mr. WILLIAMS. We have been paying interest on this debt to the holders of the American bonds all the time up to the present, and we will lose not only on the British settlement but on all the other settlements. For example, in the reparations agreement made with Germany, the French Government does not receive enough money per annum—something like \$300,000,000—to pay the interest on her reconstruction bonds.

Mr. McKELLAR. The immediate effect of the settlement is that while the American Government is now paying interest on the Italian loan of something like \$86,000,000 a year, Italy will pay for the first five years only \$5,000,000, so that the American Government will pay \$81,000,000 more in interest than she receives.

Mr. WILLIAMS. Italy will pay if she can find the \$5,000,000 a year.

Mr. McKELLAR. Is that satisfactory to the Senator?

Mr. REED of Pennsylvania. Mr. President, will the Senator from Tennessee yield at that point?

Mr. McKELLAR. Certainly.

Mr. REED of Pennsylvania. Does it not occur to the Senator from Tennessee that the fault in this transaction lies not in the action of the Debt Commission in taking all they can get, but lies with those officials of the American Government who advanced so much money to a debtor with poor credit?

Mr. McKELLAR. Was not the Senator in favor of that loan?

Mr. REED of Pennsylvania. Yes; I was in favor of it.

Mr. McKELLAR. How can the Senator complain of what the officials did who then loaned the money if the Senator says he was in favor of it?

Mr. REED of Pennsylvania. The distinction is very simple. The trouble arose when the loan was made. I was in favor of making it. Do not let us have any doubt about that. But the Senator fails to realize that that was the origin of the trouble, and not the debt settlement which takes all we can get. If the Senator is going to find fault with anything, he ought to find fault with the making of the loan. That is where the trouble comes from.

Mr. McKELLAR. The Senator does not find any fault with the making of the loan?

Mr. REED of Pennsylvania. No; I do not; nor with the settlement of it, but the Senator from Tennessee is finding fault, and I say to the Senator that he ought to find fault where the fault belongs, if there was any fault.

Mr. McKELLAR. Would the Senator be in favor of cancellation?

Mr. REED of Pennsylvania. No; I would not. I am in favor of taking all they have the capacity to pay, and that is what we are getting.

Mr. McKELLAR. I think it is our duty to look after the interests of the American taxpayer rather than the interests of the Italian taxpayer.

Mr. SMOOT. That is exactly the position I take.

Mr. McKELLAR. I am glad to hear it, but the report of the Senator from Utah does not carry out that idea at all.

Mr. SMOOT. According to my judgment it does, because, as I said before, I think we are getting every dollar we can get. What I had intended to say to the Senator was that we advanced to the European countries during the war over \$10,000,000,000. We had only \$4,000,000,000 in all America at that time. We could not advance all that in gold. There was not any of it advanced in gold. It was all advanced in goods and profits ranging from 50 to 75 per cent.

Mr. McKELLAR. And that was very much more acceptable to them than the gold. They could not have gotten along without the supplies.

Mr. SMOOT. That is not what I was going to say.

Mr. McKELLAR. I know it is not, but I just wanted to call the attention of the Senator to it in passing.

Mr. SMOOT. The Senator from Utah knew that long before, and I am not criticizing in any way, shape, or form the fact that the goods were sold. Italy is making settlement here, and it is on the gold basis. She promises to pay in gold. She has to provide from some source or other credit payments to the United States of the amount that she has to pay annually, just the same as England or any other country does.

Mr. McKELLAR. She pays in credits.

Mr. SMOOT. If it is not paid in credits, then she has to get the gold or else she can not pay. I was going to say something further, but I believe I had better not.

Mr. McKELLAR. I am glad to yield to the Senator.

Mr. SMOOT. No; I thank the Senator, but I think perhaps there is no necessity for going further than I have in relation to the payments.

Mr. McKELLAR. It is a question of whether we want to stand by the American taxpayers who are paying these enormous amounts of interest, or whether we want to stand by Italy and her dictator. That is the only question in this case. We can not be accused of standing by the Italian people, because there is no one speaking for the Italian people in that sense of the word. My belief is that under the terms of the agreement we are apt to foment war in Italy or in Europe. I should be very glad to yield to almost any situation that would prevent that, but when it is perfectly apparent that what we are doing is to put Italy in a position to make war on her neighbors, and when we know that Greece and Turkey and other surrounding countries are enlarging their armaments now for the purpose of defense against Italy and her dictator, it does seem to me that we ought to pause before we make this settlement, which will put Italy's dictator in a position where he can go to war if he wants to do so.

Mr. SMOOT. The Senator voted for the League of Nations and our entry into it, did he not?

Mr. McKELLAR. I certainly did.

Mr. SMOOT. And that was to stop all future wars.

Mr. McKELLAR. I think if we had gone into it, it would have stopped wars, but the Senator was able to get enough other Senators to agree with him to prevent the United States going into it, and therefore retarded that great enterprise in favor of peace.

Mr. SMOOT. I now thank God that America did not go in.

Mr. McKELLAR. Of course, the Senator does.

Mr. SMOOT. And I am very proud of the vote that I cast to keep her out.

Mr. McKELLAR. I am just as proud of the vote that I cast for peace under those circumstances.

Mr. SMOOT. I think the Senator will live long enough to regret the vote that he cast.

Mr. McKELLAR. Perhaps so.

Mr. COPELAND. Mr. President—

Mr. McKELLAR. I yield to the Senator from New York.

Mr. COPELAND. Mr. President, the Senator from Tennessee is very much excited over the American taxpayer.

Mr. McKELLAR. I think it is the duty of all Senators to be so.

Mr. COPELAND. I wonder what the American taxpayer will say if we in cold blood reject the best debt settlement with Italy which can be presented to us? I wonder what the Senator from Tennessee will say to the American taxpayers, and especially those in the South, when they find out, because of

the strained relations existing between the two countries as a result of the rejection of the settlement, that Italy no longer buys from us \$91,000,000 worth of cotton, \$3,000,000 worth of tobacco, a million dollars' worth of southern pine, \$26,000,000 worth of wheat, and \$18,000,000 worth of copper, to say nothing of other commodities?

Mr. McKELLAR. There will be no trouble about that; they will buy those products in just as large quantities as before. Probably if they can prevent anarchy in their own country, they will largely increase their purchases in America; but if we are going to give to this Italian dictator the money to make war and he plunges his country into war as now seems probable—his neighbors are exceedingly excited about it—when Italy goes to war, of course, she can no longer buy from the Southern States or from any of the other States in this country. To that extent will our whole country be injured. I am unwilling, Mr. President, by my vote to contribute to the war chest of this Italian dictator.

PUBLIC BUILDINGS

Mr. FERNALD. Mr. President, I call for the regular order. The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) to provide for the construction of certain public buildings, and for other purposes.

Mr. SHIPSTEAD. Mr. President—

Mr. FERNALD. Mr. President, I think I shall go down in history as the greatest yielder in the United States. I yield to my friend from Minnesota.

The VICE PRESIDENT. The Chair recognizes the Senator from Minnesota.

STRIKE CONDITIONS ON WESTERN MARYLAND RAILROAD

Mr. SHIPSTEAD. Mr. President, there has been brought to my attention an amazing condition of affairs on the Western Maryland Railroad and in the great communities along the lines of that road which I deem it my duty to put before the Senate as urgently needing public investigation.

The Western Maryland is a coal-carrying line, of 804 miles of track, which winds out of Baltimore, through Hagerstown, Cumberland, and Elkins, to various points in the coal fields. It is characterized by steep grades and numerous tunnels, and its operation requires the highest degree of training and familiarity with its characteristics on the part of its transportation employees.

Since October 15 a strike has been in progress on the Western Maryland, called by the Brotherhoods of Engineers and Firemen at the end of two years of attempted negotiations and the refusal of arbitration by the company. The road is known as a Rockefeller road, hauling Rockefeller coal, and John D. Rockefeller, jr., has admitted his financial responsibility in it and in the coal mines supplying the road with traffic.

This is no ordinary strike. There is something sinister in its circumstances. It comes at the very period when there is a concerted effort to attain the means of peace on the railroads. Congress is considering legislation designed to write into the law of the land a procedure the principal features of which are joint negotiation, mediation, and free arbitration. These are the very features which some one has seen fit to destroy on the Western Maryland.

Some one unseen is trying to turn back the hands of the clock. At this hour the country is hoping that Congress will give legal effect on a nation-wide scale to industrial processes evolved through many years by the joint experience of responsible established organizations of employees and associations of employers. An important railroad, backed by the money of one of the hugest financial interests in the land, mysteriously attempts to establish the opposite of what Congress would ever dream of trying to put into legislation.

That is the national aspect. But more urgent in point of time is the plight of the cities and farms served, or supposed to be served, by the Western Maryland. There the spectacle is truly curious.

For the moment let the strikers be disregarded, well known though their organizations are nationally and well regarded as I found the individual men to be in their own cities. The mayors and other public officials of these communities, their chambers of commerce, their business associations, bankers and farmers, the newspapers, the churches, and the ministerial associations—the whole community, in short—are a unit in attempting to do something. They have been trying to see Mr. Rockefeller. They have been trying to ask Mr. Rockefeller some questions. Their questions are unanswered. Mr. Rockefeller prefers not to see them.

They have urgent reason for this thing which they attempt. Their communities are being demoralized. Their commercial

life is dislocated. They are suffering loss and property damage. They have been losing for five months, and they see no end to it. They encounter personal danger. Lives have been lost in wrecks on this road during this strike.

Every path that they take to get their people out of this slough leads to one man. That man, Mr. John D. Rockefeller, jr., is not on the doorstep, welcoming them. Hundreds of letters have been sent to him, but they have been answered only in evasive language through subordinates.

The sole response from Mr. Rockefeller has been a plea, in a letter to the mayor of Cumberland, that he is "only a minority stockholder."

Fortunately, in a recent period, Mr. Rockefeller has cleared up, so far as words go, his position about the "moral responsibility of stockholders." He used those words and accepted the responsibility in writing in the autumn of 1922 during a long strike in the Somerset, Pa., mines of the Consolidated Coal Co. He admitted his financial responsibility there, but, as it seemed he only owned 40 per cent of the stock, he again pleaded that he was in a minority. Weeks of pressure from public-spirited bodies, which were not satisfied by such a plea, resulted in Mr. Rockefeller's declaration:

I have not hesitated to accept my personal responsibility or to record my own position—

and he added that the policy of his coal operators was—both unwise and unjust.

The churches and other organizations receiving that declaration rejoiced in the expectation and the private understanding that Mr. Rockefeller was about to convert his words into deeds. There were delays; public attention, after many months, flagged; and in the end nothing was done. After a strike lasting a year and a half, his miners had to yield to the Rockefeller system. Mr. Rockefeller escaped, as some of the press put it, with a moral alibi.

An investigation by a committee of the Senate of the Western Maryland situation should result in something more than a "moral alibi." This body is powerful enough at least to reveal the facts, to make the public aware of what is actually going on, and to tear away the mask from "moral alibis." Public opinion when enlightened will do the rest. If the system this financial interest is injecting into the railroads is clearly exposed, the Senate will have rendered a great public service.

The history of the Western Maryland is a surprising story of industrial autocracy and corporate lawlessness.

I have gone over the record with some care, and I think I can assure the Senate that if this investigation is ordered, trustworthy witnesses will develop facts which will substantiate this charge.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Minnesota yield to the Senator from New York?

Mr. SHIPSTEAD. I yield.

Mr. COPELAND. Mr. President, I hold no brief for Mr. John D. Rockefeller, jr., and I think in all matters relating to this strike and the chief matters involved in the question being discussed by the Senator that I am in full accord with him. However, I would not feel that I was true to my manhood if I did not say to the Senator that I regard Mr. John D. Rockefeller, jr., as an exceptional man among the rich men of the country. If John D. Rockefeller, jr., had the power and at the same time had the knowledge and the conviction that conditions exist on the Western Maryland Railroad, such as the Senator from Minnesota is describing, I believe he would exert that power to bring about a correction. I think that he is one outstanding man among the wealthy men of this country. He is one man who has a Christian outlook and who has those high moral convictions which would lead him to do right and to put his company in the way of doing right if he had the power to control it.

I have spoken in this way out of the heart, Mr. President, because I believe that Mr. Rockefeller is one of the noblest among the men of great wealth of this country.

Mr. SHIPSTEAD. Mr. President, I hope the Senator is not under the impression that I had anything to say derogatory to the personal character of Mr. John D. Rockefeller, jr.

I have not any personal acquaintance with Mr. Rockefeller. I am not here discussing his character. I am here to state to the Senate some facts regarding the situation on the Western Maryland Railroad, of which I am told he owns 20 or 25 per cent of the stock, and a railroad whose main source of income comes from a large group of coal mines of which he is, if not the sole, at least the majority, stockholder, as I am informed. While Congress is trying to initiate in the railroad industry a

relationship between employer and employee, the very opposite of what Congress is trying to write into law is taking place on this road, and people have called this matter to the attention of Mr. Rockefeller. They have been unable to get him to do anything.

I do not know how many of the facts have been presented to him. I think this matter should be looked into by the Senate of the United States for the purpose of giving us some light upon what is going on in the transportation industry to-day, in order that it may help us to pass some legislation that may possibly prevent this condition arising in the country again.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota further yield to the Senator from New York?

Mr. SHIPSTEAD. I do.

Mr. COPELAND. The Senator knows that I am in the fullest harmony with most of the views he has expressed; but he has said that Mr. Rockefeller is a minority holder of the stock of the Western Maryland. I think the Senator said he holds 25 per cent of the stock.

Mr. SHIPSTEAD. Yes. I am so informed.

Mr. COPELAND. A 25 per cent minority stockholder can not control the actions of a board of directors, as the Senator well knows. If the Senator will yield to me for just a moment further—

Mr. SHIPSTEAD. Certainly.

Mr. COPELAND. On a few occasions I have myself indirectly called the attention of Mr. Rockefeller to certain abuses which I felt were being exercised by corporations in which he is interested; and as soon as the knowledge of these conditions came to him he was the very first one to step forward to see that correction was made.

I am not defending the board of directors of the Western Maryland Railroad. I am not defending any abuses there. My sympathies would naturally be with the under dog, with the strikers. My sole purpose in rising is to make clear to the Senator and to the Senate that Mr. Rockefeller is not the sort of man the country might think he is if the statement of the Senator should go unchallenged.

This matter having been called to my attention as it has been now for the first time, I am going to make it my business to see that what I know about it is conveyed to Mr. Rockefeller. If the conditions are as stated by the Senator, I think that when Mr. Rockefeller knows them, and comes to realize that those conditions do exist, he will exert every power he has to correct them. But, as a minority stockholder, he may not be able to go as far as he would like.

It is only in that spirit, I will say to the Senator from Minnesota, that I rise; not to criticize any views that he holds regarding the general situation, because I am in sympathy with them, but, since he has chosen to cull out and to mention one person, simply to make this defense of the character of the man because of what I know of his real worth.

Mr. SHIPSTEAD. Mr. President, I think it is quite generally considered that anyone who owns from 15 to 25 per cent of the stock of any railroad is able to control the road. I am sure that the Senator from New York, who said he wanted to challenge the statements I am making, does not want to challenge the facts I have stated. I am very glad that he has decided to acquaint Mr. Rockefeller with the facts. If the Senator from New York will listen patiently to a long list of facts that I shall give him, he will have some facts to give to Mr. Rockefeller; and if he will send them to him, and if the Senator from New York is as successful in getting Mr. Rockefeller to move in this case as he seems to have been in the past, he will be rendering the country a great service, and I think he will be rendering Mr. Rockefeller a great service.

But I did not rise to discuss the personality or the character of Mr. John D. Rockefeller, jr. I know nothing about it. I assume it to be what the Senator from New York says it is. I rose only to discuss some facts concerning this strike. When I am through, if the Senator from New York cares to discuss the character of Mr. Rockefeller, I shall be very glad to listen to him.

Some time ago, Mr. President, I had the pleasure of being invited by the citizens of Hagerstown to come and address a meeting that was called in order to protest against the actions of the management of this road. A farmer presided at this meeting. He is at the head of an organization of a thousand farmers. This man brought a message of comfort to the people of Hagerstown and the men who have gone out on strike on this road.

Clergymen, business men, bankers, and people of all walks of life sat on the platform and in the audience. The meeting

was opened and closed with prayer for the success of the workers in their struggle.

Cumberland, Elkins, and other cities and towns along the line are equally aroused. Mayors, city councilmen, and other public officials, chambers of commerce, merchants' organizations, ministerial associations, and hundreds of individuals have attended strikers' meetings, have held demonstrations of their own, have passed resolutions, and written letters of protest to the management of the road, to the stockholders, and all other agencies which could influence the situation.

Many of these elements are usually found on the side of the employer and against the workers in any industrial dispute. The circumstances which would induce such a united and determined stand in support of a strike must be most unusual. A recital of the events culminating in the strike demonstrates them to be so.

During the entire controversy the management has made an unbroken record of evasion, coercion, and perfidy, ending in acts directly designed to force the strike. In contrast to this, the employees and their representatives have displayed the utmost patience and forbearance and have vainly exhausted every avenue of peaceful settlement.

In 1921 the railroad employees of the entire country suffered a drastic reduction in pay. The transportation employees made no attempt until 1923 to secure any restoration, in spite of the fact that the cost of living was increasing and that many other classes had secured raises.

In 1923 a partial restoration of the previous wages was asked. A new scale, known as the New York Central settlement, because first granted by that system, was established on every class 1 railroad in the United States with the sole exception of the Western Maryland. From that time until October 15, 1925, the engine-service employees of the Western Maryland patiently endeavored to induce the management to pay the same rates of wages which had been granted, without a hint of trouble, by every other management in the country.

Instead of being met in an open and aboveboard manner, they were confronted with a series of counter-demands, subterfuges, and evasions, which befogged the issue and made a settlement impossible.

Every compromise short of complete surrender was offered the management. When the impossibility of reaching any decision became apparent, the men offered arbitration before any tribunal not obviously biased. These offers were curtly refused. The response of Maxwell C. Byers, president of the road, to one carefully prepared and detailed plan of arbitration is typical of his entire attitude. He said:

Your proposition is hereby rejected.

That was all.

The efforts of the Department of Labor, through its conciliation service, were equally unsuccessful. I desire to state that this department has rendered great service in many instances.

Even when the men discovered that the management, while pretending to negotiate, was hiring strike breakers, they continued to strive for a peaceful solution. They displayed an almost unbelievable degree of forbearance, even to the extent of obeying the orders of the management that they take on their engines these strike breakers, brought there to take their own jobs, and train them in the characteristics of the road.

Finding that even this effrontery and double dealing did not drive the men into a strike, Mr. Byers, president of the road, deliberately forced the issue. He published a bulletin, since notorious as "Circular 54," in which he demanded that the men sign an individual "yellow-dog" contract submitting to wages and rules established by himself and completely at variance with the agreement still in force between himself and the engine-service brotherhoods.

The men were called in, without opportunity for consultation among themselves, and told to sign or be dismissed. When upward of 50 of them had refused and had been summarily discharged, the remainder, having no choice between surrender and discharge, left the service practically to the last man. In a word, this is not a strike; it is a lockout, deliberately planned and forced by Mr. Byers.

The road was immediately manned with the off-scourings and riff-raff of the railroad world. It should be understood that the two organizations concerned in this strike—the Brotherhood of Locomotive Engineers and the Brotherhood of Locomotive Firemen and Enginemen—have, in over half a century of scrupulous regard for contracts and of increasingly amicable relations with railroad managements, so completely occupied the field that any man with any degree of locomotive experience who is willing to scab is a person whom either the management, the brotherhoods, or both, do not want.

A considerable number of the men hired by Mr. Byers were what are known as "Rule G's," or men discharged for the use of intoxicating liquor. These men, whom Mr. Byers had in many cases himself discharged as being unfit, were put in charge of the giant engines of this mountain railroad.

A partial but well-authenticated summary of their records shows that 2 have been tried or convicted for murder, 2 have been in jail for rape, 12 others have criminal or court records, 18 have been previously dismissed for drunkenness, and 6 have been discharged for wrecks prior to the strike or on other roads. Over 60 of those employed at one terminal alone, that of Hagerstown, are known to be of bad records, either as lawbreakers or because of demonstrated incompetency.

The detailed individual records of these men are available, and I will be glad to discuss them further at some other time, but will give that of one as a typical example. On one of his first trips the train got away from this particular strikebreaker and was only saved from wreck by the efforts of the brakemen, who set up hand brakes at the risk of their lives. Instead of censuring this engineer, however, the management attempted to divert criticism from him by throwing the blame on the train crew, and for this purpose discharged one of them who had risked his life in defense of the company's property.

A short time afterwards, just one month to a day from the beginning of the strike, this strikebreaking engineer was the cause of the worst wreck in the history of the road. A train of 63 cars got beyond control of this incompetent, ran down a mountain side, and finally piled up in a heap, demolishing the entire train and the engine and tearing up about a mile of main line. Some conception of the damage may be gained by the fact that three wrecking crews worked night and day for 36 hours to clear the debris and to open the main line sufficiently to allow trains to creep through. The cost of this one wreck, estimated at about \$500,000, would have paid the small increases asked by the old employees for many years.

In this case, as in the previous one, attempts were made to shift the blame to the train crew and, by mysterious hints, on the strikers. However, the Interstate Commerce Commission, after a thorough investigation, found that the accident was caused by the failure of the engineer to display the most rudimentary knowledge of the use of air brakes. Since then two employees have been killed while working with engines run by this man, and he has been the cause of a number of minor accidents. His latest-known performance was to throw a bolt through the window of a Baltimore & Ohio engine in an attempt to murder a striking fireman who had hired out on the Baltimore & Ohio.

Another example of the company's brutality was the attempt to force their pensioned engineers to become scabs. These veteran employees, all over 65 years of age, who had spent a lifetime in the service of the company, and earned by that faithful service a pittance on which to live in their declining years, were ordered to take out engines. They refused almost unanimously, and their pensions were immediately stopped. They are now being cared for by the Brotherhoods. Many of them have no other means of existence except these allowances.

The records of killed and injured since the strike began is a ghastly one. A partial list of casualties shows that 8 have been killed and 36 injured.

That there is little promise of any improvement is proven by the fact that two men were killed and another injured just a few days ago on one train while going about 20 miles. A list of the wrecks and accidents, only partially complete, shows they have been of more than daily occurrence. The deplorable conditions are becoming so generally known that passenger travel, as shown by the reports to the Interstate Commerce Commission, has dwindled away to a fraction of the former volume.

The brakemen and conductors who are still at work are terrorized by the situation. Time and again they have protested to the management against the discomforts and hazards to which they are being subjected, but in vain. So far from attempting to remedy conditions, the management has displayed the same brutality toward them that it has toward the engine-service employees. About 26 of the trainmen have been discharged for refusal to perform part of the incompetent strike breakers' work and for other causes growing out of the strike.

I have a copy of a letter picked up on the streets of Manchester, Ga., in which the Western Maryland is soliciting the services of nonunion trainmen, in evident preparation for trouble with its conductors and trainmen. Not only is this trouble not the last that the management contemplates, but it is only one of a long series.

The shopmen's strike, which began in July, 1922, on other roads, broke out in March on the Western Maryland. It was

induced by a deliberate breach of contract on the part of the management. With the object of evading the wages and rules established by an agreement between the shop-craft unions and the management, the company chose three of its petty officials and a contracting company, of which no one had ever heard up to that time, and constituted them dummy contractors. It then announced that its shops had been shut down and its employees discharged. The day following this announcement a bulletin was posted, in the name of these fake contractors, directing all those who wished to continue at their former positions to apply to these concerns. It was then discovered that the wages and working rules had been slashed and mutilated until little remained of the conditions established by a signed mutual agreement.

The men took the company at its word, that the shops were shut down and their positions abolished, and refused to accept employment under the dummy contractors. A long, bitter, and expensive struggle began, in which the old employees were, to a great extent, driven away from their homes to seek other employment.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from New York?

Mr. SHIPSTEAD. I yield.

Mr. COPELAND. I happen to know a lot about that shop-crafts' strike. Our situation in New York City at that time demanded that we should have a free supply of coal, which we could not get by reason of the strike. On this account I know all about it, and my sympathies were with the strikers. On some roads they certainly were outrageously treated. They were practically shut out from the shops when they would have been glad to go back. They reached the point where they were eating the shingles off their houses, so to speak, mortgaging their homes in order that they might live, and were anxious to go back to work. This privilege was denied them. At that time there was such a breakdown on the locomotives on some of the roads that they could not carry the freight. In our section of the country we were denied coal because of that.

I speak of this matter now in order that the Senator may realize that what I said a little while ago had no reference at all to my sympathies as regards the main proposition. So far as this particular matter to which the Senator has referred is concerned, I had first-hand knowledge, because of my official position, and tried the very best I could to bring about an adjustment between the strikers and the operators of the railroads.

Mr. SHIPSTEAD. I am particularly calling the attention of the Senator to the Western Maryland Railroad in that connection. The strike came in July on the other roads, but it came in March on the Western Maryland. I remember the state of affairs to which the Senator from New York has referred. The Senator has always shown a disposition to sympathize with men and women who toil. I want to call to the Senator's attention the outstanding fact connected with that strike, and with the employment of labor on the railroads throughout the United States. I want to point that out in contrast with the attitude taken by the president of this road, the Western Maryland, to the treatment of his employees.

Take, for instance, Dan Willard, of the Baltimore & Ohio. Dan Willard was the first man, at least to my knowledge, to begin the operation of a policy of sympathetic cooperation with the employees of the great railroads. He took charge of the Baltimore & Ohio at a time when its finances were in very poor condition. The whole system was in bad condition. He settled the strike on that road independent of the executive association program, and restored the feeling of cooperation and good fellowship that has always prevailed on the Baltimore & Ohio. I hope that when the Congress passes this so-called railroad labor bill which is coming over here, the effect of it will be to inaugurate a policy on all of the railroads in the United States that is now in vogue on the Baltimore & Ohio. There is a complete absence of this hard-boiled, tyrannical, Mussolini treatment of employees on the Baltimore & Ohio that we find on some of the other railroads, and it is reflected in increasing earnings of the Baltimore & Ohio. It is reflected in the continued betterment of the rolling stock, it is reflected in continued building up of the system, and in that wonderful spirit of cooperation and push and loyalty to Dan Willard that is found among the employees of the Baltimore & Ohio. I have personal knowledge of this, because I have talked to the employees along the line. I have talked to employees on other roads. I find that employees of railroads all over the country love and respect Dan Willard because of his honest and square dealing with the men employed on his road. The history of Dan Willard's work on the Baltimore & Ohio shows that it is not necessary to the financial success of a road that its man-

agement shall deal with the men as though they are not human beings.

The business men of Hagerstown, Cumberland, Elkins, and other places will testify that the prosperity and growth of these cities have been permanently injured by the strike on the Western Maryland.

There are 131 suits now pending in the Towson court, just outside of Baltimore, growing out of this deliberate fraud and breach of contract by the company. Testimony introduced at the preliminary hearing on these suits shows that the management intrusted about \$4,000,000 of repair and maintenance work, on a cost-plus contract, to a company from which it required no bond and whose officers were unknown to the management.

That the management was fully aware of the state of public feeling against it, even before the present strike began, and that it persisted in its course in ruthless disregard of this disapproval is shown by a most extraordinary affidavit filed in the Allegany County Courthouse in relation to these pending suits of the former shop employees. In this document President Byers pleads for a change of venue on the ground that the general public was so hostile to the road as to endanger the chances of a fair trial in this court or in any other along the line of the road.

Not only have the workers been denied the wages paid on every other class I railroad in the United States, and, in addition, been subjected to a policy of coercion and repression, but they have actually been robbed of their meager savings by officials of this Rockefeller company through stock-jobbing schemes.

It is a shocking story. I shall not attempt to relate it now. Witnesses are ready to tell it to a Senate committee. It is sufficient to say at the moment that the men responsible are holding high positions on the Western Maryland and that they are largely responsible for the industrial policy pursued by President Byers.

During the years of turmoil resulting from the labor policies of the Western Maryland the communities have suffered severely. The railroad pay roll constituted a considerable portion of the income of these cities and the old employees of the company were substantial, church-going, property-holding citizens.

In the long fight between the company and the shopmen citizens not directly engaged in transportation made many attempts to mediate between Mr. Byers and his former employees, only to be repulsed.

In the controversy between the engine service workers and the company they hoped to the last that the skill of these men and their representatives in securing peaceful settlements would prevent conflict. When it came, as a result of the aggressions of President Byers, they flamed into united and vigorous action of protest.

They even refused to rent property to the strike breakers or to the company for housing them. A canvass of the real-estate holding of the strikers was made in Cumberland, and the business men offered to underwrite any maturing obligations against these properties. They offered material and moral support to the strikers in every possible manner.

Numbers of them appealed to President Byers, whose response was a statement that he intended to pay no attention to appeals from patrons of the road.

Exasperated by this insult, they then turned to the holder of the largest individual block of the stock, John D. Rockefeller, jr., asking that he intervene to end the intolerable situation.

After a long delay, and when these demonstrations had become too pronounced to be longer ignored, Mr. Rockefeller replied, through a letter to Dr. Thomas Koon, mayor of Cumberland, as follows:

NEW YORK CITY, March 12, 1926.

HON. THOMAS W. KOON, M. D.,

Mayor, Cumberland, Md.

MY DEAR SIR: Returning from the South, I find your letter of February 8, together with letters from various others, as well as many newspaper comments, in regard to certain labor difficulties on the Western Maryland Railroad. You speak of the road as one of the Rockefeller holdings, basing this characterization doubtless upon the assumption that our family and the various other funds established by my father jointly own a majority of the stock of this company. I am glad, therefore, to have this opportunity to correct a misapprehension, apparently widespread, that I can settle the strike.

The facts are that the combined holdings of our family, together with those of the funds, which this stock may have been given, represents considerably less than 25 per cent of the stock of this company. I am not a director of the company. Only 2 of the 12 directors can be regarded in any sense representatives of our interests. The management of this company is entirely in the hands of the

board of directors and, no matter what my personal views may be, I don't control the situation.

Greatly regretting the conditions of which you write, which I hope may be but temporary, and appreciating the courtesy of your letter, I am,

Very truly,
JOHN D. ROCKEFELLER, JR.

Doctor Koon took this reply, as did all those who had joined with him, as simply an evasion of responsibility. He immediately wrote to Mr. Rockefeller asking, in the most courteous and conciliatory language, for a personal interview.

Mr. Rockefeller's reply to this authorized spokesman of a large community was a refusal to meet him on the ground that no good would be attained.

Mr. Rockefeller has made a number of public utterances in which he has shed great credit on himself for broad and enlightened industrial policies. He has said much about the responsibilities of investors and stockholders. He has manifested such anxiety that his opinions be known that he has published a book entitled "Personal Relations in Industry."

I ask unanimous consent to insert in the Record without reading certain extracts from the book to which I have referred.

The PRESIDING OFFICER. Without objection, that order will be made.

The extracts are as follows:

(Abstracts from the Book of John D. Rockefeller on Personal Relations in Industry)

There are those that believe that legislation is the cure-all for every political, social, and industrial ill. Much can be done by legislation to prevent injustice and encourage right tendencies, but legislation of itself will never solve the industrial problem. Its solution can be brought about only by the introduction of a new spirit into relationship between the parties on industry—the spirit of cooperation and brotherhood. It is this theme, cooperation in industry, that I desire to develop.

The development of industry on a large scale brought the cooperation into being, a natural outgrowth of which has been the further development of organized labor in its various forms. The right of men to associate themselves together for their mutual advancement is incontestable.

The labor union, among its other achievements, has undoubtedly forced public attention upon wrongs which employers of to-day would blush to practice. But employers as well as workers are more and more appreciating the human equation and realizing that mutual respect and fairness produce larger and better results than suspicion and selfishness.

The acts of bodies of men in their relations with other men should always be illuminated by publicity, for when the people see clearly what the facts are they will, in the long run, encourage what is good and condemn what is selfish.

Resolution introduced by Mr. Rockefeller at National Industrial Conference, held at Washington, D. C., October 16, 1919

Whereas the common ground of agreement and action with regard to the future conduct of industry with the development of a new relationship between capital and labor which the President sought in calling this conference can only be discovered as we approach the problem in the spirit of justice, brotherhood, and of willingness to put one's self in the other man's place, the coming of which means the substitution of confidence for distrust, of good will for enmity, of cooperation for antagonism; and

Whereas this spirit can be developed only by the resumption of personal relations between employer and employee or the nearest possible approach thereto; and

Whereas some form of representation in industry is essential in order to make personal relations possible under modern industrial conditions: Now, therefore, be it

Resolved, That this conference recognize and approve the principle of representation in industry under which the employees shall have an effective voice in determining their terms of employment and their working and living conditions; and be it further

Resolved, That any form of representation to be adequate must include—

1. Ample provisions whereby the stockholders and the employees through their respective representatives shall give current consideration to matters of common interest such as terms of employment and working and living conditions.

2. Any such further provisions, if any, as may be necessary to insure the prompt uncovering of grievances, real or alleged, and their speedy adjustment.

JOHN D. ROCKEFELLER INDUSTRIAL CREED
(Personal relations in industry)

If the points which I have endeavored to make are sound, might not the parties to industry subscribe to an industrial creed somewhat as follows:

(1) I believe that labor and capital are partners, not enemies, and that their interests are common, not opposed, and that neither can obtain the fullest measure of prosperity at the expense of the other, but only in association with the other.

(2) I believe that the community is an essential party to industry and that it should have adequate representation with the other parties.

(3) I believe that the purpose of industry is quite as much to advance social well-being as material prosperity; that in the pursuit of that purpose the interests of the community should be carefully considered, the well-being of employees fully guarded, management adequately recognized, and capital justly compensated; and that failure in any of these particulars means loss to all four parties.

(4) I believe that every man is entitled to an opportunity to earn a living, to fair wages, to reasonable hours of work and proper working conditions, to a decent home, to the opportunity to play, to learn, to worship, and to love, as well as to toil, and that the responsibility rests as heavily upon industry as upon government or society to see that these conditions and opportunities prevail.

(5) I believe that diligence, initiative, and efficiency, wherever found, should be encouraged and adequately rewarded; that indolence, indifference, and restriction of production should be discountenanced; and that service is the only justification for the possession of power.

(6) I believe that the provision of adequate means of uncovering grievances and promptly adjusting them is of fundamental importance to the successful conduct of industry.

(7) I believe that the most potent measure in bringing about industrial harmony and prosperity is adequate representation of the parties in interest; that existing forms of representation should be carefully studied and availed of, in so far as they may be found to have merit and are adaptable to conditions peculiar to the various industries.

(8) I believe that the most effective structure of representation is that which is built from the bottom up, which includes all employees, which starts with the election of representatives and the formation of joint committees in each industrial plant, proceeds to the formation of joint district councils and annual joint conferences in a single industrial corporation, and admits of extension to all corporations in the same industry, as well as to all industries in a community, in a nation, and in the various nations.

(9) I believe that to "do unto others as you would that they should do unto you" is as sound business as it is good religion; that the application of right principles never fails to effect right relations; that "the letter killeth, but the spirit giveth life"; that forms are wholly secondary, while attitude and spirit are all important; and that only as the parties in industry are animated by the spirit of fair play, justice to all, and brotherhood, will any plan which they may mutually work and succeed.

(10) I believe that that man renders the greatest social service who so cooperates in the organization of industry as to afford to the largest number of men the greatest opportunity for self-development and the enjoyment of these benefits which their united efforts add to the wealth of civilization.

Mr. SHIPSTEAD. I have emphasized Mr. Rockefeller's relations to this very extraordinary case, and I have done so deliberately. When a man makes the public professions Mr. Rockefeller has made, and then belies those professions by seeking to avoid a responsibility which is as plain as a pikestaff, I think he should be brought to the bar of public opinion.

Mr. Rockefeller says he is a minority stockholder. He may tell that story to those who are not familiar with the way big corporations are run in this country, but he can not very well insist on it to the Members of this Senate.

Mr. Rockefeller owns about 20 per cent of the stock of the Western Maryland. He is far and away the largest stockholder. There is no hostile interest represented on the road.

It is not necessary for me to tell the Senate that in the circumstances Mr. Rockefeller controls that road as absolutely as if he owned 51 per cent of the stock.

But he has another hold on the Western Maryland. The road's principle source of business is the Consolidated Coal Co., a Rockefeller property. Withdraw the business of the Consolidated Coal Co. and the Western Maryland will die.

The Western Maryland is at the mercy of Mr. Rockefeller. He has only to raise a finger and he could destroy it. And yet he tells the protesting citizens of Maryland and West Virginia that he can do nothing; that he is only "a minority stockholder."

Peace in industry is the ideal of all, but that means peace with honor, with reasonable comfort for the workers, with respect to their rights of collective bargaining.

If the powerful and widely diffused Rockefeller interests are to use high-sounding platitudes as a smoke screen under cover of which their subordinates disregard public interest and brutally exploit their employees, it is high time we knew it.

It is of especial moment that we know, through an investigation of the situation on the Western Maryland, whether this

Janus-faced policy is to be extended to the vitally necessary industry of transportation.

Mr. President, I ask unanimous consent for permission to introduce a resolution, and I ask that it be printed and referred to the Committee on Interstate Commerce.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered.

The resolution (S. Res. 207) was referred to the Committee on Interstate Commerce, as follows:

INVESTIGATION OF STRIKE ON WESTERN MARYLAND RAILROAD
Senate Resolution 207

Whereas John D. Rockefeller, Jr., is held by the people of the cities and towns along the line of the Western Maryland Railroad to be responsible for the continuation of an intolerable state of affairs resulting from a lockout and strike of the engineers and firemen on that railroad; and

Whereas mayors of cities, chambers of commerce, bankers, ministerial associations, and all elements of the population have suffered the consequences of a labor policy which has not only caused loss of life and property, but has destroyed the prosperity and demoralized the life of their cities for a considerable period prior to the strike; and

Whereas Mr. Rockefeller's evasion of responsibility satisfies no one; and

Whereas this attitude of Mr. Rockefeller, following the enforcement of a similar labor policy in the mining communities of western Maryland and West Virginia, where the Rockefeller interest is also admitted, jeopardizes the plans for peace and cooperation on the railroads, which Congress is now attempting to write into legislation; and

Whereas public officials and the press, as well as hundreds of individuals in letters to Mr. Rockefeller, make the following specific charges:

1. That the Western Maryland is engaged in interstate and foreign commerce; and its principal business is hauling coal from the Rockefeller mines to tidewater and other points.

2. Public officials and disinterested organizations have investigated closely the circumstances and are a unit in supporting the striking engineers and firemen because of the facts:

A. That the Western Maryland is the only class 1 railroad in the country which refused to grant the wages and working conditions requested by the workers involved in this controversy;

B. That the unions strove for two years to bring the management into successful negotiations or arbitration of their grievances; and

C. That by summary rebuffs, refusals to arbitrate, by public hiring of strike breakers, and by the discharge of large numbers of employees for refusal to sign a so-called "yellow dog" contract which would have sacrificed the principles of collective bargaining and placed the employees at the mercy of the employers, the company forced the men into the present strike.

3. Lives have been lost in serious accidents which continue to occur with appalling frequency, while the five months' dislocation of commerce and business grows worse and the attitude of Mr. Rockefeller blocks any effort for settlement.

4. Mr. Rockefeller has, in the past, professed publicly the "moral responsibility of stockholders" for labor policies and has recorded his "personal responsibility," but in the present dispute he has taken such pains to evade responsibility and to thus stultify his own utterances as to arouse justifiable suspicion as to his intention toward transportation and other public services in which he is interested.

5. The communities directly effected by the present situation object to being made the victims of policies of wide scope which disregard the public interest; Therefore be it

Resolved, That the Committee on Interstate Commerce, or any subcommittee be, and is hereby authorized, to investigate the existing strike of engineers and firemen on the Western Maryland Railroad, the conditions which caused it, the failure of the efforts at a settlement and Mr. John D. Rockefeller, Jr.'s attitude to them, and to report its findings to the Senate. That, for the purposes of this investigation, the said committee or subcommittee is authorized to hold hearings in Washington, D. C., in the State of Maryland, or in any other place where testimony can properly be taken, to sit during sessions of the Senate and recesses thereof, to administer oaths, to employ a stenographer at not to exceed \$1.25 per printed page, and to require the production of books and papers upon the subpoena of the chairman or any member of the committee or subcommittee; and the committee is further authorized to incur such necessary expense as may be required for the conduct of the investigation, said expense to be paid out of the contingent fund of the Senate upon vouchers duly signed by the chairman.

IMPORTATION OF GRAIN AND SEEDS

Mr. GOODING. Mr. President, I ask unanimous consent for the consideration of the conference report on Senate bill 2465, to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and

seeds unfit for seeding purposes, approved August 24, 1912, as amended.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Is there objection to the request of the Senator from Idaho?

There being no objection, the Senate proceeded to consider the report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2465) to amend the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the House amendment, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That section 1 of the act entitled 'An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes,' approved August 24, 1912, as amended, is amended (a) by striking out the words 'red top' wherever such words appear in such section and (b) by inserting, after the word 'flax' in the second proviso of such section, a comma and the words 'broomcorn millet, early fortune millet.'

"Sec. 2. Such act of August 24, 1912, as amended, is amended by adding at the end thereof the following new sections:

"SEC. 5. (a) On and after the effective date of this subdivision the importation into the United States of seeds of alfalfa or red clover, or any mixture of seeds containing 10 per cent or more of the seeds of alfalfa and/or red clover, is prohibited unless such seeds are colored in such manner and to such extent as the Secretary of Agriculture may prescribe and, when practicable, the color used shall indicate the country or region of origin.

"(b) Whenever the Secretary of Agriculture, after public hearing, determines that seeds of alfalfa or red clover from any foreign country or region are not adapted for general agricultural use in the United States, he shall publish such determination. On and after the expiration of 90 days after the date of such publication and until such determination is revoked the importation into the United States of any of such seeds, or of any mixture of seeds containing 10 per cent or more of such seeds of alfalfa and/or red clover, is prohibited, unless at least 10 per cent of the seeds in each container is stained a red color, in accordance with such regulations as the Secretary of Agriculture may prescribe.

"(c) The Secretary of the Treasury and the Secretary of Agriculture shall jointly prescribe such rules and regulations as may be necessary to prevent the importation into the United States of any seeds the importation of which is prohibited.

"(d) Subdivision (a) of this section shall become effective upon the expiration of 30 days after the date of the passage of this amendatory act.

"SEC. 6. (a) No person shall transport, deliver for transportation, sell, or offer for sale, in interstate commerce, any seed which is misbranded within the meaning of this section; except that this section shall not apply to any common carrier in respect of any seeds transported or delivered for transportation in the ordinary course of its business as a common carrier.

"(b) Any misbranded seed shall be liable to be proceeded against in the district court of the United States for any judicial district in which it is found, and to be seized for confiscation by a process of libel for condemnation, if such seed is being—

"(1) Transported in interstate commerce; or

"(2) Held for sale or exchange after having been so transported.

"(c) If such seed is condemned by the court as misbranded, it shall be disposed of in the discretion of the court—

"(1) By sale; or

"(2) By delivery to the owner thereof upon the payment of the legal costs and charges, and the execution and delivery of a good and sufficient bond to the effect that such seed will not be sold or disposed of in any jurisdiction contrary to the provisions of this act or the laws of such jurisdiction; or

"(3) By destruction.

"(d) If such seed is disposed of by sale, the proceeds of the sale, less the legal costs and charges, shall be paid into the Treasury as miscellaneous receipts.

"(e) Proceedings in such libel cases shall conform, as nearly as may be, to suits in rem in admiralty, except that either

party may demand trial by jury on any issue of fact if the value in controversy exceeds \$20; and facts so tried shall not be reexamined other than in accordance with the rules of the common law. All such proceedings shall be at the suit and in the name of the United States. The Supreme Court of the United States and, under its direction, other courts of the United States are authorized to prescribe rules regulating such proceedings in any particular not provided by law.

"(f) As used in this section—

"(1) The term "person" means individual, partnership, corporation, or association;

"(2) The term "interstate commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any other State, Territory, or possession, or the District of Columbia; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia; and

"(3) The term "district court of the United States" includes any court exercising the powers of a district court of the United States.

"(g) For the purposes of this section, seed shall be held to be misbranded if—

"(1) The container thereof, or the invoice relating thereto, or any advertising pertaining thereto, bears or contains any statement, design, or device that is false and fraudulent; or

"(2) If such seed is required to be colored, under the provisions of section 5 and the regulations issued thereunder, and is not so colored; or

"(3) If such seed is colored in imitation of seed required to be colored under the provisions of section 5 and the regulations issued thereunder.

"(h) The Secretary of Agriculture is authorized to prescribe such regulations as may be necessary for carrying out the provisions of this section.

"(i) This section shall take effect upon the date of the passage of this amendatory act; but no penalty or condemnation shall be enforced for any violation of this section occurring within 30 days after such date."

FRANK R. GOODING,
CHARLES L. McNARY,
ELLISON D. SMITH,

Managers on the part of the Senate.

CARL E. MAPES,
OLGER B. BURTNESS,
TILMAN B. PARKS,

Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the report.

Mr. COPELAND. Mr. President, is there anything in the amendments that weaken the bill at all?

Mr. GOODING. No; not at all. The House struck out the Senate bill after the enacting clause, and these are the amendments that were offered to the House bill.

Mr. COPELAND. Is not the amendment which was added in the House practically the same that we discussed and rejected here?

Mr. GOODING. No; this was what was added:

and, when practicable, the color used shall indicate the country or region of origin.

That was left out of the House bill and was added, and then it was amended by striking out "60 days" and inserting "30 days."

Those are the only amendments.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

SESQUICENTENNIAL OF AMERICAN INDEPENDENCE AND THOMAS JEFFERSON CENTENNIAL COMMISSION

The PRESIDING OFFICER (Mr. WILLIS in the chair) laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 30) authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document, which were to strike out the preamble; on page 3, strike out all of line 8 and down to and including "document" in line 9; and to amend the title so as to read: "Joint resolution authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of

the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence."

Mr. COPELAND. I have discussed this matter with a member of the committee on the other side having charge of the joint resolution. I am entirely satisfied with the amendments, and I move that the Senate concur in the amendments of the House.

The motion was agreed to.

FORT DEARBORN ADDITION TO CHICAGO

Mr. CAMERON. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 9964) releasing and granting to the city of Chicago any and all reversionary rights of the United States in and to the streets, alleys, and public grounds in Fort Dearborn addition to Chicago.

Mr. KING. Let the bill be read.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Chief Clerk read the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona for the present consideration of the bill?

Mr. KING. Reserving the right to object, I would like to have an explanation of the bill from the Senator from Arizona.

Mr. CAMERON. This is a House bill which was referred to the Committee on Military Affairs and unanimously reported by that committee. It has been gone into very thoroughly by the War Department. I will read briefly from the report an explanation of the purpose of the bill:

In 1824, upon request of the then Secretary of War, the southwest quarter of fractional section 10, containing about 57 acres, and within which Fort Dearborn was situated, was formerly reserved by the Commissioner of the General Land Office from sale and for military purposes. The lands so reserved were subdivided in 1837 by authority of the then Secretary of War—he being represented by one Matthew Birchard, Solicitor of the General Land Office, as special agent and attorney for that purpose—into blocks, lots, streets, and public grounds called the "Fort Dearborn addition to Chicago," and in 1839 a plat thereof was made and acknowledged by Birchard as such agent and attorney, and was recorded in the recorder's office of Cook County, State of Illinois, in book H, page 322, as the "Fort Dearborn addition to Chicago." After recordation of this plat, the then Secretary of War, under authority of the act of Congress approved March 3, 1819 (3 Stat. 520), through his agent and attorney, Matthew Birchard, placed upon the market for sale the lots shown upon the plat, which were sold and conveyed by the United States to divers persons. The plat above referred to, in addition to showing blocks, lots, streets, alleys, etc., showed a tract of land designated as "public ground forever to remain vacant of buildings."

The bill is to rectify what might be termed an oversight or to correct something that was overlooked at the time. It does not convey anything; it merely rectifies the record of the title of the land.

Mr. LENROOT. What does the Senator say as to the attempt to release any title that the United States might hereafter acquire?

Mr. CAMERON. The title was passed from the United States, as they supposed. If the Senator will read further in the report, he will see that that is the situation, and it is merely to correct the title.

Mr. LENROOT. I would like to ask the purpose of section 2 of the bill. That language is entirely novel in a bill. Section 2 reads:

An emergency existing, this act shall be in force from and after its passage.

Is not that true of every act?

Mr. CAMERON. I have no objection to that section going out. The matter was gone into very thoroughly by the House, and we accepted the report of the House on it.

Mr. LENROOT. I move that section 2 be stricken out.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Wisconsin moves an amendment, which will be stated.

The CHIEF CLERK. On page 2, line 10, strike out section 2 of the bill in the following words:

SEC. 2. An emergency existing, this act shall be in force from and after its passage.

So as to make the bill read:

Be it enacted, etc., That any and all reversionary right, title, or interest which the United States now has in and to any and all of the

streets, alleys, or public grounds in Fort Dearborn addition to Chicago in the southwest quarter of fractional section 10, township 38 north, range 14 east of the third principal meridian, in Cook County, Ill., and any and all right, title, or interest which the United States may hereafter acquire in or to any of said streets, alleys, or public grounds or any part thereof by virtue of the vacation or alteration of the same, or any part thereof, or by reason of any change in the use thereof, or any additional burden placed thereon, be, and the same hereby are, released and granted to and vested in the city of Chicago, to be held by it upon the same tenure and subject to the same conditions and limitations on which it now holds other streets, alleys, and public grounds within its boundaries dedicated by private individuals.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to a third reading, read the third time, and passed.

PUBLIC BUILDINGS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes.

Mr. WARREN. Mr. President, I ask the Senator in charge of the unfinished business if he will permit me to call up the legislative appropriation bill at this time.

Mr. FERNALD. I ask that we lay aside the unfinished business for the moment.

The PRESIDING OFFICER. Unless there is objection, the unfinished business will be temporarily laid aside.

Mr. HARRISON. I object.

The PRESIDING OFFICER. Objection is made.

Mr. WARREN. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 10425) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1927, and for other purposes.

Mr. HARRISON. I ask for the yeas and nays on the motion.

Mr. FERNALD. I hope the Senate will not vote to take up the bill. It would displace the unfinished business.

Mr. WARREN. No; it would not. If it did, I should not make the motion.

Mr. FERNALD. I feel that it would do so.

Mr. WARREN. Very well. I do not wish to interfere with the Senator's bill. I think it is evident, however, that we shall have to pass the appropriation bill pretty soon.

The PRESIDING OFFICER. The Senator from Wyoming has withdrawn his motion.

Mr. HARRISON. I make the point of order that the Senator can not withdraw the motion after the yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays were not ordered. They were demanded but have not been ordered.

COLORADO RIVER DEVELOPMENT

Mr. ASHURST. Mr. President, I have here a letter from Hon. George W. P. Hunt, Governor of Arizona, addressed to the Arizona delegation in Congress, in which the governor discusses the problems of the Colorado River. I ask that the same be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE, STATEHOUSE,
Phoenix, Ariz., April 14, 1926.

Hon. HENRY F. ASHURST,
Hon. RALPH H. CAMERON, and
Hon. CARL HAYDEN,

Washington, D. C.

GENTLEMEN: I have been following newspaper reports emanating from Washington and elsewhere concerning the question of Colorado River development.

I have observed reports that the representatives of the upper basin States have been in session for several days at Denver endeavoring to formulate amendments to the Swing-Johnson bill, which will fully protect the States of Wyoming, Colorado, Utah, and Nevada in the event that the Congress of the United States decides to take another additional step in destroying the form of government established by the founders of this Republic by voting to divest a State of its sovereignty over the natural resources which lie within its borders, and to place the Federal Government in the position of developing and selling hydroelectric energy, and to set aside the traditional and heretofore recognized sovereignty of the States in the legal ownership and control of the water which flows within their borders.

There are several phases of the subject of Colorado River development to which I should like to direct your attention.

ORIGIN OF THE COMPACT

Immediately following the war the question of the control of the Colorado River began to be stressed. Proposals to construct dams on the river for the development of hydroelectric energy and control of the water for irrigation purposes began to be discussed.

The States of Colorado and Wyoming, which had suffered grievously from autocratic interference with their development by Federal bureaucrats, and from court decisions which affected the use of water that falls within those States, recognized the possible menace to their future development by the further development of the Colorado River in the lower basin States. And they induced the States of New Mexico and Utah to join with them in demanding a compact among the seven States in the Colorado River Basin before they would consent to any development being undertaken in the lower basin.

The Congress of the United States passed a bill authorizing the seven States to make a compact and to apportion the water of the Colorado River "among the States." Each of the seven States in the basin passed uniform laws authorizing the making of such a compact, with the proviso that it must be ratified by the legislatures of the seven States and the Congress of the United States before becoming effective.

At a conference held at Santa Fe, N. Mex., in November, 1922, representatives of Wyoming, Colorado, Utah, New Mexico, Arizona, Nevada, and California, and Mr. Hoover, of California, representing the United States, met and drafted a compact, but not in accordance with the law passed by Congress which authorized the making of a treaty to allocate the water "among the States." The compact which was negotiated proposed to divide the water between two arbitrarily created basins which are designated as the "upper" and "lower" basins.

The tributaries of the river in Wyoming, Colorado, Utah, and New Mexico divides the water allocated to the "upper basin" to the satisfaction of the four States concerned.

At this point, it may be pertinent to remark that, in effect under the terms of the compact, the right of the four upper-basin States was recognized to consumptively use economically and beneficially all of the water that falls within the borders of those States which they can put to use. Engineers have testified that more water was allocated to these States than they can ever use economically or beneficially. The representatives of these States have testified also, that it may be 150 years before they can utilize some of the water which was reserved to them and that a portion of it will be diverted entirely out of the Colorado River Basin.

In 1923 the States of Wyoming, Colorado, Utah, New Mexico, Nevada, and California ratified the Santa Fe compact.

In 1925 the California Legislature repealed its ratification of the Santa Fe compact.

The Legislature of the State of Arizona in 1923 and again in 1925 refused to ratify the compact without reservations which would require a further agreement between the States in the lower basin which would protect Arizona.

At the time the Legislature of Arizona authorized the appointment of a commission to negotiate a compact, it also appropriated \$50,000 for the making of surveys and the accumulation of data in order that the interests of the State of Arizona might be fully protected. But at the time the compact was negotiated, practically none of these data were available.

In the summer of 1923 reports were made which I judged would enable Arizona to complete the work of carrying out the provisions of the act of Congress authorizing the negotiation of a compact to allocate the water of the Colorado River "among the States," and I took the initiative in inviting the Governors of the States of California and Nevada to appoint delegates to participate in a conference for this purpose. The Governor of California declined and the Governor of Nevada accepted.

A short time later a prominent citizen of Arizona, who was my opponent in the campaign for Governor of Arizona in 1924, visited my office and expressed the opinion that he would be able to arrange a conference with the Governors of California and Nevada which would result in the law passed by Congress authorizing a compact to apportion the water "among the States" being fulfilled.

I appointed this gentleman and one of the members of the legislature as a committee to arrange for such a conference; but the Governor of California declined to receive these gentlemen.

Still later, the Governor of Nevada took the initiative in trying to arrange a conference, and the Governor of California declined to accept his invitation to appoint conferees.

When a conference was finally arranged with a committee appointed by the Legislature of California to represent that State, the California committee insisted upon certain conditions as a precedent to the continuation of the conference which, in effect, would give California everything that State wants.

If the Upper Basin States are entitled to the protection they ask in the compact, and if the Congress of the United States is to pass legislation to give California what she is seeking and at the same time include in that legislation the full protection of the Upper Basin States, I think it essential that the State of Arizona be considered and pro-

ected, because as matters now stand the State of Arizona will be expected to meet all the deficiency caused by any shortage of water needed for the development of the lands in the Colorado River Basin. At this point I do not intend to refer to the proposal advanced in the Swing-Johnson bill with reference to power. I will merely repeat what the farmer said, when he arrived with his wagon at the top of the hill only to find his apples scattered along the road, to the small boy who had lifted the wagon gate and, standing anxiously by, asked the farmer why he didn't curse. The farmer replied, after scratching his head, that it was only because he could not do the matter justice.

MR. HOOVER

I have been interested in Associated Press reports of the testimony offered by Mr. Herbert Hoover, of California, Secretary of Commerce of the United States, before the Committee on Irrigation of Arid Lands of the House of Representatives on March 3, 1926, in which Mr. Hoover is quoted as having testified as follows:

"I believe Arizona is amply protected under the compact. If Arizona would negotiate the compact on the basis of water rights alone, there would be no trouble, but as it is other questions are being hung on the back of water rights."

I want to deny, without any equivocation, the statement of Mr. Hoover. Arizona has not refused to ratify a compact to carry out the provisions of the law enacted by Congress and as authorized by the Legislature of the State of Arizona to apportion the water of the Colorado River "among the States." She stands, with reference to the Santa Fe compact, in exactly the same position as California. The legislature of that State repealed the approval given the Santa Fe compact in the 1925 session of the legislature of that State.

The trouble with Mr. Hoover and others is that they object to Arizona facing facts squarely. They are evidently going on the theory that when one starts to pluck a goose, one should not take too big a handful lest the goose squawk too loud. The trouble is that Mr. Hoover and his associates in California have mistaken Arizona for a goose and have endeavored to pluck too big a handful, and the vigorous objection of the legislature and the people of this State have exposed their purposes.

POWER

I presume the "other issues," which Mr. Hoover complains that Arizona has injected into the controversy, relate to the subject of power. In this connection, I direct your attention to a statement of another gentleman (W. F. McClure) from California who sat in the Santa Fe conference representing that State. This statement is contained in a letter he addressed to the Governor of the State of Nevada on November 28, 1923, and can be found on page 714 of the Senate hearings of December 17, 1925, on Senate Resolution No. 320, before the Senate Committee on Irrigation and Reclamation. The statement follows:

"Any attempt on the part of the States in the Lower Basin to allocate any power which may be developed, should such power be financed by the Federal Government, would also be stoutly opposed by the Upper Basin States.

"The upper States furnish the water, which fact alone is sufficient to base the strongest kind of a claim to a fair portion of any power that may be developed anywhere on the river if such development is financed by Federal moneys."

The people of Arizona are fully alive to the situation and to the fact that power was involved in the Santa Fe compact. If you want additional testimony to that contained in the letter of Mr. W. F. McClure, the California commissioner at Santa Fe, you will find it in the testimony of Hon. Delph Carpenter, who has intelligently, competently, and honestly endeavored, in my judgment, to arrive at an equitable solution of the existing controversy as far as the interests of his State would permit.

Mr. Carpenter's statement will be found at the bottom of page 127 of the hearings before a Subcommittee on Appropriations of the United States Senate, the Sixty-ninth Congress, first session, H. R. 2907.

In reply to a question from Senator McKellar Mr. Carpenter testified as follows:

"Senator McKellar. Do you undertake to settle power rights, as to power distribution, as between the States to make an equitable distribution, as well as the use of water for irrigation purposes?"

"Mr. CARPENTER. Yes, Senator; in this. We do not attempt to deal with the allocation of the power, but we deal with the use of the water by which the power would be generated. Our compact or interstate treaty, now approved by six of the States and awaiting approval by Arizona, allocates the water for all beneficial uses, which, of course, includes power.

The question of power, to which I assume Mr. Hoover objects to Arizona insisting upon discussing with reference to a compact in the "Lower Basin," is of tremendous importance to the State of Arizona because when it is fully developed it will represent a value that has been conservatively estimated as being capable of being capitalized at over a billion dollars.

Under the plan of development advocated by Mr. Hoover, of California, and proposals advanced by other California agencies, Arizona

would be able to derive but little revenue from this tremendous resource, 85 per cent of which is within the State.

If California irrigation, construction, and maintenance is to be financed by power, why limit it to that developed in Arizona and Nevada at Boulder Canyon? Why not let the Upper Basin contribute to the cost also instead of letting those States, through cheap rates or taxes, enjoy all the benefit that will be derived from power production within the Upper Basin? Why charge it all to Arizona?

WATER FOR CALIFORNIA

Aside from this phase of Mr. Hoover's testimony, his statement that "Arizona is adequately protected by the Colorado River compact" in the allocation of water is equally false as is attested by the fact that the proposal submitted to Arizona by the legislative committee representing the State of California proposed to divide the water of the Colorado River, allocated to the lower basin by the compact, on the basis of three parts for California to one part for Arizona, and the further fact that California now has filings on record asking for more water than is allocated to the lower basin under the terms of the Santa Fe compact.

Arizona comprises 43 per cent of the drainage area of the Colorado River Basin, as against 2 per cent of California, or, to use figures, Arizona has a drainage area of 113,000 square miles, as against 6,000 square miles of California in the Colorado River Basin.

Arizona contributes more water to the Colorado River system than any other State with the exception of Colorado. California contributes no water to the Colorado River system.

If the State of Arizona had been so unwise as to ratify the Colorado River compact and then had been compelled to accept a proposal similar to that made by the California legislative committee, there would be practically no water left for use in the State of Arizona.

IS MR. HOOVER A COMPETENT WITNESS?

Considerable importance is being given to the testimony of Mr. Hoover, and it is rather important to know just how much value should be attached to his testimony in order to give it due weight.

There seems to be an inclination in some quarters to accept a statement from Mr. Hoover as being as immutable as the laws of the Medes and the Persians, and as deserving of reverence as the laws of Moses and the words of Holy Writ. I can not accept this theory. Mr. Hoover's testimony must be judged upon his standing as an engineer and as a statesman.

What is his record as an engineer?

I have not had time to study his accomplishments as an engineer in detail, but I find on page 1618 of the CONGRESSIONAL RECORD of January 13, 1926, certain statements that purport to define Mr. Hoover's record as an engineer.

It would appear from such information that Mr. Hoover's reputation as a great engineer must be accepted to a great extent on the basis of his press agents' propaganda.

IS MR. HOOVER'S TESTIMONY RELIABLE?

Mr. Hoover has appeared several times before committees of Congress to testify concerning Colorado River problems. The question occurs as to the reliability of his testimony.

In the CONGRESSIONAL RECORD of June 30, 1923, Mr. Hoover is quoted as declaring that there were 5,000,000 acre-feet of water in the Colorado River system over and above the 16,000,000 acre-feet allocated by the compact yet to be divided. I ask you gentlemen to compare this testimony with the testimony of engineers who know something about the adequacy of the water supply of the Colorado River, such engineers as Stabler, who testified it is unsafe to depend upon more than 12,000,000 acre-feet of water a year for irrigation above Laguna Dam; LaRue, who estimates the reconstructed flow of the river at Lee Ferry at 16,600,000 acre-feet; Kelly, and others. California representatives state that they do not accept the statement that there is a surplus of 5,000,000 acre-feet of water available above the compact apportionment.

Mr. Hoover also implies that there is adequate water in the Colorado River for all the States concerned. Again, I refer you to the testimony of the same engineers as to the accuracy of his testimony.

The conflict over the division of the water of the Colorado River revolves around the fact that there is not sufficient water available to irrigate lands economically feasible and susceptible of irrigation in the United States.

Arizona is not willing to accept Mr. Hoover as an unbiased arbitrator, nor are we willing to rest our case upon his competency as an engineer.

I am not going to attempt to comment upon his statesmanship. You gentlemen are more familiar with it than I.

THE BOULDER CANYON DAM SITE

The Boulder Canyon Dam site, which Mr. Hoover and other eminent California citizens are endeavoring to foist upon the people of the United States and to utilize to despoil the State of Arizona, merits some discussion.

Mr. Hoover has never seen the Colorado River Dam sites. Mr. Hoover and the proponents of the Boulder Dam site have abandoned

that site and have moved 30 miles down the river, to what is now designated as "Black Canyon Dam site."

It was found that the depth to bedrock at Boulder Canyon was 158 feet, while the depth to bedrock of Black Canyon is 125 feet.

According to the testimony of engineers Clark and Goethals, the Boulder Canyon and Black Canyon Dam sites are in an earthquake zone, and there is testimony in the hearings of one of the witnesses who was present during an earthquake.

It is also well known that the Black Canyon and Boulder Canyon sites are located in what is recognized by geologists as one of the greatest "fault" sections in the United States.

Numerous witnesses have testified as to the existence of tremendous veins of volcanic salt in what would constitute the reservoir in the event of the Boulder Canyon Dam or the Black Canyon Dam should be built. Anyone who has ever drunk water from the Colorado River knows that the per cent of salt contained in that water is excessive.

Engineers have testified as to the enormous loss of water which will occur from evaporation which would result from the construction of a dam at or near Boulder Canyon.

Engineers have testified that 400,000 horsepower of hydroelectric energy will be destroyed if a dam is constructed at or near Boulder Canyon.

Your attention is directed to the flat declaration of an engineer of the United States Geological Survey, who declared:

"If you want to irrigate a million acres of land in Mexico and dedicate a million acres of land to the desert in the United States, go ahead and build Boulder Canyon Dam."

It is true these Mexican lands are owned by citizens of the same State as that represented by Mr. Hoover.

You will find in the testimony on the Boulder Canyon Dam bill the evidence that the construction of a dam at Black Canyon would submerge gold-bearing gravels capable of producing \$64,000,000.

You will find in the testimony of Mr. Clark, a California engineer, that the proposed location of the Black Canyon Dam is on a basalt base which has a tendency to split even when not under stress.

Upon examination of the evidence you will find the testimony of Government engineers is almost unanimous against the construction of a dam at Black Canyon. It is true that two engineers, who were discharged from the service of the United States Reclamation Bureau, have been very strenuous in their testimony in favor of the Black Canyon Dam site. I shall have something to say later concerning the testimony of one of them, and comment upon his reliability and accuracy.

What is there to be accomplished by building a dam at Boulder or Black Canyon that can be accomplished so successfully there and at no other place on the river?

The only conditions which a dam at Boulder Canyon assure which can not be accomplished more effectively, efficiently, and economically elsewhere on the river are:

1. Availability of adequate water to irrigate 1,000,000 acres of land for Mr. Harry Chandler and his associates in Mexico.
2. The dedication to the desert forever of an acre of land in the United States (this means in Arizona) for every acre irrigated in Mexico.
3. All the water that can be utilized in California, although the water for the coastal plain cities will be obtained at an unnecessarily heavy expense because of the proposal to pump it to an altitude of 1,200 feet above the river.
4. The permanent loss of 400,000 horsepower of hydroelectric energy or the alternative of putting in the junk heap millions of dollars' worth of property which would be created by the construction of a dam and power plant as contemplated at or near Boulder Canyon.
5. Placing a limit on the amount of land which can be irrigated in Arizona by gravity, so that none of the water which the upper basin States agree to deliver to the States of the lower basin at Lee Ferry under the terms of the Colorado River compact could ever be available for use by gravity in the State of Arizona.

In addition to the economic crime which it is proposed to have the Federal Government perpetrate at Boulder or Black Canyon, it is interesting to note the efforts of California politicians to foist the cost of the benefits that California seeks upon the States of Arizona and Nevada and over the vigorous protests of this State.

It is also interesting to note that the suggestion for an amendment to the proposed bill offered by Mr. Squires, as representative of the State of Nevada, was brusquely brushed aside by the Secretary of the Interior when Mr. Squires suggested the amendment that a tri-State agreement be first negotiated in conformity with the law passed by Congress before development be undertaken.

ALL-AMERICAN CANAL

Long and loud have been the plaintiff pleas emanating from the Imperial Valley for protection from floods. It is interesting to note, however, that those who have been appointed to represent the State of California, and who are endeavoring to speak for the Imperial Valley and for California in their negotiations with representatives of this State, assert that it is not floods they fear in the Imperial Valley but drought.

In 1924, the testimony shows, for 72 consecutive days the entire supply of water of the Colorado River was diverted for use in the Imperial Valley, and the farmers there are reported to have had less than half enough to meet their needs. In fact, there has been an inadequate water supply the past three years. It is reported that 100,000 acres of additional land have been put in cultivation in Mexico this year, and that the water necessary for this land will come out of the available normal supply of the river as a result of the contract made with Mexico by the Imperial Valley irrigation district, making a still further shortage for that valley.

The State of Arizona has no quarrel with the Imperial Valley over the construction of the all-American canal in California. I think the majority of the people of this State are in favor of the construction of that canal, but we do not want to pay for it. We want it understood that it is going to stand upon its own merits so far as we are concerned, and that with a regulated water supply it represents an increase in California land values of \$150,000,000 for the Imperial Valley.

We object to the dissembling propaganda that it is needed to secure homesteads for ex-service men, when we know that if every available acre of the unappropriated public domain in the Imperial Valley were assigned as homesteads to ex-service men, only 1,256 veterans would be able to secure a homestead.

We also want it understood that we know that only one-third of those owning land in the Imperial Valley live there, and that less than that number farm the soil they own. We want it recognized definitely that the all-American canal is a huge, speculative venture for the enhancement of the value of California lands of which 47,300 acres are owned by the Southern Pacific Railroad.

You, of course, understand the anxiety of the people of Arizona to protect the interests of this State, and when we see the greedy paw of the California bear reaching out to pilfer and plunder the resource in the honey tree of Arizona, we can not be censured if an anxious patriot meets the bear half way and gives it a rap on its sinister snout—the vigor of our language, I think, can be understood under the circumstances.

IS CALIFORNIA JUSTIFIED IN DEMANDING AN UNFAIR APPORTIONMENT OF THE WATER OF THE COLORADO RIVER?

The representatives of California in justification of their attitude in demanding an unfair apportionment of the water of the Colorado River and the control of power that does not belong to them, assert that their reason for so doing is that it is needed to contribute to the growth and prosperity of the State of California. If this is so, why does California not develop her own unused 12,000,000 acres and 9,000,000 horsepower of electrical power?

The allegation is made that Arizona can not use these resources.

What natural or economic law or what mandate from the Almighty is there that makes it imperative that southern California should grow at the expense of Arizona?

If there is not enough water for both States, which State should be denied—the one that constitutes 43 per cent of the river basin, or the one which comprises 2 per cent? The State which puts the second largest amount of water into the system, or the State which contributes none of the water?

We are curious to know what special arrangement with the Deltic the California politicians have which gives them information that California is going to continue to grow and that Arizona is going to remain stationary and unable to use her own resources? Of course, if they get away with their Swing-Johnson and Mexican schemes it makes it certain that Arizona will not grow very much.

It is true California now has a greater population than Arizona at this time, but it obtained nearly all of its population in the last 40 years.

Arizona showed a greater percentage of growth in population between 1910 and 1920 than any other State, and we are just beginning to grow.

We are still growing more rapidly in proportion to population than any other State, with the exception of Florida.

Population shifts with opportunity.

What is it that makes a State? Natural resources plus climatic conditions, plus energy, intelligence, and the resourcefulness of her people. Are the natural resources of southern California greater than those of Arizona? No.

Is the climate of southern California superior to that of Arizona? No.

It would ill behoove me to compare the intelligence, industry, and resourcefulness of the people of the two States.

Is there any merit in the contention that California is entitled to the water and power of the Colorado River because she asserts she needs it? One hundred miles south of the Salt River Valley in Arizona (less than one-half the distance Boulder Canyon power would have to be transmitted to reach Los Angeles) lies a splendid harbor, where the ships of the world may anchor and transport our copper, cotton, cattle, wool, and the produce of our farmers and our forests.

This harbor is the property of the Republic of Mexico. I wonder if the same plausible sophistry of the California politicians would be suffi-

cient to justify Arizona in asking that this harbor be obtained from Mexico for Arizona because Mexico does not need it and can not use it now, while we might.

EXPERT WITNESSES

The people of Arizona are able to weigh the evidence of expert witnesses. In fact, we have our own opinion of expert witnesses. California has a reputation with reference to expert witnesses. It was a Californian in a famous murder trial, testifying as an expert witness, who invented the disease "Dementia Americana" to free a murderer. Of course he did it for pay.

Numerous expert witnesses have testified concerning the development of the Colorado River and particularly concerning the proposed Boulder Canyon Dam.

I want to discuss for just a few moments the evidence submitted by one of them. Mr. F. E. Weymouth testified very vigorously against the State of Arizona and very belligerently in favor of Boulder Canyon. In fact, he became so enthusiastically in favor of his plan for the development of the river and so unfair in his testimony that he discredited his own evidence. And the testimony of many of the other expert witnesses for California, when measured by the same tests as that applied to Mr. Weymouth's evidence, will prove it to be equally as accurate and authentic.

Mr. Weymouth put into the testimony before the Senate Committee on Irrigation and Reclamation, two tables which will be found on page 813 of the Senate hearings on December 22, 1925. These tables purport to be a comparison of the LaRue and Weymouth plans for irrigation of lands in the lower basin. A table in Senate Document No. 142, which is known as the Fall-Davis report, which Mr. Weymouth also helped to prepare, states that the maximum number of acres of land that can be economically and feasibly irrigated in the State of Arizona from the Colorado River is 270,000 acres.

The Arizona Engineering Commission, of which Mr. E. C. LaRue, of the United States Geological Survey, was chairman, suggested that in addition to these 270,000 acres it was possible to irrigate some 700,000 additional acres of land in what he designated as the Parker-Gila project.

In the comparative plan submitted by Mr. Weymouth in the Senate hearings he includes in his own plan the 702,000 acres of the Parker-Gila project and leaves it out of the LaRue plan in order to show that the Weymouth plan will irrigate approximately 700,000 more acres than the LaRue plan.

I leave it to you to find the proper words to characterize such testimony.

The Mulholland plan for lifting water by pump 1,200 feet in order to bring to Los Angeles some 1,500 second-feet of water when submitted to the same tests as to the cost of power for pumping in comparison with the interests on capital investment for a tunnel to bring the water to Los Angeles by gravity also indicates that the factor of the capitalized value of the perpetual use of 200,000 horsepower of electrical energy for power is eliminated in the figures put forth for the edification and enticement of the citizens of California, according to the statements of a United States Government engineer.

We think it rather strange in Arizona that Government engineers, with the exception of those who have been discharged from the Reclamation Service, are nearly all on record as testifying against the Boulder Canyon project. It is strange also that private capital seeking opportunity to invest in the development of the Colorado River, in nearly every case, proposes to develop elsewhere than at Boulder Canyon.

It is also strange that expert engineering witnesses who were formerly in the Reclamation Service, who appear to testify from time to time for California and the Boulder Canyon scheme have all been connected with Fall-Davis report which contained the proposition of irrigating approximately a million acres of land in Mexico.

Arizona resents the attempt to ram through Congress the Swing-Johnson bill. We appreciate the fact that with Mr. Hoover and Mr. Wilbur in the Cabinet, Mr. Mead as Commissioner of Reclamation, and Senator JOHNSON and Congressman SWING and Senator SHORTRIDGE California wields a powerful influence with the administration at Washington.

They may succeed in forcing the adoption by Congress of the Boulder Canyon scheme, but if they do the courts of the United States are going to have to pass upon its legitimacy.

California representatives are failing to recognize the fact that this is a Nation of 48 States, each of which is a sovereign within its own borders, and it will take a decision of the United States Supreme Court to declare that Arizona has no sovereignty over the resources which California is endeavoring to appropriate to herself.

I make no predictions as to whether the bill will pass or not, but I ask you to reflect, if speed is desired in the development of the river, why should this Nation have one policy at Muscle Shoals and another on the Colorado River?

And again I ask, Was anything ever settled until it was settled right? Did expediency ever win? Did it win for Los Angeles when it acquired Owen Valley water? Los Angeles is now beginning to pay for water it secured from Owen Valley.

If California wants to grow and prosper, it can only be upon terms of amity with her sister States. Up to date her representatives have shown little inclination to deal fairly and justly with Arizona. When California gets ready, you will find Arizona ready and waiting to work with her. We would rather work with California than fight her, but if fighting is necessary we shall do our best to defeat her purposes.

A PLAN OF DEVELOPMENT

I suggest that the economical, feasible, and practical way to develop the Colorado River is for the States of Arizona, California, and Nevada to get together, compose their differences, and either form a giant power and irrigation district, develop the river, and apportion the benefits equitably to each State, if public instead of private development is preferred. Federal control will handicap the States.

Arizona can afford to deal generously with California, and California can not afford to deal other than equitably with Arizona.

ARIZONA PROPOSAL FOR DIVISION OF WATER

A committee appointed by me to represent Arizona made a proposition to California for the division of the water of the Colorado River on the following basis:

Each State in the basin was to be recognized as having the right to use all the water it produced that it could use economically and beneficially; that of the surplus which comes down from the upper basin Nevada was to be given 300,000 acre-feet, which is all she asked for, and the remainder to be divided 50-50 between Arizona and California.

Remember that Arizona has nearly ten times as much drainage area in the Colorado River Basin as California.

That is more than an equitable division, yet the representatives of California rejected it.

POWER DISTRICT

In reference to power, the committee representing Arizona proposed the formation of a power district to comprise the States of Arizona, southern California, and Nevada to develop and produce electric power. But instead of remaining home and cooperating and working out a plan, California representatives went "hightailing" to Washington, chasing a will-o'-the-wisp because the Secretary of the Interior changed his mind and recommended the construction of a dam at Boulder Canyon.

ALLEGED NEGATIVE POLICY

Attempts have been made in Congress by representatives of California and others to infer Arizona is causing delay in the development of the river, and they criticize what they designate as the "negative policy" of this State.

I deny that Arizona's policy has been negative. On the other hand, a very definite idea as to how the river should be developed has been proposed by this State. We have a filing on record with the Federal Power Commission for a permit to build dams at Bridge and Glen Canyons. If we are given a permit by the Federal Power Commission, we would have no difficulty in building these dams.

HIGH LINE CANAL

Another proposal has been advanced by citizens of Arizona who advocate the construction of a project embracing dams at Glen Canyon and Bridge Canyon, thereby providing for storage and diversion at a point sufficiently high on the river to permit of the diversion of the water for use on some 3,000,000 acres of available lands in Arizona and the development of a tremendous amount of hydroelectric power.

WHAT WE HAVE BEEN DOING

I remind you of the fact that Arizona has only been a State for the past 14 years. During this period we have developed a school system second to none in the United States.

Our university is recognized by the American Association of Universities as a class A institution, whereas only about one-third of the State universities have such a high classification.

In the report of the Secretary of Agriculture of the United States Arizona ranks ahead of 15 other States as to the number of miles of highways constructed up to Federal-aid standards. Competent critics tell us we have the best gravel-surfaced highways in the United States.

Our university and our roads and our State property are paid for. The State has no outstanding bond issues. We have paid as we have gone along.

When the United States Reclamation Service wants to refer to some project to justify its administration, to point to something successful that Federal bureaucracy can claim credit for, you will find that the first project it refers to is the Salt River Valley project in Arizona, which is managed by citizens of this State; and you will also find the Yuma project in Arizona near the top of the list.

A reference to statistics will indicate to you that over 50 per cent of the copper produced in the United States comes from Arizona, and we also rank near the top of the list in the production of gold and silver.

I do not refer to these things in a spirit of boastfulness, but to indicate that we have not been wasting our time during the past 15 years since the incubus of Federal control has been taken from our backs, and that we have carved out and built a State out of the 113,000 square miles of territory which constitute the State of Ari-

zona; that our population has been busy and that we have made this progress in spite of the fact that we have participated in a World War, the records of which will show that Arizona furnished more men to the American forces in proportion to the per capita of population than any other State.

If we have not accomplished all that some critics think that we should, we invite them to compare their records with what we have accomplished.

These items are also cited for the reason that we wish to direct your attention to the fact that the citizenship of Arizona is intelligent, self-reliant, courageous, and is not to be overawed because Mr. Hoover, the Secretary of Commerce, feels piqued because his proposition which was drafted at Santa Fe was not accepted without careful scrutiny, and in which serious flaws were found which affected this State. We are not concerned with Mr. Hoover's aspirations for (obtaining the backing of California) the Presidency of the United States, and his hope of obtaining the support of the seven States in the Colorado River Basin in attaining his ambition.

PROPOSED TREATIES

I notice also, from Associated Press reports, that negotiations are being considered with Mexico leading up to the making of a treaty affecting the division of the water of the Colorado River. I implore you to be on guard in connection with any such proposed treaty.

In this connection I direct your attention to the masterful speech made in the United States Senate by Senator Thomas, of Colorado, in connection with another treaty negotiated with Mexico, and in which similar questions were involved in connection with the waters of the Rio Grande River.

I especially refer you to that part of Senator Thomas's great speech in the United States Senate on March 23 and 24, 1914, as I anticipate it may accurately summarize the effect of such a treaty as may be negotiated upon the welfare of Arizona. Among other things Senator Thomas stated was that—

"The treaty was a consummation of a sordid, shameful, and successful intrigue conducted in the interest of private parties impelled by greed and gain, based upon the existence of no legal, political, or moral claim whatever on the part of the Mexican Government or any of its citizens against this Government or any of its citizens."

CONCLUSION

In conclusion I again repeat that the State of Arizona has endeavored to carry out the provisions of that act of Congress which authorized the negotiations of a compact to apportion the water of the Colorado River "among the States," and that any delay in carrying out the provisions of this act can be attributed to one State only—California, which is still delaying meeting with our representatives.

The present attempt of some of the members of the Cabinet and representatives of California to force through Congress a measure designed for the benefit of that State and to the detriment of the State of Arizona and which will contribute materially to the benefit of California owners of lands in a foreign nation is something that I do not believe the Congress of the United States will force upon a State that was admitted to the Union presumably upon a equal footing with all the other States.

I also repeat that if I am in any position to prevent it, and I hope that I may be, if Congress is so derelict in its duty—so inconsiderate of the rights of the State of Arizona as to endorse the nefarious scheme that is proposed under the terms of the Swing-Johnson bill—that I shall endeavor to have the Supreme Court of this Nation pass upon the constitutionality of such work.

I also desire to remind you that California witnesses have declared that the Pescadero cut may silt up in from 7 to 12 years and cause a flood in the Imperial Valley. I direct your attention to the fact that the tactics being pursued by California in connection with this legislation does not tend to facilitate the early construction of storage works on the river, and that if it were floods that California fears her representatives would now be negotiating with the representatives of this State and of the State of Nevada instead of lobbying in Washington in an effort to despoil the State of Arizona of her heritage and, if possible, leaving the State of Nevada also without recompense for her resources.

Very respectfully yours,

GEO. W. P. HUNT, Governor.

COURTS IN SOUTH CAROLINA

Mr. BLEASE. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 3028) to divide the eastern district of South Carolina into four divisions and the western district into five divisions. It is a local bill.

Mr. BINGHAM. What is the bill?

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Chief Clerk read the bill by title.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina for the immediate consideration of the bill?

Mr. KING. Mr. President, I should like to ask the Senator from South Carolina whether the bill will require additional quarters to be purchased by the Government, involve the appointment of more clerks and deputy clerks and marshals, and otherwise entail additional expense upon the Government of the United States?

Mr. BLEASE. On the contrary, Mr. President, it will save expense. The bill merely provides that criminal cases shall be tried in the divisions where the indictments are brought. It will eliminate the necessity of witnesses having to travel from one part of the State to another. The committee reported the bill unanimously.

Mr. KING. There will be no impediment to a change of venue, then, from one district to another?

Mr. BLEASE. That is the vital point of the bill, that the venue can be changed.

Mr. WILLIAMS. Mr. President, I think the bill merely provides for a roving judge.

Mr. BLEASE. No; the bill the Senator has in mind is a different bill; that is a House bill, while this is a Senate bill. This bill merely provides that criminal cases shall be tried in the nearest court, unless the judge shall change the venue. No additional officers will be required.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina for the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments in section 3, page 3, line 3, after the word "all," to insert "criminal"; in the same line, after the word "cases," to strike out "both civil and criminal" and insert "shall"; and in line 4, after the word "which," to strike out "the cause of action arises or" and insert the word "the," so as to make the section read:

SEC. 3. That all criminal cases shall be tried in the division in which the offense was committed, unless upon proper showing the venue would be changed by the judge from one division to another, and this change be made only upon affidavits and motion made in open court after four days' notice to the adverse party.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

LEVIN P. KELLY

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2111) for the relief of Levin P. Kelly, which were, on page 1, line 5, after the word "appropriated," to insert "in full settlement against the Government," and in line 5, to strike out "\$6,000" and insert in lieu thereof "\$5,740."

Mr. STEPHENS. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

MISSISSIPPI RIVER BRIDGES

Mr. STEPHENS. From the Committee on Commerce I report back with an amendment the bill (H. R. 10351) granting the consent of Congress to the Natchez-Vidalia Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Natchez, Miss., and I submit a report (No. 636) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was to strike out all after the enacting clause and to insert:

That the consent of Congress is hereby granted to the Natchez-Vidalia Bridge & Terminal Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, between the city of Natchez, Miss., and a point in the city of Vidalia, La., connecting with the Lone Star Trail Highway, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the said Natchez-Vidalia Bridge & Terminal Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by bridge corporations for bridge purposes in the State or States in which such real estate and other property are located upon making just compensation therefor, to be ascertained and paid according to the laws of such State or States; and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State or States.

SEC. 3. The said Natchez-Vidalia Bridge & Terminal Co., its successors and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

SEC. 4. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Mississippi, the State of Louisiana, any political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property); and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over and acquired by the States or political subdivisions thereof under the provisions of section 4 of this act, the same may thereafter be operated as a toll bridge. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring such bridge and its approaches shall have been provided, the bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. The said Natchez-Vidalia Bridge & Terminal Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge the Secretary of War may investigate the actual cost of such bridge, and for such purposes the said Natchez-Vidalia Bridge & Terminal Co., its successors and assigns, shall make available to the Secretary of War all of the records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Natchez-Vidalia Bridge & Terminal Co., its successors or assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage, foreclosure, or otherwise is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. STEPHENS. From the Committee on Commerce I report back with an amendment to the bill (H. R. 9758) granting the consent of Congress to the Vicksburg Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Vicksburg, Miss., and I submit a report (No. 637) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was to strike out all after the enacting clause and to insert:

That the consent of Congress is hereby granted to the Vicksburg Bridge & Terminal Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, between a point in the city of Vicksburg, Miss., at or near the crossing of the Dixie Overland Highway, and a point opposite in the State of Louisiana, at or near the continuation of the Dixie Overland Highway, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the said Vicksburg Bridge & Terminal Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by bridge corporations for bridge purposes in the State or States in which such real estate and other property are located upon making just compensation therefor, to be ascertained and paid according to the laws of such State or States; and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State or States.

SEC. 3. The said Vicksburg Bridge & Terminal Co., its successors and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

SEC. 4. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Mississippi, the State of Louisiana, any political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase or by condemnation in accordance with the law of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property); and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over and acquired by the States or political subdivisions thereof under the provisions of section 4 of this act, the same may thereafter be operated as a toll bridge. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide, as far as possible, a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring such bridge and its approaches shall have been provided, the bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. The said Vicksburg Bridge & Terminal Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge the Secretary of War may investigate the actual cost of such bridge, and for such purposes the said Vicksburg

Bridge & Terminal Co., its successors and assigns, shall make available to the Secretary of War all of the records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Vicksburg Bridge & Terminal Co., its successors or assigns; and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RECESS

Mr. CURTIS. I move that the Senate take a recess in accordance with the unanimous-consent agreement entered into on the 14th instant.

The motion was agreed to; and the Senate (at 4 o'clock and 25 minutes p. m.) took a recess until to-morrow, Wednesday, April 21, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 20 (legislative day of April 19), 1926

UNITED STATES DISTRICT JUDGE

Cecil H. Clegg, of Alaska, to be United States district judge, District of Alaska, Division No. 4. A reappointment, his term having expired.

PROMOTIONS IN THE NAVY

Lieut. Commander John F. McClain to be a commander in the Navy from the 1st day of December, 1925.

Lieut. (Junior Grade) Kenneth C. Hawkins to be a lieutenant in the Navy from the 7th day of June, 1925.

Lieut. (Junior Grade) Tighlman H. Bunch, jr., to be a lieutenant in the Navy from the 1st day of August, 1925.

Lieut. (Junior Grade) Stanley J. Michael to be a lieutenant in the Navy from the 4th day of September, 1925.

Lieut. (Junior Grade) Frank H. Conant, 2d, to be a lieutenant in the Navy from the 4th day of October, 1925.

Lieut. (Junior Grade) Samuel Gregory to be a lieutenant in the Navy from the 16th day of February, 1926.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 3d day of June, 1925:

Omer A. Kneeland.

George D. Cooper.

John G. Mercer.

Daniel B. Candler, jr.

Assistant Paymaster Edwin A. Eddicorde to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 21st day of February, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 20 (legislative day of April 19), 1926

UNITED STATES MARSHALS

Albert C. Sittel, southern district of California.

Siegel Workman, southern district of West Virginia.

UNITED STATES DISTRICT ATTORNEYS

Harry H. Atkinson, district of Nevada.

Sanford B. D. Wood, district of Hawaii.

POSTMASTERS

ALABAMA

William F. Crownover, jr., Oakman.

ARIZONA

John C. McNary, McNary.

CALIFORNIA

William P. Boyer, Reedley.

Francis R. Coleman, Weed.

GEORGIA

Daniel F. Davenport, Americus.

Lila H. Rambo, Blakely.

Annie P. Harper, Stillmore.

Claude M. Proctor, Summit.

Henry A. Moses, Uvalda.

IDAHO

Bruce D. Spratt, Fairfield.

INDIANA

LeeRoy Calaway, La Fontaine.

IOWA

Elmer Akers, Decatur.

KENTUCKY

Eva B. Jolly, Cloverport.

MARYLAND

August W. Clark, Lutherville.

MISSOURI

Claude P. Dorsey, Cameron.

MISSISSIPPI

William G. Berry, Cruger.

NEBRASKA

Vaclav Randa, Verdigre.

NEW JERSEY

Clara C. Hurry, Atco.

Charles Morgenweck, sr., Egg Harbor City.

NEW YORK

Hubert F. Strickland, Chenango Forks.

Hobart R. James, Cherry Creek.

Edward H. Maloney, Dansville.

Warren G. Hasbrouck, Highland.

Winfield S. Carpenter, Horicon.

Alfred B. Kent, Nunda.

William J. Herbage, Slingerlands.

Manley S. Mack, Springwater.

James McLusky, Syracuse.

NORTH CAROLINA

William P. Lee, Benson.

Alexander R. Duncan, Clayton.

Ethel L. Smith, Garland.

Elijah F. Pearce, Princeton.

William J. Hardage, Waxhaw.

OHIO

Charles L. Oberlin, Mineral City.

John H. Siegle, Urbana.

Millard H. Bell, West Mansfield.

OKLAHOMA

Robert C. Mayfield, Glencoe.

Cora B. Scott, Milburn.

Roy A. Hoffman, Seminole.

James S. Biggs, Stuart.

PENNSYLVANIA

Joseph M. Hathaway, Rices Landing.

TENNESSEE

Robert D. Lindsay, Coal Creek.

TEXAS

Scott F. Benson, Alvin.

Mary V. Rollings, Dodsonville.

Maye B. Fitzgerald, Marfa.

Arthur G. Skinner, Palacios.

Mamie Milam, Prairie View.

Ralph D. Sterling, Somerville.

Benjamin F. Huntsman, Winters.

HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1926

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We would wait patiently for Thee, O Lord. Consider us and incline Thine ear and hear our prayer. Thou art the bread of life and all the material and spiritual wonders which this suggests. When these forms yield us their bounties may we realize that behind them all is our heavenly Father, full of infinite glory and mercy. Help us to have always a compelling gratitude for all Thy blessings. May all our labors bear the mark of a high and Christian consideration of our fellow countrymen. Be with any who may be in trouble; look through their clouds and brush away their tears. Be our guide, our strength, our comfort, and our all, and Thine shall be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO ADDRESS THE HOUSE

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent that on Thursday, April 22, immediately after the conclusion of the remarks of the gentleman from Texas [Mr. BUCHANAN], which have been made a special order for that day, I may be permitted to address the House for 35 minutes on the subject of retirement in the civil service.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that on Thursday, April 22, immediately after the conclusion of the remarks of the gentleman from Texas [Mr. BUCHANAN], he be permitted to address the House for 35 minutes on the subject of retirement in the civil service. Is there objection?

There was no objection.

LEAVE OF ABSENCE

Mr. ABERNETHY. Mr. Speaker, I desire to ask for an indefinite leave of absence for my colleague Mr. KERR, on account of illness.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

REGULATING FOREIGN COMMERCE

Mr. MAPES. Mr. Speaker, I desire to call up the conference report on Senate bill 2465, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Michigan calls up a conference report on the bill S. 2465, which the Clerk will report by title.

The Clerk read as follows:

A bill (S. 2465) to amend the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the statement.

The statement was read.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2465) to amend the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the House amendment, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That section 1 of the act entitled 'An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes,' approved August 24, 1912, as amended, is amended (a) by striking out the words 'red top' wherever such words appear in such section and (b) by inserting, after the word 'flax' in the second proviso of such section, a comma and the words 'broomcorn millet, early fortune millet.'

"Sec. 2. Such act of August 24, 1912, as amended, is amended by adding at the end thereof the following new sections:

"SEC. 5. (a) On and after the effective date of this subdivision the importation into the United States of seeds of alfalfa or red clover, or any mixture of seeds containing 10 per cent or more of the seeds of alfalfa and/or red clover, is prohibited unless such seeds are colored in such manner and to such extent as the Secretary of Agriculture may prescribe and, when practicable, the color used shall indicate the country or region of origin."

"(b) Whenever the Secretary of Agriculture, after public hearing, determines that seeds of alfalfa or red clover from any foreign country or region are not adapted for general agricultural use in the United States he shall publish such determination. On and after the expiration of 90 days after the date of such publication and until such determination is revoked the importation into the United States of any of such seeds, or of any mixture of seeds containing 10 per cent or more of such seeds of alfalfa and/or red clover, is prohibited, unless at least 10 per cent of the seeds in each container is

stained a red color, in accordance with such regulations as the Secretary of Agriculture may prescribe.

"(c) The Secretary of the Treasury and the Secretary of Agriculture shall jointly prescribe such rules and regulations as may be necessary to prevent the importation into the United States of any seeds the importation of which is prohibited.

"(d) Subdivision (a) of this section shall become effective upon the expiration of 30 days after the date of the passage of this amendatory act.

"SEC. 6. (a) No person shall transport, deliver for transportation, sell, or offer for sale, in interstate commerce, any seed which is misbranded within the meaning of this section; except that this section shall not apply to any common carrier in respect of any seed transported or delivered for transportation in the ordinary course of its business as a common carrier.

"(b) Any misbranded seed shall be liable to be proceeded against in the district court of the United States for any judicial district in which it is found, and to be seized for confiscation by a process of libel for condemnation, if such seed is being—

"(1) Transported in interstate commerce; or

"(2) Held for sale or exchange after having been so transported.

"(c) If such seed is condemned by the court as misbranded, it shall be disposed of in the discretion of the court—

"(1) By sale; or

"(2) By delivery to the owner thereof upon the payment of the legal costs and charges, and the execution and delivery of a good and sufficient bond to the effect that such seed will not be sold or disposed of in any jurisdiction contrary to the provisions of this act or the laws of such jurisdiction; or

"(3) By destruction.

"(d) If such seed is disposed of by sale, the proceeds of the sale, less the legal costs and charges, shall be paid into the Treasury as miscellaneous receipts.

"(e) Proceedings in such libel cases shall conform, as nearly as may be, to suits in rem in admiralty, except that either party may demand trial by jury on any issue of fact if the value in controversy exceeds \$20; and facts so tried shall not be reexamined other than in accordance with the rules of the common law. All such proceedings shall be at the suit and in the name of the United States. The Supreme Court of the United States and, under its direction, other courts of the United States are authorized to prescribe rules regulating such proceedings in any particular not provided by law.

"(f) As used in this section—

"(1) The term 'person' means individual, partnership, corporation, or association;

"(2) the term 'interstate commerce' means commerce between any State, Territory, or possession, or the District of Columbia, and any other State, Territory, or possession, or the District of Columbia; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia; and

"(3) The term 'district court of the United States' includes any court exercising the powers of a district court of the United States.

"(g) For the purposes of this section, seed shall be held to be misbranded if—

"(1) The container thereof, or the invoice relating thereto, or any advertising pertaining thereto, bears or contains any statement, design, or device that is false and fraudulent; or

"(2) If such seed is required to be colored, under the provisions of section 5 and the regulations issued thereunder, and is not so colored; or

"(3) If such seed is colored in imitation of seed required to be colored under the provisions of section 5 and the regulations issued thereunder.

"(h) The Secretary of Agriculture is authorized to prescribe such regulations as may be necessary for carrying out the provisions of this section.

"(i) This section shall take effect upon the date of the passage of this amendatory act; but no penalty or condemnation shall be enforced for any violation of this section occurring within 30 days after such date."

CARL E. MAPES,
OLGER B. BURNESSE,
TILMAN B. PARKS,

Managers on the part of the House.

FRANK R. GOODING,
CHARLES L. McNARY,
ELLISON D. SMITH,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2465) to amend the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The effect of the action agreed upon by the conferees is to accept the House amendment, with three minor changes.

The House amendment required the coloring of imported seeds in such manner and to such extent as the Secretary of Agriculture may prescribe. Under the bill as agreed to in conference the color used must, when practicable, indicate the country or region of origin.

The prohibition on importation, under the House amendment, became effective upon the expiration of 90 days after the passage of the bill. The bill as agreed to in conference reduces this period to 30 days.

The House amendment provided that no penalty or condemnation for misbranding should be enforced for any violation of the misbranding section occurring within 90 days after the passage of the bill. The bill as agreed to in conference reduces this period to 30 days.

CARL E. MAPES,
OLGER B. BURTNESS,
TILMAN B. PARKS,

Managers on the part of the House.

Mr. MAPES. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The gentleman from Michigan moves the adoption of the conference report. The question is on agreeing to that motion.

The motion was agreed to.

PARKWAY BETWEEN ROCK CREEK PARK, THE ZOOLOGICAL PARK, AND POTOMAC PARK

Mr. ZIHLMAN. Mr. Speaker, I call up from the Speaker's table the bill H. R. 4785, with a Senate amendment, and move to concur in the Senate amendment.

The SPEAKER. The gentleman from Maryland calls up the bill H. R. 4785, with a Senate amendment. The Clerk will report the bill by title and the Senate amendment.

The Clerk read as follows:

A bill (H. R. 4785) to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act, approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The gentleman from Maryland moves to concur in the Senate amendment.

Mr. BEGG. Mr. Speaker, this is a vital matter, and I think we ought to have more Members here. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. BEGG. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 78]

Aldrich	Crowther	Haugen	McKeown
Anthony	Curry	Hawes	Michaelson
Appleby	Darrow	Hudspeth	Mills
Arents	Dempsey	Hull, Tenn.	Morin
Auf der Heide	Dickstein	Irwin	Nelson, Wis.
Ayres	Douglass	Jacobstein	Newton, Minn.
Barkley	Doyle	James	Newton, Mo.
Berger	Drane	Jeffers	O'Connor, N. Y.
Bixler	Eaton	Jenkins	Oliver, Ala.
Boles	Flaherty	Johnson, Ill.	Patterson
Boylan	Fredericks	Johnson, Ky.	Phillips
Britten	Freeman	Kendall	Porter
Bulwinkle	Gallivan	Kerr	Purnell
Burdick	Gambrill	Kless	Quayle
Carew	Golder	Kindred	Ransley
Carpenter	Goldsborough	Knutson	Rayburn
Celler	Graham	Kopp	Reece
Clary	Green, Iowa	Lee, Ga.	Reed, Ark.
Connolly, Pa.	Hale	Linsberger	Reed, N. Y.
Coyie	Hardy	McFadden	Robison

Rowbottom	Stephens	Thomas	Weller
Sanders, N. Y.	Sullivan	Tinkham	White, Kans.
Sanders, Tex.	Swartz	Updike	Wood
Scott	Sweet	Vare	Wyant
Seger	Taber	Vinson, Ga.	Yates
Shreve	Taylor, N. J.	Voigt	
Stedman	Taylor, Tenn.	Wainwright	

The SPEAKER. Three hundred and seven Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

PARKWAY BETWEEN ROCK CREEK PARK, THE ZOOLOGICAL PARK, AND POTOMAC PARK

The SPEAKER. The Chair will restate the motion. The gentleman from Maryland moves to concur in the Senate amendment to House bill 4785.

Mr. ZIHLMAN. Mr. Speaker, in 1913 Congress created a commission known as the Potomac and Rock Creek Parkway Commission, composed of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture. This commission was authorized and directed to acquire land to connect Potomac and Rock Creek Parks. Pursuant to this authorization, which was for the sum of \$1,300,000, and which it was provided should be paid one-half from the Federal Treasury and one-half from the revenues of the District of Columbia, there was expended from 1916 to 1925 the full sum authorized, namely, \$1,300,000, which was payable in the manner provided by the act. This bill authorizes the further expenditure of \$600,000 to complete this work and to link these two parkways together.

The bill as submitted to the District Committee by the National Capital Park Commission, approved by the Secretary of the Treasury and approved by the Director of the Budget, provided that all of this amount, \$600,000, needed to complete this work should be paid out of money in the Federal Treasury not otherwise appropriated.

Mr. MADDEN. That was a mistake, and, of course, the mistake ought to be corrected.

Mr. ZIHLMAN. The Committee on the District of Columbia changed the wording of the bill and provided that the \$600,000 should be paid out of the surplus moneys of the District of Columbia made available by the act of Congress passed during the Sixty-eighth Congress. The Senate, after the Senate Committee on the District of Columbia had reported this bill favorably, recalled it and sent it back to the committee. After carefully considering this question, they provided that this \$600,000 should be expended one-half from the Federal Treasury and one-half from the funds of the District of Columbia now in what is known as the surplus fund.

I contend that if there is any proposition to which the Federal Government should contribute, it is the parkways of the District of Columbia. The title to this land is to be vested entirely in the United States; the land is to be entirely under the jurisdiction of the Superintendent of Public Buildings and Grounds, who is an Army officer designated by the President of the United States. Congress has just passed an act providing that the National Park Commission can go into Virginia and Maryland to acquire land. Is Congress going to put half of the expense of acquiring land outside of the District of Columbia and all of the expense of acquiring land in the District of Columbia entirely on the taxpayers of the District of Columbia?

Mr. MADDEN. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. MADDEN. The gentleman says that the title to this roadway is to be entirely in the Government?

Mr. ZIHLMAN. Yes.

Mr. MADDEN. Well, the title to all of the roadways in the District is in the Government and the people of this District claim that because we own the roadways and help to maintain them we should pay larger taxes. There is no justification at all for this proposition.

Mr. ZIHLMAN. I will ask the gentleman a question. Suppose you were going to acquire a new road, say, from here to the Union Station, would you put the expense entirely on the taxpayers of the District, or would you insist that the taxpayers of the District pay all of the expense of beautifying the National Capital?

Mr. MADDEN. We will deal with that when we get to it.

Mr. CRAMTON. The House has just passed on that question in connection with the proposed boulevard to the Memorial Bridge and has provided that that shall be paid for as are other expenses of the District.

Mr. BLANTON. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. As the chairman of the District Committee the gentleman realized, did he not, that unless he agreed that

this expense should be paid out of the \$5,000,000 surplus which Congress provided he never could have gotten this bill reported out of the committee?

Mr. ZIHLMAN. I do not agree with the gentleman at all. I think the majority of the committee is in favor of parks being acquired on the 50-50 basis, but we did that in order to placate the gentleman from Texas.

Mr. BLANTON. You never do anything to placate "the gentleman from Texas." The gentleman from Maryland realized he could not get the bill reported out and put on the calendar unless he agreed to that, and he had to agree to it for that reason, did he not?

Mr. ZIHLMAN. No; "the gentleman from Maryland" did not realize that at all.

Mr. BLANTON. But he did agree to it, did he not?

Mr. ZIHLMAN. I agreed to it in the committee and I am now agreeing with the Senate amendment.

Mr. BLANTON. And after having had it passed by the House—

Mr. ZIHLMAN. The gentleman has asked for 10 minutes and I hope he will not interrupt me further.

Mr. BLANTON. I will use my own time.

Mr. BEGG. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. BEGG. What argument does the gentleman use to put a different proportion of cost on this parkway than he puts on anything else?

Mr. ZIHLMAN. I tried to state the matter clearly, but owing to the noise probably the gentleman did not hear me.

Mr. BEGG. I was listening to the gentleman.

Mr. ZIHLMAN. Congress authorized an appropriation of \$1,300,000 for this parkway.

There was provided in the authorization that one-half of it should be paid by the Federal Government and one-half by the District. Because of the lapse of time, a period of 13 years, property values increased and the authorization was insufficient, and this is a further authorization proposed of \$600,000, and I am simply proposing that Congress, which provided in the original authorization that the Federal Government should pay one-half, shall provide that the Government pay one-half of this remaining \$600,000 to complete the work, which means so much to the development of the National Capital park system along proper lines.

Mr. BEGG. Will the gentleman permit another question?

Mr. ZIHLMAN. Yes.

Mr. BEGG. Are we not paying the Government's fair share of the District expenses in the \$9,000,000 which we appropriate? If we are not, we ought to revise the figures and pay more.

Mr. ZIHLMAN. I will say to the gentleman that I agree with him. If we are not paying sufficient, we ought to pay more. The lump sum is simply an arbitrary sum determined upon by the Appropriations Committee. I believe there should be an investigation.

Mr. MADDEN. Suppose we did not agree to pay anything?

Mr. ZIHLMAN. That is entirely within the jurisdiction of Congress. I am simply putting this matter up to the House as a matter of good faith. We authorized this parkway, and the authorization we made on the 50-50 basis was not sufficient, and now we are asking for a further authorization of \$600,000 on the same basis.

Mr. BEGG. May I ask the gentleman another question?

Mr. ZIHLMAN. Yes.

Mr. BEGG. Suppose the gentleman is successful in getting through this 50-50 basis; then naturally there will have to be boulevards and everything of that kind running through this acquired land; does the gentleman intend to then come back and propose that the United States Government pay 50 per cent of that expenditure?

Mr. ZIHLMAN. I will say to the gentleman I believe this Congress is going to determine some form of permanent fiscal relationship between the District and the Federal Government, which will take care of that proposition.

I reserve the balance of my time, Mr. Speaker, and yield to the gentleman from Texas [Mr. BLANTON] 10 minutes.

Mr. BLANTON. Gentlemen, I wish you would give me your attention for a moment because this is a much more important item than you imagine. The Federal Government, in addition to all of its own enterprises and its own buildings and its own improvements, has given the people of the District of Columbia for civic purposes only \$218,000,000. Think of it! The Congress since 1876 has taken \$218,000,000 out of the people's treasury and given it to the people of this District for their civic expenses.

Let me now tell you something else. They came in here with a plan to take about \$5,000,000 of what they called a surplus in the Treasury which the District ought to have. As a matter of fact, it finally amounted to \$5,300,000. I showed you through the certificate of our friend, the gentleman from Kentucky, Hon. BEN JOHNSON, who is the best-posted man in the United States on District affairs to-day—I showed you the statement of Hon. BEN JOHNSON who said that if you would properly check up the financial relations existing between the District and the United States Government, you would find that the District of Columbia owed this Government \$100,000,000, and yet this Congress passed a bill giving this \$5,300,000 to the District. But we put a proviso on it. You would not have passed it if you had not put on that proviso. You provided that the money should be spent for parks and playgrounds, and not a dollar of it has been spent for parks. These manipulators here in Washington came in and passed a bill providing that every year for 20 years the Congress would give the District for park purposes \$1,100,000. That is the way they were going to get their additional park money.

They brought this present bill before the committee and they provided that the expense should be taken out of the Treasury half and half, but the committee agreed that that should not be done. The gentleman from Maryland [Mr. ZIHLMAN] would have put the bill through in that form if he could have done it, but he was not able to do it in his committee.

The committee provided that the money authorized in this bill of \$600,000 should be taken out of the surplus of \$5,500,000 which you gave the District. This was in accordance with your will expressed in a piece of legislation that you passed and which the President signed. Are you going to disregard your own law which you passed?

I know how easy it is to take money out of the Public Treasury, especially when you live practically in Washington, like the gentleman from Maryland does; especially when your constituents are in and out of Washington every day; especially when a great part of the 2,500 children who get their free schooling and free books here in Washington live over in Maryland. It is mighty easy to take money out of the Public Treasury for this purpose under those circumstances. I was awfully glad to hear as distinguished a gentleman as the gentleman from Illinois [Mr. MADDEN] say he was not going to allow this move that is being attempted now to be put over this Congress. I am glad to hear it. I do not believe you will allow it either.

We ought to vote down this motion of the gentleman from Maryland, and by a unanimous vote of this House, with the exception of the gentleman from Maryland, we ought to say to the United States Senate that they can not change this House bill the way they have attempted to change it; that they are going to have to take this money out of the \$5,500,000 surplus that Congress allowed.

What are you going to do about this bunch of manipulators here in Washington who are continually imposing upon the taxpayers back home. About three weeks ago we passed a measure in this House that would prevent hotels in this city from selling the streets to taxicab companies against the interests of the people of Washington, against your interests, and against the interests of your constituents who come here. There is evidence down here in one of the courts that was testified to the other day by a witness before your Senate committee, showing that the Willard Hotel received \$80,000 from taxicabs to which it sold space in the street—your street, the people's street; that the Willard Hotel had a whole block reserved for its taxicabs, 14 of them, on Fourteenth Street along an entire block on the side of the Willard Hotel.

Mr. LOZIER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LOZIER. Are not these park propositions purely municipal projects for the use and benefit of the people of the District of Columbia?

Mr. BLANTON. Of course, and for nothing else. Every single person in the District enjoys these parks. Did you know the Government has given this city 1,200 parks? Did you know that? Big and little. This Government has already given to the city 1,200 parks that are used here every day for the enjoyment and convenience of half a million people in Washington. I will tell you how they manipulate these things. When we passed the amendment the other day that provided that it was the policy of this Congress that the streets in front of the hotels were for public use—that no hotel should sell its space to the taxicab companies—that bill went to the Senate, and then these hotels sent their lawyer and Commissioner Fenning,

who stands in with them, to the Senate committee, and said lawyer, Edward F. Colladay, said "We want this stricken out." One Senator said, "Well, that is easy; we will strike it out." And out it went.

I wish you would look into that proposition and see how much money the hotels are making every year by selling the streets in front of their hotels to the taxicab companies.

Mr. WEFALD. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WEFALD. Are these hotels making enough out of selling the streets in front of them to pay their taxes?

Mr. BLANTON. It was testified before the Senate Committee that the Willard Hotel received \$80,000 from the taxicab companies for space in front of their hotels. That was 10 per cent of the receipts of the taxicab companies.

Mr. WEFALD. It would be a great thing for the hotels in some of these smaller places if they could do that thing.

Mr. BLANTON. Oh, yes; but what right has the Willard Hotel to Fourteenth Street any more than you have? And yet, as a Member of Congress, you can not drive down there and park on Fourteenth Street for a whole block because the space has been sold to a taxicab company by the Willard Hotel.

Mr. LOZIER. Will the gentleman yield again?

Mr. BLANTON. Yes.

Mr. LOZIER. Without the connivance of those in charge of the administration of the District that outrage could not be perpetrated, could it?

Mr. BLANTON. I wish you knew how they are mixed up down here in the Second National Bank.

Mr. COLE. Will the gentleman tell us what length of time is covered by this receipt of \$80,000 by the Willard Hotel?

Mr. BLANTON. They did not say for what length of time it was, and I do not know; but if I may, I will put in connection with my remarks what was said in the Senate committee.

Now, what are you going to do about this \$600,000? Are you going to let it go by? Are you going to say, "Oh, yes; we will let it go; it will not cost the people of the United States much"? I want to tell you that the taxpayers of the country are going to hold you responsible for the money that is taken out of the Treasury in this way. It comes out of the pockets of the taxpayers. You ought to stop it and vote this down.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker and gentlemen of the House, I agree with the gentleman from Texas [Mr. BLANTON] that this Senate amendment should be voted down, but I do not concur with him in all of the reasons that he gives. You can very logically vote it down and you can not logically do anything else. What is the situation? In 1913 the Government of the United States and the District of Columbia shared the expenses of the District on a 50-50 basis. At this time Congress passed this park appropriation calling for \$1,300,000. Congress changed its proportion of paying district expenses from time to time. For a few years it was 60-40, and last Congress a new arrangement was made. A committee of our own selection found that the Government owed the District the sum of \$5,000,000. I voted for that because our own committee found that the Government owed the District that sum, and whether it was equitable or not, under the law and the facts it was an honorable obligation that we could not escape. It was furthermore provided by Congress that this money should be used for parks and schools.

Bear in mind that we changed the manner of paying District expenses by giving a lump sum, but we provided that the park system, as all other expenses, should be paid for out of that fund.

The Senate amended that in this expense and provided that this park should be paid for half by the Government and half by the District. Let us see the logic of that. The only reason they gave for such a position in their report is because it was authorized in 1913 when the 50-50 basis was in existence and that we ought to still live up and carry this out on that basis.

That does not follow. If it did follow, what would be the situation? For several years—1922, 1923, and 1924—we had a 60-40 basis. It was not contended that the appropriations that were made in those years should be borne in any other proportion than 60-40. If the logic is true because it began on a 50-50 basis, then we would be owing the District a large sum of money because for three or four years they have been paid on a 60-40 basis.

As brought out by the gentleman from Ohio [Mr. BROWN], this Congress, in changing the arrangement and making a \$9,000,000 lump-sum appropriation, must have taken into consideration

these very projects, and if we are going to continue to pay any of them on a 50-50 basis, then the \$9,000,000 is too much. It is just simply a method of meeting our obligations to the District of Columbia, and there is no logic, no reason, no justice in this amendment.

I do not indulge in all of the acrimony that exists in the minds of some members against the District. I think it is our home. I think we should take a pleasure in it. I do. I take a pleasure as a member of the Committee on the District in doing everything that I can to make it the best and the prettiest city in the world [applause] and with no ill feeling at all, no antagonism or prejudice against the District, but as one recognized on the committee as a friend of the District I say to you that this is not a logical conclusion drawn by the Senate, and we should not pay any part of this \$600,000. We paid our part when we paid the \$9,000,000. [Applause.]

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker and gentlemen, I just want to make a business statement in respect to the pending amendment. When this parkway was commenced there was an authorization of \$1,300,000 to acquire the necessary land. That authorization provided that one half of it should be paid from the Treasury of the United States and half from the District revenues, because at that time the Federal Government paid one-half of every dollar expended for any purpose in the District, whether it was the digging of a sewer or the acquiring of a park. Necessarily that expense was apportioned in that way. Later we twice changed the system, and now we take \$9,000,000 out of the Federal Treasury in full of the contributions of every nature from the Federal Treasury to any expense in the District. I was the author of that lump-sum amendment when first adopted, and, as the gentleman from Kentucky [Mr. GILBERT] has correctly stated, it was the purpose of that plan to make the Federal contributions definite and positive. On the one hand we did away with the returns that used to come from fees and licenses, to the extent of seven or eight hundred thousand dollars, and gave them all to the District. On the other hand, we must not start in now with the addition of a number of little dribblets out of the Federal Treasury, or large grabs, as this is, for the benefit of the District. The reason why this should all be taken out of the District fund is because we have made our \$9,000,000 contribution in full of all our share in the District expenses.

The gentleman from Maryland [Mr. ZIHLMAN] says that this is a matter in which the Federal Government should have a special interest. I think that is true. We do have a special interest in the creation of a park and in the beautifying of the city, and it is because we have an interest of that kind in many things here that we do give \$9,000,000, and the \$9,000,000 fulfills all of our obligations. On the other hand, when we come to digging a sewer in front of some landowner's home, I submit that is not a thing of very much interest to the Nation at large; and whether the District authorities use the \$9,000,000 for sewers or parks is not our concern. We have fulfilled our obligation to the District when we have contributed the \$9,000,000.

The gentleman from Maryland [Mr. ZIHLMAN] emphasizes the fact that after we get this land it will be under the supervision and care of an Army officer. As a matter of fact, the expense of that supervision and care is paid out of the revenues of the District of Columbia and our \$9,000,000, except the salary of that Army officer, and we donate that to the District, because he is an Army officer. They gain to that extent.

I hope the House will not start in to undermine the lump-sum system of contributions to the District by granting these appeals that will be made continually if you grant this one. [Applause.]

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. CHINDBLOM. This particular sum of \$600,000 was a part of the sum that Congress set aside as owing to the District, is it not?

Mr. CRAMTON. It is in addition. There was an original authorization of \$1,300,000. That has been exhausted, and this is an additional authorization.

Mr. CHINDBLOM. It is a part of the surplus fund, is it not?

Mr. CRAMTON. As the House passed it, it is to be taken out of the funds in the District known as the surplus fund.

Mr. CHINDBLOM. And the surplus fund was created by settlement made by this Congress, was it not?

Mr. CRAMTON. That was created by a settlement made with the District. The final settlement showed some five or six million dollars due the District. We paid the bill, but at the time there was adopted an amendment which I offered which

provided that the money in that fund should be used for parks and schools. While a good deal has been used for schools, nothing has been used as yet for parks, until this bill now proposes that this \$600,000 shall come from that fund. The gentleman from Maryland [Mr. ZIHLMAN] seeks to have half of it come out of the Federal Treasury instead.

Mr. ZIHLMAN. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I do not think that I shall take three minutes. There is \$600,000 in the District treasury awaiting this authorization to be made. Of course, if you transfer \$300,000 of this obligation to the Federal Treasury, there would be still \$300,000 of the \$600,000 left to the credit of the District. That naturally would please the people of the District, but they do not expect you to do it. They are holding the money awaiting the appropriation of \$600,000, and they are expecting that this bill will authorize them to use the \$600,000 balance which they have on hand in this surplus fund for the purchase of the land for this park.

Mr. ZIHLMAN. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ZIHLMAN. Who is holding the funds?

Mr. MADDEN. The District people know that the obligation is there.

Mr. ZIHLMAN. But who is holding the money?

Mr. MADDEN. The Treasury of the United States is holding it for the people of the District, and the people of the District, through their officials, say that they expect the \$600,000 to be used to buy this land, but the gentleman from Maryland is trying to relieve the people of the District from \$300,000 of this obligation and place it on the States.

Mr. ROBSION of Kentucky. And this \$600,000 is a part of that surplus due to the District?

Mr. MADDEN. Yes.

Mr. ROBSION of Kentucky. And this is a proposition to take \$300,000 out of the Treasury and pay one-half of it?

Mr. MADDEN. Yes; and I am opposed to that, and so is everyone else who understands the facts, except the gentleman from Maryland [Mr. ZIHLMAN].

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CHINDBLOM. Was the \$600,000 that we gave to the District by settlement accumulated during the time when we had the 50-50 arrangement?

Mr. MADDEN. They presume to say we did not pay our proportionate obligation, and that therefore we owed them between four and five million dollars. This \$600,000 is part of that, and was set apart for park purposes, and we propose to use it for that, and we ought not to use it for any other purpose, and the officials of the District do not propose to do so.

The SPEAKER. The time of the gentleman has expired.

Mr. ZIHLMAN. I yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, of course, I recognize the futility of opposing the powerful arguments which have been presented to the House by some of the leaders, but I do want to draw attention to the injustice which has been done the District and the possibility of remedying it through the acceptance of this amendment. If you will remember, this House, after an exhaustive debate, with the idea of beautifying the city of Washington not for the people of Washington alone but for the people of the United States, authorized an appropriation of \$1,100,000 each year for 20 years to carry out a concrete, comprehensive program of improvement and to secure lands available for parks which were rapidly being withdrawn from the market. Now, what happened? Although that bill was passed by the Senate and the House after an exhaustive debate, and signed by the President, the Committee on Appropriations, using their power and prerogatives, I suppose, reduced that amount to \$600,000 last year, and then again this year reduced it to \$600,000, thereby taking away from the District \$900,000 to which the District was rightly entitled by the action of the House for the development of the park system.

Mr. MADDEN. Will the gentleman yield?

Mr. UNDERHILL. I will.

Mr. MADDEN. Does not the gentleman think if we were to continue to appropriate every dollar that is authorized there would not be money enough in the world to pay the bills?

Mr. UNDERHILL. Oh, I agree with the gentleman ninety-nine times out of one hundred, but this is the one hundredth time when I do not agree with him. I think it is a most penurious policy, a most mistaken policy, not to look ahead to the future and acquire such lands in the District that are on the market to-day at a reasonable price which can not possibly be acquired five years from to-day. This is the Capital of the

Nation. It is not the city of Washington alone. The gentleman from Texas in making his argument referred again and again to "my streets" and "your streets," and they are my streets and your streets as much as they are the streets of the people of the city of Washington. We want to remember above all that this is the Capital of the Nation; that every citizen in the Nation has an interest in it; and that every citizen in the Nation has a pride in it. We can not afford to lose certain parcels of property necessary to complete a park program. They are available to-day and to secure them would secure the future requirements of the District. It is a mistaken policy not to do so. I believe when we deprive the District of Columbia of \$900,000 that it is only a fair proposition—although I believe in the lump sum absolutely; I believe in the logic of the gentleman from Kentucky and also the gentleman from Michigan—I believe this is a just and fair recompense to the District for what we have given and then taken away.

Mr. CRAMTON. If the gentleman will yield, because we have saved the taxpayers of the District from the expenditure of \$400,000 a year for several years, is that any reason why we should save a further \$300,000 and take it out of the Federal Treasury?

Mr. UNDERHILL. The gentleman takes a provincial view of the matter. I asked the gentleman to go to Cleveland, to go to Boston, to go to Detroit, to go to Chicago, go to Cincinnati, go to any large city and see how much money they have paid for the development of their park system. The people of Boston paid over \$75,000,000 over a period of 25 years. Take the city of Cleveland—

Mr. MADDEN. They pay it.

Mr. UNDERHILL. Yes; and they are perfectly willing to pay their share for the development of a national system in the District.

Mr. MADDEN. Then let the people here pay it.

Mr. UNDERHILL. The people here will pay their share of it. The city of Cleveland spent over \$50,000,000, the city of Cincinnati over \$60,000,000, and I do not know how much the city of Chicago spent. It was this argument on the floor of the House that induced Members to vote for the \$1,100,000 per annum for park purposes in the District of Columbia.

The SPEAKER. The time of the gentleman has expired.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the motion.

The SPEAKER. The question is on the motion of the gentleman from Maryland to concur in the Senate amendment.

The question was taken; and the Speaker announced the yeas appeared to have it.

On a division (demanded by Mr. ZIHLMAN) there were—yeas 20, noes 105.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the House disagree to the Senate amendment and ask for a conference.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the House ask for a conference.

Mr. CRAMTON. Mr. Speaker, reserving the right to object—

Mr. CRISP. Mr. Speaker, a point of order. The House just having refused to concur, that is tantamount to disagreeing to the amendment.

The SPEAKER. The Chair put the question merely to ask for a conference. Is there objection to the request of the gentleman from Maryland. [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. ZIHLMAN, Mr. GIBSON, and Mr. BLANTON.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 769. An act for the relief of the estate of Benjamin Braznell;

S. 945. An act for the relief of Gershon Bros. Co.;

S. 1450. An act for the relief of the estate of John Stewart, deceased;

S. 1459. An act for the relief of Waller V. Gibson;

S. 1727. An act for the relief of the Carib Steamship Co. (Inc.);

S. 1729. An act to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian bark *Janna* as a result of a collision between it and the U. S. S. *Westwood*;

S. 1732. An act to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian steamship *John Blumer* as a

result of a collision between it and a barge in tow of the U. S. Army tug *Britannia*;

S. 2033. An act to provide for the advancement on the retired list of the Navy of Milton F. Nicholson;

S. 2043. An act to authorize the opening of a street from Georgia Avenue to Ninth Street NW., through squares 2875 and 2877, and for other purposes;

S. 2098. An act for the relief of M. Barde & Sons (Inc.), Portland, Oreg.;

S. 2168. An act for the relief of Elbert Kelly, a second Lieutenant of Infantry in the Regular Army of the United States;

S. 2192. An act for the relief of Ella H. Smith;

S. 2606. An act to prohibit offering for sale as Federal farm loan bonds any securities not issued under the terms of the farm loan act, to limit the use of the words "Federal," "United States," or "reserve," or a combination of such words, to prohibit false advertising, and for other purposes;

S. 2733. An act for the relief of the State of North Carolina;

S. 2965. An act to prevent discrimination against farmers' cooperative associations by boards of trade and similar organizations, and for other purposes; and

S. 2992. An act for the relief of the Royal Holland Lloyd, a Netherlands corporation of Amsterdam, the Netherlands.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 549) for the relief of John H. Walker.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On April 15, 1926:

H. R. 7255. An act to regulate the sale of kosher meat in the District of Columbia; and

H. R. 8917. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes.

On April 16, 1926:

H. R. 3932. An act to amend section 71 of the Judicial Code as amended;

H. R. 264. An act to amend an act to provide for the appointment of a commission to standardize screw threads; and

H. R. 9398. An act to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910.

On April 17, 1926:

H. J. Res. 191. Joint resolution authorizing the Federal Reserve Bank of Richmond to contract for and erect in the city of Baltimore, Md., a building for its Baltimore branch;

H. R. 1944. An act for the relief of Charles Wall;

H. R. 3431. An act for the relief of Frederick S. Easter;

H. R. 4835. An act to remove the charge of desertion from the records of the War Department standing against William J. Dunlap;

H. R. 9314. An act to provide for the enlargement of the present customs warehouse at San Juan, P. R.;

H. R. 2703. An act granting six months' pay to Anton Kunz, father of Joseph Anthony Kunz, deceased, machinist's mate, first class, United States Navy, in active service;

H. R. 8646. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes;

H. J. Res. 171. Joint resolution authorizing the Secretary of the Interior to approve the application of the State of Idaho to certain lands under an act entitled "An act to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands," approved September 22, 1922;

H. R. 187. An act making a grant of land for school purposes, Fort Shaw division, Sun River project, Montana;

H. R. 5210. An act extending the provisions of an act for the relief of settlers and entrymen on Baca Float No. 8, in the State of Arizona;

H. R. 6573. An act to extend the time for the completion of the Alaska Anthracite Railroad Co., and for other purposes;

H. R. 7752. An act to authorize the leasing for mining purposes of land reserved for Indian agency and school purposes; and

H. R. 9957. An act authorizing a survey for the control of excess flood waters of the Mississippi River below Point Breeze in Louisiana and on the Atchafalaya outlet by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes.

On April 19, 1926:

H. R. 96. An act authorizing an appropriation of not more than \$3,000 from the tribal funds of the Indians of the Quinalt Reservation, Wash., for the construction of a system of water supply at Taholah on said reservation.

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 769. An act for the relief of the estate of Benjamin Braznell; to the Committee on Claims.

S. 945. An act for the relief of Gershon Bros. Co.; to the Committee on War Claims.

S. 1450. An act for the relief of the estate of John Stewart, deceased; to the Committee on Claims.

S. 1459. An act for the relief of Waller V. Gibson; to the Committee on Military Affairs.

S. 1727. An act for the relief of the Carib Steamship Co. (Inc.); to the Committee on Claims.

S. 1729. An act to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian bark *Janna* as a result of a collision between it and the U. S. S. *Westwood*; to the Committee on Foreign Affairs.

S. 1732. An act to authorize the payment of an indemnity to the Government of Norway on account of the losses sustained by the owners of the Norwegian steamship *John Blumer* as a result of a collision between it and a barge in tow of the U. S. Army tug *Britannia*; to the Committee on Foreign Affairs.

S. 2033. An act to provide for the advancement on the retired list of the Navy of Milton F. Nicholson; to the Committee on Naval Affairs.

S. 2043. An act to authorize the opening of a street from Georgia Avenue to Ninth Street NW., through squares 2875 and 2877, and for other purposes; to the Committee on the District of Columbia.

S. 2168. An act for the relief of Elbert Kelly, a second Lieutenant of Infantry in the Regular Army of the United States; to the Committee on Military Affairs.

S. 2192. An act for the relief of Ella H. Smith; to the Committee on Claims.

S. 2606. An act to prohibit offering for sale as Federal farm loan bonds any securities not issued under the terms of the farm loan act, to limit the use of the words "Federal," "United States," or "reserve," or a combination of such words, to prohibit false advertising, and for other purposes; to the Committee on Banking and Currency.

S. 2733. An act for the relief of the State of North Carolina; to the Committee on Military Affairs.

S. 2965. An act to prevent discrimination against farmers' cooperative associations by boards of trade and similar organizations, and for other purposes; to the Committee on Claims.

S. 2992. An act for the relief of the Royal Holland Lloyd, a Netherlands corporation of Amsterdam, the Netherlands; to the Committee on Claims.

RECORDER OF DEEDS AND REGISTER OF WILLS

Mr. ZIHLMAN. Mr. Speaker, I call up from the Speaker's table the bill (H. R. 9685) providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia, with a Senate amendment, and ask that the House concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9685) providing for expenses of the recorder of deeds and register of wills of the District of Columbia.

The SPEAKER. The Clerk will report the Senate amendment. The Senate amendment was read.

The SPEAKER. The gentleman from Maryland moves to concur in the Senate amendment. The question is on agreeing to that motion.

The motion was agreed to.

THE INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I call up the conference report on the Interior Department appropriation bill (H. R. 6707) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 6707) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report. It is not quite so long. It is very little different.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. BLANTON. Reserving the right to object—and I shall not object—I want to ask the gentleman from Michigan a question. What does the gentleman expect to do about amendment 62?

Mr. CRAMTON. That is to come up for a separate vote. That is not in the report.

Mr. BLANTON. What does the gentleman expect to do about it?

Mr. CRAMTON. I shall move to recede and concur, and thereafter abide by the decision of the House.

Mr. BLANTON. I think there ought to be a larger attendance here to hear this discussion.

Mr. DOWELL. I am hoping that the House will defeat this amendment after an explanation has been made of what it does.

Mr. CARTER of Oklahoma. Mr. Speaker, I reserve all points of order on the conference report.

The SPEAKER. The Clerk will read the statement.

The statement was read.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6707) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 7, 9, 10, 12, 13, 20, 28, 35, 45, 49, 55, and 56.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 8, 11, 14, 15, 18, 21, 22, 23, 24, 25, 30, 32, 34, 37, 38, 39, 42, 44, 47, 51, 52, 53, 54, 57, 58, 59, 60, and 63, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "\$810,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the number proposed insert: "four hundred and seventy-five"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "\$106,875"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$3,025,000, exclusive of tribal funds"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the employment of special counsel to assist State and Federal authorities in the prosecution of the person or persons implicated in the crimes resulting in the murder of Osage Indians and for expenses incident to such prosecution, \$20,000, or so much thereof as may be necessary, to be immediately available, to be paid from funds held by the United States in trust for said Indians, to be expended with the approval of, and under the supervision of, the Secretary of the Interior."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment add the following: ", to be immediately available"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and

agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "within such terms of years as the Secretary may find to be necessary, in any event not more than forty years from the date of public notice hereinafter referred to, and the execution of said contract or contracts shall have been confirmed by a decree of a court of competent jurisdiction. Upon such confirmation of such contract as to any one of such projects, the construction thereof shall proceed in accordance with any appropriations therefor provided for in this act. Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized in his discretion to enter into agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$72,000, and no part of this amount shall be available for maintenance and operation of the Glasgow Division after December 31, 1926, unless a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or with irrigation districts organized under State law providing for payment of construction and operation and maintenance charges for such district or districts"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "within such terms of years as the Secretary may find to be necessary, in any event not more than 40 years from the date of public notice hereinafter referred to, and the execution of said contract or contracts shall have been confirmed by a decree of a court of competent jurisdiction. Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized in his discretion to enter into agreement with the proper authorities of the State whereby such State shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "continuation of construction, and incidental operations, \$40,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$50,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,431,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For investigations to be made by the Secretary of the Interior through the Bureau of Reclamation to obtain necessary information to determine how arid and semiarid, swamp, and cut-over timberlands in any of the States of the United States may be best developed, as authorized by subsection R, section 4, second deficiency act, fiscal year 1924, approved December 5, 1924 (43 Stat. p. 704), including the general objects of expenditure enumerated and permitted under the second paragraph in this act under the caption 'Bureau of Reclamation,' and including mileage for motor cycles and automobiles at the rates and under the conditions authorized herein in connection with reclamation projects, \$15,000."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,819,440"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 2. Appropriations herein made for field work under the General Land Office, the Bureau of Indian Affairs, the Bureau of Reclamation, the Geological Survey, and the National Park Service shall be available for the hire, with or without personal services, of work animals and animal-drawn and motor-propelled vehicles and equipment."

And the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 26, 31, 46, 62, 64, 65, and 66.

LOUIS C. CRAMTON,
FRANK MURPHY,
C. D. CARTER,

Managers on the part of the House.

REED SMOOT,
CHARLES CURTIS,
L. C. PHIPPS,
WM. J. HARRIS,

Managers on the part of the Senate.

STATEMENT

The managers, on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6707) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1, relating to the limitation on the payment of salaries under the classification act: Provides that in unusually meritorious cases of one position in a grade, advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year and then only to the next higher rate, instead of leaving such advances to the discretion of the Personnel Classification Board, as was proposed by the Senate.

On No. 2: Accepts the language proposed by the Senate specifically authorizing use of the contingent fund of the department for payment for personal services of temporary or emergency telephone operators.

On Nos. 3 and 4: Accepts the Senate proposal increasing from \$600, the House figure, to \$1,000 the authorization for transfer from appropriations elsewhere made in the bill for Freedmen's Hospital for contingent expenses of that institution.

On No. 5: Appropriates \$115,000, as proposed by the House, instead of \$123,000, as proposed by the Senate, for printing and binding for various bureaus, etc., in the department.

On No. 6: Appropriates \$810,000, as recommended by the Budget, instead of \$800,000, as proposed by the House, and \$830,000 as proposed by the Senate, for surveying of public lands.

On No. 7: Appropriates \$430,000, as proposed by the House, instead of \$445,000, as proposed by the Senate, for protection of public lands, etc.

On No. 8: Accepts the Senate language making clear the limitation upon expenses of certain tribal attorneys.

On No. 9: Reappropriates for construction of the Coolidge Dam in Arizona the unexpended balance of the appropriation for 1926, instead of such reappropriation and a new appropriation of \$450,000, as proposed by the Senate.

On Nos. 10, 11, 12, and 13: Accepts without material alteration the language proposed by the House in connection with the appropriation for construction of power plant and for other construction purposes on the Flathead irrigation project in Montana.

On No. 14: Accepts the provision inserted by the Senate appropriating \$22,000 for remodeling, repairing, and improving the Pawnee Indian School plant in Oklahoma.

On No. 15: Accepts the Senate amendment striking out the statement of acreage of land to be purchased under the appropriation for Sherman Institute in California.

On Nos. 16 and 17: Appropriates for 475 pupils instead of 450, as proposed by the House, and 500, as proposed by the Senate, for the nonreservation Indian boarding school at Genoa, Nebr., and appropriates \$106,875, instead of \$101,250, as proposed by the House, and \$112,500, as proposed by the Senate.

On No. 18: Accepts language proposed by the Senate appropriating funds remaining to the credit of the Cherokee Tribe or Nation not to exceed \$3,000 for purchasing additional land ad-

jacent to the Sequoi Orphan Training School, Oklahoma, and for certain building repairs.

On No. 19: Corrects the total for nonreservation boarding schools, appropriating \$3,025,000 instead of \$3,000,000, as proposed by the House, and \$3,033,750, as proposed by the Senate.

On Nos. 20 and 21: Eliminates, under relief of distress and conservation of health for the Indians, the item of \$40,000 for remodeling the school plant at the Umatilla Agency and converting same into a sanatorium, but retains the total at \$756,000, as proposed by the House, instead of \$732,750, as proposed by the Senate.

On Nos. 22, 23, and 25: Appropriates \$75,000, as proposed by the Senate, from the tribal funds of the Crow Indians, instead of \$90,000, as proposed by the House, for support and civilization.

On No. 24: Accepts the Senate language making the appropriation of \$35,000 of tribal funds for the Shoshone Reservation for improving the domestic water supply available only for the agency and for irrigation service.

On No. 27: Appropriates \$20,000 of the tribal funds of the Osage Indians for employment of special counsel to assist in the prosecution of persons charged with certain crimes, as proposed by the Senate, with an amendment making such appropriation available also for other expenses of such prosecution.

On No. 28: Strikes out the Senate language appropriating \$20,000 of the tribal funds of the Navajo Indians for maintenance and repair of the highway from Gallup to Shiprock, N. Mex.

On No. 29: Appropriates from the tribal funds of the Menominee Indians of Wisconsin for a per capita payment, as proposed by the Senate, with an amendment making such appropriation immediately available.

On Nos. 30 and 67: Strikes out the language of the House in connection with the appropriation for the Bureau of Reclamation authorizing such funds to be used for employment of men with teams, automobiles, or other facilities and accepts the language proposed by the Senate at the end of the bill modifying it in such manner as to definitely authorize expenditure for such purposes from appropriations made in the bill for the General Land Office, the Bureau of Indian Affairs, Bureau of Reclamation, Geological Survey, and the National Park Service.

On Nos. 32, 33, and 45: Strikes out the language proposed by the Senate in amendment 45 providing for an authorization of \$500,000 and an immediate appropriation of \$100,000 from the reclamation fund for the purpose of experimental financing of new settlers upon two unnamed existing Federal reclamation projects. Under Senate amendment 33 strikes out the House language providing for cooperation with the States and with corporations organized for that purpose in promoting the development and settlement of the Sun River, Owyhee, and Baker, new projects. Inserts new language that provides, not as a condition precedent to the expenditure of the funds for construction purposes for these new projects but prior to and in connection with the settlement and development thereof, for cooperation with the States in promoting the settlement of the projects and in the securing and selecting of settlers. Strikes out the Senate language under amendment 33 providing for repayment of construction costs on those new projects under the 5 per cent of gross crop-return plan, and accepts the House language providing for such repayment within such term of years as the Secretary may find to be necessary, with an amendment providing that such period shall not be more than 40 years. Retains the House language requiring that the execution of the contract provided for as a condition precedent to the expenditure of the funds for construction purposes of these new projects shall be confirmed by a decree of a court of competent jurisdiction, and adds new language mandatory in character requiring that when such condition precedent, the execution of the required contract and its confirmation, shall have been complied with, the Secretary of the Interior shall proceed to construct the projects referred to.

On No. 34: Corrects a date.

On No. 35: Strikes out the Senate language appropriating \$450,000 for the Hillcrest project in Idaho.

On No. 36: Appropriates \$72,000 for the Milk River project in Montana, as proposed by the House, instead of \$84,000, as proposed by the Senate, and makes same available for the Glasgow division until December 31, 1926, and thereafter only available upon execution of a contract with the district providing for payment of charges by such district instead of providing for the unrestricted operation of the Glasgow division through the fiscal year 1927, as provided by the Senate, and instead of elimination of any expenditure of Federal funds for the operation of that division during the fiscal year 1927, as proposed by the House.

On Nos. 37, 38, and 39: Appropriates \$1,500,000 for the North Platte project, Nebraska-Wyoming, as proposed by the Senate, instead of \$1,800,000, as proposed by the House, and accepts certain clarifying language with reference to the limitations attached to it, the difference in money having been transferred to the recent deficiency appropriation bill.

On No. 40: Retains the House language requiring repayment of the construction costs within such term of years as the Secretary may find to be necessary, as provided by the House, with an amendment limiting the period to 40 years. Provides that the contract required to be made with irrigators on the Spanish Springs division before water shall be delivered to them shall be confirmed by a decree of a court of competent jurisdiction, as provided by the House. Strikes out the language proposed by the House providing for execution of a contract with the State of Nevada whereby the State should assume the duty and responsibility of promoting the development and settlement of the division, etc., and the State or a corporation should provide the funds necessary for that purpose, and inserts new language authorizing the Secretary of the Interior prior to or in connection with the settlement and development of the project to enter into agreement with the State for cooperation in promoting the settlement of the project after completion and in the securing and selecting of settlers.

On No. 41: Appropriates \$40,000 for the Belle Fourche project in South Dakota, as proposed by the House, instead of \$85,000, as proposed by the Senate, and makes the funds available throughout the fiscal year 1927, as proposed by the Senate, instead of until December 30, 1926, as proposed by the House.

On No. 42: Accepts the Senate language, including the Utah Lake control.

On No. 43: Appropriates \$50,000 for the Riverton project in Wyoming, instead of no appropriation by the House and \$250,000 proposed by the Senate.

On No. 44: Accepts Senate language with reference to Shoshone project, Wyoming, which makes the appropriations for that project available for the entire project, instead of limiting it to the Frannie and Garland divisions, as proposed by the House.

On No. 47: Strikes out the language proposed by the House permitting payment of expenses of transfer of personal effects of employees of the Reclamation Service.

On No. 48: Change of total.

On No. 49: Strikes out the language proposed by the Senate appropriating \$25,000 in connection with the Columbia Basin project in the State of Washington.

On No. 50: Accepts Senate language appropriating \$15,000 for investigations concerning reclamation of arid and semiarid swamp and cut-over timberlands in any of the States, with a clarifying amendment as to expenditures thereunder.

On Nos. 51, 52, 53, and 54: Appropriates \$451,700, as proposed by the Senate, instead of \$525,000, as proposed by the House, for topographic surveys, the difference having been transferred to the recent deficiency appropriation bill.

On Nos. 55 and 56: Appropriates \$50,000, as proposed by the House, instead of \$63,000, as proposed by the Senate, for investigation of the mineral resources of Alaska.

On No. 57: Appropriates \$240,000, as estimated and as proposed by the Senate, for classification of enlarged homestead lands, instead of \$200,000, as proposed by the House.

On Nos. 58, 59, and 60: Accepts Senate clarifying language concerning appropriations and transfer of funds for the Geological Survey.

On No. 61: Change of total.

On No. 63: Accepts the language of the Senate making \$10,000 of the appropriation for emergencies caused by forest insects within national parks immediately available for the purchase of equipment.

The committee of conference has not agreed upon the following amendments of the Senate:

On No. 26: Increasing the appropriation for the support of the Osage Agency \$15,000 for the purpose of complying with the Osage Act of 1924 with reference to investment of certain impounded Osage Indian funds and providing for allowance of certain travel expenses of employees of the Osage Agency.

On No. 31: Authorizing the Secretary of the Interior until June 30, 1927, to extend the time for payment of certain charges upon reclamation projects.

On No. 46: Providing for the appointment of a Commissioner of Reclamation, his qualifications, and his salary.

On No. 62: Authorizing use of certain unexpended funds heretofore apportioned to the State of Montana for construction of a highway through the Beartooth National Forest and the Shoshone National Forest to Cooke City in Montana, adjacent to the Yellowstone National Park.

On No. 64: Makes appropriations of the National Park Service available for expenses of depositing public money.

On No. 65: Making certain appropriations for Howard University.

On No. 66: Making the miscellaneous appropriation for Freedmen's Hospital available to the extent of not more than \$200 for purchase of books, periodicals, and newspapers, and authorizing payments therefor in advance.

LOUIS CRAMTON,
FRANK MURPHY,
C. D. CARTER,

Managers on the part of the House.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the Record, with permission to insert certain letters and other statements that are germane.

The SPEAKER pro tempore (Mr. SNELL). The gentleman from Michigan asks unanimous consent to revise and extend his remarks and insert certain letters and other statements indicated. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, the financial statement, which I will insert showing effect of the action of the conferees and of the action I shall ask the House to take with reference to Howard University upon Senate amendments involving appropriations in this bill, shows an increase of \$6,700 over the bill as it passed the House and \$1,300,500 below the bill as it passed the Senate. For fair comparison, however, it should be understood that the decreases of \$300,000 in connection with the North Platte and \$73,300 in connection with topographic surveys are apparent rather than real, those amounts having transferred to the recent deficiency bill. At the same time, the increase of \$218,000 for Howard University, if granted, will be apparent rather than real, so far as the attitude of the House committee is concerned, as that is the amount that was recommended to the House by your committee and stricken out in the House on a point of order. In any event, the bill is retained remarkably near the House figure. The bill as agreed upon, including the provision for Howard University, which I will ask the House to approve, totals \$228,679,438, as against \$247,627,609 for the fiscal year 1926. The bill for the fiscal year 1926, however, includes \$4,773,160 for the Patent Office and the Bureau of Mines, which have been transferred to the Department of Commerce, and hence no provision for those bureaus is found in the 1927 bill. The bill for 1926 is \$242,854,449, omitting those two bureaus, and the amount recommended by the conference is \$14,175,011 below that.

I will insert also a table showing the annual appropriations for the Department of the Interior beginning with 1916, setting forth therein some division of the sources and purposes of such appropriations:

Statement of Senate amendments involving appropriations, showing effect of the action of the conferees and of the House thereon

Amendment No.	Subject	Amount appropriated by House	Amount appropriated by Senate	Agreed amount	Increase (+), or decrease (-), agreed amount compared with House figure	Increase (+), or decrease (-), agreed amount compared with Senate figure
5	Printing and binding.....	\$118,000	\$128,000	\$118,000	—	—\$5,000
6	Surveying public lands.....	800,000	830,000	810,000	+\$10,000	—20,000
7	Protecting public lands.....	430,000	445,000	430,000	—	—15,000
9	Coolidge Dam.....	—	450,000	—	—	—450,000
14	Pawnee Indian school plant.....	—	22,000	22,000	—	—
19	Indian boarding schools.....	2,000,000	3,053,750	3,025,000	—28,750	—8,750

Statement of Senate amendments involving appropriations, showing effect of the action of the conferees and of the House thereon—Continued

Amendment No.	Subject	Amount appropriated by House	Amount appropriated by Senate	Agreed amount	Increase (+), or decrease (-), agreed amount compared with House figure	Increase (+), or decrease (-), agreed amount compared with Senate figure
20	Relief of distress.....	\$756,000	\$732,750	\$756,000		+\$23,250
35	Hillcrest, Idaho, irrigation project.....		450,000			-450,000
36	Milk River, Mont., irrigation project.....	72,000	84,000			-12,000
37	North Platte, Nebr.-Wyo., irrigation project.....	1,800,000	1,500,000	1,500,000		
41	Belle Fourche, S. Dak., irrigation project.....	40,000	65,000			-25,000
43	Riverton, Wyo., irrigation project.....		250,000	50,000		-200,000
45	Aid to settlers on irrigation projects.....		100,000			-100,000
49	Allocation of waters of Columbia River.....		25,000			-25,000
50	Aid and cut-over lands, investigations of.....		15,000	15,000		
51	Topographic surveys.....	525,000	451,700	451,700		
55	Mineral investigations, Alaska.....	50,000	63,000	50,000		
57	Classification of lands.....	200,000	240,000	240,000		
67	Howard University.....		218,000	218,000		
	Grand total in amendments.....	7,791,000	9,098,200	7,797,700	+6,700	-1,300,500

¹ The reduction indicated is due to a transfer of that amount to the first deficiency bill.² This item was in the bill as it was reported to the House, where it was stricken out on a point of order.Annual appropriations under the Department of the Interior, including deficiencies, fiscal years 1916-1927
[Exclusive of permanent and indefinite appropriations]

	Indian tribal funds	Indian reimbursable appropriations	All other Indian appropriations	Pensions	Reclamation	All other Interior appropriations	Total
1927 ¹	\$2,346,520	\$1,612,500	\$10,373,160	\$193,921,000	\$7,481,000	\$12,945,258	\$228,679,438
1926 ²	2,134,010	1,580,178	13,700,465	197,000,000	12,299,000	20,904,956	247,627,009
1925	2,612,700	1,555,000	9,656,420	222,590,000	11,106,289	19,215,518	266,736,527
1924	2,408,600	2,179,850	9,458,854	253,003,000	12,250,000	21,598,534	300,899,838
1923	2,483,573	1,041,466	9,383,720	268,000,000	15,075,000	22,710,520	318,694,279
1922	2,716,921	1,249,005	8,724,170	265,000,000	20,296,000	20,160,758	318,116,854
1921	1,415,165	1,450,850	9,298,513	279,000,000	8,463,000	21,972,532	321,570,040
1920	1,531,817	2,173,833	9,160,029	215,000,000	7,930,000	24,071,669	259,237,948
1919	1,750,000	2,133,383	8,982,753	223,000,000	9,497,080	20,365,644	265,728,860
1918	1,291,117	2,029,500	9,818,295	183,000,000	8,227,000	28,396,245	232,762,157
1917	1,263,250	1,921,986	9,045,658	163,000,000	8,884,000	18,275,465	202,390,350
1916	665,000	518,740	9,253,162	164,000,000	13,530,000	15,120,077	203,086,979

¹ Does not include appropriations for the Patent Office and the Bureau of Mines, which have been transferred to the Department of Commerce.² Includes \$4,773,160 appropriated for the Patent Office and the Bureau of Mines transferred to the Department of Commerce July 1, 1925.

I do not desire to take the time of the House unduly in the presentation of the matters in the report. I do, however, want to call attention to two or three things of greatest importance, and I shall insert some further discussion of others in the RECORD, so that there may be a record of the matters and the reasons that led the House conferees to the position which they took. Especially I desire to call the attention of the House to the appropriation for the construction of the Coolidge Dam in connection with the San Carlos irrigation project.

CONSTRUCTION OF COOLIDGE DAM

The Coolidge Dam, to serve about 80,000 acres in the San Carlos project in Arizona, was authorized by the act of June 7, 1924. The first appropriation for it was \$450,000 carried in the Interior bill for the current year, of which it is estimated \$325,000 or more will remain unexpended at the close of this fiscal year, and if not reappropriated, it would lapse. The Budget recommended a new appropriation of \$450,000 for 1927 with no recommendation for reappropriation of such unexpended balance. Our committee recommended a reappropriation of such unexpended balance of \$325,000 and omitted any new appropriation. In the Senate amendment was agreed to continuing the reappropriation, but providing for the \$450,000 additional. This has had careful consideration in conference and an agreement has been reached accepting the House provision, the Senate receding from the proposed new appropriation of \$450,000.

Because of certain political exigencies, this matter has had a great deal of publicity in the State of Arizona and the facts of the case have been presented to the people of that State with a disregard of accuracy that has been confusing to the good people of that State, to say the least. One John R. Towles is conducting a press bureau at Phoenix, Ariz., describing himself in the flood of press releases that proceeds from that bureau as collector of internal revenue; and I understand through rumor that, in addition to his onerous duties as collector of internal revenue, he finds time for some political activities. In fact, as I understand, one Frank R. Stewart, one of the best Republicans in the State of Arizona, who served several years as collector of internal revenue to the perfect satisfaction of the patrons of the office and the Treasury Department, being rated

as one of the ablest men in the service, was recently removed and Mr. Towles appointed to succeed him, because Stewart did not devote sufficient time to political activities. In one such release from this bureau, marked "News—Release immediately," one reads, after setting forth some figures of the estimated cost of certain proposed work:

Mr. Towles added that this does not agree with the conditions that a recent editorial in a local paper would set forth, in which Congressman CRAMTON, of Michigan, is pictured as a friend of Arizona. "Though it may be true that CRAMTON did vote in favor of the project at first, it is probable that he obstructed speedy progress of construction of the project when, upon his recommendations, the House Committee on Appropriations eliminated the additional \$450,000 appropriation sought for by Senators ASHBURST and CAMERON," Towles said. "Mr. CRAMTON would have it that the amount to be expended for the project would be the residue left over from last year's appropriation. This, as shown by the estimate of the Bureau of Indian Affairs, would be quite insufficient to bring about the speedy completion of the project, holding back the reclamation of about 100,000 acres of land for a year or more, to the inconvenience of and loss to many Indians and settlers in the valley of the Gila River," he added. "A good test of the sincerity of Mr. CRAMTON, or any other Senator or Congressman, for the speedy completion of the San Carlos project will be the position he takes in voting upon the Cameron amendment for the \$450,000 in addition to the unexpended balance from last year's appropriation when it reaches the conference of the two bodies of Congress. Mr. CRAMTON will be one of the three conferees from the House," Towles concluded.

Inspired by such articles, the Miami Silver Belt, a prominent Democratic newspaper of that State, which appears in close sympathy with the political activities of Mr. Towles, says that I have "been prominent in every movement for the purpose of delaying the project" and have "overlooked no opportunity offered by parliamentary tactics to speak against beginning of work on the Coolidge Dam," and piously comes nearer to prayer than I imagine is the customary habit of the editor by exclaiming, "God save us in Arizona from friends of the Cramton type." The Silver Belt does occasionally have a germ of truth in its fulminations, and says in one of its editorials:

There is considerable evidence that certain interests in Arizona are making a political football of the Coolidge Dam appropriation.

However true that may be, Mr. Towles and his ally, the editor of the Democratic Silver Belt, should know. Certainly Mr. Towles and his political chief are for some reason grossly misrepresenting the House action in this matter.

Half of the lands to receive water from this reservoir are owned by the Pima Indians and half by whites. The Pima Indians were agriculturists, using irrigation before white men came to this continent. They are agriculturists to-day, while I have seen many of their fields, fenced, barren, due to insufficient water supply, encroachments by whites having taken the water before it reaches the Pimas. I am very much in sympathy with this program which will assure the Pimas of sufficient water and thereby perform what is really an obligation upon our people. I was glad to cooperate with Congressman HAYDEN in securing passage of this bill through the House. The act authorizing construction of this reservoir has also this provision for repayment, so far as the lands in white ownership are concerned:

SEC. 3. The Secretary of the Interior shall, by public notice, announce the date when water is available for lands in private ownership under the project and the amount of the construction charge per irrigable acre against the same, which charge shall be payable in annual installments, the first installment to be 5 per cent of the total charge and be due and payable on the 1st day of December of the third year following the date of said public notice, the remainder of the construction charge, with interest on deferred amounts from date of said public notice at 4 per cent per annum, to be amortized by payment on each December 1 thereafter of 5 per cent of said remainder until the obligation is paid in full.

So far as the lands in white ownership are concerned, therefore, this project is being built upon business principles. We are loaning the money, and the white landowners will repay it with interest. This provision was inserted in the act of authorization by the House and is a refreshing exception among western irrigation projects and adds further to my interest in and sympathy with this project.

The political propaganda which has gone over Arizona from the office of Mr. Towles is to the effect that our committee is niggardly in its treatment of the San Carlos project and desirous of delaying and handicapping it as much as possible. The truth is that our committee is very friendly to the San Carlos project and means to promote its construction as rapidly as possible with a due regard to safeguarding the interests of the Government and the water users, who eventually have to pay, and while Towles has been bushwhacking, our committee has been cooperating in an effort that has just successfully terminated that will save these water users a million dollars and clears the way for an energetic construction program.

A very thorough hearing on the estimates for this project was held by our committee December 1, 1925, at which time were present Mr. Edgar B. Meritt, Assistant Commissioner of Indian Affairs; Mr. M. W. Reed, chief engineer in charge of irrigation; Congressman HAYDEN, of Arizona; and others. In those hearings I stated explicitly the purpose of our committee to build the project in the most economical fashion possible, which could only be done by making the appropriations fit the proper construction units so that the construction would not be dribbled out over a series of years. We stated then that we wanted all the preliminaries disposed of, wanted to be sure that we were started right, and then would want to see the thing move. At the time of those hearings it developed that one very important preliminary had not yet been disposed of. The total cost of this reservoir has been estimated to be \$5,500,000. Of this amount about \$2,000,000, or fully one-third of the total cost of the project, consists of the cost of moving the tracks of one of the lines of the Southern Pacific which now for a distance of 14 miles lie on the bed of the proposed reservoir. It developed in our hearings that it was still uncertain what part, if any, of the cost of moving these tracks would be borne by the railroad company. Based upon our experience in connection with other irrigation projects, and the facts that developed in our hearings as to this project, it was the feeling of our committee that one-half of the cost of moving these tracks should be borne by the railroad company. We were advised by Congressman HAYDEN that he had been in touch with one or more officials of the Southern Pacific and that he felt sure that the attitude of that company would prove to be entirely satisfactory. We were advised by the Indian Bureau that the preliminary survey by the bureau and by the railroad as the basis of estimate as to the probable cost of such change of location had about reached the point where negotiations with the company on the question of division of such expense could actively proceed. We did not believe it desirable to provide

any large appropriation for construction of the dam while this very important preliminary remained uncertain and unsettled. It seemed to us due the water users, who must eventually pay the bill, that we should take every step to properly safeguard their interests in this matter. The reappropriation of \$325,000 would amply provide for carrying on all of the necessary preliminaries. We felt any further appropriation for active prosecution of the work of construction should wait the making of a contract with the railroad company. The following appears on page 263 of the hearings of December 1:

There seems to be no reason why a definite understanding could not be arrived at with the railroad between now and next April or May. This committee feels that the expenditure chargeable to the project in connection with the relocation of that railroad right of way is a very important item as affecting the burdens which these landowners under the project must assume and has a very material effect upon the success of the project that might be involved. We do feel (I do, and I think I am not saying too much in speaking for the committee) that the railroad company should cooperate in that work in a very liberal manner. It occurs to us now that a half-and-half proposition, as I have referred to before, would be entirely equitable. It is very possible that this committee would not want at this time to provide an appropriation for the project until we know what terms can be secured with the railroad company. It may be that the cost would be prohibitive. But we could reappropriate this unexpended balance with the understanding, either expressed in the act or made a matter of record here, that the \$375,000 would not be used in the relocation of the railroad tracks, but would only be used in connection with other construction work. Then, if you succeed in getting a contract with the railroad company, the Indian Office can go to the Budget in the spring with that contract and ask an appropriation to enable the Indian Office to comply with the contract; and if the Budget approves an estimate for that purpose and it comes to Congress, we, then, will have before us the definite terms of the contract; and if Congress then does not feel justified in approving of such a contract and such an expenditure for that purpose, of course, the appropriation to carry it out would not be made; the proceeding would stop. On the other hand, if the contract did appeal to Congress as equitable and one that the project can stand, the appropriation could be approved, and you would not have lost any time. In other words, there does not seem to be any reason, Mr. Reed, for finally passing in this bill upon this question of our contribution to the removing of that right of way or transfer of the right of way. In your judgment, Mr. Reed, that would not embarrass your operations if final action on that were deferred possibly to a deficiency item?

MR. REED. No, sir; if that program as laid out before you is carried out, it would accomplish the same thing we proposed in the request that we made for an appropriation.

We therefore omitted from the bill any appropriation except the reappropriation of \$325,000. This was nearly as much as the Budget estimate of \$450,000, but we further manifested our interest in the project by emphasizing the need of an early understanding with the railroad company and the assurance of our favorable attitude toward any necessary appropriation for construction in the last deficiency bill of the session if a satisfactory contract with the railroad company should be negotiated in the meantime.

I am very glad, indeed, to be able to announce to the House at the time of presenting this report that in the past few days, in fact within a few hours after the conferees had reached a full agreement on this bill, the Bureau of Indian Affairs arrived at a very satisfactory understanding with the Southern Pacific Railroad Co., and a contract has been signed by the Secretary of the Interior and that company providing that for a flat sum of \$1,000,000 the Southern Pacific Railroad Co. will carry out the necessary removal of the tracks without further expense to the project, or they will remove the tracks on a 50-50 basis, the Secretary of the Interior being given six months from date of the contract in which to elect. The cost of removing these tracks has been estimated from \$1,700,000 to \$2,336,000. It is the belief of Mr. Paul Shoup, executive vice president of the Southern Pacific, that the cost will be a little better than \$2,000,000, of which the \$1,000,000 figure suggested would be one-half. The Government has six months in which to decide whether to accept this figure or to take its chance and pay half of the cost, whether it be more or less than \$2,000,000. I think the matter is of sufficient importance, so that I insert here the complete contract referred to. (See Exhibit B.) The signing of this contract makes certain the reduction of the cost of the project to the landowners to the extent of approximately \$1,000,000, or about \$12.50 per acre, a very material aid in the success of the project.

While our committee feels a very real satisfaction in the successful outcome of the negotiations and the fact that these negotiations have been concluded in time to permit of con-

sideration of a supplemental estimate for construction work on the dam in the pending deficiency appropriation bill, we are frank to admit the credit for the successful outcome of those negotiations lies with Hon. Charles H. Burke, Commissioner of Indian Affairs, who has been very zealous in promoting and expediting the negotiations and very insistent upon proper consideration of the financial interests of the landowners, and to Mr. Paul Shoup, executive vice president of the Southern Pacific, and his colleagues in the management of that great railway system, who have shown such a commendable interest in the development of this territory tributary to their system. It is due to the interest of Commissioner Burke and Mr. Shoup that negotiations, which in many cases between the Government and a great corporation consume unending months, have in this case, through desire on both sides to do the fair thing and promote this worthy project, been consummated in a remarkably short time.

There were certain conditions in the San Carlos act with reference to appraisal of the lands of the whites, and so forth, that were set forth in section 4 of that act. The negotiations relative to these conditions have been progressing satisfactorily and are well on the way to favorable disposition. These conditions are not conditions precedent to the construction of the dam, but are precedent to any "construction on account of any lands in private ownership." The work of constructing the dam does not need to be held back for performance of the conditions in section 4, but, on the contrary, should not be held back because of the urgent need which the Indians have for this water, and the Indians are not parties to performance of those conditions.

The signing of this contract with the Southern Pacific by which half of the cost of the relocation of the tracks is borne by that company clears the way, and the engineering plans for the structure being practically complete the fiscal year 1927 should see a great start made upon the actual construction of the dam. For this purpose the \$450,000 which was proposed in the Senate would have been insufficient. There is opportunity now for the Indian Bureau to present its construction program to the Budget, with a view to presentation of estimates to Congress for inclusion in the pending deficiency bill of the amount needed for construction purposes on the dam under the most economical construction program. Such an appropriation might properly follow the splendid exhibition of cooperation between the Indian Bureau and the Southern Pacific which we have just witnessed, and thereby expedite the completion of this important work a full year sooner than would otherwise be the case.

EXHIBIT B

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington.

SAN CARLOS INDIAN IRRIGATION PROJECT

Contract for payment of damages to Southern Pacific Co. due to necessity of removing part of its Arizona eastern branch from Coolidge Reservoir site.

Memorandum of agreement entered into this 15th day of April, 1926, pursuant to the act of June 7, 1924 (43 Stat. 475-476), and acts amendatory thereof or supplementary thereto, between the United States of America, hereinafter called the United States, represented by the Secretary of the Interior, and the Southern Pacific Co., a corporation organized under the laws of the State of Kentucky, hereinafter called the railroad, its successors, and assigns:

Witnesseth, the parties hereto hereby mutually covenant and agree as follows:

The railroad shall release to the United States that part of its present right of way of its Arizona eastern branch and its rights to its station and yard grounds and any and all other rights which it may have within the site of the so-called Coolidge Reservoir, which is to be constructed under the aforementioned act of Congress on the Gila River in Arizona.

2. The United States shall provide the railroad, free of cost, an adequate and complete right of way for its road as it shall be relocated around said reservoir site, and shall also provide adequate and complete station and yard grounds for said relocated line, all as the Secretary of the Interior may be authorized to do by existing law and in conformity with the rules, regulations, and practices hereunder.

3. The railroad shall have the right to, and shall retain and operate its existing lines through said reservoir site until its relocated line is built and ready for operation, and said relocated line shall be thus built and ready in ample time to permit of the flooding of the present line as soon as the Coolidge Dam, so called, is capable of backing up the water in the reservoir to that extent.

4. In full payment of damages due the railroad, owing to the construction of the said reservoir and the operation thereof by raising the water level in said reservoir to or holding it at 2,528 feet above sea level (said elevation being that used as controlling the so-called Indian Service railway survey made by Thomas Guyn between May 20 and October 1, 1925, and described in his report of said survey which was transmitted to C. R. Olberg, assistant chief engineer of the Indian Service, on October 10, 1925), the United States shall compensate the railroad in either of the two following ways: (1) By paying the railroad the sum of \$1,000,000; and if this method of payment is selected by the United States the said sum shall be paid to the railroad as it shall be appropriated by Congress and shall be needed and requested by the railroad to meet the expense of building the new road as construction thereon progresses; (2) by paying the railroad one-half of the actual cost of building said new road, said payment by the United States, however, not to exceed in any event the sum of \$1,200,000; and if this method is selected said payments shall likewise be made as money therefor shall be appropriated by Congress and as the same shall be needed and requested by the railroad as construction work on said new road progresses. Such costs shall be ascertained by the use of standard engineering and construction methods and shall be the full cost of building said new road, less the salvage value of the old road. In case of any dispute as to such costs or such value, the same shall be settled by three arbitrators, one to be appointed by the Secretary of the Interior and one by the railroad and the third by those thus selected. The Secretary of the Interior agrees that within six months from the date hereof he will notify the railroad in writing of the method of compensation determined upon by the United States.

In witness whereof, the parties have hereto signed their names the day and year first above written.

THE UNITED STATES OF AMERICA,
(Signed) By HUBERT WORK,
Secretary of the Interior.
SOUTHERN PACIFIC CO.,
(Signed) By PAUL SHOUP,
Executive Vice President.

THE NEW RECLAMATION PROJECTS

This conference report presents a final statement of the terms on which five new reclamation projects are to be constructed, namely, the Owyhee, Vale, and Baker projects in Oregon; Spanish Springs in Nevada; and new divisions of the Sun River in Montana. The House will recall that in the deficiency act approved December 5, 1924, the so-called fact finders' reclamation act was inserted and passed under the club of threatened filibuster in the Senate without any opportunity being given the House to consider the legislation therein proposed. At the same time four of these five reclamation projects and one other—the Kittitas in the State of Washington—were initiated, only one of them having been approved at that time by the department or the Budget and no hearing having been held before any committee of Congress with reference to such projects except one or two. When the Committee on Appropriations took up consideration of the Interior bill for the fiscal year 1926, careful consideration was given to proposed appropriations for construction of these projects. In those hearings the commissioner of reclamation, Doctor Mead, declared the fact finders' bill, as above referred to, to be insufficient and inadequate to properly protect the proposed new projects, and declared them all not feasible in the absence of further protection.

The fact finders' act had changed the provision for repayment of the construction costs which had been payable in 20 years without interest, fixing such repayment at the rate of 5 per cent of the gross crop return. In connection with these projects, Doctor Mead gave it as his opinion that the repayment under that plan would vary from 75 to 138 years, all without interest. Our committee felt it impossible to consider construction of new projects under any such repayment plan, passing on for three or four generations the repayment of charges, without interest, the money belonging to a fund alleged to be a revolving fund. While the reclamation policy was inaugurated with the declaration that it was intended to serve public lands, the lands involved in these projects are chiefly private lands, with the exception of the Spanish Springs project. There has been in the law no adequate protection for the intending settler as against speculative values being placed upon such lands by the owners. In other words, the easier the terms made by the Government in connection with repayment of the cost of the water rights the greater the amount of cream that could be skimmed off by the land speculator and the greater the difficulty of making the project successful and returning to the reclamation fund the construction costs.

Previously the Government has generally been doing business with individual water users, and the difficulty of collection of operation and maintenance charges, as well as construction charges, has been materially increased thereby. To meet these difficulties and to safeguard these proposed new projects in these particulars our committee proposed, in connection with the appropriations for such projects, that the money should not be available for construction purposes until in each case a contract should be made with a duly constituted irrigation district, which contract should provide for repayment of construction charges on terms approved by the Secretary of the Interior, which we were assured would be for a stated period. Further, that such contract should provide for an appraisal of the private lands in the project, with authority given the Secretary of the Interior to pass upon the price at which any land in the project should be sold until the time should arrive when half of the construction cost of the project had been returned to the Government.

At that time a movement appeared to be making much headway in Congress for the loan of money from the reclamation fund to settlers upon reclamation projects. This was recommended by the Commissioner of Reclamation to an extent to be practically paternalistic, involving a loan of several thousand dollars to each new settler and placing, as well, the work of leveling and partial development of the farm units upon the Government. At the same time the report of the fact finders' commission, approved by the department, was recommending that over \$25,000,000 of charges against a great number of projects should be wiped off the slate under a so-called readjustment scheme. Our committee felt that while some measure of credit upon easier terms than generally is possible on these projects would be of value for their successful development, this burden should not be placed upon the reclamation fund or the Federal Government. The financial strain would be greater than that fund properly can now sustain in connection with its other burdens existent and proposed. The percentage of loss would be very large because of the hazardous conditions that would surround the loans, particularly when the operations are so far removed from Washington and when political and congressional influence would operate to secure equality of credit when equality of conditions requiring credit might be lacking.

As an offset, therefore, to this Federal financing scheme our committee proposed cooperation between the Federal Government and the States and localities interested, whereby such States and localities should assume the duties and responsibilities of promoting the development and settlement of the projects and the securing, selecting, and financing of settlers. After a very prolonged conference on the bill, which delayed its final enactment until the closing day of the last Congress, these provisions were agreed to quite substantially. The idea of State financing of the settlers was in part suggested to our committee by the fact that the State of Washington had already its land settlement act and a fund for the financing of settlers upon certain of its projects. During the past year the requirement of compliance with the conditions above set forth as to the Kittitas project in the State of Washington has been the occasion of considerable controversy in that State. The matter was there worked out by the organization of a corporation with a capital of \$300,000, subscribed by public-spirited citizens of Ellensburg and the vicinity of the Kittitas project, to be loaned to settlers on that project at a low rate of interest, and a contract has been entered into between the State and the Interior Department on that basis. The idea of State rather than Federal financing of the settlers, while it has been vigorously protested in some western quarters, has at the same time met with approval from the State Chamber of Commerce of the State of Washington, the Seattle Chamber of Commerce, and other sources. Mr. Asahel Curtis, chairman of the irrigation committee of the Seattle Chamber of Commerce, a very active and influential organization, wrote me a few weeks ago:

The business men and stockmen of the Kittitas Valley held their annual dinner last night, and Mr. Benson, Mr. Hill, secretary of our committee, and myself were invited to attend. I am sorry that you could not have been listening in on the discussions that were made during the afternoon and at the dinner. I found everyone thoroughly solid on the idea of close cooperation with the Federal Government in caring for the settlers on the land. Sometime ago they were accepting it as one of the conditions which had to be in order to get the appropriation for development. To-day they are all firm believers in land settlement and the absolute elimination of speculation.

I told them that from the standpoint of our chamber our only interest was in the welfare of the settler and that we were bitterly opposed to any speculation. The toastmaster followed by saying that he had appointed a special committee to lynch anyone who came into the valley to engage in speculation. I know it would have done you good

to have heard the kind things said about you and the Secretary and Doctor Mead. I think you can rest assured that there is one spot in the Western States that your ideas on reclamation are thoroughly understood by the people.

Construction of the Kittitas project is therefore under way and appropriations for the work to the full extent that is economical in the making of contracts will be available this session.

Mr. WINTER. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. WINTER. Do I understand, then, the net result? In other words, the conference agreement does away with the idea of Federal aid for the settlers and substitutes State aid?

Mr. CRAMTON. If the gentleman will permit me to proceed, I can answer his question exactly. As yet I have been discussing the bill of a year ago and the action on the Kittitas. I hope to answer the gentleman fully; and if I do not, I shall be glad to yield later.

The conditions carried in the 1926 bill not having been complied with as to the other projects named, the controversy has recurred in connection with the 1927 bill. In that bill, as to the Baker, Vale, and Owyhee projects and the proposed new sections of the Sun River project, our committee proposed, with the approval of the House, the language as follows:

No part of the sums provided for in this act for the Sun River, Owyhee, Vale, and Baker projects shall be expended for construction purposes until the two following conditions shall have been met: (a) A contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or irrigation districts organized under State law providing for payment by the district or districts of the cost of constructing, operating, and maintaining the works during the time they are in control of the United States, such cost of constructing to be repaid within such terms of years as the Secretary may find to be necessary, and the execution of said contract or contracts shall have been confirmed by a decree of a court of competent jurisdiction; and (b) a contract or contracts shall have been executed between the United States and the State or States wherein said projects or divisions are located, whereby such State or States shall assume the duty and responsibility of promoting the development and settlement of the projects or divisions after completion, the securing, selecting, and financing of settlers to enable the purchase of the required livestock, equipment, and supplies, and the improvement of the lands to render them habitable and productive. In each such case the State, or a corporation duly organized for that purpose, shall provide the funds necessary for this purpose and shall conduct operations in a manner satisfactory to the Secretary of the Interior. Such contract or contracts with irrigation districts hereinbefore referred to shall further provide that all irrigable land held in private ownership by any one owner in excess of 160 irrigable acres shall be appraised in a manner to be prescribed by the Secretary of the Interior and the sale prices thereof fixed by the Secretary on the basis of its actual bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works; and that no such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior; and that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall carry the right to receive water unless and until the purchase price involved in such sale is approved by the Secretary of the Interior and that upon proof of fraudulent representation as to the true consideration involved in such sales the Secretary of the Interior is authorized to cancel the water right attaching to the land involved in such fraudulent sales: *Provided further*, That the operation and maintenance charges on account of lands in said projects and divisions shall be paid annually in advance not later than March 1. It shall be the duty of the Secretary of the Interior to give public notice when water is actually available, and the operation and maintenance charges payable to the United States for the first year after such public notice shall be transferred to and paid as a part of the construction payment.

This provision would require as a condition precedent to expenditure of the moneys for construction (1) the formation of an irrigation district and the making of a contract with that district that would (2) provide for repayment of the construction costs within a period to be fixed by the Secretary of the Interior, (3) limitation of the price at which lands could be sold, (4) payment of operation charges in advance, (5) cooperation with a State or a corporation duly organized for that purpose in settlement, development, and financing of settlers, and (6) such contract to be confirmed by a decree of a court of competent jurisdiction.

The bill as it passed the Senate accepted these provisions as to formation of the irrigation district, limitation of the price of the lands, and payment of charges in advance. The Senate

proposed that the charges should be repaid under the 5 per cent of gross crop return plan and eliminated the provision with reference to confirmation of the contract by a court and with no reference to any cooperation by the State or any local organization. The Senate further proposed in amendment 45 the authorization of appropriations to the extent of \$500,000 in the next three years, of which \$100,000 should be immediately available to be used in financing settlers on new units of two existing projects, the money to come from the reclamation fund, and this to constitute an experiment in Federal financing.

The House recognized that at once upon the making of this experimental appropriation the pressure upon western representatives and upon Congress as a whole for similar financial aid for settlers generally upon all existing projects would be very great. The nose of the camel would be under the tent and in no time we would be thoroughly committed to the whole scheme of extensive credit for one very limited class of farmers for whom more has already been done by the Government than for all other farmers. We, therefore, continued to oppose strenuously the idea of credit through loans from the reclamation fund, and the Senate has agreed in this report to recede from amendment 45. Further, we are assured by several of those most active and influential in reclamation matters in the Senate that in view of the agreement arrived at in conference on this bill, the Federal financing proposal is dead and is not to be resurrected. In the bill as now agreed upon in conference the matter of State cooperation in settlement and development is covered by the following provision:

Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized in his discretion to enter into agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers.

This provision is not a condition precedent to the expenditure of the funds appropriated in the bill. The problem of development and settlement becomes active when the projects are completed, which as to the projects above discussed will be three to five or six years hence. As that time approaches this provision contemplates the Secretary of the Interior will take the matter up with the several States to bring about agreements whereby the cooperation of such States in promoting the settlement of the projects and the securing and selecting of settlers thereon shall be secured.

During the time that this matter has been under consideration in conference the department has indicated that in the absence of the Federal financing program the department would use its own discretion with reference to construction of these projects in the absence of mandatory language. To manifest the intention of Congress, therefore, the following sentence has been inserted:

Upon such confirmation of such contract as to any one of such projects, the construction thereof shall proceed in accordance with any appropriations therefor provided for in this act.

The final decision in the expenditure of funds must lie with Congress, and it is believed that the language used is sufficiently definite to make clear the purpose of Congress. Language more mandatory in character would no doubt involve inconveniences to the department which our committee, of course, does not desire.

The conference agreement provides for repayment "within such term of years as the Secretary may view to be necessary, in any event not more than 40 years from the date of public notice," and the contract is required to be confirmed by a decree of a court of competent jurisdiction.

The provision as to the Spanish Springs project is carried separately in the bill, and inasmuch as the lands are unsettled and formation of an irrigation district at this time is not feasible, the contract with the irrigation district has not been required as a condition precedent to the construction of the project, but is a condition precedent to the furnishing of water to the water users. Therefore, the language agreed upon in conference with reference to the Spanish Springs differs in some degree from the language I have been discussing relating to the Owyhee, Vale, Baker, and Sun River projects.

Personally, I have not believed that the interests of the country or the best interests of the States involved demanded construction of all of these projects at this time. It has been apparent, however, that appropriations for this purpose could not be withheld. The provisions which the bill carries for

their protection we believe will be of very material aid in securing their successful settlement and development. The extent to which cooperation between the Federal Government and the States in settlement and development will profit the projects will depend upon the interest and wise discretion with which the department and the States utilize the wide authority here granted. We have insured repayment of the funds in 40 years or less instead of allowing them to run from 75 to 138 years, and we have protected the reclamation fund from overwhelming dissipation of its money through a program of credit paternalistic in character.

The provision concerning these matters as agreed to in conference is as follows:

No part of the sums provided for in this act for the Sun River, Owyhee, Vale, and Baker projects shall be expended for construction purposes until contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or irrigation districts organized under State law providing for payment by the district or districts of the cost of construction, operating, and maintaining the works during the time they are in control of the United States, such cost of constructing to be repaid within such terms of years as the Secretary may find to be necessary, in any event not more than 40 years from the date of public notice hereinafter referred to, and the execution of said contract or contracts shall have been confirmed by a decree of a court of competent jurisdiction. Upon such confirmation of such contract as to any one of such projects, the construction thereof shall proceed in accordance with any appropriations therefor provided for in this act. Prior to or in connection with the settlement and development of each of these projects, the Secretary of the Interior is authorized, in his discretion, to enter into agreement with the proper authorities of the State or States wherein said projects or divisions are located whereby such State or States shall cooperate with the United States in promoting the settlement of the projects or divisions after completion and in the securing and selecting of settlers.

Such contract or contracts with irrigation districts hereinbefore referred to shall further provide that all irrigable land held in private ownership by any one owner in excess of 160 irrigable acres shall be appraised in a manner to be prescribed by the Secretary of the Interior and the sale prices thereof fixed by the Secretary on the basis of its actual bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works; and that no such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior; and that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall carry the right to receive water unless and until the purchase price involved in such sale is approved by the Secretary of the Interior, and that upon proof of fraudulent representation as to the true consideration involved in such sales the Secretary of the Interior is authorized to cancel the water right attaching to the land involved in such fraudulent sales: *Provided further*, That the operation and maintenance charges on account of lands in said projects and divisions shall be paid annually in advance not later than March 1. It shall be the duty of the Secretary of the Interior to give public notice when water is actually available, and the operation and maintenance charges payable to the United States for the first year after such public notice shall be transferred to and paid as a part of the construction payment.

Mr. WINTER. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. WINTER. The gentleman got a little further than the subject about which I wanted to question him. I just want to inquire whether the proposed combination of Federal and State Governments in some kind of a contract for the selecting and securing of settlers, in the gentleman's opinion, is in any manner or any degree a provision for aid to the settler?

Mr. CRAMTON. I want to make the matter clear, if I perfectly understand the gentleman. In the first place, there is no provision as a condition precedent to construction in any way involving the State. There is no reference to any action by the State except the provision I have read which will, of course, speak for itself. It is not a mandatory provision even at the time of settlement. It is a suggestion and an authority granted to the Secretary of the Interior, when the time comes for the settlement of one of these projects, to do this. He is then authorized—and it might be properly thought that this is somewhat of a suggestion that he should proceed to do something in this direction—in his discretion to enter into agreement with the proper authorities of the State or States wherein such projects or divisions are located whereby such State or States shall cooperate with the United States in promoting

the settlement of the projects or divisions after completion and in the securing and selecting of settlers.

Now, as to what his authority is under that; this, we must remember, will be the situation: He will have before him a project, perhaps the Owyhee, with \$17,000,000 invested, 42 per cent of it settled and 58 per cent of vacant land to be settled. He will have large areas on other projects. He will have a real responsibility. I have no doubt there will be some progress in public sentiment in the next few years. I think attention has now been focused upon the necessity of using some system in the matter of settling and developing these lands, and we have a right to expect that in the next three, four, or five years that will elapse before this time arrives the thought will become more clear as to what ought to be done.

Now, I believe that as to this provision it gives the Secretary authority to enter into any kind of a contract that the State is willing to enter into. Of course, it is not mandatory, and to what extent at that time a State might desire to cooperate in matters of settlement is not for me to say.

Mr. WINTER. Then is not this the fact, that the net result of the present conference agreement is to eliminate the Federal aid idea and to eliminate the mandatory State aid idea and leave the settler, so far as this conference report is concerned, and so far as this bill and any present legislation is concerned, without any aid now or in prospect on any new project?

Mr. CRAMTON. The effect of the present report is to eliminate entirely any mandatory participation by the State or the Federal Government in financing the settler, and there is no provision carried for financing the settler.

Mr. WINTER. I will ask one final question, and that is whether or not just recently and within the last year it has not been the consensus of opinion of everybody concerned in reclamation that the one thing that was necessary was some system to be provided for aided and directed land settlement on these projects.

Mr. CRAMTON. Well, the financing of the settler and aided and directed land settlement may be entirely different things. I will not agree with the gentleman's statement in this regard either: I will not agree with the gentleman that there is any consensus of opinion that the one thing is the financing of the settler, if that is what the gentleman has in mind.

Mr. WINTER. Well, the gentleman knows that in every reference to aided and directed land settlement within the last year the credit, or financial part of it was an integral part of it and always understood as a part.

Mr. CRAMTON. My own judgment is—and I am hoping that by the time these lands are ready for settlers that even the Representatives in Congress from the West and the Members of the Senate from the West will fully recognize that this is true—that the thing which would be of the greatest advantage to the settlers would be to first get the land at a fair price and not at a speculative price, and then to secure for them a line of credit adequate for their necessities at a reasonable rate. After my study of it for some time and my contact with men on projects in the West, and bankers and others, I believe that the best way to secure that and get results is not to make it a political proposition, as it would be as a Federal activity, but to get results through the operation of a local corporation, organized for that purpose by public-spirited men who realize the benefit that will come to their community through the development of an adjacent project. That has been done on the Kittitas project and they are now very enthusiastic about it.

Mr. MADDEN. And they will make their loans on a business basis.

Mr. CRAMTON. Yes. They will know the conditions and they will operate it as a banking corporation would be operated, except that not being organized for profit they can do business on a lower rate of interest than generally prevails in the West.

I reserve the balance of my time, Mr. Speaker.

Mr. SINNOTT. Mr. Speaker, will the gentleman yield for a moment?

Mr. CRAMTON. I yield to the gentleman from Oregon.

Mr. SINNOTT. I notice on page 7 of the statement, referring to amendment No. 3, the Vale project is not mentioned. I take it that is an inadvertence.

Mr. CRAMTON. That was an inadvertence on my part in omitting it. But, of course, it does not affect the bill.

Mr. WILLIAMSON. Will the gentleman yield just at this point for a question?

Mr. CRAMTON. I yield.

Mr. WILLIAMSON. Referring to amendment No. 31, at page 68, in which provision is made authorizing the Secretary of the Interior until June 30, 1927, to extend the time for payment of operation, maintenance, and construction charges, and

so forth, I would like to ask the gentleman whether or not in his judgment the provision contained in that paragraph in any way modifies or amends by implication subsection (L) of the act of December 4, 1924, I believe it is.

Mr. CRAMTON. I have been told often enough by men who know reclamation law that I am not competent to construe the law and its effect, but I will give the gentleman my best judgment. In my judgment, amendment 31 as it stands, which, of course, is not involved in the conference report and must come up for a separate vote, does not amend or repeal subsection (L) dealing with somewhat the same subjects in the fact finders act. I do believe, however, it gives an added authority to the department so that the department may elect to proceed under this instead of proceeding under subsection (L). In other words, if subsection (L) has been construed by any to be mandatory and forcing action upon the department, with the passage of this provision the department can proceed under this act instead of proceeding under subsection (L).

Mr. WILLIAMSON. In other words, the gentleman construes it as merely supplementary to subsection (L)?

Mr. CRAMTON. Or optional with, maybe.

Mr. WINTER. Will the gentleman yield for one other question?

Mr. CRAMTON. Yes.

Mr. WINTER. Referring to amendment No. 40 and referring to the amendment limiting the period of repayment to 40 years, that, as a matter of fact, is contrary to the provisions of the present reclamation law, is it not?

Mr. CRAMTON. Amendment No. 40 has to do with Spanish Springs, but as to this matter the situation is the same as to the others I mentioned. The present law that would govern repayment of these construction charges is the so-called fact finders act, under which it is mandatory that the contract provide for repayment under the 5 per cent of gross crop return plan, and as to the projects, Doctor Mead, as I have said, stated if that plan were followed it would be 75 to 138 years before the money came back. So the inclusion of this language as to these projects does take them out from the operation of that law and puts it in the discretion of the Secretary with a 40-year limit.

Mr. WINTER. I wanted to bring out the fact that that was clearly the case.

Mr. CRAMTON. Yes.

THE FLATHEAD INDIAN IRRIGATION PROJECT

Another important irrigation project, on which our committee has, in this conference report, completed a provision that I believe is of great importance and is highly constructive in character, is the Flathead Indian irrigation project.

The ultimate irrigable area of the whole project is about 125,000 acres, and the acreage for which at least partial water right is available at present is over 100,000 acres. To June 30, 1925, \$5,148,320.83 had been spent by the Federal Government in construction and \$624,813.74 for operation and maintenance. There had then been repaid \$51,935.88 of the construction costs and \$217,038.89 of the operation and maintenance charges. It was estimated that \$2,000,000 would be required to complete the project.

Because of the showing made by such information as our committee could obtain, we successfully resisted any large appropriation in the 1925 bill, and gave only \$35,000, chiefly for operation and maintenance, in the 1926 bill. When the latter bill was pending in the House the gentleman from Montana [Mr. EVANS] sought a larger appropriation. At that time I said, in part:

I feel that some time or other Congress should come to a definite decision as to what is to be done on those Indian projects in this State, but it is up to the department, it seems to me, to get busy and further analyze that situation out there and be prepared to give us information as to whether the project should be completed or abandoned. If completed, then to what extent and what new structures are necessary, and as to what has been done in the past, and whether readjustments are necessary. All of those things ought to be worked out in a completed plan. I have in mind myself, as have other members of the subcommittee, that this coming season, if we do visit any activities of the department in the West, we especially want on the ground to make a study of the problems with reference to these projects.

That promise was kept, and last August we visited the project and for four days made a most intensive study of its problems, there being in our little party Mr. MURPHY and myself from the Appropriations Committee; Mr. Bailey, Assistant Commissioner of the Budget in charge of Interior Department estimates; Commissioner Burke, of the Indian Bureau; Representative LEAVITT, chairman of the Indian Affairs

Committee; and Representative EVANS, in whose district the project is located.

That inspection impressed us with the great natural advantages of the project, the unsatisfactory conditions as to water supply now existing on the project, and the courageous attitude, the uprightness, and the capacity of the settlers now on the project.

While water was said by the reports to be available for 112,000 acres under constructed works, we found that only a small proportion of that acreage had a dependably sufficient supply, and nearly everywhere development and settlement was seriously handicapped by lack of water through the season.

Conferences held on the several divisions developed that \$165,000 for construction for certain canals or canal enlargements would provide a satisfactory water supply through the season for all present settlers and permit considerable additional development. The bill now approved carries the appropriation of \$165,000 for those items.

The project is made up of several practically independent, unconnected divisions, and on the Camas division there appeared to be compelling reasons for some rearrangement of charges if the Government were to get back nearly \$2,000,000 there invested. That division has a construction charge about \$50 an acre heavier than the Mission Valley, the latter near the railroad and the Camas 20 miles away. But this committee has a strong feeling against wiping those obligations due the Government off the slate.

It further appeared that for the final completion of the project and its full development, reservoir construction to the extent of \$700,000 or more would eventually be required.

In 1909 to 1911 there was constructed in connection with this project the so-called Newell Tunnel to use the normal year-round flow of the Flathead River in power development. This tunnel has never been utilized. The Indian irrigation service advised our committee that \$786,550 would construct and equip the power plant in connection with that tunnel and construct transmission lines and substations connecting the power plant with all project towns and farming centers, this plant to be a two-unit plant developing 5,000 horsepower.

The committee have approved construction of that plant in a two-year program, the bill before us carrying an appropriation of \$395,000 for the power plant, carrying this language as approved in conference:

Provided further, That no part of this appropriation, except the \$15,000 herein made immediately available, shall be expended on construction work until an appropriate repayment contract, in form approved by the Secretary of the Interior, shall have been properly executed by a district or districts organized under State law embracing the lands irrigable under the project except trust patent Indian lands, which contract, among other things, shall require repayment of all construction costs heretofore or hereafter incurred on behalf of such lands, with provision that the total construction cost on the Camas division in excess of the amount it would be if based on the per acre construction cost of the Mission Valley division of the project, shall be held and treated as a deferred obligation to be liquidated as hereinafter provided. Such contract shall require that the net revenues derived from the operation of the power plant herein appropriated for shall be used to reimburse the United States in the following order: First, to liquidate the cost of the power development; second, to liquidate payment of the deferred obligation on the Camas division; third, to liquidate construction cost on an equal per acre basis on each acre of irrigable land within the entire project; and fourth, to liquidate operation and maintenance costs within the entire project. Provision shall also be contained therein requiring payment of operation and maintenance charges annually in advance of each irrigation season and prohibit the granting of a water right to or the use of water by any individual for more than 160 acres of land irrigable under constructed works within the project after the Secretary of the Interior shall have issued public notice in accordance with the act of May 18, 1916 (39 Stat. L. pp. 123-130); all lands, except lands owned by individual Indians, at the date of public notice in excess of 160 acres not disposed of by bona fide sale within two years after said public notice shall be conveyed in fee to the United States free of encumbrance to again become a part of the public domain under contract between the United States and the individual owners at the appraised price fixed at the instance of the Secretary of the Interior, such amount to be credited in reduction of the construction charge against the land within the project retained by such owner. All lands so conveyed to the United States shall be subject to disposition by the Secretary of the Interior in farm units at the appraised price, to which shall be added such amount as may be necessary to cover any accruals against the land and other costs arising from conditions and requirements prescribed by said Secretary: *Provided further*, That trust patent Indian lands shall not be subject to the provisions of the law of any district created as herein provided for but shall, upon the issuance

of fee patent therefor, be accorded the same rights and privileges and be subject to the same obligations as other lands within such district or districts: *Provided further*, That all construction, operation, and maintenance costs, except such construction costs on the Camas division held and treated as a deferred obligation herein provided for, on this project shall be, and are hereby, made a first lien against all lands within the project, which lien upon any particular farm unit shall be released by the Secretary of the Interior after the total amount charged against such unit shall have been paid, and a recital of such lien shall be made in any instrument issued prior to such release by the said Secretary. The contracts executed by such district or districts shall recognize and acknowledge the existence of such lien: *Provided further*, That pending the issuance of public notice the construction assessment shall be at the same rate heretofore fixed by the Secretary of the Interior, but upon issuance of public notice the assessment rate shall be 2½ per cent per acre, payable annually, in addition to the net revenues derived from operations of the power plant as hereinbefore provided, of the total unpaid construction costs at the date of said public notice: *Provided further*, That the public notice above referred to shall be issued by the Secretary of the Interior upon completion of the construction of the power plant.

Under this the Camas Division must pay only the same per acre for construction charges as the Mission Valley, the balance going into a suspended account to be repaid from profits of the power plant, this being satisfactory to the whole project.

The construction of the power plant at a cost of \$786,000 therefore accomplishes these things:

(a) Provides for payment of \$800,000 to \$800,000 of charges on the Camas Division that were beyond the capacity of that division to pay, and gives a prospect of the Camas being able to pay as much more under a readjusted contract.

(b) By providing cheap power for pumping plants to furnish supplemental supply eventually needed for certain portions of the project, obviates the necessity of expending \$700,000 to \$800,000 for reservoirs as above stated.

(c) Furnishes needed cheap power to the farms and towns of the project that will aid much in attracting desirable settlers and making success possible.

There is no reason why the Flathead project should not succeed. The program carried forward in this bill is definite and constructive and clears the way for real development of this project. It opens the way for return of \$6,000,000 the Federal Government has invested there, with no charge-off, and for the building of a successful American community.

NAVAJO FUNDS FOR THE GALLUP-SHIPROCK ROAD

The only other matter I desire to discuss at this time is that involved in amendment No. 28. As to this, the Senate has receded, but under protest, and the same issue is likely to be again presented hereafter. Senate amendment 28 is as follows:

The unexpended balance of the sum of \$20,000 of the tribal funds of the Navajo Indians authorized to be withdrawn from the Treasury for expenditure under regulations to be prescribed by the Secretary of the Interior for the maintenance and repair of that portion of the Federal-aid highway from Gallup, N. Mex., to Shiprock, N. Mex., across the Navajo Indian Reservation in conformity with the act of June 7, 1924 (43 Stat. L. pp. 606 and 607), contained in the Interior Department appropriation act for the fiscal year 1926, is hereby made available for the same purposes for the fiscal year 1927.

The Senate hearings and consultation with the Bureau of Indian Affairs developed these facts: The road from Gallup to Shiprock, N. Mex., runs for 82.5 miles across the Navajo Reservation; that under the present program only 19 miles is to be surfaced under Federal aid—that is to say, only 19 miles is to be a Federal-aid highway so far as present prospects are concerned; 14 miles farther is to be completed by May 1, but only as to grading and drainage structures; and a total of 63.5 miles, including this 14 miles, is to be surfaced by the State, if at all, under maintenance, and will not be a Federal-aid highway and is not now surfaced.

The act of June 7, 1924, is the only authority for the appropriation sought in No. 28. That act authorizes an annual appropriation of \$20,000 of available Navajo funds "for maintenance of that portion of the Federal-aid highway from Gallup, N. Mex., to Shiprock, N. Mex., across the Navajo Reservation." Clearly this does not authorize use of Navajo funds for construction or for maintenance of any but a "Federal-aid highway."

Further, the act contemplates completion of a Federal-aid highway from Gallup to Shiprock before the Indians are called upon for maintenance money, and their funds can not, upon the authority of the act of June 5, 1924, be used to maintain the 19 miles of Federal-aid highway.

This justification for the use of the Indian funds for maintenance of this highway, as given by the department in a

letter February 8, 1924, to the chairman of the Indian Affairs Committee of the Senate, and inserted by him in his report to the Senate on the bill which proposed this authorization (S. Rept. 263, 68th Cong., 1st sess.) makes this clear. It sets forth the necessities of the case, and says:

That portion of the road on the reservation is about 90 miles in length, and it is estimated that the annual cost of repair and upkeep thereof will approximate \$20,000.

And for the reasons there set forth it was thought proper for the Indians to take the burden of maintenance of a Federal-aid highway across the reservation after construction. But that does not authorize or justify appropriation of their money for construction, or for maintenance on a constructed portion. The provision I have quoted was quoted in the Senate by the chairman of the Indian Affairs Committee when defending the bill in debate (CONGRESSIONAL RECORD, vol. 65, p. 8334.)

The attached correspondence makes clear the present situation:

MARCH 24, 1926.

HON. CHARLES H. BURKE,

Commissioner of Indian Affairs,

Department of the Interior, Washington, D. C.

MY DEAR COMMISSIONER: With reference to amendment No. 28, inserted in the Interior Department appropriation bill by the Senate, reading as follows:

"The unexpended balance of the sum of \$20,000 of the tribal funds of the Navajo Indians authorized to be withdrawn from the Treasury for expenditure under regulations to be prescribed by the Secretary of the Interior for the maintenance and repair of that portion of the Federal-aid highway from Gallup, N. Mex., to Shiprock, N. Mex., cross the Navajo Indian Reservation in conformity with the act of June 7, 1924 (43 Stat. L. pp. 606, 607), contained in the Interior Department appropriation act for the fiscal year 1926, is hereby made available for the same purposes for the fiscal year 1927."

Examining this matter, I find that the actual approval, June 7, 1924, known as Forty-third Statute 606, authorized an annual appropriation of \$20,000, reimbursable from the tribal funds of the Indians of said reservation, "to be expended under the direction of the Secretary of the Interior for maintenance of that portion of the Federal-aid highway from Gallup, N. Mex., to Shiprock, N. Mex., across the Navajo Reservation." I find that through Mr. Meritt, your office, before our committee in connection with the hearings on the Interior appropriation bill for 1926, page 984, justified an appropriation of \$20,000 for 1926 on the basis that the road in question is to be constructed entirely from Government funds apportioned to the State of New Mexico under the Federal highway act of November 9, 1921. In the course of the hearings on the 1927 bill before our committee in November Mr. Meritt stated: "But the State has not yet provided the funds for the construction of the road, and we thought it would be inadvisable to ask for further appropriations until they actually constructed the road."

Before the Senate committee Senator BRATTON presented a telegram from Governor Hannett, under date of January 8, 1926, stating in part: "The road is 85 per cent constructed and should be completed by July 1, with the exception of one project which should be completed by October 1."

Further in the Senate hearings, at page 29, I find a letter to Senator BRATTON from State Highway Engineer French, in which it is stated:

"... In addition to this, the State has had the Navajo Indians pile surfacing rock at designated points along the entire route of the highway between Gallup and a point 19 miles south of Shiprock and is now having the same crushed to be used as surfacing on the highway which will be constructed. The reason the money appropriated for maintenance last year was not applied for by the State was because we felt that this money could be used to better advantage on the new highway which is under construction than if it were used on the old highway, which was very crooked and improperly drained."

"It has been the intention of this department to request this money as soon as we could obtain the right of way for the proposed new highway from the Department of the Interior, and in various conferences between Governor Hagerman and the writer it has been understood that we would endeavor to get this appropriation to be used by the State highway department for maintenance on the proposed new highway as soon as said right of way was granted. We have just received the approved right-of-way map from Washington covering the right of way for the proposed new highway across the Navajo Reservation from Gallup to Shiprock, said approval being signed by John H. Edwards, Assistant Secretary, Department of the Interior, and it is our intention to immediately ask for last year's appropriation to be used in maintaining the new highway by placing surfacing already crushed, etc."

Reading this gives me the impression that the idea is not that a real road is to be constructed under the act of 1921 and that this \$20,000 per year from the funds of the Indians shall be used for ordinary maintenance thereof, but that, having secured the right of way

from the Government across the Indian reservation and graded same, the money of the Indians is to be used in completing the construction by proper surfacing.

Will you please advise me fully as to the present situation concerning this proposed appropriation and your recommendation with reference to it?

Thanking you, I remain,
Yours sincerely,

LOUIS C. CRAMTON,

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington.

MY DEAR MR. CRAMTON: The receipt is acknowledged of your letter of March 24, relative to amendment No. 28 to the Interior Department appropriation bill, which proposes to reappropriate the \$20,000 from Navajo tribal funds appropriated by the act of March 3, 1925 (43 Stat. L. 1163), for the maintenance and repair of that portion of the Federal-aid highway from Gallup to Shiprock, N. Mex., across the Navajo Indian Reservation.

It is true that the appropriation is from tribal funds directly, while the act of June 7, 1924 (43 Stat. L. 606), authorizes an annual appropriation of public money to be reimbursed from the tribal funds. When this matter was first presented to Congress the Navajo Indians had no tribal funds; hence no appropriation could be made therefrom, which explains why the authorization law specifies public money to be reimbursed from tribal funds. However, by the time the estimates for the fiscal year 1926 were made, tribal funds had accrued from oil leases. Therefore it was thought that the simplest and most direct way to handle the matter would be to make an outright appropriation from tribal funds and thereby obviate the necessity of a reimbursable appropriation.

As stated on page 984 of the hearings on the 1926 bill, it was the original intention that the entire cost of that part of the road on the reservation should be paid from Government funds apportioned to the State of New Mexico under the Federal highway act. However, the State did not have sufficient Federal-aid money therefor, and to expedite the construction of the road a plan was adopted whereby certain parts of the road would have Federal aid entirely; others, Federal aid in part; and others, State and county. Nevertheless this will not affect the status of the road as a Federal-aid highway, as it is included in the State's approved 7 per cent system.

At the time the 1927 estimates were prepared our information received from the Bureau of Public Roads was that the highway would not be completed for a year or so, and it was thought that no funds would be required for maintenance purposes next year. However, the work has progressed more rapidly than anticipated and 14,033 miles of the road in the reservation will be completed by May 1 under contracts approved by the Bureau of Public Roads and the Secretary of Agriculture, which provide for grading and drainage, but not for surfacing.

The State engineer advises that maintenance will be necessary as soon as the road is open to traffic, and he asks that the \$20,000 be made available for this purpose. He states that the length of that part of the road across the reservation when completed will be 82.5 miles, of which only 19 miles will be surfaced initially under Federal aid and that the State will be required to surface as maintenance the remaining 63.5 miles. The State engineer takes the position that it is only with respect to the 19 miles to be surfaced under Federal aid that surfacing can be regarded as part of the construction cost, and that as to the other 63.5 miles—which includes the 14,033 miles to be completed by May 1—the surfacing thereof comes within the category of maintenance, for which he thinks the appropriation from tribal funds may properly be used.

It is, of course, our intention to comply literally with the terms of the act and use this money only for maintenance and repair purposes, as provided thereby. This particular phase of the matter is therefore being taken up with the Chief of the Bureau of Public Roads in order to obtain his views so that we may definitely determine at just what stage construction ends and maintenance begins, as no doubt that bureau has formulated definite rules on the subject.

For your further information there is attached hereto copy of a letter from Mr. James A. French, State highway engineer, on this subject.

Cordially yours,

CHAR. H. BURKE, *Commissioner.*

HON. LOUIS C. CRAMTON,
House of Representatives,

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PUBLIC ROADS,
Washington, D. C., April 1, 1926.

HON. CHARLES H. BURKE,
Commissioner of Indian Affairs,
Department of the Interior, Washington, D. C.

DEAR MR. BURKE: Reference is made to your letter of March 29, relative to the appropriation of \$20,000 from Navajo tribal funds for

the maintenance and repair of that portion of the Gallup-Shiprock Highway across the Navajo Indian Reservation in New Mexico. You state that a question has arisen as to the use of the appropriation for surfacing purposes, which Congressman CRAMTON seems to feel should be regarded as a part of the construction costs, while Mr. French, State highway engineer of New Mexico, would have it considered as maintenance on the 63.5 miles of this highway which will not be surfaced with Federal aid. You, therefore, request an expression of my views on this point and also ask to be advised as to any definite rules which this bureau may have adopted for determining when construction ends and maintenance begins.

The Federal highway act (sec. 2, par. 5) defines the term "maintenance" to mean "the constant making of needed repairs to preserve a smooth surfaced highway." There has been no rule adopted by this bureau for determining just when construction ends and maintenance begins. Based on the information submitted, I agree with Congressman CRAMTON in his view that the surfacing of this 63.5 miles of earth road would seem more properly to be a construction cost rather than a maintenance charge.

Very truly yours,

THOMAS H. MACDONALD,
Chief of Bureau.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 18, 1926.

HON. LOUIS C. CRAMTON,
House of Representatives.

MY DEAR MR. CRAMTON: Referring to previous correspondence on the subject, there is attached hereto for your information copy of our letter of April 7 to Mr. James A. French, State highway engineer, Santa Fe, N. Mex., relative to the expenditure of the \$20,000 appropriation for the maintenance and repair of that portion of the Gallup-Shiprock Highway on the Navajo Reservation.

Cordially yours,

CHAS. H. BURKE,
Commissioner.

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 7, 1926.

MR. JAMES A. FRENCH,
State Highway Engineer, Santa Fe, N. Mex.

MY DEAR MR. FRENCH: Commissioner Hagerman has referred to this office your letter of March 11 relative to the \$20,000 appropriation for the maintenance and repair of that portion of the Gallup-Shiprock Highway on the Navajo Reservation.

You say that projects Nos. 146-B and 146-D, which aggregate 14,033 miles within the reservation, will be completed by May 1 under contracts, which provide for grading and drainage structures only; that of the total length of the road on the reservation (82.5 miles) only 19 miles will be surfaced under Federal aid; that the State will be required to surface under maintenance the other 63.5 miles, which include the 14,033 miles comprised in sections 146-B and 146-D; and that maintenance will be necessary as soon as the road is open to traffic.

Presumably the State desires to utilize part of the \$20,000 for initial surfacing on sections 146-B and 146-D and the other portions of the road on the reservation which will not be surfaced under Federal aid. In this connection there is attached hereto a copy of a letter from Hon. Thomas H. MacDonald, Chief of the Bureau of Public Roads, expressing the view that the surfacing of these 63.5 miles comes under the category of construction rather than maintenance. Such being the case, no part of the \$20,000 appropriation can be used therefor. You also say that projects Nos. 146-C (19,865 miles) and 147-C (20,355 miles), except the bridges, will be constructed entirely at the expense of the State. As the appropriation is for maintenance and repair of that part of the Federal aid highway on the reservation, no part of the money can be used on these two sections thereof. In other words, the expenditure of the appropriation must be limited to the maintenance and repair of such portions of the highway as have been or will be constructed from Federal aid.

You further ask just how the expenditure of this money will be handled and say that your office will be glad to supervise it. Mr. Hagerman recommends that the money be turned over to the State, in view of the fact that the highway department has the necessary machinery, equipment, facilities, and organization for the maintenance of the road. However, the act prescribes no procedure; and as this office was in doubt as to the correct method to follow, the Comptroller General has been asked to render a decision relative thereto. Upon receipt thereof you will be advised in this matter.

Sincerely yours,

CHAS. H. BURKE, Commissioner.

MR. CRAMTON. I move the previous question, Mr. Speaker. The previous question was ordered.

The SPEAKER pro tempore. The question is on the adoption of the conference report.

The conference report was adopted.

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 26: Page 59, line 22, strike out "\$134,100, to be paid from the fund held by the United States in trust for the Osage Tribe of Indians in Oklahoma," and insert "\$149,100, of which \$15,000 shall be immediately available, to be paid from the funds held by the United States in trust for the Osage Tribe of Indians in Oklahoma: *Provided*, That any employee of the Osage Agency paid from tribal funds, who, since July 1, 1924, or who may hereafter be absent from his designated headquarters at a greater distance than 5 miles on official business, may be allowed his actual expenses while away from headquarters, in addition to his salary."

MR. CRAMTON. Mr. Speaker, I move to recede and concur, and in support of that motion and in brief explanation, I should say this amendment really covers two matters as inserted by the Senate. First, it increases the appropriation for administrative purposes among the Osage Indians \$15,000, in order that the Osage act of 1924, as to investment of certain impounded funds of these Indians might be carried out. The second part of it is a provision with reference to certain travel expenses of employees of the Osage agencies, these expenses and appropriations being from the tribal funds of the Osage Indians.

The motion to recede and concur was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment numbered 31: On page 68, line 19, after the word "engineer," insert a colon and the following: "*Provided further*, That the Secretary of the Interior is hereby authorized, in his discretion, until June 30, 1927, to extend the time for payment of operation and maintenance or water-rental charges due and unpaid for such period as in his judgment may be necessary, not exceeding five years. The charges so extended shall bear interest, payable annually, at the rate of 6 per cent per annum until paid. The Secretary of the Interior is also authorized, in his discretion, until June 30, 1927, to contract with any irrigation district or water users' association for the payment of the construction charges then remaining unpaid within such term of years, as the Secretary may find to be necessary. The construction charges due and unpaid when such contract is executed shall bear interest payable annually at the rate of 6 per cent per annum until paid."

MR. CRAMTON. Mr. Speaker, I move to recede and concur.

This is the amendment that the gentleman from South Dakota and I were just discussing.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment numbered 46: On page 90, after line 16, insert:

"Under the supervision and direction of the Secretary of the Interior, the reclamation of arid lands, under the act of June 17, 1902, and acts amendatory thereof and supplementary thereto, shall be administered by a commissioner of reclamation, who shall be equipped for the duties of said office by practical experience in irrigation of arid lands and the agricultural development and utilization thereof, and who shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the first commissioner appointed under the provisions herein shall receive a salary of \$10,000 per annum."

MR. CRAMTON. Mr. Speaker, I move to recede and concur with an amendment which I have sent to the desk.

The Clerk read as follows:

In lieu of the matter inserted by said amendment insert the following:

"Hereafter the reclamation of arid lands under the act of June 17, 1902, and acts amendatory thereof and supplementary thereto, shall be administered, under the supervision and direction of the Secretary of the Interior, by a Commissioner of Reclamation, who shall be appointed by the President and shall receive a salary of \$10,000 a year."

The SPEAKER pro tempore (Mr. SNELL). The question is on the motion of the gentleman from Michigan.

MR. CRAMTON. Mr. Speaker, I think I should state the difference between the amendment of the Senate and this provision is this: That the Senate amendment sets forth the qualifications so that they might fit only the one man who is now holding the job, and some time we may want some one else. Further, the Senate amendment provides for confirmation

by the Senate, while I believe the Commissioner of Reclamation should be independent, and that provision is not desirable.

Mr. BYRNS. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. BYRNS. Under this amendment would it not be possible to have a commissioner in addition to a present director under the present law? In other words, the amendment simply creates a commissioner at \$10,000 a year and still leaves in force and effect the position of Director of Reclamation with a salary of \$7,500.

Mr. CRAMTON. The amendment submitted creates a commissioner expressly for the administration of all these lands in order to avoid any such question as the gentleman suggests.

Mr. BYRNS. I ask the gentleman if his amendment abolishes the position of Director of Reclamation. If this amendment is adopted, will you not be in a position, so far as the law is concerned, of having a commissioner at \$10,000 a year, a new position, and at the same time have the position of Director of Reclamation at \$7,500 a year?

Mr. CRAMTON. The present official is known as commissioner. I think the Senate amendment might be open to the criticism which the gentleman suggests, but the amendment I have offered expressly takes away from the present officer all duties and puts them under the new official.

Mr. BYRNS. I beg the gentleman's pardon, but if it is the purpose to abolish the present position of director, why not say so?

Mr. CRAMTON. I thought I had accomplished it in this amendment:

Hereafter the reclamation of arid lands under the act of June 17, 1902, and acts amendatory thereof and supplementary thereto shall be administered under the supervision and direction of the Secretary of the Interior by a Commissioner of Reclamation—

And so forth. That is all the present official is doing. I thought when we took away his duties—and the present official is not a statutory officer; he holds office at the will of the Secretary of the Interior—I think it would be difficult to provide that the present office should be discontinued.

Mr. BYRNS. The gentleman says that the present officer holds his position at the will of the Secretary of the Interior. The gentleman may be correct, for he knows more about reclamation law than I know or ever will know. I think the gentleman is mistaken—I think that the appropriation bills refer to him as director; but even if the gentleman is correct about that—

Mr. CRAMTON. For many years it was director, and when the change was made they changed it from director to commissioner. But it is entirely in the discretion of the Secretary of the Interior.

Mr. BYRNS. Conceding that, the gentleman says that the Director or Commissioner of Reclamation at present simply exists by virtue of the will of the Secretary of the Interior. Unless we make a provision to that effect that there shall not be any such position as now exists, is it not possible under this amendment that Congress will have created a statutory position of \$10,000 a year and at the same time some Secretary of the Interior may continue the present Commissioner of Reclamation? I do not mean the present official, but the present position.

Mr. CRAMTON. I am agreeable to accept any amendment that seems likely to improve the situation; but let me say that the expenditures from the reclamation fund have been left up to this time to the discretion of the department very largely. We have not specified the official. When they have wanted to appoint a commissioner of finance they have done it; when they wanted to appoint an agricultural economist they have done it. We can say that they shall not have any other official as Commissioner of Reclamation, but I do not think they would have two officers of the same title.

Mr. HUDSPETH. If the gentleman will yield, there is no statute designating the Director of Reclamation.

Mr. CRAMTON. It is by order of the Secretary of the Interior.

Mr. HUDSPETH. And afterwards it was changed to Commissioner of Reclamation.

Mr. CRAMTON. Yes.

Mr. HUDSPETH. The office is certainly worth \$10,000 a year.

Mr. CARTER of Oklahoma. I think there is something in the contention of the gentleman from Tennessee [Mr. BYRNS], but this is the first time my mind has been called to that situation. Since he has mentioned it, I believe there is some substance to what he says; but there was no intention upon the part of the conferees of the House, and I am sure on the part of the conferees of the Senate, except that the present

Director of Reclamation should be dispensed with and that office abolished and a new office created to take its place. I have no objection, so far as I am concerned, and I think the gentleman from Michigan [Mr. CRAMTON] would have no objection, to having the bill amended, but the conference report has already been adopted by the Senate, and, of course, that would involve some little bit of work that has already been done. But for that, I would be glad to see it come back.

Mr. BYRNS. Mr. Speaker, the gentleman from Michigan has suggested that he will not object to an amendment to the amendment. I have not a copy of the amendment before me, it has just been offered from the floor, and I can not offer an amendment at the moment. I think the gentleman from Michigan should correct that situation.

Mr. CRAMTON. Mr. Speaker, my original purpose was to move to recede and concur with an amendment that would simply state that the commissioner should be appointed by the President and receive a certain salary. The very efficient clerk of the Committee on Appropriations, Mr. Shields, called my attention to the fact that the amendment I proposed might have the same vice that the gentleman has suggested, only in a greater degree, and that I was not transferring to that official the duties under this statute, and so the clerk of the committee, to guard against that, prepared this amendment which I have offered. If the commissioner were a statutory official, it would be very easy to provide, but let me suggest to the gentleman from Tennessee that we so amend my amendment to read in this way:

Hereafter the reclamation of arid lands under the act of June 17, 1902, and acts amendatory thereof and supplementary thereto, now administered by the Commissioner of Reclamation, shall be administered under the supervision and direction of the Secretary of the Interior by a Commissioner of Reclamation, who shall be appointed by the President and shall receive a salary of \$10,000 a year, and the present position is hereby abolished.

Mr. BYRNS. I think that would certainly relieve one very serious objection to this amendment, but I say to the gentleman that I have another fundamental objection to the amendment as amended. I should think that amendment ought to be offered, and if the amendment is to be adopted, it ought to carry that language. That does not relieve my other objection, however.

Mr. CARTER of Oklahoma. When Doctor Meade was before the subcommittee in the hearings he appeared as commissioner. It is so stated here.

Mr. CRAMTON. I think this will meet the views of the gentleman from Tennessee, and if I meet one of his serious objections, I think he ought to be willing to forget the others. Mr. Speaker, I ask unanimous consent to withdraw the amendment which I have offered and offer this other one in its place, which I now send to the desk.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Mr. CRAMTON moves that the House recede from its disagreement to the amendment of the Senate No. 46, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"Hereafter, the reclamation of arid lands, under the act of June 17, 1902, and acts amendatory thereof and supplementary thereto, shall be administered under the supervision and direction of the Secretary of the Interior, by a Commissioner of Reclamation, who shall be appointed by the President and shall receive a salary of \$10,000 a year; and the present office of Commissioner of Reclamation under appointment from the Secretary of the Interior is hereby abolished."

Mr. CONNALLY of Texas. Mr. Speaker, I reserve the point of order upon that.

Mr. CRAMTON. I wish the gentleman would state his point of order, so that it may be disposed of now.

Mr. CONNALLY of Texas. The point of order is that it is an amendment offered in the House to incorporate in the bill new legislation.

Mr. CRAMTON. Mr. Speaker, there is an amendment from the Senate on this same subject, and I am simply offering to recede and concur in that amendment with an amendment, which is germane and within the terms of the Senate amendment.

The SPEAKER pro tempore (Mr. SNELL). It seems to the present occupant of the chair that that is entirely germane

to the Senate amendment, and if it is it must be in order. The Chair overrules the point of order.

Mr. CRAMTON. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS. Mr. Speaker, the colloquy that occurred here a moment ago demonstrates the vice of attempting to legislate on appropriation bills. The rules of the House very strictly provide that no legislation shall be in order upon any appropriation bill. Here is an amendment that is put in by the Senate, which is brought back to the House by the House conferees, under the rules, and the chairman moves to concur. As adopted by the Senate some of us, whether correctly or not, were of the very firm impression that it might result in creating a big office of \$10,000 per year without dispensing with the present position of director, and it is sought to be amended on the floor of the House during a brief consideration, so as to eliminate this objection. That is a clear illustration of the wisdom of the rule of the House of Representatives prohibiting legislation on appropriation bills. The Appropriation Committee in a few rare cases has brought in legislative amendments to appropriation bills, and in nearly every instance many Members upon the floor of this House have risen and very strongly and severely censured that committee for bringing in that legislation.

I am not complaining about that, because I think they were not only justified abundantly under the rules of the House in doing so, but I think the Committee on Appropriations ought to be most careful in proposing legislation on any appropriation bill, and that it ought never to do so except in emergency cases or in cases in which the House is practically unanimous or in cases where possibly the insertion of a little language will save much money to the Treasury of the United States. The House has criticized the Appropriations Committee in some instances. I ask the Members of this House whether they are going to permit another body, in which they have no voice, to do something that they will not permit a committee of this House, which is under their direction and control, to do? If you adopt this amendment, we are simply continuing to open the doors and to permit the other body to propose amendments in direct violation of our rules. There is no reason why a proposition of this kind should not come from the regularly constituted legislative committee in this House and be brought up under the rules of the House and discussed in the committee and on the floor under the general rules of debate instead of under a conference report.

Mr. JOHNSON of Washington. If I may interrupt the gentleman, I want to know am I right in inferring from what the gentleman says that this is legislation on an appropriation bill?

Mr. BYRNS. It is clearly legislation; this is a Senate amendment.

Mr. JOHNSON of Washington. I thought the Committee on Appropriations and all members of the subcommittees were firm with the positive declaration that there would not be legislation on an appropriation bill.

Mr. BYRNS. I am happy to say that under the leadership of our splendid chairman [Mr. MADDEN] we adhere to the rule. What I am complaining about is that one of your own committees over whom you have control is prevented from bringing in legislation of that kind and that we are now asked to permit another body to come in and propose legislation in defiance of the rules of the House.

Mr. JOHNSON of Washington. Has it not come to this in the House? What we can not do in the way of adding legislation to appropriation bills we can send over to the other body and let the other body do what we might want to do?

Mr. BYRNS. The gentleman is clearly correct, and the legislative committees of this House ought to be protected in these matters. I think you gentlemen who are members of the legislative committees ought to stand up and protect yourselves and your committee when these matters of legislation are brought in—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BYRNS. May I have some more time?

Mr. CRAMTON. I will give the gentleman from Tennessee as much time as he wishes, but I am going to make this appeal, however, to the committee, that we be as brief as we can.

Mr. BYRNS. This is an important matter.

Mr. CRAMTON. If the gentleman will permit, he will have his time, but this afternoon has been set aside for a conservation discussion, and I do not desire to infringe upon that time any more than I have to do. How much time does the gentleman desire?

Mr. BYRNS. Five minutes; and I may not use more than three.

Mr. CRAMTON. I yield five minutes to the gentleman from Tennessee.

Mr. BYRNS. I want to say to the gentleman that in reference to this discussion upon general conservation I do not think it is quite as immediately important as this matter of legislation that is now pending before us and which involves the creation of a new position at \$10,000 a year. Now, what has happened?

Mr. SMITH. Will the gentleman yield?

Mr. BYRNS. Briefly.

Mr. SMITH. The Senate has already passed a bill, and the bill has been reported from the Committee on Irrigation and Reclamation accomplishing what is desired—

Mr. BYRNS. That is all right, but Members have not had an opportunity to vote and pass on it. The gentleman says the Senate has passed the bill and the House committee has reported it, and yet he wants to put that bill upon this appropriation bill denying the Members under the rules of this House the right to take their time and discuss it pro and con. He wants to force them to take it up on an hour's debate yielded by one gentleman who has appealed to Members not to consume time, rather than bring it up under the general rules of the House. That is what I am protesting against. [Applause.]

Now, another matter. What are you seeking to do? We passed a reclassification law. We thought and were told at the time that it was going to settle the question of salaries. Under the reclassification act—and I am subject to correction if I am in error—the present Commissioner of Reclamation is now drawing \$7,500 a year. Is he a member of the Cabinet? No; he is the head of a great and important bureau of this Government, and I say frankly to you with the exception possibly of one or two bureau chiefs, like the chief of the Bureau of Standards or Domestic and Foreign Commerce, I think if the chief of any bureau is to receive \$10,000 possibly he ought to get it, but I protest against this action, gentlemen, of going outside the reclassification act and undertaking by piecemeal, by amendment from another body, to increase the salary of this officer. If you do you will gradually build up a system and a situation which we had before the reclassification act was passed. That is what you are doing when you undertake to give the head of this bureau \$10,000. Why, he is getting \$7,500 to-day, which ought to be regarded as sufficient for the various heads of bureaus.

Why give him 33½ per cent increase? Will it not mean that you will be called upon to increase all others, whether large or small?

Mr. SMITH. For the reason this gentleman—

Mr. BYRNS. The gentleman can make his speech in his own time. I can not yield to the gentleman for an argument.

The SPEAKER pro tempore. The gentleman refuses to yield.

Mr. BYRNS. Now, gentlemen, I appeal to you to vote this proposition down, and let us say to the other body, as we did in the last appropriation bill in the case of the Alien Property Custodian, that we are going to stand by the reclassification act, and that in this day and time we are not going to increase salaries to \$10,000 in subordinate positions in the various departments. If you are going to increase bureau heads, increase them all. Why, if you do this, when you come back here in December, mark my prediction, you will find practically every head of every bureau of this Government of any consequence and importance coming to your Budget Director, coming to you, coming to the Committee on Appropriations, and failing there, they will go over to the other body, and through the favor of some distinguished Member of that other body they will be able to get in an amendment, and then they will bring it before you. There will be a motion possibly to recede and concur, and you will be asked to vote the increase. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Tennessee has again expired.

Mr. CRAMTON. Mr. Speaker, I desire to say this, in answer to what my friend from Tennessee [Mr. BYRNS] has suggested: The gentleman from Tennessee says this is brought back in violation of the rules of the House.

Mr. BYRNS. No; I did not say exactly that.

Mr. CRAMTON. Well, that it was put in in the Senate in violation of our rules. The fact is, whether the House wants to do it or not, it is before the House exactly in accordance with the rules of the House. The bill passed the House and went to the Senate. This legislative provision was inserted in the Senate. The bill then went to conference. The conferees could not agree upon it in conference. We have done as the rules say we must do in connection with such an item, unless the other body recedes, and in this case they did not recede. We have brought it back to the House, and the House has the chance to vote upon this proposition.

Now, further, this is a matter that has been acted upon by the legislative committee of the Senate. The bill has been reported out and it has come to the House and a similar bill has been considered by the House and favorably reported by the House committee; and so far as I know, no one on the House legislative committee has objected to this course.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. In a moment. At the present time no one on the House committee is objecting to this. The gentleman from Idaho [Mr. SMITH], the chairman of the committee having charge of this subject, has reported a similar bill to the House, and he has been on his feet vainly endeavoring to give his expression of his sympathy to the proposition contained in this amendment, but was not recognized by the gentleman from Tennessee.

Now I yield to the gentleman from Texas for a question only.

Mr. CONNALLY of Texas. The gentleman says the House conferees did not agree because the rules did not permit it.

Mr. CRAMTON. No. We had no authority to agree, and we did not agree in conference.

Mr. CONNALLY of Texas. You did not agree in the written report, but is it not a fact that you privately agreed with the Senate conferees and told them you would report this to the House and favor the Senate amendment?

Mr. CRAMTON. If it is important to the gentleman to know, I will say that the House conferees told the Senate conferees that they had no authority to agree upon that amendment. On the insistence of the Senate, however, we stated that we would bring the matter back to the House and submit it to the House on my motion to concur with an amendment, which amendment the Senate conferees never saw.

Mr. OLIVER of Alabama. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. OLIVER of Alabama. The position taken by the gentleman from Tennessee [Mr. BYRNS], as I understand it, is this: If we continue to indorse the action of the Senate in violating the rules of the House by inserting matters of legislation on appropriation bills, we thereby eliminate our rules.

Mr. CRAMTON. If the gentleman from Tennessee and the gentleman from Alabama and others will undertake a crusade to prevent any matters of a legislative character from being agreed to under those conditions in the House when brought back under the rules, I will have no quarrel with them. Possibly it might accomplish a very desirable object. It is a little strange, however, that this particular proposition, to which the gentleman from Tennessee would oppose anyway if it came up under any rule and under any legislative situation—he expressed his opposition in his statement—it is strange that this should be the one case where this particular burning reform should come into prominence.

Mr. BYRNS. That is not fair to me. I have opposed the proposition to raise the salary of the Alien Property Custodian. I am sorry the gentleman did not cooperate with us in this present case.

Mr. BUTLER. Is there anything here on record to show why this man should receive \$10,000?

Mr. CRAMTON. I can explain in a moment. I want to apply a limit to myself as well as to others. This officer has the responsibility of administration over something like \$150,000,000 of more or less precarious investments and new appropriations of from \$10,000,000 to \$15,000,000 a year. It is a position that requires the very highest skill and the greatest amount of training and experience. The present incumbent is receiving \$7,500 a year. He was receiving that amount when the classification act became a law, and this amendment, of course, would give him an increase to \$10,000. He has offers to-day to receive a larger salary outside of the Government service; and personally I am frank to say this, that in the present involved situation as to our reclamation fund and the many projects involved I think it would be a calamity to have a change in that office at this time, and I feel the position is worth the money. I think there are other bureau chiefs that are worth that money.

Mr. BUTLER. That is what is knocking the Government service.

Mr. CRAMTON. I believe that this official and the head of the Bureau of Mines and the Chief of the Bureau of Indian Affairs, and the heads of many other bureaus, are worth as much as a Member of Congress.

Mr. BUTLER. It depends on who the Members are. Some might make a million dollars a year, and some might not be able to make anything, or some others of us might be earning only a few thousand dollars. [Laughter.]

Mr. CRAMTON. I yield to the gentleman from Texas [Mr. BLACK].

Mr. BLACK of Texas. Mr. Speaker, I am opposed to this amendment substantially for the same reasons that were stated by the gentleman from Tennessee. In the first place, it is argued that this amendment is needed so as to give the Commissioner of Reclamation more independence. It is argued that if you provide for his appointment by the President and require the Senate to confirm him, that will give him a larger amount of independence.

Now, as a matter of fact, I think the most unwise part of the Senate amendment is that part of it which requires that he be confirmed by the Senate.

Mr. CRAMTON. If the gentleman will permit, as the Senate proposed it confirmation is required, but my amendment does not require confirmation. I agree entirely with the gentleman about that.

Mr. BLACK of Texas. I am glad to know that, because your amendment to the Senate amendment certainly ought to be adopted if the amendment is to be adopted at all. I am glad that part of the controversy is disposed of.

Mr. CONNALLY of Texas. Will the gentleman explain what he means? I do not catch his point there.

Mr. BLACK of Texas. Inasmuch as it is involved, I would rather go ahead, as I have only three minutes. The most important question involved in this amendment is this: We have the reclassification act that was passed in 1923. That act reclassifies all of the important executives of the Government bureaus and undertakes to equalize the salaries. I have not a word to say derogatory to the ability of Mr. Elwood Mead; I am confident he is an able, conscientious, and valuable public servant, but we have good men, like Doctor Burgess, at the head of the Bureau of Standards. He gets no more than \$7,500 and he may not get over \$8,500. I do not know; but he could not get over \$7,500 under the reclassification act.

Mr. CRAMTON. If the gentleman will permit, Doctor Mead is getting a salary of \$7,500, because he was getting that at the time of the passage of the reclassification act; but if a new man should come into that position, he would get only \$6,000.

Mr. BLACK of Texas. I am glad to have that information. Then we have the able Doctor Klein, at the head of the Bureau of Foreign and Domestic Commerce. He gets no more than \$7,500.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. CRAMTON. Mr. Speaker, I yield the gentleman one additional minute.

Mr. BLACK of Texas. Then we have the chief of the Bureau of Printing and Engraving, the largest concern of its kind in the world. He is classified under the classification act. Then we have the Public Printer, Mr. George Carter, and he is at the head of the largest printing establishment in the world. He comes under the reclassification act.

Mr. BYRNS. He gets \$6,000.

Mr. BLACK of Texas. I know he is not paid \$7,500 yet, but he may get that later.

Mr. BYRNS. No; he has a statutory salary of \$6,000.

Mr. BLACK of Texas. Now, gentlemen, I submit that if we are going to rearrange these salaries—I am not contending that we ought not to do it, and perhaps we should—we ought to do it in a legislative way; we ought to bring in a legislative bill and let Congress do it. I think that would be much the wiser and better legislative policy to pursue, and therefore I shall vote against this Senate amendment.

Mr. BUTLER. Will the gentleman from Michigan yield for a question?

Mr. CRAMTON. Yes.

Mr. BUTLER. If the first commissioner is to receive \$10,000, as proposed by the Senate, what will the fifth commissioner receive?

Mr. CRAMTON. Well, we have the Senate amendment before us, but the amendment I have offered fixes a permanent salary.

Mr. BUTLER. It looks to me as though it is a sliding scale.

Mr. CRAMTON. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. HUDSPETH].

Mr. HUDSPETH. Gentlemen of the House, I am for this amendment. I do not care how it got on this bill. I know it is no violation of our rules for the Senate to put on an amendment and our conferees to bring it back here for House action. It ought to be there. It may not have gotten on the bill as our rules provide, but we can not abridge the Senate's right to put on amendments. This amendment ought to be on this bill, because this is a \$10,000 position. My friend from Tennessee [Mr. BYRNS] spoke about Cabinet positions. I want to state to my friend that the man who does

his duty in this office, as the present occupant, Doctor Mead, certainly performs it to the fullest extent, works as hard as any Cabinet head in this Government.

Mr. BYRNS. I do not question that, I will say to my friend from Texas, but does not the gentleman think that these other positions, to which the gentleman from Texas [Mr. BLACK] has referred, ought to receive the same consideration? These other positions were put in the bill by the Senate, but the House conferees would not agree to them in conference.

Mr. HUDSPETH. I want to state that those salaries ought to be increased in many instances.

Mr. BYRNS. This will cost a half million or a million dollars a year.

Mr. HUDSPETH. I want to state to my friend that we had a Director of Reclamation for a long number of years, and a very efficient one—Mr. A. P. Davis. He went out of that office, after serving for very many years, without a dollar, so I am informed, and that condition ought not to continue. This is a \$10,000 position. We have a \$10,000 man down there.

This was thrashed out by the Committee on Irrigation and Reclamation. A full hearing was had upon this measure, and it was reported unanimously by that committee. So it does come from a legislative committee, although we have not, of course, an opportunity to pass upon it at this time. I certainly think this amendment ought to be adopted by the House.

Mr. BYRNS. Let me ask the gentleman this question: I understand the Senate has passed the bill?

Mr. HUDSPETH. Yes.

Mr. BYRNS. And the House committee has reported it. We have six weeks or two months during which the Congress will be in session, and is it not possible to take that bill up under the rules of the House and conform to the rules of the House with reference to appropriations? Is it not possible to pass it and provide for this salary in the deficiency bill, and the gentleman knows it will be taken care of?

Mr. HUDSPETH. My friend from Tennessee knows it is almost impossible to get up a bill of that kind in this House, especially this late in the session. We can not do it, and this amendment has been put in this bill, and it ought to be concurred in by this House, because the position calls for that salary. I am very partial to the gentleman now holding the position of Commissioner of Reclamation and have a very high estimate of his ability. He earns every dollar asked for; but I also advocate the raise because the dignity and responsibility of the position demand it. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. CRAMTON. Mr. Speaker, I yield two minutes to the gentleman from Idaho [Mr. SMITH].

Mr. SMITH. Mr. Speaker, there are many reasons why this amendment should be adopted, one of which is that this gentleman has spent his life in reclamation work. His experience and qualifications for this service have been recognized not only by this country but by foreign governments, which have on different occasions employed him in an advisory capacity. He gave up a position in the faculty of the University of California at Berkeley, paying \$11,000 per year, in order to take this position, on the assurance that he would receive \$10,000 per year.

Mr. CONNALLY of Texas. Who assured him that?

Mr. HUDSPETH. Various gentlemen assured him of that, I will say to the gentleman.

Mr. SMITH. I may also say that I know this gentleman has positions offered him which will pay twice as much as he is now receiving; but he has undertaken the work of rehabilitating these reclamation projects which is now only about half completed, and it is of very great importance to the Government that he be continued in this position because of the importance of the work, which involves the expenditure of from \$8,000,000 to \$10,000,000 every year.

Mr. BEGG. Will the gentleman yield for a question?

Mr. SMITH. Yes.

Mr. BEGG. As I understood the gentleman, one of the important reasons why he is urging this increase in salary is because this gentleman is liable to leave this work for other service.

Mr. SMITH. He is not urging it. It is being urged by the Secretary of the Interior.

Mr. BEGG. I was just wondering what would happen to the Reclamation Service if this man should die.

Mr. SMITH. I do not think it is proper to discredit the services and the ability of a man who has the reputation that Doctor Mead enjoys.

Mr. BEGG. Nobody is discrediting the ability or the service of this man.

Mr. SMITH. Of course, if he should leave the service, either by death or by resignation, it would be very difficult to find anyone who could take up his work where he would lay it down.

Mr. CRAMTON. Mr. Speaker, I move the previous question.

Mr. CONNALLY of Texas. Will the gentleman yield me three minutes?

The question was taken; and on a division (demanded by Mr. BLACK of Texas) there were—ayes 46, noes 48.

So the previous question was refused.

Mr. CRAMTON. Mr. Speaker, I will ask for tellers unless I can satisfy the time for debate in less time than a teller call would require. All I want is expedition.

Mr. CARTER of Oklahoma. I suggest to the gentleman we have some understanding about time.

Mr. BLANTON. I want three minutes.

Mr. CRAMTON. I had forgotten my promise to the gentleman from Texas. I yield the gentleman three minutes.

Mr. BLANTON. Mr. Speaker, I want to show you how this classification works and how the Committee on Appropriations in the House and Senate work outside of the classification. What is the use of having a classification law and a commission to fix salaries when Congress is going to come in and pick employees out here and there and show favoritism?

Mr. SMITH. Will the gentleman yield?

Mr. BLANTON. I regret I can not yield now. The gentleman has had his time.

We have in the District a District alienist, and up until 1914 his salary was \$1,000. In 1916 it was raised to \$1,500 and was held at that right along until the classification bill was passed, and there were 50 prominent doctors any one of whom would have been glad to have had the job, but as soon as the classification bill was passed it automatically increased that salary from \$1,500 to \$3,300. That is the way the classification act works.

Now, you are not satisfied with that kind of a law, you are not satisfied with the operation of a law that has doubled, and in some instances trebled, the salaries of various chiefs of bureaus, but you come in and single them out now and raise them from \$6,500, as you are doing in this amendment, to \$10,000. Do you not know that just as soon as you raise this salary of Doctor Mead—and I will grant you that Doctor Mead is a man who may be worth \$10,000—but the very minute you do it, I can name you 20 chiefs of important bureaus, who are just as important to this Government as Doctor Mead, who could come in here and say, "Congress has done us an injustice." What are you going to do about it?

Mr. BUTLER. Raise theirs, of course.

Mr. BLANTON. You will get tired of raising these salaries some time. The people will stop it.

Mr. CRAMTON. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, I do not know anything about Doctor Mead. He may be worth many thousands of dollars a year, but I want to submit a few remarks to the House with reference to what this House is doing with its own privileges and its own powers.

In the first place, under the rules of this House this amendment could not be offered on the floor. It formerly could, but the House got the idea it wanted to keep the Committee on Appropriations busy with appropriations and not legislation, and we changed that rule. Now the bill goes to the Senate; the Senate puts on this amendment. The rules of the House prohibit the conferees from agreeing to any Senate amendment like this, but what do the conferees do? They do not agree in black and white; they do not agree in the report and put it down over their signatures, but they privately agree with the Senate conferees, "We will agree on the q. t.; we will take your amendment back over to the House; we will get up and offer it and we will recommend that it be adopted." What does that do? It is an affront to this House and to the dignity of this House. The old rule was much to be preferred, because under the old rule when the House could put legislation on an appropriation bill Members had the benefit of going before the committee of this House and threshing it out, and then it came on the floor of this House in Committee of the Whole and there was an opportunity to debate it and vote it down or to vote it up—to act upon it. But now we have abdicated that power. We have denied ourselves the right to do that. The result is it goes over and the Senate puts it on, and the House conferees in a little private conference behind closed doors say, "Yes; we will not put it in the report, but as men of honor we will take it back to the House and we will recommend it, and being on the Committee on Appropriations the House will swallow it on account of our prestige."

What does it do? Only a few of us here, a conference report is brought in—a matter of high privilege—got to get it through quickly; and the result is we are denying the House the right of legislating. This amendment ought to be defeated. The Committee on Reclamation ought to do its duty. The chairman of the Committee on Reclamation ought to have gone to the steering committee and gotten the opportunity to have the legislative bill considered.

Mr. SMITH. We have brought in a Senate bill, and it is on the calendar awaiting consideration.

Mr. CONNALLY of Texas. Why did not the gentleman get it up? Why did he not go to the steering committee?

Mr. SMITH. There are hundreds of bills on the calendar that can not be brought up under the rule until they are reached in order, and this is one of them.

Mr. CRAMTON. Mr. Speaker, I want to say this in connection with what the gentleman from Texas has said about the rules or the change of rules. He says there was a time when the Appropriations Committee could have done this. There never has been a time in 20 years when an appropriating committee could put any legislation on a bill, except it was also a legislative committee that had charge of the bill. The Naval Affairs Committee could do it, but the Irrigation Committee never had the appropriating power and never had authority to put this on a bill.

The great change in the rules is this: Under the old rule riders on appropriation bills were inserted in the Senate, and there was no restriction on the part of the conferees, and they were agreed to in conference. Now, under the present rules that can not be done, but anything that is legislative in character must come back for a separate vote.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. JACOBSTEIN. What effect on the gentleman's mind does this have on the idea of classification?

Mr. CRAMTON. Under the classification the highest salary that you could have is \$7,500. If a new man came in, he could only get \$6,000. This gives the commissioner \$10,000.

Mr. Speaker, I yield three minutes to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER of Oklahoma. Mr. Speaker, there never has been a time during my 19 years of service when this committee, having power of appropriations, had the right to propose legislation on appropriation bills. But that was often done in the old days on the floor of the House when points of order were not made against such an amendment.

When I heard my genial friend from Texas tell about what happened in the conference I wondered if he was omniscient, and then I wondered if I was in that conference, because I never heard in my life such a mess of stuff put upon the conferees. There was no agreement in conference to do anything, absolutely no agreement. The gentleman from Michigan said:

We will have to take this back to the House.

The conferees might have had their opinion about what was going to be done, and we had our opinion of what we would do. If the gentleman from Michigan or the gentleman from Ohio ever at any time indicated that they were going to try to have any amendment adopted or try to comply with the request of the Senate conferees, then I never heard of it.

Mr. BEGG. Will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. BEGG. If this amendment is adopted, is not this the first break over on the classification act?

Mr. CARTER of Oklahoma. I can not answer that. The gentleman from Ohio is better posted than I am.

Mr. BEGG. I think it is; and if there is this one, would not there be other applications for us to make discrepancies in the future?

Mr. CARTER of Oklahoma. Well, I am discussing another phase of the matter and have only three minutes.

Mr. Speaker, your subcommittee has complied simply with the rules of the House. The rules require that the subcommittee shall not bring in an amendment not authorized by law. They shall not bring in any item into the appropriation bill not authorized by law, or changing existing law, and that is exactly what your subcommittee has done—it has obeyed the law.

Mr. HUDSPETH. Where have the rules been violated?

Mr. CARTER of Oklahoma. Not in any way. We have complied strictly with the rules, which require that when the Senate puts on an amendment obnoxious to the House rules the conferees shall bring it back here for full and free action of the House, and that is what the conferees have done. We have not violated the rules of the House in law, spirit, or principle.

Mr. HASTINGS. Are you not aiding the Senate to violate the rules of the House?

Mr. CARTER of Oklahoma. We are not doing anything but bringing this back for your action. You may aid the Senate by your vote; I could aid them; but that is the gentleman's individual right.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Michigan to concur in the Senate amendment with an amendment.

The question was taken; and the Chair being in doubt, the committee divided, and there were—ayes 49, noes 65.

So the motion to recede and concur with an amendment was rejected.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk proceeded to report amendment No. 62.

Mr. BLANTON (interrupting the reading). Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] It is evident that there is no quorum present.

Mr. CRAMTON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 79]

Aldrich	Douglass	Kendall	Ragon
Allen	Doyle	Kerr	Ransley
Andresen	Drane	Kindred	Reece
Anthony	Esterly	Kunz	Reed, N. Y.
Appleby	Fitzgerald, Roy G.	Lampert	Sabath
Arentz	Flaherty	Lanham	Sanders, N. Y.
Auf der Heide	Fredericks	Lee, Ga.	Sanders, Tex.
Ayres	Freeman	Lindsay	Schaffer
Barbour	Frothingham	Linsberger	Seers, Fla.
Barkley	Furlow	Linthicum	Shallenberger
Bisler	Gallivan	Lyon	Sinclair
Black, N. Y.	Gambrell	McFadden	Stedman
Boles	Garrett, Tex.	Magee, Pa.	Stephens
Boylan	Golder	Mead	Sullivan
Britten	Graham	Merritt	Swartz
Browning	Green, Iowa	Michaelson	Swoope
Bulwinkle	Hale	Montgomery	Taber
Burtness	Hall, Ind.	Morgan	Taylor, Tenn.
Carpenter	Hall, N. Dak.	Morin	Thomas
Carter, Calif.	Hardy	Nelson, Wis.	Udlike
Celler	Harrison	Newton, Minn.	Vare
Cleary	Haugen	Newton, Mo.	Vinson, Ga.
Connolly, Pa.	Hawes	O'Connor, N. Y.	Warren
Cooper, Ohio	Hickey	Parker	Wattres
Corning	Howard	Patterson	Weller
Coyle	Hull, Tenn.	Perkins	Wilson, Miss.
Crowther	Irwin	Periman	Wingo
Curry	Jeffers	Phillips	Wood
Darrow	Johnson, Ill.	Porter	Wurzbach
Dempsey	Johnson, Ky.	Pou	Wyant
Dickinson, Iowa	Keller	Purnell	
Dickstein	Kelly	Quayle	

The SPEAKER pro tempore. Three hundred and five Members have answered to their names, a quorum.

Mr. CRAMTON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 62: Page 103, after line 22, insert:

"The proviso at the end of section 21 of the Federal highway act, approved November 9, 1921, which requires that any amount of Federal funds apportioned to any State under the provisions of said act which shall remain unexpended at the end of the period during which it is available for expenditure under said section shall be reapportioned within 60 days thereafter to all the States in the same manner and on the same basis as if it were being apportioned thereunder for the first time, shall not apply to such portion of the sum apportioned to the State of Montana from the appropriations made for the fiscal years ending June 30, 1924, and June 30, 1925, respectively, as may remain unexpended on June 30, 1926, and on June 30, 1927, respectively, the dates on which will expire the period during which the funds apportioned for the fiscal years 1924 and 1925, respectively, are available for expenditure; and the portion of the sum apportioned to Montana for said fiscal year 1924 which shall remain unexpended on June 30, 1926, and the portion of the sum apportioned to Montana for the fiscal year 1925 which shall remain unexpended on June 30, 1927, or such amount thereof as the Secretary of Agriculture may deem necessary, shall be

expended by the Secretary of Agriculture in the construction of the road from Red Lodge, Mont., through the Beartooth National Forest and the Shoshone National Forest and Cooke City, State of Montana, so as to connect with the existing highway into the Yellowstone National Park, leading to said town of Cooke City: *Provided*, That no part of the appropriations herein referred to shall be used on roads outside of national forest reserves."

Mr. CRAMTON. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment No. 62 and concur in the same.

I yield 10 minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Speaker and Members of the House, this amendment to the appropriation bill has to do with a road that leads through property that belongs to you, through two national forests and into a national park that also belongs to you—not through two national forests that belong to the State of Montana and the State of Wyoming and into a national park that belongs to the States of Montana and Wyoming and Idaho. It is altogether through property that belongs to all the States of the Union. The situation is this: The conditions in Montana have been such during the last few years—and I am glad that those conditions have now become so much better that the future will take care of itself in matters of this kind—that it has been impossible for that State to meet all the Federal-aid funds that have been available. There will be funds the State of Montana will not be able to meet as required, and which, under the law, will revert.

The proposal is that these funds for two years shall be used to construct a highway that will lead through these two national forests, and that means through lands without settlement, without any tax-paying property along the highway, into the Yellowstone National Park. This was a measure introduced in the regular way in the Senate, and which, after consideration and with the complete approval of the Department of the Interior, was passed. There has been nothing underhanded, nothing in any way secretive about the way this was then put into this appropriation bill as an amendment. After the bill had passed the Senate, I went to the chairman of the Committee on Public Roads of the House and talked with him about this procedure. I said that the bill would come over in the regular way, and that it was felt by the Department of the Interior that it covers an emergency matter. Because it is an emergency matter we would be justified, I felt, as they felt in the Senate, in adding it to the Interior Department appropriation bill, where it could be quickly considered. I made that whole situation plain to the chairman of the Committee on Public Roads. I understand to-day that he is going to oppose this because he thinks his committee should handle it. It has been in the hands of his committee in good faith for a matter of several weeks, and no one could be more surprised than I at his changed position, as I understood it. There has been no trying to slip anything over on this House, either in the Appropriations Committee or by the conferees.

I said that I would tell the House why this is an emergency matter. Cooke City is a small mining camp, growing in importance at the present time, located at the northeastern corner of the Yellowstone National Park. There is but one way of hauling out the ore. That is on a road of something over 50 miles which goes for practically all of the distance through the Yellowstone Park. They haul the ore in large trucks, and it will become a danger and inconvenience to the people of the United States who are using the highway. With the recently increased activities of that mining camp it is certain that this season and the seasons to come will provide such a tonnage of ore and machinery during the tourist season that it may even result in the loss of life by accidents.

The proposal is that these funds shall be used to construct a new road of some 65 miles into Cooke City and on into the Yellowstone Park, a distance of a mile or two more, so that there will be another outlet for this ore to the town of Red Lodge, which is at the end of a railroad. It will also furnish a fine new entrance to the Yellowstone National Park, and I can say from personal knowledge it is into one of the most attractive and beautiful parts of that park.

It will make the park more available to all the people of the United States. This will be a road for the benefit of all the people of the United States expended in this one place instead of scattering the money back to the different States in comparatively small amounts.

I have said to you that the Interior Department very strongly favors this measure. I will read to you very briefly just the concluding statement from the Secretary of the Interior to Senator MOSES:

While this proposed highway is entirely outside the park, it is believed that its construction would materially relieve the park road if the predicted increase of commercial travel should become a reality, which seems probable.

If I had time to read the report, I feel you would be fully convinced—

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. GARRETT of Tennessee. Does the gentleman mean to say that the Interior Department is at the back of this particular bill, or merely desires an appropriation for the construction of the highway?

Mr. LEAVITT. It is back of this particular bill. This provision is in the form of the Senate bill which was before the Secretary of the Interior when he made the report.

Mr. GARRETT of Tennessee. Of course, the road bill is generally under the Agricultural Department for administration. I wondered if the views of that department were considered as being worth anything in this matter, and I wondered if the Department of Agriculture had been consulted?

Mr. LEAVITT. It was before the Bureau of Public Roads. From the Chief of the Bureau of Public Roads there is a statement, and all the way through I am told there has been an understanding between the different departments. The Director of National Parks and the Forest Service have been in the operation from the beginning.

Mr. GARRETT of Tennessee. I will say to the gentleman, if he will yield further, that it involves a question of broad policy, and, as far as I am concerned personally, I do not care anything about the opinion of either department, but in view of the fact the gentleman mentioned the Interior Department, I thought it well to know if the Department of Agriculture had expressed any views on the subject.

Mr. LOZIER. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. LOZIER. Aside from the question of this being legislation on an appropriation bill, I will ask the gentleman from Montana if this provision does not emasculate the fundamental provisions of the Federal aid road act?

Mr. LEAVITT. That is a broad question, but I will answer by the word no.

Mr. DOWELL. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. DOWELL. Does the gentleman mean to state to the House that the Bureau of Roads is favoring this bill?

Mr. LEAVITT. I understand so, and I have talked with the Chief of the Bureau of Public Roads.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CRAMTON. I yield the gentleman two minutes.

Mr. DOWELL. Does the gentleman mean to tell the House the Bureau of Roads is in favor of this bill?

Mr. LEAVITT. I understand so by talking with the Chief of the Bureau of Public Roads.

Mr. DOWELL. And his statement to the gentleman is that he is in favor of it?

Mr. LEAVITT. I understand so.

Mr. DOWELL. Is he for it or against it?

Mr. LEAVITT. I do not know that I understood what the gentleman stated; what was it?

Mr. DOWELL. I asked the gentleman if the Bureau of Roads was for this measure or against it?

Mr. LEAVITT. I think they are for it.

Mr. DOWELL. The gentleman, I think, answered he was.

Mr. LEAVITT. He was for it; or, at least, not opposed. Now, just a minute to explain this. The Chief of the Bureau of Public Roads does not consider this the most important road to build in the State of Montana and the State of Wyoming from a forest-road standpoint, but from the standpoint of broader purposes my discussion of this matter with the Chief of the Bureau of Public Roads convinced me he is in favor of the construction of this highway. Now I will agree to this, that there is a seeming departure from established policy in the use of unmatched Federal funds rather than their redistribution. But the road is entirely within national forests on a location which would some time in the future be entirely constructed out of Federal funds.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. CRAMTON. I yield the gentleman three minutes additional.

Mr. LEAVITT. If this were a highway outside of territory that would not at some time come under 100 per cent Federal funds, the situation might be different, although I will say to you this, that as a Representative from one of the States

within which are one of the national parks and part of another there should be legislation enacted such as I have proposed in another bill that would make the Federal Government construct out of Federal funds entirely necessary highways leading into the national parks for a distance of 20, 30, or 40 miles, or as far as might be necessary to make them safely available to the people of the United States, instead of throwing the burden on sparsely settled communities. The Government should build many of them out of Federal funds.

Now, I say to you, Members of the House, that this is not a proposal which I introduced. It passed the Senate. It was introduced by Senator WALSH, a bill that he carried forward in an open way, a bill upon which he had hearings, and upon which he took the Senate and the Committee on Appropriations into full confidence. It is not my bill. It has come over here, however, in a way that makes me intensely interested in it, because I know it is valuable in a great territory belonging to the Nation and not alone to my State.

Mr. MANLOVE. Mr. Speaker, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. MANLOVE. Can the gentleman tell us of what length this contemplated road will be?

Mr. LEAVITT. Sixty-five miles long, through an unsettled country.

Mr. MANLOVE. What is the amount of money involved?

Mr. LEAVITT. Something over \$900,000.

Mr. FORT. Where does this road lead from?

Mr. LEAVITT. From Red Lodge to Cook City.

Mr. MANLOVE. What kind of a road is contemplated?

Mr. LEAVITT. It will be a 12-foot road, somewhat narrow, but good enough to carry the traffic going in and out of the park with safety to the people.

Mr. TEMPLE. Mr. Speaker, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. TEMPLE. What kind of a road is there from Cook City to the park?

Mr. LEAVITT. A very good road. It can be taken care of by the national park funds.

This matter is a thing that should be taken care of now, without awaiting the delays that might come through another consideration. [Applause.]

The SPEAKER. The time of the gentleman from Montana has expired.

Mr. CRAMTON. Mr. Speaker, I yield 10 minutes to the gentleman from Iowa [Mr. DOWELL].

The SPEAKER. The gentleman from Iowa is recognized for 10 minutes.

Mr. DOWELL. Mr. Speaker, this amendment not only does violence to the rules of the House, but it seems to me it does violence to the Committee on Appropriations itself.

A bill was introduced in the Senate and passed very similar to this. So far as I have been able to learn, there were no hearings, and no investigation was made with reference to it.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield? May I interrupt the gentleman? The gentleman does not say there were no hearings on this amendment?

Mr. DOWELL. Not before the Roads Committee. The bill came before the House and was referred to the committee of which I have the honor to be chairman. No one has asked for hearings, and no one has asked to present anything before the committee. It is now pending in the committee. Whatever may have been done in the Committee on Appropriations, the amendment presented here presents a peculiar situation. Mark you: The road fund is under the Agriculture Subcommittee of the Committee on Appropriations. The subcommittee which recommends this amendment is appropriating for the Interior Department, and is by this amendment disposing of the road fund heretofore appropriated by the Agriculture Subcommittee.

Under the Federal road act the State of Montana is given a certain part of the appropriations made by Congress of the \$75,000,000 on the condition that Montana matches it with a certain amount of money. In 1923 the State of Montana failed to pay its share to match the Federal aid allotted to that State, and that part of the appropriation was taken from the State, as provided by law.

This amendment is an attempt to save for the State of Montana the amount which was appropriated by the agricultural branch of the Committee on Appropriations for 1924 and 1925 and aggregates over \$1,000,000, and this subcommittee now undertakes to take from the appropriation this amount and convert it to another purpose than a Federal-aid purpose, to wit, building a road in the forest. Seven million five hundred thousand dollars is annually appropriated for the Forestry Service for the purpose of building the forest roads and trails; and if this is not sufficient, I have not learned of it. That branch of the Government was before the committee and did not ask for

more than \$7,500,000 annually, and that is the amount that is being appropriated every year.

Mr. Speaker, I want to say to you that if you adopt this amendment you absolutely destroy every principle in the Federal road act. [Applause.] You not only destroy that, but you make an exception of one State and provide in effect that this State need not comply with the provisions of the Federal aid act. If one State may receive its share of the Federal-aid funds without complying with the Federal aid act, why has not another State the same privilege? [Applause.]

The Federal road act was enacted to apply to all the States of the Union under equal conditions, and it seems to me that the House to-day should say that this principle must be maintained. The House should not permit a subcommittee of the Appropriations Committee to divert more than a million dollars of money from the Federal-aid fund and make a special exception in one State. Unless this amendment is defeated to-day, you are going to destroy all that has been done by the Government in establishing a great Federal-aid-to-roads system throughout the United States. [Applause.]

I insist that if we are to maintain this great system, which has done so much in the past years, we should not make an exception of one State in the Union and say that it shall not be made to comply with the plain provisions of the law.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. DOWELL. Yes.

Mr. BLANTON. How did they pull the gentleman from Michigan [Mr. CRAMTON] over on this proposition?

Mr. DOWELL. I am unable to answer that question.

Mr. BLANTON. They certainly have got him pulled over.

Mr. DOWELL. But I am able to say that this amendment not only transfers from the Department of Agriculture and the Bureau of Roads over to the Department of the Interior, but it takes from the Federal-aid fund over a million dollars and places it into a fund to go into the forestry department to build a forest road.

Mr. CRAMTON. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. CRAMTON. How does it transfer this to the Department of the Interior when it is used on building a road through a national forest that is exclusively under the administration of the Department of Agriculture?

Mr. DOWELL. How did the gentleman extend his jurisdiction in the Interior Department over to the Federal-aid fund in the Agricultural Department?

Mr. CRAMTON. Simply because the Senate has put an amendment in the bill and in accordance with the rule it is brought back for the action of the House. It does benefit a national park that is provided for in this bill.

Mr. DOWELL. But there is an appropriation for the national parks. If there is not a sufficient appropriation for the national parks, why does not the gentleman's committee recommend it and pass it so we will know what we are doing. [Applause.] But do not take it from the fund that has been appropriated for the purpose of aiding in the building of good roads.

Mr. LEAVITT. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. LEAVITT. The gentleman does not wish to give the House the impression that this is being spent altogether in Montana? The fact is that about half is spent in Wyoming.

Mr. DOWELL. I do not care where it is being spent. It is being diverted from the purpose for which it was appropriated and, therefore, should not be passed.

Mr. PEERY. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. PEERY. Is it not true that Montana participates in the \$7,500,000 that is appropriated for good roads?

Mr. DOWELL. Yes; it gets its share, but it does not pay its share to match the Federal-aid road fund in that State. It wants the Government appropriation for 1924 and 1925 without contributing its share as provided in the Federal aid act.

Mr. LEAVITT. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. LEAVITT. I will say to the gentleman that Montana is initiating an act that will enable it to meet all of these funds dollar for dollar, as it has in the past.

Mr. DOWELL. The gentleman is asking that we pay all of the fund and put it into a forest road or trail.

Mr. LEAVITT. Let me say to the gentleman that there have been a couple of years during which they have not been able to meet it, but they have met it in full in the past and will in the future.

Mr. DOWELL. It has not met it in the past.

Mr. LEAVITT. They have met it very fully in the past.
 Mr. DOWELL. Approximately \$600,000 was turned back in 1923. It did not meet that; it is not meeting it in 1924, and it is not meeting it in 1925. The reason this bill is an emergency is because the time is near at hand when, if it is not used in Montana, it will be turned back where the law of 1921 provides it shall be turned back.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. CRAMTON. Mr. Speaker, I yield the gentleman one additional minute.

Mr. BLANTON. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. BLANTON. It is not just a \$1,000,000 proposition. It establishes a precedent which, if applied to all of the 48 States alike, would cost this Government \$64,000,000 in the ultimate.

Mr. DOWELL. And not only that, but absolutely destroy the Federal aid law.

Mr. LEAVITT. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. LEAVITT. The gentleman's statement that this would apply in 48 States is not well founded, because there are national parks and national forests in only a few States.

Mr. DOWELL. But if one State is made an exception under this law by an act of Congress, the same privilege should apply to any other State. I want to say now that the way to maintain the Federal aid system is to make no exceptions under the law. The act of 1921 gave to every State an equal right under it. Do not make this change. Do not destroy the whole policy of Federal aid legislation. [Applause.]

Mr. CRAMTON. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Speaker and members of the committee, I think if I were trying to accomplish what I would like to see accomplished ultimately I would favor this proposition. I have no hesitancy in saying that I think the Federal Government has gone too far in Federal aid. If I could cut the 15,000 miles down to about 6,000 or 7,000, I would do it in a minute; but I know I can not do it at this time.

There are two reasons why this amendment ought to be defeated. The first reason why it ought to be defeated is that we ought to turn back every single Senate amendment that is tacked onto an appropriation bill unless it is to care for an emergency. [Applause.] I do not believe anybody contends there is an emergency in this proposition. Consequently this House, to maintain its dignity, ought to defeat the amendment. That is reason No. 1. Reason No. 2 is just exactly what my colleague from Iowa [Mr. DOWELL] outlined. The State of Montana has put into the Federal Treasury \$6,500,000 over a certain period of time, and they have been given back for highway purposes \$5,500,000. They have been paid out of the Federal Treasury \$5,500,000 of it. Now, they have met, with an equal tax levy, a portion of that \$5,500,000, but there is \$1,000,000 of it, in round numbers, that they have not met.

Mr. ROBSION of Kentucky. I want to correct the gentleman. The Government puts in 80 cents out of every dollar and Montana 20 cents.

Mr. BEGG. But that is not the point at all.

Mr. LEAVITT. That should be corrected. The gentleman is on the Committee on Roads and should know better than that. As I recall, it is 53-47.

Mr. BEGG. Well, that is so near 50-50 that I am not harming Montana. If there is any prejudice, it is against the Government. The State of Montana complied with all of that appropriation save \$1,000,000. Now she comes in, under the guise of supposed increased traffic over a piece of highway, approximately 20 miles in length, and asks to have the Government build the road. Nobody knows for a certainty that that traffic is going to increase. Montana asks the Federal Government to waive that part of the law that compels Montana to meet her proportionate share of the mileage cost.

Again, I say if I wanted to help kill the Federal aid plan I would help adopt this, because if Montana can escape so can Idaho and Nevada and so can every other State in the Union under some kind of guise. But I do not believe that is a fair way to play.

Now, what about the roads in the Yellowstone National Park? The gentleman from Montana [Mr. LEAVITT] tried to leave the impression with this House it was dangerous to travel in an automobile through that national park because of congested traffic due to the increased traffic from that mining community.

Mr. LEAVITT. Will the gentleman yield?

Mr. BEGG. I would rather finish my statement and then I will yield.

Mr. LEAVITT. But the gentleman wants his statement correct?

Mr. BEGG. I believe I am making a correct statement, I will say to the gentleman.

Now, what are the conditions? In the Yellowstone there is traffic only in the summer time. I was there last year in August and traveled practically every mile of highway in the Yellowstone and it is fairly good highway. There is one thing I think the Government could well afford to do, and that is to find some kind of element that will lay the dust; but so far as smoothness and solid roadbed are concerned, there is nothing to complain of; not when in Ohio we are being taxed to death on our farms to pay this tax into this Federal fund.

Mr. WOODRUFF. Will the gentleman yield just there?

Mr. BEGG. Yes.

Mr. WOODRUFF. The gentleman has stated that the farmers of Ohio are being taxed to pay money into this fund for the improvement of the highways of the country. I want to say to the gentleman that if the Ohio farmers are taxed for that purpose they are far more prosperous than farmers in other sections of the country.

Mr. BEGG. That is true, nevertheless. I know of 80 acres of land which is as good agricultural land as there is anywhere in the United States that because of the improved Federal highway going past it bears total taxes of \$600 a year. Now, you are crying about agriculture needing relief, when one way you can relieve agriculture throughout the Middle West would be to devise some kind of scheme to make the people who wear out the roads pay for their rebuilding and repairing, and you will not have to pass any subsidy or anything of that kind to do it. [Applause.]

Mr. WOODRUFF. Has the State of Ohio a gasoline tax?

Mr. BEGG. Yes; we have.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. CRAMTON. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, the gentleman from Iowa [Mr. DOWELL] has made the speech I intended to make, and I therefore yield back my time. [Applause.]

Mr. CRAMTON. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT]. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I confess that since learning precisely what is in this amendment I have no very great interest in the outcome of this controversy; and I have only arisen because this presents, perhaps more forcibly and more conspicuously than any other incident has presented it since the passage of the organic Federal road act, the trouble into which the Congress brings itself when it enters upon this scheme of 50-50 appropriations.

What have we here? The citizens of Montana have paid their Federal taxes—their income taxes, and the Federal taxes that are collected from them by indirect methods. There has been a law passed providing that the State of Montana may have back some or maybe all—I do not know how much Federal taxes they pay—of that which they have paid into the Federal Treasury provided they will tax themselves again through their State and local agencies in order to match it 50-50. The State of Montana in part has complied with that, but as to a part she has found herself unable or unwilling to comply. Therefore she is to be denied, under the law as it stands, receiving along with her sister States benefits of that act in so far as it applies to the Federal taxes which her citizens have paid.

A few days ago the gentleman from Illinois [Mr. MADDEN], when the maternity bill was under consideration, pointed out the fact that the State of Illinois had never chosen to avail herself of the Federal participation. The State of Illinois is one of the great Federal taxpaying States, because they have the material upon which to be taxed. They have not seen fit to accept this coercion attempted on the part of the Federal Government.

Mr. LEAVITT. Will the gentleman yield for a question?

Mr. GARRETT of Tennessee. I yield.

Mr. LEAVITT. Does the gentleman know that Montana ranks second in the production of the copper of the United States and has first rank in the production of zinc, and that the Federal taxes on that production are almost totally paid in the city of New York, which is the reason Montana's Federal taxes do not appear as large as those of some other States?

Mr. GARRETT of Tennessee. I am not criticizing the State of Montana. I hope the gentleman understands that perfectly. What I am seeking is to reiterate what I have often said upon this floor touching what I conceive to be the essential wrong in this system.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. GARRETT of Tennessee. Would it be agreeable to the gentleman to spare me three or four minutes to finish this thought?

Mr. CRAMTON. Mr. Speaker, I yield the gentleman three additional minutes.

Mr. GARRETT of Tennessee. The State of Illinois did not see fit to take advantage or, rather, to impose upon herself the burden suggested in the maternity measure, and yet the State of Illinois continues to pay her proportion of the Federal taxes that are taken and distributed among all the other States of the Union that do see fit to accept the burdens of the 50-50 plan.

As I have said, entertaining the views I do, I care practically nothing about the outcome of this amendment, but I am taking advantage of this opportunity to express the hope that the Congress will stop now these 50-50 matters and not extend this plan into new fields of activity. [Applause.] We have an illustration of the unfairness, the injustice of the system prominently brought before us at this very hour and at this very minute, and I hope we are never going to extend it into the field of education and all the other fields that have been suggested. [Applause.]

Mr. CRAMTON. Mr. Speaker, I yield three minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Speaker, I rise to express my great regret that my distinguished and valued friend from Tennessee [Mr. GARRETT] seems to take a position antagonistic to a policy which has been in effect a long time, and which I believe is as thoroughly favored by the people of the country as any policy Congress has devised. [Applause.]

There is a great deal, if one could debate the question, which is now impossible, that might be said about the inherent justice of contributions being made by the Federal Government to match State contributions for the purpose of building up our highway system. But this can be said which can not be controverted, namely, that many States did not fairly start upon a satisfactory and efficient method of building highways until the present plan was adopted. Since then, during the years that have intervened, the people of the Nation have been securing what was as much needed as any other one thing, a system of good highways serving their welfare in the broadest sense. [Applause.]

Whatever may be the individual opinion of Members upon the general subject, or whatever may be the opinion of Members upon the pending proposition, I for one, coming from a State whose resources to a great extent go into other States and produce the basis upon which Federal taxes are largely paid, would much deplore the day, if it should arrive, when we will abandon the present policy and substitute the former policy, which was marked by such inertia and delay. [Applause.]

Mr. CRAMTON. I yield to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Speaker, referring to the remarks of the gentleman from Ohio [Mr. BEGG] a moment ago, in regard to the taxes on 80 acres of land, I want to state that no 80 acres of land in the United States, no 800 acres and no 8,000 acres in the United States, ever paid, directly or indirectly, \$600 in Federal-aid road taxes in one year, and I challenge any Member of the House to prove that such tax was ever paid.

Mr. BEGG. If the gentleman will yield, the gentleman from Ohio did not say that. He said the total tax—all taxes levied against 80 acres was \$600.

Mr. SUMMERS of Washington. The House did not so understand the gentleman.

Mr. BEGG. If I did not say it, I intended to say that the total tax levied against the 80 acres was \$600.

Mr. CRAMTON. I yield three minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Speaker, it is with much regret that I rise to oppose this amendment. I have a very high regard for the gentleman from Montana, but this amendment certainly violates the Federal road law of the Nation. It undertakes to take this million dollars and build forest roads. For the present year and for the next three years following this House has already authorized \$7,500,000 a year to build forest roads, and that amount of money is to be apportioned among all the States that have forest roads. This amendment means that Montana will get her part of that \$7,500,000, and in addition will get a million dollars to build forest roads. This does not go to build any roads in the national parks; this

does not go to build any State highways; this is to build a road in a national forest.

Mr. LEAVITT. Will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. LEAVITT. The gentleman realizes that this road is not all in Montana—half of it is in Wyoming, and it goes through the national forest only as a matter of chance and leads into a national park. It is not being built as a forest highway except by the chance of nature.

Mr. ROBSION of Kentucky. Wyoming and Montana get their respective parts of the forest road fund. This is unfair to Idaho and every other State that needs forest roads.

Mr. CRAMTON. Mr. Speaker and Members of the House, I think Members of the House will all realize, if they stop to think a while, that you can talk about the dignity of the House and the dignity of this committee and that committee, but when representatives of the House sit down in conference with Members of the Senate the House can not expect to have everything its own way. We have come back with a conference report which you have approved this afternoon without a word of criticism—approved it unanimously—in which we passed on the things within our authority, and in that conference report let me remind you that the report as approved only increases the House bill \$6,700 and reduces the Senate bill \$1,300,500. [Applause.] Your House conferees have not been negligent of the interests of the House. As to this amendment, we have done only what the rules of the House authorize us to do; we have brought it back here for your consideration.

This committee should not be subjected to criticism for bringing it back. Of course, we will abide by whatever decision you gentlemen make.

What is the real proposition before you? I think that no act of Congress is sacrosanct. I think that there is no act of Congress that can not be repealed when Congress wants to repeal it or changed when Congress wants to change it. Under the road laws, the money is apportioned to the several States and can be expended when the States match that money in certain proportion. The State of Montana suffered all of the depression of other States a few years ago and, in addition, due to a great crop failure, suffered more than many of the other States. Being a one-crop State, where there was, with the failure of that crop, the wheat failure, it was so serious that the Congress made appropriations to furnish even seeds to these farmers so that they could again plant. With those conditions, is it to be wondered at that the State of Montana, in which one-third of its total area is exempt from taxation because it is taken up with parks and forests and Indian reservations, was not able at that time to match the Federal aid and avail itself of the privilege that the State of Iowa or the State of Michigan or the State of Ohio enjoyed?

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. In just a moment. I want first to make a connected statement. Then I shall be glad to yield. That State failed to match that money. It is not that Montana is going to get more than other States, but Montana is going to get less because her poverty under these conditions made it impossible for her to match the Federal contribution.

What do we propose to do to relieve that situation? We propose that the money which otherwise has been apportioned to Montana as her share and which she was unable to match, in order not that it shall not be turned back into the Treasury, but over to her more prosperous sister States, to the extent of about \$1,000,000 shall be used to construct a highway through a national forest in the State of Montana and a national forest in the State of Wyoming, which whenever it is built will be built 100 per cent out of Federal funds, because that is the law. [Applause.] There is nothing monstrous about that. We are not "destroying every principle of the road-fund policy," as my friend from Iowa [Mr. DOWELL] suggests. We are providing that that money shall be used to build a road, which ought to be built and will some time be built 100 per cent out of the Federal funds. But instead of doing it now out of the \$7,500,000, because that is not enough to reach this situation, we propose to spend this money which would otherwise revert to other States that have had their share. The \$7,500,000 for roads in forests are naturally to be used, first, to construct roads that are needed for the development of the forests for forest purposes. This road under consideration is in a forest and can not otherwise be built, but it is not of primary importance to forest development, and, therefore, its construction will have to wait unless you do the thing that we here propose. Why should you do that?

It is not only to let the poor State of Montana retain that money which she has been unable to match because of her

poverty, but there are two reasons why that road ought to be built from the Federal point of view, connecting, as it does, with the Yellowstone National Park. In the first place, it will be a new avenue of approach to the park. I do not go as far as the gentleman from Montana [Mr. LEAVITT] in saying that highways leading to national parks should be constructed at Federal expense, but when they go exclusively through Federal lands that are exempt from taxation by the State we are confronted with an obligation; and if we want the road built, the Federal Government has got to build it. Second, it ought to be constructed as a benefit to the national park, the greatest, perhaps, of all of our national parks, because all of the traffic now coming into the area which will be opened up by this new road has to go through the park, and with new mining developments opening up and increasing that traffic will increase and will interfere with park traffic and wear out our park roads. If this road is constructed, then the traffic, instead of going through the park to the mining region, will go through the other way and will not interfere with the park or wear out the park roads.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. Does the gentleman from Michigan really need this additional approach to the park? Can not he go around the next time he goes out there and go in the other way?

Mr. CRAMTON. There are four approaches to the park.

Mr. BLANTON. Does the gentleman use all four of them?

Mr. CRAMTON. It depends on which side of the park one is and where you are.

Mr. BLANTON. It is not a great inconvenience to the gentleman to go to one of the other approaches?

Mr. CRAMTON. It is no inconvenience to me. This will open up a new avenue of approach, and it will remove from the park roads the burden of this traffic which has been referred to, which ought not to be upon the park roads. We have brought this to you, gentlemen of the House, and we ask you to approve of this item which the Senate conferees have insisted upon. [Applause.]

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Michigan to recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 49, noes 126.

So the motion was rejected.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 64: On page 108, after line 15, insert:

"Hereafter appropriations made for the administration, protection, and maintenance of the national parks and national monuments under the jurisdiction of the Secretary of the Interior shall be available for expense of depositing public money."

Mr. CRAMTON. Mr. Speaker, I move to recede and concur in the Senate amendment.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. CRAMTON. I will.

Mr. BLANTON. The gentleman realizes that by the use of the word "hereafter" he is making this permanent law on an appropriation bill?

Mr. CRAMTON. Yes.

Mr. BLANTON. That is the way he wants to legislate, to take away from the legislative committees their function and assume it by the Committee on Appropriations?

Mr. CRAMTON. Well, I will state to the gentleman the purpose of this amendment, and then, of course, he will vote as he pleases in reference to it. The House has a habit of doing that anyway.

Mr. BLANTON. But it is making it permanent law.

Mr. CRAMTON. Certainly; that is very plain. For a long time the expense of depositing these moneys of the park service has been borne out of the appropriation and the ruling of the Comptroller General has decided against that, and so we are authorizing that the appropriations made here bear the necessary expense of the deposit of public moneys.

Mr. BYRNS. What does the gentleman mean by the expense of depositing money? What is that expense and how does it arise?

Mr. CRAMTON. It is a trifling amount.

Mr. BYRNS. I am sure of that, but I was wondering what the expense was.

Mr. CARTER of Oklahoma. The expense of accounting and getting the money in the depositories, and so forth.

Mr. CRAMTON. Of course there are no banks in the parks and they are out-of-the-way sections and collections are made of park fees, and so forth. I have not the exact information of that, but there is a statement, however, that it was a small amount, and they have been doing it for years, and it is to clear up that situation.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Michigan to recede and concur.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 65: On page 118 of the bill, after line 13, insert:

"HOWARD UNIVERSITY

"For maintenance, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, ice, and stationery, the balance of which shall be paid from donations and other sources, of which sum not less than \$2,200 shall be used for normal instruction, \$125,000;

"For tools, materials, salaries of instructors, and other necessary expenses of the department of manual arts, of which amount not to exceed \$21,800 may be expended for personal services in the District of Columbia, \$28,000;

"Medical department: For part cost needed equipment, laboratory supplies, apparatus, and repair of laboratories and buildings, \$9,000;

"For material and apparatus for chemical, physical, biological, and natural-history studies and use in laboratories of the science hall, including cases and shelving, \$5,000;

"For books, shelving, furniture, and fixtures for the libraries, \$3,000;

"For improvement of grounds and repairs of buildings, including replacement of steam line from central heating plant, \$30,000;

"Fuel and light: For part payment for fuel and light, Freedmen's Hospital and Howard University, \$18,000;

"Total, Howard University, \$218,000."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur in the Senate amendment, and I yield five minutes to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. Mr. Speaker, I do not think it worth while for me to try to handle the discussion I want to give here in five minutes. I am really convinced that we ought to have more time for this discussion, and I do not believe that, as the gentleman from Michigan says, we are all decided as to what we want to do in this matter. I believe I shall decline to accept the five minutes. I make the point of no quorum.

Mr. CRAMTON. Now, Mr. Speaker, I understood the gentleman would accept five minutes, and all I am seeking to do is to conserve the time of the House; and if the gentleman feels he must have 10 minutes, if there is the alternative of the point of no quorum, I have to accept it.

Mr. LOWREY. If I can get my map brought in and have 10 minutes, I will withdraw the point.

Mr. CRAMTON. I extend the allowance to a total of 10 minutes to my friend from Mississippi.

The SPEAKER. The gentleman from Mississippi is recognized for 10 minutes.

Mr. LOWREY. Mr. Speaker, this is an old question that has been much before the House, the question of appropriations to Howard University. About 50 years ago this Congress began to make these appropriations and in that 50 years has given about \$3,000,000 of the people's money to that institution for the higher education of colored people. Now, I am not here to oppose any rights of the colored race; I am not here to oppose any opportunities properly to be given to the colored race, but for three sessions of this Congress it has been admitted that this appropriation had no foundation in law, and, being illegal, it has been knocked out on a point of order in the House; but it has then gone to the Senate, and each time the Senate has put it in through a conference report. Now, the gentleman from Washington [Mr. JOHNSON] spoke very clearly on that this afternoon, the way the Senate puts into a conference report an appropriation which the House has rejected and thus puts it over on the House. The gentleman from Washington spoke strongly against this method of procedure. Two other men have spoken against it to-day. The gentleman from Ohio [Mr. BRAD] said he would not submit to a thing of that kind except in a real emergency. I submit this is not an emergency. In the first place, there are abundant opportunities for the schooling of the Negro race without our appropriating \$200,000 a year for this one university. In my State there are a dozen boarding schools for negroes—and I wish you gentlemen to get this fact—worth from \$100,000 to \$500,000 each in material equipment.

That is more boarding schools, more equipment, more money-backing for schools than the white people of that State have in proportion to the number of people of each race who are really ready to go away from home for the purpose of attending boarding school. I am ready to assert it without fear of contradiction that in my State the Negro race is better provided with boarding-school facilities in proportion to their needs than the white people are. Of course, we have scores of young white people prepared for college to where we have one negro. Only a small proportion of negro boys and girls ever advance in their studies to where they are really prepared to enter these higher institutions.

Mr. SOSNOWSKI. Mr. Speaker, will the gentleman yield?

Mr. LOWREY. Yes.

Mr. SOSNOWSKI. Is it not because they have a vote in your State and they have not one here on these municipal questions?

Mr. LOWREY. No, sir. Very few of them vote in my State; exceedingly few.

In my district there are at Holly Springs two large and well-equipped negro colleges with good brick buildings that compare favorably with the average of our institutions for white people. Then, there are somewhat similar institutions at West Point, Meridian, Jackson, Tugaloo, Edwards, Utica, Piney Woods' School, Alcorn, besides some others of smaller pretensions. In almost every southern State that is the case. In other words, we have boarding schools that are called colleges which amply meet the demand for negro education all over the southland. Many of them are not standardized, however, but we have a number of boarding schools, called colleges, for white people that are not yet standardized. In fact, the work of standardizing our so-called colleges is now the great educational task of our southern people. To one of these negro schools in my State the State has just appropriated \$50,000 for a new building. Three others, I believe, have recent gifts of from \$75,000 to \$100,000 each. About two years ago a Chicago paper announced \$8,000,000 of recent contributions to negro schools. My contention is that with the abundant provisions that have already been made, and with the great tide of philanthropy that is flowing into this channel, there is neither need nor excuse for our appropriating illegally from the Public Treasury to maintain this one institution in Washington.

I know the situation in the South, and it is simply unquestionable that we have a full supply of institutions for the education of the colored race and that they are given opportunities at much less cost than can be had at Howard University, with all its free appropriations from the Federal Treasury.

In the North nobody would say, I suppose, that the negroes are suffering for lack of educational opportunities. Hence we do not need to pass this amendment in order to meet any emergency.

Now, another question: Does this institution provide what it is claimed to provide? Here is a statement from the Howard Welfare League. This is not a southern Democrat talking; this is not a northern Republican talking; this is a negro, a prominent graduate of Howard University, speaking for an organization of Howard University graduates organized for the promotion of the interests of the university. Here is what he says:

The trustee board as constituted and selected does not pursue and will not pursue such policies as would tend to place upon the shoulders of the graduates of the university the responsibility of its perpetuation. Any legislation which fails to include this as its chief object will hurt, rather than help, Howard University. The Howard Welfare League wants more money for the university, of course, but with this we want the university organized so that it will eventually become strong and seek its support largely from its constituents rather than be a permanent burden upon the Government.

Now, that is the word of the alumni of the institution organized for its support, that they ought not to rest upon the Government for the support of an institution which is not a Government institution, when the alumni could do it and ought to do it, and they are appealing to us to let them do it, instead of resting upon the Government. Here is another message from the same organization:

The reason for presenting this memorial is that the present corporation known as Howard University has degenerated into a political machine financed by funds of the United States Government.

And the writer goes on to show that it ought to be self-sustaining and supported by the colored people.

Here is the question: The same article says that the institution is in the hands of a self-perpetuating board of trustees, not responsible to the Government or anybody else. The Government appropriates funds to it annually and has no direct

control of the funds. It is the only institution in America for whites, Indians, negroes, or anybody else where the Government does that. My claim is that it is not necessary and is contrary to our fundamental law. [Applause.]

Mr. CRAMTON. Mr. Speaker, I yield three minutes to the gentleman from South Carolina [Mr. HARE].

The SPEAKER. The gentleman from South Carolina is recognized for three minutes.

Mr. HARE. Mr. Speaker, it is impossible to discuss this proposition in three minutes, and I only invite the attention of this House to two particular phases of this legislation. One is, I contend, that Congress is making an appropriation illegally; that is, we are making an appropriation without even the color of legal justification. Furthermore, we are making an appropriation and attaching to it no control and no supervision of its expenditure. We are making an appropriation of \$218,000, and when we convene here next December we shall not know whether this \$218,000 was spent in teaching the young idea how to shoot or whether it was spent in riotous living. This Congress will not know and there is no way of knowing.

I take the position that if we are going to appropriate money regardless of the purpose, we ought to know what becomes of it and how it is disposed of. In the last few weeks we have been enlightened by illuminating disclosures of misappropriations of funds in the District of Columbia, and if I had the time I could bring to the attention of this Congress facts to show that the \$218,000 for this university has been squandered and used for purposes for which it was not appropriated.

I have evidence to show that the trustees a few years ago suspected irregularities in the expenditure of these funds for duplication of work and as a result of their investigation four persons, classed as professors, were discharged at a saving of \$8,000 per annum. I understand further that the president of the university appointed a secretary two years ago at a salary of \$10,000 whose sole duty apparently was to prepare and publish propaganda to promote the selfish and ambitious aims of the president. Yet the proponents of this amendment are urging this appropriation in behalf of the helpless and deserving colored people of the United States. I submit that in all fairness, if the appropriation is to be made, some provision should be attached requiring that it be spent judiciously. I know it is claimed that the expenditures are closely scrutinized, but in view of the evidence already referred to, I have my doubts about it. I have evidence to show a great many more irregularities and suspicions as to the expenditure of these funds in the past, but the chairman of the committee has seen fit to limit my time to such an extent that it would be impossible to enumerate at length. However, I will state that there is evidence to show that there is now pending in one of the courts of the District of Columbia a case in which the secretary-treasurer of Howard University and two of its trustees are charged with illegal methods in the conduct of the business of another corporation in which they were officers. I do not know whether the charges are true, but if I were going to place my money in their hands I would certainly want to know, and I am equally anxious to know whether it is true before I vote to take money from the People's Treasury and place it in their hands. For these and other reasons I want to register my protest against the passage of the proposed amendment.

Furthermore, I am unable to see any good reason why Congress should be called upon to make an appropriation for this institution. It is a private concern and this amendment provides \$30,000 for the improvement or erection of buildings in which the Government has no claim whatever. If it has been the practice to appropriate this amount annually for the past 40 years, the Government now has invested in buildings or real estate at Howard University upward of \$1,200,000 and has no right, title, or legal interest in it whatsoever. I submit that if this money is to be spent in erecting buildings the title of same should be vested in the Government.

We have negro colleges in the South doing just as good work as Howard University, and they are not receiving one penny from the Federal Government, and, if I am correctly informed, do not want any. There is Shaw University, at Raleigh, N. C.; Fisk University, at Nashville, Tenn.; Atlanta University and Clark University, at Atlanta, Ga.; and others I could name that are doing just as much for the Negro race as Howard University, and they have just as much right to ask this Government to give them \$218,000 a year as Howard University; and I want to say in conclusion that this Congress has no legal right and no legal justification for making this appropriation. It is an unwarranted and unjustified raid on the Public Treasury, and I hope that the American people will in some way register their protest against the action of Congress in making this annual appropriation.

I could show you from evidence in my possession that men have been carried on the rolls of this institution for a period of 12 months or longer and have not done one iota of school work in the meantime. I could show you from further evidence that two deans of this university were compelled to take a forced leave of a year and then three others substituted in their places, and all of them drawing a salary of \$3,000 or \$3,500 annually and at the same time. I could go further and tell you that the president of this institution, while employed and paid \$7,000 a year from the funds that were appropriated, has been given in addition to that an amount approximating \$3,000, in the way of his home, emoluments, and so forth, and at the same time he has been president of another institution drawing a salary, being at the same time editor of American Negro Biography, what you might call a negroes' Who's Who, and he charges from \$100 to \$300 to every negro who wants to place a photographic plate of his "mug" in this publication. [Applause.]

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. CRAMTON. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, I believe that however much we have done so without lawful authority, the money which the Government of the United States has spent on Howard University is one of the most valuable investments the Congress has ever made. I have made a study during the nine years I have been here of what that university is doing for the colored race.

Have you ever thought what you would do if God Almighty had made you black? Have you ever thought about that? My God, what a curse you would consider it. If there is any race of people on earth who in my judgment deserve great commendation for progress it has made under great handicap, it is the colored race. Just think what they have done since 1865. Howard University prepares colored doctors for colored people.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GREEN of Florida. Does not the gentleman think the greatest commendation we could give them would be to send them to some isolated territory where they could have their own republic?

Mr. BLANTON. I would not object to that.

Mr. BYRNS. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BYRNS. Without discussing the merits or demerits of the proposition, there is much in what the gentleman says; but these points of order have been made for two, three, and four years.

Mr. BLANTON. I have not been making them. I have made a lot of points of order against improper legislation, but I never made one against Howard University.

Mr. BYRNS. Neither have I; but regardless of that they have been made and the House has been put upon notice. Does not the gentleman think we ought to proceed in a regular legislative way and have legislation directly authorizing this?

Mr. BLANTON. Yes; I think so; but when we have no legislation, and until we do pass it, we ought to give them this money to conduct this school. [Applause.]

Mr. SOSNOWSKI. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SOSNOWSKI. Is it not true that that particular race has more than furnished its share of soldiers when it was called upon during any crisis?

Mr. BLANTON. I do not want the gentleman to get me off on that, because I know what some of these colored soldiers did in Houston, Tex., where I was born.

Mr. SOSNOWSKI. Well, that is just a few.

Mr. BLANTON. One company of them went down the streets of my native city and ran bayonets into the stomachs of little girls, and things of that kind; but I do not condemn the whole race because of what these few did.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HUDSPETH. The gentleman is for this appropriation, although there is no authority of law for it. Was not the gentleman on this floor not over an hour ago opposing an amendment because he said there was no authority of law for it?

Mr. BLANTON. I was.

Mr. HUDSPETH. So the gentleman is not consistent.

Mr. BLANTON. I was not in that instance; no.

Mr. HUDSPETH. The gentleman is inconsistent in this instance, is he not?

Mr. BLANTON. Yes; because this is a most meritorious proposition. Sometimes it pays to be inconsistent, just as there are exceptions to all rules.

Mr. HUDSPETH. I know; and I want to ask the gentleman another question.

Mr. BLANTON. I yield.

Mr. HUDSPETH. The gentleman says they are doing a great deal for the colored folks out here at Howard University.

Mr. BLANTON. I wish the gentleman knew what I know about all the good work they are doing.

Mr. HUDSPETH. Are they doing any more than we are doing in Texas, where we give them every facility on earth?

Mr. BLANTON. No, indeed; and I congratulate the gentleman, because he did a great deal for them when he was in the State senate.

Mr. HUDSPETH. Yes; I gave them a double appropriation down there.

Mr. LOWREY. Will the gentleman yield?

Mr. BLANTON. I want to use a little bit of my time. I have checked up on this proposition. This colored race needs doctors, it needs colored nurses, it needs dentists, and it needs teachers to teach in their schools, and Howard University every year prepares teachers for the colored race—colored teachers, if you please. The only kind of teachers who ought to teach the colored race is colored teachers and not white teachers. [Applause.] Howard University is providing trained colored teachers to teach the race; it is providing trained colored dentists to wait on them, and trained doctors. It is a good investment, and let us keep it up, law or no law. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. CRAMTON. Mr. Speaker and gentlemen of the committee, I have been in touch with Howard University. It has been suggested that we do not know how this money is spent. Every penny of it is passed upon by the Interior Department and by the Comptroller General. More than that, in the last five years I have been in touch with the university; and I say it is a very great credit to the Negro race that so soon after they emerged from slavery, from the days when they were forbidden to learn, they now have a university here, with 2,000 students, that is rated as class A among the universities of the Nation. That is a credit to the race. Howard University has been built up with aid from the Federal Government for 50 years, and your committee did not feel it had the right to interpose anything in the way of the House expressing its will upon that which it has been doing for 50 years.

Mr. LOWREY. Will not the gentleman yield to me for a moment?

Mr. CRAMTON. I yield to my friend because that reminds me of something I overlooked.

Mr. LOWREY. I think it is fair I should say, inasmuch as my time was so limited, I am not here to deny what the gentleman says about the university being creditable and doing good work. My position is there are abundant schools to do this work without the Government running one, and that some of them are doing it better and at less cost than Howard University.

Mr. CRAMTON. I disagree entirely with the gentleman from Mississippi, in that there are large sections of the country where very little, if anything, is being done; other sections where enough is not being done; and nowhere in the country where all the things are being done that are being done in Howard or being done as well.

The gentleman, with his admitted approval of the institution, has referred here to some report put out by some welfare league or organization of the alumni of this institution. This has also been brought to my attention. Let me only say this: I suppose there is not a university or a college anywhere but what has a few alumni who feel they could run it better than the established authorities. [Applause.] They all have a few knockers and kickers, and Howard University is in line with all other universities in having some of them.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Michigan to recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. LOWREY) there were—ayes 68, nays 22.

So the motion to recede and concur was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 66: Page 120, after the word "ambulance," in line 2, insert "and not exceeding \$200 for the purchase of books, periodicals, and newspapers for which payments may be made in advance, and other absolutely necessary expenses, \$52,894."

Mr. CRAMTON. Mr. Speaker, I move to recede and concur. The motion was agreed to.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 5858. An act for the relief of Charles Ritzel;

H. R. 120. An act fixing the fees of jurors and witnesses in the United States courts, including the District Court of Hawaii, the District Court of Porto Rico, and the Supreme Court of the District of Columbia;

H. R. 6874. An act for the relief of James Madison Brown;

H. R. 8192. An act authorizing the designation of postmasters by the Postmaster General as disbursing officers for the payment of contractors, emergency carriers, and temporary carriers, for performance of authorized service on power boat and star routes in Alaska; and

H. R. 9341. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 3624. An act for the relief of Hannah Parker;

H. R. 5012. An act to legalize a pier into the Atlantic Ocean at the foot of Rehoboth Avenue, Rehoboth Beach, Del.; and

H. R. 8132. An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine Insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes.

THE PROSPERITY OF THE FARMER DEPENDS UPON THE TARIFF

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to extend in the RECORD some remarks I made over the radio last Saturday night on the subject of the tariff.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks by printing a speech recently delivered by him over the radio on the subject of the tariff. Is there objection?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, under leave granted to extend my remarks I submit the following:

ADDRESS DELIVERED BY ERNEST R. ACKERMAN, OF NEW JERSEY, FROM STATION WRC, WASHINGTON, D. C., ON SATURDAY EVENING, APRIL 17, 1926

Ladies and gentlemen of the radio audience, the subject of my address to you is "The prosperity of the farmer depends upon the tariff."

If we could be in possession of sufficient silver dollars to place them in a row side by side on the equator until they extended completely around the globe and touched the point of beginning, we would have \$1,056,000,000, or exactly the amount of money that, according to recent newspaper dispatches, the people of this Nation paid out in 1925 for agricultural commodities which came in direct competition with the products of American farms.

As we could have produced these articles here, the farmers in the United States would have received that money instead of the foreign farmers. That billion-dollar-plus purchase of the products of American farms certainly would have helped toward solving any kind of problem, agricultural or otherwise.

If this billion and over of farm products comes in, and its entrance being barred would help to the extent indicated, why should the tariff, if it is a barrier and restricts imports, be lowered? Why increase the difficulty for the farmer? Why not further assist him?

What the people of the United States want most of all is to be steadily employed at remunerative wages, so that they will have spare cash to invest in those things that will add to their enjoyment and comfort.

The farmers' healthiest condition prevails when he enjoys the proceeds at satisfactory prices of the products of his farm through the constant demands of an increasing home market.

To help to attain this end the Bureau of Foreign and Domestic Commerce in the Department of Commerce bends all its energies. Congress now appropriates the sum of \$3,200,000 for this purpose.

Since the Fordney-McCumber tariff became a law, a little more than three years ago, our imports and exports have both very materially increased. Our customs revenue has also increased from \$451,356,000 in 1922 to \$570,829,000 in 1925. This increase of \$119,000,000 has been a contributing cause toward reducing taxes. At the same time our imports have increased from \$3,112,000,000 to \$4,224,000,000, an increase of more than \$1,112,000,000. During the same period our exports rose from \$3,831,000,000 in 1922 to \$4,908,743,000 last year, an increase of \$1,077,000,000. Its excess was \$77,000,000 over a billion dollars.

You accepted the bald statement made a moment ago when I visualized for you this figure of \$1,000,000,000 by placing silver dollars side by side. May I explain further? Thank you.

Eight silver dollars placed side by side in a straight line and just touching each other measures practically 1 foot of 12 inches. As there are 5,280 feet in a mile, multiplication would disclose 42,240 dollars in a mile. You all know that the circumference of the globe at the Equator is approximately 25,000 miles; therefore multiplying the number of dollars in 1 mile by 25,000, the earth's equatorial circumference, a resulting figure of \$1,056,000,000 is obtained, which is \$21,000,000 less than the excess of exports of the United States in 1924 amounted to over the exports for 1922. For a 3½-year-old baby that is a very fine increase in size and weight.

Those opposed to the policy of protection complain that imports are hindered by the tariff; but, strange as it may appear, there never has been a time under a protective tariff when imports were so large as in 1925 under the present law. That year the imports showed an increase of 17 per cent over 1924. Rubber being first, then raw silk, and sugar, coffee, wool, petroleum, newsprint paper, furs, hides, tin, burlaps, copper, wood pulp, tobacco, fertilizers, diamonds, lumber, raw cotton, cocoa, tea, in the order mentioned, as far as value in dollars is concerned. Six hundred and eighteen million more in all than the value of all imports in 1924, causing one of the news agencies recently to observe that "foreign goods are finding their way into the American market with greater and greater facility." This does not look like restriction and curtailment. The same group of persons opposed to protection say that the "tariff is a tax" and is added to the price of the articles sold, thus causing the American people to pay four to six billions of dollars more than would otherwise be the case; or, in other words, we take it to mean that if a tariff for revenue only prevailed that sum of money would have been saved to the public.

Let us subject that statement to a microscopic and critical analysis. I am unable to find any figures comprising such a sum being taken in through the customhouses, for less than one-tenth of six billions is the greatest peace-time sum that has been taken in by the Treasury on imports in any one year. That being so, however, those opposed to the protective policy claim, strange as it may seem, that there is some special alchemy that manifests itself whenever money is paid in for tariff duties that changes the payments thus made at least ten times, to the injury of the ultimate consumer.

Six billions of dollars is a large sum of money; equal to fifteen times as many actual silver dollars as there are in the United States Treasury, or to 30 bands of paper dollar bills extending around the earth at the Equator. It is nearly twice the sum of the annual Budget for running all the expenses of the United States Government, including all the payments and bonuses paid to the veterans for a year, and more than three times the amount of the income-tax payments last year. When carefully examined this claim of pocket extraction of the sum of 6,000,000,000 will be discovered not to have been founded on bedrock facts, but on the unstable sands of prejudice and a highly imaginative and distorted basis.

If the tariff is a tax, it can not amount to more than \$570,000,000, the amount paid in by those who have duties to pay. No highly expansive inflation takes place when dollars are paid into the Treasury when importers settle their bills with Uncle Sam. Verbal gaseous fulminations seem to be generated only by the dollars paid in for customs duties and not when paid in for tobacco, income taxes, or stamp taxes, thereby suggesting to the inquiring mind that subtle propaganda to inflame the imagination is the aim of the orator when he discusses the fiscal policy of the Government. To many the word "imported" has an attractive, appealing, seductive sound. That foible in human nature is capitalized and a greater profit is demanded on the actual cost of the goods because of the fact that a customs tax is paid.

Are my hearers aware that if the whole amount of duty were considered a tax and demanded of the people as an assessment on the inhabitants of the country irrespective of age, rank, or condition it would not amount to a 2-cent postage stamp a day, year in and year out. Computed on a weekly basis, it would not reach "a dime a week," the price of a comparatively cheap cigar, as can be easily proven. A dime a week paid by each person in the United States of America would exceed by \$38,400,000 the amount brought to the customhouses last year by the rates imposed by the Fordney-McCumber Act. It has never cost the people of the United States of America as much as a red postage stamp per person a day. It never will cost each person 2 cents a day

until the customs revenue reaches \$839,500,000 per annum, or \$209,000,000 more than is now being collected.

Canada and Great Britain are both pointed to as shining lights as examples for us to follow for our benefit; but the charges then would be doubled, for the normal charges of both countries viewed from this angle are 100 per cent greater than the situation I have just explained to listeners.

The South, which numbers among its national legislators many who vociferously proclaim against the fundamentals of a protective policy, has prospered generously in the matter of exports, 33 per cent of what is nationally exported having its origin in one or the other of the 13 Southern States. Texas in 1924 exported more than any other State in the Union, even surpassing by several millions of dollars the Empire State of New York in the volume of her consignments to points abroad. As an additional comparison, Texas exported as much in value as all the remaining dozen Southern States with the exception of Mississippi and Arkansas, or more than Pennsylvania, Illinois, Washington, and Wisconsin put together. These facts are easily verified at the Department of Commerce.

Louisiana exported the same year as much as North Carolina, South Carolina, Alabama, Arkansas, and Oklahoma combined, and more than either Michigan, Ohio, or Massachusetts, whose originating exports each exceeded \$100,000,000. Virginia's primary exports exceeded the combined total of Ohio, Colorado, North and South Dakota, Idaho, and Wyoming. Georgia's exports matched in 1925 the sum of all the articles originating in Connecticut, Iowa, and Rhode Island. North Carolina shipped to foreign points in 1925 more than did Kansas, Kentucky, and Missouri.

If there is a situation that it is believed can be cured by legislation, certainly the farmers, above all others, want a market for their products, a greater one than they now enjoy, if possible, where their present surplus, although small, will be consumed.

As manufacturers supply sixty billions of the Nation's internal and external commerce the unrestricted opening of the American markets to foreigners by removing or decreasing duties would be like pouring "oil on a fire." It would lessen the opportunity for the farmers to market what they are now getting paid for. If what they are now receiving is not sufficiently remunerative, they should want more factories darkening the skies with their smoke, in the event hydroelectric power is not used.

More home consumers for their products in every State, city, town, village, and hamlet in the country should be the cry of the farmers, not an urge to restrict the manufacturing enterprises which create their only stable market. Protection in the form of tariff duties never closed a factory or threw a workman out of employment. Soup houses and bread lines come when factories are closed, because of an excessive influx of foreign articles, for it is a fact that the farmer sells 90 per cent of his crops at home. Only 1 per cent of the corn crop is exported.

The fact that automobiles to the amount of \$3,000,000,000 out of the \$14,000,000,000 marketed last year were sold on the installment plan and that over 20,000,000 machines are traversing the roads daily shows that the people as a whole are prosperous. I believe they have a right to assume good times are going to continue.

Sometimes there comes out of the West the tale that the people living there are in a deplorable and depressed condition. The official registration of automobiles in 12 Western States show that in Ohio the people have nearly 253,000 more motor vehicles than two years ago; in Minnesota, 121,000; in Iowa, 87,000; in Missouri, 126,000; in North Dakota, 35,000; in South Dakota, 47,000; in Nebraska, 75,000; in Kansas, 81,000; in Indiana, 135,000; in Illinois, 294,000; in Wisconsin, 131,000; in Michigan, 293,000. These facts I obtained directly from the various States. In the last two years then there has been enough loose money and credit in those 12 States to enable the people to own and operate nearly 1,600,000 more machines than they formerly owned and operated. Or, in other words, the people of those 12 States alone have to-day something like a billion more money and credit invested in machines than they had two years ago.

The purpose of the Fordney-McCumber tariff was to hinder imports that would hamper the industries of America, at the same time creating a free list so comprehensive that it would be helpful to the American public in general without injuring native industries and the result was the lowest protective tariff, namely, 14.5 per cent, that has ever been enacted. The percentage of the Payne law being 19.3 per cent, the Dingley law 25.5 per cent, and the McKinley law 22.1 per cent.

Since the Fordney-McCumber tariff was enacted life insurance has increased from \$50,000,000,000 in 1922 to \$63,000,000,000 in 1924, nearly 35 per cent. Savings-bank deposits have increased from \$14,351,000,000 in 1922 to \$15,533,000,000 in 1924, over a billion dollars. Building loan association assets in the same time have increased from \$2,890,000,000 in 1922 to \$3,942,000,000 in 1924, or 40 per cent.

Manufacturing products in the United States annually exceed \$60,000,000,000, while agriculture has a turnover of \$12,000,000,000. Foreign commerce, imports, and exports together, nearly, \$9,000,000,000, while mining exceeds \$5,000,000,000.

For the month of January, 1926, imports exceeded exports by \$15,000,000, and they were the largest for that month since 1920. For

February they were \$36,000,000 over 1925. In March they leaped \$24,000,000 more. That being so, the joy of those who advocate the increased use of foreign goods must be on an ascending scale. Their argument that the Fordney-McCumber tariff hinders imports totters and falls to the ground and is utterly demolished.

Let me leave this thought with you as I conclude: The farmer if he did not have the activity of manufacturing to sustain him might be—yes, would be—more hampered in marketing his crops than he is at the present time. If the American market is ruined by the cheap labor of either Europe or Asia, the surplus of farm products would be so great as to cause the farmers to suffer a degree of adversity without a parallel in the history of the world.

The exhilaration of war, of course, had its detrimental after effects. Friends of the farmer are very sorry that as yet he has not fully recovered from the blow then inflicted. For those engaged in industry other than farming know very well that the farmer experiences vicissitudes away and beyond those who are engaged in other occupations. They also know that a thunder storm of unusual intensity, a cloud-burst, unseasonable heat or cold, prolonged drought or untimely frost may create losses which can not be provided for, or for which insurance is not available. He did suffer acutely, but the situation of to-day is less severe than it was two years ago, and the healing process will progressively increase in the immediate future.

Should a revision of the tariff be undertaken it should be approached from the angle of helping the farmer, and I am firmly of the opinion that a scientific revision of the tariff on an ascending scale in the farmer's favor would be most acceptable to him as well as be beneficial in its effects upon the country.

I am now and have been for years an ardent protectionist, and the opportunity has been mine to have seen at first-hand the workers of the world in many quarters, if not in nearly all parts of the globe, as well as to have seen the prosperous and happy conditions of multitudes in our magnificent country enjoying an average wage of \$27 per week, which is the highest ever paid to any workers in any country under the sun. Therefore, I am more convinced than ever that the policy of protection is one the United States should continue to follow.

Thank you.

ORDER OF BUSINESS

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent that on Thursday, immediately after the reading of the Journal and the disposition of matters on the Speaker's table, the House proceed to debate the question of conservation and reforestation for three hours.

The SPEAKER. The Chair will call attention to the fact there are two orders for speeches on that day, one of the gentleman from Texas [Mr. BUCHANAN] for 35 minutes and one of the gentleman from New Jersey [Mr. LEHLBACH] for 35 minutes.

Mr. WOODRUFF. I will be glad to amend my unanimous-consent request to follow those speeches and ask that the House then proceed to debate the question of conservation and reforestation for three hours.

The SPEAKER. The gentleman from Michigan asks unanimous consent that on next Thursday, after the approval of the Journal, disposition of business on the Speaker's table, and the two orders following thereafter, it be in order to discuss for not to exceed three hours the general subject of conservation and reforestation. Is there objection?

Mr. BEGG. Mr. Speaker, reserving the right to object, has the floor leader been consulted about that, and is the gentleman sure there will be no conference reports to be taken up?

Mr. WOODRUFF. That has taken up this entire day.

Mr. TILSON. The gentlemen will have to take their chances on that. Of course, if a privileged matter comes up, it will have the right of way.

Mr. WOODRUFF. Can the majority leader give us any assurance about the likelihood of a conference report coming up at that time?

Mr. TILSON. At this time I do not know of any conference report that will be ready on that day.

Mr. BLACK of Texas. Will this interfere with considering the Private Calendar on Friday?

Mr. TILSON. It may; I can not promise the gentleman. I shall ask for the consideration of the Private Calendar at the earliest possible moment.

Mr. BLACK of Texas. We certainly ought not to dispense with Private Calendar day this week.

Mr. WOODRUFF. Mr. Speaker, I would call the attention of the gentleman from Texas to the fact that Saturday afternoon is open, and I take it if the Private Calendar is not considered on Friday the majority leader may ask that the Private Calendar be considered on Saturday.

Mr. BEGG. Why do you not have this debate on Saturday afternoon?

Mr. BLANTON. Why not have this forestry debate some night?

Mr. DAVEY. We have been displaced to-day, and I think we should be given Thursday.

Mr. RANKIN. Reserving the right to object, will the gentleman agree that this discussion may take place in Committee of the Whole instead of the House?

Mr. WOODRUFF. That would be perfectly all right with me if it can be done under the rules of the House.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Is it in order for the gentleman to amend his request to have this debate in Committee of the Whole instead of in the House?

The SPEAKER. Of course, such unanimous consent can be given, but the Chair does not see how that would be of any advantage to anyone concerned.

Mr. RANKIN. There would be the advantage that it would perhaps keep somebody from disturbing the session by a demand for a quorum.

Mr. WOODRUFF. I do not think there is any ground for that, because I do not know of anyone who would make such a point of order. This is American forestry week, and it is being observed all over the United States, in the schools and everywhere else, and I think the House ought to set aside three hours for the discussion of the subject here.

LEAVE TO ADDRESS THE HOUSE

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent that on Thursday after the conclusion of the order heretofore granted my colleague Mr. JOHNSON of South Dakota and the gentleman from Tennessee, Mr. BROWNING, be each permitted to address the House for 15 minutes.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that on Thursday next after the order just adopted has been completed his colleague Mr. JOHNSON of South Dakota and the gentleman from Tennessee, Mr. BROWNING, may each be permitted to address the House for 15 minutes. Is there objection?

Mr. BEGG. Reserving the right to object, I want to call the gentleman's attention to the fact that the time has been allotted up to nearly 5 o'clock. Does the gentleman want to fix the schedule so that it will run until 6 o'clock, have roll calls and call Members in? I do not think it is wise, but I am not going to object.

Mr. RANKIN. Will not the gentleman from South Dakota change his request to Friday?

Mr. TILSON. I think the gentleman ought not to do that.

Mr. RANKIN. I think some of this veteran legislation is very important and these gentlemen ought to have an opportunity to discuss it in the House.

Mr. TILSON. There will be about four hours and 10 or 15 minutes on Thursday after the disposition of matters on the Speaker's table.

Mr. RANKIN. I know it sometimes takes two or three hours to dispose of matters on the Speaker's table.

Mr. TILSON. Yes; and it oftentimes takes but a few minutes to dispose of matters on the Speaker's table. It seems to me that this will fill the day and I hope that the permission will be given.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent that in the three hours' debate set aside for reforestation on next Thursday that the time be equally divided between the majority and the minority side and that the majority leader control one-half and the minority leader control one-half.

The SPEAKER. The gentleman from Michigan supplements his request that the time for debate on reforestation be controlled one-half by the gentleman from Connecticut [Mr. TILSON] and one-half by the gentleman from Tennessee [Mr. GARRETT]. Is there objection?

There was no objection.

MONUMENT IN FRANCE TO AMERICAN INFANTRY REGIMENTS

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent that I may file minority views on the bill (H. R. 9694) authorizing the erection of a monument in France to commemorate the valiant services of certain American Infantry regiments attached to the French Army.

The SPEAKER. The gentleman from Georgia asks unanimous consent to file minority views of the bill H. R. 9694. Is there objection?

There was no objection.

FRENCH STEAMSHIP "MADELEINE" (H. DOC. NO. 335)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, ordered printed and referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to a claim presented by the Government of France against the Government of the United States on account of the losses sustained by the owner of the French steamship *Madeleine* as the result of a collision between it and the U. S. S. *Kerwood*, which at the time of the collision was being operated by the War Department, and I recommend that an appropriation be authorized to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE,

Washington, April 20, 1926.

WITHDRAWAL OF PAPERS

Mr. FROTHINGHAM, by unanimous consent, was given leave to withdraw from the files of the House without leaving copies papers in the case of Samuel D. Maxwell (H. R. 6528), Sixty-seventh Congress, no adverse report having been made thereon.

ADJOURNMENT

And then, on motion of Mr. TILSON (at 5 o'clock p. m.), the House adjourned until to-morrow, Wednesday, April 21, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 21, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency appropriation bill.

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend paragraph (d) of section 14 of the Federal reserve act, as amended, to provide for the stabilization of the price level for commodities in general (H. R. 7895).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10 a. m.)

To provide for the protection and development of the lower Colorado River Basin (H. R. 9826).

JOINT COMMITTEE

(10.30 a. m.)

To investigate the Northern Pacific Railway land grants.

COMMITTEE ON AGRICULTURE

(8 p. m.)

Agricultural relief legislation.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To permit the purchase of naval aircraft engines without advertisements (H. R. 11249).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States providing for national representative for the people of the District of Columbia (H. J. Res. 208).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10.30 a. m.)

Proposed bill amending the World War veterans' act with reference to the appointment of guardians.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

457. A communication from the President of the United States, transmitting records of judgments rendered against the Government by the United States District Court for the Northern District of California (H. Doc. No. 327); to the Committee on Appropriations and ordered to be printed.

458. A communication from the President of the United States, transmitting a list of judgments rendered by the Court of Claims under the Department of Agriculture, Navy and War

Departments, amounting to \$2,214,753.60 (H. Doc. No. 328); to the Committee on Appropriations and ordered to be printed.

459. A communication from the President of the United States, transmitting records of judgments rendered against the Government by the United States district courts (H. Doc. No. 329); to the Committee on Appropriations and ordered to be printed.

460. A communication from the President of the United States, transmitting records of judgments rendered against the Government by the United States district courts (H. Doc. No. 330); to the Committee on Appropriations and ordered to be printed.

461. A communication from the President of the United States, transmitting judgments rendered against the Government by the United States District Court for the Eastern District of Pennsylvania (H. Doc. No. 331); to the Committee on Appropriations and ordered to be printed.

462. A communication from the President of the United States, transmitting records of judgments rendered against the Government by the United States district courts (H. Doc. No. 332); to the Committee on Appropriations and ordered to be printed.

463. A communication from the President of the United States, transmitting schedule of claims, amounting to \$152,530.48, allowed by the various divisions of the General Accounting Office, as covered by certificates of settlement (H. Doc. No. 333); to the Committee on Appropriations and ordered to be printed.

464. A letter from the chairman of the Interstate Commerce Commission, transmitting a report for the month of March, 1926, showing the condition of railroad equipment and the related information indicated in Senate Resolution 478, so far as such information is available; to the Committee on Interstate and Foreign Commerce.

465. A communication from the President of the United States, transmitting a record of judgment rendered against the Government by the United States District Court for the District of New Mexico in connection with the appropriation of lands by the United States for the McMillan Reservoir under the Carlsbad irrigation project in New Mexico (H. Doc. No. 334); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HILL of Alabama: Committee on Military Affairs. S. 2996. An act to validate payments for commutation of quarters, heat, and light, and of rental allowances on account of dependents; with amendment (Rept. No. 934). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. H. R. 595. A bill for the relief of B. Jackson; with amendment (Rept. No. 930). Referred to the Committee of the Whole House.

Mr. WALTERS: Committee on Claims. H. R. 6267. A bill for the relief of Joseph F. MacKnight; with amendment (Rept. No. 931). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 7703. A bill for the relief of James F. McCarthy; without amendment (Rept. No. 932). Referred to the Committee of the Whole House.

Mr. FULLER: Committee on Invalid Pensions. H. R. 11446. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; without amendment (Rept. No. 933). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11006) granting an increase of pension to Sarah Morrison; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11375) granting an increase of pension to Martha M. Barber; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FULLER: A bill (H. R. 11446) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; committed to the Committee of the Whole House.

By Mr. RATHBONE: A bill (H. R. 11447) to authorize the erection of additional buildings to the United States Veterans' Bureau hospital at North Chicago, Ill., and to authorize the appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. HILL of Alabama: A bill (H. R. 11448) authorizing the appropriation of \$100,000 for the establishment of a fish-hatching and fish-cultural station in the State of Alabama; to the Committee on the Merchant Marine and Fisheries.

By Mr. JONES: A bill (H. R. 11449) declaring an emergency in respect to certain agricultural commodities, and for other purposes; to the Committee on Agriculture.

By Mr. COLTON (by request): A bill (H. R. 11450) to rectify, coordinate, and simplify the weights and measures of the United States; to the Committee on Coinage, Weights, and Measures.

By Mr. FISH: Joint resolution (H. J. Res. 228) providing for the immediate return of all private property seized by the United States under the trading with the enemy act of October 6, 1917; to the Committee on Interstate and Foreign Commerce.

By Mr. GORMAN: Resolution (H. Res. 231) providing that the House of Representatives desires to express its disapproval of the League of Nations and its agency, the World Court, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CRUMPACKER: Resolution (H. Res. 232) relative to the proposed sale of vessels of the American-Oriental Mail Line and their operation; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACK of Texas: A bill (H. R. 11451) granting an increase of pension to Jane Cantrell; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 11452) granting a pension to Mary Buchanan; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 11453) for the relief of Louise Brown; to the Committee on Military Affairs.

By Mr. ESICK: A bill (H. R. 11454) granting an increase of pension to R. T. Crews; to the Committee on Pensions.

By Mr. ESTERLY: A bill (H. R. 11455) granting an increase of pension to Mary A. Hinnershitz; to the Committee on Invalid Pensions.

Also, A bill (H. R. 11456) granting an increase of pension to Kate Bickel; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 11457) granting an increase of pension to Josephine McDevitt; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 11458) for the relief of Agnes J. Bowling; to the Committee on Claims.

Also, a bill (H. R. 11459) for the relief of William A. Light; to the Committee on Claims.

By Mr. JACOBSTEIN: A bill (H. R. 11460) granting an increase of pension to Catherine Forest; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11461) granting an increase of pension to Mary J. Barrows; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11462) granting an increase of pension to Oriana M. Farnham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11463) granting an increase of pension to Elizabeth McDowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11464) granting an increase of pension to Catherine Donovan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11465) granting an increase of pension to Susie Mahoney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11466) granting an increase of pension to Emma J. Fogarty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11467) granting an increase of pension to Elizabeth Wood Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11468) granting an increase of pension to Mary Denno; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 11469) for the relief of Thomas L. Durocher; to the Committee on Claims.

By Mr. JOHNSON of Indiana: A bill (H. R. 11470) granting an increase of pension to Mary J. Coombs; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 11471) to remit forfeiture of recognizance in case No. 445 (U. S. v. Phillip LaChapelle),

United States District Court, District of Minnesota, and for other purposes; to the Committee on Claims.

By Mr. LEA of California: A bill (H. R. 11472) granting an increase of pension to Eva A. Smith; to the Committee on Pensions.

By Mr. MONTGOMERY: A bill (H. R. 11473) granting a pension to Lizzie Koffman; to the Committee on Invalid Pensions.

By Mr. PERLMAN (by request): A bill (H. R. 11474) for the relief of Max M. Horowitz; to the Committee on Claims.

By Mr. RATHBONE: A bill (H. R. 11475) for the relief of Lydia Anderson; to the Committee on Claims.

By Mr. SINNOTT: A bill (H. R. 11476) granting a pension to Etta J. Hyney; to the Committee on Pensions.

By Mr. STEPHENS: A bill (H. R. 11477) granting a pension to Eugene C. Dempsey; to the Committee on Pensions.

Also, a bill (H. R. 11478) granting a pension to Margaret Wertheimer; to the Committee on Pensions.

By Mr. TEMPLE: A bill (H. R. 11479) granting a pension to Frances Schaughency; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 11480) granting a pension to John M. Miller; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 11481) granting a pension to Laura E. Warner; to the Committee on Invalid Pensions.

By Mr. TOLLEY: A bill (H. R. 11482) for the relief of Joseph Seales; to the Committee on Military Affairs.

By Mr. UNDERHILL: A bill (H. R. 11483) granting an increase of pension to Ella F. Stratton; to the Committee on Invalid Pensions.

By Mr. WINTER: A bill (H. R. 11484) granting an increase of pension to Amanda Jackson; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1848. By Mr. BANKHEAD: Petition of sundry citizens of Atlantic City, N. J., protesting the passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

1849. By Mr. COOPER of Wisconsin: Memorial of Lake Geneva (Wis.) Painters' Union, urging Congress to restore to Eugene V. Debs his civil rights; to the Committee on the Judiciary.

1850. Also, memorial of Lake Geneva (Wis.) Trades Council, urging Congress to restore to Eugene V. Debs his civil rights; to the Committee on the Judiciary.

1851. By Mr. DOUGLASS: Petition of the Massachusetts Modification Conference, by its executive committee, consisting of Mary McGill, of Brookline; John A. Larkin, of Worcester; and Francis J. Horgan, of 40 Court Street, Boston, Mass., chairman, protest against further use and misuse of public funds to force upon the people of the United States the Volstead Act and demand amendment to the law be made that will permit each State to govern itself in the matter of laws regulating the use and sale of intoxicating beverages; to the Committee on the Judiciary.

1852. By Mr. GALLIVAN: Petition of Massachusetts Modification Conference, Francis J. Horgan, chairman, 40 Court Street, Boston, Mass., protesting against further use and misuse of Federal appropriations to force upon our people the unjust, unpopular, and illegal Volstead Act, and demanding a modification of such act; to the Committee on the Judiciary.

1853. By Mr. GARBER: Resolution by the Columbia section of the American Institute of Mining and Metallurgical Engineers, at its regular monthly meeting at Spokane, April 2, 1926, favoring the Temple Act; to the Committee on Appropriations.

1854. Also, letter from the Religious Society of Friends of Philadelphia and vicinity, approving the eighteenth amendment to the Constitution; to the Committee on the Judiciary.

1855. Also, resolution of the Ministerial Alliance of Tulsa, Okla., urging strict enforcement of prohibition and protesting against any modification of the law; to the Committee on the Judiciary.

1856. Also, resolution of the Common Brick Manufacturers' Association of America, urging that a tariff be placed on all brick and that section 304 of the Fordney Tariff Act, requiring the marking with the name of the country of origin of all articles made in foreign countries, be immediately and rigidly enforced as to brick; to the Committee on Ways and Means.

1857. By Mr. KINDRED: Petition of the Fredericksburg Chamber of Commerce, Fredericksburg, Va., favoring prompt action upon the report of the Battle Field Commission, concerning the battles fought in Spotsylvania County, Va., from 1862 to 1865; to the Committee on Military Affairs.

1858. Also, petition of the Long Island Federation of Women's Clubs, of Brooklyn, N. Y., opposing the passage of the Wadsworth-Perham bills; to the Committee on Immigration and Naturalization.

1859. Also, petition of the Metal Trades Council of Brooklyn, N. Y., urging the Congress of the United States to give immediate favorable consideration to the Stanfield-Lehlbach retirement bill (S. 786 and H. R. 7); to the Committee on the Civil Service.

1860. By Mr. LEA of California: Petitions of 40 residents of Eureka, Calif., and 71 residents of Martinez, Calif., protesting against the passage of House bill 7179, the Sunday observance bill; to the Committee on the District of Columbia.

1861. By Mr. O'CONNELL of New York: Petition of A. R. Rubenstein, of 1501-1511 West Sixth Street, Brooklyn, N. Y., with reference to the pending Upshaw and Swoope bills; to the Committee on Education.

1862. By Mr. PRALL: Petition received from residents and voters of Station Island, N. Y., favoring House bill 6233, Federal regulation of motion pictures; to the Committee on Education.

SENATE

WEDNESDAY, April 21, 1926

(Legislative day of Monday, April 19, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6707) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate Nos. 26, 31, 64, 65, and 66 to the said bill, and concurred therein, and that the House had further disagreed to the amendments of the Senate Nos. 46 and 62.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 120. An act fixing the fees of jurors and witnesses in the United States courts, including the District Court of Hawaii, the District Court of Porto Rico, and the Supreme Court of the District of Columbia;

H. R. 5858. An act for the relief of Charles Ritzel;

H. R. 6874. An act for the relief of James Madison Brown;

H. R. 8192. An act authorizing the designation of postmasters by the Postmaster General as disbursing officers for the payment of contractors, emergency carriers, and temporary carriers, for performance of authorized service on power boat and star routes in Alaska; and

H. R. 9341. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes.

CALL OF THE ROLL

Mr. REED of Missouri obtained the floor.

Mr. KING. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield.

Mr. KING. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Asburat	Fernald	Keyes	Robinson, Ark.
Bayard	Ferris	King	Robinson, Ind.
Bingham	Foss	La Follette	Sackett
Blease	Fletcher	Lenroot	Sheppard
Borah	Frazier	McKellar	Shipstead
Bratton	George	McLean	Shortridge
Broussard	Gerry	McMaster	Simmons
Bruce	Gillett	McNary	Smith
Butler	Glaas	Mayfield	Smoot
Cameron	Goff	Metcalf	Stanfield
Capper	Gooding	Moses	Stephens
Caraway	Greene	Neely	Swanson
Copeland	Hale	Norbeck	Trammell
Couzens	Harrell	Nye	Tyson
Cummins	Harris	Oddie	Wadsworth
Curtis	Harrison	Overman	Walsh
Dale	Hedlin	Pepper	Warren
Deneen	Howell	Phipps	Watson
Dill	Johnson	Pine	Weller
Edge	Jones, N. Mex.	Randell	Wheeler
Edwards	Jones, Wash.	Reed, Mo.	Williams
Ernst	Kendrick	Reed, Pa.	Willis

Mr. PHIPPS. My colleague [Mr. MEANS] is detained on account of illness. I will allow this announcement to stand for the day.

The VICE PRESIDENT. Eighty-eight Senators having answered to their names, a quorum is present.

INTERIOR DEPARTMENT APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives receding from its disagreement to the amendments of the Senate Nos. 26, 31, 64, 65, and 66 to the bill (H. R. 6707) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes, and further disagreeing to the amendments of the Senate Nos. 46 and 62.

Mr. SMOOT. I move that the Senate insist on its amendments still in disagreement, ask a further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. SMOOT, Mr. CURTIS, Mr. PHIPPS, Mr. HARRIS, and Mr. JONES of New Mexico conferees on the part of the Senate at the further conference.

ROCK CREEK AND POTOMAC PARKWAY COMMISSION

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 4785) to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act, approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CAPPER. I move that the Senate insist on its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. CAPPER, Mr. JONES of Washington, and Mr. KING conferees on the part of the Senate.

INDEBTEDNESS OF ITALY TO THE UNITED STATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America.

Mr. REED of Missouri. Mr. President, it was impossible for me to address the Senate on the subject of the Italian debt settlement before this morning, and I did not know until the present moment that the time is limited at this hour. I thought it was at 3 o'clock that the time limit went into effect. I am going to ask the Senate if it will not give unanimous consent to me to have an hour this morning, if some one else does not want the time. I can not make my statement in 30 minutes.

Mr. SMOOT. Mr. President, if it does not interfere with the unanimous-consent agreement, I certainly hope the Senate will give the Senator from Missouri an hour's time as he has requested. If it does not set aside the unanimous-consent agreement already made, I submit that request.

Mr. REED of Missouri. I do not ask it if there are other Senators who want the time; but if there are not, I would like to have that much time, because I can not complete my statement in 30 minutes.

Mr. SMOOT. Mr. President, a parliamentary inquiry. If a Senator asks unanimous consent that the Senator from Missouri be given an hour's time instead of 30 minutes, as fixed by the unanimous-consent agreement of April 14, 1926, can that be done?

The VICE PRESIDENT. The Chair would hold that it can be done without abrogating the balance of the unanimous-consent agreement.

Mr. SMOOT. Then I ask unanimous consent that the Senator from Missouri be given one hour.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

Mr. REED of Missouri. I thank the Senate for its courtesy, and I thank the Senator from Utah for his courtesy.

The VICE PRESIDENT. The Senator from Missouri will proceed for one hour.

Mr. REED of Missouri. Mr. President, for many years prior to 1914 the various great nations of Europe had been preparing for war. Great Britain desired to maintain her supremacy upon the seas and her supremacy in commerce. Accordingly she was enlarging her fleets and furnishing them with every modern instrumentality of destruction. For nearly a year before the war broke the master of the navy of Great Britain had been engaged in equipping England's whole fleet

with a new type of guns, and for months before hostilities ensued had mobilized that fleet at strategic points and held it ready for instant action.

Germany, ambitious to extend her dominion and her trade, had been constructing a vast navy and had been concentrating her efforts in the creation of the greatest land force ever organized.

Italy, avid to conquer portions of Africa and to establish her dominion over Italia Irredenta, the "lost Italy," as she termed it, had been drilling her men and organizing her forces in a manner not known to Italy since the days of the Caesars.

Austria, determined to gain better access to the seas, had been enlarging her armies, and by forced military servitude had amassed a mighty body of men.

Russia, in order to maintain a large share of the balance of power of Europe, was determined to retain her hold in the Balkan States.

France was obsessed by the desire to regain Alsace and Lorraine, to increase her foreign empire, and to assert her supremacy on the Continent of Europe.

The broad picture was of great nations, all of them ambitious, all of them arming to the teeth, in order that they might extend their domains and perpetuate their power.

When on the 28th day of June, 1914, the Archduke Ferdinand and his morganatic wife were assassinated at Sarajevo, in Bosnia, it was not the cause of the war, but it afforded Austria an opportunity to make humiliating demands upon Serbia and to hold Serbia responsible for that crime.

Austria did not intend to be satisfied by any explanation from Serbia. On July 23 she delivered to Serbia an ultimatum containing the most humiliating demands, and insisted upon an answer within 48 hours. On July 25 Serbia replied, making concessions that were humiliating. Notwithstanding those humiliating conditions, Austria promptly declared war upon Serbia.

Within a few days Russia came into the war. Within five days thereafter France had mobilized 200,000 men along the borders of Belgium, and Germany had issued an order equivalent to the creation of a military dictatorship. France was ready to invade, and did have her troops in Belgium, probably as soon as Germany's troops entered that Kingdom, although not in so great force.

What I am seeking to impress upon the Senate is the thought that this war was a planned war, was a concerted war, was a war that all of Europe was ready for, and that back of it stood rapacity and ambition. It was not a war of accident or of chance.

Italy had long been bound by a defensive alliance with Austria, but years before the war occurred on several occasions she had clearly manifested her purpose to abandon that alliance, because forever the eyes of Italy had been upon Italia Irredenta, the unreclaimed Italy.

Italy stood back and bargained for 10 long months. She bargained with Austria, and Austria agreed to make large concessions, but England and France outbid Austria and agreed to give to Italy greater advantages and concessions than she could secure from Austria. So, in as cold-blooded a bargain as ever was made, for the sake of her own advantage, and in order to extend her territory, Italy entered the war.

Mr. President, as a result of that war she achieved a settlement concerning her African possessions; she extended her borders so as to take in Italia Irredenta; she gained everything she demanded except a small portion of Dalmatian coast, which was withheld from her in the final settlement.

In the war which ensued the other nations that were victorious took their share of the spoils. England extended her dominion over a vaster territory than Rome controlled in the proudest days of the Caesars; Belgium increased her possessions; Japan gained incalculable advantages in the Orient; and if it had not been for the protest of America and of the world, would by this time have cut the heart out of China. These nations were fighting to satisfy their ambitions, and the victorious did glut themselves with the spoils of war.

Great Britain expended \$27,236,500,000, but Great Britain gained a territory vastly more valuable than that. France expended \$18,405,000,000 and regained Alsace and Lorraine and large territories elsewhere. Italy expended \$7,650,000,000, but realized gains to which I have already adverted.

These nations went into the war to satisfy national lust for power, for lands, for peoples, for dominions. There may have been reluctance at holding back, but every one of them acted in pursuit of ambitions ingrained in their people and embraced in their national policy.

Italy entered the war on August 27, 1916. Prior to that time and thereafter our associates in the war had been able to keep the field because American markets were open to them.

Had they been equally open to Germany—that is to say, if Germany could have reached our shores and obtained supplies from us—a different story would probably have been told of the war. I think it may be said now that from the first our Government was friendly to the cause of Great Britain and her allies. Indeed, it has been recently stated on what seems to be good authority that there had been a substantial agreement arrived at, long before the American people were advised, that America would go into the war at the proper time. However that may be—and I do not digress to discuss it—the cold fact is that the resources of this Nation were open to Great Britain, to France, to Belgium, and to Russia. Moreover, not only were our resources open to them for the purchase of supplies but large sums of money were loaned in this country by private institutions, so that they obtained here not only the goods, wares, and chattels but the credits necessary to procure them. No sooner had we entered the war than requests for loans were made by the nations with which we were associated.

As soon as bills could be rushed through Congress provision was made for raising large sums of money by borrowing from the American people. Those measures expressly stipulated that a part of this money, aggregating some ten thousand millions of dollars, could be loaned to foreign nations engaged with us in the war, but upon the condition that these nations should give to us for this money, at the time the money was delivered to them, bonds exactly like the bonds we had issued to the American people, so that the interest upon the moneys we loaned to them would equal the interest we were obliged to pay to the American people, so that when the debt came due the money would come from the foreign countries to take up the bonds that had been negotiated with the American people.

That was the express condition of each of the three or four acts authorizing the turning over of money to these European countries. It was violated. The Secretary of the Treasury, instead of receiving bonds in due form, took from these various countries obligations that they would thereafter issue bonds upon the request by the United States. I do not harshly criticize him, but the incident serves to illustrate how a failure to do business in the right way frequently results in interminable trouble. His reason assigned was that the European countries needed the money so badly that they could not wait to print the bonds, and hence he delivered to them, without requiring the formal bonds being delivered, the money of the people of the United States.

When we obtained that money from the people of the United States we promised them by word of mouth, by literature, by propaganda of every kind, that they would never be taxed to repay the bonds which they themselves had been obliged to buy. We said to them from the steps of this Capitol, from every rostrum and forum and pulpit of the United States, that if they would loan money to our Government to be reloaned to foreign governments the part reloaned to foreign governments would be paid by those governments, would be collected by this Government, and that the bonds would be canceled, and they would not be taxed to pay the very debts the Government had created with them through their purchase of bonds.

The money was turned over. It reclothed, it revictualled the armies of France, of England, and of Italy. It put new heart and spirit in their people; and then immediately they called on us for men as well as money. They urged haste, and every haste was made; and from the moment we declared war on until its final close America played a full and a great part.

I do not stop, sir, to pretend that America won this war herself. I would take no laurel from the wreath of fame and glory that rests upon the brow of any Englishman or Frenchman or Italian; but I do say that at the time our troops finally filed into the line the armies of France and Great Britain and Belgium had been driven back and back and back until, exhausted by fighting, they were holding the line by the sheer strength of nerve and of courage, and it is in all probability true that they could not long have defended Paris from the German onslaught.

We sent our men there, our money there, and we rendered this great service; and what, pray, was America's stake? Simply the vindication of American honor; simply the demonstration to the world that America could not be warned from the high seas; for all the American ships that had been seized, all the American ships that had been sunk, could have been purchased with the cost of one day of this war. We went into this war to vindicate our honor and to assert the continuance of our sovereignty as a people; and then we stood by in the negotiations after the war was over until France and England and Belgium had extorted the kind of contract

they believed they ought to have. We refused to withdraw our troops from German soil until the German had signed away the right of his country to maintain an army or maintain a navy, and agreed to the heaviest indemnities levied in all the course of time.

Now, sir, having done all that, having claimed no part of the spoils of war, having stood by while our associates in the war were extending their dominions in the islands of the sea, upon the southern portion of the Eastern Hemisphere, in every part of the world, fortifying and solidifying themselves, taking territory in which some day we will want freedom of trade and it will be denied to us—after all that has occurred we are asking what honor never should have waited to be asked, what honesty ought never to have required us to ask—an honest settlement and a fair payment.

We hold the obligations of these countries. They are in writing now, sir, as solemn a promise as can be written, signed and sealed and delivered; and if we were to stand upon that obligation, and this were a controversy between individuals, we could collect at the present time, presently due, every dollar they borrowed from us and 5 per cent interest.

We do not exact it. We ask only to be made whole. We ask only that they shall pay to the American Government the amount of money the American Government must pay to those from whom the American Government borrowed this money.

Mr. President, coming to the case of Italy, with whom, sir, are we dealing?

We are told that Italy has not the ability to pay. Italy, sir, has the ability to keep a standing army, in active service, of 220,000 men, an air force, and a secondary army, which brings the entire military force up to 5,680,000 men. In addition to this, she has the Fascist organization, every man of which is practically sworn as a soldier of the dictator. She is rebuilding her battle fleets, she is extending her air service more rapidly than the United States of America, and she is doing these things at the demand of a dictator who has stricken down the liberties of Italy and destroyed the last vestige of free government.

Listen to Mussolini:

At one word from me 3,000,000 youths will rush to my side and draw their swords to vindicate the rights of Italy. . . .

I will quickly bare my sword to defend our frontier on the Brenner. . . .

I judge the future by the past. In the history of nations every serious dispute between one nation and another has been settled by the arbitrament of the sword. . . .

I feel sure of peace when I rest in the shadow of my sword. . . .

In every revolution some of the conquered have been put to the sword. The Fascists have not done this until now, but it is never too late.

That, sir, sounds like the roar of a wild beast, not the utterance of a man. That sounds like the voice of hell turned loose into the wholesome atmosphere of the earth.

A good Fascist cares nothing about elections and parliament. . . .

I believe in force, not the private force to avenge personal injuries, but the force necessary to beat down rebellion against the new state created by the genius of Fascism. . . .

The deputies who have dared to accuse me of complicity in the murder of Matteotti can only return to the Chamber of Deputies if they will sign the apology I will draw up for them. Even then they will only be tolerated and must not open their mouths. If necessary, we will carry the flag of Italy beyond the present confines of the Kingdom.

It is to this man and to this man's government it is now proposed to present \$1,500,000,000 of the American taxpayers' money. It is to fatten this monster and strengthen his arm, to sharpen his sword, to enlarge his cannon, to increase his war fleets, that it is proposed to settle with Italy in a manner that is nothing but grand larceny perpetrated upon the American people.

Mussolini! The throne of his power rests upon the bodies of an oppressed people. His sword is at their throats. The vision that delights his eye is a field of the slaughtered. The picture that most entrances his soul is an ocean of blood, through which he can walk with brutal, tyrannical feet.

He proposes to extend his dominions by the sword at a time when all the world cries out for peace. His men are organized now; his battalions are mustered; his divisions are under command; his arms are bright and in the hands of desperate men whom he controls; and it is proposed to vote a

credit to Italy of \$1,500,000,000 to carry out these monstrous purposes—a credit exacted from the American people; and that is all there is in this settlement.

This is not a settlement. This is a surrender. This is not a settlement between honest people. This is a surrender of poltroonism to dictatorship. It is the foulest blot that has ever been proposed to be placed on the financial record of the United States.

It is a military contribution to the most dangerous man living. It will increase his power. It will increase his prestige; this man who has the cruelty of Caligula, who has the monstrous egotism of Nero, who possesses the soul of a monster, who would again set the fires of war burning and again sweep the world with a conflagration of destruction.

It is proposed that we give this money to Mussolini.

It will not please even the native-born Italian who lives on our shores, for deep in his heart he does not want his country's oppressor to prosper.

Mr. President, the figures I am about to use I shall put in my address not as new matter but because I want them in juxtaposition with what I am about to say. They are figures which were compiled by the junior Senator from Nebraska [Mr. HOWELL], a great engineer and a man competent to compute these questions of dollars and cents.

By an examination of the Treasury books on November 14, 1925, we find that Italy owed us \$2,150,151,000. This commission, as its first step, reduced the debt by \$108,000,000, without authority or right. My understanding is that the excuse is that for a certain period of time England is to pay us only 3 per cent, and therefore we extended the same rate to Italy. That is not a conclusive argument by any means, but it might seem justified by the rule of parallels if they had gone on and made the same kind of settlement with Italy that was made with Great Britain. But to give to Italy the benefits Great Britain received and then refuse to exact from her the payments Great Britain made is the lowest point of puerility, and can be justified by no reasoning, by no logic.

Taking the total of all they are to pay us for 62 years, they will pay us an amount which equals interest at the rate of 1.1 per cent. I would like to borrow all the money in the world at that rate. That is not a rate of interest at all. They try to cover this up under the pretense that the Italians are paying their principal, but taking the principal they pay and every dollar they will have paid at the end of the 62 years, and averaging it throughout the 62 years, it is proposed that we give to that country this money at the rate of 1.1 per cent per annum.

More than that, during the first 31 years we are to collect only 26 per cent of the total amount that is to be paid. Where will Italy be after 26 years? She may have realized the dream of empire that is in the soul of Mussolini. Rome may have been rebuilt and from her seven hills again survey a conquered world. I think not, but that might happen. But, sir, no man can tell as to her ability to pay at the end of 26 years, whether it will be greater or less.

In contradistinction to this foolish policy advocated in this bill, witness the wisdom of Great Britain. Great Britain gets her larger payments in the earlier part of the period. We get ours at the end of the period, 62 years from now, when the body of every Senator now on this floor will be moldering in the dust, when his memory will be largely forgotten, when the only men remembered, probably, will be those who put over this infamous thing on the American people, and remembered then, not with honor but with regret. Sixty-two years from now, when you are all dead, when the babes now in the arms of your wives, if any of you are so fortunate as to have babes, will be old men and old women; sixty-two years from now Italy will make a payment of \$79,400,000.

What is the value? Let us get out of the clouds and quit talking technicalities. What is this paper they are to give us? What is it worth upon the market? Let me illustrate what it is worth on the market. Let me ask Senators what they would give for it, if they had a thousand dollar bond, with the stipulation this commission has made. How much humor there is in it all; the commission has stipulated that Italy shall give us these bonds, if we demand them, in a merchantable form, so that we can put them on the exchanges, and Italy is graciously going to come over and list them on the exchanges, so that we can sell them and get our money, and get it now.

What is a bond of \$1,000 worth under this contract? Sirs, for the first five years that you hold that bond you would not get a single cent. Not until 1930 would you begin to collect, and in 1930 you would get the princely sum of \$1.25 on a \$1,000 bond.

Between the years 1940 and 1950 you would get the munificent sum of \$2.50 on your \$1,000 bond. Between 1950 and 1960 you would get a larger sum. You would then be getting to a point where you could really be rich if you had three of these bonds; you would get \$5 a year. From 1960 to 1970 you would get \$7.50 a year. But that is a long time ahead, 35 or 40 years. Long before any now in the Senate who buy any bonds get \$7.50 you will be gathered to your fathers, and looking down from the bosom of Abraham you will undoubtedly witness with great delight the fact that some of your remote descendants have collected \$7.50 that year on the bonds.

Between 1970 and 1980 you would get \$10 a year. Oh, how you will long for that day to come! How you will hug that bond to your bosom! How your descendants will, I should say, not you, for you will all be dead; dead, and, let us hope, not damned, just dead. You will delight in the fact that your remote descendants go down and get \$10 a year. From 1980 to 1987, which closes the fateful circle, someone will get \$20 a year.

The fact is that estimating the Italian debt with interest at 4½ per cent, assuming that we were to receive the face of the debt in obligations bearing 4½ per cent, which is exactly what we paid for the money we loaned Italy, and assuming Italy's credit to be good, such bonds would bring the face of the debt, or \$2,150,151,000.

Upon the other hand, the securities which we will receive from Italy bearing the rate of interest which includes also the cancellation of the principal of 1.1 per cent would bring on the market, again assuming Italy's credit to be good, only \$528,000,000. That is to say, we are in fact accepting securities which are worth \$528,000,000 for a debt of \$2,150,151,000.

In other words, the securities we are to receive will be worth \$1,612,000,000 less than the face of the Italian debt. The amount of our donation to Italy is \$1,612,000,000. This, however, is only part of the story. If the United States should be obliged to continue to pay 4½ per cent on the money it loaned Italy for the period of 62 years, and if we were to receive during that 62-year period the amount Italy is to pay, the annual average loss to America is \$67,000,000, which, multiplied by the 62 years the debt is to run, shows a loss to America in difference of interest of \$4,150,000,000. Add to this the principal of the Italian debt, namely, \$2,150,000,000, and it will be seen that the loss to the people of the United States is \$6,300,000,000. The State of Missouri's proportional loss amounts to \$18,500,000.

That is the bargain it is proposed that we make, and with what irony, with what satire, with what ineffable contempt the Italian must have suggested to this commission, "Gentlemen, we will be so glad to help you make your bonds merchantable. We will go down and help you list them on the exchange. We will write it in the contract with you." The mellifluous tongue of the Latin, distilling its poison into the unaccustomed ear from Utah, did its deadly work.

What is that bond worth on the market? That is what we are getting to now. What is the bond worth on the market? It could not be sold for 5 cents on the dollar. Are Senators going to vote for a thing of that kind and call it a settlement? If so, let us give this debt to Italy. Let us send it all over to them and ask them graciously, just as an act of good faith, to send us one bunch of bananas, and we will cancel the whole thing.

Gentlemen talk about the ability of a nation to pay. What do they know about it? What do they know about its ability to pay now? They told us that when the war was over all of Europe would be depopulated. Nature has a wonderful regenerating power.

At the end of the Thirty Years' War this is what the historian said of Europe:

This war brought political disintegration of Germany and desolation upon the country.

Scarcely any part of Europe had escaped the horrors of the conflict. The people had been made the victims of the licentious soldiery, whose excesses remain in popular memory.

Whole regions were laid waste; prosperous towns wiped out; commerce and industry destroyed.

Germany lost one-half of her population and two-thirds of her wealth.

In Bohemia the decrease in population was two-thirds, or more.

Religion and morality sunk to a low ebb, and the loss sustained on the intellectual side was one which it took generations to make good.

And yet, like the Phoenix from her ashes, Germany and all Europe rose, and in a few years of time the scars of war had been healed, the fields that had been plowed and furrowed by cannon shot and shell were turned over by the husbandmen, ground that was saturated with blood brought forth abundant

crops, and Europe rose from the Thirty Years' War within a few years' time, stronger, more powerful, more potential than she had ever been in her history.

Frederick the Great marched his legions back and forth across Prussia, surrounded and hemmed in by the forces of mighty nations. So impoverished was the country that Frederick's soldiers had even taken the roofs from the houses. There was scarcely a horse or an ox left in all of Prussia. And yet within 10 years' time Prussia stood erect and mighty and laid the foundation for her final mastery of a larger part of Europe.

Napoleon's armies and those of his enemies decimated all of Europe, covered her fields with bleaching skeletons, saturated her soil with blood, burned her cities and destroyed her industries, and yet within a few years of time Europe rose richer, more powerful, more magnificent than she had ever been before in all her history.

We were told when the World War was over that there would be nothing but starvation and want, that misery would stalk through the alleys and through the great streets of cities, that want would everywhere paint its pitiful picture upon the countenances of the people. We were told these stories until our hearts bled. Of course, there was severe suffering, but behold now the story. Has the population been destroyed? Here are the latest figures. The population of Belgium in 1912 was 7,579,000, and notwithstanding all her losses it is now 7,666,055. Canada's population has increased from 7,467,000 to 8,788,488. France's population has decreased very slightly from 39,602,000 to 39,402,739. Germany's population has decreased slightly from 66,096,000 to 62,500,000. That is because her territory was taken away from her. The population of Greece, partially through the acquisition of territory, has increased from 2,666,000 to 5,447,000. The Italian population has increased from 34,687,000 to 38,835,941. Japan's population increased from 52,312,000 to 58,481,500. The United Kingdom has suffered a slight loss, largely due to emigration, her population in 1912 having been 45,653,000 and in 1925 was 44,147,000. The United States has increased in population since 1912 from 98,464,000 to 113,493,720 in 1925.

Mr. President, that answers the question of rejuvenation, revivification. It answers the question so often asked, Can these nations die?

But again, sir, the national wealth of Belgium in 1912—poor Belgium, downtrodden and overrun Belgium, Belgium that was bleeding at every pore, Belgium whose sons gallantly defended the last little strip of their country that was not in the hands of the German force, a little strip scarcely larger than a man's hand, figuratively speaking, but they held on with tenacity. Belgium's wealth increased from \$5,800,000,000 in 1912 to \$12,000,000,000 in 1920. Canada's wealth increased from \$11,000,000,000 in 1907 to \$22,195,000,000 in 1924. The wealth of France increased from \$58,500,000,000 in 1912 to \$90,000,000,000 in 1922. What it has become since I have not the figures to demonstrate, but if it has increased in this ratio, it may well be said that it is now over \$100,000,000,000.

Germany's wealth has decreased, according to the present estimate, but I am here to say that Germany still has her fields, her cities, her industries largely, and that it will not be 10 years' time until Germany will be on her feet in the full flood of prosperity. Indeed, I have here documents from Germans of great repute sustaining that statement.

Japan's wealth has grown from \$11,700,000,000 in 1912 to \$22,500,000,000 in 1922. The wealth of Great Britain in 1912 was \$70,500,000,000, and in 1922 was \$120,000,000,000, and is very much greater now.

Italy's wealth—this nation which has been pictured here as a pauper; this nation which it is said can not pay; this nation which according to the pictures we have is trundling along over the rocky road to the poorhouse and to obscurity and destruction—this nation of Italy in 1912 had \$22,000,000,000 of wealth and in 1922 had \$35,000,000,000. If the increase from 1922 to 1926 has been as correspondingly as great, that wealth must now exceed \$40,000,000,000.

In face of that fact, who can soundly assert that Italy is unable to pay her debt?

But at this point we are met with another curious argument; namely, that even though Italy has the wealth to pay her debt, she can not obtain the exchange with which to make payment.

I shall not dignify this argument by taking the time to analyze it and show its fallacy further than to say, first, a country possessing \$40,000,000,000 of wealth must produce and must sell a considerable part of her manufactured goods beyond her borders. Even though she should not sell them to America in the course of international trade, the transactions can be balanced. It is not necessary for Italy to receive the

gold from the United States with which to pay the United States, because she has all of the world to draw from.

Second, Even if the argument which is referred to be sound, nevertheless the fact is that there is sent from the United States annually much more than enough money to pay the interest upon Italy's debt.

According to the best available and official estimates, there is sent to Italy from the United States by Italians living in America \$117,000,000 annually. These remittances are in gold or its equivalent in American exchange.

It is further estimated that American tourists expend in Italy annually another sum of \$117,000,000. That is to say, there is flowing from this country to Italy every year American gold or its equivalent to the amount of \$234,000,000. Taking this into consideration, it is manifest that the gold necessary to pay the interest upon Italy's debt to us can be drawn and is being drawn annually from the United States.

So when I am told that a nation can not pay, when it is put on that ground, I place the cold facts and figures before you and I demand to know why it is you come here and tell me that a nation can maintain an army in the field, or potentially, of half a million men, a nation whose population and wealth is increasing, a nation which has dreams of empire and of power and speaks of rebuilding ancient Rome in all its glory, of restoring its monuments and its libraries and making it again the wonder of the world—why such a nation should have given to it this vast sum of money that some Senators would saddle onto the taxpayers of the United States in absolute violation of the contract we made with the people of the United States is beyond my understanding. Senators may do it. They may have the votes to do it, but I say to some of them when they have voted let them remember Illinois. Remember that the people still have a chance. Remember that the American people think more of their country of America than they do of the dictatorship of Mussolini.

The VICE PRESIDENT. The time of the Senator from Missouri has expired.

Mr. GERRY. Mr. President, when Congress agreed to the settlement of the indebtedness of Great Britain to the United States certain principles were laid down and definite limitations were placed on all future settlements. This was well recognized at the time, as is shown by the debates. That agreement made it practically impossible for the United States to demand full payment of the principal and interest owed us by any foreign country on account of the war loans. It meant that the United States was willing to collect a less amount and have the difference borne by its own taxpayers. Whether this policy was wise or not, the fact remains that it has been established, and it must be given full weight and consideration in all future settlements. The determination was then made that the United States intends to collect as much as it thinks the other nation able to and should pay. It realizes that all can not be treated alike, and the object of the Debt Funding Commission is to determine as fairly as possible what is the proper amount to be collected in each instance.

Our Government agreed that Great Britain should not be asked to pay the same high rate of interest that the United States was paying on the money it had borrowed from its own people to loan Great Britain. For the first 10 years of the settlement Great Britain is to pay 3 per cent, and after that 3½ per cent. The United States is paying on that indebtedness about 4¼ per cent, so that at the end of the 10-year period a very large sum of money is lost to the Government because of this difference in interest rates. After the first 10 years the interest is to run at 3½ per cent. It is improbable that the United States will be able to borrow money at as low a rate as this. Undoubtedly there will continue to be an increased loss because of the interest rate, with the result that we will still be making up a discrepancy between the two amounts. If by any chance in years to come America should ever be able to borrow money at a rate less than that specified in the agreement, Great Britain has the right to get the benefit of that lower rate.

I always thought it was a great pity that it was not realized, both in England and in America, how generous the settlement had been and that out of our indebtedness to Great Britain we will never receive anything like a total payment of the capital and interest. The failure to understand the figures correctly and the desire of the administration to make it appear that the agreement was favorable to America has enabled British publicists and statesmen to accuse us of being Shylocks, instead of granting so generous a settlement that it was accepted by the British as most satisfactory and very quickly. I mention this because in all these settlements it is most important for the future peace of the world that other nations

realize that we have dealt fairly and justly with them and that we have not abandoned those high ideals which we cherish. Fair dealing and generous treatment and good understanding between nations are much needed in a time like this, when the world has not yet recovered from the wounds of a great war, and it is indeed a pity that some English statesmen should have unjustly attempted to create a feeling such as this against America.

When I commenced the consideration of the Italian debt settlement I had the impression that it was very unfair to the United States and very favorable to Italy; in fact, that we had been much more liberal than conditions warranted; but as I studied the work of the commission and the situation which confronted that country I came to the conclusion that the settlement was not as favorable to Italy as was the agreement made with England to that nation and that, considering the wealth and ability to pay of the two countries, we had undoubtedly placed a greater burden upon Italy.

It must ever be borne in mind that there is no way of determining with any mathematical accuracy the ability of a country to pay. It must, in the nature of things, be a matter of judgment and opinion. Bearing this in mind, let us consider that Italy borrowed from the United States \$1,646,000,000, practically all of which, it is not amiss to remember, was spent in the United States for war supplies. This amount plus 4 1/4 per cent interest up to December 15, 1922, the date of the British settlement, and 3 per cent from then to June 15, 1925, makes the principal of the settlement in excess of \$2,000,000,000. Now, if we take Italy's indebtedness to us and add to that her indebtedness to Great Britain, the total amount is four and one-half billions, which is about equal to the indebtedness of Great Britain to us, and Great Britain's indebtedness to us is her total foreign indebtedness.

It is well to observe in this connection that Italy's national wealth is given variously from twenty-two to thirty billion dollars, and her income in the neighborhood of four billions, while Great Britain's wealth is \$117,000,000,000 and her income nineteen billions. It has been calculated that the annual average payment of Italy's settlement to America is 0.97 per cent of her total national income and Great Britain's 0.94 per cent of her income. We are consequently receiving from Italy a greater per cent of her national income than Great Britain is paying to us out of her national income. But this does not begin to tell the story.

You will get a better picture, Mr. President, if you will realize what is the rate of taxation in Italy. I shall submit but a few significant figures. On an income of \$1,000 the taxpayer in Italy pays \$189.21; in England nothing. On \$2,000 the Italian citizen pays \$392.21, as compared with \$67.50 in England. On \$3,000 the rates are, respectively, \$599 and \$202. Pursue the matter a little further and we find that a married man is allowed but a \$40 a year exemption. How striking this is compared with \$1,000 exemption in England and the \$3,500 exemption in the United States. Our own tax is paid by about 2,000,000 people. It has been estimated that if the Italian income tax law was enforced in this country there would be 42,000,000 taxpayers, who would contribute an amount sufficient to pay off in three years the entire public debt, with enough left over to meet in the meantime all the other expenses of the Government.

Great Britain undoubtedly realized the condition of Italy, because in the agreement for the payment of Italy's debt to her she has not insisted upon a payment of capital and interest, but upon a debt due her 40 per cent greater than that due the United States she is making a settlement on a basis of present value of 15 per cent less than that of the United States. The suggestion has been made that England obtained a better settlement with Italy than did the United States; but this can be so only upon the theory that the debt will not be paid in accordance with the agreement and that England, by receiving considerably larger payments than the United States in the earlier years of the agreement, will not lose so much if there should be a default. When the Debt Funding Commission's agreements shall be adopted and Italy shall secure the necessary capital, I believe the country will develop her resources sufficiently to permit her to pay her obligations and to make the larger payments that are called for in the agreement that she has made with the United States.

Italy is a country which has few natural resources—little coal, less iron, no copper or cotton, and no colonies rich in natural resources. Her trade balance last year was against her to the extent of \$274,000,000, and this has been the situation in a somewhat less degree for years. These facts, when we are considering the capacity to pay, are all important, and they all make small the ability of Italy in comparison with

that of Great Britain, with her foreign shipping, with her colonies, many of them rich in natural resources, with her great banking connections, with the empire that she has built up around the world, and her aggregate wealth of \$117,000,000,000. Italy, in order to meet her obligation, must develop quickly such resources as she has. She must enlarge her manufacturing productions. She must develop her streams to produce the necessary hydroelectric power. When the necessary agreements are made on this debt settlement, Italy can secure the necessary capital, but not before. With capital advanced, there is no reason why the country should not go ahead. The Italian people are a hardy race, very industrious, and extremely frugal. It is upon these factors that the advance of Italy depends. Her people are working long hours for exceedingly small wages. These are conditions, of course, which do not arise from desire, but from hard necessity. No thoughtful American desires anything else but that Italy should become a better and more prosperous nation, enjoying the material rewards for the hard labor of its people.

Some object to this settlement because of their opposition to the present Government of Italy. That question should not, in my judgment, enter into the matter of the debt settlement particularly, as I am satisfied that the people of Italy, for the most part, are getting the government they desire. Our country would resent vigorously any attempt on the part of another nation to interfere in any way with our form of government, and we should be willing to accord to other nations the same rights that we claim for ourselves. If we want a settlement with Italy or any other nation, we must transact our business with the representatives of the government that are in control.

Mr. President, this settlement represents a decision reached by a bipartisan commission. It was composed of Republicans and Democrats. The Democratic members were men of unquestioned integrity and splendid ability. Without considering the fact that Italy was our ally during the war, that she sacrificed 600,000 men and over half of her capital and prevented us from being at war much longer than we would have been without her assistance, without giving any weight to the fact that the debt was incurred in furnishing her necessary supplies to assist us in fighting a war, but just simply considering the matter as a business proposition with the settlement with Great Britain an accomplished fact and staring us in the face, we can not come to any other conclusion, in my judgment, than that it is a fair adjustment. It has my approval.

Mr. TRAMMELL obtained the floor.

Mr. BORAH. Mr. President, will the Senator yield to me for a moment in order that I may submit a resolution?

The PRESIDING OFFICER (Mr. HARRISON in the chair). Does the Senator from Florida yield to the Senator from Idaho?

Mr. TRAMMELL. I yield.

Mr. BORAH. I offer a motion and ask that it may be read for the information of the Senate and be considered pending.

The PRESIDING OFFICER. The motion will be read.

The Chief Clerk read as follows:

Mr. BORAH moves that the bill H. R. 6773 be recommitted to the Committee on Finance for further investigation and report as to the present industrial, economic, and financial conditions of Italy.

That said investigation include an inquiry into the private loans made, or to be made, to the Italian Government, and as to the showing made by the Italian Government to the parties making said loans as to its capacity to meet them.

That the said private bankers who have made a study of Italy's economic, industrial, and financial conditions be called before the committee to give the committee whatever information they have as to the present capacity of the Italian Government to meet its obligations.

That further inquiry and investigation be made as to the present military expenditures of the Italian Government and also the plans of said Government for an increase of its military expenditures.

Mr. TRAMMELL. Mr. President, I shall not attempt to speak at length; in fact, under the unanimous-consent agreement we are limited as to the time we may occupy in discussing the pending question. As I have thought of the proposed settlement with Italy and the circumstances and conditions surrounding the transactions leading up to the loan and the proposal now being made for compromising this indebtedness by the United States by practically wiping out the entire principal—for at the end of the settlement the United States will not have received more than the principal of the entire debt, although it is extended over a period of 62 years—I have been impressed that human nature asserts itself in nations as well as it asserts itself in the individual. How often have we observed that an individual, after once enjoying and receiving a favor, forgets the favor, loses every sense of gratitude and appreciation, and, in fact, frequently becomes the enemy of

the benefactor. So here, as so often happens in the case of individuals, we see manifested in a nation a lack of gratitude and appreciation.

The Senator who preceded me spoke of the war being ended more quickly on account of Italy's loss of 600,000 soldiers and on account of her expenditures, but he overlooks the part played by our Government in bringing the war to a termination so quickly after the United States entered into the conflict.

When these nations came to the United States and pleaded for funds and asked loans of the United States they were at the point of desperation. They were fighting almost, it seemed, a losing cause and battle; and but for the assistance of the United States probably the history of the Great War would be written in altogether different terms and the victory would have been accorded to the German Empire instead of to the Allied Nations. Of course, I would have regretted such a result, and would have disliked to see it obtain; but the United States came to the rescue of the Allies in the hour of peril and need, when if it had not been for the assistance of the United States it is possible that the Allies would have been unsuccessful.

These nations borrowed the money from the United States. They obligated themselves to refund it with interest according to the interest which it was necessary for the United States to pay to obtain the funds. The United States could not have been any fairer or more generous than to go into the money markets of the country to raise these funds to finance other nations, and agree that they would only have to refund to the United States the principal and the interest which the United States had to pay. It is from that obligation that Italy seeks an escape by having a very large part of the principal lumped off; and necessarily, if it is deducted in behalf of Italy, the American people are going to have to pay that difference. They are going to have to pay in taxes the amount that is deducted from the obligation of Italy.

Of course I realize that in dealing with nations and in dealing with individuals we should have some little feeling of compassion, and we should deal in a kindly spirit; and of course, as a matter of business sagacity, we have to take into consideration the ability of the debtor to pay; but the circumstances and the facts that have been presented here from time to time, and the conditions prevailing in Italy, do not, in my opinion, justify the American Government at this time in making such enormous reductions and having closed forever the obligation Italy owes to the United States.

With individuals dealing as between each other, man to man, and business concerns in this country, I have known of cases where they would extend an obligation, they would try to make the obligation easier to meet in the way of terms where the parties indebted were not in financial condition to meet the obligation just at the time it was due; but this matter of foreclosing a settlement and forever terminating the obligation of a debtor, I think is unprecedented in the business history of this country. I am unable to understand why the American Government should at this time make an absolute settlement and agreement by which the Italian Government is to be released from the payment of such a very large percentage of the obligation due from it to the United States.

We might have given the Italian people a little more time, or given them little better terms than were first anticipated, and then we might have gone along for a while with them making an honest effort to pay part of their indebtedness to the United States. I am sure that the American people would approve of such a policy as that; but I do not believe the American people are going to approve of our forgiving half or more of this indebtedness and thereby imposing upon them increased taxation, imposing upon them a longer term of tax obligations, for the purpose of liquidating the debt due to this Government by the Italian Government.

This money is all money that was borrowed by the American Government. American bonds were given for it, bearing, I think, at the present time, $4\frac{1}{4}$ per cent interest. The American Government has to pay those bonds. The Government, of course, is only the people collectively. The people of America collectively have to pay this money. In addition to making the loan favoring Italy, assisting her in time of peril, it is now proposed that we contribute to her an enormous gift in the way of a reduction of her indebtedness, and that high taxes be continued in this country much longer than would be necessary otherwise for the purpose of raising that deficit.

I do not believe that the American people approve of any such settlement. I, for one, am getting tired of making these contributions to other governments at the expense of the American taxpayers. I am getting tired of our trying to practice retrenchment and economy and at the same time contributing funds to other nations that are extravagant in many respects—

extravagant particularly in their policy toward continuing militaristic power, maintaining large armies and navies, and expenditures of that character.

In this country we have made an honest effort to live up to a restricted program of naval construction. We have tried to force down and have reduced our standing Army; and there has been a sincere, honest effort on the part of the American Government looking to a very considerable program of disarmament. That policy, however, does not prevail among the other nations. It does not prevail in Italy. If we make this large reduction in the indebtedness due by Italy, it just gives them a little more opportunity to try to build up a greater militaristic power, and gives Mussolini a greater opportunity to try to carry out his policies and his ideas, apparently, of trying really to become a Napoleon. It looks as though his idea is that he wants to build up great power and to carry on conflict and conquest.

I do not believe that the American people are willing to make any such contribution to a Government directed by Mussolini, with the policies and the ideas which he entertains. I feel that there are no circumstances justifying the very large reduction that is proposed to be made in this debt, which should be treated by Italy as an honest debt and an honest obligation, and which the controlling and dominating powers of that nation should make a sincere, honest, and persistent effort to pay.

Briefly, for these reasons and others, I am opposed to the proposed settlement and plead for the defeat of the pending bill.

STRAYER COLLEGE (INC.)

Mr. BRUCE. Mr. President, I ask unanimous consent for the present consideration of Senate bill 3559, to incorporate Strayer College. It has been favorably reported from the Committee on the District of Columbia, together with certain amendments recommended by the committee.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The amendments of the committee will be stated.

The amendments were, in section 1, page 2, line 6, after the word "to," to strike out "buy"; in line 7, after the word "hold," to strike out "mortgage, sell"; in the same line, before the word "real," to insert "such"; in line 8, after the word "estate," to strike out "incident to" and insert "as may be proper or necessary for"; in line 10, before the word "and," to insert "and said corporation shall have a corporate seal"; in the same line, after the word "and," to strike out "shall"; at the end of line 15, after the word "formed," to insert a semicolon and "the term and existence of such corporation shall be perpetual"; and in section 3, page 3, line 16, after the name "District of Columbia," to insert a comma and "or at such other place as the same may be changed from time to time under the by-laws of said corporation," so as to make the bill read:

Be it enacted, etc., That Thomas W. Donoho, Edmond S. Donoho, and Murray T. Donoho of Thomas, and their associates and successors, and all such other persons as shall hereafter become stockholders in this corporation, shall be, and they are hereby, constituted a body politic and corporate, by the name and style of "Strayer College (Inc.," and by that name shall have perpetual succession for the purpose of conducting in the District of Columbia and elsewhere, as may hereafter be determined, schools for the teaching of accountancy, commercial and secretarial science; to instruct in the aforesaid and in related subjects; and to issue such certificates and diplomas and confer such degrees as may be appropriate, including the degrees of bachelor of business administration, bachelor of commercial science, and master of commercial science; and such corporation shall have power to acquire, hold, and otherwise deal in such real estate as may be proper or necessary for any of the aforesaid purposes for which the corporation is formed; and said corporation shall have a corporate seal; and be capable in law to sue and be sued in any court of competent jurisdiction; and generally to do any and all things proper or necessary to carry into effect the provisions of this act or to promote the objects and designs of the corporation hereby formed; the term and existence of such corporation shall be perpetual.

SEC. 2. That the capital stock of said corporation shall be \$10,000 divided into 400 shares of the par value of \$25 each, with the privilege of increasing the capital stock to an amount not exceeding \$100,000, such increase to be authorized by the vote of not less than two-thirds of the outstanding capital stock at a meeting of the stockholders duly called for that purpose.

SEC. 3. That the affairs and business of the said corporation shall be managed by eight directors, who shall be duly elected by the stockholders in accordance with the by-laws of the corporation, except during the first year of the existence of the corporation, during which

time the directors shall be Thomas W. Donoho, Edmond S. Donoho, Murray T. Donoho of Thomas, all of the city of Baltimore, State of Maryland, and Pinkney J. Harman, W. Ashby Jump, Elgie G. Purves, Kemper Simpson, and Murray T. Donoho, all of the District of Columbia, all of the foregoing directors being subscribers to the capital stock of this corporation if, as, and when incorporated; the number of directors of the corporation may be increased at any time to a number not exceeding 15; the corporation shall have such officers as the corporation shall from time to time deem advisable; and the operations of the corporation in the District of Columbia are to be carried on at 721 Thirteenth Street, Washington, D. C., or at such other place as the same may be changed from time to time under the by-laws of said corporation.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR BURTON K. WHEELER

Mr. CUMMINS. Mr. President, I ask unanimous consent that Order of Business No. 632, being Senate Resolution No. 171, be taken from the calendar and recommitted to the Committee on the Judiciary.

Mr. ROBINSON of Arkansas. What is the resolution?

The VICE PRESIDENT. The Secretary will read the caption of the resolution.

The CHIEF CLERK. A resolution (S. Res. 171) requesting information from the Attorney General relative to expenditures in investigations touching supposed offenses of Senator BURTON K. WHEELER.

Mr. CUMMINS. I may say that the report was made under a misapprehension.

The VICE PRESIDENT. Is there objection to the request of the Senator from Iowa that the resolution be taken from the calendar and recommitted to the Committee on the Judiciary? The Chair hears none, and it is so ordered.

INDEBTEDNESS OF ITALY TO THE UNITED STATES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America.

Mr. JONES of Washington. Mr. President, if no one now present desires to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Sackett
Bayard	Fess	Lenroot	Sheppard
Bingham	Fletcher	McKellar	Shipstead
Blease	Frazier	McLean	Shortridge
Borah	George	McMaster	Simmons
Bratton	Gerry	McNary	Smith
Broussard	Gillett	Mayfield	Smoot
Bruce	Glass	Metcalf	Stanfield
Butler	Goff	Moses	Stephens
Cameron	Gooding	Neely	Swanson
Capper	Greene	Norbeck	Trammell
Caraway	Hale	Nye	Tyson
Copeland	Harris	Oddie	Wadsworth
Coussens	Harrison	Overman	Walsh
Cummins	Heflin	Pepper	Warren
Curtis	Howell	Philips	Watson
Dale	Johnson	Pine	Weller
Dill	Jones, N. Mex.	Ransdell	Wheeler
Edge	Jones, Wash.	Reed, Mo.	Williams
Edwards	Kendrick	Reed, Pa.	Willis
Ernst	Keyes	Robinson, Ark.	
Fernald	King	Robinson, Ind.	

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, there is a quorum present.

Mr. JOHNSON. Mr. President, inasmuch as I am neither an astute financier nor a great lawyer, I think I can view the pending measure in rather a detached fashion. I trust that I am sufficiently sentimental never to wish to be ungenerous to any individual or to any people, and I hope that I am sufficiently just to be entirely fair to any nation on the face of the earth and entirely fair to the Nation of which I am so proud.

I trust, sir, that by reciting for a brief moment the background of that which is before us to-day it may be possible to arouse something of the old feeling that was ours in the days gone by, when we were dealing with the billions of the American people. I recite but a bit of that background, not the warlike story at all, for that has been eloquently portrayed this morning by the distinguished Senator from Missouri [Mr. REED]. But I recite just a brief sentence of the background that should be ours in considering this matter, because speaker after speaker sponsoring this debt settlement has recalled what

was said by various individuals in the House and in the Senate when the Liberty loans were before us, really as an excuse, as I took it, for the attitude that is now assumed by the sponsors of the pending measure, and as a reason, indeed, sir, for canceling the very large debt due from the Italian nation to the United States of America.

We had our authority written into the law for these foreign loans, written into the law carefully, and the law then written so carefully contains an obligation upon those who then wrote the law and who passed the law, and contains, too, something which may enable us to guide our steps in the settlements with foreign nations.

I hold in my hand copies of the various acts constituting the Liberty and the Victory loan acts passed by the Congress of the United States. Every single one of these acts provides for loans to foreign countries or for credits to foreign countries. With the limitation of time that is mine I can not read those acts, but suffice it to say that in every instance the law provided—we wrote it into the statute itself—that every loan we made to a foreign country should bear a rate of interest equal to that which we charged the people of the United States and which we wrote into our own obligations.

We then told the people of the United States in so many words—there was no need for equivocation then—we said to our people then, "We are about to lend your money to foreign governments." We said, too, "We will charge them just exactly the interest that we charge you." There was not a man of us who went out on the hustings during that period but, talking to our people, said, as we pleaded with them and sometimes coerced them into bleeding themselves white financially, that every dollar we loaned to foreign nations would be repaid in full and every penny of interest that we paid upon Liberty bonds would be repaid and in like rates by those to whom we gave the proceeds of those bonds beyond the seas.

There is not a man to-day who was a part of that period, not a single one of us who went up and down the land pleading and begging with our people to buy our Liberty bonds, who would have dared say to the American people, "When it comes time to liquidate this indebtedness you will receive but a moiety of what you lend, and the interest that will be charged upon that for which you pay, 4 and 4¼ per cent, will be reduced, not to you, but to foreign governments to a negligible amount."

Not one of us would have dared say that in those days. But now, upon a rule that has been adopted, a rule, sir, which I consider a mere delusion and snare, we say to these people from whom we took their money in our country, "You shall be charged at a rate that is fixed in the obligation and in the law, but the rate that was fixed in the obligation and the law for foreign countries shall be forgiven them, and they will not be required to pay at all in the proportion you Americans must pay."

I recognize, of course, the havoc that has been wrought by the carnage across the sea. I recognize, of course, the fact that millions and billions of wealth have been destroyed in what has happened there. I recognize, too, that it may quite be so that certain nations can not pay on the dot, and that they should not be required to pay every penny within a brief period. But I recognize no rule, sir, by which under a "capacity to pay" any nation shall have its debt canceled in the remote future or at a period in which no man can foresee what may transpire or what may happen.

I recall, therefore, to you in the little that I shall say to-day the background of that which constituted the loans abroad. That should be our guide, just as it was our guide for our own people. That background is found in the law of this land, the law which constitutes the various Liberty loans and the one Victory loan.

Sir, with that background and the understanding and the promise that we then made our people in the law, in the light of the sentimental utterances of some of our friends, sentimental utterances with which I do not disagree, in the light indeed of the prayerful appeal that was made by the distinguished financier, the Senator from Utah [Mr. SMOOT], in behalf of Italy, in the light indeed of what the distinguished lawyer, the Senator from Pennsylvania [Mr. REED], said concerning Italy's condition, in the light of the picture they have painted in such drab and in such dark and in such gloomy and in such pathetic colors, let us see, sir, what to-day is the situation which confronts us, not as determining whether or not a debt shall be paid in one fashion or another, but in order that we may understand just how we are viewed by the rest of the world.

I have before me an article written by Frank Simonds not very long ago and published in various papers in this country. Mr. Simonds but echoes what the most of us know and per-

haps some of us have felt. He writes the story of how Europe views us to-day, and he writes it, sir, with a pen that can not be misunderstood and that traces in bold outline the real situation.

His article reads as follows:

[From the Washington Star March 28, 1926]

HATRED OF AMERICA BY PEOPLES OF EUROPE PRESENTS PROBLEM OF INCREASING GRAVITY

By Frank H. Simonds

PARIS.—There is perhaps no detail of present-day Europe which it is harder for the home-staying American to understand than the attitude which is taken toward the United States pretty generally all over Europe, but particularly in France and Britain. Moreover, the most difficult circumstance to believe about this general attitude must be the fact that it is held most strongly, not by the politicians, not even by the upper classes, but by the mass of the common people for whom Uncle Sam is not alone the enemy, but the cruel and slave-driving master.

Perhaps the best proof of the European attitude among the masses is found in the recent exhortation of Trotsky to the proletariat of the continent to unite across frontiers in the common battle against the American enemy. This is significant because one must always remember that the underlying principle of bolshevist strategy is to exploit all possible passions, prejudices, and quarrels. Wherever there is bitterness it is the soviet idea to arrive and exploit it to advantage.

But it would be a mistake to think that it is only among the masses and chiefly among the uninformed that the resentment, dislike, and even hatred of the United States flourishes peculiarly. In a recent number of the British National Review, the journal which represents the most extreme conservative opinion in England, Uncle Sam appears repeatedly described as a combination of "Mr. Chadband and Shylock." And it is by no means exact to think of this opinion as English alone.

What is the conception on which this hostility rests? It is fairly well defined. The mass of Europeans, without regard to nationality, believe that America remained neutral during the war just as long as she was able to sell munitions and supplies to the Allies and obtain from them money or promises to pay. When, however, the war reached a point where it seemed likely that Germany might win, then, to save the sums we had loaned to the Allies, we entered. Our coming into the war was no more nor less than a business transaction, to save our investments.

Having come into the war and having shared in pushing it to a conclusion satisfactory to our associates, then, so Europe believes, Mr. Wilson came to Europe and sought to impose a peace which would deprive the victors of all the fruits of their sacrifices and sufferings. We denied to France protection against Germany through the occupation of the Rhine boundary. We deprived Italy temporarily of her chance to obtain Fiume. Our policy, as expressed by Mr. Wilson, created anarchy and confusion on the allied side, and at the same time brought no alternative solution.

Then, having imposed a League of Nations, which could not have been created otherwise, we went home, rejected the treaty of Versailles, declined to join the league and cut ourselves loose entirely from all European responsibilities.

In due course of time, moreover, we appeared once more on the horizon to demand the payment of the debts which had been contracted to us by our associates of the war. Our first appearance in this direction was through the Dawes plan, which, from the European point of view, represented an American plan to regulate reparations in such fashion that Germany would be able to pay just enough to cover what her enemies owed us and no more. In a word, we intervened to save Germany from her conquerors and to reduce her reparations payments to sums which would cover our loans to her conquerors.

The Dawes plan having been put through, then, in Washington the demands for the payments of the debts other than British were redoubled. As to the British debt, I do not believe it is humanly possible to exaggerate the depth and breadth of British resentment over this. It will take a generation, perhaps two, if the payments continue, to modify this feeling materially.

Moreover, while we insisted upon British and European payment, we at the same time closed our markets to European goods by high tariffs, we closed our gates to European immigration by our new laws. British commercial marine was terribly struck by the competition of our new merchant marine, now in reality run by Government subsidies. We restricted our production, both of cotton and of wheat, so Europe believes, for the deliberate and calculated purpose of obtaining higher prices. But when the British did the same with rubber, we raised a tremendous protest.

To-day the conception of the situation most frequently held in France and quite common in Britain, indeed one might say it is the common European view, is that the United States has from the outbreak of the war onward so played its cards as to arrive at the present situation in which it has put all Europe to ransom. "We are no more free," this is a familiar statement. "All Europe is paying

tribute to America and this tribute will be continued to the third generation beyond the war."

In the present hour, when Britain is struggling with economic problems of hardly paralleled gravity, when her population is in considerable part idle, the very bases of her prosperity shaken, the United States is taking annually a tax of \$4 per head, while American shipping is reducing British commercial profits to nothing, thanks to Government subsidy, and American competition is eating into the British pre-war markets, notably in South America. More than that the British home market is itself deluged with American products.

Hotels in Paris and London, to say nothing of the Riviera, were filled with Americans, who, in France, were spending money with that utter disregard which a depreciated currency inspires in the mind of the dollar possessors. Not only did the press teem with reports of amazing American prosperity, which were brought back by the few European visitors to the United States, but visibly, before their own eyes, the people of London and Paris saw the Americans scattering money without thought or care.

Yet over against this picture of wealth, accentuated by veracious reports from Washington of vast reductions in the taxation of our country, at the moment when all European treasuries are struggling to find fresh sources of revenue to balance budgets, despite the colossal burdens already borne, stood the official attitude of the United States demanding on every occasion the payment of what from the European point of view were unbelievable sums to meet the war debts.

Now in this state of facts one hears day by day the ever-increasing suggestion that Europe must take some common action to escape from American exploitation and control. Trotsky, appealing to the workingmen of the Continent, is but one voice. The same idea is heard in capitalistic quarters with equal vehemence. The belief that Europe has become purely and simply a field of American exploitation is well-nigh universal.

In the last analysis it is the workingmen who bear the heaviest burden in periods of economic depression such as exist in Britain and Germany. But those same workingmen are constantly told that the reason for their troubles is the American insistence upon debt payments, which at one moment explain German reparations and British debt payment, while in France the financial troubles are ascribed to the refusal of the United States, rich beyond the dreams of avarice, to assist France in her hour of extreme crisis.

The conception of a United States of Europe, not political, but economic and commercial, a combination of European powers to meet the American menace, is, in my judgment, beyond realization now. We still hold the whip hand, for Europe must borrow from us for many years to come, and whatever the private resentment, the public expression—officially at least—must be correct. It is not conceivable that for a decade at least Europe can venture on any collective struggle against the United States.

But one must see and feel what is actually happening. A whole new generation is coming on the field in Europe simply saturated with the conviction that its present miseries are largely due to the policies and purposes of a rich, powerful, and remorseless America, which exploited Europe in war and is now continuing to exploit it in the miseries of postwar time. We are accumulating a balance of dislike, distrust, and even positive hatred which it is a little appalling to consider.

There is a legend in America, much employed by the champions of the League of Nations, that Europe is still eager to welcome us back; that it is waiting for our cooperation to make the league a final success; and that it is also waiting for our aid to achieve final disarmament. Nothing could, in my judgment, be less accurate. Europe does not want anything from the United States at this moment but money, and it resents the fact that to obtain the money it has to seem to invite our participation in what it regards as its own affairs.

Your European friends, British or French, do not longer discuss the American attitude or policy. It is no longer regarded as the subject of possible debate. It is excluded from all but the most intimate conversations, because it is felt that to mention it can only be to release comment which must wound without serving any purpose.

I do not want to give my readers the impression that I share this European view of the United States. Naturally, I do not. But, on the other hand, it seems to me essential that Americans should perceive something of the sentiments which prevail generally over here toward their country. If, as seemed likely when I left home, there is a new sentiment in favor of American participation in European affairs, it is of a certain importance that Americans should understand the state of mind of the Europe into which they are to adventure again and the welcome which will attend them.

If we come back no one will again believe that our decision has in it anything but the desire to forward our business, advance our investments. If we advocate disarmament, Europe will see in this no more than the deliberate attempt to reduce military expenses here in order to insure larger rebate payments to ourselves. And some countries at least will believe that we are prepared to take away from them all means of self-defense solely that we may collect from them a larger annual debt payment. The legend of a disinterested and generous America, of an idealistic America, has gone and can not be re-

saved. If we come back we shall come back rather as Shylock than as a savior. That is the cold fact.

We Americans may regard this European point of view as unjust, unreasonable, even as a proof of European obliquity of vision. Certainly no American is going to accept it as accurate. But the solid fact that American statesmanship and public opinion must deal with is that this European judgment exists and is likely to continue. Even more, it is likely to increase rather than diminish as years pass and the single concrete reminder of the war is the tribute—as Europeans regard it—paid each year by every country to the United States.

We have been pleased to regard the debts as an ordinary commercial transaction, covered by the customary morality of private debts, but there is, in fact if not in principle, a profound difference between debts which concern individuals and debts which exist between nations. France, the French people now, owe us nearly five times as much as Germany made them pay after the lost war of 1870. The payment will carry consciousness into the life of every Frenchman and it will arouse resentment. In England the resentment is fiercest among the working people, for whom life is incredibly hard and to whom it seems the exaction of a rich and selfish American public.

Certainly Europe is not going to combine to make war upon us. Nevertheless, I do venture the prediction that the time will come before long when all Europe, divided by every sort of ancient and cotemporary difference, will find at least one basis for agreement in the common hatred of the common creditor. Doubtless if the debts were something which might be paid and eliminated in one year or five, the feeling would also pass, but they are to remain for 60 years. Such being the outstanding fact in Europe, the circumstance which most amazes an American is the present Washington and American opinion, which continues to act in the apparent belief that we shall be welcomed in Europe, whether at arms conferences or elsewhere; that credence will be attached to the familiar statement that we are ready or willing to help Europe.

In sum, in Europe we are Shylock; that is the long and short of it; but European necessities make dealings with Shylock inescapable. From the European point of view we are taking our pound of flesh; our claims are legal, not moral. We may, perhaps with perfect justice, hold that the European view is unfair, unjust, and even fantastically inaccurate, but what we have to do is to recognize just what that European view is and what it is likely to remain for an indefinite future.

The other day in a dispatch from London, dated the 14th day of April, we find quoted an article in the Daily Mail, by L. D. Maxse, entitled "The Education of Uncle Shylock." In this article the writer said:

It is abundantly acknowledged by these observers that such oratory as distinguishes the dinners of the Pilgrim Society, the luncheons of the English-Speaking Union, or the functions under the auspices of the Sulgrave Institute no longer represent any appreciable proportion of public opinion on this side of the Atlantic, and the régime that "blood is thicker than water" has been replaced by something less sentimental.

After applauding Simonds for his "moral courage" and pointing out that "Americans can say things to one another that might seem invidious on the lips or from the pens of foreigners," Maxse concludes:

"We shall be interested to observe the success of this remarkable writer in the task of educating Uncle Shylock, which hitherto has been somewhat neglected."

I ask permission that the article may be printed entire in my remarks without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article entire is as follows:

[From late editions of yesterday's Times]

MAXSE COMMENDS SIMONDS—BRITISH EDITOR DECLARES HE IS "EDUCATING UNCLE SHYLOCK"

(Copyright, 1926, by the New York Times Co. Special cable to the New York Times)

LONDON, April 14.—"The Education of Uncle Shylock" is the title of an article in the Daily Mail by L. J. Maxse, editor of the National Review, whose vitriolic diatribes against the United States have been a feature of his recent writings.

He finds further material in articles by Frank H. Simonds, wherein the latter seeks to convince his countrymen that the European attitude toward the United States has undergone a revolutionary change.

Maxse writes:

"Recent American visitors to Europe are believed to have taken home increasingly depressing accounts of the sentiments entertained in this hemisphere toward their own country. Some of them are puzzled, many are indignant, a small minority comprehend, but all are agreed that something like a revolution has occurred in the attitude of the Old World toward the New.

"It is abundantly acknowledged by these observers that such oratory as distinguishes the dinners of the Pilgrims' Society, the luncheons of the English-Speaking Union, or the functions under the auspices of the

Sulgrave Institute no longer represent any appreciable proportion of public opinion on this side of the Atlantic, and the régime of 'blood is thicker than water' has been replaced by something less sentimental."

After applauding Simonds for his "moral courage" and pointing out that "Americans can say things to one another that might seem invidious on the lips or from the pens of foreigners," Maxse concludes:

"We shall be interested to observe the success of this remarkable writer in the task of educating Uncle Shylock, which hitherto has been somewhat neglected."

Mr. JOHNSON. I have read these articles that we might understand the estimation in which we are held abroad at present. Shylock, it is true. Do you imagine, sir, that by a settlement such as is being made with Italy to-day we will avoid a characterization or an appellation of that sort? Are we so credulous as to imagine that if we yield in this settlement to what is demanded of us all will be well, and there only will be applied to us those affectionate characterizations with which we were so familiar during the period of time when we were sending our money abroad and sending our boys over there to die? That time has passed. Europe's view of us to-day we might just as well admit. Because we insist upon the payment of a moiety of that which is due us Europe's view of us to-day is that we are a Shylock, and although it be undeserving, and although we resent it, say what we will that is the opinion of the world to-day—that Uncle Sam has changed his character, that he is no longer "Sam" but "Shylock."

The gentlemen who prate here about the friendly relations of the people across the sea if we forgive the debts that they owe us, little understand what is going on in the world to-day and little understand the feeling that actuates peoples abroad concerning us. This is the creditor Nation of the earth. The United States of America stands the creditor of all the world. No creditor ever yet was beloved by his debtors, and no matter what the creditor may do, if he insists upon the payment of his just debt and obligation, just the instant that he insists, just that instant he is regarded by his debtors in the fashion that Europe to-day regards the United States. All the sweet things we have heard said here concerning Italy and this settlement we heard said not very long ago when the settlement was being made with Great Britain, and yet to-day it is Britain that charges us with being Shylock to all the world, notwithstanding the settlement that was made which was presumed to bring about such tremendous and marvelous good will between the two nations, economically and financially.

Settle with Italy to-day upon a basis such as is proposed? We do not gain Italy's respect. We gain Italy's contempt. Worse than that, sir; worse than that, we gain the contempt and lose the respect of our own people in the United States of America. When you and I and all of us were upon the stump in 1917-18, when we were begging our people to buy Liberty bonds, suppose one of us had stood before an audience and said, "Here, you people, buy; buy to the uttermost limit; buy until it hurts"—that was one of our favorite phrases—suppose we had said, "We will loan your money to the foreign nations, and when the time comes, though you pay four and four and a fourth per cent and all the principal, we will take one and a small fraction per cent for 62 years from the foreign nations and forgive all the interest and all the principal of the loans that we make to the foreign countries."

Assume that we had said that to our people in 1917 and 1918. None of us would have dared say it, but if we had dared to say it with mob psychology, such as was abroad at that time, none of us would have said it for very long. And yet what is proposed to-day in this settlement is to forgive \$2,000,000,000 of indebtedness upon the payment of one and a very small fraction per cent for 62 years. Arithmetically that is exactly what it figures and exactly what it means.

But these gentlemen use an argument singularly appealing to the Shylock. They utilize a phrase which has gone up and down this country in the public press and which has gone out from international bankers in New York City. They utilize a phrase, sir, that ought to bring the blush to every generous and just and brave man. They say, "Take this or nothing. If you do not accept what is offered, you get nothing."

Mr. President, I have perhaps too little regard for financial operations and great financiers, but had I a great debt against an individual and he came to me and said, "Take this or nothing," or if those who represented me went abroad and said, "You must accept what is offered or you will have nothing at all," I would reply, "I can get along with nothing but my self-respect." When Senators assert upon this floor, "You must take this sum or nothing," I resent it, for concealed in that statement there is, unintentionally on their part, of course, an arrogance that can not be brooked for a single moment by a man of self-respect or by a nation of self-respect. The United

States of America can live without this two billions of dollars from the Kingdom of Italy; the United States of America will go forward in its regular way to prosperity and greatness and to its ultimate destiny without Italy's \$2,000,000,000 due to the United States, but once you corrode the character of the Nation by having this Nation bow its head to the "must" of another power or bow its head to the self-complacent "must" of those in power within it you destroy the very self-respect of the country. I resent more than I resent any other thing in this settlement the fact that it is asserted to us by members of the administration, that it is dinned into our ears on the floor of the Senate, "You must take what is offered or you will get nothing." I had rather get nothing under those circumstances, Mr. President, and I had rather wait the day when something else may transpire.

Harsh with Italy, I would not be at all, but here we have a promissory note of the Kingdom of Italy for the full amount of her indebtedness. It is asked that we exchange it for a speculative future of 62 years.

If Italy is unable to pay more than \$5,000,000 this year, why should we not accept it? Well and good. We shall never be harsh or ungenerous or selfish; I never would be under any circumstances with any country, but we are asked to cancel the promissory note which we hold and accept in lieu of it merely another promissory note, as it were, and a promissory note infinitely inferior.

The trouble with this settlement, Mr. President, is that it is the settlement of the international bankers of the city of New York. That is the reason the American people are being commanded to-day to take what they are offered or they are told they will get nothing at all. It is the settlement to-day not of the United States Government in reality; it is the settlement that is dictated from the city of New York. The other day I read an address of one of the members of the firm of Morgan & Co. stating that every man favored—I paraphrase what he said, although I have his remarks before me on my desk—every man, he said, favors the Italian debt settlement except a few "last red cent-ers"; and with all the contempt that he could muster he referred to the few "last red cent-ers." Morgan & Co., sir, says that everybody favors this settlement on a basis of 1 and a fraction per cent for 62 years and then forgive the entire debt—everybody favors it but a few "last red cent-ers." I should like to apply the same rule to the distinguished gentleman who represented Morgan & Co. who made that statement, and ask Morgan & Co. to accept 1 and a fraction per cent of its \$100,000,000 loan or its \$50,000,000 loan over a period of years and then forgive the principal; ask Morgan & Co. to reduce the interest upon its loan from 7 per cent down to 1 per cent or 2 per cent, as the case may be, or without any interest at all for a period in the beginning of the payment of that loan. I wonder, then, if the distinguished partner of Morgan & Co., who so contemptuously referred to the "last red cent-ers" would agree that Morgan & Co. should be paid upon such a theory as that upon which Morgan & Co. demands that the United States Government shall be paid? So much, sir, for the "last red cent-ers."

I can not in the time that is mine go into the detail of this transaction as I should like to do. Suffice it to say here is a promissory note that we hold for \$2,000,000,000. We are asked to exchange it for something that is of no value at all and can not be of value for a long period of time to come. Hold the promissory note if you wish; do not deal harshly with Italy, if you prefer not to deal harshly with Italy; but hold your obligation, accept what may be legitimately paid; but do not yield it up at this particular time.

Who can tell but the dream of empire of Mussolini may yet come true? None of us here, removed by 4,000 miles from his place of activity, can, of course, follow that which he seeks and that which is in his mind, but if his dream of empire should come true in 10, 15, or 20 years, Italy's capacity to pay might be infinitely greater. Yet we have bound ourselves by a rule of "capacity to pay" that is wholly one-sided; we have accepted an obligation less than that which we now have; under the new obligation we can not recover a penny more, no matter what the "capacity to pay" of Italy may be, and yet at any time by proving an incapacity to pay Italy may relieve herself, just as she has relieved herself in the present instance.

Mr. HOWELL. Mr. President, I do not propose to detain the Senate long, but I do desire to bring to the attention of each Senator some specific facts affecting each State of the Union.

Under the provisions of the pending settlement with Italy we are to receive 1.1 per cent interest for 62 years, and then the debt is to be canceled. The interest which the people of the

United States are to-day paying on the present amount of the loans to the Italian Government, \$2,150,000,000, is about \$91,000,000 a year. The loan to Italy and the loans to the other foreign governments were made in part from the proceeds of the sale of some \$13,800,000,000 of war bonds, now outstanding, and which bear $4\frac{1}{4}$ per cent interest. Inasmuch as we are to receive but 1.1 per cent interest, and finally the loan is to be canceled, let us consider what is the difference between $4\frac{1}{4}$ per cent which we are now paying and 1.1 per cent which we are to receive under this settlement. That difference is \$67,000,000 a year. In short, the deficit in interest which the people of the United States must pay every year so long as our $4\frac{1}{4}$ per cent bonds are outstanding amounts to about \$67,000,000 a year.

The junior Senator from Pennsylvania [Mr. REED] is very optimistic about the future. He believes that the Government will ultimately be able to obtain money on the basis of 3 per cent per annum. Obviously we can not obtain at 3 per cent the amount of money represented by this Italian debt within eight years, because under the terms of a major portion of the \$13,800,000,000 four and a quarter per cent bonds outstanding they can not be retired by the Government within eight years unless the Government shall go into the open market and purchase them. Therefore we will certainly lose \$67,000,000 a year for the next eight years, and the total loss during that eight-year period, with compound interest at $4\frac{1}{4}$ per cent, will be \$623,778,900.

Now, let us assume, Mr. President, that we will secure money at the end of eight years and thereafter at 3 per cent, and let us determine the present value and annuity purchasable therewith of the payments promised on the Italian debt on the basis of 3 per cent. It will be found then that our loss annually because of the deficit in interest on this basis will be \$36,565,000, and that will continue for 54 years. Then, at the end of the 54-year period, this debt is to be canceled. Now, add together the \$67,000,000 loss for eight years, the \$37,000,000 loss for 54 years, and the canceled debt, and we have a total loss to the people of the United States that no one can question of \$4,661,000,000, and that is without any interest on the increments of interest deficits.

But, Mr. President, if we had that money to use, we could apply it on our $4\frac{1}{4}$ per cent bonds, or we could buy the 3 per cent bonds that we may be issuing or have issued. In short, if the people had this money to invest, did not have to pay it out to meet deficits in Italian interest, on that basis what does the loss amount to? It amounts to \$10,000,000,000 for this one debt. Therefore, consider, without interest, the certain loss unquestionably that will result from this settlement is \$4,661,000,000, and, with interest, it is \$10,000,000,000.

Mr. President, it is almost impossible for the human mind to comprehend the meaning of a billion dollars; but we can comprehend in a measure what these sums mean when we apporportion them to the various States of the Union. I propose now to read the roll of the States and indicate to each Senator what this settlement ultimately will cost his State on the basis of population in accord with the census of 1920:

Alabama: Without interest this settlement will cost Alabama \$103,546,000. With interest it will cost Alabama \$222,144,000.

Arizona: It will cost Arizona \$14,729,000 without interest; with interest, \$31,599,000.

Arkansas: It will cost Arkansas, without interest, \$77,263,000; with interest it will cost Arkansas \$166,000,000.

California: It will cost California, without interest, \$151,000,000; with interest, \$324,000,000. That is what you will vote away this afternoon if you ratify this settlement.

Colorado: It will cost Colorado \$41,000,000 without interest; with interest it will cost \$88,000,000.

Connecticut: It will cost Connecticut \$60,000,000 without interest; with interest \$130,000,000. If the Senator from Connecticut votes for this settlement he votes to saddle such loss upon his State.

Delaware: Nine million eight hundred thousand dollars without interest; \$21,000,000 with interest.

Florida: Forty-two million dollars without interest; \$91,000,000 with interest.

Georgia: One hundred and twenty-seven million dollars without interest, \$273,000,000 with interest, is the loss that the people of Georgia must sustain if the Senate puts through this debt settlement. It can not be avoided. It can not be questioned.

Idaho: Without interest \$19,000,000; with interest \$40,000,000.

Illinois: Without interest \$286,000,000; with interest \$614,000,000.

Indiana: The loss that this settlement will mean to the people of Indiana, without interest, is \$129,000,000, and with interest it is \$277,000,000.

Iowa: One hundred and six million dollars is the loss of Iowa, without interest, and \$227,000,000 with interest—Iowa, a State that is in the depths of an agricultural depression.

Kansas: The loss to Kansas, without interest, is \$78,000,000; with interest \$167,000,000.

Kentucky: The loss to Kentucky is \$106,000,000 without interest and \$228,000,000 with interest.

Louisiana: Seventy-nine million dollars without interest; \$170,000,000 with interest.

Maine: Thirty-three million dollars without interest; \$71,000,000 with interest.

Maryland: Sixty-four million dollars without interest; \$137,000,000 with interest.

Massachusetts: One hundred and seventy millions dollars without interest; \$365,000,000 with interest. If the Senators from Massachusetts vote for this measure, they vote to saddle this loss upon the people of Massachusetts. It can not be questioned. It is an incontrovertible fact.

Michigan: Without interest the loss is \$162,000,000; with interest, \$347,000,000.

Minnesota: Without interest, \$105,000,000; with interest, \$225,000,000.

Mississippi: The loss without interest is \$79,000,000; the loss with interest is about \$170,000,000.

Missouri: The loss to Missouri is \$150,000,000 without interest, and with interest the loss that Missouri will sustain is \$322,000,000.

Montana: The loss to Montana, as a result of this settlement, if it is adopted, is \$24,000,000 without interest, and with interest the loss is \$51,940,000.

Nebraska, my State, a comparatively small agricultural State so far as population is concerned: This settlement will saddle on my State a loss of \$57,000,000 without interest and with interest \$123,000,000.

Nevada: Even in the case of Nevada, with its small population, this loss is over \$3,000,000 without interest and over \$7,000,000 with interest.

New Hampshire: The loss to the State of New Hampshire will be about \$20,000,000 without interest and about \$42,000,000 with interest.

New Jersey: The loss to the State of New Jersey will be \$139,000,000 without interest, and with interest it will be \$299,000,000.

New Mexico: The loss to New Mexico is \$16,000,000 without interest and with interest \$34,000,000.

New York: The loss to New York, without interest, is \$458,000,000; with interest it is \$983,000,000.

North Carolina: The loss to North Carolina, without interest, is \$113,000,000; with interest it is \$242,000,000.

North Dakota: The State of North Dakota will lose \$28,000,000 or \$29,000,000 without interest and \$61,000,000 with interest.

Ohio: The loss to Ohio will be \$254,000,000 without interest and with interest \$545,000,000, or more than the present worth of the entire payments, on a 4½ per cent basis, to be made by Italy to this country. Ohio's share of the loss due to this settlement with interest at 3 per cent, as stated, will amount to more than the present worth of every dollar the debt commission has secured for the United States from Italy on account of this debt of \$2,150,000,000.

Oklahoma: The loss to Oklahoma without interest is \$92,000,000; with interest, \$192,000,000.

Oregon: The loss is \$35,000,000 without interest; with interest it is \$74,000,000.

Pennsylvania: The loss of Pennsylvania is \$385,000,000 without interest; with interest it is \$825,000,000.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. HOWELL. Certainly.

Mr. REED of Pennsylvania. There are a good many people in Pennsylvania who think that the loss will be very much greater than that if we do not ratify this settlement.

Mr. REED of Missouri. Mr. President, let me ask how much greater it would be if we took that \$528,000,000 and divided it around? That is the amount we are getting. How much would Pennsylvania lose on its share of that if it never got a cent?

Mr. HOWELL. Mr. President, I will say to the Senator from Pennsylvania that there can be no question as to what the loss will be to the State of Pennsylvania, based upon population, and, of course, we very well know that it will be probably more than in proportion to its population. Without interest—and no one can question these figures—without interest the total loss to Pennsylvania is in the neighborhood

of \$40,000,000 more than the present worth of every payment promised by the Italian Government over the 62 years.

Mr. REED of Pennsylvania. The Senator is contrasting the present worth of what we are getting with the future value of what we are surrendering. Does he think that is a fair comparison?

Mr. HOWELL. It is not an absolutely parallel comparison I will admit, but it does give us a notion of the meaning of this settlement. But mark you, I am not comparing this present worth with the total loss to all the people of the United States but merely to 1 of the 48 States, pointing out that alone its loss during the next 62 years without interest will exceed the present worth of all that Italy has promised to pay all of the people of the United States. I do not pretend for one moment that that is a wholly pertinent comparison, but I do hold that it gives a sort of a notion as to what this settlement means; and the people do not know. They have not been informed.

Mr. REED of Pennsylvania. The people of this country know that it is better to take half a loaf than nothing.

Mr. HOWELL. Mr. President, it must be admitted that this is not even half a loaf. It is only 24.6 per cent; it is a quarter of a loaf; and then what? A quarter of a loaf that they promise to let us have over 62 years. That is what it is.

Mr. REED of Missouri. Mr. President, how about taking a crumb when you are entitled to a loaf and can get it if you have sense enough to demand it?

Mr. HOWELL. Mr. President, one of the things being urged against the people of the United States is that they are money grabbers. I am speaking of the view that is entertained in Europe. Anyone who visits Europe and becomes acquainted with the sentiment there knows that Americans are looked upon as money grabbers; and the statesmen of Italy to-day are priding themselves that they have adroitly thrown us a few crumbs, and Uncle Sam is about to grab them. We are giving away a birthright for a mess of pottage. We are not getting any guaranty; we are merely getting another promise to pay that limits the amount we are to get, that does not guarantee anything. Why, if we keep Italy's present promises to pay, there would be a possibility—it might be remote—that we would ultimately get all; but when we ratify this agreement we estop ourselves from ever getting a dollar more than Italy now proposes to pay, no matter what her capacity may be in years to come. Mussolini's dreams may come true; he may become the Emperor of Italy; Italy may again reestablish the Roman Empire; even so, the United States of America will not even have a valid claim for another dollar more than the amount stipulated in this agreement. This is a limitation. It is no advantage to us.

I can not believe this fact has been fully considered by the Members of the Senate. It is the same kind of a promise to pay that we now have except that it is for a less amount. It is a limitation upon what the people of this country may expect, that is all.

Mr. President, the little State of Rhode Island will lose \$27,000,000 without interest through this settlement, and with interest \$57,000,000.

South Carolina will lose \$74,000,000 without interest, and about \$159,000,000 with interest.

South Dakota will lose \$28,000,000 without interest, and \$60,000,000 with interest.

Tennessee will lose \$103,000,000 without interest, and with interest \$221,000,000.

Texas—the great State of Texas—will lose \$206,000,000 without interest, and \$441,000,000 with interest.

The little State of Utah will lose \$20,000,000 without interest, and \$42,000,000 with interest.

Vermont will lose \$16,000,000 without interest, and \$33,000,000 with interest.

Virginia will lose \$102,000,000 without interest, and \$219,000,000 with interest.

Washington will lose \$60,000,000 without interest, and \$128,000,000 with interest.

West Virginia will lose \$65,000,000 without interest, and \$139,000,000 with interest.

Wisconsin will lose \$106,000,000 without interest, and \$249,000,000 with interest.

Wyoming alone, with a population in 1920 of only 194,000, will be saddled with a loss of \$9,000,000 without interest, and \$18,000,000 with interest.

Mr. EDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Jersey?

Mr. HOWELL. I yield.

Mr. EDGE. What is the total for the 48 States, with and without interest?

Mr. HOWELL. The total without interest is \$4,661,000,000, and with interest it is \$10,000,000,000.

Mr. EDGE. With interest the total, according to the Senator's figuring, is in the neighborhood of \$10,000,000,000. If we will lose, under that computation, around \$10,000,000,000 through the pending settlement, can the Senator inform us how much we would lose if we did not settle at all, if we wrote off the debt, in other words?

Mr. HOWELL. Mr. President, the Senator from New Jersey asks a question that suggests I have proposed writing off of this debt.

Mr. EDGE. Not at all; just for information.

Mr. HOWELL. We never ought to write off this debt. It is a debt of honor Italy should pay. We should not be hard on Italy. We should not be severe. But Italy should not come here and say to the Senate of the United States, "Sign on the dotted line, or you will get nothing." And that is what some of the proponents of this settlement intimate Italy will do.

The Members of the Senate do not realize the sentiment among the people of the country respecting this matter, but I am confident that at an earlier date than may be expected they will realize it. Some, undoubtedly, have been misled by the propaganda of the United States Chamber of Commerce. I received a letter from the president of the chamber asking me to vote for this bill, and answering my letter in reply he questioned the fact as to whether the rate of interest we would receive was 1.1 per cent, followed by cancellation. In fact, he did not know what it was.

I dare say there is not a member of our Debt Commission who had figured it out and knew it was 1.1 per cent. Nevertheless the chambers of commerce throughout the country had been circularized with appeals to write their Senators and Representatives urging ratification of this settlement. What has been the cause? Where has this appeal originated? As the distinguished Senator from California [Mr. JOHNSON] has recently said, this sentiment arises from the international banker group in New York.

Mr. REED of Missouri. Mr. President, if it will not divert the Senator, I would like to ask him how he thinks the farmers who have borrowed money from the United States through the farm-loan banks, and who have been unable to pay, would like to have the same rule of settlement applied to them, and if he has heard any member of the debt commission, or anybody else, propose such generous terms to the farmers.

Mr. HOWELL. Mr. President, one of the Senators now in the Chamber, in speaking of this matter the other day, called my attention to the fact that in his State the farmers were paying in excess of 8 per cent for money furnished by the intermediate credit banks. No one would think of aiding our farmers in the manner proposed for Italy. It would be declared uneconomic, beyond the limit; and I admit it would be. But the absurdity of the situation—that a group of international bankers can inveigle us into their way of thinking respecting Italy! All know that what they urge and what it is being proposed we shall do respecting Italy this afternoon, we would never think of doing in behalf of our constituents. Yet they—especially our farmers—have a far greater claim for such aid than has Italy.

It may be that the Italian debt settlement bill will be approved this afternoon. In that event, I shall appeal for at least one amendment, and that amendment is this:

The Italian debt settlement provides for the issuance of written obligations in large amounts payable to the United States or order. However, it is agreed that these may be surrendered for bonds payable to bearer in smaller denominations suitable for marketing. Furthermore, the Italian Government also agrees to aid in the listing of such securities upon such exchanges as the Secretary of the Treasury may indicate. However, it must be evident that these bonds would be unsalable, as those who would be likely to buy would do so for the purposes of income. A consideration of the rates of interest agreed upon renders it evident that they would be practically useless as income securities. For example, a \$1,000 bond, under the provisions of the settlement, would only produce a return of \$1.25 per annum during the 10 years ending 1940. The next year the return would be \$2.50; the third year, \$5; and only during the last 7 years of the 62-year period would the return per \$1,000 reach \$20 per annum.

Moreover, under the provisions of the agreement these bonds would not be nontaxable if owned by a foreigner domiciled in Italy or an Italian subject. Respecting this last feature of the agreement, there is a marked difference between a similar

provision in the British settlement, as that stipulates that the securities received by the British Government shall be nontaxable by Italy or any subdivision of Italy, no matter in whose hands they may be.

My amendment proposes, first, that the bonds shall be issued in such amounts and at such rates of interest and with such maturities as the Secretary of the Treasury may determine from time to time, provided that the total payments to be made by Italy in any year, as set forth in the agreement, shall be in no wise affected. Secondly, my amendment proposes to include in the agreement the same provision respecting taxation as that found in the British settlement with Italy.

The provision respecting these matters in the proposed agreement is manifestly of no benefit whatever to our Government and hence the reason for its inclusion is difficult to understand.

I urge this amendment as just, wise, and desirable from a business point of view; and as a matter of courtesy it should be accepted by the Italian Government, as it in no way affects the amount and distribution of payments agreed upon.

The VICE PRESIDENT. The time of the gentleman has expired.

Mr. HOWELL subsequently said: I ask permission to insert in connection with my remarks a tabulation of the data I have used, and to make certain corrections in connection therewith.

The VICE PRESIDENT. Without objection, it will be so ordered.

The table is as follows:

Cost to the United States of proposed Italian debt settlement apportioned among the various States in proportion to population [1920 Census]

States	Population to nearest 1,000	Proportion of cost without interest	Proportion of cost with interest
Alabama	2,348,000	\$103,546,800	\$222,144,280
Arizona	334,000	14,729,400	31,599,740
Arkansas	1,762,000	77,263,200	165,756,720
California	3,427,000	151,130,700	324,228,470
Colorado	940,000	41,434,000	88,933,400
Connecticut	1,381,000	60,902,100	130,656,410
Delaware	223,000	9,834,300	21,099,030
District of Columbia	458,000	19,315,800	41,439,180
Florida	968,000	42,688,800	91,582,480
Georgia	2,896,000	127,713,600	273,990,560
Idaho	432,000	19,051,200	40,871,520
Illinois	6,485,000	285,988,500	613,545,350
Indiana	2,930,000	129,213,000	277,117,300
Iowa	2,404,000	106,016,400	227,442,440
Kansas	1,769,000	78,012,900	167,365,090
Kentucky	2,417,000	106,589,700	228,672,370
Louisiana	1,790,000	79,335,900	170,203,390
Maine	768,000	33,868,800	71,660,480
Maryland	1,450,000	63,945,000	137,184,500
Massachusetts	3,852,000	169,873,200	364,437,720
Michigan	3,668,000	161,758,800	347,164,300
Minnesota	2,387,000	105,266,700	225,834,070
Mississippi	1,791,000	78,983,100	169,446,510
Missouri	3,404,000	150,116,400	322,052,440
Montana	549,000	24,210,900	51,940,890
Nebraska	1,296,000	57,153,600	122,614,560
Nevada	77,000	3,395,700	7,284,570
New Hampshire	445,000	19,536,300	41,912,230
New Jersey	3,156,000	139,179,600	298,589,160
New Mexico	860,000	38,876,000	84,078,600
New York	10,385,000	457,978,500	982,524,850
North Carolina	2,559,000	112,851,900	242,106,990
North Dakota	647,000	28,532,700	61,212,670
Ohio	5,759,000	253,971,900	544,858,990
Oklahoma	2,028,000	91,816,200	191,869,080
Oregon	783,000	34,530,300	74,079,630
Pennsylvania	8,720,000	384,552,000	824,999,200
Rhode Island	604,000	26,636,400	57,144,440
South Carolina	1,684,000	74,264,400	159,323,240
South Dakota	637,000	28,091,700	60,266,570
Tennessee	2,338,000	103,105,800	221,198,180
Texas	4,663,000	205,638,200	441,166,430
Utah	449,000	19,800,900	42,479,890
Vermont	352,000	15,523,200	33,302,720
Virginia	2,309,000	101,825,900	218,454,490
Washington	1,357,000	59,843,700	128,385,770
West Virginia	1,464,000	64,562,400	138,509,040
Wisconsin	2,632,000	106,071,200	249,013,520
Wyoming	194,000	8,565,400	18,354,340

Mr. SHIPSTEAD. Mr. President, under the terms of this settlement we are cancelling about 75 per cent of the debt that Italy owes the taxpayers of the United States. At least that much has been made clear in this debate. We have been told that we must do this for many reasons, and one of the main reasons is that it will help the people of Italy, who are working for 60 cents a day to produce the wealth out of which this debt is to be paid.

I defy anyone to show how this settlement will relieve the present burden of the Italian people. The people of Italy are

paying now all they are able to pay. If this settlement shall be ratified here to-day and go into effect, the burden will be shifted, but not from the backs of the Italian people; they will still have to pay, out of the wealth they are forced to work for 60 cents a day to produce, the interest of 7 per cent which the Italian Government is paying on the new loans that have been floated in this country on the bonds that are being peddled to the American people through the machinery of New York bankers by the present Government of Italy.

On the floor of the House of Commons in England some one charged Uncle Sam with being a Shylock. It is very interesting to note that for every dollar England pays the United States on its war debt England pays its own nationals \$9. Has there been any discussion or any question about England canceling her war debt to her own nationals?

It seems to be very well to come and saddle the debt upon the American taxpayer. This settlement, with interest, will cost my State \$225,000,000. How much of Italy's debt to her own nationals has she canceled? How much of France's debt to her own nationals has France canceled? How much of England's debt to her own nationals has been canceled?

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. I yield.

Mr. REED of Pennsylvania. Is it not obvious to the Senator that each of those countries has canceled about 80 per cent of its internal debt through the depreciation of their monetary unit?

Mr. SHIPSTEAD. To the extent that the currency had been inflated there has been a deflation of the internal indebtedness. In this country after the war our bankers deflated the currency, and to the same extent increased the debt of the people. The Senator's observation will apply to the short-term loans and to the outstanding long-term loans if the currency shall be on a par with what it is now when those debts are to be paid. But these war loans are of long standing, and there are the usual shifts in the value of the dollar that always attend the deflation following any war, when the small holder is usually dispossessed of his property, when the nation, however, finally comes to a condition of being reconstructed the war bonds and the monetary unit, as a rule, always go to par. It is brought to par by sacrificing the small property holder. It is a tragedy that the paper of production is deflated and annihilated while the debt of war, being of long standing, in time is finally paid.

If there are any debts which should be repudiated, it should be first of all the debts of these governments to their own nationals, and then, if they can not produce the wealth to pay what they owe the United States, they could come to the United States with clean hands and say, "We have repudiated our debts to our own nationals, but we still can not pay you." That at least would be fair. I would be willing to cancel these debts provided these governments would cancel their entire issues of war bonds held by their own citizens. That would insure peace by repudiating the debts and profits of war.

Mr. KING. Mr. President—

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. SHIPSTEAD. I yield.

Mr. KING. I invite the attention of the Senator to the fact that in Germany a movement is on foot, and it has been partially successful, under the terms of which additional payments will be made to those who hold its internal obligations. The depreciation of the mark, and the evil consequences arising therefrom, will not be visited solely upon the unfortunate holders of the mark. There will be a readjustment, and undoubtedly further payments ultimately made by Germany to those who hold her securities. I refer, of course, to her own nationals. I have no doubt, because that question is suggested in various countries of Europe, that the same principle will be invoked and applied by other countries of Europe in the liquidation of the obligations of the respective countries to their own nationals.

Mr. SHIPSTEAD. I thank the Senator. It seems to me there is one phase of this question that has not been completely discussed; in fact, it has been discussed very little. Due to the lack of time this afternoon, I shall not go into it to any extent, but I want to call attention to it.

A great deal has been said about the capacity to pay. The means of payment have not been discussed in any great detail. It has been admitted that Italy or France or England can not pay its debt in gold. It has been denied that they will pay their debts in goods. The balance of trade being against Europe and in our favor, of course, under those circumstances Europe can not pay in goods. It is also very significant that nothing has been said about any tariff walls being broken

down in order that Europe can ship goods over here and so buy dollars with her European goods and so pay this debt.

I wish that some one speaking for the settlement would this afternoon kindly tell the Senate and the American people how, under these circumstances, Europe is going to pay at all. In my opinion the whole settlement of the European indebtedness to the United States has not been discussed with a background in view of an ultimate solution.

The English debt is going to come back here to plague us, the Italian debt is going to come back here to plague us, because Europe can not produce enough wealth to pay the interest on her indebtedness and maintain her present system of armament. She must either get rid of her armament or else she must continue to come over here to make our taxpayers pay for their armament by paying for her indebtedness. She must continue to play statesmen of the United States for a "bunch of goofs" if Europe is to continue to maintain her armament.

Mr. Roger Babson a year ago in one of his letters said, referring to foreign loans:

There is one phase of the situation, however, which should be understood by every investor. A large number of European securities are now being offered in the United States, and clients will have to decide whether or not they will put money into these securities. Statistics show clearly that the European countries have surplus earnings enough to pay interest on Europe's present indebtedness or for maintaining Europe's present armies. There, however, is not enough money to do both. Europe is a good deal like the steamer on the Mississippi River that Abraham Lincoln used to tell about; it had boiler capacity enough either to run the boat or blow the whistle, but could not do both at the same time.

It is a strange paradox that the money that was loaned to Italy and the other European countries was raised by selling bonds to the American people, and when we were selling them the bonds we told them their money was to be used to make the world safe for democracy and to end militarism. Now we are asking them to pay this debt of Italy; we are asking it of the American taxpayers to pay the debt to bolster up an autocracy very much more autocratic and as militaristic as was the so-called autocracy of Kaiser Wilhelm, of Germany. If there has ever been a bunco game played on the American people, it is this twisting around of phrases and slogans in the creation and settlement of these interallied debts.

In a news item early in February, 1925, emanating from the White House to the press, we received the following information:

United States may hold up private loans to France.

White House frowns on most loans to foreign governments.

The United States Government may hold up the private loans of \$140,000,000 which the French Government announces it will soon try to raise in this country.

This will be the first foreign-government loan sought here since the White House announced that such credits extended by American bankers would be frowned upon unless the borrowing government was practicing domestic economy.

Since that time the loans of American bankers to foreign governments have continued. There has been no protest. Their securities have been peddled to the American people. Bankers who underwrite those loans receive commissions and concessions. They sell the bonds to the American people. When they sell the bonds of Italy to the American people they are inducing the American people to bet their money that Mussolini will continue to rule in Italy. They are inducing the American people to gamble that the present status quo will continue, just as they induced the American people to gamble with their own funds when they sold them the bonds of the government of the Czar of Russia. When they induced American investors to buy those bonds they induced them to bet that the Czar's government would continue to rule in Russia. They now hold those pieces of paper as evidence that they bet on a losing horse. The time is likely to come when Americans who have been induced to gamble on the political poker table of international politics by buying these foreign investments will again hold scraps of paper showing that they bet on a losing horse.

As the greatest creditor Nation of the world we have control of the greatest power in the world to be used for the benefit of humanity. Ever since the war we could have said to the world and to the governments of Europe, "We are willing to help you. We are willing to loan you money. We are descended from the same flesh and blood that you are. We realize that after all humanity is one great family and we are willing to help you, but on the condition that you shall reduce your standing armies and your navies. You shall quit taxing your people, exploiting your people, and making your laboring

people work for 60 cents a day in order to produce wealth to enable you to maintain a large standing army and a large navy for the purpose of carrying out the imperialistic programs of your governments." If the European governments would agree to that, I would be willing to say that the American taxpayer would cancel the entire indebtedness. We could purchase peace for the world. That is a proposition which should have been made to the European governments a long time ago. Then, with such a proposition we could go to the American taxpayer and the American people with an honest proposition.

Of course, it would cost us some money, but peace is worth something. We spent something like \$40,000,000,000, we were told, to get peace, but there is no peace. If this economic power of credit of the United States, the property of the people of the United States, were to be used for peace, if peace can be had by making Europe come to proper terms—and by proper terms I do not mean high rates of interest—if the President would call an international conference for the purpose of agreement upon treaties to reduce the armaments of the world; if the European countries would sign upon the dotted line and agree for a period of 30 or 50 years to do away with conscription, to do away with these large standing armies and navies, then we could have a real settlement of these interallied debts that would guarantee peace to the world. I see no peace in the settlement before us. We agree to tax our people to pay this debt and the old game of intrigue and militaristic imperialism goes on to new wars. I see no friendship between nations in the settlement. Until we take a broader view of the settlement of these debts they are not going to be settled. No question is settled until it is settled right.

Mr. ROBINSON of Arkansas. Mr. President, in a few minutes the Senate will be called upon to vote first upon a motion by the Senator from Idaho [Mr. BORAH] to recommit the pending bill to the Committee on Finance for further investigation and report to the Senate. This settlement has not been justified in the arguments submitted in support of it, and if it were delayed for 60 days in all probability it never would be consummated. When the American people understand its terms and effect they will not approve the arrangement carried in the bill, because the facts and circumstances underlying it do not justify approval.

When the War Debt Commission was created by act of Congress there was then an agitation in progress for the cancellation of the war debts due the United States. The Congress inserted a provision in the act creating the commission expressly denying the commission the right or power to cancel or remit any portion of the debts due the United States. The commission has reported here a settlement which the Secretary of the Treasury and others construe in fact as a partial cancellation of the debt due the United States from Italy. As stated by the Senator from Nebraska [Mr. HOWELL], under present conditions no Senator who has heard the debate or studied the provisions of the bill can conscientiously regard it as a final adjustment of the obligation due the United States from Italy. The actual effect of the legislation is the permanent cancellation of a large part of the debt due the United States, with absolutely no assurance sounding in evidence that the remainder of it, the amount carried in the bill, will actually be paid.

The justification for shifting a large part of the debt from the Italian people and Government, who owe it, to the American people and Government, who do not owe it, is the alleged inability of Italy to meet its obligations. It is said that this arrangement represents all that Italy can pay and that therefore the United States ought not to demand more. The evidence submitted in support of that declaration as to the ability of Italy to pay is unsatisfactory. One Senator who has made a special study of the subject said that the wealth of Italy is measured by \$20,000,000,000 to \$22,000,000,000. Another Senator who has made a special study of the subject said that the true wealth of Italy is nearer \$35,000,000,000 than \$20,000,000,000 or \$22,000,000,000.

This involves facts which can be ascertained if the motion of the Senator from Idaho [Mr. BORAH] shall be agreed to in the Senate. We have the habit of looking somewhat carefully into measures which relate to our fiscal affairs. When a bill to authorize the payment of a claim of a thousand or two thousand or five thousand dollars is introduced into the Senate it is referred to a committee; it is carefully investigated, and then a report is made. If the bill is found meritorious, we pass it. Here, however, we have a measure involving a very large sum, relating to one of the largest financial transactions that has occurred in the history of the United States; legislation which has been reported by an important committee of the Senate without consideration, without investigation, on the

theory, no doubt, that it is desirable to make a speedy arrangement regarding the settlement of this debt and to get the matter behind us.

If the measure of Italy's ability to pay is to be the test of whether or not we ought to pass this bill, then the Senate ought to know something more about the ability of Italy to pay than it does know. We know absolutely nothing about the basic conditions which are urged here as a justification for the passage of this bill. Statements of Senators who have studied the subject are so conflicting as to justify an investigation, an inquiry by a committee of the Senate of the United States.

The ability of Italy to pay may be affected by circumstances and by policies of the United States toward Italy and other debtor nations. As pointed out by the Senator from Montana [Mr. WALSH] and by other Senators in the course of this debate, we have done everything in our power, apparently, to reduce the capacity at the present time of Italy to meet her obligations. We have built higher and stronger what we have come to know as the tariff wall, levying higher taxes upon the imports from Italy, and we have said to Italy, "Notwithstanding the fact that you owe us a billion and a half dollars and more, we are going to make it difficult for you to pay anything by imposing increased rates of tariff duties upon your products imported into the United States."

Mr. President, if the United States wants to do something substantial with respect to this subject, the sane thing to do would be to put Italy and other debtor nations in a position where they could pay their obligations through the regular course of trade with this country, because, as pointed out by the Senator from Nebraska [Mr. HOWELL], it does not matter what arrangement we make in this bill, unless other circumstances enable the Italian Government to carry on trade with us, to sell goods in this country, she will probably not be able to meet the obligation as readjusted in this bill.

I am indebted to Mr. Edwin Dibrell, of New York, for information respecting the importations into the United States during the last two years from Italy, and I ask unanimous consent to print in connection with this debate a statement of the goods imported into this country in 1923 and 1924 from the Kingdom of Italy.

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

List of principal articles imported to the United States from Italy

	1923	1924
Raw and waste silk.....	22,286,936	7,329,670
Cheese and substitutes of.....	10,427,203	8,905,872
Olive oil.....	10,093,310	10,774,679
Hides and skins.....	2,172,115	833,637
Lemons.....	2,739,207	943,880
Canned tomatoes.....	1,522,299	2,207,524
Shelled almonds.....	2,700,143	2,287,662
Unshelled almonds.....	1,004,003	743,955
Unshelled walnuts.....	1,214,480	1,550,786
Unmanufactured hemp.....	1,037,587	422,566
Hats of straw.....	1,496,680	633,079
Marble.....	1,299,710	1,116,997
Antiques, works of art 100 years old.....	1,820,546	2,236,641
Total other articles.....	50,814,090	35,583,935
Total.....	92,268,339	75,610,813

General classification of imports from Italy, including all items

	1923	1924
Animals and animal products.....	14,225,379	11,990,545
Vegetable food products.....	27,529,453	25,862,643
Other vegetable products (not food).....	3,582,344	6,069,333
Textiles.....	33,124,848	17,230,848
Wood and paper.....	1,671,538	2,110,767
Nonmetallic minerals.....	3,660,508	3,335,273
Ores and metals.....	1,406,833	1,351,314
Machinery and vehicles.....	180,964	230,005
Chemicals.....	2,564,824	2,063,470
Miscellaneous.....	4,321,648	4,725,815
Total.....	92,268,339	75,610,813

Mr. ROBINSON of Arkansas. Mr. President, the truth of the matter is that respecting all the goods that we buy from Italy we increased the tariff duties in the act of 1922. The rates were already very high when that bill was passed, but we raised the wall higher and so correspondingly diminished the capacity of Italy to pay.

I ask Senators to listen to this statement: If we should to-day cut the rates of the tariff in half as they relate to goods commonly imported from Italy, we would by that act alone double the capacity of Italy to pay her debt to the United States. Of course, she can not pay if we insist upon perpetu-

ating conditions of commerce that deny her the power to sell goods or to export them to the United States. It does not matter what arrangement we shall make in this bill, so long as we perpetuate a senseless policy toward the debtor nations who owe these obligations to the United States, they will not pay them; they can not pay them.

Germany's ability to meet reparations under the Dawes plan depends in large part upon Germany's ability to trade with foreign nations. If we maintain an attitude respecting the tariff of prohibiting Germany from shipping her goods into the United States, or from enjoying some degree of competition in the markets of the United States, Germany will fall down in the payment of reparations and Italy also will fall down in the payment of the obligations carried in this bill should the bill pass.

Other international considerations, possibly of great significance, invite a postponement of the final vote on this bill. During 25 years' experience in the Congress of the United States I have seldom, if ever before, urged delay in disposing of legislation; but I sincerely believe if the country is given time to study this bill and if the two peoples—the Italian and the American people—are furnished full information respecting its provisions and effect that a better method—better for both Governments and both peoples—than that provided in this bill will be worked out.

Not only is it true that additional information should be furnished the Senate, but it also appears that to make the settlement now might have a disturbing rather than a harmonizing effect in so far as international peace may be considered a proper subject matter for thought in this connection.

The Washington Post and other newspapers carried in a press report from London and from Constantinople, under date of April 18, an announcement of conditions that indicate a threatened clash between Italy and Turkey. Turkey was said in that Associated Press dispatch to be calling up for military duty the classes of the ages of 21 and 22, as well as all the reserve men of the ages 23 to 26. Current reports indorsed in London newspapers are said to attribute to the Italian dictator a design to enlist Greek support for his imperial ambitions. It is also announced that Greece has made contracts with Italy for supplies of rifles, tanks, and other munitions for use against Turkey in Thrace. It is idle to say that we have no right to take notice of the progress of events which plainly indicate a threatened outbreak of military hostilities.

It is said here that the United States is not concerned with the political policies or the military policies of the Italian dictator even though they may be calculated to involve world peace; that is our duty to make the settlement promptly without taking thought of how it may encourage imperialistic schemes or strengthen the credit of political régimes apparently devoted to the policy of military aggression. Quite the contrary is true. If the United States is to make a sacrifice—and I am willing that it should—for the encouragement of Italy and for the stabilization of Italian currency, let us make reasonably sure that in doing so we are not contributing to the forces of war and wrath instead of to the movement for peace.

I have not the slightest doubt that the news which reaches us is colored and in some respects misleading; but, nevertheless, the whole course of history in Italy, in Greece, and in Asia Minor during the last few months points to the conclusion that prudence, caution, and restraint are desirable. If the dictator is conceiving and seeks to carry out an imperialistic scheme through which Rome may again become the seat of an empire rivaling in glory and splendor the Rome of the Caesars, we may do well here to take a little time before lending the moral support implied by an approval of this settlement to Mussolini's ambitious schemes.

Mr. REED of Pennsylvania. Mr. President, the opponents of the pending bill have had the floor throughout practically all the day. There are a few statements which they have made which it seems to me should be contradicted now so that the contradiction may be in the minds of Senators when they come to vote.

Mr. CURTIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Kansas?

Mr. REED of Pennsylvania. I yield.

Mr. CURTIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Broussard	Copeland	Dill
Bayard	Bruce	Couzens	Edge
Bingham	Butler	Cummins	Edwards
Blease	Cameron	Curtis	Ernst
Borah	Capper	Dale	Fernald
Bratton	Caraway	Deneen	Ferris

Fess	Johnson	Norbeck	Simmons
Fletcher	Jones, N. Mex.	Nye	Smith
Frazier	Jones, Wash.	Oddie	Smoot
George	Kendrick	Overman	Stanfield
Gerry	Keyes	Pepper	Stephens
Gillett	King	Phippa	Swanson
Glass	La Follette	Pine	Trammell
Goff	Lenroot	Ransdell	Tyson
Gooding	McKellar	Reed, Mo.	Wadsworth
Greene	McLean	Reed, Pa.	Walsh
Hale	McMaster	Robinson, Ark.	Warren
Harrell	McNary	Robinson, Ind.	Watson
Harris	Mayfield	Sackett	Weller
Harrison	Metcalf	Sheppard	Wheeler
Hedlin	Moses	Shipstead	Williams
Howell	Neely	Shortridge	Willis

The VICE PRESIDENT. Eighty-eight Senators having answered to their names, a quorum is present.

Mr. REED of Pennsylvania. Mr. President, this matter has been discussed by the adversaries of the settlement as if it were proposed to give away something to the Kingdom of Italy, as if we were considering this settlement from the standpoint of their worthiness to receive a gift.

It can not be too often reiterated, Mr. President, that there is only one standpoint from which this problem can be approached, and that is the standpoint of the American interests involved. We are not here to protect Italy. We are not here to work out high ideals in Europe. We are here to do what is for the present and future benefit of the people of the United States, and we have no business striving for the interests of other peoples or other nations if there is the slightest conflict between their interests and the interests of our people. So that it is in no spirit of charity toward some foreign country that we urge the ratification of this debt settlement, but from a stern realization of the fact that it is for the best interests of America that the debt settlement should be ratified on these terms.

It is our bounden duty to exercise such an enlightened selfishness from the American standpoint only as will scrutinize this settlement to find out whether it is for America's interest, not Italy's. Her interests are taken care of by her representatives; but we are Americans here, and we have no business thinking of any other phase of this matter.

We approach our task as any creditor approaches the problem of settling the affairs of some debtor who has overextended himself. Italy is like some merchant who, through misfortune, finds himself so heavily in debt that all his yearly earnings are insufficient to carry even the interest on his obligations, and we are in the position that his banker would be in under those circumstances. We have advanced him the money. We want to get it all back with the stipulated interest, but we realize the physical impossibility of that man and his business yielding enough to pay us even the interest on the debt that we hold against him.

What, then, do we do if we are sensible business men—not politicians speaking to a whole country, but sensible business men sitting down in our own offices to work out what is best for us and those dependent on us? What is the common-sense thing to do under those circumstances? We take stock of the man's property; we size up his business as best we can; we look to see how much he owes—not how much he owes to his wife and his daughter and his son, if you please, but his external debts. How much does he owe outside the family? Because that he must pay or must settle. So we find that his business will yield him a profit, let us say, of \$2,000 a year, that he can keep his family for \$1,200, and that \$800 is the margin of his profit available to take care of his external obligations.

It is just that process that the Debt Commission went through and that the Senate in its more or less laborious way has been trying to go through in sizing up the situation with Italy. We know that she can not pay the stipulated 5 per cent interest on her debt of \$2,042,000,000. That means \$102,000,000 a year. We know that Italy can not pay that to us. Figure it any way you please; take any estimate of the national resources of Italy; take any estimate of the annual earnings of her people; and we know that she can not pay that; and not a single Senator who has denounced this debt settlement claims that she can pay that. Every man of us admits that some reduction must be made, just as every one of us, if we were bankers and had a parallel situation obtaining with one of our debtors, would be forced to admit that the stipulated terms of the bond could not be met. So we are all agreed that there must be some reduction to enable Italy to work out of that predicament.

Mr. REED of Missouri. Mr. President—

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Missouri?

Mr. REED of Pennsylvania. I yield to the Senator.

Mr. REED of Missouri. I do not want to interrupt the Senator, but I want to know what facts or figures this commission has laid before the Senate that will determine for us what Italy's ability to pay will be 10 years from now or 20 years from now.

Mr. REED of Pennsylvania. A good many facts and figures have been laid before the Senate that will enable Senators to determine that. For example, it has been shown to the Senate that all of the coal of Italy is less than 100,000,000 tons. That is not going to change 10 years from now or 20 years from now. It has been shown that the iron ore of Italy is insufficient for a tiny fraction of her annual requirements. That is not going to change in 10 or 20 years. That has been laid before the Senate. That can not change. Those are the physical facts of the case.

Mr. REED of Missouri. But, Mr. President, I showed by the figures this morning that Italy's wealth, according to the best available figures, has more than doubled since 1912.

Mr. REED of Pennsylvania. I venture to say that it has far more than doubled, expressed in Italian currency, as it is expressed.

Mr. REED of Missouri. No; expressed in American dollars.

Mr. REED of Pennsylvania. I do not know any authority that can venture that statement. I do not believe it has been calculated to that nicety.

Mr. REED of Missouri. It is the finest authority I can get.

Mr. REED of Pennsylvania. The World Almanac, I believe.

Mr. REED of Missouri. That is one of them, and I think it is a good authority.

Mr. REED of Pennsylvania. The Senator can settle this debt on the basis of the World Almanac or he can settle it on the basis of the researches of our Debt Commission. I prefer the latter.

Mr. REED of Missouri. I do not want to take the Senator's time; but we have not had the benefit of the researches of the Debt Commission. We get the statement of the conclusion arrived at by the members of the Debt Commission without the facts. Long ago I introduced a resolution asking for an investigation, and it was promptly put into cold storage by raising the point of order against it that it could not be called up on that day and could not be called up until we had an adjournment. I should like some facts myself.

Mr. REED of Pennsylvania. I have been trying to give the Senator the facts for several days, but apparently they make no impression on him. Let me give the Senator a few facts now. Here are a few that may be significant:

Take the item of coal of which I spoke. In the United States we have 2,587,000,000 tons in reserve. Italy has four-tenths of 1,000,000,000.

Of iron ore, Italy has one-tenth of 1,000,000,000. That is 100,000,000 tons, as I said. We have 75,000,000,000—seven hundred and fifty times as much.

Take their cattle; measure the wealth of the farmer. Italy has 165 animals for every 1,000 inhabitants, and in the United States we have 695.

Mr. BORAH. Mr. President, the Senator does not contend that Italy is in the livestock business, does he?

Mr. REED of Pennsylvania. I contend that Italy is an agricultural nation, and that the strength of her agriculture is measured by the amount of cattle she has, and I defy anybody to contradict that statement with success.

Those figures are all in the RECORD. I need not weary the Senate by going over them again. They were all put in the RECORD in the speech of the Senator from Utah [Mr. SMOOT], with which this discussion commenced.

Mr. REED of Missouri. Does the Senator think that is any real index to the wealth of a nation? What has he to say about the wealth of Italy doubling in the last 12 years?

Mr. REED of Pennsylvania. What is wealth? Land, minerals—

Mr. REED of Missouri. Values, whatever they are.

Mr. REED of Pennsylvania. Buildings, cattle, material things—that is wealth.

Mr. REED of Missouri. Money.

Mr. REED of Pennsylvania. Money is not wealth.

Mr. REED of Missouri. Does not the Senator perfectly well know that while Italy has not much iron herself, much coal within her borders, that it is in close proximity? Does he not well know that the whole field of manufacturing is open to Italy; that Italy has been harnessing her water power; that she has the greatest water power in the world; and that manufactures are the chief source of wealth now? Does he not know that manufacturing has so increased its productive capacity that every nation that is entitled to be called a first-class nation can produce more than it consumes in manufactured goods without any trouble whatever? It might as well be said that Great Britain is impoverished, and a poor country, be-

cause Great Britain can not raise enough farm products to live on. Great Britain would starve in 30 days if she did not get food from the outside. She lives by virtue of her trade, her commerce, and her manufactures. I beg the Senator's pardon. I have taken too much of his time.

Mr. REED of Pennsylvania. I will answer the questions as well as I can remember them. In the first place, I do not know that just over Italy's borders lie great reserves of iron and coal. I do not know in which direction from her borders she could look to find them. In order to get coal she would have to cross a mountain range that no military expedition ever yet successfully crossed against resistance.

Mr. REED of Missouri. The Senator is mistaken. She gets the principal part of her coal from England, and gets it by water, and gets it cheaper than the people in Washington can get coal hauled from Pittsburgh, Pa.

Mr. REED of Pennsylvania. That was not the question. The Senator asked me if just beyond her borders did not lie an ample supply of coal, and I gathered that he thought she could organize a military expedition and go and capture it.

Mr. REED of Missouri. No; I am not like your friend Mussolini. I am not going to capture anything.

Mr. REED of Pennsylvania. But this morning, when the Senator was declaring war against Mussolini, I gathered that he thought there was great and imminent danger of attacks by him against his peaceable neighbors.

Mr. REED of Missouri. I do. Nevertheless, I do not think that Italy's proximity to coal depends upon Mussolini's sword; and when I say "proximity" I do not necessarily mean in miles. I mean that it is readily accessible, and Italy does obtain vast quantities of coal from England over the water, at very low rates, very much lower than the rate at which we can get coal from Pittsburgh, Pa., to Washington.

Mr. REED of Pennsylvania. In the course of this joint and concurrent speech of ours I am glad the Senator got back to the point of Mussolini's military aggressiveness. I want to call to the attention of the Senator, and to some slight extent of all our colleagues, the decrease in the military expenditures of Italy and the number of men under arms in the years before the war and in recent years. I am not going to forget to mention the carabinieri that have been mentioned here as if they were some sort of a secret police force carried along and really intended for military aggression against some neighbors.

In the fiscal year 1912-13 Italy spent, in millions of gold lire, 412,000,000 on her army proper and 49,000,000 on her carabinieri. They are an internal police force. Italy has not the same sort of local police we are used to. The carabinieri are seen on the streets of her cities. They keep order locally, and they are paid to a very considerable extent through the Ministry of War. Therefore it might be argued that they should be included in her military expenses. Her total outlay, then, was 461,000,000 lire, about \$92,000,000.

In the year 1924-25, the last completed fiscal year, her appropriations for her army proper had diminished to 286,000,000 lire, a decrease of 126,000,000. Her appropriations for the carabinieri had increased to 96,000,000. That is an increase of 47,000,000 lire. Her total expenses last year were 382,000,000—that is, about \$85,000,000—a decrease against 1912-13 of 79,000,000 lire.

Remember that the cost of living has gone up. Remember that Italy has a slightly increased territory to police. Remember that all around her are increased armies, as compared with the pre-war period, and then see, if you please, that her appropriations have gone down 79,000,000 gold lire since 1912-13. Those are the figures as to her army.

Mr. REED of Missouri. Mr. President, may I ask the Senator the number of the personnel of the army of Italy in 1912?

Mr. REED of Pennsylvania. In 1912 the total number of officers and soldiers in the army, navy, and air service was 234,000.

Mr. REED of Missouri. What is it now?

Mr. REED of Pennsylvania. In the last year it was 223,000, a decrease of 11,000.

Mr. REED of Missouri. That does not include the navy.

Mr. REED of Pennsylvania. It includes the Navy and aviation.

Mr. REED of Missouri. Not according to my figures.

Mr. BORAH. Mr. President, may I suggest to the Senator—

Mr. REED of Pennsylvania. I yield.

Mr. BORAH. Would the Senator advise us as to the increase of the military budget since the negotiations for the settlement of this debt began?

Mr. REED of Pennsylvania. I have not the figures since the 1st of July, and I do not suppose we shall ever be able to get the figures up to the minute of a vote, whether we postpone it, as the Senator proposes, or vote on it now.

Mr. BORAH. Mr. President, I can say to the Senator that, according to the official gazette which was published in February, it has increased at the rate of \$25,000,000 a year.

Mr. REED of Pennsylvania. If so, it still will not be any larger than it was in 1912.

Mr. GLASS. Mr. President—

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Virginia?

Mr. REED of Pennsylvania. I yield.

Mr. GLASS. The Senator has not much time left, but I venture to ask him a question.

Suppose Mussolini is belligerently minded, and suppose he goes to war with neighboring nations, and suppose we postpone this debt settlement until after he shall have gone to war and further exhausted the resources of Italy, are we apt to get a better settlement after that is done than we are now?

Mr. REED of Pennsylvania. I think the Senator puts it very well. Of course, if all those suppositions were likely to become realities—and they are not, in my judgment—at the end of that process, and after further postponement, we would end by settling on a worse basis than we have here before us to-day.

Mr. REED of Missouri. Mr. President—

Mr. REED of Pennsylvania. I am going to ask—

Mr. REED of Missouri. Just one question.

Mr. REED of Pennsylvania. One question, and then I am going to tighten up.

Mr. REED of Missouri. If Mussolini did these identical things after having made this settlement, and bankrupted Italy, would not her paper be worthless?

Mr. REED of Pennsylvania. Of course it would. If Italy goes bankrupt, her paper is no good.

Mr. REED of Missouri. Who here would vote to extend him a credit by making this settlement so as to make it possible for him to go to war?

Mr. REED of Pennsylvania. Mr. President, I am going to decline to yield for the balance of my time.

Mr. BLEASE. Mr. President, I would like to ask the Senator a question.

Mr. REED of Pennsylvania. The Senator is irresistible. I yield to him.

Mr. BLEASE. Is there anybody else in Italy besides Mussolini?

Mr. REED of Pennsylvania. There are about 40,000,000 other people there besides Mussolini.

Mr. BLEASE. I thought, from the discussion, that Mussolini was the only man in Italy.

Mr. REED of Pennsylvania. It has been charged also, as recently as this afternoon, that Italy has increased her navy. I want to give the Senate the facts on that.

Italy's appropriations in 1912 for the navy were 261,000,000 gold lire. They have been reduced, until in the last fiscal year they were only 142,000,000, a decrease of 119,000,000 lire.

Under the Washington disarmament agreement Italy is entitled to a fleet of the same strength as that of France; that is, capital ships aggregating 175,000 tons. As a matter of fact, Italy has not laid down a capital ship since that treaty was signed. She has fallen behind France in naval strength. She has to-day seven battleships, with a tonnage of 133,000, against France's nine ships, with a total tonnage of 194,000. That is the way Italy has allowed her naval strength to fall below the permitted ratio of the Washington Disarmament Conference.

I say that that is absolutely incompatible with the theory that Mussolini, as a great despot of the Mediterranean, is about to crush his neighbors, and establish a new Roman Empire with himself as its Caesar. That is a preposterous suggestion.

Think of Italy's situation when sizing up these reductions in her army. Remember that she is next door neighbor to the Balkans, which for centuries have been the hotbed of trouble in Europe; that her frontier abuts on the frontier of what used to be Austria, where the racial hatreds go back since before the time of Napoleon. Those are her neighbors, at her very elbow. Yet she, whom my adversaries accuse of being militaristic, has actually reduced her army and her navy, in spite of the proximity of these habitual trouble makers. The idea of calling these people militaristic!

In conclusion, this matter is being considered to-day in an atmosphere of dispute, high words, banter to and fro across the aisle, in an atmosphere not calculated for the wisest decisions of business. But if we look to see what has been done, we find that a bipartisan commission have considered this matter at their leisure, in cold blood, without excitement, and that they have come unanimously to the opinion that this bargain they present to us here represents the utmost of Italy's capacity to pay us on the principal and interest of her debt.

Shall we be guided by the oratory of the Senate, the smart things we say in the dialogue that passes here during the day, or shall we be guided by the sober, sane business judgment of that commission, which met and adjourned to study, and met and adjourned to study, and finally came unanimously to the opinion, Democrats and Republicans alike, that this was the best thing for the interests of the United States?

The Debt Commission did not say, "This is best for Italy." They did not say, "This is the best way to build up the world. This is the best way to help Mussolini in his projects." They said, "This is the best thing for America."

Are we going to be guided by their judgment, or by the contentions in this forum? It seems to me that it is obviously wise for us to be guided by their conclusions. They would not have been unanimous had the case not been clear to them. How can we say that those experts whom we have delegated to represent us could come unanimously to a false conclusion about the interests of the United States?

I submit that this debt settlement ought to be ratified now, and that postponement of it, as contemplated by the motion of the Senator from Idaho, would be almost as great a calamity as the denial of it.

The VICE PRESIDENT. The hour of 4 o'clock having arrived, under the unanimous-consent agreement the question is upon the motion of the Senator from Idaho [Mr. BORAH], which the clerk will read.

The CHIEF CLERK. Mr. BORAH moves that the bill (H. R. 6773) be recommitted to the Committee on Finance for further investigation and report as to the present industrial, economic, and financial conditions of Italy.

That said investigation include an inquiry into the private loans made, or to be made, to the Italian Government, and as to the showing made by the Italian Government to the parties making said loans as to its capacity to meet them.

That the said private bankers who have made a study of Italy's economic, industrial, and financial conditions be called before the committee to give the committee whatever information they have as to the present capacity of the Italian Government to meet its obligations.

That further inquiry and investigation be made as to the present military expenditures of the Italian Government and also the plans of said government for an increase of its military expenditures.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. I am unable to obtain a transfer. If the Senator from Delaware were present, he would vote "nay," and if I were permitted to vote, I would vote "yea."

Mr. CURTIS (when Mr. NORRIS's name was called). I was requested to announce the necessary absence of the Senator from Nebraska [Mr. NORRIS]. If he were present, he would vote "yea." He is paired with the Senator from Alabama [Mr. UNDERWOOD], who, if present, would vote "nay."

Mr. ROBINSON of Arkansas (when Mr. PITTMAN's name was called). I desire to announce that the Senator from Nevada [Mr. PITTMAN] is ill and unable to be in attendance upon the Senate.

Mr. JONES of Washington (when Mr. SCHALL's name was called). The Senator from Minnesota [Mr. SCHALL] is absent on account of illness. If present, he would vote "nay."

The roll call having been concluded, the result was announced—yeas 33, nays 54, as follows:

YEAS—33

Blease	Harrison	Neely	Stephens
Borah	Hedlin	Nye	Swanson
Bratton	Howell	Overman	Trammell
Caraway	Johnson	Reed, Mo.	Tyson
Couzens	King	Robinson, Ark.	Walsh
Dill	La Follette	Sheppard	Wheeler
Frazier	Lenroot	Shipstead	
George	McKellar	Simmons	
Harris	Mayfield	Smith	

NAYS—54

Aahurst	Edwards	Jones, Wash.	Reed, Pa.
Bayard	Ernst	Kendrick	Robinson, Ind.
Bingham	Fernald	Keyes	Sackett
Bronson	Ferris	McLean	Shortridge
Bruce	Foss	McMaster	Smoot
Butler	Gerry	McNary	Stanfield
Cameron	Gillett	Metcalf	Wadsworth
Capper	Glass	Moses	Warren
Copeland	Goff	Norbeck	Watson
Cummins	Gooding	Oddie	Weller
Curtis	Greene	Pepper	Williams
Dale	Hale	Phippa	Willis
Deneen	Harrell	Pine	
Edge	Jones, N. Mex.	Ransdell	

NOT VOTING—9

du Pont
Fletcher
McKinleyMeans
NorrisPittman
SchallSteck
Underwood

So the Senate refused to recommit the bill to the Committee on Finance.

The VICE PRESIDENT. The bill is in Committee of the Whole and open to amendment.

Mr. HOWELL. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The clerk will read the amendment proposed by the Senator from Nebraska.

The Chief Clerk read as follows:

Page 1, line 3, after "That" insert a comma and "subject to the modification set forth in section 2."

Page 3, after line 19, insert two new sections, to read as follows:

"Sec. 2. At any time, upon request of the Secretary of the Treasury, the Kingdom of Italy shall issue to the United States, in exchange for any or all of the bonds issued under the settlement specified in section 1 outstanding and remaining unpaid, an amount of bonds equal to the present value, at the time of the request, of such bonds. Such bonds issued in exchange shall be in bearer form and shall be in such denominations, at such rates of interest, and with such dates of maturity, as the Secretary of the Treasury may prescribe, except that the total amounts due in any one year on account of the principal and interest of any such bonds shall not exceed the amounts which would be payable in such year in accordance with the schedules provided in the settlement specified in section 1, plus amounts due thereunder in any prior year and remaining unpaid.

"Sec. 3. The principal and interest of all bonds issued or to be issued hereunder shall be paid without deduction for, and shall be exempt from, any and all taxes and other public dues, present or future, imposed by or under authority of the Kingdom of Italy or any political or local taxing authority within the Kingdom of Italy."

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Nebraska.

Mr. REED of Missouri. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement as before with reference to my general pair, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. JONES of Washington (when Mr. SCHALL's name was called). The Senator from Minnesota [Mr. SCHALL] is absent, due to illness. If present, he would vote "nay."

The roll call was concluded.

Mr. REED of Missouri (after having voted in the affirmative). For the purpose of qualifying myself to enter a motion to reconsider, I change my vote from "yea" to "nay."

The result was announced—yeas 24, nays 55, as follows:

YEAS—24

Blaise
Caraway
Cousens
Dill
Frazier
GeorgeHarris
Harrison
Heflin
Howell
Johnson
KingLa Follette
McKellar
McMaster
Mayfield
Neely
NyeSheppard
Shipstead
Stephens
Trammell
Wheeler
Williams

NAYS—55

Ashurst
Bayard
Bingham
Bratton
Broussard
Bruce
Butler
Cameron
Capper
Copeland
Cummings
Curtis
Dale
DeneenEdge
Edwards
Ernst
Fernald
Ferris
Fess
Gerry
Gillett
Glass
Goff
Gooding
Greene
Hale
HarreldJones, N. Mex.
Jones, Wash.
Kendrick
Keyes
Lenroot
McLean
McNary
Metcalf
Moses
Norbeck
Oddie
Pepper
Phipps
PineRansdell
Reed, Mo.
Reed, Pa.
Robinson, Ind.
Sackett
Shortridge
Smoot
Stanfield
Wadsworth
Warren
Watson
Weller
Willis

NOT VOTING—17

Borah
du Pont
Fletcher
McKinley
MeansNorris
Overman
Pittman
Robinson, Ark.
SchallSimmons
Smith
Steck
Swanson
TysonUnderwood
Walsh

So Mr. HOWELL's amendment was rejected.

Mr. REED of Missouri. Mr. President, I simply notify the Senate that within the two days allowed by the rule I shall enter a motion to reconsider the vote taken on this amendment.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there are no further amendments to be offered, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass? Mr. REED of Missouri and Mr. HARRISON asked for the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. If he were present, he would vote "yea"; and if I were privileged to vote, I would vote "nay."

Mr. CURTIS (when the name of Mr. NORRIS was called). The senior Senator from Nebraska [Mr. NORRIS] is paired with the senior Senator from Alabama [Mr. UNDERWOOD]. If the Senator from Nebraska were present, he would vote "nay" and the Senator from Alabama would vote "yea."

Mr. GERRY (when Mr. STECK's name was called). The junior Senator from Iowa [Mr. STECK] is unavoidably absent. He has been unable to obtain a pair. If present, he would vote "yea."

The roll call was concluded.

Mr. REED of Missouri (after having voted in the negative). Mr. President, for the purpose of qualifying myself to enter a motion to reconsider, I change my vote from "nay" to "yea."

Mr. ROBINSON of Arkansas. I desire again to announce that the Senator from Nevada [Mr. PITTMAN] is absent on account of illness.

Mr. JONES of Washington. I desire to announce that the junior Senator from Minnesota [Mr. SCHALL] is absent on account of illness. If present, he would vote "yea."

The result was announced—yeas 54, nays 33, as follows:

YEAS—54

Bayard
Bingham
Broussard
Bruce
Butler
Cameron
Capper
Copeland
Cousens
Cummings
Curtis
Dale
Deneen
EdgeEdwards
Ernst
Fernald
Ferris
Fess
Gerry
Gillett
Glass
Goff
Greene
Hale
Harreld
Jones, N. Mex.
Jones, Wash.Kendrick
Keyes
King
McLean
McNary
Metcalf
Moses
Norbeck
Oddie
Pepper
Phipps
Pine
Ransdell
Reed, Mo.Reed, Pa.
Robinson, Ind.
Sackett
Shortridge
Smoot
Stanfield
Wadsworth
Warren
Watson
Weller
Williams
Willis

NAYS—33

Ashurst
Blaise
Borah
Bratton
Caraway
Dill
Frazier
George
GoodingHarris
Harrison
Heflin
Howell
Johnson
La Follette
Lenroot
McKellar
McMasterMayfield
Neely
Nye
Overman
Robinson, Ark.
Sheppard
Shipstead
Simmons
SmithStephens
Swanson
Trammell
Tyson
Walsh
Wheeler

NOT VOTING—9

du Pont
Fletcher
McKinleyMeans
NorrisPittman
SchallSteck
Underwood

So the bill was passed, as follows:

Be it enacted, etc., That the settlement of the indebtedness of the Kingdom of Italy to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 3, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

The amount of the indebtedness to be funded, after allowing for certain cash payments made by Italy, is \$2,042,000,000, which has been computed as follows:

Obligations taken for cash advanced by Treasury	\$1,648,034,050.90	
Accrued and unpaid interest at 4½ per cent per annum to Dec. 15, 1922	251,846,654.79	\$1,899,880,705.69
Accrued interest at 8 per cent per annum from Dec. 15, 1922, to June 15, 1925	142,491,052.93	2,042,371,758.62
Deduct payments made on account of principal since Dec. 15, 1922	\$164,852.94	
Interest on principal payments at 8 per cent per annum to June 15, 1922	7,489.84	172,292.28

Total net indebtedness as of June 15, 1925—2,042,199,466.34
To be paid in cash upon execution of agreement—199,466.34

Total indebtedness to be funded into bonds—2,042,000,000.00

The principal of the bonds shall be paid in annual installments on June 15 of each year up to and including June 15, 1987, on a fixed schedule, subject to the right of the Kingdom of Italy to postpone such payments falling due after June 15, 1930, for two years, such postponed payment to bear interest at the rate of 4½ per cent per annum. The amount of the annual principal installment during the first five years shall be \$5,000,000. The amount of the principal

installment due the sixth year shall be \$12,100,000, the subsequent annual principal installments increasing until in the sixty-second year of the debt-funding period the final principal installment shall be \$79,400,000, the aggregate principal installments being equal to the total principal of the indebtedness to be funded into bonds.

The Kingdom of Italy shall have the right to pay off additional amounts of principal of the bonds on June 15 and December 15 of any year upon ninety days' advance notice.

The bonds to be issued shall bear no interest until June 15, 1930, and thereafter shall bear interest at the rate of one-eighth of 1 per cent per annum from June 15, 1930, to June 15, 1940; at the rate of one-fourth of 1 per cent per annum from June 15, 1940, to June 15, 1950; at the rate of one-half of 1 per cent per annum from June 15, 1950, to June 15, 1960; at the rate of three-fourths of 1 per cent per annum from June 15, 1960, to June 15, 1970; at the rate of 1 per cent per annum from June 15, 1970, to June 15, 1980; and at the rate of 2 per cent per annum after June 15, 1980, all payable semiannually on June 15 and December 15 of each year.

Any payment of interest or principal may be made at the option of the Kingdom of Italy in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

Mr. FESS. Mr. President, in view of the fact that a full Senate is now here, having voted on the prevailing side, I move to reconsider the vote by which the Italian debt settlement bill was passed.

Mr. SMOOT. Mr. President, I move that that motion be laid upon the table.

Mr. REED of Missouri. Mr. President, that is a trick which is not worthy any Senator. I gave notice that I proposed to file a motion to reconsider, and I told the chairman of the committee that I would enter that motion to-morrow and that I wanted to discuss it. Now we have another Senator making the motion for an entirely different reason and then promptly a motion made to lay on the table.

If Senators want to play that kind of politics, they may do it; but I say that it is not fair dealing or fair play; that it is unworthy any Senator to do it.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me?

Mr. REED of Missouri. Yes.

Mr. ROBINSON of Arkansas. I make the point of order that, the Senator from Missouri having already given notice of his intention to move to reconsider, it is not in order for the Senator from Ohio to move to reconsider after that notice is given.

Mr. KING. Mr. President, if I may be permitted to supplement what has been said, I also make the point of order against the motion made by the Senator from Ohio, because manifestly it was not made in good faith.

Mr. FESS. Mr. President, I made the motion in good faith, in order to have the matter reconsidered while the Senate is here; and I insist upon the motion.

Mr. ROBINSON of Arkansas. Mr. President—

Mr. FESS. I rise to a point of order. A motion to table cuts off debate.

The VICE PRESIDENT. The Chair will be compelled to hold that the motion of the Senator from Ohio is in order. Debate is permitted on the motion to reconsider, but not on the motion to table.

Mr. ROBINSON of Arkansas obtained the floor.

Mr. FESS. Mr. President, I rise to a point of order. Does the Presiding Officer hold that a motion to reconsider is debatable with a motion to table pending?

Mr. REED of Missouri. Certainly.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator from Utah [Mr. SMOOT] insists upon his motion to lay on the table, of course there can be no debate at this time; but I will serve notice now on Senators—

SEVERAL SENATORS. He was not recognized.

Mr. ROBINSON of Arkansas. Mr. President, a parliamentary inquiry. Did the Chair entertain the motion of the Senator from Utah to lay on the table the motion of the Senator from Ohio?

The VICE PRESIDENT. The Chair recognized the Senator from Utah.

Mr. SMOOT. Mr. President, under the situation existing now I certainly shall ask unanimous consent to withdraw my motion to lay on the table.

Mr. ROBINSON of Arkansas. I was sure the Senator from Utah would do that.

Mr. FESS. Mr. President, I will object to that unless the Senator from Missouri will state the time when the motion for a reconsideration is to be considered.

Mr. ROBINSON of Arkansas. Mr. President, under the rules of the Senate the Senator from Missouri has two days in which to submit his motion.

Mr. REED of Missouri. May I answer the Senator? I do not intend to indulge in any sharp practice, in any pettifoggery, or anything of that kind. I gave notice of this motion in good faith. I intend to take advantage of no person. I mean that the Senate shall have the fullest opportunity to consider the proposition. My particular reason for changing my vote so that I could make this motion was that I was perfectly certain, from the conversation of Senators who were about me, that they did not fully comprehend the amendment offered by the Senator from Nebraska [Mr. HOWELL]; and I believed that if we could get a reconsideration there was a fair chance of changing the vote of the Senate upon that question, if we could get it in such a position that it could be debated here in the Senate. So I have reserved this right; and I hope nobody will undertake to cut off the right to make a motion to reconsider when it is made in good faith.

Mr. BORAH and Mr. FESS addressed the Chair.

The VICE PRESIDENT. The Senator from Idaho.

Mr. BORAH. May I make a suggestion? I hope the Senator from Utah will be permitted to withdraw his motion to lay on the table. It introduces a practice here which would make it absolutely impossible hereafter so long as I am in the Senate to get a unanimous-consent agreement to vote at any particular time.

The way the matter transpired to-day, there were those who wanted to discuss this matter further, but under the unanimous-consent agreement the time was occupied, and properly occupied. The Senator from Pennsylvania [Mr. REED] was entitled to close this debate for the advocates of the measure, and I have no fault to find with that; but if, going along with that condition of affairs, we are to be denied the right to discuss a motion to reconsider, necessarily we will not hereafter, in order to protect ourselves, agree to proposals for unanimous consent to vote at any time. We will simply have to debate, and vote when the debate is over; and that is a practice which the Senator from Ohio ought not to take the chance of trying to introduce in the Senate.

Mr. FESS. Mr. President, I made the motion to reconsider in good faith, because we have been considering this proposal for weeks and weeks, and the Senate is here in session, and a motion to reconsider can be made only once, and I thought this was the time to do it. If the Senator from Missouri, who wants to enter the motion to reconsider, will give the Senate a suggestion as to when we are going to consider it by a unanimous-consent agreement to-day, I will withdraw the motion to reconsider; otherwise, I will not. The Senate is here. Let us reconsider it now, while the Senate is here.

Mr. REED of Pennsylvania. Mr. President—

The VICE PRESIDENT. The Senator from Pennsylvania.

Mr. REED of Pennsylvania. Will the Senator yield to me? I think the Senate is suddenly becoming very scrupulous in matters that it was not scrupulous about not long ago. When the nomination of Mr. Warren was here before the Senate in open session, I moved to reconsider the vote. The Senator from Montana [Mr. WALSH] promptly moved to table my motion, and I heard no voices raised in my behalf because I was being steam-rolled before the Vice President could reach the Chamber; and it is a parallel case.

Mr. ROBINSON of Arkansas. The Senator from Pennsylvania did not ask for delay. The whole subject matter of that motion to reconsider had been debated to the satisfaction of every Senator. The Senator from Pennsylvania did not request a delay on his motion to reconsider, and the vote was accordingly taken on the motion to lay on the table.

Mr. REED of Pennsylvania. I suppose the Senator moved to lay it on the table because he did not want any argument. Every Senator in the Chamber knew why I moved to reconsider that vote, and every Senator in this Chamber knew why the Senator from Montana [Mr. WALSH] moved to cut off debate on it; and yet not a soul thought that was discourteous.

Mr. ROBINSON of Arkansas. Mr. President—

The VICE PRESIDENT. The Senator from Pennsylvania has the floor.

Mr. ROBINSON of Arkansas. Just a moment. Notwithstanding the single instance referred to by the Senator from Pennsylvania—which the Senate is just now learning, after almost a year, was offensive to him—the practice never has prevailed in the Senate of resorting to this species of legislative legerdemain that prevents the Senate from exercising the right to reconsider deliberately.

We all know that if a motion is made to reconsider, and then a motion is made to lay that motion on the table, there

is no such thing as deliberation in connection with motions to reconsider; and you will not get any more unanimous-consent agreements, because in order to avail themselves of the right of full consideration Senators will not agree to requests for unanimous consent.

Now what is the effect? The Senator from Ohio has the legal right to make this motion. His object in making it, however, is to cut off the motion of the Senator from Missouri, which contemplates some degree of deliberation in connection with the reconsideration of this matter.

Mr. FESS. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. Certainly.

Mr. FESS. If the Senator from Missouri will give us a suggestion as to when this will be done—

Mr. ROBINSON of Arkansas. Mr. President, I move that the Senate adjourn until 12 o'clock to-morrow. If this sort of tactics is to be resorted to at this stage of the proceedings, we will resort to some other tactics?

Mr. REED of Pennsylvania. Mr. President, have I not the floor?

Mr. ROBINSON of Arkansas. No; I had the floor, I thought. The VICE PRESIDENT. The Senator from Pennsylvania had the floor. He yielded to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. I did not understand that the Senator from Pennsylvania had the floor. I thought I had it. Will the Senator yield for the purpose of a motion to recess or adjourn?

Mr. REED of Pennsylvania. First, I want to make the statement that I was interrupted in making before.

Mr. President, the unanimous-consent agreement under which the Senate has been proceeding provides that at 4 o'clock—

the Senate will proceed to vote, without further debate, upon any amendment * * * or any motion that may be offered, and upon the bill.

I submit that that includes the motion to reconsider.

Mr. BORAH. Oh, no!

Mr. McKELLAR. Oh, no!

Mr. BORAH. No; that concludes with the passage of the bill.

Mr. ROBINSON of Arkansas. The Senate, by entering into that agreement, did not waive its right to reconsider, take a vote on the bill, and reject it. The Senator can not maintain that as a parliamentary proposition. Now let us see. If we can have the fair sort of procedure, we can go on with the business of the Senate. If we can not, as soon as I can get the floor I am going to move to adjourn.

Mr. CURTIS. Mr. President—

Mr. REED of Pennsylvania. I yield to the Senator from Kansas.

Mr. CURTIS. I understand that the Senator from Ohio will withdraw his motion. I agree with the Senator from Arkansas that a unanimous-consent agreement does not foreclose a motion to reconsider. I think that has been held two or three times, and I hope the Senator will withdraw his motion.

Mr. SMOOT. Mr. President, may I make a suggestion? I ask the unanimous consent of the Senate that the question of reconsideration be taken up to-morrow not later than 2 o'clock, and that a vote be taken on it before adjournment to-morrow.

Mr. REED of Missouri. No, Mr. President; we have now had, if I may be pardoned, some experience in this matter from which we may take a lesson. First, let me say, before I come to that, that I never proposed a reconsideration in better faith in my life. I believe that the Senate, upon fully comprehending the amendment offered by the Senator from Nebraska, may change its opinion and its vote with reference to that amendment.

What is the reason why the Senate has not understood it? Because we entered into a unanimous-consent agreement which cut off debate at a certain hour, and the amendment came up then without even a word of explanation. The Senator from Nebraska was about to deal with his amendment when the gavel fell, and under the rule he was obliged to take his seat.

I consented to an hour to vote because I did not want to delay this question, and I consented to something that I have heretofore protested against vehemently—namely, the cutting off of debate at a certain hour, and amendments then coming up which had not been debated or considered—so I am not willing now, on a motion to reconsider, to agree that the debate shall be ended at a certain hour. I am willing, however, to say to the Senate—and I do not need to make any agreement about it, because I keep my word—that I will enter this motion to-morrow if I am alive and able to be on the floor of the Senate; I will be ready to have it, as far as

I am concerned, go to immediate consideration; and when it has been reasonably debated, and we understand what the attitude of the Senate is, I shall not delay it.

There is no filibuster about this movement. I think that when Great Britain can get clauses written into her bonds that are not written in ours, that do not relate to the amount of interest or the time of payment, and that are advantageous to Great Britain, we can get the same clauses written into our bonds or obligations.

Mr. CUMMINS. Mr. President, will the Senator yield to me for just a moment, not for the purpose of interfering with this discussion, but I desire simply to express the hope no arrangement will be made that will interfere with the presentation by the Board of Managers of the House of Representatives of the articles of impeachment against Judge English. I am informed that the Board of Managers will present themselves at the door of the Senate at 2 o'clock to-morrow afternoon, and if the Senate receives them, which I think courtesy will require, they will present the articles of impeachment. I think it will require at least one hour to present the articles and in framing the necessary order for the future proceedings in that case.

Mr. FESS. Mr. President, I made the motion to reconsider in order to bring the matter immediately before the Senate while so many Senators were here. I made it in good faith. I made it because I thought after so much effort to get a time fixed for a vote, and after having so much time for consideration, we did not want again to reopen the matter and have it all to go over again, which the adoption of a motion to reconsider would mean.

Since the Senator from Missouri has stated—and, of course, I accept his statement—that he wants to discuss the amendment in good faith, and that he does not want to delay the consideration of the matter, I am going to accept that explanation, and I will withdraw the motion for reconsideration.

However, it seems to me that we ought to have it settled now while the membership is here, and I would like to have the time fixed, if that is possible, when we will have a vote, because so many Senators are arranging to go away. I made the motion absolutely in the interest of the expedition of legislation, but I withdraw the motion for a reconsideration upon the statement of the Senator from Missouri.

Mr. BORAH. Mr. President, I do not want my position misunderstood. I am not deeply concerned about who makes the motion for reconsideration, or when it is debated; but I do not propose to sit silent when motions to lay on the table are made in the Senate Chamber. The campaign of the able Vice President for cloture will be wholly unnecessary if that becomes the practice of this body. If it is going to be the practice, unanimous-consent agreements are at an end in this Chamber.

Mr. REED of Pennsylvania. Mr. President, the Senator did not feel that way last March when my motion to table was before the Senate.

Mr. BORAH. The Senator from Pennsylvania may be assured, as the RECORD will show, that I have repeatedly protested when a motion to table has been made. It has been my rule to vote against the proposition to lay anything on the table. My record here will show that I have all but universally protested and voted against the practice.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent to have placed in the RECORD the vote taken in the Senate on March 10, 1925, on the motion of the Senator from Montana [Mr. WALSH] to lay on the table the motion of Mr. REED of Pennsylvania to reconsider a vote. I ask that the yea-and-nay vote then taken appear in to-day's proceedings.

I may state, in passing, that it includes the names of Mr. BORAH, Mr. REED of Missouri, and Mr. ROBINSON of Arkansas.

Mr. SWANSON. Mr. President, will the Senator permit a question?

Mr. ROBINSON of Arkansas. I did not get the significance of that last remark of the Senator from Pennsylvania.

Mr. REED of Pennsylvania. This is a vote to lay on the table my motion to reconsider a vote of the Senate. I think it is interesting that the Senators who regard our action to-day as unprecedented, all voted to lay my motion on the table last March.

Mr. ROBINSON of Arkansas. Mr. President, I have no hesitancy in voting for a motion to lay on the table under conditions which I think justify that action. I make no apology for it, nor do I ask any other Senator to apologize for his procedure here. It is a fair procedure under the proper circumstances.

As I said a moment ago, Senators are at liberty to adopt that course, but I do not think it will promote the speedy transaction of business. I am sure it will prevent unanimous-con-

sent agreements, if it becomes the established policy of the majority, the moment they win a vote, to undertake such parliamentary procedure as to make impossible reconsideration of a matter.

Mr. REED of Pennsylvania. I think the Senator's point is well taken, but I think this vote would be most interesting in connection with the remarks of those tender-hearted Senators who have never, according to their recollection, voted for a motion to table.

Mr. ROBINSON of Arkansas. I should like very much to be included within that designation "tender-hearted Senators," but I can not claim the right to be, because I have no abhorrence of a motion to lay on the table when I want something laid on the table.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania?

Mr. SWANSON. Mr. President, if the Senator will permit me—

Mr. REED of Pennsylvania. I yield to the Senator.

Mr. SWANSON. It seems to me the Senator does not recognize the difference between his motion and the motion made by the Senator from Ohio.

The motion of the Senator from Pennsylvania was made earnestly and honestly to get a reconsideration. The Senator from Ohio was attempting to introduce in the Senate a practice that prevails in the House. The Senator from Missouri had given notice that he would make a motion to reconsider. To cut him off, the Senator from Ohio, who did not want reconsideration, made his motion, so that it could be laid on the table. The practice in the House is to make a motion to reconsider, then have a motion to lay that on the table, but that has never been the practice in the Senate.

Mr. REED of Pennsylvania. The Senator from Virginia is exactly right. I did make my motion in good faith, and I was entitled to serious consideration of my motion. Therefore I was all the more shocked when the Senator from Virginia, who has just spoken, joined the Senator from Idaho [Mr. BORAH] and these others in voting to table my motion.

Mr. SWANSON. The injustice of this was that the Senator from Ohio was trying to deprive the Senator from Missouri of a right the Senator has, the right within two days to make the motion himself; it was an attempt to cut him off.

Mr. REED of Pennsylvania. Now I renew my request.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania?

Mr. ROBINSON of Arkansas. I hope the Senator's request will be granted.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The proceedings were as follows:

[From the CONGRESSIONAL RECORD, 69th Cong., special session of the Senate, March 10, 1925, p. 101]

Mr. REED of Pennsylvania obtained the floor.

Mr. HEFLIN. Mr. President—

Mr. REED of Pennsylvania. I move a reconsideration of the vote just taken, and on that I ask for the yeas and nays.

Mr. WALSH. I move to lay the motion of the Senator from Pennsylvania on the table, and upon that I ask for the yeas and nays.

The PRESIDENT pro tempore. The yeas and nays are demanded by the Senator from Montana on his motion to lay the motion of the Senator from Pennsylvania on the table, the motion of the Senator from Pennsylvania being to reconsider the vote just taken. Is the demand seconded?

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before in regard to my pair and its transfer, I vote "nay."

Mr. GEORGE (when his name was called). I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the junior Senator from New Jersey [Mr. EDWARDS] and vote "yea."

Mr. NORRIS (when Mr. HOWELL's name was called). I repeat the announcement previously made, that my colleague [Mr. HOWELL] is detained on account of illness.

Mr. NORRIS (when Mr. La Follette's name was called). The Senator from Wisconsin [Mr. La Follette] is detained from the Senate on account of illness. If he were present, he would vote "yea" on this motion.

Mr. McLEAN (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. STANFIELD (when his name was called). Making the same announcement as before concerning my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. OVERMAN (after having voted in the negative). In order that the matter may be settled, and as it seems that my side of the Chamber does not want to have this man for Attorney General, I change my vote from "nay" to "yea."

Mr. HARRISON. I desire to announce that the Senator from Rhode Island [Mr. GERRY] is paired with the Senator from New Jersey [Mr. EDGE]. If the Senator from Rhode Island were present, he would vote "yea"; and if the Senator from New Jersey were present, he would vote "nay."

The result was announced—yeas 41, nays 39, as follows:

Yeas—41: Ashurst, Bayard, Blease, Borah, Bratton, Brookhart, Broussard, Bruce, Caraway, Copeland, Couzens, Ferris, Fletcher, Frazier, George, Harris, Harrison, Heflin, Johnson, King, Ladd, McKellar, McMaster, Mayfield, Neely, Norbeck, Norris, Overman, Pittman, Ralston, Ransdell, Reed of Missouri, Robinson, Sheppard, Shipstead, Simmons, Swanson, Trammell, Tyson, Walsh, and Wheeler.

Nays—39: Bingham, Butler, Cameron, Capper, Cummins, Curtis, Dale, Deneen, du Pont, Ernst, Fernald, Fess, Gillett, Goff, Gooding, Hale, Harrell, Jones of Washington, Keyes, McKinley, McLean, McNary, Means, Metcalf, Moses, Oddie, Pepper, Pine, Reed of Pennsylvania, Sackett, Schall, Shortridge, Smoot, Spencer, Stanfield, Wadsworth, Watson, Weller, and Willis.

Not voting—14: Dill, Edge, Edwards, Gerry, Glass, Greene, Howell, Jones of New Mexico, Kendrick, La Follette, Lenroot, Phipps, Smith, Stephens, Underwood, and Warren.

So the motion of Mr. WALSH to lay on the table the motion of Mr. REED of Pennsylvania to reconsider was agreed to.

Mr. FESS. I want it understood that the motion I made was made in good faith.

The VICE PRESIDENT. The Senate will be in order.

Mr. FESS. The motion I made—

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. FESS. Not now.

Mr. ROBINSON of Arkansas. To a question?

Mr. FESS. Not now. I made the motion not only in good faith, but it was a motion that would have opened up the matter for debate, and anybody who wanted to debate it could have debated it, because the Senator from Utah was ready to withdraw his motion to table. I made my motion because that is a procedure that ought to be in vogue here, and is in vogue in every parliamentary assembly in the world outside of the Senate, and we ought to adopt it.

Mr. ROBINSON of Arkansas. Now will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. FESS. I yield.

Mr. SWANSON. The Senator will not admit that he wants a reconsideration. He does not want this proposition reconsidered.

Mr. FESS. Oh, yes; I do.

Mr. SWANSON. That is a practice which prevails in the House to give finality to a matter. A Member has two days in which to make a motion to reconsider. Consequently, in the House of Representatives, the moment they pass a bill, in order to cut off the chance of reconsideration, somebody who does not want reconsideration moves for reconsideration, and a motion is made to lay on the table the motion for reconsideration. That disposes of it.

The Senator from Missouri had given notice in good faith that he was going to make a motion within three days to reconsider the vote. The Senator from Ohio could facilitate business by moving to reconsider, a motion could be made at once to lay that on the table, and that would end it, except for the motion the Senator from Missouri was going to make under the rules of the Senate. The course of the Senator from Ohio would mean the introduction of the custom in the House.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Ohio yield?

Mr. FESS. I yield.

Mr. ROBINSON of Arkansas. I think it is highly improper for Senators to question the good faith of other Senators, but in that connection Senators ought not to assert their good faith unless they recognize it as open to question. I want to ask my friend, the Senator from Ohio, a question, and I hope he will answer it in all seriousness.

Mr. FESS. In good faith.

Mr. ROBINSON of Arkansas. The Senator said that he made the motion to reconsider in good faith. I asked him if, when he made it, he intended to vote for his own motion?

Mr. FESS. I intended to give the Senate an opportunity to vote on whether they wanted to take it up or not. I would have voted against the motion.

Mr. ROBINSON of Arkansas. The Senator made a motion which he says he intended to vote against. If one were permitted to question the good faith of another in this body, I think on the basis of the Senator's own admission we might question the good faith with which he made the motion to reconsider.

Mr. CURTIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Kansas?

Mr. CURTIS. I wanted to make a motion to take a recess.

Mr. FESS. Not just at this moment.

The VICE PRESIDENT. The Senator from Ohio has the floor.

Mr. FESS. There is a way to prevent a fear I had a moment ago that the whole thing shall be opened again and may run on for a month. I give notice now that unless there is an effort made to consider and have the matter definitely disposed of very promptly I shall then exercise my privilege as a Member of the Senate to make a motion to reconsider and then have it tabled. I do this in order to insure that the matter is not going to run on for the next two or three weeks.

Mr. WADSWORTH. Mr. President, now that we have opened up an experience meeting, may I be permitted to call attention to the CONGRESSIONAL RECORD of March 19, 1920?

Mr. ROBINSON of Arkansas. That is barred by the statute of limitations. [Laughter.]

Mr. WADSWORTH. I find that the Senate at that time had under consideration the treaty of Versailles and the League of Nations covenant, and Mr. ROBINSON of Arkansas is related to have said:

Mr. President, I move to reconsider the motion by which the Senate refused to agree to the resolution advising and consenting to the ratification of the treaty of peace with Germany.

I think the Senator meant the Versailles treaty.

Mr. WATSON. I move to lay that motion on the table.

The yeas and nays were ordered, and the motion to lay on the table was defeated, but I notice that the Senator from Idaho [Mr. BORAH] voted in the affirmative.

Mr. ROBINSON of Arkansas. The Senator from New York has announced the vote of the Senator from Idaho on that question. It would be interesting to know how the Senator from New York himself voted.

Mr. WADSWORTH. I voted the same as the Senator from Idaho [Mr. BORAH], but I have not announced that I never voted for a motion to lay on the table.

INDEBTEDNESS OF THE KINGDOM OF BELGIUM TO THE UNITED STATES

The VICE PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 6774) to authorize the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America was read twice by its title.

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of the House bill just laid before the Senate.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent that the Senate proceed to the consideration of House bill 6774, relative to the settlement of the debt of the Kingdom of Belgium to the Government of the United States. Is there objection?

Mr. ROBINSON of Arkansas. Is it the object of the Senator from Utah to make the Belgian debt settlement the unfinished business, but not to go on with the bill this afternoon?

Mr. SMOOT. My object is to have it made the unfinished business, but I assure the Senator that there is no idea of insisting on proceeding with the bill this afternoon.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

PETITION

Mr. PEPPER presented the petition of the Navy Yard Retirement Association of Philadelphia, Pa. (signed by the employees of the Philadelphia Navy Yard), praying for the passage of Senate bill 786, the so-called civil service employees' retirement bill, which was referred to the Committee on Civil Service.

REPORTS OF COMMITTEES

Mr. KENDRICK, from the Committee on Indian Affairs, to which was referred the bill (H. R. 9558) to provide for allotting in severalty agricultural lands within the Tongue River or Northern Cheyenne Indian Reservation in Montana, and for other purposes, reported it with amendments and submitted a report (No. 638) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 8185) to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes, reported it with an amendment and submitted a report (No. 639) thereon.

Mr. BINGHAM, from the Committee on Commerce, to which was referred the bill (H. R. 10164) granting the consent of Congress to Cape Girardeau Chamber of Commerce (Inc.), to construct, maintain, and operate a bridge across the Mississippi River at Cape Girardeau, Mo., reported it with an amendment and submitted a report (No. 640) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (S. 1339) for the relief of Katherine Southerland, reported it with an amendment and submitted a report (No. 641) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (H. R. 2009) for the relief of C. M. Rodefer, reported it without amendment and submitted a report (No. 642) thereon.

Mr. GOFF, from the Committee on Claims, to which was referred the bill (S. 62) for the allowance of certain claims for indemnity for spoiliations by the French prior to July 31, 1801, as reported by the Court of Claims, reported it with amendments and submitted a report (No. 643) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 3403) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913, reported it with an amendment and submitted a report (No. 644) thereon.

Mr. CUMMINS, from the Committee on Interstate Commerce, to which was referred the bill (S. 3594) to regulate interstate commerce by motor busses operating or to operate as common carriers of passengers for hire through the interstate tunnel now being constructed under the Hudson River between the city of New York, State of New York, and the city of Jersey City, State of New Jersey, and over the interstate bridge now being constructed across the Delaware River between the city of Philadelphia, Commonwealth of Pennsylvania, and the city of Camden, State of New Jersey, reported it with amendments and submitted a report (No. 645) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3163) to authorize the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes (Rept. No. 646); and

A bill (S. 3811) for the erection of tablets or markers upon the Revolutionary battle field of White Plains, State of New York (Rept. 647).

Mr. DILL, from the Committee on Indian Affairs, to which was referred the bill (H. R. 9351) extending the period of time for homestead entries on the south half of the diminished Colville Indian Reservation, reported it without amendment and submitted a report (No. 648) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LA FOLLETTE:

A bill (S. 4032) granting a pension to Barney Flensburg; to the Committee on Pensions.

A bill (S. 4033) to authorize the Secretary of War to grant easements in and upon the public lands and properties at Canal Bridge, on the Fox River, in Kaukauna, Wis., to the city of Kaukauna for public road purposes; to the Committee on Commerce.

By Mr. WHEELER:

A bill (S. 4034) for the relief of Thomas Hancock, Fort Peck Indian allottee, of Montana; to the Committee on Indian Affairs.

By Mr. FERNALD:

A bill (S. 4035) granting an increase of pension to Hannah T. Maddox (with accompanying papers); to the Committee on Pensions.

By Mr. DILL:

A bill (S. 4036) to regulate the manufacture and sale of stamped envelopes; to the Committee on Post Offices and Post Roads.

By Mr. CAMERON:

A bill (S. 4037) to authorize the Secretary of the Interior to conduct investigations and tests to locate bedrock for dam

sites in Glen Canyon and Bridge Canyon, Ariz.; to the Committee on Irrigation and Reclamation.

By Mr. WILLIS:

A bill (S. 4038) granting an increase of pension to M. Belle Levey (with accompanying papers); to the Committee on Pensions.

By Mr. DALE:

A bill (S. 4039) granting an increase of pension to Sarah J. Adams; to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 4040) to amend section 215 of the Criminal Code and section 53 of the Judicial Code; and

A bill (S. 4041) for the issuance and execution of warrants in criminal cases and to authorize bail; to the Committee on the Judiciary.

By Mr. STANFIELD:

A bill (S. 4042) to amend section 2455 of the Revised Statutes as amended; to the Committee on the Judiciary.

A bill (S. 4043) to permit the sale of small or inaccessible tracts of public grazing lands; to the Committee on Public Lands and Surveys.

By Mr. NEELY:

A bill (S. 4044) for the relief of Aaron Angle; to the Committee on Military Affairs.

A bill (S. 4045) granting an increase of pension to Lucinda Wilson; and

A bill (S. 4046) granting an increase of pension to Elizabeth A. Moore; to the Committee on Pensions.

By Mr. STANFIELD:

A joint resolution (S. J. Res. 96) extending preference right for 90 days to certain locators in good faith of Government land in the State of Oklahoma; to the Committee on Public Lands and Surveys.

CHANGE OF REFERENCE

On motion of Mr. HALE, the Committee on Public Buildings and Grounds was discharged from the further consideration of the bill (H. R. 10732) to authorize the construction of necessary additional buildings at certain naval hospitals, and for other purposes, and it was referred to the Committee on Naval Affairs.

CLAIMS OF SETTLERS IN LAKE COUNTY, FLA.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 8714) authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 28 east, Tallahassee meridian, Lake County, in the State of Florida, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

PRINTING OF HEARINGS BEFORE PUBLIC LANDS COMMITTEE

Mr. ODDIE submitted the following resolution (S. Res. 208), which was referred to the Committee on Printing:

Resolved, That in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on Public Lands and Surveys of the Senate be, and is hereby, empowered to procure the printing of 400 additional copies of Part 15 of the hearings held before a subcommittee of said committee, pursuant to Senate Resolution 347, Sixty-eighth Congress, on matters relating to national forests and the public domain.

MINNESOTA RIVER BRIDGE

Mr. BINGHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8950) granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn., having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,

Managers on the part of the Senate.

E. E. DENISON,
O. B. BURNESSE,
TILMAN PARKS,

Managers on the part of the House.

The report was agreed to.

DETROIT RIVER BRIDGE, MICHIGAN

Mr. BINGHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8771) to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich., having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4 with an amendment as follows:

"SEC. 3. That the said American Transit Co., its successors or assigns, shall within 90 days after the completion of the bridge constructed under the authority of this act file with the Secretary of War an itemized statement under oath showing the actual original cost of such bridge and its approaches and appurtenances, which statement shall include any expenditures actually made for engineering and legal services; and any fees, discounts, and other expenditures actually incurred in connection with the financing thereof. Such itemized statements of cost shall be investigated by the Secretary of War at any time within three years after the completion of such bridge, and for that purpose the said American Transit Co., its successors or assigns, in such manner as may be deemed proper, shall make available and accessible all records connected with the construction and financing of such bridge, and the findings of the Secretary of War as to the actual cost of such bridge shall be made a part of the records of the War Department."

Change section 3 to section 2; section 4 to section 3, and section 5 to section 4; and agree to the same.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,

Managers on the part of the Senate.

E. E. DENISON,
O. B. BURNESSE,
TILMAN PARKS,

Managers on the part of the House.

The report was agreed to.

POTOMAC RIVER MEMORIAL BRIDGE

Mr. BINGHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8908) granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

"That the consent of Congress is hereby granted to the George Washington-Wakefield Memorial Bridge, a corporation, chartered under the laws of the State of Virginia, its successors and assigns, to construct, maintain, and operate a highway or combined highway and railroad bridge and approaches thereto across the Potomac River at a point suitable to the interests of navigation from a point in the vicinity of Dahlgren, in the northeastern end of King George County, in the State of Virginia, to a point south of Popes Creek, in the county of Charles, in the State of Maryland, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. There is hereby conferred upon the said George Washington-Wakefield Memorial Bridge, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches

and terminals as are possessed by railroad corporations for railroad purposes, or by bridge corporations for bridge purposes in the State or States in which such real estate and other property are located upon making just compensation therefor, to be ascertained and paid according to the laws of such State or States, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State or States.

"Sec. 3. The said George Washington-Wakefield Memorial Bridge, its successors and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

"Sec. 4. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Virginia, the State of Maryland, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property), and (4) actual expenditures for necessary improvements.

"Sec. 5. The said George Washington-Wakefield Memorial Bridge, its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said George Washington-Wakefield Memorial Bridge, its successors and assigns, shall make available to the Secretary of War all of its records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

"Sec. 6. If such bridge shall be taken over and acquired by the States or political subdivisions thereof under the provisions of section 4 of this act, the same may thereafter be operated as a toll bridge; in fixing the rates of toll to be charged for the use of such bridge, the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring such bridge and its approaches shall have been provided, the bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operation, repairing, and maintaining the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

"Sec. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and the privileges conferred by this act is hereby granted to the said George Washington-Wakefield Memorial Bridge, its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

"Sec. 8. The right to alter, amend, or repeal this act is hereby expressly reserved."

And the Senate agree to the same.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,

Managers on the part of the Senate.

E. E. DENISON,
O. B. BURNESSE,
TILMAN PARKS,

Managers on the part of the House.

The report was agreed to.

COLORADO RIVER BRIDGE NEAR BLYTHE, CALIF.

Mr. BINGHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8190) authorizing the construction of a bridge across the Colorado River near Blythe, Calif., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That the consent of Congress is hereby granted to John Lyle Harrington, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Colorado River, at a point suitable to the interests of navigation, near the city of Blythe, Calif., in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"Sec. 2. There is hereby conferred upon the said John Lyle Harrington, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes, or by bridge corporations for bridge purposes in the State or States in which such real estate and other property are located upon making just compensation therefor, to be ascertained and paid according to the laws of such State or States, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State or States.

"Sec. 3. The said John Lyle Harrington, his heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

"Sec. 4. After the date of completion of such bridge, as determined by the Secretary of War, either the State of California, the State of Arizona, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property), and (4) actual expenditures for necessary improvements.

"Sec. 5. The said John Lyle Harrington, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of con-

structing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge, the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said John Lyle Harrington, his heirs, legal representatives, and assigns, shall make available to the Secretary of War all of his records in connection with the financing and construction thereof. The findings of the Secretary of War as to such original cost shall be conclusive subject only to review in a court of equity for fraud or gross mistake.

"SEC. 6. If such bridge shall be taken over and acquired by the States or political subdivisions thereof under the provisions of section 4 of this act, the same may thereafter be operated as a toll bridge; in fixing the rates of toll to be charged for the use of such bridge, the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring such bridge and its approaches shall have been provided, the bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operation, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

"SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and the privileges conferred by this act is hereby granted to the said John Lyle Harrington, his heirs, legal representatives, and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

"SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved."

And the Senate agree to the same.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,

Managers on the part of the Senate.

E. E. DENISON,
O. B. BURNESSE,
TILMAN PARKS,

Managers on the part of the House.

The report was agreed to.

MISSISSIPPI RIVER BRIDGE NEAR LOUISIANA, MO.

Mr. BINGHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8918) granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo., having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

"That the consent of Congress is hereby granted to Charles G. Buffum, Andrew J. Murphy, Lloyd Stark, and W. J. Garner, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation beginning at or near the city of Louisiana, Pike County, Mo., and extending to a point opposite in Pike County, Ill., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. There is hereby conferred upon the said Charles G. Buffum, Andrew J. Murphy, Lloyd Stark, and W. J. Garner, their heirs, legal representatives, and assigns, all such rights

and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes, or by bridge corporations for bridge purposes in the State or States in which such real estate and other property are located upon making just compensation therefor to be ascertained and paid according to the laws of such State or States, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State or States.

"SEC. 3. The said Charles G. Buffum, Andrew J. Murphy, Lloyd Stark, and W. J. Garner, their heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

"SEC. 4. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Missouri, the State of Illinois, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property), and (4) actual expenditures for necessary improvements.

"SEC. 5. The said Charles G. Buffum, Andrew J. Murphy, Lloyd Stark, and W. J. Garner, their heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said Charles G. Buffum, Andrew J. Murphy, Lloyd Stark, and W. J. Garner, their heirs, legal representatives, and assigns, shall make available to the Secretary of War all of their records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

"SEC. 6. If such bridge shall be taken over and acquired by the States or political subdivisions thereof under the provisions of section 4 of this act, the same may thereafter be operated as a toll bridge; in fixing the rates of toll to be charged for the use of such bridge, the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring such bridge and its approaches shall have been provided, the bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operation, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

"SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and the privileges conferred by this act is hereby granted to the said Charles G. Buffum, Andrew J. Murphy, Lloyd Stark, and W. J. Garner, their heirs, legal representatives, and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage fore-

closure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

"SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved."

And the Senate agree to the same.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,

Managers on the part of the Senate.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,

Managers on the part of the House.

The report was agreed to.

AMENDMENT OF BANKRUPTCY LAWS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1039) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

Mr. CUMMINS. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. WALSH, Mr. DENEEN, and Mr. GORF conferees on the part of the Senate.

AMERICAN-ORIENTAL MAIL LINE

Mr. COPELAND. Mr. President, on Monday the Senator from Oregon [Mr. McNARY] presented a resolution protesting against the sale of certain vessels by the Shipping Board, and without debate, and I fear without knowledge of the Senate, that matter was acted upon.

There are some of us who are very much interested in the subject, and I think it is only right that we should have an opportunity to present our views. I ask unanimous consent that the vote by which that resolution was agreed to on Monday be reconsidered.

Mr. DILL. I object.

The VICE PRESIDENT. The Senator from California [Mr. SHORTRIDGE] has entered a motion to reconsider.

Mr. COPELAND. Does that mean that the Senator from California at any time can call up the motion?

Mr. SHORTRIDGE. Certainly I can call it up, and I had intended to do so to-morrow morning.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. COPELAND. Will it be proper for the Senator to call up the motion to-morrow or the next day?

The VICE PRESIDENT. It will have to be brought up on motion or by unanimous consent.

Mr. COPELAND. Will it be proper for that action to be taken to-morrow?

The VICE PRESIDENT. It will be proper on to-morrow.

MISSISSIPPI RIVER BRIDGE, MISSOURI

Mr. WILLIAMS. Mr. President, I ask unanimous consent for the present consideration of House bill 10164 granting the consent of Congress to Cape Girardeau Chamber of Commerce (Inc.) to construct, maintain, and operate a bridge across the Mississippi River at Cape Girardeau, Mo.

The VICE PRESIDENT. Is there objection to the request?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and to insert the following:

That the consent of Congress is hereby granted to the Cape Girardeau Chamber of Commerce (Inc.), its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, between the city of Cape Girardeau, Mo., and a point opposite in Alexander County, Ill., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the said Cape Girardeau Chamber of Commerce (Inc.), its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property

needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by bridge corporations for bridge purposes in the State or States in which such real estate and other property are located, upon making just compensation therefor, to be ascertained and paid according to the laws of such State or States; and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State or States.

SEC. 3. The said Cape Girardeau Chamber of Commerce (Inc.), its successors and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

SEC. 4. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Missouri, the State of Illinois, any political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge it is acquired by condemnation the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property), and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over and acquired by the States or political subdivisions thereof under the provisions of section 4 of this act, the same may thereafter be operated as a toll bridge. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring such bridge and its approaches shall have been provided, the bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. The said Cape Girardeau Chamber of Commerce (Inc.), its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge the Secretary of War may investigate the actual cost of such bridge, and for such purposes the said Cape Girardeau Chamber of Commerce (Inc.), its successors and assigns, shall make available to the Secretary of War all of its records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Cape Girardeau Chamber of Commerce (Inc.), its successors or assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage, foreclosure, or otherwise is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WESTERN LAND PROBLEMS

Mr. CAMERON. Mr. President, I ask unanimous consent to have inserted as part of the Record an open letter addressed to the President of the United States by Hon. George W. P.

Hunt, Governor of Arizona, setting forth a review of conditions confronting Western States, with special reference to the land problems and Government control thereof.

The VICE PRESIDENT. Without objection, it is so ordered. The letter is as follows:

APRIL 9, 1926.

MY DEAR MR. PRESIDENT: The year 1926 is the sesquicentennial of many stirring events in the history of our country. And, perhaps, it is due to the fact that ancestors on both the paternal and maternal sides of my family participated in some of these events that makes me feel so keenly the necessity of adhering to the fundamental principles upon which our Government was founded and causes me to reflect that "A frequent recurrence to fundamental principles is necessary."

In particular, I feel the importance of recognizing and sustaining the fact that this Government is made up of sovereign States and that the Federal Government derives its authority from powers conferred upon it by the States, rather than the Federal Government being all powerful and governing 48 subject States.

While the doctrine of States' rights has long been the primary doctrine of the particular political party with which I have been affiliated all my life, yet many ardent Republicans have also enunciated and sustained the doctrine of States' rights, among whom may be listed Abraham Lincoln; and I note that in several of your State documents, Mr. President, a reference to the necessity of maintaining the integrity of our State governments.

I am addressing you at this time for several reasons:

First. Because of the occurrence of the one hundred and fiftieth anniversary of many of the historical events which go to make up the early history of our Nation, a record in which all American citizens take a deep and lasting pride, and which constitutes the fount from which we imbibe the spirit of liberty and the ideals of our country.

Second. Because I see the continual encroachment and building up of the Federal Government at the expense of the States, and the consequent weakening of the power and influence of the States.

Third. Because the State of which I have the honor of being Chief Executive has been one of the chief sufferers from the policy of Federal aggrandizement; and

Fourth. Because there appears to be a definite, well-defined movement under way, which is sustained by several of the members of your Cabinet to perpetrate a crime against the State of Arizona and to violate one of the most sacred and fundamental principles of our Constitution.

It needs no statement from me, Mr. President, to impress you with the fact that this Nation was not built by a race of men who were nurtured and coddled by any group of Federal bureaucrats.

The men who conquered the West and girdled it with bands of steel, who bridged our rivers, tamed mountain torrents, and wrested from the mountain and desert fastnesses the mineral treasures they contained, who have conquered the desert and made it bloom and produce for mankind; these men did not want, and their progeny do not want, to be nursed by any Federal bureau. In fact, Mr. President, the experience in my State—and I think the same is true of other Western States—is that Federal bureaus do not nurse and protect the builder. They act as a drag to sap his vitality and thus prevent the conquering of nature, and retard the putting of the resources of nature to the use and benefit of mankind.

In the State of Arizona 67 per cent of the area, Mr. President, is still in the control of the United States Government, in spite of the fact that we were granted statehood and sovereignty 15 years ago.

I direct your attention, Mr. President, to the treaty with Mexico, in which that nation ceded a considerable portion of the territory which now constitutes the State of Arizona. That treaty provides that the territory "shall be formed into free, sovereign, and independent States and incorporated into the Union of the United States as soon as possible, and the citizens thereof shall be accorded the enjoyment of all the rights, advantages, and immunities as citizens of the original States."

It is pertinent at this point to inquire how it can be contended by anyone that the State of Arizona and other Western States have been admitted to this Union on a parity with the other States in the Union where no reservations of lands were made, in view of the fact that the original price paid for the Territories that were acquired by the Federal Government, and out of which the Western States were formed, was nominal and the National Treasury has been repaid manifold.

This 67 per cent of the area of the State of Arizona which is controlled by the Federal Government in one way or another pays no taxes to assist in maintaining the State Government or in developing the State; and if the land were in private ownership, Mr. President, and the private owner did no more to develop the territory owned by him than the Federal Government is doing to develop the West, that citizen would receive and merit the condemnation of his neighbors.

But that is not the worst phase of the situation, Mr. President. There now appears to be a tendency in the bureaus—which now to such a large extent control our Federal Government—to sponsor legislation which will create a monstrous condition in the West in the shape of

the United States Government as the permanent landlord of all this vast domain—a permanent landlord, leasing the public domain, exacting rents and royalties from those who undertake to make a living by grazing livestock, cutting timber, or developing minerals upon the public domain within the borders of sovereign States, and paying no taxes to those States.

This policy, I think, Mr. President, is repugnant to every vital and fundamental principle underlying the Constitution of the United States and the principles upon which this Nation is founded.

A careful perusal of the ideas and the spirit which actuated the early statesmen of this Nation in acquiring the territory which constitutes the public domain indicates beyond any question of doubt that it was their intent to divest the Federal Government of control over public lands as rapidly as the country could be settled and the lands sold.

When Thomas Jefferson executed the Louisiana Purchase he recognized the fact that this act of his administration was consummated without authority of law, and he proposed an amendment to the Constitution of the United States to ratify the act.

Many of the ablest statesmen this Nation has produced and who were imbued with the spirit and principles of the founders of this Republic have denied the constitutional authority of the Federal Government to hold lands within the limits of the States except for such purposes as forts, arsenals, dock yards, and other needful buildings, and for the purpose of maintaining a place for the Capitol of the United States.

I have asked attorneys to advise me under what authority the United States continues to hold dominion over the vast areas in the Western States, and I am advised that there are only four sections of the Federal Constitution upon which such authority rests:

1. Article 1, section 8, paragraph 17, reads as follows:

"To exercise exclusive legislation in all cases whatsoever over such district—not exceeding 10 miles square—as may by cession of particular States and the acceptance of Congress become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings. And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof."

2. Article 3, section 2, provides:

"The judicial power shall extend to controversies . . . between citizens of the same State claiming lands under grant of different States."

3. Article 4, section 3, paragraph 2, provides:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States and nothing in this constitution shall be so construed as to prejudice any claims of the United States or of any particular State."

But I am told by attorneys that the full scope of this paragraph has never been construed or settled by the Supreme Court.

4. Article XI provides:

"The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state."

Attorneys have advised me that these are the only powers ever granted by the States or the people of the United States to the General Government regarding lands.

But the fact remains that the whole tendency and policy of the Federal Government in the early years of this Nation was to recognize the proposition of creating new independent sovereign States from the public lands, as early as possible, and to dispose of the public domain within the States by sale, homestead, or other means, as rapidly as the lands could be absorbed into private use.

The outstanding menace to the development of the West, in the matter of State sovereignty, is the new policies being discussed and formulated by bureaus in Washington and by Congress which seek to perpetuate Federal ownership of the public domain in Western States.

It is a ridiculous proposition, Mr. President, in addition to being disheartening and destructive to the building up of the West, to have some young man, whose chest and head have recently been expanded because he has received a beribboned diploma, announcing that he has been graduated from some school of forestry in the East, and that he is able to fill a swivel-chair position as a forestry expert with his diploma, burnished puttees and semimilitary uniform, decorated with gold buttons and insignia, undertaking to tell a gray-haired, sun-burned, and frost-bitten stockman, who has survived the experiences of marauding Indians, of drouths, fire, epizootic, and other epidemics of disease how to run his business.

It is even more discouraging to the development of the West to have some self-conscious, highly important graduate of a school of forestry advising and instructing men who have lived in the woods 40 and 50 years, and who know the timber industry from the tree to

the market, how to run their business, and informing some of them that they have been in business too long and that they should retire and give some one else a chance.

It is exceedingly exasperating to the sour-dough prospector who has survived a diet upon which only the hardest could survive—yea, who has even undergone the pangs of hunger and thirst because of his optimism that the vein of metal was only another day's labor away, those days piling one upon another, running into years—when applying for a patent upon his claim to be required to prove to some swivel-chair bureaucrat that he is not a crook trying to rob the Government.

The men who have built the West and wrested it from savage nature for the use of man, the men from the West who enlisted under the banner of Roosevelt and fought at San Juan, whose breed and progeny still live in the West, were not men, as I have already said, who were nurtured by Federal bureaucrats.

The father of the senior United States Senator of this State, who lost his life in the Grand Canyon of the Colorado, or the junior United States Senator, whose brother recovered the body of Senator Ashurst's father, and the Senator himself, who built the Bright Angel Trail; the distinguished father of Congressman HAYDEN, who pioneered and built the Hayden mills in the Salt River Valley, whose his distinguished son was raised in intercourse with the Indians and who learned to speak their language—these men and others of their type did not come west under tutelage, guidance, and bureaucratic direction of underpaid clerks in Washington. Their type and breed have made America, and the West has been developed under their guidance.

The present policies, if pursued and carried out to their ultimate conclusion, Mr. President, can only result in the change of the ideals of America, and instead of men taking pride in their hardships and labor in wresting a continent from nature and making it productive for a new race of men, we shall set up in their place a system that is very graphically illustrated by Emil Jannings in the "Last Laugh," in which it is illustrated that under some circumstances the worth of a man is judged by the uniform he wears.

You can render a great service to this Nation, Mr. President, during this year when our people have their minds attracted to the great historic principles upon which our Government is founded by directing their attention to the fact that we have departed from the principles of the fathers and by urging a return to those principles. You can render a great service to this Nation, Mr. President, by urging that the intent of the fathers be fulfilled and the territory within the borders of the Western States be ceded to them to be administered by the States in the interest of the people within the States where the territory lies and accomplish the completion of the establishment of 48 sovereign States.

If the Federal Government sets out on the path of becoming a perpetual, permanent landlord, deriving rents and royalties from the public domain, the time will come—it must come—in the West when the whole foundation upon which State sovereignty rests must break down.

One can not walk the streets, enter any public building, or go anywhere within the State of Arizona to-day—and I presume the same is true of other Western States—that he does not collide with Federal employees of every type, form, and character.

There is scarcely a public activity in the State of Arizona that does not impinge upon some Federal bureau or department. There is not an industry but is affected thereby. The horde of Federal employees continues to grow. New additions are made every year, and the trouble is, Mr. President, that the greater number of these employees are wholly nonproductive.

I am writing, Mr. President, not as one who believes in the exploitive theory concerning the resources of our country but as one who has been a staunch advocate of conservation.

As a young man, a member of the Legislature of Arizona, when it was still a Territory, I advocated and supported the turning into a forest reservation of some of our mountain country, of the county which I represented, which had been cut over to secure timber for the mines.

I have supported many of the other conservation ideas and policies, but when I observe the stock industry of our State driven to the verge of bankruptcy by governmental policies; when I was informed by the manager of the Saginaw-Manistee Lumber Co., which has been operating in the State for the past 40 years, that due to new policies in the department which are instituted overnight without any consultation with the men who are in the lumber business and which are based upon mere interpretation of leases and regulations of the department, that his company has been operating at a loss for the past several years, due to these policies, and that if such policies continue it means the company must cease operations; when I observe some of the most progressive men among our mining engineers and prospectors seeking locations and spending their money in the nation south of the Arizona line, rather than put up with and contend with the harassment and with the policies formulated by the Federal Government within our own State concerning mineral ground; when I see the money being paid by our stockmen as grazing fees and the money paid by the lumber industry for the purchase of timber being utilized to pay

a lot of unformed nonproductive Federal employees, I can not see the benefit to either our State, our industries, or our Nation of the present governmental policies.

And finally, Mr. President, when I contemplate the activities in Washington of members of your Cabinet and others in connection with the proposals for development of the Colorado River, and the plans they have put forward to invade the State of Arizona and the State of Nevada without the consent of those States for the purpose of enriching and aggrandizing another State, I pause to inquire what has become of the principles which underlie the Government of this Republic?

I note from Associated Press reports of April 6 that an amendment to the proposed Boulder Canyon bill proposed by a representative of the sovereign State of Nevada was brusquely brushed aside by the chief of one of the bureaus—the Secretary of the Interior—who proposes that the Federal Government shall regulate the matter of controlling the Colorado River, a matter which vitally concerns the interests of two sovereign States.

I, as Governor of Arizona, have repeatedly protested against the pending legislation. The Legislature of the State of Arizona has twice refused to ratify the Colorado River compact without another compact first being made between the three States in the lower basin which would fully carry out the provisions of the law enacted by Congress, which authorized the making of a compact which would apportion the water of the Colorado River "among the States."

The State of California, which will profit most from the pending legislation in Congress, concerning the Colorado River, has repeatedly refused to negotiate, and has obstructed the carrying out of the provisions of the law, enacted by Congress and the seven States in the Colorado River Basin, to make such a compact. And when a committee was finally appointed by California to negotiate it undertook to make conditions precedent to negotiating which would give that State everything it wanted.

It is true that a member of your Cabinet, a gentleman from California, has undertaken to assure you and the country that the State of Arizona is adequately protected under the provisions of the Colorado River compact. I pause to inquire of you, Mr. President, who, under the provisions of the Constitution of the United States, is best able to determine whether this State is protected by the compact—a citizen of another State who will profit by the despoiling of this State, or the Legislature and the Governor of the State of Arizona?

I think, Mr. President, that the time has come to call a halt upon proposals to increase the powers of the Federal Government and that it be definitely recognized that the safety of this Government lies in maintaining 48 sovereign, strong, and virile States; that the strength of this Nation is dependent upon its citizens enjoying to the utmost the benefits of local self-government so that they may be self-reliant and ready to fight, if necessary, for the maintenance of ideals and principles upon which the Government of this Nation is founded.

If we continue to travel the path we have been on for the past several years, we will eventually adopt the goose step.

I also pause to inquire, Mr. President, why any of the sovereign States of this Nation should place their destiny in the keeping of any member of the President's Cabinet, especially, Mr. President, of the Secretary of the Interior, irrespective of who he may be, or what political party he may belong to.

The record of the Secretaries of the Interior during the past generation is not one, Mr. President, to give confidence to the States. And I particularly direct your attention to the fact that if enlarged powers are to be given to the Secretary of the Interior, and the Government continues to maintain in the West the vast public domain it still possesses, and in addition becomes a Shylock landlord, collecting rents and royalties, that the West will be at the mercy of the Secretary of the Interior, and be without protection, as our Senators and Congressmen now spend a great amount of their time as messengers among the bureaus.

I have been so bold upon several occasions, Mr. President, as to suggest that the public domain in the Western States be ceded to the States. Last year I addressed a communication to the governors of the Western States suggesting that they join me in advocating that this policy be urged upon the Congress of the United States.

The Government has been in the land business nearly a century and a half, and I think the time has arrived when the remaining unreserved, unappropriated, and nonirrigable public domain should be disposed of in the quickest manner for the benefit of the people of the States in which the lands are located. A considerable portion of the land will never be worth very much—acres of it being required to graze a single cow. But instead of keeping it as the property of the Federal Government to produce revenue to maintain a horde of nonproductive clerks and uniformed traveling inspectors, the citizens of this country should be permitted to acquire the property, so that it may be placed upon the tax rolls of the several States for the benefit of those States.

If this policy is not adopted, I would advocate that you recommend to Congress that the surface rights in these lands be sold and disposed of at a nominal cost, and that the homestead law be amended so as to permit a homesteader to take up adequate land to permit of some

farming and stock raising, so that the Western States may grow, increase in population, and that this territory in the West may be developed. If the latter policy is adopted, provision should be made to have the policy conform to State laws governing sheep driveways, etc., and the right to prospect for minerals retained.

The youth of this country should be permitted its opportunity to suffer hardships and heart breaks, to have its soul tested, to undergo discouragements, and to anticipate and taste the fruits of victory which come from having achieved success in making useful for mankind what have been condemned as desert wastes.

I have confidence in the West, Mr. President. I love its deserts and its mountains, and I believe the time will come when even some of the least-productive sections can be made to sustain and grow produce which will be useful to man, and I think and believe that the youth of our Nation will find a means of utilizing this domain, provided it is given the opportunity; and that opportunity, Mr. President, will not come with the Government as a land-leasing landlord.

I commend these thoughts to you in connection with many of the great problems which confront our country.

Very respectfully yours,

GEORGE W. P. HUNT, Governor.

Hon. CALVIN COOLIDGE,
President of the United States, Washington, D. C.

AMERICAN-ORIENTAL MAIL LINE

Mr. COPELAND. Mr. President, with the approval of the Senator from Oregon [Mr. McNARY] I ask unanimous consent that at some early date we may give consideration to the matter relating to the resolution for the sale of certain vessels by the Shipping Board.

The VICE PRESIDENT. The Senator does not fix the time? Mr. COPELAND. No; but it will be at an early date, within a few days.

The VICE PRESIDENT. The clerk will state the resolution to which the Senator from New York refers.

The CHIEF CLERK. A resolution (S. Res. 204) relating to the proposed sale of vessels of the American-Oriental Mail Line and their operation.

Mr. COPELAND. I am asking unanimous consent for its reconsideration at an early date. That means within three or four days.

The VICE PRESIDENT. Is there objection? If not, it is so ordered.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 5 minutes p. m.) took a recess until to-morrow, Thursday, April 22, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 21, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, Thou art our changeless friend and Thy love is with us still. Even in the night of our earthly experience, the light of Thy presence shines with a more radiant luster. Thy promise is verified each succeeding day, namely, "I will never leave nor forsake thee." O let Thy spirit inspire us in lessons of priceless worth. Give us the will to live—to live for the very best that ever entered the thought of man. Thy precepts, O Lord, are precious and are to be treasured. May they claim our noblest thoughts and our wisest words direct. We praise Thee, for before us, even as behind us, God is, and all is well. Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3028. An act to divide the eastern district of South Carolina into four divisions and the western district into five divisions.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2111) for the relief of Levin P. Kelly.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of

Representatives to the bill (S. 2465) to amend the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 30) authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document.

The message also announced that the Senate had passed with amendment a bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 9758. An act granting the consent of Congress to the Vicksburg Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Vicksburg, Miss.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 9964. An act releasing and granting to the city of Chicago any and all reversionary rights of the United States in and to the streets, alleys, and public grounds in Fort Dearborn addition to Chicago; and

H. R. 10351. An act granting the consent of Congress to the Natchez-Vidalia Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Natchez, Miss.

SENATE BILL REFERRED

Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3028. An act to divide the eastern district of South Carolina into four divisions and the western district into five divisions; to the Committee on the Judiciary.

CHANGE OF THE RECORD—EUGENE V. DEBS

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to correct the Record. On April 19, 1926, in my remarks in respect to legislation introduced to affect the status of Eugene V. Debs, I said that "recently there was introduced a bill asking Congress to restore citizenship to Eugene V. Debs." I should have stated that there had been introduced and referred to the Committee on Immigration and Naturalization a House joint resolution readmitting Eugene V. Debs to the rights and privileges of citizenship. That is the exact title. I ask that the correction be made.

The SPEAKER. Without objection, the correction will be made in accordance with the statement of the gentleman from Washington.

Mr. BERGER. Mr. Speaker, reserving the right to object, I desire to make a very brief statement.

Mr. GARRETT of Tennessee. Mr. Speaker, I rise to a point of order. I do not want to interfere with the gentleman from Wisconsin making a statement, but I make the point of order that a correction of the Record is a matter of right, and it is not a matter that can be objected to, if the gentleman from Washington was incorrectly reported.

Mr. JOHNSON of Washington. No. I inadvertently misstated the exact purport of a resolution which had been introduced.

Mr. GARRETT of Tennessee. That is quite different. Mr. JOHNSON of Washington. And I wanted to put into the Record the correct title of the joint resolution.

Mr. BERGER. Mr. Speaker, Eugene V. Debs is not only a citizen of our country, he is one of the foremost citizens of our country.

It is important to remember that my bill provides for the restoration to Eugene V. Debs of "all the rights and privileges of American citizenship." My bill did not ask Congress to restore his citizenship.

I knew that Eugene V. Debs had not lost his citizenship, although many people erroneously still seem to think so.

Debs has lost no rights under the Federal law by reason of his conviction—

Mr. JOHNSON of Washington. That is as the gentleman states. Of course the gentleman knows that he did not lose citizenship, but the socialist papers apparently do not know that fact. The resolution of the gentleman should have been referred to the Committee on the Judiciary and not to the Committee on Immigration and Naturalization.

Mr. BERGER. The gentleman will kindly let me finish my statement. Debs has lost no rights under the Federal law by reason of his conviction, although he did lose indirectly certain civil rights of citizenship under the law of Indiana, where he resides. The most important of these rights is the right to hold office, and also probably the right to vote.

This is not equivalent to the loss of citizenship, of course. There are thousands of people in the District of Columbia who are disqualified from voting, but they are citizens of the United States notwithstanding. Until recently women throughout the United States did not have the elective franchise, but they were citizens.

Nevertheless, it outrages common sense and is a disgrace to the United States to deprive a generally beloved man like Eugene V. Debs of any of the rights and privileges of citizenship simply because he was opposed to our country's entrance into the World War—a war into which we were pushed by the profiteers. I want to say again that robbing Debs of those rights and privileges of citizenship is a disgrace to the country—not to Debs.

Eugene V. Debs has served a sentence in prison because he was opposed to our entrance into the World War. In the British Parliament there were no less than 23 members who have served prison sentences, because they were opposed to England's participation in the world slaughter. There is not a person in any country being punished to-day for opposition to that slaughter except in the United States of America.

That our participation in the World War was a criminal error is generally admitted by all thinking people to-day. And all that Eugene V. Debs did was to say in 1917 what every thinking person concedes to-day.

Mr. Speaker, I believe that the gentleman from Washington [Mr. JOHNSON], the chairman of the Committee on Immigration and Naturalization, did not purposely misstate the contents of my bill on Monday, April 19. It was simply an error made through carelessness, although I fail to understand the motives that prompted him to make the statement at all.

However, permit me to say that I consider it a matter of carelessness and bad judgment when he with apparent pride informs us that the committee of which he is chairman "promptly tabled the bill."

There are millions of people in our country who believe that the name of Eugene V. Debs will go thundering down the ages after the name of every member of this Committee on Immigration will have long been forgotten.

Mr. BLANTON. Who believes that?

Mr. BERGER. Unless they are sent to the Smithsonian Institute or to the National Museum for careful preservation in denatured alcohol as a curiosity, because they were the men who promptly tabled the bill to restore all the rights and privileges of citizenship to Eugene V. Debs.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection to the first request of the gentleman from Washington?

Mr. GARRETT of Tennessee. Mr. Speaker, in order to make the matter clear, the gentleman from Washington [Mr. JOHNSON] asked unanimous consent to correct the Record. It developed later that what he really desired to do was to change the Record. I made the point of order that a matter of correcting the Record is a matter of privilege and is not subject to objection.

The SPEAKER. The Chair thinks the gentleman is right in that respect.

Mr. GARRETT of Tennessee. Of course, the matter of changing the Record does require unanimous consent.

The SPEAKER. The Chair thinks that the statement of the gentleman from Tennessee is correct. Is there objection to the request of the gentleman from Washington to change the Record? [After a pause.] The Chair hears no objection. The gentleman from Washington asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, the distinguished gentleman from Wisconsin [Mr. BERGER] asks why I made the statement to the House to the effect that the committee of which I am the chairman preemptorily tabled the joint resolution introduced by the gentleman from Wisconsin to restore the rights and privileges of citizenship to Eugene V. Debs. I made that statement because the mail of many Members and the mail of our committee is being flooded with letters and petitions asking Congress to restore his citizenship, and those requests are based on reports in socialist newspapers growing out of a statement which was contained apparently in a letter from Debs written from Bermuda to the effect, I think, that he

might have trouble in getting back to the United States; that there might be a question as to his citizenship; which statement, even if it were made without knowledge of the law or with intent to deceive, has resulted in nearly all of these socialist papers except the one conducted by the gentleman from Wisconsin [Mr. BERGER], a very good newspaper, the Leader, which tries harder than most newspapers to be truthful and correct, are claiming that Debs had lost his citizenship; that he is now out of the country on account of the health of his poor wife; that he and even she may not be permitted to return to the United States. It is all wrong to state that. It looks like an attempt to get more sympathy. If this joint resolution is to be considered at all, it should have been referred to the Committee on the Judiciary.

Debs has lost no citizenship that can be restored by any legislation to be considered by the Committee on Immigration and Naturalization. He was never naturalized. The real place for Debs to go, if he wants to vote in Indiana and have certain privileges of a citizen restored there, is to the Executive department of the Government, where once he received a parole with certain conditions attached to the parole, which he, Debs, thinks he can not accept without stultifying his standing as a socialist, a pacifist, and a trouble maker in the United States. [Applause.]

PROHIBITION

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for five minutes. Is there objection? There was no objection.

Mr. RANKIN. Mr. Speaker, I merely wish to have the Clerk read in my time a letter addressed to me from the League of the Unorganized, which, in my opinion, is one of the richest pieces of sarcasm that has come to my notice since I have been a Member of the House.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none.

The Clerk read as follows:

DIPLOMATIC DIVISION, LEAGUE OF THE UNORGANIZED,
Cleveland, Ohio, April 14, 1926.

Hon. JOHN E. RANKIN,

House of Representatives, Washington, D. C.

DEAR SIR: We are the greatest living experts on booze. We have devoted years to it. We have experienced acute ethylism frequently and hold many hospital certificates to that effect. We have sung in saloons. We have battled in barrooms.

The peace of Pilsener, the glow of gin, the glory of absinthe; we know them all. They are old and romantic friends. The Rubaiyat has been our book of common prayer; John Barleycorn our priest. Half the poetry of the world is about wine. The other half is about love and rivers and the moon.

Having thus won our simple way into your hearts with this brief preamble, let us say that Nero and Mary Magdalen were better qualified to discuss human conduct than John the Baptist and St. Sonia, of Esthonia. By the same token we believe we are the hard-boiled folks to push the cake eaters off the rostrum and say a word about booze if it is only to discuss the cost.

Though granting freely that the saloon is cheerier than the church, and caring not at all whether the bourgeoisie and wealthy peasantry of the country clubs drink to the point of halitosis and a red nose, we are quite concerned over the economic aspects of the modification movement led by Senator EDGE. Why not a modification of the seventh commandment, because a lot of folks step out? Senator EDGE may have gin in his cellar, but he knows no more about the general booze proposition than the Countess of Cathcart knows about the life of a street walker.

The eighteenth amendment is saving America—in cash expenditures and increased efficiency—from six to eight billion dollars a year and diverting them into Fords, gasoline, rubber tires, radios, plate glass, leather, steel, and homes—the Government statistics Brother Buckner got from a hasheesh eater at Forty-second Street notwithstanding.

Through conservatism and lack of personal experience in the serious effects of booze on efficiency some economists may make a somewhat lower estimate. But as experts on booze reactions we know our figures are accurate.

You could no more divert these six to eight billions from legitimate industry into beer and wine without economic disaster than you could divert the Gulf Stream without affecting the climate of England. It's beer money that's buying Fords. It's beer money that is operating them.

You have heard some querulous testimony from old folks with sluggish bowels and some damning figures from prospective saloon keepers. You have listened to some earnest labor leaders representing the views of only a noisy minority. Most of the unions are as conservative as

bankers. You have seen painted the pastoral peace of the French peasant and his wine, the German and his beer, the Briton and his ale. This whole Freudian suggestion would have moved Houdini. But all Europe is unwashed and on foot. There are only seven plumbers in France and one Ford to a township.

The eighteenth amendment has put the workers of America on a higher living plane than the world has ever known. Conversation to the contrary is mere mental manipulation. What the big mongrel cities think is one thing. What American America thinks is another.

There is no mercy when incomes are affected. If you don't believe this, give EDGE a hand with his comedy, but stand from under.

Respectfully yours,

HAYWARD KENDALL.

ORDER OF BUSINESS

Mr. FAIRCHILD. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection?

Mr. CONNALLY of Texas. Reserving the right to object, what is the gentleman's topic?

Mr. FAIRCHILD. I am going to deny statements made by the gentleman from Texas [Mr. BLANTON] making the charge which he made on Monday against a resident of the District of Columbia.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I shall not object if I have five minutes in which to answer the reply, and I ask in that connection for permission to address the House for five minutes following the gentleman from New York.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for five minutes following the conclusion of the remarks of the gentleman from New York. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I supposed this matter had now been carried from the floor of the House. Under the impeachment charges filed by the gentleman from Texas the matter was referred to the Committee on the Judiciary. I do not desire to prejudice the case of the accused in any way, but it did seem to me some time, somehow, the House as a whole might be rid of that proposition until further action—

Mr. BLANTON. Mr. Speaker, I ask for the regular order. It is a matter that ought not to be discussed unless it is discussed on both sides, and I ask for the regular order.

The SPEAKER. The gentleman from Texas demands the regular order. The regular order is, is there objection to the request of the gentleman from New York to speak for five minutes?

Mr. BLANTON. I shall object—

The SPEAKER. Is there objection?

Mr. BLANTON. I object unless I am given five minutes.

The SPEAKER. Objection has been heard.

Mr. FAIRCHILD. There is no objection to the gentleman from Texas speaking for five minutes.

Mr. BLANTON. May I prefer a unanimous-consent request? I ask unanimous consent that the gentleman from New York may proceed for five minutes and that I be permitted to proceed for five minutes after—

Mr. FAIRCHILD. Mr. Speaker, reserving the right to object—

Mr. MOORE of Virginia. Mr. Speaker—

The SPEAKER. Let the Chair make this statement. The Chair is very much opposed to the practice of making the consent for one gentleman to address the House contingent on another consent. The Chair does not believe that to be a good practice.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order this is Calendar Wednesday and that we should proceed with the regular Calendar Wednesday business. I demand the regular order.

Mr. FAIRCHILD. I was not referring to Fenning. I was referring to Edward F. Colladay.

The SPEAKER. The regular order is, is there objection to the gentleman from New York proceeding for five minutes?

Mr. BEGG. Mr. Speaker, I object to coupling up the two requests—

Mr. SNELL. Mr. Speaker, I object.

Mr. BLANTON. Mr. Speaker, unless I can answer I object.

The SPEAKER. Objection is heard.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

When the Committee on Foreign Affairs was called,

LAKE OF THE WOODS

Mr. PORTER. Mr. Speaker, I call up the bill (H. R. 9872) to carry into effect the provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 9872. This bill is on the Union Calendar, and under the rule the House resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9872, with Mr. SNELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9872, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9872) to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925.

Mr. PORTER. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

Mr. DYER. Mr. Speaker, I object.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to acquire, as soon as practicable after the enactment of this act, by purchase or by condemnation, in accordance with the provisions of the act entitled "An act to authorize condemnation of land for sites of public buildings, and for other purposes," approved August 1, 1888, the flowage easements up to elevation 1,064 sea-level datum upon all lands in the United States bordering on the Lake of the Woods and such lands or interests therein as are necessary to provide for protective works and measures in the United States along the shores of the Lake of the Woods and the banks of the Rainy River as specified in article 8 of the convention signed at Washington on the 24th of February, 1925, between the Governments of the United States and Great Britain providing for the regulation of the level of the Lake of the Woods.

SEC. 2. The protective works and measures provided for in article 8 of the convention, or such thereof as the Secretary of War may deem necessary for the protection of the property rights and interests of the inhabitants of the territory affected, shall be constructed or carried out under the direction of the Secretary of War, and all moneys which may be paid by the Government of Canada to the Government of the United States under article 10 of the convention are hereby appropriated and made available for expenditure by the Secretary of War for the construction of such works, and the carrying out of such measures, and for the acquisition of easements, lands, and interests therein as provided in section 1 of this act.

SEC. 3. The Secretary of War is hereby authorized and directed to cause to be investigated as soon as practicable all just claims for damages caused prior to the acquisition of flowage easements under this act to the inhabitants of the United States by fluctuation of the water levels of the Lake of the Woods due to artificial obstructions in outlets of said lake, and after due notice and opportunity for hearing to ascertain, determine, and award the annual loss or injury, if any, that may have been sustained by the respective claimants and to report to Congress for its consideration the amount or amounts he may find to be equitably due such claimants: *Provided*, That all claims not presented to the Secretary of War under this provision prior to the expiration of six months from the date of the passage of this act shall not be considered by him and shall be forever barred.

The committee amendments were read, as follows:

Page 2, line 10, insert: "In proceeding by condemnation for acquiring such flowage easements on any tract of land any benefit to the remainder of the tract or the property thereon derived from such easement shall be considered and damages shall be awarded accordingly."

Page 3, line 6, strike out the word "just."

Page 3, line 11, strike out the word "to" and insert the word "shall."

Page 3, line 11, strike out the words "and award the annual" and insert the word "the."

Page 3, line 15, after the word "claimant," insert "together with a statement in each case of the substantial facts upon which the conclusion is based."

Mr. PORTER. Mr. Chairman, may I ask how much time the gentleman from Texas desires?

Mr. CONNALLY of Texas. We have an hour to a side.

Mr. PORTER. I thought we might cut that down.

Mr. CONNALLY of Texas. We will cut it down if we do not need the time.

Mr. PORTER. I yield 10 minutes to the gentleman from Colorado [Mr. VAILE].

Mr. CONNALLY of Texas. I understand I have the disposition of an hour's time?

The CHAIRMAN. The Chair understands that each side has one hour's time. Does the gentleman from Texas claim the time?

Mr. CONNALLY of Texas. I claim the time.

The CHAIRMAN. The gentleman from Colorado is recognized for 10 minutes.

Mr. VAILE. Mr. Chairman and gentlemen of the committee, this bill is brought in to iron out an old situation on the Canadian border which has been troublesome to the American people living on the American side for many years.

The Lake of the Woods is a highly irregular body of water on the boundary between Minnesota and Canada. It is about a hundred miles wide and a hundred miles long, but there are several long irregular arms. The larger part of this lake is located across the line in Canada. It drains north via the Winnipeg River. The land along the sides of that lake have been a dense forest and marshland, largely uninhabited for many years and not thickly inhabited now.

Some years ago, beginning in 1893, as the record shows, certain corporations, power interests, operating on the Canadian side, built what is known as the Norman Dam in the Winnipeg River. That dam was completed two years later, in 1895, and in 1898 it was raised to a higher level, so that it would impound more water by putting in stock logs.

These dates have some bearing on the present controversy. The land prior to 1898 was unallotted Indian land, so far as the actual title was concerned, but there were very few Indian occupants, and some white settlers had moved in, taking physical occupation of the land by squatter's right, very much as they did in the Middle West in the early days. It was very shortly discovered that their lands were subject to floods at irregular intervals, and these farmers thought that the damming of the Winnipeg River by the Norman Dam caused the floods by raising the level of the waters of the lake.

They made complaints to Washington, and for a considerable time our Government engineers scouted the theory that the construction of the Norman Dam or the putting in of these stop logs a mile from the outlet of the lake did have the effect of raising the lake level.

In 1898 the land was formally opened to settlement, and those who had been previously occupying the land by squatter's rights acquired regular title under the land laws of the United States.

In 1909 we made a general treaty with Canada, or a treaty with Great Britain, on all matters concerning the Dominion Government in regard to the boundary waters, and under that treaty a commission was appointed to make a survey of boundary waters. That commission made extensive investigations and found that the building of the Norman Dam and the putting in of these stop logs did have the effect of raising the level of the Lake of the Woods. Many farmers had complained that in the growing season their crops have been ruined and even their improvements submerged.

At one period of this earlier history we insisted that the lake be kept not below a certain level in the interest of navigation. At other times we seemed to be concerned with the interests of the farmer. The matter dragged along from bad to worse, you might say, until finally, in order to straighten the whole thing up, our State Department arranged a meeting with the commissioners from the Dominion of Canada, and a new treaty was made which is known as the treaty of 1925. This bill is for the purpose of carrying that treaty into effect.

Now, that treaty provides that the level of the Lake of the Woods shall be maintained at a certain point; that the United States shall condemn land and acquire easements and flowage rights for 2 feet above that point for the purpose of protecting that level, that level being as high as any that had previously been complained of, and that protective works shall be built on the American side to prevent further damage from the increase of this flowage.

Canada has agreed by this treaty to pay the sum of \$275,000 for the erection of these protective works and for the acquisition of flowage rights on lands under condemnation.

Mr. NEWTON of Minnesota. Mr. Speaker, unless it is inconvenient to the gentleman, may I ask him a question at that point?

Mr. VAILE. Yes.

Mr. NEWTON of Minnesota. How much, if any, of that \$275,000 goes to pay for damages that have accrued in the past?

Mr. VAILE. I will answer that in a moment. I am coming to that. I will say that none of that goes to damages that have accrued in the past. That \$275,000 goes to protective works

and for the acquisition of easements and flowage rights on land under condemnation, and Canada also agrees to pay half of any additional cost of such protective works and such condemnation above the sum of \$275,000.

Now, further answering the question of the gentleman from Minnesota, in view of the fact that Canada was agreeing to pay all of that, it was decided by the commissioners to be fair, according to the statement of the Solicitor of the State Department, that the United States should take care of damages previously incurred by settlers along the sides of the Lake of the Woods, so that that burden, whatever it may be, will be borne by the United States, and the consideration for it is the payment made by Canada for those other works that I have mentioned.

Mr. NEWTON of Minnesota. Will the gentleman yield at that point?

Mr. VAILE. Yes.

Mr. NEWTON of Minnesota. As I understand, these dams are all on the Canadian side and they were all placed there by power interests or other interests.

Mr. VAILE. Well, by Canadian interests and operated under authority of the Dominion Government.

Mr. NEWTON of Minnesota. As a result of placing these dams on the Canadian side the lands of American homesteaders have been flooded?

Mr. VAILE. Yes. But the gentleman should bear in mind also that we ourselves insist that the lake be maintained at the level now desired by both sides in the interest of navigation, so that we ourselves are now confirming the act of the builders of the dam in keeping up that level.

Mr. NEWTON of Minnesota. The point I should like to bring home, not only for this occasion but for future occasions, is this: That where dams of that character are permitted, which affect the lake levels and flood private property, damages ought to be paid by the interests which are benefited by it and not by the Federal Government.

Mr. VAILE. That is true, but in this case it was an adjustment of two sets of claims, if the gentleman please. In view of our own insistence that the level be maintained as at present fixed by the stop logs in the lake—something that we ourselves require in the interest of navigation and something which we have required, probably, ever since 1913—the responsibility for keeping up that level is not now entirely the fault of the people on the Canadian side. It is at the insistence of our own Government.

Mr. NEWTON of Minnesota. Since the treaty of 1925?

Mr. VAILE. Well, we insisted on it considerably before 1925; we insisted, indeed, as far back as 1913.

Mr. NEWTON of Minnesota. The gentleman believes that as a general proposition to control activities in the future this is a perfectly sound proposition.

Mr. VAILE. Unquestionably it is a sound proposition, that the damages should be paid by those who get the benefit of the operations. If the question were between citizens and their own sovereignty there never would have been any doubt about it.

Mr. NEWTON of Minnesota. The reason I ask is that there is another proceeding pending before the International Joint Commission, before which testimony is being taken with reference to lake levels farther east of the Lake of the Woods, east of Rainy Lake, and that is the reason I asked the gentleman that question.

Mr. VAILE. In my opinion it is a perfectly sound proposition.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. PORTER. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. WEFALD. Will the gentleman yield?

Mr. VAILE. Yes.

Mr. WEFALD. But that question is not now tied up with the Lake of the Woods proposition?

Mr. VAILE. As to the Lake of the Woods proposition both Governments have agreed to this level, and our own Government has insisted on this level since 1913.

Mr. HOCH. Will the gentleman yield?

Mr. VAILE. Yes.

Mr. HOCH. Is our Government insisting upon a higher level than existed at the time the people who are affected acquired title?

Mr. VAILE. Well, yes; except that there may be a few who acquired title since 1913. I do not know as to that, as to all of these earlier settlers, those who squatted on the land prior to 1898 and those who came in after 1913.

Mr. HOCH. There can not be any damage to any property owner who acquired title after the level of the lake was fixed

at the place we are now insisting it be kept? As to such owners, what element of damage could there be?

Mr. VAILE. The gentleman means as to those who acquired their title after 1913?

Mr. HOCH. At any time after the lake level was raised to the level we are now insisting it be kept.

Mr. VAILE. The gentleman must bear in mind that for a considerable part of this period we insisted that the obstruction of the outlet of the lake did not have the actual physical effect of raising those lake levels, so that as to everybody who settled there prior to 1913 there was a misapprehension, caused by the attitude of our own engineers.

Mr. Chairman, if there are no further questions, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back eight minutes.

Mr. CONNALLY of Texas. Mr. Chairman, I yield 15 minutes to the gentleman from Tennessee [Mr. McREYNOLDS].

Mr. McREYNOLDS. Mr. Chairman and gentlemen of the committee, I am very sorry I have not been able to bring myself in complete accord with the majority members of this committee. I was on the subcommittee which made a complete investigation of this matter, and the conclusions I have reached I feel I should state to this House.

I favor the amendments that are provided for in the bill which you have before you, but I shall insist that a time limit be placed in the bill. The only suggestion I have to make, with the adoption of these other amendments, is that there should be a time limit placed—that is, that the Secretary of War should not go back of the year 1913—and I will give you my reasons for so stating.

The gentleman from Colorado [Mr. VAILE] has given you, in a general way, a history of this controversy, and I most respectfully ask your attention for a few minutes while I undertake to discuss this matter. It is not only a matter of serious importance to the claimants involved but it is a matter of great importance to the Government of the United States.

Under this bill there is no limitation as to how far the War Department is authorized to go back and determine damages, if any, to this property. You will note, from a reading of this bill, that it apparently goes back 50 or 100 years, but the facts are it goes back to 1898.

It was in 1898 that the Interior Department threw open this property to the public by order of the Secretary of the Interior, Secretary Bliss at that time, on the 5th of October, 1898. Please bear that in mind, gentlemen, because it is very material in considering the questions involved.

In 1898 and 1899 the dam which is complained of, the Norman Dam, was built on the Canadian side; and it is from that dam that they claim the land has been overflowed over the property of these people living in the United States.

In 1898 stop logs were placed in that dam, and bear in mind further, gentlemen, that since that date not a thing has been done; no changes have been made that would in any wise affect the overflow in the United States.

These people who are now asking for damages are people who entered this property at \$1.25 an acre after the obstruction was placed on the other side or after the Norman Dam of which they complain. Under the general proposition then, going in there with their eyes open, taking up this land after the obstruction was in place and after the lands had been flooded now and then, how would they stand here and have the right to complain? If it had been the taking of the property you would have to resort to a technical construction of the law to give them any rights, because this is a concurring nuisance, and I admit that it is, because the land is not overflowed all the time. It varies from year to year, and some of the overflow would occur regardless of whether the dam was ever built on the far side.

Mr. McKEOWN. Will the gentleman yield for a question there?

Mr. McREYNOLDS. Yes.

Mr. McKEOWN. Has the United States ever committed any overt act of its own to cause these overflows, or has the United States simply given this permission to Canada?

Mr. McREYNOLDS. The United States did this. The dams were built in 1893 and 1895, and the stop logs which raised this water were placed there in 1898, and the record shows they were purchased from the United States and that they paid \$4,000 for the stop logs.

In 1902, in the rivers and harbors bill, they provided for the improvement for navigation purposes of Warroad Harbor and Warroad River, which is a part of this lake. In 1905 this Congress passed an appropriation of \$35,000 for the improvement of navigation on the Lake of the Woods.

So, gentlemen, our Government was interested in maintaining the Lake of the Woods at a greater level than the Canadian

Government was able to maintain it. They sent a letter to the Canadian Government in 1905 asking them to keep the Lake of the Woods at a higher level than the Canadian Government was able to do, on account of the navigation feature.

Mr. VAILE. Will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. VAILE. Then in answer to the gentleman from Oklahoma, the gentleman replies, and in fact insists, that our own Government is responsible and has been through all this period for the maintenance of the present high level of the Lake of the Woods.

Mr. McREYNOLDS. I certainly do. Our Government is responsible for such maintenance in order to keep up the level on Lake of the Woods on account of navigation up to May 19, 1913. Which information was furnished me from the record by Mr. Hackworth, Solicitor for State Department, at which time our Government changed its position.

Mr. VAILE. I agree with the gentleman, and I just wanted to be sure the gentleman from Oklahoma understood that.

Mr. McREYNOLDS. I do agree with the gentleman and he agrees with me on that proposition.

Mr. McKEOWN. Will the gentleman yield for another question?

Mr. McREYNOLDS. Yes.

Mr. McKEOWN. Is it actual navigation or simply paper navigation?

Mr. McREYNOLDS. I have not been there; I do not know. There is 7.2-foot navigation.

Mr. CARSS. I will answer the gentleman from Oklahoma and say there is a great deal of navigation on the Lake of the Woods. It is a large body of water, much larger than Lake Erie.

Mr. McREYNOLDS. Then the gentleman answers the question by saying there is actual navigation?

Mr. VAILE. But, of course, the towns are small.

Mr. McREYNOLDS. The gentleman from Colorado [Mr. VAILE] and myself agree on the proposition that the United States Government is responsible for and adopted the acts of Canada as their own acts in maintaining the Lake of the Woods up to 1913, and that was his statement here on the floor a while ago.

Mr. VAILE. If the gentleman will pardon me another moment—

Mr. McREYNOLDS. Yes.

Mr. VAILE. Except prior to 1911, we did not admit that the obstructions and dam caused the raising of the level.

Mr. McREYNOLDS. That is correct.

We have agreed on one proposition, then, gentlemen, and that is that the dams built on the Canadian side were a part of this Government's act, and the maintenance of that lake which caused this overflow was in accordance with the wishes of the United States for navigation purposes, and that continued until 1913. We agree on that fact also.

Mr. VAILE. Yes.

Mr. ALMON. Where do you differ—explain that.

Mr. McREYNOLDS. One moment. Under the law as decided by the Supreme Court of the United States this Government is not responsible for the raising of lakes or rivers for navigation purposes, and your chairman, if he is called out on that proposition, knows as an actual fact that a lawsuit occurred at Pittsburgh deciding that question by a decision of the Supreme Court of the United States, and I have the citations here.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. McREYNOLDS. One moment. Let me proceed further with this proposition, and then I will be glad to yield.

Let us see what that case decides. Injuries caused subsequent to the purchase of land—and this was bought and entered after 1898, after the dam was built—we have now an agreed statement of the facts, and—

Injuries caused subsequent to the purchase of land through the maintenance of dams constructed prior to purchase in the interest of navigation is now the question involved.

In *Philadelphia Co. v. Stimson*—listen, gentlemen, this decides the legal question after we have agreed upon the facts—in *Philadelphia Co. v. Stimson*, Secretary of War, decided in 224 United States 605, and various other citations made by the Supreme Court of the United States that question is discussed. Let me read you just a few of the facts of that case because after they get away from the legal proposition they are going to say to you that while that is the law this is a question of equity. If it is a question of equity, should a man have any more right when he comes to Congress; should he have any more equitable right here than he would in a court of equity.

In 1858 suit was entered in Pennsylvania for the establishment of commissioners to ascertain and mark the line of high and low water. It was done. Subsequent to the establishment of the State commissioners' line a considerable portion of the shore of Brunots Island had washed away. The Government of the United States built a dam there which overflowed this property, and the property was afterwards sold, and the owner undertook through the court of equity to reclaim some of the overflowed land of Brunots Island to which he had had title. Of course if the doors of Congress are thrown open to pay these claims that you have sympathy for, the rules of equity would not control.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. PORTER. I yield to the gentleman 10 minutes more.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. McREYNOLDS. I will.

Mr. CONNALLY of Texas. I would like to suggest this inquiry. The gentleman speaks of equity; does not that presuppose that the equitable claim must have some foundation in law, either common law or some other law, before the equitable rights arise?

Mr. McREYNOLDS. Yes; according to the rules that control equity proceedings. Now, I have various citations from the reports of the Supreme Court of the United States:

The doctrine is that the owner takes the risk of the increase or diminution of his land by the action of the water applies as well to rivers that are strong and swift, to those that overflow their banks, and whether or not dikes and other defenses are necessary to keep the water within its proper limits.

So from an equitable standpoint and from a legal standpoint, upon that mere statement of fact that it was the United States that insisted on keeping up the dam until 1913, that I insist that this bill be so amended that we shall not go back further than 1913 for the determination of damages.

Mr. McKEOWN. Will the gentleman yield?

Mr. McREYNOLDS. I will.

Mr. McKEOWN. The gentleman refers to the owners prior to that time who bought with full notice of the conditions.

Mr. McREYNOLDS. I refer to those. We ought not to go back further than 1913 for the reason that these people went in after the dam was completed that caused the overflow, and our Government was insisting that the Canadian Government keep it up to that level which caused it. Therefore, under the laws of this country and the equity doctrine our people would not have any right to claim damages until our Government changed its action, which they did in May, 1913.

Mr. McKEOWN. The gentleman knows that where you can not get any relief in the courts either in equity or law that Congress is the only place you can come to.

Mr. McREYNOLDS. The only reason you come to Congress is that you can not bring suit against the Government of the United States; but when you come to Congress, do you think that they ought to be entitled to any more rights than if they had the right to bring suit in a court of equity?

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. McREYNOLDS. I will.

Mr. NEWTON of Minnesota. I understand the facts are that after 1898 there was a flooding of the land by reason of the dams on the Canadian side.

Mr. McREYNOLDS. No question about that.

Mr. NEWTON of Minnesota. And that being the case, why does the gentleman figure that the Government ought not to permit them to receive damages between 1898 and 1913?

Mr. McREYNOLDS. I have taken nearly 10 minutes to explain my position on that.

Mr. NEWTON of Minnesota. Undoubtedly it is my fault that I do not understand it.

Mr. McREYNOLDS. For this reason, the dam was built, and the Government of the United States acquiesced in it and asked the Canadian Government to keep up the level of the lake, which they failed to do. The reason they asked for it to be kept up was for navigation purposes. Now we have this decision that I have read in the Pennsylvania case. In other words, the Government has a right to build dams; and where the Government builds a dam which overflows the part of the island afterwards and afterwards they brought suit in the United States, the court held that it was for navigation purposes; they had no right in equity or law.

Mr. NEWTON of Minnesota. That is based on the fact that the Government took action in 1913 and there was no legal obligation.

Mr. McREYNOLDS. No; and not in a court of equity.

Mr. KNUTSON. Will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. KNUTSON. The gentleman does not deny that the settlers living adjacent to the Lake of the Woods sustained damages prior to 1913?

Mr. McREYNOLDS. No. Had the gentleman been listening he probably would have understood my position.

Mr. KNUTSON. Oh, but I tried to listen. There has been considerable confusion on the floor at times.

Mr. McREYNOLDS. I stated time and again that we agreed on this statement of facts. The Lake of the Woods varies, so the proof before us shows, from two to three feet more than it did up to 1905 on account of the dam on the far side.

Mr. KNUTSON. Of course the gentleman is aware of the fact that practically all of the people who are affected by this legislation are homesteaders living on land adjacent to the Lake of the Woods—people of very small means.

Mr. McREYNOLDS. I understand that.

Mr. KNUTSON. I would like to hear the gentleman explain further why he feels that these poor people who sustained damage prior to 1913 should not have their day in Congress or their day in court?

Mr. McREYNOLDS. I can not undertake to further explain that. I have gone over it two or three different times, and I have stated my position. If I can not make the gentleman understand, then I am sorry.

Mr. NEWTON of Minnesota. Mr. Chairman, I take it the position of the gentleman and the position of Mr. Berkman, who was a witness before the committee, are diametrically opposed on that particular point?

Mr. McREYNOLDS. That was the only difference in the committee and I want a limitation there to 1913. This bill does not stop there, but goes back to 1898.

Mr. NEWTON of Minnesota. The witness Berkman, who appeared before the committee, I believe, is counsel for some of the homesteaders.

Mr. McREYNOLDS. Yes; he is a lawyer for those people, and he has been fighting for them for years.

Mr. NEWTON of Minnesota. And as a result of his investigations of the law, as I understand it, he differs with the gentleman's interpretation of the law.

Mr. McREYNOLDS. And that is the reason I cited these various decisions of the United States Supreme Court, and if the gentleman doubts that opinion, I respectfully refer him to the gentleman who has taken the other side of this report, in so far as the legal proposition is concerned, the worthy chairman of this committee.

Mr. NEWTON of Minnesota. We have not had an opportunity to go into those decisions.

Mr. McREYNOLDS. That gentleman is on the floor, and if I do not quote him correctly as to the legal proposition, I ask him to rise and say so.

Mr. NEWTON of Minnesota. There is not any question but that these homesteaders were damaged prior to 1913.

Mr. McREYNOLDS. Certainly.

Mr. NEWTON of Minnesota. And if there is any legal basis for allowing them damages, those damages certainly should be given. I have not had a chance to examine the authorities.

Mr. HOCH. While they were damaged, it is the gentleman's contention that they acquired the land with full notice of obstructions, and, therefore, they have no right to claim damages?

Mr. McREYNOLDS. And then on account of the legal proposition. They acquired the land, but as to whether they knew of the natural dam over there, I do not know.

Mr. VAILE. They did know that the dam was there, and did not know that the dam caused the damage. They knew that their land was overflowed.

Mr. NEWTON of Minnesota. And if the dam was illegally placed there, certainly any person who comes to the ownership of those riparian rights does not get them subject to an illegal obstruction placed there.

Mr. McREYNOLDS. If that had been a taking of the property before they acquired the property, they would have had no rights.

Mr. NEWTON of Minnesota. A lawful taking?

Mr. McREYNOLDS. Yes; or if it had been an unlawful taking, because the authorities bear out the contention that in the transfer of property that has been taken, the taking does not transfer the right to sue for trespass, but that question does not arise for this reason: This is a continuing trespass, so it would be immaterial as to whether or not these gentlemen went in before or after that particular proposition on the question of continuing trespass. Some years they would have no flood and they were able to till their soil, and other years they were not.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I yield the gentleman 10 minutes additional.

Mr. SPROUL of Kansas. Is it the contention of the gentleman that a cause of action for damages held by an owner of land passes with the title of the land?

Mr. McREYNOLDS. I say that the cause of action does not, prior thereto, and I have various authorities on that point, but have not the time to read them.

Mr. SPROUL of Kansas. I think the gentleman is correct.

Mr. McREYNOLDS. That is a fundamental principle of law.

Mr. SPROUL of Kansas. Then no person other than those holding title to the land at the time the damage was done would have a meritorious case?

Mr. McREYNOLDS. They would on this proposition. They would not have any claim if it was a taking. In other words, if the property was overflowed and that took the property, not only at that time would they have no right but if after they acquired possession of it, and this was an unlawful dam on the other side, and that was the cause of its overflowing now and then, that would not be a taking, but would be a continuing trespass, and in that case they would have a legal right.

Mr. NEWTON of Minnesota. In connection with the period from 1898 to 1905, I get the opinion from reading the hearings that the Solicitor of the State Department, Mr. Hackworth, felt that the damages occurring between 1898 and 1905—and I refer to page 106 of the hearings—the Government would be estopped from denying responsibilities for damages.

Mr. McREYNOLDS. I am coming to that just now.

Mr. NEWTON of Minnesota. So that the gentleman is in disagreement with the Solicitor of the State Department?

Mr. McREYNOLDS. No; and I am going to show the gentleman. The gentleman has not read that at all. One of the insistencies on the part of the committee is that this is a bill that is backed by the Secretary of State. In a way that is correct; but it is correct in this way, that the vital part of the bill is for the purpose of carrying out this agreement with Canada in reference to establishing the level of the lake and the condemnation proceedings which will follow to pay for the overflow.

Now in this hearing you will find this, and I will undertake to demonstrate that my position is more in accord with the State Department than the other gentlemen. On page 2 of the hearing you will find a letter signed by Frank E. Kellogg, Secretary of State. Mr. Hackworth, Solicitor of the State Department, is a man who is familiar with all the facts in this case, and was the man who came before the committee and gave information. He is the man who sat around the table and arranged the treaty of 1925, and doubtless this letter written by Mr. Kellogg or signed by Mr. Kellogg more than likely was dictated by the gentleman who has this matter in charge, Mr. Hackworth. The letter says:

This department is in sympathy with the purpose of the bill, which is to carry into effect certain provisions of the convention between Great Britain and the United States to regulate the level of the Lake of the Woods concluded February 24, 1925. In the opinion of the department the bill would, if enacted into law in its present form affect that purpose, and I should be glad to see it become a law.

He refers specifically to a greater portion of this bill. It is true later he offered some amendments to the bill. Now, going to Mr. Hackworth's statement, the gentleman who is familiar with it and see what he says of the way in which he would determine the legality. On page 106:

Mr. VAILE. You have one period from 1905 to 1917 and another period from 1917. How about the period before 1905?

Mr. HACKWORTH. I would say that up until we changed our position would be one period, 1912 to 1917; at some time during that period we changed our position.

When he changed his position, 1913, which is undisputed. That is what your Solicitor of the State Department says. Further on in his testimony he makes this statement; in other words, he divides this into two classes from 1898 to 1917, and puts in one class and later expresses his intent to put in the first class the date that they changed their position to be 1913. That is the first class, and that is my first class, so I say in reading the testimony of this Solicitor of the State Department you will find that I am more in accord with his views in the way of determining the damages than a majority of the committee's report.

Mr. WEFALD. Will the gentleman yield?

Mr. McREYNOLDS. I will.

Mr. WEFALD. But is it not a fact that the Solicitor of the State Department came before the committee and supported the amended bill as reintroduced?

Mr. McREYNOLDS. That is true. He did support it by his testimony, if we conclude this testimony supports it; but the gentleman does not deny the statement that he did divide it into two statements, one to 1917, and later from 1912 to 1917, and the other since that date, meaning from 1898 to one of those dates. The correct date intended was 1913.

Mr. WEFALD. I shall not deny that statement; but I want to call the attention of the gentleman to the fact that before he was through with his testimony he was unequivocally for the passage of this bill to carry into effect the machinery by which past damages could be awarded.

Mr. McREYNOLDS. In answer to what the gentleman says, before he got through with his testimony, in the last part of the testimony, on page 107, he uses this expression:

Mr. VAILE. Your position is that during the first period, whatever it was, we would have no claim as against Canada, and consequently could not urge claim of our settlers against Canada; but would not our settlers have a claim against us?

Mr. HACKWORTH. That is an entirely different question.

And that is a question that I have undertaken to show you they have no claim against this Government either from a legal or an equitable standpoint.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. McREYNOLDS. I will.

Mr. NEWTON of Minnesota. This is the significance of the date of 1905, because he says here:

Until 1905, at least, we thought that it was a good thing to keep the water up, and that to remove the stop logs would allow the water to recede, to our disadvantage. We had in mind primarily navigation. Under the circumstances this Government would, in my opinion, be estopped to claim damages.

Mr. McREYNOLDS. I think he must have gotten mixed in his dates. Nineteen hundred and five is the time this Government requested the Canadian Government to keep up the water.

Mr. NEWTON of Minnesota. So it seems to me, from the testimony of Mr. Hackworth, it would appear as though there were a liability between 1898 and 1905.

Mr. McREYNOLDS. He says up to 1905 there was no liability.

Mr. NEWTON of Minnesota. He said under the circumstances this Government would, in his opinion, be estopped.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CONNALLY of Texas. I yield the gentleman three minutes.

Mr. McREYNOLDS. Gentlemen, I shall not take up your time further. I merely give you my opinion, or rather conclusion, I have reached after a careful investigation of the matter.

Mr. SPROUL of Kansas. Will the gentleman yield for a question?

Mr. McREYNOLDS. Gladly.

Mr. SPROUL of Kansas. As I understand the proposition the dam referred to in the bill and in the gentleman's speech has been maintained by an agreement between the Federal Government and Canada, and that the lands in controversy have been acquired with a full knowledge of the circumstances of the construction of the dam and the effect on the land. Is that right?

Mr. McREYNOLDS. Well, I would not say in actual agreement, but in acquiescence, because with full knowledge all I can say with reference to that is that the dams were built, and that these people entered the property afterwards. They have insisted through their lawyer that this dam was 95 miles across the lake, and they did not know anything about the dam when they entered the property. Of course, you may say that they had legal or constructive knowledge or due notice.

Mr. SPROUL of Kansas. Does the doctrine of caveat emptor apply?

Mr. McREYNOLDS. Absolutely. The doctrine of caveat emptor does apply.

Mr. SPROUL of Kansas. And the conclusion would be that there is no liability on the part of the Government to the land owner?

Mr. McREYNOLDS. At least until 1913. We changed our position.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield to me for a moment? I wish to refer to the question of navigation.

Mr. McREYNOLDS. Yes.

Mr. EDWARDS. The question was asked by me, page 43 of the hearings, "Just what commerce is on the lake and on the Winnipeg River?"

Mr. Berkman answered there is no commerce on the river and on the lake proper, some towing of logs and some commercial fishing. So it may be said there is no navigation on either the river or the lake. His statement, in effect, was:

On the Winnipeg River there is no commerce to speak of at all. Lake Winnipeg is distant about 90 miles from the Lake of the Woods. There is a fall of over 300 feet between those lakes.

I asked again—

They can not navigate?

He answered—

No navigation.

Then I asked the further question—

Whatever navigation there is is on the lake proper?

His answer was—

On the lake proper, some towing of logs and some commercial fishing.

I want to say that I am in hearty accord with the very able argument made by the gentleman, and will support his position in this matter.

Mr. McREYNOLDS. I thank the gentleman.

I just want to make this statement regarding the flowage on the land. You must not get the impression that the flowage on the land was caused entirely by the construction of this dam. On page 4, Mr. Hackworth says:

If the lake be left in a state of nature, the freshets, of course, occur the same as under other conditions. The snows in the mountains melt and come down with the rains, and the outlets of the lake even in a state of nature are not sufficiently large to enable the water freely to pass on into the Winnipeg River.

Now, the dam on the Winnipeg River that is complained of is a mile below the outlet from the lake. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. PORTER. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes.

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman from Tennessee [Mr. McREYNOLDS], who just preceded me, makes an able argument, if you admit his premises. If you say that the facts as he understands them and as he set them forth here are the facts of the case, there is no answer to his argument. But the facts as he stated them are not, in my judgment, at all the facts in this case—that is, the vital, governing facts—nor is the law which he cited, many of the principles of which no one will deny, applicable to the facts involved in the bill before us.

Now, let us get a clear conception of the situation as it was when the settlers entered lands on the Lake of the Woods. The lake is on the boundary line between the United States and Canada, the greater part being in Canada. It is 100 miles in length and 100 miles in breadth, with long arms running off at irregular intervals into the country, and it was surrounded by a dense forest, so that to go around it was, and still is, a great journey. And, moreover, the Norman Dam was in Canada, more than 100 miles from where these settlers entered the land in the United States.

The gentleman from Tennessee said that the dam—the Norman Dam—which was a Canadian dam, remote from these lands of American settlers, raised the water 2 or 3 feet.

Mr. McREYNOLDS. Mr. Chairman, will the gentleman yield right there?

Mr. COOPER of Wisconsin. Yes.

Mr. McREYNOLDS. I would correct that in this way—

Mr. COOPER of Wisconsin. It is important that it be corrected.

Mr. McREYNOLDS. On looking at that map you will see that up to 1905 the schedule filed shows from 2 to 3 feet, and from 1905 to 1914 from 4 to 5 feet.

Mr. COOPER of Wisconsin. The gentleman quotes me as a witness as to how much the dam elevated the water of that lake. But I never was nearer to the Lake of the Woods than a point 300 miles from it, and I never testified concerning it. I was simply asking a question, and I find that if the gentleman quoted me correctly I was mistaken in assuming in my question something as a fact which was not a fact. That is all. The real facts about this dam and its effect on the level of the water in the Lake of the Woods were definitely ascertained by the International Joint Commission, of which three members were appointed by the President of the United States and confirmed by the Senate to meet with the three members appointed

by the Canadian Government to adjust the boundary disputes between this country and Canada. That commission did a great deal of work, at large expense, and filed in 1917 a voluminous report, a copy of which I hold in my hand. That International Joint Commission consisted not only of Americans but also of Canadians, and they unanimously reported concerning the Norman Dam as follows. I quote from pages 17 and 18 of their official report:

Although the Rollerway Dam, constructed in 1887-88, was removed in 1899, the effect of the construction and maintenance of the Norman Dam upon the level of the Lake of the Woods was similar to that of the Rollerway Dam, but more marked, in that it maintained the mean lake level about 3.5 feet above what it would have been under natural conditions. The increase over the levels which would have prevailed with the outlets in a state of nature has varied from 0.9 foot in 1889 to 6.3 feet in 1913.

It will thus be seen that at intervals the Norman Dam raised the level of the lake more than 6 feet. And, of course, this 6-foot raising of the water at intervals causes damage to these lands.

Now, how did settlers buy that land? This important question is answered on page 58 of their report of the international commission:

At the time of the surveys, 1894 to 1896, the lake was, and for about seven years had been, considerably above its natural stage. The lowlands along the south shore were under water, and the meander line was evidently taken as the dividing line between open water on the one hand and willow brush or marsh grass on the other. This meander line is a considerable distance lakeward from the 1,059 contour, which we believe, as previously stated, fairly represents natural ordinary high-water mark. However, lands were patented to settlers on the basis of the acreage shown above the meander line, which was supposed to be ordinary high-water mark, and many of these settlers have suffered real damage in the past. In view of these considerations, the commission has recommended that the area of submerged lands be computed from the meander line.

The gentleman from Tennessee forgot that very important fact. The United States Government sold this land to these settlers on the basis of the acreage shown above the meander line, which the International Joint Commission found was the ordinary high-water mark, and "many of these settlers," says their report, "have suffered real damage in the past." How could one of those settlers, with perhaps only \$5 or \$10 in his pocket, and with his wife and little children by his side, go up into that forest and know that across the lake there was in Canada a dam, 105 miles distant, that deprived him of land to which he was entitled by the Government survey? And when you answer that question do not forget that until 1911 our own Government engineers maintained that the Norman Dam did not raise the level of the lake. They so declared in a report, and they thus made a mistake vital to the interest of these helpless settlers. It is time now that we see whether men can put up a dam like that in another country, deliberately flood the lands of our settlers, innocent purchasers who bought, relying upon the meander line as the boundary of their properties under the Government survey, and that, as my distinguished friend from Tennessee asserts, the settlers have no rights, either in law or in equity.

Mr. KNUTSON. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. KNUTSON. Is it not a fact that the water levels at times have been maintained as high as 10 feet above the meander line?

Mr. COOPER of Wisconsin. One of the witnesses testified to that fact.

Mr. KNUTSON. Is it not also a fact that scores of families have been driven out of this area and been compelled to leave everything they had behind them and lost everything as a result of the high levels maintained?

Mr. COOPER of Wisconsin. That, I believe, is true.

This official report of the international commission contains reproductions of photographs of lands bordering the lake. Here is one on page 30, a flooded farm on the south shore. Standing out there on the margin of the open water is a machine which that farmer had bought, and here is all of the foreground flooded, and, for agricultural purposes destroyed.

Mr. KNUTSON. And that killed the timber?

Mr. COOPER of Wisconsin. It does kill timber; yes. That is the uncontradicted testimony. But these men bought to the meander line. They did not know that the Norman Dam was depriving them of property which they had bought under Government surveys. They could not go around through those woods for 105 miles, and, besides not knowing about the dam, there was no reason why they should go. Moreover, as I

have already said, our Government engineers had mistakenly reported that the Norman Dam did not raise the level of the water in the lake, and they so held until 1911; then they learned that they were in error, or other engineers did.

Now, another statement has been made here which amazes me. The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. PORTER. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. COOPER of Wisconsin. It has been stated that the Government of the United States asked that the water be raised to a certain height, 7.2 feet, and insisted upon its being kept at that height for navigation purposes. You have been given to understand that this Government insisted and insisted until 1913. Now, gentlemen, I shall read, with your permission, excerpts from the documents upon which that assertion is supposed to be based, and I will leave it to you as impartial jurors to say whether that is a correct statement and interpretation of the facts.

Mr. McREYNOLDS. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. McREYNOLDS. The gentleman states—I presume referring to a statement made by me—that I drew that inference, but I want to say I did like the gentleman is doing. The gentleman says he has gone to the original records, and I want to say that I went to the original records through Mr. Hackworth, and he told me the records showed that in 1913.

Mr. COOPER of Wisconsin. Mr. Hackworth is not the original record.

Mr. McREYNOLDS. No; but he testified about the records.

Mr. COOPER of Wisconsin. Mr. Hackworth is talking about something of which he has no personal knowledge outside of the documents. I have the documents here. Mr. Francis B. Loomis, Assistant Secretary of State, wrote to His Majesty's chargé d'affaires in Washington on May 6, 1905—bear that year in mind—and said this—

There is understood to be much Canadian navigation on the lake, as well as several water-power companies at or near the aforesaid dam, which would be benefited by the maintenance of the lake at the highest possible datum.

You see, he was solicitous about Canadian navigation and Canadian water-power companies.

In view of this it is suggested by the Secretary of War, in his letter on this subject of the 26th ultimo, that an agreement might be reached with the Canadian authorities by which the dam could be so operated as to prevent the level of the lake from falling below the datum of 7.2 feet.

That was the suggestion made by the Secretary of War, that in the interest of the water-power companies near the aforesaid dam and of Canadian navigation it would be well to maintain the water at 7.2 feet. They say we—that is our Government—"insisted" upon that, and this despite the fact that this suggestion was at once refused compliance by the Canadian Government.

They refused to accept it. Why? Here is their letter written by R. P. Fairbairn, the chief engineer of public works, dated Toronto, June 20, 1906, in which he says in reply to this objection that we maintain it at 7.2 feet:

Several large industries would be seriously affected if it were attempted to hold the water of the Lake of the Woods to this elevation throughout the season of navigation.

Then he says:

The sawmill of the Rat Portage Lumber Co., in the town of Kenora, would be in constant danger of flooding.

Then, a little later this Canadian official says that the industries—that is the Canadian industries—using the water powers at the outlet of the lake would suffer because of the injuries which inevitably would be inflicted if the dam held the water up to 7.2 feet as suggested by our Assistant Secretary of State. The conclusion by two different officials is that—

Under the circumstances compliance with the request of the acting United States Secretary of State is not recommended.

They speak of it as a suggestion of the acting Secretary of State, and they at once say they will not accept it, and they say so in two or three or four letters, copies of which appear in the report of the hearings on the bill.

Not only are these letters of the Canadian officials sufficient to show that the suggestion of our Assistant Secretary of State resulted in nothing, and means absolutely nothing as respects the pending bill, but in addition to these letters of refusal there is a letter from our then Secretary of War, Taft, which is de-

cisive beyond controversy on this question of our Government having insisted on a 7.2 level until 1913, as is contended by the gentleman from Tennessee.

War Department, Washington, April 21, 1906—

Less than a year after Assistant Secretary Loomis made his suggestion to the Canadian Government and they repudiated it, see what our own Secretary of War wrote to the Canadian Government and then see whether the statement of the gentleman from Tennessee that we "insisted" on 7.2 feet is correct or not.

WAR DEPARTMENT,
Washington, April 21, 1906.

SIR: The department duly received your letter of February 24 last, inclosing copies of correspondence with Hon. H. Steenerson, Representative in Congress from Minnesota, on the subject of the level of the water in the Lake of the Woods, in connection with damages which he states have been sustained by certain settlers for whose relief he proposed making provision by legislation.

Replying thereto, I beg to inform you that the War Department does not consider the present time favorable for pressing the request for action by the Dominion authorities toward maintaining the level of the Lake of the Woods at 7.2 on the Warroad gauge, as asked in previous correspondence on the subject, and refers now that the matter be not urged further on its initiative until brought up again by further developments.

Very respectfully,

W. H. TAFT, Secretary of War.

Mr. WEFALD. Will the gentleman yield right there?

Mr. COOPER of Wisconsin. Yes.

Mr. WEFALD. I want to remind the gentleman that that letter was written just 20 years ago to-day, and justice which these people have been waiting for for 20 years ought to be granted them at the hands of this Congress.

Mr. COOPER of Wisconsin. Gentlemen, I ask you if the statement that the United States Government—not Assistant Secretary Loomis, but our Government—asked for a 7.2-foot level and insisted upon it until 1913, is a correct statement of the facts?

A suggestion by an Assistant Secretary of State, never alluded to by the Canadian Government as the request of our Government but only as the request of the Assistant Secretary of State, and repudiated by them at once in official letters, and our own Secretary of War, writing only a few months later that we would not insist upon it, what, in view of this written evidence, becomes of the contention that we did insist for 9 or 10 years upon the maintenance of a 7.2 level, or that we "insisted" at all? Gentlemen will observe that the Canadian official refers to "the request of the Acting United States Secretary of State" and not to any request of the Government of the United States. And, gentlemen, do not forget that all of this time, up to the year 1911, our own engineers were mistakenly saying that that dam had not raised the level of the lake. And, in this connection, pardon me for repeating that the International joint commission of Canadians and Americans—mark that, Canadians and Americans—appointed by their respective Governments, unanimously found that the dam had raised the water level all the way from 0.9 of a foot to 6.3 feet.

Mr. PORTER. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. PORTER. Where can these people go for the redress of their wrongs unless we pass this bill? Does not this bill provide a forum into which they can go and present their claims?

Mr. COOPER of Wisconsin. That is true.

Mr. PORTER. Is not the Government amply protected by the provisions of section 3, which provide that after the Secretary of War has made his finding of fact he shall report to Congress, together with a statement in each case of the substantial facts upon which the conclusion is based?

Mr. COOPER of Wisconsin. Yes.

Mr. PORTER. Under this bill the Secretary of War will take up each case, and I assume the facts in each case will be quite different. He reports his conclusions to the Congress. There is no authorization for the payment of the money until Congress has examined the facts and passed upon them, and the reason we put that in, I will say to the committee, is this: It is very difficult to ascertain the real facts, but the Secretary of War can take the facts in each case, form his conclusion, and report the amount due each property owner, where he believes there is anything due, and then the report comes back to Congress, and we have the power to examine the facts and reject the report or approve it, and that is the only way by which these pioneers can get relief.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. PORTER. Mr. Chairman, I yield five minutes more to the gentleman from Wisconsin [Mr. COOPER].

Mr. McREYNOLDS. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. McREYNOLDS. I would like to ask the gentleman from Pennsylvania [Mr. PORTER] a question. The gentleman from Tennessee is not opposing the bill as it stands. The amendments that will be offered, I think, came from my suggestions in my minority report. I am not seeking to cut them off from having their rights determined, my only insistence is there ought to be a limitation.

Mr. PORTER. My answer to that is if you are going to delegate this power to the Secretary of War, why not let him take all the facts and apply the law to them and make his report. I do not think we are justified in saying arbitrarily here, in view of the meager facts before the committee, that he should not go back of 1913.

Mr. McREYNOLDS. I know that is the gentleman's view, but the insistence I make is we have no legal right to go back further than that, and while the gentleman is on his feet and I have the chance to ask the question—I referred to the gentleman in my statement a while ago as to the law in reference to navigable streams. I just want to know if the gentleman is in accord with me on that legal proposition?

Mr. PORTER. Oh, entirely so.

Mr. COOPER of Wisconsin. Every lawyer knows that if a farmer buys land in this country upon a stream and a man down below afterwards erects a dam and floods the farmer's land, he can abate the dam as a nuisance or collect damages or both. But he can not complain if the dam was built and flooded his land before he bought it. For he is bound to know all about the facts. There is nothing to prevent him ascertaining the facts. But that statement of the law is not applicable to these settlers, 105 miles from a dam that was the other side of a 100-mile lake, beyond a dense forest and in a foreign country, and unknown and inaccessible to them; and especially is it not applicable when we remember that they relied upon surveys by this Government, which gave them title to the meander line.

The gentleman's argument is correct if you will grant his premises. Anybody can make a sound argument if allowed to make his premises regardless of the facts and testimony. That is not difficult. I will admit that his statement as to the law is sound, but I deny that it is applicable to the facts in this case.

Mr. ROMJUE. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. ROMJUE. Can the gentleman give us an estimate of what these damages are supposed to be?

Mr. COOPER of Wisconsin. The Assistant Secretary of State said that he understood these would be about \$50,000, a little less or not much more. The flowage easements and protective works are, under the treaty of 1925, to be paid for out of the Canadian treasury. They appropriated \$275,000 for that purpose, and if the costs should be greater than that—and it is not thought that they will—the Government of the United States will bear one-half of everything in excess of \$275,000.

Mr. ROMJUE. There has been some money paid by the Canadian Government to cover supposed damages?

Mr. COOPER of Wisconsin. Not past damages. These people went there relying upon the Government survey to the meander line. Suppose the gentleman had gone up there when the lake was at a low level and did not know anything about the dam, and his title went to the meander line, and six months afterwards he were flooded with 6 feet of water. You knew nothing about the possibility of a 6-foot flood, and when it came you wondered what was the matter. Your own engineer told you that the dam in Canada, 105 miles away, did not cause it. But after a thorough investigation it should be found that your engineer was thoroughly mistaken, and that you are entitled to the land to the meander line and to damages for its being flooded, you would, in justice, be entitled to some remedy.

Mr. ROMJUE. I am not familiar with the terms of the treaty, but I assume that it obligates Canada to protect the American citizen.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. PORTER. I yield to the gentleman two minutes more.

Mr. COOPER of Wisconsin. Article 9 of the treaty of 1925 provides that—

The United States and the Dominion of Canada shall each on its own side of the boundary assume responsibility for any damage or injury which may have heretofore resulted to it or to its inhabitants

from the fluctuations of the levels of the Lake of the Woods or for the outflow therefrom.

Each shall likewise assume responsibility for any damage or injury which may hereafter result to it or to its inhabitants from the regulation of the level of Lake of the Woods.

The bill proposes to raise the water higher than it ever has been, so that there will be no trouble in the future.

Mr. WEFALD. Was there ever a time when the people could get into court?

Mr. COOPER of Wisconsin. Never a time when the settlers could go into court. The dam in Canada was raised whenever its owners pleased by putting in stop logs, and the settlers on this side were helpless and remediless. But at last our Government made the treaty of 1925 with the Canadian Government. Under the Constitution of the United States that treaty is the law of the land, and in my judgment this House and the Senate are in honor bound to pass this bill, which seeks properly to carry out its provisions and do justice to these settlers. [Applause.]

Mr. CONNALLY of Texas. Mr. Chairman, I yield to the gentleman from Arkansas [Mr. TILLMAN].

Mr. TILLMAN. Mr. Chairman, I hope that I will not be interrupted and that no objection will be offered while I proceed to speak out of order. I ask unanimous consent to proceed out of order and to extend my remarks in the Record on the subject of the Congress raising the salaries of the Members of Congress and of Cabinet officers and others connected with the Government, and on other subjects.

Mr. SCHAFER. Mr. Chairman, is the proposed extension of the gentleman to include the prohibition question?

Mr. TILLMAN. I shall refer briefly to prohibition.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed out of order and to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. TILLMAN. Mr. Chairman, there are men who selfishly seek to undermine Members of the Sixty-eighth Congress, Members who had the courage to raise salaries of Cabinet officers, Senators, Representatives, and lesser Government employees, so that each might receive a living wage. Congress alone, under the Constitution, has jurisdiction over this matter; no other authority can raise or lower them. In a few districts, not many, candidates who tacitly admit the patent fact that they are too feeble for the salary are eagerly reaching out to get it. They weep enough salty tears to turn the big wheel at a water mill over the "outrage," and are begging to be made the beneficiary of the very "outrage" they condemn. This is shallow demagoguery, bald inconsistency, pitiable and transparent political fraud. They are fooling nobody and disgusting everybody. The man who double deals like this is too small for a seat in the State legislature at \$6 a day. The low self-appraisal of such men, affixing their own value far beneath the compensation they are striving to obtain for their services, is enough of itself to discredit and to defeat them.

Legislation to raise salaries originated in the Senate, not in the House, in the form of an amendment to the legislative appropriation bill. There was no roll call when the bill thus amended by the Senate passed. Any Member could, if he was false and cowardly enough, dodge the responsibility of admitting that he voted for the item.

If one of our noisy opponents, who pretends to be so indignant at our action, had been here in this crisis he would have been careful to note that enough were voting to insure the raise, he would have quietly voted no, and on pay day he would have exceeded the record of the swiftest greyhound alive to reach the paymaster ahead of those who voted aye. [Applause.]

My State is a great Commonwealth, filled with big people. Her senior Senator, after a quarter of a century of service, leads our party in the Senate. Mr. Oldfield, after almost 20 years in the House, is the party's whip. My district is as good as the best—full of generous, broad-minded men and women, and they want their Member to keep step with the choicest spirits here. They want him to bring his wife to Washington, to dress as well as the other Members, to live in a good hotel, to give his family the best advantages procurable, to save a modest competency, and to leave an estate to his children. Man's earning power wanes as he nears the end. He must "dig in" against the ceaseless bombardment of the days. There is nothing so pathetic as moneyless old age, and most public men die poor.

How small this pay is yet compared with salaries earned by lawyers, railway executives, doctors, editors, and heads of business enterprises. Darrow, defender of criminals, makes a quarter of a million. Specialists make \$100 to \$300 a day. Brisbane, Hearst's editor, gets close to a hundred thousand

annually. Judge Gary, once starving on a meager public salary, is now paid by the Steel Trust a princely sum annually. Workmen in trades get from \$6 to \$15 a day, and some more than this, a better wage than Senators and Members are getting now when you count their heavy expenses, the cost of their campaigns, the income taxes they voted on themselves, and other taxes they are compelled to pay.

Aside from this, Members' salaries come out of the Federal Treasury and not from the pockets of the home taxpayers. Our districts will pay little, if any, of these salaries, but will be decidedly the gainer because most of the Members' salaries are spent or invested at home.

One party opposing me is distressed almost to death at the very thought of this salary which he is trying to grab. One would think from his clamorous complaints about the raise that his holy conscience would estop him from desiring this tainted money. He vigorously assails me, as if he had no merit to depend on for votes. There is nothing new, however, in his attitude in this respect. A pleasant or a generous word from him about me would be "so different" that it would cause him to lose his identity. His acquaintances would fail to recognize him, the change would be so violent. I knew a man once who was constantly drunk. One night he came home sober and his own dog bit him. If the critic mentioned should cease his fault finding for even a day his own watch dog would not recognize him.

Mr. Floyd, my predecessor, was in Congress when the salary was raised from \$5,000 to \$7,500. He informs me that not a single Senator or Member was defeated because of the raise. It will be that way this time.

The man who assesses himself as a weakling and poses as "cheap" usually is cheap. I am possessed of sufficient self-esteem to believe that I am worthy to sit with my colleagues, who represent no better people than I represent. These colleagues honor me as an equal and treat me as a friend. With proper modesty, I hope, I entertain and assert a decent opinion for myself and for my record. I have a contempt for a man who does not.

I love the red-blooded challenge that Marmion flung to Douglas when the latter insulted him and refused to take his hand. It was a worthy and a natural retort from a man whose blood and family had been belied.

Let us turn the searchlight of truth on this salary matter. When I was elected to Congress in 1914 the dollar in purchasing power was rated at 100 cents. Now it is worth about half that. The United States Department of Labor says officially that the cost of living expenses now is 70 per cent greater than in 1914. What cost a dollar in 1914 now costs \$1.70. We all know this is true. Those of us who are voting to help the farmer know that his dollar in purchasing power is hardly half the value it was in 1914. The value of a dollar is determined by its purchasing power. So when I came to Congress I got \$7,500 in purchasing power; now the \$10,000 I get is worth a little over \$6,000, almost \$1,500 less than I got then.

Colonel Peel and Mr. Dinsmore, who represented our district, received a salary of five thousand per annum, but that would buy three times as much then as it would now. That salary in purchasing power—and that is the sole test—was a better salary in real value than the one I am getting now, and Mr. Floyd's salary of \$7,500 was \$1,500 better in purchasing power than the one I am now receiving. Money is fluctuating and unstable. The German mark, once worth 23 cents in gold all over the world, got so cheap that it took a lard can full to buy a cigar.

Judge J. H. Rogers, late a Federal judge at Fort Smith, served in Congress when the \$5,000 salary was worth more than a \$10,000 salary is now. He told a friend at the close of a long term here that when he quit Congress his savings amounted to a \$20 gold piece. I have saved more than that, but many Members of good habits and no extravagant tastes save but little. Their expenses are enormous. Senator Berry, respected and loved by all of us, 20 years or more a United States Senator, left only a very modest estate. Certain papers have published a statement about the salary raise attributed to Mr. TUCKER, of Virginia. Below will be found a refutation by Mr. TUCKER himself. This appears on page 1444 of the CONGRESSIONAL RECORD of January 4, 1926:

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Virginia asks unanimous consent to address the House for two minutes. Is there objection?

Mr. TUCKER. Mr. Speaker, during the Christmas recess my attention was called to a newspaper article in which I was quoted, with respect to the increase of the salaries of Members of Congress.

Mr. Speaker, I wish to say to my colleagues, very many of whom I hold in the highest esteem, and for many of whom I have a warm personal affection, that I neither made nor authorized the statement attributed to me in the article referred to. [Applause.]

OTHER LIVE ISSUES

There are other matters pending. I introduced the following bill, which I am pressing for passage and which I have reason to believe will pass: "A bill to establish a fish hatchery" in the third district. The near-by hatcheries at Neosho and Mammoth Spring can not begin to supply fish for our streams. Northwest Arkansas is the garden spot of the Republic, a land of forest and field, orchard and mine, fertile valleys, and sun-crowned hills, the Switzerland of America. Her bold springs and clear streams furnish ideal water to breed and grow game fish. This "land of a million smiles" is attracting tourists from every part of the Nation. Help us to prepare for their recreation and entertainment. I have had pending for some time bills to erect Government post-office buildings in county seats and important towns, and consider it both an economical proposition and a sane expenditure of public money.

OUR ALIEN DEBTORS

Almost daily on this floor Members with a large contingent of foreign-born constituents are speaking or voting for measures designed to help foreign nations. I have opposed by speech and vote every gift to foreign nations. I have voted against every measure to forgive or to reduce debts due us from Europe. These are debts of honor, and every penny, principal and interest, must be paid. We have been asked to vote for a gift to Germany of \$10,000,000 of the money of the American taxpayers for the purpose of relieving alleged distress there. It is unconstitutional and outrageous to thus vote away money which had better be either not collected or distributed to relieve distress and suffering in our own country.

I am voting against the approval of the Italian debt settlement reported by our Debt Commission. What does this settlement mean in detail? We loaned the Italian Government \$1,000,000,000 of the money of the taxpayers of this country. This amount with accrued interest makes the debt now \$2,042,000,000. For the first five years, or until 1930, no interest whatever is charged against the Italian debt or the Italian taxpayer, but \$5,000,000 a year is paid for five years on principal. The next year \$20,000,000, the next \$19,000,000, and yet they are paying us only \$5,000,000 a year, without any interest whatsoever. The next year they receive from Germany \$32,000,000 and the fifth year \$47,000,000. During this period of five years they pay us \$25,000,000, and they get from German reparations a total of \$134,000,000. From 1930 to 1940 they pay us one-eighth of 1 per cent interest; from 1950 to 1960, one-half of 1 per cent; from 1940 to 1950, one-fourth of 1 per cent; from 1960 to 1970, three-fourths of 1 per cent; and from 1970 to 1980, 1 per cent interest; and for the last seven years, 2 per cent interest. On the average that makes forty-two one-hundredths of 1 per cent interest they are paying us. This Italian settlement that I voted and spoke against, also the settlement with England and other foreign debtors, look to me like outrages against the American taxpayer. In fact, they are indefensible, inexcusable, colossal grand larcenies. [Applause.]

FOREIGN IMMIGRATION

We are too eager to neglect America and aid foreigners. I vote for all bills limiting foreign immigration. Let us stop this criminal and indiscriminate admission to our country of the scum of Europe. Keep out the foreigner and let our children and their descendants alone inherit and enjoy our advantages, our wonderful resources, and our superior civilization. [Applause.]

PUBLIC PARKS

The Battle of Prairie Grove was fought on December 7, 1862, between the Confederates under General Hindman and the Federals under Gen. F. J. Herron and Gen. J. G. Blunt. Early on the day of battle Hindman with 11,000 moved against Herron. The Confederate cavalry first had the advantage, gallantly driving the Union troops. Herron's entire force then came up and Blunt hastened to Herron's aid. The Federals were superior in numbers and equipment. The battle lasted the greater part of the day. The Confederates fought bravely, as they always did, but finally retreated. The losses on both sides exceeded 2,400.

On March 6 to 8, 1862, the severe and bloody Battle of Pea Ridge, or Elk Horn Tavern, was fought. Gen. R. S. Curtis commanding the Union forces and Gen. Earl Van Dorn commanding the Confederates. The casualties on both sides were heavy.

I had relatives on the side of the South in both battles and personally knew many of the brave men and officers participating in these bloody encounters. They fought well and came home after the war and honored themselves and their country in peace as they had in war.

I believe this great Government should recognize the brave men who fought on either side in these great battles by building suitable monuments—say statues of peace or some appropriate memorials—and should permanently improve, beautify, enlarge if desirable, acquire more acreage, and establish and help by annual appropriations to keep in repair and to care for these parks as the Government is doing in other places.

This Pea Ridge bill I argued before a special subcommittee, asking for a favorable report on same. They unanimously reported the bill favorably to the full committee. I then appeared before the full Committee on Military Affairs, and they unanimously reported the bill favorably to the House. There is no doubt, I think, of the final passage of this bill.

I am also insisting on the passage of a bill appropriating Federal money for the improvement and maintenance of the Field Kindley Park, at Gravette. Field Kindley, 24 years of age, a relative of my college mate and friend Bob Kindley, was the second American ace in the airplane fighting during the late war. This brave stripling, after a glorious record in France, met his death in Texas in an airplane accident. America will honor herself by honoring him in the way I propose. I hope to get appropriations for the Prairie Grove, the Pea Ridge, and the Field Kindley Parks. At least, I am doing all I can to that end.

FEDERAL INHERITANCE TAXES

If we are to halt the growth of overgrown estates, if we are ever to distribute wealth among the people and prevent it from accumulating in the hands of the favored few, we must not repeal the Federal inheritance tax. I voted for this tax as an emergency measure, and I voted against its repeal this time. The tax is democratic, has been held legal by the highest court, and can not be evaded or passed down to others. It will reduce other taxes. It reaches huge estates not earned by those who beired them, and is not so burdensome. It seems just and fair. The great moneyed interests organized what they call the Bankers' League to defeat this tax. This outfit has been spending money to hire lobbyists to work for the repeal of this measure, and this crowd has been endeavoring to get out opposition to Members who are known to favor the retention of this just tax.

The speaker of the last Arkansas Legislature, Tom Hill, much indicted, and Senator Pete McCall, the Lieutenant governor, who illegally pardoned several big criminals while the governor was out of the State, came to Washington, occupied elegant hotel quarters here—paid for by some one else—and spent much time lobbying for the repeal of the inheritance tax. Hill and McCall invited several members of the late legislature to come to Little Rock—their expenses paid not by themselves—to pass a resolution for the repeal of this tax. Another member of the same extravagant legislature, opposing me, in a statement published on November 6 said:

I am in favor of repealing the inheritance tax law outright, because there is not anything fair about it.

This position is antagonistic to the wishes and to the interests of 99 per cent of our small taxpayers. If this tax is repealed, the wealthy men will move to Florida, where the State constitution expressly prohibits the payment of a State inheritance tax, and in this way big wealth will escape the payment of any inheritance tax whatever. Somebody must pay taxes. The Bankers' League and Hill, McCall, and company want to exempt the big taxpayers and make the little fellow do all the paying. Arkansas pays only one-eighth of 1 per cent of Federal inheritance taxes, and yet the people I have mentioned want to exempt 99½ per cent of the wealthy people of America, who beired but did not earn these big estates. Thirteen Southern States pay less than 6¼ per cent of this tax, and New York pays five times as much as all these 13 Southern States. Why are Hill, McCall, and company so much interested in relieving New York of this tax? It is difficult anyway to collect taxes off of great wealth, it is difficult to put your finger on their money; but the man who owns a farm in the third district of Arkansas can not conceal it, and must pay State tax, county tax, road tax, and many other species of taxes on his farm, and the people that I have mentioned above are not yearning to relieve him of these many different kinds of taxes; but, they say: "I am in favor of repealing the inheritance tax law outright. There is not anything fair about it." How careless they are about the many kinds of taxes the farmer pays, not asking for the repeal of same, but how solicitous they are about wanting Congress to repeal this Federal inherit-

ance tax which the wealthy sons of wealthy men are asked to pay in moderation into the Federal Treasury. Why are they solicitous about this 99½ per cent of our people who do not live in Arkansas? There is no fairer or juster tax than this Federal inheritance tax. Henry Ford sells thousands of cars in Arkansas and in other States, but neither he nor his family live in Arkansas, and why should not his son, Edsel, who will inherit this great wealth, pay a small part of it into the Federal Treasury, thereby relieving us of other taxes, when the State of Arkansas, where much of this money was made, can not reach it by State inheritance tax, because the Fords will not live or die in Arkansas. A Congressman or a candidate for Congress who will advocate the repeal of this just tax, paid almost entirely by great wealth in the favored centers of population, should not carry a single township in the third district of Arkansas.

LETTERS AND TESTIMONIALS

It is legitimate to print and set forth a few letters and clippings bearing upon my attitude and activities on public questions:

TILLMAN HAS RARE EXPERIENCE

As a member of the House Judiciary Committee, Representative JOHN N. TILLMAN, of Arkansas, had the unusual and interesting experience Tuesday of hearing arguments . . . by both John W. Davis and Charles E. Hughes. Each has been president of the American Bar Association. Each has been nominated by his party for the Presidency of the United States, and each has been defeated. . . . This was a rare and most interesting experience.—Southwest American.

COMPLIMENTING THREE ARKANSAS CONGRESSMEN

J. S. Parks, who writes a column every day for the Fort Smith Southwest American, recently paid the following tribute to three Arkansas Congressmen:

The initials T.-W.-O. might stand for a lot of things. Omit the periods and the spacing and they spell "two." As a matter of fact those initials represent three of the biggest men in Congress. What is more, they are all from Arkansas. TILLMAN, of Fayetteville, an outstanding member of the Judiciary Committee; WINGO, of De Queen, ranking member of the Committee on Banks and Banking; OLDFIELD, of Batesville, an active member of the powerful Ways and Means Committee.

It isn't often you find three Members of Congress from one State and adjoining districts so unusually recognized with important committee assignments as those given to TILLMAN, WINGO, and OLDFIELD. I never expect to go to Congress, but should fate ever ordain that I was to become a Member of it, I could conceive of no higher honor being bestowed upon me than being selected as a member of one of those three committees.

Being placed upon such committeeship would be indicative that I had been carefully analyzed as to ability and integrity and had been chosen because of real worth to serve in such capacity. Arkansas has a reason to be proud of T.-W.-O.

The districts which those three Congressmen represented should feel they had been signally fortunate in having selected men of such high caliber to represent them in the national legislative halls.

HOW MONEY IS WASTED—DAILY EXCHANGE

TILLMAN, of Arkansas, assailed the verdict in the Mitchell case, and MADDEN, of Illinois, chairman of the Committee on Appropriations, made this contribution, showing the way the public funds are squandered by the militarists.

"While we have appropriated over \$100,000,000 a year for aviation since the war," said MADDEN, "we have not a thing to show for it."

TILLMAN submitted the testimony of his own son who served with distinction in France.

The boy reported to his father that, despite the immense sums appropriated for aviation during the war, American flyers were compelled "to rely upon second-hand and discredited planes that the French had sold to us, or the English had sold to us, and they were so unsafe that they were branded as 'flaming coffins.'"

Arkansas can produce plenty of candidates for governor. It would be a mistake to sacrifice an excellent Congressman and plunge him into State politics.—Southwest American.

THE JAMES B. OSWALD CO.,
GENERAL INSURANCE,
519 HIPPODROME BUILDING,
Cleveland, Ohio, March 23, 1926.

MY DEAR CONGRESSMAN TILLMAN: I can not imagine who was so thoughtful as to place me on your mailing list—Wayne Wheeler, I guess—for a copy of your speech on wet investigation, of the 26th February. But whoever did so was a friend of mine.

I do not know you from Adam; I do not know whether you are Republican or Democrat, although your section indicates the latter, yet I am for you. You may be a Protestant or Catholic, Jew or Gentile, but still I am for TILLMAN. * * *

I wish your speech might be placed in the hands of thousands and thousands over this land of ours. It hits the bull's-eye. * * *

* * * While I am a Republican in name, I am for TILLMAN. Success to you. * * * I like and admire some of you "fire-eating" Democrats with all of my soul.

* * * If I lived in your district, I would be for you, Democrat as you are. I would stand for any man who had the courage you have shown. If I lived in the South, I am sure I would frequently vote the Democratic ticket, for I have sense enough to know that the best and ablest men of the South are of the Democratic Party. It is a matter of self-protection. Yes; I surely would try and prevent my party from opposing a real, honest to God, genuine American, though he appear on the Democratic ticket, especially if he were one brave enough to entertain your sentiments and fearless enough to express them, as you have done. TILLMAN, I am for you, and that is all there is to it. * * * I glory in men of your type, be they Republicans or Democrats.

I am not hidebound on this political-affiliation stuff. I vote for men. * * * It is somewhat different with you men down South, for you have to contend with the damnable problem of keeping down that element who try to capitalize a certain race, and these profiteers down there are mostly carpet-bagger Republicans. I do not blame you fellows one bit. You are forced to be Democrats. * * * I wish we had many Republicans up North who had courage enough to come out as openly and bravely for the right as you have done. All right, my friend, you and I will go hand and hand for the Constitution. I wish you Democrats would stand for as loose a construction of the Federal Constitution as I do. * * *

Good luck to you. * * * I will watch the Arkansas election with interest, for it is my hope and prayer that JOHN N. TILLMAN be returned. I know you will be. Keep me posted.

Sincerely,

W. G. OSWALD.

RED OAK, OKLA., March 25, 1926.

Hon. JOHN N. TILLMAN,
Washington, D. C.

MY DEAR SIR: This letter will no doubt be a surprise to you, especially as I have never met you.

I have just concluded reading in the CONGRESSIONAL RECORD your eulogy of the South and its peerless leaders in the sixties. Of course, busy as you must be, you find very little time for such sentiment as this letter expresses; nevertheless, I want to add my congratulations to those that I know are coming to you for this splendid speech. You defended every one of us whose grandfathers wore the gray. I thank you.

Both my grandfathers served the South; one with Lee in Virginia; the other, Augustus H. Garland, in the Confederate Congress.

Sincerely yours,

R. C. GARLAND.

The national legislative bureau of the organizations committed to the interests of the working people of America recently wrote me the following letter:

NATIONAL LEGISLATIVE AND INFORMATION BUREAU,
Washington, D. C., May 1, 1926.

Hon. JOHN N. TILLMAN,
United States House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN: As the time for the nomination and election of Members of Congress is approaching, and the voters in the third congressional district of Arkansas will cast their votes in the selection of a Congressman to represent them in the Seventieth Congress, the undersigned desire to state that throughout your six terms of service in the United States House of Representatives we have always found you to be a consistent friend of those who toil in whatever field, ready and willing at all time to work, speak, and vote in support of legislation beneficial to the people in general, and just as ready to oppose legislation framed for the benefit of special interests and against the masses. The record of your votes on measures of importance to the workers, compiled from the official CONGRESSIONAL RECORD and kept in the office of this bureau, shows your votes on these measures to be 100 per cent in favor of the interests of the people and we have no hesitancy in saying that the voters in your district will make no mistake in returning you to the position you have so ably and impartially filled for six successive terms. You may make such use of this statement as in your judgment you may see fit.

THE BIG ISSUE

Those who propose to stand by the Constitution of our country and the proper enforcement of our laws are now engaged

in a struggle to the death with those who propose to nullify the Constitution as far as the eighteenth amendment is concerned and discourage or defy dry law enforcement. Under which flag will you fight, neighbor? As for me and my house, you know where we will fight. There I have fought for 30 years, and I shall not change. [Applause.]

Men and women, do you know how strong, how sinister, and how desperate the wet forces are? They have big bags of money and expert political fixers to be used in desperate efforts to defeat 200 of us who have had the courage to make a consistent fight against that beverage that demoralizes everybody it touches from the time it issues from the source where it is brewed until it empties into the hell of death, dishonor, and crime. Let me caution you, voters. This force of evil is stronger than you think. Gentry is one of the clean, beautiful towns of our district, and yet I have a letter from a man who lives near there in which he says:

I favor wide-open saloons. My father fought against the South under the American flag that America might be free. The Constitution of the United States declared it should be a free country. The Volstead law has deprived the masses of their freedom.

Now, what do you think of that? There never was but one man entirely free to do as he pleased, and Adam's freedom did not last long. I think liberty is respect for the law. Certainly liberty is directly opposed to license. I have a little granddaughter 4 years old. She is not at all in favor of strict enforcement. She is strong for personal liberty. And yet I know it is best for her to be governed by strict rules curtailing her personal liberty. A man might enjoy personal liberty in the jungle by himself, but there a lion or a snake might get him. Is it not better for children to be compelled to go to school, to be neat, and to acquire good habits? The Lord never did a greater kindness than when he promulgated the ten commandments, which drastically curtailed our personal liberties. And is it not wholesome to protect men from evil contact with that drink which burns up men, consumes women, curses God, and denies heaven? The United States has never yet surrendered to an enemy, and liquor is our enemy. The wets have raised the red flag of Treason.

I am depending on the men and women of the third district to help fight this giant evil. And when it comes to a fight of this kind the women always wield a shining lance. Kipling says they are deadlier than the men in a scrap of any kind. This reminds me of a story:

A traveler, passing by a neat farm home by the side of the road, saw an immense wild cat jump through an open window into the house. He saw the man of the house working a short distance away and rode rapidly to him, and said to him: "Mister, I just passed your house up there and I saw an ugly, vicious wild cat jump through an open window into your home. Now, for heaven's sake, run up there and prevent that dangerous animal from killing your wife." The farmer, with some deliberation, said: "Did anybody seem to force that wild cat to jump through the window, or did he seem to do so of his own accord?" "Nobody seemed to force him to go in," said the stranger. "Well," said the farmer, "if that fool wild cat went in there to fight my wife of his own accord, he can just take what's coming to him. I'll be durned if I'm going up there to save him." [Laughter and applause.]

Liquor and women do not mix. All hail and respectful greetings to the women. [Applause.]

TAX REDUCTION

This Congress has reduced taxes close to four hundred million annually. While much of this came from off of men of wealth, it is a well-known fact that taxes are always passed down to the ultimate consumer, so in a way everybody's taxes have been lightened. Some members of State legislatures are worrying about congressional extravagances. The last Legislature of the State of Arkansas was the most extravagant in the history of the State. It authorized a hold-over committee to stay in the capital after adjournment to complete the recording of the few bills they passed, and this committee, well paid for doing very little, was composed of 93 persons—16 senators and 32 senate employees, 17 representatives and 28 house employees—at enormous cost to the taxpayers. And yet some of these members of this late-lamented legislature still worrying about congressional extravagance, lobby in favor of wealthy heirs, seeking to relieve them from the payment of proper and just inheritance taxes.

A GOOD WORD FOR CONGRESS

Members of Congress are worthy and respectable. They are here at their post of duty at great expense, and all trying to do good work. It is to be regretted that while they are so engaged there are those striving to displace them by bootlegging small, personal charges that should not be tolerated by fair-

minded people. Personally, I believe it is best to let the people themselves properly rebuke unfair methods and personal political back-stabbing. This is what they will do in the third district of our good State.

THIRD ARKANSAS DISTRICT

I sing the Ozarks. There my home is. I want to paint a picture of this favored land. While we have cotton and zinc, ours is a great fruit section. Welch, the grape-juice man, has established his southwestern factory at Springdale in my home county. The apple-blossom celebration at Rogers, and the grape festival at Springdale are witnessed annually by 30,000 people. We grow strawberries that would cause a Grecian goddess to promptly accept in lieu of an offering of ambrosia and nectar. We produce Grimes Golden apples as yellow as much fine gold. Pomona, goddess of fruit, would be charmed with our grapes, purple as the royal robes of King Solomon, and with our winesaps, red as the blood of a lordly viking. Mr. Chief Justice Taft, while in Fayetteville some years ago, was given a home-grown Delicious apple, and after smiling and indulging in one of those guttural Taft chuckles, testified that it had a more delicate flavor than the Delicious apple grown in Oregon. Ours is a land of peaches and cream, of violet skies and golden Indian summers; a land rich in blossoms and fruit, with a climate ideal. Florida's boom is waning, and the next development on a similar scale will be in the Ozarks. [Applause.]

Recently I had the honor to interview President Coolidge at the White House, and representing the Fayetteville Chamber of Commerce I invited him to spend his summer vacation in one of the stately colonial homes located in Fayetteville. The President received the invitation graciously, considered the matter seriously for a few days, decided that he could not get so far away from the Capital, but expressed himself as wanting to visit this section some time in the future. Fayetteville is one of the many important towns in my district.

The State university is located here, as well as the Southwestern Methodist Assembly, the summer home of 750,000 Southern Methodists. I invite all my colleagues to visit the third district. It is a land of enchantment and variety; here a stately country home, there a big plantation with its broad, fat acres, laughing under a harvest of fruit, of vegetables, of meadow, of grain. The mocking bird sings until midnight among the pink peach blooms and the white pear blossoms. Here is a fragrant pine; there a virile white oak; there a branching elm; there a stately mountain range; there a rippling stream of liquid silver; there by the roadside a bubbling spring, ever holding up its pouting lips to be kissed by the thirsty traveler. [Applause.]

This is the country in which I live; this is the country I love. I have always attempted during my rather long official career to improve conditions there and to make it a better place for my children and the children of my friends. I believe it to be the duty of man to work for posterity, as well as for himself. When I embark on "the unknown sea for the unknown shore" I want my life work to show something of the unselfish sentiment and constructive efforts of the man whose story is contained in the verses copied below:

An old man, travelling a lone highway,
Came at the evening, cold and gray,
To a chasm deep and wide;
The old man crossed in the twilight dim;
The sullen stream had no fears for him.
But he turned when safe on the other side
And built a bridge to span the tide.
"Old man," said a fellow pilgrim near,
"You are wasting your strength in building here;
Your journey will end with the ending day;
You never again will pass this way;
You've crossed the chasm deep and wide,
Why build you the bridge at eventide?"
The builder lifted his old gray head,
"Good friend, in the path I've come," he said,
"There followeth after me to-day
A youth whose feet must pass this way.
This chasm that was naught to me
To that fair youth may a pitfall be;
He, too, must cross in the twilight dim;
Good friend, I am building the bridge for him."

[Applause.]

During the years that have flown by with the swiftness of a swallow's wing, I have tried to march forward and to look upward and to build safe bridges for the young who follow. I have made mistakes and committed blunders as others have. But, in passing on toward the sunset, I have always sounded

a note of optimism. I have always encouraged our people not to sing hymns of hate, but songs of friendship and good cheer; to strike only the chords of harmony and play victory airs only on the golden harp of progress. I hope never to see this harp hung on the willows, to be heard no more. Never do I want to hear the sad lines of one of the world's great poets, uttered as actually applying to the hills and valleys of our beloved State.

The harp that once through Tara's halls
The soul of music shed
Now hangs as mute on Tara's walls
As if that soul were fled.

[Applause.]

Mr. PORTER. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. ELLIS].

Mr. ELLIS. Mr. Chairman and gentlemen of the committee, I do not propose to consume very much of your time; in fact, I have grave doubt whether I ought to consume any of it. As a member of the committee I have given very careful consideration to this bill. I was in sympathy with the legal questions that have been raised and that have been discussed. They were interesting questions, interesting to lawyers, and worthy of the full consideration that has been given to them. I want to say in passing that I think the committee and the House are greatly indebted to the efforts of the gentleman from Tennessee [Mr. McREYNOLDS], and that somewhere along the line, though perhaps not now, his painstaking work and the learning he has brought to it will be of much advantage to the House. I think the bill ought to pass. Section 1 and section 2 involve and effectuate the provisions of an international treaty. As for the third section about which so much talking has revolved, if it were stricken out entirely still the bill ought to pass.

The third section relates simply to the claims of those "inhabitants of the United States," settlers, on those lands along the banks of the Lake of the Woods in the State of Minnesota. Those settlers should have their day in court. They have not had it. There is no other forum to which they can repair, except this forum. They ought to be given the opportunity to come into the tribunal by this bill provided and prove their claims, making full showing of the nature of them, when they arose, and, so far as time is important, to show the time when they accrued.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. ELLIS. Yes.

Mr. EVANS. If this were a private matter, a dam built in the United States, these settlers would be permitted to go into court and claim their rights.

Mr. ELLIS. Certainly; at least such right ought to be accorded.

Mr. EVANS. There ought to be some forum to which they can resort, and I do not see why there is any objection to the bill.

Mr. ELLIS. There is some doubt, a good deal of doubt, I think, upon the validity of the claims of some of those settlers. Some settled at a time and under circumstances which would give them no legal standing. Now, have we provided for that in this bill. They shall come in, prove up their claims, and then that the Secretary of War shall bring to Congress a full statement of what has been proved and the legal or equitable foundations of the claims that may be proved.

Mr. VAILE. In each particular case.

Mr. ELLIS. Yes; in each particular case. When that is done, we are not going to be prejudiced, and if the law of my friend from Tennessee [Mr. McREYNOLDS] is applicable, we will apply it. If the facts of a given case fall outside of the facts upon which these cases which he has cited were based, we will consider them and adjudge them on their merits. I have a great deal of sympathy for these settlers. I think this bill ought to pass.

Mr. CONNALLY of Texas. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, I once asked a justice of the Supreme Court what he considered is most important at the outset of an argument before that tribunal. He said he thought the first thing the lawyer should do is to present sharply the question at issue, and I shall try to do that. Here is a bill that does nothing more than provide that a certain group of claims shall be referred to the Secretary of War for investigation, and that the Secretary shall investigate the facts and the law that is applicable and report back in each case, giving the substantial facts and the conclusions that he deduces from those facts. There is no provision in the bill that undertakes to prejudge the claims with

reference to the time when they arose or with reference to any other feature or detail.

That in substance is the bill. On the other hand, my esteemed friend from Tennessee [Mr. McREYNOLDS] raises the point that the Secretary of War should be instructed not to deal with claims antedating 1913, and place him under a restriction to that extent.

The gentleman from Tennessee has made a very exhaustive examination of the law and a very illuminating report as a member of the subcommittee. I am strongly inclined to believe that he is correct in the view that he has arrived at, namely, that claims that arose prior to 1913 ought not to be allowed, but nevertheless, whether that view is correct or incorrect, the Secretary of War can investigate all of the claims, give us all that can be found relative to each one of them, and tell us what in each case his conclusion is, and then we can determine what to do with the several claims.

A Member of this House performing such a task as the gentleman from Tennessee has performed, gets very little credit for it, but I am convinced that his report will prove of very great value to the Secretary of War, and will prove of very great value to the House when the Secretary submits his findings.

In order that there may be no prejudgment, I am going to express the hope to my distinguished colleague, Mr. McREYNOLDS, that he refrain from offering any amendment and allow this bill to be passed in the shape in which it is offered, with the field of inquiry and adjudication left entirely free to the Secretary of War and thereafter to the Congress. [Applause.]

Mr. NEWTON of Minnesota. Mr. Speaker, I was very much interested in the remarks of the gentleman from Tennessee, and I think it would be very helpful not only to the Members of the House but to others if the report, which has not been made public and available, were printed in the Record so it will be available.

Mr. MOORE of Virginia. I think the gentleman would be performing a service should he make a motion to that effect.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY of Texas. I yield the gentleman five additional minutes.

Mr. COOPER of Wisconsin. Would the gentleman from Virginia please inform the House why he thinks that no claim should be heard which originated prior to 1913?

Mr. MOORE of Virginia. I think, summarizing the views of the gentleman from Tennessee, that there was no governmental action prior to that time on which any claim can equitably be based. But as a member of the Committee on Foreign Affairs I wish to keep my mind open upon that question and upon all other questions we will have to deal with hereafter, and I think it is unprofitable to consider the particular question about which the gentleman interrogates me.

Mr. COOPER of Wisconsin. But the gentleman said that he was of the opinion that no claim should be permitted which originated prior to 1913, and I merely ask for the facts upon which he based that statement.

Mr. MOORE of Virginia. In brief I do not think the Government of the United States had taken any attitude up to that time which justified any landowner in asserting a claim against the Government because of any alleged delinquency of the Government.

The mere circumstance that a landowner lived remote from any Government agency prior to that time and was damaged, and did not receive information from the Government as to what was going on or not going on, does not furnish a sufficient basis for a claim.

Mr. COOPER of Wisconsin. Will the gentleman permit a question? Suppose a man bought land when the water was low. Government titles went to the meander line, that is the report of the International Joint Commission, and he bought, as he supposed, to that line, the ordinary high-water mark. Six months later the water rose 6.3 inches, and suppose that this happened in 1904 and 1905. Ought he to have his claim allowed?

Mr. MOORE of Virginia. I do not think that the Government in any deed that it makes, and I do not know the character of the conveyances referred to, warrants a title or places itself under any such obligation as the gentleman from Wisconsin assumes. But aside from all of that, I think the best thing is to pass this bill in its present form, and I trust that the suggestion I have offered may be accepted by my friend from Tennessee. [Applause.]

Mr. PORTER. Mr. Chairman, I yield to the gentleman from Tennessee.

Mr. McREYNOLDS. Mr. Chairman, I do not care to make any more fight out of this or to endanger the passage of the bill, and if the bill is passed as amended that will give us an opportunity to further test these questions. While I think I am clearly right in my legal contention, if there are any differences they can be adjusted at a later date when it comes back.

Mr. PORTER. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. WEFALD].

Mr. WEFALD. Mr. Chairman, I want to say that there is no man in this House who appreciates how much work the gentleman from Tennessee has done in connection with this Lake of the Woods matter as I do, and I know that he has done a lot of work on this proposition. I am one of the men in this House who was very, very anxious about whether this bill was going to pass in the form it was written and introduced, and I have had occasion to call upon the gentleman from Tennessee time and again to see what light he had on the subject, and what he was going to do when it came upon the floor of the House, and there was no time I came to see him except he was working, and I know now when this matter comes back again to Congress for final adjustment that the old pioneer settlers in the Lake of the Woods country are going to have no better friend in this Congress, and there is going to be no man here who will more carefully look after their interests than he will, because, as has been said here to-day, he understands the situation now better than any other man here. I do not want to delay this discussion any further. I just briefly want to touch upon one question that has caused most of the dispute in this matter, the fact that the United States Government several times had appealed to the Canadian Government and asked them to keep up the water level in the lake on account of the benefit to navigation.

The bill that is now before you, H. R. 9872, took 20 years to reach Congress, but to-day it is before you, as I understand, with the nearly unanimous approval of the Foreign Affairs Committee, the distinguished members of which have held extensive hearings on it and analyzed every phase of the question that the bill deals with. The bill was drawn by our State Department and it has the full indorsement of that department. This bill is to set up the machinery by which a treaty concluded between the Governments of the United States and Great Britain on the 24th day of February, 1925, and published by the President on the 17th day of July of the same year, is to be carried into effect. The treaty deals with the water levels on the Lake of the Woods and the regulation of the same. This bill sets up the machinery by which flowage easements are to be acquired and by which may be ascertained the damages suffered by the riparian owners, practically all farmers, due to flooding in past years owing to the artificial regulation of the water level in the lake.

Lake of the Woods is the northernmost body of water on the mainland of the United States. It lies partly within the United States and partly within the Dominion of Canada. Its area is about 1,500 square miles, or about 400 square miles larger in area than the whole State of Rhode Island. The outlet of this lake is on the Canadian side. It empties into the Winnipeg River, which river again flows into Lake Winnipeg. Dams have been erected at the outlet of the lake and great water-power developments have been developed, which now furnish power to several important industries located near the outlet of the lake in the Canadian town of Kenora, such as flour mills, paper mills, and so forth. Power is being transmitted to the city of Winnipeg and other Canadian points.

A dam had been erected at the lake outlet while there were yet a few settlers on the lake, but a bigger and stronger dam was erected and put to use to its full capacity about the time that the lands bordering on the lake on the American side were opened to settlement. The Lake of the Woods country had, as far as the United States are concerned, been a sort of a land mystery until comparatively recent times. The French had made their way to the lake in search for the Western Sea as early as the year 1732. From that time on down until the 1870's the whole Lake of the Woods region was inhabited by Chippewa Indians and by white men and was visited only by fur traders.

In 1896 the lands on the American side of the lake were opened for homestead entries, and the bulk of the settlers began to come in in the year 1898. The settlers here endured many hardships. The nearest railroad point in the United States being about 100 miles away, and the nearest town on the Canadian side being about an equal distance to the north across the lake. Travel around by land to the Canadian town was impossible. In 1901 the Canadian Northern Railway was

built in from Winnipeg in a southeasterly direction, and the town of Warroad on the American side of the lake was established. Railway communication south into Minnesota was only established in 1908, when the Great Northern sent a branch line to Warroad. Not very long after the settlers had come in the water in the lake began to rise, to the detriment of their farming operations. The cause of the rise of the water was, after some investigation and speculation by the pioneer settlers, attributed to the Canadian dams, but as their clearings were not very large their complaints were unheeded. In the meantime, with the coming of the railroad, a town-site speculation in the village of Warroad was put on. Bills were introduced in Congress for the commutation of two homestead entries made by two young men who were to be the proprietors of the town site, and an appropriation of \$45,000 was included in the rivers and harbors pork barrel bill for the year 1902 for the purpose of improving the Warroad Harbor by deepening the channel in the Warroad River to a depth of 7 feet. Twenty-five thousand dollars of this money was expended for the building of a dredge and \$10,000 was allowed for running expenses for each of the two years following. Engineers' reports from that time state that the channel of the river, while it was narrow, was 10 feet deep, except at the mouth of the river, where there was a sand bar and where the depth of the water was only 5 feet. The real-estate men of Warroad were dreaming great dreams and picturing Warroad as a coming metropolis of the North, and these young, clever real-estate men must have made quite an impression on the Government engineers who were sent there to investigate and upon whose recommendation the \$45,000 in the rivers and harbors pork barrel bill were inserted. The engineers' report states that while the town then consisted of "a few temporary buildings occupied by two saloons, a barber shop, a restaurant, a general store, and a hotel," it was expected that the town would soon grow into a city of many thousand people. The deepening of the harbor was undertaken with a view to the taking away of the trade on the lake from the Canadian town on the other side. There were several small steamers on the lake at that time, one of which drew as much as 7 feet of water, and for that reason the harbor had to be deepened to the depth of 7 feet.

The distance from Warroad to Winnipeg was 12 miles shorter than by the way of the Canadian town. For that reason it was expected that the trade on the lake, much of which was coming down the Rainy River, would go to Warroad. But the steamers, all being owned in Canada, and the trade being all Canadian trade, the expected prosperity of Warroad did not arrive and the United States Government extended no further aid after the \$45,000 was used up.

The sand beginning to fill in the mouth of the river again and the Government not being willing to continue the dredging operations, something had to be done to entice to Warroad the Canadian trade, the only excuse being offered for its nonarrival being that the channel in the river kept filling in and the boats could not make the proper landing. So when the Government would do no more dredging it was appealed to to raise the water in the lake 2 feet, and the United States Department on a couple of occasions appealed to the Canadian authorities to keep the water up to such a level as would get 7 feet of water at the entrance to Warroad Harbor in the interest of navigation. This, however, the Canadian authorities refused to do, claiming that the water was already as high as it properly could be kept without great inconvenience and possible injury to the Canadian industrial enterprises at the lake outlet. In the meantime the farmers began to set up a loud cry against the encroachment on their little fields of the rising waters of the lake, and through their Congressman, my predecessor, the Hon. Halvor Steenerson, protests were made to the War Department in 1905.

Mr. Steenerson lodged his protest with our State Department, and a letter from the Secretary of War to the Secretary of State of April 21, 1906, just 20 years ago to-day, states that the War Department does not consider the time favorable for further pressing the demands on Canada toward maintaining the level of the Lake of the Woods to the height that it had previously requested. Army engineers who were sent to look into the cause of the high water and the status of the Canadian dams reported differently, while they all agreed that the dams were not the cause of the flood by reason of holding back the water but that it was all due to natural causes, one engineer holding that the level of the water on one side of the lake was a foot higher than on the other side, another stating that the dam was 20 feet below the level of the lake.

Due to the efforts of Congressman Steenerson, the Lake of the Woods question was referred to the International Joint Commission, which made a thorough investigation that lasted over several years, and whose findings finally clearly set out

all the facts in the controversy and established the Canadian dams as the cause of the excessive high water. The treaty of 1925 is the conclusion of the findings by the International Joint Commission. It is agreed in the treaty that the Canadian Government shall pay to the Government of the United States \$275,000, a certain part of which money shall be expended for the carrying out of certain protective works at the Warroad Harbor, the balance to be applied toward the procuring of flowage easements. Whatever money will have to be expended in excess of this sum paid by Canada shall be borne in a 50-50 proportion by the Government of Canada and the Government of the United States. The United States Government has by the treaty obligated itself to assume responsibility for past damages, which Mr. Hackworth, Solicitor of the State Department, estimates will not exceed \$50,000 or \$60,000. It was considered to be only fair that our Government assume this responsibility in view of the much larger sum that the Canadian Government agreed to pay for flowage easements. This little item of past damages was the only real bone of contention before the committee that handled this bill. It was so thoroughly discussed and thrashed over and the demand for it considered so just that it now should be entirely beyond controversy.

Had it not been for the unfortunate stand taken by the War Department, due to the misleading and erroneous reports of the engineers on the proposition, I imagine that these settlers would have received justice long ago. Had the dams that caused the damage by reason of the rise in the water level been located in the United States these people could have gone into court and had redress. This not being the case, they had to travel the long and tortuous road they had to travel to get here before you. Irreparable damage was done these people by a town-site boom that did not materialize. The town of Warroad is there to-day—a solid, substantial little town of around 2,000 people—that exists in its own right and draws its support from the surrounding territory in the United States.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. PORTER. Mr. Chairman, I yield two additional minutes to the gentleman.

Mr. CHAIRMAN. The gentleman from Minnesota is recognized for two minutes more.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. WEFALD. Yes.

Mr. CONNALLY of Texas. I am very much interested in the gentleman's discussion of this subject, and I appreciate very much his compliment to the gentleman from Tennessee [Mr. McREYNOLDS]; but I want to say that if it had not been for the zeal and enthusiasm and constancy of the gentleman from Minnesota himself, this bill would probably be reposing in the files of the Foreign Affairs Committee at this moment. The gentleman from Minnesota is deserving of the credit of getting this legislation before the House, because, however keen the minds of the other Members are and however strict their attention to the public business, they have their noses to the grindstone to such an extent in connection with other matters that they could not have gotten this through if the gentleman from Minnesota had not been instrumental in securing action. [Applause.]

Mr. WEFALD. I thank the gentleman. "The gentleman from Minnesota" recognizes that while he is a member of a party so small that it has practically no recognition here in some respects, he has still received extreme courtesy from the Members on both sides of the House, and especially from the gentleman from Texas. [Applause.]

The patient, sturdy pioneer farmers in the Lake of the Woods settlement, Minnesota's last frontier, will hail with a great deal of satisfaction the news that I shall send them when this bill is passed. It will strengthen their faith in the justice of their Government to know that while justice has traveled slowly, and that it has been 20 years in catching up with them, yet they will know that Uncle Sam treats every cause and every man justly and squarely when the case is finally put properly before him.

These pioneers will always be under a deep debt of gratitude to the gentleman from Pennsylvania, Mr. PORTER, chairman of the Foreign Affairs Committee, who has shown a great deal of sympathy with these people's cause; they will always with lasting gratitude remember the gentleman from Colorado, Mr. VAILE, and the gentleman from Wisconsin, Mr. COOPER, the majority members of the subcommittee, who bore the brunt of their battle and who were their friends, indeed.

Mr. CONNALLY of Texas. Does the gentleman from Minnesota desire additional time?

Mr. WEFALD. No; I thank the gentleman.

Mr. PORTER. Mr. Chairman, I ask for the reading of the bill for amendment.

The CHAIRMAN. The Clerk will read.
The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to acquire, as soon as practicable after the enactment of this act, by purchase or by condemnation, in accordance with the provisions of the act entitled "An act to authorize condemnation of land for sites of public buildings, and for other purposes," approved August 1, 1888, the flowage easements up to elevation 1,064 sea-level datum upon all lands in the United States bordering on the Lake of the Woods and such lands or interests therein as are necessary to provide for protective works and measures in the United States along the shores of the Lake of the Woods and the banks of the Rainy River as specified in article 8 of the convention signed at Washington on the 24th of February, 1925, between the Governments of the United States and Great Britain, providing for the regulation of the level of the Lake of the Woods.

With a committee amendment, as follows:

Page 2, after line 10, insert: "In proceeding by condemnation for acquiring such flowage easements on any tract of land any benefit to the remainder of the tract or the property thereon derived from such easement shall be considered and damages shall be awarded accordingly."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. The Secretary of War is hereby authorized and directed to cause to be investigated, as soon as practicable, all just claims for damages caused, prior to the acquisition of flowage easements under this act, to the inhabitants of the United States by fluctuation of the water levels of the Lake of the Woods due to artificial obstructions in outlets of said lake, and after due notice and opportunity for hearing, to ascertain, determine, and award the annual loss or injury, if any, that may have been sustained by the respective claimants and to report to Congress for its consideration the amount or amounts he may find to be equitably due such claimants: *Provided*, That all claims not presented to the Secretary of War under this provision prior to the expiration of six months from the date of the passage of this act shall not be considered by him and shall be forever barred.

With committee amendments as follows:

Page 3, line 6, after the word "all," strike out the word "just."

Page 3, line 11, after the word "hearing," strike out the word "to" and insert in lieu thereof the word "shall," and after the word "determine" strike out the words "and award the annual" and insert in lieu thereof the word "the," and in line 15, after the word "claimants," insert "together with a statement in each case of the substantial facts upon which the conclusion is based."

The CHAIRMAN. The question is on agreeing to the committee amendments blocked.

The committee amendments were agreed to.

Mr. NEWTON of Minnesota. Mr. Chairman, I desire to prefer a unanimous-consent request in connection with the colloquy that occurred between the gentleman from Virginia [Mr. MOORE] and myself a few moments ago; that is, that there be printed in the Record in connection with this discussion the report of the Committee on Foreign Affairs upon the bill H. R. 9872, so that the report of the subcommittee and the minority views of the gentleman from Tennessee [Mr. McREYNOLDS] can be available to the Members.

The CHAIRMAN. I think that question ought to be taken up in the House. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Following is the report referred to:

REPORT OF THE SUBCOMMITTEE, COMMITTEE ON FOREIGN AFFAIRS, ON
H. R. 9872

COMMITTEE ON FOREIGN AFFAIRS,
House of Representatives.

GENTLEMEN: The undersigned members of your subcommittee respectfully submit the following report and recommend that the bill be passed with the following amendment:

Page 2, line 9, after the period, insert the following:

"In proceeding by condemnation for acquiring such flowage easements on any tract of land any benefit to the remainder of the tract or the property thereon derived from such easement shall be considered and damages shall be awarded accordingly."

The above amendment was suggested by Mr. Hackworth, the Solicitor of the State Department, who has been familiar with this whole matter

for many years, he having been engaged in the preparation of the treaty on the subject to which reference hereafter will be made.

This bill not only has the approval of the State Department, but in its present form it is in effect the bill of that department, as will be seen from the letter of Hon. Frank B. Kellogg, Secretary of State, to the chairman submitting his redraft (the present bill) under date of January 27, 1926.

Its purpose, as will appear from the bill, and to quote the language of Mr. Hackworth, is "to authorize the Secretary of War to acquire land around the Lake of the Woods for a flowage easement pursuant to a convention concluded between the United States and Great Britain and to assess the damages which have been suffered by the owners of property abutting on the lake over a period of years as the result of the fluctuations of the level of the lake."

The latter point is the only one which has given your subcommittee any concern, a question having been raised in the committee as to whether some expressed limitation should be imposed either upon the time prior to which damages would not be calculated, or the lake level below which they would not be calculated, or both.

The language of the bill proposed by the State Department in this respect is as follows:

"The Secretary of War is hereby authorized and directed to cause to be investigated, as soon as practicable, all just claims for damages caused, prior to the acquisition of flowage rights under this act, to the inhabitants of the United States by fluctuation of the water levels of the Lake of the Woods, due to artificial obstructions in outlets of said lake, and after due notice and opportunity for hearing, to ascertain, determine, and award the annual loss or injury, if any, that may have been sustained by respective claimants and to report to Congress for its consideration the amount or amounts he may find to be equitably due such claimants."

A majority of your subcommittee are of opinion that this language abundantly protects the financial interest of the United States. We can not assume that the War Department will make awards of more than the amounts which may fairly be due. If there should be errors it would seem more likely that they would be in favor of than against the Government. If the experience of private claimants before other departments can be regarded as a criterion.

It will be observed that under the language of the bill a claimant is not accorded any right of appeal to the courts, and it will be also observed that the payment of all claims has to be considered and approved by Congress and, of course, can not be made until an appropriation is made therefor.

Furthermore, the act provides an extremely short limitation period in "that all claims not presented to the Secretary of War under this provision prior to the expiration of six months from the date of the passage of this act shall not be considered by him and shall be forever barred."

But although the majority of your subcommittee think that such a limitation as has been suggested is not necessary, yet since the question has been raised we discuss here briefly the origin of "claims for damages caused prior to the acquisition of flowage easements * * * by fluctuation of the water levels * * * due to artificial obstructions in outlets of the lake."

The Lake of the Woods is highly irregular in shore line, approximately 100 miles from east to west and a like distance from north to south, but with several long arms or bays. The lake has an area of nearly 1,500 square miles, being some 400 square miles larger than the State of Rhode Island. The larger part of it is in Canada and drains via the Winnipeg River into Lake Winnipeg. In 1917 there were some 20 sections of privately owned land on the American side affected by the raising of the lake levels and this quantity is not believed to be much greater at present.

The first obstruction in the lake outlets was made probably as early as 1879, but the works which have caused most of the difficulty are those known as the Norman Dam in the Winnipeg River. This construction was authorized or permitted by the Canadian Government in 1893, and was commenced in that year. It was probably not completed until 1905, though there is some difference in the testimony as to the exact date.

This dam was constructed to develop water power for a corporation operating on the Canadian side. In 1898 the obstruction was intensified by building up the dam with stop logs. Since November 19, 1898, the height of the dam has been controlled by the provincial government under a contract with the power corporation.

Land on the American side along the shore of the lake, formerly owned by the Chippewa Indians, were duly opened to occupancy on May 15, 1898, though some of them had been occupied prior to that time by squatters who afterwards converted their tenancy by sufferance or at will into permanent title.

These farmers complained that they were being flooded out by reason of the obstruction referred to—Mr. Hackworth says "12 or 15 years ago," but some of the testimony would indicate that complaints were made considerably before that—and our War Department engineers made exhaustive investigations and reported, as late

as 1911, that the obstructions at the Norman Dam did not raise the level of the lake. And it was not until after that year and, indeed, not until after the investigation made by the International Joint Commission, hereinafter referred to, that it was definitely ascertained that the level of the lake was raised by the obstruction at Norman Dam.

The actual levels at various times, together with the computed natural levels, i. e., the levels as they would have been if the obstructions had not existed, are set forth in tables prepared by members of the subcommittee and by witnesses who appeared before it, from plates embodied in the report of the International Joint Commission.

These figures show that from 1900 to 1906, inclusive, the water was maintained at from 2 to 4 feet above its computed natural level, and witnesses in behalf of the farmers submitted figures to show that during the period from the latter date to 1924 it was usually maintained at least 4 feet above its natural level, the extreme difference being about 6 feet, and that these differences were greatest in the growing season.

That this was an actual damage and that it has been a continuing damage to the farmers on the lake shore there can be no doubt, though Mr. Hackworth estimates that the total of all claims will not exceed \$50,000. Whether that damage is one for which these people should receive compensation is the question here involved, and your subcommittee is of opinion that the bill, by providing for the payment of "just claims" permits the solicitors of the War Department to establish standards for the proof of claims which will exclude from consideration any other kind.

Nor does your subcommittee think it necessary to hedge the department about with restrictions which may later be found to be impracticable or even inequitable. That some such valid claims do exist has been recognized by the Government of Canada and by our own Government. These and other boundary matters (involving both land and water) were first covered in a treaty between the United States and Great Britain, proclaimed May 13, 1910, by which the International Joint Commission was established. This is generally referred to as the treaty of 1909, having been ratified by the United States Senate on March 3 of that year.

That treaty provides, in Article II, "that any interference with or diversion from their natural channel of such waters on either side of the boundary, resulting in any injury on the other side of the boundary, shall give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion or interference occurred, but this provision shall not apply to cases already existing. . . ."

The date of this treaty furnishes a point which may be important for the determination of the rights of an American settler to damages for past flowage. The language above quoted would seem to expressly provide for compensation for damages occurring after the proclamation of that treaty and to expressly exclude damages which occurred prior to that date. But such obligation and the limit of such obligation was applicable only to each Government with respect to citizens of the other. Furthermore, as bearing upon the rights of people owning lands on the American side of the Lake of the Woods, the undersigned desire to point out that at the time of the proclamation of this treaty these people had the assurances of their own Government engineers that the Norman Dam was not responsible for their damages, which assurances, as we have already said, were later proven to be erroneous.

On account of the complaints of American farmers and their demand for recognition by the International Joint Commission of the damages which had accrued to them in the past, and on account of a change in the policy of this Government with regard to the maintenance of the lake levels, a new treaty was finally negotiated, known as the "Treaty of 1925, to regulate the levels of the Lake of the Woods." In that treaty Article IX provides that—

"The United States and the Dominion of Canada shall each on its own side of the boundary assume responsibility for any damage or injury which may have heretofore resulted to it or to its inhabitants from the fluctuations of the levels of the Lake of the Woods, or of the outflow therefrom."

It will be observed that this section by the use of the word "heretofore" does not limit the time during which this damage must have occurred; and this point is emphasized by the following language appearing in the same section:

"Each shall likewise assume responsibility for any damage or injury which may hereafter result to it or to its inhabitants from the regulation of the level of Lake of the Woods."

Concerning the history of this treaty, Mr. Hackworth, who was its principal draftsman on behalf of the United States, says that "as to past damages it was thought that in view of the fact that Canada was going to provide for the flowage easements and protective work it would be only fair for this Government as its part of the arrangement to take care of such damages, if any."

The 1925 treaty provides that the level of Lake of the Woods shall ordinarily be maintained between elevations 1,056 and 1,061.25

sea-level datum and that it shall at no time exceed elevation 1,062.5 sea-level datum. In order to accomplish this the bill provides for the acquisition of flowage easements up to elevation 1,064 sea-level datum. It will be observed that this treaty level, which is now desired by the United States in aid of navigation, is about as high as the maximum to which this water has heretofore been raised by the Norman Dam, and the level of the flowage rights is considerably higher. This will practically involve a complete taking of the lands in question.

We conclude by repeating that inasmuch as the bill (H. R. 9872) only provides for the payment of damages which may justly be found due and for such payment only as appropriations may hereafter be made therefore by Congress, your subcommittee are of opinion that the wishes of the State Department should be complied with by the passage of this bill and that the interests of the United States will be adequately protected thereby.

Respectfully submitted,

WILLIAM N. VAILE,
HENRY ALLEN COOPER,
Subcommittee.

MINORITY REPORT

APRIL 8, 1925.

Hon. STEPHEN G. PORTER,

Chairman Committee on Foreign Affairs.

DEAR MR. CHAIRMAN: I regret that I am unable to agree with the majority of the members of your subcommittee in their report and recommendations on H. R. 9872. Permit me to say, however, that no effort has been made to reconcile our views on this bill, as your chairman, the gentleman from Colorado, Mr. VAILE, after the hearings, wrote out his opinion and submitted it to us for signature. I am in accord with that portion of the majority of the subcommittee's report in which they recommend the following amendment:

"In proceeding by condemnation for acquiring such flowage easements on any tract of land any benefit to the remainder of the tract or the property thereon derived from such easement shall be considered and damages shall be awarded accordingly."

But I am opposed to that portion of the bill which reads as follows:

"The Secretary of War is hereby authorized and directed to cause to be investigated, as soon as practicable, all just claims for damages caused, prior to the acquisition of flowage rights under this act, to the inhabitants of the United States by fluctuation of the water levels of the Lake of the Woods, due to artificial obstructions in outlets of said lake, and after due notice and opportunity for hearing, to ascertain, determine, and award the annual loss or injury, if any, that may have been sustained by respective claimants and to report to Congress for its consideration the amount or amounts he may find to be equitably due such claimants."

This should not be passed without restrictions and limitations, if passed at all. Personally I am opposed to referring a matter of this kind to a department with full power to act and to use their own discretion without rules and regulations and with no authority of Congress to review their actions. The main reason given for recommending the passage of this bill in these words by the committee's report is from the fact that it is proposed by the State Department. To my mind this is no reason at all, bearing on this question, because their duties are executive and administrative, etc., and our duties are legislative, or creative. In disputed legal complications which will arise on the question of considering damages to the parties involved, your committee should certainly not leave these questions to some person in the War Department for determination. I shall not undertake to go into a detailed history of the location and conditions which have existed of the Lake of the Woods, because this has been covered by the majority report, but I will merely undertake to call your attention to these statements of facts which are raised for the discussion of the legal problems involved.

STATEMENT OF FACTS

In 1893 to 1895 what is known as the Norman Dam was built on the Canadian side by the authority of the Canadian Government. In 1898 stop logs were placed in this construction. Since that time this dam has remained the same without further obstruction. The construction of this dam and the placing of these stop logs, when in full use, raised the level of the Lake of the Woods, as a rule, about 2 feet above what would be its level in the course of nature. The result of the construction and maintenance of this dam is what the citizens of the United States complain caused the damage to their property.

This land was not open for entry by the United States until October 5, 1898, as shown by statement of the Department of the Interior hereto attached and marked "Exhibit A," but not for copy, and any who were living there prior to that date were squatters without right. From this it clearly appears that no person had acquired any legal right to this property from the United States prior to the construction of the Norman Dam and the placing of the stop logs therein. On the 13th of June, 1902, Congress adopted a project for improving Warroad Harbor and Warroad River, Minn., which is part of the Lake of the Woods, for the purpose of navigation, and you will find a letter in this

record of the hearings, page No. 45, in which our Government requested the Canadian Government to prevent the level of the lake falling below the datum of 7.2 feet. The proof furthermore shows that the Canadian Government was not able to keep the level of the lake up to what the Government of the United States desired. This insistence on the part of the United States was not changed until May 19, 1913, although numerous complaints had been made by our citizens. Mr. Hackworth says that our Government's position was changed somewhere about that time (p. 107, hearings).

LIABILITY FOR DAMAGES

I was under the impression, when the proof was being taken in this case, that the people now asking for damages to their property were not entitled to any damages from the fact that they made entry and acquired the legal title to this property after the Norman Dam was built, about which they complain as the cause of their overflow, but after hearing all the evidence in this case and considering the legal questions involved, I am of the opinion that this would not apply unless the damages to the property amounted to a taking of the property—

"1. Under general principles of international law, Canada would appear to have had no right to raise the natural level of the lake without the consent of the United States.

"The usage which a riparian makes of that part of the lake over which he is sovereign must not be harmful to the other riparian. Thus, when there is a question of damming the waters of a lake in the territory of one of the two States, of lowering their level or diverting them, such works can not be undertaken in one of the States without the consent of the other, if by thus interfering with the waters situated in the other State serious impediments will be caused to the use of a river for navigation purposes or important changes caused to the waters of a large region." (Fauchille's *Traite De Droit International Public*, vol. 1, p. 412.)

"2. Under general principles of municipal law a riparian owner is entitled to have the water or watercourse on which his property is situated maintained in its state of nature and to have relief or damages against one changing such state.

"Property owners on a navigable lake have the right to have the natural level maintained, and to relief in equity, if necessary, to accomplish that end." (Runyard v. Oetting Bros. Ice Co., 125 N. W. 931, 142 Wis. 471.)

"If an obstruction erected upon land of a riparian owner before other riparian owners acquired their land was causing with each freshet a new overflow, the other riparian owners could have it removed." (Judd v. Blakeman, 195 S. W. 119, 175 Ky. 848.)

"A riparian owner was entitled to have the waters of the lake adjacent to his land stand as they were wont, and not to have his land overflowed more than usual; but, unless such rights were invaded, lower riparian owners on a river flowing out of the lake were entitled to the beneficial use of the stream flowing therefrom." (Krieg v. Kaufman, 173 N. W. 338.)

"One who raises the water of a stream by a dam is liable for damages by the flooding thereby of lands above it, not only at ordinary low water, but at ordinary high water." (Allen v. T. Electric Co., 108 N. W. 79—Mich. 1906.)

"Where one landowner causes water to be discharged upon the land of an adjoining owner at a point where such water would never have flowed in a state of nature . . . such injured landowner is entitled to nominal damages, even if the result was beneficial to his land, and he is likewise entitled to whatever actual damages he may have sustained." (Kennedy v. Murphy, 112 Ill. App. 607.)

From these authorities you will readily see that the Canadian Government was without authority to permit the building of the Norman Dam, in so far as it affected the property situated in the United States. If the building of the Norman Dam caused the raising of the level of the lake and it overflowed in the United States to such an extent that it resulted in the taking of the property, then only those who owned such property prior to the construction of the dam would be entitled to damages. In this case the United States owned the property at the time, and the overflow, as a result of building said dam, could not be considered a taking, because the proof shows that it merely overflowed at different times during different years. Where there is a sale of land and the flood is prior to the sale, only the vendor has right of action. If, however, the structure is built while the vendor is the owner and the flood occurs subsequently to the sale, only the vendee has right of action.

THE RIGHTS OF THE VENDEE ARE NOT SUBROGATED TO THE RIGHTS OF THE VENDOR IN A TRANSFER OF REAL ESTATE FOR AN INJURY IN THE NATURE OF A TRESPASS

"Damages in compensation for an injury in the nature of trespass will not pass by a conveyance of the land." (Schuykill & S. Navigation Co. v. Decker, 2 Watts, 343.)

"A purchaser of land can not sue for injuries done to the premises before he acquired title." (Litchfield v. Norwood Mfg. Co., 48 N. Y. S. 496.)

"One whose land is damaged by the permanent flooding thereof may recover such damages even after conveying the land to another by warranty deed." (Id.)

"A purchaser of land has a right of action for injuries to the land caused by the overflow of water diverted from a stream by ditches on a railroad right of way, though the ditches were constructed before the purchase." (St. Louis Southwestern Ry. Co. of Texas v. Clayton, 118 S. W. 248.)

"A purchaser is presumed to buy the accessory rights to the property transferred, but damages suffered by the vendor before the sale are a personal right not transferred and can not be recovered without an express subrogation." (Matthews v. Alsworth, 12 Southern, 518.)"

CONTINUING TRESPASS

I am of the opinion, however, that in this case the property owners in the United States, damaged by this overflow at different times, resulting from the building of Norman Dam, as nothing further appears, would be entitled to recover the amount of their damages on the theory that it is a continuing trespass to their property; and this would be true, regardless of the fact that they bought and entered this property after the Norman Dam had been erected, if nothing further appears as a bar.

"In treating of 'continuing trespass to realty,' it is said in 38 Cyc., at page 1127, that 'damages for all the injury to the land which results from a single act of trespass to realty are recoverable in a single action; but where the act is not a single act of trespass, but a continuing trespass or series of trespasses which amount to an appropriation or an attempt to appropriate the land itself or its use to the use of the trespasser, the damages are to be assessed for the trespass only, and not as if for the permanent appropriation of the land . . .'

"This principle is illustrated by the case of Winchester v. Stevens Point (17 N. W. 3, and 17 N. W. 547). There the plaintiff complained that the defendant city had constituted a dyke or embankment in front of her premises which rendered them inaccessible, and that this embankment dammed up the water and set it back upon her lands, diminishing them in value and causing damages in the sum of \$700. The court said:

"It seems that the acts complained of by the plaintiff are in the nature of a continuing trespass or nuisance, and that the rule as to the damages which the plaintiff may recover in such actions is not the damages he may sustain in the future, but such as he has sustained at the time the action was commenced."

"The above rule quoted from Cyc. is qualified by the statement that 'although where defendant has the right to appropriate land or an easement therein by eminent domain, plaintiff is, according to some decisions, allowed a recovery in trespass of the entire loss as for a taking.'

"For this qualification the case of Weaver v. Mississippi & Rum River Boom Co. (28 Minn. 534, 11 N. W. 114) is cited. There the defendant by the construction and maintenance of its boom across the Mississippi River invaded the land of the plaintiff—a riparian owner—by superinduced additions of water, earth, logs, etc., so as effectually to destroy or impair its usefulness. It was held that this was not a mere consequential injury, but amounted to a taking of the property within the State constitutional provision. The evidence tended to show that the trespass of defendant deprived plaintiff of the use of his property for a certain period of time, hence the value of such use became material in determining the amount of damage which plaintiff had sustained.

"The measure of damages for an appropriation of the use of the land by a continuing trespass is the worth of the use of the property, except where the doctrine is held that the recovery is based on a permanent appropriation of the land by defendant." (38 Cyc. 1129.)

"The term 'continuing trespass' seems to be used in the sense of a series of trespasses. For instance, in Judd v. Blakeman (175 Ky. 848, 195 S. W. 119) the appellant had erected on his land an embankment which caused the water to overflow lands on the opposite side of the stream. The appellees, who acquired their lands after the erection of the embankment, showed that the embankment caused the waters, with every freshet and high tide, to overflow and damage their lands, in greater volume and more frequently than they were used to flow before the embankment was erected. It was held that the appellees were entitled to a mandatory injunction directing the removal of the obstruction. The court said:

"Each recurrent flood will bring with it a new trespass, to prevent which it was the duty and within the power of the chancellor to prevent by mandatory injunction; otherwise appellees would be without an adequate remedy. A multiplicity of suits would result and it would be absolutely impossible in any one suit to determine the full value of the damage that would result from such an obstruction. It is simply a question of whether appellees should be permitted to enjoy their land in its natural state or whether they should be deprived of this right in order that appellant might enjoy his lands in an artificial condition detrimental to appellee."

LIABILITY OF THE UNITED STATES BASED ON THE ASSUMPTION OF THE CANADIAN GOVERNMENT'S LIABILITY, UNDER ARTICLE 9, TREATY OF JULY 17, 1925, BETWEEN THE UNITED STATES AND GREAT BRITAIN

Article 9 provides that the United States and the Dominion of Canada shall each on its own side of the boundary assume responsibility for any damage or injury which may have heretofore resulted

to it or to its inhabitants from the fluctuations of the level of the Lake of the Woods or of the outflow therefrom.

"Canada would appear, from the principles established, to be liable (1) to the United States or its nationals (owning lands at the time) for damages caused to the lands in the United States through the raising of the level of the Lake of the Woods by means of dams constructed on its territory, and (2) to individual landowners in the United States whose lands were overflowed only after their purchase from the United States, even though they were purchased after the erection of the dams, unless the United States can be said to have adopted the acts of Canada complained of as acts of its own, performed in the exercise of its power to regulate navigation (interstate and foreign commerce).

"1. Did the United States adopt, in effect, the acts of Canada as its own?

"In the final report of the International Joint Commission it is stated:

"In 1895, seven years after the completion of the Rollerway Dam, Colonel Naff, of the General Land Office, United States Department of the Interior, was sent to the Lake of the Woods to investigate complaints made by settlers on the south shore of the lake in Minnesota that their lands had been submerged by high levels caused by the construction of the Rollerway Dam. Colonel Naff reported that it was claimed by the settlers that the Rollerway Dam had raised the level of the lake about 3 feet higher than its natural stage, and that the month of May will be the best season of the year to make a critical examination of the condition and extent of the overflowage and the amount of damage done upon which to base a plea of complaint and for relief.

"Apparently no action was taken in the matter by the United States Government, nor was the matter ever brought officially to the attention of the Canadian Government (p. 19).

"In 1902, on the basis of surveys of Warroad River, authorized by the Congress of the United States, and made by engineers of the United States War Department in 1899 to 1900, a project was adopted by Congress for the improvement of Warroad Harbor so as to provide a 7.2-foot channel. In the plans for this improvement all depths were reduced to what the War Department later referred to as the "normal" level of the lake; that is, a stage of 7.2 feet on the Warroad gauge, corresponding to 1,060.8 sea level datum (p. 18).

"As a consequence, in May, 1925, the Government of the United States suggested to the Government of the Dominion of Canada that the Norman Dam be so operated as to prevent the level of the Lake of the Woods from falling below the datum of 7.2 on the Warroad gauge; i. e., 1,060.8, sea level datum (p. 18).

"As the result of flooding of lands along the south shore of the lake in 1905 and 1907, protests were made by the settlers to the United States Government. The 1907 protest consisted of a series of affidavits which reached the United States department about the end of that year (p. 19).

"It may be noted that none of the protests referred to above were brought to the attention of the Canadian Government by the Government of the United States" (p. 20).

From the above citations it can be readily seen that the Government of the United States did adopt and approve the maintenance of the Norman Dam.

LIABILITIES OF THE UNITED STATES FOR INJURIES SUSTAINED IN THE EXERCISE OF ITS POWERS TO REGULATE NAVIGATION

Injuries caused subsequent to purchase of land through the maintenance of dams constructed prior to purchase in the interest of navigation is now the question involved.

"If it may be said that the United States adopted the act of Canada in building the dams as its own act in the exercise of its power to regulate navigation, it would not be liable to individuals who purchased their lands after the building of the dams.

"In *Philadelphia Co. v. Stimson*, Secretary of War (224 U. S. 605), the complainant, a corporation of Pennsylvania, was the owner in fee of Brunots Island in the Ohio River, Pa. In 1858 a statute was enacted in Pennsylvania providing for the appointment of commissioners to ascertain and mark the lines of ordinary high and low waters. These lines were definitely fixed along the shore of Brunots Island. Subsequent to the establishment of the State commissioners' line, a considerable portion of the shore of the island was washed away from time to time so that a large part of the upland became submerged. The United States Government, in order to increase the depth of water in the harbor of Pittsburgh, caused a dam to be constructed across the Ohio River a short distance below Brunots Island. The effect of this dam was to submerge Brunots Island to a far greater extent and to make the water over the complainant's land navigable at certain times where it was not navigable before. In 1895 the Secretary of War established a harbor line which ran across the complainant's land within the line of the State commissioners. In 1907 the Secretary of War changed the harbor line so as to make it coincide with the actual high-

water mark, since along a part of the shore of the island the harbor line of 1895 ran several hundred feet outside the high-water mark as it then existed.

"The complainant desired to reclaim a part of the land of the island which had been submerged by establishing a coal wharf which was to extend across both of the harbor lines to the State commissioners' line. The Secretary of War refused to permit the complainant to build such a wharf outside the harbor line of 1907 and threatened criminal prosecution if he undertook to do so. The company brought proceedings in equity to set aside the harbor lines as established so far as they encroached upon the land above the line established by the State commissioners and to restrain the Secretary of War from causing criminal proceedings to be instituted against the complainant because of the reclamation and occupation of its land outside the limits prescribed by the Secretary of War.

"The Supreme Court, in affirming a decree sustaining a demurrer to the bill in the lower court, said:

"It will be observed that it is said that the United States caused the erection of the dam in the interest of navigation. The complainant purchased the island subsequently, in the year 1896, and we are not concerned here with the question whether there was any appropriation of land of the owner by the United States and cause of action arose to recover its value. (*Gibson v. United States*, 166 U. S. 269; *United States v. Lynch*, 188 U. S. 455; *Bedford v. United States*, 192 U. S. 217; *Manigault v. Springs*, 199 U. S. 475; *C. B. & Q. Ry. v. Drainage Commissioners*, 200 U. S. 561, 583, 584.) So far as the bill shows the dam was lawfully built, and the allegations with respect to it wholly fail to state any case entitling the complainant to relief by reason of its construction." (223 U. S. p. 627.)

"The court also said (p. 624):

"The doctrine that the owner takes the risk of the increase or diminution of his land by the action of the water applies as well to rivers that are strong and swift, to those that overflow their banks, and whether or not dikes and other defenses are necessary to keep the water within its proper limits."

"The first paragraph above quoted seems to stand for the proposition that where the United States lawfully builds a dam in the interest of navigation (and the same principle would seem to be applicable in the case where a dam is constructed on the foreign side of a boundary water and the United States acquiesces in the maintenance of the dam), the United States will not be liable for any appropriation of land caused by the maintenance of a dam which was erected before the owner purchased the land. The question apparently would be considered only where the appropriation was made while in the hands of the person who owned it when the dam was erected."

The proof in this record correctly shows that the United States did adopt the act of Canada in building and maintaining the Norman Dam, and as this was done for the purpose of navigation and the damages resulting were merely incidental and not a taking of their property, there can be no recovery during the period of time in which the United States took this position. I have heretofore called your attention to the United States Government's request to the Canadian Government to keep the level of the Lake of the Woods at a higher level than it was maintaining on account of navigation at Warroad gauge. These claimants, under the facts and principles of law cited, would not be entitled to any damages up to May 19, 1913, when the Government of the United States changed its position as to the injuries resulting from the level of the lake. The United States having adopted the act of Canada as its own act in the exercising of its power regulating navigation, would not be liable to any individual even owning land at the time of the building of the dam, as the damage caused did not amount to a taking of the land within the meaning of the fifth amendment of the Constitution of the United States.

LIABILITY OF THE UNITED STATES AS VENDOR

The grantee simply took all right and title of the United States, paying valuable consideration thereof. There is no contention made in this case that the United States made any representations in reference to this property, but even if it were so contended that representations were made by the United States, a purchaser of property has no right to rely on representations of the vendor as to its quality, where he has reasonable opportunity to examine it and judge for himself of its qualities. (*Shepherd v. Goben*, 39 N. E. 506.) The doctrine of caveat emptor applies to contracts for the sale of real property or of some interest therein, as well as to contracts for the sale of personal property. (39 Cyc. 1278.)

It was contended by Mr. Berkman, attorney and witness for the claimants in this case, that the purchaser of land bought under the Government survey takes not merely what he buys and with the waters up or down, but he also takes any rights to which his grantor may have been entitled, and that he will be subrogated to the rights of grantor.

I have heretofore made citations which I do not consider it necessary to repeat showing that this is not a correct legal conclusion.

CONCLUSIONS

1. The Norman Dam was built in 1893-1895, and the stop logs placed in same in 1898, and this was prior to the legal entry of any property

made in the United States of the land bordering on the Lake of the Woods.

2. That the building and maintenance of this dam has caused the raising of the level of the Lake of the Woods on an average from 2 to 3 feet (p. 74, hearings), which has resulted in damages to the property owners in the United States at different times.

3. That the Government of the United States is responsible to any of these claimants for damages incurred whenever there is legal liability under the treaty of the United States Government with the Canadian Government, dated July 17, 1925, and that there is no legal liability to any claimant prior to May 19, 1913.

4. That the Government of the United States is only liable to those who own this land in fee simple for any damages caused by the overflow of this lake on their property in excess of what is computed as the level of the lake in its natural stage.

On pages 106 and 107 of the hearings you will find that Mr. Hackworth, representative of the State Department, was asked his legal conclusions as to the liability for damages and at what time. He said upon that proposition that he would divide this into two periods, one from 1898 to 1917 and from 1917 to the present time, and that it was his legal opinion that we had no claim against Canada for the first period, if we had acquiesced in what they had done, but further stated as to whether or not our citizens there have claim against the United States is a different proposition. I adopt the suggestion of Mr. Hackworth in reference to dividing this into two periods and insist that these claimants are not entitled to compensation up to May 19, 1913, for the reasons heretofore stated, and that any damages claimed since that date are entitled to be considered. Whatever we allow the claimants under this bill will be as a matter of grace, but we should understand that by grace they should not be entitled to any greater compensation than what they would be entitled to recover under the strict legal right, providing they had the right to sue.

RECOMMENDATIONS

I suggest that this bill be so amended as to provide that no damage to this property caused by the overflow of the Lake of the Woods shall be considered prior to May 19, 1913, and that no person should be awarded any damages unless he owned the property in fee at the time, and, furthermore, that no damages shall be awarded except those damages caused by the overflow in the excess of what is computed as the level of the lake in the natural state. I further suggest that this be referred to the War Department under these rules and restrictions for them to make investigation and report on the claims filed, the amount of the damages, if any, and with synopsis of evidence upon which they act. If such report could be brought back to this committee for action during next session of Congress, I feel that justice would be done both as to the claimants and the Government.

Respectfully submitted.

S. D. McREYNOLDS,
Member of Subcommittee.

Mr. PORTER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. CONNALLY of Texas. Mr. Chairman, before that is done, I think on page 3, line 11, there ought to be the word "and" inserted between the words "ascertain" and "determine." Will the gentleman from Pennsylvania offer that amendment?

Mr. PORTER. Yes. Mr. Chairman, I offer an amendment that on page 3, line 11, there be inserted, after the word "ascertain," the word "and," and strike out the comma.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 11, after the word "ascertain," strike out the comma and insert the word "and."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania that the committee rise and report the bill back to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 9872) to carry into effect the provisions of the convention between the United States and Great Britain to regulate the level of the Lake of the Woods, concluded on the 24th day of February, 1925, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PORTER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is now on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

INDEMNITY TO GREAT BRITAIN ON ACCOUNT OF THE DEATH OF DANIEL SHAW WILLIAMSON

Mr. PORTER. Mr. Speaker, I call up H. R. 11308, a bill authorizing the payment of an indemnity to Great Britain on account of the death of Daniel Shaw Williamson, a British subject, who was killed at East St. Louis, Ill., on July 1, 1921.

The SPEAKER. This bill is on the Union Calendar.

Accordingly the House automatically resolved itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11308, with Mr. SNELL in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be paid to Great Britain, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of legal liability of the United States, the sum of \$2,000, as full indemnity for the death of Daniel Shaw Williamson, a British subject, who was killed by a policeman at East St. Louis, Ill., July 1, 1921, as set forth in the message of the President on December 13, 1924, printed as Senate Document No. 172, Sixty-eighth Congress, second session.

Mr. PORTER. Mr. Chairman, I ask that the message of the President and the letter from the Secretary of State be read by the Clerk in part of my time.

The Clerk read as follows:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to the claim presented by the British Government for indemnity on account of the death of Daniel Shaw Williamson, a British subject, at East St. Louis, Ill., on July 1, 1921. I recommend that Congress authorize an appropriation and that an appropriation be made to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, December 13, 1924.

THE PRESIDENT:

I deem it necessary to bring to your attention a claim presented by the British Embassy at Washington for indemnity on account of the death of Daniel Shaw Williamson, a British subject, 22 years old, who was killed at East St. Louis, Ill., on July 1, 1921. A coroner's jury found that Mr. Williamson came to his death as a result of gunshot wounds inflicted by a police officer.

It appears from testimony taken at the coroner's inquest that while making his way peacefully toward his home Mr. Williamson was accosted by two policemen in plain clothes and ordered to halt.

For some unknown reason, possibly because of impaired hearing, because of noise made by the motor cycle in which the policemen were traveling, or because he did not know that the men who approached him were policemen, Mr. Williamson disregarded the order to halt and continued to move toward his home, which was only a short distance away. One witness at the inquest testified that a shot was fired by the policemen, after which Mr. Williamson started to run, when a second shot was fired; but the policeman who did the shooting testified that Mr. Williamson ran before he fired the first shot. When Mr. Williamson reached his home he fell mortally wounded and died a few minutes later.

It seems to be established by the testimony taken at the coroner's inquest that Mr. Williamson had been engaged in conversation with his associates; that the policemen were in plain clothes and that when they first accosted Williamson they were within a few feet of him and could easily have arrested him without resort to the use of firearms; and that the shooting was done with a riot gun. There apparently was no reason to suspect that Mr. Williamson had committed or intended to commit, any offense, and it is believed that in the circumstances the use of a riot gun was unwarranted. On learning of the lamentable incident Mr. John Williamson, the father of Daniel Shaw Williamson, who resides at 33 Fishcross by Alloa, Scotland, came to the United States from Scotland to ascertain the actual circumstances attending the death of his son. He incurred considerable expense and forfeited his salary for the period of his absence from

home. The British Government considers that the father of the deceased is entitled to an indemnity, and has presented a claim in the sum of \$2,000. Correspondence with the Governor of Illinois has not resulted in steps being taken to indemnify Mr. John Williamson and has not revealed the existence of any remedy which could be pursued with a view to recovering an indemnity.

As the shooting of Daniel Shaw Williamson appears from information available to the department to have been unwarranted and as it seems certain that no redress will be afforded by the State of Illinois or the municipality of East St. Louis, I recommend that the Congress be requested to authorize an appropriation for the payment to Mr. John Williamson of the sum of \$2,000 requested by the British Government as indemnity for the death of his son, Daniel Shaw Williamson, and to appropriate the amount mentioned as an act of grace and without reference to the question of the legal liability of the United States.

As a summary of the essential facts regarding the claim is embodied in this communication, it is deemed unnecessary to accompany it with copies of the correspondence in this case. All or any part of the correspondence will, of course, be furnished should the Congress so desire.

It will be noted from the inclosed communication from the Director of the Budget, to whom the matter was referred, that the proposed action is not in conflict with the financial program of this Government.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE.

Washington, December 10, 1924.

Mr. PORTER. Mr. Chairman, I do not see that I can add anything to the very concise statement of facts contained in the letter from the Secretary of State. The amount asked, \$2,000, is extremely modest. It has met with the approval of the President and the Secretary of State and has the unanimous approval of the Committee on Foreign Affairs. It is one of those claims that ought to be paid and paid promptly.

Mr. CONNALLY of Texas. Mr. Chairman, I yield 15 minutes to the gentleman from Oklahoma [Mr. McKeown].

Mr. McKEOWN. Mr. Chairman, I ask unanimous consent to proceed out of order.

Mr. PORTER. Mr. Chairman, I object.

Mr. McKEOWN. I hope the gentleman will not object.

Mr. PORTER. How long does the gentleman propose to take?

Mr. McKEOWN. I want about 15 minutes to discuss this matter.

Mr. PORTER. We have only two Calendar Wednesdays during the session. We have five bills and have disposed of only one.

Mr. McKEOWN. The gentleman is always allotted one hour to a side.

Mr. PORTER. I shall not object if the gentleman's time is limited to 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, I want to talk to you for a few minutes about H. R. 11253. I do not want what I say construed as intended in any way to impede any farm legislation that may be in contemplation at this session of Congress, but I want to bring this bill to your attention for this reason: That under this bill I provide a method whereby you make no charge on the Treasury of the United States except for administrative expenses, to meet the objection of a large number and give to the farmer the same kind of protection you give to the manufacturer. The manufacturer is protected by a customs duty, and I have simply drawn this bill so as to give to the farmer a part of that duty, so it will work in his case just the same as it works for the manufacturer.

I am frank to say in the outset that I do not know whether this policy or principle shall become the permanent policy of this Government; but as long as you have a tariff for protection or a tariff for customs duties, then under my plan you can have a similar protection which will balance and lift the farmer up and give him the same privileges enjoyed by the manufacturer.

I will show you how it is done. In the first place, I have provided for a board consisting of the State and National presidents of farm organizations. They are made into a board for the purpose of standardizing production in this country. In other words, the duty of that board would be to come to Washington, take all the information available, and determine from the amount of the surplus on hand the amount produced last year of any of the basic commodities, and determine what should be the amount, in order to meet the domestic demands and the foreign trade, for the coming year. There is nothing compulsory about it, because you can not under our form of government compel men to reduce production. But to illus-

trate: If that organization had been in session in January of this year, they would have found that we made 16,000,000 bales of cotton in the United States off of 46,000,000 acres planted last year. That is about 175 pounds per acre. If they, in looking over the situation, should determine that this country should not produce over 12,000,000 bales of cotton the next year in order to supply the domestic consumption and the foreign trade, they would say they find that 12,000,000 bales of cotton is the standard production and that, based upon last year's acreage, 150 pounds of lint cotton per acre would be the standard throughout the United States. Then you would diffuse this information through the county agents throughout the United States. That agency and organization is already set up. The county agent would give notice that he would be in his office, we will say, from the 1st day of February to the 1st day of March, and farmers in all of the counties would be interested to know what is meant by the standard of production. A farmer would come into the agent's office and he would say, "I want to find out what you mean by this standard of production." The agent would say that a board, composed of farm representatives, had determined that 150 pounds of lint cotton per acre, based on last year's production, would be the standard for this year.

The agent would ask, "How many acres of cotton did you have last year?" Suppose he should say 100 acres. Then the agent would say, "I am ready to issue you a certificate for a standard of 15,000 pounds of lint cotton." Then this man will ask, "Will there be anything to make me produce that amount or not produce it?" and the agent will answer "No." He can plant more acres than he planted last year or less acres or just as many as he wishes. There is nothing in the law to prohibit it, and the agent is simply stating the amount that ought to be produced by him compared with his production the year before. The agent would then say he was willing to issue him this standard.

This is for educational purposes. There is nothing compulsory about it. It is simply to enlighten and bring to his attention what amount he should produce of this article that would make a reasonable amount to meet the demands of the foreign market and the domestic trade.

Mr. BEGG. Will the gentleman yield for a question?

Mr. McKEOWN. Yes.

Mr. BEGG. How does any Government agent or anyone else know what the elements are going to produce in any crop so that before the crop is harvested he can give advance information that they are going to need so many bales or so many bushels?

Mr. McKEOWN. It is easy enough to determine the probable amount of wheat needed and the probable amount of cotton needed and the probable amount of tobacco needed in any given year.

Mr. BEGG. In getting that information would he not have to know how much was going to be imported from the foreign markets—from Canada, South America, Russia, and other foreign countries?

Mr. McKEOWN. He would simply base it upon an estimate, which would be the best he could do with all the light before him. Of course, it could not be absolutely accurate, but you have sufficient information from the Commerce Department, from the Census Bureau, from the Department of Agriculture, and from the other departments to at least make a good guess, and it is simply for the purpose of education and also to be used in connection with my second proposition.

Mr. BEGG. Is not that guess founded solely on whether or not weather conditions are favorable, and if weather conditions turn out to be unfavorable the guess does not amount to anything, does it?

Mr. McKEOWN. What I meant to say to the gentleman is that there might be a total failure, of course, but I am calling the gentleman's attention to what would be a standard production in the United States under average circumstances. Of course, a man could plant more cotton or less cotton. We do not attempt to regulate that and say he must do this or do that. We come to that in connection with another matter here which will be to induce him to standardize his production as much as possible. Of course, crop conditions, insect pests, drought, weather conditions will change the production, and it may be less or it may be more. We can not control it to start with by mere acreage.

Mr. BEGG. I would like to ask the gentleman another question, although I have no inclination to interfere with his time or with his speech.

Mr. McKEOWN. I understand that.

Mr. BEGG. I can understand how a factory can set a definite figure on production, but I can not conceive how any agricultural producer can do that because of the countless

things that would enter in to either increase or decrease the estimate.

Mr. McKEOWN. It can not possibly be an accurate amount, but this is the proposition: In England, in dealing with her rubber situation, England fixed a standard production. She fixed that standard for two purposes, and I am trying to fix this standard for two purposes—one for educational purposes, to come as near to the standard as a man can under all the circumstances—

Mr. BEGG. Right in connection with the gentleman's illustration regarding rubber, rubber has a limited area of production, and there are a limited number of people engaged in its production.

Mr. McKEOWN. That is true of cotton. Cotton has a limited area.

Mr. BEGG. It is limited to sections, but not in the number of people producing it.

Mr. McKEOWN. The same is true of rubber.

I want now to go to the next proposition. After you have fixed the standard production, the question then arises, What about your second board? There will be a second board whose duty it would be to determine what percentage of the standard will likely be consumed in domestic commerce. This board would not be constituted of farmers alone, because that would not be fair. This board has to determine what is the probable amount of the standard production that has been fixed that will be absorbed in domestic commerce, and on this board would be three men nominated by farmers, one man nominated by the American Bankers' Association, one man nominated by the American Federation of Labor, one man nominated by the President of his own choice, and the Secretary of Agriculture. It would be their duty to determine if any of the basic products that were being produced in the United States were being produced at a loss to the producers, so that it would be necessary to award a duty to them, and that would be done in this way. Suppose they find that 50 per cent of the cotton would be consumed in the domestic trade; that would be 6,000,000 bales of cotton, or 50 per cent of the standard production.

Going back to your original farmer who came in and received his standard of 15,000 pounds of cotton as a standard, he would then receive from this county agent a certificate which would be a debenturable certificate to receive his debentures on 7,500 pounds of cotton.

In this bill it is provided that a tax shall be levied as an excise tax on the buyers from the producers for resale and processing at a schedule of 5 cents a pound on cotton—and these rates are merely to bring the matter to the attention of Congress—1 cent a pound on cattle, which I took from the tariff rates, one-half cent on pork, and 42 cents per bushel, which I took from the tariff rate, on wheat. Then the Secretary of the Treasury would furnish debentures in denominations of coin and currency to be purchased at the banks or at the post office or from the collectors by men who are engaged in buying directly from the producers. That is where you get your money with which to pay these debentures, and the manufacturer, when he manufactures cotton into goods to be exported, gets his drawback in the same manner from the same fund, and so does the exporter who exports direct to the foreign markets.

Mr. BEGG. Will the gentleman permit another question? I am very much interested in what the gentleman is saying.

Mr. McKEOWN. Yes.

Mr. BEGG. Let us take a specific case and say there are 1,000 pounds of cotton and the price of cotton is 25 cents a pound. That would be \$250 of debentures issued.

Mr. McKEOWN. The gentleman means on a thousand pounds?

Mr. BEGG. Yes.

Mr. McKEOWN. Five cents a pound would amount to \$50.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CONNALLY of Texas. I yield the gentleman 10 minutes more.

Mr. BEGG. What security is back of the \$50 debenture?

Mr. McKEOWN. The money is paid into the Treasury.

Mr. BEGG. Who pays it into the Treasury?

Mr. McKEOWN. The man who buys the cotton.

Mr. BEGG. Where did he get it?

Mr. McKEOWN. Took it out of his own pocket.

Mr. BEGG. Then if the price of cotton is 25 cents, he pays 30 cents.

Mr. McKEOWN. Yes.

Mr. BEGG. Where does he get his money back?

Mr. McKEOWN. If he ships it abroad, he gets the money back from the Government.

Mr. BEGG. Where does the farmer get it?

Mr. McKEOWN. He gets his 5 cents addition on his 7,500 pounds, and on the other 7,500 pounds the farmer gets the market price and the debenture money; it is paid into the Treasury.

Mr. BEGG. Assuming that he pays 25 cents cash to the farmer, he is issued a debenture for \$50, 5 cents a pound more, and he gets a drawback. But suppose he sells it in Europe for 20 cents a pound.

Mr. McKEOWN. That is a question of business with him.

Mr. BEGG. It is his hard luck.

Mr. McKEOWN. Yes.

Mr. BEGG. Where does that leave the farmer or the buyer?

Mr. McKEOWN. If you give the farmer 5 cents a pound additional on his lint cotton, if you give that in addition to the market price on a part of his crop, and in order to keep the market fair, the manufacturer can have no objection, because he gets his drawback from the same fund.

Mr. BEGG. Let me ask the gentleman another question. Where does this pool come from that they are getting the drawback from—the Treasury of the United States?

Mr. McKEOWN. It comes from the fact that every buyer of cotton pays 5 cents more a pound on every pound, and the farmer would get the debenture for a part, and the other part comes back to Washington to refund the manufacturers and exporters of cotton.

Mr. BEGG. I may be dense, but I do not see how this money gets into this pool. Who puts it in?

Mr. McKEOWN. The man who buys the cotton in the first instance.

Mr. BEGG. Before the man can contribute anything to the pool he must buy it for less than it is worth.

Mr. McKEOWN. The bill provides that he shall pay 5 cents a pound in addition to the market price. I am not trying to fix the price on cotton.

Mr. BEGG. I see that all right.

Mr. McKEOWN. Now, take the manufacturer. You put a customs duty of 30 per cent on an article that he manufactures. Where does he get the advantage of that 30 per cent?

Mr. BEGG. When he sells the property.

Mr. McKEOWN. Exactly, and when the farmer sells his 7,500 pounds of cotton he gets the advantage of 5 cents a pound.

Mr. BEGG. Who is going to pay it?

Mr. McKEOWN. The consumers of the country, because the buyer pays it, and he knows that he gets his money back on his sale.

Mr. BEGG. The man who works up the material pays 5 cents extra, and he sells it for 5 cents more?

Mr. McKEOWN. It is just the same as you put the tariff duty on manufactures. When a man makes up his material that is protected he adds the protection of the tariff to the price of his goods, and so it goes all the way down the line.

Mr. BEGG. Then, if I understand the scheme, it is to take money out of the consumer's pocket and give it to the producers; in other words, it is not to shut out cheap labor, it is to take it out of one man's pocket and put it into another?

Mr. McKEOWN. It is just like your tariff.

Mr. BEGG. That takes it out of cheap labor.

Mr. McKEOWN. I am not taking anything out of labor.

Mr. CONNALLY of Texas. I suggest to the gentleman from Oklahoma, with reference to the interjection of the gentleman from Ohio [Mr. BEGG], that it is just as legitimate for the Government, in order to encourage the exports, to aid exporters, as it is to tax all of the people in the United States and cut out the imports for the benefit of affording a domestic market to certain special favored manufacturing interests in the United States.

Mr. McKEOWN. My bill figures on this basis, that it simply turns to the farmer and gives the farmer something that will help lift his condition up to the prosperous condition of the other industries of the country.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. SCHAFER. In order to correct the record, the gentleman from Ohio [Mr. BEGG] stated that the high protective tariff was put on the statute books to protect American labor from the importation of goods produced under cheap labor. In substance his statement was to that effect.

Mr. BEGG. That is exactly what I said.

Mr. SCHAFER. That is not correct.

Mr. McKEOWN. I hope the gentleman will not undertake to make a speech in my time.

Mr. SCHAFER. Just one minute. If that statement is correct, then we would not have these conditions in New Jersey in the textile mills, where men are on strike for a living wage.

Mr. McKEOWN. I do not want to go into that phase of the matter at this time.

Mr. WOODRUFF. In other words, the position of the gentleman from Oklahoma is that the protective tariff under which we have been living for many years in this country benefits very materially the manufacturer in the country, including both capital and labor?

Mr. McKEOWN. Yes.

Mr. WOODRUFF. And that he now is in favor of legislation that will put the farming communities and the farmers of the country upon the same favorable basis?

Mr. McKEOWN. That is exactly what this bill proposes to do. Take wheat, as an example. We produce 600,000,000 bushels of wheat in the United States this year, we will suppose, and our consumption is 500,000,000 bushels of wheat. This board that I set up does not issue and declare debenturable every product, but the board uses its judgment. The President of the United States will have to declare when any product is in such condition as to be debenturable, and he determines from the price of the product at the time it is marketed whether that price is fair to the producer as well as fair to the consumer.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BLACK of New York. I wonder why the gentleman does not follow out the rubber-restriction plan by putting a penalty on the excess producers.

Mr. McKEOWN. Oh, this is a free country.

Mr. BLACK of New York. The gentleman wants to put the penalty on the consumer and not on the excess producer.

Mr. McKEOWN. No; I am simply doing this: My bill proposes to give to the farmer something to help him out of his present condition, and put him on an equal basis, so far as the things that he has to sell is concerned, with the things that he has to buy. The laboring people of this country have said time and again before the Committee on Agriculture that they are willing to take some part of the burden. This does not propose going into the Treasury of the United States and taking any money, except for the administration of it. It is simply putting into the commerce of this country an added burden to save agriculture from destruction. If you do it, then you will not hear any more complaint about the high tariff from the farmer, because he will benefit alike with the manufacturer.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I yield five minutes more to the gentleman from Oklahoma.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BEGG. Has the gentleman made any estimate as to the cost of bookkeeping in order to keep this complex scheme for 6,000,000 farmers in the United States.

Mr. McKEOWN. That will be a very easy thing to do.

Mr. BEGG. How many bookkeepers would it take?

Mr. McKEOWN. It will not take very many bookkeepers, because the debentures will be printed in the form of money.

Mr. BEGG. Will they be negotiable?

Mr. McKEOWN. Of course they will be. If a man goes to buy hogs to-day he will take his debentures with him, and the farmer will have his certificates with coupons on it showing how much is debentured; the farmer presents his coupons for debenture until his certificate is exhausted, when he has to sell products that are debenturable, and takes the market price for the balance of his stuff.

Mr. BEGG. I would like to ask the gentleman another very important question to me, in all of these schemes, and this is one of the schemes. Let us say that the gentleman and I are both farmers. Suppose I raise a thousand bushels of wheat and he raises a thousand bushels of wheat. When our harvests are in, the Government has not decided that there is any necessity for this debenture process. I sell my wheat at the market price of \$1 a bushel. Two months later it develops that the Government puts in the debenture process, and gives the gentleman \$1.25 a bushel for his wheat. Where do I get off?

Mr. McKEOWN. That could not happen under my bill because they must declare before the crop planting season whether or not the crop will be debenturable.

Mr. BEGG. Then this fall they must decide whether there will be a shortage next year?

Mr. COOPER of Wisconsin. Mr. Chairman, I make the point of order that this discussion is entirely out of order. Under the rules the debate must be confined to the subject before the House.

The CHAIRMAN (Mr. HAWLEY). The gentleman had unanimous consent to speak for 15 minutes out of order.

Mr. BEGG. Oh, no; Mr. Chairman, the gentleman asked unanimous consent to speak out of order and then was yielded 15 minutes at first, and later 5 minutes.

The CHAIRMAN. The present occupant of the chair was not in the chair at that time. That makes a difference. The gentleman will proceed with his remarks.

Mr. BLACK of New York. Will the gentleman yield?

Mr. McKEOWN. No; I can not yield further.

Mr. BLACK of New York. I wanted to help the gentleman.

Mr. McKEOWN. I want to say to you under this proposed plan instead of levying something on the farmer, instead of the United States going out and going into business, undertaking to fix a false system of economy, undertaking to fix the price of farm products, undertaking to change the economic structure of this country, this simply gives to the farmer a small amount of protection and allows the commerce of the country to consume it, to take it up and it is passed to the consumer, and the proposition is simply turning the tariff around and giving the same thing to the farmer you give to the manufacturer. That is what this system will do, and this costs only the necessary amount to administer it.

Take men in the wheat, cotton, or corn country: It is just the difference between whether they may make a profit or go broke. The man who raises 15,000 bushels of wheat, if he was debentured upon 10,000 bushels of wheat he would receive 42 cents in addition to the market price of his 10,000 bushels. Upon the 5,000 bushels he would receive the market price. The 42 cents on the bushel for 5,000 bushels would be paid into the board at Washington, to be paid back to exporters, thus keeping the export price going as against the domestic price, so they could not take the debenture and beat down the domestic price. It is not an erratic scheme, it is simply turning the tariff, which works so well for the manufacturer, around and applying it to the farmer. Why, the manufacturers on steel goods, they do not import them—

The CHAIRMAN. The time of the gentleman has again expired. [Applause.]

Mr. McKEOWN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CONNALLY of Texas. Does the gentleman desire more time?

Mr. McKEOWN. No.

My bill is H. R. 11253, and reads as follows:

A bill (H. R. 11253) to create a Federal farm committee, a Federal farm board to standardize production, issue debentures, levy an excise tax on purchasers of agricultural products, and for other purposes.
Be it enacted, etc.—

DECLARATION OF POLICY

SECTION 1. It is declared to be the policy of Congress to standardize the production of the basic farm products and to encourage the producers of agricultural products for the general welfare of the United States.

FEDERAL FARM COMMITTEE

SEC. 2. a. There is hereby created and established a Federal farm committee (hereinafter referred to as the committee) to consist of the State presidents of farm organizations and cooperative organizations (whose membership consists wholly of producers) having a bona fide paid membership of not less than 10,000 members in any such State; and the national president of farmers' organizations and cooperative organizations (whose membership consists of producers) where such national organizations have a bona fide State organization in not less than 10 States. The Secretary of Agriculture may designate one member from each of the 12 Federal land bank districts whom he considers to be representative of agriculture.

b. The term of office of each member shall expire one year from the date of the enactment of this act, and vacancies occurring during such period shall be filled in the same manner as the original selection. Thereafter successors shall be elected and vacancies shall be filled in accordance with regulations made by the committee with the approval of the Secretary of Agriculture; the term of office of each individual so selected to expire one year from the date of the expiration of the preceding term.

c. Any member in office at the expiration of the term for which he was elected may continue in office until his successor qualifies.

d. The members of such committee shall be paid a per diem compensation of not exceeding \$25 for attending meetings of the committee. Each member shall be paid his traveling expenses to and from the meetings of the committee and his actual expenses while engaged upon the business of the committee.

DUTIES OF COMMITTEE

SEC. 3. a. Meet as soon as practicable after the enactment of this act and nominate to the President 12 individuals eligible under section 4 for appointment to the board.

b. Meet thereafter at least twice in each year, in the District of Columbia or at such other time and place designated by the Secretary of Agriculture, or upon a petition duly signed by a manager of the individuals, members, or selected members of the committee at a time and place designated therein.

c. Nominate upon the request of the Secretary of Agriculture individuals to fill vacancies occurring in the board.

d. The committee at its semiannual meetings shall determine and fix the "Standard of production" in the United States for the ensuing year of the basic agricultural commodities and shall take into consideration the production of the preceding year, the amount of surplus on hand, the probable requirements for domestic consumption and the foreign demand, and all other available information to determine the "Standard production" per acre based on the acreage of the preceding year and the number of animals marketed in such year as shall be sufficient to meet the domestic requirements at a reasonable price to the consumer, including the excise embodied in section 10 as to make a reasonable return to the producers of such basic agricultural products.

e. To certify the standard of production to the Secretary of Agriculture immediately upon its determination.

f. The Secretary of Agriculture shall designate the temporary presiding officer to preside until the committee at its meeting shall select its permanent chairman.

g. The committee shall adopt written rules of procedure.

FEDERAL FARM BOARD

SEC. 4. There is hereby established in the Department of Agriculture a board to be known as the Federal Farm Board and to be composed of said members as follows: Six members, one to be designated as chairman, appointed by the President by and with the advice and consent of the Senate; three from the individuals nominated by section 3; one from four individuals nominated by the American Bankers Association; and one from four individuals nominated by the American Federation of Labor; one of his own choice, and the Secretary of Agriculture.

APPOINTMENT AND QUALIFICATION OF MEMBERS

SEC. 5. a. The terms of office of the appointed members first taking office after the enactment of this act shall expire, as designated by the President, two at the end of the second year, two at the end of the fourth year, two at the end of the sixth year after the date of the enactment of this act. A successor to an appointed member shall be appointed by the President by and with the advice and consent of the Senate from the individuals nominated as provided hereinbefore for a term expiring six years from the date of the expiration of the term for which his predecessor was appointed.

b. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

c. Any member in office at the expiration of the term for which he was appointed may continue in office until his successor takes office.

d. Whenever a vacancy occurs in the board, or whenever, in the opinion of the Secretary of Agriculture, a vacancy will soon occur, he shall notify the organization entitled to nominate individuals and request that such organization nominate at least four individuals qualified under this section to fill such vacancy, and upon receipt of such nomination he shall submit their names to the President as the nominees for such vacancy.

e. Vacancies in the board shall not impair the power of the remaining number to execute the functions of the board, and a majority of the appointed members constitute a quorum for the transaction of the business of the board.

f. Each of the appointed members shall be a citizen of the United States, shall not actually engage in other business, vocation, or employment, other than that of serving as a member of the board, and shall receive a salary of \$10,000 a year, together with all actual and necessary traveling and subsistence expenses while away from the principal office of the board on business required by this act.

GENERAL POWERS OF THE BOARD

SEC. 6. a. Shall maintain its principal office in the District of Columbia.

b. Shall have an official seal which shall be judicially noticed.

c. Shall make an annual report to Congress.

d. May make such regulations as are necessary to execute the functions vested in it by this act.

e. May (1) in accordance with the classification act of 1923 fix the salaries of the secretary, expert officers, and employees, subject to the provisions of the civil service laws; (2) make such expenditures (including expenses for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the board and as may be provided for by Congress from time to time. All expenditures of the board shall be allowed and paid upon presentation of itemized vouchers therefor approved by the chairman.

SPECIAL POWERS AND DUTIES

SEC. 7. a. The board shall meet at the call of the chairman at least weekly and at such other times as the chairman deems advisable.

b. The board is authorized to obtain from any available source information in respect to the supply and demand, current receipts, exports, imports, markets, and prices of agricultural commodities, and determine the probable amount required to supply domestic requirements of any such product for the ensuing year, and shall fix the per cent of the "standard of production" of any or all basic agricultural commodities which the producers of said product shall be entitled to receive the debentures, as set forth in section 10, and to certify said decision to the President of the United States to be proclaimed prior to the production season of such products. The board may in any one year determine that the market price of any basic agricultural product is sufficient to return a fair consideration to the producer without the debenture provided in section 10, and in any such event it shall suspend the debenture for such ensuing year on such product, but that such debenture shall not be suspended during the year for which it has been declared.

c. The board shall disseminate any information or analyses or summaries from time to time among cooperative associations and farm organizations and other business interests in the United States.

d. The board shall notify the Secretary of the Treasury of the amount of debentures that will be required in any one year, as provided in section 10 of this act, to cover the domestic requirements and foreign exports.

e. The board shall keep a record of all debentures received by it from producers, manufacturers, and exporters, and surrender to the Secretary of the Treasury at such times as required all such debentures received by it from all sources.

DUTIES OF THE SECRETARY OF THE TREASURY

SEC. 8. The Secretary of the Treasury shall cause to be issued agricultural debentures in convenient form in the denominations of coins and currency of the United States in the amount certified by the Federal farm board, and shall supply said debentures for sale through internal-revenue collectors, Federal reserve banks, and the Post Office Department. The Secretary of the Treasury shall redeem the debentures from the Federal farm board whenever there are sufficient funds collected from the sale of the same, and at such times as he may designate.

PAYMENT BY DEBENTURE

SEC. 9. During the period in respect of which the President has proclaimed that the producers of any basic agricultural commodity may receive debentures, every purchaser of any such basic agricultural commodity shall deliver to the producer (or to the person making the sale on his account) a debenture for the amount provided in the schedule contained in section 10 herein, in addition to the purchase price agreed upon for the commodity.

SCHEDULE OF DEBENTURES FOR AGRICULTURAL PRODUCTS AND PROVISIONS

SEC. 10. a. Cattle weighing less than 1,050 pounds each, 1 cent per pound; cattle weighing 1,050 pounds each or more, 1½ cents per pound; fresh beef and veal, 2 cents per pound; tallow, one-half of 1 cent per pound; oleo oil and oleo stearin, 1 cent per pound.

b. Swine, one-half of 1 cent per pound; fresh pork, three-fourths of 1 cent per pound; bacon, hams, and shoulders and other pork prepared or preserved, 2 cents per pound; lard, 1 cent per pound; lard compound and lard substitutes, 1 cent per pound.

c. Oats, rolled, 15 cents per bushel of 32 pounds; unrolled, ground oats, 45 cents per 100 pounds; oatmeal, rolled oats, oat grits, and similar products, 80 cents per 100 pounds.

d. Paddy or rough rice, 1 cent per pound; brown rice, hulled, 1½ cents per pound; milled rice, bran removed, 2 cents per pound; brown rice and rice-mill flour, polished, 1 cent per pound.

e. Wheat, 42 cents per bushel of 60 pounds; wheat flour crushed or cracked, with similar wheat products not specifically provided for, \$1 per 100 pounds.

f. Cotton and cotton waste, 5 cents per pound.

g. All tobacco, unstemmed, 35 cents per pound; stemmed, 50 cents per pound.

It shall be the duty of every producer (or the person making sale on his account) to exhibit to the purchaser of any such basic agricultural commodity his certificate showing the amount of the debenture he is entitled to receive before receiving said debentures on said product, and upon the exhibition of said certificate it shall be the duty of said purchaser to deliver said debentures to said producer (or the person making the sale on his account). If the producer (or the person making the sale on his account) has no certificate, the purchaser shall transmit the debenture in the amount set forth in the above schedule to the Federal Farm Board, Washington, D. C., with an itemized statement showing from whom each commodity was purchased, and the amount of the same, within 10 days after the purchase of said commodity. Each purchaser of any agri-

cultural basic product upon which the President's proclamation was issued shall write or stamp upon every letter, memorandum, or account of resale the words "debenture paid."

EXPORT PROVISIONS

SEC. 11. During the period in relation to which the President has proclaimed a debenture period upon any basic agricultural products, there shall be issued upon such debenturable product exported from the United States to the Philippine Islands, Virgin Islands, Guam, and Tutuila, or any foreign country, debentures upon the same article upon which the excise tax has been paid at the same rate, and manufacturers or processors of any such article may receive debentures upon the export of any manufactured or processed products upon the same ratio as such manufactured or processed article exported bears to the whole debentured product purchased for processing or manufacturing.

SEC. 12. The Secretary of Agriculture shall cause to be printed certificates of "Standard production" in blank form and furnish the same to the county agents throughout the United States, or such person designated by the Secretary of Agriculture as agent, whose duty it shall be to open an office in the county seat of each county and give notice that said office will be opened for a period of 60 days prior to the commencement of the production period for the purpose of issuing said certificates of production to individual producers. Individuals desiring to receive the certificates of standard production shall disclose to said agent the amount of acres planted or the number of animals marketed during the past year, and if the individual was not engaged as a producer during the preceding year he shall make known the amount of acres proposed to be planted or the number of animals proposed to be marketed.

It shall be the duty of the board upon the proclamation of the President declaring any basic agricultural product debenturable during the ensuing period to cause blank certificates with coupons to be issued and delivered to such agents in the employ of the United States and the several States in the several counties, to issue to individual producers upon application said certificates with coupons which may be detached by purchasers upon delivery of debentures.

EXCISE TAX ON PURCHASE OF DEBENTURABLE BASIC AGRICULTURAL PRODUCTS

SEC. 13. (a) Whenever the President shall proclaim all or any of the following basic agricultural products debenturable under this act, there is hereby levied a tax in the nature of an excise upon the purchase for the purpose of resale or processing from the producer of any debenturable product as follows:

Cattle weighing less than 1,050 pounds each, 1 cent per pound; cattle weighing 1,050 pounds or more, 1½ cents per pound; fresh beef and veal, 2 cents per pound.

Swine, one-half of 1 cent per pound; fresh pork, three-fourths of 1 cent per pound; other pork cured, prepared, or preserved, 2 cents per pound; lard, 1 cent per pound.

Oats, hulled or unhulled, 15 cents per bushel of 32 pounds; unhulled ground oats, 45 cents per 100 pounds; oatmeal, rolled oats, oat grits, or similar oat products, 80 cents per hundred pounds.

Paddy or rough rice, 1 cent per pound; brown or unhulled rice, 1¼ cents per pound; milled rice (bran removed), 2 cents per pound; broken rice and rice meal, flour, polished, and bran, one-half of 1 cent per pound.

Wheat, 42 cents per bushel of 60 pounds; wheat flour, semolina, crushed or cracked wheat, and similar wheat products not specifically provided, \$1.04 per 100 pounds.

Cotton and cotton waste, 5 cents per pound.

Tobacco, unstemmed, 35 cents per pound; stemmed, 50 cents per pound.

Whenever the period for which any of the basic agricultural products is proclaimed debenturable expires this tax is suspended until it shall again be proclaimed debenturable.

(b) Where the method of issuing and retiring debentures or collecting the excise tax imposed is not provided in this act the same shall be done in the manner prescribed by the Secretary of the Treasury.

PENAL LAWS

SEC. 14. All the penal laws of the United States relating to "obligations and other security of the United States" shall apply to debenture certificates and debentures issued under this act.

RULES AND REGULATIONS OF THE BOARD

SEC. 15. The board is authorized to prescribe rules for the issuing of debentures to exporters, processors, and manufacturers of debenturable agricultural basic products for export.

SEC. 16. The Secretary of Agriculture shall fix the compensation for the performance of the duties of the agents not to exceed \$300 per annum.

DEFINITIONS

SEC. 17. As used in this act—

(a) The term "committee" means Federal Farm Committee.

(b) The term "board" means Federal Farm Board.

(c) The term "producer" means a person who first makes a sale or other disposition.

(d) The term "basic agricultural product" means wheat, cotton, oats, rice, tobacco, cattle, and swine.

(e) The term "purchaser" means the buyer for resale or processing who first buys from a producer.

(f) The term "United States" when used in a geographical sense means continental United States.

SEPARABILITY OF PROVISIONS

SEC. 18. If any provision of this act is declared unconstitutional or invalid the validity of the remainder of the act shall not be affected thereby.

APPROPRIATION

SEC. 19. There is authorized to be appropriated, out of the money in the Treasury not otherwise appropriated, the sum of \$200,000 to enable the carrying into immediate effect the provisions of this act.

SHORT TITLE

SEC. 20. This act may be cited as the "Agricultural standard act of 1926."

Mr. PORTER. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. FAIRCHILD].

Mr. FAIRCHILD. Mr. Chairman, I ask leave to proceed out of order for five minutes.

The CHAIRMAN. Is there objection?

Mr. CONNALLY of Texas. Mr. Chairman, reserving the right to object, I dislike very much to object to my colleague, the distinguished and genial gentleman from New York, who I apprehend is going to discuss a matter in which two gentlemen who were interested this morning were present, and the gentleman knows what happened here. Objection was made to his remarks, and I take it that the gentleman proposes to discuss the same matter. I have assured those gentlemen that they would have that same opportunity if the gentleman made his speech, and I apprehend that is what the gentleman expects to do. Will the gentleman withhold his request until I can communicate with those gentlemen and get them here?

Mr. FAIRCHILD. I will say to my friend from Texas that I am not going to make any statement that criticizes either of the Members to whom the gentleman refers. I am going to be very careful in their absence not to make any statement that in any way criticizes the Members to whom he refers. I am going to omit from my statement things that I otherwise might say if they were present.

Mr. CONNALLY of Texas. I will say to the gentleman if he will withhold his request until I can communicate with those gentlemen, I shall be very much pleased as I do not want to object, but in the present state of affairs I much prefer for the gentleman to withhold his request.

Mr. FAIRCHILD. Mr. Chairman, I withhold my request and yield back what time I have not consumed.

Mr. PORTER. Does the gentleman from Texas desire to use some time?

Mr. CONNALLY of Texas. I yield five minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Chairman, I ask unanimous consent to speak out of order for five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to speak out of order for five minutes. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SCHAFER. It is clear there is no quorum here, and I make the point of order of no quorum.

Mr. CONNALLY of Texas. Who made the objection?

The CHAIRMAN. The gentleman from Massachusetts.

Mr. CONNALLY of Texas. I do not want to have anybody over here make a point of no quorum—

Mr. SCHAFER. Mr. Chairman, I withdraw the request in fairness to the membership of the House. Even if the objection were withdrawn I will not speak out of order at this time.

Mr. PORTER. Mr. Chairman, I do not care to use more time. Does the gentleman from Texas desire to use some time? If not, let the Clerk read the bill.

Mr. CONNALLY of Texas. Does the gentleman from Pennsylvania desire to use more time?

Mr. PORTER. No.

Mr. CONNALLY of Texas. I do not seem to have anybody—

Mr. PORTER. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be paid to Great Britain, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of legal liability of the United States, the sum of \$2,000, as full indemnity.

mity for the death of Daniel Shaw Williamson, a British subject, who was killed by a policeman at East St. Louis, Ill., July 1, 1921, as set forth in the message of the President on December 13, 1924, printed as Senate Document No. 172, Sixty-eighth Congress, second session.

Mr. PORTER. Mr. Chairman, I move that the committee do now rise and report the bill with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 11308 had directed him to report the same back to the House with the recommendation that the bill do pass.

Mr. PORTER. Mr. Speaker, I move the previous question on the bill to final passage.

The motion was agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTITUTIONALITY OF THE NEW YORK STATE REFERENDUM ON LIGHT WINES AND BEER

Mr. OLIVER of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a statement concerning the national prohibition act with respect to the New York State referendum.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OLIVER of New York. Mr. Speaker, the form in which the prohibition referendum was voted in the assembly and in the senate of the Legislature of New York for submission at the polls at the election next November is as follows:

Should the Congress of the United States modify the Federal act to enforce the eighteenth amendment to the Constitution of the United States so that the same shall not prohibit the manufacture, sale, transportation, importation, and exportation of beverages which are not in fact intoxicating as determined in accordance with the laws of the respective States.

It was said by a distinguished public official that this proposed referendum in New York is an act of treason. Let me examine that for a moment.

The Constitution of the United States in Article I of the amendments sets forth the following:

Congress shall make no law . . . abridging . . . the right of the people . . . to petition the Government for redress of grievances.

What is the grievance of our people and of our State? On October 28, 1919, Congress passed the Volstead Act and provided that it take effect upon the same day as the eighteenth amendment. On January 29, 1920, the eighteenth amendment took effect. The Volstead Act prohibited for use as beverages all liquors containing more than one-half of 1 per cent of alcohol by volume. On March 24, 1920, Governor Smith approved what was known as the Walker Act permitting the use of beer containing 2.75 per cent of alcohol by weight and prohibiting the use of all other beverages containing over one-half of 1 per cent of alcohol.

This was one of the finest temperance acts adopted in the country. It was known on the New York State law books as chapter 910 of the laws of 1920. The people of the State of New York and its officials felt that they had complied with the terms of the Constitution. There is no question about it. They obeyed the Constitution in both spirit and letter. We were under the delusion that within the limits of the Constitution we were still a sovereign State. Our delusion was short lived. On June 7, 1920, the Supreme Court of the United States, 253 United States, in deciding the national prohibition cases, announced a doctrine which was summed up by Justice Clarke in the following words:

The eighth, ninth, and eleventh paragraphs (of the decision) taken together, in effect declare the Volstead Act to be the supreme law of the land, paramount to any law with which it may conflict in any respect.

The result of that decision, because the Volstead Act declared anything over one-half of 1 per cent intoxicating, while the Walker Act declared anything over 2.75 per cent intoxicating, was that the Walker Act was rendered null and void. The sovereign act of the State was destroyed by an act of Congress. Did the Walker Act conflict with the Constitution? No. The Constitution prohibited intoxicating liquors, but did not define

a precise alcoholic content as unlawful. The Walker Act conflicted with the Volstead Act. If the Volstead Act had permitted the use of beverages containing 2.75 per cent of alcohol, the Walker Act would still be in full force and effect and the Volstead Act would have been well within the Constitution.

What is the subsequent history? In 1921, under the administration of Governor Miller, the Mullan-Gage Act, an enforcement act concurring word for word with the Volstead Act, was adopted. For two years the officials attempted to enforce it. It was universally disobeyed. Graft, corruption, disgrace, disrespect for law and government, debauchery in public and private life marked the efforts to enforce it on an unwilling public. It crumbled and broke in the jury box. It congested and stagnated the courts. It polluted the police in every section of the State. Homes were invaded. Business enterprises were subjected to search. In all of the history of crime so many search warrants were never before issued. Bands of blackmailers, fake agents, thugs, gunmen, and rascals, posing as officers of the law, reaped a harvest of graft. Infamous secret resorts sprang up. Poisoned liquor was peddled everywhere. The rebellion against the tyranny of the law and the clash between Government officials and liquor-law crimes never ended. Grand juries, under whose eyes passed the consequences of this orgy of crime, blackguardism, and tyranny, petitioned the legislature to repeal the law. In 1923, under the pressure of an overwhelming public demand, the law was repealed.

What is the grievance of the State of New York? Its sovereign law has been destroyed by a national statute. Its power to govern its own citizens in accord with its best judgment has been taken away by Congress. The Constitution does not direct Congress to destroy the sovereignty of each State.

Pressed by a desire to preempt the entire field of prohibition and gain all the glory for itself, Congress reduced the States to mere subordinate agencies bound to follow congressional orders word for word. The proposed referendum in New York State will be in the form of a petition advising the legislature to present the grievance of the State of New York to the National Congress. This is alluded to as an act of treason.

We have the right as a State government to petition Congress for redress of grievances—

First. Because we desire to pass a temperance act along the lines of the Walker Act and can not do so until the tyranny and fanaticism is removed from the Volstead Act by Congress.

Second. As a State government, New York State charges that under the term "concurrent power," the Congress has usurped the entire field of enforcement and interpretation and must, if it maintains its position, take entire responsibility for the disaster to free government that the unmodified Volstead Act is fast bringing on.

Third. As a State government it resents the intrusion into the intimate affairs of its people of agents and petty dictators brought from other sections of the country to intimidate its citizens.

Fourth. As a State government that has safeguarded the health, happiness, lives, and property of the people of the most populous State in the Union until its work stands to the forefront of the civilization of the world, it resents the usurpation by the Federal Government in naming in tyrannical and impractical terms the precise conditions which it will permit the State of New York to observe in an undertaking which should be carried on in a spirit of partnership and not dictatorship.

Fifth. As a State government it has a right to petition Congress to modify the Volstead Act, because a two years' test of the Mullan-Gage act has proven that public funds spent in an effort to enforce it are wasted; that public officials assigned to enforce it are confronted with an impossible task.

Sixth. As a State government it has a right to petition Congress to modify the Volstead Act in the interest of temperance, justice, public order, and private decency.

Upon these and many other grounds of grievance the government of the State of New York has a right to petition the Congress. It has a right, in view of the solemnity and importance of the issue, to ask the people of the State for instruction as to its duty to speak or be silent. It has a right under its own sovereign power as a State to protect its sovereignty against the aggression of the Federal Government.

The constitutionality of the referendum under the constitution of the State of New York is plain. Clearly the Legislature of New York has the power to petition Congress with reference to any subject in which the people of the State have an interest. The State legislatures of all of the States of the country have repeatedly petitioned Congress to take action or to refrain from action on pending policies. Since no one seriously

denies the right of the New York State Legislature to petition the National Congress, it is plain and clear that the legislature has a right to ask the people of the State by referendum whether the petition should be filed with Congress as an expression of the will of the State. When the right of petition for redress of grievances is questioned, when dread of the will of the people expressed by ballot in an orderly manner is challenged as an act of treason in free America, it is high time for the people to consider whether tyranny is enjoying too much sanctity in a country created by and for free people.

SEVENTH INTERNATIONAL DENTAL CONGRESS

Mr. PORTER. Mr. Speaker, I call up House Joint Resolution 209, entitled "Joint resolution requesting the President of the United States to invite foreign governments to participate in the Seventh International Dental Congress, to be held at Philadelphia, Pa., August 23 to 28, 1926."

The SPEAKER. The gentleman from Pennsylvania calls up House Resolution 209. This resolution is on the Union Calendar. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 209. The gentleman from New York [Mr. SNELL] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 209, with Mr. SNELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 209, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the President of the United States is hereby authorized and requested to invite foreign governments to appoint delegates and otherwise participate in the Seventh International Dental Congress, to be held at Philadelphia, Pa., August 23 to 28, 1926, under the auspices of the International Dental Federation.

Sec. 2. That the President is hereby further authorized and requested to appoint delegates not in excess of 10 to represent the Government of the United States at the said congress; and for the purpose of meeting the expenses which may be actually and necessarily incurred on account of such representation the appropriation of the sum of \$5,000, or so much thereof as may be necessary, is hereby authorized.

With committee amendments, as follows:

On page 1, line 8, after the word "federation" insert: ", and for the purpose of meeting the expenses which may be actually and necessarily incurred by the Government of the United States by reason of such invitation in the observance of appropriate courtesies the appropriation of the sum of \$5,000, or so much thereof as may be necessary, is hereby authorized, notwithstanding the provisions of any other act."

On page 2, line 9, after the word "Congress" strike out "and for the purpose of meeting the expenses which may be actually and necessarily incurred on account of such representation the appropriation of the sum of \$5,000, or so much thereof as may be necessary, is hereby authorized."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. CONNALLY of Texas. Mr. Chairman, how about the division of time?

The CHAIRMAN. The gentleman from Texas is recognized for one hour if he desires it.

Mr. CONNALLY of Texas. This is a very important matter affecting our foreign relations. I think it ought to be fully discussed.

Mr. PORTER. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. FAIRCHILD].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. FAIRCHILD. Mr. Chairman, this is an important matter, as my friend from Texas [Mr. CONNALLY] has suggested, but I think hardly of sufficient importance to require an hour of debate on either side.

It is an authorization to the President of the United States to extend invitations to foreign governments to send delegates to an international dental congress to be held in Philadelphia.

There have been previously six international dental congresses. The first one was held in Paris in 1889, and upon the invitation of the French Government our Government accepted and sent delegates to attend that conference. The next was held in this country in 1893 in Chicago and was called the "World's Columbian Dental Congress." The next one was

held in Paris in 1900. The next one was held in St. Louis in 1904, in connection with the International St. Louis Exposition to commemorate the Louisiana Purchase. The next one was held in 1909 in Berlin. The next one was held in England in 1914. The one held in 1914 in England was cut short by the European war. This coming Congress will be the first international dental conference that has been held since the World War.

To all of these conferences held in foreign countries our Government has accepted invitations and has participated. For the conferences held in this country, in Chicago, and in St. Louis, our Government extended invitations to the foreign governments, which invitations were accepted, and the foreign governments participated. That was all without any need of legislative enactment. But since the last conference held in this country Congress passed an act which provided as follows:

Hereafter the Executive shall not extend or accept any invitations to participate in any international congress, conference, or like event, without first having specific authority of law to do so.

Because of that present statute law it is necessary for the Secretary of State to come to Congress to ask authority to participate in this international conference to be held in Philadelphia and to extend the invitation to foreign countries. The bill is recommended by the State Department.

The committee amendment makes one change from the bill as originally introduced. So far as the dentists in this country are concerned, the members of the different dental organizations throughout the United States, there is no purpose or intent on their part to ask any money from the Federal Government. They all expect to pay, and they all will pay, their own expenses. The way the bill was originally drawn, it might have been construed that a part of the appropriation, which is authorized only for the purpose of the usual courtesies that the Nation extends to visiting delegates from foreign countries, could be used for the expenses of delegates from this country. Therefore the amendment; and the bill as amended, merely authorizes, as asked for by the State Department, our Government to extend this invitation to foreign countries to send delegates to the international conference to be held in Philadelphia in connection with the Philadelphia exposition without any authorization of money excepting that which will be used by our State Department itself in extending courtesies to the foreign delegates.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. FAIRCHILD. Yes.

Mr. CONNALLY of Texas. Can the gentleman assure the House that our adoption of this resolution will not in any way involve us in foreign entanglements of any kind?

Mr. FAIRCHILD. I may suggest to the gentleman from Texas that this resolution not only will not involve us in any foreign entanglement but it points out the only way in which our Government could ever have international relations, and that is by special authority in each special instance instead of signing a blank check, which might involve us in the Lord knows what.

Mr. CONNALLY of Texas. Can the gentleman further assure us that this has no connection with the League of Nations?

Mr. FAIRCHILD. Assuredly, or the gentleman from New York would not be here advocating it.

Mr. SCHAFER. Will the gentleman yield?

Mr. FAIRCHILD. Yes.

Mr. SCHAFER. Will an invitation be extended to the Russian Government and the Mussolini Italian Government to send delegates if this resolution is adopted?

Mr. FAIRCHILD. I can not say whether it will or not. But we can certainly assume that an invitation will not be extended to any government with which we have no diplomatic relations. [Applause.]

The CHAIRMAN. The Clerk will read the bill for amendment. The Clerk read as follows:

Resolved, etc., That the President of the United States is hereby authorized and requested to invite foreign governments to appoint delegates and otherwise participate in the seventh international dental congress to be held at Philadelphia, Pa., August 23 to 28, 1926, under the auspices of the International Dental Federation.

With the following committee amendment:

Page 1, line 8, after the word "Federation" insert a semicolon and the following: "and for the purpose of meeting the expenses which may be actually and necessarily incurred by the Government of the United States by reason of such invitation in the observance of appropriate courtesies the appropriation of the sum of \$5,000, or

so much thereof as may be necessary, is hereby authorized, notwithstanding the provisions of any other act."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 2. That the President is hereby further authorized and requested to appoint delegates not in excess of 10 to represent the Government of the United States at the said congress; and for the purpose of meeting the expenses which may be actually and necessarily incurred on account of such representation the appropriation of the sum of \$5,000, or so much thereof as may be necessary, is hereby authorized.

With the following committee amendment:

Page 2, line 9, after the word "congress" strike out the semicolon and the remainder of line 9, and all of lines 10, 11, and 12.

The committee amendment was agreed to.

Mr. CONNALLY of Texas. Mr. Chairman, I announced in the course of the brief remarks I made this afternoon I proposed to offer an amendment, but on the assurances of the gentleman from Michigan that no part of this fund will fall into the hands of any of the dentists I will not offer the amendment.

Mr. PORTER. Mr. Chairman, I move that the committee do now rise and report the joint resolution back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the resolution as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee having had under consideration the resolution (H. J. Res. 209) requesting the President of the United States to invite foreign governments to participate in the Seventh International Dental Congress, to be held at Philadelphia, Pa., August 23 to 28, 1926, had directed him to report the same back to the House with sundry amendments with the recommendation that the amendments be agreed to and the joint resolution as amended do pass.

Mr. PORTER. Mr. Speaker, I move the previous question on the joint resolution and all amendments thereto to final passage. The previous question was ordered.

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

PERSONAL PRIVILEGE

Mr. BLANTON. Mr. Speaker, I have clearly a question of personal privilege, but I only want five minutes. I have submitted the matter to the majority leader. I only want five minutes to answer the statement. It is a clear question of privilege with respect to a statement in the press this afternoon, and I would like to have this time either now or I can take it up in general debate.

Mr. PORTER. Will the gentleman take that up afterwards, because there is no opposition to the bill we are going to call up.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that in the general debate on the next bill to be considered I may have five minutes to speak out of order.

Mr. FAIRCHILD. I object.

Mr. BLANTON. Then, Mr. Speaker, I will ask five minutes on a question of privilege.

Mr. BEGG. I object.

Mr. BLANTON. Mr. Speaker, I ask recognition from the Speaker in my own right on a question of personal privilege with regard to a matter which the gentleman from New York gave to the press this evening wherein I am charged with making a false statement.

The SPEAKER. The Chair very much doubts whether he can entertain a question of privilege on Calendar Wednesday. It has been held repeatedly that Calendar Wednesday is above questions of privilege. It was held by Speaker Clark and by Speaker Cannon that a question of constitutional privilege could not be raised.

Mr. BLANTON. The gentleman would rather I should have five minutes this evening than one hour to-morrow, and I will not ask that if I am given five minutes now.

Mr. FAIRCHILD. I am going to object.

Mr. BLANTON. Well, Mr. Speaker, this court record which I hold in my hand shows that the judgment—

Mr. FAIRCHILD. Regular order, Mr. Speaker.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONNALLY of Texas. Does the Chair hold that a question of personal privilege is not in order on Calendar Wednesday?

The SPEAKER. The House of Representatives so held, overruling Speaker Cannon in the case of a census bill. In the early days of Calendar Wednesday Speaker Cannon held that a motion presented a question of constitutional privilege and held it in order on Calendar Wednesday. An appeal was taken from his decision, and the House decided that even a question of high constitutional privilege could not be raised on Calendar Wednesday.

Mr. BLANTON. But, Mr. Speaker, it has been held that a question of personal privilege is in order at any time. It even displaces a rule.

Mr. CONNALLY of Texas. Mr. Speaker, I submit the ruling the Chair refers to was not a question of privilege, but a question as to whether an issue then raised was a question of privilege.

The SPEAKER. No; it was admitted to be a question of high constitutional privilege. Speaker Cannon so held, holding it was in order on Calendar Wednesday, but the House overruled that decision.

Mr. CONNALLY of Texas. The rules as I understand them provide that anything that touches the House or the membership is of the very highest privilege.

The SPEAKER. The Chair thinks that in view of this decision, a decision not of the Speaker but of the House itself, the Chair can not entertain a question of privilege on Calendar Wednesday. Furthermore, the gentleman makes the point that this is a matter of constitutional privilege. Rule IX provides:

Questions of privilege shall be: First, those affecting the rights of the House collectively, its safety, dignity, and integrity of its proceedings; second, the rights, reputation, and conduct of Members individually in their representative capacity only; and shall have precedence of all other questions except motions to adjourn.

Calendar Wednesday rule provides that—

On Wednesday of each week no business shall be in order except as provided by paragraph 4 of this rule.

Reading these two rules together it would appear that a question of personal privilege can not be entertained on Calendar Wednesday. The Chair thinks it is fair to say that he thinks it is a bad precedent, but the Chair does not think that he should overturn the decision of the House.

Mr. CONNALLY of Texas. I agree that where there are two rules you have to read them together, but the rule of Calendar Wednesday is not the sweeping rule the Chair would seem to indicate.

Section 656 of the House Manual says:

The clause of the rule giving questions of privilege precedence of all other questions except a motion to adjourn is a recognition of a principle always well understood in the House, for it is an axiom of the parliamentary law that such a question "supersedes" the consideration of the original question and must be first disposed of.

They held that it took precedence of every other kind of business except a motion to adjourn.

The rule with reference to Calendar Wednesday is a rule that merely singles out the kind of legislation that shall be in order on that day. It would not supersede any high question of privilege. It means that on Calendar Wednesday no other business except that called up by the committee under section 4 shall be in order.

Mr. BLANTON. Will the gentleman yield?

Mr. CONNALLY of Texas. I am trying to help the gentleman.

Mr. BLANTON. I appreciate that, but the gentleman has agreed to let me have five minutes out of order.

Mr. CONNALLY of Texas. But this is a higher question than the gentleman's individual question. There is something else before the House, and I would like to have the Chair, if he is not wholly convinced, to withhold his ruling for the present.

The SPEAKER. The Chair would prefer not to rule on the question now.

Mr. BLANTON. Mr. Speaker, to avoid any further consideration of the matter I ask unanimous consent to proceed for five minutes out of order.

Mr. FAIRCHILD. I have stated that I shall object unless I can have five minutes in reply.

The SPEAKER. The Chair announced this morning that he will not entertain a request contingent upon granting another request.

Mr. BLANTON. Mr. Speaker, I will wait until to-morrow to make my request.

REORGANIZATION OF THE FOREIGN SERVICE

Mr. PORTER. Mr. Speaker, I call up bill H. R. 11203.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 11203. The bill is on the Union Calendar.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. SNELL in the chair.

The Clerk read the title of the bill, as follows:

To amend subsections (c) and (o) of section 18 of an act entitled "An act for the reorganization and improvement of the Foreign Service, and for other purposes," approved May 24, 1924.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. If there is no general debate, the Clerk will read the bill for amendment under the five-minute rule.

The Clerk read the bill, as follows:

Be it enacted, etc., That subsections (c) and (o) of section 18 of the act approved May 24, 1924, entitled "An act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes," be, and the same are, amended so as to read as follows:

"(c) Five per cent of the basic salary of all Foreign Service officers eligible to retirement shall be contributed to the Foreign Service retirement and disability fund, and the Secretary of the Treasury is directed on the date on which this act takes effect to cause such deductions to be made and the sums transferred on the books of the Treasury Department to the credit of the Foreign Service retirement and disability fund for the payment of annuities, refunds, and allowances: *Provided*, That for the purpose of computing deductions and calculating annuities all basic salaries in excess of \$9,000 per annum shall be treated as \$9,000.

"(o) Any diplomatic secretary or consular officer who has been or any Foreign Service officer who may hereafter be promoted from the classified service to the grade of ambassador or minister or appointed to a position in the Department of State shall be entitled to all the benefits of the Foreign Service retirement and disability system provided by section 18 of this act in the same manner and under the same conditions as Foreign Service officers; and there shall likewise be entitled to the benefits of this section in the same manner and under the same conditions as Foreign Service officers any ambassador or minister or any Assistant Secretary of State now in the service, who at the time of original appointment to the grade of ambassador or minister or to the position of Assistant Secretary of State was a diplomatic secretary or consular officer, or who at any time prior to such appointment had served for a period of 10 years as diplomatic secretary or consular officer, or in the Department of State, or on special duty under the Department of State, or in any or all of these capacities."

The following committee amendments were severally reported and severally agreed to:

Page 1, line 8, strike out the quotation marks before the parenthesis.

Page 2, line 2, after the word "on," insert the words "and after."

Page 2, line 11, strike out the quotation marks before the parenthesis.

Page 2, line 19, after the word "of," strike out the words "this section" and insert in lieu thereof the words "said system."

Page 2, line 25, strike out the word "officer" and the comma and insert the word "officer."

Page 3, line 3, strike out the word "officer" and the comma and insert the word "officer."

Page 3, line 3, strike out the word "State" and the comma and insert the word "State."

Page 3, line 4, strike out the word "State" and the comma and insert the word "State."

Line 3, page 5, strike out the quotation marks at the end of the line.

Mr. PORTER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11203 and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PORTER. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PAN AMERICAN CONGRESS OF JOURNALISTS—VOTE OF THANKS

The SPEAKER laid before the House the following communication, which was read:

PAN AMERICAN UNION,
Washington, D. C., U. S. A., April 17, 1926.

Hon. NICHOLAS LONGWORTH,
House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I have great pleasure in transmitting to you herewith copy of a resolution adopted by the First Pan American Congress of Journalists.

The reception tendered to the Latin-American members of the congress by the House of Representatives made a deep impression on every one of the distinguished journalists attending the congress, and I am certain that the courtesy shown to our foreign guests by the House of Representatives will have a far-reaching influence on our relations with the nations of Latin America.

I beg to remain, my dear Mr. Speaker,

Very sincerely yours,

L. S. ROWE.

RESOLUTION ADOPTED BY THE FIRST PAN AMERICAN CONGRESS OF JOURNALISTS

The Pan American Congress of Journalists adopts a vote of thanks to the Congress of the United States of America for the reception of the delegates and for the generous words of welcome pronounced in both Houses.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had insisted upon its amendment to the bill (H. R. 4785) entitled "An act to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CAPPER, Mr. JONES of Washington, and Mr. KING as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments Nos. 46 and 62 to the bill (H. R. 6707) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes," disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMOOT, Mr. CURTIS, Mr. PHIPPS, Mr. HARRIS, and Mr. JONES of New Mexico as the conferees on the part of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolution of the following titles when the Speaker signed the same:

H. R. 9685. An act providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia;

S. 549. An act for the relief of John H. Walker;

S. 2274. An act providing for the promotion of a professor at the United States Military Academy;

S. 2752. An act for the purchase of land as an artillery range at Fort Ethan Allen, Vt.;

S. 2763. An act to amend section 103 of the Judicial Code, as amended;

S. 3213. An act to provide for the disposition of moneys of the legally adjudged insane of Alaska who have been cared for by the Secretary of the Interior;

S. 3283. An act to provide for the appointment of Army field clerks and field clerks, Quartermaster Corps, as warrant officers, United States Army;

S. 3287. An act relating to the purchase of quarantine stations from the State of Texas;

S. 3463. An act to extend the time for the exchange of Government-owned lands for privately owned lands in the Territory of Hawaii;

S. 3627. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State; and

S. J. Res. 91. Joint resolution directing the Secretary of War to allot war trophies to the American Legion Museum.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval, the following bills:

H. R. 9341. An act making appropriations for the Executive office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes;

H. R. 120. An act fixing the fees of jurors and witnesses in the United States courts, including the District Court of Hawaii, the District Court of Porto Rico, and the Supreme Court of the District of Columbia;

H. R. 5858. An act for the relief of Charles Ritzel; and

H. R. 6874. An act for the relief of James Madison Brown.

H. R. 8192. An act authorizing the designation of postmasters by the Postmaster General as disbursing officers for the payment of contractors, emergency carriers, and temporary carriers, for performance of authorized service on power boat and star routes in Alaska.

DEPARTMENT OF INTERIOR APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I call up the bill (H. R. 6707) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes, and move that the House further insist upon its disagreement to the amendments of the Senate and agree to the conference asked for by the Senate, and appoint the conferees.

Mr. GARNER of Texas. Mr. Speaker, is this a privileged motion?

The SPEAKER. The Chair thinks that it is a privileged motion.

Mr. GARNER of Texas. And does not require unanimous consent?

The SPEAKER. The Chair thinks not.

Mr. GARNER of Texas. Has the gentleman spoken to the minority member of the conference?

Mr. CRAMTON. No; I have not.

Mr. GARNER of Texas. Who is the ranking minority member?

Mr. CRAMTON. The gentleman from Oklahoma [Mr. CARTER]. Of course, he will be consulted before we go into the conference.

Mr. GARNER of Texas. I do not like to hold up a conference, but I think that is a courtesy that is due the minority.

Mr. CRAMTON. I can withdraw the request, if the gentleman desires to do so. There is no urgency about it. It can be taken up in the morning.

Mr. GARNER of Texas. Very well, I wish the gentleman would do that.

Mr. CRAMTON. Mr. Speaker, I withdraw my motion.

FREIGHT RATES ON KENTUCKY COAL

Mr. KIRK. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by placing therein my own remarks upon the subject of the Pittsburgh Coal Operators' Association against the Ashland Coal & Iron Railway Co. et al., now pending before the Interstate Commerce Commission.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. KIRK. Mr. Speaker, the public is vitally interested as to what the final result will be in the controversy between the Pittsburgh Coal Operators Association, the Pittsburgh Vein Operators Association, of Ohio, and other organizations, called plaintiffs, against the Ashland Coal & Iron Railway, the Chesapeake & Ohio, Norfolk & Western, Louisville & Nashville, Pennsylvania, Baltimore & Ohio, and New York Central and other railroads, called defendants, now pending before the Interstate Commerce Commission.

Much has been said both in this House and in the Senate of the United States as to the contention of the parties and probable results that would follow if the plaintiffs' demands should be granted. The acts of the Interstate Commerce Commission has been assailed in denying plaintiffs' demands. In defense of the action of the committee and in opposition to a reopening of this case, I desire to make a brief statement.

About 18 months ago the plaintiffs instituted proceedings before the Interstate Commerce Commission against the defendants, the Ashland Coal & Iron Railway Co., and others, including the railroad companies named above, asking the commission for a reduction in freight rates on their coal shipped from their mines to the Lake Erie ports at Toledo and Sandusky, ranging from 11 to 28 cents per ton. The plaintiffs also asked the commission to increase the freight rates on coal shipped by the defendants from Kentucky, Tennessee, Virginia, and West Virginia to the Lake Erie ports at Toledo and Sandusky from approximately 28 to 40 cents additional per ton over the existing rate now in force, notwithstanding the fact that the existing rates paid by the defendants, Kentucky, Tennessee, Virginia, and West Virginia operators were then and are now from 25 to 40 cents more on each ton of coal shipped to these ports than is paid by Pennsylvania and the Ohio districts to the same ports. If this increase asked for by the plaintiffs had been granted by the Interstate Commerce Commission, the Kentucky, Tennessee, Virginia, and West Virginia operators would have been forced to pay a freight rate ranging approximately from 53 to 84 cents more per ton on coal shipped to these ports than the operators of the Pittsburgh and Ohio districts would have had to pay for coal shipped to the same ports.

If this increase had been granted, there could have been but one result, the Kentucky, Tennessee, Virginia, and West Virginia operators would have been forced out of the market, and then the purchasers of this coal in Minnesota, Wisconsin, Michigan, Chicago, and other cities and States would have been at the mercy of the Pittsburgh and Ohio operators, and the price of coal would have gone up, and the people of the Northwest would have been forced to pay an exorbitant price for their coal; and if the plaintiffs' further request for a reduction of freight rates of from 11 to 28 cents per ton had been granted by the Interstate Commerce Commission on coal shipped by them, and had granted plaintiffs' request for an additional increase in freight rates ranging from approximately 28 to 40 cents per ton on the coal shipped by the defendants, they would have had a differential in rates in their favor over the defendants over the present rates of from approximately 64 cents to \$1.12 per ton.

In 1917 the Interstate Commerce Commission increased the rates on coal shipped to these ports from Kentucky, Tennessee, Virginia, and West Virginia, ranging from 25 to 40 cents per ton over the rates charged per ton on coal shipped from Pittsburgh and Ohio district to the same ports. This rate has existed since 1917 and exists to-day; but, not satisfied with this, plaintiffs are asking an additional increase as against the defendants and a decrease in favor of themselves, so that the differential contended for by the plaintiffs, considering the present rate, the increase on defendants' coal requested, and decrease in rates on plaintiffs' coal asked for would equal approximately 99 cents on \$1.52 per ton. If plaintiffs' prayer had been granted, all competition would have been ended at the expense of the public, with disastrous results to business, to the employer and employee, as will be hereafter shown.

The Interstate Commerce Commission had before it for consideration the question here presented for about one year and a half; it had numerous sittings and hearings—heard patiently all the evidence and argument of council for and against the plaintiffs' contention, and after due consideration of all the facts the commission, on July 16, 1925, rendered its decision denying the plaintiffs' petition and leaving the parties where it found them at the time of the institution of this proceeding, which leaves in force the rates fixed in 1917, with a differential in freight rates in favor of plaintiffs as against defendants ranging from 25 to 40 cents per ton. Not satisfied with the final decision of the Interstate Commerce Board, the plaintiffs are again attempting to get a reopening of the case and a reversal of the decision by the board.

I am constrained to believe that this board, as a court created to dispense justice and do equity to all concerned, will not disturb its finding, unless it decides to take off the existing differential of from 25 to 40 cents per ton and allow the defendants to enter these markets on equal terms with the plaintiffs, which as a matter of justice and right they should be allowed to do. The plaintiffs attempt to reach the end desired by the destruction of the business of the operators in Kentucky, Tennessee, Virginia, and West Virginia who depend on this trade, by forcing them out of the market, by making the freight rates so high that the defendants can not compete with the plaintiffs in the price of coal sold at these ports on the open market. To accomplish this, the plaintiffs call upon the Interstate Commerce Commission to compel the great transportation companies against their will to charge and accept a higher freight rate

on coal shipped by defendants to the Lake ports to be fixed by the Interstate Commerce Commission at a sum suggested by the plaintiffs themselves.

I want to call attention to the fact that the railroads carrying this coal to this market are not asking for an increase in freight rates, but have joined with the consumers, shippers, and coal operators of these States protesting against this unreasonable attempt on the part of the plaintiffs to induce the Interstate Commerce Commission to raise the freight rates on their lines of railroads:

First. Because it would be unfair to the railroads which carry this coal to market to these ports from the four States mentioned.

Second. Because it would be unfair to the consumers of coal who buy at these ports on the open market.

Third. Because it would be unjust to shippers and coal operators who ship coal to this market.

Fourth. Because it would be unjust and unfair to the miners and laborers who produce this coal.

On the first proposition I want to urge that the railroads, including the defendants, the Chesapeake & Ohio, the Norfolk & Western, the Louisville & Nashville, which carry this coal to market, are not asking a freight increase, but are opposing it. They knew, as a good business proposition, that if the rates were increased, as demanded by plaintiffs, that no coal could be shipped from the four States named over their lines to this market, and they would therefore lose the freight which they are now receiving, and their business to that extent would be destroyed; they therefore feel that they would rather carry the coal to this market at a reasonable rate than to not carry it at all, and, from a business standpoint, they oppose the proposed increase in freight rates on coal shipped to this market over their lines from Kentucky, Tennessee, Virginia, and West Virginia.

On the second proposition, it would be unfair to the consumers of coal in the Northwest to place a freight rate on coal shipped from Kentucky, Tennessee, Virginia, and West Virginia so high as to prohibit the shipment of coal into that market from these States, and thus destroy competition and place the consumers of coal in that country at the mercy of the coal operators from Pennsylvania and Ohio. This is contrary to the spirit of American institutions. Nevertheless, if plaintiffs' contention should be sustained, this condition would result, and to prevent this the consumers of coal from that section of the country have likewise protested to the Interstate Commerce Commission against the increase of the proposed freight rate urged by the plaintiffs in this case.

On the third proposition, to grant plaintiffs' demand would be unfair and unjust to the operators who ship coal to this market over the lines of railroad mentioned, because it would, beyond question, drive them from this market, and on failure to secure markets elsewhere at a reasonable profit their mines would be compelled to close down, as at least one-half of the mines have done already in these States within the last three or four years, notwithstanding they had access to this market. I desire to say further that I live in the coal section of Kentucky from whence a large quantity of coal is shipped into the market in question under the existing rates, and I can say as a fact that I know no mines in either of the States mentioned that have made a noticeable profit within the last three years. Some of them have run at a loss. A great many have failed and gone into the hands of receivers and into bankruptcy. Scores have been sold for less than 20 per cent of the investment, and to compete with the plaintiffs in the market in question it is necessary to produce coal from 25 to 50 cents on the ton cheaper than plaintiffs produce it in order to meet the differential in the existing freight rates, and as matters now stand we are face to face with this situation:

The consumer in the Northwest comes to the producer of southern West Virginia, eastern Kentucky, Tennessee, or Virginia and says to him, "I am in the market for 1,000,000 tons of coal for the year 1926. I can buy this coal in Pennsylvania, Ohio, West Virginia, Virginia, Tennessee, or Kentucky, but if I buy this coal in Pennsylvania or Ohio I save from 25 to 43 cents per ton on freight rates. Ohio and Pennsylvania have good coal, and coal that I can use and that will be satisfactory. Can and will you make me a price on your coal that will enable me to buy this coal in competition with coal from Ohio and Pennsylvania, and will you in doing this make a price whereby you will absorb the difference in the freight rates?" The coal operators in West Virginia, Virginia, Kentucky, and Tennessee can not sell their coal unless they absorb this disadvantage in freight rates. To get the business at all they must show that they have coal of equal or better quality; that they can give equal or better preparation and shipping service, and that they

must make a price, including freight rate, that will be as attractive, if not more attractive, than the prices made by shippers in Pennsylvania and Ohio. Not only do the producers in West Virginia, Kentucky, Tennessee, and Virginia have freight-rate differentials against them in the Lake cargo region, but they have differentials against them in practically all the consuming markets, and in order to meet this competition the coal producers in these States, in order to do business at all, have had the necessity of using the greatest economies in their mining operations in order to be in a position to meet and survive this competition, and to increase this differential to from 53 to 83 cents on the ton higher than the rates from plaintiffs' coal field to this market would be a denial of the market to these four States because the operators of the four States could not produce this coal so as to sell it in this market except at a loss.

The result would be a surrender of this market, and probably a surrender of this operation, which would mean a loss of hundreds of millions of dollars of invested capital. The railroads which built into this great coal field within the last 25 years at a cost of many million dollars, to carry this coal to market, would cease to operate, and the money loss to them and the coal operators could not be figured in dollars and cents. This is a condition that could be brought about if plaintiffs' contention should prevail.

On the fourth proposition I desire to say that it presents a more serious question viewed from humanitarian standpoint than either of the others. The coal beds of Kentucky, Tennessee, Virginia, and West Virginia are located in the hilly sections of these four States where the sole industry upon which these communities depend is the production, transportation, and shipping of coal. The country is so mountainous and rough that agriculture and stock raising as a means of support is practically impossible. The timber resources were substantially exhausted years ago, and the result is that the coal operators and coal miners have worked hand in hand for the last few years to put themselves in position where they and their families can survive and live in spite of the handicap of existing freight differentials, although almost one-half of the mines in this section have been closed down since 1921 and many others running without a profit. What does it mean to the people of this section of these four States for the mines to run full time? It means everything; it means better clothes, better food, better schools, a better education for the coming generations, more churches, more happiness, better homes, better furniture in the homes, a better spirit, a better feeling, a better and more determined citizenship; it means that the homes built in the hills which cost the operators millions of dollars will be brighter and will so remain.

It means that the excellent schoolhouses built and maintained in the splendid mining towns will continue to open their doors to the thousands of happy children attending school eight and nine months of the year who are given an equal chance for an education. It means that the churches will continue to open their doors for divine service. It means life itself. Who would destroy such conditions? Who would take away the chance of over 100,000 laboring men to do an honest day's work and receive an honest day's wage which will enable him to feed and clothe over 500,000 dependents, including women and children? Who would drive this industry out and empty these houses, close up the schools and churches, and close down the mines? They that ask for a freight rate so high that the coal can not be produced, shipped, and sold at a profit on the market in competition with like coal from more favored sections. Who suffers most when the mines close? The man of toll and his wife and children. In justice to the working-man conditions should be such that he can be assured of a living wage. He is entitled to this, he ought to have it, and the operator assured of a fair return on his investment. He is entitled to that and ought to have it. If the rates sought to be applied as requested by the plaintiffs prevail in the case now before the Interstate Commerce Commission, this unhappy condition may arise, provided another market could not be found for the coal mined and shipped from these States.

Much has been said about Federal control and fact-finding committees, and various suggestions have been made, but so far as the coal producers are concerned the facts are easily found; they are known to all the operators of the United States and are known to most all the business men of the country. Government ownership or Government control has been frequently mentioned by those who are not informed as to the coal industry. Labor has never favored Government ownership or control of the coal industry or of the railroads of this country. Samuel Gompers, one of the great leaders of labor, said in a speech at Montreal, Canada, in June, 1920:

I believe there is no man to whom I would take second position in my loyalty to the Republic of the United States, and yet I would not give it more power over the individual citizenship of our country.

It is a question of whether it shall be Government ownership or private ownership under control. If I were in the minority of one in this convention, I would want to cast my vote so that the men of labor shall not willingly enslave themselves to Government authority in their individual effort for freedom.

Hon. William N. Doak, vice president of the Brotherhood of Railroad Trainmen, in a speech delivered over the radio in Washington, some months ago, said:

This plan [Government ownership] should be opposed for many reasons, but if for no other because it is detrimental to the best interest of the employees.

The proposed plan of Government ownership applies not only to the railroads but also to other utilities, including coal mines, etc. If this program goes through it will ultimately be extended to the farms, mills, factories, and other industries, resulting in a super-government which will control all the activities of the country. This is not a theory; it is a fact in Russia, where this program is in full force and where nationalization is fully effected.

The foregoing arguments apply to the coal industry as well as railroads. Therefore the cry for Government ownership or control of the coal industry is rightfully opposed by both the operators and employees, and such agitation is only calculated to create an unsettled condition in this great industry, with no good results.

What the operators and employees want most is to be let alone, and be not disturbed in their pursuit of this industrial enterprise, because such agitation does much to retard and hinder the industry which is already having the battle of its life for existence. In addition to the differentials above referred to the operators from these States, and especially in the immediate section where I live, are further handicapped by rates on equipment shipped to them for the mines and higher rates on passengers brought in to labor for them than are paid by other sections more favorably situated, amounting annually to thousands and thousands of dollars, all of which goes into the expense of the operators in the production of coal. This, coupled with the rate agitation year after year, has done a great injury to this industry upon which so many are dependent for a living, causes men with capital to hesitate to invest in such enterprises.

For the reasons stated I hope the increase in freight rates asked by the plaintiffs will not be granted and their request to reopen the case will be denied.

ADJOURNMENT

Mr. PORTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 31 minutes p. m.) the House adjourned until to-morrow, Thursday, April 22, 1926, at 12 o'clock noon.

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 22, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS (10.30 a. m.)

Second deficiency bill.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE (10 a. m.)

To clarify the law, to promote equality thereunder, to encourage competition in production and quality, to prevent injury to good will, and to protect trade-mark owners, distributors, and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, name, or brand (H. R. 11).

JOINT COMMITTEE ON PUBLIC LANDS (10.30 a. m.)

To investigate the Northern Pacific Railway land grants.

COMMITTEE ON NAVAL AFFAIRS (10.30 a. m.)

To permit the purchase of naval aircraft engines without advertisements (H. R. 11249).

COMMITTEE ON BANKING AND CURRENCY (10.30 a. m.)

To amend paragraph (d) of section 14 of the Federal reserve act, as amended to provide for the stabilization of the price level for commodities in general (H. R. 7895).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10.30 a. m.)

Proposed bill amending the World War veterans' act with reference to the appointment of guardians.

COMMITTEE ON DISTRICT OF COLUMBIA

(10.30 a. m.)

To amend section 1155 of an act entitled "An act to establish a code of law for the District of Columbia" (S. 2730).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

466. A communication from the President of the United States, transmitting supplemental estimates of appropriations under the legislative establishment office of the Architect of the Capitol (H. Doc. No. 336); to the Committee on Appropriations and ordered to be printed.

467. A letter from the Secretary of War, transmitting a report of the Chief of Engineers on preliminary examination and survey of Islais Creek, San Francisco, Calif. (H. Doc. No. 337); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. THURSTON: Committee on Coinage, Weights, and Measures. H. R. 5677. A bill to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes; without amendment (Rept. No. 935). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 11325. A bill to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof; with amendment (Rept. No. 936). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHRISTOPHERSON: Committee on the Judiciary, H. R. 9568. A bill amending section 220, Criminal Code of the United States; without amendment (Rept. No. 939). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. THOMAS: Committee on Claims. H. R. 3142. A bill for the relief of Benito Viscaina and Maria Viscaina; with amendment (Rept. No. 937). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 11094. A bill for the relief of Capt. F. J. Baker and Capt. George W. Rees, United States Army; without amendment (Rept. No. 938). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (S. 1661) conferring jurisdiction upon the Court of Claims to hear and determine the claim of Mrs. Patrick H. Bodkin; Committee on Claims discharged, and referred to the Committee on the Public Lands.

A bill (H. R. 4214) authorizing appropriation of \$15,000 to reimburse Navarro County, Tex., for destruction of a bridge belonging to said county by Federal authorities; Committee on War Claims discharged, and referred to the Committee on Military Affairs.

A bill (S. 2602) for the relief of the legal representatives of the estate of Henry H. Sibley, deceased; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KIRK: A bill (H. R. 11485) to amend section 84 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. KNUTSON: A bill (H. R. 11486) to extend the benefits of certain pension laws to officers, sailors, and marines on board the U. S. S. *Maine* when that vessel was wrecked in the harbor of Habana, February 15, 1898, and to their widows and dependent relatives; to the Committee on Pensions.

By Mr. SWING: A bill (H. R. 11487) granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 11488) authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes; to the Committee on the Public Lands.

By Mr. HOLADAY: A bill (H. R. 11489) to provide for the deportation of certain aliens, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. KIESS: A bill (H. R. 11490) to provide for the use and expenditure of the taxes levied and collected upon articles, goods, wares, or merchandise coming into the United States from the Philippine Islands; to the Committee on Ways and Means.

By Mr. BACON: A bill (H. R. 11491) to extend the powers of pilots holding Federal licenses; to the Committee on the Merchant Marine and Fisheries.

By Mr. MILLER: A bill (H. R. 11492) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; to the Committee on Naval Affairs.

By Mr. McLEOD: A bill (H. R. 11493) to amend section 4 of the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. ZIHLMAN: Joint resolution (H. J. Res. 229) providing armory facilities for the National Guard of the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. PATTERSON: Joint resolution (H. J. Res. 230) authorizing the Treasury Department to participate in the South Jersey Exposition at Camden, N. J., in June, 1926; to the Committee on Industrial Arts and Expositions.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 11494) granting a pension to Susanna Beck; to the Committee on Invalid Pensions.

By Mr. CORNING: A bill (H. R. 11495) for the adjudication and determination of the claims arising under the extension by the Commissioner of Patents of the patent granted to Frederick G. Ransford and Peter Low as assignees of Marcus P. Norton, No. 25036, August 9, 1859; to the Committee on the Post Office and Post Roads.

By Mr. FAUST: A bill (H. R. 11496) granting an increase of pension to Mary L. Vance; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 11497) granting an increase of pension to Eliza A. Marks; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 11498) granting an increase of pension to Francois Menetrey; to the Committee on Pensions.

By Mr. HARDY: A bill (H. R. 11499) granting an increase of pension to Evelyn A. Deyo; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11500) granting a pension to William G. Ely; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 11501) for the relief of Mary Louzon and other heirs of Elizabeth Vezina, deceased, a Chippewa Indian allottee, of White Earth Reservation, Minn., and for other purposes; to the Committee on Indian Affairs.

By Mr. KURTZ: A bill (H. R. 11502) granting an increase of pension to Rebecca A. Falkonder; to the Committee on Invalid Pensions.

By Mr. LETTS: A bill (H. R. 11503) for the relief of Everett L. Foster; to the Committee on Military Affairs.

By Mrs. NORTON: A bill (H. R. 11504) granting a pension to Belle N. Grunwald; to the Committee on Pensions.

Also, a bill (H. R. 11505) granting an increase of pension to Anna M. Erler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11506) for the relief of the legal representatives of James Bell, deceased; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11507) to incorporate the Church of God or Sanctified Church; to the Committee on the Judiciary.

Also, a bill (H. R. 11508) granting a pension to Mattie E. Miller; to the Committee on Invalid Pensions.

By Mr. WOLVERTON: A bill (H. R. 11509) granting an increase of pension to Anthony R. Backus; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1863. By Mr. CULLEN: Resolutions of Metal Trades Council, of Brooklyn, regarding the retirement bill; to the Committee on the Civil Service.

1864. By Mr. GALLIVAN: Petition of Massachusetts State Grange, Mrs. E. O. Marshall, secretary, New Salem, Mass., recommending early and favorable consideration of House bill 7479, known as the migratory bird refuge and marshland conservation act; to the Committee on Agriculture.

1865. By Mrs. KAHN: Resolution of the Board of Direction, American Society of Civil Engineers, favoring House bill 9397, the bill providing for an inventory of the water resources of the United States; to the Committee on Interstate and Foreign Commerce.

1866. By Mr. KVALE: Petition of members of McPherson Woman's Relief Corps, No. 14, Benson, Minn., unanimously petitioning Congress to grant an increase of pension to Civil War veterans and their widows; to the Committee on Invalid Pensions.

1867. Also, petition of the Minnesota State Advisory Board on Maternal and Infant Hygiene, unanimously urging favorable action by Congress on House bill 7555 in the interest of the health of the mothers and the babies of the United States; to the Committee on Interstate and Foreign Commerce.

1868. Also, petition of Minneapolis Central Labor Union, urging favorable action by the House of Representatives on House bill 487, to provide compensation for workmen in the District of Columbia; to the Committee on the District of Columbia.

1869. Also, petition of members of Carl A. Hanson Post, No. 321, Elbow Lake, Minn., unanimously requesting Congress to enact the legislative proposals indorsed by the American Legion; to the Committee on World War Veterans' Legislation.

1870. Also, petition of L. S. Martinson and 11 other citizens of Maynard, Minn., urging enactment at once of House bills 71 and 7479, to preserve the fish and wild fowl within the United States; to the Committee on Agriculture.

1871. Also, petition of R. T. Daly and nine other residents of Renville, Minn., urging enactment at this session of Congress of House bills 71 and 7479, to safeguard the Nation's black bass and wild fowl; to the Committee on Agriculture.

1872. By Mr. MORROW: Petition indorsing House bill 4800, by H. R. Herms, first lieutenant, Finance Reserve, and secretary New Mexico Reserve Officers' Association; to the Committee on Military Affairs.

1873. By Mr. O'CONNELL of New York: Petition of the Metal Trades Council of Brooklyn, N. Y., favoring the passage of the Stanfield-Lehlbach Federal employees' retirement legislation; to the Committee on the Civil Service.

1874. Also, petition of the Whitehall Pharmacal Co. (Inc.), of New York, favoring the passage of Senate bill 2320, relating to caustic acids; to the Committee on Interstate and Foreign Commerce.

1875. Also, petition of Samuel S. Dale, of Boston, Mass., favoring an amendment to the Vestal bill (H. R. 4539), to fix standard containers for flour and feed; to the Committee on Interstate and Foreign Commerce.

1876. By Mr. OLIVER of New York: Petition of the New York Chapter, Knights of Columbus, protesting against the recent action of the Mexican Government with regard to religious bodies and urging that the United States Government make known to the Mexican Government its abhorrence of the acts complained of; to the Committee on Foreign Affairs.

1877. By Mr. SWING: Petition of certain residents of California, protesting against the passage of House bill 7179 for the compulsory observance of Sunday; to the Committee on the District of Columbia.

1878. Also, petition of certain residents of Fullerton, Calif., protesting against the passage of House bills 10311, 10123, 7179, and 7822, or any other measures for the compulsory observance of Sunday; to the Committee on the District of Columbia.

1879. By Mr. TIMBERLAKE: Petition of a number of citizens of Boulder, Colo., protesting against enactment of compulsory Sunday observance bills; to the Committee on the District of Columbia.

SENATE

THURSDAY, April 22, 1926

(Legislative day of Monday, April 19, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Keyes	Sackett
Bayard	Ferris	King	Sheppard
Bingham	Fess	La Follette	Shipstead
Blaise	Frazier	McKellar	Simmons
Borah	George	McKinley	Smith
Bratton	Gerry	McLean	Smoot
Broussard	Gillett	McMaster	Stanfield
Bruce	Glass	McNary	Stephens
Cameron	Goff	Mayfield	Swanson
Capper	Gooding	Metcalf	Trammell
Caraway	Hale	Neely	Tyson
Copeland	Harrell	Norbeck	Underwood
Couzens	Harris	Nye	Wadsworth
Cummins	Harrison	Oddie	Warren
Curtis	Hedlin	Overman	Watson
Dale	Howell	Phelps	Weller
Deneen	Johnson	Pine	Wheeler
Dill	Jones, N. Mex.	Ransdell	Williams
Edge	Jones, Wash.	Reed, Pa.	Willis
Ernst	Kendrick	Robinson, Ark.	

Mr. PHIPPS. My colleague, the junior Senator from Colorado [Mr. MEANS] is detained on account of illness. I will allow this notice to stand for the day.

The VICE PRESIDENT. Seventy-nine Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had further insisted upon its disagreement to the amendments of the Senate Nos. 46 and 62 to the bill (H. R. 6707) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes; had agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CRAMTON, Mr. MURPHY, and Mr. CARTER of Oklahoma were appointed managers on the part of the House at the conference.

The message also announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 9872. An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925;

H. R. 11203. An act to amend subsections (c) and (o) of section 18 of an act entitled "An act for the reorganization and improvement of the Foreign Service, and for other purposes," approved May 24, 1924;

H. R. 11308. An act authorizing the payment of an indemnity to Great Britain on account of the death of Daniel Shaw Williamson, a British subject, who was killed at East St. Louis, Ill., on July 1, 1921; and

H. J. Res. 209. Joint resolution requesting the President of the United States to invite foreign governments to participate in the Seventh International Dental Congress to be held at Philadelphia, Pa., August 23 to 28, 1926.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 549. An act for the relief of John H. Walker;

S. 2111. An act for the relief of Levin P. Kelly;

S. 2274. An act providing for the promotion of a professor at the United States Military Academy;

S. 2465. An act to amend the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes;

S. 2752. An act for the purchase of land as an artillery range at Fort Ethan Allen, Vt.;

S. 2763. An act to amend section 103 of the Judicial Code, as amended;

S. 3213. An act to provide for the disposition of moneys of the legally adjudged insane of Alaska who have been cared for by the Secretary of the Interior;

S. 3283. An act to provide for the appointment of Army field clerks and field clerks, Quartermaster Corps, as warrant officers, United States Army;

S. 3287. An act relating to the purchase of quarantine stations from the State of Texas;

S. 3463. An act to extend the time for the exchange of Government-owned lands for privately owned lands in the Territory of Hawaii;

S. 3627. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State;

H. R. 9685. An act providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia;

S. J. Res. 30. Joint resolution authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence; and

S. J. Res. 91. Joint resolution directing the Secretary of War to allot war trophies to the American Legion Museum.

PAN AMERICAN CONGRESS OF JOURNALISTS

The VICE PRESIDENT. The Chair lays before the Senate a resolution adopted by the Pan American Congress of Journalists that has been transmitted to the Senate by the Director General of the Pan American Union, which the clerk will read.

The resolution was read and ordered to lie on the table, as follows:

Resolution Adopted by the Pan American Congress of Journalists

The Pan American Congress of Journalists adopts a vote of thanks to the Congress of the United States of America for the reception of the delegates and for the generous words of welcome pronounced in both Houses.

PETITIONS AND MEMORIALS

Mr. CAPPER presented a memorial of sundry citizens of Cherokee, Kans., remonstrating against the modification or nullification of the eighteenth amendment to the Constitution, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry members of the Woman's Relief Corps, of Ellsworth, Kans., praying for the passage of legislation granting increased pensions to Civil War veterans, their widows and dependents, which was referred to the Committee on Pensions.

Mr. FRAZIER presented memorials signed by Mrs. S. H. Njaa and 20 other citizens of Northwood, Mrs. C. H. Hancock and 29 other citizens of Prosper, A. W. Payne and 42 other citizens of Milnor, and J. N. Loach and 51 other citizens of Fairmount, all in the State of North Dakota, remonstrating against modification of the eighteenth amendment to the Constitution or the Volstead Act, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. ODDIE, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev., reported it with an amendment.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 3701) for the relief of David McD. Shearer, reported it without amendment and submitted a report (No. 649) thereon.

Mr. WILLIS, from the Committee on Immigration, to which was referred the bill (S. 2770) to confer United States citizenship upon certain inhabitants of the Virgin Islands and to extend the naturalization laws thereto, reported it without amendment and submitted a report (No. 650) thereon.

Mr. FESS, from the Committee on Printing, to which was referred the concurrent resolution (S. Con. Res. 12) to provide for the printing of the Constitution of the United States, as amended, to April 15, 1926, together with the Declaration of Independence, as a Senate document, reported it with amendments.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 549. An act for the relief of John H. Walker;

S. 2274. An act providing for the promotion of a professor at the United States Military Academy;

S. 2752. An act for the purchase of land as an artillery range at Fort Ethan Allen, Vt.;

S. 2763. An act to amend section 103 of the Judicial Code as amended;

S. 3213. An act to provide for the disposition of moneys of the legally adjudged insane of Alaska who have been cared for by the Secretary of the Interior;

S. 3283. An act to provide for the appointment of Army field clerks and field clerks, Quartermaster Corps, as warrant officers, United States Army;

S. 3287. An act relating to the purchase of quarantine stations from the State of Texas;

S. 3463. An act to extend the time for the exchange of Government-owned lands for privately owned lands in the Territory of Hawaii;

S. 3627. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of North Dakota the silver service which was presented to the battleship *North Dakota* by the citizens of that State; and

S. J. Res. 91. Joint resolution directing the Secretary of War to allot war trophies to the American Legion Museum.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McMASTER:

A bill (S. 4047) granting an increase of pension to Francis B. O'Brien; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 4048) to amend paragraph 2 of section 7 of the farm loan act; to the Committee on Banking and Currency.

A bill (S. 4049) granting an increase of pension to Mary Mince (with accompanying papers); and

A bill (S. 4050) granting an increase of pension to Ella E. Hale (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4051) to establish a bureau of school hygiene in the health department of the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 4052) authorizing James L. Borroum and Francis P. Bishop to bring suits in the United States District Court for the State of Kansas for the amount due or claimed to be due to said claimants from the United States by reason of the alleged inefficient and wrongful dipping of tick-infested cattle, and giving said United States District Court for the State of Kansas jurisdiction of said suit or suits; to the Committee on Claims.

By Mr. JONES of New Mexico:

A bill (S. 4053) to create a commission to collect and publish the records of American women in war; to the Committee on Education and Labor.

A bill (S. 4054) to extend the oil leasing act to the Zuni district of the Manzano National Forest; and

A bill (S. 4055) to authorize the Secretary of the Interior to issue patents for lands held under color of title; to the Committee on Public Lands and Surveys.

By Mr. OVERMAN:

A bill (S. 4056) to amend section 98 of the Judicial Code as amended; to the Committee on the Judiciary.

By Mr. DILL:

A bill (S. 4057) for the regulation of radio communications, and for other purposes.

Mr. DILL. This bill is intended as a substitute for the White bill, which passed the House some time ago. I move that the bill be referred to the Committee on Interstate Commerce.

The motion was agreed to.

By Mr. HOWELL:

A bill (S. 4058) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. NORBECK:

A bill (S. 4059) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 4060) authorizing the construction at United States Veterans' Bureau Hospital No. 48, at Atlanta, Ga., of

additional modern sanitary fireproof buildings, and other facilities; to the Committee on Public Buildings and Grounds.

By Mr. CAPPER:

A joint resolution (S. J. Res. 97) providing armory facilities for the National Guard of the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. CAMERON:

A joint resolution (S. J. Res. 98) to authorize the temporary maintenance of drift fences on the public lands; to the Committee on Public Lands and Surveys.

AMENDMENTS TO PUBLIC BUILDINGS BILL

Mr. STANFIELD submitted two amendments intended to be proposed by him to House bill 6559, the public buildings bill, which were ordered to lie on the table and to be printed.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by title and referred to the Committee on Foreign Relations:

H. R. 9872. An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925;

H. R. 11203. An act to amend subsections (c) and (o) of section 18 of an act entitled "An act for the reorganization and improvement of the Foreign Service, and for other purposes," approved May 24, 1924;

H. R. 11308. An act authorizing the payment of an indemnity to Great Britain on account of the death of Daniel Shaw Williamson, a British subject, who was killed at East St. Louis, Ill., on July 1, 1921; and

H. J. Res. 209. Joint resolution requesting the President of the United States to invite foreign governments to participate in the Seventh International Dental Congress to be held at Philadelphia, Pa., August 23 to 28, 1926.

SETTLEMENT OF CZECHOSLOVAK REPUBLIC DEBT

The VICE PRESIDENT. The Chair lays before the Senate bills from the House of Representatives.

The bill (H. R. 6777) to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America was read twice by its title.

Mr. SMOOT. Mr. President, I ask unanimous consent that Calendar No. 3, the bill (S. 1134) to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America, a bill exactly similar to the House bill just laid before the Senate, be indefinitely postponed, and that the House bill be placed upon the calendar as Order of Business No. 3 in its place.

Mr. BRUCE. Mr. President, what is the request?

The VICE PRESIDENT. The Senator from Utah asks that a House bill be substituted for a Senate bill on the calendar.

Mr. ROBINSON of Arkansas. The Senator is proposing now to indefinitely postpone the Senate bill?

Mr. SMOOT. I ask that it be indefinitely postponed.

Mr. ROBINSON of Arkansas. Is it identical with the House bill?

Mr. SMOOT. Word for word.

Mr. ROBINSON of Arkansas. I shall not make any objection, but I suggest to the Senator that when the House bill is ready for consideration we might proceed with that bill and, when it is disposed of, indefinitely postpone the Senate bill. However, if the Senator desires to proceed the other way, I have no objection.

Mr. SMOOT. I think it would be better to proceed as I have suggested.

The VICE PRESIDENT. Without objection, House bill 6777 will be substituted on the calendar for Senate bill 1134 and Senate bill 1134 will be indefinitely postponed.

SETTLEMENT OF ESTHONIAN DEBT

The bill (H. R. 6775) to authorize the settlement of the indebtedness of the Republic of Esthonia to the United States of America was read twice by its title.

Mr. SMOOT. I ask that the House bill be substituted on the calendar as Order of Business No. 4 for the bill (S. 1135) to authorize the settlement of the indebtedness of the Republic of Esthonia to the United States of America, and I ask that Senate bill 1135 be indefinitely postponed.

The VICE PRESIDENT. Without objection, that order will be made.

SETTLEMENT OF LATVIAN DEBT

The bill (H. R. 6776) to authorize the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America was read twice by its title.

Mr. SMOOT. I ask unanimous consent that House bill 6776 be substituted on the Senate calendar for Order of Business No. 7, the bill (S. 1138) to authorize the settlement of the indebtedness of the Government of the Republic of Latvia to the Government of the United States of America, and that Senate bill 1138 be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

SETTLEMENT OF RUMANIAN DEBT

The bill (H. R. 6772) to authorize the settlement of the indebtedness of the Kingdom of Rumania to the United States of America was read twice by its title.

Mr. SMOOT. I ask unanimous consent that House bill 6772 be substituted on the Senate calendar for Order of Business No. 8, the bill (S. 1139) to authorize the settlement of the indebtedness of the Kingdom of Rumania to the United States of America, and that Senate bill 1139 be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

SETTLEMENT OF ITALIAN DEBT

Mr. SMOOT. I ask unanimous consent that Order of Business No. 5, the bill (S. 1136) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America, be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. KING. Mr. President, I made no objection to the request of my colleague, because I hoped that he would not bring up for consideration any of the bills from the House this morning. The Senator from Missouri [Mr. REED] has been compelled to be in attendance on a committee and will not be here before 2 o'clock. He wanted to be here when the other measures were taken up; so I did not object to the request of my colleague, hoping that he would not press for consideration of the other bills until after 2 o'clock. I promised the Senator from Missouri that I would present the matter to the Senate.

Mr. ROBINSON of Arkansas. I understand that it is expected that the committee of managers from the House of Representatives will present resolutions of impeachment to-day.

Mr. SMOOT. At 2 o'clock; and that will take only about an hour. Do I understand my colleague to ask that we do not take up House bill 6774, for the settlement of the Belgian debt, which was made the unfinished business last night?

Mr. KING. Yes; I make the request that none of the measures to which attention has just been called be taken up until after 2 o'clock. The Senator from Missouri [Mr. REED] is compelled to be in attendance upon the Appropriations Committee. I have no objection, speaking for myself, to taking up these measures after 2 o'clock.

Mr. SMOOT. Then I ask unanimous consent that the Senate proceed to the consideration of the bill H. R. 6559, for the construction of certain public buildings, and for other purposes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah?

Mr. HARRISON. I object.

The VICE PRESIDENT. Objection is made.

Mr. SMOOT. I am trying to accommodate the Senator from Missouri [Mr. REED] and every other Senator.

Mr. KING. I appreciate that.

THE CALENDAR

Mr. SMOOT. Mr. President, I move that we proceed until 2 o'clock with the call of the calendar under Rule VIII and consider bills to which there is no objection, beginning where we left off the last time the calendar was called. That is about the only thing we can do under the circumstances.

The motion was agreed to.

Mr. ROBINSON of Arkansas. What is the number at which consideration is to begin?

The VICE PRESIDENT. Order of Business 480. The clerk will state the first order of business.

BILL PASSED OVER

The bill (S. 6) for the relief of Addison B. McKinley was announced as first in order.

Mr. KING. Let the bill go over.

Mr. WILLIS. Will not the Senator from Utah permit the bill to go over without prejudice?

Mr. KING. Yes.

The VICE PRESIDENT. The bill will be passed over without prejudice.

BATHING BEACHES IN DISTRICT OF COLUMBIA

The bill (H. R. 6556) for the establishment of artificial bathing pools or beaches in the District of Columbia was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, may I inquire of the Senator in charge of the bill—I assume the Senator

from New York [Mr. COPELAND] is in charge of the bill—where the bathing pools are to be located?

Mr. COPELAND. The exact location has not yet been determined, but it will be on property owned by the District.

Mr. ROBINSON of Arkansas. On what water?

Mr. COPELAND. The Potomac River.

Mr. OVERMAN. Let the bill be read.

The VICE PRESIDENT. The clerk will read the bill.

The Chief Clerk read the bill.

Mr. OVERMAN. I think the bill had better go over. The sum of \$345,000 is too much money to appropriate for this purpose.

Mr. BRUCE. Mr. President, I should like to ask the Senator from New York whether the bill draws any distinction between white and colored people in the use of the proposed bathing pools?

Mr. COPELAND. It does. Two pools are provided for, the one for the colored people being one-half the size of that for the white people. Let me say to the Senator from North Carolina [Mr. OVERMAN] that this bill has been given very careful consideration.

Mr. OVERMAN. But there is nothing in the bill which provides that there shall be separate pools for white and colored persons.

Mr. COPELAND. If the Senator from North Carolina will read the report on the bill, I think his objection will be met.

Mr. OVERMAN. The report seems to be all right, but I am talking about the bill.

Mr. COPELAND. The bill provides for two entirely separate pools, one for the white people with a capacity for 2,000 bathers and one for the colored people with a capacity for 1,000 bathers. The bathers are not to go into the Mirror Pool. This bill was given such thorough study by the District Committee I hope there will be no objection to its passage. I think it should be passed as soon as possible, because if we are to get any benefits from the bathing pools this year the construction ought to begin at once.

Mr. OVERMAN. Why should it cost \$345,000 to construct these pools? That is an enormous amount of money to appropriate for bathing pools.

Mr. COPELAND. The pools provided for are very large.

Mr. OVERMAN. Are these pools to be like the bathing pools of Rome?

Mr. COPELAND. No. The District Committee realized that there was not enough money in the United States to build pools such as those. These are to be built of concrete.

Mr. OVERMAN. I think the bill had better go over and we can confer about it.

Mr. COPELAND. I may say that I have the assurance of the Commissioners of the District of Columbia that there is in contemplation the separation of the two races in the use of the bathing facilities.

Mr. OVERMAN. I know the Senator from New York is all right; I have every confidence in him; but he will not have the authority to construct these pools and arrange for the bathers; that will be a matter which will be left to the Commissioners of the District of Columbia. There ought to be some language in the bill requiring that the pools be separate.

Mr. COPELAND. If the Senator from North Carolina has confidence in the Senator from New York, who happens to be chairman of the subcommittee on health of the District Committee, let him evince that confidence by relying on the Senator from New York to see that what he suggests is brought about; and if there shall be any hesitation upon the part of the District authorities, I will promise the Senator to bring the matter to the attention of the Senate.

Mr. OVERMAN. After the bill shall become a law, what would be the use of bringing the matter to the Senate? What can the Senator from New York then do? Mr. President, I think I will ask that the bill may go over for the present.

The VICE PRESIDENT. Being objected to, the bill goes over.

Mr. COPELAND subsequently said: I ask unanimous consent to return to Order of Business 481, being the bill (H. R. 6556) for the establishment of artificial bathing pools or beaches in the District of Columbia. I have an amendment to offer which will meet the objection of my friend from North Carolina.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COPELAND. I offer an amendment, on page 1, line 8, after the words "District of Columbia" and the comma, to insert "one for the white race and the other for the colored race."

The VICE PRESIDENT. The amendment proposed by the Senator from New York will be stated.

The CHIEF CLERK. On page 1, line 8, after the words "District of Columbia" and the comma, it is proposed to insert the words "one for the white race and the other for the colored race," so as to make the bill read:

Be it enacted, etc., That the Director of Public Buildings and Public Parks of the National Capital be, and he is hereby, authorized and directed to locate and construct, subject to the approval of the National Capital Park Commission, and to conduct and maintain two artificial bathing pools or beaches in the District of Columbia, one for the white race and the other for the colored race, with suitable buildings, shower baths, lockers, provisions for the use of filtered water, purification of the water, and all things necessary for the proper conduct of such pools or beaches. The Commission of Fine Arts shall be consulted as to the location and construction of said pools or beaches. The cost of these pools or beaches, with buildings and equipment, shall not exceed \$345,000, and the appropriation of such sum for the purposes named is hereby authorized. No part of the sums appropriated for the purposes of this act shall be expended in the purchase of land and the pools or beaches herein provided for shall be located upon lands acquired or hereafter acquired for park, parkway, or playground purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (S. 3641) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended, was announced as next in order.

Mr. BINGHAM. On behalf of the Senator from Missouri [Mr. WILLIAMS], I ask that that bill may go over without prejudice.

The VICE PRESIDENT. The bill will go over without prejudice.

RETIREMENT OF DISABLED WORLD WAR OFFICERS

The bill (S. 3027) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War was announced as next in order.

Mr. KING. Let that bill go over.

Mr. TYSON. Mr. President, I desire to say that that bill has been on the calendar for some time, and I now wish to give notice that I shall ask for its consideration at an early day.

HOME CARE FOR DEPENDENT CHILDREN

The bill (H. R. 7669) to provide home care for dependent children was announced as next in order.

Mr. BRUCE. Let that bill go over.

The VICE PRESIDENT. The bill will go over under objection.

Mr. CAPPER. Mr. President, that bill has been on the calendar now for many weeks. I am very anxious to secure action upon it at as early a date as possible.

Mr. BRUCE. Does the Senator from Kansas desire me to withdraw my objection to the bill?

Mr. CAPPER. It is the mothers' aid bill for the District of Columbia.

Mr. BRUCE. I withdraw my objection.

Mr. KING. I am for the bill, as I understand it, but the senior Senator from New York [Mr. WADSWORTH], I think, is very much opposed to it. I do not like to take advantage of his absence, though, as I have stated, I am for the bill.

Mr. CAPPER. I think the Senator from New York is opposed to the bill.

Mr. BRUCE. We should not take the bill up in the absence of the senior Senator from New York.

Mr. KING. I have stated that I am for the bill.

Mr. CAPPER. I was not aware that the Senator from New York was absent.

The VICE PRESIDENT. Being objected to, the bill goes over.

Mr. WADSWORTH subsequently said: Mr. President, I am informed that Order of Business No. 495, being the bill (H. R. 7669) to provide home care for dependent children, was passed over owing to my absence from the Chamber a few moments ago. I did not realize that the calendar had been taken up or I should have been present. I have consulted with the Senator

from Kansas [Mr. CAPPER], and it is entirely agreeable to him that I make the request that the Senate recur to that bill and that it be considered now.

The VICE PRESIDENT. Without objection, the Senate will recur to Order of Business No. 495.

Mr. WADSWORTH. Mr. President, a parliamentary inquiry. Is debate limited to five minutes?

The VICE PRESIDENT. The Senate is proceeding with the call of the calendar under Rule VIII, and debate is limited to five minutes.

Mr. BORAH. Mr. President, does the Senator think that we can consider this bill under the five-minute rule?

Mr. WADSWORTH. I should like to experiment with it under the five-minute rule.

Mr. BORAH. I do not think we will gain anything by undertaking to consider it under that rule. It is a very important bill and it will take more time to consider it than can be given to it under Rule VIII. I have no objection to it being taken up in order that the Senator from New York may speak, but I do not think it can be acted upon now unless unanimous consent can be given to allow more time to its consideration.

The VICE PRESIDENT. The time can be extended upon motion, and the five-minute rule abrogated.

Mr. EDGE. Mr. President, would it not be of advantage, and put the bill that far ahead, if under the five-minute rule the Senator from New York could explain at least the amendments which he has in mind and his objection to the bill as it stands?

Mr. WADSWORTH. Mr. President, may I attempt an explanation, at least, under the five-minute rule?

Mr. BORAH. Mr. President, before the Senator does that I do not want to be understood as waiving any objection to sending the bill over. I am familiar with the bill to some extent, and I am satisfied we can not discuss it and consider it properly in the time limited. I have no objection to the Senator making his explanation; but in the event that we can not dispose of it under the five-minute rule, I do not want to be understood as waiving my objection.

Mr. WADSWORTH. Certainly not.

Mr. BRUCE. Mr. President, of course I will be compelled to ask that the bill go over. It is a very important bill, as the Senator knows, and it involves very sharp differences of opinion. I think what we ought to do is to have a unanimous-consent agreement with reference to it and have it set down for consideration on some particular day.

Mr. WADSWORTH. Nothing would please me better, and I am sure nothing would please the Senator from Kansas [Mr. CAPPER] better than that.

Mr. BRUCE. That is what I understood.

Mr. WADSWORTH. It is very difficult, in view of the situation which has existed during the last month, and which probably will persist for two or three weeks more, to get at this bill, and it should be acted upon. The only hope of consideration is in the morning hour on some day. I hesitate to make the motion to proceed to the consideration of the bill now, because I know that many Senators are interested in other bills upon the calendar which they desire disposed of practically by unanimous consent. That being the case, Mr. President, I can see that it would be quite useless to indulge in a discussion of the measure, but I hope to consult with the Senator from Kansas and the Senator from Maryland and ascertain if we can not get action on this bill.

Mr. BRUCE. I think we can arrange it. I will be only too glad to have that done.

Mr. WADSWORTH. There is only one point at issue, and it is purely a question of administration. The principle back of the bill arouses no difference of opinion, I think.

Mr. BRUCE. I will be very glad to have an agreement entered into for the consideration of the bill and also limiting the time of discussion on it.

The VICE PRESIDENT. Under objection the bill will go over.

AMENDMENT OF GENERAL LEASING ACT

The bill (H. R. 7372) to amend section 27 of the general leasing act, approved February 25, 1920 (41 Stat. L. p. 437), was announced as next in order.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. LA FOLLETTE. Let the bill be read, please, Mr. President.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk proceeded to read the bill.

Mr. SMOOT. Mr. President, my attention has just been called to this bill, and I have not even had an opportunity to

read the report. I should like to have it go over to-day in order that I may be able to read the report.

Mr. JONES of New Mexico and Mr. STANFIELD addressed the Chair.

The VICE PRESIDENT. The Senator from New Mexico. Mr. JONES of New Mexico. Mr. President, I have no special interest in this bill, but I believe if the Senator from Utah understood it he would make no objection to its passage.

Mr. SMOOT. As I have said, I have not had time to read the report on the bill.

Mr. JONES of New Mexico. I can state in a few words the purpose of the bill. Under the general leasing act of 1920 it is provided that no person shall have more than three leases in any one State. That has been construed to mean even if a lease consisted of only 20 acres or 40 acres, that such a lease shall constitute one-third of the right to lease in the State. This bill is intended to amend the law so as to carry into effect the original intention, that the lessee might in any given State have three leases of 2,560 acres each, and the bill bases the amount of land which can be held under leases in a State on area instead of on the number of leases. That is the only change the bill makes.

Mr. BORAH. From what committee does the bill come?

Mr. JONES of New Mexico. From the Committee on Public Lands and Surveys.

Mr. BORAH. Has the bill been unanimously reported?

Mr. JONES of New Mexico. The bill has been unanimously reported, I may say to the Senator.

Mr. SMOOT. I withdraw my objection.

Mr. ROBINSON of Arkansas. Does the bill propose to make any other change in existing law than that with reference to the acreage which may be embraced in the leases?

Mr. JONES of New Mexico. It makes no change except that instead of the number of leases which may be held in a State it fixes the number of acres to conform to what was the original intention of the act of 1920.

The VICE PRESIDENT. Does the Senator from Wisconsin desire the further reading of the bill?

Mr. LA FOLLETTE. No, Mr. President; I am satisfied with the explanation which has been given.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 27 of the general leasing act approved February 25, 1920 (41 Stat. L. p. 437), is hereby amended to read as follows:

"That no person, association, or corporation, except as herein provided, shall take or hold coal, phosphate, or sodium leases or permits during the life of such leases or permits in any one State exceeding in aggregate acreage 2,560 acres for each of said minerals; no person, association, or corporation shall take or hold at one time oil or gas leases or permits exceeding in the aggregate 7,680 acres granted hereunder in any one State, and not more than 2,560 acres within the geologic structure of the same producing oil or gas field; and no person, association, or corporation shall take or hold at one time any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof, which, together with the area embraced in any direct holding of a lease or leases, permit or permits, under this act, or which together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease or leases, permit or permits, under the provisions hereof for any kind of mineral leases hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee or permittee under this act. Any interests held in violation of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 or to prevent any number of lessees under the provisions of this act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this act, or the transportation of coal or to increase the acreage which may be acquired or held under section 17 of this act: *Provided further*, That any combination for such purpose or

purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That if any of the lands or deposits leased under the provisions of this act shall be subleased, trusted, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form a part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF WILLIAM FRIES

The bill (H. R. 962) for the relief of the estate of William Fries, deceased, was announced as next in order.

Mr. DENEEN. Mr. President, I ask unanimous consent that that bill may be re-committed to the Committee on Claims, in view of certain information which has been submitted to the committee.

The VICE PRESIDENT. Without objection, the bill will be taken from the calendar and re-committed to the Committee on Claims.

ADDITIONAL JUDGE FOR WESTERN DISTRICT OF NEW YORK

The bill (S. 1490) to provide for the appointment of an additional judge of the district court of the United States for the western district of New York was announced as next in order.

Mr. COPELAND. Mr. President, I interposed an objection to this bill the last time it was reached on the calendar. I have since discussed the matter with my colleague and we have gone over the bill together. I am in full accord with it and so wish to withdraw the objection which I have interposed.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE PRESIDENT. The Chair is informed that on April 10 last the amendment reported by the committee was agreed to.

Mr. KING. Mr. President, let me ask the Senator whether the situation calls for an additional judge? We have been creating them not by the pairs, but 25 additional judges were created a short time ago, and now we are about to lift the floodgates and create a large number of additional judicial districts and appoint additional judges.

Mr. WADSWORTH. Mr. President, this bill provides for an additional judge for the western district of New York. Not within my knowledge has any suggestion been made for an additional judge in that district until the last four or five years, during which period the situation has become exceedingly acute.

The district is growing in population very rapidly. It includes the city of Buffalo and the manufacturing towns up and down the Niagara frontier. It includes the city of Rochester, and, as I recall, 14 populous counties. There is but one judge there now.

It is the universal opinion of the members of the bar that the Federal district judge in that district at present is terribly overworked. I think I have never known a public officer so driven as is Judge Hazel, of the western district of New York. Literally, he never gets a day off. The court is having extraordinary difficulty in keeping up with its docket. Of course, the number of cases has increased tremendously. We must remember that the western district of New York is on the frontier, as it were, the Canadian border, marked by the Niagara River. The complications there with respect to the enforcement of the prohibition law and the narcotic law are acute beyond the average. There is a letter, made a part of the report of the Judiciary Committee, written by Judge Hazel himself; and I may say that in addition to that the United States attorney of that district, Mr. Templeton, also wrote a letter, which I handed to the chairman of the Judiciary Committee, confirming what Judge Hazel says.

I call the attention of the Senator from Utah to Judge Hazel's letter, which is found in the report. He says, in part:

Even before prohibition there was always considerable criminal business, and that, added to the common-law cases, patents, and admiralty pretty well filled up the time of the court; but since the

national prohibition act passed nearly three weeks of each term of court are taken up with the disposal of cases of that description, including, of course, smuggling liquor cases now and then. United States Attorney Templeton informs me that there are about 1,500 liquor cases on the docket wherein pleas of not guilty have been entered—cases that ought to be tried speedily—and there are thought to be about 600 pending before the United States commissioners in which informations are to be filed. In this district there are six terms of court held in different localities—two regular terms at Buffalo, one at Rochester, Canandaigua, Elmira, and Jamestown, and it happens not infrequently that one term of court continues until another commences.

One can see from that statement the pressure under which the Federal judge is placed in this situation.

Special terms for trial of criminal cases have been held by judges from New York, Vermont, and New Hampshire at different times while I was engaged in civil work. It is not only the trial of prohibition cases but arraignments to plead, which occur frequently, and motions to quash search warrants for illegal searches and seizures, and motions to return automobiles unlawfully seized, which take up considerable time.

I may interpose there the observation, which I think the Senator from Utah will understand; that in a very large degree we have converted our Federal courts into police courts.

These matters mostly come up each week on the regular motion day, but they are often continued to other days for one reason or another. This, of course, tends to delay other trials and decisions. In patent cases, for example, testimony is taken in open court and often a week or two are required for these hearings. And so it is with admiralty—most of my time during the month of February having been given up to the latter.

I think it should be understood, also, that the Department of Justice recommended an additional judge several years ago, and so has the conference of circuit judges, held at Washington last September, and bar associations throughout the district have passed resolutions asking for the appointment of an additional judge for the western district.

I have been reading from the letter of Judge Hazel. I have also received a letter from the presiding judge of the circuit court of appeals of the district urging very strongly that relief be granted to the western district of New York. The Judiciary Committee has examined into the matter very carefully and has reported this bill, I believe, unanimously.

Mr. BRUCE. Mr. President, I wish merely to say to the Senator from Utah that there is nothing exceptional or unusual about this application of the Senator from New York for the appointment of another judge in his State. There is pending at the present time a very considerable number of similar applications, and so far as I have been able to ascertain the necessity for those applications has been brought about wholly or in the main by the workings of the Volstead Act.

Of course, whatever we may think of the Volstead Act, I conceive it to be our duty, so long as that act is upon the statute books, to see that there is the proper number of judges to administer its provisions. Nobody would have anything but a feeling of contempt for the President of the United States or for any executive or judicial official of the United States who did not discharge the full measure of his duty in relation to that act as to every other Federal act.

It so happens that I find myself in the same situation as the Senator from New York. An application has been made by the present Federal judge of the district of Maryland—Judge Soper, a very able, faithful, and conscientious judge—for the appointment of an associate. He finds that cases arising under the Volstead Act have assumed such large proportions that he is unable unaided to dispose of the business of his court. He is, I believe, a year and a half behind with his calendar, and in a recent letter written to the senior Senator from Tennessee [Mr. McKellar] he states that one-half of all the time of his court might be properly devoted to the hearing of cases arising under the Volstead Act alone. So, feeling that it was but due to him and to the administration of justice that he should have all the judicial assistance that his office required, I, too, as the chairman of the Senate Judiciary Committee knows, made an application for the appointment of an additional judge for the district of Maryland under precisely the same circumstances as those under which the Senator from New York is making his application.

I should like to add in this connection that if any Member of the Senate has any curiosity about the exigencies as respects the services of judges created by the practical workings of the Volstead Act, all he has to do is to look at a series of letters, recently published in the CONGRESSIONAL RECORD, addressed to the senior Senator from Tennessee [Mr. McKellar]

by judges in different portions of this country, telling just how far they were overburdened by business imposed upon them by the administration of the Volstead Act. Indeed, it is a very interesting fact that in one case the responsibilities imposed upon a judge—the judge of the district of Minnesota—by that act proved so onerous that he took his own life, leaving behind him a note saying that he had hoped to be able to end all the liquor and narcotic cases before him, but that he had found that they had ended him.

But, as I say, we have no choice. Law is law in the courts if nowhere else. Whoever else may disregard it, it can not be disregarded by its own ministers. Therefore, I hope that in the light of the considerations that I have suggested, if no others, this bill will receive the approval of the Senate.

Mr. CUMMINS. Mr. President, as chairman of the Judiciary Committee I think I ought to say that we have given this and all other cases in which bills have been introduced for additional judges the most careful consideration; and our course is determined by the state of the business in the particular district.

In the western district of New York it is utterly impossible for any judge to do the business that comes before that court for disposition. The cases are accumulating from month to month and from year to year, and it is such a denial of justice as shocks the moral sense of anyone who examines the situation. We will have to add a great many judges if we intend to administer the laws as they are now before us. There is no doubt whatever about the great and pressing need of an additional judge in the western district of New York.

Mr. KING. Mr. President, I hope the chairman of the Judiciary Committee will report a bill repealing a multitude of little petty cases that are denominated misdemeanors and come within the cognizance of Federal control, and I hope that he will oppose a lot of the bills before us that create more Federal offenses.

Mr. CUMMINS. I am very much in favor of restricting some of the jurisdiction of district judges; but, even if we did that, if we went to any length that it is reasonable to suppose we will go, there nevertheless is still a necessity for additional district judges, but not altogether on account of the Volstead Act. It is because of the accumulation, the development, the growth of business in the United States.

The VICE PRESIDENT. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COTTON AND GRAIN FUTURES

The bill (S. 454) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. RANSDELL. Let that go over.

Mr. CARAWAY. Mr. President, I hope the Senator from Louisiana will agree that at some near date this matter may be considered.

Mr. RANSDELL. I shall be very glad to discuss the matter at any date in the future we can agree on.

Mr. CARAWAY. Would the Senator have any objection to the bill being taken up for consideration immediately after the disposition of the public buildings bill?

Mr. RANSDELL. I do not know that I would like to agree to that. I do not want to interfere with the program here. Personally, I would not have any special objection. I will say to the Senator from Arkansas that I shall be very glad to get a vote on this proposition. I want to discuss it quite fully. I think it is going to take a good while to discuss it.

Mr. CARAWAY. I will discuss it with the Senator, then, without delaying the business of the Senate, because I want to get some kind of action on it soon.

Mr. RANSDELL. I will say to the Senator that I shall be very glad indeed to have it discussed and voted on.

Mr. CARAWAY. Very well.

The VICE PRESIDENT. The bill will be passed over.

BILL PASSED OVER

The bill (S. 2584) to promote the development, protection, and utilization of grazing facilities on public lands, to stabilize the range stock-raising industry, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

NICK MASONICH

The bill (S. 2348) for the relief of Nick Masonich was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the general manager of the Alaska Railroad is hereby authorized and directed to pay, out of the appropriations for said railroad, to be reimbursed by transfer of funds from the United States employees' compensation fund, to Nick Masonich, who was disabled by personal injury sustained while in the performance of his duty as a member of a station gang employed by the Alaskan Engineering Commission, the respective monthly amounts that would have been allowable under provisions of the United States employees' compensation act had he been an employee of said commission receiving wages at the rate of \$100 per month at the time of injury.

Mr. WHEELER. Mr. President, I will state for the benefit of the Senate that this bill was introduced by my colleague [Mr. WALSH], asking that this man, Masonich, should be allowed to come under the compensation act. He was injured while employed on the Alaska Railroad as a workman, and the compensation board held that he did not come strictly within the meaning of the term because of the fact that he contracted to do some of the work that he was doing rather than to be on day's pay; but the reason why the work was let out in that way was so that they would get more work out of the workmen. He was to all intents and purposes a workman working upon this railroad, just the same as if he had been getting his day's pay, and this is simply to avoid a strict legal interpretation placed upon it. This man lost both of his eyes in a blast, and was otherwise seriously injured; and all we are asking is that he be allowed to come under the general act allowing compensation in such cases.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SACAJAWEA, OR BIRD WOMAN

The joint resolution (S. J. Res. 19) authorizing the erection of a monument to the memory of Sacajawea, or Bird Woman, was announced as next in order.

Mr. KENDRICK. Mr. President, the joint resolution is intended to provide a monument for the famous Indian woman who acted as interpreter for the Lewis and Clark expedition. Recently there has been some controversy raised as to the burial place of Sacajawea, and I therefore ask that the joint resolution be recommitted to the Committee on Indian Affairs, so that further investigation may be made.

The VICE PRESIDENT. Without objection, the joint resolution will be recommitted.

ROYALTIES ON PRODUCTION OF MINERALS

The bill (S. 2716) to provide for the collection of fees from royalties on production of minerals from leased Indian lands was announced as next in order.

Mr. WILLIS. That is a rather important bill, and I notice the chairman of the committee, having charge of this, is not present. I suggest that it be passed over.

The VICE PRESIDENT. The bill will be passed over.

TRANSPORTATION OF POISONS THROUGH THE MAILS

The bill (S. 2657) to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, was announced as next in order.

Mr. FRAZIER. Mr. President, this bill provides for a slight amendment to the present law. On page 2, lines 17 to 22, it reads:

Provided further, That poisons prepared for use as disinfectants, fungicides, germicides, or insecticides, or for the destruction of rodents or other animal pests, when packed in containers according to the specifications of the Postmaster General, shall be accepted for mailing.

The Department of Agriculture recommends this bill, and the various farm organizations recommend it very highly. The Postmaster General makes no particular objection. The type of containers is left entirely to the discretion of the Postmaster General. We had a hearing on the bill, reported it favorably, and I believe it would be of great benefit to the farmers, especially in the sparsely settled districts of the Middle West and the West, and also to fruit growers.

Mr. BINGHAM. I would like to ask the Senator whether I am correct in my understanding that the only new part of the bill is on page 2, lines 17 to 22?

Mr. FRAZIER. That is all.

Mr. BINGHAM. I have received objection from certain retail merchants, those who run country stores, stating that they feared that this bill would prevent them selling certain articles containing poison, and would compel people to go to drug stores.

Mr. FRAZIER. I do not believe that objection is valid. This simply is to allow certain articles to be sent through the mail by parcel post.

Mr. BINGHAM. Then there is no more restriction than there was before?

Mr. FRAZIER. No further restriction. As the Senator will notice a little higher up on the same page, in lines 11 and 12, certain poisons can now be mailed by manufacturers thereof or dealers therein "to licensed physicians, surgeons, dentists, pharmacists, druggists, and veterinarians." This simply provides that they may be mailed to other people as well who use these articles.

Mr. KING. Mr. President, I would like to ask the Senator how much this supplements existing law, and whether or not, in his opinion, dangers are not to be apprehended from the use of the mail for carrying the kinds of poisons covered in this bill?

Mr. FRAZIER. I did not get the first part of the Senator's question.

Mr. KING. To what extent does this bill modify or change existing law?

Mr. FRAZIER. Just to the extent that is provided in lines 17 to 22 on page 2. Most of these articles may be sent through the mails now by wholesalers to physicians and dealers. They may be sent through the mail by parcel post.

Mr. KING. The Senator thinks it wise to permit the use of the mail for the transmission of poisons of various kinds, arsenical and other kinds, poisons of the most virulent character?

Mr. FRAZIER. The last part of the bill states that the container must be approved by the Postmaster General. In the hearings containers were brought before the committee, and they have been put through various tests. They stood the usual tests and some unusual tests.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post Offices and Post Roads with an amendment, on page 2, after line 18, to insert the words "or for the destruction of rodents or other animal pests," so as to make the bill read:

Be it enacted, etc., That section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, be amended to read as follows:

"Sec. 217. That all kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable material, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scales, and all other natural or artificial articles, composition, or materials, of whatever kind, which may kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any letter carrier: *Provided,* That the Postmaster General may permit the transmission in the mails from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, and veterinarians, under such rules and regulations as he shall prescribe, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property: *Provided further,* That poisons prepared for use as disinfectants, fungicides, germicides, or insecticides, or for the destruction of rodents or other animal pests, when packed in containers according to specifications of the Postmaster General, shall be accepted for mailing: *Provided further,* That all spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind are hereby declared to be nonmailable, and shall not be deposited in or carried through the mails. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster General, shall be fined not more than \$1,000 or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster General or not, with the design, intent, or purpose to kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than \$10,000 or imprisoned not more than 20 years, or both."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY STATUS OF UNITED STATES ARMY CHAPLAINS

The bill (S. 3284) to amend a portion of section 15 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920, was announced as next in order.

Mr. KING. Let that go over.

Mr. WADSWORTH. Will not the Senator withhold his objection just for a moment? I think I can explain this bill.

Mr. KING. I will do so.

Mr. WADSWORTH. At first reading the bill may seem to bring about some very drastic changes in the matter of the rank of chaplains of the Army. As a matter of fact, the changes are very slight. The purpose of the bill is to put chaplains in the Army on exactly the same basis as the Medical Corps and the Dental Corps and Veterinary Corps in the matter of rank. Rank in those corps is covered by length of service. The chaplains have a little less favorable consideration than the others. This puts them on exactly the same basis with the other noncombatant professional branches. The annual cost incident to the enactment of this legislation will be only \$6,600.

Mr. KING. I am familiar with the bill, and I know the objects of it. When I was a member of the Naval Affairs Committee I opposed this purpose to give pharmacists and veterinarians and chaplains the rank of admirals. I have objected to this plan, which has become, of course, a fixed one, and I do not expect my objection to change the accepted order of making dentists and veterinarians and chaplains officers, giving them rank and advancing them from time to time in the military ranks which are provided by law. I know it is the established order and my objections do not carry any weight, but I think it is unwise, I think it is unnecessary, and I wish we could resort to this question *de novo*, and draw a bill that would let fighting men get the ranks, and let those who are civilians and noncombatants get their compensation, but serve as noncombatants and civilians, instead of being admirals and generals and colonels and captains and majors, when they are horse doctors or chemists, or when they pray. Probably the chaplains deserve more consideration than the horse doctors.

Mr. WADSWORTH. This is to give the same relative rank to chaplains in the matter of length of service as is given to the other professional services, and I do not see how it can be denied, as a matter of simple justice. These men are with troops all the time. They must go where the troops go.

Mr. KING. I withdraw the objection, but I want the Record to show that I vote against the bill.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That that portion of section 15 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, reading as follows:

"Chaplains shall hereafter have rank, pay, and allowances according to length of active commissioned service in the Army, or, since April 6, 1917, in the National Guard while in active service under a call by the President, as follows: Less than 5 years, first lieutenant; 5 to 14 years, captain; 14 to 20 years, major; over 20 years, lieutenant colonel. One chaplain, of rank not below that of major, may be appointed by the President, by and with the advice and consent of the Senate, to be chief of chaplains. He shall serve as such for four years, and shall have the rank, pay, and allowances of colonel while so serving," be, and the same is hereby, amended to read as follows:

"Chaplains shall hereafter have rank, pay, and allowances according to length of active commissioned service in the Army, or, since April 6, 1917, in the National Guard while in active service under a call by the President, as follows: Less than 3 years, first lieutenant; 3 years to 12 years, captain; 12 to 20 years, major; 20 to 26 years, lieutenant colonel; over 26 years, colonel. One chaplain, of rank not below that of major, may be appointed by the President, by and with the advice and consent of the Senate, to be chief of chaplains. He shall serve as such for four years, and shall have the rank, pay, and allowances of a brigadier general while so serving."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF THE CONSTITUTION OF THE STATE OF NEW MEXICO

The joint resolution (S. J. Res. 46) giving and granting consent to an amendment to the constitution of the State of New Mexico providing that the moneys derived from the lands heretofore granted or confirmed to that State by Congress may be apportioned to the several objects for which said lands were granted or confirmed in proportion to the number of acres granted for each object, and to the enactment of such laws and regulations as may be necessary to carry the same into effect, was announced as next in order.

Mr. BRATTON. The junior Senator from Missouri [Mr. WILLIAMS] requested me two or three days ago to withhold action in this matter until he might investigate it. He is out of the Chamber at this time, and I ask that it go over without prejudice. If the Senator comes in during the call of the calendar, I shall ask that we return to it.

The VICE PRESIDENT. The joint resolution will be passed over.

AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (S. 750) to amend paragraph (18) of section 1 of the interstate commerce act, as amended, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Interstate Commerce with an amendment to strike out all after the enacting clause and to insert the following:

That paragraph (18) of section 1 of the interstate commerce act as amended is amended to read as follows:

"(18) After this paragraph takes effect no carrier by railroad subject to this act shall undertake the construction of an entirely new line of railroad unless and until there shall first have been obtained from the commission a certificate that the present or future public convenience and necessity require or will require the construction and operation of such line of railroad, and no carrier by railroad subject to this act shall abandon all or any portion of a line of railroad, or the operation thereof, unless and until there shall first have been obtained from the commission a certificate that the present or future public convenience and necessity permit of such abandonment; but no such certificate for the abandonment of any line of railroad, or any portion of any line of railroad located wholly within one State, or of the operation thereof, shall operate to relieve the carrier from also procuring such authority for such abandonment from that State as may be required by its laws."

SEC. 2. That paragraph (19) of section 1 of the interstate commerce act as amended is amended by striking out "or extended."

SEC. 3. That paragraph (20) of section 1 of the interstate commerce act as amended is amended by striking out "or extension thereof."

Mr. MAYFIELD. Mr. President, I can explain this in just a word or two. This amendment was recommended by the subcommittee to meet the objections of the Senator from Iowa [Mr. CUMMINS]. As the bill is amended now it applies only to the extension of railroads that are in existence and not to any new construction whatever.

Mr. COUZENS. Do I understand the Senator to mean that this applies to a railroad wholly within a State?

Mr. MAYFIELD. No; anywhere.

Mr. COUZENS. It can be extended to roads engaged in interstate commerce?

Mr. MAYFIELD. Yes; I discussed that fully with the Senator from Iowa, and he said he thought it should be amended so as to permit railroads now in existence to make extensions anywhere. I accepted that amendment at his suggestion.

Mr. CUMMINS. Mr. President, of course the Interstate Commerce Commission has no jurisdiction save over a road that does an interstate business. The transportation act provides that in every case of extension or construction an application must be made to the Interstate Commerce Commission for the purpose of ascertaining whether it is necessary that it shall be done, whether it is wise. While I think that is a sound policy, so far as original undertakings are concerned, I can see no reason for securing the approval of the Interstate Commerce Commission for a mere extension of an existing road. Therefore I said to the Senator from Texas that not only would I not object to this amendment to the transportation act but that I was in favor of it. I think it ought to pass.

Mr. JONES of New Mexico. Mr. President, may I inquire if this changes the present law in any respect with regard to the building of a new railroad wholly within a State?

Mr. MAYFIELD. It does not affect new construction at all.

Mr. CUMMINS. Every railroad is within some State, and the jurisdiction of the Interstate Commerce Commission does

not depend upon the physical location of a particular railroad. It depends upon whether that railroad does or is intended to do an interstate business, and it may be said that there is not a railroad in the United States that does not carry goods that are in interstate commerce.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend paragraphs (18), (19), and (20) of section 1 of the interstate commerce act, as amended."

NAVAL RESERVE FORCE AND MARINE CORPS RESERVE

The bill (S. 3480) for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were erroneously released from active duty and disenrolled at places other than their homes or places of enrollment was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

REMOVAL OF GATES AND PIERS

The bill (H. R. 54) authorizing the removal of the gates and piers in West Executive Avenue between the grounds of the White House and the State, War, and Navy Building was announced as next in order.

Mr. JONES of Washington. I ask that that may go over. Furthermore, I want to ask how that got on the calendar. It does not appear to have been reported by a committee and has not even been referred to a committee.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The Chair is informed by the clerk that the bill came over from the House and was placed on the calendar because of the fact that a similar bill had already been reported by the committee and placed on the calendar.

Mr. JONES of Washington. Has this bill been substituted for a Senate bill?

Mr. WILLIS. Mr. President, I think I can explain the situation. It has not been substituted, but there is a similar bill on the calendar. That is no doubt the reason why it was done. I do not recall specifically the circumstances, but that is undoubtedly why it was done, because the committee had already acted on a similar bill. Perhaps the Senator from Maine [Mr. FERNALD] can state the facts.

Mr. FERNALD. I do not know how it happens to be on the calendar, but there is a similar bill on the calendar at an earlier point.

The PRESIDING OFFICER. Calendar No. 443 is similar, but not identical.

Mr. JONES of Washington. I think the bill had better go to a committee.

The PRESIDING OFFICER. Without objection, the bill will be referred to the Committee on Public Buildings and Grounds.

Mr. KING. Mr. President, I ask the Senator from Maine if he is not willing that it should go to the Committee on the District of Columbia. The District Committee is trying to look after District affairs.

Mr. FERNALD. These matters have always come from the Committee on Public Buildings and Grounds.

The PRESIDING OFFICER. The Chair will state that inasmuch as Order of Business No. 443 has been reported from the Committee on Public Buildings and Grounds, it is appropriate that this similar bill should be referred to the same committee.

Mr. KING. It does not necessarily follow. I think it ought to go to the Committee on the District of Columbia, where the Senator from Washington and others of us who are giving attention to the streets and buildings of the city will have something to say in regard to the propriety of the measure.

Mr. FERNALD. I move that the bill be referred to the Committee on Public Buildings and Grounds.

The PRESIDING OFFICER. Objection is made. The question is on the motion of the Senator from Maine that House bill 54, authorizing the removal of the gates and piers in West Executive Avenue between the grounds of the White House and the State, War, and Navy Building, be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

FEES FROM ROYALTIES ON INDIAN LANDS

Mr. HARRELD. Mr. President, I was unavoidably detained by the so-called prohibition committee when Order of Business

535, the bill (S. 2716) to provide for the collection of fees from royalties on production of minerals from leased Indian lands, was passed over. May I ask that we recur to that order of business?

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent to return to Calendar No. 535. Without objection, it is so ordered.

The bill (S. 2716) to provide for the collection of fees from royalties on production of minerals from leased Indian lands was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed under such rules and regulations as he may prescribe, to collect a reasonable fee, not exceeding 3 per cent, from Indian lessors for moneys collected as royalties on production from the leasing of restricted Indian lands for mining purposes, the amounts collected to be covered into the Treasury subject to appropriation by Congress for necessary supervision in connection with the execution, development, and operation of leases: *Provided*, That no collection shall be made from Indian lessors where agency expenses are paid entirely from tribal funds.

Mr. JONES of New Mexico. Mr. President, I would like to inquire if there has not been a misprint in the bill. Did they not intend lessees rather than lessors? Is it intended to collect from the lessor or the lessee?

Mr. HARRELD. The fees are collected from royalties coming to Indian tribes. I will say to the Senator that in handling leases on properties, Executive-order lands, if we may call them that, or other lands belonging to Indians, there is a great deal of expense to the Government. The bill gives the Secretary of the Interior the right to levy a tax on the royalty that accrues in his hands from those lands in sufficient quantities, not exceeding 3 per cent, to cover the actual expense of making the leases and handling the matter of leasing.

Mr. JONES of New Mexico. Then the bill relates to cases where individuals become lessors in leasing lands under the supervision of the Interior Department.

Mr. HARRELD. Exactly so. It allows them a certain amount, not exceeding 3 per cent, for expenses incidental to the handling of the leases, and it relieves the Public Treasury to that extent.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN NEWSPAPERS

The bill (S. 2020) for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized, notwithstanding the provisions of section 3828 of the Revised Statutes of the United States, to settle, adjust, and certify the following claims for advertising services rendered the Public Health Service, Treasury Department, namely, the claims of certain Chicago newspapers for advertising services rendered October 3, 1918, amounting in all to \$2,894, under the appropriation "Suppressing Spanish influenza and other communicable diseases, 1919"; the claim of a Houston, Tex., newspaper, \$65.17, and the claim of a New York newspaper, \$30, for advertising services rendered between June and October, 1920, under the appropriations "Pay of personnel and maintenance of hospitals, Public Health Service, 1920," and "Maintenance, marine hospitals, 1921."

Mr. KING. Mr. President, is there a report accompanying the bill?

Mr. BAYARD. I think I can explain the bill. The bill is to aid certain newspapers who printed advertisements at the request of the Federal Government. When the time came for payment it seemed that conditions precedent had not been complied with which required certain notice to be given to and permission obtained from the Secretary of the Treasury.

The first item was for the publication by the Federal Government of an advertisement in regard to the "flu" epidemic, and others in regard to sanitary arrangements conducted by the Federal Government. In each case the Federal Government got full consideration and in each case the money was in the Treasury, but because of this technical requirement of notification before hand, it could not be paid to the claimants. In each case the money was turned back to the Federal Treasury. The Government has lost nothing, but obtained full benefit from the advertisement. I trust the Senator realizes the situation, as it was explained two years ago and again last year. A similar bill has passed this body twice.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUSTOMS BUILDINGS IN PORTO RICO

The bill (H. R. 9831) to provide for the completion and repair of customs buildings in Porto Rico was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the completion and repair of customs buildings in Porto Rico, under allotments provided by the acts of Congress approved January 10, 1920, and June 7, 1924, respectively, the sum of \$7,700, and that he be, and is hereby, authorized and directed to pay Contractor Antonio Higuera the sum of \$1,826.80 for extra work performed in addition to the amount of money available under allotment provided by the act of January 10, 1920, and that he be likewise authorized and directed to reimburse said contractor the sum of \$300 for balance due him for furnishing labor, equipment, and materials to test foundations before building the new customhouse at San Juan, P. R., act of January 10, 1920, all said amounts to be paid out of duties collected in Porto Rico as an expense of collection, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WILLIS. Mr. President, in order that there may be a full explanation at hand I ask to have printed in the RECORD a letter from the Secretary of the Treasury bearing upon this subject.

The PRESIDING OFFICER. Without objection, the letter from the Secretary of the Treasury will be printed in the RECORD.

The letter is as follows:

MARCH 26, 1926.

MY DEAR MR. CHAIRMAN: Your letter of the 6th instant addressed to the First Assistant Postmaster General, transmitting copies of H. R. 9831 and H. R. 9314, allotting certain funds from the Porto Rico tariff fund for the erection and completion of customs buildings in Porto Rico, and asking for the facts in this connection, has been referred to this department for attention.

H. R. 9314 provides for the construction of customs offices on the roof of the customs warehouse. The customs offices at San Juan are now located in the Federal building at that port and have sufficient space in which to transact the customs business. The post office, located in the Federal building, however, is in urgent need of additional space, according to reports received by the department. The proposition to construct quarters for customs offices on the roof of the customs warehouse at San Juan is made to relieve congestion in the Federal building, so as to provide much needed space for the post office. It is not essential to the proper functioning of the customs service in the islands, but will concentrate the work of the headquarters port of the customs service in one building, and in this respect be an added convenience to the importers as well as the officers of the service.

H. R. 9831 provides for the completion and repair of customs buildings in Porto Rico under allotments provided by the acts approved January 10, 1920, and June 7, 1924, and also authorizes and directs the payment to Antonio Higuera of \$1,826.80 for extra work in connection with the construction of the customs warehouse at San Juan, and \$300 for expense incurred in connection with the testing of the foundations before the building was erected.

There is transmitted herewith a letter dated January 13, 1926, addressed to the collector at San Juan by the commissioner of the interior of Porto Rico, under whose technical supervision the building was constructed, which fully states the facts connected with the charge of \$1,826.80 for work in excess of the contract and in excess of the expenditures authorized by the department.

A copy of the letter of October 7, 1925, addressed to the department by the collector at San Juan, and a copy of a letter from the commissioner of the interior to the collector of San Juan, under date of December 26, 1925, giving the facts in detail concerning the additional charge of \$300 for the testing of foundations before the erection of the customs warehouse was commenced, are also inclosed.

The \$7,700 mentioned in this bill for the completion of repairs to certain buildings is needed to complete the work of repairs of buildings damaged by the earthquake, for which the allotment originally made by the act was not sufficient. It is desirable that these buildings be fully completed, which can be done if the amount mentioned in the bill, \$7,700, is made available.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

HON. FRANK B. WILLIS,
Committee on Territories and Insular Possessions,
United States Senate.

(Inclosures.)

GOVERNMENT OF PORTO RICO,
DEPARTMENT OF THE INTERIOR,
January 13, 1926.

COLLECTOR OF CUSTOMS,

San Juan.

DEAR SIR: You will remember that when the customs warehouse building at this port was nearing completion it was found that the money available would not be enough to finish certain items included in the contract, and that it would therefore be necessary to leave these unfinished unless more money was made available.

You will no doubt recall that when we made a visit to the building together we saw that it would really be a shame to leave these few items unfinished, since the money required to complete the building entirely was really very small, and, on the other hand, the building could hardly be left in the state it then was, as it would suffer greatly in appearance and in its ability to stand wear and tear.

The two big items which were not complete were the cement top dressing and the wall finish with carborundum. The difference in appearance between the finished sections and those not completed was very marked, and it was also easy to see that unless the entire floor received a good cement top dressing it would deteriorate rapidly under the heavy traffic.

With this thought in mind, and considering also that if this work was done at a later date, as would no doubt be the case, the cost of execution would far exceed its cost at that time, we instructed the contractor to go ahead with the work, so that the building could be turned over to you complete in all its details.

When we took this step we felt confident that under the circumstances it was the wise thing to do, and that when matters were fully explained it would be easy for you to obtain the money needed to cover the cost of this work.

The following is an itemized list of work done by the contractor for which he has not received payment:

928 square yards cement top dressing, at \$1-----	\$928.00
4 cubic yards reinforced concrete slat over elevator shaft, at \$22-----	88.00
2,286 square yards wall finish with carborundum, at \$0.30--	685.80
1 wood platform for the auctioneer, at \$25-----	25.00
10 hose bibbs, at \$10-----	100.00
Total-----	1,826.80

It should also be mentioned that in order that this work might be carried on, the contractor agreed to reduce the price for the wall finish and the hose bibbs from \$0.50 to \$0.30 and from \$15 to \$10, respectively.

I trust that this letter, which is in the way of a reminder and an explanation, will enable you to obtain the small amount necessary to close this matter.

Very truly yours,

Commissioner.

CERTAIN PRIVILEGES UNDER NATURALIZATION LAWS

The bill (H. R. 9761) to supplement the naturalization laws by extending certain privileges to aliens who served honorably in the military or naval forces of the United States during the World War was considered as in Committee of the Whole and was read.

Mr REED of Pennsylvania. Mr President, I think I can save time by explaining in a few words the purpose of the bill.

It was found at the close of the World War that a number of American veterans accepted their discharges in Europe in order that they might visit their families, their parents, who are still living abroad. Most of them came back to this country within the following 12 months. A few of them, for family or business reasons, were detained. There are at present abroad something less than 5,000 American veterans holding honorable discharges from our Army and Navy. Most of them want to stay there, but a few of them have tried to come back and have discovered to their astonishment that although they hold an honorable discharge from our service they are not good enough to be allowed free admittance to the United States without waiting for the quota.

The American Legion post in Rome is the original sponsor for the legislation. They have a membership of over 700 ardent American veterans, all English-speaking, all of them trained soldiers, all of them with honorable discharges. About half of them are anxious now to get back to the United States. Their parents have died or they have settled up the business matters which kept them there, and it seemed to the Committee on Immigration, although we believe most sternly in standing by the immigration policy of the United States, that any man who had an honorable discharge from our forces and was good enough to fight for us in our Army or our Navy is good enough to come back to the United States where he was enlisted.

Mr. JONES of Washington. Mr. President, I think the Senator has answered what I was about to ask, which was that most of these men, as I understand, actually enlisted in this country.

Mr. REED of Pennsylvania. Oh, absolutely every one of them enlisted in this country. They were all here originally. Their absence from the United States occurred because we took them abroad with our armed forces. They were here lawfully in the beginning. They had emigrated to the United States in the past. We took them away from the United States to fight for us, and now we will not let them come back.

Mr. KING. Mr. President—

Mr. REED of Pennsylvania. I yield to the Senator from Utah.

Mr. KING. The bill is reported just as we agreed upon it in the committee?

Mr. REED of Pennsylvania. Precisely; but I want to add a word in that connection. I am coming now to the second section of the bill, which relates to naturalization. During the World War there was put into one of the World War acts, an act passed in July, 1918, I think, a provision allowing the immediate naturalization of these men. A good many thousand aliens then in our Army took advantage of that provision. It was discovered afterwards that a requirement had been adopted here by the Bureau of Immigration, which was not communicated to the officers of our forces abroad, that the naturalization papers then issued should be invalid unless they were filed in the office of the clerk of a district court in this country. Possibly that was in the original law. In any event, it was not known to the officers who administered the naturalization.

I know of several instances in my own State of men who came back and regarded themselves as citizens and went ahead voting. Some of them are voting yet. But technically their naturalization was not complete, because on their return to this country they did not file their papers with the clerk of a district court.

The provisions of the bill are entirely temporary. Immigration is allowed only for a period of one year from the passage of the bill. It is not intended to be a permanent policy. Naturalization is allowed only for a period of two years from the passage of the bill under the provisions of the war time law. Neither section changes the permanent policy of the country.

The PRESIDING OFFICER. Under the five-minute rule the Senator's time has expired.

Mr. REED of Pennsylvania. I ask unanimous consent to proceed two minutes more.

The PRESIDING OFFICER. Without objection, permission is granted.

Mr. REED of Pennsylvania. The legislative drafting service has drafted a bill accomplishing exactly the result aimed at by this bill, making no change in any sense except that it provides against the return of any veteran who has a loathsome or dangerous or contagious disease. Such a provision ought to be put in, and I think the committee overlooked it. It provides against the return of a polygamist person, a procurer, contract laborer, a person previously deported, or a person convicted of a crime. The drafting service thought properly enough that these exceptions ought to remain in the bill, and they have rewritten to the same effect the bill now reported. I believe what they have written and what has been instituted in the House by Mr. TILSON does the same thing in a better way than the bill now here, and therefore I offer it as a substitute for the bill now pending and ask that it be read.

The PRESIDING OFFICER. The Clerk will read the proposed substitute.

Mr. REED of Pennsylvania. It is very short and will not take long.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and to insert:

That (a) as used in this act the term "alien veteran" means an individual, a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, who is now an alien not ineligible to citizenship; but does not include (1) any individual at any time during such period or thereafter separated from such forces under other than honorable conditions, (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform, or (3) any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage.

(b) Terms defined in the immigration act of 1924 shall, when used in this act, have the meaning assigned to such terms in that act.

SEC. 2. An alien veteran shall, for the purposes of the immigration act of 1924, be considered as a nonquota immigrant, but shall be subject to all the other provisions of that act and of the immigration laws, except that—

(a) He shall not be subject to the head tax imposed by section 2 of the immigration act of 1917;

(b) He shall not be required to pay any fee under section 2 or section 7 of the immigration act of 1924;

(c) If otherwise admissible, he shall not be excluded under section 3 of the immigration act of 1917, unless excluded under the provisions of that section relating to—

(1) Persons afflicted with a loathsome or dangerous contagious disease, except tuberculosis in any form;

(2) Polygamy;

(3) Prostitutes, procurers, or other like immoral persons;

(4) Contract laborers;

(5) Persons previously deported;

(6) Persons convicted of crime.

SEC. 3. The unmarried child under 18 years of age, the wife, or the husband of an alien veteran shall, for the purposes of the immigration act of 1924, be considered as a nonquota immigrant when accompanying or following within six months to join him, but shall be subject to all the other provisions of that act and of the immigration laws.

SEC. 4. The foregoing provisions of this act shall not apply to any alien unless the immigration visa is issued to him before the expiration of one year after the enactment of this act.

SEC. 5. An alien veteran admitted to the United States under this act shall not be subject to deportation on the ground that he has become a public charge.

SEC. 6. Nothing in the immigration laws shall be construed as subjecting any person to a fine for bringing to a port of the United States an alien veteran who is admissible under the terms of this act, even though such alien would be subject to exclusion if this act had not been enacted.

SEC. 7. An alien veteran shall, if residing in the United States, be entitled, at any time within two years after the enactment of this act, to naturalization upon the same terms, conditions, and exemptions which would have been accorded to such alien if he had petitioned before the armistice of the World War, except that such alien shall be required to appear and file his petition in person and to take the prescribed oath of allegiance in open court.

Amend the title so as to read: "A bill to admit to the United States, and to extend naturalization privileges to, alien veterans of the World War."

Mr. WADSWORTH. Mr. President, I have an amendment to offer to House bill 9761, which has already been printed. That amendment is drawn to fit the text of House bill 9761. The Senator from Pennsylvania [Mr. REED] has now moved to substitute another bill for the bill which is on the calendar with an entirely different arrangement textually. That means that the amendment which I have drawn would not fit it. I suggest that the amendment which I have drawn and have submitted to the Senate, and which now lies on the table, which I want to offer, should take precedence over the amendment suggested by the Senator from Pennsylvania, because my amendment is to perfect the text of the bill now on the calendar.

Mr. REED of Pennsylvania. Mr. President, I think that is a proper way of going about the matter. We can first vote on the amendment of the Senator from New York and then on the substitute. I hope the Senate will do that. In that way the matter can be disposed of very readily.

The PRESIDING OFFICER. The Chair will rule that the amendment of the Senator from New York is in order and direct the clerk to read the amendment.

Mr. JONES of Washington. Might I ask, should we adopt the amendment of the Senator from New York and then adopt the substitute of the Senator from Pennsylvania, would not that do away with the amendment of the Senator from New York?

Mr. WADSWORTH. The test will come on the amendment offered by myself. Of course, if the amendment offered by myself shall be adopted, the amendment of the Senator from Pennsylvania logically would be rejected, because it would be inconsistent.

Mr. JONES of Washington. It would be inconsistent.

Mr. REED of Pennsylvania. I think the two amendments are so inconsistent that if the amendment of the Senator from New York wins mine must lose.

Mr. FESS. Is the amendment proposed by the Senator from New York to the Senate bill?

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER. The Senator from New York [Mr. WADSWORTH] has the floor. Does he yield; and if so, to whom?

Mr. WADSWORTH. No; I want to say in explanation of the question which has been asked me by the Senator from Ohio [Mr. FESS] that the amendment which I have had printed and which now lies on the table awaiting the consideration of House bill 9761 is an amendment to the House bill now being considered.

Mr. FESS. It is an amendment to the House bill?

Mr. WADSWORTH. It is an amendment to the House bill which is now on the calendar and is drawn to fit into that bill.

Mr. FESS. And a House bill is the substitute offered by the Senator from Pennsylvania [Mr. REED]?

Mr. WADSWORTH. The Senator from Pennsylvania, after describing the House bill that is on our calendar, offered a substitute for it to accomplish the same purpose, but with an entirely different arrangement of language.

Mr. FESS. Does the Senator from Pennsylvania offer a substitute for the House bill to which the Senator from New York desires to offer an amendment?

Mr. WADSWORTH. Yes; I have offered an amendment to it.

Mr. FESS. Then the question will come first on the amendment of the Senator from New York.

Mr. WADSWORTH. The Senator from Pennsylvania has conceded that.

Mr. BRUCE. Mr. President, will the Senator from New York yield to me?

Mr. WADSWORTH. I yield.

Mr. BRUCE. I should like to ask the Senator from Pennsylvania whether the amendment offered by the Senator from New York is satisfactory to him?

Mr. REED of Pennsylvania. Absolutely not. The amendment proposed by the Senator from New York does not relate to the veterans.

Mr. ASHURST. Mr. President, before the vote is taken, I hope the Senator from New York and the Senator from Pennsylvania, respectively, will explain just what the two proposals are.

Mr. FESS. Mr. President—

Mr. WADSWORTH. The amendment which I now offer—and I will ask the Secretary to read it in just a moment—does not—

Mr. BLEASE. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Carolina?

Mr. WADSWORTH. I yield for a question.

Mr. BLEASE. I object, Mr. President, to the consideration of either of the amendments. The amendment of the Senator from Pennsylvania should lie over. I think this is too important a matter to be passed on now.

The PRESIDING OFFICER. The Senator from New York yielded only for a question, the Chair will say to the Senator from South Carolina.

Mr. BLEASE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New York did not yield for any purpose except for the asking of a question.

Mr. REED of Pennsylvania. I will say to the Senator from South Carolina that my amendment has been printed as a House bill and is available for every Senator.

Mr. BLEASE. I object.

Mr. WADSWORTH. I did not yield the floor to be taken off the floor.

The PRESIDING OFFICER. The Senator from New York has the floor and declines to yield.

Mr. BLEASE. This is a matter of unanimous consent. I have suggested that there is no quorum present, and I demand a quorum to transact the business of the Senate.

The PRESIDING OFFICER. The Senator from New York has the floor and has declined to yield.

Mr. BLEASE. Does the Chair hold that a Senator can not raise the question of a quorum at any time?

Mr. KING. A parliamentary inquiry, Mr. President.

Mr. COUZENS. Mr. President—

The PRESIDING OFFICER. The Senator from Utah will state his parliamentary inquiry.

Mr. KING. I inquire if it is not permissible, even when a Senator is on the floor, under the rule under which we are operating this morning, for another Senator to raise objection to the consideration of a bill?

The PRESIDING OFFICER. The Senator from New York [Mr. WADSWORTH] has the floor, and having been asked to yield stated that he yielded for a question only. The Chair therefore construed his yielding the floor to be for that purpose only.

Mr. BLEASE. I call for the regular order.

Mr. COUZENS. A parliamentary inquiry, Mr. President.

Mr. BLEASE. I call for the regular order of business.

Mr. COUZENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Michigan?

Mr. WADSWORTH. I have to yield to the parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan will state his parliamentary inquiry.

Mr. COUZENS. The Senator from Pennsylvania asked unanimous consent to proceed for two minutes beyond the time allowed by the rule. I ask the Chair if that two minutes have not expired and if therefore the Senator from Pennsylvania was not out of order?

The PRESIDING OFFICER. The Chair rules that the Senator from New York has the floor on another amendment.

Mr. COUZENS. I submit that when this bill came up the Senator from Pennsylvania asked permission to go two minutes beyond the five minutes allowed under the rule, and he proceeded over the two minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania did not exceed the two minutes granted to him.

Mr. REED of Pennsylvania. Will the Senator from New York yield to me for a question?

Mr. WADSWORTH. Yes.

Mr. REED of Pennsylvania. If the Senator from New York will look at Order of Business No. 603 on the calendar, being House bill 6238, he will see that it is an immigration bill to change the nonquota provision. His amendment will be more appropriate to that bill than it would be to the bill now under consideration. I wish to ask the Senator, therefore, if he will not consider offering his amendment to that bill and let the bill now pending go through. Every Senator, I think, is agreed that we should take care of the veterans in this matter. Why not offer the Senator's amendment to House bill 6238 and debate that if it is desired? I am sure the Senator from South Carolina will agree to that.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Kansas?

Mr. WADSWORTH. I have no opportunity to answer any questions put to me.

Mr. CURTIS. Mr. President, I rise to a parliamentary inquiry.

Mr. WADSWORTH. I should like to answer the question of the Senator from Pennsylvania.

Mr. CURTIS. I withhold my parliamentary inquiry until the Senator from New York may answer the question.

Mr. WADSWORTH. Mr. President, in answer to the question of the Senator from Pennsylvania, let me say that I have no objection to offering my amendment to Order of Business No. 603, House bill 6238.

Mr. FESS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kansas wishes to submit a parliamentary inquiry?

Mr. CURTIS. I desire to submit a parliamentary inquiry for the benefit of the Senator from South Carolina, if I may. I inquire if he may not raise objection at any time before final action is taken on the bill if he delays his objection until after the Senator from New York shall have concluded his remarks?

The PRESIDING OFFICER. Will the Senator again state his parliamentary inquiry for the benefit of the Chair?

Mr. CURTIS. Can not the Senator from South Carolina raise objection to the bill at any time before final action on it?

The PRESIDING OFFICER. The Chair understands that objection can be raised at any time when a Senator secures the floor.

Mr. BLEASE. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Carolina?

Mr. WADSWORTH. Mr. President, I do not wish to yield for a speech.

Mr. BLEASE. Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER. The Senator will state his question of personal privilege.

Mr. BLEASE. Mr. President, I wanted to appeal from the decision of the Chair, but I was refused the opportunity of doing so. I want to know whether a practice of that kind is to be followed in the Senate. If so, I should like to have the Senate settle the question. This is an effort to press a bill through here in the face of many absent seats on this side of the Senate, and when a quorum is asked for the Presiding Officer refuses to order the roll called, although he must know that absent Senators on this side of the Chamber are against opening the doors of this country to immigration.

The PRESIDING OFFICER. The Chair will rule that the suggestion of the absence of a quorum may not be made when the Senator making it has not the floor, but only when he has the floor. The floor was yielded by the Senator from New York for another purpose. The Senator may not make the suggestion until he secures the floor.

Mr. BLEASE. I will be compelled to appeal from the decision of the Chair.

The PRESIDING OFFICER. Does the Chair understand the Senator from South Carolina to appeal from that decision?

Mr. BLEASE. Yes, sir; and I ask for a quorum to vote on it.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. FESS. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Ohio will state his point of order.

Mr. FESS. Suppose there is but one Member in the Chamber besides the Senator speaking; does the Chair hold that Member could not raise the question of the absence of a quorum while the Senator speaking was on the floor?

The PRESIDING OFFICER. Without securing the floor?

Mr. FESS. Yes; without securing the consent of the Senator holding the floor.

The PRESIDING OFFICER. The Chair does not understand that a Senator not having the floor may properly make any inquiry.

Mr. FESS. A Member can make the point of no quorum at any time even without the consent of a Senator who holds the floor at the time. That is the ruling of the Senate.

The PRESIDING OFFICER. The Senator from South Carolina has appealed from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. SWANSON. Mr. President—

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. SWANSON. Mr. President, a point of order can be made at any time even when a Senator is on the floor and without his consent. The Constitution requires the presence of a quorum. The only circumstance in which it has been held that the point can not be raised is when the roll has been called, the presence of a quorum disclosed, and no business has intervened. Debate is not considered the transaction of business. A Senator, therefore, can not keep on calling for a quorum until some business has intervened. However, to-day the point of no quorum has not been made until now. A Senator can be taken off his feet by another Senator to make a point of order. The Senator from South Carolina really made a point of order that the Senator from New York was not proceeding in order because a quorum was not present. I am satisfied that if the Chair will examine the rule and consider the circumstances he will realize that a Senator can not proceed except in order, and he is not in order unless a quorum is present if the absence of a quorum is suggested.

The PRESIDING OFFICER. The Chair will state to the Senator from Virginia that the Senator from South Carolina did not rise to a point of order; otherwise he would have obtained the floor.

Mr. SWANSON. He did that when he raised the point of no quorum. Of course, when the Senator from South Carolina stated that he wished to object to the bill he could not raise the objection at that time while the Senator from New York had the floor, and the Chair was right to that extent; but, subsequently, he made the point of order that there was no quorum present and insisted that it should be ascertained whether there was or not, and the Senator from New York was not proceeding in order, because a quorum must be present if the question of the lack of a quorum is raised.

Mr. CURTIS. Mr. President, I desire to call the Chair's attention to a decision which I think settles this question:

The agricultural bill being before the Senate and Mr. McCumber having the floor, Mr. Jones made a point of order that nothing can be settled without a quorum.

The PRESIDING OFFICER (Mr. Hitchcock). The Chair rules that a Senator can not be taken off his feet by a point of no quorum against his consent.

Mr. JONES of Washington. Mr. President, you will find several other decisions to the contrary.

Mr. SWANSON. Why, all the decisions are to the contrary. A Senator can only proceed in order. A point of order can be raised at any time under the specific terms of the rule. I admit that when the Senator wanted to interpose an objection while the Senator was on the floor, he could not do that while the Senator had the floor by unanimous consent; but when he shifted and said: "I am going to raise the point of order that the Senator is proceeding out of order because there is no quorum present," that point of order can be made at any time.

Mr. WADSWORTH. Mr. President, this discussion will have become entirely academic if I can have a chance to say what I have been trying to say for the last 15 minutes.

Mr. SWANSON. The point of order is that the Senator has no right to say it until there is a quorum present.

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER. The Senator from New York.

Mr. WADSWORTH. The Senator from Pennsylvania has suggested that I offer my amendment to Order of Business No. 603. I think my amendment would be germane to that bill. I realize perfectly well that my amendment, whenever offered, will give rise to debate. I wanted, however, if the other bill should be taken up to-day, to propose it and have it pending. That was my sole object in rising.

Mr. President, I have no intention whatsoever of holding up the bill affecting the return of these former American soldiers. I am heartily in favor of it. That provision was a part of my bill originally. It has been separated from my bill and reported as a part of a House bill by the Committee on Immigration of the Senate. That is how it happens to be here now. I am willing to vote for it as a separate bill or as part of another bill, the provisions of the other bill being satisfactory; that is all. I have no objection to the passage of this bill, but I shall—

Mr. FESS. Mr. President, will the Senator yield?

Mr. WADSWORTH. I will not yield.

Mr. FESS. I rise to a point of order.

Mr. SWANSON. If the Senator is going to make a speech again, I must insist upon the point of order that there is no quorum present.

Mr. FESS. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Ohio will state his point of order.

Mr. FESS. My point of order is that the Senator from South Carolina was within his rights when he raised the question of the absence of a quorum; and I quote section 22, on page 498 of volume 2, of the Precedents:

A Senator may take another Senator off his feet at any time to suggest the absence of a quorum.

Mr. GLASS. Otherwise, it would be entirely with the Chair to conduct the business of the Senate all day long without a quorum being present by refusing to recognize any Senator to suggest the absence of a quorum.

Mr. FESS. Certainly.

Mr. WADSWORTH. May I make a suggestion? Will the Senator from South Carolina withdraw his request for a quorum? There is no necessity for it, as my amendment is not to be pressed.

Mr. BLEASE. Mr. President, if it is a courtesy to the Senator from New York, I will do it with pleasure.

The PRESIDING OFFICER. The question now before the Senate is on the appeal by the Senator from South Carolina from the decision of the Chair. Does the Chair understand that the Senator from South Carolina withdraws the appeal?

Mr. BLEASE. Yes.

Mr. WADSWORTH. Now, I withdraw the amendment which I offered. I have been trying to do that for 20 minutes.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Pennsylvania, which has been read.

Mr. BLEASE. Mr. President, I desire to ask the Senator from Pennsylvania whether he does not think that after the words "or following to join him" there should be an amendment giving a limited time for that—say within 6 months or 12 months?

Mr. REED of Pennsylvania. I shall be very glad to accept that.

Mr. BLEASE. I suggest that the Senator offer such an amendment, then.

Mr. REED of Pennsylvania. I think that is entirely reasonable.

Mr. BLEASE. I am in favor of the bill, except that I think there should be some limitation there.

Mr. REED of Pennsylvania. After the word "following," then, I accept the amendment to insert the words "within six months."

Mr. WADSWORTH. Mr. President, may I ask the Senator from Pennsylvania a question? As I understand, he prefers the bill which he has offered as a substitute on the ground that he thinks it better maintains the safeguards erected in the law against the entrance of those who are diseased or otherwise highly objectionable from a sanitary or moral standpoint.

Mr. REED of Pennsylvania. That is correct.

Mr. WADSWORTH. Is not that covered in the language of the bill as reported by the Senate committee, on lines 20, 21, and 22? The language reads:

and who applies at a port of entry of the United States in possession of a valid, unexpired, nonquota immigration visa.

Mr. REED of Pennsylvania. I think that is implied, but we did not want to leave it in any doubt. If people have lousisome diseases we do not want them here, no matter what their qualifications are.

Mr. WADSWORTH. Of course not.

Mr. REED of Pennsylvania. And we wanted to make it sure beyond peradventure. That is why we preferred the redraft.

Mr. WADSWORTH. My own construction is that the expression "a valid, unexpired, nonquota immigration visa" keeps the door locked against those cases just as well as if we said it all over again in another way.

Mr. COPELAND. Mr. President, do I understand that the amendment offered by the Senator from Pennsylvania is the House bill?

Mr. REED of Pennsylvania. It is the House bill. It is simply a redraft by the legislative drafting service of the bill which is on the calendar.

Mr. COPELAND. It is House Calendar 196; is it not?

Mr. REED of Pennsylvania. I do not recall its House Calendar number. The clerk can tell us.

Mr. BLEASE. I think the only difference is to take in the mother and father; is it not? That is practically the only difference in the printed bill.

Mr. REED of Pennsylvania. Oh, no; we do not admit the mother and father.

Mr. BLEASE. That is what I say.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Pennsylvania.

Mr. HARRISON. May I ask where that amendment is to be inserted?

Mr. REED of Pennsylvania. It is a substitute for the bill as rewritten by the legislative drafting service.

Mr. HARRISON. I understood, though, that the Senator from South Carolina offered an amendment, or the Senator from Pennsylvania offered an amendment. Where does the amendment come in the bill?

Mr. REED of Pennsylvania. That is in the substitute. In dealing with the relatives following to join the immigrant, the Senator from South Carolina very wisely suggested that they ought to follow within six months; and I was glad to accept his amendment.

Mr. BLEASE. That is to keep them from staying there and marrying, and then coming in under the same permission that they had before they were married.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania.

On a division, the amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to admit to the United States and to extend naturalization privileges to alien veterans of the World War."

AMENDMENT OF DISTRICT OF COLUMBIA TRAFFIC ACT

The bill (H. R. 3802) to amend the act known as the District of Columbia traffic act, 1925, approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, a number of amendments have been suggested to me which I think ought to receive consideration. Under the limited time I shall ask that this bill go over without prejudice; and I will join with the Senator from Kansas to-morrow, if we can get the floor, or day after to-morrow, to take it up.

Mr. CAPPER. Mr. President, at the request of the Senator from Utah the bill will, of course, be passed over; but I do want to emphasize the importance of getting action on this bill at the earliest possible opportunity. There are over 100,000 operators' permits in this city to-day that are of no force and effect, and it is exceedingly important that the traffic department should have action on this bill.

Mr. KING. I share the views of the Senator.

The PRESIDING OFFICER. The bill will be passed over.

ANNUAL CONVENTION OF AMERICAN LEGION IN PARIS

The bill (S. 3560) to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927 was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the heads of the executive departments and independent establishments of the Government be, and they hereby are, authorized to grant, in their discretion, extended leave not to exceed 60 days in the year 1927 to ex-service men and women for the sole purpose of attending the annual convention of the American Legion in Paris, France: *Provided, however,* That this statute shall not be construed to modify the provisions of the act approved March 3, 1893, limiting the annual leave which may be granted with pay to 30 days in any one year except that any portion of the 30 days' leave not granted or used during the year 1926 may be allowed to accumulate and be pyramided for the purpose herein specified in addition to the 30 days' leave with pay in 1927.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BOISE RECLAMATION PROJECT, IDAHO

The bill (S. 3732) making appropriations for the Hillcrest and Black Canyon units of the Boise reclamation project, Idaho, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Irrigation and Reclamation with amendments.

Mr. JONES of Washington. Mr. President, I am not going to object to the consideration of this measure, but I do want to say that I think we are embarking upon a very unwise policy in passing bills authorizing the appropriation for specific projects of the reclamation fund.

In the first place, I do not think it is necessary. That fund is already appropriated for reclamation purposes; and the matter of the selection of the projects, the investigation of the projects, and the approval of the projects that are to be taken up, is left to the Secretary of the Interior; and upon estimates that come down from the Budget this fund can be appropriated to any project or any unit that is found to be feasible and has the recommendation of the Secretary of the Interior. In addition to that, it is entirely within the jurisdiction and power of the Appropriations Committee to appropriate any part of that sum for any project that it considers advisable; so that this legislation is, I think, wholly unnecessary under the existing circumstances. I think that if we do start in upon this policy there will be a scramble in the Senate and a scramble in Congress to pass special appropriation acts for these special projects, and I think it will bring our reclamation policy into discredit; but this bill has the recommendation of the committee, and, as I say, I am not going to object. I just wanted, however, to express my view that this is very unwise from the standpoint, especially of reclamation.

I asked the other day that the bill that was reached, in which the Senator from Texas was interested, should go over. That was largely because there were only three or four minutes left, and I thought there ought to be some explanation of it. I have examined that bill. It is on all fours with this, and so if I make no objection to this, of course, I will not object to that; but I wanted to have in the RECORD my view on the policy upon which we are embarking.

Mr. GOODING. Mr. President, I am sure that this unit of the Boise project, called the Hillcrest project, stands out individually in the work of the Reclamation Bureau.

Something like 20 years ago the Government threw open for settlement what is known as the Boise project. The people settled upon the Hillcrest project, which is a part of the Boise project, built their homes and built their schoolhouses. They have been waiting almost 20 years now for water. In 1918 the Government asked them to form an irrigation district, which they did, and in 1921 the Government signed a contract to furnish the Hillcrest people with water. Since that time not a dollar has been spent for the completion of this project. Five hundred and ninety thousand dollars have been spent on this project. Let me say it is not a new project in any sense. It will take \$850,000 to complete it, and then the money will come back into the Treasury. Three times the Secretary of the Interior recommended a direct appropriation for this project, and three times the Budget turned it down. Now, this bill makes an authorization of this project.

I want to do something to give the people who have been living on that project out there, within 5 miles of the capital of the State of Idaho, out on the desert, some encouragement that this work is going to be done and that the project is going to be finished, so that they may stay there with the hope of getting water.

Mr. KING. Mr. President, will the Senator yield?

Mr. GOODING. I yield.

Mr. KING. Why was not an appropriation for this project, if it was approved by the department, included in the last appropriation bill, which carried several million dollars for reclamation projects?

Mr. GOODING. I will say to the Senator that the Budget took the position that they did not care to increase the direct appropriation, so I changed this to an authorization, which, of course, gets away from the objection of the Budget.

Mr. KING. I would like to ask the Senator one other question. Is this for the irrigation of private lands or of public lands?

Mr. GOODING. Private lands. The people went out there and homesteaded. There are a number of homes standing out there now as monuments of a forlorn hope, of people who have been waiting practically 20 years for water. This will complete the last unit of the Boise project. The Secretary held that it was economically sound to appropriate; in fact, he recommended \$850,000, and I took the responsibility of cutting it down to \$450,000, with the hope that these people could get some encouragement to hang on to their claims, for I believed it would be easier to pass an appropriation for \$450,000 than one for \$850,000.

Mr. TRAMMELL. Mr. President, I am not going to object to the consideration of this bill, while it does seem to me that heretofore Congress has manifested considerable generosity in making appropriations for these arid-land projects of the West. As I have before stated upon the floor of the Senate, I have no objection to the policy that is being carried out in the reclamation of the arid lands of the West, but I am again going to express my condemnation of a policy which recognizes reclamation of only one class of lands within this country that is worthy and deserving of the assistance of the Government.

The Government having launched upon a policy of appropriating millions and millions of dollars for the reclamation of the arid lands, at a cost per acre of from \$50 to \$75, in justice and in equity it should also assist the projects in this country where reclamation is carried on by drainage.

In the southern part of the country we have great areas of land that are as fertile and productive land as there is in the world—lands which can be reclaimed for from \$10 to \$25 an acre. Yet Congress has never seen proper to even give any financial assistance in the way of lending credit to those projects.

Within my own State we have by far the greatest reclamation project in the whole country within one territory, 4,000,000 acres of wonderfully rich land, that territory being reclaimed at the present time under State laws and through a State agency. We have time and time again asked Congress to incorporate in the reclamation laws provisions that would apply to the swamp and overflowed lands of the South.

Mr. GOODING. Mr. President, will the Senator yield?

Mr. TRAMMELL. They are projects which can be carried on more economically, where the lands can be reclaimed for not more than 25 per cent of what it costs to reclaim arid lands, and when once reclaimed, especially in my State, the cost of irrigation is not necessary, as we have 55 to 60 inches annual rainfall, making conditions ideal for growing crops.

Mr. GOODING. I want to say to the Senator that I shall always be with the South when that matter is presented to the Senate. I have always stood for appropriations for the improvement of rivers and for the building of levees to control the floods, which has resulted in the reclamation of something like 17,000,000 acres of land. I have always stood by the South in those projects, and I always shall.

Mr. TRAMMELL. I appreciate the spirit of the Senator, and I am sure he has done as he has said. I have been promised time and time again by certain Senators on the committee, and Senators coming from the West supporting all these projects, that they would give me their assistance. I have nothing against them and their projects. I desire to see them progress. I have been assured by them that they would assist me in bringing about legislation which would assist the reclamation projects in the South. But session after session measures are presented which does not include those sections. This is true, although I have as many as three sessions of Congress had reclamation bills before the committee.

Mr. SMOOT. In the Interior Department appropriation bill which has recently been agreed to by the Senate and the House, with the exception of two items, there is an appropriation of \$15,000 for the investigation of the overflowed and swamp lands of the South. That investigation no doubt will be made during the coming year.

I may say to the Senator that I wish the southern Senators had supported the bill I offered for the very purpose of developing the cut-over and the swamp lands of America, along the lines of the reclamation of the arid lands of the West; but I did not get enough votes. I believe that if the bill had been enacted there would have been more land reclaimed under it than has been reclaimed under the western reclamation projects; but the Senator did not vote for it.

Mr. TRAMMELL. As I recall—

The VICE PRESIDENT. Under the five-minute rule the time of the Senator has expired.

Mr. KING. Mr. President, just one word. I want to make one observation in reply to my friend from Florida.

I think the condition in the South to which he has referred is to be distinguished from the reclamation projects of the West in this regard, that the lands in the South are owned by private individuals. The lands which the Government is reclaiming in the West belong to the Government itself. They have no value and they can not be disposed of unless water is furnished. The Government has to provide reclamation projects in order to dispose of them.

I should oppose reclamation projects if they involved the appropriation of money to irrigate private lands. I should oppose an appropriation for the irrigation of private lands of Utah, the private lands of Colorado, or of Florida. So I hope the Senator will distinguish between Government-owned lands and privately owned lands.

Mr. SMITH. Mr. President, I want to ask the Senator from Utah one question. Unirrigated arid land is valueless. The Government goes to the expense of irrigating the land it owns, and makes it valuable, then allows it to be homesteaded without any cost to the one who takes up the homestead. What is the difference between that and taking land that is already owned that is valueless and making it valuable?

Mr. KING. The land is absolutely valueless unless water is placed upon it and unless persons go on the land, and it takes them years to develop that land. As a matter of fact, there are two or three crops of settlers before settlers can be found to stay and reclaim the land.

Mr. SMITH. I would like to debate that with the Senator. There is no difference.

The VICE PRESIDENT. The Clerk will state the amendments.

The first amendment of the committee was, on page 1, line 3, after the word "following," to strike out the words "sums are" and to insert in lieu thereof the words "sum is"; on the same line, after the word "hereby," to insert the words "authorized to be"; on line 6, after the word "reclamation," to strike out the words "fund, to be available immediately" and to insert the word "fund"; on page 2, to strike out the words "Black Canyon unit, Boise project, Idaho: For operation and maintenance, continuation of construction, and incidental operations, \$300,000," so as to make the bill read:

Be it enacted, etc., That the following sum is hereby authorized to be appropriated out of the special fund in the Treasury of the United States created by the act of June 17, 1902, and therein designated "the reclamation fund."

Hillcrest unit, Boise project, Idaho: For operation and maintenance, continuation of construction, and incidental operations, \$450,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing an appropriation for the Hillcrest unit of the Boise reclamation, Idaho."

CALL OF THE ROLL

Mr. CUMMINS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Goff	McKellar
Bayard	Dale	Gooding	McKinley
Bingham	Deneen	Hale	McLean
Blease	Dill	Harrell	McMaster
Borah	Edge	Harris	McNary
Bratton	Ernst	Harrison	Mayfield
Broussard	Fernald	Heflin	Metcalf
Bruce	Ferris	Howell	Neely
Cameron	Foss	Johnson	Norbeck
Capper	Frazier	Jones, N. Mex.	Nye
Caraway	George	Jones, Wash.	Oddie
Copeland	Gerry	Kendrick	Overman
Couzens	Gillett	King	Phipps
Cummins	Glass	La Follette	Pine

Ransdell
Reed, Mo.
Reed, Pa.
Robinson, Ark.
Sackett
Sheppard

Shipstead
Smith
Smoot
Stephens
Swanson
Trammell

Tyson
Underwood
Wadsworth
Warren
Watson
Weller

Wheeler
Williams
Willis

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER].

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

IMPEACHMENT OF JUDGE GEORGE W. ENGLISH

At 2 o'clock p. m., the managers of the impeachment, on the part of the House of Representatives, of Judge George W. English appeared below the bar of the Senate, and the Assistant Doorkeeper of the Senate (C. A. Loeffler) announced their presence as follows:

I have the honor to announce the managers on the part of the House of Representatives to conduct proceedings in the impeachment of George W. English, a United States district judge for the eastern district of Illinois.

The VICE PRESIDENT (CHARLES G. DAWES). The managers on the part of the House will be received and the Sergeant at Arms will assign them to the seats provided for them.

The managers were escorted by the Sergeant at Arms of the Senate (David S. Barry) to the seats assigned to them in the area in front of the Secretary's desk.

The VICE PRESIDENT. The Sergeant at Arms will make proclamation.

The Sergeant at Arms made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against Hon. George W. English, judge of the United States Court for the Eastern District of Illinois.

Mr. Manager MICHENER. Mr. President.

The VICE PRESIDENT. Mr. Manager.

Mr. Manager MICHENER. Mr. President, the managers on the part of the House of Representatives are here present and ready to present the articles of impeachment which have been preferred by the House of Representatives against George W. English, a district judge of the United States for the eastern district of Illinois. The House adopted the following resolution, which I will read to the Senate:

House Resolution 201

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
April 6, 1926.

Resolved, That EARL C. MICHENER, W. D. BOIES, IRA G. HERSEY, C. ELLIS MOORE, GEORGE R. STORRS, HATTON W. SUMNERS, ANDREW J. MONTAGUE, JOHN N. TILLMAN, and FRED H. DOMINICK, Members of this House, be, and they are hereby, appointed managers to conduct the impeachment against George W. English, United States district judge for the eastern district of Illinois; that said managers are hereby instructed to appear before the Senate of the United States and at the bar thereof in the name of the House of Representatives and of all the people of the United States to impeach the said George W. English of misdemeanors in office and to exhibit to the Senate of the United States the articles of impeachment against said judge which have been agreed upon by the House; and that the said managers do demand that the Senate take order for the appearance of said George W. English to answer said impeachment, and demand his impeachment, conviction, and removal from office.

NICHOLAS LONGWORTH,
Speaker of the House of Representatives.

Attest:

WM. TYLER PAOR, Clerk.

The articles of impeachment, which have been adopted by the House of Representatives and which the managers on the part of the House have been directed to present to the Senate, are in the words and figures following:

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES,
SIXTY-NINTH CONGRESS OF THE UNITED STATES OF AMERICA,
April 1, 1926.

Resolved, That George W. English, United States district judge for the eastern district of Illinois, be impeached of misdemeanors in office; and that the evidence heretofore taken by the special committee of the House of Representatives under House Joint Resolution 347 sustains five articles of impeachment, which are hereinafter set out; and that said articles be, and they are hereby, adopted by the House of Representatives, and that the same shall be exhibited to the Senate in the following words and figures, to wit:

ARTICLES OF IMPEACHMENT OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN THE NAME OF THEMSELVES AND OF ALL OF THE PEOPLE OF THE UNITED STATES OF AMERICA AGAINST GEORGE W. ENGLISH, WHO WAS APPOINTED, DULY QUALIFIED, AND COMMISSIONED TO SERVE DURING GOOD BEHAVIOR IN OFFICE AS UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ILLINOIS, ON MAY 3, 1918

ARTICLE I

That the said George W. English, having been nominated by the President of the United States, confirmed by the Senate of the United States, duly qualified and commissioned, and while acting as the district judge for the eastern district of Illinois, did on divers and various occasions so abuse the powers of his high office that he is hereby charged with tyranny and oppression, whereby he has brought the administration of justice in said district in the court of which he is judge into disrepute and by his tyrannous and oppressive course of conduct is guilty of misbehavior falling under the constitutional provision as ground for impeachment and removal from office.

In that the said George W. English, on the 20th day of May, 1922, at a session of court held before him as judge aforesaid, did willfully, tyrannically, oppressively, and unlawfully suspend and disbar one Thomas M. Webb, of East St. Louis, a member of the bar of the United States District Court for the Eastern District of Illinois, without charges having been preferred against him, without any prior notice to him, and without permitting him, the said Thomas M. Webb, to be heard in his own defense, and without due process of law; and also

In that the said George W. English, judge as aforesaid, on the 15th day of August, 1922, in a court then and there holden by him, the said George W. English, judge as aforesaid, did willfully, tyrannically, oppressively, and unlawfully suspend and disbar one Charles A. Karch, of East St. Louis, a member of the bar of the United States District Court for the Eastern District of Illinois, without charges having been preferred against him, without any prior notice to him, and without permitting him, the said Charles A. Karch, to be heard in his own defense, and without due process of law; and also in that the said George W. English, judge as aforesaid, restored the said Karch to membership of the bar in said district, but willfully, tyrannically, oppressively, and unlawfully deprived the said Charles A. Karch of the right to practice in said court or try any case before him, the said George W. English, while sitting or holding court in said eastern district of Illinois; and also

In that the said George W. English, judge as aforesaid, on the 1st day of August, 1922, unlawfully and deceitfully issued a summons from the said district court of the United States, and had the same served by the marshal of said district, summoning the State sheriffs and State attorneys then and there in the said eastern district of Illinois, being duly elected and qualified officials of the sovereign State of Illinois, and the mayor of the city of Wamac, also a duly elected and qualified municipal officer of said State of Illinois, residing in said district, to appear before him in an imaginary case of "the United States against one Gourley and one Daggett," when in truth and fact no such case was then and there pending in said court, and in placing the said State officials and mayor of Wamac in the jury box and when they came into court in answer to said summons then and there in a loud, angry voice, using improper, profane, and indecent language, denounced said officials without any lawful or just cause or reason, and without naming any act of misconduct or offense committed by the said officials and without permitting said officials or any of them to be heard, and without having any lawful authority or control over said officials, and then and there did unlawfully, improperly, oppressively, and tyrannically threaten to remove said State officials from their said offices, and when addressing them used obscene and profane language, and thereupon then and there dismissed said officials from his said court and denied them any explanation or hearing; and also

In that the said George W. English, judge aforesaid, on the 8th day of May, 1922, in the trial of the case of the United States v. Hall, then and there pending before said George W. English, as judge, the said George W. English, judge as aforesaid, from the bench and in open court, did willfully, unlawfully, tyrannically, and oppressively, and intending thereby to coerce the minds of the jurymen in the said court in the performance of their duty as jurors, stated in open court and in the presence of said jurors, parties, and counsel in said case, that if he told them (thereby then and there meaning said jurymen) that a man was guilty and they did not find him guilty that he would send them to jail; and also

In that the said George W. English, judge aforesaid, on the 15th day of August, 1922, willfully, unlawfully, tyrannically, and oppressively did summon Michael L. Munie, of East St. Louis, a member of the editorial staff of the East St. Louis Journal, a newspaper published in said East St. Louis, and Samuel A. O'Neal, a reporter of the St. Louis Post-Dispatch, a newspaper published at St. Louis, in the State of Missouri, and when said Munie and the said O'Neal appeared before him did willfully, unlawfully, tyrannically, and oppressively, and with

angry and abusive language, attempt to coerce and did threaten these members of the press from truthfully publishing the facts in relation to the disbarment of Charles A. Karch by said George W. English, judge as aforesaid, and then and there used the power of his office tyrannically, in violation of the freedom of the press guaranteed by the Constitution, to suppress the publication of the facts about the official conduct of said George W. English, judge aforesaid, and did then and there forbid the said Munie and the said O'Neal to publish any facts whatsoever in relation to said disbarment under threats of imprisonment; and also

In that the said George W. English, judge aforesaid, on the 15th day of August, 1922, at East St. Louis, in the State of Illinois, did unlawfully summon before him one Joseph Maguire, being then and there the editor and publisher of the Carbondale Free Press, a newspaper published in Carbondale, in said eastern district of Illinois, and then and there, on the appearance before him of said Joseph Maguire in open court, did violently threaten said Joseph Maguire with imprisonment for having printed in his said paper a lawful editorial from the columns of the St. Louis Post-Dispatch, a newspaper published at St. Louis, in the State of Missouri, and in a very angry and improper manner did threaten said Maguire with imprisonment for having also printed some lawful handbills—said handbills having no allusion to said judge or to his conduct of the said court—and then and there did threaten this member of the press with imprisonment.

Wherefore the said George W. English was and is guilty of a course of conduct tyrannous and oppressive and is guilty of misbehavior in office as such judge and was and is guilty of a misdemeanor in office.

ARTICLE II

That George W. English, judge as aforesaid, was guilty of a course of improper and unlawful conduct as said judge, filled with partiality and favoritism, resulting in the creation of a combination to control and manage in collusion with Charles B. Thomas, referee in bankruptcy, in and for the eastern district of Illinois for their own interests and profit and that of the relatives and friends of said George W. English, judge as aforesaid, and of Charles B. Thomas, referee, the bankruptcy affairs of the eastern district of Illinois.

In that said George W. English, judge as aforesaid, corruptly did appoint and continue to appoint said Charles B. Thomas, of East St. Louis, in said State of Illinois, a member of the bar of the district court of the United States in and for said district, as sole referee in bankruptcy in said district with all of the advantages and preferments of said appointment, notwithstanding he then and there well knew that said eastern district was a great commercial district of 45 counties nearly 300 miles long with a large volume of business in bankruptcy, and that the said volume of business would necessarily take all the time and attention of any appointee as referee in bankruptcy to perform properly the work and duties of said office, and well knew at the time of said appointments that said Charles B. Thomas was practicing in all the courts, both civil and criminal, in said eastern district of Illinois, he, the said Charles B. Thomas, through said appointment as sole referee in bankruptcy and the favors in connection therewith extended to him by said George W. English, judge aforesaid, built up a large and lucrative practice; and that, notwithstanding the size of the eastern district of Illinois, the volume of bankruptcy business therein, and the large practice of said Thomas, referee aforesaid, did then and there give said referee in bankruptcy enlarged duties and authority by unlawfully changing and amending the rules of bankruptcy for said eastern district for the sole benefit of said George W. English, judge aforesaid, and the said Charles B. Thomas, sole referee aforesaid, as follows:

"It is hereby further ordered that the following rule be, and the same is hereby, made and adopted as a rule of this court in bankruptcy, to be effective in all cases from and after this date, namely:

"All matters of application for the appointment of a receiver, or the marshal, to take charge of the property of the bankrupt or alleged bankrupt, made after the filing of the petition, and prior to its being dismissed or to the trustee being qualified, shall be and are hereby referred to the referee in bankruptcy for his consideration and action; and the clerk will enter such order of reference as of course in each case; and the referees of this court heretofore or hereafter appointed are hereby authorized and empowered to appoint receivers, or the marshal, upon application of parties in interest, in case the referee shall find same is absolutely necessary for the preservation of the estate, to take charge of the property of the bankrupt; and to exercise all jurisdiction over and in respect to the actions and proceedings of the receiver or marshal which the court by law may exercise. After adjudication, where the referee deems it necessary for the protection of the estate, he may make such appointment on his own motion.

"And it is hereby further ordered that all special rules and general orders heretofore entered or adopted be, and they are hereby, set aside and annulled in so far as they in any way conflict with the provisions of the above rule and general order.

"For the purpose of transacting the business of the court of bankruptcy, it is ordered that the referee [meaning then and there said Charles B. Thomas] be, and he is hereby, authorized and directed to procure and maintain suitable offices for the transaction of said business, and to suitably furnish and equip same for said purpose; that the referee be, and he is hereby, further authorized and directed to employ such clerks, stenographers, and court reporters or any other assistance which he finds and deems necessary for the proper management of said court and offices and the administration of bankrupt estates; to install telephones; to procure and keep on hand needed stationery; and generally to provide all such other and further office equipment proper to transact business of the referee; and

"It is further ordered that in the event that the charges for referee's expenses authorized by any and all of the rules of this court to be charged against the estates administered before the referee do not amount to a total to pay the expenses which the referee has incurred or for which he may have paid or obligated himself to pay, the referee be, and he is hereby, authorized and directed to make a charge against the bankrupt estates administered before him, in as equitable pro rata share as the nature and circumstances will permit, sufficient in amount to meet the deficit existing by reason of the referee's receipts from expenses or charges authorized by this and other rules being less than the total expenses incurred by the referee."

Said amendments of the rules of court were then and there made with the intent to favor and prefer said Charles B. Thomas and did thereby give said Charles B. Thomas the power and opportunity to appoint his friends and members of his family and the family of said George W. English, judge aforesaid, to receiverships and to use said office of referee as aforesaid for the improper personal and financial benefit of said George W. English, judge aforesaid, and said Charles B. Thomas, referee aforesaid, and the friends and families of both.

The said Thomas, in pursuance of said unlawful combination and by authority of said rule and order aforesaid, and with the full knowledge and approval of said George W. English, judge aforesaid, did rent and furnish a large and expensive suite of rooms and offices in said East St. Louis near the said judge's chamber, in the Federal building in said East St. Louis, occupied by said George W. English, judge aforesaid, at the expense and cost of the United States and of estates in bankruptcy by virtue of said rule and order;

And the said Charles B. Thomas then and there, with the full knowledge and consent of said George W. English, judge aforesaid, did wrongfully and unlawfully create and organize a large and expensive office force supported by and paid for out of the funds and assets of estates in bankruptcy as aforesaid, and then and there did hire and provide a large number of clerks, stenographers, and secretaries, at the cost and expense of the United States and the funds and assets of the estates in bankruptcy, as aforesaid;

And the said Charles B. Thomas did then and there hire and place in said offices, with the knowledge and approval of the said George W. English, judge aforesaid, one George W. English, Jr., the son of the aforesaid Judge English, at a large compensation, salary, and fees, paid out of the funds and assets of the estates in bankruptcy, in and under the charge and control of said Thomas, referee aforesaid;

And the said Charles B. Thomas, referee aforesaid, did further confer upon said George W. English, Jr., appointments as trustee and receiver and appointments as attorney for trustees and receivers in estates in bankruptcy;

And said Referee Charles B. Thomas then and there, with the knowledge, consent, and assistance of the said George W. English, judge aforesaid, did hire and place in the said office and make a part of said organization one M. H. Thomas, son of said Charles B. Thomas; and one D. S. Leadbetter, son-in-law of said Charles B. Thomas; and one C. P. Wideman, son-in-law of said Charles B. Thomas;

And the said Charles B. Thomas, referee aforesaid, did then and there wrongfully and unlawfully pay to all of the persons last aforesaid large salaries, fees, and commissions, and did likewise confer upon said persons, appointments as trustees, receivers, and masters in estates in bankruptcy, with the full knowledge, consent, and approval of said George W. English, judge aforesaid;

And said George W. English, judge aforesaid, in order further to carry out and make effective said improper and unlawful organization, did appoint one Herman P. Frizzell, United States commissioner in and for said eastern district of Illinois, and said commissioner did occupy free of charge the said offices of Charles B. Thomas, referee aforesaid, and did receive from said Charles B. Thomas, as said referee, large and valuable fees, commissions, salaries, appointments as trustee, receiver, and master in estates in bankruptcy with the knowledge and consent of the said George W. English, judge aforesaid;

And the said George W. English, judge aforesaid, did further allow and permit the said Charles B. Thomas, referee aforesaid, to appear as attorney and counsel before said Commissioner Frizzell in divers and sundry criminal cases; and then and there, further to carry out and make effective the said unlawful and improper combination, the said

George W. English, judge aforesaid, with full knowledge of the premises, did improperly and unlawfully consent and approve the appointment by the said referee, Charles B. Thomas, of one Oscar Hooker, of said East St. Louis, as chief clerk in said offices of said referee, and thereby the said Hooker did receive from said Charles B. Thomas, referee aforesaid, large and valuable fees, salaries, appointments as trustee, receiver, and master, and as attorney for trustees and receivers in bankruptcy estates;

And, further, the said George W. English, judge aforesaid, did improperly allow and permit said Hooker, as the agent of a bonding company, to furnish surety bonds for said George W. English, Jr., the son of George W. English, judge aforesaid, and also surety bonds for said Herman P. Frizzell, said United States commissioner, and surety bonds for said M. H. Thomas, son of said Charles B. Thomas, as aforesaid, and surety bonds for D. L. Leadbetter and said C. P. Wideman, sons-in-law of said Charles B. Thomas, in all matters of trusteeships and receiverships to which they were appointed by said Charles B. Thomas, referee aforesaid, the said Oscar Hooker, George W. English, Jr., D. S. Leadbetter, C. P. Wideman, and Herman P. Frizzell being then and there without property or credit;

And then and there, further to carry out and make effective said unlawful and improper combination, the said George W. English, judge as aforesaid, with full knowledge of the premises, did improperly and unlawfully allow said Charles B. Thomas, referee as aforesaid, to organize and incorporate from his office force and employees a corporation known as the Government Sales Corporation, organized and incorporated November 27, 1922, for the object and purpose of furnishing appraisers in bankruptcy estates and auctioneers in the sale and disposal of assets of estates in bankruptcy, the said Government Sales Corporation being then and there made up and composed, organized, and formed of incorporators and directors from the families and friends of said George W. English, judge aforesaid, and said Charles B. Thomas, referee aforesaid, and from said office force of said Thomas, referee aforesaid;

The said George W. English, judge aforesaid, well knowing the facts and premises, then and there did willfully, improperly, and unlawfully take advantage of his said official position as judge aforesaid, and did aid and assist said Charles B. Thomas, referee aforesaid, in the establishment, maintenance, and operation of said unlawful and improper organization as above set forth, for the purpose of obtaining improper and unlawful personal gains and profits for the said George W. English, judge aforesaid, and his family and friends;

Wherefore the said George W. English was and is guilty of a course of conduct as aforesaid constituting misbehavior as such judge and was and is guilty of a misdemeanor in office.

ARTICLE III

That George W. English, judge aforesaid, was guilty of misbehavior in office in that he corruptly extended partiality and favoritism in divers other matters hereinafter set forth to Charles B. Thomas, said sole referee in bankruptcy in the said eastern district of Illinois, and by his conduct and partiality as judge brought the administration of justice into discredit and disrepute, degraded the dignity of the court, and destroyed the confidence of the public in its integrity;

In that in the matter of the case of East St. Louis & Suburban Co. et al. v. Alton, Granite & St. Louis Traction Co., pending before George W. English, judge as aforesaid, upon the petition for appointment of receivers for said Alton, Granite & St. Louis Traction Co., the said George W. English, judge as aforesaid, did improperly and unlawfully refuse to appoint the temporary receivers suggested by counsel for the parties in interest in said case unless said Charles B. Thomas was appointed attorney for the receivers; that by reason of the condition imposed by George W. English, judge aforesaid, the counsel for the parties in interest in said case did agree to the appointment of said Charles B. Thomas as counsel for said temporary receivers at a salary stipulated by said Charles B. Thomas of \$200 a month; and thereupon the said George W. English as judge, improperly, corruptly, and unlawfully appointed said Charles B. Thomas as attorney for the temporary receivers and approved of the payment of said salary by an order entered in said case as of August 11, 1920; and that subsequently, to wit, on January 20, 1921, George W. English, judge aforesaid, did issue an order making the temporary receivers permanent and that the said Charles B. Thomas, as attorney and counsel for the receivers, be paid the sum of \$350 per month, and that the further sum of \$500 per month additional be paid to said Charles B. Thomas for his services and responsibilities in assisting the receivers in the control and management of said receivership properties, making a total salary of \$850 per month, and that said salary should be retroactive from October 1, 1920; that the services of said Charles B. Thomas, both as attorney for the receivers and for assisting in the management of the receivership properties, were not required or necessary, and thereby an additional burden upon the receivership properties was imposed which said George W. English, judge aforesaid, well knew; that his salary of \$850 per month was continued to be paid to said Charles B. Thomas for a long period of time, to wit, from October 1, 1920, to January 1, 1925, making the total amount received under said order by said Charles B.

Thomas \$43,350; that the said appointment of said Charles B. Thomas was made by George W. English, judge aforesaid, with the intent wrongfully and unlawfully to prefer and show partiality and favoritism to said Charles B. Thomas, to whom George W. English, judge aforesaid, was under obligations, financial and otherwise; and also

In that in the case of Handelsman v. Chicago Fuel Co. pending before him, George W. English, judge as aforesaid, did improperly and unlawfully appoint said Charles B. Thomas as one of the receivers in said case and then and there did improperly order, direct, and fix the compensation and salary of said Charles B. Thomas as said receiver at the rate of \$1,000 per month; and did then and there improperly and unlawfully appoint said Herman P. Frizzell, United States commissioner for said eastern district of Illinois and chief clerk in the office of said Thomas as referee in bankruptcy, to be attorney for the said receiver Charles B. Thomas, and then and there did improperly fix the salary and fees of said Frizzell as said attorney at the rate of \$200 per month; that all said acts of said English as judge aforesaid were done with the unlawful and improper intent unlawfully to favor and prefer said Thomas and benefit the said organization.

In that on the 15th day of August, 1924, at a session of court then holden by George W. English, judge as aforesaid, in the matter of Glendon N. Heuffman et al. v. Hawkins Mortgage Co., in bankruptcy, did improperly and unlawfully allow and permit said Charles B. Thomas, referee as aforesaid, to appear and conduct said case as attorney and counsellor at law in behalf of Morton S. Hawkins, one of the bankrupts in said case, in violation of the statute of the United States that forbids a referee to practice as an attorney or counsellor at law in any bankruptcy proceedings, and afterwards, to wit, on the 27th day of August, 1924, George W. English, judge as aforesaid, did again improperly and unlawfully allow and permit said Charles B. Thomas, referee as aforesaid, to appear before him and practice as an attorney in behalf of said bankrupt, Morton S. Hawkins; that said unlawful acts were willfully permitted in order to favor said Charles B. Thomas in obtaining from said Morton S. Hawkins, a fee for his services of \$2,500, which was then and there paid to said Charles B. Thomas by said Morton S. Hawkins, all with the full knowledge and consent of George W. English, judge as aforesaid; and, also,

In that on the 18th day of May, 1922, after conviction by a jury of one F. J. Skye, in a case before George W. English, judge as aforesaid, involving the crime of selling and possessing intoxicating liquors, the said George W. English, as judge, did impose a sentence upon said F. J. Skye of imprisonment in jail for four months and the payment of a fine of \$500; that on the trial the said F. J. Skye was represented by one Charles A. Karch; that after such conviction and sentence said Charles A. Karch took an appeal to the United States Circuit Court of Appeals for the Seventh Circuit in behalf of his client and filed an appeal bond in due course; that subsequently to the appeal said F. J. Skye discharged said Charles A. Karch as attorney and retained Charles B. Thomas, referee aforesaid; that on July 5, 1922, said F. J. Skye, by his attorney, said Charles B. Thomas, abandoned his appeal to the circuit court of appeals and filed a motion for a stay of the sentence of imprisonment, which motion, after hearing, George W. English, judge as aforesaid, did allow and did stay the sentence of imprisonment until December 31, 1922; and on June 7, 1923, George W. English, judge as aforesaid, did order said jail sentence vacated and said stay of execution and commitment to jail of said F. J. Skye made permanent, relieving said F. J. Skye from imprisonment and only obligating him to pay a fine of \$500; that said F. J. Skye paid to said Charles B. Thomas \$2,300 as a fee in said case; that said vacation of the jail sentence and the permanent stay of execution and commitment was granted by George W. English, judge as aforesaid, without the presence of said Charles B. Thomas in court and without any investigation of the affidavits filed in support thereof, and was done willfully, improperly, unlawfully, and with intent to prefer and show favoritism to said Thomas, to whom said George W. English, judge as aforesaid, was under obligations, financial and otherwise; and, also,

In that in the case of Hamilton v. Egyptian Coal Mining Co., George W. English, judge as aforesaid, did arbitrarily and unlawfully and without notice remove from office the duly appointed receiver in said case, and with intent improperly to prefer and favor Charles B. Thomas, aforesaid, did then and there appoint the said Charles B. Thomas in place of the removed receiver; that this removal of the receiver was made on July 11, 1924, with the intent to prefer unlawfully the said Charles B. Thomas, to whom the said George W. English, judge aforesaid, was under great obligations, financial and otherwise; and, also,

In that on or about March, 1924, at a hearing before George W. English, judge aforesaid, in the case of Wallace v. Shedd Coal Co., George W. English, judge aforesaid, did appoint Charles B. Thomas as an attorney for the receiver (one F. D. Barnard), when in truth and in fact no attorney for said receiver was needed, and afterwards, to wit, on or about August, 1924, said George W. English, judge as aforesaid, did arbitrarily and improperly remove from office said F. B.

Barnard as such receiver and then and there did improperly appoint as receiver in place of said Barnard said Charles B. Thomas; that the removal of said receiver and the appointment of said Charles B. Thomas was made with the intent to corruptly prefer said Charles B. Thomas, to whom said George W. English was under great obligations, financial and otherwise; and, also,

In that on or about the 27th day of June, 1924, at a hearing held by him, George W. English, judge as aforesaid, in the case of *Ritchey et al. v. Southern Gem Coal Corporation*, George W. English, judge as aforesaid, did then and there improperly appoint Charles B. Thomas, aforesaid, one of the receivers in said case, and then and there unlawfully did order and decree that said Charles B. Thomas, as said receiver, should have as his salary the excessive and exorbitant sum of \$1,000 per month; that said act of George W. English, judge aforesaid, in the appointment of said Charles B. Thomas, as receiver aforesaid, and in the fixing of said exorbitant salary was all done by George W. English, judge as aforesaid, with intent to prefer unlawfully said Charles B. Thomas, to whom said George W. English was under great obligations, financial and otherwise; and, also,

In that on or about the 24th day of October, 1921, at East St. Louis, in the State of Illinois, George W. English, judge as aforesaid, wrongfully, improperly, and unlawfully did accept and receive from said Charles B. Thomas, sole receiver in bankruptcy aforesaid, the sum of \$1,435, which was applied toward the purchase price of an automobile that had been purchased by George W. English, judge as aforesaid; that said sum of money was improperly and unlawfully accepted and received by the said George W. English from the said Charles B. Thomas as a return or in recognition of the favoritism and partiality extended by George W. English, judge as aforesaid, to Charles B. Thomas, aforesaid; and, also,

In that George W. English, judge as aforesaid, at a term of court held by said judge for the eastern district of Illinois in the case of the *Southern Gem Coal Corporation* in receivership, did receive and approve the report of Charles B. Thomas, as one of the receivers in said case, for the first six months of said receivership; that in said report to George W. English, judge as aforesaid, said Charles B. Thomas stated that he had during those six months spent all of his time in Chicago looking after the interest of said *Southern Gem Coal Corporation* in receivership; and then and there George W. English, judge as aforesaid, did receive and approve said reports; that with full knowledge that said referee, Charles B. Thomas, was neglecting his duties as referee in bankruptcy in his office at East St. Louis in spending six months of his time 200 miles away from his office at East St. Louis, George W. English, judge as aforesaid, did then and there, despite this knowledge and these facts, approve said negligence on the part of said Charles B. Thomas and said neglect of duty without criticism or rebuke by then and there reappointing him for another term.

Wherefore the said George W. English was and is guilty of misbehavior as such judge and was and is guilty of a misdemeanor in office.

ARTICLE IV

That George W. English, while serving as judge as aforesaid in the District Court of the United States for the Eastern District of Illinois, did, in conjunction with Charles B. Thomas, sole referee in bankruptcy aforesaid, corruptly and improperly handle and control the deposit of bankruptcy and other funds under his control in said court by depositing, transferring, and using said funds for the pecuniary benefit of himself and said Charles B. Thomas, sole referee in bankruptcy, thus prostituting his official power and influence for the purpose of securing benefits to himself and to his family and to the said Charles B. Thomas and his family.

In that George W. English, judge as aforesaid, on or about December, 1918, did designate the First State Bank of Coulterville, in the State of Illinois, to be the sole United States depository of bankruptcy funds within said district; that said bank was situated a great distance from East St. Louis, the office and place of business of Charles B. Thomas, said referee in bankruptcy; and that then and there one J. E. Carlton, a brother-in-law of George W. English, judge aforesaid, was a large stockholder and director and cashier of said bank; and that George W. English, judge as aforesaid, was a depositor, stockholder, and director in said bank; that said improper act of George W. English, judge as aforesaid, in designating said bank, tended to scandalize the court in the administration of its bankruptcy business; and, also,

In that on or about July, 1919, George W. English, judge as aforesaid, at a hearing then had before him in the case of *Sanders v. Southern Traction Co.*, in which certain assets had been sold for the sum of \$400,000, did willfully and unlawfully order and decree that of said sum of \$400,000 the sum of, to wit, \$100,000 should be deposited in the Merchants State Bank of Centralia, Ill., a United States depository of bankruptcy funds, said deposit to draw no interest; that said deposit was made in said bank as ordered and that George W. English, judge as aforesaid, was then and there a depositor, stockholder, and director in said bank; that said order and deposit of funds was made for the benefit of himself, George W. English, judge as aforesaid, and for his personal gain and profit and

for the benefit of his family and friends, to the great scandal of the said office of judge aforesaid, and all tending to bring the administration of justice in said court into distrust and contempt; and, also,

In that George W. English, judge as aforesaid, on or about October 1, 1922, and Charles B. Thomas, sole referee in bankruptcy aforesaid, did make and enter into the following improper and unlawful agreement with the officers of the Drovers National Bank of East St. Louis, to wit, that in consideration that said bank would employ one Farris English, son of said George W. English, as cashier in said bank at a salary of \$1,500 per year, that George W. English, judge as aforesaid, and Charles B. Thomas, referee aforesaid, would make and designate said bank as a Government depository of bankruptcy funds without interest thereon, and that funds from estates in bankruptcy and receiverships should thereafter largely be sent to and deposited in said bank, and that George W. English, judge as aforesaid, and Charles B. Thomas, sole referee as aforesaid, and said Farris English would become depositors in said bank and then and there would purchase shares of stock therein as follows:

George W. English, judge as aforesaid, 10 shares; said Farris English, 10 shares; and said Charles B. Thomas, 50 shares, at \$80 per share; that in pursuance of said agreement said Farris English was hired as cashier at said salary of \$1,500 per year and entered upon this employment; that George W. English, judge as aforesaid, in pursuance of said agreement, did designate said bank to be a Government depository of bankruptcy funds, and said George W. English and said Farris English and said Charles B. Thomas, in pursuance of said agreement, did become depositors in said bank, and the said George W. English, judge as aforesaid, the said Charles B. Thomas, referee as aforesaid, did make 17 transfers of bankruptcy funds from the Union Trust Co. of East St. Louis and cause the same to be deposited in said Drovers National Bank without interest to the aggregate amount of \$100,000, and then and there George W. English, judge as aforesaid, did receive and pay for his said 10 shares of stock and also for the stock of his son, said Farris English; that the said improper acts were done and performed by George W. English, judge as aforesaid, with the wrongful and unlawful intent to use the influence of his said office as judge for the personal gain and profit of himself, said George W. English, and for the unlawful and improper and personal gain of the family and friends of the said George W. English; and, also,

In that George W. English, judge as aforesaid, on or about the 1st day of April, 1924, with the knowledge and consent of Charles B. Thomas, referee in bankruptcy aforesaid, did make and enter into the following improper and unlawful agreement with said Union Trust Co., a Government depository of bankruptcy funds, to wit, that if said Union Trust Co. would then and there employ one Farris English, the son of George W. English, judge aforesaid, at a salary of \$200 per month, he, said George W. English, judge aforesaid, with said Charles B. Thomas, would become depositors in said Union Trust Co., and that he, the said George W. English, and said Charles B. Thomas would cause to be removed from the Drovers National Bank of East St. Louis the bankruptcy funds deposited there and would deposit the same in said Union Trust Co. and that said Union Trust Co. should pay to said Farris English, in addition to his said salary of \$200 per month, interest on said bankruptcy funds from time to time on deposit in said Union Trust Co. at the rate of 3 per cent on monthly balances, and for this consideration George W. English, judge as aforesaid, further did agree with said Union Trust Co. that while said agreement continued said funds should not be withdrawn and deposited in any other Government depository, and thereupon said Farris English was employed by said Union Trust Co. under said agreement and remained in the services of said company for 14 months and drew out of said company during this said period, in addition to his salary of \$200 per month, the sum of \$2,700 as interest on bankruptcy funds; that the bankruptcy funds were withdrawn from said Drovers National Bank and deposited in the said Union Trust Co. under said agreement; that George W. English, judge as aforesaid, and Charles B. Thomas, referee in bankruptcy aforesaid, did then and there become depositors in said Union Trust Co., the said George W. English did then and there use his influence as judge for the unlawful and improper personal gain and profit to himself, family, and friends; and, also,

In that George W. English, judge as aforesaid, did improperly designate the Merchants State Bank of Centralia, Ill., to be a Government depository of bankruptcy funds, in which bank he, the said George W. English, and he, the said Charles B. Thomas, were then and there depositors and stockholders, and George W. English was then and there a director; and, also,

In that George W. English, judge as aforesaid, on divers days and times prior to the 7th day of April, 1925, and while George W. English, judge as aforesaid, and Charles B. Thomas, referee in bankruptcy aforesaid, were each depositors and stockholders and George W. English, a director of said Merchants State Bank of Centralia, Ill., and while said bank was a Government depository of bankruptcy funds, did borrow from said bank without security, at a rate of interest below the customary rate, sums of money from time to time amounting in the aggregate to \$17,200, and that during said time prior to the 7th day of April, 1925, Charles B. Thomas, said referee in bankruptcy, did borrow from

said bank without security and at a rate of interest below the customary rate sums of money to the total of \$20,000; that said sums were loaned and said loans were renewed from time to time and carried by said bank to the said George W. English and said Charles B. Thomas, by reason of the use of the official influence of George W. English, judge as aforesaid, and Charles B. Thomas, sole referee in bankruptcy aforesaid, and by reason of said bank having been made and continued as a United States depository for bankruptcy and other funds without interest; that said George W. English, judge as aforesaid, and Charles B. Thomas, sole referee in bankruptcy aforesaid, acting in concert with officers and directors of said Merchants State Bank of Centralia, Ill., did borrow with said directors sums of money in the total equal to all of the surplus, assets, and capital of said bank and at a low rate of interest and without security.

Wherefore the said George W. English was and is guilty of a course of conduct constituting misbehavior as such judge and that said George W. English was and is guilty of a misdemeanor in office.

ARTICLE V

That George W. English, on the 3d day of May, 1918, was duly appointed United States district judge for the eastern district of Illinois, and has held such office to the present day.

That during the time in which said George W. English has acted as such United States district judge, he, the said George W. English, at divers times and places, has repeatedly, in his judicial capacity, treated members of the bar in a manner coarse, indecent, arbitrary, and tyrannical, and has so conducted himself in court and from the bench as to oppress and hinder members of the bar in the faithful discharge of their sworn duties to their clients, and to deprive such clients of their right to appear and be protected in their liberty and property by counsel, and in the above and other ways has conducted himself in a manner unbecoming the high position which he holds and thereby did bring the administration of justice in his said court into contempt and disgrace, to the great scandal and reproach of the said court.

That said George W. English, as judge aforesaid, during his said term of office, at divers times and places, while acting as such judge, did disregard the authority of the laws, and, wickedly meaning and intending so to do, did refuse to allow parties lawfully in said court the benefit of trial by jury, contrary to his said trust and duty as judge of said district court, against the laws of the United States, and in violation of the solemn oath which he had taken to administer equal and impartial justice.

That the said George W. English, as judge aforesaid, during his said term of office, at divers times and places, when acting as such judge, did so conduct himself in his said court, in making decisions and orders in actions pending in his said court and before him as said judge, as to excite fear and distrust and to inspire a widespread belief, in and beyond said eastern district of Illinois that causes were not decided in said court according to their merits but were decided with partiality and with prejudice and favoritism to certain individuals, particularly to one Charles B. Thomas, referee in bankruptcy for said eastern district.

That the said George W. English, as judge aforesaid, during his said term of office, at divers times and places, while acting as said judge, did improperly and unlawfully, with intent to favor and prefer Charles B. Thomas, his referee in bankruptcy for said eastern district, and to make for said Thomas large and improper gains and profits, continually and habitually prefer said Thomas in his appointments, rulings, and decrees.

That said George W. English, as judge aforesaid, during his said term of office, at divers times and places while acting as said judge, from the bench and in open court, did interfere with and usurp the authority and power and privileges of the sovereign State of Illinois, and usurp the rights and powers of said State over its State officials, and set at naught the constitutional rights of said sovereign State of Illinois, to the great prejudice and scandal of the cause of justice and of his said court and the rights of the people to have and receive due process of law.

That said George W. English, as judge aforesaid, during his said term of office, at divers times and places, did, while acting as said judge, unlawfully and improperly attempt to secure the approval, cooperation, and assistance of his associate upon the bench in said eastern district of Illinois, Judge Walter C. Lindley, by suggesting to said Walter C. Lindley, judge as aforesaid, that he appoint George W. English, Jr., son of said George W. English, judge as aforesaid, to receiverships and other appointments in the said district court for said eastern district of Illinois, in consideration that said George W. English, judge as aforesaid, would appoint to like positions in his said court a cousin of said Judge Walter C. Lindley, and thereby unlawfully and improperly avoid the law in such case made and provided; all to the disgrace and prejudice of the administration of justice in the court of George W. English, judge as aforesaid.

That said George W. English, as judge aforesaid, during his said term of office, at divers times and places, did, while serving as said judge, seek from a large railroad corporation, to wit, the Missouri

Pacific Railroad Co., which had large trackage, in said eastern district of Illinois, the appointment of his son, George W. English, Jr., as attorney for said railroad.

All to the scandal and disrepute of said court and the administration of justice therein.

Wherefore, the said George W. English was and is guilty of misbehavior as such judge and of a misdemeanor in office.

NICHOLAS LONGWORTH,
Speaker of the House of Representatives.

Attest:

WM. TYLER PAGE, Clerk.

(Seal of the House of Representatives, United States.)

Mr. Manager MICHENER (continuing). And, Mr. President, the House of Representatives by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles of accusation or impeachment against the said George W. English, a district judge of the United States for the eastern district of Illinois, and also of replying to his answers which he shall make unto the articles preferred against him, and of offering proof to the same and every part thereof, and to all and every other article of accusation or impeachment which shall be exhibited by them as the case shall require, do demand that the said George W. English may be put to answer the misdemeanors in office which have been charged against him in the articles which have been exhibited to the Senate, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

Mr. President, the managers on the part of the House of Representatives, in pursuance of the action of the House of Representatives by the adoption of the articles of impeachment which have just been read to the Senate, do now demand that the Senate take order for the appearance of said George W. English to answer said impeachment, and do now demand his impeachment, conviction, and removal from office.

The VICE PRESIDENT. Mr. Manager, the Senate will take proper order in the matter of the impeachment of Judge George W. English and will communicate its action to the House.

Mr. CUMMINS. Mr. President, in addition to the announcement made by the Chair, I think it is appropriate to present the following order. I ask that it be read at the desk, and I will ask for its immediate consideration.

The VICE PRESIDENT. The clerk will read the order proposed.

The Chief Clerk (John C. Crockett) read as follows:

Ordered: The House of Representatives, by its managers, having presented to the Senate articles of impeachment against George W. English, judge of the District Court of the United States for the Eastern District of Illinois, the House, through its managers, is hereby informed that the Senate will, in accordance with its rules, on Friday, the 23d day of April, at 1 o'clock p. m., resolve itself into a body for the trial of said impeachment proceeding, enter the necessary orders, and inform the House of the time at which the Senate will be ready to receive the managers for further action with respect to said impeachment proceeding.

The VICE PRESIDENT. Without objection, the order is agreed to.

Mr. Manager MICHENER. Mr. President, if there is nothing further, the managers will retire at this time.

The VICE PRESIDENT. There is nothing further.

The managers thereupon withdrew.

Mr. BLEASE. Mr. President, when I was a practicing attorney at my home, Newberry, S. C., there was a young man who was my law partner and my constant daily associate for many years. We were and are now the very closest of friends and love each other possibly as well as most brothers do.

He managed my campaign for governor. He was assistant attorney general when I was governor of my State. He himself was afterwards elected to Congress and is now serving his fifth term. We live in the same hotel. We take many of our meals together and are close and constant associates. I consider him one of the ablest lawyers I have ever known. He is a very close student both of law and facts and when he has made up his mind I have the most perfect confidence in his judgment.

On account of my close relations with the Hon. FRED H. DOMINICK, Representative from the third district of South Carolina, who is on the Board of Managers on the part of the House of Representatives, I request that I be excused from taking any part in the impeachment trial of Judge George W. English.

SETTLEMENT OF BELGIAN INDEBTEDNESS

Mr. SMOOT. I ask that the unfinished business be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6774) to authorize the settlement of the indebtedness of the Government of the Kingdom of Belgium to the Government of the United States of America.

OCEAN STEAMSHIP CO. (LTD.)

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2368) for the relief of Ocean Steamship Co. (Ltd.), a British corporation, which was to strike out all after the enacting clause and to insert:

That the claim of the Ocean Steamship Co. (Ltd.), a British corporation, owner of the steamship *Alcinous*, against the United States for damages alleged to have been caused by collision between said steamship *Alcinous* and the U. S. transport *Artemis*, in or near the harbor of New York on December 3, 1917, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for the Eastern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases, and that said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found due from the United States to the said Ocean Steamship Co. (Ltd.) by reason of said collision, upon the same principles and under the same measures of liability as in like cases between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and upon such notice it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within four months of the date of the approval of this act.

Mr. BAYARD. I move that the Senate concur in the House amendment.

The motion was agreed to.

LEASE OF TRACKS AT ARMY SUPPLY BASE, SOUTH BROOKLYN, N. Y.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1486) to authorize the Secretary of War to lease to the Bush Terminal Railroad Co. and to the Long Island Railroad use of railway tracks at Army supply base, South Brooklyn, N. Y., which was, on page 2, line 10, after the word "States," to insert the following:

and the discontinuance without cost of any action now pending by said company against the United States.

Mr. WADSWORTH. I move that the Senate concur in the House amendment.

The motion was agreed to.

SANDUSKY BAY BRIDGE

Mr. BINGHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9688) granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay, at or near Baybridge, Ohio, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That the consent of Congress is hereby granted to G. S. Beckwith, of Cleveland, Ohio, his heirs, legal representatives and assigns, to construct, maintain, and operate a bridge and approaches thereto across Sandusky Bay, at a point suitable to the interests of navigation, at or near Baybridge, in the county of Erie, in the State of Ohio, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"Sec. 2. The said G. S. Beckwith, his heirs, legal representatives and assigns, are hereby authorized to fix and charge tolls for transit over such bridge and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

"Sec. 3. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Ohio, any political subdivision thereof within which any part of such

bridge is located, or two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 15 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property, and (4) actual expenditures for necessary improvements.

"Sec. 4. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Ohio under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept, and shall be available for the information of all persons interested.

"Sec. 5. The said G. S. Beckwith, his heirs, legal representatives, and assigns shall, within 90 days after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge, the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said G. S. Beckwith, his heirs, legal representatives, and assigns, shall make available to the Secretary of War all of his or their records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

"Sec. 6. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said G. S. Beckwith, his heirs, legal representatives, and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

"Sec. 7. The right to alter, amend, or repeal this act is hereby expressly reserved."

And the Senate agree to the same.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,

Managers on the part of the Senate.

E. E. DENISON,
O. B. BURNESSE,
TILMAN PARKS,

Managers on the part of the House.

The report was agreed to.

SETTLEMENT OF ITALIAN INDEBTEDNESS

Mr. REED of Pennsylvania. Mr. President, I would like to ask the Senator from Missouri when he expects to present his motion for a reconsideration of the Italian debt settlement bill?

Mr. REED of Missouri. Mr. President, I have just had a very brief conference with the chairman of the committee [Mr.

SMOOT]. I have said to him that I would present the motion for a reconsideration now, with the understanding between the chairman of the committee and myself, which is somewhat informal, that the matter may be discussed to-day, and that to-morrow we will agree on a time to vote.

Mr. SMOOT. Can we not agree now to vote at 3 o'clock to-morrow?

Mr. REED of Missouri. I do not want to agree to a time to vote until I know what discussion there will be, but I will say to the Senator that I shall not obstruct the matter at all.

Mr. SMOOT. Let us vote not later than 4 o'clock to-morrow.

Mr. REED of Missouri. I do not want to agree now on an absolute time to vote. If Senators will trust to me in the matter—

Mr. SMOOT. Let us agree to vote before we recess or adjourn to-morrow.

Mr. REED of Missouri. I do not want to make an agreement. I am willing to say to-day that I have no desire to delay the matter further than until such time as the Senate has had a chance to discuss it. To agree at this moment on a time to vote is impossible. Will not the Senator take my assurance that that is my attitude and let me enter the motion now? I understand the Senator from Nebraska [Mr. HOWELL] is prepared to discuss the question.

Mr. REED of Pennsylvania. Of course I take the assurance of the Senator from Missouri unhesitatingly. All I am disturbed about is that some other Senator who is not a party to his assurance might object to a vote to-morrow. It is very important that the matter shall be finally disposed of one way or the other.

Mr. REED of Missouri. It is possible that some Senator may object; and if so, we might have to proceed in the ordinary way to get to a vote.

Mr. REED of Pennsylvania. Of course, we can always bring it to a vote by moving to lay on the table, but we do not want to do that.

Mr. REED of Missouri. I hope not. I will say to the Senator that this is my attitude: I shall enter the motions forthwith. Let them go to discussion. So far as I am concerned there will be no effort to delay them beyond legitimate and necessary discussion. Probably to-morrow we will agree on an hour to vote, and I shall be agreeable to fixing an hour to vote provided that Senators are prepared to vote. If some one wants to discuss the question he ought not to be cut off from such discussion. I think if the Senator will let the matter drift along we will have no difficulty in getting through.

Mr. FESS. Mr. President—

Mr. SMOOT. The only reason why I want to fix the time is in order that Senators may know when we are going to vote, so that they may be present.

Mr. REED of Missouri. It is difficult now to fix a time. The debate may go on for only an hour. I do not know the attitude of Senators at all. I do not know how they will receive these motions.

Mr. REED of Pennsylvania. May I ask the Senator from Nebraska if he is ready to go on now?

Mr. HOWELL. I am prepared to proceed.

Mr. REED of Pennsylvania. I yield now to the Senator from Ohio.

Mr. FESS. Mr. President, I announced yesterday that unless a motion was made to-day to reconsider I would feel under obligation to make it myself. If the motion is going to be made, that obviates the matter of undue delay and consideration, but I still reserve the right, if it proceeds unduly, to make the motion to table it. I want to have that understood. I do not want to do it unless it becomes necessary in order to get a vote.

Mr. REED of Missouri. Did the Senator say he would reserve the right to move to table the motion or to make a motion to reconsider?

Mr. FESS. I will make a motion to table the Senator's motion to reconsider.

Mr. REED of Pennsylvania. We all have that right. We do not have to reserve it.

Mr. FESS. I do not want to be considered as adopting sharp parliamentary practices as was charged yesterday. I want to announce in the beginning that if the matter proceeds unduly long, I shall be compelled to bring it to a vote by that motion.

Mr. REED of Missouri. Mr. President, I move to reconsider the vote by which the Senate rejected the amendment offered by the Senator from Nebraska [Mr. HOWELL].

Mr. REED of Pennsylvania. Mr. President, a point of order.

Mr. ROBINSON of Arkansas. We will have to reconsider the vote by which the bill was passed in order to have a re-

consideration of the vote by which the amendment of the Senator from Nebraska was rejected.

Mr. REED of Pennsylvania. My point of order is that only a motion to reconsider can be made of the vote by which the bill was finally passed.

Mr. REED of Missouri. I am going to incorporate that in my motion. I move to reconsider the vote by which the amendment offered by the Senator from Nebraska [Mr. HOWELL] to the bill commonly known as the Italian debt settlement bill was rejected, and I move to reconsider the vote by which the bill commonly known as the Italian debt settlement bill was passed by the Senate.

Mr. REED of Pennsylvania. Mr. President, a point of order to the first part of the motion. The motion is not in order to reconsider any interlocutory vote previous to the final passage of the bill.

The VICE PRESIDENT. The point of order is well taken. The motion for reconsideration should be upon the passage of the bill and then the bill would be open to amendment.

Mr. REED of Missouri. I have tried to approach this matter in a way perfectly fair to the Senate and so as to present without any technicalities the broad questions that we have under consideration. The Chair having sustained the point of order that both matters can not be embraced in one motion, and having saved my record so far as I am able by the motion I have made, I now move to reconsider the vote by which the bill commonly known as the bill for the settlement of the Italian debt was passed.

The VICE PRESIDENT. The question is on the motion of the Senator from Missouri.

Mr. HOWELL obtained the floor.

Mr. KING. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. KING. I suggest the absence of a quorum. I think we ought to have a full attendance here when the Senator from Nebraska is addressing the Senate.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Fernald	Kendrick	Reed, Pa.
Bingham	Ferris	King	Robinson, Ark.
Blease	Fess	La Follette	Sackett
Borah	Frazier	McKellar	Sheppard
Bratton	George	McLean	Shipstead
Broussard	Gerry	McMaster	Smith
Bruce	Gillett	McNary	Smoot
Cameron	Glass	Mayfield	Stephens
Caraway	Goff	Metcalf	Trammell
Copeland	Gooding	Neely	Tyson
Couzens	Hale	Norbeck	Underwood
Cummins	Harrell	Nye	Wadsworth
Curtis	Harris	Oddie	Warren
Dale	Harrison	Overman	Watson
Deneen	Heflin	Phelps	Wheeler
Dill	Howell	Pine	Williams
Edge	Johnson	Ransdell	Willis
Ernst	Jones, Wash.	Reed, Mo.	

Mr. CAMERON. I was requested to announce that the Senator from New Mexico [Mr. JONES] and the Senator from Oregon [Mr. STANFIELD] are engaged in a hearing before the Committee on Public Lands and Surveys.

The PRESIDING OFFICER (Mr. MCLEAN in the chair). Seventy-one Senators having answered to their names, a quorum is present.

FORMS FOR BRIDGE BILLS

Mr. BINGHAM. Mr. President, will the Senator from Nebraska yield to me?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. HOWELL. I yield.

Mr. BINGHAM. Mr. President, some misunderstanding has arisen with regard to the new bridge policy of the Senate Committee on Commerce, due to one or two matters which have come up since that policy was first adopted. I should like to call the attention of Senators who are interested in bridge bills to the conference report adopted this afternoon on a typical toll bridge bill within the boundaries of a State, an intrastate bridge, constituting what is known to the committee as Form 3; and to the last three conference reports, adopted on yesterday, which embrace the bills providing for bridges over the Mississippi River at Natchez, at Vicksburg, and at Louisiana, Mo., which are in the form now agreed upon by the joint conference committee of the two Houses considering bridge bills, and which may be referred to as Form 4, the form for private toll bridges of an interstate character. If Senators will consult those two forms as printed in to-day's Record and in yesterday's Record, they will find the forms upon which they can rely as being those which will be followed in the

future by the committees of both the Senate and House of Representatives, which have to pass upon bridge bills.

They will notice that those forms omit the proviso requiring a certificate from the Secretary of War as to whether the bridge is adequate from the point of view of the use to which it is to be put. A communication from the Secretary of War has shown that that proviso would greatly add to the cost of conducting the office of Chief of Engineers in the War Department, and would also greatly delay the construction of bridges. In view of that fact, the committee deemed it wise to postpone the inclusion of such proviso until a general revision of the bridge authorization legislation should take place. I ask unanimous consent to insert in the Record at this point an excerpt from the letter of the Secretary of War to which I have referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

The excerpt from the letter is as follows:

The probable addition to department expenditures that will arise from this new procedure can not now be given. Experience will be needed in order to form an intelligent opinion. The present force of employees is organized to perform only the work Congress has heretofore directed. Judging from the experience of recent years, the probable number of bridge applications to be handled under congressional acts will average one per week. If the law is modified to require similar procedure in all bridge applications, the number of cases will average between four and five per week. The work of investigation and checking will be technical and difficult; and in view of the public necessity of prompt action upon applications, of the responsibility that must be accepted in the matter, of the liability that will rest upon the Government if changes in plans directed by its officers are found to be at fault, an adequate corps of thoroughly qualified assistants must be organized. The cost will undoubtedly be great—so great that, in my judgment, the proviso should receive consideration by the Bureau of the Budget before its adoption.

I wish it understood that the department is in no way hostile to the plan and will willingly undertake the work. The features of the matter herein set forth are presented simply for the reason that I regard it a duty to bring forward whatever may be suggested by the experience of the department as worthy of consideration in embarking upon new responsibilities. In this connection, I would also call attention to the fact that failure of bridge structures in the United States is a comparatively rare occurrence. The cost of mistakes in such work and the heavy liability likely to arise if they occur has been sufficient to cause the exercise of great care by bridge builders, both in designing and erecting their structures. Whether similar efficiency will be shown when the Federal Government assumes something of the responsibility, or whether proponents of bridges will rely on the Government to do the costly work of preparing proper designs and plans, remains to be seen.

Mr. BINGHAM. In the second place, Mr. President, a misunderstanding has arisen over the third paragraph of the statement which I made on March 3 regarding the proposal of the committee for securing an opinion from the highway commission or commissions of the State or States affected before we should give approval to the request of private parties for franchises for toll bridges over navigable streams.

At this point, Mr. President, I ask unanimous consent to have printed in the Record the report of a hearing before the subcommittee of the Committee on Commerce on the Big Sandy River bridge project, which contains a statement from Thomas H. Macdonald, Chief of the Bureau of Public Roads in the Department of Agriculture, with regard to the desire of the department to secure from State highway commissions their opinion as to the desirability of a proposed toll bridge at a particular point, or whether they are about to construct a bridge on behalf of their own State.

The PRESIDING OFFICER. In the absence of objection, permission to do so will be granted.

The matter referred to is as follows:

STATEMENT OF THOMAS H. MACDONALD, CHIEF OF BUREAU PUBLIC ROADS, DEPARTMENT OF AGRICULTURE

Mr. MACDONALD. Mr. Chairman, I should like to be permitted to make a short general statement, which I regard as more important than any extended comment on this particular bill.

The Department of Agriculture has, in reporting on a number of bills which have been submitted to it, taken this method of putting before the Congress the situation which exists with reference to legislation affecting the building of toll bridges over streams under the jurisdiction of the Federal Government.

We believe that the present law does not meet the present situation and we have known of no better way to place this important matter before the Congress than by incorporating in our reports those principles which we believe are desirable to safeguard and protect the public interests.

There are over 3,000,000 miles of public highways in the United States. We have now operating over them about 20,000,000 motor vehicles. These facts are important in their relation to bridges at certain points because the 3,000,000 miles of public highways, over all of which some traffic moves, have been divided into groups. Certain main highways have been selected for the Federal highway system, to the extent of about 7 per cent of this total mileage, leaving 93 per cent of roads not in the Federal system. The State highway systems contain a total of slightly more, or in the neighborhood of 10 per cent of the total mileage. In other words, 10 per cent of the public-road mileage is under State jurisdiction and 90 per cent under local jurisdiction. There have been improvements with surfacing, roughly, over 400,000 miles, a very small portion of the total public-road mileage.

The improvement of so small a percentage of the whole mileage has this effect: The traffic from all of the public roads tends to concentrate on the improved roads. All those roads which are or will be improved as parts of the State or Federal highway systems are known, and the maps indicate without any possibility of material change the places at which these roads will cross the rivers. Our whole road improvement policy is concentrating traffic upon the roads of the State and Federal highway systems leading directly to these important or strategic river crossings.

This will be the tendency for an indefinite period, because it will be years before we will be able to improve fully the entire mileage of the 10 per cent State systems, to say nothing of the 90 per cent which is being improved by the local jurisdictions. So that we have in this situation our public-road policy not only concentrating the traffic on certain roads, but pointing out through the distribution of maps the strategic points where it would be profitable to erect toll bridges.

This fact is being taken advantage of by a very large number of individuals or corporations who have asked Congress to grant franchises for them to erect toll bridges at these points. We are mildly interested in this one particular bridge, but we are interested in performing any responsibility which ought to attach to us in finding out and bringing to the attention of Congress the conditions which exist. I may say that we are very highly interested in the permanent policy established. This proposed franchise seems to me to take away something of authority which ought to lodge with the States. That is, it is a serious question whether a franchise granted by the Federal Government for the erection of a toll bridge on the highway system which will in large part be paid for out of State funds, or out of funds of two adjoining States, does not take away from the States something of authority over the property which belongs to them.

Senator COUZENS. I understand you are suggesting that it might be proper for the Congress to inquire of the States before it grants the franchise?

Mr. MACDONALD. It seems to me so. Here is the point: I am in full sympathy with the general proposition that the Federal Government ought to stay out of local affairs.

Take this particular bridge, without any reference to any individual connected with it. This is not a matter that Congress ought to bother with. A \$300,000 bridge ought not to be built as a toll proposition. I believe this is about the probable cost of this bridge. It ought not to be a toll bridge. If it were to cost \$1,000,000 or \$2,000,000, that would place it in another category; but my judgment is that this is purely a local matter, although technically it is under the jurisdiction of the Congress, because this stream is a navigable stream. At least on paper it is navigable.

Mr. MEEK. It is actually navigable.

Senator COUZENS. I understand, then, your idea is before Congress grants this franchise the wise thing and the proper thing to do would be to refer it to the States and get their viewpoint as to granting the permit.

Mr. MACDONALD. It seems to me that would be a very wise thing to do; but, of course, having the view of those two States would not answer this question of the general policy, which, it seems to me, Congress must meet.

About our position with reference to these privately owned bridges, we believe, first, that so far as possible all bridges ought to be free bridges; that the bridges on all these important highways ought to be free bridges. Second, assuming there is a lack of public funds to meet the cost of construction, we believe that the States ought to be allowed to erect toll bridges and finance them by public bond issues to be retired by the collection of tolls and the bridge thereafter become a free bridge. Third, if a bridge is seriously needed and it is not possible to finance it by one of the first two methods, there may be in particular cases justification for the granting of franchises to private concerns to erect a toll bridge. It is our judgment that franchises are being granted without proper investigation or proper hearings as to the merits of these projects, and we believe that in the future the public will pay dearly to recover these franchises. If, after full investigation, the circumstances are such that Congress believes a franchise should be granted, this should certainly be only in the case of large structures. Then we believe there should be included in the franchise definite provisions as to items of cost that shall be included, as to the

organization charges and as to the length of time that each franchise shall run.

Senator COUZENS. Do you think it would cover the ground if Congress should adopt a policy of requiring the application to come from the States interested rather than individuals? In other words, just take this particular case; if West Virginia should make this request of Congress, that that would be much better than to have it come from a private individual?

Mr. MACDONALD. It seems to me that would be highly desirable, because in that event the States would have to say, "We do not have the money to build this as a free bridge."

Senator COUZENS. In other words, they could state in their application that they wanted to do it themselves or whether they wanted it to be a matter of franchise.

Mr. MACDONALD. It seems to me so.

Senator BINGHAM. One more question. Would you believe that if Congress were to adopt the policy of getting the opinion of the States involved as to whether they desired to have such franchise granted and whether to themselves or to a corporation, that this could best be done by the Department of Agriculture by a communication from the Secretary to the governor of the State, or what method would you suggest?

Mr. MACDONALD. That might be handled by this committee through the Department of Agriculture or by this committee direct with the highway department of the States. I should say it would be a matter of reference to the highway department of the States, and as a matter of convenience it might go through the Department of Agriculture.

Senator BINGHAM. If you were requested by this committee before reporting on the bill to ascertain from the highway department of the State what attitude they took toward the bill, would that meet your objection?

Mr. MACDONALD. I think so. I might say, Mr. Chairman, that we came into this question of the bridge situation rather reluctantly. It was only after I had had a conference with the Chief of Engineers of the War Department, at that time General Beach, who told me that under their operations in connection with bridges of this character they were only concerned with the navigation features; that is, I asked if they would not go into the matter of tolls and the general traffic desirability of the bridge and assume rather more extended responsibility in dealing with matters of this character, and it was only with the assurance that they were only concerned with navigation features that we came into the situation at all. When we did so, however, there were protests against the granting of franchises for private toll bridges filed by certain State highway departments with us. Generally the State highway departments do not favor toll bridges.

Mr. BINGHAM. A reading of a portion of the statement which I asked to have printed in the Record will explain the misconception which arose over the language which I used on March 3. That language has given rise to a misunderstanding, particularly on the part of people in the city of Portland, Oreg., as to the necessity of procuring from the State highway commission approval of the plans for any bridge before a bill authorizing it could pass. The idea of the committee, as appears from the hearing, was merely to secure from the highway commissions of the States involved a statement as to whether they proposed to build a free public bridge at the particular point in the near future, and if so, whether they were opposing the granting of a private franchise.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator from Connecticut a question?

Mr. BINGHAM. Certainly.

Mr. ROBINSON of Arkansas. Has the committee modified its policy with respect to requiring a report from the State highway department touching intrastate bills?

Mr. BINGHAM. Not at all, Mr. President. The committee request in each case the Bureau of Roads of the Department of Agriculture to ascertain from the highway commission of the State or States involved whether they are proposing to build a public bridge at the particular point and therefore do not desire any franchise to be given to private parties. The misunderstanding which arose was due to a very proper interpretation of the language I inadvertently employed, which led to a belief on the part of certain persons that it was necessary for the State highway commission to approve of the plans of the bridge before the permit should be granted.

Mr. ROBINSON of Arkansas. As I understand, all that is required in that connection is information from the State highway department that it does not itself propose to build a bridge at or near the same point?

Mr. BINGHAM. Exactly. It is not the intention of the Senate to grant private franchises where the State itself proposes to build public bridges.

THE RAILROAD LABOR BILL

Mr. WATSON. Mr. President, will the Senator from Nebraska yield to me?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. HOWELL. I yield.

Mr. WATSON. Mr. President, after the public buildings bill shall have been disposed of, the next legislation on the program, as arranged by the steering committee on this side of the Chamber, will be what is known as the railroad labor bill. Because of the present situation in the Senate, the inability to determine definitely when this measure can be taken up, and because of the further fact that a number of Senators expect to be away and others want to go away for a time, and all of them, as I am advised, want to be present when the bill shall be taken up, I wish to ask unanimous consent that the railway labor bill be made a special order of the Senate immediately after the morning hour on the 6th day of May.

Mr. SMOOT. Mr. President, I do not like to object, but I do not know how long the public buildings bill is going to take.

Mr. WATSON. Of course, if there is unfinished business before the Senate at that time, all I can do will be to take up the special order at the close of the morning hour on that day and again take it up as soon thereafter as possible; but there is no reason to believe, there is no justifiable ground to believe, as I now think, that the public buildings bill will run until the 6th of May.

Mr. SMOOT. Of course, I hope not.

Mr. ROBINSON of Arkansas. Mr. President—

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Indiana yield to the Senator from Arkansas?

Mr. WATSON. I yield to the Senator from Arkansas, with the permission of the Senator from Nebraska.

Mr. HOWELL. I yield.

Mr. ROBINSON of Arkansas. I do not understand that the Senator is asking to fix a time to vote on this bill at all?

Mr. WATSON. No.

Mr. ROBINSON of Arkansas. He is simply asking to make it a special order for the 6th of May?

Mr. WATSON. For consideration.

Mr. ROBINSON of Arkansas. I myself will be absent for several days prior to the 6th of May, but I will not object to the request to make the bill a special order if other Senators are inclined to agree to the proposal.

Mr. WATSON. I thank the Senator.

Mr. HARRISON. Mr. President, reserving the right to object—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. HOWELL. I do.

Mr. HARRISON. Reserving the right to object, I should like to inquire what is the intention of the steering committee with reference to agricultural legislation? Are we going to pass other foreign debt agreement bills now on the calendar that will give away billions of dollars of the money of the American taxpayers, pass the public buildings bill so that Mr. Mellon may do with it what he desires as to public buildings, then pass railroad labor legislation, and do nothing with reference to the agricultural situation?

Mr. WATSON. Is the Senator asking me a question?

Mr. HARRISON. Yes. The Senator is chairman, as I understand, of the steering committee.

Mr. WATSON. I am not even on the steering committee, I will say to my friend.

Mr. HARRISON. Well, the Senator is in the inner councils on his side of the Chamber.

Mr. WATSON. I will answer the Senator so far as my knowledge extends, which is, that agricultural legislation is on the program, and that—

Mr. HARRISON. Where does it come in on the program, may I ask the Senator?

Mr. WATSON. My understanding is that the railway labor bill has been on the agenda, if I may use that term, for some time as a part of the program, after that the McFadden banking bill, as I understand, is to be taken up, and then agricultural legislation is to be considered, so far as I am advised. As to that, however, I defer to my leader, the Senator from Kansas [Mr. CURTIS]. But be that as it may, it is my understanding that agricultural legislation is to be considered before the Senate shall adjourn; and I will say to the Senator that, if I have anything to do with it, it will be considered or the Senate will not adjourn.

Mr. HARRISON. The Senator has told us that, first, the public buildings bill is to come up. It may keep us here until

the 6th of June, and it will if it is adequately discussed—and I hope it will be fully discussed before we vote on it—then it is proposed, as I understand, to consider certain foreign debt settlement bills, which are going to give away a lot more money, then the bankers' bill comes up for consideration, and the Senator does not know for sure whether the agricultural bill is on the program. Until we do know I object to the request.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kansas?

Mr. HOWELL. I yield.

Mr. CURTIS. At the time of the last meeting of the steering committee no agricultural measure had been reported from the committee and placed upon the calendar. Since that time such a bill has been reported. It is the practice of the steering committee, of course, not to put bills on the list of measures to be considered until they shall have been reported to the Senate; but I can assure the Senator that at the next meeting of the steering committee the bill for the relief of agriculture will be put on the program.

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. WATSON. I hope the Senator from Nebraska will yield until we can thrash this matter out.

Mr. HOWELL. I yield.

Mr. BRUCE. I was out of the Chamber at the time, and merely wanted to ask whether the Senator stated what items were on the steering committee's program.

Mr. CURTIS. I only referred to the one item, and said that a bill with regard to agricultural conditions had not been reported at the time of the last meeting of the steering committee, but at the next meeting several measures that are pending will be considered by the committee.

Mr. HARRISON. When did the steering committee meet last, may I ask the Senator from Kansas?

Mr. CURTIS. I have not the date in my mind, but it was before the bill having to do with agricultural conditions was reported.

Mr. HARRISON. As I understand, the Committee on Agriculture had agreed on a report some 10 days before the report was submitted to the Senate.

Mr. CURTIS. We did not know that.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

PERSONAL PRIVILEGE

Mr. REED of Pennsylvania. Mr. President, will the Senator from Nebraska yield to me for a matter of personal privilege?

The PRESIDING OFFICER. The Senator from Pennsylvania will state his question of personal privilege.

Mr. REED of Pennsylvania. Mr. President, in the debate yesterday afternoon in the Senate Chamber certain remarks were made by the Senator from Idaho [Mr. BORAH], which led me to send for and put into the Record the yea-and-nay vote on the Warren nomination last spring. The Record as it appears in this morning's printed transcript did not accord with my recollection of what occurred, and therefore I ask unanimous consent now to read into the Record the reporter's notes of the remarks which were made and then the remarks as changed in lead pencil.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. Just a moment, Mr. President. Does the matter which the Senator from Pennsylvania desires to read relate to the remarks of the Senator from Idaho?

Mr. REED of Pennsylvania. It does.

Mr. JOHNSON. Will the Senator pause until the Senator from Idaho can be present? I have just sent for him.

Mr. REED of Pennsylvania. I will be very glad to do so.

Mr. JOHNSON. I think that only fair to him.

NATIONAL BANK BRANCHES

Mr. McLEAN. Mr. President, will the Senator from Nebraska yield to me while we are waiting for the Senator from Idaho?

Mr. HOWELL. I yield.

Mr. McLEAN. I should like to ask the Senator from Indiana if he desires to have the railroad labor bill take precedence of the McFadden banking bill?

Mr. WATSON. I shall desire to have that done if I am here.

Mr. McLEAN. I should like to ask the Senator if that is in accordance with the plan prescribed by the steering committee?

Mr. WATSON. It is.

Mr. McLEAN. The Senator wants that set down for a special order, does he?

Mr. WATSON. Yes. To be entirely frank about it, my primary in Indiana is on the 4th of May, and I want to be in Indiana three or four days before that happens; and I do not intend to leave here, if I can not make this kind of an arrangement, until I know what disposition is to be made of this railroad labor bill, because if I can not make this arrangement I shall stay here and bring it up at the first opportunity.

Mr. ROBINSON of Arkansas. Mr. President, the Senator suggested the 6th of May. He might not feel like coming back so soon after the 4th of May.

Mr. WATSON. Oh, I feel perfectly satisfied about that, I will say to my friend.

The PRESIDING OFFICER. Objection was made to the proposed unanimous-consent agreement.

Mr. WATSON. I know it. I am trying to get my friend from Mississippi to withdraw it.

Mr. HARRISON. Mr. President, may I say to the Senator that as soon as these other debt agreements are out of the way I will join with him in a motion to set aside the public buildings bill and take up his railroad proposition.

Mr. WILLIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. HOWELL. I yield.

Mr. WILLIS. I suggest to the Senator from Indiana that he can solve this whole matter, so far as the great national question to which he is alluding and in which we are all interested is to be settled in Indiana—

Mr. WATSON. I thank the Senator.

Mr. WILLIS. He can settle this question by simply announcing that he proposes to call up this bill on the 6th of May.

Mr. WATSON. I can settle it much more definitely if I have unanimous consent to make it a special order. Of course, I can move to make it a special order, but I would so much rather do it in a nice way and have all the Senators concur.

Mr. WILLIS. If the Senator would announce his intention to call it up at that time, then every Senator could make his plans accordingly.

Mr. McLEAN. Does the Senator assume that his special order will interfere with the unfinished business?

Mr. WATSON. I do not.

Mr. McLEAN. Then would it not be better to postpone the consideration of the labor bill until the Senator has been renominated?

Mr. REED of Missouri. That might be indefinitely.

Mr. WATSON. I think I can give my friend some assurance upon that proposition.

Mr. REED of Missouri. I have not any doubt that the Senator has it fixed.

Mr. WATSON. I thank the Senator. If I can get the attention of the Senator from Mississippi, who seems inclined to insist on his objection, we will let it go over until to-morrow.

Mr. HARRISON. I will say to the Senator that I have no objection to that legislation. I am very much more in favor of that legislation than the unfinished business, the public buildings bill; and I told the Senator that I would join with him to-morrow or next day in a motion to set aside the public buildings bill and to take up this bill. If the Senator does not make such a motion, I shall make it and see whether or not the Senator will join with me in that effort.

Mr. WATSON. Does the Senator, then, still object to the unanimous-consent agreement that I have requested?

Mr. HARRISON. The 6th of May is quite a long time off. We may be able to pass the bill in the next four or five days.

ITALIAN DEBT SETTLEMENT

The Senate resumed the consideration of the motion of Mr. REED of Missouri to reconsider the vote by which the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America was passed.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Nebraska yield to me now on a matter of personal privilege?

Mr. HOWELL. I yield.

Mr. JOHNSON. Mr. President, if the Senator will yield for an instant, I asked him to defer his remarks for a brief period until I had an opportunity to summon the Senator from Idaho [Mr. BORAH]. I failed to reach him, and I do not wish to trespass further on the courtesy of the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I do not wish to make any argument, Mr. President, but simply to read into the Record,

as I now shall do, the Reporter's transcript and the changes that were made in it.

The PRESIDING OFFICER. Is there objection?

Mr. REED of Pennsylvania. I do not ask unanimous consent.

Mr. President, the reporter reported the dialogue in this way:

Mr. REED of Pennsylvania. Mr. President, the Senator did not feel that way last March when my motion to table was before the Senate.

Mr. BORAH. The Senator from Pennsylvania may be assured, as the RECORD will show, that I have never sat silent when a motion to table has been made. I have always voted against the proposition to lay anything upon the table. It is a universal record of mine here, and the Senator can not challenge it.

Those remarks appear in the RECORD this morning as they have been changed in lead pencil to read as follows:

Mr. BORAH. The Senator from Pennsylvania may be assured, as the RECORD will show, that I have repeatedly protested when a motion to table has been made. It has been my rule to vote against the proposition to lay anything on the table. My record here will show that I have all but universally protested and voted against the practice.

I think I owed that to myself, because without that in the RECORD the subsequent proceedings of yesterday were unintelligent.

Mr. REED of Missouri. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. HOWELL. I yield.

Mr. REED of Missouri. This is the old story that so often is repeated on the floor of the Senate. Men have a general policy which they think they have adhered to without change, yet it may appear under particular circumstances that they have apparently varied from the policy.

I recall an experience of my own in which some industrious Member dug up the fact that apparently I had voted for a rule of cloture in the Senate. At the time I was astounded by the condition of the RECORD. I did know then, and I do know now, that I have consistently disapproved and opposed every effort to impose cloture upon the Senate. Upon reflection regarding the RECORD, as nearly as I was able to figure out the matter, the situation was that a motion was about to be carried imposing cloture upon the Senate by a majority vote, and I was compelled to take my choice between cloture by a majority vote and cloture by a two-thirds vote. Therefore I voted in favor of cloture by a two-thirds vote as the lesser of the two evils. So I suppose I may say, in the absence of the Senator from Idaho—who generally needs no sponsor or defender, certainly never when he is present—that it may be that technically, upon the question of a reconsideration of the vote relative to Mr. Warren's confirmation, he voted in favor of a motion to table; but let me call attention to this fact:

The Senate had had before it for many days the question as to whether Mr. Warren would be confirmed or not confirmed. It was a simple question as to the fitness of a particular man for a particular place. After full debate, a vote was had, and my distinguished friend from Pennsylvania, whose name I have the honor to bear, voted for Mr. Warren. He was an earnest advocate of Mr. Warren, and a good-faith advocate. Having ascertained that the vote was a tie, or that it was going to be announced as a tie, with the shrewdness which becomes the family name he changed his vote in order to move a reconsideration, not because he wanted Mr. Warren defeated, but because he wanted Mr. Warren confirmed, and he knew that if a John Gilpin alacrity could be injected into the sleeping form of the President of the Senate he might be projected to this body in time to cast the deciding vote. So, in order to get that vote, he changed his own vote from an attitude in favor of Mr. Warren to an attitude against Mr. Warren, in order that he might get a vote here in favor of Mr. Warren; and in that situation I believe that the Senator from Idaho [Mr. BORAH] voted against carrying out this device, scheme, and artifice, and said it could not be consummated in the Senate. The Senator from Idaho voted to table the motion.

That is a very different situation from the one now presented.

Mr. REED of Pennsylvania rose.

Mr. REED of Missouri. I yield to my friend.

Mr. REED of Pennsylvania. I thought the Senator had finished.

Mr. REED of Missouri. No; I have only started.

So, although opposed to the efforts to cut off full discussion and debate, possibly the Senator from Idaho conceived this not to be a matter of discussion or debate, but a matter of how fast an automobile could travel from the Hotel Willard to the Senate bearing the somnolent form of the President of the Senate. That does not affect the merits of the question, and I think does not reflect upon the good faith of the announcement made by the Senator from Idaho on yesterday on the

floor of the Senate. But, Mr. President, let us contrast that with the question we had before us yesterday.

A debate had occurred relative to the Italian debt controversy. An insistence was made that a time should be fixed for voting. It was felt by some of the Members of the Senate that the question had not been fully discussed, and the chairman of the committee, the Senator from Utah [Mr. SMOOT], agreed to fix the time two or three days in advance, which carried it to Wednesday.

The intervening period was taken up largely with discussions of other questions. The Senators who desired to discuss the Italian debt were in the major part compelled to attend to other duties; so that when we came to the discussion of the final matter of the Italian debt there remained certain questions which had not been discussed. Among others was the amendment offered by the Senator from Nebraska [Mr. HOWELL].

The Senator from Nebraska, proceeding under a limitation of time, found himself, as he approached the proposition involved in his amendment, ruled down by the gavel, which was properly applied, for his time had expired; and so the Senate failed to obtain from him the light that it might have obtained from his views. Under those conditions, because that question had not been discussed, I reserved or asserted the right to make a motion for reconsideration, which motion is now pending. It was upon that question, and under those circumstances, that the Senator from Idaho made his statement. He may have made it a little too broad.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield.

Mr. McKELLAR. I call the Senator's attention to the motion made by the Senator from Pennsylvania as disclosed in the RECORD at page 7905.

Mr. REED of Pennsylvania. I move a reconsideration of the vote just taken, and on that I ask for the yeas and nays.

Mr. WALSH. I move to lay the motion of the Senator from Pennsylvania on the table, and upon that I ask for the yeas and nays.

I call the Senator's attention to the fact that both the Senator from Pennsylvania and the Senator from Montana asked for an immediate vote, and demanded the yeas and nays on that vote, and, of course, I imagine that my good friend from Pennsylvania was anxious to have the vote at that time on the motion to lay on the table, because it took a majority to carry it, and the Senate, as we all knew, was about equally divided. So that as a matter of fact it was purely a technical matter. The Senate desired to vote at that time.

Mr. REED of Pennsylvania. The Senator understands that a call for the yeas and nays, even if granted, does not necessarily mean an immediate vote. There is opportunity for debate by any Senator.

Mr. McKELLAR. Not necessarily; but of course this record discloses the fact that the Senate was ready to vote at that time, and it was only a question of how that vote should come. Evidently the Senator, and those who believed with him, thought that it had better come on a motion to lay on the table, because it took a majority.

Mr. REED of Missouri. Mr. President, I think we need not deceive ourselves about it. The Senator from Pennsylvania was sparring for time enough to revive the man in his corner of the ring and get him here so that he could cast the deciding vote. The motion to table was intended, if I may pursue my somewhat improper analogy, to accelerate the count so that the vote would become final.

Mr. REED of Pennsylvania. So that the Vice President, to whom the Constitution gave the deciding vote, should not have an opportunity to cast it.

Mr. REED of Missouri. Yes; and that of course involved getting your man here and depriving the other side of the opportunity perhaps to get here some of their men who were absent.

Mr. REED of Pennsylvania. Does the Senator see any ethical difference between an effort to exclude debate, as was suggested yesterday, and an effort to exclude a vote, as was accomplished last March?

Mr. REED of Missouri. I do not see any ethical difference, but I see a very practical difference.

Mr. REED of Pennsylvania. As a practical matter, then, will not the Senator agree that this tender conscience that was displayed yesterday is like a boarding-house beefsteak—it is only tender when it is beaten? [Laughter.]

Mr. REED of Missouri. Mr. President, I do not want to enter into the ethical constituency of a boarding-house beefsteak, although the illustration is very humorous; and gazing at my friend's emaciated countenance, I can imagine his beefsteaks have not always been beaten. [Laughter.]

Mr. REED of Pennsylvania. That is a family failing, is it not?

Mr. REED of Missouri. Not at all. I am well favored, so far as fat is concerned.

Mr. ROBINSON of Arkansas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. BLEASE in the chair). The Senator will state his inquiry.

Mr. ROBINSON of Arkansas. What is the pending question?

Mr. REED of Missouri. My motion to reconsider; and I hope the Senator from Arkansas is not going to try to hold us to a discussion of the question, because if he ever establishes that rule, he will be ruled off the floor perpetually.

Mr. ROBINSON of Arkansas. Mr. President, since no one seems to have any idea of what we are discussing, I thought perhaps the Chair would inform the Senate.

The PRESIDING OFFICER. The Chair is informed that the question is upon a reconsideration of the vote whereby the Italian debt settlement bill was passed. The Senator from Nebraska had the floor, and the Senator from Nebraska stated that he yielded the floor to the Senator from Missouri. So the Senator from Missouri has the floor.

Mr. REED of Missouri. If the Senator from Arkansas has not understood what we are discussing, I am very sure nobody in the world has a brain acute enough to really catch the point.

Mr. ROBINSON of Arkansas. I am sure the Senator from Missouri does not know what he is talking about. [Laughter.]

Mr. REED of Missouri. Well, Mr. President, I should dislike very much to submit any question of logic to my friend from Arkansas, because I feel convinced he would be so prejudiced in the matter that he would render a verdict against me anyway.

Mr. ROBINSON of Arkansas. I take pleasure in leaving it to my friend the Senator from Missouri.

Mr. REED of Missouri. Very well; the Senator is leaving it in safe hands.

Mr. President, after this diversion, there is this great difference between these two questions: In one case we lined up on either side against Mr. Warren or for him, and everybody got here the votes he could get, and we had it out. It was simply a question of the fitness of a man. In this case the question is whether there has been a matter of great legislative import, which ought to be discussed, that has really been overlooked because of the fixing of a definite time for voting. In perfect good faith, and with an absolute hope in my heart that the Senate might reverse its attitude, I stated that I would offer a motion to reconsider. Thereupon the Senator from Ohio [Mr. Fess] said that he would offer such a motion presently, or immediately, and the Senator from Utah [Mr. Smoot] said he would—and he did—present a motion to lay on the table, which would cut off all debate and all chance to even state the question to the Senate. We had a controversy about that, and it was finally agreed that the motion should be made to-day.

I see no real parallel between the two cases. But I take this occasion to say, although off the Record, I am not talking particularly to this question, that I have consistently urged in the Senate—and I will not say there has been no exception on any particular vote—the policy of keeping freedom of debate always a principle to be observed by the Senate. Any abandonment of that in the past has been a mistake. I think we would have had a different result on the World Court vote if we could have waited until the League of Nations' secretariat notified the other sovereign nations of the world that they should not treat with the United States as a sovereign Nation, but ought to assemble themselves under the aegis of the League of Nations and have it determine what their action should be in the negotiations with the United States of America. And I might give other illustrations.

Since the Senator from Nebraska has yielded to me, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Gerry	McMaster	Sheppard
Blaine	Gillett	McNary	Smith
Bruce	Hale	Mayfield	Smoot
Cameron	Harris	Neely	Swanson
Caraway	Harrison	Nye	Trammell
Copeland	Heflin	Oddie	Tyson
Curtis	Howell	Overman	Wadsworth
Deneen	Johnson	Phipps	Warren
Dill	Jones, Wash.	Pine	Watson
Edge	Kendrick	Ransdell	Weller
Ernst	King	Reed, Mo.	Wheeler
Fernald	La Follette	Reed, Pa.	Willis
Ferris	McKellar	Robinson, Ark.	
Fess	McKinley	Sackett	

Mr. KING. I desire to announce that the Senator from West Virginia [Mr. Goff], the Senator from Georgia [Mr. George], and the Senator from Missouri [Mr. Williams] are engaged in a meeting of the Committee on Privileges and Elections.

The PRESIDING OFFICER. Fifty-four Senators having answered to their names, a quorum is present.

Mr. SMOOT. Mr. President, I ask unanimous consent that the pending motion of the Senator from Missouri be voted upon not later than 4 o'clock to-morrow.

Mr. REED of Missouri. I presume the Senator would include in that request the right, if the motion be reconsidered, then to consider my motion to reconsider the vote had upon the amendment of the Senator from Nebraska?

Mr. SMOOT. Certainly.

Mr. McKELLAR. Mr. President, may I ask the Senator from Utah if it is expected to bring any other business before the Senate in the meantime?

Mr. SMOOT. If consideration of the motion occupies all the time, nothing will be done until we vote at 4 o'clock. If Senators desire to discuss it, but if nobody desires to discuss the question, the Senator would not object to laying it aside temporarily.

Mr. CURTIS. Mr. President, we are to proceed to-morrow at 1 o'clock to organize the impeachment court, though that will take only a few minutes.

Mr. McKELLAR. I have no objection at all.

Mr. HARRISON. Mr. President, reserving the right to object, there are two objections to the proposition. One is the condition we find here on the floor now. The Senator from Nebraska rose some two hours ago to make a speech and we obtained a quorum for him, and now the Senate Chamber is deserted. Senators to whom the speech of the Senator from Nebraska ought to appeal leave the Chamber and do not hear the argument upon which the motion to reconsider is based.

Secondly, when we fix a time certain to vote, then Senators are going to desert the Chamber and are not going to stay here. We saw an example of another reason yesterday. When the time was fixed to vote the Senator from Pennsylvania occupied the last 30 minutes. I had no objection to that. Just before that the Senator from Kansas [Mr. Curtis] called for a quorum, which took about 10 minutes. Some Senator could have occupied the floor during that time. The Senator from Idaho [Mr. Borah] could not even present his views. Therefore, I object.

Mr. CURTIS. Mr. President, the Senator from Kansas did not call for a quorum yesterday until after the Senator from Pennsylvania was recognized and had the floor, and the Senator from Mississippi knows that to be true.

Mr. HARRISON. I had not any objection to it except that it took about 10 minutes to call the roll. If that 10 minutes had not been occupied in the roll call, there would have been 10 minutes more to discuss the proposition and someone could have made a reply to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. Mr. President, I hope the Senator from Mississippi will not insist upon his objection. We can make an arrangement that suits the Senator from Missouri as to the apportionment of the time, or provide that no other business shall interfere; but if he does not agree to a time for a vote he forces us to move to table the motion, which is the last thing we want to do.

Mr. HARRISON. If the Senator wants to make a motion to table, let him do it. Why should we be in such a hurry to give away \$1,500,000,000? If the Senator wants to take that course, let him take it, but for the present I object to any unanimous-consent agreement.

Mr. REED of Missouri. Mr. President, I think we can agree on this matter. So far as I am concerned, all I want in the world is a chance, when Senators are here, to have the Senator from Nebraska present his views. I would like to present my views, and of course I want the door to be wide open for any other Senator to present his views. I would like to have the question disposed of on its merits. I have no doubt that we can agree on some time to vote to-morrow, and conduct the matter so that everybody shall have a fair chance on each side to argue the question.

Mr. SMOOT. I would be perfectly willing to say that the supporters of the motion should have three-fourths of the time if they want it. It is not a question of time.

Mr. SWANSON. Mr. President, under the rule, to prevent any unnecessary delay, a motion to lay on the table is in order at any time. There is no need to have an agreement on a time to vote, because a motion to lay on the table can be made at any time. I see no occasion for an agreement to vote at a specific time. If there is any delay in the matter, the Senator can move to lay on the table, and that ends it.

Mr. REED of Pennsylvania. As long as the motion is before the Senate, I think it ought to be kept before the Senate. I know the Senator from Missouri agrees with me.

Mr. REED of Missouri. I agree to that, but I now ask unanimous consent that the Senate consider Senate bill 2858.

Mr. REED of Pennsylvania. With the understanding that it shall not displace the pending motion as the business before the Senate?

Mr. REED of Missouri. Yes.

Mr. SMOOT. The Senator is asking unanimous consent that we take up a bill?

The VICE PRESIDENT. Yes; Order of Business No. 379.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me for a unanimous-consent request first?

Mr. REED of Missouri. Certainly.

ORDER FOR RECESS

Mr. REED of Pennsylvania. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Without objection, it is so ordered.

SALARIES OF CERTAIN JUDGES

Mr. REED of Missouri. I renew my request that the Senate proceed to the consideration of the bill (S. 2858) to fix the salaries of certain judges of the United States.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert the following:

Be it enacted, etc., That the following salaries shall be paid to the several judges hereinafter mentioned in lieu of the salaries now provided for by law, namely:

To the Chief Justice of the Supreme Court of the United States the sum of \$21,500 per year and to each of the Associate Justices thereof the sum of \$20,000 per year.

To each of the circuit judges the sum of \$15,000 per year.

To each of the district judges the sum of \$12,500 per year.

To the chief justice of the Court of Claims and to each of the other judges thereof the sum of \$12,500 per year.

To the chief justice of the Court of Appeals of the District of Columbia and to each of the associate justices thereof the sum of \$13,500 per year.

To the chief justice of the Supreme Court of the District of Columbia and to each of the associate justices thereof the sum of \$12,500 per year.

To the presiding judge of the United States Court of Customs Appeals and to the judges thereof the sum of \$13,500 per year.

To each member of the Board of General Appraisers, which board functions as the customs trial court, the sum of \$12,500 per year.

That all of said salaries shall be paid in monthly installments.

Sec. 2. That this act shall take effect on the first day of the month next following its approval.

Mr. TRAMMELL. Mr. President, I am in favor of making a reasonable increase to the judiciary, but I am not in favor of the increase proposed by the bill. I therefore object.

Mr. REED of Missouri. I move that we proceed to the consideration of the bill.

Mr. SMOOT. Mr. President—

Mr. HARRISON. Mr. President, a parliamentary inquiry.

Mr. SMOOT. I ask the Senator from Missouri not to make that motion because it would displace the unfinished business. We can take his bill up to-morrow.

Mr. HARRISON. Mr. President, did I not understand the Chair to state that the motion of the Senator from Missouri prevailed?

Mr. SMOOT. No; because I was trying to get the attention of the Chair at the time.

Mr. ROBINSON of Arkansas. Mr. President, I submit a parliamentary inquiry. Was not unanimous consent given for the consideration of the bill?

The VICE PRESIDENT. The Chair so understood.

Mr. ROBINSON of Arkansas. Then I make the point of order that, consent having been given at this time for the consideration of the bill, it is not in order for the Senator from Florida to object to its further consideration. I want to be heard on the point of order, if the Chair is in doubt about its correctness.

Mr. TRAMMELL. I thoroughly agree with the Senator in regard to the rule. I did not know, however, that unanimous consent had been given.

The VICE PRESIDENT. Unanimous consent had been given and the bill was under consideration when the Senator from Florida spoke. The question is on agreeing to the amendment reported by the Committee on the Judiciary.

Mr. TRAMMELL. Mr. President, I did not know that a bill of this importance was going to come up under what might be termed a suspension of the rule. I believe that a reasonable increase should be made in the salaries of the judiciary and I am willing for this bill to be amended so as to give an increase of \$2,000 a year to the district judges, to the circuit judges, to the judges of the Supreme Court, and probably to some of the judiciary in the District of Columbia and the Customs Court of Appeals in New York. But the bill in general carries an increase of compensation of about \$5,000 to \$6,500 a year to each member of the judiciary. I have not had time, the bill having come up unexpectedly, to get all of the details of the proposed increases, but in general it means raising the salaries about 65 to 75 per cent over the present salaries.

In considering the salaries to be paid the judiciary and to those occupying high offices I always reflect upon and think of the policy of the Government in dealing with the average, ordinary everyday employee of the Government. Scattered throughout the country, here in the city of Washington and elsewhere, the Government has thousands and thousands of employees who are contributing all of their time to the Government's service, who are working for the pitiful salaries of \$1,200, \$1,500, and \$1,800 per annum; but, as a rule, when an effort has been made in this body to increase the salaries of those poor clerks, who, as I say, are working for a pittance, with scarcely enough to exist upon, we find at least certain Senators getting up and opposing the proposition and saying that it is not in keeping with Government economy; that we can not increase such salaries. Throughout all my public career I have been in favor of giving reasonable and adequate compensation to those filling positions requiring technical or professional training, but I never have worked myself up to the idea of placing them upon a pinnacle and giving them any salary they might desire and ignoring the right and justice of paying fair compensation to the poor employees who are eking out an existence working for the Government.

Mr. OVERMAN. Mr. President, will the Senator from Florida yield to me?

Mr. TRAMMELL. I am making these comparisons because I think it proper to make them. I guarantee that a bill could not be brought before the Senate by the unanimous consent to give 10 per cent increase in salary to employees who are working for the Government and who get salaries of under \$2,000 per annum.

Mr. OVERMAN. Mr. President, before the Senator from Florida goes into a discussion of this matter, I wish to say that I do not say I will vote against the bill myself—I am on the committee from which it was reported—but I wish to say to the Senator from Missouri, who was present at the meeting of the committee, that I think it hardly fair to Senators who are on the committee and who opposed this bill that it should now be considered. The Senator remembers very well that the Senator from Montana [Mr. WALSH], who is absent and can not be here, having been called out of the city to deliver an address, and also the Senator from Utah [Mr. KING], and perhaps other Senators opposed the bill in committee. So I wish the Senator from Missouri would let the matter go over until those Senators may return. I think they would feel very grateful if the Senator would do that. They desire to be heard on the subject. I believe the Senator from Missouri will agree with me, because he remembers what took place in the committee.

Mr. REED of Missouri. I know the bill encountered some opposition.

Mr. TRAMMELL. Mr. President, I suggest to the Senator from North Carolina [Mr. OVERMAN] that I shall not conclude my speech on the subject this afternoon unless the Senate shall remain in session very late, so I do not think there can be much hope of getting a vote on the bill this afternoon. I am going to discuss the bill a little. I am going to let the RECORD contain some comparisons and I am going to discuss the question of policy as applied to poor Government employees who scarcely get sufficient salaries to live on even in cheap rooms and cheap boarding houses, and the contrary policy that seems to prevail, with some Senators at least, when it comes to giving an increase of salary to those who now have salaries providing them with every reasonable comfort in life.

Mr. BRUCE. May I interrupt the Senator from Florida for a moment?

Mr. TRAMMELL. I do not yield the floor but I yield for a question, not for an argument.

Mr. BRUCE. I merely wish the Senator to yield for a question. Does the Senator from Florida propose when he makes up his table of comparisons to institute a comparison also between the salaries that the Members of Congress voted to themselves last year and these proposed judicial salaries?

Mr. TRAMMELL. Yes; I do not object to even showing a comparison as to that.

Mr. BRUCE. The Senator, I believe, was one of the Members of Congress who voted for an increase in the salary of Members of Congress?

Mr. TRAMMELL. No; I did not vote for the increase. I think it is all right, however. I did not vote for it, though; I voted against it. I was not willing to vote to increase my own salary.

Mr. BRUCE. I was not aware of that.

Mr. TRAMMELL. Regardless of the merits of the proposition I did not vote for it. I refused to vote for it and voted against it.

Mr. BRUCE. The Senator remembers that increase. It seems to have been approved by the country generally, because I have never heard any objection made to it in any responsible quarter; but does the Senator think that the present salary of a Congressman furnishes quite a fair standard of comparison for what a judge should receive?

Mr. TRAMMELL. If we make that comparison, I say the salaries should not be increased to the point proposed in the pending measure. I do not think that the judges of the court of appeals—

Mr. BRUCE. The Senator can go to Florida after the Senate shall adjourn and practice law for the rest of the year, but a judge has to give all of his time exclusively, of course, to the discharge of his official duties from one end of the year to the other. He is absolutely debarred from the privilege of practicing law, and for all practical purposes the making of any addition of any kind whatsoever to his income.

Mr. TRAMMELL. The Senator from Maryland may practice law during the recess, but there are a great many of us who in the vacation are kept very busy with the work of our constituencies and the interests of our States and we do not have time to practice law when we get away from here.

Mr. BRUCE. Mr. President—

Mr. TRAMMELL. If the Senator is going to proceed along that line, I desire to say that I have a great respect and regard for the judiciary of the country, but I very seldom have seen a judge of a United States court who did not take a good long vacation each year, regardless of the condition of the docket of his court.

Mr. BRUCE. Of course a judge has the ordinary summer vacation.

Mr. TRAMMELL. The judges take long vacations each year. I have a great deal of respect for the United States Supreme Court, but Senators will notice that court adjourning and taking long vacations every year while their docket is two or three years behind.

Mr. BRUCE. I am glad they do so, because I think that otherwise they would physically be unable to discharge the very onerous duties of their position.

Mr. TRAMMELL. I am not criticizing that; I will say, though, in some instances I think the judges take too much time in vacations when they have congested dockets, for thereby litigation is delayed and litigants are deprived of their rights which are pending in the courts. That militates always against men of moderate means or without means who have to contend with long delays in the courts. I do not approve of too much vacation.

Mr. BRUCE. If the Senator will allow me, I would suggest to him also that when he makes up the table to which he has referred, he institute a comparison between the salaries that the judges of the Supreme Court of the United States are proposed to be paid under this bill and the salaries received, for instance, by the English judges, the chief justice of England, the Lord Chancellor of England, and the other English judges of dignity and importance.

Mr. TRAMMELL. I think that is entirely irrelevant. I will confine myself to America. I do not care to take my examples from England.

Mr. BRUCE. Let me ask the Senator whether he draws that line of discrimination when he comes to apply judicial decisions to cases in which he may happen to be interested? Does the Senator rule out the English decisions in chancery and at common law?

Mr. TRAMMELL. I think, if the Senator please, that there are a good many of them, some of the very old common-law, musty precedents, that ought to have been ruled out, and our courts have been ruling them out and changing policies. We have changed them by statutory law in this country in instance after instance. One of the plagues, one of the curses in this country, so far as our court proceedings are concerned,

has been following too much the old English common-law precedents, musty and hoary with age.

Mr. BRUCE. We all learn something if we live long enough. I had supposed that the common law was the glory not only of English but also of American jurisprudence.

Mr. TRAMMELL. I am very glad that America is getting away from being guided too much by English jurisprudence.

Mr. BRUCE. The Senator, of course, does not want to apply anything but Floridian law.

Mr. TRAMMELL. Nothing better could be used as a guide, I assure the Senator.

Mr. DILL. Mr. President, will the Senator from Florida yield to me for a moment?

Mr. TRAMMELL. I yield.

Mr. DILL. I should like to say, in answer to the suggestion of the Senator from Maryland about judges having to work so hard as compared with Representatives and Senators, that it ought to be remembered that once a judge is appointed he holds his position for life.

Mr. TRAMMELL. I was going to bring that out.

Mr. DILL. He does not have to spend \$10,000 to get re-elected every few years.

Mr. BRUCE. All I have to say is that if some ill-equipped Members of Congress were to undertake to discharge the onerous and responsible duties that a judge of the Supreme Court of the United States discharges he would soon suffer a mental and physical breakdown.

Mr. DILL. What about the district judges whose salaries are going to be increased to \$12,000?

Mr. BRUCE. Why should they not be?

Mr. DILL. Because I do not think they are entitled to such an increase.

Mr. BRUCE. That is to say, the Senator thinks he is entitled to \$10,000 a year, although every other year he is in Washington only for three months, but a judge of the circuit court of the United States is not entitled to \$15,000 a year.

Mr. DILL. We increased the salary of Senators \$2,500, but it is proposed by this bill to raise the salaries of judges \$5,000.

Mr. TRAMMELL. Mr. President, I do not want any misunderstanding; I have a very high regard for the judiciary, and I appreciate the fact that they are rendering a great service to their country and to their Government; but I balk when it comes to the question of the enormous increase proposed by this bill.

Of course, when it comes to comparisons, we can argue such matters here from many different angles; but take a Member of the House of Representatives or a Member of the Senate. They have the expenses of their campaigns and a great deal more expense than the average judge has. Since I have been here I have seen Members of this body retire in order to accept judgeships. I have known others who had an ambition and a desire to do so.

So far as the question of work is concerned, the average Senator has all of his time occupied in representing his people, whether the Senate is in actual session or whether it is having an adjournment. The judges also, as a rule, have their vacations, and, as a rule, they do not have any longer hours than has a Senator. I believe if it be put on that basis of comparison, there is no reason why the increase should be made that is sought by this bill, if we are going to apply that as the standard.

Mr. BRUCE. Mr. President, there are some Members of the Senate, who happen to be lawyers and who probably in the course of a year after they leave the Senate make twice the amount of salary that they received from the Public Treasury, and, if rumor can be believed, in some instances three or four times as much.

Mr. TRAMMELL. That is correct. I think a great many Senators here would make more money in private life, if we are going to make the dollar the standard, than they make as Members of the Senate.

Mr. BRUCE. A judge has not that opportunity at all. He is totally barred from practicing law and from the privilege of making any addition of any kind to his income.

Mr. TRAMMELL. Judges do not have their positions imposed upon them; they seek them; they are eager to obtain them. In the Senator's State and in my State and all over the Union lawyers have been eager to become judges at the present salaries. A lawyer feels when he receives a lifetime appointment in the honorable position of a judge, a position of distinction and importance, at a good reasonable salary, that he is, indeed, fortunate. Judgeships are sought after all

over the country by the best lawyers of the country, as a rule.

Mr. BRUCE. That is unquestionably so. Of course, the judicial position is one that carries along with it the very highest degree of public distinction and honor, but, at the same time, the judge has his material necessities as well as the other members of the community.

At any rate, I wish to thank the Senator from Florida for stating that I do not have to court the favor of my constituents with quite the same degree of assiduity that he does. I wish I could think that were true.

Mr. TRAMMELL. I do not know what the Senator means when he refers to courting the favor of constituents. I try to represent them; but I do not believe that the average American, either in Maryland or in Florida or in any other State of the Union, when he comes to consider the question and comes to consider the salary policy of this country, would approve of the enormous increase in salary to the judiciary as proposed by this bill.

Mr. BRUCE. Now, let me call the attention of the Senator to the fact that the President of the United States receives \$75,000 per annum, does he not?

Mr. TRAMMELL. Certainly; he receives that sum.

Mr. BRUCE. I believe that was the salary during the incumbency of Mr. Taft as President; while President he received \$75,000 a year. Why should he not as Chief Justice, a position that is certainly of almost, if not equivalent, dignity, receive \$21,000 a year?

Mr. TRAMMELL. I do not see any reason why he should be paid that salary out of the pockets of the American people. He is getting a salary now of \$15,000 a year, which is about \$1,250 a month. If the proposal should be made to increase by 10 per cent the salary of every Government clerk in this city and throughout the United States who is working to-day for \$1,250 a year, we could not get a dozen Senators here who would favor taking such a bill up out of order.

Mr. BRUCE. Since the salary of the Chief Justice of the United States was fixed, of course, the cost of living has just about doubled, has it not, for the Chief Justice and everybody else?

Mr. TRAMMELL. It probably has about doubled.

Mr. BRUCE. It has about doubled. So that in point of purchasing power the salary of the Chief Justice of the United States at present is not \$15,000 a year; it is \$7,500 a year; and, if for no other reason, these additions ought to be made to the salaries of judges because of the tremendous enhancement that has taken place in the cost of living.

Mr. TRAMMELL. Of course if we consider that there has been an increase of 50 per cent in the cost of living, it depends a great deal upon the station of life and the amount of expenditure. That might represent an increase of only \$2,000 a year to the average family, or \$2,500 a year to the average family; and yet it is proposed here to increase the salary of the Chief Justice \$6,000 a year.

Mr. BRUCE. The wages of every servant in the land have been increased since the World War, the wages of every railroad employee, the wages of every mechanic, of every artisan. A skilled bricklayer in the city of Baltimore is receiving at the present time \$14 a day, upward of \$4,000 a year. Now, as I say, why should all wages be increased and practically all salaries in industrial life be increased, and yet the salaries of the judges, including the Chief Justice of the United States and the members of the Supreme Court of the United States, not be increased?

Mr. TRAMMELL. If we were to take the comparison of salaries, we would have to consider the salary from which we started. Take labor in this country: In my opinion, 15 or 20 years ago labor in this country was not getting more than about one-half the salary that labor should have been paid at that time. The people who were engaged in the various vocations requiring hard manual labor were receiving such poor compensation that they could not provide reasonably comfortable, decent places in which their families could live; they could not provide reasonable educational opportunities for their children; they could not enjoy any of what the average of us would like to enjoy in the way of pleasure or of amusement, because their wages were so inadequate that they could not do it. But that can not be said in regard to the distinguished men of this country who are occupying places on the judiciary or occupying positions in Congress. They had sufficient at least to live in reasonable comfort, and to enjoy reasonable recreation and amusement and pleasure from their earnings; but the poor laboring man of this country did not have 15 or 20 or 25 years ago.

Mr. BRUCE. The Senator and myself will never disagree about the workers of the country. I do not hesitate to say—and I am arriving at a stage of life now where it is not so easy to impugn the sincerity of any statement I make—that to me the happiest thing that has been brought to my attention in the whole course of my existence is the steady improvement, as respects increase of wages and everything else, that has taken place in the condition of the working classes of this country. That, to me—and I say it unaffectedly—is the thing that of all others has given me the most pleasure.

Mr. TRAMMELL. It has given me a great deal of pleasure.

Mr. BRUCE. But at the same time, of course, when we come to deal with an employment we must ask ourselves in what scale of dignity and importance that employment is; because certainly one employment is not entitled to precisely the same measure of pecuniary compensation as respects salary as another.

Mr. TRAMMELL. I fully realize that.

Mr. BRUCE. What position in the world could be a position of more supreme dignity and importance than that position of a judge? Chief Justice Marshall said, in the Virginia Constitutional Convention of 1829-30—

The greatest curse that an angry Heaven can call down upon a sinning people is a corrupt or an ignorant or a dependent judiciary—

Or words to that effect.

Mr. TRAMMELL. Mr. President, I thoroughly agree with Chief Justice Marshall's reference to the judiciary, and the honored position they occupy; but on the present salaries paid in this country I do not know of any corrupt judiciary. I think we have a very honorable judiciary, and, generally speaking, a very capable lot of men occupying the bench. That is outside of the question, however. I am dealing purely with the question of salaries and the policy of the Government in dealing with salaries.

Mr. DILL. Mr. President, will the Senator yield?

Mr. TRAMMELL. Yes.

Mr. DILL. This bill has been brought up here without the Senate generally knowing about it, and I think we ought to have a quorum here. I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McKellar	Reed, Mo.
Blease	Gerry	McMaster	Reed, Pa.
Bruce	Harris	McNary	Robinson, Ark.
Cameron	Harrison	Mayfield	Sackett
Copeland	Heflin	Metcalf	Sheppard
Curtis	Howell	Neely	Smoot
Deneen	Johnson	Norbeck	Swanson
Dill	Jones, N. Mex.	Nye	Trammell
Fernald	Jones, Wash.	Oddie	Wadsworth
Ferris	Kendrick	Overman	Warren
Fess	La Follette	Phipps	Willis

The VICE PRESIDENT. Forty-four Senators having answered to their names, a quorum is not present.

RECESS

Mr. SMOOT. In accordance with the unanimous-consent agreement, I ask that the Senate take a recess at this time.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate (at 4 o'clock and 43 minutes p. m.), under the order previously entered, took a recess until to-morrow, Friday, April 23, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, April 22, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

All merciful Father, for all the encouragements that make us hopeful we bless Thee; for all loving messages and glad surprises we thank Thee; for sincere friendships we praise Thee, and for all the little joys and sweet blessings that come to us through the hours of each day we are grateful to Thee. So bless and help us with Thy spirit that hate shall lose its sting and malice its guile. Teach us to work as hard and be as just as if the whole world were looking on. Give us each day little opportunities to do good and subdue evil. Continue, blessed Saviour, to make the whole earth glad with a new song, young with a new spring, and alive with a new hope. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE

Mr. BLANTON. Mr. Speaker, I rise to a question of personal privilege.

Mr. GARNER of Texas. Mr. Speaker, will the Chair recognize me to submit a unanimous-consent request?

The SPEAKER. The gentleman from Texas.

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent that immediately after the reading of the Journal to-morrow morning and matters on the Speaker's table are cleared up I may address the House for 15 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent that to-morrow morning immediately after the reading of the Journal and the clearing of business on the Speaker's desk that he may address the House for 15 minutes. Is there objection?

Mr. BEGG. Reserving the right to object, would the gentleman care to disclose on what subject?

Mr. GARNER of Texas. I am going to speak on the question of the President's economy program as outlined in what is known as the Mills bill. [Laughter.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Speaker, I rise to a question of personal privilege. I will withhold that for a moment.

CONFERENCE REPORT

Mr. DENISON. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce I present five conference reports on bridge bills for printing under the rule.

The SPEAKER. The Clerk will report the bills by title. The Clerk read as follows:

H. R. 8771. An act to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.;

H. R. 8908. An act granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River;

H. R. 8190. An act authorizing the construction of a bridge across the Colorado River near Blythe, Calif.;

H. R. 8918. An act granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo.; and

H. R. 8950. An act granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn.

The SPEAKER. Ordered printed.

The conference reports and statements are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8771) to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4, with an amendment as follows:

"Sec. 3. That the said American Transit Co., its successors or assigns, shall within 90 days after the completion of the bridge constructed under the authority of this act file with the Secretary of War an itemized statement under oath showing the actual original cost of such bridge and its approaches and appurtenances, which statement shall include any expenditures actually made for engineering and legal services; and any fees, discounts, and other expenditures actually incurred in connection with the financing thereof. Such itemized statements of cost shall be investigated by the Secretary of War at any time within three years after the completion of such bridge, and for that purpose the said American Transit Co., its successors or assigns, in such manner as may be deemed proper, shall make available and accessible all records connected with the construction and financing of such bridge, and the findings of the Secretary of War as to the actual cost of such bridge shall be made a part of the records of the War Department."

Change section 3 to section 2, section 4 to section 3, and section 5 to section 4, and agree to the same.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,

Managers on the part of the House.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8771) to extend the time for commencing and completing the construction of a bridge across the Detroit River within or near the city of Detroit, Mich., submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: The original House bill was simply a short form bill extending the time for beginning and completing the construction of a bridge across the Detroit River, the consent of Congress for the construction of which had heretofore been granted and extended on two former occasions. Senate amendment No. 1 was a provision granting to the parties who are to construct the bridge the right to condemn property needed for the construction of a bridge. Such a provision is inserted in bills granting the consent of Congress for the construction of bridges over interstate navigable waterways of this country. But Congress has no right to authorize anyone to condemn property in a foreign country that may be needed for the construction of a bridge over an international waterway. Upon this amendment the Senate receded.

On No. 2: Senate amendment No. 2 was a provision which gave to the State of Michigan or any of its political subdivisions the right to take over and acquire the bridge at any time by condemnation, and after 20 years from its completion to take it over by condemnation under a limited measure of damages. This is a provision which is ordinarily inserted where Congress grants its consent for the construction of a toll bridge over interstate navigable waterways in this country. It is not within the power of Congress to grant to the State of Michigan or the city of Detroit or any other political subdivision thereof the right to condemn an international bridge, part of which is located in a foreign country. Moreover, such a provision might lead to complications in our friendly relations with the Canadian Government, and that provision was disapproved by the State Department. Therefore the Senate receded from its amendment No. 2.

On Nos. 3 and 4: The House receded from its disagreement to the amendments of the Senate numbered 3 and 4 and agreed to the same with an amendment. The substance of these amendments agreed to is that the company who constructs the bridge will be required within 90 days after its completion to file with the Secretary of War a sworn itemized statement of the cost of the bridge, including expenditures actually made for engineering and legal services and fees, discounts, and other expenditures actually incurred in connection with the financing thereof. Such statement will be investigated by the Secretary of War and his findings with relation thereto shall be made a part of the records of the War Department. It was thought advisable to include a provision of this kind in order that there might be an official finding and record as to the cost of the bridge for the purpose of determining the reasonableness of tolls that may be charged for passing over it.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,

Managers on the part of the House.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8908) granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with an amendment

as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That the consent of Congress is hereby granted to the George Washington-Wakefield Memorial Bridge, a corporation chartered under the laws of the State of Virginia, its successors and assigns, to construct, maintain, and operate a highway or combined highway and railroad bridge and approaches thereto across the Potomac River at a point suitable to the interests of navigation from a point in the vicinity of Dahlgren, in the northeastern end of King George County, in the State of Virginia, to a point south of Popes Creek, in the county of Charles, in the State of Maryland, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. There is hereby conferred upon the said George Washington-Wakefield Memorial Bridge, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State or States in which such real estate and other property are located upon making just compensation therefor to be ascertained and paid according to the laws of such State or States, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State or States.

"SEC. 3. The said George Washington-Wakefield Memorial Bridge, its successors and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

"SEC. 4. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Virginia, the State of Maryland, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property); and (4) actual expenditures for necessary improvements.

"SEC. 5. The said George Washington-Wakefield Memorial Bridge, its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge, the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said George Washington-Wakefield Memorial Bridge, its successors and assigns, shall make available to the Secretary of War all of its records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

"SEC. 6. If such bridge shall be taken over and acquired by the States or political subdivisions thereof under the provisions of section 4 of this act, the same may thereafter be operated as a toll bridge; in fixing the rates of toll to be charged for the use of such bridge, the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor within a period of not to exceed 30 years from the

date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring such bridge and its approaches shall have been provided, the bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operation, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

"SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and the privileges conferred by this act is hereby granted to the said George Washington-Wakefield Memorial Bridge, its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

"SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved."

And agree to the same.

E. E. DENISON,
O. B. BURNES,
TILMAN PARKS,

Managers on the part of the House.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8908) granting the consent of Congress to the George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River near Dahlgren, King George County, Va., submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: The Senate made one amendment to the House bill, which consisted in striking out all after the enacting clause and substituting in lieu thereof a new bill. The Senate amendment in substance was the same as the original House bill, with the exception of omitting certain provisions which the Senate would not approve. The House recedes from its disagreement to the Senate amendment and agrees to the same with certain amendments which have been embodied in a new bill which is set out in full in the conference report in lieu of the Senate amendment. As finally agreed upon the bill now represents the agreement of the committees of the House and Senate with reference to the standard form that should be used in granting the consent of Congress for the construction of toll bridges over interstate navigable waterways of the United States. It grants to the States of Maryland and Virginia and their political subdivisions the right, either jointly or severally, to acquire and take over the bridge by condemnation at any time upon the payment of the full value thereof. It also provides that if this privilege of condemnation is not exercised until after 20 years from the completion of the bridge, the bridge can then be taken over and acquired for a limited measure of damages, the limitation consisting principally in a provision that in fixing the compensation to be paid there shall not be included any credit or allowance for good will, going value, or prospective revenues or profits. The bill agreed upon also provides that if the bridge is taken over or acquired by the States or their political subdivisions, they in turn may operate it as a toll bridge, but they must so adjust the tolls as to provide a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge, and provide a sinking fund sufficient to amortize the amount paid for the bridge within a period of not to exceed 30 years. After the amount paid for the bridge shall have been amortized from the tolls they must thereafter be reduced and adjusted so as to provide a fund of not to exceed the amount necessary to maintain, repair, and operate the bridge.

E. E. DENISON,
O. B. BURNES,
TILMAN PARKS,

Managers on the part of the House.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8190) authorizing the construction of a bridge across the Colorado River near Blythe, Colo., having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That the consent of Congress is hereby granted to John Lyle Harrington, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Colorado River, at a point suitable to the interests of navigation, near the city of Blythe, Calif., in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"Sec. 2. There is hereby conferred upon the said John Lyle Harrington, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes, or by bridge corporations for bridge purposes in the State or States in which such real estate and other property are located upon making just compensation therefor to be ascertained and paid according to the laws of such State or States, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State or States.

"Sec. 3. The said John Lyle Harrington, his heirs, legal representatives, and assigns are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

"Sec. 4. After the date of completion of such bridge, as determined by the Secretary of War, either the State of California, the State of Arizona, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property), and (4) actual expenditures for necessary improvements.

"Sec. 5. The said John Lyle Harrington, his heirs, legal representatives, and assigns shall, within 90 days after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said John Lyle Harrington, his heirs, legal representatives, and assigns shall make available to the Secretary of War all of his records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive subject only to review in a court of equity for fraud or gross mistake.

"Sec. 6. If such bridge shall be taken over and acquired by the States or political subdivisions thereof under the provisions of section 4 of this act, the same may thereafter be operated as a toll bridge; in fixing the rates of toll to be charged for the use of such bridge, the same shall be so

adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring such bridge and its approaches shall have been provided the bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operation, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

"Sec. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and the privileges conferred by this act is hereby granted to the said John Lyle Harrington, his heirs, legal representatives, and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

"Sec. 8. The right to alter, amend, or repeal this act is hereby expressly reserved."

And agree to the same.

E. E. DENISON,
O. B. BURNETT,
TILMAN PARKS,

Managers on the Part of the House.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8190) granting the consent of Congress for the construction of a bridge across the Colorado River near Blythe, Colo., submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying report:

On No. 1: The Senate made one amendment to the House bill which consisted in striking out all after the enacting clause and inserting an entirely new bill. The Senate amendment in substance was the same as the original House bill with the exception of omitting certain provisions which the Senate would not approve. The House recedes from its disagreement to the Senate amendment and agrees to the same with certain amendments which have been embodied in a new bill which is set out in full in the conference report in lieu of the Senate amendment. As finally agreed upon the bill now represents the agreement of the committees of the House and Senate with reference to the standard form that should be used in granting the consent of Congress for the construction of toll bridges over interstate navigable waterways of the United States. It grants to the States of California and Colorado and their political subdivisions the right, either jointly or severally, to acquire and take over the bridge by condemnation at any time upon the payment of the full value thereof. It also provides that if this privilege of condemnation is not exercised until after 20 years from the completion of the bridge, the bridge can then be taken over and acquired for a limited measure of damages, the limitation consisting principally in a provision that in fixing the compensation to be paid there shall not be included any credit or allowance for good will, going value, or prospective revenues or profits. The bill agreed upon also provides that if the bridge is taken over or acquired by the States or their political subdivisions, they in turn may operate it as a toll bridge, but they must so adjust the tolls as to provide a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and provide a sinking fund sufficient to amortize the amount paid for the bridge within a period of not to exceed 30 years. After the amount paid for the bridge shall have been amortized from the

tolls they must thereafter be reduced and adjusted so as to provide a fund of not to exceed the amount necessary to maintain, repair, and operate the bridge.

E. E. DENISON,
O. B. BURNESSE,
TILMAN PARKS,

Managers on the part of the House.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8918) granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo., having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That the consent of Congress is hereby granted to Charles G. Buffum, Andrew J. Murphy, Lloyd Stark, and W. J. Garner, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, beginning at or near the city of Louisiana, Pike County, Mo., and extending to a point opposite, in Pike County, Ill., in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"Sec. 2. There is hereby conferred upon the said Charles G. Buffum, Andrew J. Murphy, Lloyd Stark, and W. J. Garner, their heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes, or by bridge corporations for bridge purposes in the State or States in which such real estate and other property are located upon making just compensation therefor to be ascertained and paid according to the laws of such State or States, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State or States.

"Sec. 3. The said Charles G. Buffum, Andrew J. Murphy, Lloyd Stark, and W. J. Garner, their heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

"Sec. 4. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Missouri, the State of Illinois, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property), and (4) actual expenditure for necessary improvements.

"Sec. 5. The said Charles G. Buffum, Andrew J. Murphy, Lloyd Stark, and W. J. Garner, their heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said Charles G. Buffum, Andrew J. Murphy, Lloyd Stark, and W. J. Garner, their heirs, legal representatives, and assigns, shall make available to the

Secretary of War all of their records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive subject only to review in a court of equity for fraud or gross mistake.

"Sec. 6. If such bridge shall be taken over and acquired by the States or political subdivisions thereof under the provisions of section 4 of this act, the same may thereafter be operated as a toll bridge; in fixing the rates of toll to be charged for the use of such bridge, the same shall be so adjusted as to provide as far as possible a sufficient fund to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring such bridge and its approaches shall have been provided, the bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operation, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

"Sec. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and the privileges conferred by this act is hereby granted to the said Charles G. Buffum, Andrew J. Murphy, Lloyd Stark, and W. J. Garner, their heirs, legal representatives, and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

"Sec. 8. The right to alter, amend, or repeal this act is hereby expressly reserved."

And agree to the same.

E. E. DENISON,
O. B. BURNESSE,
TILMAN PARKS,

Managers on the part of the House.

W. L. JONES,
HIRAM BINGHAM,
JAMES COUZENS,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8918) granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo., submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: The Senate made one amendment to the House bill which struck out all after the enacting clause and inserted a new bill in lieu thereof. The House recedes from its disagreement to this Senate amendment and agrees to the same with certain changes which are set out in full in the conference report and which carry out very largely the provisions of the original House bill. As the bill passed the House it contained a provision authorizing the States of Missouri and Illinois or their political subdivision to jointly or severally acquire and take over the bridge at any time by condemnation under the laws of either State, upon the payment of the full value of the property. The bill also contained the further provision that if the bridge should not be taken over or condemned until after the expiration of 20 years from the date of completion, then the States or their political subdivisions could take it over by condemnation upon the payment of a limited measure of damages, the limitation consisting principally in a provision that in fixing the damages or compensation there should not be included any credit or allowance for good will, going value, or prospective revenues or profits.

The House bill contained the further provision that if the bridge should be taken over or acquired by the States or their political subdivisions, it should be maintained free of tolls after five years from the date it was acquired.

The Senate amendment struck out this latter provision and would have allowed the States or their political subdivision

after taking over the bridge by condemnation to operate it as a toll bridge indefinitely, or as long as they might desire to do so.

The agreement reached and now reported provides that if the bridge is taken over or acquired by condemnation or otherwise by the States of Illinois and Missouri or their political subdivisions jointly or severally, they may charge tolls for the use of the bridge, but they must so adjust the tolls as to provide a sufficient fund to pay the cost of maintaining, repairing and operating the bridge, and to provide a sinking fund sufficient to amortize the amount paid for it within a period of not to exceed 30 years from the date of acquiring it, and thereafter the bridge shall either be maintained free of tolls, or the tolls shall be so adjusted as to provide a fund of not to exceed the amount necessary to maintain, repair, and operate the bridge.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,

Managers on the part of the House.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8950) granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment, and agree to the same.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,

Managers on the part of the House.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8950) granting the consent of Congress for the construction of a bridge across the Minnesota River at or near Shakopee, Minn., submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: The Senate amended the House bill by inserting a provision that the bridge should not be constructed or commenced until the plans and specifications shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being adequate from the standpoint of the volume and weight of traffic which will pass over it. Similar provisions have been inserted in other recent bridge bills. The Chief of Engineers has communicated with the committees of the House and Senate and advised them that if such provisions are inserted in other bridge bills it will make necessary the employment of additional help in his office and the appropriation of additional funds to pay the expenses thereof; that if such provisions are inserted in bridge bills it will make it necessary for the Chief of Engineers' office to provide inspectors at the construction of all bridges for the purpose of seeing that the plans and specifications are carried out in the construction of bridges. Moreover, the Chief of Engineers has pointed out to the two committees that if such provisions are inserted in bridge bills, requiring the Chief of Engineers and the Secretary of War to approve the plans for bridges from the standpoint of their adequacy with reference to the weight and volume of traffic which will pass over it, that the United States would probably be liable in case a bridge should prove to be insufficient in strength to carry the weight of traffic which might pass over it. For these and other reasons the Chief of Engineers urged very strongly that this provision be omitted from bridge bill and his recommendations have received the approval of the two committees. Therefore the Senate has receded from its amendment to the House bill.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,

Managers on the part of the House.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3559. An act to incorporate Strayer College.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1039) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, had requested a conference with the House on the disagreeing votes of the two Houses thereon, and ordered that Mr. WALSH, Mr. DENEEN, and Mr. GOFF act as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 10164. An act granting the consent of Congress to Cape Girardeau Chamber of Commerce (Inc.) to construct, maintain, and operate a bridge across the Mississippi River at Cape Girardeau, Mo.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 8771. An act entitled "An act to extend the time for commencing the construction of a bridge across Detroit River within or near the city of Detroit, Mich.;"

H. R. 8908. An act granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River;

H. R. 8190. An act entitled "An act authorizing the construction of a bridge across the Colorado River near Blythe, Calif.;"

H. R. 8918. An act entitled "An act granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo.;" and

H. R. 8950. An act entitled "An act granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn."

SENATE BILL REFERRED

Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

H. R. 3559. An act to incorporate Strayer College; to the Committee on the District of Columbia.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I call up the bill H. R. 6707, the Interior Department appropriation bill, and move that the House further insist upon its disagreement to the amendments of the Senate remaining in dispute and agree to the conference and appoint the conferees.

The SPEAKER. The gentleman from Michigan calls up the bill which the Clerk will report by title.

The Clerk read as follows:

H. R. 6707. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1927, and for other purposes.

The SPEAKER. The gentleman moves to further insist on the disagreement to the Senate amendments and agree to the conference and appoint the conferees. Is there objection? [After a pause.] The Chair hears none. The Clerk will announce the conferees.

The Clerk read as follows:

Mr. CRAMTON, Mr. MURPHY, and Mr. CARTER of Oklahoma.

Mr. MACGREGOR. Mr. Speaker, I present a privileged report from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 202

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, until otherwise authorized by law, additional compensation per annum, payable monthly, to certain employees of the House, as follows:

To the clerk to the Speaker's table the sum of \$400;
To the clerk of the Committee on Ways and Means the sum of \$600;
To the clerks of the following committees: Judiciary, Accounts, and Claims, each, the sum of \$420;
To the superintendent of the House document room the sum of \$450;
To Joel Grayson, special employee in the House document room, the sum of \$560.

Mr. BLACK of Texas. Mr. Speaker, I make a point of order against the resolution. I do it for this reason: A law was passed by the House and Senate and signed by the President fixing the compensation of employees of the House and employees of the Senate, including clerks of the committees, and while it may well be true that those who are mentioned in this resolution are entitled to and ought to have an increased compensation, many of the other employees not mentioned in the resolution may have just as good a claim for increases as those who are mentioned in it, and if we are to have a revision of salaries I think we ought to have a committee to go over the whole subject and give every employee a chance to be heard. I am opposed to making fish of one and fowl of another. The Committee on Accounts brings in this resolution ostensibly to pay these increases out of the contingent fund of the House. But under a precedent that has heretofore been made, it has been held that this contingent resolution acts as authority of law for the Committee on Appropriations to make the increase permanent.

I do not think it is a sound parliamentary rule. We have a law enacted by both Houses of Congress and signed by the President fixing these salaries in definite amounts, and I make the point of order that there is no law authorizing this resolution to pay this money out of the contingent fund of the House. If we can repeal this particular law fixing salaries by passing a simple resolution of the House, why can not we repeal other laws in the same manner?

Mr. MACGREGOR. Mr. Speaker, I do not think it is necessary to argue that proposition. It has already been decided.

The SPEAKER. This form of resolution has been the practice for a number of years.

Mr. BLACK of Texas. Yes; but, Mr. Speaker, I think the circumstances were somewhat different. The precedents, as I now recall them, were cases where there was a resolution from the House creating a new position. But here in this instance we have got a law passed by the House and passed by the Senate and signed by the President, and while I am going to acknowledge with perfect frankness that those decisions would seem to hold that this is in order, yet I believe that under a sound parliamentary construction these former decisions were in error and ought to be overruled.

The SPEAKER. The Chair would think that the Committee on Accounts would not undertake to add additional employees, but it certainly has been the practice for a great many years to increase salaries by resolution.

Mr. BLANTON. Mr. Speaker, I want to call the attention of the Chair to one question. In the Sixty-fifth Congress I made the same point of order that my colleague has made against a similar resolution and Mr. Speaker Clark, in answering a parliamentary inquiry, held that the Committee on Accounts has authority to bring in such a resolution respecting any employee of the House, and that has been the rule ever since.

The SPEAKER. That is a precedent, and the Chair overrules the point of order.

Mr. JOHNSON of Washington. Mr. Speaker, I offer an amendment.

Mr. MACGREGOR. I do not yield for that purpose.

Mr. JOHNSON of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Washington. Has a Member a right to offer an amendment to a pending resolution under these circumstances?

The SPEAKER. The gentleman from New York has an hour, which he can dispose of as he desires.

Mr. JOHNSON of Washington. Will the gentleman from New York yield to me for five minutes?

Mr. MACGREGOR. Yes; for a question.

Mr. JOHNSON of Washington. The amendment that I had proposed to offer is as follows—

Mr. BLANTON. The gentleman from New York did not yield to the gentleman from Washington for the purpose of offering an amendment.

Mr. JOHNSON of Washington. I had thought to read it in the time granted to me, but as it can not be acted on under the parliamentary situation, I shall not read it.

Mr. Speaker, the pending resolution proposes that the Clerk of the House is authorized and directed to pay out of the contingent fund, and so on, extra compensation to the clerk to the Speaker's table, \$400; extra compensation to the clerk of the Committee on Ways and Means several hundred dollars; and to the clerks of the following committees, Judiciary, Accounts, and Claims, each the sum of \$420; to the superintendent of the document room \$450, and to Joel Grayson \$560.

Now, I had that to offer, to amend the resolution so as to authorize the Clerk of the House to pay to the clerk of the House Committee on Immigration and Naturalization extra compensation, the sum of \$600. I have had recently to borrow clerks from the Department of Labor in order to partially carry on the work of the committee and to meet the demands made on the clerk of that committee by other Members of the House and their clerks.

Mr. MACGREGOR. Mr. Speaker, may I say to the gentleman from Washington that if the chairmen of the various committees will restrain themselves until the Committee on Accounts has an opportunity to properly review these cases which have been brought to our attention by the chairmen of the House committees, we can determine what increase of compensation, if any, the clerks of these committees should have, and then we shall endeavor to satisfy the different chairmen, including the gentleman from Washington.

Mr. JOHNSON of Washington. I may say to the gentleman that I am now paying out of my personal income several hundreds of dollars in order to keep up the work of the committee. A Senator has offered the clerk of the committee of which I am chairman a fine salary—about \$1,000 more than that expert clerk is paid—to become personal secretary to the Member of the other body. The clerk has decided to remain with the House committee, for he realizes that the committee's legislative program must be pressed very hard from now until adjournment in preparing legislation which the House is asking for. That is what we all call loyalty. It should be rewarded.

Mr. MACGREGOR. The gentleman can rest content with the assurance that his case will be considered with the others. Why not withhold until the others are taken into consideration?

Mr. JOHNSON of Washington. All Members know what the hitch is. There are a dozen committees of the House that are known as first-rank committees, those that formerly had appropriations under their jurisdiction. Most of them had and have clerks and assistant clerks at various rates of pay. Then the House has a number of so-called second-rank committees, which have a lot of work to do, with a clerk and a messenger or janitor assigned to each one of those. Many of the clerks who belong to these committees and who have been in their positions a sufficient time to become expert believe that they ought to have more pay. That is the case with the Committee on the Public Lands, and with the Committee on Immigration, the Committee on Accounts, and with others that I might mention where the routine work is really heavy. Now, the proposition is how to secure additional pay for the really overworked clerks, and that at once is met by the proposition that hereafter the clerks of all the committees shall be similarly taken care of. I wish the members of the Committee on Accounts would drop in at any hour, 8.30 to 5.30, and see the vast amount of public and congressional business that is carried on in the Committee on Immigration and Naturalization, a large part of it of a personal nature for my colleagues. I thank the gentleman from New York [Mr. MACGREGOR], and I shall not now read the amendment which I had in mind.

Mr. MACGREGOR. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MRS. F. S. KOPETSCHINTZ

Mr. MACGREGOR. Mr. Speaker, there is another resolution that I wish to offer.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Resolution 108

Resolved, That the Clerk of the House of Representatives be directed to pay, out of the contingent fund of the House, to Mrs. F. S. Kopetschintz, daughter of Henry T. Duryea, late employee of the House of Representatives, a sum equal to six months' salary of the position he held, and that the Clerk be further directed to pay, out of the contingent fund, the expenses of the last illness and funeral of the said Henry T. Duryea, not to exceed the sum of \$250.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

FORT DEARBORN ADDITION TO CHICAGO

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9964) releasing and granting to the city of Chicago any and all reversionary rights of the United States in and to the streets, alleys, and public grounds in Fort Dearborn addition to Chicago, with a

Senate amendment, and move to concur in the Senate amendment.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 9964 and moves to concur in the Senate amendment. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9964) releasing and granting to the city of Chicago any and all reversionary rights of the United States in and to the streets, alleys, and public grounds in Fort Dearborn addition to Chicago.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois moves to concur in the Senate amendment.

The motion was agreed to.

PERSONAL PRIVILEGE

Mr. BLANTON. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his personal privilege.

Mr. BLANTON. Mr. Speaker, in the Washington Post appears in large headlines:

Colladay denies jail charge. Says BLANTON statement in House false.

I send that to the Speaker's desk. I claim privilege on that and then I have another one.

Mr. SNELL. Mr. Speaker, I make a point of order against the gentleman's personal privilege.

The SPEAKER. Does the gentleman from Texas claim privilege on the headlines?

Mr. BLANTON. Yes; on that headline where it says my statement about Colladay was false. It also says it in the body of the article. The Speaker will notice where the charge is made that my statement, which I made here in the House of Representatives in my Representative capacity, was false. Then I call the Chair's attention to the following, which appeared in the Star—

Mr. CHINDBLOM. Mr. Speaker, a point of order. That is not the same question of privilege.

Mr. BLANTON. I do not want to take up the time of the House on two separate matters, hence am presenting them together.

Mr. SNELL. Mr. Speaker, in order to preserve my rights, I make a point of order against the first personal privilege presented by the gentleman from Texas.

Mr. BLANTON. We will decide that now, then. It has been held by a uniform line of precedents that where a Member of the House is charged with making a false statement in his representative capacity that it is privileged, and I submit it to the Chair.

The SPEAKER. The Chair does not think that is sufficient. The Chair thinks the statement would have to go further than the mere statement that the charge made was false. The Chair thinks it would have to go to the extent of imputing some dishonorable motive or purpose on the part of the gentleman. The Chair does not see that in either the headlines or the body of the letter. The Chair finds this in the letter and thinks this is what the gentleman is referring to—

Mr. BLANTON. If the Chair will read the headlines of the paper I sent to him, which is a different issue from the one the Chair has in his hand, he will see it is different.

The SPEAKER. The Chair is referring to the body of the letter. The Chair does not think that headlines should be considered by themselves.

Mr. BLANTON. But most of the people read only the headlines.

The SPEAKER. But that is not a definite statement. A headline statement does not mean the body of the statement itself. The gentleman is founding his question of privilege on this, I assume:

The statement that I was indicted is false, and the statement that I was in jail is equally false.

Mr. BLANTON. Mr. Colladay intimated that my statement about him was false. But predicated on what the Washington Star has said in its headlines, the Washington Star, which is one of the leading papers of the United States, has said in this headline that BLANTON's statement is false.

The SPEAKER. The gentleman means the Washington Post?

Mr. BLANTON. Yes; I mean the Washington Post, which is a national paper.

The SPEAKER. That headline is as follows:

Colladay denies jail or indictment charge. Republican committeeman says BLANTON statement in House false.

Mr. BLANTON. And that is something that goes out to the public all over the United States, and I am prepared to show that my statement is absolutely true in spirit and in letter, and I am prepared to show that that statement was given out to the press by one of our colleagues [Mr. FAIRCHILD] when he, the gentleman from New York, had been denied the right to put it in the RECORD, although I asked that he be given the time. He gave it out when he had been denied the right to insert it in the RECORD. As I say, I am prepared to show that my statement concerning Mr. Edward F. Colladay is absolutely true. I can prove it to the Chair and everyone in this House by the court records, which I hold in my hand.

The SPEAKER. The Chair is always inclined to give full latitude to questions of privilege where a Member shows it affects him in his representative capacity.

Mr. BLANTON. This does affect me in my representative capacity.

The SPEAKER. It appears in this article that the gentleman made a speech on the floor of the House wherein he charged that a certain individual had been indicted.

Mr. BLANTON. No; I did not charge that.

The SPEAKER. Or whatever it may have been.

Mr. BLANTON. I stated that he had been charged with forgery.

The SPEAKER. Now, the only thing that appears of record is that this gentleman says that the statement that he was indicted is false and the statement that he was in jail is equally false. That does not impute to the gentleman some dishonorable motive or purpose.

Mr. BLANTON. Well, Mr. Speaker, I have in my hand the judgment of the court here in the District of Columbia to show that my statement was absolutely true in every particular.

Mr. SNELL. Mr. Speaker, that is not the question before the House.

The SPEAKER. That is a question of fact. The only question for the Chair to decide is whether this statement in the newspaper affected the gentleman in his capacity as a Member of the House or imputed motives to him which were improper. The Chair does not see that at all. It is a mere denial of the facts stated by the gentleman from Texas with no imputation of any improper motive. The Chair can not fail to sustain the point of order.

Mr. BLANTON. I have another one that is good, Mr. Speaker. Knowing the Chair as well as I do, I know he can not hold it is out of order. [Laughter.]

In the Washington Star of Tuesday, April 20, 1926, appears—

Citizens denounce attack on Fenning; northwest group brands accusers un-American and cowardly.

Then it says:

We deplore and denounce as un-American, unpatriotic, and opposed to all the laws of justice—

The impeachment I made of Mr. Fenning.

The SPEAKER. Does the article mention the gentleman by name?

Mr. BLANTON. No; but that is not necessary, Mr. Speaker.

Mr. SNELL. Mr. Speaker, I make a point of order against the additional question of personal privilege.

Mr. BLANTON. Mr. Speaker, I submit it is not required that the article mention my name, but under the precedents of the House any statement which singles out some one without mentioning him, by innuendo or otherwise, which imputes motives that affect a person in his standing or affects his integrity is a question of privilege. It is well known to everyone in this House and to everyone in this city that I am the one who preferred impeachment charges in this matter, and this A. P. Siler resolution states that was un-American, unpatriotic, and cowardly.

Mr. SNELL. That is merely a general newspaper charge and the gentleman's name is not mentioned, if I remember correctly.

Mr. BLANTON. That does not make any difference. It imputes a wrong motive to the one who preferred impeachment charges against Mr. Fenning, and the gentleman certainly does not want a precedent established here that when a Member of Congress in his representative capacity—

Mr. SNELL. I am maintaining the precedents of the House as well as the dignity of the House.

Mr. BLANTON. When a Member in his representative capacity presents impeachment charges, he certainly can not be charged with being unpatriotic or with doing a cowardly act.

The SPEAKER. The Chair will read what he thinks is the ground, if there is a ground, on which the gentleman bases his question of personal privilege. This is a part of a resolution adopted by the Northwestern Suburban Citizens' Association.

The resolution declares:

It has happened, not often, but too frequently for a broad-minded, dignified body of men who should be, or aim to be, an example for the intelligent people in all the world to follow, that men of honor and great repute who have climbed the ladder of success by faithful and dignified service, who have been respected by all right-thinking people who have known them, and are acceptably occupying an exalted position by the wish of the people whom they represent, have been shamelessly and in a cowardly, unpatriotic way maligned by those who so far forgot themselves as to insult the dignity of the House of Representatives, as well as to insult the entire citizenry of the United States, by squandering the time and patience of all fair-minded Americans, whose high ambition is for fair play and justice, and who are waiting for legislation that should be enacted, rather than listen to the rantings of a barn-storming political demagogue.

We deplore and denounce as un-American, unpatriotic, and opposed to all the laws of justice and equity this plan to defame, from the Halls of Congress, to the whole world the character and integrity of our highly esteemed and worthy honorable commissioner, Col. Frederick A. Fenning, whom certain ones are trying to immolate without a fair and just opportunity to be allowed a hearing, a persecution that is displeasing to all fair-minded Americans.

The Chair thinks that, while the gentleman from Texas is not mentioned specifically, it is the plain intention to charge that any Member of the House of Representatives who made these charges, whether they are true in fact or not, was unpatriotic and insulted the dignity of the House. The Chair thinks that founds a question of privilege. [Applause.]

Mr. BLANTON. Mr. Speaker, if uninterrupted, I hope to take up much less of the time of the House than that to which I am entitled.

I have shown by evidence of probative conclusiveness that for 23 years continuously Dr. William A. White, who is the superintendent of St. Elizabeths Hospital for the Insane, has wrongfully confederated with Frederick A. Fenning and has named him committee in each and every petition he has filed, aggregating several hundred. While testifying under oath before our committee Doctor White was not able to name one other person whom he had ever named as committee or recommended as committee in any of his many petitions other than Mr. Fenning in 23 long years.

ADMITTED BY DR. WILLIAM A. WHITE

I showed from the official hearings that Doctor White testified under oath in 1906 that he had recommended Mr. Fenning in his petitions for appointment as committee, and that when Congressman Wallace asked the question:

For the purpose of preparing these petitions in lunacy, does Mr. Fenning have free access to the hospital records of these cases and their Army papers?—

That Doctor White replied:

I think so.

And I showed that as far back as 1906, 20 years ago, Mr. Frederick A. Fenning admitted that he was then guardian and committee for 69 inmates of St. Elizabeths, most of whom were veterans of wars.

CONCESSION GIVEN ONLY TO FREDERICK A. FENNING

I introduced before our committee and this House the sworn statement of Mrs. Ellen H. Finotti, who for the past eight years was the record clerk there in St. Elizabeths, who testified that Dr. William A. White ordered that Frederick A. Fenning "should have free access to such records and to correspondence concerning any cases that he should ask for," and that no other attorney enjoyed such privilege or concession.

CERTIFIED TO IN VETERANS' BUREAU

I showed that the control officer of the Veterans' Bureau, Dr. Henry Ladd Stickney, who was ordered by General Hines to investigate St. Elizabeths Hospital, certified in his official report which he filed with Director Hines on April 26, 1924, that he learned—

that one Frederick A. Fenning, Esq., an attorney, whose office is in the Evans Building, appears to have certain privileges and concessions shown him in contacting claimants of the bureau at the hospital, and that he was then guardian of 100 bureau patients—

And Doctor Stickney further officially certified in his said report that Mr. Fenning—

constantly opposes the transfer of his wards from St. Elizabeths, and that Superintendent White is very friendly to Mr. Fenning, and that he raises the question as to the propriety of allowing one attorney in the city to obtain guardianship of so many beneficiaries of the bureau.

CORROBORATED BY CHIEF CLERK OF ST. ELIZABETHS

Frank M. Finotti was employed in St. Elizabeths 42 years. He was chief clerk until July 1, 1925. Doctor White testified under oath before our committee that when Frank Finotti had been employed 40 years in St. Elizabeths and under the law was required to retire, he prevailed upon the Interior Department to issue an order permitting him to serve two years longer, and that he did serve two years after the law provided his retirement, thus serving 42 years in St. Elizabeths as a trusted employee.

I produced before this House and our committee the sworn statement of said Frank M. Finotti, wherein he testified under oath that Frederick A. Fenning—

had free access to all records and correspondence, allowed him by Dr. William A. White, and I have seen him many times going through such records hunting up information concerning inmates who had money and property, or who were entitled to pensions or compensation.

And he further testified that he had seen several hundred petitions filed by Doctor White wherein Doctor White recommended that Frederick A. Fenning be appointed committee.

It is not conjecture that I have put before you gentlemen. It is admissions from Doctor White and Mr. Fenning themselves, official printed documents of this Congress, certified copies of court records, certified accounts and official certificates of court officials acceptable in any court proceeding, and the sworn evidence of credible witnesses who are unimpeachable, that I have placed before this Congress and which shows that for 23 long years Dr. William A. White and Frederick A. Fenning have been in wrongful collusion and have wrongly conspired, confederated, and acted together in unlawfully exploiting afflicted and helpless veterans of all wars, many of them being perfectly sane yet who were cruelly mistreated behind the barred windows and high-walled grounds of St. Elizabeths. It is evidence of probative force and effect. You can not wave it away by a motion of the hand. It calls for action. There must be definite, proper action to satisfy it.

COUNTLESS CASES NOT BEFORE AUDITOR

There are many, many cases in which Frederick A. Fenning has drawn fat commissions which have long since been disposed of and are not embraced in the ones enumerated in the report I have filed from Auditor Davis, of the Supreme Court of this District. Only the live, pending cases that were still before the court and which on May 1, 1925, Mr. Fenning was required under the law to file his annual report appear in the certified report of said auditor, Herbert L. Davis. I have not yet told you about the old cases disposed of during the past 23 years—and there are several hundred of them—in which Mr. Fenning has been paid thousands of dollars in commissions, but I have thus far brought to your attention only the live present pending cases, concerning which reports had to be made on May 1, 1925, and in which live, pending cases Auditor Davis certifies that Mr. Fenning had received \$109,070.25 of his wards' money in fees and commissions and only about \$14,000 of that was previous to the year 1920.

Mr. RANKIN. Will the gentleman yield?

Mr. BLANTON. Let me get these facts before the House first, and then I will gladly yield to my friend from Mississippi.

I made Doctor White admit under oath that Mr. Fenning had told him that he owned a share of stock in Gawler's Undertaking Co. and that he was attorney for Gawler's Undertaking Co. This is the undertaking company that buries Mr. Fenning's wards.

Mr. KING. Mr. Speaker, I make the point of order that the gentleman is not addressing himself to the point in issue.

Mr. BLANTON. Yes I am. I am showing that my charges impeaching Frederick A. Fenning were not cowardly and were not unpatriotic, which is the charge that was made by A. J. Siler's resolution against me in the Star.

Mr. KING. The gentleman is undertaking to state something about Doctor White. Doctor White is not concerned in this matter.

Mr. BLANTON. Yes; he most certainly is concerned; he is Mr. Fenning's collaborator and partner in some of these matters.

Mr. KING. Why does not the gentleman show he is not unpatriotic, and why does he not answer the charge in the Star?

Mr. BLANTON. I am going to reply to that statement before I get through.

Mr. KING. You are going to have an opportunity to be heard before the Judiciary Committee.

Mr. BLANTON. But I am going to answer this article first in this forum, and I will get through in a few minutes if the gentleman will not bother me.

I showed by Doctor White testifying under oath—

Mr. KING. Mr. Speaker, I ask for a ruling on the question of whether Doctor White is involved in these charges against the gentleman.

The SPEAKER. The Chair can not undertake to answer that question, not knowing the facts. The Chair thinks the gentleman is proceeding in order.

Mr. KING. Has the membership no relief whatever from this thing, day after day?

The SPEAKER. That is a question of fact.

Mr. BLANTON. You will never get any relief from it until you put Mr. Fenning out of office and you put Doctor White out of office [applause], because I am going to the people of the country on this matter if I have to. Both of them must be put out.

I made Doctor White admit under oath that Mr. Fenning had admitted to him that he owned a share of stock in the Laurel Sanitarium, which is presided over by a former doctor of St. Elizabeths, and that Mr. Fenning is general attorney for it.

I made Doctor White admit under oath that he and Mr. Fenning have had a joint account in the Washington Loan & Trust Co., of which Mr. Fenning was a director, and that they have bought notes together and have invested in financial matters together under facts that in law make them partners, and you can not escape that conclusion. For in the United States when two men contribute their money into a joint fund and a joint account, and use such joint funds in buying and selling real-estate notes and mortgages, dividing the profits between them, in the way Doctor White and Frederick A. Fenning have been carrying on a joint business, they are partners in the eyes of the law, no matter how much each may now deny it.

AND THEY REALIZED IT DID NOT LOOK GOOD

Both Doctor White and Mr. Fenning have realized that they could not afford to let these facts become public, for when I wrote a letter to Doctor White and asked him specific questions about these joint operations I made him admit that he refused to answer my letter and refused to give the information demanded. And when I had him brought before a committee and put under oath and asked the questions, he first refused to answer, and I had to compel him to answer before he would admit the facts.

AND FENNING CLOSED UP LIKE AN OYSTER

And you will remember that when I wrote a letter to Frederick A. Fenning and asked him to answer my questions about his commissions he replied that I would have to get the facts from the courts under such rules as were prescribed there. He did not believe that I would ever go to the trouble of getting all these facts from the courts, for it has taken extremely hard work for weeks, but I am getting the facts, and I am placing them before you and the country. Then I made Doctor White admit under oath that when Fenning ceased to be a director of the Washington Loan & Trust Co.—

Mr. KING. Mr. Speaker, I make the point that no quorum is present.

Mr. BLANTON. Well, if there is not, we will have a call of the House, for I am going to finish this now. [Applause.]

Mr. KING. Mr. Speaker, I withdraw the point.

Mr. BLANTON. I made Doctor White admit under oath—

Mr. KING. Will the gentleman yield? Do not get us all into St. Elizabeths.

Mr. BLANTON. I yield; there is nothing but politics that makes the gentleman from Illinois [Mr. KING] do what he is doing now. [Applause.] I made Doctor White admit that when Frederick A. Fenning ceased to be a director of the Washington Loan & Trust Co. on February 8, 1922, to become director in the National Savings & Trust Co., that he and Mr. Fenning immediately transferred their partnership account to Fenning's new bank, the National Savings & Trust Co., where they have kept their joint partnership account ever since.

WHITE AND FENNING BORROW TOGETHER

And I made Dr. William A. White admit under oath that when he and Fenning needed any money for their joint operations they have borrowed same together, and that they borrowed money together from the Riggs National Bank in Washington in their joint operations and investments. It did not seem to occur to Doctor White that all of these facts placed him in an unenviable position, for after I had grilled him for about two hours Tuesday night, and I had to grill him and corkscrew him to get any facts out of him, as he tried at first to hide behind the criminal's old subterfuge of saying, "I don't re-

member." He stated in the press that I had treated him as one who was under accusations. I made it very plain to him last night that he was under accusations, and that I was accusing him, and that I was asking for his removal from St. Elizabeths as superintendent.

I have shown by the official certificate of Director Hines that Mr. Fenning has received from your United States Veterans' Bureau as funds of the World War veterans who are his wards the enormous sum of \$733,855.87. He has put it in the National Loan & Trust Co., of which he is director for at least some time, and gotten the benefits from it in dividends on his stock.

I have shown that Fenning is a common barrator. He has written to people all over the country to employ him—people he had never met and never seen—and he succeeded in having them employ him to prosecute scores of claims against the Government. That is common barratry in every State in the Union. I have shown by good proof that Mr. Fenning is a common champertor.

Mr. HOWARD. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HOWARD. We can not hear very well over here; but is this the same fellow that they charge with robbing the disabled soldier boys?

Mr. BLANTON. Yes; and he has been doing it for 23 years in conspiracy with Doctor White?

Mr. HOWARD. You call him a barrator and champertor; why do you not call him the rest of it? [Laughter.]

Mr. LUCE. Will the gentleman yield?

Mr. BLANTON. I yield to the main generalissimo of all the defenders of Fenning. [Laughter.]

Mr. LUCE. The gentleman has assented to the use of the word "robber." On Monday I asked the gentleman this question: Has the gentleman any knowledge as to whether any charge of delinquency by the guardian in the District of Columbia has been laid before the officer—

Mr. BLANTON. Oh, I can not yield. I assure the gentleman that the report of the investigator, Dr. Henry Ladd Stickney, of the Veterans' Bureau, made to General Hines, where he showed that Fenning was collaborating with Doctor White, and that Doctor White gave him these concessions, was not in the interest of the veterans of the country.

Mr. LUCE. After the gentleman so informed me I read the report cited by him and it contains no charge of delinquency.

Mr. BLANTON. Well, I do not yield any further. The gentleman from Massachusetts [Mr. LUCE] rose to defend Fenning, and he prevented an investigation by the Veterans' Bureau Committee until the steering committee said, "You must go ahead." I will let the gentleman defend him before the Judiciary Committee.

Mr. RANKIN. Now will the gentleman yield?

Mr. BLANTON. Let me answer further the gentleman from Massachusetts for one minute. Let me tell the gentleman from Massachusetts [Mr. LUCE] when the people in his district find out there are 900 World War veterans in St. Elizabeths, none of whom were ever lawfully committed there by a legal judgment of the court, they are going to have the gentleman so busy answering his defense in his district he will have no time to bother me when I try to get up and tell people something important. [Applause.] I can not yield further.

Mr. RANKIN. Will the gentleman yield?

Mr. BLANTON. I will yield to my friend from Mississippi.

Mr. RANKIN. I saw one member of the Committee on World War Veterans' Affairs on the other side applaud the gentleman from Massachusetts, indicating that he evidently agrees with the contention of that sub rosa committee here in Washington, which denounces Congress as being unpatriotic for investigating these affairs. I desire to call attention to one item set out in the statement put in the record and certified to by the auditor of the Supreme Court of the District of Columbia. That is the case of Neils P. J. Erendjerg, a demented, disabled soldier of the World War. The record shows that this man Fenning was appointed as guardian, or committee, as he calls it. On June 1, 1920, he received his first commission of 10 per cent, \$152.52. The next year \$118.30. The next year he was allowed two commissions, one \$148.65 and one of \$150.90. On June 23, 1923, he was allowed a commission out of that poor boy's estate of 22 per cent, plus, which amounted to \$500.

The next year he took \$206.11. The next year he took \$216.82, amounting in all to \$1,493.39, for merely being the pallbearer of this boy's check between the Veterans' Bureau and his bank and what little went to the boy's support in St. Elizabeths Hospital. That is one of the charges made, for investigating which we are accused of being unpatriotic. [Applause.]

Mr. BLANTON. I want to relieve the rank and file of the Members on the same side of the aisle with the gentleman

from Massachusetts, because the most of them are for this investigation and do not believe in this business.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. BLACK of Texas. I want to know what the court is doing that makes such an allowance as this. It seems to me the judge of the court who sits in this case is entitled to about as much criticism as the man who charges such an unreasonable commission. My colleague is doing the House a valuable service in throwing the light of publicity on these transactions.

Mr. BLANTON. Some of them are perfunctorily signing orders whenever Mr. Fenning brings them there and sticks them under their noses.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BLANTON. Unless it is something defensive, I will.

Mr. JOHNSON of Washington. If the gentleman wants to pursue this matter further, which I think is unnecessary, for I feel that the Members are with him, I want to suggest that the laws in this District with regard to the commitment of the insane are probably so faulty that anybody can be committed on the affidavit of two physicians. Many years ago it was that way, certainly. About 30 years ago in this District the Washington Post caused one of its own employees to walk around St. Elizabeths until he was picked up as insane and committed to the insane asylum on the affidavit of two physicians, who were not provided by the newspaper. It took the newspaper three months to get that man out. Mr. Fenning may have learned about the system from the great publicity given to that exposure.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. BLANTON. I am not going to yield until later. I showed by the superintendent of insurance that Mr. Fenning has had himself issued a solicitor's license by two of the big bonding companies that issue his bonds, and that the court allows him to take out of the ward's money the annual bond premium every year, and on that, as solicitor of the insurance company, he makes 15 or 20 per cent, 15 in one and 20 in the other company. Are you going to stand for that?

I showed by Doctor White under oath last night that 2,500 of his patients now in St. Elizabeths had never been committed by order of court. Is not that astounding? Why do not the papers tell the country about it? But the Star and Post here are protecting Fenning. Two thousand two hundred of them are there by reason of the fact that some bureau chief has sent a letter to Doctor White directing him to take in this man, and he has kept them there, some of them, ever since. That is worse than being a murderer. When a murderer is convicted of murder, say, in the second degree, he is given 10 years. When the 10 years are out he gets out, but when a fellow in St. Elizabeths is sent there he is sent for life, and he has no escape at all.

Mr. KING. Will the gentleman yield for a question?

Mr. BLANTON. I can not yield now—and because I tried to get justice for these soldiers, the war veterans, 900 of them; also Spanish War veterans are out there, and Civil War veterans; old soldiers from soldiers' homes are placed out there without a hearing, because the superintendent of the home may get mad at them and send them there by letter; 4,500 human beings in all incarcerated there—I am criticized by these papers. Do you know the superintendent of every soldiers' home can send them there by letter without a trial?

Mr. GREEN of Florida. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In a few minutes I will. The Secretary of the Navy will tell you that there are a lot of Navy men sent there by letter without trial. They are sent there from the War Department by letter without trial. The Public Health Service has sent hundreds of them there, without trial, by letter.

Is not that an awful condition that exists in this country? And because I try to stop it a fellow named A. P. Siler got a few citizens to meet the other night, with only a few persons present—there were not many members of the association there—and he got a resolution through condemning me and condemning my action as "unpatriotic and cowardly." This fellow Siler is the father of one of Fenning's employees, and this attack on me was thus influenced by Fenning.

Oh, if you knew what a proposition I have had to run up against and the big combination here I am fighting, you would say I was not cowardly. I have been facing their whole gang for weeks. I do not have any police guards around my home at night either, as Mr. Fenning did Monday night. Do you

know that he had policemen placed outside of his home the other night all night? He must have been afraid of a mob.

Mr. OLIVER of Alabama. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. OLIVER of Alabama. I think the information that the gentleman from Texas has furnished to this House ought to lead, and will lead at this session, to legislation that will prevent unjust and unfair charges, which seem to have been imposed in the past upon the funds of veterans, from being repeated in the future.

Mr. BLANTON. I am glad to hear the gentleman say that.

Mr. OLIVER of Alabama. And when that legislation passes, no Member of this House can say that it is not solely due to the disclosures made by the gentleman from Texas. [Applause.]

Mr. BLANTON. I thank the gentleman very much.

This man Siler, the man that got this resolution through, saying I am "unpatriotic and cowardly," is the father of a boy named Siler, who is one of Fenning's employees in his traffic department, a part of his municipal government, and the attack was influenced by Commissioner Fenning, and was not the sentiment of the people in that citizens' association.

Mr. GREEN of Florida. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GREEN of Florida. Is the gentleman not surprised at Members of Congress undertaking to block such an investigation?

Mr. BLANTON. Yes; I am. I just simply can not understand them. Oh, it is just a few of them. The rank and file of these splendid men on the other side of the aisle are behind this proposition, and they are going to see that both Fenning and White are put out of office just as soon as we can force a vote on the question.

Mr. GREEN of Florida. What these two men have done is worse than the action of Daugherty or Forbes, because those men swindled soldiers who were not mentally infirm, and this man Fenning swindled war veterans who are not mentally capable.

Mr. BLANTON. Yes.

Mr. BROWNING. Mr. Speaker, will the gentleman yield there?

Mr. BLANTON. Yes.

Mr. BROWNING. Right in line with what the gentleman from Alabama [Mr. OLIVER] has said, I want to put the Members on guard by notifying them that an attempt will be made to cover up the District situation by undertaking to pass general guardian legislation as applied to States where such a situation has not existed. I do not think we should permit this condition to continue to be hidden behind a smoke screen under the plea of making the inquiry general.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LINTHICUM. Is there no limit prescribed by the court here as to the amount of commissions a man can receive?

Mr. BLANTON. It is supposed to be not more than 10 per cent.

Mr. LINTHICUM. Do not the court rules cover it?

Mr. BLANTON. Yes. It is supposed to be not more than 10 per cent.

Mr. LINTHICUM. How did the auditor allow other rates of percentage?

Mr. BLANTON. It was by order of the court.

Mr. LAGUARDIA. These percentages are based on the idea that a man is actually doing a man's business and not just clipping his commission from the check?

Mr. BLANTON. Yes. I know of an instance, the case of a man who is the constituent of our colleague [Mr. SCHAFER] from Wisconsin, where Commissioner Fenning has drawn \$1,100 commissions out of his ward's estate, when that man has been in Wisconsin for five years, and Commissioner Fenning just sat here in Washington clipping the coupons.

Mr. LINTHICUM. Would it not be possible to get from the files of the court these items of extra compensation?

Mr. BLANTON. Yes. I will see that they are gotten later and put in the Record. There is the recent account in the Robey case, where Judge McCoy directed the auditor to fix a fee at \$213 for the past year. The auditor said he did not have to make an audit, because the court had already ordered the commission paid.

I asked Doctor White why he did not tell me about the fees he had been getting for testifying outside of this Leopold and

Loeb case, in which he had received \$250 per day for 14 days. I asked him to tell about the other cases, and he said he did not remember. Then I took a corkscrew and made him admit that in a case over in Baltimore he had received \$500 for two days at \$250 a day. Then there was the Shelley case over here in Virginia, where a man was trying to put his wife in an insane asylum on the ground that she was of unsound mind, and Judge Mackey, of Virginia, who for 12 years had been an attorney for the Commonwealth of Virginia, testified that William C. Shelley had Doctor White render an opinion declaring his wife insane, when the jury found she was sane, and that Mr. Shelley paid Doctor White \$500, and the attorney for Mr. Shelley, afterwards Judge Thornton, over in Virginia, was trying a big will case later on, and Doctor White got on the stand and swore that the testator was insane when he made the will.

Judge Thornton said, "Are you not the same Doctor White who testified in the Shelley case?" Doctor White said, "Yes, sir." "And you testified then that she was insane when she was found to be sane?" Doctor White said, "Yes; I made a mistake in that case." And Judge Thornton said, "Doctor White, if you could make a mistake in that case you could make a mistake in this case and I will not believe your testimony." [Applause.] And Doctor White refused to admit it until Mr. Mackey testified. Yet you let Doctor White stay out here and handle millions of dollars. You will never know how much money he has squandered there. The various guardians pay him from \$15 to \$20—even have paid him \$30 a month—to buy clothes and things for those wards out there. Do you know what becomes of that money? It is squandered. They charge them up with a \$40 suit of clothes and get a \$15 or a \$20 suit down here at Eiseman's on Seventh Street. And do you know what they do? They get a 10 per cent discount for themselves. [Laughter.] You get Eiseman down here and make him swear to it, because it is true.

When one of these unfortunates asks for money to buy things down town, instead of giving him the money, do you know what Doctor White does? He issues a little piece of scrip, a Doctor White scrip; it is on a white sheet of paper and it says: "This will be good for \$15"—or \$20 or \$25 or \$50—"worth of goods or merchandise, and this will be redeemed by St. Elizabeths Hospital." And when the doctors or nurses take that to Eiseman, Eiseman gives them that much stuff and then he gives them a 10 per cent rebate to the St. Elizabeths representatives who buy the goods.

You let it go on and a few of you do not want me to tell you about this, and the papers do not want to tell the people of the country about it, because Mr. Fenning is so closely connected with big business in Washington, and whenever I get up here and try to put this thing before the people of the country in my representative capacity some of the papers here defending Fenning make fun of me and belittle me and try to make me look ridiculous. Look here what the Star did the other day. Look at the caricature they put in there about me the other day, trying to make me look like a roughneck. [Laughter.]

Now, when a reputable newspaper puts a picture of a Congressman in a paper they are supposed to get that picture from a reputable photographer. Tell me what photographer made that picture. There is no photographer's name on it. They fixed it up. [Laughter.] And they think I am going to stand for it. Trot them all out, and I will stand up against all of their bunch.

Let me show you this. In this Times the other day they had a ridiculous article written by Josephine Tighe exploiting this poor woman, Mrs. Eliza Lee, and her boy, exploiting him and her instead of helping them, and she said in this Washington Times that this poor woman told her that she was sorry she had ever brought her case to me. I ask unanimous consent to put her statement in the Record—no; I will read it, because somebody might object:

WASHINGTON, D. C., April 21, 1926.

The Times:

Please correct a great injustice. Your published article yesterday by Josephine Tighe was unfair and unjust both to me and to Mr. BLANTON. I did not tell her that I was sorry I went to see Mr. BLANTON. When she came to my room near St. Elizabeths Friday night, I refused to give her a statement because her attitude was unfriendly toward Mr. BLANTON. She stated that he had refused to tell her about my case, and that she felt like slapping him because he wouldn't talk to her. She was mad about it. Later, at Mr. BLANTON's request, I signed a written statement for her, thinking she might help me, but instead of publishing my affidavit she attacked Mr. BLANTON because he had sent

her away from his office twice without giving her a statement. Mr. BLANTON has been the truest friend I ever found, and has worked faithfully to have my boy returned to me.

MRS. ELIZA LEE.

And I want to tell you that I got an order from Director Hines yesterday morning that will return that boy to this good woman and let her take him home to Virginia. [Applause.]

I called your attention to a piece of barratry on the part of Fenning when he had that good woman, who was run over by a street car here in Washington and had two of her ribs broken—I called your attention to the fact that Mr. Fenning went to her and had her go to Paul V. Rogers, one of his assistants down there, with a door opening right between their offices. They claim to be separate but go down and look at their offices; ask people about them and you will find that they are connected there. He sent her to Paul V. Rogers, and because I called attention to it she got a letter yesterday from Paul V. Rogers saying that because she had brought her case to the attention of Mr. BLANTON and he had made an attack on Mr. Fenning, he would not have anything more to do with it. He just turned it back to her. I took that poor woman down to the Washington Railway & Electric Co.'s office yesterday and I put the facts before them. I said, "Gentlemen, what do you want to do about this?" They said, "The lady does not have to get an attorney; we will attend to this for you, good woman; we will see that you get justice and you do not have to pay out attorney's fees." [Applause.] So Rogers and Fenning did that poor woman a kindness when they sent that case back to her.

Suppose I were to turn this case over to the gentleman from Massachusetts [Mr. LUCE]? What do you suppose he would do with it? [Laughter.] Suppose I turned this case over to the gentleman from New York [Mr. SNELL], who held my resolution in his committee for a month? What would he do with it? He would put it in the wastebasket.

Mr. LOZIER. Will the gentleman yield for a question?

Mr. BLANTON. I yield to the gentleman.

Mr. LOZIER. I hope there will be no politics injected into this case, because graft does not recognize any race or party.

Mr. BLANTON. There will not be any put in by me; and may I say that the splendid, fine gentleman you have over here, Judge Gibson, of Vermont—God bless him—has stood like the Rock of Gibraltar helping me to clean this thing up. [Applause.] There is not going to be any whitewashing with the gentleman from Vermont, Judge Gibson. I promise you that. He is going to the bottom of this thing, and lots of you gentlemen on the other side are going to help him. I know that.

Mr. LOZIER. May I finish my question?

Mr. BLANTON. Yes; I yield.

Mr. LOZIER. In view of the facts in this case, are we to understand there is any considerable number of the Members of this House, either Democrats or Republicans, who approve or want to indorse or defend this grafting?

Mr. BLANTON. No; there is only just a little handful, and I could name every one of them.

Mr. LOZIER. I hope no Member of this House will condone these grave abuses.

Mr. BLANTON. But I am not going to do that. I am going to yield the floor now, gentlemen. [Applause.] If I had that one gentleman's name who applauded I would put it in the Record, because he must be in with LUCE, of Massachusetts.

Mr. LUCE. Mr. Chairman, I rise to a point of order.

Mr. BLANTON. That was improper. I should have said the distinguished gentleman from Massachusetts.

Mr. LUCE. In return, will the gentleman now answer one question?

Mr. BLANTON. If you will make it brief and to the point and not make it defensive, I will.

Mr. LUCE. The Committee on World War Veterans' Legislation, I think, unanimously desires facts. You have not as yet brought to the attention of that committee one delinquency on the part of any guardian in this District. Does the gentleman know of any violation of law by any guardian in the District of Columbia; and if so, will the gentleman help the Committee on World War Veterans' Legislation by informing it of that fact?

Mr. BROWNING. Will the gentleman yield to me?

Mr. BLANTON. First, let me say this to the gentleman from Massachusetts [Mr. LUCE]. If he has not yet been able to find any delinquency on the part of Mr. Fenning, I would just as soon try to convince one of the sphinxes of Egypt. [Applause.]

Mr. LUCE. But you have not pointed out to the committee a single case of delinquency by any guardian in the District of Columbia.

Mr. BLANTON. What about Mr. Fenning?

Mr. LUCE. You have not pointed out as yet a violation of law by Mr. Fenning.

Mr. BLANTON. Now, if the gentleman will be seated, I will see if I can even convince him.

Mr. LUCE. I only want facts. I want to know when, where, and who, and such facts are not in any charge you have made here.

Mr. SPEAKS. Will the gentleman yield to me long enough to ask the gentleman from Massachusetts a question. In view of the disclosures and actual charges openly made on the floor of the House and in the press, does not the gentleman from Massachusetts feel that there is sufficient proof to warrant the House in taking action, and thus relieve the gentleman from Texas in carrying on this necessary work alone? [Applause.]

Mr. BLANTON. I can not yield any further. I think that disposes of the obtuse gentleman from Massachusetts.

Mr. BROWNING. Will the gentleman yield to me just for a moment?

Mr. BLANTON. I yield.

Mr. BROWNING. Does not the gentleman know that the gentleman from Massachusetts [Mr. LUCE] and others on the Veterans' Committee have deliberately blocked the gentleman from Texas and prevented him from coming before that committee?

Mr. BLANTON. Yes; the gentleman from Massachusetts [Mr. LUCE] did that. I asked for 10 minutes, and he would not let me have it. And the gentleman from Oklahoma [Mr. MONTGOMERY] helped him.

Mr. BROWNING. And I will say to the gentleman that in the committee the chairman of the committee [Mr. JOHNSON of South Dakota] has already expressed himself and stated that in his opinion the gentleman from Texas has not any facts that would throw any light on these questions at all.

Mr. BLANTON. These facts which I have produced, and which have convinced everybody but the gentleman from Massachusetts [Mr. LUCE], the gentleman from South Dakota [Mr. JOHNSON], and the gentleman from New York [Mr. SNELL], these facts may not be considered facts by them, but when I bring a certified auditor's report from Herbert L. Davis, auditor of the Supreme Court of the District of Columbia, certified to in a way that would be accepted in any court in the United States as evidence, showing rates of interest or commission ranging from 10 per cent up to 94 per cent of his ward's estate, drawn by Frederick A. Fenning, God knows that ought to convince the gentleman, when Fenning has drawn from the Veterans' Bureau alone \$733,855.87, funds due veterans of the World War now in insane asylums.

Mr. LUCE. But those are not delinquencies on the part of the guardian. They may be delinquencies on the part of the court but not the guardian.

Mr. BLANTON. Then the gentleman applauds Fenning for getting all he can. What about Mr. Fenning being attorney for the Gawler Undertaking Co. that goes out there and buries his wards when they die, and Mr. Fenning pays them twice as much as he would have to pay the undertaker for the Veterans' Bureau, Mr. Tabler?

Mr. LUCE. But you have pointed out no violation of law on the part of any guardian.

Mr. BLANTON. Oh, my goodness! Well, I am going to show you two violations. The law prevents the Commissioner of the District of Columbia from prosecuting claims against any department of Government, and the law prevents attorneys from collecting more than \$10 in any veteran's case.

Mr. JOHNSON of South Dakota. Will the gentleman yield for just one question?

Mr. BLANTON. Certainly; I want to be fair.

Mr. JOHNSON of South Dakota. I would like to direct the gentleman's attention to the fact that before the Committee on World War Veterans' Legislation will be heard Mr. Fenning, the auditor of the court, and the clerk of the court, with all of the records, on Monday. Those gentlemen would have testified to-morrow but for the fact that objection was made that one witness had not finished his testimony. I assure the gentleman all the actual facts concerning the treatment of veterans of the World War, the sole part of which the Veterans' Committee has jurisdiction, will be brought to the attention of that committee and to the House.

Mr. BLANTON. And I want the gentleman not only to send for Mr. Davis, the auditor, but also the assistant auditor, and ask them about all the several hundred cases in which Mr. Fenning has been getting fees for the last 23 years that were

dropped off the docket and finished before the last report which he has shown here in this report of May 1, 1925. He will find several hundred of them, and God only knows how much money Frederick A. Fenning has collected from the soldiers of the various wars in the last 23 years.

Mr. JOHNSON of South Dakota. May I call the gentleman's attention to the fact that there are three committees handling this Fenning matter. The Judiciary Committee, of course, has complete jurisdiction—

Mr. BLANTON. Well, there is one committee that is really handling it, and that is our Subcommittee on the District of Columbia; and we are getting the facts, because I am asking most of the questions.

Mr. JOHNSON of South Dakota. The District Committee has jurisdiction to revise the general law with respect to incompetency and the Veterans Committee, which, I believe, within a short time will bring in a proposed law with respect to the handling of these cases of the World War veterans.

Mr. BROWNING. Will the gentleman let me ask him one question?

Mr. BLANTON. Yes.

Mr. BROWNING. May we find out from the gentlemen on the Veterans Committee, who have been denying the gentleman from Texas [Mr. BLANTON] the privilege of coming before that committee, if they will let him testify before the committee?

Mr. BLANTON. Yes; will the gentleman from South Dakota [Mr. JOHNSON] let me have 10 minutes before his committee?

Mr. JOHNSON of South Dakota. I will say to the gentleman that when these records are all before the committee I will be perfectly willing to give the gentleman that time; but the gentleman is so ably represented on that committee—

Mr. BLANTON. Yes; I do not think I need to go, because I think my friends on the committee will take care of the situation.

Mr. RANKIN. The gentleman from Texas is no more ably represented on the Veterans' Affairs Committee than Mr. Fenning seems to be. [Applause.]

Mr. BLANTON. I wonder if the gentleman from South Dakota [Mr. JOHNSON] knows, and do you know, that where a veteran dies in St. Elizabeths Hospital the doctors there cut him up? One died some time ago, the case I have in mind, where they split his head wide open, and the undertaker refused to accept him for embalming—said he could not embalm a body like that.

I have another case where they cut the body all to pieces, and when they turned the cut-up body over to the undertaker he said, "I won't receive that body; it is not fit for embalming." I got these facts from a real investigator. The man that gave me these facts is an honored employee of this Government to-day.

He knows all about affairs in St. Elizabeths and just how World War veterans are treated there. He was the one who gave me the facts concerning which Bill Franklin criticized me. Mr. Tabler is employed as an undertaker for the Veterans' Bureau. I am willing to pay \$150 or \$200 for the funeral of every veteran of the World War that dies and I will vote for a bill now to pay \$150 or \$200 for their funeral and give these boys a decent burial. These are the facts. Mr. Tabler went to Director Hines and said, "I know that by cutting down the profit I can give just as good a coffin, just as good an outside box, just as good embalming, and just as good a burial to World War veterans for \$52 as the undertakers now charge \$100 and \$150 for. If you will turn all the cases over to me, I will bury them all for \$52 each under a standardized, specified burial." Director Hines made the contract with him. Doctor White testified the other night that Tabler was now his undertaker under the same arrangement.

Now, there was a man drowned down here in the basin some time ago. It turned out that the Veteran's Bureau had jurisdiction over him, and the representative of the Veteran's Bureau phoned down to the coroner, the brother-in-law of Fenning, and said that the Federal Bureau demanded the body for burial. Nevitt, the coroner, said, "As soon as we can hold an autopsy and have a coroner's verdict we will turn the body over to you, and we will phone you." But there was no phone message. He would have been buried for \$52 by the Veteran's Bureau. I do not say that that kind of a burial is good enough, but that is the rule of the department. But instead of turning that body over to the Veterans' Bureau, do you know what Coroner Nevitt did with it? Commissioner Fenning's right-hand man down here in the District Building, Bill Franklin, who is a member of the Costello Post, had Coroner Nevitt turn the body over to

another undertaker, wholly without authority of law, and made the United States pay \$108 for the funeral, and it was no better in any respect than the funeral Tabler would have given the Government for \$52.

Because I had called attention to it Franklin had his Costello Post pass a resolution condemning me and intimating that I wanted to give a poor burial to these World War veterans, which was not the fact. At that meeting they passed a resolution and John Murphy said:

I was present at one of the \$52 funerals of which BLANTON spoke. BLANTON was present also.

That is an absolute falsehood; I never was at such a burial; I never was at such a funeral. Why do they not tell the truth about me in the papers. He said:

The occasion was the funeral of a resident of Texas in the next congressional district to BLANTON's, and when the pallbearers went to lift the coffin the handles fell off, and that is the kind of a \$52 funeral that they have.

You see that they attribute wrong motives to me, and it is not right.

Now, in the last minute I am going to use I am going to ascertain just how many of you are not backing me up in this undertaking, in trying to get justice for our war veterans. I wish you who are not backing me would stand up. If there is a man in this House who is not backing me, I want him to stand up. I pause, and no one stands. I am glad to see that I have the unanimous backing of Members. [Applause.]

SEVERAL VOICES. Put it the other way.

Mr. BLANTON. How many of you are backing me in a proper investigation of this matter? I would like to see all who are backing me stand up. I note that with the exception of about 20 men who have not arisen, I seem to have almost the unanimous backing of you Members. [Applause.]

Mr. Speaker, I yield the floor, thanking my colleagues.

LEAVE TO ADDRESS THE HOUSE

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that immediately after the conclusion of the remarks of the gentleman from Texas [Mr. GARNER] to-morrow, the gentleman from Tennessee [Mr. BROWNING] and myself may have 15 minutes each to discuss the general subject of veterans' legislation—not the matters discussed to-day.

Mr. BROWNING. We do not want to be excluded from matters affecting general legislation.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that instead of proceeding to-day the gentleman from Tennessee [Mr. BROWNING] and the gentleman from South Dakota [Mr. JOHNSON] may have 15 minutes each to-morrow immediately after the conclusion of the remarks of the gentleman from Texas [Mr. GARNER]. Is there objection?

There was no objection.

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from Texas [Mr. BUCHANAN] for 35 minutes. [Applause.]

TAXATION AND APPROPRIATIONS

Mr. BUCHANAN. Mr. Speaker and gentlemen of the House [applause], I appreciate beyond expression your friendly applause at the commencement of my speech. It cheers my heart and makes me realize that I am not like one—

Who treads alone
Some banquet hall deserted;
Whose lights are fled,
Whose garlands dead,
And all but he departed.

A nation is like a family. In its infancy it is noted for its simple manners, frugal habits, and honest intentions; but with success comes power, with power comes wealth, with wealth comes gigantic combinations, conspiracies, agreements in restraint of trade and other machinations by individual groups, all seeking to obtain control in the political, industrial, and financial affairs of the nation.

If you will take a retrospective view of past ages, you will find that no free government has ever been overcome by force; but all were overcome by internal dissensions, strife, extravagance, and corruption, resulting in decay and death. Let us profit by the verities of history. There is no surer light by which to guide our future than the light given by the lamp of experience.

The first 50 years of our Government's existence was characterized by our simple manners, frugal habits, and honest intentions; but with success came power, with power came wealth,

with wealth came pernicious combinations and conspiracies—agreements in restraint of trade and every effort known to avaricious men to gain undue advantage in the political, industrial, and financial affairs of our Nation. Yes; the first 50 years of our Government constituted the age of pristine purity; men held office for honor then, not for profit; soldiers fought for glory, not for dollars; and statesmen, not politicians, guided the "Ship of state." During this early period of our history neither States nor individuals depended upon or requested the Federal Government to do those things for them, which, under every principle of States sovereignty and individual initiative, should be done by themselves. In those days the Federal Government was regarded as a trustee to carry out certain rights, powers, and duties expressly delegated to it in the Constitution of the United States by the sovereign States of this Union.

In this day and time the Federal Government has assumed the position of master to our once sovereign States, which are sinking to the grade of supplicants. As a result, the dominating iron hand of the Federal Government has been thrust into every State, directing and controlling not only many public activities of such States but in some instances the private enterprises of the individual citizen, and as a further result appropriations of the Federal Government have grown by leaps and bounds, until they have reached the enormous sum for the past four years under the operation of the Budget system of \$16,000,000,000, or an average of \$4,000,000,000 per year.

I am not fully informed on the internal organism of all foreign governments, but I venture the assertion that there is no government on the face of the earth where an individual citizen has to pay as many different kinds of taxes to as many different units of the Government and public-service taxing districts as citizens of the United States.

A gentleman who lived in a large city told me the other day that he had to pay 11 different kinds of taxes to 11 different governments and political subdivisions of government; that he conducted a small business, worked hard, practiced economy, and that in spite of all this he was unable to feed and clothe his family comfortably, educate his children, and pay these enormous taxes; that any road he selected for life's travel seemed to lead to the bankruptcy courts.

In my State, the individual citizen is generally compelled to pay six different kinds of taxes to six different Government and political subdivisions.

First, he must pay to the Federal Government, both direct and indirect tax, then he must pay State tax, then he must pay a county tax, then he must pay a city tax, then a good-roads tax, then a school-district tax, and in addition to this in many places, he must pay public improvement district taxes, such as levee, irrigation, drainage, and navigation tax.

If it were not for the fact that when God created our country, he endowed it with wonderful productivity, our citizenship could not stand the burden of taxation imposed. The sun in his majestic course does not look down upon a richer land or one more capable of administering to the wants and gratifying the luxurious taste of man.

When we realize that the citizens of this country are being taxed by the Federal Government for the administration of our Government alone, seven years after the great war, the enormous sum of \$4,000,000,000, making an annual drain upon the productive forces of our country, the wayfaring man, though he be a fool, will clearly understand that the citizenship and industry can not long stand up under this fearful annual drain. The sole responsibility for our loose and inefficient appropriation system, rests solely upon Congress. It can not dodge this responsibility, nor hide behind the request of the Chief Executive for appropriations. The President, of course, is responsible to the people for extravagantly requesting Congress for extravagant appropriations; but Congress itself is alone responsible for granting such appropriations. Reduction of appropriations, reduction of public expenditures, reduction of taxation is the crying need of the hour, and it is up to Congress to rise above party expediency, and follow the real economists of the Senate and House, regardless of party affiliations. We should get together and devise a definite system of appropriating public funds that will reestablish our Government upon an efficient and economic basis.

I must admit that the history of appropriations for the four years' operation under the much-heralded Budget system is disappointing to me and falls far short of accomplishing the economic reforms I hoped for when I supported the legislation creating the Budget system. I admit, however, that it renders some real economical service. It is my purpose to-day to review the four years, 1923, 1924, 1925, and 1926, operation under the Budget system.

I find that the grand total estimated by the Budget and requested of Congress by the President for the ordinary expenses of the Government amount to \$10,627,335,181.39; that the Appropriations Committee of the House, taking these Budget estimates as a basis, conducted thorough hearings to determine the amount actually necessary for the economical administration of the Government and reported bills to the House carrying a total appropriation of \$9,994,658,781.53, which was a decrease of the amount estimated as necessary by the Budget, and requested of Congress by the President, of \$632,676,400.06. Notwithstanding the fact that the Appropriations Committee of the House had conducted searching investigations into every item of the appropriations in determining the necessity therefor, and that the members of this committee have become specialists on the amount needed for the economical administration of the Government, the House increased this recommendation \$65,304,024.30; and notwithstanding this increase by the House of the recommendations of the Appropriations Committee, this amount appropriated by the House was \$567,172,375.76 less than the amount estimated as necessary by the Budget and requested of the Congress by the President. When these bills went to the Senate it increased the House Appropriations \$336,668,591.97; and notwithstanding this enormous increase of the House appropriation bills by the Senate, this amount passed by the Senate was still \$230,503,783.77 less than the amount estimated was necessary by the Budget and requested of Congress by the President.

These appropriation bills then went to conference committees. All of these conference committees are composed of Members selected from the Appropriations Committee of the House and Senate. In conference the House conferees succeeded in reducing the Senate's increase of appropriations \$113,675,017.20, which resulted in a total amount being appropriated of \$10,283,156,380.62, which is an increase of the amount appropriated in the original appropriation bills by the House of \$222,993,574.97. This amount, thus finally enacted into law, is \$344,178,800.97 less than the amount estimated as necessary by the Budget and requested of Congress by the President.

Thus it appears that the Appropriations Committee of the House is the most economical Government appropriation agency in our Government, to the extent of \$632,676,400.06. That the House is more economical than the Senate to the extent of \$336,668,591.97, and that the Senate and House combined as Congress, is more economical than the President by \$344,178,800.97. [Applause.] It therefore follows that if the House and Senate had been as economical as the Appropriations Committee of the House, the taxpayers would have been saved \$632,676,400.06; that if the Senate had been as economical as the House, the taxpayers would have been saved \$336,668,591.97; that if the President and the Bureau of the Budget had been as economical as the House and Senate, the taxpayers would have been saved \$344,178,800.97, and corresponding decrease of taxes would have resulted.

Mr. BLACK of Texas. Will my colleague yield for a brief observation. As I understand the situation, it is nearly always the custom of the Senate to increase the appropriations of the House, and the conferees of the House usually succeed in bringing about a very material reduction from the increases which are made in the Senate.

Mr. BUCHANAN. I have tried to make this a complete review of the appropriations of the Budget system and to point out the most extravagant department of the Government, the second most extravagant department of the Government, and the third most extravagant department. As I have stated above, the Appropriations Committee of the House is the most economical governmental appropriating instrumentality within our governmental organism, and it is reasonably backed up by the House. The House conferees, appointed from the Appropriations Committee of the House, succeeded in cutting down the increased appropriations of the Senate \$113,675,017.20. Answering the first part of my colleague's [Mr. BLACK] question, the Senate always needlessly increases the amount of every appropriation bill passed by the House. For instance, I have before me a tabulated statement of the appropriation bills as passed by the House and Senate for the year 1926, which I will place in the RECORD and which shows that the Senate increased every bill in various amounts from \$30,060 to \$33,994,457.21, such increases amounting to the aggregate of \$45,276,998.72 for the fiscal year 1926 alone.

Mr. BLACK of Texas. Will the gentleman yield for another brief observation.

Mr. BUCHANAN. Yes.

Mr. BLACK of Texas. I think the country ought to know that while this service is usually of a rather inconspicuous

kind, it is very valuable nevertheless. And I want to add this further observation for the consideration of the Members of the House, that this work of the conferees of the House is of the greatest importance to the sound economical administration of our Government. There is no more important work performed by any Members of the House than this.

Mr. BUCHANAN. The gentleman is correct. The real service rendered to the people of the United States by Congress is not rendered on the floor of the House or Senate, but is rendered in the committee room, where an enormous amount of work is performed and which is entirely unknown to the public generally. [Applause.] So, concluding this branch of the discussion and basing conclusions upon the estimates of the Bureau of the Budget, as approved and requested of Congress by the President, the executive is the most extravagant branch of the Federal Government; the Senate is the second most extravagant branch of the Government; and the House is the most economical unit of the Federal Government in appropriating the taxpayer's money. [Applause.]

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I will.

Mr. TILSON. Has not that been true time out of mind, and yet the House rarely gets credit for doing this work?

Mr. BUCHANAN. Credit! The House never gets credit for any of its good work. It is derided throughout the country, and yet it is the one department of Government that protects the Treasury of the United States from numerous raids from many sources. I am glad the gentleman from Connecticut interrupted me. That recalls to mind an incident that happened two weeks ago; and lest any man think I do not hold this good Republican, Mr. TILSON, in high esteem, I want to say to you that I understand that years ago the gentleman from Connecticut [Mr. TILSON] was a barefoot boy roaming over the hills and valleys of Connecticut. At that time he had no fund to educate himself, and there was no one who was legally liable for his education, but he determined to make his mark in the world, and by his individual efforts he worked his way through preparatory schools and through Yale and continued that course after he graduated by instructing himself, by preserving himself, by living for his fellow man, that he might live for him; he gained steadfast footing at every step, mounting to eminence and distinction until he is one of the principal personalities directing the policy and guiding the destiny of this great Nation. [Applause.] But I will say to the majority leader that this deserved compliment to him does not mean that I approve of all his votes and actions in this House. I will now relate an incident of his that I do not approve, which happened about two weeks ago.

The gentleman from Connecticut had a conference at the White House, and evidently appropriations, extravagance, and economy were discussed in that conference; and the President of the United States requested the gentleman from Connecticut to carry a request to the House, with which he complied, to the effect that the President hoped that the House would not increase the appropriations. Now, had I been the majority leader and the President had been of my party, I would have said, "Oh, no, Mr. President; I will not carry that message to the House. Do you know, Mr. President, that the House during every Congress since the Budget system has been in operation consistently and persistently reduced the amount you requested of Congress in the enormous sum of \$567,172,375.76? With all due respect to you and your high office, my carrying this message to the House would be too much like the devil sending a message by St. Peter to the Saviour to be good." [Applause.]

Mr. BYRNS. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. BYRNS. I have served with the gentleman on the Committee on Appropriations for a number of years and am familiar with the great value of the services rendered by him in the preparation of the various appropriation bills and the paring down of the estimates submitted, and I unhesitatingly say that there is no Member of this House who by reason of his work, his ability, and his general knowledge of the subject of appropriations and the finances of our country is better qualified to speak on the subject of appropriations by Congress than the gentleman from Texas. He is one of the most hard-working and most influential members of the Committee on Appropriations, and has contributed in large measure to the economies and reductions to which he refers. There has not been a session of Congress that his effective work in behalf of governmental economy has not saved millions of dollars to the Treasury. I wanted to ask the gentleman this: With the exception, possibly, of one or two bills at this session, has there been during the entire history of the Budget a single bill carrying appropri-

tions recommended or reported to the House by the Committee on Appropriations in which the estimates of the Budget and the requests of the President were not greatly reduced?

Mr. BUCHANAN. I do not think there has been. In reply to the gentleman, I will say, further, that I have the figures, year by year, for each year since the operation of the Budget; and in answer to that question I will state: In 1923 the Appropriations Committee of the House reduced the Budget estimates and the amount requested by the President \$509,855,659.33, in 1924 by \$40,971,815.39, in 1925 by \$29,328,642.65, in 1926 by \$52,520,282.69, or a total in the four years of \$632,676,400.06.

Mr. SUMMERS of Washington. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. SUMMERS of Washington. Will the gentleman's figures finally show how the bills, as prepared by the Committee on Appropriations, compare with the way they passed through the House and were finally enacted into law?

Mr. BUCHANAN. Yes; to the cent.

Mr. SUMMERS of Washington. They show, do they not, that the bills as they come from the Appropriations Committee are smaller than they ever are afterwards?

Mr. BUCHANAN. Certainly. It shows this, in further reply to the gentleman, that they come from the Appropriations Committee, you might say, carrying moderate amounts. When they strike the House it is one continued fight, the Appropriations Committee battling to keep them down and Members of the House offering amendments to increase the amounts. Have you ever known of an amendment being offered on the floor of the House to decrease an appropriation?

Mr. SUMMERS of Washington. Never; and, in turn, has the gentleman ever known a bill recommended by the Appropriations Committee to carry a less amount when it left the House than when it came to the House from the Appropriations Committee of the House?

Mr. BUCHANAN. Absolutely not. Then when these bills went to the Senate, every amendment offered in the Senate was to increase and none to decrease the appropriations.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. GARNER of Texas. But after all these stupendous efforts are made by the membership of the House and the membership of the Senate to increase the appropriations they are still less than the President says is necessary to run the Government.

Mr. BUCHANAN. Absolutely—\$344,178,800.97 less.

Mr. GARNER of Texas. And yet he is held out to the country as the economy President, is he not?

Mr. BUCHANAN. Yes. He is like the moon, only reflecting the light of the sun. The Appropriations Committee of the House, and the House, forces upon the President, the Budget, and the Senate such economies as we practice, and the President permits himself to be heralded abroad as the great economy President in violation of the sacred injunction: "Render unto Caesar the things that are Caesar's and unto God the things that are God's."

Mr. JONES. Will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. JONES. Has the gentleman ever known the newspapers to carry the fact that the House is reducing the Budget every year?

Mr. BUCHANAN. I have never known of it.

Mr. JONES. None of the big papers carry that information.

Mr. BUCHANAN. A very few of the small ones.

Mr. JONES. But frequently they carry the statement that the House is extravagant?

Mr. BUCHANAN. Yes. Contrary to the facts.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. SUMMERS of Washington. Has the gentleman any figures showing how the appropriations prior to the operation of the Budget compare with the estimates submitted by the departments?

Mr. BUCHANAN. No; I could not get the time to handle that vast subject.

Mr. SUMMERS of Washington. That would have been a very interesting subject.

Mr. BUCHANAN. It would have been a very interesting study, and at some later day I may be able to reach it. I want to further comment on the action of the gentleman from Connecticut [Mr. TILSON]. If those on the majority side of the House will stand up before the House and proclaim the econo-

mies it is forcing upon the President, the Budget, and Senate, and proclaim it from the house tops, and produce the figures and the facts, then, and only then, will we occupy the exalted position that our real services command in the eyes of the American people.

Mr. TILSON. Will the gentleman yield for a question?

Mr. BUCHANAN. Yes.

Mr. TILSON. While the Appropriations Committee—and the House backing up the Appropriations Committee—trims the Budget and trims what the Senate does, is it not a fact that all of the difficulty is not with the appropriations but it is with the authorizations, and sometimes the House is a little bit reckless in its authorizations, which the gentleman's committee has to make good?

Mr. BUCHANAN. That is true.

Mr. TILSON. And it is the authorizations we fear and not the committee. The committee has done very well, and no praise could be too high for what it has done.

Mr. BUCHANAN. I concede that. A great deal of the extravagance in this Government comes from authorizations which never ought to have been made, and I further contend that there are other extravagances which can be eliminated by the Congress. [Applause.] And let me tell you one thing: Just as long as we have the present appropriating system we will never have an economical Government. The Federal Government has branched out into numerous cooperative enterprises between the Federal Government and the States, each paying one-half the expense. This money thus appropriated by the Federal Government is spent in the different States, and every Member of the House and every Member of the Senate coming from such States conceives it to be his duty to try to increase that appropriation; and if he succeeds in increasing it, he receives the plaudits of his constituents for his great work and great accomplishments in Congress. And thus from year to year and from session to session the appropriations are piling higher and higher. Where will this end? What will 50 or 100 years from to-day unfold on the question of extravagance. The people and industrial enterprises will be ground to death under the iron heel of taxation. For illustration, compare the fiscal years 1925 and 1926 for the ordinary expenses of conducting the Government (not including the permanent annual appropriations which constitute the interest and sinking fund for our public debt, amounting to \$1,400,000,000), the total appropriations for 1925 amounting to \$2,329,042,585.50, while for 1926 these appropriations were increased to \$2,751,624,741.67, which is an increase of governmental expenditures of 1926 over 1925 of \$422,582,156.10. If these figures denote the enormous annual increase under our inefficient appropriation system, we may well look to the future with fear and apprehension. We must change our appropriating system that there may be guaranteed to the people of the United States a real economical Government.

I see my distinguished colleague, who made such an able speech on constitutional construction the other day in the House, the gentleman from Virginia [Mr. TUCKER]. [Applause.]

The gentleman contended that Congress did not have the power under the Constitution to make these cooperative appropriations. He may or he may not be right, but I know that when Congress makes such appropriations there is no one vested with a legal right to test the constitutional right of Congress to make them. So whether the Congress has that right or not makes no difference. In view of my distinguished colleague's position, let me suggest to him that he could verify his views by proposing an amendment to the Constitution prohibiting Congress from making any appropriations other than those essential to carry into effect the powers expressly delegated in the Constitution to the Federal Government, and prohibiting Congress from making any appropriation under the general welfare clause of the Constitution of the United States. If that amendment was adopted—and I am not ready to commit myself to it without referring it to my constituents—we would have an economical Government so long as it was retained in the Constitution.

As the Constitution now stands, Congress can make appropriations for any purpose under the sun, and no one is vested with the right to legally question the legal right of Congress to make such appropriations. The only remedy is to refuse to reelect such Members of Congress who voted for such appropriations. A poor remedy. It is like locking the garage door after your automobile has been stolen. Congress, in my judgment, will not, of its own accord, submit to the people any amendment placing a limitation upon its unlimited appropriating powers. No government or department of government has

ever been known to voluntarily surrender any of its rights and powers. So that if a limitation is to be placed upon the unlimited appropriating powers of Congress, it must be done by the States submitting such amendment of the Constitution to the States or people for ratification.

This suggested amendment is a drastic remedy and should be thoroughly and well considered, and the results of its adoption should be carefully weighed as against the evils that now exist.

Mr. BLACK of Texas. Will the gentleman yield for another question?

Mr. BUCHANAN. Certainly.

Mr. BLACK of Texas. In Texas our governor has the authority to veto any item of an appropriation bill without vetoing the whole bill. I wonder what my colleague thinks of the advisability, if it could be done, of conferring upon the President that power. I think it would be a wise thing to do.

Mr. BUCHANAN. Yes; if you had an economical President at the time the bill went to him, if an item was not included in the Budget, it might do some good, but under present conditions, with the House and the Senate appropriating less than the Budget estimates and therefore less than requested of Congress by the President, how could you expect the President to veto any item he had theretofore requested Congress to appropriate?

Gentlemen, there are only two hopes of an economical Federal Government in the future. One of them is—and this is no reflection upon our present President because he is doing the best he knows how to conduct an economical administration—but one hope is the adoption of the amendment I have just suggested. The other hope is that there may arise from the American people a man who may be called to the White House possessing those qualities that equip him for leadership of men; possessing moral, physical, and political courage, and imbued with the real principles of economy; a man who can see the great problem confronting the future of this Nation as an extravagant and corrupt Government resulting in decay and ruin, and who regardless of party expediency or party success will exercise the veto power in the cause of economy. Such men do not often arise, but they have arisen in our country; men like the immortal George Washington; men like the immortal Andrew Jackson; men like the immortal Grover Cleveland and Woodrow Wilson. [Applause.] These men, all of them, came not to pillage but to serve their country and have retired from her service through the portals of everlasting fame.

Mr. HUDSPETH. Will the gentleman yield for just a short question?

Mr. BUCHANAN. Certainly.

Mr. HUDSPETH. I have seen some criticism in the papers that the Committee on Appropriations has been a little negligent in its appropriations for agriculture. Is it not the fact that they have in all instances taken care of the needs of agriculture in the appropriations they have made in recent years?

Mr. BUCHANAN. Absolutely.

Mr. HUDSPETH. From my observation I do not think that criticism is justified.

Mr. BUCHANAN. Absolutely not. I will say to my colleague from Texas, the subcommittee of the Committee on Appropriations, which handles the agricultural appropriations, presided over by that able economist and agriculturist, Mr. MAGEE of New York, assisted by Mr. WASON, Mr. DICKINSON, Mr. LEE of Georgia, and myself, have at heart a sincere desire to promote the agricultural interests of the Nation in every legitimate way, and we have done that. [Applause.] Even the Department of Agriculture has no complaint.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. BUCHANAN. Certainly.

Mr. MOORE of Virginia. Can the gentleman in any way account for the fact that Congress gets no credit for being economical while the administration seems to be constantly praised for its economy program?

Mr. BUCHANAN. Oh, yes; that explanation is plain. It only proceeds from the lips and pens of those who before the President "crook the pregnant hinges of the knee that thrift may follow fawning." Of course, the head of the Nation, with all its patronage at his command, must be praised. His every effort must be applauded by those who seek to profit by his patronage, and they are the busybodies who defame and slander the House and laud every act and word of the President. It has ever been thus and will probably continue so throughout unending time.

Gentlemen, in conclusion let me state to you that until our appropriating system has been revised and a new and effective

one adopted the Committee on Appropriations of the House and the House must stand, as they have always stood, between the Treasury of the United States and the cohorts of extravagance. They must stand like Stonewall Jackson stood at Bull Run; yes, they must stand like a stone wall around the Treasury of the United States, a stone wall that vandals can not scale and loot the Treasury under the form of law. [Applause.]

That the Members of Congress may have an opportunity of studying this great question of economy versus extravagance and the people of the United States may rightly place the responsibility for extravagant appropriations, I insert here in the Record six correctly tabulated statements showing consecutively the amount requested of Congress by the President and the Budget, the action of the Appropriations Committee of the House thereon, the action of the House and the action of the Senate, and the action of the conference committees of the House and Senate during the existence of the Budget system, which covers the fiscal years 1923, 1924, 1925, and 1926. These statements do not include the permanent annual appropriations, which are approximately the same amount for each year:

A statement relating to the completed fiscal years since the inauguration of the Budget system

Year	Grand total of the Budget estimates requested of Congress by the President	Grand total of the appropriations recommended by House Committee on Appropriations	Decrease
1923.....	\$2,957,787,376.83	\$2,447,931,717.50	\$509,855,659.33
1924.....	2,567,259,344.61	2,526,287,529.22	40,971,815.39
1925.....	2,338,067,222.58	2,308,738,579.93	29,328,642.65
1926.....	2,764,221,237.57	2,711,700,954.88	52,520,282.69
Grand total.....	10,627,335,181.59	9,994,658,781.53	632,676,400.06

Fiscal year	Grand total of the appropriations passed by the House	Increase compared with recommendation of House appropriation Committee	Decrease compared with Budget estimates
1923.....	\$2,484,459,641.69	\$36,327,924.19	\$473,327,735.14
1924.....	2,546,808,596.89	20,521,067.67	20,450,747.72
1925.....	2,312,118,801.34	3,380,221.41	25,948,421.24
1926.....	2,716,775,765.91	5,074,811.03	47,445,471.66
Grand total.....	10,060,162,805.83	65,304,024.30	567,172,375.76

Fiscal year	Grand total of the appropriations passed by the Senate	Increase compared with House bills	Increase (+) or decrease (-) compared with Budget estimates
1923.....	\$2,721,806,104.37	\$237,346,462.66	—\$235,981,272.46
1924.....	2,571,538,902.10	24,730,305.21	+4,279,557.49
1925.....	2,341,433,626.72	29,314,825.38	+3,366,404.14
1926.....	2,762,052,764.63	45,276,998.72	—2,168,472.94
Grand total.....	10,396,831,397.82	336,668,591.97	—230,503,783.77

Fiscal year	Grand total of the appropriations passed by the House	Grand total of the appropriations as finally enacted	Increase compared with House totals
1923.....	\$2,484,459,641.69	\$2,645,615,084.56	\$161,155,442.87
1924.....	2,546,808,596.89	2,556,873,968.89	10,065,372.00
1925.....	2,312,118,801.34	2,328,042,585.30	16,923,784.16
1926.....	2,716,775,765.91	2,751,624,741.67	34,848,975.76
Grand total.....	10,060,162,805.83	10,283,156,380.62	222,993,574.79

The foregoing statement does not include the permanent annual appropriations, amounting to \$1,400,000,000 for fiscal year 1926, and slightly larger amounts for preceding years, which constitutes the sinking fund and interest on the public debt. So that to determine the amount of all appropriations for all purposes, add \$1,400,000,000 to the totals of each year's appropriations in second column of above statement.

Fiscal year	Grand total of estimates requested by the President	Grand total of the appropriations as finally enacted	Decrease
1923.....	\$2,957,787,376.83	\$2,645,615,084.56	\$312,172,292.27
1924.....	2,567,259,344.61	2,556,873,968.89	10,385,375.72
1925.....	2,338,067,222.58	2,328,042,585.30	9,024,637.08
1926.....	2,764,221,237.57	2,751,624,741.67	12,596,495.90
Grand total.....	10,627,335,181.59	10,283,156,380.62	344,178,800.97

Concise statement showing history of appropriations for the four years' operation under the Budget system, fiscal years 1923, 1924, 1925, and 1926
[Read down the columns]

Action of Budget and President	Action of Appropriation Committee of House	House's action	Senate's action	Action of conference committee and Congress
Total amount estimated by the Budget and requested of Congress by the President— \$10,627,335,181.59	Total amount recommended to the House for passage by Appropriations Committee of the House— \$9,994,658,781.53 which is a decrease of the amount estimated by the Budget and requested of Congress by the President of— \$632,676,400.05	Total appropriations passed by the House in acting upon the recommendation of its Appropriations Committee— \$10,060,162,805.83 which is an increase of the Appropriation Committee's recommendation to the House of— \$65,504,021.30 and which is a decrease of the amount estimated by the Budget and requested of Congress by the President of— \$567,172,375.79	Total appropriations passed by the Senate in acting upon the appropriation bills passed by the House— \$10,396,831,397.83 which is an increase of the total amount passed by the House of— \$336,668,591.97 and which is an increase of the amount approved by the Appropriations Committee of the House (as sufficient for all) of— \$402,172,616.29 and which is a decrease of the amount estimated by the Budget and requested of Congress by the President of \$230,503,783.77	Total amount as finally enacted into law— \$10,263,156,393.63 which is an increase of total appropriations passed by the House of— \$222,993,571.79 and which is an increase of amount approved by the Appropriations Committee of the House of— \$288,497,599.09 and which is a decrease of the amount estimated by the Budget and requested of Congress by the President of— \$344,178,800.97 In conference, the House conferees succeeded in reducing the Senate's increases in the sum of— \$113,675,017.20

The SPEAKER pro tempore (Mr. ACKERMAN.) Under the special order the gentleman from New Jersey [Mr. LEHLBACH] is recognized for 35 minutes. [Applause.]

RETIREMENT OF CIVIL-SERVICE EMPLOYEES

Mr. LEHLBACH. Mr. Speaker, as chairman of the Committee on the Civil Service of the House, it seems necessary, in justice to the committee, to outline briefly the existing system of retirement for classified civil-service employees and the activities of the committee with respect to proposed legislation for the purpose of liberalizing the present system and correcting the more glaring of its defects.

By reason of stories recently appearing in the press, including purported interviews by those who have to do with controlling the legislative program for the remainder of this session, an impression may be created, both in the minds of the public and of the Members of this House, that failure to enact any retirement legislation at the present session would be due to the indolence, ignorance, and general incompetence of the committee in dealing with the subject. In fact, one might imagine that the existence of the problem itself, with its attendant difficulties, perplexities, and possible embarrassments, is solely the fault of the Committee on the Civil Service.

The committee does not relish the rôle of scapegoat, does not deserve it, and refuses to play it. The retirement system, with its vexatious problems, is here whether we like it or not and whether we legislate with respect to it or not. The retirement act was passed in the spring of 1920 by the overwhelming votes of both the Senate and the House of Representatives and became a law by the signature of President Wilson on May 22, 1920. It passed in the House of Representatives on April 30, 1920, and there were only 54 votes cast against it. Of these, there are Members of the present Congress 34, of whom only 2 are Republicans. Everybody who voted for the bill then knew, and ought to know now, that the payment of retirement annuities costs money, and that this money must be found somewhere, sometime.

The system has been in operation for six years, during which time substantial sums of money have been paid out in annuities that manifestly were not contributed by the beneficiaries. Yet, as far as I know, not one step has been taken or even a suggestion made to meet the situation, either by those charged with financing the activities of the Government or those preparing the appropriations for these purposes.

The Committee on the Civil Service has not been remiss in this respect. It is no part of the function of a legislative committee to draft or report methods of financing Government activities entered into by reason of its recommendations or to direct the making of specific appropriations therefor. The retirement law carries blanket authority for the making of

any and all necessary appropriations to carry out such method of financing the system as may be adopted. Instead of being remiss in this respect the Civil Service Committee has exceeded its duties and responsibilities and has in its reports on bills in the last Congress repeatedly called attention to the financial obligations of the Government with respect to the system and to the fact that these obligations were increasing. In the last Congress, in a speech under date of March 4, 1925, I again called attention to these facts, pointing out the actuaries' estimate of the Government liability and specifically pointing out that the Government's actual indebtedness as of June, 1924, was about \$12,000,000.

The law created a board of three actuaries, who annually report on the financial condition of the retirement fund. The fifth annual report of such actuaries was submitted to Congress on March 29, 1926, was promptly printed, and was available to all who are concerned or ought to be concerned about the Government's financial responsibilities to the retirement fund. This contained not only revised estimates of the cost of the existing system but also of various proposed modifications. Such estimates were carried in the three previous reports of the actuaries, equally available to all who care to be informed on the subject.

The one outstanding fact to be learned from a study of the actuaries' figures is that none of the estimates of the actuaries, standing by itself, reveals the cost to the Government of the retirement system either now or at any given time in the future. The actuaries have submitted only two kinds of estimates. The first is a valuation of the retirement system limited to what is termed the "membership" at the time the valuation is made. In their last estimate of the existing system this membership was limited to the 11,000 annuitants now on the roll and the active employees to the number of 388,000. The valuation includes the sum total of annuities payable and to become payable to this limited membership until the last one is gone. It estimates the amount of contribution to be paid by the existing membership until their retirement, together with the earnings of such contributions. It subtracts these contribution assets from the annuity liabilities and balances the valuation by inserting the difference as the sum total of appropriations to be made by the Government. Of course, in actuality new contributors are constantly entering, and these eventually will become new annuitants not embraced in such a valuation. This class of estimate has value and is necessary in determining a sound method of financing retirement, but manifestly standing alone it does not shed light on the specific amount to be appropriated next year or 10 years hence or 50 years hence.

The other class of estimates furnished by the actuaries consists of segregating the normal cost of the retirement system

from the deficiency cost. In a retirement system such as ours, where the employee contributes a certain percentage of his salary to defray the cost of his annuity, the total amount of his contributions and their earnings during his active period of service can be estimated, the value of his annuity at the time of his retirement can be estimated, and consequently the extent to which such contributions will cover the cost of the annuity can be ascertained.

The difference, if any, is the cost of his annuity to the Government. The actuaries call "normal cost" when each annuitant has contributed throughout the entire period of his active service, and this state will arrive when all those who are beneficiaries of the system and who were in the service prior to 1920, when contributions first began, are gone. It is perfectly obvious that the Government in retiring those who have contributed not at all or only during a part of their service is assuming an added burden with respect to them. The difference between the full contribution the law contemplates an employee to make and the actual contribution made since 1920 by the retired employee is the measure of the increased burden on the Government and is called by the actuaries the deficiency cost.

This second class of estimates approximates the total lump sum of the deficiency cost, divides it into 30 annual payments, and figures what the percentage of the total pay roll such annual payments represent. The estimate also approximates the normal cost of the retirement of the existing membership and likewise divides it into 30-year periods, ascertaining the amount of each such annual payment and the percentage of the pay roll it represents. It is obvious that these annual payments and these percentages of the pay roll mean nothing at all unless it is determined to meet the deficiency cost and the normal cost of the present membership of the retirement system in the first 30 years of the system's existence. No one responsible for the finances of the Government or the appropriation of its money or who has any official interest in retirement has suggested such a course.

Mr. HUDSON. Is it not self-evident that when the Government established the retirement system that they must provide for this deficiency? And they should have done it before this time.

Mr. LEHLBACH. The gentleman emphasizes the point which I made earlier in my speech.

From all this it is perfectly obvious that the figures of the actuaries do not reveal the cost to the Government year by year of either the existing system or any proposed modification. Consequently, additional reports from the actuaries may be called for from now until doomsday without receiving further light on the question of what appropriation should be made now or in any given year in the future. No answer to this question can be given until some one determines in what manner the cost of retirement is to be met. The question is not what must be paid, but how and when it shall be paid. This determination is most emphatically outside the jurisdiction of the Committee on the Civil Service, and unless and until it is answered your committee is utterly helpless to procure and present estimates of appropriations necessary from year to year to meet the cost to the Government of either the existing system or any modification thereof it may propose.

Mr. COLTON. I have followed the gentleman with a great deal of interest, but I can not see why your committee can not determine the amount.

Mr. LEHLBACH. The actuaries have guessed at it.

Mr. COLTON. Is it just a guess?

Mr. LEHLBACH. It is more than a guess; it is based on figures that the committee believed are approximate but substantially inflated. There are certain elements of inflation we can demonstrate.

Mr. COLTON. What I can not see is why you can not determine the amount.

Mr. LEHLBACH. The total amount of deficiency?

Mr. COLTON. Yes.

Mr. LEHLBACH. That has been estimated and reported by the committee in its report and by the actuaries.

Mr. BOX. Perhaps the gentleman gave it, but I did not catch it. What would be the cost over and above the amount contributed by the employees, whether the bill the committee proposes will bring the normal sum within the sum contributed by the employees?

Mr. LEHLBACH. The committee is of that opinion.

Mr. STRONG of Kansas. What do you mean by the normal cost?

Mr. LEHLBACH. The cost to the Government of the annuity of each individual, or the sum total of the annuities of all beneficiaries, when each such beneficiary has contributed throughout the active period of his service. In the genera-

tions to come it is not fair to charge the employees making full contributions for the expenditures incurred by the Government in paying deficiency costs to those who were retired without having made contributions.

In these circumstances, upbraiding the committee for the omissions of others beyond its control is grossly unfair. All this was set forth in the recent report of the committee, a copy of which was mailed to every Member of the House. Apparently the report found prompt lodgment in the waste baskets of the committee's detractors.

Furthermore, the committee has found the estimates of the actuaries to be substantially inflated, even beyond the point of the ordinary loading which cautious actuaries indulge in to protect the solvency of their companies. Thousands of people are carried in the estimates as retired employees drawing annuities when, in fact, they are active employees paying contributions.

After considering and analyzing available figures, the committee recently reported a bill. This bill is not a new proposition. It is substantially the bill reported in the last Congress and passed in the Senate. Neither in the last Congress nor in this was the committee made aware of any substantial objection to its provisions until recently. The committee believes this bill to be fair and reasonable and advantageous to the Government as well as to the employees. It believes that under its provisions the contributions of the employees will come pretty close to carrying the normal cost of retirement. Certainly the provisions of the bill can be so modified as to insure this result. We have expressed our willingness to consider all suggestions for such modifications as do not violate the fundamental principles underlying the system.

The bulk of the cost to the Government is the deficiency cost. The system is perpetual as long as the Government endures and has employees. Methods can be devised for spreading this cost over as long a space of time as may be desired, in order that no undue burden need fall on the Treasury in any one year or period of years. Such a method is indicated in the report of the committee.

The impressive totals found in the actuaries' tables do not frighten the committee. The salary of a \$1,200 clerk entering at the average age and quitting the service at the average age will with its earnings exceed \$100,000. Yet when it is proposed to employ an additional \$1,200 clerk in a bureau nobody wrings his hands with despair at the \$100,000 cost involved. The nations of Europe, sweating blood in an effort to make their budgets balance, generally maintain equitable systems of retirement for their civilian employees. It is fair to assume the United States can afford to do likewise. [Applause.]

Mr. HUDSON. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. HUDSON. I recognize the gentleman is making a very fine connected statement and I do not want to interrupt him except to bring out further the question of the gentleman from Kansas as to the normal cost. Has the gentleman estimated what will be the normal basis for the retirement fund?

Mr. LEHLBACH. Anybody can determine that as readily as I can. It will be when the last person now in active service who was in such service prior to August, 1920, shall have retired and eventually died.

Mr. WOODRUM. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. WOODRUM. The chairman of the Civil Service Committee has made a very splendid speech, and I would like to make an observation asking him a question. Is it not true in the last Congress the Committee on Civil Service in the House reported out a bill which passed the Senate, and that committee made every effort to get a hearing on the floor of the House for the bill, but we were unable to do so. Is not that correct?

Mr. LEHLBACH. That is a fact.

Mr. WOODRUM. Is it not further true that the committee has unanimously reported out a bill in the present Congress that does not call for the present appropriation of a single penny, nor does it contemplate calling for an appropriation for years to come, in order to allow an increase in annuities for these employees, the maximum being \$720, and only a few getting the maximum. Is not that a correct statement?

Mr. LEHLBACH. In a modified way it is. I would like to say to the gentleman from Virginia that the report of the committee advocates and the gentleman personally advocates the payment of interest on the annual cash obligations of the Government to the retirement fund that have accumulated and that will accrue from year to year. In that way the Government liability will not be pyramided but remain the same through the years by the payment of interest. In other words, whatever is due at any given time will still be due in the future, but without accretions, and that is all that in the

judgment of myself is necessary at the present time, or for a period running from 15 to 25 years from now. The payment of this interest, as Government expenditures go, is a trivial sum.

Mr. WOODRUM. Is it not true the committee has made every effort in the last Congress and this Congress to get retirement legislation and so far has been unable to get the steering committee of the House to allow us to bring the legislation on the floor of this House for consideration.

Mr. LEHLBACH. The chairman of the committee will state that he has made no formal demand as yet either upon the steering committee or the Committee on Rules for consideration of this legislation.

Mr. WOODRUM. Is not the chairman of the committee aware of the fact that the distinguished leader of the majority has stated to the press that there would be no consideration of retirement legislation because the committee had brought the matter to the House in such a sloppy manner that they could not tell anything about it. Are not those the words he used, "sloppy manner"?

Mr. LEHLBACH. The leader of the House, the gentleman from Connecticut, has assured the gentleman from New Jersey that he was misquoted in that interview; that what he may have said was grossly exaggerated.

Mr. BROWNING. Will the gentleman yield? Can the chairman of the committee at this time give any hope for the consideration of this measure at this session?

Mr. LEHLBACH. The chairman, of course, can give hope, because he himself entertains hope. Hope springs eternal in the human breast. [Laughter.]

Mr. BROWNING. Does the gentleman have anything except his hope to base his expectation on?

Mr. LEHLBACH. Nothing definite, I will say to the gentleman from Tennessee; the gentleman has nothing definite.

Mr. BROWNING. Of course, as a member of the committee and knowing how the chairman of this committee has worked faithfully for this legislation, I was in hope possibly the leadership of the House would relent from their present apparent position and allow us a chance to get the House to pass on whether they think this legislation is proper or not.

Mr. RANKIN. If the gentleman will permit, what is the extent of the gentleman's hope? The gentleman says he hopes to get the bill before the House. Will the gentleman tell us the extent of that hope? Does the gentleman say this is an eternal hope? Does the gentleman think we will have to wait eternally before this measure is brought in here?

Mr. LEHLBACH. It is a hope that is limited by the last day of the present session of Congress.

Mr. BROWNING. I want to say that I am not questioning the sincerity of the chairman in getting this legislation before the House, but I was in hope the gentleman might have some message from the leadership on the other side that we might have consideration at this session.

Mr. LEHLBACH. No; but the gentleman will answer the gentleman from Tennessee by stating generally that nothing has been done tending to estop the consideration of the legislation.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. I yield to the gentleman from Wisconsin.

Mr. SCHAFER. Do I understand the gentleman to state that he has not asked the Committee on Rules for a rule or asked the steering committee for an opportunity to have this legislation considered at this session?

Mr. LEHLBACH. The gentleman, I believe, stated that he had made no formal application either to the steering committee or to the Committee on Rules as yet.

Mr. SCHAFER. Will the gentleman make formal application in the near future?

Mr. LEHLBACH. The gentleman has been instructed by his committee to use all proper parliamentary means to secure consideration. Such means may vary from time to time, and therefore the gentleman can not state precisely what means he intends to employ at any given time.

Mr. SCHAFER. In view of the fact that this is a long session and the session does not expire at any definite time, the friends of this legislation could refuse to vote for an adjournment until the legislation was placed before the House, could they not?

Mr. LEHLBACH. That is an interesting speculation.

Mr. WOODRUM. The distinguished gentleman, of course, could not make the statement which I want him to make, but I know it is true, and I want to say that if the distinguished chairman of his committee had had his way there would have been retirement legislation in the last Congress, because I can say with all sincerity—and I hope it will not embarrass the gentleman—that he has been conscientious and relentless in his

efforts to secure legislation, but the gentleman is in an embarrassing situation.

The members of his Cabinet and of his party are standing out to the country as deploring the fact that there is not an increase in the annuities, and lambasting Congress on that account, and yet his President and the steering committee of his party in the House will not let him bring the bill out before the House, where it could pass unanimously if it had an opportunity to come on the floor.

Mr. LEHLBACH. If the gentleman thinks that is a proper interpolation in my speech, well and good; but I have had no intimation, either from the President or any others, to the effect that the legislation will not be considered. On the other hand, I have received expressions from various sources showing that a sympathetic interest in such legislation is being entertained, and I believe that to be the fact.

Mr. Speaker, I now yield the floor. [Applause.]

Mr. BROWNE. Mr. Speaker, how much time is left of the gentleman's 35 minutes?

The SPEAKER pro tempore (Mr. ACKERMAN). It is a special order. The gentleman has yielded the floor.

Mr. BROWNE. How much time has he taken?

The SPEAKER pro tempore. The gentleman from New Jersey has consumed 27 minutes.

Mr. BROWNE. Out of the 35?

The SPEAKER pro tempore. Yes.

Mr. BROWNE. I ask unanimous consent that I may have the balance of that time.

Mr. WOODRUFF. Mr. Speaker, I hope the gentleman will not make that request.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that he may proceed for eight minutes. Is there objection?

Mr. WOODRUFF. Reserving the right to object—and I shall not object—I want to say that the balance of the afternoon has been set aside by unanimous consent of the House for the consideration of conservation and reforestation discussion. I hope that when the gentleman from Wisconsin finishes his eight minutes no further requests for time will be made this afternoon.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for eight minutes.

Mr. BROWNE. Mr. Speaker, the Committee on the Civil Service, of which I am a member, began joint hearings on the retirement bills with the Senate committee soon after the convening of this Congress. The committee has had a great many witnesses before it—actuaries, experts, and others. It has considered this bill, H. R. 7, which it has reported favorably upon, very thoroughly. The Senate committee has reported a bill similar to the House bill. Both bills have been considered for over four months by the committees, and both committees were unanimous in reporting the bills for passage. In the last session the House and Senate, after full consideration, presented similar bills with unanimous reports. The Senate bill passed the Senate, but the committee of the House were not able to get a consideration of it in the House. Now, it is very doubtful if the House will have a chance to even vote on the bill that the committees have unanimously reported to the House at this session of Congress.

I hold in my hand here an interview printed by all the Washington papers which I have never seen contradicted, and I do not think it has been contradicted. The headings are:

[From the Washington Times, Saturday, April 17, 1926]

HOPE FOR ACTION IS LOST

"There is no possibility of any legislation liberalizing retirement for Federal employees in this session of Congress," Representative JOHN Q. TILSON, of Connecticut, Republican floor leader of the House, stated to-day after a conference with President Coolidge at the White House.

This statement was made on last Saturday, April 17, and has not been contradicted. The question arises whether, after a thorough consideration of an important measure of this kind by a committee and a favorable report, it is possible that one man or a set of men can prevent the House of Representatives from voting and putting itself on record as being for or against this legislation? If so, it is not only a peculiar but a humiliating situation. I do not think that there is a State in the Union or a single government in the world that pretends to have a democratic form of government where the parliament of that government or the legislature of that State would tolerate having the right to vote on legislation reported favorably by a committee taken away from it without having a chance to vote upon it. And yet the House of Representatives, the first

of the three departments of government created by the Constitution, has reduced itself, if this rule is continued and this precedent established, to a mere debating society, where we can only go through the motions of legislating and consider matters of great importance by mere academic discussion. This legislation affects 188,000 faithful employees of the Government. They are very anxious about it.

My friend from New Jersey [Mr. LEHLBACH] has said that they have a retirement system in practically all the nations of the world and in most of the large cities and most of the large corporations in the United States have such a system. Such a system is not only humane but helps in efficiency; and yet when a bill has been thoroughly worked out here and presented with a unanimous report from the committee composed of Republicans and Democrats, one man, a Member representing no more important constituency than any of the other 434 Members of the House of Representatives, can walk along the well-beaten path to the White House and afterwards to state to the press of this country that we shall not have any legislation on the subject!

Now there is other important legislation pending that has been reported favorably by committees, the Civil War veterans' bill, the bill affecting the World War veterans, and the truth-in-fabric bill, one of the early pieces of legislation reported out of the Committee on Interstate and Foreign Commerce. Why can not the House have an opportunity to vote upon these important bills and say whether they want them or not? I object to the President vetoing legislation before it gets to him. [Applause.] When any department of government dictates what bills shall be considered by Congress and what bills shall not, that department of government is encroaching on the legislative branch of the Government, and I for one resent it.

In other words, when a committee has for weeks and weeks considered an important measure and has favorably reported it—a measure which affects as many people as this measure does—and there is other legislation which should be considered, like the pension bill for aged Civil War veterans and their widows that I referred to, which was passed almost unanimously in the last session, and the truth-in-fabric bill, which has been knocking at the doors of this House for five or six years, I do not see why this House, the great sovereign body it is, can not bring up this legislation before it and vote it up or down, and if a majority vote in favor of it, then the President can exercise his prerogative as the Executive and veto it, and we can have our recourse after that.

There is a movement all over the world to weaken the powers of the parliaments and usurp the power of the legislative branch of the government. Mussolini, the black-shirted dictator of Italy, has reduced the Parliament of Italy to a mere debating society. There are other countries, claiming to be democratic countries, whose parliaments are now under such dictatorships that the legislative branch of those countries has been reduced to a mere debating society. The Reichstag under the Kaiser was a mere debating society, going through the motions while the Kaiser was legislating, but the House of Representatives of America and the Parliament of England have heretofore stood up as great sovereign bodies and maintained their rights.

Mr. SCHAFER. Will the gentleman yield?

Mr. BROWNE. For a question; yes.

Mr. SCHAFER. The gentleman does not think it necessary to adjourn on the 15th or 16th of May with this important legislation not considered, does he?

Mr. BROWNE. I certainly do not. I believe we could take up this legislation any afternoon, have two or three hours of general debate, and pass it almost unanimously.

The Constitution of the United States, Article I, section 1, provides that—

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. 2. The House of Representatives shall be composed of Members chosen every second year by the people of the several States. . . .

The House of Representatives, the most important of the three coordinate branches of Government and created in the first article and first section of the Constitution, was supposed to legislate for the people without any interference or intimidation from either of the other departments of Government. Is the present Congress fulfilling the sovereign functions for which it was created? Did the framers of the Constitution contemplate that before any important legislation could be voted for by the Members of the House of Representatives that one or more of the Members of this body should go to the White House and consult the President; and if the President was not favorable to the legislation proposed, then prevent the Congress

from considering and voting upon such legislation? Is it within the province of the President of the United States to tell Congress whether it can consider and pass upon certain bills before it or not? If on all important matters of legislation the President's approval or disapproval of the consideration and voting upon such legislation is necessary, then the President is legislating and not Congress.

The Sixty-eighth Congress was severely criticized by Mr. Gary, president of the United States Steel Corporation, and Orin Lester, president of the Bowers Savings Bank, because it manifested some independence and insisted in drafting a revenue bill instead of accepting the Mellon tax bill. Mr. Gary stated that—

The worst thing we have is our American Congress.

Mr. Lester said:

With such agencies at work in the country as Bolshevism and the present United States Congress we have some job on our hands to maintain the integrity of the Nation and the security of our institutions.

There is an effort from certain sources in the United States to undermine and belittle the American Congress and make it absolutely subservient to the dictates of the Executive. The present Congress has been eulogized and lauded by those people who condemned the Sixty-eighth Congress because it would not take orders from them.

The Members of this Congress are responsible to the people for legislation and not the President of the United States. If this Congress believed in letting the President legislate for it, then what is the use of taking up the time and holding committee meetings for the consideration of bills that will never be voted upon by Congress? [Applause.]

CONSERVATION OF FORESTS

The SPEAKER pro tempore. Under the special order of the House adopted on April 20, 1926, it was ordered—

That debate on the general subject of conservation of forests be in order for three hours on Thursday, April 22, 1926, after completion of the address by Mr. LEHLBACH, time to be controlled by Mr. TILSON and Mr. GARRETT of Tennessee.

Mr. TILSON. Mr. Speaker, I should like to have the privilege of yielding the control of the time allotted to me to the gentleman from Michigan [Mr. WOODRUFF].

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to yield the control of the time in my charge to the gentleman from Ohio [Mr. DAVEY].

The SPEAKER pro tempore. Unless there is objection, it is so ordered.

There was no objection.

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent that all gentlemen speaking upon the subject of conservation and reforestation this afternoon have five legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that all gentlemen who speak upon the subject of conservation and reforestation have five legislative days in which to extend and revise their remarks. Is there objection?

Mr. JONES. The gentleman, of course, means their own remarks?

Mr. WOODRUFF. If this general permission is granted, I intend to ask that I be allowed to print in connection with my speech a speech delivered by the Chief Forester of the United States at the annual meeting of the American Forestry Association, Richmond, Va., January 6, 1926.

Mr. JONES. I think that would be all right. I do not think leave should be granted to extend remarks on any subject other than this subject, and that the extension should include remarks made by the gentlemen themselves.

Mr. WOODRUFF. I would like to have permission to include the speech to which I have referred.

Mr. JONES. With that understanding, that otherwise they will be the Member's own remarks, I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, I yield five minutes to the gentleman from Connecticut [Mr. TILSON]. [Applause.]

Mr. TILSON. Mr. Speaker, I am glad to speak the opening word in this discussion on conservation, with special reference to the subject of forestry, for it is a subject in which I have always felt a deep and abiding interest. It is the desire of every right-thinking man to leave the world better than he found it. Upon this very laudable characteristic of mankind has been built much that is best in civilization. The principle involved can be most aptly applied to the question of the conservation and reproduction of our forests.

Man found the earth covered with vegetation, a large part of it being forests. When in the course of his development he reached the agricultural stage it was necessary for him to remove the forests in many places in order that he might dig his living from the earth. Quite naturally he came to regard the forest as one of his principal enemies rather than his best friend. He found that the forest not only occupied the ground and prevented his cultivation of it, but it also harbored wild beasts, and sometimes wilder men, who sought to destroy him. With such an environment it is but natural that he should ruthlessly devastate the forests, which, in fact, he did.

In many countries of the Old World, like China, the attitude and policy of hostility to the forest, without a thought of its beneficence, eventually produced its logical result in the immense denuded areas of those countries. At a later stage this same process went on in Europe, though not on such a scale as in Asia, but here, having learned something of the lesson taught by the experience of Asiatic countries, a wiser policy was evolved, so that in some countries of Europe forests of incalculable and increasing value have been maintained through many centuries.

In our own country the boundless expanse of forest, and the seemingly impossible task of seriously depleting it, caused an attitude on the part of Americans much like that of our earlier yellow brethren. With my own hands I have helped to fell the stately trees that grew in superabundance upon the farm where I grew up. I have helped roll these trees into immense heaps and burn them in order to plow and hoe the ground upon which they grew. We have ruthlessly and wastefully destroyed much of our forests, and even yet the process is one of destruction rather than rehabilitation. We have already sufficient data to foresee the inevitable result of the policy of destruction. Fortunately, our people are gradually realizing the seriousness of the situation, and have begun in a more or less effective way to undo what has been done, or at least to offset what is being done.

When we reflect that man not only found the earth covered with forests but that he found underneath the soil an abundance of oil, natural gas, and coal of all descriptions, all of which he is proceeding to use up at an incredibly fast rate, it is enough to cause us to stop and consider what the final result will be. We can not replace the oil, the gas, or the coal. These came from the vegetable growth of bygone ages. The surface of the earth, however, can be caused to produce new forests, and if we would have regard for the future, if we would really have the world be better for our having lived in it, and not materially worse, it is necessary that we enter not only upon a policy of conserving the forests that have been left but of restoring as far as possible the forests to the condition in which they should have been maintained through the years that have passed. [Applause.]

Mr. WOODRUFF. Mr. Speaker, I yield five minutes to the gentleman from Washington [Mr. JOHNSON]. [Applause.]

Mr. JOHNSON of Washington. Mr. Speaker and gentlemen, I think it is quite right that this House should devote a few hours to-day, during conservation week, to a discussion of the great subject of the conservation of national resources. We have seen in the last 30 years the whole development of the idea of the conservation of resources, beginning with proclamations issued by the several Presidents since that time, under which great areas of public domain in the West were covered into reserves to be held for posterity, and which we hope will be for the children of those now in the United States and not for those yet unborn in foreign countries. [Applause.]

It so happens that in the district which I have the honor to represent, the third district of Washington, are three large forest reserves. These reserves are in reality forests; they are not treeless forest reserves or grazing lands. The last great stands of timber in the United States are in the extreme Pacific Northwest.

I have always felt that the question of the proper conservation of our forest resources has been misunderstood by the people of the East. I have always resented a little the fact that so many people living in that part of the United States east of the Mississippi River, having discovered that the natural resources that the East once had were gone, were so determined to preserve the resources in our part of the country that they would do it without rhyme or reason, and have, as a fact, literally "preserved," and embalmed a lot of our resources. In fact, some of our greatest resources are becoming mummified, frozen, and valueless either to this generation or to posterity.

I have been surprised during all of these years I have been a Member of Congress that for such a long time the appropriations for the forest reserves came from the Committee on Agriculture, and it has been a rare Congress when we have had

on the Committee on Agriculture anybody who really understood much about actual forests and actual forest conservation. Therefore, I am very glad to see the whole House beginning to carefully consider this subject.

The first year I was in Congress—at an extra session in 1913, I believe—I secured 40 minutes to address the House and did address the House. I had quite a large audience and close attention. I addressed the House on the subject of conservation at close range, telling something about the sad side of the forest-reserve system and how the national forests were thrown upon the old-time homesteaders, thus shutting him out of every opportunity, such as roads, schools, churches, and neighbors. Also I told how the Western States were deprived, cut out from the development of that from which they had expected to derive population, prosperity, and taxes.

I do not now desire to sound one discordant note. We have seen the States and the Forest Reserve Bureau come more into harmony and better understanding. The officials these days are highly efficient. I wish I had time to compliment them by name. Impossible rules and barbarous regulations have been abandoned. The squandering of public funds on trifling contests has ceased.

I have one idea to suggest for your consideration. When you begin to talk about reforestation out in these great cut-over areas of the Pacific Northwest, you must remember it is not quite fair to call upon the owner of the land, who harvested the possible one crop of his lifetime—which crop he may have been obliged to cut on account of high taxation by the State. That is to say, if he had held that timber any longer he never would have gotten his money back, because the taxes he would have been compelled to pay would have been more than he would have received. That forces liquidation. It forces premature cutting.

Then, when it is proposed to reforest, the State legislatures and conservation congresses always argue that the owners of the cut-over stump land must do the reforesting. They say: "Why should we put the good money that we have earned and now have into expensive reforestation for results 60, 80, or 100 years from now, to develop something from which our children and our grandchildren may derive some income when under the inheritance-tax system of State or Nation, or both, that income is to be snatched away from us?" You can see the problem. I need not develop it further, but I shall, under permission granted, find time, I hope, to extend my remarks on this most interesting subject. I thank you. [Applause.]

Mr. DAVEY. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. MCSWEENEY], who will read the proclamation of the President of the United States with reference to American forestry week, and concerning which he may have some comments of his own.

Mr. MCSWEENEY. Mr. Speaker and gentlemen of the House, it seems to me that a gracious Providence has lavished upon America wonderful natural resources; and when I think of all the things lying beneath the surface of our earth and the wonderful vegetation on the earth, I wonder whether Christ's parable of the talent is not applicable to us. You remember that parable. I wonder as a citizen of America whether I am taking care of my talent, whether I am enhancing its value or whether I am allowing it to lose its value. Can we as Americans ever hand back the talent that was given to us and say, "Here is Thy talent"? I am afraid we can not. This gracious Providence wants us to utilize these wonderful resources, not waste them, but in many instances we have not utilized them but have wasted them. I only hope our conscience has been awakened in time for us in some way to preserve some of these resources and to give to the next generation a portion of that wonderful heritage that was left to you and to me. We can waste money, because money is made by man, although the component parts of it were made by that same gracious Providence; but we all know that God Almighty alone can make a tree. We can aid Him if we will by giving that tree a start, and then He will give it life and growth and allow it to beautify the earth, so that we may, as was so beautifully expressed by the gentleman from Connecticut [Mr. TILSON], leave it a better place than we found.

We are awakening the public conscience; and this year, as in years past, the President of the United States has set aside this week for us to pay attention to this great question of reforestation, and I shall read the President's proclamation which he has issued with regard to forestry week:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A proclamation

In again proclaiming American forest week it is fitting that, while giving full weight to the evils resulting from impoverished forests and idle land, I should lay stress upon the outward spread of forestry

in industrial practice and land usage. Too long have we, as a Nation, consumed our forest wealth without adequate provision for its wise utilization and renewal. But a gratifying change is taking place in the attitude of our industries, our landowners, and the American people toward our forests.

The wise use of land is one of the main foundations of sound national economy. It is the corner stone of national thrift. The waste or misuse of natural resources cuts away the groundwork on which national prosperity is built. If we are to flourish, as a people and as individuals, we must neither wastefully hoard nor wastefully exploit, but skillfully employ and renew the resources that nature has intrusted to us. America's forest problem essentially is a problem involving the wise use of land that can and should produce crops of timber.

Flourishing woodlands, however, mean more than timber crops, permanent industries, and an adequate supply of wood. They minister to our need for outdoor recreation; they preserve animal and bird life; they protect and beautify our hillsides and feed our streams; they preserve the inspiring natural environment which has contributed so much to American character.

Although our national progress in forestry has been well begun, much remains to be done through both concerted and individual effort. We must stamp out the forest fires which still annually sweep many wooded areas, destroying timber the Nation can ill afford to lose and killing young growth needed to constitute the forests of the future. Forest fires, caused largely by human indifference or carelessness, are the greatest single obstacle to reforestation and effective forest management.

We must encourage and extend methods of timber cutting which perpetuate the forest while harvesting its products. We must plant trees in abundance on idle land where they can profitably be grown. We must examine taxation practices that may form economic barriers to timber culture. We must encourage the extension of forest ownership on the part of municipalities, counties, States, and the Federal Government. And we must take common counsel in public meetings to the end that the forestry problems of each region may be well considered and adequately met.

Now, therefore, I, Calvin Coolidge, President of the United States of America, do hereby designate the week of April 18-24, inclusive, 1926, as American Forest Week; and I recommend to the governors of the various States that they also designate the week of April 18-24 as American Forest Week and observe Arbor Day within that week wherever practicable and not in conflict with law or accepted custom. And I urge public officials, public and business organizations, industrial leaders, landowners, editors, educators, clergymen, and all patriotic citizens to unite in the common task of forest conservation and renewal.

The action of the Canadian Government in likewise proclaiming the week of April 18-24, inclusive, as a period when the utmost stress shall be laid upon the problems of forest conservation and renewal, thus unifying the respective efforts of Canada and the United States, is an added reason why our citizens should give careful thought to a matter so important to both countries.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 3d day of March, A. D. 1926, and of the Independence of the United States of America the one hundred and fiftieth.

[SEAL.]

By the President:

FRANK B. KELLOGG,

Secretary of State.

CALVIN COOLIDGE.

This is the President's attitude. We, as Representatives, are really coworkers with him, trying to do what we can for the welfare of our country. We should join hands and with a concerted effort move in one direction which will lead us to make our land more beautiful, more pleasant, and more prosperous for those who follow us. [Applause.]

Mr. DAVEY. Mr. Speaker, I yield three minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, I simply wish to ask the Clerk to read in my time a little poem written by our distinguished colleague, the gentleman from West Virginia, Hon. J. ALFRED TAYLOR.

The Clerk read as follows:

WHEN A GREAT OAK FALLS

By J. ALFRED TAYLOR, M. C.

Deep rooted it stood in the mountain wood—

A lord of the forest—a giant oak;

The storm god tried, but never could

Cause it to bend to his lowly yoke.

He tested its strength in a thousand ways—

With wind and the lightning, storm and rain;

But the oak stood staunch through the countless days,

Regarding these efforts with deep disdain.

But there came a day—as there comes to all

The trees of the forest, small or great,

When the oak, in answer to nature's call,

Went down in the wood of its own sheer weight.

That happened a thousand years ago;

Earth gathered the oak to mold and decay,

And ferns and wild flowers richer grow

Along a path where the great oak lay,

A stancher oak is towering high—

Sprung from the soil where the old oak stood.

The old oak lives, though it seemed to die

An age ago in the mountain wood.

Mr. WOODRUFF. Mr. Speaker, I yield 30 minutes to the gentleman from Montana [Mr. LEAVITT]. [Applause.]

Mr. LEAVITT. Mr. Speaker and gentlemen of the House, the fact that the President of the United States has issued a proclamation setting aside this week for the consideration of the question which is before the House of Representatives at this time is in itself a sufficient proof of the importance of the question.

Of necessity we approach problems from the standpoint of our own experience, and I hope you will bear with me if I speak from time to time of personal experiences. For about 11 years my work was forestry, and during all of that period of time the foremost thought in my mind was the preservation of the Nation's forests.

We learn, as I have said, from our experience, and we approach these things from that angle. The thing that shocked me into an appreciation of the forestry problem that confronts the United States may be interesting. I was born and grew up in the woods of Michigan. Back at the beginning of my memory I recall almost unbroken forests. I went West as a young man, and was gone for nine years without returning to the place where I had been a boy. When I had left there had been a shingle mill cutting shingles from the cedar, a hoop and stave factory cutting elm and manufacturing it into barrel material, a band-saw mill and two circular-saw mills making lumber, and a hardwood woodenware factory making butter bowls and similar products from the maple. After that nine years nothing whatever was left except the band-saw mill running for a few days out of each year. The pay roll which had existed and which had formed the prosperity of one of the finest of villages had ceased to exist. The population of the town had shrunk to a half, and as time has gone by it has shrunk to a still smaller figure.

Meanwhile, however, I had gone into the forestry work and had had forced on me a study of the situation. I was shocked at this result of the lack of foresight, because I had learned meanwhile to know that if there had been wisdom used, if there had been set aside in that State the land best fitted for raising forests, better fitted for that than agriculture, there could still have been a great lumber industry not only then but for every year of the years to come. [Applause.]

It has been proven in Michigan that there are 10,000,000 acres, at least, better fitted for raising forests, valuable kinds of forest species, than for any other purpose.

In my own State of Montana there have been set aside great areas of national forests in common with other States. To-day over 18,000,000 acres are in national forests and have the supervision of the Federal Government. The State of Montana, still small in population but marvelous in natural resources because of this great foresight, has nothing to fear from a lumber famine. We have nothing to fear from the drying up of the heads of our streams. We know, because of the protection of our streams, that Montana can develop one-tenth of all the water power that can be developed in the United States, and that some time, with the growth of population, it will be used. In many other parts of the Nation that possibility has gone with the depletion of the forests and the destruction of the forest areas, because upon the existence of the forest cover depends the protection of the stream heads, the water for irrigation, and all those things which are benefited by the supply of water.

So in the new States of the West we are respecting the foresight of the great conservationists, the men who first established a real conservation program in this country.

What was the situation in our Nation at the beginning? That is of interest to us. We have a total acreage in the continental United States of something like 1,900,000,000 acres. It is estimated that 822,000,000 acres of that great area was forest land. It was necessary to remove much timber because much land was more valuable for agriculture, thus making way for the farms of the Nation. That was a legitimate process for the development of our country. But it is evi-

dent that even with that need considered there was a mistake in bringing about a condition so that now 81,000,000 acres in the United States has been cut over, and left without protection, to be burned over time and again until they are completely denuded, and will never produce agricultural crops nor forest crops until planted. That is the result on cut-over land burned by repeated forest fires and which have not been taken in hand by the Government or the State. We have confronting us to-day the problem of acquiring greater acreage of lands of forest value, and to protect from fire these lands that must again produce timber for the prosperity of our country. At the present time, with something like 2,200,000,000 feet of timber left in the country, we are consuming it at a rate of 60,000,000,000 feet a year.

That would not be so serious but for the fact that we are only replacing it by natural growth and by all the steps we are taking as a Nation at the rate of 15,000,000,000 feet a year. In other words, cutting into our reserve of timber at a rate four times as fast as it is produced to hold our own. I claim every Member of this House is interested. Some of us may be more interested than others—and those of us who are particularly interested are sometimes charged with being excited about this problem. That reminds me of the time of a forest fire in the mountains of Montana. One of the rangers rode into camp where I was in charge of a number of fire fighters, and I said to another near me, "This ranger in telling about the fire sweeping through the canyon is excited." He said, "No; he is not excited; he is simply anxious about the situation." That is how it is with us who are helping to present this matter here to-day. There are economic questions that should be considered as well as others. I will take up first what it is costing the people in the United States in added freight on lumber because we have denuded great timber areas of our country and made them unproductive. Go back to that time when this eastern part of the United States, from the Potomac River where we are to-day north through the New England States was the great timber-producing section of the United States. The average cost of lumber at wholesale here in the East was then about \$10.50 a thousand feet, board measure.

The freight bill of 1,000 feet was only between \$1 and \$2 a thousand. That was from 1840 to 1860, down to the time of the beginning of the Civil War. Then with the depletion of the forests here in the East the great lumber center shifted to the Great Lakes States, and from 1860 to 1900 that section was supreme. Back here to the East there was then an average haul of a thousand miles by the railroads and the Lakes, and the cost per 1,000 feet of lumber at wholesale here in the East went up to \$16 per 1,000, and the freight bill increased to from \$3 to \$7 per thousand. From 1900 to 1915 the industry shifted again, and instead of the Great Lakes States, that as a boy I thought had an inexhaustible supply of lumber, it went to the Southern States and from there was drawn the greater part of the lumber coming to the East. Some, of course, still came from the Lakes States. The cost per 1,000 feet now rose to an average of over \$25. That added cost went into the building of our people's homes here in the eastern part of the country, and the freight cost went up again to from \$6 to \$12 per 1,000 feet. And what is it now here in the eastern part of the United States? Mr. Speaker, wholesale lumber for the building of the people's homes averages now about \$55 a thousand, and the freight bill for 1,000 feet of lumber ranges at from \$15 to \$25 per 1,000, because the bulk now comes from the South and the Pacific Coast. What does all this mean to the Nation as a whole? What does it mean? I will give one or two specific illustrations.

I will take the great State of Illinois, for example, that in the days when I was a boy got most of its lumber from the woods of Michigan, shipped down the Lakes to Chicago and from there distributed through the State. At the present time the lumber for Illinois is coming largely from the Pacific coast and from the South; some of it still from Michigan, but a very small part. And in 1920 it was estimated that the freight bill alone on lumber coming into Illinois was \$28,000,000.

In 1924 it had increased to \$32,000,000. Thus, during four years' time the freight bill on lumber to the State of Illinois had increased \$1,000,000 a year. Just one other thing in this connection, and that is in regard to the city of Cincinnati, from which the Speaker of the House [Mr. LONGWORTH] comes. Twenty years ago lumber could be purchased in Cincinnati at wholesale at about \$24 a thousand. To-day it costs about \$24 a thousand for freight alone on similar lumber, because it is now being shipped clear from the Pacific coast and from the pineries of the South. That means something important to this country.

In Michigan, between the years 1850 and 1910, there was about 1,000,000,000 feet of lumber shipped out of Michigan. In 1920 Michigan shipped in 1,000,000,000 feet of timber. The process now was exactly reversed. Note, too, from where Michigan is getting its timber at this time. From Michigan herself about 468,497,000 feet; from the other Lake States, 161,444,000. From the south pine region, 626,712,000, that being the greatest single source of supply; from the central hardwood region, 174,152,000 feet; from Washington and Oregon, clear cut on the Pacific coast, 148,775,000; from Idaho and Montana, including the western part of my own State, it being shipped across the entire great plains section, 87,397,000 feet of timber; and from other sources an added 50,875,000, making a grand total of lumber consumed in Michigan of 1,117,852,000 feet, and less than 500,000,000 feet of it now produced in Michigan itself.

What does that mean to Michigan in the way of freight? Michigan pays for the moving of its own timber from different parts of the State down to the great centers like Detroit and Grand Rapids \$2,500,000 in freight. But that is only a small part of the \$19,400,000 annual freight bill which the State is paying. What does that mean to you and to me when we buy furniture made in Grand Rapids? And what does it mean in the crowded centers of Michigan when they wish to buy lumber for their homes?

I must leave that and take up the question of forest fires. You will be surprised when I tell you that every year in the United States there are about 50,000 forest fires, averaging about 200 acres apiece, and most of them set by human agencies. That means a line of fire creeping through the forests along the ground and through the tops of the trees three-quarters of a mile deep and some 34,000 miles long. You can take that line of fire and run it from the Atlantic coast to the Pacific coast how many times? Once, twice, three times, four times, five times, six times, seven times, eight times, nine times, ten times! Can you imagine such a thing as that taking place in the United States every year and destroying timber of inestimable value?

Suppose that sort of damage was taking place because of the invasion of an enemy into this country! How long would it take the people of the United States to recognize that they were confronted with the necessity of rushing to the defense of their country and the protection of the resources of the land? There will be a response from the people to this danger some day that will help us to solve the problem.

Mr. Speaker, that means that 10,000,000 acres of forest area, some virgin timber and some of second growth, but all of it capable of producing forests to the extent of 10,000,000 acres, has gone up in smoke.

Now, what has been done, and what is there to do? There are many phases of this problem that would be interesting. The history of it might briefly be touched upon. It was about 100 years after the signing of the Declaration of Independence that the Federal Government and the American people realized, except in the case of a few, that there should be some constructive steps taken for the preservation of the forests, and in the year 1876, \$2,000 was appropriated by Congress to investigate the situation. Five years before that, in 1871, a bill of the same kind was introduced here in Congress and was defeated.

In 1886 there was a Division of Forestry created in the Department of Agriculture, but it was without scope or adequate power. In 1901 that division in the Department of Agriculture became the Bureau of Forestry. But the year 1894 is the historic year of the real beginning of the forestry movement. The act of March 3, 1891, gave authority to the President to create permanent forests for stream protection. That was the reason given. It was then beginning to be realized back in the older parts of the country that the stream flow depends on stream protection, and that something must be done to protect the woodlands and the sources of the streams. President Harrison created the first timber reserve, one that lies east and south of the Yellowstone National Park, on March 30, 1891.

In 1896 the President requested the National Academy of Sciences to draw up a national forest policy, and out of that report grew the present forestry policy. The title of the Bureau of Forestry was changed to the Forest Service in 1905, and then began the present real work of the national forests and the spread of the forestry doctrine.

President Harrison withdrew 13,416,710 acres of forest lands. During Cleveland's administration he became the outstanding champion of the conservation movement, and withdrew by proclamation 25,686,320 acres of forest lands on the public domain, and, Mr. Speaker, it was proposed here that he be impeached for doing that thing which we now realize was one of the most constructive things ever done by a President.

of the United States. How the national understanding has been clarified! He was followed by McKinley with 7,050,089 acres. Then came Roosevelt. I do not know whether any of the Members here to-day were Members at that time or not, but you will recall that some one started a bill through Congress providing that in certain Western States no further forest lands could be set aside by Executive proclamation, but that it could be done only by this Congress. Theodore Roosevelt had the Forest Service work night and day for three or four days preparing proclamations that he signed and sent down to the State Department for safe-keeping just as fast as they were prepared, with the result that the move was frustrated by that marvelous man while the bill was being passed. So we have to-day, with later eliminations of large areas not most valuable for that purpose, something like 155,000,000 acres of national forest lands.

That gives us something of the history up to the present time. Within the last few years Congress has been taking further steps. In 1911 there was the Weeks Act, the purpose of which was to allow the purchase of land upon which timber could be preserved at the head of streams in the White Mountains and the Appalachians. Then there was the Clarke-McNary Act, which we passed in the Sixty-eighth Congress. Most of us had a part in that, very much to our credit.

We ought now to take another forward step and make it possible to bring about, by appropriating sufficient funds for an extended 10-year program, the consummation of a statement made by Secretary Jardine on the 16th of April at Atlantic City. He said this:

The public forest acquisition program likewise represents a progressive policy. The Government has so far bought 2,690,000 acres of forest land, and during the next 10 years, according to present plans, hopes to buy 500,000 acres in the Northwest, 3,000,000 acres in the Appalachians, 2,500,000 acres in the South, and 2,500,000 acres in the Lake States. The McNary-Woodruff bill, which is now pending in Congress, will, if passed, make some such program possible.

That outlines the thing that is immediately necessary for this Congress to do.

Now, in closing I hope you will pardon me if I state this illustration from a personal standpoint—

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. O'CONNELL of New York. I have been very much interested in the gentleman's statement about the fire proposition. I have before me a copy of the New York American which states that a large forest fire is raging in the lower part of Long Island, which bears out what the gentleman said.

Mr. LEAVITT. I thank the gentleman for bringing that up.

Mr. EVANS. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. EVANS. I am very much interested in the gentleman's statement, and I know his qualifications for speaking upon this subject, and particularly concerning the forest reserves which are in the West. I think the gentleman will agree with me that for many years there was some considerable friction between the western people and those in charge of these reserves when they were primarily set apart, and the feeling, I think, has grown up in the country that the western people—the people who live contiguous to and in and about these forest reserves—are opposed to conservation. I would like to have the gentleman's view, he having had years of experience and living with these people, as to what their attitude is on this proposition.

Mr. LEAVITT. I will say to the gentleman and to the House that the people of the western country, who have had actual experience and contact with the national forests, are the most ardent upholders of the conservation idea. They have learned that their first fears were unfounded and that the location of these forests in the western country, handled in such a way that their forage and timber resources are made available to the local communities, and at the same time protecting the stream heads, making irrigation possible, making possible the development of power, and making certain that during the years to come there will always be a comparatively cheap supply of lumber and timber for the development of those great sections, has been of great value to them. They are the most ardent upholders of that program.

The SPEAKER pro tempore. The time of the gentleman from Montana has expired.

Mr. DAVEY. Mr. Speaker, I yield the gentleman 10 additional minutes.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. CARTER of Oklahoma. I just want to ask the gentleman this: If it is not a fact that the people in the West origi-

nally opposed very vigorously the proposition of conservation and the setting aside of forest reserves.

Mr. LEAVITT. They did, because the majority of the people then misunderstood and got the wrong idea. They thought that the establishment of a national forest—and I say national forest, because that is the proper name of those great areas that were at first called forest reserves—meant that the areas would be locked up and reserved for some time in the future. But we know now that the existence of a forest policy makes it possible to use the timber now and next year and next year, just as long as we protect it and keep it under proper control, and that all the resources of the national forests are open for use.

Mr. CARTER of Oklahoma. I want to ask the gentleman another question, because I know he has had the experience and knows. How long after a forest is denuded does it take to replenish it?

Mr. LEAVITT. That depends on the species of timber that is being considered. I talked down at the National Museum to somewhere between 800 and 1,000 small boys and girls yesterday, and I used this illustration. I said:

Take the room in which I am speaking and in which you are listening and we will say that it is an ideal area with 100 trees ranging in age from a year up to 100 years, of a species of timber which requires 100 years to reach its full merchantable growth. If we keep fire out of that area, and if we replace what we cut with plantings every year, not only this year but next year and every year as far into the future as you can see, you can cut one great tree off of that area and there is no end to it. But if it is a forest of that kind and we allow fire to run through it repeatedly and denude it, it would take to replace it, naturally, just as long as it would take for the particular species of timber to mature. In that particular case it would be 100 years. There are other kinds of timber that will mature in lesser periods of time, some 25 years, 30 years, 40 years, 50 years, and so on. In any event, the key to the problem is fire protection, and that means a knowledge of the real situation and the arousing of public sentiment and action here as well as elsewhere.

If we all become, as has been well stated, "forest minded," so that we are thinking not only from the standpoint of the present but of the future of our country, we would be able by merely keeping out fire and doing a reasonable amount of replanting to bring back into the State of Michigan, for example, 10,000,000 acres of productive forests; to bring as much back into the State of Pennsylvania; to bring as much back in other States, like New York, that at one time were great producers of timber and which lie very close to the great centers of population.

At the present time Michigan, for example, could be saving one-half the freight bill by getting her timber supply within her own territory. This would be a saving alone of \$10,000,000 a year to that one State, a thing that can well be demonstrated. Reforesting everywhere lands are available will have similar results.

Just briefly, another matter that needs attention, and that is the experimental work. At Madison, Wis., there is a forest-products laboratory. Experiment stations are located in other parts of the United States. At Madison they are making studies of how there can be brought about a closer utilization of our forestry products to reduce the waste. Millions of feet of timber are lost through lack of close utilization. There has been a program brought before the Congress and partially provided for in the agricultural appropriation bill to get that work under way, but the well-founded plans justify far more money as a real investment.

This was of such importance that Secretary Wallace had taken steps before he died to call together a great conference here in Washington which I was fortunate to attend. It was addressed by President Coolidge, and it set in motion a commission to study this problem of utilization and to present to Congress a constructive plan reaching out into the future.

I am sure there will be further discussion by the gentleman from Michigan [Mr. WOODRUFF], the author of the Woodruff-McNary bill, the necessity of our having a forward view with regard to acquiring of great areas of timber lands. If we allow them to be burned over and lose their possibility of being brought again into production, we shall have moved too slowly. We should move as rapidly as we can in conformity with the resources of the Government. Any other plan is not economy but waste.

I remember one time, in the days when I was a ranger in the western forests, riding my horse to the top of a peak of the mountains during the dangerous fire season. My duty at that time was to stand on the top of the mountain with field glasses and to scan the entire horizon. I remember how impressive it

looked with the great forested slopes stretching out as far as I could see in every direction. And then when there appeared a rising cloud of smoke my duty was to get the word out, to get reinforcements started to the fire, and then to get my pack horse loaded with shovel and ax and mattock, with my bedding and my food, and to get to that fire just as quickly as I could, across country and by the best trails possible, and to try to hold it from spreading until the reinforcements came. I like to think that this forestry week means an arousing of that idea of watchfulness and of that spirit of action in the minds of all the American people. I like to think that we here in Congress, in recognition of this great occasion of American forest week, set aside by the President of the United States, are ourselves, on this Capitol Hill in Washington, like the look-outs on guard in our great national forests, on the watch against whatever, like the fires of the forest lands, may threaten the carrying out of this great constructive, conservation movement, so that the future of the Nation, so far as we are concerned, will be eternally secure. [Applause.]

Mr. DAVEY. Mr. Speaker, I yield five minutes to the gentleman from Louisiana [Mr. ASWELL].

CONSERVATION OF LOUISIANA'S NATURAL RESOURCES

Mr. ASWELL. Mr. Chairman and gentlemen, the American people are coming to recognize that the conservation of our national resources is one of the most vital and pressing questions before the American people and the Congress.

The Congress has taken some steps, but the steps have been feeble and halting in comparison with the sentiment of the American people. A few days ago in the Committee on Agriculture the Bureau of the Budget, by the direction of the President, reduced the conservation program to \$2,000,000 for two years, when a year ago the Bureau of the Budget recommended the complete program outlined in the Woodruff-McNary bill; that is, \$3,000,000 a year for five years and \$5,000,000 for the following five years.

The sentiment among the American people is far in advance of the activities of the Congress.

I wish to speak upon the conservation program in Louisiana. Louisiana has 2,200 acres of State forests. We have 60,000 acres of public shooting grounds and a game refuge or a game sanctuary of 300,000 acres supported and maintained by the State, protected by the State, feed provided for the migratory birds by the State, scientists and doctors provided by the State to treat the sick birds in that great sanctuary, and it might be well to note in passing that the Department of Agriculture reports that 75 per cent of all the migratory birds of Canada and of the United States spend their winters in Louisiana in our sanctuaries. [Applause.]

And the State of Louisiana takes care of that vast plan to improve and conserve the wild life of America. It is not a question only of preserving our wild life to benefit the shooters or the hunters, but the question is primarily before the Congress to conserve our national resources, including wild life, for the whole American people—3 per cent are killers, but 97 per cent of the people enjoy the benefits of conservation also.

I wish to call your attention to this fact. As has been stated by gentlemen who preceded me, great conventions have been called by the Presidents of the United States to talk about conservation, but that time is passed. The time now is to act. By no means is conservation the abstract impersonal subject of concern to far away theorists. It is a tremendous industrial movement of immediate and direct concern to the people of every community. The United States as a Nation has been able to reach its present stage of great development because it was originally blessed with an abundance of natural resources. Louisiana has had its full share of these natural treasures to which we owe a large share of our State wealth.

Natural resources of one kind or another may be classed into four classes: First, those which are inexhaustible and occur in unlimited quantities, such as light and air. Second, inexhaustible resources, but limited in quantity, such as land and water. Third, those which are exhaustible and not capable of replenishment, such as oil, gas, and sulphur. Fourth, exhaustible resources which can be renewed, such as fish, game, and forests.

The wild life comes under the class of renewable resources. I wish I might have time to present this great question as it seems to me is imperatively pressing upon the attention of this Congress, so that in the future our steps as a great legislative body shall not be feeble and light, but that Congress will make an effort to go at least as far in advance as public sentiment of the American people. [Applause.]

Each class presents a different problem and calls for different treatment. The essence of treatment, however, is wise use,

with elimination of waste, managed for the greatest benefit to greatest number of people. In the case of renewable resources the use should be such that renewal is not made unduly difficult or impossible.

THE FORESTS AND FOREST INDUSTRIES OF LOUISIANA

The forests of Louisiana, included in the last class of our catalogue of resources, have been the industrial and social backbone of the State. These resources have been worth more to Louisiana than the gold found in California has been to that State. Moreover, our forests have been of greater value to the United States than that selfsame gold has been. Let me read you a few figures, which show the importance of our forest resources.

The forest industries of Louisiana now employ around 50,000 persons, or more than half of all industrial employees in the State. These workers were paid over \$40,000,000 wages and salaries in 1924, and the forest products sold were worth more than \$110,000,000. According to the State forester, more than \$300,000,000 is now invested in lumbering and dependent industries. Our forest industries pay 17 per cent of our taxes, or more than all the farms.

The cut of sawed lumber alone in the last 25 years exceeded 80,000,000,000 board feet, worth close to \$1,500,000,000, or more than all the gold that California has produced. This is more lumber than any State of the Union cut during the same period, with the single exception of Washington.

In Louisiana there are now upward of 13,000,000 acres of cut-over land and less than 4,000,000 acres of virgin timber, which is being cut off at the rate of 300,000 acres a year. At this rate the forest industries are facing an early end, unless the cut-over land is made to produce more timber. A large proportion of it is not doing so now, and mill after mill is cutting out and being dismantled, leaving behind thousands of acres of idle land and deserted villages. This means heavier taxes on the farmers remaining, as the whole burden of local government, schools, roads, and so forth, falls on them; heavier taxes on the cities and other parts of the State as total taxable wealth is diminished; fewer local markets for crops and fewer jobs to help out when crops are poor; higher costs of lumber for building; less freight for the railroads and the bankruptcy or abandonment of many lines.

During the eight years 1915 to 1922 the railroad mileage in Louisiana decreased by 12 per cent, or 664 miles, a greater decrease than has ever taken place in any other State during any period. This necessarily means less adequate transportation facilities and a handicap on settlement in the localities affected. In the 20 years from 1900 to 1920 at least 7,000,000 acres of timber were cut, while the area of improved farm land increased less than 1,000,000 acres; and during the 10 years 1910 to 1920 the rural population increased less than 1 per cent (10,000), while the total population of the State increased by 142,000, or 8.6 per cent.

TRENDS OF LUMBER PRODUCTION AND CONSUMPTION

During the development of the United States the drift of the population has been to the westward. With the people have gone the production and consumption of goods.

When the United States Government was first organized the center of the population was on the Atlantic coast near Baltimore, and the center of lumber production was, for all practical purposes, at the same place.

With the expansion of our Nation the center of population moved nearly straight west, and with it went the lumber production center. For many years the production center stayed in the North, on account of the heavy lumber cut in the Lake States. But in 1890 it started south and came toward Louisiana for 20 years as our southern forests took over more and more the task of supplying lumber.

But recently a change has occurred. The increasing lumber production in the Northwest is dragging the center of production faster and faster away from the South toward Oregon and Washington. Already it has gone 500 miles west of the center of population, and this increasing distance between the mills and the consumers means a greatly increased cost for lumber transportation. Lumber freights cost Americans upward of \$350,000,000 in 1923, and the bill is growing at the rate of \$25,000,000 a year.

Economists think that the center of population will finally come to rest near St. Louis, which is not far from the center of our forest land in the United States. The center of lumber production, however, never stops. It has marched far past St. Louis on its westward journey and will continue to go west with corresponding increases in the annual lumber freight bill until we of the East and the South take steps to draw it back to a more normal location. The only way in which this can be done is by increasing our share of the lumber cut, and

the only way we can increase our share is by conservation of our forests to make them produce more lumber. [Applause.]

PERPETUATION OF FOREST INDUSTRIES

The perpetuation of our forest resources involves first stopping fires so that the cut-over land can restock. In recent years fires have burned over annually almost 1,000,000 acres of forest land in Louisiana, killing the seedlings, retarding the growth of the older trees, and gradually destroying the soil fertility.

The next step is growing more and better timber to the acre in less time than was required for the old growth stands. A farmer who is content to harvest self-sown wild crops that came up without cultivation of any sort would not be considered a successful farmer. Furthermore, in that way it would be impossible to raise enough food to keep us all alive.

TIMBER GROWING

The same is true with timber. By growing timber systematically as a crop we should be able to produce at least three to five times as much wood and at a lower unit cost. A few progressive and far-sighted lumbermen in Louisiana, led by State Senator Henry E. Hardtner, have made a good start in this direction, and their holdings are becoming models for the whole southern-pine region. In scientific timber growing only the surface has yet been scratched, and the possibility of speeding up yields and improving the quality of the material is good. The Southern Forest Experiment Station, with headquarters at New Orleans, is at work on the problem, and is sure to produce results of incalculable value to the forest industries of the State. We can never have conservation of the kind that pays dividends until we know all there is to know about the best ways to speed up timber growth. In this matter each region has special problems, though the main principles are the same for all.

But equally essential to growing the timber is the utilization of what is grown. It would be foolish to spend money and labor to produce larger quantities of timber only to throw away two-thirds of it in the various processes between the stump and the consumer, as is done now. To utilize the wood economically it will be necessary to build up all sorts of wood-using industries and by-products industries subsidiary to the sawmills, plants that can take the "waste" material near its point of origin without a high intervening transportation cost.

Such plants, by making it possible to market a larger proportion of the wood grown in the forest, will help to make timber growing profitable, will provide a ready local market for the wood cut by farmers, and will create many flourishing local communities, which, depending on several industries, will be on a more stable basis than the old sawmill towns whose prosperity fluctuated with every turn of the timber market.

THE PAPER INDUSTRY IN THE SOUTH

One of the best examples is the development of the pulp and paper industry in the South. Here a tremendous opportunity is awaiting.

The United States now consumes well over 8,000,000 tons of paper annually, fully 90 per cent of which is manufactured from wood. More than 9,000,000 cords of pulp wood are required to manufacture one year's supply of paper for the country as a whole. Over three-quarters of our pulp-wood requirements are centered in the spruce, fir, and hemlock forests of the Northeast and Lake States. Continual drain upon these forests for both lumber and pulp wood has reduced them to a point where they can not support our requirements. During recent years imports of pulp wood, wood pulp, and paper have increased until now over 51 per cent of our requirements for paper are imported.

Furthermore, the possibilities of using southern woods to replace the heavy demands upon spruce, fir, and hemlock are not remote. The Forest Service has developed in their laboratory a modification of one of the pulping processes whereby the southern pine and hardwoods may be pulped for use in newsprint paper. This modified process gives great promise for the South. [Applause.]

The pines of the South are well adapted to pulping by the sulphate process for wrapping paper and for paper boards. In 1922 more than 1,200,000 cords of wood were required to manufacture the paper made from sulphate wood pulp. Sixty-three per cent, or 770,000 cords, were imported in some form or another. There is ample pulp wood in the South to wipe out this difference between domestic production and consumption. And there is ample forest land to grow the material necessary for any expected demands of the future.

Recent experimental work has proven the feasibility of using the southern pines and gums in combination in the manufacture of book paper. Some commercial tests have borne out the laboratory results. Here again is a great opportunity. [Applause.]

MINOR WOOD-USING INDUSTRIES IN THE SOUTH

Other possibilities in this direction include the establishment of various hardwood industries, such as the manufacture of furniture, woodenware, and numerous other products for which Louisiana hardwoods are now being shipped out of the State in great quantities to factories in other parts of the country. The largest remaining supplies of old-growth hardwoods in the United States are in the region tributary to the lower Mississippi Valley, but the whole country is drawing on them, and large quantities are being sent abroad. The development of local hardwood-using industries would not only add to the prosperity of the State, but it would also tend to bring about closer utilization of the hardwood timber. Moreover, not only will the high-grade hardwoods of this region probably outlast those in other parts of the country, but Louisiana is closer to the tropical hardwood forests of Central America and northern South America, to which our furniture industry and others requiring high-grade timber will no doubt turn as our own supplies become depleted. New Orleans is already an important center for the importation of mahogany and other tropical American woods.

After all is said and done, the best brand of conservation is wise use. In the case of the forests this means perpetuation of timber supplies and forest industries and the establishment of coordinate groups of wood-using industries. We already have in our State an excellent example of coordinate or integrated wood-using industries. The Great Southern Lumber Co. has expanded on just such a systematic program, making lumber primarily and using the waste from the sawmill to manufacture pulp and paper. In this way waste is eliminated as far as possible, meaning more complete use, which should result in greater profits.

To support such industries the forests must be well managed and every aid given to nature in restocking and growing a new crop of timber when the first is cut off. Herein lies the prosperity of a large part of our State. There is no more patriotic work than this, in doing our best to replenish our timber supply for our future enjoyment and industrial betterment.

Never forget that we have in the forest soils of this great State an asset of incalculable value. Properly treated these soils will yield wealth to our children's children, and long after the last dollar has been extracted from the gold mines of other regions. Neglect and abuse them and the golden harvest of our greatest natural resource will dwindle to a pittance, just as has occurred in many other States. [Applause.]

In this matter we are partners with nature. Give nature a chance to do her beneficent work. Keep out the fires. Plant the trees. Use God's gift wisely. Give nature a chance to restore the forests on our devastated lands and the never ceasing, resistless energies of the soil, the air, and the sunlight will keep Louisiana what she has always been—a Golconda of forest wealth. [Applause.]

Arthur Newton Pack, author of "Our Vanishing Forests," says:

Prohibition is difficult to enforce because a considerable portion of the public does not want it. Only when the public wants forest-fire protection will it be thoroughly effective. The crux of the whole matter lies in education.

This necessity for education along these lines is reiterated by E. T. Allen:

I do not undertake to outline the complete program of dealing with the fire evil, most of which is as familiar to you as it is to me, but only to urge a campaign against its cause. Because this is belated and difficult, it calls for action more decisive and vigorous than any we have attempted, or, as far as I can see, is being contemplated. I would, in every budget in this land for forest protection, devote not less than 5 per cent—sometimes more—to education against the starting of fire.

[From Our Vanishing Forests]

Tobacco firm in Canada adopted a novel plan of making each package of cigarettes preach a sermon against carelessness. A slip was enclosed, reading: "Please don't throw away a lighted cigarette. See that it is dead out. Lighted tobacco and matches are especially destructive in the forests. Living forests mean liberal employment; dead forests employ nobody. Don't be responsible for a dead forest!"

Forests are the background of America. We turn to our woods for recreation. They are one of our great preservers. Feed our lakes and streams. Shelter and renew our wild life. Contribute to moral stamina and bodily vigor. (Colonel Greeley.)

[Idle lands and costly timber.—United States Department of Agriculture Bulletin 1417]

The United States leads the nations of the earth in the use of wood. We consume nearly half of the world's cut of lumber and two-fifths of all the forest products which it produces. The quantity, variety, and cheapness of our timber have led to its use in our home industries and commerce to a degree that is without parallel. Ninety-eight per cent of our rural dwellings and from 59 to 98 per cent of our urban dwellings, varying in the different States, are still built of wood. From 25,000,000,000 to 28,000,000,000 board feet of lumber are used annually in building and construction, the farmers being the largest consumers, and 9,000,000,000 shingles are laid annually in roofing these homes and other structures. Another 6,000,000,000 feet of lumber is manufactured yearly into crates and boxes to carry our commerce. Our railroads normally require from 100,000,000 to 125,000,000 wooden ties annually. Our mining industry could not live without timber and consumes nearly 300,000,000 cubic feet of stulls and lagging every year. A hundred million cords of fuel are cut annually from our forests and wood lots. To support a per capita consumption of paper which is double that of any other country we cut 5,000,000 cords of pulp wood from our forests every year, and still import from Canada and other foreign sources over half of our paper or paper-making materials. There are 53 categories of manufacturers which depend on wood. All told, we take nearly 22,500,000,000 cubic feet of wood from our forests annually, which is equivalent, roughly, to 53,000,000,000 board feet.

In a very important sense the forest problem of the United States is primarily a problem of education. We must as a people grow out of old habits of mind and practice regarding timber and land that will grow timber. We must become a people skilled in the craft of producing wood as a staple crop and in the art of using wood with intelligence and thrift. The facts necessary to guide and stimulate this evolution must be dug out and made common property. In the nature of the case this must be done to a large degree by public agencies, and its accomplishment should be an important aim of public policy.

Natural resources, including our wild life, must be developed and preserved for the benefits of the many and not merely for the profit of a few.

The outgrowth of conservation is national efficiency. National efficiency will be the deciding factor in the great commercial struggle between the nations of the earth.

Conservation stands for the same kind of practical, common-sense management of this country's resources that every business man stands for in the management of his own business.

Conservation is the most democratic movement this country has known for a generation.

There are over 350,000,000 acres of cut-over land in the United States from which valuable timber trees have been removed. Most of this area is east of the Rocky Mountains. Eighty per cent of the remaining forest land is privately owned.

Dr. W. T. Hornaday in *Our Vanishing Wild Life* says:

I have been shocked by the accumulation of evidence showing that all over our country and Canada fully nine-tenths of our protective laws have practically been dictated by the killers of the game, and that in all save a few instances the hunters have been exceedingly careful to provide "open seasons" for slaughter as long as game remains to kill!

And yet the game of North America does not belong wholly and exclusively to the men who kill! The other 97 per cent of the people have vested rights in it, far exceeding those of the 3 per cent. Posterity has claims upon it that no honest man can ignore. There is one State in America, and so far as I know only one, in which there is at this moment an old-time abundance of game and bird life. That is the State of Louisiana.

In Bulletin No. 21, Biological Survey, it is calculated that if in Virginia and North Carolina there are four bobwhites to every square mile and each bird consumes 1 ounce of seed per day the total destruction to weed seeds from September 1 to April 30 in those States alone would be 1,341 tons.

Over the world at large I think the active destroyers outnumber the active defenders of wild life at least in the ratio of 500 to 1, and the money available to destroyers is to the funds of the defenders as 500 to 1.

Mr. DAVEY. Mr. Speaker and gentlemen of the House, the problem of conservation is of as deep and far-reaching importance as any question that may present itself to the great American people. It is a problem that projects itself further into the future than most of the questions that agitate the official mind. This question of conservation is not merely a matter of future lumber supply, great and vitally serious as that is, but it is a matter that takes in the broad sweep of the great outdoors and the preservation of the basic natural wealth upon which the greatness and prosperity of America are founded.

Indeed, the question of conservation has in it even an appeal to the heart and soul of man, because God wove into the fabric of the forest a majestic loveliness and grandeur that are incomparable. No doubt there are men who can not think in terms of beauty, but there are vast numbers of people who see something more in conservation than the protection of the money wealth which comes from the things that God put here and which man has turned to his own advantage with a selfish and prodigal hand.

To express the thought of the nature-loving conservationist, I would like to repeat a moving story that I heard from the lips of one not long ago. His story was so full of romance and pathos and lofty sentiment that I want to give it to you as nearly as possible in his own words.

He said:

As I think back over the long struggle for conservation, in which I have played my little part, my memory stops abruptly as there flashes before my mind's eye a vision. It is a vision of a fateful day, not so many years ago, a day that will live with me always and serve as an inspiration for greater effort in this wonderful cause.

On that memorable day, to be exact, the 29th of October, in the year 1915, I found myself, while still merely a boy, kneeling by the side of a dying comrade in a little log hut some 200 miles from civilization on the south shore of the Hudson Bay country. As I knelt there by his side, gazing down through tear-dimmed eyes upon that poor body, racked as it was by scurvy, that dreadful disease feared throughout that entire north land, he opened his eyes and looked into mine.

Seeing my distress and apparently out of sheer consideration for my youth, he smiled, actually smiled, in his dying and suffering condition. Still smiling, he said in a hoarse broken whisper, "It is not time for grief, my boy. I am not going to die; and if I were, who could wish to die among more glorious surroundings or to the strains of more beautiful music?" I looked at him in amazement. I remember it as if it were yesterday. In a doubting voice I said to him, "Music, Mr. Black?" "Yes; music. Listen; don't you hear it?" And as I did so there came from without those dark and otherwise silent forests a wild, weird moaning of the wind through the fir tops. "That's music, Del," he continued, "the most glorious music in all this world. In future years I want you to remember this day. Remember it always, not in the spirit of sadness, not in the spirit of regret, but always in a spirit of deep love and admiration for trees."

It is impossible to overemphasize the importance of conservation in the matter of our future lumber supply, especially in view of the statement made by the United States Forest Service that we are using lumber four times as fast as we are growing it, and in view of the probability that the eastern half of the United States will be stripped bare of its timber, from a commercial standpoint, within the next 25 or 30 years, according to the present rate of consumption. When you add to this serious situation the estimate of the United States Forest Service that the tremendous supply in the Western States will probably be exhausted in 35 or 40 years and realize that America, the most richly blessed of any nation in the matter of forest wealth, has gone farther on the road of devastation than any nation in the history of the world and is approaching so rapidly to the exhaustion point, you may find ample cause for serious concern over the future of our lumber supply.

Mr. Speaker and gentlemen of the House, it is not my purpose to-day to discuss the question of lumber supply at great length. I want, so far as the power within me lies, to direct your attention to the broader phases of this question as they relate to the effects of forest devastation in other equally serious ways, perhaps more serious.

Let me call your attention to the fact that scientists have estimated that one average tree in a single growing season throws into the air through its leaves about 500 barrels of water by the process called transpiration.

Just as our breath is laden with moisture when it comes from our lungs, so there is breathed out through the leaves of trees great quantities of water in vapor form to remain in the air and be condensed and come back to the earth as rainfall, to be taken up again by the various forms of vegetation and again thrown out into the air in vapor form, to be condensed and come back once more as rainfall. And thus we see a very direct relation between the existence of trees and the rain that may come to bless the earth.

The moisture in the atmosphere comes from two sources, one from evaporation and the other from the leaves of vegetation. Naturally there is more evaporation from the ocean or large bodies of water along the coasts than there could possibly be inland, and yet even where there is the maximum amount from evaporation, that which is furnished through the leaves of vegetation is tremendously greater. It is obvious, therefore, that in all of the inland portions of the

country the existence of vegetation and particularly trees is absolutely vital for the assurance of an adequate rainfall.

Mr. LOWREY. Will the gentleman yield?

Mr. DAVEY. Certainly.

Mr. LOWREY. The gentleman made a most interesting statement; I wish him to repeat that statement concerning the amount of water given off by the leaves of large trees.

Mr. DAVEY. Scientists tell us that one tree during one growing season gives off through its leaves about 500 barrels of water.

Mr. LOWREY. That is very interesting and worth while, and I wanted to be sure to get it straight.

Mr. DAVEY. This problem of conservation is tied up inseparably with the question of water supply for all purposes. I am told that the city of Columbus, Ohio, several years ago came within three days of a water famine because the Scioto River, from which all the municipal water supply is secured, was almost dried up. The situation was so serious that the people held prayer meetings, calling upon the Almighty to save them from the threatened disaster. Whether these prayers were answered no one may know, but a providential rain did come in time to save a great city. Can you imagine anything more serious than a water famine affecting a community of several hundred thousand people? The very fact that they came so close to it is significant enough. Their difficulty lies in the fact that the forests have been cut away from the headwaters of the streams that make up the Scioto River, and so they have periods of floods and periods of comparative droughts. Many another city has been threatened in much the same way, and we shall see many repetitions of the same dangerous situation with greater frequency as the process of devastation goes on.

This matter of protecting the headwaters of the streams is of such vital importance that it can not be measured in words. It strikes at the very foundations of national life and prosperity. We can not ignore it without paying a price that is all too tragic to contemplate.

The erosion of soil is a tremendously serious problem that is inseparably interwoven with forest devastation. Some two years ago the Potomac River was on a rampage and a great flood was sweeping down past the city of Washington. As is always the case with floods the water was muddy, and I said to myself as I watched it, "What part of my country is making this terrible contribution of precious topsoil to the sea?" After the flood waters had subsided I went down to look at the results in Potomac Park, and there on the grass was an inch or two of soil—precious topsoil—deposited by the waters that had gone. It was only a tiny portion of the tremendous quantities that had been swept oceanward. Every great flood takes its tragic toll of the soil from the interior of America.

Is it possible that anyone would doubt the relation between forest devastation and floods? The more serious floods would not be possible if the forests remained to hold the water in check and let it seep out gradually as was intended by the laws of nature. A friend of mine told me of being on a fishing expedition up in the wilds of Canada where the profligate hand of man had not cut away the woods. He told me that it rained three days and three nights and that the water in the stream was raised only a little as a result. But more important than that, he told me that the water was scarcely discolored, which meant that the precious topsoil remained where it was intended to be.

Mr. COLE. Mr. Speaker, will the gentleman yield there?

Mr. DAVEY. Certainly.

Mr. COLE. The gentleman from Ohio has stressed the necessity of conservation. Everybody has been talking about it all over the country. Will not the gentleman give us a few ideas as to how to start on that?

Mr. DAVEY. How to start on conservation?

Mr. COLE. Yes. How can we restore these forests, and how can we increase them?

Mr. DAVEY. I will be glad to reply to my distinguished friend from Iowa. To do so I must be very frank and say that it was a tremendous disappointment to me that this House only two or three weeks ago, on the recommendation of its Committee on Agriculture, cut down the program of the original Woodruff-McNary bill from \$40,000,000 in a 10-year period to only \$4,000,000 in a 2-year period. We provided in the Clarke-McNary law two years ago a program of acquisition and of fire protection and forestry planting, and it was proposed in the original Woodruff-McNary bill to provide the funds by which that program could be carried out.

There are two phases to this question of conservation; in fact, you can not very well consider one without the other, if you are going to consider them properly. The first is con-

servation of the existing supply until we can grow more. As was ably brought out by the gentleman from Montana [Mr. LEAVITT], it is not necessary to quit cutting timber, and so conservationist wants to stop proper and sensible timber cutting. You must prevent wasting it.

You must protect the half-grown and little trees so that they will grow into forest wealth to meet the future needs. The conservationist wants to keep out the fire which yearly takes a tragic toll. He wants also to make it a matter of legal requirement that the debris be cleaned up, that the branches and leaves and chips be taken away, so that the fire hazard may be greatly reduced. He insists that seed-bearing trees be left in their place so that nature itself can help take care of reforestation. In other words, the conservationist wants the forests of America to be treated as a crop, from which can be taken a regular annual yield, so that for all time the forests can provide for the needs of the American people, rather than to cut and slash everything and leave behind a worthless barren waste.

I am told that in the State of Michigan and in other States they are cutting everything, leaving the land bare, using the large trees for lumber and the small trees for wood alcohol and other by-products. It seems to me it is a crime against civilization, a crime against God Almighty, for any man to assume that because he has the ownership of a piece of forest land he can lay it waste and rob the people of America of their most priceless heritage.

Mr. LAZARO. Mr. Speaker, will the gentleman yield there?

Mr. DAVEY. Yes.

Mr. LAZARO. Is it not true that the States are just beginning to understand that they must adopt a different system of assessing and taxing forest land? In other words, whenever a tract of land is set aside for that purpose the individual is sure that for a certain number of years he will be assessed and taxed at a low rate for that purpose, and then, of course, when the trees are of such a size as to allow them to be used the assessment is raised and the tax is raised. Is not that a very important part of conservation in the States?

Mr. DAVEY. I think that is true.

Mr. LAZARO. Otherwise if you assess and tax too high, you make it so that the individual must cut all of his timber and use it.

Mr. DAVEY. Of course, I will say to the gentleman from Louisiana, that while I agree with him largely, yet I could not agree that it would ever be necessary to cut the land bare, even under the present conditions. But it seems to me the necessities would require that the States lift all taxes from the growing forest areas and assess all taxes on the lumber when it is cut. Probably they would get more revenue by that method than by the other way.

Mr. LAZARO. I will say to the gentleman that in my part of Louisiana they are encouraging the people to grow trees by assessing and taxing them low for a certain number of years, and then when the timber is ready to be used for commercial purposes, of course, the land is assessed and taxed at its full value.

Mr. DAVEY. That is fine.

Now, I would like to bring out one point that was given to me by my distinguished colleague from Louisiana [Mr. ASWELL] to this effect, that in his State there were originally about 17,000,000 acres of forest land; that about 13,000,000 acres of that has been laid bare by the wasteful processes of lumbering; that the present value of those 13,000,000 acres is so small that the tax return is almost negligible. In other words, from the standpoint of the taxable values the forests ought to be preserved, otherwise the States are robbing themselves of one of the great sources of revenue.

Mr. LEAVITT. Will the gentleman yield?

Mr. DAVEY. Yes.

Mr. LEAVITT. It has occurred to me that the gentleman might say in that connection, the taxation question referred to, what the Federal Government should do in the revenue act by way of giving some depletion allowance, just as it does in connection with mining industries and so on. That was proposed, but I understand not fully accepted, this last year, and that is a vital problem for the Congress with regard to the taxation of timberland.

Mr. McSWEENEY. Will the gentleman yield?

Mr. DAVEY. Yes.

Mr. McSWEENEY. Does the gentleman remember, speaking about the value of land, in France near the Bordeaux section that was absolutely waste land and from which no tax return was received, and they planted trees in order to stop the shifting of the sand and to-day over 300,000 French people are living off of the naval stores derived from that land?

Mr. DAVEY. I did not know that and it is a very interesting point. I would like to emphasize in this connection, in further answer to the gentleman from Iowa [Mr. COLE], that the other important phase of the problem is reforestation. We have it on the authority of the United States Forest Service, as it was referred to by the gentleman from Montana [Mr. LEAVITT], that there are 81,000,000 acres of land in this country so severely cut and burned as to become an unproductive waste. It is good for nothing else except growing trees; it is not good for agriculture; and while it was forest land, it has been burned over and over again until it is nothing but an unproductive waste.

Mr. LOWREY. Will the gentleman yield?

Mr. DAVEY. Yes.

Mr. LOWREY. The gentleman is a past master of this subject and we are willing to be a school and let him teach us a little. The gentleman spoke about the leaves, the brush, the tops of trees, and so forth. In cutting down forests, where they cut for saw logs, there is an immense amount of the tree left, leaves and other waste matter. The gentleman hinted that something might be done about that. Is it the gentleman's idea that that should be burned or what should be done with it? Of course, that increases the fire danger if it is just left there. The gentleman started to say something about that but left it a while ago.

Mr. DAVEY. In that connection my thought is this: There are being devised now certain plans to make use of more of the lumber that has heretofore been thrown away, to utilize the small pieces. But in addition to that it seems to me perfectly obvious, in view of this tremendous danger from fire, that this waste material ought to be gathered up, under the force of legal requirement, and burned or disposed of otherwise, so as to remove the constant danger of uncontrolled fire.

Mr. YATES. Will the gentleman yield?

Mr. DAVEY. Yes.

Mr. YATES. Just a question in regard to the depletion of the lumber supply. Could the gentleman make a statement with reference to the number of years in which there will be an entire exhaustion of the lumber supply?

Mr. DAVEY. As a result of studying the report of the United States Forest Service, which was issued in 1920, I made the statement that they predicted the eastern half of the United States will be stripped bare of its timber, from a commercial standpoint, within about 25 or 30 years, as we are now going, and that the seemingly inexhaustible supply in the far West will probably be exhausted in 35 or 40 years; 50 years at the outside.

Mr. YATES. That is a serious statement.

Mr. DAVEY. I know it is, and I was greatly impressed by it when I read it in the Government's document.

Mr. FLETCHER. Will the gentleman yield?

Mr. DAVEY. Yes.

Mr. FLETCHER. Does that statement apply to pulp timber?

Mr. DAVEY. Presumably it applies to the whole supply, speaking broadly.

Mr. FLETCHER. Can the gentleman give us any information as to whether or not the manufacturers of pulp are devastating the forests to any degree?

Mr. DAVEY. Well, I could not undertake to answer that specifically except to say that my study of the question would indicate that is a part of the whole program of devastation which is now before us. Whether there is any cure for it I do not know, but this I do know: It is possible to grow trees for pulp wood in a tremendously shorter time than it is to grow trees for lumber; in other words, you can use smaller trees for pulp wood. I am told that one paper concern in Ohio 20 years ago planted some land for the purpose of growing pulp-wood trees and they are now beginning to gather the harvest from it.

There are miles and miles of desolate waste in the hilly portions of this country where the lands have been denuded. Where the forests exist, the rain comes down through the leaves and finds its way through the loose, porous soil into the subsoil, and it goes by underground channels to the springs, which feed the little streams, and they in turn feed the rivers. And thus is preserved the continuity of the water supply and the stream flow. And thus is also prevented the damaging floods. The great trees and other forms of vegetation that grow upon the hillsides act as nature's reservoir, and they are indispensable to America, wholly aside from the question of lumber.

It is said that it takes nature 10,000 years to make 1 inch of fertile top soil by the process of decaying vegetation. The millions and millions of acres of barren American hillsides, from which the precious topsoil has been swept away by the

floods that have followed forest devastation, cry out as a constant warning against our national folly. If we continue on the present course of destruction the shame of the ages will be upon us who inherited a land more richly blessed in natural wealth than any people in the history of the world.

Where there is a desert there can be no trees, and where there are trees there can be no desert. There is a direct and vital relation between the great forest areas and the conditions which make a country livable.

America as a Nation is only 150 years old, and in that short time we have gone farther on the road of destruction and devastation and wastefulness and profligacy than any people that ever lived. In the last few years we have been reading about King Tut, who was supposed to have reigned in Egypt some 3,500 years ago. As we glance down through the long span of history intervening we see countless nations rise and fall. We see kingdoms and principalities and powers almost without number come and go, and it makes us wonder what may be the future of this, our America, only 150 years old. It makes us wonder especially when we realize how great a garden spot America was and how richly endowed with all the magnificent wealth that nature creates, the most favored land of which civilized man has any knowledge, and yet a land that has been despoiled and robbed and driven further on the road of devastation than any land heretofore known.

Now, I want to discuss one other phase of the great tree problem. While it does not come directly in line with the question of forest devastation, it is so closely akin to it that it seems to me quite proper. I want to refer to the terrible practice of butchering roadside trees on the part of the telephone and electric-light wiremen. [Applause.] I want to say in this connection that this practice is absolutely inexcusable. I have seen it everywhere. I have gone into the towns and cities and along the great highways of America, and have seen countless trees that have been absolutely ruined by the conscienceless linemen who represent the telephone and light companies.

Mr. MCSWEENEY. Will the gentleman yield?

Mr. DAVEY. Yes.

Mr. MCSWEENEY. Can not a proper trimming of the tree be done, so as to allow the wires to go through it without serious damage, and would not thoroughly trained and reliable tree men be able to do it?

Mr. DAVEY. I will be glad to answer that question. I would like to offer my own opinion that nearly every tree I have seen could be cleared for the wires without cutting any limbs much larger than your thumb. I have seen it done. I know it can be done. I know the telephone and electric-light wiremen cut from ten to fifty times as much out of the trees of America as they need to cut. The tragic part of it is they seem to go about it without any regard for the individual or the collective rights of the citizens.

Perhaps I may be pardoned for expressing the horror that I feel over this ruthless slaughter of millions of street and roadside trees by the telephone and electric-light linemen. I wonder sometimes whether men are entirely human who could continue to slaughter trees mercilessly and needlessly, as is done by the linemen in the employ of the telephone and electric-light companies all over the country. Not only is this true of countless beautiful trees in the towns and cities, but it is also true in a tragic sense along the highways.

Everywhere I go I see so many butchered and ruined trees that it gives me a sense of horror and shame and resentment. You can drive out in almost any direction from Washington and see so many roadside trees that have been needlessly slaughtered by the linemen that it makes you almost sick at heart.

The infamy of this practice is shown in the fact that it is the regular practice of telephone and electric-light linemen to cut out ten or twenty or fifty times as much as could be reasonably justified by the most liberal interpretation of necessity.

These linemen and at least their immediate superiors are guilty of an absolute disregard of the rights of the people and will stop at nothing to gain their terrible ends. They cut and slash their way through with an utter disregard of legal rights or moral responsibility. A lineman told me one time how they proceeded with the butchery of a magnificent maple tree in front of a farmer's house in Ohio. They waited until the farmer had gone to the other end of his fields and then the foreman told them to cut fast and cut plenty. Then the foreman went down the road so that he could not be located when the storm broke. The farmer came back, too late, because the damage was done. He was burning with rage and demanded the foreman, but the men did not know where the foreman had gone.

It is not alone the destruction of beauty that is involved in this terrible practice of butchering trees. Beheading a tree is

the beginning of the end. It means premature death. It is never justifiable except where a tree is in advanced stages of decline, when it may be used with discretion to stimulate new growth temporarily.

When you cut the top out of a tree or cut off the end of a large limb you open up the cell structure to the certain inroads of fungous diseases. If you look at the cross section of a limb under a microscope, you will see that it somewhat resembles a sponge. The cells of a tree overlap each other and are hollow, with a tiny connection from one cell to another.

Various forms of fungous diseases live in decaying trees. In fact, that is what causes the decay. At certain times of the year they send out to the surface of the bark their fruiting bodies, which more or less resemble toadstools on the side of the trunk. Those fruiting bodies give off a myriad of microscopic spores or seeds which float through the air and most of which fall to the ground harmless. But some of those spores find lodgment in an open wound, and nothing could be more inviting than the top of a tree that has been beheaded. The spores of the fungi attach themselves to the open and exposed cell structure where the limb has been cut away, and they start to grow, sending out little threadlike tentacles called mycelium. It works somewhat like cancer, and the little threadlike mycelium travels from one cell to another, breaking them down and consuming them. They travel in all directions inside the stump of the limb or the trunk of the tree.

Fungus is a low form of vegetable life, a parasite by nature. It lives by tearing down some other form of life. There are various forms of fungus that attack trees, especially the cell structure in open wounds. They continue to travel from cell to cell until the whole inside of the tree is destroyed, and then the tree breaks to pieces from sheer weakness.

When a tree is beheaded or butchered, as is the common practice of telephone and electric-light linemen, that tree is ruined. Its open wounds are certain to be attacked by fungous disease, and the interior cell structure is certain to be destroyed by it. The result is what we call decay. The active cause is the fungous disease itself, and no butchered or beheaded tree ever escapes.

A Member of this House from the State of Florida told me of an experience that he had some two years ago that illustrates what is necessary sometimes to prevent the destruction of trees. I will relate the experience as nearly as I can in his own language. He said to me:

When our oldest son was born my mother suggested that we plant a magnolia tree. I was young and not altogether sympathetic with the idea, but she persisted, and she said that perhaps she might not live to see the tree in bloom, and perhaps I might not, but certainly the boy would, and then he would know that tree was planted for him. So, as a matter of consideration for her, we planted the magnolia. The first time it bloomed was when the boy was graduated from high school. The next time it bloomed was when his sister was graduated. Some years passed after that, and finally the boy went away to war, during which he contracted an incurable disease. He came home and lingered for a while and died. Last summer I heard that they were going to widen the street in front of my house, and I understood that they planned to cut that magnolia tree. So I went down to see the city engineer.

This Member of Congress from Florida is an old, white-haired gentleman, one of the most dignified, courtly men whom it has been my privilege to meet. I have never seen him excited nor have I ever seen him lose his poise, and yet he said to me—

I went down to see the city engineer, and I said to him, "Sir, I understand you are going to widen the street in front of my house," and he replied, "Yes; that is the plan." "Well, sir, I understand you plan to cut the magnolia tree in my front yard," and the city engineer answered, "Well, I am afraid we will have to." "Well, sir, I came to tell you that the man who cuts that tree I shall shoot him." "Do you mean it?" said the city engineer. "Yes, sir; I mean it! The man who cuts that tree, I shall shoot him and kill him." "Well," he said, "it won't be cut."

It is not my purpose to suggest that people take the law into their own hands, even though I realize that the temptation to do so is sometimes very strong. I know one determined man in a small community in Ohio who, single handed, defied the electric-light company and dared them to ruin the century-old trees in his community. That one determined man saved the trees that made the beauty of that little city. Unless the wire companies follow a more civilized course and stop this unpardonable and unnecessary practice of butchering America's trees, the only recourse is for organized society to provide adequate punishment for those who commit these acts against the collective and individual rights of the people.

Sometimes it seems to me that the wire companies are doing everything in their power to make America a treeless Nation as fast as their brutal hands will do it.

Think, friends, of that wonderful impulse which has prompted people to plant thousands upon thousands of memorial trees along the roadsides in honor of the war heroes! Think of those fine public-spirited citizens who plant other countless thousands of trees along the roads of America just for the sake of making our country more beautiful! And then think of those unselfish and far-seeing patriots of 50 or 100 years ago who planted trees by the roadsides of America to bless the generations that would follow them! What a horrible tragedy it is that this unselfish labor of love should be brought to naught by the army of telephone and electric-light linemen who everywhere challenge the rights and interests of organized society. When we consider the problem of conservation let us serve notice on these tree destroyers that we shall no longer tolerate their unpardonable crime against America.

There is one thing more I want to say in closing. We do not own America. We have this great land only on a life lease, even though the property stands in our names at the courthouses all over America. We have it only so long as the breath of life is in us, and then, according to the laws of nature, we must pass it on to another generation. This great land, the most favored in the history of the world, the most richly blessed in the matter of natural resources which we have spent with a lavish prodigal hand, this land that came to us with all its manifold and magnificent blessings, brought to us also a great and solemn and everlasting responsibility, to keep this our America as great and as wonderful and as worth while as it was when we received it. I thank you. [Applause.]

Mr. WOODRUFF. Mr. Speaker, I yield 15 minutes to the gentleman from Missouri [Mr. KIEFNER]. [Applause.]

Mr. KIEFNER. Mr. Speaker and Members of the House, it will be observed that President Coolidge in his proclamation, just read by the distinguished gentleman from Ohio [Mr. McSWEENEY], while giving full weight to the evils resulting from impoverished forests and idle lands, laid stress upon the increased attention being given to scientific forestry in industrial practice and land usage. "Too long," said the President, "have we as a Nation consumed our forest wealth without adequate provision for its wise utilization and renewal, but a gratifying change is taking place in the attitude of our American people toward our forests." In other words, we are commencing to appreciate in slight degree, at least, that conservation of our forests and reforestation is a great national question and with that thought in mind, to emphasize and broaden it, as well as to review what is being done to solve the question, American forestry week has been proclaimed by the President, and for the same purpose three hours of debate in this House are dedicated to-day.

Engaged personally in the distribution and sale of lumber and timber products for many years, the conclusion has long since been forced upon me that the question involving our rapidly vanishing timber supply constitutes a national problem that sooner or later the American people will have to face and solve or suffer dire consequences.

To-day in my limited time I intend to discuss the problem in what might be considered a business-like way. I intend to treat the subject as a business man would treat an account on his ledger, examining in detail the debits, credits, and the balance that remains. In order to do that it will be necessary to recite somewhat the history of our forests, a history both short and sad. For the facts and figures I shall use in this discussion I am indebted to Charles Lathrop Pack, president of the American Tree Association; Col. George P. Ahearn, of the Tropical Plant Research Foundation; and A. L. Hager, nationally known lumberman, of Lansing, Mich. Mr. Hager is also an officer in the lumbermen's fraternal organization, known as Hoo-Hoo, to which almost all prominent lumbermen in the country belong and whose activities are directed toward the restoration of our forests.

When our forefathers from Europe landed in America, bringing with them civilization, practically one-half of the land area of our country, or about 820,000,000 acres, was covered with virgin timber scattered fairly well over what is now the United States of America. This virgin timber is the chief item to be found on the credit side of our forestry account. For more than 200 years following the first settlement in America but little of this virgin-timber account was depleted. During that time the demand for timber supplies was limited, the cut being not much in excess of the growth of new timber. In addition to small consumption, conservation, even at that early date, also played a part in maintaining equality between supply and demand. It is of interest to-day to know that the first settlers

in America were the original conservationists, having issued a decree to conserve timber as early as 1626, more than 300 years ago. The Massachusetts Historical Society recently caused to be published that decree in the quaint wording and spelling contained in the original, which reads as follows:

It was decided by the court, held on the 29th of March Anno Do 1626 That for the preventing of which inconveniences, as doe, and may befall the plantation by the want of timber, That no man of what condition so ever sell or transport any manner of works or frames for houses, planks, boards, shipping shalops, boats, canoes, or whatsoever may tende to the destruction of timber aforesaid; how little so ever the quantie be, without the consent, approbation & liking of the governor and counsell.

About the year 1850 the forests of the Nation commenced to decline. In that year the State of New York ranked first as a lumber-producing State. To-day it manufactures less than 30 feet per capita, while its requirements of lumber per capita amount to 300 feet.

In 1860 Pennsylvania took first place in lumber production; at the present time it does not produce lumber enough to supply the needs of one of its great city districts.

My own State, Missouri, 50 years ago ranked amongst the first in timber production, while to-day it ranks twenty-fifth.

The Lake States of Minnesota, Wisconsin, and Michigan were the greatest producers of lumber in 1890, cutting about 9,000,000,000 feet, most of which was white pine, the best wood for all-round purposes ever grown. In 1892 Michigan produced 4,000,000,000 feet alone and ranked first among the lumber-producing States of the Union. In 1920 the State produced about 700,000,000 feet and ranked sixteenth in lumber production. It is stated on good authority that Michigan now imports approximately 80 per cent of her wood supply, paying a premium of \$20,000,000 per year in freight.

The present forest area in the United States is 469,000,000 acres, or about one-half of what it was in the beginning. If this amount were all virgin timber, there would be no great cause for immediate alarm, but the sad fact is that only 138,000,000 acres of that amount represents virgin forests, and they are disappearing at the rate of 5,000,000 acres annually, the remainder of the 469,000,000 acres being cut-over land partially covered with growing timber. Seventy-five per cent of the remaining virgin forests in this country to-day is located in the Pacific Northwest, while the bulk of our population and the most of our industries are in the East, North, and Middle West.

The retail price of lumber has increased three times as fast as the average price of other staples in the last 75 years, because the source of production and the place of consumption are continually becoming farther apart. The average haul per car of lumber in 1924 was 658 miles. It is fair to assume that prices of lumber will continue to rise in future for the same reason as in the past unless the supply becomes greater. The virgin pine forests of the South Atlantic and Gulf States have shrunk from 650,000,000,000 to 100,000,000,000 feet; yellow-pine production is falling off rapidly, 20 mills of major capacity having cut out and closed down in the year 1925. These mills were producing daily 2,700,000 feet. At the present time only 20 States in the United States cut as much timber as is used within the State. The Southern Pine Association in its estimate for 1919 makes a statement that 99 per cent of the southern pine supply will be cut out in 15 years. If that estimate proves true, the year 1934 will see the finish of southern pine.

An economist in the United States Forest Service estimates that we had in 1920 hardwood supplies to last 30 to 45 years, but that old-growth hardwood would be gone in 1945, and that ash, yellow poplar, black walnut, red gum, hickory, and chestnut would not last that long. It takes on an average 30 to 60 years to grow softwood timber and from 100 to 150 years to grow hardwood.

Very often the remark is heard that substitutes for lumber are being used, such as steel and cement; therefore, why worry about timber supply? Substitutes are used to a certain extent, but in spite of them the need of lumber is greater now than at any time. In 1850, when our population was 40,000,000 people, the per capita use for lumber was 150 feet. In 1925, with a population of 110,000,000, the per capita use is 300 feet. Lumber is being put to new uses constantly as new industries spring up. There are now 1,500 uses for lumber, requiring about 23,000,000,000 cubic feet each year. This means that 250,000,000 trees of average size are cut down annually. The railroads use 130,000,000 new wood ties each year. Ties used by the Missouri Pacific Railroad system for renewal purposes in 14 years amounted to 57,000,000. They contained enough timber, had it been cut into lumber, to have constructed 150,000 frame resi-

dences of six rooms each. These houses would comfortably contain 800,000 people, about the number now living in St. Louis. Props used in the mining industry in the United States call on the forests for 260,000,000 cubic feet annually. To get coal we must have wood. Careful estimates place the consumption of wood pencils each year at 1,000,000,000. The automobile industry is comparatively new, yet in 1923, 800,000,000 feet of lumber was used in the construction of bodies alone. Newsprint is a forest product, being made from wood. It requires 16 acres of spruce trees to make the print for one Sunday edition of a metropolitan newspaper. Six or seven billion cubic feet of timber is required each year in the construction of homes in America. The normal annual increase in dwellings in the United States amounts to 400,000. At the beginning of 1925 this country was faced with a shortage of homes amounting to one-half million.

The items I have mentioned thus far are a few among those found on the debit side of the forest account. Now, let me turn to analyze briefly the credit side with a view toward striking a balance. We are reforesting in this country to-day at a rate of 35,000 acres annually. Economists claim we have 460,000,000 acres in the United States not needed for agricultural purposes, and that 181,000,000 acres of that amount is fit only for timber crops. This area would and could produce timber sufficient to guarantee future generations a future timber supply. Some of the States in the last few years have commenced reforestation in earnest. Michigan in the last five years has planted about 15,000 acres. Pennsylvania, Maryland, Kansas, and numerous other States have fallen into line. Great lumber corporations owning vast tracts of timberland have awakened to the fact that they owe a duty to posterity, and in compliance with that duty are commencing to take up the practice of tree planting on their lands, and appear to be well satisfied with the progress thus far made. At a recent meeting of the Southern Pine Association, at New Orleans, an association composed of many manufacturers of pine lumber in the South, they tried to make plain they would never permit the supply of timber to disappear.

Reforestation is no longer a beautiful dream—

Said John E. Kaul, a prominent member of the association.

It is on the high road to becoming an accomplished fact. There will always be a good supply of southern-pine lumber available—

Said he—

because the development of reforestation will assure dealers and consumers the supply is not to be exhausted.

Other members of the association in addition to Mr. Kaul were determined on a reforestation policy, but asserted fire protection must be provided by the States and an equitable system of taxing cut-over lands provided.

The great lumber corporations of California and the Pacific Northwest are also committed to the policy of reforestation. In California it is already asserted that redwood timber will never become exhausted by reason of the adoption of that policy. In summing up, examination of both sides of the account seems to show a balance to the credit of our forests amounting to 138,000,000 acres of virgin timber, which is estimated to last for a period of 35 years at the rate at which it is now being cut, and in addition to that item random efforts are being made at reforestation on the part of State and National Governments as well as private individuals.

Thirty-five years is a short time in which to grow new forests with which to supply the demand for wood products of the generation to follow when we are gone. What will remedy the situation, you properly may ask, and I reply that not only must we conserve our virgin forest supply with a view toward making it last longer but we must engage in reforestation in greatly expanded projects undertaken by both Federal and State Governments. We must uphold the hands of the Government Forest Service, whose work is wonderful. Congress should pass the pending McNary-Woodruff bill which, if I understand it, will permit the National Government to greatly extend its purchases of land fit for reforestation. Secretary Jardine, a few days ago in a speech at Atlantic City, advocated its passage, and in the course of that speech took occasion to state also that the time had come for the States of the Union to join in the reforestation campaign. He said that the National Government has so far bought 2,890,000 acres of forest land, and should continue to buy much more. He also argued that large areas of cut-over lands are reverting to many States for delinquent taxes, and aside from that fact cut-over lands in many States could be bought very cheaply, and now was the time for States to act.

Waste must be eliminated in all possible ways. Forest fires must be reduced to the minimum, as they are the chief item of waste. In the year 1924, 92,000 forest fires occurred in the United States, at the rate of 250 each day. A large percentage of these were caused by carelessness of tourists and campers, which could have been avoided. Millions of dollars of annual loss is sustained from fires in cities and elsewhere. Wood to replace this loss in rebuilding operations constitutes a heavy demand upon our forest reserves. Fire preventions in cities and towns should become a burning question indeed. Waste in felling timber should be avoided. The use of short lengths should be encouraged. Standardization in the manufacture of wood products should become the rule. The exportation of lumber to foreign countries should be discouraged, while importation should be expanded. There are even those who think that Sunday newspapers might be cut down in size to 8 acres instead of 16.

The problem of perpetuating our timber supply is national, affecting all classes of our citizens. There is no substitute for wood. Nothing can take its place entirely. In the United States it is the poor man's building material. On the farm it is used almost exclusively for building operations. Anything affecting its price, causing it to become more costly, works a hardship upon the poor man, and particularly upon the American farmer, who already has sufficient burdens to bear.

I have the honor to represent a mid-western district in Missouri, where farming is one of the chief industries, and I know their condition is not what it should be. They are in debt and struggling to make both ends meet. I might say in passing that they are anxiously looking to this Congress for some consideration of their problems and for help in solving them.

I am one Congressman who is anxiously waiting an opportunity to vote for some honest-to-goodness relief legislation for the farmer, whether it is the Dickinson idea or the Haugen idea or the Tinscher plan. I feel certain that opportunity will soon be given and that this Congress will pass actual relief measures for the farmers before adjournment.

In conclusion, I submit the high price of lumber is an important factor in the present high cost of living which may eventually result in the National Government being compelled to take over our forests as foreign nations long since have done. Equitable taxation on cut-over and waste lands where reforestation is possible is also inevitable if private individuals are to restore our forests. Practical men will not invest money in growing trees until the investment is comparatively safe.

I furthermore submit the questions of conservation of our forest supply of timber and the reforestation of our forests are problems of vital concern and should be heeded by this Congress if possible and certainly by its successors, or else we should as public officials cause to be hung upon our breasts the placard "Please help the blind." [Applause.]

Mr. DAVEY. Mr. Speaker, I yield five minutes to the gentleman from Louisiana [Mr. KEMP].

Mr. KEMP. Mr. Speaker and gentlemen of the House, I can not allow this occasion to pass without saying something about what the great State of Louisiana, which in part I have the honor to represent, is doing in conservation and reforestation work. We have a law in Louisiana which requires the timberman to leave one or more seed trees to the acre. Now, the result of that is that the cut-over lands are being reforested through natural process. As the big trees are cut away the little trees spring up and cover the ground. Thus it becomes a game of the survival of the fittest; they come up so thick that the weaker trees are usually smothered and the more vigorous trees hold their places, reaching up into the sun and developing into large trees. Leaving seed trees is considered a very important thing in the natural reforestation of cut-over land.

Another thing we do to encourage reforestation is to permit a low fixed assessment value during the period of timber growth. These are some of the things that the State of Louisiana does.

I want to state particularly what one lumber company in my district, the Great Southern Lumber Co. at Bogalusa, La., is doing under the able management of Col. W. H. Sullivan. It owns and operates the biggest sawmill in the world.

A few years ago when this company first began operations in that section they cut the pine lands clean. They never left a trace of a tree, with the result that no little pine trees came up after the big trees were cut away. Now, the company realizing the importance of growing trees on this land have started within the last few years a pine nursery to reforest these lands; they plant the seeds, and then after the seeds sprout and grow into little saplings they plant the trees or set them out. Last year they set out 7,000,000 of those trees. They

are reforesting 76,000 acres of cut-over pine land at a cost of \$4 an acre.

They are doing this because they realize that it is a good, sound business investment, and they expect to reforest the whole 76,000 acres. This great company cuts a million feet of timber a day; they cut on an average of 300 acres a day, or about a thousand acres a week. Imagine cutting over 1,000 acres of land every week in the year!

In the South the growth of timber is possibly more rapid than in any other section of the United States. An average acre of land will grow from 250 to 600 feet of pine timber a year. At the present price of pine timber that growth would be worth on an average of \$4 an acre. These cut-over lands can be bought for an average of \$5 an acre. Four per cent on that amount would be 20 cents; the taxes would be about 3 per cent, or 15 cents; the cost of supervising and keeping fires out of the land would be about 25 cents. These are not my figures but the figures of experts. So at a carrying cost of about 60 cents per acre a year this land could be reforested and produce a growth worth \$4 a year.

Now, why does not everybody go into the reforestation business? The answer is simply that a man does not live long enough. Few are able or provident enough to spend the money necessary to buy land, to pay the taxes, and give the needed supervision in order to reap the harvest 50 years hence. The result is that few individuals and corporations engage in the work of reforestation. Growing timber would prove a profitable business to the United States Government and should be immediately undertaken upon an extensive scale. The question might suggest itself, Why do not the Southern States, where we have the ideal lands, where the timber growth is the fastest—why do not the States grow timber? The answer is that they have not the equipment, they have not the money, they need the land for revenue purposes.

These pine lands will produce a growth in 15 years of the high commercial value as paper wood. The great Southern Lumber Co. has in operation now in my district two very large paper mills, and they are buying these cut-over lands. They expect to utilize 250,000 acres of those lands for the purpose of growing pulp wood for these great paper mills. Now, it does seem to me that the matter of reforestation ought to appeal to the Federal Government. It is something that concerns every man, woman, and child in the United States. A hundred years ago we had a handful of people and a continent covered with timber. To-day we have a handful of timber and a continent covered with people, and the demand for timber for lumber and wood consumption to-day is greater than it has ever been in the history of the country.

Mr. HILL of Maryland. Will the gentleman yield for a question?

Mr. KEMP. Yes, sir.

Mr. HILL of Maryland. The gentleman is very familiar with this matter of timber and forestation, and I wondered if he had anything in his remarks in reference to the change in climate which has transpired since the broad belt of forests along the northern border of the United States has been so largely destroyed. It is my understanding that in such places as New York State and various other States there has been a great change.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DAVEY. I yield the gentleman three additional minutes.

Mr. KEMP. I can only say this, in answer to the question: I understand from the Weather Bureau that there has been no change in climatic or weather conditions since the keeping of records. Weather goes in circles, but fundamentally it is about the same.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I will say to the gentleman from Maryland that some years ago I came from Panama with Colonel Sibert, who was assistant to General Goethals in the construction of the Panama Canal, and Colonel Sibert told me it was a popular fallacy to believe that forests produced rainfall; that forests were the effect and not the cause of rainfall, and that long before forests or vegetation there necessarily was the precipitation called rain. I must confess it was somewhat startling to me because, as a result of many declarations similar to the one made to me by Colonel Sibert as well as the number of articles in magazines and newspapers which conveyed to me according to Colonel Sibert misinformation, I had come to the well-fixed conclusion that forests tended greatly to produce rainfall. It was with considerable difficulty that I made the attempt to readjust myself to the information tendered to me by Colonel Sibert, who is a great engineer and a gallant gentleman, and who apparently is well intrenched with information on the subject that he discussed with me. I have not thoroughly

abandoned even yet, however, the idea that forests had something to do with rainfall, as evidenced by the fact that I quickly responded to the statement made by the gentleman from Maryland and hope that my statement will contribute a little to the very fine address being made by my colleague from Louisiana.

Mr. DAVEY. Mr. Speaker, I must take exception to what the gentleman stated in view of the statement of scientists, that every tree throws into the air every year about 500 barrels of water in vapor form and it remains there to be condensed and come back as rain.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DAVEY. I yield the gentleman two additional minutes.

Mr. KEMP. I hope the gentleman will appreciate the fact that the last three minutes were not consumed by myself. I want to say just this. We are told by these scientific forestry experts that lands that formerly produced in a state of nature from eight to ten to fifteen thousand feet of lumber by the acre can be made to produce very easily 30,000 to 40,000 feet to the acre. That is true in the southern part of the United States and especially in Louisiana. At a very small expense we can restore our forests. There are 100,000,000 acres of land in the South to-day that do not need 15 cents worth of attention an acre a year to grow on it the finest forests in the world, even better than before, if we can but keep out fires. Fire prevention is a question of education. The public should be made to realize that every careless or intentional forest fire reflects an individual loss and works an injury to unborn millions. [Applause.]

Mr. DAVEY. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. NELSON].

The SPEAKER pro tempore (Mr. BEGG). The gentleman from Missouri is recognized for three minutes.

Mr. NELSON of Missouri. Mr. Speaker, while some of the finest hardwoods in the world are grown in the district I have the honor to represent, I prefer, in the short time allotted me by the gentleman from Ohio [Mr. DAVEY] to speak not so much of the commercial side of forestry as of the influence of trees and of their friendliness.

First, a word as to the trees here in our Nation's Capital City. Who can think of Washington, the city beautiful, without trees, shrubs, and flowers? Not only are there thousands of trees of rare beauty, but among these are many rich in history and associations. The elm under which Washington is said frequently to have sat while watching the work on the Capitol still stands. Special care has been given to this tree, as to the Cameron elm on the other side of the grounds and believed to be between 110 and 115 years old. These trees are but two of the 835 found on the Capitol Grounds, the wooded park as it is to-day having had its beginning in a \$30,000 appropriation made in 1853, following a fight by John C. Calhoun.

As new trees are planted on the Capitol Grounds to replace losses which necessarily occur despite the greatest care, Members of Congress stand as sponsors. For instance, we have the shellbark hickory of Thomas Marshall, the purple beech of James Sherman, the red oak of Representative Mann, and the sugar maple of Champ Clark. I can readily understand why Speaker Clark should have chosen the sugar maple, than which no more beautiful tree grows in Missouri. There it is found in abundance. This tree, supplying sweet sap for sirup and sugar in the early spring and dense shade in the heat of summer, becomes in the autumn season a magnificent bouquet of red and gold.

Just west of the National Capitol is the Botanic Garden, in which are many historic trees, these including the European hornbeam, planted by Lincoln; the cedars of Lebanon, by Senators Hoar and Everts; the slender bald cypresses, known as the actors' trees because they were planted by Forrest and Booth; and an oak which tradition tells sprang from an acorn dropped from a tree which shades the tomb of Confucius in Shantung, the acorn having been brought over by Dana, the editor. Mention should also be made of the Peace Tree, which, after it had attained full size, was successfully moved in order to make room for the Grant Memorial, \$5,000 being paid when the tree was transplanted and continued to grow in another part of the garden.

Just here I would digress to suggest that it is a pity some of the Washington real estate dealers seem not to appreciate the beauty or value of trees, but continue needlessly to destroy the magnificent natural growths. With powerful machinery they tear out the trees and level the denuded hillsides, making ugly the places where for centuries nature had been building for beauty.

Missouri, my own State, is rich in the glory of her trees. Few farmsteads are there, even in the prairie places, without groves of trees. Early settlements were generally made in timber, sections, but even there such trees as the locust, with its rapid growth and in the springtime its beautiful and sweet-scented blossoms, were planted locust groves here and there now marking the spots near where pioneer homes once stood.

In short it might be said that the early expressed love of trees on the part of our people has but grown stronger as the generations have passed. This love finds expression in the trees carefully preserved in woodland pastures, where grows the world's best bluegrass; in groves about our rural homes, churches, and schoolhouses, and in the abundance of shade and ornamental trees along village, town, and city streets.

Trees, some of which may have served as landmarks or guideposts, have given names to towns, such as Pilot Grove or Lone Elm. In Missouri, too, where many farms are named, we find registered such names as "Ravenswood," "Eastwood," "Cedar Lawn," and "Locust Grove."

Not only are individuals becoming more interested in the conservation of forests and in the preservation of valuable trees, but patriotic and civic organizations everywhere are aiding, frequently planting trees in the names of individuals or associations. For instance, the Columbia (Mo.) Kiwanis Club, of which I am a member, some two years ago took over the beautification of the county hospital grounds, each member planting a tree and the club as a whole supplying flowers and shrubs.

All of us, and children especially, absorb environment. Fortunate the child that has tree friends—trees under which to play, trees to be climbed, and, perchance, trees from which bark whistles may be made. Happy the man whose memory is of trees of his childhood days when "stick horses" and homemade popguns were not unknown and when the gathering of fruit and nuts afforded wholesome fun. Most fortunate of all he who in age is permitted to see others enjoy the trees which in youth he planted. No more unselfish service is there than that represented in the planting of a tree which, as the years go, can not bear fruit or come into its best while the planter lives. Thus are good deeds done.

How useful are trees! When a tree which long has afforded shade in summer and stood as a protection against the storms of winter is cut down it still serves, perhaps as lumber to go into the building of a home or to afford warmth for the family.

But best of all is the friendship of trees. All of us can recall trees which were more than living things of roots and body, leaf and bark, but which seemed almost to have souls; and, I might add, sympathy and understanding. On the old home farm when I was a boy there were acres of beautiful trees, and many of these remain. One, though, that I loved best—maybe because it stood apart and alone—is gone, broken before the storms of years, and to-day there is a "lonesome place against the sky." It went nature's way, sharing a fate finer by far than that which befalls so many great trees needlessly destroyed by man. In our yard to-day stand beautiful trees. One of these, a great towering elm with wide-spreading branches, in which birds build their nests and squirrels make their homes, I like to think of it as my wireless tower. It receives the call of countless feathered friends as they pause on their long flights north or south, "chatting" and "broadcasting" songs while they stay. And how much more beautiful is this stately elm, which in cooperation with sun and moon weaves delicate and intricate shade patterns, than is any skeletonlike tower of steel! Fancy? Yes; but has the world no need for fairies and fancies such as played in trees and groves of old? Even now, sympathy and understanding as reflected in love of leaf and treasure of tree disclose in forest depths, and even in lone trees, naiads, nymphs, and queens unknown to the peoples whose lives are cast in treeless places. [Applause.]

Mr. WOODRUFF. Mr. Speaker, I yield one minute to the gentleman from Maryland [Mr. HILL].

The SPEAKER pro tempore. The gentleman from Maryland is recognized for one minute.

Mr. HILL of Maryland. Mr. Speaker and gentlemen of the House, I do not think there is any subject that is more vital to the general welfare of this Nation than the subject of the proper treatment of trees.

I want to speak very briefly on three aspects of that question. First, the general industrial value and utility of trees; second, let me say, the beautifying and cultural influence of trees, of which the gentleman from Missouri [Mr. NELSON] has just spoken so ably and eloquently; and third, the effect of trees on the climate of this country. [Applause.]

I have listened with a great deal of interest to the discussion of the general subject of forestry. This is a subject that we too little consider in this Nation. We started out with such huge, comparatively inexhaustible forests that we have not yet come to the time when we seriously realize the need of conservation of forests which is so vital to us in every way.

I recollect very well in the summer of 1911, when, as a major in the National Guard, I was an observer on the part of the United States for the Eleventh German Army Corps maneuvers. These maneuvers took place in the Harz Mountain regions, and I recollect very well the impression made upon me by the village forests and by the forests maintained by the various principalities and duchies. I recollect especially the splendid forest in the Principality of Schwarzburg-Sondershausen, where in the little "tree schools" (Baumenschulen) the trees were grown from the seeds to replace the annual cutting which yielded a regular income to Prince Günther. I recollect also with great interest my first experience with the German municipal forests, which furnished wood for fuel and building purposes precisely as we raise corn and potatoes.

In France during the recent war I had occasion to note the different types of French forests, communal and otherwise. For all sorts of reasons we should encourage forestation in this country.

First. There is the great industrial value in utility of our forests. At the present time the great lumber companies, such as the Weyerhaeuser interests, are cutting and replanting their forests in the most scientific manner with a view to forest conservation. We should greatly increase this sort of forest work throughout the country. The American Forestry Association is doing splendid work along these lines.

Second. When we consider the cultural influence of forests, I am particularly interested in the project for a national forest in Prince Georges and Ann Arundel Counties, connecting with the park system of Washington, and ultimately being hooked up with an extension of the parkways of Baltimore. This project has the unqualified indorsement of all the great technical societies, such as the American Institute of Architects, the American Federation of Art, the American Civic Association, and the American Society of Landscape Architects.

The presence of Camp Meade, which is now definitely to be retained as a mobilization center of the Third Corps Area, makes possible the development of a national forest between Baltimore and Washington. There is contained either on the Camp Meade reservation or near by part of an old grant known as Ridgely's Forest, which was located in the vicinity of what is now Savage and which happened to have been patented to one of my forebears, Col. Henry Ridgely, of Prince Georges County, a member of the governor's council, in the days when we did not have to be so careful about the conservation of forests, because we had not yet cut into the supply which nature had so lavishly poured upon us.

In reference to the project of a National Capital forest, Mr. William L. Ellcott, the distinguished Baltimore architect, has made the following observation:

The use of forests by the people becomes a habit which insures to the benefit of the whole population, adding to its vigor and zest of life.

Agricultural expansion in America has left certain areas unconquered because of their unfitness for cultivation, and in some of these rests the hope of future generations. One of these tracts, though sadly mutilated, has remained to our day a vast forest useful for no other purpose. Providentially also, it exists in a place which above all others should recommend it for protection and improvement to the people of the United States. It forms the background of the National Capital, beginning at the bounding line of the District of Columbia at Bladensburg and extending northeast nearly 20 miles until it crosses the Patuxent River, a tract of 41,000 acres, while separated from it by a narrow strip between Washington and Laurel there is another body of 16,000 acres. Beyond the Patuxent it swings eastward, touching the Severn and South Rivers and reaching the outskirts of Annapolis, the seat of the United States Naval Academy, and thereby adds another area of 43,000 acres.

Another forest district of vital importance to the Nation's Capital, containing some grand scenery which, though separated from the main bodies by the breadth of Montgomery County, should be included in the purchase, borders the banks of the Potomac River from the District line to a point beyond the Great Falls, an area of 10,000 acres. Conditions here are distressing in the extreme, as no effort has so far been made to care for it, and year by year injury to the landscape is done. Surely devotion to the public welfare should prompt Congress to protect this great possession.

The value of the lands in question is comparatively small, but as the pressure of population increases this will not continue, and it is not wise to defer provision for its purchase. Altogether these areas cover 110,000 acres. The Forest Service should ascertain the merits of the

various districts for forest purposes and study the replanting of certain parts, and a commission should plan for the maximum of beauty and utility, which are lost for want of skillful and intelligent handling.

Watercourses should be improved, and artificial lakes could be made as beautiful as natural ones, and the attraction of the woods may be enhanced by the erection of suitable buildings properly located. A structure of the character of a small chateau to serve the traveling public as an inn or automobile club would not be out of keeping.

The matter of a great national forest between Baltimore and Washington was given careful consideration by the State forester of Maryland, Mr. F. W. Besley. After a careful study of the surveys, maps, and data in the Maryland forestry department, Mr. Besley reported as follows:

The area proposed for a national forest represents some of the oldest settled lands of the country. Since its occupation 250 years ago many changes have taken place. A considerable portion of the land under cultivation prior to the Civil War has since grown up in forest, not alone because of the scarcity of labor necessary for its continued cultivation but because much of it was found better suited to the growing of timber than for agricultural crops. These young forests of hardwood and pine, coming as a second growth, have attained considerable importance, and by proper management they can be molded into forests of great value. There are still to be found in small tracts some of the virgin forests, showing the magnificence of the original growth and further illustrating future forest possibilities. For the botanist and dendrologist this is one of the most interesting regions of the eastern United States. Here on the border of two great geographical divisions, the coastal plain and the Piedmont plateau the flora of the North mixes with that of the South and gives a variety of species difficult to find in any other area of equal size. As a natural arboretum this region is unsurpassed. There are over 65 tree species alone, to say nothing of a large number of arborescent shrubs. Most of the valuable commercial species of the entire eastern United States are represented here. The great diversity of soils and forest types offers exceptional advantages as a demonstration field for applied forestry.

A forest survey of the Maryland counties, partly included in the proposed national forest, was made by the writer in 1907-1910, and furnishes the forest data upon which this report and the accompanying map is based. In establishing a national forest such as is proposed it is very desirable to include as far as possible lands that are now largely wooded. The large wooded areas lying between Washington, Baltimore, and Annapolis afford a rare opportunity for carrying out such a plan. The area shown on the map, lying between Washington and the Patuxent River, to the west of the Baltimore & Ohio Railroad, covers approximately 18,000 acres, of which about 8,300 acres, or 50 per cent, is now wooded. For the purpose of the forest description any given area is considered wooded where there is a tree growth on the land at least 10 feet high and where the trees are close enough together to form a stand. The main body of forest lying east of the Baltimore & Ohio Railroad, including spurs extending along South River and the Severn River, covers approximately 84,000 acres, of which 50,200 acres, or 60 per cent, is wooded. The portion south of the Patuxent River is more largely wooded than the rest, amounting to 70 per cent. The portion to the northeast is 50 per cent wooded.

The effect of forests on the climate of this country is not adequately studied. I called this matter up a few moments ago in the questions which I asked during the course of discussion here on the floor of the House. I recall with much interest certain things that Mr. Robert W. Chambers, the novelist, told me last summer about the change in climate which has occurred in Fulton County, N. Y., in the past 40 years because of the destruction of the protective belt of forests on the northern borders of the United States, which kept out the cold winds from the extreme North.

Mr. Chambers, who is a keen observer of both flora and fauna, described to me the destruction of certain plants in the last years by winters which had become considerably colder than formerly. He also described to me the presence of certain birds in Fulton County which were formerly found only in the very cold far North. I myself at one time made a careful study of the subject of forestry in reference to water supply, and that particular phase of forestry is one of great importance to every resident of the United States. I think we do well to give most serious consideration to the question of forestation and to the whole question of conservation of forests.

While we are considering the conservation of forests I think it is a very appropriate occasion for me to call to your attention certain statistics in reference to the conservation of the future citizens of this Nation. In our country the family is the unit of civilization. Everything which affects adversely the family life means ultimately deterioration in the moral and physical fiber of the Nation. Everything that helps to keep together the family life with its old traditions of religious

training and discipline operates as one of the most important sorts of American conservation. The increase of divorces in this Nation and the decrease of marriages in this Nation are a menace to family life. I am glad to say that the Department of Commerce has just announced that, according to the reports received in Maryland during the year 1925, there was an increase in marriage and a decrease in divorce. The figures given by the Department of Commerce are as follows:

There were 25,447 marriages performed in Maryland during the year 1925 as compared with 25,342 in 1924, representing an increase of 105, or 0.4 per cent. This increase, however, is slightly less than the estimated increase in the population.

During the year 1925 there were 1,614 divorces granted in the State, as compared with 1,664 in 1924, representing a decrease of 50, or 3 per cent.

The estimated population of the State of Maryland on July 1, 1925, was 1,500,230, and on July 1, 1924, 1,540,961. On the basis of these estimates the number of marriages per 1,000 of the population was 16.3 in 1925, as against 16.4 in 1924; and the number of divorces per 1,000 of the population was 1.03 in 1925, as against 1.08 in 1924.

The number of marriages performed and the number of divorces granted were furnished by the State department of health. The figures are preliminary and subject to correction:

County	Marriages		Divorces	
	1925	1924	1925	1924
Total number in the State.....	25,447	25,342	1,614	1,664
Number per 1,000 of the population.....	16.3	16.4	1.03	1.08
Number by counties:				
Allegany.....	2,872	3,074	89	85
Anne Arundel.....	496	448	21	24
Baltimore.....	678	679	42	37
Baltimore City.....	7,671	7,768	1,174	1,238
Calvert.....	62	49	1	4
Caroline.....	189	161		
Carroll.....	398	375	9	25
Cecil.....	4,794	4,825		
Charles.....	118	127	3	7
Dorchester.....	185	233		
Frederick.....	733	671	56	86
Garrett.....	1,153	1,033	12	10
Harford.....	367	378	10	10
Howard.....	1,167	1,133	6	14
Kent.....	210	174	8	2
Montgomery.....	801	746	28	14
Prince Georges.....	331	323	25	22
Queen Annes.....	104	83	5	2
St. Marys.....	81	92	4	1
Somerset.....	230	228	6	14
Talbot.....	145	150	15	13
Washington.....	1,996	1,959	89	70
Wicomico.....	391	356		
Worcester.....	275	277	11	16

American families are like the American forests. The strength of this Nation comes from the strength of its family life, just as the Nation depends on its forests and streams for beauty, protection, and general welfare.

We need conservation of forests and also conservation of those ideals of home and family and liberty that were the foundation of the life of this Nation. [Applause.]

Mr. WOODRUFF. Mr. Speaker, I yield 20 minutes to myself.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 20 minutes.

Mr. WOODRUFF. Mr. Speaker and gentlemen of the House, there is good reason for us to pause during the sixth observance of American Forest Week, as proclaimed by the President of the United States, and to take stock of our forest situation. Three hundred years of growth and development in this country has seen a prodigal use and destruction of natural resources which should temper the conceit of every good American and set him to thinking soberly of the need for restoring and maintaining our natural wealth.

Probably no resource has contributed to our development in a greater variety of ways than the forests of the country. The United States has been blessed with the finest and most easily exploited forests of any country in the world, and when it comes to the question of timber consumption alone we have made unlimited use of this blessing. We are still the hungriest timber consumers in the world. We have come to demand 50 per cent of all the saw logs cut each year in the entire world. We consume 55 per cent of all the paper made in the world. We are a people dependent upon the products of the forest, and we shall not easily change our habits.

No one regrets the early destruction of forests to make way for productive farm lands and for the building of cities. The wilderness which met the colonists at Jamestown and along the

New England coast was naturally looked upon as a thing to be cleared away. Great forests, as the gentleman of Connecticut has said, harbored wild beasts and wilder men, covered lands needed for food crops, and seemed to stand in the way of all development. It is probable that the destructive American practice of mining forests rather than cropping them has grown out of these early struggles.

But by whatever course we have come, we are beginning to feel the pinch of timber shortage. Fir from the Pacific coast is sold in New England, where native white pine and spruce should be filling local demand. Yellow pine from the Gulf coast is competing with far-western woods in building on Iowa farms. Canadian spruce feeds many of our paper mills, and our annual lumber bill contains an item of \$3,400,000,000 for freight—an average of \$11 for every thousand feet marketed.

This does not include reshipments or imports. It is a direct tax on the people of the Nation and is due in large measure to forest depletion. It represents twenty times the amount spent annually by all agencies, public and private, on forest replacement. Meanwhile, 80,000,000 acres of land of little use except for the growing of forests, lie idle—most of it east of the Great Plains.

We come to American forest week in 1926 with a record of 50,000 forest fires a year, on the average, most of which are set by careless citizens. The news of the last few days carries word of destructive fires in the forests of Massachusetts, Maryland, Montana, and other States. Insects and disease take a tremendous timber toll every year. Utilization of timber is more wasteful than necessary, due perhaps in part to economic conditions which force overproduction by sawmills. No thoughtful man can deceive himself into believing that our forestry situation is satisfactory.

We are cutting and consuming our forest five times as fast as timber is now being grown everywhere in the country. Every one of us has seen the price of forest products constantly increase during the last 25 years, due largely to the decreasing supply. The price must continue to advance for many years to come, or until such time as we can bring about a condition where the growth will approximate the consumption. A real reforestation program should have been undertaken by the Congress many years ago. Millions of now waste land should to-day be covered with new forests well on the way to maturity. This condition would not exist had former Congresses appreciated the condition we are so rapidly approaching. It requires on the average 50 long years to grow a crop of timber. We have made only a gesture toward renewing our supply. It is necessary for us now, if our children and theirs, are to be in a position to buy timber and timber products at a reasonable or near reasonable price, to engage in the work of reforestation with a big and a continuous program. It is estimated that the present mature timber stand will be completely exhausted in 35 years if the present rate of consumption continues. It takes 50 years to grow a new crop. What is the answer? Reforestation, reforestation, and more reforestation, of course. There can be no other answer.

Could the people of the country be brought to a realization of the conditions that exist there would be an instant and insistent demand that not only the Federal Government but the State and local governments as well engage in this very necessary work. The Federal Government can not hope to do it all. The States and the municipalities, together with private corporations and the farmers of the country, must do their share if the job is to be done. But the Federal Government can and must do the pioneering. It must point the way and demonstrate that a forest crop can be made as profitable as any other crop produced from the soil. There are cities in Europe which have for many years paid all the expenses of government from the profits derived from the municipal forests. This can be done in this country, and in these days of continuously mounting local taxes this would afford much needed tax relief to our people.

It has been pointed out by those who have studied the question that our highly developed transportation system, which can make available a supply of timber to all parts of the country so long as the forests last in any particular region, accounts for the fact that there is such a feeling of security with respect to our timber supply. So long as demand is filled, from whatever source, at prices which are not entirely prohibitive, it will be difficult to make people realize that timber shortage is imminent.

In this connection it is deplorable that greater knowledge of the forest history of other countries has not been brought to the attention of the American people. The United States is by no means the first country threatened with timber shortage. Western Europe approached this condition, but pulled through by heroic and costly effort.

China is an outstanding example of a country which failed to avert a threatened timber shortage and to-day this great, treeless country, cursed with devastating floods and utterly dependent on other parts of the world for its timber supply, presents a tragic spectacle. Asia Minor is another region which has suffered for centuries from timber famine. But there is something besides tragedy in the forest history of other countries which we as a Nation must consider, and that is the working out of the problem of timber supply, which has been so successfully done by European countries.

Sawmills in Germany, France, and the Scandinavian countries do not move from place to place after having skinned all the timber from a given locality. They are permanent institutions around which are built up thriving industrial communities and near which are grouped related industries, such as paper mills, wood distillation plants, and works for the production of naval stores. A continuous yield of raw material is made tributary to these industrial communities through careful management of timber stands.

Forest soil is not mined for timber in these countries as it has been so generally mined in America. The soil is cropped, as it should be. I recently heard of an interesting analogy between agricultural crops and forest crops. A prominent American forester has gleaned from the letters of Dr. C. A. Schenck, of Darmstadt, Germany, a forester well known in this country, the fact that even a single species of tree can not be grown rotation after rotation on mistreated soil without reducing the productive capacity of that soil.

Mr. LEAVITT. Mr. Speaker, will the gentleman yield?

Mr. WOODRUFF. With pleasure.

Mr. LEAVITT. I think it would be of interest to state that Doctor Schenck is now connected with the Montana Forest School of the University of Montana, at Missoula.

Mr. WOODRUFF. Yes.

In the words of Doctor Schenck:

German forest soil is sick . . . German foresters have found that where the forest litter has been removed and where planted spruce has followed spruce the productive capacity of the soil has suffered.

I simply want to mention this to show that the business of maintaining timber supply is anything but automatic, even under the most thoughtful management, and to point out in passing the problems which face foresters even after belated legislation gives them the opportunity to undertake the job.

England has recently had this truth brought sharply to her attention. During the war the British Isles were practically cut off from the importation of forest products and it became necessary to draw upon the old forests on English estates. A large percentage of all the pit props used in the collieries of Wales and the midland counties of England were furnished by the estate forests of England and Scotland. Formerly these props had been imported from southern France as a return cargo in the coal ships, but the stern necessities of war brought home to England the gravity of timber shortage, and the country has entered upon a big program of land acquisition and forest planting. It is interesting to note that by act of Parliament three and a half million pounds sterling, which amounts to about \$15,000,000 at normal rates of exchange, have been authorized to be expended during the decade from 1919 to 1929. It will be used primarily for the acquisition of nonagricultural land suited only to the production of trees and by planting these areas with commercially valuable species. A newly organized forest commission reported at the end of the first year that something like 48,000 acres had been acquired and almost 1,600 acres planted.

It is of interest to Americans that two trees common to our own Pacific coast are being used. These are the Douglas fir and Sitka spruce. But it is more significant to point out that English people and English statesmen have realized the necessity of a continuing fiscal program if this great constructive activity is to go forward economically and efficiently. And this has come about in a country so tax ridden that everyone feels the pinch of poverty. Let us hope that the United States will not have to reach this stage before the principle of a long-time fiscal program in the forestry activities will be admitted as good business practice.

Little Denmark proudly boasts, through the establishment of a forest school in 1784, that it was the first of the Scandinavian countries to get forestry practice under way. The Danish Government took an active stand in telling private owners what they should do. If a man purchased forest land after 1805, he had to secure the approval of a State forester before he could cut any timber within a period of 10 years. This law was enacted to prevent speculation and "land skin-

ning," as we knew it in this country, and it has worked out well.

The French, with more than a thousand mountain streams subject to torrential action, have not only engaged in forestry as a means of controlling floods and protecting agricultural lands at the foot of mountains, but have had to expend vast sums in the building of check dams in the beds of these streams. We may also draw inspiration from the work of the French people in reclaiming the sandy lands of Gascony, known as The Landes, in the southern part of the west coast of France. Here for more than 150 miles a strip of flat land was subject to the formation of sand dunes. It is supposed that in ancient times much of this section was in forest, but with the beginning of the seventeenth century all growth was gone and sand dunes were piling up and traveling inland before the wind. They obliterated farms and threatened to bury villages. The danger became a matter of national concern. The problem was attacked in earnest, and through a combination of engineering works and tree planting much of the region has been reclaimed. To-day the forests of maritime pine in this region support thriving villages and produce great quantities of lumber and naval stores.

I want to say, gentlemen, that during my service in France in the recent war I was stationed with my regiment in the forest that I have just mentioned.

Poland, with its newly formed Government, even under pressure of war activity took care to enact and enforce laws assuring the replacement of all forests harvested.

I was in Warsaw, Poland, in the winter of 1919-20, and while there officials of the Government told me that Poland had recently enacted laws providing that whenever a man cut a tree in that country he had to plant one in place of it. To-day Poland has great resources and great supplies of timber extending all over the country, but the Poles are profiting by the experience of neighboring countries and they are conserving their forests.

European nations generally have learned their lesson. They know that their economic life is to a great extent contingent upon timber supply, and while conditions in the United States are different, we can learn much from other countries which plan and provide funds for a long way ahead to maintain their forest resources.

Much is expected in this country from the enactment of the Clarke-McNary forestry law in 1924, which was the result of the best thought of Federal, State, and private forestry and timber agencies and which declared for the solution of our broad forest problem through cooperative means. This law provides that the Federal Government may cooperate with States and private owners of timberlands in fire prevention and suppression, in the distribution of forest trees and seed for the reforesting of idle farm lands, and in the dissemination of advice on the most profitable methods of managing the vast acreage of farm woodlands on a crop basis. Another very important feature of this law was a restatement of the policy of purchasing lands to be managed as national forests on the watersheds of navigable streams. This important section and the cooperative fire-protection section of the act amounted to a strengthening of the Weeks Act of 1911, in which an appropriation of \$2,000,000 a year for five years was actually made—not authorized, but appropriated—for land acquisition.

Short notice made it impossible for the department to organize a force to undertake this task, involving as it did a tremendous volume of field examination and legal work. Sufficient progress therefore was not made during the first two or three years to absorb the total amounts provided. About \$9,000,000 was expended, however, in the five years and splendid value in land and timber was obtained. This first five-year program under the original Weeks law was never expected nor intended to finish the job of securing the land necessary to protect the navigability of eastern streams. On the other hand, it is significant that the most notable progress was made in these five years, due largely to the fact that there was a program, and that it was a definite fiscal program.

With the necessary curtailment of the purchase work during the war, appropriations dwindled and the Forest Service, charged with making the examinations and recommending the purchases, has been hard put to know how to plan its organization from year to year. Land which by all means should be a part of eastern national forests in order to block them out into units for the most economical administration, have been lost to competing buyers who had the funds at hand and who have no idea of properly managing their purchases.

Through all these 15 years, since the inception of the plan for acquiring national forests in the East, the lands purchased have proved a good investment. Testimony before the Com-

mittee on Agriculture when H. R. 271—a bill which I had the honor to introduce—was being considered, showed that something more than 2,600,000 acres have been purchased at a cost of \$5.84 an acre, or a total of about \$15,000,000. More than a million dollars of revenue from the sale of products and privileges have come into the Federal Treasury from these lands, which are scattered through 11 States, and they represent an accrued value of more than \$4,000,000 above cost and administration expenses.

This showing would be vastly better if proposed purchases could have gone forward steadily so that compact units could reflect a lower administrative cost per acre. A fiscal program in adequate amount and covering a 10-year period, such as my bill proposed, would accomplish this. The job would be done, and done economically and efficiently as any great project deserves to be done.

Mr. DAVEY. Mr. Speaker, will the gentleman yield?

Mr. WOODRUFF. With pleasure.

Mr. DAVEY. I would be glad to have the gentleman from Michigan explain to the House why the 10-year program is necessary, and why the Agricultural Committee program of two years is wholly inadequate to meet the situation.

Mr. WOODRUFF. Yes. As I have just outlined, it is utterly impossible for the Forest Service of this country to work efficiently on a hopscotch appropriation from year to year. Much investigation is necessary before lands can be purchased. Much investigation of legal titles to the land is necessary, and without a fiscal program it will be impossible in the Forest Service to get together an organization that can efficiently and economically gather these lands together and administer them thereafter.

Some appreciation of the magnitude of the task of forest replacement in this country may be gained from the fact that the Federal Government's share of the land which it is proposed to acquire in the area east of the Great Plains amounts to less than 5 per cent of the total forest area in this section.

Operating under the Clarke-McNary Act, which, as I have pointed out, strengthened and expanded the land-purchase provisions of the Weeks law, about three and a half million additional acres would be acquired in the White and Appalachian Mountains. Besides this, 2,500,000 acres would be purchased in the Lake States and a similar area in the cut-over pine lands of the South. Much of this land in the Lake States and the South is idle at present and an alarming portion of it reverting to the States for delinquency in the payment of taxes. It is strictly forest land, capable of growing timber if appropriations are made available to acquire and administer, and it is good for little else. If it were to be acquired in the next 10 years, as it could be under the \$40,000,000 provision of my bill, without amendment, we should then get a late enough start. Ten years, gentlemen, to put before the investing public a demonstration that cheap, abandoned forest lands can be started to producing revenue and to exhibit something besides a desert complexion. And then 10, 20, 30 years more to get any appreciable proportion of the remaining 75,000,000 acres under State or private forest management. Strangely enough the other sections of the Clarke-McNary Act requiring expenditure of Federal funds all contain fiscal policy clauses. Fire-prevention cooperative work may be shared with the States and private holders each year by Federal expenditures up to \$2,500,000. The largest amount so far appropriated is carried in the Agricultural Department supply bill for the fiscal year of 1927, and amounts to \$710,000. Cooperative distribution of tree seed and forest planting stock in the same bill is given \$75,000 out of an authorization limited to \$100,000 annually. Farm forestry extension work gets \$50,000 out of a \$100,000 authorization, but when it comes to the acquisition of forest land, the biggest activity mentioned in the Clarke-McNary Act, \$1,000,000, is appropriated in the face of no authorization. And this must be scattered over about 20 purchase units in 12 States.

The National Forest Reservation Commission, which purchases the land and which includes in its personnel three Cabinet officers and four Members of Congress, has put \$3,000,000 a year as the minimum sum upon which this purchase business should be maintained in the interests of efficiency and economy. The Senate Select Committee on Reforestation, which made the exhaustive study resulting in the drafting of the Clarke-McNary Act, made a similar recommendation. The Bureau of the Budget, after having a year ago approved my bill in its entirety, agrees to the fiscal program idea, but cautiously confines it to two years at \$2,000,000 a year. And the House of Representatives passes my bill on this basis.

Let me point out to you from testimony before the Committee on Agriculture in behalf of my bill that the value of lumber cut in Michigan is estimated at \$2,500,000,000, an amount which

exceeds the value of all farms in the 46 pine-producing counties. From the period 1865 to 1900 the value of Michigan's lumber output exceeded the value of the gold output for that period for the entire United States, including Alaska. The first purchase area for acquiring national-forest land under the Clarke-McNary Act in Michigan is on the Au Sable River, and down that river there has been floated to market and gone into fences and buildings to improve the farms for the prairie regions of the South and West over 4,000,000,000 feet of the finest white and Norway pine that was ever grown. Land that did this once can do it again, and beside the value of the timber itself the business of growing and harvesting it represents an opportunity for the employment of human labor to which coming generations are entitled just as much as our own generation and those which preceded us. This same condition exists in the South.

The time is not far distant when we shall know from one end of this country to the other that we are needing a new brand of economy. We shall struggle harder then to build up natural resources than to save funds. We shall measure our national wealth in trees, soil fertility, navigable waterways, and wild life, and I predict that when this time comes we shall be committed to the principle not only of lining out our big job of conservation but of providing the sinews to perform it. [Applause.]

Mr. Speaker, under the privilege granted to me by the unanimous consent of the House I will now insert in the Record the speech of the Hon. W. B. Greeley, Chief of the United States Forest Service, delivered at the annual meeting of the American Forestry Association, Richmond, Va., January 6, 1926, and I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman yields back two minutes.

The matter referred to follows:

RICHMOND, VA., January 6, 1926.

THE FEDERAL GOVERNMENT'S POLICY FOR SOUTHERN NATIONAL FORESTS (By W. B. Greeley, Chief United States Forest Service. At the annual meeting of the American Forestry Association, Richmond, Va., January 6, 1926)

Looking back over the past 30 years the historian will point out three distinct steps in the creation of national forests. The first was the reservation of the timber-producing portions of the public domain, a striking phase of the national awakening to the need for conservation that will always be identified with the administration of President Roosevelt. The second step was marked by the passage of the Weeks Act in 1911, which launched a policy of forest purchases in the Eastern States primarily for protecting the headwaters of navigable streams. The third step followed in 1924, when the Clarke-McNary Act extended the field of forest purchases to include denuded and other lands whose acquisition is desirable for the growing of timber.

In the first two stages of national-forest development the United States was in a sense pioneering in forest conservation. It was blazing the trail. It was not attempting to draw complete plans for a national program of forestry that would extend to all of the timber-growing lands in the country. It was dealing rather with the most obvious and urgent things that had to be done at once.

The third step in the extension of national forests, on the other hand, was one part of a comprehensive program which looked ahead to the growing of timber on all of the four hundred and sixty-nine odd million acres of American soil that appears adapted primarily to this economic service. This program, in a word, sought to define the place for national forests in a general plan wherein industrial forestry and farm forestry were assigned the greater part in the common undertaking.

The committee which framed the Clarke-McNary Act set up as its goal "to increase as rapidly as possible the rate at which timber is produced on the lands suited to this form of use." The main lines of attack in attaining this goal were to be:

"(1) To extend public forest ownership in areas where special public interests or responsibilities are involved, like the protection of navigable rivers, and also where the natural difficulties, costs, and hazards attending reforestation render it impracticable or remote as a private undertaking.

"(2) To remove the risks and handicaps from private timber growing as far as practicable, in order to give the greatest possible incentive to commercial reforestation."

I would like to place the Federal policy of national forests before you in this light, not as something by itself but rather as part of an all-round plan of timber production in the South.

The 16 States comprising the Southern Forestry Congress contain about 227,000,000 acres of forest land, or 37 per cent of their total area. It is noteworthy that this region contains almost one-half of all of the forest land in the entire United States. When to this vast acreage is added the variety and value of forest products grown in the South, the rapid rate of growth in response to her favorable cli-

mate, and the proximity of these vast resources by rail and water to the largest consuming markets of the country, it is, I believe, obvious that forest culture is bound to become one of the great and permanent industries of this region. The steady trend of economic forces is making forest culture commercially profitable. The United States is gradually but inevitably shifting from the virgin forest to the timber crop for its source of wood. And as the depletion of our virgin forests continues and the timber crop in consequence commands a higher and higher value, the Southern States will, by reason of the natural advantages which I have cited, in my judgment, become the greatest forest-producing region of the entire Union.

And I believe further that just as far as possible this development should come about under State leadership and through private and industrial activities. I believe in vigorous action by the National Government in matters where the federated effort of all the people is necessary to do something that will not otherwise be done or to protect common interests that will otherwise be jeopardized. But I do not believe that, particularly in the realm of economic development where forestry belongs, the Federal Government should assume activities which can, with the right kind of leadership and cooperation, be equally or more effectively carried by local communities or private citizens.

I believe that the goal set up for the Clarke-McNary Act, of increasing as rapidly as possible the rate at which timber is produced on the lands suited to this form of use, will be accomplished mainly in the Southern States through industrial forestry and farm forestry. There are already striking gains in this direction. The Forest Service recently listed 18 large timber and landowning companies in the southern pine region who have adopted some definite scheme of timber growing on their holdings. There are many other landowners in the South, in the hardwood and pine regions alike, who are working out plans of forest-land management along the same lines. In many sections cut-over lands are no longer regarded as something to be junked and gotten rid of by the most expeditious process, but as a potential asset whose earning power is worth careful development. Certainly no policy of Federal land ownership should be spread on the map that will in anywise hold back or slow up the application of private capital and business brains to the industry of growing timber.

Let us rather adhere to the simple principle upon which the Clarke-McNary law was written, of extending public-forest ownership where special public responsibilities must be met or where natural difficulties or hazards place timber growing beyond the reach of private effort; and its corollary, to lessen the risks and handicaps of industrial forestry so that commercial timber growing may attain the greatest possible momentum. To this principle we might add the desirability of establishing national forests on rather limited areas in regions where they will render an important educational service in demonstrating the new order of forest-land management and stimulating the reforestation of the privately owned lands around them. State and municipal forests will accomplish exactly the same purpose, and wherever their establishment is practicable the Federal Government should leave this field to them.

This principle does give a definite place in the forest picture of the South to Federal ownership, although in relation to the vast areas of forest land in this great region its place will be a small one. Under the Weeks Act 17 forest purchase units have been established by the National Forest Reservation Commission in the South on the headwaters of a number of her most important rivers. In these units the Government has acquired to date a little over 1,934,000 acres. In lands acquired from all sources, including the public domain, the national forests of the South comprise approximately 3,163,000 acres. Within this total are 156,000 acres forming portions of eight military reservations in the South which have been made national forests under a wise provision of the Clarke-McNary Act, which establishes the principle that any and all lands retained by the Federal Government for whatever purpose should be protected and utilized as fully as practicable for the production of timber.

The extension of national forests in the South along the principles already established should go on. Approximately 43 per cent of the purchase units thus far selected for the protection of important navigable streams has been acquired. These national forests should be completed, and additional purchase units should be established in a few localities where the protection of the watersheds of navigable streams, and particularly interstate streams, requires action by the National Government, with the growing of timber, of course, a purpose scarcely secondary in importance. The mountains of eastern Kentucky, the headwaters of the Current and St. Francis Rivers in Missouri, and the Ozark section of Oklahoma are regions where this further application of the policy set forth in the Weeks law is probably needed.

The Federal Government should also move aggressively under the Clarke-McNary Act in acquiring additional national forests in the South, where they will be of the greatest aid in reclaiming lands now denuded and in promoting local reforestation through their educational or demonstration value. This applies particularly to the southern pine belt with its thirty-odd million acres of seriously denuded land whose

restoration to productive forests will necessarily be slow and expensive and will not in many cases be assumed by private owners. But this program of Federal purchases should be correlated with the forest policy and development of the States concerned in order that it may not replace but will rather supplement and aid local effort. I have in mind a few national forest units of from 50,000 to 300,000 acres, located in such areas as the Sabine watershed in Texas and Louisiana, the Oakmulgee Hills in Alabama, and the Biloxi pines in Mississippi.

The general program which I have outlined in carrying out the purposes of the Weeks Act and the Clarke-McNary Act would result in the Federal Government buying from five to six million acres more forest land in the Southern States. What I have said should not be taken as belittling the importance of this phase of southern forestry. It is a necessary and urgent application of a national policy, formulated through years of study and experience in dealing with practical situations; it is the share of constructive forest-land management in the Southern States which the Nation should assume; and the Federal Government should address itself to discharging this responsibility much more aggressively than it has done in recent years.

It has been my desire simply to throw the picture on the screen with a proper perspective. Out of the 227,000,000 acres of forest land in the Southern States, it is not to be expected that the National Government will assume responsibility of ownership for more than 4 or 5 per cent. For the remaining vast acreage we must look to State forests, municipal forests, and mainly to industrial and farm forestry, aided under the cooperative principle written into the Clarke-McNary law for removing the risks and handicaps from private timber growing.

Once the fire hazard to southern forests can be reduced to an insurable risk and moderate taxation of growing timber crops is guaranteed, I am satisfied that the future of southern forestry is assured. To bring these conditions about so that industrial forestry may be given free play in the South is the great cooperative undertaking in which the interests of the States, the Federal Government, the timberland owners, and the general public should all be enlisted. And it is in this field as well that immediate progress is most urgent.

Only 8 of the 16 Southern States now have forest protective systems, although it is encouraging to record that forest protection is about to be organized in four additional States of the South. Less than 22 per cent of the forest land in this region is now receiving some degree of protection, while on over three-fourths of it protection is entirely lacking. An average of 2½ cents per acre yearly, or a total of about \$5,000,000, would probably give all of the forest lands of the South adequate protection from fire; but the present expenditures of the States, the counties and private owners, and the Federal Government combined are only about one-tenth of this amount. With the fundamental factor of safety from fire still so inadequately provided by public agencies, it is indeed encouraging that commercial forestry has already made such strides in the South. And by the same token I believe it a safe prediction that just so fast as the public gives the forest owner in this region reasonable security from fire and unwarranted tax burdens, industrial timber growing will extend.

The Southern States and the Federal Government are just entering an enormous field for cooperative achievement in providing reasonable security for the forest owner. On the part of the Federal Government we need much larger resources to give full effect to the cooperative principle of the Clarke-McNary Act. On the part of the States there is need for a vigorous development of State forest policies, including the protection of forest lands with adequate financial backing, the growing and distributing of forest-planting material, and a campaign of education in timber growing by farmers and other landowners. The aim of this campaign should be nothing less than to get the people of the South to think, speak, and act in terms of timber crops.

It is probable that the main course of our national forestry policy for a good many years to come has been charted by the Clarke-McNary Act. It is built squarely on the principle of cooperation. It anticipates a constant outward spread of the forestry idea, reaching the industrial practice and land sense of the American people, and growing not as a Federal activity, but as a matter of everyday business and usage of the soil. The South is the most promising field in the United States for making that policy completely successful. As it is carried out, there will be a definite place for a limited number of national forests at the critical points or key areas where this form of ownership is necessary to put the job over. The States and municipalities should share with the National Government in providing public ownership for the kinds of forest land that need it. But for every acre of publicly owned forest land there will be 20 or 25 acres in farm forestry and industrial forestry, in whose encouragement lies the greatest opportunity for the South to forge ahead rapidly in permanent timber production on a large scale.

I doubt if any group of people at any time have had before them so great an opportunity or so alluring a vision of creating an enduring basis of economic prosperity and social strength for a great and fruitful region as that which we have before us to-day in picturing the future of southern forestry. We have put our hands to the plow, and we are going to finish the furrow.

Mr. DAVEY. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. Mr. Speaker, this has been a most interesting and most informing discussion, and at points it has been to me a thrilling discussion. I have been sitting here all the afternoon regretting that the whole membership of the House were not here to get the benefit of it. I believe it one of the most important subjects upon which we are to legislate and one of the most important subjects upon which we can educate our people at home, our State legislatures, and our local organizations.

When the gentleman from Ohio [Mr. DAVEY] made a speech on this subject recently I secured from him, I believe, 200 copies and sent them to the principals of schools and to the people I thought could do something to interest the public in that subject in my own district and in my State.

Three of the Representatives from the State of Louisiana have spoken on this question this afternoon, and mine is the first voice from Mississippi. I was not willing to let it go that way, and it was an indignity that I was not willing to submit to. First, the gentleman from Louisiana [Mr. ASWELL] gave us a very interesting speech on the work in Louisiana along the lines of conservation generally, and he talked about the conservation of bird life, of wild fowls, and their great arrangement for attracting, I believe, 90 per cent of the migratory fowls of America to that country, and that they had arranged for doctors to treat sick birds, and so forth. I suppose the purpose of the great State of Louisiana was to bid for a kind of copartnership arrangement with the powers in Washington to take care of the lame ducks next winter. [Laughter.] Then the gentleman from Louisiana [Mr. KEMP] gave us a very interesting discussion about the financial opportunity there is in purchasing these cut-over lands and reforesting them as an investment for the future, and, by the way, it was a very impressive statement he made.

Mr. McSWEENEY. Will the gentleman yield?

Mr. LOWREY. Yes.

Mr. McSWEENEY. I am planting trees at home on my farm, and I find that the enhanced value, due to the early growth, really cares for the investment.

Mr. LOWREY. I wish that could be impressed upon our people generally, and I wish more men of capital would consider the matter of purchasing large tracts of land to be reforested for what it would mean in the way of increasing their fortunes in the coming year.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. WOODRUFF. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. LOWREY. Mr. Speaker, this little incident occurred to me as I sat and listened. I think it was 17 years ago this spring that I was visiting the Agriculture and Mechanic College of my State and talking with the professor of forestry. Here is a matter he discussed with me, the planting of black locust trees for fence posts, telegraph and telephone posts, and so forth, and the rapidity with which the black locust tree would grow from the seed into the tree and become valuable as a post, the number of trees that would grow on an acre of land, and so forth. If you know the black locust, you know it is one of the most durable post trees that grows, and one of the most valuable if it is grown in the right way. I went home and talked with some of my neighbors. Some of us sent for and got some black locust seed. We sowed the seeds in rows in a garden and then took the sprouts and planted them. Two years ago—and remember this is within 15 years' time—I was back there and saw some of these men making posts out of the trees; some of them were tall enough to make what was considered a very good telegraph or telephone post, and those trees had grown in 15 years.

Mr. WOODRUFF. Will the gentleman yield?

Mr. LOWREY. Yes.

Mr. WOODRUFF. It would be interesting to know how much each acre planted to the black locust under those conditions and at that time yielded.

Mr. LOWREY. I have no idea about that. But the thing that attracted my attention was the fact that some of those trees were planted in land that was simply in red gullies, and the planting of those trees stopped the gullies and saved the land and made it of real value when it was going to absolute waste. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has again expired.

Mr. DAVEY. Mr. Speaker, that concludes the program, except that I want to express a very profound appreciation on the part of those in the House who are devout conservationists to the Republican leader, the Democratic leader, and the mem-

bership of the House for the privilege of presenting the cause of conservation here this afternoon. [Applause.]

BUREAUCRATIC GOVERNMENT

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a radio speech delivered by me last night.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. ASWELL. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following:

Alexander Hamilton stood for a centralized, aristocratic, all-powerful Federal Government. He believed that government is most stable when a group or class of influential citizens have a financial interest in the government through special privileges granted by law.

Thomas Jefferson stood for a government guaranteeing exact justice to all, with no advantage through governmental favors or special privileges to any, and that no one should be unduly hampered by governmental burdens. He stood for a government always close to the people through local control.

The Jefferson theories won in the establishment of the Republic and the adoption of the Constitution, but the Hamilton theories did not die, for they have repeatedly gained temporary control. They are in control now under Republican rule.

The conflict between these two theories of government or schools of thought is as keen and bitter to-day as it was in the days of Hamilton and Jefferson. The Hamilton theory of government is represented now by the Republican Party, the Jefferson theory by the Democratic Party. With bureaucratic government growing now by leaps and bounds at Washington, the battle is on and will continue until the American people themselves rise in their might and destroy bureaucracy and plutocracy to restore the Government to the people, where our fathers planned that it should always remain, as expressed by Jefferson.

Centralization of Federal power is necessary in time of war to mobilize and commandeer the industry, the wealth, and the man power of the Republic in self-defense, but in time of peace the trend of authority and responsibility should move back to the people, back to local control. Since the war this adjustment of authority and responsibility between the Federal and local Governments has not taken place. On the contrary, more and more has centralized authority at Washington been increased and magnified. So ominous is the tendency to centralize authority in Washington that a Republican President in a recent message to the Congress found it necessary to warn his party against it, but without effect. The leaders of the Republican Party madly rushing on, daily robbing the States and the local communities of their rights to control, creating numerous bureaus and commissions at Washington, are sending out armies of irresponsible governors in the form of Federal agents and inspectors who rule the American people. Practically every major legislative measure enacted by the present Congress has in it, hidden away somewhere, new bureaucratic authority and new taxes. The President subserviently signs the bills, and madly on the Republicans rush in making very real the Hamilton theory of government, so that groups of influential citizens may enjoy financial profit from the Government at the expense of the great plain people.

The result is obvious. The Federal Government is becoming inefficient and irresponsible to the public needs. The 115,000,000 people reaching from the Atlantic to the Pacific, from Alaska to the Canal Zone, covering the islands of the sea, and to the Philippines on the other side of the earth, are being governed by Federal agents, inefficient but autocratic. The Government is day by day being more and more removed from the people and, of course, they are day by day growing less interested in voting in the national elections.

The statutes creating these agents are all similar. They provide that the law shall be administered under the rules and regulations adopted by bureaus or commissions, which means that the law is written, interpreted, and executed by a single personnel responsible directly to no elected officer representing the American people. There are now 97 Federal bureaus and commissions in Washington, and there are nearly 600,000 Federal agents and employees on the Federal pay roll, with several measures now pending creating more commissions and bureaus.

For example: The pending game refuge bill now on the House Calendar, supported by the administration, would create a new commission of seven members, Federal agents unnumbered, and a new form of Federal tax. It proposes to clothe Federal game wardens with new authority to arrest the hunter found without a Federal license and seize his gun and ammunition as collateral for a fine.

President Coolidge said in a recent message to the Congress, "Governmental control of agriculture means political control of agriculture."

The administration farm relief measure reported Saturday creates a farm council of 36 members to travel at Government expense, with \$25 per diem, and a governmental farm board means a political farm board with a salary for each of \$12,000 per annum, with unlimited

Federal agents and expenses, and with powers heretofore not given in time of peace to any board in the history of the Republic. It is proposed to turn over to this Federal political board \$1,000,000,000 from the Federal Treasury, to be used at its will. When this board is once set up all that Congress will do is to criticize it, investigate it, and threaten to impeach it. It will have too much political power to be impeached or abolished. The new Haugen bill is no better, for it proposes governmental control, which is political control, of agriculture. I give these merely as examples of the insane desire of the Republican administration more and more to centralize authority at Washington and, through Federal agents, to rule the industries, activities, and conduct of the people down through the States to the smallest community, including agriculture. The reaction against these political outrages is certain to come. It is time for the American people to take an accounting of the situation at Washington.

Three points of danger confront us:

(1) The central Government at Washington is top-heavy, overloaded with authority and responsibility, and, therefore, growing more and more inefficient. In the history of all civilized countries, unchecked bureaucratic government has inevitably lead to monarchy and decay. Bureaucratic government must be destroyed!

(2) Popular surrender by the States of authority and responsibility weakens their governmental capacity and means loss of dignity and vigor as sovereign units of government, thus destroying their political vitality and integrity as highly important political units. Bureaucratic government must be destroyed!

(3) The weakening of the private citizen by taking from him the necessity of a direct grapple with problems of government in his community, destroying his individual personality, and ignoring his individual needs and views. The stability and the perpetuity of American institutions depend and must always depend upon the governmental capacity of the private citizen and not upon a feeling of dependence upon a great central government. If you would have American institutions cherished and loved with a passionate love, the private citizen must have authority and responsibility in supporting and governing them. This is a truism not needing amplification. Bureaucratic government must be destroyed!

It was my privilege recently to travel and study in many countries of Europe. As I witnessed the turmoil, bitterness, suffering, and despair among the peoples of Europe, I was impressed with the idea that the difference between those countries and our own is found in the difference between their institutions and ours. Their institutions are under centralized control far removed from the people; they are unstable, autocratic, and not loved by the average citizen. Ours have been built from the local community, where the people have learned to cherish them, have faith in them, and love them, thus guaranteeing their stability and perpetuity.

I am not afraid of the future of our Government, for the people themselves will take control when they fully awake to existing conditions. The time has come to return the control of American institutions to the community that loves and sustains them. The two theories of government are still in conflict—the Hamilton theory follows closely the lines of European governments; the Jefferson theory, always typically American, is contrary to the ideals of the Europeans. The Republican Party stands for the Hamilton theory, the Democratic Party for the Jefferson theory, and although delayed the ultimate triumph of the Jefferson principles will be the heritage of the Republic.

We as Democrats stand for a free government as against paternal government, for human welfare as against the selfish dollar, for the masses as against the classes, for the sovereignty of the States as against the autocracy of centralization, for justice as against might, for the destruction of bureaucratic government.

These principles are immortal. They can not be destroyed. Through them and by them American institutions, wrested from the control of a Federal oligarchy in a bureaucratic government, will live forever.

The spirit of Jefferson still lives. It is his spirit that vitalizes and gives hope and courage to the average citizen of the Republic to-day, that sustains his faith in his Government and makes him unafraid.

Long live the principles and ideals of Jefferson, revealed in the spirit and purpose of America to remain American, for Americans to uplift and lead the world to finer and better things.

Bureaucratic government must be destroyed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SMITHWICK, for 10 days, on account of important business.

BRIDGE ACROSS SANDUSKY BAY, OHIO

Mr. DENISON. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce I present a conference report on the bill (H. R. 9688) granting consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Baybridge, Ohio, for printing under the rules.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9688) granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Baybridge, Ohio, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

"That the consent of Congress is hereby granted to G. S. Beckwith, of Cleveland, Ohio, his heirs, legal representatives and assigns, to construct, maintain, and operate a bridge and approaches thereto across Sandusky Bay, at a point suitable to the interests of navigation, at or near Baybridge, in the county of Erie, in the State of Ohio, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. The said G. S. Beckwith, his heirs, legal representatives and assigns, are hereby authorized to fix and charge tolls for transit over such bridge and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

"SEC. 3. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Ohio, any political subdivision thereof within which any part of such bridge is located, or two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 15 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property), and (4) actual expenditures for necessary improvements.

"SEC. 4. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Ohio under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept, and shall be available for the information of all persons interested.

"SEC. 5. The said G. S. Beckwith, his heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge, the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said G. S. Beckwith, his heirs, legal representatives and assigns, shall make available to the Secretary of War all of his or their records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be con-

clusive, subject only to review in a court of equity for fraud or gross mistake.

"Sec. 6. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said G. S. Beckwith, his heirs, legal representatives and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

"Sec. 7. The right to alter, amend, or repeal this act is hereby expressly reserved."

And agree to the same.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,

Managers on the part of the House.

W. L. JONES,
JAMES COUZENS,
HIRAM BINGHAM,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9688) granting the consent of Congress for the construction of a bridge across Sandusky Bay at or near Bay Bridge, Ohio, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: The Senate made one amendment to the original House bill, which struck out all after the enacting clause and inserted a new bill in lieu thereof. The House recedes from its disagreement to this amendment of the Senate and agrees to the same with certain amendments which are embodied in a new bill which appears in the report. The matters agreed upon represent substantially the original provisions of the House bill. Section 3 of the original House bill contained a provision giving to the State of Ohio or any political subdivision or subdivisions thereof, within or adjoining which the bridge might be located, the right to recapture the bridge by condemnation or otherwise at any time after 15 years from the completion thereof upon the payment of a limited measure of damages, the limitation consisting in a provision that in determining the compensation to be paid there should not be included any credit or allowance for good will, going value, or prospective revenues or profits. The House bill also contained the further provision that if the bridge should be recaptured by the State or its political subdivisions, as provided in the act, the bridge should be operated as a free bridge after five years from the date when the same was acquired. The Senate bill struck out entirely the provision that the bridge should be operated as a free bridge by the State or its political subdivision after five years from the date of acquiring the same. The agreement of the two Houses authorizes the recapture of the bridge as provided in the House bill, and then provides that if the bridge should be recaptured by any municipality or other political subdivision of the State of Ohio it could thereafter be operated as a toll bridge, but the rates of tolls must be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and provide a sinking fund sufficient to amortize the amount paid for the bridge as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. And after a sinking fund sufficient to amortize the cost of acquiring the bridge shall have been provided the bridge shall thereafter be maintained and operated free of tolls or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount required for the care, maintenance, and operation of the bridge.

This bill provides for an intrastate bridge, and the agreement of the two Houses carries the provisions that have been agreed upon by the committees of the two Houses, which will hereafter be recommended for all intrastate toll bridges. Such bills will authorize the recapture of toll bridges wholly within the States after a definite number of years, at a limited measure of damages; but if such bridges are recaptured under such conditions, they can not be permanently operated thereafter as toll bridges, but they must apply the tolls to the payment of necessary

expenditures and the amortization of the cost of the bridge and thereafter make them free, or substantially so, all of which is in furtherance of the policy of securing free bridges on American highways as early as practicable.

E. E. DENISON,
O. B. BURTNESS,
TILMAN PARKS,

Managers on the part of the House.

BRIDGE ACROSS MISSISSIPPI RIVER AT NATCHEZ, MISS.

Mr. DENISON. Mr. Speaker, I call up the bill (H. R. 10351) entitled "An act granting the consent of Congress to the Natchez-Vidalia Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Natchez, Miss., with Senate amendments, and move to agree to the Senate amendments.

Mr. GARRETT of Tennessee. Have the Members interested been conferred with?

Mr. DENISON. The Senate amendments, in which I am asking the House to concur, represent the agreement of the two committees of the two Houses on the bill, and it is satisfactory to all parties concerned.

Mr. GARRETT of Tennessee. Has the local Representative been consulted?

Mr. DENISON. I am trying to get it through to-day at his request.

The Senate amendments were read.

The Senate amendments were agreed to.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT OR NEAR THE CITY OF VICKSBURG, MISS.

Mr. DENISON. Mr. Speaker, I call up the bill (H. R. 9758) entitled "An act granting the consent of Congress to the Vicksburg Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Vicksburg, Miss., with Senate amendments, and move to concur in the Senate amendments.

The Clerk read the Senate amendments.

The Senate amendments were agreed to.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT CAPE GIRARDEAU, MO.

Mr. DENISON. Mr. Speaker, I call up the bill (H. R. 10164) entitled "An act granting the consent of Congress to Cape Girardeau Chamber of Commerce (Inc.) to construct, maintain, and operate a bridge across the Mississippi River at Cape Girardeau, Mo., with a Senate amendment and move to concur in the Senate amendment.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I would like to ask the gentleman from Illinois with respect to the Vicksburg Bridge bill whether he has consulted the gentleman from Louisiana [Mr. WILSON], or with Senator RANSDELL, of Louisiana, because I know both of those gentlemen are very much interested in the matter.

Mr. DENISON. Yes; I have had a conversation with the gentleman from Louisiana [Mr. WILSON] to-day, and the gentleman has asked me to do this and to get it through as soon as possible.

Mr. O'CONNOR of Louisiana. I am glad to hear that.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

S. 2111. An act for the relief of Levin P. Kelly;

S. 2465. An act to amend the act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes; and

S. J. Res. 30. Joint resolution authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 9685. An act providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.), the House adjourned until to-morrow, Friday, April 23, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 23, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

To clarify the law, to promote equality thereunder, to encourage competition in production and quality, to prevent injury to good will, and to protect trade-mark owners, distributors, and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, name, or brand (H. R. 11).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To establish a children's court in and for the District of Columbia, to determine its functions (H. R. 8532).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To permit the purchase of naval aircraft engines without advertisements (H. R. 11249).

JOINT COMMITTEE OF THE PUBLIC LANDS

(10.30 a. m.)

To investigate the Northern Pacific Railway land grants.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10.30 a. m.)

Proposed bill amending the World War veterans' act with reference to the appointment of guardians.

COMMITTEE ON IRRIGATION AND RECLAMATION

(10 a. m.)

To provide for the protection and development of the Lower Colorado River basin (H. R. 9826).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BEERS: Committee on Printing. H. R. 11202. A bill to provide for the preparation, printing, and distribution of pamphlets containing the Declaration of Independence, with certain biographical sketches and explanatory matter; with amendment (Rept. No. 949). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. S. J. Res. 60. A joint resolution authorizing expenditures from the Fort Peck 4 per cent fund for visits of tribal delegates to Washington; with amendment (Rept. No. 950). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS: Committee on Indian Affairs. S. 1963. An act authorizing the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims; without amendment (Rept. No. 951). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. S. 2141. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assinibolne Indians may have against the United States, and for other purposes; with amendment (Rept. No. 952). Referred to the Committee of the Whole House on the state of the Union.

Mr. HUDSON: Committee on Indian Affairs. S. 2717. An act to reserve the merchantable timber on all tribal lands within the Klamath Indian Reservation in Oregon hereafter allotted, and for other purposes; without amendment (Rept. No. 953). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. S. 2868. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes; with amendment (Rept. No. 954). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on Indian Affairs. H. R. 11201. A bill to provide for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings; with amendment (Rept. No. 955). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Washington: Committee on Indian Affairs. H. R. 11248. A bill to provide for the permanent withdrawal of certain lands adjoining the Makah Indian Reservation, in Washington, for the use and occupancy of the Makah and Quileute Indians; without amendment (Rept. No. 956). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MACGREGOR: Committee on Accounts. H. Res. 202. A resolution authorizing additional compensation for certain employees of the House of Representatives (Rept. No. 945). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 108. A resolution to pay salary and funeral expenses of Henry T. Duryea, late an employee of the House of Representatives, to his daughter, Mrs. F. S. Kopetschny (Rept. No. 946). Ordered printed.

Mr. CARPENTER: Committee on Claims. H. R. 4554. A bill for the relief of Adaline White; with amendment (Rept. No. 947). Referred to the Committee of the Whole House.

Mr. THOMAS: Committee on Claims. H. R. 5105. A bill for the relief of Maude J. Booth; with amendment (Rept. No. 948). Referred to the Committee of the Whole House.

Mr. FISHER: Committee on Military Affairs. H. R. 1129. A bill for the relief of Giles Gordon; without amendment (Rept. No. 957). Referred to the Committee of the Whole House.

Mr. CARPENTER: Committee on Claims. H. R. 3454. A bill for the relief of certain Indian policemen in the Territory of Alaska; with amendment (Rept. No. 958). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 6987) granting a pension to Frances E. Andrews, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEAVITT: A bill (H. R. 11510) to authorize an industrial appropriation from the tribal funds of the Indians of the Fort Belknap Reservation, Mont., and for other purposes; to the Committee on Indian Affairs.

By Mr. MORIN: A bill (H. R. 11511) to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes; to the Committee on Military Affairs.

By Mr. SINNOTT (by departmental request): A bill (H. R. 11512) further to assure title to lands granted to the several States, in place, in aid of public schools, and to quiet titles; to the Committee on the Public Lands.

By Mr. DYER: A bill (H. R. 11513) providing for the suppression of publication of patents eventuating from certain applications; to the Committee on Patents.

By Mr. MORROW: A bill (H. R. 11514) to amend an act entitled "An act authorizing annual appropriations for the maintenance of that portion of the Gallup-Durango highway across the Navajo Indian Reservation, and providing reimbursement therefor," approved June 7, 1924; to the Committee on Indian Affairs.

By Mr. NEWTON of Minnesota: A bill (H. R. 11515) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the city of Minneapolis the silver service set in use on the battleship *Minneapolis*; to the Committee on Naval Affairs.

By Mr. PORTER: A bill (H. R. 11516) to authorize the payment of an indemnity to the Government of France on account

of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kerwood*; to the Committee on Foreign Affairs.

By Mr. MORROW: A bill (H. R. 11517) to enable the Secretary of the Interior, with the consent of the councils of governing bodies of Indian pueblos representing a majority of the acreage affected, to provide for the conservation, reclamation, drainage, and irrigation of Pueblo Indian lands in the Rio Grande Valley, N. Mex., including maintenance of such improvements if necessary, in connection with operations for the conservation, reclamation, drainage, and irrigation of other lands in said Rio Grande Valley by the middle Rio Grande conservancy district, a political subdivision of the State of New Mexico; authorizing the Secretary of the Interior to cooperate with said middle Rio Grande conservancy district, and for other purposes, and authorizing an appropriation therefor; to the Committee on Indian Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 11518) to supplement the naturalization laws, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. JOHNSON of Indiana: A bill (H. R. 11519) to increase the minimum rate of invalid pensions; to the Committee on Pensions.

By Mr. UPSHAW: A bill (H. R. 11520) to enlarge United States Veterans' Bureau Hospital 48, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. WILLIAMSON: A bill (H. R. 11521) authorizing any nation, tribe, or band of Indians to submit claims against the United States to the Court of Claims; to the Committee on Indian Affairs.

By Mr. WILSON of Mississippi: A bill (H. R. 11522) making appropriations for the Public Health Service for the fiscal year ending June 30, 1926, and for other purposes; to the Committee on Appropriations.

By Mr. BACON: A bill (H. R. 11523) to increase the salaries of the chief justice and the associate justices of the Supreme Court of the Philippine Islands; to the Committee on Insular Affairs.

By Mr. BRITTEN: A bill (H. R. 11524) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. JACOBSTEIN: Joint resolution (H. J. Res. 231) requesting the President of the United States to invite the Boy Scouts of the world to hold their Third World Jamboree in America in the city of Washington, D. C., in the summer of 1928; to the Committee on Foreign Affairs.

By Mr. PORTER: Joint resolution (H. J. Res. 232) to provide for the expenses of delegates of the United States to the International Sanitary Conference, to meet at Paris on May 10, 1926; to the Committee on Foreign Affairs.

By Mr. KIESS: Resolution (H. Res. 233) providing for the printing of the journal of the Twenty-seventh National Encampment of the Veterans of Foreign Wars of the United States; to the Committee on Printing.

By Mr. CONNALLY of Texas: Resolution (H. Res. 234) authorizing the appointment of a select committee of the House of Representatives to investigate the administration of the Alien Property Custodian, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEBY: A bill (H. R. 11525) for the relief of Commander U. R. Webb, United States Navy, et al.; to the Committee on Claims.

By Mr. BRAND of Ohio: A bill (H. R. 11526) granting a pension to Sarah M. Wolf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11527) granting an increase of pension to Laura Mason Holbrook; to the Committee on Invalid Pensions.

By Mr. BYRNS: A bill (H. R. 11528) granting an increase of pension to John L. Smith; to the Committee on Pensions.

By Mr. CANFIELD: A bill (H. R. 11529) granting a pension to William E. Hamer; to the Committee on Pensions.

By Mr. CROWTHER: A bill (H. R. 11530) granting an increase of pension to Catherine Bruce; to the Committee on Invalid Pensions.

By Mr. DOMINICK: A bill (H. R. 11531) for the relief of Aaron J. Boggs, jr.; to the Committee on Military Affairs.

By Mr. FREE: A bill (H. R. 11532) for the relief of Joseph Hodgson; to the Committee on Naval Affairs.

By Mr. HAWLEY: A bill (H. R. 11533) granting an increase of pension to Grace Mabel Bassett; to the Committee on Invalid Pensions.

By Mr. HILL of Maryland: A bill (H. R. 11534) for the relief of the city of Baltimore; to the Committee on Claims.

By Mr. HOUSTON: A bill (H. R. 11535) granting an increase of pension to Luvicia E. Littleton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11536) granting an increase of pension to Amella A. French; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11537) granting an increase of pension to Charlotte E. Littleton; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 11538) granting an increase of pension to Clara Wynn; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 11539) granting an increase of pension to Mary E. Boerner; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 11540) granting an increase of pension to Anne Parsons; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 11541) granting an increase of pension to Mary J. Hunzeker; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 11542) for the relief of James M. Winston; to the Committee on Military Affairs.

By Mr. KIRK: A bill (H. R. 11543) granting a pension to Samuel Pack; to the Committee on Invalid Pensions.

By Mr. MAGEE of Pennsylvania: A bill (H. R. 11544) for the relief of Joseph A. Furbershaw; to the Committee on Claims.

By Mr. MAGRADY: A bill (H. R. 11545) granting an increase of pension to Jennie F. Mann; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 11546) granting a pension to Eliza A. Gregg; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 11547) granting an increase of pension to Elizabeth Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11548) granting an increase of pension to Susan E. Creager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11549) granting an increase of pension to Julia A. Stoner; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 11550) granting an increase of pension to Nancy Ann Stewart; to the Committee on Invalid Pensions.

By Mr. O'CONNELL of New York: A bill (H. R. 11551) granting an increase of pension to Louisa C. Michaels; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 11552) granting an increase of pension to Mahala J. Millias; to the Committee on Invalid Pensions.

By Mr. PARKS: A bill (H. R. 11553) granting an increase of pension to William R. Fitzgerald; to the Committee on Pensions.

By Mr. RAINEY: A bill (H. R. 11554) granting a pension to Malinda Barley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11555) granting a pension to Eliza Rice; to the Committee on Pensions.

Also, a bill (H. R. 11556) granting a pension to Sarah Sharp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11557) granting an increase of pension to Sarah Hill; to the Committee on Pensions.

Also, a bill (H. R. 11558) granting an increase of pension to Mary A. Griffith; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 11559) granting an increase of pension to Elizabeth Johnson; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 11560) granting a pension to Laura Viney; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 11561) granting an increase of pension to Urvilla R. Andrews; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 11562) granting an increase of pension to Sarah Williams; to the Committee on Invalid Pensions.

By Mr. WELLER: A bill (H. R. 11563) granting an increase of pension to Emma Cortright; to the Committee on Invalid Pensions.

By Mr. WINTER: A bill (H. R. 11564) for the relief of Ralph H. Lasher, whose name appears in the Army records as Ralph C. Lasher; to the Committee on Military Affairs.

Also, a bill (H. R. 11565) to make valid and payable the insurance of Ray L. Stockstill; to the Committee on World War Veterans' Legislation.

By Mr. WOOD: A bill (H. R. 11566) granting a pension to Charles A. Marsteller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11567) granting an increase of pension to Hannah C. Bunch; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 11568) for the relief of Russell & Tucker and certain other citizens of the State of Texas; to the Committee on Claims.

Also, a bill (H. R. 11569) for the relief of Adolph Morales; to the Committee on Claims.

By Mr. ZIHLMAN: A bill (H. R. 11570) granting an increase of pension to Elizabeth Springer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11571) granting an increase of pension to Dorcas Lashley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1880. By Mr. ANDREW: Communication from Parish Circle of First Church of Christ, of Bradford, Mass., opposing any modification of the Volstead Act; to the Committee on the Judiciary.

1881. Also, communication from Tabernacle Church of Salem, Mass., protesting against any modification of the Volstead law; to the Committee on the Judiciary.

1882. Also, petition from Corporal Gordon E. Denton Post 319, Veterans of Foreign Wars, Boston, Mass., favoring the establishment of a unified air service under the direction of a Cabinet officer; to the Committee on Military Affairs.

1883. Also, communication from members of First United Church, Swampscott, Mass., opposing any change in the prohibition amendment or the Volstead Act; to the Committee on the Judiciary.

1884. By Mr. FENN: Resolutions of the Slovene-Greek Society, Assembly No. 158, of Unionville, Conn., protesting against the passage of certain bills now pending before the Committee on Immigration; to the Committee on Immigration and Naturalization.

1885. By Mr. FULLER: Petition of the Law Printers Division of the United Typothetae of America, urging more complete enforcement of the eighteenth amendment; to the Committee on the Judiciary.

1886. Also, petition of Milburn Bros., of Rockford, Ill., urging support of House bill 8902; to the Committee on the Judiciary.

1887. By Mr. GALLIVAN: Petition of Women's Auxiliary, Church of the Epiphany, Dorchester, Mass., Alice Erickson, 27 Walton Street, Dorchester, Mass., president; Sadie F. Taylor, 3 Carlos Street, Dorchester, Mass., secretary, opposing passage of House bill 7826; to the Committee on Indian Affairs.

1888. By Mr. GARNER of Texas: Memorial adopted by Texas and Southwestern Cattle Raisers' Association, favoring legislation for official grading and marking of beef carcasses; to the Committee on Agriculture.

1889. By Mr. KINDRED: Resolution of Carl Tollen Unit No. 103, Steuben Society of America, urging the Congress of the United States to support passage of House bill 10820, for return of enemy alien property; to the Committee on Foreign Affairs.

1890. By Mr. KING: Petition signed by Elias Hallengren and eight other citizens of Galesburg, Ill., stating that they are in favor of the Volstead Act, and that they believe that the dry sentiment is very strong throughout the State and Nation; to the Committee on the Judiciary.

1891. By Mr. MANLOVE: Petition of certain citizens, members of the Woman's Christian Temperance Union, and members of six of the churches of Nevada, Vernon County, Mo., protesting against any modification of the Volstead Act; to the Committee on the Judiciary.

1892. By Mr. NEWTON of Minnesota: Resolution of the district of Minnesota of the American Turner Bund, advocating the modification of the so-called Volstead Act so as to permit the manufacture and sale of beer and light wines under proper Government regulations; to the Committee on the Judiciary.

1893. By Mr. O'CONNELL of New York: Petition of Winge & Cullen, of New York City, favoring the passage of Senate bill 2607 and House bill 7479, the game refuge bill; to the Committee on Agriculture.

1894. By Mr. SINCLAIR: Petition of Mr. C. E. Grasser and 121 others, of Epping and Williston, N. Dak., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1895. By Mr. WELLER: Petition of Metal Trades Council of Brooklyn, N. Y., urging immediate consideration of House bill 7, a bill increasing the retirement allowances of Federal employees; to the Committee on the Civil Service.

1896. By Mr. ZIHLMAN: Petition of H. H. Bergmann, Mrs. H. E. Greene, Elizabeth Meyer, and others, protesting against the enactment of Sunday observance bills; to the Committee on the District of Columbia.

SENATE

FRIDAY, April 23, 1926

(Legislative day of Monday, April 19, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	King	Reed, Pa.
Bayard	Fess	La Follette	Sackett
Bingham	Frazier	McKellar	Sheppard
Blaine	George	McKinley	Shipstead
Borah	Gerry	McLean	Shortridge
Bratton	Goff	McMaster	Smoot
Broussard	Gooding	McNary	Stanfield
Bruce	Greene	Mayfield	Steak
Cameron	Hale	Neely	Stephens
Copeland	Harreld	Norbeck	Swanson
Couzens	Harris	Nye	Trammell
Cummins	Harrison	Oddie	Tyson
Curtis	Heflin	Overman	Wadsworth
Dale	Johnson	Pepper	Warren
Deneen	Jones, N. Mex.	Phipps	Watson
Dill	Jones, Wash.	Pine	Wheeler
Edge	Kendrick	Ransdell	Williams
Fernald	Keyes	Reed, Mo.	Willis

Mr. PHIPPS. My colleague the junior Senator from Colorado [Mr. MEANS] is absent on account of illness. I will allow this announcement to stand for the day.

Mr. TRAMMELL. I wish to announce that my colleague the senior Senator from Florida [Mr. FLETCHER] is necessarily absent.

Mr. OVERMAN. My colleague the senior Senator from North Carolina [Mr. SIMMONS] is unavoidably absent. I will let this announcement stand for the day.

The VICE PRESIDENT. Seventy-two Senators having answered to their names, a quorum is present.

BOULDER CANYON PROJECT

Mr. JOHNSON. Mr. President, I ask unanimous consent, out of order, to report back favorably with amendments from the Committee on Irrigation and Reclamation the bill (S. 3331) to provide for the protection and development of the lower Colorado River Basin.

Mr. ASHURST. Mr. President, I give notice that on tomorrow I shall submit my individual views in opposition to the bill.

Mr. JOHNSON. And at that time the majority views will be submitted as well.

Mr. McNARY. Mr. President, as chairman of the Committee on Irrigation and Reclamation I have been requested to place in the CONGRESSIONAL RECORD the vote by which the Boulder Canyon project bill was ordered reported favorably from that committee this morning by the Senator from California. I desire to state that those voting in favor of a favorable report on the bill were Senators JONES of Washington, GOODING, ODDIE, SHORTRIDGE, JOHNSON, SHEPPARD, WALSH, KENDRICK, PITTMAN, SIMMONS, DILL, and the chairman of the committee. Those opposing a favorable report of the bill were Senator PHIPPS, and Senators CAMERON and ASHURST, of Arizona.

The VICE PRESIDENT. The bill will be placed on the calendar.

PRINTING OF ARTICLES OF IMPEACHMENT (S. DOC. NO. 101)

Mr. CUMMINS. I present an order and ask unanimous consent for its present consideration.

There being no objection the order was read, considered by unanimous consent, and agreed to, as follows:

Ordered, That the articles of impeachment presented against George W. English, district judge of the United States for the eastern district of Illinois, be printed for the use of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had severally agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 9758. An act granting the consent of Congress to the Vicksburg Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Vicksburg, Miss.;

H. R. 9964. An act releasing and granting to the city of Chicago any and all reversionary rights of the United States in and to the streets, alleys, and public grounds in Fort Dearborn addition to Chicago;

H. R. 10164. An act granting the consent of Congress to Cape Girardeau Chamber of Commerce (Inc.) to construct, maintain, and operate a bridge across the Mississippi River at Cape Girardeau, Mo.; and

H. R. 10351. An act granting the consent of Congress to the Natchez-Vidalia Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Natchez, Miss.

PETITIONS AND MEMORIAL

Mr. WILLIS presented resolutions adopted by the board of trade of the city of Chicago, Ill., favoring the passage of the bill (S. 3069) to enforce the liability of common carriers for loss of or damage to grain shipped in bulk, which were referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by the council of the city of Cleveland, Ohio, favoring the passage of the so-called Stanfield-Lehlbach civil service employees' retirement bill, which were referred to the Committee on Civil Service.

Mr. McNARY. I ask unanimous consent to have printed in the RECORD a telegram which I have received from a commendable organization.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

PORTLAND, OREG., April 7, 1926.

CHARLES L. McNARY,

United States Senate, Washington, D. C.:

Oregon Indian Welfare Association protests Hayden bill, 9133, amended by committee without hearing, validating 420 illegal Fall applications. Enter this protest in CONGRESSIONAL RECORD and to committee. Advise members Oregon delegation of our opposition not only to action committee but to bill itself.

MILLER R. TRUMBULL.

REPORTS OF COMMITTEES

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 3738) to amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924, reported it without amendment and submitted a report (No. 651) thereon.

Mr. KING, from the Committee on the Judiciary, to which was referred the bill (H. R. 5006) to detach Hickman County from the Nashville division of the middle judicial district of the State of Tennessee and attach the same to the Columbia division of the middle judicial district of said State, reported it without amendment.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4061) to consolidate certain forest lands within the Cache National Forest, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. COUZENS:

A bill (S. 4062) for the relief of Charles F. Getchell; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 4063) for the relief of Helen F. Griffin; to the Committee on Claims.

A bill (S. 4064) granting a pension to Kirby W. Smith; and

A bill (S. 4065) granting an increase of pension to Jaley W. Flook; to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 4066) granting an increase of pension to Clarinda H. Mayo; to the Committee on Pensions.

A bill (S. 4067) to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes; to the Committee on Military Affairs.

By Mr. SHORTRIDGE:

A bill (S. 4068) transferring a portion of the lands of the military reservation of the Presidio of San Francisco

to the Department of the Treasury; to the Committee on Military Affairs.

By Mr. PHIPPS:

A bill (S. 4069) to authorize the Secretary of the Interior to exchange for lands in private ownership in Gunnison County, Colo., certain public lands in Delta County, Colo.; to the Committee on Public Lands and Surveys.

By Mr. EDGE:

A bill (S. 4070) granting the consent of Congress for the construction of a bridge across the Delaware River at or near Burlington, N. J.; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 4071) to amend sections 213 and 215, act of March 4, 1909 (Criminal Code), relating to offenses against the Postal Service, and sections 3929 and 4041, Revised Statutes, relating to the exclusion of fraudulent devices and lottery paraphernalia from the mails, and for other purposes; to the Committee on the Judiciary.

By Mr. WILLIS:

A bill (S. 4072) granting an increase of pension to Evelyn C. Widney (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 4074) for the relief of M. Zingarelli and wife, Mary Alice Zingarelli; to the Committee on Claims.

By Mr. WARREN:

A bill (S. 4075) for the relief of Ralph H. Lasher (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 4076) for the relief of Ruth Evelyn Stockstill, widow of Ray L. Stockstill, deceased (with accompanying papers); to the Committee on Finance.

By Mr. CUMMINS:

A joint resolution (S. J. Res. 99) making an appropriation to defray the expenses incident to the impeachment trial of Judge George W. English; to the Committee on Appropriations.

By Mr. FRAZIER:

A joint resolution (S. J. Res. 100) proposing an amendment to the Constitution of the United States relative to war; to the Committee on the Judiciary.

SOUTHERN APPALACHIAN PARKS

Mr. SWANSON. In behalf of my colleague [Mr. GLASS], the two Senators from North Carolina, and the two Senators from Tennessee, and for myself, I introduce a bill and ask that it be referred to the Committee on Public Lands and Surveys.

The bill (S. 4073) to provide for the establishment of the Shenandoah National Park in the State of Virginia and the Great Smoky Mountain National Park in the States of North Carolina and Tennessee, and for other purposes, was read twice by its title and referred to the Committee on Public Lands and Surveys.

AMENDMENT OF IMMIGRATION LAW

Mr. WADSWORTH submitted an amendment intended to be proposed by him to the bill (H. R. 6238) to amend the immigration act of 1924, which was ordered to lie on the table and to be printed.

NORTHERN CHEYENNE RESERVATION LANDS, MONT.

Mr. WHEELER submitted an amendment intended to be proposed by him to the bill (H. R. 9558) to provide for allotting in severalty agricultural lands within the Tongue River or Northern Cheyenne Indian Reservation in Montana, and for other purposes, which was ordered to lie on the table and to be printed.

ORDER OF BUSINESS

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which is House bill 6774.

Mr. SMOOT. Mr. President, it was understood yesterday that on this morning we would take up the motion which was entered by the Senator from Missouri [Mr. REED] for a reconsideration of the vote by which the Italian debt settlement bill was passed. I ask now that that motion may be considered by the Senate.

Mr. REED of Missouri. Mr. President, I said to the Senator from Utah yesterday that I would be prepared to take up the matter to-day. I did not understand that I had agreed to take it up the very first moment the Senate convened. The Senator from Nebraska [Mr. HOWELL], who is more interested than I am in the matter, is not in the Chamber at the moment. I have sent for him and just as soon as he comes I will call up the motion.

Mr. SMOOT. I did desire that the motion might be disposed of before taking up the settlement of the Belgian indebtedness.

Mr. WILLIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. Certainly.

Mr. WILLIS. I was wondering at this moment, when the Senator from Utah and the Senator from Missouri, who have charge of this matter, are both on the floor, whether we could not have some understanding as to what the program is to be for to-morrow. Some of us are compelled to be absent from the Chamber to-morrow. I, for one, should like to know what the program is to be for to-morrow's session. Can either the Senator from Utah or the Senator from Missouri give the Senate any information on that point?

Mr. SMOOT. Mr. President, I understood that there was a tacit agreement that we should dispose of the amendment to-day, which the Senator from Nebraska [Mr. HOWELL] submitted, and which was rejected. Just as soon as the amendment shall have been disposed of on a motion to reconsider I desire to have the Senate take up the Belgian debt settlement bill, and that bill no doubt will be before the Senate to-morrow.

Mr. WILLIS. Mr. President, does the Senator from Missouri think, if I may propound the inquiry, that that tacit arrangement can be carried out?

Mr. REED of Missouri. Mr. President, I am obliged to differ from my friend from Utah [Mr. SMOOT] in one respect. There is no "tacit agreement" that the motion to reconsider will be disposed of to-day. I have no right to make such an agreement; but I say now that I think if the amendment shall be brought on for debate it will be disposed of to-day. I have no desire to delay the Senate beyond the point where the matter may be discussed. As soon as the Senator from Nebraska [Mr. HOWELL] comes in I shall be prepared, if it shall then be convenient to the Senate, to take the floor.

Mr. WILLIS. I want to say to the Senator from Utah [Mr. SMOOT] that that course is entirely agreeable if we can have a vote on the matter to-day. If not, I should like to have some arrangement made so that we could vote on it on Monday. I should be sorry to miss the vote on the question, but there are some Senators who are compelled to be absent from the Chamber to-morrow.

Mr. SMOOT. I feel confident that we shall get a vote to-day.

INTERNATIONAL MAP OF THE WORLD

Mr. BORAH. Mr. President, may I occupy a moment while the Senator from Nebraska [Mr. HOWELL] is coming to the Chamber by asking unanimous consent to consider two joint resolutions? If no Senator desires to take up the intervening time, I ask unanimous consent for the present consideration of Order of Business No. 604 on the calendar.

The VICE PRESIDENT. Is there objection to the request of the Senator from Idaho?

Mr. CURTIS. Mr. President, let the title of the joint resolution be stated from the desk.

The VICE PRESIDENT. The joint resolution will be stated by title.

The CHIEF CLERK. A joint resolution (H. J. Res. 149) to provide for membership of the United States in the Central Bureau of the International Map of the World.

Mr. BORAH. This joint resolution proposes to authorize an appropriation of \$30 to enable us to have a part in the making of a geological map.

Mr. WADSWORTH. Mr. President, may I ask has the joint resolution the approval of the Budget Bureau? [Laughter.]

Mr. BORAH. I presume so, for the joint resolution came over from the House of Representatives.

Mr. KING. Did the Senator from Idaho state that the joint resolution would involve the expenditure of 30 cents or \$30?

Mr. BORAH. The joint resolution involves an expenditure of either \$20 or \$30, but I think it is \$30.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that to enable the United States to become a member of the Central Bureau of the International Map of the World there shall be appropriated \$30 for the payment of a contribution by the United States toward the expenses of the bureau for the calendar year 1926.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CENTENNIAL OF 1826 PAN AMERICAN CONGRESS

Mr. BORAH. I ask unanimous consent for the present consideration of Order of Business 605, which is of a little more consequence than the joint resolution which has just been passed.

Mr. KING. Let the title of the joint resolution be stated.

The VICE PRESIDENT. The Secretary will state the title of the joint resolution.

The CHIEF CLERK. A joint resolution (H. J. Res. 150) to provide for the participation of the United States in a congress to be held in the city of Panama June, 1926, in commemoration of the centennial of the Pan American Congress which was held in the city of Panama in 1826.

Mr. BORAH. Mr. President, it will be recalled that there was a Pan American Congress held in 1826 which was of some considerable moment at that time and was regarded as of great importance as affecting the United States and South American and Central American countries. This joint resolution is simply an authorization for us to participate in the centennial of the meeting of the congress of 1826.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to authorize the President of the United States to appoint delegates to enable the United States to participate in the Pan American Congress to be held in the city of Panama in June, 1926, in commemoration of the centennial of the Pan American Congress which met in that city in June, 1826, and to appropriate for the expenses of the United States in participating in such conference, including the travel and subsistence expenses of such delegates (notwithstanding the provisions of any other act), and such miscellaneous and other expenses as the President shall deem proper, the sum of \$1,500.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Idaho a question in reference to the joint resolution. Did the Government of the United States not decline to participate in the Pan American Congress of 1826?

Mr. BORAH. My recollection is that we did not decline to do so, but there was an extended debate in the Senate and in the House of Representatives over whether or not we should participate. Mr. Clay, I know, took an active part in the discussion, but my remembrance is that we finally consented to participate. However, whether we did so or not, we should now participate 100 years afterwards.

Mr. FESS. Mr. President, if the Senator from Idaho will yield to me, I desire to suggest that my recollection is that a delegate to the congress on behalf of the United States was appointed, but that the congress adjourned before his arrival.

Mr. BORAH. That is correct.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED FRENCH DEBT SETTLEMENT

Mr. HARRISON. Mr. President, while the motion to reconsider the vote by which the Italian debt settlement bill was passed is being discussed and before we shall take up the Belgian debt settlement and the debt settlements with the other smaller countries, it seems to me, in view of what has been printed in the newspapers this morning, it might be very appropriate if the Senator from Utah [Mr. SMOOT] would inform the Senate of some of the terms of the settlement which it is proposed that we shall make with France.

As I read the newspapers this morning they carry the statement that the United States and France have virtually agreed upon terms of the settlement of the debt due by France to the United States, and it may be that some Senators would desire to compare those terms with the terms of other foreign debt settlements.

I recall that when the American commission met with the French delegates on the first occasion, when they failed to agree, it was thought by some that the matter would be put off indefinitely and that nothing could be done. Indeed, it has been argued in the course of the debate on the Italian debt settlement that if the Senate did not ratify it we should get nothing from Italy, that one could not "get blood out of a turnip." It seems to me from the terms printed in the newspapers as to the proposed debt settlement with France that we are to get a little more out of France than we should have received had the debt settlement as formerly proposed gone through and been agreed to. Therefore, will not the Senator from Utah at this very appropriate time inform the Senate, as the newspapers seem to have informed the country, touching the terms of the settlement of the French debt to the United States?

Mr. SMOOT. Mr. President, the first meeting in reference to the French debt settlement was held this morning at 9:30 o'clock. That was the first time the French ambassador or any representative of France appeared before the Debt Commission since the Caillaux mission was here. I wish to say to the Senator and to the country that any information which

has been published in the press in reference to the matter has come from other sources than the members of the Debt Commission. I think it has come through France.

The Debt Commission met for a short time this morning. There was a Cabinet meeting also this morning, and the Secretary of the Treasury had to attend that meeting. We were in session for only about 20 minutes. I will say to the Senator from Mississippi that the French ambassador presented a proposition on behalf of France, but, to tell the truth, I have not even read it; I do not know what it contains. I have not had time to read it.

I will also say to the Senator from Mississippi that the Debt Commission will meet to-morrow morning again for the purpose of taking under consideration the proposition made by the French ambassador on behalf of France.

Mr. HARRISON. Then, if I understand the Senator from Utah, if there is any tentative agreement, it has been made without the cooperation and advice and counsel of the Senator from Utah, but in large degree by the Secretary of the Treasury.

Mr. SMOOT. Mr. President, in answer to that, I wish to say that there has been no tentative arrangement made with France, as there was not in the case of other countries sending commissions over here, which presented propositions for the funding of their debts to the commission. As I have read day by day what the newspapers have had to say as to the form the settlement would assume, I knew that there was no true basis for the statements.

I have no doubt that the press was informed, perhaps through French sources, that certain rates were going to be agreed upon, but there has not been a member of the commission who has said that there is a tentative agreement or that there has been any meeting at all for the purpose of discussing whether a proposal from France would or would not be accepted; in fact, the commission did not know until this morning what the proposal from France would be.

Mr. HARRISON. Then the Senator does not know anything about the terms of this proposed agreement?

Mr. SMOOT. I have the proposition at my office, but I have not had time to read it, and I can not tell the Senator what its terms are.

Mr. HARRISON. The Senator, perhaps, saw the New York Herald of this morning, containing an article which is headed:

French debt pact taken up to-day. Both sides are virtually agreed.

I am just wondering if that is the way the Italian debt settlement was put over; that one commissioner agreed to it and that the other commissioners, who have been praised in the course of this debate, some of whom have been described as Democrats—and appeals have been made to this side because Democrats helped to negotiate the settlement, then gave their consent. I am wondering if the same method was employed in securing the agreement which we have here.

Mr. SMOOT. Mr. President, the statement in the press is not true. There has been no "virtual agreement"; there has been no agreement whatever; in fact, there has not been a word said by the commission that would lead to an agreement. The only thing that has been done by the commission is, as I have already said, they met to-day; they received the proposition from the French ambassador, but I have not had time even to read it.

Mr. HARRISON. The Senator is aware that practically every news service of the country has carried substantially the same article that is carried in substance by the New York Herald.

Mr. SMOOT. I know that for the last week or 10 days statements to that effect have been published, but there is no basis whatever for them, I will say to the Senator. If France had made up her mind as to what she was going to offer and undertaken to start a propaganda, I can not say that that is the fact; I do not know as to that. The newspapers seem to have obtained the information from some source, but they did not obtain it from the members of the commission.

Mr. HARRISON. And not from the Treasury Department?

Mr. SMOOT. No; the Senator read only yesterday what the Secretary of the Treasury said. He said at that time, following the statement almost exactly that is in the morning newspapers, that the commission had not met; that no proposition had been made, and that the commission had not given consideration to any proposal. I can not say but what there has been some talk; I do not know as to that; but I want to say to the Senator that the commission will decide the question of the settlement.

Mr. HARRISON. Mr. President, I ask unanimous consent to insert the article from the New York Herald which is headed "French debt pact taken up to-day." I wish to see if the New York Herald has it about right when the pact shall come here.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRENCH DEBT PACT TAKEN UP TO-DAY—BOTH SIDES ARE VIRTUALLY AGREED—PAYMENTS BEGIN AT \$25,000,000, LATER REACHING \$100,000,000—HOPE ULTIMATELY TO CANCEL OBLIGATION—OPponents TO SAY NATION NEVER EXPECTS TO PAY—ITALIAN AGREEMENT SAFE

By Carter Field

WASHINGTON, April 22.—With the Italian debt settlement assured of final approval within a day or two the American Debt Commission will meet to-morrow in its second attempt to reach an agreement for the settlement of the French debt. A clear-cut majority of 19 in the Senate in favor of the Italian settlement stood to-day unswerving, while Senator REED of Missouri and Senator HOWELL, of Nebraska, urged reconsideration of the vote by which yesterday the Upper House voiced its approval of the terms granted Italy.

So confident is official Washington that the American Debt Commission will reach an agreement with Ambassador Berenger as to terms of the settlement of the French debt that no surprise would be occasioned if the negotiations should be concluded within a few days. The preliminary negotiations, it is understood here, have gone so far that little in dispute remains to be settled.

EXPECT CANCELLATION LATER

It is known that the terms on which the French ambassador has agreed with individual members of the debt commission contemplates payments beginning at \$25,000,000 annually and gradually extending up to \$100,000,000 annually. It is known also that the willingness of the French to agree to such heavy payments later on is based to a considerable extent on the belief that these payments will never have to be made. They are confident that this country will have a change of heart which will result in a forgiving of the debt long before the payments have reached their peak.

So generally is this understood that it is fairly certain that when the agreement comes up for debate in the House and Senate, following the course of the Italian settlement still under discussion, it will be frankly attacked on this phase.

The first meeting will be held just prior to the meeting to-morrow of the Cabinet. This, it is understood, is to permit a formal report to the President by the debt commission. Mr. Coolidge, of course, is perfectly advised as to what has been going on, but this will be the official presentation of the terms of the offer which Mr. Berenger will make in the morning. It is expected another meeting of the Debt Commission will be held in the afternoon.

Mr. REED of Missouri. Mr. President, I should like to ask the Senator from Utah a question in reference to the article in the New York Herald which bears the headline:

French debt pact taken up to-day. Both sides are virtually agreed. Payments begin at \$25,000,000, later reaching \$100,000,000. Hope ultimately to cancel obligation.

I understand the Senator to say that the information in the article may have been given out by the French?

Mr. SMOOT. Yes; but I do not say that positively. That, however, is the only source from which it could come, in my opinion. I may say that I also should like to have the article go into the RECORD, and then let the debt settlement as finally arrived at, if we can reach a settlement—and I do not know that we can; but if we can reach a settlement—let us see whether the information is correct or not.

Mr. REED of Missouri. Mr. President, assuming that it came from French sources, does not the Senator think, in view of past experience, that the newspapers are warranted in drawing the conclusion that that will be the settlement?

Mr. SMOOT. Oh, no.

Mr. REED of Missouri. That is, we were going to take whatever we were offered?

Mr. SMOOT. Oh, no; that has not been the case in any settlement which we have made. The newspapers never knew what the settlements were until the settlements were announced by both countries involved. I wish to say—and the press will bear me out in that—that we gave no news out until the final settlement, and when the final settlement was made, America and the country with which America settled were informed at the same time of the exact terms. There has been more published before ever the commission met in regard to the French debt settlement than in regard to all the other settlements combined.

Mr. REED of Missouri. Now, Mr. President, while the Senator from Nebraska is not here—and I understand he is on the way—

PUBLIC BUILDINGS

Mr. MAYFIELD. Mr. President, if the Senator from Missouri will yield to me, out of order I ask unanimous consent to have printed in the Record a table which I have prepared which shows the manner in which the \$100,000,000 authorized by the public buildings bill will be apportioned, based on the 1920 census, as proposed by the amendment offered by the Senator from Tennessee [Mr. McKellar].

The VICE PRESIDENT. Without objection, it is so ordered. The table referred to is as follows:

Approximate figures showing manner in which one hundred million-dollar appropriation for public buildings would be apportioned, based on 1920 census, as proposed by amendment of Senator McKellar

Name	Population	Amount
Alabama.....	2,348,174	\$2,223,000
Arizona.....	334,162	316,000
Arkansas.....	1,752,204	1,659,000
California.....	3,425,861	3,245,000
Colorado.....	939,629	880,000
Connecticut.....	1,380,631	1,307,000
Delaware.....	223,003	211,000
Florida.....	958,470	917,000
Georgia.....	2,895,832	2,743,000
Idaho.....	431,006	408,000
Illinois.....	6,485,280	6,144,000
Indiana.....	2,930,390	2,775,000
Iowa.....	2,404,021	2,276,000
Kansas.....	1,769,257	1,675,000
Kentucky.....	4,416,630	2,298,000
Louisiana.....	1,798,509	1,703,000
Maine.....	768,014	727,000
Maryland.....	1,449,661	1,373,000
Massachusetts.....	3,852,356	3,648,000
Michigan.....	3,668,412	3,475,000
Minnesota.....	2,387,125	2,260,000
Mississippi.....	1,790,618	1,696,000
Missouri.....	3,404,055	3,223,000
Montana.....	548,889	519,000
Nebraska.....	1,296,372	1,228,000
Nevada.....	77,407	73,000
New Hampshire.....	443,983	419,000
New Jersey.....	3,155,900	2,990,000
New Mexico.....	360,350	340,000
New York.....	10,386,227	9,841,000
North Carolina.....	2,659,223	2,423,000
North Dakota.....	646,872	612,000
Ohio.....	5,759,394	5,457,000
Oklahoma.....	2,028,283	1,920,000
Oregon.....	783,389	742,000
Pennsylvania.....	8,720,017	8,262,000
Rhode Island.....	604,397	572,000
South Carolina.....	1,683,794	1,594,000
South Dakota.....	636,547	602,000
Tennessee.....	2,337,885	2,214,000
Texas.....	4,663,228	4,418,000
Utah.....	449,396	425,000
Vermont.....	352,428	332,000
Virginia.....	2,309,187	2,186,000
Washington.....	1,256,621	285,000
West Virginia.....	1,463,701	1,386,000
Wisconsin.....	2,632,067	2,492,000
Wyoming.....	194,402	183,000
Alaska.....	55,036	52,000
Hawaii.....	225,912	242,000
Philippine Islands.....	110,314,310	100,000,000
Porto Rico.....	1,299,809	

¹ Not included in above figures but would probably be included in apportionment under amendment.

DUPLICATE CHECK FOR STATE TREASURER OF OHIO

Mr. REED of Missouri. The Senator from Ohio has asked me to yield to him.

Mr. FESS. Mr. President, I ask unanimous consent to call up Order of Business 634, Senate bill 2741, for the relief of the State of Ohio. If it leads to any debate, I will withdraw it.

Mr. REED of Missouri. What is the nature of the bill?

Mr. FESS. The basis of the bill is that a check was issued—

The VICE PRESIDENT. The Secretary will read the bill.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 3646, as amended, of the Revised Statutes of the United States, the disbursing clerk of the Department of Agriculture is authorized and directed to issue, without the requirement of an indemnity bond, a duplicate of original check numbered 966745, drawn October 1, 1923, in favor of "State treasurer of Ohio" for \$29,812.78, and lost, stolen, or miscarried in the mails.

Mr. McNARY. Mr. President, I am not fond of this practice in any event. This evidently is taking out of the Treasury,

through the Department of Agriculture, a sum of money to be paid over to the State of Ohio.

Mr. FESS. No.

Mr. McNARY. At all events, it is a matter of great importance, and I do not think it ought to be taken up in this way. I desire to look into it.

Mr. FESS. I withdraw it, then, Mr. President.

CHARLES M. RODEFER

Mr. WILLIS. Mr. President—

Mr. REED of Missouri. I yield to the Senator from Ohio.

Mr. WILLIS. Some time ago the Senate passed a bill in the case of Charles M. Rodefer, of Ohio, who had lost a bond. Subsequently the House passed a similar bill. The bills crossed each other on the way. The House bill is now on the calendar as Order of Business No. 650. Inasmuch as the Senate has already passed an identical bill, I ask that this bill be taken up now. It is House bill 2009.

Mr. KING. Mr. President, I should like to ask the Senator from Ohio whether the bill contains the usual provision for indemnification.

Mr. WILLIS. Yes; I will say to the Senator that it does. It is identical with the bill that we passed.

Mr. KING. What is the amount involved?

Mr. WILLIS. I think it is \$20,000—double the amount of the principal and accrued interest.

The VICE PRESIDENT. The secretary will read the bill.

The Chief Clerk read the bill (H. R. 2009) for the relief of Charles M. Rodefer, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Charles M. Rodefer United States Treasury certificate of indebtedness No. 11227 in the denomination of \$10,000, dated September 15, 1919, matured September 15, 1920, series T-10, with interest from March 15, 1920, to September 15, 1920, at the rate of 4½ per cent per annum, without presentation of the said certificate or the coupon representing interest thereon from March 15, 1920, to September 15, 1920, the certificate having been lost, stolen, or destroyed: Provided, That said certificate of indebtedness shall not have been previously presented and paid, and that payment shall not be made hereunder for any coupon which shall have been previously presented and paid: And provided further, That said Charles M. Rodefer shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said certificate of indebtedness and the interest which had accrued when the principal became due and payable in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificate of indebtedness and coupon hereinbefore described.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WILLIS. I thank the Senator from Missouri.

ITALIAN DEBT SETTLEMENT

The Senate resumed the consideration of the motion of Mr. REED of Missouri to reconsider the vote by which the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America was passed.

Mr. REED of Missouri. Mr. President, the Senator from Nebraska [Mr. HOWELL] having arrived, I merely want to state one point with relation to the motion to reconsider. I have forgotten whether or not I entered the motion to reconsider on yesterday.

The VICE PRESIDENT. It was entered yesterday.

Mr. REED of Missouri. I think I did make the motion. If I can have the attention of the Senate for just a moment, I will state one point. The Senator from Nebraska has other propositions.

The British debt settlement with Italy provides:

3. The payments due under all bonds issued in accordance with this agreement shall be made without deduction for and shall be exempt from any and all taxes and other public dues, present or future, imposed by or under authority of Italy or any political or local taxing authority within Italy.

That means, therefore, that if Great Britain were to sell her bonds to any person in the world, whether resident of Italy or nonresident, the bonds would be free from taxation by Italy.

When we come to the American debt settlement we find this proposition:

The principal and interest of all bonds issued or to be issued hereunder shall be paid without deduction for, and shall be exempt from, any and all taxes or public dues, present or future, imposed by or

under authority of Italy, or any political or local taxing authority within Italy—

Thus far the language is practically identical; but this follows—

whenever, so long as, and to the extent that beneficial ownership is in (a) the Government of the United States; (b) a person, firm, or association neither domiciled nor ordinarily resident in Italy; or (c) a corporation not organized under the laws of Italy.

In other words, and in simpler language, under the British debt settlement the bonds which Great Britain receives from Italy are nontaxable by Italy, absolutely and without qualification. Under the American debt settlement the bonds are not taxable if owned by the United States or if owned by a person, firm, or association not domiciled or ordinarily resident in Italy, or a corporation not organized under the laws of Italy. So that the Italian market for bonds which America holds or may receive is closed to these Italian bonds, because the Italian who desires to invest in bonds of Italy issued under these debt settlements will buy the British bonds, because he can hold them free from taxation by Italy.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. REED of Missouri. When I finish this statement. The bonds issued to America, should we desire to negotiate them, can not be sold in Italy, because the Italian Government would immediately tax those bonds, or would have the right immediately to tax them. The effect is to deny a market for these Italian bonds in the very place where the best market presumptively exists.

I now yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I should like to have the Senator's thought on this phase of the matter. It occurs to me that the explanation of the difference lies in the fact that the American-Italian agreement provides for conversion into small bonds which will be salable on the market, while the British-Italian agreement does not so provide. The bonds which are to be issued by Italy for Great Britain are bonds of four and one-half million pounds apiece, which, of course, are not available for negotiation on the ordinary market. It occurred to me that that was the reason for the difference in those provisions.

Mr. SMOOT. Mr. President, why does not the Senator also add that those bonds are not to be cut up, but are to be bonds of \$22,500,000 each, and they do not bear any interest; it is an annuity plan, whereas the American plan is a bond plan, the bonds drawing interest. I want to say to the Senator further that every settlement we have made uses exactly the same language that is used in this one.

Mr. REED of Missouri. Mr. President, the Senator will have to quote a better precedent than the previous settlements his commission has put over in order to make a convincing argument so far as I am concerned.

Mr. SMOOT. Mr. President, I did not state that as an argument. I stated it as a fact. The argument has already been stated, I think; and it shows conclusively that the two are entirely different. One is an annuity settlement, and the other is a bond settlement.

Mr. REED of Pennsylvania. Will not the Senator first give us his thought—

Mr. REED of Missouri. When all the Senators get through I will answer all of them. Is the Senator from Pennsylvania through?

Mr. REED of Pennsylvania. I am through.

Mr. REED of Missouri. Now let us see what these interjections and objections mean when boiled down: First, that we made some other settlement, and improvidently failed to provide that the bonds which we receive shall be exempt from taxation by the Government issuing the bonds.

Mr. SMOOT. I will say to the Senator that when I speak on the subject I will tell the reason why.

Mr. REED of Missouri. I do not care what the reason is. There is no reason for that—

Mr. SMOOT. Yes; there is.

Mr. REED of Missouri. Except yielding to the importunities of debtors who are repudiating their obligations to the United States of America. Now we are told that there is no clause in the British debt settlement providing for taxation of Italy's bonds to Great Britain because the settlement is in the form of an annuity, and that the British debt bears no interest.

To my mind the argument to be drawn from the facts stated is entirely against this proposition; for if Great Britain is to receive an annuity and that is exempted from taxation, then if we receive our pay in the form of interest, which is, after all, an annuity paid upon money, a payment based upon a debt, I want to know why it should not also be exempted. The mere

form makes no difference; but let us see the absurdity of this settlement, the outrage of this settlement.

We get from Italy one-eighth of 1 per cent interest in the early days of this settlement, and we propose to say then to the Italian who will buy an Italian bond, "Italy can tax you on that bond." Everybody knows that if they levy a tax at all it will be greater than one-eighth of 1 per cent; so that by simply levying a tax of one-eighth of 1 per cent during the early days of the period of this loan Italy can absolutely destroy any market for these obligations in the Kingdom of Italy.

What an absurdity it is to say to a Government, "We are going to settle with you for about 23 cents on the dollar. We are going to take your bonds, and then we are going to permit you to tax those bonds the moment they come into the possession of a citizen of Italy."

If we should transmute these bonds, as it is provided we may, into a merchantable security, and then conclude that we wanted to sell them on the market for what we could get, for what they really would figure out to be worth, which at the outside is about 23 cents on a dollar, we would naturally look for that market among the Italian investors; we would naturally go to the country that had issued the bonds to find the market at least for a part of those bonds. But no Italian with an ounce of sense would buy that sort of obligation, knowing that it might be taxed by his Government much more than the interest he would receive.

We exempt our own bonds very largely from taxation. Some of them are totally exempt from taxation, and because they are totally exempt from taxation the 3½ per cent bond has been above par practically ever since it was issued. Because there is a cloud of possible taxation as to a limited amount of 4½ per cent bonds, some of them have recently been below par. In making this settlement with Italy, in making these concessions which amount to a gift, to a cancellation of three-quarters of the Italian debt, it is proposed to allow Italy to have the power to levy a tax upon these obligations, which will destroy their value entirely if they ever come into the possession of a citizen or a subject of the Kingdom of Italy.

Mr. President, that can not be justified. It is an improvident and indefensible thing. Whether Senators here were willing to vote for the Italian settlement or not, they certainly ought to be willing to insist that Italy shall waive the right to tax these bonds or their proceeds at any time or at any place, by whomsoever held.

I am utterly unable to understand how any such clause as this should ever have been inserted in this bill. Those Senators who voted for the Italian debt settlement did it undoubtedly for one of two reasons. They were obsessed with the idea that we must be generous to Europe; that the United States must act as general wet nurse for the world; that we must drain our own coffers for the purpose of conferring benefactions; or they voted for this measure upon the theory that this is the best settlement we could get, the best settlement because it is said Italy can not presently pay a larger sum. How can that argument be applied to the question I am now discussing? For certainly Italy can waive the right to tax these bonds at any time or at any place, and by whomsoever held.

The more I contemplate this settlement, the more infamous it seems to me. Since the vote was taken, I have been reflecting upon some circumstances that have come to my attention in the past. I remember that the first cry that was raised for the cancellation of the European indebtedness came from the banking houses that had negotiated enormous loans to Europe during, preceding, and subsequent to the war. I recall that this was the situation then: The representatives of the great banking house of Morgan, that institution having been the fiscal agent for the European countries engaged in the war, outside of Germany, and for Germany at one time, not a fiscal agent, but certainly a fiscal agency, raised the cry that we should cancel our debts. But never once did any one of those gentlemen propose that the debts to their institution should be canceled. They proposed the cancellation of the debt due the American people—the farmer, the mechanic, the laborer, the washwoman—due them because we had agreed with them that we would collect the money from Europe to pay the bonds they had bled themselves white to buy.

I remember that it was these financial institutions which consistently insisted upon the cancellation of the entire debt to the American people, not due this commission, not due these Members of Congress, but due to the American people. Yet every one of those gentlemen was insisting upon the payment of the money due them on the bonds they had taken from Europe under circumstances substantially similar to and substantially coincident with, in point of time, the loan of the moneys we advanced as a Government.

I am not unmindful of the fact that every one of these institutions and every man connected with them, every spokesman they have had, has been insisting ever since that if they can not get a total cancellation, they shall have a partial cancellation, and we are now confronted with the fact that it is proposed to cancel three-fourths of the Italian debt.

Gentlemen may undertake to cover it by technical phraseology; they may say that they are to pay the entire debt, and that they have only reduced the rate of interest. But, sir, everybody but a fool knows that when you extend the debt for 62 years and fix a total annual payment on the average of 1.1 per cent, you have to all intents and purposes canceled three-quarters of that debt.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. REED of Missouri. I have agreed to yield to the Senator from Iowa to call a quorum, because the managers of the House in the impeachment case will be here at 1 o'clock. I shall continue my remarks later.

CALL OF THE ROLL

Mr. CUMMINS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	King	Sackett
Bayard	Fess	La Follette	Sheppard
Bingham	Frazier	McKellar	Shipstead
Blease	George	McKinley	Shortridge
Borah	Gerry	McLean	Smoot
Bratton	Goff	McMaster	Stanfield
Broussard	Gooding	McNary	Stock
Bruce	Hale	Mayfield	Stephens
Cameron	Harreld	Neely	Swanson
Copeland	Harris	Nye	Trammell
Couzens	Harrison	Oddie	Tyson
Cummins	Hefflin	Overman	Wadsworth
Curtis	Howell	Pepper	Warren
Dale	Johnson	Phipps	Watson
Deneen	Jones, N. Mex.	Pine	Wheeler
Dill	Jones, Wash.	Ransdell	Williams
Edge	Kendrick	Reed, Mo.	Willis
Fernald	Keyes	Reed, Pa.	

Mr. CURTIS. I desire to announce the necessary absence of the Junior Senator from Kansas [Mr. CAPPER] on account of illness in his family. I will let this announcement stand for the day.

The VICE PRESIDENT. Seventy-one Senators having answered to their names, a quorum is present.

IMPEACHMENT OF JUDGE GEORGE W. ENGLISH

The VICE PRESIDENT. The hour of 1 o'clock having arrived, the Senate, under its order, will proceed to the consideration of the articles of impeachment of George W. English, United States district judge for the eastern district of Illinois.

Mr. BORAH. Mr. President, I ask unanimous consent that the senior Senator from Iowa [Mr. CUMMINS], chairman of the Judiciary Committee, may administer the oath to the President of the Senate as the Presiding Officer of the court.

The VICE PRESIDENT. Without objection, it is so ordered. The Senator from Iowa will present himself at the Vice President's desk.

Mr. CUMMINS advanced to the Vice President's desk and administered the oath to the Vice President as follows:

You do solemnly swear that in all things appertaining to the trial of the impeachment of George W. English, United States district judge for the eastern district of Illinois, now pending, you will do impartial justice according to the Constitution and laws. So help you God.

The VICE PRESIDENT. The clerk will call the roll, and as their names are called Senators will present themselves at the desk in groups of 10 and the oath will be administered to them.

Mr. REED of Missouri. Mr. President, a large number of Senators are absent. Some arrangement ought to be made with reference to administering the oath to them.

The VICE PRESIDENT. Under the precedents of the Senate each Senator who has not been sworn will be called to the desk when he enters the Chamber and the oath will be administered to him.

Mr. REED of Missouri. Very well; if that is the rule.

The Chief Clerk called the names of Messrs. ASHURST, BAYARD, BINGHAM, BLEASE, BORAH, BRATTON, BROUSSARD, BRUCE, BUTLER, CAMERON, CAPPER, CARAWAY, COPELAND, COUZENS, and CUMMINS, and these Senators, with the exception of Mr. BLEASE, Mr. BUTLER, Mr. CAPPER, and Mr. CARAWAY, advanced to the Vice President's desk and the oath was administered to them by the Vice President.

Mr. WILLIAMS. Mr. President, I noticed that, when the name of the Senator from South Carolina [Mr. BLEASE] was

called, he shook his head to indicate that he would not take the oath. On yesterday the Senator from South Carolina asked to be excused from participating in the trial of Judge English and gave as his reason for so doing the relationship which exists between himself and one of the board of managers of the House, Representative DOMINICK. We all sympathize with the views expressed by the Senator from South Carolina; but in the composition of the Senate as a court to try Judge English on the indictment which has been returned here by the House of Representatives, I think no one may be excused from taking the oath.

What shall happen to the Senator from South Carolina when it becomes necessary to vote is an entirely different matter, but the rule specifically provides that all the Members of the Senate who are present shall present themselves and take the oath, and that absent Senators shall take the oath as they appear in the Senate. I therefore think it not competent for us to excuse the Senator from South Carolina from taking the oath as a member of the court. I hope the question will not be raised and that we shall avoid any technicality which might be urged at any time. I ask the Senator from South Carolina to take the oath.

The Chief Clerk called the names of Messrs. CURTIS, DALE, DENEEN, DILL, DU PONT, EDGE, EDWARDS, ERNST, FERNALD, FERRIS, FESS, FLETCHER, FRAZIER, GEORGE, and GERRY, and these Senators, with the exception of Mr. DU PONT, Mr. EDWARDS, Mr. ERNST, Mr. FERRIS, and Mr. FLETCHER, appeared and the oath was administered to them by the Vice President.

Mr. HEFLIN. I desire to announce that the Senator from New Jersey [Mr. EDWARDS] is unavoidably absent from the Chamber.

Mr. TRAMMELL. I wish to announce the unavoidable absence of my colleague [Mr. FLETCHER] from the Senate.

The Chief Clerk called the names of Messrs. GILLET, GLASS, GOFF, GOODING, GREENE, HALE, HARRELD, HARRIS, HARRISON, HEFLIN, HOWELL, and JOHNSON, and these Senators, with the exception of Mr. GILLET, Mr. GLASS, and Mr. GREENE, appeared, and the oath was administered to them by the Vice President.

The Chief Clerk called the names of Messrs. JONES of New Mexico, JONES of Washington, KENDRICK, KEYES, KING, LA FOLLETTE, LENROOT, MCKELLAR, MCKINLEY, MCLEAN, and MCMASTER, and these Senators, with the exception of Mr. LENROOT, appeared, and the oath was administered to them by the Vice President.

The Chief Clerk called the names of Messrs. McNARY, MAYFIELD, MEANS, METCALF, MOSES, NEELY, NORBECK, NORRIS, NYE, ODDIE, OVERMAN, PEPPER, PHIPPS, PINE, PITTMAN, and RANSDELL, and these Senators, with the exception of Mr. MEANS, Mr. METCALF, Mr. MOSES, Mr. NORBECK, Mr. NORRIS, and Mr. PITTMAN, appeared, and the oath was administered to them by the Vice President.

The Chief Clerk called the names of Messrs. REED of Missouri, REED of Pennsylvania, ROBINSON of Arkansas, ROBINSON of Indiana, SACKETT, SCHALL, SHEPPARD, SHIPSTEAD, SHORTIDGE, SIMMONS, SMITH, SMOOT, STANFIELD, STECK, and STEPHENS, and these Senators, with the exception of Mr. ROBINSON of Arkansas, Mr. ROBINSON of Indiana, Mr. SCHALL, Mr. SIMMONS, and Mr. SMITH, appeared, and the oath was administered to them by the Vice President.

The Chief Clerk called the names of Messrs. BLEASE, SWANSON, TRAMMELL, TYSON, UNDERWOOD, WADSWORTH, WALSH, WARREN, WATSON, WELLER, WHEELER, WILLIAMS, and WILLIS, and these Senators, with the exception of Mr. UNDERWOOD, Mr. WALSH, and Mr. WELLER, appeared, and the oath was administered to them by the Vice President.

Mr. HEFLIN. I desire to state that my colleague [Mr. UNDERWOOD] is absent on account of illness.

The VICE PRESIDENT. This completes the administration of the oath to the Senators present. Absent Senators will be sworn as they enter the Chamber.

Mr. CUMMINS. Mr. President, I submit the order which I send to the desk, and I ask for its immediate consideration.

The VICE PRESIDENT. The clerk will read the order submitted by the Senator from Iowa.

The Chief Clerk read as follows:

Ordered, That the Secretary notify the House of Representatives that the Senate is now organized for the trial of articles of impeachment against George W. English, district judge of the United States for the eastern district of Illinois, and is ready to receive the managers on the part of the House.

The VICE PRESIDENT. Without objection, the order is agreed to.

Mr. CUMMINS. Mr. President, for the information of the Senators, I desire to say that all that remains to be done at present is to fix a time at which the summons shall be re-

turnable. It has been the custom heretofore not to fix that time until the managers on the part of the House are present. It will probably require 10 or 15 minutes to secure the presence of the managers, and there will be nothing to be done, so far as the impeachment is concerned, until they shall be present.

Mr. WATSON. Mr. President, may I ask the Senator from Iowa a question?

Mr. CUMMINS. Certainly.

Mr. WATSON. Has the Senator in mind a time when he thinks the trial should proceed?

Mr. CUMMINS. Yes; I have. I have prepared an order, which I intend to submit to the Senate. It provides for the appearance of the respondent or defendant on the 3d day of May.

Mr. WATSON. Is the trial then to proceed?

Mr. CUMMINS. That will be entirely as determined by the Senate at that time, but the usual order is that the defendant will appear, and he may ask time to file an answer. Undoubtedly a reasonable time will be granted to him to file an answer. The managers on the part of the House of Representatives will then desire to file a replication. Just how long a time they will think necessary in order to prepare it, I do not know, but it will undoubtedly be only a short time.

I am informed, but entirely unofficially, that the defendant may be ready to file his answer at the end of the 10 days which are given him by this order for appearance.

Mr. SWANSON. Mr. President, will the Senator yield to an inquiry?

Mr. CUMMINS. Yes.

Mr. SWANSON. Has the Senator from Iowa made an examination and reached a conclusion as to whether the Senate could be called in extraordinary session to try this impeachment, or whether it is required that both the House of Representatives and the Senate shall be in session if the impeachment is to be heard and disposed of?

Mr. CUMMINS. Yes. Certain members of the Judiciary Committee, of which I happen to be chairman, have made rather an exhaustive study of that subject. I think it is the opinion of all the members of the Judiciary Committee who have examined the matter that the House can adjourn sine die, with the consent, of course, of the Senate, and that the impeachment proceedings can go forward without the presence of the House of Representatives; although I say, very frankly, that the only precedent with regard to that question was decided the other way. That precedent was in the impeachment of Secretary Belknap. It was then ruled by the Senate that the House of Representatives must be present during the impeachment trial.

Mr. SWANSON. Then, as I understand, the conclusion that has been reached by the members of the Judiciary Committee who have made an investigation of the subject is that the Senate could continue its present session and consent, under the Constitution, for the House to adjourn sine die, and that then this case could be tried by the Senate remaining in session?

Mr. CUMMINS. That is one of the possibilities.

Mr. SWANSON. Has the question been investigated and a conclusion reached as to whether both the House of Representatives and the Senate could adjourn sine die and the Senate could be called back into extraordinary session to try the impeachment?

Mr. CUMMINS. We are of the opinion, when the time comes to settle it, if it is desired to postpone the trial of the impeachment case until some time in the fall, that then the House and Senate ought to agree to adjourn to that time. My own opinion is that the President can not call the Senate in session for the purpose of trying an impeachment case; but that is simply my own opinion. The matter has not been considered by the Judiciary Committee.

Mr. SWANSON. A cursory examination led me to reach the same conclusion; but I could see no objection, as suggested by the Senator, to consent, under the Constitution, for the House to adjourn sine die and the Senate continue in session to try the impeachment. There is no doubt about that, is there?

Mr. CUMMINS. I think the better opinion is that that can be done if the Senate desires to do it.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield.

Mr. BORAH. Mr. President, I hope that all Members of the Senate, and particularly the lawyers of the Senate, will give consideration to that matter before we finally determine it. I think it is a very doubtful proposition, and some very eminent lawyers of the past have expressed that view. There may be sound arguments in favor of the proposition that the

House may adjourn; but I think it is very doubtful whether the House can have managers here conducting an impeachment after the House shall have disappeared.

Mr. CUMMINS. Mr. President, there is no gainsaying the fact that there has been difference of opinion upon that question; it has been very learnedly argued on both sides in the history of impeachments and in the history of the Constitution; but we are not called upon at the present time to determine that. The question will not arise until the issues in the case have been settled; then it will become necessary for the Senate to determine at what time the trial shall proceed.

Mr. SWANSON. Mr. President, I suggest to the Senator that the time when the Senate should proceed would depend to a great extent upon what authority we have to act separately, with the House in adjournment and the Senate in session. The reason why I made the suggestion at this time was so that the experienced and able lawyers on the Judiciary Committee could make a thorough investigation and let the Senate know what its rights were without imperiling its decision in this matter as finally reached.

Mr. CUMMINS. It is a very interesting question and admits of considerable argument.

Mr. CURTIS. Mr. President, I understand that the chairman of the committee has appointed a subcommittee of the Committee on the Judiciary to examine and determine that question. Is that not so?

Mr. CUMMINS. Without any order on the part of the Senate, I appointed a committee—a subcommittee it may be called—of the Judiciary Committee to study and consider that subject.

Mr. CURTIS. I so understood.

Mr. CUMMINS. And the majority of the committee, so far as I know, without any dissent, although they were not all present when the final conclusion was reached, held that it was not necessary for the House to be present or in session during the trial of the impeachment.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. CUMMINS. Certainly.

Mr. NEELY. Since the only precedent on the subject is contrary to the conclusion reached by the subcommittee, upon what authority is the conclusion based?

Mr. CUMMINS. I will endeavor to explain it. In the Belknap case the question arose whether it was necessary for the House to be in session during the trial of the impeachment, and it was ruled in that case that the House must remain in session. I think everybody recognizes that there were very peculiar circumstances surrounding the trial of the impeachment of Secretary Belknap. There were political considerations, which I have no doubt had great weight in the determination of the matter. There are, I think, 12 precedents in the various States with constitutions substantially like our own.

Mr. KING. Mr. President, will the Senator yield?

Mr. CUMMINS. I yield.

Mr. KING. I think the Senator may suggest that one of the considerations urged by some who took this view in the Belknap case was that without the House being in session it would be difficult, perhaps, to maintain a quorum of the Senate, and some therefore urged as one of the reasons why the House ought to be in session that thereby the maintenance of a quorum in the Senate would be facilitated.

Mr. CUMMINS. That is true, but the chief consideration was this: It was alleged that certain of the Senators did not want to try the Belknap case until after November elections. That did not appear, of course, in the ruling; but, at any rate, that was one of the material things that developed in that case. There was a controversy in respect to the time at which the case should be tried. Some wanted to put it over until after the elections and some wanted to try it before the elections.

Mr. NEELY. Mr. President, does the Senator believe that the precedent in the Belknap case was established as a matter of political expediency?

Mr. CUMMINS. At least the subcommittee was of the opinion that political considerations had very considerable influence in reaching that decision.

Mr. REED of Missouri. Mr. President, the Senator might add that the vote of the Senate in the Belknap impeachment on the question we are now discussing was a very close one.

Mr. CUMMINS. A very close vote. I think the vote was 19 and 17, but there were not more than 2 votes either way.

Mr. WILLIAMS and Mr. SWANSON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Iowa yield; and if so, to whom?

Mr. CUMMINS. Allow me to finish answering the inquiry that was made as to the precedents. There are half a dozen or more precedents in the States in which it has been uni-

formly held that the senate could go forward in the trial of an impeachment case without the presence of the house.

Mr. SWANSON. Mr. President—

Mr. CUMMINS. I yield.

Mr. SWANSON. I understood the Senator to reach the conclusion that the Senate could consent to the House adjourning sine die and continue in session and try the impeachment.

Mr. CUMMINS. I said that is the conclusion we reached.

Mr. SWANSON. If that conclusion was reached, that was under the idea that the Senate could consent for the House to adjourn more than three days under the clause of the Constitution providing for such an adjournment?

Mr. CUMMINS. The Constitution says that neither House shall adjourn for more than three days without the consent of the other.

Mr. SWANSON. I should like, however, to have the Senator consider this matter: The clause in the Constitution reads as follows:

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days.

That implies a session of Congress, not a session of the Senate. It seems to me that when we consent to the adjournment of the House it is no longer a session of Congress. The question would be whether we could give consent for them to adjourn sine die. When the House adjourns sine die, that really means a termination of the session of Congress, it seems to me, because "Congress" means both Houses in session.

Mr. CUMMINS. That point was urged very strongly in our consideration of the matter, and it was believed by the greater number of the members of the committee that if we did not want to try this case at the present time or after our legislative work had been finished, we should then agree upon an adjournment of both the House and the Senate until, say, the middle of November, and reassemble and try the case before the regular session opens in December.

Mr. SWANSON. There would be no question about its being legal if the Senate should consent for the House to adjourn for three weeks and then come back and adjourn sine die when the Senate had completed the trial of the impeachment, would there?

Mr. CUMMINS. There would not be any question about that.

Mr. SWANSON. There would be no question that the Senate could consent that the House should adjourn for three weeks or four weeks and then come back for an adjournment sine die. There would be no question about that procedure being legal, would there?

Mr. CUMMINS. The Senator from Idaho [Mr. BORAH] has just suggested that he has very grave doubts whether the Senate can proceed with the impeachment at all without the constant presence of the House of Representatives.

Mr. SWANSON. As I understood, he said the Senate could not proceed when there was no House here; but the House could adjourn or recess. They would not have to be in session every day when we were here. It seems to me they could take a recess or adjourn for a month as well as they could for one day. If the reverse were true, they would have to sit there continuously while we sat here.

Mr. CUMMINS. The Senator must remember that I do not agree with the Senator from Idaho. I think we have the authority to do just what has been suggested by the Senator from Virginia.

Mr. SWANSON. It seems to me there can be no question about it. We could consent for the House to adjourn for three weeks or a month, and we could proceed to try this case, and then let the House come back for an adjournment sine die. In that event Congress would still be in session, because neither House would have adjourned sine die.

Mr. CUMMINS. One of our difficulties is this; and this is a view that is held, I think, by all of the Senators: We have a great deal of important legislative work to do. There is a notion around the Capitol that we could adjourn or finish our legislative work by the middle of May or by the first of June. I do not share that view of the matter. I think it will take Congress until the middle of June to conclude reasonably and decently the legislative work that it must perform and ought to perform before we enter upon the trial.

Mr. BLEASE. Mr. President—

Mr. CUMMINS. I yield.

Mr. BLEASE. If the House were to stay in session, and just let the Members who are here go into the Chamber and call the House together each day at 12 o'clock, and then adjourn for the want of a quorum day by day, and in that way virtually keep the House in session, does the Senator think that would be sufficient?

Mr. CUMMINS. Of course, often in the past there has been a gentlemen's agreement among the Members of the House by which they adjourned three days at a time, with the understanding that there would be no quorum called for. Just what the House would want to do in that respect I do not know.

Mr. BLEASE. It seems to me that would obviate the objection of the Senator from Idaho, because then the House would really be in session all the time.

Mr. CUMMINS. That is true.

Mr. RANDELL. Mr. President, will the Senator yield for a question?

Mr. CUMMINS. I yield.

Mr. RANDELL. Is there any doubt about the right of Judge English to continue to perform the duties of his office until he is tried?

Mr. CUMMINS. None whatever.

Mr. RANDELL. There is not in my mind. The question was raised, I will state to the Senator, and I thought there was no doubt about it; but I wished to ask the Senator's opinion upon it.

Mr. CUMMINS. He will continue to discharge his duties as judge until after the trial of the impeachment.

Mr. RANDELL. I agree with that view.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield.

Mr. WILLIAMS. Is it not a fact that the only way in which this question can be raised, the only test that could be applied to the propriety and to the conclusiveness of our action, would be in the event of a conviction of Judge English?

Mr. CUMMINS. I can conceive no other way in which to raise the question.

Mr. WILLIAMS. If he should be convicted, then the only question that would arise would be whether or not he would yield peaceably his seat as a judge of the district court for the eastern district of Illinois. What court could pass upon the conclusiveness of the action of this body and the House of Representatives if it had been agreed between them that this was the proper and conclusive method of dealing with this subject?

Mr. CUMMINS. Personally, I have not examined that question. I doubt very much whether Judge English, if convicted and removed from office, could raise that question at all anywhere.

Mr. WILLIAMS. There is no court to which he could go that is supreme to this court, is there?

Mr. CUMMINS. No; that is true.

Mr. NEELY. Mr. President, has the Senator from Iowa sufficient information to enable him to estimate with any degree of accuracy how long it will take to dispose of this impeachment case?

Mr. CUMMINS. I have made some inquiry about that, and it is estimated that it will take from two to three weeks.

At 1 o'clock and 35 minutes p. m. the managers of the impeachment on the part of the House of Representatives appeared at the bar, and their presence was announced by the Assistant Doorkeeper of the Senate.

The VICE PRESIDENT. The Sergeant at Arms will conduct the managers to the seats provided for them.

The managers were conducted to the seats assigned to them in the area in front of the Secretary's desk.

The VICE PRESIDENT. Gentlemen managers, the Senate is now organized for the trial of the impeachment of George W. English, United States district judge for the eastern district of Illinois.

Mr. CUMMINS. Mr. President, I present the order which I send to the desk and ask that it be read, and further ask for its immediate consideration. In this connection I desire to say that it has been customary in former impeachment trials for the Presiding Officer to ask the managers on the part of the House whether the order I am about to suggest is satisfactory to them.

The VICE PRESIDENT. The order will be read.

The Chief Clerk read as follows:

Ordered, That a summons be issued, as required by the Rules of Procedure and Practice in the Senate when sitting for the trial of the impeachment of George W. English, district judge of the United States for the eastern district of Illinois, returnable on the 3d day of May, 1926, at 12.30 p. m.

The VICE PRESIDENT. Gentlemen managers, is the order satisfactory to the managers on the part of the House?

Mr. Manager MICHENER. Mr. President, I am directed by the managers on the part of the House to say to the Senate

that the order proposed by the Senator from Iowa is agreeable to the managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the order.

The order was agreed to.

Mr. CUMMINS. Mr. President, I move that the Senate sitting for the trial of the impeachment adjourn until May 3, at 12.30 p. m.

The motion was agreed to; and (at 1 o'clock and 40 minutes p. m.) the Senate sitting for the trial of the impeachment adjourned until Monday, May 3, 1926, at 12.30 o'clock p. m.

The managers on the part of the House withdrew from the Chamber.

The VICE PRESIDENT. The Senate will return to legislative session.

The VICE PRESIDENT subsequently said: The Chair would suggest that the Senators who are present and who have not been sworn in the matter of the impeachment of Judge George W. English present themselves at the desk and receive the oath.

Mr. LENROOT, Mr. GILLET, Mr. WELLER, Mr. NORBECK, and Mr. FERNIS advanced to the Vice President's desk, and the Vice President administered to them the following oath:

You do, each of you, solemnly swear that in all things appertaining to the trial of the impeachment of George W. English, district judge of the eastern district of Illinois, now pending, you will do impartial justice, according to the Constitution and laws. So help you God.

ITALIAN DEBT SETTLEMENT

The Senate resumed the consideration of the motion of Mr. REED of Missouri to reconsider the vote by which the bill (H. R. 6773) to authorize the settlement of the indebtedness of the Kingdom of Italy to the United States of America was passed.

Mr. REED of Missouri. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	King	Reed, Pa.
Bayard	Frazier	La Follette	Sackett
Bingham	George	Lenroot	Sheppard
Blaise	Gerry	McKellar	Shipstead
Borah	Gillett	McKinley	Smoot
Bratton	Goff	McLean	Stanfield
Broussard	Gooding	McMaster	Steck
Bruce	Greene	McNary	Stephens
Cameron	Hale	Mayfield	Swanson
Copeland	Harrell	Neely	Tammell
Couzens	Harris	Norbeck	Tyson
Cummins	Harrison	Nye	Wadsworth
Curtis	Hedlin	Oddie	Warren
Dale	Howell	Overman	Watson
Dencken	Johnson	Pepper	Weller
Dill	Jones, N. Mex.	Phipps	Wheeler
Edge	Jones, Wash.	Pine	Williams
Fernald	Kendrick	Ransdell	Willis
Ferris	Keyes	Reed, Mo.	

The PRESIDING OFFICER (Mr. FESS in the chair). Seventy-five Senators having answered the roll call, there is a quorum present.

Mr. HOWELL obtained the floor.

Mr. FERNALD. Mr. President, may we not have order in the galleries? The Senator from Nebraska is about to make a very interesting address, and I think we ought to have order.

The PRESIDING OFFICER. The occupants of the galleries must preserve order.

Mr. HOWELL. Mr. President, under the provisions of the Italian debt settlement it is stipulated that some \$2,400,000,000 shall be paid over a period of 62 years, and the payments to be made are represented by 62 bonds, varying in amount from \$5,000,000 to \$79,400,000. These are the bonds which Italy has agreed to hand over to the United States Government when this settlement is ratified. But under Article VII of the agreement that has been recommended by our Debt Commission, Italy—

will issue to the United States at any time, . . . at the request of the Secretary of the Treasury, . . . in exchange for any or all of the bonds issued thereunder . . . definitive engraved bonds in form suitable for sale to the public, in such amounts and denominations as the Secretary of the Treasury . . . may request, in bearer form, with provision for registration as to principal, and . . . in full registered form, and otherwise on the same terms and conditions, as to dates of issue and maturity, rate or rates of interest, if any, exemption from taxes, . . . and the like, as the bonds surrendered on such exchange. . . . Italy agrees . . . also that it will cause to be promulgated all such rules, regulations, and orders as shall be deemed necessary or desirable by the Secretary of the Treasury . . . in order to facilitate the sale of the bonds in the United States, in Italy, or else-

where, and that if requested by the Secretary of the Treasury . . . it will use its good offices to secure the listing of the bonds on such stock exchanges as the Secretary of the Treasury may specify.

Mr. President, I commend the Debt Commission upon the prudence and wisdom of that provision of the settlement. It anticipated, or it was anticipated—and undoubtedly the Debt Commission had in its mind—that it would be highly desirable for the United States Government eventually to relieve the Treasury of these bonds—sell them in Italy or elsewhere, as suggested in this agreement, so that we might be clear, ultimately, of the entire matter. In other words, the 62 bonds which Italy will initially deposit were regarded as nothing but frozen assets, always undesirable from a financial point of view.

The United States Treasury is really not different from a great banking institution, and business principles should govern. We all know there is one thing a great bank looks upon with concern: That is its frozen assets. Therefore every banking institution transforms such paper into available assets if possible, so that it may be utilizable if necessary; and that is what this article 7 provides for. It is the kind of a provision the directors of a bank would insist upon in any debt settlement under similar circumstances. It is wise, it is prudent, and, as I have stated, I commend the Debt Commission upon their course in this connection.

When, however, we come to analyze article 3 of the agreement we discover that, as desirable in the interest of the United States Government as this article is, it is absolutely nullified by article 3. Article 3 provides, as I have stated, that initially Italy shall deposit with the Government of the United States 62 bonds, varying in amounts from \$5,000,000 to \$79,400,000. Then it proceeds to indicate the interest which Italy will pay upon these bonds. Italy is not to pay any interest whatever during the first five years. For the next 10 years—for the 10 years ending in 1940—a thousand dollars of these bonds will net an income of \$1.25 a year. For the next 10 years, ending in 1950, a thousand dollars of these bonds will yield \$2.50 in income per annum. For the next 10 years, \$7.50 per annum. For the next 10 years, \$10 per annum. For the last 7 years, \$20 per annum will be paid upon a thousand dollars of these bonds.

If one should buy such bonds running the entire period of 62 years, say a number of them equivalent to \$100,000, the average income from this \$100,000 investment would be less than \$650 per annum.

In view of these facts is it not evident that these bonds, even if in marketable form, would be utterly unsalable? There can be no question about this. People who make investments of this character do so for income, and the income on \$100,000 during this period would be less than \$650 a year on the average. Therefore the reason why I have stated that, wise as are the provisions of article 7, they are absolutely nullified by article 3. So far as this settlement is concerned, if it is not amended, article 7 might as well be left out of the picture. It means nothing. To that extent these provisions are discreditable to the Foreign Debt Commission. Why was article 7 inserted? Those who want to carp might urge that it was included for the purpose of misleading the public respecting the wisdom and character of the agreement. I do not hold that such is the case. I have expressed my opinion upon the floor of the Senate before respecting this settlement. I think that in some respects it was a routine job, that the commission did not give attention to these details. I can not believe that the Senator from Utah (Mr. SMOOT) consciously approved the inclusion of this article with the intention that it should mean nothing.

Mr. President, whereas the Debt Commission might have proceeded differently and provided more favorable terms of payment, yet notwithstanding the arrangements made and recommended it is possible to adopt an amendment that will afford the people of the United States the benefits that might accrue from article 7 without causing Italy to pay an additional dollar in any year, without changing the payments in any way whatever.

As a consequence I have offered an amendment providing that the payments to be made by Italy shall be in nowise affected, but that the Secretary of the Treasury, as a matter of contractual right, may say to the Government of Italy, "Instead of having bonds issued at one-eighth of 1 per cent we would like to have a lesser amount of bonds issued at a higher rate of interest, which will mean the same thing to you, as you will not have to pay an additional dollar in any year or change your payments in any way." It is wholly possible to do this, and if it is done, if the amendment that I have proposed is

adopted, it might be possible to close this Italian transaction, so far as the Treasury is concerned, within the next 20 years by getting out of our hands all of these securities, something that would be, in my opinion, of tremendous advantage to the United States Government.

Mr. President, I can not imagine what objection there is to making a change of this character. It does not place a greater burden upon Italy. It does not alter her annual payments or the total of her payments. It is simply a business arrangement enabling the Government to change frozen assets into liquid assets. No board of directors of a bank would refuse upon the appeal of one of the directors to make such a change. Why should we say, "No. The Senate must sign on the dotted line." Under the law the agreement must come here for approval, but when it comes we are told that Italy will not consent to a change, that the Debt Commission opposes any change whatever. We must sign on the dotted line as here submitted, irrespective of what our views may be in connection with any details of the settlement. Section 2 of the amendment which I have offered provides for such a change, and in my opinion its adoption is a matter of really great importance.

Mr. President, I will now address myself to section 3. It was necessary for us to issue tax-free bonds or bonds largely tax free in order to raise the enormous sums we loaned during and after the war. Notwithstanding, Italy comes to us and says, "We realize that the money you loaned was secured largely from nontaxable bonds. We have had the benefit of the use of this money without paying interest during all these years. You are now preparing to cancel the debt, merely requiring us to pay 1.1 per cent interest for 62 years. We realize all this; nevertheless you must understand that any of our bonds we give you in payment of that 1.1 per cent interest are to be taxable in our country. We will not give you a bond that if owned by any one of your citizens who happens to be domiciled in Italy will be free of taxation; they will have to pay us taxes thereon. We want you to understand, moreover, that you can not sell one of our bonds in Italy free of our right to tax them. We care not that this money came from bonds nontaxable in the United States and that the people of the United States are making the sacrifices imposed by this debt settlement. You will pay taxes on our bonds if ever you bring them to the shores of Italy." That is what the taxation provision of this agreement implies. Article V provides in part:

The principal and interest on all bonds issued hereunder shall be . . . exempt from . . . all taxes . . . imposed by or under authority of Italy . . . so long as . . . and only so long as "the beneficial ownership is (a) in the Government of the United States or (b) a person, firm, or association neither domiciled nor ordinarily resident in Italy or . . . (c) a corporation not organized under the laws of Italy."

Compare this with the corresponding section in the British-Italian settlement:

The principal and interest on all bonds issued or to be issued hereunder shall be paid without deduction for and shall be exempt from any and all taxes and from public dues present or future imposed by or under authority of the Kingdom of Italy or any political or local taxing authority within the Kingdom of Italy.

There are no such reservations as there are in our settlement. It has been urged here that each British bond amounts to \$22,000,000. One of our bonds will amount to nearly \$80,000,000. The major amounts of our annual payments are deferred, are away at the other end of the scale; hence the greater portion of the bonds afforded will be above \$22,000,000. Why and how did Britain obtain this great advantage?

Mr. President, I have the greatest respect for the ability and perspicacity of British statesmen. They know what they are doing. They handle their government's business just as if it were their own business. They may appear to be moved by sentiment, but when we study British history we find that wherever sentiment appeared it never really interfered. In this matter Britain knew exactly what she was doing. She insisted upon this taxation provision and got it. Our Debt Commission did not insist upon such a provision and they did not get it.

Mr. REED of Missouri. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. HOWELL. I yield.

Mr. REED of Missouri. There is very little use in discussing a question with only half a dozen Senators in the Chamber. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	King
Bayard	Frazier	La Follette
Bingham	George	Lenroot
Blease	Gerry	McKellar
Borah	Gillett	McKinley
Bratton	Goff	McLean
Broussard	Gooding	McMaster
Bruce	Greene	McNary
Cameron	Hale	Mayfield
Copeland	Harrell	Neely
Couzens	Harris	Norbeck
Cummins	Harrison	Nye
Curtis	Heflin	Oddie
Dale	Howell	Overman
Deneen	Johnson	Pepper
Dill	Jones, N. Mex.	Phipps
Edge	Jones, Wash.	Pine
Fernald	Kendrick	Ransdell
Ferris	Keyes	Reed, Mo.

Reed, Pa.
Sackett
Sheppard
Shipstead
Shortridge
Smoot
Stanfield
Stephens
Swanson
Trammell
Tyson
Wadsworth
Warren
Watson
Weller
Wheeler
Williams
Willis

The PRESIDING OFFICER. Seventy-five Senators having answered to their names, a quorum is present.

Mr. HOWELL. Mr. President, to sum up the statements that I have previously made, article 7 of the Italian debt settlement provides that the 62 bonds issued to this Government initially by Italy, varying in amount from \$5,000,000 to about \$80,000,000, may be broken up into marketable bonds of less amounts; but under article 3 of the agreement the maximum that \$100,000 would yield during the last 7 years of the 62-year period is only \$2,000 a year, and the average for \$100,000 invested over the 62-year period is less than \$650 annually. Therefore the "marketable" bonds for which this agreement provides will be utterly unsalable.

What I propose is an amendment that will not alter a payment that is to be made by Italy; that will not increase her obligations in any way whatever; but provides that the Secretary of the Treasury may, with contractual right, ask Italy to issue a less amount of bonds at a higher rate of interest, so that we may transform frozen assets into liquid assets. In short, thus have marketable securities, if desired as provided in article 7 of the agreement but nullified by article 3 through low interest rates, varying from \$10.25 annually for a \$1,000 bond, during the first 10 years after 1930, to an income that never reaches more than \$20 per year for a \$1,000 bond, and that is only during the last 7 years of the 62-year period. The average income from a \$1,000 bond would be less than \$6.50 per year.

That is all the second section of my amendment provides for. It does not propose to increase Italy's burden. It simply gives the Secretary of the Treasury the legal right to ask for a less amount of bonds at higher rates of interest, provided Italy's payments shall not be increased in any year over and above what she has agreed to pay.

The third section added by my amendment affords us the identical provision respecting taxation that is contained in the Italian-British settlement. Mr. President, out of courtesy, the Government of Italy should agree to these changes. Otherwise the Senate is in this position, that it dare not alter this agreement in any way. Here is a proposal that is merely a business detail. It does not increase the burden of Italy but does afford the Government of the United States certain advantages which article 7 was intended to provide but which are nullified by article 3 through the stipulation of these extremely low rates of interest. Therefore it seems to me that the Senate should consider this as a matter of business. Under the provisions of the amendment I have offered it would be possible for the United States Government within 20 years to terminate this whole arrangement with Italy through the sale and distribution of these bonds. So, Mr. President, I sincerely trust that reconsideration may prevail for the purpose, at least, of adopting the amendment which I have proposed.

The PRESIDING OFFICER. The question is on the reconsideration of the vote by which the bill was read the third time and passed.

Mr. NYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Edge	Howell	Norbeck
Bayard	Fernald	Johnson	Nye
Bingham	Ferris	Jones, N. Mex.	Oddie
Blease	Fess	Jones, Wash.	Overman
Borah	Frazier	Kendrick	Pepper
Bratton	George	Keyes	Phipps
Broussard	Gerry	King	Pine
Bruce	Gillett	La Follette	Ransdell
Cameron	Goff	Lenroot	Reed, Mo.
Copeland	Gooding	McKellar	Reed, Pa.
Couzens	Greene	McKinley	Sackett
Cummins	Hale	McLean	Sheppard
Curtis	Harrell	McMaster	Shipstead
Dale	Harris	McNary	Shortridge
Deneen	Harrison	Mayfield	Smoot
Dill	Heflin	Neely	Stanfield

Stephens
Swanson
Trammell

Tyson
Wadsworth
Warren

Watson
Weiler
Wheeler

Williams
Willis

The PRESIDING OFFICER. Seventy-five Senators having answered to their names, a quorum is present.

Mr. REED of Missouri. Mr. President, the Senator from Nebraska [Mr. HOWELL] has presented his views in support of his amendment and I had hoped that somebody would rise to reply; but it seems that this matter is to be treated with silent contempt, I think, on the theory that the less said in defense the better; that the votes are probably here; they have been organized; they are ready to be delivered, and that appeals to reason or to fairness are utterly futile.

I want to say now to the people of the United States—not to the absent Senate, for it is largely absent—that the administration of Calvin Coolidge is as much owned by the great interests of this country and controlled by them as the subordinate of any bank in the United States is controlled by the board of directors of the institution. I am no enemy of capital, for a man who is the enemy of honest dollars honestly acquired is an enemy of the American people. I believe in the protection of every honest dollar there is in the United States. Whether the fortune be great or small, whether the institution be big or little, it is entitled to just treatment by every legislative body and by every officer of the Government; but when capital moves in and takes possession of the Government of the United States it is time for some plain speech.

There has not been a demand made, to my knowledge, by the great financial interests that has not been responded to by this administration with the same subservience, the same cringing attitude that is manifested by a well-trained setter dog when his master orders him to heel. The laws of the United States are violated by the appointment as Secretary of the Treasury of a man who is absolutely barred from that position by the plain letter of the statute, perhaps the wealthiest man in the United States to-day, who, notwithstanding the fact that the statute of the United States provides that no man engaged in trade shall occupy the position of Secretary of the Treasury, was appointed to that great position when he was a director in 68 great banks and trust companies and industrial concerns, embracing every line of human activity from the manufacture of whiskey to the manufacture of aluminum, and from membership in financial syndicates of small character to an enormous if not a controlling interest in some of the great financial institutions of the United States.

In the past we have complained frequently that great, selfish outside interests have exercised too much influence upon the officials of the Government; but in this case the interests do not stand outside exercising an influence. They have moved in and taken possession of the great office of Secretary of the Treasury; and every demand made by the great banks has been acquiesced in, and the Republican Party, with the exception of the insurgent element, has been almost to a man mustered back of all of these measures—some of them abominable, indefensible, infamous—and there are always enough Democrats over here to help out, so that I wonder what the Democratic Party exists for.

This is but one of the steps, but it is a long step, a step that needed 7-league boots to take. We borrow from the American people \$10,000,000,000. We tell the washerwoman at her tub to give of the few dollars that are but the coined sweat wrung from her labor, and to buy these bonds, and that the money will be loaned to foreign countries, and that they will pay us back dollar for dollar, interest for interest, time for time, as our bonds are conditioned. We say to the man at the forge: "Buy! Buy until you have bled yourself white; but we pledge you upon the honor of this great Republic that we will collect back the money we loan to European powers." We say to the minister of the gospel: "Draw from your small earnings a part, and buy, buy, buy, buy until it hurts"—that was the language of the hour—"and when you have bought we will collect back again, so that this great burden will not rest upon our land." We proclaimed it, sirs, in every newspaper of the land. We put it forth from every rostrum and stump. We employed in its advocacy everything from moving-picture actresses, with their charming manners, to the rough-and-ready advocate of the platform.

From the steps of this Capitol Mary Pickford, with her beautiful face and her charming words, urged the American people to buy. Banks called upon their customers to buy, and we practically resorted to coercion to compel the people to yield their hard earnings. While that was going on, and preceding it, the great financial institutions of this country were loaning their money to the European countries engaged in the war. They were loaning that money at enormous discounts and at high rates of interest. More than that, they were en-

gaged in financing manufacturing industries in this country that were selling their goods at high profits to European countries, and some of these banks were participants in those profits; and, as I said this morning in the remarks I was making when I was interrupted by the impeachment proceedings, the moment the battle flags had been furled upon the fields of France, and before our soldiers had been able once more to set foot upon their native soil, the great banks of this country, particularly the great Morgan interests, were demanding that this country should cancel the indebtedness due it from these European countries.

Why were they demanding it? Did they want these countries relieved of this debt? If so, why did they not propose to cancel their indebtedness at the same time they proposed that the country should cancel its indebtedness? They wanted the debt due this Government canceled because they knew that if the debt to us was canceled their debt then would be that much nearer payment. They wanted to exploit Europe, and they are seeking to exploit Europe to-day. In order to carry out their damnable conspiracy it was actually proposed that there should be organized a syndicate of American capitalists who would control the goods that were being sent from this country to Europe, and that a corresponding syndicate should be organized in Europe, and that that European syndicate should have the distribution of the foods and materials sent from this country by the American syndicate. Thus, one syndicate here would control the foreign market of the American people and collect its toll, and the European syndicate would levy its tribute upon the crusts that went between the white lips of the starving people of Europe; and in each case the profit would be taken down, the tribute would be exacted.

Now that that time has passed, that Europe's wounds are healing, that that money is still very necessary in Europe, these financial institutions find there a better market for their money than they can find in America. They are loaning at 7 and 7½ and 8 per cent of interest. They are taking the securities at a discount, according to the best figures I have been given, of about 10 to 15 per cent. They do not propose to cancel those securities. They propose to collect them; and in order to collect them the same gentlemen who formally demanded the entire cancellation of this debt are now demanding that we shall cancel it in part. That is all that this settlement means. It was camouflaged. There was more of an effort made to conceal it than I have ever known to be made before by any set of men representing the American Republic.

They start in blandly with a solemn agreement that Italy shall pay its debt in full. We were told on the floor of the Senate that Italy was to pay its debt in full; that there was no discount of this debt. Yet every man who has studied this proposition knows that what we are getting is one-tenth of 1 per cent of this debt, scattered over a period of 62 years. Back of this subterfuge, in silence, with motionless tongues and dumb lips, but backed by a majority already delivered, and ready to be delivered again, sit the sponsors for this infamy.

What is the pretext? Ability to pay. Ability to pay to-day, sir, does not bar Italy from agreeing not to tax the securities she gives us at this miserable discount. Her present ability to pay is not affected by the fact that in the future she shall not levy a tax greater than the interest she pays us upon these securities if they are held by an Italian citizen.

Why is this proposition being put through? Because every bank that was in favor of canceling the debt in toto wants its canceled by 75 per cent, if they can not get a hundred per cent, because these banks have rallied, through their banking houses, their allies, their confederates, their associates, in the States, who have appealed to Senators. They have not stopped there. They have appealed to the representatives of great corporations they control. Great copper corporations that are owned and controlled by these interests have appealed to Senators. Other great corporations have appealed to them, and Senators are yielding to an appeal in this matter which is the selfish appeal of great institutions that are going to put money in their purses by virtue of the votes that have been cast, and probably will be cast again.

Ability to pay! We discussed that question. What is the ability of Italy to pay? She has substantially doubled her wealth in the last 10 years of time. The onward march of her prosperity is unarrested. Her population is greater than it was before the war. What is her ability to pay? It is not always considered, but it is well to consider the fact that the power of nations to produce wealth, and of peoples to produce wealth, has multiplied in the last quarter of a century five or ten fold.

The farmer of 50 or 60 years ago, with his inadequate machinery, could cultivate but small pieces of land. He could

not get into the market without great difficulty. His productive power was limited. To-day a single farmer, with modern machinery, can produce more than could be produced by an entire family 50 years ago.

Sixty or seventy years ago a mother in her home sat laboriously at a loom, and it took her about all winter to weave the cloth to make a suit or two of clothes for the men or the children of her family. To-day one woman stands in a great factory and supervises from 20 to 30 looms that are turning out thousands of yards daily.

One factory in this country produced 85 fully equipped automobiles in one day of eight hours' work. That was almost equal, perhaps, to all of the carrying capacity of all of the wagons east of the Mississippi River 50 or 75 years ago.

Great highways are built of cement, all of them tending to reduce the cost of production and cost of carriage. The power of the people of the world to produce, I say, has been in 50 years multiplied ten or fifteen times over. So, with that power to produce is the power to create wealth.

We had at the close of the Civil War a debt of a little over \$2,000,000,000, I think. It was a greater debt per capita, measured by the power of production, than the mighty debt we owe to-day. The man who stands here and says that he can look into the future for 62 years and can say that Italy can not pay this debt in full is a false prophet, because he is making a statement he knows nothing about.

Standing on the battle line until 6,000,000 of her people had been destroyed was the great Empire of Russia, and then the spirit of the people broke. They rose in their madness and overthrew the tyrannical government of the czars. They sought to repudiate it in toto, and among other things they said they would not pay the debts of this discredited government, against which they had rebelled and which they had overthrown. Because they said that, because the new Government of the people of Russia said they would not pay the indebtedness incurred by their former masters, by the tyrants who ruled over them, by the creatures who had driven them in hordes into the snows of Siberia to perish, by the creatures who had represented to them government in the form of a Cossack, with a rifle across his saddle and a knout in his hand to be laid across their bleeding backs; because these people said they would not pay the debts of their oppressors, would not pay for the chains that had been forged for their limbs, would not pay for the scaffolds that had been erected for the execution of their fathers, would not pay the money that had been expended in lavish living and for jewels by those whose feet were upon their necks and whose swords were at their hearts—because of that, because they refused to pay, the world said Bolshevism and Russia should be repudiated and never recognized.

They came to this country to buy goods. They brought with them gold. They asked to be permitted to buy goods with the gold. They were turned away, because it was said they were a dishonest government and that they had repudiated their debts. Having done that, being in that very position to-day, we propose to permit Italy to repudiate 75 per cent of the debt she incurred when we gave her the goods and the money to save her from starvation and disaster within the last few years.

Ability to pay! The Senator from North Dakota [Mr. Nye] introduced a resolution. It was received with a quiet, polite senatorial sneer. He proposed to apply the rule of ability to pay to the American farmer. He proposed to say to the American farmer who had borrowed money from this Government, "We will settle with you just as we have settled with Italy. We will settle on the principle of your ability to pay. We will not take your car. We will not take your cow. We will not take your brood sow. We will not take your household goods and sell them," as Uncle Sam is about to do through the farm-loan banks. "We will not foreclose upon your farm." We are not actually taking the goods, wares, and chattels yet, but we will take them on deficiency judgments undoubtedly. "We will settle with you on your ability to pay from year to year."

The resolution was received with a sneer. It would not get three votes in this body. If we are to apply the rule of ability to pay to foreign nations, rich and powerful, ambitious, gathering armies to invade other lands, holding in subjection by the power of the sword other people, why should we not apply it to the American farmer? Why should we not apply it all along the line?

There is a great railroad, the Chicago, Milwaukee & St. Paul, which formed the steel link that united the East and the West. It got into financial difficulty. Its stock, I think, is worth 5 or 6 cents on the dollar. It owes a large amount of money. It has an obligation to pay 6 per cent, and we are exacting the 6 per cent, although that 6 per cent must be paid by the

shippers and travelers of the United States who move over that road, in the last analysis. Is there anybody who proposes to settle with the Milwaukee road on the principle of ability to pay?

What is this spirit that has suddenly come over the Senate of the United States, that we shall yield billions of the people's money to a foreign nation, that we shall cancel this debt, and that the debt shall be canceled for the most autocratic Government that has oppressed this earth in a half century of time?

We entered the war, so we were told, to democratize the world. We entered it, we were told, for the purpose of establishing the liberties of all peoples. We rescued Italy, I repeat, and when I say "we" I mean the Entente Allies. While it is true that there were not many American soldiers in Italy, our boys took their places in the trenches in France so the French and English soldiers could go to Italy.

I am charging nothing, and have charged nothing, against the courage of the Italian people. I have, on the other hand, always defended those people. But I did say that Bolshevism had rotted a portion of the army, and an inquiry into the facts shows it. So we established Italy upon a firm basis. We gave the world to understand, by the lips of President Wilson, by the signed conditions of the treaty of Versailles, by the negotiations that were carried on in the presence of the world, we gave all peoples to understand that when they were incorporated under a new government, their rights would be respected, their language, their religion, their customs, their liberties would be maintained. In spite of that pledge Italy took the Austrian Tyrol.

The Austrian Government as well as the population of south Tyrol, at the time of the annexation and after, frequently protested against the cession. The allied and associated powers stated in reply, at the peace conference, that though the frontiers as laid down by the treaties of peace could not be rectified, the Italian Government intended to pursue to a great extent a liberal policy toward its new subjects of German extraction with regard to their language and their cultural and economic interests.

On September 18, 1919, the Italian general in command in south Tyrol issued a proclamation in which he said that the suppression of foreign languages was not desired by the Italian Government. This assurance, as well as assurances of a similar nature, was frequently repeated.

The Italian Premier, Titoni, stated on September 27, 1919:

The peoples of other nationalities now to become our fellow countrymen should know that we entirely abhor the idea of suppressing these nationalities, and that we will respect their language and cultural institutions.

The King of Italy said at the opening of Parliament in 1919:

Our liberal tradition must show us the way. We shall most loyally respect local autonomous institutions.

Many authoritative statements of a similar kind could be mentioned. May it suffice to quote the Italian Premier, who said, 10 days after the King's speech:

We state emphatically that we acknowledge the right both of Germans as well as of Slavs to the preservation of their language and their culture.

This Italian policy, however, as laid down shortly after the conclusion of the World War, underwent a radical change with a development then inaugurated in Italian domestic affairs with the ascendancy of Fascist rule. Fascism broke all pledges given to the minority nationals in the former Austrian Tyrol at the time of its annexation. A radical program of denationalization was introduced by the dissolution of all non-Italian organizations in south Tyrol, by the seizure of German property, thereby trying to Italianize all Germanic names of families, and, above all, by radical measures in the school systems of education.

Let me refer to a few decrees issued to this effect by the Italian Government.

The Gazzetta Ufficiale of January 15, 1926, published a royal decree of January 10, 1926, No. 17, in which, according to article 1, the families of the Province of Trieste who had German names, the origins of which were possibly Latin or Italian, were forced to change their names to their original forms under penalty of 500 to 3,000 lire. According to article 2 of this decree, every non-Italian name could be changed into an Italian name by decree of the prefect, and according to article 3 of said decree these provisions could be applied to other provinces of Italy; in other words, to the entire Austrian Tyrol.

Another royal decree of January 10, 1926, No. 16, states that the Italian nationality granted to persons owing to their option

according to the peace treaties can be revoked at any time if the national in question has been deemed unworthy of Italian nationality owing to his political attitude. It is expressly added in this decree that the revoking of Italian nationality may also lead to the seizure of his entire property.

A royal decree issued on January 26, 1926, forbids the teaching of German in the schools of the south Tyrol, a measure of the most far-reaching consequences in view of the fact that the children of that region learn nothing but German at home before they go to school.

A circular letter of November 27, 1925, addressed by the prefect of Trieste to the subprefects of Bozen, Meran, Brixen, Bruneck, and Cavalese goes to show how far the measures of the Italian Government regarding denationalization go, for by this letter the prefect orders that strict vigilance be kept over all private German schools, and especially over all teachers of German extraction, empowering the prefects, in order to achieve their aims of suppression of the German language, to use militia forces for the arrest of those considered guilty.

In view of all these measures, it is interesting to see the point of view taken by Italy with regard to her own minorities, such as still exist in Yugoslavia. Italy succeeded in obtaining from Yugoslavia a policy with regard to minorities laid out in conformity with Italian wishes in that respect. By a decree of September 24, 1923, this question is settled in detail, and Yugoslavia has given the Italians in her territory all possibilities of free development and entire liberty with regard to the use of their language, their associations, and their public meetings. The Italians are given the right to have schools of their own and teach the Italian language in Yugoslavia. Thus Italy has succeeded in realizing her demands on Yugoslavia with regard to her minorities—demands which are so much in contradiction to the policy she pursues as regards German minorities in the former Austrian Tyrol, and demands which are even more in contradiction to the promise given these minorities shortly after their territories were annexed on the conclusion of peace.

Mr. President, it is said that we can not collect this debt. I say we can. But we will never collect it so long as we are represented by men who want to give it away. How will we collect it? In the first place, sir, until Italy settles this debt Italy's credit is ruined, and Italy knows it. The trouble with the French franc to-day is not the balancing of the French budget but the fact that France is holding back and declining to meet her just obligations. Every man who invests money knows that he will not loan that money to a man who has repudiated his note at the bank or who has stopped payment upon his check justly given. No such man can borrow money unless he is able to deposit collateral back of the loan. No nation can repudiate its international obligations in dollars and cents and ever hope to establish its credit, and every man who is acquainted with matters of national finance knows that.

Great Britain came and settled. I am not going to say that Great Britain did it in order to reestablish her credit, for while I have criticized Great Britain many times upon this floor, there is this about an Englishman, that he does have regard for his obligations. There is this about the British Government, that in the long run of her history, with debts constantly increasing, Great Britain nevertheless has made her obligations good. She drove, I thought, a rather hard bargain with us. We yielded in some respects in which we ought not to have yielded. Nevertheless she did agree to pay us in full and agreed to pay an interest that was not outrageous and ridiculous.

But there was another reason, of course, in every English statesman's heart. He knew that when Great Britain had settled its debt, when she had said to all the world "The British Empire keeps faith," when she had signed on the dotted line and said, "We propose to do everything that is honorable in this matter," she knew that British credit would be sustained and strengthened throughout the world.

What has been the lesson? Although Great Britain suffered terribly in the war, although she is one of few countries that has not increased her population since the war, although she has a vast amount of unemployment, nevertheless the British credit stands almost to the apex and British exchange is equal in value of exchange to the dollar and rapidly crowding us for first position. Great Britain, if she ever again engages in a war and needs to borrow money, can on the credit of a faith well maintained come to America or go anywhere in the world and borrow that money. But will Italy ever be allowed to borrow any money in this country if she makes this settlement? Not while this generation lives, not while the memory of this infamy exists, not until repudiation has become a matter of honor and refusal to pay is certificate of honesty.

France must pay her debt. If we stand fast before she makes that settlement, I say to the Senator from Utah that if France says she can not pay, ask her to turn over to America the islands in the West Indies which command the control of the Panama Canal, islands that are of no financial benefit to her, but are of infinite value to us as a matter of defense. The credit of France is ruined, because France has repudiated up to this time to all intents and purposes her obligations to this country, because her papers and her public men have been declaring that France never ought to be asked to pay a dollar, although her name is on a paper promising solemnly upon the honor of the French Republic that she will pay. That is one way we can collect the debt. There is another way to collect it that I do not care to discuss on the floor of the Senate in open session.

What we need is a man as President, a man as Secretary of the Treasury, who is thinking about the American people and not about the bankers of New York and the bankers of Berlin and London. We are going to have that kind of man some day, but in the meantime when we are confronted with this situation Italy will hand us a contract in which we are told that we must accept 23 to 25 cents on the dollar, and they say, "What are you going to do about that?"

When that is handed to that future President who has a little red American blood in his veins and who will not be controlled by Wall Street, I hope the names of the Senators who put this black infamy upon our Republic, who robbed a helpless people who have never had a chance to express their opinions, will be handed along with the document.

Now, Mr. President, I am ready that Senators who favor this debt settlement with Italy shall vote on this question. They may consummate this infamy; they may refuse to reconsider the vote whereby the bill was passed for the purpose of making a change that can not be objected to by any reasonable man. They may ride in their party car, driven by the great financial interests, filled with the admiring throng of Republican Senators, with a few Democrats riding on the tail end.

I desire to say nothing unpleasant, but this debt settlement can not be justified in reason; it can not be justified in good conscience. The American people have never had an opportunity to pass upon it. Let it be brought in here after the next election. I challenge, I dare any man to postpone this measure until after that time. Then I challenge and dare any candidate to go before his people and say, "I am going to settle the Italian debt for from 23 to 25 cents on the dollar; I am going to extend its payment for 62 years, with annual payments of 1.1 per cent, and at the end of the 62 years the debt itself is to be wiped out. I am going to do this for the Government of Mussolini and for the people who permit him to sit there as a monstrous blot upon modern civilization, as a denial of every doctrine which we announced during the World War, as a repudiation of everything in the nature of freedom or democracy, as an insult to modern intelligence and modern civilization. I am going to do that." Do it in the State of Maine, if you dare; do it in the State of California, if you dare; do it in Oklahoma, if you dare; do it in any State of this Union. I can take a yellow dog with an honest record and beat any man who dares to make such an announcement to his people.

What thanks are we getting for all this? In France the name of America is hissed by every audience in every theater. In France the greatest newspaper of Paris only last week declared that they ought to make American tourists pay in gold; that thus they would pay five times as much as anybody else had to pay for food and lodging and whatever else they purchased; and that that would be only a just and proper way to treat these "pigs of Americans." They also complained bitterly that we were over there eating them out of house and home, eating the food that they might have, although we are paying a price they fix and giving them American gold for it, for while an American buys in francs over there he has to pay his gold in exchange for the francs or give them American exchange for the franc, which is the same as gold. Those are the thanks we get.

They received our boys with flowers and with kisses and with cheers, but now they hiss at us and spit upon us. There is to-day more good feeling for America, I apprehend, in Germany than there is in France. This is our experience. Give these foreigners a discount of 75 per cent and they will hate us just as badly for making them pay the 25 per cent as if we asked them for the whole amount. Give them a period of 62 years in which to pay and that means a period of 62 years in which they will hate us because they have to pay. The more we concede the more unreasonable will be their demands.

In the meantime their armed bodies are forming. Their "master's voice" is the voice of tyranny. His black shadow falls across the sunlit plains where peace has been once more established. The rattle of his sword is a discordant note in the restored harmony of the world. His credit will be established; his honor will be increased; his power will be magnified when his representative can report back that he has brought the great American Republic to its knees and has compelled it to settle for 25 cents on the dollar.

Senators may smile and smile. I hold no brief of threat; we all must vote our judgment; but since we are engaged in prophesying, let me prophesy. Since the members of this commission project their seerlike minds 62 years into the future, and say that for all that time Italy can not pay, may I be guilty of the temerity of saying that when the American people understand this settlement there will be a reckoning, and so far as I am concerned I am willing the reckoning shall be charged against Democrats as well as Republicans.

This is altogether the biggest steal in all history. At no other time was it proposed to give away a thousand million dollars by the votes of men who are voting away the money of the people instead of their own money.

What this country needs, sir, is a political upheaval. It needs a storm, and the storm will come. It will be a storm of ballots; it will be a peaceful revolution, if you please, but it will be accompanied, in my judgment, by indignation. It needs a storm that will take the deadwood that has been floated in here on political streams and cast it out of the waters. It needs a storm that will awaken the conscience of the American people to the betrayals that are being daily perpetrated upon them. It needs a storm that will clear the atmosphere so that the people on the Pacific coast as well as the people in the near vicinity may see how the hand of the New York financiers is reaching over and directing the affairs of this great Republic. I repeat, I am not enemy of honest capital; I believe in the protection of money; but, sir, whenever a country comes under the domination of money—not of men—when the clink of the dollar can be heard above the voices of the people—when a country reaches that condition nothing but a political storm and revolution will change the situation.

I do not hesitate to turn to my Democratic associates and to ask them again, as I have asked them on previous occasions, what is the Democratic Party here for? To join in all of these nefarious schemes? To unite with Mr. Mellon in all of his demands? Some days ago I heard my secretary, Mr. Hicklin Yates, define the modern Democrat. He said he was a man who worshiped at the shrine of Woodrow Wilson and voted with Andrew Mellon. [Laughter.]

We united with those across the aisle on a tax bill and abandoned the policy we had advocated here for years. If the Democrats had stood solid, there were enough insurgent Republican votes to have carried the day and have written the tax bill. We formed a coalition with the Republicans, and when Democrats coalesce with the hard-boiled element of the Republican Party they simply go into its digestive apparatus and they do not even disturb its stomach, for a Republican stomach can digest anything that has ever been produced in heaven above, the earth beneath, or the waters under the earth. [Laughter.]

I compliment them in one sense. They do have a policy; they do know what they are going to undertake. Even if it is a buccaneering expedition, it is well organized, and when they get through with the one they are on they have another one ready before the stupid Democrats over here find out what happens to them. [Laughter.]

We get up here on the floor of the Senate and stick pins in them. We deliver homilies about the President riding a hobby horse. That is the most innocent thing he ever did in his life and the most commendable. [Laughter.]

We make some flamboyant speeches here about Thomas Jefferson, the great principles of Thomas Jefferson; but Thomas Jefferson never wrote a law in all his life that was not a law granting greater liberties to the people. Every time his pen touched paper it was to declare once more for the old liberties and to demand new ones. The Bill of Rights, which sprang principally from his brain, was altogether a declaration of rights for the people. The statute of religious liberty was a declaration in favor of the right of man to worship and to think, to go to church or to stay away from church, to live under the bending skies of God and walk around like a man, each a sovereign, each man master of himself, each man restrained from interfering with the rights of his fellowman. But over here we can sit down with our little hammers and we can forge a little chain here; we can put a restriction there; we can get an-

other padlock to place upon human rights; we can set up organizations to invade the home, to place their unholy hands upon the brow of motherhood. We can hear it advocated that the constabulary have the right to enter every home of the land if some ruffian bearing the badge of the Government sees fit to say he thinks there is beer in that house. We can hear the statement made by Senators that men who violate a law that is purely a *malum prohibitum* law, having no relation whatever to those things that are naturally called crimes, ought to be executed. The man who will talk about executing another man for making a bottle of beer is as much worse than the man who made the bottle of beer as murder is worse than making beer; and you can not sanctify murder, sir, by having a few gentlemen down in Congress say, "Be it enacted."

We talk about Thomas Jefferson, and we repudiate him in every breath. What is our policy to-day? Our policy chiefly is to find out where Andrew W. Mellon is going, and then fall in in an ignominious position at the tail end of the procession. No wonder the people of this country repudiate the Democratic Party! No wonder the only part of the country we hold is the solid South; and we would not hold the solid South to-day if it were not for the race question in the South.

I appeal to Democrats here to awaken to their duty to guard this country; for, with a Republican majority, the Lord God of Hosts knows that the country needs guardians constantly on watch, needs men in the towers, with ceaseless vigilance, to protect the rights of the American people. We have nothing of that kind to-day. We have not any more concert of action or continuity of purpose than a lot of chickens in a barnyard when an owl comes sailing across the sky.

This measure could have been beaten. If the Democratic Party had stood solidly there were enough votes on the other side of the Chamber to have defeated this measure; but the regular over there heard his master's voice. He wanted to have somebody appointed a United States marshal or a revenue collector or to fill some other job, and the word came down from the White House to all of these people: "Line up! Keep in line with Calvin Coolidge!" Not "Keep in line with the right"; not "Keep in line with justice"; not "Keep in line with the principles of equity and good conscience"; but "Keep in line with Calvin Coolidge! If you do not, you know you have not got those appointments yet out in your State." So they trekked in and took the regular, old-fashioned Republican lock step, hand on the shoulder, and lifting the left leg at the same time; and some day, when our vision has been improved by some wonderful invention as our ears have been improved by the radio, we will be able to observe the stripes upon the lock-step crowd that we can not see now with our dull eyes.

But over here what a crowd we are! I can admire efficiency, even if it is the efficiency of a highwayman or a bootlegger, each of them about equally contemptible; but I hold in immeasurable and unutterable contempt a body that is supposed to be an organization and that has no policy. If we do not rectify our conduct we ought to adjourn sine die and let some respectable organization come into the field that has some other policy than the mere reelection to their seats of the particular gentlemen now in office.

But coming back to this loan business, as nearly as I can make out, for this great act of national generosity and kindness extended in the hour of direst need, for this act that put food in the stomachs of the people of France and of Italy, for this act that put clothing upon their backs and shoes upon their feet, for this act that put arms in their hands and munitions in their belts, for this act that helped to stop the invading armies of Germany as they swept on into Italy and on into France, we receive their hatreds and their maledictions; and I can not help recurring to the wisdom of the philosophy of Shakespeare:

Neither a borrower nor a lender be,
For loan oft loses both itself and friend,
And borrowing dulls the edge of husbandry.
This above all: To thine own self be true,
And it must follow, as the night the day,
Thou canst not then be false to any man.

I commend the last line to the American Senate, and I send my condolences to a country helpless while the robbery is done.

Mr. HARRISON. Mr. President, if some one on the other side of this proposition desires to discuss it, I shall not impose myself upon the Senate at this time; but I suppose they are going to follow the usual custom of saying nothing.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. HARRISON. I yield to the Senator.

Mr. WILLIAMS. It is not the purpose of the junior Senator from Missouri to say nothing. I shall have something to say.

Mr. HARRISON. The Senator can proceed then.

Mr. WILLIAMS. Mr. President, it is quite true that "borrowing dulls the edge of husbandry" and "lending often loseth both itself and friend"; and it may well be that during a period of 62 years the relation of creditor and debtor that exists between the United States of America and the Kingdom of Italy may breed and continue to breed feelings of animosity and ill-will. It is always so, Mr. President. Relations of creditor and debtor are never desirable, especially between nations.

A trading with the enemy act was enacted by the Congress of the United States and under that act actually, previously to the declaration of war by the United States, during the period of war after the armistice, money was shoveled out of the Treasury of the United States to these foreign countries without reference to their capacity to pay, without reference to its being a good loan or not. It was done in the case of Italy. The laws were not observed, and the Secretary of the Treasury of the United States, for reasons which seem to me to be specious and not good, loaned \$1,642,000,000 to the Government of Italy when it did not appear that that Government was worthy of that loan, that she had the capacity to pay, or that the debt would ever be returned. Just why the Secretary of the Treasury, Mr. McAdoo, made those loans under those circumstances in violation of the laws that had been passed and of the terms under which the acknowledgments for those loans were to be taken does not appear.

Mr. President, the patron saint of our country is George Washington. The next great saint of our country is Abraham Lincoln. A golden thread of political thought and political philosophy runs from George Washington squarely through John Marshall, Webster, and Clay to Lincoln; and it survives, I trust, unto this good day.

The Republican Party does stand for something. It does represent great principles of government. It has a definite philosophy. Regardless of what its plans may be as to policies now or hereafter, there are underlying principles which can be stated, fundamentals of faith; and the creed of the Republican Party is neither hard to find nor difficult to defend.

We believe in the indivisibility of the citizenship of all the people of the United States. We believe in the right of every citizen in the United States to life, liberty, property, and the pursuit of happiness. We believe that we belong to a party which has the capacity and is worthy to conduct the affairs of the Government of the United States under the Constitution of the United States and under the leadership of Calvin Coolidge.

I do not see that that has a tremendous amount to do with the particular problem that presents itself to us to-day. There is no man in the Senate more versed, more apt, more wonderful in the powers of oratory and the powers of argument than my colleague from Missouri [Mr. REED]. He belongs to one party; I belong to another. He is proud of the heritage which he possesses as coming from Thomas Jefferson. I am just as proud of the heritage that I claim comes from Washington and from John Marshall.

The question here to-day is the question of the reconsideration of the vote by which we adopted the Italian debt settlement. The question was raised at the last hour. The vote was to be taken on Wednesday at 4 o'clock. When the bell rang at 4 o'clock, the junior Senator from Nebraska [Mr. HOWELL] proposed an amendment. That amendment went to the third, fifth, and seventh clauses of our settlement with Italy. I felt at that time that time was not of the essence of our settlement with Italy. Inasmuch as we receive but \$5,000,000 per year for a period of five years without interest, it did not occur to me that time would make so much difference. My understanding was that the Senator from Nebraska had introduced an amendment to the plan, which permitted the bonds which we are to receive under this settlement to be sold, maybe in Italy; and if sold there, that the effect of such a sale of those bonds in Italy to the Italian people might result in a value for those bonds which they would not have if the rights of the Italian people to invest in those bonds were foreclosed by the provisions of the pending settlement.

I therefore voted for the amendment as offered by the Senator from Nebraska [Mr. HOWELL]. That, it seems to me, is the one question pending in this case to-day. My understanding is—and I get it from the Senator from Nebraska—that his amendment is an exact copy of the provision under which similar bonds received by the British Government from Italy on its settlement with Italy bear in the agreement made between the English and the Italian Governments. It reads as follows:

The principal and interest of all bonds issued or to be issued hereunder shall be paid without deduction for, and shall be exempt from any and all taxes and other public dues, present or future, imposed by or under authority of the Kingdom of Italy or any political or local taxing authority within the Kingdom of Italy.

The Senator from Nebraska has explained his amendment. It has been expatiated on somewhat at length by my colleague, the senior Senator from Missouri [Mr. REED]. I have heard no statement from the chairman of the Finance Committee as to whether or not the provisions contained in the pending agreement between this Government and Italy are there by design, and are intended to foreclose the purchase of these securities in Italy by the citizens of Italy.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. SMOOT. There is no such intention, and I will say to the Senator that the exact words contained in this settlement have been in every settlement that has been made with any foreign country.

If the Senator will be further patient with me, I want to say that in the English settlement with Italy the following is incorporated:

1. Italy agrees to pay, and Great Britain to accept, in satisfaction of the aforesaid war debt, the following annuities:

In respect of the current financial year, £2,000,000.

In respect of the next two financial years, £4,000,000 a year.

In respect of the next four financial years, £4,250,000 a year.

In respect of succeeding financial years, until 1986-87, £4,500,000 a year.

In respect of the financial year 1987-88, £2,250,000.

The above payments will be made in sterling at the Bank of England, London, on the 15th March, 1926, and thereafter in equal half-yearly installments on the 15th September and 15th March of each year, so that the last payment will be made on the 15th September, 1987.

Now—

2. Italy will issue and deliver to the British treasury on or before the 20th February, 1926, a bond substantially in the form set out in the annex to this agreement in respect of each of the payments provided for in article 1 of this agreement.

3. The payments due under all bonds issued in accordance with this agreement shall be made without deduction for, and shall be exempt from any and all taxes and other public dues, present or future, imposed by or under authority of Italy or any political or local taxing authority within Italy.

That is because of the fact that there is no interest whatever on the annuities. It is an annuity plan, pure and simple. Our settlement is not an annuity plan. Our settlement is so much upon the principal, and so much interest. Not only that, but there is a provision in our settlement that those annual payments shall be given in a bond, first, for each of the payments, but we reserve the right to call upon Italy at any time and have them issue those bonds in just the denominations that we may demand. The provision to which the Senator has referred is in the exact words used in the English settlement and in every settlement we have made.

Mr. WILLIAMS. The Senator means in the exact words of the settlement between America and England?

Mr. SMOOT. Yes.

Mr. REED of Missouri. That is the only resemblance between the settlement made with America and that made with England, is it not?

Mr. SMOOT. There is not a resemblance, because the settlement with England is 39 per cent better for Italy than is ours. That can be demonstrated—I stated that before—and I can prove it to the Senate.

Mr. WILLIAMS. I understand that the Senator from Utah stated the other day, in answer to a question put to him by the Senator from Michigan, that the bonds had been taken in denominations indicated in the various yearly payments, beginning at \$5,000,000 and ending at \$80,000,000, or whatever the amount was; that they had been taken in those denominations so as to prevent, if possible, the negotiation of those bonds among small holders in America, and thus prevent causes of irritation raised by our citizens for the nonpayment of the bonds. I thought that was a very good answer to the question put by the Senator from Michigan.

Mr. SMOOT. I want to say again, for the information of the Senator and of the Senate, that the bonds that are to be issued by the Italian Government to Britain remain in the vaults of the British Government. That is the only place they will ever go. Under the arrangement we have with them we can have the bonds issued in different denominations, if we desire, as I have stated.

Mr. WILLIAMS. Exactly; they are susceptible of change.

Mr. SMOOT. They are susceptible of change.

Mr. WILLIAMS. Or they are susceptible of conversion into bonds of smaller denominations?

Mr. SMOOT. They are.

Mr. WILLIAMS. It was because the Senator from Nebraska had had no opportunity to give us his views with respect to the amendment he offered that I was in favor of a reconsideration of the vote. It gave us an opportunity to go into that phase of the case.

Mr. SMOOT. In brief, the amendment of the Senator from Nebraska means this: Suppose we had a thousand-dollar bond. The Senator wants that bond reduced in value, I suppose, in the same amount the debt had been reduced, or 26 per cent of that amount, and then that to draw a rate of interest, and sold to a man anywhere in the country.

Mr. WILLIAMS. There is a good mathematical way of doing that.

Mr. SMOOT. Certainly; but I want to ask the Senator this: How on earth are we ever going to be able to sell those bonds to Italian citizens when Italy to-day is suffering from lack of funds? If we did undertake to sell the bonds in Italy, how many could we sell? If we did succeed in selling any, what would it mean? It would mean that it would to that extent interfere with Italy's ability to pay us what she has contracted to pay.

Mr. WILLIAMS. As I understand the Senator from Nebraska, however, the present plan—the plan undertaken in the present agreement—precludes the possibility of selling the bonds in Italy, except under penalty of having them taxed in Italy.

Mr. SMOOT. In other words, if they are sold there, Italy can impose a tax on them if she desires to do so, under the Italian laws, just as England can do under the existing arrangements we have with England. There is not a particle of difference.

Mr. REED of Missouri. Mr. President, why does the Senator compare this with the British settlement? Why does he pick out one clause in the British settlement which, he tells us, does not exempt England's bonds to us from taxation in Great Britain and use that as an illustration of the wisdom of this settlement, when all the rest of the British settlement is so radically different, when England's bonds are, first, marketable all around the world, and when, second, England proposes to pay us dollar for dollar, at a low rate of interest, but, nevertheless, to pay us? Then the Italian settlement was written, under which they are to pay about 23 cents on the dollar; and I question whether we could sell the bonds at 10 cents to-day if we had them. The Senator says because there was a favorable clause in the British settlement we ought to put that in the Italian settlement, but we are not going to put into the Italian settlement the good propositions that are contained in the English settlement.

Mr. SMOOT. Mr. President, the question as to the difference was raised, and I answered that. But I will say to the Senator from Missouri that the settlement we have made with Italy is a 39 per cent better settlement, as far as dollars and cents are concerned, than the settlement England made with Italy.

Mr. REED of Missouri. Certainly it is 39 per cent; and because it is 39 per cent better for us the Senator says we ought to put in the Italian settlement this clause, which makes our bonds worthless in Italy.

Mr. SMOOT. No; it does not make them worthless in Italy. It simply is a clause that has been in every settlement we have made, not only with Great Britain but every country with which we have settled.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. SMOOT. Certainly.

Mr. HARRISON. The Senator gives these figures as a settlement favorable to Great Britain or favorable to us because of the present value of the settlement. Is not that true?

Mr. SMOOT. Will the Senator state that again?

Mr. HARRISON. The Senator said that our settlement is more favorable than the settlement between Italy and Great Britain?

Mr. SMOOT. Yes.

Mr. HARRISON. That is true on the valuation of the present worth. That is what the Senator based it on, is it not?

Mr. SMOOT. Comparisons were based upon that situation.

Mr. HARRISON. The Senator realizes that the English settlement is better than the American settlement, because England gets \$113,000,000 during the first 10 years more than we get. In other words, they want to collect all their money in the beginning of the settlement, and we wait 62 years from now to get ours.

Mr. SMOOT. That is a matter that has been discussed. It is a question of policy. It is a question of ability to pay on the part of Italy.

Mr. HARRISON. The Senator thought the wise and economic policy was to let Great Britain have their money in the beginning and we should collect ours 50 or 60 years from now?

Mr. SMOOT. They pay for it, I will say to the Senator.

Mr. HARRISON. They pay for it?

Mr. SMOOT. Yes.

Mr. HARRISON. Here is an article in the morning Herald which says:

France is going to agree to the same settlement because they believe America will cancel the debt in a few years.

Mr. SMOOT. If the Senator believes everything that he sees in the papers as reported by somebody who has no knowledge whatever and can get no better information than anyone else, he is relying upon information which would never enable us to get a settlement. We never would know what they could do even a year hence based on such information. I would like to have some evidence before I would take a clipping from some newspaper as to what they can do.

Mr. HARRISON. Let me read just what the New York Herald said. The Senator may say there is nothing in these reports, but I have not yet found, where every newspaper syndicate carries the same story and all written along the same line, that they are generally wrong. They get these things from somewhere, and every press service in the country carried the story last night. In the New York Herald-Tribune was this article written by Mr. Carter Field, and he is pretty close to the White House and pretty close to the Treasury Department here.

It is known also that the willingness of the French to agree to such heavy payments later on is based to a considerable extent upon the belief that these payments will never have to be made. They are confident that this country will have a change of heart which will result in a forgiving of the debt long before the payments have reached their peak.

The difference between the English settlement and the Italian settlement was that the English tried to get all they could in the beginning. We let them have it, too. In addition to that, Great Britain received \$110,000,000 in gold since 1915 from Italy and retains it. It is there for England to use.

Mr. SMOOT. I could give the Senator some information about it again, but there is no necessity for it.

Mr. HARRISON. I hope some day the Senator will give it.

Mr. SMOOT. There is no necessity for it in this discussion.

Mr. HARRISON. I know, because the Senator has the votes to pass the bill.

Mr. SMOOT. No; that is not what the Senator said.

Mr. HOWELL. Mr. President, the distinguished Senator from Utah made the statement that Britain is to receive an annuity. Certainly that does not mean that it is any more of an annuity than what we are to receive. In one sense of the word an annuity is an equal payment over a period of years. That is not the case with Great Britain. The first payment to Great Britain is about \$14,000,000. It then jumps to \$24,000,000, and it then varies down until the final payment is about \$10,000,000.

Mr. SMOOT. But the agreement itself says it is an annuity. The agreement says in plain language:

Italy agrees to pay and Great Britain to accept in satisfaction of the aforesaid war debt the following annuities.

Mr. HOWELL. Very well. We now have a definition and know when payments are annuities. I hold in my hand a statement from the Treasury Department of the United States that gives the amount of payments made annually by Italy with no reference to interest. They are \$5,000,000 to begin with, and it gives the total payment for the last year as \$80,988,000. Each of these payments is exactly as much of an annuity as the payments to be made to Great Britain by Italy.

The distinguished Senator from Utah stated that these bonds were to remain in the British Treasury. These bonds contain the same provision that our bonds have—it is identical—"payable to Great Britain or order." The 62 bonds which we receive are payable to the United States or order. There is no more reason to urge that these bonds will remain in the British Treasury than that our bonds will necessarily remain in our Treasury. They are assignable in each case. They are not made payable to Great Britain only. They are assignable and so are our bonds. There is no difference.

Furthermore, as to the sale of these bonds in Italy, the Debt Commission, of which the distinguished Senator from Utah

is a member, has provided as follows in article 7 of the agreement:

In order to facilitate the sale of the bonds in the United States, in Italy, and elsewhere, * * * Italy "will use its good offices to secure the listing of the bonds on such stock exchanges as the Secretary of the Treasury * * * may specify."

The Debt Commission had in mind the sale of these bonds in Italy. It inserted in the agreement the provision I have read, and yet the Senator has said that there was no such idea in mind. What is the meaning of this agreement? It seems to mean one thing at one time and another thing at other times. They included in the agreement a provision contemplating the sale of these bonds in Italy, and then what? They insert a taxable provision that will make it impossible to sell the bonds in Italy.

Mr. President, article 7 is absolutely rendered ineffective by article 3 of the agreement. There is no question but that according to the terms of the settlement it points to a purpose of providing for the sale of bonds in Italy, but after this had been taken care of then they put in a provision that will prevent such sales. That is the trouble with the settlement. I can not believe that the members of the Debt Commission understood the agreement—what the agreement meant—any more than they realized that the settlement really provides for the payment of but 1.1 per cent interest for 62 years and then the cancellation of the debt—\$2,150,151,000—at the end of the period.

Mr. REED of Missouri. Mr. President, I want to say just a word. A distinction is drawn between an annuity and the kind of payments we get. We have had a lot of cavilling about terms. What difference does it make or would it make if it were the fact that Italy had said, "We will pay the United States an annuity of \$5,000,000 a year" or "We will pay the United States in interest and principal \$5,000,000 a year." What would be the difference? It would be \$5,000,000 in our pocket in either event, and the name under which we got it would not make much difference to the gentlemen in the United States if Italy had the money to take up its obligations. That sort of argument is puerile.

Mr. HARRISON. Mr. President, the vote day before yesterday on this resolution carried "glad tidings of good news" to at least two places in the world. One was Rome, and the other was the administrative offices here in Washington. We have not seen the glare from any bonfires celebrating it out in the Middle West. We have not read in the papers where the people were thrilled in any other part of the country.

I read from yesterday afternoon's Washington Star an item carried by the Associated Press from Rome, merely in order that the Record may be brightened through the ages by this article and in order that posterity may know how the Senate's action was received by Mussolini and Fascists in Italy. I do not read it with the hope that it might change any votes here, because I know the sails are set and the wind is full. All conditions are favorable to carry this ratification by a majority as it was carried day before yesterday:

Rome, April 22.—Ratification of the Italian war debt settlement by the United States Senate brings warm expressions of gratification from high governmental officials. Premier Mussolini, after reading the first bulletin last evening, said, "I am most happy to hear the news."

To-day similar expressions came from Finance Minister Count Volpi, who headed the debt mission to Washington, and Dino Grandi, the undersecretary for foreign affairs. Count Volpi asked the Associated Press to send his "grateful greetings to the American Government—

Not to the American people, but he sends his grateful greetings to the American Government—

who sustained with such firmness and loyalty the agreed settlement."

I do not know to whom he was referring when he used the term "loyalty." It must be loyalty to Italy, certainly not loyalty to the American taxpayer. He said further:

"Indeed," he added, "I wish to send the same greetings to all those Senators who participated in the long discussion with such fervid friendship toward our country. On the other hand, I prefer to forget some of the unjust speeches pronounced in the American Senate, because I attribute them to inexact knowledge of the Italian situation."

He further explained this thought by saying emphatically, "Italy lives in a régime of liberty, tranquillity, and work such as she never experienced before."

During the long and often painful discussion in the American Senate—

Why he snatched the word "painful" to express his ideas, I do not know, but he used the term.

During the long and often painful discussion in the American Senate I considered my duty as a member of the government signatory to the agreement to maintain the greatest reserve, but now that the agreement is ratified with a noteworthy majority, and now that the American people have given new proof of acknowledging that the agreement is an equitable transaction—

He is mistaken about that. The American people have not given their acknowledgment to this settlement. It is left to be seen in November what they have to say about it. Some Senators had better get busy reading what has been said in the Senate—they do not stay in the Senate to listen to it—so that they may explain to their constituents in the coming campaign their favoritism and friendship toward Italy as against taxpayers of America—

thus pronouncing a new word of sympathy and friendship toward the Italian people, I feel free to say how much we appreciate all this and how satisfied I am. Ratification of the agreement has great significance not only for the relations between America and Italy, but also for European relations in general.

Signor Grandi, speaking for the Italian Government, said: "We are deeply touched by the declarations made by Secretary Mellon after the ratification."

Secretary Mellon gave out an interview; he expressed himself as delighted that the Senate had ratified this agreement; but Italy need not mistake the expressions and views of the Secretary of the Treasury as being the views of the American people—

Signor Grandi, speaking for the Italian Government, said: "We are deeply touched by the declarations made by Secretary Mellon after the ratification. Coming from a representative of the executive branch of the United States Government, they are particularly significant and welcome."

"By Premier Mussolini's instructions"—

"By Premier Mussolini's instructions"—

"they will have wide diffusion in the press of the entire Nation and will serve to strengthen the already firm ties of cordial friendship between the two nations."

He is going to scatter them out everywhere through Italy, and it may be that they will be scattered broadcast over here—

Ratification of the debt accord is considered by the Italian Government as a moral and political victory for Fascism, according to foreign office spokesman. Italy, he pointed out, had regarded the accord as a purely financial matter until, during the last few months both in the senatorial discussion and the comments of certain sections of the American press, the political aspect of the question was brought to the fore.

It became a struggle between Fascism and anti-Fascism—between so-called democracy and dictatorship, Signor Grandi said.

Let me read that again to the Senator from Utah and to those Senators who on the roll call the other day voted for the ratification of this agreement. This is Signor Grandi, the spokesman of the Italian Government, speaking to the world, not only to the Italian people but to the American people:

It became a struggle between Fascism and anti-Fascism—between so-called democracy and dictatorship.

As suggested to me by the Senator from Missouri [Mr. REED] he ought to send the Senator from Utah [Mr. SMOOT] a black shirt [laughter], and he ought also to send black shirts to some other Senators who voted to ratify this agreement.

But I am unable to refrain from drawing the obvious conclusion that the Senate's action now means more than ratification of a financial arrangement; that it also represents a moral victory for Fascism and a political victory for present-day Italy in the eyes of America and the world.

That is what you have done, Senators. The Senator from Utah speaks of our agreement with Italy being more favorable in its terms to the United States than the Italian agreement with Great Britain is to Great Britain. The statesmen of Great Britain have "put it all over" the representatives of America in their negotiations with Italy. The Senator from Utah runs to cover as to the proposition which is presented in the amendment of the Senator from Nebraska [Mr. HOWELL], when he knows that Italy has not deposited in Washington \$120,000,000 in gold. Italy has had no deposit of gold here in Washington since 1915. Under the terms of the British agreement with Italy, however, Italy has permitted \$120,000,000 of gold to remain in London, and it is to stay there under the terms of the agreement, except as to certain sums which may be released from time to time upon payments of portions of the indebtedness. The Senator from Utah recognizes that the

English statesmen tried to get as much out of Italy in their settlement in the earlier years as possible; that they were not much interested in the period 20, 30, 40, 50, or 60 years from now; but it seems that the Senator from Utah and his colleagues on the Debt Commission thought more of getting some kind of a settlement; that they cared nothing about how much was to be realized during the few years in the early life of the agreement, just so it might appear that the present worth might be more than the payment to Great Britain in the end.

Here [exhibiting] are figures prepared by Mr. McCoy, the actuary of the Treasury Department, in which he shows all down the line in parallel columns that even as far off as the year 1936 America will get only \$15,000,000, while at that time Great Britain will be getting \$21,000,000; that until 1940 Great Britain will be collecting annually more than the United States will be collecting; and yet the Senator from Utah thinks that he has won a great victory.

If the Senators who are to come up for reelection in November, whether in Ohio or Indiana or out midst the Golden Gate of California or in Utah or in New York or in Massachusetts or in Kansas, or anywhere else, even in Nevada and in Arizona—if they think they can defend the ratification of an agreement with Italy that will make the American taxpayer in 62 years pay \$3,680,870,000, while the Italian taxpayer will be paying only \$369,677,000 in interest charges, then well and good.

I can not believe that they can do it. I do not believe there was ever presented to the American Congress a more nefarious and indefensible proposition than is presented in this Italian debt-settlement measure. It is discriminatory; it is unfair; it shows a degree of favoritism that is inexcusable. Yet Senators try to press it and force it through here even by the threat of a motion to table a motion to reconsider the vote by which the bill was passed. Why all this haste? The Republican majority showed no such haste as this when they were trying to give some relief to the American taxpayers by the revenue bills which have come before the Senate.

In 1921 we passed a revenue bill which reduced the taxes of the American people \$670,000,000; but Senators on the other side showed no such degree of impatience in pressing that measure to a vote as they show now. In 1924, not along party lines but by the cooperation of Members of both parties in the Senate and House of Representatives, a further reduction of \$472,000,000 was made in the taxes of the American taxpayers; and then in 1926 a further reduction of \$387,000,000 was made. The Republican majority claimed those reductions as great achievements. And they were. You were entitled to much credit because your party was in power. I shall not speak of the details that divided the two parties along the lines of reducing the taxes on some as against others, but we gave a reduction in the total sum of \$1,529,000,000. The Republican Party claimed it, as I have said, as an achievement. They went home and prated about it, and yet they bring here and press for consideration, even holding a motion to table over our heads, a bill that takes away every cent and more of the money that we gave by way of a reduction of taxes for the last five years. If they can answer it, all right.

I know on this motion we are defeated. I suppose we will get no more votes than we got the other day, but we go down with our colors flying, and the majority will answer for it elsewhere than here.

Mr. McKELLAR. Mr. President, the Senator from Mississippi [Mr. HARRISON] has just said that our Republican friends are going to suffer great losses by reason of their action on the Italian war debt settlement bill. I am inclined to think they are, but I want to congratulate them on one accession which they have made by reason of this settlement. I read from an Associated Press dispatch sent out immediately after the Italian debt settlement agreement was ratified on April 21. It reads as follows:

Doheny now Republican. Oil magnate, for years Democratic leader, switches affiliation. Los Angeles, Calif., April 22.—

April 22 was the next day after Senators on the other side had ratified the agreement by which they gave to Mussolini's Government a billion and a half dollars—

Edward L. Doheny, the oil magnate, for years a wheel horse of the Democratic Party, has hitched his political affiliations to Republican ranks.

"I have registered as a Republican for the first time," he said to-day, "because I decided to affiliate with and support the party which more than any other embodies the forces and policies which have produced our unprecedented era of prosperity."

And he might well have added that he has decided to affiliate with that party which fights with such heroic courage on the

same side with Fascism and with dictatorship. Our Republican friends have ratified this agreement by their numbers, but, in my judgment, they have ratified it to the undoing of many of them at the next election.

SEVERAL SENATORS. Vote!

The VICE PRESIDENT. The question is on the motion of the Senator from Missouri to reconsider the vote by which House bill 6773 was passed.

Mr. REED of Pennsylvania. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. TRAMMELL (when Mr. FLETCHER's name was called). My colleague [Mr. FLETCHER] is unavoidably absent. He has a general pair with the junior Senator from Delaware [Mr. POST]. If my colleague were present, he would vote "yea," and the Senator from Delaware would vote "nay."

Mr. JOHNSON (when his name was called). Upon this matter I am paired with the Senator from Virginia [Mr. GLASS]. If the Senator from Virginia were present, he would vote nay, and if I were at liberty to vote, I would vote "yea."

Mr. McKELLAR (when his name was called). On this question I have a pair with the senior Senator from Kentucky [Mr. ERNST]. If he were present, he would vote "nay," and if I were at liberty to vote, I should vote "yea."

Mr. NYE (when his name was called). On this question I have a pair with the junior Senator from Kansas [Mr. CAPPEN]. If he were present, I understand that he would vote "nay." If I were at liberty to vote, I should vote "yea."

Mr. PEPPER (when his name was called). On this question I have a pair with the senior Senator from South Carolina [Mr. SMITH]. I transfer that pair to the junior Senator from Minnesota [Mr. SCHALL] and will vote. I vote "nay."

Mr. GERRY (when the name of Mr. ROBINSON of Arkansas was called). I desire to announce that the senior Senator from Arkansas [Mr. ROBINSON] is paired with the junior Senator from Rhode Island [Mr. METCALF]. If the Senator from Arkansas were present, he would vote "yea"; and if the Senator from Rhode Island were present, he would vote "nay."

Mr. WATSON (when the name of Mr. ROBINSON of Indiana was called). I desire to announce the unavoidable absence of my colleague [Mr. ROBINSON]. If he were present, he would vote "nay."

Mr. OVERMAN (when Mr. SIMMONS's name was called). My colleague [Mr. SIMMONS] is unavoidably absent. If he were present, he would vote "yea." He has a general pair with the Senator from Oklahoma [Mr. HARRELD].

Mr. WHEELER (when Mr. WALSH's name was called). My colleague [Mr. WALSH] is unavoidably absent. If he were present, he would vote "yea." He is paired with the Senator from Massachusetts [Mr. BUTLER], who, I understand, if present, would vote "nay."

The roll call was concluded.

Mr. McKELLAR. I find that I can transfer my pair with the senior Senator from Kentucky [Mr. ERNST] to the junior Senator from Arkansas [Mr. CARAWAY]. I do so and vote "yea."

Mr. BRATTON. I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. It has already been announced that if he were present he would vote "nay." If at liberty to vote, I should vote "yea." I withhold my vote.

Mr. GERRY. I desire to announce that the Senator from New Jersey [Mr. EDWARDS] is unavoidably absent. If present, he would vote "nay."

I also desire to announce that the Senator from Nevada [Mr. PITTMAN] is absent on account of illness.

I also desire to announce that the Senator from Iowa [Mr. STECK] is necessarily absent. If present, he would vote "nay."

Mr. HARRELD. May I inquire if the Senator from North Carolina [Mr. SIMMONS] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. HARRELD. I have a general pair with the Senator from North Carolina, and in his absence I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. BROUSSARD (after having voted in the negative). I failed to state that I have a general pair with the senior Senator from New Hampshire [Mr. MOSES], who is unavoidably absent. In view of the fact that he would vote as I have voted, I will let my vote stand.

Mr. DILL (after having voted in the affirmative). Has the junior Senator from Arizona [Mr. CAMERON] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. DILL. I have a general pair with the junior Senator from Arizona, and therefore withdraw my vote.

Mr. BRATTON. I transfer my pair with the junior Senator from Indiana [Mr. ROBINSON] to the junior Senator from South Carolina [Mr. BLEASE] and will vote. I vote "yea."

Mr. JONES of Washington. I desire to announce that the Senator from Massachusetts [Mr. BUTLER] is paired with the Senator from Montana [Mr. WALSH] and that the Senator from Nebraska [Mr. NORRIS] is paired with the Senator from Alabama [Mr. UNDERWOOD]. If present, the Senators from Massachusetts and Alabama would vote "nay" on this question, and the Senators from Montana and Nebraska would vote "yea."

The result was announced—yeas 24, nays 43, as follows:

YEAS—24			
Borah	Harrison	McMaster	Shipstead
Bratton	Heflin	Mayfield	Stephens
Couzens	Howell	Neely	Swanson
Frazier	La Follette	Overman	Trammell
George	Lenroot	Reed, Mo.	Tyson
Harris	McKellar	Sheppard	Wheeler
NAYS—43			
Ashurst	Fernald	Keyes	Reed, Pa.
Bayard	Ferris	King	Sackett
Bingham	Fess	McKinley	Shortridge
Broussard	Gerry	McLean	Smoot
Bruce	Gillett	McNary	Stanfield
Copeland	Goff	Norbeck	Wadsworth
Cummins	Gooding	Oddie	Warren
Curtis	Hale	Pepper	Watson
Dale	Jones, N. Mex.	Phipps	Weller
Denneen	Jones, Wash.	Pine	Willis
Edge	Kendrick	Ransdell	
NOT VOTING—29			
Reese	Ernst	Moses	Smith
Butler	Fletcher	Norris	Steck
Cameron	Glass	Nye	Underwood
Capper	Greene	Pittman	Walsh
Caraway	Harrell	Robinson, Ark.	Williams
Dill	Johnson	Robinson, Ind.	
du Pont	Means	Schall	
Edwards	Metcalf	Simmons	

So the Senate refused to reconsider the vote by which House bill 6773 was passed.

CLAIM OF THE GOVERNMENT OF NORWAY (H. DOC. NO. 343)

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed.

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to a claim presented by the Government of Norway for the payment of interest on certain sums advanced by it for this Government in connection with its representation of American interests in Moscow, and I recommend that an appropriation be authorized to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, April 23, 1926.

WILLIAM WISEMAN, BRITISH VICE CONSUL (H. DOC. NO. 344)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report from the Acting Secretary of State in regard to the services in behalf of the United States of William Wiseman, British vice consul at Salina Cruz, Mexico, during the period from April 12, 1914, to December 13, 1917, when with the permission of the British Government and at the request of this Government he had charge of the American consulate at Salina Cruz and of American interests in the district surrounding that place. The conclusion reached by the Acting Secretary of State has my approval and I recommend that the Congress authorize an appropriation of \$9,200 to be paid to Mr. Wiseman in recognition of the services which he so generously rendered.

CALVIN COOLIDGE.

THE WHITE HOUSE, April 23, 1926.

PARK AND PLAYGROUND SYSTEM OF THE NATIONAL CAPITAL

Mr. JONES of Washington. I submit a conference report on behalf of the Senator from Kansas [Mr. CAPPER] and I ask for its immediate consideration. I think there will be no debate upon it.

The report was read and agreed to, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5830) amending the act entitled "An act providing for a comprehensive development of the park and playground system of

the National Capital," approved June 6, 1924, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 3.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

ARTHUR CAPPER,
W. L. JONES,
WILLIAM H. KING,

Managers on the part of the Senate.

F. N. ZIHLMAN,
ERNEST W. GIBSON,
THOS. L. BLANTON,

Managers on the part of the House.

ROCK CREEK AND POTOMAC PARKWAY COMMISSION

Mr. JONES of Washington submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4785) to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act, approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park, having met, after full and free conference have been unable to agree.

ARTHUR CAPPER,
W. L. JONES,
WILLIAM H. KING,

Managers on the part of the Senate.

F. N. ZIHLMAN,
ERNEST W. GIBSON,
THOS. L. BLANTON,

Managers on the part of the House.

Mr. JONES of Washington. I shall not ask for the immediate consideration of the conference report, because it probably will lead to considerable discussion. This is a measure that involves a question of contributions upon the part of the District of Columbia and the Federal Government in reference to appropriations. I ask that the report lie on the table.

The VICE PRESIDENT. The conference report will lie on the table.

STATUE OF DR. CRAWFORD W. LONG

Mr. HARRIS. Mr. President, I ask to have printed in the RECORD the proceedings on March 30, 1926, in Statuary Hall of the Capitol, on the occasion of the unveiling and presentation by the State of Georgia of the marble statue of Dr. Crawford W. Long. Doctor Long was the first to use an anesthetic in a surgical operation.

There being no objection, the proceedings were ordered to be printed in the RECORD, as follows:

STATUE OF DR. CRAWFORD W. LONG

EXERCISES IN STATUARY HALL IN THE CAPITOL AT WASHINGTON, D. C., TUESDAY, MARCH 30, 1926, ON THE OCCASION OF THE UNVEILING AND PRESENTATION BY THE STATE OF GEORGIA OF THE MARBLE STATUE OF DR. CRAWFORD W. LONG (1815-1878) THE DISCOVERER OF ETHER ANESTHESIA

The audience was called to order at 3 o'clock p. m. by Dr. Frank K. Boland, president of the Long Memorial Association, presiding.

INVOCATION BY REV. SAM W. SMALL

Our Heavenly Father, we are gathered to-day in this great national capital, and in a historic chamber of this great building whose atmosphere has thrilled to the eloquence of some of the greatest men of our generation and of generations gone by. We are assembled to represent the citizens of one of the great States of this immutable Union of ours, for the purpose of unveiling to the eyes of the living and to those of the coming generations the marble effigy of one of Thy humble and noble souls, who, inspired by Thy spirit of compassion to humanity, discovered the remedy and the soothing for the acute pains which formerly accompanied the incisions or the excisions of surgery upon the human body. This discovery and application by this faithful and honored son of Georgia has gone around the globe, to assuage the pains of humanity, to bring relief to millions who are suffering from that which to them seems incurable; and we pray that while we perform this sacred office of putting among those who occupy this Valhalla of the Nation's genius, of the Nation's spirit, who represented its religion, its statesmanship, and its eloquence, that his figure may be looked upon by the passing throngs for ages to come as that of one of the great benefactors of the human race, inspired to perform His will unto His children. Let Thy spirit cover the

occasion; bless all those who have engaged in the noble enterprise now concluded; and may the spirit which animated this humble country doctor of Georgia become the universal spirit of all of us who would serve Thee in faithfulness, and our brethren with the spirit of helpfulness. We ask it all for Christ's sake. Amen.

Doctor BOLAND, Ladies and gentlemen, after years of patience and disappointment I assure you it is no mere formality when I say that it gives me almost overwhelming pleasure, on behalf of the Crawford W. Long Memorial Association, to welcome this distinguished audience to the exercises of the unveiling of the statue of Georgia's illustrious son, Crawford W. Long.

Eighty-four years ago, March 30, 1842, at the age of 27, his sympathy and love for suffering humanity, his keen power of observation, and his supreme courage led him to be the first to do, finally, what physicians and scientists had tried in vain to accomplish for all the centuries—to perform a surgical operation without producing pain. By this achievement, in that remote, isolated Georgia village, the young physician gave to mankind a blessing for which no praise, no expression of gratitude can be too great.

Most appropriate it was then, when in 1902 the General Assembly of Georgia voted to accept the invitation of the National Government to place the statues of two of its citizens in this sacred hall, that Crawford W. Long should be chosen as one of the number; the only physician, with one exception, to be thus honored by any State with a recognition of his contribution to medical science.

For 21 years we waited for the State of Georgia to carry out the resolution which it had adopted. Then, four years ago, through the inspiration and loyalty and persistent energy of a faithful apprentice who had worked in Doctor Long's drug store in the classic city of Athens, there came into existence the Crawford W. Long Memorial Association, with the determination to place this memorial here at the earliest possible moment. To-day, through the activity of this organization and the liberality of the people of Georgia and their efforts, you will see the realization of our dreams, done in Georgia marble, to be surpassed by none, the beautiful product of the imagination of a master sculptor, John Massey Rhind, executed by a superb carver, James K. Watt.

It is a proud day in the history of our State; it is a memorable occasion in the history of medicine; it is a glorious hour in the life of the former young apprentice; it is an event to bring unspeakable joy to the hearts of those two dear daughters of Doctor Long who honor us with their presence here to-day.

The first speaker is Dr. Joseph Jacobs, who was Doctor Long's assistant, now an authority in botany and pharmacy, an outstanding citizen and philanthropist, representing the pharmacists of America.

ADDRESS BY JOSEPH JACOBS, PH. M., SC. D., FOR THE PHARMACEUTICAL PROFESSION; FRIEND AND FORMER EMPLOYEE OF CRAWFORD W. LONG

Mr. Chairman and daughters of Doctor Long, ladies and gentlemen, an ardent love and admiration for Georgia is a known characteristic of her people. Yielding to none of her sister States in loyalty or readiness for service to our great compact of union, our people at the same time are prone to look with pride upon the achievements of Georgia's sons who have done so much to promote the general welfare.

Her very origin was an experiment in the history of nations. It was the first time that a charter was taken and granted for the purpose of removing the hopeless and the distressed from the old country and bringing them to the new, where they could achieve independence and prosperity. The generations have passed, and Georgia's sons have always shown a feeling of helpfulness to the poor and the distressed. It will be found that all the generations of Georgia's sons since Oglethorpe landed at Yamacraw Bluff have borne a spirit of sympathy and helpfulness in their breasts toward the unfortunate, the suffering, or the forlorn.

As a pharmacist it was my great good fortune in my early days to be an apprentice and student in the drug store in the town of Athens, Ga., owned and operated by the man whom we commemorate to-day, and I was the recipient of many kindnesses at his hands, and I am here to testify to the greatness of this man in every respect; as a physician, kind and gentle; and as a friend, loyal and true; as a citizen, brave, wise, and patriotic.

All the nations of the earth commemorate this man, whose discovery lessened pain, and the danger and the terror of the surgeon's knife.

The skilled and gentle ministrations of the learned physician were his; the tender love for family and for friends he ever exhibited in acts of kindness; the poor and distressed found in him ever a ready and helpful sympathy; his city and State knew him as patriotic, brave, and wise.

For my humble part, may I, in reverence, be permitted to say, as Robert Burns said of his Glencairn—

"The bridegroom may forget the bride
Was made his wedded wife yestern;
The monarch may forget the crown
That on his head an hour has been;

The mother may forget the child
That smiles sweetly on her knee;
But I'll remember thee, my friend,
And all that thou has done for me."

[Applause.]

Doctor BOLAND. The statue will now be unveiled by Mrs. Frances Long Taylor and Miss Emma Long, the daughters of Crawford W. Long.

The statue at this point was unveiled.

Doctor BOLAND. Crawford W. Long graduated from the University of Georgia with an A. M. degree in the year 1835. While at the university his roommate was Alexander H. Stephens, afterwards vice president of the Confederacy, who is the other Georgian chosen to have his statue placed in this hall.

The presentation of this statue to the State of Georgia will be by Hon. Richard B. Russell, chief justice of the Supreme Court of the State of Georgia, and president of the board of trustees of the University of Georgia, who was one of the incorporators of this memorial association, an eminent jurist, and a beloved citizen of Georgia.

ADDRESS OF HON. RICHARD B. RUSSELL, CHIEF JUSTICE SUPREME COURT OF THE STATE OF GEORGIA AND PRESIDENT OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF GEORGIA

Mr. Chairman, ladies and gentlemen, to one whose station has denied the privilege of playing any part in the great drama enacted in this our National Capitol, a call to speak in the Hall of Fame of America (fit reproduction alike of the Parthenon at Athens and the Pantheon at Rome), is naturally not without embarrassment. However, the setting of this splendid and historic scene should itself suffice to supply inspiration. I am most fortunate, too, in the manner in which I have been presented by one of the most distinguished alumni of Georgia's University, itself the oldest State institution of learning in the Union. Dr. Frank K. Boland, as chief executive of the Crawford W. Long Memorial Association, has displayed the highest executive ability. He it was who concentrated and vitalized in practical form the disassociated elements of affection which prior to his leadership, not working in concert, had more than once failed to provide a fitting memorial to a great discoverer. By this great physician and scientist, worthy successor of Long, to-day the work crowns the thought, and the tribute of a mother's love and pride stands before us.

Speaking for the Crawford W. Long Memorial Association, I deem it most appropriate to express to him the gratitude of every one who truly loves the memory of Long. I am greatly honored also to follow and to speak from the same stage with him who of all Georgians is the one who should most appropriately have been selected to speak upon this occasion. It is well known that for many years the claim that Dr. Crawford W. Long, of Georgia, was the first to use sulphuric ether for the alleviation of pain was strenuously contested. No man ever devoted himself more continuously, more unreservedly, more laboriously, or more unselfishly to procuring, compiling, publishing, and establishing forever by legally competent testimony Doctor Long's right to his discovery than Dr. Joseph Jacobs, who has just preceded me. Neither Jonathan's love for David nor Damon's devotion to Pythias, as idealized in history and romance, exceeded the love of Doctor Jacobs to his preceptor, Doctor Long, and his unswerving, unalterable determination that justice should be done him.

Under the constitution of Georgia the general assembly is without power to appropriate money except for named purposes of government. Consequently, although the general assembly—upon the passage of the act of Congress requesting each State to place two of its most distinguished citizens in the hall of fame—selected Crawford W. Long and Alexander H. Stephens and reserved for them the places here, it was without power to appropriate any money to place their statues here. The stone we dedicate to-day represents private contribution of numerous Georgians, but whether including or aside from the matter of money, it is but a matter of justice that I should say what can not be contradicted that but for the devoted and continuous services of Joseph Jacobs the spot graced by his form and devoted to Doctor Long would be as bare as is that empty space designed to support a lasting memorial to the great Alexander H. Stephens.

Here, to the house of our fathers, we Georgians have come. In this, our fathers' house, we are at home. Loving every section of this great Union, our hearts are thrilled as we see preserved in ever-enduring bronze or imperishable stone the great Americans, with whom we are proud to claim brotherhood, whose effigies our sister States have presented as a lasting contribution to our common fame. Who is not thrilled as he casts his eyes toward New Hampshire and sees the lion of oratory, whose unanswerable arguments, clothed with all the force of logic and dignity of diction, shook Senate after Senate at his pleasure—the incomparable Daniel Webster! What American who loves to contemplate masterful masculinity, great initiative, and uncontrollable courage, is not thrilled as he beholds the heroic statue of Ethan Allen, the hero of Ticonderoga! He who ought remembers can never forget the incomparable services of that great American which the

mother of States and statesmen lent to the Union. He who was "first in peace, first in war, and first in the hearts of his countrymen"—the incomparable Washington. Here stand around us—an inspiration, not only to us, but to those who shall ever hereafter follow us in the long march of the centuries—Clay and Jackson and Austin and Lincoln and Garfield, statesmen and scholars and soldiers and inventors and patriots, to each and all of whom a reunited country acknowledges an ineffaceable debt of gratitude for immortal services.

To-day we come in behalf of the citizens who have contributed to its creation and of the university, which trained his fledgling wings to mount in the bold cerulean blue of knowledge, in the clear ether of culture and science, to present the statue of Crawford W. Long. We place his effigy under the dome of this magnificent Capitol of many multiplied millions of the greatest people on the face of the earth. We bring him home to his father's house. His life's labors—as are theirs—well done, these noble men—brothers all—like brethren shall enjoy together the surcease of that noontide which intervenes between things mortal and the immortal life which follows resurrection. We place him beneath the protecting folds of the ensign of our country, the flag of freedom—the flag of a nation which represents in its future destiny, as in its past history, more for the welfare of humanity than any emblem ever swept by the breezes of heaven. Fully conscious of the greatness of those in whose company we place him, Georgia feels neither hesitation nor abashment. He will stand among peers, but here he is the equal of any.

It may be said that he was only a modest physician in a small, though cultured, country town. It may be thought that from a long line of statesmen and soldiers, who have added luster to her name, the imperial Commonwealth of the South might have chosen her representatives upon this floor.

The youngest daughter of the original thirteen has given to this Union many men of superabundant worth. In statesmanship William M. Crawford, John Forsyth, John McPherson Berrien, Walter T. Colquitt, Robert Toombs, Benjamin H. Hill were all men of national reputation. She has furnished to the Supreme Court of the United States three justices. Two of her sons have presided as Speakers of the National House of Representatives. In one administration or another Georgians have filled all of the original seats in the Cabinet of the President of the United States. In arms the services of Georgians have not been less conspicuous. From Lacklan McIntosh to John B. Gordon, from the Revolutionary period until the close of the late World War, in no war in which Old Glory has been unfurled has Georgia courage and Georgia talent ever failed. It was, therefore, not for lack of statesmen or martial heroes that the General Assembly of Georgia selected to perpetuate for all time the memory of him whose statue stands before us.

By the decree of Almighty God the great men who shall in this hall of fame keep company with him did service for this our great Nation of incomparable and everlasting value. Human thoughts can not compass, nor can speech befittingly express the golden debt of gratitude which every true American will freely and joyously accord them in return. To some of them, all citizens of these sovereign but United States owe our independence from foreign rule or foreign domination; to others in this hall of fame we owe the Constitution, which alike nurtures all its children with one hand, while with the other it justly and sternly represses any attempted invasion by the powerful upon the rights of the weak.

To others in this great company of stony silence all of us now acknowledge an everlasting debt for the preservation of the Union. And equally much do patriotic Americans now and for all time hereafter owe to those matchless spirits of the North who, joining the gallant heroes of the gray in the godlike fraternal spirit of the martyred Lincoln, properly at last reconstructed this Union. Not a reconstruction of revenge and hate, of superiority on the one hand and of subordinate inferiority on the other, but a reconstruction in the equality of a brotherhood of the full blood, to the end that we enjoy for all time that peace for which General Grant prayed, and thus bring true the matchless words of yonder Webster when he said, "Liberty and Union, one and inseparable, now and forever."

The services of these, though priceless, were confined by national boundaries. But the service of him to whom we consecrate this shaft is world-wide. Under whatever skies pain and suffering may be found, from the Arctic to the Antarctic Zone, from the barren Steppes of Siberia or the frozen fields of Labrador to where the wild winds of the south sweep the inhospitable shores of Tierra del Fuego, the discovery of Long comes as a panacea to soothe human suffering and woe. No calculation can be made which can compute the value of the services this Georgian gave to humanity. Ordinarily those who fight, wage war under and have a flag and only one, the flag of their particular country. The cause to which Doctor Long contributed is the same everywhere, a single common cause—relief from pain. I deem it, therefore, most appropriate that this great discoverer should be a Georgian. It is most fitting that Georgia, from her great store of great men, proudly should have selected this great discoverer as her worthy representative in this assemblage of the sister States.

The discovery of Doctor Long was not made nor used in the pursuit of wealth. No sordid stain seared spotless science in his search. As he frequently remarked when efforts were being made to have Congress reward peculiarly the discoverer of anesthesia, this uncrowned monarch of medicine, this conqueror of pain, desired to be considered only as a benefactor to man.

It can be truly said that the scope of Long's beneficence is wider than that of any benefactor in the realm of scientific and medical discovery who has appeared in the history of medical science since the discovery of America. Georgia is the State of benevolence. Unlike other States on the Atlantic coast, the settlement of Georgia upon Yamacraw Bluff by Oglethorpe was solely and purely an act of benevolence. The settlers were taken from the debtor's jails, in which they hopelessly languished, and given a new chance in life, without any hope on the part of the proprietors of the colony of pecuniary reward or emolument therefor. How fitting, then, it is that from the State thus founded should have come he who freely gave the discovery for the alleviation of pain in childbirth and surgery, which was probably the greatest desideratum in that era of medical science and the value of which was destined to last forever. If Harvey is entitled to immortal fame because he discovered the circulation of the blood, if Galileo and Jenner merit immortality, no less will suffering humanity throughout the world, as long as pain and suffering endure, acclaim the name of him who enabled the physician to say in imitation of the Great Physician, and yet without blasphemy, "He giveth His beloved sleep."

For another reason, too, it is well that Georgia should have selected Long to stand with the great commoner, Alexander H. Stephens, as the most distinguished of her sons. His personal character and his private life were such as to add to instead of detract from his great discovery. He stands here as a model of the clean, cultured, courtly, Christian, Chesterfield—the real southern gentleman. Ofttimes in history private vices blurred great genius. Nelson had his Lady Hamilton; Byron, Burns, and Shelley were subject to human frailties that their most ardent admirers can but regret. Even Alexander the Great was intemperate, and Solomon, after building the temple of Almighty God, reared altars of idolatry to please his numerous wives. But Long, the great discoverer, who gave the world the antidote for pain, rests not beneath a single shadow which can affect the perfect purity of his life as an ideal citizen, brother, husband, friend, or counselor. His life was pure and gentle, and in him the elements did so mix that all the world could say he was a man. He sprang from good old Revolutionary stock. Both his maternal and paternal grandfathers saw service during the entire Revolution of 1776 to 1781. He belonged to that great host—in peace indispensable, in war invincible—upon whose perpetuation in their pristine purity hangs the destiny of this Union and the preservation of human liberty.

Doctor Long sprang from that great class who owned their homes, as did his forebears before him, and if one can love his country at all, the fires of patriotism must burn far more brightly in the heart of him who has an ownership and a proprietary interest of that portion of his country he loves as his home. And as he stands here through future generations he will illustrate the value of good, pure breeding, independent thought, but gentle bearing, spotless life, and devotion to humanity, that will make an impression no less uplifting and helpful to the thoughtful visitor than the thoughts evoked by any of the great men centered here.

The medical department of the University of Pennsylvania, of which Doctor Long was a graduate, years ago placed in everdurable bronze a memorial in her classic halls to the great discovery which the youthful Georgian made in little more than three years after his graduation.

As chairman of the board of trustees of the University of Georgia, I have been directed to bespeak also in behalf of that dear mother—his alma mater—the feelings of pride and gratification that this day warms her mother's heart. The heart of a mother is not sordid seeking amassment of wealth, nor distracted by the bickerings of politics, nor swollen with mere desire for victory on land or sea or in the air. The soul of a mother yearns for gentler and more unselfish virtues. To her the drying of a single tear has more of honest fame than shedding seas of gore. In her inspiration for service, the soothing of the pangs of pain gives more worthy honor than any crown of bays are placed upon a victor's brow, and so as this mortal effigy of her son is well and fitly placed among the immortals of his dear and native land, the voice of alma mater says, it is well. It is well the sculptor's skill that gives the liveliness of life and likeness through which he ever shall live depicts him in his youth. In him youth triumphed, for at scarcely 27 he substituted for the pangs of pain, peaceful rest, for the anguish of agony, anesthesia. It is well, for science and truth live in eternal youth which neither time can wither nor death decay. The stone which is the representative of his physical body was taken from the precious bosom of his mother Georgia. And alma mater says, it is well. As this stone came close from her heart, so it typifies the purity of his life, the unselfishness of his aspirations and the genuineness of his right as the real discoverer.

It is well, too, says alma mater, that the grand, everlasting sentinels of Georgia's marble mountains should in loving complaisance gladly yield this memorial to old Georgia's son. The everlasting foundations on which they stand will well depict the strong and immutable hold which the character and services of Crawford W. Long will ever have in the minds and hearts of his fellow citizens. In her earliest infancy our Imperial Commonwealth, Georgia, inscribed upon her seal of State her thought and ideals as to the essentials of good government in the three words, "Wisdom, justice, and moderation." The University of Georgia, alma mater of Crawford W. Long, after having herself rejoiced for more than fourscore years in the magnitude of the blessing given the whole world by her worthy son, acclaims this event as an instance of justice long delayed but at length secure.

In this, our Nation's holiest shrine, pious hands and loving hearts from each sovereign State offer the fragrant sacrifice of strong yet sweet devotion. The mother instinct of each Commonwealth has chosen from her sons the chiefest in service and the kings in the kingdom of minds. Here place we Long. And sculpture in our behalf gives bond in stone to guard him and immortalize the trust. The State which first gave the world the hymn book, the Sunday school, the orphan's home, the State university, the woman's college, the cotton gin, the sewing machine, the State whose marble shines in the sunlight of many sections of this Union as the buttresses of art, as the walls of justice and of legislation, adds to this galaxy of the great him whose discovery blesses without distinction all countries and climes, all races, and all religions.

A benefactor of humanity whose beneficence no mountains or rivers or seas or natural boundary lines can exclude, a benefactor whose discovery in 1842 will be greater in 3842 and much multiplied in 10042. 'Tis well. The plaudits we now feebly utter, the grand pipe organ of the distant centuries will peal forth in crescendo notes of praise and these will be reechoed in the paeans of paradise in memory of Long.

In the spirit of that justice which her seal proclaims, old Georgia knows that had no memorial been erected by human hands, in the just verdict of the future Crawford W. Long would have lived in memory. But as error ceases to be dangerous when truth is free to combat it, the memorial we place to-day bears witness to the victory of truth over error and misinformation. And alma mater says 'tis well. The hoarse notes of the massive waves that roll upon our seagirt coast chime with the silvery tinkle of our mountain brooks in cadence with the mother's voice, it is well. And the gentle zephyrs of his native hills pause for an instant as they pass his resting place and whisper in his sleeping ears, Your mother loves you.

Here travelers from every land will look upon a friend of man. They will see in him exemplified for all time that spirit of self-sacrificing and unselfish devotion which, as it most largely contributes to the most urgent needs of all the world, is indeed the highest worship of Almighty God.

For myself, may I be permitted to add—

No radiant pearl which crested fortune wears,
No sparkling gem which hangs from beauty's ear,
Nor the bright stars that the blue arch of night adorn
Nor rising suns which gild the vernal morn
Shines with such luster "as the smile which lights the face
Of grateful mother who's just given to her race,
In painless peace, a boy well worth her tender care
Or a bright girl of mind and heart and beauty rare.
Her frail body for fierce conflict had been staged
With pangs of hell, and dread forebodings all her thoughts engaged.
Tortured in body, racked in mind, ether ends the contest cruel
And wife and mother wakes, to kiss and clasp the prize—her jewel.
And yet, but for Long, the conqueror of pain
Death had prevailed, and turned to dust these twain.
Had marked the fond features with emblem of despair
And snatched from helpless babe its vital air.
The heedless multitudes to wealth or pomp may bow,
May idolize success, achieved no matter how;
Swept by propaganda, current millions meekly yield,
Acclaim some new-found hero, or glorify the tented field.
Invention may our joys or comforts season;
Legislation may our burdens lessen,
The law by statutes may new crimes define,
And education mold and fire the common mind.
But our suffering race to Long's discovery owes
Relief afforded by no human laws.

Doctor BOLAND. It was the intention to have this statue presented to the United States of America by Hon. Clifford Walker, the Governor of Georgia; but unfortunately he is unable to be here. He has sent us a most acceptable substitute in the person of Hon. George M. Napier, attorney general of the State of Georgia, who will present the statue for the State of Georgia.

ADDRESS OF HON. GEORGE M. NAPIER, ATTORNEY GENERAL OF THE STATE OF GEORGIA

Mr. Chairman, daughters of Doctor Long, my fellow countrymen: Though sensible of the disappointment that Governor Walker, of Geor-

gia, is prevented from attending in person, it is my privilege to speak for him and for my State in these exercises.

In this national Pantheon we are presenting the statue of the discoverer of the supreme earthly benefaction to suffering humanity. This is a Valhalla of memorials and immortals, including the statues and effigies of warriors, statesmen, orators, inventors, humanitarians, but none such as this, which will perpetuate the ineffable glory of world-wide mercy.

Crawford W. Long, the physician, mindful of the terrible agony of sufferers in surgical operations, discovered an anesthetic and an analgesic, that agency which at once renders the patient unconscious of being handled and completely insensible of pain. If we reflect how many millions of people had suffered the tortures of the damned in treatment for wounds and afflictions in all the years prior to this discovery, and how many have had the terrors of surgery banished during the four and eighty years since Doctor Long accomplished his first anesthetized operation, and if we give rein to our prevision and look down the vistas of coming years at the untold millions more who will escape pain and will live through major operations, made possible only through the use of an anesthetic, we may the better comprehend his illimitable boon to the human race.

If service to humanity be a ground of distinction, then the name of this modest, kind-hearted surgeon, like the name of Abou ben Adhem of old, leads all the rest.

This will be a memorial of unfading perpetuation of the country doctor, that professional who for ages, in thousands of modest communities, has rendered his most unselfish service, content with small rewards, dispensing charity, bearing comfort, inspiring hope, affording relief, and restoring health. None has been like him in serving his day and generation—an exemplar of that Great Physician who on the Judean hills went about doing good.

The State of Georgia is pleased to accept this beautifully carved memorial, whose glory is undimmed by the chaplets on the brow of any figure in this hall of imperishable fame, and it is proud and happy to be the mother of the discoverer of ether anesthesia; her great son, who by his fame distinguished his native State and the Nation, to whom it was given to render this immortal service to his fellow man. So, sir, I am pleased to submit to you, or the Government which you serve as Senator from Georgia, this statue of him who became greatest by doing service and honor, Crawford W. Long. [Great applause.]

Doctor BOLAND. The statue will be accepted for the National Government by a most able and beloved Georgian, to whom we are under many obligations for his activities in perfecting the plans for this unveiling, Senator WILLIAM J. HARRIS, of Georgia. [Applause.]

ACCEPTANCE FOR THE UNITED STATES BY SENATOR WILLIAM J. HARRIS, OF GEORGIA

Mr. Chairman and daughters of Doctor Long, ladies and gentlemen, and fellow Georgians, if anything could intensify the pleasure and pride that I feel to-day in accepting for our Government the statue of a citizen of Georgia, Dr. Crawford W. Long, who unquestionably was the first to use anesthetics in surgical operations, it is the fact that my father was a Georgia doctor and who practiced his profession for 50 years.

Georgia is not the only State that has honored a physician. The statue of Doctor Gorrie, who discovered the process for the manufacture of artificial ice, was placed in Statuary Hall by our sister State, Florida. I am sure that all Georgians are proud of the fact that Gen. Joseph Wheeler and Dr. J. L. M. Curry, whose statues were placed here by the State of Alabama, and Sequoyah, the Cherokee Indian educator, whose statue was erected here by the State of Oklahoma, were all born in Georgia.

The physicians of the world have contributed to human progress in a measure unexcelled by any other profession. The records, which show that a half century ago the average age at death of people in the United States was about 42 years, and that a year ago it had advanced to about 54, prove beyond all question that the average duration of human life in civilized countries has been extended by 12 years. This does not mean that the life span, which the Bible states is three score years and ten, has been changed, for there are to-day no more people per thousand living beyond 70 than there were 50 years ago. It does mean that there are far more of the children born that reach maturity and live until past middle age, making an average of 12 years added to human life in civilized countries. The credit for most of this added life must, in good reason, be accorded the physicians, who care for the health of the people.

The fundamental aims of the physician are the prolongation of life and the alleviation of human suffering. The use of an anesthetic for surgical operations promoted both these aims in large measure, and its now general use is responsible for a large part of the 12 years added recently to the average human life. This being true, it follows that the discovery of ether was one of the greatest human services ever rendered to mankind, and this by a young country doctor of Georgia. We had well be proud of that eminent fact. Men with great minds

have searched down the ages for the agency that would banish suffering during surgical operation.

I am especially proud to accept in the name of the United States Government the statue to a Georgian whose humanitarianism has revolutionized the practice of surgery and been of untold benefit to mankind.

One who is intimate with Crawford Williamson Long and his family has made the following statement about his life:

"A life so exemplary and full of high ideals as was that of Crawford W. Long was largely the result of heredity and environment.

"The Longs of Ulster, Ireland, were Scotch-Irish Presbyterians and men of prominence. For political reasons they were dispossessed of their lands upon which Samuel Long migrated to America and settled in Carlisle, Pa. He fought through the Revolutionary War and soon after its close came to Georgia as the head of a Presbyterian colony.

"James Long, his son, and the father of Crawford Long, was born in Pennsylvania and received his early education in that State. He was a leader in all public enterprises and by inheritance and sound business judgment became the wealthiest man in his district.

"Although a merchant and planter he was so thoroughly versed in jurisprudence that his intimate friend, William H. Crawford, who was minister to France and once a candidate for President of the United States, and for whom his son Crawford was named, often consulted him upon legal technicalities. James Long held many offices of trust such as clerk of the superior court, member of the legislature, State senate, etc. Of a studious nature and the possessor of a fine library, he was deeply interested in the education of the masses. He endowed the school in his little town and selected the teachers.

"His four children were sent to Athens to be educated; the sons to the University of Georgia, the daughters to a select boarding school.

"Crawford Long's mother was Elizabeth Ware, of Virginia, the daughter of a large slave owner. One member of her family located in Augusta—Nicholas Ware, who became a United States Senator. The largest county in the State—Ware—was named for him.

"Crawford Long was admitted by special permission at the age of 14 to Franklin College, now University of Georgia, graduating with second honor and A. M. degree, 1835. He attended the medical department of the University of Kentucky and frequently visited the home of Henry Clay, who treated the young Georgian with special consideration, as he was aware that his father was his ardent supporter. In 1839 he graduated from the University of Pennsylvania, going immediately to a New York hospital to perfect himself in surgery, where he remained until August, 1841, when he located temporarily at Jefferson, Ga., after having received the best literary and medical training this country afforded. March 30, 1842, he performed his first surgical operation on a patient anesthetized by the inhalation of sulphuric ether. A few years later he moved to Athens and died in the discharge of his duty at the bedside of a patient, June 16, 1878."

Doctor BOLAND. It is next my privilege to present to you a surgeon of not only national but international reputation—the wonderful instructor, the master surgeon and scientific investigator, Dr. Hugh H. Young, of Johns Hopkins Hospital. [Applause.]

ADDRESS OF DR. HUGH H. YOUNG

Mr. Chairman, daughters of Doctor Long, ladies and gentlemen, it is a great privilege to speak for the medical profession of America at the unveiling of the statue of one who was the first to conceive and carry out the greatest boon to suffering humanity.

For in comparison with surgical anesthesia all other contributions to medical science are trivial.

Before anesthesia surgery was a horror. Surgical operations were dreadful ordeals—a hell to the patients, a purgatory to the surgeons. The frightful shrieks from the hospital operating rooms filled those waiting their turn in the wards with terror.

The awful experiences of operative surgery and the attendant high mortality caused the best minds in medicine to avoid operations. Indeed, for centuries the major operations in Europe were left to itinerant butchers, and in England the barber surgeons did the work while the medical profession stood by and vainly tried to assuage the anguish of the patient.

In a letter to the famous surgeon, Sir James Y. Simpson, a patient who had recently lost a leg by amputation thus described his tortures: "The blank whirlwind of emotion, the horror of great despair, and the sense of desertion by God and man, bordering close upon despair, which swept through my mind and overwhelmed my heart I can never forget. I watched all that the surgeon did with a fascinated intensity. I still recall with unwelcome vividness the spreading out of the instruments, the twisting of the tourniquet, the first incision, the fingering of the sawed bone, the sponge pressed on the flap, the tying of blood vessels, the stitching of the skin, and the bloody, dismembered limb lying on the floor. Their memory still haunts me."

But the sufferings of high-minded, sensitive doctors in the midst of this welter of blood and misery were almost as great as those of the poor patients. Many of the most brilliant actions of Aesculapius have told how they have deserted surgery and even quit their cherished profession rather than continue in such heart-rending work.

"How often," says Dr. Valentine Mott (one of America's greatest surgical pioneers), "when operating in some deep, dark wound, along the course of some great vein, with thin walls, alternately distended and flaccid with the vital current—how often have I dreaded that some unfortunate struggle of the patient would deplete the knife a little from its proper course, and that I, who fain would be the deliverer, should involuntarily become the executioner, seeing my patient perish in my hands by the most appalling form of death! Had he been insensible I should have felt no alarm."

The celebrated John Bell in describing the operation for stone says:

"The posture in which the patient is bound is horrible, but essential to the performing of an operation where the slipping of one instrument or the misgiving of one stroke of the knife makes the difference of safety or death. He must be made to grasp his feet with his hands, and secured in that posture by cords encircling the wrists and ankles, and thus bended into a curve, is brought so near to the edge of the table that he is almost suspended in air.

"Three medical assistants should hold him, one on each side; the third assistant should support his head and shoulders and keep him forward according to the operator's directions. A friend should stand by to speak to him, to encourage and to give him occasionally a little wine and water; and everything on the table of instruments should be fairly arranged, and every attendant steady, silent, and observing. When the surgeon, advancing to the table thus arranged, warms the gorget while he grasps the knife and advances to make the lightning cuts which are to complete the operation."

This was the routine in the homes of the rich, where attention de luxe was possible. What was done in the homes of the poor and most of all the operating shambles of the battle field? Amputations were often made with a swift blow of the ax or meat cleaver, followed by a red-hot iron to stanch the flow of blood, as they dared not use ligatures to bind the bleeding arteries for fear of septic poisoning. But what was the medical profession about? Were there no efforts made to conquer pain and to improve surgical technique?

Since the beginning of medical history our records show that the never despairing hope of physicians was to conquer pain and thus be allowed to carry out surgical procedures with tranquil thoroughness rather than in a mad dash against pain and death.

"Sacred, profane, and mythological literature abound in incident, fact, and fancy showing that from earliest times man has sought to assuage pain by some means of dulling consciousness. In these attempts many methods and divers agents have been employed. The inhalation of fumes from various substances, weird incantations, the external and internal application of drugs and many strange concoctions, pressure upon important nerves and blood vessels, the laying on of hands, or animal magnetism, mesmerism, etc., have played their part in the evolution of anesthesia." (Anesthesia, by J. T. Gwathey.)

Mandragora was used by both Greeks and Romans for hundreds of years to produce sleep, and Asiatics employed hashish to dull consciousness of pain. Later opium and hemlock were used.

It was not until the early chemical discoveries of hydrogen, nitrogen, oxygen, and nitrous oxide in the latter part of the eighteenth century that the way was found for a scientific anesthesia. Sir Humphrey Davy said in 1800, "Since nitrous oxide is capable of destroying pain it may be used in surgical operation," and 25 years later Hickman anesthetized rabbits with nitrous oxide and carried out many operations successfully upon them without a struggle. But these demonstrations went unheeded—the surgical theater continued to be a torture chamber!

But nitrous oxide and sulphuric ether, neglected by the medical profession, were seized upon by populace who found in them a pleasant means of becoming exhilarated. Itinerant lecturers on the marvels of chemistry roamed over the country and popularized their meetings by giving the young people ether to breathe while the audiences roared with laughter over their unconscious antics on the stage.

The knowledge of and interest in these drugs reached even to the distant rural hamlets. In one of these, Jefferson, Jackson County, Ga., many miles from a railroad, Crawford W. Long was plying his profession of medicine. Fresh from the University of Pennsylvania, he knew of the exhilarating properties of these drugs and frequently furnished ether to young men who met at his office for an "ether frolic" in the winter of 1841-42. But let him tell his story:

"They were so much pleased with its effects that they afterwards frequently used it and induced others to do the same, and the practice soon became quite fashionable in the county and some of the contiguous counties.

"On numerous occasions I inhaled ether for its exhilarating properties and would frequently, at some short time subsequent to its inhalation, discover bruised or painful spots on my person which I had no recollection of causing and which I felt satisfied were received while under the influence of ether. I noticed my friends while etherized received falls and blows which I believed were sufficient to produce pain on a person not in a state of anesthesia, and on questioning them they uniformly assured me that they did not feel the least pain from these accidents. Observing these facts, I was led to be-

lieve that anesthesia was produced by the inhalation of ether, and that its use would be applicable in surgical operations.

"The first patient to whom I administered ether in a surgical operation was Mr. James M. Venable, who then resided within two miles of Jefferson, and at present lives in Cobb County, Ga. Mr. Venable consulted me on several occasions in regard to the propriety of removing two small tumors situate on the back part of his neck but would postpone from time to time having the operation performed, from dread of pain. At length I mentioned to him the fact of my receiving bruises while under the influence of the vapor of ether without suffering, and as I knew him to be fond of and accustomed to inhale ether, I suggested to him the probability that the operations might be performed without pain, and proposed operating on him while under its influence. He consented to have one tumor removed, and the operation was performed the same evening. The ether was given to Mr. Venable on a towel, and when fully under its influence I extirpated the tumor.

"It was encysted and about half an inch in diameter. The patient continued to inhale ether during the time of the operation, and when informed it was over, seemed incredulous until the tumor was shown him.

"He gave no evidence of suffering during the operation, and assured me, after it was over, that he did not experience the least degree of pain from its performance. This operation was performed on the 30th of March, 1842."

Here, then, was the first successful attempt to render a patient insensible to pain during a surgical operation! The beginning of a new era of incalculable relief of human suffering—an era which was to revolutionize surgery and make it a million times more efficient in alleviating human ills.

Long did not rush into print, but like a painstaking, modest scientist, quietly continued his work, removing another tumor on the same patient a few weeks later, and then amputating a toe under complete ether anesthesia in July.

After that, his meager practice only furnished him a few surgical cases each year which he continued to operate upon under ether, while he bided his time, waiting for a major operation before publishing his claims to a discovery which he well realized would revolutionize surgery and startle the world. Long thus succinctly gives his motives:

"I was anxious, before making my publication, to try etherization in a sufficient number of cases to fully satisfy my mind that anesthesia was produced by the ether, and was not the effect of the imagination or owing to any peculiar insusceptibility to pain in the persons experimented on.

"At the time I was experimenting with ether there were physicians high in authority and of justly distinguished character who were the advocates of mesmerism, and recommended the induction of the mesmeric state as adequate to prevent pain in surgical operations. Notwithstanding thus sanctioned, I was an unbeliever in the science, and of the opinion that if the mesmeric state could be produced at all it was only on those of strong imaginations and weak minds, and was to be ascribed solely to the workings of the patient's imagination. Entertaining this opinion, I was the more particular in my experiments in etherization.

"Surgical operations are not of frequent occurrence in a country practice, and especially in the practice of a young physician; yet I was fortunate enough to meet with two cases in which I could satisfactorily test the anesthetic power of ether. From one of these patients I removed three tumors the same day; the inhalation of ether was used only in the second operation, and was effectual in preventing pain, while the patient suffered severely from the extirpation of the other tumors. In the other case I amputated two fingers of a negro boy; the boy was etherized during one amputation and not during the other; he suffered from one operation and was insensible during the other.

"After fully satisfying myself of the power of ether to produce anesthesia, I was desirous of administering it in a severer surgical operation than any I had performed. In my practice, prior to the published account of the use of ether as an anesthetic, I had no opportunity of experimenting with it in a capital operation, my cases being confined, with one exception, to the extirpation of small tumors and the amputation of fingers and toes.

"While cautiously experimenting with ether, as cases occurred, with a view of fully testing its anesthetic powers and its applicability to severe as well as minor surgical operations, others more favorably situated engaged in similar experiments, and consequently the publication of etherization did not 'bide my time.'

"I know that I deferred the publication too long to receive any honor from the priority of discovery, but having by the persuasion of my friends presented my claim before the profession, I prefer that its correctness be fully investigated before the Medical Society. Should the society say that the claim, though well founded, is forfeited by not being presented earlier, I will cheerfully respond, so mote it be.

"Not wishing to intrude upon the time of the society, I have made this short compendium of all the material points stated in my article in the journal, and if the society wishes any further information on the subject I will cheerfully comply with their wishes."

But are Long's documents genuine, complete, and convincing? I can personally testify that they are. In 1896, I chanced to meet Mrs. Fanny Long Taylor, who amazed me by saying that her father was the discoverer of surgical anesthesia. I had heard only of Morton in whose honor as the "discoverer of anesthesia" a great celebration was in preparation in Boston. I was thrilled when she said she could put Doctor Long's documentary proofs in my hands, and when a few days later I hurried through his time-stained papers, case-histories, account books, affidavits from patients, attendants, physicians in his town and elsewhere in Georgia—all of which furnished overwhelming proof of the originality of his discovery and his successful employment of ether to produce complete anesthesia in numerous operations, I asked permission to present again his claims in greater detail.

On looking into the literature I found that the great Dr. Marion Sims had ardently asserted that Long undoubtedly had done the first operation under ether anesthesia—ante-dating the work of Morton at the Massachusetts General by four years. Unfortunately Sims' paper was distorted by a serious misstatement—he gave the credit for the idea of using ether to a Doctor Wilhite, one of Long's medical students, from whom Sims learned of Long's work. Wilhite's story was disproved by a letter from Wilhite which I found among the Long papers, in which he, Wilhite, admitted his "mistake" in making this claim.

I found also that Morton's son had vigorously assailed Long's methods, asserting that complete anesthesia was not produced; that the ether was used as at the "ether frolics"; that the patient "administered ether to himself and remained conscious all the time."

By happy fortune I found one of Doctor Long's assistants still alive, and he (Dr. J. F. Groves) described how "Doctor Long poured ether on a towel and held it to the patient's nose and mouth . . . and determined when the patient was sufficiently etherized to begin operation by pinching him, and then gave me the towel, and I kept up the influence by holding it still to the patient's nose. The patient was entirely unconscious." (Given in detail in Long, the Discoverer of Anesthesia—a presentation of his original documents by Hugh H. Young, the Johns Hopkins Hospital Bulletin, August, 1898.) The Wilhite story of priority of idea, advanced by Sims, I was able to disprove by a letter from Wilhite himself, which admitted his "mistake."

Lack of time forbids my describing many interesting phases of the contest for the honor of this colossal discovery. Jackson and Morton, who obtained a patent for their "discovery" (the nature of the anesthetic, which they called "letheon," being kept secret) on the basis of Jackson's giving Morton the idea, and Morton using it on the first cases (dental), subsequently disagreed, and Doctor Jackson hearing of Long's claims, visited him in Georgia to investigate them and then generously wrote as follows:

BOSTON, Thursday, April 11, 1861.

TO THE EDITORS OF THE BOSTON MEDICAL AND SURGICAL JOURNAL.

MESSENGERS. EDITORS: At the request of the Hon. Mr. Dawson, United States Senator from Georgia, on March 8, 1854, I called upon Dr. C. W. Long, of Athens, Ga. From the documents shown me by Doctor Long it appears that he employed sulphuric ether as an anesthetic agent:

First, March 30, 1842, when he extirpated a small glandular tumor from the neck of James M. Venable, a boy in Jefferson, Ga., now dead.

Second, July 3, 1842, in the amputation of the toe of a negro boy belonging to Mrs. Hemphill, of Jackson, Ga.

Third, September 9, 1843, in extirpation of a tumor from the head of Mary Vincent, of Jackson, Ga.

Fourth, January 8, 1845, in the amputation of a finger of a negro boy belonging to Ralph Bailey, of Jackson, Ga.

Copies of the letters and depositions proving these operations with ether were all shown me by Doctor Long.

I then called on Profs. Joseph and John Le Conte, then of the University of Georgia, at Athens, and inquired if they knew Doctor Long and what his character was for truth and veracity. They both assured me that they knew him well and that no one who knew him in that town would doubt his word, and that he was an honorable man in all respects.

Subsequently, on revisiting Athens, Doctor Long showed me his folio journal, or account book, in which stand the following entries:

James Venable:	
March 30, 1842, ether and excising tumor	\$2. 00
May 13, sul. ether	. 25
June 6, excising tumor	2. 00

On the upper half of the same page several charges for ether sold to the teacher of the Jefferson Academy are recorded, which ether Doctor Long told me was used by the teacher in exhibiting its exhilarating effects, and he said the boys used it for the same purpose in the academy. I observed that all these records bore the appearance of old and original entries in the book.

I have waited, expecting Doctor Long to publish his statements and evidence in full, and therefore have not before published what I learned from him. He is a very modest, retiring man, and not disposed to bring his claims before any but a medical or scientific tribunal.

Had he written to me in season I would have presented his claim to the Academy of Sciences of France, but he allowed his case to go by default, and the academy knew no more of his claims to the practical use of ether in surgical operations than I did.

CHARLES T. JACKSON, M. D.

Boston, April 3, 1861.

Long's claims were therefore shown to rest on solid evidence. He had produced complete anesthesia by ether which he personally administered, had operated painlessly, and on several cases four years before anyone else. He had not kept his anesthetic secret, but had told fellow physicians of his town and State of his work. By strange coincidence Morton did not publish his epoch-making cases, but it remained for one who had not even done the operations, Dr. H. J. Bigelow, to become his mouthpiece and advocate in the sad spectacle of litigation and controversy between the rival New England claimants for a bonus from Congress for the discovery of anesthesia. In this Doctor Long took no part, but a presentation of his documents by Senator Dawson, of Georgia, promptly killed the bill to give Morton \$100,000.

On March 30, 1912, on the seventieth anniversary of his first operation, a great celebration was staged at his alma mater—the University of Pennsylvania—in honor of Long's discovery of anesthesia.

That the general usage of ether in surgery came after the surgeons of the Massachusetts General Hospital had operated upon cases anesthetized by Morton no one will gainsay. But in this epoch-making discovery and the general adoption of anesthesia there is surely "glory enough for all."

I have already consumed so much time that little can be told of the immense benefit which promptly accrued to surgery and to humanity by the discovery of anesthesia.

Surgery was unshackled, physicians returned to the operating table, the shrieks of the torture chamber ceased, and the operating amphitheater became a place of quiet scientific endeavor to master the ravages of disease with the humane use of the knife. Conditions, heretofore hopeless, were brought under the sway of surgery; surgeons rapidly acquired a daring, a dexterity, and exquisite skill that has resulted in the most amazing progress witnessed in any art.

Before anesthesia, only 34 cases a year were operated on at the Massachusetts General. In five years the number had tripled, and in 50 years the increase was a hundredfold.

In the surgical textbooks before 1842 one finds described only minor procedures and emergency operations. Within 10 years the changes wrought were immense; splendid new conquests over disease by surgery were reported. The advance was rapid, but not until Pasteur's great work on spontaneous generation (1862) and diseases of silkworms in 1865 and Lister's announcement of his discovery of surgical antiseptics in 1867 was the capstone placed upon Long's work of 15 years before. Surgery was delivered from the horrors of pain and infection, and, like an animal freed from a black dungeon of despair, bounded forth into the pure light of science.

Disease, now explained by the germ theory, rapidly fell before one masterful research after another, while surgeons boldly went forth to conquer the hidden terrors of the abdomen, the chest, the brain, and every corner of the human organism was finally brought under the searching rays of scientific medicine.

Without the gift of anesthesia where would we be to-day? Accustomed as we are to behold the wonderful accomplishments of modern medicine and surgery with complacency, what a tumult would ensue were we to revert again to the days of the great discoverer whose memory we celebrate to-day in the unveiling of this splendid replica of Crawford Williamson Long.

Doctor BOLAND. The great State of Pennsylvania could well claim a part in the production of Doctor Long as well as the State of Georgia, in as much as Doctor Long graduated in medicine from the splendid medical department of that venerable institution in 1839.

In the regretted absence of Senator PEPPER, his place will be taken by the vice provost of the University of Pennsylvania, Dr. George William McClellan. [Applause.]

ADDRESS OF DR. GEORGE W. MCCLELLAN

Mr. President, daughters of Doctor Long, ladies, and gentlemen, in the unavoidable absence of Senator PEPPER, our distinguished alumnus, it is my pleasure to be the spokesman of the University of Pennsylvania in joining in this tribute to our great alumnus.

Those of us who are fairly acquainted with the problems in the life of the university of to-day must needs for our encouragement and inspiration pause occasionally and look across the years into the past. The university which I represent stretches back 186 years into the history of our country and is inseparably connected with its development.

There are no scales of measurement by which one may calculate what the alumni of any college or university, across the space of years, has contributed toward the relief of human suffering and the prolongation of human life. We are very proud that we can join with the University of Georgia in claiming Doctor Long as one of our sons. We are proud of the fact that he went out from our medical school, and as a practicing physician made this great discovery for the relief of human suffering.

It gives me pleasure, in behalf of our provost, Doctor Penniman, to present these flowers to the ladies of Doctor Long's family in recognition of their faithful, loyal devotion to his memory, and to the putting of the truth before mankind. [Applause.]

On behalf of our alumni in the city of Washington I wish to present this wreath in tribute to the memory of our distinguished alumnus, who has given an illustration to all Pennsylvania men of an ideal spirit. [Applause.]

Doctor BOLAND. Crawford Long was one of the charter members of the Medical Association of Georgia, which was organized in 1849, at which time he presented his first paper on this subject before its body.

One of the very young associates of Doctor Long—at this time it is hard to believe that he was an associate, when we look at him—in the latter days of the life of Doctor Long was a young physician who was destined to become a leader in the profession in later years. This man I have the honor to introduce to you now, one who has done much to perpetuate the fame of Doctor Long, Dr. L. G. Hardman, speaking for the Medical Association of Georgia.

RESPONSE BY DR. L. G. HARDMAN FOR THE MEDICAL ASSOCIATION OF GEORGIA

Mr. Chairman, Doctor Long's daughters, Senators, Congressmen, ladies, and gentlemen, before I undertake to present my short paper to you I wish to call to your attention this fact, that our distinguished physician and surgeon from Johns Hopkins has given the credit to a foreigner, if I may so term it, to Sir Joseph Lister, as the discoverer of antiseptic surgery. I propose to present to you in my paper another Georgian who did antiseptic surgery and taught it prior to 1867—in the sixties—during the war between the States.

The honor and privilege has been granted me to represent the Medical Association of Georgia on this occasion. Indeed, it is a great joy and gratification to be permitted to be present, bringing with me the hearts and souls of all Georgians, who feel so grateful for the discovery made by one of her sons, Dr. Crawford W. Long, who has contributed so much to the world.

Dr. Crawford W. Long was a charter member of the Medical Association of Georgia, which was organized March 20, 1849. Other members of the association who stand out as pioneers in medical science are Dr. L. D. Ford, of Augusta, the first president of this association and who was first to advocate quinine for the cure of malaria, and Dr. L. A. Dugas, of Augusta, the discoverer of mesmeric anesthesia and gave to the world antiseptic surgery; he was also first to advocate laparotomy for gunshot wounds in his famous paper read before the International Medical Congress in Philadelphia in 1876. The works of these still live to bless humanity.

The great physician and Georgian, Dr. Crawford W. Long, was in touch with the burdens and responsibilities of the doctors of this organization, and with his humble, gentle, and sweet disposition was often enabled by his advice and wise counsel to lift the weight of the burden from his fellow doctor in many ways as well as in the practice of his profession. I can not express to you the great esteem and appreciation in which he was held by his coworkers in his noble profession. This organization is here in spirit, in love, and joy to witness the high honor that is now being conferred upon him, one of its most distinguished members. His highest ambition was to serve humanity. Several years elapsed before the world began to know of his discovery. However, his friends and neighbor doctors were enthusiastic over his discovery and works. While that is true, the administration of sulphuric ether and his teachings were contributing untold relief to the world. But to-day God smiles upon this gathering as we lift the veil from his statue. He was a follower of the lowly Nazarene who came into the world to destroy sin and relieve pain. The climax in his work was reached when he discovered sulphuric ether as an anesthetic. I wish the members of this association who have crossed the great beyond could have lived to witness the erection of this statue to the memory of Doctor Long, especially Dr. Howard Williams, who gave an expression in a paper read before the Medical Association of Georgia on its fiftieth anniversary, from which I quote:

"Of these, one truly great, one name sublime,
Will ring with praise, so long as art and time
Shall last—and men grow ill—Crawford W. Long.
May his fair name resound in prose and song
While ether robs the surgeon's knife
Of its sharp edge, which wounds in saving life;
Unrivalled merit his to ether's fame,
Yet this renown others unjustly claim.
Be ours the task, with credit to unroll
His honor just one fame's eternal scroll;
Nor let this day the flaming sun go down
Until a fund begins with which to crown
His grand success in marble white or brass
Of statue great, so all may see who pass,
And the unnumbered many thousands can
With ringing voice exclaim, behold the man
Whom God the ethereal art hath showed
Once used when Eve on Adam was bestowed."

The claimants, Dr. Charles T. Jackson, W. T. G. Morton, and Wells, deserve credit for their research and their use of anesthesia and we would be glad if they, too, could be placed here in company with Crawford W. Long. Their spirits no doubt mingle in company in the world beyond, and converse in an invisible way in this Statuary Hall.

We have in the United States 7,370 hospitals with a capacity of 813,926 beds, and to indicate to some degree the contribution he has made to humanity, I have attempted to secure from various institutions, namely, the University of Pennsylvania, College of Physicians and Surgeons of New York, Johns Hopkins Hospital, the National Government in Washington, and the American Medical Association, the number of anesthetics that are given daily, not only in this country but in the world, but we find no records. Johns Hopkins reports 4,235 in a year; the Hospital Library and Service Bureau estimates 3,000,000 in the United States yearly, and with this estimate I have reached the conclusion that out of the population of 113,493,720 in the United States, 2.6 per cent are anesthetized yearly; on the same basis or percentage, 42,448,000 are anesthetized yearly in the world. This will, to some extent, indicate the great service and relief to human suffering. Not only that, but it has made possible the radical cure by the surgeon's procedure which heretofore they were unable to do. In fact, in medical science, and surgery especially, it has been made possible for the eye of the surgeon to look on the interior of the human body while the patient is under the influence of the anesthesia, and with a trained eye remove diseased and injured tissues that before were never known to the world. All repairs from accidents, injuries, and gunshot wounds in the great World War and other wars, made it possible to save life, preserve limbs, and restore health, which the world can only appreciate in the great progress in medical science.

I would not pass by without noticing those in the Statuary Hall in whose company he has been placed; to them I would say that while you have passed to your reward, yet you live and speak for each State and each section the principles for which you lived and are here to bear witness to; Abraham Lincoln, who speaks for the abolition of slavery, union of States, and freedom of man; Miss Frances E. Willard, who speaks for the conservation of the character and souls of men and the abolition of the liquor traffic, his greatest enemy; J. L. M. Curry, who was born in Georgia, stands for the abolition of ignorance, the great foe of the world; Thomas H. Benton, Daniel Webster, and John C. Calhoun, who stirred the world with their wisdom and oratory, in whose company he has been placed; Ulysses S. Grant and Kirby Smith, representing the conquerors of this great Union as warriors; and Robert E. Lee, the ideal soldier and general—the conqueror of passion and prejudice of men, and others; all stand here to impress the ages with their purity and their contributions to the world. It is in their company and in this great National Capitol we rejoice in being recognized by the world for the services rendered by Crawford W. Long, the discoverer of sulphuric ether as an anesthetic. He has come to live with you for all time, presenting to the world his discovery as a destroyer of human pain. [Applause.]

Doctor BOLAND. This occasion would not be complete unless we heard from the only woman Senator in the world, that remarkable lady whom we all love so well, one whose interest in the welfare of her people never flags, former Senator Rebecca Latimer Felton, of Georgia. [Applause.]

RESPONSE BY REBECCA LATIMER FELTON, FORMER UNITED STATES SENATOR FROM GEORGIA

Beloved daughters of Doctor Long, Senators, Congressmen, and this goodly company assembled here to do honor to Georgia, the greatest mystery of human existence is the birth of a little child. It will always rank as a miracle to the searcher after truth.

Why the Almighty Creator of heaven and of earth selected the woman to insure the care and the affection of the mother to the little one in the most critical period of its early existence has never been explained to me by Bible or by science; but the fact remains that the woman was thus selected, thus emphasized, and mother love comes next to the Divine love in the story of every human life. This relation of the mother to the unborn child is universal, for every child has had its own mother.

In the Bible story of Adam and Eve the latter was penalized for disobedience by the travail of mind and body in the pains of childbirth. In this connection it is meet and proper to-day to emphasize and eulogize the discovery of an antidote for such physical and mental suffering when the pangs of maternity were unavoidable.

From a viewpoint of over 90 years, it is my privilege and my pleasure to bring to your attention the almost universal use and the importance of Doctor Long's discovery to the child-bearing women of the world. How many women, in the previous years, found their own death struggle joined to the death struggle of the child, can never be known. Such a chronicle, or such statistics, would be impossible. Therefore, how beautiful are the feet of those that brought glad tidings and a surcease from pain, until the mother could welcome her

baby to her own arms with relief from acute suffering; and there is no light on land or sea like that light from the eyes of the mother who can take her baby to her heart and feel that her baby is safe and normal, and equipped for future existence, and that she also is a monument of God's saving mercy to be its nearest and dearest friend.

This hall of fame is largely occupied by military heroes. Time would fail me to elaborate the extent of America's devotion to her war heroes; but in this presence, and before this goodly company, we come here as Georgians to pay tribute to a distinguished Georgian who led the way into the greatest discovery known to all the ages, for this surcease of pain when the child first sees the light of day.

Because you love the name and the memory of your mother, just as I love the name and memory of my mother, by this token I ask you to pay respect and honor to this farseeing inventor, or this discoverer, or this explorer, just as you please, Dr. Crawford Long, of the State of Georgia; and may I not offer this little tribute from those of Georgia, in the name of the motherhood of all America. [Applause.]

Doctor BOLAND. We are delighted to have on the program to-day a worthy representative of the modern anesthetist, who is here to pay tribute to the first anesthetist. I present Dr. William Hamilton Long, of Louisville, Ky., secretary of the Southern Association of Anesthetists.

Doctor LONG. Mr. Chairman, daughters of Doctor Long, and members of the Crawford W. Long Memorial Association, ladies and gentlemen, permit me at the outset to say that I deeply appreciate the honor of the recognition accorded the Southern Association of Anesthetists at this historic event. It is as a representative of that body that I appear before you to add our mite to the great wealth of love, of honor, of respect, of tribute, of glory, all long delayed, that here to-day are laid at the feet of this great man.

For he was truly great. The very primary essentials of true greatness, the very fundamental attributes of this rare quality are the outstanding features of Crawford Long's character—humility, modesty, unselfishness. While false claimants of the honor so rightfully his wrangled and quarreled, he remained serene and supreme. Quietly, unostentatiously he continued his work. To one with his conception of ethical standards the idea of entering such a controversy was repugnant. It was beneath the dignity of a physician; it was out of keeping with the delicate and charming code of honor and of custom that obtained among gentlemen in the South.

Crawford Long wished merely to find the truth. Probably he felt that in the full measure of time, the truth, the honor, and the credit would be properly adjusted. His primary concern was not with fame, and less, far less with rewards of gold. He wooed no such fickle goddesses, nor was deviated by their siren calls from the simple path of duty which lay before him. Straight, clear-cut, and well defined. He was busy, and with the enthusiasm of the ministry of his profession; with the satisfaction of a loved physician who is successfully alleviating suffering and relieving pain, he left his place as a pioneer in medicine, his heritage of fame to the future, to posterity. That he had emblazoned his name in the golden letters that spell suffering's surcease and pain's assuagement, he no doubt knew.

That he had placed it with that of Jenner, of McDowell, of Sims, I make no doubt he realized, but it was no part of his duty as he conceived it to sound the trumpets heralding his achievement. With beautiful modesty, he left that to a later generation. Not until others appeared claiming his honor was he prevailed upon to present his data. And how simply he rose to refute the claims of those whose moving force was greed; whose every effort was directed toward a recognition that would take the form of gold. He held himself aloof from those who would capitalize, commercialize a discovery that has been mankind's greatest boon. In all the archives of history, general, religious, or scientific, there is no incident that more beautifully reflects the true character of a great man than does Crawford Long's simple statement of his own attitude in the unsavory controversy which his unworthy rivals had instigated: "My only wish about it is to be regarded as the benefactor of my race." There is concentrated in a sentence the code of a doctor and the character of a gentleman.

Mr. Chairman, this occasion, sublime and noble in its purpose, immortal in its memory, should cause the heart of every human being on earth to overflow anew with grateful sentiment for Crawford Long.

The man whose genius transformed the revelry of irresponsible youth into a triumphant victory over a terror that was second only to death; who changed the operating theater from a shambles into a shining beacon light of hope; who made the scalpel an emblem of mercy where once it had been an implement of torture, comes to-day into his own. On an anniversary of the day his boon came to drive from surgery its agony we come, weakly and tardily, to do him that honor, to give to his memory that tribute so long overdue.

Truth travels but a sluggish steed, but truth must be served. To-day there is not a household in the civilized world that has not personal reason to revere his memory and to bless his name. No better example exists of the solemnity of the "eternal fitness of things" than is provided by thus enshrining his memory in this hall of hallowed fame. One more illustrious figure has been added to this

proud galaxy of the Nation's great. None in this hall of heroes is more worthy of his place. His native State, sensitive always and responsive to her obligations, has displayed rare wisdom and ripe judgment in selecting her most worthy son to perpetuate her glory through the ages. How fitting that this likeness is hewn from native marble indigenous to his own beloved Georgia. Its ruggedness and its delicacy of texture symbolize alike his character and his sensitive and delicate refinement.

Mr. Chairman, on behalf of the Southern Association of Anesthetists, I beg to extend congratulations to Georgia and to the Crawford W. Long Memorial Association. At its inception this organization pledged its support to any movement that would hasten justice and enshrine the truth. The Southern Association of Anesthetists flings from its masthead Long's likeness. We are proud to be represented here. We are proud to be a witness to this example of truth, oft crushed to earth, rising at last, supreme, defiant. "The wheels of God grind slowly, but they grind exceeding fine." Crawford Williamson Long is at last among his peers. [Applause.]

Doctor BOLAND. We have heard the surgeon and the anesthetist, and now comes one who often seems the most important in the sick room, the strong right arm of the medical profession, the trained nurse; God bless her! [Applause.] In placing her last on the program, thoroughly we believe that the last should be best. I have the honor to present Miss Virginia Gibbs, of Atlanta, Ga., speaking for the nurses.

Miss GIBBES, Mr. Chairman; daughters of Doctor Long; ladies and gentlemen, to-day I come to voice the spirit of the daughters of the Southland who wait by the bedside of pain—not only the voice of the nurses of the Southland but the voice of the great army of women who span the globe and watch while others sleep.

In the white, still operating room, in as many hospitals as there are cities in the wide world, silent prayers have gone up to the great God above us in deepest gratitude to Him for placing in the heart and mind of Dr. Crawford Long the beneficent and wonderful discovery of ether anesthesia.

Although with hated breath we nurses stand by the operating table as we watch the skilled hands of the surgeons, we know that peacefully sleeping the patient is being restored to health again without acknowledgment of pain.

In our Army hospitals during the time of the great World War, both in this country and "over there," our hearts crushed by the terror of it all, one bright light shown through the darkness, and that was that pain could be deadened by ether until the surgeons could complete their work.

We are grateful, Doctor Long, for the peace your discovery has brought to our little patients, our brave little patients, the little children who have to undergo operations so that spines may be made straight, limbs be made to walk—so that little bodies may run out with joy into God's beautiful world in the gladness of health.

It is with pride that I can say that fate directed my footsteps to the town of your birth, and there my heart was awed by the thought in our own red hills of Georgia, in a small town far removed from clinics and large hospitals, was born the one destined to bring peace to the suffering, a peace not unlike the soft peace that pervaded the very atmosphere around your homestead.

The nurses in the years to come whose feet shall pass this sacred spot will pause and with the same gratitude that we feel in our hearts to-day will say, "Forever dear will be your memory, Doctor Long, for the inestimable good ether anesthesia has done on earth and will continue to do until the coming of the Great Physician."

I bring a wreath from the Georgia Association of Graduate Nurses to Doctor Long's memory. [Applause.]

Doctor BOLAND. In addition to the wreath just presented from the nurses I would like to call attention to the other wreaths placed here, one from the city of Thomasville, Ga., the birthplace of Crawford Long, one from the University of Georgia, one from the Medical Association of Georgia, and one from the Medical Alumni Association of the University of Pennsylvania, and this one from the Georgia Pharmaceutical Association.

In addition to that I would call your attention to these two gavels, which were loaned for this occasion, which were made from a mulberry tree which stands in front of the building in which Doctor Long first used ether. We thank you for your attention.

CRAWFORD W. LONG

By J. T. Hudson, of Lincolnton, Ga.

Not thine upon the gory front
Where Mars the gage of battle wields;
Where, alas! too oft is wont
That right to might inglorious yields—
Where, in serried ranks arrayed,
Food for shot and shell and blade,
Men as puny pawns are played—
Pawn to ambition, pawn to greed;
Not this, O Georgian, be thy meed.

Nay! 'Twere not thine the gift
To soar in realms of phantasy!
Not thine the boon of song to lift
To rapturous heights of minstrelsy!
Not these—fleet symbols of decay,
Ephemeral tokens of a day,
Not these—the laurel and the bay!
Not so! For thee awaits a nobler lot
Than song unsung and then—forgot.

'Twas not ordained for thee to read
Thy name engrossed upon the page
Where others madly sought to lead!
Ambitions crash and passions rage!
Nay! For inscribed thereon
(The forehead of a skeleton)
Awaits—at last—oblivion!
A meteor's flash—such is fame—
Not this thy goal—an empty name!

Be this thy sole beatitude;
This sculptured tribute to thy worth—
This—the boon of gratitude,
The highest, noblest gift on earth—
For unborn millions yet shall sing—
Prince and peasant both shall bring—
Where'er is pain or suffering—
This grateful plaudit, "Yes; well done,
Georgia's splendid, noble son!"

EDWIN MARKHAM'S POEM "THE MAN WITH THE HOE"

Mr. LA FOLLETTE. Mr. President, this is the anniversary of the birth of Edwin Markham, the well-beloved poet. I therefore ask that his best-known poem, "The Man With the Hoe," be inserted in the Record.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

THE MAN WITH THE HOE

(Written after seeing Millet's world-famous painting of a brutalized toiler)

God made man in his own image,
In the image of God made He him.—Genesis.
Bowed by the weight of centuries he leans
Upon his hoe and gazes on the ground,
The emptiness of ages in his face
And on his back the burden of the world.
Who made him dead to rapture and despair,
A thing that grieves not and that never hopes,
Stolid and stunned, a brother to the ox?
Who loosened and let down this brutal jaw?
Whose was the hand that slanted back this brow?
Whose breath blew out the light within this brain?
Is this the thing the Lord God made and gave
To have dominion over sea and land;
To trace the stars and search the heavens for power;
To feel the passion of Eternity?
Is this the dream He dreamed who shaped the suns
And mark their ways upon the ancient deep?
Down all the caverns of hell to their last gulf
There is no shape more terrible than this—
More tongued with censure of the world's blind greed—
More filled with signs and portents for the soul—
More packed with danger to the universe.
What gulfs between him and the seraphim!
Slave of the wheel of labor, what to him
Are Plato and the swing of Pleiades?
What the long reaches of the peaks of song,
The rift of dawn, the reddening of the rose?
Through this dread shape the suffering ages look;
Time's tragedy is in that aching stoop;
Through this dread shape humanity betrayed,
Plundered, profaned, and disinherited,
Cries protest to the powers that made the world,
A protest that is also prophecy.
O masters, lords and rulers in all lands,
Is this the handiwork you give to God,
This monstrous thing, distorted and soul quenched?
How will you ever straighten up this shape;
Touch it again with immortality;
Give back the upward looking and the light;
Rebuild in it the muscle and the dream;
Make right the immemorial infamies,
Perfidious wrongs, immedicable woes?
O masters, lords and rulers in all lands,
How will the future reckon with this man?

How answer his brute question in that hour
 When whirlwinds of rebellion shake all shores?
 How will it be with kingdoms and with kings—
 With those who shaped him to the thing he is—
 When this dumb terror shall rise to judge the world,
 After the silence of the centuries?

(Copyright by Edwin Markham, 1899, 1924.)

THE PROHIBITION LAW

Mr. SHEPPARD. Mr. President, I ask unanimous consent to have printed in the Record a statement by Bishop James Cannon, Jr., chairman of the commission on temperance and social service of the Methodist Episcopal Church, South, before the subcommittee of the Committee on the Judiciary of the Senate on the subject of prohibition.

There being no objection, Bishop Cannon's statement was ordered to be printed in the Record, as follows:

STATEMENT BY BISHOP JAMES CANNON, JR., CHAIRMAN OF COMMISSION ON TEMPERANCE AND SOCIAL SERVICE OF THE METHODIST EPISCOPAL CHURCH SOUTH, BEFORE SENATE JUDICIARY SUBCOMMITTEE HEARINGS ON PROHIBITION

I appear before the committee to-day as the representative of the Methodist Episcopal Church South, the third largest Protestant denomination in the country, with a membership of over 2,600,000 with over 2,300,000 Sunday-school scholars, and about 300,000 members of young people's societies. I have been elected by the general conference as the chairman of the commission on temperance and social service of this church for the past 12 years, and at the meeting of that commission on April 1 last, was requested to represent at this hearing the position of the Methodist Episcopal Church South, as it has been indicated by resolutions unanimously adopted by 340 district conferences, by 54 annual conferences, by the college of bishops, and by the general conference itself. (The influence of Methodism has been consistently and persistently and vigorously thrown against the liquor traffic ever since the establishment of the United Methodist Society by John Wesley nearly 200 years ago, and it is a pleasant duty to place on record at this hearing the attitude of our branch of Methodism on the questions now under consideration by this committee.)

"TO PROMOTE THE GENERAL WELFARE"

The eighteenth, commonly called the prohibition, amendment can not be considered or understood apart from the legislation which preceded it. It is the high-water mark attained after 75 years of effort by the American people to reduce to a minimum the admitted evils from the traffic in intoxicating liquors. The one and the only purpose of the eighteenth amendment is, to quote the words of the preamble to the Constitution, "to promote the general welfare" by the restriction of the activities of the individual citizen in the manufacture, the sale, the transportation, the exportation, and the importation of intoxicating liquors for beverage purposes. Intoxication is that condition in which a citizen has lost control of his physical, his intellectual, and his moral powers; in short, of himself. The one and only purpose of the eighteenth amendment, therefore, is "to promote the general welfare" by prohibiting the traffic in that which experience has demonstrated does cause hundreds of thousands of citizens to lose control of themselves, and to become, therefore, not only unfitted to perform properly the duties which they owe to the State, society at large, and their families, but frequently also to become a menace and a public nuisance. The fundamental question, therefore, before this committee is whether the eighteenth amendment and the enforcement act, commonly called the Volstead law, "do promote the general welfare." If not, will the legislation under consideration by this committee, if adopted, assist in that purpose?

PREVIOUS CONDITIONS AND LEGISLATION

No proper answer can be given to this question without some consideration of previous conditions and of past liquor legislation. It is difficult for the younger generation to visualize or, indeed, even to credit the actual conditions which existed in the good old days when men put their feet on the brass rail and blew the foam off the glass.

THE TRAFFIC LEGALIZED

1. In those days great distilleries and breweries were running openly and legally full blast, manufacturing hundreds of millions of gallons of intoxicants, saloons running up to the tens of thousands (over 175,000 in all) were found on the prominent corners of every village, town, and city, and intoxicants were sold and drunk publicly by men and women in hotels, high and low; intoxicants were sold in city and country clubs, and were served at practically all public dinners and banquets. To drink until one was a silly fool, or under the table, to be carried home or put to bed by others, was not only no disgrace but a proper ending of a midnight spree.

POLITICAL GRAFT AND CORRUPTION

2. The liquor traffic practically dominated the political life of town, city, State, and Nation. Its heavy hand was felt in elections of mayors, members of city councils, members of the police force, prose-

cuting attorneys, judges on the bench, members of legislatures, Members of Congress, and it insisted upon being consulted even on the matter of presidential nominations. No town or city ordinance, no State or congressional legislation which could possibly affect in any way the moral betterment of the community, the diminution of the sale of intoxicants, or of opportunities for gambling in any of its form, or restrictions upon red-light districts could be considered or adopted without the active, and usually successful opposition of the liquor traffic, acting through some agent or attorney of the State or National Liquor Dealers' Association. For 30 years I personally waged battle after battle with them in town, city, State, and Nation. The traffic had at its command all the forces of the underworld, with every ward heeler and political pimp, linked with men higher up in an ascending scale, until the slimy trail led to the office of the boss of the city or State. The graft and corruption in connection with prohibition enforcement of to-day concerning which so much clamor is raised by the opponents of the prohibition law is but a drop in the bucket, compared with the graft and corruption which prevailed everywhere in the old saloon days. Concerning this condition, the New York Times in an editorial utterance last year declared:

"The politicians ought to know that the country adopted the prohibitory amendment because among other things there had been a corrupting partnership between the saloon and the political organizations. It was difficult, if not impossible, to enforce such regulatory laws concerning the liquor traffic as there were, because the saloonkeeper had a pull with the politicians and was permitted to disregard the law as a reward for his assistance in election. The back room of the saloon was political headquarters, and there was a time when the saloon was the voting place, and the brewers and distillers subsidized political parties as the price to continue winking at irregularities."

A later editorial in the Times in August, 1925, declared:

"A correspondent of the London Observer emphasizes as one of the most important results of prohibition here the present freedom of our politics from saloon or liquor influence and control. That the bootleggers are quite without power in some of our lower political circles could not be denied safely, but it is a potty power compared with that which the saloon keepers of old exercised in practically every State, and nobody questions that the saloon is gone forever from the United States, and nobody ventures to defend it or to demand its return."

To those opponents of prohibition who are denouncing it because of the corruption and graft in connection with the bootlegging traffic, we would commend a study of the horrible conditions in preprohibition days.

SEAT OF VICE AND CRIME

3. In those days the saloon was the rendezvous, the harboring place, the recruiting station of vice and crime. Its allies were the gambling house and the brothel. Its back parlors and its wine rooms were the avenues to debauchery and ruin of multiplied thousands of women and girls. The number of girls and boys ruined to-day by hip-pocket flasks are few indeed compared to the slaughter of the innocents in those days. The immorality of the present day arises more from other causes. The transit from the saloon to the house of ill fame was easy, and intoxicants could be found there when the saloon was closed. Nine-tenths of the saloons were beer saloons, the most of them controlled by the great breweries. They were absolutely lawless. They obeyed no restriction. The brewers paid for police protection, and if some violations were too flagrant, the fines were paid, but the lawlessness continued. The greater part of the drunkenness was beer drunkenness. My college days were spent at a Methodist college in Virginia and a Presbyterian college at Princeton. The authorities of both institutions were opposed to drinking by the students, but there were saloons in both places, and although the law of Virginia forbade the sale of liquor to minors or to students, I helped carry my drunken classmates to their rooms and put them to bed. They were drunk, disgustingly drunk, on beer bought through a runner of the saloons, and there was far more drunkenness among the young people and among the college students in those days than there is to-day. I visited the homes of people in those days and saw husbands lying on the bed in a drunken stupor or so noisy and quarrelsome as to require the police. I saw wives and mothers, gaunt and hollow-eyed, weeping and despairing, working themselves to death to feed and care for their hungry, half-clothed, barefooted children. On one occasion the ladies of my church bought clothing and shoes and a coffin in which to bury a child who had died for lack of proper food, and the next morning when I came for the funeral service the father had taken the clothing and shoes to his saloon keeper and traded them for drink and was back in the house in a drunken rage. Those were some of the features of those days. Well may the opponents of prohibition assert and declare and asseverate that nobody wants the return of the saloons.

SALOON THE ISSUE

But, Mr. Chairman, the question before your committee is at bottom the question of the return of the saloon. We are told that a rose by any other name will smell as sweet, and a saloon by any other name will smell the same. The foul odor that hangs around the word "saloon" was caused by just one thing, namely, the sale of intox-

eating liquors for beverage purposes. There is no evil odor attached to an ice-cream saloon, or a soft-drink saloon, because there is no evil result from the sale of those commodities, but the sale of intoxicants anywhere, under any conditions, produces the same evil results to a greater or less extent. The American people became convinced that the conditions to which I have referred above were the natural, inherent, necessary consequences of the traffic in intoxicants, and the legislation which has been adopted had for its purpose the elimination of those evils.

LIQUOR LAWLESSNESS COMPELLED PROHIBITION

4. The lawlessness of the liquor traffic compelled the adoption of national prohibition. Drawing upon my own experience in the State of Virginia for the past 40 years, the steps in liquor legislation have been as follows: Forty years ago licenses were granted by the judges of the court to applicants upon petition by a certain number of citizens who stated that the applicant was a man of good moral character and that the proposed place was a suitable and convenient place for the sale of intoxicating liquors. But the ever-present, destructive, horrible results of the sale of intoxicants became increasingly unbearable. The people demanded and secured a local-option law, but not without exactly the same kind of opposition and denunciation from the liquor traffic and its friends which has been staged at this very hearing before this committee.

The next step was a law enacted by the legislature which prohibited the granting of a license in any community of less than 500 population, unless the judge was satisfied that the granting of such a license would not be contrary to the material or moral interests of the community. This law struck at the very root of the question involved, and be it said to the credit of the Virginia bench that it was not willing to declare that the sale of intoxicants was not contrary to the material and moral interests of the community. This law swept every saloon out of the villages and country districts, and it worked so well that in four years it was extended to apply to communities of 1,000 and less. Then the country districts, the villages, towns, and small cities of the State, but the liquor traffic refusing to recognize the rights of the citizens in the dry territory, entrenched itself in the larger cities of the Commonwealth and endeavored in every possible way to flood the country districts with their prohibited goods. The much vaunted Quebec system is not new in principle. It is practically the old dispensary system of South Carolina, and it was tried by a number of towns in Virginia. It resulted in the establishment of restaurants, so-called, located near the dispensary, the proprietors of which rented tables to purchasers of liquor at the dispensary, and it was simply the transference of the place of drinking. Furthermore, the sale of intoxicants in packages, instead of by the drink, caused the purchase of such large quantities that the purchasers would frequently drink the liquor on their way home, or carry it to their homes and have a drinking party. The system was a failure, both in South Carolina and in Virginia, as any aid to true temperance, and was abolished as every other form of the liquor traffic for its high crimes and misdemeanors. Finally realizing that they could not in any other way protect their communities, their children, and their homes, the people adopted state-wide prohibition by popular vote, thus wiping out the traffic root and branch.

But the liquor traffic utterly refused to recognize the right of the people of Virginia to brand it as an outlaw, and it established liquor-shipping houses, especially in Baltimore, which circularized the State, even boys and college students, with advertisements of liquors and by automobile, railroad, and water craft, carried prohibited intoxicants into Virginia. It was this utter refusal on the part of the liquor traffic to recognize the rights of the States to protect themselves from the liquor traffic which forced the adoption of national prohibition. Senator Bruce, Governor Ritchie, Governor Smith, Senator Edge, and the other present-day advocates of the rights of the States to determine their liquor laws for themselves were not in evidence in those days demanding that the rights of the dry States to protection from the liquor traffic of the wet States be respected. Indeed, none of the gentlemen who have appeared at this hearing expressing such great concern as to the morality and sobriety of our people and their hatred of the abominable saloon, not even Mr. Brennan, of Chicago, were prominent in those days in their efforts to protect the morals of the people and to aid in banishing the saloon, which they now all agree is so vile that it can never be permitted to return. (It is hardly to be wondered at that the dry people of the Nation hesitate to follow these present-day apostles of morality and sobriety, but prefer to remain in the ranks of those who recognized and secured the abolition of the admittedly horrible saloon.) The effort was earnestly made to meet the situation by the adoption of the Webb-Kenyon bill and by what is known as the bone-dry Reed amendment, but as long as breweries, distilleries, shipping houses, and saloons were operating legally under the law of the States where located there was no possible way to curtail open legal production, and the intoxicants once having been produced, and the wet States, not only making no effort to pass any form of legislation which would curtail the outflow of intoxicants from

their borders into dry territory, but rejoicing in the increased revenues which came to the wet States from heavy license fees, these liquors, by hook or by crook, by automobile, express, mail, freight, on railroad trains, on launches and steamers leaked—indeed, they poured—into the dry territory.

It can not be too strongly emphasized that it was this lawlessness of the legalized liquor traffic in the wet States and the utter disregard by the wet States not only of the opinions but of the rights of the people of the dry States which not simply precipitated but compelled nation-wide prohibition. The clamorous outcry, coming from thirsty throats in these wet States, that they be permitted to determine for themselves what shall be the legalized alcoholic content of beer and light wines, the solemn assertions made by these present-day States rights advocates that they are perfectly willing that the dry States shall determine what shall be the alcoholic content of beverages sold within their borders, must face fairly and fully the outstanding facts of liquor-legislation history. (Where were these advocates of States rights when the dry States were demanding the observance of their rights in the past?) How can it be expected that the dry States will pay any attention to such appeals or have any confidence in such pledges? Past experience proves conclusively that the liquor traffic respects no pledges. It violates all laws, and it would be folly, even were it constitutional, which it clearly is not, for the dry States of the Nation to agree to any such States rights control of alcoholic content. To legalize breweries and wineries to manufacture such beer and wine as is proposed by these bills would mean a return to the conditions before national prohibition. It would mean the removal of the brand of the outlaw, which is now upon the traffic, and would permit the manufacture and sale of unlimited quantities of beer and wine, and surreptitiously of spirituous liquors, much of which would pour into dry territory as in the past. As the representative of the constituency located largely in those States which suffered in the past from the lawlessness of the liquor traffic in the wet States, I speak for my people and say that we will not surrender the protection which we have secured by the national prohibition law from the lawless, legalized traffic of the wet sector of the Nation. Moreover, we demand that the national prohibition law be enforced in any wet sector of the country at no matter what cost in men or money, in order that the rest of the country may be protected from the contamination from the lawless, outlawed, defiant liquor traffic and its patrons, high or low, just as one section of the country is protected from the foot-and-mouth disease among cattle, or cholera and smallpox among persons, which may be prevalent in another section.

Gentlemen have appeared before this committee and have declared that the prohibition law can not be enforced; indeed, they have gone further than that. They have declared through Senator Bruce on the floor of the United States Senate itself that there is an element of the population which will refuse to obey the law; that the affluent classes will have their liquor, Constitution or no Constitution. Of course, this is nothing new in the conflict of the people with the liquor traffic and its devotees. They have always declared, either in word or in act, that they will not obey any law which restricts appetite or covetousness. I am not here to declare that the eighteenth amendment and the provisions of the Volstead Act are either observed or enforced universally. No laws of any kind in any country, not even the ten commandments, which admittedly are approved by the moral sense of the average man, are universally obeyed. Men profane the name of God, disobey parents, kill, commit adultery, steal, lie, covet; indeed, men sometimes seem to flaunt themselves in the very face of God. But what community denounces or thinks of calling for the repeal of the ten commandments because they are persistently violated. The question at issue is not whether the ten commandments are violated, but whether it made for the uplift and betterment of humanity that God should express His will in these laws, and tell men what they ought not to do. (The amazing proposition that to prohibit a certain action is to incite disobedience and a determination to do the very thing which has been prohibited is not only false and absurd, but it is an insult to the wisdom and goodness of God. All social community life worthy of the name is based upon reciprocal rights and duties, and is perpetuated by the observance or enforcement of regulations or laws agreed upon by society as necessary "to promote the general welfare.") The fact that some men continually refuse to do their duty and continually infringe upon the rights of others is no reason for the repeal of regulations or laws which are helpful to the social order. There were over 100,000 violations of the traffic laws in New York City alone last year, and a proportionate number throughout the country, resulting in about 25,000 deaths and 700,000 minor injuries.

A very large proportion of these traffic violations arise from careless, headstrong, or selfish chauffeurs who want to drive as they please, without restrain or without regard to the rights of others. New York City is stirred to-day by an investigation of outrageous graft in the handling of the milk supply of the city, in which it is charged that not only milk producers and dealers but city officials are involved. Such violations arise from the covetousness of those involved, which utterly disregard the health of others. In a specially prepared article

In the New York Times about a year ago, it was stated that of the total revenue of over \$1,800,000,000 paid into the United States Treasury from income-tax receipts, \$514,000,000 were added to the payments after officers of the Government had indicated to those making returns the desirability, indeed the necessity, of making these additions, and the article stated that there were probably more violators of the income tax law than of any other law on the statute books, not excepting the Volstead Act, and there were 10,000 investigators in that department. Such violations arise from selfish or covetous unwillingness to bear one's proportionate share for the support of the Government.

Has any clamor arisen for the repeal of the laws indicated above because they are persistently, willfully, and flagrantly violated? The question at issue, therefore, is not whether the prohibition law is observed and enforced universally. It is not whether there is an element of the population which defiantly declares through Senator BRUCE that it will have its liquor, Constitution or no Constitution. It is not whether there are multiplied thousands or even so many millions out of 115,000,000 of people of the United States who openly declare that they will gratify their appetites for intoxicants, regardless of its effect upon the general welfare. Selfish individualism has always placed the gratification of its own appetites and desires above the general welfare, and society has registered its advances by its triumphs over the tyranny of selfish individualism.

IS PROHIBITION BEST METHOD?

Of course, no one is so foolish as to expect that the prohibition law will not be violated just as other laws are violated, but the first great question before this committee for settlement is not whether the prohibition law is observed and enforced, but whether the results obtained have demonstrated that the present prohibition law is a better method of promoting the general welfare than any method which has been tried heretofore. Are physical, economic, moral, and domestic conditions better in the United States since the adoption of the prohibition law, or are they worse? The second question is, Would any of the measures now before the committee, if enacted into law, be beneficial or detrimental to the best interests of the people as a whole?

NEW YORK SECTOR TESTIMONY

It is noteworthy that the testimony which has been presented before the committee by opponents of the present prohibition law has come almost entirely from persons living in what for convenience may be called the New York sector of the country, including the States of New York, Connecticut, New Jersey, Pennsylvania, and Maryland, with some support from the city of Boston on the east and Chicago on the west. Two of these States, Maryland and New York, have utterly refused to pass any State enforcement law, and yet the very men in these States who are largely responsible for the failure to pass an enforcement law are the ones who are loudly and illogically denouncing the failure to enforce the law. Judged by any ordinary standards, these men do not want the law to be enforced, and how can they expect anyone to be influenced by their clamor about liquor lawlessness in their communities. The State of New Jersey, from which much clamor has arisen, is in the unfortunate position of being dominated by the large foreign-born population of Jersey City and Hudson County, although even New Jersey seems to be improving, for the 88,000 majority given to Senator EDWARDS was reduced to 35,000 given to Governor MOORE, a reduction of over 50,000, and when it is remembered that Hudson County gave approximately 108,000 wet majority, shows that there is a majority of 70,000 in the rest of the State for law enforcement. A similar decrease in majority would wipe out the wet majority entirely in the next election.

Some of the witnesses who testified concerning the lawlessness, drunkenness, and immorality in the sections where they lived and among the people with whom they are acquainted, made such sweeping statements that one is led to wonder what the people themselves who were thus characterized would say. One witness told of touring the country for two years, covering over 30,000 miles, and declared that nowhere did he find any sentiment in support of the Volstead Act. One stated that the making of whisky in the home is becoming general; that 90 per cent of the workmen are either making wine, beer, or whisky. A member of the Maryland Legislature from Baltimore City declared that his business required him to visit in the homes of laboring people, and that in all the homes he visited had a still. A Roman Catholic priest from a mining town in Pennsylvania declared that mothers were violating the law, and girls and boys of 14 were engaging in indecent parties. The Congressman from Jersey City painted a horrible condition of affairs in that city, declaring that prohibition had turned men to the use of drugs, changing drunken husbands into crazy husbands. Now, I am not here to attack the honesty and sincerity of any witness who has testified, but for myself I flatly deny that there are any such conditions in the sections of the country in which I travel, certainly among the people with whom I am brought in contact, either in business, social, or religious matters, or among those people who come under my observation. Since the year 1894 I have been engaged in work which has compelled me to travel the greater part of my time. During the past five years I have averaged

over 200,000 miles yearly. I am familiar with the cities of the South and Southwest. I am frequently for a brief stay in Philadelphia, Pittsburgh, Cincinnati, Cleveland, Buffalo, Detroit, Chicago, Columbus, Louisville, St. Louis, and Kansas City. I average at least two or three visits to New York every month. I am in Cuba and Mexico two or three times every year. I have averaged two trips to Europe for the past six or seven years, and have been to Canada five times during that period. When on the Strand and Fleet Street in London, and in the cafés of Geneva, I have seen more intoxicated persons in a day than I have seen in the United States in a year. Just two weeks ago in Cuba the car in which I was riding was struck by a car of two Cubans drunk on wine.

I have been specially interested in the study of social conditions all my life. From the time of my student days at Princeton. I have rarely been in any city overnight that I have not walked in various sections of those cities for from one to three hours at night, and as I rarely wear clerical clothes, I have not attracted any special attention. I have never seen in any of these cities such horrible conditions as have been described on the witness stand at these hearings, nor can I be made to believe without actual count that 90 per cent of the laboring people of this country are violating the Constitution of the United States, as well as the obligations they owe to their own children by the manufacture of intoxicants in their homes. As an American citizen I repudiate these wholesale assertions as not applying to the great mass of our American people. Certainly they do not apply to the more than 21,000,000 Sunday school scholars, 5,000,000 members of young people's societies, and over 30,000,000 church members of the Protestant churches.

DIFFICULTIES IN ENFORCEMENT

The advocates of changes in the prohibition law have declared that it was impossible to enforce the prohibition law because neither smuggling nor the diversion of alcohol for bootlegging purposes, nor illicit distilling can be prevented. Certainly, these things can not be absolutely entirely prevented. But General ANDREWS has stated that the smuggling has been so reduced that in his judgment not more than 5 or 10 per cent of the amounts which originally were smuggled in is now being smuggled in. The fact that he did not know how much of the amount that really did manage to slip by was seized is not a matter of any practical importance. That is purely a matter of guess work. The Government officials declare that smuggling for commercial purposes is practically under control. As a matter of fact, Great Britain did not export over 8,000,000 gallons of distilled liquors to the entire world last year, of which amount not more than 5,000,000 could by any possibility have come to North America.

If all of it was smuggled into the United States, it would have amounted to less than one-half pint per capita per annum for the whole country. Mr. BUCKNER estimated that the amount of alcohol diverted from legitimate purposes to bootlegging purposes was approximately 60,000,000 gallons. But this was purely fantastic guesswork and was more than four times as much as the estimate of the prohibition department. The basis of his calculation that there has been an increase of only 1,000,000 gallons per annum for the past five years in legitimate consumption is unwarranted. The number of automobiles in the country has increased from 10,000,000 to 20,000,000 in the past six years, and the number of closed cars, which can be used in winter with comfort, has increased from about 28 per cent to 85 per cent of the entire number. People are using antifreeze mixture who never used it before, and the amount allotted for that purpose is declared to be over 30,000,000 gallons, which is less than a gallon and a half per car per season. If it be put at only 1 gallon per car per season, the amount would be 20,000,000 gallons for the past year, showing an increase of more than tenfold in excess of Mr. Buckner's estimate of 1,000,000 gallons of this one item alone. As a matter of fact the use of alcohol for legitimate industrial purposes has increased in my own State of Virginia more than 100,000 gallons per year for the past five years, so that an industrial plant has been established in Norfolk to supply the steadily increasing legitimate need.

ILLICIT DISTILLATION

There is undoubtedly much illicit distillation. There always has been. There were moonshiners all through the southern mountains before prohibition, and the appetite for alcohol was not destroyed when the prohibitory law was passed, and, as the Senator from Missouri has demonstrated from time to time before the committee, it is not very difficult to manufacture or expensive to buy some sort of a still. But here, again, outside of the number actually captured by the prohibition officers, all calculation is purely guesswork. It is easy to figure that 175,000 stills of all sorts and sizes captured in a year could each average 40 gallons per day, or a total of 7,000,000 gallons for the 175,000 stills for the day's run, 210,000 gallons for a month, or 2,520,000,000 gallons for a year.

Then if the department captured only one-tenth as it was conjectured, and there are 1,750,000 stills in operation, then the capacity for those stills would be over 25,000,000,000 gallons for a year, which for a population of 115,000,000, would give an average of over 200 gallons per capita per year. If a question of this kind is to be set-

tled by guess work, then, of course, there is no possibility that the prohibition law can be enforced, for the whole country would be deluged with hypothetical liquor from hypothetical stills. If time would permit, I should be very glad to present to the committee in detail certain statistics which I think have a decided bearing on this question of the effects of prohibition, but I have barely time to refer to them. I file with the committee the report of the joint legislative committee on the coordination of civil and criminal practice acts, which report has been made to the present session of the New York Legislature. I simply call the attention of the committee to the statistics found on page 33, which show in Table A all reported convictions in all courts of the State from 1900 to October 31, 1925. Pointing out the convictions for intoxication in the entire State of New York, it is found that the convictions increased from 8,267 to 31,254 in 1917; that they decreased to 5,287 in 1920; that they increased to 17,269 in 1924; and that they decreased to 15,670 in 1925, showing a 50 per cent decrease between 1917 and 1925, although the population of the State has increased several hundred thousand from 1917 to 1925. I also call the attention of the committee to Table H on page 41, which gives the number of persons convicted in courts of record for the year 1925 at 8,914. Of this number 8,427 were reported as temperate, only 436 as intemperate, and 49 unknown, which indicates that only about 5 per cent of the crimes for which persons were convicted were committed by persons addicted to intoxicants, which seems to indicate that the crime wave, which has been attributed by witnesses at this hearing to the drinking of bootleg liquor, is not attributable to that cause.

I also file with the committee the preliminary report of the census of prisoners for 1923 from the Department of Commerce of the United States. On page 3 of this bulletin will be found a table showing the distribution of prisoners according to the offense or crime of which they have been convicted. In both 1910 and 1923 the table shows that the commitments for drunkenness outnumbered those for every other offense, decreasing, however, from 170,914 in 1910 to 91,367 in 1923, which, the census bulletin indicates, making an allowance for an increase in population, showed a ratio of 185.9 per cent per hundred thousand of population in 1910, against 83.1 per cent per hundred thousand in 1923, showing a decrease of 55.3 per cent in convictions for drunkenness in 1923. I know that there are many other tables presented on this question of intoxication, but I present this official bulletin of the United States Government as reliable and most probably indicative of the tremendous effect which prohibition has had upon the convictions for drunkenness.

I also submit the following figures concerning juvenile delinquency compiled by the research department of the World League Against Alcoholism, under the direction of Dr. Robert E. Corradini, from official records of Boston, Cook County, Ill., and New York City. These records show that the arrests of children under 15 in the city of Boston have decreased since 1913 to 1924 from 2,294 to 1,596, and from 1918 to 1,596. The figures from Cook County, including Chicago, for the years 1916 to 1923, inclusive, show that arrests for child delinquency had decreased from 3,306 in 1918 to 1,282 in 1923. The records for delinquent girls in Cook County for the same period show a decrease from 730 in 1918 to 532 in 1923. The records for the children's court of New York from 1913 to 1924 show a steady decrease from 8,015 in 1913 to 4,385 in 1924.

I present records showing the work done by the Children's Aid Society of New York, which indicate a shifting of program of the work of the society, indicating a decrease in purely charity work to an increase in constructive welfare work. For illustration, the number of families under the care of the society decreased from 2,024 in 1914 to 1,261 in 1925. The number of persons sheltered in lodging houses decreased from 6,319 in 1914 to 1,646 in 1925. The number of children benefited through the fresh-air fund increased from 17,000 in 1917 to 116,000 in 1925. The meals given to school children decreased from 637,000 in 1917 to 262,000 in 1925. I also present the statistical data from the Bowery Mission, showing a decrease in charity work, an increase in constructive work, and a great increase in opportunity for spiritual work. I call attention to only one item, namely, that of night's lodging. Men and boys sheltered in night's lodging in 1914 were 44,900; in 1925, 8,760; free meals in 1914, 809,777; in 1925, 67,574.

In order that I might be able to state to this committee the attitude of the people whom I represent, I decided to secure from them an expression of opinion upon certain important factors in the present situation. As chairman of the Commission on Temperance and Social Service, I prepared and sent out a questionnaire to every minister and to every lay leader in the Methodist Episcopal Church South. The questionnaire called for the following information:

Question 1. Did you favor the adoption of the eighteenth amendment?

Question 2. With about how many people are you ordinarily in contact?

Question 3. Are home conditions better or worse since the adoption of prohibition (a) as to food, (b) clothing, (c) home comforts and conveniences, (d) increase in personal ownership of homes, (e) recreation and amusements, (f) school opportunities?

Question 4. Do you personally observe more or less drinking and drunkenness now than in the saloon days (a) in the home, (b) in public places, such as hotels, restaurants, places of amusement, streets, trains, (c) among young people of all classes—laboring, factory, clerks, stenographers, students, society?

Question 5. Would the sale of wine and beer make conditions better or worse in your community?

Question 6. Do you think wine and beer could be manufactured and distributed without the lawlessness and the corruption of the saloon days?

Question 7. Is there as much political graft and corruption to-day as when the saloon dominated town, city, State, and national elections?

Question 8. If the law is not as well enforced in your community as it should be, what suggestions do you make to secure more effective enforcement?

Question 9. In the light of all the facts as you personally see them, not as newspapers or other persons report them, do you still favor prohibition?

Question 10. Is the church in your community as active in its efforts to uphold the law and to conserve its benefits as it was to secure its enactment?

This questionnaire was not sent out until after these hearings began, but already over 6,000 replies have been received, of which the following have been tabulated:

Maryland, 54; Virginia, 510; North Carolina, 432; South Carolina, 262; Georgia, 435; Florida, 160; West Virginia, 236; Ohio, 2; Indiana, 2; Illinois, 34; Kentucky, 330; Tennessee, 565; Alabama, 336; Mississippi, 270; Louisiana, 104; Arkansas, 226; Missouri, 418; Nebraska, 1; Kansas, 6; Colorado, 11; Oklahoma, 154; Texas, 760; New Mexico, 26; Arizona, 16; California, 26; Oregon, 5; Washington, 1; Idaho, 2; Montana, 3; District of Columbia, 11.

The answers to this questionnaire are coming in by every mail, and I shall ask permission of the committee to change these figures and insert the correct number after all the answers have been received and properly tabulated. I think it is proper to emphasize that the answers to the questions given above were made by pastors, presiding elders, educators, editors, connectional officers, and bishops, plus lay leaders of the church, which lay leaders are men chosen by the various congregations throughout Southern Methodism as the one best qualified to lead the congregation in carrying on the varied activities of the church. I believe that the men who have answered this questionnaire are the equal of any other similar number of men in this country in good practical common sense, knowledge of human nature, knowledge of conditions in communities in which they live, genuine interest in the welfare of the people, sincerity, integrity, and general moral character. If they are not patriotic citizens, if they do not love their country, if their sincerity can not be trusted, I know of no men who are patriotic, sincere lovers of their country. Their testimony comes up to this committee not absolutely unanimous on every point but practically so, for the replies received and tabulated up to this time, and out of approximately 6,000 individual answers, all but three declared that home conditions are better since the adoption of prohibition, that food, clothing and comforts, conveniences, increase in personal ownership of homes, recreations, and amusements in the home and public places and among young people than in the saloon days.

All but 10 declare that the sale of wine and beer would make conditions worse in their community. All but 10 declare that they do not think wine and beer could be manufactured and distributed without the lawlessness and corruption of the saloon days, for as many of them state that the sale and distribution of beer would either require beer parlors or saloons, or would turn the home into a drinking place with the evil consequences attendant thereupon. All but six declare that there is not as much political graft and corruption to-day as when the saloon dominated town, city, State, and national elections. All but nine declare that in the light of all the facts as they personally see them they do still favor national prohibition, and all but one of these declare that they prefer prohibition if it were effectively enforced. The very large majority state that in their judgment the churches have not been as active in their efforts to uphold the law and to conserve its benefits as they were to secure its enactment, because the tendency has been to think that now that the law has been passed it is the duty of the Government to make adequate appropriations, elect suitable officers, and to prosecute offenders. The opinion is very generally expressed that the present aggressive activity of the opponents of prohibition will stir the churches to a recognition of the necessity for greater activity in support of the law and of its effective enforcement.

The suggestions made to secure more effective enforcement of the law are naturally somewhat varied, but there are a very few out of the entire number who do not insist upon certain things:

First. That to secure effective enforcement, the work must be committed to those who believe that the prohibition law is a good law, that it can and should be enforced as effectively as other laws of a similar character, such as the narcotic drug act, the income tax law, the Mann law, etc.

Second. It is also insisted that adequate salaries should be paid to secure such men as are qualified to enforce so important and difficult a law.

Third. That whatever number of men are necessary to properly enforce the law in any section of the country should be provided for that section.

Fourth. That the Government should appropriate whatever amount may be necessary to enforce the law.

Fifth. That more stringent penalties should be inflicted upon the violators of the law.

If the Treasury Department considers it of vital importance to have sufficient men and money to enforce effectively the income tax law, which is purely a revenue measure, it is certainly of equal importance to enforce the prohibition law.

As the representative of my people I feel justified in supporting the measures proposed by General Andrews, giving additional search-and-seizure powers in cases of manufacture for sale and for sale itself. The defiant declaration was made by Senator BRUCE on the floor of the Senate itself that the affluent classes will have their liquor, Constitution or no Constitution, is a frank statement of the liquor traffic and its devotees. It is not simply a question of whether the manufacture and the sale of a glass of beer in itself alone should be classed as a misdemeanor or a felony. The issue squarely made to-day is whether the open, defiant declaration that a large body of men are determined to nullify the Constitution, to snap their fingers in the faces of the Government and of the great majority of the American people, which the Government represents, shall be met, as it squarely deserves, by an equally open, positive, clear-cut declaration that the national prohibition law imbedded in the Constitution of the United States shall not be ridiculed, flouted, or nullified, but that the majority of the people will demand of their Government that whatever amount of money may be necessary and whatever force of men may be required to secure proper obedience to the law shall be furnished; that the admittedly remarkable and great benefits which followed the enactment of the law in 1920 and 1921, because the law was generally obeyed, shall be permanently secured for the benefit of the great masses of the people of the country, regardless of the clamor and protests of the defiant, lawless minority.

SUSQUEHANNA RIVER BRIDGE, PENNSYLVANIA

Mr. BINGHAM. I ask unanimous consent for the receipt of a report from the Committee on Commerce on a bill relative to a bridge across the Susquehanna River.

The VICE PRESIDENT. Without objection, the report will be received.

Mr. BINGHAM. From the Committee on Commerce I report back favorably, with an amendment, the bill (H. R. 10002) granting the consent of Congress to H. J. Stannert, Harry Wels, and George W. Rockwell to construct, maintain, and operate a bridge across the Susquehanna River from a point in the city of Sunbury, Northumberland County, to a point in the township of Monroe, in Snyder County, in the State of Pennsylvania, and I submit a report (No. 652) thereon. I call the attention of the Senator from Pennsylvania [Mr. PEPPER] to it.

Mr. PEPPER. Mr. President, I ask unanimous consent for the immediate consideration of this bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was to strike out all after the enacting clause and to insert:

That the consent of Congress is hereby granted to H. J. Stannert, Harry Wels, and George W. Rockwell, their legal representatives and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Susquehanna River, at a point suitable to the interests of navigation, between a point in the city of Sunbury, Northumberland County, Pa., and a point opposite in the township of Monroe, Snyder County, Pa., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The said H. J. Stannert, Harry Wels, and George W. Rockwell, their legal representatives and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

SEC. 3. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Pennsylvania, any political subdivision thereof within which any part of such bridge is located, or two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 30 years after the completion of such bridge it is acquired by condemnation, the amount of damages or com-

pensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property), and (4) actual expenditures for necessary improvements.

SEC. 4. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Pennsylvania under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 5. The said H. J. Stannert, Harry Wels, and George W. Rockwell, their legal representatives and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said H. J. Stannert, Harry Wels, and George W. Rockwell, their legal representatives and assigns, shall make available to the Secretary of War all of their records in connection with the financing and construction thereof. The finding of the Secretary of War as to such actual original cost shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 6. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said H. J. Stannert, Harry Wels, and George W. Rockwell, their legal representatives and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ELIZABETH RIVER BRIDGE, NORFOLK COUNTY, VA.

Mr. BINGHAM. I ask unanimous consent for the receipt of a report from the Committee on Commerce in regard to a bridge near Norfolk, Va.

The VICE PRESIDENT. Without objection, the report will be received.

Mr. BINGHAM. From the Committee on Commerce, I report back favorably with an amendment the bill (H. R. 7093) granting the consent of Congress to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia, and I submit a report (No. 653) thereon. I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was to strike out all after the enacting clause and to insert:

That the consent of Congress is hereby granted to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey, their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the southern branch of the Elizabeth River, at a point suitable to the interests of navigation, at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of

bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

The construction of such bridge shall not be commenced nor shall any alterations of such bridge be made either before or after its completion until the plans and specifications for such construction or alterations have been first submitted to and approved by the Secretary of War, the Secretary of the Navy, and the Secretary of Agriculture, acting jointly, and they, acting jointly, shall determine whether the location selected is feasible for the erection of such bridge without obstructions in navigation and without being detrimental to the development of interstate and foreign as well as domestic commerce moving to and from the particular location on the southern branch of the Elizabeth River to the inland waters of the State concerned, and whether public convenience will be served by such bridge as a connecting link between the Federal-aid highway systems of the State of Virginia. The said Secretaries, acting jointly, are empowered and, if requested to do so, are directed to hold public hearings for the full and complete determination of said precedent requirements.

SEC. 2. That said O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey, their successors and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such act of March 23, 1906.

SEC. 3. After the date of completion of such bridge, as determined by the Secretary of War, either the State of Virginia, any political subdivision thereof within which any part of such bridge is located, or two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per cent of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property), and (4) actual expenditures for necessary improvements.

SEC. 4. If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Virginia, under the provisions of section 3 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The said O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey, their successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey, their successors and assigns, shall make available to the Secretary of War all of their records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 6. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey, their successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until tomorrow at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 46 minutes p. m.) the Senate took a recess until tomorrow, Saturday, April 24, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 23 (legislative day of April 19), 1926

ASSISTANT COMMISSIONER OF INTERNAL REVENUE

Charles R. Nash, of Minnesota, to be assistant to the Commissioner of Internal Revenue. New office created by section 1201 (b), (2) of the revenue act of 1926.

GENERAL COUNSEL FOR THE BUREAU OF INTERNAL REVENUE

Alexander W. Gregg, of Texas, to be general counsel for the Bureau of Internal Revenue. New office created by section 1201 (a) of the revenue act of 1926.

REAPPOINTMENTS IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICERS

To be brigadier generals, reserve

Brig. Gen. Edgar Stilson Jennings, reserve (brigadier general, New York National Guard), from November 4, 1926.

Brig. Gen. Milton Atchison Reckord, reserve (brigadier general, Maryland National Guard), from November 4, 1926.

Brig. Gen. Jacob Franklin Wolters, reserve (brigadier general, Texas National Guard), from July 18, 1926.

Brig. Gen. William Church Davis, auxiliary reserve, from November 4, 1926.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

SIGNAL CORPS

First Lieut. Richard Turner Schlosberg, Infantry (detailed in Signal Corps), with rank from July 1, 1920.

FIELD ARTILLERY

Capt. Henry Alfred Schwarz, Infantry, with rank from June 25, 1920.

INFANTRY

Second Lieut. Ernest Ayder Suttles, Air Service, with rank from June 12, 1925.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONEL

Lieut. Col. Philip Sheridan Golderman, Field Artillery, from April 16, 1926.

TO BE LIEUTENANT COLONELS

Maj. Dean Halford, Infantry, from April 16, 1926.

Maj. Ralph Willcox Kingman, Infantry, from April 16, 1926.

TO BE MAJORS

Capt. Charles Franklin Eddy, Finance Department, from April 16, 1926.

Capt. William Maynard Dixon, Finance Department, from April 16, 1926.

POSTMASTERS

CALIFORNIA

Josephine M. Costar to be postmaster at Greenville, Calif., in place of J. M. Costar. Incumbent's commission expires April 25, 1926.

Bernard G. Larrecou to be postmaster at Menlo Park, Calif., in place of B. G. Larrecou. Incumbent's commission expires April 25, 1926.

COLORADO

Anna B. Danford to be postmaster at Haswell, Colo., in place of A. B. Danford. Incumbent's commission expired March 27, 1926.

Hugh L. Large to be postmaster at Longmont, Colo., in place of H. L. Large. Incumbent's commission expires April 25, 1926.

Daniel Vigil to be postmaster at Saguache, Colo., in place of Daniel Vigil. Incumbent's commission expired March 2, 1926.

Roy H. Horner to be postmaster at Wiley, Colo., in place of R. H. Horner. Incumbent's commission expired April 14, 1926.

CONNECTICUT

Mary H. Newton to be postmaster at Uncasville, Conn., in place of M. H. Newton. Incumbent's commission expires April 25, 1926.

William M. Logan to be postmaster at West Cheshire, Conn., in place of W. M. Logan. Incumbent's commission expired April 20, 1926.

GEORGIA

Hardy L. Holland to be postmaster at Register, Ga., in place of R. G. Riggs, resigned.

ILLINOIS

George V. Robinson to be postmaster at Forrest, Ill., in place of G. V. Robinson. Incumbent's commission expired October 19, 1925.

Frances Baker to be postmaster at Golconda, Ill., in place of Frances Baker. Incumbent's commission expired April 20, 1926.

William L. Bauman to be postmaster at Iuka, Ill., in place of W. L. Bauman. Incumbent's commission expired April 7, 1926.

Ora C. Balar to be postmaster at Johnston City, Ill., in place of O. C. Balar. Incumbent's commission expired February 24, 1926.

Herman W. Behrens to be postmaster at Kampsville, Ill., in place of H. W. Behrens. Incumbent's commission expired April 21, 1926.

Rola Eubanks to be postmaster at Omaha, Ill., in place of Rola Eubanks. Incumbent's commission expired April 20, 1926.

Walter A. Foster to be postmaster at Steward, Ill., in place of W. A. Foster. Incumbent's commission expired April 21, 1926.

John J. Barton to be postmaster at Sublette, Ill., in place of J. J. Barton. Incumbent's commission expired April 21, 1926.

Clara A. Hollow to be postmaster at Trenton, Ill., in place of C. A. Hollow. Incumbent's commission expired April 20, 1926.

Russell P. Garrison to be postmaster at Wayne City, Ill., in place of R. P. Garrison. Incumbent's commission expired April 20, 1926.

William E. West to be postmaster at Yates City, Ill., in place of L. S. Soldwell, removed.

INDIANA

Katheryn L. Huckleberry to be postmaster at Whitestown, Ind., in place of K. L. Huckleberry. Incumbent's commission expires April 25, 1926.

William H. Jones to be postmaster at Logansport, Ind., in place of J. M. Johnston, deceased.

IOWA

Glen M. Reynolds to be postmaster at Irwin, Iowa, in place of G. M. Reynolds. Incumbent's commission expired April 7, 1926.

KANSAS

John L. Lee to be postmaster at Atlanta, Kans., in place of J. L. Lee. Incumbent's commission expires April 25, 1926.

David E. Hill to be postmaster at Nortonville, Kans., in place of D. E. Hill. Incumbent's commission expires April 25, 1926.

Francis B. Brungardt to be postmaster at Victoria, Kans., in place of F. B. Brungardt. Incumbent's commission expires April 25, 1926.

KENTUCKY

Anna Harris to be postmaster at Prestonsburg, Ky., in place of Anna Harris. Incumbent's commission expired February 22, 1926.

Thomas D. Tapp to be postmaster at Springfield, Ky., in place of T. D. Tapp. Incumbent's commission expires April 25, 1926.

LOUISIANA

Ella Farr to be postmaster at Gilliam, La., in place of Ella Farr. Incumbent's commission expired March 27, 1926.

MASSACHUSETTS

Walter L. Burt to be postmaster at Canton, Mass., in place of W. L. Burt. Incumbent's commission expires April 25, 1926.

MICHIGAN

Augustus J. Bills to be postmaster at Grand Ledge, Mich., in place of A. J. Bills. Incumbent's commission expired March 9, 1926.

Wynne C. Garvin to be postmaster at Millington, Mich., in place of W. C. Garvin. Incumbent's commission expired April 21, 1926.

MINNESOTA

E. Jay Merry to be postmaster at Fairmont, Minn., in place of E. J. Merry. Incumbent's commission expires April 25, 1926.

Sarah E. Jones to be postmaster at Zimmerman, Minn., in place of S. E. Jones. Incumbent's commission expires April 25, 1926.

MISSISSIPPI

Harry Howe to be postmaster at Shelby, Miss., in place of Harry Howe. Incumbent's commission expired February 28, 1926.

MISSOURI

Lavinia B. Jones to be postmaster at Pilot Grove, Mo., in place of L. B. Jones. Incumbent's commission expired April 11, 1926.

MONTANA

Gale E. McKain to be postmaster at Eureka, Mont., in place of M. C. McKain. Incumbent's commission expired February 20, 1926.

J. R. Wotring to be postmaster at Warland, Mont., in place of G. W. Shearer, resigned.

NEBRASKA

Henry J. Steinhausen to be postmaster at Creighton, Nebr., in place of H. J. Steinhausen. Incumbent's commission expired April 21, 1926.

Ray H. Surber to be postmaster at Davenport, Nebr., in place of R. H. Surber. Incumbent's commission expired April 21, 1926.

James E. Scott to be postmaster at Osmond, Nebr., in place of J. E. Scott. Incumbent's commission expired April 21, 1926.

James D. Finley to be postmaster at Sargent, Nebr., in place of J. D. Finley. Incumbent's commission expired April 21, 1926.

NEVADA

Emanuel Bollschweiler to be postmaster at Wells, Nev., in place of Emanuel Bollschweiler. Incumbent's commission expired April 18, 1926.

NEW JERSEY

Eva H. Ketcham to be postmaster at Belvidere, N. J., in place of E. H. Ketcham. Incumbent's commission expired April 20, 1926.

John Boyd to be postmaster at Greystone Park, N. J., in place of John Boyd. Incumbent's commission expired April 20, 1926.

Peter A. Greiner, jr., to be postmaster at Woodbridge, N. J., in place of P. A. Greiner, jr. Incumbent's commission expires April 25, 1926.

NEW YORK

Everett H. Axtell to be postmaster at Deposit, N. Y., in place of E. H. Axtell. Incumbent's commission expires April 25, 1926.

May M. Ferry to be postmaster at Edwards, N. Y., in place of M. M. Ferry. Incumbent's commission expired April 21, 1926.

William F. Hadley to be postmaster at North Bangor, N. Y., in place of W. F. Hadley. Incumbent's commission expired March 20, 1926.

Raymond C. Green to be postmaster at Sauquoit, N. Y., in place of R. C. Green. Incumbent's commission expired April 21, 1926.

Sarah M. Taylor to be postmaster at Westbury, N. Y., in place of S. M. Taylor. Incumbent's commission expires April 25, 1926.

NORTH CAROLINA

Richard S. White, sr., to be postmaster at Elizabethtown, N. C., in place of R. S. White, sr. Incumbent's commission expired April 20, 1926.

OHIO

Ernest C. Ludwig to be postmaster at Anna, Ohio, in place of E. C. Ludwig. Incumbent's commission expires April 25, 1926.

Ray V. Chase to be postmaster at Archbold, Ohio, in place of R. V. Chase. Incumbent's commission expired April 20, 1926.

Frederick O. Bates to be postmaster at Bellevue, Ohio, in place of F. O. Bates. Incumbent's commission expires April 25, 1926.

James E. Davis to be postmaster at Belmont, Ohio, in place of J. E. Davis. Incumbent's commission expired April 20, 1926.

Herbert S. Cannon to be postmaster at Canal Winchester, Ohio, in place of H. S. Cannon. Incumbent's commission expired February 10, 1926.

George S. Laskey to be postmaster at Custar, Ohio, in place of G. S. Laskey. Incumbent's commission expires April 25, 1926.

John J. Haines to be postmaster at East Liberty, Ohio, in place of J. J. Haines. Incumbent's commission expires April 25, 1926.

Ruth G. McWilliams to be postmaster at Grand Rapids, Ohio, in place of R. G. McWilliams. Incumbent's commission expires April 25, 1926.

Addie F. Hosler to be postmaster at Kingston, Ohio, in place of A. F. Hosler. Incumbent's commission expired April 20, 1926.

Arthur R. Hurd to be postmaster at Lawndale, Ohio, in place of A. R. Hurd. Incumbent's commission expired April 20, 1926.

Reinhart W. Kuck to be postmaster at New Bremen, Ohio, in place of R. W. Kuck. Incumbent's commission expires April 25, 1926.

William M. Freeman to be postmaster at Otway, Ohio, in place of W. M. Freeman. Incumbent's commission expired April 20, 1926.

Everett F. Funk to be postmaster at Warsaw, Ohio, in place of E. F. Funk. Incumbent's commission expires April 25, 1926.

OKLAHOMA

Guy E. Reece to be postmaster at Braggs, Okla., in place of G. E. Reece. Incumbent's commission expired April 21, 1926.

Lillie M. Sheel to be postmaster at Burbank, Okla., in place of L. M. Sheel. Incumbent's commission expired December 22, 1925.

George Rainey to be postmaster at Enid, Okla., in place of George Rainey. Incumbent's commission expired April 20, 1926.

Manford Burk to be postmaster at Hooker, Okla., in place of W. P. Morris, resigned.

PENNSYLVANIA

Albert S. Leiby to be postmaster at Bath, Pa., in place of A. S. Leiby. Incumbent's commission expired April 20, 1926.

Robert S. Bowman to be postmaster at Berwick, Pa., in place of R. S. Bowman. Incumbent's commission expired April 20, 1926.

Elwood S. Rothermel to be postmaster at Fleetwood, Pa., in place of E. S. Rothermel. Incumbent's commission expired April 21, 1926.

Elwood M. Stover to be postmaster at Kulpville, Pa., in place of E. M. Stover. Incumbent's commission expired April 21, 1926.

Grant Piper to be postmaster at Petersburg, Pa., in place of Grant Piper. Incumbent's commission expired April 20, 1926.

Mabel M. Myer to be postmaster at Ronks, Pa., in place of M. M. Myer. Incumbent's commission expired April 21, 1926.

Herman Raltheil to be postmaster at Smithton, Pa., in place of Herman Raltheil. Incumbent's commission expired April 20, 1926.

SOUTH CAROLINA

William T. Stewart to be postmaster at Camden, S. C., in place of W. D. Trantham. Incumbent's commission expired April 14, 1924.

SOUTH DAKOTA

Charles H. Hess, jr., to be postmaster at Blunt, S. Dak., in place of C. H. Hess, jr. Incumbent's commission expired February 10, 1926.

Arthur H. Slem to be postmaster at Clark, S. Dak., in place of A. H. Slem. Incumbent's commission expires April 25, 1926.

Jennie Dodge to be postmaster at Egan, S. Dak., in place of Jennie Dodge. Incumbent's commission expires April 25, 1926.

TEXAS

Florence M. Geyer to be postmaster at College Station, Tex., in place of F. M. Geyer. Incumbent's commission expired April 20, 1926.

Clarence R. Redden to be postmaster at Le Leon, Tex., in place of C. R. Redden. Incumbent's commission expires April 25, 1926.

John C. Beever to be postmaster at Perryton, Tex., in place of J. C. Beever. Incumbent's commission expires April 25, 1926.

Thomas B. White to be postmaster at Rogers, Tex., in place of T. B. White. Incumbent's commission expires April 25, 1926.

Herman C. Feist to be postmaster at Rowena, Tex., in place of H. C. Feist. Incumbent's commission expires April 25, 1926.

William F. Viereck to be postmaster at Sealy, Tex., in place of W. F. Viereck. Incumbent's commission expired April 20, 1926.

Don A. Parkhurst to be postmaster at Tahoka, Tex., in place of D. A. Parkhurst. Incumbent's commission expired April 20, 1926.

John W. Osborne to be postmaster at West Columbia, Tex., in place of J. W. Osborne. Incumbent's commission expires April 25, 1926.

Charles C. Eppright to be postmaster at Manor, Tex., in place of A. T. Cook, resigned.

Howard F. McWilliams to be postmaster at Queen City, Tex., in place of R. E. Jackson, resigned.

UTAH

John A. Israelsen to be postmaster at Hyrum, Utah, in place of J. A. Israelsen. Incumbent's commission expires April 24, 1926.

VERMONT

Charles H. Austin to be postmaster at Richford, Vt., in place of W. J. Reiriden, deceased.

VIRGINIA

Paul E. Haden to be postmaster at Palmyra, Va., in place of P. E. Haden. Incumbent's commission expired April 20, 1926.

Jessie H. Cox to be postmaster at Washington, Va., in place of J. H. Cox. Incumbent's commission expired April 20, 1926.

Herbert T. Thomas to be postmaster at Williamsburg, Va., in place of H. T. Thomas. Incumbent's commission expired April 20, 1926.

WASHINGTON

Richard A. McKellar to be postmaster at Cashmere, Wash., in place of R. A. McKellar. Incumbent's commission expires April 25, 1926.

Joseph A. Dean to be postmaster at Castlerock, Wash., in place of J. A. Dean. Incumbent's commission expires April 25, 1926.

William R. Wells to be postmaster at Mount Vernon, Wash., in place of W. R. Wells. Incumbent's commission expired April 21, 1926.

Helen M. Purvis to be postmaster at Sumner, Wash., in place of H. M. Purvis. Incumbent's commission expired April 20, 1926.

Joseph F. Lavigne to be postmaster at Cusick, Wash. Office became presidential January 1, 1925.

WEST VIRGINIA

Sylvester V. Riggs to be postmaster at St. Marys, W. Va., in place of S. V. Riggs. Incumbent's commission expired December 22, 1925.

WISCONSIN

Mae F. Harris to be postmaster at Goodman, Wis., in place of M. F. Harris. Incumbent's commission expired October 3, 1925.

WYOMING

W. Leroy Call to be postmaster at Afton, Wyo., in place of W. L. Call. Incumbent's commission expires April 25, 1926.

Chester A. Lindsley to be postmaster at Yellowstone Park, Wyo., in place of C. A. Lindsley. Incumbent's commission expires April 25, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 23 (legislative day of April 19), 1926

ASSISTANT COMMISSIONER OF INTERNAL REVENUE

Charles R. Nash to be assistant to the Commissioner of Internal Revenue.

GENERAL COUNSEL FOR THE BUREAU OF INTERNAL REVENUE

Alexander W. Gregg to be general counsel for the Bureau of Internal Revenue.

POSTMASTERS

KANSAS

Guy H. Byarlay, Green.
Isabel Brown, Lansing.

PENNSYLVANIA

Elmer E. Brunner, York Haven.

VIRGINIA

Charles R. Coakley, Arrington.
 Anthony Hart, Clifton Station.
 Philip B. Nourse, East Falls Church.
 James F. Walker, Fort Defiance.
 Homo D. Gleason, Lovingsston.
 Ann E. Copps, Schuyler.
 Emeline P. Lacy, Scottsburg.
 Eva C. Hudson, Tye River.
 George W. Hammontree, Yorktown.

WEST VIRGINIA

Sewell J. Champe, Montgomery.
 Wendell Evans, Winona.

WISCONSIN

Elmer Carlson, Brantwood.
 Henry C. Scheller, Cecil.
 Eugene F. Stoddard, Downing.
 Simon Skroch, Independence.
 Charles Pearson, La Valle.
 Carrie B. Carter, Lyndon Station.
 Carlton C. Good, Neshkoro.
 Emmet W. Zimmerman, Phelps.
 Harry Bradley, Taylor.
 Edmund O. Johnson, Warrens.
 Oscar M. Waterbury, Williams Bay.
 George E. King, Winneconne.

HOUSE OF REPRESENTATIVES

FRIDAY, April 23, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal Father, Thou hast blest and trusted us. We desire above all things to be worthy of Thy confidence. Have mercy upon us. Let not the evil in our hearts darken the outlook of our souls. May all our lives be magnified in wisdom, charity, and humility. We wonder of Thy loving patience. Oh, do Thou help us to escape the tendencies of our own desires and ambitions. Show us real values and teach us the larger meaning of the commonplace. Make us strong of will, so that we shall be overcomers in the presence of all temptations. Provide a way for the discouraged, the wounded, and the sick. Bless us with a hunger for all those virtues that lift us to the highest service for our country. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO ADDRESS THE HOUSE

Mr. FREAR. Mr. Speaker, several days ago the gentleman from South Dakota [Mr. WILLIAMSON] requested that there be inserted in the RECORD the remarks of Commissioner Burke taken at a hearing before the Committee on Indian Affairs. That request was made when I was not present. I knew nothing about it, but objection was heard, and afterwards I was asked if there was objection on my part, and I said no, but I would like at the same time to make a brief statement when it was inserted in the RECORD. I have tried to get time, but I find that the time is all promised. I now ask unanimous consent that at the conclusion of the order this morning I may address the House for 15 minutes.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that at the conclusion of the order heretofore made this morning he may be allowed to address the House for 15 minutes. Is there objection?

Mr. GARNER of Texas. When does the gentleman want to speak?

Mr. FREAR. At the conclusion of the remarks of other gentlemen who have been given leave to address the House.

Mr. GARNER of Texas. May I inquire upon what subject?

Mr. FREAR. With reference to Indian affairs. The gentleman from South Dakota [Mr. WILLIAMSON] asked to insert the testimony of Commissioner Burke in the RECORD, to which I consented.

The SPEAKER. Is there objection?

Mr. HUDSON. Reserving the right to object, I want to ask the gentleman from Wisconsin if it is to continue the discussion that he already has had in the RECORD?

Mr. FREAR. It is for the purpose of answering the remarks of the commissioner, who had the exclusive right to talk for almost three hours before the committee.

Mr. HUDSON. I do not want to object, but the gentleman from Wisconsin had plenty of time in committee and did not take the time. I do not think the RECORD ought to be encumbered with this.

Mr. FREAR. The commissioner talked for about three hours without interruption. I only want 15 minutes now.

Mr. HUDSON. Can not the gentleman take another day?

Mr. FREAR. I want it to go in to-morrow, and I understand that there may be an adjournment over to-morrow.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 9831. An act to provide for the completion and repair of customs buildings in Porto Rico; and

H. R. 7372. An act to amend section 27 of the general leasing act approved February 25, 1920 (41 Stat. L. p. 437).

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 2368. An act for the relief of Ocean Steamship Co. (Ltd.), a British corporation; and

S. 1486. An act to authorize the Secretary of War to lease to the Bush Terminal Railroad Co. and to the Long Island Railroad use of railway tracks at Army supply base, South Brooklyn, N. Y.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9688) granting the consent of Congress to the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Baybridge, Ohio.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 750. An act to amend paragraph (18) of section 1 of the interstate commerce act, as amended;

S. 1490. An act to provide for the appointment of an additional judge of the District Court of the United States for the Western District of New York;

S. 2348. An act for the relief of Nick Masonich;

S. 2620. An act for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department;

S. 2657. An act to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909;

S. 2716. An act to provide for the collection of fees from royalties on production of minerals from leased Indian lands;

S. 3284. An act to amend a portion of section 15 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920;

S. 3560. An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927; and

S. 3732. An act making appropriations for the Hillcrest and Black Canyon units of the Boise reclamation project, Idaho.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and resolution of the following titles:

On April 21, 1926:

H. R. 6730. An act to detach Fulton County from the Jonesboro division of the eastern judicial district of the State of Arkansas and attach the same to the Batesville division of the eastern judicial district of said State;

H. R. 7455. An act to legalize the submarine cable laid in the St. Louis River at the Spirit Lake Transfer Railway drawbridge, between New Duluth, Minn., and Oliver, Wis., and used for the lighting of the village of Oliver, Wis.;

H. J. Res. 213. Joint resolution for participation of the United States in the Third World's Poultry Congress to be held at Ottawa, Canada, in 1927; and

H. R. 6355. An act providing for the acquirement by the United States of privately owned lands in San Miguel, Mora, Taos, and Colfax Counties, N. Mex., within the Mora grant, and adjoining one or more national forests, by exchanging therefor lands or timber within the exterior boundaries of any

national forest situated within the State of New Mexico or the State of Arizona.

On April 22, 1926:

H. R. 9341. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes;

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 750. An act to amend paragraph (18) of section 1 of the interstate commerce act, as amended; to the Committee on Interstate and Foreign Commerce.

S. 1490. An act to provide for the appointment of an additional judge of the District Court of the United States for the Western District of New York; to the Committee on the Judiciary.

S. 2348. An act for the relief of Nick Masonich; to the Committee on Claims.

S. 2620. An act for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department; to the Committee on Claims.

S. 2657. An act to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on the Post Office and Post Roads.

S. 2716. An act to provide for the collection of fees from royalties on production of minerals from leased Indian lands; to the Committee on Indian Affairs.

S. 3284. An act to amend a portion of section 15 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920; to the Committee on Military Affairs.

S. 3560. An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927; to the Committee on the Civil Service.

S. 3732. An act making appropriations for the Hillcrest and Black Canyon units of the Boise reclamation project, Idaho; to the Committee on Immigration and Reclamation.

ALIEN PROPERTY

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting in the RECORD a letter from my colleague the gentleman from New York [Mr. MILLS] on the subject of German alien property.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing a letter of his colleague Mr. MILLS in relation to alien property. Is there objection?

Mr. GARNER of Texas. Reserving the right to object, that letter was addressed to the New York Herald-Tribune, was it not?

Mr. BACON. Yes.

Mr. GARNER of Texas. This morning's issue contains an editorial in reply to the letter. Will the gentleman put them in side by side?

Mr. BACON. I do not care to include that in my request.

Mr. GARNER of Texas. It seems to me that that would be only fair play.

Mr. BACON. Probably the gentleman will put that in later.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BACON. Mr. Speaker, under the leave granted me, I insert herewith a letter of the gentleman from New York [Mr. MILLS] addressed to the editor of the Herald-Tribune of New York:

WASHINGTON, April 19, 1926.

THE EDITOR OF THE HERALD-TRIBUNE,
225 West Fortyeth Street, New York City, N. Y.

DEAR SIR: Under date of April 19 the Herald-Tribune in a leading editorial urges the Congress to confiscate the German property held by the Alien Property Custodian and to apply that property to the payment of American citizens having claims against the German Government.

It is impossible for me to believe that the Herald-Tribune's conclusions are based on a thorough understanding of the situation. Such a program could not be carried out without violating our solemn word and express provision of the treaty of Berlin, the Constitution of the United States, and our own traditional observance of sound international practice and good public morals.

Let me take up these questions in order:

1. On February 8, 1917, at a time when Germans and Austrians were beginning to withdraw their bank deposits and other property, for fear of its seizure in the event of war, the Secretary of State issued a statement, with presidential sanction. It was as follows:

"It having been reported to him that there is anxiety in some quarters on the part of persons residing in this country who are the subjects of foreign states lest their bank deposits or other property should be seized in the event of war between the United States and a foreign nation, the President authorizes the statement that all such fears are entirely unfounded. The Government of the United States will in no circumstances take advantage of a state of war to take possession of property to which international understandings and the recognized law of the land give it no just claim or title. It will scrupulously respect all private rights alike of its own citizens and of the subjects of foreign states."

SAYS IT WOULD BREAK WORD

At that time there was still ample opportunity to withdraw much of this property, and much of it remained in this country, relying on the solemn pledge of the American Government. To confiscate it to-day would be to break our word and be guilty of a gross breach of faith.

2. Section 5 of the treaty of Berlin, repeating the provisions of the joint resolution of July 2, 1921, provides that the property "shall be retained by the United States of America and no disposition thereof made . . . until such time as the Imperial German Government shall have made suitable provision for the satisfaction of all claims against said government of American citizens." It will be noted that the specific provision here authorizes the United States Government to hold the property until Germany has made provision for the settlement of American claims, and, as I will show below, it is very clear that this is in complete harmony with the understanding and intentions of the American Government, as shown by the entire history of this case.

It is true that section 2 of the same treaty gives to the United States the rights that it would have enjoyed had it signed the treaty of Versailles and that these rights include authority to confiscate the property; but read in connection with section 5, it seems reasonably certain that what the United States did under the terms of the treaty of Berlin was to retain the right to confiscate, while specifically pledging itself not to exercise that right but merely to hold the property. In any event, your advice could not be followed without totally disregarding the provisions of the joint resolution of July 2, 1921, and of section 5 of the treaty of Berlin.

3. The alien property can not be confiscated to-day without violating the provisions of the Constitution of the United States.

NO INTENT TO CONFISCATE

The property in question was seized under the so-called trading with the enemy act of October 6, 1917, which provided that the Alien Property Custodian should seize and hold the said property as a common-law trustee, and the provisions of which, as well as the debate in the Congress at the time, make it entirely clear that there was no intent to confiscate the property, but only to sequester it during the war period.

The joint resolution of July 2, 1921, terminating the state of war with Germany, and the treaty of Berlin, above referred to, whatever rights they may have conferred on the United States as to future action, make it entirely clear that at the time the war formally ended and we resumed peaceful relations with Germany the United States Government had not confiscated the property. This view is completely confirmed by the action of our Government in enacting the Winslow Act in 1923, under the terms of which property up to the value of \$10,000 was returned to the enemy aliens, and what is even more important, which provided that the Alien Property Custodian is directed to pay to the person entitled thereto the income from the seized estates up to \$10,000 a year.

In other words, if the Alien Property Custodian is in possession of a house in New York City belonging to a German national yielding net rents of \$10,000 a year, he is to-day paying over those rents to the German. Could there be more conclusive proof that under the law of the United States to-day the beneficial interest in that property is vested in the German citizen?

As Judge Learned Hand said in 1923: "I take it that the United States was not looking for plunder, but to prevent enemies from holding property within its borders. Congress has not yet committed itself to confiscation of enemy property, and the rules of international law have been against it for two centuries."

The Government of the United States, having failed to confiscate the property under its war powers, now that the war has been over for almost five years, is forbidden to do so by the Constitution of the United States.

DECLARES COURT FORBIDS

"The Supreme Court on numerous occasions has said that, after the war period has passed and the period of peace has come, you can not exercise extraordinary war powers."

"Since, therefore, we did not confiscate this property during the war, and since the war has been ended for the last five years, we are forbidden by Article V of the Constitution to take private property for public use without just compensation.

"4. We can not confiscate this property without violating our own traditional observance of sound international practice and good public morals. Up to the signing of the treaty of Versailles the inviolability of private property of enemy citizens was recognized by practically every civilized nation. The principle was recognized as early as Magna Charta. The Herald-Tribune would have us revert to a practice which was regarded as too harsh by the rough barons who extorted the great charter from King John.

"As late as 1918 the English House of Lords reiterated the time-honored doctrine that 'It is not the law of this country that the property of enemy subjects is confiscated. Until the restoration of peace the enemy can, of course, make no claim to have it delivered up to him, but when peace is restored he is considered as entitled to his property with any fruits it may have borne in the meanwhile.'

"Our own record has been consistent and sound. The principle was recognized in the Jay Treaty of 1794, and in 1802 we actually paid to Great Britain some \$3,000,000 to make good acts of confiscation against British subjects practiced by some of the States in the Revolutionary War."

QUOTES ALEXANDER HAMILTON

Alexander Hamilton said: "No powers of language at my command can express the abhorrence I feel at the idea of violating the property of individuals which, in an authorized intercourse in time of peace, has been confided to the faith of our Government and laws, on account of controversy between nation and nation. In my view, every moral and every political sense unite to consign it to execration."

The principle was again recognized in our treaties with Prussia in 1799 and of 1828.

In *United States v. Percheman* (32 U. S. 51), decided in 1833, John Marshall, in declaring that this modern usage of nations had become law, said: "The modern usage of nations which had become law would be violated; that sense of justice and right which is acknowledged and felt by the whole civilized world would be outraged, if private property should be confiscated and private rights annulled."

Since the day we became a nation to the present day, I don't know of an instance of the United States violating a practice which seems to me based upon every consideration of honor and respect for those moral principles which should guide the conduct of nations as well as individuals. I believe that upon second thought the Herald-Tribune will agree with me that the time has not come to mar this record and to destroy so fine a tradition.

Very truly yours,

OGDEN L. MILLS.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed the following order:

Ordered, That the Secretary notify the House of Representatives that the Senate is now organized for the trial of articles of impeachment against George W. English, district judge of the United States for the eastern district of Illinois, and is ready to receive the managers on the part of the House.

ADDRESS BY MR. JOHNSON OF WASHINGTON BEFORE DAUGHTERS OF THE AMERICAN REVOLUTION

MR. BLANTON. Mr. Speaker, our colleague from Washington [Mr. JOHNSON] was honored by delivering a patriotic address before the Daughters of the American Revolution. I ask unanimous consent to have it printed in the Record.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the Record by printing a speech by the gentleman from Washington [Mr. JOHNSON]. Is there objection?

There was no objection.

MR. BLANTON. Mr. Speaker, under leave granted me to extend my remarks by printing the speech delivered by our colleague, Hon. ALBERT JOHNSON, of Washington, before the Thirty-fifth Continental Congress of the Daughters of the American Revolution, I print same as follows, to wit:

The PRESIDENT GENERAL (Mrs. Anthony Wayne Cook). It is the privilege of the president general to present the Hon. ALBERT JOHNSON, of the State of Washington.

Hon. ALBERT JOHNSON. Madam President General and members of the Thirty-fifth Continental Congress. It was my great honor to appear before the congress of this great organization two years ago for a five-minute speech, in which I was able to announce that the House and Senate were at that moment passing what is now known as the immigration restriction act of 1924. I had the privilege of saying from this platform that I regarded that act as America's second Declaration of Independence.

To-day I am able to announce to this great patriotic body that the committee of which I have the honor to be chairman has just reported to the House a bill to make more effective the deportation of criminal and defective aliens. [Applause.] I think this measure will pass both House and Senate. [Applause.]

Under the provision of this bill we propose to send out of the country, after proper examination with the presence of attorneys for the accused, alien criminals, alien gunmen, alien dealers in habit-forming narcotic drugs, alien bootleggers [applause], and all others who persist in violating the laws of the United States after they have come here from other countries. [Applause.]

If you will permit me, I think we will name this new bill, which I hope will soon be a law, the United States house-cleaning act. [Applause.]

My friends, I have always been interested in the work of the Daughters of the American Revolution toward true Americanization of those upstanding aliens who are among us.

You will be interested to know that we have in process of preparation a new naturalization act by which we hope to treat the well-meaning alien better and with more sympathy and at the same time make more sure that those aliens who come into the rights of citizenship in the United States, including the right to vote in the various States, shall read, write, and understand the English language. [Applause.]

You have no doubt heard statements which were the result of hearings by our committee that there are probably 1,000,000 aliens in the United States who can not prove that they are legally here. That statement immediately becomes exaggerated into a statement that there are 1,000,000 aliens in the United States who should be deported. My friends, that is not the case. Those aliens who have come in in the past, prior to the new immigration law of July 1, 1924, and have been here three years in nearly all cases or five years in some cases, can not be deported on account of the statute of limitations.

We have in the United States about 7,000,000 aliens. Of these, about 1,000,000 can not prove that they are legally here, and yet they are lawfully here owing to the limitations of the law. About 300,000 of that million came across the borders from Canada between the years 1906 and 1911, inclusive, at which time the law provided that they should have certificates of entry. The law did not provide the machinery for such certificates except for those who came from across the waters. So all of those Canadians who came between those dates who now try to be naturalized can not produce the very evidence that the Government requires to be produced.

They should be relieved of that situation. It is my hope that we can pass an enactment which will allow those aliens in the United States—nearly all of them upstanding, upright aliens, who have taken their places in society and are married and have children—to pay a fine in lieu of the head tax which they did not pay, and hold the receipt therefor for three years, after which time they may apply for first papers toward the process of citizenship, which would take another five years. That would mean all such persons would have to have been in the United States a minimum time of 13 years before they could possibly become citizens. I think a plan like that will perfect the house cleaning and will do away with the feelings we sometimes see of intolerance toward the alien and will do much for an era of good feeling and better understanding between all of the 117,000,000 people of the great United States.

I thank you. [Applause.]

The SPEAKER. May the Chair inquire whether the gentleman from Texas desires to proceed now? There are three speeches in order this morning.

MR. GARNER of Texas. If it is desired, I will proceed now.

The SPEAKER. Under the order of the House the gentleman from Texas [Mr. GARNER] is recognized for 15 minutes. [Applause.]

THE MILLS BILL

MR. GARNER of Texas. Mr. Speaker and gentlemen of the House, day before yesterday, so the papers report and information has come to me of a reliable character, there was held in the Capitol a conference composed of the Speaker of the House of Representatives [Mr. LONGWORTH], the majority leader [Mr. TILSON], the Secretary of the Treasury [Mr. MELLON], and Undersecretary of the Treasury [Mr. WINSTON], and Mr. OGDEN MILLS and the Republican members of the Ways and Means Committee. The object, it appears, of that conference was to determine whether the statement I made concerning the Mellon bill being a steal was correct or not. The Secretary of the Treasury called these distinguished men together to determine, if he could, whether he had presented to the Congress of the United States a bill in which was contained a steal. Rather unique, rather unusual performance, I thought, that the author of the bill and the man who drew it could come before the Speaker of the House of Representatives, the majority leader, and the Republicans of the Ways and Means Committee solemnly to determine whether or not he had suggested to the

Congress of the United States legislation in which there was contained theft. Now, I take the floor this morning for the purpose of trying to relieve his mind and the mind of those gentlemen, because we also learned that they were undetermined about it and could not determine whether there was in that piece of legislation any theft, and we are going to have a meeting of the Ways and Means Committee next Monday morning and have an investigation to determine whether the Secretary of the Treasury had suggested to Congress legislation in which there was contained theft.

I want to illustrate what I mean by theft in that bill, and I think I can use something personal. I take Mr. HAWLEY, for instance, who is now acting as chairman of the Ways and Means Committee, and always a fair target. Take the gentleman from New York [Mr. MILLS] and myself, and see if I can illustrate to you gentlemen what I mean by theft in this bill. Mr. HAWLEY owes Mr. MILLS a dollar and HAWLEY is busted and in the hands of a receiver, as the Secretary of the Treasury says Germany was broke and went into the hands of a receiver, Mr. Dawes being the receiver. The Dawes plan was worked out. Now HAWLEY is busted. He owes OGDEN MILLS a dollar. OGDEN MILLS wants the dollar, and I have got a dollar—let us see if I have [laughter]. Jake, you hold that dollar, and if any Republicans start to come around here you let out a holler. [Laughter and applause.] I have got a dollar and HAWLEY owes it to OGDEN MILLS. OGDEN MILLS wants the dollar, but he can not get it. The Hawley creditors have arranged for HAWLEY to pay to OGDEN MILLS 5 cents each year on that dollar. OGDEN MILLS says that does not suit him. He says he wants the money now. So he says, "GARNER, you pay that dollar; you have got it; HAWLEY has not got the dollar, and I need it." I say that I do not want to pay the dollar. He says, "I know you have got the dollar and HAWLEY can pay you the dollar," so out with his guns and forces me to give it up. He takes it. I ask you, do you think that would be theft and robbery?

Mr. BLANTON. Highway robbery.

Mr. GARNER of Texas. Under every statute of the country that would be highway robbery. Let us see what the situation is in this bill. No one claims—remember this; and I challenge a single man on the floor of the House to deny it—no one claims the American taxpayer owes for German damage to American citizens. Do you?

Do you? Does anybody claim that? If he does, I want him to rise. Not a single man will contend for a moment that the American taxpayer owes the corporation in which the gentleman from New York is a director a quarter of a million dollars by reason of German damages. Germany owes the corporation in which the gentleman from New York is a director in this instance in the place of HAWLEY; owes the corporation in which the gentleman from New York is a director a quarter of a million dollars. Germany has not got the money. It can not pay the corporation in which the gentleman from New York is a director but a thousand a year; the corporation in which the gentleman from New York is a director says, "I will not stand for that. I want the money now, and I know that Uncle Sam has got it, and I am going to make him pay it"—not by the six-shooter route, but by statute put on the books of this country to make the taxpayers of this country pay the bill that is owing to him by Germany.

Now, if that is not stealing by law, I do not know what it is. [Applause.] I never have attacked the equity of these claims, either the equity, the justice, or the legality of them, but I will do it before I get through. It is not necessary to attack them. It is not necessary for me to say that the judgment given in favor of the Standard Oil Co. for \$12,000,000 to \$15,000,000 is not a just judgment. It is sufficient for me to say I, as a taxpayer, do not owe it and you ought not to make me pay it.

Yet, you are proposing in this bill to take from the taxpayer for the purpose of paying the Standard Oil Co. and the Secretary of the Treasury a debt that he does not owe. Germany owes that debt. When you do that you will legalize the theft from the American taxpayers and you can not get away from it. That is what I mean by "theft." It is theft, legal theft, when you take from the taxpayers of the United States \$250,000,000 and pay it to Andy Mellon and Morgan and others for debts due to them by Germany. That is theft by an act of Congress.

Oh, the Secretary of the Treasury and the President of the United States are very much concerned about constructive suggestions.

They say that you ought not to criticize the administrative processes unless you have something constructive. It makes me think about what the two words mean according to the viewpoint of the person using them. Constructive legislation, ac-

ording to Secretary Mellon, is where he gets some benefit out of it. [Applause.] Destructive legislation is where you prevent him from getting something out of the Treasury. [Applause.] That is the difference between constructive and destructive suggestions.

But I have suggested a method and I want some gentleman to criticize it when I get through. I say that the German people who own this property in this country, which property is now controlled by the Alien Property Custodian, can be relieved by Germany herself if she sees proper to do so.

Mr. OLIVER of New York. Mr. Speaker, will the gentleman yield there?

Mr. GARNER of Texas. Yes.

Mr. OLIVER of New York. Does the gentleman recall that the entire Democratic Party in 1923, under the leadership of Mr. RAYBURN, advocated the immediate return of that property, as property held in trust for the benefit of German citizens?

Mr. GARNER of Texas. No. The gentleman from New York may think his vote is the entire Democratic Party. I have examined that record. It is not the entire Democratic Party, if you will pardon me for saying so. You will find it so if you examine the Record.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. RAYBURN. My colleague has not recommended, is not now recommending, nor at any time advocated the confiscation of this property?

Mr. GARNER of Texas. I know. This property is in our hands, and Germany has agreed that we shall hold it until American claims are paid. That is correct. They now deny that, and deny that we have the right to liquidate it if we want to to pay these debts.

Mr. OLIVER of New York. Did we not elect after the Berlin treaty to put our claims under the Dawes plan, and are we not bound by it now?

Mr. GARNER of Texas. No. The gentleman will pardon me. Congress has never taken any action on it at all; none whatever.

Now, I propose this: If you want the Germans' property returned to them, as I do, let us make arrangements to do it. Let Germany retain under the Dawes plan 45,000,000 marks, issue her bonds, with these marks to pay interest and create a sinking fund, and send them over here and we will deliver them to her nationals in settlement of their property. Does anybody object to that?

Mr. OLIVER of New York. I do, for the purposes of the record.

Mr. GARNER of Texas. Nobody ought to object to it, whether the gentleman does or not. But Secretary Mellon does not want to do that. He says in this morning's paper that he is afraid to do that, because he is afraid that the German bonds will depreciate in value and thereby you would be virtually confiscating this property.

Let us see what the provisions of this bill are. The provisions of this bill are to take this same promise to pay for security to us upon the \$250,000,000 bonds.

Mr. STEVENSON. The American taxpayers.

Mr. GARNER of Texas. Yes. The German citizens who own this property can not afford to take the same security that we are obligated to take. The American taxpayer must take the chance, but it would not do to have these German aliens take the chance, because it would be confiscation. It is not confiscation to take my property and apply it on the debt that I do not owe, but it would be confiscation to remit to Germany the 45,000,000 marks that she has agreed to pay in security for bonds to be issued to pay for the property already taken.

Mr. LA GUARDIA. Mr. Speaker, will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. LA GUARDIA. The gentleman's suggestion is very much like the illustration he has made about the dollar of Mr. HAWLEY. You would take the property that belongs to these people. We are only holding it in trust now. You would take it and afford to them a German credit.

Mr. GARNER of Texas. It is German property, and the German Government deeded it to us. You say Germany did not have the right to deed it to us. You say that Germany did not have the right under the Berlin treaty to deed this property to us in exchange for the damage she has done our citizens. But she did do it. Now, I am willing for Germany to settle with her nationals. These gentlemen are so much concerned about all these people who live in Germany at the present time and whose property we hold; they are suffering on account of the fact that we are liable to do them an injustice, but they are not willing to take the same chances that American taxpayers are called upon to take when we issue bonds to the extent of \$250,000,000 and the only security there

is back of that issue is the promise to pay \$11,000,000 a year, which will not equal the interest on the \$250,000,000. But aside from that, let us see to whom I am going to pay it; and, gentlemen, you know this bill would not be here and this bill never would have been introduced if it had not been for the character of the people who are going to get the money. [Applause.] That is all there is to that.

President Coolidge commended Mr. MILLS very highly for his ethics. He said it was wonderful on Mr. MILLS's part. When he found out that this bill involved the payment of a quarter of a million dollars to his firm, Mr. MILLS got up on the floor of the House and said:

Gentlemen, I did not know my firm had an award, and I give notice to you now that I will have no more to do with this bill either in the committee or in the House.

A commendable thing and the President says it is a commendable thing, but it is different with the Secretary of the Treasury, who owns four times as much as OGDEN MILLS; it is all right for him to undertake to get his hands into the Treasury of the United States. [Applause.]

I merely wanted to point out the way they are going to get this money and how they were going to steal it so there would not be any more agonizing over it on the part of the leaders. That is the only thought I had, Mr. Speaker. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that at this time the gentleman from Oregon [Mr. HAWLEY] may have 15 minutes.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the gentleman from Oregon may be permitted to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Speaker and gentlemen of the House, I wish to present some facts regarding the measure under discussion for the consideration of the gentlemen of the House and of the country.

A subcommittee was appointed by the Committee on Ways and Means, of which I happened to be chairman—I was not there when the action was taken—and another subcommittee was appointed by the Committee on Interstate and Foreign Commerce, of which the gentleman from Michigan [Mr. MAPES] is chairman. The subcommittees consisted of 5 each, and we 10 persons held hearings over a period of about eight days, during which there was a record made. All members of this committee had brought before it, so far as I know, all the persons from whom testimony was desired, whether they were officials of the Government or private parties. At the conclusion of the testimony the subcommittees reported to their respective committees. Then the natural course of events followed, namely, the consideration of the bill was begun.

The gentleman from Texas [Mr. GARNER], who was quite an active member of our subcommittee, on the floor of the House the day following—that is, April 16—made a statement from which I read:

It is the most stupendous steal that has ever been suggested in American history.

Now, that was about the bill we are discussing.

It has four major provisions. One is to return the alien property now in the hands of the Alien Property Custodian to German nationals.

That is characterized as a stupendous steal.

The second is to pay mixed claims.

That is also stated to be a stupendous steal.

The third is to pay German nationals for damages that occurred by reason of our taking their property.

That is another of his specifications with reference to the "stupendous steal," and the fourth is for the issuance of \$250,000,000 worth of bonds to meet the indebtedness, and that is the fourth indictment of the "stupendous steal."

That question having been raised by a responsible gentleman in this House, a leader of one party in the House, a member of the subcommittee that heard the testimony, and a member of the Committee on Ways and Means, which must pass upon the legislation, the question then was: What is the proper course to pursue in order to meet the proposition fairly and squarely and give the gentleman from Texas an opportunity to prove his charges and others interested the opportunity to reply? A conference was held by persons responsible for legislation in the country at this time, and it was decided that if questions were raised about the legitimacy of any legislation introduced or as

to the honesty of intent and the facts in the case, the proper course to pursue—because all sound legislation is based upon adequate and reliable information and proper deductions made from that information—was to reopen the hearings and say to the gentleman from Texas and to any other person interested in getting information, "We will call before the Committee on Ways and Means any and all persons who may have information in order that we may prove to the country and to the Congress what the facts are," that the legislation is sound and ought to be passed, or it is not sound and ought not to be passed, since these charges of the gentleman from Texas were made after the hearings closed and cover questions not raised during the progress of the hearing.

But aside from that, I desire to discuss the legislation in brief. The Mixed Claims Commission provided for in that treaty was organized August 10, 1922, under the provisions of the Berlin treaty. Judge Edwin B. Parker, of Texas, was appointed as umpire. C. P. Anderson was the American commissioner; Doctor Kiesselbach the German commissioner; Robert W. Bonyne, a former Member of this House, the American agent; and Dr. Karl von Lewinski the German agent.

The action of the Mixed Claims Commission was one of the matters attacked by the gentleman from Texas [Mr. GARNER] in the omnibus indictment which I read at the beginning. The limit of time for filing these claims was April, 1923. All claims went to the Secretary of State and many had already been made before the Mixed Claims Commission was organized.

At expiration of date of filing of claims there had been presented claims to the number of 12,416, aggregating in amount to \$1,479,000,000; 1,290 claims were withdrawn, aggregating \$142,608,000; 6,827 claims were dismissed, aggregating \$482,743,000; 1,057 claims are pending, not acted on, amounting to \$81,933,000; 2,172 awards were made to March 31, 1926, aggregating \$184,096,000.

There are still pending a number of claims, and Mr. Bonyne said before our committee that the total amount of awards would aggregate, with accrued interest, not over \$190,000,000—between \$180,000,000 and \$190,000,000. The accuracy of these findings has been called into question because it has been so stated. The statement that the bill is a stupendous steal has gone out to the country. From questions asked by Members of this House who heard the statement of the gentleman from Texas [Mr. GARNER], they think the whole bill is wrong and the findings are wrong, and the press of the country, unwittingly in all probability, has spread this idea.

It has been stated that the insurance companies and the shipping companies have no claims at all, and it has been stated by Members of this House that they ought not to have any awards at all because their so-called losses were based on risks taken by them when they insured vessels at advanced premiums or when they accepted cargoes on the vessels at advanced rates. So these awards of the Mixed Claims Commission are called into question as being steals either against the United States or against Germany, any disclaimers to the contrary notwithstanding.

Mr. NEWTON of Minnesota. Will the gentleman yield for a question there?

Mr. HAWLEY. Yes.

Mr. NEWTON of Minnesota. Is it not a fact that by far the largest creditor before the Mixed Claims Commission is the United States itself, with a claim for about \$35,000,000?

Mr. HAWLEY. Sixty million dollars for losses.

Mr. NEWTON of Minnesota. On behalf of the Shipping Board and the War Risk Insurance Bureau.

Mr. HAWLEY. Yes. I am informed that the amount for the former is about \$34,000,000 and for the latter is about \$16,000,000. Yet these claims of our Government are called a "stupendous steal."

Mr. JACOBSTEIN and Mr. LAGUARDIA rose.

Mr. JACOBSTEIN. Were not the insurance company claims in the Alabama claim disallowed by the Congress?

Mr. HAWLEY. I could not answer that offhand.

Mr. JACOBSTEIN. That is the precedent.

Mr. LAGUARDIA. Would the gentleman extend the same measure of damages to an insurance company he would to a direct loser?

Mr. HAWLEY. I can not go into the side issues now. The gentleman must appreciate that in 15 minutes I can only make a general statement.

Mr. NEWTON of Minnesota. May I say in connection with the interruption of the gentleman from New York that in the French spoliation claims the insurance claims were allowed and allowed by a judgment of the Court of Claims of the United States.

Mr. RAYBURN. Will the gentleman yield so that I may ask a relevant question?

Mr. HAWLEY. I yield to the gentleman, although I can not yield too often, because I have only 15 minutes.

Mr. RAYBURN. Is the gentleman in favor of the bill as submitted to the committee by the Treasury Department?

Mr. HAWLEY. The gentleman knows that question is hardly proper to submit to a Member who must sit on the committee that prepares the legislation. I have not gone through the bill with the idea of legislating on the matter yet, and I could not say in advance what a final conclusion might be.

Mr. RAYBURN. I thought the gentleman took the floor to defend the bill.

Mr. HAWLEY. The gentleman will see for what purpose I took the floor if I may be allowed to proceed.

The Government's claim, as already stated, amounts to about \$60,000,000 exclusive of the occupation claims. The occupation claims are \$255,000,000, and those claims have been paid by Germany. They were paid under the Versailles treaty to the Reparations Commission and the commission kept the money. The commission advised the United States to make a second claim and the United States did. That claim has been paid once ahead of the private American claims, and the Government has the money or ought to have the money. It was paid to the agency which was to collect the money. Now the Government is coming in a second time ahead of the American claims on the same debtor to have its claim paid twice. I would like for that thought to be retained.

On April 1, 1926, the total awards, including interest to date \$32,000,000 on private awards and approximately \$15,000,000 on Government awards, amounted to \$181,000,000.

Mr. WAINWRIGHT. Will the gentleman yield there for a question? Is the gentleman quite sure he is correct that the claims of the army of occupation have actually been paid and covered into the Treasury?

Mr. HAWLEY. It was so stated in the hearings, and I asked the Undersecretary whether that was the case and he said it was.

Mr. WAINWRIGHT. To whom were they paid?

Mr. HAWLEY. To the Reparations Commission, I understand.

Mr. WAINWRIGHT. The United States Government has not received it.

Mr. GARNER of Texas. Let it be understood that it was never received in the Treasury of the United States.

Mr. HAWLEY. I said that.

Mr. GARNER of Texas. And the taxpayers may not get any benefit out of it, because you might give it to somebody else like you propose to do under this bill.

Mr. HAWLEY. Now, gentlemen, listen to this. Germany, if I am correctly informed, immediately after the close of the war returned the property of American nationals which she had taken. She at least kept the treaty we had with her prior to the time of the organization of the United States as a separate Government and did not regard that treaty as a scrap of paper. The total amount of property of alien Germans taken during the war was \$578,735,000.

It is advocated in this country now that we confiscate the property of German nationals seized during the war.

The great paper, the New York Herald, of April 19 had an editorial advocating that, and it is being advocated elsewhere, and, I think, on this very floor in this Chamber.

Mr. CROWTHER. If the gentleman will yield, the commission only allowed 12½ per cent of the total claims submitted.

Mr. HAWLEY. Yes.

Mr. RAYBURN. The only advocate I heard in 1923 was from a prominent leader on the Republican side.

Mr. HAWLEY. I think that is not germane to my discussion. No matter by whom it was made, it is a statement not confined to any one person. Under the Winslow Act we recognized the right of the German aliens to this their property. We returned all the property of every person whose claim was less than \$10,000. We returned \$10,000 on every other claim. Since that date we have been accounting for interest earned on the property and for rentals accruing on the property. We have recognized by law their right to their property. There is remaining in the Treasury to-day \$183,890,000 in money paid into the Treasury by the Alien Property Custodian, and \$90,740,000 property still in the hands of the Alien Property Custodian. There is yet to be settled for ships, radio stations, patents seized and yet undisposed of, and for the use of patents seized, and these claims are limited to not exceed \$100,000,000, and probably will be settled for far less than \$75,000,000.

The total claims of the United States and her nationals against Germany is \$505,000,000, and the total property taken from alien Germans and still in our possession is less than \$375,000,000. So if we are to retain the property so seized and

use it to pay the claims of the United States and the American claimants, there will be \$130,000,000 yet unsettled.

The national honor is involved in this matter. Before we were a country, before we were a nation, our people took the position that private property of private citizens on land was not subject to confiscation by the enemy in time of war. Since that day we have lived up to that honorable principle. Germany has kept her side of the bargain in this instance. It is true that Great Britain, France, and Italy confiscated the property of the German nationals within their boundaries, but we are not bound to follow a bad example. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HAWLEY. I ask for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAWLEY. American citizens can not present their claims to foreign countries. They must be presented by our State Department. Their claims are collected by our Government. They have no recourse in law. They can not sue a foreign country for the return of property even after an award has been made. They must depend on their Government for the collection of this money.

You remember that was the rule in the French spoliation claims. France agreed as the result of depredations on American commerce to settle for losses suffered by our nationals. Part of this was paid in money to our Government and part of the payments were assumed by the United States in offset against claims presented by France. After about 100 years Congress paid a part that remained unpaid, totaling \$3,910,000. President Taft, on December 6, 1910, said:

I invite the attention of Congress to the great number of claims which, at the instance of Congress, have been considered by the Court of Claims in the matter of the French spoliation cases.

There are pending now some \$3,250,000 of unpaid claims. Sixty-nine reports have been made to Congress on these claims since they have been pending, 63 of which were favorable. Do you wish now the Government of the United States to collect this money for our American nationals, to put it in the Treasury, so that it can only be taken out by appropriation by Congress?

Mr. BOX. What authority has the gentleman for saying that the money for the French spoliation claims, now pending and which have been pending for more than 100 years, was put in the Treasury of the United States?

Mr. HAWLEY. Because that is the fact, as stated above.

Mr. BOX. I wish the gentleman would point to some official record showing that fact. I challenge the statement.

Mr. HAWLEY. The gentleman can satisfy himself. I was a member of the Claims Committee of this House for six years, and I reported a bill for the payment of some of these claims, and we had the evidence before us.

Mr. BOX. I challenge the statement that there is a dollar in the Treasury of the United States paid by France for the French spoliation claims, to which the gentleman refers. The gentleman from Texas is a member of the Committee on Claims and has given considerable attention to the question. He risks his reputation, such as it is, on the correctness of the statement he makes now, denying that the United States collected money for these claimants and has withheld it from them.

Mr. HAWLEY. I have made investigation of these claims and think the statement above is a correct summary. The question is long and involved and a complete statement would take a great deal more time than is at my disposal.

Mr. DICKINSON of Missouri. May I inquire—

Mr. HAWLEY. I regret I can not yield. I wish to complete the statement. Under the treaty of Berlin the Government of the United States received 100,000,000 gold marks a year, of which 45,000,000 is to be paid to the American claimants to settle these claims and 55,000,000 to the settlement of claims of the Government of the United States. Under that treaty the property of German aliens still in the possession of the Government of the United States shall be held as security for the payment of American claims. Now, if we devote 45,000,000 gold marks, \$10,710,000 of our money, to the extinguishment of claims of American citizens, amounting to \$190,000,000, it will be 80 years before they are paid, and we will hold the German property—at least it will not be all liquidated—for the same period of 80 years.

Now, if the Government of the United States—I am explaining the terms of the bill, not expressing an opinion—pays the claims of American citizens out of the Treasury, and then collects from Germany, at the rate of 100,000,000 gold marks per year it will collect from Germany under this arrangement the total amount so paid American claimants in seven and a half years.

In our treaties with Prussia in 1785, 1797, and 1828 it was agreed that the property of merchants, shipowners, farmers, and some other specified classes should not be confiscated by an enemy in time of war. Our country has steadfastly contended for this principle and has led in the movements that culminated in exempting the property of alien enemies on land from confiscation. Now, to confiscate the property of alien Germans would be to turn back the clock of international progress a hundred years, and in the event of another war justify wholesale confiscations. Our country to-day is at the head of the world—the great outstanding advocate of the sacredness of treaties and the conservator of progress.

The Constitution of the United States says that private property can not be taken except for public use and for a just recompense. It does not protect the property of citizens only, but all property of all persons under the flag. It seems that without question the United States Supreme Court would not uphold confiscation, especially since Congress has recognized the right of alien Germans by returning all property where the value was less than \$10,000, made payment to all others of \$10,000, and has provided that there be paid to the owners to whom full restitution is not yet made the interest, rents, or other accruals on the property still held.

Is it a stupendous crime to uphold the honor of our country, its Constitution, and the solemn agreements made with other nations?

I will comment briefly on one other provision of the bill. There is not opportunity to present them all.

Under the Berlin treaty the alien German property is, in substance, to be held as security for the payment of American claims. The Government assumes the making of collections from Germany; that is, it assumes a trusteeship for the American claimants. If, as such trustee, it returns the alien property to its owners, it disposes of the property held in trust as security for the payment of American claimants. Where a trustee disposes of property held in trust as security for the payment of claims, he becomes liable for the payment of such claims.

The bill proposes to carry out our treaty obligations by returning the alien property, and that the United States recognize its trusteeship and assume responsibility for the American claims for which the property so returned was security. This is to avoid the alternative that the American claimants wait during a period of 80 years for the liquidation of their claims, and the alien Germans a like period for the full return of their property. And is not a delay of 80 years a practical confiscation of the American claimants and the German nationals?

I thank the House for its indulgence. I thought that some outline of the provisions of a bill and the principles upon which it was drawn, against which the charge of a most stupendous steal has been made, should be made. It is a great subject to attempt to discuss briefly.

The SPEAKER. The time of the gentleman has again expired.

SPEAKER PRO TEMPORE NEXT SUNDAY

The SPEAKER. The Chair designates the gentleman from Michigan [Mr. McLAUGHLIN] to preside on next Sunday at the memorial services on the life, character, and public services of the late Hon. ARTHUR B. WILLIAMS.

WORLD WAR VETERANS LEGISLATION

The SPEAKER. The gentleman from South Dakota [Mr. JOHNSON] is recognized for 15 minutes.

Mr. JOHNSON of South Dakota. Mr. Speaker, before proceeding with my remarks I ask unanimous consent that the Committee on the Veterans' Legislation, during the rest of the session, be permitted to meet while the House is in session.

The SPEAKER. The gentleman from South Dakota asks unanimous consent for the rest of the session that the Committee on Veterans' Legislation may be permitted to sit during the session of the House. Is there objection?

Mr. TILSON. Mr. Speaker, reserving the right to object, what legislation has the gentleman's committee so important as to justify sitting during the sessions of the House, thereby keeping the Members off the floor? We need the members of all these committees on the floor during the sessions of the House in order to be sure of keeping a quorum during the rest of this session.

Mr. JOHNSON of South Dakota. This is not to be taken out of my time?

Mr. TILSON. No.

Mr. JOHNSON of South Dakota. I would be glad to reply to the gentleman. Personally, the chairman was not in favor of it, but was voted down by his committee, and he was instructed to ask for that permission because there are two bills affecting guardianship matters before that committee.

Mr. TILSON. If there is some urgent matter pending the gentleman ought to be willing to state it, but it seems to me, on general principles, we ought not to give committees the right to sit during the sessions of the House, thereby keeping Members off the floor.

Mr. BULWINKLE. If the gentleman will permit, this is a matter, according to the chairman of the committee, of some legislation that ought to be passed at this session of Congress. Now, we are having these hearings as to this legislation.

Mr. TILSON. Can not the committee hold its hearings in the morning like the other committees?

Mr. BULWINKLE. No, sir; because a great many of the witnesses are being brought here.

Mr. TILSON. Could not the gentleman limit his request to a single week? I do not think that any more committees ought to be given permission to sit during sessions of the House at this stage of the session.

Mr. RANKIN. Does the gentleman object to having that permission for one week?

Mr. TILSON. No.

Mr. JOHNSON of South Dakota. I make the request for one week only.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that for a week the Committee on Veterans' Legislation be permitted to sit during the session of the House—

Mr. JOHNSON of South Dakota. Commencing to-morrow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Dakota. Mr. Speaker, when the Committee on World War Veterans' Legislation was organized in 1924 it reported to this House and secured the passage of the veterans act of 1924 and its amendment of 1925 and on March 11 of this year reported to the House House bill 10240, which would further amend the veterans act of 1924. It would affect the lives and fortunes of approximately 30,000 disabled men in the United States. As originally agreed to by the committee, this bill would have carried approximately \$42,000,000 per year. Because of the condition of the Treasury the committee reduced that amount, as carried by the bill, to \$21,168,000 for the first year and \$26,483,900 for the second year. Now the chairman of that committee and the committee recognized something of the condition of the Treasury. There have been reported to this House by committees requests for appropriations of approximately \$350,000,000 when there is but \$15,000,000, approximately, that can be expended this year if sufficient surplus is to be carried over for the year 1927. As so well called to the attention of the House by the gentleman from Minnesota [Mr. NEWTON] at the time of the passage of the tax bill, we would not be in this situation if the House by its vote had not agreed to donate to the heirs of six great estates in the United States the sum of \$85,000,000. We could have taken care of, without any difficulty, the soldiers of the Civil War, the Spanish War, and the soldiers of this war, the retirement legislation, and many other matters had it not been for the combination and agreement which was made in Congress but not advocated by the President of the United States or by the Secretary of the Treasury.

That was my reason for voting against the conference report when it was brought before this House, recognizing the fact that to-day we would meet this situation. If the bill had been sent back to the conferees and not agreed to and if that \$85,000,000 donation had not been made to the heirs of these six great estates, we would be in shape to take care of the veterans of all wars and others who should be taken care of.

But, Mr. Speaker, the reason I rose to-day is to recall a promise, which the committee made to the House in 1924 and in 1925. I respectfully requested the minority leader of the House [Mr. GARRETT of Tennessee] to be present to-day—

Mr. CONNALLY of Texas. He was here a few seconds ago.

Mr. JOHNSON of South Dakota. Fifteen minutes ago I requested a page to see if he were in the Chamber, so as to make sure he would be present. It was because I had made a certain promise to him as minority leader, and a promise to the House, in conversation between us on the floor of the House, that when this next bill for the relief of disabled veterans of the World War came before the House we would throw that bill directly on the floor of the House for action under the rules of the House.

This bill was reported on March 11, and since then it has been on the calendar, and a rule has been requested from the Rules Committee, but the chairman of our committee has been unable to get any action either from the Committee on Rules or from the House. If this situation continues a short time longer, then it will be apparent that the chairman of this Veterans' Committee will be requested to refer this bill back

to the Veterans' Committee to do violence to it in different ways, bring it to the House for action, and then bring it up under suspension of the rules, so that there would be no chance to amend it or to discuss it, and Members will be forced to vote for it or against it in that form.

I was opposed to that procedure in 1924, was against it in 1925, and I am opposed to it now, because it is time that this House decided itself what it wanted to do with this legislation affecting veterans. If this House has not sense enough and judgment enough to recognize the condition of the Treasury and pass a bill that we can pay for, people might say we would be justified in bringing it up under suspension of the rules. Of course, we know there are no demagogues here, and if there were a demagogue here he would try to load on this bill a great many things that ought not to go on it, things that would make it practically impossible for the President to sign it. In that case they ought to take the responsibility. But it is time the House itself took the responsibility of deciding what ought to be done.

I would like to secure, if possible, some statement from the leaders, if there are any of them here, as to what is contemplated, whether they expect me to bring it up under suspension of the rules, or what is to be done.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes; I yield to the gentleman from Mississippi.

Mr. RANKIN. Has the gentleman appeared before the Rules Committee and asked that this bill be brought out?

Mr. JOHNSON of South Dakota. The gentleman has requested a hearing before the Rules Committee and as yet has not secured it.

Mr. CONNERY. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. CONNERY. Will the gentleman tell us on what date this bill was reported out?

Mr. JOHNSON of South Dakota. It was reported out on March 11, 1926.

Mr. CONNERY. And the gentleman has tried to get a hearing before the Rules Committee and has been unable to do so?

Mr. JOHNSON of South Dakota. He has not only tried, but he is trying again.

Mr. CONNERY. It is over six weeks ago since the bill was reported in?

Mr. JOHNSON of South Dakota. Yes.

Mr. CONNERY. They were willing to cut the surtaxes of the multimillionaires, but when you asked fifteen or twenty million dollars for the disabled veterans they would not do it?

Mr. JOHNSON of South Dakota. I think it was a vote of this House that gave those six great estates that donation. It was not the steering committee or the Committee on Rules, but the House.

Mr. CONNERY. Does the gentleman think that the Treasury of the United States is in such condition that \$21,000,000 would bankrupt the country?

Mr. JOHNSON of South Dakota. No. Three hundred and fifty million dollars has been recommended to this House now, and the people behind those measures are pushing for action.

Mr. RANKIN. Regardless of the conference report, under the Mellon-Mills bill passed at the beginning of this Congress we would have had a deficit, would we not?

Mr. JOHNSON of South Dakota. I would not say that, but I would say that we would have had \$100,000,000 for expenditure on other things if that action had not been taken.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. BANKHEAD. The gentleman says he has a rule pending for the consideration of this veterans' legislation. The members of the Committee on Rules have a great many inquiries and requests with reference to this legislation. I am sure all of them have. I know I have. The gentleman has stated that he has endeavored to get a hearing for his rule. With whom did the gentleman take up that request?

Mr. JOHNSON of South Dakota. As the gentleman from Alabama well knows, as I served with him many years on the Committee on Rules, I went to the chairman and requested a hearing?

Mr. BANKHEAD. Did the gentleman take this up with the steering committee of the House?

Mr. JOHNSON of South Dakota. Yes. The gentleman has appeared before the steering committee advocating this legislation.

Mr. BANKHEAD. Then it would be proper and within the record to state that we can not secure action before the Rules Committee as to this legislation because they have not yet received instructions from the steering committee as a matter of party policy?

Mr. JOHNSON of South Dakota. I do not think that would be a correct statement, but inasmuch as this House has given \$85,000,000 to these six big estates I have tried to work out some scheme of using the little \$15,000,000 that is left for disabled veterans.

Mr. CONNALLY of Texas. The gentleman from South Dakota called attention to the fact that he invited the minority leader to be present and said later that he wanted to appeal to the leader of this House in behalf of this legislation. Did he also invite the majority leader, who really leads the action of this House, to be present?

Mr. JOHNSON of South Dakota. I will say to the gentleman that a few moments ago the chairman of the Veterans' Committee was talking to the majority leader, but it seems there do not seem to be very many leaders present in the House at this time.

Mr. CONNALLY of Texas. If the gentleman really wants action, should he not have advised the real leader to be here and propounded his inquiry to him rather than to try to lay the responsibility on the minority leader?

Mr. JOHNSON of South Dakota. The gentleman misunderstood me. The only reason I wanted the minority leader to be here was because I made him a promise two years ago, and I wanted to say to him that if this condition continued it would be necessary for me to break my promise. My object was to continue our conversation and understanding of 1924 and 1925, when the gentleman from Tennessee [Mr. GARRETT] asked that this legislation be considered under the general rules of the House. I told him it would be, and I wanted to assure him I have not changed my attitude.

Mr. CONNALLY of Texas. The gentleman served for a good many years on the Rules Committee, and he knows all the intricacies, bypaths, and highways of procedure in this House. He knows how, if he wants the bill gotten up, to get the bill up before the House. Why does not the gentleman go before the Rules Committee again, and why does he not go before the steering committee again, and why does not the gentleman now call on the gentleman from Connecticut [Mr. TILSON] to indicate what they propose to do about this legislation, rather than to put his appeal in the Record, where none of them will see it, and, if they do see it, where they will pay no heed to it?

Mr. JOHNSON of South Dakota. I think that is a rather violent assumption on the part of the gentleman from Texas, because I imagine the leaders of this House, or most of them, at least, go over the Record very carefully, and I think they will now realize fully the situation that this Veterans' Committee is in and I rather anticipate that some decision will be arrived at in a short time and that the steering committee and the Rules Committee will say what bills are to come before the House and what bills are not to come before the House.

Mr. HASTINGS. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. HASTINGS. Why does not the gentleman now ask unanimous consent for a day certain in the future for the consideration of the veterans' legislation so that the matter may be put up to the House and it can be shown who objects to it.

Mr. JOHNSON of South Dakota. I will say to the gentleman that the chairman of this committee, recognizing the rules of this House quite well and knowing that the majority leader and the minority leader are both absent from the floor, is not going to make such a request, but he will serve notice that if some action is not taken, he will seek recognition in the House to prefer such a request.

Mr. BLANTON. Will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. BLANTON. Does the gentleman understand just what there is about legislation that would benefit the veterans that makes the chairman of the Rules Committee so prejudiced against it? The chairman of the Rules Committee has not voted on his resolution and I have had one there for a month and he will not give any action on it. Why is the chairman of the Rules Committee so prejudiced against veterans' legislation?

Mr. JOHNSON of South Dakota. My judgment is, I will say to the gentleman—

The SPEAKER pro tempore. The time of the gentleman from South Dakota has expired.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent to proceed for two additional minutes in order to answer that question.

The SPEAKER pro tempore. The gentleman from South Dakota asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. JOHNSON of South Dakota. I will say to the gentleman that I doubt if the chairman of the Rules Committee is prejudiced against that legislation, but he wants to go over this question of how much money we have to spend, recognizing we have only \$15,000,000 when we ought to have \$100,000,000, and after he has done that he will take action within a short time. [Applause.]

Mr. BROWNING. Mr. Speaker and gentlemen of the House, I requested this time in order to impress upon the membership of the House, if I can, the perilous situation of any relief for veterans at this session of Congress. I also wanted to conduct an old-fashioned experience meeting if I could get the majority leader here and find out just what his attitude is since the last question I asked him on April 6 last, when he said that the matter was being given very careful consideration.

Now, may I ask the chairman of the committee who it is that is demanding this bill go back to our committee for consideration?

Mr. JOHNSON of South Dakota. I will say to the gentleman that that demand has not yet come, but that the delay we are meeting in connection with this legislation is certainly the same thing we experienced in 1924 and 1925, and knowing that the House is going to adjourn within a short time, I know that is the procedure which will have to be taken or there will not be any legislation, and then we will have the bill considered under suspension of the rules and no opportunity to discuss it or consider it in the House.

Mr. BROWNING. Will the gentleman tell me whether there are any members of the Republican steering committee present?

Mr. HUDSPETH. The gentleman from Kansas [Mr. TINCHER] is present.

Mr. BLANTON. There is one in the chair, the main generalissimo.

Mr. HUDSPETH. No; he is not. The gentleman from Kansas is also an important member of that committee.

Mr. BROWNING. I do not want to be too insistent, but I wonder whether the gentleman from Kansas will be good enough to tell us what chance we have of getting action through his committee for the early consideration of this veterans' legislation?

Mr. TINCHER. The only time it was ever brought up when I was present it appeared to me the matter could be worked out in the very near future. Quite lately I have been very busy on the Agricultural Committee, and I do not know whether the steering committee met this morning or not. However, I think there is a chance for your legislation coming up. That was my impression the only time I heard it discussed by the gentleman from South Dakota [Mr. JOHNSON].

Mr. BROWNING. Now, of course, a bugaboo has been raised about this being an increase of appropriations. I want the House to distinctly understand that this is not an increase of appropriations. For the fiscal year ending in 1926 the entire appropriation carrying legislation and benefits for the disabled veterans amounted to \$343,000,000; \$38,000,000 of that is for vocational training.

Under the present law a little over \$4,000,000 will be used for vocational training next year, and you will have a decrease of \$34,000,000 there, and after the passage of this bill, if the House should accept it, there would be nothing like the expense to the Government as the one they are bearing this year for the Veterans' Bureau. If retrenchments are to be made I certainly do not think the Congress should make them at the expense of those who made the greatest measure of sacrifice in their devotion to their country's cause. I do not believe the Congress wants the disabled man to understand they are willing to do that, and I want some one who is holding up the consideration of this bill to tell me what feature of the bill he objects to. I would like for some one to tell me what particular provision in this bill which the committee has considered and has passed upon he objects to.

Mr. RANKIN. Will the gentleman yield?

Mr. BROWNING. Yes.

Mr. RANKIN. The gentleman from South Dakota [Mr. JOHNSON], the chairman of the committee, intimated that there was pressure brought to have the bill referred back to the committee to cut out certain phases. Possibly he could tell you what reductions they want made, and who wants them made.

Mr. BROWNING. May I have the attention of the chairman of the committee? I understood from his statement there was pressure being brought to send this bill back to the committee for the purpose of mutilating it. May I ask him what provision in this bill anyone is objecting to?

Mr. JOHNSON of South Dakota. I will say to the gentleman there is not the greatest harmony among the different

Members of the House as to this bill, and each one who wants to send it back wants to cut out the particular thing he does not agree with; and as I have discussed it on both sides of the House there will be first one man who wants to cut out vocational training or another man who objects to the misconduct and then another with respect to the medical corps provision, each one having a different one, and if we met the sum total of their objections there would not be anything left of the bill.

Mr. BLANTON. Does the gentleman know of a single Democrat who is trying to mutilate this bill?

Mr. BROWNING. I have not had any complaints from my side of the aisle, I will say to the gentleman, frankly; but, of course, I have not had any occasion to converse with those on the Republican side of the House. I wonder if the Members on the gentleman's side of the House who are objecting to these features have read the hearings on this proposed legislation.

Mr. JOHNSON of South Dakota. I would say to the gentleman, as the gentleman himself well knows, we had six or seven weeks of hearings and I question if anyone has read the hearings except those of us who went through them.

Mr. BROWNING. If the Republican leaders are not willing to risk the Democrats on this committee because we happen to be ex-service men, except the gentleman from New Jersey [Mrs. NORTON], and if they are not willing to risk the judgment of the chairman of the committee, whom they have appointed, because he happens to be an ex-service man, I wonder if they are not willing to trust the mature and the conservative judgment of the gentleman from Massachusetts [Mr. LUCE], who approves this legislation and who has given it very thorough and considerate attention while it was being formed; or I wonder if they are not willing to trust the very sound and considerate and impartial judgment of the gentleman from New Jersey who sits next to Mr. LUCE [Mr. PERKINS]; or I wonder if they are not willing to risk the fair judgment of the gentleman from New York [Mr. SWEET], who has been very attentive in the consideration of this bill; or I wonder if they are not willing to trust the fine and discriminating and sound judgment of the gentleman from Massachusetts [Mrs. ROGERS] who sits on this committee. [Applause.] None of these are ex-service men.

I do not know whom to talk to about this, because I can not find anyone who knows anything about why we can not get this bill considered.

Mr. CONNERY. Will the gentleman yield?

Mr. BROWNING. Yes; I yield.

Mr. CONNERY. The gentleman remembers that when the so-called bonus bill or the adjusted compensation bill was up and was rushed through with 40 minutes of debate under suspension of the rules—the gentleman remembers at that time we received many telegrams from brokers in New York and from big business concerns asking us to vote against that bill, because they favored everything for the disabled but nothing for the able-bodied. Does the gentleman know of any member of the committee who has received any telegrams from New York asking that we do everything we can for the disabled now?

Mr. BROWNING. If so, they have not let it be known.

Mr. BLANTON. Will the gentleman yield to me for a moment?

Mr. BROWNING. I yield to the gentleman.

Mr. BLANTON. I will tell the gentleman how to locate objectors. If the gentleman will just ask unanimous consent now that next Tuesday may be set apart for this veterans' legislation, we can bring the matter to a showdown, and I hope the gentleman will make that request.

Mr. BROWNING. Well, that is a very good suggestion. I do not like to take advantage of the majority leader, but I wonder if he left anyone here to represent him.

Mr. BLANTON. We will locate where the objection comes from.

Mr. BROWNING. Mr. Speaker, I ask—

Mr. UNDERHILL. Will the gentleman yield?

Mr. BROWNING. Yes.

Mr. UNDERHILL. I have no interest in this whatever, I know nothing about it; but if this is a threat, I am willing to stand here and object to any change in the methods of carrying on the business of the House and will take full responsibility.

Mr. BLANTON. Well, we have located one, and I would put him on record. I would make the request and put him on record.

Mr. BROWNING. I am not criticizing any gentleman for his position, and of course, if objection is going to be made, there is no use of my making the request, but there is an additional reason—

Mr. CONNERY. Will the gentleman yield to me to make the request?

Mr. DENISON. Will the gentleman yield?

Mr. BROWNING. Yes.

Mr. DENISON. In view of the fact the House gave the gentleman unanimous consent to address the House, does the gentleman think he ought to yield his time for a proceeding of this kind at this time? Does the gentleman think that would be keeping good faith with the rest of the House, who gave the gentleman this permission?

Mr. UNDERHILL. If my colleague wants to put me in an embarrassing position, I am perfectly willing.

Mr. BROWNING. I did not intend to do that.

Mr. JOHNSON of South Dakota. If my colleague will permit, since the House was very fair in giving us both this unanimous consent, would it not be better if the gentleman from Tennessee and I served notice that on Monday we would request unanimous consent that this bill be taken up if we could secure recognition for that purpose?

Mr. BULWINKLE. Why wait until Monday? Why not do it to-day?

Mr. JOHNSON of South Dakota. It is simply a matter of fairness in view of the courtesy that has been extended to both of us.

Mr. BROWNING. To be frank with the House, I do not think we would be justified in saying that anyone who objects to this procedure is opposed to the legislation, and it is certainly not my intention to put anybody in a bad light.

Mr. BLANTON. Will the gentleman yield to me for the purpose of making the request?

Mr. BROWNING. Yes; I yield.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that on Tuesday, after the reading of the Journal and the disposition of business on the Speaker's table, veterans' legislation coming from the Veterans' Committee shall be in order.

The SPEAKER pro tempore (Mr. DARROW). The present occupant of the chair will ask the gentleman whether he has consulted with the majority leader?

Mr. BLANTON. I do not have to consult anybody in order to make a unanimous-consent request.

Mr. BROWNING. I do not want to do anything that would be construed as a discourtesy.

Mr. BLANTON. I ask the Speaker to put the question—the gentleman from Tennessee has yielded to me.

The SPEAKER pro tempore. The Chair will take the responsibility and put the gentleman's request. Is there objection to the request of the gentleman from Texas that on next Tuesday after the disposition of matters on the Speaker's table legislation from the Veterans' Committee may be in order?

Mr. LEHLBACH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LEHLBACH. Has not the Speaker a perfect right to decline to entertain a unanimous-consent request?

The SPEAKER pro tempore. The Chair thinks that is true.

Mr. UNDERHILL. Has the Chair refused to entertain the request?

Mr. BLANTON. No; the Chair has put it.

Mr. UNDERHILL. Reserving the right to object—

Mr. BLANTON. Regular order, Mr. Speaker.

Mr. UNDERHILL. The gentleman can not take me off the floor.

Mr. BLANTON. Regular order takes the gentleman off the floor.

Mr. UNDERHILL. The gentleman is trying to intimidate the House, and I refused to be intimidated.

Mr. BROWNING. I hope the Members of the House will not let this prejudice the consideration of this measure.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. BROWNING. Yes.

Mr. MONTGOMERY. It is the purpose of the committee and every member of the committee to bring this up, so that the whole House can consider it like it considers other legislation. We believe it is the right way to consider this particular measure. Is not that true?

Mr. BROWNING. I think it ought to be so considered. I think its dignity should command the attention of the House.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BROWNING. Yes.

Mr. UNDERHILL. The gentleman from Texas is indulging in his usual tactics, but I want to say that my objection is based entirely on friendliness toward the bill, to aid the injured and the crippled, to those who have served their coun-

try. My objection is not in opposition to the bill, but in opposition to the methods of the gentleman from Texas.

Mr. BLANTON. The gentleman from Massachusetts reminds me of the passage where Job says, "O Lord, deliver me from mine comforters."

Mr. BROWNING. Now, Mr. Speaker, I decline to yield further. There is one reason why this legislation ought to have consideration. This is a general legislation bill from the World War Veterans' Committee. The condition has arisen whereby I think it is absolutely imperative that we correct evils existing in the District of Columbia with regard to guardianship matters. A provision can be placed on this bill if we are given the chance to consider it that will remedy that situation.

I want to sound a warning that a law that gives discretionary power to the director to take over guardianship of 40,000 cases will not answer the purpose for which we are striving. Under the present arrangement the Director of the Veterans' Bureau has a right to stop the payment to the guardian in the cases of wards of his bureau in certain cases.

Mr. BULWINKLE. Will the gentleman yield?

Mr. BROWNING. Yes.

Mr. BULWINKLE. Is it not a fact that the Veterans' Bureau Committee meets this afternoon at half past 2?

Mr. BROWNING. I so understand it.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five minutes more.

Mr. DENISON. Reserving the right to object, will the gentleman occupy the five minutes or yield to some one else?

Mr. BROWNING. I would rather have it myself, though I do not want to be discourteous.

Mr. DENISON. I will not object if the gentleman is going to take the time himself, but I will object if he is going to yield.

Mr. BROWNING. I am not going to decline to yield; if the gentleman wants to object he can do it.

Mr. DENISON. I object.

Mr. CONNALLY of Texas. The gentleman from Illinois can not couple his objection with a condition.

Mr. DENISON. I do not object to the gentleman speaking himself, but I did object to his yielding to others.

Mr. CONNALLY of Texas. The gentleman must make a straight objection and not couple it with a condition, according to the ruling of the Speaker.

The SPEAKER. Under the order of the House the gentleman from Wisconsin is recognized for 15 minutes.

INDIAN AFFAIRS

Mr. FREAR. Mr. Speaker and gentlemen of the House, as I stated this morning when asking for time in which to speak, I was informed by the gentleman from South Dakota [Mr. WILLIAMSON] several days ago that he desired the remarks of the Commissioner of Indian Affairs, Mr. Burke, before the Indian Affairs Committee be inserted in the Record. Mr. Burke spoke the other day for nearly three hours without interruption before the committee and without objection from any member. He now desires to place his remarks in the Record. To that I have no objection, even though they reflect upon me in part. I do desire, however, to make a brief statement, and I told Judge WILLIAMSON, who asked to put the remarks in the Record, that I would make a statement at this time in connection with the remarks he wanted to have inserted.

I made objection to this Indian Bureau system and to the right of any bureau to pass upon proposed legislation.

Mr. LEAVITT. Will the gentleman yield?

Mr. FREAR. I want to get along. Yes; briefly.

Mr. LEAVITT. Is it not true that the gentleman himself introduced one bill that was referred to the bureau, and it was ascertained that practically everything that was contained in it was the enactment of legislation in other laws which had been passed?

Mr. FREAR. That was true; but that was a small private claim, and the only one I introduced.

Mr. LEAVITT. Would not that illustrate the value of referring bills to the bureau that is handling these matters through years of legislation for their comment as to its value and necessity?

Mr. FREAR. I think it is very desirable to get any information at any time, but there is no necessity for so doing, nor do I think we should be influenced by their judgment. Now, I must get along.

I made certain charges against the Indian Bureau, not individually but due to bureau management which I submit is not in the interest of the Indians. I have made the charges

plain and distinct. It is a big problem, but there should be an entire change in the system, which I submit has outlived its usefulness. I pointed out very objectionable practices and I asked for an investigation. The Indian Commissioner has appeared and has made his long statement in response, and that stands for what it is worth. I am offering to present at this time what I believe is practically indisputable testimony fortifying every statement I have made which I wish to present before the committee that would have a hearing on this investigation.

Mr. LEAVITT. Will the gentleman yield?

Mr. FREAR. I will; certainly.

Mr. LEAVITT. To which committee does the gentleman refer?

Mr. FREAR. I am referring now to the Committee on Rules. But I wish to make this further statement at the outset: There was a resentful spirit shown by some of my colleagues on the committee who did not understand my purpose or what I intended and I desire briefly to make a statement of the position of myself in regard to the committee at this time.

Mr. CRAMTON. Will the gentleman yield for a comment?

Mr. FREAR. I will yield.

Mr. CRAMTON. Of course, I can not speak for the gentleman's colleagues on the Committee on Indian Affairs, but opposition to the gentleman's discussion at various times might very well not be based upon anything personal and I am sure it will not be. But I received a letter this morning—

Mr. FREAR. I have only a few minutes, and I desire to cover some matters, but I yield.

Mr. CRAMTON. It will be very brief. I received a letter this morning from a public-spirited woman doing very good work among the Indians, who stated that a very disastrous effect upon the situation in these reservations was being caused by certain speeches of the gentleman from Wisconsin, going so far as he did in his charges. It occurs to me very probably those who are interested in good administration might take some exceptions to the gentleman's discussion without being in any way personal.

Mr. FREAR. I thank the gentleman for his statement. Let me say in response I have received literally hundreds of letters commending my efforts. I sent no speeches to these various reservations, but I have received a great many letters from State governors and others, some of whom are familiar with the facts in regard to the administration of the bureau, and they have commended—

Mr. CRAMTON. If the gentleman has not sent any speeches, how did they circulate on the reservations?

Mr. FREAR. I will discuss that later. Others may have done so if they deemed the speeches had merit.

We do not want to do an unjust thing; we do not want to do any act that is unfair. The Indian judge bill, proposed by the Indian Bureau without permitting the Indian to have a right to a trial by jury, without permitting appeal—all those things I have tried to set forth in past speeches. I have denounced the Indian oil leasing bill as approved by the Indian Bureau. I have not charged any official with misuse of funds, or charged that anyone has taken any undue advantage, excepting where specific facts have been presented.

Mr. LEAVITT. The gentleman from Wisconsin does not mean to give the impression that the Indian court bill has passed, does he?

Mr. FREAR. No. Those were objections I have made to it in my speeches. The oil bill has not passed, either.

Mr. Speaker, I do not care to go into details, because in the time allotted I can not do that, and I desire to yield to anyone who desires to inquire. I ask unanimous consent to extend my own remarks, and if that is given I will make a further request. I ask unanimous consent, Mr. Speaker, to extend my own remarks in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. FREAR. Now, Mr. Speaker, I ask unanimous consent to extend in my remarks, about a couple of pages of the Record, covering an analysis of the Indian judge bill and of the oil bill made by Mr. Collier, who is secretary of the Indian Defense Bureau. In the three-hour discussion by Mr. Burke before the committee, which was uninterrupted, Mr. Burke assailed Mr. Collier in a way that was unfair; at least, it ought to have entitled him to an answer. Mr. Collier was refused by a tie vote permission to be heard. Now comes the right of Mr. Collier to be heard in all fairness in the analyses of these two bills, which I ask unanimous consent to put in the Record.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have had some contact with the very difficult problem that confronts the Bureau of Indian Affairs. I do not hesi-

tate to say that in my judgment that bureau has never been headed by a man of more capacity and integrity and ability than Mr. Burke. The difficulties of his position are tremendously increased by the flood of articles and charges that are made throughout the country by officers of alleged Indian associations.

Mr. FREAR. Mr. Speaker, this is not to be taken out of my time.

Mr. CRAMTON. No. I am reserving the right to object. The gentleman made quite a statement in behalf of his request, and I merely want to explain the reason for my objection. Those statements when scattered through the country have a certain harmful effect, but if they are inserted in the records of Congress and are sponsored by a gentleman so distinguished as the gentleman from Wisconsin and are then circulated throughout the country, they have a tremendously bad effect. They injure administration. I have my own opinion as to the value of a statement by Mr. Collier, and therefore I object.

Mr. FREAR. Mr. Speaker, I will say this, because it is presented against a single objection: Mr. Collier represents the American Indian Defense Association. He has offered to place all their books before Congress. He, more than anybody else, helped to expose some of the bills I have opposed here. He has a clear understanding, in my judgment, of these bills. He was assailed by Mr. Burke during the three hours' speech and asked for the right to respond, but that right was not given to him. Under those circumstances I insist that in all fairness to a man who represents this great organization—that has some of the best men and women in the United States connected with it—that this man who has lived among the Indians, and who has no motive for misrepresenting conditions, should have the right to that small privilege. I trust the gentleman from Michigan will withdraw his objection.

Mr. CRAMTON. The gentleman ought not to continue his appeal. I do not alter my former opinion; but since the gentleman presses the matter, I will ask the gentleman if this gentleman referred to does not make his living out of his job?

Mr. FREAR. Yes he is the secretary. The entire expenses of his organization do not exceed \$15,000. His own salary is contributed by four people, who pay his entire salary, according to a statement submitted to the committee. Anyone who is willing to give his time, a man of his ability, to work of this kind, who has lived among the Indians, it seems to me ought to be heard after he has been assailed in the manner I have described by the Commissioner of Indian Affairs. That is all I ask, that he be given the opportunity to be heard.

Mr. LEAVITT. Mr. Speaker, will the gentleman yield?

Mr. FREAR. Yes, certainly.

Mr. LEAVITT. Does not the gentleman realize that his own resolution in regard to the situation is now pending before the Committee on Rules, and that Mr. Collier can present his charges to that committee, and he is not barred from having his day in court?

Mr. FREAR. Yes. But while statements of the Commissioner of Indian Affairs are being circulated—and he has a right without question to be heard—Mr. Collier has no way of answering, and he stands, as he believes, representative of this Indian defense organization in an unofficial way.

Mr. LEAVITT. Is it not true that the gentleman himself, under an extension of remarks, speaking for 10 minutes, included at that time statements that included charges by Mr. Collier, and attacked the commissioner first?

Mr. FREAR. I included a letter signed by Mr. Collier in the Navajo bridge case.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. Mr. Speaker, I ask unanimous consent to proceed for one minute longer to answer the gentleman from Oklahoma.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MONTGOMERY. Is it not a fact that some 12,000 copies of these speeches have been circulated throughout the United States?

Mr. FREAR. There are three speeches that I have made, and that number may have been circulated.

Mr. MONTGOMERY. And of that number how many did Mr. Collier send out?

Mr. FREAR. I do not know, but undoubtedly he sent some of them.

Mr. HASTINGS. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. HASTINGS. Does not the gentleman think it is fair to state that at the conclusion of Commissioner Burke's state-

ment the gentleman was given every opportunity to cross-examine him with reference to every detail contained in that statement and that the gentleman did not avail himself of that opportunity?

Mr. FREAR. I did not want to refer to that, but I am glad the gentleman has opened the door. The commissioner spoke for nearly three hours, without interruption being permitted, and then without the printed report before me—

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for two additional minutes.

The SPEAKER. The gentleman from Montana asks unanimous consent that the gentleman from Wisconsin may proceed for two additional minutes. Is there objection?

There was no objection.

Mr. FREAR. At the conclusion of the three hours' statement I was asked to cross-examine the commissioner. I had no printed report before me as to what he had said, but I have now studied it and I am prepared to restate and furnish evidence in support of the charges.

Mr. HASTINGS. Was that the reason the gentleman did not accept the invitation to cross-examine him?

Mr. FREAR. What was that?

Mr. HASTINGS. That the hearing had not been transcribed.

Mr. FREAR. I wanted to find out what was material in his statement covering three hours. This is the first case in the experience of any Member of this House to my knowledge where he has sat through a statement of three hours, with the condition that there should be no interruption, and then be expected to cross-examine the witness without knowing and having before him the record made.

Mr. HASTINGS. Did the gentleman ask for an opportunity to cross-examine the commissioner after he had examined his statement?

Mr. FREAR. No. I would rather make my own statement in the same way the commissioner made his.

Mr. LEAVITT. Does the gentleman want to come before the committee now and make a general statement?

Mr. FREAR. No; but I would be willing to go before the committee and make a statement as to any of the facts and then have that statement given the same publicity as was given to the statement made by Commissioner Burke.

Mr. LEAVITT. Did the gentleman object to the procedure with regard to Commissioner Burke's statement, which was determined upon by the committee?

Mr. FREAR. I did not. I said that in all fairness he was entitled to make his statement. I believe that free discussion is always desirable.

Mr. LEAVITT. Did not the gentleman have a stenographer present at the hearing?

Mr. FREAR. I had a stenographer, but he was not a reporter.

Mr. LEAVITT. The gentleman had a stenographer present taking notes, and the gentleman had the testimony long before it was printed.

Mr. FREAR. I have been informed that the organization represented by Mr. Collier has among its directors and responsible officials the following-named people, many of whom have written me personally indorsing my effort to secure an investigation. At this point in my remarks I submit their names, many are noted philanthropists:

Dr. Haven Emerson, New York City (professor of public health administration, Columbia University); Irving Bacheller, New York City (novelist); Robert E. Ely (director of the town hall, New York City); Mrs. H. A. Atwood, Riverside, Calif. (chairman Indian welfare division, General Federation of Women's Clubs); William Allen White, Emporia, Kans. (editor); James Ford (professor, social ethics department, Harvard University, Cambridge, Mass.); Elizabeth Shepley Sergeant, New York City (author and authority on Indians); Charles F. Lummis, Los Angeles, Calif. (author and authority on Indians); Rev. E. P. Wheeler, Aurora, Ill. (40 years a missionary among the Indians); William Kent, Kentfield, Calif. (former Congressman); Dr. Aurelia H. Reinhardt (president Mills College, Calif.); Stewart Edward White, San Francisco, Calif. (author); Dr. Walter M. Dickie, Berkeley, Calif. (secretary California Board of Health); Dr. William Palmer Lucas (professor pediatrics, University of California); Edyth Tate Thompson, Fresno, Calif. (secretary California Tuberculosis Association); Dr. John R. Haynes (regent, University of California; member Los Angeles Public Service Commission); Dr. Henry J. Ullman (president American Legion, Santa Barbara, Calif.); Mrs. Mary Austin, Santa Fe (author); James W. Young, Chicago; Fred M. Stein, New York City; Gertrude Bonnin, Washington (president National Association of American Indians); Jay B. Nash, Oakland,

Calif.; Walter V. Woehlke, Ross, Calif.; Mrs. Frank A. Gibson, Los Angeles; Mary J. Workman, Los Angeles, Calif.; Rev. Father Robert Lucey, Los Angeles; and E. Raymond Armaby, Burlingame, Calif.

The national advisory board of the association includes Rev. John A. Ryan, D. D., George Haven Putman, Henry W. Taft, Adolph Lewisohn, Dr. John H. Finley, Dan C. Beard, George Foster Peabody, Right Rev. Monsignor J. P. Childwick, and the Right Rev. W. C. Manning.

Mr. Speaker, responding to my demand for an investigation of the Indian Bureau, Commissioner Burke asked and, as stated, was accorded by the Indian Committee nearly three hours of uninterrupted speech devoted to an attempt to gloss over charges of maladministration which I have made of his bureau. His long statement I submit, on examination, confirms by confession and avoidance some of the most serious charges, while others are sustained by undisputed evidence. Without any personal feeling against Commissioner Burke or his assistants—the subject is of far greater importance than any individual consideration—I repeat that every material charge made by me against the Indian Bureau, or the Interior Department where responsibility is divided, has been sustained by unimpeachable evidence. It is not bureau maladministration alone that is involved but the obligation of our Government to its helpless Indian wards to relieve them from archaic, autocratic, bureaucratic control and to prepare them for use of their property and for duties of that American citizenship which Congress has given to them after three-quarters of a century of Indian Bureau scandals.

A Representative in Congress should guard against needless criticism or unjust criticism of other departments of government and also of his colleagues, but he should not be fearful of giving needed criticism of agencies responsible for wrong conditions.

THE INDIAN BUREAU'S EFFORT TO INFLUENCE LEGISLATION

In a recent speech I protested against the influence of the Indian Bureau which assumes to pass upon every bill that finds its way to this Chamber and against bureaucratic influences on measures before this House. That protest was repeated in a letter sent the chairman of the Indian Committee when noting that, according to the secretary of that committee, of the first 35 bills reported to the House by the committee, 34, or all but one, had the written approval of the Secretary of the Interior, whose name is the stamp with which the Indian Bureau gives approval. The one bill of the 35 that escaped the bureau was introduced by the chairman of the Indian Committee, but thereafter it was strenuously opposed by Indian Bureau officials before a Senate committee.

During the same period I introduced several Indian welfare bills, looking to the strengthening of Indian rights now possessed by all other citizens, and an important bill to perfect titles to Indian reservation lands, all of which were turned thumbs down by the Indian Bureau. My complaint against the bureau was not personal but against an objectionable legislative system we are prone to accept in committees from officious bureaucrats for fear if objection is made we submit ourselves and our colleagues to the inference we might be unable to withstand improper influence.

I have said and I repeat that the Committee on Indian Affairs is composed of able men as sincere and independent as any men in Congress. That they would not yield their views or legislative rights knowingly to any man or any bureau. I respect their honest judgment, which is as high as that of any other committee of the House with which I have served, and that covers four major committees and several lesser committees.

I do say of that committee or any other committee, if any bureau or department of Government presumes to place its approval or disapproval of measures pending before Congress, an unwarranted act is exercised that places on the bureau legislative responsibility which under the Constitution solely rests with Members. A record of 34 approvals out of 35 bills reported and many rejections among the balance of over 100 bills before this committee is evidence of no lack of honest purpose to exercise every right of constitutional judgment by the committee but is a gross usurpation of legislative rights by the bureau.

That is all I have intended to say at any time and in no way reflects on the committee. To say less would be to surrender to bureaucratic encroachment that now menaces Congress on every hand. I could amplify this brief statement which the Commissioner of Indian Affairs from out his limited breadth of understanding has termed an apology to the committee, but the manifest purpose of the bureau to shift criticism from itself to the committee in no way affects my protest against the Indian Bureau and bureau methods.

CHARGES OF MALADMINISTRATION ADMITTED BY COMMISSIONER BURKE

At his personal request the House Indian Affairs Committee on April 10 gave Commissioner Burke right to nearly three hours of uninterrupted talk in which to prove the charges of maladministration by the Indian Bureau made by me in speeches of February 4, March 4, and March 23 were incorrect and untrue as he alleged. As I stated at the outset, I will not willingly do injustice to the Indian Bureau or any official connected with it, but after a careful examination of the 42 printed pages of Commissioner Burke's uninterrupted speech, I again charge—

First. That the Indian Bureau, without possible excuse, recommended the confiscation of \$100,000 of Navajo Indian funds, and I will here submit testimony that proves this fact beyond reasonable doubt.

Second. The Indian Bureau has recommended other Indian reimbursement charges against the Navajos, Pueblos, and other Indian tribes, as stated in my speeches, as reprehensible and indefensible as the \$100,000 Navajo item.

Third. The Indian Bureau approved and helped manage a scandalous settlement of over \$1,000,000 of the property of Jackson Barnett, a half-witted Indian, the terms of which were as reprehensible of an allotted Indian's property as other charges made as to tribal property. This is evidenced through an admission of the facts by the department that I will present.

Fourth. The Indian Bureau has practically exclusive control of \$90,000,000 of money and securities and \$1,650,000,000 of Indian property held in trust for what it terms 225,000 "incompetent" Indians. No right of court review or appeal from the bureau's arbitrary decision is given to a single Indian.

Fifth. The telegram by Governor Blaine, of Wisconsin, to President Coolidge was unqualifiedly true wherein he complained that a Wisconsin Indian charged with a misdemeanor was fastened with ball and chain in a foul, insanitary cell 6 by 9 feet in size. Evidence of this fact here submitted is practically undisputed.

Sixth. I again charge that a ball and chain were used for punishing an Indian on the Fort Peck Reservation, charged with a misdemeanor, and I submit convincing affidavits of that fact.

Seventh. I submit evidence that Commissioner Burke by threats and intimidation endeavored to smother the facts last cited, and I submit startling affidavits of the Indian Bureau's control and intimidation of Indian witnesses in Washington.

Eighth. I repeat that the Indian Bureau has possession of an amazing report by the American Red Cross on Indian Bureau neglect and inefficiency affecting the health of Indian tribes, which has been smothered, and that Senators and Members who have asked to inspect the report have been refused that right.

Ninth. The Indian Bureau has failed and neglected the health and care of Indians in Wisconsin, California, Arizona, and other States, as set forth in statements of reputable medical witnesses and commissions, none of which were disputed in Commissioner Burke's three-hour speech, excepting a reference by him to the Pima Tribe, that, I submit, was incorrect.

Tenth. The Indian Bureau has caused to be introduced bill H. R. 7826, that as prepared provides that all Indians on reservations may be tried by \$10 a month "judges" and sentenced to six months in jail in addition to a \$100 fine for disobeying rules or regulations of the bureau. No right to a jury trial, attorney, bail, or appeal guaranteed under the Constitution is afforded by that bill, which was opposed by every Indian tribe represented in Washington, excepting a white attorney for some Indians in South Dakota.

Eleventh. The Indian Bureau has approved a grossly unjust Indian oil leasing bill, affecting 22,000,000 acres of Indian reservations, and that while oil men and bureau officials urged its passage before House and Senate committees not one Indian representative of any tribe was heard on the bill.

Twelfth. The Indian Bureau under existing law and custom has practically unlimited control of the person and property of 240,000 Indians, excepting in case of 8 felonies, without right to jury court appeal or judicial review in determining matters of "competency" or other rights guaranteed to every other American citizen.

Thirteenth. Serious complaints against the Indian Bureau lodged by Menominee Indians of Wisconsin, Blackfeet and Flathead Indians of Montana, and Pueblo Indians of New Mexico, and of other tribes, have not been answered or referred to by Commissioner Burke in his nearly three hours of uninterrupted speech.

I again ask that my resolution of investigation of the Indian Bureau by Congress be passed and all facts disclosed in order that remedial legislation may be had and the Indians of

America given a self-supporting, self-respecting, and constructive program to fit them for duties of citizenship, which citizenship Congress has conferred on them by law.

THE AMERICAN INDIAN DEFENSE ASSOCIATION

I will not again recite the details of different complaints against the Indian Bureau set forth in the three speeches to which reference has been made and which Commissioner Burke sought to answer when making criticisms against myself and charges against John Collier, executive secretary, personally, and against circulars distributed by the Indian Defense Association. The speeches are definite in their charges, but a comprehensive statement of Commissioner Burke's attitude on the different charges is disclosed from his three hours without interruption speech. So far as can be had, the charges, his own explanation or excuse, and the facts in each case are here offered to serve as a basis for an investigation of the Indian Bureau asked for by my resolution.

First, let me relieve the Indian Defense Association and its secretary, John Collier, from responsibility for any statement made by me at any time. Whatever information was received by me from this organization and its secretary I verified so far as possible, and am convinced that the statements so made to me were substantially correct and that the Indian Bureau was ignorant or inexcusably wrong in its own position.

The Indian Defense Association and the various welfare associations need no defense against assaults from Commissioner Burke or any other official. Their efforts to protect and relieve the Indians throughout the country, I am convinced, are inspired solely from philanthropic motives and maintained through voluntary subscriptions. Due to this source of support and publicity more than to any other agency in my judgment is the aroused sentiment against the \$10 a month Indian judge bill and the equally objectionable Indian oil leasing bill that have been exposed and opposed in both House and Senate. For that they are entitled to the thanks of Congress.

Commissioner Burke's course with Indian affairs hereafter discussed stands pilloried in public opinion because of this arrogance toward Indian welfare organizations that seek to protect and befriend the Indians.

Of John Collier, executive secretary, I will only say that no man in my experience has possessed anything like the comprehensive grasp of Indian affairs and Indian legislation shown by Mr. Collier who has first knowledge from having lived among the Indians. His activities in their behalf are in striking comparison with those of seemingly complacent officials—Collier acts through the eyes of a crusader who sees the neglect, injustice, and oppression practiced by the Indian Bureau, while the Government's guardians of the Indians act with an eye primarily directed toward permanency of bureaucracy. This is the language and judgment of many Senators and Members who are familiar with the personality and aims of Commissioner Burke, his bureau assistants, and of their predecessor in many cases.

FABULOUS WEALTH CONTROLLED BY THE INDIAN BUREAU

It should be kept in mind that due to pressure exercised on Congress in 1924 all Indians were given full rights of American citizenship. That 70 years after the Indian Bureau took over the control of our Indian wards the Indian commissioner now has under his control over \$90,000,000 in money and securities belonging to various Indians and \$1,650,000,000 in property belonging to 225,000 Indians.

That this money and this property is under the control of Commissioner Burke under the law; that the 225,000 Indians wherever allotments have been made are declared to be restricted or incompetent Indians and that they have no right to have their competency or ability to care for their own property determined by court proceedings but their property, like their person, is under the control of the Indian Bureau.

Commissioner Burke appeared before the House Indian Affairs Committee on April 10, pursuant to his request that he be not interrupted, and, as stated, he spoke without interruption, refusing efforts to challenge statements that would not stand analysis.

Commissioner Burke first devoted several pages of the printed "hearing" to a brief paragraph in my speech of February 4 relating to a reimbursable bridge charge he approved of \$82,000 against the Pueblos of Cochiti and San Juan. In that speech I stated the whole cost of these two bridges had been loaded onto the poverty-stricken Pueblos and that three-quarters of the travel over one bridge will be by white people and on the other the proportion of Indian travel will be less than one-tenth.

Commissioner Burke admitted the whole cost of these bridges was charged against this poverty-stricken tribe, but attempted to show the charge was legitimate because Assistant Commis-

sloner Merritt said so (p. 9). Witnesses competent and disinterested declare the charge against the Pueblos is indefensible; that the Cochiti Indians number less than 400, and the San Juan Indians number only 450. The most serious charge made is that former commissioners have successfully opposed the burdening of these extremely poor Indians with such charges. Commissioner Burke says (p. 10), "those Indians are very poor," yet with little land of value across the river and without consent of the Indians, if I am rightly informed, the entire charge with his approval was made against them for a bridge primarily for the use of white people.

THE NAVAJO INDIAN \$100,000 CONFISCATION SCANDAL

Not one defense, I submit, is offered for the confiscation of Navajo funds.

On the \$100,000 reimbursable item Commissioner Burke says:

Secretary Work made a report that one-half of the cost be reimbursable (p. 12, hearings).

This \$100,000 charge was made by him without any knowledge or consent on the part of the Indians, and Secretary Work, in recommending the charge of \$100,000, of course speaks for the Indian Bureau. The bureau never speaks officially in such matters except through the department head.

Commissioner Burke expresses his own views for its approval frankly when he says:

I do not see myself where there can be any serious objection to making appropriations that may seem to be desirable and in the interest of those Indians and relieve the States of Arizona and New Mexico from some of the great expense involved, in view of this great area that is not subject to taxation (p. 12, hearings).

Then he suggests that Members generally should be blamed for permitting bills to go through unchallenged if the bills are wrong. The obvious answer is that Commissioner Burke is the guardian under the law for these Indians. He knew these Indians were diseased and three generations behind other Indians, according to Mr. Merritt, of the bureau; that they only had a balance of \$116,000 to their credit, and yet he says in effect that because these Indians do not pay taxes on their desert grazing lands that they should help build bridges to relieve the States within which their reservations are located.

I submit that is the general argument of others which he repeats as guardian of these diseased, uneducated, and backward Indians three generations behind their fellows.

Now for the facts. Senator CAMERON, of Arizona, said in Senate debate:

I think it would be an imposition on humanity for Congress to take out of \$116,000, the little money that is now in the Treasury, half of the cost—\$100,000—of this bridge and charge it to the Indians; it would be ridiculous. (RECORD, p. 4152, Feb. 15, 1926.)

I presume I know that section of the country as well as almost anyone, having lived in northern Arizona some 43 years. I have had occasion to cross the Colorado River in that section hundreds of times. The Navajo Tribe of Indians do not use that section of the country. * * * There is no reason why the Government should not at least pay half the expense of building this bridge instead of forcing these backward but honorable Indians to pay half the cost, and especially when they have never consented to it.

Senator LENROOT. This bridge is primarily for the benefit of the public and not for the Indians, is it not?

Senator CAMERON. Absolutely. * * * I would feel like it was stealing from an infant if I were to be a party here in the Senate of the United States in this unjust attempt to charge half the cost of construction and maintenance of this bridge across the Colorado River out of the only money these Indians have, which amounts only to \$116,000. * * * I say it is preposterous that the Government should undertake to do such a thing. (RECORD, Feb. 17, p. 4150.)

The bill was held up in the Senate for over two weeks in an effort to have it stricken from the Interior appropriation bill. On a straight vote it would have been defeated, as it had no defenders, but in the urgent deficiency appropriation bill it was unmovable.

ONE CORPORATION HAS THE LOCAL MONOPOLY OF TOURIST TRAVEL

On February 25 Senator CAMERON said in debate:

I want to say to the Senate that I believe while that bridge would be a benefit to the State of Arizona, while it would be of benefit to the United States, it would be of especial benefit to the people who have the contract to take tourists around the rim and from the rim of the Grand Canyon National Park to Zion National Park on the north. It would be a benefit to a corporation. One corporation alone will have exclusive access and a complete monopoly.

This astounding statement from a Senator of the State most affected, who knows these Indians and location through a hundred visits, as he states, asserts that the recommendation of

Secretary Work for the Indian Bureau is to give \$100,000 of Navajo Indian money for a bridge when one tourist corporation alone will have exclusive access and a complete monopoly. Why did Commissioner Burke recommend in 1924 through Secretary Work this infamous "steal" from an infant, to use the words of the Senator most familiar with the location?

Again he says (RECORD, p. 4271):

It has been plainly proven here that the Navajo Indian Tribe has never, does not now, and never will derive any benefit from the Lee Ferry bridge.

Think of Commissioner Burke and Secretary Work's \$100,000 reimbursable charge.

Now, listen to this distinguished Senator CAMERON, from the State most affected:

Why does the Bureau of Indian Affairs get behind a proposition to rob these poor Indians—yes; I call it highway robbery—and to take money out of the Treasury of the United States that has been deposited there for this poor Indian tribe?

Have I said anything more pointed against the bureau than these strictures on the Indian Bureau by a distinguished Senator? I desire to present indisputable evidence that would be submitted before an investigating committee if hearings can be had. Senator BRATTON, of New Mexico, is from a State greatly interested in this bridge, for the Navajo Indian Reservation is in both Arizona and New Mexico.

On February 17 RECORD, page 4151:

Mr. BRATTON. I think that no one can justify a policy on the part of the Government in reaching into the tribal funds of these Indians and taking out the sum of \$100,000 without their consent and over their protest. I have received from New Mexico, due to the fact that these Indians live partly in that State, many protests against this proposed action. I am informed that the Indians are universally opposed to it; that they never consented to it, but that against their desire and over their protest it is proposed to take from them \$100,000 and to establish a policy which may lead in the future to taking from the Indians sums vastly greater than the amount in this case.

Remember, this is from another distinguished Senator, in a State that Commissioner Burke suggests may get taxes from the Indians by this reimbursable item.

On page 13 of his remarkable speech in his own defense Mr. Burke said of this Navajo \$100,000 "highway robbery" that his "superintendent" wrote to him:

Some time ago Mr. Chee Dodge, chairman of the Navajo council, was here and asked me about the bridge; he expressed himself as thinking it was all right. * * * That the Navajos of the western part of the reservation were receiving no benefit from the Gallup Ship rock highway, yet they would have to pay their share of the cost of building the road just the same.

In other words, because they were robbed by the highway charge a \$100,000 bridge steal was all right. Queer logic, but it came from the local Indian agent, who is always expected to back up the bureau.

WHAT CHEE DODGE THOUGHT AND SAID

Here is what Chee Dodge actually said about that bridge:

Mr. BRATTON. I desire to read into the RECORD part of a letter written to me * * * signed by Commissioner Burke, which contains an excerpt from the proceedings of the tribal council of these Indians on July 7 of last year—

J. C. MORGAN (Walker translating). * * * when Congress appropriates they would like to have Congress appropriate for the benefit of the tribe. They do not want it for the benefit of some other people. They want it for the benefit of the Navajo people. * * * What we mean is that when Congress appropriates money like they did down here for the bridge at Lee Ferry they do not want that Congress appropriate this money for the bridges * * *

CHEE DODGE (who is chief among them, finishing Walker's sentence for him). They object to the use of the tribal funds for such purpose as the bridge at the ferry across the Colorado.

Senator BRATTON. We can not afford to continue this policy, which is bottomed not upon justice, not upon equity, but upon an enforced program of inequity and iniquity toward the Indians (p. 418).

Also, on page 4469, he says:

The Commissioner of Indian Affairs undertakes to follow that by resorting to an extremely technical position, namely, saying that the matter was not formally before the council * * *. To say that the Indians should resort to fine language or legal phraseology in drawing up a formal resolution is unthinkable. Their position is clearly recorded. They (the Navajos) are opposed to these two bridges. They do not want to pay for them. The money is theirs. They are now citizens, and they want things that contribute to the elevation of their citizenship.

Senator BRATTON charges Commissioner Burke with splitting hairs.

Senator CAMERON, in the same debate, page 4469:

Let us not do something because we are white men and the poor Indians on the reservation are helpless, with no one here to represent them, and the bureau that should be looking out for them and should be guarding the money they have in the Treasury recommending that this sum be taken from their tribal fund to construct a bridge which they will not use. I say it is outrageous; it is dishonest, if I may go that far.

No more bitter indictment of the Indian Bureau, its "superintendent," its "iniquitous" policy, and of the \$100,000 looting of Navajo funds could be framed than by these brief extracts from speeches by two of the honorable statesmen who represent the States that Commissioner Burke says he seeks to aid.

I could quote from a half dozen other witnesses, all honorable and well-informed, and all to the same effect. Senator JONES of Washington in that debate said:

Based on what I saw of the conditions there I do not believe that the Indians should pay \$100,000 toward the construction of this bridge. I do not think they will use it very much from the lay of the country. I am satisfied it should not be taken from the Indians.

Frederick S. Dellenbaugh accompanied Major Powell on his second trip down the Colorado River and has written several books about the river. He probably knows as much about the river and its surroundings as any man living. In a statement from this writer placed in the CONGRESSIONAL RECORD by Senator CAMERON he says:

The Senators are perfectly willing to build a bridge over the Colorado River at Lee Ferry . . . providing the poor Navajo Indians who live near by and who will be benefited by the proposed bridge about as much as they would be by one over the Hudson (N. Y.), provided the poor Navajos pay \$100,000 of the cost. Two sovereign States and the great United States demand that the Navajo Indians shall pay half of a bridge which the Government should have constructed at least a quarter of a century ago. If this absurdity can be matched anywhere in the world outside of Tibet, the writer would be glad to be informed.

Rev. Dirk Lay, missionary; Haven Emerson, M. D., president; and John Collier, secretary, of the American Indian Defense Association, the latter of whom lived with the Navajos, all presented unanswerable arguments appearing in my speech of February 4 against this vicious item. Senators, missionaries, Indians, and others I have quoted all to the same effect, and yet this \$100,000 "steal" from the Navajos, to use the language of Senators, is defended by Commissioner Burke, the official guardian under this administration of the Indians and of Indian property.

I have gone to some extent to picture this indefensible proposal that is now the law, for others of like character are sure to follow because of the peculiar sense, or lack of sense, of obligation on the part of those who as guardians have the sworn duty of protecting the Indians. Not one leg is left to stand on, and by this token may other matters be judged.

NO WITNESS EVER MORE FULLY DISCREDITED

I submit no witness was ever more thoroughly discredited and impeached than Commissioner Burke in the Navajo case. In Senate debate he was squarely disputed by three Senators, all familiar with the situation, and one of them declared the bureau's action was "highway robbery" of the Indians. To the same effect were the tribal hearings related by Chee Dodge, Navajo chief, and by writers intimately familiar with the surroundings, by missionaries who have lived in that section, and other reputable witnesses, who know whereof they speak, all were of one mind, whereas the commissioner depends on a discredited Indian agent of his own department, and he adopts the agent's views as his own on a matter that confiscates \$100,000 of the Navajo funds, to be paid toward a white tourist automobile bridge, where local travel is controlled entirely by one corporation that, according to Senators, now enjoys a complete monopoly.

In the record here presented Commissioner Burke, to my mind, is an unimportant figure in the problem which rests rather with a discredited system of Indian control by the Indian Bureau, of its officials who hang together, whatever the facts may be in any case, in order to maintain this Indian bureaucracy. Therein lies the responsibility and the inefficiency or worse disclosed by the Indian Bureau head.

THE INDIAN BUREAU'S IRON HAND CONTROL

It should be understood that the Indian Bureau under existing law has practically complete control of the person and property of the Indians. This is not an indictment of the

present Indian Commissioner; it has existed for years; but his opposition to any efforts to break this ironclad control should bring condemnation. I have cited his liberality in giving away Indian money for bridges. The same story accompanies many of the irrigation projects. Again, the commissioner is not responsible for matters of long ago, where tragic tales of waste of Indian funds have been notorious, but responsibility is fixed when opposition to any degree of control by the Indians of their own property is to-day pressed by the Indian Bureau and Department of the Interior. I do not care to split hairs to determine the actual responsibility of the bureau compared with the department, because the difference between tweedledee and tweedledum is of slight moment when great questions of constitutional rights and of common justice are involved.

What can the Indian do with his own property? Practically nothing. Let me again say the commissioner has \$90,000,000 in money and securities and \$1,650,000,000 of Indian property according to his own report, which he administers.

Indian tribal lands can not be leased or sold by him without the tribe's or congressional consent, nor can their funds be expended save by the consent of Congress. But when Navajo bridge items and irrigation, highway, and other laws are unknown to the Indians until recommended by the bureau and passed by Congress, it is of little value to the Indian. A protest is all he could make in any event. Indians who have been given their citizenship, and that includes all Indians since 1924, are still kept in leading strings. The 225,000 "restricted" Indians, including those holding allotments, have no rights of property excepting in name. I do not wish to make any statement not strictly within the facts.

Let us see what these facts disclose: The allotted lands can all be leased by the Indian Bureau without the consent of their Indian owners. These lands can be secretly leased, they can be leased without competition and sometimes without consideration—save the supposed improvement resulting from the white man's use of the land.

The land of a dead Indian allottee can be sold by the Indian Bureau without the consent of the heirs.

The will of an allotted Indian has no validity until approved by the Indian Bureau, and the bureau can destroy the will without court review.

The Indian Bureau determines the heirs of an allottee and there is no court review.

The allotted Indian can not hypothecate his property, which is held or controlled by the Indian Bureau.

The allotted Indian's contracts or leases are void until approved by the Indian Bureau.

The allotted Indian funds are in the hands of the Indian Bureau and can be disposed of by the bureau without interference by the Indian or reference to Congress, except where special laws direct cash payments to be made.

The allotted Indian can have no accounting from the bureau, his official guardian.

The allotted Indian can not hire lawyers to represent his interests without the approval of the Indian Bureau.

The allotted Indian can not be declared competent or able to care for his own property or secure possession therefor without the approval of the Indian Bureau.

I believe I have fairly stated the Indian's rights, or rather lack of rights, that go with his new American citizenship.

I do not charge that the Indian Bureau dissipates or mismanages the funds of its wards. I do not know nor do I suggest improper use, unless specifically stated.

The fact that no court review or oversight is permitted in any of the above cases, save in a partial way in Oklahoma, but that the Indian and his property are under exclusive bureau control, even to the determination of "competency," is a monstrous proposal not found elsewhere in the world.

THE JACKSON BARNETT CASE OF MALADMINISTRATION

Digressing from the speech of Commissioner Burke in order to make more clear the real issue of maladministration, not alone by the Indian Bureau but also of Congress over Indian property, I have before me a report where in 1925 charges were filed against Commissioner Burke. How specifically, I do not attempt to say, but I understand the House Committee on Indian Affairs made some examination into the charges. They relate to a half-wit Indian named Jackson Barnett, a millionaire Creek Indian in his dotage, who was "kidnaped" by a woman of bad reputation. Her record is contained in the inspector's report of about a dozen pages of closely typed manuscript made by the Indian Bureau's inspector. It would be impossible to picture a more immoral character or more designing influence exerted over a weak old man than by this case. According to the Indian Bureau inspector, Barnett was kid-

naped, and without previous acquaintance with the woman, when under the influence of liquor forced upon him by the woman, they were married. I quote from the inspector's report:

Police officers who saw Jackson Barnett soon after his arrival in Coffeyville (day of marriage) state that he (Barnett) had a doped appearance, and a newspaper reporter named Fitzgerald advised me that Jackson (Barnett) told him the woman had given him whisky en route to Coffeyville to his home.

Pages of the report in the Indian Office are given over to details of the "kidnaping" and of the unspeakable record of the woman who married Barnett, as stated. I am not quoting any of these loathsome details, but they then put the bureau in possession of all the alleged facts connected with the half-wit Barnett's marriage.

In a letter before me under date of March 11, 1925, it is recited that Jackson Barnett is a full-blood Creek Indian "now about 73 years of age, unable to read or write, but speaks the English language to some extent."

At best his mental capacity is limited, and this coupled with his lack of education naturally places him in that class of Indians usually referred to as incompetent.

The letter then sets forth Barnett's oil properties and royalties invested in Liberty bonds of considerably over \$1,000,000.

During the early part of 1920 Anna Laura Lowe, a white woman, and Jackson Barnett were married, he then being some 68 years of age. An unsuccessful effort appears to have been made to upset this marital relationship. * * * During the fall of 1922 Mrs. Barnett, accompanied by Jackson, visited this city. * * * It was urged that unless some disposition was made of Jackson's estate during his lifetime, or at least a part of it, endless and expensive litigation would result after his death by the presentation of spurious claims of relationship sponsored by designing and unscrupulous claimants.

Now, listen to this remarkable proposition that was carried out by the commissioner, according to the letter before me:

HERE WAS THE APPROVED DIVISION OF \$1,100,000

A plan was finally evolved under which, through a written request signed by Barnett, he was permitted to donate \$1,100,000 of his restricted funds then in the form of United States Liberty bonds in the following manner:

- (a) Five hundred and fifty thousand dollars to the American Baptist Home Mission Society.
- (b) Five hundred and fifty thousand dollars to his wife, Anna Laura Barnett.

Under the terms of these donations, which were approved by this department on February 1, 1923, the \$550,000 in Liberty bonds so donated to the Baptist Home Mission Society were deposited in trust with the Equitable Trust Co. of New York City under an agreement pursuant to which the income therefrom up to \$20,000 a year should be paid to the superintendent of the Five Civilized Tribes of Muskogee * * * for the use and benefit of Jackson Barnett during the remainder of his natural life.

Thereafter to the Baptist society for support of schools named therein.

Of the \$550,000 donated to Anna Laura Barnett, \$350,000 became her outright property, the remainder of \$200,000 in Liberty bonds * * * income therefrom of \$7,500 to go annually to Jackson Barnett during remainder of his natural life, thereafter to Anna Laura Barnett (wife) and Maxine Sturgess, a daughter of Mrs. Barnett by a former husband. Owing to legal complications which shortly resulted, none of the interest has been paid.

As to the disposition made by Mrs. Barnett of the funds (\$350,000) turned over to her from Jackson's estate (Jackson still living) I am not advised.

The above extracts from a long 9-page letter are of more than passing importance, because the letter is addressed to "The President, The White House," and is signed by "Hubert Work, Secretary of the Interior."

The facts contained in the letter necessarily were furnished by Commissioner Burke, who as Indian Commissioner with full knowledge of the report in his office entitled "Inspection report, kidnapping of Jackson Barnett, Anna Laura Lowe" proceeded to divide up the halfwit's property, which is under the bureau's control. Court proceeding brought by Jackson Barnett or other parties in interest against the church society, Commissioner of Indian Affairs, et al., apart from interests of claimed heirs, have revealed this transaction sought to be set aside by the courts.

This brief recital of an amazing case of bureau control and division of an Indian halfwit's property is only one chapter of an effort by bills pending to take away from the Oklahoma courts certain jurisdiction conferred on them by Con-

gress. A subcommittee of the House Committee on Indian Affairs considered charges against the Commissioner of Indian Affairs. The report of that committee and the dissenting views on the alleged misconduct of Commissioner Burke should be investigated together with all the facts surrounding this remarkable transaction, which I have only briefly presented but based on a letter written by the department or Indian Bureau that certainly gives the most favorable construction possible to the acts of Commissioner Burke.

Having in mind the gift by Commissioner Burke of \$550,000 of Barnett's Liberty bonds to the Baptist Missionary Society, it is interesting to note that that organization finds nothing to criticize in the affairs of the commissioner. I quote from the commissioner's report of 1922, page 22:

That the board of managers of the Baptist Home Missionary Society, having a somewhat intimate knowledge of the Indian conditions * * * desires to assure the Secretary of the Interior of its continued and growing confidence in the administration of Indian matters through the Commissioner of Indian Affairs * * *. The board most emphatically disavows all sympathy with criticism of the Indian administration, which originates * * * with those whose unjust exploitation of Indians is thwarted by the Indian Office. * * *

Here is the latest chapter called to my attention. It is a Washington dispatch of day before yesterday and relates some of the details of the notorious Barnett case, to which I have referred. Three hundred and fifty thousand dollars given the wife is beyond recovery, but suit has been begun to recover the balance of the \$550,000 allotment to her and her daughter approved by Commissioner Burke:

SARGENT ACTS TO HOLD \$200,000 FOR INDIAN—ATTORNEY GENERAL WOULD KEEP BONDS OF JACKSON BARNETT, 75, FROM HIS ALLEGED WIFE

(Special to the New York Times)

WASHINGTON, April 21.—Attorney General John G. Sargent, through Assistant Attorney General George P. Barse, started another action to-day in the equity courts to save a trust fund consisting of \$200,000 in Liberty bonds for their owner, Jackson Barnett, 75-year-old Creek Indian, of Okmulgee County, Okla., who was declared insane in 1912.

This fund is part of the \$1,100,000 in Liberty bonds belonging to Barnett, of which his guardian, Elmer S. Bailey, lost control by the thumb-print signature of Barnett on an order requesting the Secretary of the Interior to surrender it.

Of the total lot of bonds \$550,000 went into the possession of Anna Laura Lowe, alleged wife of Barnett, and the remainder into the custody of the American Baptist Home Mission Society, according to the petition filed by the Attorney General, in which he asks permission to intervene.

The intervention is sought in a suit filed by Mr. Bailey to protect the trust fund of \$200,000 in bonds against the claims of the alleged wife of Barnett and her daughter, Maxine Sturgess. The \$200,000 fund is now in the vaults of the Riggs National Bank, of this city, under a trust agreement.

The Attorney General stated that Anna Laura Lowe took Barnett from his home in Oklahoma in February, 1920, and then to Coffeyville, Kans., and went through a purported marriage ceremony with Barnett, notwithstanding his mental incompetency and almost total ignorance.

Afterwards she engaged Harold McGugin, a Coffeyville lawyer, to negotiate with the Secretary of the Interior to acquire from Barnett's estate the \$1,100,000 in bonds.

The \$200,000 in bonds in the Riggs National Bank are part of the \$550,000 which the Government says got into possession of Anna Laura Lowe.

IF MR. BURKE HAD THE WISDOM OF SOLOMON

Again I repeat that I am not seeking personally to indict Mr. Burke in this or any other matter. I am seeking to expose the startling situation wherein the Indian Commissioner with \$90,000,000 of Indian moneys and securities and \$1,650,000,000 of Indian property under his control has no court scrutiny nor right of the owners of this property to inquire into its management or disposition. If Mr. Burke had the wisdom of Solomon and the virtue of all the apostles combined, few people would consent to place their properties entirely in his hands, and yet the property of 225,000 restricted or incompetent Indians is now held by him without right to court review of his management or mismanagement, excepting where specific law may be invoked. After the impeachment of his testimony and motives in the \$100,000 Navajo Indian charge and the Barnett case, as presented by himself with his own admissions, I submit that in wisdom he does not measure up with the examples in history I have named.

In the Navajo \$100,000 charge and others of like character it was a misuse of tribal funds by Congress with the approval of the Indian Bureau. With the Barnett case and others of

like character it is a misuse of allotted Indians funds by the bureau where no inspection or court review is possible under existing law. Can I make the situation plainer?

THE BALL-AND-CHAIN CASES

Returning to the nearly three hours' refusal-to-be-interrupted speech of Commissioner Burke in defense of his bureau, I come next to the "ball-and-chain" methods pursued at some of the Indian agencies with approval of the Indian Bureau. Let me repeat, the mistreatment of Indians by Indian agents is only a minor cause of complaint. I charge that the Indian Bureau with its spokesman, Commissioner Burke, not only covers up, but approves such mistreatment of Indians, and in that connection I shall give an unimpeachable witness of Commissioner Burke's judgment on the subject.

Take first the Wisconsin case. Governor Blaine, of Wisconsin, sent to President Coolidge the following telegram:

MADISON, WIS., February 15, 1926.

President CALVIN COOLIDGE,

Washington, D. C.:

Responsible woman, whose word I believe, reports that Paul Moore, an Indian, charged with a misdemeanor, was found on January 26 at Lac du Flambeau (Wis.) Agency jail, in a cell 6 by 8 feet, with clogged toilet, and with ball and chain fastened to ankle. In same jail were incarcerated Indian women. This condition is abhorrent to the dictates of decency and our vaunted civilization. This is the tyranny of the Dark Ages and the practice of the degenerate dominate to terrorize the Indian who needs help more than a jail. In the name of humanity, I beg that that sort of thing cease.

JOHN J. BLAINE, Governor.

In his defense and excuse of such action Mr. Burke says (p. 26 of the hearings):

Paul Moore, together with two other Indians, took three Indian girls of the Lac du Flambeau Reservations and spent three nights with them. One girl is now in a delicate condition and alleges Paul Moore is responsible therefor. He was apprehended, together with the others, and they confessed their guilt. Moore was sentenced by the court of Indian offenses and was assigned to the potato farm and set to digging potatoes. He escaped and was later returned, when a ball and chain were placed on him. He again escaped and has not yet been returned.

Mr. Burke admits the ball-and-chain punishment.

No judge or jury would accept the other statements of Mr. Burke unsupported by proof. No one will condone the offense, if true, although Mr. Burke in his speech assumes that anyone objecting to Spanish Inquisition punishment does so because of sympathy for the offender. Any attorney would inquire, Is it true that Moore and his associates were with the women; if so, what evidence is to be had that Moore was responsible for subsequent conditions, and what proof was had and what was the influence used, if so, to secure any plea of guilty which is alleged—but nothing furnished to confirm that statement. This is not to excuse in any degree any offense, if an offense was committed, but to get some facts in a case where letters to Senator LA FOLLETTE heretofore inserted in the RECORD state that Moore was brought before Superintendent Hammitt of the agency; that an Indian named Sawgetchwayghezis, posing as a judge, was present, who could not read or write or talk English. He certainly would be forgiven for misspelling his own name. That Hammitt prepared and read Moore's sentence to six months' imprisonment in the agency jail. All this appears in the letter found in RECORD of March 4.

COMMISSIONER BURKE APPROVES BALL AND CHAIN USE BY HIS AGENTS

Assuming that all the facts were as claimed by Commissioner Burke, I submit his own statement (p. 27 of the hearings):

I say I have no sympathy for Paul Moore, and I think he ought to be in chains for not the time of the sentence of the Indian court but for a much longer period.

Commissioner Burke approves the ball-and-chain treatment, which is undented, but he would have it continued for a much longer period than six months. No one knows just what his judgment would determine for ball-and-chain treatment, but that is his standard set for Indian agents throughout the country. The commissioner approves ball-and-chain penalties and unlimited sentences by his agents who write the findings of the \$10 a month courts.

I am trying to get before you a correct understanding of the official at the head of the Indian Bureau, who has been impeached by overwhelming testimony and shown to be without knowledge of the Navajo Indian \$100,000 case where he depends on and indorses his agent's statement of Chee Dodge's views. In like manner in secret he is charged with having

parceled out over a half million dollars to a woman of unsavory reputation compared with whom young Moore may be a model of propriety, and in the ball-and-chain case he not only approves six months' punishment with chains but thinks it not long enough. An effort to confuse the alleged offense with character of punishment is shown without comment.

A Reverend Mr. Murray at the agency, who presumably may be under many obligations to the local agent, also is quoted by Commissioner Burke in support of his agent. Murray writes (p. 27, hearings):

I know Mr. Hammitt to be a clean, pure-minded, and fair-minded executive, always kind and polite to all, including lawbreakers who come before him from time to time.

Not before the Indian judge, you will note, but before Hammitt. I make no comment on this whitewash letter whether written from a pail of hypocrisy or ignorance that attempts to justify the ball-and-chain czar of the Lac du Flambeau (Wis.) agency.

The following affidavits from those who acquainted themselves with the facts are sufficient to give a fair understanding of Hammitt and his "kind and polite" methods. They are sent me without suggestion on my part as to any particular matters to be covered. Only a brief statement of facts was asked. These facts sworn to by witnesses are as follows:

THE LAC DU FLAMBEAU BALL-AND-CHAIN CASE

STATE OF WISCONSIN,

County of Ashland:

Cecelia S. Rabideaux, being first duly sworn, on oath deposes and says: I am now 24 years of age and reside in the village of Odanah, within the Bad River Reservation, in Ashland County, Wis. On the 21st day of January, 1926, I was informed that my brother, Paul Moore, had been seized by the Indian police of said village, and, together with Maggie Crowe, who I asked to go with me, called on said police at the office of the Government farmer in said village and there asked to be advised as to what the warrant read for the arrest of Paul Moore. One Bawdee Marksman, who at times acts as a police, said, "It is not necessary that we have a warrant." I then asked, "How is that?" Bawdee Marksman then in substance further stated: "The Indian agent at Lac du Flambeau wrote to the Indian agent at Ashland, Mr. P. S. Everest, and that he in turn wrote to the Government farmer, Mr. A. L. Doan, who directed us to take Paul Moore the first time we saw him."

Paul Moore was put in jail at Odanah and there kept until the next morning, January 22, when he was taken to Lac du Flambeau, so then formed, by one Albert Snow, an Indian police for the Lac du Flambeau Reservation agency. I asked Maggie Crowe to accompany me to Lac du Flambeau. We boarded the train therefor Tuesday morning, January 26, 1926, arriving at the said agency at 12 o'clock noon. We entered the agency office, and I introduced myself to the superintendent, Mr. Hammitt, with saying that I was Paul Moore's sister from Odanah, and was there to see Paul, and also asked as to what he intended to do with him. He stated that he intended to keep him there and that we would find him in the jail or in the dining room of the school, as he did not know where they would feed him. We then went out to the jail and there found Paul Moore in one of the cells therein, the size of which was about 6 by 8 feet. The same contained two bunks, and also in one corner thereof was a clogged toilet, from which came a stench that filled the room. Fastened to Paul Moore's ankle was a ball and chain.

In the same room, but outside of cells, were three men and a woman, all Indians, whose names we there learned were William Roy, Harry King, Charles Boneosh, and Mrs. Boneosh, who were all served with lunch soon after we were there by children of the school. I was informed by Mrs. Boneosh that, by reason of an arrest previous to the one for which they were then there, she and her husband were sentenced by Superintendent Hammitt to pay a fine of \$75 each; that that was all the money they had, and her husband handed it to said superintendent for her release, and he served time, along with several other prisoners, in work of repair about the said agency.

CECELIA S. RABIDEAUX.

Subscribed and sworn to before me this 30th day of March, A. D. 1926.

Mrs. Rabideaux I am informed is chairman of the local League of Women Voters of my State.

O. A. PEARSON,

Notary Public, Ashland County, Wis.

(My commission expires September 2, 1928.)

ANOTHER AFFIDAVIT ON THE WISCONSIN BALL-AND-CHAIN AGENCY STATE OF WISCONSIN,

County of Ashland, ss:

Maggie Crowe, being first duly sworn, on oath deposes and says I am of part Chippewa Indian blood, now 29 years of age, and reside in the village of Odanah, Wis.

I was on the 21st day of January, 1926, with Mrs. Cecelia S. Rabideaux when she called on the police of said village at the Government farmer's office in Odanah, and heard her ask to be informed as to what the warrant read for the arrest of Paul Moore. The police said that they had no warrant, that the Indian agent of Lac du Flambeau had written to the Indian agent at Ashland, Mr. P. S. Everest, and that he in turn had written to Mr. A. L. Doan, the farmer, who directed them, the police, to take Paul Moore as soon as they saw him.

Paul Moore was locked up on this 21st day of January in jail at Odanah, and on the following morning taken to the depot handcuffed and put onto the southbound 6.50 a. m. Northwestern train in charge of one Albert Snow, an Indian police from the Lac du Flambeau Indian Reservation.

I accompanied Mrs. Cecelia S. Rabideaux, January 26, 1926, to the Lac du Flambeau Indian Agency on a visit to her brother, Paul Moore, who we found in a cell within the agency jail. The air therein was very offensive, and on Mrs. Rabideaux's inquiry as to what smelled so, Paul Moore remarked that it was the toilet in the corner of the cell he was in, and showed us that it would not flush. This cell was about 6 by 8 feet and had two bunks therein, and to Mr. Moore's ankle was fastened a ball and chain. Outside of the cells in the same room was four other Indian prisoners, whose names we learned were William Roy, Harry King, Charles Boneosh, and Mrs. Boneosh. The woman told us that she and her husband had been, before this sentence for which they were now there, each fined \$75, that being all the money they had. Her husband handed it to the said Lac du Flambeau Indian agent for her release and he served time in labor about the agency premises along with others, for which he got no pay.

MAGGIE CROWE.

Subscribed and sworn to before me this 15th day of March, A. D. 1926.

O. A. PEARSON,
Notary Public, Ashland County, Wis.

(My commission expires September 2, 1928.)

CONFISCATES CLOTHES AND LEAVES BALL-AND-CHAIN ORNAMENTS
STATE OF WISCONSIN, County of Ashland, ss:

Mrs. Mary Moore, being first duly sworn, on oath deposes and says, I am a mixed-blood Chippewa Indian, now 46 years of age, residing in the village of Odanah, Wis., and the mother of 11 living children, 1 of them being Paul Moore, now 26 years of age.

On the 21st day of January, 1926, my son, Paul Moore, was arrested without warrant by the Indian police of this village and held in jail in said village until the following morning when he was delivered by them, handcuffed, at the depot of the Northwestern Railway to one Albert Snow, who, I was there told, was an Indian police of the Lac du Flambeau Indian Reservation, and who took with him aboard the south bound 6.50 train, Paul Moore.

I was informed by Paul Moore that he was first detained by the superintendent of the Lac du Flambeau Indian School and Agency in a jail at such agency, for five days after the 27th day of October last, and at which time he was made to take off his clothes, the same of which the superintendent of said agency took in charge and furnished old clothes for him to put on.

I am now indirectly advised that since the 22d day of January, 1926, the superintendent of the Lac du Flambeau School and Agency has sold Paul Moore's clothes, the same of which was an overcoat purchased in said October last at a cost of \$45 and a suit bought about a month before at a cost of \$35, together worth \$80.

MARY MOORE.

Subscribed and sworn to before me this 15th day of March, A. D. 1926.

C. A. PEARSON,
Notary Public, Ashland County, Wis.

(My commission expires September 2, 1928.)

THE INDIAN AGENT SELLS MOORE'S CLOTHES, WITH A BALL AND CHAIN
FOR SECURITY

STATE OF WISCONSIN,
County of Ashland, ss:

Charles La Casse, being first duly sworn, on oath deposes and says: I am now 20 years of age, and a member of the Lac du Flambeau Band of Chippewa Indians, on the Lac du Flambeau Reservation, in Vilas County of said State, where I have resided about all my life, except for the time of my attendance at the Tomah School, in this State, and at the Mount Pleasant School, in the State of Michigan, until the evening of January 22, 1926.

With the view of asking the superintendent in charge of the Lac du Flambeau Indian Agency, Mr. J. S. Hemmitt, for an allowance out of my trust fund, though having been at a former request denied I was at the said agency office to again make such a request through the so-called chief of police, a Mr. William Mattigosh, on the 22d day of January, 1926. While there and before Mr. Mattigosh could speak

for me he was given charge of one Paul Moore, who he conducted to the jail of said agency. I followed him there and into the jail and saw Mr. Mattigosh place said Paul Moore in one of the cells therein and also saw him fasten a ball and chain to Paul Moore's ankle. Mr. Mattigosh then closed the door of the cell in which was the said Paul Moore and locked it, as he did also the outer door of said jail after we had come out.

We then went into the agency office. I there heard the superintendent of the said agency say to the clerk thereof, a Mr. W. H. Shawnee, that they would sell Paul Moore's clothes. I was soon thereafter given a check on a bank of Wisconsin Rapids, Wis., for \$15, and then asked by said superintendent to buy Paul Moore's clothes. This I declined to do; but I understand that they were sold to Mr. Mattigosh, who offered \$12 for them, an overcoat and a full suit, which I think from my examination of them must be worth at least \$40.

CHARLES LA CASSE.

Subscribed and sworn to before me this 15th day of March, A. D. 1926.

O. A. PEARSON,
Notary Public, Ashland County, Wis.

(My commission expires September 2, 1928.)

Four affidavits from responsible Indian witnesses have been submitted.

Mr. Burke, on his own statement, approves such conditions and such treatment of Indians. I do not know whether Hammitt took or stole Moore's clothing in a moment's aberration when the religious influence of Reverend Murray was quiescent or how much he got for Moore's clothes, but the significant fact is noted that when the trail got hot and Hammitt became uncertain of results Moore was allowed to escape from his cage minus his clothes but carrying his ball-and-chain ornaments away as a souvenir of the place and of his "kind and polite" jailer.

This is a case from my own State. I do not know whether Moore committed any offense, neither does Mr. Burke. Without attorney, jury, or right to any ball or appeal, he was kidnapped without papers and brought back 70 miles, where a ball and chain was placed on him while locked up in a foul-smelling cell. Then he "escaped," ball and chain and all excepting \$75 in good clothes kept by Hammitt. These facts seem undisputed; yet the most serious part of the whole outrageous travesty on justice is that Commissioner Burke approves such ball-and-chain treatment by his agents.

THE FORT PECK BALL-AND-CHAIN CASE

I now come to another ball-and-chain case that, to my mind, is more significant and serious than the Wisconsin Moore case.

At a dinner given at the Lafayette Hotel, this city, before 150 diners, two Indians from the Fort Peck Reservation exhibited handcuffs and chains which they both stated to the guests had been used on their reservation for punishment of prisoners.

On page 28 of the hearings Commissioner Burke said—

We have investigated the case. In the first place, we have no information or knowledge as to where they (the Indian speakers) got possession of the chains that have been exhibited and were exhibited, I think, at a dinner held here recently, but here is a statement from the superintendent (this is another kind and polite agent), answering a letter we wrote him concerning the matter. He writes under date of March 25, 1926:

"I do not know where these gentlemen got the chains that they claim to have. It is possible that they were taken from the agency jail, but I doubt that very much. * * *. As to the statement that they were used in shackling Benjamin Kills Thunder while he was imprisoned at the agency jail, this is a bold lie, and Rufus Ricker and Meade Steel knew they were lying when they made the statement. * * *. He escaped from the jail once and the officers had a difficult time capturing him. He should have been put in chains, as he has caused us a good deal of trouble. However, he nor anyone else was ever shackled by me or anyone connected with the agency since my administration."

The charge against Benjamin Kills Thunder was for a misdemeanor and during the agent's administration. Then Commissioner Burke submitted what purported to be a court docket which is corroborative of the ball-and-chain dates and the prisoner named. It says:

Be it remembered that on this 14th day of August, 1924, personally appeared before me J. M. Larson, who filed written complaint against the defendant, Benjamin Kills Thunder, charging him with having committed the crime of disturbing the peace.

He was arrested and ordered by the court to be imprisoned in the county jail of Roosevelt for a period of 60 days and pay a fine of \$15. Done in open court this 14th day of August, 1924. John O. Hanson, Justice of peace.

Here follows the sworn statement of facts affecting the ball-and-chain treatment that Commissioner Burke said was denied by the superintendent. Both witnesses in letter to me contained in speech of March 4 gave full details of the case. From the affidavits Commissioner Burke and his assistant owe a humble apology to Congress if the facts related about his office are as stated.

Brief extracts from the letter in speech of March 4 are here set forth. The shackles and chains exhibited in Washington were taken from the Fort Peck Reservation on January 20, 1926:

WASHINGTON, D. C., March 4, 1926.

HON. JAMES A. FREAR,
Committee on Indian Affairs,
House Office Building, Washington, D. C.

SIR: We desire to call your attention, as an exhibit bearing on H. R. 7826 and H. R. 9315, the shackles and chains taken from the police office in the same building as the Indian reservation jail at Fort Peck, Mont., January 20, 1926.

We desire to state this is not a typical shackle and chain, because there is no heavy iron ball attached to it and no lock for chaining the Indian to the wood or stone wall of his prison.

This apparatus was purchased with money voted by Congress for support and civilization of the Fort Peck Indians. We do not know whether this particular expenditure came out of our own money or tax money. Very likely it came out of our own money.

We desire to add this fact: All kinds of labor known to be performed around a reservation; sometimes the labor is needed by the agency and sometimes it is needed for the convenience of an Indian Bureau employee, and we Indians are captured and sentenced in this arbitrary way and put to work, sometimes for the Indian Bureau, but more often for the Indian Bureau employees. We want to ask you whether this is not plain slavery.

We want to point out to you that it is no use just to defeat the Indian Bureau bill H. R. 7826, because of these things they are doing now, but Indians must be set free from this kind of brutal treatment and slavery, and we want Congress to set us free by giving us rights in a real court.

If the Indian Bureau or any other persons disputes the above statements, we desire that they shall confront us, and we will support statements, multiply examples, and we will proceed under oath and furnish any needed corroboration.

Very truly yours,

MEADE STEELE,
RUFUS RICKER, Sr.

Here follows a remarkable story of drastic efforts by high Indian Bureau officials to intimidate and frighten witnesses whose offense consisted in revealing the treatment accorded Indians at Fort Peck (Mont.) Agency. "Thunder's case isn't the only one":

MR. BURKE AND MR. MERITT PUNISH THOSE WHO "FIGHT THE BUREAU"

This affidavit is executed in Washington, D. C., April 9, 1926, because two days ago, April 7, I was taken into Commissioner Burke's office by Mr. Meritt.

They told me that they had found out the statement about Benjamin Kills Thunder was not true.

I make the following affidavit:

"I have known Benjamin Kills Thunder a long time and what I stated in a letter to Representative FREAR March 4 is common knowledge at the Fort Peck Reservation. It was about September, 1923, that Benjamin Kills Thunder was in the jail at Fort Peck Reservation. Benjamin Kills Thunder sent a note to me asking me to come to see him. He asked me to talk to the superintendent and ask the superintendent to take the chains off his legs. Benjamin told me he had left the reservation without permission and came to Fort Totten Reservation in North Dakota to see his relatives, and when he came back the policeman and the superintendent arrested him. Benjamin told me that he was tried before the reservation judge for leaving the reservation without a pass and was then sentenced to jail, and I think the term was 60 days.

"Then I went and talked to the superintendent, Mr. James B. Kitch. Mr. Kitch said to me, 'Now, Ricker, you go and talk to that young man and tell him to behave. Give him a good talking to.' Mr. Kitch said also, 'You know, Mr. Ricker, if I let this boy go by without punishment, then other Indians will go off the reservation without a permit and they may get in trouble and I will have to bear the blame.'"

Mr. Kitch did not refer to any other charge against Benjamin Kills Thunder.

Then I went and talked to Kills Thunder and said I have sons like you and I want you to take my advice like you were my own son. And I said be good and do good. I did not know of any bad conduct, but I talked to him about the kind of bad conduct other young men are guilty of sometimes and talked with him just like he was my

own son and said, You know it is a very bad thing for you to be here with chains on your legs.

Benjamin Kills Thunder was very anxious to know what they were going to do to him, and I said if he would take the superintendent's advice and take my advice that Mr. Kitch had told me he would take the chains off his legs. So Benjamin agreed to take my advice, and then the policeman came while we were talking and they took Benjamin over to the blacksmith shop. I did not go into the blacksmith shop but went on toward the store, but they took the chains off in the blacksmith shop and then they turned him loose.

I testify that when I talked with Mr. Kitch and with the boy there was no reference to any other offense except going off the reservation without a permit, and there was talk about the case, and nobody ever spoke of any offense except that.

I still have in my possession the note that Benjamin sent to me. I have it here in Washington.

There is no doubt in my mind that the facts are the way I have told them.

Of course Benjamin Kills Thunder's case isn't the only one. All the Indians know they must have a permit and will be punished if they go off the reservation without one. This has been the case for a great many years, and it is the case to-day.

Mr. Burke told me at this interview two days ago that if the Indians fight the bureau then they can't get any legislation; they can't get any of their bills through. Other Indians who are here tell me he has told them the same thing. I know that when I make this affidavit I am bringing more trouble on me, but I must tell the truth.

I am a man of 58 and am a Presbyterian missionary at home and an elder in my church, and this is not my first trip to Washington, but it is the toughest time I have ever had. I am hurting myself. When the five-year program was begun and the Indian general council was called I was elected the first president by the tribe. I am down here on the authority of the tribe and on a petition signed by more than 300 individual members of the tribe. But the Indian Bureau will not recognize me as a delegate and will not pay any of my expenses from the tribal fund. All the bureau will do is to lend me money which has to be paid out of my individual property. It would be so easy for me if I would deny the truth and submit to the Indian Bureau in everything, but I am a man and I am a Christian, and I must be as truthful as I can.

RUFUS RICKER, Sr.

Subscribed and sworn to before me this 19th day of April, 1926.

MARY V. JUDGE, Notary Public.

(My commission expires April 15, 1930.)

Witness:

JUDSON KING.

AN EX-SERVICE MAN AND HIS WIFE PROMISED LOTS OF FIGHTING

WASHINGTON, D. C., April 9, 1926.

I, Meade Steele, wish to make the following statement:

I believe that the Indian Bureau is going to make charges against me, but I can't find out what these charges are going to be. I testify that the Indian Bureau took my wife into a hotel and attempted to get her to make statements against me.

I am an ex-service man. I volunteered and went through the whole war in Europe, and I have an honorable discharge. My tribe, who know me well, have sent me to Washington to represent them. The Indian Bureau will not recognize their right to do this, and they will not allow my expenses to be paid out of the tribe's money, but my father-in-law is helping me out and other relatives, so that I am able to stay here.

How can I down here in Washington fight against charges against my personal character which the Indian Bureau has got up with all its machinery? And what have these charges got to do with my work here, since my people officially sent me here? I call this blackmail, and I ask whether it is fair play for a great Government bureau to hound me with personal charges, which I can't meet in Washington, and to persecute my wife because I am here for work which my tribe has ordered me to do which the Indian Bureau doesn't want me to do. Mr. Burke said to me: "As long as you fight this bureau, you will get all the fighting you want." But I ask whether I should have to fight against slander and whether my wife has to be persecuted and evil charges against my character dragged together. I don't fight the Indian Bureau officers by trying to get evil stuff about their private lives, and I don't think that is the way public fighting ought to be done.

I have General Pershing's statement to me, which says: "With a consecrated devotion to duty you have loyally served your country." Now, I must serve my own tribe, no matter what kind of hell they make for me.

MEADE STEELE.

Subscribed and sworn to before me this 9th day of April, 1926.

[SEAL.]

MARY JUDGE, Notary Public.

(My commission expires April 15, 1930.)

Witness:

JUDSON KING.

MENTAL AND PHYSICAL MANACLES AND CHAINS

Manacles and chains are not alone made from steel forged to control the bodily movements of Indians who are charged with misdemeanors by Indian agents. Manacles and chains, financial and terrorizing, are fastened onto Indians by the heads of the Indian Bureau, based on these two amazing affidavits.

Steele, a soldier over in France, one of 17,000 American Indian veterans, committed the heinous offense of telling me his story and at a public dinner of displaying handcuffs and chains that were on a prisoner at the Fort Peck Reservation. How many other cases occur, we may judge, but this case of Benjamin Kills Thunder is beyond controversy. Chained up because of a "misdemeanor," according to the Indian agent's "court record." Chained up because the Indian had left the reservation without the agent's permission, says Ricker and Steele. Here steps in the guardian angel of the Indians in the form of Commissioner of Indian Affairs, who, it is alleged, tries through Steele's wife to force him to change his story. Refusing to pay Steele any funds as the representative of his tribe duly selected, yet left without money and dependent upon his relatives, Steele refuses to be browbeaten by the commissioner, who tells him he can not afford to fight the bureau. And the soldier who enlisted for his country's defense, for he could not be drafted, a soldier with an honorable record, was threatened through his wife and personally threatened with being stranded 2,500 miles from home unless he recanted. That is his story under oath that gives color to Indian Bureau methods stronger than any steel ball and chains out on the reservation. Ball and chains in Washington, fastened by the heads of the Indian Bureau, within 2 miles of the Capitol and of the Congress that declared all Indians to be American citizens. Chained up by his "guardians," who threatened him with loss of needed financial aid unless he changed his testimony given to a Member of Congress when seeking to relieve the Indian people of unjust persecution. That should be shouted from the housetops.

Not content with trying to scare Steele into submission the Indian Bureau officials brought their manacles and chains to bear on Ricker. What was his offense? Here in the city of Washington he sought to bring to the attention of Congress the cruel methods at the Fort Peck agency that manacled Indians who were absent from the agency without leave. Who would you believe? This highly respected Christian Indian, a chieftain of his tribe, highly honored by his people, a man of character who had no possible improper motive for manufacturing a story or bringing to Washington the chains used in Montana for the punishment of prisoners. He is corroborated by the local Indian agent's record of the arrest of the same prisoner at the time stated by Ricker in 1924, and on a "misdemeanor."

Like the Indian agent among the Navajos who sent back the shady Chee Dodge story, and like the agent at Lac du Flambeau, who posed as a "kind and polite" saint, a Fort Peck Indian named "Whit Wright" sends back a story, and the Indian Bureau, with true bureaucratic methods, goes the local agent one better in the use of the big stick.

Mr. Burke offered a letter in this case signed by Whit Wright (p. 29, hearings), wherein Whit Wright says he has investigated charges by Ricker and Steele as to ball and chain and asserts a man named Muskrat says it is false if charged while Muskrat was acting as "judge." Fort Peck Indians told me Whit Wright's standing would be found in the report of the Indian Bureau for 1895. I quote from page 195 of that report—

Crime.—The half-breed Whit Wright was tried by the United States court in Helena for the murder of a telegraph operator here (Fort Peck Agency, Mont.) last August and sentenced to 10 years confinement and is liable to have his sentence reduced instead of being hung as he richly deserved. * * * I am very desirous of having him hung on the reservation on the very spot where he committed his crime as an object lesson to the rest of the tribe.

W. A. SPOULE,
Captain, Eighth Cavalry, Acting Agent.

Apparently Captain Sproule's "desires" never materialized because Whit Wright now appears as a character witness for the Indian Bureau.

WHEN THE BUREAU CHIEFS PUT ON THE SCREWS

That is enough to challenge attention even of Congress, but what can be said of bureau officials who get Ricker, a chieftain among his own people, and here try to force him to change his testimony. What of a bureau that is trying to conceal the true facts by threatening those who "fight the bureau" when giving the facts to Members of Congress? The bureau tried to frighten Ricker into the rôle of an ingrate with his own people through threats carried out that no money would be given him

from the tribal fund to pay his expenses as a representative of the tribe sent here duly elected by them. The bureau holds the purse strings, right or wrong, with no court of appeal. It is a case that justifies the abolition by Congress of this czarlike bureau autocracy.

Manacles and chains are welded on the wrists and ankles of Indians by Indian agents, but it is the bureau that controls their persons and their property; that throws the fear of bureau vengeance into their souls all over the country if they dare oppose the bureau. Here I have presented facts that can not be ignored.

I have literally scores of complaints of bureau oppression and here in the city of Washington, within the shadow of the Capitol, we have cases sworn to under oath that cry out for an investigation by Congress, which I have asked for by my resolution.

DISEASE, DEATHS, AND STARVATION OF INDIANS ALLEGED

Commissioner Burke made light of disease, deaths, and starvation among the Indians. The evidence of neglect is overwhelming. I will not repeat all the facts contained in my speech of March 4 that are set forth definitely and certainly. If we are true to our obligation to care for the Indians we must know the facts. The Indian Defense Association has set forth conditions affecting the Pimas, the Pueblos, the Navajos, and other tribes that should be investigated by Congress. In the case of the Pimas it is alleged that deaths among the tribe are five times as great as among their white neighbors.

Senator JOHNSON and Representative SWING were refused access to the Red Cross report on Indian disease, to which I called attention in my speech. Let me again quote the letter of one who has seen the report, a doctor who says it discloses an abhorrent state of affairs which the Indian Bureau withholds from Congress by the rule that might makes right. Commissioner Burke did not answer this letter in his three-hour speech. He did not refer to it. He did not say why he refused to permit Representatives or Senators to examine these important records in his bureau. That is the autocracy which controls the Indians by its influence on legislation and exercises its power over Congress. What answer to this letter which the commissioner ignored in his three-hour speech?

NEW YORK CITY, March 23, 1926.

HON. JAMES A. FREAR,

House Office Building, Washington, D. C.

DEAR SIR: I address you as a member of the Indian Affairs Committee of the House and with a knowledge of your constructive wishes in Indian matters.

May I call your attention to a matter in which I believe your interest might result in inestimable benefit to the Indians?

The Red Cross in 1923 made at its own expense a very comprehensive study of Indian health conditions, at the request of Mr. Burke, the Indian Commissioner. The nurse who made this was one of the most intelligent and best-trained public-health workers that I have met. The report was delivered to the Indian Commissioner when completed, and has been suppressed by him absolutely.

It was my good fortune to see a copy of this report and to go over it in detail with the investigation; therefore I know of what I am speaking. Commissioner Burke has refused to divulge the contents of this report even after being formally requested to do so by Senator JOHNSON and Representative SWING, of California. The head of the Red Cross feels that he can not issue the report independently under these circumstances.

The report has been suppressed because it went in frankness and detail far beyond anything stated in my communication to Science. It revealed concretely and descriptively the unanswerable conditions of neglect and abuse and ignorance in Government service that would shock the whole medical profession and the humanitarian world of the United States if they were made known.

A considerable sum of money contributed by the American citizens to the Red Cross permitted the study which was made in the interest of humanity and relief from suffering and ill health, and yet there is only one way, so far as we can see, by which the Indian Bureau can be compelled to yield up this valuable piece of work carried out by the Red Cross as a public service, and that is to have the Indian Affairs Committee of Congress or the proposed special joint committee demand the report and publish it.

Sincerely yours,

HAVEN EMERSON, M. D.,
President Indian Defense Association,
Professor Public Health Administration,
Columbia University, New York City.

Let me say that I understand Doctor Emerson is not only highly regarded as the former health chief of New York City but he has been of great help to the Indians of America. His statement that neither Senators nor Members of Congress can

pry loose information from Commissioner Burke makes any statement by Mr. Burke in defense of his own bureau of little value. I have submitted a resolution asking that the bureau be investigated. That resolution of investigation would bring light on the management of this ossified branch of governmental bureaucracy.

I do not intend to repeat many charges of neglect of Indians who are suffering from disease. Some of these were cited in my speech of March 4, but when the bureau refuses to permit inspection of the Red Cross Indian report a statement of conditions reported in my own State and California is proper to indicate the necessity for investigation by Congress based on the following reports.

Dr. C. A. Harper, State health officer of Wisconsin, with whom I have been personally acquainted for over 20 years, a man who possesses the confidence of the people of that State and a medical officer of high authority, says regarding the Indian tribes in Wisconsin:

The reservations are filled with the most prevalent contagious and infectious diseases; that they are infecting the white communities, and that the laws are such that the State health officers are not allowed to do anything about it.

It should be stated that Wisconsin is one of the few States that has recently taken up medical assistance for the Indian tribes, and last year it devoted \$16,000 of State funds for immediate medical aid for the 11,000 Indians of our State.

I do not believe a stronger statement can be found than that put forth by Drs. Allen F. Gillihan and Alma B. Schafer, representing the California State board, who were appointed by the governor to make a survey of the conditions of the Indians of California. In a report covering over 80 pages, complete and definite in character throughout, this California commission concluded by saying that—

The conclusions which have been arrived at will be found to be almost identical with those arrived at by other investigators. Recommendations which were offered will be found to differ from those of the experts in so far only as the expressions of the general practitioner differ from those of a specialist.

The commission concludes:

As the result of two months' sojourn and field study among the Indians of northeastern California, the following conclusions have been reached:

1. That the ill treatment of the Indians (of California) during the past 70 years has resulted in reducing the population from over 100,000 to about 17,300 (which is the figure just obtained from the 1920 census report).
2. That the Indians are now living a hand-to-mouth existence:
 - a. In houses not fit to live in.
 - b. Upon land that is useless.
 - c. Without water.
3. That they are not receiving an education worthy of the name.
4. That a great deal of sickness exists among them, and they are receiving absolutely no care.
5. That they are not receiving any advice, assistance, or encouragement in their business dealings with the outside world or in the personal side of their lives or in the lives and health of their families.

Heretofore statements have been submitted regarding inexcusable neglect of education by the Indian Bureau in specific cases.

I have received many communications from various States emphasizing the widespread character of diseases among the Indians of various tribes and the incapacity and lack of effort of the present bureau system to arrest the march of disease, or to save the Indians from its ravages.

Manifestly it would be unfair to charge any bureau or any officials with sole responsibility for these conditions, but when it clearly appears from the record that Indians sadly in need of medical help are neglected by the bureau, and their property, as in the case of the Navajos, Pueblos, and Yumas and other tribes, is being used for tourist bridges for white pleasure seekers and for equally unwarranted diversion of their funds in irrigation schemes and highways for the benefit largely of white population, then the necessity for abolishing existing Indian control is apparent.

The commissioner ignored the very grave charge of abuses at Taos and Zuni Pueblos. Is this an admission of the charges, and if so, are they to him unimportant?

INDIAN HEALTH APPROPRIATIONS

The Indian Bureau propaganda service has been advertising great increases in the medical and health service for Indians. Considering that the number of Indians suffering from infectious trachoma, which leads to blindness, is 70,000, according to

Indian Bureau figures (the ratio of infected cases to the number examined having been established in California, Arizona, and New Mexico), such an increase surely is needed. What we find really happening behind this cloud of propaganda:

Beginning page 391 of the hearings of the House Appropriations Committee on the appropriation bill of 1927, we find the Indian Bureau, through Assistant Commissioner Meritt, requesting not an increase but a reduction in the appropriation for relieving distress and preventing disease among Indians. The net reduction asked is \$15,000. The amount asked for all medical, dental, and special nursing services, as well as the supervisory salaries, totals \$83,260 for 1927, exactly the same amount as Congress actually granted for 1925-26. That amount of money is requested for diagnostic, preventive, medical, surgical, dental, and ophthalmic and nursing treatment of 350,000 Indians distributed over an area of 100,000 square miles.

Assistant Commissioner Meritt states, with modesty, on page 396:

The reduction for 1927 will not permit any considerable expansion of the present work.

Such are the facts. Yet the whole country has been led to believe by a falsifying propaganda that the Indian Bureau has enormously expanded and is proposing still further to expand its facilities for diagnosis and treatment of Indian disease and for preventive work and health education among the Indians. What about the 70,000 cases of trachoma? The Indian Bureau claims that preliminary operations have been performed on 8,455 cases, yet this trachoma record is the Indian Bureau's best record when dealing with any phase of Indian disease.

THE CHARGES IGNORED

At this point let me say that I do not intend to repeat many complaints received by me against the Indian Bureau, some of which have been set forth in prior speeches but which were not referred to by Commissioner Burke in his lengthy speech before the committee. Other complaints sent me of serious character were not mentioned in my speeches of March 4 and March 23. They are proper subjects for consideration by an investigating committee, although I am not assuming they are without two sides to every controversy. Commissioner Burke failed to answer these charges. They were set forth definitely by the Menomonee Indians of my own State; by the Pueblos of New Mexico; by the Flatheads, Blackfeet, and others of Montana; by the Klamath tribes and others; all ignored or briefly referred to in Commissioner Burke's speech.

In justice to the Indian Bureau, the commissioner should invite an investigation rather than depend upon a speech in justification or defense of the charges I have submitted. It will be noted that practically all of these charges I have set forth are independent of any action by the American Indian Defense Association. That society's work more than any other agency has been useful and active in trying to secure the defeat of two objectionable bills, one relating to Indian courts, and the other to the Indian oil leasing bill.

THE INDIAN BUREAU'S "COURT" BILL

Neither of these bills will again be discussed at length. The Indian Bureau's court bill H. R. 7826, which I am informed was handed by bureau officials to a member of the Indian Affairs Committee for introduction, was considered in my speech of March 4.

Briefly, the bill seeks to perpetuate the notorious Indian courts and give them a legal status which the bureau has never before attempted to do.

As stated by Indian Commissioner Burke, the Secretary of the Interior now makes rules and regulations that may be as drastic and sweeping as the laws of the Medes and Persians. He makes law, a function that Congress and State legislatures usually perform.

Commissioner Burke appoints the local Indian agents, some of whom are known by records of past scandals, while others are like the agent among the Navajos, who gave his version of Chee Dodge's thoughts, or the saintly agent at Lac du Flambeau, who was polite and kind to his ball and chain prisoners, or the Fort Peck agent, who never saw the chains that tripped him up.

Commissioner Burke's Indian agents appoint \$10 a month judges, whose "court records" they or the agents keep, and when Indian culprits infringe on the Burke rules and regulations hereafter to be promulgated by him, then the jail or work pile, with ball and chain in some cases.

From H. R. 7826, the bureau bill, again I quote:

SEC. 2. The reservation courts of Indian offenses shall have jurisdiction, under rules and regulations prescribed by the Secretary of the Interior, over offenses committed by Indians on Indian reservations for

which no punishment is provided by Federal law: *Provided*, That any one sentence of said courts shall not exceed six months' imprisonment or a fine of \$100, or both.

The reservation court provided in the bureau bill is the \$10 a month "judge" appointed by the local Indian agent.

No process is needed to arrest. Moore was kidnapped at his own home, 70 miles distant, according to the affidavits, and brought back to the reservation before a \$10 a month "judge," who could not speak, read, or write the English language. The agent did it for him. No jury is permitted for the accused, whose constitutional right under the sixth amendment is ignored. No provision for compulsory process for obtaining witnesses in his favor or to have the assistance of counsel for his defense, as provided by the same constitutional amendment, is to be found in the law asked for. No right to bail or to an appeal is afforded the Indian, yet all these are constitutional rights guaranteed to every American citizen.

The Fort Peck and Lac du Flambeau "courts" are typical of what will be found on Indian reservations generally if H. R. 7826 is passed and the laws, rules, and regulations expounded by Commissioner Burke for the government of 240,000 Indian wards of our Government will be the code of crimes for the \$10 a month "judges." Rights of citizenship, rights of liberty, rights of property, rights to a fair trial by jury with attorney, excepting in eight Federal court offenses have been denied the Indian since the Indian Bureau was established. This practice is to be legalized.

Now, Congress, after a century or more of illegal procedure, is asked by the Indian Bureau to hand down a law, unconstitutional and unprecedented in this or any other country, that will give some color for the practice of fastening mental and physical handcuffs everlastingly on the Indian wards of the Government.

INDIANS PRACTICALLY UNANIMOUS AGAINST THE BUREAU COURT LAW

Every Indian tribe represented in Washington protested at the hearing on this bill, with the single exception of some Sioux Indians from South Dakota, the home of Commissioner Burke. A white attorney approved by Commissioner Burke, who has a claim against the Government of \$200,000,000, said he was authorized to speak for the bill by the Sioux from South Dakota. Letters from other Sioux Indians have been received protesting against the bill, that repudiates or refuses to the Indians constitutional rights given every other American citizen.

To show the methods of Indian Bureau opposition that depended entirely on one white attorney under obligations to Mr. Burke, I submit extracts from a letter received by me from Carlos Gallineaux, secretary of the Rosebud General Council, which Attorney Case pretended to represent. Under date April 20, 1926, Mr. Gallineaux writes me as secretary of the Rosebud General Council:

WOOD, S. DAK., April 30, 1926.

Hon. JAMES A. FREAR,

House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have the honor to call your attention to the H. R. bill 7826, introduced by Congressman LEAVITT on the 16th of January, 1926, to extend the civil and criminal laws of the United States to Indians, and for other purposes.

I was a member of the Rosebud Sioux delegation from South Dakota that appeared on two different occasions in the hearings held on this bill in February, 1926. We had our attorney with us on one occasion. Maj. Ralph H. Case, of Washington, D. C., was the attorney who represented us on one hearing. At that time we were not in favor of the bill as it was introduced originally. We offered several amendments to the bill, but I do not know if they were recorded. However, the original bill did not have our approval. . . .

We are with you in your fight for the rights of the Indians and hope that I could have a chance to appear as a witness for you on tribal expense.

Very respectfully,

CARLOS GALLINEAUX.

As if to show the unmitigated fraud perpetrated on this Indian tribe by Attorney Case, who pretended to represent the Sioux Indians, I quote further a long protest sent to me signed by 47 adult Indians from White River, S. Dak., Rosebud Indian Reservation, which says:

WHITE RIVER, S. DAK., April 9, 1926.

We, the undersigned, are Rosebud Sioux Indians and bona fide residents of the Little White River district on the Rosebud Indian Reservation, do hereby unanimously oppose the passage of the H. R. 7826, known as Leavitt bill, because the effects of this resolution will cause a detrimental change to the progress of our race. At the same time we are unanimously in favor of the passage of H. R. 9315, known as the Frear bill, because we know that the effects of this resolution will improve the progress of our race. Thereby the declaration of Congress that

Indians are citizens of the United States will be fulfilled and justified. Heretofore we had the name of citizens of the United States, but have no constitutional rights.

I assumed Case spoke with some authority for the Indian Bureau and Sioux Indians when favoring the passage of H. R. 7826. It is needless to say I have in no way suggested these or communications received from the Sioux Indians protesting against the Indian Bureau \$10 a month Dark Ages Indian judge bills. The letters show conclusively Indian Bureau methods of procedure before Congress.

I leave this measure without further discussion as an expression of the feelings toward these Indian wards of the Government thus evidenced by the present Indian Bureau. No further discussion will be offered here of a proposal covered more fully in my speech of March 4. The proposition is abhorrent to every sense of justice and right.

THE VICIOUS INDIAN OIL LEASING BILL

On March 23 I gave an extended review of the vicious Indian oil leasing bill approved by the Indian Bureau. It will not be necessary to repeat statements regarding the bill nor to analyze in detail all the statements made by Commissioner Burke on this bill that appear in his 42-printed-page speech before the Indian Committee.

As to the points of difference between Secretary of the Interior Work and Indian Commissioner Burke on their disagreement regarding the exact title possessed by the Indians of 10 States to 22,000,000 acres of Executive-order reservations, none other than the officials can speak. I have properly assumed that the act of one is the act of the other; and as the charges are impersonal, any failure to protect the rights of the Indians were charges directed alike to the responsible officials whoever they may be. The share of responsibility is unimportant. It is the lack of protection to which I made that charge against the bureau.

The oil leasing bill approved by Commissioner Burke, who appeared before the House Committee, provided that 37½ per cent of all oil royalties belonging to Indians in 22,000,000 acres of Executive-order reservations should be paid to the State in which the land is located—in lieu of taxes. The oil companies were exempted from paying production taxes in the original bill. The average Indian oil tax rate on treaty reservation is about 3 per cent, or one-twelfth of the rate provided in H. R. 9133, which the commissioner approved. The commissioner stated, I assume correctly, that he was only willing to approve 20 of the old Secretary Fall permits and two or three other claims that had strong equities, based on expenditures by oil operators. The House bill and the Senate bill, however, both propose to recognize any of the 475 oil-leasing applications filed during the Fall régime, which in the discretion of the Secretary of the Interior he desires to reinstate. What is the Indian Bureau's attitude on the bill as amended?

The effect of this latter provision, if 475 applications are reinstated, is to make some 300,000 acres of Indian lands subject to a 5 per cent royalty, or less than one-half royalty privileges given on treaty reservations, which have a minimum rate of 12½ per cent. The full number of applications, if reinstated, would cover over 1,000,000 acres of Indian reservation lands, based on action taken under Secretary Fall's illegal order.

LAST YEAR'S OIL BILL IS REMEMBERED

An amendment in the House bill's tax provision is noted. Last session the same situation arose and the House conferees then adopted the Senate 37½ per cent in-lieu-of-tax provision. The facts briefly stated relate first to an order made on June 9, 1922, by Albert B. Fall, then Secretary of the Interior, in which he declared that lands given to the Indians by Executive order are "owned by the United States" and subject to the public leasing act. Under the act of February 25, 1920, he received applications from oil prospectors that according to Commissioner Burke's testimony before the committee reached about 475 in number covering, as stated, a possible total of over 1,000,000 acres of Indian reservation. On May 27, 1924, Attorney General Harlan F. Stone, at the request of the President and Secretary Work, rendered an exhaustive opinion with the conclusion that the leasing act of 1920 does not apply to Executive-order Indian reservations as ruled by Secretary Fall in 1922.

The concluding paragraph of that opinion states that no difference exists in title between Indian treaty reservations and Executive-order reservations. It says:

Neither the courts nor Congress have made any distinction as to the character or extent of the Indian rights as between Executive-order reservations and reservations established by treaty or act of Congress. So that if the general leasing act applies to one class there seems to be no ground for holding that it does not apply to others. You are

therefore advised that the leasing act of 1920 does not apply to Executive-order Indian reservations. (Harlan F. Stone, Attorney General.)

The full opinion with numerous citations is quoted in my speech of March 4.

Commissioner Burke says he has always contended that the Indian rights on Executive-order reservations are practically the same as rights under treaty reservations, and he furnished in his speech of April 10 a letter to Secretary Work under date of March 31, 1923, a few days after his appointment as Secretary to that effect, quoting the act of Congress approved February 8, 1887, that provides Indian allotments may be made on treaty, congressional, or Executive reservations, and asking that it be referred to the Solicitor for the Interior Department. His letter calls attention to the brief of the Indian Rights Association on the same subject.

This association is entitled to much credit for urging responsible officials to act for the protection of Indians as set forth in the testimony of Witness Brosius quoted in my speech of March 23.

Commissioner Burke in the oil-bill hearings said:

The Attorney General has held that the general leasing law does not apply. It is the opinion of a great lawyer, that is all. The United States Court in Utah has held otherwise. The court of appeals . . . has certified it to the Supreme Court . . . and we have here a very elaborate opinion by Secretary Fall in the Harrison case in which he held that the general leasing law did apply.

Commissioner Burke adds he thinks the general leasing law does not apply.

Thereafter he said:

This suit [Harrison's] is to be dismissed on the passage of this bill. That will be the end of the legislation. They surrender if we pass this bill. That bill has been worked over for many weeks and it is here as a compromise in the situation.

Commissioner Burke then recommended the allowance of 22 claims but said 475 applications had been filed. He does not say how an allowance of 22 claims would settle or satisfy about 450 other applicants. The question would still be open unless properly settled. There is one sure way to settle it, however.

THE RIGHT WAY TO PROTECT THE INDIANS

When Secretary Work assumed his duties in 1923 he appointed a Committee of One Hundred to make investigations and recommendations on Indian matters. The Committee of One Hundred passed unanimously the following resolution:

We recommend that the Secretary of the Interior suspend all departmental proceedings touching the sale or lease of oil, gas, or minerals on or from Executive-order Indian reservations pending action by the Congress to vest the title of said reservations in the Indians occupying them.

That should encourage the Secretary to offer curative legislation. Acting pursuant to the same end in their report of 1924 the Board of Indian Commissioners, appointed by the President, reported, page 10:

We would respectfully suggest that a bill be introduced in Congress providing for securing to the Indian occupants titles to the lands included in Executive-order reservations so as to make Executive-order reservations identical in character with reservations established by treaties or by congressional enactment. This is one of the recommendations made by the advisory council on Indian affairs.

No action appears to have come from the Secretary of the Interior, to whom both communications were addressed, or from the Indian Commissioner, who represents more particularly the Indians now holding 22,000,000 acres of Executive-order reservations.

Because of that fact I introduced H. R. 10199 on March 10, which provided:

That with respect to all Executive-order reservations or withdrawals for Indians the vested rights of Indians shall be hereafter recognized as being in all respects identical with the vested rights of Indians on reservations created by treaty.

SEC. 2. That from and after June 9, 1922, changes in boundaries of Executive-order reservations shall be subject to the exclusive control of Congress in all respects identical with existing law applicable to changes of boundaries of reservations created by treaty.

This bill was prepared to carry out the opinion of the Attorney General, which declared the Indian reservation titles were all the same. My bill also carried out the recommendation of the Committee of One Hundred referred to. The bill also carried out the above recommendation of the Board of Indian Commissioners. The bill sought to protect the rights of Indians.

THE DEPARTMENT AND BUREAU REFUSED TO APPROVE PROTECTION FOR THE INDIANS

When in the usual course of Indian Committee procedure the bill was submitted to the Secretary of the Interior a report was received by the committee, whether dictated by the Interior Department or Indian Bureau is uncertain, but it was signed by Secretary Work, to the effect that the bill's passage was not recommended because the matter is in litigation.

The refusal of the Department of the Interior to permit the bill validating the Executive-order reservation titles to have a favorable recommendation speaks for itself.

It is recognized that large oil interests are here protesting against anything that clouds the title of the applicants under the Fall order. The Secretary of the Interior also has a dual responsibility to private parties, to the Government, and to the Indians; but if so, he should be relieved from a supervision of Indian affairs if Indians' rights are of secondary consideration.

I have tried briefly to set out the refusal of the Secretary of the Interior to aid in perfecting title to Executive-order reservations in the Indians. Yet it is significant that Commissioner Burke, for the alleged purpose of perfecting title, however futile, seeks to pass the Indian oil leasing bill to secure a settlement of suits that challenge Indian titles.

Do the Indian Commissioner and Secretary of the Interior work harmoniously? If so, how can the Hayden bill, which, according to Commissioner Burke, is to "settle" matters, be acceptable to the Secretary of the Interior, while my own bill for the same purpose, but more definite, is objectionable to him? One is illogical and of no avail for the purpose ostensibly sought, yet it gets the Secretary's O. K. The other bill is clear and unequivocal to make certain all reservation Indian rights, yet it is rejected.

This is the objectionable Indian oil leasing bill more fully referred to in speeches of March 4 and March 23. It indicates a willingness on the part of the official guardians of Indians to refuse to assert Indian rights or claims. When it is remembered the oil leasing bill was reported without the testimony of a single Indian of all the thousands interested, it is only an index of other treatment to which I have referred, although this bill, involving untold millions of dollars of Indian oil leases, is one of the most important bills affecting Indian rights ever placed before Congress.

WHAT THE OIL HEARINGS SHOW

Mr. Burke gave a large portion of his address to vehement statements repudiating criticisms of the oil leasing bill and the bureau's attitude on that bill. An analysis of the bill hereafter covers the subject and answers Mr. Burke fully. I do not care to split hairs, but repeat charges of Indian Bureau approval of a vicious Indian oil bill that would have defrauded them if passed in its original form approved by the bureau.

First. The Indian Bureau or responsible department has been shown to be opposed to any curative legislation as to Indian titles that are claimed by oil men to be in controversy. It refused to have introduced any bill for that purpose as recommended, and disapproved my own bill introduced for the same purpose, as stated.

Second. The commissioner claims the oil bill as introduced taxes all producers. On the contrary, in Commissioner Burke's presence (p. 43, hearings), from the introducer of the bill:

Mr. HAYDEN. Under the terms of this bill the State will only receive 37½ per cent of the 12½ per cent royalty; so that the State may not receive as much as it would from a tax on the total production.

. . . As stated in the conference report last year, the amendment to the original text of the bill substitutes a definite share in the bonuses, rentals, and royalties from the oil, gas, coal, etc., for the right to tax the production of minerals granted to the State by the House amendment. . . .

Mr. FREAR. I did not understand that you took the tax all out of the Indians. Why should you not take it from the man who receives the benefit of the oil?

Mr. HAYDEN. The answer made last year was that when the producer makes his bid on the lease he knows what the tax will be, and he bids higher for the lease. . . .

Mr. FREAR. . . . In view of what has been said by Mr. HAYDEN, would it be as satisfactory to you, providing an agreement could be had that the Executive-order reservation (22,000,000 acres covered by the oil leasing bill) be placed on a parity with the treaty reservation so that the State could tax the oil received from the wells?

Commissioner BURKE. You are raising a question that I can not answer except to keep faith by saying that this bill is a result of compromise. . . .

Practically every witness and member of the committee then present took the position that the State could not tax oil production on Indian lands without special legislation therefor. That bill without any such special legislation provided was then receiving the approval of the Indian Bureau.

Third. The Indian Bureau, through its commissioner who testified, approved the passage of the oil bill that took 37½ per cent of all Indian oil royalties in lieu of taxes, or twelve times the average tax on treaty reservations.

Fourth. The Indian Bureau brought a white witness over 2,000 miles to say to the Senate committee that members of an Indian tribe would consent to give 50 per cent of their oil royalties, if necessary, to the State in lieu of taxes.

Fifth. The Indian Bureau has not protested before the Indian Committee that reported the House oil leasing bill, against its allowance by amendment of upward of 475 claims in the discretion of the Secretary of the Interior that would give only 5 per cent royalty on possibly 300,000 acres of Indian oil lands. These matters were discussed more fully in other speeches and are not reiterated for that reason.

The failure of the Indian Bureau can not be overlooked for not attempting to secure consent to the bill or attendance of at least one Indian from some of the many Indian tribes living in 10 States wherein the 22,000,000 acres of Executive-order lands affected by the bill were looted.

The charges made against the official guardian of the Indians that he approved an oil bill which discriminated unjustly against the Indians covering untold millions, can not reasonably be questioned, based on the hearings and the bill as introduced.

In this connection I am advised by one who claims to have examined the record, that about 30 days after securing his oil permit from Secretary Fall, Harrison, in whose name the Indian title suit is now pending, assigned his oil rights to the Midwest Oil Co., a subsidiary of the Standard Oil Co. That the Standard Oil Co. in this case, and probably many others of the 475 cases affecting over 1,000,000 acres of Indian oil lands, is the real party in interest. An investigation would disclose the facts.

THE RECORD CALLS FOR A CONGRESSIONAL INVESTIGATION

Evidence that invites a thorough investigation of the present archaic handling of the Indian problem has been presented. Facts submitted and others of like character are offered for the use of the proposed committee of investigation.

A half dozen witnesses of unimpeachable character have placed their emphatic condemnation of the Navajo bridge travesty recommended by the Indian Bureau. The importance of this case lies in the fact that a new policy occurs in recommendations for reimbursement from Indian funds for projects of little if any use to the Indians without their consent. Without knowledge of this misuse of their funds the Indians were and are defenseless.

In like manner, the Jackson Barnett case that was a plain unwarranted mismanagement and misuse of an individual Indian's property amounting to over \$1,000,000, discloses the helplessness of Indian heirs when the Indian Bureau can refuse to recognize any relatives or descendants, but gives away Indian property even of a half wit to any person or any society of its choice without restriction. No court proceeding ordinarily can intervene to prevent this control under existing law.

The Wisconsin Indian ball-and-chain case is of especial importance because with full knowledge of the punishment inflicted the Indian Commissioner declares it should have been more severe. Four affidavits are practically undisputed as to the facts of this inhuman treatment. Fort Peck's ball-and-chain case is of the same general character according to the communication appearing in my speech of March 4. The efforts of Commissioner Burke and Assistant Commissioner Meritt to smother the facts is more reprehensible than the illegal punishment so far as humane intelligent administration of Indian affairs is involved. These efforts are set forth in affidavits here submitted.

No excuse and no explanation has been offered or can be offered for the neglect of health conditions among the Indians set forth in my speech of March 4 and briefly referred to in evidence submitted with these remarks. It is not the Indian Bureau alone that is responsible, but Congress with knowledge of the facts now permits this inhuman treatment and mistreatment to exist in our land.

The Indian \$10 a month judge bill, based on illegal existing practice, is a travesty on justice that would never be allowed to exist or control in any other country however ignorant or autocratic. I saw criminal trials in several courts in Russia where judges trying misdemeanors gave as careful consideration to the facts as in the average court of similar jurisdiction in other countries visited, and right of appeal was given to defendants;

but these Indian "courts" are hereafter to maintain by criminal procedure the rules and regulations announced from time to time by the Indian Bureau or Department. No rights whatever are given to the defendant, and yet we have vested him or her with American citizenship accompanied by constitutional rights that are brazenly ignored under existing practice and also by the proposed bureau law.

Ball-and-chain treatment is of comparatively slight importance when in force on occasional reservations compared with a drastic un-American criminal procedure proposed by the bureau with which to fasten its everlasting control on every Indian on every reservation in the land who fails to surrender himself and his property to this new agency dictatorship without legal supervision.

The Indian oil leasing bill has been recited at some length in the different speeches in an effort to prevent gross injustice being imposed on many thousands of Indians owning the 22,000,000 acres of Executive-order lands. If the guardians of the Indians will consent to such bills and give to them their approval, what chance of securing justice is had by the Indians or Indian tribes when practically all of the control of Indian property is carried on without publicity and without knowledge on the part of the owner of its use or misuse?

UNIQUE CONTROL OF PROPERTY FOUND IN NO OTHER COUNTRY

Where in all history will be found efforts to control by legislation the property of thousands of wards when not one of these is called as a witness to appear or testify in his own behalf on the oil leasing bill? Yet thousands of Indians declared "incompetent," I am informed, are graduates of schools or of universities and possess a good understanding of business. All these thousands under the orders of the Indian Bureau may be continued to the end of their days as "incompetent" to manage their own property and no court can aid them under existing law.

I can not permit to go unchallenged the assault on the American Defense Association by Commissioner Burke and his bureau associates. I have met some of these officials and officers of different welfare organizations interested in the Indians. They are earnest, conscientious people who have no ends to serve excepting to relieve the Indians and protect them from the evils of bureaucratic control which, in the words of Representative KELLY, of Pennsylvania, appears to be the sole end of the Indian Bureau's Indian control.

Secretary Collier is a man of exceptional ability, whose nominal compensation, according to my understanding of its amount, is pitiable compared with the work he does for his association. In fact, the total receipts and expenditures of his organization for general work hardly exceed a Congressman's salary. These facts he tried to state to the committee, which would not hear them after Commissioner Burke's speech. His efforts to defeat the Indian judge bill and Indian oil leasing bill entitle him to the gratitude of every Indian and of every American who believes in a square deal. Secretary Collier does not question the desirability of a just oil leasing bill and one has been introduced by myself that deals fairly with both Indians and oil prospectors.

In like manner Mr. Collier appeared before the Judiciary Committee urging a jurisdictional bill introduced by myself that gives to Indians the same legal rights accorded other citizens subject to differing conditions on Indian reservations, and also gives to defendants the precious right of appeal, ignored in the Indian Bureau bill. Federal and State laws and not Indian Bureau rules and regulations are provided as the standard of government of Indians by that bill and for such violations alone are punishments to be imposed.

To Doctor Emerson; Secretary Collier; Mrs. Atwood, whose expenses in the latter case are paid by a relative; and to hundreds of other sincere workers in the cause of Indian welfare the country owes a debt of gratitude for their efforts to prevent a worse national scandal than now exists in our mismanagement of our Indian wards and their property.

I am not seeking any victim to punish for the mistreatment of the Indians, but I would be untrue to my duty as a Member of this House if I failed to acquaint you with the facts here presented. If I am able to call attention to our dismal failure in administering the affairs of the American Indians, now American citizens, and if I can help place before the Indians a hope of better opportunities to equip themselves for citizenship, the effort will have been worth while. Recommendations by Francis Leupp, Sells, and other former commissioners that I have studied point out methods for raising the standards of Indians, and I am sure that a careful study by disinterested students of the subject will speedily suggest a constructive program which should at once be undertaken for the fulfillment of our duty and responsibilities to the Indians.

Practically every Senator and Member who has expressed himself to me as to the aims and purposes of the Indian Bureau finds no hope of improvement in that direction, because, as stated repeatedly, any bureau that seeks to perpetuate bureaucratic control has a singleness of purpose toward that selfish end.

After 70 years of such Indian control I submit the end is not in sight for centuries to come if we continue the present hopeless, aimless policy. Every other race has been able within a brief period to become fitted for duties of citizenship. It is preposterous that American Indians can not become equally competent to perform their part if given opportunity.

For this reason I have set forth facts that demand on behalf of the Indians an investigation by the American Congress. From that investigation is reasonably certain to come not alone condemnation of present practices that are indefensible in our treatment of the Indians but constructive plans that will relieve us from frequent Indian Bureau scandals. Of far more importance, such plans should give to 240,000 Indians, now nominally on the road to full control of their property and of full citizenship, a practical hope of early emancipation from the mental and physical ball-and-chain treatment with which we have hampered their progress for a half century.

IN ANSWER TO MR. BURKE'S SPEECH ON THE PIMAS AND THE INDIAN OIL-LEASING SCANDAL

I desire to discuss briefly this matter, to which Commissioner Burke gave so much attention.

Commissioner Burke, on April 10, addressing the House Indian Affairs Committee, violently attacked the American Indian Defense Association (Inc.) for making the Pima and oil-leasing charges. The association requested to be heard in reply, as I have stated. The General Federation of Women's Clubs, through Mrs. H. A. Atwood, its Indian welfare chairman, and Mrs. Kate Trenholm Abrams, its legislative vice chairman, joined in the demand that a hearing be granted, because the federation's Indian welfare chairman had made charges substantially identical with those which Commissioner Burke denounced as falsehoods.

The Indian Affairs Committee refused both organizations, and closed the hearing with no witness heard save Commissioner Burke. Therefore Commissioner Burke's denials appear uncriticized in the printed record of hearings.

On this account I desire further, based on information in my hands, to give additional data on Indian Bureau oppression of Indians, Indian Bureau, mishandling of Indian property, Indian Bureau neglect of Indian disease, Indian Bureau suppression of public documents, Indian Bureau campaign of defamation against the Indians, and the record of Commissioner Burke.

THE DEATHS OF THE PIMAS

The Pima case is definite, and it has been made much of in Commissioner Burke's speech in the hearings.

A telegram from Rev. Dr. Dirk Lay, now and for 16 years past a Presbyterian missionary among the Pimas, is as follows:

CASA GRANDE, ARIZ., April 12, 1926.—My statements made before Senate subcommittee are absolutely true, and we can easily prove them, and my narrative about delay in construing law, Senate 966, is true. Meritt told me that conditions pertaining to white lands must be met before construction work on Coolidge Dam could be started, and on February 15 the bill was referred to the Solicitor of the Interior Department for an opinion, or nearly two years after the bill became a law. Louis C. Hill, builder of the Roosevelt Dam, and Fred A. Noetzli, one of the leading engineers and the greatest authority on arch dams in the world, deemed inadequate. Page 408 House hearings on Interior Department appropriation bill, the statement regarding houses is made. There are not 75 homes with wooden floors. This can also be easily proved by check of reservation. Indications are that reports for this year will show larger death rate than last year.

DIRK LAY.

Doctor Lay's statement that—

there are not 75 homes with wooden floors—

refers to a claim by Assistant Commissioner Meritt which appears on page 408, House Appropriations Committee hearings for the fiscal year 1927, where the statement is made that—1,020 families have permanent homes with wooden floors.

The Reverend Doctor Lay's death chart did not suddenly appear week before last. That chart, on a larger scale and with a complete statement of the Pima case, was displayed at a forum meeting attended by Indian Bureau personnel, among others, March 8 last, at which I was present. Doctor Lay was many weeks in this city after his allegations had been made public, and it would have been fitting for the Indian Bureau to challenge the man who has fought this Pima fight, and not when he was 2,000 miles away. The proof is all on record.

Commissioner Burke's denial, based on an unproved allegation about statistical neglects in 1924, and stated to have been corrected through statistical assiduity in 1925, is unresponsive. In 1921 the Bureau of Indian Affairs allotted a certain number of living Indians. Presumably it did not allot dead Indians. If it did, then fraud by the bureau is manifest. It is Senator ASHURST, I understand, not Mrs. Atwood, of the General Federation of Women's Clubs, nor Doctor Lay, who presented on March 11, this year, to the Senate Appropriations Committee the following statement:

In 1921 the Government allotted 4,890 Pima Indians; 1,106 of these have since died.

The death chart, whose publication appears to have shocked the commissioner and the Indian Bureau, deals with one section of the Pima land, and it is again a chart of the Indians allotted in 1921 and the Indians dead before January 1, 1926. This means a Pima death rate of 59 per thousand, compared with the white death rate of 12 per thousand.

It will be evident that to allege a delinquency of census in 1924, as corrected by a more careful census in 1925, does not touch the allegations of Senator ASHURST and Doctor Lay. I believe these facts will be sustained by the files of the Bureau of Indian Affairs and the files of the present superintendent of the Pima Indians, Mr. Faris, admittedly one of the ablest and most exact men in the bureau service. I call your attention, especially, to the last sentence of Doctor Lay's telegram, which, if accurate, warrants in itself the investigation I have asked.

Commissioner Burke does not claim that this devastating mortality was caused by epidemic disease and not, as alleged, by slow starvation and heartbreak. He can not allege it with any support from bureau records or records of the Arizona Board of Health or any other record, I am informed the report of the Red Cross on Indian diseases and neglect, which was suppressed by the Indian Bureau, fully reveals the startling mortality among the Pima Indians.

THE CHARGE OF INDIAN STARVATION

Of course, Commissioner Burke knows something about the subject of starvation. He is aware that people who die of starvation do not simply vanish into eternity through the lack of yesterday morning's meal. Commissioner Burke knows that chronic undernourishment, by destroying organic resistance, leads to death through a myriad of infections and organic collapses which a nourished body is immune against. I do not contend he would willfully neglect these starving Indians. I would be failing in my duty as a legislator if I failed to give the facts.

The history of California's Indians presents, I am informed, a similar condition, accepted by ethnologists as having largely caused the appalling destruction of California Indian life during the period of Indian Bureau guardianship. And by that we may understand that hopelessness and heartbreak, added to slow starvation, can kill Pima Indians and has killed them and is killing them as well as in California.

PROOF OF THE DELAYS IS SUBMITTED

As to the nature of the delays among the Pimas, Congress voted five and one-half millions of dollars in the spring of 1924 to put water on the Pima lands. That authorizing act was passed in 1924. Four hundred and fifty thousand dollars became available for expenditure March 4, 1925. During that whole preceding session of Congress—the short session of 1924-25—the Indian Bureau knew that the appropriation was certain to be forthcoming. These facts I learned from personal conversations with Reverend Doctor Lay, the Pima missionary, when he was in Washington.

Now, one year passed after the appropriation became available and not a bucket of concrete was poured. That is the fact of delay as to the date when the charges affecting the Pimas was publicly voiced in Washington. What had happened in the interim?

The Indian Bureau failed, I am informed, to obtain from the Interior Department's solicitor a construction of the law. Some clerk in the office caused Mr. Meritt to get an impression that nothing could be done until contracts had been negotiated with white users of the surplus water, and that would take a long, long time. What date finally did the Interior Department solicitor obtain from the Indian Office the act and a request for its construction? I am informed February, 1926. If the statement is challenged and the testimony of the Reverend Doctor Lay is deemed insufficient, I refer to the Republican Senator from Arizona or the Department of the Interior solicitor.

The solicitor took less than a week to render his opinion when asked for it. As a matter of fact, no question of construction was really involved.

ENGINEERING DELAYS

There is no criticism, I am informed, of the engineering staff of the Indian Bureau or Department of the Interior. It is competent, it is on the job, ready to start the Pima work, for nearly a year gone by.

The two consultants named in Doctor Lay's telegram passed on the plans of the bureau's engineers. Concerning them and their work the record is found in the hearings of the Subcommittee on Appropriations of the Senate. That these men are eminent engineers none has questioned. That they were disinterested none has questioned. But the Secretary of the Interior decided that they worked too cheap; they were only paid \$20 a day, giving their services partly as a labor of pity and a service to their country. Hence the added delay, due to the Secretary of the Interior's insistence that a bill should be passed February, 1926, authorizing higher payments to consulting engineers, whose consultation proceeds henceforward.

Commissioner Burke stated that the Secretary of the Interior would have been "censured" to have allowed construction to proceed on the basis of his own engineers' plans plus the reports of these two eminent consultants. Then Secretary Work should have moved the 1924-25 session of Congress to obtain the authority which thus tardily he has obtained to pay larger sums for consultants. The situation was fearful then as now. It was fearful a year ago as it is now. Construction was impending then as now.

CHARGES ARE PROVED

I understand these are the facts; and on their basis, taken separately and together, the first charge made is repeated.

The Pima Indians lost their water through negligence. They have died through recent years at a sensational and terrible rate from slow starvation and hopelessness. Congress was not derelict; it acted generously. The Indian Bureau was derelict.

Nowhere, to my knowledge, has anyone charged that the Indian Bureau is seeking to delay operations while the areas of land owned by dead Pimas multiply until they constitute most of all the Pima lands, while the Pimas die. Nowhere has it been charged that the Indian Bureau is seeking to cause white interests to inherit the land of an exterminated Pima tribe. Such will be the effect, however, of indefinitely continued delays, nor is there in the past record of the bureau any assurance against indefinite further delay. But no sinister motive need be ascribed.

THE OIL-LEASING SCANDAL

I have charged that Commissioner Burke indorsed and urged the passage of H. R. 9133 and S. 3159. That these bills as indorsed have the following effect: (1) To deprive the Executive-order Indians of 37½ per cent of their oil revenue, giving it to the States; (2) to exempt the oil companies from the production tax; (3) to provide a congressional declaration against the Indian claim of vested rights in 22,500,000 acres, two-thirds of the undivided reservation area.

The commissioner denounced these charges. Demonstration is contained in the printed House and Senate oil hearings. Page 87, Senate hearings, it appears:

Mr. COLLIER. The Government must extend to the State the privilege of taxation before the State can act.

Senator BRATTON. There can be no doubt as to that.

Mr. COLLIER. So that if the measure should stand as it is now, no matter what the change of wording in section 2, your producer would be tax exempt; whether the words "in lieu of taxation" were left in or taken out it would not affect the status of the producer.

In the House hearings quoted on page 77, Senate hearings:

Mr. HAYDEN. The Supreme Court has passed on the taxation question specifically and directly in the Oklahoma case, that a State can not levy a tax on oil from Indian lands without the consent of the United States.

These extracts are supplementary to those I have heretofore inserted in my remarks.

The bills which Mr. Burke indorsed gave no consent to the States to tax the oil companies; the amendment striking out "in lieu of the taxes" in no wise affected the situation; Commissioner Burke's denial in this regard is refuted by the record taken as a whole and in its details. None disputed the facts through either the Senate or House hearings.

The implied congressional declaration against Indian vested right is far more serious. On April 10, before the House committee, Commissioner Burke argued in effect as follows: "The final court decision may go against the Indians. Therefore we must take what we can get." And the bill which he had recommended was one which assumed a decision by the Supreme Court completely adverse to the Indians, and then on the basis of that presumption took 37½ per cent of their roy-

alty away from them, while exempting the oil producers from taxes. All this ignoring Attorney General Stone's opinion in reversing Secretary Fall. And more fundamentally wrong was and is the destruction of Indian vested rights. This is exhaustively presented in the Senate hearings, and it was proved that the destruction would affect not only oil royalty rights but all natural resources, soil values, and even the right of occupancy.

This matter is of first importance, because these bills, improved in some particulars, have been made decisively worse in others, and one has been reported to the House and the other is being pushed hard in the Senate, and if enacted they will be a serious blow at Indian rights.

Secretary Work's Committee of One Hundred on Indian Affairs recommended that Congress should validate the Indian title to execute reservations or vest that title in the Indians; the Board of Indian Commissioners similarly recommended; bills carrying out these recommendations have been introduced in the Senate and in the House; the Indian Bureau has promptly reported adversely on them. These matters I have discussed elsewhere in detail with recommendations which were ignored.

COMMISSIONER BURKE'S UNIQUE OIL COMPROMISE

The commissioner's plea states that he was forced on behalf of the Indians to "compromise." His "compromise" was as follows: He indorsed a bill which assumed in advance the most adverse possible decision by the higher courts against the Indians, a decision which would not be forthcoming according to the opinion of former Attorney General Stone, now on the Supreme Court bench.

Having thus presumed defeat for the Indians and the Government, the commissioner then proceeded to indorse a bill predicated on that defeat which has not taken place—a bill which has the objectionable qualities of the bill which he indorsed. Not for the Indians and not with Congress did Commissioner Burke compromise. I intend to convey no implication whatever as to whether he compromised or with whom, but he recommended a measure more profoundly destructive to Indian rights than any which has been before Congress in these score of years so far as I can learn.

That bill is now before Congress.

I have charged that in promoting this oil bill, of dominating importance to 85,000 Indians in 10 States, the Indian Bureau has neither acquainted these tribes with the facts, nor enabled them to come to Washington, nor even secured written expression from them. Yet they are the parties of first interest. Their property, their tenure, their community existence is at stake. This oil bill, hugely menacing to the Navajo and Hopi Tribes, remains unindorsed by any of their tribal councils.

When the National Council of American Indians wrote to the Navajo tribal council, transmitting a statement of facts about the oil bills and asking what that council really was indorsing, its letter promptly arrived at the desk of Commissioner Burke and no reply ever came from the Navajos.

Meantime the Pueblos, three-fifths of whose land is Executive-order reservation, have registered their corporate tribal protests by letter and wire, so I am informed by communications I have received.

I have many communications from others more familiar with actual conditions than myself, but, as stated at the outset, I have endeavored to verify every material statement, and I submit that the facts set forth entitle Congress to an investigation in order to determine what course should be pursued and what legislation adopted looking toward the advancement of our new American citizens who are not given rights of citizenship to which they are entitled.

The SPEAKER. The time of the gentleman from Wisconsin has again expired.

Mr. BRUMM. Mr. Speaker, I ask unanimous consent to proceed for five minutes in order to answer what the gentleman from Wisconsin has said.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

Mr. UNDERHILL. Mr. Speaker, I think I should object in deference and justice to the Members who have matters on the Private Calendar. To-day was set aside especially for the consideration of bills on the Private Calendar, and, therefore, I do not think we should extend time indefinitely on other subjects. On last Saturday the Private Calendar was supposed to have a day; for two hours they went on with some other subjects; to-day we are supposed to consider bills on the Private Calendar, and it seems to me that after an hour and three-quarters spent in discussing other matters we should begin to proceed with business on the Private Calendar. Therefore, Mr. Speaker, I object.

CONFERENCE REPORTS ON BRIDGE BILLS

Mr. DENISON. Mr. Speaker, I call up conference reports on H. R. 8771, to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.; H. R. 8908, granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River; H. R. 8190, authorizing the construction of a bridge across the Colorado River near Blythe, Calif.; H. R. 8918, granting the consent of Congress for the construction of a bridge across the Mississippi River at or near Louisiana, Mo.; H. R. 8950, granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn., and H. R. 9688, granting the consent of Congress for the construction, maintenance, and operation of a bridge across Sandusky Bay at or near Baybridge, Ohio. These conference reports represent an agreement between the two Houses with reference to the forms of bridge bills and I do not think it necessary to take up the time of the House to read them. So I ask unanimous consent that they be considered as read and be approved.

The SPEAKER. The gentleman from Illinois asks unanimous consent that these conference reports, all relating to bridges and being formal in their nature, be considered together. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I have no idea of doing, I have noticed that four or five of these bills have been in considerable controversy between the House and Senate, and I take it these are the conference reports. Most of us have not been in the habit of following these bridge bills, having the impression that certain definite forms were followed and that certain rules apply. If that is true, how does it happen that the House and Senate should be in vigorous disagreement as to a number of these bills, because if the committee is not following some definite form and applying certain rules the House wants to know it, and we will have to watch these bills a little more.

Mr. DENISON. I will state to the gentleman from Michigan that there was a very marked difference in views between the committee of the Senate and the committee of the House with reference to certain policies, and those differences in views made conferences necessary on these bills. The result of the conferences has been that an agreement has been arrived at between the two Houses as to the forms of these bills, and the agreements are now embodied in these conference reports.

Mr. CRAMTON. Will the gentleman in a word indicate to the House the nature of the new policy adopted for our information?

Mr. DENISON. Yes; I will be glad to do that.

The policy pertains entirely to the construction of toll bridges. We have provided in bills now that there shall be a right of recapture of privately constructed toll bridges in favor of the States or political subdivisions of the States in which or adjoining which the bridges are located, under a limited measure of compensation.

The House committee insisted that if we give a State or a city or other municipality this right of recapture of a privately owned toll bridge, under the limited measure of damages specified in the bill, when the State or the city amortizes the amount which it pays for the bridge, it then ought to make it a free bridge.

The Senate committee had a different view. They contended that when the State or the city takes over a bridge by condemnation, the State or the city ought to have the right to operate it as a toll bridge indefinitely, and after they had recovered from the tolls the amount they paid for the bridge, they ought to have the right to continue the tolls and use them for other purposes, thereby collecting a permanent tax from the traveling public to be used for other municipal purposes. The House committee was not willing to agree with this view and, finally, after conferences, the Senate has in the main accepted our view; now when the cities or other municipalities of the States take advantage of this privilege which we are giving them to recapture privately owned toll bridges, and after they have amortized the cost to them, they must then make them free or substantially so.

That has been the principal difference in view, and it has finally been adjusted, and we have embodied the agreement in the conference reports, and I do not think conferences will hereafter be necessary on any of these bills, because we have reached an agreement as to policy.

I am hoping within the next few days to ask unanimous consent to address the House for 20 or 30 minutes on the subject of bridges and I will then insert in the Record—

Mr. GARNER of Texas. And your committee will probably get out a form of bill to meet the requirements of the conference report you have agreed upon?

Mr. DENISON. If I can get the consent of the House within the next few days—

Mr. ARENTZ. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. CRAMTON. Mr. Speaker, I reserve the right to object just to make this comment, since I brought this matter up. I think the gentleman and his fellow conferees are entitled to congratulations upon having protected the public interest as they have. [Applause.]

Mr. DENISON. Mr. Speaker, I was going to say that I intend to insert in the Record with my remarks, if I can get the consent of the House to do so in the next few days, the forms of the various kinds of bridge bills that have been agreed upon by the committees of the two Houses.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Without objection, the conference reports will be considered as having been read and agreed to.

There was no objection.

PENSIONS

Mr. FULLER. Mr. Speaker, I call up the bill (H. R. 11446) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Eliza J. Bogle, widow of Joseph S. Bogle, late of Company H, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Lockwood, widow of Edgar N. Lockwood, late of Company A, Sixth Regiment Michigan Volunteer Cavalry, and Company D, First Regiment Michigan Veteran Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary H. Robbins, widow of Hiram L. Robbins, late of Company G, Ninety-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucy H. Woolard, widow of Washington W. Woolard, late of Company H, Twenty-sixth Regiment Illinois Volunteers, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriet L. Messenger, widow of John Messenger, late of Company B, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Earl Kelley, helpless and dependent son of Jerome Kelley, late of Company B, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Frances Server, helpless and dependent daughter of William H. Server, late of Company G, Eighty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian on a separate voucher.

The name of Margaret Hayes, widow of George W. Hayes, late of Company G, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Margaret Tucker, widow of William J. Tucker, late of Company A, Second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma Schaumburger, widow of Henry Schaumburger, late unassigned, Seventh Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary H. Briggs, widow of William R. Briggs, late of Company I, Tenth Regiment New York Volunteer Cavalry, and Company I, First Regiment New York Provisional Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lizzie H. Elliott, widow of John A. Elliott, late of Company B, Sixth Regiment Pennsylvania Volunteer Infantry, and

pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hannah O'Brien, widow of Cornelius O'Brien, late of Company I, One hundred and fifty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sadie E. Oliver, widow of William F. Oliver, late of Company B, Eleventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ella F. George, widow of A. Morrison George, late of Company E, Fifth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Laura W. Pratt, helpless and dependent daughter of Barney F. Pratt, late of Company B, Sixteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Mary L. Stewart, widow of Frederick T. Stewart, late of Company B, Sixteenth Regiment Vermont Militia Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah L. Adams, widow of George W. Adams, late of Company D, Sixteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Anna Williamson, widow of Essie Williamson, late of Company G, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emily J. Farrar, widow of Wilkinson Farrar, late of Company A, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louisa Butcher, widow of William Butcher, late of Company I, Sixth Regiment Michigan Volunteer Cavalry, and One hundred and first Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Harl, widow of Nicholas Harl, late of Company F, Twenty-seventh Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Annie E. Lamb, widow of Silas Lamb, late of Company A, Sixth Regiment United States Colored Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary Brownfield, widow of Thomas Brownfield, late of Company A, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eliza O'Neill, widow of Henry O'Neill, late of Company F, Seventh Regiment, and Company A, Eleventh Regiment, Missouri Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth Pringle, helpless and dependent daughter of Alexander G. Pringle, late of Company D, Third Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Loucretia C. Robinson, widow of George W. Robinson, late of Company A, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elisabeth Rossell, widow of James Rossell, late of Company G, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah E. Zinn, widow of John H. Zinn, late of Company F, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Sarah C. Young, widow of Martin L. Young, late of Company C, Eighty-fourth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Stroup, widow of Samuel Stroup, late of Company E, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Bowser, widow of Daniel L. Bowser, late of Company K, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma J. Smith, widow of George Smith, late of Company E, Forty-seventh Regiment Pennsylvania Veteran Infantry, and Company I, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and Company B, Seventh Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sophia J. Long, widow of Amon Long, late of Company I, Twenty-second Regiment Pennsylvania Cavalry, and Company

I, Third Regiment Pennsylvania Provisional Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susanna Imler, widow of John R. Imler, late of Company C, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Henrietta Downing, widow of Charles Downing, late of Company A, Eighth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha K. Patterson, widow of Henry B. Patterson, late of Company G, One hundred and thirty-second Regiment Ohio National Guard Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hannah M. Barker, widow of James H. Barker, late of Company B, Seventy-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary A. Stowell, widow of John C. Stowell, late of Company H, One hundred and twelfth Regiment New York Volunteer Infantry, and Twenty-eighth Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of \$50 per month.

The name of Fannie S. Bush, widow of Edwin H. Bush, late of E Battalion, Twelfth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Emma R. Hamilton, widow of Stephen K. Hamilton, alias Stephen Kerrigan, late of Company C, Thirty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susannah G. Newcomb, widow of Jeremiah Newcomb, late of Company I, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma J. Childs, widow of Royal S. Childs, late of Company D, Thirteenth Regiment Vermont Volunteer Infantry, and Company H, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Louisa R. Webber, widow of Allen Webber, late of Company K, Twenty-second Regiment Maine Volunteer Infantry, and Third Battery Maine Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma L. Davis, widow of George W. Davis, late of Twelfth unassigned company, Maine Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Nellie M. Withee, widow of Ezra Withee, jr., late of Company E, Third Regiment California Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Joanna Simpson, widow of Joseph Simpson, late of Company A, Eightieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth Hutchison, widow of Richard Hutchison, late of Company A, One hundred and fifteenth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Nancy A. Ginn, widow of Alexander D. Ginn, late of Company I, Fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary M. Walker, widow of John Walker, late of Company K, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Belgard, widow of Eliger Belgard, late of Company A, One hundred and fifty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lucinda Lunt, widow of Henry W. Lunt, late of Company F, Seventy-third Regiment, and Company F, Forty-fourth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Louise Mowers, widow of John Mowers, late of Company C, Twenty-second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Cornelia Kenfield, widow of Wesley Kenfield, late of Company G, One hundred and fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eliza A. Spraker, former widow of William H. Daniels, late of Company G, Twenty-second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Charlotte Tyndall, widow of John W. Tyndall, late landsman, United States Navy, Civil War, and pay her a pension at the rate of \$30 per month.

The name of Rosie Adams, widow of John Adams, late of Company K, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Josephine Dodson, widow of John Dodson, late of Company B, Sixth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Betsy A. Cranker, widow of John P. Cranker, late of Company H, One hundred and eighty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lillie Hamby, widow of William Hamby, late of Company C, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Maria J. Burnham, widow of Harry Burnham, late of Company A, Fourteenth Regiment Connecticut Volunteer Infantry, and Company B, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna M. Crosby, helpless and dependent daughter of Wallace Crosby, late of Company G, One hundred and first Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Nancy M. Moore, widow of Otis Moore, late of Company D, Fifty-second Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Angie M. Reed, widow of Henry C. Reed, late of Company C, Forty-sixth Regiment Massachusetts State Militia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Welch, widow of Philip W. Welch, late of Company C, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Robert Zink, late of Company C, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Laura A. Martin, widow of Joseph C. Martin, late of Company A, Eleventh Regiment Illinois Volunteer Infantry, and Company B, Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Clara J. Cunningham, widow of David W. Cunningham, late of Company G, Fortieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Jennie E. Baker, widow of William M. Baker, late of Company K, Ninth Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah C. Childers, widow of Commodore P. Childers, late of Company L, Twelfth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Cunningham, former widow of Merit Cunningham, late of Company H, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah E. Dragoo, widow of George N. Dragoo, late of Fourth Independent Company, Ohio Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Litha C. Silvers, widow of Cornelius Silvers, late of Company G, Seventeenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Donia C. Eakins, widow of James A. Eakins, late of Company C, Third Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Sarah E. Sunderland, widow of Francis M. Sunderland, late of Company I, Eleventh Regiment Indiana Volunteer Infantry, and Company D, Fifth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Henrietta Reed, widow of Orville S. Reed, late of Signal Corps, United States Volunteers, Civil War, and pay her a pension at the rate of \$30 per month.

The name of John M. Christy, helpless and dependent son of John A. Christy, late of Company K, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$20 per month.

The name of Elizabeth Miller, widow of David D. Miller, late of Company G, Second Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Gates, helpless and dependent daughter of Martin Gates, late of Company H, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Kate Rhea, former widow of Eli Howell, late of Company D, Forty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary J. Tullis, widow of Seth C. Tullis, late of Company C, Sixth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Talitha J. Steward, widow of Eugene H. Steward, late of Company E, Sixty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha McGonagle, widow of Robert McGonagle, late of Company I, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month, through a legally appointed guardian, in lieu of that she is now receiving.

The name of Avarilla C. Culler, widow of Abraham Culler, late of Company M, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Clara J. Crozier, widow of William Crozier, late of Company F, One hundred and forty-second Regiment, and Company E, One hundred and sixty-ninth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Silas A. Weaver, late of Company L, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of \$50 per month.

The name of Ellen A. Baker, widow of William H. Baker, late of Company C, One hundred and forty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Exby, now Slerer, former widow of Thomas Exby, late of Company A, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Betsy F. Ballou, widow of Irving W. Ballou, late of Company D, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ettie H. French, widow of John H. French, late of Company D, One hundred and seventeenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eliza M. Inman, widow of William M. Inman, late of Company C, Ninety-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mariah E. Smith, widow of David B. Smith, late of Company A, Tenth Regiment, and Company K, Twenty-ninth Regiment, Maine Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Alice G. Guyer, widow of John P. Guyer, alias John P. Guire, late of Company H, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Martha A. Turner, widow of Joseph H. Turner, late of Company H, Forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of America Williamson, widow of Zachariah T. Williamson, late of Company K, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Hollingsworth, widow of William A. Hollingsworth, late of Company E, Second Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha E. Schooler, widow of Job Schooler, late of Company C, Twenty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of John H. Milstead, late of Captain William B. Milstead's Company G, Fifty-first Regiment Enrolled Missouri Militia, and Captain Lee Henry's Company G, Fifty-first Regiment, Enrolled Missouri Militia, and pay him a pension at the rate of \$50 per month.

The name of Sarah J. Arbuckle, widow of George W. Arbuckle, late of Company H, Third Regiment, and Company L, Seventh Regiment, Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Powell, widow of John L. Powell, late of Company I, Fourth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth A. Richards, widow of Reuben R. Richards, late of Twelfth Independent Battery, New York Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eliza Hammond, widow of Charles Hammond, late of Company B, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Marion L. Ross, widow of John D. Ross, late of Company H, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary L. Taylor, former widow of Isaac N. Morton, late of Company A, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Harcourt, widow of Robert Harcourt, late of Company K, Forty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Julia Farrell, widow of Peter Farrell, late first-class boy, United States Navy, Civil War, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth G. Snyder, widow of William Snyder, late of Company F, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Amanda M. Finney, former widow of Theodore F. Tomkins, late of Company G, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Helm, widow of Zachariah S. Helm, late of Company E, Fiftieth Regiment New York Volunteer Engineers, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Amelia C. Keck, widow of Jacob S. Keck, late of Company I, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna Pruden, widow of Samuel A. Pruden, late of Company I, Twenty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Jennie B. Slayton, widow of Walter C. Slayton, late of Company G, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and Forty-second Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of \$30 per month.

The name of Amelia A. Collins, widow of Henry C. Collins, late of Company E, Thirty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha C. Hunsberger, widow of Isalah Hunsberger, late of Company A, One hundred and fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eva Christia Loth, widow of Joseph Loth, late of Company I, Twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Rickard, widow of Zina S. Rickard, late of Company B, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Whitmore, widow of John J. Whitmore, late of Company I, Seventy-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maria E. Witter, widow of Jonathan Witter, late of Company H, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ellen E. Godfrey, widow of John T. Godfrey, late of Company D, Sixth Regiment Massachusetts Militia Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Callie Wagner, widow of Theodore M. Wagner, late of Company C, Eighth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Joseph M. Christy, helpless and dependent son of John A. Christy, late of Company K, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$20 per month.

The name of John Quinn, helpless and dependent son of John Quinn, late of Company H, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Martha J. Forsythe, widow of John Forsythe, late of Company D, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Margaret

Ann Forsythe, helpless and dependent daughter of said Martha J. and John Forsythe, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Martha J. Forsythe the name of said Margaret Ann Forsythe shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Martha J. Forsythe.

The name of Sarah F. Kanouse, widow of David M. Kanouse, late of Company F, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louisa Ward, helpless and dependent daughter of Thomas A. Ward, late of Company B, Seventh Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Sam Meador, helpless and dependent son of Pleasant H. Meador, late of Company A, Ninth Regiment, and Company E, Twenty-third Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Louisa Kemp, widow of Loren Kemp, late of Company B, First Regiment Ohio Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Leonora D. Mullen, widow of George F. Mullen, late of Company E, Forty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Annie Goodwin, widow of Wilson Goodwin, late of Company C, Twelfth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Phebe T. Miller, widow of William H. Miller, late of Company C, Second Battalion Ohio National Guard Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Emily V. Buskirk, widow of Marshall D. Buskirk, late of Company I, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret A. Warner, widow of William H. Warner, late musician, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Henry W. Key, helpless and dependent son of Theophilus Key, late of Company H, Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Ophelia Shoemaker, widow of John T. Shoemaker, late of Company M, Eighth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Della M. Hall, widow of Charles H. Hall, late of Companies I and F, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah A. Eby, widow of Samuel P. Eby, late of Company K, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie Benjamin, widow of Watson K. Benjamin, late of Company A, Fiftieth Regiment New York Volunteer Engineers, and pay her a pension at the rate of \$30 per month.

The name of Ann Ryan, widow of Timothy Ryan, late of Company D, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maria Dalton, widow of William L. Dalton, late of Company A, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary M. Janes, widow of John E. Janes, late of Company B, Eighty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Matilda Miller, widow of Benjamin C. Miller, late of Company H, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Andrew Caldwell, late of Company D, Seventy-second Regiment Missouri Enrolled Militia, and pay him a pension at the rate of \$50 per month.

The name of Elizabeth L. Henson, widow of Charles L. Henson, late of Company C, Ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucy Wolfington, widow of John B. Wolfington, alias John B. Hall, late of Company H, Twenty-fourth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Marilla Matthews, widow of Eugene Matthews, late of Company A, Thirty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah Ann Turner, widow of Thomas Turner, late of Company E, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Shranger, widow of Garret B. Shranger, late of Company A, Forty-fifth Regiment, and Company G, One hundred and fifth Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret J. McKean, widow of John B. McKean, late of Company I, Fifth Regiment Pennsylvania Reserve Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ella J. Hunsbarger, widow of David Hunsbarger, late of Company H, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Abigail A. Butler, widow of Joseph B. Butler, late of Company G, Twenty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Cornelia J. Lester, widow of Cassius Lester, late of Company G, One hundred and fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Viola Holmes, widow of Alfred Holmes, late of Company K, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Cora R. Burton, widow of Hiram S. Burton, late of Company B, Seventy-second Regiment, and Company H, Thirty-third Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Laura A. Anderson, widow of John L. Anderson, late of Company K, Fourteenth Regiment Missouri Home Guards, and pay her a pension at the rate of \$30 per month.

The name of Sedate C. Cooley, widow of Milo W. Cooley, late of Company G, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Amella Weber, widow of Frederick Weber, late of Company C, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Maggie Neidig, helpless and dependent daughter of Valentine Neidig, late of Company K, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Lovina E. Willoughby, widow of Levi P. Willoughby, late of Company F, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Alice Mansfield, widow of Joel H. Mansfield, late of Company F, Second Regiment Massachusetts Volunteer Cavalry, and landsman, United States Navy, Civil War, and pay her a pension at the rate of \$30 per month.

The name of Myra C. Hawley, widow of Truman M. Hawley, late of Company C, Eighth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Georgie A. Fifield, widow of Charles H. Fifield, late of Company I, Fourteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hannah Dyslin, widow of Ezra Dyslin, late of Company K, First Regiment New York Volunteer Light Artillery, and Company G, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Malvina Jenkins, widow of Henry Jenkins, late of Company K, One hundred and ninth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mariah Feagley, widow of Mark W. Feagley, late of Company C, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ellen Hughes, widow of Patrick Hughes, alias Patrick Keagan, late of Company D, Twenty-sixth Regiment Iowa Volunteer Infantry, and Company F, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Deborah E. Bowling, widow of Nicholas Bowling, late of Company B, Thirteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Amella A. Keith, widow of Mathias Keith, late of Company D, Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Nancy E. Dillon, widow of Ezekiel Dillon, late of Company G, First Regiment Potomac Home Brigade, Maryland Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Artie Noles, widow of John T. Noles, late of Company F, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Albert O. Tucker, late of Company K, Eleventh Regiment Connecticut Volunteer Infantry, and Company D, First Regiment Maine Sharpshooters, and pay him a pension at the rate of \$50 per month.

The name of Mary H. Appleton, widow of Charles F. Appleton, late of Company B, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah J. Somerlott, widow of Andrew Somerlott, late of Company A, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louisa Semmel, widow of Charles Semmel, late of Company D, One hundred and eighth Regiment New York Volunteer Infantry, and unassigned detachment, Veteran Reserve Corps, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Edna M. Brownell, helpless and dependent daughter of Kingsley Brownell, late of Company C, Twenty-first Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Eliza J. Johnson, widow of Merit C. Johnson, late of Company A, Ninety-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Crow, widow of Samuel B. Crow, late of Company E, Nineteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mandane Wright, widow of James S. Wright, late of Company K, Eighth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Melissa Vorhees, widow of William Vorhees, late of Company B, Thirtieth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maria J. Pierce, widow of Robert Pierce, late of Company C, Thirtieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary H. Bell, widow of David Bell, late of Company K, One hundred and fifty-fifth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Annie M. Todd, widow of James T. Todd, late of Company G, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Elizabeth Moore, helpless and dependent daughter of James A. Moore, late of Company C, Forty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Emma M. Tallentire, widow of John R. Tallentire, late of Company E, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucinda A. Gregg, widow of Arthur C. Gregg, late of Company B, Twentieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan J. Walte, widow of Benjamin F. Walte, late of Company I, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Thomas Colburn, late of Capt. Adam Flesher's Company A, Forty-first Regiment Enrolled Missouri Militia, and pay him a pension at the rate of \$50 per month.

The name of Harriet A. Hoffer, widow of George Hoffer, late of Company C, Eighty-fourth Regiment, and Company H, Fifty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Hervey, widow of Henry W. B. Hervey, late of Company E, Two hundred and fifteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriet Johnson, widow of John Johnson, late of Company G, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah E. Roebuck, widow of Lawrence R. Roebuck, late quartermaster's employee, Civil War, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma J. Shade, widow of Simon Shade, late of Captain Wightman's company, One hundred and twelfth Regiment Ohio Volunteer Infantry, and Company G, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lizzie C. Castelo, widow of Calvin B. Castelo, late of Company D, Fifth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Flora Odell, widow of Andrew J. Odell, late of Company F, Fourth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Granville Tobey, late of Capt. Mills Dawson's Company D, First Battalion Provisional Enrolled Missouri Militia, and pay him a pension at the rate of \$50 per month.

The name of Mary A. Smith, widow of Thomas R. Smith, late of Company H, Third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarepta Richards, widow of Clark S. Richards, late of Capt. James Reid's Company E, Fifth Regiment Enrolled Missouri Militia (Col. Thomas J. C. Fagg), and pay her a pension at the rate of \$30 per month.

The name of Mary Garlinghouse, widow of Aurelius D. Garlinghouse, late of Company I, One hundred and seventeenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie Hunter, widow of Henry R. Hunter, late of Company E, One hundred and eighty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma A. Wright, widow of Benjamin Wright, late of Company K, Forty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Margaret J. Baker, former widow of Irvin D. Baker, late of Company I, Seventieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lydia A. McGrew, widow of James F. McGrew, late of Company A, Forty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Weston G. Sabins, helpless and dependent son of Philander G. Sabins, late of Company A, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Emily F. Smith, former widow of David F. Byhlmyer, late of Company K, Thirty-fifth Regiment Ohio Volunteer Infantry, and unassigned Veteran Reserve Corps, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Melissa B. Roberts, widow of Albert H. Roberts, late of Company C, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Marcella S. Brodt, widow of James W. Brodt, late of Company B, Tenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of C. Jennie Congleton, widow of Wilber E. Congleton, late of Company C, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha J. McGonagle, widow of John McGonagle, late of Company K, One hundred and sixteenth Regiment, and Company C, Sixty-second Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maria Tway, widow of Williamson T. Tway, late of Company G, Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month through a legally appointed guardian.

The name of Ella Buchanan, widow of Clinton C. Buchanan, late of Company A, Third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Jane Ayre, widow of Peter Ayre, alias Peter Eyre, late landsman, United States Navy, Civil War, and pay her a pension at the rate of \$30 per month.

The name of Emeline Reed, widow of Charles F. Reed, late second lieutenant, Second Battery, Iowa Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emilia Radt, widow of Frederick W. Radt, late of Company G, Eighty-second Regiment Illinois Volunteer Infantry, and

pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriette A. Boyd, widow of John L. Boyd, late of Nield's Independent Battery, Delaware Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Catherine Rutherford, widow of David Rutherford, late of Company B, One hundred and forty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Amanda Lowry, helpless and dependent daughter of John K. Lowry, late of Company F, Forty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Melissa E. Gaines, former widow of Ransom M. Raymond, late of Company A, Eighth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Jane Worthington, widow of Thomas E. Worthington, late of Company B, Twentieth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Theodosia D. Whitaker, widow of Edward W. Whitaker, late of Company C, Second Regiment New York Volunteer Cavalry, and lieutenant colonel, First Regiment Connecticut Volunteer Cavalry, and brevet brigadier general, Volunteers, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Alice E. Miller, widow of Henry J. Miller, late of Company D, Sixth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Masterson, widow of James F. Masterson, late of Company H, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah E. Reed, widow of James Reed, alias Gustavus E. Reed, late of Company E, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Catharine Fielding, widow of John H. Fielding, late of Company E, Tenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Penland, widow of Joseph S. Penland, late of Company A, Eleventh Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Margaret C. Ebbert, widow of William N. Ebbert, late of Company G, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anne M. Luman, widow of Theodore Luman, late first lieutenant and adjutant, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elmina C. Standley, former widow of William P. Standley, late of Company H, Tenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary M. Sams, widow of Francis M. Sams, late adjutant, First Regiment Arkansas Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah A. Noxon, widow of Hemon Noxon, late of Company E, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie E. Wynn, widow of William H. Wynn, late of Company L, Second Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Garrett, widow of Frank B. Garrett, late adjutant, First Regiment United States Colored Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Fannie S. Nuss, widow of Henry F. Nuss, late of Company F, First Regiment Pennsylvania Reserve Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Clarissa Bard, widow of Austin T. Bard, late of Company F, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Adalaide Belleau, widow of Abraham Belleau, late of Company A, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and Company E, Twentieth Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$30 per month.

The name of Florence Crowell, widow of Martin Crowell, late of Company H, Sixty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emily Roof, widow of Abram Roof, late of Company M, Tenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary C. Witherby, widow of James L. Witherby, late of Company E, Tenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy I. Hankins, widow of Benjamin F. H. Hankins, late of Company C, Sixty-eighth Regiment, and Company E, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nannie Kirby, former widow of Richard S. Draper, late of Company D, First Regiment New York Volunteer Marine Artillery, and pay her a pension at the rate of \$30 per month.

The name of Ann M. Heckaman, widow of George W. Heckaman, late of Company I, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lydia Lau, widow of John K. Lau, late of Company D, One hundred and sixty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Catharine Hoffman, widow of Peter B. Hoffman, late of Company I, Eighth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah J. Laucks, widow of Benjamin Laucks, late of Company E, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Lowe, widow of George W. Lowe, late of Company G, Twelfth Regiment Pennsylvania Reserve Volunteer Infantry, and Company F, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie E. Derby, widow of George Derby, jr., late of Company F, Second Regiment New York Veteran Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy M. Chapman, widow of Austin J. Chapman, late of Company C, Twelfth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Claudia B. Tribble, widow of Alfred Tribble, late of Company E, Seventh Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nona Buck, helpless and dependent daughter of Evan Buck, late of Company C, Fifteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Cornelia A. Dowell, widow of John Dowell, late ordinary seaman, United States Navy, Civil War, and pay her a pension at the rate of \$30 per month.

The name of Bettie E. Garner, widow of Isid B. Garner, alias Isam B. Garner, late of Company G, Sixth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Curtis C. Kirgan, helpless and dependent son of Alfred D. Kirgan, late of Company F, Fifth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Maggie Klnart, widow of Samuel Klnart, late of Company H, Fortieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 a month.

The name of Mary Jane Howells, helpless and dependent daughter of Robert D. Howells, late of Company C, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Eveline Mooney, widow of Jacob C. Mooney, late of Company C, First Battalion, Fourteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Delila Golden, helpless and dependent daughter of Jacob Golden, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Samantha A. Coffey, widow of George H. Coffey, late of Company C, Third Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Libbie B. Sanders, widow of Harvey J. Sanders, late of Company H, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Robert Lewis, late acting assistant surgeon, United States Army, Civil War, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Rosabelle Wade, widow of Myron C. Wade, late of Company F, Ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Anna Jesmer, former widow of Aaron Mandigo, late of Company M, Eighteenth Regiment New York Volunteer Cavalry, and

pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rilda A. Redding, widow of Ritchard M. Redding, late of Company E, One hundred and thirtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah A. Eckstein, widow of George Eckstein, late of Company H, Eighty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Etta Burns, widow of Dennis Burns, late of Company I, One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Allie Burns, helpless and dependent daughter of said Etta and Dennis Burns, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Etta Burns, the name of said Allie Burns shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Etta Burns.

The name of Mary E. Pearson, widow of Ira A. Pearson, late of Company I, Thirty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy Wright, widow of Rufus Wright, late of Company G, Seventh Regiment Tennessee Mounted Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lou Ogden, widow of Wyatt Ogden, late of Company G, Sixty-fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Almira Henderson, widow of William T. Henderson, late of Company G, Sixth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary C. Whitlock, widow of Alexander Whitlock, late of Company G, One hundred and first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Melvina Foster, widow of Decatur Foster, late of Company K, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of George D. Helwig, late of unassigned company, Fifty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Lillian L. Near, helpless and dependent daughter of Benjamin C. Near, late of Company H, Ninety-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Lucia Clark, widow of David H. Clark, late of Company K, Second Regiment Iowa Volunteer Infantry, and Company E, Seventh Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Katie J. Jerolmon, widow of Robert W. Jerolmon, late of Company G, Fifteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Carrie R. Royster, widow of Robert D. Royster, late of Company K, Sixteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Cynthia A. Shafer, widow of Henry Shafer, late of Company B, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rachel A. Boyer, widow of Esta Boyer, late of Company D, Third Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary Rogers, widow of Patrick Rogers, late of Company G, Ninth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maud Works, widow of Wright Works, late of Company B, Sixtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lucinda J. Gibson, widow of William K. Gibson, late of Company B, Seventh Regiment Provisional Missouri Enrolled Militia, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jemima Fritcher, widow of Simon V. Fritcher, alias Simon Fritcher, late of Company C, Fiftieth Regiment New York Volunteer Engineers, and pay her a pension at the rate of \$30 per month.

The name of Laura B. Garland, helpless and dependent daughter of Thomas Garland, late of Company C, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Nancy C. George, widow of Clabourn M. George, late of Company D, Sixth Regiment Tennessee Volunteer Infantry, and pay

her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucretia Burton, widow of Esquire D. Burton, late of Company K, Eighth Regiment Michigan Volunteer Infantry, and Company D, Battalion of United States Engineers, and pay her a pension at the rate of \$30 per month.

The name of Lucina McGhee, widow of Marion McGhee, late of Company K, Sixtieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hannah J. Bradford, now Blake, former widow of Charles Bradford, late of Company D, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Caroline Dawson, widow of Alexander Dawson, late of Company D, Ninth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Christenie R. Henthorn, widow of Richard L. Henthorn, late of Company F, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Marlin L. Rankin, helpless and dependent son of Thomas B. Rankin, late of Company I, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Anastasia Carroll, widow of John Carroll, late of Company D, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Baldwin, widow of Charles H. Baldwin, late of Company D, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Albert Garrett, helpless and dependent son of David Garrett, alias David Gard, late of Company F, Eighty-third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Emma Dally, widow of William R. Dally, late of Company I, Twentieth Regiment, and Company F, Thirty-fifth Regiment, Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Frances M. Bartlett, widow of Benjamin F. Bartlett, late of Company B, Third Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Leah Senft, widow of Franklin Senft, late of Company K, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Addie F. Holihan, former widow of James W. Ross, late of Company H, Eighth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Dora B. Ervin, helpless and dependent daughter of Clinton Ervin, late of Company B, One hundred and fifty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Roseannah Jackson, widow of Martin W. Jackson, late of Company F, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ellen Lanham, former widow of Burrell Earles, late of Company F, Forty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Frances Kenney, widow of Abraham Kenney, late of Company F, Twenty-ninth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emeline Phinney, widow of George Phinney, late of Company H, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Rosina Hesse, widow of Lewis Hesse, late of Company A, Third Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Clara Fisher, widow of Jacob W. Fisher, late of Company D, Fifteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Jennie M. Kloos, widow of Henry Kloos, late of Company E, Tenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emily G. Lee, widow of Newel F. Lee, late of Company E, Sixtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Bridget Lyng, former widow of Luke Burke, late of Company E, Fifth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Annie P. Winnaugle, widow of William F. Winnaugle, late of Company E, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Hudson, widow of David Hudson, late musician, band, Fourth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Emma L. Hardendorff, former widow of Charles A. Gates, late of Company E, First Regiment Maine Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy J. Baldwin, widow of John Baldwin, late of Company C, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Leora E. Wallace, former widow of William H. Wallace, late of Companies C and E, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Emma E. Hill, widow of Seth Hill, late of Company B, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Etta L. Wheeler, helpless and dependent daughter of Ferdinand A. Wheeler, late of Company C, Eighty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Nancy H. Berry, widow of William S. Berry, jr., late of Company H, Ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Everitt, widow of John H. Everitt, late of Company F, First Regiment Potomac Home Brigade, Thirteenth Maryland Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Annie M. Stains, widow of George H. Stains, late of Company C, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Orin Brewster, helpless and dependent son of Joel T. Brewster, late of Company G, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$20 per month, through a legally appointed guardian, in lieu of that he is now receiving.

The name of Abigail Himes, widow of Peter A. Himes, late of Company G, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy J. Hicklin, former widow of Jonathan Hicklin, late of Company K, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah E. Edwards, widow of Robert Taylor Edwards, late of Company D, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Lyon, widow of Charles Lyon, late of Company D, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hannah Cook, widow of William M. Cook, late of Company F, First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elsie J. Robinson, widow of Thomas J. Robinson, late of Company H, Second Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Edwin Fears, helpless and dependent son of Sylvester J. Fears, late of Company A, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Mary E. Morris, widow of Martin V. Morris, alias John C. Brooks, late of Company E, Twelfth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ada Laxson, widow of James W. Laxson, late of Company A, Sixteenth Regiment, and Company I, Twelfth Regiment, Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Annie E. Grissom, former widow of William Davidson, late of Company F, Twelfth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Helen L. Milmine, helpless and dependent daughter of Luke Milmine, late of Company C, Thirty-eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Jennie A. Moore, widow of Madison M. Moore, late of Twelfth Independent Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sophia Bouchard, widow of Matthew Bouchard, late of Company B, Thirty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Frederick Bouchard, helpless and dependent son of said Sophia and Matthew Bouchard, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sophia Bouchard the name of said Frederick Bouchard shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Sophia Bouchard.

The name of Frances Ransom, widow of Daniel T. Ransom, late of Company L, Twelfth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Hart, former widow of David Garver, late of Company H, Forty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Catherine Spicer, widow of Asher Spicer, late of Company D, Eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of William H. Brown, late of Capt. J. T. Musselman's Company I, First Regiment Capitol Guard Kentucky Volunteers, and pay him a pension at the rate of \$50 per month.

The name of Bernard Rogers, late of Company C, First Regiment New Jersey Volunteer Infantry, and Ahl's Independent Battery, Delaware Volunteer Light Artillery, and pay him a pension at the rate of \$50 per month.

The name of Annie M. Hewitt, widow of George P. Hewitt, late of Company I, Forty-third Regiment New York Volunteer Infantry, and Third Independent Battery New York Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of John A. Maples, alias John Maples, late of Capt. James C. Thomson's company, Stoddard and Dunklin Counties, Volunteer Militia of Missouri, and pay him a pension at the rate of \$50 per month.

The name of Sarah E. McQueen, former widow of Oel Morrill, late of Company B, Twelfth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Delia J. McKeon, widow of Phillip McKeon, late of Company B, Ninety-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan L. Dean, widow of Otis B. Dean, late of Company I, Forty-second Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Florence C. Woods, widow of Henry Woods, late of Company H, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Perkins, widow of Jacob D. Perkins, Jr., alias Jacob Perkey, Jr., late of Company B, Eighty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna Kress, helpless and dependent daughter of Nikolaus Kress, late of Company B, Forty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian in lieu of that she is now receiving.

The name of Emma E. Chase, widow of Augustus L. Chase, late landsman, United States Navy, Civil War, and pay her a pension at the rate of \$30 per month.

The name of Mary C. Sutton, helpless and dependent daughter of Andrew Sutton, late of Company E, Twelfth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Rebecca Miller, widow of Ezra Miller, late of Company E, One hundred and fifty-eighth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sidney Morgan, widow of William M. Morgan, late of Company B, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie E. Benedict, widow of Oscar Benedict, late of Company M, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth E. Switzer, widow of John Switzer, late of Company A, Seventeenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Florence J. Glover, widow of John G. Glover, late of Company L, Fifth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Lucinda A. Mosher, widow of Warren Mosher, late of Company H, First Regiment Mississippi Marine Brigade Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Harriet Mosher, helpless and dependent daughter of said Lucinda A. and Warren Mosher, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Lucinda A. Mosher the name of said Harriet Mosher shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Lucinda A. Mosher.

The name of Matilda A. Jackson, widow of Lockhart F. Jackson, late of Company I, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna M. Mucho, widow of William F. Mucho, late of Company E, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louise Barber Snow, widow of Edward Snow, late of Company I, Ninety-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Almira Tulley, former widow of James A. Spear, late of Company B, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ann Lawler, widow of Roderick Lawler, late of Company D, Thirty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha A. Smith, widow of Frederick M. Smith, late of Company K, Thirty-ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Cynthia J. Case, widow of Francis M. Case, late of Company K, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary M. Norton, widow of Joseph N. Norton, late of Company K, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louisa J. Flowers, widow of Thomas B. Flowers, late of Company B, Thirteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Julia L. Stretch, widow of John C. Stretch, late of Company I, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Martha Wilson, widow of Henry Wilson, late of Company D, Eleventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Harvey M. Wilson, helpless and dependent son of said Martha and Henry Wilson, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Martha Wilson the name of said Harvey M. Wilson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Martha Wilson.

The name of Mary E. Woodward, widow of Milton Woodward, late of Company E, One hundred and twenty-first Regiment United States Colored Volunteer Infantry, and Company I, Thirteenth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Margaret E. Giles, widow of Jacob Giles, late of Company D, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret McWhinney, helpless and dependent daughter of Hamilton McWhinney, late of Company C, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Ida M. Snell, widow of George L. Snell, late of Companies K and L, Third Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Ann Clark, widow of Benjamin Clark, late of Company H, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ann E. Reamer, widow of John Reamer, late of Company F, First Regiment New York Volunteer Engineers, and pay her

a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maria L. Peirce, widow of Samuel T. Peirce, late of Company D, Twelfth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Clara M. Willey, widow of John W. Willey, late of Company K, Thirty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Frances C. Owen, widow of Zachariah W. Owen, late of Company C, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hattie H. Hill, former widow of Albert B. Abernethy, late of Company G, Eleventh Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Marion L. Holvenstot, widow of William E. Holvenstot, late of Company B, Third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Nina Holvenstot, helpless and dependent daughter of said Marion L. and William E. Holvenstot, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Marion L. Holvenstot the name of said Nina Holvenstot shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Marion L. Holvenstot.

The name of Mary Burdick, widow of Lewis B. Burdick, late of Company K, One hundredth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Anna L. Shannon, widow of Robert M. Shannon, late of Company M, Second Regiment Pennsylvania Volunteer Heavy Artillery, and Company A, Fourth Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Clarke, widow of Livingston Clarke, late of Companies G and D, Twenty-first Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Isabella Ross, widow of Thomas Ross, late of Company E, Fifth Regiment Pennsylvania Reserve Infantry, and Company C, Third Regiment United States Volunteer Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie Burt, helpless and dependent daughter of James Burt, late of Company A, Fortieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Laura E. Waddle, widow of John Waddle, late of Company D, Eighth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anna Weisbar, widow of Jacob Weisbar, late of Company D, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Matilda Long, widow of Henry A. Long, late of Company F, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Celia A. Woodward, widow of John N. Woodward, late of Company I, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah S. Blair, widow of Hiram G. Blair, late of Company E, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emily Robinson, widow of Rumsey Robinson, late of Company B, One hundred and fifteenth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Bertha A. Pyne, widow of David B. Pyne, alias David B. and William B. Wood, late of Company H, Third Regiment Missouri Volunteer Infantry, and Company H, Fifty-first Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah M. McDonnell, helpless and dependent daughter of Francis McDonnell, late of Company F, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of \$20 per month.

The name of Grace D. Shepherd, widow of Meredith E. Shepherd, late of Company I, First Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nannie E. White, widow of George F. White, late of Company I, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Peter Breen, helpless and dependent son of Terrence Breen, late of Company I, Eleventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Henrietta Cromwell, widow of Arthur Cromwell, late of Company A, Twenty-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mollie M. Corya, widow of William T. Corya, late of Company D, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emily R. Gray, widow of Elsey Gray, late of Company C, Sixth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah C. Smith, widow of David R. Smith, late of Company D, Eleventh Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucy E. Horton, widow of Seymour C. Horton, late of Company E, One hundred and fourteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah E. Shuster, widow of Isaac Shuster, late of Company A, Seventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Isabella Caffey, widow of John M. Caffey, late of Company E, One hundred and seventy-fourth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary James, widow of George James, late of Company B, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hulda Brubaker, widow of David Brubaker, late of Company F, Second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy E. Dietz, widow of William Dietz, late of Company D, One hundred and fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Parelee Moore, widow of Jesse Moore, late of Company I, Thirty-second Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Caroline Stuckenberg, widow of Augustus Stuckenberg, late of Company H, Fifteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Renfrow, widow of Martin V. Renfrow, late of Company B, Sixth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha J. Groves, widow of David Groves, late of Company H, One hundred and sixty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Calsina Gilman, widow of James W. Gilman, late of Company A, Twenty-fifth Regiment, and Company B, Fiftieth Regiment, Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Julia A. Harvey, widow of George L. Harvey, late of Company D, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emily D. Daniels, widow of Lemuel Daniels, late of Company G, Ninth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Adaline Alexander, widow of James M. Alexander, late of Company F, Twelfth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah E. Alexander, widow of Francis M. Alexander, late of Company A, Third Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hattie E. Greene, widow of Samuel R. Greene, late of Company C, First Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Nancy Bassett, widow of Perria Bassett, late of Company I, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sophia Foland, widow of Isaac P. Foland, late of Company E, Thirty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mary D. Foland, helpless and dependent daughter of said Sophia and Isaac P. Foland, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sophia Foland, the name of said Mary D. Foland shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Sophia Foland.

The name of Howard L. Rader, helpless and dependent son of James Rader, late of Company L, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Anna Hamilton, widow of Baxter Hamilton, late of Company C, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Althea Marsh, widow of Willard P. Marsh, late of Companies C and E, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah J. Campbell, widow of Charles S. Campbell, alias Charles S. Sprout, late of Company E, Twelfth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Nanny Nathan, widow of Morris G. Nathan, late of Company B, Twenty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah Ann Scott, widow of Thomas Scott, late of Company E, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Morgan, widow of James Morgan, late of Company C, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan McColgin, widow of William W. McColgin, late of Company C, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha Rose, widow of John Rose, late of Company L, Second Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

This bill is a substitute for the following House bills referred to said committee:

H. R. 546. Eliza J. Bogle.
H. R. 560. Elizabeth Lockwood.
H. R. 569. Mary H. Robbins.
H. R. 575. Lucy H. Woolard.
H. R. 579. Harriet L. Messenger.
H. R. 627. Earl Kelley.
H. R. 628. Frances Scriver.
H. R. 634. Margaret Hayes.
H. R. 644. Margaret Tucker.
H. R. 665. Emma Schaumburger.
H. R. 698. Mary H. Briggs.
H. R. 712. Lizzie H. Elliott.
H. R. 756. Hannah O'Brien.
H. R. 824. Sadie E. Oliver.
H. R. 826. Ella F. George.
H. R. 864. Laura W. Pratt.
H. R. 866. Mary L. Stewart.
H. R. 869. Sarah L. Adams.
H. R. 916. Anna Williamson.
H. R. 938. Emily J. Farrar.
H. R. 954. Louisa Butcher.
H. R. 976. Mary E. Harl.
H. R. 981. Annie E. Lamb.
H. R. 997. Mary Brownfield.
H. R. 1012. Eliza O'Neill.
H. R. 1014. Elizabeth Pringle.
H. R. 1018. Loucretia C. Robinson.
H. R. 1019. Elizabeth Russell.
H. R. 1029. Sarah E. Zinn.
H. R. 1032. Sarah C. Young.
H. R. 1033. Mary A. Stroup.
H. R. 1034. Mary A. Bowser.
H. R. 1035. Emma J. Smith.
H. R. 1036. Sophia J. Long.
H. R. 1038. Susanna Imler.
H. R. 1087. Henrietta Downing.
H. R. 1122. Martha K. Patterson.
H. R. 1142. Hannah M. Barker.
H. R. 1150. Mary A. Stowell.
H. R. 1200. Fannie S. Bush.
H. R. 1203. Emma R. Hamilton.
H. R. 1204. Susannah G. Newcomb.
H. R. 1263. Emma J. Childs.
H. R. 1288. Louisa R. Webber.
H. R. 1291. Emma L. Davis.
H. R. 1296. Nellie M. Withee.
H. R. 1326. Joanna Simpson.
H. R. 1332. Elizabeth Hutchison.
H. R. 1349. Nancy A. Ginn.
H. R. 1367. Mary M. Walker.
H. R. 1381. Elizabeth Bolgard.
H. R. 1385. Lucinda Lent.
H. R. 1430. Louisa Mowers.
H. R. 1437. Eliza A. Spraker.
H. R. 1457. Charlotte Tyndall.
H. R. 1468. Rosie Adams.
H. R. 1494. Josephine Dodson.
H. R. 1529. Betsy A. Cranker.
H. R. 1577. Lillie Hamby.
H. R. 1584. Maria J. Burnham.
H. R. 1606. Anna M. Crosby.
H. R. 1636. Nancy M. Moore.
H. R. 1638. Angie M. Reed.
H. R. 1709. Mary J. Welch.
H. R. 1725. Robert Zink.
H. R. 1755. Laura A. Martin.
H. R. 1778. Clara J. Cunningham.
H. R. 1782. Jennie E. Baker.
H. R. 1786. Sarah C. Childers.
H. R. 1787. Mary E. Cunningham.
H. R. 1788. Sarah E. Drago.
H. R. 1802. Litha C. Silvers.
H. R. 1812. Donia C. Eakins.
H. R. 1825. Sarah E. Sunderland.
H. R. 1832. Henrietta Reed.
H. R. 1875. John M. Christy.
H. R. 1885. Elizabeth Miller.
H. R. 1889. Mary E. Gates.
H. R. 1979. Kate Rhea.
H. R. 2014. Mary J. Tullis.
H. R. 2019. Talitha J. Steward.
H. R. 2023. Martha McGonagle (In-sane).
H. R. 2038. Avarilla C. Culler.
H. R. 2092. Clara J. Crozier.
H. R. 2094. Silas A. Weaver.
H. R. 2112. Ellen A. Baker.
H. R. 2148. Elizabeth Exby, now Sleser.
H. R. 2153. Betsy F. Ballou.
H. R. 2219. Ettie H. French.
H. R. 2241. Eliza M. Inman.

H. R. 2289. Mariah E. Smith.
H. R. 2309. Alice G. Guyer.
H. R. 2349. Martha A. Turner.
H. R. 2377. America Williamson.
H. R. 2400. Mary E. Hollingsworth.
H. R. 2401. Martha E. Schooler.
H. R. 2406. John H. Milstead.
H. R. 2409. Sarah J. Arbuckle.
H. R. 2415. Mary Powell.
H. R. 2425. Elizabeth A. Richards.
H. R. 2432. Eliza Hammond.
H. R. 2446. Marion L. Ross.
H. R. 2447. Mary L. Taylor.
H. R. 2455. Mary J. Harcourt.
H. R. 2459. Julia Farrell.
H. R. 2474. Elizabeth G. Snyder.
H. R. 2475. Amanda M. Finney.
H. R. 2512. Mary A. Helm.
H. R. 2513. Amelia C. Keck.
H. R. 2517. Anna Pruden.
H. R. 2523. Jennie B. Slayton.
H. R. 2556. Amelia A. Collins.
H. R. 2559. Martha C. Hunsberger.
H. R. 2614. Eva Christina Loth.
H. R. 2621. Mary J. Rickard.
H. R. 2629. Mary E. Whitmore.
H. R. 2630. Maria E. Witter.
H. R. 2661. Ellen E. Godfrey.
H. R. 2672. Callie Wagner.
H. R. 2692. Joseph M. Christy.
H. R. 2693. John Quinn.
H. R. 2778. Martha J. Forsythe.
H. R. 2783. Sarah F. Kanouse.
H. R. 2844. Louisa Ward.
H. R. 2894. Sam Mendor.
H. R. 2923. Louisa Kemp.
H. R. 2940. Leonora D. Mullen.
H. R. 2945. Annie Goodwin.
H. R. 2988. Phebe T. Miller.
H. R. 2999. Emily V. Buskirk.
H. R. 3027. Margaret A. Warner.
H. R. 3028. Henry W. Key.
H. R. 3046. Ophelia Shoemaker.
H. R. 3065. Della M. Hall.
H. R. 3101. Sarah A. Eby.
H. R. 3144. Jennie Benjamin.
H. R. 3145. Ann Ryan.
H. R. 3154. Maria Dalton.
H. R. 3198. Mary M. Jones.
H. R. 3199. Matilda Miller.
H. R. 3255. Andrew Caldwell.
H. R. 3306. Elizabeth L. Henson.
H. R. 3426. Lucy Wolfington.
H. R. 3460. Marilla Matthews.
H. R. 3477. Sarah Ann Turner.
H. R. 3479. Mary J. Shranger.
H. R. 3471. Margaret J. McKean.
H. R. 3505. Ella J. Hunsbarger.
H. R. 3519. Abigail A. Butler.
H. R. 3527. Cornelia J. Lester.
H. R. 3559. Viola Holmes.
H. R. 3574. Cora R. Burton.
H. R. 3579. Laura A. Anderson.
H. R. 3678. Sedate C. Cooley.
H. R. 3695. Amelia Weber.
H. R. 4147. Maggie Neidig.
H. R. 4149. Lovina E. Willoughby.
H. R. 4160. Alice Mansfield.
H. R. 4165. Myra C. Hawley.
H. R. 4181. Georgie A. Fifield.
H. R. 4207. Hannah Dyslin.
H. R. 4264. Malvina Jenkins.
H. R. 4298. Mariah Feagley.
H. R. 4318. Ellen Hughes.
H. R. 4330. Deborah E. Bowling.
H. R. 4346. Amella A. Keith.
H. R. 4348. Nancy E. Dillon.
H. R. 4379. Artie Nokes.
H. R. 4394. Albert O. Tucker.
H. R. 4398. Mary H. Appleton.
H. R. 4616. Sarah J. Somerlott.
H. R. 4624. Louisa Semmel.
H. R. 4629. Edna M. Brownell.
H. R. 4687. Eliza J. Johnson.
H. R. 4707. Mary A. Crow.
H. R. 4710. Mandane Wright.
H. R. 4712. Melissa Vorhees.
H. R. 4713. Maria J. Pierce.
H. R. 4713. Mary H. Bell.
H. R. 4851. Anne M. Todd.
H. R. 4880. Elizabeth Moore.
H. R. 4904. Emma M. Tallentire.
H. R. 4907. Lucinda A. Gregg.
H. R. 4946. Susan J. Walte.
H. R. 4981. Thomas Colburn.
H. R. 4999. Harriet A. Hoffer.
H. R. 5022. Mary E. Hervey.
H. R. 5053. Harriet Johnson.
H. R. 5065. Sarah E. Roebuck.
H. R. 5067. Emma J. Shade.
H. R. 5097. Lizzie C. Castelo.
H. R. 5106. Flora Odell.
H. R. 5109. Granville Tobey.
H. R. 5113. Mary A. Smith.
H. R. 5114. Sarepta Richards.
H. R. 5137. Mary Garlinghouse.
H. R. 5160. Jennie Hunter.
H. R. 5162. Emma A. Wright.
H. R. 5166. Margaret J. Baker.
H. R. 5175. Lydia A. McGrew.
H. R. 5281. Weston G. Sabin.
H. R. 5311. Emily F. Smith.
H. R. 5325. Melissa B. Roberts.
H. R. 5326. Marcella S. Brodt.
H. R. 5328. C. Jennie Congleton.
H. R. 5424. Martha J. McGonagle.
H. R. 5426. Maria Tway.
H. R. 5428. Ella Buchanan.
H. R. 5450. Jane Ayre.
H. R. 5476. Emeline Reed.
H. R. 5479. Emilia Radt.
H. R. 5482. Harriette A. Boyd.
H. R. 5500. Catherine Rutherford.
H. R. 5523. Amanda Lowry.
H. R. 5534. Melissa E. Gaines.
H. R. 5537. Mary Jane Worthington.
H. R. 5538. Theodosia D. Whitaker.
H. R. 5562. Alice E. Miller.
H. R. 5625. Mary E. Masterson.
H. R. 5654. Sarah E. Reed.
H. R. 5745. Catharine Fielding.
H. R. 5790. Elizabeth Penland.
H. R. 5801. Margaret C. Ebbert.
H. R. 5807. Anne M. Luman.
H. R. 5910. Elmina C. Standley.
H. R. 5916. Mary M. Sams.
H. R. 5919. Sarah A. Noxon.
H. R. 6019. Jennie E. Wynn.
H. R. 6032. Mary E. Garrett.
H. R. 6036. Fannie S. Nuss.
H. R. 6150. Clarissa Bard.
H. R. 6153. Adelaide Belleau.
H. R. 6209. Florence Crowell.
H. R. 6221. Emily Roof.
H. R. 6222. Mary C. Witherby.
H. R. 6224. Nancy I. Hankins.
H. R. 6263. Nannie Kirby.
H. R. 6288. Ann M. Heckaman.
H. R. 6299. Lydia Lau.
H. R. 6307. Catharine Hoffman.
H. R. 6310. Sarah J. Laucks.
H. R. 6311. Elizabeth Lowe.
H. R. 6328. Jennie E. Derby.
H. R. 6416. Nancy M. Chapman.
H. R. 6436. Claudia B. Tribble.
H. R. 6453. Nona Buck.
H. R. 6617. Cornelia A. Dowell.
H. R. 6623. Bettie E. Garner.
H. R. 6660. Curtis C. Kirgan.
H. R. 6675. Maggie Kinart.
H. R. 6841. Mary Jane Howells.
H. R. 6869. Eveline Mooney.
H. R. 6882. Della Golden.
H. R. 6926. Samantha A. Coffey.
H. R. 6928. Libbie B. Sanders.
H. R. 7000. Robert Lewis.
H. R. 7002. Rosabelle Wade.
H. R. 7046. Anna Jesmer.
H. R. 7130. Rilda A. Redding.
H. R. 7131. Sarah A. Eckstein.
H. R. 7235. Etta Burns.
H. R. 7237. Mary E. Pearson.
H. R. 7239. Nancy Wright.
H. R. 7332. Lou Ogden.
H. R. 7341. Mary C. Whitlock.
H. R. 7406. Melvina Foster.
H. R. 7411. George D. Helwig.
H. R. 7422. Lillian L. Near.
H. R. 7431. Lucila Clark.
H. R. 7442. Katie J. Jerolmon.
H. R. 7500. Carrie R. Royster.
H. R. 7511. Cynthia A. Shafer.
H. R. 7531. Rachel A. Boyer.
H. R. 7546. Mary Rogers.
H. R. 7553. Maud Works.
H. R. 7639. Lucinda J. Gibson.
H. R. 7699. Jennima Fritcher.
H. R. 7718. Laura B. Garland.
H. R. 7731. Nancy C. George.
H. R. 7769. Lucretia Burton.
H. R. 7782. Lucina McGhee.
H. R. 7802. Hannah J. Bradford, now Blake.
H. R. 7880. Caroline Dawson.
H. R. 7925. Christene R. Henthorn.
H. R. 7926. Marlin L. Rankin.
H. R. 7931. Anastasia Carroll.
H. R. 7990. Mary E. Baldwin.
H. R. 8053. Albert Garrett.
H. R. 8092. Emma Dally.
H. R. 8172. Frances M. Bartlett.
H. R. 8238. Leah Seft.
H. R. 8277. Addie F. Holliban.
H. R. 8280. Dora B. Ervin.
H. R. 8281. Roseannah Jackson.
H. R. 8298. Ellen Lanham.
H. R. 8299. Frances Kenney.
H. R. 8330. Emeline Phinney.
H. R. 8340. Rosina Hesse.
H. R. 8370. Clara Fisher.
H. R. 8440. Jennie M. Kloos.
H. R. 8499. Emily G. Lee.
H. R. 8500. Bridget Lyng.
H. R. 8544. Annie P. Winaugle.
H. R. 8547. Mary J. Hudson.
H. R. 8604. Emma L. Hardendorff.
H. R. 8621. Nancy J. Baldwin.
H. R. 8626. Leora E. Wallace.
H. R. 8678. Emma E. Hill.
H. R. 8682. Etta L. Wheeler.
H. R. 8700. Nancy H. Berry.
H. R. 8729. Mary E. Everitt.
H. R. 8780. Annie M. Stains.
H. R. 8782. Orin Brewster.
H. R. 8792. Abigail Himes.
H. R. 8811. Nancy J. Hicklin.
H. R. 8813. Sarah E. Edwards.
H. R. 8840. Mary J. Lyon.

H. R. 8843. Hannah Cook.
H. R. 8867. Elsie J. Robinson.
H. R. 8877. Edwin Fears.
H. R. 8880. Mary E. Morris.
H. R. 9014. Ada Laxson.
H. R. 9027. Annie E. Glasom.
H. R. 9066. Helen L. Milmine.
H. R. 9087. Jennie A. Moore.
H. R. 9143. Sophia Bouchard.
H. R. 9146. Frances Ransom.
H. R. 9149. Elizabeth Hart.
H. R. 9153. Catherine Spicer.
H. R. 9243. William H. Brown.
H. R. 9281. Bernard Rogers.
H. R. 9301. Annie M. Hewitt.
H. R. 9333. John A. Maples, alias John Maples.
H. R. 9354. Sarah E. McQueen.
H. R. 9359. Della J. McKeown.
H. R. 9361. Susan L. Dean.
H. R. 9365. Florence C. Woods.
H. R. 9378. Mary E. Perkins.
H. R. 9385. Anna Kress.
H. R. 9401. Emma E. Chase.
H. R. 9403. Mary C. Sutton.
H. R. 9405. Rebecca Miller.
H. R. 9406. Sydney Morgan.
H. R. 9411. Jennie E. Benedict.
H. R. 9423. Elizabeth E. Switzer.
H. R. 9523. Florence J. Glover.
H. R. 9526. Lucinda A. Mosher.
H. R. 9540. Matilda A. Jackson.
H. R. 9548. Anna M. Mucho.
H. R. 9680. Louise Barber Snow.
H. R. 9705. Almira Tulley.
H. R. 9711. Ann Lawler.
H. R. 9732. Martha A. Smith.
H. R. 9739. Cynthia J. Case.
H. R. 9756. Mary M. Norton.
H. R. 9767. Louisa J. Flowers.
H. R. 9794. Julia L. Stretch.
H. R. 9799. Martha Wilson.
H. R. 9802. Mary E. Woodward.
H. R. 9837. Margaret E. Giles.
H. R. 9847. Margaret McWhinney.
H. R. 9886. Ida M. Snell.
H. R. 9891. Mary Ann Clark.
H. R. 9909. Ann E. Reamer.
H. R. 9922. Maria L. Peirce.
H. R. 9955. Clara M. Willey.

H. R. 9974. Frances C. Owen.
H. R. 9977. Hattie H. Hill.
H. R. 9992. Marion L. Holvenstot.
H. R. 10015. Mary Burdick.
H. R. 10016. Anna L. Shannon.
H. R. 10032. Elizabeth Clarke.
H. R. 10036. Isabella Ross.
H. R. 10045. Jennie Burt.
H. R. 10065. Laura E. Waddle.
H. R. 10074. Anna Welshar.
H. R. 10102. Matilda Long.
H. R. 10110. Cella A. Woodward.
H. R. 10114. Sarah S. Blair.
H. R. 10150. Emily Robinson.
H. R. 10153. Bertha A. Pyne.
H. R. 10163. Sarah M. McDonnell.
H. R. 10175. Grace D. Shepherd.
H. R. 10182. Nannie E. White.
H. R. 10189. Peter Breen.
H. R. 10214. Henrietta Cromwell.
H. R. 10218. Mollie M. Corya.
H. R. 10231. Emily R. Gray.
H. R. 10255. Sarah C. Smith.
H. R. 10256. Lucy E. Horton.
H. R. 10257. Sarah E. Shuster.
H. R. 10282. Isabella Caffey.
H. R. 10283. Mary James.
H. R. 10287. Hulda Brubaker.
H. R. 10326. Nancy E. Dietz.
H. R. 10340. Parelee Moore.
H. R. 10372. Caroline Stuckenbergl.
H. R. 10401. Elizabeth Renfrow.
H. R. 10449. Martha J. Groves.
H. R. 10477. Calsina Gilman.
H. R. 10517. Julia A. Harvey.
H. R. 10524. Emily D. Daniels.
H. R. 10535. Adaline Alexander.
H. R. 10536. Sarah E. Alexander.
H. R. 10555. Hattie E. Greene.
H. R. 10596. Nancy Bassett.
H. R. 10653. Sophia Foland.
H. R. 10671. Howard L. Rader.
H. R. 10678. Anna Hamilton.
H. R. 10705. Althea Marsh.
H. R. 10743. Sarah J. Campbell.
H. R. 10758. Nancy Nathan.
H. R. 10840. Sarah Ann Scott.
H. R. 10910. Mary Morgan.
H. R. 11005. Susan McColgin.
H. R. 11032. Martha Rose.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FULLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. BERGER. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes out of order next Monday morning right after the reading of the Journal and the disposition of matters on the Speaker's table. I have the consent of the leader of the Republican Party and of the Democratic Party.

Mr. BEGG. Mr. Speaker, reserving the right to object, did the gentleman consult the chairman of the Committee on the District of Columbia? Monday is District day, and I do not think we ought to give it away unless the gentleman from Maryland [Mr. ZIEHLMAN] is present. If the chairman of the District Committee has no objection—

Mr. BERGER. I have not seen the gentleman.

Mr. BEGG. Does not the gentleman think he ought to see him?

Mr. BLANTON. Mr. Speaker, if the gentleman will make it for some day other than Monday, I shall not object; but Monday is District day, and the District Committee will probably have but one other day, and it certainly ought to have next Monday.

Mr. BERGER. How about Tuesday?

Mr. BLANTON. I shall not object to that.

Mr. BERGER. Then, Mr. Speaker, I make the same request as to next Tuesday.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that on Tuesday, after the reading of the Journal and the disposition of matters on the Speaker's desk, he may be permitted to address the House for 30 minutes. Is there objection?

Mr. HOLADAY. Mr. Speaker, reserving the right to object, may I inquire the subject of the gentleman's remarks?

Mr. BERGER. I have introduced half a dozen bills, and I have not had a chance to explain them. I want to explain my bills which I have introduced; that is all.

Mr. HOLADAY. On what particular subjects?

Mr. BERGER. Oh, on all kinds of subjects pertaining to our platform and our program.

Mr. BLANTON. Socialism mainly.

Mr. BERGER. No; not socialism mainly, but on all kinds of subjects.

Mr. UNDERHILL. Mr. Speaker, I demand the regular order. The SPEAKER. Is there objection?

There was no objection.

INCREASE OF PENSIONS

Mr. FULLER. Mr. Speaker, I call up the bill S. 1609, an act to increase the pensions of those who lost limbs or have been totally disabled in the same, or become totally blind, in the military or naval service of the United States, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Illinois calls up the bill S. 1609 and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

Mr. CRAMTON. Reserving the right to object, will the gentleman state whether the Senate has passed any of our pension bills. I understand they have an embargo over there.

Mr. FULLER. As to this bill there ought to be no objection—

Mr. CRAMTON. The gentleman does not propose to pass a lot of Senate omnibus bills until action is taken on our bills, does he?

Mr. FULLER. No; I do not.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the approval of this act all persons now on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in line of duty, shall have lost one hand or one foot, or have been totally disabled in the same, shall receive a pension at the rate of \$65 per month; that all persons who in like manner shall have lost an arm at or at any point above the elbow, or a leg at or at any point above the knee, or have been totally disabled in the same, shall receive a pension at the rate of \$75 per month; that all persons who in like manner shall have lost one hand or one foot and in addition thereto shall have lost a portion of the other hand or foot shall receive a pension at the rate of \$85 a month; that all persons who in like manner shall have lost one hand and one foot or shall have been totally disabled in the same shall receive a pension at the rate of \$100 per month; and that all persons who in like manner shall have lost both arms or both legs or have been totally disabled in the same, or shall have lost the sight of both eyes, shall receive a pension at the rate of \$125 per month.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FULLER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE PRIVATE CALENDAR

The SPEAKER. The Clerk will report the first bill on the Private Calendar.

Mr. UNDERHILL. Mr. Speaker, I move that the bills on the Private Calendar unobjected to be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. UNDERHILL. And that we begin where we left off.

Mr. JEFFERS. Mr. Speaker, there were one or two bills last Saturday passed over without prejudice. I was out of town on important business, and I ask unanimous consent that we take up the fifth bill on the calendar (H. R. 965), for the relief of C. B. Wells.

The SPEAKER. The gentleman from Alabama asks unanimous consent to take up the bill, Calendar No. 98.

Mr. UNDERHILL. I shall not object to this, but I shall to any other request.

Mr. DOYLE. Mr. Speaker, the first bill on the calendar is (H. R. 4140) for the relief of John Hammill. I ask unanimous consent that it be withdrawn and referred back to the Committee on Claims.

The SPEAKER. Is there objection?

There was no objection.

C. B. WELLS

The first business on the Private Calendar was the bill (H. R. 965) for the relief of C. B. Wells.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. B. Wells, of Anniston, Ala., the sum of \$132.80, together with interest thereon at the rate of 6 per cent per annum.

from October 30, 1919, until the date of payment. Such sum of \$132.50 represents the amount of overpayment to the United States made by the said C. B. Wells on October 30, 1919, through an error in the estimate of the weight of steel purchased by him from the United States.

With the following committee amendment:

Strike out the last seven words in line 6, and all of lines 7 and 8. In line 9 strike out the first word and substitute the words "on account."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

C. P. KITCHEN

The next business on the Private Calendar was the bill (H. R. 2209) for the relief of C. P. Kitchen.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BEEDY. Reserving the right to object, I want to say to the gentleman from Texas that I will not object to the bill if he will accept an amendment reducing the amount from \$1,500 to \$1,000. If the gentleman wants me to take the time, I will explain why I make that request.

Mr. BRIGGS. Will the gentleman let me say a few words in connection with the claim?

Mr. BEEDY. Very well, there are a lot of bills to be considered here—I want to give everybody a chance.

Mr. BRIGGS. If the gentleman could see a photograph of the gash cut in this man's back, from the neck down the back, and know the period of time he was incapacitated and the testimony of the surgeon of the State medical college, I am quite sure the gentleman would not ask for that because it ought to be increased instead of diminished.

Mr. BEEDY. The gentleman and I will not have any controversy about that, but this \$1,500 claim is said to have been computed on the basis of average earning capacity which is put at \$30 a week. Page 14 of the report shows that this man earned in July and August, \$24.45; in September, \$125; in October, \$81.55, a total in five months of \$231. How you get an average of \$30 a week I do not see. It is \$17 a week, if you are generous and do not consider that for some time he did not earn anything.

Mr. BRIGGS. I will say that this man is a laborer. He has 10 children, and he earns 48 cents an hour. That data was put in to give some indication of what he was making, but the testimony shows that on the average he received \$25 to \$30 a week year in and year out.

Mr. BLANTON. Will the gentleman yield?

Mr. BEEDY. Yes.

Mr. BLANTON. The gentleman ought to state to the House that the committee has cut this claim down from \$5,000 to \$1,500, and when you speak of earning capacity there is a bill on the calendar that seeks to pay a little child \$5,000 that had no earning capacity at all.

Mr. BEEDY. That bill has been withdrawn.

Mr. Speaker, I will say to the gentleman I want to be generous, and we should proceed here with some degree of care. Assume that the claimant could have earned \$25 a week for three or four months. Let us say he was laid up for eight months; and that would be \$100 a month, or \$800 for eight months. Say we add \$200 more to be generous, and I will say to the gentleman that in a court of law, if this case were to be tried, I doubt very much in the first place that a court would find any legal liability, and in the second place I doubt whether \$1,000 damage would be awarded. I do think that \$1,500 is excessive, and I think \$5,000 is all out of reason.

Mr. BRIGGS. Let me offer this testimony on page 4, third paragraph. This was written October 19, 1925. The man was injured in February, 1925. That is eight months, and this is what the surgeon says in regard to it.

It is my opinion that this man's injury was such that he is still considerably disabled as a result of it, the disability being only partial at this time, he being able to do light work and work that does not cause an excessive amount of exertion. His partial disability will probably continue getting less for the next six months. Eventually he should not be seriously handicapped from manual labor as the result of his wounds. Of course a scar to this extent will continue to cause some stiffness in his comfort for probably a year or more.

Mr. BEEDY. If the gentleman will permit me also to read from page 12:

The wound did not need any dressing after the third and fourth week in the month of May.

Mr. UNDERHILL. Mr. Speaker, the committee arrived at this amount after due consideration not based entirely upon the length of the time the man was found incapacitated from his work, but because the report showed that he was incapacitated for some time thereafter, and his earning capacity would be reduced. If the gentleman could see the photograph of the terrible wound he has in his back he would wonder how he could perform any laborious work at all. Consequently, as a matter of equity, not as a matter of law, we tried to cover this man just as he would be covered if he had been a Government employee. That is the only explanation the committee cares to offer.

Mr. BEEDY. I think I made it clear here that I wanted to be generous and do the equitable thing, and I call the attention of the House to the report, page 14, which the gentleman from Texas read from, fourth line from the last, "his partial disability will probably continue, getting less, for the next six months."

Mr. BRIGGS. I say that he was injured February 5, 1925, and in October when the testimony was given, that would be six months, which would have brought it to April of this year, so it would be 14 months—

Mr. BEEDY. I would give him full pay for six months at \$100 a month, and that is more than the evidence shows he would have made, and then I would add a couple of hundred dollars as a bonus.

Mr. BRIGGS. No; this man has had an immense amount of pain and suffering. He has 10 little children who are dependent upon him for support and he has been subject to the care of the United Charities. All of these things are in connection with the injury and in addition to the fact he is not now equal to doing manual labor such as he is fitted to do, keeps him incapacitated to that extent now. I hope the gentleman will not object.

Mr. BEEDY. I wish the gentleman would consider, if he does not now, that there is in the first place the question of legality here, and I want to waive that. I think there is a question as to the legality of, but I want to be generous with him, and I say I will not object if the gentleman will accept an amendment reducing the claim to \$1,000 from \$1,500.

Mr. McLAUGHLIN of Michigan. Ought not the gentleman to come before the House and offer that amendment?

Mr. BEEDY. Certainly.

Mr. BRIGGS. Will the gentleman divide that difference and make it \$1,250?

Mr. BEEDY. I will not take up the time of the House to dicker on that, but I will make it \$1,200.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to C. T. Kitchen, of Galveston, Tex., in full settlement of all claims against the Government of the United States for serious injuries inflicted upon him by a Government airplane operated by an officer or aviator of the United States Army on or about February 25, 1925, in Galveston County, Tex., while such officer or aviator was engaged in the operation of such airplane in line of duty.

The committee amendment was read, as follows:

Line 5, page 1, strike out \$5,000 and insert \$1,500.

Mr. BEEDY. I move to amend by striking out \$1,500 and inserting \$1,200.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike out \$1,500 and insert \$1,200.

The SPEAKER pro tempore. The question is on the amendment to the committee amendment.

The question was taken, and the amendment to the committee amendment was rejected.

The SPEAKER pro tempore. The question is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

REPLY OF HON. CHARLES H. BURKE, COMMISSIONER OF INDIAN AFFAIRS, TO CONGRESSMAN JAMES A. FREAR

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent that the statement made by Hon. Charles H. Burke, Commis-

sloner of the Bureau of Indian Affairs, before the Committee on Indian Affairs a few days ago, relative to Indian matters, and also a very brief statement made by Congressman HAYDEN be inserted in the RECORD as a part of my extension of remarks. I may state that I talked with the gentleman from Wisconsin [Mr. FREAR], to whom in part Mr. Burke replied, and it is satisfactory to him to have Mr. Burke's statement inserted in the RECORD.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. McLAUGHLIN of Michigan. I gathered from the remarks of the gentleman from Wisconsin [Mr. FREAR] that Mr. Burke's testimony given before the Committee on Indian Affairs covered three hours, and it has already been printed. Why again print it in the RECORD?

Mr. WILLIAMSON. There are at least four speeches by Mr. FREAR in regard to this matter, and I think it is only fair to Mr. Burke, the Commissioner of the Indian Bureau, that his statement should go into the RECORD.

Mr. McLAUGHLIN of Michigan. It seems to me it is an unnecessary expense and a loading up of the RECORD. It is already in print, a speech of three hours. I do not think it is reasonable, although I do not know enough about it to enter an objection.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, this three-hour speech was delivered before the gentleman's committee?

Mr. WILLIAMSON. Yes, sir.

Mr. BLANTON. And it is printed as a committee hearing, and Mr. Burke could have a hundred thousand copies reprinted by paying the actual cost if he wants under the rules of the House. What is the use of putting it in the RECORD?

Mr. WILLIAMSON. We would like to have it given the same publicity and the same circulation as is given to the statement of the gentleman from Wisconsin [Mr. FREAR].

Mr. BLANTON. The gentleman heard Mr. FREAR this morning and he ought to be fair with Mr. FREAR. He asked that the statement of Mr. Collier should go in, and his request was denied.

Mr. WILLIAMSON. I did not object. Mr. Collier, however, is not a representative of the Government. A number of Mr. Collier's letters have already been inserted in the RECORD by Mr. FREAR. Mr. Burke commented on these and other matters sent out by Mr. Collier.

Mr. BLANTON. His action was attacked by Mr. Burke, as I understand.

Mr. CARTER of Oklahoma. No. Mr. Collier attacked Mr. Burke, and Mr. Burke defended himself.

The SPEAKER. Is there objection?

Mr. BLANTON. I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WILLIAMSON. Mr. Speaker, a number of speeches have been made by the gentleman from Wisconsin [Mr. FREAR] in this House attacking the Bureau of Indian Affairs, in the course of which he challenged the commissioner, Hon. Charles H. Burke, at its head to refute the charges made by him.

As a result of this challenge the commissioner advised the Committee on Indian Affairs of the House of Representatives that, if as many as three members of such committee desired him to do so, he would be glad to appear before that committee and make a detailed reply to the charges preferred. The committee voted to hear Mr. Burke during the consideration of H. R. 8823.

While the length of Mr. FREAR's speeches as extended in the RECORD made it impossible for the commissioner to cover every matter referred to by the gentleman from Wisconsin, his statement is sufficiently comprehensive to cover most of the charges made. I may state that it is the consensus of opinion of the Committee on Indian Affairs that Mr. Burke's statement should be inserted in the RECORD, so that the same people who may have read Mr. FREAR's speeches will have an opportunity to read the commissioner's reply.

Under leave granted by the House I am, therefore, appending hereto a letter dated April 1, 1926, and the statement made by Commissioner Burke before the Indian Affairs Committee on April 10 and 14, 1926:

STATEMENT OF HON. CHARLES H. BURKE, COMMISSIONER OF INDIAN AFFAIRS

Mr. BURKE. Mr. Chairman and gentlemen of the committee, possibly some members of the committee have not read the letter of April 1, which the chairman has suggested be incorporated in this record, and I want to read it for their information.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 1, 1926.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: In the remarks of my friend, the Hon. Mr. FREAR, of Wisconsin, appearing in the CONGRESSIONAL RECORD of March 26, 1926, referring to remarks made on a former occasion and appearing in the RECORD of March 5, 1926, Mr. FREAR stated:

"I would not willingly do Mr. Burke any injustice, but he should come out in the open if any of these statements are incorrect and plead his case before the public; or, better, before a committee of the House or Senate, where the record will be made."

As I do not consider what Mr. FREAR has stated constitutes an indictment, I do not feel called upon to "plead" my case before the public or elsewhere. I am, however, ready and willing to appear before your committee at any time to answer his charges and to answer any questions that any member of the committee may wish to ask me. In view of the misinformation, misleading and untrue statements made by Mr. FREAR, if there are as many as three members of your committee who feel that they would like me to answer them, it is my desire and hope that the committee will fix a time and afford me an opportunity to do so, the time to be agreeable to Mr. FREAR in order that he may be present.

Respectfully,

CHARLES H. BURKE, Commissioner.

Mr. BURKE. By way of explanation I will say that the reason I predicated my request by stating if there were as many as three members that would like me to make a statement, that I would be very glad to do so, was because I did not believe that any member of this committee who had served even one term in Congress would be misled by the statements contained in the speeches of Mr. FREAR, knowing that there are members of the committee who are serving in this Congress who have not served heretofore, and thinking, possibly, they might have read the speeches and felt that there were statements that they would like to hear me respond to; that the committee treated my request by extending to me the courtesy of coming before the committee and making a statement, I wish to express my appreciation and thanks. In what I am going to say I shall endeavor to avoid indulging in any personal reflections. I have no quarrel with my friend and former colleague over this or any other matter, but I do feel that members of this committee and Members of the Congress, and the public, perhaps, ought to have a statement from the commissioner with reference to the things that have appeared from time to time in a series of his speeches or extended remarks appearing in the CONGRESSIONAL RECORD.

I want at the outset to exonerate Mr. FREAR from having possibly made some misleading statements and statements that are inaccurate and, perhaps, not true, because it is very apparent that he has made no study of the subject; that he is speaking without any knowledge acquired by research, but he has taken his information from an organization in which he apparently seems to have entire confidence, and then, such statements as he may have picked up from mixed bloods or other Indians and accepted as true, without any regard to what the official reports of Congress may disclose or what the files of the Department of the Interior and Bureau of Indian Affairs may contain relative to statistics and other information, but he accepts statements that come to him recklessly without questioning the authority or the reliability of the source from which the information comes.

In his remarks on March 5 he repeatedly states that he bases much of what he says upon information from the association known as the American Indian Defense Association. This is an organization that has moved in here recently, represented by a man by the name of John Collier. He has opened an office and he has been very active in furnishing to Congress and to the press propaganda, issuing from time to time pamphlets and circulars most of which I have here, and is maintaining a press bureau, and, apparently, his relations with the gentleman from Wisconsin are rather close, apparently quite intimate, and Mr. FREAR has accepted the statements that Mr. Collier has made, as being reliable.

In this speech of March 5, I just want to quote a few extracts, page 3327 of the RECORD, as follows:

"I have had placed before me statements prepared by the American Indian Defense Association."

Also a letter of February 2, 1926, from John Collier, executive secretary Indian Defense Association, and in the RECORD of March 5—

"Haven Emerson, president of the American Indian Defense Association, placed in print on the desks of Members a specific statement."

And on page 5036 of the RECORD of the same date—

"John Collier, executive secretary of the same organization, says,"

And on page 5044, referring to a statement affecting H. R. 9133—

"It comes from the American Indian Defense Association."

And on page 5037—

"I am informed by responsible members of the Indian Defense Association."

And in the RECORD of March 26, page 6117, letter to Mr. FREAR, dated March 24, 1926, signed by John Collier, executive secretary American Indian Defense Association.

On page 3328 of the CONGRESSIONAL RECORD:

"The Indian Defense Association, that is interested solely on behalf of the Indians of the country but not financially nor politically as may be the case with other interests, has submitted to me, through its secretary, a statement."

His statements, I may say to the committee, in his speech clearly indicate that he got the information either from John Collier or from the propaganda that he has been circulating. I have no quarrel with John Collier or the Indian Defense Association. Apparently it is an organization that is operating as much for the advantage of Mr. Collier himself as for any other purpose. It is with me like any other lobbying organization or representative, and I do not think that from such a source any Member of Congress ought to accept propaganda that it circulates, at least without inquiry or without ascertainment whether or not that information is reliable.

I mention Mr. Collier maintaining a press bureau, and I would not mention this, but my friend in his remarks the other day made some comment because the letter that I wrote the chairman on April 1 appeared in a newspaper out in his district in Wisconsin. If that letter got into any newspaper, Mr. Chairman, it did not come from me. If it got out to the press it was taken from this committee and given to the press. I had nothing whatsoever to do with it. I am not maintaining any press bureau, and I do not need any. The speech of my friend from Wisconsin on March 5 was put out in advance with a press release, which I saw and you may have seen. Some of the publicity that went out contained a fine cut of the gentleman, and I am sure that made a good impression on the public, because he has a fine face, and it is headed: "Indian Bureau charged with gross thefts. FREAR urges inquiry into 'notorious scandals' in handling tribal affairs," and then an article following along the line of the headlines.

Mr. FREAR. I understand you prefer not to be interrupted.

Mr. BURKE. Yes. The first matter that I will mention is a statement made by Mr. FREAR in his speech of February 5, and it has to do with some bridges that were built across the Rio Grande at Cochiti and San Juan pueblos in New Mexico. I will read from the RECORD of February 5, 1926, page 3329, as follows:

"A recent example: Congress in 1923 appropriated \$82,000 for the whole cost of two bridges across the Rio Grande in New Mexico. The entire sum was made a reimbursable charge against the Pueblos of Cochiti and San Juan.

"In the instance of Cochiti it could be said that the Indians would use the bridge about one-fourth as much as the whites on the west bank of the river. In the case of San Juan it could be said that the Indians would use the bridge perhaps one-tenth as much as the whites on the west bank. But the whole charge was piled on these Pueblo Tribes, which incidentally are extremely poor.

"Like nearly all schemes of this kind, the above Cochiti and San Juan bridge schemes, including the reimbursable features, came from the Indian Office."

Now, on March 5, at page 5037, he practically reiterates the same statement.

Now, let us have the facts. I was in New Mexico some time before this legislation was enacted. I had a hearing or conference with some of the Indians from these two pueblos. They represented to me the conditions that obtained there with reference to their inability to get across the river in high water; that their pueblo was on one side of the river, their lands were upon the other, and that they would have to go 12 miles at times to cross the river, and they were very solicitous that the Government provide bridges for them. The Indian Welfare Association, I think it is, of New Mexico urged me to become interested in the proposition. The superintendent of the northern Pueblos took it up with me, and he said that there was a very urgent demand, and that it was a hardship upon these Indians to be situated as they were. He said further if the Government would provide these bridges it would in a measure restore the confidence of those two pueblos in the Government which had been somewhat discredited by the activities of Mr. John Collier a short time before that. Then Mr. Vaux, president of the board of Indian commissioners, appealed to me, setting forth the necessity and the justice, etc., in this proposition. That was the information that I had as to the necessity for these two bridges being built.

Mr. MORROW. Your Indian Office did not recommend reimbursables at all.

Mr. BURKE. I will come to that. Let us see what we did. Remember that Mr. FREAR evidently has a great deal of information that we did not have, for he says that where one Indian used those bridges there would be four white persons, or something to that effect. I did not get that information. In our estimates we incorporated an item which was sent to the Bureau of the Budget and transmitted with the estimates as a gratuity, and I want to read it, the original item for bridges at Cochiti and San Juan pueblos, as carried in the estimate sent to Congress in December, 1923, as follows:

"Gratuity: For the construction of steel bridges across the Rio Grande within the Cochiti and San Juan pueblo Indian grants, New Mexico, under the direction of the Secretary of the Interior, \$82,200."

In the hearings before the subcommittee, Assistant Commissioner Meritt stated (House hearings on Interior appropriation bill for 1925, p. 384, December 22, 1923), in support of this item as follows:

"Mr. MERITT. The pueblo of Cochiti, N. Mex., is located on both sides of the Rio Grande, being practically cut in two by the river. Many years ago a small wooden bridge was built by a mining or lumber company across the river about a mile above the pueblo; but this bridge was destroyed by high water, and the Indians must now ford the river in order to get across, which they can not do during high water, and must travel south about 12 miles to the bridge at San Felipe and then back up the other side. This is very inconvenient, as the homes of the Indians are on one side of the river and their cultivated land on the other side. * * *

"These Indians have no funds to their credit, and these bridges are very necessary for the benefit of those Indians. They live on one side of the river and the lands are on the other, and it is almost impossible for them to get along without this bridge. It has been urged very strongly by the superintendents of the Pueblo Reservation, and the white people who are interested in the Indians are urging it very strongly.

"Mr. CRAMTON. You say they have to go about 12 miles south to the bridge at San Juan Pueblo?

"Mr. MERITT. Yes, sir. Nothing we could do would be of greater benefit to the Indians than the construction of this bridge.

Then Mr. CARTER, a very distinguished Member of the House of Representatives, with a service of 20 years, at one time the honored chairman of this great committee, and of Indian blood, and so no one is going to question his good faith as a friend of the Indians, said:

"Mr. Meritt, you realize that that is a character of appropriation that has never been made by Congress.

"Mr. MERITT. We realize it is a little bit out of the ordinary, but the need is so great we feel justified in asking for the appropriation."

The House Appropriations Committee did not include the item in the appropriation bill when it was reported, and it was not in the bill when it passed the House. I went before the Senate committee when they were holding their hearings on the appropriation bill, and I will read to you what was stated there, on February 5, 1924, referring to the estimate for the Cochiti and San Juan Bridges, page 106, Senate hearings on Interior appropriation bill for 1925; in answer to a question:

"Commissioner BURKE. Yes, sir; 'within the Cochiti and San Juan Pueblo Indian grants, New Mexico, under the direction of the Secretary of the Interior, \$82,200.' It was estimated for, and those Indians are very poor, and they have been clamoring for these bridges. They have land on both sides of the river, and at one time there was a temporary wooden bridge there which has since been destroyed and is gone; and now, during much of the year, they have to travel 12 miles to get across the river. That is at Cochiti, and the San Juan conditions are very similar. There are the Pueblo Indians that you have heard so much about."

We had been hearing a great deal about them at that time.

"Senator SMOOT. Why should not that amount be reimbursable?"

"Commissioner BURKE. Because there is not anything to reimburse it from.

"Senator SMOOT. That is a pretty good reason.

"Commissioner BURKE. It would not mean anything if you put it in. It is a gratuity. Everything that has been done for the Pueblos has been a gratuity.

"Senator SMOOT. Why can they not get along without it?"

"Commissioner BURKE. It is one of the things that have been urged very assiduously by the friends of the Pueblos and by the Pueblos themselves."

Some time later, the bill was reported in executive session, and in the bill was the item for the construction of these bridges with the word in parenthesis in the last line (reimbursable), and it went through in conference and became law.

There are the facts, Mr. Chairman, as to the statements made about the Cochiti and San Juan Bridges, and I commend to my friend what he said in one of his speeches:

"It is possible that inaccuracies have occurred where many charges were made, but if any statement is incorrect I will be willing publicly to correct the same."

Now, Mr. Chairman, the next item I want to discuss is the Lees Ferry Bridge across the Colorado River, and I am not going to read everything that Mr. FREAR stated, because it would weary the committee, but I have excerpts from his speech that are copied literally. On February 5, page 3327 of the RECORD, he says:

"I have had placed before me statements prepared by the American Indian Defense Association which riddle every attempt to justify this bridge by the Work statement submitted."

That refers to Secretary of the Interior Work, head of the department charged with responsibility for making report in such matters. But the Indian Defense Association have more information, appar-

ently, and what they say is accepted by the gentleman without question. Then he goes on to say it is not for the good of the Indians:

"The bridge is not for the Indians, never was for them, and is a palpable fraud in its attempt to seize their funds under that guise. But there is far more than the \$100,000 involved, and the question should come squarely before Congress to determine what influence persuaded the Bureau of Indian Affairs to consent to this contribution and who is the party responsible for that consent and what relation, if any, does he have to those in Arizona who have been insistent upon this contribution from the Navajo Tribe. This is a subject that can not be overlooked when fixing official responsibility for misleading Congress."

"Ordinarily the Indian Office seeks to protect Indian tribes, and Government officials constantly declare this to be their prime purpose in managing the affairs of the Indians. No official can defend this proposition."

Then on March 3, page 5033, he reiterates the whole thing and says that it did pass in the last Congress and it was "slipped through in some way. I submit it could not very well be slipped through at this time."

I presume that is because the Indian Defense Association is on the ground and the gentleman from Wisconsin is now a member of this committee; I do not know. Then he goes on and makes these charges, page 5035 of the RECORD. Of course, the Indian Bureau is responsible for this from his standpoint, and he continues:

"I charge, first, that the Indian Bureau, under the direction of Commissioner Burke and Assistant Commissioner Meritt, has approved and supported bills that have looted the treasury of the Navajo Indians."

They did not have any treasury at all just a short time ago, so we could not loot it; that is a sure thing. Then he puts in items that he charges us with being responsible for, and me particularly, aggregating over \$771,000. About the only answer I can make to that statement is this, Mr. Chairman, that over \$500,000 of that amount was appropriated before I was Commissioner of Indian Affairs, and it was all appropriated while the distinguished gentleman from Wisconsin was a Member of the House of Representatives.

Mr. FREAR. You do not want an interruption there?

Mr. BURKE. No, sir; I do not. Possibly I ought to be censured for two-thirds of this amount that was appropriated when I was not here, and then because some more was appropriated since I was commissioner, I suppose I have to be held responsible. Gentlemen of the committee, for more than 15 years it has been the policy of Congress to make appropriations for certain purposes in an Indian reservation reimbursable, and as Mr. CARTER said, that to do what was being urged, to appropriate money as a gratuity for building bridges, would be something that had never been done. The Bureau of Indian Affairs has never been urging reimbursable appropriations. That comes from Congress, and ~~is~~ is a policy, I say, that has been so recognized that it has not been departed from except in the case of Cochiti and San Juan, since its adoption.

Now, let me give just a little history with reference to Lees Ferry Bridge. I find that the matter was initiated February 19, 1921. I was not Commissioner of Indian Affairs; I was not in Washington; I did not know anything about it, and so I certainly can not be responsible for what happened at the time it was initiated.

On January 15, 1924, or rather after the act authorizing the investigation, and report was made, and it was made by the engineer of the War Department, report was made that this bridge was desirable, that it would be a benefit to the Indians as well as other people, and the Secretary made a report recommending that one-half of the cost be reimbursable. This policy of reimbursables was adopted because in the Osages a rich oil field was discovered to show the production, will say that since 1915, some \$177,000,000 have been received from oil royalties from oil and gas leases. Does anybody here think that if at some time before 1915 some improvements had been made that was a benefit to the property of these Indians, and for their use and convenience, that it would have been a hardship after they got \$177,000,000 from oil royalties, to pay back to the Government what improvements may have cost.

The Navajos, when these appropriations were made reimbursable for different purposes, I presume it was hardly contemplated that they ever would have any great sum of money, and in that event if an effort was made to recoup and reimburse the Government for any moneys that had been expended and it was going to do an injustice to the Indians, the reimbursable law could be taken up and repealed and let them go free. That is probably what would have happened. It now transpires that there is a wonderful prospect of a great development of oil and gas in that great area, and remember that the original reservation created by treaty only contained 3,000,000 acres of land, and that by proclamation and Executive withdrawals, the area now that is occupied by these Indians constitutes thirteen million and some thousands of acres of land. That is the present area of the Navajo Reservation.

I do not see myself where there can be any serious objection to making appropriations that may seem to be desirable and in the interest

of those Indians and relieve the States of Arizona and New Mexico from some of the great expense involved in view of this great area that is not subject to taxation, but I am not advocating the reimbursable proposition, I am simply presenting it to you as it appears.

The bill that authorizes this to be done—the building of the Lees Ferry Bridge—authorized the appropriation, was passed in 1925, and it was discussed in the House of Representatives. The gentleman from Wisconsin was a Member of the House. It seems to have been well understood what it was. Mr. CARTER, when the matter was first under discussion on the floor of the House said (p. 3512, CONGRESSIONAL RECORD, Feb. 19, 1921):

"The amount taken from the Treasury ought to be reimbursable."

Nobody questions Mr. CARTER being a friend of the Indian. On January 21, 1925, when this matter was up (p. 2232, CONGRESSIONAL RECORD), Mr. Snyder said, answering, I think, a question of Mr. BLANTON, of Texas:

"I would like to answer the gentleman in this way: This is a bridge which is thoroughly needed by both Indians and white men."

"Mr. BLANTON. By both Indians and white men?"

"Mr. SNYDER. Yes."

"Mr. BLANTON. I want to ask some questions. The gentleman says this bridge is needed for both the white men and the Indians and there are only 800 Indians involved. We are proposing to take the money out of the Treasury. Let it be Indian money or public money, it does not make any difference, because all the Indian money was at one time public money which came out of the general funds of the Treasury."

"Mr. SNYDER. Of course, the gentleman overlooked one part in this respect and that is this money is reimbursable."

"Mr. BLANTON. Oh, yes; I know that may be so."

"Mr. SNYDER. The Indians undoubtedly within a short number of years on account of the discovery of oil and minerals will have sufficient money with which to reimburse the Government."

Then Mr. Snyder said:

"But the gentleman overlooked the fact that the State pays one half the value of the bridge and the Indians eventually will pay the other half."

The bill came up on Calendar Wednesday when the Committee on Indian Affairs was called. The bill was referred on January 22, 1925, to the Commerce Committee of the Senate, and on January 23, 1925, this reference was changed to the Indian Affairs Committee of the Senate. On February 14, 1925, the bill was reported to the Senate and on February 18, 1925, page 4061 of the permanent CONGRESSIONAL RECORD of that date, this bill was called up by Senator CAMERON and passed without debate. The bill was approved by the President on February 26, 1925, and became Public Act No. 482 of the Sixty-eighth Congress.

The matter had consideration by the Congress, and then we had nothing else to do when this Congress convened except in the estimates to report all items that had been authorized by Congress, and so in the annual estimates this matter was submitted, and, as I understand, included in the appropriation bill and is now law.

There has been some discussion as to the attitude of the Indians toward this appropriation. The superintendent of the jurisdiction where Mr. Chee Dodge lives writes, under date of March 3, 1926:

"Within recent dates there have appeared unfavorable comments on the item for the bridge at Lees Ferry in the general deficiency bill. In this connection I have to advise that none of the Navajos of this jurisdiction have commented unfavorably to me on this proposed item. Some time ago Mr. Chee Dodge, chairman of the Navajo Council, was here and asked me about the bridge; he expressed himself as thinking it was all right. Mr. Dodge stated that while it would not be of direct benefit to the Navajos living in this part of the country, it no doubt would be of benefit to those living in the western part of the Navajo district. He particularly stated that it would give those Navajos a chance to go out into the upper country; possibly open up additional grazing lands; that they could go out there and get rams for their herds; and could obtain work up there. That the Navajos of the western part of the reservations were receiving no benefit from the Gallup-Shiprock highway, yet they would have to pay their share of the cost of building the road just the same."

"I asked Mr. Dodge if it would be all right with him if I communicated his views to you, and he said 'Yes.'"

I do not think I will take up any more of your time in discussing that item.

The next subject that I want to discuss is a statement made by Mr. FREAR in a number of his speeches, and it is very apparent that he bases it upon propaganda that has been circulated by Mr. Collier. It has reference to the bill to extend the oil leasing law to Executive-order Indian reservations. He did not know, I am sure, that for four years, nearly, the Commissioner of Indian Affairs and the bureau have been doing everything that it was humanly possible to do to bring about legislation so that the Executive-order Indian reservations could be leased under the same law that applies to so-called treaty reservations, and always with the view of getting all of the proceeds from royalties, as is customary in treaty reservations, paid into the

Treasury of the United States, to the credit of the tribe occupying the reservation, to be available for what? For the administration, civilization, education, etc., of the Indians. He did not know that under the law which applies to so-called treaty reservations that there is not a word with reference to the proceeds. That it has been a matter dealt with entirely by the Congress, just as has been the case when timber is authorized to be sold on a treaty reservation or on an Executive-order reservation, or there are any other moneys coming from the reservations, Congress, in its wisdom, has said how they should be disposed of, and so, if you had nothing but the law that applies to so-called treaty reservations, so far as the proceeds are concerned, it would require Congress to say what disposition should be made of them. I do not believe—and I say this in all kindness—I do not think the gentleman knows what a treaty reservation is.

Mr. FEAR. I have understood this fully, what the gentleman states; I am put into an erroneous position and I do not think the gentleman willingly does it.

Mr. BURKE. What is a treaty reservation? We have certain reservations, the Osages and the Five Tribes, and there may be a few others, where the Government in a treaty has ceded to the Indians the title to their land subject to its not being alienated or disposed of except with the consent of Congress, and they have title to it absolutely, and in these cases it has always been the policy to put into the Treasury the moneys that are received from any purpose to be paid out to the Indians, and in some instances used for their administration and support where they have consented to it. That is one kind of a treaty reservation. Another treaty reservation is just such a reservation as the so-called Navajo reservation, and all under heaven there is in the treaty is that the Government permits the Indians to have the use and occupancy of that area, and does not say anything about the title. It is entirely within the power of Congress to make any disposition it may see fit of such a reservation, except the courts will not permit them to do it without some consideration. That is one kind of treaty reservation, and I think many people do not understand the difference between a treaty reservation where the Indian owns the land and where they only have a right to use and occupy it.

Let us see. On March 5 Mr. FEAR said:

"There is pending to-day before our Indian Committee—and the Commissioner of Indian Affairs has appeared before us in its support—a bill that, as I said the other day in answer to a question in the House by the gentleman from Texas [Mr. BLANTON], proposes to allow 95 per cent of all the oil that is produced on upward of 1,000,000 acres of Indian lands to go scot-free of taxation, so far as oil producers are concerned. The Indian who gets 5 per cent royalty will pay out of that 5 per cent royalty under this bill approved by the Commissioner of Indian Affairs 37½ per cent, or more than one-third of the Indian's share, which will go to pay taxes not only for the Indian but for the producer, who gets 95 per cent of the total oil output. The Indian is to pay all oil taxes on 22,000,000 acres of Indian reservations by the Indian Bureau's bill. There is no dispute, I believe, as to that.

"Think of that proposition."

Then, on page 5038 of the RECORD, he says:

"The Executive-order reservation bill granting a huge Christmas present to a waiting army of oil speculators is not the only oil present given by Commissioner Burke and his aids from Indian funds to oil exploiters, if I correctly understand the law."

And, further on page 5042:

"Some oil exploiter depending upon the order of Secretary Fall throwing open to oil exploitation Executive-order Indian lands has brought suit to have his oil rights given preference over the Indian rights as to such Indian lands.

"This suit, after a hazardous career on appeal, is now on the Supreme Court docket, not to be reached for two years.

"In the meantime, Commissioner Burke appeared before the Committee on Indian Affairs of the House and urged the passage of his oil leasing bill leasing 37½ per cent taken from the Indians for oil producers' taxes, so that the oil suit appealed to the Supreme Court 'may be dismissed,' which he assured the committee would then occur."

If I have an excerpt, it might be proper for me to insert it here, because I want to relieve my friend from Arizona from any anxiety in case he is laboring under any. I have a statement here of the gentleman from Wisconsin in which he exonerates the gentleman from Arizona for introducing his bill and puts the responsibility on the Bureau of Indian Affairs. I know that he would be glad to have that brought to his attention so that it may not involve him in any way that might be embarrassing. This is from page 5044, CONGRESSIONAL RECORD of March 5:

"It is taken for granted that the measures here discussed, like so many other Indian bills, are the product of the Indian Bureau, which has indorsed H. R. 9133, and that the congressional sponsors are not prime movers or intentionally parties to the sought-for confiscation."

Mr. Chairman, I said that for four years I have been doing everything that I could do to get legislation that would permit Executive-order lands to be developed, and I think they ought to be, and after the decision of Secretary Fall, which was an opinion prepared in the

law division of the Interior Department wherein it was held that the general leasing law of 1920 applied to Executive-order Indian reservations, I do not need to say that we were very much disappointed with that holding and did everything we could in protest of it, and a few months after Secretary Fall retired, the present Secretary came in, and one of the first things that I did after he came in was to bring to his attention the decision in the so-called Harrison case, telling him what I thought about it, and requested that it be submitted to the new solicitor of the department with a view, possibly, to getting a rescission of the decision of Secretary Fall. Secretary Work came into office on March 4, and on March 31, in my feeble way, with the assistance of others in the bureau, I submitted to him a brief in the form of a letter, copy of which I have here, wherein I discussed this whole proposition, and I find that on April 18 he referred it to the solicitor, as suggested. I will ask, for the information of the committee, so that it may be available, that at the conclusion of my remarks, this may be appended, so that any person who wishes to know what my position was and what the position of the Indian Bureau was at that time on the question can ascertain by reading that letter.

Mr. HASTINGS. What year?

Mr. BURKE. 1923. Secretary Work came in on March 4, 1923. The matter drifted along, and I want to say here, because I do not think I would be doing justice to a very worthy organization if I did not mention it, that during this entire controversy I had the very hearty support and cooperation of the Indian Rights Association, of Philadelphia, of which Mr. Brosius is the local representative. He was in every way possible aiding us in trying to find some way by which we could avoid having Executive-order Indian reservations leased under the general leasing law that did not give to Indians any part whatsoever of royalties. So it drifted along and finally, in the following winter—and the Indian Rights Association are entitled to a great deal of credit for what was accomplished—the Secretary of the Interior and the President simultaneously, it transpired, asked the Department of Justice for a decision with respect to whether or not the general leasing law applied to Executive-order Indian reservations, and everything then was suspended and there were no more permits issued—there had not been for many months—and in May, 1924, the Department of Justice held that the general leasing law did not apply to Executive-order Indian reservations, but did not say anything about title of the land, but that if the law had intended to include Executive-order Indian reservations it would have said so.

In the last Congress we were trying to get legislation to get all the proceeds for the Indians, and I did not consent during the last Congress, although the gentleman from Wisconsin says I did, to any 37½ per cent. The matter was suggested, but I said that under no circumstances would we consent to any such proposition, unless the 37½ was going to be used for the benefit of the Indians. The bill passed both Houses, got into conference, and without giving away any secrets, because I do not suppose that my friend who is so earnest in trying to get this legislation, cares anything about it now, the Indian Rights Association, with the knowledge of the Commissioner of Indian Affairs, had something to do with a point of order that was made that defeated the bill in the last Congress, and it failed to become a law, a point of order made by Mr. Dallinger, then a member of the committee.

Mr. HAYDEN. You also told me that the President would certainly veto the bill, were it to pass, if he followed your advice.

Mr. BURKE. I do not want to be quoted as to saying anything of what the President would do. What happened? The gentleman from Wisconsin as usual, uninformed, not intentionally, relying upon his friends who furnish him information, makes the statement that after this decision was rendered this oil exploiter, I think he calls him, brought suit and went into the courts. That is not true. I will tell you what happened. The Department of Justice brought suit against this man Harrison, who was operating on an Executive-order reservation under permit, to eject him and went into the United States District Court of the State of Utah and made Mr. Harrison party defendant. The case was tried in that court, and that court decided that the general leasing law did apply to Executive-order Indian reservations. In other words, he sustained the opinion of Secretary Fall, and immediately the Government appealed the case, and it went to the circuit court of appeals for that district, appeal by the Government. When the case was presented and considered by that court, the justices, believing it apparently to be a very close question, side stepped and certified it to the Supreme Court of the United States, where it is now pending.

Now, if the decision of the United States District Court of Utah be sustained by the Supreme Court of the United States, as it has already been dignified by the decision of the district court and passed up by the circuit court of appeals, this is the situation we would have: The general leasing law would apply to Executive-order reservations, and no part of the proceeds from oil and gas leases would go to the Indians directly or otherwise. Yes; but the gentleman says, Congress could take care of that. True; but what about those vested rights that would have to be recognized of some several hundred applicants who have made applications for permits, and then, again, the effect of that decision would be that 37½ per cent of the proceeds under the general

leasing law would belong to States, and without any condition whatsoever.

How many of you Members of Congress from Western States, should the Supreme Court sustain that decision of the district court, would consent to the 37 per cent being taken away from your States, after the Supreme Court had held that it belonged to the State? What chance would there be, gentlemen, of getting legislation as to the 37½ per cent when that condition might obtain, and so we were confronted with quite a different situation, and having had some little experience in legislation, and having lived some time, I was rather of the opinion that we had better see if we could not reach some adjustment of this matter that would be a solution of it that would do full justice to Indians and be susceptible of enactment by Congress.

So after many, many conferences with different people who were interested, some Senators, some Members of the House, oil men—we even receive an oil man in our bureau cordially and treat him courteously—there was a sort of tentative understanding that as an initiative of the matter, we tentatively agreed on two bills, one introduced by one of the Senators from New Mexico and the other introduced by the gentleman from Arizona, Mr. HAYDEN. There had not been any opposition from any source, as far as we knew, to this program, when there appeared on the scene John Collier, representing the Indian Defense Society. We did not know he was interested; we did not know he was concerned about it, but he appeared here at the hearing on the bill; and let us see what he did. The matter was discussed, and I will say before I mention this that section 3 of the bill which had been tentatively agreed upon recognized the permittees who had actually gotten a permit, while Secretary Fall's order was in effect, and it only meant 20, all told.

A representative of an oil company came in and talked with me and Secretary Edwards together and wanted to add an amendment and wanted us to recommend it, that would recognize, in addition to the permittees, such applicants as had spent money for certain purposes. We took the position that we would not go any further; as far as we were concerned, it would have to be determined by Congress, and that we doubted very much the wisdom of adding anything other than 20 permits, because it would open up the question of all these 400 applications, many of whom might be speculators, and mostly persons who had expended no money and really had no equity. When the bill was considered here, a gentleman by the name of Jones, and another by the name of Wallace, suggested to the committee adding an amendment that would recognize such applicants as had expended money for the purposes stated, and Mr. Collier, after we got to that point, was interrogated, and he said:

"In this instance it would be the desire of everybody to give whatever relief to those who really spend out money, and therefore I would strongly indorse the suggestion of the last speaker."

That was to add to the 20 permittees a few applicants.

Mr. FREAR. How many?

Mr. BURKE. It does not matter how many. Continuing, Mr. Collier said:

"Coming back now to section 1 which brings the control over the leasing of Executive-order lands practically under the general regulations that has to do with treaty reservations, that is the same. It is evidently. I have no suggestion to make about that." (House hearings, p. 41.)

And on page 51:

"Mr. FREAR. What is your attitude in regard to this bill?

"Mr. COLLIER. The bill is good.

"Mr. FREAR. As to section 3?

"Mr. COLLIER. As to section 3, all my suggestions have been accepted.

"Mr. FREAR. You agree with the gentleman who spoke?

"Mr. COLLIER. Section 3 with the suggested amendments is absolutely good and in regard to section 2, you do not need it."

That is the one that proposes to dispose of royalties, 37½ per cent to go to the State to be used, not by the State as it might see fit, but for construction of roads in the reservations from which the royalties might come, or roads leading to the reservation, or the education of Indian children. That is quite a different proposition than giving the State 37½ per cent. And Mr. Collier continued:

"Section 1, if the tax clause of the 1924 act were inserted, would completely cover the tax production.

"Mr. FREAR. Striking out section 2?

"Mr. COLLIER. You do not need section 2 if the law of 1924 is enacted for the Executive reservations."

The act of 1924: He says the first section of this bill makes applicable to Executive-order Indian reservations the law that obtains to treaty reservations. The act of 1924, which is incorporated in the record, says "That unallotted land on Indian reservations"—that applied to Executive-order reservations; this law of 1924 applied to them as well as it does to treaty reservations, which would make it possible for the State or States where the lands were located to levy a production tax. I will insert this statute of 1924 with my remarks.

The CHAIRMAN. Without objection it may be included.

The statute referred to (43 Stat. 244) is as follows:

[Public—No. 158—68th Congress]

"An act (H. R. 6298) to authorize the leasing for oil and gas mining purposes of unallotted lands on Indian reservations affected by the proviso to section 3 of the act of February 28, 1891

"Be it enacted, etc., That unallotted land on Indian reservations other than lands of the Five Civilized Tribes and the Osage Reservation subject to lease for mining purposes for a period of 10 years under the proviso to section 3 of the act of February 28, 1891 (26 Stat. L. p. 795), may be leased at public auction by the Secretary of the Interior, with the consent of the council speaking for such Indians, for oil and gas mining purposes for a period of not to exceed 10 years, and as much longer thereafter as oil or gas shall be found in paying quantities, and the terms of any existing oil and gas mining lease may in like manner be amended by extending the term thereof for as long as oil or gas shall be found in paying quantities: *Provided*, That the production of oil and gas and other minerals on such lands may be taxed by the State in which said lands are located in all respects the same as production on unrestricted lands, and the Secretary of the Interior is hereby authorized and directed to cause to be paid the tax so assessed against the royalty interests on said lands: *Provided, however*, That such tax shall not become a lien or charge of any kind or character against the land or the property of the Indian owner.

"Approved May 29, 1924."

Mr. BURKE. Mr. FREAR would have you believe we were taking something from the Indians. We were trying to give the Indians something they did not have instead of taking from them. And so we were going to have 62½ per cent royalties paid into the Treasury for their benefit, and we were going to use the 37½ per cent indirectly for their benefit. I want to say to you that under the general leasing law, the law of 1920, if it was to operate on an Executive-order Indian reservation, and the Indians got all of the proceeds, they would not receive as much as they will get from 62½ per cent under the law that applies to treaty reservations. Why? Because under the general leasing law, 25 per cent of the area in an application, which may be as much as 640 acres, the applicant may have a lease, 5 per cent royalty, and no bonus, and you take it in the Osage country. If the general leasing law had properly applied the Osage Indians would not have received one-half as much as they have received under the law that makes it possible to sell the leases to the highest bidder, and that is exactly what the law applying to treaty reservations does. No leases are made at a royalty of less than 12½ per cent, and then a bonus is paid for the lease, and we have had 160 acres of land in the Osage country where the bonus paid was \$1,900,000, and the royalty was one-eighth unless the wells produced more than 100 barrels, and then it was one-sixth, and under the general leasing law of 1920 the royalty for the lease of that land might have been only 5 per cent. So I think you can see, gentlemen, that under this proposition the Indians are very fortunate if we can get the legislation enacted as proposed.

I will go a little further. The gentleman has reiterated and repeated, and so has his friend Collier, this statement, that because there was language in that bill that the 37½ per cent was to be in lieu of taxes that we were proposing to exempt from taxation all production, and, therefore, we were favoring the oil operators. He says that he wants to be fair.

On the 10th day of March, 1920, a letter was written to the chairman of this committee and the chairman of the Senate committee, by the Secretary of the Interior, and the gentleman from Wisconsin was so advised by letter, that an amendment was suggested to clear the matter so that there could not be any possibility of any uncertainty about it. That amendment or one akin to it has been, I understand, incorporated in the bill pending before the Senate committee on Indian Affairs. It is preposterous to suggest for a moment that we were concerned about exempting oil operators from being taxed under the law of 1924, which would have become effective the moment section 1 of your bill became a law.

Let us go a little further. When the gentleman made his speech on March 5, and before he made the speech, I presume, because the custom used to be when a Member had a bill that he wanted to introduce, when he came over to the House he went up to the basket and deposited it in the basket, and so I assume that the bill that I refer to, introduced on the 5th of March, was introduced before he made the speech, and there was a duplicate of that bill introduced by a Senator on March 3, two days before he made his speech, and both bills, in my opinion, were drafted by John Collier.

Let us see about these bills. Mr. FREAR, in his speech on March 5, made the statement that the Bureau of Indian Affairs was supporting the bill introduced by my friend from Arizona, which he said would validate 425 applications, and further on, when he extended his remarks, he put into the record one of John Collier's statements which I have here, where Mr. Collier made that statement. That was on March 5. That is the record. Now, let us see the bill, Mr. FREAR's bill, H. R. 10053, and the companion bill is Senate 3481, of March 3, 1920. Let us see Mr. FREAR's bill. Remember, he says we are going to validate 425 applications, and yet

no one, not even Mr. FREAR, will say that section 3 of that bill did more until it was amended than to recognize the 20 permits that had actually issued under the Fall decision. Mr. FREAR's bill, section 2, recognizes the permits just as we did, and then what does he do?

"And to any applicant for a permit who did not receive a permit, on condition that said permittee or applicant, or the party with whom he has contracted, has prior to"—

When?

"Prior to April 1, 1926"—

This was the 5th of March—

"prior to April 1, 1926"—

Done what?

"Done all the following things, to wit, expended money or labor in geologically surveying the lands covered by such application, and has built roads for the benefit of such lands, and has drilled or contributed toward the drilling of geologic structure upon which such wells are located."

I will be fair to the gentleman and say that he put in this proviso:

"Provided further, That the expenditure and operations here made a condition must have been commenced prior to May 27, 1924"—

and so the 425 applicants who had not spent a cent prior to May, 1924, could go out there, spend some money for these purposes, and the applications would be validated, provided the money was expended before April 1 of this year.

That is the bill that the gentleman from Wisconsin offered on this subject, and then he says that we proposed in section 3 of the bill of the gentleman from Arizona to validate those applications.

I listened with much interest to his apology when this hearing opened, and I hope he may be given the fullest opportunity to explain any of these matters.

Mr. FREAR. It was not intended to be an apology; it was an explanation.

The CHAIRMAN. The commissioner will be allowed to go ahead and not be interfered with. He had no opportunity to question the gentleman from Wisconsin on the floor when he made his speech, and it is fair that he should be allowed to make his now.

Mr. BURKE. On March 5, page 5038 of the RECORD, Mr. FREAR said:

"A cloud of buzzards obscuring the sun may be likened in comparison with the cloud of oil speculators, oil manipulators, and oil promoters who will surround Commissioner Burke and his assistants the moment the oil leasing bill is signed. No such opportunity in a proven oil field has occurred for so these many years and Lo, the poor Indian on the Navajo Reservation, with \$771,000 reimbursement heretofore allowed by Commissioner Burke's bureau"—

I didn't know that I appropriated money, did you?

"One hundred and six thousand dollars just loaded on them for two new bridges, and 7,000 uneducated Navajo children with disease and distress on all sides may helplessly witness the doling out of plums to oil promoters while the Indians get 62½ per cent of their 5 per cent royalty or 3 per cent net for their own oil share from about 425 oil speculators who hold Fall's permits for 1,000,000 acres of Navajo lands."

And on March 26, page 6114, Mr. FREAR said:

"Why does Commissioner Burke give away with a liberal hand these royalties of the Indians while he does not whisper as to the tax that shall be collected from the oil exploiters of Indian lands? In either case his position seems as bad as that of Secretary Fall, and in some respects worse, because the Government could stand any amount of oil exploitation under Fall's original order, whereas Indian tribes, against whom Mr. Burke has charged nearly \$900,000 reimbursable payments in one tribe's case"—

More than half of it before I was Commissioner of Indian Affairs, and all of it while the gentleman was a Member of the House.

"are suffering from sickness, poverty, and neglect beyond the needs of any other tribes, according to many witnesses."

Then on February 5, 1926, page 3329 of the RECORD, and I have got to be brief, he says:

"One of the darkest pages in the treatment by Congress and the Government of the Indian tribes and their funds is found in some of the worthless and hopeless irrigation projects loaded onto these people whereby funds of the Indians have been dissipated, and they have been obliged by law to stand sponsors for proposals that would never appeal to any business man. Some of these proposals have been endorsed by the Bureau of Indian Affairs and serve as an example of what can be and is being done with the remaining funds and property belonging to some of the Indian tribes."

And on March 5, page 5037, he says:

"Many, many millions of dollars have been charged against the funds of Indian tribes as 'reimbursable' with the consent or connivance of the Indian Bureau, according to information I have received, that are unjust charges and can not be defended. Wasteful irrigation schemes, usually instigated by white people, are made reimbursable in part or entirely out of Indian funds. Not all of them are useless, but many of little value can be pointed out from a glance at the hearings and costs, while helpless Indian tribes are made re-

sponsible for projects approved by the Indian Bureau that no business man would approve nor any sane company guarantee from loss."

Gentlemen, most of the irrigation projects, and those that have not been a success, were initiated mostly by Congress by one branch tacking on an amendment to an Indian appropriation bill and then agreeing to it in conference, and without any reference to the Interior Department or without any suggestion from the Interior Department that such project would be desirable. And I want to say here—and no one has more respect for the Congress of the United States than I have, and I again say to this committee, I have as much respect for the House of Representatives as I have for any other legislative body in the world—that the legislation that has resulted disastrously for Indians has without exception been enacted without any approval of the Indian Office, many times over its protest, and without first referring it to the Interior Department.

Take the Clapp Act, if you please, in Minnesota, that removed restrictions of so-called mixed-blood Indians in the White Earth Reservation that resulted in their great estate being dissipated in a very short time, and making of many Indians mendicants who are coming before Congress in every session asking for per capita payments, claiming unless they receive per capita payments there will be distress and suffering, starvation, etc.

I might point to many other instances of where legislation was enacted that was unfortunate, but the Indian Bureau, the Department of the Interior, is not responsible.

I have here copies of letters that were sent to the chairmen of the respective committees of the House and Senate on March 10, suggesting an amendment to clarify the tax matter, and copy of letter written by the Secretary of the Interior to Mr. FREAR calling his attention to it.

The letters referred to are as follows:

DEPARTMENT OF THE INTERIOR,

Washington, March 10, 1926.

Hon. JAMES A. FREAR,

House of Representatives,

MY DEAR MR. FREAR: Reference is again made to your letter of February 27, 1926, inclosing copy of H. R. 9133.

I regard as fundamental the determination of the character and extent of the rights of Indians on Executive-order Indian reservations. Manifestly if the rights of Indians on Executive-order reservations are of such character and extent as lawfully to give to the Indians all the oil and gas in these reservation lands, then the Indians are entitled to all of this gas and oil without any deduction or any division. Is this the present state of the applicable law? Do the Indians now possess without additional legislation such rights? For your information I advise you that I have requested the opinion of the Attorney General on the question of the character and extent of the rights now held by Indians on Executive-order Indian reservations. It appears that there is not accord and unanimity of opinion on the law of this subject.

Some question has been raised as to the scope or meaning of the words "in lieu of taxes to the State" as used in section 2, line 2, page 2, of the printed bill, H. R. 9133. As construed and understood by this department this language found in section 2 means that 37½ per cent of the proceeds from rentals, royalties, or bonuses of oil and gas leases upon lands within Executive-order Indian reservations or withdrawals shall be paid to the State, for designated purposes, in lieu of any and all taxes against the Indians, but does not include taxes against others. This being the meaning placed upon the language by the department in order to remove any doubt about this language now in the bill, I suggest and recommend that the words "in lieu of taxes," line 2, page 2, of printed bill, H. R. 9133, be eliminated, and that after the word "located," in line 3, page 2, the following language, followed by a comma, be inserted: "in lieu of any and all taxes against Indians to whose credit 62½ per cent shall be deposited in the Treasury of the United States as is in this section hereinafter provided."

I have made a supplemental report on H. R. 9133 to the chairman of the Committee on Indian Affairs of the House of Representatives, recommending the amendment above set out, and I herein send to you a copy of this recommendation to the chairman of the Committee on Indian Affairs of the House of Representatives.

Very truly yours,

HUBERT WORK.

MARCH 10, 1926.

Hon. SCOTT LEAVITT,

Chairman Committee on Indian Affairs,

House of Representatives,

MY DEAR MR. LEAVITT: Responsive to your request of February 10, 1926, under date of February 16, I submitted a report on H. R. 9133, entitled "A bill to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations."

Some question has since been raised as to the scope or meaning of the words "in lieu of taxes to the State," as used in section 2, line 3, page 2, of this bill. As construed and understood by this department, the language found in section 2 of this bill simply means that the 37½ per cent of the royalty therein referred to is to be paid to

the State, for certain designated purposes, in lieu of any and all taxes against the Indians, but does not include taxes against the white men, lessees or otherwise. This being the true intent in this respect, in order to remove any further doubt about that feature of the bill, it is respectfully suggested that the words "in lieu of taxes" line 3, page 2, of the bill, be eliminated and after the word "located," line 3, page 2, the following be inserted, "in lieu of any and all taxes against the Indians to whose credit 62½ per cent shall be deposited in the Treasury of the United States as is in this section hereinafter provided."

Very truly yours,

HUBERT WORK.

The gentleman from Wisconsin discusses the question of incompetents, and again I exonerate him. He accepted information from those in whom he has utmost confidence. He did not seek, apparently, to inform himself as a man of his ability and large experience as a legislator would ordinarily do, and he goes on and discusses the question of incompetents, and without reading too much, or perhaps, not any of the statements that he makes, in effect he says that the Bureau of Indian Affairs makes 225,000 Indians incompetent, and they have not any appeal, can not go into any court, but they are just subject to the whim of the Commissioner of Indian Affairs. They are citizens of the United States, but the Indian Bureau has made them incompetent. Gentlemen, you who are new on this committee—I would not say it to these older members—what makes an Indian what we call incompetent is the law, not the Indian Bureau or the Interior Department at all. The law says that trust patent issues to an Indian, with restrictions, for 25 years. The time may be extended or not extended, but until the time expires he can not alienate his land. I recognize that there might be instances where possibly that might be an injustice, and up to 1906 the practice was in every Congress, and I want to give this to the gentleman because it affords him an opportunity to know how he can get an Indian under restriction restored or have his estate turned over to him, because he probably doesn't know it. It was the practice in every Congress, and there were incorporated in Indian appropriation bills cases of Indians by name, in which the Secretary of the Interior was authorized to issue to them a fee patent, and then they got their lands and were thereafter free. I had the honor of being a Member of the House of Representatives, and chairman of this committee, and, living most of my life among the Indians and knowing a little something about conditions, it occurred to me that there ought to be a law by which an Indian who was in fact competent should not be required to go to Congress to get a law passed every time he might want the question of his restoration to rights determined, and I passed what is known as the Burke Act of 1906.

Under that act an Indian who thinks he is competent can make an application, and if it appears to those who are responsible—the Department of the Interior happens to be responsible head under the law to protect the Indian in his estate—so in this law it was provided that when the Secretary of the Interior was satisfied an Indian was capable and competent to manage his own affairs he could issue to him a fee patent for his land and he could do with it as he liked. It was not contemplated when that act was passed that any Secretary of the Interior would issue a patent to an Indian unless he made an application therefor, because the question of the land being exempted from taxation for 25 years was a vested right, and one that the allottees should not be divested of except with his consent, and I did not believe it could be done, either, without his consent. But due to agitation 10 years ago, or a little more, on the part of persons who were misled like my friend from Wisconsin, who said that it was outrageous that Indians were being kept under restrictions and supervision that were just as competent as anybody, the result was that a competency commission was appointed, and it went out and made recommendations until several hundred fee patents were issued in one reservation to 670 Indians where 170 would have been too many, with the result that in most of these instances the allottees did not have anything after a few months, and we are afflicted to-day, gentlemen, because of Indians of that type who are now living on the reservation, who have squandered the proceeds from the sale of their land, and are living off of those who are under restrictions, some of whom may get rations. The courts have held, and I think rightfully, that where an Indian did not ask for his patent or did not accept it willingly that it did not pass the title, and we have been, through the Department of Justice, bringing many suits to recover back lands where patents in fee were issued under those circumstances.

Now, any Indian who makes application for his patent in fee to the Department of the Interior and fails to get it, can go to his Congressman, or, preferably, the able gentleman from Wisconsin, present his case, have a bill introduced, and Congress can pass a law that will free him and he can have his land, even though it has been said that you can not pass a bill in Congress affecting the Indian unless the Bureau of Indian Affairs approves it. It would be possible, gentlemen, there might be a Congress some time that might be independ-

ent, more free to act, more indifferent to the opinions of the bureaus and departments, and if that can not be done now, possibly it may be at another time.

The gentleman confuses, as many do, the matter of citizenship with restrictions. True, Congress in 1924 passed a law making all Indians citizens of the United States. Two-thirds of them were citizens before that act passed. Under the old allotment act of 1887, if an Indian was allotted, and it was approved by the Secretary of the Interior, he was a citizen of the United States in every sense of the word. In my State we had many Indians, blanket Indians, who could not speak English, no education or experience, that took allotments under the 1887 act and became citizens, but it did not have anything in the world to do with the Government supervising their affairs, and protecting them in their property, and the Supreme Court has repeatedly passed on the question, and for the information of those who may not be informed, I will incorporate just a few references to court decisions, one in the United States Supreme Court, *United States v. Nice* (241 U. S. 598); *United States v. Noble* (237 U. S. 79), and *Tiger v. Western Investment Co.* (287 U. S. 286); also extract from the act of June 2, 1924, as follows:

The act of Congress approved June 2, 1924 (43 Stats. 253), provides:

"That all noncitizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: *Provided*, That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property."

The Supreme Court of the United States in the case of *United States v. Nice* (241 U. S. 598) held:

"Citizenship is not incompatible with tribal existence or continued guardianship, and so may be conferred without completely emancipating the Indians or placing them beyond the reach of congressional regulations adopted for their protection."

"The guardianship of the United States continues, notwithstanding the citizenship conferred upon Indian allottees. (*United States v. Noble*, 237 U. S. 79.)"

"Citizenship is not in itself an obstacle to the exercise by Congress of its power to enact laws for the benefit and protection of tribal Indians as a dependent people. (*United States v. Sandoval*, 231 U. S. 48.)"

"Congress has full power to legislate concerning tribal property of Indians and the conferring of citizenship on individual Indians does not prevent Congress from continuing to deal with tribal lands." (*Tiger v. Western Investment Co.*, 287 U. S. 286.)

There is no question about citizenship having anything to do with the authority of the Government in supervising and protecting what is known as the incompetent class of Indians.

Now, I come to another question. Mr. FREAR, on page 5032, said in part as follows:

"That bill (H. R. 7826) proposed to give to what are called Indian judges, who get \$10 per month each for their services, the power to impose a penalty of six months in jail or \$100 fine—to imprison, without any right of appeal, and with no right of trial by jury, any Indian upon any reservation by reason of that proposed law."

This statement is misleading. Under the regulations and practice, Indians who are convicted in the Indian courts by Indian judges have a right to appeal from the decision of the Indian judges to the superintendent, and if not satisfied with the decision of the superintendent may appeal to the Commissioner of Indian Affairs. Anyone has a right of appeal from any decision of the Commissioner of Indian Affairs to the Secretary of the Interior. It will be seen, therefore, that an Indian has three appeals from the decision of the Indian courts.

I will not discuss this at length, because it would take too long, but I will say this, as one who has been most of his life among Indians and has had intimate knowledge of how they live, that I do not know of any one thing that the real Indians of the country—I am not talking about mixed bloods, patent-in-fee Indians, I am talking about full-blood Indians—if there is one thing that I think they take more pride in, it is their Indian court; and they deal fairly and justly, gentlemen, with those who are brought into that court. Since I have been commissioner, a period of more than five years, I do not know of a single instance where an Indian has ever complained that the court in which he had been penalized had done him an injustice. It is self-government; it is something that they themselves control. I have been in the Indian court; no one there but the Indian judges and the Indians who may be interested; no official of the agency present.

I have listened to the proceedings and observed how they deal out justice, and I want to say, gentlemen, that if I were guilty of some offense such as the Indian court has jurisdiction of I would much prefer to have it left to the Indian court than to a Federal or State court, because they are considerate, they are just, and they do not impose ordinarily any penalties that would be considered excessive. But the gentleman from Wisconsin would seek to make the country believe, and the Congress, that there are outrages perpetrated by these Indian judges that ought not to be tolerated in this advanced age of civi-

lization, and he cites a case from his own State, and he puts in the record a telegram from the chief executive of that State in which is recited the conditions that obtained at a jurisdiction there where an Indian was said to have been incarcerated and had shackles with ball and chain attached to him.

Let us see about this case. Incidentally, on March 26, he said:

"I will mention this case, I want to reply to it—that Mr. Burke's bill."

I have a great many bills in Congress, more than when I was a Member of Congress; but, continuing, he said, on March 26, page 6111 of the RECORD:

"That Mr. Burke's bill (H. R. 7826) further seeks to give color of law to the present infamous un-American practice under which Indians have been chained and manacled by Indian agents and by their tool judges within the past 90 days in my own State, and yet Mr. Burke refuses to reply to letters of inquiry from Members of Congress on such cases."

Gentlemen, if I have ever neglected to answer a letter from a Member of Congress since I have been commissioner, I am unconscious of it. If there is such a case, it is an exception. I do not know how it could have happened, and I doubt very much that it did happen; I would have to be shown, because those of you—there are a few of you that occasionally come into the Indian Office, and I wish more of you would come—will say, I think, that there is not any other bureau of the Government that is more prompt in replying to letters than the Bureau of Indian Affairs. We endeavor to reply to them just the moment that it is possible for us to do it when we have the information; we often have to send out to the field.

Let us see. This Indian was named Paul Moore. The telegram from Gov. John J. Blaine, of Wisconsin, regarding Paul Moore's incarceration, is quoted on page 5032 of the CONGRESSIONAL RECORD, this session.

March 5, page 5041:

MADISON, WIS., February 15, 1926.

President CALVIN COOLIDGE,
Washington, D. C.:

Responsible woman, whose work I believe, reports that Paul Moore, an Indian, charged with a misdemeanor, was found on January 26 at Lac du Flambeau (Wis.) Agency jail, in a cell 6 by 8 feet, with clogged toilet, and with ball and chain fastened to ankle. In same jail were incarcerated Indian women. This condition is abhorrent to the dictates of decency and our vaunted civilization. This is the tyranny of the Dark Ages and the practice of the degenerate dominant to terrorize the Indian who needs help more than a jail. In the name of humanity, I beg that that sort of thing cease.

JOHN J. BLAINE, Governor.

The facts in this case are as follows: Paul Moore, together with two other Indians, took three Indian girls of the Lac du Flambeau Reservation and spent three nights with them. One girl is now in a delicate condition and alleges that Paul Moore is responsible therefor. He was apprehended, together with the others, and they confessed their guilt. Moore was sentenced by the court of Indian offenses and was assigned to the potato farm and set to digging potatoes. He escaped and was later returned, when a ball and chain were placed on him. He again escaped and has not yet been returned.

Charges were also made that this jail was not in a habitable condition, and it is stated that males were incarcerated with females, and regarding sanitary conditions, etc., that toilets were not working, and so we got a report on it, first, from the superintendent, and then we had a supervisor go there to investigate it and make a report, furnished him with a copy of the telegram from the distinguished Governor of Wisconsin, and he advised us that the jail is a substantial brick building about 14 feet by 25 feet, with an 11-foot 2-inch ceiling. The floors are cement, the walls are plastered, and the place is well lighted, airy, and dry. The men's compartment is about 15 feet by 13 feet; has two steel cells in which are two bunks of the modern type; mattresses, pillows, and blankets are furnished. The compartment for the women is 13 feet by 9 feet, with modern beds and without cells. It has two windows and is separated from the other part of the building by a solid concrete partition. There is no physical connection between the two sections of the jail.

The superintendent had reported that the jail was in a sanitary condition, that the toilets were in working condition at that time, and that the compartments for men and women were separated by a concrete wall to the ceiling.

The sympathies of Mr. FEAR are with this man who went upon that reservation and outraged an Indian girl and left her and now she is in a condition where they are appealing to the Government to come to her aid and take care of her. I say I have no sympathy for Paul Moore, and I think he ought to be in chains for not the time of the sentence of the Indian court but for a much longer period. Maybe the gentleman from Missouri does not agree with me. It is his privilege. My concern is not for Paul Moore, but for that Indian girl.

Here is a letter from the Rev. James B. Murray, Presbyterian missionary at Lac du Flambeau, Wis., dated March 19, 1926. To whom

It is addressed I do not know, but he signs it, and he says somebody has written him and continues:

"The pages from the CONGRESSIONAL RECORD, however, brought no fresh news to us, as we have been reading all kinds of articles on conditions here, which have certainly amazed me, and there is no truth or foundation for them whatever.

"Recently I received a letter from a lady who styled herself the admiral of the ship of states"—

She ought to have written John Collier—

"In which she referred to the terrible atrocities reported to have happened here. I am inclosing a copy of my answer to her queries, which you are at liberty to use in any way you wish, and it will no doubt take the place of any comments which you suggested I might make."

The Reverend Mr. Murray inclosed copy of letter to Mrs. Viola Mallory Greene, care of National Ship of States, 2793 Warren Avenue, Chicago, Ill., in which he said in part as follows:

"For instance, I recently picked up a paper and read an account of supposed conditions in this reservation, every word of which was an exaggerated falsehood from start to finish.

"I thank God from the bottom of my heart that I know both sides of the question, and I know Mr. Hammitt"—

the superintendent—

"to be a clean, pure-minded, and fair-minded executive, always kind and polite to all, including the lawbreakers who come before him from time to time, and this very morning he has taken three men for a railroad ride, expenses paid, to a town 50 miles distant, where they will be charged with "moonshine" imbibing, which will mean that they will have free board and lodging for some time to come.

"The United States Indian school was never in better or more able hands than at present, and the several departments have never been more ably managed."

Then the concluding paragraph of the letter reads as follows:

"When you take into consideration the 'big job' which the care and oversight of this reservation, with its 800 Indians, and the school, with 170 children to be taught and boarded and cared for night and day, with 25 employees, married and single, all under the direct guidance and supervision of Mr. Hammitt, you can readily understand why I am reluctant to listen to any idle gossip or lying stories when I know the true facts of the case."

We have another case about which statements appeared in the record, a case on Fort Peck Reservation, Mont. Rufus Ricker and Meade Steele were here, and they are some of the witnesses who did not go home, and are still here. They made a statement that an Indian by the name of Benjamin Kills Thunder was arrested. Their statement is in one of Mr. FEAR's speeches.

Mr. HASTINGS. What was the length of the sentence of the Indian court in the last case referred to, the Paul Moore case?

Mr. BURKE. I do not remember whether it appears or not.

Mr. KNUTSON. What was the sentence?

Mr. BURKE. I will put that in the record. Now, these Indians from Fort Peck Reservation made a statement and signed it; no opportunity to examine them at all, they were not under oath. But they made a statement and there was much publicity given to it. I have here a cut from a newspaper, which I will hand to the committee, headed: "FEAR calls on Congress to remove shackles from Indian wards of United States." And here is a picture of the Indians, Ricker and Steele, with the shackles that are mentioned, and in the RECORD of March 5, page 5045, in their letter addressed to Mr. FEAR is this paragraph:

"The last time that Mr. Rufus Ricker, a member of the Fort Peck Indian delegation, happened to see a Fort Peck Indian in chains in the jail, the case was as follows:

"It is about a year and a half ago and the name of the imprisoned Indian was Benjamin Kills Thunder. Benjamin Kills Thunder committed the offense of going off the Fort Peck Reservation without a permit or passport from the Indian superintendent, to visit his relatives at Devils Lake Indian Reservation, N. Dak.

"When Benjamin Kills Thunder returned to the Fort Peck Reservation he was seized and tried in the reservation court and sentenced to the reservation jail, where he was kept chained up. No other charge was alleged against him, etc."

We have investigated the case. In the first place, we have no information or knowledge as to where they got possession of the chains that have been exhibited and were exhibited, I think, at a dinner held here recently, but here is a statement from the superintendent answering a letter we wrote him concerning the matter. He writes under date of March 25, 1926:

"I do not know where these gentlemen got the chains that they claim to have. It is possible that they were taken from the agency jail, but I doubt that very much. We have a number of stay chains here that were used, I am told, many years ago in shackling Indians who were incorrigible."

Gentlemen, 50 or 75 years ago, conditions were different than now.

"As to the statement that these were used in shackling Benjamin Kills Thunder while he was imprisoned at the agency jail, this is a bald lie, and Rufus Ricker and Meade Steele knew they were lying when they made that statement. Mr. Kills Thunder was imprisoned in the agency jail about that time, for illegal cohabitation with a Devils Lake, N. Dak., Indian woman. He escaped from the jail once and the officers had a difficult time capturing him. He should have been put in chains, as he has caused us a great deal of trouble. However, he, nor anyone else, was ever shackled by me or anyone connected with the agency since my administration."

Then we have a statement from an Indian who, I believe, has also been in Washington this winter and was here when this charge was made. He returned to the reservation and wrote back, under date of March 13, 1926, as follows:

POPLAR, MONT., March 13, 1926.

Mr. E. B. MERITT,
Assistant Commissioner of Indian Affairs,
Washington, D. C.

DEAR SIR: This is to advise that I have investigated the charges made by Rufus Ricker and Meade Steele to the effect that Benjamin Kills Thunder was placed under ball and chain while in the custody of the Indian court at Poplar.

Muskra, who has been Indian judge here for the past four years, advises that the statement is absolutely false, if applied to any time since he was judge; that, in fact, no Indian was ever put under ball and chain since he was judge of the Indian court.

I inclose herewith transcript of docket in justice of peace court in a case wherein Kills Thunder was defendant, and in which instance he served the time in the county jail. This was, of course, a State case and not an Indian matter.

Yours truly,

WILLIAM WHITRIGHT.

Then we are furnished with a certified copy of the docket entry of the justice's court for Roosevelt County, Mont., where this agency is located, wherein it appears that this same Indian was arrested, brought into court, plead guilty, and was sentenced by the court to a term of 30 days in the county jail, and that this happened, I think, some time about August 14, 1924, and here is a copy of the docket entry substantiating what I have said, which I will incorporate in the record, to show to you gentlemen that this Indian, Kills Thunder, for whom there has been so much sympathy expressed, and who has been held up falsely as having been put in chains and shackles, is not a very good citizen, and he about the time this occurred plead guilty in the State court.

The docket entry referred to is as follows:

JUSTICE'S DOCKET TRANSCRIPT
(Page 11)

State of Montana against Benjamin Kills Thunder. Case No. 793
PROCEEDINGS

STATE OF MONTANA,
County of Roosevelt:

In justice's court before John O. Hanson. Action for disturbing the peace. Issued August 14, 1924. Returnable forthwith. Returned August 14, 1924.

J. M. LARSON,
Chief of Police.

(Complete transcript of docket below:)

Be it remembered, That on this 14th day of August, 1924, personally appeared before me, J. M. Larson, who filed written complaint against the defendant, Benjamin Kills Thunder, charging him with having committed the crime of disturbing the peace. Warrant issued.

On being brought into court on the 14th of August, 1924, by chief of police, J. M. Larson, the court advised the defendant as to his rights to counsel and having read the complaint to the defendant, to which he entered a plea of guilty.

It was thereby ordered by the court that the defendant Benjamin Kills Thunder be imprisoned in the county jail of Roosevelt, for a period of 60 days and pay a fine of \$15. Failure to pay the fine, he to serve it out according to law.

Done in open court this 14th day of August, 1924.

JOHN O. HANSON,
Justice of Peace.

I hereby swear that the above is a true copy of the above-entitled case, as it appears on the justice docket of Poplar Township.

JOHN O. HANSON.

On the question of money and property of the Indians, Mr. FREAR has had much to say of the \$90,000,000 that he says the Bureau of Indian Affairs controls, and he also comments on the value of the Indian estate, said to be valued at \$1,600,000,000. Then, as do those who are indifferent as to what becomes of the estate of Indians and those who would not hesitate to defraud them, he falls in line and proposes to abolish the Indian Bureau and turn the Indians loose because he says they are citizens and should be permitted to have

control of their property and do with it as they like. It is unnecessary for me to say what a tragedy that would spell if such a thing were permitted.

The Bureau of Indian Affairs does not control the estate of Indians. The Bureau of Indian Affairs is under the supervision of the Secretary of the Interior, a member of the President's Cabinet, and while it may be going outside a little, I want to say that we have at the head of that department to-day a man from the West, who is a great physician, big hearted, a man who has not only got red blood in him but a great administrator, and I want to say to you that there will not be anything happen while he is Secretary of the Interior that will do injustice to the Indians; everything practically of importance that the Commissioner of Indian Affairs does has to be passed upon and approved by the Secretary who by the law is charged with the responsibility, and yet these outside organizations and individuals who have no responsibility, by some people are taken and accepted as authority for matters affecting the Indians and conditions that they say exist without any questions being asked. I will call attention to these misstatements while it is before me. Mr. FREAR says on March 5, page 5039:

"Step one: Indian Commissioner Burke makes the rules and regulations that may be as drastic as the laws of the Medes and Persians, and he is the king bee in this new bureaucratic oligarchy."

It sounds like John Collier; I will not say it is not the language of the gentleman.

Mr. FREAR. That was in reference to a bill, was it not?

Mr. BURKE. Mr. Chairman and gentlemen, the Commissioner of Indian Affairs does not make the rules and regulations. They are made by the department and promulgated by the Secretary of the Interior.

"Step two: Mr. Burke appoints the Indian agent. The record of some of these agents smells to heaven if one-third of the complaints received by me are trustworthy."

Why did he put in "trustworthy"? Because he is in error; not intentionally. A man ought not to be responsible for what he does not know.

The Commissioner of Indian Affairs does not appoint superintendents. He does not make any appointments in the Indian Service; they are all made by the Secretary of the Interior.

"Step three: Mr. Burke's Indian agent appoints any other agent he desires."

That does not need any answer. He does not appoint anybody except Indian judges and Indian police, and that is all, and yet he says: "possibly a humble tool, at \$10 a month to try cases against Indians who infringe on rules hereafter to be made and enumerated by Mr. Burke. Then the jail or rock pile."

Here are some other little matters of interest. Mr. FREAR, on March 26, at page 6111 of the RECORD, said:

"Recently a meeting of real friends of Indians was held at the Hotel Lafayette, this city, at which over 150 guests were at the dinner table. A Mr. Mike Rattigan sought to defend the Indian Bureau from criticisms; and as this is the first defense in the do-nothing, play-the-game bureau yet offered, I quote from a letter of March 11 received by me, which gives this estimate of the outside, disinterested friend of the bureau. It says:

"I also note that a Washington attorney by the name of M. A. Rattigan defended the Indian Bureau. Now, Mr. 'Mike' A. Rattigan bears about the same relation to the oil and gas section of the mineral division of the General Land Office as Mr. Gaston Means did to the Daugherty administration. About 90 per cent of his time is spent in the office of Big Chief McGee. A desk has been set apart for his benefit, and one would think that he was a part of the office; his cases are given priority over all other attorneys having oil and gas cases and appearing before the oil and gas section, and he has got the adjudication clerks 'buffaloed' and afraid of their shadow."

"Again I am giving opportunity for the bureau to disclaim that Mr. Rattigan has the same relation to the bureau that the celebrated witness in the Daugherty case was charged to have to the Department of Justice."

I never saw Mike Rattigan, did not know him, and this was the first time I ever heard of him, and there was no suggestion that he had any connection whatsoever with the Indian Bureau. The letter that Mr. FREAR said he received stated he—Rattigan—had a desk somewhere else in the Interior Department, and yet he wants the commissioner to answer whether or not he "has the same relation to the bureau that the celebrated witness in the Daugherty case was charged to have to the Department of Justice."

I have here—I ought not to refer to it, as it requires no answer from me—on March 25, Mr. FREAR said, page 6109 of the RECORD, in answer to some question:

"Mr. FREAR. It can; but let me say that every Member of the House who presents a bill before the Indian committee has to have any bill he offers first sent to the Indian Bureau, and unless it is recommended for passage by the Indian Bureau he does not stand much chance of

getting it through Congress. If there is any member of the committee here, he can deny that. I believe the statement to be substantially true.

"Mr. GARNER of Texas. The gentleman makes a remarkable statement, and I do not know whether he means it to be taken literally or not. Does the gentleman mean to say that the Indian Affairs Committee declines to consider any bill that does not have the O. K. of the Indian Bureau?"

"Mr. FREAR. Practically so; that is, to recommend the bill."

March 26, page 6116:

"Let me not say anything in criticism of any brother Member of Congress. I know the influences urged on every Member. When on the River and Harbor Committee, of which I would now be chairman if I had cared to remain—unless deposed by my colleagues, the honorable House leaders—I learned that practically every member of that committee then, if not now, was placed on the committee at the urgent request of a home constituency which wanted some local waterway improvement. In order to get that improvement every member had to be 'considerate' with the projects of all other members, and when all members of the committee were cared for then a sufficient number of other projects had to be added for other Members of the House also representing constituencies to put the pork barrel through the House."

I do not know what application that has to the Committee on Indian Affairs, and whether it is suggested that this is a committee that makes pork barrel appropriations. They do not make any appropriations; they are all made by the House. Mr. FREAR says further, page 6116, of the RECORD:

"I will not say that members of the Indian committees are not free agents. They are as able as the average major committee of the House, and the committee has some exceptionally valuable members measured by capability and experience."

I am glad to know that some of you gentlemen have qualities that we can designate as being exceptionally valuable.

Page 6116:

"Yet no bill of importance, I assert, as I stated before, can be put through Congress unless it has the O. K. of the Indian Bureau and is stamped with the approval of the Secretary of the Interior. When a bill is introduced and referred to the committee, as stated at the outset, it automatically goes to the Indian Bureau to get its approval or disapproval. The bureau is the czar of congressional bureaucratic subsergency. No important bill for Indians has any chance for passage until approved by the bureau."

"Every member of the committee must humble himself and his case, however meritorious, before the Indian Bureau and woe be it to any member who steps far off the Indian Bureau reservation. Unless 'regular' in conduct his own Indian projects are subject to the blue pencil of the autocrat of the bureau. Of 35 bills reported to date by the Indian Affairs Committee, only one failed to have the indorsement of the bureau and that bill has been held up for weeks in the Senate by the bureau. I do not need further to discuss the bureau's influence over the committee."

Gentlemen, I am not going to comment on that. I did say in my letter that some of the statements made by Mr. FREAR are not only misleading, but I did say that some of them are untrue, and I think all of the foregoing statements are untrue.

He makes the statement February 5, page 3330 of the RECORD, that—

"In the appropriation act of 1925 there is authorized an expenditure of \$140,000 of Indian trust money exclusively for Indian Bureau salaries, this being additional allowance."

This statement is clearly misleading. That is simply an allowance that had to be made to pay the increase in salaries that you authorized when you passed the classification bill. It was necessary to appropriate the \$140,000 in order to meet the increases. That is all there is to that statement.

Then there is another misstatement in the speech of March 5, page 5040 of the RECORD, in which he quotes an Indian named Hendricks, and he is still here, I think, from the Klamath Reservation, Oreg., as follows:

"Hendricks is quoted by the press as saying that \$17,000,000 worth of timber has been sold from the Klamath Reservation in Oregon. When he asked Commissioner Burke for a statement he was told the amount to his tribe's credit was only \$243,000. When the chapter on oil based on Commissioner Burke's new proposal is written, wherein 95 per cent of all the oil produced goes to the oil exploiter while the Indians of all the tribes pay 37½ per cent out of the remaining 5 per cent, or more, with which to cover the oil exploiter's taxes, then the Indians will find a real cause of action that compared with the Klamath Tribe's statement will smell to heaven."

The facts are that up to December 31, 1925, there has been credited to the tribal fund from the sale of timber \$3,407,389; \$400,000 of the amount has been reimbursed to the United States for moneys appropriated for industrial purposes. There has been paid in per capita payments in cash to the Klamath Indians during the last five

years \$1,450,834.98. The expenses of timber operations as well as administration and other expenses on the Klamath Reservation are paid from tribal funds. There is to the credit of the Klamath Indians at this time in the Treasury \$400,800.

The gentleman could have gotten the correct information by writing or phoning down to the Indian Office, but as usual he accepts anyone who makes a statement, especially if he is of Indian blood, that it must be true or he would not make it. Indians are like anybody else. They are just as human as any other race of people, and they are no more reliable than people generally, and they are just as reliable, generally speaking, as are other people.

On March 26 he said, page 6116 of the RECORD:

"When the bureau wants support, it calls in a board of antediluvian Indian commissioners, who travel around with Indian agents looking over the reservations."

"These 'commissioners,' I am informed, serve without pay and have long been under the hypnotic spell of the Indian Bureau. Notwithstanding a wealth of evidence of bureau neglect has disclosed frightful neglect of the Nation's wards, sickness, blindness, and deaths of Indians almost beyond belief, these 'commissioners,' like some of the bureau 'missionaries,' suffer from bureau trachoma, that sees not the things that should be seen. They complain of the Indian's religious belief, without discovering he is chained and manacled by the agent and by the bureau. They pray for his soul but neglect his body before it is too late."

I do not need to defend the Board of Indian Commissioners. The board is made up of men and one lady who are persons of high standing in the country, appointed by the President of the United States, who serve without pay and spend a great deal of time every year going into the Indian country, and they do not hesitate to criticize and make suggestions and are absolutely independent of the Indian Bureau or the Department of the Interior, and are answerable only to the President of the United States. In order that you may know who they are I will give their names and places of residence, as follows:

"MEMBERS OF BOARD OF INDIAN COMMISSIONERS"

"George Vaux, jr., Bryn Mawr, Pa., chairman.

"Warren K. Moorehead, Andover, Mass.

"Samuel A. Elliot, Cambridge, Mass.

"Frank Knox, Manchester, N. H.

"Daniel Smiley, Mohonk Lake, N. Y.

"Hugh L. Scott, Princeton, N. J.

"Clement S. Ucker, Savannah, Ga.

"Flora Warren Seymour, Chicago, Ill.

"John J. Sullivan, Philadelphia, Pa.

"Malcolm McDowell, Washington, D. C., secretary."

On March 26, page 6190 of the RECORD, the gentleman said:

"An ex-governor is called in by a committee to say he knows 34,000 Navajos are anxious to give 50 per cent of their oil royalties if the bureau thinks best. These and others of that kind of Indian friends are ready to defend the Indian Bureau's chains, manacles, and highway robberies of its American citizen slaves now ruled and cowed by bureau \$10-a-month 'judges.'"

This refers to H. A. Hagerman, of Santa Fe, N. Mex. Mr. Hagerman is a former governor of the State of New Mexico, a man of high character, and his reputation has never been assailed, so far as I know, a member of the Pueblo lands board engaged in solving the problems of the titles of the pueblos, and, incidentally, commissioner to the Navajos; he came here at the request of the department for the sole purpose of considering whether or not we ought to have further oil development in the Navajo Reservation by the making and sale of additional oil leases, and to discuss the details; and while here he was calling, as I understand it, at the Senate upon his friend, Senator BRATTON, who requested him to appear before the committee, which he did, and was interrogated with reference to this proposed leasing proposition on Executive-order reservations, and did say that he had talked with Chee Dodge and some other members of the Navajo business committee, and they were entirely satisfied with the proposition contained in the bill as it was originally introduced, and that they would be satisfied if they only got 50 per cent. This is the way this distinguished, faithful, conscientious public official is characterized by my friend from Wisconsin.

I had some excerpts here. I do want to mention something that came in his extended remarks of April 6. He puts in some correspondence referring to the case of one Frank Murray. The Murrys were here early in the winter and called on me with Senator LENROO, and the man was paralyzed, just able to totter, his old wife supporting him; came in and appealed to me to know if I would not make a report that would enable the old gentleman to have some chance of getting relief that he claimed he was entitled to, because at one time he was removed from his reservation. And, gentlemen, not having very much sympathy for such Indians as Paul Moore, at Lac du Flambeau, or such as Benjamin Kills Thunder, at Fort Peck, I have sympathy for a decrepit, aged old man, whether he is an Indian, white, or whatever he is, and this case did appeal to me; and I said to Senator LENROO that I would endeavor to make a report in the case that would, at least, I think, make it possible for it to be considered by Congress without

prejudice that might attach if there was an unfavorable report from the department or Bureau of the Budget.

I wrote up a report and sent it upstairs and Assistant Secretary Edwards was not satisfied with the report and it was returned, and on March 6, the Senator wrote Mrs. Murray and said the commissioner had advised him confidentially "that he had written a report upon the bill for Frank, but his report had not met with the approval of the Secretary, who makes the report to Congress, and he was compelled to rewrite it in such a way as to secure the approval of the Secretary of the Interior."

If I had any conversation with Senator LENROOT, which I probably did, I did not refer to the Secretary of the Interior Department, but to the Assistant Secretary, and told him the circumstances, and yet Mr. FREAR in his speech says, page 6969, CONGRESSIONAL RECORD of April 6:

"Here follows the usual self-serving declaration from the bureau, for it seems incredible that Secretary Work would take into his own hands a detail of this kind properly belonging to the Indian Bureau, although correspondence is ordinarily conducted through the department head."

In other words, he wanted to discredit the Commissioner of Indian Affairs in some way in this proposition, and says it is incredible that Secretary Work would do anything of the kind. In this same speech, and I am a little surprised that a man who would take exception to a letter from me to the chairman of the Indian Committee getting into a newspaper in his district, would cause to be printed in the CONGRESSIONAL RECORD a letter written to me on the same date he made the speech, and I read it in the RECORD an hour before I received the letter, indicating that the relations of the writer of that letter, who was Judson King, associated with John Collier, had written it and it appeared in the CONGRESSIONAL RECORD in his extended remarks the day before I received it and the same day the letter was written, postmarked 6.30 p. m. that day, April 6.

To clear that up, here is a copy of Mr. Edwards's memorandum that came back with this bill, and he sent it to me and said that I was at liberty to read it to the committee so as to show that the commissioner was not justly subject to the insinuation that is implied in the remarks of the gentleman.

The memorandum referred to is as follows:

FEBRUARY 24, 1926.

Memorandum for Commissioner Burke.

The bill reported on provides for the payment to Frank Murray, a member of the Bad River Band of Chippewa Indians, of the sum of \$3,000 to compensate him for injury to his business and property by reason of his "illegal removal from said reservation on February 11, 1909."

It will be noted that he is being compensated for damages resulting to him for "his illegal removal" from the reservation. In the report coming from the Indian Office I find the following statements:

"Murray and his wife conducted a hotel and restaurant within the reservation. Complaints were made that intoxicated persons were constantly congregating there, and that liquor was being sold to Indians and others. In 1907 Murray was indicted on the charge of introducing whisky into Indian country in violation of the law. He pleaded guilty and was sentenced, but sentence was suspended. Murray, with others, was removed from the reservation."

It also appears from your report that on December 2, 1911, after his removal from the reservation he was permitted to reenter or return to the reservation.

I have read your report with care and I can see no justification whatever, if the facts are as alleged in the report, for a favorable report on this bill. If it be true that this man was indicted on the charge of introducing whisky in the Indian country, and he pleaded guilty and was removed, I assume for the good of the Indians, then there can be no basis in my opinion for the payment of these damages. At least a stronger showing should be made before this bill is favorably reported upon. While no direct favorable recommendation for the passage of this legislation is made in your report, you do say, "The department offers no objection to its receiving consideration by the Congress." That is a half favorable report in my judgment, especially when linked with the statement that "there is some merit in his contentions."

Of course this bill must be reported on, but the facts alone should constitute the report without any recommendation. The report should be neutral—neutral as a glass of distilled water.

The report is returned for changes along the lines here suggested.

EDWARDS,
Assistant Secretary.

I caused the report to be rewritten as suggested by Mr. Edwards, making it neutral and not containing any recommendation. Later, he advised me that, under the policy of the department, it had been determined that in all reports referring to claims of this kind there would have to be a definite recommendation and therefore he would be obliged to rewrite the report, making an adverse recommendation, which was done, and the report was signed by the Secretary and sent to the chairman of the Committee on Claims.

I will conclude in a moment. I would like to read for the information of the committee a telegram that came from Mr. Hagerman before he arrived here, as follows:

SANTA FE, N. MEX., March 4, 1926.

INDIAN OFFICE,

Washington, D. C.:

Very satisfactory talks with Chee Dodge and Dasline. Believe reimbursable tribal fund and lease amendment matters can be satisfactorily settled with Indians if some reasonable adjustments are made by department and Congress. Indians are perfectly satisfied with 62½ per cent royalties in Executive-order lands and anxious that matter be settled. Writing fully.

HAGERMAN.

I want to say to this committee that it is my opinion that what actuates the representative, Mr. Collier, of this so-called Indian defense society, are selfish motives, and that his campaign of propaganda is because he hopes to create a distrust on the part of the people that the Department of the Interior and the Bureau of Indian Affairs are not safeguarding the interests of the Indians and that they are being, to use the expression, robbed and outraged, and that the bureau is seeking in the interests of oil companies, at the expense of the Indians, to exempt them from taxation and other similar extravagant statements, all for the purpose of laying the foundation of going to the country, as frequently is done by others, and appealing for money that they may themselves enjoy the benefits thereof, and I hold in my hand, in confirmation of what I have just stated, a document issued by this Indian defense society, headed: "The Indian crisis in Congress," and containing false, untrue, and misleading statements, and if the receiver of these documents has any doubt of the information it carries, they are, I presume, referred to speeches of the distinguished gentleman from Wisconsin, a member of this committee. I happen to know of an instance where Mr. Collier was endeavoring to interest a party by making his declarations of conditions about which he was complaining, and that the party later called on me, told of his conversation with Mr. Collier, who he stated had handed him a copy of the speech of the gentleman from Wisconsin, dated March 5.

In the appeal for funds is a statement appealing about the starving Pimas, misleading, because Dirk Lay, a missionary whom he quotes, in a hearing before the Senate Committee on Appropriations, made the statement that there is no actual starvation but not enough food, and yet they make representations to the effect that those Indians are dying from starvation, due to the neglect of the Government to furnish them with water, when we are expediting in every way possible the construction of the Coolidge Dam in order that we may supply water for them; and here is one of the statements:

"And also to-day Secretary Work has secured further delay on technical quibbles, while the Pimas die."

This dam is going to cost five and a half million dollars. Secretary Work is responsible for its construction, and I say he is justified, and he could be censured for doing otherwise than, to see that the preliminaries and the details are properly examined into, and the type of dam is one that will prove what we want it to be, something that will last for all time, and I say to you, and Rev. Dirk Lay knew it, that the Secretary and everybody connected with the department is doing everything possible that is humanly possible to proceed speedily and to get appropriations sufficient to complete this dam at the earliest possible date.

Then Mr. Collier says in this circular at the end of it:

"We are fighting a powerful combination of bureaucrats, politicians, exploiting interests, and newspaper silence bent on 'putting over' the most astounding wholesale program of loot and tyranny this century has known in Indian affairs."

"This is not an ordinary year—at all costs we must defeat the wholesale confiscation of reservation lands."

"THE AMERICAN INDIAN DEFENSE ASSOCIATION (INC.),

"HAVEN EMERSON, M. D., President.

"JOHN COLLIER, Executive Secretary."

Then "Tear off and mail," etc.

And the person who is deceived and misled and feels that they ought to contribute signs this blank:

"Inclosed find check for \$—— to help defeat the wholesale confiscation of Indian lands and to educate the people of this Nation to an enlightened Indian policy. Signed, etc."

"To American Indian Defense Association, Robert Ingersoll Brown, treasurer, 67 Morton Street, New York, or 637 Munsey Building, Washington, D. C."

I did not know they had a treasurer. I supposed the secretary handled the funds—637 Munsey Building is John Collier's address. If you happen to have the names or know of any other suckers, fill out this blank, etc. Then follows the phrase: "Tell these friends they might help: Name; address; occupation."

So John sends the propaganda to them, and I presume it results in an accumulation of a considerable fund, and Congress does not know anything about what becomes of it, who contributes to it, or what use

is made of it; and if there is not a law, there ought to be a law that would preclude people under false pretenses from using the mails to solicit money as is contemplated in this document.

THE INDIAN CRISIS IN CONGRESS

WHAT SHALL WE CALL THIS, ANNIHILATION OF THE PIMA INDIANS?—A SAMPLE OF INDIAN BUREAU GUARDIANSHIP

The death rate among the Pima Indians of Arizona is appalling. An acute crisis exists. No accurate vital statistics of the tribe as a whole are available, but—

Recent investigations reported by Rev. Dr. Dirk Lay, for 16 years resident Presbyterian missionary on the Pima Reservation, show that in one township, which contains a third of the tribe, one-fourth of the Indians have died in the past four and one-half years. (See accompanying map.) This means an annual death rate of 59 per thousand, as against the average annual death rate among white people of 12 per thousand for Arizona and the whole United States.

This fatality is not caused by a sudden epidemic, but by slow starvation over a period of years plus an acute condition of utter hopelessness and heartbreak during the past 18 months, due to the failure of the Indian Bureau to execute the relief Congress ordered.

The Pimas are agricultural Indians, dependent absolutely on the Gila River to water their desert lands, which they have cultivated successfully for ages.

The Pimas have a legal and moral right to the use of the river, but for the past 35 years, by a neglect tantamount to conspiracy, the Indian Bureau "guardian" has permitted the upstream white settlers gradually to usurp use of the Indian water until to-day the Pimas are unable to subsist on lands which had not only amply supported them but supplied a surplus for outside sale.

In 1924 Congress ordered a storage dam built for the Pimas—to be called the Coolidge Dam—to cost \$5,500,000, in order specifically to give relief to the suffering Pimas.

On March 25, 1926, due to the criminal neglect of the Indian Bureau, not a bucket of concrete has been poured.

And also to-day Secretary Work has secured further delay on technical quibbles while the Pimas die, and Assistant Indian Commissioner Edgar B. Meritt tells Congress "there are no starving Indians on this reservation (Pima), and there are no starving Indians in the United States."

The Pimas stood by the Union cause in the Civil War. It is a matter of official record that in 1863 they furnished the United States Government 600,000 pounds of wheat on credit. They never attacked the white pioneers; never shed a drop of white blood. And this is how we treat them.

AND WHAT IS THIS BUT ROBBERY AND OPPRESSION OF ALL INDIANS—DESTRUCTIVE INDIAN BUREAU STATESMANSHIP

The Indian Bureau is sponsoring and attempting to jam through this Congress a bill (H. R. 9133) which would destroy any Indian title or claim to any vested right or interest in unallotted lands in Executive-order reservations. It affects 23,000,000 acres in 10 States, comprising two-thirds of the undivided lands remaining to American Indians in the entire United States.

If enacted, the Indians, by Executive order, can be hurled from the homes like trespassers, and by another Executive order leases may be granted to oil, coal, timber, water-power, grazing-land, and other promoters.

It is manifest that no Indian problem is comparable with the immediate necessity of defeating this attempt at wholesale dispossession. For two generations—and in some instances for centuries—the Indians have in good faith occupied these lands as theirs at the hands of the United States Government.

A hard fight is imminent. The bureau, a powerful oil lobby, and Secretary Work are back of this effort to accomplish by law what Albert B. Fall, Work's predecessor, failed to do by departmental order.

OIL INCOME TAX OF 37½ PER CENT

The bureau also proposes in this bill that the Indians on such reservations be taxed 37½ per cent on all oil and gas royalties they may receive—which money is to be turned over to the States in which the reservations lie—and the white producers go scot-free of taxes, State or Federal.

CONFISCATING CITIZENSHIP

The Indian Bureau is further pressing hard for the enactment at this session of measures of a most oppressive character which continue its despotic control of Indian life, deprive Indians of the equal protection of the laws, and make a ghastly farce of the law of 1924 granting citizenship to Indians.

By one of these (H. R. 7826) any reservation agent, or his deputies, including \$10 a month "judges," may jail an Indian for six months without stated cause, warrant, or trial. By another (H. R. 8050) an Indian or any white person can be imprisoned one year and fined \$1,000 for interfering with an employee of the bureau, and can be fined \$2,000 and imprisoned one year for attempting to "rescue or destroy any article or property" belonging to an Indian and seized by the bureau.

CONSTRUCTIVE LAWS NEEDED

As against such measures advocated by Commissioner Burke and Meritt the American Indian Defense Association is actively supporting bills introduced by fair-minded Congressmen and Senators which will protect the property of the Indians, grant them civil rights, religious liberty, and the protection of the courts consistent with their present status of American citizenship. These laws extend to them a fair opportunity to exist, to develop their lives, and to assimilate white civilization in a natural fashion without being robbed, cowed, and maltreated through the neglect or overt acts of their alleged guardian and "friend"—the Indian Bureau, and its 5,000 employees. These proposed laws are:

(a) An act (H. R. 10053, S. 3431) establishing a method of leasing Indian oil and gas lands, equitable to all concerned, providing equal taxation for white and red men.

(b) An act (H. R. 10199) vesting in the Indians a title to Executive-order reservations identical with their title to treaty reservations.

(c) An act (H. R. 9315) establishing civil liberty for the Indians, bringing them under the State and Federal laws, safeguarding their tribal cultures, abolishing the Indian Bureau's power to jail them without trial, to virtually enslave them for unspecified offenses, and to domineer over their religious life.

(d) Two acts (H. R. 8823 and 9601) establishing due process of law for Indians in matters of leasing their lands, making their wills, and determining their heirs.

(e) Two acts (S. 3020, H. R. 8821, S. 3611) bringing the States of California and Wisconsin into action for the social welfare of Indians, as a precedent for bringing other States into similar action.

THE BATTLE IN WASHINGTON

The American Indian Defense Association is bearing the brunt of the legislative battle at Washington to defeat the destructive program of the Indian Bureau and to enact constructive, enlightened legislation which will conserve the lives and property of Indians and redeem our promises to them.

We are fighting a powerful combination of bureaucrats, politicians, exploiting interests, and newspaper silence bent on "putting over" the most astounding wholesale program of loot and tyranny this century has known in Indian affairs.

This is not an ordinary year—at all costs we must defeat the wholesale confiscation of reservation lands.

THE AMERICAN INDIAN DEFENSE ASSOCIATION (INC.),

HAYEN EMERSON, President.

JOHN COLLIER, Executive Secretary.

MARCH 23, 1926.

TEAR OFF AND MAIL

This is also my fight, so—

Inclosed find check for \$-----
to help defeat the wholesale confiscation of Indian lands and to educate the people of this Nation to an enlightened Indian policy.

(Signed)-----

(Address)-----

To American Indian Defense Association,

Robert Ingersoll Brown, Treasurer,
67 Morton St., New York, or
637 Munsey Building,
Washington, D. C.

Tell these friends they might help.

Name Address Occupation

1. -----

2. -----

3. -----

What I have said is in rather a rambling way. It is impossible to cover everything incorporated in the several speeches or extended remarks of the gentleman from Wisconsin. I think I have covered some of the important statements that he has made, and if there are other things I have not covered and you have any doubt about them, you can probably ascertain yourselves as to the truth of the statements.

I thank the committee, and if any members of the committee desire to interrogate me they may do so, and as far as it is possible for me I will try to answer questions.

WEDNESDAY, April 14, 1926.

The CHAIRMAN. The committee will be in order. I understand Mr. Burke wishes to make a brief statement of two or three minutes. If there is no objection, Commissioner Burke will be allowed to proceed.

Mr. BURKE. Mr. Chairman and gentlemen, in what I said on Saturday I was endeavoring to confine my remarks to the statements made in the several speeches that appeared in the RECORD, made by the gentleman from Wisconsin [Mr. FREAR]. Incidentally, I presented a leaflet that was being circulated apparently for the purpose of soliciting funds by the Indian Defense Association, and in that circular there is a misleading statement with reference to the condition of the Pima Indians, and as I did not discuss it, I want to put in the RECORD one page from the hearings before the subcommittee of the Senate Appropriations Committee on the Interior Department bill, held in March, and the portion that I refer to appears on March 11, 1926; I am not certain of the date; it begins on page 175 and goes over to page 176. If you would like it to be read, I will read it.

Mr. KNOTSON. If it is not too long, I would like to have it read.

Mr. BURKE. I will read it—Mr. Meritt, Assistant Commissioner, was before the committee and was interrogated as follows:

"DEATH RATE AMONG INDIANS"

"Senator HARRIS. I should like to ask just what the death rate among the Indians is now, compared with the white death rate.

"Mr. MERITT. I have the data here, Mr. Chairman. The death rate among the Indians is not very much greater than among the whites. In recent years we have very materially reduced the death rate among the Indians. The Indians now are increasing in population at the rate of several thousand a year. I will get the exact figures and put them in the record for you.

"Senator HARRIS. If you please.

"Senator SMOOT. You speak of the death rate as covering the whole country, not any particular section?

"Mr. MERITT. Yes.

"Senator PHIPPS. But in answer to the Senator's question, Mr. Meritt is going to supply the information as to the Pima Indians.

"Mr. MERITT. I thought your inquiry related to Indians throughout the United States.

"Senator HARRIS. Yes; that is what I meant.

"Mr. MERITT. I will put that in the record.

"Senator PHIPPS. Did you not want it also as related to the Pima Indians separately?

"Senator HARRIS. Yes; I should like to have that, because the statement made yesterday was rather alarming.

"Mr. MERITT. I will put the information in the record."

The information referred to was subsequently furnished by Mr. Meritt as follows:

"RE DEATH RATE AMONG PIMA INDIANS"

"The apparently excessive death rate among the Pima Indians during the fiscal year ended June 30, 1925, as shown by the census report for that year is not real, but is due to the correction of former census rolls by the recent superintendent, Mr. C. E. Faris.

"When Mr. Faris took charge of Pima he found that former census reports were erroneous in that they had continued to carry a large number of Indians as living who were really dead, some of them having died years ago. Realizing the importance of having accurate rolls, he at once began the making of a corrected roll or census. By exhaustive inquiry, whenever and wherever opportunity offered, he secured data by which he was enabled to make a census roll that is much nearer to being exact than any previous roll, though admittedly not entirely correct even now, but in doing so he had to place the names of the dead Indians on the roll with the appropriate notations as to the approximate dates of death. Accordingly the last census roll shows 420 Indians who died prior to June 30, 1924, but who were carried on that roll as living at that date; 88 deaths are reported from June 30, 1924, to June 30, 1925, but the exact date of a number of these deaths is not known, and it is quite probable that a number of them occurred prior to the beginning of the census year.

"The roll of June 30, 1925, also shows 182 additions by births, of which 129 were born prior to June 30, 1924, but which had not been enrolled on the census of that date, leaving 53 births as having occurred during the census year ending June 30, 1925.

"To recapitulate briefly, the census report of June 30, 1925, drops approximately 508 from the roll by death, 420 which should have been dropped on the census for June 30, 1924, and reports 182 additions by birth, 129 which should have been reported on the previous census. These figures indicate that there were 88 deaths during the fiscal year ending June 30, 1925, and that during the same period there were 53 births; but as stated above, some of the deaths shown probably occurred during the previous year. The total census of living Indians as of June 30, 1925, is 4,515.

"The death rate among Indians throughout the United States during the fiscal year 1925 was 24.84 per thousand, while in 1913 the death rate among Indians was 32.24 per thousand."

This hearing has been held and this information was available at the time that the sheet I refer to was published, and the Rev. Dirk Lay was present at the hearings. I would like also to add in connection with this Pima question as to their starving, etc., a clipping from the El Paso Herald on March 15, 1926, which is as follows:

[From the Herald, El Paso, Tex., March 15, 1926]

PIMA INDIANS IN GILA VALLEY ARE STARVING, DENIED—STORIES FROM WASHINGTON TELL HARROWING TALE OF PEOPLE

"PHOENIX, ARIZ., March 15 (SP).—From Washington, in connection with efforts to secure early action on the San Carlos Dam appropriations, have come some stories evidently not intended for Southwestern consumption. They tell of starvation among the Pima people of the Gila Valley, and of a decrease of 25 per cent in population within the past four years. One touching tale is of how living infants have been buried with their emaciated dead mothers. The reason set forth for this deplorable condition was the lack of water for irrigation of the Indian farms, this water drained from the Gila River by predatory white farmers upstream.

"The fact that the white farmers have taken the low-stage waters almost entirely away from the Indians is not disputed. This is a condition that has been known for about 30 years, and is the main reason for construction of the San Carlos Dam, under which the Pimas will be assured water for the cultivation of about 40,000 acres. But, according to the persons well informed concerning the tribe, the lack of water simply has turned the Pimas toward other occupations than farming.

"LAUGH AT FAMINE"

"Indians of high standing, including students at the Cook Bible School, laugh at the reports of famine on the reservation, stating that the Pimas are getting along very well, many of them employed on new reclamation and railroad work, looking forward to the time when an ample water supply shall be available for their little farms. It is declared that there is absolutely no destitution that would involve starvation.

"The tribe, including a branch on a small reservation on Salt River, 10 miles east of Phoenix, has a membership of about 5,000. Save occasional relief for the aged, it never has drawn rations from the National Government, and it ever has been friendly to the whites and helpful in the warfare against the Apache."

There is one further statement, Mr. Chairman, that I overlooked. In the speech of Mr. FARMER on March 5 he made this statement: "The Indians in some instances are dying rapidly, and in one State the number has decreased from 100,000 to 17,000, due to disease."

This is a misleading statement, and if there is any basis for it whatsoever it must be with reference to Indians in California, and must refer to the early period when it was generally understood that in the mad rush for gold there was more or less conflict between the whites and Indians, and, possibly, a great many Indians were killed; I do not know, but in recent years there has been no large decrease in the Indian population of California from any cause, and I therefore say the statement is misleading. In the same paragraph he made a statement that "the American Indian since the Bureau of Indian Affairs was established has decreased three-fourths in population by sickness and neglect." That is absolutely untrue, as statistics show that the Indian population has increased and is increasing. In the matter of giving to the Indian proper medical attention, the department is governed by appropriations provided by Congress. By reason of the department's activity the appropriation for relief of distress and medical attention among the Indians has been increased from \$40,000 in 1910 to \$700,000 annually at present.

Mr. HAYDEN. I intended to ask you some questions in regard to the starving Pimas, but I think you have covered the matter rather fully. I can only add that I was born within 5 miles of the Pima Indian Reservation, and my first nurse was a Pima Indian woman. I have known those Indians all of my life, and I have no better friends than members of that tribe, and I am sure if they were in a starving condition they would not fail to let me know about it. I have not heard anything from any Indian of the Pima Tribe or from anyone else authorized to speak for them that bears out the statements that have been broadcasted of widespread starvation among them.

Now, I want to ask you a question with respect to the Navajo Indians, because it has been presented to this committee that they have been greatly abused. Have you any record of the amount of money that has been appropriated by Congress in the way of gratuity appropriations for the benefit of the Navajo Indians?

Mr. BURKE. We have.

Mr. HAYDEN. What does that aggregate?

Mr. BURKE. Approximately, in the last 15 years, something more than \$10,000,000 has been appropriated for the Navajo Indians as gratuity appropriation, not reimbursable or charges to them in any manner whatsoever.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 31, 1925.

THE SECRETARY OF THE INTERIOR.

DEAR MR. SECRETARY: Attention is invited to the decision of former Secretary Fall in the appeal of E. M. Harrison from the decision of the General Land Office of January 14, 1922, in which his application for a prospecting permit under section 13 of the act of February 25, 1920 (41 Stat. L. 437), for a tract of land in township 45 south, range 22 east, S. 1. M., Utah, was rejected. The application was rejected by the commissioner because the land was within a part of the Navajo Indian Reservation withdrawn from the public domain by Executive order of May 17, 1884.

On June 9, 1922, the Secretary reversed the decision of the commissioner, basing his action on the ground that the act of February 25, 1920, did not expressly exclude from the provisions thereof land within Indian reservations. He speaks of the method by which Indian reservations may be created and established, viz, by treaty, by legislative enactment, and by Executive order, and after discussing them holds that Indian reservations created by treaty or by legislative enactment are not subject to the provisions of the general leasing act but that Indian reservations created by Executive order are so subject.

As a reason for this holding, it is stated that the President by Executive order could convey no title to the land set apart for the use of the Indians and that the United States can not be held to have reserved for Indian purposes the minerals beneath the surface. Mention is made of the act of February 28, 1891 (26 Stat. 795), which provides for leasing of unallotted lands on Indian reservations "occupied by Indians who have bought and paid for the same," and the Secretary concludes therefore that Congress having recognized the right of the Indians on such reservations to the mineral resources, the general leasing act does not apply thereto. Apparently it is contended that the distinction between Executive order and other Indian reservations, so far as the minerals contained therein are concerned, is that Congress has recognized by the act of February 28, 1891, the right of the Indians on treaty reservations to the mineral proceeds, whereas it has not so recognized the rights of Indians on Executive-order reservations.

By section 26 of the act of June 30, 1919 (41 Stat. L. 3-31), the Secretary of the Interior was authorized and empowered to lease unallotted land on any reservation within Arizona, New Mexico, and certain other States for the purpose of mining valuable metalliferous minerals. It is provided therein that the lessee shall pay to the United States for the benefit of the Indians certain royalties and rentals therein prescribed. The act applies to a number of reservations created by Executive order and the right of the Indians occupying such reservations to the proceeds of the mining of metalliferous minerals is thus clearly recognized by Congress. The act does not authorize the leasing of lands for any of the minerals covered by the general leasing act of February 25, 1920.

As to the difference of Indian title to reservations created by treaty, legislative enactment, and Executive order, attention is invited to the following excerpt from the decision of the Supreme Court of the United States in *re Wilson* (140 U. S. 575):

"With respect to the first question, it may be observed that the White Mountain Indian Reservation was a legally constituted Indian reservation. True, when the Territory of Arizona was organized, on February 24, 1863 (12 Stat. 664, ch. 56), there was no such reservation, and it was created in the first instance by order of the President in 1871. Whatever doubts there might have been, if any, as to the validity of such Executive order, are put at rest by the act of Congress of February 8, 1887 (24 Stat. 388, ch. 119, par. 1), the first clause of which is 'That in all cases where any tribe or band of Indians has been or shall hereafter be located upon any reservation created for their use, either by treaty stipulations or by virtue of an act of Congress or Executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation, or any part thereof, of such Indians is advantageous for agricultural and grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed if necessary, and to allot the lands in said reservation in severalty to any Indian located thereon, in quantities, as follows:'

"The necessary effect of this legislative recognition was to confirm the Executive order and establish beyond challenge the Indian title to this reservation."

In his decision the Secretary referred, among others to the decision of the United States Supreme Court in the case of *Spalding v. Chandler* (100 U. S. 394). Attention is invited to the following excerpts from the opinion of the court in that case:

"It has been settled by repeated adjudications of this court that the fee of the lands in this country in the original occupation of the Indian tribes was from the time of the formation of this Government vested in the United States. The Indian title as against the United States was merely a title and right to the perpetual occupancy of the land with the privilege of using it in such mode as they saw fit until such right of occupation had been surrendered to the Government. When Indian reservations were created, either by treaty or Executive order, the Indians held the land by the same character of title, to wit, the right to possess and occupy the lands for the uses and purposes designated.

"The reservation thus created stood precisely in the same category as other Indian reservations, whether established for general or limited uses, and whether made by the direct authority of Congress in the ratification of a treaty or indirectly through the medium of a duly authorized executive officer."

From the foregoing quotations it would seem that the United States Supreme Court holds that the Indian title to Executive-order reservations is the same as that to reservations created by treaty or by act of Congress.

But it is not only in the right to the proceeds of mineral development that Congress has recognized the Indian title to reservations both treaty and Executive order. Section 7 of the act of June 25, 1910 (36 Stat. 855-857), provides:

"Sec. 7. That the mature living and dead and down timber on unallotted lands of any Indian reservation may be sold under regulations to be prescribed by the Secretary of the Interior, and the pro-

ceeds from such sales shall be used for the benefit of the Indians of the reservations in such manner as he may direct: *Provided*, That this section shall not apply to the States of Minnesota and Wisconsin."

Congress thus expressly recognizes the right of Indians occupying Executive order reservations to the proceeds of the sale of timber. It is universally recognized that standing timber is a part of the realty. The Supreme Court in the case of the *United States v. Cook* (19 Wall. 591), in considering the question as to the right of Indians to sell timber from their reservations, said: "Timber while standing is a part of the realty, and it can only be sold as the land could be."

Congress has repeatedly recognized the right of Indians living on Executive-order reservations to the proceeds from the sale of the surplus lands of said reservations. For citations in support of this statement attention is invited to the following acts:

The acts of February 20, 1893 (27 Stat. L. 469); March 2, 1895 (28 Stat. L. 894), and June 10, 1896 (29 Stat. L. 358), in connection with reservations in Arizona.

The acts of June 17, 1892 (27 Stat. L. 52); October 1, 1890 (26 Stat. L. 658); February 8, 1905 (33 Stat. L. 706), and April 21, 1904 (33 Stat. L. 224), and in connection with Executive-order reservations in California.

The acts of June 21, 1906 (34 Stat. L. 335), and February 23, 1889 (25 Stat. L. 687), regarding Executive-order reservations in Idaho.

The acts of April 20, 1904 (33 Stat. L. 225), and May 27, 1902 (32 Stat. L. 260), regarding Executive-order reservations in Nevada.

The acts of June 1, 1910 (36 Stat. L. 455), and April 21, 1904 (33 Stat. L. 194), regarding Executive-order reservations in North Dakota.

The acts of February 13, 1891 (26 Stat. L. 758), and March 3, 1893 (27 Stat. L. 562), in connection with Executive-order reservations in Oklahoma.

The acts of August 15, 1894 (28 Stat. L. 323), appropriated moneys for the Siletz Indians in Oregon for the cession of lands established by Executive order.

The acts of May 27, 1902 (32 Stat. L. 263), and June 15, 1880 (21 Stat. L. 199), regarding Executive-order reservations in Utah and Colorado.

Congress by the act of June 21, 1906 (34 Stat. L. 377), appropriated \$1,500,000 to pay the Colville Indians for land included within their reservation by Executive order, which land had been thrown open to settlement under the act of July 1, 1892 (27 Stat. L. 62). By the act of March 22, 1906 (34 Stat. L. 80), surplus land on the diminished Colville Indian Reservation was opened to settlement, "the net proceeds . . . from the sale and disposition of the land aforesaid, including the sums paid for mineral and town-site lands," to be deposited in the United States Treasury to the credit of the Indians having tribal rights on the reservation and to be expended for their benefit.

The act of May 29, 1908 (35 Stat. L. 458), authorized allotments in severalty to the Indians on the Spokane Reservation, which was established by Executive order of January 18, 1881, and authorized the disposal of the surplus lands at the appraised valuation thereof, the proceeds to be deposited to the credit of the Spokane Indians. The act of May 18, 1916 (39 Stat. 123-155), authorized and directed the Secretary of the Interior to lease for mining purposes unallotted land on the diminished Spokane Reservation, the proceeds to be paid into the Spokane Indian tribal fund.

When the appeal of Mr. Harrison was under consideration this office was given no opportunity to present its views, although property rights of the Indians were involved. It was first informed of the decision on June 16, 1922, when a copy of a letter to Mr. Gerald Hughes, of Denver, Colo., advising him of the decision, was sent here for the information of the office.

The subject matter involved is one of great importance to the Indians occupying Executive-order reservations. Under the general leasing act of February 25, 1920, none of the proceeds arising from the leasing of the land will be available for the benefit of the Indians who are entitled thereto. It is true that recommendation was made to Congress that the act be amended so that the Indians would get one-third of the proceeds arising from the leasing of their lands, but such legislation was not enacted.

Both Congress and the Supreme Court of the United States have recognized that the Indians have a good title to the lands set apart for their use regardless of how such reservation was created. In view of the action of Congress in recognizing the right of the Indians to the proceeds of the sale of timber on Executive-order reservations, of the sale of surplus lands thereof, and when the land is leased under the act of June 30, 1919, the office is satisfied that if Congress had intended the act of February 25, 1920, to apply to Indian reservations provision would have been made for the use of all the money arising therefrom for the benefit of the Indians occupying the land. The office is convinced that if the lands are leased and the funds applied as provided in the act of February 25, 1920, the Indians will have a good and just claim against the United States therefor.

This subject is being brought to your attention with the request that it be referred to the Solicitor for the Interior Department for an opinion as to the Indian title to lands within Executive-order Indian reservations and also to the applicability of the general leasing act of Feb-

ruary 25, 1920, to such lands. In this connection attention is invited to the brief filed by the Indian Rights Association regarding this matter.

Cordially yours,

CHAS. H. BURKE, *Commissioner*.

Referred to the solicitor, as suggested.

HUBERT WORK, *Secretary*.

APRIL 18, 1923.

LEAVE TO ADDRESS THE HOUSE

Mr. HOLADAY. Mr. Speaker, I ask unanimous consent that on next Tuesday, immediately following the remarks of the gentleman from Wisconsin [Mr. BERGER], I may be permitted to address the House for five minutes.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that on next Tuesday, immediately following the remarks of the gentleman from Wisconsin, he may be permitted to address the House for five minutes. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

R. E. NEUMANN AND WIFE

The next business on the Private Calendar was the bill (H. R. 2210) for the relief of R. E. Neumann and wife.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to R. E. Neumann and wife, of Galveston, Tex., the sum of \$10,000 in full compensation for the death of their son, Ernest Neumann, who was killed on or about the 25th day of February, 1925, in Galveston County, Tex., by an airplane, which at the time was being operated by an officer or aviator of the United States Army in line of duty.

With a committee amendment:

In line 6, strike out "\$10,000" and insert "\$3,500."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

CHARLES M. UNDERWOOD

The next business on the Private Calendar was the bill (H. R. 2680) for the relief of the estate of Charles M. Underwood.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the estate of Charles M. Underwood, deceased, United States registered bonds Nos. 10101, 10102, 10103, and 10104, in the denomination of \$20 each; and bond No. 20080, in the denomination of \$100, inscribed "Susie E. Haswell"; and bond No. 14095, in the denomination of \$500, inscribed "James H. Jenks, Jr.," all of the 3 per cent loan of 1908-1918, without presentation of the bonds, said bonds having been stolen after having been assigned in blank by the registered payees, and said registered payees having been reimbursed for the bonds by Charles M. Underwood, now deceased: *Provided*, That the said bonds shall not previously have been presented to the Treasury Department under such circumstances as would necessitate their redemption in favor of the person, firm, or bank presenting them: *Provided further*, That the estate of Charles M. Underwood shall first file in the Treasury Department a bond in the penal sum of the principal of said bonds, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the bonds herein described.

With a committee amendment, as follows:

Page 1, line 10, strike out the word "junior" and insert "jr."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

HARRY M'NEIL

The next business on the Private Calendar was the bill (H. R. 2993) for the relief of Harry McNeil.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 to Harry McNeil, of San Francisco, Calif., being a refund on account of the forfeiture of a Liberty bond and which through error on the part of the clerk of the United States District Court of San Francisco was deposited in the Treasury of the United States.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

JOEL C. CLORE

The next business on the Private Calendar was the bill (H. R. 3432) for the relief of Joel C. Clore.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEEDY. Reserving the right to object, Mr. Speaker—

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

Mr. STEPHENS. Mr. Speaker, will the gentleman from Texas withhold his objection for a moment?

Mr. BLANTON. I will withhold it, if the gentleman wants to be heard. Mr. Speaker, I will withdraw my objection.

Mr. BEEDY. Mr. Speaker, I object.

ESTATE OF WILLIAM P. NISBETT

The next business on the Private Calendar was the bill (H. R. 6227) for the relief of the estate of William P. Nisbett, sr., deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this bill seeks to pay \$20,530.52 out of the United States Treasury under unanimous consent, and it is too big a bill, and I object.

Mr. UNDERHILL. Will the gentleman withhold his objection?

Mr. BLANTON. Yes.

Mr. UNDERHILL. Let me state to the gentleman from Texas and to the Members of the House why these bills come before Congress. There is a general law which covers burglary in the Post Office Department up to \$10,000. If, as I explained the other day on the floor of the House, there happens to be an extra \$10 or \$50 bill in the till, then it has to come to Congress, because the law says it must come to Congress. There is no question about the burglary and there is no question about these stamps being stolen. Congress is the only place where this bookkeeping can be corrected. It is not a question of fault on the part of the postmaster and it is not a question whether we are doing justice to the postmaster. It is just a question of readjusting the accounts of the Post Office Department.

Mr. CRAMTON. Will the gentleman from Texas yield?

Mr. BLANTON. Yes.

Mr. CRAMTON. Mr. Nisbett, now dead, never was a constituent of mine; but I happen to have known him very well in his lifetime. He was a man of the very highest integrity, and a man who could not have been at all in fault as to the loss of this money. He was not even of my party, although that does not affect the matter.

Mr. BLANTON. I do not consider those questions.

Mr. CRAMTON. And I want to emphasize the fact that that is not influencing me in my statement.

Mr. BLANTON. Big Rapids is a little town of 5,000 or 6,000 people. Does the gentleman want to encourage postmasters in small towns to keep large sums of money in the office?

Mr. WOODRUFF. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WOODRUFF. It is customary in the prominent post offices to keep a sufficient supply of postal stock on hand in order to supply the little offices that surround that particular post office. That was done there and it is being done in my home city.

Mr. CRAMTON. This was not cash, but it was in large part postal stock.

Mr. BLANTON. I know that. Mr. Speaker, when the gentleman from Maine [Mr. BEEBY], who is the acting representative of the second assistant floor leader, speaks for 20 minutes in order to try to save \$300 and then lets a big claim of \$20,000 go through without objection, and this being the bill of the distinguished gentleman from Michigan [Mr. WOODRUFF], who renders valuable services here all the time on the floor, I am not going to stand in its way.

Mr. WOODRUFF. I thank the gentleman.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to substitute Senate bill 1360, a bill which is similar to the House bill.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to substitute Senate bill 1360, which is similar to the House bill. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the legal representatives of the estate of William P. Nisbett, sr., deceased, formerly postmaster at Big Rapids, Mecosta County, Mich., in the sum of \$20,530.52, due to the United States on account of postal stamps, war-savings stamps, and money order funds which were lost as the result of burglary on the night of November 19, 1922.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill was laid on the table.

JOEL C. CLORE

Mr. STEPHENS. Mr. Speaker, I ask unanimous consent that the bill (H. R. 3432) for the relief of Joel C. Clore be passed over without prejudice and remain on the calendar.

The SPEAKER pro tempore. That is not necessary at the present time.

EDWARD J. O'ROURKE, GUARDIAN OF KATIE I. O'ROURKE

The next business on the Private Calendar was the bill (H. R. 6696) for the relief of Edward J. O'Rourke as guardian of Katie I. O'Rourke.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$1,986 to Edward J. O'Rourke, as guardian of Katie I. O'Rourke, in full settlement against the Government as reimbursement for funds sent through the mails at various times from September 25, 1920, to June 29, 1925, by Katie I. O'Rourke, of whom Edward J. O'Rourke is now guardian, said sums having been received in the dead letter office of the Post Office Department and subsequently deposited in the Treasury as part of the postal revenues.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN DOYLE, ALIAS JOHN GEARY

The next business on the Private Calendar was the bill (H. R. 3625) for the relief of John Doyle, alias John Geary.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ARENTZ. Mr. Speaker, reserving the right to object, there are a number of these bills of a similar nature having to do with Civil War veterans who served their country well for a period of six months to several years. They were cap-

tured, in some instances, and were exchanged and failed to show up with their companies. In each case of that sort I do not see how anyone can object to the passage of such a bill, and I am, therefore, going to withdraw my objection and let the bill pass.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers of the Volunteer Army, John Doyle, alias John Geary, shall be held and considered to have been honorably discharged from the military service of the United States as a private of Company C, Eleventh Regiment Illinois Volunteer Cavalry, on the 10th day of January, 1863.

With the following committee amendment:

After line 9 insert:

"Provided, That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CONFERENCE REPORTS

Mr. ZIHLMAN. Mr. Speaker, I present a conference report on the bill (H. R. 4785) to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired as a public buildings appropriation act, approved March 4, 1913.

The conference report is as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4785) to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act, approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park, having met, after full and free conference have been unable to agree.

F. N. ZIHLMAN,
ERNEST W. GIBSON,
THOMAS L. BLANTON,

Managers on the part of the House.

ARTHUR CAPPER,
W. L. JONES,
WILLIAM H. KING,

Managers on the part of the Senate.

Mr. Speaker, I also present a conference report on the bill (H. R. 8830) amending the act entitled "An act providing for a comprehensive development of the park and playground system of the national capital," approved June 6, 1924, for printing under the rules.

O. H. LIPPS

The next business on the Private Calendar was the bill (H. R. 815) for the relief of O. H. Lipps.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated \$786.25, not otherwise appropriated, to reimburse O. H. Lipps, superintendent of the Nez Perce Indian Agency, Lapwai, Idaho, for money advanced by him out of his personal funds to replace Indian trust funds in his care, which funds were stolen in May, 1921, through the burglary of the Nez Perce Indian Agency office and office vault, and the Secretary of the Treasury is hereby authorized and directed to pay the amount herein mentioned to O. H. Lipps in full compensation for money so advanced.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$901.55, \$801.55 of which is for the reimbursement of various Indians whose individual funds were taken through a burglary of the Nez Perce Indian Agency, Idaho, and \$100 to reimburse Abraham Johnson, an Indian, for his \$100 Government bond stolen in said robbery, and

the Secretary of the Treasury is hereby authorized and directed to pay the amounts herein mentioned to O. H. Lipps, superintendent of the Nez Perce Indian Agency, for the purpose of reimbursing the persons herein mentioned: *Provided*, That the sum of \$801.55, hereinbefore mentioned, is to be credited to the accounts of those Indians to which it rightfully belongs, as shown by the records of the superintendent of the Nez Perce Indian Agency, Idaho."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ARTHUR F. SWANSON

The next business on the Consent Calendar was the bill (H. R. 1465) for the relief of Arthur F. Swanson, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to cancel the claim of the United States against Arthur F. Swanson, an employee of the Post Office Department at Blue Island, Ill., in the sum of \$1,370.56, representing payments made to him by the collector of customs, Chicago, Ill., amounting to \$1,075.56, and by the disbursing clerk, Treasury Department, Washington, D. C., amounting to \$295, all contrary to the provisions of the act of May 10, 1916, prohibiting the payment of two salaries to any person where the combined amount of such salaries exceeds the sum of \$2,000 per annum. And the Comptroller General is authorized and directed to pay to F. T. E. Kallum, postmaster at Blue Island, Ill., the sum of \$99.15, being the amount refunded by him to the United States on account of such erroneous salary payments to the said Arthur F. Swanson. The sum of \$99.15 is appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Comptroller General of the United States is authorized and directed to cancel the claim of the United States against Arthur F. Swanson as an employee, custodian force, Federal building, Blue Island, Ill., in the sum of \$992.23, representing payments made to him as such employee for the period from July 1, 1920, to September 23, 1923, consisting of \$574.77 paid to him by J. R. Ford, special disbursing agent, Treasury Department, \$25 by J. L. Summers, disbursing clerk, Treasury Department, and \$392.46 by Niels Juul, collector of customs, Chicago, Ill., during which period he also held the position of clerk in the post office at Blue Island, Ill., and his combined compensation as such employee, custodian force, and as post-office clerk exceeded \$2,000 per annum, all contrary to the provisions of the act of May 10, 1916 (39 Stat. p. 120), as amended by the act of August 29, 1916 (39 Stat. p. 582), prohibiting the payment of two salaries to any person where the combined amount of such salaries exceeds the sum of \$2,000 per annum.

"And the Comptroller General is authorized and directed to pay to F. T. E. Kallum, as custodian, Federal building, Blue Island, Ill., the sum of \$99.15 refunded by him to the United States on account of such erroneous salary payments to the said Arthur F. Swanson as an employee of the custodian force.

"The sum of \$99.15 is appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SAM TILDEN

The next business on the Private Calendar was the bill (H. R. 817) for the relief of Sam Tilden.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Reserving the right to object, will not the gentleman let this go over without prejudice? There is a question in my mind, and I want to make some further investigation.

Mr. FRENCH. I do not want to be unreasonable about it.

Mr. BLACK of Texas. I would not like it to come up at this time, and I would like to look into it further.

Mr. FRENCH. I ask that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

CHAMBER OF COMMERCE, MONTGOMERY, ALA.

The next business on the Private Calendar was the bill (H. R. 4189) for the relief of the Chamber of Commerce of Montgomery, Ala., Jack Thorington, and 39 others.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was on objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That inasmuch as all and singular the covenants, conditions, and agreements of the Chamber of Commerce of Montgomery, Ala., in and by a lease, entered into with the United States on November 28, 1917, have been duly and fully observed and performed, in all respects, the obligation given on such date and conditioned upon the due and full observance and performance of such covenants, conditions, and agreements, is hereby declared to be void and of no effect; and such chamber of commerce, as principal, and Jack Thorington, E. B. Joseph, John P. Kohn, W. T. Sheehan, Bruce Kennedy, Albert C. Davis, Emanuel Meertief, Thomas M. Owen, Simon Roswald, Jr., C. J. Beane, Leon Weil, I. H. DeWees, Hartwell Douglass, M. A. Vincentelli, J. E. Britt, R. H. McCaslin, E. C. Taylor, Leo Strassburger, W. D. Lowry, B. J. Weil, George W. Jones, George R. Wright, N. L. Walker, Clayton T. Tullis, Sidney Levy, R. F. Ligon, Lucien S. Loeb, Gilbert D. Johnson, F. G. Salter, W. M. Jordan, Terry T. Grell, W. R. Greene, Maxie D. Pepperman, Leo Klein, J. C. Haas, Ben Fitzpatrick, Harry Danziger, Ike Levystein, Stuart May, and Alex Rice, as sureties, and their successors, heirs, executors, and administrators are hereby declared to be discharged and released from all liabilities under such obligation.

With the following committee amendments:

On lines 6 and 7, on page 1, strike out the words "have been duly and fully observed and performed in all respects" and insert in lieu thereof the words "have been observed and performed to the satisfaction of the War Department."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

R. S. HOWARD CO.

The next business on the Private Calendar was (H. J. Res. 98) for the relief of R. S. Howard Co.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Resolved, etc., That the House of Representatives refer the subject matter of this resolution to the Court of Claims for a rehearing, in view of the decision of the Supreme Court of the United States in the case of A. W. Duckett & Co. against the United States, decided by said court on November 17, 1924, subsequent to the statement by the Court of Claims of its conclusion of law on the facts relating to the claim of R. S. Howard Co.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the joint resolution was agreed to was laid on the table.

CLARA PERCY

The next business on the Private Calendar was the bill (H. R. 894) granting jurisdiction to the Court of Claims of the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That whereas Elmer Charles Percy was killed on January 16, 1920, at Balboa, Canal Zone, Panama, by being run down by a truck used by the United States, that jurisdiction be conferred upon the Court of Claims of the United States to hear and determine the question of the Government's liability for the death of said Percy and award damages, if any, to Clara Percy, widow, in a sum not to exceed \$10,000.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That within one year from the enactment of this act a petition may be filed with the Court of Claims by or on behalf of Clara Percy for a hearing upon a claim for damages suffered by the said Clara

Percy on account of the death of her husband, Elmer Charles Percy, who was struck and fatally injured by a United States Government truck in Balboa, Canal Zone. Jurisdiction is hereby conferred upon such court to hear and determine such claim and to render a judgment or decree thereon in a sum not to exceed \$10,000.

"Sec. 2. There is authorized to be appropriated such sum as may be necessary to pay the amount of any judgment rendered by the court."

Mr. BLACK of Texas. Mr. Speaker, my attention was diverted when this bill was called up. This is the bill that refers to the Court of Claims in the case of Clara Percy.

Mr. HICKEY. Yes.

Mr. BLACK of Texas. I offer the following amendment.

The Clerk read as follows:

Page 2, line 10, of the committee amendment, after the figures "\$10,000," strike out the period, insert a colon, and add the following language: "Provided, That said case shall be tried and judgment rendered on the same principles and same basis of liability as in like cases between private parties and with the same right of appeal: Provided further, That notice shall be given the Attorney General of the United States, and upon such notice it shall be the duty of the Attorney General to appear and defend for the United States."

Mr. BLACK of Texas. This is the same language that is usually contained when we refer claims to the Court of Claims for adjudication. I think it ought to go into this bill.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Texas to the committee amendment.

The question was taken; and the amendment to the amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

DAVID A. VINCENT

The next business on the Private Calendar was the bill (H. R. 1580) authorizing the Secretary of the Interior to sell and patent to David A. Vincent certain lands in Oklahoma.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon the payment to the United States of \$1.25 per acre the Secretary of the Interior be, and he is hereby, authorized to issue patent to David A. Vincent to a tract of land embracing 10.75 acres, located within lots 2 and 6, of section 5, township 7 north, range 13 west of the Indian meridian, situated in Caddo County, Okla., said tract of 10.75 acres having been reserved for school and park purposes and is no longer needed for such purposes: *Provided*, That payment be made and application filed hereunder in the district land office within six months after the approval of this act, and that no adverse claim thereto be officially of record as pending when the application is allowed and the sale consummated.

With the following committee amendment.

1. On page 1, line 3, strike out the figures "\$1.25," and insert in lieu thereof the figures "\$10."

2. On page 1, line 7, strike out the words and figures "lots 2 and 6 of section 5," and insert in lieu thereof the words and figures "lot 2 of section 5 and lot 6 of section 6."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

KENNETH A. ROTHARMEL

The next business on the Private Calendar was the bill (H. R. 2892) for the relief of Kenneth A. Rotharmel.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Kenneth A. Rotharmel, of the city of Chicago, in the county of Cook and State of Illinois, the sum of \$433.50, in full compensation for arrears of pay, including regular pay, foreign-service pay, and flying pay, during his military service under appointment and commission as a second lieutenant, aviation section, Signal Officers' Reserve Corps, from January 26, 1918, to April 4, 1918.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE M. THOMPSON

The next business on the Private Calendar was the bill (H. R. 7860) for the relief of Capt. George M. Thompson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BEEDY. Mr. Speaker, reserving the right to object, is the gentleman from Missouri here? Can anybody tell me—are not these men who handle the disbursement of this vast amount of money bonded? Are there any bondsmen in the case of the employees of this kind?

Mr. STRONG of Kansas. This claim having been settled, I ask unanimous consent that the bill be laid on the table.

The SPEAKER pro tempore. The gentleman from Kansas objects on account of this bill having been settled?

Mr. STRONG of Kansas. Yes.

The SPEAKER pro tempore. Without objection the bill will be laid on the table.

There was no objection.

RELEASE AND QUITCLAIM TITLE OF CERTAIN LANDS TO HOLYMAN BATTLE, ETC.

The next business on the Private Calendar was the bill (H. R. 9274) to release and quitclaim title of certain lands to Holyman Battle and his successors in interest.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the title of the United States of America in and to the southwest quarter of section 17, township 14 north, range 4 east, in what is now Craighead County, Ark., be, and the same is hereby, released and quitclaimed to Holyman Battle and his successors in interest.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

B. G. OOSTERBAAN

The next business on the Private Calendar was the bill (H. R. 1961) for the relief of B. G. Oosterbaan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit to the account of B. G. Oosterbaan, postmaster at Muskegon, Mich., in the sum of \$8,009.28, and certify said credit to the General Accounting Office, being the amount of the deficit existing at present in said postmaster's accounts due to the misappropriation of funds in said office, for which he was in no way responsible and without fault or negligence on his part.

Mr. STEPHENS. Mr. Speaker, have I the privilege of striking out the last word?

The SPEAKER pro tempore. The gentleman from Ohio.

Mr. STEPHENS. Mr. Speaker, I notice that the bill is for the purpose of compensating some postmaster in the sum of \$8,000, and there was no objection to the consideration of the bill, and I would like to know upon what ground gentlemen who have these bills in charge and object to them what particular ground they would have in allowing a bill of this kind to go through and absolutely object to a bill I introduced, which was before the House for consideration, for the paying of an amount of money that was stolen from the Cincinnati post office. That bill was objected to and I was not even given permission or time to explain the merits of the bill. That bill was reported out by the Committee on Claims, in which it had an amendment that provided:

That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Joel C. Clore, former postmaster at Cincinnati, Ohio, in the sum of \$8,783.57, due to the United States on account of the loss of postal funds, postage stamps, thrift stamps, and war-revenue stamps, resulting from burglary of said post office on June 16, 1921.

I would like to inquire whether it is necessary for some one who has a meritorious bill to go around beforehand and see the committee privately as to the bill, or whether it is the duty

of the gentleman to have an opportunity to explain the merits of his bill here on the floor. I did not object to this bill. If I had known it was a post office bill, in all probability I should have objected to it.

Mr. UNDERHILL. If the gentleman will yield right there, the gentleman realizes that the Committee on Claims gave due consideration to his bill and reported it out favorably, and he should not take any revenge on the Committee on Claims.

Mr. STEPHENS. I am praising the Committee on Claims. I am not reflecting upon the Committee on Claims. I am questioning this committee of our House that is charged with the duty of going over bills in order to object. They would not give me an opportunity even to explain this bill. The Claims Committee has done well, has done its duty, and there is no reflection on that committee. They have reported out this bill, and I am just inquiring into the fact why a gentleman can not have an opportunity to explain the merits of a bill by the withholding of objection, and, as I say, our committee on objections do not even allow an opportunity to do that.

Mr. BEEDY. Does the gentleman really want an answer?

Mr. STEPHENS. Certainly.

Mr. BEEDY. My answer to the gentleman is this. The gentleman, who I recognize is such an able and persuasive Representative on this floor, will recognize the bill is rather a dangerous bill, and I was afraid if I allowed him to have the floor to explain the bill that the House would pass the bill anyhow. The House demonstrated just a few minutes before it was not willing to accept an amendment made by me in perfect good faith, and the gentleman on this side has been given what is not a pleasant duty for me, and I am endeavoring to carry it out.

I am supposed to have charge of the Private Calendar. I want to take charge of it, and I am going to. There are some questions about the bill that I wanted to ask the gentleman to save time, and if he can answer them satisfactorily he will help in passing the bill.

Mr. STEPHENS. The gentleman does not even give me a chance to explain.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

STATE BANK & TRUST CO., OF FAYETTEVILLE, TENN.

The next business on the Private Calendar was the bill (H. R. 4124) for the relief of the State Bank & Trust Co., of Fayetteville, Tenn.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to the State Bank & Trust Co., of Fayetteville, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of \$1,779.84, such sum being the amount of actual loss sustained by the bank by reason of the theft or loss of certain Liberty bonds while being transmitted as registered mail, caused by the neglect or disregard of postal laws and regulations on the part of postal officials or employees.

Mr. BLACK of Texas. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Texas moves to strike out the last word.

Mr. BLACK of Texas. I think some brief statement should be made about the facts in this bill, inasmuch as it brings up a rather unusual question.

The bill is to reimburse a bank at Fayetteville, Tenn., for some bonds lost by registered mail. Under the general law, especially the law that prevailed at that time, only \$50 could be recovered from the Post Office Department in cases of that kind. It would really be a very dangerous precedent to set for Congress to reimburse losses in registered mail except in one class of cases, and that is the kind covered by this bill, to wit, where the loss was the direct result of either the criminal act of a Government employee or the clearly negligent act of a Government employee.

Mr. ARENTZ. It is just for that reason that, in studying this bill, I failed to object to it, because there ought to be some way in which this registered package could have been receipted for.

Mr. BLACK of Texas. I want it understood that there are those of us in the House who would object to reimbursement

by private bill if registered matter were lost by burglary or by storm or by fire or by any of the other usual causes in cases of that kind. The Government is not the insurer except for the amount clearly provided by law. It is upon that amount that the small registration fee is based. If the Government is to be held the insurer for larger amounts than that which is provided by law, then larger registration fees must be charged. I am not sure we should enact any private bill at all for reimbursement in cases of lost registered mail. Certainly we should not do it except in cases where the loss is clearly due to the negligence or misconduct of a Government employee.

The SPEAKER pro tempore. Without objection, the pro forma amendment is withdrawn. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

CHARLES B. BECK

The next business on the Private Calendar was the bill (H. R. 6003) for the relief of Charles B. Beck.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,729.94 to Charles B. Beck, postmaster at Richmond, Ind., said sum being the sum he voluntarily paid into the Treasury to make good the amount of public money appropriated by a postal clerk, Otto H. Sprong, to his own use, who was duly tried and convicted of said crime and punished by imprisonment in the penitentiary.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

RELIEF OF NOBLE-GILBERTSON CO.

The next business on the Private Calendar was the bill (H. R. 6615) for the relief of Noble-Gilbertson Co., a corporation of Buford, N. Dak.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to issue patent to Noble-Gilbertson Co. for the east half of section 22, township 25 north, range 56 east, Montana principal meridian, upon payment by said corporation of the value of said land, to be fixed by the Secretary of the Interior, less any amount loaned by said corporation to Christ Hepding and remaining unpaid: *Provided,* That in no event shall patent so issue to said corporation for said land except upon the payment therefor by said corporation at the rate of not less than \$1.25 per acre.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

HARVEY DUNKIN

The next business on the Private Calendar was the bill (H. R. 2311) for the relief of Harvey Dunkin.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I reserve the right to object in this case. The amount of the claim is small, but this is one case that seems to me has no real ground to stand upon.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield right there?

Mr. BLACK of Texas. I yield.

Mr. UNDERHILL. I think the gentleman will distinguish a difference between the legality in a court of law and in the Committee on Claims, which is practically a court or committee of equity.

Mr. BLACK of Texas. Yes.

Mr. UNDERHILL. Of course, this man has no claim. That is conceded. But under the law of equity, through no fault of the man himself, through a fire, he lost his property. Now, as a court of equity—

Mr. BLACK of Texas. Let me say this to the gentleman: Here is one rule that I think we should follow whenever we compensate when losses result from the negligence of some employee of the Government.

In other words, the loss sustained should be the approximate result of the negligence of a Government employee. Now, let us look at the facts in this case. Here is what the Secretary of Agriculture says:

The record in this case discloses that the forest fire which caused the damage was purely the result of unavoidable conditions. The forest ranger was cleaning up some brush and other inflammable material around his administrative headquarters. Before starting the fire he had cleared a fire break to avoid its possible spread to other lands. Moreover, on the day the brush was burned a light rain was falling which continued throughout the day. Before he left the fire to get his lunch he took the precaution of piling and burning the knots and snags in a cleared space about 100 feet inside of the fire line, which is considered ample in the circumstances.

Now, let me read further:

His claim for compensation under the act of December 29, 1922, was disallowed, due to the fact that there was no negligence on the part of the forest officer.

Now, let me call the gentleman's attention to this fact: The Department of Agriculture had the authority and now has the authority under the law to settle this claim if it were due to negligence on the part of a Government employee, but the department declines to settle it. It says:

Our forester was not negligent; he used all the precautions that any man could be expected to use, and we will not settle it; but we recommend that it be passed up to Congress to settle.

Now, if you settle this claim you adopt the precedent that the Government is an absolute insurer for any damages of this kind, because this clearly shows that this was due to an act of God. Will the gentleman contend that the Government out there on those forests has not the right to clean up the debris?

Mr. UNDERHILL. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. UNDERHILL. God did not set this fire?

Mr. BLACK of Texas. Oh, no.

Mr. UNDERHILL. The fire was set by a forest ranger. In the estimation or judgment of the department the forest ranger took all the precautions that were necessary to prevent a spread of the fire, but in spite of the precautions the forest ranger took the fire spread and the fire burned this man's property. He did not set the fire; he had no way of stopping the fire when it was once started, and he did not even know that the fire had been set. Therefore, to do justice in this case I think the Government should pay.

Mr. BLACK of Texas. I will make this statement: If the gentleman from Massachusetts [Mr. UNDERHILL] or the gentleman from Oregon [Mr. HAWLEY] can point to one line in the testimony that shows that this Government employee was negligent and that through his negligence Mr. Dunkin suffered this injury, I will withdraw my objection and withdraw it now.

Mr. HAWLEY. Will the gentleman yield?

Mr. BLACK of Texas. I yield.

Mr. HAWLEY. This situation arose, as the gentleman has stated, by a forest officer burning some property on a rainy, windy day.

Mr. BLACK of Texas. No; the record shows that he started the fire when there was no wind and when it was raining, but the next day there came up a 60-mile gale.

Mr. HAWLEY. I have lived in that country all of my life; and if there ever was a rain like this without wind, it would be a most unusual phenomenon. But outside of that, here was this man living on his property by the side of the Government's property; this forest ranger started the fire; he went away and left it; the fire got away while he was gone and had left the fire, a thing which is condemned out there by all forest rangers—by the State of Oregon forest rangers and by Gov-

ernment forest rangers. On all signs which carry the regulations you find these words:

Do not leave your fire burning; do not leave a burning fire.

Mr. BLACK of Texas. We have to settle these claims on the evidence furnished, and the evidence is that there was no negligence on the part of this Government employee. I further submit that if there were negligence the department has the authority to settle the claim itself under the general law.

Mr. HAWLEY. Will the gentleman yield further before he objects?

Mr. BLACK of Texas. Yes.

Mr. HAWLEY. The law has provided a rule by which claims may be settled, but we do not clothe the department with unlimited discretion. We say "in certain cases." That means that Congress has reserved to itself the right to determine such questions for itself. If a case occurs outside of those to be settled under the law, where there is a just claim on the part of the claimant for relief at the hands of the Government for something he has suffered and which arose out of some act on the part of the Government, we reserve to ourselves the right to settle such a claim on the ground of equity.

Mr. BLACK of Texas. If you settle this kind of a claim, you make the Government an absolute insurer against any loss that may occur in this manner. Mr. Speaker, I object.

P. H. DONLON

The next business on the Private Calendar was the bill (H. R. 5063) for the relief of P. H. Donlon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$200.34, to compensate P. H. Donlon, of Ruthven, Iowa, for actual financial loss sustained by him, without negligence on his part, through refund already made to the Post Office Department, wherein postal funds for which he was responsible as postmaster of Emmetsburg, Iowa, were on deposit in the Emmetsburg National Bank, of Emmetsburg, Iowa, where said bank failed under date of March 2, 1921, and was liquidated, none of said sum being repaid from the assets of said bank.

Mr. BLACK of Texas. Mr. Speaker, I want to ask the gentleman from Iowa [Mr. DICKINSON] something about this bill. In reading over the report it seems that the second dividend declared by the receiver in this case, instead of being applied to the reduction of the claim, was applied to the reduction of this postmaster's indebtedness at the bank. Now, why should the Government make any reimbursement in that case to the extent of \$51.04, the amount of the second dividend?

Mr. DICKINSON of Iowa. I think that has already been given credit for.

Mr. BLACK of Texas. There is nothing to show that in the hearings. At least I have not been able to find it.

Mr. DICKINSON of Iowa. It was my understanding that he added to his dividends the amount he had been given credit for on the bank indebtedness.

Mr. BLACK of Texas. I of course would have no objection to this man being reimbursed for his real loss, and I thought the gentleman could give us the information. Undoubtedly, if he is getting reimbursement for a dividend that was applied to the liquidation of his own indebtedness, he ought not to have it.

Mr. ARENTZ. In the affidavit of P. H. Donlon, page 2 of the report, he speaks of certain deposits, including indorsed notes, and so forth, to cover post-office deposits, and the receiver of the bank eliminated certain of these notes so that it was impossible for him to send on to the Government depository elsewhere the proper amount, and this was \$51.04, if I remember correctly, less than the full amount, and the postmaster is asking that this amount be credited to his account so that the matter will be balanced.

Mr. BLACK of Texas. Two hundred dollars.

Mr. DICKINSON of Iowa. No; that \$50 merely offset the \$51 that he owed on the note of his sister that he had indorsed.

Mr. BLACK of Texas. Is the gentleman sure that this \$234 represents the actual loss, not including the \$51.04 that was applied to the liquidation of his own indebtedness?

Mr. DICKINSON of Iowa. That was my understanding, and I did not know there was any question about it at all. I had not heard it questioned until the gentleman suggested it here, but I have not the original proofs here with me.

Mr. BLACK of Texas. I am taking my facts from the following statement of the Comptroller of the Currency:

You are advised that Mr. Donlon had indorsed a note in the bank for his sister. This note was secured by a mortgage upon certain real estate owned by the sister. She has since died and the real estate was insufficient to secure the amount due the bank. In other words, the sister was insolvent, and in such circumstances Mr. Donlon, as indorser of the note, was liable for its payment. Therefore the receiver withheld check from Mr. Donlon in the sum of \$51.04, which was the amount of the second dividend due him on his claim.

Mr. ARENTZ. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. ARENTZ. The total dividend that the receiver paid on these bank funds was 60% per cent, and among these funds should have been \$50.14 more, but the receiver turned that down because of the indorsement. That merely refers to this particular note of \$50.14, but the full credit received from the dividends received from the receiver amounted to \$310.08, and the total indebtedness to the Government was \$200 in excess of this amount.

Mr. BLACK of Texas. Well, if the gentleman has satisfied himself about it—

Mr. ARENTZ. I feel satisfied about it.

Mr. BLACK of Texas. If the gentleman is satisfied that by the enactment of this bill the Government will not be doing more than allowing credit for the actual loss sustained, I shall not object.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

J. M. HEDRICK

The next business on the Private Calendar was the bill (H. R. 6080) for the relief of J. M. Hedrick.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. M. Hedrick, former postmaster at Flourtown, Montgomery County, Pa., the sum of \$45.21, erroneously collected.

With the following committee amendment:

In line 7, strike out the figures "\$45.21" and insert in lieu thereof "\$41.31."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

J. B. ELLIOTT

The next business on the Private Calendar was the bill (H. R. 7027) for the relief of J. B. Elliott.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$470.61, to J. B. Elliott, postmaster at Athens, Tenn., being the amount paid out by him as the result of services rendered by an expert in burning open the doors of a safe in the post office at Athens, Tenn., which refused to function on July 10, 1922.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WALTER W. PRICE

The next business on the Private Calendar was the bill (H. R. 8176) for the relief of Walter W. Price.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. I am informed that there is a similar Senate bill on the Speaker's table, and without objection the Senate bill will be considered in lieu of the House bill.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed, to credit the accounts of Walter W. Price, late postmaster at Onelda, Tenn., in the sum of \$10,233.27, on account of the loss of postal funds and war-saving stamps resulting from the burglary of the First National Bank Building on May 16, 1920.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

ENRIQUETA KOCH V DE JEANNERET

The next business on the Private Calendar was the bill (H. R. 8896), for the relief of Enriqueta Koch v de Jeanneret.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Enriqueta Koch v de Jeanneret, of Valparaiso, Chile, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 as complete indemnity for injuries to Lucia de Jeanneret, her daughter, occasioned by an assault at Valparaiso by Andrew Stanley Kondak, seaman, United States Navy, on February 4, 1921, and as reimbursement of all expenses caused thereby.

With the following committee amendment:

In line 6 strike out the figures "\$5,000" and insert in lieu thereof the figures "\$2,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JAMES GAYNOR

The next business on the Private Calendar was the bill (H. R. 2184) for the relief of James Gaynor.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BEEDY. Reserving the right to object, I notice on page 7 of the report there is a power of attorney running to Joseph B. Perskie to settle this claim for the Government. I wondered if there was not an agreement for fees. It is suggested that we might be dealing with an ambulance case.

Mr. UNDERHILL. I would like to say to the gentleman from Maine, or any other Member of the House, that attorneys' fees, not to exceed a certain percentage, has been usually attached to bills. The committee had previously adopted that policy, but due to general objection on the part of the Members of the House has not included it in later bills. This man was obliged to do business for the Government through an attorney, and consequently the attorney is entitled to something, but I leave it to others to say how much it will be.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James Gaynor the sum of \$5,000 for bodily injuries sustained by him on May 24, 1925, on which date he was struck by an automobile, the said automobile being a Post Office Department mail truck driven by one Sylvester Thomas, who was then and there in the employ of the Atlantic City post office, said injuries necessitating the amputation of the left foot above the ankle.

With the following committee amendment:

In line 5 after the word "appropriated," insert the following: "and in full settlement against the Government." In line 6 strike out the figures "\$5,000," and insert in lieu thereof "\$3,598."

The committee amendment was agreed to.

Mr. BEEDY. Mr. Speaker, I offer the following amendment:

Page 2, line 3, after the word "ankle" insert: "Provided, That no part of the amount of any item appropriated in this bill in excess of 15 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered or advances made in connection with said claim: *Provided*, That it shall be unlawful for any agent or agents, attorney or attorneys to exact, collect, withhold, or receive any sum which in the aggregate exceeds 15 per cent of the amount of any item appropriated in this bill on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Maine.

The question was taken and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The motion to reconsider the vote whereby the bill was passed was laid on the table.

RUPHINA M. ARMENTROUT

The next business on the Private Calendar was the bill (H. R. 5341) for the relief of Ruphina M. Armentrout.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ruphina M. Armentrout the sum of \$10,000, in full satisfaction of all claims against the United States on account of her husband, W. G. Armentrout, having been accidentally shot and killed while performing his duties as section foreman on the Chesapeake & Ohio Railroad, by a soldier who at the time of the accidental shooting was in the service of the United States guarding the Chesapeake & Ohio Railroad property in Virginia.

With the following committee amendment:

In line 6 strike out the figures "\$10,000" and insert in lieu thereof "\$5,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

H. H. HINTON

The next business on the Private Calendar was the bill (H. R. 7809) for the relief of H. H. Hinton.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the amendment instead of the bill.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of H. H. Hinton, postmaster at Lumberton, Miss., in the sum of \$16,609.36, due the United States on account of postage stamps, war-savings certificate stamps, and war-tax revenue stamps, which were lost as the result of burglary on May 24, 1920.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HENRY T. HILL

The next business on the Private Calendar was the bill (H. R. 7134) for the relief of Henry T. Hill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ARENTZ. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Michigan [Mr. JAMES] or some one who has this bill in charge, relative to the circumstances as to why Mr. Hill was convicted of being asleep at his post during time of war. It does not say anything in the report that accompanies the bill. Unless Mr. JAMES is here, I will ask that it be passed over.

Mr. STRONG of Kansas. Mr. Speaker, on page 2 of the report it shows that a hearing was had by the Military Affairs Committee of the House, and it is stated that the proof shows that he had been wrongfully convicted.

Mr. ARENTZ. It does not show how he was wrongfully convicted on page 2 of the report.

Mr. STRONG of Kansas. The Military Affairs Committee held a hearing, and their decision was as follows:

The committee that has had this case under investigation feels that a great injustice has been done Private Hill; that Congress ought to immediately grant him the relief asked; and we respectfully submit that this bill should pass Congress at the very earliest possible date, because this is the most outrageous and inexcusable verdict that has ever come to the notice of the membership of this committee. It assails every honest instinct of all who read this record. It is entirely out of harmony with truth and right. This verdict brings disgrace

and disrepute upon the military system of our country. This verdict ought not to stand longer as a glaring wrong done an innocent private soldier and citizen of the United States.

Mr. ARENTZ. I have read that. What were the circumstances?

Mr. STRONG of Kansas. The circumstances were that he was railroaded; he was not guilty.

Mr. ARENTZ. Does the report clearly show that?

Mr. STRONG of Kansas. Absolutely.

Mr. ARENTZ. I withdraw my objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Henry T. Hill, late of Company D, Sixteenth United States Infantry, the sum of \$961, in full compensation for 35 months' back pay, 2 months' extra pay, 3 years' clothing allowance, mileage or travel pay as per special act of Congress, 1901, and reimbursement for transportation and subsistence money expended for travel from San Francisco, Calif., to Detroit, Mich., said amounts accrued to the above, Pvt. Henry T. Hill, for services rendered in the military service of the United States in the Philippine Islands during the late insurrection, 1899-1900.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MRS. G. A. GUENTHER

The next business on the Private Calendar was the bill (H. R. 7943) for the relief of Mrs. G. A. Guenther, mother of the late Gordon Guenther, ensign, United States Naval Air Corps.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, this is the case of reimbursement of a mother for the loss of her son, who was an enlisted man in the United States Naval Air Corps. Now, of course, the ordinary rule is to compensate the dependent parent by a monthly compensation, and in reading the report on this same bill, made at a former Congress, I see she had been unable to obtain compensation from the Veterans' Bureau or from the Pension Department.

Mr. NEWTON of Missouri. First, in reference to the Veterans' Bureau, under the terms of the act it did not seem to apply to this kind of cases.

Mr. BLACK of Texas. I just wanted to see. I have no objection to the present consideration of the bill if she is not being compensated as in other similar cases.

Mr. NEWTON of Missouri. No. First, we tried to get relief through the Veterans' Bureau, and then it was referred to the Pension Office; and this seemed to come within a group of cases that did not come in the general scope, that did not happen to be included.

Mr. BLACK of Texas. There has been no ruling since the report, nor is she receiving compensation under the general law?

Mr. NEWTON of Missouri. No.

Mr. BLACK of Texas. I have no objection to the bill, and I withdraw my reservation of objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. G. A. Guenther, Jefferson City, Mo., mother of the late Gordon Guenther, ensign United States Naval Air Corps, the sum of \$10,000, on account of the death of her said son, who was killed in line of duty on April 23, 1923, when the plane, Aero M, in which he was riding, crashed into the sea.

The Clerk read as follows:

Committee amendment: Page 1, line 8, strike out \$10,000 and insert \$5,000.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF CERTAIN OFFICERS, ETC., OF THE UNITED STATES

The next business on the Private Calendar was the bill (H. R. 3436) for the relief of certain officers and former officers of the Army of the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. I ask that this go over without prejudice, as it involves a large number of claims.

Mr. STRONG of Kansas. I want to say to the gentleman from Texas this bill was sent by the department to the Speaker of the House and reported by the chairman of my committee. We went over it very carefully. Many of these officers have been delayed in getting money charged against their account. The War Department is anxious to have it passed to clear their books as officers are calling up every week to see if they are going to get this relief. Officers are calling up every week to see if they are to get relief. Unless there is some specific feature of the case that the gentleman would like to have explained, I wish he would let it go through.

Mr. BLACK of Texas. It involves a large number of claims. To be perfectly frank, I did not know that we were to have claims before us to-day. I thought they were to be taken up to-morrow. I have not had the time yet to read the report on this bill.

Mr. STRONG of Kansas. If the gentleman wants time to consider it, we can have it passed over without prejudice. Mr. Speaker, I make the request that this bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

ULRIC O. THYNNE

The next business on the Private Calendar was the bill (H. R. 3446) for the relief of Ulric O. Thynne.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object, for the same reason as in the case of the other bill. I have not had time to read the report.

The SPEAKER pro tempore. Objection is heard.

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

LESLIE WARNICK BRENNAN

The next business on the Private Calendar was the bill (H. R. 2237) for the relief of Leslie Warnick Brennan.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Yes, Mr. Speaker; I make the same objection. It is the bill introduced by the gentleman from New York [Mr. DAVENPORT]. I did not know that to-day would be claims day. This bill involves \$16,000. I have not had time to read the report. For that reason only I object at this time.

Mr. STRONG of Kansas. Is the gentleman going to object to all the claims from my committee because he has not had time to read the reports?

Mr. BLACK of Texas. To any bills involving that much money and with reports of that length I am going to object.

Mr. DAVENPORT. It is a very simple and just bill. I think I can make it clear to the gentleman in a very few minutes if there is any question he wishes to ask.

Mr. BLACK of Texas. The report on this bill covers 14 pages and involves an expense of \$16,000. It may be entirely meritorious, but—

Mr. STRONG of Kansas. The bill grows out of an action for which the Government has already paid property damages. No; I am in error about that. That applies to another bill.

The SPEAKER pro tempore. Does the gentleman from Texas reserve the right to object?

Mr. BLACK of Texas. Yes. I yield to the gentleman.

Mr. DAVENPORT. Mr. Speaker, I want to say to the gentleman and Members of the House that this bill involves a case of long-standing injustice. In the year 1917, after the outbreak of the war, Mr. Brennan, who hails from Utica, N. Y., conceived the idea of developing motion pictures at West Point for the purpose of training the millions of men in the Army at that time in training camps. The Army collaborated with him constantly all through the process. The War Department passed on the films. They were taken over by the Government in the training camps. This claimant never saw the films again and he has never been reimbursed in the slightest degree for the expenses he incurred.

Mr. BLACK of Texas. The claim may be meritorious, and it is not my purpose at this time to dispute the merits of the claim, but simply because it involves a large sum of money and a report of 13 or 14 pages I ask unanimous consent that it go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

CLAIMS FOR LOSS OF PROPERTY AND PERSONAL INJURIES INCIDENT TO THE OPERATION OF THE ARMY

The next business on the Private Calendar was the bill (H. R. 9035) for the payment of claims for damages to and loss of property, personal injuries, and for other purposes incident to the operation of the Army.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle the following claims for damages to and loss of private property, for personal injuries, and refund of money arising incident to the operation of the Army, namely:

To August Thiele, Brilon, Germany, \$100; to Lina Rupp, Neckarwimmersbach, Germany, \$200; to Leopold Walford (London) (Ltd.), 29 Great St. Helens, London, England, \$1,840.75, or so much thereof as might be required to purchase exchange, not to exceed the amount of £378.5.0; to Louis Bringer, 154 Boulevard Malesherbes, Paris, France, \$325, or so much thereof as might be required to purchase exchange, not to exceed the amount of 6,500 French francs.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

CURTIS L. STAFFORD

The next business on the Private Calendar was the bill (S. 1481) to authorize the President to appoint Capt. Curtis L. Stafford a captain of Cavalry in the Regular Army.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STEPHENS. Mr. Speaker, I reserve the right to object. I would like to ask the gentleman who has this bill in charge what is its nature?

Mr. ARENTZ. An officer of the Regular Army has a certain number on the list. It happened that this man was born in February of a certain year, and he was placed on the rolls as having been born in July. Advances would have occurred in February and July, and instead of being advanced as he would have been if his name had been set down correctly as having been born in February, he was put back several numbers. This bill, which is similar to a number of others, does nothing more nor less than give the man the justice that he is entitled to.

Mr. STEPHENS. The bill provides that the President is authorized to appoint Captain Stafford a captain of cavalry in the Regular Army?

Mr. ARENTZ. Yes. The report shows that—

Captain Stafford was born February 8, 1894, as shown by the Army Register and his 201 file, but the board which formed the promotion list erroneously assumed that he was born July 8, 1894. His name appeared among the first lieutenants on the promotion list number 5773 in Army Register, 1923. If he had been properly placed on the list according to age, he should follow immediately after Capt. Orlen N. Thompson, No. 5741, Army Register, 1923, with rank as captain from July 1, 1920, and would not have been demoted from captain to first lieutenant under the provisions of the act of June 30, 1922, as amended by the act of September 14, 1922.

This is merely to advance him in the line that he was really entitled to.

Mr. STEPHENS. Does the gentleman's colleague agree to this?

Mr. ARENTZ. He does not know a thing about this bill. I will say to the gentleman from Ohio that I was asked to take over one-half of this Private Calendar. I will try to study every bill as conscientiously as possible, and I shall not object

to any bill which I think has merit. I will not object to any where there is a question in my mind and where the committee has given it attention. As I say, I am handling every other bill on this calendar, and the gentleman from Maine [Mr. BEEDY] is handling those I am not handling.

Mr. STEPHENS. The gentleman will give a Member an opportunity to explain the merits of his bill, will he not?

Mr. ARENTZ. Well, I am sure the gentleman from Maine is fair in every instance. He may not have understood the case.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and hereby is, authorized to appoint, by and with the advice and consent of the Senate, Curtis L. Stafford a captain of Cavalry in the Regular Army of the United States with rank from July 1, 1920: *Provided,* That no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of captains of the Regular Army now authorized by law by reason of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

LOUIS MARTIN

The next business on the Private Calendar was the bill (H. R. 3382) for the relief of Louis Martin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Louis Martin shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, Eleventh Infantry, January 31, 1900: *Provided,* That no pension shall accrue prior to the passage of this act.

With the following committee amendment:

In line 8, after the word "Infantry," insert the words "January 31, 1900."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

GEORGE E. KRAUL

The next business on the Private Calendar was the bill (H. R. 5293) to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and hereby is, authorized to appoint, by and with the advice and consent of the Senate, George E. Kraul a captain of Infantry in the Regular Army of the United States, with the rank from July 1, 1920: *Provided,* That no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of captains of the Regular Army now authorized by law by reason of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

SHERMAN MILES

The next business on the Private Calendar was the bill (H. R. 9775) for the relief of Sherman Miles.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treas-

ury not otherwise appropriated, to Maj. Sherman Miles, United States Army, the sum of \$380.55, in reimbursement of the said amount paid by him for the storage, from January 1, 1917, to June 30, 1918, of household effects and professional books used by him when first Lieutenant, Field Artillery, United States Army, military attaché at Sofia, Bulgaria, within his authorized allowance and in the performance of his duties, and necessarily left by him there, because of the exigencies of the World War, when he was ordered to Russia as military attaché and observer.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ANTHONY MULLEN

The next business on the Private Calendar was the bill (H. R. 2166) for the relief of Anthony Mullen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Anthony Mullen, who was a member of Company K, Fifteenth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a ——— of that organization on the — day ———, ———: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

GORDAN A. DENNIS

The next business on the Private Calendar was the bill (H. R. 2491) for the relief of Gordan A. Dennis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of all laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Gordan A. Dennis, late of the Twentieth Infantry, shall be held to have been discharged honorably from the military service of the United States on May 5, 1900: *Provided,* That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

WADE W. BARBER

The next business on the Private Calendar was the bill (H. R. 4325) to revoke and set aside a discharge without honor issued to Wade W. Barber, Bancroft, Nebr., October 28, 1899.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That a discharge without honor, issued to Wade W. Barber, late of Company F, Thirty-fifth Volunteer Infantry, by Special Order No. 252, October 28, 1899, signed by Major General Miles, commanding, and H. C. Corbin, adjutant general, be immediately revoked and set aside by reason of the extenuating circumstances which brought the issuance of said discharge without honor about, and by reason of said Wade W. Barber's meritorious services in the Army of United States while in the Philippines.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Wade W. Barber, of Bancroft, Nebr., who was a member of Company F, Thirty-fifth Infantry, United States Volunteers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 3d day of January, 1900: *Provided,* That no bounty, back pay, pension, or

allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended to read as follows: "A bill for the relief of Wade W. Barber."

JOSEPH L. RAHM

The next business on the Private Calendar was the bill (H. R. 7429) for the relief of Joseph L. Rahm.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill and resolutions of the following titles:

H. R. 2009. An act for the relief of C. M. Rodefer;

H. J. Res. 149. Joint resolution to provide for membership of the United States in the Central Bureau of the International Map of the World; and

H. J. Res. 150. Joint resolution to provide for the participation of the United States in a congress to be held in the city of Panama, June, 1926, in commemoration of the centennial of the Pan American Congress which was held in the city of Panama in 1826.

The message also announced that the Senate had passed with amendment the bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 6556. An act for the establishment of artificial bathing pools or beaches in the District of Columbia; and

H. R. 9761. An act entitled "An act to supplement the naturalization laws by extending certain privileges to aliens who served honorably in the military or naval forces of the United States during the World War."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8830) entitled "An act amending the act entitled 'An act providing for a comprehensive development of the park and playground system of the National Capital,' approved June 6, 1924."

EDWARD J. BOYLE

The next business on the Private Calendar was the bill (H. R. 8766) for the relief of Edward J. Boyle.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edward J. Boyle, who was a member of Company C, Third United States Engineers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 5th day of December, 1905: *Provided, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.*

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

J. M. HOLLADAY

The next business on the Private Calendar was the bill (H. R. 1828) for the relief of J. M. Holladay.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, to J. M. Holladay, of Marion, S. C., the sum of \$4.80.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

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A. S. ROSENTHAL CO.

The next business on the Private Calendar was the bill (H. R. 3278) for the relief of A. S. Rosenthal Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of A. S. Rosenthal Co., a corporation organized and existing under the laws of the State of New York, and engaged in the business of importing silks in the city of New York, in said State, for damages for the loss and nondelivery of one case of silk belonging to said company while the said case of silk was in the custody of the United States at the United States appraisers' stores in the city of New York, in October or November, 1914, and for the duty paid or secured to the United States thereon, be referred to the Court of Claims, with jurisdiction and authority to hear and determine the same to judgment, with the right of appeal as in other cases: *Provided, That no suit shall be brought under the provisions of this act after six months from the date of the passage thereof.*

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

OWNERS OF THE STEAMSHIP "BRITISH ISLES"

The next business on the Private Calendar was the bill (S. 493) for the relief of the owner of the steamship *British Isles*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the British Petroleum Co. (Ltd.), owner of the steamship *British Isles*, against the United States of America for damages and loss alleged to have been caused by collision between said vessel and the United States steamship *Western Maid* on the 10th day of January, 1919, upon the anchorage ground off Stapleton, Staten Island, in the harbor of New York, may be sued for by said British Petroleum Co. (Ltd.) in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said steamship *British Isles* or against the owner of said steamship in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: Provided further, That said suit shall be brought and commenced within four months of the date of the passage of this act.*

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLAIMS ARISING FROM THE SINKING OF THE STEAMSHIP "ALMIRANTE"

The next business on the Private Calendar was the bill (S. 494) for the relief of all owners of cargo aboard the American steamship *Almirante* at the time of her collision with the U. S. S. *Hisko*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claims of all owners of certain shipments of merchandise which were laden on board of the American steamship *Almirante*, at the time hereinafter mentioned, against the United States of America for damages alleged to have been caused by collision between the U. S. S. *Hisko* and said American steamship *Almirante* on the 6th day of September, 1918, off the coast of the State of New Jersey, may be sued for by the said owners of cargo, in the District Court of the United States for the Southern District of New York sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suits and to enter judgments or decrees for the amounts of such damages, and costs, if any, as shall be found to be due against

the United States in favor of the owners of said cargo or against the owners of said cargo in favor of the United States, upon the same principles, and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notices of the suits shall be given to the Attorney General of the United States as may be provided by orders of the said court, and it shall be the duty of the Attorney General to cause the United States Attorney in such district to appear and defend for the United States: *Provided further*, That said suits shall be brought and commenced within four months of the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

FRED V. PLOMTEAUX

The next business on the Private Calendar was the bill (S. 553) for the relief of Fred V. Plomteaux.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$125 to Fred V. Plomteaux, of Espanola, N. Mex., as reimbursement for the loss of two horses, one having died while in use on official business on May 12, 1916, and the other being killed on account of an injury sustained while in official use on July 8, 1914; said horses being the personal property of Fred V. Plomteaux and used by him in the performance of his duties as forest ranger.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TENA PETTERSEN

The next business on the Private Calendar was the bill (S. 959) for the relief of Tena Pettersen.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Tena Pettersen, former widow of Niles Alvin Trulsen, the sum of \$375, the proceeds of certain timber cut upon the southwest quarter northeast quarter, northwest quarter southeast quarter, northeast quarter southwest quarter, and lot 3, section 18, township 159 north, range 28 west, fifth principal meridian, Minnesota, homestead entry Cass Lake 01351, which was paid into the Treasury of the United States on or about August 30, 1912, pending final proof upon the homestead entry on said land to which said Tena Pettersen now has patent.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MADISON DEBATES OF THE FEDERAL CONVENTION, ETC.

Mr. KIESS. Mr. Speaker, I present a privileged concurrent resolution from the Committee on Printing and ask for its present consideration.

The SPEAKER. The gentleman from Pennsylvania offers a resolution which the Clerk will report.

The Clerk read as follows:

Whereas the Declaration of Independence of the 13 United States of America was proclaimed on the 4th day of July, in the year of our Lord one thousand seven hundred and seventy-six, whereby the United States assumed "the separate and equal station among the powers of the earth to which the laws of nature and of nature's God entitle them"; and

Whereas the one hundred and fiftieth anniversary of the Declaration of Independence is to be celebrated in 1926 throughout the length and breadth of this "indestructible Union of indestructible States," now happily 48 in number; and

Whereas through the government of the Federal Union established on the 4th day of March, in the year of our Lord one thousand seven hundred and eighty-nine, under the Constitution of the United States the principles of the Declaration of Independence were rendered effective and representative government made its formal entry into the world; and

Whereas the movement for a revision of the Articles of Confederation so as to "render the Federal Constitution adequate to the ex-

gencies of the Government and the preservation of the Union," was conducted by James Madison, of Virginia, later a delegate to the Federal Convention and fourth President of the United States, to whom there is no public monument at the seat of government of the Nation, and by Alexander Hamilton, of New York, later a delegate to the Federal Convention and first Secretary of the Treasury under the Constitution, in commemoration of whose services a bronze statue, erected by the private munificence of an anonymous donor, was recently placed on the steps of the National Treasury; and

Whereas the safety of republican institutions admittedly and proverbially depends upon the frequent recurrence to first principles; and

Whereas the representative government of the States of the American Union organized under the Federal Constitution is threatened without and its principles are inadequately known and appreciated within the United States by multitudes of our fellow citizens enjoying its inestimable benefits; and

Whereas an authentic and accurate account was kept by James Madison of the proceedings in the Federal Convention in which the Constitution was framed, the texts of the debates and proceedings of which could be published in one small volume and ought to be widely distributed as a public document, together with the Declaration of Independence, the Articles of Confederation, the Constitution, the instructions to the Delegates to the Federal Convention, the instruments of ratification of the States, and the texts of the amendments to the Constitution: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That there shall be compiled, printed with illustrations, and bound as may be directed by the Joint Committee on Printing 10,000 copies of the Madison Debates of the Federal Convention, together with the Declaration of Independence, the Articles of Confederation, the Constitution, the instructions to the Delegates to the Federal Convention, the instruments of ratification of the States, and the texts of the amendments to the Constitution, and other relevant and pertinent historical documents for distribution in the year 1926 in commemoration of the one hundred and fiftieth anniversary of the Declaration of Independence of the United States of America, to the end "that government of the people, by the people, for the people shall not perish from the earth," of which 3,000 copies shall be for the use of the Senate and 7,000 copies for the use of the House of Representatives.

The resolution was agreed to.

A. V. YEARSLEY

The next business on the Private Calendar was the bill (S. 977) for the relief of A. V. Yearsley.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to A. V. Yearsley, of Port Penn, Del., out of any money in the Treasury not otherwise appropriated, the sum of \$87.22, said sum being due A. V. Yearsley for merchandise furnished to the Reedy Island naval station mess during the year 1918.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

THE P. DOUGHERTY CO.

The next business on the Private Calendar was the bill (S. 1519) for the relief of the P. Dougherty Co.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of The P. Dougherty Co., a corporation created by and existing under the laws of the State of Maryland, owners of the barge *Maine*, against the United States, for damages alleged to have been caused by collision between the said barge and the United States steamship *Lake Lida* in Elizabeth River on the afternoon of March 13, 1920, may be sued for by the said The P. Dougherty Co., or by S. G. Miller, the agent of the said company, and master of the barge *Maine* at the time of said collision, in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found to be due against the United States in favor of the said The P. Dougherty Co., or in favor of the company's agent, S. G. Miller, as master of

said barge *Maine*, on behalf of said owner, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court; and it shall be the duty of the Attorney General to cause the United States Attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months from the date of the passage of this act.

The bill was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

EMILE GENIREUX

The next business on the Private Calendar was the bill (H. R. 2906) for the relief of Emile Genireux.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and any laws conferring honors, rights, benefits, and privileges upon honorably discharged members of the Army, Navy, or Marine Corps, their widows and dependent relatives, Emile Genireux, alias Emile Genereux, shall hereafter be held and considered to have been honorably discharged from military service of the United States as a private in Company D, Ninth Regiment United States Infantry, on May 9, 1901: *Provided*, That no back pay, back pension, or other back allowance shall accrue by reason of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The bill H. R. 8168 was laid on the table.

MRS W. H. REMINE

The next business on the Private Calendar was the bill (H. R. 2635) for the relief of Mrs. W. H. ReMine.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mrs. W. H. ReMine, widow of First Lieut. W. H. ReMine, Medical Corps, United States Army, out of any money in the Treasury not otherwise appropriated, the sum of \$2,156.89 for the loss of her furniture, household goods, and personal effects caused by shipment on United States transport *Madawaska*.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

GERALDINE KESTER

The next business on the Private Calendar was the bill (H. R. 5441) for the relief of Geraldine Kester.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, this bill ought to pass, but it ought to be reduced.

Mr. O'CONNELL of New York. According to the surgeon who handled this case, it is entirely meritorious.

Mr. BLANTON. I want to tell the gentleman this: The Committee on Claims years ago adopted a policy to pay not more than \$5,000 for the death of a person. They would pay from \$2,500 up to \$3,500 for the loss of a limb. I will admit that this is a serious accident, the loss of one leg.

Mr. O'CONNELL of New York. And particularly to a girl.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. UNDERHILL. Your committee has taken this matter up with the compensation board. There is some change of policy in the committee.

Mr. BLANTON. What is it?

Mr. UNDERHILL. The change is due to the advice of counsel of the compensation board.

Mr. BLANTON. A moment ago, with respect to the Galveston case, where the gentleman from Massachusetts called attention of the gentleman from Maine, who was on watch at that time, to the fact that if he could have seen that tremendous wound in the back of the claimant, he would not have contended for 20 minutes for a reduction of \$300.

He would have realized the man was more severely injured than he thought, and that he was entitled to the recompense.

Mr. UNDERHILL. Let me read this to the gentleman:

The sum of \$5,000, which it is proposed to award by H. R. 5441, is not excessive for such a permanent disability, whether the test be the amount which would be awarded for the loss of a leg under the Federal compensation act or the amounts usually recovered in successful personal-injury suits.

Mr. BLANTON. What is the gentleman's policy, to adopt a rule whereby in all cases where a female has lost one leg you will pay \$5,000. Is that the policy?

Mr. UNDERHILL. The policy of the committee thus far has been to report \$5,000 for the loss of a leg or arm.

Mr. BLANTON. And \$5,000 for the loss of life, and you put the loss of one limb—an arm or leg—on the same basis as the loss of life?

Mr. UNDERHILL. I do not know how the gentleman feels, but I think I would rather give up my life than to go maimed through life from the loss of a leg or arm.

Mr. BLANTON. I would give up both legs if it were necessary to save my life.

Mr. UNDERHILL. The gentleman looks at it in a different sort of way from myself.

Mr. BLANTON. I would do it right now.

Mr. UNDERHILL. The greatest horror I have in my mind is that I should be subject to an injury which would deprive me of a leg or arm, and I would rather die and have it all over with.

Mr. BLANTON. Some of the happiest people I have known in life have been men and women who have lost limbs, and yet have gone through life happy, industrious, and made valuable citizens of our country.

Mr. BEEDY. What kind of a limb does the gentleman refer to; the tongue is a limb?

Mr. BLANTON. I know a former county judge in Dallas County, Tex., who had both arms off and one leg off, who held the position of county judge, and was happy and successful.

Mr. UNDERHILL. He is a wonder. If the gentleman will take the responsibility and will offer an amendment for such a sum as he thinks a leg or arm may be worth, the gentleman from Massachusetts will not object.

Mr. BLANTON. I think \$3,500 ought to be the maximum for the loss of one limb. If the gentleman does not care to adopt a policy to apply to all cases—

Mr. UNDERHILL. We have adopted a policy of \$5,000.

Mr. BLANTON. I was on the Claims Committee about four years and I helped to handle hundreds of claims and the policy of the committee was never to pay over \$3,500 for the loss of a limb.

Mr. LAGUARDIA. We had a case only some weeks ago where a young man lost three fingers, and they gave him, I think, \$4,200.

Mr. BLANTON. I am talking about Congress adopting a policy for all of those cases.

Mr. JACOBSTEIN. Is it not a fact there has been a liberalization all over the country in the handling of such claims, and is it not also a fact in this particular case it is not only the fact she has lost the use of a limb, but she comes from a very poor family and not likely to receive the kind of training which would fit her—

Mr. BLANTON. If the distinguished professor from the university will yield to me I will state to him that whenever you pass this bill you will have a precedent hereafter that whenever they lose a leg you will have to give them \$5,000.

Mr. JACOBSTEIN. I do not think you will see a similar—
Mr. O'CONNELL of New York. There is no precedent like this.

Mr. BLANTON. Yes; this will be a new precedent.

Mr. UNDERHILL. Offer the amendment.

Mr. BLANTON. If the gentleman will agree to reduce it to \$3,500—

Mr. GARRETT of Texas. With reference to the question of precedent, I will say the House allowed in the case of the Houston rioters a young man who lost an arm at the shoulder \$5,000.

Mr. BLANTON. If that is the case, it is a precedent, and I withdraw any objection. [Applause.]

Mr. BEEDY. Mr. Speaker, reserving the right to object while I ask a single question.

Mr. O'CONNELL of New York. I can always depend upon my friend.

Mr. BEEDY. Was there an attorney in this case?

Mr. O'CONNELL of New York. There was no attorney whatever.

Mr. BOX. I will say in answer to the gentleman I believe a Member of the House gave his services in this case.

The SPEAKER. Without objection, the Clerk will report the bill.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Geraldine Kester the sum of \$5,000 for damages suffered by her by reason of being struck and seriously injured by a Government mail truck.

With a committee amendment, as follows:

In line 5, after the word "appropriated," strike out the remainder of the line and all of lines 6 and 7 and insert "In full settlement against the Government, to the legal guardian of Geraldine Kester, the sum of \$5,000 in compensation for injuries caused by a post-office truck, resulting in the amputation of her left leg."

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. BOX. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Texas moves to strike out the last word.

Mr. BOX. Mr. Speaker, in connection with this claim I want to present to the House more fully than has yet been presented the situation in connection with this and other similar claims. I simply want you to understand it.

I do not object to this claim. I feel that \$5,000 is not too much for this girl who lost a leg. There are other cases like it, one reported this morning on this calendar, where a limb was lost and \$5,000 was recommended by the committee.

I do not believe that is consistent with the policy which limits death claims to \$5,000. There are cases in which nothing can be properly awarded in a death claim. But there are many cases in which the loss caused by death of a member of the family is very much larger than this, and I believe that the House ought to fairly face the proposition now, since it has concluded to award \$5,000 for the loss of an arm or a leg. The death compensation should not always be limited to \$5,000.

I simply want you to understand what you are doing. While there may have been exceptions, I think this is a departure in the policy, and I want my colleagues to know that I think so.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

LEASE OF LAND IN RANGE LIVESTOCK EXPERIMENT STATION, MONT.

The next business on the Private Calendar was the bill (H. R. 8715) to authorize the Secretary of Agriculture to extend and renew for the term of 10 years a lease to the Chicago, Milwaukee & St. Paul Railway Co. of a tract of land in the United States Department of Agriculture Range Livestock Experiment Station, in the State of Montana, and for a right of way to said tract, for the removal of gravel and ballast material, executed under the authority of the act of Congress approved June 28, 1916.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized, in his discretion, to extend and renew for a term of 10 years that certain lease to the Chicago, Milwaukee & St. Paul Railway Co., bearing date the 29th of August, 1916, of a tract of land in the United States Department of Agriculture Range Livestock Experiment Station, in the State of Montana, containing an approximate area of 241.67 acres, and also a strip of land for a right of way to said tract, executed by the Secretary of War under the authority of the act of Congress approved June 28, 1916, upon the terms and conditions contained in said lease, or such other terms and conditions as the Secretary of Agriculture may deem proper; said renewal and extension to inure to the benefit of said railway company, its receivers, and of the corporation succeeding to the ownership of its railroad and property.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

RICHARD H. BEIER

The next business on the Private Calendar was the bill (H. R. 3064) for the relief of Richard H. Beier.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Richard H. Beier, who was a private in One hundred and forty-second Ambulance Company, One hundred and eleventh Sanitary Train, Thirty-sixth Division, shall hereafter be held and considered to have been discharged honorably from military service of the United States as a private of said company: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

SALE OF CERTAIN PUBLIC LANDS IN KANSAS

The next business on the Private Calendar was the bill (H. R. 7276) to authorize the Commissioner of the General Land Office to dispose by sale of certain public land in the State of Kansas.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Reserving the right to object, Mr. Speaker, is the gentleman from Kansas [Mr. TINCHER], who introduced this bill, on the floor? I do not see him at the present moment, and I object until I can further study the bill.

Mr. ARENTZ. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. BLACK of Texas. Yes.

Mr. ARENTZ. This bill was given very careful consideration by the Committee on the Public Lands. They heard the gentleman from Kansas [Mr. TINCHER] and thought it was justified, and the Secretary of the Interior has recommended its passage.

Mr. BLACK of Texas. Is the gentleman from Nevada a member of that committee?

Mr. ARENTZ. Yes.

Mr. BLACK of Texas. In reading over this report hurriedly, it seems that the Government brought a suit in the district court in Kansas and the defendant in the case offered no evidence at all, and while the lower court gave a judgment in favor of the defendant, on appeal the land was awarded to the Government. What is the value of this land?

Mr. ARENTZ. The value at that time was \$1.25 an acre.

Mr. BLACK of Texas. I know that is the value at time of original homesteading; that is what the bill authorizes to be paid. Has the gentleman any evidence as to what the value of this land was?

Mr. ARENTZ. Not at the present time. This is homestead land.

Mr. BLACK of Texas. Does the gentleman know if this is in the oil fields in Kansas?

Mr. ARENTZ. No. That matter was not mentioned. It is described as homestead land. The Secretary of the Interior has been very watchful about possible oil lands. He has withdrawn for the Government all possible oil land in that section that it is possible to withdraw.

The entry was subject to the holding of title by the Government of all oil and mineral rights, similar to other homestead entries. The Government has the right to oil and minerals.

Mr. BLACK of Texas. Does the bill read that way?

Mr. ARENTZ. If it does not, it should read that way.

The SPEAKER. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I object at this time.

LEGAL EXPENSES INCURRED BY THE SAC AND FOX TRIBE OF INDIANS OF OKLAHOMA

The next business on the Private Calendar was the bill (H. R. 9161) authorizing the Secretary of the Interior to pay legal

expenses incurred by the Sac and Fox Tribe of Indians of Oklahoma.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, reserving the right to object, will the gentleman in charge of the bill give me some information? What services did these attorneys actually render? There is nothing in the record to show they secured a cancellation.

Mr. SWANK. Yes; they brought a suit to cancel this oil lease.

Mr. BEEDY. And they secured a cancellation?

Mr. SWANK. That is what I understand; yes.

Mr. BEEDY. Does the gentleman know?

Mr. SWANK. No; I will not state that to be a fact, because I do not know.

Mr. BEEDY. All the gentleman knows is that a suit was entered?

Mr. SWANK. Yes. The Secretary of the Interior says they rendered valuable services and these Indians have asked that these claims be paid out of their funds.

The SPEAKER. Is there objection?

There was no objection.

Mr. SWANK. Mr. Speaker, I ask unanimous consent that Senate bill 3538 be substituted for the House bill.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that an identical Senate bill be substituted for the House bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of the funds in the Treasury belonging to the Sac and Fox Tribe of Indians of Oklahoma, to Embury, Johnson & Tolbert, of Oklahoma City, Okla., and to Charles J. Kappler, of Washington, D. C., for expenses and legal services rendered said tribe in the matter of the cancellation of the Patrick oil and gas lease on tribal school lands, the sum of \$351.15, said sum having been set apart by the tribe for such payment.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOHN H. BOLTON

The next business on the Private Calendar was the bill (S. 1938) to issue a patent to John H. Bolton.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, will the gentleman who introduced the bill say whether this is a bill for the issuance of a patent for an invention or a patent for real estate?

Mr. LETTS. No; it is a patent for land.

Mr. COOPER of Wisconsin. Then the title ought to be amended providing for the issuance of a patent for certain land, because from a reading of the title that is not shown. I do not object.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to John H. Bolton, of Cowley County, Kans., the following described property, to wit: The south-east quarter of the northwest quarter of section 3, township 33 south of range 6 east, upon payment thereof at the rate of \$1.25 per acre.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

FLORENCE PROUD

The next business on the Private Calendar was the bill (S. 2091) for the relief of Florence Proud.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against

the Government, to Florence Proud, widow of Thomas Proud, formerly a carpenter employed in the construction of the Coast Artillery cantonment, Fort Winfield Scott, Calif., and who was killed while inside the Fort Scott Reservation, the sum of \$5,000.

With the following committee amendment:

In line 5, after the word "appropriated" insert the words "and in full settlement against the Government."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

NEW JERSEY SHIPBUILDING & DREDGING CO.

The next business on the Private Calendar was the bill (S. 2324) for the relief of the New Jersey Shipbuilding & Dredging Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

HERMAN SHULOF

The next business on the Private Calendar was the bill (S. 2616) for the relief of Herman Shulof.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEEDY and Mr. LAGUARDIA objected.

KATHERINE RORISON

The next business on the Private Calendar was the bill (H. R. 2333) for the relief of Katherine Rorison.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Katherine Rorison, the sum of \$10,000 in full settlement of all claims against the Government on account of the death, on August 7, 1922, of William E. Rorison while assisting a Federal prohibition agent in attempting arrest of a violator of the Federal prohibition enforcement act.

With the following committee amendment:

In line 6, strike out the figures "\$10,000" and insert in lieu thereof the figures "\$5,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

RELIEF OF WIDOW OF W. J. S. STEWART

The next business on the Private Calendar was the bill (H. R. 2715), for the relief of the widow of W. J. S. Stewart.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, I object.

Mr. MOORE of Virginia. Will the gentleman withhold his objection for a moment?

Mr. BEEDY. I withhold it to ask the gentleman this question: I see they charged \$800 and over for the embalming of this body. Was there any attempt to look into that to see who the author of that robbery was?

Mr. MOORE of Virginia. Yes. There is a letter from the Secretary of the Treasury and accompanying documents which show that these services could not have been secured for a less outlay than that.

Mr. BEEDY. I see that this friend, Mr. Clarke, I think it was, assumed the burden of paying all these expenses. Did he himself actually pay that amount of money for the embalming?

Mr. MOORE of Virginia. He did not assume the burden of paying for everything, but somebody connected with this lady, the widow of the dead man, paid the full amount. The amount that was paid was—and I am stating the figures approximately—\$800 for this embalming, about \$200 for the casket and then incidental expenses.

Mr. BEEDY. I am not going to object to it, but I think it was highway robbery and nothing else.

Mr. MOORE of Virginia. I agree with the gentleman that the charge was a very heavy one, but the proof is that they could not have gotten the work done for a less amount.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Whereas W. J. S. Stewart, as acting assistant surgeon in the United States Public Health Service, was stationed at the American consulate, La Guaira, Venezuela, by order of the United States Public Health Service at the time of his death and was discharging his official duties at that time; and

Whereas great expense was incurred in connection with the transportation of the remains to New York for interment at home; and

Whereas in the case of diplomatic and consular assistants Congress has provided for appropriations to defray the expenses of transporting the remains of those who have died or may die abroad or in transit while in the discharge of their official duties to their former homes in this country for interment, but has made no provision for representatives or assistants of the United States Public Health Service; Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to the widow of W. J. S. Stewart, deceased, the sum of \$1,200, being the amount expended for the transportation of the body of the deceased from La Guaira, Venezuela, to New York City, State of New York.

With the following committee amendment:

Strike out the preamble.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

HARRY J. DABEL

The next business on the Private Calendar was the bill (H. R. 2994) for the relief of Harry J. Dabel.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$1,729.50 to Harry J. Dabel, who on October 29, 1919, was struck by a Government motor cycle and side car on the streets of San Francisco, resulting in serious injuries and long confinement in a hospital, the vehicle in question being driven by an employee of the motor transport general depot, San Francisco, Calif.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

HENRY S. ROYCE

The next business on the Private Calendar was the bill (H. R. 8685) for the relief of Henry S. Royce.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, I object to the present consideration of the bill and ask that it may be passed over without prejudice.

W. W. HOUSE

The next business on the Private Calendar was the bill (H. R. 8794) to credit the accounts of W. W. House, special disbursing agent, Department of Labor.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to reopen the accounts of W. W. House, special disbursing agent, Department of Labor, involving expenditures made in good faith upon Government business and without fault or negligence on his part, and remove the disallowance of \$1,222.17 made in such accounts by the General Accounting Office, and the proper accounting offices shall thereupon credit his accounts with such sum.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CYRUS DUREY

The next business on the Private Calendar was the bill (H. R. 8846) for the relief of Cyrus Durey.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to allow credit in the account of Collector of Internal Revenue Cyrus Durey, fourteenth New York district, in the sum of \$499.25, to cover disallowances due to payments made to Deputy Collector Manning Kested for subsistence expenses and car fare incurred in the months of October, November, and December, 1923, and January, February, March, April, and July, 1924.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN A. BINGHAM

The next business on the Consent Calendar was the bill (H. R. 531) for the relief of John A. Bingham.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

Mr. ARNOLD. Will the gentleman withhold his objection?

Mr. BLACK of Texas. Yes; I reserve it.

Mr. ARNOLD. Mr. Speaker, this bill was passed at the last session. It has been gone into very carefully by the department. It is a reimbursement for some stamps that were stolen a number of years ago. At one time it seemed the department had the idea the postmaster was guilty of negligence. That matter was further investigated and after investigating the matter very carefully the inspector who went out and made the investigation found there was no negligence on the part of the postmaster, that the stamps had actually been stolen, and he recommended that the Government reimburse the postmaster.

Mr. BLACK of Texas. Is the report of that inspector in the hearings or in the report?

Mr. ARNOLD. It is.

Mr. BLACK of Texas. The gentleman need not refer to it, and if the gentleman can assure me the inspector has made an inspection and has found that this loss was not due to the fault of the postmaster and that he was not negligent in respect of the loss, it will be all right with me.

Mr. ARNOLD. Quoting from May 7 of the report, the inspector says:

I submit Postmaster Bingham's affidavit, and am satisfied that he sustained the loss as claimed. I therefore have to recommend that he be indemnified in the sum of \$500.

The Postmaster General also recommended the reimbursement of the postmaster.

Mr. BLACK of Texas. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John A. Bingham the sum of \$500, the amount stolen from him while postmaster at Vandavia, Ill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A. S. GUFFEY

The next business on the Private Calendar was the bill (H. R. 2724) for the relief of A. S. Guffey.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEEDY. Mr. Speaker, I object unless there is some one here in charge of the bill who desires me to reserve it.

Mr. UNDERHILL and Mr. KELLER rose.

Mr. UNDERHILL. What does the gentleman want to know about it?

Mr. BEEDY. This shortage occurred through fraudulent practices by the postmaster, practices which would not have been possible without the connivance of McMahan. It is recommended in the report or something is said about prosecuting McMahan. They thought he should have been punished with the principal, but I can not see that he was, nor do I find they even attempted to proceed against the bondsmen of McMahan, and I think it would be fairer to the Government to proceed against the bondsmen of McMahan to make up this balance than it would to come in here and ask it of the Government. What is the bond of a man in the position of McMahan worth if it is not to protect the Government in just such cases as this?

Mr. KELLER. Mr. Speaker, there is no question but what the Government is going to continue to prosecute and try to get this money from the bondsmen, but the postmaster had nothing to do with the act of this employee. He is not postmaster now, and there is no reason why he should be held liable for the \$2,000 or more that it appears was stolen from the Government. The Government is going to continue, of course, to try to get back this money from the bondsmen.

Mr. BEEDY. McMahan admitted his participation and said he knew he was doing wrong, but he himself did not use any of the money. However, the fraud would not have been possible without McMahan's connivance, and I think McMahan is responsible.

Mr. KELLER. That is not the fault of the postmaster.

Mr. BEEDY. When the money is collected, if they are going to proceed against McMahan's bondsmen and make the Government whole, then it is fair to reimburse the postmaster, but I do not see why the Government should be made responsible here.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BEEDY. Certainly.

Mr. UNDERHILL. This man had no say as to whom he should hire and had no power to fire. He had to take help which the Government secured for him.

Now he has not been concerned in this fraudulent case in any way. Under the laws of the Postal Department the postmaster is held responsible for property of the United States in the hands of those over whom he has no power to hire or fire. Why should he be charged with this?

Mr. GLYNN. Is it not a fact that each of these persons are required to give bond, not to the postmaster but to the Government?

Mr. UNDERHILL. Yes.

Mr. BEEDY. I withdraw my objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of A. S. Guffey, late postmaster at Pittsburgh, Pa., in the sum of \$2,237.50 due to the United States on account of postal funds embezzled by Henry C. Schuster, late superintendent of the North Side Station, Pittsburgh, Pa., in the year 1920; and the sum of \$2,237.50 is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the payment of this claim.

With the following committee amendment:

In line 9 strike out all after the figures "1920" and strike out all of lines 10 and 11.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The motion to reconsider the vote whereby the bill was passed was laid on the table.

J. WALTER PAYNE

The next business on the Private Calendar was the bill (H. R. 4117) for the relief of J. Walter Payne.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and is hereby, authorized and directed to credit the account of J. Walter Payne, former postmaster at Paris, Ky., in the sum not to exceed \$11,572.00, due to the United States on account of war-saving stamps, postage stamps, etc., which were lost as the result of burglary of said post office on March 2, 1921.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

SOPHIE J. RICE

The next business on the Private Calendar was the bill (H. R. 4158) for the relief of Sophie J. Rice.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$167.12 to Sophie J. Rice, to reimburse said Sophie J. Rice for the shortage of postage stamps while she was serving as postmaster of the King City, Calif., post office.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

EDWARD C. ROSER

The next business on the Private Calendar was the bill (H. R. 6466) for the relief of Edward C. Roser.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward C. Roser, who, while an employee of the Post Office Department, personally conducted a voluntary campaign of postal employees of the Grand Central Station, New York City, in theaters, restaurants, and other places, which resulted in the sale of war-savings stamps to the amount of \$1,256,000, the sum of \$637.50 as reimbursement for losses which he sustained, without negligence on his part, as a result of unavoidable mistakes incident to such sale.

With the following committee amendments:

In line 11 strike out the figures "\$637.50" and insert in lieu thereof "\$737.50."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PENNSYLVANIA RAILROAD CO.

The next business on the Private Calendar was the bill (H. R. 7617) to authorize payment to the Pennsylvania Railroad Co., a corporation, for damage to its rolling stock at Raritan Arsenal, Metuchen, N. J., on August 16, 1922.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. APPLEBY. Reserving the right to object, I would like to ask the gentleman from New Jersey if the Lehigh Valley Railroad, whose damage was \$3,700, has received its money?

Mr. ACKERMAN. I know nothing about that.

Mr. APPLEBY. That road also had a loss in the wreck.

Mr. ACKERMAN. I do not know anything about it.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,193.90 to the Pennsylvania Railroad Co., to reimburse such company for damages to its rolling stock resulting from the negligence of employees of the War Department at Raritan Arsenal, Metuchen, N. J., on or about August 16, 1922.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EMMA PULLIAM

The next business on the Private Calendar was the bill (H. R. 7776) for the reimbursement of Emma Pulliam.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, \$175 for

reimbursement made to Emma Pulliam, for the money-order funds lost in transit to her depository at Raleigh, N. C., on November 3, 1920.

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert:

"That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Emma E. L. Pulliam, formerly postmaster at West End, N. C., in the sum of \$175 due the United States on account of money-order funds lost in transit to her designated depository at Raleigh, N. C., on November 3, 1920."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EDWARD R. LEDWELL

The next business on the Private Calendar was the bill (H. R. 4119) for the relief of Edward R. Ledwell.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edward R. Ledwell, who enlisted in the United States Army on September 2, 1898, to serve three years, and was assigned as a private to Company A, Third Regiment United States Infantry, and was honorably discharged from the service January 4, 1899, and again enlisted August 29, 1899, and was assigned as a private to Company B, Thirtieth Regiment United States Volunteer Infantry, and was honorably discharged from the service December 8, 1900, and again enlisted March 22, 1901, for three years, as a private of ordnance at Rock Island Arsenal, Ill., shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of ordnance on the 4th day of September, 1902.

The committee amendment was read, as follows:

Page 2, line 5, after the figures "1902," insert a colon and the following proviso: "Provided, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLAIM, GOVERNMENT OF NORWAY (H. DOC. NO. 343)

The SPEAKER. The Chair lays before the House another message from the President of the United States.

The Clerk read as follows:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to a claim presented by the Government of Norway for the payment of interest on certain sums advanced by it for this Government in connection with its representation of American interests in Moscow, and I recommend that an appropriation be authorized to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, April 23, 1926.

The SPEAKER. Referred to the Committee on Foreign Affairs and ordered printed with accompanying documents.

WILLIAM WISEMAN (H. DOC. NO. 344)

The SPEAKER. The Chair lays before the House the following message from the President of the United States:

The Clerk read as follows:

To the Congress of the United States:

I transmit herewith a report from the Acting Secretary of State in regard to the services in behalf of the United States of William Wiseman, British vice consul at Salina Cruz, Mexico, during the period from April 12, 1914, to December 13, 1917, when with the permission of the British Government and at the request of this Government, he had charge of the American consulate at Salina Cruz and of American interests in the district surrounding that place. The conclusion reached by the Acting Secretary of State has my approval and I recommend that the Congress authorize an appropriation of \$9,200 to be paid to Mr. Wiseman in recognition of the services which he so generously rendered.

CALVIN COOLIDGE.

THE WHITE HOUSE, April 23, 1926.

The SPEAKER. Referred to the Committee on Foreign Affairs and ordered printed with accompanying documents.

ARCHIBALD L. MACNAIR

The next business on the Private Calendar was the bill (S. 613) for the relief of Archibald L. Macnair.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I call attention that on page 2 of the report the Secretary of War makes the following statement concerning this claim:

The report of the board does not show negligence on the part of Lieutenant MacDermot or any other representative or employee of the Government, which approximately contributed to and caused the accident to Mr. Macnair's airplane. In fact, the finding was that the accident was unavoidable and not due to the fault and neglect of the pilot or any other person.

And yet if this bill is passed it would award \$1,330.10 to the claimant.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BLACK of Texas. I will yield.

Mr. UNDERHILL. If the gentleman will note at the top of the page, third paragraph, the following:

That in taking off, the Army plane veered to the left and struck two automobiles with its left wing and wing hip. The Army plane was consequently thrown more to the left, which caused it to crash into the Sopwith 1A-2 airplane and the pilot was unable to prevent its collision with the Sopwith plane.

The pilot and his mechanic attributed the accident to the "jamming" of the rudder.

Now as usual in many of these cases the department does not wish to assume any blame for the accident but rather attribute it to an unavoidable cause. I do not know whether the jamming of the rudder was unavoidable or not, but the fact the rudder jammed showed that there was some negligence on the part of somebody. As the airplane was owned by the United States Government operated by duly authorized agents of the Government and the rudder jammed and injured another plane, it seems to me the equities in the case declare absolutely in favor of the claimant. Now we can not settle these cases on a technical point of law at all times but must necessarily look to the equities. Surely the owner of this plane did not jam the rudder. He was not in charge of the operation of the plane; he had nothing to do with it. An Army plane crashed into him and somebody was to blame.

Mr. BLACK of Texas. I think in view of the circumstances which the gentleman has pointed out that it is a reasonable inference that there was negligence in this case. But let me further emphasize while on this point—I am going to withdraw my objection in view of what the gentleman has stated—but here is a rule I think ought to govern in these cases. We all know, of course, you can not sue the Government of the United States, and yet I think the Government ought to reimburse in all cases where the damage is shown to be the approximate result of the negligence of any employee of the Government. Now I think we ought to do that, but on the other hand we ought to be careful not to make the Government an insurer in all of these cases. Unless the evidence in the case is sufficient to show negligence on the part of Government employees there ought not to be compensation. Why should there be?

Now I think the facts the gentleman has just pointed out make it reasonable to infer that there was negligence notwithstanding the report of the Secretary of War.

Mr. SEARS of Florida. Mr. Speaker, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. SEARS of Florida. My colleague from Texas is very broad-minded, and I call his attention to the report of the Army officials who looked into this. They recommended that it be paid. There is no way to prove negligence. This is a meritorious claim and I trust the able gentleman, my friend and colleague, will not object.

Mr. BLACK of Texas. I think it is reasonable to infer negligence, from the facts which are stated in the report. Else I would certainly object to the consideration of the bill.

Mr. BOX. Mr. Speaker, will my colleague from Texas yield?

Mr. BLACK of Texas. Yes.

Mr. BOX. My understanding of the work of the committee and its view of these claims is that, generally speaking, it is in line with the idea which my colleague from Texas has expressed; that there must be some evidence of a wrong result-

ing in the injury committed or the injury done. In other words, where it is purely a case of accident, I do not think the Government should be held liable. I think the committee does not usually allow damages. Of course there is controversy sometimes about the application of these rules to a certain state of facts; but as one member of that committee, while I do not think there should be a strict adherence to a technical rule, I think if there is an injury approximately as the result of that wrong, in such cases there should be compensation.

Mr. BLACK of Texas. Mr. Speaker, I withdraw my reservation.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Archibald L. Macnair, out of any moneys in the Treasury not otherwise appropriated, the sum of \$1,530.10 as damages for the destruction of his Sopwith airplane by an Army service airplane, March 12, 1922, at Daytona Beach, Fla.

The SPEAKER. The question is on the third reading of the bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

LEAVE TO ADDRESS THE HOUSE

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that on Tuesday next, following the reading of the Journal and whatever special orders have already been made, the gentleman from New York [Mr. JACOBSTEIN] may have leave to address the House for 30 minutes on the coal situation.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that on Tuesday next, following the reading of the Journal and whatever special orders have already been made, the gentleman from New York [Mr. JACOBSTEIN] may have leave to address the House for 30 minutes on the coal situation. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

WASHINGTON COUNTY, S. C. KILE ESTATE, AND MALINDA FRYE ESTATE

The next business on the Private Calendar was the bill (H. R. 4902) for the relief of Washington County, S. C. Kile estate, and Malinda Frye estate.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,608.30 to Washington County, Ohio, the sum of \$3,800 to the estate of S. C. Kile, and the sum of \$1,518.30 to the estate of Malinda Frye, 20 per cent of the two latter amounts to be withheld until title to the land damaged and covered by the adjustment shall have been conveyed to the United States.

Such sums represent the amount of damages, as determined by the Chief of Engineers, United States Army, resulting from a break, during the winter of 1919-20, in Dam No. 3, Muskingum River.

With committee amendments, as follows:

Page 1, line 5, strike out "\$1,608.30" and insert in lieu thereof "\$1,518.30."

And in line 7, strike out "\$1,518.30" and insert in lieu thereof "\$1,680."

And on line 1, page 2, after the words "United States," insert "payment of these sums shall be in full settlement of all claims arising out of this break in Dam No. 3, Muskingum River."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the title will be amended to conform to the text.

There was no objection.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

ROBERT A. PICKETT

The next business on the Private Calendar was the bill (S. 850) for the relief of Robert A. Pickett.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to Robert A. Pickett, Crow allottee No. 371, for land allotted to him under the provisions of the act of June 4, 1920 (41 Stat. L. p. 751), and designated as homestead.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

LEVI WRIGHT

The next business on the Private Calendar was the bill (H. R. 5486) for the relief of Levi Wright.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws, Levi Wright, who served as a private in Company A, Fifty-fourth Regiment Ohio Infantry Volunteers, from September 5, 1861, to September 13, 1864, shall hereafter be held to have been discharged honorably from the military forces of the United States on September 13, 1864, but no pay, bounty, pension, or other emolument shall accrue prior to the enactment of this act.

With committee amendments, as follows:

In line 6, strike out "September 13, 1864," and insert in lieu thereof "January 7, 1865."

And in line 8, strike out "September 13, 1864," and insert "January 7, 1865."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER. The Clerk will report the next bill.

LESTER A. ROCKWELL

The next business on the Private Calendar was the bill (H. R. 6418) to correct the military record of Lester A. Rockwell.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That Lester A. Rockwell, late of Company G, First Regiment Connecticut Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of Company G, First Regiment Connecticut Volunteer Cavalry, on the 29th day of April, 1865: *Provided*, That no pay, bounty, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOSEPH B. MACCABE

The next business on the Private Calendar was the bill (H. R. 7010) authorizing the President to issue an appropriate commission and honorable discharge to Joseph B. Maccabe.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Chair is informed that an identical bill, S. 43, has passed the Senate, which the Clerk will report.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to issue an appropriate commission and honorable discharge to Joseph B. Maccabe, who performed the services of a commissioned officer of the United States Army from May 1, 1918, to November 1, 1921, under the promise of such commission from proper authority, but which commission was not issued by reason of unavoidable delay, the signing of the armistice, the cessation of hostilities, and orders issued in consequence thereof.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill was laid on the table.

GARNET HULINGS

The next business on the Private Calendar was the bill (H. R. 3253) for the relief of Lieut. Commander Garnet Hulings, United States Navy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to credit the account of Lieut. Commander Garnet Hulings, United States Navy, in the amount of \$763.41, which sum was paid by the said Lieutenant Commander Hulings while naval attaché at Tokyo, Japan, to Lieut. (Junior Grade) Arthur H. McCollum, United States Navy, as reimbursement for loss of personal property in the earthquake in Japan on September 1, 1923, but which payment was subsequently disallowed in his account by the General Accounting Office.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ORDER OF MERIT, REPUBLIC OF CHILE

The next business on the Private Calendar was the bill (H. R. 9319) to authorize certain officers of the United States Navy to accept from the Republic of Chile the order of merit, first class, and the order of merit, second class.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. Who has charge of this bill?

Mr. COYLE. I have.

Mr. BLANTON. What is the use of continuing this foolishness?

Mr. COYLE. Mr. Speaker, I really do not quite understand the gentleman's question.

Mr. BLANTON. Well, we have a law which prevents any officer of this Government from receiving gifts from foreign countries. To try to get around that law which prevents giving gifts of a monetary value they are now attempting to confer orders upon some of our American officers. An order could be considered a thing of value the same as a monetary gift. Why do you not just open the floodgates and say, "Foreign countries, you can give American officers whatever you please"?

Mr. COYLE. In answer to the gentleman's question the reason we do not do that is because it would require a constitutional amendment to accomplish that purpose.

Mr. BLANTON. Then the gentleman is admitting that this is an attempt to get around the Constitution?

Mr. COYLE. No, it is not. It is seeking to comply with the Constitution, which says that an act of Congress may permit foreign nations to bestow decorations on members of the military forces of the United States.

Mr. BLANTON. I think our Government can take care of our own officers and confer proper orders upon them, American orders; not Chilean orders but American orders.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. UNDERHILL. In the World War a great many of the allied nations gave certain decorations.

Mr. BLANTON. That was for bravery on the battle fields.

Mr. LA GUARDIA. And there was a special act of Congress for that.

Mr. BLANTON. We permitted the *croix de guerre* to be conferred for special acts of bravery and it was conferred by law.

Mr. UNDERHILL. We are now seeking by law to allow these officers to receive a token, something which they can hand down to their children.

Mr. BLANTON. I would rather have a token from our own American Government than from all the rest of them put together.

Mr. UNDERHILL. So would I, but if your duties lie in some foreign country, and you are sent there by your Government, and if other countries choose to recognize the services which you may have given, we should by law permit it.

Mr. BLANTON. If they are giving first-class, 100 per cent American service to their own country, it ought to be recompense and compensation enough for them.

Mr. UNDERHILL. But it is not always.

Mr. BLANTON. Mr. Speaker, I object.

Mr. COYLE. May I ask the gentleman to reserve his objection?

Mr. BLANTON. I reserve it if the gentleman wants to speak.

Mr. COYLE. This is a particularly meritorious case. It just happens that Captain Taussig is really a very distinguished officer of our own service who performed valiant service in European waters in submarines and destroyers during war time; that the men under his command were very active in humanitarian acts in Chile, and they saved the lives of a number of people in a disaster which overtook that country. The award of merit was at the time handed to them, but, complying with the existing law, they immediately handed it to the representative of our State Department, which the law requires them to do.

Mr. BLANTON. Will the gentleman yield?

Mr. COYLE. Gladly.

Mr. BLANTON. Have they ever received any decorations from their own Government?

Mr. COYLE. For this particular act?

Mr. BLANTON. For any act.

Mr. COYLE. I am sorry to say I can not answer that, but I do not doubt that Captain Taussig has, because he has had a very distinguished service in Europe.

Mr. BLANTON. If I were in their places I would rather have it said when I die, "He gave his best to his own country." That is the kind of service I would like to see men give to the United States.

Mr. COYLE. For 32 years Captain Taussig has given his best to his own country and he was at this time acting under the orders of his own country.

Mr. BLANTON. And yet, it seems he has never been cited by his own country.

Mr. COYLE. I can not answer that question, because I do not know.

Mr. BLANTON. I regret, Mr. Speaker, I must object.

Mr. COYLE. I hope the gentleman will not object.

Mr. BLANTON. I do not believe in this kind of legislation.

The SPEAKER. Objection is heard.

ADJOURNMENT OVER

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet Sunday next at 12 o'clock noon.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-day it adjourn to meet at noon on Sunday. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, would it not be agreeable to the gentleman to have a session to-morrow and let us continue the consideration of the Private Calendar. I will say to the gentleman from Connecticut there is a very considerable interest in doing that and I hope the gentleman will let the bills on the Private Calendar unobjected to be considered to-morrow.

Mr. TILSON. I will say to the gentleman there is one difficulty in the way. Some of the Members are endeavoring to study all of the bills on this calendar and we have about reached the point where these Members have not yet had an opportunity to study the bills. They would not be ready to go on to-morrow with the same fund of information and the same degree of helpfulness to the House as they would if they had a little more time to study them. We have done remarkably well to-day, and I can assure the gentleman that next week I shall

ask that we may go on with these bills at either a day session or an evening session.

Mr. CHINDBLOM. Does the gentleman feel that with a sentiment of doubt they would be more likely to offer objections?

Mr. TILSON. Oh, there would be more liability of objections that were not well founded. After the gentlemen who give so liberally of their time in the study of these bills have an opportunity to study them their objections are, as a rule, well founded.

Mr. BLANTON. Will the gentleman yield?

Mr. TILSON. I yield.

Mr. BLANTON. Does not the work to-day show that most of the bills that have been called up have been passed and that there have been very few objections?

Mr. TILSON. That is quite true.

Mr. BLANTON. And objections only when the bills were bad?

Mr. TILSON. I feel that studying these bills, as some Members of the House, of their own accord, are so helpfully doing, will save captious objections and will really facilitate the consideration of the calendar.

Mr. TUCKER. Will we have a day for this purpose next week?

Mr. TILSON. I shall make an effort to give a day or an evening next week to the consideration of these bills.

Mr. GARRETT of Tennessee. Mr. Speaker, I should like to say to the gentleman that in so far as the sentiment seems to be among those on this side of the Chamber, those with whom I have had an opportunity to discuss the matter really desire to go on to-morrow, and I do not think captious objections would be made upon this side.

Mr. TILSON. There might be objections made, however, without full knowledge which might be gained by a study of the bills.

Mr. UNDERHILL. We have concluded five pages of work to-day.

Mr. GARRETT of Tennessee. I realize that.

Mr. UNDERHILL. With one day next week and one day following that, we can clean up this calendar.

Mr. GARRETT of Tennessee. I realize, of course, that good work has been done to-day. I have no personal interest in the calendar. I have not a bill on it. I am merely doing this at the suggestion, and I may say somewhat at the insistence, of a number of my colleagues on this side.

Mr. TILSON. The gentleman will bear me witness that I have made every reasonable effort to advance the Private Calendar; and I intend to continue to do so.

Mr. GARRETT of Tennessee. The gentleman has been entirely fair about the matter.

Mr. BOX. Will the gentleman yield to me?

Mr. TILSON. I yield to the gentleman.

Mr. BOX. I do not wish to insist on going forward if the majority leader thinks the House is not ready, but I do believe there are a great many claims here that are entitled to consideration.

Mr. TILSON. I do, too, and it is my intention to make every reasonable effort to see that they get their chance.

Mr. BOX. And I hope the gentleman will find it convenient to have a day session. When we work all day here, it is not very pleasant to have to work at night.

Mr. TILSON. The gentleman is entirely correct, but if we can not reach the Private Calendar at a day session, I shall ask for an evening session to consider it.

Mr. GARRETT of Tennessee. Of course, my colleagues who have talked with me about this matter understand it would be useless for me to object to the request of the gentleman from Connecticut that we adjourn over until Sunday because this calendar would not be in order anyway, unless we could arrange it by unanimous consent.

Mr. TILSON. The gentleman is entirely correct about that.

Mr. GARRETT of Tennessee. Therefore I shall not object to the request of the gentleman from Connecticut to adjourn over until Sunday, but I do wish we could go ahead to-morrow with the Private Calendar.

Mr. TILSON. I really think that no time would be gained by going on to-morrow, but by the latter part of next week we should have an opportunity to study the bills on the calendar and to go on with its consideration.

Mr. CANNON. Will the gentleman yield to me?

Mr. TILSON. Yes.

Mr. CANNON. I trust these vacations we are taking on Saturdays will not ultimately detract from the time we expect eventually to give to a discussion of agricultural legislation.

Mr. TILSON. I am very sure they will not.

Mr. OLDFIELD. Reserving the right to object, will the gentleman yield for a question?

Mr. TILSON. Yes.

Mr. OLDFIELD. Mr. Speaker, the Ways and Means Committee gave a good deal of time and attention and ability and work to what is known as amendments to the adjusted compensation bill. I would like to know whether he expects to take up that legislation before adjournment.

Mr. TILSON. I have no immediate plan for taking up that legislation. It is being studied along with a number of other measures that take large sums of money out of the Treasury.

Mr. BLANTON. If the gentleman will yield I want to say that that bill seeks to cut off both arms and both legs of the Comptroller General. I hope the bill will sleep the sleep of death.

Mr. MOORE of Virginia. Will the gentleman yield to me?

Mr. TILSON. Yes.

Mr. MOORE of Virginia. Can the gentleman give us any idea of the business that will come up after Monday. I understand that Monday is District Day.

Mr. TILSON. We are holding as much space as possible for agricultural legislation whenever it is ready. We do not wish to fill up the program too quickly. I shall let the gentleman know just as soon as it is definitely settled when that committee is ready to go ahead.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

THE CANAL ACROSS FLORIDA

Mr. GREEN of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the Florida State Canal Commission by inserting a pamphlet of the commission.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GREEN of Florida. Mr. Speaker and fellow Members of the House, in speaking of the bill introduced by myself early in the session, I would like to state, for your information, that this bill proposes a survey for the estimated construction of the canal across the State of Florida, from Fernandina, at Cumberland Sound on the Atlantic, to St. Georges Sound on the Gulf of Mexico. This is not a new undertaking, as you gentlemen probably know; it has been discussed for years and years, in fact from the time of George Washington to the present.

This proposed canal would be a little over 200 miles long and would follow the general course of the St. Marys River, which runs between Georgia and Florida, and a portion of which is entirely in the State of Georgia; then it would pass through Okefenokee Swamp; then down the Suwannee River in Florida to the mouth of the Suwannee River in the Gulf of Mexico, or rather across from the Suwannee River to St. Georges Sound, where the Gulf is deeper and where harbor facilities are better.

This canal will not call for a great amount of dredging—probably a hundred miles of it would have to be cut. Of course, these long waterways before mentioned would necessarily have to be straightened, widened, and dredged deeper in places.

It would not require a great deal of time or a comparatively large expenditure of money to accomplish this canal, as may be seen from the report of survey as made by Lieutenant Colonel Gilmore, who surveyed practically this course in 1876. I think the project could be completed within 12 to 18 months. I am not in a position to state what the cost of the barge canal would actually be. It has been estimated that it would cost from \$16,500,000 to probably \$45,000,000; different estimates at different times have varied. Even though the construction of a canal with a navigable depth of 12 feet, and though it cost as much as thirty or forty million dollars, in my opinion, would be a safe and wise investment for our Government. I am quite sure that this canal could be constructed at a far less cost.

This canal would bear an almost incalculable amount of commerce. Naval stores, kaolin, and a large amount of manufactured lumber would move through this canal. The tonnage of these products exported in 1921 exceeded 150,000 tons, valued at more than three and a quarter million dollars. These products and their exportation have doubtlessly doubled since 1921. Probably \$2 per ton would be saved in transportation charges by this canal. Of course, I will not take time to enumerate the various other items of commerce which would pass through this canal, but I may state the items above mentioned would form only a meager part of the total.

When we take into consideration the great saving of coal and other fuels, and the transportation of same, and the transportation charges saved on the total, and also the ever-increasing volume of tonnage to be transported and the inability of the railroad facilities—although they are good—to rapidly, cheaply, and economically transport this tonnage, then it is conclusive that our waterways should be more fully developed.

This canal would save in distance from the Atlantic to the Gulf approximately 1,000 miles. Of course, Mr. Speaker, the saving the long distance is not all; in this same proportion it would save in time and in money. Calculate, if you please, the cost of transporting the vast tonnage which annually goes from the upper Gulf ports—New Orleans, Mobile, Pensacola, Apalachicola, Galveston, and others—to the Atlantic Ocean. Calculate the charge of transporting this tonnage 1,000 miles and you will find that in just a few years this amount will be greater than would be the cost of constructing this barge canal from Fernandina, on the Atlantic, to St. Georges Sound, on the Gulf.

Mr. Speaker, I think that it is time the Congress exercised in governmental affairs and expenditures of money belonging to the Government and our taxpayers the same prudence, wisdom, care, and frugality, as is exercised in personal affairs. It is inevitable that this barge canal will eventually be constructed, so why not let the Government go to it at once? We all know that the construction of the Panama Canal was looked upon by many for a long time as an impossibility and as a proposed waste of money and time; and probably nothing could have dislodged this erroneous idea, except the actual construction of the Panama Canal. But so complete has been the success of the project and so vast has been the saving in the cost and time of transportation through this canal until now the American people wonder why it was not earlier constructed. The Panama Canal is indispensable to the welfare of American and world commerce, besides being so essential in time of war; likewise, a canal across Florida would be of incalculable benefit and economy in commercial transportation and would well serve its purpose in time of war.

The growth of America in the past 20 years has been phenomenal, her manufactured products have increased from \$15,000,000,000 to over \$60,000,000,000, her food products have increased from less than \$3,000,000,000 to over \$10,000,000,000, her mineral products have increased from about one and one-third billion dollars to \$6,000,000,000, her imports and exports amount to \$2,450,000,000, and reports for 1924 show increase to \$8,200,000,000. The bank clearings were \$438,000,000 for 1924, or four times that of 20 years ago, and bank deposits have increased in like proportion, and \$43,000,000,000 were deposited in the banks of the United States in 1924.

The vast wealth and resources of the United States altogether warrant an expansion in waterways development. The President of the United States has expressed himself in no uncertain terms on the question, and advocates development of our waterways, and I firmly believe the Congress is ready to appropriate money for opening of rivers, dredging of canals, and establishing of adequate harbor facilities.

The Florida Canal has long been a dream of all Florida citizens and is now thought of by our entire country. Its construction is absolutely essential to the future's full commercial development, and I believe we will soon see the time when barges will load raw products in the lower Mississippi, pass down to New Orleans, on by way of intercoastal canal to Mobile and Apalachicola, on across Florida to Fernandina, thence on up a coastal canal to the markets of the East, then reload with manufactured products of the East and make their return pilgrimage. When this is done, America will realize an even greater growth and prosperity than she has experienced during the past 20 years.

Our railroads are good and are being improved and developed more than in any other country, and America is proud of her splendid railway facilities, but her transportation and commerce will never reach the zenith until the Congress appropriates money sufficient to utilize America's water arteries of commerce. Money wisely spent to foster water transportation always nets a splendid dividend, and in my opinion there is no more worthy project now before the American people than that of the construction of a barge canal across the State of Florida.

This proposed canal, in accordance with the bill as introduced by myself, aside from its national and international importance, will open one of the most fertile, prosperous, and thriving sections of the country. Florida is spending billions of dollars in developing her schools, roads, and great industries. She is doing her part, and expects to continue to do it, but surely the Federal Government should now come in and do its part in this worthy project, and I believe that it is going to do so.

Mr. Speaker, I think it hardly necessary for me at this time to go into details and figures showing the exact amount in tonnage of commerce which follows down the course of the Mississippi and its tributaries to the Gulf, and also that which amasses itself down on the Gulf, which is transported across to the east coast of the United States, and also on to foreign markets, neither do I believe it essential just now to give you the figures upon that which passes from the east coast and from the European countries around to Galveston, New Orleans, and other Gulf ports. However, statistics reveal that this tonnage annually is very enormous, showing conclusively that the saving in transportation charges on this canal would in a very short time pay even the maximum amount estimated for its construction.

Inasmuch as I have been given permission to print in the Record a statement or pamphlet prepared by the authority of the Florida State Canal Commission, I shall not detain you further, but will here insert said statement:

HELP TO SECURE THE ALL-AMERICAN CANAL—THE ATLANTIC-MISSISSIPPI BARGE CANAL FROM CUMBERLAND SOUND, VIA ST. MARYS RIVER AND ST. GEORGES SOUND, TO THE MISSISSIPPI RIVER AT NEW ORLEANS—THE INDUSTRIAL CANAL AT NEW ORLEANS WILL BE THE WESTERN LINK OF THIS PROJECT—SUPPORT THE BILL (H. R. 8742) NOW IN CONGRESS INTRODUCED BY CONGRESSMAN R. A. GREEN, FLORIDA, TO CONNECT AND PERFECT THE INLAND WATERWAYS SYSTEM OF THE UNITED STATES

FROM PRESIDENT CALVIN COOLIDGE

Under date of November 13, 1925, President Calvin Coolidge said in his letter to President J. Hampton Moore, of the Atlantic Deep Waterways Association (which letter was read to the convention at Miami, Fla., in November, 1925):

"In the United States we have a natural scheme of waterways superior to that of any other country, which when improved and connected up to serve the remote as well as the populous areas will, it is said, justify, in reduced rates and increased commerce, the expenditure made upon them.

"The economic value of these streams has long been recognized, but their development has proceeded slowly. To render the highest service as carriers and distributors they should be joined together and standardized as to dimensions for traffic, so that the shipper would have confidence in them. When they are finally brought together in a workable system the benefits in rates and values will be incalculable.

"We have the streams, and ultimately they will be improved for service. They can develop both transportation and power. They will be completed for longer hauls and intersecting routes; they will be standardized so that all sections of the country would derive advantage from them.

"It is gratifying to note a growth of sentiment favoring the coordination of various means of transportation—the rail, the highway, and the waterway. Each of these has rendered a distinct service. They can render a greater service, more satisfying to the producer and to the consumer, as well as to the shipper, if made to assist rather than oppose each other."

FROM GOV. JOHN W. MARTIN

STATE OF FLORIDA, EXECUTIVE DEPARTMENT,
Tallahassee, March 3, 1926.

Hon. JOHN G. RUGE,

Chairman Florida State Canal Commission,
Apalachicola, Fla.

MY DEAR SIR: I approve of your plan to publish in pamphlet form a brief history to date of the movement to secure an inland waterway from Cumberland Sound to the Mississippi River via the St. Marys River, St. Georges Sound, and the natural waterways paralleling the Gulf of Mexico.

Due to the pressure of official business, I have not been able to give you much assistance, but I wish to assure the members of the commission that I am very much interested in having the survey authorized at the earliest date possible; and I hope that the people of Florida and other States will lend their support to this project, which is to mean so much to Florida and the United States in the future, since it will connect and perfect the inland waterway system of the country. The interchange of commerce between Florida and States of the Mississippi Valley will be mutually beneficial, and such a route would be used every day in the year for through traffic from point of origin to point of destination without transshipment; it would be economically practical for the Government to construct such a waterway to connect the Atlantic intra-coastal waterway at Cumberland Sound with the Gulf intra-coastal waterway at New Orleans and the Mississippi River and its tributaries, for commerce must in future depend more and more upon water transportation.

It is my ambition to aid Florida to complete its highway system during my term of office, and to enable me to more intelligently aid the State's development in all ways I have spent considerable time in visiting the various sections.

It is just as important, I think, for Florida to have a network of waterways that shall connect with the East Coast Canal and the Atlantic-Mississippi barge canal for both intrastate and interstate commerce. Florida can supply the Nation with a variety of commodities all the year, and should have access to the inland markets by cheaper transportation via barge service. I hope that the people of Florida will visualize this and work with us to this end. By the time the waterways are ready for through traffic Congress will have coordinated rail-and-water rates on a fair basis to all concerned, I have no doubt.

I am encouraged and congratulate you and the other members upon the progress made by the commission since it was created by the Florida Legislature to act as the State's agency to secure this great project. I know of no other project which will bring larger permanent benefits to Florida and to the United States.

With best wishes for continued success, I am,

Very truly yours,

JOHN W. MARTIN, Governor.

FROM GOV. CLIFFORD WALKER

EXECUTIVE DEPARTMENT,
Atlanta, February 4, 1926.

Hon. JOHN G. RUGER,

Chairman Florida State Canal Commission, Tallahassee, Fla.

MY DEAR SIR: I am very much interested in the progress being made toward securing the preliminary examination and survey of the proposed Atlantic-Mississippi barge canal from Cumberland Sound via the St. Marys River and Okefenokee Swamp across northern Florida to St. Georges Sound and westward via the Government canal and the bays along the north Gulf coast to Mobile Bay and the Mississippi River.

This project will mean not only vast development for the territory adjacent to the route, but it being the connecting and very essential link between the Atlantic intracoastal waterway and the Gulf intracoastal waterway and Mississippi River, it will more than justify whatever the expense to the Government for its construction. It will be one of the Nation's greatest assets. The saving in mileage for barges will be most important.

The recent freight embargo and scarcity of coal in some sections by reason of lack of rail transportation facilities or cars all make the necessity for inland waterway transportation more apparent to promote industries and keep labor employed.

I wish to assure you and the members of your commission that the State of Georgia will cooperate in every way to insure the early accomplishment of this project, and I will be glad to assist personally in whatever way I can to promote this canal and inland waterway. Aside from the benefits to commerce, this canal is essential to the national defense.

Very truly yours,

CLIFFORD WALKER, Governor.

Sixty-ninth Congress, first session, in the House of Representatives, February 1, 1926, Mr. GREEN of Florida introduced the following bill; which was referred to the Committee on Rivers and Harbors and ordered to be printed:

A bill (H. R. 8742) to require the Secretary of War to cause to be made a preliminary examination and survey for a barge canal from Cumberland Sound to or near the mouth of the Mississippi River, and to make full and complete report to Congress of the most feasible route and cost of construction.

Be it enacted, etc., That the Secretary of War be, and he is hereby, required and directed to cause a preliminary examination and survey to be made for a barge canal beginning in Cumberland Sound and terminating at or near the mouth of the Mississippi River, using the nearest, most practicable, and most feasible route which will permit the use of the waters of the St. Marys River of Georgia and Florida, the Suwannee River and St. Georges Sound of Florida, and all other rivers and bodies of water along and adjacent to such route, and provide a protected all-inland canal.

SEC. 2. That upon the making of such survey the Secretary of War shall report to Congress.

SEC. 3. That the Secretary of War shall ascertain the feasibility and practicability of such barge canal and in his said report to Congress give full detailed estimate of cost of such canal, a description of proposed route, dimensions of the proposed canal, amount of actual canalizing, and every fact and circumstance which in his judgment will be necessary to convey full information as to such proposed barge canal.

PROPOSED ALL-AMERICAN CANAL—THE ATLANTIC-MISSISSIPPI BARGE CANAL FROM CUMBERLAND SOUND, VIA ST. MARYS RIVER AND ST. GEORGES SOUND, TO THE MISSISSIPPI RIVER AT NEW ORLEANS, LA.

Appeal is hereby made to all forward-looking Americans to aid in securing the proposed Atlantic-Mississippi barge canal from Cumberland Sound, on the Atlantic coast, across the States of Georgia and Florida, to Mobile Bay and the Mississippi River by requesting the Members of

Congress from the various States to support the new bill, H. R. 8742, that has been introduced in the House of Representatives by Congressman R. A. GREEN, of Florida, for the preliminary examination and survey of the proposed route for this project. No appropriation is asked for construction, as that can not be considered until the Government engineers have made a comprehensive examination and report to the Secretary of War, including estimate of the cost.

Next in importance to the Panama Canal will be the Atlantic-to-Mississippi barge canal when completed. It will connect the Atlantic intracoastal waterway with the Mississippi River at New Orleans over the following proposed route, which is to be resurveyed by Government engineers: From Cumberland Sound via the St. Marys River, and with connecting links, crossing the Suwannee River, Aucilla River, St. Marks, Wakulla, Ocklocknee Rivers to St. Georges Sound at Carrabelle, Fla. (southwest of Tallahassee and the terminus of the Georgia, Florida & Alabama Railway); thence via the Government canal (that connects the Apalachicola River with St. Andrews Bay, and cost approximately \$500,000 to construct a few years ago, now used by small boats for local traffic) to St. Andrews Bay; thence to Choctawhatchee Bay and via Santa Rosa Sound to Pensacola Bay; thence via Big Lagoon to Perdido Bay; thence to the 9-foot depth in Mobile Bay, from which point westward to New Orleans the way is now open for barges. The industrial canal at New Orleans, which connects the Mississippi River with Mississippi Sound via Lake Pontchartrain, will be the western link of the Atlantic-Mississippi barge canal project.

We are reliably informed that only 6 1/2 miles of construction will be necessary to provide a barge canal from the 9-foot depth in Mobile Bay eastward to Carrabelle, Fla., on St. Georges Sound, and the preliminary examination and survey was authorized, under the river and harbor act of March 3, 1925, for the western section of the proposed Atlantic-Mississippi barge canal route—New Orleans, La., to the Apalachicola River, Fla., and to include a survey of the Apalachicola and Chattahoochee Rivers to Columbus, Ga., with the view of operating self-propelled barges between Columbus and New Orleans.

Nature has provided practically three-fourths of the canal route across northern Florida with deep-water bays (which are fine land-locked harbors on the Gulf) and rivers and sounds; and from Carrabelle eastward to Fernandina it will only be necessary to connect existing waterways to reach the St. Marys River, which is navigable for about 65 miles westward from Cumberland Sound.

After the Atlantic intracoastal waterway has been completed from Beaufort to Fernandina, then there will be a route for barges via an all-inland protected waterway from Cape Cod to the Mississippi River via the Atlantic-Mississippi barge canal across southern Georgia and northern Florida and southern Alabama between Pensacola and Mobile Bays, which route will be continuous and of uniform dimensions and will be open every day in the year, never closed by ice. Return loads can be carried over this route in either direction.

The Panama Canal was agitated for 300 years, with all sorts of adverse reports, and France expended millions of dollars in attempts to complete it, yet it is a success to-day and has changed the shipping routes of the world. The Industrial Canal at New Orleans was promoted for nearly 40 years, but was finally accomplished and dedicated on May 2, 1921. The proposed Atlantic-Mississippi Canal has been agitated less than 50 years and a survey of the northern route across Florida was made in 1876 by Lieut. Col. Q. A. Gilmore, a Government engineer, who recommended this route as a section of the national system of inland waterways for barge traffic. His report sets forth the feasibility, advantages, and the miles saved in water transportation from the upper Mississippi cities to Liverpool and other foreign ports by a barge canal that will touch the ports of the South and Southeast. At Cumberland Sound is a protected harbor of great depth, comprising some 32 square miles. The construction of the Atlantic-Mississippi barge canal will make efficient the inland waterways and rivers of the interior section of the United States and will give the farmers and manufacturers of the midwest a foreign market at Cumberland Sound by water transportation at lowest freight rates, and in addition this canal will be of the greatest permanent benefit to all of the Southern States in their agricultural and industrial development.

The history of the efforts that have been made to date in this important matter are, briefly, as follows:

In 1876-77 Lieut. Col. Q. A. Gilmore made a survey from Cumberland Sound via the St. Marys River, Okefenokee Swamp (Ga.), the Suwannee River (Fla.), St. Marks River, St. Georges Sound, to the Gulf of Mexico, and his report strongly recommended the construction of this canal. It appears that no action was ever taken to carry out his recommendations, and the matter was allowed to drop.

In 1894 the matter was again taken up by Maj. Robert Gamble, of Tallahassee, Fla., and a memorial was presented to the Senate of the United States and referred to the Committee on Transportation Routes to the Seaboard and ordered printed. (Mis. Doc. No. 37, 53d Cong., 2d sess., December 20, 1894.)

In 1913 Gov. Hugh M. Dorsey, of Georgia, at the request of Mr. J. H. Becker, of St. Marys, Ga., and others, revived the matter by calling a meeting at St. Marys and Fernandina in June, 1918, which meeting was attended by the Governors of Georgia and Florida and many

men prominent in public life. Indorsement was given the project, and a temporary organization was effected.

In August, 1918, the Georgia Legislature passed an act (No. 491) authorizing the appointment of a committee to go to Washington and arrange for a hearing.

On September 6, 1918, a hearing was had before the Committee on Rivers and Harbors and same was ordered printed. On account of the World War it was not possible to take the matter further then, and nothing more was done until 1919, when the North Florida Chamber of Commerce (headquarters Tallahassee, Fla.) secured the cooperation of Congressman Frank Clark, of Florida, who introduced a bill in Congress (H. R. 9449) asking for a survey of the route from Cumberland Sound to St. Georges Sound. This bill was later withdrawn and a new bill introduced by him extending the route westward from St. Georges Sound to the Mississippi River (H. R. 10919).

In October, 1919, the North Florida Chamber of Commerce asked Governor Dorsey to arrange for another meeting, and the same was held at St. Marys, Ga., on December 11-12, 1919. At the session held in Fernandina on the second day a "steering committee" was elected to secure a hearing for the new bill, and Senator James E. Calkins, of Fernandina, was elected as chairman of this committee. On January 29, 1920, the hearing was held before the Committee on Railways and Canals of the House of Representatives of the United States, and this committee made a favorable report in February, 1920 (Rept. No. 1246, 3d sess., 66th Cong.), recommending that the resurvey be made. As the Esch-Cummings bill (the general transportation act) and other important legislation were then being considered by Congress, the steering committee decided to wait until these bills had been disposed of before having Mr. Clark's bill brought up, that this canal project might not be overshadowed by other legislation; and there the matter rested.

A little later in 1920 the "Atlantic-to-Mississippi Canal Association" was organized and it functioned until the Georgia and Florida State canal commissions were created in 1921 to act as the State's agencies in this matter, when the association ceased its work, realizing that this was more than a "canal across Georgia and Florida" and should be handled as a national project, since its construction will be vital to the development of domestic and foreign commerce. In the event of future wars this canal could be invaluable to the Government, providing a safe, protected inland route from the Mississippi River to Cumberland Sound—a deep-water harbor with 32 square miles of anchorage area with depth of from 30 to 90 feet and only 3 miles from the open sea—where a bunker coal port could be established at a port never closed by ice; and at Cumberland Sound the Atlantic-Mississippi Barge Canal would connect with the inland waterway along the Atlantic coast to New England, making it possible (as Major Gamble states) for the Government to "send from New England to Louisiana, promptly and safely, armaments and stores to meet emergencies, which could not venture upon the high seas floating a hostile navy." And the inland route from Cumberland Sound via St. Georges Sound to Mississippi Sound would not only save many miles, but avoid the dangerous straits of Florida and the tropical storms outside. A barge canal over this route would not only be feasible but economically and financially a sound proposition. Nature has already provided, ready-made, most of this route. Light-draft boats could enter or leave this canal, to and from the Gulf of Mexico, through the numerous bays and sounds, from Carrabelle, Fla., westward; the actual excavating would probably not exceed 150 miles.

In 1915 the Government constructed a canal to connect the Apalachicola River and St. Andrews Bay (about 24 miles) at a cost of about \$500,000. A cut of approximately 14 miles would connect St. Andrews Bay with Choctawhatchee Bay; thence via Santa Rosa Sound to Pensacola Bay. A cut of about 4 miles would connect Pensacola Bay with Perdido Bay, and a further cut of 10 miles, more or less, would provide the final link with Mobile Bay and Mississippi Sound; thence through Lake Borgne and Lake Pontchartrain and the industrial canal at New Orleans to the Mississippi River.

In 1921 the Legislatures of Florida and Georgia created State canal commissions (Laws of Florida, 1921, ch. 8578, No. 183; Georgia Laws, 1921, Pt. I, Title VI, p. 159) for the purpose of securing the resurvey and construction of this canal, and made the governors of these State members ex officio of the commissions. In July, 1921, Gov. Cary A. Hardee appointed the following citizens of Florida to serve for a period of two years: John G. Ruge, of Apalachicola, as chairman of the commission; Frank D. Upchurch, of Fernandina, and Mrs. Florence R. S. Phillips, of Tallahassee, and the commissioners elected Mrs. Phillips as secretary of the commission. In July, 1923, Governor Hardee reappointed Chairman Ruge and Mrs. Phillips, and since Mr. Upchurch was unable to give attention to the work, appointed E. W. Bailey, of Fernandina, as the third commissioner. On January 6, 1925, Gov. John W. Martin became a member of the commission. In July, 1925, Governor Martin reappointed all members of the commission, and the secretary was reelected.

There would seem to be no reason why the Atlantic-Mississippi barge canal could not be dedicated to commerce in 1935, or sooner, if

all agencies will cooperate and concentrate upon the matter. The canal could be built with funds derived from the sale of Government bonds, tax exempt, say, for 30 or 50 years. The bonds could be issued in series, as needed, like the Liberty and Victory bonds, and would be as eagerly bought by the public. Government issues are always oversubscribed. The construction would provide work for thousands of men for several years, relieving the unemployment situation and putting millions of dollars in circulation, to the benefit of all classes of business.

The Atlantic-to-Mississippi barge canal could be used every day in the year (unlike northern canals and rivers that are icebound for four to six months each year); barges and other vessels could come from the upper Mississippi and tributary rivers and waterways, from the Great Lakes via the canals connecting them with the rivers of the interior States, with shipments for the Southeast and for export, and could carry return loads of citrus fruit, produce, minerals, lumber, and naval stores, coal, and other merchandise; there would be no loss through one-way traffic.

THE OUTSTANDING APPEAL OF THIS PROJECT

The inland waterways of the United States can not be complete without a barge canal from the Atlantic inland waterway to the Mississippi River; the Atlantic-Mississippi barge canal will be wholly within the boundaries of the United States.

With suitable barges, oil can be delivered from Texas, Oklahoma, and even from Mexico (thoroughly protected, as it were, by a pipe line) at the Atlantic coast for use in peace or war, at a minimum cost and without hazard—this alone means the saving of millions of dollars to the United States, to say nothing of this canal's value to domestic commerce and export and import traffic to and from the Atlantic seaboard.

This canal will save approximately 500 miles between New Orleans and New York; it will extend the Warrior River barge service (now fully established and profitably operated between New Orleans and Mobile) to the Atlantic States, which means that coal from Alabama can be cheaply transported to other Southern States and to Eastern States, thereby encouraging new industries to locate in the Southeast.

And coal from Indiana, Ohio, and other inland States can be transported by barge, without transshipment, to the bunker coal ports of the South and East, and to other new markets, domestic and foreign; this canal will be the means of developing a great import, export, coal, and fuel harbor at Cumberland Sound.

No foreign enemy ships could approach the great commercial inland cities by this route, since it will be a barge canal.

It is advisable for the Federal Government to look ahead in time and provide an all-inland, protected, continuous waterway from Cape Cod to the Rio Grande that will adequately serve the needs of the Government, of general commerce, and especially of the States in the Mississippi Valley, the grain-growing section and great producing half of the United States; it is highly important to first connect up all of the coastal and inland waterways of the United States before undertaking to permit our Government to become a party to the construction of any international projects.

President Calvin Coolidge has said: "Foremost in the development of commerce has been the utilization of waterways. Our own country looks for its present and future development to the use of its waterways, the natural avenues and highways of trade."

"In America," said the late President Warren G. Harding to the Agricultural Conference, "we have too long neglected our waterways."

The Republican national platform pledges the improvement and development of waterways, inland and coastwise, to the fullest extent, and the Democratic national platform favors a policy for fostering and building of inland waterways, liberal appropriations for prompt coordinated surveys as well as deeper waterways from the Great Lakes to the Gulf and Atlantic Ocean.

The Mississippi Valley Association is committed to waterway development and has indorsed same, as has the Atlantic Deeper Waterways Association, the Southern Commercial Congress, the North Florida Chamber of Commerce, and local commercial organizations along the proposed route of the canal. The use of water transportation is coming back and will be developed more in the future. The building of the Atlantic-to-Mississippi barge canal will benefit the corn-growing States enormously, as corn shipped through the canal will not be affected as when shipped through the Gulf Stream around the Straits of Florida; it will benefit the Middle Western States, the New England States, the Central and Southern States—practically every State except those along or adjacent to the Pacific coast. And in future years, when the Intracoastal canal is extended from New Orleans via the Rio Grande to California, it will change the shipping routes of the world that now pass through the Panama Canal, and at an enormous saving of time and fuel and avoidance of the dangers of the open sea. All of the States of the Mississippi Valley and of the Chattahoochee Valley will be directly benefited; all cities and towns of the United States east of the Rockies, situated on navigable waterways, will be directly benefited by the construction of this project.

Chicago will be connected with the Mississippi River by the Illinois Drainage Canal, a \$20,000,000 project. Lake Erie will be connected with the Ohio River by the Lake Erie and Ohio River Canal; the Erie Canal, New York Barge Canal, all will be connecting links in the national waterways system. All classes of business will be stimulated through increased and cheaper transportation and access to the coal fields of the interior States; new transportation routes will relieve the congestion at northern ports, relieve the shortage of fuel, prevent interruption to traffic during the winter months, and will be a permanent blessing to our country.

A route across Florida to and from the open ocean and Gulf will not be feasible for barge traffic; besides, an inland waterway is desirable for use in time of any future war, providing a protected route for transportation of supplies, munitions, and fuel to the Government forts and air stations along the Atlantic and western Gulf coasts.

For all reasons it will prove to be a wise investment for the Government to construct the Atlantic-Mississippi barge canal and provide a continuous inland route for barges from Cape Cod to the Rio Grande, and with the least possible delay.

For further information address the Florida State Canal Commission, box 474, Tallahassee, Fla.

[Extract from report of Committee on Railways and Canals]

(Report No. 1246, Sixty-sixth Congress, third session, on H. R. 10919. Mr. WHEELER)

The committee desires to append hereto certain data brought out in the hearing on this bill:

RESULTS OF BUILDING THIS CANAL AND WATERWAY

Extending the Mississippi River to the Atlantic.

Developing a great import, export, coal, and fuel-oil harbor at Cumberland Sound, and providing access to foreign markets for the coal and oil fields of the South and Central West and for the raw products and manufactured goods of the great producing half of the United States.

Giving additional transportation facilities and perpetual lower freight rates to the States bordering on the Mississippi and its tributaries and to the Gulf and South Atlantic States, and relieving one-half of the United States from the costly and unnecessary sea and rail hauls, due to the present routing of imports and exports through north Atlantic ports.

Promoting the national defense by providing a short cut, through inland and protected waters, from the Atlantic to the Gulf of Mexico and the Mississippi River.

Placing New Orleans and Mobile 500 miles nearer to Liverpool and New York, and making New Orleans the western terminal of a great volume of trans-Atlantic and coastwise shipping.

Providing return cargoes for the rail lines paralleling the Mississippi River, by delivering at New Orleans a largely increased volume of freight from eastern and foreign ports for distribution through the Mississippi Valley, thereby benefiting those roads and the entire transportation system of that section by making it possible for these lines to equalize traffic in both directions, and to reduce the freight cost per ton through the greater volume of business and through the abolition of the present empty-car movement northward from New Orleans.

Aiding our mercantile marine by providing a fuel, docking, and repair port on the south Atlantic coast 500 miles nearer the Panama Canal than is Norfolk. This port will be located at the mouth of a transportation funnel, through which the products of nearly half the country will naturally move to eastern and foreign markets, thereby furnishing return cargoes for the vessels bringing imports to that point, which imports can be easily and cheaply distributed through the same territory. The result will necessarily be an enormous increase in our foreign trade and increased business for our shipping.

Opening up great agricultural, mineral, and industrial sections of the country, now largely undeveloped, on whose prosperity the future of the United States must largely depend.

Benefiting the United States as a whole more than any other single project since the construction of the Panama Canal.

The Atlantic Deeper Waterways Association resolutions declare their belief in the principle "that all appropriations made by the Congress of the United States for the improvement of waterways should be expended solely upon such improvements as lie wholly within American boundaries."

Among the resolutions adopted at the Fourteenth Annual Convention of the Atlantic Deeper Waterways Association at Savannah, Ga., November 18, 1921, was the following:

"Chief among these is the intracoastal waterway from Maine to Florida and thence to the Gulf of Mexico. The utilization of the sections already improved, which are as yet limited by the incompleteness of the whole system, has given substantial proof of the wisdom and the economic necessity for the project."

And the Fifteenth Annual Convention of the association, held at Portland, Me., on September 15, 1922, adopted and had sent to Chairman John G. Ruge, of the Florida State Canal Commission, the following:

[Telegram]

PORTLAND, ME., Sept. 15, 1922.

JOHN G. RUGE,
Apalachicola, Fla.:

The Atlantic Deep Waterways Association would welcome passage of bill for survey and will so advise Congress.

W. H. SCHOFF, Secretary.

Resolution passed at the annual convention of the Mississippi Valley Association at Kansas City, April 25-26, 1922

FLORIDA CANAL PROJECT

We recommend and encourage the efforts of the State of Florida toward the resurvey and definite work upon the Atlantic-Mississippi Canal project, upon which labor the State of Florida has embarked so energetically with the view of linking up this project with the intracoastal Canal, to which we are committed, as an investment in economic freedom and transportation relief for the section affected and as an aid to the Mississippi Valley and the Nation.

Resolutions adopted by the Atlantic Deeper Waterways Association at the sixteenth annual convention, at Norfolk, Va., November 16, 1923

[From the printed report of the convention]

The delegates and members of the Atlantic Deeper Waterways Association in sixteenth annual convention assembled in the city of Norfolk, Va., and representing every Atlantic seaboard State and the District of Columbia, do hereby adopt the following resolutions and recommendations and earnestly submit the same for the consideration of the United States Congress and the legislatures of the several States:

"The adequate development of a national inland waterway system is foremost among the internal improvements necessary to the future welfare of the country.

"Foremost in this system is the intracoastal waterway from Maine to Florida and thence to the Gulf of Mexico. The utilization of the sections already improved, as yet limited by the incompleteness of the whole system, has given abundant proof of the wisdom and economic necessity of this project.

"The Atlantic Deeper Waterways Association, organized in 1907, has consistently advocated this important cause. * * * If so connected, commerce can be carried continuously between all ports on these rivers and bays and all ports along the coast. * * * At recent sessions we suggested the motto: 'American money for American waterways.' This year we suggest another: 'Why not get the American waterways in shape to work?'

WATERWAY ACROSS FLORIDA

"A waterway across the State of Florida connecting the Atlantic with the Gulf has been advocated, and the proposition commends itself to this association. It would shorten communication between the ocean and the Gulf, would avoid the hazards encountered by navigation around the Florida Cape, and would form a necessary connection between the intracoastal waterway along the Atlantic seaboard and the intracoastal waterway along the Gulf. We commend this prospective project to the attention of Congress and the engineers and express the hope that a practicable route may be selected and its construction brought within reasonable cost to the end that this essential navigation link shall be provided."

[Extracts from the annual address of the president of the Atlantic Deeper Waterways Association, Hon. J. Hampton Moore, at Norfolk, Va., November 13, 1923]

Sixteen years have elapsed since the organization of the Atlantic Deeper Waterways Association, the purpose of which was to establish a better understanding along the Atlantic coast with respect to the development of ports and waterways and to encourage favorable action thereon by Congress, State, and local authorities. The result of this agitation has been highly beneficial along the entire seaboard and, in a way, has inspired efforts in other sections of the country to improve and utilize our natural resources. * * * The work of this association has been of great value to agriculture, commerce, and industry throughout the United States.

We should not fail to note the continued progress of foreign nations in canal development. England, France, Germany, Italy, and the Netherlands—all of them are keeping up their canalization for the encouragement of transportation and the distribution of commodities. Some of their canals were indispensable during the war.

* * * And, while we are speaking of foreign activities, may we

not again urge that the Congress of the United States be careful to give first consideration to American enterprise, so that the commerce of the United States may have a square deal with respect to foreign competition.

A great project to the north of us, which has many proponents in the United States, would draw heavily upon United States resources, and, if adopted, upon Federal funds now required for our internal improvement. . . . Let us prepare for our own future. Let us care for our own household. Let us not postpone it nor delay it. Let us do it now! If we would see America first let us put America first! And, having said this much to ourselves in convention, let us say it to Congress and continue to say it until Congress shall approve.

Resolution adopted by the Southern Commercial Congress, at the annual convention held in Chicago, November 20-22, 1922

Whereas the commercial progress of the United States will be materially advanced by the development of water transportation; and the building of canals connecting the rivers and lakes and the Atlantic Ocean with the Mississippi River and the Gulf of Mexico will add to the safety of our country; and

Whereas a bill has been introduced in Congress asking for a resurvey of a proposed canal route from Cumberland Sound to the Mississippi River and a canal connecting those bodies of water would be of inestimable value to commerce and to the Government, providing an all-inland protected route where barges and other vessels could carry return loads in either direction from the upper Mississippi and the Great Lakes to the Gulf and south Atlantic ports every day in the year, and said canal would be wholly within the boundaries of the United States; and the eastern terminus at Cumberland Sound would provide a bunker coal port only 3 miles from the open sea, and large anchorage area never closed by ice, where ocean-going vessels could coal and secure cargoes for Europe and South America and other points at great saving of time and expense, and avoiding the delays and congestion at northern ports: Therefore be it

Resolved, That this organization give its indorsement and support to the project known as the Atlantic-to-Mississippi Canal connecting Cumberland Sound with the Mississippi River, to the end that this all-American canal may be constructed at the earliest practicable date after the report on the resurvey has been submitted to Congress in the manner governing such matters.

At the twelfth annual meeting of the Chamber of Commerce of the United States in Cleveland, Ohio, May 6-8, 1924

Among the questions for consideration there was submitted for consideration, on request of the Tallahassee Chamber of Commerce:

That the national chamber indorse and support the project known as the Atlantic and Mississippi Canal, connecting Cumberland Sound with the Mississippi River.

The summary refers this matter, together with other subjects, to the board of directors that it may receive the further consideration it deserves.

[Extracts from the printed summary of the first midyear meeting, eastern division, Chamber of Commerce of the United States]

PHILADELPHIA, PA., January 17-18, 1924.

TRANSPORTATION

The divisional meeting has heard in detail the conclusions of the transportation conference recently held in Washington under the auspices of the national chamber and has taken cognizance of the thoroughgoing character of the preliminary work, the results of which are embodied in the reports of six special committees appointed by the president of the Chamber of Commerce of the United States.

There are contained in the reports of the transportation conference certain proposals which, in the opinion of the divisional meeting, are of great importance to the sound development of our national transportation system. For example, permissive Federal incorporation of railroads, supplementary legislation to perfect the consolidation provisions of the transportation act, store-door delivery (particularly by motor vehicles), and a comprehensive national waterway survey by the Army engineers with a schedule of priorities.

[Extract from resolutions, Atlantic Deeper Waterways Association, Miami convention, November 23-26, 1925]

WATERWAY ACROSS FLORIDA

The fact that Florida is a peninsula jutting from the mainland southeastwardly for a distance of approximately 600 miles, abutting on the ocean and the Gulf, respectively, and with hazardous navigation for barges and small vessels around its southern extremity, presents the obvious necessity of constructing a waterway across the State by a protected route uniting the ocean and the Gulf and making possible

through water transportation between the Atlantic seaboard and the Gulf States and the Mississippi River. The scheme is entirely practical. It is only a question of when the time is ripe and other conditions are favorable for its construction. We respectfully commend to the consideration of the citizens of Florida and to those who are promoting intracoastal waterway along the Atlantic and the intracoastal waterway along the Gulf from New Orleans to Corpus Christi, whether this is not the opportune time to renew efforts for the construction of this Atlantic-Gulf waterway.

House Memorial No. 6 to the Congress of the United States of America, asking that the preliminary examination and survey of the eastern section of the proposed Atlantic-Mississippi Canal be authorized, from Apalachicola, Fla., via St. Georges Sound, and across the northern portion of Florida to Fernandina, Fla., on Cumberland Sound.

Whereas the improvement and development of our harbors and rivers to meet the ever-growing demands of the commerce of the country, both coastwise and inland, is not only the duty but the proper function of the Federal Government; and

Whereas the construction of a barge canal from Cumberland Sound, Ga.-Fla., to St. Georges Sound, Fla., will link the Atlantic intracoastal waterway with the Mississippi River and the Gulf intracoastal waterway extending westward from New Orleans, and thus completing the inland waterway from Cape Cod to the Rio Grande, and furthermore, linking, through the Mississippi River, the Great Lakes with the Atlantic Ocean at a port never closed by ice, and which would be of untold advantage and value to the commerce of the Mississippi Valley, the Chattahoochee Valley, and to the Nation; and

Whereas by routing a barge canal up the St. Marys River and thence to St. Georges Sound some portions of existing rivers and streams in that section might be utilized, and thus require the digging of only about 100 miles for such canal; and

Whereas the construction of this canal would reduce the distance between the Mississippi River and Cumberland Sound some 500 miles and avoid the dangerous Straits of Florida, thus saving time and the possible destruction of shipping to the extent of millions of dollars; and

Whereas the legislature of Florida in 1921 created a permanent commission, designated the Florida State Canal Commission (ch. 8578, laws of Fla., acts of 1921) to secure the resurvey and construction of this project, and this proposed barge canal has been indorsed and approved by the Mississippi Valley Association (comprising 27 States), the Atlantic Deeper Waterways Association, the Southern Commercial Congress, and many other organizations; and

Whereas under the river and harbor act of March 3, 1925, there was an appropriation and allotment for the preliminary examination and survey of the waterway from Norfolk to Beaufort Inlet, N. C., also waterway from Charleston to Winyah Bay, S. C., as well as the waterway between Beaufort, N. C., and Cumberland Sound, thus completing the entire inland waterway surveys of the Atlantic coast from Boston to Florida; and

Whereas an appropriation was also made, under the river and harbor act, aforesaid, for the intracoastal waterway from New Orleans, La., to Galveston, Tex.; and

Whereas the preliminary examination and survey of the western section of the proposed Atlantic-Mississippi Canal, from New Orleans, La., to the Apalachicola River, Fla., via Mobile Bay and Pensacola Bay, was authorized by the river and harbor act of March 3, 1925, for the purpose of securing a depth suitable to the economical operation of self-propelled barges; and said act further authorized the survey to be continued to Columbus, Ga., with the view of establishing barge service between Columbus, Ga., and New Orleans; and the inland route from Mobile Bay, Ala., is now open for barge traffic to New Orleans; and

Whereas the cost of the construction of a barge canal from Cumberland Sound, via St. Georges Sound, to Mobile Bay would not compare with the permanent benefits to general commerce to be gained therefrom: Therefore be it

Resolved by the Legislature of the State of Florida, That the Senators and Representatives from the State of Florida in the Congress of the United States be, and they are hereby, respectfully requested and urged to make every effort to have the preliminary examination and survey made of the northern route across Florida from Cumberland Sound to St. George's Sound and thence to the Apalachicola River, Fla., to definitely locate the route of the Atlantic-Mississippi Canal so as to provide an all-inland route, through existing rivers, sounds, and bays, between Cumberland Sound and the Apalachicola River, there to connect with the western section of this project extending to the Mississippi River at New Orleans.

Be it further resolved, That the secretary of state of the State of Florida be requested to furnish each of the Senators and Representatives aforesaid a copy of this memorial, and that he also send a

copy of this memorial to the President of the United States, the Secretary of the Navy and the Secretary of War.
Approved May 14, 1925.

House Memorial No. 8 to request the Legislatures of Alabama, Mississippi, and Louisiana to memorialize the Congress of the United States of America to authorize the preliminary examination and survey of the eastern section of the proposed Atlantic-Mississippi Canal and Inland Waterway from Cumberland Sound via St. George's Sound to the Apalachicola River, Fla.; and to approve the construction of said canal and waterway from Cumberland Sound to Mobile Bay as soon as practicable after the Government engineers have made report covering said eastern section and the western section thereof from New Orleans, La., to the Apalachicola River, Fla.

Whereas the Congress of the United States of America has, under the river and harbor act of March 3, 1925, authorized the preliminary examination and survey of the western section of the proposed Atlantic-Mississippi Canal and Inland Waterway, from New Orleans, La., to the Apalachicola River, Fla.; and

Whereas the Legislature of the State of Florida on May 11, 1925, memorialized the Congress to authorize the preliminary examination and survey of the eastern section of the proposed Atlantic-Mississippi Canal and Inland Waterway, from the Apalachicola River, Fla., via St. George's Sound and the northern route across Florida, to the St. Mary's River and thence to Cumberland Sound at or near Fernandina, Fla., and St. Mary's, Ga., and thus complete the preliminary examination and survey of the entire route of said barge canal and waterway project, from the Mississippi River at or near New Orleans to Cumberland Sound, via Mississippi Sound, Mobile Bay, Perdido Bay, Ala., and Pensacola, Choctawhatchee and St. Andrews Bays, Fla., to the Apalachicola River, and St. George's Sound, and thence to Cumberland Sound; and

Whereas it is expedient that the States of Alabama, Mississippi, and Louisiana assist in securing the early complete survey of this project and the necessary approval for the construction of this barge canal and inland waterway that will connect the Gulf Intracoastal Waterway, the Rio Grande, the Mississippi River, and other rivers along the Gulf coast of the United States, as well as inland rivers and their tributaries, with the Atlantic Intracoastal Waterway and ports on the Atlantic coast, from Florida to Maine, to promote the agricultural and industrial development of the Gulf Coast States, and increase and extend the domestic commerce of the Nation; and

Whereas the State of Georgia and the State of Florida have by legislative enactment created permanent State canal commissions for the purpose of securing the resurvey and construction of the Atlantic-Mississippi Canal and Inland Waterway from Cumberland Sound, via St. Georges Sound and the rivers, bays, sounds, and other natural waterways, to the Mississippi River at or near New Orleans, La., and said project has received the indorsement and support of the Legislatures of Georgia and Florida and of the Mississippi Valley Association (comprising 27 States), the Atlantic Deeper Waterways Association (comprising all the Atlantic Coast States), the Southern Commercial Commerce, and other organizations national in scope, and the leading political parties are pledged to develop the inland waterways of the United States and make them efficient aids to the growing commerce of the country, and the Federal Government is committed to provide a continuous inland waterway from Cape Cod to the Rio Grande: Therefore be it

Resolved by the Legislature of the State of Florida, That we do request the Legislatures of the States of Alabama, Mississippi, and Louisiana to take appropriate action at the next session thereof to urge the Congress of the United States to authorize the completion of the preliminary examination and survey of the route proposed for the Atlantic-Mississippi Barge Canal, the section beginning at the Apalachicola River, Fla., and extending via St. Georges Sound and the rivers and streams east thereof to the St. Marys River and Cumberland Sound, on the Atlantic coast at or near Fernandina, Fla., and St. Marys, Ga.; and request that the construction of said barge canal be authorized as soon as practicable after the Government engineers have made their report thereon, and also their report covering the Gulf division, from New Orleans to the Apalachicola River, Fla., at St. Georges Sound; and that said legislatures shall also request the Members of Congress from their respective States to aid this project: Be it further

Resolved, That the secretary of state of the State of Florida be, and is hereby, requested to send a copy of this memorial, under the great seal of the State of Florida, to the Governors of Alabama, Mississippi, and Louisiana, requesting that this memorial be transmitted by them to the State senate and house of representatives when the next session of their legislature convenes, and also request that the Governor of Florida be advised of the action taken by them in this matter.

Approved May 28, 1925.

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House memorial No. 5 to the Congress of the United States asking for an appropriation to improve and deepen the Suwannee River from the Gulf to Branford, Fla.

Whereas the Suwannee River is one of the important rivers in the State of Florida, and with a reasonable appropriation could be made suitable for navigation at all seasons of the year; and

Whereas the improvement and deepening of this river would mean the speedy development of a rich agricultural section of the State: Therefore be it

Resolved by the Legislature of the State of Florida, That our Senators and Representatives in Congress use every honorable means to secure an appropriation sufficient to improve the Suwannee River, and to remove shoals, to the extent that said river shall be a permanent waterway for commerce at all times from the Gulf to the town of Branford, Fla.;

Resolved further, That a copy of this memorial be furnished to each of Florida's Senators and Representatives in Congress.

Approved May 8, 1925.

Statement of organized effort to arouse public interest and cooperation to secure the resurvey and construction of the all-American inland waterway connecting the Atlantic intracoastal waterway with the Gulf intracoastal waterway and the interior waterways, Great Lakes, rivers, canals, and navigable streams that connect with rivers that are tributary to the Mississippi River and all other rivers flowing into the coastal waterways.

The proposed Atlantic-Mississippi barge canal and inland waterway from Cumberland Sound via the St. Marys River, St. Georges Sound, and other waterways, bays, Mississippi Sound, and Lake Ponchartrain to the industrial canal at New Orleans, to the Mississippi River, is a national proposition, necessary to connect and make efficient the inland waterways of the United States, and has received the indorsement and assistance of the following:

The Legislature of Florida;

The Legislature of Georgia;

The Florida State Canal Commission (created in 1921 as a permanent commission to secure the resurvey and construction of this canal);

The Georgia State Canal Commission (created in 1921 by the Georgia Legislature to secure this canal);

The Mississippi Valley Association (comprising over 20 States);

The National Rivers and Harbors Congress (general approval);

The Atlantic Deeper Waterways Association (comprising all Atlantic seaboard States);

Gov. John W. Martin, of Florida;

Ex-Gov. Cary A. Hardee, of Florida;

Gov. Clifford Walker, of Georgia;

Ex-Gov. Thomas W. Hardwick, of Georgia;

Ex-Gov. Hugh M. Dorsey, of Georgia;

Hon. H. Clay Crawford, secretary of state of Florida;

Hon. S. G. McLendon, secretary of state of Georgia;

Ex-Gov. John M. Parker, of Louisiana;

Ex-Gov. Lee M. Russell, of Mississippi;

Hon. Duncan U. Fletcher, United States Senator, Florida;

Hon. Park Trammell, United States Senator, Florida;

Hon. R. A. Green, second congressional district, Florida (author of bill (H. R. 8742) for preliminary examination and survey of this project);

Hon. J. H. Smithwick, third congressional district, Florida;

Ex-Congressman Frank Clark, Florida;

Hon. William J. Harris, United States Senator, Georgia;

New Orleans Association of Commerce, New Orleans, La.;

Association of Commerce, Lake Charles, La.;

Houston Chamber of Commerce, Houston, Tex.;

North Florida Chamber of Commerce, headquarters, Tallahassee, Fla. (comprising 25 counties of Florida);

Fernandina Chamber of Commerce, Fernandina, Fla. (Fernandina will be the terminus on the east coast of Florida);

St. Marys Board of Trade, St. Marys, Ga. (eastern Georgia terminus of the canal);

The Manufacturers' Record, Baltimore, Md.;

Southern Commercial Congress, headquarters, Washington, D. C.;

Panama City Chamber of Commerce, Panama City, Fla. (on St. Andrews Bay);

Lynn Haven Chamber of Commerce, Lynn Haven, Fla. (on St. Andrews Bay);

Tallahassee Chamber of Commerce, Tallahassee, Fla. (1921);

Apalachicola Chamber of Commerce, Apalachicola, Fla. (1921; the Government canal connecting the Apalachicola River with East St. Andrews Bay was built about 10 years ago and cost approximately \$500,000. It will be a section of the Atlantic-Mississippi Canal, and the Industrial Canal at New Orleans will be the western link of this inland waterway, connecting it with the Mississippi River);

Pensacola Chamber of Commerce, Pensacola, Fla.;
 Jasper Chamber of Commerce, Jasper, Fla.;
 Suwannee County Chamber of Commerce, Live Oak, Fla.;
 Walton County Chamber of Commerce, De Funiak Springs, Fla.;
 Gadsden County Chamber of Commerce, Quincy, Fla.;
 Florida Bankers' Association, Group No. 1 (1920);
 Columbus Chamber of Commerce, Columbus, Ga.;
 Bainbridge Chamber of Commerce, Bainbridge, Ga.;
 Brunswick Board of Trade, Brunswick, Ga.;
 Favorable report by the Committee on Railways and Canals, House of Representatives (66th Cong., 3d sess., Rept. No. 1246, January 27, 1921, on former bill for resurvey of this canal route);
 Favorable hearing and consideration by the Chamber of Commerce of the United States of America (Referendum No. 43 to 641 organizations in 47 States recommends an adequate system of water transportation and that Congress direct the Army Engineers to make a comprehensive survey of water developments);
 Hon. William J. Bryan and many other men in public life;
 Jefferson County Chamber of Commerce, Monticello, Fla.;
 Valparaiso Chamber of Commerce, Valparaiso, Fla. (on Choctaw-hatchee Bay);
 Madison County Chamber of Commerce, Madison, Fla.;
 Santa Rosa County Chamber of Commerce, Milton, Fla.;
 Taylor County Chamber of Commerce, Perry, Fla.;
 Lake City and Columbia County Chamber of Commerce, Lake City, Fla.;

Marianna Chamber of Commerce, Marianna, Fla.;
 Albany Chamber of Commerce, Albany, Ga.;
 Waycross Chamber of Commerce, Waycross, Ga.;
 Macon Chamber of Commerce, Macon, Ga.;
 Pan American Congress, Atlanta, Ga. (1924).
 The Republican platform, 1924, pledges the improvement and development of waterways, inland and coastwise, to the fullest extent.

The Democratic platform, 1924, favors a policy for fostering and building of inland waterways, liberal appropriations for prompt coordinated surveys, as well as deeper waterways from the Great Lakes to the Gulf and Atlantic Ocean.

For all reasons it will prove to be a wise investment for the Government to construct the Atlantic-Mississippi Barge Canal, and thus provide a continuous route of standard width and depth from Cape Cod to the Rio Grande, and with the least possible delay.

OUR COUNTRY FIRST!—COMPLETE THE NATIONAL SYSTEM OF INLAND WATERWAYS BEFORE CONSTRUCTING INTERNATIONAL WATERWAYS

The proposed linking of the Atlantic Ocean with the Mississippi River by the construction of a canal from Cumberland Sound, a point between the States of Georgia and Florida on the Atlantic coast, to St. Georges Sound on the northern Gulf coast, will have a continuing value in the economic development of all that section of the country tributary to the Gulf of Mexico and to the Mississippi River. Without this connecting link there can be no complete national system of inland waterways for commerce and national defense. (Mississippi Valley Magazine.)

Build the all-American canal—the Atlantic-Mississippi barge canal.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly, in compliance with the order just adopted (at 4 o'clock and 57 minutes p. m.), the House adjourned until Sunday, April 25, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for April 24, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10 a. m.)

To amend an act of Congress approved March 1, 1920 (Public 153), entitled "An act to regulate the height, area, and use of buildings in the District of Columbia, and creating a zoning commission" (H. R. 5256).

To provide for the condemnation of land for the opening, extension, widening, or straightening of streets, avenues, roads, or highways in accordance with the plan of the permanent system of highways for the District of Columbia (H. R. 7739).

To authorize the widening of Harvard Street, in the District of Columbia (H. R. 8201).

To amend an act entitled "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910, as amended by an act of Congress approved December 30, 1910 (H. R. 9898).

To change the name of Dent Place NW., between Forty-fourth Street and Foxhall Road, to Greenwich Parkway (H. R. 9637).
 To permit construction, maintenance, and use of certain pipe lines for petroleum and its products (H. R. 10082).

To amend an act regulating the height of buildings in the District of Columbia (H. R. 11081).

To authorize the construction of a memorial statue in the District of Columbia (H. R. 11118).

To amend section 8 of the act of September 1, 1916 (39 Stat.) (H. R. 11174).

COMMITTEE ON THE PUBLIC LANDS

(10 a. m.)

To revise the boundary of the Yellowstone National Park, in the States of Montana, Wyoming and Idaho (H. R. 9917).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10.30 a. m.)

Proposed bill amending the World War veterans' act with reference to the appointment of guardians.

Scheduled for April 26, 1926

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

Legislation relative to labor disputes in the coal-mining industry.

COMMITTEE ON IRRIGATION AND RECLAMATION

(10.30 a. m.)

Conferring jurisdiction upon the United States District Court for the District of Oregon or the Court of Claims to hear and determine any suit or suits, actions or proceedings which may be instituted or brought by the Klamath Irrigation district, a public corporation of the State of Oregon, or the State of Oregon by intervention or direct suit or suits, to set aside that certain contract between the United States and the California Oregon Power Co., dated February 24, 1917, together with all contracts or modifications thereof, and to set aside or cancel the sale made by the United States Government, through the Secretary of the Interior, of the so-called Aukeny and Reno Canals, and the lands embraced in the rights of way thereof, made in the year 1923. (H. R. 9493.)

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To permit the purchase of naval aircraft engines without advertisements. (H. R. 11249.)

COMMITTEE ON WAYS AND MEANS

(10.30 a. m.)

To provide for the payment of the awards of the Mixed Claims Commission the payment of certain claims of German nationals against the United States, and the return to German nationals of property held by the Alien Property Custodian. (H. R. 10820.)

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

468. A communication from the President of the United States, transmitting a supplemental estimate of appropriation under the legislative establishment, United States Senate, for the fiscal year 1926 in the sum of \$7,500 (H. Doc. No. 339); to the Committee on Appropriations and ordered to be printed.

469. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the Department of Justice for the fiscal year 1925 and prior years amounting to \$89,533.01; and supplemental estimates of appropriations for the fiscal year ending June 30, 1926, amounting to \$1,022,000; in all, \$1,111,533.01; also drafts of proposed legislation affecting existing appropriations (H. Doc. No. 340); to the Committee on Appropriations and ordered to be printed.

470. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year ending June 30, 1926, to remain available until June 30, 1927, for refunds to railroads for interest collected, \$48,852.83 (H. Doc. No. 341); to the Committee on Appropriations and ordered to be printed.

471. A communication from the President of the United States, transmitting a deficiency estimate of appropriation for the District of Columbia for the fiscal year 1925, \$213.33, and supplemental estimate of appropriations for the fiscal year ending June 30, 1926, amounting to \$14,000; in all, \$14,213.33 (H. Doc. No. 342); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEHLBACH: Committee on the Civil Service. H. R. 259. A bill to amend an act entitled "The classification act of 1923," approved March 4, 1923; without amendment (Rept. No. 960). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH: Committee on the Civil Service. H. R. 84. A bill to amend the act entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," approved March 4, 1923, and the act amendatory thereof and supplementary thereto; without amendment (Rept. No. 961). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH: Committee on the Civil Service. H. R. 10057. A bill to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927; without amendment (Rept. No. 962). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Printing. H. Con. Res. 23. A concurrent resolution authorizing the printing of the Madison Debates of the Federal Convention and relevant documents in commemoration of the one hundred and fiftieth anniversary of the Declaration of Independence; (Rept. No. 965). Ordered printed.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 232. A joint resolution to provide for the expenses of delegates of the United States to the International Sanitary Conference to meet at Paris on May 10, 1926; with amendment (Rept. No. 966). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 11119. A bill to alter the personnel of the Public Utilities Commission of the District of Columbia, and for other purposes; with amendment (Rept. No. 967). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (S. 2817) for the relief of Edgar K. Miller; Committee on Claims discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 11525) for the relief of Commander U. R. Webb, United States Navy, and others; Committee on Claims discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RATHBONE: A bill (H. R. 11572) to authorize and direct the construction and maintenance of a memorial highway connecting the city of Springfield, Ill., with the city of Beardstown, Ill., and for other purposes; to the Committee on Roads.

By Mr. SWARTZ: A bill (H. R. 11573) to provide for adjusted compensation and promotion of railway postal clerks appointed prior to January 1, 1925; to the Committee on the Post Office and Post Roads.

By Mr. LAGUARDIA: A bill (H. R. 11574) to provide for the return to German nationals of property held by the Alien Property Custodian; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVENPORT: A bill (H. R. 11575) to amend an act entitled "An act to incorporate the American Social Science Association"; to the Committee on the District of Columbia.

By Mr. JOHNSON of Texas: A bill (H. R. 11576) to amend the first paragraph of section 29, title 2, chapter 85, of the first session of the Sixty-sixth Congress found in volume 41, part 1, page 316, of the United States Statutes at Large, re-

lating to punishment for the illegal manufacture and sale of liquors; to the Committee on the Judiciary.

By Mr. SUMMERS of Washington: Joint resolution (H. J. Res. 233) authorizing the Secretary of War to loan certain French guns, which belong to the United States and are now in the city park at Walla Walla, Wash., to the city of Walla Walla, and for other purposes; to the Committee on Military Affairs.

By Mr. GRAHAM: Resolution (H. Res. 235) for the immediate consideration of H. R. 11325; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREW: A bill (H. R. 11577) for the relief of Capt. Chauncey Shackford, United States Navy, retired; to the Committee on Naval Affairs.

Also, a bill (H. R. 11578) for the relief of Theodore Frederick Howe, chief pay clerk, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 11579) granting an increase of pension to Mary E. Kimball; to the Committee on Invalid Pensions.

By Mr. BOWLES: A bill (H. R. 11580) granting a pension to Hattie L. Horton; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Iowa: A bill (H. R. 11581) granting a pension to Martha Callentine; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 11582) granting an increase of pension to Emma H. Day; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 11583) granting an increase of pension to Ella Williamson; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 11584) granting an increase of pension to Mary M. Justice; to the Committee on Invalid Pensions.

By Mr. FREDERICKS: A bill (H. R. 11585) for the relief of William Ellis McCarthy; to the Committee on Naval Affairs.

By Mr. IRWIN: A bill (H. R. 11586) for the relief of Fannie B. Armstrong; to the Committee on War Claims.

By Mr. KIESS: A bill (H. R. 11587) granting an increase of pension to Mary N. Hunt; to the Committee on Invalid Pensions.

By Mr. LETTS: A bill (H. R. 11588) granting an increase of pension to Ellen Driscoll; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 11589) granting a pension to Joseph Korhummel; to the Committee on Pensions.

By Mr. MENGES: A bill (H. R. 11590) granting an increase of pension to Agnes M. Dinsmore; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 11591) for the relief of Sidney F. Foree; to the Committee on Claims.

By Mr. PARKER: A bill (H. R. 11592) granting an increase of pension to Lucy E. Moulten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11593) granting an increase of pension to Mary E. McCune; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11594) granting an increase of pension to Amelia Faust; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 11595) granting a pension to Lottie Remster; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 11596) granting an increase of pension to Margaret E. Searcy; to the Committee on Pensions.

Also, a bill (H. R. 11597) granting an increase of pension to Susan Thayer; to the Committee on Invalid Pensions.

By Mr. RUBEN: A bill (H. R. 11598) for the relief of Joseph Ryan; to the Committee on Military Affairs.

Also, a bill (H. R. 11599) granting a pension to Sarah M. Brasher; to the Committee on Invalid Pensions.

By Mr. WINTER: A bill (H. R. 11600) granting an increase of pension to Blanche C. Loveland; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1897. By Mr. PRIGGS: Night lettergram from the Enterprise, Livingston, Tex., urging passage of Senate bill 750; to the Committee on Interstate and Foreign Commerce.

1898. Also, night lettergram from Dr. H. Bergman, Livingston, Tex., urging passage of Senate bill 750; to the Committee on Interstate and Foreign Commerce.

1899. Also, night lettergram from Mr. L. O. Jackson, of Livingston, Tex., urging passage of Senate bill 750; to the Committee on Interstate and Foreign Commerce.

1900. Also, night lettergram from Mr. P. H. Cauthorn, Trinity Chamber of Commerce, Trinity, Tex., urging passage of Senate bill 750; to the Committee on Interstate and Foreign Commerce.

1901. Also, night lettergram from Mr. J. W. Cochran, of Livingston, Tex., urging passage of Senate bill 750; to the Committee on Interstate and Foreign Commerce.

1902. Also, night lettergram from Sory Motor Co., of Livingston, Tex., urging passage of Senate bill 750; to the Committee on Interstate and Foreign Commerce.

1903. Also, night lettergram from Waller Grocery Co., of Trinity, Tex., urging passage of Senate bill 750; to the Committee on Interstate and Foreign Commerce.

1904. Also, night lettergram from Mr. L. F. Gerlach, of Livingston, Tex., urging passage of Senate bill 750; to the Committee on Interstate and Foreign Commerce.

1905. Also, night lettergram from Mr. A. E. Gerlach, of Livingston, Tex., urging passage of Senate bill 750; to the Committee on Interstate and Foreign Commerce.

1906. By Mr. CRAMTON: Petition of the Sebewaing (Mich.) Chamber of Commerce, urging a policy tending toward the conservation and replanting of our forests; to the Committee on Agriculture.

1907. By Mr. DOUGLASS: Petition of Charles Russell Lowell Camp, No. 9, Sons of Union Veterans of the Civil War, 1151 Washington Street, Boston, Mass., respectfully urging early and favorable consideration of the Elliott pension bill (H. R. 4033), and through the camp's commander, Benjamin F. Dexter, and secretary, James F. De Castro, submit a petition bearing the signatures of the members of the camp; to the Committee on Invalid Pensions.

1908. By Mr. FULLER: Petition of Barber-Colman Co., of Rockford, Ill., urging favorable action on the Michener bill (H. R. 8119); to the Committee on the Judiciary.

1909. Also, petition of the Continental Casualty Co. and others, protesting against the enactment of the Fitzgerald bill; to the Committee on the District of Columbia.

1910. Also, petition of the Albert Dickinson Co., of Chicago, urging support of the migratory bird refuge and marshland conservation bill (H. R. 7479); to the Committee on Agriculture.

1911. Also, petition of post-office employees of Quincy, Ill., urging support of House bill 4005; to the Committee on the Civil Service.

1912. Also, petition of members of the U. S. S. *Canopus*, urging support of House bill 5709; to the Committee on World War Veterans' Legislation.

1913. Also, petition of Alvin Warren and others, urging support of the farm organization Federal farm board bill; to the Committee on Agriculture.

1914. By Mr. GARBER: Resolution by the membership of the First Church of Christ, Scientist, of Washington, D. C., in support of prohibition enforcement; to the Committee on the Judiciary.

1915. By Mr. LANHAM: Petition of I. A. Crane and a number of other citizens of Keene, Tex., protesting against enactment of compulsory Sunday observance bills; to the Committee on the District of Columbia.

1916. By Mr. MOONEY: Resolution adopted by the Cleveland City Council, indorsing the Stanfield-Lehlbach retirement bill; to the Committee on the Civil Service.

1917. By Mr. MORROW: Petition of citizens of Roswell, N. Mex., protesting against compulsory Sunday observance bills (H. R. 10311, 10123, 7179, 7832); to the Committee on the District of Columbia.

1918. By Mr. O'CONNELL of New York: Petition of the Crockery Board of Trade, of New York, favoring the passage of House bill 4798; to the Committee on the Civil Service.

1919. Also, petition of the Arkansas Game and Fish Commission, Little Rock, Ark., favoring the passage of House bill 7479 and Senate bill 2607; to the Committee on the Merchant Marine and Fisheries.

1920. Also, petition of Hightower, O'Brien & Porter, of Cincinnati, Ohio, protesting on behalf of the growers and shippers of fruits and vegetables against a so-called voluntary registration plan of the Department of Agriculture; to the Committee on Agriculture.

1921. By Mr. TEMPLE: Evidence in support of House bill 11479, granting a pension to Frances Schaughency; to the Committee on Invalid Pensions.

